



City of Newton, Massachusetts
Department of Planning and Development
1000 Commonwealth Avenue Newton, Massachusetts 02459

Telephone
(617) 796-1120
Telefax
(617) 796-1142
TDD/TTY
(617) 796-1089
www.newtonma.gov

Ruthanne Fuller
Mayor

Barney S. Heath
Director

HOST COMMUNITY AGREEMENT ADVISORY GROUP RECOMMENDATION

DATE: April 29, 2019

TO: Mayor Ruthanne Fuller

FROM: Host Community Agreement Advisory Group

SUBJECT: **Host Community Agreement Recommendation for Ascend Mass, LLC, proposing a marijuana retailer at 58 Cross Street**

EXECUTIVE SUMMARY

Ascend Mass, LLC is proposing to become a recreational marijuana retailer at 58 Cross Street (at the intersection of Washington Street) to the east of West Newton Square. Members of the management team met with the Host Community Agreement (HCA) Advisory Group on March 29, 2019.

Ascend Mass has a management team with experience in law enforcement, regulatory compliance, retail and cultivation. The proposed site is located within a commercial strip, outside of a village center, and has ample onsite parking. The applicant has presented well thought out plans for operations, security and transportation demand management. The applicant has appropriate public health, community relations, and sustainability philosophies and the company will provide economic value to the city. For these reasons, and those described in more detail below, the HCA Advisory Group recommends moving forward with a provisional Host Community Agreement for Ascend Mass LLC's marijuana retailer at 58 Cross Street and moving the applicant forward to the City Council's rigorous review process.



CRITERIA FOR CONSIDERATION:

- I. Security – *Whether there is a sufficient commitment to public safety and a sufficient plan for controlling access to areas with marijuana and preventing sales to underage populations, and other similar factors.*

Ascend Mass, LLC (Ascend) will provide security both inside and outside of the facility to ensure the safety of customers and employees and to prevent crime and diversion. Security will be provided through reinforced construction materials and technology, cameras and remote monitoring, and on-site security personnel. All personnel will be trained extensively and Ascend will provide direct video feed access to its video surveillance system. Ascend will work with Newton Police and the Cannabis Control Commission (Commission) to ensure video cameras are properly positioned. Perimeter security, including motion sensors, alarms, and video surveillance, will be installed and intrusion detection sensors will be placed on all exit and entry points, including windows. Multiple redundant alarm systems will ensure the system does not fail in the case of a power outage and the camera feeds will be monitored by FTG Securities' 24/7 dispatch team.

All products will be located in locked, secure vaults under video surveillance and no more than the anticipated inventory required for two days will be stored on site. Only designated employees will have access to the vault and safe and duress alarms will be located strategically throughout the building. Security will monitor the interior and exterior of the facility. Ascend has taken steps to prevent diversion and nuisance and will require all customers to sign a community norms pledge. Ascend will provide a 24/7 contact number to local business owners and residents.

Eugene Sumpter is listed as Chief of Compliance and Security, and Daniel Linskey is Chief Security Consultant for Licensing and Permitting. Mr. Sumpter is a military veteran and is currently Superintendent of the Nashua Street Jail at the Suffolk County Sheriff's Department. Mr. Sumpter is identified as an expert in regulatory and statutory compliance and currently analyzes and evaluates the jail's compliance with all statutory, regulatory and policy requirements. He is also responsible for security training at all Ascend facilities. Mr. Linskey is the former Superintendent-in-Chief of the Boston Police Department and currently provides consulting services focusing on investigative, crisis management and risk management services as well as personal, physical and operational security solutions and large-scale event management and community engagement strategies.

The proposed security plan appears well thought out to both protect customers and

employees and prevent diversion, while helping Ascend be a good neighbor.

The Advisory Group recommends that if the applicant moves forward, they continue to work closely with the Newton Police Department.

- II. Public Health – *Whether there is a commitment to help monitor and mitigate health impacts to the neighborhood and to Newton’s youth and adult populations, assistance with local substance abuse prevention programming, and other similar factors.*

Ascend has stated they are committed to working with the Newton Health and Human Services Department to monitor and mitigate health impacts to the City including, but not limited to: ensuring that labeling of all marijuana products complies with state and local requirements; assisting with and providing resources for substance abuse education and prevention programming; and providing supplemental information to company-produced materials for customers regarding safe consumption, transportation and storage of marijuana products. The applicant also agreed to provide information in their store created by the City regarding substance abuse prevention and treatment and to provide links to such information on their website.

- III. Community Relations – *What are the plans for community outreach and addressing community concerns, experience with the Newton community, and other similar factors.*

Andrea Cabral, Chief Executive Officer, has experience in the greater Boston region and will represent Ascend at outreach meetings. In addition to the state-mandated community meeting, the applicant will provide a 24/7 contact number so any issues can be reported and resolved, will commit to join local business, civic and neighborhood safety associations and to have the Community Engagement Officer, Store Manager or Assistant Store Manager regularly attend meetings, and will participate in and provide sponsorship of community events. Ascend has volunteered to provide financial support to Newton non-profit(s) of \$2,500, increasing by 5% annually. Ascend also requires every customer to sign a community norms pledge, which conditions status as a customer in good standing on a promise to refrain from loitering, nuisance behavior or any conduct deleterious to the neighborhood.

The Advisory Group recommends that the applicant continue to pursue community outreach efforts above and beyond the required community meeting, and that they engage those in the surrounding residential neighborhoods.

IV. Experience – *What are the professional experiences and qualifications of the management team and other similar factors.*

Ms. Andrea Cabral, CEO for Ascend, has served as the Executive Secretary of Public Safety in the Administration of Governor Deval Patrick from 2012 to 2015 where she oversaw 14 state public safety agencies. Prior to that, she was sheriff of Suffolk County for ten years, Assistant District Attorney in the Suffolk County District Attorney's office, and Assistant Attorney General and Assistant District Attorney in the Middlesex County District Attorney's Office. Ms. Cabral is also a former member of the Advisory Board of the Rappaport Center for Law and Public Policy, and the Governing Board of the Mass Mentorship Program. In 2017, Ms. Cabral was appointed by the Attorney General to the Cannabis Advisory Board and is the current Chair of the Public Safety and Community Mitigation Subcommittee.

Joseph Gullia, Vice President of Retail Operations, brings twelve years of retail experience as the Senior Director of Stores for Ralph Lauren as well as experience within the cannabis industry. In addition to his time at Ralph Lauren, Mr. Gullia also served as Vice President of Store Operations at Maggie's Farm, a medical and recreational retail cannabis company in Colorado, where he designed, staffed, and opened three new store locations, including the single most productive dispensary in the United States. Mr. Gullia's resume states he increased staffing from 37 employees to 120 and reduced attrition by 75%. After three years at Maggie's Farm, Mr. Gullia briefly worked at Silverpeak Farms prior to joining Ascend.

Ms. Cabral and Mr. Gullia, along with Mr. Sumpter and Mr. Linskey, have local ties as well as deep experience in law enforcement, compliance, security and both cannabis and non-cannabis retail. Their combined experience includes managing, hiring, and training for large organizations.

Ascend has assembled an experienced team who appear capable of success and positive integration with the community.

V. Sustainability – *What are the proposed sustainable and renewable energy practices, and other similar factors.*

Ascend cultivates, produces and processes its own product for sale in its retail establishments. Ascend's cultivation facility utilizes hydro turbines and solar power and Ascend is actively exploring the use of recyclable, biodegradable, and recycled materials whenever possible for the packaging of its retail products. Employees of the Cross Street location in Newton will also be given free MBTA passes and secure bicycle lockers to reduce driving.

The Advisory Group recommends that Ascend continue to explore ways to reduce energy consumption and waste within their facility.

VI. Equity – *What are the qualifications of the Applicant under state Economic Empowerment and/or Social Equity programs.*

Ascend does not qualify for the state Economic Empowerment or Social Equity programs. However, they have a woman of color as he CEO and have created policies and initiatives to encourage diversity and to positively impact communities that have been disproportionately impacted by federal and state drug policies. Ascend’s policies include promoting equity among minorities, women, veterans, people with disabilities, and people of all gender identities and sexual orientations in the operation of the marijuana establishment. Ascend included the policy for their Boston facility in their application package, which includes a plan to hire ex-offenders through a partnership with the Suffolk County Sheriff; they will create an independent charitable foundation that can provide support to organizations, small businesses and individuals in communities inequitably impacted historically.

If the applicant moves forward, Ascend must create similar policies for the Newton location.

VII. Economic Value – *What is the amount of additional economic value the business would bring to Newton, e.g., new jobs, additional local tax revenue, increased property value, commitment to diverse and local hiring, commitment to use of local businesses for construction, supplies, product, and other business needs, openness to long-term community impact fees, and other similar factors.*

Ascend will invest in the renovation and build-out of a currently vacant building and will endeavor to utilize local businesses for the construction. Additionally, Ascend will bring up to 35 salaried jobs to Newton, which it intends to source locally to the extent permitted by law. Ascend has indicated they will provide 3% of gross revenue to the City.

VIII. Context – *Whether the proposed facility is not clearly inappropriate in terms of location, operations as well as transportation, traffic and parking, with those final decisions reserved for the City Council during the Special Permit process.*

The proposed site, at 58 Cross Street (also known as 1089 Washington Street), is located along Washington Street, on the opposite side of the Massachusetts Turnpike. The site is

located to the east of West Newton Square. The site is surrounded by commercial uses to the east and west along Washington Street and residential uses to the north and west across Cross Street. The subject property consists of an approximately 25,000 square foot lot improved with a one-story commercial structure constructed circa 1950 and accessory parking facilities. The site was most recently the home of the Beacon Hill Athletic Club. The property is located in the Business 2 (BU2) zone. The site is not within the 500-foot buffer zone for any schools or childcare uses and exceeds the half-mile buffer from any existing or approved marijuana retailers or registered marijuana dispensaries (Garden Remedies is located at 697 Washington Street, 0.9 miles east of this proposed location). The applicant proposes to reuse the existing commercial building, formerly an 8,300 square-foot gym. Approximately 4,900 square feet would be dedicated to the marijuana retailer. There is not currently a plan for the remaining space within the building. However, the Advisory Group recommends the City Council Order, if approved, limit it to low intensity uses.

There are currently 32 striped parking stalls in the surface parking area adjacent to the building. The parking area appears to have adequate drive aisles and includes two ADA, van accessible spaces. The onsite stalls would be dedicated to customers and employees would be required to park offsite. Employees would also be encouraged to utilize transit and will be given MBTA passes and there will also be bicycle parking onsite for both employees and customers. The parking facility currently has access from both Washington Street and Cross Street. Access is proposed from Washington Street and egress will be onto Cross Street, where there will be a “No Right Turn” sign at the exit from the parking lot.

The proposed site has ample parking and safe circulation; however, it lacks landscaping as the limited landscaping on the site and along the Washington Street frontage was recently removed. If the application is to move forward, the Advisory Group recommends the Applicant add a landscape buffer along the rear of the site adjacent to the residences, trees along Washington Street, and explore landscaping within the surface parking lot. Ascend should design a lighting scheme that provides sufficient lighting within the parking lot for safety purposes but minimizes light spillover onto adjacent properties.

RECOMMENDATION:

The proposed marijuana retailer brings a team with deep law enforcement, security, and retail experience. Ascend has demonstrated success in managing, hiring, overseeing operations and training both in and outside of the cannabis industry. The Applicant also has local ties to Newton and the region and is committed to maintaining positive relationships

with the community and neighboring businesses and residents. Ascend has committed to engaging the community, providing 24/7 contact information in order to immediately address any potential issues, and has developed a thorough security plan. The proposed site does not present any clear, immediate transportation concerns as there is easy access from Washington Street, ample parking, and clear circulation within the site, making it a suitable location for a potentially high turnover commercial use. There are residential buildings to the rear of the site as well as across Cross Street; the HCA Group recommends that the applicant and the City Council consider how best to balance security and screening with landscaping and lighting. Ascend has also committed to diversity in hiring and has submitted an example of a plan to positively impact communities of disproportionate impact. The Advisory Group recommends that Ascend develop similar programs, such as the hiring of ex-offenders, for their Newton location.

Based on this preliminary analysis, the HCA Advisory Group recommends moving forward with a provisional host community agreement for Ascend Mass, LLC. As part of the Special Permit process, the City Council may wish to consider these topics in more depth; in particular, the applicant and the City Council may want to see more detail for offsite parking plans, lighting and landscaping.