

NEW BEDFORD, MASSACHUSETTS

**MEETING: SPECIAL COMMITTEE ON CANNABIS REGULATION & HOST
COMMUNITY AGREEMENTS REVIEW**

DATE: NOVEMBER 17, 2022

TIME: 6:04 P.M.

**PLACE: CITY COUNCIL CHAMBER, ROOM 214, MUNICIPAL
BUILDING**

**PRESENT: COUNCILLORS RYAN PEREIRA, VICE CHAIRMAN; IAN
ABREU; SHANE BURGO; NAOMI CARNEY (6:46); BRIAN
GOMES; SCOTT LIMA (6:56); WILLIAM BRAD MARKEY;
LINDA MORAD**

**ABSENT: COUNCILLORS DEREK BAPTISTE, CHAIRMAN; HUGH
DUNN; MARIA GIESTA**

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Councillor Pereira called the Cannabis Committee Meeting to order and took attendance. The Clerk read Communications from Councillors Carney and Lima explaining they would be late to this meeting, and Councillors Dunn and Giesta explaining the reason for their absence from this meeting. These Communications were received and placed on file by Councillor Burgo and seconded by Councillor Abreu.

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Notice, City Clerk of reference of a COMMUNICATION, Mayor Michell to City Council, submitting a HOST COMMUNITY AGREEMENT with Elevation Retail, LLC of Bedford, Massachusetts, to operate a recreational adult use marijuana facility at its proposed location on Phillips Road, near the main entrance to the New Bedford Business Park (Ref'd 04/28/2022) was received and placed on file by Councillor Abreu and seconded by Councillor Markey. (1, 1a)

Andre Razumanyan, 385 Great Neck Road, Bedford, Ma, representing Elevation Retail, LLC, they are seeking the Committees approval of the Community Host Agreement between the City and Elevation to operate a recreational adult only marijuana facility on Phillips Road. He gave an overview of their business and addressed many of the questions asked by the Committee to include the number of positions their business will have along with their wage and benefit structure, how the company would handle shipping and receiving, and a description of their business plan. He explained that their hours of operation would be the hours dictated by the state which is 9 am to 8 pm. He was asked if they have similar businesses currently operating. They were told the applicant has an operation up and running currently in Norton, MA. They hope to open the New Bedford establishment as soon as they can. He also explained the property does meet the city's buffer guidelines as it relates to other residents and businesses.

Police Chief Oliveira was asked if he had any concerns with the establishment. He replied that he did not have any concerns with the site. He had reviewed the plans, to include security and that he is comfortable with the plans as presented.

Councillor Morad expressed a concern that the three petitions before them tonight were signed by the Mayor and forwarded to the state prior to receiving the

Council's approval as city guidelines require. It is understood that the guidelines were put in place to not question the way the permits are granted so as not to be like what happened in the City of Fall River. The Administration is to negotiate the agreement, then send to the City Council for approval, once approved it is to be returned to the Administration to forward to the State. This was apparently not the case with the three applicants before the Committee at this meeting. Councillor Morad maintained that the Administration violated its own policy.

Attorney Gerwatowski concurred with Councillor Morad's comments; however, he did state that the Council still had to approve the agreement, or it is not valid.

Attorney McNamara, Assistant City Solicitor, who confirmed the agreements were signed by the Mayor prior to forwarding them to the City Council for approval.

On motion by Councillor Abreu and seconded by Councillor Burgo, the Committee VOTED: To recommend to the City Council APPROVAL of the HOST COMMUNITY AGREEMENT, between the City of New Bedford and Elevation Retail LLC to operate a recreational adult only marijuana facility on Phillips Road. This motion passed on a voice vote.

On a RELATED MOTION by Councillor Gomes and seconded by Councillor Markey, the Committee VOTED: That a letter be sent to the Administration asking why the Host Agreements were signed by the Mayor prior to the review and approval of the City Council. This motion passed on a voice vote.

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Notice, City Clerk of reference of a COMMUNICATION, Mayor Michell to City Council, submitting a HOST COMMUNITY AGREEMENT with Ember Gardens NBR, LLC and Ember Gardens, NBP, LLC of 1 Nauset Street, New Bedford, Massachusetts, to operate a recreational adult use marijuana facility at its proposed facility on 1 Nauset Street in New Bedford (Ref'd 04/28/2022) was received and placed on file by Councillor Gomes and seconded by Councillor Markey. (2, 2a)

Councillor Burgo made a motion to receive and place on file an overview packet submitted by Ember Gardens, which was seconded by Councillor Markey. This motion passed on a voice vote.

Shane Hyde, President, Fuego Farms, 254 New Hill Avenue, Somerset, MA, gave an overview of the proposed business, and explained the location would have a retail shop and a commercial kitchen in which they would manufacture items like edibles and such. He addressed several questions offered up by the Committee in which they responded that they are from Somerset and became interested in erecting an establishment in New Bedford, as they have spent time in New Bedford and found it to be an ideal location for their operation. He provided an overview of the number of employees, wage and benefits offered to employees, along with security measures.

Police Chief Oliveira was asked if he had any concerns, and he said he had reviewed the proposal to include security and the plan meets the required needs by the city. He was satisfied with what has been presented.

On motion by Councillor Burgo and seconded by Councillor Abreu, the Committee VOTED: To recommend to the City Council APPROVAL of the HOST COMMUNITY AGREEMENT with Ember Gardens NBR, LLC and Ember Gardens, NBP, LLC of 1 Nauset Street, New Bedford, Massachusetts, to operate a recreational adult use marijuana facility at its proposed facility on 1 Nauset Street, in New Bedford. This motion FAILED on a Roll Call Vote of Yeas 4, Nays 2, with Councillors Gomes and Morad opposed.

On motion by Councillor Morad and seconded by Councillor Gomes, the Committee VOTED: To table this matter at this time. This motion passed on a voice vote.

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Notice, City Clerk of reference of a COMMUNICATION, Mayor Mitchell, to City Council, submitting an Amended Host Community Agreement with Metro Harvest, Inc., of East Freetown, Massachusetts, for a State license for the sale of recreational adult use marijuana at its proposed facility at 507-513 Church Street in New Bedford (Ref'd 06/23/2022) was received and placed on file by Councillor Abreu and seconded by Councillor Gomes. (3, 3a)

On motion by Councillor Morad and seconded by Councillor Burgo, the Committee VOTED: To receive and place on file the letter received from the law firm of Koldys & Kelleher, P.C., as it related to the petition being discussed. This motion passed on a voice vote.

The Committee discussed if the location currently before them could be approved. The question was asked because the original location submitted was under 606 Tarkiln Hill Road and was now before the Committee as 507-513 Church Street, New Bedford.

Attorney Gerwatowski stated that a letter was issued referencing the new address and that the new address went through the petition process.

Attorney John Markey, representing the applicant explained that the original submission was for the Tarkiln Hill Road location, but the applicant and the then landlord had a disagreement as it related to the letter of intent on the renting of the property and the applicant looked elsewhere for a new location. They found a new location and informed the city of the change. He explained that the state has in the past allowed such changes. He confirmed that the new address location had been approved.

Councillor Morad expressed concern that the Koldys letter may open the city up to litigation if the petition was to be approved.

Councillor Morad made a motion to receive and place on file the letter dated May 6, 2019, from Danny Romanowicz, DIS Commissioner, stating that the new location is not in violation of Section 4131B (a) (b) Location Requirements and Restrictions, which was seconded by Councillor Burgo and passed on a voice vote.

Stephen Labelle, the applicant, gave an overview of the rationale for their move from the Tarkiln Hill location to the Church Street location.

On motion by Councillor Gomes and seconded by Councillor Burgo, the Committee VOTED: To recommend to the City Council APPROVAL of the FIRST AMENDED HOST COMMUNITY AGREEMENT, between the City of New Bedford and Metro Harvest, Inc., to operate a recreational adult use marijuana facility at 507-513 Church Street. This motion passed on a voice vote.

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On motion by Councillor Burgo and seconded by Councillor Lima, the Committee VOTED: To follow the Chair's recommendation to waive the reading and report out to the City Council to take "No Further Action" on items four (4) through seventeen (a) 17a. This motion passed on a voice vote. They are as follows:

Notice, City Clerk of reference of a WRITTEN MOTION, Councillor Abreu, Gomes, Winterson, Council President Lopes, Councillors Martins and Bousquet, requesting, that Police Chief Joseph Cordeiro and Health Director Dr. Brenda Weis, come before the Special Committee on Licensing and Zoning for Cannabis to discuss the November 2016 passage of the Recreational Legalization of Commercial Cannabis and discuss questions or concerns they may have from a law enforcement and overall community health standpoint, and how we can work as a community to insure public safety, health and wellness always remains paramount in light of this new impending piece of legislation. (To be Referred to the Special Committee on Licensing and Zoning for Cannabis.) (Ref'd 01/26/17) (02/27/17-tabled) (02/20/18-tabled 30 days) (03/20/18-tabled 3 weeks, Chief Cordeiro, Pat Sullivan, Damon Chaplin and Solicitor McDermott meet to discuss Ordinance language and report back to Committee) (04/19/18-tabled until Phase I (zoning) issue is completed) (4)

Notice, City Clerk of reference of a COMMUNICATION, Council President Morad, submitting letters from Edward J. Sylvia, Jr., Real Estate Broker, relative to the location of a Marijuana Dispensary Site and for a Retail Marijuana Sales License in the City of New Bedford. (Referred to the Special Committee on the Licensing and Zoning for Cannabis.) (Ref'd 07/19/18) (5)

Notice, City Clerk of reference of a WRITTEN MOTION, Councillors Lopes and Abreu, requesting, that the Special Committee on Licensing and Zoning for Cannabis begin drafting the Ordinance that will establish the procedures for the issuing and reissuing of Recreational Cannabis in the City of New Bedford. (To be Referred to the Special Committee on Licensing and Zoning for Cannabis.) (Ref'd 08/16/18) (6)

Notice, City Clerk of reference of a COMMUNICATION, Councillor Lopes, submitting a copy of a letter from SoCo Green LLC, requesting consideration for a Community Host Agreement with the City of New Bedford for a Marijuana Retailer License. (Ref'd 08/16/18) (12/19/18-tabled 30 days) (7)

Notice, City Clerk of reference of a COMMUNICATION, Council President Morad, submitting a copy of Old Soul Gardens LLC, 226 South Main Street, Fall River, MA 02721, plans to operate a Craft Marijuana establishment in the City of New Bedford. (To be Referred to the Special Committee on Licensing and Zoning for Cannabis.) (Ref'd 09/13/18) (12/19/18-tabled 30 days) (8)

Notice, City Clerk of reference of a WRITTEN MOTION, Councillor Giesta, requesting that the Companies that have applied for Host Agreements provide the Committee on Licensing & Zoning for Cannabis with a list of issues they are running into as part of the application process, within thirty (30) days, so the Committee could review them. (Ref'd 12/19/18) (9)

Notice, City Clerk of reference of a COMMUNICATION, Councillor Gomes, submitting copies of letters from and to Whisk & Jane LLC and the New Bedford Port Authority, regarding Public Records Request of the Port Authority's Denial of Whisk & Jane LLC's multipurpose recreational cannabis facility at 161 Pope's Island, New Bedford, MA. (Ref'd 01/24/19) (10)

Notice, City Clerk of reference of a COMMUNICATION, Councillor Gomes, submitting a copy of letter from Whisk & Jane LLC to Mayor Mitchell, thanking him for the meeting to discuss a multi-purpose recreational cannabis facility at 161 Pope's Island. (Ref'd 01/24/19) (11)

Notice, City Clerk of reference of a COMMUNICATION, Council President submitting copy of a letter from City Solicitor McDermott to Ms. Ericca Kennedy, Whisk & Jane, LLC. regarding Whisk & Jane's request to locate a recreational cannabis facility at 161 Pope's Island, New Bedford, MA. (Ref'd 02/28/19) (12)

Notice, City Clerk of reference of a COMMUNICATION, Council President Morad, submitting copies of emails to and from Martha Worley, Worleybeds Factory Outlet, 197 Pope's Island, New Bedford, MA, regarding Ms. Worley's opposition to a Zoning Waiver for a recreational cannabis business at 161 Pope's Island. (Ref'd 02/28/19) (13)

Notice, City Clerk of reference of a COMMUNICATION, Councillor Giesta, submitting a copy of the Zoning for Marijuana Establishments and Medical Marijuana Treatment Centers Ordinance. (Ref'd 02/28/19) (14)

Notice, City Clerk of reference of a COMMUNICATION, Councillor Giesta, submitting a copy of a letter from Department of Inspectional Services Commissioner Danny Romanowicz relative to zoning restrictions for a recreational cannabis facility at 161 Pope's Island Plot 60/Lot 26. (Ref'd 02/28/19) (15)

Notice, City Clerk of reference of a COMMUNICATION, Council President Morad, submitting a copy of a Host Community Agreement, from Nicholas A. Gomes, Chief Legal Counsel, Tree Beard, Inc., for a proposed Recreational Marijuana Establishment at 1 Nauset Street, New Bedford, also enclosed is a zoning conformance letter from the Department of Inspectional Services and a letter from Tabitha Harkin, City Planner stating the HCA Screening Committee's favorable recommendation to negotiate a Host Agreement. (Copy all Councillors 08/27/2019.) (To be Referred to the Special Committee on Cannabis Regulation and Host Community Agreements Review.) (Ref'd 09/12/19) (16)

Notice, City Clerk of reference of a WRITTEN MOTION, Councillors Abreu, Giesta and Council President Lopes, requesting, that the New Bedford City Council and the Administration draft an Ordinance regarding the at-home delivery cannabis service recently approved and adopted by the State's Cannabis Control Commission (CCC) on

November 30, 2020. (To be Referred to the Special Committee on Cannabis Regulation and Host Community Agreements Review.) (Ref'd 12/09/2020) (02/18/2021 – tabled) (04/13/2021 – tabled, until further information is obtained) (17)

Notice, City Clerk of reference of a COMMUNICATION, Councillor Abreu, submitting the Cannabis Control Commission Final Regulations on at-home delivery cannabis service. (To be Referred to the Special Committee on Cannabis Regulation and Host Community Agreements Review.) (Ref'd 12/09/2020) (02/18/2021 – tabled) (04/13/2021 – tabled, until further information is obtained) (17a)

Councillor Burgo made a motion to adjourn, which was seconded by Councillor Abreu. This motion passed on a voice vote.

This meeting adjourned @ 7:25 p.m.

ATTEST:



Denis Lawrence, Jr.,
Clerk of Committees