

Yovani Baez-Rose
Assistant City Manager/DPD Director

Camilo Espitia
Deputy DPD Director

MEMORANDUM

TO: Thomas A. Golden, Jr., City Manager 

FROM: Yovani Baez-Rose, Assistant City Manager/DPD Director

CC: Lloyd DeJesus, Director of Development Services
Camilo Espitia, Deputy Director DPD
Francesca Cigliano, Senior Planner

DATE: July 12, 2023

SUBJECT: MOTION RESPONSE: 6/13/2023 – Councilor Nuon – Req. City Mgr. Work With Appropriate Department(s) To Update City Council On Progress Regarding The Proposed Zoning Amendment To Allow A Pathway For Permitting Marijuana Home Delivery In Lowell.

On March 28, 2023, the Lowell City Council unanimously voted to approve a proposed zoning amendment that created a pathway for marijuana courier and delivery businesses in Lowell. The change became effectively immediately following the vote.

The updated [Lowell Zoning Ordinance](#) that includes marijuana and courier permitting information is available for viewing on the City of Lowell's website.

Interested prospective marijuana courier and delivery business owners can contact Fran Cigliano at fcigliano@lowellma.gov or 978-674-1424 for information on how to open a marijuana business in Lowell.

FC

Attachments

1. City Council Vote, dated March 28, 2023;
2. Planning Board Recommendation, dated March 23, 2023; and
3. Proposed Zoning Amendment, dated November 29, 2022

COMMONWEALTH OF MASSACHUSETTS

CITY OF LOWELL

In City Council

ORDINANCE

An Ordinance Amending "Code of the City of Lowell, Massachusetts", with respect to Chapter 290, Thereof Entitled, "Zoning" by Amending Various Sections.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LOWELL, as follows

"The Code of Ordinances City of Lowell, Massachusetts", hereinafter called the "Code," adopted by the City Council on December 23, 2008, as amended, is hereby further amended with respect to Chapter 290 thereof entitled, "Lowell Zoning Ordinance," adopted December 7, 2004, as amended, as follows:

- A. By amending Various Sections, as more particularly described on Exhibit "A", annexed hereto and made a part hereof.

This Ordinance shall take effect upon its passage in accordance with Section 1.7 of the "Lowell Zoning Ordinance" and the provisions of Chapter 43 and 40A of the General Laws of Massachusetts.

APPROVED AS TO FORM:



Helene A. A. Tomlinson
City Solicitor

EXHIBIT “A”

PROPOSED REVISIONS TO MARIJUANA ORDINANCE

11/29/2022

1. Amend ARTICLE II DEFINITIONS as follows:

REGISTERED MARIJUANA USE: A use engaged in the commercial cultivation, assembly, production, processing, packaging, retail or wholesale, trade, distribution, dispensing, **or delivery** of recreational Marijuana that is regulated by the Massachusetts Department of Public Health and the Cannabis Control Commission.

MARIJUANA DELIVERY OPERATOR: An entity licensed to purchase at wholesale and warehouse finished Marijuana Products acquired from a Marijuana Cultivation Facility and sell and deliver finished Marijuana Products and Marijuana Accessories directly to consumers. A Delivery Operator is not authorized to repackage marijuana or marijuana or open a storefront under this license. The Delivery Operator must be licensed by the Cannabis Control Commission and the Massachusetts of Department of Public Health.

MARIJUANA COURIER: an entity licensed to deliver finished marijuana products, marijuana accessories and branded goods directly to consumers from a marijuana retailer, but is not authorized to sell marijuana or marijuana products directly to consumers and is not authorized to wholesale, warehouse, process, or repackage. A marijuana courier shall not be considered to be a marijuana retailer.

RECREATIONAL/COMMERCIAL MARIJUANA DISPENSARY: The retail sale of recreational/commercial marijuana and marijuana product items to a person twenty-one years of age and older, provided that the marijuana retailer is licensed by the Cannabis Control Commission (MA) and the Massachusetts Department of Public Health for recreational marijuana sales. This definition shall also apply to marijuana store-front retailer ~~and marijuana delivery retailer.~~

2. Amend ARTICLE XII: TABLE OF USES, by inserting a new use as follows:

<u>12.9 INDUSTRIAL USES</u>	SSF	SMF	SMU	RR	TSF	TTF	TMF	TMU	NB	USF	UMF	UMU	DMU	HRC	INST	OP	LI	GI
12.9.q Marijuana Delivery Operator	N	N	N	PB	N	N	N	N	N	N	N	N	N	PB	N	PB	Y	Y
12.9.r Marijuana Courier	N	N	N	PB	N	N	N	N	N	N	N	N	N	PB	N	PB	Y	Y

3. Amend ARTICLE XIII: TABLE OF ACCESSORY USES, by inserting a new use as follows:

<u>ACCESSORY USES</u>	SSF	SMF	SMU	RR	TSF	TTF	TMF	TMU	NB	USF	UMF	UMU	DMU	HRC	INST	OP	LI	GI
r. Marijuana Delivery Operator, as an accessory use to a Marijuana Cultivation Facility	N	N	N	PB	N	N	N	N	N	N	N	N	N	PB	N	PB	Y	Y
s. Marijuana Courier	N	N	N	PB	N	N	N	N	N	N	N	N	N	PB	N	PB	Y	Y

4. Amend 6.1.4 Table of Parking Requirements, by inserting the following new sections into said table:

6.1.4(9)(u) Marijuana Delivery Operator, where permitted, 1 space/1,200 sq. ft.

6.1.4(9)(v) Marijuana Courier, where permitted, 1 space/1,200 sq. ft.



Thomas A. Golden Jr.
City Manager

January 31, 2023

Mayor Sokhary Chau
And
Members of the Lowell City Council

Dear Mayor Chau and Members of the Lowell City Council,

The Department of Planning and Development is pleased to provide draft amendments to the City's existing Marijuana Ordinance. The changes to the ordinance expand our existing ordinance language to include delivery and courier services and identify zones in the city where new businesses are allowed to locate.

The draft zoning amendments were reviewed by the joint Zoning/Cannabis subcommittee at their November 29, 2022 meeting where the subcommittee members voted unanimously in favor of the changes. The proposed changes have also been reviewed and approved by the Law Department.

If you have any questions please contact Senior Planner, Fran Cigliano at (978) 674-1424.

Sincerely,

Thomas A. Golden Jr.

cc: Fran Cigliano, Senior Planner
Yovani Baez-Rose, Assistant City Manager/DPD Director

COMMONWEALTH OF MASSACHUSETTS
CITY OF LOWELL

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APPROVED AS TO FORM:
/s/Helene A. A. Tomlinson
Helene A. A. Tomlinson
City Solicitor

In City Council February 7, 2023, Given 1st Reading and referred to Planning Board and hearing ordered for 7PM on March 28, 2023. So Voted./s/Michael Q. Geary, City Clerk

In City Council March 28, 2023, Given 2nd Reading and hearing held. Hearing Closed. No Remonstrants. Adopted on roll call vote 11 yeas. So Voted./s/Michael Q. Geary, City Clerk

Approved by City Manager Thomas A. Golden, Jr. March 29, 2023.

A true copy
ATTEST:



Michael Q. Geary
City Clerk

Yovani Baez-Rose
Assistant City Manager/ DPD Director

Lloyd DeJesus
Director of Development Services

David Fuller
Building Commissioner

March 22, 2023

Mayor Sokhary Chau
and
Members of the City Council

REFERENCE: Report and Recommendation on the proposed zoning code amendment to create a permitting pathway for marijuana delivery businesses in Lowell by adding definitions, uses, and parking requirements for marijuana delivery and marijuana courier businesses per Article II Definitions, Article XII Table of Uses, Article XIII Table of Accessory Uses, and Section 6.1.4 Table of Parking Requirements.

Dear Mayor Chau and Members of the City Council:

The Lowell Planning Board held a Public Hearing on Monday, March 20, 2023 concerning a proposed Zoning Ordinance amendment to create a permitting pathway for marijuana delivery businesses in Lowell by adding definitions, uses, and parking requirements for marijuana delivery and marijuana courier businesses per Article II Definitions, Article XII Table of Uses, Article XIII Table of Accessory Uses, and Section 6.1.4 Table of Parking Requirements. A quorum of the Planning Board was present at the hearing, with S. Gallivan and A. Dolan-Wilson absent from the proceedings.

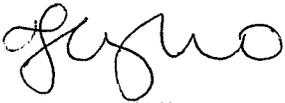
Member Gerard Frechette motioned and Member Richard Lockhart seconded to issue a POSITIVE recommendation to the City Council regarding the proposed Zoning Ordinance amendment request for the following reasons:

1. The Board supported the proposed zoning changes that would create a permitting pathway for marijuana delivery and courier businesses in the city;
2. The Board stated that these changes would create entrepreneurship and job opportunities for Lowell residents; and
3. The Board noted that allowing these types of businesses could result in safer communities by preventing people from leaving their homes to obtain marijuana product while they are under the influence.

The Board voted unanimously to issue a POSITIVE recommendation. A quorum of the Planning Board was present.

If you have any questions or need any assistance, please feel free to contact me at the Division of Development Services at 978-674-1424.

Sincerely,

A handwritten signature in black ink, appearing to read 'fcigliano', written in a cursive style.

Francesca Cigliano
Senior Planner/Planning Board Administrator

FC

Attachment

cc: Thomas A. Golden Jr., City Manager
Helene Tomlinson, City Solicitor
Yovani Baez-Rose, DPD Director/Assistant City Manager
Lloyd Dejesus, Director of Development Services
David Fuller, Building Commissioner
Thomas C. Linnehan and the Members of the Lowell Planning Board