

# Cannabis Establishments

*Zoning Amendment Public Meeting*

May 9, 2024

6:00pm–7:30pm

# Timeline to date

- **May 2021:** Amendment from City Council (then-Councilor Edwards)
- **June 2021:** Amendment presented to Zoning Commission; deferred until community process was complete
- **August 2022:** BPDA Public Meeting #1 with BCB and OEOI for feedback and discussion of amendment
- **October 2022:** BCB and OEOI met with ~25 cannabis business owners and ~15 Main Street directors for additional feedback
- **November 2022:** BPDA Public Meeting #2, presenting feedback heard, adjusted language around the buffer zone, and an updated “scorecard” for applicants at the BCB
- **2023:** Refinement of the amendment based on feedback from that meeting and additional outreach to departments at the City

## Boston may again revamp its process for approving marijuana stores

But some companies fear upcoming delivery services would face too much red tape

By Dan Adams Globe Staff, Updated May 26, 2021, 11:55 a.m.



City Councilor Lydia Edwards, left, spoke at a recent press conference outside Boston City Hall. Edwards is proposing reforms to the city's system for approving marijuana companies. ARAM BOGHOSIAN FOR THE BOSTON GLOBE

A year after Boston overhauled its system for approving local marijuana businesses, city officials are set to debate a new proposal that would significantly streamline the process — and a separate rule change that some companies fear would add unnecessary red tape to the imminent rollout of delivery services for recreational pot.

City Councilor Lydia Edwards earlier this month filed several proposed amendments to Boston's cannabis licensing and zoning regulations. Essentially, they would remove the Zoning Board of Appeal as a required second step in the approval process for marijuana shops and other pot facilities, instead granting exclusive oversight of most applications to the newer Boston Cannabis Board.

# Upcoming Dates

## Key dates

- **Thu, May 9 (today!):** Public meeting on amendment text, and beginning of public comment period.
- **Fri, May 31:** End of public comment period.
- **Thu, June 6:** BPDA posts comments received as well as any response.
- **Thu, June 13:** Anticipated BPDA Board petition
- **Wed, July 10:** Anticipated Zoning Commission consideration



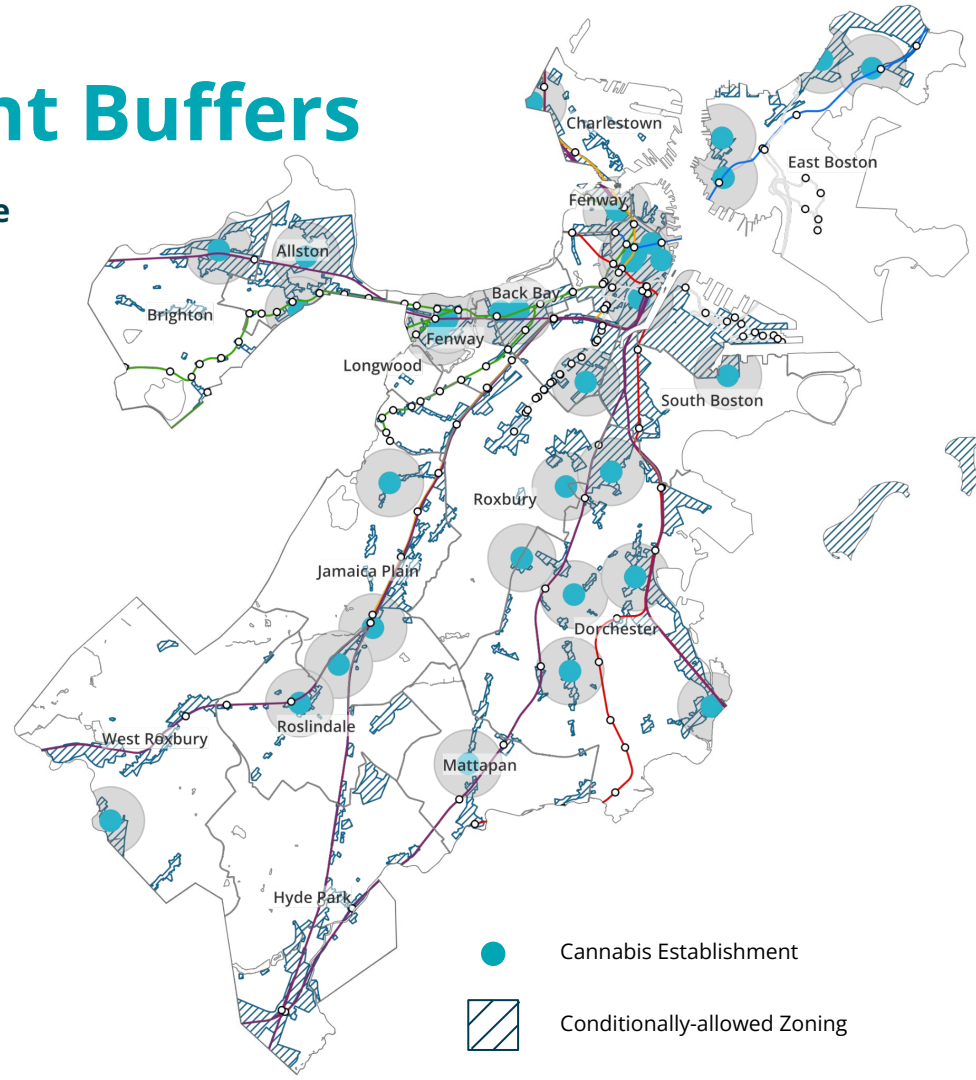
# Current Zoning Process

1. After receiving approval from the Boston Cannabis Board, all cannabis establishments, including equity applicants, must go through the Zoning Board of Appeal.
2. ZBA approval requires at least one, and usually at least two, things:
  - Cannabis establishments across the City are allowed **conditionally** in commercial and industrial subdistricts, meaning that the use must always be approved on a case-by-case basis. Presently, there is no subdistrict where the use is allowed as-of-right.
  - Cannabis establishments are subject to a **half-mile buffer zone from other cannabis establishments**, existing or approved; and a **500-foot buffer zone from schools, existing or approved**. Allowing establishments within these buffers requires a variance. Most applications today now require relief from these buffer requirements.

# Existing Establishment Buffers

Currently **30 active cannabis retail licenses (32 active establishments)** operating in Boston.

- 14 equity applicants, 18 non-equity
- MGL c.94G § 3 requires not limiting number of retailers to fewer than 20% of licenses issued for retail sale of alcohol under MGL c.138 § 15.
- Based on the current number of package store licenses, **Boston must allow more than 50 cannabis retailers.**
- City policy is to approve at least one equity applicant for every non-equity applicant.
- Allowing the required number of retailers is **not possible** with current buffer zones.



# Proposed Changes to Zoning

- **Summary:** Restate the state definition of the **school entrance buffer zone**; and **delete the half-mile buffer** requirement between cannabis establishments.
- **Buffer Zone:** A buffer zone requiring that the placement of entrances for any cannabis establishment be **no closer than 500 feet from the nearest School entrance**.
- Full text available at <https://www.bostonplans.org/documents/zoning/draft-text-amendment-for-the-cannabis-establishmen>

DRAFT TEXT AMENDMENT NO. \_\_\_\_\_  
THE COMMONWEALTH OF MASSACHUSETTS  
CITY OF BOSTON  
IN ZONING COMMISSION

The Zoning Commission of the City of Boston, acting under Chapter 665 of the Acts of 1956, as amended, after due report, notice and hearing, does hereby amend the text of the Boston Zoning Code as follows:

1. In Article 2, DEFINITIONS, and in Article 8, REGULATION OF USES,
  - a. In Section 2-1a. Definitions, amend existing definition of **Cannabis Establishment**:

**Cannabis Establishment.** An entity, licensed and registered with the Commonwealth of Massachusetts subject to 935 CMR 500, 105 CMR 725.100, or any successor regulation that acquires, cultivates, possesses, processes (including development of related products as edible marijuana infused products (MIP), tinctures, aerosols, oils, or ointments), transfers, transports, sells, distributes, dispenses, or administers cannabis, and products containing cannabis to be consumed off-site, including, Cannabis Establishment includes, but is not limited to, an adult use cannabis establishment, a medical use cannabis establishment, a marijuana retailer, a marijuana product manufacturer or a marijuana cultivator. Cannabis Establishments shall include any Marijuana Establishment or Medical Marijuana Treatment Center licensed pursuant to 935 C.M.R. 500, 105 C.M.R. 725.100, or any successor regulation. Such Cannabis Establishment is subject to the Cannabis Establishment Buffer Zone, as defined herein.
  - b. In Section 8-3 Table A Definitions, amend existing definition of **Non-Retail Cannabis Establishment**:

**Non-Retail Cannabis Establishment.** An entity, licensed and registered with the Commonwealth of Massachusetts subject to 935 CMR 500, 105 CMR 725.100, or any successor regulation that acquires, cultivates, possesses, processes (including development of related products such as edibles, MIPs, tinctures, aerosols, oils, or ointments), transfers, transports, or distributes cannabis and products containing cannabis neither to be sold on the lot nor consumed on-site. Non-Retail Cannabis Establishment includes, but is not limited to, a marijuana product manufacturer or a marijuana cultivator. Such Non-Retail Cannabis Establishment is subject to the Cannabis Establishment Buffer Zone, as defined in Article 2.

**Commented [1]:** This language has been edited to streamline the text and make it easier to read. There is no substantive change with these edits.

**Commented [2]:** This ensures that the 500' buffer from schools, currently in effect, is included as a fundamental part of the definition of a Cannabis Establishment.

**Commented [3]:** This ensures that the 500' buffer from schools, currently in effect, is included as a fundamental part of the definition of a Non-Retail Cannabis Establishment.

# What Stays the Same

- Cannabis establishments continue to be a **conditional use**, requiring both approval from the Boston Cannabis Board and the Zoning Board of Appeal
- A **500-foot buffer from schools** exists in the **zoning code**
- No changes to the **use regulations** related to which subdistricts forbid cannabis establishments entirely, and which allow it conditionally

c. In Section 8-3 Table A Definitions, amend existing definition of **Retail Cannabis Establishment**:

**Retail Cannabis Establishment.** An entity, licensed and registered with the Commonwealth of Massachusetts subject to 935 CMR 500, 105 CMR 725.100, or any successor regulation that acquires, dispenses, possesses, or administers cannabis and products containing cannabis to be sold on the lot and consumed off-site, including a medical use cannabis establishment. Such Retail Cannabis Establishment is subject to the Cannabis Establishment Buffer Zone, as defined in Article 2.

d. In Section 2-1a, Definitions, in the appropriate alphabetical placement, insert following new definition:

**Cannabis Establishment Buffer Zone.** A buffer zone requiring that the placement of entrances for any cannabis establishment be no closer than 500 feet from any entrance to a preexisting School. Cannabis Establishment Buffer Zone shall be measured in a straight line from the geometric center of the entrance of the cannabis establishment to the geometric center of such entrance to a preexisting School, unless there is a highway, public or private way or path, inaccessible structure, body of water, or other obstruction that renders any part of the 500-foot straight-line distance inaccessible by a pedestrian or automobile. If such obstruction exists, Cannabis Establishment Buffer Zone shall be measured along the center of the shortest publicly-accessible pedestrian travel path from the geometric center of the entrance to the cannabis establishment to the geometric center of such entrance to a preexisting School.

2. In the following articles:

**Article 38** (Midtown Cultural District)  
**Article 39** (North Station Economic Development Area)  
**Article 40** (South Station Economic Development Area)  
**Article 41** (Huntington Avenue/Prudential Center District)  
**Article 44** (Leather District)  
**Article 45** (Government Center/Markets District)  
**Article 46** (Bulfinch Triangle District)  
**Article 47A** (Cambridge Street-North District)

In the sections on Use Regulations, under Conditional Use, amend the following:

**Cannabis Establishment.** Provided that any cannabis establishment shall be sited at least one-half mile or 2,640 feet from another existing cannabis establishment

**Commented [4]:** This ensures that the 500' buffer from schools, currently in effect, is included as a fundamental part of the definition of a Retail Cannabis Establishment.

**Commented [5]:** This text provides further clarification, based on statewide regulation on how to measure the 500' buffer zone from schools.

# Boston Cannabis Board and its Mission

- The Boston Cannabis Board (BCB), established in 2020, is a mayoral-appointed seven member Board tasked with siting cannabis establishments within the City of Boston.
- The BCB's duty is to ensure equity in the issuance of cannabis licenses. Its enabling ordinance mandates that at least 50% of all cannabis establishments within the city have been certified as equity applicants by Office of Economic Opportunity and Inclusion (OEOI).





# Boston Cannabis Board Members



**Kathleen M. Joyce, Esq.**  
Chair

Member with experience with the City's licensing and regulation of businesses



**Lisa Holmes**  
Commissioner

Member with experience in Public Safety



**Gabriel Camacho**  
Commissioner

Member with experience in Organized labor or workers' rights



**John Smith**  
Commissioner

Member with experience in Economic Development



**Ramon Soto**  
Commissioner

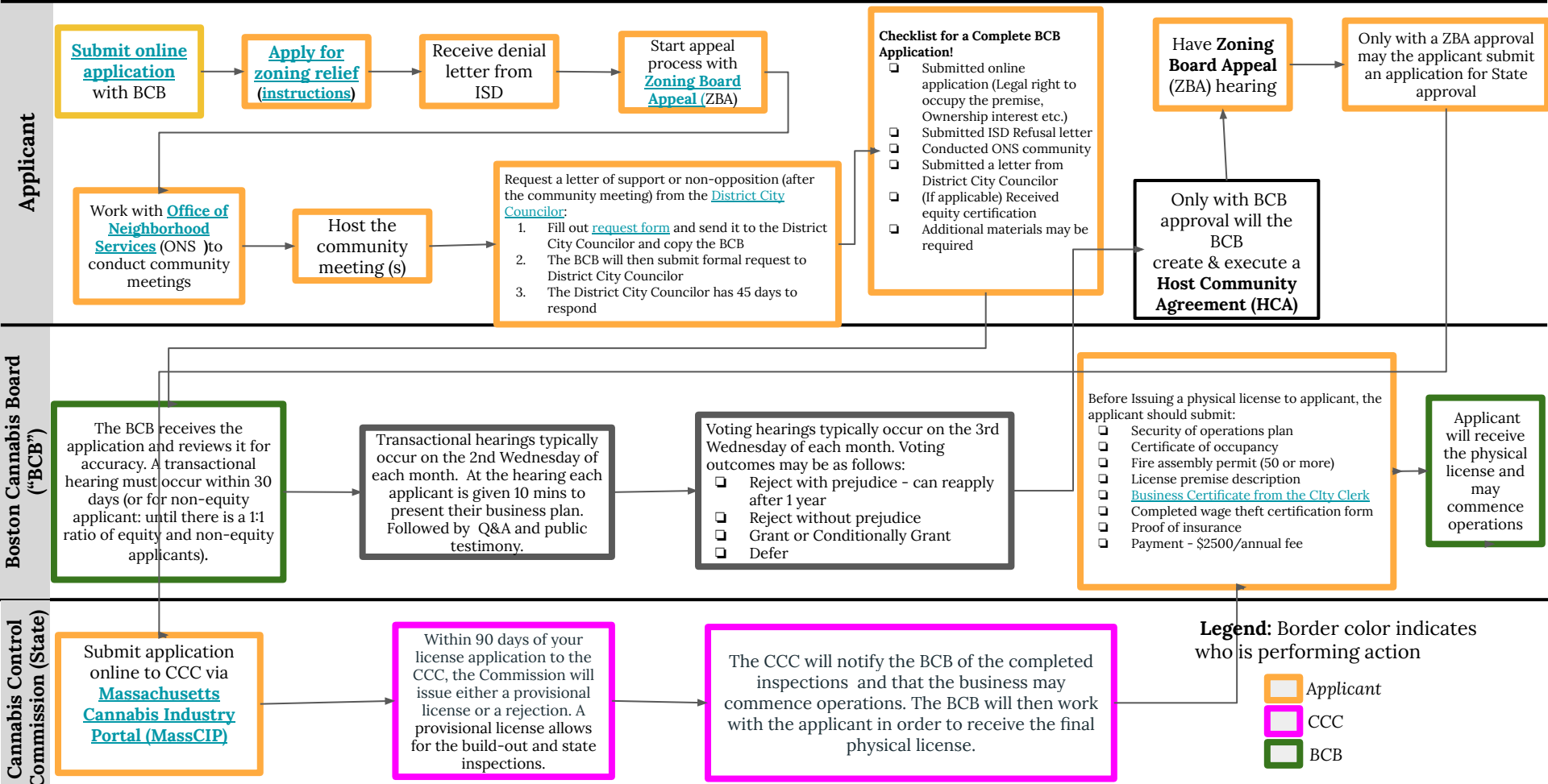
Member with experience in Public Health Policy



**Sonal Gandhi**  
Commissioner

Member with experience in Urban planning or land use

# Process Flow to Cannabis Licensing



# CCC Community Engagement Requirements

Statutory requirements per the Cannabis Control Commission (the “CCC”) in regards to the community meeting process:

Only required to host one (1) Community Outreach Meeting

At least fourteen (14) calendar days prior to the proposed meeting, the notice of the meeting must be:

- Published in a newspaper of general circulation in the city or town.
- Filed with the town or city clerk, the planning board, the contracting authority for the municipality, and local licensing authority for adult use of cannabis, if applicable.

At least seven (7) calendar days prior to the proposed meeting, the notice of the meeting must be:

- Mailed to abutters of the proposed address of the Marijuana Establishment, owners of land directly opposite on any public or private street or way, and to the abutters within 300 feet of the property line of the petitioner as they appear on the most recent applicable tax list, notwithstanding that the land of any such owner is located in another city or town. The town or city clerk may be able to assist an applicant with a list of abutters.

# BCB Community Engagement Requirements

The Office of Neighborhood Services (ONS) facilitates the statutory community meeting for all Cannabis Establishments.

At least seven (7) calendar days prior to the proposed meeting, the notice of the meeting must be:

- Must physically flyer the community meeting notice at least 7 calendar days prior to the meeting

District Councilor 45 Days

- Request form: District City Councilor letter of support, non-opposition, or opposition

Distribution of the BCB's Agenda:

- Sent out to all constituents that have signed up via our Cannabis Newsletter List: [Sign up here](#)
- Each Applicant is required to hand deliver the agenda to all abutters within a three hundred (300) foot radius of the proposed licensed premise prior to the hearing
- Posted a week prior to the hearing on the city's public notice board

Community Involvement in BCB Hearing:

- The BCB accepts written correspondence at any point in the application process, which is included in the Applicant's hearing materials and shared with all of the Board members.
- At the BCB hearing all members of the public are encouraged to participate. Each person is given (2) mins to testify.

# Evaluation Criteria:

- Diversity and Inclusion Plan - 25%
  - Overview of the goals, programs, and measures the proposed operation will utilize promote equity among minorities, women, veterans, persons with disabilities, and immigrant populations
- **Location - 25%**
  - **Distance from a licensed retail marijuana establishment**
  - **Residential and commercial density near the site.**
  - **Distance from schools, social services, or treatment centers.**
  - **Access to public transportation.**
  - **Accessibility and amount of on-site parking.**
- Employment - 20%
  - Plan for employment of Boston residents
  - Plan for employment of minorities and women
  - Plan for offering competitive wages and benefits for local residents
  - Plan for employment of individuals with criminal records
- **Community Feedback and Support - 20%**
  - **Letters/Testimony of support, opposition, or non-opposition from local elected officials**
  - **Letters/Testimony of support, opposition, or non-opposition from local community organizations**
    - **Letters and testimony from community members;**
    - **Letters and testimony from abutters;**
    - **Letters and testimony from other stakeholders**
- Safety and Security - 10%
  - Plan for on-site security personnel including number of security individuals
  - Plan for building and product security including number of security cameras
  - Plan for protecting youth from accessing the product
  - Plan for the transportation and delivery of the product
  - Plan for the transportation of monies to and from the site

# Cannabis Equity Program

- As part of the Mayor's Ordinance Establishing Equitable Regulation of the Cannabis Industry in the City of Boston, the Boston Cannabis Equity Program & Boston Equity Fund were established.
- This program is overseen by the Office of Economic Opportunity & Inclusion (OEOI) and is charged with:
  - Creating an equity program to offer equity applicants services which may include technical assistance and administering and supporting the equity program through funding appropriated to it by the Boston Equity Fund.
    - Currently the program offers technical assistance, grant funding, and continued education and support.



# Cannabis Equity Program

The Boston Cannabis Equity Program plays a crucial role in advancing the City's broader policy objectives in several ways:

- **Promoting Economic Inclusion:** The program is a tangible expression of the City's commitment to fostering economic inclusion and providing opportunities for all residents, particularly those who have been historically disadvantaged.
- **Reducing Disparities & Closing the Racial Wealth Gap:** By focusing on equity in the cannabis industry, the program addresses historical disparities in criminal justice and economic outcomes, contributing to a fairer and more just society and providing a means to generate generational wealth, close the racial wealth gap, and foster economic equity.
- **Supporting Local Business:** The program encourages local entrepreneurship, empowering residents to start and grow businesses within their own communities, which, in turn, bolsters neighborhood development and stability.
- **Community Reinvestment:** It furthers the City's efforts to reinvest in communities disproportionately affected by past cannabis-related convictions, thereby enhancing neighborhood vitality and economic resilience.
- **Fostering Collaboration:** The program aligns with other city initiatives and stakeholders, fostering collaboration between public and private sectors, community organizations, and residents, creating a united front in pursuit of equitable business development.

# Equity Certification

Cannabis Establishments can apply for **equity certification** through the Mayor's Office of Economic Opportunity & Inclusion if they have:

- an **active application** with the Boston Cannabis Board;
- **secured a location** by obtaining proof of legal right to occupy the premise (such as a notarized letter from the landlord, a letter of intent, or a signed lease agreement);
- **at least 51 percent of the ownership** group meets at least three of the equity certification criteria listed in the Ordinance for Equitable Cannabis Regulation.

BCB agendas are created to ensure a 1:1 ratio of equity to non-equity licensees. The Board will not schedule a hearing for a non-equity applicant if the granting of a license would result in a violation of the 1:1 ratio.



# Changes to date separate from zoning

The BCB and OEOI met with several departments in 2022 and 2023 including: BPDA, Law, and ONS.

Feedback from all departments has been supportive. The main point of feedback has been to make sure the BCB maintains members that have experience with the City's licensing and regulation of businesses, public safety, labor or workers' rights, economic development, public health policy, urban planning or land use, and leadership within a neighborhood association in Boston.

Following feedback from cannabis business owners and the community, the BCB:

- updated the scoresheet and evaluation criteria,
- added the two additional members to the Board,
- held meetings with additional stakeholders

OEOI has also reached out to all denied applicants and provided guidance and resources to find new locations and/or prepare for their new ZBA hearing.

# Public Comment

*If you would like to submit a comment on the Cannabis Establishments text amendment, please email [will.cohen@boston.gov](mailto:will.cohen@boston.gov).*