

# FIDELITY WELLNESS CENTER, INC.

28 Oakville Street, Lynn, MA 01905

DATE: December 11, 2017

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

RE: Siting Profile 2 of 3

To whom it may concern,

Fidelity Wellness Center, Inc. ("FWC") is pleased to submit to the Department our Siting Profile for our proposed retail RMD in Rockland. Our Co-located RMD in Holyoke will cultivate and process for our Rockland RMD.

Our Retail RMD is located at 256 Weymouth Street in Rockland. This will be a stand-alone building and we will occupy the entire facility. Our proposed RMD in Holyoke is located at 380 R Dwight Street in Building B. FWC plans on occupying the entire building (approx. 28,500 sf.) and will not share any space with any other entity or tenant.

We have garnered support from the Rockland Board of Selectmen and the Holyoke Mayor as well other stakeholders in each community. Upon receipt of a Provisional Certificate of Registration we will immediately submit an application for a Special Permit from the Rockland Zoning Board of Appeals.

Along with our completed Siting Profile we included several attachments that may help you in your review of the application.

- |               |   |
|---------------|---|
| Attachment 1. | Letter of Intent to Lease 256 Weymouth Street, Rockland                         |
| Attachment 2. | Letter of Intent to Lease 380 R Dwight Street, Building B., Holyoke             |
| Attachment 3. | Letter of Support from the Rockland Board of Selectmen                          |
| Attachment 4. | Rockland Board of Selectmen June 20, 2017 Meeting Minutes                       |
| Attachment 5. | Letter of Support from the Mayor of Holyoke                                     |
| Attachment 6. | Rockland Zoning Bylaw Ch. 415 Art. IV sec. 415-19 (Permitted uses H-1 District) |
| Attachment 7. | Rockland Zoning Bylaw Ch. 415 Art. V sec. 415-38.4 (RMD Bylaws)                 |
| Attachment 8. | Holyoke Zoning Ordinance Section 7.10 (Medical Marijuana Facilities)            |
| Attachment 9. | Holyoke Zoning Ordinance Section 4.3 (Table of Principal Uses)                  |

RECEIVED

DEC 13 2017

MA Dept of Public Health  
99 Chauncy Street  
Boston, MA 02111

In regards to your inquiry in the "Invitation To Submit Siting Profile" letter dated November 22, 2017. FWC and Patrick McGrath have 2 loan agreements with identical terms. The first loan agreement was dated May 2, 2017 and submitted, along with a Independent Legal Opinion from Attorney Scott Bocchio and our Conflict of Interest Policy, to the Department with a letter dated May 24, 2017. Since that submission FWC and Patrick McGrath entered into an identical loan agreement dated July 7, 2017.

This loan agreement and a second Independent Legal Opinion from Attorney Bocchio is attached in a separate envelope for your review.

Sincerely,

A handwritten signature in black ink, appearing to read "Mario Chiuccariello", with a long horizontal flourish extending to the right.

Mario Chiuccariello  
President, Fidelity Wellness Center, Inc.



CHARLES D. BAKER  
Governor

KARYN E. POLITO  
Lieutenant Governor

# 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

MARYLOU SUDDERS  
Secretary

MONICA BHAREL, MD, MPH  
Commissioner

## SITING PROFILE:

### Request for a Certificate of Registration to Operate a Registered Marijuana Dispensary

Tel: 617-660-5370

[www.mass.gov/medicalmarijuana](http://www.mass.gov/medicalmarijuana)

## INSTRUCTIONS

This application form is to be completed by a non-profit corporation or domestic business corporation that wishes to apply for a Certificate of Registration to operate a Registered Marijuana Dispensary ("RMD") in Massachusetts, and has been invited by the Department of Public Health ("Department") to submit a *Siting Profile* ("applicant").

If invited by the Department to submit more than one *Siting Profile*, the applicant must submit a separate *Siting Profile* and attachments for each proposed RMD. Please identify each application of multiple applications by designating it as Application 1, 2 or 3 in the header of each application page. Please note that no executive, member, or any entity owned or controlled by such an executive or member, may directly or indirectly control more than three RMDs.

Unless indicated otherwise, all responses must be typed into the application forms. Handwritten responses will not be accepted. Please note that character limits include spaces.

Attachments should be labeled or marked so as to identify the question to which it relates.

Each submitted application must be a complete, collated response, printed single-sided on 8 ½" x 11" paper, and secured with a binder clip (no ring binders, spiral binding, staples, or folders).

Mail or hand-deliver the *Siting Profile*, with all required attachments, to:

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

## REVIEW

Applications are reviewed in the order they are received. After a completed application packet is received by the Department, the Department will review the information and will contact the applicant if clarifications or updates to the submitted application materials are needed. The Department will notify the applicant whether it has met the standards necessary to receive a Provisional Certificate of Registration.

## PROVISIONAL CERTIFICATE OF REGISTRATION

Applicants must receive a Provisional Certificate of Registration from the Department within 1 year of the date of the invitation letter from the Department to submit a *Siting Profile*. If the applicant does not meet this deadline, the application will be considered to have expired. Should the applicant wish to proceed with obtaining a Certificate of Registration, a new application must be submitted, beginning with an *Applicant of Intent*, together with the associated fee.

## REGULATIONS

For complete information regarding registration of an RMD, please refer to 105 CMR 725.100, as well as materials posted on the Medical Use of Marijuana Program website: [www.mass.gov/medicalmarijuana](http://www.mass.gov/medicalmarijuana).

It is the applicant's responsibility to ensure that all responses are consistent with the requirements of 105 CMR 725.000, et seq., and any requirements specified by the Department, as applicable.

**PUBLIC RECORDS**

Please note that all application responses, including all attachments, will be subject to release pursuant to a public records request, as redacted pursuant to the requirements at M.G.L. c. 4, § 7(26).

**QUESTIONS**

If additional information is needed regarding the RMD application process, please contact the Medical Use of Marijuana Program at 617-660-5370 or [RMDapplication@state.ma.us](mailto:RMDapplication@state.ma.us).

**CHECKLIST**

The forms and documents listed below must accompany each application, and be submitted as outlined above:

- ☒ A fully and properly completed *Siting Profile*, signed by an authorized signatory of the applicant
- ☒ Evidence of interest in property, by location (as outlined in Section B)
- ☒ Letter(s) of support or non-opposition (as outlined in Section C)

<b>SECTION A: APPLICANT INFORMATION</b>
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1. 

Fidelity Wellness Center, Inc
-------------------------------

  
Legal name of Applicant Corporation
2. 

28 Oakville Street, Lynn, MA 01905
------------------------------------

  
Mailing address of Applicant Corporation (Street, City/Town, Zip Code)
3. 

Mario Chiuccariello
---------------------

  
Applicant Corporation's point of contact (name of person Department should contact regarding this application)
4. 

978-876-1531
--------------

  
Point of contact's telephone number
5. 

fidelitywellnesscenter@outlook.com
------------------------------------

  
Point of contact's e-mail address
6. Number of applications: How many *Siting Profiles* does the applicant intend to submit? 

3
---

<b>SECTION B: PROPOSED LOCATION(S)</b>
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Provide the physical address of the proposed dispensary site and the physical address of the additional location, if any, where marijuana for medical use will be cultivated or processed.

**Attach supporting documents** as evidence of interest in the property, by location. Interest may be demonstrated by (a) a clear legal title to the proposed site; (b) an option to purchase the proposed site; (c) a lease; (d) a legally enforceable agreement to give such title under (a) or (b), or such lease under (c), in the event that Department determines that the applicant qualifies for registration as a RMD; or (e) evidence of binding permission to use the premises.

	Location	Full Address	County
1	Dispensing	256 Weymouth St., Rockland, MA 02370	Plymouth
2	Cultivation	380R Dwight Street Building B, Holyoke, MA 01040	Hampden
3	Processing	380R Dwight Street Building B, Holyoke, MA 01040	Hampden

☐ Check here if the applicant would consider a location other than the county or physical address provided within this application.

Information on this page has been reviewed by the applicant, and where provided by the applicant, is accurate and complete, as indicated by the initials of the authorized signatory here: MC

## **Attachment 1.**

### **Section B**

**Letter of Intent to Lease 256 Weymouth Street,  
Rockland**



**Binding Letter of Intent**  
**ROCKLAND PROPERTY**  
256 WEYMOUTH STREET, ROCKLAND, MA

BUILDING ADDRESS: 256 Weymouth St., Rockland, MA

LANDLORD: MASS PROPERTY PARTNERS LLC  
214 Adams Avenue, West Newton, MA 02465

TENANT: Fidelity Wellness Center, Inc.  
38 Church Street, Winchester, MA 01980

USE: Retail sales of legal marijuana products

PREMISES: The Building (approximately 2,200 sf) and the parcel of real property on which it is located, together with any other improvements located thereon.

**TERMS & CONDITIONS**

LEASE COMMENCEMENT: Upon Lease Execution.

**TERMS & CONDITIONS**

BASE LEASE: The ten year base term commences as a net lease except for real property taxes. Tenant shall be responsible for insurance, routine maintenance & repairs, snow removal, landscaping and all utilities. Landlord shall be responsible for structural repairs including the maintaining the roof and payment of property taxes

BASE TERM: 10 Years

BASE RENT: Year 1: \$175,000 Payable in equal monthly installments.  
Year 2-10: Prior years rent increased annually by 2.5%.

**Binding Letter of Intent**  
**ROCKLAND PROPERTY**  
256 WEYMOUTH STREET, ROCKLAND, MA

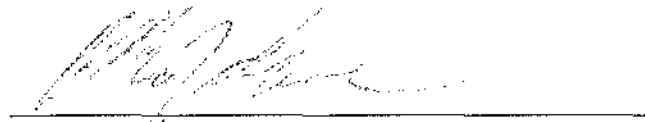
- OPTION NOTICE:** Tenant shall provide six (6) months advanced notice of its intention to renew.
- OPTION TERM:** 15 Additional Years
- OPTION RENT:** Prior years rent increased annually by 2.5%.
- CONDITION AND USE:** The leased space is taken in as-is condition. Tenant shall be responsible for all improvements and bringing buildings to applicable codes, if and when tenant deems necessary. Any permitted use of the facility is allowed by Landlord as long as the tenant is obeying all applicable laws and regulations.
- TENANT IMPROVEMENTS:** Tenant shall be responsible for all interior improvements to the leased space. Landlord and Tenant agree that the buildings are in disrepair and it is up to the tenant to either upgrade, demolish, rebuild at Tenants discretion, but there will be no discount to the Lease amounts regardless of condition of the buildings or demolition or rebuilding or repairs undertaken by Tenant.
- ACCESS:** Tenant shall have full access to the Premises on the lease commencement date estimated to be November 28, 2017.
- ASSIGNMENT / SUBLEASE:** Tenant does not have the right to sublease the property without written Landlord approval.
- LANDLORD SERVICES:** Landlord shall not be responsible for any maintenance of the property or for any maintenance of the buildings thereon.
- HEATING, VENTILATING AND AIR CONDITIONING (HVAC):** Tenant shall maintain and operate systems, which shall supply heating, ventilation and air conditioning to the Premises at its sole expense. Tenant shall be responsible for all HVAC installation, repairs or replacement.

**Binding Letter of Intent**  
**ROCKLAND PROPERTY**  
256 WEYMOUTH STREET, ROCKLAND, MA

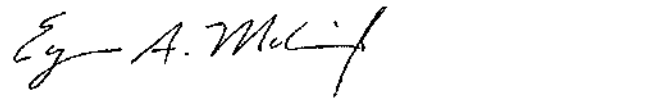
**BINDING:** This LOI is binding on both parties and is intended to provide the basic terms for a Definitive Lease Agreement which shall be executed before January 15, 2018.

This proposal is subject to the execution of a mutually acceptable lease. Landlord shall draft and send the lease to Tenant. Both Parties agree to negotiate in good faith. If, for any reason, the terms of the Lease cannot be mutually agreed, this LOI shall serve as the Lease and any and all disputes shall be resolved by Mediation first and then by Arbitration.

Acknowledged and accepted:

  
\_\_\_\_\_  
Fidelity Wellness Center, Inc. (TENANT)

Nov 28, 2017  
DATE

  
\_\_\_\_\_  
Mass Property Partners LLC (LANDLORD)

Nov 28, 2017  
DATE

## Attachment 2.

### Section B

Letter of Intent to Lease 380 R Dwight Street,  
Building B., Holyoke

**BINDING LETTER OF INTENT  
TO LEASE HOLYOKE BUILDING  
380R Dwight Street, Holyoke, MA 01040**

**BUILDING ADDRESS:** 380R Dwight Street, Building B, Holyoke, MA 01040

**LANDLORD:** Mass Property Partners  
380R Dwight Street, Building A, Holyoke, MA 01040

**TENANT:** Fidelity Wellness Center, Inc.  
28 Oakville St. Lynn, MA

**USE:** Medical Marijuana Cultivation, Processing & Dispensing RMD

**PREMISES:** Approximately 28,500 Square Feet of Industrial  
Space on approximately .80 acres of land

**PRE-APPROVAL TERMS & CONDITIONS**

**LEASE COMMENCEMENT:** Upon Lease Execution.



**PRE-LICENSING TERM:** 6 months (While obtaining permits & approval from the City of Holyoke):

**PRE-LICENSING RENTAL RATE:** \$250 per month. These payments are non-refundable.

**DEPOSIT DUE UPON SIGNING:** \$5000 DEPOSIT is due upon signing this Letter of Intent and the first month's rent. Said payments are non-refundable.

**EXCLUSIVITY:** For the consideration paid pursuant to this LOI, Landlord will not offer this property for lease to anyone other than the Tenant during any Period referenced in this LOI.

**PRE-LICENSING RENEWAL OPTION:** In the event the approval & permitting process extends beyond the 6-month pre-licensing term the Tenant shall have the option to renew for two additional months @ \$2000 per month. If the Tenant exercises said option the third (3<sup>rd</sup>) month's rent of the pre-licensing base term shall become non-refundable



**BINDING LETTER OF INTENT  
TO LEASE HOLYOKE BUILDING  
380R Dwight Street, Holyoke, MA 01040**

and the second (2<sup>nd</sup>). months payment of the pre-licensing renewal option period shall be applied to first months' rent of the ten-year post approval term. Tenant to provide 120-days advance notice of its intent to renew.

**EARLY TERMINATION:** In the event the Tenant is unable to obtain the necessary approvals within the pre- approval period, the Tenant shall notify the Landlord in writing of its intent to terminate. Rent will terminate on the first of the month following receipt of said notice and all payments made will be retained by Landlord.

**POST APPROVAL TERMS & CONDITIONS**

**BASE NNN LEASE:** After approvals the ten year base term commences as a NNN lease. Tenant shall be responsible for real estate taxes, insurance, routine maintenance & repairs, snow removal, landscaping and all utilities. Landlord shall be responsible for structural repairs including the maintaining the roof.

**POST APPROVAL RENT COMMENCEMENT:** Post licensing rent shall commence on the first day of the month after approvals are obtained by Tenant.

**BASE TERM (Post approvals):** 10 Years

**BASE RENT:** Years 1-2: \$7.00 SF NNN Years

Years 3-5: \$14.00 SF NNN

Years 6-10: \$16.00 SF NNN

**OPTION NOTICE:** Tenant shall provide six (6) months advanced notice of its intention to renew.

**OPTION TERM:** 10 Years

**OPTION RENT:** Years 11-15: \$18 SF NNN

Years 16-20: \$20 SF NNN

*SM*  
*me*

**BINDING LETTER OF INTENT  
TO LEASE HOLYOKE BUILDING  
380R Dwight Street, Holyoke, MA 01040**

- OPTION TO PURCHASE:** Beginning on the 24<sup>th</sup> month of lease agreement the Tenant shall have an Option to Purchase the building. Tenant and Landlord agree that the price will be determined based the average value of two independent appraisals. Tenant & Landlord agree to pay for one appraisal each.
- CONDITION AND USE:** The leased space is taken in as-is condition. Tenant shall be responsible for all improvements and bringing building to applicable codes. Use of the facility as a medical marijuana Cultivation, processing and dispensing facility is allowed by Landlord as along as the tenant is obeying all applicable laws and regulations.
- TENANT IMPROVEMENTS:** Tenant shall be responsible for all interior improvements to the leased space. All significant improvement shall be pre-approved by the Landlord.
- ACCESS:** Tenant shall have full access to the Premises on the lease commencement date estimated to be June 25, 2017.
- ASSIGNMENT / SUBLEASE:** Tenant does not have the right to sublease the property without written Landlord approval.
- LANDLORD SERVICES:** Landlord shall be responsible for maintaining the structural elements of the building including the roof.
- HEATING, VENTILATING AND AIR CONDITIONING (HVAC):** Tenant shall maintain and operate systems, which shall supply heating, ventilation and air conditioning to the Premises at its sole expense. Tenant shall be responsible for all HVAC installation, repairs or replacement.
- BINDING:** This LOI is binding on both parties and is intended to provide the basic terms for a Definitive Lease Agreement which shall be executed before August 25, 2017.

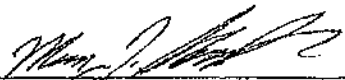
This proposal is subject to the execution of a mutually acceptable lease. Landlord shall draft and send the lease to Tenant. Both Parties agree to negotiate in good faith. If, for any reason, the

SM  
me


**BINDING LETTER OF INTENT  
TO LEASE HOLYOKE BUILDING  
380R Dwight Street, Holyoke, MA 01040**

terms of the Lease cannot be mutually agreed, this LOI shall serve as the Lease and any and all disputes shall be resolved by Mediation first and then by Arbitration.

Acknowledged and accepted:

  
\_\_\_\_\_  
Fidelity Wellness Center, Inc. (TENANT)

5/3/17  
DATE

  
\_\_\_\_\_  
Mass Realty Partners (LANDLORD)

5-03-17  
DATE





**SECTION C: LETTER OF SUPPORT OR NON-OPPOSITION**

Attach a letter of support or non-opposition, using one of the templates below (Option A or B), signed by the local municipality in which the applicant intends to locate a dispensary. The applicant may choose to use either template, in consultation with the host community. If the applicant is proposing a dispensary location and a separate cultivation/processing location, the applicant *must* submit a letter of support or non-opposition from *both* municipalities. This letter may be signed by (a) the Chief Executive Officer/Chief Administrative Officer, as appropriate, for the desired municipality; or (b) the City Council, Board of Alderman, or Board of Selectmen for the desired municipality. The letter of support or non-opposition must contain the language as provided below. The letter must be printed on the municipality's official letterhead. The letter must be dated on or after the date that the applicant's Application of Intent was received by the Department.

**Template Option A: Use this language if signatory is a Chief Executive Officer/Chief Administrative Officer**

I, [Name of person], do hereby provide [support/non-opposition] to [name of applicant corporation] to operate a Registered Marijuana Dispensary ("RMD") in [name of city or town].

I have verified with the appropriate local officials that the proposed RMD facility is located in a zoning district that allows such use by right or pursuant to local permitting.

\_\_\_\_\_  
Name and Title of Individual

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

**Template Option B: Use this language if signatory is acting on behalf of a City Council, Board of Alderman, or Board of Selectman**

The [name of council/board], does hereby provide [support/non-opposition] to [name of applicant corporation] to operate a Registered Marijuana Dispensary ("RMD") in [name of city or town]. I have been authorized to provide this letter on behalf of the [name of council/board] by a vote taken at a duly noticed meeting held on [date].

The [name of council/board] has verified with the appropriate local officials that the proposed RMD facility is located in a zoning district that allows such use by right or pursuant to local permitting.

\_\_\_\_\_  
Name and Title of Individual (or person authorized to act on behalf of council or board) (add more lines for names if needed)

\_\_\_\_\_  
Signature (add more lines for signatures if needed)

\_\_\_\_\_  
Date

Information on this page has been reviewed by the applicant, and where provided by the applicant, is accurate and complete, as indicated by the initials of the authorized signatory here: MC

## Attachment 3.

### Section C

Letter of Support from the Rockland Board of  
Selectmen



## TOWN OF ROCKLAND

### Board of Selectmen

Town Hall  
242 Union Street  
Rockland, Massachusetts 02370

Telephone: 781-871-1874  
Fax: 781-871-0386

June 21, 2017

*Chairman:*

Edward F. Kimball  
*Vice Chairman:*  
Michael P. Mullen, Jr.

*Selectmen:*

Larry J. Ryan  
Deirdre Hall  
Michael P. O'Loughlin

*Town Administrator:*

Allan R. Chiocca

*Executive Assistant:*

Susan M. Ide

The Town of Rockland, does hereby provide support to Fidelity Wellness Center, Inc. to operate a Registered Marijuana Dispensary in Rockland, MA. I have been authorized to provide this letter on behalf of the Rockland Board of Selectmen by a vote taken at a duly meeting held on June 20, 2017.

The Rockland Board of Selectmen has verified with the appropriate local officials the proposed RMD facility is located at 256 Weymouth St., Rockland and is in a zoning district that allows such use by right or pursuant to local permitting.

For the Rockland Board of Selectmen:

Allan R. Chiocca,

Rockland Town Administrator

## **Attachment 4.**

### **Section C**

#### **Rockland Board of Selectmen June 20, 2017 Meeting Minutes**



## TOWN OF ROCKLAND

### Board of Selectmen

Town Hall  
242 Union Street  
Rockland, Massachusetts 02370

Telephone: 781-871-1874  
Fax: 781-871-0386

#### Chairman:

Edward F. Kimball  
Vice Chairman:  
Michael P. Mullen, Jr.

#### Selectmen:

Larry J. Ryan  
Deirdre Hall  
Michael P. O'Loughlin

#### Town Administrator:

Allan R. Chiocca

#### Executive Assistant:

Susan M. Ide

## BOS Minutes of June 20, 2017

### SELECTMEN'S MEETING Tuesday June 20, 2017 @ 7 p.m.

**H. BERNARD MONAHAN MEMORIAL ROOM  
TOWN HALL, 242 UNION STREET  
ROCKLAND, MASSACHUSETTS**

### PLEDGE OF ALLEGIANCE MOS

#### *Chairman Kimball read:*

*The audience, participants and general public should be aware that any and all portions of this open meeting may be recorded by audio and video resources. All or some of this meeting may be rebroadcast periodically by WRPS or other outlets. Persons wanting a DVD copy of this meeting should contact WRPS or the BOS office. A small fee will be charged.*

### 1. OPEN FORUM

Chairman Kimball spoke regarding the lack of a quorum at the Special Town Meeting.

### MINUTES

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#### 2. Open Session Minutes of June 6, 2017

~MOTION to approve by Mr. Mullen, 2<sup>nd</sup> by Mr. O'Loughlin, passed 5-0.

## **UNFINISHED BUSINESS**

### **3. Veterans Agent Appointment-Vincent Fountaine**

Veterans' Agent Tony Materna and TA Chiocca spoke about their recommendation of Vincent Fountaine to be appointed as the new Veterans' Agent. Tony Materna is retiring after 14 years. TA Chiocca, Veterans' Agent Tony Materna, and Human Resources Coordinator Stacy Callahan as Screening Committee unanimously recommended Mr. Fountaine after interviewing five candidates.

~MOTION to appoint Vincent Fountaine by Mr. O'Loughlin, 2<sup>nd</sup> by Mr. Mullen, passed 5-0.

Mr. Fountaine spoke to the BOS and thanked them for their appointment. He looks forward to serving the Town.

### **4. Public Hearing for Community Aggregation Program**

John O'Rourke of Good Energy spoke to the Board regarding the Aggregation Program.

MOTION to open the hearing by Mr. Ryan, 2<sup>nd</sup> by Mr. Mullen, passed 5-0.

Chairman Kimball asked if anyone wished to comment on the Aggregation Program in Rockland. No comments were made.

~MOTION to close the hearing by Mr. Ryan, 2<sup>nd</sup> by Mr. Mullen, passed 5-0.

~MOTION to approve the plan and submit to D.P.U. by Mr. Ryan, 2<sup>nd</sup> by Mr. Mullen, passed 5-0.

### **5. Green Community Grant Announcement**

TA Chiocca announced Rockland has received another Green Community Grant from the State. The Grant is for \$250,000 and is the 3<sup>rd</sup> GCA Grant Rockland has received bringing the total of GCA grants to over \$668,000 since 2012. TA Chiocca thanked Marcy Birmingham for the excellent work coordinating the GCA programs.

## **NEW BUSINESS**

### **6. LICENSES Etc.**

-Manny's Pizza (formerly David's) Common Victualler's License Application

~MOTION to approve by Mr. Ryan 2<sup>nd</sup> by Mr. O'Loughlin,  
passed 5-0.

-Sam's Food Mart-Change of Hours

~MOTION to approve by Mr. Ryan 2<sup>nd</sup> by Mr. Mullen, passed 5-0.

-The Food Party-Change of Manager

~MOTION to approve by Mr. Mullen, 2<sup>nd</sup> by Mr. Ryan, passed 5-0.

-Rockland Liquors-Keno to Go Application

~MOTION "no objection" by Mr. Ryan 2<sup>nd</sup> by Mr. Mullen,  
passed 5-0.

#### **7. Request for Letter of Support- Fidelity Wellness Center**

Representatives of Fidelity Wellness Center requested a letter of support to  
establish a Medical Marijuana Facility at 256 Weymouth Street, Rockland.

~MOTION to approve by Mr. Ryan 2<sup>nd</sup> by Mr. Mullen passed 5-0.

#### **8. Committee Appointments**

##### **Conservation Commission (3 Year Appointment)**

The Conservation Commission is charged with ensuring that the Wetland Protection Act and  
Rivers Protection Act of the Commonwealth of Massachusetts are adhered to within the limits of  
the Town of Rockland.

Charlene Judge – 624 Forest Street  
Roland Pigeon – 25 Division Street

##### **Open Space Committee (3 Year Appointment)**

Works in the best interest of the Town by ensuring Open Space is maintained for various purposes.

Julie Christian – 7 Ash Street

##### **Building Inspector (3 Year Appointment)**

Tom Ruble – 32 Niles Street, Abington

##### **Town Accountant (3 Year Appointment)**

Eric Hart – 3 Donovan Lane, Mansfield MA

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##### **Open Space & Recreation Plan Committee (1 Year Appointment)**

Jeanne Blaney – 118 Turner Road

## 9. Fund transfer(s)

The BOS approved 5 fund transfers on MOTIONS by Mr. Ryan, 2<sup>nd</sup> by Mr. O'Loughlin, passed 5-0

From Account	To Account	Amount
0191451-515080	0191351-515070	\$ 5,000.00
0191451-515080	0122051-514020	\$ 23,000.00
0191451-515080	McKinley Sch Stairs	\$ 7,000.00
0119671-521100	0142154-543900	\$ 3,900.00
0119671-521100	0165054-680084	\$ 764.00
0191451-515080	Appraisal of Property	\$ 450.00

## 10. TOWN ADMINISTRATOR'S REPORT & CORRESPONDENCE

-The BOS were informed the TA has spoken with the Governor's office and is continuing to pursue a solution to the Dam at Reed's Pond.

-Announced the free Band Concert at the Library on June 30<sup>th</sup>.

-Reminded everyone of the weekly Farmer's Market on Fridays at Town Hall.

-Town Hall Summer Schedule

-Asked the BOS to thank Jesse McSweeney for his service to the Town of Rockland on the Finance Committee and the Southfield Advisory Board. Volunteers were requested to fill the vacancies.

## SELECTMAN'S COMMENTS

Chairman Kimball read:

*Comments and opinions expressed by individual members do not necessarily reflect the views of the BOS and are the opinions and comments of only the individual member.*

Mr. O'Loughlin	-Thanked Jeanne Blaney and praised the Rockland Day events.
	-Attended a recent Chamber of Commerce/4 <sup>th</sup> Floor Artists Breakfast.
	-Wished his wife a Happy Birthday.



- Ms. Hall**
- Has visited Moncrief Road and urge residents to stop dumping on easement.
  - Thanked the Chamber of Commerce for the recent Breakfast.
  - Welcomed the start of the Farmers Markets
- Mr. Ryan**
- Thanked John Loughlin and Dave Taylor for their work trying to resolve drainage issues in town.
  - Congratulations to for a successful Bulldogs Dogs Dash.
  - Thanked Pat Foley for all her efforts beautifying Town Plaza.
  - Congratulations to everyone for a successful Rockland Day.
  - He is happy with the progress the Town is making.
  - Urged the Quorum be lowered for Town Meeting.
- Mr. Mullen**
- Thanked everyone who came to the Special Town Meeting.
  - Expressed disappointment in the social media for unsubstantiated innuendo and urged residents to get the actual information from creditable sources.
  - Urged greater community participation.
- Mr. Kimball**
- Urged greater participation in Town events.
  - Stated Rockland is a leader on the South Shore on many fronts.
  - Discussed the newer methods of paving by Highway Superintendent Taylor.
  - Pleased with Rockland Day events.
  - Announced next meeting is Tuesday July 11, 2017

~MOTION to adjourn by Mr. Ryan 2<sup>nd</sup> by Mr. Mullen, passed 5-0.

Meeting ended at 8:11 p.m.

  
Allan R. Chiocca  
Town Administrator

  
Michael P. Mullen, Vice-Chairman  
for the Rockland Board of Selectman

The listings of matters are those reasonably anticipated by the Chair which may be discussed at the meeting. Not all items listed may in fact be discussed and other items not listed may also be brought up for discussion to the extent permitted by law.

## Attachment 5.

### Section C

Letter of Support from the Mayor of Holyoke



Mayor Alex B. Morse

City of Holyoke

December 5, 2017

I, **Alex B. Morse**, do hereby provide support to **Fidelity Wellness Center, Inc** to operate a Registered Marijuana Dispensary ("RMD") in Holyoke, Massachusetts.

I have verified with the appropriate local officials that the proposed RMD facility, located at 380R Dwight Street, is in a zoning district that allows such use by **Site Plan Review special permit of the City Council**.

Alex B. Morse  
Mayor

12-5-2017

Date

#### SECTION D: LOCAL COMPLIANCE

Describe how the applicant has ensured, and will continue to ensure, that the proposed RMD is in compliance with local codes, ordinances, and bylaws for the physical address(es) of the RMD.

The Fidelity Wellness Center, Inc. ("FWC") cultivation and processing RMD is located at 380 R Dwight Street, Building B in Holyoke in the General Industry (IG) Zoning District. Pursuant to the Holyoke Zoning Ordinance (Section 7.10.4), RMD's are allowed in this zoning district with the issuance of a Special Permit from the Holyoke City Council.

The FWC Retail RMD is located at 256 Weymouth Street in Rockland in the H-1 Industrial Park-Hotel District. Pursuant to the Rockland Zoning Bylaw (Ch. 415 Art. 4 sec. 415-19) RMD's are allowed in the zoning district with a special permit issued by the Zoning Board of Appeals.

FWC will remain compliant with all local codes, ordinances and bylaws. We plan to regularly meet with Holyoke and Rockland municipal officials to ensure compliance with all applicable codes, ordinances and bylaws.

Our CEO, with guidance from our legal counsel will be responsible for maintaining compliance with all laws, regulations, codes and ordinances.

We have attached a copy of the pertinent Rockland Zoning Bylaws and Holyoke Zoning Ordinance for reference.

## Attachment 6.

### Section D

Rockland Zoning Bylaw Ch. 415 Art. IV sec. 415-19 (Permitted uses H-1 District)

## Chapter 415. Zoning

### Article IV. Permitted Uses

#### § 415-19. H-1 Industrial Park-Hotel District.

[Added 5-13-2002 ATM, Art. 36]

Uses permitted in Zoning District H-1 shall be subject to all provisions of the Zoning bylaw that apply to Zoning District I-2, Industrial Park.

A. Permitted principal uses:

- (1) Professional, administrative offices and office buildings.
- (2) Warehouse and wholesale and retail distribution centers, including offices and showrooms.
- (3) Food processing, packing and storage operations.
- (4) Bottling plants.
- (5) Banks.

B. Accessory uses:

- (1) Parking.
- (2) Advertising signs and structures.
- (3) Sale and service of products manufactured or assembled as a principal use.
- (4) Other uses customarily accessory to the permitted principal use.

C. Uses requiring special permit:

- (1) Other industrial uses, but not including:
  - (a) Junk and automobile salvage yards.
  - (b) Cement manufacturing operations.

- (c) Petroleum storage facilities.
- (2) Automobile/Truck repair shops and agencies.
- (3) Research laboratories.
- (4) Trucking terminals.
- (5) Adult Book or Video Stores or Establishments providing nude or partially nude dancing or other nude or partially nude entertainment, or nude or partially nude service of food or beverages performed by males or females; or Motion Picture Theaters as defined by MGL c. 40A, § 9A.
  - (a) From:
    - [1] 1,000 feet of any residential district.
    - [2] 2,000 feet of any other adult bookstore, adult video store, establishment providing for nude or partially nude entertainment, or nude or partially nude service of food or beverages performed by males or females, or any other Motion Picture Theater as defined by MGL c. 40A, § 9A.
    - [3] 1,000 feet of any establishment serving alcoholic beverages which are consumed on the premises.
    - [4] 1,000 feet from any park.
    - [5] 5,000 feet from any school or licensed day care facility.
    - [6] 1,000 feet from any place of worship.
  - (b) All distances shall be measured from property lines.
  - (c) In reviewing any application for such permit, the Zoning Board shall consider:
    - [1] Traffic.
    - [2] Noise.
    - [3] The visual character of, and effect upon the neighborhood.
    - [4] Safety and security.
  - (d) Any permit granted thereunder shall contain a condition that prohibits the presence of persons under the age of 18 years on the premises while any persons are nude or partially nude.
- (6) Manufacturing, assemblage, processing and storage operations that are not offensive by reason of the emission of odor, fumes, dust, smoke, noise and/or vibration, or that would have a negative impact on the environment or conditions within the Town or adjacent towns.
- (7) Municipal facilities, including: police stations, fire stations, libraries and municipal offices.
- (8) Restaurants and coffee shops.
- (9) Eating or drinking establishments where alcoholic beverages are served on the premises.

- (10) Movie theaters.
- (11) Telecommunication towers.
- (12) Hotel, Motel and Extended Stay Lodging.
- (13) Drive through/drive-up windows. Drive through or drive-up windows for any use which is otherwise allowed in the zoning district shall only be allowed by special permit from the Zoning Board of Appeals.  
[Added 5-12-2003 ATM, Art. 46]
- (14) Liquor stores.  
[Added 5-5-2008 ATM, Art. 5]
- (15) Wind Energy Facilities less than 60 Kw.  
[Added 5-4-2009 ATM, Art. 20]
- (16) Commercial Kennel.  
[Added 5-7-2012 ATM, Art. 56]
- (17) Registered Marijuana Dispensary (RMD).  
[Added 5-5-2014 ATM, Art. 44]
- (18) Commercial/recreation facilities such as:  
[Added 5-1-2017 ATM, Art. 45]
  - (a) Bowling establishments.
  - (b) Skating rinks.
  - (c) Sports arenas.
  - (d) Dance hall.
  - (e) Other similar facilities.



## Attachment 7.

### Section D

Rockland Zoning Bylaw Ch. 415 Art. V sec. 415-38.4 (RMD Bylaws)

## Chapter 415. Zoning

### Article V. Building, Lot and General District Regulations

#### § 415-38.4. Registered marijuana dispensary (RMD).

[Added 5-5-2014 ATM, Art. 44]

A. Purpose.

- (1) To provide for the establishment of Registered Marijuana Dispensaries (RMDs) in appropriate places and under strict conditions in accordance with the passage of Initiative Petition 11-11 (Question #3 on the November, 2012 state ballot) and 105 CMR 725.100.
- (2) To minimize the adverse impacts of RMDs on adjacent properties, residential neighborhoods, schools and other places where children congregate, local historic districts, and other land uses potentially incompatible with said facilities.
- (3) To regulate the siting, design, placement, security, safety, monitoring, modification, and removal of Registered Marijuana Dispensaries.

B. Applicability.

- (1) The commercial cultivation (unless it meets the requirements for an agricultural exemption under MGL c. 40A, § 3), production, processing, assembly, packaging, retail or wholesale sale, trade, distribution or dispensing of Marijuana for Medical Use is prohibited unless permitted as an RMD under this § 415-38.4.
- (2) No RMD shall be established except in compliance with the provisions of this § 415-38.4.
- (3) Nothing in this bylaw shall be construed to supersede any state or federal laws or regulations governing the sale and distribution of narcotic drugs.
- (4) If any provision of this section or the application of any such provision to any person or circumstance shall be held invalid, the remainder of this section, to the extent it can be given effect, or the application of those provisions to persons or circumstances other than those to which it is held invalid, shall not be affected thereby, and to this end the provisions of this section are severable.

C. General Requirements and Conditions for all Registered Marijuana Facilities.

- (1) All non-exempt RMDs shall be contained within a building or structure.

- (2) RMDs shall have a gross floor area of no less than 2,500 square feet.  
[Amended 5-2-2016 ATM, Art. 77]
- (3) RMDs shall not be located in buildings that contain any office used by a medical doctor/doctors, or the offices of any other professional practitioner authorized to prescribe the use of medical marijuana.
- (4) Hours of operation of Registered Marijuana Facilities shall be set by the Special Permit Granting Authority, but in no event shall said facilities be open and/or operating between the hours of 8:00 p.m. and 8:00 a.m.
- (5) There shall be no smoking, burning or consumption of any product containing marijuana or marijuana-related products on the premises of an RMD.
- (6) RMDs shall not be located on a lot which abuts a Residential Zoning District, a school, day care center, public playground, the Rail Trail or athletic fields.
- (7) RMDs shall not be located inside a building containing residential units, including transient housing such as motels and dormitories, or inside a movable or mobile structure such as a van, truck or trailer.
- (8) Notwithstanding any provisions of Article VI, § 415-45D of this bylaw, external signage for the RMDs shall not be illuminated except for a period of 30 minutes before sundown until closing and shall comply with all other requirements regarding signage; provided, however, that the Department of Public Health may further specify minimum signage requirements.
  - (a) RMDs may develop a logo to be used in labeling, signage, and other materials. Use of the medical symbols, images of marijuana, related paraphernalia, and colloquial references to cannabis and marijuana are prohibited from use in this logo.
  - (b) Signs shall include the following language: "Registration card issued by the MA Department of Public Health required." The required text shall be a minimum of two inches in height.
  - (c) Signs shall only identify the building by its registered name.
  - (d) Signs shall not utilize graphics related to marijuana or paraphernalia on the exterior of the building in which the RMD is located.
- (9) RMDs shall not display on the exterior of the facility advertisements for marijuana or any brand name.
- (10) RMDs shall provide the Rockland Police Department, Building Commissioner/Zoning Enforcement Officer with the names, phone numbers and email addresses of all management staff and key holders to whom one can provide notice if there are operating problems associated with the establishment and update that list whenever there is any change in management staff or key holders.
- (11) RMDs shall be open to the public by appointment only.
- (12) RMDs shall provide delivery service to Hardship Patients who are unable to get to the Dispensary.

D. Special Permit Requirements.

- (1) A Registered Marijuana Dispensary (RMD) shall only be allowed by Special Permit from the Zoning Board of Appeals in accordance with MGL c. 40A, § 9, and § 415-89 of this bylaw, subject to the following statements, regulations, requirements, conditions and limitations.

- (2) A Special Permit for an RMD shall be limited to one or more of the following uses that shall be prescribed by the Special Permit Granting Authority:
  - (a) Cultivation of Marijuana for Medical Use (horticulture) except that sites protected under MGL c. 40A, § 3, shall not require a special permit;
  - (b) Processing and packaging of Marijuana for Medical Use, including Marijuana that is in the form of smoking materials, food products, oils, aerosols, ointments, and other products;
  - (c) Retail sale or distribution of Marijuana for Medical Use to Qualifying Patients;
- (3) In addition to the application requirements established by the Zoning Board of Appeals rules, regulations, and elsewhere in this bylaw, a Special Permit application for an RMD shall include the following:
  - (a) The name and address of each owner of the establishment and property owner.
  - (b) Copies of all required licenses and permits issued to the Applicant by the Commonwealth of Massachusetts and any of its agencies for the establishment.
  - (c) Evidence of the Applicant's right to use the site for the establishment, such as a deed, or lease.
  - (d) If the Applicant is a business organization, a statement under oath disclosing all of its owners, shareholders, partners, members, managers, directors, officers, or other similarly situated individuals and entities and their addresses. If any of the above are entities rather than persons, the Applicant must disclose the identity of the owners of such entities until the disclosure contains the names of individuals.
  - (e) A certified list of all parties in interest entitled to notice of the hearing for the Special Permit application, taken from the most recent tax list of the Town and certified by the Town Assessor.
  - (f) Proposed security measures for the Registered Marijuana Facilities, including lighting, fencing, video monitoring, gates and alarms, etc., to ensure the safety of persons and to protect the premises from theft.
  - (g) A site plan drawn and stamped by a certified land Surveyor licensed to practice in Massachusetts showing all existing and proposed conditions on the lot.
  - (h) A Traffic Impact Report shall be prepared by a traffic engineer. The report will be submitted to the Town's Engineer for review and shall be paid for by the Applicant.
  - (i) RMDs shall submit an application and receive approval for site plan and design review done by the Planning Board.
- (4) Mandatory Findings. In addition to the findings required under § 415-38.4, the Zoning Board of Appeals shall not issue a Special Permit for an RMD Facility unless it finds that:
  - (a) The establishment is designed to minimize any adverse visual or economic impacts on abutters and other parties in interest, as defined in MGL c. 40A, § 11.
  - (b) The Applicant clearly demonstrates that it will meet all the permitting requirements of all applicable agencies within the Commonwealth of Massachusetts and is in compliance with all applicable state and local laws and regulations.
  - (c) The Applicant has satisfied all of the conditions and requirements of this section herein.

- E. Annual Reporting. Each RMD permitted under this bylaw shall as a condition of its Special Permit file an annual report to and appear before the Zoning Enforcement Officer and the Town Clerk no later than January 31st, providing a copy of all current applicable state licenses for the establishment and/or its owners and demonstrate continued compliance with the conditions of the Special Permit.
- F. Transfer of Special Permit. A Special Permit granted under this section shall have a term limited to the duration of the Applicant's ownership of the premises as a Registered Medical Dispensary. A Special Permit may be transferred only with the approval of the Zoning Board of Appeals in the form of an amendment to the Special Permit with all information required in this § 415-38.4.
- G. Bond. The Zoning Board of Appeals shall require the Applicant to post a bond at the time of construction/renovation to cover costs for the removal of the RMD in the event the Town must remove the facility. The value of the bond shall be based upon the ability to completely remove all the items noted in Section 5.0 and properly clean the facility at prevailing wages. The value of the bond shall be developed based upon the Applicant providing the Zoning Board of Appeals with three written bids to meet the noted requirements. An incentive factor of 1.5% shall be applied to all bonds to ensure compliance and adequate funds for the Town to remove the improvement in compliance with law at prevailing wages.
- H. Abandonment or Discontinuance of Use.
  - (1) A Special Permit shall lapse if not exercised within one year of issuance.
  - (2) An RMD shall be required to remove all material, plants, equipment and other paraphernalia:
    - (a) If any required permit or license is revoked or suspended by the issuing authority;
    - (b) Prior to surrendering its state issued licenses or permits; or
    - (c) Within six months of ceasing operations; whichever comes first.

[1] *Editor's Note: Former § 415-38.4, Temporary Moratorium on Medical Marijuana Treatment Centers, added 5-6-2013 ATM, Art. 41, was deleted pursuant to the expiration of the moratorium on 5-30-2014.*

## Attachment 8.

### Section D

#### Holyoke Zoning Ordinance Section 7.10 (Medical Marijuana Facilities)

## 7.10 MEDICAL MARIJUANA FACILITIES

### 7.10.1 Purpose.

It is recognized that the nature of the substance cultivated, processed, and/or sold by medical marijuana treatment centers and off-site medical marijuana dispensaries may have challenging operational characteristics and should be located in such a way as to ensure the health, safety, and general well-being of the public as well as patients seeking treatment. The specific and separate regulation of Registered Marijuana Dispensaries (hereafter referred to as a RMD) as Medical Marijuana Treatment Centers and Off-site Medical Marijuana Dispensary (hereafter referred to as an OMMD) facilities is necessary to advance these purposes.

Subject to the provisions of this Zoning Ordinance, Chapter 40A of the Massachusetts General Laws, and 105 CMR 725.000, Registered Marijuana Dispensaries and Off-site Medical Marijuana Dispensaries will be permitted to provide medical support, security, and physician oversight that meet State regulations as established by the Massachusetts Department of Public Health (DPH).

### 7.10.2 Definitions.

**Registered Marijuana Dispensary (RMD):** A use operated by a not-for-profit entity registered and approved by the MA Department of Public Health in accordance with 105 CMR 725.000, and pursuant to all other applicable state laws and regulations, also to be known as a Medical Marijuana Treatment Center, that acquires, cultivates, possesses, processes (including development of related products such as food, tinctures, aerosols, oils, or ointments), transfers, transports, sells, distributes, dispenses, or administers marijuana, products containing marijuana, related supplies, or educational materials to registered qualifying patients or their personal caregivers. A RMD shall explicitly include facilities which cultivate and process medical marijuana, and which may also dispense and deliver medical marijuana and related products. The cultivation and processing of medical marijuana in accordance with these regulations is considered to be a manufacturing use and is not agriculturally exempt from zoning.

**Off-Site Medical Marijuana Dispensary (OMMD) –** A Dispensary that is located off-site from the cultivation/processing facility (and controlled and operated by the same registered and approved not-for-profit entity which operates an affiliated RMD) but which serves only to dispense the processed marijuana, related supplies and educational materials to registered Qualifying Patients or their personal caregivers in accordance with the provisions of 105 CMR 725.00.

### 7.10.3 Applicability.

This Section applies to all Registered Marijuana Dispensaries (RMD) and Off-site Medical Marijuana Dispensaries (OMMD) proposed to be constructed under 105 CMR 725.000.

### 7.10.4 Permitted Districts.

Medical Marijuana Treatment Center/Registered Marijuana Dispensary (RMD) and Off-Site Medical Marijuana Dispensary (OMMD):

- General Industry (IG) - Special Permit of the City Council

### 7.10.5 Operational Requirements.

#### 1) Use:

- a) RMD and OMMD facilities may only be involved in the uses permitted by its definition and may not include other businesses or services within their designated square footage.
- b) No marijuana shall be smoked, eaten or otherwise consumed or ingested within the premises.
- c) In no event shall an RMD or OMMD facility be open to the public, and no sale or other distribution of marijuana shall occur upon the premises or via delivery from the premises except to an OMMD, between the hours of 8:00 p.m. and 8:00 a.m.

#### 2) Physical Requirements:

- a) All aspects of the use/facility relative to the acquisition, cultivation, possession, processing, sales, distribution, dispensing, or administration of marijuana, products containing marijuana, related supplies, or educational materials must take place at a fixed location within a fully enclosed building.
- b) No outside storage is permitted.
- c) No OMMD facility shall have a gross floor area in excess of 5,000 square feet.
- d) Ventilation – all RMD and OMMD facilities shall be ventilated in such a manner that no:

- i) pesticides, insecticides or other chemicals or products used in the cultivation or processing are dispersed into the outside atmosphere, and
- ii) no odor from marijuana or its processing can be detected by a person with an unimpaired and otherwise normal sense of smell at the exterior of the medical marijuana business or at any adjoining use or property.
- e) Signage shall be displayed on the exterior of the RMD and OMMD facility's entrance in plain sight of clients stating that "Registration Card issued by the MA Department of Public Health required" in text two inches in height. All other signage shall comply with 105 CMR 725.00 and Section 6.4 "Signs."

3) Location:

- a) An RMD or OMMD facility shall not be located in buildings that contain any pharmacy, medical doctor offices or the offices of any other professional practitioner authorized to prescribe the use of medical marijuana.
- b) An RMD or OMMD facility shall not be located in buildings that contain any residential units, including transient housing such as hotels, motels and dormitories.

4) Issuance/Transfer/Discontinuance of Use:

- a) A special permit shall be valid only for the registered entity to which the approval was issued and only for the site on which the RMD or OMMD has been authorized.
- b) A special permit shall be non-transferable and shall have a term limited to the applicant's ownership or control of the premises as an RMD or OMMD.
- c) Permitted RMD and OMMD facilities shall file an annual report to the City Council no later than January 31st, providing a copy of all current applicable state licenses for the facility and/or its owners and demonstrating continued compliance with the conditions of the special permit.
- d) A special permit shall lapse if the applicant ceases operation of the RMD or OMMD and/or if the applicants' registration by DPH has been revoked, expires, is terminated, is transferred to another controlling entity or is relocated to a new site.
  - i) The applicant shall notify the Zoning Enforcement Officer and City Council in writing within 48 hours of such lapse, cessation, discontinuance or expiration.
- e) An RMD or OMMD facility shall be required to remove all material, plants, equipment and other paraphernalia in compliance with 105 CMR 725.105 (J), (O) prior to expiration of its DPH registration or immediately following revocation or voiding of its DPH registration, or upon ceasing its operation.

**7.10.6 Application Procedure and Requirements.**

- 1) *Application Requirements:* An application for a special permit shall include the following:
  - a) The name and address of each owner of the RMD or OMMD facility/operation.
  - b) Copies of all required registrations, licenses and permits issued to the applicant by the Commonwealth of Massachusetts and any of its agencies for the facility.
  - c) Evidence that the Applicant has site control and right to use the site for a RMD or OMMD facility in the form of a deed or valid purchase and sales agreement or, in the case of a lease a notarized statement from the property owner and a copy of the lease agreement.
  - d) A notarized statement signed by the RMD or OMMD organization's Chief Executive Officer and corporate attorney disclosing all of its designated owners, including officers, directors, partners, managers, or other similarly-situated individuals and entities and their addresses. If any of the above are entities rather than persons, the Applicant must disclose the identity of all such responsible individual persons.
  - e) A description of all activities to occur on site, including but not limited to: cultivating and processing of marijuana and marijuana infused products (MIPs), on-site sales, delivery of medical marijuana and related products to OMMDs, off-site direct delivery to patients, distribution of educational materials, and other programs or activities.
  - f) A written notice from the Chief of Police shall be submitted to the City Council stating that an acceptable Security Plan has been reviewed and approved. The Security Plan shall include the location and details of all security measures for the site, including but not limited to lighting, fencing, gates, waste disposal, alarms and similar measures ensuring the safety of employees and patrons and to protect the premises from theft or other criminal activity.
  - g) Details of all proposed exterior security measures for the RMD or OMMD facility.
  - h) A Development Impact Statement containing all the information required under Section 10.1.6 (1) of the Zoning Ordinance.
  - i) A Traffic Impact Statement containing all the information required under Section 10.1.6 (2) of the Zoning Ordinance.



- 2) **Site Plan:** The special permit application shall include a Site Plan prepared by a Massachusetts registered Architect, Landscape Architect, Professional Engineer or other appropriate design professional. The site plan shall include the following components and information:
  - a) **Locus Plan.** A locus plan showing the entire proposed development and its relation to existing areas, buildings and roads for a distance of 300 feet from the boundaries of the proposed development or such other distance as may be approved or required by the City Council. The plan shall also show all contiguous land owned by the applicant or by the owner of the property which is the subject of the application.
  - b) **Improvements Plan.** A plan depicting all existing and proposed buildings, driveways or roads, parking areas, service areas, refuse collection areas, sidewalks, paths, landscaping etc.
  - c) **Building Plan.** A detailed floor plan showing square footages for each use within the RMD or OMMD.
  - d) **Details.** Detail sheets including, but not limited to, pavement markings, lighting fixtures, fencing, dumpster enclosures, signage (temporary and permanent), and any site improvements included in plans (a) – (c) above.
- 3) **Review Procedure:** upon receipt of an application, the City Clerk shall forward a copy for review and comment to Building Department, Fire Department, Police Department, Engineering Department, Water Department, Board of Health, Planning Board and the Stormwater Authority and Conservation Commission if applicable. The Departments shall review the application and provide comments back to the City Council within twenty-one (21) calendar days.
- 4) **New construction:** in cases of new construction, in addition to the requirements of this Section, see Section 10.0 SITE PLAN REVIEW of the Holyoke Zoning Ordinance. The Applicant may need to file with the Stormwater Authority, a Stormwater Management Permit Application, per the Stormwater Regulations.

#### **7.10.7 Findings.**

- 1) In addition to the standard Findings for a Special Permit under Section 9.3.2, the City Council must also find all the following:
  - a) That the RMD or OMMD facility is designed to minimize any adverse impacts on abutters and other parties in interest.
  - b) That the RMD or OMMD facility demonstrates that it will meet all the permitting requirements of all applicable agencies within the Commonwealth of Massachusetts and will be in compliance with all applicable state laws and regulations.
  - c) That the applicant has satisfied all of the conditions and requirements of this Section and other applicable Sections of this Ordinance.
  - d) That the RMD or OMMD project meets a demonstrated need.
  - e) That the RMD or OMMD facility provides adequate security measures to ensure that no individual participant will pose a direct threat to the health or safety of other individuals, and that the storage and/or location of cultivation is adequately secured.
  - f) That the RMD or OMMD facility adequately addresses issues of traffic demand, circulation flow, parking and queuing, particularly at peak periods at the facility, and its impact on neighboring uses.

#### **7.10.8 Enforcement.**

Any violation of this Section shall be enforced in accordance with Section 9-1 of the Zoning Ordinance.

## Attachment 9.

### Section D

## Holyoke Zoning Ordinance Section 4.3 (Table of Principal Uses)

#### 4.3. TABLE OF PRINCIPAL USES

Symbols employed below shall mean the following:

- Y - A permitted use.
- N - An excluded or prohibited use.
- CC - A use authorized under special permit from the City Council as provided under Section 9.3.
- PB - A use authorized under special permit from the Planning Board as provided under Section 9.3.
- BA - A use authorized under special permit from the Board of Appeals as provided under Section 9.3.

#### D I S T R I C T S

PRINCIPAL USE	RA	RI	RJA	RZ	RMLD	RM20	RM40	RM60	RO	DR	BL	BC	BG	BH	BE	IG	WM	IP	OP	SC
<b>A. Residential Uses</b>																				
1. Single family dwelling	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	N	N	N	N	N
2. Two-family dwellings	N	N	N	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	N	N	N	N	N
3. Multifamily dwelling	N	N	N	N	PB	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	CC	N	N	N	CC
4. Boarding house (more than 4 boarders)	N	N	N	N	N	CC	CC	CC	CC	CC	CC	CC	CC	CC	N	N	N	N	N	N
5. Mobile home park	CC	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
6. Planned unit development	CC	CC	CC	CC	N	CC	N	N	N	CC	N	N	N	N	N	N	N	N	N	N
7. Independent Living, Retirement, and Assisted Living	CC	N	N	CC	CC	CC	CC	CC	CC	CC	CC	CC	CC	CC	CC	N	N	N	N	N
8. Residential care or rehabilitation center	Y	Y	Y	Y	N	Y	Y	Y	Y	Y	N	N	N	N	Y	N	N	N	N	N
9. Dwelling unit on second story	N	N	N	N	N	N	N	N	N	Y	N	Y	N	N	Y	N	N	N	N	N
10. Conversion to dwellings	N	N	N	Y	N	Y	Y	Y	Y	CC	N	N	N	N	CC	N	N	N	N	N
<b>B. Exempt &amp; Institutional Uses</b>																				
1. Use of land or structures for religious purposes	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
2. Use of land or structures for educational purposes on land owned or leased by the commonwealth or any of its agencies, subdivisions or bodies politic or by a religious sect or denomination, or by a nonprofit educational corporation	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
3. Cultural services	Y	Y	Y	Y	N	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
4. Family day care home	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N

PRINCIPAL USE	RA	RI	RIA	R2	RMLD	RM20	RM40	RM60	RO	DR	BL	BC	BG	BH	BE	IG	WM	IP	OP	SC
5. Child care facility	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
6. Use of land for the primary purpose of agriculture, horticulture, floriculture, or viticulture on a parcel of more than five acres in area	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
7. Facilities for the sale of produce, and wine and dairy products, provided that during the months of June, July, August, and September of every year, or during the harvest season of the primary crop, the majority of such products for sale, based on either gross sales dollars or volume, have been produced by the owner of the land containing more than five acres in area on which the facility is located	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
8. Connelories, private	CC	Y	Y	Y	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
9. Museum facilities	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
10. Essential services	CC	CC	CC	CC	CC	CC	CC	CC	CC	CC	CC	CC	CC	CC	CC	CC	CC	CC	CC	Y
11. Hospital	Y	N	N	Y	N	Y	Y	Y	Y	N	N	N	N	N	N	N	N	N	N	N
C. Commercial Uses																				
1. Nonresidential use for wholesale or retail sale of products	Y	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
2. Nonresidential educational use	N	N	N	N	N	N	N	N	Y	N	Y	Y	Y	Y	CC	Y	N	Y	N	Y
3. Animal clinic or hospital; kennel	Y	N	N	N	N	N	N	N	N	N	N	N	Y	Y	N	Y	N	N	N	Y
4. Veterinary clinic	Y	N	N	N	N	N	N	N	Y	N	Y	Y	Y	Y	N	N	N	N	N	N
5. Nursing or convalescent home	Y	N	N	Y	N	Y	Y	Y	Y	N	N	N	N	N	N	N	N	N	N	N
6. Extended home	N	N	N	N	N	N	CC	CC	Y	N	Y	Y	Y	Y	Y	N	N	N	N	N
7. Hotel	N	N	N	N	N	N	N	N	N	N	N	Y	Y	Y	N	Y	N	CC	CC	N
8. Motel; overnight cabin	N	N	N	N	N	N	N	N	N	N	N	N	Y	Y	N	Y	N	N	N	N
9. Food and Beverage	CC	CC	CC	CC	N	CC	CC	CC	CC	CC	CC	CC	CC	CC	N	N	N	N	N	N
10. Retail stores and services not elsewhere set forth	N	N	N	N	N	N	N	N	N	Y	Y	Y	Y	Y	Y	Y	N	N	N	Y
11. Retail with incidental wholesale, processing, or manufacturing of products, the majority of which are sold on the premises, with less than 10 non-retail employees	N	N	N	N	N	N	N	N	N	N	N	N	Y	Y	CC	Y	N	N	N	N
12. Personal service establishment	N	N	N	N	N	N	N	N	N	Y	Y	Y	Y	Y	Y	Y	N	N	N	N

PRINCIPAL USE	RA	RI	RIA	R2	RM1.D	RM20	RM40	RM60	RO	DR	BL	BC	BG	BH	BE	IG	WM	IP	OP	SC
13. Motor vehicle, trailer, or boat sales and rental	N	N	N	N	N	N	N	N	N	N	N	N	N	CC	CC	CC	N	N	N	N
14. Motor vehicle-body repair or paint shop	N	N	N	N	N	N	N	N	N	N	N	N	N	CC	CC	CC	N	N	N	N
15. Motor vehicle service station	N	N	N	N	N	N	N	N	N	N	N	N	CC	CC	CC	CC	N	N	N	CC
16. Motor vehicle service station without food and/or convenience goods	N	N	N	N	N	N	N	N	N	N	N	N	CC	CC	CC	CC	N	N	N	CC
17. Motor vehicle repair garage	N	N	N	N	N	N	N	N	N	N	N	N	CC	CC	CC	CC	N	N	N	N
18. Car wash	N	N	N	N	N	N	N	N	N	N	N	N	N	CC	CC	Y	N	N	N	N
19. Restaurant	N	N	N	N	N	N	N	N	N	Y	Y	Y	Y	Y	Y	Y	N	N	N	Y
20. Restaurant, fast-food or drive-in	N	N	N	N	N	N	N	N	N	N	CC	Y	CC	Y	CC	Y	N	N	N	CC
21. Business or professional office	N	N	N	N	N	N	N	N	N	N	Y	Y	Y	Y	Y	Y	Y	Y	Y	N
21A. Bank, retail banking, financial agency or institution	N	N	N	N	N	N	N	N	N	N	Y	Y	Y	Y	Y	Y	Y	CC	Y	N
22. Business or professional office, not exceeding 2,500 sq. ft. of gross ground floor area for every five (5) acres of land area in the subject parcel	N	N	N	N	N	N	N	N	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	Y
22A. Bank, financial agency or institution not exceeding 2,500 sq. ft. of gross floor area	N	N	N	N	N	N	N	N	Y	Y	Y	Y	Y	Y	Y	Y	N	CC	N	Y
23. Medical office building or testing laboratory	N	N	N	N	N	N	N	N	N	N	Y	Y	Y	Y	Y	Y	N	Y	N	N
23A. Medical clinic	N	N	N	N	N	N	N	N	N	N	Y	Y	Y	Y	Y	Y	N	N	N	N
24. Medical office building or testing laboratory not exceeding 2,500 sq. ft.	N	N	N	N	N	N	N	N	Y	Y	N	N	N	N	Y	N	N	Y	N	N
24A. Medical clinic not exceeding 2,500 square feet for every five (5) acres of land area in the subject parcel	N	N	N	N	N	N	N	N	Y	Y	N	N	N	N	Y	N	N	N	N	N
25. Any commercial drive-through use	N	N	N	N	N	N	N	N	N	N	CC	CC	CC	CC	CC	CC	N	N	N	Y
26. Indoor commercial recreation	N	N	N	N	N	N	N	N	N	Y	N	Y	Y	Y	Y	Y	N	N	N	Y
27. Arcade	N	N	N	N	N	N	N	N	N	N	N	N	N	Y	CC	Y	N	N	N	N
28. Outdoor commercial recreation	Y	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
29. Reserved																				
30. Amusement park	N	N	N	N	N	N	N	N	N	N	N	N	N	Y	N	N	N	N	N	N
31. Motor car race track, Speedway, Horse and dog race track and permanent outdoor concert facilities	CC	N	N	N	N	N	N	N	N	N	N	N	N	CC	N	N	N	N	N	N
32. Membership club, civic, social, professional or fraternal organization	CC	CC	CC	CC	N	CC	CC	CC	Y	CC	Y	Y	Y	Y	CC	Y	N	N	N	N
33. Commercial parking lot or garage	N	N	N	N	N	N	N	N	N	N	N	Y	Y	Y	N	Y	N	N	N	N
34. Adult entertainment establishment	N	N	N	N	N	N	N	N	N	N	N	N	CC	CC	N	CC	CC	N	N	N

PRINCIPAL USE	RA	RI	RIA	R2	RMLD	RM2B	RM40	RM60	RO	DR	BL	BC	BG	BH	BE	IG	WM	IP	OP	SC
35. Wireless Communications Facility	CC	CC	CC	CC	CC	CC	CC	CC	CC	CC	CC	CC	CC	CC	CC	CC	CC	CC	CC	CC
36. Taxi, trolley or other public transit terminal facility	N	N	N	N	N	N	N	N	N	N	Y	Y	Y	Y	N	Y	N	N	N	N
37. RMD and OMMD (See Section 7.10)	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	CC	N	N	N	N
38. Solar Facility (See 7.9)	CC	CC	CC	CC	CC	CC	CC	CC	CC	CC	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
<b>D. Industrial Uses</b>																				
1. Quarrying or other extractive operation	CC	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
2. Manufacturing	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	Y	Y	Y	N	N
3. Wholesale, warehouse, self-storage mini-warehouse, or distribution facility	N	N	N	N	N	N	N	N	N	N	N	N	N	Y	CC	Y	N	N	N	N
4. Wholesale or warehouse incidental to manufacturing product on the premises	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	Y	N	Y	N	N
5. Transportation freight terminal	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	Y	N	N	N	N
6. Bulk fuel storage or distribution facility	N	N	N	N	N	N	N	N	N	N	N	N	N	CC	N	Y	Y	N	N	N
7. Electric, gas, steam generation or storage plant	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	Y	Y	N	N	N
8. Waste disposal facilities	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	Y	N	N	N
9. Refuse transfer station	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	CC	N	N	N

<b>SECTION E: THREE-YEAR BUSINESS PLAN BUDGET PROJECTIONS</b>
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*Provide the three-year business plan for the RMD, including revenues and expenses.*

Projected Start Date for the First Full Fiscal Year: 1/1/2018

Fiscal Year	FIRST FULL FISCAL YEAR PROJECTIONS	SECOND FULL FISCAL YEAR PROJECTIONS	THIRD FULL FISCAL YEAR PROJECTIONS
	2018	2019	2020
Projected Revenue	\$ 2,600,000	\$ 5,000,000	\$ 6,200,000
Projected Expenses	\$ 2,450,000	\$ 3,250,000	\$ 4,150,000
VARIANCE:	\$ 150,000	\$ 1,750,000	\$ 2,050,000
Number of unique patients for the year	914	1371	1590
Number of patient visits for the year	10968	16452	19080
Projected % of patient growth rate annually	---	50	16
Estimated purchased ounces per visit	.5	.65	.7
Estimated cost per ounce	281	250	234
Total FTEs in staffing	40	50	60
Total marijuana for medical use inventory for the year (in lbs.)	440	750	910
Total marijuana for medical use sold for the year (in lbs.)	425	680	840
Total marijuana for medical use left for roll over (in lbs.)	15	70	70

**Projected date the RMD plans to open: 5/1/2018**

Information on this page has been reviewed by the applicant, and where provided by the applicant, is accurate and complete, as indicated by the initials of the authorized signatory here: MC

## SECTION F: CERTIFICATION OF ASSURANCE OF COMPLIANCE: ADA AND NON-DISCRIMINATION BASED ON DISABILITY

Applicants must certify that they will comply with all state and federal requirements regarding equal employment opportunity, nondiscrimination, and civil rights for persons with disabilities. The Applicant must complete a Certification of Assurance of Compliance: ADA and Non-Discrimination based on Disability. By signing, the Applicant formally notifies the Department that the Applicant is in compliance and shall maintain compliance with all applicable requirements.

- I certify, that the Applicant is in compliance and shall maintain compliance with all applicable federal and state laws protecting the rights of persons with disabilities, including but not limited to the Americans with Disabilities Act ("ADA"), 42 U.S.C. §§ 12131-12134; Article CXIV of the Massachusetts Constitution; and; Chapter 93, § 103; Chapter 151B; and Chapter 272, §§ 98 and 98A of the Massachusetts General Laws.
- I understand that federal and state laws prohibit discrimination in public accommodations and employment based solely on disability. I recognize that to make goods, services, facilities, privileges, advantages, or accommodations readily accessible to and usable by persons with disabilities, the Applicant, under the ADA, must:
  - remove architectural and communication barriers in existing facilities, when readily achievable and, if not readily achievable, must use alternative methods;
  - purchase accessible equipment or modify equipment;
  - modify policies and practices; and
  - furnish appropriate auxiliary aids and services where necessary to ensure effective communication.
- I understand that reasonable accommodation is required in both program services and employment, except where to do so would cause an undue hardship or burden. I also understand that the Massachusetts Constitution Article CXIV provides that no otherwise qualified individual shall, solely by reason of disability, be excluded from the participation in, denied the benefits of, or be subject to discrimination under any program or activity within the Commonwealth.
- I agree that the Applicant shall cooperate in any compliance review and shall provide reasonable access to the premises of all places of business and employment and to records, files, information, and employees therein for reviewing compliance with the ADA, the Massachusetts Constitution, other applicable state and federal laws, including 105 CMR 725.000, et seq.
- I agree that any violation of the specific provisions and terms of this Assurance or of the ADA, and/or of any Plan of Correction shall be deemed a breach of a material condition of any Certificate of Registration issued to the Applicant for operation of a Registered Marijuana Dispensary. Such a breach shall be grounds for suspension or revocation, in whole or in part, of a Certificate of Registration issued by the Department.
- I agree that, if selected, I will submit a detailed floor plan of the premises of the proposed dispensary in compliance with 105 CMR 725.100(B)(3)(m) and in compliance with the Architectural Review required pursuant to 105 CMR 725.100(B)(5)(f).

**Signed under the pains and penalties of perjury, I, the authorized signatory for the Applicant, understand the obligations of the Applicant under the Certification of Assurance of Compliance: ADA and Non-Discrimination Based on Disability, and agree and attest that the Applicant will comply with those obligations as stated in the Certification.**

  
Signature of Authorized Signatory

Mario Chiuccariello  
Print Name of Authorized Signatory

President  
Title of Authorized Signatory

12/11/2017  
Date Signed

Information on this page has been reviewed by the applicant, and where provided by the applicant, is accurate and complete, as indicated by the initials of the authorized signatory here: MC



**ATTESTATIONS**

Signed under the pains and penalties of perjury, I, the authorized signatory for the applicant, agree and attest that all information included in this application is complete and accurate and that I have an ongoing obligation to submit updated information to the Department if the information presented within this application has changed.

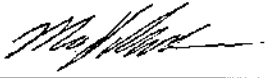
  
\_\_\_\_\_  
Signature of Authorized Signatory

12/11/2017  
Date Signed

\_\_\_\_\_  
Mario Chiuccariello  
Print Name of Authorized Signatory

\_\_\_\_\_  
President  
Title of Authorized Signatory

I, the authorized signatory for the applicant, hereby attest that the applicant has notified the chief administrative officer and the chief of police of the proposed city or town in which the RMD would be sited, as well as the sheriff of the applicable county, of the intent to submit a *Management and Operations Profile* and a *Siting Profile*.

  
\_\_\_\_\_  
Signature of Authorized Signatory

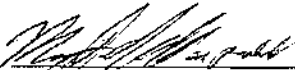
12/11/2017  
Date Signed

\_\_\_\_\_  
Mario Chiuccariello  
Print Name of Authorized Signatory

\_\_\_\_\_  
President  
Title of Authorized Signatory

Information on this page has been reviewed by the applicant, and where provided by the applicant, is accurate and complete, as indicated by the initials of the authorized signatory here: MC

I, the authorized signatory for the applicant, hereby attest that if the corporation is approved for a provisional certificate of registration, the applicant is prepared to pay a non-refundable registration fee of \$50,000, as specified in 105 CMR 725.000, after being notified that the RMD has been approved for a provisional certificate of registration.

  
Signature of Authorized Signatory

12/11/2017  
Date Signed

Mario Chiuccariello  
Print Name of Authorized Signatory

President  
Title of Authorized Signatory

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