

ROBERT T. SMART, JR., ESQ.

ATTORNEY AT LAW

399 CHESTNUT STREET

NEEDHAM, MASSACHUSETTS 02492

TEL (781) 444-9344 FAX (781) 449-0242

E-MAIL bob@robertsmart.net WEBSITE www.robertsmart.net

July 26, 2022

BY HAND DELIVERY, AND ELECTRONIC MAIL

Needham Planning Board
500 Dedham Avenue
Needham, MA 02492
Attn: Lee Newman, Planning Director

Re: Sira Naturals, Inc. d/b/a Ayr, formerly Sage Naturals, Inc.
Application for Amendments to Special Permit

Dear Members of the Board:

I represent Sira Naturals, Inc., d/b/a Ayr (hereinafter "Sira"), of 300 Trade Center, Suite 7750, Woburn, MA 01801, formerly known as Sage Naturals, Inc. (hereinafter "Sage"). Sira is proposing amendments to the Special Permit which the Planning Board granted to Sage in 2017 for operation of a medical marijuana facility at 29-37 Franklin Street, Needham (hereinafter, the "facility"). The amendments pertain to certain restrictions on operation of the facility, as will be detailed below.

In support of this application, Sira is submitting two originals of this letter and its listed exhibits, and two originals of the following additional materials and information:

1. Application for Amendments to Special Permit.
2. Memorandum to Dave Roche, Building Commissioner, from the Planning Department, dated June 23, 2022, with materials attached thereto.
3. First Floor Plan, Updated July 21, 2022, by Peter Quinn Architects.
4. Filing fee check of \$1,000.00.

Background

On June 13, 2017, the Planning Board granted special permits to Sage for operation of a medical marijuana treatment center at the facility. Special permits were also granted to alter a non-conforming building, and to waive certain parking plan and design requirements.

The Applicant has been operating a treatment center at the facility since obtaining a special permit from the Needham Planning Board in 2017. To the best of the Applicant's knowledge, there have been no traffic, parking, safety, or other issues in connection with the operation of the facility.

No changes to the footprint of the building(s) at the facility, or to its parking space layout, are contemplated as part of this application.

Since the grant of the Special Permit in 2017, the number of registered medical marijuana facilities in Massachusetts has increased dramatically, from 15 to over 80. The General Court enacted legislation creating the Cannabis Control Commission (CCC), and regulation of marijuana facilities is now entrusted to the CCC, rather than to the Massachusetts Department of Public Health. The CCC has promulgated detailed and comprehensive regulations for medical marijuana facilities, at 935 CMR 501 *et seq.* The CCC requires all medical and retail operators to comply with a comprehensive "seed to sale" program, called Metrc. Vertical integration of cultivation, processing, and dispensing operations is no longer required.

Proposed Amendments to the Special Permit

Sira seeks to amend the Special Permit in the following respects:

FIRST: by authorizing the activities permitted at 29-37 Franklin Street, Needham, to be conducted by Sira Naturals, Inc. d/b/a Ayr.

SECOND: by requiring the Applicant to comply with the requirements of the Massachusetts Cannabis Control Commission, rather than the Massachusetts Department of Public Health.

THIRD: by eliminating the "appointment-only" operational requirement for the facility.

FOURTH: by allowing sales of marijuana products other than those cultivated and processed at the Applicant's Milford facility.

FIFTH: by allowing an increase in the maximum number of sales stations from five to seven.

SIXTH: by eliminating the requirement that the delivery van(s) for home deliveries be housed at the Applicant's main facility in Milford, and by allowing two vans to be kept in the garage at the facility.

SEVENTH: by making such additional amendments to the DECISION as are needed to comport with the preceding proposed amendments.

In support of the requested amendments, Sira submits the following:

I. Authorize Sira Naturals, Inc. d/b/a Ayr, rather than Sage Naturals, Inc. to operate a medical marijuana treatment center at 29-37 Franklin Street, Needham.

The 2017 Special Permit Decision, Section 3.11, requires written approval of the Planning Board for an entity other than Sage Naturals, Inc. to operate the facility. Written approval authorizing Sira Naturals, Inc., d/b/a Ayr should be granted.

First, the corporate name was changed from Sage Naturals, Inc. to Sira Naturals, Inc. on November 27, 2017. See Exhibit A, attached.

Second, the Cannabis Control Commission approved the change of name on September 3, 2021. See Exhibit B, attached.

Third, the Community Benefit Agreement with the Town was amended on September 21, 2021, to authorize this change. See Exhibit C, attached.

Fourth, a filing indicating that Sira Naturals, Inc. is doing business as Ayr was made with the Needham Town Clerk on March 11, 2022. See Exhibit D, attached.

II. Require Sira to comply with the requirements of the Cannabis Control Commission rather than the Massachusetts Department of Public Health.

The Massachusetts state legislature established the Cannabis Control Commission, by Chapter 55 of the Acts of 2017, and it mandated a transfer of the administration and oversight of the Massachusetts Medical Use of Marijuana Program from the Department of Public Health to the CCC as of December 31, 2018. See Exhibit E, attached.

III. Eliminate the “appointment only” requirement for operations.

Section 1.8 of the Planning Board’s Special Permit Decision requires to Sira to operate on an “appointment-only” basis. The Applicant requests that this restriction be removed.

The requirement of appointments creates an administrative burden for Sira employees and patients. Patients often cancel appointments at the last minute, or simply don’t come on the dates and times of their appointments. This leaves designated appointment times unused. In addition, requiring an appointment may keep a patient from coming to the facility at a time which is convenient for the patient. Managing an appointment calendar, in addition to conducting the normal check-in process, takes more time for the processing of each visit.

Walk-in visits are the norm in the medical marijuana business. Garden Remedies in Newton, Ethos Cannabis in Watertown, and Holistic Industries, Inc. in Somerville, for example, do not require appointments. Sira's Somerville facility operates without an appointment requirement. Sira would like its Needham facility to be comparably treated.

As noted by Vanasse & Associates, removal of an appointment requirement is likely to result in a modest increase in transaction activity, but there exists sufficient capacity on site to accommodate this increase. Overall daily demand is low and the facility has a lot of room, not only in the waiting area, but on the sales floor. Sira's experience in Somerville confirms that elimination of an appointment requirement does not cause patient arrivals to be unduly bunched.

IV Allow Sales of marijuana products other than those cultivated and processed at the Applicant's Milford facility.

Section 1.4 of the Planning Board Special Permit limits dispensing of medical marijuana products to those cultivated and processed at the Applicant's Milford facility. The Applicant requests that this limitation be removed.

In the early phases of the regulation of medical marijuana facilities, a form of "vertical integration" was required. Under Department of Public Health regulations at 105 CMR 725.105(B), a cultivation location of a registered marijuana dispensary that acquires, cultivates, possesses, processes, sells, and dispenses marijuana products (RMD) could cultivate marijuana only for that RMD, or up to two additional RMDs under a common non-profit corporation, and under 105 CMR 725.105(N)(2), an RMD was prohibited from acquiring marijuana or marijuana plants except through the cultivation of marijuana by that RMD, with a limited exception. See Exhibit E, attached.

In 2018, the CCC contracted with a private company, called Metrc, to create a "seed to sale" tracking system, to assist the state in regulating the cultivation, tracking, transport, testing, and sale of medical and adult use cannabis. See Exhibit G, attached. Sira has complied with that requirement. With the advent of the tracking system requirement, there was no longer any need to prohibit local medical marijuana dispensaries from selling marijuana products cultivated and processed at facilities other than their own.

The CCC's regulation at 935 CMR 501.050(4), titled Dispensing Operations, Medical Marijuana Treatment Centers (MTCs, formerly known as RMDs), provides in pertinent part: "An MTC may perform dispensing operations at the address approved to do so by the Commission. At the dispensing location, the MTC may purchase and transport Marijuana Products from MTCs and transport, sell, Repackage or otherwise transfer Marijuana Products to MTCs and to Registered Qualifying Patients." (*NOTE THE PLURALS*). Neither the Operational Requirements section, 935 CMR 501.105, nor any other section of the CCC's medical marijuana regulations, prohibits the acquisition

and sale of marijuana from facilities other than the RMDs own. See Exhibit H, attached.

Other medical marijuana facilities in the area, and Sira itself in Somerville, routinely sell marijuana products other than those cultivated and processed at their own facilities. Limiting Sira's sales to Sira's own products cultivated in Milford puts Sira at a competitive disadvantage, while providing no health or safety benefit.

V. Allow an increase in the number of sales stations from five to seven.

Section 3.5 of the Planning Board Special Permit limits the number of sales stations to five. The Applicant would like to increase that number to seven.

The addition of two sales stations to the five currently permitted will allow Sira to complete transactions with patients more quickly, resulting in a reduction in the time a patient's vehicle will be parked at the facility.

Since the Planning Board special permit already allows Sira to have eight employees on site at one time, there will be enough staff for seven sales stations. The First Floor Plan, submitted herewith, shows there is adequate room for the two additional sales stations.

VI. Eliminate the requirement that any van for home deliveries be returned each evening to Milford, and authorize two vans to be stored at the Needham facility.

Currently, Section 3.9 the Planning Board's special permit Decision requires any delivery van to be housed overnight in Milford, and it contemplates only one van. In practice, this restriction has prevented the Applicant's from making home deliveries, which are allowed by the Decision. Home deliveries would reduced the need for patients to drive to the facility, park, and drive home.

This restriction causes significant operational problems. Requiring the housing of delivery vehicles in Milford means that at the end of each day, these vehicles are driven empty to Milford, only to be driven back the next morning, empty, before they can be filled with the day's orders for delivery to patients in Needham and surrounding communities. Milford is a 45-minute drive from Needham. This is a waste of gas.

There are no operational or safety reasons to require return of vans being used for home deliveries to Milford each evening. The vans will be stored in the garage, which is safely locked at night.

VII. Other amendments.

Approve such other Special Permit amendments as may be required in connection with the above-listed amendments.

Request for Hearing

I understand that you will be filing copies of the Application and related materials to the Town Clerk.

Please confirm that this matter will be heard at the Planning Board's September 20, 2022, hearing.

Very truly yours,

A handwritten signature in black ink, appearing to read "R. Smart".

Robert T. Smart, Jr.

Cc: Sira Naturals, Inc.

**TOWN OF NEEDHAM
MASSACHUSETTS**

PLANNING BOARD

500 Dedham Avenue
Needham, MA 02492
781-455-7526

APPLICATION FOR AMENDMENTS TO SPECIAL PERMIT

This application must be completed, signed, and submitted with the filing fee by the applicant or his representative in accordance with the Planning Board's Rules as adopted under its jurisdiction as a Special Permit Granting Authority.

Location of Property: 29 and 37 Franklin Street, together with a parking and access easement over part of 55 Franklin Street, Needham, MA 02494

Name of Applicant: Sira Naturals, Inc. d/b/a Ayr, formerly known as Sage Naturals, Inc.

Address: 300 Trade Center, Suite 7750, Woburn, MA 01801

Applicant is: Owner _____ Tenant x

Property Owners:

As to 29 Franklin Street: Mad Dog Realty Trust, 29 Franklin St., Needham, MA 02494

As to 37 Franklin Street: 37 Franklin LLC, 280 Cocasset St., Foxborough, MA 02035

As to 55 Franklin Street: 55 Franklin LLC, 280 Cocasset St., Foxborough, MA 02035

Characteristics of Property: Lot Area: 13,365 sq. ft. Present Use: Medical Marijuana Treatment Center

Map #: 75 Parcels #s: 6 and 8 Zoning District: Mixed Use - 128

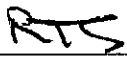
Description of Proposed Amendment: See attached Exhibit A

Signature of Applicant:

(or his representative)

Address if not Applicant:

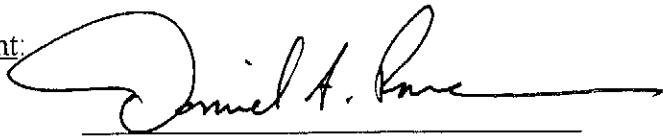
Tel #:



Robert T. Smart, Jr., Esq.
399 Chestnut Street
Needham, MA 02492
781-444-9344

Owner's permission if other than applicant:

As to 29 Franklin Street:

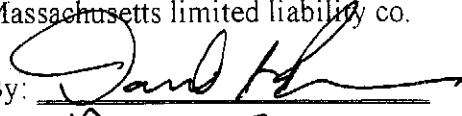


Daniel A. Roma, Trustee of
Mad Dog Realty Trust

As to 37 Franklin Street:

37 Franklin, LLC, a
Massachusetts limited liability co.

By:


Manager

As to 55 Franklin Street:

55 Franklin, LLC, a
Massachusetts limited liability co.

By:

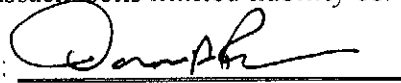

Manager

EXHIBIT A

**TOWN OF NEEDHAM
MASSACHUSETTS**

PLANNING BOARD

500 Dedham Avenue
Needham, MA 02492
781-455-7526

APPLICATION FOR AMENDMENTS TO SPECIAL PERMIT

Name of Applicant: Sira Naturals, Inc. d/b/a Ayr, formerly Sage Naturals, Inc.

Description of Proposed Amendment:

The Applicant proposes to amend the Planning Board's DECISION, Granting of Special Permits, dated June 13, 2017, in the following respects:

FIRST: by authorizing the activities permitted at 29-37 Franklin Street, Needham, to be conducted by Sira Naturals, Inc. d/b/a Ayr.

SECOND: by requiring the Applicant to comply with the requirements of the Massachusetts Cannabis Control Commission, rather than the Massachusetts Department of Public Health.

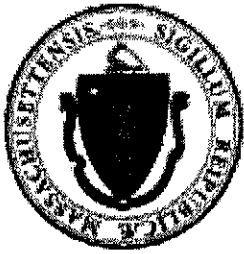
THIRD: by eliminating an "appointment-only" operational requirement for the facility.

FOURTH: by allowing sales of marijuana products other than those cultivated and processed at the Applicant's Milford facility.

FIFTH: by allowing an increase in the maximum number of sales stations from five to seven.

SIXTH: by eliminating the requirement that the delivery van(s) for home deliveries be housed at the Applicant's main facility in Milford, and allowing two vans to be kept in the garage at the facility.

SEVENTH: by making such additional amendments to the DECISION as are needed to comport with the preceding proposed amendments.



The Commonwealth of Massachusetts
William Francis Galvin

Minimum Fee: \$15.00

Secretary of the Commonwealth, Corporations Division
 One Ashburton Place, 17th floor
 Boston, MA 02108-1512
 Telephone: (617) 727-9640

Articles of Amendment

(General Laws, Chapter 180, Section 7)

Identification Number: 465147723

We, MICHAEL DUNDAS ☒ President ☐ Vice President,

and MICHAEL DUNDAS ☒ Clerk ☐ Assistant Clerk,

of SAGE NATURALS, INC.

located at: 13 COMMERCIAL WAY MILFORD, MA 01757 USA

do hereby certify that these Articles of Amendment affecting articles numbered:

☒ Article 1 ☐ Article 2 ☐ Article 3 ☐ Article 4

(Select those articles 1, 2, 3, and/or 4 that are being amended)

of the Articles of Organization were duly adopted at a meeting held on 11/1/2017, by vote of: 0 members, 6 directors, or 0 shareholders, being at least two-thirds of its members/directors legally qualified to vote in meetings of the corporation (or, in the case of a corporation having capital stock, by the holders of at least two thirds of the capital stock having the right to vote therein):

ARTICLE I

The exact name of the corporation, **as amended**, is:
 (Do not state Article I if it has not been amended.)

SIRA NATURALS, INC.

ARTICLE II

The purpose of the corporation, **as amended**, is to engage in the following business activities:
 (Do not state Article II if it has not been amended.)

ARTICLE III

A corporation may have one or more classes of members. **As amended**, the designation of such classes, the manner of election or appointments, the duration of membership and the qualifications and rights, including voting rights, of the members of each class, may be set forth in the by-laws of the corporation or may be set forth below:

ARTICLE IV

As amended, other lawful provisions, if any, for the conduct and regulation of the business and affairs of the corporation, for its voluntary dissolution, or for limiting, defining, or regulating the powers of the business entity, or of its

directors or members, or of any class of members, are as follows:
(If there are no provisions state "NONE")

The foregoing amendment(s) will become effective when these Articles of Amendment are filed in accordance with General Laws, Chapter 180, Section 7 unless these articles specify, in accordance with the vote adopting the amendment, a *later* effective date not more than *thirty days* after such filing, in which event the amendment will become effective on such later date.

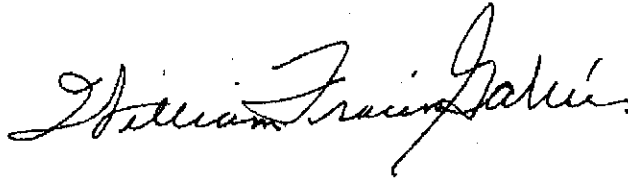
Later Effective Date:

Signed under the penalties of perjury, this 27 Day of November, 2017, MICHAEL DUNDAS, its ,
President / Vice President,
MICHAEL DUNDAS, Clerk / Assistant Clerk.

THE COMMONWEALTH OF MASSACHUSETTS

I hereby certify that, upon examination of this document, duly submitted to me, it appears
that the provisions of the General Laws relative to corporations have been complied with,
and I hereby approve said articles; and the filing fee having been paid, said articles are
deemed to have been filed with me on:

November 27, 2017 09:44 AM

A handwritten signature in cursive script, reading "William Francis Galvin". The signature is written in dark ink and is positioned above the printed name and title.

WILLIAM FRANCIS GALVIN

Secretary of the Commonwealth

Corporations Division

Business Entity Summary

ID Number: 001312028

[Request certificate](#)

[New search](#)

Summary for: **SIRA NATURALS, INC.**

The exact name of the Domestic Profit Corporation: SIRA NATURALS, INC.

Converted from SIRA NATURALS, INC. on 02-07-2018

Entity type: Domestic Profit Corporation

Identification Number: 001312028

Date of Organization in Massachusetts:
02-07-2018

Last date certain:

Current Fiscal Month/Day: 12/31

Previous Fiscal Month/Day: 12/31

The location of the Principal Office:

Address: 2601 SOUTH BAYSHORE DRIVE, SUITE 900

City or town, State, Zip code, MIAMI, FL 33133 USA

Country:

The name and address of the Registered Agent:

Name: CORPORATE CREATIONS NETWORK INC.

Address: 225 CEDAR HILL STREET #200

City or town, State, Zip code, MARLBOROUGH, MA 01752 USA

Country:

The Officers and Directors of the Corporation:

Title	Individual Name	Address
PRESIDENT	DAVID S. ROSENBERG	2601 SOUTH BAYSHORE DRIVE, SUITE 900 MIAMI, FL 33133 USA
TREASURER	LOUIS F. KARGER	2601 SOUTH BAYSHORE DRIVE, SUITE 900 MIAMI, FL 33133 USA
SECRETARY	LOUIS F. KARGER	2601 SOUTH BAYSHORE DRIVE, SUITE 900 MIAMI, FL 33133 USA
DIRECTOR	DAVID S. ROSENBERG	2601 SOUTH BAYSHORE DRIVE, SUITE 900 MIAMI, FL 33133 USA
DIRECTOR	LOUIS F. KARGER	2601 SOUTH BAYSHORE DRIVE, SUITE 900 MIAMI, FL 33133 USA
DIRECTOR	JONATHAN SANDELMAN	2601 SOUTH BAYSHORE DRIVE, SUITE 900 MIAMI, FL 33133 USA
DIRECTOR	ERIC J. WARDROP	2601 SOUTH BAYSHORE DRIVE, SUITE 900 MIAMI, FL 33408 USA

Business entity stock is publicly traded: ☐

The total number of shares and the par value, if any, of each class of stock which this business entity is authorized to issue:

Class of Stock	Par value per share	Total Authorized		Total issued and outstanding
		No. of shares	Total par value	No. of shares
CNP	\$ 0.00	137,500	\$ 0.00	0
CNP	\$ 0.00	137,500	\$ 0.00	0

**Consent****Confidential
Data****Merger
Allowed****Manufacturing**

View filings for this business entity:

ALL FILINGS
 Administrative Dissolution
 Annual Report
 Application For Revival
 Articles of Amendment
 Articles of Change
 Certificate of Incorporation

View filings

Comments or notes associated with this business entity:

New search

September 3, 2021

Sira Naturals, Inc.
MR283946; MR283886; MR282672; RMD245; RMD625; RMD325
Aodian@siranaturals.org

NOTICE: CHANGE OF NAME APPROVAL

WHY ARE YOU RECEIVING THIS NOTICE?

This letter provides notice that the Marijuana Establishment ("ME") and/or Medical Marijuana Treatment Center ("MTC") has been approved by the Commission to officially add the d/b/a name of Sira Naturals, Inc. d/b/a Ayr.

WHAT ARE YOUR NEXT STEPS?

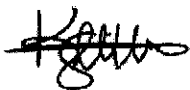
The ME/MTC may now change its business name with the Massachusetts Secretary of the Commonwealth. Within 30 days from the date of this notice, the ME/MTC shall submit to the Commission a certificate of good standing from the Massachusetts Secretary of the Commonwealth, Articles of Organization, and Bylaws reflecting the new name of the ME/MTC. This information shall be sent to licensing@cccmass.com.

If your change of name involves a d/b/a name, please send municipal approval or confirmation of the d/b/a name within 30 days. This information shall be sent to licensing@cccmass.com.

Please be advised that the ME/MTC, within 30 days, should be in full compliance with Commission regulations pertaining to disclosing or displaying the business name on buildings and products. The ME/MTC is subject to inspection, at any time without prior notice, to ensure full compliance with 935 CMR 500.000 and 935 CMR 501.000. 935 CMR 500.301; 935 CMR 501.301.

If you have any questions regarding this notice, please contact the Commission by email at licensing@cccmass.com.

Sincerely,



Kyle Potvin, Esq.
Director of Licensing



**AMENDMENT TO COMMUNITY BENEFIT AGREEMENT
BETWEEN THE TOWN OF NEEDHAM AND SIRA NATURALS, INC. d/b/a Ayr.
(f/k/a SAGE CANNABIS, INC.)**

WHEREAS, the Town of Needham (the "Town") and Sage Cannabis, Inc. are parties to the Community Benefit Agreement dated June 14, 2016; and

WHEREAS Sage Cannabis, Inc. has changed its name to Sira Naturals, Inc., and also wishes to designate a new point of contact for purposes of Section 11 of the Community Benefit Agreement and update certain provisions.

NOW THEREFORE, in consideration of the provisions contained in the Community Benefit Agreement and this amendment thereto, the parties hereby amend the Community Benefit Agreement specifically as follows:

1. All references in the Community Benefit Agreement to Sage Cannabis, Inc. and/or Operator shall henceforth be construed as referring to Sira Naturals, Inc. d/b/a Ayr, and Sira Naturals, Inc. d/b/a Ayr expressly agrees that it is subject to all of the terms and conditions contained therein.

2. For purposes of Section 11 of the Community Benefit Agreement, the contact for Operator is:

Dwan Packnett, Vice President Government Relations & Community Investment
Sira Naturals, Inc. d/b/a Ayr
300 Trade Center, Suite 7750
Woburn, MA 01801

3. Section 1 Annual Payments is amended by deleting subsection (c) in its entirety, and inserting in its place the following:

(c) Each Annual Payment shall be paid to the Town not later than May 15 following the calendar year. To the extent the Annual Payment is to be made before the Operator has submitted its audited financial records and certification of gross sales as required by section 2(a), said payment shall be based on a gross sales draft estimate and shall be subject to reconciliation not later than June 15.

4. Section 2 Financial Records and Audit Rights of Town, subsection (a) shall be amended by deleting the date "March 15" and inserting in place the date "May 15".

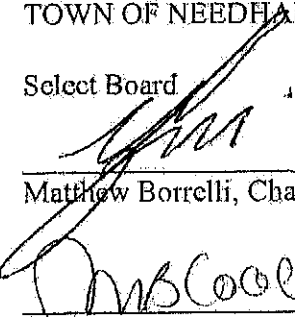
Except as specifically noted above, all remaining terms of the Community Benefit Agreement shall remain unamended and in full force and effect.

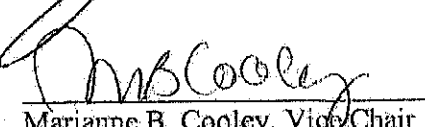
IN WITNESS WHEREOF, the Parties to this Agreement have hereunto set their hands and seals
on this 20th day of September, 2021.

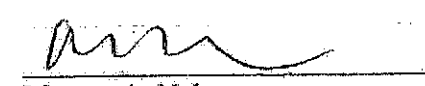
TOWN OF NEEDHAM

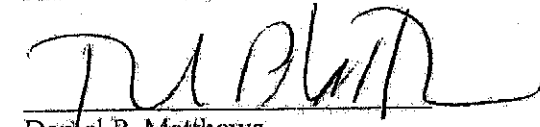
OPERATOR

Select Board


Matthew Borrelli, Chair


Marianne B. Cooley, Vice Chair


Marcus A. Nelson


Daniel P. Matthews


Kate Fitzpatrick, Town Manager


Dwan Packnett, Vice President
Government Relations & Community Investment
Sira Naturals, Inc. d/b/a Ayr



Fee: \$60.00

The Commonwealth of Massachusetts

Town of Needham

Theodora K. Eaton, MMC
Town Clerk

1471 Highland Avenue, Needham, MA 02492
Tel: 781-455-7500 / Fax: 781-455-1248

Certificate # 8990Issue Date: 3/11/2022Expiration Date: 3/11/2026

In conformity with the provisions of Chapter one hundred and ten, Section five of the General Laws, as amended, the undersigned hereby declare(s) that a business under the title of

Name of Business: Sira Naturals, Inc. d/b/a "Ayr" is conducted at

Address of Business: 29 Franklin Street, Needham Heights, MA 02494

Type of Business: Retail Cannabis Telephone Number: 617.818.4022

Business is conducted by the following named persons: ** If a corporation is the owner, please provide the corporate name and address, plus the name and title of the signing officer.

Louis F. Karger, Treasurer 300 Trade Center Drive, Ste. 7700 Woburn, MA 01801

Full Name Street/City or Town/State/Zip Code

Full Name Street/City or Town/State/Zip Code

Full Name Street/City or Town/State/Zip Code

Full Name Street/City or Town/State/Zip Code

Signed

(Signature)

(Signature)

(Signature)

(Signature)

The Commonwealth of Massachusetts

Middlesex ss.

March 10, 2020

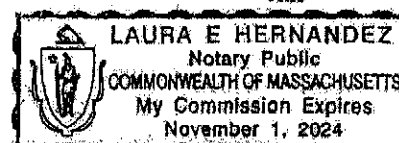
Personally appeared before me the above named Louis Karger
and made oath that the foregoing statement is true.

A certificate issued in accordance with this section shall be in force and effect for four years from the date of issue and shall be renewed each four years thereafter so long as such business shall be conducted and shall lapse and be void unless so renewed. A statement under oath must be filed with the City/Town Clerk upon discontinuing, retiring or withdrawing from such business or partnership. (M.G.L. Chapter 110, s. 5 and Ch. 337 of the Acts of 1985)

My Commission Expires: November 1, 2024

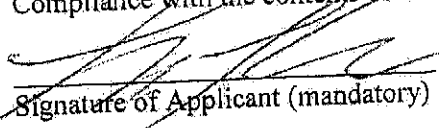
(Seal)

Laura E. Hernandez
Notary Public
Title



Pursuant to MGL Ch. 62C, Sec. 49A:

I certify under the penalties of perjury that I, to the best of my knowledge and belief, have read and am in Compliance with the contents of MGL Chapter 62C, Section 49A (included with this application).


Signature of Applicant (mandatory)

Sira Naturals, Inc. d/b/a "Ayr" - Treasurer
By Corporate Officer (if applicable)

465147723

Either a Social Security Number or
Federal Identification Number Must be
Supplied

3/10/22
Date

This License will not be issued unless this certification clause is signed by the applicant

**News / Administration of Massachusetts
Medical Marijuana Program to Transfer to
Cannabis Control Commission**

Contact

Cedric Sinclair
Director of Communications
857-268-6454

Maryalice Curley
Press Secretary
857-292-4891

Press@CCCMass.Com

**For Immediate Release
December 6, 2018**

**Administrati
of
Massachuset
Medical
Marijuana
Program
to
Transfer
to
Cannabis**

Control Commission

Boston, MA (December 6, 2018): On December 23, 2018, administration and oversight of the Massachusetts Medical Use of Marijuana Program will transfer from the Department of Public Health (DPH) to the Cannabis Control Commission (CCC), a change that is mandated by Massachusetts law, **Chapter 55 of the Acts of 2017, AN ACT TO ENSURE SAFE ACCESS TO MARIJUANA**. The law requires that the transfer take place by December 31, 2018.

During the transition, patients who are currently registered with the Medical Use of Marijuana Program should not experience any substantial change in their service. The only major change expected is the move of administration of the Medical Use of Marijuana Program to a different state agency that also oversees adult-use cannabis in Massachusetts.

“We have worked very hard to put in place an effective, high-quality, and streamlined medical marijuana program that is focused on patient safety and access,” said Public Health Commissioner Monica Bharel, MD, MPH. “We want to assure medical marijuana patients in the Commonwealth that we have worked closely with the CCC and our constituents over the past several months to support a smooth transition of the Program and to ensure that patient access is not impacted by this change.”

DPH has overseen the Medical Use of Marijuana Program since its launch in 2014. Currently, there are 47 Registered Marijuana Dispensaries (RMDs) approved for sales across Massachusetts, serving more than 57,000 patients and more than 7,000 personal caregivers. The 22 staff employed by DPH as part of the Medical Use of Marijuana Program will become employees of the Cannabis Control Commission.

“The upcoming transfer of the Medical Use of Marijuana Program would not have been possible without considerable collaboration between DPH and the CCC,” said CCC Chairman Steven J. Hoffman. “We appreciate the guidance that Commissioner Bharel and her team have provided for many months, and look forward to welcoming Program staff to the CCC who will help us maintain consistent, top-notch care that all Massachusetts patients deserve.”

The program's **website** has been updated with information to answer questions that patients may have about the transfer.

For more details, contact the Medical Marijuana Program Support Center at (617) 660-5370 or by email at **MedicalMarijuana@state.ma.us**. For inquiries related to adult-use cannabis, call (617) 701-8400.

##

Administration of Massachusetts Medical Marijuana Program to
Transfer to Cannabis Control Commission

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725.105: continued

- (6) Procedures to ensure accurate recordkeeping, including inventory protocols;
- (7) Plans for quality control, including product testing for contaminants in compliance with 105 CMR 725.105(C)(2);
- (8) A staffing plan and staffing records in compliance with 105 CMR 725.105(I)(4)(c);
- (9) Emergency procedures, including a disaster plan with procedures to be followed in case of fire or other emergencies;
- (10) Alcohol, smoke, and drug-free workplace policies;
- (11) A plan describing how confidential information will be maintained in accordance with 105 CMR 725.200;
- (12) A description of the RMD's patient education activities in accordance with 105 CMR 725.105(K);
- (13) The standards and procedures by which the RMD determines the price it charges for marijuana, and a record of the prices charged, including the RMD's policies and procedures for the provision of marijuana to registered qualifying patients with verified financial hardship without charge or at less than the market price, as required by 105 CMR 725.100(A)(6);
- (14) Written policies and procedures for the production and distribution of marijuana, which shall include, but not be limited to:
 - (a) Methods for identifying, recording, and reporting diversion, theft, or loss, and for correcting all errors and inaccuracies in inventories;
 - (b) A procedure for handling voluntary and mandatory recalls of marijuana. Such procedure shall be adequate to deal with recalls due to any action initiated at the request or order of the Department, and any voluntary action by an RMD to remove defective or potentially defective marijuana from the market, as well as any action undertaken to promote public health and safety;
 - (c) A procedure for ensuring that any outdated, damaged, deteriorated, mislabeled, or contaminated marijuana is segregated from other marijuana and destroyed. This procedure shall provide for written documentation of the disposition of the marijuana;
 - (d) Policies and procedures for patient or personal caregiver home-delivery; and
 - (e) Policies and procedures for the transfer, acquisition, or sale of marijuana between RMDs.
- (15) A policy for the immediate dismissal of any dispensary agent who has:
 - (a) Diverted marijuana, which shall be reported to law enforcement officials and to the Department; or
 - (b) Engaged in unsafe practices with regard to operation of the RMD, which shall be reported to the Department; and
- (16) A list of all board members and executives of an RMD, and members, if any, of the entity, must be made available upon request by any individual. This requirement may be fulfilled by placing this information on the RMD's website.
- (17) Policy and procedure for the handling of cash on RMD premises including, but not limited to, storage, collection frequency, and transport to financial institution(s).

(B) Cultivation, Acquisition, and Distribution Requirements.

- (1) The following requirements pertain to cultivation of marijuana for medical use:
 - (a) Only an RMD is permitted to cultivate marijuana, with the exception of a registered qualifying patient granted a hardship cultivation registration or that patient's personal caregiver;
 - (b) A cultivation location of an RMD may cultivate marijuana for only that RMD, and up to two additional RMDs under an entity;
 - (c) All phases of the cultivation of marijuana shall take place in designated, locked, limited access areas that are monitored by a surveillance camera system in accordance with 105 CMR 725.110(D)(1)(d) through (i);
 - (d) Application of any pesticide not approved by the Department in the cultivation of marijuana is prohibited. An RMD may label marijuana and MIPS with the word "organic" only if all cultivation is consistent with U.S. Department of Agriculture organic requirements at 7 CFR Part 205;
 - (e) Soil for cultivation shall meet the *U.S. Agency for Toxic Substances and Disease Registry's Environmental Media Evaluation Guidelines* for residential soil levels; and

- (f) The cultivation process shall use best practices to limit contamination, including but not limited to mold, fungus, bacterial diseases, rot, pests, pesticides not approved by the Department, mildew, and any other contaminant identified as posing potential harm.
- (2) An RMD may acquire marijuana from or distribute marijuana to another RMD when:
 - (a) An documented emergency situation occurs such as loss of crop, vandalism, or theft, or other circumstance as approved by the Department; or
 - (b) The distribution and acquisition of marijuana, except MIP's, to and from all other RMDs does not exceed, cumulatively, 45% of the RMD's total annual inventory of marijuana as measured by weight; and
 - (c) The distribution and acquisition of MIPs to and from all other RMDs does not exceed, cumulatively, 45% of the RMD's total annual inventory of MIPs as measured by its dry weight equivalent to marijuana.

(C) Requirements for Handling and Testing Marijuana and for Production of MIPs:

- (1) Except for a registered qualifying patient or personal caregiver, who are not subject to 105 CMR 725.105, only a registered RMD is permitted to produce MIPs. An MIP production facility of an RMD may produce MIPs for only that RMD, and up to two additional RMDs under an entity.
- (2) The RMD is responsible for having all marijuana cultivated by the RMD tested in accordance with the following:
 - (a) Marijuana shall be tested for the *cannabinoid* profile and for contaminants as specified by the Department including, but not limited to, mold, mildew, heavy metals, plant-growth regulators, and the presence of pesticides. The Department may require additional testing;
 - (b) The RMD shall maintain the results of all testing for no less than one year;
 - (c) The RMD must follow established policies and procedures for responding to results indicating contamination as well as:
 - 1. notification within 72 hours by the RMD and the independent testing laboratory separately and directly to the Department on a form prescribed by the Department of any results indicating contamination that cannot be remediated; and
 - 2. submission of any information regarding contamination immediately upon request by the Department.

Such policy shall be available to registered qualifying patients and personal caregivers. Any notifications indicating contamination that cannot be remediated shall include a proposed plan for destruction of contaminated product and assessment of the source of contamination;
 - (d) All testing must be conducted by an independent laboratory that is:
 - 1. Accredited to International Organization for Standardization (ISO) 17025 by a third party accrediting body that is a signatory to the International Laboratory Accreditation Cooperation (ILAC) Mutual Recognition Arrangement; or
 - 2. Certified, registered, or accredited by an organization approved by the Department.
 - (e) The RMD shall arrange for testing to be conducted in accordance with the frequency required by the Department;
 - (f) An RMD must have a contractual arrangement with a laboratory for the purposes of testing marijuana;
 - (g) An executive of an RMD, or a member, if any, of the entity, is prohibited from having any financial or other interest in a laboratory providing testing services for any RMD;
 - (h) No individual employee of a laboratory providing testing services for RMDs may receive direct financial compensation from any RMD;
 - (i) All transportation of marijuana to and from laboratories providing marijuana testing services shall comply with 105 CMR 725.110(E);
 - (j) All storage of marijuana at a laboratory providing marijuana testing services shall comply with 105 CMR 725.105(D); and
 - (k) All excess marijuana must be returned to the source RMD and be disposed of pursuant to 105 CMR 725.105(J).

(M) Reports to the Department. The Department may require ongoing reporting on operational, quality, and financial information in a form and manner determined by the Department.

(N) Prohibitions.

- (1) An RMD may not dispense, deliver, or otherwise transfer marijuana to a person other than a registered qualifying patient or to his or her personal caregiver, to another RMD as specified in 105 CMR 725.105(B)(2), or to a laboratory as specified in 105 CMR 725.105(C)(2).
- (2) An RMD may not acquire marijuana or marijuana plants except through the cultivation of marijuana by that RMD or another RMD as specified in 105 CMR 725.105(B)(2), provided however that an RMD may acquire marijuana seeds, cuttings or genetic plant material. Cuttings or genetic plant material may only be acquired within 90 days of receiving a final certificate of registration, or such other time period approved by the Department and otherwise as authorized under 105 CMR 725.105(B)(2).
- (3) An RMD is prohibited from acquiring, possessing, cultivating, delivering, transferring, transporting, supplying, or dispensing marijuana for any purpose except to assist registered qualifying patients.
- (4) An RMD may not give away any marijuana except as required pursuant to 105 CMR 725.100(A)(6). An RMD may not provide any samples of marijuana.
- (5) An RMD may not receive orders for marijuana in any manner other than from a registered qualifying patient or personal caregiver in-person at the RMD, except in the cases of delivery, in which an order may be received by telephone or through a password-protected, internet-based platform.
- (6) An RMD may not fill orders for marijuana in any manner other than to a registered qualifying patient or personal caregiver in-person at the RMD, except in the case of delivery, in which an order may be delivered only to the primary residence of a registered qualifying patient or personal caregiver or the caregiving institution of a registered qualifying patient. The qualifying patient or caregiver receiving the delivery must who possess a registration card and valid photo identification as required pursuant to 105 CMR 725.105(F)(2).
- (7) An RMD may not sell any products other than marijuana, including MIPs and marijuana seeds, and other products such as vaporizers that facilitate the use of marijuana for medical purposes.
- (8) Consumption of marijuana on the premises or grounds of any RMD is prohibited, provided however that an RMD may administer marijuana for the purposes of teaching use of vaporizers, or demonstration of use of other products as necessary.
- (9) An RMD may not adulterate marijuana, including with psychoactive additives or other illicit substances.
- (10) An RMD may not sell marijuana to a registered qualifying patient with a hardship cultivation registration or to his or her personal caregiver(s), provided however that the RMD may sell seeds to such individuals.

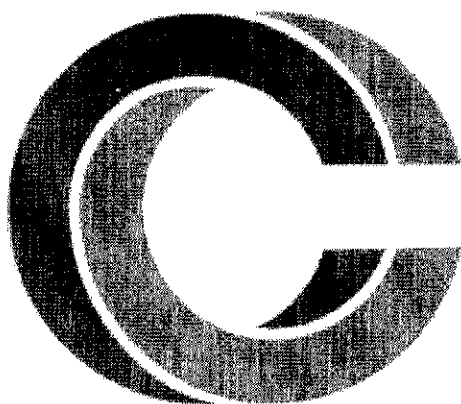
(O) Requirements Upon Expiration, Revocation, or Voiding of Certificate of Registration of RMD.

- (1) If a registration to operate expires without being renewed, is revoked, or becomes void, the RMD shall:
 - (a) Immediately discontinue cultivation and production of marijuana;
 - (b) Weigh and inventory all unused marijuana in all stages of cultivation and all MIPs in any stage of production, and create and maintain a written record of all such items;
 - (c) Dispose of the unused marijuana in accordance with 105 CMR 725.105(J) subsequent to approval by the Department. Such disposal shall be considered to be in the best interests of the general public, and the Department shall not be held liable in any way for any financial or other loss; and
 - (d) Maintain all records as required by 105 CMR 725.105(I)(7).
- (2) If the RMD does not comply with the requirements of 105 CMR 725.105(O)(1), the Department shall have the authority to, at the RMD's expense, secure the RMD, and after a period of 30-calendar days, seize and destroy the inventory and equipment and contract for the storage of RMD records.

MASSACHUSETTS

The state set up the Cannabis Control Commission in 2017. Metrc was contracted the following year, charged with helping the state regulate the cultivation, tracking, transport, testing, and sale of medical and adult-use cannabis and to assist in the creation of what Massachusetts Governor Charlie Baker called the “safe, reliable, legal market.”

GREETING PROGRAM OVERVIEW TRAINING AND INFO VIDEOS RECENT BULLETINS AND RESOURCES



Cannabis
Control
Commission

COMMONWEALTH OF MASSACHUSETTS

MASSACHUSETTS WELCOMES YOU

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The Cannabis Control Commission (CCC) welcomes you to the Massachusetts Metrc webpage. Massachusetts' licensees must utilize the seed-to-sale system to track all marijuana products being cultivated, manufactured, transported, tested, and sold in the Commonwealth.

This portal contains important resources, training, and updates for Marijuana Establishments and their agents. The information and tools provided by Metrc are critical in ensuring that your establishment remains in compliance with the laws and regulations of the state of Massachusetts and the CCC.

We look forward to working with you to ensure a safe, equitable, and effectively run adult use marijuana industry.

CANNABIS CONTROL COMMISSION

EVENTS LOGGED

338771754

NUMBER OF SALES

30009693

PROGRAM OVERVIEW

Partnership Start: November 2018

The Cannabis Control Commission set to work to establish the parameters of the medical and adult-use markets, creating inventory quotas, an economic empowerment program, licensing guidelines, fee structures, and more. Sales of recreational cannabis are subject to a 10.75 percent excise tax, plus the state's normal 6.25 percent sales tax, and an optional local excise tax of up to three percent. Metrc's system tracks cannabis-related products through the point of sale, helping the state reconcile tax obligations. Purchasers pay no taxes on medical marijuana. In 2021, Metrc worked with the CCC to establish the state's first-ever product catalog, listing all the flower, pre-rolls, tinctures, beverages, and edibles sold legally in Massachusetts. The catalog provides valuable assistance to police, parents and regulators identifying licensed products versus those sold on the illicit market.

REGISTER FOR A TRAINING

MA New Business Metrc System Training

March 30, 2022 at 12:00 PM EDT

MA Advanced Retail Metrc System Training

March 31, 2022 at 12:00 PM EDT

MA Advanced Manufacturer Metrc System Training

March 31, 2022 at 10:00 AM EDT

MA Advanced Cultivator Metrc System Training

April 05, 2022 at 12:00 PM EDT

[SEE ALL TRAININGS](#)

QUICK LINKS

[INTEGRATION AND API](#)

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VALIDATED INTEGRATORS

We've made it easier to find licensed businesses in Metrc's validated integrators list. Search and sorting functionality has been added to the system to help users find what they need quickly and easily.

[SEE MASSACHUSETTS' VALIDATED INTEGRATORS](#)

TRAINING VIDEOS



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RECENT METRC BULLETINS FOR MASSACHUSETTS

MA BULLETIN 55:
ITEM CATEGORY
REQUIREMENTS
March 1, 2022

MA BULLETIN 54:
TISSUE CULTURE
PLANT BATCH
TYPE
March 1, 2022

MA BULLETIN 54:
TISSUE CULTURE
PLANT BATCH
TYPE
January 12, 2022

MA BULLETIN 53:
METRC LEARN
AND METRC
KNOWLEDGE
CENTER
March 1, 2022

MA BULLETIN 51:
TRANSFERS OF
IMMATURE
PLANTS TO
RETAILERS
November 17, 2021

MA BULLETIN 50:
NEW FEATURE
RELEASE - SAVE
TABLE
CONFIGURATIONS,
FIXED GRID
HIGHLIGHTING,
UPDATED CSV
GUIDE
October 22, 2021

MA BULLETIN 49:
LAB TEST BATCH
GUIDELINES
UPDATE
October 18, 2021

MA BULLETIN 48:
LAB TEST BATCH
GUIDELINES
October 18, 2021

MA BULLETIN 47:
NEW LAB TEST
BATCH UPDATE,
SOURCE
PRODUCTION
BATCH FIELD
April 9, 2021

MA BULLETIN 46:
NEW LAB TEST
BATCHES UPDATE
July 2, 2021

MA BULLETIN 45:
ITEM CATEGORY
CHANGES
October 27, 2021

MA BULLETIN 44:
EDIT SAVED
TRANSPORTER
INFO,
PRODUCTION
MANAGEMENT
REPORT, AND
UPDATED GUIDES
June 15, 2021

MA BULLETIN 43:
NEW LAB TEST
BATCHES
2021

MA BULLETIN 42:
UPDATE TO
ADULT-USE SALES
DELIVERIES
April 27, 2021

MA BULLETIN 41:
SAME ITEM
FUNCTIONALITY
AND GUIDANCE
ON ITEM

MA BULLETIN 40:
RENAME
HARVEST, DATA
OPTIMIZATION.
REMEDIATION

Translate »

DATE OF
CREATION
March 23, 2021

REVISION
HISTORY, AND
INGREDIENTS
March 10, 2021

MA BULLETIN 39:
404 ERROR
RESOLVED
March 1, 2021

MA BULLETIN 38:
ITEM
REQUIREMENT
DEADLINE
EXTENSION
February 8, 2021

MA BULLETIN 37:
ADDITIONAL ITEM
CATEGORY
GUIDANCE
January 28, 2021

MA BULLETIN 36:
ADDITION OF
NEW ITEM
CATEGORIES
January 20, 2021

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501.050: continued

(c) Tier Expansion. An MTC may submit an application, in a time and manner determined by the Commission, to change the tier in which it is classified. An MTC may change tiers to either expand or reduce production. If an MTC is applying to expand production, it shall demonstrate that while cultivating at the top of its production tier, it has sold 85% of its product consistently over the six months preceding the application for expanded production for an indoor cultivator, or during the harvest season, prior to the application for expanded production for an outdoor cultivator.

(d) Tier Relegation. In connection with the License renewal process for MTC, the Commission will review the records of the MTC during the six months prior to the application for renewal for an indoor cultivator or during the harvest season prior to the application for renewal for an outdoor cultivator. The Commission may reduce the Licensee's maximum Canopy to a lower tier if the Licensee sold less than 70% of what it produced during the six months prior to the application for renewal for an indoor cultivator or during the harvest season prior to the application for renewal for an outdoor cultivator.

(e) Tier Factors. When determining whether to allow expansion or relegate a Licensee to a different tier, the Commission may consider factors including, but not limited to:

1. Cultivation and production history, including whether the plants/inventory suffered a catastrophic event during the licensing period;
2. Transfer, sales, and excise tax payment history;
3. Existing inventory and inventory history;
4. Sales contracts; and
5. Any other factors relevant to ensuring responsible cultivation, production, and inventory management.

(3) Product Manufacturing Operations. An MTC may perform manufacturing operations only at the address approved to do so by the Commission. At the Processing location, MTCs may obtain, Manufacture, Process and package Marijuana Products, to transport Marijuana Products to MTCs and to Transfer Marijuana Products to other MTCs, but not to Patients.

(4) Dispensing Operations.

(a) An MTC may perform dispensing operations only at the address approved to do so by the Commission. At the dispensing location, the MTC may purchase and transport Marijuana Products from MTCs and transport, sell, Repackage or otherwise transfer Marijuana Products to MTCs and to Registered Qualifying Patients.

(b) MTCs may perform home deliveries to Registered Qualifying Patients or Personal Caregivers from their dispensing location if approved by the Commission to do so. An MTC shall only deliver to an Institutional Caregiver at their Caregiving Institution.

501.052: Independent Testing Laboratories

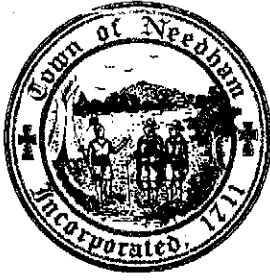
(1) An Independent Testing Laboratory shall apply for licensure in the manner prescribed in 935 CMR 500.101: *Application Requirements*.

(2) The Commission will accept certificates of registration for Independent Testing Laboratories validly issued prior to the Program Transfer. A certificate will remain valid until the certificate expires or the laboratory is licensed pursuant to 935 CMR 500.101: *Application Requirements*, whichever occurs first.

(3) An Independent Testing Laboratory may not cultivate Marijuana.

(4) An Independent Testing Laboratory may not possess, transport or Process Marijuana other than that necessary for the purposes of testing in compliance with 935 CMR 500.000: *Adult Use of Marijuana* and 935 CMR 501.000. Laboratories registered prior to the Program Transfer and that have not been licensed pursuant to 935 CMR 500.101: *Application Requirements*, are limited to possessing, transporting or Processing Marijuana for the purposes of testing in compliance with 935 CMR 501.000.

(5) An Executive or Member of an MTC is prohibited from being a Person or Entity Having Direct or Indirect Control in an Independent Testing Laboratory providing testing services for any MTC, except as otherwise provided in 935 CMR 501.200.



PLANNING & COMMUNITY DEVELOPMENT
PLANNING DIVISION

MEMORANDUM

TO: Dave Roche, BUILDING COMMISSIONER
FROM: PLANNING DEPARTMENT *AC*
DATE: June 23, 2022
SUBJECT: Required parking
Sira Naturals, Inc. dba Ayr, formerly Sage Naturals
Property located at 29-37 Franklin Street, Needham, MA

The Planning Board is in receipt of a letter dated June 7, 2022, from Robert Smart, Attorney, requesting the Board's recommendation as to the number of parking spaces that should be required for the above-named medical marijuana facility, after proposed changes to operation (namely, the elimination of the by-appointment requirement, all as further described in the attachments). Upon review of the parking requirement for the above-named project, and after receiving the recommendations of the Department of Public Works (DPW) on the matter, the Board recommends a total number of required parking spaces of 18 spaces. The Planning Board's recommendation of 18 spaces was based upon the applicant's representation, as described in the letter from Robert Smart, Attorney, dated June 7, 2022, as well as a review of the following materials:

1. Memorandum from Scott W. Thornton, Vanasse & Associates, Inc., dated June 7, 2022, regarding traffic and parking assessment.

DPW's recommendation is that the use requires 18 parking spaces, and such recommendation relies on the information provided by the applicant. See letter directed to Planning Board, from Thomas Ryder, Town Engineer, dated June 16, 2022.

Accordingly, the Board voted to recommend a parking requirement total of 18 parking spaces contingent upon the property being used as described in the materials provided and detailed above (copies enclosed).

Should you have any questions regarding this matter, please feel free to contact me directly.

cc: Carys Lustig - DPW
Tom Ryder - TOWN ENGINEER
Robert Smart, Attorney



**TOWN OF NEEDHAM, MASSACHUSETTS
PUBLIC WORKS DEPARTMENT
500 Dedham Avenue, Needham, MA 02492
Telephone (781) 455-7550 FAX (781) 449-9023**

June 16, 2022

Needham Planning Board
Public Service Administration Building
Needham, MA 02492

RE: Sira Naturals, Inc. (formerly Sage Naturals)
Required Parking

Dear Members of the Board:

The Department of Public Works has completed its review of the above referenced request for a parking requirement determination. The applicant is proposing to amend the 2017 Special Permit, to change the operations of the facility to remove the limitation of the site's "appointment only", expand the sales positions, and expand delivery services.

The review was conducted in accordance with the Planning Board's regulations and standard engineering practice. The documents submitted for review are as follows:

1. Letter directed to Planning Board, from Attorney Robert T Smart Jr., Esq. dated June 7, 2022.
2. Letter directed to Planning Board, from Scott W Thornton, PE Vanasse & Associates, Inc. dated June 7, 2022 with attached parking study report.

Our comments and recommendations are as follows:

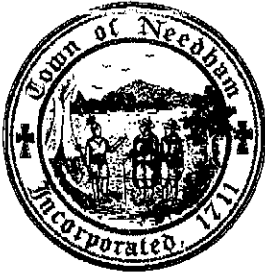
We agree with the conclusion that the facility's 18 spaces, plus the available on street parking, and the noted home delivery services proposed will be sufficient to accommodate the anticipated increase in parking demand.

If you have any questions regarding the above, please contact our office at 781-455-7538.

Truly yours,

Sincerely,

Thomas A Ryder
Town Engineer



PLANNING & COMMUNITY DEVELOPMENT
PLANNING DIVISION

MEMO

TO: Carys Lustig - DPW
Tom Ryder - TOWN ENGINEER

FROM: PLANNING BOARD *AC*

DATE: June 9, 2022

SUBJECT: Required parking
Sira Naturals, Inc. dba Ayr, formerly Sage Naturals
Property located at 29-37 Franklin Street, Needham, MA

The Planning Board is in receipt of a memo dated June 7, 2022, from Robert Smart, Attorney, requesting the Board's recommendation as to the number of parking spaces that should be required for the above-named medical marijuana facility, after proposed changes to operation (namely, the elimination of the by-appointment requirement, all as further described in the attachments). Please review the attachments and provide the Board with a recommendation as to the number of parking spaces that should be provided for this use based on the expected parking needs of occupants, users, and employees. As the parking generation requirements for this use are not studied in the Institute of Traffic Engineers Parking Generation Manual, you will need to select an alternative technical source in making your recommendation to the Board.

Accordingly, please find attached:

1. Letter form Robert T. Smart, Attorney, dated June 7, 2022.
2. Memorandum from Scott W. Thornton, Vanasse & Associates, inc., dated June 7, 2022, regarding traffic and parking assessment.

The Planning Board has scheduled this item for discussion on Tuesday, June 21, 2022, and would appreciate receiving your written comments prior to that meeting (and ideally by Wednesday June 22, 2022).

Should you have any questions regarding this matter, please feel free to contact me directly, Thank you for your cooperation.

ROBERT T. SMART, JR., ESQ.

ATTORNEY AT LAW

399 CHESTNUT STREET

NEEDHAM, MASSACHUSETTS 02492

TEL (781) 444-9344 FAX (781) 449-0242

E-MAIL bob@robertsmart.net WEBSITE www.robertsmart.net

June 7, 2022

BY HAND DELIVERY, AND ELECTRONIC MAIL

Needham Planning Board
500 Dedham Avenue
Needham, MA 02492
Attn: Lee Newman, Planning Director

Re: Sira Naturals, Inc. d/b/a Ayr, formerly Sage Naturals, Inc.
Application for Amendments to June 13, 2017 Special Permit
29-37 Franklin Street, Needham, MA

Dear Members of the Board:

I represent Sira Naturals, Inc., d/b/a Ayr (hereinafter "Sira"), of 300 Trade Center, Suite 7750, Woburn, MA 01801, formerly known as Sage Naturals, Inc. (hereinafter "Sage"), which is currently operating a medical marijuana facility at 29-37 Franklin Street, Needham, MA. Sira intends to file an application in July of 2022 to amend the 2017 special permit which was granted by Planning Board.

The amendments to be proposed will include several operational changes: (a) removal of the "appointment only" limitation, (b) allowing sales of marijuana products in addition to those cultivated and processed at Sira's Milford facility, (c) allowing an increase in the maximum number of sales stations from five to seven, and (d) allowing delivery vans to be garaged overnight in a locked building at the Needham facility, rather than requiring them to be garaged in Milford.

Members of the Sira team and I met in April of 2022 with Lee Newman and Alexandra Clee, to discuss the upcoming application. They suggested that we conduct a traffic and parking analysis, to determine the parking demand which the revised operations would generate. Further, they suggested that the analysis be submitted by June 7, 2022, so the Board could obtain input from the Department of Public Works, in advance of the Board's meeting on June 21st. Finally, they suggested that the Board could consider and vote on the applicable parking demand standard at its June 21, 2022 meeting.

Accordingly, I enclose two copies of a June 7, 2022 letter from Scott Thornton, of Vanasse and Associates, Inc., which provides the required traffic and parking analysis. Scott's letter includes copies of the Sira data which he reviewed in order to conduct his analysis.

Please let me know if any additional materials are needed from Sira, and confirm that Sira's parking demand determination will be conducted by the Planning Board at its June 21, 2022 meeting.

Thank you for your consideration.

Very truly yours,



Robert T. Smart, Jr.

Cc: Sira Naturals, Inc.
Scott Thornton

Ref: 9320

June 7, 2022

Needham Planning Board
500 Dedham Avenue
Needham, MA 02492

Re: Proposed Operations Changes to Sira Naturals
Needham, Massachusetts

Dear Members of the Board:

As requested by Sira Naturals, Vanasse & Associates, Inc. (VAI) has prepared this traffic and parking assessment of proposed operations changes for the Sira Naturals facility located at 29-37 Franklin Street in Needham. These operations changes consist of the following:

- removal of the appointment-based system for patients,
- expansion to provide an increase in the number of sales positions from 5 to 7, and
- expanded delivery service.

To assess the traffic and parking implications of these changes, VAI conducted parking counts and a review of transaction data from the existing Needham facility as well as from the Sira facility located at 240 Elm Street in Somerville, Massachusetts. Our findings are that the proposed removal of the appointment basis for patients is likely to result in a modest increase in transaction activity; however, there exists sufficient parking on site to accommodate this increase. In addition, we have assumed an increase in sales activity based on the additional sales positions to provide a conservative treatment of the analysis, although this is likely to speed processing time of transactions rather than increase the number of transactions. Finally based on information provided by Sira, a 10% reduction in on-site transactions is expected with the expansion of home deliveries. The net result of these changes is that while an increase in activity is expected on-site, the on-site parking capacity can accommodate the anticipated increase. Should additional parking be required, a review of on-street parking demand on Franklin Street that was also conducted indicates that there are sufficient spaces on Franklin Street to provide additional parking capacity if required.

PROJECT DESCRIPTION

The Sira Naturals site is a Medical Cannabis Facility. The facility is open seven (7) days a week from 10:00 AM to 8:00 PM and currently operates on an appointment basis only. Based upon information provided by the proponent, the site can accommodate up to 200 patients per day but typically services half or less on a given weekday, with fewer patients typically on Saturday and Sunday. Currently the number of employees on site total eight (8) including five (5) sales associates, two (2) security officers, and one manager. The project site is situated on the east side of Franklin Street, north of Highland Avenue. Access to the project site is provided by way of Wexford Street that intersects Highland Avenue from the north while Franklin Street intersects Wexford Street from the west. A total of 18 parking spaces are on-site and accommodate eight (8) staff spaces and ten (10) patient spaces. In addition, Franklin Street permits on-street parking, with approximately 18 available spaces not reserved by other entities on Franklin Street.

PREVIOUS TRAFFIC STUDY

VAI prepared a traffic study in 2017 for the facility which reviewed traffic generation and parking impacts of the proposed project. Additional items of study included area intersection counts, projections of future conditions, and level-of-service (LOS) analyses of the following locations:

1. Highland Avenue at Wexford Street
2. Wexford Street at Franklin Street

The 2017 study estimated traffic at the proposed facility by counting The Garden Remedies facility located at 697 Washington Street in Newton. At that time, Garden Remedies was a similar appointment only facility, which could service up to five (5) patients at a time. The Garden Remedies facility was monitored for customer counts on Wednesday, December 21, 2016 between the hours of 11:00 AM and 2:00 PM and 5:00 and 8:00 PM to determine midday and evening traffic generation. A summary of the peak counts is presented in Table 3. The project was expected to result in the vehicle trips noted in Table 1 below.

Table 1
INITIAL TRIP-GENERATION SUMMARY

Time Period/Direction	Trips Generated
<i>Evening Peak Hour:</i>	
Entering	11
<u>Exiting</u>	<u>11</u>
Total	22
<i>Midday Peak Hour:</i>	
Entering	15
<u>Exiting</u>	<u>15</u>
Total	30

In general, operations at these locations were not expected to change as a result of the project traffic, with no changes in LOS due to the addition of the project trips.

In addition, the 2017 study included a parking accumulation survey of Franklin Street conducted during a typical weekday in December between the hours of 11:00 AM and 2:00 PM and between 5:00 and 8:00 PM, as these were expected to be the peak time periods of the facility. The survey indicated that the peak demand was 14 spaces (12:15 PM, 12:30 PM and 2:00 PM) between 11:00 AM and 2:00 PM and seven spaces (5:00 PM) between 5:00 and 8:00 PM with on-street spaces available throughout the study period. This survey indicated that sufficient on-street parking supply was available on Franklin Street should it be occasionally required, but the on-site supply was expected to provide sufficient capacity for the project.

It should be noted that currently, the U-Do-It Electronics store has reserved 6 spaces for their customer parking across from the Sira Naturals site. This reduces the available 24 space total on-street supply to 18 spaces.



CURRENT STATUS

Removal of Appointment-Only Basis

Sira is proposing changes to their Needham operations in order to make them consistent with other area medical cannabis facilities. With the increase in the number of medical facilities, as well as in the number of adult retail cannabis facilities, demand at individual facilities and Sira's Needham facility in particular has declined. Most facilities have eliminated appointment-only operations. This system was required at many locations in order to manage the expected customer traffic and not overwhelm a store's capacity to process patient demand. However, Sira has determined that this system is no longer necessary and may in fact hamper their ability to compete with other similar stores that do not have a similar requirement and are easier for patients to do business with.

To address concerns raised during the COVID pandemic, Sira voluntarily operated its Somerville facility under an appointment-only basis for a limited time. This facility was able to return to a non-appointment basis in July 2021. This experience allows Sira to provide transaction data with both appointment-based operations and post-appointment-based operations. This data indicates a minor increase in transactions with the removal of the appointment system. Sira provided data to VAI for the month of April for both 2021 (appointment) and 2022 (non-appointment) for a review of the most recent time period comparison. This data is summarized in Table 2 below.

Table 2
NON-APPOINTMENT/APPOINTMENT TRANSACTION COMPARISON*

Time Period	April 2021 Data (Appointment)	April 2022 Data (Non-Appointment)	Increase (Decrease), percent
<i>Weekday Total</i>	6,124	7,049	15.1
<i>Weekend Total</i>	2,307	2,169	(6.0)

*Based on data provided by Sira for their Somerville store.

As shown in Table 2, the data indicates an increase in weekday transactions for the non-appointment basis operations compared to the appointment-only operations. Although a decrease was noted in the weekend operations, this is not pertinent to this discussion as the Needham facility has a higher activity during the weekday conditions than weekends; therefore, the weekend data above is not being used in future analysis.

Additional Sales Clerks

Sira is also proposing up to two additional sales clerks at their Point of Sale (POS) locations. Currently the facility has a maximum of five (5) sales clerks on site in order to accommodate the existing demand. However, to accommodate an expected increase in demand and to increase the pace of transactions so that duration of parking space use is minimized, the two additional POS locations are proposed. With a total of 7 POS locations and assuming 15 minutes per transaction, approximately 28 transactions per hour could be processed. However, Sira indicates that transactions take at most 15 minutes, with most requiring between 5 and 10 minutes. Transaction data from May 25, 2022 at the Needham facility indicated approximately 8 minutes between transactions over the course of the day. The additional sales clerks can accommodate additional transactions as needed and are not expected to create an increase in business. However, an



increase due to the additional clerks was in fact assumed, to provide a conservative treatment of project traffic changes.

Increased Home Deliveries With Change in Van Storage Requirement

Sira's special permit allows home deliveries, but contemplates only one delivery van, and requires that delivery van to be housed overnight in Milford. These requirements make home delivery from the Needham facility impractical. Sira is proposing to house up to two delivery vans overnight in its garage in Needham. There is ample room in the garage for this. Based on its experience at other facilities, Sira expects that the proposed changes will account for up to a 10 percent decrease in on-site transactions. These transactions would be made through online order with vehicles making deliveries to patients. The vehicles would be loaded at the beginning of the day for deliveries and could return in the off-peak times between 2:00 PM and 5:00 PM or at the close of business after 8:00 PM. These vehicles would result in fewer patients' vehicles coming to the store. Accordingly, a 10 percent reduction in on-site transactions was incorporated into site traffic calculations.

Trip Calculations

Trip estimates were calculated based on the proposed changes to the Needham facility. The starting point was the transactional data provided by Sira for a representative weekday (May 25, 2022) at the Needham facility for the midday (11:00 AM to 2:00 PM) period and the evening (5:00 to 8:00 PM) period. This data was then adjusted as follows:

- Increased 35 percent to account for an average weekday number of transactions based on April 2022 data,
- Increased 15.1 percent to account for removal of appointment basis,
- Increased by 40 percent to account for additional POS positions,
- Adjusted the three-hour data to average hour and then incorporated a 40 percent peaking factor to account for peak-hour parking demands within the three-hour window of transactions provided,
- Decreased by 10 percent to account for reductions in on-site transactions due to delivery service.

For simplicity of calculations, no sharing of vehicles or reduction due to mode split was assumed, so that the transactions were assumed to equal vehicle trips. The resulting trips are shown in Table 3.



Table 3
TRIP-GENERATION SUMMARY

Time Period/Direction	5/25/2022 Current Transactions	Adjusted to Monthly Weekday Average ^a	Adjusted for Removal of Appointment Basis ^b	Adjusted for Increase in Sales Positions ^c	Average Hourly Distribution ^d	Peak Hour Distribution ^e	Reduction due to Delivery ^f
Weekday Midday							
11AM-2PM (3 hours)							
Entering	19	26	30	42	14	20	18
Exiting	19	26	30	42	14	20	18
Total	38	52	60	84	28	40	36
Weekday Evening							
5PM-8PM (3 hours)							
Entering	26	36	42	59	20	28	26
Exiting	26	36	42	59	20	28	26
Total	52	72	84	118	40	56	52
Daily							
Entering	75	101	117	164	--	--	--
Exiting	75	101	117	164	--	--	--
Total	150	202	234	328	--	--	--

^aBased on transaction data for Needham month of April 2022 indicating 101 average transactions per weekday

^bBased on review of Somerville data indicating a 15% increase in transactions following lifting of appointment basis (1.15 factor applied)

^cBased on increase from 5 positions to 7 positions (140 percent increase)

^dDivided 3-hour ranges by 3 to derive average hour over period

^eAssumed peaking based on difference between average parking demand and 85th percentile parking demand (140 percent increase)

^fBased on 10% reduction as noted by Sira staff

As shown in Table 3, the proposed changes have the net result of transactions/trips similar to what was identified in the 2017 traffic study. This is shown in Table 4.

Table 4
TRIP-GENERATION COMPARISON

Time Period/Direction	Initial Trips Estimated (2017)	Current Trips Estimated (2022)
<i>Midday Peak Hour:</i>		
Entering	15	18
<u>Exiting</u>	<u>15</u>	<u>18</u>
Total	30	36
<i>Evening Peak Hour:</i>		
Entering	11	26
<u>Exiting</u>	<u>11</u>	<u>26</u>
Total	22	52

Increases are expected during both time periods, with the weekday evening peak hour time period expected to experience a higher increase than the weekday midday peak hour period. However, this is expected over a one-hour basis, and with transactions likely to average 10 minutes or less, parking supply is expected to meet demand, as shown in the following section.

PARKING ANALYSIS

Parking counts were conducted at the Needham facility on May 25, 2022. Counts were conducted during the periods identified previously (11:00 AM to 2:00 PM and 5:00 to 8:00 PM) and accounted for parking on-site and on-street. A total of 18 parking spaces are on-site and accommodate staff and patient parking, while Franklin Street accommodates 24 parking spaces. However, 6 of the Franklin Street spaces are signed for U-Do-It Electronics customer use only; therefore, these spaces were not included in calculations. These spaces are shown on Figure 1.

The results of the parking accumulation survey are shown in Figure 2 for on-site spaces and Figure 3 for off-site spaces. Figure 2 indicates the maximum parking demand during the midday time period was 9 spaces or 50 percent utilization while the maximum parking demand during the evening time period was 7 spaces, or 39 percent utilization. This included staff vehicles.

Figure 3 indicates the maximum parking demand on Franklin Street was 14 spaces during the midday time period or 78 percent utilization while the maximum parking demand during the evening time period was 10 spaces or 56 percent utilization, without including the 6 U-Do-It spaces. It should be noted that the maximum utilization was observed between 5:00 and 5:15 and after that interval the maximum demand decreased to 8 spaces or 50 percent.

The transaction data from May 25, 2022 indicated approximately 8 minutes between transactions over the course of the day. A 10-minute transaction time would allow each of the 10 spaces reserved for patients to turn over 6 times, for an average capacity of 60 vehicles to be parked. Since a maximum of 26 transactions are expected during the evening peak hour time period, this would leave sufficient capacity for the patients

Traffic and Parking Memorandum - Site Natural - Needham, Massachusetts

Legend:

- On Site = 18 Parking Spaces
- Off Site = 18 Parking Spaces
- Total = 36 Parking Spaces

5 SPACES

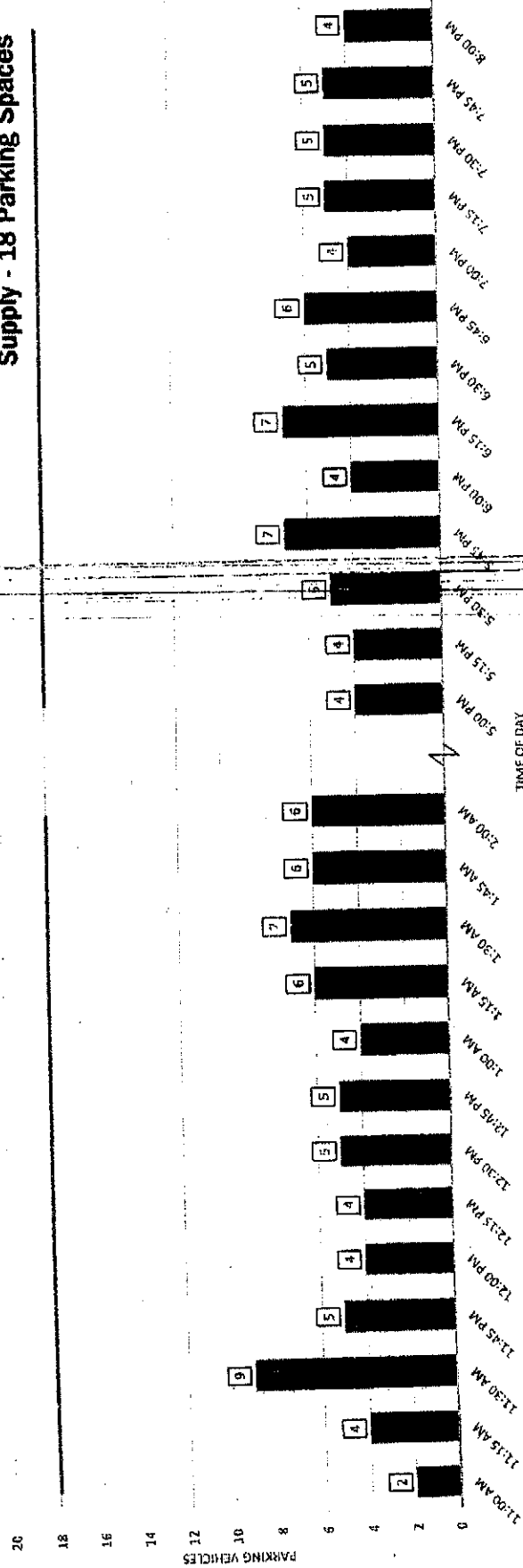
FRANKLIN STREET

13 SPACES



Figure 1
Parking Inventory

Supply - 18 Parking Spaces



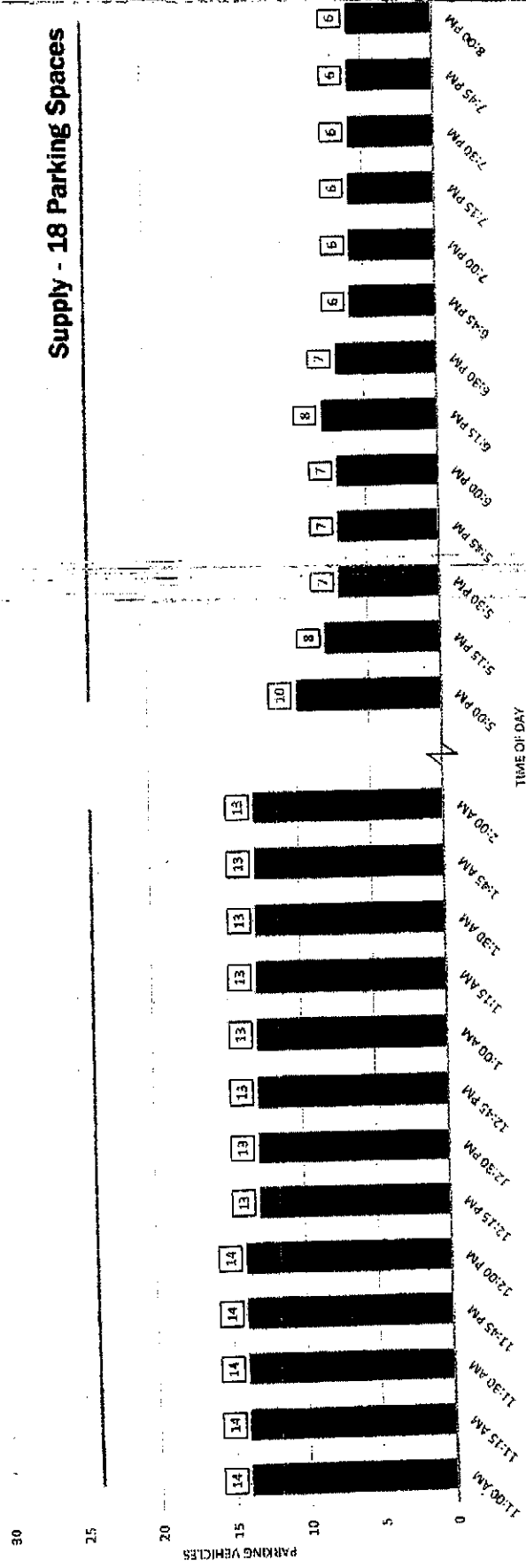
Source: VAI Survey

Figure 2

Parking Demand Study
On-Site Spaces
Wednesday, May 25, 2022

VAI Vanasse &
Associates inc

Supply - 18 Parking Spaces



Source: VAI Survey

Figure 3

Parking Demand Study
Off-Site Spaces
Wednesday, May 25, 2022

VAI Vanasse & Associates inc

to park their vehicles on-site. In addition, during the evening there would be between 8 and 10 available spaces on Franklin Street available for use.

CONCLUSION

VAI has conducted a traffic and parking assessment of the changes proposed for the Sira Naturals Medical Cannabis Facility located at 29-37 Franklin Street in Needham, Massachusetts. Based on the proposed changes of removal of appointment-only service, an increase in the sales positions from 5 to 7, and a decrease in on-site transactions due to expanded delivery service, an overall increase in on-site activity is expected. However, the on-site parking capacity can accommodate the anticipated increase. Should additional parking be required, a review of on-street parking demand on Franklin Street indicates that there are sufficient spaces on Franklin Street to provide additional parking capacity if required.

Sincerely,

VANASSE & ASSOCIATES, INC.



Scott W. Thornton, P.E.
Principal

cc: D. Packnett, Sira Naturals, Inc. d/b/a "Ayr"
R. Smart, Esq.
File

Enclosures: Technical Appendix



APPENDIX

**TRANSACTION DATA
PARKING COUNTS
TRIP GENERATION CALCULATIONS**



Day	2022	Column2	2022 Som Trans	2021	Day of Week 22	2021 Som Trans	Day of Week Needham	Needham 4/2022:
1	4/1/2022	Thu	271	271	4/1/2021	Wed	269	121
2	4/2/2022	Fri	278	278	4/2/2021	Thu	332	96
3	4/3/2022	Sat	214	214	4/3/2021	Fri	342	92
4	4/4/2022	Sun	214	214	4/4/2021	Sat	240	101
5	4/5/2022	Mon	208	208	4/5/2021	Sun	215	106
6	4/6/2022	Tue	231	231	4/6/2021	Mon	290	91
7	4/7/2022	Wed	227	227	4/7/2021	Tue	283	106
8	4/8/2022	Thu	409	409	4/8/2021	Wed	298	114
9	4/9/2022	Fri	353	353	4/9/2021	Thu	380	103
10	4/10/2022	Sat	372	372	4/10/2021	Fri	313	97
11	4/11/2022	Sun	268	268	4/11/2021	Sat	316	83
12	4/12/2022	Mon	264	264	4/12/2021	Sun	206	118
13	4/13/2022	Tue	299	299	4/13/2021	Mon	220	75
14	4/14/2022	Wed	376	376	4/14/2021	Tue	250	108
15	4/15/2022	Thu	486	486	4/15/2021	Wed	259	107
16	4/16/2022	Fri	441	441	4/16/2021	Thu	384	103
17	4/17/2022	Sat	331	331	4/17/2021	Fri	384	60
18	4/18/2022	Sun	295	295	4/18/2021	Sat	299	70
19	4/19/2022	Mon	389	389	4/19/2021	Sun	273	92
20	4/20/2022	Tue	584	584	4/20/2021	Mon	496	108
21	4/21/2022	Wed	386	386	4/21/2021	Tue	177	88
22	4/22/2022	Thu	451	451	4/22/2021	Wed	191	81
23	4/23/2022	Fri	377	377	4/23/2021	Thu	282	93
24	4/24/2022	Sat	349	349	4/24/2021	Fri	204	79
25	4/25/2022	Sun	176	176	4/25/2021	Sat	209	73
26	4/26/2022	Mon	139	139	4/26/2021	Sun	237	92
27	4/27/2022	Tue	170	170	4/27/2021	Mon	239	97
28	4/28/2022	Wed	191	191	4/28/2021	Tue	232	90
29	4/29/2022	Thu	263	263	4/29/2021	Wed	251	116
30	4/30/2022	Fri	256	256	4/30/2021	Thu	360	111

Row Labels	Sum of 2022 Som Trans	Sum of 2021 Som Trans	Rate of Increase/Decrease
Sun	903	1064	-15.1%
Mon	1000	931	7.4%
Tue	1284	1245	3.1%
Wed	1180	942	25.3%
Thu	1880	1268	48.3%
Fri	1705	1738	-1.9%
Sat	1266	1243	1.9%
Grand Total	9218	8431	9.3%
Weekday Total	7,049.0	6,124.0	15.1%
Weekend Total	2169	2307	-6.0%

Row Labels	Sum of Needham 4/2022:	Average of Needham 4/2022: 2	Count of Needham 4/2022: 2
Sun	327	81.75	4
Mon	408	102	4
Tue	371	92.75	4
Wed	392	98	4
Thu	542	108.4	5
Fri	506	101.2	5
Sat	328	82	4
Grand Total	2874	95.8	30
Total of weekday customers	2219		
Average customers	100.8636364		
with 15.1% increase	116.0985912		

SEAL

CONSULTANT

PROJECT

SIRA
NATURALS
NEEDHAM

29 FRANKLIN STREET
NEEDHAM, MA 02494

PREPARED FOR

Sira Naturals, Inc.

300 Trade Center

Suite 7700
Woburn, MA 01801

DRAWING TITLE

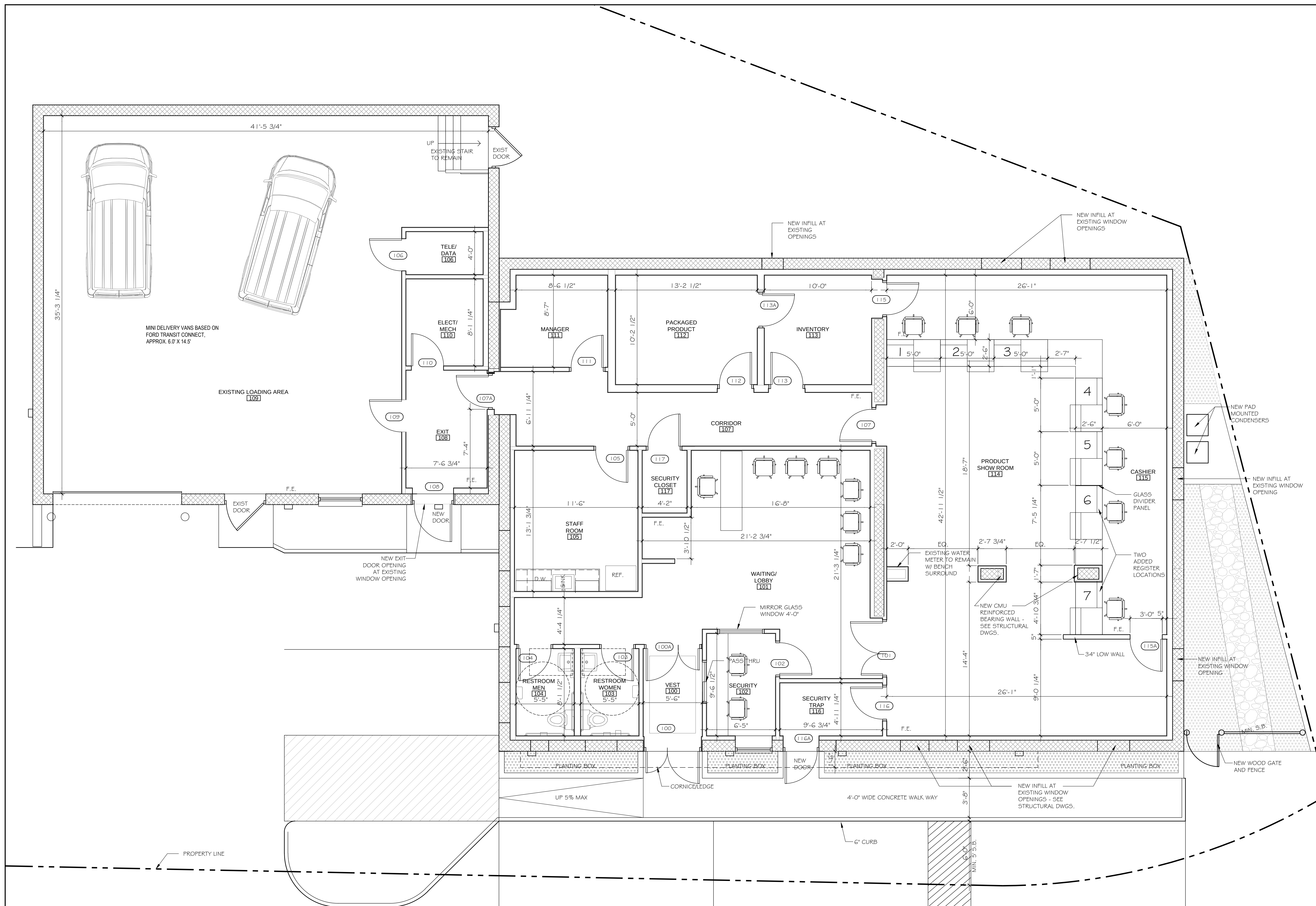
FIRST FLOOR PLAN
UPDATE 7-21-22

SCALE AS NOTED

REVISION / ISSUE	DATE
PROPOSED PLAN UPDATES	21 JUL. 2022
PROPOSED PLAN UPDATES	22 APR. 2022
AS BUILT PLAN	02 JAN. 2018
PERMIT SET	07 JUN. 2017
DRAWN BY AMF	REVIEWED BY PQ

SHEET

A1.1



1 FLOOR PLAN
SCALE: 1/4" = 1'-0"