

MEMORANDUM



TO: Joseph Domelowicz, Winthrop Assistant Town Manager
CC: Denise Quist, Council Clerk
FROM: Arthur Leventis, P.E. and Daniel Garson, AICP
DATE: August 16, 2018
RE: Model Zoning Bylaw for Recreational Marijuana Retail Businesses

This memo and attachments are intended to give the Winthrop Town Council and the Planning Board, as well as other town officials and the public, information about the recently passed state laws and regulations allowing the licensing and operation of recreational marijuana retail (“RMR”) businesses. It includes the steps municipalities may take to regulate such businesses through zoning or other local regulations, and it presents a proposed approach and schedule to develop a Recreational Marijuana Retail zoning ordinance that would be required if the Town of Winthrop, Massachusetts (Town) decided to regulate RMR businesses. This information is provided for review by the Winthrop Town Council and the Planning Board for comment and to provide direction to Woodard & Curran on regulations the Town wants included in an RMR zoning ordinance. Following a joint Town Council and Planning Board public meeting to be held on September 11, 2018, the approach, direction to be followed, tasks, and schedule previously provided by Woodard & Curran will be discussed and public comment provided. Based on the results of this meeting, Woodard & Curran will modify the proposed approach, tasks, and schedule to meet Winthrop’s intent for a zoning ordinance.

Background and Regulatory Zoning Controls

The Town asked Woodard & Curran to assist in developing a draft zoning ordinance to regulate RMR businesses that may seek to locate in Winthrop. The Town intends to have a zoning ordinance adopted by December 31, 2018, the deadline set by the Massachusetts Attorney General’s Office and the state Cannabis Control Commission (“CCC”) for communities that adopted a moratorium on allowing marijuana establishments to locate in their town, after passage of the state-wide referendum in 2016 legalizing recreational marijuana use and retail sale of recreational marijuana.

Woodard & Curran developed information packets for the Winthrop Assistant Town Manager and the Planning Board, respectively, dated July 2, 2018 and August 13, 2018. These packets presented the background of the new state law passed in 2016 allowing recreational marijuana use with sales by licensed retail establishments, and new state regulations passed in March 2018 adopting the CCC regulations to license and regulate retail marijuana businesses. The information packets also included examples of some Massachusetts RMR zoning ordinances, as well as information about the process to enact local zoning ordinances that establish controls on retail establishments seeking to sell recreational marijuana by the December 31, 2018 state deadline. This information and possible approach to the zoning process was discussed with the Planning Board at their August 13, 2018 meeting at which time the Board members offered their comments and recommendations on how to proceed. The Board requested Woodard & Curran prepare a summary of the new state law and regulations and talking points, in lieu of a draft zoning ordinance, for public discussion at the joint public meeting with the Winthrop Town Council and the Planning Board on September 11, 2018. This approach is intended to provide town officials and the public a common starting point in the discussions and decisions expected to follow from the public meeting.

Process to Enact a Marijuana Zoning Ordinance



The process to develop a new zoning ordinance requires adequate time for Town Administrators, Winthrop Town Council, Planning Board, Police Department, and other Town boards and officials to discuss and review proposed new regulations and make revisions and modifications as needed. The schedule must also include public meetings to provide the public with information about the new law and state and local regulations, answer questions, obtain public comment regarding local zoning and permitting controls that should be applied to RMR businesses. Public opinions in support of or objections to such businesses locating in Winthrop are also important for Town officials to hear, since any decisions on whether to allow or prohibit recreational marijuana retail businesses must be voted on by the Town and approved by the Attorney General's office.

If a local zoning ordinance was approved by the voters, it would, typically, allow Winthrop to regulate site location and operating rules such as lot size and location, set-back distances, operating requirements, signage, lighting and security, and other conditions that the Town could impose on any new recreational marijuana business. The new state law and regulations also allow a town to impose a **3% sales tax** on retail marijuana businesses and requires a **"Host Community Agreement"** signed by the Town and each prospective licensed marijuana business. A zoning ordinance may also require that such businesses obtain a Special Permit and Site Plan Approval prior to being allowed to operate. These requirements would provide additional control to Winthrop to regulate the location and operations of such businesses. Without a zoning ordinance or other local regulations to define what is allowed and not allowed in the town, Winthrop could be at a disadvantage if an RMR business were to seek a local permit to open a store and had a license application pending before the state CCC. It is noted, also, that based on the state law and regulations for RMR businesses, a town may allow new RMR businesses calculated as 20% of the number of existing package stores in the town. **It is our understanding that there are between 4 and 7 package stores in Winthrop (depending on how the local licensing is determined) so that under the 20% standard, 1 or 2 recreational marijuana businesses could be allowed, if approved by Town voters.**

Ideally, a process to develop a zoning ordinance would also include establishing a Town Committee made up of Town officials, residents, commercial business owners, and other local interests to study this question and develop guidelines and recommendations for the new zoning ordinance. It is noted, however, that establishing this Committee and completing the tasks needed to develop a draft and final zoning ordinance, hold public meetings, and hold a town-wide vote on the final ordinance may not be feasible by the December 31, 2018 deadline. If a Committee is established, it would work with the Winthrop Town Council, Planning Board, Town Administrators, and other town officials to draft a zoning ordinance that can be presented at public meetings to obtain comments and opinions of Town residents, business owners, and other local interest groups before holding a Town vote.

State Moratorium Deadline

There have been recent cases where the Massachusetts Attorney General's Office has issued an extension of the zoning moratorium deadline beyond the December 31, 2018 deadline. These cases, however, appear to have been approved on a case-by-case basis and were conditioned on a town's having already voted to approve a zoning ordinance to either allow or prohibit recreational marijuana in the town and were seeking an extension to allow further zoning details and controls to be developed and enacted. It is not known at this time whether Winthrop will seek an extension of the December 31, 2018 deadline or, if requested, an extension would be granted. **Based on discussions with the Assistant Town Manager and the Planning Board, we have prepared an outline and schedule, shown in Table 1, describing the recommended steps to develop and adopt a new zoning ordinance by December 31, 2018.** If Winthrop is granted an extension beyond December 31, 2018, we will modify the tasks and schedule shown in Table 1 to allow more time to develop, review, and draft an RMR zoning ordinance that can be presented and discussed at a series of public meetings before being voted on by the Town.

Accelerated Schedule for Zoning Ordinance



Table 1 presents a 20-week schedule, beginning with the Planning Board's August 13, 2018 meeting, to develop and vote on adopting an RMR zoning ordinance. This accelerated schedule provides recommended steps to complete a draft zoning ordinance that would be reviewed, commented on, and finalized by Town officials and the public before a Special Election vote by Winthrop registered voters by December 31, 2018. This is a very aggressive schedule with limited time for review and deliberation by Town Administrators, the Winthrop Town Council, the Planning Board, the Police Department and other town officials. The schedule also provides few public meetings to inform residents, business owners, and other public interest groups about the new laws and regulations, answer public questions, and hear public opinions and concerns in support of or objections to regulations to allow recreational marijuana retail sales in Winthrop. If this schedule is extended, we recommend the tasks and timeline shown in Table 1 be modified and extended to allow adequate time to complete the process of developing a draft RMR zoning ordinance, review and comment by Town officials, and informing the public and receiving public feedback before a vote is taken. If extended, we would work with the Planning Board and Winthrop Town Council to revise this schedule and tasks to meet Winthrop's needs.

TABLE 1: RECOMMENDED TASKS AND TIMELINES FOR MARIJUANA ZONING ORDINANCE ADOPTION

Task	Description	Timeline
Kick-off Meeting	<ul style="list-style-type: none"> Schedule two meetings with Town officials, including Town Manager/Asst. Town Manager, Planning Board, Police Department and Town Council to discuss zoning approach and schedule. Establish Town priorities and preferences for a Recreational Marijuana Zoning Ordinance. Determine level of effort required and assign tasks for developing ordinance. 	4 Weeks
Data Collection	<ul style="list-style-type: none"> Review Town zoning map and Code of Ordinances to coordinate new regulations with existing zoning ordinances and Planning Board and local and state zoning approval procedures. Review examples of bylaws from other MA municipalities collected by Woodard & Curran. Develop list of actions required by Winthrop to comply with state laws and CCC requirements. 	3 Weeks
Develop Zoning Ordinance Regulations	<ul style="list-style-type: none"> Determine with Town official's acceptable locations, set-back requirements, buffer zone distances, security and lighting, signage, business operating limits, and other zoning and permitting details that will be part of a zoning ordinance. 	2 Weeks
Town and Consultant Working Meetings (non-public) to Finalize Zoning Ordinance	<ul style="list-style-type: none"> Town Administrators, Planning Board, Town Council, other Town officials, and legal Counsel to review desired zoning requirements, identify potential suitable locations for RMR, and finalize a draft ordinance for public presentation. 	1 Week
Public Meetings	<ul style="list-style-type: none"> Schedule and hold two to three public meetings to present draft ordinance, answer questions, and receive public comments. 	4 Weeks



Task	Description	Timeline
Review of Public Comments	<ul style="list-style-type: none"> Schedule working meetings with Town officials to review public comments and make modifications to draft ordinance to address comments/concerns raised. 	2 Weeks
Finalize Bylaw and Public Outreach	<ul style="list-style-type: none"> Finalize zoning ordinance language. Assist Town in its public outreach to inform residents, business owners, and other Town groups of the proposed recreational marijuana zoning ordinance to be voted on at a Special Election. 	3 weeks
Special Election Prep	<ul style="list-style-type: none"> Assist Town to prepare for Special Election vote on Zoning Ordinance. 	1 Week

Examples of Zoning Ordinances

As part of this memo, Woodard & Curran has contacted several Massachusetts towns and collected examples of other towns' zoning ordinances and bylaws dealing with RMR establishments. These range from towns that have allowed RMR businesses with little or no special controls or permitting procedures for RMR (e.g., Marblehead) and treat RMR similar to other retail and commercial businesses by relying on their existing zoning rules and siting regulations; to towns that have allowed RMR businesses with varying levels of local controls, including designating retail and commercial districts and currently vacant buildings and lots where RMR are allowed (e.g., Amherst); to towns where RMR are regulated by zoning to require a Special Permit and Site Plan Approval and are restricted to a few commercial and retail locations (e.g., Newbury). There are also towns that have prohibited recreational marijuana businesses (e.g., Scituate, Easton, Nahant). The following sections provide examples of other towns' zoning ordinances and approaches to regulating RMR businesses that Winthrop may consider in deciding how it wants to proceed to develop a zoning ordinance to meet the December 31, 2018 state deadline.

The information provided in the attachments that follow include a summary of the new laws and regulations and examples of other town's zoning ordinances that allow or prohibit RMR establishments in their communities. Where allowed, we have included examples of the siting, operational, signage, and other zoning and permitting standards that have been applied to review and permitting of RMR businesses. These examples are not intended as recommendations to Winthrop of what should be included, but rather examples that Town officials can use to consider what is needed and the best approach for Winthrop to follow.

This information is intended to help guide the Winthrop Town Council, the Planning Board, Town Administrators, and other Town officials in considering the next steps and action items needed to decide how Winthrop will regulate RMR businesses that seek to open in the Town, and what controls and restrictions the Town wants to implement in its zoning ordinance and other local regulations. This needs to be decided in time to allow the Town to complete its reviews, hold public meetings, and have a Town vote on whatever zoning ordinance is to be implemented. The attachments are listed as follows:

- A. Slides summarizing the state applicable laws and regulations; Local measures for regulation or prohibition; Zoning bylaw provisions; Local licensing and permitting; Host Community Agreements; and Local sales tax.
- B. Woodard & Curran memo to Winthrop Assistant Town Manager (dated July 2, 2018) summarizing the recreational marijuana rules and Zoning process.
- C. Municipal Guidance issued by the state CCC to help municipalities address the new law and regulate retail marijuana establishments.
- D. Town of Newbury, MA map of Zoning Overlay Districts where recreational marijuana businesses are allowed by Special Permit and the zoning Table of Uses that identify the town's zoning standards.



- E. Town of Maynard, MA zoning Rules and Regulations for Marijuana Retailers.
- F. Town of Athol, MA Proposed Zoning Provisions for Licensed Marijuana Establishments (Non-Medical).
- G. Town of Hanson, MA Planning Board Public Notice of Hearing and list of “Special Requirements for Marijuana Establishments”.
- H. Town of Scituate, MA Zoning Bylaws Prohibiting Marijuana Establishments.
- I. Town of Cohasset, MA Town Meeting Warrant Article Prohibiting Marijuana Establishments.
- J. Example of a town warrant article for vote to Accept Local Taxation of Marijuana Establishments.

Attachment A

Slides Summarizing State Law & Regulations; Local Zoning Provisions; Local Licensing and Permitting; Host Community agreements and Local Taxation

Applicable Law

- Voters approved Question 4 appearing on the state election ballot on November, 2016 to allow the non-medical use of marijuana by adults
- Question 4 was codified as Chapter 334 of the Acts of 2016
- The law was revised by Chapter 55 of the Acts of 2017
- The law as amended appears in G.L. c. 94G

Legislative Timelines

- 1-Aug-2017: Appointment of Cannabis Advisory Board
- 1-Sept-2017: Appointment of Cannabis Control Commission
- 15-Mar-2018: Adoption of CCC Regulations
- 1-Apr-2018: Acceptance of License Applications by CCC
- 1-Jun-2018: CCC May Issue Licenses

Local Measures for Regulation & Prohibition

- Zoning Moratoria ~ Temporary Town-Wide Prohibition
- Quota Limitations
- Type Limitations
- Zoning Bylaw Restrictions
- Rules and Regulations ~ Permitting

Zoning Bylaws

- Zoning Bylaws may prohibit or limit Marijuana Establishments in terms of location
 - Residential Zone
 - Commercial Zone
 - Industrial Zone
- Zoning Bylaws may require special permit approval
 - Conditions can be imposed as part of approval
 - Requires a showing that the adverse effects of the proposed use will not outweigh its beneficial impacts to the town or the neighborhood, in view of the particular characteristics of the site, and of the proposal in relation to that site
- Zoning Bylaws may NOT prohibit the conversion of existing Medical Marijuana Facilities to Recreational Facilities

Local Licensure/Permitting

- Local permitting similar to Liquor License Approval
- Although not precluded by the legislation, not expressly included
- Prudent to determine if CCC Regs. clarify extent of local permitting

Host Community Agreements

- HCAs are required for ALL medical and recreational marijuana facilities
- Allows for assessment of Community Impact Fees
 - Maximum Allowable Fee is 3% Gross Sales
 - Impact Fee sunsets after 5 years
 - Must be reasonably related to municipal costs resulting from marijuana facility

Taxation

- A local tax of 3% may be imposed on the “sale or transfer of marijuana or marijuana products by a marijuana retailer operating” in the Town.
- The process is through local acceptance of G.L. c. 64N, s. 3 at Town Meeting

Other Regulations

- Public Consumption Bylaws
- Nuisance Bylaws

Attachment B

Woodard & Curran Memo to Winthrop Assistant
Town Manager (dated July 2, 2018)



MEMORANDUM

TO: Joseph Domelowicz Jr., Assistant Town Manager
CC: Art Leventis, PE
FROM: Mary McCrann, AICP
DATE: July 2, 2018
RE: **Marijuana Establishments & Zoning in Massachusetts**

The purpose of this memo is to provide the Town of Winthrop with guidance on continuing the discussion and making decisions regarding Marijuana Establishments and Zoning in the community.

1. Background Information

- **Recreational Marijuana was legalized in Massachusetts in 2016** by Chapter 334 of the Acts of 2016 and MGL Ch. 94G Regulation of the Use and Distribution of Marijuana Not Medically Prescribed. Chapter 334 of the Acts of 2016 was replaced by chapter 55 of the Acts of 2017.
- **Massachusetts law mandates that the recreational marijuana industry must be state-licensed, municipalities have the power to create their own zoning laws.**
- Recreational Marijuana is overseen by:
 - The Cannabis Control Commission (the "Commission" or "CCC"), a new state agency. The CCC's primary responsibilities include:
 - Promulgating regulations. The CCC has put in place "Final Regulations"
 - Licensing Marijuana Establishments
 - **Local communities have some authority to regulate recreational marijuana:**
 - **General bylaws**
 - **Zoning bylaws**
 - **Health regulations**
- The Department of Public Health does not mandate involvement of a municipality or local Board of Health in the regulation of registered marijuana dispensaries or any other aspects of marijuana for medical use.
- Regulations require registered marijuana dispensaries to comply with all local ordinances, bylaws and regulations.
- **On March 6, 2018, the Massachusetts Cannabis Control Commission finalized state regulations governing this new industry. Sections that would affect cities and towns include 935 CMR 500.101, which governs community outreach, compliance with local ordinances and bylaws, and host community agreements.**
 - State Regulations:
https://www.mma.org/sites/default/files/resources/adult_use_of_marijuana_regs_final_mar232018.pdf
- As of May 25, 2018, 164 communities in Massachusetts had implemented moratoriums on recreational marijuana establishments. A moratorium is a temporary measure intended to give cities and towns additional time to examine the final state regulations on recreational marijuana and to consider and implement local measures.



- Forty-five of the local moratoriums are due to expire on July 30, while the largest number, 78, are set to expire on Dec. 31. The remainder will expire between July 30 and the end of the year, with the exception of two that extend into early 2019.
- Seventy-three communities have voted to ban the retail sale, growth, manufacture, and/or testing of recreational marijuana products, though not all have banned every aspect of marijuana business activity.
- Municipalities are allowed to cap the number of recreational marijuana retailers at 20 percent of the number of package store licenses within the city or town. The Cannabis Control Commission amended its municipal guidance to specify that cities and towns must “round up” when calculating retail caps if the figure is not a whole number. Lowering the retail cap requires a ballot vote. To date, only 12 towns have approved retail caps.
- State will be approving licenses - MGL c. 94G §5(b)(2): “the Commission shall approve a marijuana establishment license application and issue a license if: (2) the commission is not notified by the city or town in which the proposed marijuana establishment will be located that the proposed marijuana establishment is not in compliance with an ordinance or by-law consistent with section 3* of this chapter and in effect at the time of application;”
 - * Section 3 contains the local control provisions of the law governing the prohibition, limitation and/or regulation of MEs.
- This guidance document provides a helpful overview for municipalities:
https://mass-cannabis-control.com/wp-content/uploads/2018/03/FINAL_Guidance-for-Municipalities_040218.pdf

2. Winthrop’s Role

- **Winthrop is currently under a moratorium for Marijuana Establishments until December 31, 2018.**
- Winthrop’s role is to decide if they want to adopt local laws and regulations regarding uses related to marijuana for medical use that are appropriate for the community.
- Winthrop must use best judgment in crafting local requirements if they choose to, so as not to create a conflict with 105 CMR 725.000. Winthrop should consult Town Counsel during this process.
- **Does Winthrop Want to Ban or Limit Marijuana Establishments?**
 - A municipality may restrict the number of marijuana establishments in its community, but it must follow certain procedures to do so.
 - **A municipality may pass a bylaw or ordinance limiting the number of marijuana retailers to 20% or more of the number of liquor licenses** issued pursuant to G.L. c.138 §15 (commonly known as “package stores”) in that municipality. For example, if a municipality has 100 such liquor licenses, that municipality may set a maximum limit for 20 marijuana retailers.
 - **If the governing body of a municipality seeks to ban marijuana retailers from operating in the municipality, limit the number of them to fewer than 20% of the number of liquor licenses or limit the number of any type of marijuana establishment to fewer than the number of RMDs registered to engage in the same type of activity in the city or town, there are two different procedures for proceeding,** which depend on how the municipality voted on the ballot initiative to legalize marijuana in 2016.
 - If a municipality voted no on the initiative, then the governing body may limit or ban the number of marijuana establishments by passing a bylaw or ordinance prior to and including December 31, 2019.



- o If a municipality voted yes on the initiative or if it is after December 31, 2019, then the question must be posed to the people of the municipality at a regular or special election following a specific process and wording.
- o There is legislation pending - malegislature.gov/Bills/190/H4284 - to clarify the election process.

Table: Actions Winthrop Could Take to Limit or Regulate Marijuana Establishments

Action	Consideration	Notes
Take no action- is that all types of licensed marijuana establishments would be allowed to locate under existing zoning.	Potential missed opportunity to benefit from local sales tax. Recreational Marijuana Establishments could petition to build/operate.	Current Zoning Bylaw doesn't prohibit marijuana sales.
Ban all Marijuana Establishments Ban certain types of Marijuana Establishments	Should be carefully evaluated with current Cannabis Control Commission program administered by the state Department of Public Health.	Zoning Bylaw Amendment or General Bylaw Amendment
Limit the number and/or type of Marijuana Establishments	Should be carefully evaluated with current Cannabis Control Commission program administered by the state Department of Public Health.	Zoning Bylaw Amendment or General Bylaw Amendment
Regulate the time, place and manner of the operation of Marijuana Establishments and of any business dealing in Marijuana Accessories	Opportunity for local input and guidance on preferences of municipality.	Zoning Bylaw Amendment
Regulate "on-site consumption" of marijuana products	Opportunity for local input and guidance on preferences of municipality.	Zoning Bylaw Amendment
Regulate use of marijuana in public buildings	Opportunity for local input and guidance on preferences of municipality.	Zoning Bylaw Amendment
Impose local sales tax		
Establish working group and provide forum	Opportunity for public input.	

- **How Can Zoning Bylaw Amendments Regulate Marijuana Establishments?**
 - o They specify whether zones can be used for residential or commercial purposes.
 - o They regulate lot size, placement, bulk (or density), number of licenses and the height of structures.
 - o **With zoning & other bylaws and regulations in place, Winthrop could:**
 - **Determine appropriate location(s) for businesses**
 - **Determine appropriate activities**
 - **Determine appropriate hours**
 - **Limit number**



- **Local Control: Bylaws & Ordinances** - The law allows, but does not require, municipalities to pass bylaws and ordinances governing the "time, place, and manner" of marijuana establishments (cultivators, retailers, manufacturers, testing labs, and any other licensed marijuana-related businesses) as well as businesses dealing with marijuana accessories.

Such bylaws and ordinances may not be "unreasonably impracticable." Under the definition in the law, this means that the local laws cannot be so difficult to comply with that they would subject licensees to unreasonable risk, or require such a high investment of risk, money, time or any other resource or asset, that a reasonably prudent businessperson would not operate a marijuana establishment.

Alternatively, a municipality may determine a proposed marijuana-related use falls under an existing use authorized by its bylaws or ordinances.

- **Buffer Zone** - Winthrop can exercise some local control over registered marijuana dispensaries in the community by setting a buffer zone. If no local requirements exist, a registered marijuana dispensary can't be sited within a radius of 500 feet of a school, daycare center or any facility in which children congregate. Municipalities may adopt an ordinance or bylaw to reduce that distance requirement. According to 105 CMR 725.110(A)(14):

- The 500 foot distance is measured in a straight line from the nearest point of the facility in question to the nearest point of the proposed RMD. The Department interprets a "facility in which children commonly congregate" to include facilities in which children are gathered for a particular purpose in a structured and scheduled manner or which are dedicated to the use of children, such as playgrounds, youth services programs, day care centers, youth sports facilities, dance schools, and gymnastic schools. It includes a private home housing a family day care center, but not a private home where children happen to live. It does not include other facilities, such as ice cream shops, where children may happen to congregate, but not in a structured, scheduled manner. Municipalities may set their own local siting requirements, but if they do not, the default buffer zone will be the 500 foot distance described in the Regulations.

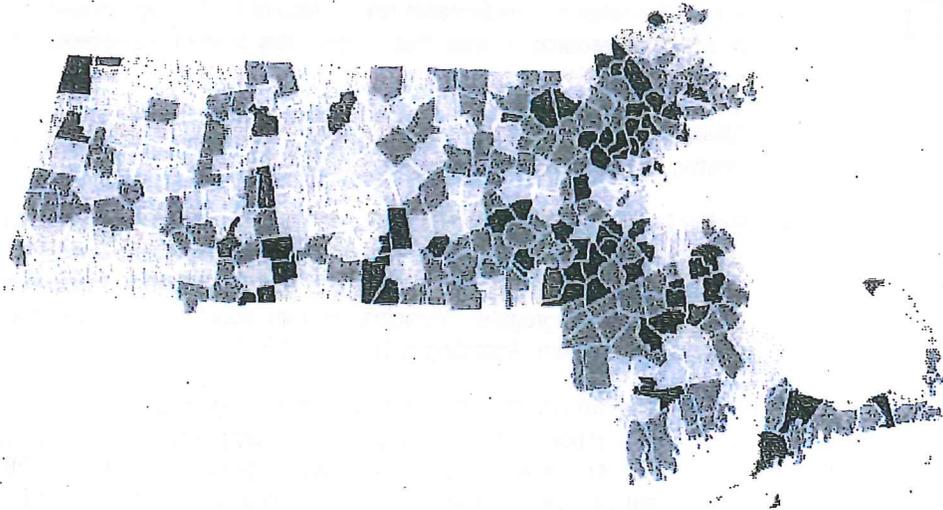
- **Signage** - A municipality may regulate, by bylaw or ordinance, signage regarding marijuana-related uses, but the ordinance or bylaw may not impose a standard more restrictive than those applied to retail establishments selling alcoholic beverages within the municipality.
- **Local Permitting** - Municipalities are not required to wait for the Department of Public Health to issue a registered marijuana dispensary provisional certificate of registration before acting on local permit applications. Municipalities can elect to require a registered marijuana dispensary to demonstrate that it has received a registration first.



3. What Are Other Communities Doing?

- Actions Taken By Other Towns

BAN
 MORATORIUM
 ZONING
 NONE



- Some communities are working on zoning and bylaw amendments, caps on the number of marijuana retailers, and adopting local-option tax rates of up to 3 percent on marijuana businesses.
- Some communities are drafting zoning amendments and bylaws, though only about 15 percent of Massachusetts cities and towns have adopted zoning changes related to marijuana to date.
- **Medway** has banned recreational marijuana retailers, and will require special permits for businesses that seek to grow, test and manufacture.
- **Boston** has new regulations that permit businesses to sell on the main streets of Boston and in any of the city's business districts. It also prohibits marijuana dispensaries from opening within a half mile of one another or within 500 feet of existing elementary or high schools
- **Athol** - The Board of Planning and Community Development was assisted in the development of appropriate recreational marijuana establishment zoning by the Town Manager establishing a Recreational Marijuana Zoning Working Group in October 2017.
 - Background presentation: http://www.athol-ma.gov/sites/atholma/files/presentation_for_recreational_marijuana_public_forum_-_november_16_2017.pdf
 - **Town of Athol DRAFT Bylaw: http://www.athol-ma.gov/sites/atholma/files/athol_rec_marijuana_zoning-final_draft_bylaw_bpcd_submission.pdf**



- **Amherst** defines a use category for recreational marijuana retailers, delineates where they may be located within Amherst, and caps the total number of such retailers allowed in town.
 - <https://www.amherstma.gov/DocumentCenter/View/42160/Article-6-PB-Report-Rec-Marij-Retailer-complete?bidId=>
- **Mansfield** voted yes for recreational marijuana sales in May 2018. The cultivation district is in the area of School Street and retail sales will be allowed in Erin Plaza, Mansfield Crossing and in a smaller shopping area on School Street off of Route 140. A 3% tax on all recreational marijuana sold in town passed.
- **Truro** has a proposed bylaw that would require all recreational and medical marijuana facilities to have a special permit and a site plan review by the Planning Board. All marijuana facilities would be allowed in the Route 6 business district and retail stores could expand into the business centers. The proposed bylaw also allows craft marijuana cooperative and marijuana microbusiness licenses in the Town's residential zoning district with a cultivation cap of 5,000 square feet of marijuana plant canopy per property. The Town further restricts the number of retailers to 20% of the off-premises alcohol retail licenses issued in Truro.
- **Northampton** gave approval to zoning legislation related to retail marijuana in March 2018. Councilors voted unanimously to pass ordinances that will reshape local zoning rules to allow pot stores to open in the summer of 2018. Items approved include:
 - Ordinance that imposes zoning limitations, making it illegal for a retailer to set up their business within 200 feet of a pre-existing public or private K-12 school (this is something local medical marijuana dispensaries already adhere to).
 - Ordinance that sanctions outdoor cultivation of marijuana with site plan approval.
 - Ordinance that provides distinctions in City Code between medical and recreational marijuana and marijuana production.
 - Ordinance that specifies limitations on where retail dispensaries can be located.
- **Westminster** started a discussion about Zoning options for recreational marijuana. They also received guidance from Town Counsel on how to zone for recreational marijuana.
 - https://www.westminster-ma.gov/sites/westminsterma/files/uploads/westminster_weed_web_posting_options_1.pdf
 - https://www.westminster-ma.gov/sites/westminsterma/files/uploads/act_to_ensure_safe_access_to_marijuana_-_with_sample_docs_0.pdf
- **Lowell** drafted amendments to the Lowell Zoning Ordinance to regulate marijuana use in the City for medical and recreational purposes.
 - <https://www.lowellma.gov/AgendaCenter/ViewFile/Item/5587?fileID=15663>



Attachments

- Cannabis Control Commission | Guidance for Municipalities
- 935 CMR 500.000 – Cannabis Control Commission | Adult Use of Marijuana
- Amherst, MA – Example Marijuana Zoning
- Athol, MA – Proposed Zoning
- Westminster, MA – Zoning Options & Guiding Questions



Winthrop, MA – Code of Ordinances | References to Marijuana

Currently, the Winthrop, MA Code of Ordinances includes the following references to marijuana.

- **Chapter 9.08 - OFFENSES AGAINST PUBLIC PEACE AND DECENCY states the following for use of Marijuana or Tetrahydrocannabinol**

- 9.08.040 - Use of marijuana or tetrahydrocannabinol.

A. Prohibited Activity. No person shall smoke, ingest or otherwise use or consume marijuana or tetrahydrocannabinol (as defined in G.S. c. 94C Section 1, as amended) while in or upon any street, sidewalk, public way, footway passageway, stairs, bridge, park playgrounds, beach recreation area, boat landing, public building, schoolhouse, school grounds, cemetery, parking lot or any area owned by or under the control of the town; or in or upon any bus or other passenger conveyance operated by a common carrier; or in any place accessible to the public.

B. Identification Required. Any person smoking, ingesting or otherwise using or consuming marijuana or tetrahydrocannabinol in violation of Section 1 of this bylaw shall provide to a police officer so requesting personal identifying information, including their full legal name, and address. Failure to provide such identifying information upon request, or provision of false, incorrect or otherwise invalid identifying information, shall be considered a separate violation of this bylaw.

C. Violations and Penalties. This bylaw may be enforced through any lawful means in law or in equity including, but not limited to, enforcement by criminal indictment or complaint pursuant to G.S. c. 40, Section 21 or by noncriminal disposition pursuant to G.S. c. 40, Section 21D by the Winthrop Police Department.

The fine for this violation of this bylaw shall be one hundred dollars (\$100.00) for the first offense, two hundred dollars (\$200.00) for the second offense, and three hundred dollars (\$300.00) for a third or subsequent offense. Any penalty imposed under this bylaw shall be in addition to any civil penalty imposed under G.S. c. 94C, Section 32L.

- **Winthrop Action: Consider revisiting and modifying this language.**

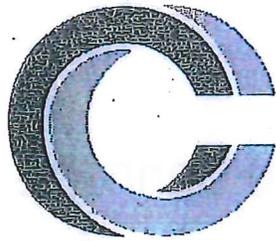
- **Chapter 17.12 - USE REGULATIONS states the following for medical marijuana facilities**

- 17.12.040 - Mixed use. "... Retail stores and services do not include adult entertainment; check cashing services; pawn shops; gold ex."

- **Winthrop Action: Consider modifying language so that medical marijuana facility is an allowed use and specify in what district.**

Attachment C

Municipal Guidance Issued by the State Cannabis
Control Commission (CCC)



Cannabis Control Commission

COMMONWEALTH OF MASSACHUSETTS

Municipal Guidance

UPDATED MARCH, 2018

The following information is provided to assist municipalities by addressing questions related to the regulation of marijuana establishments. Additional information is available on the Cannabis Control Commission website at masscannabiscontrol.com. Please note that this Guidance document only pertains to marijuana for adult use and does not provide guidance on the medical use of marijuana program regulated by the Department of Public Health or the hemp program to be regulated by the Massachusetts Department of Agricultural Resources. The Medical Use of Marijuana Program will be transferring to the Cannabis Control Commission on or before December 31, 2018.

CONTACTING THE COMMISSION

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INSIDE :

- * Timeline for Implementation of Marijuana for Adult Use
- * Background on 2016 and 2017 Laws on Marijuana for Adult Use
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- * Municipal Role in the Licensing Process
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The information in this guidance does not constitute legal advice. Please consult your City Solicitor or Town Counsel regarding municipal legal questions on adult use of marijuana.

TIMELINE FOR IMPLEMENTATION OF MARIJUANA FOR ADULT USE

November 8, 2016	Question 4 passed
July 28, 2017	Governor signs Chapter 55 of the Acts of 2017
August 1, 2017	Appointment of Cannabis Advisory Board
September 1, 2017	Appointment of Cannabis Control Commission
December 22, 2017	Announcement of Draft Regulations
February 5-15, 2018	Public Hearings
February 15, 2018	End of Public Comment Period
March 7, 2018	Final Regulations Approved
March 23, 2018	Anticipated date the final regulations will be published in the Massachusetts Register
April 1, 2018	Applications Scheduled to be Accepted

BACKGROUND ON 2016 & 2017 LAWS ON MARIJUANA FOR ADULT USE IN MASSACHUSETTS

On November 8, 2016, Massachusetts voters voted 53% in favor of a ballot initiative known as “Question 4” authorizing the limited adult use of marijuana and the licensing of marijuana establishments, amongst other things. The ballot initiative became Chapter 334 of the Acts of 2016 and created the “Regulation and Taxation of Marijuana Act, G.L. c.94G (“2016 Marijuana Act”).

In December 2016, the Massachusetts Legislature passed Chapter 351 of the Acts of 2016. Chapter 351 accomplished a number of things. First, it exempted the cultivation of marijuana from the agricultural exemption in the Zoning Act, G.L. c.40A §3, therefore retaining local control over the placement of marijuana establishments. It also delayed the deadlines set in Chapter 334 for six months to allow the Legislature time to amend Chapter 334 (the timeline above reflects the delayed dates). **It also required the Department of Public Health to enter into an agreement with a research entity to conduct a comprehensive baseline study of marijuana use in the commonwealth. DPH is required to submit a report of its findings not later than July 1, 2018.**

On July 19, 2017, the Massachusetts Legislature passed a bill (H.3818) to amend Chapter 334 and the law it created, G.L. c.94G, as well as create additional laws relating to adult and medical use of marijuana. The bill became Chapter 55 of the Acts of 2017 (“2017 Marijuana Act”) and was signed by the Governor on July 28, 2017. The 2017 Act built upon the foundation of the 2016 Act, creating a five-person Cannabis Control Commission, a twenty-five person Cannabis Advisory Board, as well as a hemp program to be run by the Department of Agricultural Resources. It also placed limits and restrictions on municipal control over the siting of marijuana establishments that will be discussed in this Guidance. The deadlines created by the Legislature in December 2016 remained unchanged.

In October, 2017, the newly-formed Cannabis Control Commission held listening sessions throughout the Commonwealth. The Cannabis Advisory Board was also convened in October, 2017 and broke into four subcommittees: Public Safety, Public Health, Market Participation and Marijuana Industry, which issued recommendations to the Commission regarding proposed regulations on December 5, 2017.

On December 21, 2017, the Cannabis Control Commission approved draft regulations. Public hearings were held throughout the Commonwealth and written comments were accepted through February 15, 2018. On March 7, 2018, the Commission promulgated final regulations at 935 CMR 500. It is anticipated that the regulations will be published in the Register on March 23, 2018.

HELPFUL LINKS

Chapter 334 of the Acts of 2016

<https://malegislature.gov/Laws/SessionLaws/Acts/2016/Chapter334>

Chapter 351 of the Acts of 2016

<https://malegislature.gov/Laws/SessionLaws/Acts/2016/Chapter351>

Chapter 55 of the Acts of 2017

<https://malegislature.gov/Laws/SessionLaws/Acts/2017/Chapter55>

Chapter 94G of the General Laws

<https://malegislature.gov/Laws/GeneralLaws/PartI/TitleXV/Chapter94g>

Bill H.4284

<https://malegislature.gov/Bills/190/H4284>

Final Regulations

<https://masscannabiscontrol.com/wp-content/uploads/2018/03/Reposted-031218-CCC-Final-Regulations-with-disclaimer.pdf>

Cannabis Control Commission website

<https://masscannabiscontrol.com/>

DEFINITIONS

Terms used in this Guidance, such as “marijuana,” “marijuana products” and many others are defined in the Regulations, 935 CMR 500.000. Please refer to the Regulations (link provided above) if you have any questions regarding the meaning of a particular term.

TYPES OF MARIJUANA ESTABLISHMENTS

The Marijuana Acts and the draft regulations create different kinds of marijuana establishments. Unlike a registered marijuana dispensary (“RMD”) (also known as a “medical marijuana treatment center”), which is required to cultivate, process and retail its own marijuana and marijuana products for medical use, an adult use marijuana establishment may opt only to participate in a particular part of the industry, such as cultivation. All marijuana establishments are subject to strict, comprehensive state regulations and inspections by Commission agents. All marijuana establishments are required to enter into host community agreements with the municipality in which they are located (there is more detail on host community agreements below). Only marijuana retailers are subject to the local marijuana tax created under the 2017 Act. One business may hold three licenses in each category, with certain exceptions.

MARIJUANA CULTIVATORS

Marijuana Cultivator: A marijuana cultivator may cultivate, process and package marijuana, to transfer and deliver marijuana products to marijuana establishments, but not to consumers. A Craft Marijuana Cooperative, which will be discussed in further detail below, is a type of Marijuana Cultivator. Cultivators may select what tier they will be in, which will affect their application and licensing fees. The following options are available, but no licensee may have a total canopy of more than 100,000 square feet.



Canopy: means an area to be calculated in square feet and measured using clearly identifiable boundaries of all areas(s) that will contain mature plants at any point in time, including all of the space(s) within the boundaries, canopy may be noncontiguous, but each unique area included in the total canopy calculations shall be separated by an identifiable boundary which include, but are not limited to: interior walls, shelves, greenhouse walls, hoop house walls, garden benches, hedge rows, fencing, garden beds, or garden plots. If mature plants are being cultivated using a shelving system, the surface area of each level shall be included in the total canopy calculation.

TIERS OF MARIJUANA CULTIVATOR

Each licensee (except a craft marijuana cooperative) may have three licenses, but the total canopy authorized by the licenses added together may not exceed 100,000 square feet.

Tier 1: up to 5,000 square feet

Tier 2: 5,001 to 10,000 sq. ft.

Tier 3: 10,001 to 20,000 sq. ft.

Tier 4: 20,001 to 30,000 sq. ft.

Tier 5: 30,001 to 40,000 sq. ft.

Tier 6: 40,001 to 50,000 sq. ft.

Tier 7: 50,001 to 60,000 sq. ft.

Tier 8: 60,001 to 70,000 sq. ft.

Tier 9: 70,001 to 80,000 sq. ft.

Tier 10: 80,001 to 90,000 sq. ft.

Tier 11: 90,001 to 100,000 sq. ft.

TIER MANAGEMENT

Expansion: A Marijuana Cultivator may submit an application to change the tier in which it is classified. A Marijuana Cultivator may change tiers to either expand or reduce production. If a Marijuana Cultivator is applying to expand production, it must demonstrate that while cultivating at the top of its production tier, it has sold 85% of its product consistently over the six months preceding the application for expanded production.

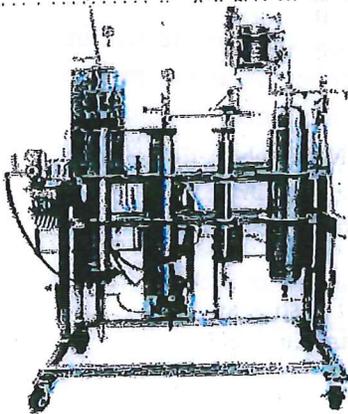
Relegation: At the time of license renewal process for Marijuana Cultivators, the Commission will review the records of the Marijuana Cultivator during the six months prior to the application for renewal. The Commission may reduce the licensee's maximum canopy to a lower tier if the licensee sold less than 70% of what it produced.

CRAFT MARIJUANA COOPERATIVE

Craft Marijuana Cooperative: a craft marijuana cooperative is a type of marijuana cultivator which may cultivate, obtain, manufacture, process, package and brand marijuana and marijuana products to deliver marijuana to marijuana establishments, but not to consumers, and must consist of:

- ◇ Massachusetts residents who have formed a limited liability company, limited liability partnership, or a cooperative corporation;
- ◇ A business may only have one craft marijuana cooperative license;
- ◇ Members of a craft marijuana cooperative may not have a controlling interest in any other marijuana establishment;
- ◇ A craft marijuana cooperative is not limited to a particular number of cultivation locations, but is limited to a total canopy of 100,000 square feet and 3 locations for activities authorized for marijuana product manufacturers;
- ◇ One member of the craft marijuana cooperative must have filed a Schedule F tax form (reporting farm income) in the past five years.
- ◇ The craft marijuana cooperative must operate according to the seven cooperative principles published by the International Cooperative Alliance in 1995.

MARIJUANA PRODUCT MANUFACTURER



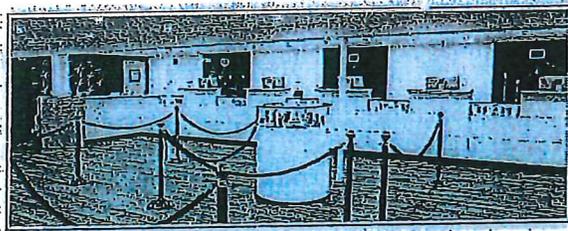
Marijuana Product Manufacturer: an entity authorized to obtain, manufacture, process and package marijuana and marijuana products, to deliver marijuana and marijuana products to marijuana establishments and to transfer marijuana and marijuana products to other marijuana establishments, but not to consumers.

MARIJUANA RETAILER

Marijuana Retailer: an entity authorized to purchase and deliver marijuana and marijuana products from marijuana establishments and to sell or otherwise transfer marijuana and marijuana products to marijuana establishments and to consumers.

Please note that similar to marijuana for medical use, edible marijuana products for adult use shall not be considered food and therefore marijuana retailers would not be subject to inspection by local Boards of Health under 105 CMR 590 unless local regulations requiring such inspections are promulgated.

A marijuana retailer provides a retail location which may be accessed by consumers 21 years of age or older or, if the retailer is co-located with a RMD by individuals who are a registered qualifying patients with the Medical Use of Marijuana Program with a registration card.



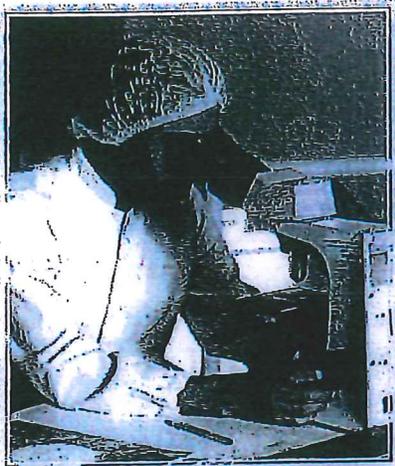
MARIJUANA TRANSPORTER

Marijuana Transporter: An entity may only transport marijuana or marijuana products when such transportation is not already authorized under a marijuana establishment license if it is licensed as a Marijuana Transporter:

Third Party Transporter: An entity registered to do business in Massachusetts that does not hold another marijuana establishment license pursuant to 935 CMR 500.050 and is not registered as a registered marijuana dispensary pursuant to 105 CMR 725.000.

Existing Licensee Transporter: A Marijuana Establishment that wishes to contract with other marijuana establishments to transport their marijuana and marijuana products to other marijuana establishments.

MARIJUANA RESEARCH FACILITY

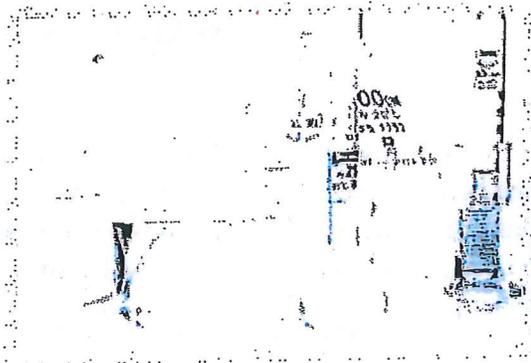


Marijuana Research Facility: an academic institution, non-profit corporation or domestic corporation or entity authorized to do business in the Commonwealth of Massachusetts. A marijuana research facility may cultivate, purchase or otherwise acquire marijuana for the purpose of conducting research regarding marijuana and marijuana products. Any research involving humans must be authorized by an Institutional Review Board. A marijuana research facility may not sell marijuana it has cultivated.

LABORATORIES

Independent Testing Laboratory: an entity that does not hold any other type of marijuana establishment license and is properly accredited to perform tests in compliance with the stringent requirements of the Department of Public Health protocols for testing marijuana and marijuana products.

Standards Testing Laboratory: an entity that would otherwise qualify to be an independent testing laboratory but instead performs blind tests to verify the results of an independent testing laboratory at the request of the Commission.



MICROBUSINESS

Marijuana Micro-Business: A microbusiness is a co-located Tier 1 marijuana cultivator, and/or marijuana product manufacturer limited to purchase 2,000 pounds of marijuana from other marijuana establishments in one year.

A microbusiness licensee shall not have an ownership stake in any other marijuana establishment and a majority of its executives or members must have been residents of Massachusetts for no less than 12 months prior to application is eligible to apply for a micro-business license.

Application fees and license fees for marijuana micro-businesses shall be set at 50% of the combined sum of the application fees and license fees for cultivation and/or, manufacturing.

SOCIAL CONSUMPTION AND DELIVERY

Social Consumption and Delivery: Regulations regarding licenses for social consumption and delivery to consumers have been delayed for further study. The Commission anticipates drafting regulations regarding licenses for this category in February, 2019. In the meantime, municipalities wishing to authorize social consumption in their community must follow the ballot process established in G.L. c.94G §3(b) for the election in November, 2018.

Please note that legislation has been filed to clarify the ballot process (Bill H.4284, which may be reviewed at <https://malegislature.gov/Bills/190/H4284>) and this Guidance will be updated if the legislation is enacted.

ROLE OF CANNABIS CONTROL COMMISSION

The Commission is required to promulgate statewide regulations addressing: public health issues such as products, labeling, advertising and potency; industry issues such as cultivation, distribution, transportation and seed-to-sale tracking; and market participation for communities including women, minority, and veteran-owned businesses, as well as growing cooperatives. The Commission will also review applications from candidates for licenses, determine which applicants may be awarded licenses, deny an application or limit condition, restrict, revoke or suspend a license, establish a registration process, based on finding of suitability or approval of licensure, check the backgrounds of individuals associated with applicants or licensees. The Commission may inspect marijuana establishments, seize and remove from the premises of a marijuana establishment and impound any marijuana, equipment, supplies, documents and records obtained or possessed in violation of the law for the purpose of examination and inspection, inspect all papers, books and records of close associates of a licensee whom the Commission suspects is involved in the financing, operation or management of the licensee, impose fees and fines, and conduct adjudicatory proceedings. The Commission may also refer cases for criminal prosecution to the appropriate federal, state or local authorities, monitor any federal activity regarding marijuana, adopt, amend or repeal regulations for the implementation, administration and enforcement of the law, and may prepare, publish and distribute studies, reports, bulletins and other materials.

MUNICIPAL ROLE IN COMMISSION LICENSING PROCESS

The Commission is required by law to engage in a licensing process for marijuana establishments. **During the application process, applicants will be required to demonstrate that they have held a community outreach meeting within the past six months and that they have executed a Host Community Agreement with the municipality. Once the application is complete, the municipality will be notified and given an opportunity to confirm and that the proposed location is compliant with bylaws or ordinances at the time the application was completed.**

LICENSING PROCESS: COMMUNITY OUTREACH MEETING

Community Outreach Meeting: the applicant will need to submit documentation of a community outreach meeting, which must occur within six months of filing its application, including:

◊ **Notice**

- ⇒ Must contain the time, place and subject matter of the meeting, including the proposed address of the Marijuana Establishment, that was published in a newspaper of general circulation in the city or town at least seven calendar days prior to the hearing;
- ⇒ a copy of the meeting notice must be filed with the town or city clerk, the planning board, the contracting authority for the municipality, and local licensing authority for adult use of marijuana (if applicable); and
- ⇒ a copy of the meeting mailed to abutters and other parties of interest identified in the regulations;

◊ **Information Discussed:** information presented at the community outreach hearing, which must include:

- ⇒ the type(s) of Marijuana Establishment to be located at the proposed address;
- ⇒ information adequate to demonstrate that the location will be maintained securely; steps to be taken by the Marijuana Establishment to prevent diversion to minors;
- ⇒ a plan by the Marijuana Establishment to positively impact the community; and
- ⇒ information adequate to demonstrate that the location will not constitute a nuisance.

◊ **Q & A:** community members must be permitted to ask questions and receive answers from representatives of the Marijuana Establishment.

HOST COMMUNITY AGREEMENT

Host Community Agreement: Documentation in the form of a single-page certification signed by the contracting authorities for the municipality and the applicant evidencing that the applicant for licensure and host municipality have executed a host community agreement.

LICENSING PROCESS: MUNICIPAL NOTIFICATION & PERMITTING

Notice: Once the Commission determines an application is complete, it is required to notify a municipality that it has received a completed application for a marijuana establishment in the municipality.

Sixty Day Deadline: The municipality has sixty (60) days from receipt of the application to notify the Commission that the applicant is not in compliance with local ordinances or bylaws. If communication from the municipality is not received within 60 days, the applicant will be deemed to be compliant with all applicable local ordinances and bylaws.

Local Permits: Please note that if a local ordinance or bylaw requires local permitting or licensing, the applicant does not need to have the permitting or licensing granted at the time of the notice to a municipality. Instead, the Commission simply needs to know whether such permitting or licensing is available for that particular location.

Provisional License: Similar to the process with registered marijuana dispensaries, when it completes the application process, including the municipal notification, an applicant will initially receive a provisional license. If a provisional license is issued and the applicant does not yet have local permits or licenses, it may seek the necessary local permits or licenses prior to requesting a final license from the Commission.

Final License: A final license may be issued by the Commission once the applicant has passed all the necessary inspections to receive a final license, including a demonstration that all necessary local permits and licenses have been granted.

Local Licensing: A municipality may also implement its own licensing process, as long as it does not conflict with the state laws and regulations governing marijuana establishments.

ROLE OF MUNICIPALITIES REGARDING ADULT USE OF MARIJUANA

The Marijuana Acts both authorize and limit the way in which municipalities can control marijuana establishments in their communities. It also protects any restrictions or limitations a municipality may have imposed as of July 1, 2017 on the operation of RMDs, marijuana establishments or both, pursuant to the 2012 law authorizing medical use of marijuana (Chapter 369 of the Acts of 2012) or the 2016 Act. Below is a brief overview of provisions relating to municipal control. Any decision to implement local controls on marijuana should be made in consultation with a municipality's attorney.

HOST COMMUNITY AGREEMENTS

Under state law, marijuana establishments and RMDs are required to execute "host community agreements" with the municipalities in which they operate. The agreement must stipulate the responsibilities of the community and the marijuana establishment or RMDs.

The agreement may include a community impact fee of up to 3% of gross sales to be paid to the host community, as long as the fee is reasonably related to real costs imposed on the municipality due to the establishment or RMD operating there. **The agreement may not be effective for longer than five years.**

Please note that any cost to a city or town imposed by the operation of a marijuana establishment or RMD must be documented and considered a public record under Massachusetts public records laws, G.L. c.4 §7 cl. 26 and G.L. c.66 §10.

The Commission encourages municipalities to carefully consider the impact of the particular marijuana establishment proposed for a community, as well as benefits it may bring in local revenue and employment, when negotiating a host community agreement.

There is legislation pending to protect host community agreements executed on or before July 1, 2017 (<https://malegislature.gov/Bills/190/H4284>). The same legislation requires municipalities receiving community impact fee payments to establish a separate account into which fee payments must be deposited.

During each fiscal year, the funds in the account may be appropriated for the purposes identified in the agreement and the balance in the account would be available for appropriation in the next fiscal year. Any deficit in the account must be raised by taxation, unless the municipality has otherwise provided, and would be subject to all applicable provisions of G.L. c.59.

LOCAL CONTROL: TAXES

A municipality that accepts the local sales tax option may collect a 3% tax on sales of marijuana by a marijuana retailer to a consumer. The tax will be collected with other sales tax and distributed to municipalities at least four times per year. Please note that there is legislation pending (<https://malegislature.gov/Bills/190/H4284>), that would remove “marijuana products intended for consumption as defined in G.L. c.94G” from the exemption from sales tax for food products for human consumption in G.L. c.64H §6.

BYLAWS & ORDINANCES

The law allows, but does not require, municipalities to pass bylaws and ordinances governing the “time, place, and manner” of marijuana establishments (cultivators, retailers, manufacturers, testing labs, and any other licensed marijuana-related businesses) as well as businesses dealing with marijuana accessories. Such bylaws and ordinances may not be “unreasonably impracticable.”

Under the definition in the law, this means that the local laws cannot be so difficult to comply with that they would subject licensees to unreasonable risk, or require such a high investment of risk, money, time or any other resource or asset, that a reasonably prudent businessperson would not operate a marijuana establishment.

Alternatively, a municipality may determine a proposed marijuana-related use falls under an existing use authorized by its bylaws or ordinances. For the purpose of understanding how to respond to a notification from the Commission that an application has been deemed to be complete, the Commission provides the following interpretation of the limits of local control.

LOCAL CONTROL: BYLAWS & ORDINANCES

- ◊ **Conversion from Medical Use to Adult Use:** Zoning bylaws or ordinances are not permitted to operate to *prevent* the conversion of an RMD registered not later than July 1, 2017 that is engaged in the cultivation, manufacture or sale of marijuana or marijuana products to a marijuana establishment for adult use engaged in the same type of activity. The Commission interprets *conversion* to include not only replacing the operation of a registered marijuana dispensary entirely with the operation of a marijuana establishment, but also to address adding marijuana establishment operations to the operations of a RMD. There is legislation pending (<https://malegislature.gov/Bills/190/H4284>) that clarifies this interpretation. In other words, a registered marijuana dispensary that has received its provisional or final registration no later than July 1, 2017 is grandfathered against zoning bylaws or ordinances that would prevent it from conducting the same type of activities for adult use of marijuana that it is engaged in for medical use of marijuana. For a discussion on bans or limiting the number of marijuana establishments through a general bylaw or ordinance, please see the next page.
- ◊ **A Moratorium of a Reasonable Length of Time is Permitted.** Although municipalities are prohibited from using a zoning bylaw or ordinance to *prevent* the conversion of a registered marijuana dispensary, the Commission does not interpret the word *prevent* to prohibit the municipality from imposing a moratorium, a temporary delay passed as a zoning amendment to allow a municipality to engage in a planning process to determine how best to zone marijuana establishments for adult use in its community. The Commission will interpret the reasonableness of the length of a moratorium in a manner consistent with the opinions issued by the Attorney General's Office in reviewing moratoria proposed by communities, which, as of the date of this publication, in the majority of cases has allowed moratoria through December 31, 2018. When the moratorium expires, the Commission cautions local officials from amending their zoning bylaws or ordinances in a manner that could be deemed to conflict with the statute and recommends consulting the City Solicitor and Town Counsel regarding any zoning amendments.
- ◊ **Additional Local Permits for Adult Use May Be Required.** Although municipalities are prohibited from using a zoning bylaw or ordinance to *prevent* the conversion of a registered marijuana dispensary, the Commission does not interpret the word *prevent* to prohibit the municipality from requiring a registered marijuana dispensary eligible under the statute to apply for any additional local permits required to change its existing operation with a marijuana establishment for adult use. The Commission cautions local permitting boards from exercising their discretion in acting on a request for a local permit in a manner that could be deemed to conflict with the statute and recommends consulting the City Solicitor and Town Counsel during their decision-making.

LOCAL CONTROL: BYLAWS & ORDINANCES & BALLOTS

Banning or Limiting the Number of Marijuana Establishments in a Municipality: A municipality may restrict the number of marijuana establishments in its community, but it must follow certain procedures to do so.

- ◇ A municipality may pass a bylaw or ordinance limiting the number of marijuana retailers to 20% or more of the number of liquor licenses issued pursuant to G.L. c.138 §15 (commonly known as “package stores”) in that municipality. For example, if a municipality has 100 such liquor licenses, that municipality may set a maximum limit for 20 marijuana retailers.
- ◇ If the governing body of a municipality seeks to ban marijuana retailers from operating in the municipality, limit the number of them to fewer than 20% of the number of liquor licenses or limit the number of any type of marijuana establishment to fewer than the number of RMDs registered to engage in the same type of activity in the city or town, there are two different procedures for proceeding, which depend on how the municipality voted on the ballot initiative to legalize marijuana in 2016.
 - ⇒ If a municipality voted no on the initiative, then the governing body may limit or ban the number of marijuana establishments by passing a bylaw or ordinance prior to and including December 31, 2019.
 - ⇒ If a municipality voted yes on the initiative or if it is after December 31, 2019, then the question must be posed to the people of the municipality at a regular or special election following a specific process and wording.

Please note that there is legislation pending (<https://malegislature.gov/Bills/190/H4284>) to clarify the election process.

Ban: If a municipality enacts a complete prohibition on marijuana establishments for adult use through a general bylaw or ordinance, the Commission will not issue a license so as to authorize the conversion of a registered marijuana dispensary to a marijuana establishment for adult use in that municipality.

Limited Number: If a municipality adopts a general bylaw or ordinance imposing a limitation on the number of marijuana establishments within its community, such that the amount allowed is less than the registered marijuana dispensaries within that community, the municipality must determine which registered marijuana dispensaries will be permitted to proceed to the application process for adult use by executing a host community agreement with those dispensaries.

LOCAL CONTROL: BYLAWS & ORDINANCES

- ◇ *Buffer Zone:* Under state law, a marijuana establishment may not be located within 500 feet of a pre-existing public or private school providing education in kindergarten or any of grades 1 through 12. Municipalities may adopt an ordinance or bylaw to reduce that distance requirement.
- ◇ *Signage:* A municipality may regulate, by bylaw or ordinance, signage regarding marijuana-related uses, but the ordinance or bylaw may not impose a standard more restrictive than those applied to retail establishments selling alcoholic beverages within the municipality.
- ◇ *Transportation:* Municipalities are prohibited from barring the transportation of marijuana or marijuana products or adopting an ordinance or by-law that makes the transportation of marijuana or marijuana products unreasonably impracticable.

QUESTIONS?

If you have additional questions regarding local control over marijuana establishments or other questions regarding the Marijuana Acts, please contact the Cannabis Control Commission at:

CannabisCommission@State.MA.US

or

617-701-8400.

Attachment D

Town of Newbury, MA Zoning Overlay Map and
Zoning Table of Uses Where RMR are Allowed

ZONING

97 Attachment 4

Town of Newbury

TABLE OF USE REGULATIONS

[Added 5-22-2012 ATM, Art. 20; amended 5-22-2012 ATM, Arts. 21, 22, 24; 10-23-2012 STM, Art. 7; 5-21-2013 ATM, Art. 26; 5-20-2014 ATM, Art. 20; 4-24-2018 ATM, Art. 19]

- | | | | | |
|-----------------------------------------------------|------|------------------------------|------------|--------------------------------------|
| P – permitted by right in District | R-AG | Agricultural Residential | CHA | Commercial Highway A |
| SP – special permit of the Planning Board | PR | Parker River Residential | LIB | Light Industrial Byfield |
| SPS – special permit of the Board of Selectmen | R-LB | Residential-Limited Business | UGB | Upper Green Business |
| SPA – special permit of the Zoning Board of Appeals | BVB | Byfield Village Business | BLI | Business and Light Industrial |
| NP – not permitted in District | CH | Commercial Highway | PRM | Parker River Marine |

PRINCIPAL USE	DISTRICT									
	R-AG	PR	R-LB	BVB	CH	CHA	LIB	UGB	BLI	PRM
COMMERCIAL USES										
Professional and business offices and services including, but not limited to, medical, legal, and financial services	SPS	NP	SPS	P	P	P	NP	P	P	P
Personal care establishments, including, but not limited to, barbers and hairdressers, salons, spas	NP	NP	NP	P	P	P	NP	P	P	NP
Business repair services, including, but not necessarily limited to, appliances, televisions, computers, and office equipment	NP	NP	NP	P	P	P	NP	NP	P	NP
Customary home occupation	P	P	P	P	P	NP	P	P	P	P
Use customarily accessory to allowed use	P	P	P	P	P	P	P	P	P	P
Mixed use structure	NP	NP	NP	P	P	P	NP	P	P	P

NEWBURY CODE

PRINCIPAL USE	DISTRICT									
	R-AG	PR	R-LB	BVB	CH	CHA	LIB	UGB	BLI	PRM
COMMERCIAL USES (cont'd)										
Convenience store	NP	NP	NP	P	P	P	NP	P	P	P
Retail establishment selling general merchandise including food	NP	NP	NP	P	P	P	NP	P	P	P
Retail/service kiosk automated teller machine (standalone as primary use)	NP	NP	NP	P	P	P	NP	P	P	P
Retail/service kiosk automated teller machine as an ancillary use to the primary use	NP	NP	NP	P	P	P	NP	P	P	P
Sales by vending machines (standalone as primary use)	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP
Sales by vending machines as an ancillary use to the primary use	SP	NP	NP	P	P	P	NP	NP	P	P
Indoor and outdoor recreation areas and facilities, including, but not limited to, play grounds, health and fitness centers, miniature golf, golf driving range, batting cage, tennis courts, skating rink, boating, fishing, and swimming	SPS	NP	NP	SPS	SPS	SPS	NP	NP	SPS	SPS
Membership club, including, but not limited to, social club, country club, tennis or similar sports club	SPS	NP	NP	P	P	P	NP	NP	SP	P
Performing arts center	NP	NP	NP	P	P	P	NP	P	P	P
Museum	NP	NP	NP	P	P	P	P	P	P	P
Establishment selling, and/or renting new and/or used automobiles, trucks, aircraft, motorcycles, and household and camping trailers, and enclosed repair facilities accessory thereto	NP	NP	NP	NP	P	NP	NP	NP	P	NP

ZONING

PRINCIPAL USE	DISTRICT										
	R-AG	PR	R-LB	BVB	CH	CHA	LIB	UGB	BLI	PRM	
COMMERCIAL USES (cont'd)											
Establishment servicing automobiles, trucks, aircraft, motorcycles, and/or household and camping trailers	NP	NP	P	P	P	NP	P	P	P	NP	
Establishment selling motor vehicle parts and accessories	NP	NP	NP	P	P	P	NP	NP	P	NP	
Animal grooming	NP	NP	NP	P	P	P	NP	NP	P	NP	
Veterinary clinic	NP	NP	NP	SP	P	P	NP	NP	P	NP	
Feed Store	P	NP	NP	P	P	P	NP	NP	P	NP	
Building materials establishments	NP	NP	NP	NP	P	P	NP	NP	P	NP	
Temporary trailer for business purposes	NP	NP	P	P	P	P	P	P	P	P	
Radio/T.V. studio	NP	NP	NP	P	P	P	NP	P	P	P	
Shopping center	NP	NP	NP	NP	SP	SP	NP	NP	SP	NP	
Hospital and medical center	SPS	NP	NP	NP	SP	SP	NP	NP	SP	NP	
Nursing home and rehabilitation center	SPS	NP	NP	NP	SP	SP	NP	NP	SP	NP	
Registered Marijuana Dispensaries (see Notes 1, 4, and 5 below)	NP	NP	NP	NP	SP	NP	NP	NP	SP	NP	
Marijuana Retailer (see Notes 1 and 4 below)	NP	NP	NP	NP	SP	NP	NP	NP	SP	NP	
Marijuana Testing Facility (see Notes 1, 4 and 5 below)	NP	NP	NP	NP	NP	NP	NP	NP	SP	NP	
Assisted Living or Life Care	SPS	NP	NP	NP	SP	SP	NP	NP	SP	NP	
Rehabilitation residence	SPS	NP	NP	NP	SP	SP	NP	NP	SP	NP	
Congregate elderly housing	SPS	NP	NP	NP	SP	SP	NP	NP	SP	NP	
Gasoline, diesel oil, or fuel oil sales or distribution facilities	NP	NP	NP	NP	SP	NP	NP	SP	SP	SP	
Animal boarding, kennel - 24 hour operations	SP	NP	NP	NP	SP	SP	NP	NP	SP	NP	

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PRINCIPAL USE	DISTRICT									
	R-AG	PR	R-LB	BVB	CH	CHA	LIB	UGB	BLI	PRM
COMMERCIAL USES (cont'd)										
Animal daycare — daytime only	SP	NP	NP	NP	SP	SP	NP	NP	SP	NP
Car wash facility	NP	NP	NP	NP	NP	NP	NP	NP	SP	NP
Funeral home or mortuary establishments	NP	NP	NP	NP	SP	SP	NP	NP	SP	NP
Mini-storage warehouses	NP	NP	NP	NP	SP	SP	NP	NP	SP	NP
Automobile graveyards and junkyards, as defined in MGL Chap. 140B, Section 1;	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP
FOOD SERVICES										
Eating and drinking places, excluding formula fast food establishments	NP	NP	NP	P	P	P	NP	P	P	P
Formula fast food establishments without “drive-thru” facilities	NP	NP	NP	NP	SP	SP	NP	NP	P	NP
Formula fast food establishments with “drive-thru” facilities	NP	NP	NP	NP	SP	SP	NP	NP	SP	NP
MUNICIPAL AND COMMUNITY FACILITIES										
Town Hall or other municipal building	P	NP	NP	P	P	P	NP	P	P	NP
Public Works Department and garage	P	NP	NP	P	P	P	NP	P	P	NP
Police Station	P	NP	NP	P	P	P	NP	P	P	NP
Fire Station	P	NP	NP	P	P	P	NP	P	P	NP
Library	P	NP	NP	P	P	P	NP	P	P	NP
Church or other religious purpose	P	P	P	P	P	P	P	P	P	P
U.S. Post Office	P	P	P	P	P	P	P	P	P	P
Town outdoor recreation facility and any other outdoor non-commercial recreation use	SPS	NP	NP	P	P	P	NP	NP	P	P

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PRINCIPAL USE	DISTRICT										
	R-AG	PR	R-LB	BVB	CH	CHA	LIB	UGB	BLI	PRM	
Non-profit recreational facility	SPS	NP	NP	SP	SP	SP	NP	SP	SP	SP	
Cemetery, municipal or private	SPS	NP	NP	NP	NP	NP	NP	NP	NP	NP	
EDUCATIONAL USES											
Educational purpose which is religious, sectarian, non-denominational, public, or non-profit	P	P	P	P	P	P	P	P	P	P	
Educational purpose which is operated for profit	P	P	P	P	P	P	P	P	P	P	
Preschool/child care facility	P	NP	NP	P	NP	P	NP	P	SP	P	
INDUSTRIAL USES											
Research offices or establishments devoted to research and development activities	NP	NP	NP	NP	P	P	P	NP	P	P	
Corporate headquarters or office park	NP	NP	NP	NP	P	P	NP	NP	P	NP	
Offices for general construction, landscaping, or similar contractors, with open storage of related supplies, equipment, or vehicles, and structures for storing such items	NP	NP	NP	NP	SP	SP	NP	NP	P	NP	
Non-retail bakery	NP	NP	NP	NP	NP	NP	NP	NP	P	NP	
Retail sale of goods manufactured on premises	NP	NP	NP	NP	NP	NP	NP	NP	P	P	
Printing/publishing	NP	NP	NP	NP	NP	NP	NP	NP	P	NP	
Services to industry, including environmental and maintenance	NP	NP	NP	NP	NP	NP	NP	NP	P	NP	

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PRINCIPAL USE	DISTRICT										
	R-AG	PR	R-LB	BVB	CH	CHA	LIB	UGB	BLI	PRM	
INDUSTRIAL USES (cont'd)											
Light fabrication and repair, including but not limited to welding, carpentry, pipe/duct fabrication	NP	NP	NP	NP	NP	NP	P	NP	P	P	
Machine shops	NP	NP	NP	NP	NP	NP	P	NP	P	P	
Temporary construction trailer	P	P	P	P	P	P	P	P	P	P	
Small wind energy system accessory to principal use as provided for in Article X	P	P	P	P	P	P	P	P	P	P	
Light manufacturing	NP	NP	NP	NP	NP	NP	P	NP	P	P	
Food processing and distribution	NP	NP	NP	NP	NP	NP	NP	NP	SP	SP	
Seafood processing and distribution	NP	NP	NP	NP	NP	NP	NP	NP	SP	NP	
Seafood handling/distribution	NP	NP	NP	NP	NP	NP	NP	NP	NP	SP	
Electric power generation/distribution	SPS	SPS	SPS	SPS	SPS	SPS	SPS	SPS	SPS	SPS	
Natural gas distribution facilities	NP	NP	NP	NP	NP	NP	NP	NP	SP	NP	
Large wind energy facility as provided for in Article V	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	
Wind monitoring or meteorological tower	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	
Water and wastewater systems (not Town-owned)	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	
Landfills and open dumps as defined in 310 CMR 19.006	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	
Open storage, except where otherwise noted	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	

ZONING

PRINCIPAL USE	DISTRICT										
	R-AG	PR	R-LB	BVB	CH	CHA	LIB	UGB	BLI	PRM	
INDUSTRIAL USES (cont'd)											
Open storage of raw materials, finished products, or construction equipment	NP	NP	NP	NP	SP	NP	NP	NP	SP	NP	
Open storage of raw materials, finished products, or construction equipment as an ancillary use to the primary use	NP	NP	NP	NP	SP	NP	NP	NP	SP	P	
Mining or quarrying	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	
Hazardous material storage	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	
Laundry/dry cleaning plant	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	
Processing and treating of raw materials not enclosed, including but not limited to operations such as grading, drying, sorting, crushing, grinding, and milling	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	
Trash Transfer Stations	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	
Craft Marijuana Cultivator Cooperative (see Notes 1, 4 and 5 below)	NP	NP	NP	NP	SP	NP	NP	NP	SP	NP	
Marijuana Cultivator (see Notes 1, 4 and 5 below)	NP	NP	NP	NP	SP	NP	NP	NP	SP	NP	
Marijuana Product Manufacturer (see Notes 1, 4 and 5 below)	NP	NP	NP	NP	SP	NP	NP	NP	SP	NP	
WHOLESALE & TRANSPORTATION USES											
Bus terminals and/or railroad passenger stations and any other passenger transportation services	NP	NP	NP	NP	P	NP	NP	NP	P	NP	

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PRINCIPAL USE	DISTRICT											
	R-AG	PR	R-LB	BVB	CH	CHA	LIB	UGB	BLI	PRM		
WHOLESALE & TRANSPORTATION USES (cont'd)												
Misc. transportation services, including, but not limited to, taxi, van, limousine, and ambulance service and similar "for hire" vehicles	NP	NP	NP	NP	SP	NP	NP	NP	P	NP		
Commercial parking	NP	NP	NP	NP	NP	NP	NP	NP	P	NP		
Wholesale trade, warehousing and distribution	NP	NP	NP	NP	SP	SP	NP	NP	SP	NP		
Truck terminal	NP	NP	NP	NP	SP	NP	NP	NP	SP	NP		
Truck and bus maintenance facilities	NP	NP	NP	NP	SP	NP	NP	NP	SP	NP		
Heliports	SP	NP	NP	NP	SP	SP	NP	NP	SP	NP		
Airport and landing strip	SP	NP	NP	NP	NP	NP	NP	NP	NP	NP		
MARINE USES												
Boat sales/service/storage/rental	NP	NP	NP	NP	NP	NP	NP	NP	P	P		
Water transport of goods and people	NP	NP	NP	NP	NP	NP	NP	NP	NP	P		
Marine equipment sales	NP	NP	NP	NP	NP	NP	NP	NP	P	P		
Marine repair services	NP	NP	NP	NP	P	P	P	NP	P	P		
Boat parts and accessories manufacturing	NP	NP	NP	NP	NP	NP	NP	NP	P	P		
Boat building and repair	NP	NP	NP	NP	NP	NP	NP	NP	P	P		
Commercial fishing	NP	NP	NP	NP	NP	NP	NP	NP	NP	P		
Marina and related uses including gasoline uses and sales	NP	NP	NP	NP	NP	NP	NP	NP	NP	P		
Wholesale trade, warehousing and distribution as an ancillary use to the primary use	NP	NP	NP	NP	NP	NP	NP	NP	NP	P		

ZONING

PRINCIPAL USE	DISTRICT										
	R-AG	PR	R-LB	BVB	CH	CHA	LIB	UGB	BLI	PRM	
MARINE USES (cont'd)											
Open storage of raw materials, finished products, or construction equipment and structures for storing such equipment as an ancillary use to the primary use	NP	NP	NP	NP	NP	NP	NP	NP	NP	P	
AGRICULTURAL USES											
Agriculture, horticulture and floriculture (See Note 1 below)	P	NP	P	NP	P	NP	P	NP	P	NP	
Commercial forestry and growing of all vegetation	P	NP	P	NP	P	NP	P	NP	P	NP	
Greenhouse or stand for retail sale of agricultural or farm products raised locally	P	NP	P	P	P	P	NP	P	P	NP	
RESIDENTIAL USES											
Hotels and Motels	NP	NP	NP	NP	P	P	NP	NP	P	SP	
Single Family Residence	P	P	P	P	NP	NP	P	P	NP	P	
Two Family Residence	P	NP	P	P	NP	NP	P	P	NP	P	
A single family residence as an accessory use for the owner of or the security personnel employed by the commercial enterprise located thereon	NP	NP	NP	NP	NP	NP	P	NP	NP	NP	
Structures customarily accessory to single family residences	P	P	P	P	NP	NP	P	P	NP	P	
Multi-Family dwellings, five units or more	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	
Multi-family dwellings, up to a limit of four units	NP	NP	NP	SP	NP	NP	NP	SP	NP	NP	
Accessory apartment-attached	P	P	P	P	NP	NP	P	P	NP	P	

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PRINCIPAL USE	DISTRICT									
	R-AG	PR	R-LB	BVB	CH	CHA	LIB	UGB	BLI	PRM
Accessory apartment-attached	P	P	P	P	NP	NP	P	P	NP	P
Accessory apartment-detached	SPA	SPA	SPA	SPA	NP	NP	SPA	SPA	NP	SPA
Bed and Breakfast establishment	SPS	NP	NP	SPS	NP	NP	SPS	SPS	NP	SPS
Dormitory: resident, fraternity, or sorority	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP
Mobile homes and trailers for temporary residency	P	P	P	P	NP	NP	P	P	NP	P

Notes:

- ¹ Notwithstanding the above Table of Use Regulations, nothing in this By-Law shall prohibit or restrict the use of land or structures in any district for agriculture, horticulture, and floriculture on any parcel of five (5) acres or more, in accordance with MGL Chapter 40A, Section 3.
- ² See District Specific Applicable Regulations above for additional regulations pertaining to each Use District.
- ³ See Article IV — Regulations of Overlay Districts for use regulations pertaining to zoning overlay districts, including Water Supply Protection, Wireless Communications, Plum Island, Flood Zone, and Adult Entertainment.
- ⁴ See Article V — Special Permits General for regulations pertaining to Bed and Breakfast Establishments, and Large Wind Energy Facilities, and Registered Marijuana Dispensaries and Marijuana Establishments.
- ⁵ The Zoning Districts in which RMDs, Craft Marijuana Cultivator Cooperatives, Marijuana Cultivators, Marijuana Product Manufacturers, and Marijuana Testing Facilities may be located are the Business & Light Industrial District (BLI) and the Commercial Highway District (CH), excluding that area of the Commercial Highway District at the Northwestern Junction of the right-of-way of I-95 and Central Street.

Attachment E

Town of Maynard, MA Zoning Rules and Regulations
for Recreational Marijuana Retailers

TOWN OF MAYNARD
RULES AND REGULATIONS
MARIJUANA RETAILERS

Purpose

The purpose of these Regulations is to set forth the expectations of the citizens of Maynard as to the conduct of the Town's Marijuana Retailers.

1.0 Authority

These Regulations are promulgated under the authority granted to the Board of Selectmen of the Town of Maynard, acting as the Local Licensing Authority ("LLA"), by Massachusetts General Laws ("M.G.L.") c. 94G and all amendments thereto, and the Cannabis Control Commission ("CCC") regulations, 935 CMR 500.000. Such Regulations shall supplement any statutory requirements and the rules and regulations of the CCC.

2.0 Definitions

The following words and phrases, whenever used in these Regulations, shall be construed as defined in this section:

Customer: a person who is legally on the Licensed Premises.

Dormant License: a license held by a "Licensee" that ceases to conduct the licensed business.

Employee: a person who has been hired by the Licensee and/or Manager of a licensed Premise to work under an express or implied contract for hire, under which the Licensee and/or Manager has the right to control the details of the work performed.

License: a revocable privilege granted by the Licensing Authority.

A. Marijuana Retail (Off Premises) Licenses under G.L. c. 94G: The Local Licensing Authority may grant a Marijuana Retail License to those persons who qualify under these policies.

Licensee: an individual Licensee and each member of a partnership Licensee and each officer, director, manager, and stockholder of a corporate Licensee and any agent of a Licensee including those employees who work in the public areas of the premises.

Licensed Premises: all land and buildings associated with the operation of the license, also referred to herein as "Premises".

Licensing Officer: The individual appointed by the Board to perform inspections of licensed premises and to advise the LLA on licensing issues. The LLA shall appoint and name the Licensing Officer at the LLA's first meeting of the calendar year.

Local Licensing Authority or Authority: The Board of Selectmen of the Town of Maynard which has the legal authority to grant licenses and/or regulate the operation of the Licensed Premises.

Manager: The person designated as a Manager of the Licensed Premises in any License granted pursuant to the provisions of M.G.L. Chapter 94G.

Marijuana: Also known as Marihuana, all parts of any plant of the genus Cannabis, not excepted below and whether growing or not; the seeds thereof; and resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture or preparation of the plant, its seeds or resin including tetrahydrocannabinol as defined in section 1 of chapter 94C of the General Laws, except as those excluded parts described in M.G.L. c. 94G, § 3.

Marijuana accessories: Equipment, products, devices or materials of any kind that are intended or designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, ingesting, inhaling or otherwise introducing marijuana into the human body.

Marijuana products: Products that have been manufactured and contain marijuana or an extract from marijuana, including concentrated forms of marijuana and products composed of marijuana and other ingredients that are intended for use or consumption, including edible products, beverages, topical products, ointments, oils and tinctures.

Marijuana Retailer: An entity licensed to purchase and deliver marijuana and marijuana products from marijuana establishments and to deliver, sell or otherwise transfer marijuana and marijuana products to marijuana establishments and to consumers, as defined the M.G.L., Chapter 94G.

Minor: Any person less than twenty-one (21) years of age, or such other applicable age for minors as may be set by the Legislature of the Commonwealth of Massachusetts from time to time.

Rules and Regulations: the compilation of the M.G.L., these Regulations, the rules and regulations of the CCC established to regulate the manner in which businesses shall operate.

3.0 Applicability

These Regulations shall apply to all Town Licensees issued for Marijuana Retailers established under the provisions of G.L. c. 94G and all amendments thereto, unless specifically provided otherwise.

4.0 Availability to Regulations

4.1 All Licensees shall ensure that a copy of these Regulations is kept on the premises at all times and is available for inspection upon request by a member of the public or an agent of the LLA. A copy of these Regulations must be kept in the office of the Manager and/or at the main cash register on the premises.

4.2 The Licensee is responsible for ensuring that all employees who work in the public areas of the premises review and are familiar with these Regulations and

are able to comply with them, as well all other applicable rules and laws pertaining to the sale of Marijuana, Marijuana Accessories and Marijuana Products.

5.0 Posting and Signs

- 5.1** Licenses issued hereunder shall be posted in a conspicuous place easily seen by the public where they can be read without difficulty and without the assistance of employees at the premises.
- 5.2** All other licenses, permits, and certificates affecting the Licensed premises shall be posted conspicuously; provided, however, that no such document shall be posted in such a way as to cover over any part of the License issued by the LLA.
- 5.3** A Licensee may develop a logo to be used in labeling, signage, and other materials; provided, however, that use of medical symbols, images of marijuana, related paraphernalia, and colloquial references to cannabis and marijuana are prohibited from use in this logo.
- 5.4** A Licensee may display, in secure, locked cases, samples of each product offered for sale and subject to the requirements of 935 CMR 500.110. These display cases may be transparent.
- 5.5** The Licensee shall post prices in the store, labeling Marijuana, Marijuana Accessories and Marijuana Products with such pricing.
- 5.6** The Licensee shall post signs within or upon so that it is always visible to a customer at the point of sale in the store which contain the following admonitions:
 - 5.6.1** Please Consume Responsibly
 - 5.6.2** This product may cause impairment and may be habit forming.
 - 5.6.3** Marijuana can impair concentration, coordination and judgment. Do not operate a vehicle or machinery under the influence of this drug.
 - 5.6.4** There may be health risks associated with consumption of this product.
 - 5.6.5** For use only by adults 21 years of age or older. Keep out of the reach of children.
 - 5.6.6** Marijuana should not be used by women who are pregnant or breastfeeding.
 - 5.6.7** Keep this product away from children.
- 5.7** All exterior signs shall conform to the requirements of the Town's Zoning Bylaws.

- 5.8 No Marijuana, Marijuana Accessories or Marijuana Products may be displayed so as to be visible to a person from the exterior of a Marijuana Retailer.

6.0 Admission to the Premises

- 6.1 No Licensee shall permit any rule, policy, or action, expressed or implied, which makes any distinction, discrimination, or restriction on account of race, color, religious creed, national origin, sex, sexual orientation, or ancestry, physical or mental disability, relative to the admission or treatment of persons from the general public or employees at the Licensed Premises; provided, however, that Premises licensed pursuant to M.G.L. c. 94G, may make rules regulating the admission of minors to the Premises when such rules are not inconsistent with other rules and regulations stated herein.
- 6.2 A Licensee shall inspect proof of identification for all persons entering the Premises to determine the person's age. No Licensee shall permit a person under the age of 21 years on the Premises, unless said Licensee is co-located with a Registered Marijuana Dispensary. If so co-located, no Licensee shall permit a person younger than 21 years old but 18 years of age or older unless he/she produces an active medical registration card issued by the Department of Public Health. If the individual is younger than 18 years old, he or she shall not be admitted unless he/she produces an active medical registration card and he/she is accompanied by a personal caregiver with an active medical registration card. In addition to the medical registration card, registered qualifying patients 18 years of age and older and personal caregivers must also produce proof of identification.
- 6.3 Licensees shall refuse entrance to the Premises to a person who appears to be intoxicated or unruly; and shall evict such a Customer, except that in such a case the Licensee should call the police and should offer assistance to an intoxicated or unruly person when possible.
- 6.4 Licensees shall not permit entrance to the Premises by more persons than the maximum occupancy limit established by the Building Commissioner.
- 6.5 Licensees shall not lock the front door of the Premises until the last Customer has exited from the Premises.
- 6.6 Licensees shall not allow any Customer or any guest or any employee who is not working that shift to enter the Premises after the closing hour posted on the License or prior to the opening hour posted on the License.

7.0 Hours of Operation

- 7.1 The hours of operation shall be restricted to those set by the LLA and stated on the face of the License. No Customers shall be on the Premises before the official opening hours or after the official closing hours.

- 7.2 The rules for employees of a Marijuana Retailer after closing hours are as follows: employees must be off the Premises after the “Official Closing Hour,” provided however, that such employees or other hired personnel may be on the Premises at any time for the purpose of cleaning, making emergency repairs, providing security for the Premises, or opening or closing the business in an orderly manner.
- 7.3 Licensees shall ensure that Customers leave the Premises in an orderly manner.
- 7.4 Upon the closing hour, a sign shall be placed in the door or visible near the door, indicating that the Marijuana Retailer is closed.
- 7.5 Interior and exterior lighting shall be left on as determined by the terms of the Special Permit and all approved lighting and security plans.
- 7.6 Unless otherwise set forth on the License, hours of operation shall be as follows:
Monday through Saturday 8:00 AM – 11:00 PM; Sunday 12:00 noon 9:00 PM

8.0 Physical Premises

- 8.1 The Licensed Premises shall conform to the floor plan approved by the LLA with regard to the structures and the walls at the Premises. Any changes to the floor plan or any renovations of any kind shall not be made without notification to and the approval of the LLA.
- 8.2 All Premises covered by the License shall be kept in a clean and sanitary condition.
- 8.3 No outside area shall be used as a gathering place for Customers.
- 8.4 The Premises shall be lighted in all public areas in a manner sufficient for the safety of the Customers and in a manner sufficient for the agents of the LLA to make observations at the Premises without the need to identify them or the need to seek assistance.
- 8.5 The capacity set for the Premises by the Building Commissioner shall be the maximum potential capacity for the Premises.
- 8.6 Licensees shall not invite the members of the public to private areas of the Premises, which are approved by the LLA for storage, for an office or for any similar non-public use. Only owners, employees, and vendors who service the Licensed Premises shall be in these areas.
- 8.7 No advertising matter, screen, curtain or other obstruction which in the opinion of the LLA or their Agents, prevents a clear view of the interior of the Premises shall be maintained in or on any window or door thereof after the LLA has ordered the removal of such obstruction.

8.8 The interior of the Premises shall be sufficiently lighted at all times and all exits shall be properly designated by lighted signs, "Exit" as same may be mandated by the Building Commissioner or by the Fire Department.

9.0 Business Arrangements of Licensees

9.1 No person or entity shall obtain or renew a License unless the applicant for such License or for renewal of such License can demonstrate proof of a legal right to the Licensed Premises for the term of the License. Such proof shall include ownership papers or a tenancy document or a management contract; provided, however, that all parties to such ownership or leasehold interest or management contract shall be known to the LLA and the terms of such agreements or contracts shall be made known to the LLA.

9.2 No Licensee shall hire any employee or contract for goods or services in any name other than that of the Licensee, nor shall the Licensee pay for any such employment, goods, or services by any means other than its own cash or bank accounts in its own name. Cash transactions shall be recorded in a manner suitable for review by the LLA. Such records shall be kept for a period of three years.

9.3 Any Licensee intending to close its place of business shall notify the LLA in writing before such closing and state the reason for such closing.

9.4 A license shall not be transferable or assignable. When the licensed company is sold or ownership or management is transferred, or the corporate legal organization status is substantially changed, the license of the company shall be voided and new license obtained. Application for a new license shall be made to the Town in accordance with the requirements of, and upon the same terms as proscribed by, this policy.

10.0 Marijuana Sales and Laws

10.1 No Marijuana, Marijuana Accessories, or Marijuana Products shall be sold for less than the actual cost to the Licensee.

10.2 All Licensees shall maintain a schedule of the prices charged for all Marijuana, Marijuana Accessories, and Marijuana Products. Such prices shall be effective for not less than one calendar week.

10.3 No Licensee or employee or agent or a Licensee shall:

10.3.1 Offer or deliver any free Marijuana, Marijuana Accessories, and Marijuana Products to any Customer;

10.3.2 Sell, offer to sell or deliver to any Customer any Marijuana, Marijuana Accessories, and Marijuana Products at a price less than the price

regularly charged for such Marijuana, Marijuana Accessories, and Marijuana Products;

10.3.3 Advertise or promote in any way, whether within or without the Licensed Premises, any of the practices prohibited under this section.

11.0 Environs of Licensed Premises

- 11.1** It shall be the obligation of Licensees to ensure that a high degree of supervision is exercised over the conduct of the Licensed Premises at all times. Each Licensee shall be accountable for all violations that are related to the Licensed Premises to determine whether or not the Licensee acted properly in the given circumstances.
- 11.3** Licensees shall act reasonably and diligently to disperse loiterers or Customers who attempt to congregate in front of or at the Licensed Premises. Failure of the Licensee to keep persons from congregating at the Licensed Premises may lead to disciplinary action against the Licensee for allowing a public nuisance. Action to be taken by the Licensee shall include: (1) maintaining the front door in a closed position; (2) asking loiterers to disperse; (3) promptly notifying the police if loiterers refuse to disperse; (4) hiring a security guard or stationing a security employee at the front door to disperse loiterers.
- 11.4** The Licensee shall not permit any disorder, disturbance or illegality of any kind to take place on the Licensed Premises.
- 11.6** When any noise, disturbance, misconduct, disorder, act or activity occurs in the Licensed Premises, or in the area in front of or adjacent to the Licensed Premises, or in any parking lot provided by the Licensee for the use of its Customers, which in the judgment of the LLA adversely affects the protection, health, welfare, safety or repose of the residents of the area in which the Licensed Premises are located, or results in the Licensed Premises becoming the focal point for police attention, the Licensee shall be held in violation of the License and subject to proceedings for suspension, revocation or modification of the License.

12.0 Inspections and Investigations

- 12.1** The Licensed Premises shall be subject to inspection, with or without notice, by the members of the LLA, the Licensing Officer, and their duly authorized agents. Any hindrance or delay of such inspection caused by an employee of the Licensee shall be cause for action against the License. It shall be the responsibility of the Licensee to ensure that procedures are in place to allow Police and authorized agents of the LLA immediate entrance into the premises at any time employees are on the Premises. Any delay in providing such access shall be cause for action against the License.

12.2 Licensees shall maintain a current list of all of their employees and shall have it available at all times for inspection upon the request of an authorized agent of the LLA.

12.3 No device or electronic equipment shall be utilized at a Licensed Premises for the purpose of signaling employees that agents of the LLA are present.

12.4 All complaints and reports shall continue in force until they have been reviewed and disposed of by the LLA.

13.0 Standards of Conduct on the Premises

13.1 No Marijuana, Marijuana Accessories or Marijuana Products shall be sold to Minors.

14.0 Illegal Activity on the Licensed Premises

14.1 Licensees shall make all reasonable and diligent efforts to ensure that illegal activities do not occur at the Licensed Premises. Such efforts shall include:

14.1.1 Frequent monitoring of restrooms and other nonpublic areas of the Premises for signs of consumption, drug activity or other illegalities;

14.1.3 Monitoring of activities of Customers who talk about weapons or who appear to be hiding a weapon;

14.1.4 Calling for police assistance as necessary to protect Customers against injury or to evict unruly Customers or to uncover unlawful conduct or to give medical assistance and providing police with requested information; and

14.1.5 Hiring security personnel to deal with chronic unlawful activity at the Premises.

14.2 In the event that the Licensee and/or employees have reason to believe that any illegal activity is taking place on the Premises, the Maynard Police must be notified.

15.0 Injuries to Persons at the Premises

15.1 Licensees shall instruct their employees and security personnel that they are not to make bodily contact with a Customer unless to protect other Customers or themselves from being subjected to body blows from an unruly Customer. In all other circumstances employees and security personnel are to call the police to have Customers removed from the Premises when such Customers are disruptive and they are unable to convince the Customer to leave the Premises voluntarily.

15.2 Licensees shall call the police and an ambulance and take all other reasonable steps to assist Customers or persons who are injured in or on the Licensed

Premises or whose injuries have occurred outside the Premises but have been brought to the attention of the Licensee.

16.0 Duty to File Report

In all instances where the Police are called to the Licensed Premises, regardless of the extent or severity of any incident involving people in or on the Premises, the Licensee or Manager must submit to the Police and the Clerk of the LLA within twenty-four (24) hours of such occurrence, a complete and accurate written report of the incident. Such report must be on a form provided by the LLA and will advise them of all pertinent facts including, but not limited to:

- a. Parties involved, by name;
- b. Date and time of the incident;
- c. Action taken by the Licensee or Manager;
- d. Description of the incident including damages and any injuries; and
- e. Name of Manager responsible for the Premises at the time of the incident along with any other employees present at the time of the incident

14.0 Conditions of Approval

The Board of Selectmen may impose reasonable conditions of approval on any License issued hereunder including, but not limited to the following:

14.1 The requirement of a police detail for the premises, the cost of which shall be borne by the Applicant.

14.2 The requirement of additional security measures above that required by the Special Permit Granting Authority.

14.3 Other conditions that the Board may reasonably require.

17.0 Revocation, Suspension, and Modification

Any License issued hereunder may be modified, suspended, or revoked for any of the following causes:

17.1 Violation by the Licensee of any provision of the relevant General Laws of the Commonwealth, of the rules and regulations of the CCC or of these Regulations of the LLA.

17.2 Fraud, misrepresentation, false material statement, concealment or suppression of facts by the Licensee in connection with an application for a License or permit or for renewal thereof or in connection with an application for the removal of the Licensed Premises or the alteration of the Premises or in connection with any other petition affecting the rights of the Licensee or in any interview or hearing

held by the LLA in connection with such petition, request, or application affecting the rights of the Licensee.

- 17.3 Failure or refusal of the Licensee to furnish or disclose any information required by any provision of the MGL or by any rule or regulation of the CCC or these Regulations of the LLA.
- 17.4 Licensees shall not give or offer any money or any article of value or pay for or reimburse or forgive the debt for services provided to any employee or agent of the LLA either as a gratuity or for any service.
- 17.5 Licensees may not fail to comply with any condition, stipulation or agreement upon which any License was issued or renewed by the Licensing Authority or upon which any application or petition relating to the Premises was granted by the LLA. It shall be the duty of the Licensee to ensure that all appropriate personnel at the Licensed Premises are familiar with these Regulations of the LLA and with any conditions on the License.
- 17.6 A License may be suspended or modified or revoked for the refusal by any Licensee and, if a corporation, by a Manager, officer, or director thereof to appear at an inquiry or hearing held by the LLA with respect to any application or matter bearing upon the conduct of the licensed business or bearing upon the character and fitness of such person to continue to hold a License.
- 17.7 Licensees shall properly serve suspension and modification orders.
- 17.8 A License may be suspended or modified or revoked for ceasing to conduct the licensed business, that is any License holder who closes or stops doing business, without prior approval (Dormant License). Licensees who suspend or cease operation must notify the LLA within ten (10) days with a schedule in writing for reopening to be approved by the LLA. The schedule submitted by the Licensee, must include a date certain for the reopening of the business.
- 17.9 Failure to notify the Police as required by these Regulations
- 17.10 Any other violation of these Regulations, Conditions of its Special Permit, Board of Health Regulations, Building Code Regulations, CCC Regulations or Massachusetts General Laws.
- 18.0 Disciplinary Guidelines**
- 18.1 Licensees in violation of the applicable laws of the Commonwealth, rules and regulations of the CCC and/or these Regulations may be subject to discipline. The nature and extent of the discipline shall be based on the severity of the violation but may vary from a verbal or written warning to revocation of the license.

19.0 Service of Suspension Orders

- 19.1** When the LLA suspends the License or Licenses of any Licensee, it shall provide the Licensee with an order of suspension for public display that must contain the words, "No Marijuana, Marijuana Accessories or Marijuana Products sold per order of the Maynard Board of Selectmen." Such order shall be publicly displayed by the Licensee in the following manner. If there is a door opening from the street into the Licensed Premises and a window facing the street upon which such door opens, such order shall be displayed in such window so that it may readily be seen from the street. If the Licensed Premises are otherwise located, such order shall be affixed to the door of the entrance to the Premises and displayed in such a way that it may be readily seen from the street.
- 19.2** Suspension orders of the LLA, as above, shall remain affixed throughout the entire period of suspension. The removal, covering, defacement, or obliteration of the order of suspension or the failure to maintain the order of suspension in the manner and place required prior to the expiration of the suspension period shall be deemed the act of the Licensee and shall be cause for further suspension, modification or revocation of the license.
- 19.3** Suspension periods shall not be used as a time to do renovations at the Licensed Premises unless such renovations have previously been approved by the LLA.

20.0 Permission to Close Premises Required

- 20.1** Any Licensee intending to close a place of business, whether on a temporary or permanent basis, must notify the LLA in writing before such closing stating the reason and length of such closing and obtain approval. Failure to provide such notice may result in the suspension or revocation of the License.
- 20.2** The restriction in Section 20.1 shall not apply to a closing due to an act of God, natural disaster, illness or some other business problem for which request had been made to the LLA and approval granted.

21.0 Bankruptcy and Court Proceeding

The Licensee shall immediately notify, in writing, the LLA of any proceedings brought by or against the Licensee under the bankruptcy laws or of any other court proceedings, which may affect the status of the License.

22.0 Management

- 22.1** Each corporate Licensee must appoint a Manager by a properly authorized and executed delegation.
- 22.2** The Manager of the Licensed Premises must engage in the actual management of the Licensed Premises as his/her main occupation and must be present on the Licensed Premises for not less than 30 hours per week during the hours when Marijuana, Marijuana Accessories or Marijuana Products are sold.

- 22.3** The responsibilities of every License holder and any Manager shall be as follows:
- 22.3.1** To obey all statutes of the Commonwealth, rules and regulations of the CCC, and these Regulations;
 - 22.3.2** To promptly notify the police of any disturbances or illegal activity on the licenses Premises of which he becomes aware;
 - 22.3.3** As to corporate Licensees, to sign the annual application for renewal of License, unless unavailable; and
 - 22.3.4** To cooperate with authorized agents of the LLA, including but not necessarily limited to, any police officer, in their investigation or inspection of the licenses Premises.
- 22.4** Any such notice sent to the Manager as named in the records of the LLA or the owner at the address of the Licensed Premises shall constitute valid legal notice to the Licensee.
- 22.6** Neither the Licensed Premises nor the sale of Marijuana, Marijuana Accessories, Marijuana Products may be under the temporary management or control of any person who, in the judgment and discretion of the LLA, is unable or unwilling to exert the control necessary to maintain the Licensed Premises in a safe, sanitary and orderly manner.

23.0 Training

- 23.1** An employee training program on the proper procedures for verifying that Customers are at least 21 years of age and not intoxicated shall be provided by the Licensee. A written description of such program, along with a written policy outlining the employees' responsibilities and the disciplinary measures which will be taken against any employee for violating said policy, shall be provided to the LLA as part of the original or renewal application materials and maintained on the Premises at all times.
- 23.2** A signed certification of each employee who handles Marijuana, Marijuana Accessories, Marijuana Products, indicating that the employee has received the described training and has reviewed and understands the written policy describing his or her responsibilities and the disciplinary action which will be taken for violations, shall be maintained on the Premises at all times. Copies of all such documents and certifications shall be provided to the LLA at application or annual renewal, and available on the Premises to the LLA or any authorized agent thereof, upon demand.
- 23.3** Each new employee who handles Marijuana, Marijuana Accessories, Marijuana Products shall obtain training within sixty (60) days of commencing employment.

- 23.4 Upon a finding by the LLA of a violation of the laws or regulations concerning sale of Marijuana, Marijuana Accessories, Marijuana Products to a minor or intoxicated person, the employees involved in the violation who continues to be employed by the Licensee shall be retrained forthwith and receive a new training certification.
- 23.5 The training and certification referenced in Section 23.0 shall be pursuant to a training program approved by the LLA or the CCC (e.g. Responsible Vendor Training).

24.0 Complaints

- 24.1 The LLA shall investigate complaints received about any practices or acts that may violate any provision of these Regulations.
- 24.2 If the LLA finds that an investigation is not required because the alleged act or practice is not in violation of these Regulations, the LLA shall notify the complainant of such finding and the reasons upon which it is based.
- 24.3 If the LLA finds that an investigation is warranted, the LLA shall investigate and if the LLA finds that there has been a violation of these Regulations, then the LLA shall be authorized to take such action and institute such proceedings as are provided by law and these Regulations.
- 24.4 The licensee shall cooperate with any investigation conducted by the LLA including, but not limited to, providing the LLA with any written or other materials that it requests, ensuring employees are available for interviews, and responding to any other requests for information from the LLA in a timely manner.

25.0 Fees

- 25.1 Application and License Fees shall be established by the LLA.
- 25.2 Applicant must demonstrate that all outstanding municipal bills for taxes, fees, assessments, betterments or other municipal charges, including payments due and owing under its Host Community Agreement.
- 25.3 Applicant may be subject to any additional costs or fees associated with other permits and approvals.

26.0 Severability

If any provision, clause, sentence or paragraph of these Regulations or the application thereof to any person or circumstances shall be held invalid, such invalidity shall not affect the provisions of these Regulations that can be given effect without the invalid provision, clause, sentence, or paragraph, and to this end the provisions are declared to be severable.

Attachment F

Town of Athol, MA Proposed Zoning Provisions for Marijuana Establishments (non-medical)

Town of Athol

Proposed Zoning Provisions for Licensed Marijuana Establishments (Not Medically Prescribed)

Final Draft Bylaw – BPCD submission for inclusion on March 5, 2018 Special Town Meeting Warrant

Prepared Initially with additional input by Consulting Planner Russell J. Burke, AICP BSC Group

with input from Athol Planning Director Eric Smith, AICP and parameters input provided by the Working Group and BPCD through the January 16, 2018 BPCD Meeting

To see if the Town of Athol will vote to amend the Athol Zoning Bylaws, Article I, Administration and Procedure, to create a new Section 1.7, Severability.

1.7 Severability The provisions of this zoning bylaw are severable. In the event that any provision of this zoning bylaw is determined to be invalid for any reason, the remaining provisions shall remain in full force and effect.

To see if the Town of Athol will vote to amend the Athol Zoning Bylaws Article III, by adding a new stand-alone section, Section 3.29, Licensed Marijuana Establishments, to the Athol Zoning Bylaw.

3.29 Licensed Marijuana Establishments

3.29.1 Purpose and Intent

3.29.1.1 The purpose and intent of this bylaw is to provide criteria for the placement of Licensed Marijuana Establishments (LME) in the Town of Athol and to ensure that proper security measures are in place in order to prevent adverse impacts on public health, property values of residential and commercial properties, the business climate and the general quality of life in the community.

3.29.1.2 Massachusetts General laws Chapter 94 G Section 3 sets forth the framework for the adoption of zoning provisions by municipalities that “impose reasonable safeguards on the operation of marijuana establishments provided they are not unreasonably impracticable” and are not in conflict with Massachusetts General Laws Chapter 94G, which is for the regulation of the use and distribution of marijuana not medically prescribed, and regulations promulgated by the Massachusetts Cannabis Control Commission. This zoning bylaw provides criteria for the siting of Licensed Marijuana Establishments in the Town of Athol for these purposes.

3.29.2 Licensed Marijuana Establishment by Special Permit

3.29.2.1 A Licensed Marijuana Establishment in the Town of Athol shall require a Special Permit from the Athol Board of Planning and Community Development (BPCD).

3.29.2.2 Licensed Marijuana Establishments that involve the retail sales, testing, cultivation, processing, distribution, and or any other of marijuana and/or other licensed marijuana related business or businesses, shall be allowed by Special Permit only in the following zoning districts:

Final Draft Bylaw – BPCD submission for March 5, 2018 Special Town Meeting Warrant

- Central Commercial (CA)
- General Commercial (G)
- Industrial Commercial (I)

3.29.2.3 Onsite consumption of marijuana is not permitted at any Licensed Marijuana Establishment.

3.29.2.4 A special permit must be approved for each Licensed Marijuana Establishment location.

3.29.2.5 No activity shall be conducted at the Licensed Marijuana Establishment other than that for which the special permit has been issued.

3.29.2.6 The Special Permit shall not be reassigned or transferred.

3.29.2.7 Any special permit granted for a Licensed Marijuana Establishment shall:

- Be specific to the applicant, shall be in effect concurrent with the applicant's ownership or leasehold on the property and shall expire upon expiration of the applicant's lease or upon sale or transfer of the applicant's property or business.
- Expire upon the expiration or termination of the applicant's License by the Massachusetts Cannabis Control Commission

3.29.2.8 A new Special Permit application or Special Permit application for renewal must be submitted and approved for a Marijuana Establishment to continue operations in the event of a lapsed Special Permit.

3.29.2.9 The holder of the Special Permit shall notify the Zoning Enforcement Officer and the Board of Planning and Community Development in writing within 48 hours of the cessation of operation of the Licensed Marijuana Establishment or the expiration or termination of the Special Permit holder's License with the Massachusetts Cannabis Control Commission.

3.29.3 Standards and Conditions

3.29.3.1 Setbacks: Licensed Marijuana Establishments shall not be located within the following distances:

- a. Five hundred (500 feet) from a structure used as a pre-school with outdoor play areas that is licensed with the Massachusetts Department of Early Education and Care or a private or public school providing education in kindergarten or any of grades 1 through 12.
- b. Two-hundred and fifty (250) feet from the following Town of Athol-owned parks, playgrounds and/or recreational areas:
 - i. Alan E. Rich Environmental Park
 - ii. Fish Park
 - iii. Lake Ellis Park
 - iv. Lake Park
 - v. Millers River Park
 - vi. Silver Lake Park
 - vii. Uptown Common

3.29.3.2 Measure of Distance: The distances specified above shall be measured by a straight line from the point of the front door for which the proposed Licensed Marijuana Establishment is to be located.

3.29.3.3 Off street parking for licensed marijuana establishment shall be provided in accordance with the most applicable provisions of Section 3.6 Parking Requirements.

3.29.3.4 No licensed marijuana establishment may be located in a building or structure that contains the following uses:

- a. Residential dwellings or group homes
- b. A licensed childcare facility registered with the town
- c. A structure or parcel owned, operated or maintained by the federal government
- d. A structure used for educational or religious purposes
- e. A structure where children commonly congregate

3.29.3.5 The hours of operation for marijuana retailers shall be established by the Special Permit Granting Authority, but in no event shall a facility be open to the public beyond the following operating hours: 10:00am-8:00pm Monday-Saturday and 12:00pm-6:00pm Sunday.

3.29.3.6 No odor from marijuana or its processing shall be detected by a person with an unimpaired and otherwise normal sense of smell at the exterior of the Licensed Marijuana Establishment or at any adjoining use or property.

3.29.3.7 No marijuana product or any accessory paraphernalia shall be visible to the general public from the exterior of the building or property line.

3.29.3.8 All licensed marijuana retailer dispensaries shall be required to have a double door entry system. The first door can be unlocked, but the second door must have a secured entry with persons of only legal age allowed to enter.

3.29.4 Licensed Marijuana Establishment Security Requirements

3.29.4.1 The applicant for a special permit for a Licensed Marijuana Establishment shall provide the Athol Police Department with the following information:

- a. All information described in section 3.26.5.1 a – i.
- b. All information necessary to demonstrate compliance with 935 CMR 500.110, Security Requirements for Marijuana Establishments and other relevant security regulations that may be promulgated by the Massachusetts Cannabis Control Commission for Licensed Marijuana Establishments.

3.29.4.2 The Athol Police Department shall provide the applicant documentation that the information in section 3.26.5.1 has been provided and the date it was received.

3:29.4.3 The Athol Police Department shall have thirty (30) days to review the information provided by the applicant. Upon completion of the review period, if the Athol Police Department determines that additional security requirements not addressed in 105 CMR 725.110 are warranted, they shall inform the applicant and the BPCD in writing.

3.29.5 Licensed Marijuana Establishment Special Permit/Site Plan Approval Application Requirements.

3.29.5.1 Applications for Licensed Marijuana Establishments Special Permit and Site Plan Review (if required) shall include all the submission requirements for Site Plan Review in Sections 3.18.7.3 and 3.18.7.4 unless the certain non applicable requirements are waived by the Board of Planning and Community Development and the following additional information:

- a. Address of the Licensed Marijuana Establishment
- b. A statement declaring the activities that will be conducted at the Licensed Marijuana Establishment which shall include one or more of the following:
 - i. dispensing marijuana
 - ii. cultivating marijuana
 - iii. processing marijuana
 - iv. testing of marijuana
 - v. marijuana distribution facility
 - vi. other licensed marijuana business or businesses
- c. Name, address and phone number of the legal owner of the Licensed Marijuana Establishment - The individual(s) or entity issued, or applying for, the Certificate of Registration from the Massachusetts Cannabis Control Commission
- d. Name, address and phone number of the legal owner of the property
- e. Name, address, phone number, and after-hours contact information of the manager of the Licensed Marijuana Establishment
- f. Description and illustration of the physical layout of the premises
- g. Plan and accompanying documentation on how the applicant will address and mitigate odor control at the premises.
- h. The applicant shall submit a line queue plan to ensure the movement of pedestrian and/or vehicle traffic along the public right of ways and on the premises will be adequately addressed.
- i. Documentation of Athol Police Department's receipt of the information listed in Section 3.29.4.1

3.29.5.2 The applicant shall provide the information defined in section 3.29.5.1 a - i, to the Building Inspector/Zoning Agent, the Conservation Commission, the Historical Commission, the Department of

Public Works, Board of Selectmen, Board of Health, and the Fire Chief for their advisory review and comments. The applicant shall submit proof of receipt from each of these departments to the BPCD.

3.29.5.3 Agents for the departments listed in section 3.29.5.2 shall have thirty (30) days to review the information provided by the applicant and to submit written comments to the BPCD. Failure to respond to the BPCD within this timeframe shall be construed as lack of opposition to the application as submitted.

3.29.5.4. Conditions, Safeguards and Limitations, for Licensed Marijuana Establishments In granting a special permit, the Board of Planning and Community Development may impose additional conditions, safeguards and limitations on the permit.

3.29.6 Licensed Marijuana Establishment Operational Requirements

3.29.6.1 Before the Licensed Marijuana Establishment becomes operational, the applicant must provide the Police Department, the Athol Board of Health and the Building Department, a copy of the License issued by the Massachusetts Cannabis Control Commission.

3.29.6.2 The Licensed Marijuana Establishment shall post the License issued by the Massachusetts Cannabis Control Commission in a conspicuous location on the premises approved by the Zoning Enforcement Officer

3.29.7 Number of Marijuana Retailers Establishments

The number of Licensed Marijuana Retailers Establishments in the Town of Athol shall not exceed 20% of the number of licenses issued for the sale of alcohol not to be consumed on the premises under Massachusetts General laws Chapter 138, Section 15. Said number to be rounded up to the next whole number.

3.28.8 Special Permit Procedures The Special Permit application shall be filed in accordance with the requirements of this section and the Planning Board Filing Requirements & Fees, as most recently adopted.

3.28.9 Special Permit Criteria In addition to the findings required in Section 1.2.6.2, the Special Permit Granting Authority must also find that the proposal does not contravene the purposes and intent of this section.

To further see if the Town of Athol will vote to amend Article IV, Definitions, by adding the following definitions of terms related to recreational marijuana establishments within Section 4.1, definitions.

4.1 Definitions

Marijuana: All parts of the plant *Cannabis sativa L.*, whether growing or not; the seeds thereof; and resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture or preparation of the plant, its seeds or resin. It does not include the mature stalks of the plant, fiber

produced from the stalks, oil, or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture or preparation of the mature stalks, except the resin extracted therefrom, fiber, oil or cake or the sterilized seed of the plant which is incapable of germination. The term also includes MIPs except where the context clearly indicates otherwise.

Marijuana cultivator, an entity licensed to cultivate, process and package marijuana, to deliver marijuana to marijuana establishments and to transfer marijuana to other marijuana establishments, but not to consumers.

Marijuana establishment, a marijuana cultivator, marijuana testing facility, marijuana product manufacturer, marijuana retailer, any other type of licensed marijuana-related business or businesses at a single location, or any combination thereof at a single location.

Marijuana product manufacturer, an entity licensed to obtain, manufacture, process and package marijuana and marijuana products, to deliver marijuana and marijuana products to marijuana establishments and to transfer marijuana and marijuana products to other marijuana establishments, but not to consumers.

Marijuana products, products that have been manufactured and contain marijuana or an extract from marijuana, including concentrated forms of marijuana and products composed of marijuana and other ingredients that are intended for use or consumption, including edible products, beverages, topical products, ointments, oils and tinctures.

Marijuana testing facility, an entity licensed to test marijuana and marijuana products, including certification for potency and the presence of contaminants.

Marijuana retailer, an entity licensed to purchase and deliver marijuana and marijuana products from marijuana establishments and to deliver, sell or otherwise transfer marijuana and marijuana products to marijuana establishments and to consumers.

Marijuana transportation or distribution facility, an entity with a fixed location or service that delivers marijuana and marijuana products to marijuana establishments and transfers marijuana and marijuana products to other marijuana establishments, but not to consumers. This shall include the temporary storage of marijuana products on premises associated with their transportation and distribution.

Zoning Enforcement Officer: The Building Inspector is the Zoning Enforcement Officer for the Town of Athol.

And to further see if the Town of Athol will vote to amend the Athol Zoning Bylaws Article II, Section 2.3, Use Regulation Schedule, by adding, under the category of COMMERCIAL USES, the sub-category Licensed Marijuana Establishments, which would be allowed by Special Permit, indicated as such by "SP" in Central Commercial (CA), General Commercial (G) and Industrial Commercial (I), but not allowed in other Athol Zoning districts (indicated as such by "N").

<u>2.3 Use Regulation Schedule</u>	Residence A	Residence B	Residence C	Central Commercial	Neighborhood Commercial	General Commercial	Industrial Commercial
COMMERCIAL USES	<u>RA</u>	<u>RB</u>	<u>RC</u>	<u>CA</u>	<u>CB</u>	<u>G</u>	<u>I</u>
Licensed Marijuana Establishments	N	N	N	SP	N	SP	SP

Attachment G

Town of Hanson, MA Planning Board Public Notice of
Hearing and List of Special Requirements for
Marijuana Establishments



THE COMMONWEALTH OF MASSACHUSETTS
TOWN OF HANSON
PLANNING BOARD
NOTICE OF PUBLIC HEARING

In accordance with the Massachusetts General Laws Chapter 40A Section 5, The Zoning Act, you are hereby being notified of a Public Hearing to amend the **Town of Hanson Land Use Regulations Zoning By-law** as per the attached notice:

The Town of Hanson Planning Board will conduct a public hearing on **Monday, September 12, 2018 at 7:15 p.m.** at the Hanson Town Hall Second Floor Hearing Room, 542 Liberty Street, Hanson, MA. The Planning Board will review proposed amendments to the **Town of Hanson Land Use Regulations Zoning By-law**.

- To see if the Town will vote to amend the Town of Hanson Land Use Regulations Zoning By-laws by amending Section VI, subsection M, **MARIJUANA ESTABLISHMENTS**, to prohibit Marijuana Retailers in all zoning districts in the Town of Hanson

And/or take any action relative thereto.

A copy of the revised by-law may be reviewed at the office of the Town Clerk, Hanson Town Hall, 542 Liberty Street, Hanson, MA, during normal business hours. All person's parties or corporations interested therein may appear and be heard in relation thereto.

Hanson Planning Board
Joseph Weeks, Chairman
Tuesday August 20, 2018
Tuesday August 27, 2018

M SPECIAL REQUIREMENTS FOR MARIJUANA ESTABLISHMENTS

1. Purposes

- A. To prohibit Marijuana Retailers in the Town of Hanson in all zoning districts.
- B. To provide for the establishment of Marijuana Establishments, excluding Marijuana Retailers, in appropriate places and under strict conditions in accordance with the Regulation and Taxation of Marijuana Act, as amended, and as codified in G.L. c. 94G, §1, *et seq.*, and the Cannabis Control Commission (CCC) Regulations promulgated thereunder, 935 CMR 500.000, as the same may be amended from time-to-time.
- C. To minimize the adverse impacts of Marijuana Establishments on adjacent properties, residential neighborhoods, schools and other places where children congregate, local historic districts, and other land uses potentially incompatible with said Establishments.
- D. To regulate the siting, design, placement, security, safety, monitoring, modification, and removal of Marijuana Establishments, excluding Marijuana Retailers.

2. Applicability

- A. Marijuana Retailers shall be prohibited in all zoning districts in the Town of Hanson.
- B. The commercial cultivation, production, processing, assembly, packaging or wholesale sale, trade or distribution of Marijuana as regulated pursuant to G.L. c. 94G is prohibited unless permitted as a Marijuana Establishment under this Section VI.M.
- C. No Marijuana Establishment shall be established except in compliance with the provisions of this Section VI.M.
- D. Nothing in this Bylaw shall be construed to supersede federal and state laws governing the sale and distribution of narcotic drugs.
- E. If any provision of this Section or the application of any such provision to any person or circumstance shall be held invalid, the remainder of this Section, to the extent it can be given effect, or the application of those provisions to persons or circumstances other than those to which it is held invalid, shall not be affected thereby, and to this end the provisions of this Section are severable.

3. Definitions

Craft Marijuana Cultivator Cooperative - shall mean a marijuana cultivator comprised of residents of the commonwealth organized as a limited liability company or limited liability partnership under the laws of the commonwealth, or an appropriate business structure as determined by the commission, and that is licensed to cultivate, obtain, manufacture, process, package and brand marijuana and marijuana products to deliver marijuana to marijuana establishments but not to consumers, as defined the Massachusetts General Laws, Chapter 94G.

Marijuana Cultivator - shall mean an entity licensed to cultivate, process and package marijuana, to deliver marijuana to marijuana establishments and to transfer marijuana to other marijuana establishments, but not to consumers, as defined the Massachusetts General Laws, Chapter 94G.

Marijuana Establishment - shall mean considered a cultivator, marijuana testing facility, marijuana product manufacturer, marijuana retailer or any other type of licensed marijuana-related business, all as defined the Massachusetts General Laws, Chapter 94G, said Marijuana Establishments shall be deemed independent of any other definition in this by-law and not a subset or subcategory of any other category.

Marijuana Product Manufacturer - shall mean an entity licensed to obtain, manufacture, process and package marijuana and marijuana products, to deliver marijuana and marijuana products to marijuana establishments and to transfer marijuana and marijuana products to other marijuana establishments, but not to consumers, as defined the Massachusetts General Laws, Chapter 94G.

Marijuana Retailer - shall mean an entity licensed to purchase and deliver marijuana and marijuana products from marijuana establishments and to deliver, sell or otherwise transfer marijuana and marijuana products to marijuana establishments and to consumers, as defined the Massachusetts General Laws, Chapter 94G, further provided that Marijuana Retailers may not be considered Retail Business in any other context.

Marijuana Testing Facility - shall mean an entity licensed to test marijuana and marijuana products, including certification for potency and the presence of contaminants, as defined the Massachusetts General Laws, Chapter 94G.

4. Eligible Locations for Marijuana Establishments.

Marijuana Retailers shall be prohibited in the Town of Hanson.

Marijuana Establishments, expressly excluding Marijuana Retailers, may be allowed by Special Permit from the Town of Hanson Board of Selectmen in the following locations: Assessors Map 59 Lots 17-3, 17-4, 17-5, 17-6, 17-7, 17-8, 17-10, 17-11, 17-12, 17-13, Assessors Map 52 Lot 17-16, as depicted on a plan entitled Marijuana Distribution Area Overlay District Plan, Job Number P-2967, prepared by Land Planning, Inc. of Hanson, Massachusetts, provided the facility meets the requirements of this Section VI.M.

5. General Requirements and Conditions for all Marijuana Establishments.

A. All Marijuana Establishments shall be contained within a building or structure.

B. No Marijuana Establishment may be located within 1,000 feet of a pre-existing public or private school providing education in kindergarten or any of grades 1 through 12.

C. No Marijuana Establishment shall have a gross floor area of less than 2,500 square feet or in excess of 20,000 square feet.

D. A Marijuana Establishment shall not be located in buildings that contain any medical doctors in excess of 20,000 square feet.

E. The hours of operation of Marijuana Establishments shall be set by the Special Permit Granting Authority, but in no event shall said Establishments be open and/or operating between the hours of 8:00 PM and 8:00 AM.

F. No smoking, burning or consumption of any product containing marijuana or marijuana-related products shall be permitted on the premises of a Marijuana Establishment.

G. No Marijuana Establishment shall be located inside a building containing residential units, including transient housing such as motels and dormitories, or inside a movable or mobile structure such as a van or truck.

H. Marijuana Establishments shall provide the Hanson Police Department, Building Commissioner and the Special Permit Granting Authority with the names, phone numbers and email addresses of all management staff and key holders to whom one can provide notice if there are operating problems associated with the establishment.

6. Special Permit Requirements

A. A Marijuana Establishment shall only be allowed by special permit from the Town of Hanson Board of Selectmen in accordance with G.L. c. 40A, except Marijuana Retailers which are prohibited.

B. A special permit for a Marijuana Establishment shall be limited to one or more of the uses that shall be prescribed by the Special Permit Granting Authority as defined in the definitions section above.

C. In addition to the application requirements set forth in Sections VI.M.5 and VI.M.6 of this Bylaw, a special permit application for a Marijuana Establishment shall include the following:

- 1) the name and address of each owner of the facility;
- 2) copies of all required licenses and permits issued to the applicant by the Commonwealth of Massachusetts and any of its agencies for the Establishment;
- 3) evidence of the Applicant's tenancy or ownership of the site for the Establishment, such as a deed or lease;
- 4) if the Applicant is a business organization, a statement under oath disclosing all of its owners, shareholders, partners, members, managers, directors, officers, or other similarly-situated individuals and entities and their addresses. If any of the above are entities rather than persons, the Applicant must disclose the identity of the owners of such entities until the disclosure contains the names of individuals;
- 5) a certified list of all parties in interest entitled to notice of the hearing for the special permit application, taken from the most recent tax list of the town and certified by the Town Assessor;

6) Proposed security measures for the Marijuana Establishment, including lighting, fencing, gates and alarms, etc., to ensure the safety of persons and to protect the premises from theft.

D. Mandatory Findings. The Special Permit Granting Authority shall not issue a special permit for a Marijuana Establishment unless it finds that:

- 1) the Marijuana Establishment is designed to minimize any adverse visual or economic impacts on abutters and other parties in interest, as defined in G.L. c. 40A, § 9.
- 2) the Marijuana Establishment demonstrates that it will meet all the permitting requirements of all applicable agencies within the Commonwealth of Massachusetts and will be in compliance with all applicable state laws and regulations; and
- 3) the applicant has satisfied all of the conditions and requirements of Sections VI.M.5 and VI.M.6 herein;

E. Annual Reporting. Each Marijuana Establishment permitted under this Bylaw shall as a condition of its special permit file an annual report to and appear before the Special Permit Granting Authority and the Town Clerk no later than January 31st, providing a copy of all current applicable state licenses for the Marijuana Establishment and/or its owners and demonstrate continued compliance with the conditions of the Special Permit.

F. A special permit granted under this Section shall have a term limited to the duration of the applicant's state approval as a Marijuana Establishment. A special permit may be transferred only with the approval of the Special Permit Granting Authority in the form of an amendment to the special permit with all information required in this Section VI-M.

G. The Board shall require the applicant to post a bond at the time of construction to cover costs for the removal of the Marijuana Establishment in the event the Town must remove the Marijuana Establishment. The value of the bond shall be based upon the ability to completely remove all the items associated with the Marijuana Establishment and properly clean the facility at prevailing wages. The value of the bond shall be developed based upon the applicant providing the Town of Hanson Board of Selectmen with three (3) written bids to meet the noted requirements. An incentive factor of 1.5 shall be applied to all bonds to ensure compliance and adequate funds for the town to remove the Marijuana Establishment at prevailing wages.

7. Abandonment or Discontinuance of Use

A. A Special Permit shall lapse if not exercised within one year of issuance.

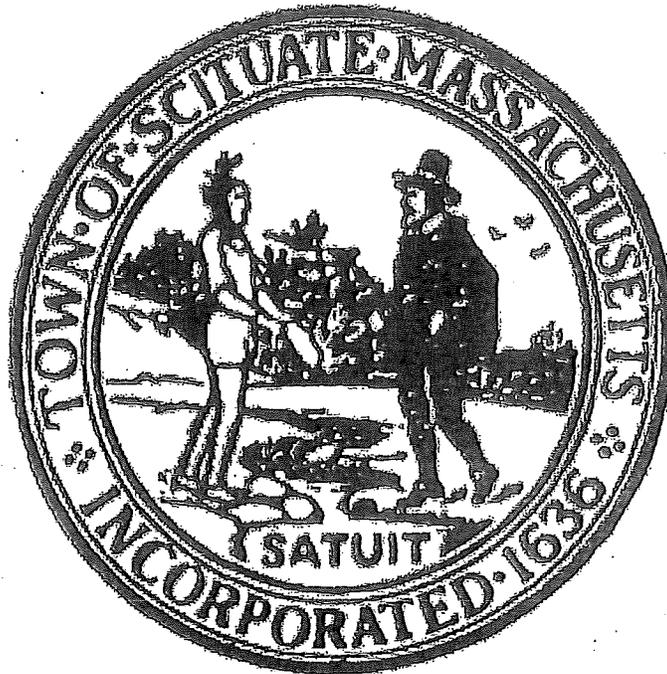
B. A Marijuana Establishment shall be required to remove all material, plants equipment and other paraphernalia:

- 1) prior to surrendering its state issued licenses or permits; or
- 2) within six months of ceasing operations; whichever comes first.

Attachment H

Town of Scituate, MA Zoning Bylaws Prohibiting
Marijuana Establishments

ZONING BYLAWS



Town of Scituate Massachusetts

Revisions voted at the Annual Town Meeting: **April 10, 2018**
Approved by the Attorney General: June 4, 2018

Printed June 21, 2018

490.7 DESIGN CRITERIA

- A. Design standards for roads and utilities shall generally conform to those contained in the Planning Board's Regulations for Subdivision Control insofar as reasonably applicable and consistent with Section B, below, but the board may vary those standards to meet the particular needs of the PDD or the general area. In any event, design criteria for development within the PDD shall conform to the guidelines contained in the latest official aquifer study, published at the time of permit application, within the so called "Delineated Zone II Area of Contribution" surrounding public water well #18A, and shall conform to current regulations of the Massachusetts Department of Environmental Protection with regard to well-head protection measures.
- B. In addition, the Planning Board shall employ the following design provisions for the PDD:
1. Finished site grades on Subdistricts A and B shall be maintained a minimum of four feet above ground water.
 2. Stormwater drainage systems on Subdistricts A and B shall be designed to infiltrate collected water into the ground without contamination. Stormwater shall not be conducted outside the subdistricts or directly to the pond.
 3. No fertilizers, herbicides and pesticides detrimental to ground water quality shall be used on Subdistricts A and B. Irrigation water for Subdistrict B shall be potable.
 4. Sanitary wastes shall be collected in watertight sewers, or a private sewage disposal system approved by the Board of Health (and the Massachusetts Department of Environmental Protection when required).
 5. No salt or other de-icing chemicals shall be used on pavements within Subdistricts A and B.
 6. The use of paved areas shall be minimized within the PDD.

491 TEMPORARY MORATORIA

491.1. Temporary Moratorium on the Sale and Distribution of Recreational Marijuana

- A. Purpose. By vote at the State election on November 8, 2016, the voters of the Commonwealth approved a law regulating the cultivation, distribution, possession and use of marijuana for recreational purposes. The law provided that it became effective on December 15, 2016 and the Cannabis Control Commission was required to issue regulations regarding implementation by September 15, 2017. This law was amended on December 30, 2016 so it will become effective on March 15, 2018 and the Cannabis Control Commission is required to issue regulations regarding implementation by March 15, 2018 and to begin accepting applications for licenses on April 1, 2018.

Currently under the Zoning Bylaw, Recreational Marijuana Establishments and Marijuana Retailers are not a permitted use in the Town and any regulations promulgated by the State Cannabis Control Commission are expected to provide guidance to the Town in regulating Recreational Marijuana Establishments and

Marijuana Retailers. Further, the ballot measure establishes two important provisions that require ballot action by the Town prior to the adoption of zoning. First, the Town must, by ballot, determine whether it will allow Recreational Marijuana Establishments and Marijuana Retailers and second, by ballot that cannot occur prior to November 6, 2018, the next biennial state election, on whether to allow on-site consumption of marijuana products should the Town decide to allow such facilities.

The regulation of Recreational Marijuana Establishments and Marijuana Retailers raises novel and complex legal, planning, and public safety issues and the Town needs time to study and consider the regulation of Recreational Marijuana Establishments and Marijuana Retailers and address such novel and complex issues, as well as to address the potential impact of the State regulations on local zoning and to undertake a planning process to consider amending the Zoning Bylaw regarding regulation of Recreational Marijuana Establishments and Marijuana Retailers and other uses related to the regulation of recreational marijuana. The Town intends to adopt a temporary moratorium on the use of land and structures in the Town for Recreational Marijuana Establishments and Marijuana Retailers so as to allow the Town sufficient time to engage in a planning process to address the effects of such structures and uses in the Town and to adopt provisions of the Zoning Bylaw in a manner consistent with sound land use planning goals and objectives.

B. Definitions?

"Manufacture", to compound, blend, extract, infuse or otherwise make or prepare a marijuana product.

"Marijuana accessories", equipment, products, devices or materials of any kind that are intended or designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, ingesting, inhaling or otherwise introducing marijuana into the human body.

"Marijuana cultivator", an entity licensed to cultivate, process and package marijuana, to deliver marijuana to marijuana establishments and to transfer marijuana to other marijuana establishments, but not to consumers.

"Marijuana establishment", a marijuana cultivator, marijuana testing facility, marijuana product manufacturer, marijuana retailer or any other type of licensed marijuana-related business.

"Marijuana product manufacturer", an entity licensed to obtain, manufacture, process and package marijuana and marijuana products, to deliver marijuana and marijuana products to marijuana establishments and to transfer marijuana and marijuana products to other marijuana establishments, but not to consumers.

"Marijuana products", products that have been manufactured and contain marijuana or an extract from marijuana, including concentrated forms of marijuana and products composed of marijuana and other ingredients that are intended for use or consumption, including edible products, beverages, topical products, ointments, oils and tinctures.

"Marijuana retailer", an entity licensed to purchase and deliver marijuana and marijuana products from marijuana establishments and to deliver, sell or otherwise transfer marijuana and marijuana products to marijuana establishments and to consumers.

"Marijuana testing facility", an entity licensed to test marijuana and marijuana products, including certification for potency and the presence of contaminants.

- C. Temporary Moratorium. For the reasons set forth above and notwithstanding any other provision of the Zoning Bylaw to the contrary, the Town hereby adopts a temporary moratorium on the use of land or structures for Recreational Marijuana Establishments and Marijuana Retailers. The moratorium shall be in effect through November 30, 2018. During the moratorium period, the Town shall undertake a planning process to address the potential impacts of recreational marijuana in the Town, consider the Cannabis Control Commission regulations regarding Recreational Marijuana Establishments and Marijuana Retailers and related uses, determine whether the town shall restrict any, or all Recreational Marijuana Establishments and Marijuana Retailers through any available legal means, determine whether the town will prohibit on-site consumption at Recreational Marijuana Establishments and Marijuana Retailers and shall consider adopting new provisions of the Zoning Bylaw to address the impact and operation of Recreational Marijuana Establishments and Marijuana Retailers and related uses.
- D. Severability. The provisions of this by-law are severable. If any provision, paragraph, sentence, or clause of this By-law or application thereof to any person, establishment, or circumstance shall be held invalid, such invalidity shall not affect the other provisions or application of this bylaw.

492 PROHIBITION OF MARIJUANA ESTABLISHMENTS

In accordance with Massachusetts General Laws Chapter 94G, Section 3(a)(2), all types of marijuana establishments, as defined in Massachusetts General Laws Chapter 94G, Section 1 and as may otherwise be defined by Massachusetts law or regulation, to include, without limitation, all marijuana cultivators, marijuana testing facilities, marijuana product manufacturers, marijuana retailers, on-site consumption of marijuana at a marijuana retailer location, any other types of licensed marijuana-related businesses, and the conducting of any such activity for commercial purposes by whichever name used, shall be prohibited within the Town of Scituate. This prohibition shall not be construed to affect the medical use of marijuana as expressly authorized by the provisions of Chapter 369 of the Acts of 2012 and 105 CMR 725.000 (as the same may be amended from time to time).

SECTION 500 - SPECIAL DISTRICTS

510

RESIDENTIAL CLUSTER DISTRICT

510.1 PURPOSE

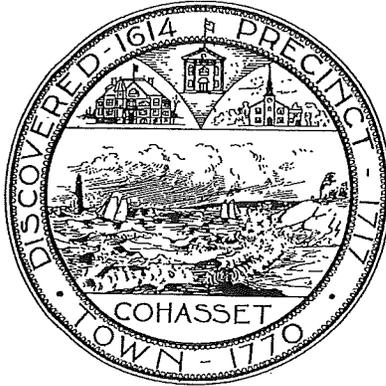
The purpose of the Residential Cluster (RC) District, in addition to purposes set out in Massachusetts General Laws, Chapter 40A and the local zoning, is to encourage the more efficient use of land in harmony with its natural features; to encourage creativity in the design of developments through a carefully controlled process; to encourage a less

Attachment I

Town of Cohasset, MA Town Meeting Warrant
Article Prohibiting Marijuana Establishments

TOWN OF COHASSET

WARRANT



**ANNUAL TOWN MEETING
MONDAY, APRIL 30, 2018
7:00 P.M.**

**COHASSET HIGH SCHOOL
SULLIVAN GYMNASIUM**

INFORMATIONAL SUMMARY: The proposed changes to the Large House Plan Review zoning bylaw will provide clarity of the review requirements and provides relief for those homeowners planning small changes to their existing house. All language will be included in the proposed renumbering of the Cohasset Bylaws.

Board of Selectmen: Recommend Approval by a Vote of 5-0
Advisory Committee: Recommend Approval by a Vote of 8-0
Planning Board: Recommend Approval by a Vote of 3-0

Article 21: General Bylaw Amendment Article for Prohibition of Marijuana Establishments

To see if the Town will vote to amend the Town of Cohasset General Bylaws by adding a new Section 43 to Article VII of such Bylaws entitled Prohibition of Marijuana Establishments; or to take any other action related thereto.

Section 43. Prohibition of Marijuana Establishments

Pursuant to Section 3 of Chapter 94G of Massachusetts General Laws, all types of marijuana establishments, as defined by Section 1 of Chapter 94G of Massachusetts General Laws and as may otherwise be defined by Massachusetts law or regulation, including without limitation all marijuana cultivators, marijuana testing facilities, marijuana product manufacturers, marijuana retailers, on-site consumption at a business location, all other types of licensed marijuana-related businesses, and the conducting of any such activity for commercial purposes by whichever name used, shall be prohibited within the Town of Cohasset. This prohibition shall not be construed to affect the medical use of marijuana as expressly authorized by the provisions of Chapter 369 of the Acts of 2012 and 105 CMR 725.000.

BOARD OF SELECTMEN

INFORMATIONAL SUMMARY: This Article would ban retail marijuana sale, businesses, and all related activity in Cohasset.

Board of Selectmen: Recommend Approval by a Vote of 5-0
Advisory Committee: Recommend Approval by a Vote of 5-4

Article 22: Zoning Bylaw Amendment Article for Prohibition of Marijuana Establishments

To see if the Town will vote to amend the Town of Cohasset Zoning Bylaw to prohibit marijuana establishments in all zoning districts by amending the Table of Use Regulations in Section 300-4.2 of the Zoning Bylaw to insert at the end of the Table of Use Regulations a new provision and a new subsection 15 to Section 300-4.3 as follows; or to take any other action related thereto.

Marijuana Establishments (Non Medical) No No No No No No No No No No

15. Marijuana Establishments Prohibited. Pursuant to Section 3 of Chapter 94G of Massachusetts General Laws, all types of marijuana establishments, as defined by Section 1 of Chapter 94G of Massachusetts General Laws and as may otherwise be defined by Massachusetts law or regulation, including without limitation all marijuana cultivators, marijuana testing facilities, marijuana product manufacturers, marijuana retailers, on-site consumption at a business location, all other types of licensed marijuana-related businesses, and the conducting of any such activity for commercial purposes by whichever name used, shall be prohibited within all zoning districts and the Town of Cohasset. This prohibition shall not be construed to affect the medical use of marijuana as expressly authorized by the provisions of Chapter 369 of the Acts of 2012 and 105 CMR 725.000.

Board of Selectmen for the PLANNING BOARD

INFORMATIONAL SUMMARY: This Article would ban all retail and other marijuana businesses from Cohasset (with the exception of medical marijuana, which is already allowed in one zoning district).

Board of Selectmen: Recommend Approval by a Vote of 5-0
Advisory Committee: Recommend Approval by a Vote of 5-4
Planning Board: Recommend Approval by a Vote of 3-0

Article 23: Zoning Bylaw Amendment Article to Extend Temporary Moratorium

To see if the Town will vote to amend the Town of Cohasset Zoning Bylaw to extend the temporary moratorium on marijuana establishments by six months through December 31, 2018 to allow the Town time to study, reflect and decide on how to govern the time, place and manner of marijuana establishment operations and the number of marijuana establishments consistent with Chapter 94G of the General Laws and the regulations of the Cannabis Control Commission by replacing June 30, 2018 with December 31, 2018 so that Subsection 21.4 of Section 21 shall be amended to read as follows:

21.4 Expiration. Section 21 of the Zoning Bylaw and the temporary moratorium shall be in effect through the end of December 31, 2018.

Or to take any action related thereto.

Board of Selectmen for the PLANNING BOARD

INFORMATIONAL SUMMARY: This Article would extend the moratoria on all retail and marijuana related businesses in Cohasset to allow for further study of the issue should Articles 22 and 23 not be adopted.

Board of Selectmen: Recommend Approval by a Vote of 5-0
Advisory Committee: Recommend Approval by a Vote of 9-0
Planning Board: Recommend Approval by a Vote of 3-0

Attachment J

Example of a Town Warrant Article to Approve Local
Taxation of Marijuana Establishments

Local Acceptance of Tax Provision

ARTICLE: _____

Shall the Town vote to accept the provisions of Massachusetts General Laws Chapter 64N, Section 3 to impose a 3% local sales tax on the sale or transfer of marijuana or marijuana products by a marijuana retailer operating within the Town of Hanson.