

# Town of Ware

## Planning & Community Development

### Application for Special Permit



126 Main Street  
Ware, MA 01082  
413.967.9648 ext. 120  
www.townofware.com

SP-20 22 - 05

Applicant

Name of Applicant (primary contact): Green Adventure, LLC; Michael Harris

Address: 14 West St., Ware, MA

Phone: (413) 626-6792

Cell: \_\_\_\_\_

Email Address: 311michael@gmail.com

Owner

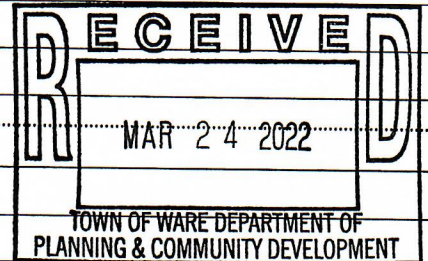
Name of Owner (primary contact): Harris Holdings, LLC; Michael Harris

Address: 95 Main St., Ware, MA

Phone: (413) 626-6792

Cell: \_\_\_\_\_

Email Address: 311michael@gmail.com



Request

Choose applicable Zoning Bylaw Section: 4.8.8 Marijuana (Cannabis) Facility; Minor Site Plan Review

Will the project require a: Site Plan Review: ☒ Yes\* ☐ No Variance: ☐ Yes\* ☒ No \*Explain in narrative

Property

Location of Property: 14 West St., Ware, MA

Assessor's Tax Map/Parcel Number: 56-0-39

Deed Reference - Hampshire District Registry of Deeds Book/Page Number: Bk: 11505; Pg: 252

Plan Reference - Hampshire District Registry of Deeds Book/Plan Number: None

Zoning District: Downtown Commercial (DTC) Acreage: 0.0367

Check all that apply: ☐ Wetlands ☐ Floodplain ☐ Aquifer

Proposal

Brief description of the proposal: Special Permit Application and Minor Site Plan Review from Planning Recreational Marijuana Establishment [Retail Only]

Community Agreement with the Town of Ware and has a valid lease agreement from the property owner.

Sign

Applicant's signature: Michael Harris Manager

Owner's signature: Michael Harris Manager

Date: 3-18-22

Official Use Only: Preliminary Review By: RW Date 3/24/22

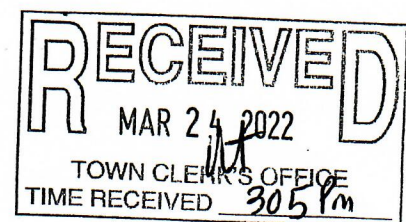
Fee: \$ 250 Date Paid: 3/24/22 Check #: \_\_\_\_\_

Date of Public Hearing: \_\_\_\_\_

Decision of Board: \_\_\_\_\_

Date of Decision: \_\_\_\_\_ Expiration Date: \_\_\_\_\_

Town Clerk's stamp:





# Town of Ware



Planning Board

Robert A. Watchilla  
Director of Planning &  
Community Development

## Planning & Community Development

### Application for Site Plan

126 Main Street  
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www.townofware.com

SPR-20 22 - 02

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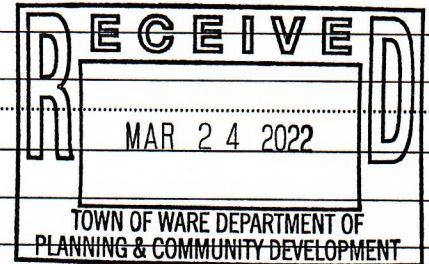
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Check all that apply: ☐ Wetlands ☐ Floodplain ☐ Aquifer

Proposal

Proposed use (check applicable category and write in specific uses from Use Table, Section 4.2 of the Zoning Bylaw):

☐ Multi-family Residential ☐ Public/Civic ☐ Agricultural ☐ Office/Research ☒ Retail Business/Consumer Service

☐ Industrial ☐ Solar Specific Uses: Recreational Marijuana Establishment [Retail Only]

# Units: \_\_\_\_\_ # Square Feet (nonresidential): 1,600 sf # Parking Spaces: Street Parking Available

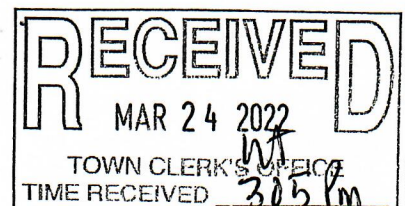
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Applicant's signature: Michael Harris Manager

Owner's signature: Michael Harris Manager

Date: 3-18-22

Town Clerk's stamp:



Official Use Only: Preliminary Review By: RW Date 3/24/22

Fee: \$ 100 Date Paid: 3/24/22 Check #: \_\_\_\_\_

Date of Public Hearing: \_\_\_\_\_

Decision of Board: \_\_\_\_\_

Date of Decision: \_\_\_\_\_ Expiration Date: \_\_\_\_\_



**Green Adventure, LLC**  
**Recreational Marijuana Establishment ("RME")**  
**14 West Street, Ware, MA**

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**PROJECT NARRATIVE**

**I. Proposed Use**

GA intends to operate a Recreational Marijuana Establishment at the Site in accordance with a license issued by the Massachusetts Cannabis Control Commission for an Adult-Use Retail Marijuana Establishment and in compliance with all state law and local ordinances. No Marijuana will be cultivated at the Site, nor will Marijuana Products be manufactured at the Site.

**II. Applicant Summary**

GA is a Massachusetts limited liability company wholly owned and operated by Michael Harris, a local resident and veteran of the United States Army. Mr. Harris is also the proprietor of Dioguardi Jewelers, a retail jewelry business located at 95 Main Street in Ware and he is an integral part of the Ware business community. GA is also working with Mark Jarvis, an experienced cannabis business consultant, and Isaac Fleisher, Esq. an attorney specializing in the cannabis industry. For the store's general manager, GA has already secured a commitment from an employee of one of the nation's largest chain of cannabis retailers. Finally, GA intends to hire 4 to 5 full time employees.

**III. The Site and Structure**

The Site consists of approximately 1,600 square feet of land, of which 51% is occupied by a one-story commercial retail building with 1,640 square feet of usable space (including the basement). GA will make no changes to the footprint of the building or to the land, as it is already well suited for the proposed use.

The existing structure will be renovated in accordance with the attached Floor Plans and upgraded as necessary to meet the requirements of state law, municipal ordinances, and the regulations promulgated by the CCC. The proposed building design makes adaptive re-use of an existing building, presents an appropriate professional appearance to the neighborhood,

**IV. The Building Interior**

The interior design of the proposed Project contains the following program elements:

**First Floor:**

The First Floor of the Building is the customer facing portion of the building and it will utilize an open floor plan to allow the business to safely and efficiently service customers without delays or crowding,

even at peak operational hours.

1. Entry Vestibule

The facility is accessed by way of an 84 square foot entry vestibule that is separated from the sales floor by partition walls. Trained staff will be stationed in the entry vestibule at all times during operational hours in order to control access to the sales floor and verify that nobody is admitted into the building unless they are at least 21 years old.

2. Sales Floor

The Sales Floor is accessed directly from the Entry Vestibule and will contain floor cabinets displaying products for sale. An information wall is incorporated within this space, providing patrons with readily visible and accessible information relative to the purchase and consumption of cannabis. A 20 foot long sales counter with two POS stations provides a secure transaction area for the ordering and dispensing of product. Trained staff shall verify each patron's age (for a second time) prior to consummating any sale.

3. Staff Area

The Staff Area behind the counter is accessed via a secure door. The staff area contains space for product storage as well as staff lockers and a restroom. A hand wash sink is provided for sanitation associated with the receipt, handling, and dispensing of products. Stairs to the basement are accessed from the Staff Area. A staff only door to the outside is located in the rear of the Staff Area.

**Basement:**

The basement is a limited access area that is locked and monitored by a CCTV surveillance system at all times and will only be accessible by employees approved by GA. The basement contains a second staff restroom, building utilities, separate vaults for storage of cash and product and an order preparation area. The basement is accessed by interior stairs from the first floor or by exterior stairs capped by reinforced bulkhead doors.

1. Vault

The vault is a hardened and secured room for the storage of products offered in the sales area. All interior walls of the vault will be reinforced with a 3/4" layer of plywood over metal lath. An additional cash vault is located in the basement for the secure handling and storage of currency.

2. Order Preparation Area

The Order Preparation area is a secure room where daily inventory is maintained, and pre-orders are compiled. There are also sanitary work surfaces for preparing "pre-roll" products for sale.

**V. Projected Cost of Site Improvements:**

The estimated cost of an upgraded security system and interior renovations is approximately \$40,000.00.



**VI. Applicable Standards:**

The Site is located within the Downtown Commercial (“DTC”) district and the proposed use is Recreational Marijuana Sales. Pursuant to the Zoning Ordinance as last amended, Recreational Marijuana Sales is allowed in the DTC district subject to compliance with Section 4.8.8 of the Zoning Ordinance.

Site Requirement	<input checked="" type="checkbox"/> 14 West Street
An applicant shall possess a Certification of Registration from the Commonwealth of Massachusetts Department of Public Health as a Registered Marijuana Dispensary and shall comply with the Department’s regulations at all times.	<input type="checkbox"/> <b>Conforms</b> <input checked="" type="checkbox"/> <b>Not Applicable</b> The Applicant will only be selling adult-use marijuana and will therefore be licensed and registered by the CCC.
The siting, development, and operation of Registered Medical, Recreational, and/or Hybrid Marijuana Facilities shall be allowed by Special Permit and Site Plan Approval in the Downtown Commercial (DTC), Mill Yard (MY) and Highway Commercial (HC) zoning districts. Marijuana Cultivation Sites are to be allowed by Special Permit and Site Plan Approval in the Mill Yard (MY), Commercial Industrial (CI) and Industrial (I) zoning districts.	<input checked="" type="checkbox"/> <b>Conforms</b> The Site is located within the DTC district.
The proposed plan shall conform to §7.2, Special Permits, §7.4, Site Plan Review, and to those zoning districts per §4.2, Use Table, where these uses are allowed.	<input checked="" type="checkbox"/> <b>Conforms</b> See attached Site Plan
The proposed plan shall provide urban design and landscaping elements to harmonize the proposed project with abutting uses so as to protect and enhance the aesthetics and architectural look and character of the surrounding vicinity.	<input checked="" type="checkbox"/> <b>Conforms</b>
The use shall not generate outside odors from marijuana use and/or production of marijuana products.	<input checked="" type="checkbox"/> <b>Conforms</b>



	See Environmental Impact Assessment below
The proposed plan shall refer to §6.5, Signage, for the installation, type, number and size considerations of signs, as applicable.	<input checked="" type="checkbox"/> <b>Conforms</b>
Hours of operation shall be between 8:00 AM and 8:00 PM Monday thru Sunday.	<input checked="" type="checkbox"/> <b>Conforms</b>
Noise shall comply with the Noise Policy of the Commonwealth of Massachusetts Department of Environmental Protection and Division of Air Quality regulations, 310 CMR 7.10, and any local noise abatement bylaw.	<input checked="" type="checkbox"/> <b>Conforms</b> See Environmental Impact Assessment below
A Special Permit granted under this Section 4.8.8 shall be personal to the applicant and shall lapse if the applicant no longer is the holder of the Certification of Registration from the Commonwealth of Massachusetts Department of Public Health as a Registered Marijuana Dispensary. A change of the registrant shall require submission of a new Special Permit application.	<b>Applicant Agrees</b>
All applicable rules and regulations established under the auspices of the Massachusetts Cannabis Control Commission (CCC) must be adhered to.	<input checked="" type="checkbox"/> <b>Conforms</b>
All other applicable regulations such as wetland, septic, water supply, etc. are required to be compiled with as appropriate. This permit does not supersede any other requirements.	<input checked="" type="checkbox"/> <b>Conforms</b>
Applicant for the permit must be the property owner or duly authorized agent.	<input checked="" type="checkbox"/> <b>Conforms</b>



	The Applicant and property owner are each wholly owned by Michael Harris.
The property area required to operate a marijuana cultivation structure in the Rural Residential (RR) district will be: i. Minimum of 5 acres: up to 5,000 square feet (Tier 1 per CCC) ii. 10 acres or more: up to 20,000 square feet (Tier 3 per CCC)	<input type="checkbox"/> <b>Conforms</b> <input checked="" type="checkbox"/> <b>Not Applicable</b> Site is not located in the RR District and no cultivation is proposed.
Any building utilized for the purposes of marijuana cultivation within the Rural Residential (RR) zoning district shall use architectural and landscape design elements that resemble the typical New England agricultural/farm building styles seen on a farm such as a "butler type metal building" or wood or masonry wall and finished in neutral colors or a color in harmony with existing buildings on adjacent properties. The Planning Board may, at its discretion, entertain and allow proposals for other building styles.	<input type="checkbox"/> <b>Conforms</b> <input checked="" type="checkbox"/> <b>Not Applicable</b> Site is not located in the RR District and no cultivation is proposed.
The rehabilitation of existing buildings for marijuana cultivation in the Rural Residential (RR) zoning district may deviate from the height restriction if they already exceed it, to the extent that any linear addition may continue existing lines, so long as no additional height is added. Additions added non-linear to the primary axis (ridge line) of the existing building shall not exceed 18 feet (eave height).	<input type="checkbox"/> <b>Conforms</b> <input checked="" type="checkbox"/> <b>Not Applicable</b> Site is not located in the RR District and no cultivation is proposed.
New buildings and those occupied and used buildings constructed prior to July 1, 2018 under this law which are proposed to be used as marijuana cultivation structures in the Rural Residential (RR) zoning district shall be located at a minimum of one-hundred (100') feet from a Town or State road right of way line.	<input type="checkbox"/> <b>Conforms</b> <input checked="" type="checkbox"/> <b>Not Applicable</b> Site is not located in the RR District and no cultivation is proposed.
Existing buildings which are proposed to be used a marijuana cultivation structures in the Rural	<input type="checkbox"/> <b>Conforms</b>



Residential (RR) zoning district and that are located within two-hundred (200') feet of an existing residential structure on an adjacent property or one-hundred (100') feet of a roadway are required to establish and maintain a year-round dense vegetated barrier of at least ten (10') feet between the residence and/or roadway. A waiver or modification to this provision may be granted by the Planning Board after review for appropriateness and a determination that a modified, reduced or no barrier, would not be substantially detrimental to the adjacent neighborhood.	<input checked="" type="checkbox"/> <b>Not Applicable</b> Site is not located in the RR District and no cultivation is proposed.
Hoop houses utilized as marijuana cultivation structures in the Rural Residential (RR) zoning district shall utilize an opaque wall film to preclude direct viewing of the vegetation growth.	<input type="checkbox"/> <b>Conforms</b> <input checked="" type="checkbox"/> <b>Not Applicable</b> Site is not located in the RR District and no cultivation is proposed.
A Site Plan review is required as part the Special Permit to assure compliance with parking, waste management, lighting, and all other zoning regulations.	<input checked="" type="checkbox"/> <b>Conforms</b>
When a conflict arises between that of a local or state regulations, the more restrictive of these shall be in full force.	<b>Applicant Agrees</b>
Any change in ownership of the property, operator, duly authorized agent, or co-op association shall require notification to the Planning Board, a review and reissuance of the Special Permit by the Planning Board, prior to the new ownership or other changes taking place.	<b>Applicant Agrees</b>
The Special Permit shall terminate on dissolution of the co-op, change in ownership, or revocation of the authorization to operate by the Massachusetts Cannabis Control Commission (CCC).	<b>Applicant Agrees</b>

The Planning Board, Town Planner, and Town Manager shall be notified of any violations, citations or other sanctions by the Massachusetts Cannabis Control Commission (CCC) or other regulatory agency, as related to operations conducted under this Special Permit, by the permit applicant and/or property owner, via mail and certified mail, within three (3) business days from the date of the violation.	<b>Applicant Agrees</b>
Operations under a Special Permit issued by the Planning Board must comply with all other local, state, or other rules, regulations and requirements.	<input checked="" type="checkbox"/> <b>Conforms</b>
No Registered Medical, Recreational and Hybrid Marijuana Facility and/or Marijuana Cultivation Site may be located closer than three hundred feet (300') (measured from door to door) of a facility used, at the time of the first notice of the public hearing, for a park, playground, elementary, middle or high school, or state-licensed child day care center. This measurement shall be the distance between the Registered Medical, Recreational and Hybrid Marijuana Facility and/or Marijuana Cultivation Site and the front entrance of the building in question.	<input checked="" type="checkbox"/> <b>Conforms</b>

## **VII. Environmental Impact Assessment**

The proposal is utilizing an existing building, with no site modifications, and is therefore anticipated to have minimal impacts to groundwater and surface water including impacts from soils erosion or stormwater runoff. No increase in quantity of stormwater runoff or degradation of quality of stormwater runoff is anticipated.

Lighting will be provided by motion-activated energy efficient LED lights and the building will be equipped with ductless electric heating/cooling units. GA will also install a public bicycle rack on the site in order to minimize staff and patron car trips.

As a retail-only facility all products provided for sale will be vacuum sealed and do not emit odor causing compounds. However, as a precaution against the unlikely event of an odor emitting event, GA will install and utilize an air filtration system equipped with activated carbon filters, which use a bed of activated carbon to remove contaminants and impurities through chemical adsorption. Adsorption is a process whereby pollutant molecules passing through the filter are trapped



inside the pore structure of the carbon substrate, effectively eliminating all detectable odors that may otherwise emanate from the facility.

### **VIII. Community and Fiscal Impact Assessment**

Demands on city services and utilities will not be substantially increased when compared to the current use as a CBD product retailer. The proposed use will not result in any additional load to the municipal natural gas supply, and existing utilities serving the Site are all sufficient. No increased demand on emergency services is anticipated due to a security plan that will be continually updated and a state-of-the-art security system providing continuous monitoring of the Site.

The proposed use is also not expected to add any significant demand to existing street infrastructure or traffic patterns. While many Massachusetts residents remember the mile-long lines of customers at the first retail marijuana establishments to open in the Commonwealth, the current reality, with nearly 200 licensed retailers in Massachusetts, is that traffic generated by a marijuana retailer is comparable to that of a liquor store. Furthermore, with a sales floor of only 455 square feet, this will be one of the smallest retail sites in the state and The Site is located on the corner of West Street and Pulaski Street, both of which have ample on-street parking, and Mike Harris intends to provide reserved parking for GA staff at the parking lot on a property that he owns at 98 Main St, which is less than one tenth of a mile from the Site.

On the other hand, the projected benefits of the proposed use are substantial. GA has entered into a Host Community Agreement with the town of Ware, pursuant to which GA agrees to pay an impact fee to the town equal to 3% of its annual gross revenue, and contribute at least \$15,000 per year to local non-profits. Furthermore, by repurposing this underutilized property, GA will increase the property tax base and generate increased sales tax as well. Besides its contractual and tax obligations to the Town, GA is also committed to the core principle of being a good neighbor; GA intends to prioritize local contractors during the build-out of and ongoing maintenance of the Site and to hire local whenever possible.

### **IX. Security Plan**

GA's security plan will incorporate physical security elements, electronic security systems, manned security, and employee policies to provide a comprehensive, integrated secure environment that will deter and prevent unauthorized entrance into areas containing marijuana, and theft of marijuana at the RME. These security measures have been designed to protect the Site, GA's employees and contractors, as well as the public. A copy of GA's full Security Plan has been submitted to the Ware Police Department for review, however including the full Security Plan in this application could subject it to public records request, which would substantially limit its efficacy. Therefore this application will only include the following overview of the Security Plan:

#### **1. Access Control & Monitoring System (ACMS)**

A network-based, distributed database electronic access control and monitoring system (ACMS) will be installed at the RME to serve as the engine of the integrated electronic security systems.

#### **2. Security Alarm System (SAS)**

GA will utilize a security alarm system ("SAS") that is designed to ensure compliance with all the requirements outlined in 935 CMR 500.110 including, but not limited to:

- a. A perimeter alarm on all entry and exit points and perimeter windows;
- b. A failure notification system that provides an audible, text, or visual notification of any failure in the surveillance system. The failure notification system shall provide an alert to designated employees within five minutes after the failure, either by telephone, email, or text message;
- c. A duress alarm, panic alarm, or holdup alarm connected to local public safety or law enforcement authorities;
- d. Motion detectors;

3. Closed Circuit Television System (CCTV)

The Applicant shall utilize a CCTV system to ensure compliance with all the requirements outlined in 935 CMR 500.110.

4. Lighting

Safety lighting will be properly installed throughout the building. Proper lighting technology will be utilized to ensure optimal security surveillance and eliminate any interference with the CCTV system.

5. Power Outage

In the event of a power outage at the Site a battery backup system will supply power to all security systems. For an extended power outage, GA will utilize a permanent back-up generator.

6. Security Personnel

GA intends to hire recently retired law enforcement officers from Ware or the surrounding area to serve as security consultants and personnel. Security personnel shall manage the visitor log, monitor the CCTV and ACMS systems and patrol the Site.

7. Limited Access Areas

A limited access area is an indoor or outdoor area on the registered premises of a Marijuana Establishment where cannabis or marijuana products, or their byproducts are manufactured, stored, weighed, packaged, processed, or disposed, under the control of a Marijuana Establishment Agent.

Access to limited access areas will be controlled by the electronic security systems with locking devices that authorize access to credentialed users only. All outside vendors, contractors, and visitors must obtain a visitor identification badge prior to entering a limited access area and will be escorted at all times by a Registered Marijuana Establishment Agent authorized to enter the limited access area. The visitor identification badge must be visibly displayed at all times while the visitor is in any limited access area. All visitors will be logged in and out, and that log shall be available for inspection by the Commission at all times. All visitor identification badges shall be returned to the establishment upon exit.



All limited access areas will be identified by the posting of a sign that will be a minimum of 12' x 12' that states "Do No Enter — Limited Access Area - Access Limited to Authorized Personnel Only" in lettering no smaller than one inch in height.

All limited access areas will be clearly described by the filing of a diagram of the registered premises, in the form and manner determined by the Commission, reflecting entrances and exits, walls, partitions, storage, disposal and retail sales areas.

8. Access to the Retail Portion of the Facility

In accordance with state regulations, no individual under 21 years of age shall be admitted to the Retail area. The Applicant will implement strict measures to ensure only authorized persons are provided access to the Retail Area. The RME shall utilize redundant review and verification of visitor identification documents upon arrival to the RME, and again prior to the consummation of any product sale at the RME. This duplicative review and verification process includes the authentication of presented government identification documents using an identification scanner approved by the CCC to determine the validity of the card and confirmation that the visitor is of appropriate age to access the RME. The Retail Agents will be thoroughly trained on identification authentication measures and will be provided sophisticated identification verification equipment, as well as written guidelines on the Applicant's check-in and verification standard operating procedures. These procedures will deter, prevent, and uncover any unauthorized attempts to gain access to the RME. Any person that is not 21 years of age will be refused entry to the RME *without exceptions*.

In the sales area, all marijuana products will be secured behind shatterproof, employee locked display cases. Only a limited quantity of each product will be visibly on display. Only Retail Agents will be permitted to handle marijuana products prior to sale. In accordance with the check-in procedures, only customers who: a) present current and authenticated identification documents, including a current government-issued ID, and b) have not already received their full allotment of marijuana (as confirmed by a review of the customer's purchasing history records) may qualify to purchase marijuana, so long as such dispensation does not exceed state-mandated quantity limits. The RME will track all sales on a CCC approved electronic inventory tracking and recordkeeping system, which will be updated upon each transaction, ensuring real-time accurate information on sales activities.

9. Secure Storage

The RME shall be equipped with a vault for secure storage of all marijuana and marijuana products during all non-business hours and all marijuana and marijuana products that are not allocated to the POS stations during business hours. The vault shall also include a dedicated quarantine area that is used exclusively for the storage of marijuana products that are expired, damaged, deteriorated, mislabeled, contaminated, recalled, or whose containers or packaging have been opened or breached, until such products are destroyed or otherwise disposed of (including, potentially, a return to the supplier for destruction).

10. Engagement with Local Law Enforcement

GA is committed to creating a partnership with the Ware Police Department (“WPD”) to the extent that they wish to be involved. GA will meet regularly with representatives of the WPD during the design and construction phase to ensure that the security infrastructure that is acceptable to the WPD.