

January 13, 2021

VIA HAND DELIVERY

New Bedford Planning Board
133 William Street
New Bedford, MA 02740

RE: Site Plan and Special Permit Application for 115 Coggeshall Street, New Bedford, MA

Dear Honorable Members of the New Bedford Planning Board:

This firm represents Southcoast Apothecary LLC (d/b/a Ascend) (the “**Applicant**” or the “**Company**”) in connection with its proposal to operate a Marijuana Retailer (the “**Facility**”) at 115 Coggeshall Street, New Bedford, MA 02746 (the “**Property**”). The Property is located in the Industrial B (IB) Zoning District. Pursuant to Section 2200 of the Zoning Ordinance for the City of New Bedford (the “**Ordinance**”) the use of the property for a Marijuana Retailer is a permitted use, subject to the granting of a Special Permit by the City of New Bedford Planning Department (the “**Board**”).

Please accept this summary supporting statement in response to some of the application questions set forth in the marijuana establishment application as well as an overview of the Facility and Applicant.

I. Project Description

The Applicant has identified 115 Coggeshall Street as an ideal location in which to establish its proposed marijuana retailer. The Property is located in the Industrial B (IB) Zoning District, one of the zoning districts in New Bedford that has been identified as an area in which a marijuana retailer may be sited, subject to special permit approval from the Board, an Operating Permit from the Board of Health for the City of New Bedford, and the execution of a host community agreement.

The proposed Facility will occupy approximately 4,777 square feet of the building located on the Property (the “**Building**”) with access to over 150 parking spaces within the Riverside Landing shopping plaza that it is a part of. The first floor of the building will contain the dispensary, a secure entryway and lobby area, secure delivery with direct access to the vault, a security office and a separate exit for customers. The second floor will be utilized as office and additional storage space and an employee breakroom. The Property is conveniently located off of a major interstate, interstate-195, and adjacent to the intersection of Veterans Memorial Road and Coggeshall Street, providing convenient access to the residents of New Bedford and surrounding communities.

The Property is strategically positioned in an established commercial district in the City with numerous other retail establishments within the same plaza and nearby. The Applicant will make necessary improvements to the Building, including state-of-the-art security systems and high-quality amenities and finishes. The Property will be made safe and secure through reinforced construction materials and technology, cameras and remote monitoring, and on-site security personnel. The project will include various security and safety equipment and technology, including but not limited to secure sally port, or access control vestibules, customer entrance protocols, and redundant security alarms and

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controls. In addition, all personnel will be trained extensively and the operation will fully comply with Massachusetts regulations and guidelines.

Please also see the engineering and architectural plans attached hereto and incorporated herein by reference (the “Plans”) for additional project details,

II. Required Findings for Granting a Special Permit

Pursuant to Section 5320 of the Ordinance, the applicant respectfully submits, and asks that the board find, that the benefit to the City and the Neighborhood outweighs the adverse effects of the proposed use, taking into account the characteristics of the site and of the proposal in relation to that site, for the following reasons:

a. Social, economic, or community needs which are served by the proposal

The Applicant is committed to the community and values community as an essential part of its ethos. The Applicant will serve New Bedford’s social, economic, and community needs by prioritizing residents for employment opportunities, donating generously to local charities, and leading through excellence in safety, security, and responsibility to the local community.

The Applicant will comply with the City of New Bedford’s non-discrimination ordinance in hiring, transacting business and entering into contracts and will seek to hire employees and engage in contracts with a preference for diversity and supporting minority and women-owned businesses.

The Applicant anticipates that it will bring approximately thirty-five (35) well paying, salaried jobs, which it intends to source locally to the extent permitted by law. The Applicant will use good faith efforts to ensure that at least twenty five percent (25%) of the employees of the facility will be New Bedford residents. The Company will also comply with the expectations of the New Bedford Works initiative.

The Company also plans to partner with the New Bedford District Court Probation Department, in order to employ ex-offenders who have completed job-training and re-entry programs and who otherwise satisfy the Company’s criteria for employment.

Furthermore, the Company is committed to ensuring that the vendors and contractors utilized by the Company at the Facility. The Company will use good faith efforts to ensure that at least twenty-five percent (25%) of the vendors and contractors utilized by the Company at the Facility will be based in New Bedford.

The Applicant is committed to making charitable donations to New Bedford based programs that deliver substance abuse prevention and education in New Bedford’s public/private elementary and secondary schools. Pursuant to its Host Community Agreement, a copy of which is attached hereto, the Company, in addition to its impact fee payments, agreed to make an annual contribution of Fifty Thousand and 00/100 Dollars (\$50,000.00) or one and one-half percent (1.5%) of the establishment's gross sales, whichever is greater, in charitable donations. The first Twenty-five Thousand and 00/100 (\$25,000.00) portion of this payment for the first year of operations will be paid on the facility's opening date and the remaining balance will be paid within 12 months of opening. Furthermore, in any year where the Company reaches gross sales of Two Million Five Hundred Thousand and 00/100 Dollars (\$2,500,000.00), the Company will make an additional charitable contribution of Fifty Thousand and 00/100 Dollars

(\$50,000.00), and in a year where the Company reaches Five Million and 00/100 Dollars (\$5,000,000.00) in gross sales, the Company will make an additional charitable contribution of One Hundred Thousand \$100,000.00.

Some of the local charities that the Applicant is considering for its donations are: (1) A's b4 J's; (2) the Herren Project; (3) High Point Treatment Center; (4) Clean Slate; and (5) Reflections, Inc.

The Company, through its parent company Ascend Wellness Holdings, LLC, also intends to contribute one-half percent (½%) to the WeGrow Foundation (the "**Foundation**"). The Foundation, a fund set up by Ascend Wellness Holdings, LLC, that is independently run, with its own President/CEO, Executive Director and Board. The specific organizations, businesses and individuals who might receive grants or other assistance from the Foundation will be chosen by the Foundation, based upon the purpose, goals and criteria that it chooses. As an operationally-independent charitable organization, the Foundation, through grants and other giving, will support eligible organizations and programs to areas of disproportionate impact, including New Bedford. For information about the Foundation will be provided to the Planning Board upon request.

b. Traffic Flow and Safety, Including Parking and Loading

The Facility is located within, and surrounded by, the shopping center known as Riverside Landing. Being within an established shopping plaza provides a unique opportunity, not often seen in cannabis establishments, to ensure plenty of available parking, and a lot that is specifically designed to accommodate the traffic flow of a retail establishment, while ensuring the safety of pedestrians.

The Property is located within the Hicks-Logan-Sawyer District Interim Planning Overlay District (the "**HLS IPOD**") and accordingly has a unique relationship to parking requirements. The minimum number of required off street parking spaces as set forth in the Ordinance, are actually the maximum number of permitted off street parking spaces allowed on site. Accordingly, this 4,777 square foot retail facility is permitted to have a maximum of 25 parking spaces (1 space per 200 square feet). See section 4671 of the HLS IPOD ordinance.

The proposed Facility will have 9 on-site parking spaces and the exclusive use of an additional 16 parking spaces within the Riverside Landing shopping plaza and the shared use of the remaining approximately 150 parking spaces within the plaza. This parking arrangement is consistent with the HLS IPOD ordinance in that the property has parking at a rate that is less than required by the ordinance, and incorporates a shared parking layout within the entire plaza.

Furthermore, Fuss & O'Neill ("**F&O**") conducted a thorough transportation impact assessment in order to determine the potential impacts on the transportation infrastructure associated with the proposed Facility. F&O reviewed the existing conditions of the Property and evaluated the potential impacts of the Facility on the Property and surrounding roadways. F&O concluded that the proposed Facility will not have a significant impact on traffic operations within their study area. A copy of the F&O memorandum has been attached hereto and is incorporated herein.

Accordingly, there will not be any significant impact or hazard to vehicles or pedestrians as a result of the use of the Property for a marijuana retail establishment.

c. Adequacy of Utilities and Other Public Services

The Building currently contains all the required utilities for the efficient operation of a retail facility, including electric, gas, cable, telephone, municipal water and sewer. The utility demand for the Facility will be no greater than that of its prior use. F&O has also prepared a detailed stormwater management report addressing the proposed stormwater management protocols, a copy of which is attached hereto and incorporated herein.

Additionally, the Applicant respectfully submits that it will have a de minimis impact on existing municipal facilities such as fire and police operation. To the extent that there are additional strains on fire and police operations due to the operation of the Facility, the Applicant has agreed to a host community impact fee equal to 3% of the gross revenue generated at the Facility to offset costs related to the impact of the Facility as set forth in M.G.L. ch. 94G.

Furthermore, the Facility is adequately sized for a Marijuana Retailer. At 4,777 square feet of space, the Facility allows the applicant to include many key features for secure, efficient and compliant services. The Facility will have a secure waiting room / lobby area where customers will have their identification validated prior to entry to the facility, and a separate exit. There will be a large dispensary sales floor allowing for ample space for customers, a dedicated delivery space, secure vault and security room, as well as office space and breakrooms for employees.

d. Neighborhood Character and Social Services

As described in detail herein, the Facility will not adversely impact the health and safety of the surrounding neighborhoods. The Property is located in a well-established commercial district and within an existing shopping plaza with multiple retail service functions. The proposed retail/service facility fits the social and neighborhood character.

The proposed Facility will be located in the Hicks-Logan-Sawyer Overlay District, in the heart of New Bedford's bustling central North End, presently experiencing an economic rejuvenation. Built in 1892, the Building at 115 Coggeshall Street is a historical redbrick mill building that originally served as the offices for Fairhaven Mills. The Applicant will refurbish this 127-year-old unique piece of New Bedford's heritage and renovate it so that it reflects and celebrates New Bedford's proud history, while at the same time revealing New Bedford's prosperous dynamic future.

The Applicant will retain many of the antique accents of the building such as the redbrick walls on the first floor, the Fairhaven Mills insignias on the stair-mats and the vaulted ceilings and wood paneling on the walls of the second-floor offices, while at the same time completely overhauling the premises as a state of the art, secure, and clean licensed cannabis dispensary, dedicated to the wellbeing and advancement of New Bedford's people.

The Applicant shall also implement public health safeguards including but not limited to: (a) ensuring that labeling of all marijuana products complies with state and local requirements; (b) assistance with and resources for substance abuse education and prevention programming; and (c) providing supplemental information to company-produced materials for the customer regarding safe consumption, transportation and storage of marijuana products.

e. Impacts on the Natural Environment

The proposed use of the site will have a neutral impact on the natural environment.

f. Potential Fiscal Impact, Including Impact on City Services, Tax Base and Employment

The City of New Bedford has the potential to receive up to 6% of the Applicant's gross income through the 3% community impact fee, 3% municipal excise tax on marijuana retail establishments, plus additional charitable donation requirements. As a marijuana retailer, the proposed project will bring additional customers to the area generating more potential business for other New Bedford businesses. As an example, if the facility is grossing ten million dollars per year, the City of New Bedford would receive approximately six hundred thousand dollars in taxes and host community impact fee's and additional charitable contributions.

The Applicant proposes to bring up to 35 well paying, salaried jobs, which it intends to source locally to the extent permitted by law and will be investing a significant amount into renovations of the current building located on the Property. The Applicant will also endeavor to utilize local businesses for such construction whenever possible.

The location of re-use of the building located at 115 Coggeshall Street will preserve and refurbish a historic part of New Bedford's unique heritage and elevate the rejuvenation of the North End of New Bedford, bringing good jobs, consumer dollars, and further prosperity to the City of New Bedford.

III. Narrative of Business Operations

a. Marijuana Retailer Operations Overview

The Company is proposing a marijuana retailer at this location. No cultivation, manufacturing, or processing marijuana products will be conducted on site.

The Applicant respectfully submits that it intends on operating a highly efficient and compliant marijuana retailer at 115 Coggeshall Street. The Applicant will implement industry best practices in its business operations including internal policies and procedures that focus on ensuring those accessing the facility are age 21+, stringent dispensing, storage, waste management and seed to sale tracking protocols and effective consumer education materials.

Restricting Access to Age 21+

The Applicant shall require that all Marijuana Establishment Agents, Visitors and Consumers of marijuana for adult use (each as defined in 935 CMR 500.002) are 21 years of age or older. The Company will positively identify individuals seeking access to the premises of the Marijuana Establishment, or to whom marijuana or marijuana products are being transported pursuant to 935 CMR 500.105(13) (if applicable) to limit access solely to individuals 21 years of age or older.

Pursuant to 935 CMR 500.140, the Company shall immediately inspect an individual's proof of identification and determine that the individual is 21 years of age or older upon entry to the Marijuana Establishment. The Company shall also inspect an individual's proof of identification at the point of sale and determine that the individual is 21 years of age or older.

The identification shall contain a name, photograph, and date of birth, and shall be limited to one of the following:

1. A driver's license;
2. A government issued identification card;
3. A military identification card; or
4. A passport.

Dispensing Policies

The Applicant shall not sell or otherwise market for adult use any marijuana product, including marijuana, that has not first been tested by an Independent Testing Laboratory, except as allowed under 935 CMR 500.000: *Adult Use of Marijuana*.

In accordance with M.G.L. c. 94G, § 7 and 935 CMR 500.140(4) and 5(c), the Company shall not knowingly sell more than one (1) ounce of marijuana or its combined dry weight equivalent in marijuana concentrate or edible marijuana products (five (5) grams of active tetrahydrocannabinol or five hundred (500) milligrams of active tetrahydrocannabinol (THC) in edible marijuana products) to a retail customer per day. Topicals and ointments shall not be subject to a limitation on daily sales.

The Company shall ensure that any edible marijuana products sold shall not be made in the following shapes or types:

1. The distinct shape of a human, animal, or fruit; or
2. A shape that bears the likeness or contains characteristics of a realistic or fictional human, animal, or fruit, including artistic, caricature, or cartoon renderings.

The Company shall not prepare, sell or otherwise distribute an edible marijuana product with potency levels exceeding the following, as tested by an independent marijuana testing facility licensed in accordance with M.G.L. c. 94G, § 15:

1. for a single serving of an edible marijuana product, 5.5 milligrams (5.5 mg) of active tetrahydrocannabinol (THC), subject to the testing variance specified below and in 935 CMR 500.160(11); and
2. in a single package of multiple edible marijuana products to be eaten, swallowed, or otherwise ingested, not more than twenty (20) servings or one hundred and ten milligrams (110.00 mg) of active THC;

The Company shall ensure that the THC content in its edible marijuana products shall be homogenous, or evenly distributed throughout. Such products shall not be considered to be homogenous if ten percent (10%) of the infused portion of the marijuana product contains more than twenty percent (20%) of the total THC contained within the entire marijuana product. Single-servings of Marijuana Products tested for potency in accordance with 935 CMR 500.150(4)(a) shall not have a variance greater than plus/minus ten percent (+/-10%).

The Company shall demonstrate that its Point-of-sale System does not allow for a transaction in excess of the limit established in 935 CMR 500.140(3)(a), the potency levels established in 935 CMR 935.140(3)(b), or its policies and procedures.

Unauthorized Sales and Right to Refuse Sales

- (a) The Company shall refuse to sell marijuana to any consumer who is unable to produce valid proof of identification.
- (b) Registered dispensary agents shall refuse to sell marijuana products to a consumer if, in the opinion of the agent, based on the information available to the agent at that time, the consumer or the public would be placed at risk, specifically including, but not limited to, a consumer engaging in daily transactions that exceed the legal possession limits or that create a risk of diversion.
- (c) The Company shall not sell to an individual more than one ounce of marijuana or its dry weight equivalent in marijuana concentrate or edible marijuana product per transaction.
- (d) The Company shall not knowingly sell to an individual more than one (1) ounce of marijuana or its dry weight equivalency per day.
- (e) The Company shall not sell marijuana products containing nicotine.
- (f) The Company shall not sell marijuana products containing alcohol, if sales of such alcohol would require licensure pursuant to M.G.L. c. 138.

Storage

The Company shall store marijuana in a safe and sanitary manner and shall keep all safes, vaults and other areas used for the storage of marijuana securely locked and protected from entry, except for the actual time required to remove or replace marijuana.

All marijuana shall be housed and stored in such a manner so as to prevent diversion, theft, or loss and shall be accessible only to the minimum number of specifically authorized dispensary agents essential for efficient operation. Marijuana shall be returned to a secure location immediately after completion of the process or at the end of the scheduled business day. At the end of a working day any bulk containers containing marijuana shall be securely locked inside an area of the building that affords adequate security.

The Company shall adhere to the following storage policies:

1. The Company shall provide adequate lighting, ventilation, temperature, humidity, space, and equipment for the storage of marijuana, in accordance with the applicable provisions of 935 CMR 500.105 and 935 CMR 500.110.
2. The Company shall have separate areas for storage of marijuana that is outdated, damaged, deteriorated, mislabeled, or contaminated, or whose containers or packaging have been opened or breached, until such products are destroyed.

3. The Company shall maintain all storage areas in a clean and orderly condition.
4. All storage areas shall be free from infestation by insects, rodents, birds, and pests of any kind.
5. All storage areas shall only be accessible to the minimum number of employees essential for efficient operation.
6. The Company shall maintain all storage areas in accordance with the Company's *Security Policy* and 935 CMR 500.110. The *Security Policy* shall be incorporated herein by reference.

All marijuana that is outdated, damaged, deteriorated, mislabeled, or contaminated, or whose containers or packaging have been opened or breached, shall be inventoried, logged, and locked in the Company's disposal area, until properly destroyed and disposed of in accordance with the Company's marijuana disposal policies and 935 CMR 500.105(12) and applicable state and local statutes, ordinances and regulations.

Pursuant to the Company's *Employee Qualifications and Training Policy*, which policy shall be incorporated herein by reference and available to the City upon request, all owners, executives, employees and agents of the Marijuana Establishment shall participate in a minimum of eight (8) hours of on-going training programs annually which shall include materials and programs on proper storage.

Seed-to-Sale Tracking

The Company, is seeking approval for a Cannabis retailer and does not at this point have any affiliated cultivation locations under its control. Accordingly, it will be receiving marijuana and marijuana products that have been tracked from the early stages of Cultivation. Any marijuana product that is undeliverable or is refused by the Applicant shall be transported back to the originating establishment. For the purposes of tracking, seeds and clones shall be properly tracked and labeled in a form and manner determined by the Commission. Marijuana products shall be packaged in sealed, labeled, and tamper or child-resistant packaging prior to and during transportation.

As the receiving Marijuana Establishment of marijuana and marijuana products shall ensure that all transported marijuana products are linked to the seed-to-sale tracking program approved by the Commission. This system shall utilize a unique-plant identification and unique-batch identification. It will also track agents' and licensees' involvement with the marijuana product.

The Company shall:

- a) Ensure that the end of day inventory matches the METRC reports.
- b) Ensure that all display products are properly identified as such in METRC to ensure an accurate accounting of all products.
- c) Ensure that any sales that were uploaded twice, sold from the incorrect package ID or deleted pursuant to a receipt are voided or edited individually upon notification of the issue and reconciled in METRC by the end of the business day.

- d) Should a discrepancy be identified during inventory checks, the Company's agents shall document and report such discrepancy in weight or inventory to the Commission and law enforcement authorities not more than twenty-four (24) hours of the discovery of such discrepancy.
- e) Conduct a comprehensive annual inventory at least once every year after the date of the previous comprehensive inventory.

Consumer Education

The Company is committed to ensuring its customers and the consumers of its products have access to education materials. Accordingly, the Company shall implement the following policies and procedures:

- a) The Company shall make available an adequate supply of educational materials about marijuana products to consumers.
- b) The Company shall maintain an adequate supply of current educational material available for distribution.
- c) Educational materials shall be available in commonly spoken languages designated by the Commission, which will include, but not be limited to appropriate materials for the visually and hearing-impaired.
- d) The educational material shall include at least the following:
 - a. A warning that marijuana has not been analyzed or approved by the FDA, that there is limited information on side effects, that there may be health risks associated with using marijuana, and that it should be kept away from children;
 - b. A warning that when under the influence of marijuana, driving is prohibited by M.G.L. c. 90, § 24, and machinery should not be operated;
 - c. Information to assist in the selection of marijuana, describing the potential differing effects of various strains of marijuana, as well as various forms and routes of administration;
 - d. Materials offered to consumers to enable them to track the strains used and their associated effects;
 - e. Information describing proper dosage and titration for different routes of administration. Emphasis shall be on using the smallest amount possible to achieve the desired effect. The impact of potency must also be explained;
 - f. A discussion of tolerance, dependence, and withdrawal;
 - g. Facts regarding substance abuse signs and symptoms, as well as referral information for substance abuse treatment programs;

- h. A statement that consumers may not sell marijuana to any other individual;
- i. Information regarding penalties for possession or distribution of marijuana in violation of Massachusetts law; and
- j. Any other information required by the Commission.

All consumer education materials shall be made available for inspection by the City or Commission on request.

b. Information about Energy Use

The Applicant shall meet all applicable environmental laws, regulations, permits and other applicable approvals, including, but not limited to, those related to water quality and quantity, wastewater, solid and hazardous waste management and air pollution control, including prevention of odor and noise pursuant to 310 CMR 7:00: *Air Pollution Control*. The Company will use additional best management practices as determined by the Commission in consultation with the working group established under St. 2017, c. 55 78(b) or applicable departments or divisions of the Executive Office of Energy and Environmental Affairs (the "EOEEA") to reduce energy and water usage, engage in energy conservation and mitigate other environmental impacts, including but not limited to:

- Identification of potential energy use reduction opportunities (such as natural lighting and energy efficiency measures), and a plan for implementation of such opportunities;
- Consideration of opportunities for renewable energy generation;
- Strategies to reduce electric demand (such as lighting schedules, active load management, and energy storage); and
- Engagement with energy efficiency programs offered pursuant to M.G.L. c. 25, § 21, or through municipal lighting plants.

The Company respectfully submits that it will also: (a) Comply with applicable environmental regulations; (b) engage in recycling and reusing resources wherever possible including the utilization of paper packaging when possible and maintaining recycling disposal bins to minimize recyclable waste transferred to landfills; (c) encourage staff to utilize energy-saving techniques by providing training on an annual basis; (d) encourage staff to utilize public transportation to commute to work thereby reducing the Company's carbon footprint; (e) investing in cost-effective energy-saving devices and appliances where practical; and (f) purchasing marijuana and marijuana products from other local Massachusetts licensed Marijuana Establishments or Medical Marijuana Treatment Centers, resulting in significantly reduced delivery-related fuel usage and further reducing the Company's carbon footprint. The Company shall provide energy and water usage reporting to the Commission in a form determined by the Commission, including but not limited to, guidance documents for Best Management Practices for Water Use approved by the Commission on April 4, 2019.

Additionally, the Company shall, at a minimum, be subject to the following energy efficiency and equipment standards: (a) The building envelope for the Facility shall meet minimum Massachusetts Building Code requirements and all Massachusetts amendments (780 CMR: State Building Code), International Energy Conservation Code (IECC) Section C402 or The American Society of Heating, Refrigerating and Air-conditioning Engineers (ASHRAE) Chapters 5.4 and 5.5 as applied or incorporated by reference in 780 CMR: State Building Code, except that because this facility will be built using an existing

building, the Company may demonstrate compliance by showing that the envelope insulation complies with code minimum standards for Type Factory Industrial F-1, as may be further defined by guidance issued by the Commission.

c. Information about Canopy Cover

The Company is proposing a marijuana retailer at this location. No cultivation, manufacturing, or processing marijuana products will be conducted on site.

IV. Compliance with Section 4100B of the Ordinance

The Applicant respectfully submits that it satisfies the special permit criteria set forth in Section 4100B of the Ordinance as follows:

4131B. Location Requirements and Restrictions

- i. Marijuana Establishments and Medical Marijuana Treatment Centers shall only be located in Industrial Districts A (IA), B (IB), and C (IC).**

The Applicant respectfully submits that it is in compliance with this requirement. The proposed Facility is located within the Industrial B zoning district.

- ii. No Marijuana Establishment or Medical Marijuana Treatment Center shall be located within (a) 500 feet of any public or private school providing education in kindergarten or any of grades 1 through 12, licensed daycare center, nursery school, preschool, building operated as part of the campus of any private or public institution of higher learning, playground, park, public library, church, excluding chapels located within a cemetery, substance abuse treatment facility. Marijuana Establishment, or Medical Marijuana Treatment Center; or (b) 200 feet of any dwelling or dwelling unit.**

The Applicant respectfully submits that the proposed Facility is not within 500 feet of any public or private school providing education in kindergarten or any of grades 1 through 12, licensed daycare center, nursery school, preschool, building operated as part of the campus of any private or public institution of higher learning, playground, park, public library, church, excluding chapels located within a cemetery, substance abuse treatment facility. Marijuana Establishment, or Medical Marijuana Treatment Center; or (b) 200 feet of any dwelling or dwelling unit. Such distance being measured from property line to property line.

- iii. No Marijuana Establishment or Medical Marijuana Treatment Center shall be located inside a dwelling or building containing a dwelling unit or inside any building containing transient housing, including a hotel, motel, or dormitory.**

The Applicant respectfully submits that the proposed Facility is in compliance with this requirement. The Applicant will occupy the entire building located at 115 Coggeshall Street.

- iv. Marijuana Establishments shall satisfy the conditions and requirements of all other applicable sections of the Zoning Ordinance, including but not limited to dimensional and parking requirements.**

The Applicant respectfully submits that the proposed Facility complies with all conditions and requirements of all other applicable sections of the Ordinance.

4132B. Physical Requirements and Restrictions

- i. All Marijuana Establishments and Medical Marijuana Treatment Centers shall be contained within a building or structure. All operations of a Marijuana Establishment or a Medical Marijuana Treatment Center must take place at a fixed location within a fully enclosed secured building and shall not be visible from the exterior of the building.**

The Applicant respectfully submits that the proposed Facility is in compliance with this requirement. The proposed facility will be located within the existing building at 115 Coggeshall Street.

- ii. Except for a Marijuana Transporter, no Marijuana Establishment or Medical Marijuana Treatment Center may be located in a trailer, storage freight container, motor vehicle, or other similar movable enclosure.**

The Applicant respectfully submits that the proposed Facility is in compliance with this requirement. The proposed facility will be located within the existing building at 115 Coggeshall Street.

- iii. No Marijuana Retailer or Medical Marijuana Treatment Center that dispenses marijuana or marijuana products to the public shall have a total gross floor area of more than 5,000 square feet.**

The Applicant respectfully submits that the gross square footage of the Building is approximately 5,138 square feet. The dispensary and lobby portion of the Facility is approximately 2,461 square feet. Additionally, 361 square feet of the space is used for secure parking of the delivery vehicles and secure unloading of the product, accordingly, it is not considered part of the dispensary facility.

4133B. Operational Requirements and Restrictions

- i. The hours of operation shall be set by the special permit granting authority, but in no event shall a Marijuana Establishment or Medical Marijuana Treatment Center that dispenses marijuana or marijuana products to the public be open to the public between the hours of 7:00p.m. and 10:00 a.m., Monday through Sunday**

The Applicant hereby submits that it will comply with this requirement.

- ii. No drive-through service shall be permitted at a Marijuana Establishment or Medical Marijuana Treatment Center.**

The Applicant hereby submits that it will comply with this requirement.

- iii. **No marijuana shall be smoked, eaten, or otherwise consumed or ingested on the premises of any Marijuana Establishment or Medical Marijuana Treatment Center absent a positive vote by ballot question presented to the voters of the city at a biennial state election pursuant to G.L. C.94G, §3(b). The prohibition on on-site consumption shall also include private social clubs or any other establishment which allows for social consumption of marijuana or marijuana products on the premises, regardless of whether the product is sold to consumers on site**

The Applicant hereby submits that it will comply with this requirement.

- iv. **No outside storage of marijuana, related supplies, or promotional materials shall be permitted.**

The Applicant hereby submits that it will comply with this requirement.

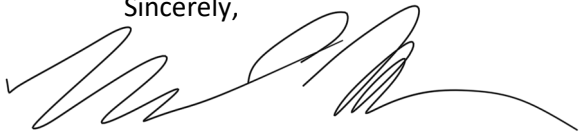
- v. **All Marijuana Establishments and Medical Marijuana Treatment Centers shall be ventilated in such a manner that: (a) No pesticides, insecticides, or other chemicals or products used in the cultivation or processing of marijuana are dispersed into the outside atmosphere; and (b) No odor from marijuana or its processing can be detected by a person with an unimpaired and otherwise normal sense of smell at the exterior of the Marijuana Establishment, Medical Marijuana Treatment Center, or any adjoining use or property.**

To the extent reasonably practicable, the Applicant hereby agrees to comply with this requirement. Please also see the Applicants odor mitigation plan attached hereto and incorporated herewith.

V. Summary

The Applicant hereby requests that the Planning Board determine that the proposed Marijuana Retailer will be in harmony with the purpose and intent of the Ordinance and will not have any adverse effect on the neighborhood within which the Property is located in particular, and the City of New Bedford as a whole. The findings are made in view of the particular characteristics of the Property and of the Applicant's proposed Facility, as detailed above and herein. That the Property is the most appropriate location for the Facility and that adequate and appropriate facilities will be provided for the proper operation of the use of the Property as a Marijuana Retailer, and finally that such a use will not create any nuisance.

Sincerely,



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