

ARTICLE XXXVII MARIJUANA RETAIL SALES LICENSE POLICIES AND REGULATIONS

37.1 Administration of Marijuana Retail Sales Licenses

The adoption of uniform policies and guidelines is desirable for the administration of marijuana retail sales licenses; therefore, the Select Board as the Local Licensing authority, does hereby adopt the following policies and guidelines:

- a. The Town Manager is the designated Licensing Agent of the Select Board. The Licensing Agent has the authority to accept and reject applications that do not meet the minimum requirements of the Cannabis Control Commission (CCC) and/or the Town.
- b. The Select Board shall not issue more marijuana retail sales licenses than the number that is 20% of the number of liquor licenses for off-premises alcohol consumption that have been issued by the Select Board pursuant to M.G.L. Chapter 138, Section 15, as rounded up to the nearest whole number in the event the number is a fraction.
- c. The Select Board will consider issuing the local marijuana retail sales licenses only after receiving a complete application, input received during the Community Outreach Meeting, and a proposed Host Community Agreement. The Board intends to review application based in part on the following criteria including compliance with 935 CMR 500.105: GENERAL OPERATIONAL REQUIREMENTS FOR MARIJUANA ESTABLISHMENTS; 935 CMR 500.110: SECURITY REQUIREMENTS FOR MARIJUANA ESTABLISHMENTS; and 935 CMR 500.140: ADDITIONAL OPERATIONAL REQUIREMENTS FOR RETAIL SALE:
 - i. Demonstrated relevant experience in the cannabis industry or a similar industry as determined in the discretion of the Board;
 - ii. Evidence that all managers, directors, officers, investors, and others related to the establishment are free of any disqualifying criminal convictions;
 - iii. Compatibility of the proposed location and use with adjacent neighborhood(s) and use(s);
 - iv. Consideration of geographical location within the Town;
 - v. Minimal traffic, parking, or other adverse impacts on the Town and appropriate mitigation for any impacts that may be found to exist;
 - vi. Security plan that meets or exceeds State standards;
 - vii. A plan and schedule detailing when the proposed business would open if a license is granted; and
 - viii. Business plan, financial records, and other documentation demonstrating strong capitalization and likelihood of successful operation over the long term.
- d. Approvals of applications by the Select Board are valid for six months from date of approval by the CCC. If such time expires and the license has not been exercised due to the applicant's failure to meet any of the conditions imposed by the Select Board or CCC, the license will be considered invalid, and the applicant must reapply and be reheard by the Select Board. One month prior to the expiration of the six-month period following CCC approval, the applicant may petition the Select Board for an extension of the

approval period and an extension may be granted for good cause on a case by case basis at the discretion of the Select Board.

- e. Since no more than three (3) retail locations can be permitted, each responder should address why its proposal should be selected over others. Preference may be given to otherwise qualified local applicants at the discretion of the Board. Any license approved by the Board may be contingent on the applicant agreeing to changes to the proposed Host Community Agreement

37.2 Community Outreach Meeting

A Community Outreach Meeting is required for a final marijuana retail license from the CCC and is a pre-requisite to filing with the Tewksbury Select Board. The Community Outreach Meeting will meet the following requirements:

a. Notice

1. At least seven (7) calendar days prior to the proposed meeting, the notice of the meeting must be:
 - a) Mailed to abutters of the proposed address of the Marijuana Establishment, owners of land directly opposite on any public or private street or way, and to the abutters within 300 feet of the property line of the petitioner as they appear on the most recent applicable tax list, notwithstanding that the land of any such owner is located in another city or town. The Assessor's Office may be able to assist an applicant with a list of abutters.
2. At least fourteen (14) calendar days prior to the proposed meeting, the notice of the meeting must be:
 - a) Published in a newspaper of general circulation in the town. Check with the newspaper regarding its advertising deadlines.
 - b) Filed with the Town Clerk, the Planning Board, the Town Manager and the Select Board.
3. The notice must contain the following information:
 - a) Time
 - b) Place
 - c) Subject matter of the meeting
 - d) Proposed address of the Marijuana Establishment

b. Essential Information

1. The information presented at the community outreach meeting must be submitted, which shall include:
 - a) Information that describes how the location will be secured.
 - b) Steps to be taken by the Marijuana Establishment to prevent sale to minors.
 - c) A plan by the Marijuana Establishment to positively impact the community.
 - d) Information to demonstrate that the location will not constitute a nuisance.
 - e) The local permits and licenses that are required.
 - f) Does the proposed location comply with the 500-foot buffer zone from existing public or private school (K-12) buildings?

- g) If the applicant is moving into an existing building or building a new one, will its premises comply with the security requirements required by law?
- h) What are the details of the Host Community Agreement?
- i) A transcript of questions and answers posed by community members during the meeting.

37.3 Application for License from Select Board

The following information shall be submitted to the Select Board on a form provided by the Board:

a. Application Contents

- 1. List of all Persons or Entities Having Direct or Indirect ownership
- 2. List of all persons or entities contributing capital resources
- 3. Disclosure and documentation of any out-of-state or in-state marijuana-related business interests for any individual or entity associated with the application
- 4. The proposed address of the marijuana retail sales operation along with property interest documentation
- 5. Bond or Escrow Account
- 6. Draft Host Community Agreement
- 7. Community Outreach Meeting Attestation Form with supporting documentation
- 8. Plan to remain compliant with local zoning/ordinances
- 9. Plan for Positively Impact Disproportionately Harmed People

b. Management and Operations Profile Section

- 1. Massachusetts Business Identification Number and any D/B/A information, if applicable
- 2. Copy of Articles of Organization and Bylaws/Operating Agreement
- 3. Certificate of Good Standing from the Tewksbury Town Treasurer
- 4. Business Plan
- 5. Proposed timeline to become operational
- 6. Plan to obtain limited liability insurance
- 7. Summaries of following Operating Plans, Policies, and Procedures:
 - a) Security Plan
 - b) Inventory Plan
 - c) Storage Plan
 - d) Transportation Plan
 - e) Plan to Restrict Access to 21 Years of Age
 - f) Prevention of Diversion Plan
 - g) Quality Control and Testing Procedures
 - h) Personnel Policies
 - i) Record Keeping Policies
 - j) Maintenance of Financial Records Policy

- k) Qualifications and Intended Training
 - l) Diversity Plan
 - m) Energy Compliance Plan
 - n) Marijuana Retailer and Marijuana Delivery Operator plan to obtain marijuana and marijuana products and dispensing plan
8. Emergency Contact(s)

c. Application Fee Section

- 1. New application fee: \$1,200.00
- 2. Annual Renewal Fee: \$600.00

37.4 Public hearing for Marijuana Retail Sales

The conduct of the public hearing will be the same as the Select Board's requirements for other licenses. The legal advertisement and notice to abutters will be the same requirements as Community Outreach Meeting requirements.

37.5 Community Host Agreement

Prior to a Marijuana Retail Sales license being issued the Host Community Agreement must be executed.

37.6 Maximum Hours of Operations

- Monday through Saturday: 10:00 A.M. to 8:00 P.M.
- Sunday: 12:00 P.M. to 6:00 P.M.

37.7 Marijuana Retail Sales License Violations

When the Select Board determines that a violation of the marijuana laws of the Commonwealth of Massachusetts has occurred, or a licensee has failed to comply with the conditions of the license or these policies and regulations, the Select Board shall consider the appropriate disciplinary action. In determining the appropriate disciplinary action to be taken, the Select Board shall consider the following:

- a. The written record of the licensee on file within the Office of the Town Manager during the preceding thirty-six calendar months and any prior infractions during this period.
- b. The particular merits of the case presented at the hearing inclusive of such factors as intent, culpability of the parties, and such other factors as the Select Board may deem relevant.
- c. Cooperation of the licensee with the Town Manager, Police Department, Town Inspectors, and other Town officials in the conduct of its business.
- d. Such recommendations as the Town Manager may present.

37.8 First Offense

In general, in matters of first offense, the Select Board shall consider the issuance of a letter of reprimand to the licensee, a copy of which shall be placed on file in the licensee's record or issue a suspension of the license for a period of one to seven days.

37.9 Second Offense

In matters of a second offense within the period of thirty-six calendar months, the Select Board shall consider the issuance of a suspension for a period of one to fourteen consecutive calendar days.

37.10 Third Offense

In matters of a third or subsequent offense within thirty-six calendar months, the Select Board shall consider a second suspension for a period of two to thirty consecutive calendar days and/or revocation of the license.

37.11 General Guidelines Regarding Infractions

All of the above are general guidelines for the Select Board in its deliberations regarding infractions found against the licensee. Each case shall be considered upon its individual merits. The Select Board reserve the right to impose penalties in excess of the above if deemed appropriate.

37.12 Application Process Guidelines

The Select Board will not accept any application unless a Community Outreach Meeting has been held in accordance with the Board's Marijuana Retail Sales License Policies and Regulations.

All Applications received must be complete applications with all required supporting documentation.

No application may be approved unless the applicant has received site plan approval from the Planning Board. Accordingly, it is the responsibility of the applicant to diligently complete the site plan review process prior to any vote of the Select Board. Failure to receive site plan approval prior to a Select board vote will result in rejection of the application.

All applications will be time stamped indicated date and time of receipt. The Board will use the time and date of receipt of the application only for the purpose of determining the order of scheduling public hearings, **NOT** in determining who should be approved for a marijuana retail sales license.

The Town Manager and/or their designee will review the applications for completeness and any applications that are missing information will be returned the applicant. The applicant will need to

resubmit the application and will receive a new date and time stamp of receipt of the application once resubmitted.

The Select Board will schedule its public hearings after the Attorney General has approved both the General Bylaw and Zoning Bylaw changes. After receiving Attorney General approval, the Board will set a date to for public hearings and the schedule for the public hearings will be in the order of applications received. Once the public hearings for all pending/complete applications the Board will deliberate on the applications and when deliberations are complete vote on awarding the license(s).