

City of Salem

In the year Two Thousand and Twenty-Two

An Ordinance to amend the zoning ordinance regarding buffer zones relative to marijuana establishments.

Section 1. Section 6.10.6 *General Provisions* of Chapter 6, Section 6.10 *Marijuana Establishments* is hereby amended by deleting paragraph (5) in its entirety and replacing it with the following:

“5. Pursuant to M.G.L.A. c. 94G, § 5(b)(3), a marijuana establishment shall not be located within five hundred (500) feet of a pre-existing public or private school providing education in kindergarten or any of grades 1 through 12.”

Section 2. This Ordinance shall take effect as provided by City Charter.

In City Council January 13, 2022

Referred to the Committee on Ordinances, Licenses and Legal Affairs co-posted with Committee of the Whole

ATTEST:

ILENE SIMONS
CITY CLERK



CITY OF SALEM, MASSACHUSETTS

Kimberley Driscoll
Mayor

Office of the Mayor

January 13, 2022

Honorable Salem City Council
Salem City Hall
Salem, Massachusetts 01970

Ladies and Gentlemen of the City Council:

The enclosed Ordinance amends our Zoning Code to alter the buffer zones required around marijuana establishments. Our current Zoning prohibits these establishments within 500 feet of schools, houses of worship, and funeral homes, and 1,000 feet of Salem State University. The state law regulating this industry, however, only speaks to such buffers for schools, and none of the other categories.

Now that this industry has been in our community for some time, it is clear that the additional buffer zones are unnecessary and, in fact, may do more harm by reducing the number of potentially available properties for this industry and inadvertently concentrating them in a handful of a specific locations instead.

I believe it is appropriate to modify our Zoning in this regard so that it aligns with the state law. I recommend adoption of the enclosed Ordinance and welcome the opportunity to discuss it with you and the members of the Planning Board at a Joint Public Hearing.

Very truly yours,

Kimberley Driscoll
Mayor
City of Salem

Part I ADMINISTRATION OF THE GOVERNMENT

Title XV REGULATION OF TRADE

Chapter 94G REGULATION OF THE USE AND DISTRIBUTION OF MARIJUANA NOT MEDICALLY PRESCRIBED

Section 5 LICENSING OF MARIJUANA ESTABLISHMENTS

Section 5. Licensing of marijuana establishments

(a) Upon receipt of a complete marijuana establishment license application and the application fee, the commission shall forward a copy of the application to the city or town in which the marijuana establishment is to be located, determine whether the applicant and the premises qualify for the license and has complied with this chapter and shall, within 90 days:

(1) issue the appropriate license; or

(2) send to the applicant a notice of rejection setting forth specific reasons why the commission did not approve the license application.

(b) The commission shall approve a marijuana establishment license application and issue a license if:

(1) the prospective marijuana establishment has submitted an application in compliance with regulations made by the commission, the applicant satisfies the requirements established by the commission, the applicant is

in compliance with this chapter and the regulations made by the commission and the applicant has paid the required fee;

(2) the commission is not notified by the city or town in which the proposed marijuana establishment will be located that the proposed marijuana establishment is not in compliance with an ordinance or by-law consistent with section 3 of this chapter and in effect at the time of application;

(3) the property where the proposed marijuana establishment is to be located, at the time the license application is received by the commission, is not located within 500 feet of a pre-existing public or private school providing education in kindergarten or any of grades 1 through 12, unless a city or town adopts an ordinance or by-law that reduces the distance requirement; and

(4) an individual who will be a controlling person of the proposed marijuana establishment has not been convicted of a felony or convicted of an offense in another state that would be a felony in the commonwealth, except a prior conviction solely for a marijuana offense or solely for a violation of section 34 of chapter 94C of the General Laws, unless the offense involved distribution of a controlled substance, including marijuana, to a minor.