

City of Westfield
CANNABIS-RELATED BUSINESSES
STATEMENT OF INTEREST

The City of Westfield, through its Department of Community Development is accepting applications from business entities seeking Host Community Agreements (HCA) to operate cannabis-related enterprises in the City in accordance with applicable laws and regulations (M.G.L. c. 94G, §3 and §5; 935 CMR 500.101, 500.180-181).

If you are interested in submitting a proposal for consideration, you must complete the attached application and submit it with all required documents to the following location:

Community Development Department Attention: Peter Miller, Director 59 Court Street Westfield, MA 01085

The City of Westfield is requesting a summary of qualifications and proposals from interested parties.

Proposals may only be submitted in accordance with the instructions and requirements as set forth below.

Westfield Cannabis-Related Businesses

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Westfield Cannabis-Related Business Application

I. GENERAL INFORMATION

Historic Context

On November 8, 2016, Massachusetts voters approved an initiative petition known as "*The Regulation and Taxation of Marijuana Act*", which was codified as Chapter 334 of the Acts of 2016 ("Chapter 334"). Chapter 334 reduced state criminal penalties and instituted civil penalties for the possession and recreational use of marijuana by persons over 21 years of age. It also created a way for the Commonwealth to control the production and distribution of marijuana through licensing, regulations, and taxation of Marijuana Establishments. Chapter 55 of the Acts of 2017 ("Act") was enacted by the State Legislature as an amendment to Chapter 334. The Act encompassed significant amendments to Chapter 334 including a six-month delay in state licensing with a new start date of July 1, 2018.

The Act allows Marijuana Establishments to cultivate, manufacture, and process marijuana, and to sell marijuana to persons over 21 years of age. An applicant requesting certification as a Marijuana Establishment must meet the requirements set forth in 935 CMR 500.00, the regulations promulgated by the Cannabis Control Commission ("Commission"), to be considered for a final license as a Marijuana Establishment.

The Act allows for local control by allowing municipalities to make reasonable regulations that control the local licensing process, and time, place and manner of Marijuana Establishments (G.L. c.94G, §3).

In Summer 2022, "An Act Relative to Equity in the Cannabis Industry" (Chapter 180 of the Acts of 2022) further amended Chapter 94G of Massachusetts General Laws, clarifying municipalities' responsibility to establish preference for Social Equity Applicants. Chapter 180 also amended allowable limitations contained in Host Community Agreements.

On July 5, 2018, the City of Westfield adopted Ordinance No. 1687, "AN ORDINANCE AMENDING THE CODE OF ORDINANCES, CITY OF WESTFIELD, ADOPTED JUNE 17, 1993," replacing Article VII (Controlled Substances and Medical Marijuana) of Chapter 8, Health & Environmental Regulations, with a new [ARTICLE VII. – MARIJUANA](#). Operation of such a marijuana establishment is subject to said ordinance, as well as the City's marijuana zoning overlay, and regulations promulgated by the Commonwealth of Massachusetts Cannabis Control Commission as 935 CMR 500.000.

Social Equity

The City of Westfield adopted a Social Equity Plan, as required by the Commonwealth of Massachusetts requiring the City to encourage Social Equity Applicants for cannabis-related businesses.

The Cannabis Advisory Team for the City will provide priority negotiation to Social Equity business applicants who demonstrate they meet at least one of the following criteria:

1. Income that does not exceed 400% of Area Median Income and Residency in an Area of Disproportionate Impact, as defined by the Cannabis Control Commission, for at least 5 of the past 10 years;
2. Residency in Massachusetts for at least the past 12 months and a conviction or continuance without a finding for an offense under MGL c. 94C or an equivalent conviction in Other Jurisdictions;

3. Residency in Massachusetts for at least the past 12 months and proof that the applicant was either married to or the child of an individual convicted or continuance without a finding for a MGL c.94C offense or an equivalent conviction in Other Jurisdictions;
4. Any individual listed as an owner on the original certification of an Economic Empowerment Priority Applicant who satisfies one or more the following criteria:
 - a. Lived for 5 of the preceding 10 years in an Area of Disproportionate Impact, as determined by the Commission;
 - b. Experience in one or more previous positions where the primary population served were disproportionately impacted, or where primary responsibilities included economic education, resource provision or empowerment to disproportionately impacted individuals or communities;
 - c. Black, African American, Hispanic or Latino descent; or
 - d. Other significant articulable demonstration of past experience in or business practices that promote economic empowerment in Areas of Disproportionate Impact.

If an applicant meets one of the above criteria, they must provide documentation as proof of the qualification or the application will be reopened or denied. Proof for qualifications can include the following:

1. Massachusetts driver's record or Massachusetts ID card record
2. A signed lease agreement that includes the subject's name
3. Residential property deed that includes the subject's name
4. School records
5. Housing authority records
6. Banking records
7. Utility bills, which identifies energy and water use
8. Dated notices or correspondence from a local or state government entity that includes the subject's name
9. List of all qualifying drug related offenses including type of offense, jurisdiction of offense, law enforcement authority, date of offense, court disposition, relationship to offender (if other than self), contact to verify offense, contact phone and email
10. Other appropriate evidence

The Cannabis Advisory Team for the City will provide priority negotiation to Certified Economic Empowerment applicants who demonstrate at least 3 of the following 6 criteria, one of which must be from listed items 1 - 3:

1. Majority of ownership belongs to people who have lived in Areas of Disproportionate
2. Impact for 5 of the last 10 years. Majority of ownership has held one or more previous positions where the primary population served were disproportionately impacted, or where primary responsibilities included economic education, resource provision or empowerment to disproportionately impacted individuals or communities.
3. At least 51% of current employees/subcontractors reside in Areas of Disproportionate Impact and will increase to 75% by first day of business.
4. At least 51% of employees or subcontractors have drug-related CORI, but are otherwise legally employable in a cannabis-related enterprise.

5. A majority of the ownership is made up of individuals from Black, African American, Hispanic, or Latino descent.
6. Owners can demonstrate significant past experience in or business practices that promote economic empowerment in Areas of Disproportionate Impact.

Westfield Cannabis-Related Business Application

II. SELECTION CRITERIA

I. **Project Description:**

- Detailed description of the proposed project.

II. **Design and Construction:**

- Construction budget, design concept and conceptual site plan;
- Traffic control plan around the proposed site;
- Potential fiscal impacts and the projected duration; and
- Mitigation plans to address potential fiscal impacts.

III. **Public Health and Safety-as it relates to the operation of the facility:**

- Describe public health and safety impacts anticipated due to operation of facility;
- Mitigation plan(s) to address the public health and safety impacts;
- Insurance coverage or other financial arrangements to cover risk exposure.

IV. **Management and Business Operations:**

- Ownership and management;
- Business experience;
- Operating policies and procedures;
- Projected revenue, expenses, and anticipated City tax payments;
- Sources of financing; and
- Employment and contractual opportunities.

V. **Equity:**

- Promotion and encouragement of full participation in the cannabis industry by Black, African American, Hispanic, Latino, and other communities that have previously been disproportionately impacted by drug enforcement;
- Promotion and encouragement of full participation in the cannabis industry by persons with prior drug convictions that have previously been disproportionately impacted by drug enforcement;
- Creation, promotion and encouragement of a diverse marijuana market by other underrepresented communities, women, veterans, individuals with disabilities and/or individuals of diverse gender identities and sexual orientations; and/or
- Plans, programs or policies that will positively impact the Commission-designated areas of disproportionate impact in the City of Westfield. (attached hereto as Exhibit E)

VI. **Community Outreach:**

- Ability to conduct a Community Outreach Meeting in accordance with 935 CMR 500.101;
- Location of Community Outreach Meeting; and
- Demonstration of ability to coordinate with City personnel and the community.

Westfield Cannabis-Related Business Application

III. EVALUATION CRITERIA

Each proposal submitted for cannabis-related businesses will be evaluated by the City's Internal Review Group ("Review Group") as determined by the Mayor for responsiveness to the Minimum Qualifications set forth herein.

Proposals will be evaluated on the extent to which they meet these criteria, up to 100 pts:

1. **General Narrative Summary (5 pts):** The proposing entity shall provide complete response for requested background information. Specific emphasis will be placed on the proposing entity's expertise and previous experience operating and/or managing any similar facilities.
2. **Proposed Organizational Structure (10 pts):** The Review Group will review the professional qualifications and individual experience of each team member as proposed by the entity and will consider whether or not an appropriate organizational structure is planned for the proposed facility. The Review Group will look for details that describe the team's professional credentials and expertise in the area of adult use marijuana.
3. **Concept and Project Design (10 pts):** location in City The Review Group will consider the proposed site or area. The City encourages a diversity to the location of each location.
4. **Additional Services and Mitigation Measures (5 pts):** The Review Group will review the proposing entity's analysis of additional services required by the proposed facility and how those needs will be addressed without burden being placed on the City of Westfield and its current level of provided services. The Review Group will consider the proposing entity's commitment to mitigation measures and any proposed support to the City being proposed by the entity.
5. **Security Measures (10 pts):** The proposing entity shall define in detail security measures that will protect the proposed facility, local residents, businesses and property owners in the City of Westfield. Security plans must directly address the security concerns as described in the proposal requirements.
6. **Financial Summary (10 pts):** the Review Group will review the anticipated cost associated with the design, construction and operations of the proposed facility and sources of funding confirmed in support of the project. Proposing Entity shall detail projected operational costs, revenues and income for the proposed project to demonstrate the ability to fund the project.
7. **Business Operations and Marketing Plan (20 pts):** The Review Group will consider proposed operating policies, programs and procedures in addition to the proposing Entity's marketing plan for the proposed facility. The Review Group will pay particular attention to the anticipated market for the proposed facility and how the proposing entity operating policies will ensure service while minimizing security concerns.
8. **Completeness of Proposal (5 pts):** The Review Group will consider the overall completeness of the proposal including the response to the minimum qualifications and proposal requirements. The Review Group will also consider the proposals professionalism, presentation and structure as it relates to the City's RFQ/P.
9. **Social Equity Status (25 pts):** Proposing entity's is considered a social equity entity-proof must be given

Westfield Cannabis-Related Business Application

IV. CANNABIS-RELATED BUSINESS CLASSIFICATIONS

The City of Westfield has welcomed several cannabis-related businesses over the past five years.

[Article VII.-Section 8-170 of the Westfield Code of Ordinances](#) limits the number of marijuana retailers in Westfield to 20% of the number of licenses issued within the City for the retail sale of alcoholic beverages not to be drunk on the premises (colloquially package stores). That cap means that no more than four (4) cannabis retailers can be located in the City. As of February 2024, there are three (3) cannabis retailers in Westfield. A fourth retailer possesses an executed Host Community Agreement (HCA) but has not yet opened. As such, Westfield is not currently accepting applications for cannabis retailers.

The City has not codified a cap on cultivation, testing laboratories, manufacturing facilities or cannabis-delivery operations.

Classifications

RETAIL

CULTIVATION

TESTING LABORATORY

MANUFACTURING

CANNABIS-DELIVERY

CANNABIS-RELATED BUSINESS PROPOSAL APPLICATION
City of Westfield

Organization Name:

Project Name:

Project Address:

Managing Officer Name:

Address:

Telephone :

Fax:

Email Address:

Website *(if applicable :)*

Employer (IRS) ID:

Contact Name:

Title:

Contact Telephone:

Fax:

Contact Email:

BUSINESS TYPE

Check the category, which best describes the type of business being proposed:

Cannabis Retail

Cultivation

Manufacturing

Testing Laboratory

Cannabis Delivery

Other: _____

BRIEF PROJECT DESCRIPTION:

Please provide a brief narrative about your project.

1. Location Information

Proposed Location Address: _____

Parcel ID : _____

Zoning District: _____

Does the proposed site contain any wetlands or is it located in a flood plain?

YES

NO

Site Control

Provide a copy of the lease, agreement, or option that establishes site control for this operation.

This project is located in Eligible Area

Attach Map of Area

Please provide a brief description of proposed improvements to the site and any site plans or concept plans for development or redevelopment.

2. Management Team Information

Please provide a brief description of the proposed management team, including names and biographies of officers, directors, and key personnel.

Does the proposing entity qualify as a Social Equity Business, A Social Equity Program Participant, or Economic Empowerment Priority applicant as defined in 935 CMR 500.101 (7)?

YES

NO

If yes, please provide additional information on how the entity qualifies as a Social Equity Business.

5. Community Impacts

Please describe any anticipated impacts your project might have on the City of Westfield, both positive and negative, including but not limited to the following:

- Pedestrian and vehicular traffic impacts;
- Infrastructure and utility impacts;
- Environmental impacts; and
- Increases in City services.

6. Public Health & Safety

Please submit a detailed Security & Emergency Response Plan as an Attachment.

Please describe your plans relative to ensuring compliance with sanitary code and inspection procedures.

Please describe your plan to eliminate or mitigate any potential nuisances, including odor and other noxious releases.

7. Management & Business Operations

Please attach your Management and Operations Profile pursuant to 935 CMR 500.101

Please provide a staffing plan, including anticipated employee census and any hiring policies.

How many full-time staff are anticipated? _____ Part-time staff? _____

Please answer the following questions in the space provided. Also attach organizational chart and list of board members.

A. Provide an overview of your organization including length of time in existence. List current officers, board members, and partners.

B. Describe your organization's experience in successfully conducting this type of activity. Identify any skills, current services, or special accomplishments that demonstrate your capacity for success.

C. Identify the person(s) responsible for program and financial management of the activity. Identify all other persons involved in this activity noting whether these positions are current or new, pending this award.

D. Identify any other agencies/partners in this activity and define the roles and responsibilities of these partners.

A. THRESHOLD CERTIFICATION

Submission Checklist

- Submit an original and two (2) copies of the completed application. Applications must be typed.

Administrative Attachments

- Articles of Incorporation/By laws
- Resumes of Principal Partners and Key Personnel
- Organization Chart

Statement of Applicant

The undersigned acknowledges the following conditions:

1. That, to the best of its knowledge and belief, all factual information provided is true and correct and all estimates are reasonable.
2. That the City of Westfield may request or require changes in the information submitted, and that the applicant will participate in required interview for project assessment and cooperatively assist in the review process.
3. That, in order to proceed, the project requires a recommendation from the Mayor and approval of a Host Community Agreement by City Council.
4. That the City of Westfield reserves the right not to approve any submittals received.
5. By submission of this application, the organization agrees to abide by state and local regulations applicable to this program.
6. That, if the project is funded, the organization agrees to abide by the City's locally established policies and guidelines.
7. That proof of insurance (general comprehensive public liability insurance with a company licensed to do business in Massachusetts, and in the aggregate naming the City, its employees and agents as additional insures) will be submitted to the city prior to execution of the contract.
8. Applicant shall provide written signatory authority from the organization's governing body indicating who has authority to execute contracts and amendments on its behalf.
9. Applicant agrees to abide by the City of Westfield's Conflict of Interest policy. Items of concern would include staff members serving on the Board of Directors, staff members' families serving on the Board of Directors, and other matters that may give the appearance of a conflict of interest.

PENALTY FOR FALSE OR FRAUDULENT STATEMENT
U.S. Code Title 18, Section 1001, provides that a fine of up to \$10,000 or imprisonment for a period not to exceed five years, or both, shall be the penalty for willful misrepresentation and the making of false, fictitious statements, knowing same to be false.

By signature below, the applicant acknowledges the above in its name on this ____ day of _____, 20____.

Name of Organization

Signature of Authorized Signer

Title