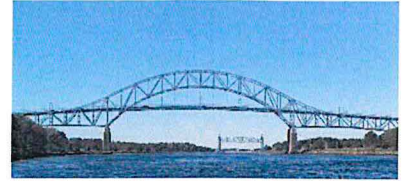


# Select Board Meeting Notice AGENDA



Date

January 16, 2024

Time

7:00 PM

Location

Bourne Veterans' Community Center  
239 Main St., Buzzards Bay 02532  
Or virtually (see information below)

*Note this meeting is being televised, streamed or recorded by Bourne TV. If anyone in the audience is recording or videotaping, they need to acknowledge such at this time. Use of flash photography during Select Board meetings is prohibited.*

If anyone from the public wishes to access the meeting, they can do so by calling the following conference line: **1-929-205-6099**

**Zoom Meeting ID: 869 5775 5505**

**Password: BOURNE**

*The Zoom chat will not be monitored. Participants who wish to speak must raise the hand icon until the Chair asks them to unmute.*

All items within the meeting agenda are subject to deliberation and vote(s).

## **7:00 PM Call public session to order in open session**

1. Moment of silence to recognize our troops and our public safety personnel
2. Salute to the flag
3. Reading of the Select Board Vision and Mission Statements
4. Public comments on non-agenda items - Public comments are allowed for up to a total of 12 minutes at the beginning of each meeting. Each speaker is limited to 3 minutes for comment. (Board members are unable to respond due to posting requirements of the Open Meeting Law).
5. Discussion with representatives from MassDOT –Bourne Rotary improvements.
6. Policy Workshop
  - a. Process and Procedures for Acceptance of Private Ways.
  - b. Process and Procedures for issuing licenses that are limited in number:
    - i. marijuana establishments and registered marijuana dispensaries
    - ii. commercial aquaculture licenses
    - iii. off premise liquor.
7. Minutes: none
8. Future agenda items
9. Committee reports
10. Correspondence
11. Next meeting dates: January 23 (budget review & vote, Recreation Committee presentation)  
January 30 & February 27: Sewer Commissioners  
February 13 & 20: Select Board
12. Adjourn

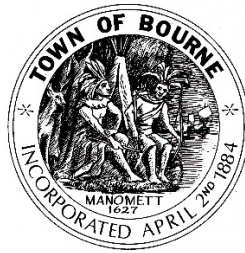
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*Reasonable accommodations for people with disabilities are available upon request. Please include a description of the accommodation you require, with as much detail as possible, and include a way we can contact you if we need more information. Please allow advance notice. Send an email to [kthut@townofbourne.com](mailto:kthut@townofbourne.com) or call the Town Administrator's Office at 508-759-0600 x1503*

# TOWN OF BOURNE



## Vision

Bourne is a proud community that embraces change while respecting the rich heritage of the town and its villages. It is a municipality based on strong fiscal government with a durable economy that recognizes the rights of all citizens, respects the environment, especially the coastal areas of the community and the amenities that it affords. Bourne embraces excellent education, and offers to citizens a healthy, active lifestyle.

## Mission

Bourne will maximize opportunities for social and economic development while retaining an attractive, sustainable and secure coastline and environment for the enjoyment of residents and visitors. Through responsible and professional leadership and in partnership with others, Bourne will strive to improve the quality of life for all residents living and working in the larger community.

## Select Board Policy Public Road Layout and Acceptance

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### 1.0 Authority

In accordance with MGL Ch. 82, §§17-32 and Section 3.1.37 of the Town of Bourne General Bylaws: "Layout and Acceptance of Private Ways," the ~~Board of Selectmen~~Select Board adopts this Public ~~Street-Road~~ Layout and Acceptance Policy. This policy supersedes the Town of Bourne "Laying Out of Town Ways", as endorsed by the ~~Board of Selectmen~~Select Board in effect as of ~~May 28, 2002~~.

Commented [LT1]: Find date with Clerk or other.

### 2.0 Purpose

This policy is a result of historic problematic issues related to the proper layout and acceptance of public ways within the Town of Bourne. Accordingly, this policy has been prepared to ease and facilitate the process by which private roads are laid out and accepted as public ways within the Town of Bourne and further to ensure a thorough and complete review of all ways proposed to be accepted as public ways.

### 3.0 Preliminary Requirements

As appropriate, the Planning Board process for subdivision road construction and oversight shall be completed prior to petitioning the ~~Board of Selectmen~~Select Board for Road Layout and Acceptance of a subdivision road.

### 4.0 Layout

The "laying out" process establishes the metes and bounds and physical location of the way. It does not, by itself, constitute either the acquisition of an interest in the underlying land or acceptance of the way as a public way. The laying out process is, however, an essential prerequisite to the formal vote of acceptance by Town Meeting.

#### 4.1 Petition Process

The laying out of a town way may be initiated by the ~~Select Board, of Selectmen/Road Commissioners, or through petition to the Selectmen/Road Commissioners by the Planning Board~~ or by one or more inhabitants of the Town of Bourne (MGL Ch.82, §§17 and 21). In accordance with Section 3.1.37 of the Town of Bourne General Bylaws, the petition shall be submitted prior to ~~October~~July 1<sup>st</sup> in order to be considered for acceptance at the Annual Town Meeting in the following May. The Select Board shall only consider the first four fully completed petitions containing all of the documents required to be submitted with the petition as set forth below, for consideration for the following fiscal year. This may be exceeded by the Select Board if the Town determines it is within their best interest to do so. The remaining petitions will be put on a list in the order in which they are fully completed for consideration for the following fiscal year.



Petitions will only be considered for layout of roads that are determined by the Engineering Department to be in good condition, free of significant defects, and that meet the standards specified in the Planning Board's Subdivision Rules and Regulations. Petitions for roads not meeting these criteria may be considered by the Select Board provided that the abutters of the subject road(s) agree to betterments to be assessed by the Town for one hundred (100%) percent of the costs to improve the road( s) in accordance with the aforementioned criteria. Prospective petitioners are encouraged to meet with Department staff prior to submission to review the layout and acceptance process.

Once the Engineering Department has completed its preliminary review of the petitioned road, the Select Board shall vote its intention to layout the road as a public way and shall pursuant to G.L. c. 41, §81G, refer the matter to the Planning Board for a recommendation. Upon receipt of the Planning Board's report or 45 days having elapsed since the petition was referred to the Planning Board, whichever is the earlier, then the Select Board may hold a meeting to vote on the layout of the road as a public way.

The layout petition shall include the following comprehensive documentation in order to be considered for layout and acceptance:

- a) ~~Petition - copy of Planning Board meeting minutes showing a vote supporting~~ the petition for road layout and acceptance as a public way, ~~by one hundred percent (10075%) of the owners of the abutting property agreeing to accept and pay the cost estimated to be apportioned to each abutter;~~

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- ~~b) Letter from Town Counsel indicating that all necessary legal documents (ie. deeds, easements, title search, assents of mortgages, subordination agreements with the lender, etc.) are acceptable as to form;~~
- ~~c) an original title certification for all roads, ways and easements being petitioned along with a letter from Town Counsel indicating the document is acceptable as to form;~~
- ~~d) Signed and notarized originals of the approved legal documents (ie. deeds, easements, title search, etc.) ready to be executed by the Select Boardmen. These documents will be held by the Selectmen-Select Board until Town Meeting approval, and then the acquisition process will commence;~~
- ~~e) a certified list of abutters from the Town Assessor's Office of all property owners having frontage along the way that is proposed to be accepted as well as any land owners of the way to be laid out and any other owners of property that contain easements associated with the way (ie. slope, drainage, utility, sightline, etc.);~~
- ~~f) a metes and bounds legal description of the way including a metes and bounds legal description of all easements to be included as part of the way;~~
- ~~g) a printout from the Tax Collector showing that real estate taxes are paid in full thru the current date;~~
- f) two (2) paper plots of the layout plans (full-sized) and seven (7) paper plots (half-scale) showing all metes and bounds of the proposed public way as well as any associated easements. The layout plan and profile of the existing roadway shall meet the requirements of the Town of Bourne Planning Board Subdivision Rules and Regulations for an "as-built" plan, prepared and certified by a Massachusetts Registered Professional Land Surveyor. These layout plans shall show information and notes as is required for recording at the Barnstable County Registry of Deeds. One ~~m~~ylar copy is to be provided at the time of the layout meeting for signature.
- g) Coring and/or test hole logs showing existing pavement structure performed and certified by a Massachusetts Registered Professional Engineer approved by the Town of Bourne Engineering Department. Said corings and/or test holes shall be taken at the limits of the petitioned road and at points every 300 feet in between, or at the midpoint if less than 300 feet.

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The Engineering Department will then develop preliminary estimates of betterment including legal and survey costs, in order for the road to be laid out as a public way and determines cost per abutter based on appropriate method (i.e. per lot, frontage, etc.). The Select Board then notifies each abutter by certified mail of the estimated betterment cost and requests each abutter to return an executed form agreeing to the assessment of the betterment. The notice shall include the terms for the payment of the betterment.

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Or:

If requirements are not met, the Engineering Department will review submitted plans and all researched data and develop list of road conditions not meeting current Planning Board Rules & Regulation Standards and submit to the Planning Board.

Upon approval from the Engineering Department, a letter from Town Counsel indicating that all necessary legal documents (ie. deeds, easements, title search, assents of mortgages, subordination agreements with the lender, etc.) are acceptable as to form and an original title certification for all roads, ways and easements being petitioned along with a letter from Town Counsel indicating the document is acceptable as to form will be provided to the Select Board.

h)

#### **4.2 Notification of Layout Public Meeting**

At least seven (7) days prior to laying out the way, notice of the meeting at which the layout will be considered must be given to owners of any land or easements to be taken for the roadway, including any slope, drainage, or other easements. Notification shall be by U.S. Mail and shall be posted in a public place in the Town. The notice shall contain a metes and bounds description of the proposed layout and a description, by reference to assessors map and parcel numbers, or all land or easements to be taken, as well as the time and place of the layout meeting and shall also advise of the time and place the layout plans may be

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viewed. The Board of Selectmen/Road Commissioners shall be responsible for providing notice of this public meeting.

#### 4.3 Action

Once the meeting has been held concerning the layout, the Selectmen/Road Commissioners may vote to adopt the layout as shown on the metes and bounds plan. The layout description, as voted, including any plan, must then be filed with the Town Clerk (c. 82 §§22 and 23), who must record such decision in a book kept for this purpose within 10 days (c. 82 §32). Recording of this information at the Registry of Deeds is not required.

#### 5.0 Acceptance

"Acceptance" is the procedure whereby Town Meeting votes to recognize and accept responsibility for the street layout adopted by the Selectmen or Road Commissioners. In order for acceptance to occur, the Selectmen shall have voted positively to layout the way as a public way and all of the backup documentation required under Section 4.1 herein shall have been submitted and approved in final form prior to warrants closing for the Annual Town Meeting (end of February).

Commented [LT2]: True? Enough time?

#### 6.0 Acquisition

If the Town will be acquiring the land or an easement in the way or any necessary easements associated with the way, such as slope or drainage easements, the Selectmen or Road Commissioners must, within 120 days after the termination of the Town Meeting at which the public way was accepted, either:

- (1) acquire the land by gift or purchase, or
- (2) adopt an order of taking under MGL c. 79, or
- (3) institute proceedings for a taking under MGL c. 80A (c. 82, §24).

Commented [LT3]: Eminent Domain

Commented [LT4]: EMINENT DOMAIN TAKINGS AND BETTERMENT ASSESSMENTS BY JUDICIAL PROCEEDINGS

If an order of taking is adopted under MGL c. 79, that order must be recorded in the Barnstable County Registry of Deeds within 30 days of such adoption (c. 79, §3).

Commented [LT5]: Also Eminent Domain Taking

#### 7.0 Waiver

The Selectmen/Road Commissioners may waive any part of this policy as regards to the timing and/or deadlines provided that all statutory requirements are complied with for the purpose of public street layout and acceptance.



## Kathleen Thut

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**From:** Mary Jane Mastrangelo  
**Sent:** Friday, December 15, 2023 3:21 PM  
**To:** All Select Board  
**Cc:** Marlene McCollem; Elizabeth Hartsgrove; Kathleen Thut  
**Subject:** Preparation for Marijuana Licensing Policy Workshop

### Email to a quorum of the Board – please do not reply all.

Just a reminder that, as we discussed on November 14<sup>th</sup>, the Select Board Workshop on Marijuana Licensing on January 16<sup>th</sup> will require some preparation on the part of Select Board members in order to provide staff with the Board's agreed vision and framework for developing the Town of Bourne licensing process.

The format for the workshop will be to give each member about 10 minutes to provide their answers to these questions/topics. We can then discuss and determine where there seems to be consensus and where there seems to be disparity.

Some questions/topics that each member should be able to talk about are:

1. How are we going to process applications: on a first come first serve basis or on a competitive basis after an open application period?
2. What criteria should be used to rank applicants? Are there any criteria that should be given more or less weight?
3. Should we reserve one license for or give a preference to a Medical establishment or an establishment that has both Medical and Retail?
4. Should we give preference to residents? Should we give preference to social equity applicants? Should we have a social equity policy?
5. The zoning bylaw that was passed at the Fall Special Town Meeting requires the applicant to have an HCA (Host Community Agreement) before going to the Planning Board for a special permit or site plan approval. What steps do you envision in the HCA and licensing process?
6. Should we just use the CCC HCA template or should we add anything else to the HCA? CCC is still working on guidance for the new regulations. Should we wait for that guidance or start working on our process now?
7. Are there any due diligence requirements you feel are necessary as part of our HCA process? Are there due diligence requirements you want to rely on the CCC for?
8. What application process do you envision?
9. Have some examples of Marijuana licensing procedures/policies in other towns that you either like or don't like as models.
10. Should a sub-committee or task force be tasked with working with staff to develop the policy and procedure around marijuana licensing? What process do you envision for the development of policy and procedures for marijuana licensing?
11. Is there anything else you feel is important for the Board to discuss regarding marijuana licensing?

If you have any other questions/topics that you think members should be able to address please let me know so I can add it to the list for members to consider.

If you find materials that you would like to share with the Board in the packet for the workshop or at the workshop please email to Kathleen Thut with the subject line marijuana workshop and cc me.

Any questions or suggestions, please let me know.

MJ

MJ Mastrangelo

Chair Bourne Select Board

Clerk Bourne Sewer Commissioners





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## THE BOSTON CANNABIS EQUITY PROGRAM

In November 2019, in her former role as Boston City Council President, Kim Janey led the City Council in passing an [Ordinance](#) to establish equitable regulation of the cannabis industry in the City of Boston. This ordinance was the result of a collaboration from many stakeholders and advocates and ensures Boston's role as a national model for how to create a system that fosters racial equity and inclusion in the new cannabis industry.

As a component of this ordinance, the Mayor's Office of Economic Opportunity & Inclusion (OEI) will be responsible for the administration of the Boston Cannabis Equity Program. This program's primary objectives are to certify eligible applicants as equity applicants and offer business support, including technical assistance and grant funding. The Office of Economic Opportunity and Inclusion has appointed a dedicated Cannabis Business Manager to assist cannabis applicants, specifically guiding equity applicants through the certification process, connecting them with experienced technical assistance (TA) providers that meet their requirements, and awarding grant funding based on business needs.

The certified equity designation is determined by the majority ownership of an applicant's business and prioritizes individuals residing in areas most affected by the war on drugs, as well as Boston residents, people of color, people with low incomes, and more.

To ensure fairness, the City aims to maintain an equal or higher number of equity applicant licensees compared to non-equity applicants.

[Click Here for Boston Cannabis Equity Program Certification FAQ](#)

[Click Here for Technical Assistance FAQ](#)

[Click Here for Grant Funding FAQ](#)

[Click Here for Consultants Submitting Technical Assistance Proposals FAQ](#)





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## FAQ FOR BOSTON EQUITY APPLICANTS:

*This section will continue to be updated as we answer more questions.*

### What is the Boston Cannabis Equity Program?

In November 2019, the City of Boston passed an ["Ordinance Establishing Equitable Regulation of the Cannabis Industry in the City of Boston"](#).

This ordinance established the [Boston Cannabis Equity Program](#) in which qualified applicants, once certified, will receive an equity designation and have access to technical and financial assistance. In order to achieve equity, the program prioritizes applicants and licensees from backgrounds and neighborhoods most affected by the War on Drugs with a particular focus on people of:

- Black and African American
- Hispanic and Latino
- Indigenous, and
- Asian descent

### How do I become a certified Boston Equity Applicant equity applicant?

Before you are able to apply for certification as an equity applicant, you must have an active [cannabis establishment application](#) with the [Boston Cannabis Board \(BCB\)](#), and a lease or letter of intent. For more information or additional questions regarding the cannabis establishment application or process please contact the BCB at [Cannabisboard@boston.gov](mailto:Cannabisboard@boston.gov) or 617-635-2330.

Once you have applied with the BCB, you will have access to the equity certification application. [Learn more about certification for the Boston Cannabis Equity Program for Cannabis Businesses here.](#)

### What are the eligibility requirements of the program?

To be eligible for the Boston Cannabis Equity Program the business must have an active



application with the BCB, a lease or letter of intent, and **each individual** of **at least 51%** of the entity's ownership, must meet **THREE** of the following seven criteria:

1. A person who has resided in an [Area of Disproportionate Impact \(ADI\)](#) for at least 5 of the last 10 years.
2. A person who has a past arrest or conviction for the possession, sale, manufacturing, or cultivation of Marijuana between 1971 and 2016, and has been a resident of Boston for the past five years,  
**OR**  
A person who is the child of a person with a past arrest or conviction for the possession, sale, manufacturing, or cultivation of Marijuana between 1971 and 2016, and has been a resident of Boston for the past 5 years.
3. A person who has resided in the City of Boston for at least the past 7 years.
4. A person who is of Black, African American, Hispanic, Latino, Indigenous, or Asian descent.
5. A person whose annual household income is at or below [100% of the area median income](#) for their city or town.
6. A person who has been certified by the Cannabis Control Commission as an Economic Empowerment Applicant, or is a participant in the Cannabis Control Commission's Social Equity Program and is a resident of Boston for at least one of the last three years.
7. A person who is a former member of the Armed Forces of the United States (Army, Navy, Air Force, Marine Corps, Coast Guard, and Space Force) who served on active duty and was discharged under conditions which were other than dishonorable.

**If more than one person makes up at least 51% of business ownership, do we all have to submit eligibility documentation?**

Yes -- **Each individual** making up at least 51% of the business ownership must separately meet three of the seven eligibility criteria and submit documents of proof. However, each individual will not have to complete separate certification applications.

**Example:** If Shayla owns 21% of the business and Darryl owns 30% of the business, both Shayla and Darryl must meet three of the eligibility criteria and submit individual documents demonstrating that they meet each of their identified criteria.



## **Are there specific documents I need to provide in order to become a certified Boston Equity Applicant?**

Yes -- In addition to your active cannabis establishment application with the BCB, applicants must have the following documentation:

1. A lease or Letter of Intent (LOI). As this certification is specifically for the City of Boston, a lease or LOI is required to verify that your business will operate within Boston.
2. Documentation that proves you meet at least 3 of the 7 eligibility requirements. These documents could include Proof of Boston Residency 1, 5 or 7 years as it applies, Proof of Past Conviction, Proof of Income, Proof of Cannabis Control Commission (CCC) Economic Empowerment or Social Equity Program certification, Proof of Active Duty Service, Proof of Race/Ethnicity.

## **What are accepted documents for proving eligibility criteria?**

Below are examples of documentation you may submit for each eligibility criteria. Please note that this list is not meant to be exhaustive and the Cannabis Business Manager may request additional information:

1. **Proof of Residency in an [Area of Disproportionate Impact \(ADI\)](#) for 5 of the last 10 years: Must submit one bill or statement for each year you are trying to prove residency.**
  - Mortgage statement
  - Property Tax Statement
  - Property Deed
  - Homestead Exemption
  - Lease agreement (first page and signature page),
  - Heating bill (oil, gas, electric)
  - Electric bill
  - Phone bill
  - Bank statement
  - Credit Card bill





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- Cable bill
  - Car insurance coverage page
2. **Proof of Past Conviction:** [Signed CORI acknowledgment form.](#)
3. **Proof of Residency in Boston for 1, 5, or 7 years as it applies to each eligibility requirement: Must submit one bill or statement for each year you are trying to prove residency.**
- Mortgage statement
  - Property Tax Statement
  - Property Deed
  - Homestead Exemption
  - Lease agreement (first page and signature page),
  - Heating bill (oil, gas, electric)
  - Electric bill
  - Phone bill
  - Bank statement
  - Credit Card bill
4. **Proof of Income:** Copy of most recent
- Federal Tax Return
  - State Tax Return
5. **Proof of CCC Economic Empowerment or Social Equity Program Certification:**  
Copy of your certification letter.
6. **Proof of Service:** DD214 record.
7. **Proof of Race/Ethnicity:** Government Issued ID

**The application asks for proof of residency in an Area of Disproportionate Impact (ADI), what is an Area of Disproportionate Impact (ADI)?**

An Area of Disproportionate Impact (ADI) is a geographic area identified by the Boston Cannabis Board or the Cannabis Control Commission (CCC), which has had historically high rates of arrest, conviction, and incarceration related to marijuana between 1971 and 2016.



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You can find the list of current identified ADI's by clicking [here](#). The City of Lawrence as well as census tract 7320.01 of Worcester is now included. If you do not currently see your city or town listed, it is not considered an ADI at this time.

**If I am the child of a person with a past arrest or conviction for the possession, sale, manufacturing, or cultivation of Marijuana between 1971 and 2016, do I need submit proof of residency for myself or my parent?**

If you qualify under this eligibility it is asking you to proof residency for the past 5 years for yourself, the applicant, not your parent or guardian. For your parent or guardian, you must only submit proof that they have a past arrest or conviction for the possession, sale, manufacturing, or cultivation of Marijuana between 1971 and 2016.

**Will I have access to technical assistance and/or grant funding prior to being certified?**

Yes -- If you are pre-certified for the program, you will have immediate access to technical assistance before obtaining certification. However, it's important to note that you are **ONLY** eligible for grant funding after you have been officially certified.

**Can I be certified or receive assistance from the program if my business is outside of Boston?**

No -- The program is solely for businesses that are located and will operate within the city of Boston.

**Why am I required to have a lease or Letter of Intent (LOI) to be certified for the Boston Cannabis Equity Program?**

Although we recognize that requirement of a lease or LOI may be viewed as a barrier to entry, it is essential to emphasize that the Boston Cannabis Equity Program is specifically designed to support businesses that will be owned and operated within the City of Boston.

The requirement of a lease or LOI serves the purpose of verifying that your business will indeed operate within Boston, ensuring that the resources and support provided by the



program are directed towards businesses within the city limits. This criterion helps maintain the program's focus on fostering local economic growth and development.

**There is information listed about Pre-Certification for the Boston Cannabis Equity Program, can I be pre-certified and if so, how?**

Pre-certification is a tool that individuals interested in the program can utilize to showcase their eligibility. It can serve as a valuable asset during your negotiations while seeking a business site or potential investors. It's particularly beneficial for individuals who haven't secured a lease or a letter of intent (LOI) or want to show potential investors that they will be eligible for the program once they secure a site.

To become pre-certified you will fill out a pre-certification application in which you must also provide documents demonstrating that you meet at least three of the program's eligibility criteria.

Upon successfully completing the pre-certification process, you'll be issued an official letter that confirms your pre-certified status. Once pre-certified, you will have access to technical assistance, however, it's important to note that to fully access the benefits offered by the program, such as grant funding, and to be recognized as an equity applicant, you'll need to first:

1. Active Marijuana Establishment Application with the Boston Cannabis Board (BCB)
2. Obtain a lease or a letter of intent
3. Own or be a part of a group that owns a minimum of 51% of the entity.

To learn more about pre-certification or to apply, please contact the Cannabis Business Manager, Shekia Scott, at [Shekia.Scott@boston.gov](mailto:Shekia.Scott@boston.gov) or call her at 617-635-0053.

**Who can I speak to about the certification or pre-certification process?**

You can email Cannabis Business Manager, Shekia Scott, at [Shekia.Scott@boston.gov](mailto:Shekia.Scott@boston.gov) or call her at 617-635-0053.





## FAQ FOR TECHNICAL ASSISTANCE:

*This section will continue to be updated as we answer more questions.*

### **What is the Boston Cannabis Equity Program, technical assistance?**

The Boston Cannabis Equity Program provides comprehensive technical assistance to certified Boston Equity Applicants through personalized one-on-one services and project support. A diverse array of services is offered to address all aspects of business development, including assistance with business operation plans, application assistance architectural designs, traffic studies, marketing, website development, and much more. We strive to empower and equip Boston Equity Applicants with the necessary tools and expertise to thrive in their respective ventures.

Additionally, through technical assistance, the Boston Cannabis Equity Program aims to foster collaboration as it connects ancillary cannabis businesses with equity applicants. We recognize the value of establishing partnerships between ancillary businesses and equity applicants, as it creates a mutually beneficial environment where knowledge, resources, and experience can be shared. By facilitating these connections, we promote the growth and success of equity applicants while fostering a vibrant and inclusive cannabis business ecosystem in Boston.

### **How do I qualify for technical assistance?**

In order to be eligible for the technical assistance, you must first become a certified Boston Equity Applicant. [You can find more information about the program and its certification here.](#)

Being certified as a Boston Equity Applicant is the only eligibility requirement to qualify for technical assistance.

**Can only certified Boston Equity Applicants access technical assistance through the City of Boston?**



No -- our technical assistance funding is also available to those who have been pre-certified for the Boston Cannabis Equity Program. However, cannabis businesses of all shapes, sizes, and phases of business development can work with the Office of Economic Opportunity & Inclusion and/or the Boston Cannabis Board with other questions, concerns, or information.

### **What type of technical assistance is offered for equity applicants?**

The Boston Cannabis Equity Program offers a wide range of technical assistance services tailored to the specific needs of equity applicants. Services are provided by architects, lawyers, engineers, consultants, developers, and more to support various aspects of business development and include, but are not limited to:

- **Application Process:** Guidance and assistance throughout the application process, ensuring equity applicants have the necessary tools and knowledge to navigate the requirements successfully.
- **Business Operations:** Developing comprehensive business plans and operational strategies.
- **Legal Preparation & Compliance:** Crafting and reviewing legal documents, such as contracts and agreements, to ensure compliance with relevant laws and regulations and protect the interests of equity applicants.
- **Accounting and Tax Preparedness:** Setting up accounting systems, preparing financial statements, and understanding tax obligations specific to the cannabis industry.
- **Store Security and Traffic Studies:** Assessing and implementing effective security measures and conducting traffic studies to optimize store operations.
- **Fundraising and Vendor Identification:** Support in identifying funding opportunities, developing fundraising strategies, and connecting with potential vendors and suppliers.
- **Advertising, Marketing, and Branding:** Creating effective marketing strategies, developing brand identities, and implementing advertising campaigns.
- **Website Development:** Designing and developing professional websites to enhance online presence and customer engagement.
- **Employee Recruitment:** Support in recruiting and hiring employees, including guidance on best practices for building a diverse and inclusive workforce.



- Other Cannabis Business Needs: Any additional needs of equity applicants.

### **Are technical assistance services free?**

All technical assistance services provided through the Boston Cannabis Equity Program are completely free of charge for pre-certified & certified Boston Equity Applicants.

We are committed to eliminating financial barriers and providing equitable access to high-quality technical assistance services, empowering certified Boston Equity Applicants to succeed in the cannabis industry.

### **Is there a limit to the amount of technical assistance I can receive?**

No -- However, to ensure that each equity applicant receives dedicated and focused services, technical assistance projects are not carried out simultaneously or allowed to overlap. We work closely with applicants to prioritize your specific needs and determine the most appropriate sequence for addressing them. It is important to tackle technical assistance projects one at a time to maximize its effectiveness, provide personalized and tailored assistance, and the highest level of support.

### **What is the process for receiving technical assistance:**

Once you become a pre-certified or certified Boston Equity Applicant and express your interest in receiving technical assistance, the following steps will be taken:

1. **Business Assessment:** You will be required to complete a comprehensive business assessment, which will help identify and prioritize your immediate business needs. This assessment will provide valuable insights into your specific needs and lay the foundation for tailored technical assistance.
2. **Meeting with the Cannabis Business Manager:** You will have a meeting with the Cannabis Business Manager, who will act as a facilitator in the process. During this meeting, you will be paired with a qualified technical assistance provider based on your identified needs and goals.



3. **Meeting with the Technical Assistance Provider:** You will then have a meeting with the selected technical assistance provider. This meeting allows you to discuss your business objectives and challenges in detail, ensuring a clear understanding of your requirements.
4. **Proposal Creation:** If the technical assistance provider determines that they are a good fit for your needs, they will create a proposal that outlines the specific services to be provided and the projected timeline for the project. This proposal will be customized to address your unique business situation.
5. **Proposal Review and Approval:** The proposal will be reviewed and approved by the Cannabis Business Manager. Once approved, an official letter of services will be sent to both you, as the applicant, and the technical assistance provider. This letter will serve as confirmation of the agreed-upon services and project details.
6. **Direct Collaboration with the Provider:** From this point forward, you will work directly with the chosen technical assistance provider to complete the project.

### **How long does the technical assistance process take?**

The technical assistance process typically begins with pairing you with a suitable technical assistance provider, which can be completed within approximately one week.

However, it's important to note that the duration of the specific project itself can vary based on several factors, including the complexity and scope of your needs. Some projects may be relatively shorter in duration, while others may involve more extensive planning, implementation, and follow-up. Projects can range from weeks to months.

### **My cannabis business is already open and running, and I am a certified Boston Equity Applicant. Can I still access technical assistance if I am no longer going through the licensing process?**

Yes -- as long as you remain a certified Boston Equity Applicant you can apply for technical assistance at any time.

### **I am a certified Boston Equity Applicant and I plan on opening a second location. Does my second location qualify for technical assistance?**





Yes -- However, in order to access technical assistance for your second location, you will need to go through the equity certification process, even if your first location already qualifies. This will apply to each additional location you may open.

**I heard there are grants available for certified Boston Equity Applicants. Is this the same as technical assistance?**

No -- The Boston Cannabis Equity Program separately offers grants of \$1,000-\$49,000 to new and existing certified Boston Equity Applicant businesses for a wide range of purposes including working capital, startup costs, build-out, equipment purchases, and more.

Technical assistance is a complimentary service that connects you with qualified ancillary supportive businesses to help you complete projects that are relevant to your business needs. For instance, you can collaborate with an engineer for traffic and distance studies or an architect for architectural design requirements. On the other hand, grant funding provides you solely with a monetary award that can be used to address your business needs. For further details on grant funding, please [click here](#).

If you have additional questions about grant funding, please contact the Cannabis Business Manager, Shekia Scott at [Shekia.Scott@boston.gov](mailto:Shekia.Scott@boston.gov).

**Can I apply for both technical assistance and grant funding? What is the difference?**

Yes -- You can apply for both technical assistance and grant funding.

The main difference between technical assistance and grant funding lies in their respective purposes and how they can support your business needs. Technical assistance involves the pairing of an ancillary professional with expertise in a specific area to assist you with completing projects or addressing specific business needs. This can include services such as business planning, architectural design, legal compliance, marketing, and more. Technical assistance is particularly beneficial when you are not already working with, or do not have access to a professional in a specific field and require their expertise to fulfill your business objectives.



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On the other hand, grant funding solely provides financial support for your business needs. The grant can be utilized to fund various aspects of your business, such as operational costs, equipment procurement, marketing expenses, hiring staff, or any other legitimate business expenses. Grant funding is beneficial when you require financial resources to either initiate or expand your business operations. If you have already initiated a project or have a specific professional you are working with, grant funding may be more suitable to help you cover expenses related to that project.

**Who do I contact if I want more information about technical assistance?**

You can email Cannabis Business Manager, Shekia Scott, at [Shekia.Scott@boston.gov](mailto:Shekia.Scott@boston.gov) or call her at 617-635-0053.



## FAQ BOSTON EQUITY PROGRAM: GRANT FUNDING

*This section will continue to be updated as we answer more questions.*

### **What is the Boston Cannabis Equity Program, grant funding?**

The Boston Cannabis Equity Program offers grant funding for certified Boston Equity Applicants for a wide range of purposes including working capital, startup costs, build out, and equipment purchases.

### **How do I qualify for funding?**

In order to qualify for grant funding, you must:

1. Have an active application with the Boston Cannabis Board (BCB).
2. Have a lease or letter of intent (LOI).
3. Be a certified Boston Equity Applicant.
4. Have received a [Inspectional Services Department \(ISD\)](#) Refusal Letter
5. Have conducted an official Community Meeting with the [Office of Neighborhood Services \(ONS\)](#).

### **How do I apply for grant funding?**

Once you have been certified as a Boston Equity Applicant, obtained your ISD Refusal Letter, and conducted your ONS Community Meeting, please contact the Cannabis Business Manager for access to the grant application.

### **What are the grant amounts?**

Grant amounts range from \$1,000 to \$49,000. Grant funding is available to new and existing certified Boston Equity Applicants for a wide range of purposes including working capital,



startup costs, build-out, equipment purchases, and rent. The total awarded amount will vary and will be based on available funding.

**Is there a limit to how much grant funding I can receive?**

At this time, certified Boston Equity Applicants are limited to receiving one grant per business on an annual basis. Certified Equity Applicants are permitted to re-apply for grant funds each year.

**Can grant funds be used to buy marijuana products or paraphernalia?**

No -- Marijuana products & paraphernalia are strictly prohibited expenses.

**How are the grants distributed?**

Once approved, grants will be distributed subject to funding availability as we have limited funding for this program.

Grants will be distributed in the manner in which the applicant selects, which could include a paper check or Direct Deposit. Grant funds **MUST** be deposited in the applicant's business bank account. No personal bank accounts are permitted.

**What is the turnaround time for receiving grant approval?**

Please allow up to thirty (30) days for financing approval and sixty (60) days for disbursement after the submission of all final paperwork.

**If I receive a grant, will it be taxed?**

Yes -- However, it is advisable to seek guidance from an accountant as there are numerous compounding factors unique to your business that can impact your tax obligations. An accountant can provide personalized advice based on your specific circumstances to ensure accurate and appropriate tax handling.



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### **When is the deadline to apply for grant funding?**

The deadline to apply for this round of grant funding was April 30, 2023. If you missed the deadline but are interested in applying, please contact the Cannabis Business Manager, Shekia Scott at [Shekia.Scott@boston.gov](mailto:Shekia.Scott@boston.gov). If you already have access to the BOSTON CANNABIS EQUITY PROGRAM form, please select the relevant option/s to identify you are interested in applying and we will notify you when the grant application reopens.

### **What are the grant reporting requirements?**

Applicants are required to specify how they anticipate spending grant funds by providing the type(s) of expense, amount(s) of the expense, and the name(s) of the service providers.

Receipts for grant expenses must be provided to the Cannabis Business Manager within 365 days of receiving grant funds. No additional funds will be awarded until sufficient receipts are provided by the applicant.

Receipts and/or invoices for grant expenses should be emailed to [cannabisbiz@boston.gov](mailto:cannabisbiz@boston.gov) with the Subject "FY23 Boston Cannabis Equity Program: Grant Receipts".

### **Do I need a Supplier/Vendor ID before I am able to receive a grant?**

Yes -- You must have a valid Supplier/Vendor ID number to receive a grant from the City of Boston. This also enables you to sign up for direct deposit. If you are using a Fiscal Sponsor, they must register for the Supplier/Vendor ID.

Supplier/Vendor ID is NOT required to apply for a grant, but the Supplier/Vendor ID MUST be established before a grant is approved and a payment is processed. Detailed instructions for first-time or returning users who need help can be found here: [Supplier/Vendor ID Instructions](#).

Please email [vendor.questions@boston.gov](mailto:vendor.questions@boston.gov) or call 617-961-1058 for additional assistance.





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**I am a certified Boston Equity Applicant and I plan on opening a second location. Does my second location qualify for grant funding?**

Yes -- However, in order to qualify for grant funding for a new location, you must complete the equity applicant certification process specifically for that location. This requirement is applicable to all locations, regardless of whether you have already fulfilled the criteria for a previous location.

**Who do I contact if I want more information about grant funding?**

You can email the Cannabis Business Manager, Shekia Scott, at [Shekia.Scott@boston.gov](mailto:Shekia.Scott@boston.gov) or call her at 617-635-0053.



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## FAQ FOR CONSULTANTS SUBMITTING TECHNICAL ASSISTANCE PROPOSALS:

*This section will continue to be updated as we answer more questions.*

**I am a consultant that would like to offer my services for cannabis equity applicants. How do I submit a proposal?**

You must register as a Vendor on the City's Supplier Portal Website. You can do that by [reading these directions](#). Proposals should be submitted digitally through the [Supplier Portal](#) (search for event # EV00009089 to view the RFP).

Every month, on the first business day of the month until March 31, 2024, applications will be downloaded from the City of Boston [Supplier Portal](#) website for review. The RFP will appear live again the next day for the following month. In order to participate in these online procurement activities, bidders must register as a Vendor with the Supplier Portal.

[You can view the press release about the RFP here.](#)

Additionally, the Mayor's Office of Economic Opportunity & Inclusion will hold Virtual Bidders Conferences for those interested in submitting a proposal. When available, all prospective applicants are encouraged to attend the bidders conference as it is an opportunity to ask questions about the RFP.

**How much funding is allocated for the technical assistance?**

Currently, there is a \$675,000 investment over three years (until March 31, 2024) designed to expand economic and entrepreneurial opportunity and capacity (approx. \$225,000 per fiscal year) for cannabis equity applicants.



**I work for an engineering firm that has experience with the engineering work required throughout the permitting process in the City of Boston and the greater Boston area (including traffic work, site design work, etc.). I am wondering if this funding is intended to fund the cost of the technical services themselves, or just the high level guidance as to what those services might be?**

We are looking to pay consultants who can execute the technical services themselves.

**Can a consultant re-apply / submit a new proposal each month?**

If the proposal is for a different service or specialty offered -- yes.

**Under, "Comparative Evaluation Criteria" (pg 11 of the RFP) it mentions that the City favors vendors that provide a timeline to provide services. Could you explain a little bit more about what you anticipate the timeline to be in terms of the working relationships between application and vendors?**

The timeline will vary by the vendor and proposal. We can foresee some consultants offering an hourly rate with a blanket timeline (i.e., until March 31, 2024 when the RFP expires) and also foresee consultants offering a specific timeline (2 weeks, 30 days, 45 days) for some sort of one-time project (i.e., a traffic study, security plan).

**When proposers are 'paired' with an equity applicant, is that the only team they help? Or can they be paired with multiple teams based on technical need?**

Depending on how long the consultant/firm is available and what their capacity is, we can foresee pairing the consultant/firm with multiple equity applicants throughout the three years this funding is available.

**If a consultant proposes a group workshop - how many applicants could participate? Do they take place in person or Zoom? Can you run the same workshop multiple times?**

During the COVID-19 pandemic, all of the City's business workshops have been hosted on Zoom. We foresee virtual workshops continuing since this is something that is accessible and easy to record and share. However, once public health guidelines allow us to hold in-person workshops, depending on time/date/space availability, it could be possible to host in-person workshops again. Depending on whether the workshop is on Zoom or



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in-person, will determine how many equity applicants can participate. How many times it is hosted depends on the theme and relevancy of the workshop.

**Could you give a general sense of what stage of the application process that cannabis equity applicants are at? Are folks thinking about becoming a cannabis business?**

This particular RFP is for proposals for cannabis equity applicants that have already gone through the process of developing a business plan, have selected a site already (and potentially signed a lease), and are ready to present in front of the Boston Cannabis Board, the Zoning Board of Appeals, or the Cannabis Control Commission. For this RFP, we are not looking for proposals targeted at budding entrepreneurs just thinking about opening a cannabis business one day.

**Typically when we provide a scope and fee for something like a traffic study we have engineers that work at different billing rates, and the scope of work is applicant specific. Would there be an opportunity to amend the scope and fee once we find out more about the work?**

Potentially -- submitting a price range or estimate within your Price Proposal would be helpful.

For more information, contact Shekia Scott, Cannabis Business Manager, at [Shekia.Scott@boston.gov](mailto:Shekia.Scott@boston.gov).



## Cambridge Cannabis Business Permit Process

Updated November 2021

Anyone seeking to operate a Cannabis Business, as defined in the [Cannabis Business Permit Ordinance](#), in the City of Cambridge must obtain a Cannabis Business Permit from the City. The Cannabis Business Permit is comprised of three distinct Local Approvals: – Local Approval 1 (Cannabis Business Permit Eligibility Review), Local Approval 2 (Planning Board Special Permit), and Local Approval 3 (Host Community Agreement). Each approval is overseen by different City Staff. The Cannabis Business Permit process is explained in detail below, and key staff contact information is provided for each Local Approval step.

At this time, the City is only considering Cannabis Business Permit applications from applicants who meet the definition of Group A Priority Applicants (Priority A Applicants) in the City's [Cannabis Business Permitting Ordinance](#).

The Cannabis Business Permit process is distinct from the state licensing process for a Marijuana Establishment, which is overseen by the [Massachusetts Cannabis Control Commission](#) (MACCC). Some steps for obtaining a Cambridge Cannabis Business Permit must be undertaken prior to, or after, certain state requirements for obtaining a Marijuana Establishment License. Information about the state Marijuana Establishment License process can be found on the MACCC website.

### General Advice Before Starting an Application

Process:

- Read the requirements of the Cannabis Business Permitting Ordinance and the Zoning Ordinance (see below).
- Applications are reviewed on a rolling basis and there is no cap on the number of Cannabis Business Permits the City can issue. Starting an application does not secure “a place in line”. Applicants should have all their [Priority A Applicant Documentation](#) ready before beginning the process.
- The Cannabis Business Permit application process is online, through the City's ViewPoint platform. However, Local Approval 2: Planning Board Special Permit, and Local Approval 3: Host Community Agreement require separate materials and submissions outside of the ViewPoint application.
- The Cannabis Business Permit fee is \$350. The fee is waived for Priority A Applicants who are Economic Empowerment Applicants certified by the MACCC.
- Local Approval 1: Cannabis Business Permit Eligibility Review
  - CDD's Economic Development Division verifies that the Applicant is eligible to receive a Cannabis Business Permit. In Cambridge, only [Priority A Applicants](#) are eligible at this time.
- Local Approval 2: Planning Board Special Permit
  - Applicants may apply for and receive a [Special Permit](#) from the Planning Board before completing Local Approval 1.
  - Local Approval 2 is required for all Applicants, except a Cannabis Courier.



- Local Approval 3: Host Community Agreement
  - Applicants may submit a Statement of Interest for a [Host Community Agreement](#) after completing Local Approvals 1 & 2 (unless a Cannabis Courier, for which Local Approval 2 is not required).
  - Local Approval 3 is required for all Applicants.
- Once an Applicant has secured Local Approvals 1-3, the Applicant may notify the MACCC to obtain their Provisional Marijuana Establishment License.
- After receiving the Provisional License from the MACCC, the Applicant must provide a copy to City Staff through the Viewpoint platform to receive their final Cannabis Business Permit.
- After receiving a Cannabis Business Permit, the Applicant can apply for a Building Permit.

#### Applicant Details:

- Provide information and contact details for the **primary business owner**. Lawyers, consultants, or other representatives **should not** use their personal contact information for the application.
- Pick an active and closely monitored email address for all communications. The City's ViewPoint platform will send important alerts to your chosen email address, including communications from City Staff.
- Presently only applications from Priority A Applicants can be reviewed, per the recently updated [Cannabis Business Permitting Ordinance](#). The individual or entity that meets the definition of a Priority A Applicant must own at least 51% of the Cannabis Business for the business to be considered a Priority A Applicant.

#### Application Information:

- **Information provided for any Local Approval stage must match exactly across all documents provided to the City, as well as with information provided to the MACCC.** Discrepancies across documents will significantly delay processing time.
- A request to change any information submitted for Local Approval 1 on ViewPoint needs to be formalized in writing through an Info Change of Request Form. The Info Change Request Form must be submitted through Viewpoint. Common information changes have included:
  - Hours of Operation
  - Ownership team, ownership percentages, and beneficial interest lists
  - Contact information, including residential address, of the ownership team
  - Doing Business As (D.B.A.) name

***Further advice is provided for each Local Approval Stage on the following pages.***

## Guidance & Contacts for Each Local Approval

### Local Approval 1: Cannabis Business Permit Eligibility Review (City approval time: 4-6 weeks)

Staff Contacts: Christina DiLisio, Economic Development Specialist, [cdilisio@cambridgema.gov](mailto:cdilisio@cambridgema.gov)

#### Pre-Application:

- Please refer to the [Cannabis Business Priority A Applicant Documentation](#) for a detailed list of which supporting documents are required to confirm your applicant status.
- Meet with the Cambridge Community Development Department. A meeting will be set when the Applicant has:
  - A confirmed location with some documentation showing landlord agreement;
  - An owner or ownership team that meets the Priority A Applicant criteria;
  - A draft mockup of the building exterior and interior layout; and
  - A potential date for the community meeting to be held
- Community meeting:
  - The MACCC requires a community meeting. Local Approval Steps 2 & 3 also require a community meeting. A single community meeting can satisfy all requirements. But applicants should review the MACCC's requirements to ensure the community meeting is held in the acceptable period of time for State licensing.
  - For the community meeting, the Applicant should document:
    - Any outreach or publicity;
    - Meeting time and place; and
    - Number of attendees, number of speakers, and a summary of any comments.

### Local Approval 2: Planning Board Special Permit (City approval time: 3-6 months)

Staff Contact: Swaathi Joseph, Zoning Project Planner, [sjoseph@cambridgema.gov](mailto:sjoseph@cambridgema.gov)

- Zoning regulates where different Cannabis Uses are allowed and whether a Special Permit is required. The following zoning resources will help:
  - The [Zoning Ordinance](#)
  - Cambridge [Zoning Map](#)
  - [Table of Use Regulations \(Section 4.30\)](#) –
    - This section explains which Cannabis Uses are allowed in a given zoning district (such as a Cannabis Retail Store, Cannabis Courier Establishment, Cannabis Delivery Operator Establishment, or Cannabis Production Facility).
  - [Cannabis Use Regulations \(Section 11.800\)](#)
    - This section describes the zoning regulations and [special permit process](#) for Cannabis Uses.
  - List of Cannabis Retail Stores that have received special permits, are currently in the application process, or have held pre-application community meetings:
    - [Planning Board Special Permits - City of Cambridge, MA \(cambridgema.gov\)](#)
    - [Pre-Application Community Meetings - CDD - City of Cambridge, Massachusetts \(cambridgema.gov\)](#)
- Zoning requires an Operations and Logistics Plan that is reviewed and approved by the Traffic, Parking + Transportation Department as well as the Police Dept.
- These are some of the issues that often come up in the Planning Board's review:
  - Managing site operations to prevent impacts on the public such as double-parking of vehicles or queueing on the sidewalk.
  - Designing the storefront to maintain an active streetscape.

### **Local Approval 3: Host Community Agreement (City approval time: 4-6 weeks)**

Staff Contact: Jennifer Mathews, City Manager's Office, [jmathews@cambridgema.gov](mailto:jmathews@cambridgema.gov)

- Host Community Agreements are executed with the City Manager. An Applicant submits a Statement of Interest for a Host Community Agreement, and it is reviewed by City Staff.
- The purpose of the Statement of Interest is to gather detailed information regarding the proposed Cannabis Business's planned leadership structure, safety and security, operations and management, and overall community impact.
- Please refer to the [Request for Statement of Interest for Cannabis Business Host Community Agreements](#) for a detailed list of which supporting documents are required.
- Note: The Applicant should only expand upon information provided in earlier stages if any information has changed. Please ensure that information attested to in the Statement of Interest for a Host Community Agreement is the same as any provided in Local Approvals 1 & 2.

### **State Process: Application for Marijuana Establishment License Processed**

- The MACCC ensures that Applicants have met any, and all, local requirements, before issuing a Provisional Marijuana Establishment License. In Cambridge, the local requirements are Local Approval 1 (Cannabis Business Permit Eligibility Review), Local Approval 2 (Special Permit), and Local Approval 3 (Host Community Agreement) above.
- The Applicant should upload a copy of the MACCC Provisional License to their Viewpoint account.

### **Cannabis Business Permit Issued**

- Once the Provisional License is uploaded by the Applicant, City Staff review and confirm all information is the same throughout all documents.
- The Cambridge Cannabis Business Permit is printed and issued from the Cambridge Inspectional Services Department (ISD).

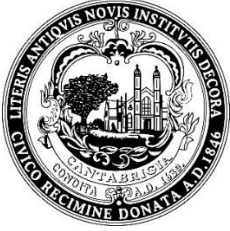
### **Cambridge ISD Issues Building Permit**

- The Cambridge Cannabis Business Permit must be complete and paid for prior to ISD issuing a Building Permit.

### **Cambridge ISD Issues Certificate of Occupancy**

### **State Process: Final Marijuana License issued**

- The MACCC issues a Final Marijuana Establishment License after inspecting the premise.
- The Applicant should upload a copy of the MACCC Final License to their Viewpoint account.



## **Cannabis Business Permitting Ordinance Preference Period Expands to all**

### **Priority A Applicants as of 9/23/21**

The following categories of Priority A Applicants will be allowed to proceed with applying for a Cannabis Business Permit but require the following back-up documentation as part of the application. The preference period will run until September 23, 2022. The City of Cambridge reserves the right to request any additional back-up documentation as it determines is necessary to confirm Priority A Applicant status.

#### Priority A

1. Economic Empowerment Applicant
  - a. Official MA CCC letter informing applicant of confirmed Economic Empowerment status.
2. Social Equity Applicant who is a Cambridge resident (and has been for at least the previous three years)
  - a. Official MA CCC letter informing applicant of confirmed Social Equity status; AND
  - b. *One of the following:*
    - i. First two pages of taxes filed for the past three years; OR
    - ii. Copy of residential lease for the past three years; OR
    - iii. Proof of enrollment in the Cambridge residential tax exemption program for the past three years; OR
    - iv. Two mortgage statements dated six months apart from each of the past three years; OR
    - v. Two gas or electric utility bills dated six months apart from each of the past three years.
3. Women or Minority Owned Business (as certified by the Commonwealth and/or by the City)
  - a. City of Cambridge attestation form as to Women or Minority Owned Business status; AND
  - b. *One of the following:*
    - i. Confirmation that the Cannabis Control Commission has determined that the business is a Women or Minority Owned Business for purposes of qualifying as an Expedited Applicant pursuant to 935 CMR 500.000. This

confirmation can be provided after applying for and receiving a Cannabis Business Permit, but shall be provided before opening a Cannabis Business, or the Cannabis Business Permit is subject to revocation; OR

- ii. Certification as a Women or Minority Owned Business from the Commonwealth Supplier Diversity Office.
4. Cambridge resident for at least the previous three years prior to application earning less than fifty percent (50%) of Area Median Income (AMI) in the three previous tax years prior to application.
- a. Personal tax forms filed for previous three years, showing gross income. Personal tax forms can be used to demonstrate Cambridge residency as well.

All Priority A applicants are required to complete a Beneficial Interest section of the Cannabis Business Permit application to demonstrate that they meet the ownership percentage threshold (51% or higher) for their applicant category. Please have full name, address, social security number/tax ID number, ownership percentage, ownership type (e.g. Manager), criminal record (if applicable), and residency status of all person or entities ready in order to complete the Beneficial Interest section in the Cannabis Business Permit application.





COMMONWEALTH OF MASSACHUSETTS

# Model Host Community Agreement Template

Disclaimer: Pursuant to M.G.L. c. 94G § 4(a), the Commission is authorized to review, regulate, enforce, and approve Host Community Agreements (“HCA”) and to develop this Model HCA. An HCA submitted by a License Applicant, Marijuana Establishment, and/or Medical Marijuana Treatment Center which is determined to conform with this document will be presumed compliant with applicable laws and regulations. While this template is a contractual tool for end users, it should not be interpreted or taken as the Commission providing legal advice. Prior to executing this document, or if you have additional questions regarding the legal requirements for Host Community Agreements, you are encouraged to consult with an attorney.

## HOST COMMUNITY AGREEMENT

Between

[MUNICIPALITY]

And

[COMPANY NAME]

This Host Community Agreement (“Agreement”) is entered into and executed this [DAY] day of [MONTH], [YEAR] by and between [COMPANY NAME], a business entity certified and recorded with the Massachusetts Secretary of the Commonwealth (the “Company”) applying for and/or currently holding a license issued by the Cannabis Control Commission (the “Commission”) and the Municipality of [MUNICIPALITY] (“the Municipality”).

WHEREAS, the Company is applying for a Commission license (the “Applicant”) and/or is currently licensed by the Commission as a Marijuana Establishment(s) or Medical Marijuana Treatment Center(s) (the “Licensee”), and is located within or plans to locate within the Municipality;

WHEREAS, the Company shall comply with all applicable state laws and regulations, including, but not limited to G.L. c. 94G, G.L. c. 94I, 935 CMR 500.000 *et seq.*, and 935 CMR 501.000 *et seq.*, as applicable, and such approvals as may be issued by the Municipality in accordance with its local zoning, laws, bylaws, or ordinances, as may be amended;

WHEREAS, the Company and the Municipality (collectively, the “Parties”) intend by executing this Agreement to comply and satisfy the provisions of G.L. c. 94G, § 3(d), as applicable to the licensed operation(s) of the Marijuana Establishment and/or Medical Marijuana Treatment Center, with such operations to be done in accordance with applicable zoning, laws, bylaws, or ordinances of the Municipality; and

NOW THEREFORE, in consideration of the mutual promises and covenants set forth herein, the receipt and sufficiency of which are hereby acknowledged, the Parties agree as follows:

### 1. Terms.

Where applicable, the following terms shall hold the same meaning and definitions as defined by the Commission in 935 CMR 500.000 *et. seq* and 935 CMR 501.000 *et seq.*, as applicable:

- a) Marijuana Establishment (ME) means a Marijuana Cultivator (Indoor or Outdoor), Craft Marijuana Cooperative, Marijuana Product Manufacturer, Marijuana Microbusiness,

Independent Testing Laboratory, Marijuana Retailer, Marijuana Transporter, Marijuana Delivery Operator, Marijuana Courier, Marijuana Research Facility Licensee (as defined in 935 CMR 500.002: Marijuana Research Facility Licensee), Social Consumption Establishment (as defined in 935 CMR 500.002: Social Consumption Establishment), or any other type of licensed Marijuana-related business, except a Medical Marijuana Treatment Center (MTC).

- b) Medical Marijuana Treatment Center (MTC) means an entity licensed under 935 CMR 501.101 that acquires, cultivates, possesses, Processes (including development of related products such as Edibles, MIPs, Tinctures, aerosols, oils, or ointments), Repackages, transports, sells, distributes, delivers, dispenses, or administers Marijuana, products containing Marijuana, related supplies, or educational materials to Registered Qualifying Patients or their Personal Caregivers for medical use. Unless otherwise specified, MTC refers to the site(s) of dispensing, cultivation, and preparation of Marijuana for medical use.
- c) Final License means a certificate of final licensure issued by the Commission pursuant to its authority under G.L. c. 94G.
- d) Community Impact Fee (CIF) means impact fee(s) claimed by the Municipality which have been certified by the Commission or ruled upon by a court of competent jurisdiction as being Reasonably Related to the actual costs imposed by the Company.
- e) Reasonably Related means a demonstrable nexus between the actual operations of a ME or MTC and an enhanced need for a Municipality's goods or services in order to offset the impact of operations. Fees customarily imposed on other non-marijuana businesses operating in a Municipality shall not be considered Reasonably Related.

Should there be a conflict between these definitions and those contained in 935 CMR 500.000 *et seq.* and/or 935 CMR 501.000 *et seq.*, the Commission's regulations shall control. Additionally, any term used in this Agreement but not identified and defined in this section shall hold the same meaning and definition as so defined in the Commission's regulations.

## **2. Authorized Operations.**

The Parties stipulate that this Agreement provides permission for the Company to apply for, obtain, and operate the following selected license type(s) within the Municipality:

- ☐ Medical Marijuana Treatment Center
- ☐ Marijuana Cultivator (Indoor)
- ☐ Marijuana Cultivator (Outdoor)
- ☐ Marijuana Product Manufacturer
- ☐ Marijuana Retailer
- ☐ Marijuana Microbusiness (Indoor Cultivation & Product Manufacturing)
- ☐ Marijuana Microbusiness (Outdoor Cultivation & Product Manufacturing)
- ☐ Marijuana Microbusiness (Indoor Cultivation only)

- ☐ Marijuana Microbusiness (Outdoor Cultivation only)
- ☐ Marijuana Microbusiness (Product Manufacturing only)
- ☐ Marijuana Microbusiness (with Delivery Endorsement)
- ☐ Craft Marijuana Cooperative
- ☐ Marijuana Courier
- ☐ Marijuana Delivery Operator
- ☐ Marijuana Transporter
- ☐ Marijuana Research Facility
- ☐ Independent Testing Laboratory
- ☐ Standards Laboratory

### **3. Location.**

- a) The Parties acknowledge that the Company shall identify to the Commission a proposed location where licensed operations of the ME/MTC will occur prior to being issued a license for such operations.
- b) The Municipality authorizes the Company to operate within the Municipality at [SPECIFIED LOCATION ONLY / LOCATION COMPLIANT WITH LOCAL ZONING, RULES, BYLAWS, OR ORDINANCES].
- c) If the Municipality authorizes the Company to operate at a specified location within the municipality as identified in Section 3.b., the specific location authorized to operate the license type in Section 2 is the following: [SPECIFIED LOCATION / NOT APPLICABLE].

### **4. Compliance.**

The Parties shall comply with all laws governing the operation of the license type(s) selected in Section 2, as applicable, including, but not limited to:

- a) G.L. c. 94G, G.L. c. 94I, 935 CMR 500.000 *et seq.*, and 935 CMR 501.000 *et seq.*, as the same may be amended from time to time, or its successor statute(s) if any.
- b) The Municipality bylaws, local laws, ordinances, and zoning applicable to the operation of MEs/MTCs, as the same may be amended from time to time.
- c) The Company shall be responsible for obtaining from the Commission and the Municipality all licenses, permits, and approvals required for the operation of each license covered by the Agreement.
- d) The obligations of the Parties are contingent on the Company:
  - 1. Obtaining a Final License from the Commission for operation of a license type(s) selected in Section 2 in the Municipality; and

2. The Company's receipt of any and all necessary local permits and approvals to locate, occupy, and operate the license type(s) selected in Section 2 in the Municipality, inclusive of zoning compliance.
- e) If the Company is unable to obtain a Final License from the Commission, or if such local permits and approvals are not granted for any reason, then this Agreement shall be void.
- f) This Agreement does not affect the authority of the Municipality to issue or deny permits, licenses, or other approvals under the statutes and regulations of the Commonwealth, or the bylaws, local laws, zoning, and ordinances of the Municipality. Nor does this Agreement affect the Municipality's ability to enforce any applicable law.
- g) The Parties to this Agreement shall work in good faith to effectuate the purposes of this Agreement.

5. **Annual Payments Responsibilities.**

The Parties agree to the following provisions regarding annual payments responsibilities:

a) CIF

1. There may be additional expenses and impacts including but not limited to impacts on the Municipality's infrastructure systems, law enforcement, fire protection services, inspectional services, as well as unforeseen expenses and impacts on the Municipality that are Reasonably Related to the operation of the ME(s)/MTC(s).
2. To mitigate Reasonably Related expenses and impacts, the Company shall pay a CIF to the Municipality.
3. The Municipality shall not explicitly or implicitly require the Company to make a promise of future monetary payments, in-kind contributions, or charitable contributions to the Municipality, notwithstanding the CIF payment provision allowed under G.L. c. 94G, § 3.
4. A claimed impact fee shall not exceed three percent of the gross sales of the Company, nor be calculated on a certain percentage of the Company's sales.
5. The Municipality shall not attempt to collect impact fees relating to any operations occurring prior to the date the Company is granted a Final License by the Commission for a particular MEs/MTCs.
6. No impact fees shall be assessed after the eighth year of the Company's operations.
7. The Municipality shall not attempt to collect impact fees from the Company that has held a Final License for more than nine (9) years for a particular ME(s)/MTC(s).

8. The Municipality shall provide an annual itemized invoice of the impact fees claimed by the Municipality that are Reasonably Related to the operations of the Company (“claimed impact fees”) within one (1) month of the anniversary of the date the Company receives or received a Final License from the Commission for each license held by the Company located within the Municipality, if more than one. All subsequent, one-year invoice periods shall be consistent with the anniversary of the Company’s Final License date(s). Failure to provide said invoice within the prescribed time shall result in the Municipality forfeiting any CIF it may have been entitled to for the applicable year of the Company’s operation.
9. The Municipality’s itemized invoice shall specifically describe how the claimed impact fees were spent, including a line item for each good or service charged, and a statement of its cost, purpose, and relation to the Company’s particular operations.
10. The Company shall annually pay any undisputed CIF no later than the end of the current fiscal year or within 90 days of the date of the Commission’s CIF certification, whichever is later.
11. The Company shall not be required to pay the CIF if the CIF is the subject of a nonfrivolous legal dispute either through the Commission's administrative hearing process or before a court of competent jurisdiction.

b) Waiver of Community Impact Fee

A Municipality may not assess a impact fees or may choose to not collect impact fees in a particular year. Any such election shall not operate as a waiver of the Municipality's rights under this Agreement to collect a CIF in subsequent years.

c) Generally Occurring Fees

Generally occurring fees are those fees customarily imposed by the Municipality on non-cannabis businesses operating within its confines and shall not be considered a CIF. These fees include, but are not limited to, sewer and water connection, waste collection, and local taxes. The Municipality now affirms the following list of expected Generally Occurring Fees the Company will be required to pay: [LIST].

The Company concurs and consents to the stated list of Municipality’s expected Generally Occurring Fees provided herein.

d) Local Taxes

Property, both real and personal, owned or operated by the Company shall be treated as taxable, and all applicable taxes for that property shall be paid either directly by the Company or by its landlord.

e) Other Taxes



Notwithstanding any previously identified provisions, the Company acknowledges and affirms its obligation to pay any and all fees associated with sales tax, excise tax on Marijuana and Marijuana Products, or other taxes or fees otherwise provided for in G.L. c. 94G, G.L. c. 64H, and G.L. c. 64N.

6. **Security.**

- a) The Company shall maintain security at its ME(s)/MTC(s) in accordance with the security plan presented to the Municipality and approved by the Municipality's Police Department and the Commission. In addition, the Company shall at all times comply with all applicable laws and regulations regarding the operations of MEs/MTCs, as applicable, and the security thereof.
- b) The Company shall comply with all Commission and the Municipality's security requirements as promulgated by state law, regulation, local law, ordinance, or bylaw.

7. **Energy Usage.**

The Company shall comply with the Commission's energy regulations provided in 935 CMR 500.105(1)(q), 935 CMR 500.105(15), 935 CMR 500.120(11), 935 CMR 500.130, *et seq.*, and, if applicable, comparative medical regulations.

8. **Equity and Local Opportunities.**

- a) The Company shall, consistent with applicable laws and regulations, make good faith efforts to hire municipal residents for employment, supplier services, and/or vendor services.
- b) The Company shall, consistent with applicable laws and regulations, have goals, programs, and metrics, and make progress towards those goals to hire individuals/businesses for employment, supplier services, and/or vendor services from areas defined as Areas of Disproportionate Impact by the Commission.
- c) The Company shall, consistent with applicable laws and regulations, have goals, programs, and metrics, and make progress towards those goals to hire individuals/businesses identifying as, as people of color, particularly Black, African American, Hispanic, Latinx, and Indigenous people, women, Veterans, persons with disabilities, and LGBTQ+ people.

9. **Effective Date, Term, and Termination.**

- a) This Agreement shall be in full force and effect beginning on [DATE].
- b) This Agreement shall terminate on [TERM / DATE / CONDITION PRECEDENT].

- c) At the conclusion of the term of this Agreement, the Parties may negotiate a new Agreement in accordance with the current prevailing regulations and laws as such regulations and laws may be amended or replaced. Alternatively, the Parties may negotiate and execute an HCA Waiver.

#### **10. Notice of Discontinuance of Operations.**

- a) The Municipality shall not discontinue relations with the Company in bad faith and shall provide the Company with written notice of the Municipality's intention to discontinue relations with reasonable advanced notice.
- b) This Agreement shall be void in the event that the Company ceases operations of its Marijuana Establishment in the Municipality for a period of greater than 60 days without substantial action to reopen or relocates such operations outside of the Municipality. The Company shall provide notice to the Municipality no less than 90 days prior to cessation or relocation of operations.

#### **11. Governing Law and Severability.**

This Agreement shall be governed in accordance with the laws of the Commonwealth of Massachusetts. If any term or condition of this Agreement or any application thereof shall to any extent be held invalid, illegal, or unenforceable by a court of competent jurisdiction, the validity, legality, and enforceability of the remaining terms and conditions of this Agreement shall not be deemed affected thereby, unless one or both Parties would be substantially or materially prejudiced.

#### **12. Confidentiality.**

The Parties agree that all records in the possession of the Municipality are governed by G.L. c. 66, § 10, the Public Records Law.

#### **13. Amendments/Waiver.**

The Parties may make amendments to this Agreement or waive its terms only by a mutually executed written agreement in accordance with the current prevailing regulations and laws as such regulations and laws may be amended or replaced.

#### **14. Successors/Assigns.**

This Agreement is binding upon the Parties hereto, their successors, assignees and legal representatives. The Company shall not assign, sublet, or otherwise transfer its rights nor delegate its obligations under this Agreement, in whole or in part, without the prior written consent from the Municipality, and shall not assign any of the monies payable under this Agreement to the Municipality, except the written consent of the Municipality, but such consent by the Municipality shall not be unreasonably withheld or denied.

**15. Counterparts.**

This Agreement may be signed in any number of counterparts all of which taken together, each of which is an original, and all of which shall constitute one and the same instrument, and any Party hereto may execute this Agreement by signing one or more counterparts.

**16. Signatures.**

Facsimile and electronic signatures affixed to this Agreement shall have the same weight and authority as an original signature. The individuals signing below have full authority to do so by the entity on whose behalf they have signed.

**17. Notices.**

Except as otherwise provided herein, any notices, consents, demands, requests, approvals, or other communications required or permitted under this Agreement shall be made electronically to the email(s) addresses identified below for the respective Parties:

Email Address(es) for the Municipality: [EMAIL ADDRESS(ES)]

Email Address(es) for the Company: [EMAIL ADDRESS(ES)]

IN WITNESS WHEREOF, the Parties hereto have executed this Agreement on the day and year first written above.

**MUNICIPALITY OF [MUNICIPALITY]**

Duly Authorized Representative Name: [NAME]

Duly Authorized Representative Title: [TITLE]

Duly Authorized Representative Signature: [SIGNATURE]

Date of Signature: [DATE]

**COMPANY: [COMPANY NAME]**

Duly Authorized Representative Name: [NAME]

Duly Authorized Representative Title: [TITLE]

Duly Authorized Representative Signature: [SIGNATURE]

Date of Signature: [DATE]



Ruthanne Fuller  
Mayor

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

Telephone  
(617) 796-1120  
Telefax  
(617) 796-1086  
[www.newtonma.gov](http://www.newtonma.gov)

Barney Heath  
Director

**MARIJUANA USE HOST COMMUNITY AGREEMENT APPLICATION**

<b>DATE :</b> _____		
<b>PROJECT INFORMATION</b>		
<b>BUSINESS NAME:</b> _____		<b>PROPOSED USE:</b> _____
<b>PROJECT DESCRIPTION</b> (Briefly describe the project below):    		
<b>STATUS OF STATE LICENSE APPLICATION:</b>  		
<b>PROPERTY LOCATION INFORMATION</b>		
<b>STREET ADDRESS:</b> _____		<b>CITY/ZIP:</b> _____
<b>PROPERTY OWNER INFORMATION</b>		
<b>NAME:</b> _____		<b>PHONE:</b> _____
<b>MAILING ADDRESS:</b> _____		<b>E-MAIL ADDRESS:</b> _____
<b>PROPERTY OWNER CONSENT</b>		
I am (we are) the owner(s) of the property subject to this application and I (we) consent as follows: This application for a land use permit or administrative approval for development on my (our) property is made with my permission.		
<b>X</b> _____ (Property Owner Signature)		_____ (Date)
<b>X</b> _____ (Property Owner Signature)		_____ (Date)
<b>APPLICANT/AGENT INFORMATION</b>		
<b>NAME:</b> _____		<b>PHONE:</b> _____
<b>MAILING ADDRESS:</b> _____		<b>E-MAIL ADDRESS:</b> _____
<b>X</b> _____ (Applicant/Agent Signature)		_____ (Date)

# MARIJUANA USE HOST COMMUNITY AGREEMENT APPLICATION INSTRUCTIONS

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**APPLICATION PROCESS:** An Applicant for any type of marijuana use must first obtain a Host Community Agreement (HCA) from the City prior to applying for a Special Permit. The Host Community Agreement Advisory Group meets regularly and after reviewing the application and meeting with the Applicant will make a recommendation to the Mayor regarding moving forward with negotiations for an HCA.

## **APPLICATION REQUIREMENTS:**

**FORMS:** A completed Marijuana Use Host Community Agreement Application. The signature of the Owner of the property (or the Owner's legal representative) and the Applicant/Agent is required.

**FEES:** There is no fee for this type of application.

**NARRATIVE:** In addition to the application, the Applicant should submit a narrative discussing how they will address the following criteria through their proposal:

1. 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;
2. 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;
3. Community Relations – What are the plans for community outreach and addressing community concerns, experience with the Newton community, and other similar factors;
4. Experience – What are the professional experiences and qualifications of the management team and other similar factors;
5. Sustainability – What are the proposed sustainable and renewable energy practices, and other similar factors.
6. Equity – What are the qualifications of the Applicant under state Economic Empowerment and/or Social Equity programs;
7. Economic value - What are 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; and
8. Context – Whether the proposed facility is not completely inappropriate in terms of location as well as transportation, traffic and parking, with those final decisions reserved for the City Council during the Special Permit process;

**SITE MAP:** Provide a preliminary site plan for the property showing all entrances and exits and parking areas.

**DOCUMENT FORMAT:** All information submitted as part of an application shall be submitted electronically to Jennifer Caira at [jcaira@newtonma.gov](mailto:jcaira@newtonma.gov). In addition, please bring 15 hard copies to the HCA Advisory Group meeting.

For more information and links to the zoning ordinance please see:

<http://www.newtonma.gov/gov/planning/current/devrev/hip/marijuana.asp>

# **City of Newton Review Process for Marijuana Establishments and Registered Marijuana Dispensaries**

2/4/2019

On December 3, 2018, the City of Newton (City) adopted amendments to its Zoning Ordinance to govern all marijuana establishments and recreational marijuana dispensaries (RMDs). The maximum number of marijuana retail establishments in the City of Newton is eight (8). The Zoning Ordinance for marijuana uses are located in Section 6.10.3 of the Newton Zoning Ordinance, which can be found at <http://www.newtonma.gov/civicax/filebank/documents/69436>.

All marijuana establishments and RMDs require both a Host Community Agreement (HCA) and a Special Permit from the City of Newton, in addition to a state license from the Department of Public Health and/or Cannabis Control Commission.

The following outlines the processes for requesting a Host Community Agreement, undertaking Zoning Review and applying for a Special Permit.

## **1) Host Community Agreement (HCA) Process**

Under state law, each marijuana establishment and recreational marijuana dispensary is required to execute a Host Community Agreement with the municipality in which they operate. The agreement must set forth the responsibilities of the marijuana establishment or RMD and the community. The HCA may include a community impact fee of up to 3% of gross sales to be paid to the host community.

The primary focus of the HCA in Newton is financial. The agreement establishes the amount and method of payment for a negotiated community impact fee. It may also include an agreement about a donation to a Newton public charity or non-profit. The HCA also includes other terms such as a commitment to diversity in hiring and hiring qualified employees who are Newton residents, and cooperation with the Newton Police Department for security and the City on drug abuse prevention. The HCA process does not address in depth whether the site is an appropriate location for the proposed project, what site specific mitigations are necessary, or provide for a full understanding and possible mitigation of community concerns, as those important considerations are part of the Special Permit process. The granting of a HCA does not mean that a Special Permit will be granted; rather, the HCA indicates that the critical decision-making process by the City Council about granting a special permit should proceed.

The decision to execute a HCA with an applicant is solely at the discretion of the Mayor, as the contracting authority of the City. The basis for the Mayor's review and consideration of HCAs is to protect the health, safety and welfare of Newton residents and the community as a whole. The City shall make every effort to ensure the process for obtaining a HCA is unbiased, transparent and timely; however, the Mayor is under no obligation to enter into a HCA or do so in a set time frame.

The Mayor has created a Marijuana Host Community Agreement Advisory Group (Advisory Group) consisting of representatives from Planning and Development, Law, Police, Health & Human Services, Transportation and the Mayor's office to assist her/him in this process.



The HCA process is outlined below:

A. Advisory Group Meeting: The Applicant meets with the Marijuana Host Community Agreement Advisory Group (Advisory Group). The Applicant should be prepared to provide information regarding proposed plans for security, public health, and community relations including the required State community outreach meeting; industry and managerial experience as well as biographies for the organization's controlling members; proposed environmental sustainability features; qualifications for state economic empowerment or social equity programs; economic value to the City; contextual information including a description of site location and an overview of transportation, traffic and parking; and proposed operations (including hours and number of staff).

B. Advisory Group Review: Following the meeting with the Applicant, the Advisory Group will review the proposal and make a recommendation to the Mayor as to whether to move forward with negotiating a Host Community Agreement (HCA). The HCA process is not intended to be duplicative of the special permit process and the special permit process will go into many areas in greater depth than the HCA process. Based on the available information (which is more limited than that available to the City Council during the Special Permit process), the Advisory Group will consider a wide range of criteria in making its recommendation and these will include, but are not limited to:

- 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;
- 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;
- Community Relations – What are the plans for community outreach and addressing community concerns, experience with the Newton community, and other similar factors;
- Experience – What are the professional experiences and qualifications of the management team and other similar factors;
- Sustainability – What are the proposed sustainable and renewable energy practices, and other similar factors;
- Equity – What are the qualifications of the Applicant under state Economic Empowerment and/or Social Equity programs;
- 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; and
- 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.

C. Authorization to Begin Negotiations: The Mayor will consider the recommendation of the Advisory Group and will decide whether to start HCA negotiations based on the best interests of the City. If there are multiple applicants, the relative merits of each proposal will be considered. If granted, the HCA is contingent upon the granting of a Special Permit by the City Council and all necessary state permits and licenses.

D. Development Review: The Applicant meets with Development Review Team (DRT). If the Mayor decides to move forward with negotiations for a Host Community Agreement, the Applicant will have a meeting with the DRT. The DRT includes the Planning staff, as well as staff from other City departments, as necessary. Just as with any application for a special permit, the DRT will focus on zoning and technical aspects of the project as well as provide information regarding the Special Permit process. The Applicant should bring to the DRT meeting a survey of the existing site and conceptual plans for any improvements to the site and/or building.

E. Execution of the Host Community Agreement: Once the DRT process is complete, the Mayor will decide, in her/his sole discretion, to sign the HCA. The Applicant will be notified in writing if the HCA has or has not been signed. If signed, the HCA will be provisional pending the outcome of the City Council Special Permit process. If the City Council does not approve the Special Permit, the HCA will be revoked. When the Applicant has a signed HCA, they may begin the Zoning Review process which is then followed by the Special Permit process.

## **2) Zoning Review Process**

Once an Applicant has a signed HCA, then it must apply for a Zoning Review before it can apply for a Special Permit. During the Zoning Review, the Chief Zoning Official from the City's Planning and Development Department will review the property history and proposed plans and produce a memorandum detailing all necessary relief from the zoning ordinance that must be requested by the Applicant to the City Council based on its proposal (e.g., use, dimensional requirements, parking, lighting, landscaping, etc.). The Zoning Review helps ensure that all necessary relief is requested, avoiding the need to re-notice or restart the Special Permit process.

a) The Applicant should fill out the application for zoning review and send the application along with the survey and proposed plans to the Chief Zoning Official. The Chief Zoning Official has 45 days to review and issue a memo detailing the exact relief needed for the request for a special permit.

b) Once the Zoning Review memo has been issued, the Applicant may file for a Special Permit.

### **3) Special Permit Process**

All marijuana uses require a Special Permit, which is a discretionary action, from the City Council. The Land Use Committee of the City Council will hold a public hearing, review the petition, and ultimately make a recommendation to the full City Council based on the criteria included in Section 6.10.3 G of the Newton Zoning Ordinance.

Public input is an important part of the Special Permit process and allows the City Council an opportunity to consider concerns raised by the community.

There are a wide variety of criteria considered by the City Council in granting a Special Permit for a marijuana establishment or RMD. For example, these criteria include consideration of whether the specific site is an appropriate location, whether adverse impacts have been appropriately mitigated, whether the site provides convenient access, is accessible to persons with disabilities, and has access to transportation options, whether there will be no nuisance or serious hazards to vehicles or pedestrians, whether literal compliance with parking requirements are required, whether loading, refuse, and service areas have been appropriately screened, whether the site is sufficiently buffered from schools, and whether the site is located where it may be readily monitored by law enforcement and other code enforcement personnel. An affirmative vote of two-thirds of the City Council (16 votes) is required for a Special Permit to be issued. Approval of a Special Permit is contingent upon maintaining a Host Community Agreement with the City and a license from the state.

Details of the Special Permit process are outlined below:

- a) The Applicant should file 15 copies of their application and plans with the Planning and Development Department and City Clerk.
- b) The City Clerk will docket the item with the City Council and assign a public hearing with the Land Use Committee.
- c) Abutters within a 300' radius will be noticed of the public hearing, notice will be placed in the newspaper and a sign will be placed on site.
- d) The Land Use Committee will hold a public hearing where any member of the public will be given an opportunity to speak, the Applicant may give a presentation, and Planning staff will also submit a memo analyzing the petition and will give a presentation. The City Councilors will deliberate and, when ready, will take a vote to recommend approval or denial to the full City Council. (Please note this may require multiple meetings.)
- e) Once the Land Use Committee has voted, the full City Council will vote on the petition and following the vote there will be a 20-day appeal period. In order to open, an Applicant will need to have an approval from the City Council and will need to have complied with any conditions of approval, including obtaining a license from the state and maintaining a signed HCA with the City.



# CITY OF SOMERVILLE

## APPLYING FOR A HOST COMMUNITY AGREEMENT (HCA) AND LICENSE TO OPERATE AN ADULT-USE MARIJUANA ESTABLISHMENT

Pursuant to MA General Law Chapter 94G Section 3 and Municipal Ordinance Chapter 2 Section 2-221, any marijuana establishment seeking to operate in Somerville must execute a Host Community Agreement (HCA). The HCA sets forth the conditions to have a marijuana establishment located within the City which includes, but is not limited to, all stipulations of responsibilities between the host community and the establishment. In addition to the HCA, the establishment must be issued a city license from the Licensing Commission and a special permit from the Special Permit Granting Authority.

To streamline the application process, the City of Somerville has created one application packet for both the HCA and city license. These instructions provide detailed information on the application process. For a copy of these instructions, zoning ordinance and overlay, licensing ordinance, and other materials related to adult-use marijuana, please visit the City of Somerville website at: <https://www.somervillema.gov/adult-marijuana>.


### Conditions for Operating a Marijuana Establishment

1. The business applicant ("Applicant") must be approved for and execute a host community agreement (HCA) with the City.
2. The Applicant must be approved for a city license by the Somerville Licensing Commission.
3. The premises and the use must be approved by the Special Permit Granting Authority (SPGA), pursuant to the City's building and zoning codes.
4. The Applicant must conduct community outreach meetings and appear at public hearings as required by the SPGA, Licensing Commission, and MA Cannabis Control Commission (CCC).
5. The Applicant and all owners must have paid all taxes, fees and fines owed to the City.
6. The Applicant must be licensed by the MA CCC.
7. The license is not transferrable without the approval of the MA CCC and the Licensing Commission.
8. Until November 8, 2022, the City may issue Marijuana Retailer Licenses to only Priority Group A and Priority Group B Applicants.
  - **Priority Group A:** An Economic Empowerment Applicant; an Applicant owned by a Somerville resident or an entity with a majority (> 50%) of its ownership made up of Somerville residents, provided that the HCA application was submitted on or before May 1, 2020; or a cooperatively owned Applicant
  - **Priority Group B:** An Applicant owned by a Somerville resident or an entity with a

majority (> 50%) of its ownership made up of Somerville residents, provided that the HCA application was submitted after May 1, 2020; a Registered Marijuana Dispensary (RMD) currently operating in the City that will continue selling medical marijuana products in the City.

9. Until November 8, 2022, the City may issue Marijuana Retailer Licenses to Priority Group B Applicants if the number of then-licensed Priority Group B Applicants will be equal to or less than the number of then-licensed Priority Group A Applicants.

## Application Components and Submittal Process

1. Before you begin:
  - Note that once you SUBMIT your application, you can't re-open it to edit it.
  - Make sure you have entered all of your information properly before you click "SUBMIT."
  - If you start your application and are not ready to submit it, you can click "SAVE FOR LATER", and come back to it at a later time.
2. When you are ready:
  - Go to <http://www.somervillema.gov/citizenserve>.
  - Click the **citi** **enserve** logo.
  - Scroll down and click "APPLY FOR A LICENSE."
  - Log in, or, if this is your first online application, click "REGISTER NOW" to create an account.
  - At License Type, select "MARIJUANA ESTABLISHMENT LICENSE."
  - At Sub Type, select the appropriate subtype. If you will be applying for more than one subtype in this application, select "MULTIPLE OR OTHER."
  - At Business Name, enter the legal name of your business entity.  
*FOLLOW THESE STEPS ONLY IF YOU ARE ASKED "Is this application for a new or existing business location?". OTHERWISE, CONTINUE TO "Address or parcel #" below.*
    - Select "A NEW BUSINESS LOCATION" if this is your first application at this location.
    - Enter the address of the business you want to open, and click "FIND ADDRESS."
    - If CitizenServe cannot find your address, contact the Licensing Commission Secretary. OR
    - Select "AN ADDITIONAL LICENSE FOR AN EXISTING BUSINESS" if you've been licensed at that same address before.
    - At License #, select a license you've received at that address before.
  - At Address or Parcel #, enter the street address of the business you want to open.
  - Click "FIND ADDRESS." Make sure CitizenServe accepts the address as valid. If it doesn't, make sure you've entered the address correctly, then click "USE THIS ADDRESS."
  - Answer the remaining questions.
  - In the OPERATING INFORMATION Section, you MUST answer each narrative question with a text answer of no more than 3,000 characters—the equivalent of about one printed page. The application will not be considered complete until each narrative question (#s 1-9) contains a detailed, complete response. Referencing a separate attachment—i. e., "see attached"—is not acceptable.

- Note: Avoid using non-letter characters (-, /, ', %, etc.) as they may prevent you from saving the application.
  - In the COMPLIANCE INFORMATION Section, answer the questions for the legal business entity. Each corporate officer, manager, partner, or trustee that is named in the BUSINESS INFORMATION Section must also download, complete, and upload a Compliance Information Form.
3. Upload all Required Documents, submitted as PDF files:
- A non-refundable application fee of \$900, payable through the online portal once you have submitted the application. Note: the fee will be waived for all retail applicants during the Priority Group-only application period through November 8, 2022.
  - A Compliance Information Form for each corporate officer, manager, partner, or trustee.
  - A Property Owner's Certification and Authorization for each corporate officer, manager, partner, or trustee of the Property Owner, if applicable.
  - A Workers Compensation Insurance Affidavit and proof of Workers Compensation Insurance.
  - Site plans (e.g. aerial images, plot plans, and conceptual floor plans)
  - Elevations (e.g. photographs of existing elevations, graphic simulations of proposed elevations)
  - Drafts of the three packets required by the MA Cannabis Control Commission (CCC):
    - Application of Intent packet
    - Background Check packet
    - Management and Operations Profile packet
4. When you finish:
- Review the terms and conditions. Don't proceed until you are ready to accept all terms and conditions.
  - Before you click "SUBMIT", note that once you submit the form, you can't re-open it to edit it. If you're not ready to submit the form, click "SAVE FOR LATER", so you can come back to finish it. You can retrieve a saved application from the "MY PENDING APPLICATIONS" link under the "My Account" tab.
  - If you're ready, "submit" the form, and pay the required application fee. Note: the fee will be waived for all retail applicants during the Priority Group-only application period through November 8, 2022.
  - To make changes to your application after you submit it, contact Emily Hutchings, the MAC liaison, at [ehutchings@somervillema.gov](mailto:ehutchings@somervillema.gov).

## Review and Approval Process

1. The City of Somerville's Marijuana Advisory Committee (MAC) will review all applications.
2. The MAC will evaluate each proposal in three categories:
  - **Location:** location within an approved district, appropriate/best use of space, and appropriate access
  - **Physical Space:** proposed plan respects surrounding area, flow of operations,



crime prevention through environmental design strategies (CPTED), and security

- **Operations:** proposed operations that focus on security, community education, hiring of local residents, and partnerships with local businesses

Applicants can receive a score from 1 – 5 (1 being the lowest score and 5 being the highest score), in each of the categories based on the Applicant’s responses.

3. The MAC may also conduct interviews of Applicants.
4. Based on the application evaluation and interviews, the MAC will prepare recommendations to the Mayor’s Office on which applicants should proceed with the HCA process.
5. The City will issue an HCA to Applicants who are recommended by the MAC and approved by the Mayor; the Applicant and Mayor sign the HCA.
6. After executing the HCA, the Applicant will move forward in the licensing and special permits process. There may be additional fees or materials required for review by the Licensing Commission or Special Permits Granting Authority (SPGA).
  - Licensing: The Licensing Commission reviews the application, conducts a public hearing, and grants the license
  - Special Permits: The SPGA reviews the application, conduct a public hearing, and approves the special permit
7. The Applicant completes the MA CCC Application process.
8. After receiving a complete application from the MA CCC, the MAC reviews it within 60 days and certifies to the MA CCC that the application is compliant with all municipal and zoning ordinances.
9. The MA CCC issues a provisional license to the applicant.
10. The applicant builds out the space.
11. The City’s Inspectional Services Department issues a Certificate of Occupancy to the Applicant; the Licensing Commission issues the City License.
12. The Applicant provides the Certificate of Occupancy and the City License to the MA CCC.
13. The MA CCC issues the final license to operate.

## Application Review Schedule

The MAC will review applications on a monthly basis. Complete applications, with all required attachments, must be submitted by 12:00pm on the first Friday of the month to be considered for review. Applications submitted after the first Friday of the month will be held until the next review cycle.

## Questions

If you have questions about the MAC, contact Emily Hutchings, the MAC liaison, at [ehutchings@somervillema.gov](mailto:ehutchings@somervillema.gov). Questions will only be accepted via email. Responses to emails from potential applicants will be made available to other potential applicants while protecting the confidentiality of the person asking the original question

## **MAC Scoring Criteria** (revised March 30, 2021)

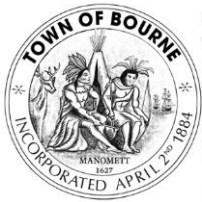
The Mayor's Marijuana Advisory Committee (MAC), a staff-level committee, will review adult-use marijuana applicants and recommend selected applicants to the Mayor who will decide who the City will enter into Host Community Agreements (HCAs) with. The MAC will assess each application against a set of community priorities, as identified in this MAC Scoring Criteria, to make their recommendations. Applicants can receive a score from 1 – 5 (1 being the lowest score and 5 being the highest score), in each of the four categories below.

1. **Location:** location within an approved zoning district, appropriate/best use of space, and appropriate access. The MAC will also consider:
  - How proposals adhere to local standards, maintain cohesion with existing city structures, and compatibility with the neighborhood. Locations within existing main streets and neighborhood squares are more desirable than locations far from other retail centers.
  - Proximity of other HCA recipients and the clustering of marijuana establishments. More than two approved establishments in an area is considered a cluster.
  - Access & circulation impacts (including pedestrian, bicycle, and vehicular).
2. **Physical Space:** proposed plan respects surrounding area, design and signage, flow of operations, crime prevention through environmental design strategies (CPTED), and security.
3. **Operations/Industry Knowledge:** hiring of local residents; familiarity with operating in highly controlled industries. The MAC will also consider:
  - The use of minority- or woman-owned businesses throughout the design and construction period, which may include but not be limited to architecture, engineering, and construction.
  - The extent to which the person(s) running the entity have been negatively impacted by the war on drugs.
4. **Community Impact:** proposed operations that focus on community education; partnerships with local ancillary businesses. The MAC will also consider:
  - The longevity/legitimacy as a Somerville resident and their involvement with local community organizations.
  - The number and types of community organizations with which the applicant has begun building relationships.
  - The longevity/legitimacy as a community leader outside of Somerville and their plans for getting similarly involved within Somerville.

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In addition to the criteria listed above, the community has expressed the following priorities that the City expects to include in HCAs:

- Marijuana establishments should advertise job openings in the areas of Somerville more economically disadvantaged as well as ensuring that advertisements are published in Spanish, Portuguese, and Creole.
- Marijuana establishments should hire individuals formally incarcerated for marijuana offences as well as commit to employing at least 30% of their staff that fall under any of the following categories:
  - 1) Somerville resident of African American decent
  - 2) Somerville resident of Latino decent
  - 3) Somerville resident who is a veteran
  - 4) State-approved Economic Empowerment Applicants
  - 5) Individuals formally incarcerated for a marijuana offence



**TOWN OF BOURNE**  
**Department of Natural Resources**  
24 Perry Avenue - Room 102  
Buzzards Bay, MA 02532-3496  
www.townofbourne.com



*Shellfish Constable, Marinas, Herring Agent, Harbor Master, Fish & Game Enforcement, Conservation Enforcement & More*

TIM MULLEN  
DIRECTOR

OFFICE: (508) 759-0621  
POLICE: (508) 759-4451  
MARINAS: (508) 759-2512  
FAX: (508) 759-8026

**AQUACULTURE/SHELLFISH GRANT LICENSE PROCEDURE**

The applicant desiring an Aquaculture/Shellfish Grant license shall be required to complete and submit all information required by the Town's application form. Application forms are available at the Department of Natural Resources. Completed applications should be submitted to the Bourne Selectmen/Town Administrator's Office located in Room 101 of Town Hall at 24 Perry Avenue Buzzards Bay, MA 02532.

Applicants should be familiar with all Town Shellfish Regulations and all State Laws pertaining to shellfish under Chapter 130, especially Sections 57 through 68.

The applicant must determine the area(s) which they request as a shellfish grant license site. This area must be well defined on a map or chart and with usable shore side land markers and seaward boundary markers. The applicant must ascertain if the lands or tidal flats are under private ownership and if so obtain written permission from the owner for its use.

The license area cannot be an area that is extensively used as part of the public recreational or commercial fishery. The area must be considered an unproductive area. Other concerns are: shellfish areas classified as prohibited or seasonally prohibited, high use mooring fields, navigable channels, public and semi-public swim areas, areas with shorefront home owners and areas 500 feet from marinas.

The license may be subject to review and/or approval of the following governing bodies: The Department of Natural Resources, Shellfish Constable, Harbormaster, Conservation Commission, Zoning Board of Appeals, Board of Selectmen, State Division of Marine Fisheries and the U.S. Army Corps of Engineers.

- a. The State Division of Marine Fisheries will, following approval of the private shellfish license by the Board of Selectmen, review the private shellfish license application, survey the proposed area and certify that the license and operation there under would cause no substantial adverse effect on the natural shellfish resources on the Town in compliance with Massachusetts General Chapter 130, Section 57.

- b. The Department of Natural Resources will review the shellfish license application and make recommendations to the Board of Selectmen relative to shellfish population, navigation concerns, and overall location suitability.
- c. The Conservation Agent will review the proposed project and determine if any work, such as dredging, filling, access to and from the site and/or altering the proposed site will require either the filing of a Request for Determination or a Notice of Intent in accordance with Massachusetts General Laws Chapter 131, Section 40 and the Town of Bourne Wetland Protection Bylaw(Article 3.7).
- d. The licensee/applicant should be aware that this license is subject to further regulation by the U.S. Army Corps of Engineers Category 2 of the Massachusetts Programmatic General Permit (PGP).

Following the receipt of the application, the Conservation Agent's review, and the Department of Natural Resources recommendation, the Board of Selectmen shall establish a public hearing date, publish legal notice of said hearing and take any other necessary action. At least ten days prior to the established hearing date the applicant shall notify all property owners within a radius of 500 feet from outside boundaries of the proposed shellfish license area of the hearing date, time and place. Prior to the hearing and no later than the day of the hearing, the certified mail/return receipts must be submitted to the Department of Natural Resources or to the Board of Selectmen the day of the hearing. The Board of Selectmen reserves the right to approve or deny the issuance of the shellfish license if deemed appropriate and in the best interest of the Town. The Board of Selectmen shall grant or deny the license within 60 days of receipt of the filed application.

For further information regarding Aquaculture in Massachusetts, applicants should consider the following sources:

Massachusetts Division of Marine Fisheries  
<http://www.mass.gov/dfwele/dmf/index.html>

Massachusetts Office of Coastal Zone Management  
<http://www.mass.gov/czm/czm.htm>

Massachusetts Department of Agricultural Resources  
<http://www.mass.gov/agr/index.htm>

Massachusetts General Law Chapter 130 Sections 57 through 68A  
<http://www.malegislature.gov/Laws/GeneralLaws/PartI/TitleXIX/Chapter130>

# **TOWN OF BOURNE**

## **AQUACULTURE LICENSES / SHELLFISH GRANTS**

### **Rules & Regulations & Application Requirements**

At a regular meeting of the Board of Selectmen held on December 6, 2011 the following rules and regulations were adopted covering Aquaculture Licenses and Shellfish Grants.

8.1 The Board of Selectmen may license specific areas of the waters of the Town of Bourne to individuals for the purpose of granting exclusive rights to plant, grow, and take shellfish from that area, said license to be subject to the provisions of MGL Ch. 130, Sec. 57 and any terms, conditions, and/or restrictions set forth in the regulations of the State, Town, its By-laws, or any specific conditions or restrictions set forth in the license. Applicants shall be considered on a first come first serve basis. The Board of Selectmen may deny a license or establish a moratorium on the issuance of licenses at any time this action is deemed to be in the best interest of the Town.

8.2 Licenses will be issued only to domiciled residents of the Town of Bourne who have the knowledge, experience, and resources to fulfill the responsibilities specified in the license. The applicant shall furnish evidence of residency as part of the application process. Said evidence to include, but not necessarily be limited to, the following: a current motor vehicle driver's license issued by the Commonwealth of Massachusetts, a valid, current real estate tax bill issued by the Town of Bourne, and evidence of current ownership or tenancy by rental of real estate of a primary residence within the Town of Bourne. At such time as a licensee ceases to be domiciled in the Town of Bourne, it is the responsibility of the licensee to notify the Board of Selectmen of this change of residence. The Board of Selectmen will then remove the name of that individual from the license. This permit shall not be sold or transferred without written permission from the Board of Selectmen.

8.3 The Board of Selectmen will accept and process applications for aquaculture licenses in accordance with MGL 130, Sec 57. Applicants desiring a shellfish grant are required to complete and submit all information required by the Town's application form. Applicants shall also furnish a detailed proposal to include short term and long term plans for developing the Aquaculture/Grant site. Proposals must include shellfish species, amounts and sizes intended to introduce to the waters. Must also include the number of racks, pens, cages, floats, etc. that you

intend to use and their dimensions. Applicant must also provide detailed information regarding their experience with aquaculture. Licenses will be granted or denied within sixty days of receipt of application.

8.4 This license does not grant any property rights. This license does not authorize any injury to private property or invasion of private property rights. The issuance of this license is not a determination of title or ownership.

8.5 The initial term for a new license will be two (2) years. The term for renewals will be two (2) years. Renewal will be subject to approval of the Board of Selectmen and any other appropriate and /or required governing bodies as set forth by Chapter 130 Section 60 of M.G.L. License holder must show that a reasonable amount of shellfish have been produced on the grant during the preceding year. This amount shall not be less than what is required in Chapter 130 Section 65 of M.G.L.

8.6 Licenses will be issued for a one (1) acre maximum the first year. Once planted and established, licensee can apply for more acreage if the lease demonstrates productivity and the capability to expand.

8.7 Means of harvesting shellfish from the approved grant area will be limited to the use of quahog rake, tongs, scuba gear or conventional scallop dredge unless specific written approval to use other means is obtained from the Board of Selectmen and the shellfish constable. Harvesting will not take place between the hours of one half hour after sunset and one half hour before sunrise.

8.8 The placement of moorings and ground tackle for rafts, racks and floats, or any other structure will be subject to approval from the Harbormaster, Conservation Commission and the Corps of Engineers. Rafts and racks may or may not be approved for the grant area (depending on the location of the specific site). Shellfish will not be rafted outside the perimeters of the approved grant area without written permission from the Harbormaster and Shellfish Constable.

8.9 It will be unlawful for the Grant-Holder or any person to take seed shellfish from any waterways or flats of the Town other than the designated grant area without written consent to do so from the Selectmen and the Director of the Division of Marine Fisheries.

8.10 The Shellfish constable and / or his assistants, in the presence of the permit holder or his agent, will have authority to inspect the Grant area to include the contents of any and all rafts, floats and other containers.

8.11 If in any given year, it is determined by the Shellfish Constable that there is a marketable concentration of scallops in the grant area, then it will be the responsibility of the Grant-Holder to relocate said scallops to an area designated by the Shellfish Constable. The Grant-Holder by agreement with the Shellfish Constable may elect to allow the harvesting of scallops by licensed members of the general public upon his grant area for the sole purpose of harvesting scallops by either dip netting or dragging. If the grant-Holder elects to allow the harvesting of scallops



upon his grant a mutually agreed time period, method of taking, etc. shall be specifically established to permit this by the Grant-Holder, the Shellfish Constable and the Board of Selectmen.

8.12 If at any time it becomes necessary to dredge and / or otherwise accomplish maintenance dredging on or within the vicinity of the grant area to improve or maintain channels for navigation purposes the Grant-Holder will agree under terms of the contract not to obstruct said dredging plans and operations. The Grant-Holder will be given 90 days notice prior to commencement of any dredging operations. Prior to, during and after dredging operations are completed and if in the opinion of the Grant-Holder, the Shellfish Constable and the State Marine biologist, that said bottom conditions are considered temporarily unsuitable for planting or maintaining shellfish, immediate and temporary permission for relocation of Grant-Holders stock shall be considered by the Board of Selectmen. All the foregoing regulations shall apply to any temporary placement of said shellfish. In the event that shellfish need to be relocated under these conditions they shall be relocated at the expense of the Grant-Holder.

8.13 When a Grant is discontinued and / or terminated for any reason, the Permit Holder will be required to remove all rafts, racks, floats, boxes, pens, boundary markers and equipment from the waters and substrate within 90 days from the Grant expiration date. In addition, the Permit Holder will be required to provide proof of a General Liability Insurance Policy in the amount of \$1,000,000.00 naming the Town of Bourne as an additional insured.

8.14 Written permission must be obtained from the Board of Selectmen, the Shellfish constable and the Conservation Commission prior to any alterations being made in or on the ground area of the Grant that were not made part of the initial Grant application.

8.15 The Grant-Holder will be required to hold a Town of Bourne Commercial Permit and required state permits to handle seed and propagate shellfish in compliance with the MGL Chapter 130. The Grant-Holder will be required to comply with all rules and regulations governing shellfish and grants as forth by the Town of Bourne and MGL Chapter 130, Section 57 thru 68 and MGL Chapter 131, Section 40. Failure to comply with the aforementioned laws and regulations will be deemed cause to revoke the Grant Permit.

8.16 If the Grant sites are approved, the applicant must have the grant site(s) surveyed at his own expense and submit a recorded plan of the specified grant area to the Board of Selectmen. The survey and the plan must be completed by a registered engineer or surveyor and the plan must be stamped accordingly. Boundaries of said Grant must be clearly identified by plastic pipe, wooden posts or floatation buoys and shall be subject to inspection and approval by the Harbormaster. Type and specific location of said boundary markers shall be shown on the plan prepared by the registered engineer or surveyor. As a minimum at least each corner of the grant area shall be marked by a boundary marker. A sign indicating the Grant permit number and name of the grant-Holder must be displayed on each corner post in compliance with MGL Chapter 130, Section 61. A sign indicating the Grant permit number and name of the grant-Holder must be displayed on each vessel moored or working within the boundaries of the approved grant.

8.17 Fees

- a) An advertising fee of \$125 for the public hearing shall be payable at the time of submitting the application form.
- b) Permit – An annual permit fee of \$25 per acre (or any part thereof) payable at time of Grant approval and then upon renewal of each year shall be required.

8.18 Grant Approval

The approval of this Grant shall be subject to the following:

- a. Any legal appeal process as outlined by the MGL Chapter 130 or Chapter 131 and/or any other law which may apply.
- b. Federal, State and Local laws, rules and regulations and amendments thereto.
- c. Annual review by the Board of Selectmen as stipulated by Town Regulations.
- d. State certification in compliance with Chapter 130, Section 61.
- e. Receipt of survey and plan stamped by a registered engineer or surveyor in compliance with section 61 of chapter 130 and local regulations.

8.19 Any violation of these rules and regulations or amendments shall be subject to a fine of one hundred dollars (\$100.00)

These Aquaculture License and Shellfish Grant Rules and Regulations were adopted by the Board of Selectmen on December 6, 2011.

PER ORDER OF THE BOARD OF SELECTMEN

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Donald J. Pickard, Chairman

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John A. Ford Jr., Vice Chairman

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Peter J. Meier, Clerk

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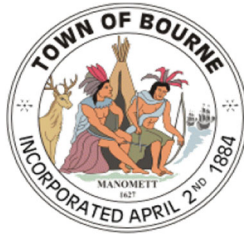
Jamie J. Sloniecki

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Earl V. Baldwin

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Timothy W. Mullen, Shellfish Constable



## Select Board's Correspondence

January 16, 2024

- A. Letter re Bourne Fire Department's 100<sup>th</sup> Anniversary
- B. K. Spilhaus Talent Bank form – Historical Commission
- C. Upper Cape Tech Budget Meeting Minutes – 10/30/23
- D. Waterways application – 74 south Road
- E. Strojny email – Host Community Agreement Process
- F. CITAC resignation – C. Walton
- G. Notice of Board of health Watershed Permits meeting vote
- H. Department of Public Utilities – Energy Burden NOI
- I. Cape Cod Commission – REPORTER – Dec 2023 edition
- J. Email from Megansett Squeteague Assoc requesting dredging meeting
- K. Constable Application – R. Coletti

**From:** [Mary Jane Mastrangelo](#)  
**To:** [All Select Board](#); [Kathleen Thut](#); [Marlene McCollem](#); [Maria Simone](#); [Elizabeth Hartsgrove](#)  
**Subject:** Fwd: 100 th anniversary of Bourne Fire Department  
**Date:** Friday, January 5, 2024 10:05:29 PM  
**Attachments:** [BFD\\_est\\_1924.pdf](#)  
[Bourne Fire 100th committee.docx](#)

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FYI.

Please include in correspondence to the Board.

MJ

Begin forwarded message:

**From:** steven philbrick [REDACTED]  
**Date:** January 5, 2024 at 9:11:30 AM EST  
**To:** Mary Jane Mastrangelo <MMastrangelo@townofbourne.com>  
**Subject:** 100 th anniversary of Bourne Fire Department

Good morning Chair Mastrangelo,

Please find enclosed my correspondence with Chief Cody regarding the upcoming 100 th anniversary of the establishment of the Bourne Fire Department. He suggested I contact the Board and schedule a time to meet with the board to discuss setting up a committee to look into a celebration to honor the milestone for Bourne Fire/Rescue Department. Feel free to contact me anytime regarding this matter. Thank you for your attention and assistance on this project!

Steven C. Philbrick

[REDACTED]

\*see attachments

Bourne, Mass., January 15, 1925.

To, the Honorable Board of Selectmen  
of the Town of Bourne, Mass.

The undersigned, members of the Committee on Fire Protection, appointed at the Special Town Meeting held June 9, 1924, under Article 16 of the Warrant for said Meeting; respectfully request your Honorable Board to insert the following articles in the Warrant for the next Annual Town Meeting:

1st. Article

To see if the Town will vote to instruct the Selectmen, acting under Sections 45 to 49 inclusive, and Sections 51 to 56 inclusive, of Chapter 48 of the General Laws, to establish a Fire Department in the Town: and to appoint a Board of Fire Engineers, consisting of not more than five men; not more than one of which to be appointed from any one village:  
Or act anything thereon.

2nd. Article

To see if the Town will vote, under Section 52 of Chapter 48, of the General Laws, to raise and appropriate the sum of  
12 thousand Dollars, for  
the use of the Fire Department to purchase fire apparatus and to maintain the Department. Or act anything thereon.

3rd. Article

To see if the Town will vote, under Section 38 of Chapter 48 of the General Laws, to determine the pay for Firemen.  
Or act anything thereon.

Harold P. Champion Chairman.

John P. B. Ellis

William H. Swift

Irving E. Gibbs

Alton S. Callier

W. H. B. H. H.

# Maxim Motor Company

BUILDERS OF MOTOR DRIVEN  
FIRE APPARATUS

Middleboro, Massachusetts

Nov. 15, 1924.

Mr. Champion  
Plymouth Road  
Sagamore, Mass.

Dear Mr. Sagamore:

Attached to this letter you will find a report written up as a result of our survey of last Thursday. Also a letter which Mr. Maxim discussed with you, relative to the taxpayers expressing their desire for Fire Protection.

We would be willing to have these letters printed for you through our advertising department.

I feel that you fully appreciate that our survey, while it covers the different villages in Bourne, does not indicate every possibility, but it shows enough to warrant the serious consideration of a well manufactured and designed Pumping Engine.

I would appreciate very much hearing from you, after you have had the opportunity of discussing this report and letter.

If there is any way which we can give you further assistance, do not hesitate a minute in notifying us.

Yours very truly,

MAXIM MOTOR COMPANY

*Irvin F. Richardson*  
Irvin F. Richardson  
Sales Manager

IFR:G





To: Chief David S. Cody

From: Retired Chief Steven C. Philbrick

Subject: 100 th Anniversary of the Bourne Fire Department

Date: January 5, 2024

As we discussed last fall, the Bourne Fire Department will be reaching its centennial in the coming year, and I would like to see if we can establish a committee to plan for and execute appropriate activities and events to properly mark this achievement within the town. As such, I would like to make the following recommendations for an appointed committee:

\*Whereas the Bourne Fire Department was established through feasibility studies and private petition to the Town during 1924 and established through a vote of the annual Town meeting in 1925. The department was established and approved by the State Legislature through the provisions of MGL Chapter 48 that year.

Whereas, the Bourne Fire Department has been an integral part of the town's emergency response services ever since, continually improving and enlarging the safety services of the town, and as such should be properly recognized on this anniversary.

Therefore, I would request that you discuss this matter with our Town Administrator and other officials as you deem necessary, to establish a committee to meet and plan for appropriate events.

Committee Name: BOURNE FIRE DEPARTMENT CENTENNIAL COMMITTEE

Committee Purpose: To plan and organize proper celebrations for this anniversary, and report back to the town meeting(s) before the events take place

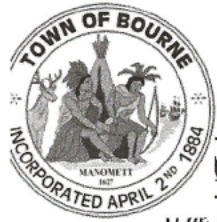
Committee Membership: I would like to suggest the following people be asked to serve as members:

1. Chief of Department or designee
2. Member of Town Administration
3. Call Lt. Phil Tura (planned 100 th for Kingston FD)
4. Lt. Greg Edgcomb ( planned 100 th for Dartmouth FD)
5. Steven Philbrick (planned town of Bourne 100 th anniversary parade and muster (1984)
6. Ret. FF Michael Hodge
7. Town Clerk Barry Johnson (grandfather was first Fire Chief) \* ex-officio ?
8. Any other retired chiefs or interested public citizens as you deem necessary

Obviously we should solicit all comments and suggestions from Local 1717 and the Call Fire Fighters also. The committee should meet at least monthly or more often as needed through the term of the committee. Please let me know your thoughts on this and how we should proceed!

\*See attachments

# Town of Bourne



www.townofbourne.com



24 Perry Ave, Bourne, MA 02532



## VALENT BANK FORM

The success of any local government depends largely on the participation of its citizen volunteers

The Town of Bourne seeks interested residents to become involved as volunteer members of Town Boards, Committees or Commissions. Please fill out this form if you are interested in serving.

Name: KARL SPILHAUS

Address: [REDACTED]

Village: BOURNE

Telephone: [REDACTED] Email: [REDACTED]

Occupation: RETIRED LAWYER/BUSINESS

Please list in order of preference which committee(s) you are interested in:

HISTORICAL COMMISSION

Briefly describe why you would be an asset to this committee(s). Include any special training and qualifications:

I HAVE SERVED AS AN ALTERNATE OR ASSOCIATE  
ON THE COMMITTEE FOR SEVERAL YEARS. I AM  
THE SENIOR ASSOCIATE MEMBER. I'D LIKE TO  
MOVE UP TO A VOTING MEMBER IN LIGHT OF  
RECENT RESIGNATION OF ANOTHER MEMBER.  
THERE IS A VACANCY.

# UPPER CAPE COD REGIONAL TECHNICAL SCHOOL DISTRICT COMMITTEE

## BUDGET SUB-COMMITTEE MEETING OCTOBER 30, 2023 MEETING HELD AT THE SCHOOL

BOARNE 90 OF SELECTION  
RCUD 2024 JAN 8 AM 11:00

**PRESENT:** Dominic Cammarano; Michael Degan; Robert Fichtenmayer; Maryann Smith;  
Roger Forget

Meeting called to order at 5:01 p.m.

**Approval of Minutes of the July 5, 2023 Meeting** – Ms. Smith made a motion, seconded by Mr. Fichtenmayer, for approval of the minutes of the July 5, 2023 Budget Sub-Committee meeting. Motion passed unanimously.

**FY24 OPEB** – The Superintendent explained that the FY24 budget included \$50,000 in the Health Insurance Benefits line for a payment to the OPEB Trust account. The district established this account during the fiscal year 2015. Mr. Fichtenmayer made a motion, seconded by Ms. Smith to follow the recommendation of the Superintendent and recommend to the full committee approval of a payment of \$50,000 to the OPEB Trust account for Fiscal year 2024. Motion passed unanimously.

**FY24 Stabilization Account Closure** – Mr. Forget stated that the Engineering Building (07-3005-0000-00) is an open stabilization project and has now been completed and recorded as fixed assets. He recommended the closing of this project account and transferring the funds to the existing opened project Roadway/Athletic Fields for future use toward completion. Mr. Fichtenmayer made a motion, seconded by Ms. Smith, to recommend to the full committee to close the Stabilization Engineering Building (07-03005-0000-00) and transfer the remaining balance of \$12,904.77 to Stabilization Roadway/Athletic Fields (07-3007-0000-00). Motion passed unanimously.

**FY24 Stabilization Contribution** – The Superintendent informed the Budget Sub-Committee that the FY24 budget included \$175,000 for the Stabilization Capital Fund. Mr. Fichtenmayer made a motion, seconded by Ms. Smith, to follow the recommendation of the Superintendent and recommend to the full committee the payment of \$175,000 to the Stabilization Capital Fund for fiscal year 2024. Motion passed unanimously.

**FY24 E&D Projection** – Mr. Forget shared with the sub-committee that there is approximately \$825,000 in Excess & Deficiency at this time, added that the amount has not yet been certified by the state.

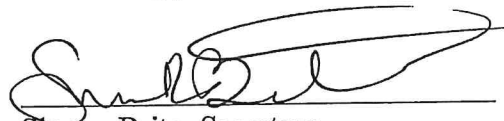
**FY24 Quarterly Budget Review** – The Superintendent presented an overview the quarterly budget by department.

**Other** – Mr. Forget discussed the need for a second school nurse with the increased student enrollment. He explained that the current budget includes funding for 1.5 FTE which will allow for the hiring of an additional nurse in January.

Mr. Fichtenmayer made a motion, seconded by Mr. Cammarano, to adjourn the sub-committee meeting at 5:43 p.m. Motion passed unanimously.

A True Copy Attest

Date: 1-2-2024  
(Seal)

  
Sharon Brito, Secretary

**DEPARTMENT OF ENVIRONMENTAL PROTECTION  
WATERWAYS REGULATION PROGRAM**

**Notice of License Application Pursuant to M. G. L. Chapter 91  
Waterways License Application Number 23-WW01-0131-APP  
James & Patricia Filbin**

**NOTIFICATION DATE: January 5, 2023**

Public notice is hereby given of the Waterways application by James & Patricia Filbin to construct and maintain a pier, ramp and float, and maintain existing stone groins at 74 South Road in the municipality of Bourne, in and over the waters of Pocasset Harbor. The proposed project has been determined to be water-dependent.

The Department will consider all written comments on this Waterways application received within thirty (30) days subsequent to the "Notification Date". Failure of any aggrieved person or group of ten citizens or more, with at least five of the ten residents residing in the municipality(s) in which the license or permitted activity is located, to submit written comments to the Waterways Regulation Program by the Public Comments Deadline will result in the waiver of any right to an adjudicatory hearing in accordance with 310 CMR 9.13(4)(c).

Project plans and documents for the Waterways application are on file for public viewing electronically at: <https://eeaonline.eea.state.ma.us/EEA/PublicApp/> (enter "74 South Road" in the Search Page as the Location Address). If you need assistance, please contact [brendan.mullaney@mass.gov](mailto:brendan.mullaney@mass.gov) or if you do not have access to email, please leave a voicemail at (508) 946-2707 and you will be contacted with information on alternative options.

Written comments must be addressed to: Brendan Mullaney, Environmental Analyst, DEP Waterways Regulation Program, 20 Riverside Drive, Lakeville, MA 02347 or [brendan.mullaney@mass.gov](mailto:brendan.mullaney@mass.gov).

BOURNE PD OF SELECTION  
RCVD 2024 JAN 8 AM 11:04

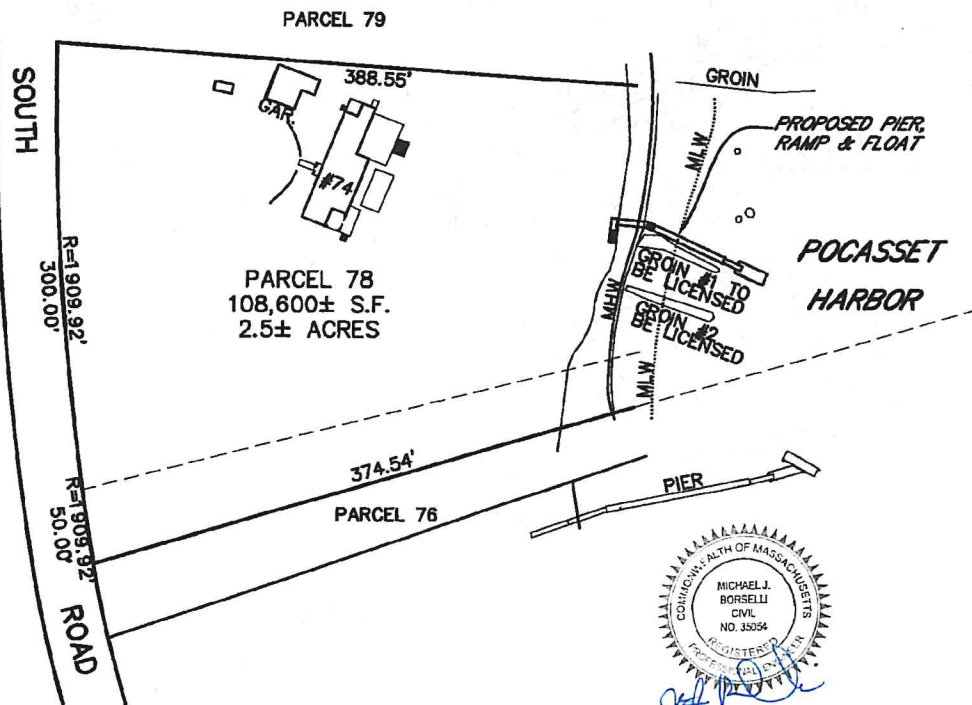
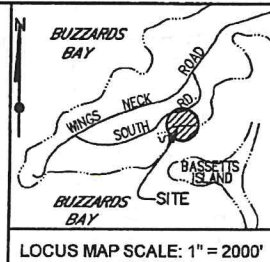
I CERTIFY THAT THIS PLAN, AS PREPARED, CONFORMS TO THE RULES AND REGULATIONS OF THE REGISTERS OF DEEDS OF THE COMMONWEALTH OF MASSACHUSETTS.

NAME

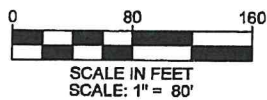
DATE

### DRAWING INDEX

- | SHEET | TITLE                            |
|-------|----------------------------------|
| 1.    | KEY MAP PLAN                     |
| 2.    | PROPOSED PIER, RAMP & FLOAT PLAN |
| 3.    | PROFILE & SECTION PLAN           |
| 4.    | STONE GROIN SECTION PLAN         |

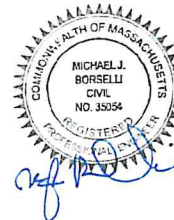


DATUM:  
BASED ON NAVD88



KEY MAP  
SHEET 1 OF 4  
OCTOBER 5, 2023

PLAN ACCOMPANYING PETITION OF JAMES & PATRICIA FILBIN TO PERMIT A PROPOSED PIER, RAMP & FLOAT AND EXISTING STONE GROINS WITHIN POCASSET HARBOR AT #74 SOUTH ROAD, BOURNE, BARNSTABLE COUNTY, MASSACHUSETTS



12/28/23	ADD MEAN LOW WATER. LABEL GROINS
DATE	REVISION

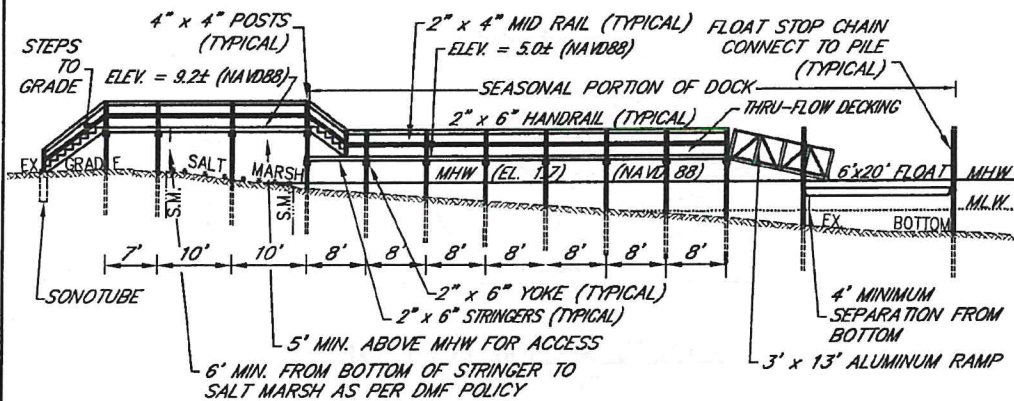


I CERTIFY THAT THIS PLAN, AS PREPARED, CONFORMS TO THE RULES AND REGULATIONS OF THE REGISTERS OF DEEDS OF THE COMMONWEALTH OF MASSACHUSETTS.

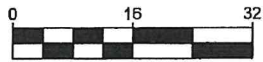
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DATE

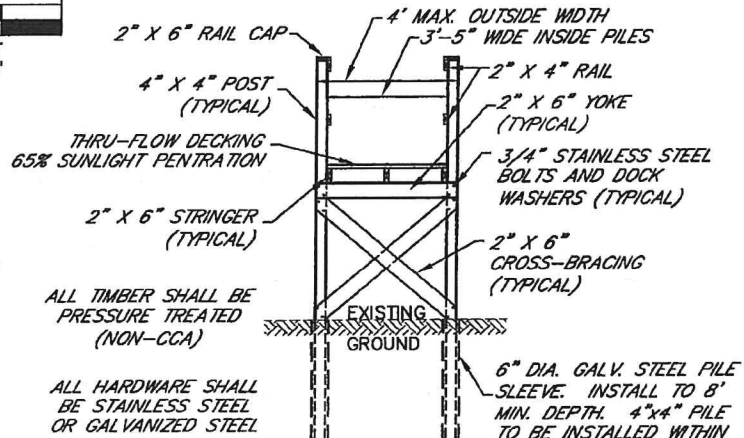
1-3-2024



### PIER PROFILE



SCALE IN FEET  
SCALE: 1" = 16'



### TYPICAL SECTION

SCALE: N.T.S.

### PROFILE & SECTION PLAN SHEET 3 OF 4 OCTOBER 5, 2023

PLAN ACCOMPANYING PETITION OF JAMES & PATRICIA FILBIN TO PERMIT A PROPOSED PIER, RAMP & FLOAT AND EXISTING STONE GROINS WITHIN POCASSET HARBOR AT #74 SOUTH ROAD, BOURNE, BARNSTABLE COUNTY, MASSACHUSETTS

12/29/23	ADD NOTE
DATE	REVISION



## Kathleen Thut

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**From:** Steve Strojny <[REDACTED]>  
**Sent:** Tuesday, January 9, 2024 6:28 PM  
**To:** Mary Jane Mastrangelo; Anne-Marie Siroonian; Peter Meier; Jared MacDonald; Melissa Ferretti; Kathleen Thut; Marlene McCollem; Dan Doucette  
**Subject:** Host Community Agreement Process  
**Attachments:** Host Community Agreement Process.odt; ATT00001.htm

Dear Madam Chair:


As the Select Board begins its discussion of the Host Community Agreement process, I would like to offer a number of suggestions as to how the process can be shaped in order to serve the best interests of the town. As some of you may know, I have served as Chairman of the Bourne Planning Board and Chairman of the Local Comprehensive Plan Committee. It is in these rolls, I believe, I have gained valuable insight into the how the Marijuana industry can best benefit the Town of Bourne as a whole. I have also been very actively involved in the industry over the past 5 years. I am very well versed in the regulations including the most recent guidance given by the Cannabis Control Commission.

The Town of Bourne will get 3% of gross sales from each of the 3 authorized Cannabis dispensaries. These dispensaries have the potential to bring in significant tax revenue to the town. The town is in some respects a partner with the dispensaries. The better the dispensaries do financially the more money the town collects in tax revenues. To that point, it is important to award HCA's to the best applicants.

The process that has worked the best throughout the Commonwealth of Massachusetts is when Applicants have to compete for a Host Community Agreement. Similar to a Request for Proposals, a window of opportunity is opened to allow for Applicants to submit a request for an HCA. Typically, the period is 30 days. In the case of Bourne, the month of February 2024 would be an ideal window. There is significant interest by a number of businesses to open a dispensary in Bourne. The Select Board could use the month of March 2024 to allow Applicants to present their proposals to the Board. The process should be fair and equitable to all Applicants. To that end, the Select Board could create a 100 point scoring system with the top scoring Applicants being awarded HCA's. The criteria by which an HCA is awarded would be given to each Applicant. I have attached a sample scoring system by way of example. This scoring system I believe protects and advances the interests of the town.

I look forward to discussing this matter with the Select Board during the January 16th, 2024, Select Board meeting.

Respectfully submitted, Steve Strojny

Steven P. Strojny  
Sotheby's International Realty  
  
445 Main Street, Falmouth MA 02540

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This email has been scanned for spam and viruses by Proofpoint Essentials. Click [here](#) to report this email as spam.

## Host Community Agreement Process

The Select Board will score candidates requesting an HCA with the Town of Bourne using a 100 point scoring system. The 3 highest scoring candidates shall have the opportunity to enter into a Host Community Agreement with the Town of Bourne.

### Scoring Metric

#### **1) Equity Programs:**

The Candidate qualifies under one or more of the Cannabis Control Commission's Equity Programs. If the Candidate does not qualify under one or more of the programs, the Candidate may present qualifications that are aligned with the programs.

25 points: Each Select Board member awards up to 5 points in this category

#### **2) Local Comprehensive Plan:**

The Candidate's application aligns with the Local Comprehensive Plan for the Town of Bourne.

25 points: Each Select Board member awards up to 5 points in this category

#### **3) Local Ownership:**

The legal entity that would own the Marijuana Establishment license is locally owned and will be operated by a resident or residents of the Town of Bourne

25 points: Each Select Board member awards up to 5 points in this category

#### **4) Business Plan and Expertise:**

The Candidate displays a high degree of knowledge and expertise in the Cannabis industry. The Candidate has a Business Plan and a proven record of success in the Cannabis industry or the ability to achieve success. The Candidate demonstrates the means, resources and business experience to be successful as the owner and operator of a Marijuana Establishment.

25 points: Each Select Board member awards up to 5 points in this category

A Candidate may be disqualified from consideration for a Host Community Agreement if it is determined that the Candidate is grossly unqualified to own and operate a Marijuana Establishment. Under this provision the Select Board shall state in writing the disqualifying criteria.

## Kathleen Thut

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**From:** Catherine Walton [REDACTED]  
**Sent:** Wednesday, January 10, 2024 11:07 AM  
**To:** 'Robert Dwyer'; Anne-Marie Siroonian  
**Cc:** Marlene McCollem  
**Subject:** Cable Internet & Telecommunications Advisory Committee Resignation

Hello all,

I hope you are doing well. I am writing to let you know that I am formally resigning from the Cable, Internet & Telecommunications Advisory Committee.

This decision has not been an easy one, as I have greatly valued my time serving on this committee and contributing to its objectives; however, due to recent developments in my professional life, I find myself needing to allocate more time and energy to my local project management business which has been experiencing significant growth.

I am fortunate to have the opportunity to help local Cape Businesses optimize their infrastructure and streamline their internal operations; however, this endeavor demands my full attention and commitment, and I have limited availability for other obligations.

I am grateful for the support and camaraderie I have experienced while on the Cable, Internet & Telecommunications Advisory Committee. Collaborating with you and the other committee members has been an educational experience to improve our community's telecommunications landscape.

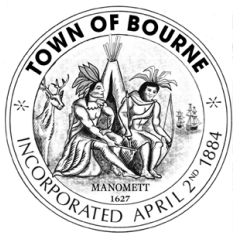
Please let me know if there are any transition tasks or responsibilities that I need to fulfill before my departure.

Once again, thank you for the opportunity to join this committee and for your understanding regarding my decision to resign. I look forward to staying connected and continuing to support the goals and initiatives of our community in any way I can.

Best,  
Catherine

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# TOWN OF BOURNE BOARD OF HEALTH

[WWW.TOWNOFBOURNE.COM/HEALTH](http://WWW.TOWNOFBOURNE.COM/HEALTH)  
508-759-0600 EXT. 1513



January 11, 2024

To The Honorable Select Board:

On January 10, 2024, the Bourne Board of Health held a public meeting and discussed their recommendations for best strategies to address the two watersheds automatically designated as Natural Resource Area Nitrogen Sensitive Areas as of July 2023 regulation changes. The Board voted unanimously to approve to recommend seeking Watershed Permits for both the Megansett-Squeteague watershed and Phinney's Harbor/ Eel Pond/ Back River Basin.

They felt this would incorporate a comprehensive approach including several types of strategies that could offer more local control and the most benefit to the Town. Filing applications for Watershed Permits could suspend any Title 5 New Construction requirements under 310 CMR 15.215(2)(b), (if submitted before July 2024), and/or prevent broader Title 5 system upgrade requirements under 310 CMR 215(2)(a) from going into effect. Should you have any questions, please do not hesitate to contact me.

Respectfully Submitted,

*Terri Guarino*

Terri Guarino, RS, CHO  
Health Agent

c.c. Marlene McCollem, Town Administrator  
Board of Health Members

## Kathleen Thut

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**From:** Maggie Downey <mdowney@capelightcompact.org>  
**Sent:** Monday, January 8, 2024 10:04 AM  
**To:** 'Robertc Lawtonjr'; Elizabeth Sullivan; Meggan Eldredge; Peter Johnson-Staub; Charlie Sumner; Jay Grande; Kelly Sullivan - Clark; Mike Renshaw; Silvio Genao; Jill Goldsmith; Richard Waldo; Libby Gibson; Heather Harper; Andrew Clyburn; Jill Goldsmith; Joseph Powers; Robin Craver; Greg Roundseville; Rich Bienvenue; Elizabeth Albert; Mark Reil; Marlene McCollem; Myra Suchenicz; Bob Lawton; Dan Riviello; Alex Morse; Pam Barnes; Vaira Harik; Joyce Mason; Keith Bergman; Gregg Tivnan; Harry Terkanian; Darrin Tangeman; Kimberly Newman; Rick Sears; Kristie Senatori; Robert Whritenour; Jacqui Beebe; Wayne Taylor; Robert Whritenour; Elizabeth Hartsgrove; Bud Dunham; Mark Ells; Tom Lynch; Rodney Collins; Peter Lombardi; Donna Kalinick  
**Cc:** [REDACTED]; Briana Kane; Margaret Song  
**Subject:** Department of Public Utilities (DPU 24-16) Notice of Inquiry and Request for Comments  
**Attachments:** 24-15 Energy Burden NOI notice (ENG).pdf; 24-15 Energy Burden NOI (ENG).pdf

Good Morning Everyone

I hope everyone came through yesterday's storm without issue.

I am sending this email because several of you have reached out to me regarding the attached notice from the MA DPU.

You may recall that in 2008 the DPU opened a similar proceeding and invited everyone to comment (DPU 08-4). For the DPU 08-04 proceeding the Cape Light Compact held a stakeholder meeting and invited everyone to attend and provide feedback to shape the Compact's comments on that proceeding.

I plan to do the same thing with this new DPU proceeding, DPU 24-15. The Compact will invite stakeholders to a meeting and solicit input on the questions, draft comments, which we will share with all participants/towns and submit the Compact's comments by the March 1, 2024 deadline. This will be a hybrid meeting to allow for ease of participation. If you have staff or committee that you would like me to invite to this meeting, please let me know. I have not set a date, but it will likely be the last week of January or the first week of February.

If you have any questions, please don't hesitate to contact me.

Maggie

Margaret T. Downey  
Administrator  
Cape Light Compact JPE  
261 Whites Path, #4  
South Yarmouth, MA 02664  
[mdowney@capelightcompact.org](mailto:mdowney@capelightcompact.org)





# The Commonwealth of Massachusetts

## DEPARTMENT OF PUBLIC UTILITIES

### NOTICE OF INQUIRY AND REQUEST FOR COMMENTS

D.P.U. 24-15

January 4, 2024

Notice of Inquiry by the Department of Public Utilities on its own Motion into Energy Burden with a Focus on Energy Affordability for Residential Ratepayers.

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On January 4, 2024, the Department of Public Utilities issued an Order opening an inquiry to examine energy burden with a focus on energy affordability for residential ratepayers. The Department has determined that this proceeding will enable the Department to consider improvements to the programs currently offered to address energy affordability, to ensure maximum participation in each of these programs, and to determine whether additional programs may further benefit residential ratepayers of the Commonwealth's electric and gas distribution companies. The Department seeks input from stakeholders, including members of the public, advocates, and Department-regulated entities on these issues. The Department docketed this inquiry as D.P.U. 24-15.

The Department invites all interested persons to submit written comments on this matter -- including comments on the questions contained in the Order -- not later than the close of business (5:00 p.m.) on **Friday, March 1, 2024**. The Department encourages interested persons to present consensus positions and submit comments jointly, when possible. The Department will determine the appropriate next steps for this proceeding after reviewing the initial comments.

All comments should be submitted to the Department in **.pdf format** by email attachment to [dpu.efiling@mass.gov](mailto:dpu.efiling@mass.gov) and [laurie.e.weisman@mass.gov](mailto:laurie.e.weisman@mass.gov). The text of the email must specify: (1) the docket number of the proceeding (D.P.U. 24-15); (2) the name of the person or entity submitting the filing; and (3) indicate that the document is a written comment. The electronic filing should also include the name, title, and telephone number of a person to contact in the event of questions about the filing.

All documents submitted in electronic format will be posted on the Department's website through our online File Room as soon as practicable (enter "24-15") at: <https://eeaonline.eea.state.ma.us/DPU/Fileroom/dockets/bynumber>. Please note that in the interest of transparency, any comments will be posted to our website as received and without redacting personal information, such as addresses, telephone numbers, or email addresses. As such, consider the extent of information you wish to share when submitting comments. The Department strongly encourages public comments to be submitted by email. If, however, a

The Order and all subsequent related documents submitted to the Department or issued by the Department will be available on the Department's website as referenced above as soon as is practicable. To the extent a person or entity wishes to submit comments in accordance with this Notice, electronic submission, as detailed above, is sufficient. To request materials in accessible formats for people with disabilities (Braille, large print, electronic files, audio format), contact the Department's ADA coordinator at [Gabriella.Knight@mass.gov](mailto:Gabriella.Knight@mass.gov).

For further information regarding this Notice, please contact Laurie Ellen Weisman, Hearing Officer, Department of Public Utilities, at [laurie.e.weisman@mass.gov](mailto:laurie.e.weisman@mass.gov).

<p>This document contains important information. Please have it translated immediately.</p> <p>В данном документе содержится важная информация. Вам необходимо срочно сделать перевод документа.</p> <p>Este documento contiene información importante. Por favor, consiga una traducción inmediatamente.</p> <p>تحتوي هذه الوثيقة على معلومات هامة. يرجى ترجمتها فوراً.</p> <p>Docikman sa gen enfòmasyon enpòtan. Tanpri fè yon moun tradwi l touswit.</p>	<p>Questo documento contiene informazioni importanti. La preghiamo di tradurlo immediatamente.</p> <p>Este documento contém informações importantes. Por favor, traduzi-lo imediatamente.</p> <p>此文件含有重要信息。請立即找人翻譯。</p> <p>본 문서에는 중요한 정보가 포함되어 있습니다. 본 문서를 즉시 번역하도록 하십시오.</p> <p>Tài liệu này có chứa thông tin quan trọng. Vui lòng dịch tài liệu này ngay.</p>	<p>ເອກະສານສະບັບນີ້ ບັນຈຸຂໍ້ມູນສຳຄັນ. ກະລຸນາເອົາເອກະສານສະບັບນີ້ໄປແປອອກຢ່າງບໍ່ລີ້ຊ້າ.</p> <p>ឯកសារនេះមានຂໍ້ព័ត៌មានដ៏សំខាន់ ។</p> <p>សូមបកប្រែវាជាបន្ទាន់ ។</p> <p>Ce document contient des informations importantes. Veuillez le faire traduire au plus tôt.</p>
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# **The Commonwealth of Massachusetts**

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## **DEPARTMENT OF PUBLIC UTILITIES**

D.P.U. 24-15

January 4, 2024

Notice of Inquiry by the Department of Public Utilities on its own Motion into Energy Burden with a Focus on Energy Affordability for Residential Ratepayers.

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VOTE AND ORDER OPENING INQUIRY

## I. INTRODUCTION

The Department of Public Utilities (“Department”) opens this inquiry to examine energy burden with a focus on energy affordability for residential ratepayers. The Department has determined that this proceeding will enable the Department to consider improvements to the programs currently offered to address energy affordability, to ensure maximum participation in each of these programs, and to determine whether additional programs may further benefit residential ratepayers of the Commonwealth’s electric and gas distribution companies (“EDCs” and “LDCs,” respectively).<sup>1</sup> The Department will solicit input from stakeholders, including members of the public, advocates, and Department-regulated entities on these issues. The Department has docketed this matter as D.P.U. 24-15.

## II. BACKGROUND

In 2021, the Legislature passed and former Governor Baker signed into law An Act Creating a Next-Generation Roadmap for Massachusetts Climate Policy (“2021 Climate Act”), which amended the Department’s responsibilities to add affordability, equity, and reductions of greenhouse gas emissions to the list of priorities, including safety, security, and reliability of service. St. 2021, c. 8, § 15; G.L. c. 25, § 1A. The 2021 Climate Act further directed the Executive Office of Energy and Environmental Affairs to issue a Clean Energy and Climate Plan

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<sup>1</sup> The EDCs are Massachusetts Electric Company and Nantucket Electric Company each d/b/a National Grid; NSTAR Electric Company d/b/a Eversource Energy; and Fitchburg Gas and Electric Light Company d/b/a Unitil. The LDCs are Boston Gas Company d/b/a National Grid; NSTAR Gas Company and Eversource Gas Company of Massachusetts, each d/b/a Eversource Energy; Liberty Utilities (New England Gas Company) Corp. d/b/a Liberty; The Berkshire Gas Company; and Fitchburg Gas and Electric Light Company d/b/a Unitil.

for 2025 and 2030, which was released on June 30, 2022. G.L. c. 21N, § 4(a). The Clean Energy and Climate Plan for 2025 and 2030 notes that mitigation of any potential cost increases associated with the clean energy transition will be explored through consumer protection programs.<sup>2</sup> Future policies around clean energy, decarbonized buildings, and electrified transportation need to be affordable and accessible for low-income residents.<sup>3</sup> As further explained in the Clean Energy and Climate Plan, the effort to decarbonize building heat systems and transition away from fossil fuel based heat systems should protect all ratepayers from significant cost burdens, particularly those who are most vulnerable to those increases.<sup>4</sup>

In NSTAR Electric Company, D.P.U. 22-22, at 469, 472 (2022), the Department expressed concerns regarding the overall affordability of energy bills and recognized that energy bills have strained many family budgets. The Department stated its interest in discussing and developing policies to address low-income assistance and continuing to examine these issues as appropriate in future dockets. D.P.U. 22-22, at 469-470. Further, the Department stated that the EDCs should explore stratifying low-income discount rates to provide an equitable discount for customers, assist the most vulnerable customers, and mitigate the potential rate shock for customers that transition from low to moderate income. D.P.U. 22-22, at 472. The Department also acknowledged the need for a deeper understanding of the impact energy costs are having on all households and a more in-depth understanding of energy burdens. D.P.U. 22-22, at 472.

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<sup>2</sup> Clean Energy and Climate Plan for 2025 and 2030, at 19 (June 30, 2022), available at <https://www.mass.gov/doc/clean-energy-and-climate-plan-for-2025-and-2030/download>.

<sup>3</sup> *Id.* at 14.

<sup>4</sup> *Id.* at 61.

In the 1994 federal reauthorization of the Low-Income Home Energy Assistance Act Program (“LIHEAP”), Congress defined energy burden as the percentage of a household’s income spent on energy bills (i.e., home energy costs divided by household income). 42 U.S.C. § 8622(2); Human Services Amendments of 1994, 108 Stat. 623, Public Law 103-252 (signed May 18, 1994). In Massachusetts, the average energy burden for all households is about three percent, but the average energy burden for low-income populations is about ten percent, and in certain neighborhoods, the energy burden is as high as 31 percent.<sup>5</sup> Moreover, low-income households in Massachusetts spend at least 3.5 times more of their income on energy than non-low-income households.<sup>6</sup> Researchers have identified a household with an energy burden of six percent or more as having a high energy burden.<sup>7</sup>

In D.P.U. 22-22, at 472, the Department directed the EDCs to make detailed utility burden index analyses on electricity residential bills in their Annual Returns to the Department, beginning with the 2022 Annual Return submitted in Spring 2023. More specifically, we directed each EDC to establish a credible process for tracking and calculating customers’ energy burdens with the intention of using this information to develop more advanced and meaningful

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<sup>5</sup> Kimberly Clark, Metropolitan Area Planning Council, Reducing Energy Burden: Resources for Low-Income Residents (January 28, 2022, 4:03 PM), <https://www.mapc.org/planning101/reducing-energy-burden-resources-for-low-income-residents>.

<sup>6</sup> U.S. Department of Energy, Office of State and Community Energy Programs, Low-Income Energy Affordability Data Tool, <https://www.energy.gov/scep/slsc/lead-tool> (last visited December 1, 2023).

<sup>7</sup> American Council for an Energy-Efficient Economy, Understanding Energy Affordability, <https://www.aceee.org/sites/default/files/energy-affordability.pdf> (last visited December 1, 2023).

strategies to enhance customer engagement and support. D.P.U. 22-22, at 472. In response, each company provided a detailed household economic burden index analysis evaluating residential electric utility customer bills as percentages of household income by county and provided the summary results by census block group.<sup>8</sup> The Department has not yet issued this directive to any of the LDCs.

On December 6, 2023, the Department issued an Order on Regulatory Principles and Framework regarding the role of gas local distribution companies as the Commonwealth achieves its target 2050 climate goals. That Order indicates a separate proceeding dedicated toward examining innovative solutions to address the energy burden and affordability.

Investigation by the Department of Public Utilities on its own Motion into the Role of Gas Local Distribution Companies as the Commonwealth Achieves its Target 2050 Climate Goals, D.P.U. 20-80-B at 16 (December 6, 2023). This proceeding will allow the Department to address affordability issues in an effective manner and still enable us to achieve the necessary progress toward the Commonwealth's greenhouse gas emission reduction limits through our work in other dockets.

The Department recognizes the importance of ensuring that ratepayers in the Commonwealth can meet their basic household needs, like food, housing, and medicine, while also paying their utility bills. The Department has historically provided for assistance programs to residential ratepayers unable to pay their utility bills. These have included low-income

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<sup>8</sup> The EDCs filed these energy burden reports as supplemental data with their 2022 annual returns. See generally Department of Public Utilities, Find an electric company annual return, Energy Burden Reports, <https://www.mass.gov/info-details/find-an-electric-company-annual-return> (last visited December 1, 2023).

discount rates, arrearage management programs (“AMPs”) to assist low-income customers, and disconnection protections. Each of these is described below.<sup>9</sup>

### III. CURRENT METHODS TO ADDRESS ENERGY AFFORDABILITY

#### A. Low-Income Discount Rates

Pursuant to G.L. c. 164, § 1F, the Department requires distribution companies to provide percentage discounts to rates for eligible low-income customers comparable to the low-income discount rate received off the total bill for rates in effect prior to March 1, 1998. Massachusetts Electric Company and Nantucket Electric Company, D.P.U. 15-155, at 463 (2016); see Expanding Low Income Customer Protections and Assistance, D.P.U. 08-4, at 36 (2008). In D.P.U. 15-155, at 469, pursuant to G.L. c. 164, § 41, the Department determined that a fully compensating adjustment should be made to the low-income discount where the scale of on-site generation would have an impact on affordability for low-income customers. The Department found that on-site generation had grown with an increase in costs from associated incentives, and that the increased costs of these incentives were included in customers’ bills, including bills of low-income customers. D.P.U. 15-155, at 469-470. The Department directed that the adjusted low-income discount would remain in effect until each company’s next base distribution rate case, at which time the Department would determine whether further adjustment was warranted.

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<sup>9</sup> The Department also reviews and approves the Three-Year Energy Efficiency Plans of the electric and gas Program Administrators, including budgets. 2022-2024 Three-Year Energy Efficiency Plans, D.P.U. 21-120 through D.P.U. 21-129 (2022). Ratepayers have access to energy efficiency programs that historically have resulted in bill savings from reduced energy consumption for participating customers. In addition, the Program Administrators are required to commit a certain percentage of their budgets to energy efficiency offerings for low-income customers (*i.e.*, at least ten percent or 20 percent, respectively, for the electric and gas Program Administrators). G.L. c 25, § 19(c).

D.P.U. 15-155, at 471. The Department expected that, in their respective next base rate proceedings, all EDCs would file revised rate design proposals for low-income customers that comply with the standard set forth in G.L. c. 164, § 141. D.P.U. 15-155, at 471. All the EDCs have since complied with this directive.

Currently, all Massachusetts LDCs offer 25 percent discounts to eligible low-income customers. See, e.g., Boston Gas Company, M.D.P.U. No. 64.2, at 2; Eversource Gas Company of Massachusetts (“EGMA”), M.D.P.U. No. 7D at 2. Massachusetts EDCs offer discounts ranging from 32 percent (Massachusetts Electric Company, M.D.P.U. No. 1487, at 2) to 42 percent (NSTAR Electric Company, M.D.P.U. No. 10E at 2).<sup>10</sup> Eligibility for low-income discount rates is determined upon verification of a receipt of any means-tested public benefit providing cash, housing, food, or medical care,<sup>11</sup> or upon verification of eligibility for LIHEAP or its successor program, or other criteria determined by the Department. G.L. c. 164, § 1F(4). Pursuant to G.L. c. 164, § 1F(4), the low-income discount eligibility rate is capped when

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<sup>10</sup> New Hampshire offers low-income electric customers a tiered discount rate ranging from 5 percent to 86 percent, based on household income and size, for the first 750 kWh on monthly electric bills. NH Department of Energy, Electric Assistance Program Brochure, effective July 2023, <https://www.energy.nh.gov/sites/g/files/ehbemt551/files/inline-documents/sonh/electric-assistance-program-brochure.pdf> (last visited December 1, 2023).

<sup>11</sup> These programs include the following: LIHEAP; Commonwealth Care Plan; Emergency Aid to Elders, Disabled, and Children; Fuel Assistance/Home Energy Assistance Program; Food stamps; Health Safety Net Plan; Head Start; MassHealth; Public Housing;; Supplemental Security Income; Transitional Aid to Families with Dependent Children; Veterans’ Service Benefits; Veterans DIC Surviving Parent or Spouse; Veterans Non-Service Disability Pension; Women, Infants and Children.

household income exceeds 200 percent of the federal poverty level (“FPL”).<sup>12</sup> Some companies have set the eligibility cap when a household’s gross income exceeds 60 percent of Massachusetts’ estimated state median income (“SMI”), which results in a higher threshold.<sup>13</sup> See, e.g., EGMA, M.D.P.U. No. 7D at 1; NSTAR Gas Company, M.D.P.U. No. 423N at 2; Fitchburg Gas and Electric Light Company, M.D.P.U. No. 385, at 1 (electric), and M.D.P.U. No. 253, at 1 (gas).

In D.P.U. 22-22, at 472, as noted above, the Department directed the EDCs to explore stratifying low-income discount rates. In its November 16, 2023 filing for approval of a general increase in base distribution rates, Massachusetts Electric Company and Nantucket Electric Company (“National Grid”) proposes the following five-tiered low-income discount rate, which offers higher discounts for customers with lower income levels:

- 55 percent discount for households with incomes between 0 and 75 percent of FPL;
- 49 percent discount for households with incomes between 75 and 100 percent of FPL;
- 44 percent discount for households with incomes between 100 and 150 percent of FPL;
- 36 percent discount for households with incomes between 150 and 200 percent of FPL; and
- 32 percent discount for households with incomes between 200 percent of FPL and 60 percent of SMI.

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<sup>12</sup> In 2023, the FPL for a family of four is \$30,000. U.S. Department of Health and Human Services, HealthCare.gov Glossary, Federal poverty level (FPL), <https://www.healthcare.gov/glossary/federal-poverty-level-fpl/> (last visited December 1, 2023).

<sup>13</sup> Sixty percent of the SMI for a household of four is \$87,294, whereas 200 percent of the FPL for the same household is \$60,000. Massachusetts Executive Office of Housing and Livable Communities (formerly Department of Housing and Community Development), Fiscal Year 2024 LIHEAP Income Eligibility and Benefit Levels (November 8, 2023), <https://www.mass.gov/doc/fy-2024-liheap-income-eligibility-and-benefit-chart-november-8-2023/download>.



Massachusetts Electric Company and Nantucket Electric Company, D.P.U. 23-150, prefiled testimony of Howard/Davis/Barde/Mancinelli, NG-CP-1, at 26-28. In its August 17, 2023 filing for approval of a general increase in base distribution rates, Fitchburg Gas and Electric Light Company (“Unitil”) proposes increasing its current low-income discount rate for electric customers from 34.5 percent to 40 percent, stating that a change to the discount structure should be considered and implemented on a statewide basis. Fitchburg Gas and Electric Light Company, D.P.U. 23-80, prefiled testimony of Robert B. Hevert, Unitil-RBH-1, at 40. These proposals from National Grid and Unitil are under review in dockets D.P.U. 23-150 and D.P.U. 23-80, respectively, and any comments on these proposals should be filed in those respective dockets.

B. AMPs

Massachusetts distribution companies offer AMPs that provide arrearage forgiveness for customers who meet certain criteria. If payments are made on-time, credits will be provided for a portion of arrears. Details regarding each company’s current AMP are provided below.

- The Berkshire Gas Company, D.P.U. 23-AMP-Berkshire: Eligible customers must have outstanding bills in arrears (60 days) of at least \$300 for residential heating customers and \$100 for residential non-heating customers. Qualified low-income residential heating and non-heating customers are able to earn 100 percent forgiveness of their full arrearage balances. Low-income customers (currently defined as customers served pursuant to rate codes R-2 and R-4 or identified as a “protected” customer) are automatically enrolled in the AMP.
- Liberty Utilities (New England Natural Gas Company) Corp., D.P.U. 23-AMP-Liberty: Eligible customers must have outstanding bills in arrears (60 days) of at least \$300. Qualified customers must be the customer of record, be eligible for the discount rate, not be shutoff for nonpayment, not be a landlord account, and agree to participate in the discount rate. The AMP offers 100 percent arrearage forgiveness to eligible discount rate customers. All eligible customers are automatically enrolled in the AMP.

- National Grid, D.P.U. 23-AMP-05 National Grid: Eligible customers must have outstanding bills of at least \$300 in arrears for at least 60 days. Applicants must be the customer of record, must qualify for any means-tested public benefit or be eligible for LIHEAP, and must have an active, individually metered residential gas or electric heating or non-heating account. Participants are eligible for forgiveness of 100 percent of their pre-plan arrears balance up to an annual maximum of \$12,000.
- Unitil, D.P.U. 23-AMP-Unitil: Eligible customers must have an arrearage of at least \$300 that is 60 days or more in arrears. Eligible customers must also be the active residential customer of record, must reside at the location, and must have a combined gross annual household income within 60 percent of the state median income guidelines and be certified for the discount rate. The maximum annual arrearage forgiveness is \$4,800 for electric or gas service; for customers with both electric and gas service, the maximum annual arrearage forgiveness is \$9,600. For customers with an arrearage that exceeds the annual forgiveness allowed, the AMP continues each year until the customer's account is paid in full.
- NSTAR Gas Company and NSTAR Electric Company, D.P.U. 23-AMP-NSTAR: Eligible customers must have an arrearage of at least \$300 that is 60 days or more in arrears. Participant must have an active residential gas or electric, non-landlord account in their name, have verified income within 60 percent of state median income guidelines, and participate in the residential assistance rate. The annual amount forgiven is not to exceed \$12,000 (applicable to Eastern Massachusetts and Western Massachusetts eligible customers).
- Eversource Gas Company of Massachusetts, D.P.U. 23-AMP-EGMA: Eligible customers must have at least a \$300 balance that is a minimum of 60 days past due; the total balance due at the time of enrollment may be forgiven, up to a maximum of \$3,600 per year per customer. If the total balance due at the time of enrollment is greater than \$3,600, a multiple-year arrangement may be necessary to address the entire balance.

C. Disconnection Protection

Pursuant to the Department's billing and termination regulations, 220 CMR 25.00, a company may not terminate service to a residential customer for any reason other than failure to pay a bill unless the Department certifies its approval after giving both parties an opportunity to be heard. 220 CMR 25.02(1), (3). Moreover, there are specific guidelines that a company must

follow prior to terminating service, such as providing a second request for payment and a specific termination notice to the customer. 220 CMR 25.02(3).

A company may not shut off service (or refuse to restore service) where the customer has provided certification that there is a financial hardship and that one of the following four conditions exists: (1) someone living in the house is seriously ill as certified by a registered physician or local board of health; (2) a child under the age of twelve months lives in the household and was in the household prior to the termination; (3) the period is between November 15 and March 15 and the service is necessary to heat the house; or (4) all adults in the home are 65 years of age or older and a minor also resides in the home. 220 CMR 25.03. In addition, where all residents in a household are 65 years of age or older, the company may not terminate service without written approval from the Department. 220 CMR 25.05(3). There is no disconnection protection for people with disabilities or during summer months.

On March 10, 2020, pursuant to St. 1950, c. 639 and G.L. c. 17, § 2A, Governor Baker declared a state of emergency in Massachusetts related to the COVID-19 pandemic (“State of Emergency”). Governor’s Declaration of Emergency. Subsequently, on March 24, 2020, Governor Baker granted the Chairman of the Department authority pursuant to G.L. c. 25, § 4B to take necessary action to assure public safety and welfare through the priority restoration or continuing availability of gas, electric, and water utility services. The same day, the Chairman issued an Order prohibiting investor-owned gas, electric, and water distribution companies from shutting off utility service, or threatening to shut off utility service, to any customers for non-payment of bills until the State of Emergency was lifted or further communication was provided by the Department (“Shut-Off Moratorium”). Chairman’s First Set of Orders under G.L. c. 25,

§ 4B (March 24, 2020). The Shut-Off Moratorium remained in place until June 30, 2021.

Notice of Inquiry into Establishing Policies and Practices for Electric and Gas Companies Regarding Customer Assistance and Ratemaking Measures in Connection to the State of Emergency Regarding the Novel Coronavirus (“COVID-19”) Pandemic, D.P.U. 20-58-E, at 4 (2021).

#### D. PIPPS

In addition to using the measures in place in Massachusetts, several states also offer percentage-of-income payment plans (“PIPPs”), which cap energy costs as a percentage of household income.<sup>14</sup> Like discount rates, PIPPs can reduce the cost of energy for low-income customers and directly reduce energy burden. Unlike discount rates, however, PIPPs tie the level of financial assistance to a customer’s income, which results in more targeted relief. One drawback is that PIPPs can remove customers’ incentive to save energy, although this can be mitigated through requiring enrollment in energy efficiency programs, conservation incentives, or usage caps over which the discount would be lessened or removed.

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<sup>14</sup> Virginia has a PIPP that sets the energy burden target level at six percent of household income for those with non-electric heating, and ten percent of household income for those with electric heating; the eligibility threshold is 150 percent of the FPL. Virginia Electric Utility Regulation Act, Va. Code Ann. §§ 56-585.6, 56-576 (2023), <https://law.lis.virginia.gov/vacode/title56/chapter23/section56-585.6/>, <https://law.lis.virginia.gov/vacode/title56/chapter23/section56-576/>. Other states with PIPPs include Ohio, Colorado, Illinois, Nevada, Pennsylvania, Connecticut, California, New Jersey, and Maine. Sagarika Subramanian and Mark Kresowik, American Council for an Energy-Efficient Economy, Innovative Electricity Rates Can Advance Equity and Electrification (September 14, 2023), <https://www.aceee.org/blog-post/2023/09/innovative-electricity-rates-can-advance-equity-and-electrification>.

#### IV. REQUEST FOR COMMENTS

##### A. Introduction

The Department invites all interested persons to participate in this proceeding to provide input on how the Department can reduce the energy burden and address affordability issues. The Department seeks written comments on any or all of the questions below by **5:00 P.M. on Friday, March 1, 2024**. The Department anticipates significant interest in this proceeding and would like comment from a broad range of stakeholders and customers. Therefore, we encourage interested persons to present consensus positions and submit comments jointly, when possible.

All comments should be submitted to the Department in electronic format by e-mail attachment to [dpu.efiling@mass.gov](mailto:dpu.efiling@mass.gov) and [laurie.e.weisman@mass.gov](mailto:laurie.e.weisman@mass.gov). The text of the e-mail must specify: (1) the docket number of the proceeding (D.P.U. 24-15); (2) the name of the person or entity submitting the filing; and (3) indicate that the document is a written comment. The electronic filing should also include the name, title, and telephone number of a person to contact in the event of questions about the filing. All documents submitted in electronic format will be posted on the Department's website by looking up the docket by its number in the docket database at <https://eeaonline.eea.state.ma.us/DPU/Fileroom/>. The Department will determine the appropriate next steps for this proceeding after completing our review of the initial comments.

Any person interested in participating in this inquiry without filing comments should indicate such interest by informing Department Secretary Mark D. Marini, via email ([mark.marini@mass.gov](mailto:mark.marini@mass.gov)) and Hearing Officer Laurie Ellen Weisman, via email ([laurie.e.weisman@mass.gov](mailto:laurie.e.weisman@mass.gov)), no later than **5:00 p.m. on Friday, March 1, 2024**. To be

included on the distribution list, the request to the Department must include the following information: (1) name and organization represented, if any; (2) address; (3) telephone number; and (4) email address.

B. Design of Residential Energy Affordability Programs

1. As between a PIPP and tiered discount rates (collectively referred to as “energy affordability programs”), discuss the relative advantages and disadvantages of each.
2. Discuss how the Department should address the “cliff” experienced by customers who have an increase in income that is sufficient to remove their eligibility for assistance programs but insufficient to ease the energy burden to the comparable level prior to the income increase.
3. Discuss how eligibility for an energy affordability program should be determined. Is the eligibility threshold different depending upon whether it is related to a PIPP or tiered discount rates? Should eligibility be based on the FPL or SMI? Are there other options?
4. Discuss whether customers in arrears should be eligible for participation in energy affordability programs. If so, discuss how that debt should be treated.
5. Discuss whether energy affordability programs should only apply to a maximum amount of consumption each month.
6. Discuss whether energy affordability programs should reflect a seasonal fluctuation or an annual determination regarding energy usage limits.
7. Discuss the use of demographics (e.g., age, households with children, owners/renters) in designing energy affordability programs.
8. Discuss whether energy affordability programs should be designed to provide particular relief to environmental justice (“EJ”) populations. If so, how can programs be designed to provide such relief?
9. Should the maximum cap as a percentage of household income paid under a PIPP be set below six percent for customers who experience a disproportionate burden of energy infrastructure in their neighborhood?
10. With respect to a PIPP, discuss how the percentage cap on energy costs should be determined.

11. With respect to a PIPP, discuss how the Department can limit the total energy burden of electric and gas bills for customers served by two different distribution companies, one for gas and one for electric.
12. Discuss how the revenue shortfall associated with energy affordability programs should be recovered from other customers. Should it be allocated only among residential customers of the utility or across all customer classes? Should it be a statewide recovery factor (i.e., spread across all gas or electric utilities)? Are there other options?
13. Discuss whether energy affordability programs should focus on heating versus non-heating customers.
14. With respect to tiered discount rates, discuss how the varying levels of discount should be determined. Should the discount rates and income levels be revised from time to time? If so, how often?
15. Discuss the role of energy efficiency programs, consumption reduction, investment in residential loan programs for photovoltaic and battery installations, and targeted educational programs in addressing energy affordability.

C. Other Energy Affordability Measures

1. With respect to potential changes to the AMPs, discuss:
  - a. The level of debt forgiveness that should be offered, and how quickly customers should be required to pay off their debts;
  - b. Whether income eligibility thresholds should be the same as for energy affordability programs or, if not, how they should be set;
  - c. How the costs associated with AMPs should be recovered from other customers;
  - d. What happens if the customer misses a payment; and
  - e. Whether the program should be offered to customers who have been disconnected.
2. With respect to current disconnection protections and potential changes, discuss:
  - a. The effectiveness of disconnection as a tool to reduce arrearages;

- b. The minimum notification and arrearage requirements prior to disconnection and recommended changes;
- c. Current policy and level regarding disconnection/reconnection fees, and whether utilities should be allowed to charge disconnection/reconnection fees to customers eligible for energy affordability programs;
- d. Whether the Department should consider disconnection protections for people with disabilities.
- e. How the costs associated with disconnection protections are currently recovered and how should they be recovered from other customers; and
- f. Whether the Department should consider shutoff moratoriums for nonpayment during the summer and, if so, the appropriate time period.

D. Program Administration

- 1. Discuss the challenges and best practices for income verification for energy affordability programs, including the use of automatic enrollment or self-certification. In particular, discuss how to verify incomes above 200 percent of the FPL or 60 percent of the SMI.
- 2. Discuss the best practices to increase enrollment across energy affordability programs, such as the expanded use of utility advanced metering infrastructure data, marketing and outreach, and increased eligibility requirements.

E. Small Commercial and Industrial Energy Affordability Programs

- 1. Is there a reasonable method to address energy burden for small commercial and industrial (“C&I”) customers including, in particular, those that are non-profit entities? If so, what is that method?
- 2. How should the Department define small C&I customers for the purpose of an energy affordability program?

F. General Questions

- 1. For individuals in particular, discuss what the energy burden looks like for you and what decisions you make about how to pay your energy bills and alter your energy consumption in an attempt to lower your bills.



2. Provide any additional comments or suggestions regarding the methods and measures that the Department could employ to address energy affordability.

G. Detailed Questions for Distribution Companies

1. **[National Grid (gas and electric) and Eversource electric only]**  
Regarding income thresholds for eligibility of the following low-income discount rate tariffs, please discuss any concerns the companies would have with respect to low-income program participation and offerings if ordered to change their low-income threshold from 200 percent of the federal poverty level to 60 percent of statewide median income:
  - a. Regarding Availability Clauses of Boston Gas Company:
    - R-2 Residential Assistance Non-Heating Rate, M.D.P.U. No. 64.2
    - R-4B Residential Assistance Heating Rate, Boston division, M.D.P.U. No. 67.3
    - R-4C Residential Assistance Heating Rate, Boston division, M.D.P.U. No. 68.2
  - b. Regarding Availability Clauses of National Grid electric:
    - Nantucket Electric Co R-2 Residential Low Income, M.D.P.U. No. 653
    - Massachusetts Electric Co R-2 Residential Low Income, M.D.P.U. No. 1487
  - c. Regarding Special Provisions of NSTAR Electric Company:
    - Residential Assistance Rate R-2, M.D.P.U. No. 8E
    - Residential Space Heating Assistance, M.D.P.U. No. 10E
2. **[Gas companies only]** For each company, as well as for all gas companies combined, please provide energy burden data, by census block group, in searchable Microsoft Excel format with all formulas and links intact (PDF materials must be submitted in searchable format), in a similar fashion to that provided by the EDCs as ordered in D.P.U. 22-22, at 472-473:

Provide a detailed household economic burden index analysis evaluating residential energy electric utility customer bills as percentages of household income by county and ... provide the summary results of a detailed household burden index analysis by, at least census, block group.... Additionally, ... show the analysis by household income for the statewide median household income and 50 percent, 100 percent, and 200 percent of the Federal Poverty Guidelines. This level of granularity in the data is intended to provide a clearer picture of specific areas of the Company's service territory with higher-than-average energy burden.

Within the same worksheet, also include the following, ensuring that average bills are calculated consistently among all companies:

- a count of residential households by rate class within each census block group;
- average annual use for each residential rate class within each census block group;
- in addition to providing “the analysis by household income for the statewide median household income and 50 percent, 100 percent, and 200 percent of the Federal Poverty Guidelines,” provide the analysis for households earning the following ranges of statewide median income:
  - 0-60 percent
  - 61-80 percent
  - 81-100 percent
  - 101-120 percent; and
- the data underlying the 2020 Environmental Justice (“EJ”) Populations map, offered by MassGIS, available at <https://www.mass.gov/info-details/massgis-data-2020-environmental-justice-populations>.

The data should include a unique row for each census block group and a unique column for each parameter (utility, median income, number of R-1 customers, EJ population criteria, etc), in a format conducive to executing quantitative analysis in Microsoft Excel (such as producing pivot tables).

3. **[Electric companies only]** Please provide, for each company as well as for all electric companies combined, the energy burden data as filed with the companies' 2022 Annual Returns to the Department, by census block group (not tract), in searchable Microsoft Excel format with all formulas and links intact (PDF materials must be submitted in searchable format).

Within the same worksheet, also include the following, ensuring that average bills are calculated consistently among all companies:

- a count of residential households by rate class within each census block group;
- average annual use for each residential rate class within each census block group;
- in addition to providing “the analysis by household income for the statewide median household income and 50 percent, 100 percent, and 200 percent of the Federal Poverty Guidelines,” provide the analysis for households earning the following ranges of statewide median income:
  - 0-60 percent
  - 61-80 percent
  - 81-100 percent
  - 101-120 percent; and
- the data underlying the 2020 EJ Populations map, offered by MassGIS, available at <https://www.mass.gov/info-details/massgis-data-2020-environmental-justice-populations>

The data should include a unique row for each census block group and a unique column for each parameter (utility, median income, number of R-1 customers, EJ population criteria, etc.), in a format conducive to executing quantitative analysis in Microsoft Excel (such as producing pivot tables).

4. Please provide a statewide dataset that combines the energy burden data as requested in numbers 2 and 3 above.

## V. ORDER

Accordingly, the Department

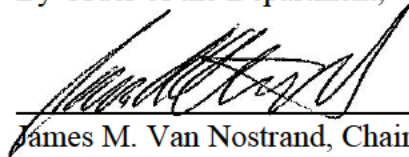
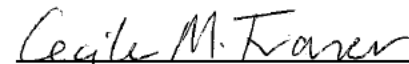
VOTES: To open an inquiry into energy burden with a focus on energy affordability for residential ratepayers; and it is

ORDERED: That the Secretary of the Department shall send a copy of this Order to each electric and gas distribution company subject to the jurisdiction of the Department under G.L. c. 164; cities and towns in the Commonwealth; the Joint Committee on

Telecommunications, Utilities and Energy; and the Attorney General of the Commonwealth; and  
it is

FURTHER ORDERED: That the Secretary of the Department shall serve a copy of this  
Order upon all persons on the Department's distribution list.

By Order of the Department,

  
James M. Van Nostrand, Chair  
Cecile M. Fraser, Commissioner  
Staci Rubin, Commissioner

## Kathleen Thut

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**From:** Bourne Representative <bourne@capecodcommission.org>  
**Sent:** Monday, January 8, 2024 11:42 AM  
**To:** Marlene McCollem; All Select Board  
**Subject:** Fw: Cape Cod Commission REPORTER - December 2023

Dear Madam TA and Select Board Members,


Attached is the December CC Commission Reporter which includes several topics including the Cape's bridges and a new version of the state-funded Municipal Vulnerability Preparedness Program is now available to Massachusetts cities and towns.

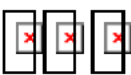
Sincerely,  
Stephen Mealy  
Cape Cod Commission Member  
Bourne

---

**From:** Cape Cod Commission <info+capecodcommission.org@ccsend.com>  
**Sent:** Thursday, December 21, 2023 9:55 AM  
**To:** Bourne Representative <bourne@capecodcommission.org>  
**Subject:** Cape Cod Commission REPORTER - December 2023


**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.





**DECEMBER 2023**

**From the Executive Director**



As 2023 comes to a close, we are reflecting on another year of progress. Data collection and analysis is at the forefront of much of our work - it is critical to have the best available information to craft strategies for tackling the region's most pressing challenges.

This year, the Commission and its partners collected significant data. From a region-wide housing preference survey that helped inform the nearly complete Regional Housing Strategy, to in-person intercept surveys conducted on the shores of nearly 100 Cape Cod ponds, to the Regional Pond Monitoring Program that collected thousands of samples from April through November, to new infrared data collectors used by our transportation staff to better track pedestrian and

bicyclist usage in several key areas – all of this data informs our planning processes and local decision-making.

As we near completion of the Regional Housing Strategy, the data we've collected will help support a plan that will address the region's housing needs. It will chart a course toward a future where all who need and want to live here can find suitable of housing. Freshwater data will help craft management strategies that municipalities, pond groups, and other stakeholders can implement to help protect and preserve the diverse needs of our local ponds. Future roadway projects, multi-modal transportation, and plans to replace the aging Bourne and Sagamore bridges will benefit from an array of data collected and analyzed by our staff and partners.

As we look ahead to 2024, we will continue the important work of the Freshwater Initiative, with stakeholder meetings planned in the coming months, and we'll launch an update to the region's Comprehensive Economic Development Strategy, a plan that will include actions necessary to support a vibrant, year-round economy.

There is much to be done to ensure Cape Cod remains a special place, and we are grateful for the support of the community who share in our appreciation for the region. Wishing you a happy holiday season and the best for 2024.

-Kristy Senatori



## Zoning for Housing

The Cape Cod Commission is nearing completion of a yearlong process to create a Regional Housing Strategy, a plan that aims to address the region's housing challenges by providing a set of tools to help Cape communities expand housing opportunities for those who need and want to live here.

The tools include a suite of model bylaws the Cape Cod Commission is developing with Utile and Outwith Studio. Towns can customize and adopt these bylaws to help encourage and incentivize development and redevelopment for housing that meets the needs of year-round residents.

[Read More](#)



## Cape Cod Bridges Program receives significant federal funding

Nearly \$400 million in federal funding is on the way to support replacing the aging Bourne and Sagamore bridges. Announced on Friday, December 15, the \$372 million award represents the full amount the Healey-Driscoll administration applied for in August 2023 from the Federal Multi-modal Project Discretionary Grant program, which includes the Nationally Significant Multi-modal Freight & Highway Projects (INFRA) program and the National Infrastructure Project Assistance (MEGA) program.

[Read More](#)



## Strategies to strengthen the region's vulnerable roadways

In 2021, the Commission began work on the Low-Lying Roads Project, an effort to assess and analyze the region's low-lying roads and to devise solutions that towns can implement to increase their resiliency in the face of increased climate impacts. The project will be complete in 2024, with vulnerable roads identified and solutions presented in all 15 Cape Cod towns.

[Read More](#)



## Assessing the economic impact of Cape Cod's ponds

We know that Cape Cod's 890 ponds and lakes add to the region's natural beauty, but how much do they impact our region's economy? The Cape Cod Commission contracted with the Eastern Research Group (ERG) in late 2022 to conduct an economic analysis of Cape Cod's freshwater ponds. The study seeks to understand spending associated with pond visits, the impact pond proximity and water quality have on real estate values, and an estimation of the direct and indirect economic impact that ponds bring to our region.

[Read more](#)



## A zero-emission future for Cape Cod's public transit system

The Cape Cod Regional Transit Authority is embarking upon an effort to electrify its fleet. A comprehensive study conducted by Hatch Associates Consultants maps out a 12-year electrification plan that could significantly reduce the fleet's greenhouse gas emissions.

[Read More](#)



## Collaborative planning for the region's transportation needs

The Cape Cod Metropolitan Planning Organization (CCMPO) is a crucial element in the transportation planning process. This group brings together local, regional, state, and federal officials who convene to assess, guide, and make decisions on different facets and outcomes of transportation projects.

[Read More](#)



## MVP 2.0 aims to boost equity and inclusion

A new version of the state-funded Municipal Vulnerability Preparedness Program is now available to Massachusetts cities and towns. MVP 2.0 helps create a framework to revisit community resilience priorities focusing on equity and translate those priorities into action through project development and implementation.

[Read more](#)

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## Cape Cod Commission hosts digital equity workshop in Sandwich



Sandwich residents and stakeholders gathered at the Center for Active Living on December 6, 2023, for an interactive community workshop on digital equity.

Throughout the workshop, attendees shared their experiences with the internet and technology, voicing concerns and barriers related to connectivity, devices, skills, and literacy.



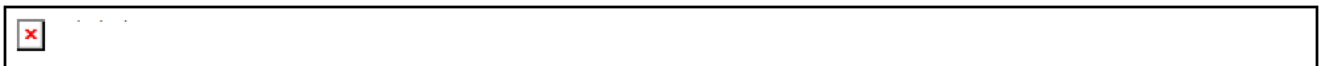
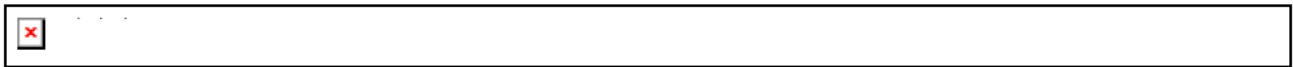
Commission staff facilitated energizing group discussions that focused on opportunities to expand services already working to bridge the digital divide, such as programs and resources available at entities such as the Sandwich Public Library and Council on Aging, and envision new, community-responsive solutions.

As a cornerstone activity within the development of the Town of Sandwich Digital Equity Plan, the workshop served as an opportunity for community members to foster a shared vision and inform municipal priorities and goals for the future.

[Learn More](#)

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**Climate Ambassador application deadline extended:  
Applications now being accepted until midnight  
on Friday, January 5, 2024.**



### **Natural Resource Nitrogen Sensitive Area Grant Program**

The Massachusetts Department of Environmental Protection (MassDEP) is seeking proposals from municipalities and government entities that have a watershed designated as a Natural Resource Nitrogen Sensitive Area. The grant program seeks to assist municipalities in a variety of activities that facilitate the completion of a Watershed Management Plan.

To learn more about the Natural Resource Nitrogen Sensitive Area 2023-2024 Grant Program, [click here to visit the posting on the MassDEP website](#).

This grant program was posted on COMMBUYS on December 13, 2023. [Click here to access the COMMBUYS posting](#).

Please note this grant opportunity is for FY2023-2024, and it has a very short timeframe for submissions.

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www.capecodcommission.org

Cape Cod Commission | 3225 Main Street, PO Box 226, Barnstable, MA 02630

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Megansett Squeteague Association <megansettsqueteagueassoc@gmail.com>

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## To Bourne - MSA Update and MEPA Prefiling Meeting

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Megansett Squeteague Association <megansettsqueteagueassoc@gmail.com>

Fri, Jan 5, 2024 at 4:39 PM

To: Megansett Squeteague Association <megansettsqueteagueassoc@gmail.com>

To Bourne Select Board

----- Forwarded message -----

From: **Megansett Squeteague Association** <megansettsqueteagueassoc@gmail.com>

Date: Fri, Jan 5, 2024 at 4:35 PM

Subject: To Bourne - MSA Update and MEPA Prefiling Meeting

To: <cmc-capecod@comcast.net>, NT44124@gmail.com <NT44124@gmail.com>, mmccollem@townofbourne.com

<mmccollem@townofbourne.com>, <csouthwood@townofbourne.com>, <aamado@townofbourne.com>

Cc: Megansett Squeteague Association <megansettsqueteagueassoc@gmail.com>

Good afternoon to Town of Bourne, to include the Town Administrator, Director of Dept of Natural Resources, Shore and Harbor Committee Chairman, Squeteague Cove master, Secretary of Conservation Commission (to be forwarded to Commission members), and Select Board (via online website).

As we head into the new year, we wanted to update everyone on the status of the MSA dredging project.

As you know, a group of concerned citizens have been working with the Towns of Falmouth and Bourne on dredging Megansett/Squeteague for 4 years. We formed the Megansett Squeteague Association and in conjunction with the Buzzards Bay Coalition, we raised roughly \$185,000 to pay for the engineering and permitting of the entire dredging project. This includes both the Megansett Harbor Basin, Current River between Megansett and Squeteague, improvement dredging in front of Megansett Yacht Club and around the jetty and substantial dredging in Squeteague/Bourne. Most of these areas have not been dredged in over 70 years.

It has been our understanding from the beginning that presenting a permitted, shovel ready project would maximize our chances for town support. This was directly stated to us on multiple occasions by members of the Falmouth Waterways Committee, Bourne's Shore and Harbor Committee and Falmouth Harbormaster and Bourne's Director of the Department of Natural Resources.

Last year, the necessary engineering for the project was performed by the Woods Hole Group and completed in April 2023. The cost was approximately \$100,000.

Since April, we have been working to permit the project. This is a lengthy, expensive, and time sensitive process as the engineering data is only good for 3 years. We felt from the beginning that the permits need to be held in the names of the two towns. This simplifies the permitting process, allows access to Town and County resources such as the DPW or the Barnstable County Dredge, and allows access to state grant money. Additionally, we feel strongly that these are public waterways and their maintenance is the responsibility of the towns who own them.

We held two separate and productive meetings with the town administrator of Bourne and town manager of Falmouth. These included the Town Managers, the Harbormasters and representatives from the Waterways Committees, the Conservation Commission and the Selectman's office. Ultimately, the Towns agreed to hold the permits in their names and we entered into a Memorandum of Understanding with both entities.

After securing the Towns' cooperation, we contracted with Russell Titmuss of GEI Consultants to begin the permitting process. To do this, we created the MSA LLC under the guidance of the Buzzards Bay Coalition. The cost of the permitting is estimated at up to \$111,000 and will take roughly 18 months. We have begun working diligently with GEI to finalize the scope of the dredging and they are creating all the documents necessary for a pre-filing meeting with MEPA.

In December 2023, the 10 year comprehensive permit for the Town of Falmouth was approved. This is great news. From the beginning of the project, Falmouth assured us that the Town would take responsibility for dredging the Megansett Approach as a stand alone project. Woods Hole Group was doing the necessary engineering and the only real hold up

was that no one wanted to file for any permits while the 10 year plan was pending. Obviously, this dredging is essential to the completion of the overall project and was found to be a high priority within the Falmouth Waterways Committee this fall; we look forward to the Town beginning the permitting.

As we move into this next phase of meetings, it is important for the Towns to participate more fully. We are hoping to have a meeting with MEPA at the end of January. To that extent, we intend to present each town with the information contained in the preliminary filing. Since we are paying GEI privately, we would appreciate any questions and feedback be presented to the MSA. It is especially important that Conservation, Waterways and the Harbormasters attend any pre-application meetings as their attendance would be extremely beneficial and we need to ensure that both Towns and MSA are in agreement on the proposed project.

GEI or MSA will be in touch about scheduling.

Feel free to reach out to us with any questions.

Molly Kammerer, Alison Ferrante and Laura Klint  
Acting Administrators  
Megansett Squeteague Association, LLC

cc: GEI and Town of Falmouth and MSA Acting Administrators



## Constables

A constable shall be elected for a three year term (Town Charter, Article 6, Section 6-4). In addition, the Select Board may appoint, for terms not exceeding three years, as many constables as they deem necessary (MGL Chap 41, Section 91A).

### Brief History of Constables

In colonial times, a constable was the "keeper of peace" and was responsible for maintaining the tranquility enjoyed by the citizens of a community. As time went on and Police Departments were formed, the powers and duties of the constable shifted. Modern day constables are responsible for posting Town Meeting warrants, serving civil papers, and overseeing order at Town Meetings and elections. A full list of power and duties can be found by [clicking here](#).

### Application Process

Those interested in becoming a constable for the Town of Bourne are required to submit the following documents:

- A letter, addressed to the Select Board, stating reasons for desiring such appointment
- A statement as to the moral character of the applicant signed by an attorney-at-law
- A statement as to the moral character of the applicant signed by at least four reputable citizens of the city or town of the applicant's residence
- A completed [Town of Bourne employment application](#)
- A completed [CORI form](#) and a copy of your driver's license

If appointed, you will be required to obtain a certified constable bond of \$5,000.00. The above documents may be submitted three ways:

Email	<a href="mailto:msimone@townofbourne.com">msimone@townofbourne.com</a> include "Constable Appointment" in the subject line
Mail	Town of Bourne Attn: Constable Appointment 24 Perry Ave Buzzards Bay, MA 02532
In Person	Bourne Town Hall Select Board/Town Administrator's Office First Floor - Room 101

**RICHARD J. COLETTI**  
**PROFESSIONAL CONSTABLES & PROCESS SERVICES**

BOURNE BO OF SELECTMEN  
ROUD 2023 DEC 7 AM 11:25

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Town of Bourne  
Selectmen's Office  
24 Perry Avenue  
Buzzards Bay MA 02532

December 2, 2023

To whom it may concern,

I am writing to express my interest in becoming a Constable for the Town of Bourne. I believe my training and experience as a Constable/Process Server for over 21 years will be an asset to the town.

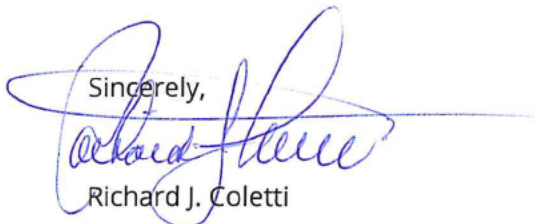
I've served over thousands of legal documents for attorneys, Department of Revenue Child Support, Committee of Public Counseling Services, landlords, municipalities, and ordinary citizens in the areas of subpoenas, summonses, all probate process, civil warrants, evictions, and vehicle repossessions.

To be appointed would be an added benefit to my perspective attorneys and clients, as well as the Town of Bourne in general that I would not have been able to do in the capacity just as a Process Server in your town.

I currently serve and am bonded as a Constable in the municipalities of Wareham, Marion, Mattapoisett, Lakeville and New Bedford. I am aware that I would need a Constable bond, and I do have an up to date Conflict of Interest Law certificate that I will submit.

If you have any questions please do not hesitate to contact me. Thank you for your time.

Sincerely,



Richard J. Coletti

*Law Offices Of*  
*James R. McMahon, III, P.C.*

*25 Main Street, Second Floor*

*Post Office Box 313*

*Buzzards Bay, MA 02532-0313*

*Of Counsel:*

*James R. McMahon, Jr., Esquire*  
*(1929 - 2005)*

*E-mail: mcmahonlawoffice@verizon.net*

*Tel: (508) 759-9099*

*Fax: (508) 759-1353*

*Paralegal:*

*Shelley A. McMahon*

December 5, 2023

Town of Bourne  
Select Board  
24 Perry Avenue  
Buzzards Bay MA 02532

To Whom it May Concern,

I am writing on behalf of Richard J. Coletti, of 4 Lisa Lane, in East Wareham, whom I have known for 35 years, and can attest to his moral character. He has shown to be a hard working, dedicated, and honest person who stands on his principles of integrity.

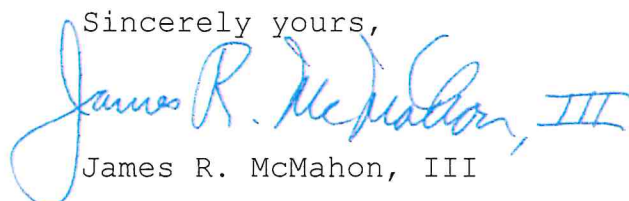
There is no doubt that Mr. Coletti will do a great job as a Constable for the Town of Bourne in the same way as he has done for the other Massachusetts municipalities in which he has been appointed a Constable.

I have used Mr. Coletti countless times in the past 20 years to perform service of process for me, and he has shown to handle himself in a professional manner, and performs the job with excellence.

It is an honor for me to recommend Richard J. Coletti as a Constable for the Town of Bourne.

If you have any questions regarding any of this, please feel free to contact me. Thank you for your consideration of this recommendation.

Sincerely yours,

  
James R. McMahon, III



12/4/23

To whom it may concern,

I have known Rick Coletti for more than 20 years. I have always known him to be a hard working, honest, man who surrounds himself with really good people. I know him to be a man of strong family man with high moral character. He has served as Constable in many local communities for many years and Bourne would be lucky to have him.

I would happy to answer any questions that you may have. Please feel free to contact me.

Sincerely,

Dr. Chris Thornell





# Law Office Of Bello & Bello

184 Main Street  
Wareham, MA 02571

Leonard M. Bello, Esquire  
Harry M. Bello, Esquire (1937 - 2017)

Tel: 508-295-2522  
Fax: 508-295-1638  
AttyLBello@Gmail.com

December 5, 2023

Re: Constable Richard J. Coletti

To whom it may concern:

I have had the privilege of working with Mr. Coletti as a Constable and have used his services quite often over the last 20 years. I have always found him to be trustworthy, hardworking, prompt, reliable, and professional. Mr. Coletti has good communication skills and is truly dedicated to his work.

I wholeheartedly recommend Mr. Coletti to serve as Constable. He is an exemplary professional and would be an asset to the Town of Bourne.

If you have any further questions, please do not hesitate to contact me.

Very truly yours,

A handwritten signature in cursive script that reads "Cheryl A. Silva".

Cheryl A. Silva  
Senior Paralegal

Letter of Reference for Richard (Rick) Coletti  
December 5, 2023

To whom it may concern,

I would highly recommend Rick Coletti for the position of Constable in the town of Bourne. I have known Rick for five years and can attest to his work ethic and character. He is a man of integrity and would serve to be a great addition to the town of Bourne.

Rick is also a Notary Public and has been a valuable help to me both in my personal life and as the Chairman of a town committee. As a person with many years of law enforcement experience Rick possesses the perfect demeanor for a Constable.

I am honored to write this letter of reference on behalf of Rick Coletti.

If you have any further questions I would be happy to speak with you further.

Sincerely,  
Mark R. Swan



Selectman's Office  
24 Perry Avenue  
Buzzards Bay MA 02532

12/6/2023

To whom it may concern,

I am writing on behalf of Richard J Coletti, who I have known for 25 years and can attest to his moral character. He has shown to be a hard-working, dedicated, and honest person who stands on his principles of integrity.

There is no doubt that Mr. Coletti will do a great job as a constable, the same way as he has done for the other areas that he has been appointed as a constable in

I have used Richard countless times in the past 15 years to serve the need of congregation, he has shown to handle himself in a professional manner, and performed the job to the upmost of his ability.

It would be an honor to recommend him as a constable for the town of Bourne.

If you have any questions, please feel free to contact me. Thank you for this consideration.

Sincerely

Rev Gerald A.Fernandes Jr

Onset Foursquare Church 301 Onset Ave. Onset MA 02558. Phone(508)291-1599

Law Offices of  
**Robert L. Perry**  
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Wareham, MA 02571-0963  
[rperry@robertperrylaw.net](mailto:rperry@robertperrylaw.net)

**Robert L. Perry, J.D.**

1-800-293-6124  
508-295-6124  
Fax 508-295-2154

Board of Selectman  
24 Perry Avenue  
Buzzards Bay, MA 02532

December 6, 2023

**RE: Richard J. Coletti**

Dear Chairperson and Members of the Board,

This letter is intended to encourage you to appoint Mr. Coletti as a constable in Bourne.

I've known and worked with Mr. Coletti for at least Thirty-Five (35) years. I've always been impressed with his honesty, fairness, knowledge and particularly with his concern and efficiency when serving documents for me. In fact, Mr. Coletti has become basically the only process server I use.

Since I have occasion periodically to require service be made in Bourne I currently find it necessary to petition the various courts to appoint Mr. Coletti as a "Special Process Server" in order to utilize his expertise. Were you to approve his appointment it would save me a lot of extra work therefore, as an attorney, I would appreciate your favorable vote.

Thank you for your consideration in this matter.

Yours Truly,



Robert L. Perry