

PLANNING BOARD REPORT & RECOMMENDATION

To: Malden City Council
From: Malden Planning Board
Date: June 10, 2026
Subject: **36 Charles Street** (Parcel ID 062 239 910) Permit Application # CMID-040598-2021
Petition to Amend Special Permit (Case 77-25)
Marijuana Establishment, Marijuana Retailer/Title 12.12, Code of City of Malden (MCC)

PROCEDURAL: The Planning Board may submit an advisory report and recommendation re: this petition to the special permit granting authority, the City Council (§12.32.030.B.2).

- The proposal was approved by the City’s Cannabis Licensing and Enforcement Commission (CLEC) to proceed to the zoning process.
- On March 9, 2022, the Planning Board made an advisory recommendation to the City Council that the petition be denied; the Board also recommended conditions to any special permit that might be granted.
- On April 26, 2022, the City Council granted a special permit to allow marijuana retailer use of the property, subject to 20 conditions (Case #202-22).
- On August 9, 2022, the City and petitioner executed a Host Community Agreement.
- Petitioner requested a 9-month extension of the expiration date of the special permit in Case #202-22.
- On April 12, 2023, the Planning Board made an advisory recommendation to the City Council that the request for extension be granted for 12 months, subject to 20 conditions.
- On June 6, 2023, the City Council granted a 12-month extension of the special permit in Case #202-22, subject to 20 conditions (Case #233-23).
- On May 8, 2024, the City issued a building permit for the approved project.
- Petitioner requested to amend the special permit granted in Case #233-233 to revise the approved floor plans to increase the size of the premises (by 1,627 SF on the first floor) and approve the revised floor plans.
- On December 10, 2024, the Planning Board made an advisory recommendation to the City Council that the request for amendment be granted, subject to 20 conditions.
- On February 11, 2025, the City Council amended the special permit granted in Case 233-23 and granted a new special permit in Case 77-25, subject to 20 conditions.
- On March 12, 2025, all work under the building permit passed final inspections by the City,
- On December 13, 2025, the state Cannabis Control Commission (CCC) granted petitioner a provisional Marijuana Retailer License.
- After CCC issues a final license, CLEC then may issue a local license.

PETITION: Petitioner is the same petitioner as for special permit petitions approved in Cases #202-22, #233-23 and #77-25, namely, the current tenant, DMS Trinity LLC.

Condition 8 of all special permits granted provides that the special permit is non-transferable and non-assignable.

The petition seeks to reissue the special permit to a new entity and/or transfer the rights authorized by the special permit to this new entity; and to amend the special permit granted in Case #77-25, specifically, to amend the name of petitioner from DMS Trinity LLC to Beach House Cannabis LLC, which according to petitioner is “a joint venture between DMS Trinity, LLC and new financial backers and cannabis operational specialists.”

The following information was submitted in support of the petition:

1. “Addendum to Petition on 36 Charles Street, City Council Petition,” dated May 7, 2026, prepared by Roberto DiMarco, Attorney, Foster, walker & DiMarco, 350 Main Street, Malden, MA

No changes to the approved plans are proposed, and accordingly no new plans were submitted.

ZONING: The proposal does not affect the project's compliance with use regulations.

DIMENSIONAL CONTROLS: The proposal does not change existing violations of dimensional controls.

PARKING & LOADING REQUIREMENTS: The proposal does not change existing deficiencies.

FINDINGS REQUIRED to GRANT SPECIAL PERMIT (§12.12.010.B):

- 1) Any creation or increase in violations of dimensional controls or parking requirements will not be more detrimental to the neighborhood.
- 2) The traffic and traffic patterns generated by the proposed use will not adversely impact any of the surrounding streets or create a traffic or safety hazard.
- 3) The proposed use will not be more detrimental to the neighborhood.
- 4) The proposed use is not in conflict with surrounding land uses.
- 5) The proposed use is in the interest of the common good.

PLANNING BOARD RECOMMENDATION: The Planning Board recommends to the City Council approval of the petition to amend the special permit granted in Case #77-25 and issue a new special permit, only provided subject to the same following twenty (20) conditions of the special permit granted in Case #77-25:

1. Peer review petitioner's Response to Traffic Peer Review Comments dated February 25, 2022 and implement any recommended mitigation.
2. This special permit authorizes marijuana retailer use of only 5,524 SF of the first floor, as per plans, and specifically: 1,676 SF for retail space, 1,455 SF for loading, delivery area and indoor trash storage, and the remainder, approximately 2,393 SF, for vault, accessory offices and common areas. All other areas of the building shall remain vacant and shall be used for no purpose whatsoever, including storage by the marijuana retailer, and any use or occupancy shall require an amendment to this special permit.
3. The loading and delivery area may be used for parking during retail hours.
4. Install bicycle parking onsite for four bicycles, accessible to customers and employees.
5. Repair or replace sidewalks, driveways and perform necessary incidental work, adjacent to the property, to the satisfaction of DPW Director.
6. Implement Transportation Demand Measures regarding rideshare and parking attendant.
7. All development shall be as per plans, including landscaping of the northwest portion of the lot, except as modified by these conditions.
8. The special permit is non-transferable and non-assignable.
9. Design and implement a Security Plan approved by the Malden Police Chief and Malden Cannabis Licensing and Enforcement Commission.
10. Consumption of Marijuana and/or Marijuana Products is prohibited at or within 500 feet.
11. Smoking or burning of Marijuana and/or Marijuana Products is prohibited on the premises.
12. Marijuana in any form, including plants, and Marijuana Products shall not be visible from outside of the building.
13. Any outside storage of any kind is prohibited.
14. Any outside display of any kind is prohibited.
15. Incorporate odor control technology and provisions and ensure that emissions do not violate M.G.L. c.111 § 31C, including but not limited to those specified for odors.
16. Prior to issuance of any final occupancy permit, submit copies of the following licenses and approvals: a) A valid license issued by the Massachusetts Cannabis Control Commission, as defined herein this Ordinance; b) A fully executed Community Host Agreement with the City of Malden, as defined herein this Ordinance; c) Any required license and/or approvals issued by the Malden Cannabis Licensing and Enforcement Commission; and d) Any required license and/or approvals issued by the Malden Board of Health.
17. Mitigation based on preliminary peer review and after the six-month traffic study is conducted.
18. The Petitioner shall work with the City and the abutting property owners to connect the Spot Pond Greenway Project to the bike path.
19. Provide twelve (12) off-site parking spaces.
20. The hours of retail operation shall be 9:00 A.M. to 9:00 P.M.