

CITY OF CAMBRIDGE, MASSACHUSETTS

# PLANNING BOARD

CITY HALL ANNEX, 344 BROADWAY, CAMBRIDGE, MA 02139

Date:	September 12, 2018
Subject:	Cannabis Zoning Petition
Recommendation:	The Planning Board recommends ADOPTION, with suggested revisions and additional considerations.

To the Honorable, the City Council,

The Planning Board held a public hearing on this City Council zoning petition on August 28, 2018. The Board heard a presentation from Community Development Department staff and testimony from members of the public. Following deliberation, the Board voted to transmit a positive recommendation and to offer the following comments to the Council.

The Board is supportive of the proposal in general. Board members acknowledged that the Cambridge public voted strongly in favor of allowing the legal sale of cannabis, and does not see a need to overregulate this type of use. Board members also noted that this is the start of a new industry, and as such it is a unique opportunity to promote economic empowerment and to help make the industry more inclusive to people of diverse backgrounds.

The Board supports the approach of allowing cannabis retail stores across all retail districts. There was some discussion of whether requiring a separation between cannabis retail stores was necessary, given that other retail uses are not regulated in this way, and the market would determine how many stores could be viable within a given area. However, the Board ultimately concluded that the 1,800-foot separation, with exceptions as proposed, is an appropriate way to achieve the goal of promoting separation among the initial set of cannabis stores in the city and to prevent clustering.

The Board recommends the following improvements to the petition:

- The Board recommends that 300 feet, rather than 500 feet, is a more rational distance to require as a buffer between cannabis uses and schools or public youth facilities.
- The proposed new special permit criteria should be clarified so that the Board can apply them in a more straightforward way. For instance, the criterion related to façade design should note that a transparent façade would be favorable, and that mitigation is needed only when security requirements result in opaque façades. In such cases, a range of mitigation measures could be possible, including public art. Also, Board members agreed with the intent of

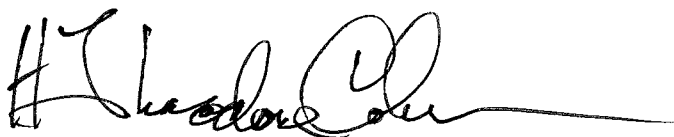
protecting the availability of medical cannabis but were unsure how to interpret, assess or make the proposed required finding that a new proposal would not cause a reduction in the availability of medical cannabis.

- Given that state regulations do not allow non-medical “marijuana retailers” to offer home deliveries, while medical marijuana dispensaries are allowed to provide that service, there is conflicting language in the definitions that could cause confusion in the case of “cannabis retail stores” that offer co-located medical and non-medical cannabis sales, and that should be clarified.
- A comma should be deleted in Section 11.802.3.

In addition, Board members made the following comments regarding issues that might be considered in the future:

- Board members discussed whether it is necessary to have a special permit process, given that it creates an additional burden for applicants in addition to the licensing process at the state level and the process for executing a local host community agreement. Most of the proposed zoning requirements could be applied objectively, and might not require discretionary review. If in the future the Council decided that a special permit were not required, the host community agreement could possibly provide a sufficient opportunity to gather public input and to consider a range of issues that are outside the purview of zoning. However, Board members noted that design review is an important component of the special permit process to evaluate or mitigate visual impacts on nearby retail businesses or the character of the district. This design review issue would have to be addressed if the special permit were eliminated. If a special permit and a host community agreement both continue to be required, the relationship between the two should be clearly defined.
- Board members suggested further study of whether mobile facilities could be allowed, given that a mobile facility operating on a temporary basis might provide lower barriers to entry for small businesses that cannot afford typical retail rents. It is not clear if this would be possible within state regulations and if it could be done in a way that addresses security concerns, but the Board felt this could be investigated further.
- Board members suggested further consideration of whether the proposed parking requirements are adequate or could be improved upon in the future.

Respectfully submitted for the Planning Board,



H Theodore Cohen, Chair.