



CITY OF WORCESTER, MASSACHUSETTS
Law Department

David M. Moore
City Solicitor

To: Edward M. Augustus, Jr., City Manager
From: David M. Moore, City Solicitor
Date: February 23, 2018
Re: Proposed Zoning Ordinance Amendment relative to Recreational Marijuana

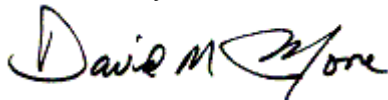
This is to respectfully recommend adoption of the attached amendment to the zoning ordinance which would regulate adult use marijuana establishments in the city of Worcester. This amendment has been drafted in accordance with the new state marijuana law, M.G.L. c. 94G, and its implementing regulations, 935 CMR 500. It is the express purpose and intent of the proposed zoning ordinance amendment to augment the new state law and state regulations by imposing reasonable conditions to protect the public health, safety and welfare by identifying and minimizing the adverse impacts adult use marijuana establishments may have on adjacent properties and to provide standards for the placement, design, siting, safety, security, monitoring, modification and discontinuance of adult use marijuana establishments. This proposed ordinance is intended to be used in conjunction with other regulations that we will be recommending to impose reasonable safeguards to govern the time, place and manner of marijuana establishments.

The proposed ordinance establishes the Planning Board as the Special Permit Granting Authority and outlines special permit approval criteria. This, first and foremost, will ensure prior public notification of impending marijuana establishments and provide an opportunity for public comment. Second, it must be emphasized that this zoning ordinance amendment will ban marijuana establishments from all residential zones.

Any marijuana establishment¹ shall be permitted in certain zoning districts determined by Table 4.1 of the Zoning Ordinance and then only upon the issuance of a special permit issued by the Planning Board, acting in accordance with the proposed section 15. The special permit process sets out standards concerning time, place, and manner restrictions such as location of the marijuana establishment, its proximity to existing schools, daycares, public parks and playgrounds and other marijuana establishments. All aspects of the marijuana establishment must take place at a fixed location, within a fully enclosed building, such that the activities inside cannot be visible from the exterior of the building. The special permit approval criteria also require the applicant to submit a security plan that provides sufficient assurances that adequate security controls have been implemented to ensure the protection of the public health and safety during hours of operation and that marijuana and related products are adequately secured on site. Furthermore, the applicant must submit an odor control plan that provides for proper and adequate ventilation at such facilities in such a manner so as to prevent pesticides, insecticides or other chemicals used in the cultivation or processing of marijuana or related marijuana products from being dispersed or released outside the facilities.

This ordinance amendment creates a new use classification which will address the apparent loophole which allows marijuana to be consumed on-site, but not purchased, in a “private social club” which is restricted to “members only.” The current zoning ordinance contains a use category for private social clubs. This amendment refines that definition by creating a new use classification for private social clubs that allow marijuana to be consumed on the premises by its members. The ordinance then requires such social clubs to obtain a special permit from the Planning Board just as any marijuana retailer must obtain a special permit.

Sincerely,

A handwritten signature in black ink that reads "David M. Moore". The signature is written in a cursive, flowing style.

David M. Moore
City Solicitor

¹ Types of Marijuana Establishments include: Marijuana Cultivator, Marijuana Product Manufacturer, Marijuana Storefront Retailer, Marijuana Delivery-Only-Retailer, Marijuana Independent Testing Laboratory, Marijuana Transporter, Marijuana Research Facility, and Micro Business.