



CITY OF SOMERVILLE, MASSACHUSETTS
LAW DEPARTMENT

December 20, 2013

Honorable Board of Aldermen
City Hall
93 Highland Avenue
Somerville, MA 02143

Re: Board Order Number 195788

That the Director of SPCD and the City Solicitor inform this Board of state and local requirements prior to the establishment of medical marijuana facilities, as well as local regulating authorities and required public notices and/or public hearings

Dear Honorable Board Members:

You have asked the Director of SPCD and this office to provide information regarding state requirements and accompanying local regulations relating to the establishment of medical marijuana facilities in the City of Somerville. This response is presented on behalf of both offices.

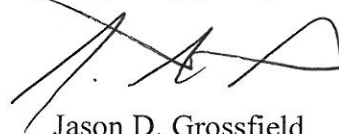
In May 2013, the Massachusetts Department of Public Health (“DPH”) issued regulations entitled, Implementation of an Act for the Humanitarian Medical Use of Marijuana, 105 CMR 725.000. The regulations establish a two-phase application process for registration of medical marijuana treatment centers, also known as registered marijuana dispensaries (“RMD”). 105 CMR 725.100. Second phase applications, which require applicants to provide information to DPH relative to proposed location, staffing, and operations, were due on November 21, 2013. The DPH anticipates announcing decisions by January 31, 2014.

At the November 19, 2013 Land Use Committee meeting, a question was discussed relative to local regulation of exterior signage at RMDs. It is my opinion that the regulations permit lawful local oversight and regulation so long as they do not conflict or interfere with the operation of 105 CMR 725.000. See 105 CMR 725.600. Any local regulation on this specific subject should be evaluated in light of 105 CMR 725.105(L) which imposes marketing and advertising requirements¹.

On September 26, 2013, this Honorable Board adopted Ordinance No. 2013-08, amending the Somerville Zoning Ordinance to establish a temporary moratorium on the use of land or structures for a medical marijuana treatment center, in effect until June 30, 2014. OSPCD anticipates proposing a zoning amendment in the near future to address this type of use.

Please contact SPCD Director Michael Glavin or myself with any additional questions.

Very truly yours,



Jason D. Grossfield
Assistant City Solicitor

Enclosures

cc: Mayor Joseph A. Curtatone
Francis X. Wright, Jr., City Solicitor
Michael Glavin, Director, SPCD
George Proakis, Planning Director, SPCD

ⁱ This section includes the following provisions: RMD “external signage shall not be illuminated except for a period of 30 minutes before sundown until closing, and shall comply with local requirements regarding signage, provided however that the Department may further specify minimum signage requirements. Neon signage is prohibited at all times...RMD shall not display on the exterior of the facility advertisements for marijuana or any brand name, and may only identify the building by the registered name...RMD shall not utilize graphics related to marijuana or paraphernalia on the exterior of the RMD or the building in which the RMD is located.”
105 CMR 725.105(L).