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HOST COMMUNITY AGREEMENT ADVISORY GROUP RECOMMENDATION

DATE: November 10, 2020

TO: Mayor Ruthanne Fuller

FROM: Host Community Agreement Advisory Group

**SUBJECT: Host Community Agreement Recommendation
Nuestra, LLC., 1185 Chestnut Street**

Executive Summary

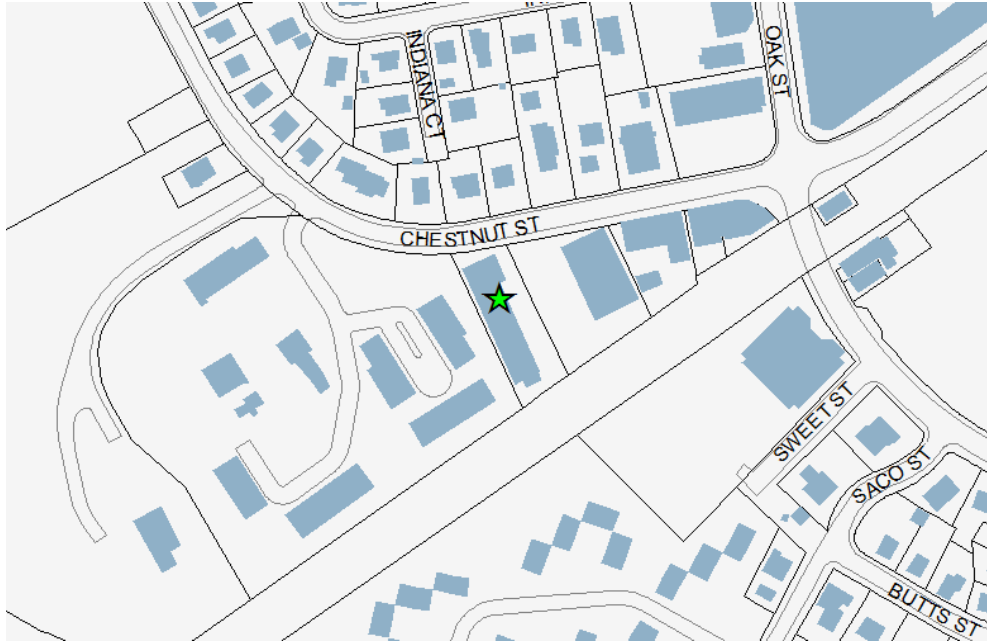
Nuestra, LLC (the “Applicant”) is seeking a Host Community Agreement to establish a Marijuana Retailer at 1185 Chestnut Street (the “Site”). The Site is located within the Business Use 2 (the “BU-2”) zoning district in Upper Falls and is improved with a one-story commercial building constructed circa 1960. The Applicant will require a special permit from the City Council to establish the Marijuana Retailer on site. The Host Community Agreement Advisory Group (the “Advisory Group”) met with the Applicant on September 18, 2020.

The Applicant is a Cannabis Control Commission certified Economic Empowerment Applicant with a diverse management team experienced in community relations, and the cannabis industry. The Applicant has a well-developed security plan and a strong plan to positively affect areas of disproportionate impact. The Site is located in an area with a diversity of uses, and the Applicant will renovate the existing structure. Detailed below are the specific criteria reviewed as part of the Advisory Group’s due diligence function.



1185 Chestnut Street

Graphic I: Area Map



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.*

The Applicant will implement a layered security plan encompassing the Site and the structure’s interior to ensure the safety of customers and employees. The security plan will feature physical barriers, technology, cameras, and on-site security personnel who will be trained in conflict resolution and suspicious behavior monitoring. To prevent crime and diversion, the Applicant will maintain a real-time inventory using a seed-to-sale methodology approved by the Cannabis Control Commission and the structure will feature limited access areas.

Dan Linskey is listed as the security consultant for the Applicant. Mr. Linskey serves as a Managing Director for Kroll, which is a division of the governance, risk, and investigation firm, Duff and Phelps. Mr. Linskey is a 27-year veteran of the Boston Police Department, whose career included serving as the Superintendent-in-Chief. Mr. Linskey has served as a consultant to other Marijuana Retailers within Newton.

The Advisory Group believes the security plan appears sufficient and notes that the Applicant will work with the City of Newton Police Department on all security measures.

Additionally, the Site is adjacent to the Upper Falls Greenway (the “Greenway”) which potentially presents security challenges. However, the Greenway also offers nonvehicular access to the Site and is an area amenity. The Advisory Group suggests the Applicant work with staff and the Newton Police Department to address potential security concerns while maintaining nonvehicular access to and from the Site.

- 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.*

The Applicant will work with Newton’s Prevention, Awareness, Treatment and Hope (“PATH”) multi-disciplinary working group to confronting the opioid crisis and substance abuse disorder by providing financial support for adult/teen roundtable discussions or other community events, distributing City-developed information cards, and displaying PATH designed awareness banners. The Applicant will also implement a multi-pronged effort to customer education beginning with an intake process during a customer’s first visit, provide takeaway materials, and feature packaging and labeling that is compliant with national and state requirements.

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

Chief Engagement Officer, Renata Caines, will be the 24/7 point of contact for the Applicant. Ms. Caines has served as the Learning and Development Manager of City Year Boston since 2017. During the permitting process, the Applicant will host community outreach meetings, conduct door to door canvassing, and will meet with local civic, business, and philanthropic organizations. The Applicant will also voluntarily contribute to Newton nonprofit organizations either via financial donations or community service.

The Advisory Group recommends that the applicant engage with the Upper Falls community, particularly residential and commercial neighbors as well as the Area Council.

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

Ms. Ivelise Rivera is the Chief Executive Officer and is also an Information Technology Analyst for the City of Boston and Associate Director of the Boston Centers for Youth and Families. Ms. Rivera has also served as the Board Chair of the Madison Park Development Corporation which develops affordable and high-quality housing in the Roxbury neighborhood. Ms. Rivera has also served as a board member of the Dudley Street Neighborhood Initiative since 2012 which seeks to empower Dudley Square residents through leadership programs.

Mr. Jonathan Tucker is the Chief Operating Officer who has experience in organizational development from nonprofit organizations to retail establishments. Mr. Tucker has also served as the Chief Executive Officer of Commonwealth Farm 1761, Inc., a marijuana cultivation and product manufacturing company which has a provisional license application before the Cannabis Control Commission.

Mr. Jason Stirling is the Chief Product Officer who has over six years of experience in the cannabis industry. Mr. Stirling previously held the same title at Ascend Wellness Holdings and has worked for marijuana retailers in Arizona, California, and Colorado.

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

The Applicant is committed to a holistic approach to sustainable business practices that include dispensing operations, its building and surrounding landscape, and its employees, vendors, and customers. The Applicant will seek vendors who feature eco-friendly products and will incentivize customers to return packaging. Employees will be eligible for a 65% transit subsidy, with access to lockers for those who bike or walk to work.

The Advisory Group recommends the Applicant evaluate opportunities to upgrade the building's envelope, with an eye toward Leadership in Energy and Environmental Design ("LEED") certifiability. The Applicant should also consider installing plantings on site and highlighting the Site's access to the Greenway for nonvehicular transportation, while balancing security considerations.

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

The Applicant’s majority owner is a Cannabis Control Commission certified Economic Empowerment Applicant. Such designation requires applicants to demonstrate experience in or business practices that promote economic empowerment in disproportionately impacted communities. The Applicant will also strive to make a positive impact on areas of disproportionate impact by providing mentoring, professional, and technical services for individuals and businesses facing systemic barriers. The Applicant will also host four Criminal Offender Record Information (“CORI”) sealing clinics annually in areas of disproportionate impact with an emphasis on certain census tracts in Boston, including monthly CORI sealing clinics at the Site. The CORI sealing clinics would raise awareness for opportunities to seal or remove a minor marijuana offense that may prevent a disproportionately harmed person from employment opportunities.

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.*

The Applicant intends to create up to 15 full-time jobs and will implement an employment plan that will make best efforts to ensure most employees are Newton residents, while striving to employ a diverse workforce. All employees will have access to counseling and training opportunities for career advancement. The City will receive 3 percent of the total annual sales of marijuana or marijuana products sold at the Site in local option taxes, as well as any community impact fee the City may impose.

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 Site is located on Chestnut Street in the BU-2 zoning district in Upper Falls. The immediate area consists of a mix of uses from residential uses to the north, west and south beyond the Upper Falls Greenway, and commercial uses to the east, creating the Upper Falls village center. The Site contains approximately 17,091 square feet and is improved with a one-story commercial structure constructed circa 1960 and an accessory parking facility. The Site is not located with any buffer of an existing marijuana retailer

per the City of Newton Zoning Ordinance (the “Ordinance”). The Site is adjacent to a day care center located at 1191 Chestnut Street. However, Marijuana retailers are not subject to any buffer requirements from such uses.

The Applicant is proposing to remove a portion of the building and to reconfigure the surface parking facility to contain 15 parking stalls. The Site has one curb cut along Chestnut Street providing access to a two-way drive aisle, a loading dock, and the parking stalls at the rear of the Site. The Applicant indicates they plan to open with an appointment-only provision. If the Applicant progresses to a special permit petition, the parking, access to and the circulation within the Site, will be examined in greater detail.

RECOMMENDATION:

The Applicant is a Cannabis Control Commission certified Economic Empowerment Applicant with a background in municipal government and a team featuring community engagement experience. The Site is located in an area with a diversity uses and does not present any immediate transportation concerns. The Applicant has committed to diversity in hiring and has a plan to positively impact communities of disproportionate impact. Based on this preliminary analysis, the Advisory Group recommends moving forward with a provisional host community agreement with the Applicant.