

# MASSACHUSETTS CANNABIS LICENSURE REPORT

TOWN OF WARE  
JULY 2020

PREPARED BY  
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FOR:  
**PRINCETON  
COMMERCIAL HOLDINGS**



# PROPERTY ASSESSMENT

## 2 & 16 EAST MAIN STREET WARE, MA 01082

This property is located near the center of Ware, MA along the Ware River. There are three brick buildings totaling 34,300 sq ft on 6.22 acres, along both sides of the river.

The land allows for development to accommodate multiple cannabis license types, with room for additional parking, full perimeter fencing, secured entranceway, and more.

Building #1 could be utilized for cultivation, which includes sanitary grow rooms built out, humidity controls, X, with an option for manufacturing. Electrical will be updated to support ventilation, irrigation control, lighting, and more. The open layout allows for custom development of the individual, well-sealed rooms and clean rooms upon entry. Cultivation layout and design are based on canopy size, growing medium, vertical vs table, etc. There is efficiency in installing vertical shelving systems. Tall ceilings provide room for HVAC ductwork, lighting, and sprinklers. Moveable racks provide even more flexibility in the open space. With multiple floors, other cultivation operations can be kept separate, such as genetic breeding, trimming, curing/drying, and packaging.

Building #2 and Building #3 can be utilized for manufacturing/processing and/or retail, along with office space, production, inventory, and loading docks for wholesaling/shipping. These buildings provide a generous opportunity for custom build-out. Other things to consider are entryways, ventilation, ADA compliance, means of egress, and utility capabilities.

The buildings have 3 phase power, functioning sewer and sprinkler systems installed.

The additional parking area can be utilized for employee and/or patron parking, along with easy truck and delivery access, utilizing the loading dock.

It's wonderful to see the town showing positivity and working with other present cannabis businesses.

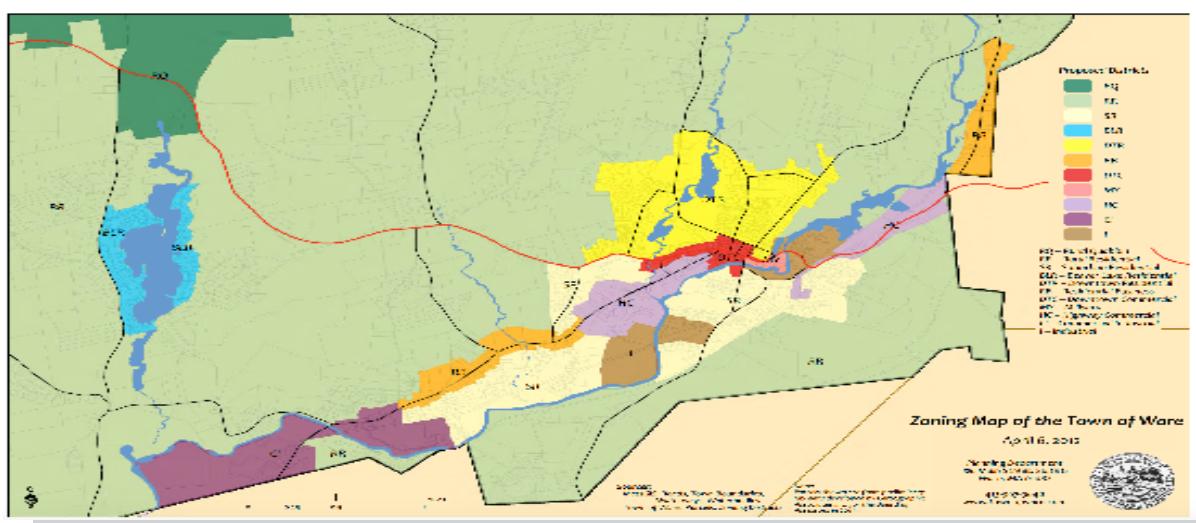


# ZONING

No Registered Medical, Recreational and Hybrid Marijuana Facility and/or Marijuana Cultivation Site may be located closer than three hundred feet (300') of a facility used, at the time of the first notice of the public hearing, for a park, playground, elementary, middle or high school, or state-licensed child daycare center.

This measurement shall be the distance between the Registered Medical, Recreational, and Hybrid Marijuana Facility and/or Marijuana Cultivation Site and the front entrance of the building in question. Such uses shall not be prohibited from locating within three hundred feet (300') of a Registered Medical, Recreational and Hybrid Marijuana Facility and/or a Marijuana Cultivation Site, nor shall a Registered Medical, Recreational and Hybrid Marijuana Facility and/or Marijuana Cultivation Site become nonconforming under the Zoning Bylaw if a park, playground, elementary, middle or high school, or state-licensed child daycare center later locates within three hundred feet (300') of a preexisting Registered Medical, Recreational and Hybrid Marijuana Facility and/or Marijuana Cultivation Site.

The Ware Planning Board created Marijuana business zoning. With Special Permit (SP), cultivation is allowed in RR (Rural Residential), MY (Millyard), CI (Commercial Industrial), and I (Industrial). In the Mixed-Use districts (MY), one parcel can have more than one principal use. Medical, Recreational or Hybrid marijuana sales can be done with SP in DTC (Downtown Commercial), MY (Millyard), and HC (Highway Commercial). Retail is subject to site plan review.



# SPECIAL PERMIT

**General Information:** Special Permits are issued by either the Zoning Board of Appeals or the Planning Board (all others). The applicable board is referred to as the Special Permit Granting Authority (SPGA). The applicant does not need to be the owner of record of the property involved, but when different, both the applicant and the owner must sign the application form and sign an Authorization Form.

Parties in Interest are the petitioner (the applicant), all property owners (abutters) within 300 feet of the boundaries of the petitioner's parcel, including those across a street or stream, and the Planning Boards of every community that abuts Ware (Belchertown, Hardwick, New Braintree, New Salem, Palmer, Petersham, Warren, and West Brookfield).

**Applicant's Responsibilities:** It is recommended that the applicant checks with all other towns, state and federal laws prior to submitting an application to determine if other laws or regulations will apply, such as fire safety, building, ADA requirements, the Wetlands Protection Act (Conservation regulations), Board of Health regulations, licensing requirements, etc.

The applicant must file the application for Special Permit with the Town Clerk where it will be time and date-stamped to start the process. Note that filing an application with the Town Clerk does not certify that the application is complete. Determination of completeness is made by the Director of Planning & Community Development either prior to filing the application or during the review of the application. Should you file your application with the Town Clerk and it is then determined to be incomplete, your public hearing will be opened within the timeframe required by MA General Laws and the SPGA will then determine whether to continue the hearing or deny the application. All applicants are encouraged to meet with the Director prior to filing the application with the Town Clerk. Copies of the application with all required plans and documents must be submitted to the Planning & Community Development Department, along with an electronic (prefer "PDF" format) copy of the application form, plans, and documents. In the event you cannot provide electronic copies, then you must submit 14 paper copies of all plans and documents.

#### **Permit Submittal Check List:**

- 7 – Full size set of Plans
- 10 – Reduced set of Plans (11x17")
- 14 – Application Packets Including: Application, Authorization Form, Certified Abutters List (300')
- Project Narrative, Traffic Report, Environmental Reports, Operation and Maintenance Report and any other reports supporting your application
- 2 – Stormwater Drainage Analysis Report
- Filing Fee Check – Payable to "Town of Ware" CD with all application information in PDF including full size set of plans

The SPGA must hold a public hearing prior to taking action on a Special Permit application, and the hearing must be held within 65 days from the date the application was filed with the Town Clerk.

The purpose of the hearing is to provide all interested parties an opportunity to hear what the application is for and to ask questions or comment on the application. Information that is known to the owners of the area that may not be known by the SPGA is particularly useful, such as drainage patterns, drainage issues (flooding), traffic issues, etc. Concerns about direct impacts are also useful, as the SPGA may be able to place conditions on an approval to mitigate the impacts.

The applicant will be asked to make a presentation at the beginning of the hearing. At this time, the applicant should describe the proposal and address issues such as: snow removal, trash removal, hours of delivery, hours of operation, traffic impact, signage, noise/dust, and any proposed mitigation to known impacts on abutting properties. Such information should be presented in the application as well.

The SPGA will often close the hearing and make a decision on the date of the hearing. However, the SPGA has the authority to continue the hearing to a specific date provided public notice is given pursuant to the Open Meeting Law (MGL, c39, s.23B) without having to send a new notice by mail to parties in interest. A hearing is continued when additional information is required by the SPGA in order for them to make a decision on the application, which could include a site visit.

The SPGA may impose conditions, safeguards and limitations on time or use when granting a Special Permit.

The Planning Department will prepare the Decision and will file it with the Town Clerk within 14 days of the SPGA's vote. This date is known as the "date of grant" of the Special Permit (in the event of approval).

# LICENSE OVERVIEW

*There are two types of cannabis markets, medical marijuana and recreational.*

*Applicants who want to assist registered patients with medical marijuana can obtain an MTC license, which will allow them to cultivate, produce, and dispense marijuana to registered patients and their caregivers, under a vertically integrated license.*

*Recreational offers individual licenses for retail, cultivation, product manufacturing, and more reaching the general public There is a license for a co-located facility that would serve both of these groups.*

## *Adult/Medical License Application Difference:*

*Applicants for licensure as a ME apply for a license usually for a single operation (i.e. cultivation) and must select no more than one (1) location. Applicants to become an MTC apply to cultivate, process, produce and dispense marijuana under a single license. The licensee can select up to two (2) locations from which they will cultivate, produce, and dispense marijuana.*



# ADULT USE

*Applicants who want to grow and cultivate adult-use marijuana may apply for one of three (3) ME licenses: a Marijuana Cultivation license, a Craft Marijuana Cooperative license, or a Microbusiness*



A **Marijuana Product Manufacturer** is an entity authorized to obtain, manufacture, process, and package marijuana and marijuana products, to deliver marijuana and marijuana



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

## CULTIVATION

The cultivation license is broken down into tiers by canopy size. Each licensee (except a craft marijuana cooperative) may have three licenses, but the total canopy authorized by the licenses added together may not exceed 100,000 square feet.

**Tier Management Expansion:** A Marijuana Cultivator may submit an application to change the tier in which it is classified. A Marijuana Cultivator may change tiers to either expand or reduce production. If a Marijuana Cultivator is applying to expand production, it must demonstrate that while cultivating at the top of its production tier, it has sold 85% of its product consistently over the six months, preceding the application for expanded production

# APPLICATION BASICS

*The application is broken into three packets:*

- Application of Intent,
- Background Check, and
- Management & Operations Profile.

## APPLICATION OF INTENT

- An applicant must disclose Persons or Entities Having Direct or Indirect Control in their application for licensure
- Disclosure of in-state interests, and out-of-state interests
- Capital Resources
- Bond or Escrow
- Property Identification and Interest Documentation
- Host Community Agreement Certification
- Community Outreach Meeting Attestation and Documentation
- Plan to Remain Compliant with Local Ordinances
- Plan to Positively Impact Disproportionately Harmed People

## BACKGROUND CHECK

- Background Check Forms:
- CORI Acknowledgment Form
  - Disclosure Form

## MANAGEMENT & OPERATIONS PROFILE

- Business Information, Articles of Organization, Bylaws
- Certificates of Good Standing
- Business Plan, Liability Insurance Plan, and Proposed Timeline
- Summary of Operating Plans, Policies and Procedures
- Diversity Plan

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## ADDITIONAL REQUIREMENTS

### CULTIVATION

Applicants for licensure as a Marijuana Cultivator shall include an operational plan for the cultivation of marijuana in compliance with the Management and Operations Profile section. Please note that cultivation facilities are required to submit more information regarding their energy impact than other license types.

### MANUFACTURING

Marijuana Product Manufacturers Applicants for licensure as a Marijuana Product Manufacturer shall include the following information in its Management and Operations Profile:

1. A detailed description of the applicant's proposed plan for obtaining marijuana from licensed MEs; and
2. A list of all products the applicant plans to produce with the following information:
  - a. Description of types, forms, shapes, colors, and flavors of products;
  - b. Methods of production;
  - c. Safety plan for the manufacturing and production of products in compliance with 935 CMR 500.130
  - d. Sample of any unique identifying mark (product logo) that will appear on the product.



# LICENSES

## License Fees:

Applicants and licensees shall be charged fees for various activities, some of which include the following:

- An application fee when applying for a license
- A license fee when approved for a provisional license
- The annual license fee when renewing a license; and
- When requesting a change of location, name, ownership, or building or renovating an existing structure.

LICENSE TYPES MARIJUANA CULTIVATOR (INDOOR/OUTDOOR)	APPLICATION FEES (INDOOR/OUTDOOR)	ANNUAL LICENSE FEE (INDOOR/OUTDOOR)
TIER 1: UP TO 5,000 SQ FT	\$200 (I) / \$100 (O)	\$1,250 (I) / \$625 (O)
TIER 2: 5,001 to 10,000 SQ FT	\$400 (I) / \$200 (O)	\$2,500 (I) / \$1,250 (O)
TIER 3: 10,001 to 20,000 SQ FT	\$600 (I) / \$300 (O)	\$5,000 (I) / \$2,500(O)
TIER 4: 20,001 to 30,000 SQ FT	\$2000 (I) / \$1500 (O)	\$20,000 (I) / \$10,000 (O)
TIER 5: 30,001 to 40,000 SQ FT	\$2000 (I) / \$1500 (O)	\$22,500 (I) / \$11,250 (O)
TIER 6: 40,001 to 50,000 SQ FT	\$2000 (I) / \$1500 (O)	\$25,000 (I) / \$12,500 (O)
TIER 7: 50,001 to 60,000 SQ FT	\$2000 (I) / \$1500 (O)	\$30,000 (I) / \$15,000 (O)
TIER 8: 60,001 to 70,000 SQ FT	\$2000 (I) / \$1500 (O)	\$35,000 (I) / \$17,500 (O)
TIER 9: 70,001 to 80,000 SQ FT	\$2000 (I) / \$1500 (O)	\$40,000 (I) / \$20,000 (O)
TIER 10: 80,001 to 90,000 SQ FT	\$2000 (I) / \$1500 (O)	\$45,000 (I) / \$22,500 (O)
TIER 11: 90,001 to 100,000 SQ FT	\$2000 (I) / \$1500 (O)	\$50,000 (I) / \$25,000 (O)
MARIJUANA PRODUCT MANUFACTURING	\$1500	\$10,000
MARIJUANA RETAILER (BRICK & MORTAR)	\$1500	\$10,000
MTC APPLICATION FEE	\$3500	
MTC INITIAL/ANNUAL LICENSE FEE	\$50,000	

# COMMUNITY OUTREACH MEETING

## Conducting the Meeting

The purpose of the Community Outreach Meeting is to explain the proposed Marijuana Establishment use and provide information about potential impacts on the neighborhood and community as a whole.

## *ESSENTIAL INFORMATION FOR THE COMMUNITY OUTREACH MEETING:*

- Location of the proposed Marijuana Establishment.
- What type(s) of Marijuana Establishment will be sited at the location?
- Is the proposed Marijuana Establishment allowed under current zoning bylaws/ordinances, or is a zoning amendment required to allow it to go there?
- Is the proposed Marijuana Establishment allowed by right or does it require local zoning permitting? What permits are required?
- Is there a local licensing regulation pertaining to Marijuana Establishments?
- Is there a local Board of Health regulations pertaining to Marijuana Establishments?
- Does the proposed location comply with the 500-foot buffer zone from existing public or private school buildings (K-12)? Do local bylaws or ordinances create a smaller buffer zone?
- If the applicant is moving into an existing building or building a new one, will its premises comply with the security requirements set forth in 935 CMR 500?
- What steps will be taken by the Marijuana Establishment to prevent diversion to minors?
- Information demonstrating how the applicant intends to ensure that the location will not constitute a nuisance to the community as defined by law.
- A plan for how the Marijuana Establishment will positively impact the community. If the applicant is a marijuana retailer, be aware of whether the municipality has passed the local tax option and prepared to answer questions.
- Be familiar with the Host Community Agreement requirements and be prepared to answer questions about them.

# HOST COMMUNITY AGREEMENT CERTIFICATION

Both medical and recreational marijuana businesses must also negotiate a Community Host Agreement with the city or town in which it is located. Cities and towns are permitted to assess a community impact fee of up to 3% of the business's annual revenue. The agreement may be in place for no more than 5 years. However, towns and cities throughout Massachusetts have not followed these requirements.

## HCA REQUIREMENTS

*As a municipality and applicant can agree on additional terms and conditions that vary widely, the following should not be construed as an exhaustive or exclusive list, but as possible provisions of an HCA:*

- *The Municipality agrees to submit to the Commission or other such licensing authority as required by law or regulation, certification of compliance with applicable local bylaws and ordinances relating to the ME's or MTC's application for licensure and/or operation where such compliance has been properly met, but makes no representation or promise that it will act on any other license or permit request including but not limited to special permit or other zoning applications submitted by the ME or MTC in any particular way other than in accordance with the municipality's governing laws.*
- *In the case that the ME or MTC desires to relocate within the Municipality, it must first obtain approval of the new location before any relocation of the facility.*
- *The ME or MTC agrees that jobs created at the facility will be made available to Municipality residents. The Municipality residency will be one of several positive factors in hiring decisions at the facility but shall not be determinative and shall not prevent the ME or MTC from hiring the most qualified candidates and otherwise complying with all Massachusetts anti-discrimination and employment laws.*
- *The ME or MTC agrees to provide a paid police detail for the purposes of traffic and crowd management during peak hours of operation, which shall include, but may not be limited to, Fridays; Saturdays, Sundays, and state holidays.*
- *A key-and-lock system shall not be the sole means of controlling access to the ME or MTC. The ME or MTC agrees to implement a method such as a keypad, electronic access card, or other similar methods for controlling access to areas in which marijuana or marijuana products are kept in compliance.*
- *Termination of the HCA: The ME or MTC may terminate this agreement after the cessation of operations of any facility within the Municipality. The ME or MTC shall provide notice that it is ceasing to operate within the [Municipality] and/or is relocating to another facility outside the Municipality prior to the cessation or relocation of operations. If the ME or MTC terminates this agreement, the final annual payment as defined in the paragraph of this agreement shall be paid to the Municipality by the ME or MTC.*
- *The Municipality agrees to work with the ME or MTC, if approved, to assist with community support, public outreach, and employee outreach programs.*
- *The ME or MTC agrees to work collaboratively with the Municipality and provide staff to participate in a reasonable number of municipal-sponsored educational programs on public health and drug abuse prevention geared toward public health and public safety personnel.*

## OPTIONAL - COMMUNITY IMPACT FEE

An HCA may also “include a community impact fee for the host community.” It must be structured appropriately and consistently with the decisional law on fees. While the regulation does not include a definition of what constitutes a “community impact fee” and does not provide for elements of the fee, it does impose other express limitations on any community impact fee included as part of an HCA:

1. The fee must not amount to more than 3% of the gross annual sales of the ME or MTC.
2. It must be “reasonably related to the costs imposed upon the municipality by the operation of the ME or MTC.”
3. It must be limited to a term of 5 years.

Capped at 3%, the Commission emphasizes that there is a strict limitation on the amount of the community impact fee that a municipality may collect as part of an HCA. The fee is capped at 3% of the ME’s or MTC’s gross annual sales. Thus, any fee that is more than 3% of gross annual sales is not a valid community impact fee. The Commission reiterates that consistent with the statutory requirement of “reasonable relation” and decisional law on fees, there must be specificity and proportionality between the cost or impact claimed by the community and the fee required of the ME or MTC.

Any fee – whether characterized as a fee, donation, or other exaction, including any assessment above 3% of gross annual sales – must also comply with applicable legal requirements.



**Reasonably Related:** The Commission views fees that are “reasonably related” as those that compensate the municipality for its anticipated and actual costs resulting from the operation of the ME or MTC. It is important that the fee bears some reasonable relation to the costs of providing municipal services or other benefits to the ME or MTC and not merely be a fee without a sufficient basis and justification.

Optional- Local Excise Tax

Optional- Community Impact Fee

# TOWN REQUIREMENTS FOR CULTIVATION

## Standards Applicable to Registered Medical, Recreational and Hybrid Marijuana Facilities and/or Marijuana Cultivation Sites

1. An applicant shall possess a Certification of Registration from the Commonwealth of Massachusetts Department of Public Health as a Registered Marijuana Dispensary and shall comply with the Department's regulations at all times.
2. The siting, development, and operation of Registered Medical, Recreational, and/or Hybrid Marijuana Facilities shall be allowed by Special Permit and Site Plan Approval in the Downtown Commercial (DTC), Mill Yard (MY) and Highway Commercial (HC) zoning districts. Marijuana Cultivation Sites are to be allowed by Special Permit and Site Plan Approval in the Mill Yard (MY), Commercial Industrial (CI), and Industrial (I) zoning districts.
3. The proposed plan shall conform to §7.2, Special Permits, §7.4, Site Plan Review, and to those zoning districts per §4.2, Use Table, where these uses are allowed.
4. The proposed plan shall provide urban design and landscaping elements to harmonize the proposed project with abutting uses so as to protect and enhance the aesthetics and architectural look and character of the surrounding vicinity.
5. The use shall not generate outside odors from marijuana use and/or production of marijuana products.

6. The proposed plan shall refer to proper Signage, for the installation, type, number, and size considerations of signs, as applicable.
7. Hours of operation shall be between 8:00 AM and 8:00 PM Monday thru Sunday.
8. Noise shall comply with the Noise Policy of the Commonwealth of Massachusetts Department of Environmental Protection and Division of Air Quality regulations, 310 CMR 7.10, and any local noise abatement bylaw. A noise source violates the noise regulation if the source: a.) Increases the broadband sound level by more than 10 dB(A) above ambient, or b.) Produces a "pure tone" condition – when any octave band center frequency sound pressure level exceeds the two adjacent center frequency sound pressure levels by 3 decibels or more. These criteria are measured both at the property line of the Registered Medical, Recreational, and Hybrid Marijuana Facility and/or Marijuana Cultivation Site and at the nearest inhabited dwelling unit. "Ambient" is defined as the background A-weighted sound level that is exceeded 90% of the time, measured during equipment operating hours.
9. The Town of Ware Planning Board may require a traffic study that includes an analysis of parking demand to justify the number of proposed parking spaces.
10. A Special Permit granted shall be personal to the applicant and shall lapse if the applicant no longer is the holder of the Certification of Registration from the Commonwealth of Massachusetts Department of Public Health as a Registered Marijuana Dispensary. A change of the registrant shall require the submission of a new Special Permit application.

# HELPFUL LINKS & RESOURCES

The Laws

<https://mass-cannabis-control.com/>

Guidance

[https://mass-cannabis-control.com/wp-content/uploads/2020/02/02.25.2020\\_Guidance\\_Document\\_Licensure.pdf](https://mass-cannabis-control.com/wp-content/uploads/2020/02/02.25.2020_Guidance_Document_Licensure.pdf)

Full License Descriptions

<http://mass-cannabis-control.com/wp-content/uploads/2018/04/Guidance-License-Types.pdf>

CCC Licensing Process

[https://mass-cannabis-control.com/wp-content/uploads/2020/02/02.25.2020\\_Guidance\\_Document\\_Licensure.pdf](https://mass-cannabis-control.com/wp-content/uploads/2020/02/02.25.2020_Guidance_Document_Licensure.pdf)

Ware Special Permit Application

<http://cms.revize.com/revize/ware/Special%20Permit%20Application%208-2019%20Fillable.pdf>

Community Outreach Meeting

<https://mass-cannabis-control.com/wp-content/uploads/2018/04/Community-Outreach-Guidance-and-Forms.pdf>

HCA

[https://mass-cannabis-control.com/wp-content/uploads/2020/01/Guidance\\_on\\_Host\\_Community\\_Agreements.pdf](https://mass-cannabis-control.com/wp-content/uploads/2020/01/Guidance_on_Host_Community_Agreements.pdf)

Retail Taxes

<https://www.mass.gov/regulations/830-CMR-64n-marijuana-retail-taxes>

Registered Marijuana Facilities & Cultivation Site Info - Ware

[http://cms.revize.com/revize/ware/document\\_center/Planning/bylaws/2017/Ware%20MA\\_Draft%20Marijuana%20Ordinance\\_9-1-2017.pdf](http://cms.revize.com/revize/ware/document_center/Planning/bylaws/2017/Ware%20MA_Draft%20Marijuana%20Ordinance_9-1-2017.pdf)

Zoning Resources

<http://cms.revize.com/revize/ware/2019%20Use%20Table.pdf>

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