



City of Malden

Malden City Hall
215 Pleasant Street
Malden, MA 02148

Meeting Minutes - Final Rules & Ordinance Committee

Councillor Winslow, Chair
Councillor Colon Hayes, Vice-Chair
Councillor Crowe
Councillor Linehan
Councillor O'Malley

Tuesday, March 17, 2026

6:15 PM

215 Pleasant Street
Room 105
Malden, MA 02148

Watch the meeting with Teams: <https://tinyurl.com/35mdb63j>

Roll Call

Chair Winslow called the meeting to order at 6:16 PM.

Also in attendance was Christopher Mooney, Alicia McNeil, Nelson Miller, Michelle Romero, Ron Hogan, and Roberto DeMarco.

Councillor O'Malley arrived at 6:40 PM.

Present: 5 - Stephen Winslow, Karen Colon Hayes, Peg Crowe, Amanda Linehan and Ryan O'Malley

Minutes to be Approved

157-26

Minutes for the meeting of March 10, 2026

Councillor Winslow asked to amend the meeting minutes by including the word 'section' after 'entire ordinance' in the last line of the second paragraph on the notes of Paper 156-26.

A motion was made by Councillor Colon Hayes, seconded by Councillor Linehan, that the Committee Minutes be amended. The motion carried by a unanimous vote.

A motion was made by Councillor Colon Hayes, seconded by Councillor Crowe, that the Committee Minutes be approved as amended. The motion carried by a unanimous vote.

Business

156-26

In accordance with the Order numbered 137-26 Committee will meet to begin discussion on draft amendments to MCC 12.12.190 necessary to comply with the Court Judgement rendered in Benevolent Botanicals v City of Malden.

Sponsors: Stephen Winslow

Attachments: [Structured Analysis from O'Malley](#)
[2022 Cannabis amendments recap from McDonald](#)
[Judgement - Main Points from Winslow](#)
[Memo Cannabis Directive v4 March 19 2026](#)
[Romero's Comments on March 19 Memo](#)

Discussion on this paper began with Building Commissioner Nelson Miller noting that although Judge Rubin had invalidated MCC 12.12.190, the court ruling did not address MCC 12.12.030 Use Regulations, which mandates the special permitting process for marijuana facilities. Additionally, MCC 12.12.010 places the special permit granting authority for marijuana licenses with the City Council as opposed to the Planning Board. These additional ordinance citations were not mentioned in the court's ruling, therefore all special permit criteria still exists.

Commissioner Miller is of the opinion there are two main questions to be considered first and foremost. Does the Council want to keep the special permit requirement for marijuana licenses and if so, do they wish to keep that authority with the Council or transfer the granting authority to the Planning Board? And then, to decide which, if any, parts of 12.12.190 they wish to reinstate, such as state mandated school buffer zones, and which will be completely re-written.

Because the court ruling didn't touch on the special permitting process, and for the sake of consistency, Councillor Linehan is of the opinion the granting authority should stay under the authority of the Council at this time. After some discussion on the pros and cons of doing so, Councillor Colon Hayes is leaning towards transferring the granting authority to the Planning Board.

Councillor Crowe is agreeable to transferring the granting authority because the laws, stigma, and controversy of marijuana has changed in recent years and so now the special permit is no different than any other that would normally come before the Planning Board. Historically, the City Council has been the granting authority for permits that had the potential to be more political or controversial with higher impact to the neighborhoods. Examples include storage facilities and structures over six stories. In such cases, the Council has direct accountability to constituents while the Planning Board may be less influenced by public opinion.

Buffer zones for school zone are still mandated by state law. Buffer zones for all other reasons must now be reconsidered, for example substance abuse treatment centers. Councillor O'Malley read from M.G.L. c. 94g s. 5(b)(3) that states a city may adopt an ordinance to reduce the distance requirement to less than 500 feet around schools. Clarity should also be written on if the granting authority has the ability to grant relief from these zones.

Moving forward, the committee will begin with a new draft of 12.12.190 then send that to a joint session of the Planning Board with Rules and Ordinance for a public hearing.

A motion was made by Councillor Colon Hayes, seconded by Councillor Crowe, that the City Clerk will notate in Municode that 12.12.190 has been invalidated and is currently under review. Motion passed unanimously.

For the next meeting, Councillor Winslow will prepare a draft for the committee's consideration.

Adjournment

**A motion was made by Councillor Colon Hayes, seconded by Councillor Linehan, that this meeting be adjourned. The motion carried unanimously.
Meeting adjourned at 7:02 PM.**

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