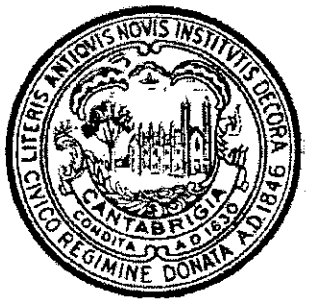
ATTACHMENT A



CITY OF CAMBRIDGE, MASSACHUSETTS

PLANNING BOARD

CITY HALL ANNEX, 344 BROADWAY, CAMBRIDGE, MA 02139

Date:	January 22, 2013
Subject:	Medical Marijuana Interim Zoning Petition
Recommendation:	The Planning Board recommends ADOPTION.

To the Honorable, the City Council,

Upon consideration of the City Council zoning petition to establish an interim restriction on medical marijuana uses and testimony taken at its public hearing on January 22, 2013, the Planning Board recommends adoption of the petition.

There are numerous questions surrounding how new medical marijuana treatment centers, as they have been defined and legalized in Massachusetts by a recent ballot initiative, will be permitted and regulated in the future. Many of these regulatory issues will not fall within the purview of the Zoning Ordinance. Public health, public safety, licensing and other enforcement actions at the state and local levels will need to be coordinated, along with zoning, to ensure that medical marijuana treatment centers are sited and operated in a manner that is consistent with the new law. The Massachusetts Department of Public Health, which will principally regulate medical marijuana use according to the new law, has yet to promulgate regulations but has indicated that it will do so by the April 1, 2013 deadline set forth in the new law.

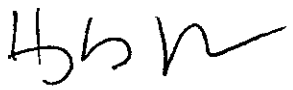
Zoning is the mechanism that will ultimately define where medical marijuana treatment centers (defined in the new law to mean any establishments that produce, process, acquire or distribute marijuana for medical use) may be allowed and what restrictions on establishment size, signage or other urban design characteristics, if any, should be imposed. Determining the appropriate zoning requirements will rely on land use considerations such as how people will travel to and from the site, what types of activities will occur inside or outside of a building, what is the expected number and size of such uses within any particular part of the city, and what impacts such uses may have on abutting residential or commercial properties. Until clear regulations and a permitting process is established at the state level, it would be premature to evaluate these land use considerations and devise zoning to address them. Therefore, temporarily restricting such uses throughout the city is reasonable while the regulations and permitting process are defined and zoning language is developed to fit within a framework of other state and local regulations.

In the meantime, it will be important for the community to learn more about medical marijuana treatment centers and how they would be expected to operate, including how they would fit within an overall system of medical marijuana cultivation, processing, transportation and distribution, and how such a system relates to the medical professionals who would recommend

the use of medical marijuana and the individuals who would acquire and use it. Discussions should have involvement from a wide range of individuals and groups, including public health officials, licensing officials, the police department, the larger medical community, the business community and Cambridge residents, along with potential operators of medical marijuana treatment centers themselves.

As a minor point, the Board suggests that in the final zoning language for the proposed interim restriction, the City Council provide clarity in Section 11.706 as to whether the restriction would be in place for a minimum of nine months or a maximum of nine months, assuming that superseding regulations are not yet enacted.

Respectfully submitted for the Planning Board,



Hugh Russell, Chair.