

Whisk & JANE responds to being denied zoning variance to operate on Pope's Island

The following letter was submitted to us from Ericca Kennedy of Whisk & JANE, one of the partners attempting to open a recreational marijuana business in New Bedford:

To the Community of New Bedford,

As I sit here, head spinning over last nights ZBA denial, my emotions mimic this morning's gray, tumultuous weather. As some of you may know (and for those of you who don't), Whisk & JANE LLC was denied our request for a zoning variance in our efforts to locate at 161 Popes Island. Given what we consider to be a disappointing outcome it is difficult not to be hurt for the community at large and my small personal community who I call family. This journey has been unexpected, fulfilling, draining and with last nights denial I am now faced with a decision that will continue to affect my family and all of you.

This denial has been further confirmation that you MUST follow your instincts.

In January 2019 we began inquiring with the City of New Bedford about filing for a special permit (as we did not believe that we needed to seek a variance because we do not believe the parcel hindering our establishment is, in fact, a park) and we were told to follow procedural direction. I further contacted the Planning Department a week prior to our variance meeting to again express my concerns and state that we believed we were being told to file for a variance by the city knowing it would cause us to fail. We were then told the city would not meet with us to discuss the special permit. In hindsight I should have demanded to file for a special permit

and for that New Bedford – I am sorry.

Today, we are faced with 4 options that will not only affect us, but, the community of New Bedford:

1. File suit against the City of New Bedford
2. Continue to fight for 161 Popes Island by filing for an appeal with Superior Court while concurrently petitioning that the monument of Prince Henry the Navigator (who is credited with being a pioneer of the Atlantic slave trade) be removed and the parcel it resides on be properly classified under its current use (a parking lot)
3. Sacrifice portions of our business plan by restarting the process and finding another location in the overly restrictive City of New Bedford (who also has illegal HCA requirements – but we haven't been able to concurrently fight those along with the zoning)
4. Utilize our state approved Economic Empowerment Certifications in another town to establish our plan to create a premier cannabis multi-use facility ready to better the community we establish in.

None of those decisions are easily made and I don't know what is best, but what I do know is that last night was not a win for New Bedford. Blocking our business by prioritizing Prince Henry The Navigator Park and a paid Marina was elected officials, city employees and members of the ZBA sending a definitive message that the people of this community, their vote and their cries of help for change don't seem to mean anything.

Let me be clear, we support cannabis businesses (whether it be ours or someone else's) for the betterment of New Bedford. But, it's time to question WHY so much opposition has been shifted towards Whisk & JANE while elected officials wholeheartedly support the reclassifying of an district from mixed use to industrial to accommodate ONE company so that they can then file for a variance for 40' from residential dwellings – to operate a recreational cannabis retail

dispensary. HOW can you justify supporting that measure, but, you openly speak out against our establishment in a former strip club – across from a “park” that is separated by a four lane highway. It appears that the prestige of Popes Island is literally more important than persons living in poverty stricken areas of the city; I know, I live in that same area. I fully support the Kalief Family in their efforts and have submitted a letter to the New Bedford Planning Department stating as such.

Whisk & JANE, me, my family don't appear to be what the elected officials of the City of New Bedford want a cannabis business to look like. We have jumped through every hoop, we have faced every road block placed in front of us. And when they couldn't stop us they resorted to outright lying, and have further gone as far as to egregiously falsify a document pertaining to our ZBA appeal.

They don't care about the livable wage employment, they don't care about employee equity share or bonuses for employees, they don't care about educational and addiction services, they don't care about marginalized groups and they certainly don't care about supporting the establishment of innovative industries ready to positively impact the community.

The Whaling City is still waiting for the commuter rail, we missed the boat on casinos and now cannabis will continue to blossom around us and once again New Bedford will wait.

Our community is stuck in this holding pattern of accepting what City Hall says. They have stalled our communities growth. Our City has the potential to pioneer industries beyond cannabis. New Bedford hasn't gone through revitalization, it has gone through gentrification. Our City is stale (at no fault of the small businesses or the community) and that's because city hall and its subcommittees are NOT reflective of our community. It is time to acknowledge that our administration has failed us and focus on ensuring they are

not able to do further harm to the community of New Bedford by hindering our progression.

Best,

Ericca Kennedy