One City’s Experience with Recreational Marijuana

Salem’s Process from Ordinance Drafting to Opening Day
• 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=S3.0USR_E_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:

• HCA Application Process:
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