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## MARIJUANA ESTABLISHMENTS IN NEW BEDFORD: FREQUENTLY ASKED QUESTIONS

### 1. How many marijuana establishments will be allowed in New Bedford?

The city ordinance caps the licenses for marijuana retailers and dispensaries at 8; this figure is based on 20% of the total “off-premises” alcohol licenses allotted to the city.

There are additional types of marijuana establishments as described in FAQ number 8. The total allowable number of establishments is unknown, but would be limited to the locations designated by the zoning ordinance.

### 2. Do regulations and processes vary per community?

Yes, each municipality will have their own unique set of requirements for marijuana establishments per their adopted ordinances/bylaws. However, the state regulations are applicable to all cities and towns.

### 3. Where can marijuana establishments be located? (Visit the city’s marijuana website for the map)

Marijuana establishments and Registered Marijuana Dispensaries are allowed only in:

- Industrial District A (IA)
- Industrial District B (IB)
- Industrial District C (IC)

In addition, the proposed site parcel(s) cannot intersect with any buffers outlined within the city ordinance.

A buffer is a measured area surrounding a geographic location(s). The City of New Bedford has incorporated a 200FT buffer around residential parcels, and multiple 500FT buffers surrounding incompatible uses where marijuana establishments cannot be located.

Applicants seeking guidance on the conformance of a particular parcel with the city’s zoning ordinances, including restrictions specific to the operation of marijuana facilities, are directed to contact the [Department of Inspectional Services](#). A written determination of conformance will be provided to applicants based on the specific parcel proposed by the applicant.

### 4. What is a Host Community Agreement (HCA)?

A Host Community Agreement, or HCA, is a negotiated agreement between the City of New Bedford and a Marijuana Establishment or Registered Marijuana Dispensary, setting forth the agreed upon terms for a marijuana establishment or medical marijuana treatment center to operate within the city. These terms include but are not limited to, the responsibilities of the marijuana establishment or a medical marijuana treatment center as to payment of an impact fee to the city, support of city non-profits, preference for city residents in hiring, and design standards for the facility.

## 5. Who will review HCA Applications and how often will they meet?

Applications and supporting materials will be reviewed by a screening committee comprised of the following (or their designee): (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 committee will review each application and may refer the application with a recommendation to the Mayor.

The Screening Committee will meet twice annually. At each meeting, the Committee will consider applicants that have submitted all required materials during the previous six months, as well as previous applicants that wish to revise their submissions. The Screening Committee may also decide in some instances to refrain from making recommendations to the Mayor if there are an insufficient number of competing applicants to review at a given time.

## 6. What does economic empowerment priority status mean in local permitting?

This is a state designation which enables technical assistance and exclusive training from selected vendors as well as certain fee waivers at the state level. This status does not provide additional incentives during the local permitting process.

## 7. Which state and local approvals do marijuana establishments need to open?

### I. Interested applicants must apply for a license through the state's Cannabis Control Commission (CCC).

- Per CCC regulations, state applicants are required to hold a Community Outreach Meeting within six (6) months before submitting the CCC license application.

### II. Demonstration of Site Eligibility and Site Control

The applicant will be responsible for completing the following steps to demonstrate site eligibility and site control:

- Obtaining a letter from the Commissioner of Inspectional Services affirming conformance with New Bedford's zoning requirements (see FAQ question #3)*
- Establishing site control consistent with Cannabis Control Commission requirements*
- Providing evidence of the successful assembly and submission of all materials required by the Cannabis Control Commission within the **Application of Intent** (without an HCA Form), and **Management and Operations Profile**.*

Demonstration of Site Eligibility is required as part of the Pre-Eligibility Screening.

### III. Pre-Eligibility Screening with the City of New Bedford

Applicants should contact the city's Planning Division for a Pre-Eligibility Screening. The Pre-Eligibility Screening is comprehensive, and requires the following:

#### a. Pre-Eligibility Screening Form

Marijuana establishments that seek to begin the Host Community Agreement (HCA) process locally will be required to complete a [Screening Form / Application for Marijuana Establishment Host Community Agreement](#). The [Screening Form / Application for Marijuana Establishment Host Community Agreement](#) requests basic information about the monetary commitments, mitigation efforts, and benefits that applicants would bring to the community if the city agrees to enter into a Host

Community Agreement. The commitments will cover a range of categories and uses of funds, including: hiring of city residents, use of city businesses as vendors, support for New Bedford-based charitable organizations and reimbursement for municipal services. Applicants will also use the Screening Form to indicate their willingness to agree to various terms and conditions that are important to the city.

b. **Submission of the Cannabis Control Commission’s Application of Intent and Management and Operations Profile to the City of New Bedford**

In conjunction with the submission of the Pre-Eligibility Screening Form, applicants are required to attach their **Application of Intent** (without an HCA Form) and **Management and Operations Profile**, as required in the application process of the Massachusetts’ Cannabis Control Commission.

The **Application of Intent** and the **Management and Operations Profile** are required by the Cannabis Control Commission and effectively necessitate that HCA applicants have established a permissible location for their facility and secured an appropriate level of site control.

c. **Screening Committee Review and Designations of “Preferred Negotiating Partner”**

The Screening Committee will evaluate the monetary commitments, mitigation efforts, and various benefits proposed in Screening Forms, as well as review the attached materials. Based on these and other relevant factors, the Committee will make recommendations to the Mayor regarding any “Preferred Negotiating Partner/s” (an applicant or applicants with which the city should commence HCA negotiations). The Mayor will then decide on which Committee recommendations to act.

**IV. Host Community Agreement Negotiations and Public Input**

Once an applicant is designated a Preferred Negotiating Partner, the applicant and the city will negotiate the terms of an HCA. The city reserves the right to require additional community outreach and input in conjunction with the negotiations. Upon an Agreement being reached, the Mayor will submit the Host Community Agreement to the City Council for consideration. If approved by the City Council and signed by the Mayor, the applicant may move forward with its effort to obtain a Provisional License from the Massachusetts Cannabis Control Commission.

**V. Obtain Provisional License from the state**

Applicants will need to obtain their Provisional License from the CCC prior to applying for a Special Permit or Operational license with the City of New Bedford.

**VI. Special Permit Process**

• **Pre-Permitting Meeting and Public Hearing**

At the request of the applicant, the city (DIS and Planning staff) will hold a Pre-Permitting Meeting with the applicant. The applicant must obtain necessary approvals from the Police Department, Fire Department, and Board of Health before requesting this meeting. The applicant must also conduct abutter notifications, and fulfill all applicable Special Permit application requirements. The Planning Board will then conduct a public hearing and issue a decision.

**VII. Board of Health – Compliance with Regulations**

Prior to receiving a license to operate in the city, an applicant must obtain a Certificate of Compliance from the Board of Health certifying that the applicant and the proposed facility comply with the Board’s marijuana regulations. In addition, all employees working at a marijuana facility in the city must individually certify that they have received and understand the applicable regulations.

**VIII. Operations License**

Once an applicant has executed an HCA with the city, received a license from the CCC, received a special permit from the city, and obtained a Certificate of compliance from the Board of Health, the New Bedford Licensing Board will issue a license to operate the proposed facility in the city. This license must be renewed annually. To retain said license, a license holder must maintain compliance with all applicable laws, ordinances, regulations and the terms of the HCA executed with the city.

**8. Which types of marijuana establishments will be allowed in the city?**

Please see the descriptions below for the 5 categories of marijuana establishments that will be permitted throughout the city.

• **Recreational Marijuana Establishments (5 Types)**

**1. MARIJUANA CULTIVATOR**

A Marijuana Cultivator may **cultivate (def: develop/farm)**, process, and package marijuana, to transfer and deliver to marijuana establishments, but not to consumers.

• **CRAFT MARIJUANA COOPERATIVE**

A Craft Marijuana Cooperative is a type of small scale Marijuana Cultivator.

**2. INDEPENDENT TESTING LABORATORY**

An Independent Testing Laboratory is an entity that is properly accredited to perform tests in compliance with the stringent requirements of the Department of Public Health protocols for testing marijuana and marijuana products, and does not hold any other type of marijuana establishment license.

**3. MARIJUANA PRODUCT MANUFACTURER**

A Marijuana Product Manufacturer is an entity authorized to obtain, **manufacture (def: make/produce)**, process and package marijuana and marijuana products, to deliver marijuana and marijuana products to Marijuana Establishments and to transfer marijuana and marijuana products to other Marijuana Establishments, but not to consumers.

**4. MARIJUANA RETAILER\***

A Marijuana Retailer is an entity authorized to purchase and deliver marijuana and marijuana products from Marijuana Establishments and to sell or otherwise transfer marijuana and marijuana products to Marijuana Establishments and to consumers. *Consumers within the City of New Bedford will not be allowed to consume marijuana products on-site.*

**5. MARIJUANA RESEARCH FACILITY**

A Marijuana Research Facility is an academic institution, non-profit corporation or domestic corporation or entity authorized to do business in the Commonwealth of Massachusetts. A Marijuana Research Facility may cultivate, purchase or otherwise acquire marijuana for the purpose of conducting research regarding marijuana and marijuana products.

- **Medical Marijuana Establishments**

- Registered Marijuana Dispensary (RMD) (also known as “Medical Marijuana Treatment Centers”)\*

- Registered Marijuana Dispensaries are required to cultivate, process and retail their own marijuana and marijuana products for medical use.

*\*Only Marijuana Retailers and Registered Marijuana Dispensaries are allowed to sell marijuana directly to consumers. However, it is important to note that some establishments may be co-located.*

*There are several state-mandated requirements associated with each marijuana establishments. To learn more, visit the [Cannabis Control Commission Guidance webpage](#).*

**9. Will consumption of marijuana at retail marijuana establishments be permitted?**

No, on-site consumption of marijuana at retail establishments is not permitted in the City of New Bedford.

**10. How is security evaluated for Marijuana establishments?**

There are state and local requirements related to required security measures for marijuana establishments. For more information on state regulations, see section “[500.110, Security Requirements for Marijuana Establishments](#).” Locally, the Police Department and the Department of Health must review and approve a security plan for proposed marijuana establishments prior to issuance of permits.

**11. The Planning Board will serve as the authority in granting special permits for marijuana establishments. How will the Board address impacts to my neighborhood?**

Applicants will be responsible for providing information and or plans relative to the following: traffic/circulation, odor control, safety/security, and business operations. The Planning Board will applicant information and plans to ensure that potential impacts are addressed within the application.

**12. Will the city get tax revenues from marijuana sales?**

Yes. The State Legislature explicitly authorized municipalities to adopt an optional local excise tax of up to 3% as applied to retail transactions, in addition to state sales and excise taxes. New Bedford has adopted this 3% local tax; therefore, the following taxes will be assessed:

- the 6.25% state sales tax;
- the 10.75% state excise tax on marijuana and marijuana products; and
- a 3% local tax, applied to retail sales only

**13. Where can I find out more about marijuana in Massachusetts?**

You can access additional FAQs and state regulatory information on the state’s Cannabis Control Commission [website](#).

**14. What if I have a question not answered here?**

You can email us your question at [planninginfo@newbedford-ma.gov](mailto:planninginfo@newbedford-ma.gov).