



Town of Orange

6 Prospect Street
Orange, MA 01364
Phone: (978) 544-1100



Host Community Agreement (HCA) Policy and Procedures for Adult-Use Marijuana Establishments and Medical Marijuana Treatment Centers

Pursuant to MA General Law Chapter 94G Section 3 and the Town of Orange Policies and Procedures any marijuana or medical marijuana establishment seeking to operate in Orange must execute a Host Community Agreement (HCA). The HCA sets forth agreed conditions between the Town of Orange and every marijuana establishment located, or seeking to locate, within the Town. The HCA may include stipulations of responsibilities between the Town and the establishment. In addition to the HCA, the establishment may be required to acquire a Special Permit, Site Plan Review, or other municipal permits, licenses and/or approvals in accordance with applicable general laws, local rules, policies and regulations and the Town of Orange's Zoning Bylaws and General Bylaws.

The Town of Orange is interested in promoting and encouraging full participation in the regulated marijuana industry by engaging with applicants who will be responsible adult-use marijuana establishment operators, creating employment opportunities and promoting economic development to the Town. The Town has developed this policy and procedure to establish a process for selecting eligible applicants with which to enter into HCAs. For a copy of this policy and procedure and other information/materials related to the siting of adult-use marijuana establishments in the Town of Orange, please contact the Community and Economic Development Department at 978-544-1005 ext. 6 or visit the Town of Orange website at: <https://www.townoforange.org/429/Adult-Use-Marijuana-Establishments>

Application Requirements

Applicants seeking a host community agreement for a marijuana establishment shall submit one electronic copy and two (2) hardcopies of the following materials in an envelope clearly marked "Adult-Use Marijuana Establishment". Information regarding security and any other information considered proprietary shall be sealed in an inner envelope marked "Confidential." Submittals shall be delivered to:

Town of Orange
Attn: Community Development Director
6 Prospect Street
Orange, MA 01364

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communitydevelopmentdir@townoforange.org

Included with the hardcopies shall be a check made payable to “Town of Orange” for the non-refundable application fee in the amount of \$500.00 to cover the cost of the submission review and host community agreement negotiations. Note: This fee may be waived, upon request, for an applicant that is a Social Equity Business; an applicant that has been designated as Social Equity Program Participant, Economic Empowerment Priority Applicant or both; or an applicant verified or pre-verified pursuant to 935 CMR 500.101(7), including pre-verified applicants that have been designated as Social Equity Business, Economic Empowerment Applicant, or both.

Each Applicant shall submit the following information:

- a. Cover Letter – A 1-2 page cover letter summarizing the applicant’s proposal to operate a marijuana establishment in the Town.
- b. Business Plan– A detailed plan including, but not limited to the following:
 - i. Documentation that the applicant is an entity registered to do business in Massachusetts.
 - ii. Certificate of good standing, issued within the previous 90 days from submission of the application from the Corporations Division of the Secretary of the Commonwealth.
 - iii. A list of all Persons or Entities having Direct or Indirect Control of the proposed marijuana establishment, as defined in 935 CMR 500.000, et seq.
 - iv. The amounts and sources of capital resources available to the applicant from any individual or entity that will be contributing capital resources for purposes of establishing or operating the marijuana establishment.
 - v. The proposed address for the marijuana establishment and evidence of property interest or site control in the form of clear title, an option to purchase, a legally enforceable agreement to give title, or documentation evidencing legal authorization to use the premises, such as a lease or option to lease.
- c. Management and Operations Plan - A detailed plan including, but not limited to the following:
 - i. Timeline for commencing operations at the marijuana establishment and evidence the marijuana establishment will be ready to operate within the timeline.
 - ii. Demonstration of marijuana establishment’s plan to obtain liability insurance policy.
 - iii. Detailed operating policies and procedures for the marijuana establishment, including, but not limited to the following (to the extent applicable to the proposed operations):
 1. Security plans
 2. Personnel policies
 3. Traffic studies
 4. Prevention of diversion of marijuana to minors or the illicit market
 5. Marijuana storage
 6. Transportation and onsite deliveries both to and from the marijuana establishment

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- 7. Nuisance mitigation plans (i.e., light, noise, emissions, odor, debris, etc.)
- 8. Delivery to customers
- 9. Cultivation process and procedures, including evidence of plans for compliance with Cannabis Control Commission best practices for energy use, water consumption and pesticide controls.
- 10. Product manufacturing process and procedures
- 11. Retail dispensing procedures
- 12. Research process and procedures
- 13. Testing process and procedures
- 14. Record keeping and maintenance of financial records
- 15. Qualifications of all close associates with managerial or operational control
- 16. Certification that no person having direct or indirect control of the marijuana establishment has committed any offense(s) that would result in a presumptive negative suitability determination under 935 CMR 500.000. et seq.
- 17. Disclosure of ownership interest of any person having direct or indirect control of the proposed marijuana establishment in any other licensed marijuana establishments within the Commonwealth or elsewhere (license pending or otherwise approved)
- 18. Training plans for employees
- d. Property maintenance agreement
- e. State approval process and state licensing requirements followed according to MGL.
- f. Plan for Positive Community Impacts - A detailed plan including, but not limited to the following (to the extent applicable to the proposed operations):
 - i. Proposed hours of operation.
 - ii. Proposal for ensuring the protection of public health.
 - iii. Proposal for full and part-time employment and local hiring.
 - iv. A proposal demonstrating municipal benefits the marijuana establishment will provide to the Town, financial or otherwise.
 - v. Diversity plan to promote equity among minorities, women, veterans, people with disabilities, people of all gender identities and sexual orientation.
 - vi. Plan for environmental sustainability in cultivation, manufacturing, and sourcing of retail products and within the overall operation of the marijuana establishment.
 - vii. Status as Economic Empowerment or Social Equity Applicant.
 - viii. A diversity and inclusion hiring plan, detailing all efforts and systems the applicant will undertake in order hire and retain a workforce that is diverse and inclusive.

Review and Approval Process

1. Following the submission of the above-referenced materials, all complete applications will be reviewed by the Community and Economic Development Department (CEDD). The CEDD reserves the right to reject any application it deems to be incomplete; however, the CEDD may, at its

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discretion, request that the omitted information or further clarifications be provided by the applicant.

2. Complete applications will be reviewed in the order they are received, however equity applicants shall be given priority over non-equity applicants. An equity party is: a License Applicant that is a Social Equity Business; a License Applicant that has been designated as Social Equity Program Participants, Economic Empowerment Priority Applicants or both; or an individual or entity verified or pre-verified pursuant to 935 CMR 500.101(7), including pre-verified individuals or entities that are not yet a License Applicant but have already been designated as Social Equity Businesses, Economic Empowerment Applicants, or both.
3. All complete applications will be reviewed within 30 days of receipt. Applications will be evaluated based on the following criteria.
 - a. Applicant demonstrates knowledge and understanding of licensing procedures
 - b. Applicants' management and operations team demonstrates prior experience in commercial cannabis ventures or other relevant experience in relevant fields
 - c. Applicant has presented high quality and well-formulated management and operations plans that demonstrates market and financial feasibility
 - d. The Applicant has an acceptable development timeline and ability to bring the proposed marijuana establishment to timely commencement
 - e. The Applicant demonstrates plans to maximize community connections and local hiring.
 - f. The Applicant has addressed parking and traffic management for the proposed location.
 - g. The Applicant has addressed the potential detrimental municipal impacts and proposed acceptable mitigation measures.
 - h. The Applicant's proposal integrates into the overall goals of the Town
 - i. Applicant has an exit strategy in place in case the business fails.
 - j. **Equity:** Pursuant to 935 CMR 500.181, equity shall comprise not less than 25% of the total evaluation score. This equity component shall include:
 - i. whether an individual, entity, or License Applicant is pre-verified or verified pursuant to 935 CMR 500.101(7);
 - ii. whether the License Applicant is a Social Equity Program Participant;
 - iii. whether the License Applicant is an Economic Empowerment Priority Applicant;
 - iv. whether a License Applicant or pre-verified individual or entity has a prior Marijuana-related criminal offense or conviction;
 - v. whether a License Applicant or pre-verified individual or entity is part of an Area of Disproportionate Impact, as identified by the Cannabis Control Commission;
 - vi. or whether a pre-verified individual is of Black, African American, Hispanic, Latino, Native American or indigenous descent, or a majority of a pre-verified entity or License Applicant entity is comprised of individuals that are of Black, African American, Hispanic, Latino, Native American or indigenous descent.

4. Scoring will be conducted using the following methodology:

- a. Applicants will receive a score between 0 and 2 for each category (0 will mean that the applicant does not meet the criteria at all, 2 will mean that the applicant meets the criteria fully).
- b. Any applicant that receives a 0 in any category will be disqualified.
- c. Applicants must achieve a minimum total score of 13 or above to qualify.

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- d. In the case of a competitive application, the applicant with the higher score will be given the first right to an HCA with the Town.
5. Based on the application evaluations, the CEDD will prepare recommendations to the Town Administrator as to which applicants should be invited to proceed with HCA negotiations.
6. The Town Administrator will engage in good faith HCA negotiations with applicants recommended by the CEDD and deemed qualified by the Town Administrator. Any proposed draft host community agreement shall be subject to final review, approval, and execution by the Board of Selectmen. The following actions will be taken by the Town during all HCA negotiations to ensure full participation and understanding by applicants:
 - a. Engage in an ongoing dialogue by providing multiple opportunities for discussion and negotiation of HCA terms including, at minimum, two conferences with an equity party;
 - b. Include any attorney, authorized representative, or other advocate, if elected by an equity party, in all negotiation discussions and conferences;
 - c. Promote language access by providing a certified interpreter or translator to assist an equity party who is a Non-English speaker during all negotiation discussions and conferences;
 - d. Provide reasonable opportunities for an equity party to review a proposed HCA, HCA term or condition outside of a negotiation conference, or to seek review or input by a third party of their choice.
 - e. Negotiate the terms of an HCA in good faith, including consideration of flexible terms that may mitigate particular challenges affecting an equity party, such as access to capital, with all terms and clauses conspicuously identified and openly discussed; and
 - f. Allow an equity party to propose an amendment to, or seek cancellation of, an HCA within thirty days from the date of execution of the HCA.
7. The Town Administrator shall issue a written explanation, in narrative form, of the reasoning for the approval or denial of all applications.

Ownership of Documents

Any material submitted by applicants shall become the property of the Town.

Public Record

Any personal or financial identifiers (e.g. SSNs, bank account numbers, etc.) contained in application documents shall be redacted by the Applicant prior to submittal.

All information contained in applications and not redacted as above may be open for public inspection. All security-related information furnished by the applicant will be treated as confidential by the Town to the extent permitted by Massachusetts Public Records Law if submitted in a separate sealed envelope marked confidential.

Disclosure

Any marijuana establishment seeking to operate in the Town of Orange must execute an HCA with the Town.

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The HCA sets forth agreed conditions for location within the Town and may include, but is not limited to, stipulations of responsibilities between the Town and the marijuana establishment. In addition to executing a host community agreement, the marijuana establishment must comply with all local bylaws and regulations, including, but not limited to, special permit requirements.

The execution of a HCA does not affect, limit, or control the authority of the Town boards, commissions, and departments to carry out their respective powers and duties to decide upon and to issue, or deny, applicable permits and other approvals under the statutes and regulations of the Commonwealth, the General and Zoning Bylaws of the Town, or applicable regulations of those boards, commissions, and departments or to enforce said statutes, bylaws, and regulations. The Town, by entering into a HCA, is not thereby required or obligated to issue such permits and approvals as may be necessary for the marijuana establishment to operate in the Town of Orange, or to refrain from enforcement action against the marijuana establishment for violation of the terms of said permits and approvals or said statutes, bylaws, and regulations.

The Town does not discriminate on the basis of race, sex, age, color, national origin, religion, disability, gender identity or expression, marital or parental status, sexual orientation, transgender status, veteran status, or any other protected status.

List of individuals who may be involved in an HCA review:

Matthew Fortier, Town Administrator, 6 Prospect St, Orange, MA 01364,
townadministrator@townoforange.org.

Walker Powell, Community Development Director, 6 Prospect St, Orange, MA 01364,
communitydevelopmentdir@townoforange.org

Mikael Pyrtel, Economic Development Director, 6 Prospect St, Orange, MA 01364,
economicdevelopment@townoforange.org

Mercedes Clingerman, Planning Board Chair, 6 Prospect St, Orange, MA 01364,
planning@townoforange.org

Ashley Gough, Health Agent, 6 Prospect St, Orange, MA 01364, agough@townoforange.org

Jeffrey Cooke, Building Commissioner, 6 Prospect St, Orange, MA 01364, building@townoforange.org

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