



MINUTES OF LEGISLATIVE AND ORDINANCE COMMITTEE MEETING
59 COURT ST, WESTFIELD, MA
TELECONFERENCE
FEBRUARY 10, 2022 at 5:30 PM

*Pursuant to Chapter 20 of the Acts of 2021, certain Covid-19 protection measures were extended as they relate to M.G.L. c. 30A, §20, the Open Meeting Law. This meeting of the City Council, **Legislative and Ordinance Subcommittee** will be conducted via remote participation. Specific information can be found on the City of Westfield website at www.cityofwestfield.org. For this meeting, members of the public who wish to listen to the meeting may do so by tuning into Channel 15 or Channel 12 or online at westfieldtv.org or online at Youtube.com - Westfield Community Programming Channel. No in-person attendance of members of the public will be permitted, but every effort will be made to ensure that the public can adequately access the proceedings in real time, via technological means. In the event that we are unable to do so, despite best efforts, we will post on the City's website an audio recording, transcript, or other comprehensive record of proceedings as soon as possible after the meeting.*

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<https://cityofwestfield-org.zoom.us/j/82688557770?pwd=UW1qZzBZR2FDRldNNStQay9vZHFkZz09>

Meeting ID: 826 8855 7770

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Dial: 646 558 8656

Meeting ID: 826 8855 77

1. The meeting was called to order by Councilor Figy at 5:30 PM.
2. Councilor Figy called the Roll. The following committee members were present: Chair, Ralph Figy, James Adams and Michael Burns. Community Development Director Peter Miller, First Assistant City Solicitor Shanna Reed, Council President William Onyski, Mark Dupuis and Michael Ballway from Westfield News were also in attendance.
3. Upon Motion of Councilor Adams, it was
VOTED: That the L&O Minutes of the February 1, 2022 meeting be accepted.
Motion seconded by Councilor Burns.
Approved by Roll Call 3-0
4. Councilor Figy opened the meeting for public participation. There was no one present to speak.
5. Upon motion of Councilor Adams, it was
VOTED: to SUBMIT a Resolution authorizing approval for the Mayor to sign a Host Community Agreement (HCA) with Richter Extracts, 69 Neck Road for an adult-use marijuana production facility with a POSITIVE RECOMMENDATION.

Prior to the vote, Councilor Figy introduced Mark Dupuis, the sole owner of Richter Extracts. He informed the committee that his company Pro Grow, LLC is doing Hemp Cultivation and Hemp Manufacturing. They have applied with the Cannabis Control Commission (CCC) and received approval as a Social Equity Applicant due to a previous arrest. Their plan is to open six months after receiving final approval from the CCC, making topicals, concentrates, edibles, extracts and basically any item manufactured with Cannabis and Hemp. Richter Cannabis will be in the same building as Richter Extracts. Richter Extracts will take up 5,000 square feet and Richter Cannabis will take up the remainder. Councilor Figy asked Mr. Dupuis if he still has to go before the Planning Board. He confirmed he needs to go before the Planning Board as well as the Conservation Commission due to the Wetlands and City Council. Councilor Figy informed Mr. Dupuis that the Council's piece is the Resolution Authorizing the Mayor to sign the Host Community Agreement (HCA), which they are discussing tonight. Community Development Director Peter Miller echoed Councilor Figy that this is the only requirement for City Council to approve. He informed the committee that this HCA is similar to the others that have been before the L and O Committee. There are currently 9 Marijuana Establishments across Westfield that have been permitted or are in the permitting process (Appendix A). Two of the four retailers, Heka and Cannabis Connection, are currently open for business and there hasn't been any marked increase in traffic or crime impacting the community. There is room for a number of additional businesses to open in Westfield. The first inquiry the City received from Dupuis' lawyers at Bacon Wilson was in February of 2021. That inquiry had a few concerns in the floodway. In June of 2021, Mr. Dupuis submitted the two Host Community Agreements for Richter Cannabis and Richter Extracts. There are no alterations to the outside of the building, no digging or disturbance to the floodways. Mayor Humason reviewed the documents and submitted the Host Community Agreements that are before L and O tonight. Councilor Figy asked Mr. Dupuis about the land that goes along with the building. Mr. Dupuis stated there are 30 acres, but the lease only includes the building and 4 acres of the land. He has site plans prepared by Holmberg and Associates, for both applications. The owners of the property have been using extra land as industrial storage for years and Mr. Dupuis imagines that will continue. Councilor Adams questioned if he would be coming forward with another HCA for home delivery. Mr. Dupuis stated that delivery had been pending on the Social Equity Application and that he would like to explore that in the future but at this time it is not profitable. They are also looking into Social Onsite Consumption which is currently limited to Social Equity Applicants. He stated there is a need in Westfield for a place to legally consume Cannabis and believes this area is well suited for that, being in a privately industrialized area of Westfield. He is only a 10% owner of Richter Cannabis and knows the other owners would like to propose an Outdoor Cultivation Facility on land behind the building. The reason being is the environmental impact. He believes Indoor Cultivations will be significantly impacted by the mass size outdoor cultivations that other Towns are approving with minimal requirements. He acknowledged that seasonal crops are going to have seasonal smells, but doesn't foresee it being any different from the 15 acres of Hemp that they have grown for the last two years. Mr. Miller stated that he hasn't had any complaints on smell. He informed the Committee that Westfield has not had any Outdoor Cultivation requests and he would have to do more research. He stated two out of the five Indoor Cultivation Operations, Heka and Hidden Hemlock are currently underway. He noted that Lucky 7 Cannabis, Sun

Grown Alternatives and Pioneer Valley have not broken ground yet but have been through the Planning Board. Mr. Dupuis explained that if his company did Outdoor Cultivation, they would put up a solid steel corrugated fence with landscaping beds on the outside to improve overall aesthetics. They have a few plans they will submit. Mr. Miller stated the fencing in the Conservation Floodplain may be an obstacle. Councilor Figy asked for confirmation that Richter Extracts was just a Production Facility and Mr. Dupuis confirmed. Councilor Burns asked if this was the Old Rinker Pipe Factory and Mr. Dupuis confirmed stating the address, 69 Neck Rd.

The vote on the foregoing was as follows:

James Adams	Yes
Michael Burns	No
Ralph Figy	Yes

The Chair declared the motion PASSED.

6. Upon motion of Councilor Adams, it was VOTED: to SUBMIT a Resolution authorizing approval for the Mayor to sign a Host Community Agreement (HCA) with Richter Cannabis, 69 Neck Road for an adult-use marijuana cultivation facility with a **NEGATIVE RECOMMENDATION**

Prior to the vote, Mr. Dupuis gave an overview of Richter Cannabis, a Marijuana Cultivation Operation proposed for the remaining 21,000 square feet including the 4 acre outdoor area behind the building. He stated he is a minority partner on Richter Cannabis. His business partners are from Colorado and Oregon. They operate 9 dispensaries out of Haven Dispensary Group in Southern California. They're going to invest approximately 3 million dollars with an immediate start. There will be approximately 30 employees with 50% being from Westfield and the remaining 50% from surrounding communities that have disproportionate impact. Mr. Miller noted the application stated 37 employees.

The vote on the foregoing was as follows:

James Adams	Yes
Michael Burns	Yes
Ralph Figy	No

The Chair declared the motion PASSED.

7. Upon motion of Councilor Burns, it was VOTED: to SUBMIT a Resolution to enter into a funding agreement for the Elm Street Urban Renewal Project with a **POSITIVE RECOMMENDATION**.

Community Development Director, Peter Miller informed the Committee that every year in the budget there is a \$15,000.00 line item for the Westfield Redevelopment Authority (WRA) from the General Fund Revenue. Over the last 7 years, with the exception of last year, the

WRA requests a transfer of the \$15,000.00 from the General Fund Account to the Revolving Account which is under the control of the Westfield Redevelopment Authority. At this time there is a balance of \$40,000.00, the additional \$15,000.00 will bring the account to \$55,000.00, allowing the WRA to have an operating account. All spending is still under control of the Auditor and follows the purchasing process the City employs. Mr. Miller gave a brief overview of the Elm Street Urban Renewal Project, explaining there was no response to last year's RFP. The feedback over the course of the last two RFPs is that developing that site is going to require significant subsidy from some type of program. The WRA identified affordable housing projects (similar to Domus projects) and public projects for municipal use (such as a police station or park) as potential sources. The feedback that has been received is a question of whether or not there is too much concentrated low income housing downtown. The WRA has been meeting since June trying to investigate other alternatives. The WRA has hired R Levesque Associates to do a concept plan for a temporary park to acquire grant money from the State Mass DOT for plaza improvements. Until a future plan is made, the WRA wants to make the current space clean, presentable and beneficial to the downtown. They are looking at doing concept planning and appraisals to find the Fair Market Value. Councilor Figy asked if any money not expended by the WRA would return to the General Fund. Mr. Miller confirmed that there is language in all the Funding Agreements that state, should the WRA sell the property, any funds generated from the sale would return to the City. Councilor Adams thanked Mr. Miller for taking this on. He asked Mr. Miller if there would be something else coming from the Mayor to Finance. Mr. Miller explained that the City Council has already approved the money in the budget, this only approves moving the \$15,000.00 from the General Fund to the Revolving Fund. Councilor Burns confirmed the ledger balance would be 55,926.52.

8. Upon motion of Councilor Burns, it was VOTED: to SUBMIT a Resolution for Consent to Encroachment Agreement for the James Hardie Building with a POSITIVE RECOMMENDATION.

The vote on the foregoing was as follows:

James Adams	Yes
Michael Burns	Yes
Ralph Figy	Yes

Prior to the vote, First Assistant City Solicitor, Shanna Reed informed the Committee that James Hardie Building Products, Inc. purchased 70 Turnpike Industrial Way. Changes to their initial plan, has their building going over an Easement the City has on that parcel for the installation and maintenance of a storm drain. This has been discussed with the Engineering and Department of Public Works (DPW) and it is not unusual to have, as long as the City has access. There is an exhibit (Appendix B) that shows there are manholes outside the building footprint. James Hardie is looking for an Encroachment Agreement from the City stating that they are okay with the building plans, that they would take reasonable efforts to access the easement through the manholes and if the opportunity should arise, the City would be willing to entertain moving the storm drain. It's a well-functioning storm drain that has been there for

decades. The City is agreeing to take all reasonable measures to maintain the drainage infrastructure for the manholes and use the best efforts to cause the least amount of interference in their business operations should the City have to access through their buildings. This is a Resolution, authorizing the Mayor to sign. Councilor Figy asked if there is a manhole inside of the building. Attorney Reed stated she doesn't believe so. Councilor Burns asked if this was approved by the DPW and Stormwater. Attorney Reed stated that the Commissions didn't need to approve the agreement, it was operational but that the DPW, Stormwater and Engineering staff were all involved.

At 6:09 PM, and upon motion of Councilor Burns, it was VOTED to ADJOURN.

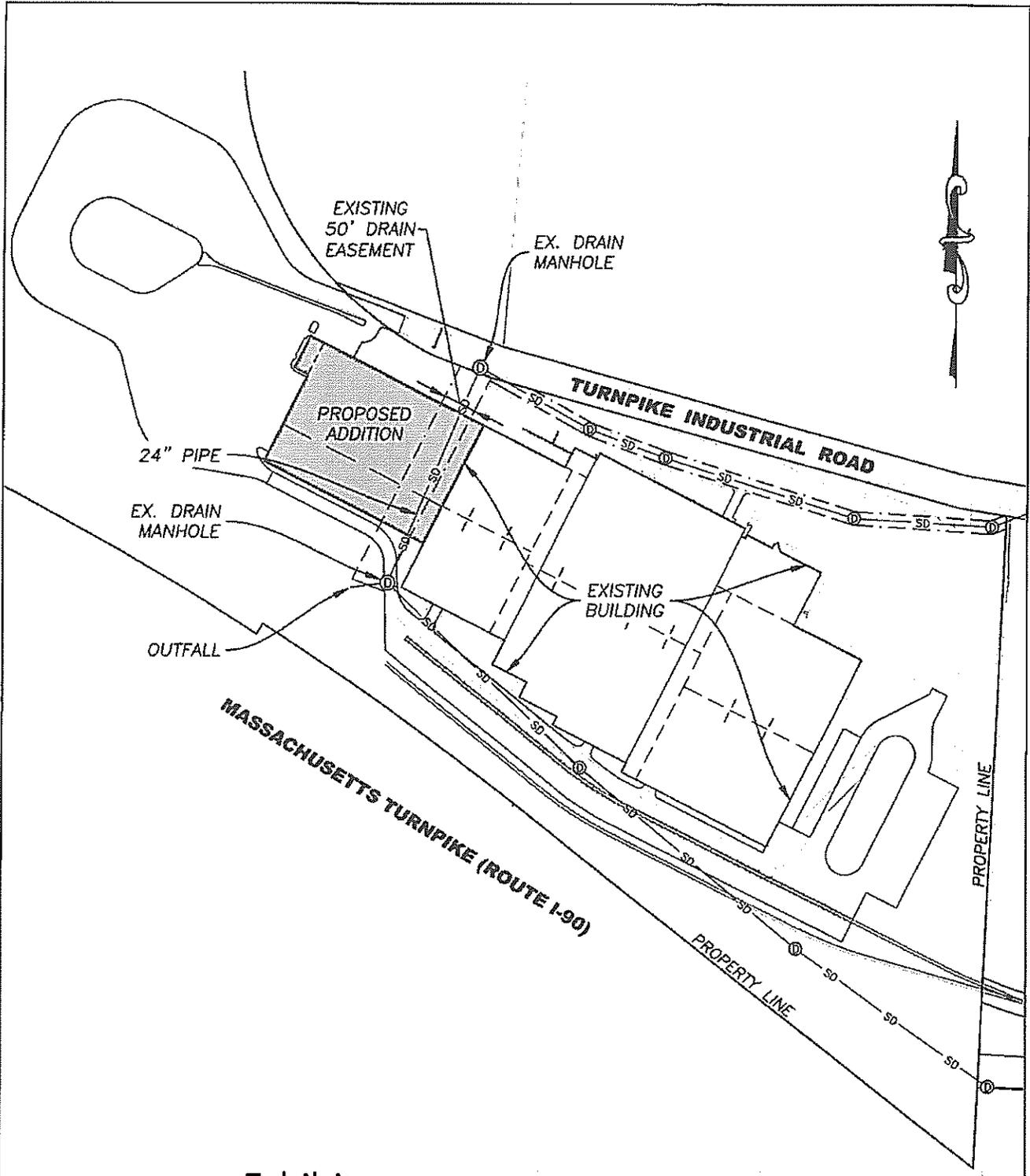
The vote on the foregoing was as follows:

James Adams	Yes
Michael Burns	Yes
Ralph Figy	Yes

Respectfully submitted,
Kaitlyn Bruce, Scribe for the Legislative and Ordinance Subcommittee

Appendix A

<u>Company</u>	<u>License Type</u>	<u>Status</u>	<u>Effective Date</u>	<u>Deadline to Open</u>	<u>Construction</u>
Cannabis Connection	Retail	ACTIVE		OPEN	New
Heka Health	Retail/Cultivation	ACTIVE		OPEN	Reuse
RC Retail	Retail	ACTIVE	11/9/2020	11/9/2022	Unknown
Hidden Hemlock, LLC	Cultivation	ACTIVE	11/9/2020	5/10/2021	Reuse
Pioneer Valley Trading, LLC	Retail/Cultivation	ACTIVE	Dec-20	23-Mar	New
SafeTiva Labs, LLC	Testing Laboratory	ACTIVE	1/11/2021	1/11/2023	Reuse
Sun Grown Alternatives	Cultivation	ACTIVE	12/16/2020	12/16/2022	New
Lucky 7 Cannabis	Cultivation- Tier 1	ACTIVE	7/15/2021	7/15/2023	New
Clean Technique	Manufacturing	ACTIVE	2/10/2019	9/10/2022	Reuse



Exhibit

James Hardie Building Products
70 Turnpike Industrial Road - Westfield, MA
Scale: 1"=200' Date: 2/1/22