

INCLUSION. EQUITY. EMPOWERMENT. COMMUNITY.

## WHISK & JANE LLC

December 20, 2018

The Honorable City Council President Linda Morad  
CC: City Councilor Brian Gomes and Members of New Bedford City Council  
CC: New Bedford Mayor Jon Mitchell  
133 William St.  
New Bedford, MA 02740

CC: Attorney General Maura Healey  
CC: Commissioner Doyle

**RE: Demand for IMMEDIATE Action in reference to the Repeal of Established Zoning, By-Laws, Ordinances and HCA Pre-Screening & Required Eligibility Packet as they relate to the Adult Use of Recreational Cannabis / IMMEDIATE Execution of Host Community Agreement with Whisk & JANE LLC**

Dear Honorable City Council President Linda Morad and Members of the City Council,

Pursuant to Massachusetts General Law 94G Sec. 3 as well as the Massachusetts Guidelines for the Establishment of the Adult Use of Recreational Cannabis we appeal to the Councillors to immediately vote to repeal the cannabis zoning, bylaws, ordinances and HCA prescreening and requirements packet put forth and enacted by the City of New Bedford. We ask that you take into account the statement read and submitted by Ericca Kennedy on behalf of Whisk & JANE LLC at the Cannabis Board meeting on 12/19/18. Furthermore, we demand immediate action and answers as the cities moratoria expired on 9/30/18 and Whisk & JANE LLC has made multiple attempts (to no avail) to enter into HCA negotiations with the City of New Bedford beginning on 7/26/18.

We ask the honorable City Councillors compare apples to apples and follow the progressive and bold move made by Fall River to immediately remove all HCA language that was not in direct compliance with the Massachusetts laws and guidelines; they have set the standard for correcting language that exaggerated the law and extorted small businesses, New Bedford can do the same - we find it imperative to also commend Somerville (NOT a state designated disproportionately effected community) for their progressive stance on welcoming state certified EEC and small craft businesses to their community and further negotiating HCAs on a 1:1 ratio ensuring inclusion in their communities cannabis industry. Additionally comparing apples to apples we ask that New Bedford follow Wareham's lead and

consider that they opened their first recreational cannabis retail dispensary on 12/20 and they are located less than approximately 20 feet (property line to property line) of Besse Park (which is a direct waterfront property) and abutting property lines with Tobey Hospital.

Moreover, pursuant to MA Ch. 91 Whisk & JANE LLC does not fall under a Waterways License. Furthermore, based on our understanding under 310 CMR 9.36 & 9.51 as outlined in the New Bedford Waterfront Regulatory & Legislative Memoranda, a non-water dependent business can be established so long as the business does not interfere with the waterfront, it allows for the community to be involved and there is public access - without the use of credits. Additionally, uses that are considered ""presumptively compatible"" (by the DPA as listed in the New Bedford Waterfront District Regulatory & Legislative Memoranda) include storefront retail, small-scale administrative offices, and eating and drinking establishments." Moreover, on the New Bedford Waterfront District Regulatory & Legislative Memoranda on page 4 it states:

"Expand and secure recent success in developing emerging technology sectors, such as marine science and technology, alternative energy, medical devices, biotech manufacturing, and creative enterprises.

Enact a comprehensive development strategy that links underperforming and potential development sites, such as brownfields, business park sites, and historic mills throughout the city with opportunities for emerging sector development to increase and stabilize the commercial tax base and create jobs.

Continue to foster sustainable development projects that have the ability to catalyze economic growth within targeted neighborhood, commercial, and development districts through both jobs created during construction and the creation of permanent jobs for New Bedford citizens.

Support traditional harbor industries, including fishing and seafood processing, while capturing new opportunities to diversify the Port's economy in sectors, such as short sea shipping, alternative energy, tourism, and recreational boating.

Develop the creative economy and cultural tourism as a leading edge growth sector.

Improve, enhance, and integrate the city's public transit services, including shuttles and inter-city buses as well as regional passenger rail.

Protect natural resources and create new greenways throughout New Bedford.

Promote and market the cultural and historical assets of New Bedford to transform the city's image for both tourists and residents."

Whisk & JANE LLC WILL contribute exactly what New Bedford (in their own words) has said they are seeking in a new industry to join to working waterfront community. Whisk & JANE LLC additionally questions New Bedford's 25% business directive that must be made in support of the fishing industry as there are no such findings under MA Gen Ch 91 or within the New Bedford Waterfront District Regulatory & Legislative Memoranda, however, Whisk & JANE is still committed to positively impacting and supporting the local fishermen through donations, discounts & community outreach. Whisk & JANE LLC additionally questions New Bedford's waterfront buffer zone as it relates to the state required buffer zone of 25'. New Bedford once again has increased the state buffer zone (this time targeting) waterfront businesses and has restricted zoning to no less than 100' from the water according to the New Bedford Wetlands and Conservation Commission.

As such, pursuant to Massachusetts General Law 94G Sec. 3 we request immediate action be taken on the matter of executing a Host Community Agreement with Whisk & JANE LLC (additionally DBA The Cotton Refinery, The Whisk Mill & Green Lion Craft Cannabis) to operate a premier multi-purpose recreational cannabis establishment at 161 Popes Island. Moreover, at the New Bedford Cannabis Zoning meeting that took place on 10/22/18 Attorney Blair Bailey stated on the record that "those entries with economic empowerment designations would be given preference provided they meet all of the state requirements." It is our interpretation of the statement made by city representation as well as our ability to demonstrate a clear business, security, safety, design, traffic, odor control, financial & DEP (submitted as EPA) plan and most importantly our focused commitment to positively impact the community (at our discretion) to the necessary officials of the City of New Bedford; we have MET AND EXCEEDED the STATE REQUIREMENTS to receive a Host Community Agreement. We strongly urge the city to listen to the people and grant Whisk & JANE LLC a Host Community Agreement; anything less than the ability to open and operate at 161 Popes Island, New Bedford will be considered an unnecessary hinderance caused by the city and discrimination of legal cannabis businesses (and their owners/operators) - due to the cities inability to formulate and execute a plan in the spirit of the law during the time in which the moratoria was in place.

Thank you in advance for you swift and fair action. Whisk & JANE LLC looks forward to bringing a premier multi-purpose recreational cannabis establishment to 161 Popes Island, New Bedford.

Best,

Ericca Kennedy / Whisk & JANE LLC