



Screening Form / Application for a Marijuana Establishment Host Community Agreement (HCA)

1. **Application deadline.** All marijuana establishment operators who have established *site control*, and who have initiated the application process with the Massachusetts Cannabis Control Commission (CCC) through the submission of the *Application of Intent (AI)* (less the Host Community Agreement (HCA) and the *Management and Operations Profile*, are invited to submit the required application and supporting materials to the city to be considered for an HCA. Applications will be reviewed twice per year.
2. **Basis for review.** The basis for the City's review and consideration of any HCA application is a desire to ensure the best outcome for the City through dealing with the highest quality operators and assessing all applications for their impact on the neighborhood and the community at large. The City reserves the right to reject any application based upon incomplete and/or misleading information.
3. **Review committee.** Applications and supporting materials will be reviewed by a committee comprised of the following (or their designees): (a) City Council President, (b) City Solicitor, (c) City Planner, (d) Chief of Police, (e) Chief Financial Officer, (f) Director of Inspectional Services, (g) Director of Housing and Community Development, and the (h) Health Director. The purpose of the committee is to advise the Mayor on whether he should enter negotiations on an HCA with an applicant. The committee will review each application and may refer the application with a recommendation to the Mayor.
4. **Submitting applications.** Seven (7) copies of the attached *Application for Marijuana Establishment Host Community Agreement* and all required supporting materials shall be submitted to the City through the city's Planning Department. Incomplete applications will not be accepted.
5. **Supporting materials.** The following required supporting materials must accompany the HCA Application:
 - a. **Evidence of site control**, either through deeded ownership, a fully executed lease, a real estate contract contingent upon successful licensing and permitting, or a notarized letter of intent by the owner of the property indicating intent to lease the premises to the applicant upon successful licensing and permitting.

- b. Completed CCC **Application of Intent (AI)**, less the HCA* submitted by the establishment to the Massachusetts CCC. Applicants should include labeled print-outs of the uploaded attachments included within the AI.
 - c. Completed CCC **Management and Operations Profile*** submitted by the establishment to the Massachusetts CCC. Applicants should include labeled print-outs of the uploaded attachments included within the AI.
 - d. **Resumes** for every manager, director, or officer of the establishment.
 - e. Completed **Criminal Offender Record Information (CORI) Open Access Acknowledgement Form** for every manager, director, officer, or investor of the establishment (available here: <https://www.mass.gov/files/documents/2017/09/25/open-access-request-form.pdf>) accompanied by a payment of \$50 per form, payable to the Commonwealth of Massachusetts in money order or cashier's/treasurer's check. The "City of New Bedford" should be listed in the forms' "Mailing Address" section under "If you are submitting this request on behalf of an organization."
 - f. Copy of the establishment's **Business plan**.
 - g. Copy of the establishment's **Security Plan**.
 - h. Copy of **financial records**, or letter of financing demonstrating capitalization, or investment to ensure the establishment's solvency and successful operation.
6. **Favorable criteria.** The general criteria that may be reviewed and considered by the review committee include, but are not limited to, the following: (a) Demonstrated direct experience in the cannabis industry or a similar industry; (b) Managers, directors, officers, investors, and others related to the establishment are free of any disqualifying criminal convictions and representative of a diverse community; (c) Approval of security plan by Chief of Police; (e) Financial records, business plan, and other documentation that demonstrates strong capitalization or access to financing to ensure success of business; (d) Strong commitment to the community through investment and outreach; and (e) Proposed design and operation of a facility with minimal impact upon the surrounding neighborhood. The City reserves the right to address additional criteria that may be relevant to a specific application.
7. **Community Health Impact Assessment.** Once an applicant has been approved and negotiations have begun with the City, the applicant must conduct a Health Impact Assessment (HIA) for their proposed location. The HIA must be conducted by a firm approved by the City Health Department and undertaken in cooperation with the Board of Health. The HIA may utilize the most recent Community Health Needs Assessment (CHNA) prepared by Southcoast Hospitals Group as a baseline

but every effort shall be made to make the assessment as site specific as possible. The HIA must include at least one community meeting regarding the proposed operation with notice to the neighborhood and conducted in a city location as close as possible to the proposed site. The HIA must be completed before any HCA is executed or within 45 days of the initiation of negotiations, whichever is later. For the purposes of this paragraph, negotiations shall be considered as initiated upon the first meeting of the parties regarding the HCA.

8. **Minimum HCA conditions.** Should an applicant satisfy the favorable criteria for consideration and receive a recommendation from the review committee that the Mayor consider entering into an HCA with the applicant, the Agreement shall include, **at a minimum**, the following conditions (unless otherwise specified, these conditions shall be annual during the term of any HCA):
- a. Community Impact Fee equal to 3.0% of the establishment's gross sales, with the first portion of payment for the first year of operation of \$25,000 payable to the City on the facility's opening date and the remaining balance due within 12 months of opening. In subsequent years the payments shall be made in two installments, one in months 7 or 8 of the year to reflect the first six months of sales of that year, and the second reflecting the balance of sales payable within 60 days after the end of the year. For the purposes of any agreement, a "year" shall be considered as whatever 12-month period the parties agree to in the HCA.
 - b. Filing of financial statements with the City. Copies of financial statements provided to the CCC in connection with state licensing shall be sufficient for the purposes of this requirement.
 - c. A commitment to pay all required taxes and that taxes and utility charges will not reduce the Community Impact Fee.
 - d. A minimum commitment of \$50,000.00 or 1½% of the establishment's gross sales, whichever is greater, per license in charitable donations per year to New Bedford based programs that deliver substance abuse prevention and education in the City's public/private elementary and secondary schools. The first \$25,000.00 portion of the payment for the first year of operation shall be paid on the facility's opening date and the remaining balance must be made within 12 months of opening. Applicant shall submit annual reports to the City indicating payments made under this provision. This does not reduce the Community Impact Fee amount nor is it considered a payment in response to a community impact.
 - e. HCA and all associated payments to commence upon the opening date and start of sales and not the effective date of execution.

- f. Applicant agrees to apply for and comply with the requirements of any applicable City license. Facility staff is required to participate in city-sponsored educational programs on public health and drug abuse prevention.
- g. Community Support. The Applicant must provide the following indirect support to the City:
 - i. Local Vendors – To the extent such practice and its implementation are consistent with federal, state, and municipal laws and regulations, the Applicant will make every effort in a legal and non-discriminatory manner to give priority to local businesses and vendors in the provision of goods and services called for in the construction, maintenance and continued operation of the facility. The Applicant shall use good faith efforts to ensure that at least twenty percent (20%) of the vendors and/or contractors utilized by the facility will be based in the City.
 - ii. Employment/Salaries - To the extent such practice and its implementation are consistent with federal, state, and municipal laws and regulations, the Applicant shall use good faith efforts to ensure that at least twenty percent (20%) of the employees of the facility will be city residents.
 - iii. Applicants will make every effort to comply with the principals and expectations of the New Bedford Works initiative.
 - iv. Applicant shall provide the City with annual reports indicating the percentages of vendors and employees in accordance with paragraphs (a) and (b) above.
- h. The Applicant will comply with the City's non-discrimination ordinance in hiring, transacting business and entering into contracts and will seek to hire employees and engage in contracts with a preference for diversity and supporting minority and women-owned businesses.
- i. The facility shall be designed, constructed, renovated, or improved to reflect high quality construction standards and seek to improve the general design aesthetic of the neighborhood. The facility shall, at a minimum, reflect the following:
 - i. **Facade Variation:** For all development and redevelopment involving new construction, the massing, façades, and roof configuration of a building shall be varied. If a building façade is more than 50 feet in length, it shall include a minimum of 10 feet of variation in the building footprint (set-back or projection in the building wall) for every 50 feet of façade length, and related changes in the roofline in order to reduce the apparent mass of the building.

- ii. **Building Materials:** In industrial parks or areas not visible from regional roadways or distinctive community districts, use of nontraditional materials, forms, and site designs may be appropriate. In such areas, maintenance of adequate landscape buffers on the subject property shall be required to ensure that the proposed development is screened from view. Metal and vinyl siding is discouraged.
 - iii. To the fullest extent practicable, the facility's power supply shall use renewable power sources.
- j. The applicant consents to prohibiting on-site consumption and to not offering home delivery of non-medical marijuana, even if such activity is otherwise permitted by later statute or regulation.
- k. A security plan must be reviewed and approved by the Chief of Police each year. Applicant will engage in periodic meetings with the Police Department to review operational concerns or other issues and shall report to the Police within 24 hours of becoming aware of: diversion of marijuana, inventory discrepancies, theft, loss or other criminal action, discrepancy in weight or inventory during transportation, vehicle accidents, diversions, losses or other reportable incidents that occur during transport, any suspicious act involving sale, cultivation, distribution, process or production of marijuana, unauthorized destruction of marijuana, loss or unauthorized alteration of the establishment's records, alarm activation or other event that requires public safety personnel to respond, failure of security alarm due to power loss or mechanical failure expected to last longer than eight hours, and any other breach of security.
- l. Applicant will site interior and exterior security cameras in coordination with the Police Department and provide unimpeded access to all security camera feeds to the Police Department.
- m. Applicant will participate with the Police Department in a comprehensive diversion prevention plan.
- n. Applicant agrees to comply with all the CCC's requirements regarding Criminal Offender Record Information (CORI) review for any new manager hired and the Police Chief shall review and approve, within thirty days of receiving said CORI report, whether the individual is suitable to hold the position, such approval not to be unreasonably denied, conditioned, or delayed.
- o. Applicant will refuse to complete a transaction to any customer if the customer appears to be under the influence of drugs or alcohol.

- p. Applicant will verify the legal age of all customer using a government-issued identification prior to the customer being admitted into the facility and again prior to the completion of a transaction. Applicant must utilize electronic identification verification measures when possible.
- q. Facility site lighting shall be fully shielded for dark sky compliance and provide total cutoff of all light at the property lines of the parcel on which it is located.
- r. The installation of billboards, off-site advertising (except approved directional signs), temporary sign installations and internally lit or flashing signs shall not be permitted. The size and color of all signs shall be in scale and compatible with the surrounding buildings and street. When more than one sign is used, the graphics shall be coordinated to present a unified image. All signage must comply with the regulations of the CCC and City zoning.
- s. A reopener in the event the operator enters an HCA in another community that is more beneficial to that community.
- t. If any term or condition of the HCA shall to any extent be held invalid, illegal or unenforceable by a court of competent jurisdiction or by regulation, the validity, legality, and enforceability of the remaining terms and conditions of HCA shall not be deemed affected thereby unless one or both parties would be substantially or materially prejudiced. Further, the Operators agrees it will not challenge, in any jurisdiction, the enforceability of any provision included in the HCA; and to the extent the validity of the HCA is challenged by the Operator in a court of competent jurisdiction, the Operator shall pay for all reasonable fees and costs incurred by the City in the defense thereof.

These conditions are minimum conditions only. If the applicant wishes to include additional benefits to the City or considerations, they may do so. In addition, the City may also require direct impact mitigation particular to the specific location proposed by the applicant and its specific impacts.

CITY OF NEW BEDFORD
APPLICATION FOR A MARIJUANA ESTABLISHMENT
HOST COMMUNITY AGREEMENT

Applicants must submit seven (7) copies of the **Application for a Marijuana Establishment – Host Community Agreement** with the **Planning Department**, (133 William Street (Room 303), New Bedford, MA 02740). Each application must include completed required supporting materials and documents. Any attachments must be clearly labeled.

Please respond to each question as fully as possible (*label and attach separate sheets as necessary*):

INDICATE TYPE(S) OF ESTABLISHMENT(S): (*Please select all that apply*)

- | | |
|---|---|
| <input type="checkbox"/> MARIJUANA CULTIVATOR (<i>indicate tier: _____</i>) | <input type="checkbox"/> MARIJUANA RESEARCH FACILITY |
| <input type="checkbox"/> CRAFT MARIJUANA COOPERATIVE | <input type="checkbox"/> INDEPENDENT MARIJUANA TESTING LABORATORY |
| <input type="checkbox"/> MARIJUANA PRODUCT MANUFACTURER | <input type="checkbox"/> MARIJUANA STANDARDS TESTING LABORATORY |
| <input type="checkbox"/> MARIJUANA RETAILER | <input type="checkbox"/> MARIJUANA MICRO-BUSINESS |
| <input type="checkbox"/> MARIJUANA TRANSPORTER | |

APPLICANT (Please state Corporation Name, Business Name (D/B/A), Sole Proprietor, Etc.):

Location of Proposed establishment: _____

Contact Name: _____

Mailing Address:

Street Address	City	State	Zip
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Telephone Number: _____ **Fax Number:** _____

Tax I.D. Number: _____

Massachusetts Cannabis Industry Portal Number: _____

Email Address: _____

Website: _____

1. Is applicant a corporation, limited liability company, or limited partnership? YES ☐ NO ☐
If YES, please complete the Corporate Information required for Business Entities who are licensees on page 11 of this application).
2. Is the physical location of the business leased or owned? _____
Please attach a copy of deed or lease.
3. Do you have experience managing a business in the marijuana industry? Please describe.

4. Do you own or have any interest in any another marijuana establishment(s), including registered marijuana dispensaries or medical marijuana treatment centers? ☐ YES ☐ NO
If YES, please provide the name and physical location of any other such establishments:

5. Please specify your intended days and hours of operation:

6. Describe in detail the premises to be licensed, including plans for customer flow, security, delivery, lighting and signage (*attach additional pages if necessary*):

7. Will you agree to the minimum HCA conditions outlined above? YES ☐ NO ☐
8. Does any owner, director, manager, officer, or investor have an existing or previously existing business or property in New Bedford that owes any delinquent taxes, fees, fines, penalties, or other monies to the City of New Bedford? YES ☐ NO ☐

9. Has any owner, manager, director, officer, investor, or other individual affiliated with the applicant been convicted of any criminal disqualifying conditions, offenses, and violations pursuant to 935 CMR 500? YES ☐ NO ☐

If YES, please explain below:

10. Please indicate any additional conditions, considerations, or benefits you wish to propose for the HCA (*attach additional pages if necessary*):

Please fill out the section below after completing the questions on pages 7-9:

Please print the name(s) and title(s) of Applicants or Corporate Officers. All applicant(s) or Corporate Officers must sign the signature line in ink.

Print: _____ Title: _____ Signature: _____

Print: _____ Title: _____ Signature: _____

Print: _____ Title: _____ Signature: _____

Print: _____ Title: _____ Signature: _____

Print: _____ Title: _____ Signature: _____

Print: _____ Title: _____ Signature: _____

Date of Application

PREMISES DIAGRAM

All applicants must submit a diagram clearly defining the premises, in addition to a completed license application. You may submit a diagram here or attach a plan of the premises. Diagrams should be as accurate as possible. Be sure to label the areas of your diagram including entrances, office area, kitchen, storage areas, restrooms, parking locations, signage, loading areas, transaction locations, and so forth.

Corporate/LLC Information Required for Business Entities

Responses to questions below must match information on file with the MA Secretary of State's office.

1. Exact legal name: _____
2. Doing Business As, if any: _____
3. Date of filing with Secretary of State: _____ State in which you are formed: _____
4. If not a MA business entity, date on which you were authorized to transact business in the State of MA _____
5. List the name, addresses and title of officers, directors and/or members and list the percentage ownership: (attach additional sheets as needed)

NAME	ADDRESS	TITLE	% OWNERSHIP*

(*Stock ownership in non-publicly traded companies must add up to 100%.)

Print Name

Title

Signature

Date

(Duly Authorized)