

Report of Malden City Council Ordinance Committee on June 26, 2018 re: CCP 283/2018

Present: O'Malley, Chair
Spadafora, Vice Chair
Matheson
Sica
Winslow

Off Committee: DeMaria, Crowe (sponsor).

1. To adopt the Marijuana Establishment overlay district as proposed in original paper (CCP 283/2018) with no residential buffer zone and subject to all other buffer zones (500 feet from schools, 250 feet from parks/playgrounds, 75 feet from religious facilities, 75 feet from daycares, 75 from substance abuse treatment centers).

Motion by Sica, Seconded by Spadafora; all in favor (5-0).

2. To allow Marijuana Research Facilities by Special Permit.

To amend Section 300.3.5.14 to change "No" to "SP" in Highway Business, Industrial 1 and Industrial 2 zoning districts.

Motion by Sica, Winslow, Seconded Spadafora; all in favor (5-0).

3. To adopt the following buffers zones for Marijuana Establishments.

To amend Section 300.20 (f)(.1) as follows:

- 500 feet from schools
- 250 feet from parks/playgrounds
- 75 feet from residential uses
- 75 feet from religious facilities
- 75 feet from daycares
- 75 from substance abuse treatment centers

Motion by Winslow, Seconded by Sica; all in favor (5-0).

4. To adopt the Planning Board recommendations dated June 20, 2018 numbers 2 through 11 (all except disapproval of Marijuana Establishment Overlay district and number 1 re: buffer zones).

To amend the following sections as follows:

- 1) To delete Section 300.20 (f)(.2) in its entirety.
- 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."

- 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.”

Motion by Winslow, Seconded by Sica; all in favor (5-0).

5. To accept the recommendations of the City Solicitor stated in memorandum dated June 25, 2018.

1. Amendment to clarify the 250 foot park or playground buffer zone.

To amend Section 300.20(f)(.1) to state:

“250 feet of any park, playground, recreational field or recreational facility, and including, but not limited to: the Malden Teen Enrichment Center, the YMCA and the YWCA.”

2. Amendment to clarify the 75 foot daycare buffer zone.

To amend Section 300.20(f)(.1)(vi.) to state:

“75 feet of any daycare licensed by the Commonwealth of Massachusetts.”

3. Amendment to clarify and include language on determining buffer zone compliance.

To amend Section 300.20(f) to include this additional provision:

“The City of Malden Building Commissioner shall determine whether a proposed location is compliant with the buffer zones specified herein.”

4. Amendment to clarify Section 300.1.3.2.

To amend 300.1.3.2 to added the following:

“and except for personal growing of no more than six plants by an individual for personal use at his/her residence per MGL c. 94G §7 (2) and provided no more than twelve plants are cultivated if more than one adult resides therein.” should be amended to state:

“and except for personal growing of no more than six plants by an individual for personal use at his/her residence per MGL c. 94G §7 (2) and provided no more than twelve plants are cultivated if more than one adult resides therein; this exception does not supersede and shall not be construed to limit landlord and/or property owner rights if said landlord and/or property owner prohibits tenants/occupants from cultivating plants.”

Motion by Winslow, Seconded by Sica; all in favor (5-0).

6. To adopt dimensional controls and parking/loading requirements for Marijuana Research Facilities
that are the same as those for Research and Development.

Motion by Spadafora, Seconded by Winslow.