

As voted at 9/17/2019 Town Council Meeting, per ED&P Committee report:

To: Town Council Committee on Economic Development and Planning

From: Steve Magoon, Director of Community Development and Planning & Assistant Town Manager

Re: Adult Retail Marijuana Review Criteria and Process Recommendations

Date: August 13, 2019

The Honorable Town Council has requested the Department of Community Development and Planning provide information in regard to “Qualifications or Conditions, and Application and Review Process for Operating a Marijuana Establishment, Possibly for Both a Community Host Agreement and Adult-Use Marijuana Establishment License”.

Staff has reviewed the current guidance from the Cannabis Control Commission in regard to equity provisions, positive impact plans, diversity plans, and host community agreements. Staff also reviewed some example procedures in place or being considered in other communities. The request for a Host Agreement is the first local step in the process to receive a license, and this agreement is made between the Town and the Applicant.

Based on this, Staff has outlined what could be considered as part of the Council’s process for reviewing and approving Host Community Agreements. The following section suggests some criteria that could be considered.

Council Consideration

1. Develop a set of criteria for Council to compare applications.

- a. The proposals would be reviewed against the established criteria and the top-rated applications would receive an executed Host Community Agreement.
- b. With three available permits, the top three applications would be able to proceed to the next step with the Permit Granting Authority.

Criteria:

1. Site Review – Location

- a. Show the use is appropriate for the location;
- b. Show that there is adequate access to the store, parking, loading, trash and other areas required for operations to succeed;
- c. Compatibility of the use with surrounding uses physical fit with existing context;
- d. Show that the use does not conflict with adjacent uses including appropriate separation from uses of concern.
- e. Does the street façade provide an activated storefront.

2. Business Operations –

- a. Construction phase has minority or women owned businesses (including architect, engineering, construction)
- b. Show how the business is connected to Watertown as a community
- c. Include the Commonwealth’s required Positive Impact Plan and Diversity Plan; **With Criteria 2.c. Amended to Read: “Evaluate the Commonwealth’s Required Positive Impact Plan and Diversity Plan as to How it Affects Watertown”**
- d. Demonstrate a commitment to local diversity hiring program

- e. Program for relevant community support, public outreach, and partnerships with local organizations
- f. Supports long-term commitment to supporting programming on public health and drug abuse prevention (citizen and staff)
- g. Fiscal Impact Analysis showing cost neutral or beneficial for the Town
- h. Environmental Impact Analysis showing how all impacts are offset

Disproportionate Impact:

At this time, the Cannabis Control Commission (MACCC) has equity provisions to ensure that during the review process that the areas of 29 cities and towns designated as [areas of disproportionate impact](#), because they were impacted by marijuana law enforcement, would be considered in the marijuana industry. To achieve this, the MACCC has provided priority review for applicants that can achieve certain criteria. Watertown is not a designated community, but nevertheless has a diverse population that may have had a disproportionate impact. The State process will consider the requirements of the MACCC through the criteria established as part of the [economic priority review](#).

Diversity and Equity Option:

Staff suggests that the criteria above addresses the specific equity issues within Watertown and that the State process will encourage all entities to provide equity measures within their business plans. Despite this, if the Town would like to take an additional step toward promoting equity and positively impacting the communities of disproportionate impact in the Watertown region, then Staff suggests that the Town Council could consider a requirement that one of the three retail licenses be reserved for an economic empowerment applicant, or a designated Social Equity Program participant, or by a company owned by marginalized group. If the Town chooses this route, then evaluating an applicant's diversity plan and positive impact plan will be important.

Local Submission Process:

1. Initial Community Development and Planning Meeting to discuss the business and proposed location and the process for applying
2. Submit a cover letter with a summary of the business operation and site with the following required materials:
 - a. Draft Host Agreement
 - b. Site Plan with Zoning compliance table
 - c. Floor Plan
 - d. Parking Management and Transportation Summary Report
 - e. Security and Operations summary (detailed plans only to be reviewed internally, coordinated by the Police Department)
 - f. Company/Applicant Business structure and summary of business plan
3. Initial Council referral to Committee for Host Agreement review and recommendation
4. Community Meeting
5. Committee recommendation to full Town Council
6. Council vote on Host Agreement (at this point if an applicant receives a Host Agreement, they may resume the application process with the MACCC at the same time as they proceed with the Special Permit application process)
7. Meet with Department of Community Development and Planning to review Special Permit packet for completeness
8. Submit Special Permit request to Permit Granting Authority (follows standard Special Permit procedure for the Planning Board or Zoning Board of Appeals).

Any submission that is not moved forward to the MACC and special permit process will be held in abeyance, until such time as there is an opportunity to move forward, or the application is withdrawn.

Voted 9/17/2019: With Criteria 2.c. Amended to Read: "Evaluate the Commonwealth's Required Positive Impact Plan and Diversity Plan as to How it Affects Watertown"