

Town Council

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**TOWN of
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**CANNABIS LICENSING:
LOCAL APPROVAL PROCESS & CANNABIS SOCIAL EQUITY POLICY**

Purpose & Scope

On August 11, 2022, [S.3096: An Act Relative to Equity in the Cannabis Industry, Chapter 180 of the Acts of 2022](#), was approved by the Massachusetts Legislature and signed into law by Governor Charlie Baker. The Act made numerous changes to Massachusetts' cannabis laws, most notably requiring the Cannabis Control Commission ("CCC") to establish procedures and minimum standards for municipalities to promote and encourage full participation in the regulated Marijuana industry by communities disproportionately harmed by marijuana prohibition and enforcement.

Pursuant to Massachusetts Code of Regulations ([CMR 500.181 - 935 CMR 500.181\(3\)\(b\)2](#) and [935 CMR 501.181\(3\)\(b\)2](#)), the Cannabis Control Commission is requiring Host Communities of any type of cannabis facility to have a model bylaw/ordinance or local approval process, including a Municipal "Social Equity Plan."

Based on guidance issued by the CCC on May 9, 2024, the Town of Franklin, through its Legislative Body, the Franklin Town Council, adopts the following policy, entitled *Cannabis Licensing: Local Approval Process and Cannabis Social Equity Policy*, to further promote social equity in the regulated cannabis industry, as required by state law.

Definitions

For the purpose of this policy, unless defined herein otherwise, all terms shall have the meaning ascribed to them by the CCC in its regulations (See [935 CMR 500](#) and [935 CMR 501](#)).

- **Area of Disproportionate Impact:** a geographic area identified by the Commission for the purposes identified in M.G.L. c.94G s. 4(a½)(iv), and which has had historically high rates of arrest, conviction, and incarceration related to Cannabis crimes.

Franklin has not been identified by the Commission as one of the state's municipalities located within geographic areas of disproportionate impact.

- Economic Empowerment Priority Applicant: an applicant who, as an entity or through an individual certified by the CCC in 2018, meets and continues to meet three or more of the following six criteria, at least one of which shall be a majority-equity-ownership criterion:
 - Majority-equity-ownership Criteria:
 - A majority (more than 50%) of ownership belongs to people who have lived for five of the preceding ten years in an Area of Disproportionate Impact, as determined by the CCC.
 - A majority (more than 50%) of ownership has held one or more previous positions where the primary population served were disproportionately impacted, or where primary responsibilities included economic education, resource provision or empowerment to disproportionately impacted individuals or communities.
 - Additional Criteria:
 - At least 51% of current employees or subcontractors reside in Areas of Disproportionate Impact and by the first day of business, the ratio will meet or exceed 75%. At least 51% of employees or subcontractors who have drug-related CORI and are otherwise legally employable in Cannabis enterprises.
 - Other significant articulable demonstration of past experience in or business practices that promote economic empowerment in Areas of Disproportionate Impact. This applicant has priority for the purposes of the review of its license application.
- Pre-verification or Verification of Eligibility as Social Equity Business: the process through which the Commission confirms whether an applicant is a Social Equity Business.
- Social Equity Business: a Cannabis Establishment comprising at least 51% (majority) ownership of individuals who are Social Equity Program Participants, or who have been certified as meeting the Commission's criteria for designation as an Economic Empowerment Priority Applicant, or both.
- Social Equity Program Participant: an individual who qualified to participate in the Social Equity Program and is designated as a program participant by the Commission.

Local Approval Process

The application process in Franklin is simple and streamlined for all applicants. The Town has successfully permitted a variety of cannabis businesses whose operations include manufacturing, retail, medical, cultivation, research and more. Franklin was one of the first communities to approve a cannabis bylaw in Massachusetts and has been open for business since the law was approved by voters in 2016.

A prospective applicant should know the following policies, factoids and guidance:

1. The Town of Franklin does not have a license quota for cannabis retail establishments.
2. The Town has approved the "[Marijuana Use Overlay District](#)" ([Exhibit 1](#)) with available parcels to be considered.
3. Town Bylaw allows retail, medical, and manufacturing establishments by special permit through the Planning Board. Please read [Town Code Zoning Bylaw section 185-49](#) for specific information.
 - a. Some notable prohibitions are:
 - i. Prohibition within 500 feet of a public or private school;
 - ii. Within 200 feet of a residential zoning district, library, church, child-care facility, park, and playground.
 - iii. The 500 feet and 200 feet distances shall be measured from all property lines of the proposed use; state forest land shall not be considered when determining the proximity of a parcel to a residential zoning district.
 - iv. The Town has not approved of the following cannabis related uses:
 1. Social Consumption business (which requires a ballot question).

The following Local Approval Process permitting steps are:

1. Visit the Town of Franklin [Cannabis Information Portal](#) for the latest information and updates.
2. Identify a parcel in the [Cannabis Use Overlay District](#) (last updated 2023) for a potential

project. The Town does not require a formal lease, contractual arrangement for rent, or purchase and sale agreement. However, an applicant should be able to identify a specific parcel of land to discuss as this makes the process much more efficient.

3. Fill out an initial application of interest through the Town's [OpenGov Cannabis Application](#). Potential cannabis facility owners/applicants will need to complete the [State Licensing Process](#) and Application in addition to the Town of Franklin Process.
4. After the initial application, an applicant will meet with the Town of Franklin's "Technical Review Committee" ("Tech Review"). This is a team of municipal department heads that work on all permitting in the community. Tech Review will give feedback and suggest best practices for a Cannabis facility. This is an interactive conversation with the proponent and municipal department heads to prepare for anything *prior to filing*. This enables a more complete and streamlined application. We strongly suggest, but do not require, that an applicant files with the Planning Board and Conservation Commission (assuming wetlands resources are present) at the same time. This is a standard applied to all applications before the Planning Board and/or Conservation Commission so the processes can proceed concurrently, which is a streamlined process for the applicant.

The staff included are:

- Town Administrator, Deputy Town Administrator, Fire Chief, Building Commissioner, Town Attorney, Health Director, Director of Community Planning & Development, Town Planner, Conservation Agent, and Town Engineer.

An applicant can schedule as many meetings with Tech Review staff before filing as they wish. Tech Review meets every week on Wednesdays at 3:00 in the Municipal Building at 355 East Central Street Franklin.

During the Tech Review process, the Town Administrator will discuss a Host Community Agreement (HCA) as part of that engagement. Town policy is to waive the HCA, unless permitting boards site impacts that may need to be mitigated in accordance with state law or regulation. The Town has opted to waive the HCA requirement for the businesses currently operating in town since November 1, 2023.

As of the date of this policy, the Town is not imposing any impact fees with any businesses. We expect to waive the HCA, unless impacts are identified through the permitting process with the Planning Board and Conservation Commission.

5. Meet with the Franklin Police Chief to address the legal requirements set forth in state law or regulation regarding surveillance.
6. Pursuant to state law or regulation, coordinate and schedule the Community Impact/Outreach Meeting through the Town Administrator's office. The Franklin Senior Center has been used as the site of all community outreach hearings for all permitted businesses in town.
7. File concurrently with the Planning Board and Conservation Commission (if applicable).

Cannabis Social Equity Policy

To encourage greater participation by Social Equity Applicants, the Town Council commits to the following:

1. The Town of Franklin will continue to allow marijuana establishments, subject to the Planning Board special permit and site plan approval process required for all cannabis establishments, with no current cap on the number allowed. By not imposing a hard cap on this License type, social equity applicants have greater access to participation in the regulated Cannabis industry.
2. The Town of Franklin has and will continue to centralize all information regarding the Local Approval Process on its [Marijuana Information Portal](#) on the Town website, including key individuals involved in the process and all required documentation, to increase transparency and user friendliness. The portal is designed to be a one-stop repository for all of the town's information on regulation and permitting cannabis establishments in town.
3. The Town of Franklin will promote available Host Community Agreements (HCAs), including waivers of HCA's, on its website through the above webpage. The Town assumes a waiver of the HCA. An HCA may be required if town boards decide there are impacts, as defined by state law and regulation, from a proposed project.

The Town of Franklin will publish data on the town website regarding HCAs that have been issued, identifying each Social Equity Business and License Applicant that has been designated as a Social Equity Program Participant or Economic Empowerment Priority Applicant, or who have been pre-verified pursuant to 935 CMR 500.101(7).

Per the Town of Franklin Home Rule Charter, the Town Administrator is the contracting authority for the government. If an HCA is required, the Town Administrator is a sole

authority to negotiate and execute an HCA.

4. The Town of Franklin will not charge a fee for reviewing applications for a Host Community Agreement from Social Equity Applicants, thereby encouraging applications from Social Equity applicants by reducing the barrier to entry for the regulated Cannabis industry.
5. The Town of Franklin will provide technical assistance throughout the Local Approval Process. The Town Manager, or their designee, will work closely with Social Equity applicants from initial inquiry through the special permit and building permit process.
6. The Town of Franklin will use the CCC's Model HCA as a template for negotiating HCAs with Social Equity Applicants and commits to complying with the HCA negotiations practices outlined in 935 CMR 500.181(4) and 501.181(4).

Evaluation

The Town of Franklin will use the Commission's [Host Community Cannabis Business Application Standard Evaluation Form](#) for evaluating prospective applicants.