

By Order of the Mayor of Framingham



**Policy on Host Community Agreement for
Marijuana Establishments and Registered Marijuana Dispensaries**

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Policy Description

On October 5, 2018, the City of Framingham adopted General and Zoning By-Laws governing marijuana establishments. The intention of this “Policy on Host Community Agreement for Marijuana Establishments and Registered Marijuana Dispensaries” is to outline the process by which Host Community Agreements will be negotiated with existing or prospective marijuana establishment licensees and/or Registered Marijuana Dispensaries.

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Effective Date: November 14, 2018

I. Executive Summary

On October 5, 2018, the City of Framingham (“the City”) adopted General and Zoning By-Laws, subsequently changed to Ordinances, governing marijuana establishments. The intention of this “Policy on Host Community Agreement for Marijuana Establishments and Registered Marijuana Dispensaries” (“Policy”) is to outline the process by which Host Community Agreements (“HCA”) will be negotiated with existing or prospective marijuana establishment licensees and/or Registered Marijuana Dispensaries (“RMD”).

II. Authority

- A. The City is authorized to enter into HCA pursuant to M.G.L. c. 94G, § 3(d). This Policy is authorized pursuant to the Framingham Home Rule Charter voted April 4, 2017, Article III, Section 2 and shall take effect immediately upon review and approval by the Mayor.
- B. The siting and operation of marijuana establishments and RMD in the City is governed by:
 1. Framingham Zoning Ordinances (Sections I.E, II.5.D, II.6.A, II.6.C, VI.F.2., VI.G.1, and IX) and Framingham Zoning Map – Marijuana Establishment Overlay District (collectively, “the Zoning Ordinances”);
 2. Framingham General Ordinances (Article V., Section 1.5 and Article VIII) (the “General Ordinances”);
 3. Board of Health (BOH) Regulations regarding the Regulation of the Framingham Board of Health Regulating the Sale of Medical Marijuana promulgated in 2015, and Regulation to Ensure the Sanitary and Safe Operation of Adult-use Marijuana Establishments and the Sale of Adult-use Marijuana promulgated in 2018 (collectively, the “BOH Regulations”);
 4. Regulations promulgated by the Commonwealth of Massachusetts Department of Public Health (DPH) as 105 CMR 725.00 as may be amended from time to time (“DPH Regulations”); and
 5. Regulations promulgated by the Commonwealth of Massachusetts Cannabis Control Commission (CCC) as 935 CMR 500.000 (“CCC Regulations”).

III. Definitions

- A. **Marijuana Advisory Team (“MAT”)**: A formal advisory group to the Mayor consisting of the Chief Operating Officer, the Building Commissioner, the Planning Board Administrator, the Director of the Department of Public Health, the Chief of Fire, the Chief of Police, the Chief Financial Officer (“CFO”), and the City Solicitor, or their respective designees, that reviews HCA applications from marijuana establishments and RMDs to make recommendations to the Mayor for review of the same.
- B. Terms not defined in this Policy but defined in M.G.L. c. 94G, the CCC Regulations, the DPH Regulations, the Zoning and General Ordinances, and/or the BOH Regulations shall have the meanings given therein to the extent the same are not inconsistent with this Policy.

IV. Acronym and Terminology List

- AMR – Annual Marijuana Report
- BOH Regulations – Regulation of the Framingham Board of Health Regulating the Sale of Medical Marijuana (2015) and Regulation to Ensure the Sanitary and Safe Operation of Adult-use Marijuana Establishments and the Sale of Adult-use Marijuana (2018).
- CCC - Commonwealth of Massachusetts Cannabis Control Commission
- CFO – Chief Financial Officer
- COO – Chief Operating Officer
- CORI - Completed Criminal Offender Record Information
- DPH – Department of Public Health
- DOR – Massachusetts Department of Revenue
- General Ordinances - Framingham General Ordinances
- HCA - Host Community Agreements
- MAT – Marijuana Advisory Team
- Policy - Policy on Host Community Agreement for Marijuana Establishments and Registered Marijuana Dispensaries
- RMD - Registered Marijuana Dispensary
- The City - City of Framingham
- Zoning Ordinances - Framingham Zoning Ordinances

V. Policy Statement

The City may enter into an HCA with a marijuana establishment and/or RMD that the Mayor, as advised by the Marijuana Advisory Team (“MAT”), deems is in the best interest of the City. The basis for the City’s review and consideration of HCAs is a desire to protect the health, safety and welfare of Framingham residents and the community.

The MAT shall produce an annual marijuana report (“AMR”) for the Mayor and City Council to document the impacts of marijuana establishments and RMDs on the City. The AMR are intended to serve as the basis for recommendations as to future HCA and amendments to City By-laws and Policies regarding marijuana establishments and RMDs.

VI. MAT Responsible Parties

- A. The Chief Operating Officer (“COO”) shall lead MAT meetings, develop HCAs, and designate specific tasks to MAT members. The COO shall further appoint a member of the MAT to produce an Annual Marijuana Report (AMR).
- B. The City Solicitor, or his designee, shall attend MAT meetings as needed, draft and review HCAs and other applicable legal documents provide advice on Massachusetts and federal marijuana law and CCC policy and guidance. The City Solicitor has the sole authority to approve municipal contracts, including HCA, as to form.
- C. The Executive Assistant to the Mayor shall review applications for completeness and request additional information as needed, schedule MAT meetings and educational programs, and take MAT meeting minutes.
- D. The Mayor shall review and sign final HCA and/or letters as required by the CCC.
- E. The members of MAT shall review applications, participate in HCA applicant interviews, and make recommendations to inform the development of the HCA and the marijuana retail establishments that will operate in the City. Members of MAT shall contribute to the AMR.

VII. Community Host Agreement Process

A. Submittal of Application for HCA

A prospective applicant for an HCA with Framingham shall submit an application and request for introductory meeting with the MAT via the City’s website at <https://www.framinghamma.gov/2695/Marijuana-Regulation> prior to advertising a Community Outreach Meeting, which is required by the CCC pursuant to 935 CMR 500.101 (1)(a)(9) to occur within six (6) months prior to an application for licensure. The MAT Application and following required minimum supporting materials must be submitted prior to requesting a meeting with the MAT:

- 1. Resumes for every manager, director, or officer of the marijuana establishment and/or RMD;
- 2. Completed Criminal Offender Record Information (CORI);
- 3. Business and/or Strategic Plan;
- 4. Security Plan;
- 5. Site Plan, which has been prepared by a professional engineer or land surveyor licensed in the Commonwealth of Massachusetts;
- 6. Financial records or letter of financing demonstrating capitalization or investment to ensure the establishment’s solvency and successful operation;
- 7. Proposed Community Outreach Meeting date and agenda, including information to be presented at such meeting pursuant to 935 CMR 500.101 (1)(a)(9);
- 8. All HCA with other municipalities, if applicable.

B. Introductory Meeting

Upon confirmation by the City that the application is complete as required in Section VI.A of this Policy, the Executive Assistant to the Mayor will schedule an introductory meeting with the MAT.

C. Review of Application for HCA

1. Minimum Requirements

The Agreement shall include, at minimum, conditions set forth in General Ordinance Article VIII, Section 9.4.

2. Favorable criteria include, but are not limited to, the following:

- a. Demonstrated direct experience in the cannabis industry or a similar industry, e.g., existing DPH or CCC licensure;
- b. Strategic plan, 5-year plan, and/or business plan;
- c. Existing presence in Framingham;
- d. Existing presence in Massachusetts;
- e. Site selection and ability to obtain necessary local permits;
- f. Security, fire, and transportation plan;
- g. Site plan showing site circulation, parking, lighting, screening and delivery bay;
- h. Minimal traffic impacts and appropriate mitigation for impacts;
- i. Approval of security plan by Chief of Police and Fire Chief;
- j. Managers, directors, officers, investors, and others related to the establishment are free of any disqualifying criminal convictions;
- k. Interview with all of the organization's controlling members, illegal counsel, financial controller, security manager, operations manager;
- l. Identification of investors;
- m. Commitment to diverse and local hiring.

All documentation shall be prepared by applicable professionals whom hold certification and/or licensure when applicable.

Applicants may, but are not required to, demonstrate commitment to Framingham through voluntary sponsorship of, or contribution to, one or more programs, facilities or improvements serving Framingham residents.

D. Recommendation for HCA

The City shall make all efforts to ensure that the process for obtaining an HCA is unbiased, objective, transparent and timely. After the MAT has completed its review and the applicant has conducted its Community Outreach Meeting, the MAT will make a recommendation to the Mayor and shall notify the applicant of its recommendation. The City is not obligated to enter into an HCA with any applicant, or to do so within set time period.

If the MAT makes a positive recommendation for an HCA to the Mayor, the City Solicitor will provide a proposed HCA to applicant or its designee or counsel. The HCA shall include the provisions in Framingham General Ordinances Article VIII, Section 9.4, and any conditions agreed to in its discussions with the HCA and Mayor.

E. HCA with Marijuana Retail Establishments

The maximum number of marijuana retail establishments allowed in Framingham is set at six (6) pursuant to the Framingham General Ordinances, Article VIII, Section 9.3. The City is not obligated to enter into an HCA with any applicant, or to do so within set time period. The MAT

may set an application period in which applications are solicited; such timeline shall be posted to the City's website.

VIII. Reporting

A. Municipal Reporting

1. The CCC's Guidance on Host Community Agreements states in relevant part that "[s]ome anticipated costs that may reasonably be included in a fee of up to 3% of gross annual sales include services such as:
 - a. Traffic intersection design studies where additional heavy traffic is anticipated because of the location of retail establishment;
 - b. Environmental impact or storm water or wastewater studies anticipated as the result of cultivation;
 - c. Public safety personnel overtime costs during times where higher congestion or crowds are anticipated;
 - d. Additional substance abuse prevention programming during the first years of operation;
 - e. Municipal inspection costs.

The list delineated above is not intended to be exhaustive or exclusive and is merely provided as illustrative examples".

Accordingly, at the start of each fiscal year, the COO will designate a member of the MAT who will develop the AMR. Such person shall work with the various members of the MAT to collect the necessary data to produce the AMR documenting the impacts of marijuana establishments and/or RMDs on the City which impacts are not limited to the matters listed above.

2. Annual Marijuana report

The AMR shall include information from each respective member of MAT relative to marijuana. Specific required information includes number of marijuana establishments and/or RMD in operation, impacts to traffic (including crash data where marijuana was involved), any reports provided by a marijuana establishment and/or RMD, taxes collected from marijuana establishments, and number of calls from the Police and Fire Department responding to a marijuana establishment or RMD.

B. Reporting by Marijuana Establishment and RMD

Pursuant to 935 CMR 500.103 (4)(d), "At the time of renewal, [marijuana establishment] licensees shall make available an accounting of the financial benefits accruing to the municipality as the result of the host community agreement with the licensee. The [Cannabis Control] Commission will make this information available on its website. Municipalities are encouraged to share cost-benefit information with licensees and the Commission."

Accordingly, a party with whom the City enters into an HCA shall provide the MAT with copies of all filings made to the DPH, CCC, Office of the Attorney General and Massachusetts

Department of Revenue (DOR) and shall make available to the City an accounting of the financial benefits accruing to the municipality as the result of the HCA.