Cannabis Establishments

Zoning Amendment Public Meeting
May 9, 2024
6:00pm–7:30pm
Timeline to date

- **May 2021**: Amendment from City Council (then-Councilor Edwards)
- **June 2021**: Amendment presented to Zoning Commission; deferred until community process was complete
- **August 2022**: BPDA Public Meeting #1 with BCB and OEOI for feedback and discussion of amendment
- **October 2022**: BCB and OEOI met with ~25 cannabis business owners and ~15 Main Street directors for additional feedback
- **November 2022**: BPDA Public Meeting #2, presenting feedback heard, adjusted language around the buffer zone, and an updated “scorecard” for applicants at the BCB
- **2023**: Refinement of the amendment based on feedback from that meeting and additional outreach to departments at the City
Upcoming Dates

Key dates

- **Thu, May 9 (today!):** Public meeting on amendment text, and beginning of public comment period.
- **Fri, May 31:** End of public comment period.
- **Thu, June 6:** BPDA posts comments received as well as any response.
- **Thu, June 13:** Anticipated BPDA Board petition
- **Wed, July 10:** Anticipated Zoning Commission consideration
1. After receiving approval from the Boston Cannabis Board, all cannabis establishments, including equity applicants, must go through the Zoning Board of Appeal.

2. ZBA approval requires at least one, and usually at least two, things:
   - Cannabis establishments across the City are allowed **conditionally** in commercial and industrial subdistricts, meaning that the use must always be approved on a case-by-case basis. Presently, there is no subdistrict where the use is allowed as-of-right.
   - Cannabis establishments are subject to a **half-mile buffer zone from other cannabis establishments**, existing or approved; and a **500-foot buffer zone from schools, existing or approved**. Allowing establishments within these buffers requires a variance. Most applications today now require relief from these buffer requirements.
Currently **30 active cannabis retail licenses (32 active establishments)** operating in Boston.

- 14 equity applicants, 18 non-equity
- MGL c.94G § 3 requires not limiting number of retailers to fewer than 20% of licenses issued for retail sale of alcohol under MGL c.138 § 15.
- Based on the current number of package store licenses, **Boston must allow more than 50 cannabis retailers**.
- City policy is to approve at least one equity applicant for every non-equity applicant.
- Allowing the required number of retailers is **not possible** with current buffer zones.
Proposed Changes to Zoning

- **Summary**: Restate the state definition of the school entrance buffer zone; and delete the half-mile buffer requirement between cannabis establishments.

- **Buffer Zone**: A buffer zone requiring that the placement of entrances for any cannabis establishment be **no closer than 500 feet from the nearest School entrance**.

- Full text available at [https://www.bostonplans.org/documents/zoning/draft-text-amendment-for-the-cannabis-establishments](https://www.bostonplans.org/documents/zoning/draft-text-amendment-for-the-cannabis-establishments)
What Stays the Same

- Cannabis establishments continue to be a conditional use, requiring both approval from the Boston Cannabis Board and the Zoning Board of Appeal.

- A 500-foot buffer from schools exists in the zoning code.

- No changes to the use regulations related to which subdistricts forbid cannabis establishments entirely, and which allow it conditionally.

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The Boston Cannabis Board (BCB), established in 2020, is a mayoral-appointed seven member Board tasked with siting cannabis establishments within the City of Boston.

The BCB’s duty is to ensure equity in the issuance of cannabis licenses. Its enabling ordinance mandates that at least 50% of all cannabis establishments within the city have been certified as equity applicants by Office of Economic Opportunity and Inclusion (OEOI).
Boston Cannabis Board Members

Kathleen M. Joyce, Esq.
Chair
Member with experience with the City's licensing and regulation of businesses

Lisa Holmes
Commissioner
Member with experience in Public Safety

Gabriel Camacho
Commissioner
Member with experience in Organized labor or workers' rights

John Smith
Commissioner
Member with experience in Economic Development

Ramon Soto
Commissioner
Member with experience in Public Health Policy

Sonal Gandhi
Commissioner
Member with experience in Urban planning or land use
**Process Flow to Cannabis Licensing**

**Applicant**
- **Submit online application with BCB**
- **Apply for zoning relief (instructions)**
- **Receive denial letter from ISD**
- **Start appeal process with Zoning Board Appeal (ZBA)**
  - Request a letter of support or non-opposition (after the community meeting) from the **District City Councilor**:
    1. Fill out request form and send it to the District City Councilor and copy the BCB
    2. The BCB will then submit formal request to District City Councilor
    3. The District City Councilor has 45 days to respond

**Boston Cannabis Board ("BCB")**
- **Transaction hearings typically occur on the 2nd Wednesday of each month.** At the hearing each applicant is given 10 mins to present their business plan. Followed by Q&A and public testimony.
- **Voting hearings typically occur on the 3rd Wednesday of each month.** Voting outcomes may be as follows:
  - Reject with prejudice - can reapply after 1 year
  - Reject without prejudice
  - Grant or Conditionally Grant
  - Defer

**Cannabis Control Commission (State)**
- **Submit application online to CCC via Massachusetts Cannabis Industry Portal (MassCIP)**
- **Receive denial letter from ISD**
- **Start appeal process with Zoning Board Appeal (ZBA)**
- **Before Issuing a physical license to applicant, the applicant should submit:**
  - Security of operations plan
  - Certificate of occupancy
  - Fire assembly permit (50 or more)
  - License premise description
  - Business Certificate from the City Clerk
  - Completed wage theft certification form
  - Proof of insurance
  - Payment - $2500/annual fee

**Legend:** Border color indicates who is performing action
- **Applicant**
- **CCC**
- **BCB**

**Steps for Applicants**
- **Submit application online to CCC via Massachusetts Cannabis Industry Portal (MassCIP)**
- **Apply for zoning relief (instructions)**
- **Receive denial letter from ISD**
- **Start appeal process with Zoning Board Appeal (ZBA)**
  - Request a letter of support or non-opposition (after the community meeting) from the **District City Councilor**:
    1. Fill out request form and send it to the District City Councilor and copy the BCB
    2. The BCB will then submit formal request to District City Councilor
    3. The District City Councilor has 45 days to respond

**Steps for BCB**
- **The BCB receives the application and reviews it for accuracy.** A transactional hearing must occur within 30 days (or for non-equity applicant: until there is a 1:1 ratio of equity and non-equity applicants).
- **Transaction hearings typically occur on the 2nd Wednesday of each month.** At the hearing each applicant is given 10 mins to present their business plan. Followed by Q&A and public testimony.
- **Voting hearings typically occur on the 3rd Wednesday of each month.** Voting outcomes may be as follows:
  - Reject with prejudice - can reapply after 1 year
  - Reject without prejudice
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**Steps for CCC**
- **Submit online application to CCC via Massachusetts Cannabis Industry Portal (MassCIP)**
- **Receive denial letter from ISD**
- **Start appeal process with Zoning Board Appeal (ZBA)**
- **Before Issuing a physical license to applicant, the applicant should submit:**
  - Security of operations plan
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  - Proof of insurance
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**Steps for Zoning Board Appeal (ZBA)**
- **Only with a ZBA approval may the applicant submit an application for State approval**

**Steps for Host Community Agreement (HCA)**
- **Only with BCB approval will the BCB create & execute a Host Community Agreement (HCA)**
- **Applicant will receive the physical license and may commence operations**

**Checklist for a Complete BCB Application!**
- Submitted online application (Legal right to occupy the premise, Ownership interest etc.)
- Submitted ISD Refusal letter
- Conducted ONS community
- Submitted a letter from District City Councilor (If applicable) Received equity certification
- Additional materials may be required

**Steps for Host Community Meetings**
- **Work with Office of Neighborhood Services (ONS) to conduct community meetings**
- **Host the community meeting(s)**

**Additional Information**
- **Transcription:**
  - Within 90 days of your license application to the CCC, the Commission will issue either a provisional license or a rejection. A provisional license allows for the build-out and state inspections.
  - The CCC will notify the BCB of the completed inspections and that the business may commence operations. The BCB will then work with the applicant in order to receive the final physical license.
CCC Community Engagement Requirements

Statutory requirements per the Cannabis Control Commission (the “CCC”) in regards to the community meeting process:

Only required to host one (1) Community Outreach Meeting

At least fourteen (14) calendar days prior to the proposed meeting, the notice of the meeting must be:

- Published in a newspaper of general circulation in the city or town.
- Filed with the town or city clerk, the planning board, the contracting authority for the municipality, and local licensing authority for adult use of cannabis, if applicable.

At least seven (7) calendar days prior to the proposed meeting, the notice of the meeting must be:

- Mailed to abutters of the proposed address of the Marijuana Establishment, owners of land directly opposite on any public or private street or way, and to the abutters within 300 feet of the property line of the petitioner as they appear on the most recent applicable tax list, notwithstanding that the land of any such owner is located in another city or town. The town or city clerk may be able to assist an applicant with a list of abutters.
BCB Community Engagement Requirements

The Office of Neighborhood Services (ONS) facilitates the statutory community meeting for all Cannabis Establishments.

At least seven (7) calendar days prior to the proposed meeting, the notice of the meeting must be:

- Must physically flyer the community meeting notice at least 7 calendar days prior to the meeting

District Councilor 45 Days

- Request form: District City Councilor letter of support, non-opposition, or opposition

Distribution of the BCB’s Agenda:

- Sent out to all constituents that have signed up via our Cannabis Newsletter List: Sign up here
- Each Applicant is required to hand deliver the agenda to all abutters within a three hundred (300) foot radius of the proposed licensed premise prior to the hearing
- Posted a week prior to the hearing on the city’s public notice board

Community Involvement in BCB Hearing:

- The BCB accepts written correspondence at any point in the application process, which is included in the Applicant’s hearing materials and shared with all of the Board members.
- At the BCB hearing all members of the public are encouraged to participate. Each person is given (2) mins to testify.
Evaluation Criteria:

- **Diversity and Inclusion Plan - 25%**
  - Overview of the goals, programs, and measures the proposed operation will utilize to promote equity among minorities, women, veterans, persons with disabilities, and immigrant populations

- **Location - 25%**
  - Distance from a licensed retail marijuana establishment
  - Residential and commercial density near the site.
  - Distance from schools, social services, or treatment centers.
  - Access to public transportation.
  - Accessibility and amount of on-site parking.

- **Employment - 20%**
  - Plan for employment of Boston residents
  - Plan for employment of minorities and women
  - Plan for offering competitive wages and benefits for local residents
  - Plan for employment of individuals with criminal records

- **Community Feedback and Support - 20%**
  - Letters/Testimony of support, opposition, or non-opposition from local elected officials
  - Letters/Testimony of support, opposition, or non-opposition from local community organizations
    - Letters and testimony from community members;
    - Letters and testimony from abutters;
    - Letters and testimony from other stakeholders

- **Safety and Security - 10%**
  - Plan for on-site security personnel including number of security individuals
  - Plan for building and product security including number of security cameras
  - Plan for protecting youth from accessing the product
  - Plan for the transportation and delivery of the product
  - Plan for the transportation of monies to and from the site
Cannabis Equity Program

- As part of the Mayor's Ordinance Establishing Equitable Regulation of the Cannabis Industry in the City of Boston, the Boston Cannabis Equity Program & Boston Equity Fund were established.

- This program is overseen by the Office of Economic Opportunity & Inclusion (OEOI) and is charged with:
  - Creating an equity program to offer equity applicants services which may include technical assistance and administering and supporting the equity program through funding appropriated to it by the Boston Equity Fund.
    - Currently the program offers technical assistance, grant funding, and continued education and support.
Cannabis Equity Program

The Boston Cannabis Equity Program plays a crucial role in advancing the City's broader policy objectives in several ways:

- **Promoting Economic Inclusion**: The program is a tangible expression of the City's commitment to fostering economic inclusion and providing opportunities for all residents, particularly those who have been historically disadvantaged.

- **Reducing Disparities & Closing the Racial Wealth Gap**: By focusing on equity in the cannabis industry, the program addresses historical disparities in criminal justice and economic outcomes, contributing to a fairer and more just society and providing a means to generate generational wealth, close the racial wealth gap, and foster economic equity.

- **Supporting Local Business**: The program encourages local entrepreneurship, empowering residents to start and grow businesses within their own communities, which, in turn, bolsters neighborhood development and stability.

- **Community Reinvestment**: It furthers the City's efforts to reinvest in communities disproportionately affected by past cannabis-related convictions, thereby enhancing neighborhood vitality and economic resilience.

- **Fostering Collaboration**: The program aligns with other city initiatives and stakeholders, fostering collaboration between public and private sectors, community organizations, and residents, creating a united front in pursuit of equitable business development.
Cannabis Establishments can apply for equity certification through the Mayor’s Office of Economic Opportunity & Inclusion if they have:

- an **active application** with the Boston Cannabis Board;
- **secured a location** by obtaining proof of legal right to occupy the premise (such as a notarized letter from the landlord, a letter of intent, or a signed lease agreement);
- **at least 51 percent of the ownership** group meets at least three of the equity certification criteria listed in the Ordinance for Equitable Cannabis Regulation.

BCB agendas are created to ensure a 1:1 ratio of equity to non-equity licensees. The Board will not schedule a hearing for a non-equity applicant if the granting of a license would result in a violation of the 1:1 ratio.
Changes to date separate from zoning

The BCB and OEOI met with several departments in 2022 and 2023 including: BPDA, Law, and ONS.

Feedback from all departments has been supportive. The main point of feedback has been to make sure the BCB maintains members that have experience with the City's licensing and regulation of businesses, public safety, labor or workers' rights, economic development, public health policy, urban planning or land use, and leadership within a neighborhood association in Boston.

Following feedback from cannabis business owners and the community, the BCB:

- updated the scoresheet and evaluation criteria,
- added the two additional members to the Board,
- held meetings with additional stakeholders

OEOI has also reached out to all denied applicants and provided guidance and resources to find new locations and/or prepare for their new ZBA hearing.
Public Comment

If you would like to submit a comment on the Cannabis Establishments text amendment, please email will.cohen@boston.gov.