

Section 4-90 MARIJUANA ESTABLISHMENTS

4-90.1 – Intent.

This section intends to ensure that the presence of any state-regulated marijuana facility within the City is appropriately sited to balance its accessibility with that of public safety and health, as well as that of the welfare of those who may be adversely affected by marijuana’s sanctioned physical presence or negatively impacted in the quiet enjoyment or value of real property.

4-90.2 – Definitions.

Marijuana Shop a facility wherein occurs any retail stocking, repackaging, selling, dispensing, consumer distribution or delivery from, or administration of marijuana and products containing marijuana (either for medical or recreational use), whether a principal or accessory use; also may be known as a Registered Marijuana Dispensary or Marijuana Retailer Establishment, as defined and regulated by Massachusetts General Laws and the Massachusetts Department of Public Health and/or the Cannabis Control Commission.

Marijuana Production Operation a facility wherein occurs any commercial growing, propagating, processing, research/testing, packaging, warehousing or wholesale-type distributing of marijuana, in any form or product, but no receiving of patients, clients, customers or consumers; also may be known as a Marijuana Cultivator, Marijuana Product Manufacturer, Craft Marijuana Cooperative, Marijuana Microbusiness, Marijuana Transporter, Marijuana Research Facility or Marijuana Independent Testing Laboratory.

4-90.3 - Regulated Uses.

1. Marijuana Shop

A Marijuana Shop shall be permitted in the Industrial A district provided that the Planning Board has issued a Site Plan Approval and additionally finds that the facility:

- a. will provide adequate and appropriate security measures,*
- b. is designed to minimize any adverse or inconsistent visual or olfactory impacts on the immediate neighborhood and*
- c. has met or is reasonably capable of meeting all applicable regulations and permitting requirements of the Commonwealth of Massachusetts.*

2. Marijuana Production Operation

A Marijuana Production Operation shall be classified and allowed in the same manner as any other light industrial use or similarly operating non-marijuana manufacturing/processing (to include cultivating), packing, wholesaling, research/testing or warehousing use, subject to all other requirements of this ordinance, provided that the Planning Board has issued a Site Plan Approval and made the additional findings described above.

4-90.4 - Other Requirements and Provisions.

- 1. An operation plan, including a description of all activities to occur on site, evidence to support the required findings and adequate floor plans shall be submitted with the application. In the case where any other use is proposed within the facility, plans shall demonstrate how any public marijuana distribution area is sufficiently segregated and secured from other use areas.*
- 2. Unless the Planning Board issues a Special Permit so authorizing, no property line of any lot containing a Marijuana Shop or Marijuana Production Operation shall be located within 500 feet of the lot line of any pre-existing public or private school providing education in kindergarten or in any of grades 1 through 12; nor within 500 feet of the limits of any pre-existing park; nor within 500 feet of the limits of the Columbia Greenway Rail Trail (including ramps, bridges, overpasses, and parking areas); nor within 300 feet of any residential district or of any lot containing a pre-existing residential dwelling unit or structure used for religious worship. (5/13/20)*

3. *In no case shall any retail selling, distributing, dispensing, advertising, promoting, or administering marijuana and related products be allowed with or considered integral, incidental or accessory to a Marijuana Production Operation.*
4. *The Planning Board may condition that any Special Permit or Site Plan Approval is non-transferrable and must be renewed upon a change of the party having control of the operation of the facility. Pending the decision of said renewal application by the Board, the subject use shall be allowed to continue under the existing permit.*
5. *Due to the unique status of the subject product, no such facility shall be considered to be an agricultural, greenhouse or educational use for zoning purposes.*

(8/29/18)

Editor's Note: Readers should also consult the General Ordinance/non-zoning regulations regarding this use.