



The Commonwealth of Massachusetts  
Executive Office of Health and Human Services  
Department of Public Health  
Bureau of Health Care Safety and Quality  
**Medical Use of Marijuana Program**  
99 Chauncy Street, 11<sup>th</sup> Floor, Boston, MA 02111

CHARLES D. BAKER  
Governor

KARYN E. POLITO  
Lieutenant Governor

MARYLOU SUDDERS  
Secretary

MONICA BHAREL, MD, MPH  
Commissioner

Tel: 617-660-5370  
[www.mass.gov/medicalmarijuana](http://www.mass.gov/medicalmarijuana)

April 12, 2016

Re: Request for Information

This letter is to inform you that the Department of Public Health ("Department") has reviewed the additional or revised information submitted for Brighton Health Advocates, Inc.'s *Siting Profile* (Application 1 of 2). The *Siting Profile* requires the following information before the Department may complete its evaluation:

1. Please submit the purchase and sale agreement or demonstration of title for Beach Equities to confirm the property interest held by the applicant.
2. The revised Holliston lease contains language acceptable to the Department exempting the regulated assets from seizure by the Lessor, but goes on to state that "DPH shall be notified of the re-possession of the premises, and DPH assistance in resolving the fate of these regulated substances shall be sought." This language is unclear as to its compliance with 105 CMR 725.105(O) and 725.410. Please explain how it complies with the obligation of an RMD under these provisions.
3. The revised Wareham lease contains language acceptable to the Department exempting the regulated assets from seizure by the Lessor, but goes on to state: that "DPH shall be notified of the re-possession of the premises, and DPH assistance in resolving the fate of these regulated substances shall be sought." This language is unclear as to its compliance with 105 CMR 725.105(O) and 725.410. Please explain how it complies with the obligation of an RMD under these provisions.
4. Thank you for the submission of the comparable listing, but for a determination of compliance with 105 CMR 725.100(A)(1) and the Guidance for Registered Marijuana Dispensaries Regarding Non-Profit Compliance, the Department will need an independent legal opinion. We understand one may be in the process of being prepared. Please submit it for review when it is completed.

5. In its letter of March 4, 2016, the Department requested information regarding the local requirements regarding siting in Holliston and “what the applicant has done to ascertain its compliance with 105 CMR 110(A)(14).” The applicant has responded that the Town has not specifically zoned for registered marijuana dispensaries, but instead classified them as “commercial greenhouses.” The applicant has not, however, provided sufficient detail regarding how it determined what uses were within 500 feet of the proposed location and whether they constitute “a school, daycare center, or any facility in which children commonly congregate” under 105 CMR 725.110(A)(14). Please provide such details.

If the applicant has been requested to resubmit their response to a question, please do so using the page on the application form for that particular question, and include an initialed attestation at the bottom of the page. The applicant need not resubmit the entire application and may submit only the page for the particular question that needs to be submitted.

Please remember to type all responses in the information or materials resubmitted to the Department, other than any required signatures, as well as include the name of the Applicant Non-Profit Corporation *and* the number of the application (e.g., Application 1 of 1) at the top of each page of the resubmitted information or materials.

Please resubmit the additional or revised information as outlined above, via U.S. mail or hand-delivery, to:

Department of Public Health  
Medical Use of Marijuana Program  
RMD Applications  
99 Chauncy Street, 11<sup>th</sup> Floor  
Boston, MA 02111

Upon receipt, the Department will review the information and will notify the applicant if it will proceed or if further information is required.

If you have questions or need assistance, you may contact the Department at 617-660-5370 or [RMDapplication@state.ma.us](mailto:RMDapplication@state.ma.us).

Sincerely,



Eric Sheehan, J.D.  
Interim Bureau Director  
Bureau of Health Care Safety and Quality  
Massachusetts Department of Public Health