

MASS YIELD CULTIVATION, LLC

MCN281392

On April 18, 2018, Mass Yield Cultivation, LLC (the “applicant”) submitted an application for licensure as a Marijuana Cultivator. On April 25, 2019, at a regular meeting of the Cannabis Control Commission, the Commission voted to deny the applicant’s application for a provisional license. On May 21, 2019, the Commission issued a Notice of Denial based on the Commission’s findings that the applicant failed to comply with the Commission’s regulations and guidance as it relates to the requirements of a Positive Impact Plan.

On June 4, 2019, the applicant submitted a petition requesting reconsideration of the denial. In connection with its petition for reconsideration, the applicant also submitted a revised positive impact plan. The content of the revised positive impact plan is described in further detail in paragraph 23, below.

Although not subject to the denial notice, the applicant also submitted a revised diversity plan. The content of the revised diversity plan is described in further detail in paragraph 24, below.

BACKGROUND & APPLICATION OF INTENT REVIEW

1. Name and address of the proposed Marijuana Establishment:

Mass Yield Cultivation, LLC
12 Commercial Street, Pittsfield, MA 01201

2. Type of license sought (if cultivation, its tier level and outside/inside operation):

Cultivation – Tier 2 / Indoor (5,001 – 10,000 sq. ft)

3. Applicant is a licensee or applicant for other Marijuana Establishment license(s):

Applicant is not an applicant or licensee for any other Marijuana Establishment license.

4. List of all required individuals and their business roles in the Marijuana Establishment:

Tim Mack – Owner/Partner

5. List of all required entities and their roles in the Marijuana Establishment:

Provisional License Executive Summary 1



Berkshire Hydroponics, LLC – capital resources contributor and equity holder

6. Applicant's priority status and information pertaining to co-located operations:

General Applicant

7. The applicant and municipality executed a Host Community Agreement on May 15, 2018.
8. The applicant conducted a community outreach meeting on May 15, 2018 and provided documentation demonstrating compliance with Commission regulations.
9. The Commission received a municipal response from the municipality on October 25, 2018 stating the applicant was in compliance with all local ordinances and bylaws.
10. The applicant proposed the following programs for its Positive Impact Plan:
 - a. Host an educational program for individuals who are 21 years or older on the methods of hydroponic farming and gardening;
 - b. Provide donations to Pittsfield police department two (2) times per year; and
 - c. Offer scholarships to students 21 years or older who have been affected by disproportionate criminalization.

SUITABILITY REVIEW

11. There are currently no concerns arising from the background checks on the individuals or entities associated with the application.
12. There were no disclosures of any past civil or criminal actions, occupational license issues, or marijuana-related business interests in other jurisdictions.

MANAGEMENT AND OPERATIONS REVIEW

13. The applicant states that it can be operational within nine (9) months of receiving their provisional license.
14. The applicant's proposed hours of operation are the following:

Monday – Saturday: 8:30 a.m. – 5:00 p.m.
Sunday: 8:30 a.m. – 12:00 p.m.
15. The applicant submitted all applicable and required summaries of plans, policies, and procedures for the operation of the proposed establishment. The summaries were determined to be substantially compliant with the Commission's regulations.



16. The applicant proposed the following programs for its Diversity Plan:
- a. Recruit individuals from diverse communities;
 - b. Develop relationships with historically minority colleges and organizations for recruitment efforts; and
 - c. Offer career planning, mentoring, and developmental opportunities for promotional opportunity for diverse individuals within the organization.

17. Summary of cultivation plan (if applicable):

The applicant submitted a detailed cultivation plan that demonstrated the ability to comply with the Commission's regulations.

18. Summary of products to be produced and/or sold (if applicable):

Not applicable.

19. Plan for obtaining marijuana or marijuana products (if applicable):

Not applicable.

20. ISO 17025 Certifying Body and Certificate Number (if applicable):

Not applicable.

PETITION FOR RECONSIDERATION

21. On April 25, 2019, at a regular meeting of the Commission, the Commission voted to deny the applicant's application for a provisional license based on findings that the Positive Impact Plan did not comply with the Commission's regulations and guidance.

22. On June 26, 2019, the applicant submitted a revised positive impact plan in connection with a petition requesting reconsideration of the Commission's denial.

23. The applicant's revised Positive Impact Plan, *see* Exhibit A, proposed the following programs:

- a. Hold four seminars for individuals, 21 years of age or older, from Pittsfield, North Adams and the surrounding area on the hydroponic method of farming and/or gardening for the cultivation of Cannabis;
- b. Sponsor two seminars on the beneficial and medicinal effects of Cannabis, where to legally obtain cannabis, and how to obtain a medical card in the Pittsfield and North Adams areas; and
- c. Donate a minimum of \$5,000 to BIO of Berkshire County, which provides transportation services to individuals where public transportation is unavailable, 3



especially between Pittsfield and North Adams. The organization has been contacted and is willing to accept the donation.

- d. Give priority to local businesses, suppliers, contractors, builders, and vendors in Pittsfield and North Adams in selecting services for the Marijuana Establishment and give priority to residents of Pittsfield and North Adam for employment opportunities.

24. The applicant also submitted a revised diversity plan in connection with its petition for reconsideration. The applicant's prior diversity plan was not cited as an express finding for denial, however, the revised diversity plan was accepted for application completeness should the Commission choose to reconsider its decision. The revised diversity plan includes the following programming:

- a. Recruitment of minorities, women, veterans, peoples with disabilities and people of all gender identities and sexual orientations for employment with applicant through recommendations from identified organizations operating in Berkshire County;
- b. Conducting quarterly employee surveys to solicit employee views and suggestions on improving the applicant's policies and practices supporting promotion of equity among persons falling within the above demographic;
- c. Compensating employee attendance at cannabis industry networking events;
- d. Identify potential partner business owned by individuals falling within the above demographic;
- e. Implement metrics to measure success of programing and conduct quarterly reviews to determine whether programming is achieving the stated goals of applicant's diversity plan.

RECOMMENDATION

If the Commission votes to reconsider the prior denial of licensure and subsequently votes to grant the applicant provisional licensure, Commission staff recommend that provisional licensure be subject to certain conditions, including but not limited to the following:

1. Final license is subject to inspection to ascertain compliance with Commission regulations;
2. Final license is subject to inspection to ascertain compliance with applicable state laws and local codes, ordinances, and bylaws;
3. The applicant shall ensure that any advertising, marketing or branding in connection with promotion of its Positive Impact Plan programming complies with 935 CMR 500.105(4), including but not limited to, ensuring that at least 85% of the audience is reasonably expected to be 21 years of age or older, as determined by reliable, current audience composition data and ensuring that educational sessions on the beneficial and medicinal effects of cannabis do not include representations that the applicant's products have curative or therapeutic effects unless supported by substantial evidence or substantial clinical data with reasonable scientific rigor as determined by the Commission;
4. The applicant shall cooperate with and provide information to Commission staff; and



5. Provisional licensure is subject to the payment of the appropriate license fee.

Notwithstanding the findings contained in the Commission's denial notice, the applicant has otherwise demonstrated compliance with the laws and regulations of the Commonwealth and suitability for licensure. Subject to the Commission's determination whether to grant reconsideration in this matter, the applicant is otherwise eligible for provisional licensure.

