

**SANCTUARY MEDICINALS, INC.**

**TOWN OF BROOKLINE SELECT BOARD MARIJUANA ESTABLISHMENT  
LICENSE CONDITIONS FOR MARIJUANA RETAILER LICENSE**

**(as voted by the Select Board on August 6, 2019)**

**Definitions**

1. “Business Plan” refers to the current Town-approved Business Plan referenced in the Zoning Board of Appeals Decision dated June 24, 2019, special permit conditions 1 and 2. It shall include the following Town-approved components, as may be amended from time-to-time with the approval of the Town:
  - the Security Plan (describing the Licensee’s security operations)
  - the Pest Control Plan (describing the Licensee’s services and measures to avoid pests and rodents)
  - the Customer Demand Plan (describing the Licensee’s services model(s) used to avoid queueing; by way of illustration only, examples may include ordering ahead, making appointments, encouraging shopping in the area with alert by text)
  - the Transportation and Demand Management Plan (describing the Licensee’s measures for encouraging alternative modes of transportation to reduce vehicular traffic to the site)
  - the Diversity Plan (describing the Licensee’s efforts to hire diverse employees)
2. The “Establishment” means the business operated at the address identified on the Select Board’s License(s) of the Town of Brookline (“Town”) issued pursuant to the Town’s General By-Laws.
3. “Executive Management Team Members” means the individuals who are responsible for the day-to-day operations of the Establishment, including the chief executive officer (CEO) or executive director (ED), chief operations officer (COO) or director of operations, chief financial officer (CFO) or director of finance, director of human resources, director of security, and any other individuals involved in the oversight and business management of the Establishment’s operations.
4. “Premises” means the property located at the address identified on the Select Board’s Marijuana Establishment License issued pursuant to the Town’s General Laws that is under the legal control of the Establishment.
5. “Inspectional Departments” means the Town’s Police Department, Fire Department, Health Department, Building Department, Planning Department, and/or Department of Public Works/Transportation Division.

## General Requirements

6. The hours of operation shall not exceed the hours of 10 a.m. to 10 p.m. on Mondays through Fridays and 9 a.m. to 10 p.m. Saturdays and Sundays. No customers shall be permitted to enter the premises after 9:45 p.m. The Licensee shall not operate outside of the foregoing hours without Select Board approval. Any change to operational hours shall be subject to Select Board approval, after input from the Director of Engineering and Transportation and the Chief of Police. If the Licensee opens before 10 a.m. on Saturdays or Sundays, it shall conduct 3-month and 15-month traffic monitoring reports that include traffic counts during such earlier periods of operations.
7. The Licensee shall comply with all applicable State and local laws, regulations, by-laws, codes, conditions and agreements with the Town, including, but not limited to, G.L. c. 94G, 935 CMR 500, 105 CMR 725, the Town of Brookline's General By-Laws (including, but not limited to, **Article 8.37 of the General By-Laws**), the Town of Brookline's Zoning By-Laws, all applicable Town building, fire prevention, police, and health codes, regulations and standards, and any conditions imposed on licenses and permits held by the Licensee in connection with the Licensed Establishment (including, but not limited to, the Town's Zoning Board of Appeals special permit and any Select Board license). In the event of a conflict between these conditions, on the one hand, and State or local law or regulation, on the other, State or local law or regulation shall govern. In the event of conflict between the Business Plan, on the one hand, and these conditions, on the other, these conditions shall govern.
8. The Licensee shall comply with all agreements with the Town, including but not limited to Host Community Agreement ("HCA") with the Town. In the case where the HCA Stipulation(s) conflict with a State or local law or regulation, or with a condition imposed by a Massachusetts Cannabis Control Commission ("CCC") marijuana license, a condition of this Select Board License, or the Zoning Board of Appeals special permit, then the State or local law or regulation or License or permit condition shall control.
9. The Licensee shall maintain all permits and licenses required by State and local laws in connection with the Establishment, including, but not limited to, a valid, current license in good standing from the CCC. Any voiding of the license of the CCC by operation of law (including due to cessation of operations, failure to become operational within the permitted time, or relocation without State approval), and any revocation or suspension of the State license applicable to the Establishment, shall result in an automatic suspension of the Select Board license pending hearing or the opportunity therefor and pending further determination by the Select Board made in conformity with law.
10. The Licensee's operations at the Establishment shall be limited to those permitted by a CCC license and the Select Board License(s) pertaining to the Establishment and to the Premises.
11. The Licensee may close the Establishment or cease its operations, whether on a temporary or permanent basis, if permitted by State law, and if permitted by the Select

Board after a written request to close or cease operations submitted to the Select Board that explains the reason(s) therefor, the length of such closing or cessation of operations, and any plans to reopen. The notification and request for permission to the Select Board must be submitted thirty (30) days in advance of the closing or cessation of operations. In the event of an emergency preventing the thirty (30) days notice and request for Select Board permission to close or cease operations, the Licensee shall submit the notice and request to as soon as it is aware of the need to close or cease operations. Failure to provide such notice and to obtain such permission may, after hearing or reasonable opportunity therefor, result in cancelation of the license.

12. The Licensee acknowledges that the conditions herein pertain to its sales of marijuana and related products as may be permitted under existing State law, and that in adopting these conditions, the Town assumes operations by the Licensee that comply with existing State law. The Town reserves the right to modify these conditions as may be permitted by law in the event that changes in State law do or could authorize changes in the products sold by the Licensee or in the nature of the Licensee's business. The Town reserves the right to modify these conditions in connection with the annual license renewal process and as otherwise permitted by existing law, including Article 8.37 of the Town's General By-Laws.

### **Management-Related Requirements**

13. Unless already approved in connection with the Licensee's Town RMD Select Board License, the Licensee must obtain Select Board approval for Board Members, Executive Management Team Members, Directors, the Manager, and any Alternate Manager(s), and for any changes in Board Members, Executive Management Team Members, Directors, the Manager, and Alternate Manager(s), which may entail the Select Board's review of a person's suitability for such position. In the event that the Select Board or designee undertakes a criminal background check in connection with such suitability determination, the Licensee shall provide to each person for whom it seeks Select Board approval a CORI Acknowledgment Form and a hard or electronic copy of the Town's "CORI Policy: Licensing", and provide to that the person an opportunity to review such materials prior to the person's execution of the CORI Acknowledgement Form and the Establishment's submittal of the executed CORI Acknowledgement Form to the Town.
14. The Licensee must obtain the approval of the Chief of Police or designee for the executive(s) or manager(s) responsible for security at the Premises (including for formulating and/or implementing security measures, plans and policies pertaining to the Licensee's operations, physical facility or transportation to or from the site), and for any change of personnel in such position.
15. A Manager or Alternate Manager must be on the Premises during the Establishment's hours of operation. In the event of an emergency, the Manager or Alternate Manager on site who needs to leave the Premises shall designate an Alternate Manager to act as the temporary manager on duty. A written record shall be kept which identifies the Manager or Alternate Manager on duty for each shift. The Manager or Alternate Manager on duty

shall have total responsibility for the proper operation of the Establishment's Premises and operations.

### **Operational Requirements**

16. There shall be no consumption, production or manufacture of any marijuana products at the Establishment or anywhere on the Premises. Production and manufacture does not pertain to repackaging of marijuana products produced or manufactured off-site. The Licensee shall comply with Police Department requests to post Police-Department signage in neighboring areas notifying the public that public consumption of marijuana is prohibited by law.
17. Deliveries of products shall not originate from the Premises unless explicitly required by State law.
18. The Licensee shall have an attendant on the Premises during the Establishment's hours of operation to assist visitors with ingress onto and egress from the Premises.
19. The Company shall not supply marijuana or marijuana products free of charge or as otherwise prohibited by 935 CMR 500.105. Prohibited endeavors shall include, but are not limited to, product "giveaways", gifts, coupons, free or donated marijuana or the distribution of marijuana or marijuana products as an incentive, prize or bonus in a game, contest or tournament involving skill or chance.
20. The Licensee shall comply with the current Transportation Demand Management Plan ("TDMP") submitted to the Town pursuant to the conditions of the Licensee's special permit, as the TDMP may be amended with Town approval.
21. The Licensee shall at all times comply with the current approved Business Plan that has been approved by the Chief of Police or designee following input from appropriate Town departments as the Chief or designee may determine.
22. The Company shall accept as valid proof of age a government-issued photographic identification containing a date of birth, both in connection with sales by the Company through the Establishment's operations and for deliveries of marijuana and marijuana products to locations within the Town. The Licensee shall use Police Department-approved ID scanner technology to verify the adult consumer is 21 years of age or older prior to entry into the facility and will verify ID again at point of sale. The Licensee shall comply with a plan approved by the Police Department for verification of identification and proof of age at any entrance used by the public, as it may be amended upon the request of or with the approval of the Police Department.
23. The Licensee shall have sufficient staff and/or security agents to monitor and manage all customer queues and exits (the latter to assure that there is no entry via an exit) as shall be approved by the Police Department. A clear path for pedestrians at least four (4) feet in width shall be kept open on the sidewalk at all times, including hours when the

business is closed to the public. Licensee staff will monitor the line and take steps to ensure that the 4-foot path of travel is present at all times for the entire length of the line, including asking customers to leave and return at another time, if necessary. Temporary stanchions shall be used to keep the customer line in double file and to maintain a clear path of travel of four (4) feet. The stanchions shall be removed at the close of business or when not in use. If queuing occurs during times when the facility is not open, the Licensee shall work with the Town to implement measures to ameliorate any potential nuisance conditions posed thereby, including hiring a detail officer during hours when the business is closed to the public and providing staff during such hours to assist with managing queuing conditions. If the Chief of Police and/or the Director of Engineering and Transportation deems sidewalk queuing a hazard or nuisance, the Licensee shall devise a contingency plan to eliminate sidewalk queue subject to the review and approval of the Chief of Police and the Director of Engineering and Transportation, with all associated costs borne by the Licensee. The Licensee shall consider a contingency plan that consists of customer satellite parking locations with shuttle vans transporting customers between the satellite parking location and the retail establishment in a continuous loop in addition to seeking out private parking spots to rent for customer use. The Licensee shall comply with Town requirements relating to sidewalk occupancy permits from the Department of Public Works for such stanchions. A security agent will end the sidewalk queue 6'-3' prior to the end of the alley between 1341 Beacon St. and 1351 Beacon St. The Licensee shall comply with any queuing-related requirements set forth in the Business Plan. The Licensee shall appear before the Select Board approximately six (6) months after commencing sales to review any issues regarding operations to date, including sidewalk queuing.

24. The Licensee shall work with the Town on a Town-approved opening plan in anticipation of the commencement of Adult Use sales. The opening plan shall provide that the Licensee's opening day shall fall on a Saturday. The Licensee shall implement Town-recommended measures for the opening plan, which may include, but is not limited to, providing for off-hours staffing at the exterior of the building to manage lines and crowds and the hiring of one or more additional detail officers. The Licensee will not commence Adult Use sales prior to receiving written Police Department approval of the opening plan. At least two (2) weeks prior to the anticipated date for the commencement of Adult Use sales, the Licensee will present the opening plan to the Select Board.
25. During periods of snow, the Licensee will maintain the public sidewalk on the exterior of the Premises in a non-slippery condition and will remove snow banks from the full width of the sidewalk to allow for the free flow of pedestrian traffic.
26. The Licensee will endeavor to identify additional off-street employee parking opportunities in the vicinity.
27. The Licensee will post Police Department-approved signage conspicuously displayed in the vicinity of sales transactions areas that informs the public of the penalties for 1) driving under the influence of marijuana, 2) purchasing marijuana while under-aged or on

behalf of an under-aged person, 3) possessing an open container of marijuana in the passenger area of a motor vehicle, and 4) public consumption of marijuana products.

### **Security-Related Requirements**

28. The Licensee shall immediately notify the Town's Police Department of any known or suspected violation of criminal law or suspicious activity that has taken place on or near the location of the Establishment. This is to include any criminal behavior related or unrelated to the business of the Establishment. The Licensee shall maintain an incident log that lists and describes unusual incident(s) (by way of illustration only, the presentation of fake identification).
29. The Licensee shall promptly copy the Town's Chief of Police on any notifications and submissions it makes to the Massachusetts Cannabis Control Commission.
30. The Licensee shall facilitate the immediate access and transfer of video footage from any video surveillance system of the Establishment's interior or exterior when so requested by the Town's Police Department (which request may be made when the Police Department has a reason to believe that such footage may be of assistance in an ongoing investigation related or non-related to the Establishment's business). The Town's Police Department will have access to the Video Management System from the Town's Public Safety Building to monitor any activities inside or outside of the facility in real time at the Department's discretion. The Town's Police Department does not hereby commit to monitoring such cameras regularly. The placement of such cameras shall not violate any person's right to privacy under State and federal law.
31. The Licensee shall connect its alarm system to a third party monitoring system, and notify the Town's Chief of Police about said third party monitoring system. During non-business hours, an Executive Management Team Member, Manager or Alternate Manager with access to all areas of the Premises (including limited access areas) shall respond to the alarm in person within one hour. In the event of accidental activation of a panic alarm, the Licensee will notify the Police Department that the activation was accidental. The Police Department may conduct a check of the facility in the event of an accidental activation.

### **Public Health-Specific Requirements**

32. All packaging and labeling of marijuana and marijuana products must be done in accordance with State law and regulations.
33. The Licensee must provide educational materials for adult use consumers. The materials must include information to ensure proper MIP dosage and safety tips, including instructions, information and warnings about the following:
  - a. Dosage safety: urging consumption on a "start Low" and "go slow" basis, including information about variability among individual tolerance to products and person-to-person variation in the effects;

- b. Guidance for first-time or low-tolerance patients or consumers;
  - c. Information regarding dosage and ingredients of available products;
  - d. Duration: Information about both the time interval until the product effects are felt and the length of product effects;
  - e. Responsible storage: Direction to keep products away from children, kept in child-resistant packaging, and not to store near other food items;
  - f. Driving and machinery: Not to operate a vehicle or machinery under the influence;
  - g. Pregnancy: That there may be additional health risks associated with consumption of this product for women who are pregnant, breastfeeding, or planning on becoming pregnant.
  - h. With regard to edible MIPs:
    - (i) Alcohol: Not to mix MIPs with alcohol;
    - (ii) Eating first: To eat a full meal before consuming MIPs as doing so helps in lowering the intensity of the effects.
34. Marijuana and marijuana products, including edible marijuana products, are subject to random inspection and testing by the Town, and/or verification by the Town that inspection and/or testing has occurred, as may be consistent with State law.
35. There shall be no production or manufacture of any products at the Establishment. This does not pertain to repackaging of cannabis products produced or manufactured off-site.
36. The Licensee shall keep an updated product and price list on file with the Board and the Town's Health Department.

### **Facility-Specific Requirements**

37. The Licensee shall conspicuously post Police Department-approved signage at any entrance actively used by the public (including any door leading into any vestibule) indicating that entry into the premises is prohibited by persons not possessing valid identification to prove that the person is at least 21 years of age. The notice shall be no smaller than 8.5" by 11."

### **Community Relations-Specific Requirements**

38. The Licensee must hold an annual community meeting to provide abutters and community residents with an opportunity to comment on the Licensee's operating practices, policies and plans.
- (a) Community meetings shall be advertised in the Brookline local newspaper between two (2) and four (4) weeks in advance of the meeting and announced on the Licensee's website beginning at least four (4) weeks in advance of the meeting and through the date of the meeting.
  - (b) The Licensee shall promptly notify the Town Administrator of community meetings and supply a copy of the Brookline local newspaper advertisement.
  - (c) The Licensee shall notify all Town Meeting members of community meetings two

- (2) to three (3) weeks in advance of the meeting.
- (d) As part of the Town's annual license renewal process, the Licensee shall submit a report outlining the number of attendees, a summary of comments received, and proposed responses and plans to address comments.

### **Access to Information and Required Notifications and Submissions**

39. The Licensee shall cooperate and comply with requests for information made by the Select Board and its agents.
40. Within twenty-four (24) hours of receipt of notice of it, the Licensee shall:
- (a) file with the Town Administrator, Director of Public Health and the Building Commissioner any summary cease and desist order, cease and desist order, quarantine order, suspension order, revocation order, order limiting sales, deficiency statement, plan of correction, notice of a hearing, notice of any other administrative process or legal action, denial of a Certificate of Registration, denial of a renewal of a Certificate of Registration, or final action issued by a state or federal agency (including, but not limited to, the CCC) regarding the Licensee or the Licensee's Certificate of Registration;
  - (b) inform the Town Administrator if any of the Licensee's State agent registrations is revoked, if a renewal application for a State agent registration is denied, or if the agent is subject to any pending administrative process or legal action; and
  - (c) Inform the Town Administrator of receipt of notice of any federal enforcement action against or investigation of the Licensee.
41. Within fourteen (14) days of submission to the CCC, the Licensee shall provide to the Select Board a copy of its application to the CCC for an original or renewed CCC, with personal information such as birth dates, social security numbers (including last 4 digits), financial/bank account numbers, driver's license numbers and criminal offender record information (CORI), and personal addresses, telephone numbers and email addresses redacted. Copies of such applications may be disclosed in accordance with the provisions of the Public Records law. The Company may identify information within such documents that has not been redacted that it believes is non-public record information, for the Town's consideration.
42. The Licensee shall promptly provide prior written notice to the Town Administrator of its intent to cease accepting a form of electronic payment (*e.g.*, credit or debit card).
43. The Company shall provide the Town Administrator, Chief of Police, Fire Chief, Health Director, Planning Director, and Building Commissioner with an up-to-date list of the names, 24-hour telephone numbers and email addresses of all Executive Management Team Members, Managers, Alternate Managers, and key holders of the Premises to whom the Town may communicate if necessary during business hours and after business hours.



44. Executive Management Team Members, Managers and Alternate Managers shall respond within twenty-four (24) hours of contact by a Town staff member. The Company agrees to appear before the Select Board and/or to communicate with Town staff if requested to do so.
45. The Licensee shall maintain on the Premises in a readily-accessible location one or more binders containing (a) all operating policies and procedures required by 935 CMR 500 and 105 CMR 725, (b) an up-to-date list of all products sold by the Licensee through the Establishment's operations, including the strains and forms in which marijuana and marijuana products are sold, along with prices charged, (c) the Licensee's entire application for an original CCC license in connection with the Establishment and any application for a Town Select Board license, in addition to renewal applications for such licenses, if dating within the past five (5) years; (d) a Town Health Department-approved pest control and a rubbish and litter plan, (e) a copy of the Registration Cards for the Establishment's Agents staffing, or supervising staff, of the Establishment, and (f) proof of a general liability insurance policy or escrow account as required by 935 CMR 500 and/or 105 CMR 725. Upon the request of the Select Board or its agent, the licensee shall make the binder(s) available for inspection.
46. The Licensee will cooperate with a pre-operational inspection by the Inspectional Departments prior to commencing recreational marijuana and recreational marijuana product sales.
47. The Licensee shall submit requested data and reports to the Board and its agents in the form and manner that they may determine. The Licensee may identify information within such documents that it believes is non-public record, for the Town's consideration. These submissions shall include, as part of the annual Town license renewal process, an annual report the accuracy and completeness of which is attested to under penalties of perjury detailing information that shall include:
  - i. Names and 24-hour site contact information for all Executive Management Team members, Managers and Alternate Managers;
  - ii. An independent financial audit of the Licensee prepared by a licensed CPA for the preceding fiscal year;
  - iii. The number and geographical distribution of customers visiting the facility by month (zip code information will suffice with regard geographical distribution information);
  - iv. In connection with the Transportation Demand Management Plan, performance monitoring records, reports and records of any required remedial actions, and any other records as may permit the Select Board to review the effectiveness of the TDMP and that may evidence the Licensee's continued implementation of and compliance with the TDMP's performance goals;
  - v. The number and percentage of on-site employees using the Licensee's public transportation subsidy for employees, and the number and percentage of on- site employees who generally commute to the facility using a means other than a vehicle parked in Town;

- vi. Total number of employees whose duties entail working at the facility on a part- or full-time basis;
- vii. Certification that all employees who drive to the facility are instructed to park in an off-site private parking facility;
- viii. A description of changes or additions to the information the Licensee had previously provided to the Town as part of its application.
- ix. A copy of the complete application for renewal to the CCC, redacted in conformity with the above. The Licensee may identify any additional information within such redacted documents that it believes is non-public record, for the Town's consideration.
- x. In connection with community meetings held during the preceding license period, a report outlining the number of attendees, a summary of comments received, and proposed responses and plans to address comments.
- xi. A report summarizing community complaints received during the preceding license period other than through community meetings, including the number of complaints received, a summary of the substance of each of the complaints, and the manner in which the Licensee addressed and/or remediated each of the complaints (or its planned response(s), with respect to complaints not yet addressed/remediated).