

collectible with the applications, the process by which the application will be reviewed, the design and location criteria for approval, the time within which the Planning Board will issue a decision, and requirements for recertification.

8.7 Marijuana Establishments and Medical Marijuana Treatment Centers

8.7.1. Purpose

It is recognized that the nature of the substance cultivated, processed, by marijuana establishments may have objectionable operational characteristics and should be located in such a way as to ensure the health, safety, and general well-being of the public as well. The specific and separate regulation of Marijuana Establishments (ME) and Medical Marijuana Treatment Centers (MMTC) is necessary to advance these purposes and ensure that such facilities are not located within close proximity of minors and do not become concentrated in any one area within the Town.

Subject to the provisions of this Bylaw, G.L. c. 40A, G.L. c. 94G and 105 CMR 725.000, Marijuana Establishments and MMTCs will be permitted to provide the opportunity for the legal 1) cultivation, 2) product manufacturing of marijuana and 3) research and testing laboratories for recreational marijuana use, as well as the dispensing of medical marijuana products in a manner that complies with state regulations.

8.7.2. Applicability

- A. Nothing in this section shall be construed to supersede federal and state laws governing the sale and distribution of marijuana. This section shall not be construed to prevent the conversion of a medical marijuana treatment center licensed or registered no later than July 1, 2017 engaged in the cultivation, manufacture or sale of marijuana or marijuana products to a Marijuana Establishment, provided, however, any such medical marijuana treatment center obtains a special permit pursuant to this Section for any such conversion to an adult use Marijuana Establishment.
- B. This bylaw does not apply to the cultivation of industrial hemp as is regulated by the Massachusetts Department of Agricultural Resources pursuant to G.L. c. 128, Sections 116-123.

8.7.3. Additional Requirements/Conditions

In addition to the standard requirements for uses permitted By-right or requiring a Special Permit or Site Plan Approval, the following shall also apply to all Marijuana Establishments:

- A. Use:
 - 1. Any type of Marijuana Establishment may only be involved in the uses permitted by its definition and may not include other businesses or services.
 - 2. No marijuana shall be smoked, eaten or otherwise consumed or ingested within the premises.
 - 3. The hours of operation shall be set by the Planning Board, but in no event shall an RMD or OMMD facility be open to the public, and no sale or other distribution of marijuana shall occur upon the premises or via delivery from the premises, between the hours of 8:00 p.m. and 8:00 a.m.
 - 4. No marijuana establishment may commence operation or apply for a building permit prior to its receipt of all required permits and approvals including, but not limited, to its Final License from the Cannabis Control Commission.
- B. Physical Requirements:

1. All aspects of the any marijuana establishment, except for the transportation of product or materials, relative to the acquisition, cultivation, possession, processing, products containing marijuana, related supplies, or educational materials must take place at a fixed location within a fully enclosed building (including greenhouses) and shall not be visible from the exterior of the business. They may not be permitted to be located in a trailer, storage freight container, motor vehicle or other similar type potentially movable enclosure.
2. No outside storage is permitted.
3. Ventilation – all marijuana establishments shall be ventilated in such a manner that no:
 - a. Pesticides, insecticides or other chemicals or products used in the cultivation or processing are dispersed into the outside atmosphere, and
 - b. No odor from marijuana or its processing can be detected by a person with an unimpaired and otherwise normal sense of smell at the exterior of the medical marijuana business or at any adjoining use or property.
4. Signage shall be displayed on the exterior of the marijuana establishment’s entrance in plain sight of the public stating that “Access to this facility is limited to individuals 21 years or older.” in text 2 inches in height.

All other signage must comply with all other applicable signage regulations in this Bylaw and 935 CMR 500.
5. Cannabis plants, products, and paraphernalia shall not be visible from outside the building in which the cannabis establishment is located and shall comply with the requirements of 935 CMR 500. Any artificial screening device erected to eliminate the view from the public way shall also be subject to a vegetative screen and the Planning Board shall consider the surrounding landscape and viewshed to determine if an artificial screen would be out of character with the neighborhood.

C. Location.

1. Marijuana establishments are encouraged to utilize existing vacant buildings where possible.
2. No marijuana establishment shall be located on a parcel which is within 500 feet (to be measured in a straight line from the nearest point of the property line in question to the nearest point of the property line where the Marijuana Establishment is or will be located) of a parcel occupied by a pre- existing public or private school (existing at the time the applicant’s license application was received by the Cannabis Control Commission) providing education in kindergarten or any of grades 1-12.
3. No marijuana establishment shall be located inside a building containing residential units, including transient housing such as motels and dormitories.
4. No marijuana establishment is permitted to utilize or provide a drive-through service.

D. Reporting Requirements.

1. Prior to the commencement of the operation or services provided by a marijuana establishment, it shall provide the Police Department, Fire Department, Building Commissioner and the Planning Board with the names, phone numbers and email addresses of all management staff and key- holders, including a minimum of two operators or managers of the facility identified as contact persons to whom one can provide notice if there are operating problems associated with the establishment. All such contact information shall be updated as needed to keep it current and accurate.

2. The Building Commissioner, Board of Health, Police Department, Fire Department and the Planning Board shall be notified in writing by the marijuana establishment facility owner/operator/ manager:
 - a. A minimum of 30 days prior to any change in ownership or management of that establishment.
 - b. A minimum of 12 hours following a violation or potential violation of any law or any criminal or potential criminal activities or attempts of violation of any law at the establishment.
3. Permitted marijuana establishments shall file an annual written report to, and appear before, the Planning Board no later than January 31st of each calendar year, providing a copy of all current applicable state licenses for the facility and/or its owners and demonstrate continued compliance with the conditions of the Special Permit.
4. The owner or manager of a marijuana establishment is required to respond by phone or email within 24 hours of contact by a Town official concerning their marijuana establishment at the phone number or email address provided to the Town as the contact for the business.

E. Issuance/Transfer/Discontinuance of Use

1. Special Permits/Site Plan Approvals shall be issued to the marijuana establishment owner.
2. Special Permits/Site Plan Approvals shall be issued for a specific type of marijuana establishment on a specific site/parcel.
3. Special Permits/Site Plan Approvals shall be non-transferable to either another marijuana establishment owner or another site/parcel.
4. Special Permits/Site Plan Approvals shall have a term limited to the duration of the applicant's ownership/control of the premises as a marijuana establishment, and shall lapse/expire if:
 - a. the marijuana establishment ceases operation (not providing the operation or services for which it is permitted) for 365 days, and/or
 - b. the marijuana establishment's registration/license by the Cannabis Control Commission expires or is terminated.
5. The marijuana establishment shall notify the Building Commissioner and the Planning Board in writing within 48 hours of such lapse, cessation, discontinuance or expiration or revocation.
6. A marijuana cultivation or product manufacturing establishment shall be required to remove all material, plants equipment and other paraphernalia prior to surrendering its state registration/license or ceasing its operation.
 - a. Prior to the issuance of a Building Permit for a marijuana establishment the applicant is required to post with the Town Treasurer a bond or other form of financial security acceptable to the Treasurer in an amount set by the Planning Board. The amount shall be sufficient to cover the costs of the town removing all materials, plants, equipment and other paraphernalia if the applicant fails to do so. The Building Commissioner shall give the applicant 45 days written notice in advance of taking such action. Should the applicant remove all materials, plants, equipment and other paraphernalia to the satisfaction of the Building Commissioner prior to the expiration of the 45 days written notice, said bond shall be returned to the applicant.

8.7.4 Application Requirements

Applications for Special Permits and Site Plan Approvals for marijuana establishments will be processed in the order that they are filed with the Town. The approval of a Special Permit for any marijuana establishment is up to the discretion of the Planning Board who will be making its determination based on selecting the marijuana establishments that it finds are in the best interests of the Town and best comply with the standards and intent of this Bylaw.

In addition to the standard application requirements for Special Permits and Site Plan Approvals, such applications for a marijuana establishment shall include the following:

- A. The name and address of each owner and operator of the marijuana establishment facility/operation.
- B. A copy of an approved Host Agreement.
- C. A copy of its Provisional License from the Cannabis Control Commission pursuant to 935 CMR 500.
- D. If it's in conjunction with an approved RMD, a copy of its registration as an RMD from the Massachusetts Department of Public Health in accordance with 105 CMR 725.000 or from the Cannabis Control Commission in accordance with 935 CMR 500.
- E. Proof of Liability Insurance Coverage or Maintenance of Escrow as required in 935 CMR 500.
- F. Evidence that the Applicant has site control and right to use the site for a marijuana establishment facility in the form of a deed or valid purchase and sales agreement or, in the case of a lease a notarized statement from the property owner and a copy of the lease agreement.
- G. A notarized statement signed by the marijuana establishment organization's Chief Executive Officer and corporate attorney disclosing all of its designated representatives, including officers, directors, shareholders, partners, members, managers, 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 all such responsible individual persons.
- H. In addition to what is normally required in a Site Plan, details showing all exterior proposed security measures for the marijuana establishment including lighting, fencing, gates and alarms, etc. ensuring the safety of employees and patrons and to protect the premises from theft or other criminal activity.
- I. A detailed floor plan identifying the areas available and functional uses (including square footage).
- J. All signage being proposed for the facility.
- K. A pedestrian/vehicular traffic impact study to establish the marijuana establishment's impacts at peak demand times, including a line queue plan to ensure that the movement of pedestrian and/or vehicular traffic, including but not limited to, along the public right of ways will not be unreasonably obstructed.
- L. An odor control plan detailing the specific odor-emitting activities or processes to be conducted on-site, the source of those odors, the locations from which they are emitted from the facility, the frequency of such odor-emitting activities, the duration of such odor-emitting activities, and the administrative of odor control including maintenance of such controls.
- M. A Management Plan including a description of all activities to occur on site, including all provisions for the delivery of marijuana and related products to marijuana establishment or off-site direct delivery.
- N. Individual written plans which, at a minimum comply with the requirements of 935 CMR 500, relative to the marijuana establishment's:
 1. Operating procedures

2. Marketing and advertising
3. Waste disposal
4. Transportation and delivery of marijuana or marijuana products
5. Energy efficiency and conservation
6. Security and Alarms
7. Decommissioning of the marijuana establishment including a cost estimate taking into consideration the community's cost to undertake the decommissioning of the site.

8.7.5. Findings

In addition to the standard Findings for a Special Permit or Site Plan Approval the Planning Board must also find all the following:

- A. The Marijuana Establishment is consistent with and does not derogate from the purposes and intent of this Section and the Zoning Bylaw.
- B. That the marijuana establishment facility is designed to minimize any adverse visual or economic impacts on abutters and other parties in interest;
- C. That the marijuana establishment facility demonstrates that it meets or exceeds all the permitting requirements of all applicable agencies within the Commonwealth and will be in compliance with all applicable state laws and regulations;
- D. That the applicant has satisfied all of the conditions and requirements of this Section and other applicable Sections of this Bylaw;
- E. That the marijuana establishment facility provides adequate security measures to ensure that no individual participant will pose a direct threat to the health or safety of other individuals, and that the storage and/or location of cultivation is adequately secured on-site or via delivery.
- F. That the marijuana establishment facility adequately addresses issues of traffic demand, circulation flow, parking and queuing, particularly at peak periods at the facility, and its impact on neighboring uses.