

February 10, 2025

Malden City Clerk
Carol Ann T. Desiderio
City Clerk's Office
215 Pleasant Street, Room 220

RE: Opposition to Special Permit – DMS Trinity LLC dba Trinity Naturals

Dear Malden City Clerk,

Please read this comment into the record, stating my opposition to the Special Permit for 36 Charles Street. The permit should be denied or tabled until Malden's Cannabis Licensing Enforcement Commission (CLEC) fully vets all relevant details.

The Planning Board disclosed on 12/11/24 the petitioner violated prior special permit conditions by altering the floor plan. Such significant deviation raises serious concerns regarding security, ownership, and parking. This requires careful review by the City Council and the CLEC.

Key Issues:

1. **Security Risks** – Malden Code 12.12.190(H) requires an approved security plan, yet no substantive discussion has occurred. Changes to the floor plan introduce security risks, including a larger vault and increased off-site parking, raising concerns about cash transactions and controlled substance transport.
2. **Unclear Ownership** – Malden Code prohibits special permit transfers. The City Council must clarify ownership and financing details, especially given the CLEC's prior acknowledgment of potential changes. The EIN/TIN linked to this application is also tied to a Chelsea retail location, warranting further review.
3. **Parking Deficiencies** – The proposed expansion exacerbates the parking shortfall, increasing the deficiency from 50% to 65%. Off-site parking is being increased from five to 12 spaces. Parking must comply with Malden Code, ensuring it is not shared with non-marijuana businesses.

Call to Action:

The City Council should **deny or table** this permit as more detrimental to the neighborhood and also call on the CLEC to conduct a full review. The CLEC has not addressed these issues. Their oversight is essential before any further approval of this Special Permit is considered.

Thank you for your consideration.

Sincerely,
Brian DeLacey
1 Earl Street, Malden, MA

REFERENCES

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**(PLEASE INCLUDE in packet for City Council information,
but not read these REFERENCES into the RECORD)**

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SECURITY

Malden City Code 12.12.190(H) imposes conditions specific to security for this Special Permit:
“The Marijuana Establishment shall design and implement a Security Plan approved by the
Malden Police Chief and Malden Cannabis Licensing and Enforcement Commission.”

MGL Chapter 94G, Section 12 also makes clear key obligations of compliance in 935 CMR
500.110: Security Requirements for Marijuana Establishments, including:

“Video cameras in all areas that may contain Marijuana or vaults or safes for the
purpose of securing cash, at all points of entry and exit and in any parking lot which shall
be appropriate for the normal lighting conditions of the area under surveillance. The

OWNERSHIP

The Planning Board Report claims “Petitioner is the same petitioner as for the special permit
petitions approved in Cases #202-22 and #233-23...”

Are they actually the same? Which names or entities have drawn up these latest plans?

City Code 12.12.190(H) makes clear “The special permit is non-transferable and
non-assignable.” The City Council should ascertain if Malden’s ordinances will be violated in the
current Special Permit process.

The March 19, 2024 CLEC meeting minutes stated that “Company ownership structure has not
changed. There is an option down the road for the financier to convert subject to the CLEC’s
approval, there is an LOI in place.” I believe the City Council should scrutinize this LOI.

Please review the August 9, 2022 HCA signed by Mayor Gary Christenson. Please also review
the November 6, 2024 letter from the Cannabis Control Commission to the Chief Executive
Officer of Malden. Who is applying under this “New License Application”?

Additionally, please note that the EIN/TIN which appears in the CCC filings attached to this
“new” 36 Charles Street application is also associated with a retail establishment in Chelsea:

EIN/TIN: 83-4484332,MRN284810,Tue Oct 29 2024 21:04:47
<https://masscannabiscontrol.com/resource/albs-all.csv>

EIN/TIN: 83-4484332,MRN282590,Mon May 02 2022 14:48:44 GMT-0400
<https://masscannabiscontrol.com/resource/comm-ops.csv>

PARKING BUFFERS

Under Malden Municipal Code §12.12.190(E), “A Marijuana Establishment must be the principal use of the property and may be accessory only to another type of Marijuana Establishment at the same property and shall be prohibited as an accessory use to any other use.”

Parking related to this Special Permit should comply with Malden Municipal Code §12.12.190(E). Consequently, off-site parking should not be shared with non-marijuana use.

The 12/11/24 Planning Board minutes raised a red flag: “The proposed expansion (approximately 1,627 SF) requires seven (7) parking spaces, and the proposal exacerbates the existing parking violation from a 50% deficiency (8 spaces) to a 65% deficiency (15 spaces).”

Another part of the 12/11/24 Planning Board minutes discloses this increased “parking violation deficiency” includes “twelve (12) off-site parking spaces.”

Under the current Special Permit application, buffer zones are needed for off-site parking.

ROLE OF THE CLEC

The Malden CLEC met only three times in 2024 despite ongoing litigation with two applicants and host community agreements which are known to be NONCOMPLIANT with current Commission regulations (see 935 CMR 500.180 and/or 935 CMR 501.180).

The CLEC has not met as a public body since October 15, 2024, when it became public there may be problems with the special permits granted in Cases #202-22 and #233-23 after “petitioner began to build-out the property using a floor plan layout that expands and differs from the approved plan.”

The minutes of that CLEC meeting have NOT been published to the CLEC’s website, as of the writing of this letter or prior to notice for this PUBLIC HEARING.

MALDEN SPECIAL PERMIT DECISIONS

<https://www.cityofmalden.org/Archive.aspx?AMID=78>

CITY COUNCIL SPECIAL PERMIT DECISION 36 Charles Street, DMS Trinity, LLC
Case 233-23: Decision on petition to extend expiration date on the special permit granted in Case 202-22.

CITY COUNCIL SPECIAL PERMIT DECISION 36 Charles Street, DMS Trinity, LLC
Case 202-22: Notice of Decision for petition by DMS Trinity for 36 Charles Street

OTHER RELATED REPORTING INFORMATION

Malden Municipal Code §12.12.190

https://malden.municipalcodeonline.com/book?type=ordinances#name=12.12.190_A_MARIJUANA_ESTABLISHMENT

Malden Planning Board, December 11, 2024 meeting

https://www.cityofmalden.org/AgendaCenter/ViewFile/Minutes/_12112024-3559

Malden Cannabis Licensing and Enforcement Commission, March 19, 2024 (LOI)

https://www.cityofmalden.org/AgendaCenter/ViewFile/Minutes/_03192024-3245

Malden CLEC website

<https://www.cityofmalden.org/443/Cannabis-Licensing-and-Enforcement-Comm>

MASS GENERAL LAW and REGULATIONS

MGL Chapter 94G, Section 12: General marijuana establishment operation

<https://malegislature.gov/Laws/GeneralLaws/PartI/TitleXV/Chapter94G/Section12>

935 CMR 500.00: Adult use of marijuana

Date: 11/22/2024

Organization: Massachusetts Cannabis Control Commission

Regulatory Authority: MGL c. 94G, MMMSt. 2016, c. 334, as amended by St. 2017, c. 55

<https://www.mass.gov/regulations/935-CMR-50000-adult-use-of-marijuana>

935 CMR 500.000:

935 CMR: CANNABIS CONTROL COMMISSION ADULT USE OF MARIJUANA

500.110: Security Requirements for Marijuana Establishments

935 CMR 500

Concerns regarding parking: 935 CMR 500.110(5)(a)(4)

“Video cameras ... at all points of entry and exit and in any parking lot which shall be appropriate for the normal lighting conditions of the area under surveillance.”

Concerns regarding vault: 935 CMR 500.110(5)(a)(4)

“Video cameras in all areas that may contain Marijuana or vaults or safes... The cameras shall be directed at all safes, vaults, sales areas, and areas where Marijuana is cultivated, harvested, Processed, prepared, stored, handled, Transferred or dispensed and for the purpose of securing cash.”

935 CMR, § 500.180

Section 500.180 - Host Community Agreement Requirements for License Applicants, Marijuana Establishments, and Host Communities

935 CMR, § 501.180

Section 501.180 - Host Community Agreement Requirements for License Applicants, MTCs,