

City of Greenfield Review Process for Marijuana Establishments and Registered Marijuana Dispensaries

08/30/2023

On June 20, 2018, the City of Greenfield (City) adopted amendments to its Zoning Ordinance to govern all marijuana establishments and recreational marijuana dispensaries (RMDs). The maximum number of marijuana retail establishments in the City of Greenfield is eight (8). The Zoning Ordinance for marijuana uses are located in Appendix A of the Greenfield Zoning Ordinance, which can be found at:

https://cms5.revize.com/revize/greenfield/Document_Center/Department/Planning%20&%20Development/Zoning%20Ordinance_12-21-22.pdf.

All marijuana establishments and RMDs require both a Host Community Agreement (HCA) and a Special Permit from the City of Greenfield, in addition to a state license from the Department of Public Health and/or the Cannabis Control Commission (CCC).

The following outlines the processes for requesting a Host Community Agreement, undertaking Zoning Review and applying for a Special Permit.

Host Community Agreement (HCA) Process

Under state law, each marijuana establishment and recreational marijuana dispensary is required to execute a Host Community Agreement with the municipality in which they operate. The agreement must set forth the responsibilities of the marijuana establishment or RMD and the community. The HCA may include a community impact fee of up to 3% of gross sales to be paid to the host community.

The agreement establishes the amount and method of payment for any negotiated community impact fee. It may also include an agreement about a donation to a Greenfield public charity or non-profit. The HCA also includes other terms such as a commitment to diversity in hiring and hiring qualified employees who are Greenfield residents, and cooperation with the Greenfield Police Department for security and the City on drug abuse prevention. The HCA process does not address in depth whether the site is an appropriate location for the proposed project, what site specific mitigations are necessary, or provide for a full understanding and possible mitigation of community concerns, as those important considerations are part of the Special Permit process. The granting of a HCA does not mean that a Special Permit will be granted; rather, the HCA indicates that the critical decision-making process by the Zoning Board of Appeals about granting a special permit should proceed.

The decision to execute a HCA with an applicant is solely at the discretion of the Mayor, as the contracting authority of the City. The basis for the Mayor's review and consideration of HCAs is to protect the health, safety and welfare of Greenfield residents and the community as a whole. The City shall make every effort to ensure the process for obtaining a HCA is unbiased,

transparent and timely; however, the Mayor is under no obligation to enter into a HCA or do so in a set time frame.

The HCA process is outlined below:

A. Meeting with the Mayor: The Applicant shall meet with the Mayor and the Director of Planning and Development. The Applicant should be prepared to provide information regarding proposed plans for security, public health, and community relations including the required State community outreach meeting; industry and managerial experience as well as biographies for the organization's controlling members; proposed environmental sustainability features; qualifications for state economic empowerment or social equity programs; economic value to the City; contextual information including a description of site location and an overview of transportation, traffic and parking; and proposed operations (including hours and number of staff). The HCA process is not intended to be duplicative of the special permit process which will go into many areas in greater depth than the HCA process. Based on the available information (which is more limited than that available to the Zoning Board of Appeals during the Special Permit process), the Mayor will consider a wide range of criteria in making her/his decision and these will include, but are not limited to:

- Security – Whether there is a sufficient commitment to public safety and a sufficient plan for controlling access to areas with marijuana and preventing sales to underage populations, and other similar factors;
- Public Health – Whether there is a commitment to help monitor and mitigate health impacts to the neighborhood and to Greenfield's youth and adult populations, assistance with local substance abuse prevention programming, and other similar factors;
- Economic value - What is the amount of additional economic value the business would bring to Greenfield, e.g., new jobs, additional local tax revenue, increased property value, commitment to diverse and local hiring, commitment to use of local businesses for construction, supplies, product, and other business needs, and other similar factors;
- Community Relations – What are the plans for community outreach and addressing community concerns, experience with the Greenfield community, and other similar factors;
- Experience – What are the professional experiences and qualifications of the management team and other similar factors;
- Sustainability – What are the proposed sustainable and renewable energy practices, and other similar factors;
- Equity – What are the qualifications of the Applicant under state Economic Empowerment and/or Social Equity programs; and
- Context – Whether or not the proposed facility is generally appropriate in terms of location, operations as well as transportation, traffic and parking. The final decisions relative to these are reserved for the Zoning Board of Appeals during the Special Permit process.

If there are multiple applicants, the relative merits of each proposal will be considered. If granted, the HCA is contingent upon the granting of a Special Permit by the Zoning Board of Appeals and all necessary state permits and licenses.

B. Execution of the Host Community Agreement: The Mayor will decide, in her/his sole discretion, to sign the HCA. The Applicant will be notified in writing if the HCA has or has not been signed. If signed, the HCA will be provisional pending the outcome of the Zoning Board of Appeals Special Permit process. If the Zoning Board of Appeals does not approve the Special Permit, the HCA will be revoked. When the Applicant has a signed HCA, they may begin the Special Permit process.

Special Permit Process

All marijuana uses require a Special Permit, which is a discretionary action, from the Zoning Board of Appeals which will hold a public hearing, review the petition, and ultimately make a decision based on the criteria included in Section 200-8.3(F) of the Greenfield Zoning Ordinance. Public input is an important part of the Special Permit process and allows the Zoning Board of Appeals an opportunity to consider concerns raised by the community.

There are a wide variety of criteria considered by the Zoning Board of Appeals in granting a Special Permit for a marijuana establishment or RMD. For example, these criteria include consideration of whether the specific site is an appropriate location, whether adverse impacts have been appropriately mitigated, whether the site provides convenient access, is accessible to persons with disabilities, and has access to transportation options, whether there will be no nuisance or serious hazards to vehicles or pedestrians, whether literal compliance with parking requirements are required, whether loading, refuse, and service areas have been appropriately screened, whether the site is sufficiently buffered from schools, and whether the site is located where it may be readily monitored by law enforcement and other code enforcement personnel. An affirmative vote of a supermajority of the Zoning Board of Appeals (4 votes) is required for a Special Permit to be issued. Approval of a Special Permit is contingent upon maintaining a Host Community Agreement with the City and a license from the state.

Details of the Special Permit process are outlined below:

- 1) The Applicant shall file 12 copies of their application and plans with the Department of Planning and Development and City Clerk.
- 2) Staff from the Department of Planning and Development will schedule a public hearing with the Zoning Board of Appeals.
- 3) Abutters within a 300' radius will be noticed of the public hearing, notice will be placed in the local newspaper and a sign will be placed on site.
- 4) The Zoning Board of Appeals will hold a public hearing where any member of the public will be given an opportunity to speak, the Applicant shall give a presentation, and planning staff will also submit a memo analyzing the petition and will give a

recommendation. The Zoning Board of Appeals will deliberate and, when ready, will take a vote to approve, approve with conditions or deny the application.

- 5) Once the Zoning Board of Appeals votes on the application, there will be a 20-day appeal period. In order to open, an Applicant will need to have an approval from the Zoning Board of Appeals and will need to have complied with any conditions of approval, including obtaining a license from the state and maintaining a signed HCA with the City.