



One City's Experience with Recreational Marijuana

Salem's Process from Ordinance Drafting to Opening Day

Background

- 3 out of 5 Salem voters voted yes on the ballot question
- Salem had an existing medical marijuana dispensary (ATG) and an existing testing lab (CDX)
- No interest in a moratorium
- Enacted a cap on retailers separate from zoning = 20% of package stores/rounds up to 5 in Salem
- City Council adopted 3% local excise tax (maximum allowed under Chapter 64N)

Zoning Ordinance Drafting: Things to Consider

- Chapter 94G
- CCC Regulations 935 CMR 500
- CCC Guidance Documents
- “Unreasonably Impracticable”
- Other Communities’ Ordinances

- Additional Buffers beyond 500 feet from K-12 Schools
- Locations/Zones
- Distance Between Retailers
- Types of Retail Marijuana Establishments (cultivator, lab, manufacturer, packager)
- Severability

Ordinance Passage

- Political Realities
- Locations/Zoning Districts: Downtown or Outskirts of City?
- Impacts on Tourism/Challenges
- Additional Buffer Zones
- Unintended Consequences

Marijuana Zoning

- Requirements for Special Permit:

https://library.municode.com/ma/salem/codes/zoning_ordinance?nodeId=S6.0SPRE_6.10MAES

- Definitions:

https://library.municode.com/ma/salem/codes/zoning_ordinance?nodeId=S10.0DE

- Use Table/Zones:

https://library.municode.com/ma/salem/codes/zoning_ordinance?nodeId=S3.0USRE_3.1PRUS

Special Permit Process

- Traffic
- Parking
- Security Plans
- Neighborhood Concerns
- Special Conditions
 - On Site Consumption Prohibition
 - Receipt of HCA within 6 months
 - Licensure within 6 months
 - Landscaping and other site-specific conditions

Implementation/Practical Considerations

- 9 special permits issued/6 on same business highway -- **Highland** Avenue
- Least impactful/most beneficial to City versus “first come, first served”
- Economic Empowerment and Social Equity applicants
- What comes first – HCA or Special Permit?

Salem's Approach

- Communication with residents and retailers – FAQs issued:
 - <https://www.salem.com/mayors-office/news/cannabis-establishments-salem-frequently-asked-questions>
- HCA Application Process:
 - [https://www.salem.com/sites/salemma/files/uploads/salem host community agreement process and application 1.pdf](https://www.salem.com/sites/salemma/files/uploads/salem_host_community_agreement_process_and_application_1.pdf)

Host Community Agreements

- Created standard/minimum terms and conditions in first retail host community agreement with ATG, the existing medical dispensary
- Published City's minimum conditions to inform other interested retailers who followed
- Selected 4 out of 8 retailers to enter into HCAs with -- 2 retailers on Highland Ave, 1 in downtown core, and 1 downtown adjacent

Opening for Business: Planning

- Multiple planning meetings involving multiple city departments:

Police

Public Services

Fire

Traffic and Parking

Mayor's Office

Inspectional Services

- Retailer and City departments worked together – trust established due to smooth operation of medical dispensary
- Retailer was sensitive to neighborhood concerns
- Worked with adjacent communities re signage and traffic

- Relied on details on site and for traffic (including in adjacent city) and private security
- Reservation system – by appointment only
- Limited disruption for existing medical clients – no appointments necessary
- Parking issues – balancing need for parking with existing restrictions to avoid impact to neighborhood
- Shuttle bus service – provided by Retailer
- City provided access to its parking lot for shuttle

Getting from here to there

- Planned for queueing people, parking and emergency vehicle access
- Attempted to find additional parking/shuttle locations – made difficult by Christmas season
- Imposed temporary resident-only parking restrictions
- Kept sidewalks open
- Addressed needs of other adjacent businesses
- Retailer provided portable toilets
- Ensured sufficient lighting (gets dark early in December)
- City costs/impacts – staff time, public services (trash), lost parking spaces for shuttle turnaround

Opening Day Takeaways

- Take time to plan
- Develop relationship with your retailer
- Know your neighborhood and the concerns specific to it
- Learn from other communities