



City of Malden

Malden City Hall
215 Pleasant Street
Malden, MA 02148

Meeting Minutes - Final Rules & Ordinance Committee

Chairperson Peg Crowe
Vice Chair Amanda Linehan
Councillor at Large Carey McDonald
Councillor Chris Simonelli
Councillor Jadeane Sica

Tuesday, June 14, 2022

7:05 PM

215 Pleasant Street
Room 113
Malden, MA 02148

Roll Call

Chair Crowe called the meeting to order at 7:22 P.M.

Also in attendance: Chief Strategy Officer Ron Hogan, Asst. City Solicitor Alicia McNeil, City Planner Michelle Romero, Building Commissioner Nelson Miller, Councillors O'Malley, Colon-Hayes.

Present: 5 - Peg Crowe, Amanda Linehan, Carey McDonald, Chris Simonelli and Jadeane Sica

Minutes to be Approved

[295-22](#)

Minutes of the meeting of May 31, 2022

A motion was made by Councillor Sica, seconded by Vice Chair Linehan, that the Committee Minutes be approved. The motion carried by a unanimous vote.

Business

[211-22](#)

Order: that the Malden City Council undertake a review of Marijuana Establishment Zoning Ordinance Title 12, Chapter 12, Section 90 and Licensing Marijuana Establishments Ordinance Title 6, Chapter 08, Section 070 of the Code of the City of Malden in order to ensure competitive advantage for equity applicants, broader geographic diversity of retail parcels, and reasonable anticipation of pending state-level legislation meant to encourage diversity and equity when awarding the remaining available cannabis licenses for applicants that meet state-certified standards for Economic Empowerment and Social Equity as defined by the Massachusetts Cannabis Control Commission.

Sponsors: Amanda Linehan

Attachments: [Informational Memo on Buffer Zones Dimensional Controls \(1\)](#)

[April 2022 City Council Update S2801 Preview \(1\)](#)

[Proposed Marijuana Establishments Zoning Amendments June 1, 2022](#)

Chair Crowe thanked City Solicitor Fallon and City Planner Michelle Romero for the document that they produced and distributed on June 1st. The document was what was

taken from the Rules and Ordinance Meeting from May 31st around paper#211-22. City Solicitor Fallon and City Planner Romero tied together the committee items that were voted favorably at the May 31st meeting and produced the document on what was further discussed in committee changing the cannabis ordinance.

Chief Strategy Officer Hogan told the committee that the delivery piece will need more time to build out. Mr. Hogan has been in contact with the state and the courier piece is only available to social equity applicants. Mr. Hogan advised to not make any changes to the delivery aspect of the ordinance until there is more clarity. Mr. Hogan continued because Malden did vote for cannabis, Malden residents can get deliveries. Mr. Hogan said after summer recess we can revisit delivery. Mr. Hogan continued that all this will get clearer when the state decides what they want and this should be done by the end of the current session.

City Planner Romero clarified that all underlined wording in the document is adding language. they didn't include anything that was struck because she felt it would be too confusing.

Chair Crowe walked through the document with changes being proposed and the reasons for the changes. 12.12.190 A is regarding new construction ability grant a variance, 12.12.190 B clarifies the council could have a finding regarding a variance during the special permit process regarding buffer zones, 12.12.190 E is principal use, 12.190.H.9.2 taking out the security plan because it is in two places and because delivery will be dealt with down the road 12.190.H.(D should be stricken.

Councillor Linehan stated we will be breaking soon and if we put off any courier items it will have no affect on our current 3 licenses.

City Planner Romero said the changes in 12.12.190 A&B codifies what the committee has already done. In the document the additional proposed zoning amendments is adding the same language to other sections with special permits. What you are doing for marijuana, you are doing for all of them. We would want to do this even if you were not changing the cannabis ordinance.

Councillor McDonald made a motion to strike 12.12.32.060 on "Marijuana Establishment", 12.12.32.060 "Marijuana Retailer" and 12.12.32.060 "Marijuana Transporter", the motion was seconded by Councillor Linehan, It was so voted by roll call vote: Crowe (y), Linehan (y), McDonald (y), Sica (y), Simonelli (y). the motion carried 5-0.

Mr. Hogan and Mr. Miller discussed Councillor McDonald's paper on social equity applications. Mr. Miller said there are currently two applications before CLEC and 1 of them is a social equity applicant. Mr. Hogan suggested after the two applications are processed, the council can do a pause on any new applications until the state gets clear on the requirements going forward.

Chair Crowe said she is looking for the amendments to come out separate to the full council and not one paper.

A motion was made by Councillor at Large McDonald, seconded by Vice Chair Linehan, that the Ordinance be recommended favorably as amended to the City Council. The motion carried by the following vote:

Yea: 5 - Chairperson Crowe, Vice Chair Linehan, Councillor at Large McDonald, Councillor Simonelli and Councillor Sica

286-22

Order: That in the interest of promoting a fair and transparent marijuana licensing process, free from political influence and the potential for state ethics violations, that the Code of the City of Malden be amended to change the Special Permit granting authority for Marijuana Establishments from the Malden City Council to the Malden Planning Board, including amending the following Sections:

-Section 6.08.070.B. Definition of Special Permit, by deleting "as further amended
by City Council Paper 283 of 2018.";

-Section 6.08.070.D.2.b, by deleting "City Council" where mentioned and replacing
with "Planning Board";

-Section 12.12.010.A, first paragraph, first phrase, by striking "City Council" and replacing with "Planning Board", as follows: "Except for Marijuana Retailer, Marijuana
Cultivator, Independent Marijuana Testing Laboratory, Marijuana Product Manufacturer,
Marijuana Research Facility and Marijuana Transporter, where a special permit shall be required by the Planning Board in accordance with MCC 12.12.020;"

-Section 12.12.190, first paragraph, by striking "City Council" and replacing with "Planning Board" as follows: "A Marijuana Establishment, as defined by this Ordinance
to expressly only include Marijuana Retailer, Marijuana Cultivator, Independent Marijuana
Testing Laboratory, Marijuana Product Manufacturer, Marijuana Research Facility and
Marijuana Transporter, may be allowed only in the Highway Business, Industrial 1 and
Industrial 2 zoning districts or the Marijuana Establishment Overlay District, only by special
permit granted by the Planning Board and only in conformance with the following controls
and requirements:"

-Section 12.12.190.B, Section 12.12.190.G, Section 12.12.190.G.4, Section 12.12.190H,
by deleting "City Council" where written and replacing with "Planning Board";

-Section 12.28.010.E, by deleting "City Council" where mentioned and replacing with
"Planning Board"

Sponsors: Jadeane Sica and Craig Spadafora

Council Sica wanted to again say she was not accusing anyone but this has been discussed in the past and the Planning Board is willing to take it on. Councillor Sica said

that the paper was discussed this past week at the council meeting and she was looking to recommend it favorable tonight to the full Council and let it get referred to a joint Planning/Ordinance meeting.

A motion was made by Councillor Sica, seconded by Councillor Simonelli, that the Order be recommended favorably to the City Council. The motion carried by the following vote:

Yea: 4 - Chairperson Crowe, Vice Chair Linehan, Councillor Simonelli and Councillor Sica

Nay: 1 - Councillor at Large McDonald

Tabled Papers

[254-20](#)

Order: That the City Council adopt the Rules of the Council Rule Book 2021.

Sponsors: Jadeane Sica

Attachments: [DRAFT Rule Book Changes](#)

[283-21](#)

Order: That the City of Malden submit to the Massachusetts Legislature for passage in substantially the following form: (See Attached).

Sponsors: Stephen Winslow

Attachments: [Traffic Comm. - Charter Update 2021.Paper.283.21 Attachment](#)

[313-21](#)

Order: Be it hereby ordained that the City of Malden Ordinances section 2.16 "Board, Commissions, and Committees" be amended to require remote participation by members of the public for all public meetings by inserting a new section 2.16.001 "Remote participation required."

Sponsors: Ryan O'Malley, Deborah DeMaria and Amanda Linehan

Adjournment

A motion was made by Councillor Sica, seconded by Vice Chair Linehan, that the meeting be adjourned. The motion carried by a unanimous vote.

The meeting adjourned at 8:24 P.M.