



BOARD OF ZONING APPEALS

126 W. High St. | Hancock, MD 21750 | 301-678-5622

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Appeal for Special Exception

Appeal is hereby made for a special exception under the Town of Hancock Zoning Ordinance as follows:

Location 266 N Pennsylvania Avenue, Hancock, MD 21750 - Washington County Parcel No. 05008301

Appellant's present legal interest in above property: (Check One)

Owner (Including Joint Ownership) Lessee Contract to rent/lease

Contract to Purchase Other _____

Use Proposed: Licensed cannabis processing facility as permitted under State of Maryland law

Zoning Ordinance section and subsection(s) providing for proposed use: Section 409, Subsection B, Paragraph 12

If this filing is functionally similar to a principal permitted use or special exception use, please list the use and describe the use similarities:

Provide Detailed Explanation on Separate Sheet

Has any previous petition or appeal involving this property been made to the Board?

Yes No

Additional comments, if any: See attached Exhibit A

I hereby certify that I have, to the best of my knowledge, accurately supplied the information required for the above referenced appeal.

Signature of Appellant

120 N 44th Street, Suite 410, Phoenix, AZ 85034
Address of Appellant

jfrancoeur@storypartners.com
Email of Appellant

951-234-1305
Phone Number of Appellant

This appeal form is to be used to assist the customer in gathering information. Additional information including drawings, renderings, etc. may be required at the discretion of the Town Manager.

EXHIBIT A

(Special Exception Application Narrative)



Seven Points Agro-Therapeutics, LLC
120 N 44th Street, Suite 410
Phoenix, AZ 85034
Attn: Jesse Francoeur

May 15, 2024

Town of Hancock
126 W. High Street
Hancock, MD 21750
Attn: Board of Zoning Appeals

Re: Appeal for Special Exception: Special Exception Use Approval
266 N Pennsylvania Avenue, Hancock, MD 21750
Washington County, MD Parcel No. 05008301

Introductory Statement:

In June 2014, HB881 was signed into law, which legalized medical cannabis in the State of Maryland. The subsequent program, known as the Natalie M. LaPrade Maryland Medical Cannabis Commission (MMCC), instituted a framework by which companies licensed through the state could produce, distribute and dispense medical cannabis under a strict set of state-mandated guidelines. Ultimately, the program began regulating medical cannabis sales in 2017 after several additional bills were passed in 2014 and 2016, which decriminalized cannabis possession and permitted the possession of paraphernalia commonly used in the consumption of cannabis. In 2023, HB556/SB516, also known as the Cannabis Reform Act, was passed by the State of Maryland Legislature. The Cannabis Reform Act legalized adult use of cannabis in Maryland as of July 1, 2023.

In December 2007, the Town of Hancock (the “Town” or “Hancock”) instituted The Town of Hancock Zoning Ordinance (the “Zoning Code”) to regulate and restrict land use-related matters within the corporate jurisdiction of the Town. The Zoning Code, as may be amended, remains in effect as of the date of filing this Application.

Request:

Seven Points Agro-Therapeutics, LLC, a Maryland limited liability company (referred to herein as “Story”) is a licensed cannabis processor requesting special exception use approval under the Appeal for Special Exception Application (“Application”) pursuant to the Zoning Code to locate and operate a licensed cannabis processing facility (“Proposed Facility”) from the property commonly known as 266 N Pennsylvania Avenue, Hancock, MD 21750 and identified as Washington County, MD Parcel No. 05008301 (“Property”). An [aerial map](#) is included at the top of page 2 of this Application, showing the Proposed Facility located on the Property. Story has filed this Application in reliance with the Town’s Zoning Code and the Application.

The lot of the Property where the Proposed Facility will be located is approximately 5 acres in size.

2. No building area shall be less than 100 feet from any lot line.

The building where the Proposed Facility will be located has the following measured distances from the nearest exterior wall to the adjacent lot lines:

- a. Western side of building: 0 linear feet to Pennsylvania Avenue (no parcel no. assigned)
- b. Northern side of building: 251 linear feet to Washington County Parcel No. 05023513
- c. Eastern side of building: 136 linear feet to Washington County Parcel No. 05020077
- d. Southern side of building: 132 linear feet to Washington County Parcel No. 05020077

The Proposed Facility abides by all distance standards of this requirement aside from the western facing portion of the Proposed Facility; however, according to Town Staff, since the building where the Proposed Facility is to be located is an existing structure and has been less than 100 feet from the western lot line since the inception of the Zoning Code, this would be considered a vested non-conforming structure and the standard would not apply to the Proposed Facility under this Application.

3. Activities shall be carried on in completely enclosed buildings. Storage may be permitted out-of-doors, but shall be effectively screened by a solid, uniformly finished wall or fence or substantial landscaping with an initial height of 5 feet. Parking of licensed vehicles with a rated capacity under 1.5 tons are not required to be screened.

All activities at the Proposed Facility will occur within the completely enclosed building currently erected on site. There will be no exterior storage, and should Story utilize the Proposed Facility for permanent parking of any vehicles that are rated over 1.5 tons, Story will construct fencing or install landscaping with an initial height of 5 feet that will effectively screen such vehicles from the exterior of the lot lines of the Property.

4. Applicants must show that industrial uses comply with the following standards:

- a. Emit no obnoxious, toxic or corrosive fumes or gas except for those produced by internal combustion engines under design operating conditions.

The Proposed Facility will not make use of any internal combustion engines.

- b. Emit no odorous gases or other odorous matter in such quantities as to be perceptible at or beyond any point on the lot boundaries.

The Proposed Facility will strictly be used for the manufacturing and processing of marijuana-related biomass as well as packaging, storing, and distribution of such goods. There will be no cultivation-related activities occurring at the Proposed Facility, which are the primary activities that emit the highest, detectable levels of odor from the exterior of such facilities. The Proposed Facility will make use of a closed loop heating and cooling system along with carbon filters, which will reduce the smell of any internal processes to a level that is not detectable from the exterior of the lot lines of the Property where the Proposed Facility is to be located. These systems will not be exhausting any air from the building, and Applicant will utilize filtering with carbon filters

to remove flavonoids and will install air purifiers in specific areas of the Proposed Facility where open product will be present.

- c. Emit no smoke greater than that emitted by properly operating domestic heating equipment.

The Proposed Facility will not make use of any equipment that emits smoke.

- d. Discharge into the air no dust or other particulate matter created by any industrial processing.

The Proposed Facility will not make use of any processes that result in the discharge of dust or particulate matter.

- e. Produce no heat or glare humanly perceptible at or beyond the lot line.

The manufacturing and processing-related activities within the Proposed Facility will make use of standard variable refrigerant flow mechanical equipment, which are sub-cooling-based forms of extraction, not heating based. Such processes, including solventless and butane extraction, utilize a standard condenser coil situated directly outside of a building where the processes are occurring, which produces no greater heat than that of a standard commercial HVAC unit. The heat from such a unit would not be perceptible at or beyond the lot line, and there will be no glare occurring due to such equipment.

- f. Produce no noise exceeding 55 A-weight decibels measured at the lot line of any residential lot between the hours of 9 p.m. and 7 a.m.

The Proposed Facility will not operate during the hours of 9 p.m. and 7 a.m.

- g. Utilize all lighting in a manner which does not permit an external light source to be directly visible from any point beyond a lot line.

The Proposed Facility will utilize the existing lighting conditions that are in place as of the date of submission of this Application. Should any light source on the Proposed Facility be found to emit light outside of the lot lines, Story will immediately alter and/or replace such light sources so as to eliminate any light extending beyond the boundaries of the lot lines.

Conclusion:

The Proposed Facility in this Application seeks a special exception use approval to operate a licensed cannabis processing facility that meets the criteria set forth in the Zoning Code and the Application regarding a special exception use. The Proposed Facility will be compatible with the area, will not be detrimental to the surrounding properties or residents of the area, and will improve the general welfare of the Town by providing job opportunities – both internal to the facility and for purposes of performing modifications to the building in order to meet the operational standards of the Proposed Facility.