



Thomas Linnehan
Chairman

SPECIAL PERMIT APPLICATION PLANNING BOARD SUPPLEMENT: Marijuana

The following application is made to the City of Lowell Planning Board in accordance with the provisions of The Code of Ordinances, City of Lowell, Massachusetts, Chapter 270, Zoning Code.

Property Location: _____

1. Other Required Review(s)

*The applicant shall be required to also fill out the appropriate application addendum for any other relief being sought from a City of Lowell Board.

2. Additional Special Permit Submission Requirements

____ A. Completed Main Application, Special Permit Supplement (this form), and Site Plan Review Supplement

____ B. An original and eight copies of adequate plans to allow the Board to address the project and the standards for issuing the permit. Plans must meet the standards outlined in the City of Lowell Zoning Code (the only exception to this is for requests related solely to Special Permits for signage—Please see ZBA: Signage Addendum). In general, Plan(s) shall be drawn at a scale 1" = 20" on one full size plans set (24" by 36" sheets) with the rest as half size plans. Plans shall be drawn by a registered land surveyor, professional engineer, architect or landscape architect, as appropriate. Plans shall be submitted on at least the following separate sheets:

____ Existing Conditions

____ Proposed Site Layout

The following may also be requested on separate sheets by the Board

- Landscape/Lighting Detail: Location and type of external lighting; Location, type, dimensions and quantities of landscaping and screening
- Utilities: Location and dimensions of utilities, including water, surface drainage, sewer, fire hydrants, and other waste disposal
- Elevations/Architectural Plan(s): Architectural plan(s) which shall include the floor plan and architectural elevations of all proposed buildings and/or additions to establish views of the structure or structures from the public way and adjacent properties. (Will be required for projects involving new construction, additions or exterior renovations)

____ C. A context map detailing all properties and land uses within a 1,000 foot radius of the project site, including, but not limited to all educational uses, daycare, preschool, and afterschool programs

____ D. A narrative, which:

____ States the type and scale of all activities that would occur at the proposed site (pursuant to Section 7.10.5);

____ Addresses how the project meets the Special Permit Criteria as stated in Section 11.2.3 of the zoning ordinance; and

- _____ Designates a single staff member as a community liaison who will interact directly with on-site security and City police.
- _____ E. Transportation Demand Management Plan addressing the impacts of peak traffic demand, expected origin and frequency of client and employee trips to the site, expected modes of transportation used by clients and employees, and the frequency of deliveries to and from the site
- _____ F. A security plan reviewed and approved by the Lowell Police Department that indicates the site is designed to provide convenient, safe, and secure access and egress for clients and employees arriving to and leaving from the site using all modes of transportation
 - _____ A supplemental security plan for the facility's transportation vehicles reviewed and approved by the Lowell Police Department (if applicable)
- _____ G. Solid waste and recycling plan to be approved by the Solid Waste and Recycling, Lowell Fire Department, and the Lowell Police Department
- _____ H. A certified list of abutters within a 300-foot radius (from the Assessor's Office)
- _____ I. Filing fees as established by the Lowell Planning Board and Lowell City Council
- _____ J. One copy of plans and other supporting materials in Portable Digital Format (PDF)
- _____ K. Single page certification signed by the applicant and the contracting authorities for the City of Lowell demonstrating that the applicant has an executed host community agreement
- _____ L. Copy of Deed, Purchase and Sales Agreement, Lease Agreement, or other documentation that shows the applicant's relationship to the subject property

3. Authorization (Must be Signed by the Owner of the Property)

I am the record owner of the property for which this application is being filed and as such, I am familiar with the work that is proposed for my property.

I agree to provide visual evidence of the Request for Permit Sign posted on the project property to Development Services in accordance with the City of Lowell Zoning Ordinance.

I hereby give permission for this application to be filed with the full understanding that certain restrictions may be placed on the property relative to the approval of the proposed work.

I further certify that under the penalties of perjury, I am authorized to sign this application.

Name (Please Print): _____

Title: _____

Signature: _____

Date: _____

If representing a group, corporation, or other organization please attach a copy of the vote authorizing you to act on behalf of such organization for the purposes of this application.

Submit all required materials to:

Division of Development Services, City Hall, Rm. 51, 375 Merrimack Street, Lowell, MA 01852

Phone: (978) 674-4144

City Website: www.lowellma.gov

Relevant Regulations Governing Marijuana from the Lowell Zoning Ordinance:

Section 7.10 Marijuana

Section 7.10.1 Purpose. The purpose of this provision shall be to regulate the development of registered marijuana uses and establishments for medical and recreational purposes.

Section 7.10.2 Applicability. Registered marijuana uses operated by organizations licensed by the Massachusetts Cannabis Control Commission or the Massachusetts Department of Public Health.

Section 7.10.3 Conversion. Registered Medical Dispensaries registered no later than July 1, 2017 that engages in the cultivation, manufacture or sale of marijuana or marijuana products to a marijuana establishment for adult use engaged in the same type of activity shall be subject to the regulations of Section 6.1.4, Section 7.10, and Section 11.4.8.

Section 7.10.4 Conditions. Registered marijuana uses shall be located, constructed, and operated in such a way as to minimize the extent feasible any noise, safety, odor, and environmental impacts.

1. The building, or portion thereof, used for marijuana retailing shall be designed or equipped to prevent detection of marijuana odors and other objectionable odors from the property line.
2. Except where it is explicitly stated otherwise in this Zoning Code, a Registered Marijuana Use shall conform to the dimensional requirements.
3. Registered marijuana uses shall be located only in a permanent building and not within any mobile facility. All sales shall be conducted either within the building or by home deliveries to qualified clients pursuant to applicable state and local regulations.
4. The applicant shall provide documentation in the form of a single-page certification signed by the contracting authorities for the municipality and the applicant evidencing that the applicants for licensure and host municipality have executed a host community agreement.
5. No recreational marijuana retail facilities shall be within:
 - a. One thousand (1,000) feet of another presently existing or permitted Marijuana Dispensary or Recreational Retail Facility; or
 - b. Five hundred (500) feet of public or private elementary school, middle school, secondary school, or any school or college academic building serving a student population where any of the student population is under twenty-one years of age;
 - c. All distances shall be measured, as the crow flies, from property line to property line.
6. Co-Location:
 - a. Marijuana and tobacco products shall not be smoked, ingested, or otherwise consumed in the building space occupied by the retailer.
 - b. Marijuana retailing shall not be co-located on the same parking lot or parcel or within the same building with any retail shop that sells tobacco or marijuana paraphernalia. All Registered Medical Dispensaries registered no later than July 1, 2017 are exempt from this provision.
 - c. The simultaneous operation of a marijuana medical dispensary and an adult use recreational dispensary on the same lot or building is strictly prohibited. All Registered Medical Dispensaries registered no later than July 1, 2017 are exempt from this provision, subject to Site Plan Review and Special Permit under this section from the Lowell Planning Board.
7. No persons under the age of 21 shall be permitted to be present in the building, or portion thereof, occupied by the marijuana retailer.
8. The use of a walk-up or drive-thru window service is strictly prohibited.
9. Registered marijuana uses shall not be permitted under Section 4.3 Accessory Uses of the Lowell Zoning Ordinance.

Section 7.10.5 Additional Requirements. Registered marijuana uses shall provide the following minimum performance standards. Such standards shall be reviewed and approved by the Planning Board as a part of a public hearing for a Site Plan Review, and shall, at a minimum, include the following:

1. The applicant shall submit a narrative providing information about the type and scale of all activities that will take place on the proposed site, including but not limited to cultivating and processing of marijuana or marijuana infused products (MIPs), on-site sales, off-site deliveries, distribution of educational materials, and other programs or activities.
2. The applicant shall submit a context map depicting all properties and land uses within a one thousand foot (1,000') radius (minimum) of the project site, whether such uses are located in Lowell or within surrounding communities, including but not limited to all educational uses, daycare, preschool and afterschool programs.
3. The applicant shall provide a Transportation Demand Management Plan to establish the impacts of the peak traffic demand and shall adequately address issues of traffic demand, parking, and queuing, especially at peak periods at the facility, and its impact on neighboring uses. The transportation demand management plan shall also model expected origin and frequency of client and employee trips to the site, the expected modes of transportation used by clients and employees, and the frequency and scale of deliveries to and from the site.
4. The applicant shall submit documentation showing that a security plan has been reviewed and approved by the Lowell Police Department, and such approval should indicate that the site is designed as such that it provides convenient, safe and secure access and egress for clients and employees arriving to and leaving from the site using all modes of transportation, including drivers, pedestrians, bicyclists and public transportation users. The applicant shall also submit a security plan for review and approval by the LPD for its transportation vehicles if applicable to their license issued by the Massachusetts Cannabis Control Commission or Massachusetts Department of Public Health.
5. Designation of a single on-site staff member as the community liaison with direct interaction with on-site security and City police.
6. The applicant shall submit a secure solid waste disposal and recycling plan to be approved by Solid Waste and Recycling, Lowell Fire Department, and Lowell Police Department.

Relevant Regulations Governing Special Permits from the Lowell Zoning Ordinance:

11.3.2 Criteria. Special permits shall be granted by the Special Permit Granting Authority, unless otherwise specified herein, only upon its written determination that the adverse effects of the proposed use will not outweigh its beneficial impacts to the city or the neighborhood, in view of the particular characteristics of the site, and of the proposal in relation to that site. In addition to any specific factors that may be set forth in this Ordinance, the determination shall include consideration of each of the following:

1. Social, economic, or community needs which are served by the proposal;
2. Traffic flow and safety, including parking and loading;
3. Adequacy of utilities and other public services;
4. Neighborhood character and social structures;
5. Impacts on the natural environment; and
6. Potential fiscal impact, including impact on city services, tax base, and employment.

11.3.2a Criteria for Special Permits Sought Under Article XII: Table of Uses. For special permits sought under Article XII: Table of Uses and as outlined in Section 4.2 of the Lowell Zoning Ordinance, the Special Permit Granting Authority will only grant a special permit to a project that is consistent with the goals of the City of Lowell Comprehensive Master Plan. A narrative must accompany each application and provide significant information to address how the project meets these goals. At minimum, the narrative must answer the following:

Criteria for permits being sought under Article XII: Table of Uses must also meet the following:

A. Application to Master Plan:

1. How does this project adhere to, apply, and promote the goals of the City of Lowell Comprehensive Master Plan? Successful projects should present specific connections between the goals of the Master Plan and the projects themselves.

B. Neighborhood Character:

1. How does this project protect and enhance the character of the existing neighborhood? Successful projects should reflect the density, the urban design, the setbacks, height, and landscaping elements of surrounding buildings.
2. How does this project provide for social, economic or community needs?
3. Is the project consistent with the character, materials, and scale of buildings in the vicinity?
4. Does the project minimize the visual intrusion from visible parking, storage and other outdoor service area viewed from public ways and abutting residences?

C. Environmental Issues:

1. Does the project have any negative impacts on the natural environment?
2. Does the project minimize the volume of cut and fill and the extent of stormwater flow and soil erosion from the site?
3. Does the project minimize the contamination of groundwater?
4. Does the project provide for storm water drainage consistent with the local regulations?
5. Does the project minimize obstruction of scenic views?
6. Does the project minimize lighting glare on abutting properties?

D. Traffic, Access and Safety:

1. How does the project address traffic flow and safety, including parking and loading? Does the project provide adequate parking for visitors to the residences? Will the project impact an area with significant on-street parking demand? Will the project require the loss of on-street public parking for driveway curb cuts?
2. Does the project provide adequate access to each structure for fire and service equipment and adequate utilities?
3. Does the project provide adequate and safe pedestrian and vehicle access through and around the project?

E. Additional Impacts

1. Are there any substantial impacts on public services and utilities?
2. Does the project have any negative fiscal impact on the city, including impact on city services, schools, tax base, and employment?
3. Does the project comply fully with the Zoning Ordinance, including parking, signage, landscaping, open space requirements, curb cut lengths, and driveway widths?

Disclaimer: These pages provide information regarding some pertinent sections of the Zoning Ordinance. It is provided for informational purposes only, and should not be construed as an official zoning document. Consult a certified copy of the complete zoning ordinance for official zoning regulations of the City of Lowell