ATTACHMENT A

Proposed Zoning Requirements for **Registered Marijuana Dispensaries (RMDs)**

Cambridge, Massachusetts

Ordinance Committee Public Hearing
Wednesday, November 20, 2013

Background

- November, 2012: State ballot initiative passed
- December, 2012: Cambridge moratorium proposed
- January, 2013: State law in effect
- April, 2013: Cambridge moratorium adopted
  (6 months from promulgation of state regulations)
- May, 2013: State regulations promulgated
- September, 2013: Cambridge zoning proposed
- October, 2013: Planning Board hearing and recommendation

105 CMR 725.000: IMPLEMENTATION OF AN ACT FOR THE HUMANITARIAN MEDICAL USE OF MARIJUANA

725.001: Purpose
725.002: Scope
725.003: Authority
725.004: Definitions
725.005: Registration of Certifying Physicians
725.010: Certifying Physician's Certification of a Debilitating Medical Condition for a Qualifying Patient
725.015: Registration of Qualifying Patients
725.020: Registration of Personal Caregivers
725.025: Responsibilities of Personal Caregivers
725.030: Registration of Dispensary Agents
725.035: Hardship Cultivation Registration
725.100: Registration of Registered Marijuana Dispensaries
725.105: Operational Requirements for Registered Marijuana Dispensaries
725.110: Security Requirements for Registered Marijuana Dispensaries
725.200: Confidentiality
725.300: Inspection of Registered Marijuana Dispensaries
725.305: Deficiency Statements
725.310: Plan of Correction
725.400: Registered Marijuana Dispensary: Grounds for Denial of Initial Application for Registration
725.405: Registered Marijuana Dispensary Registration: Grounds for Denial of Renewal Applications and Revocation
725.410: Void Registered Marijuana Dispensary Registration
725.415: Registered Marijuana Dispensary Registration: Limitation of Sales by Registered Marijuana Dispensaries
725.420: Denial of a Registration Card or Hardship Cultivation Registration
725.425: Revocation of a Registration Card or Hardship Cultivation Registration
725.430: Revocation of a Certifying Physician Registration
725.435: Void Certifying Physician Registration
725.440: Void Registration Cards
725.445: Summary Cease and Desist Order and Quarantine Order
725.450: Summary Suspension Order
725.500: Administrative Review: Non-Selection of a Registered Marijuana Dispensary's Application for Initial Registration
725.505: Hearings
725.510: Effect of Denial of Renewal or Revocation of Registered Marijuana Dispensary Registration, Revocation of Dispensary Agent Registration, and Surrender of a Registration
725.600: Municipal Requirements
725.650: Non-Conflict with Other Law
725.700: Waivers
725.800: Severability

What is an RMD *in Massachusetts?*

Medical Marijuana Treatment Center means a **not-for-profit entity** registered under 105 CMR 725.100, **to be known as a registered marijuana dispensary (RMD)**, that acquires, cultivates, possesses, processes (including development of related products such as edible **MIPs**, tinctures, aerosols, oils, or ointments), transfers, transports, sells, distributes, dispenses, or administers marijuana, products containing marijuana, related supplies, or educational materials to registered qualifying patients or their personal caregivers. **Unless otherwise specified, RMD refers to the site(s) of dispensing, cultivation, and preparation of marijuana.**

("MIP" = Marijuana-Infused Product)

Who can obtain medical marijuana?

Qualifying Patient means a Massachusetts resident 18 years of age or older who has been diagnosed by a Massachusetts licensed certifying physician as **having a debilitating medical condition**, or a Massachusetts resident under 18 years of age who has been diagnosed by two Massachusetts licensed certifying physicians, at least one of whom is a board-certified pediatrician or board-certified pediatric subspecialist, as having a debilitating medical condition that is also a life-limiting illness, subject to 105 CMR 725.010(J).

… A certifying physician may issue a written certification only for a qualifying patient with whom the physician has a **bona fide physician-patient relationship**.

Who can obtain medical marijuana?

Personal Caregiver means a person, registered by the Department, who is at least 21 years old, who has agreed to assist with a registered qualifying patient's medical use of marijuana, and is not the registered qualifying patient's certifying physician. An employee of a hospice provider, nursing, or medical facility or a visiting nurse, personal care attendant, or home health aide providing care to a qualifying patient may serve as a personal caregiver, including to patients under 18 years of age as a second caregiver.

… [with some exceptions,] **an individual may not serve as a personal caregiver for more than one registered qualifying patient at one time**.

Hardship Cultivation

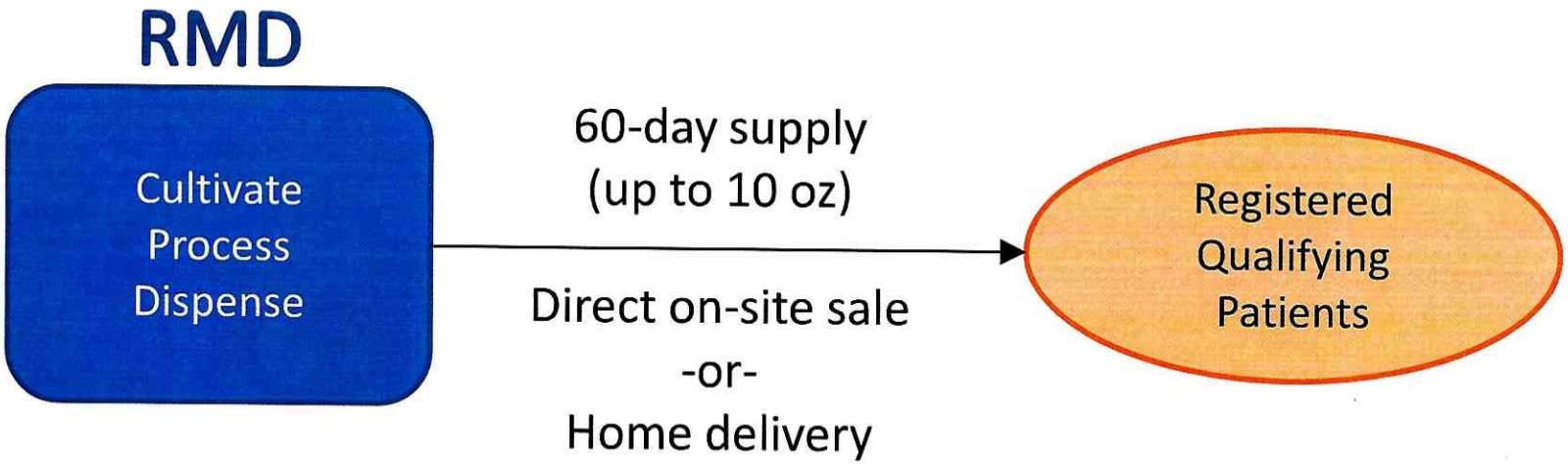
A qualifying patient registered with the Department pursuant 105 CMR 725.015 may apply for a **hardship cultivation registration** if such patient can demonstrate that his or her access to a RMD is limited by:

(1) Verified financial hardship; or

(2) Physical incapacity to access reasonable transportation, as demonstrated by an inability to use public transportation or drive oneself, lack of a personal caregiver with a reliable source of transportation, and lack of a RMD that will deliver marijuana to the patient's or personal caregiver's primary address; or

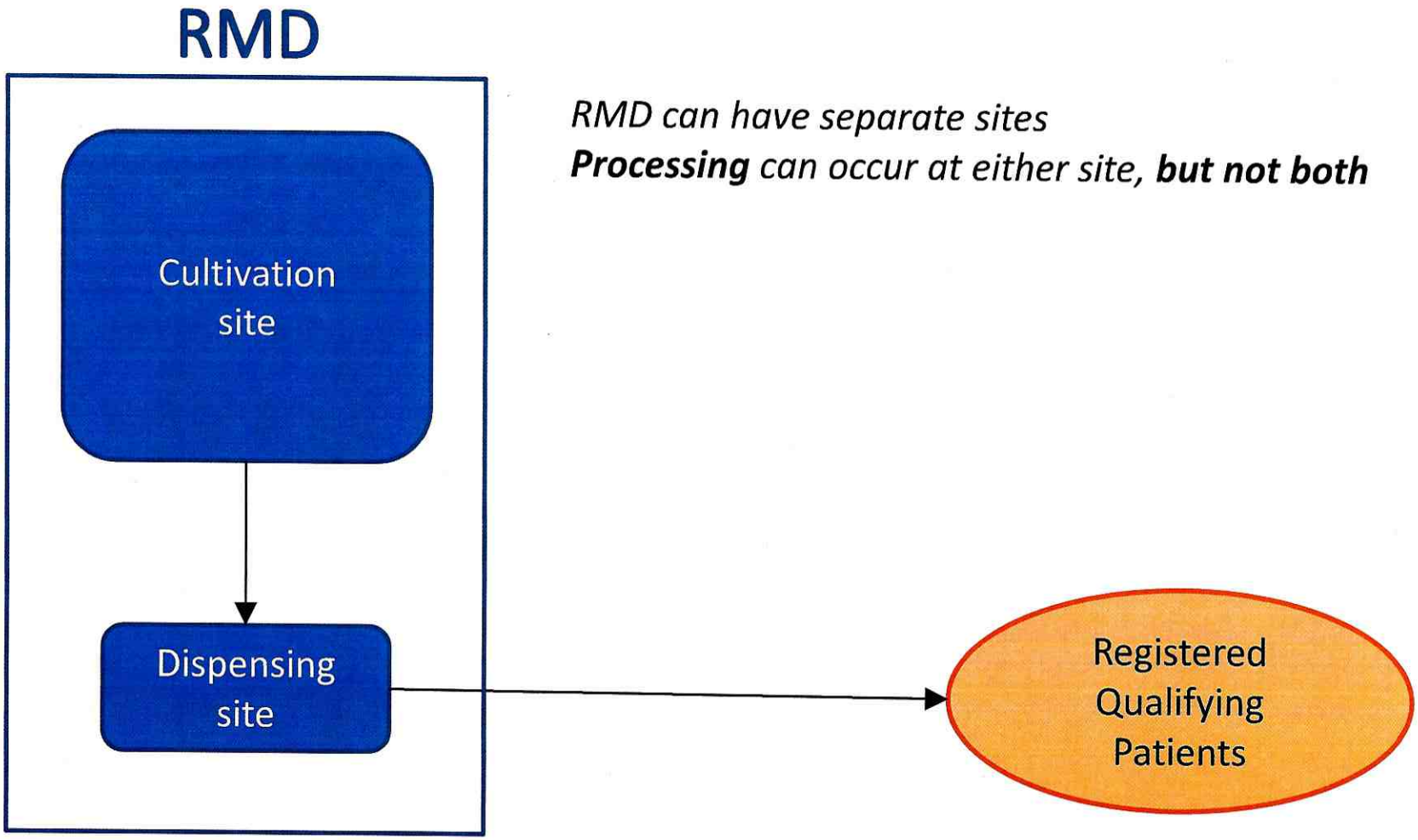
(3) Lack of a RMD within a reasonable distance of the patient's residence and lack of a RMD that will deliver marijuana to the patient's or personal caregiver's primary address.

How will an RMD operate?



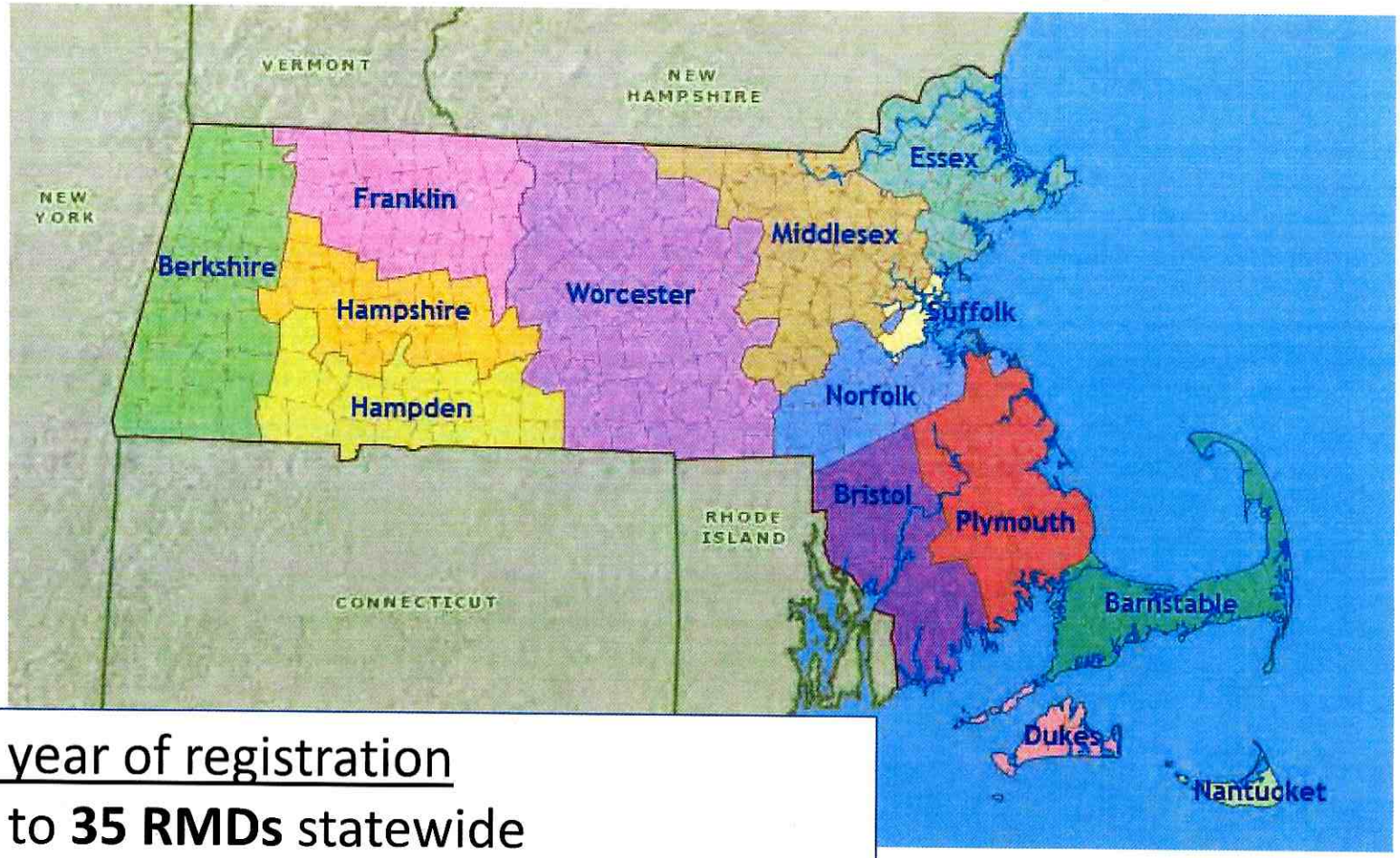
RMDs and Patients (or Caregivers) are all ***registered with Mass. DPH***

How will an RMD operate?



RMD can have separate sites
Processing** can occur at either site, **but not both

Where will RMDs be located in the state?



First year of registration

- Up to **35 RMDs** statewide
- Up to **5** (and at least one) **per county**
- No more than one in any city/town

Whom will an RMD serve?

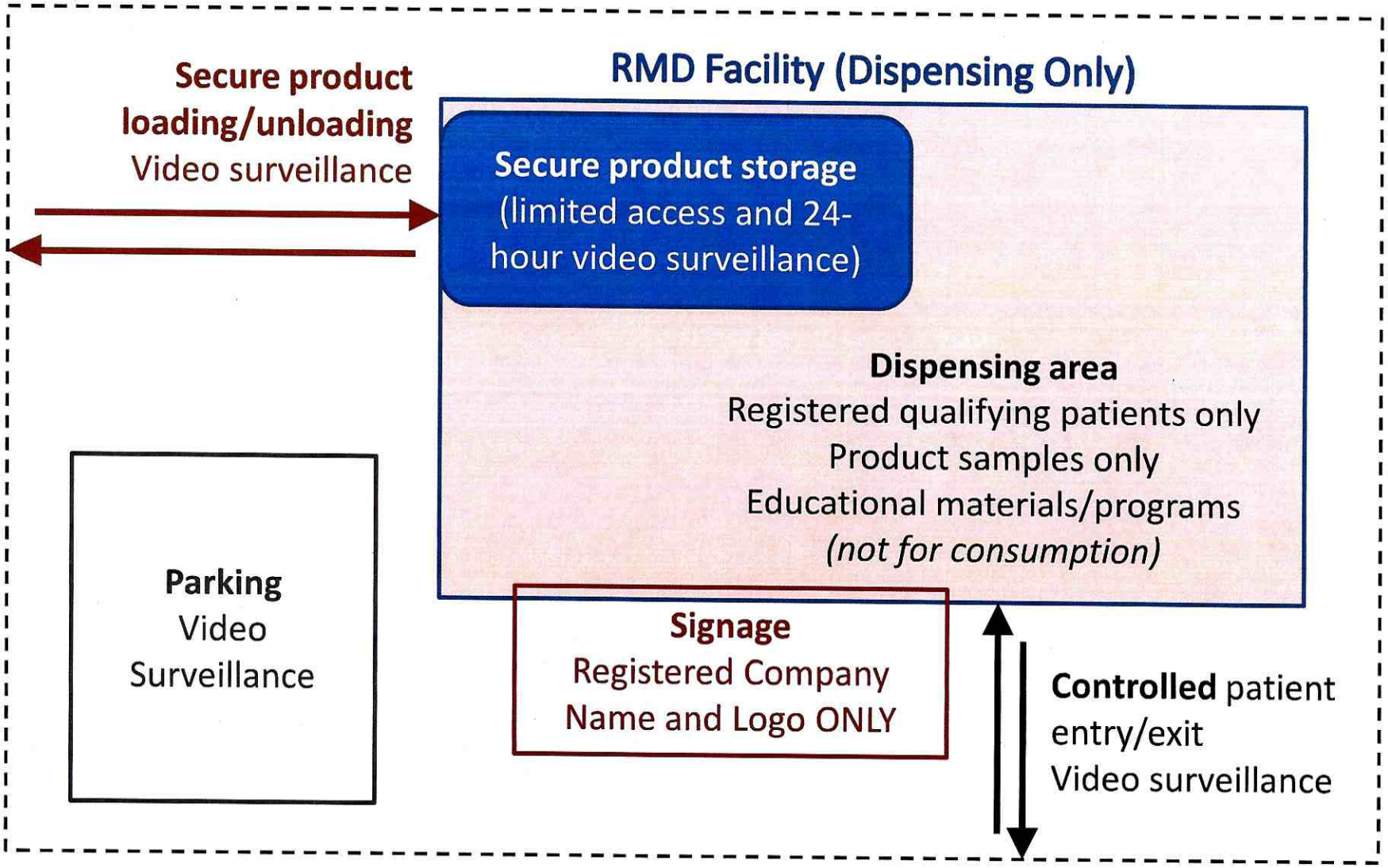
Service Areas

- Each RMD will serve ***multiple communities***
- Each RMD might serve a general population of about 200,000 - 300,000 (some more, some less)
- Actual range will depend on how RMDs are distributed

Patient Trips

- ***≤ 1% of general population*** will be patients (state estimate)
- At least 6 trips per patient per year
- Each RMD could have 50+ trips per day

What *might* an RMD look like?



What *might* an RMD look like?

- **No** use of words "marijuana," "cannabis," or other "colloquial terms"
- **No** images of marijuana or related paraphernalia
- **No** information about products or pricing on signage
- **No** products visible from outside the RMD
- **No** consumption of marijuana on premises (except for demonstration/education)

How will RMDs be approved?

Competitive Application Process with Mass. DPH:

Phase 1 Application

- Information about organization, principals
- Demonstration of sufficient capital

Phase 2 Application

- Business plan
- Staffing information
- **Cultivation, processing and dispensing sites**
- **Evidence of local support**

How will RMDs be approved?

Process Stage	Timeframe	Statewide	Middlesex County
Phase 1 Application	August 2 – August 22	181 total applications	47 total applications
Phase 2 Application	October 7 – **November 22**	159 applicants advanced	40 applicants advanced
Final Selection	Anticipated by **January 31, 2014**	Up to 35 will be selected	Up to 5 will be selected

What authority do cities/towns have?

- Local regulations are allowed so long as they do not conflict with the state law or regulations
- Towns cannot ban RMDs outright (AG)
- Many cities/towns have moratoria (into 2014)
- Some cities/towns have adopted zoning, mostly for industrial or "adult-oriented" districts

What are the local restrictions on location?

A RMD shall comply with all local requirements regarding siting, provided however that **if no local requirements exist**, a RMD shall not be sited within a radius of **five hundred feet** of a **school, daycare center, or any facility in which children commonly congregate**.

The 500 foot distance under this section is measured in a straight line from the nearest point of the facility in question to the nearest point of the proposed RMD.

Zoning Proposal for RMDs in Cambridge

1. Define RMD consistent with state definition
   (Article 2.000)

2. Add RMD to use regulations
   (Articles 4.000 and 16.000 for North Point)

3. Delete (or modify) interim regulations
   (Section 11.700)

4. Establish Medical Marijuana Overlay Zoning
   (Section 20.700)

Proposed Section 20.700 – Medical Marijuana Overlay Districts

20.701 Purpose

20.702 Establishment of Districts

20.703 Requirements

20.704 Special Permit Application Requirements

20.705 Special Permit Criteria

20.701 Purpose

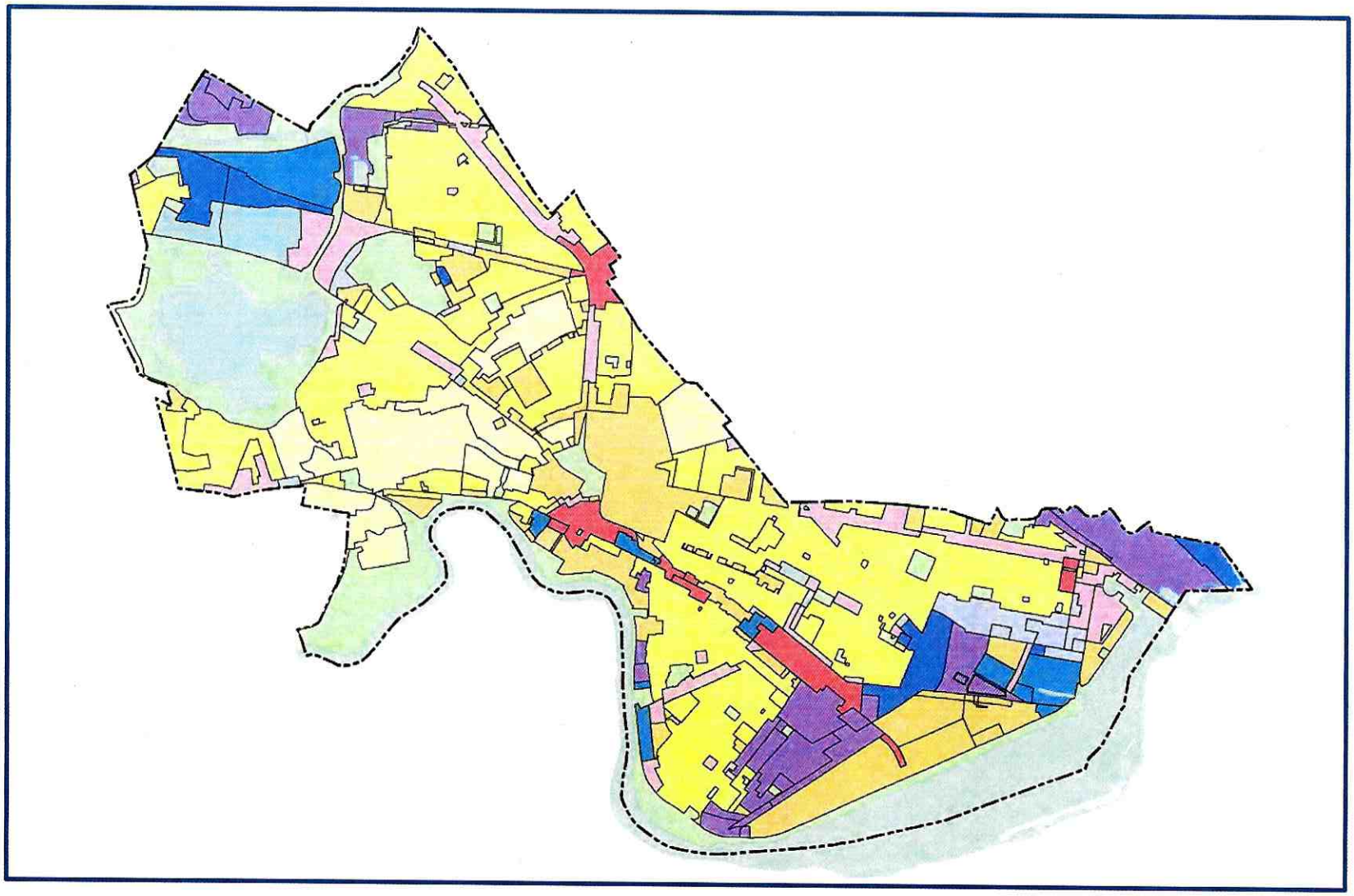
to provide for the limited establishment of Registered Marijuana Dispensaries as they are authorized **pursuant to state regulations** ...

to permit them where there is access to both **regional roadways and public transportation** ...

where they may be readily **monitored by law enforcement** for health and public safety purposes ...

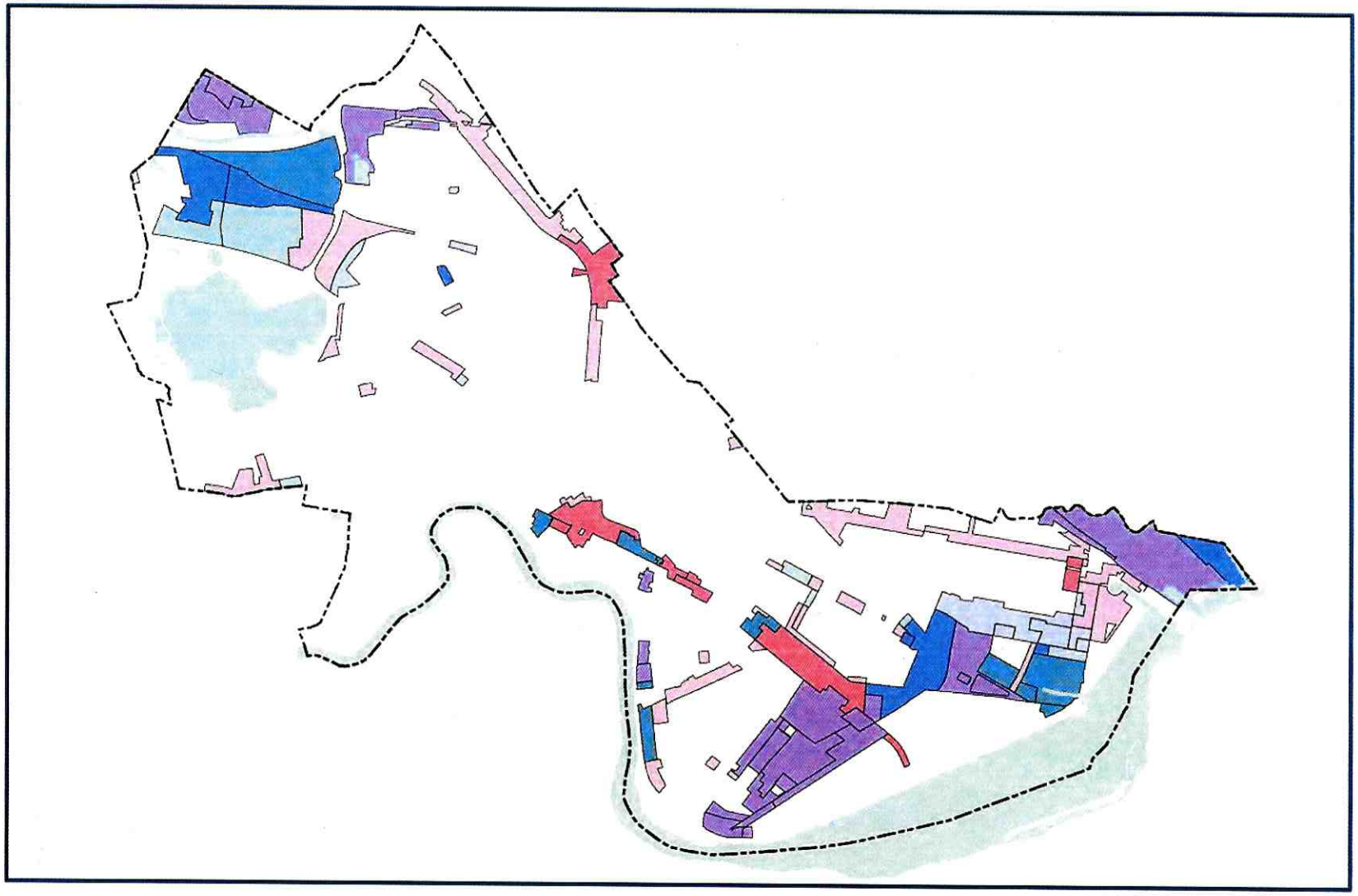
and where they will **not impact the character** of lower-scale residential neighborhoods, business districts and educational institutions.

20.702 Establishment of Districts



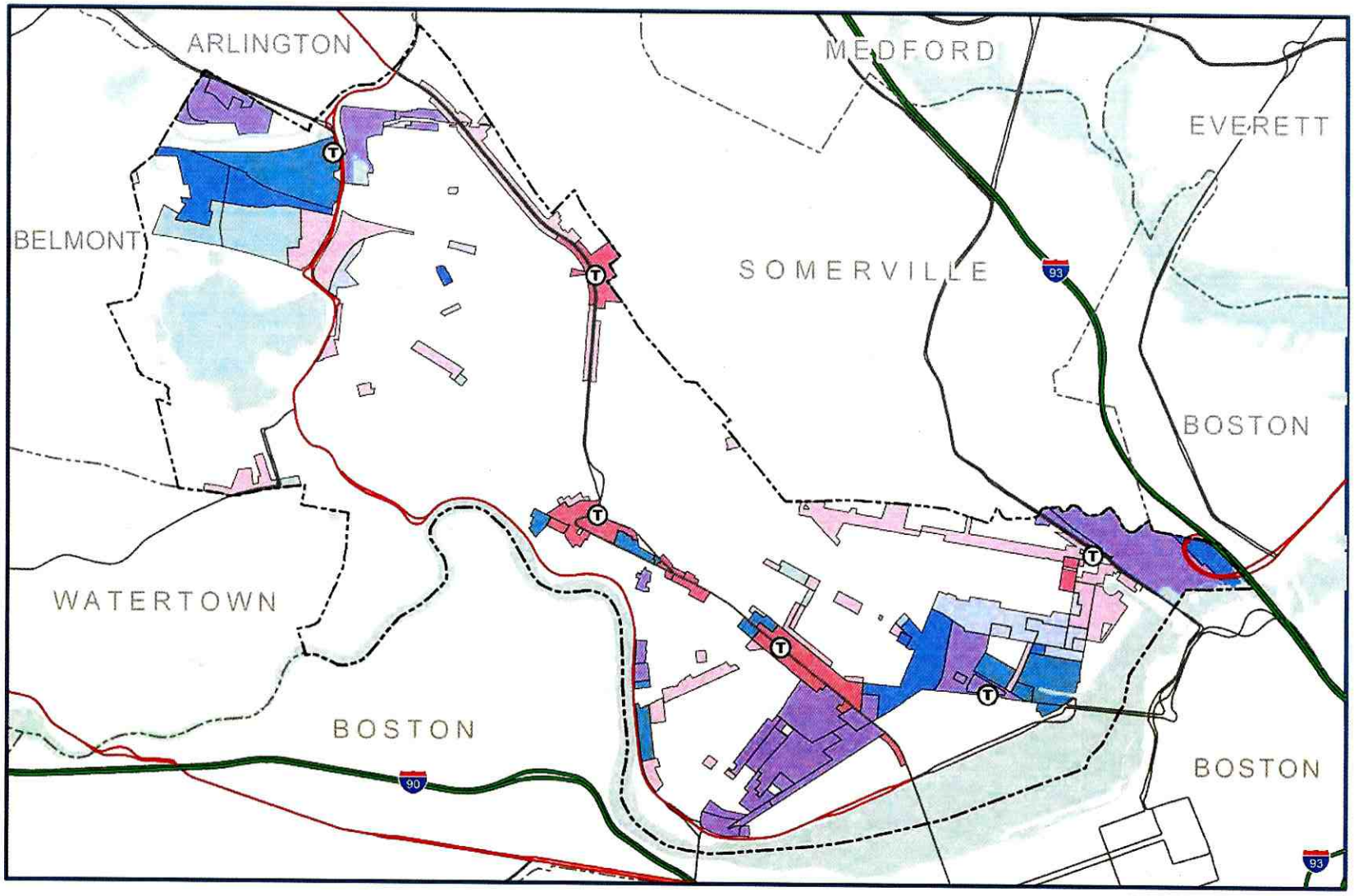
20.702 Establishment of Districts

1. Uses – business/office allowed



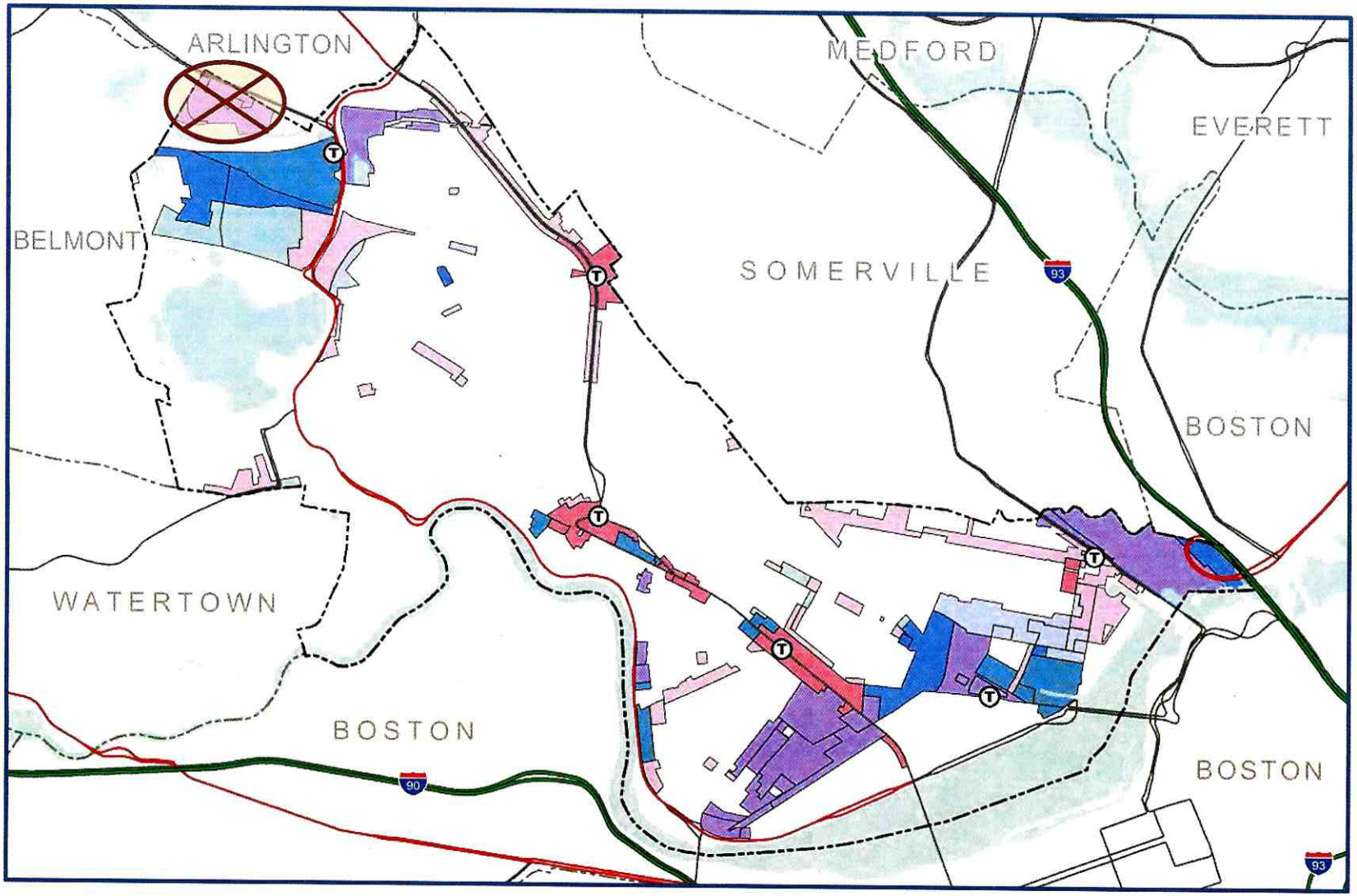
20.702 Establishment of Districts

2. Transportation – regional access



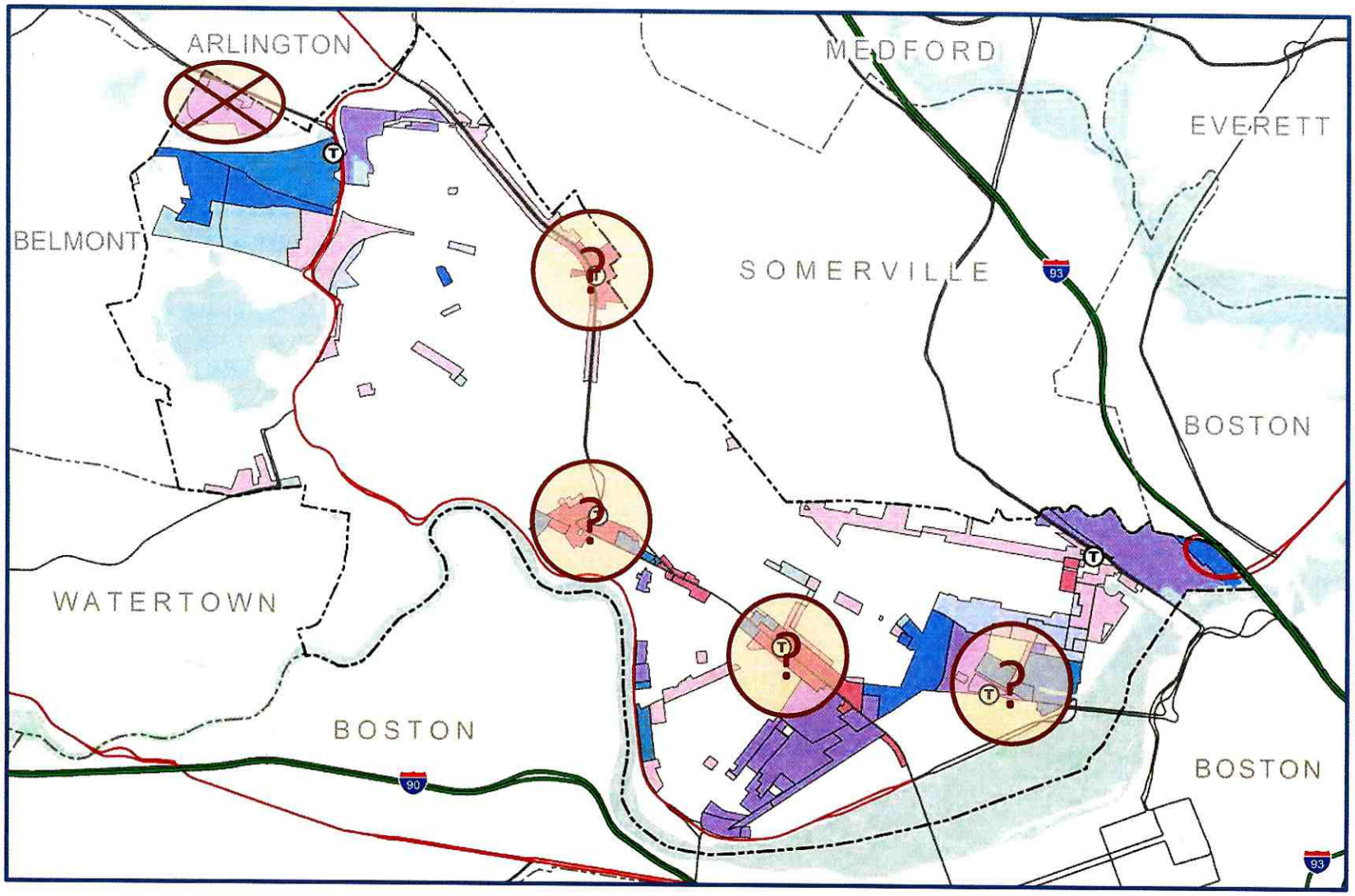
20.702 Establishment of Districts

3. Public Safety – ability to respond to calls



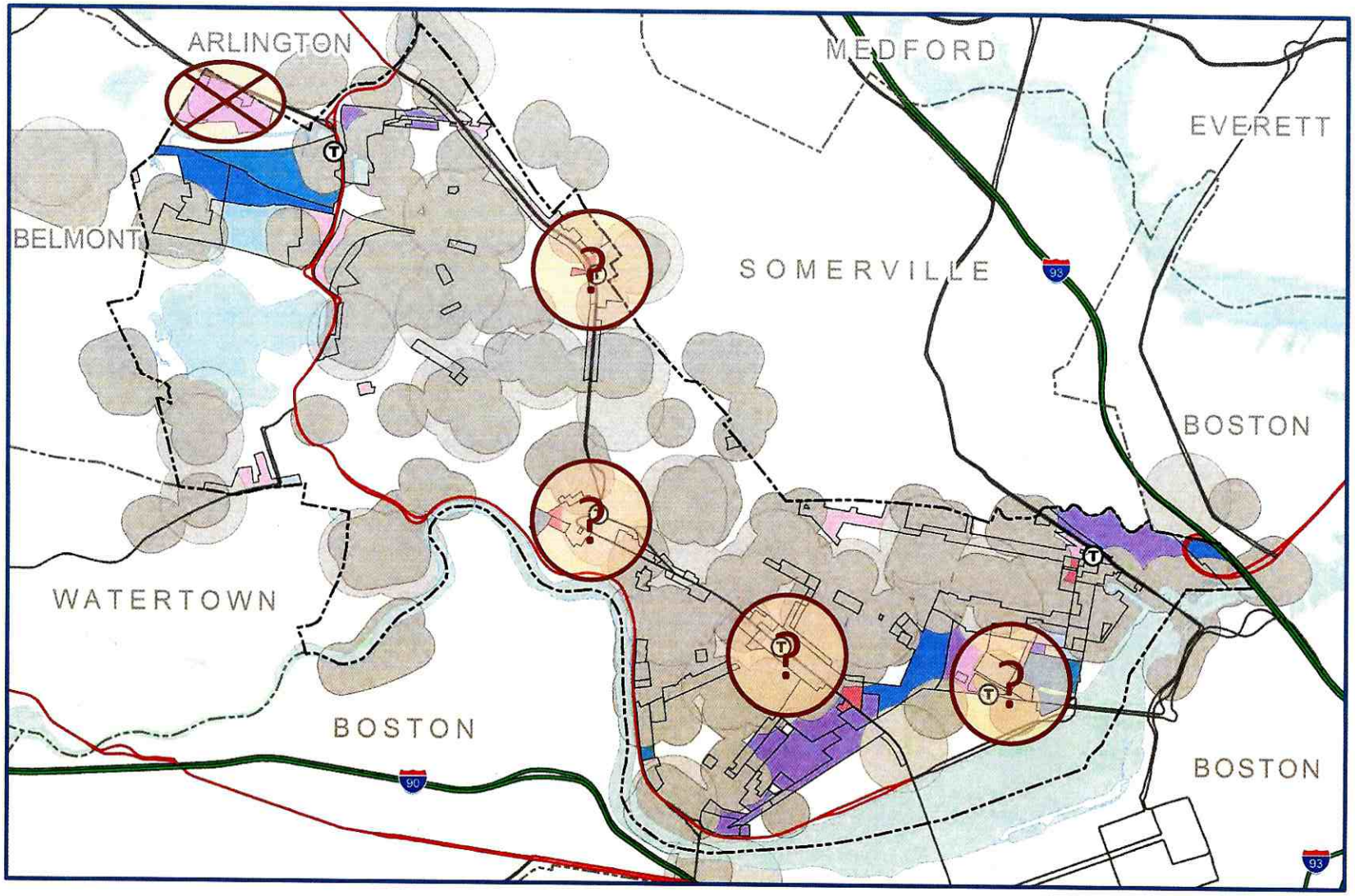
20.702 Establishment of Districts

4. Urban Character



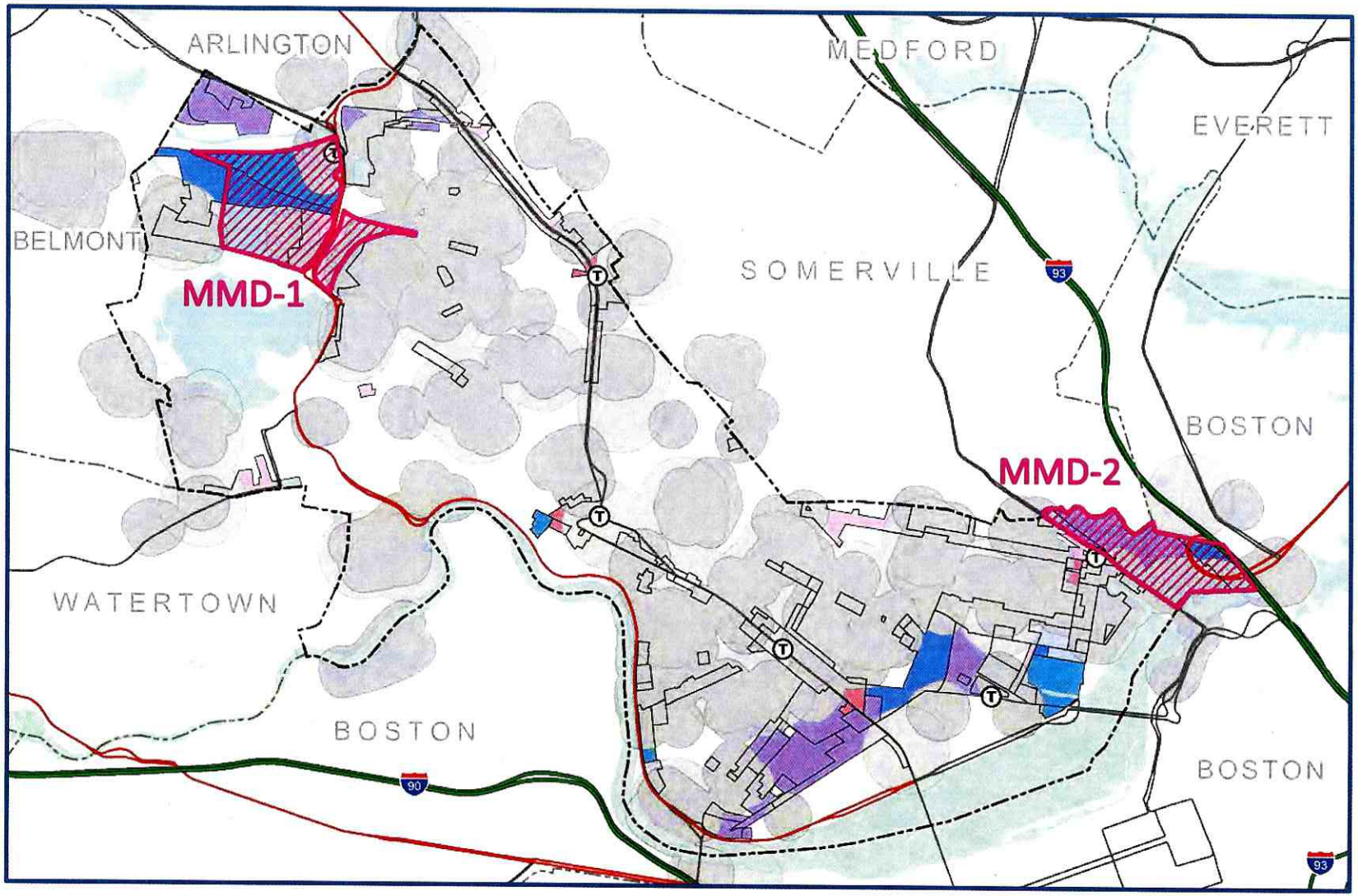
20.702 Establishment of Districts

5. Buffers from Schools or Child-Oriented Uses



20.702 Establishment of Districts

Proposed Medical Marijuana Overlay Districts



20.703 Requirements

1. Use allowed by special permit only
2. Must be properly registered with state
3. Special permit not valid if registration revoked
4. Must be in a building
5. Must meet district dimensional requirements
6. Required parking, bicycle parking and loading established by Planning Board
7. Signage must conform to Article 7.000

20.704 Application Requirements

a) Narrative description of operation
b) Map of service area
c) Transportation analysis
d) Location/context map
e) Site plan
f) Building elevations and signage
g) Registration materials

20.705 Special Permit Criteria

Planning Board Criteria:

a) Need for service within area

b) Away from schools, daycare centers, preschools or afterschool facilities or facilities in which children commonly congregate ***(500' or PB may modify)***

c) Convenient, safe, secure access/egress

d) Traffic impacts

e) Security/shielding of loading, refuse, service areas

f) Compatibility with nearby buildings

Interim Regulations (Current Section 11.700)

- Intent is to provide clarity

- *Current Expiration:*

  180 days after promulgation of state regulations
  (= November 20, 2013)

  or June 30, 2014, whichever is sooner

Delete and replace *interim regulations*

- or -

Modify *so that period extends to June 30, 2014*

Cambridge Public Health Department Potential Regulations for RMDs

- MDPH will directly permit dispensaries (RMDs)
- MDPH will directly enforce 105 CMR 725
- Local regs are not required, but will be allowed
- Local regulation cannot be in conflict with 105 CMR 725, but may include additional req's
- Provides additional assurance and local control over terms of operation, inspection, suspension

Cambridge Public Health Department Potential Regulations for RMDs

- Annual and unannounced inspections
- Review of state-mandated security plan
- Hours of operation
- Home delivery and affordability requirements
- Annual community meeting
- Further limitations on marketing and signage
- Educational materials: abuse prevention, wellness, patients rights

Cambridge Public Health Department Potential Regulations for RMDs

- Draft regulation would be reviewed by CPHD advisory board and be promulgated early 2014
- Permit issued by CPHD in consultation with CPD, ISD, other City departments

Lopez, Donna ATTACHMENT B

From: Xiaobang Yue [yuexb8628@gmail.com]
Sent: Wednesday, October 23, 2013 4:05 PM
To: Lopez, Donna
Subject: Fwd: Ref Medical Marijuana Zoning petition

Hello,

I was told by Ms. Liza Paden and Mr. Leland Chueng to forward this email to you to ensure that this is received by the council for their consideration of the Medical Marijuana Zoning petition.

Please let me know if you need any additional information.

Thanks,
Xiaobang

---------- Forwarded message ----------
From: **Xiaobang Yue** <yuexb8628@gmail.com>
Date: Tue, Oct 22, 2013 at 10:11 PM
Subject: Ref Medical Marijuana Zoning petition
To: lpaden@cambridgema.gov

Dear Ms. Paden,

My name is Xiaobang Yue and I'm currently a resident at the Reservoir Loft community near Fresh Pond in Cambridge. I have lived here since 2010 with my wife, Yuan Li, and we have welcomed our son, Kai Yue, to our lives this year.

I'm writing to you to express my strongest concern and objection to the petition of defining Registered Marijuana Dispensary around our community. There are currently 72 residential homes within our community, totaling over 200 people, ranging from infants to seniors. Aside from our community, there are multiple other residential communities in the Fresh Pond neighborhood, and some of them are still under construction. In addition, there are many businesses and offices in this area that are heavily occupied, not to mention that the Fresh Pond lake is also a public water supply resource that serves a large area in Cambridge. Implementing a Marijuana Dispensary within such densely populated area does not only raise concerns of public health, but also impose potential public safety issues. I hope the city of Cambridge and the Planning Board can carefully consider the consequences and impact to the lives of residents in our community and thereafter reject the petition.

We enjoy the fresh breeze from the Fresh Pond and the safe environment around our community. We hope not only us, but also our children can continue to enjoy such environments.

Thanks & best regards,

Xiaobang and Yuan

ATTACHMENT C

C. J. MABARDY INC.

GENERAL CONTRACTORS

EXCAVATORS

Stone & Processed Gravel

WWW.CJMABARDY.COM

OFFICE & STOCKPILE
50 MOONEY STREET
CAMBRIDGE, MASS. 02138
(617) 354-7580
FAX# (617) 864-9057

PLANT
RIVER STREET
WINCHENDON, MASS. 01475
(978) 297-1144
FAX (978) 297-1964

October 24, 2013

Hand Delivered to:

City of Cambridge Councilors
Cambridge City Hall
795 Massachusetts Avenue
Cambridge, Massachusetts 02139

Dear City of Cambridge Councilors,

I am hereby requesting that 61 Mooney Street in Cambridge to be included in the Medical Marijuana Dispensary Overlay District in the City of Cambridge.

This particular building was used as a pharmaceutical laboratory for AMAG Pharmaceutical in the past. It presently still has equipment, in the building, suitable for the medical marijuana use.

Thank you in advance.

Very Truly Yours,

Charles J. Mabardy
President

2013 OCT 25 AM 11 13
OFFICE OF THE CITY CLERK
CAMBRIDGE, MASSACHUSETTS