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Purpose: For the Select Board to call a special town meeting to consider articles: to amend the Town's General and Zoning Bylaws to allow an existing Registered Marijuana Dispensary to add adult use retail sales, subject to the Planning Board's issuance of a special permit and site plan approval and the execution of a new Host Agreement between the RMD and the Town.

To see if the Town will vote to amend the code of the Town as follows:

(A) Amend Chapter 410 (Zoning) by deleting Section 410-3.13G(1)(2) and replacing it with a new Section 410-3.13(G) that will read as follows: (G): The Planning Board may grant a special permit to a Marijuana Establishment that has been licensed and lawfully operating within the Town for at least one year to authorize adult use retail sales, subject to execution of a new Host Community Agreement, submission of new applications for site plan approval and special permit satisfying all of the requirements of Section 410-3.13H.

(B) Amend Chapter 410 (Zoning) by deleting Section 410-3.13F(6)(g) and replacing it with the following text: A Marijuana Establishment licensed after July 1, 2017 shall not convert to a Marijuana Establishment without following Special Permit and Site Plan Review procedures outlined in Subsection H.

(C) Amend Chapter 410 (Zoning) by adding a new Section 410-3.13H, as set forth below.

H. MARIJUANA ESTABLISHMENTS (RECREATIONAL MARIJUANA). Applicants seeking approval to operate a Marijuana Establishment, which definition specifically includes a Marijuana Retailer, as both are defined in Chapter 309-2, within the MOD shall proceed under the following regulations

(1) Use Regulations Marijuana Establishments are allowed only within the set boundaries of the MOD

(2) Host Agreement. Prior to application with the Planning Board applicants shall negotiate a host agreement with the Board of Selectmen

(3) Application. In addition to the materials required under § 410-3 5A(2) of the Zoning By-Law, the application for a Special Permit for a Marijuana Establishment shall include **(a)** Disclosure Statement-A notarized statement signed by the organization's Chief Executive Officer and corporate attorney disclosing all of its designated representatives, including officers and directors, 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 all such responsible individual persons for such entity. **(b)** Description of Activities- A narrative describing the type and scale of all activities that will take place on the proposed site, including, but not limited to on-site sales of marijuana or marijuana infused products, off-site deliveries,

distribution of educational materials, and other programs or activities.**(c)** Floor Plans- A floor plan of the premises of the proposed Marijuana Establishment that identifies the square footage available and describes the functional areas of the Marijuana Establishment.**(d)** Site Plans- A plan or plans depicting all proposed development on the property as required under §410-4.1 of this bylaw.**(e)** Service Area- A map and narrative describing the area proposed to be served by the Marijuana Establishment and the anticipated number of clients that will be served within that area. This description shall indicate where any other Marijuana Establishment exists or have been proposed within the expected service area.**(f)** Transportation and Parking Analysis- A quantitative analysis prepared by a qualified transportation specialist acceptable to the Planning Board, modeling the expected origin and frequency of client and employee trips to the site, the expected modes of transportation used by clients and employees, and the frequency and scale of deliveries to and from the site.**(g)** Context Map- A map depicting all lots and land uses within a 500-foot radius of the premises.**(h)** Building Elevations and Signage – Architectural drawings of all exterior building facades and all proposed signage, specifying materials and colors to be used.**(i)** Licensure Materials: Marijuana Establishments shall be licensed by the Cannabis Control Commission and copies of the application materials issued for the purpose of seeking licensure included in the application to the Town.**(j)** Letters from the Police and Fire Departments indicating that they have reviewed the application materials and approve the safety and security measures of the Marijuana Establishment.**(k)** Executed host agreement.

(4) Dimensional Regulations. Dimensional Regulations are governed by the underlying zoning or applicable overlay district.

(5) Special Permit Criteria. In granting a Special Permit for a Marijuana Establishment, in addition to the general criteria for issuance of a Special Permit as set forth in § 410-3.5A(2) of this Zoning By-Law, the Planning Board shall find that the following criteria are met:**(a)** The building or buildings in which Marijuana Establishment activities take place shall not be located within, on the same lot as, or on a lot adjacent to a licensed pharmacy or within buildings that contain any pharmacy, medical doctor offices or the offices of any other professional practitioner authorized to prescribe the use of medical marijuana, which exist as of the effective date of this amendment to the Zoning By-Law.**(b)** The Marijuana Establishment shall establish policies and procedures to ensure that no marijuana is smoked, eaten or otherwise consumed or ingested on the Premises.**(c)** The hours of operation shall be set by the Planning Board, but in no event shall a Marijuana Establishment be open to the public, nor shall any sale or other distribution of marijuana occur upon the Premises or via delivery from the premises, between the hours of 8:00 p.m. and 8:00 a.m. **(d)** The Marijuana Establishment meets all of the permitting requirements of all applicable agencies within the Commonwealth of Massachusetts and will be in compliance with all applicable state laws and regulations.**(e)** The Premises have been designed to be compatible with other buildings in the area and to mitigate any adverse visual or design impacts that might result from required security measures and

restrictions on visibility into the building's interior **(f)** The Marijuana Establishment provides a secure indoor waiting area for individuals and clients.**(g)** Site is designed such that it provides convenient, safe and secure access and egress for clients and employees arriving to and leaving from the site using all modes of transportation, including drivers, pedestrians, bicyclists and public transportation users.**(h)** Traffic generated by client trips, employee trips, deliveries to and from the Marijuana Establishment, and parking and queuing especially during peak periods at the Marijuana Establishment, shall not create a substantial adverse impact on nearby uses.**(i)** Buffer Zone: A Marijuana Establishment Entrance may not be closer than 500 feet from the nearest School Entrance (as that term is defined by 953 CMR 500.002). **(a)** The buffer zone distance of 500 feet shall be measured in a straight line from the geometric center of the Marijuana Establishment Entrance to the geometric center of the nearest School Entrance, unless there is an Impassable Barrier (as that term is defined by 935 CMR 500.002) within those 500 feet; in these cases, the buffer zone distance shall be measured along the center of the shortest publicly-accessible pedestrian travel path from the geometric center of the Marijuana Establishment Entrance to the geometric center of the nearest School Entrance.

(6) Special Permit Conditions. Planning Board shall impose conditions reasonably appropriate to improve site design, traffic flow, public safety, air quality, and 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 Marijuana Establishment, Planning Board shall include the following conditions in any Special Permit granted under this Section: **(a)** Hours of Operation, including dispatch of home deliveries.**(b)** Special Permit shall be limited to the current Applicant and shall lapse if the permit holder ceases operating the Marijuana Establishment.**(c)** Special Permit shall lapse upon the expiration or termination of the Applicant's license by the Cannabis Control Commission.**(d)** Permit holder shall provide to the Building Commissioner, Police and Fire Departments, and the Board of Health, 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.**(e)** The designated contact person(s) shall notify in writing the Police and Fire Departments, Building Commissioner, Board of Health, and the Planning Board within a minimum 12 hours following a violation, a potential violation, or any attempts to violate any applicable law, or any criminal, potential criminal, or attempted criminal activities as a Marijuana Establishment permitted under this Section.**(f)** The designated representatives shall file an annual report (annually from the issuance of a Certificate of Occupancy) with the Office of Community Development providing a copy of all current applicable state licenses for the Marijuana Establishment and to demonstrate continued compliance with the conditions of Special Permit.**(g)** If Planning Board determines that provided parking is not adequate to address observed demand after operations have commenced the applicant agrees to meet with the Planning Board to explore options and make best efforts

to resolve the issue. Or take any action relative thereto; (Inserted at the request of Citizen's Petition by Bruce McWhorter and others).