



City of Malden

Massachusetts

PERMITS, INSPECTIONS & PLANNING SERVICES
110 Pleasant Street, 2nd Floor
Malden, Massachusetts 02148
(781) 397-7000 ext. 2044

June 20, 2018

The Honorable City Council
110 Pleasant Street, 3rd Floor
Malden, MA 02148

**Re: Amendments of §§200, 300, 400, 500, 700 and 800, Ch.12, Revised Ordinances of 1991 Zoning Map/Districts, Use Regulations, Dimensional Controls, Parking & Loading Regulations and Definitions
Marijuana Establishments- Adult Use, Recreational and Non-Medical Marijuana
CCP #283/2018 (As Amended by City Council on May 22, 2018)**

Dear Councilors:

On June 19, 2018, the Planning Board and City Council Ordinance Committee jointly held a public hearing regarding the above-referenced proposed amendments.

As a result of following the public hearing, a majority of the Planning Board, namely, seven of those nine members present, voted to recommend the following to the City Council:

Disapproval of amendments regarding the Marijuana Establishment Overlay district
(Sections 200.1, 200.2 and 300.20); and

Approval of all other proposed amendments as submitted and with the following revisions:

- 1) Section 300.20 (f) (.1) (subsections i, iii, iv, v and vi). Revise as follows:
 - i. 75 feet of a Substance Abuse Treatment Center, as defined by this Ordinance;
 - iii. 150 feet of any residence;
 - iv. 250 of any park or playground;
 - v. 75 feet of a religious facility; and
 - vi. 75 feet of a daycare.

And delete Section 300.20 (f)(.2) in its entirety.

Note 1: The recommendation is to approve subsection (f)(.1)(ii) as proposed: "500 feet of a public or private school providing education in kindergarten, or Grades 1-12."

- 2) Sections 300.1.3.2 and 300.1.3.3. Revise first clause to read: "Except and only if allowed by special permit as provided by this Ordinance."
- 3) Section 300.1.3.2. Add the language: "and except for personal growing of no more than six plants by an individual for personal use at his/her residence per M.G.L. c. 94G, §7(2) and provided no more than twelve plants are cultivated if more than one adult resides therein."

Note 2: It is recommended to clarify additional language re: landlord prohibitions.

- 4) Section 300.20 (h)(i.) Delete language: “unless there is an amendment of the special permit.”
- 5) Section 300.20 (h)(.x). Revise to read: “The expiration, termination or revocation for any reason of any licenses and approvals as required by this Ordinance and described herein above.”
- 6) Section 300.20 (Filing Requirements). Renumber from “h” to “i.”
- 7) Section 300.20 (i)(.5) (Filing Requirements). Revise to read: “shall coordinate and host.”
- 8) Section 500.1.5.15. Renumber “Marijuana Transporter” (from 500.1.5.14).
- 9) Section 700.1.3.2. Revise to add: “Marijuana Transporter”; and revise last clause to read: “whether or not there is extension or structural change.”
- 10) Section 700.3.3. Revise name, “Independent Marijuana Testing Laboratory.”
- 11) Section 800.6 (Definitions):
 - a) Community Host Agreement. Revise to delete, “owner/operator of the;” to revise “fees” to “fees/funds;” and to add the following language: “Community impact fees/funds hereunder are in addition to taxes collected by the City per M.G.L. c. 64N, §3.”
 - b) Marijuana for Medical Use. Add language, “as regulated by Medical Marijuana Treatment Center per this Ordinance.”
 - c) Marijuana Retailer. Delete the following language: “and deliver,” “deliver” and “otherwise transfer.”
 - d) Marijuana Transporter. Add the following language: “to, from and/or between Marijuana Establishments, however, expressly excluding transportation, deliveries or other form of transfer to consumers, which are expressly prohibited, including but not limited to home deliveries or transportation, deliveries or other form of transfer to, from and/or between any other property except a Marijuana Establishment.”
 - e) Medical Marijuana Treatment Centers: add language, “Marijuana Establishments are specifically excluded.”

The minutes of the joint public hearing will be made available at your request. For your reference, attached please find the Planning Report & Recommendation dated June 19, 2018 and memorandum from City Solicitor Kate Fallon dated June 19, 2018, which were presented at the hearing.

Finally, please be advised, that, if the City Council fails to act on the amendments within ninety (90) days of the date the public hearing closed, a new duly advertised public hearing must be held. Accordingly, the final date for action is September 17, 2018.

I am available to discuss and answer any questions regarding the amendments and the Planning Board’s recommendation. Please do not hesitate to contact me. Thank you.

Sincerely,

Michelle A. Romero
City Planner

Enclosures

CC: Thomas Brennan, City Clerk, w/encl.
Kathryn Fallon, City Solicitor, w/encl.
Mayor Gary Christenson, w/encl.