



City of New Bedford
Department of City Planning

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MAYOR
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PLANNING BOARD

STAFF REPORT

REPORT DATE
October 2, 2019

PLANNING BOARD MEETING
October 9, 2019

Case # 19-33: Ordinance Text Amendment – Marijuana Establishment Zoning

Petitioners: City Councilors Joseph P. Lopes, Ward 6
133 William Street, Rm 215 New Bedford, MA

Proposal: Request by City Councilor Joseph P. Lopes for the Planning Board to review and make a recommendation to the City Council for its consideration of amending City of New Bedford Zoning By-Laws, Chapter 9- Comprehensive Zoning to Chapter 9, Section 4131B, Relative to Marijuana Establishment Zoning:

The proposed text amendment is related to the marijuana establishment zoning location requirements and restrictions sections. Which currently reads as follows:

Current Ordinance Text

4131B. Location Requirements and Restrictions.

- (i) Marijuana Establishments and Medical Marijuana Treatment Centers shall only be located in Industrial Districts A (IA), B (IB), and C (IC).
- (ii) No Marijuana Establishment or Medical Marijuana Treatment Center shall be located within:
 - (a) 500 feet of any public or private school providing education in kindergarten or any of grades 1 through 12, licensed daycare center, nursery school, preschool, building operated as part of the campus of any private or public institution of higher learning, playground, park, public library, church, excluding chapels located within a cemetery, substance abuse treatment facility, **Marijuana Establishment**, or Medical Marijuana Treatment Center; or
 - (b) 200 feet of any dwelling or dwelling unit.

The distance under this provision shall be measured in a straight line from the nearest point of the property line in question to the nearest point of the property line where the Marijuana Establishment or Medical Marijuana Treatment Center will be located.

- (ii) No Marijuana Establishment or Medical Marijuana Treatment Center shall be located inside a dwelling or building containing a dwelling unit or inside any building containing transient housing, including a hotel, motel, or dormitory.

(iv) Marijuana Establishments shall satisfy the conditions and requirements of all other applicable sections of the Zoning Ordinance, including but not limited to dimensional and parking requirements.

Case 19-13:

Proposes removing the following phrase:

Marijuana Establishment

Paragraph will read as follows:

No Marijuana Establishment or Medical Marijuana Treatment Center shall be located within:

- (a) 500 feet of any public or private school providing education in kindergarten or any of grades 1 through 12, licensed daycare center, nursery school, preschool, building operated as part of the campus of any private or public institution of higher learning, playground, park, public library, church, excluding chapels located within a cemetery, substance abuse treatment facility, ~~Marijuana Establishment~~ or Medical Marijuana Treatment Center; or

Background:

What change might removing the phrase “marijuana establishments” from the city ordinance have?

As it currently stands, marijuana establishments are allowed only in industrial zones and are also subject to buffer restrictions barring them from locating, among other places, 500’ or closer to schools, churches, residences, and other marijuana establishments. The city ordinance is designed to protect vulnerable populations, such as youth or substance abuse victims from any possible discomfort posed by marijuana use and to allow for the location of establishments in less populated areas.

By removing the phrase “marijuana establishments” from the ordinance, the proponent seeks to allow marijuana dispensaries to setup business in close proximity, even adjacent to each other or within the same building, such as within a mill complex. This could lead to the clustering of these establishments in specific areas of the city.

Input from Other City Departments:

The rezoning request was distributed to City Clerk, City Solicitor, Health Department, Inspectional Services, Engineering, Public Infrastructure, Conservation Commission, Fire Department and School Department. Although no comments have been received as of the production date of these Planning Staff Comments, any such comments subsequently received will be provided at the Planning Board’s public hearing.

For Board Member Consideration:

Merits: Some literature suggests that allowing the clustering of marijuana establishments may provide an economic boost to areas in need of economic development. In other cities and towns, marijuana establishments have trended towards development in low-income neighborhoods, not necessarily to target specific income groups, but because of the availability of retail space in industrial zones located in these communities. Also of note, is the fact that those seeking to open marijuana establishments have found difficulty finding landlords to rent, lease or sell property to them because of the reluctance of federally-backed financial institutions to lend money to a marijuana industry that is still illegal under federal law. Therefore, one benefit of clustering is the possibility it will create economic empowerment in low-income communities that have been disproportionately impacted by the enforcement of the prohibition against marijuana.

If clustering is not allowed it may make it harder for purveyors to find retail space available, thereby prohibiting the industry from taking root and flourishing.

Advocates from the industry have also stated that clustering allows for many different types of establishments to be located in proximity to each other, or even within a vertical retail model. Marijuana cultivation, retail, manufacturing, and research and development labs are all types of establishments that could benefit from co-location. In large unused buildings such as empty mills, several establishments could be co-located.

Concerns: In other states where multiple marijuana establishments coexist in the same area there have been complaints of the pervasive and inescapable aroma permeating their neighborhoods.

There is documented concern regarding the potential impact to medical and public safety services. Medical personnel in jurisdictions that have approved marijuana establishments have seen an increase in emergency room visits and mental-health crises from marijuana-related issues.

It is yet to be proven as to whether clustering marijuana establishments may also have a negative effect on local property values in nearby residential areas as the area becomes known for the sale of marijuana. Allowing clustering could therefore become inherently discriminatory to certain neighborhoods that are forced to bear more than their share of the burden without necessarily realizing the economic benefits.

Other communities have set larger buffers between marijuana establishments, Boston's is half a mile or 2,640 feet while Cambridge is 1,800 feet. New Bedford's current buffer of 500 feet may conceivably allow establishments to spring up within a few blocks of each other or at either end of the street.

Furthermore, allowing clustering now would be impossible to undo in the future, while maintaining the status quo would allow the Planning Board to revisit doing away with the buffer zones between establishments at a later date, when the effect these establishments have on our community becomes clearer and more documented.

Attachments:

1. Written Motion by City Councilor, Joseph P. Lopes (Ward 6).



Planning Bd.

CITY OF NEW BEDFORD

CITY COUNCIL

September 12, 2019

WRITTEN MOTION

Requesting, that the Committee on Ordinances amend the New Bedford Code of Ordinances, Chapter 9, Section 4130B, by deleting the words "Marijuana Establishment" from Section 4131B(ii)(a). (To be Referred to the Committee on Ordinances.)

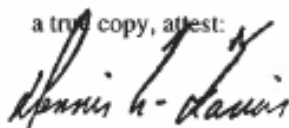
Joseph P. Lopes, Councillor Ward Six

IN CITY COUNCIL, September 12, 2019

Referred to the Committee on Ordinances and the Planning Board.

Dennis W. Farias, City Clerk

a true copy, attest:


Dennis W. Farias
City Clerk