

ARTICLE XVII
MEDICAL MARIJUANA CULTIVATION/PROCESSING OVERLAY DISTRICT

17.01 Purpose.

To provide for the placement of Medical Marijuana Cultivation/Processing Centers (“MMCP”), in accordance with An Act To Ensure Safe Access to Marijuana, c.55 of the Acts of 2017 and all regulations which have or may be issued by the Department of Public Health and/or the Cannabis Control Commission, including, but not limited to 105 CMR 725.00 implementing this Act, in locations suitable for such uses, which will minimize adverse impacts of MMCPs on adjacent properties, residential neighborhoods, schools, playgrounds, public beaches and other locations where minors congregate by regulating the siting, design, placement, security, and removal of MMCPs.

17.02 Establishment.

The Medical Marijuana Cultivation/Processing Overlay District (“MMCPD”) is established as an overlay district. The boundaries of the MMCPD are shown on the Zoning Map on file with the Town Clerk and shall comprise the following parcels, as set forth on the maps of the Town Board of Assessors:

All lots within the Business Park Zoning District and Lot 1 of Assessors Map 45.

Within the MMCPD, all requirements of the underlying zoning district remain in effect, except where these regulations provide an alternative to such requirements. Land within the MMCPD may be used for (1) a Medical Marijuana Cultivation/Processing Center (“MMCP”); and (2) a use allowed in the underlying district, in which case the requirements of the underlying district shall apply. If the provisions of the MMCPD are silent on a zoning regulation, the requirements of the underlying district shall apply. If the provisions of the MMCPD conflict with the requirements of the underlying district, the requirements of the MMCPD shall control.

17.03 Definitions.

Where not expressly defined in the Zoning By-Laws, terms used in the MMCPD By-Law shall be interpreted as defined in Humanitarian Medical Use of Marijuana Act, G. L. c.94C, App. §1-1, Department of Public Health 105 CMR 725.00, G.L. c.94G and any regulations issued by the Cannabis Control Commission implementing these laws, and otherwise by their plain language.

- A. Medical Marijuana Cultivation/Processing Centers (“MMCP”) shall mean an entity registered by the Department of Public Health or the Cannabis Control Commission that cultivates, possesses, transfers, transports and/or processes medical use marijuana or products containing medical use marijuana and related supplies to qualifying Medical Marijuana Treatment Centers.
- B. Medical Marijuana Treatment Center shall mean an entity licensed by the Department of Public Health or the Cannabis Control Commission under a medical use marijuana license that acquires, cultivates, possesses, processes, transfers, transports, sells, distributes, dispenses, or administers marijuana, products containing marijuana, related supplies, or educational materials for the benefit of registered qualifying patients or their personal caregivers in the treatment of debilitating medical conditions or the symptoms thereof.

17.04 Location and Dimensional Controls.

- A. MMCPs may be permitted in the MMCPD pursuant to a Special Permit and Site Plan Review.
- B. MMCPs may not be located within 500 feet of the following pre-existing uses:

1. Public or private school providing education in kindergarten or grades 1 through 12;
2. State-licensed Child Care Facility;
3. Library, playground, public park, youth center; or similar facility in which minors commonly congregate.

The distance under this section shall be measured in a straight line from the nearest point of the property line of the protected uses identified above to the nearest point of the property line of the proposed MMCP.

- C. Cultivation and processing facilities located within the MMCP shall be separated from adjacent uses by a 50-foot buffer strip, unless the applicant can demonstrate, and the Zoning Board of Appeals finds, that adequate buffering can be provided in a narrower buffer strip.
- D. MMCPs shall be located only in a permanent building and not within any mobile facility.
- E. Unless explicitly stated otherwise, MMCPs shall conform to the dimensional requirements applicable to non-residential uses within the underlying zoning district.
- F. All MMCPs and Marijuana Establishments shall conform to the signage requirements of Article XIII of the Zoning By-Laws. The Zoning Board of Appeals may impose additional restrictions on signage, as appropriate, to mitigate any aesthetic impacts.

17.05 Special Permit.

- A. Procedure. The Zoning Board of Appeals shall be the Special Permit Granting Authority (SPGA) and shall conduct Site Plan Review according to Article IX of the Zoning By-Laws for an applicant for a MMCP.
 1. Application. In addition to the materials required for a Special Permit and Site Plan Review, the applicant shall also include:
 - a. A detailed floor plan of the proposed MMCP that identifies the square footage available and describes the functional areas of the facility;
 - b. Detailed site plans that include the following information:
 - i. Compliance with the requirements for parking and loading spaces, for lot size, frontage, yards and heights and coverage of buildings, signage and all other provisions of this By-Law;
 - ii. Convenience and safety of vehicular and pedestrian movement on the site to provide secure and safe access and egress for clients and employees arriving to and from the site;
 - iii. Convenience and safety of vehicular and pedestrian movement off the site, if vehicular and pedestrian traffic off-site can reasonably be expected to be substantially affected by on-site changes;
 - iv. Adequacy as to the arrangement and the number of parking and loading spaces in relation to the proposed use of the premises, including designated parking for home delivery vehicle(s), as applicable;
 - v. Site design such that it provides convenient, secure and safe access and egress for clients and employees arriving to and from the site;

- vi. Design and appearance of proposed buildings, structures, freestanding signs, screening and landscaping; and
 - vii. Adequacy of water supply, surface and subsurface drainage, and light.
 - c. A description of the security measures, including employee security policies;
 - d. A copy of the emergency procedures;
 - e. A copy of proposed waste disposal procedures; and
 - f. A copy of all licensing materials issued by the Cannabis Control Commission or Department of Public Health, and any materials submitted to these entities by the applicant for purposes of seeking licensing to confirm that all information provided to the Zoning Board of Appeals is consistent with information provided to the Cannabis Control Commission and/or Department of Public Health, as applicable.
 2. The SPGA shall refer copies of the application to all Town departments and boards/commissions, including but not limited to the Inspectional Services Department, Fire Department, Planning Board, Police Department, Board of Health, and the Conservation Commission. These boards/departments shall review the application and shall submit their written recommendations.
 3. After notice and public hearing in accordance with the procedures for Special Permits and Site Plan Review of this By-Law and consideration of application materials, consultant reviews, public comments, and the recommendations of other town boards and departments, the SPGA may act upon such a permit and request for site plan approval.
 - B. Special Permit Conditions on MMCPs. The SPGA shall impose conditions reasonably appropriate to improve site design, traffic flow, public safety, protect water quality, air quality, and significant environmental resources, preserve the character of the surrounding area and otherwise serve the purpose of this section. In addition to any specific conditions applicable to the applicant's MMCP, the SPGA may include the following conditions in any special permit granted under this By-Law:
 1. Hours of Operation.
 2. The use shall not generate outside odors from the cultivation or processing of marijuana and marijuana products.
 3. A Security Plan shall be required for all MMCPs, which shall be subject to approval by the Fire and Police Chiefs and submitted to the Zoning Board of Appeals.
 4. The permit holder shall provide to the Zoning Enforcement Officer and Chief of the Police Department, the name, telephone number and electronic mail address of a contact person in the event that such person needs to be contacted after regular business hours to address an urgent issue. Such contact information shall be kept updated by the permit holder.
 5. MMCPs may not operate, and the special permit will not be valid, until the applicant has obtained all licenses and permits issued by the Commonwealth of Massachusetts and any of its agencies for the facility.
 6. MMCP may not operate, and the special permit will not be valid, until the applicant has entered into a Host Community Agreement with the Town relative to any facility permitted under this By-Law.

7. A special permit granted under this Section shall have a term limited to the duration of the applicant's ownership and use of the premises as a MMCP. A special permit may be transferred only with the approval of the Zoning Board of Appeals in the form of an amendment to the special permit.
8. The special permit shall lapse upon the expiration or termination of the applicant's license by the Cannabis Control Commission.
9. The permit holder shall notify the Zoning Enforcement Officer and SPGA in writing within 48 hours of the cessation of MMCP's operation or the expiration or termination of the permit holder's license with the Cannabis Control Commission.

17.06 Prohibition Against Nuisances.

No use shall be allowed in the MMCP which creates a nuisance to abutters or to the surrounding area, or which creates any hazard, including but not limited to, fire, explosion, fumes, gas, smoke, odors, obnoxious dust, vapors, offensive sound or vibration, flashes, glare, objectionable effluent or electrical interference, which may impair the normal use and peaceful enjoyment of any property, structure or dwelling in the area.

17.07 Severability.

The provisions of this By-Law are severable. If any provision, paragraph, sentence, or clause of this By-Law or the application thereof to any person, establishment, or circumstances shall be held invalid, such invalidity shall not affect the other provisions or application of this By-Law.

(Art. 35, 5/1/18)