

The Future of MME Special Permits in Holyoke

A summary for City Councilors by Open
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Summary

On Tuesday, December 21, 2021, the City Council is being asked to approve a 200' school buffer requirement for Marijuana Manufacturing Entities (MMEs), companies that grow or process marijuana. This would remove the recently passed ordinance requiring a 200' buffer from "all other uses".

City Council should vote "NO" and reject the buffer reversion. Instead, City Councilors should advocate for their city and its residents by insisting on a six-month moratorium on MME special permit applications (specific draft language for this is now in the Ordinance Committee). The city should use the 6-month moratorium to seriously study the issues outlined in this White Paper to avoid:

1. Severely damaging current tax-paying businesses in wards 1,2 & 4 who are NOT within a 200' school buffer. These businesses include Open Square, Mill 1 at Open Square, the Wherehouse? And others.
2. Putting the city at risk of a lawsuit for violating the Commonwealth's new Environmental Justice Policy.
3. Hurting the indoor and outdoor air quality for the current residents of wards 1, 2 & 4.

Barring a moratorium, Councilors should amend the proposed ordinance revision to prohibit growing and manufacturing marijuana within 1,000 feet or more of not only schools but **also existing retail, hospitality, office and residential uses and require the buffer to apply from the entire MME property line.**

Background: City Council Actions Thus Far

In May 2021, the city council approved a 200' buffer for MMEs from all other uses. The original intention was to reduce the buffer for schools only from 500' to 200' but that's not how the final approved code read.

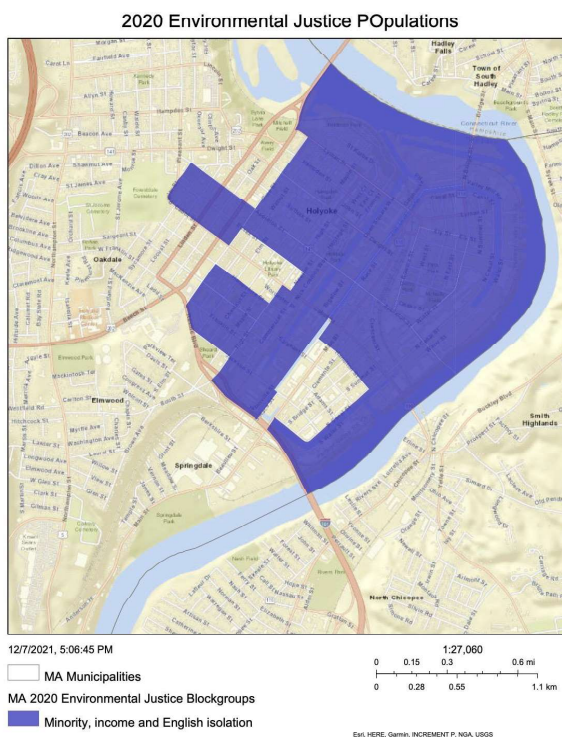
Councilor Lisi claims they did not intend to ban MMEs from being within 200' of all other uses. She claims her intent was to reduce the school buffer from 500' to 200'. She claims that you are being asked to 'correct' that error.

Background: Environmental Justice

The city of Holyoke has granted at least sixty-nine Host Community Agreements (HCA) with marijuana businesses to date. The full list is attached to this document. **All these companies are located in wards 1, 2 and 4**, the same area of focus in the city's master plan, *Connect Construct Create*, and the same area identified as a **most vulnerable area** by the MA Executive Office of Energy and Environmental Affairs' Environmental Justice Policy. The majority of these companies are MME's that will grow marijuana or manufacture marijuana products.

A respected scientific institute that studies air quality, the Desert Research Institute (DRI), concluded in a 2019 study, included in this document, that emissions from cannabis growing and manufacturing facilities may negatively impact indoor and regional air quality and health especially in urban areas with a dense concentration of marijuana growers and manufacturers. **A yes vote on the ordinance reversion puts the health of downtown residents at risk.**

Massachusetts has Environmental Justice laws to protect poor, minority and English isolated neighborhoods from industries that may damage their health or quality of life and has identified neighborhoods most at risk. West of Worcester, Holyoke is **one of two cities** identified as most at risk and **our neighborhood designated as most at risk to be taken advantage of is the exact same area that will be flooded with MME's if you vote yes.**



Above you'll see the state's area of concern (left in purple) and the city's map of Host Agreement addresses (right. MMEs in green). Larger versions of these maps are attached to the end of this document.

Background: MME Odors and Downtown Development Plan

Allowing MMEs without a buffer for retail, residential, office and hospitality would replace the community developed and approved master plan, **Connect Construct Create**, with a marijuana zone developed by politicians behind closed doors led by those who received large industry donations.

Odors from MME's cannot be eliminated despite the vague claims of MME's. GTI and Truelieve are regularly in violation of Holyoke's currently non-enforced marijuana odor ordinance. Wind and weather conditions can spread the odor over long distances. Odors from Truelieve, over 1,000' from Open Square are noticeable at Open Square with increasing frequency.

Holyoke is not alone: Carpinteria, California, has been battling for years as Marijuana odors from MME's have blanketed large parts of their community. Extensive and expensive odor "mitigation" techniques have been implemented and have reduced odor complaints from 448 to 363 since 2019, but are nowhere near eliminating the problem.

In Denver Colorado, population 715,000, MME's are limited to industrial areas (not mixed use like Holyoke's) and can't be within 1,000' of any school. Nonetheless, marijuana odor complaints from MME's still account for 10% of all odor complaints in this city.

Holyoke is finally attracting the businesses envisioned in the master plan for a 24/7 city center where people live, work and play. Without adequate ordinances (including buffers and odor enforcement teeth) in place, MME's will stop the growth of the city center as envisioned in the master plan.

Your no vote and support instead for a six-month moratorium sitting in the Ordinance Committee supports this encouraging progress. A yes vote shuts the door on this progress.

Background: Existing Businesses Harmed

Balancing the city's desire for new cannabis-related tax revenue while not eliminating existing tax paying businesses is not only possible, it's not hard to do. It requires minimum filtration

specifications for MME's, odor and air quality monitoring, clear, enforceable ordinances for violations including substantial penalties and reasonable, science based buffers that include the following categories in addition to schools

- Retail
- Hospitality
- Residential
- Office

Open Square and its related companies have continually invested in downtown Holyoke for over 20 years. **Last year we paid more than \$120,000 to the city in taxes and brought thousands to downtown Holyoke.** You are risking that income and visitorship because the odor of cannabis will stop retail, residential, hospitality and office development at Open Square and throughout the urban core.

If you allow cannabis without a buffer for existing companies like Open Square, you're trading short term small tax benefits for a long-term larger loss.

Questions To Ask

- Would you accept a MME next to your home? If 'no' you must allow other residents the same right.
- Would you accept a MME next to your business/livelihood? If 'no' you must vote no to allow other businesses the same right.
- Would you have dinner on an outdoor patio if the air smelled of cannabis? If 'no' you must vote 'no' to allow current businesses protection.
- Is a minimal school-only buffer the right choice for the health of residents?
- What will the cost be to existing businesses?
- Do you believe in Environmental Justice for the city's most vulnerable populations and are you willing to act on that belief?

Addendum

1. Current Host Community Agreements with addresses
2. DIR Report on air quality implications of indoor cannabis production
3. VACON proposed MME Special Permit Moratorium Language
4. MA Executive Office of Energy and Environmental Affairs Environmental Justice Policy
5. Maps
6. Email from Open Square Tennant

Addendum #1: Current Host Community Agreements

Name	Location	Map - Block - Parcel	HCA Date	HCA Class	Special Permit (Date)	Submission Date for City Council Special Permit	Letter of Non-Opposition	Medical or Adult Use	License Class
GT/RISE (Compassionate Organics)	28 Appleton	032-01-001	issued 4/29/2021		8/7/18	June 15, 2018	Yes	Both	Cultivation/ Manufacturing
East Coast Pharmaceuticals (dba 4Bros.)	630 Beaulieu	055-00-003	5/9/18		8/7/18	March 2, 2021	Yes	Adult Use	Cultivation/Manufacturing/Retail
Holyoke Gardens	5 Appleton	049-01-006	Yes		10/2/18	May 15, 2021	N/A	Adult use	Cultivation/Manufacturing
GT/RISE	130 Race St.	030-06-016	Yes		10/16/18	August 31, 2018		Both	Retail
Solurge	650 Beaulieu	055-00-001	5/2/18		12/18/18	August 8, 2018	Yes	Medical - event	Cultivation/Manufacturing/Retail
Boston Bud Factory	73 Sargeant	028-07-013	Yes		12/18/18	September 12, 2021	N/A	Adult Use	Manufacturing/Retail
Analytics Labs	28C Appleton St.	032-01-001	Yes		5/7/19			Adult Use	Independent Testing Lab
Trulieve (formerly Life Essence)	56 Canal		Yes		5/7/19		Yes	Both	Cultivation/Manufacturing
Bold Coast Solutions (Frost Farms)	28D Appleton St.	032-01-001	5/23/20		8/4/19			Adult Use	Manufacturing
Canna Provisions, Inc. (formerly Fidelity Wellness Center)	380R Dwight	021-01-005	5/10/18		8/6/19	May 10, 2018	Yes	Adult Use	Retail
High End Management Co LLC	110 Winter St.	032-01-009	Yes		9/3/19			Adult Use	Tier 3 Cultivation/Manufacturing/Retail.
Four Trees	1 Cabot St.	048-01-010	8/19/19		1/21/20			Adult Use	Tier 1 Cultivation/Retail
Holyoke 420 LLC (Holyoke Cannabis)	380R Dwight		6/17/19		1/21/20				
Emerald River	26 Hadley Mills Rd.	023-01-004	6/11/20		6/11/20			Adult Use	Retail
Mill Town Agriculture (Agricultural Alternatives, LLC)	1 Cabot St.	048-01-010	Yes		8/4/20				
Tigertown, LLC	56 Jackson	026-05-001A / 026-05-001B	Yes		8/4/20			Adult Use	Retail
Victoria Frost	679 Main St.	055-00-009.2			8/4/20				
ACMJ, LLC	532 Main St.	026-03-012	8/24/20		8/26/20			Adult Use	Cultivation/Manufacturing
Buudda Brothers	604-606 Main St.	026-02-007	8/19/19		9/15/20	June 5, 2019		Adult Use	Cultivation/Manufacturing/Retail
Exotica Farms	5 Appleton St.	049-01-006	6/11/20		9/15/20	June 16, 2020		Adult Use	Cultivation/Manufacturing
Flora Legion LLC	1 Bigelow St.	020-01-003	4/15/21		4/16/21			Adult Use	Cultivation/Manufacturing
EMB Natural Ventures, LLC	140 Middle Water	047-01-015	Yes		4/20/21	December 18, 2021		Adult Use	Cultivation
MassBiology Technology	6 Appleton	048-01-003	10/30/20		4/20/21				
Cannalife Genetics LLC	532 Main St. 3rd Floor	026-03-012	4/20/21		4/22/21			Adult Use	Microbusiness Cultivator
AltMass, LLC	1 Cabot St.	048-01-010	4/27/21		4/28/21			Adult Use	Tier 8 Cultivation/Manufacturing
North Country Production	12 Crescent St.	030-02-001	12/22/20		5/18/21				
GreenGrab INC	620 Beaulieu St.	055-00-004	5/24/21		5/24/21			Adult Use	Delivery Operator
Blossom Flower LLC	1 Cabot St.	048-01-010	5/26/21		5/26/21			Adult Use	Delivery Operator
Green Valley Analytics LLC	306 Race St.	030-08-013	3/9/21		6/1/21			Adult Use	Independent Testing Lab
Green Highland, LLC	26 Hadley Mill Rd.	023-01-004	9/17/20		6/15/21			Adult Use	Cultivation/Manufacturing/Retail
Mass Cannabis Grower's Cooperative	11 Jackson St.	027-01-004	7/8/20		6/15/21				
Delivered, Inc.	101 N. Bridge St.	039-02-006	7/7/21		7/7/21			Adult Use	Delivery Operator
Canna Squared, LLC	1 Cabot St.	048-01-010	9/15/21		9/10/21			Adult Use	Manufacturing
Hothouse Holyoke	90 Sargeant	018-01-018	Yes		application withdrawn for new location	June 8, 2018	Yes	Adult use	Microbusiness
Abbey Property Management (aka Paper City Cannabis)	40 Lyman St.	038-02-002.1	7/29/20					Adult Use	Retail
Alchemy League INC	15 Main St.	033-06-002	5/24/21					Medical	Medical Treatment
Arbol LLC	380 Dwight St.		4/21/20						
Flora Holyoke LLC	1 Bigelow St.	020-01-003	3/26/21					Adult Use	Cultivation/Production
Green Therapy Corp	52 Main St.	033-04-008	9/27/18				N/A	Adult Use	Tier 2 Cultivation/Manufacturing/Retail
Greener World, Inc.	620 Beaulieu St.	055-00-004	3/18/21					Adult Use	Manufacturing/Retail
GTI / RISE	100 Water St.	048-01-0005	4/29/21						
H&H Cultivation	42-48 Main St.		10/27/20						
Herbology Group (Pleasantrees)	111 Mosher St.	050-01-004 / 051-01-002	4/30/20						
Holyoke Green Growers	28 Water St.	051-01-009	4/11/19						
Holyoke Green Growers, LLC	275 Sargeant St.	107-00-051	4/27/21						
Honu EaSt. / Liberty Market	130 Middle Water	047-01-013					N/A	Adult Use	Manufacturing/Retail
Hybrid House	55 Jackson St.	018-01-004	3/9/21						
Hybrid House- No longer valid	20 Hadley Mills Rd.	041-01-015	12/22/20						
Kraft Kings Ltd.	620 Beaulieu St.	055-00-004	5/28/21						
Paper City Industries	11 Berkshire	055-00-007	5/16/19						
Riverside Paper Cultivation LLC	1 Cabot St.	048-01-010	6/10/21						
Sparkboro	120 Middle Water St.	047-01-016	12/11/20						
The High End Wellness	384 Dwight St.		3/3/20						
Tn-Wise, LLC	52 Main St.	033-04-008	10/29/19						
True North (formerly Plandai)	6 Appleton	048-01-003	Yes				Yes		
Urban Grow Inc.	Steam building/208 Race St.	030-07-014							
Wormtown Genetics LLC	42-46 Main								Cultivate
620 Industries INC	620 Beaulieu St.	055-00-004	4/12/21	Manufacturing				Adult Use	Cultivation/Manufacturing
Relevant Energy Concepts LLC	84 N Bridge St.	039-01-010	8/11/21						
876 Grow	360 Race St.	028-06-018A	8/11/21	Cultivation				Adult Use	Tier 1 cultivator
Healing Calyx, LLC d/b/a Greenrush Delivery	380 Dwight St., Ste. 5	021-01-003	9/22/21	Courier				Adult Use	Courier
Holyoke Smokes Corp.	110-116 Winter St.	032-01-009	9/22/21	Delivery Operator					
First City Provisions	89 South Street	017-01-005	3/22/21					Adult Use	Cultivation/Manufacturing/Retail
Holyoke Wilds, LLC	20 Hadley Mills Rd.	041-01-015	9/30/21	Cultivation/ Manufacturing					
Canna Getta Delivery, Inc.	382 (380) Dwight St.	021-01-003	9/30/21	Courier Cultivation/ Manufacturing / Retail					
Holyoke Green Growers, LLC	60 Jackson St.	017-01-007	11/18/21						
Infused Element LLC	1 Cabot St.	048-01-010	12/2/21	Manufacturing					

Addendum #2: DIR Report on Air Quality Impacts of Indoor Grow Sites

Emissions from cannabis growing facilities may impact indoor and regional air quality, new research shows

Sep 16, 2019



RENO, Nev. (Sept. 16, 2019) – The same chemicals responsible for the pungent smell of a cannabis plant may also contribute to air pollution on a much larger scale, according to new research from the Desert Research Institute (DRI) and the Washoe County Health District (WCHD) in Reno, Nev.

In a new pilot study, DRI scientists visited four cannabis growing facilities in Nevada and California to learn about the chemicals that are emitted during the cultivation and processing of cannabis plants, and to evaluate the potential for larger-scale impacts to urban air quality.

At each facility, the team found high levels of strongly-scented airborne chemicals called biogenic volatile organic compounds (BVOCs), which are naturally produced by the cannabis plants during growth and reproduction. At facilities where cannabis oil extraction took place, researchers also found very high levels of butane, a volatile organic compound (VOC) that is used during the oil extraction process.

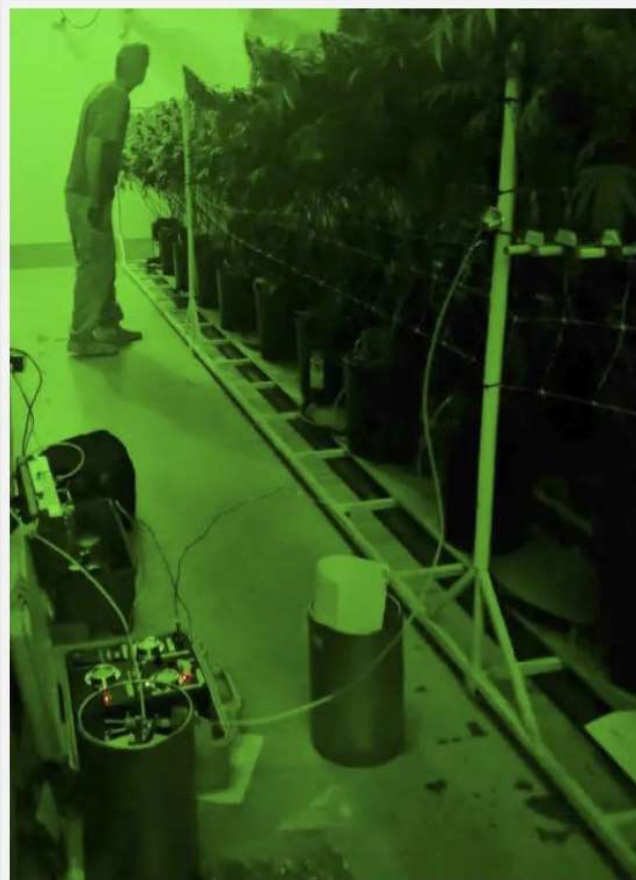
“The concentrations of BVOCs and butane that we measured inside of these facilities were high enough to be concerning,” explained lead author Vera Samburova, Ph.D., Associate Research Professor of atmospheric science at DRI. “In addition to being potentially hazardous to the workers inside the cannabis growing and processing facilities, these chemicals can contribute to the formation of ground-level ozone if they are released into the outside air.”

Although ozone in the upper atmosphere provides protection from UV rays, ozone at ground-level is a toxic substance that is harmful for humans to breathe. Ozone can be formed when volatile organic compounds (including those from plants, automobile, and industrial sources) combine with nitrogen oxide emissions (often from vehicles or fuel combustion) in the presence of sunlight. All of these ozone ingredients are in ample supply in Nevada’s urban areas, Samburova explained – and that impacts our air quality.

“Here in our region, unfortunately, we already exceed the national air quality standard for ground-level ozone quite a few times per year,” Samburova said. “That’s why it is so important to answer the question of whether emissions from cannabis

<https://www.dri.edu/emissions-from-cannabis-growing-facilities-ma-impact-indoor-and-regional-air-qualit-new-research-shows/>





A scientist from the Desert Research Institute measures air quality inside of a cannabis growing facility. Credit: Vera Samburova/DRI, 2019.

At one of the four cannabis growing facilities visited during this study, the team measured emission rates over time, to learn about the ozone-forming potential of each individual plant. The results show that the BVOCs emitted by each cannabis plant could trigger the formation of ground-level (bad) ozone at a rate of approximately 2.6g per plant per day. The significance of this number is yet to be determined, says Samurova, but she and her team feel strongly that their findings have raised questions that warrant further study.

"This really hasn't been studied before," Samburova said. "We would like to collect more data on emissions rates of plants at additional facilities. We would like to take more detailed measurements of air quality emissions outside of the facilities, and be able to calculate the actual rate of ozone formation. We are also interested in learning about the health impacts of these emissions on the people who work there."

The cannabis facility personnel that the DRI research team interacted with during the course of the study were all extremely welcoming, helpful, and interested in doing things right, Samburova noted. Next, she and her team hope to find funding to do a larger study, so that they can provide recommendations to the growing facilities and WCHD on optimum strategies for air pollution control.

"With so much growth in this industry across Nevada and other parts of the United States, it's becoming really important to understand the impacts to air quality," said Mike Wolf, Permitting and Enforcement Branch Chief for the WCHD Air Quality Management Division. "When new threats emerge, our mission remains the same: Implement clean air solutions that protect the quality of life for the citizens of Reno, Sparks, and Washoe County. We will continue to work with community partners, like DRI, to accomplish the mission."

This research was funded by the WCHD and DRI. Members of the DRI team included Vera Samburova, Ph.D., Dave Campbell, M.Sc., William R. Stockwell, Ph.D., and Andrey Khlystov, Ph.D. To view this study online, please visit: <https://www.tandfonline.com/doi/full/10.1080/10962247.2019.1654038>

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Emissions from cannabis growing facilities may impact indoor and regional air quality, new research shows - DRI

The Desert Research Institute (DRI) is a recognized world leader in basic and applied interdisciplinary research. Committed to scientific excellence and integrity, DRI faculty, students, and staff have developed scientific knowledge and innovative technologies in research projects around the globe. Since 1959, DRI's research has advanced scientific knowledge, supported Nevada's diversifying economy, provided science-based educational opportunities, and informed policy makers, business leaders, and community members. With campuses in Reno and Las Vegas, DRI serves as the non-profit research arm of the Nevada System of Higher Education. For more information, please visit www.dri.edu.

The Washoe County Health District has jurisdiction over all public health matters in Reno, Sparks, and Washoe County through the policy-making Washoe County District Board of Health. The District consists of five divisions: Administrative Health Services, Air Quality Management, Community and Clinical Health Services, Environmental Health Services and Epidemiology & Public Health Preparedness. To learn more, visit <https://www.washoecounty.us/health/>

Addendum #3: Proposed MME Special Permit Moratorium Language

Submitted by Councilor Vacon. Currently in Ordinance Committee

That the City adopt a temporary moratorium on issuing special permits for MME's and on the use of land and structures in the City for MME's for a period of six months, so the City can study and enact ordinances that protect the health and well being of its citizens and businesses that may be negatively impacted by MME's including but not limited to:

- Studying and evaluating the potential health hazards and economic impact of air emitted from MME's
- Studying and evaluating the effectiveness of the latest filtration and mitigation technology for emissions from MME's
- Implementation of effective filtration and mitigation system minimum requirements to eliminate air quality hazards and nuisance odors emitted from MME's
- Implementation of effective buffers to protect citizens and businesses from air quality hazards and nuisance odors emitted from MME's
- Development and implementation of clear and enforceable air quality and nuisance odor standards and penalties, including fines and operation shut downs
- Identifying the appropriate city department for monitoring and enforcement of air quality and nuisance odor violations
- Exploring dedicated funding for monitoring and enforcement of air quality nuisance odor emissions from MME's.

Addendum #4: Environmental Justice Policy Of The Executive Office Of Energy And Environmental Affairs

Entire policy available at: <https://www.mass.gov/service-details/environmental-justice-policy>

Updated June 24, 2021

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ENVIRONMENTAL JUSTICE POLICY OF THE EXECUTIVE OFFICE OF ENERGY AND ENVIRONMENTAL AFFAIRS

"The people shall have the right to clean air and water, freedom from excessive and unnecessary noise, and the natural, scenic, historic, and esthetic qualities of their environment; and the protection of the people in their right to the conservation, development and utilization of the agricultural, mineral, forest, water, air and other natural resources is hereby declared to be a public purpose."

Constitution of the Commonwealth of Massachusetts, Article 97.

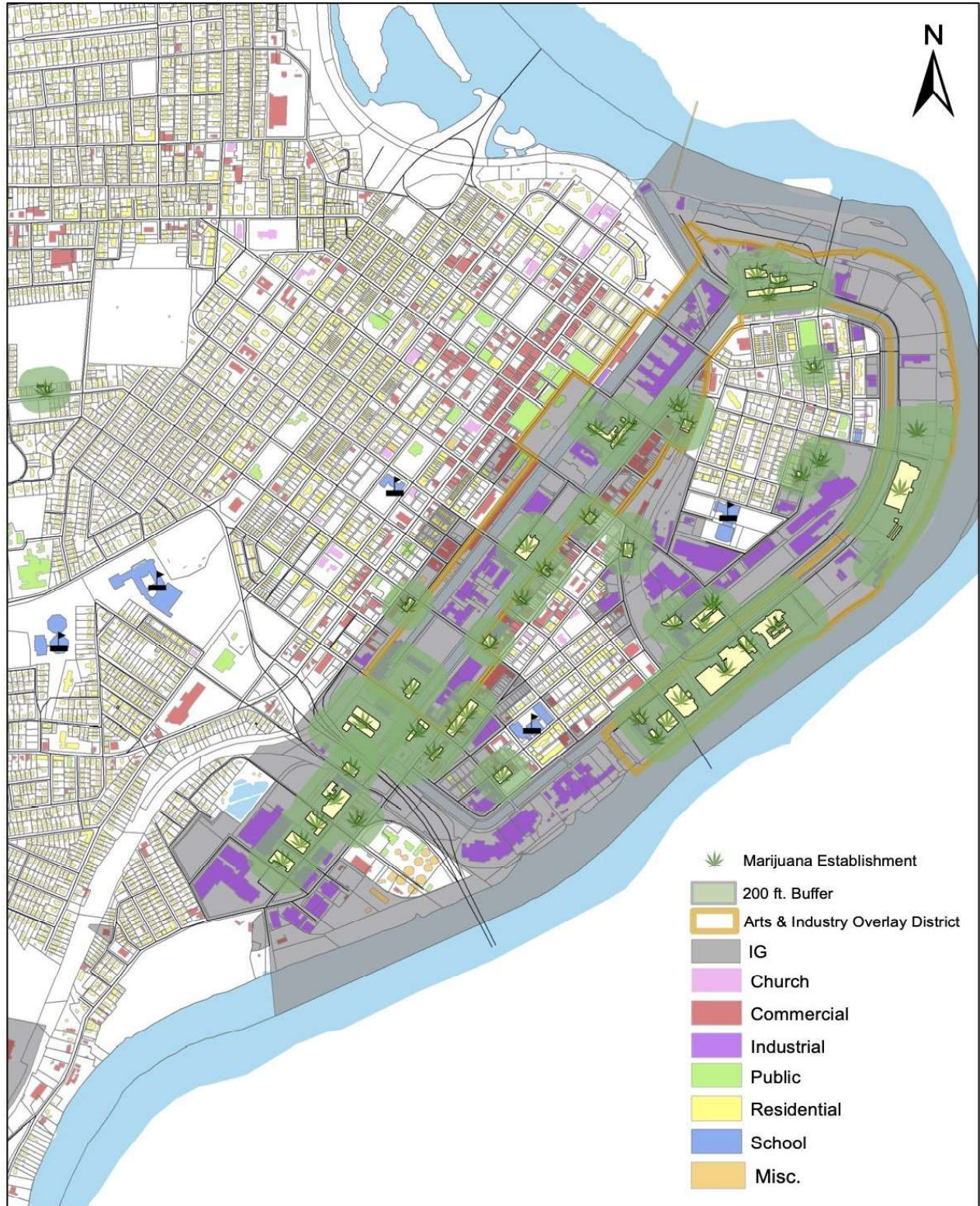
PREAMBLE

The Executive Office of Energy and Environmental Affairs (EEA) is charged with developing broad energy and environmental policy, EEA policies are implemented through a number of agencies and divisions that fall within the purview of the EEA Secretariat. Those agencies and divisions include the Department of Agricultural Resources, the Department of Conservation and Recreation, the Department of Energy Resources, the Department of Environmental Protection (MassDEP), the Department of Fish and Game, the Department of Public Utilities, the Energy Facilities Siting Board, the Massachusetts Office of Coastal Zone Management, the Massachusetts Bay Estuary Program, the Division of Conservation Services, the Massachusetts Environmental Police, the Massachusetts Environmental Policy Act (MEPA) Office, the Massachusetts Environmental Trust, the Office of Technical Assistance and Technology, the Water Resources Commission, the Licensed Site Professional Board and the Hazardous Waste Site Cleanup Professionals Board.

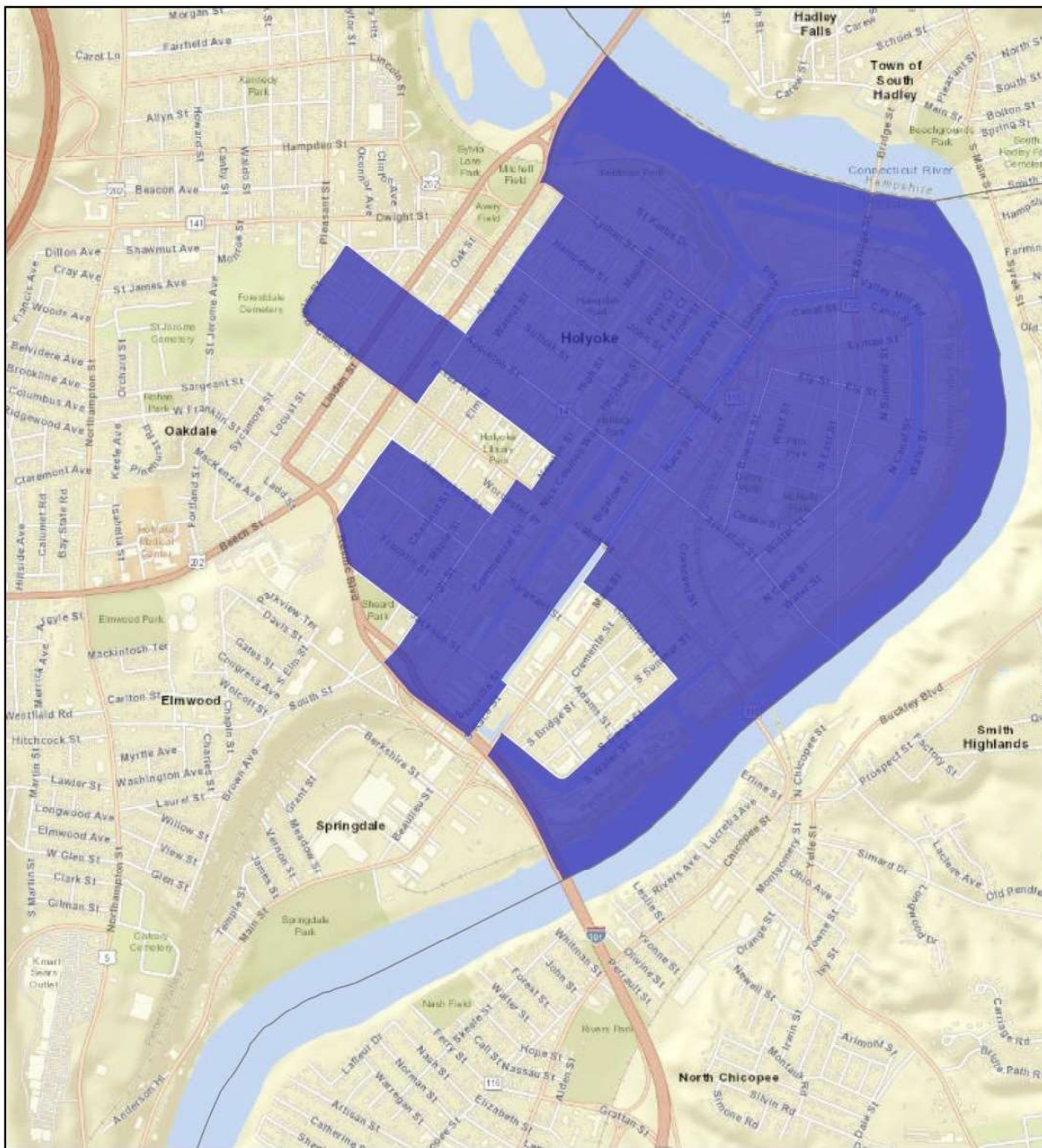
The Environmental Justice Policy (the Policy), originally issued in 2002, was initially informed by an advisory committee of stakeholders known as the Massachusetts Environmental Justice Advisory Committee (MEJAC), with representatives from local community groups, industry, the faith community, academia, and the indigenous community. MEJAC's direction and vision was critical to the initial development of the Policy. In addition, the Policy was shaped by comments received during a rigorous seven-month comment period, including numerous meetings and discussion sessions with interested parties across the state. Also central to the development of the original Policy was the advice and commitment of the Environmental Justice Working Group, an active, multi-agency stakeholder group at that time comprising the Department of Environmental Protection, the Department of Environmental Management, the Department of Fisheries, Wildlife, and Environmental Law Enforcement, the Department of Food and Agriculture, the Metropolitan District Commission, the Massachusetts Environmental Policy Act (MEPA) Office, the Massachusetts Watershed Initiative, the Office of Technical Assistance, the Division of Conservation Services, the Office of Coastal Zone Management, the Department of Housing and Community Development, and the Department of Public Health.

When the original Policy was formulated, the Secretary of Environmental Affairs noted that many communities, particularly in suburban and rural areas, faced significant challenges while attempting to guide how and where development occurs while also preserving the character of their communities. The loss of farmlands, forests and open spaces was also duly noted. While significant

Addendum #5: Maps of MME Locations and Environmental Justice Area of Concern

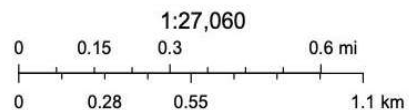


2020 Environmental Justice POpulations



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- MA Municipalities
- MA 2020 Environmental Justice Blockgroups
- Minority, income and English isolation



Esri, HERE, Garmin, INCREMENT P, NGA, USGS

Addendum #6: Concerned Open Square Tenant



John Aubin <john@opensquare.com>

odor of marijuana in parking lot

Gayle White <gayle@eaglehomebuyersllc.com>
To: John Aubin <john@opensquare.com>
Cc: "Stephen P. White" <stephen@eaglehomebuyersllc.com>

Thu, Oct 14, 2021 at 11:55 AM

John,

We have been tenants at Open Square for over seven years and recently noticed the very strong odor of marijuana in the parking lot. Our staff has commented on it and finds it very unpleasant. It is also offputting for our vendors and clients.

We sponsor the CHD Springfield Thunderbirds Sled Hockey teams and are hesitant to have the children visit us this year due to the very strong smell.

I am unsure if there is anything you can do about this but the smell should not permeate the parking lot at Open Square. Thank you for your attention.

Regards,

Gayle White, CPA, MSA
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