



TOWN OF WESTPORT

816 Main Road

Westport, MA 02790

The Coastal Agricultural Resource of New England
Office of the Board of Selectmen

Tel. (508) 636-1003

Fax. (508) 636-1147

Town Administrator

Timothy J. King

Marijuana Establishment and Medical Marijuana Treatment Center Host Community Agreement Policy and Procedures

The Town of Westport is interested in engaging with potential applicants who will be responsible Adult Use Marijuana Establishment and/or a Medical Marijuana Treatment Center operators creating employment opportunities and promoting economic development to the Town. The Town has developed this policy to establish a process for selecting eligible applicants with which to enter into Host Community Agreements.

Submission Requirements

Applicants seeking a Host Community Agreement for an Adult Use Marijuana Establishment and/or a Medical Marijuana Treatment Center shall submit (#) hardcopies and one electronic copy of a **completed application form** and the following materials in an envelope clearly marked "Adult Use Marijuana Establishment" and/or "Medical Marijuana Treatment Center." Information regarding security and any other information considered proprietary shall be sealed in an inner envelope marked "Confidential." Submittals shall be delivered to:

[Address]

Each applicants shall submit the following information:

- A. Cover Letter** – Please submit a 1-2-page cover letter summarizing the Applicant’s proposal and indicating why the Applicant wishes to operate a Marijuana Establishment and/or Medical Marijuana Treatment Center in the Town.
- B. Intent & Management and Operations Profile** –
 1. Name of entity; documentation that the entity is registered to do business in Massachusetts and certificate of good standing, issued within the previous 90 days from submission, from the Corporations Division of the Secretary of the Commonwealth
 2. Type of proposed Marijuana Business (e.g., retail, cultivation, manufacturing, medical, adult-use, etc.)
 3. Summary of Management and Operations plans, including
 - a. Business Plan Overview (Market Analysis; Organization Management; Sales Strategies; Funding Requirements; Financial Projections)
 - b. Operating Policies and Procedures

Commented [NJC1]: The draft policy mentioned an "attached application" in addition to the requested materials.

- c. Security Plan
4. Proposed address for marijuana business with Assessors' Map and Lot number(s) and proof of site control and evidence of property interest or site control in the form of clear title, an option to purchase, a legally enforceable agreement to give title, or documentation evidencing legal authorization to use the premises, such as a lease or option to lease
 5. Zoning District of proposed location and evidence that the proposed location complies with applicable buffer zones and zoning requirements in the form of a survey plan or GIS mapping showing the location and all properties and uses within applicable buffers as set forth in the Town's Zoning Bylaw
 6. Names and resumes of executives and managers (e.g. CEO, CFO, COO, Director of Security) and individuals contributing significant capital to operation
 7. Evidence of no outstanding or unresolved criminal proceedings resulting in mandatory disqualification under 935 CMR 500.801
 8. Evidence of financial backing/sufficient capitalization or investment to fund business operations
 9. Proposed timeline for achieving operation and development plan
 10. Detailed operating policies and procedures from the Marijuana Establishment, including, but not limited to the following (to the extent applicable to the proposed operations):
 - a. Plan for employee staffing/local job creation and employee wage range
 - b. Plan and source for maintaining marijuana product supply for retail sales operations (if applicable)
 - c. Traffic and parking plan
 - d. Security Plan
 - e. Proposed building design and signage
 - f. Plans for external nuisance mitigation (light, noise, emissions, odor, debris, solid waste disposal)
 11. Proof of Site Plan Approval from the Planning Board

Commented [NJC2]: This will be done at the time of provisional license

Commented [NJC3]: The proposed policy provided, "[t]he Board of Selectmen will not enter into negotiations on a host agreement until a project has completed Site Plan Review by the Planning Board. This includes projects that change from Medical Marijuana to Recreational Marijuana." In my opinion, the Board has the discretion to require applicants to first obtain all local permits before executing a HCA. However, the Board should consider whether such a requirement makes sense as a matter of policy given the process for obtaining state licensure.

Under the state regulations, an executed copy of an HCA must be submitted to the Cannabis Control Commission (CCC) before a marijuana establishment application at the state level will be processed. Requiring an applicant to proceed through the local permitting process without any assurance of state approval or an HCA could be a potentially costly and time-consuming exercise for both the applicant and the Town without some assurance that the Board would support the project through the issuance of the HCA or that the applicant is able to meet the state licensing requirements.

Many municipalities are requiring that applicants first obtain a Provisional License from the CCC before special permit and/or site plan review applications are processed, which allows the state an opportunity to vet the applicant and the project and ensure that it meets the substantial state regulatory requirements prior to the Town conducting its local permitting review. If the Board is concerned about entering into a HCA with an applicant that will be unable to qualify for local permitting, an alternative approach would be to include language within the HCA that imposes a time limit for applicants to obtain all state approvals and local permitting after which the HCA would become void. In the event the HCA is negotiated prior to local permitting, the HCA could also include language indicating that the issuance of a HCA includes no guarantee that local permits will be granted.

C. Plan for Positive Community Impacts –

A proposal demonstrating municipal benefits the Marijuana Establishment and/or Medical Marijuana Treatment Center will provide to the Town, financial or otherwise, such as:

1. Local hiring preferences (within confines of law)
2. Security review and cooperation with local law enforcement
3. Commitment not to challenge or appeal building permit or other permit application fees or local charges
4. Commitment to pay cost of consultants and legal counsel for purposes of negotiating host community agreement and overseeing permitting
5. Indemnification, defense and hold harmless Town from any claims arising as a result of the permitting of the establishment
6. Community impact mitigation plan to be developed in connection with required Community Impact Hearing, and reviewed on an annual basis to address neighborhood concerns.
7. Annual Reporting on compliance
8. Annual inspections by Building Inspector, Police, Fire and Board of Health
9. Electrical use and renewable energy commitments

10. Environmentally sound waste and Water control
11. Environmentally sound odor control technology
12. Re-opener Review clause – addressing more favorable terms in other similarly situated communities
13. Commitment not to challenge terms of host community agreement or legality of agreement
14. Community volunteer projects
15. Description of any community or local ties to the Westport community
16. Diversity plan to promote equity among minorities, women, veterans, people with disabilities, people of all gender identities and sexual orientation
17. Status as Economic Empowerment or Social Equity Applicant

Submission Review

Submissions will be reviewed by the Board of Selectmen to determine if the applicant has met the minimum criteria to proceed with negotiation of a host community agreement. In the case of any marijuana establishments for which there are a limited number of licenses, the Board of Selectmen evaluation will include a ranking of applicants on a rolling basis through an RFI process. The Board of Selectmen reserves the right to reject any and all proposals if deemed to be in the Town’s best interest.

Commented [NJCA]: Please confirm. The draft policy stated, “[t]he Board of Selectmen will seek letters of interest and follow an open proposal process for a host agreement involving a recreational marijuana facility.”

Selection Process

Submittals will be evaluated by the Board of Selectmen according to the evaluation criteria set by the Board including, but not limited to:

Commented [NJCS]: The draft policy provided:

- ❖ The applicant’s knowledge and understanding of the State Cannabis Control licensing procedures
- ❖ The management and operations team’s demonstration of prior experience in commercial cannabis ventures or other relevant experience in relevant fields
- ❖ A presentation of high quality and well-formulated management and operations plans
- ❖ The applicant’s demonstration of market and financial feasibility
- ❖ The applicant’s development timeline and ability to bring the proposed Marijuana Establishment to timely commencement
- ❖ Community connection and local residency
- ❖ The applicant ability to appropriately address parking and traffic management for the proposed location
- ❖ The applicant ability to appropriately address safe access, security, nuisance control measures and employee vetting and supervision
- ❖ The Applicant’s financial commitments and other plans for positive community impact
- ❖ The Applicant’s proposal to fit within the Town’s goals for geographic diversity in the locations
- ❖ Demonstration of opportunities Economic empowerment/Social Equity Applicants

Decisions regarding the appropriateness of a marijuana facility for a host agreement shall include the following:

- a. The appropriateness of the proposed marijuana facility use to surrounding uses.
- b. The location of a proposed marijuana facility use to other sensitive areas such as; schools, churches, playgrounds, childcare centers.
- c. The degree to which the proposer of a marijuana facility proposal addresses issues such as traffic patterns including safe access, parking, building exterior security, nuisance control, employee vetting and supervision, etc.

However, the Town might want to consider the criteria proposed here; the appropriateness of marijuana establishment use on the proposed location is governed, in part, by the zoning bylaws.

- ❖ The Applicant’s ability to address the potential detrimental municipal impacts and proposed acceptable mitigation measures.
- ❖ The applicant’s proposal demonstrates it integrates with the overall goals of the Town of Westport.
- ❖ Decisions regarding the appropriateness of a marijuana facility for a host agreement shall include the following:
 - ❖ a. The appropriateness of the proposed marijuana facility use to surrounding uses.
 - ❖ b. The location of a proposed marijuana facility use to other sensitive areas such as; schools, churches, playgrounds, childcare centers.
 - ❖ c. The degree to which the proposer of a marijuana facility proposal addresses issues such as traffic patterns including safe access, parking, building exterior security, nuisance control, employee vetting and supervision, etc.

Applicants deemed qualified by the Board of Selectmen will be invited to enter into negotiations for a host community agreement.

To augment the information provided in the submittal, additional information, interviews and/or presentations may be required by the Board of Selectmen.

Transfer of any host agreement shall require the prior written approval of the Board of Selectmen.

Compliance with Submission Requirements

Applicants seeking host community agreement are expected to follow the requirements set forth herein. The Town reserves the right to reject any application it deems to be incomplete, however it may, at its discretion, request that the omitted information or further clarifications be provided by the applicant.

Ownership of Documents

Any material submitted by applicants shall become the property of the Town.

Public Record

Any personal or financial identifiers (e.g. SSNs, bank account numbers, etc.) contained in submittal documents shall be redacted by the applicant prior to submittal.

All information contained in submittals and not redacted as above may be open for public inspection. All security-related information furnished by the Applicant will be treated as

Commented [NJC6]: The draft policy requires that “[c]ultivation marijuana facility shall be conducted entirely within a fully enclosed structure.” However, in my opinion, this is more appropriately addressed in a zoning bylaw.

The draft also provided, “[a]ccess by designated town officials at any time shall be required as a condition of any host agreement.” In my opinion, notice should be provided to applicants and the Town should not enter privately owned property absent express permission and/or a court order.

confidential by the Town to the extent permitted by Massachusetts public records law and shall be submitted in a separate sealed envelope marked as such.

The Town does not discriminate on the basis of race, sex, age, color, national origin, religion, gender identity, disability, gender identity or expression, marital or parental status, sexual orientation, transgender status, veteran status, or any other protected status.

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