

**COMMITTEE ON ORDINANCES, CHARTER & RULES**  
**MONDAY, SEPTEMBER 12, 2022, AT 7 p.m.**  
**CITY COUNCIL CHAMBERS**  
**WOBURN CITY HALL**

Voting members present: Chairman Joseph Demers, Councilor Darlene Mercer-Bruen, Councilor Lou DiMambro, Councilor Richard Gately, and Councilor Robert Ferullo

Non-voting members present: President Michael Concannon, Councilor Charles Viola, and Councilor Joanne Campbell. Absent: Councilor Jeffrey Dillon

Also present: Mayor Scott Galvin and Police Chief Robert Rufo

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**Reading and approval of previous meeting minutes:** Motion made by Councilor Mercer-Bruen and seconded by Councilor Ferullo to approve the minutes of the meeting of August 30, 2022; approved, 5-0.

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**President Concannon, per request of the Mayor, to amend the 1985 Woburn Zoning Ordinances, as amended, by adding a new section, Section 32, entitled Adult Use of Marijuana; by amending Section 2, Definitions, by deleting the current definitions of Marijuana Establishment and Medical Marijuana Treatment Center, and adding a new definition of Medical Marijuana Treatment Center, also known as a Registered Marijuana Dispensary (RMD); by deleting in its entirety, Section 5.8, entitled Marijuana Establishments Forbidden; by amending Section 5.1, Table of Use Regulations, to revise line 33(d) by replacing “Marijuana Establishment” with “Marijuana Retailer” as a special permit use only in the IP-2 zoning district and by deleting reference to Note 19(c); and by deleting 19(c) from the list of Notes to 5.1 Table of Use Regulations:** Mayor Galvin said he is here along with Chief Rufo to answer any questions about the proposed zoning change to allow recreational marijuana in one small zoning district in the city near the intersection of Commerce Way and Presidential Way. He said he is looking for the council to adopt a new section of the zoning ordinance. He said there can be a maximum of two recreational marijuana shops in that area. He said by state law a community can allow a number of marijuana shops that is equivalent to 10 percent of the liquor licenses allocated to the city. He said the area where the proposed marijuana shops are located would be remote. He said there have been discussions about safety. He said there will be a much safer environment to buy marijuana. He said a number of surrounding communities have already adopted regulations to allow for recreational marijuana shops. Councilor Gately asked how many recreational marijuana stores will be allowed under the ordinance. Mayor Galvin said there will be one recreational marijuana shop, with a maximum of two. Councilor Gately asked if the shops will sell medical or recreational marijuana. Mayor Galvin said the ordinance refers to recreational marijuana. He said the shops will be limited to a small area of the city. Councilor Gately asked if the recreational marijuana shops can be prohibited from other neighborhoods. Mayor Galvin said recreational marijuana shops will only be allowed in one zoning district, the IP-2. Councilor Gately said he has no problem with the

medical marijuana component, but the rest of it, he does not support. Councilor Mercer-Bruen asked if the recreational marijuana shop will be in the same building as the existing medical marijuana shop, or if will there be an additional building. Mayor Galvin said the outfit that operates the medical marijuana shop in Woburn is one of the parties interested in the recreational marijuana shop. Councilor Mercer-Bruen asked if the two entities could ever combine. Mayor Galvin said they very well could. Chairman Demers asked if Mayor Galvin could elaborate on the breadth of the zoning area where recreational marijuana would be allowed. Mayor Galvin said the IP-2 zoning district is a small area near Commerce Way. Chairman Demers said if the zoning change is approved, anyone can apply for a recreational marijuana use and the merits would have to be reviewed. He said he thinks every member of the council is in favor of limiting recreational marijuana uses to one zone. Councilor DiMambro asked how much revenue the city is looking at from a recreational marijuana facility. He asked where the funds would go. Mayor Galvin said revenue is estimated at between \$600,000-\$700,000 in local receipts, which he said will go into the general fund. Motion made by Councilor Mercer-Bruen and seconded by Councilor DiMambro to suspend the rules to allow any member of the council not on the committee to address the committee. Councilor Campbell said the state legislature has passed new legislation for the Cannabis Control Commission and the governor has signed it. She said there will be changes to the tax structure, including an impact tax of up to 3 percent if a community can show it needs the money. She asked if the city should wait to adopt the zoning ordinance while the Cannabis Control Commission is still figuring out the legislation. Mayor Galvin said the tax of up to 3 percent is only applicable if a community can show there is an impact by allowing recreational marijuana. Chairman Demers said he reached out to state Rep. Richard Haggerty regarding legislation that involves changes to the marijuana industry and he has forwarded a copy of the bill to members of the council. He said the main intent of the bill is to clarify some language in the original bill and make sure there is equity for minority applicants. He said one of the major issues is the disparity of recreational marijuana shops that are being established in different communities. Councilor Campbell asked if there is someone coming forward now to apply for a recreational marijuana use, and if so is it the same entity that established the medical marijuana shop in the city. Mayor Galvin said he believes the entity that operates the medical marijuana shop in Woburn may be interested in operating a recreational marijuana use. He said what is currently before the City Council is a zoning change. He said a special permit will be up to the City Council at a later date. Councilor Campbell said she does not think the council should be considering the zoning ordinance. She said she does not think Woburn needs a recreational marijuana shop. Councilor Viola said there are a couple of issues he would like to work out before the next phase of the process. He said he has talked to officials in other communities and determined their legislation goes a little more in-depth. He said he would like to go over some proposed changes. Mayor Galvin said the discussion is about the zoning change at this point. He said the council could think about conditioning the special permit instead. Councilor Viola said his proposed changes relate to the zoning change. He said he would like to amend Section 32.4 – Operating Standards for Marijuana Retailers, by adding the following: “11. The Marijuana Retailer shall provide information about steps in which will be taken to prevent diversion to minors. 12. The Marijuana Retailer shall provide information as to how they plan to positively the community. 13. The Marijuana Retailer shall provide information to demonstrate that the location will not constitute a nuisance. 14. The Marijuana Retailer will use their best effort to utilize local businesses for services.” Mayor Galvin said he believes those additions are acceptable. He said it may be a good idea between now and Tuesday to contact City

Solicitor Ellen Callahan Doucette. Councilor Viola said he would like to amend Section 32.3 – General Requirements, by adding the following: “11. A priority will be given to women, minority, and/or veteran owned businesses. 12. Marijuana Retailers will commit to hiring qualified local residents first.” Councilor Viola said he would also like to add a new Section 32.9, entitled “No City Liability/Indemnification: as follows: “1. The applicant and all licenses waive and release the City of Woburn, its elected officials, employees, and agents from any liability for injuries, damages, or liabilities of any kind that result from any arrest or prosecution of licensed marijuana establishment owners, operators, employees, clients, or customers for a violation of Federal or State laws, rules, or regulations. 2. The applicant, in receiving approvals issued pursuant to a this chapter, and all licenses, agree to indemnify, defend and hold harmless the City of Woburn, its elected officials, employees, attorneys, agents, insurers, against all liability, claims and demands on account of any injury, loss or damage, including without limitation, claims arising from bodily injury, personal injury, sickness, disease, death, property loss or damage or another loss of any kind whatsoever, arising out of the licensed marijuana establishment that is the subject of the Special Permit approval.” Chairman Demers asked Councilor Viola to submit his proposed amendments to the Clerk of Committees for inclusion in the meeting minutes. Councilor Viola said he will send his proposed amendments to the Clerk of Committees. Mayor Galvin suggested sending Councilor Viola’s proposed amendments to the City Solicitor. He said proposed Section 32.9 seems a little in depth. Motion made by Councilor Gately and seconded by Councilor Mercer-Bruen to send a copy of Councilor Viola’s proposed amendments to the City Solicitor to ensure they are legally viable. Councilor Mercer-Bruen said she will be happy to support that motion tonight, without having anything in front of her. Councilor Demers said the proposed zoning amendment is a living document. Vote on the motion to send Councilor Viola’s proposed changes to the City Solicitor was approved, 5-0. Motion made by Councilor Mercer-Bruen and seconded by Councilor DiMambro to also send a copy of Councilor Viola’s proposed amendments to every member of the City Council; approved, 5-0. *President Concannon said he respects everyone’s opinion. He said this is a significant issue and he understands there are councilors who are wrestling with it. He said it is fair to let everyone share their opinions. He said the crux of the debate is not about whether marijuana is good for you or the city of Woburn. He said what is before the council is a zoning change. He said this type of business is legal in Massachusetts. He said the council is basically talking about allowing an adult use business. He said the council is talking about implementing in the city of Woburn what has been allowed in other communities for the past six years. He said he thinks city officials have taken a cautious approach. He said city officials wanted to see how other communities handled it. He said they heard from Chief Rufo that marijuana shops have no impact on law enforcement. He said the council has data and enough information to make an informed decision, and he said it is appropriate to proceed with a vote on this matter. He said what is not in front of the council is the question of legalizing marijuana or encouraging the use of marijuana by those who are not currently using marijuana. He said this is not about encouraging the use of marijuana by children or saying it’s a good thing. He said the debate is really about whether the council is going to allow a legal business in a small section of the city. He said a no vote means current Woburnites who are using marijuana will still use marijuana but will have to travel farther to get it. He said it will mean a loss of tax revenue. He said a yes vote does not mean anyone who does not currently use marijuana will start using marijuana. He said he believes a yes vote would strengthen regulations and lessen the possibility people in the city will be using marijuana that is laced with illegal substances. He said he thinks that’s a good*

*thing. He said he believes regulating it is a positive. He said a yes vote would increase tax revenue. He said revenue sources do not just appear. He said the council has to think very carefully. He said he understands this is a bit of a moral conundrum. He said when government starts to wade into whether something is good or bad, it's dangerous. He said he believes in the notion of small government.* Councilor Mercer-Bruen said it wasn't too long ago the City Council made a decision to create an adult entertainment zone. He said if the adult entertainment zone had not been created, it could have gone wherever. She said to those who are concerned it will go somewhere else, no one can say the city just said no. Motion made by Councilor Mercer-Bruen and seconded by Councilor DiMambro that the matter be sent "back for action;" approved, 4-1, with Councilor Gately opposed. Motion made by Councilor Mercer-Bruen and seconded by Councilor DiMambro to return to the regular order of business; approved, 5-0.

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**MOTION** made by Councilor Mercer-Bruen and seconded by Councilor DiMambro to adjourn; in favor, 5-0. Chairman Demers adjourned the meeting at 7:30 p.m.

A TRUE RECORD ATTEST

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Gordon Vincent  
Clerk of Committees