

**Boxborough Planning Board
Public Hearing**

**Recreational Marijuana
Establishments**

October 29, 2018

Agenda

1. Overview of Recreational Marijuana Timeline
2. Types of Marijuana Establishments
3. Minimum Licensing Requirements
4. Potential Additional Local Controls
5. Planning Process
6. Zoning Bylaw Amendment Options
7. Potential Additional Options for Regulations
8. Next Steps

Zoning Bylaws Regulate Land Use

- In November of 2016, Massachusetts voters approved ballot “Question 4” legalizing the recreational use and cultivation of marijuana in the state.
- Boxborough now has the option of regulating land uses associated with the commercial marijuana industry.

Recreational Marijuana Timeline



What are Recreational Marijuana Establishments?

State defines seven (7) types of establishments:

- Craft Cultivator Cooperatives
- Independent Testing Laboratories
- Cultivators
- Microbusinesses
- Product Manufacturers
- Research Facilities
- Retailers

Any New Zoning Bylaws will NOT:

- Restrict the personal right to use and cultivate marijuana allowed by State law.
- Further restrict or limit the use or availability of Medical Marijuana Dispensaries in Boxborough.

Minimum Requirements if Allowed Without Regulation

1. Applicant must document the use complies with all bylaws/ordinances in effect in a Town prior to application;
2. Applicant is responsible for scheduling a Public Hearing with notice to all abutters in area of proposed establishment (Applicant must provide information regarding the type of establishment proposed, security plans, plans to mitigate potential diversion to minors, and how the establishment can positively impact the community); and
3. Applicant enters into Host Community Agreement with the municipality, signed by contracting authority (Select Board).

Additional Town Controls Allowed by State Law

- Govern Marijuana Establishments through Zoning or General Bylaws
- Implement a local tax on retail sales of Marijuana products of up to 3%
- Vote to limit or prohibit some or all Marijuana Establishments
- Adopt Local Board of Health Regulations
- Impose a civil penalty for violation of a bylaw

Planning Process

- May 2017 – Annual Town Meeting votes to implement temporary moratorium on establishments until June 30, 2018
- May 2018 – Annual Town Meeting votes to extend temporary moratorium on establishments until December 31, 2018
- September 2018 – Special Town Meeting votes to extend temporary moratorium on establishments until June 30, 2019 (still awaiting approval by Attorney General)
- January/February 2019 – Planning Board will hold public hearing(s) regarding Zoning Bylaw amendments for establishments
- May 2019 – Annual Town Meeting will be presented with some type of Zoning Bylaw amendments (note: any form of Zoning Bylaw ban would also require a ballot vote to implement the ban)

Zoning Bylaw Amendment

Options for the Planning Board

1. Complete ban on all forms of establishments
2. Zoning Overlay District allowing all forms of establishments by Special Permit in designated Industrial-Commercial Zoning Districts
3. Specifically vote at Town Meeting on each type of establishment to allow or prohibit establishments in Zoning Overlay District by Special Permit in designated Industrial-Commercial Zoning Districts

What do a Zoning Overlay District & Special Permit Process Provide?

Designates a Special Permit Granting Authority (SPGA) to approve the establishment through a Special Permit application process:

- Requires Public Hearing with notification to abutting property owners within 300 feet
- SPGA may place conditions on the operation of the establishment
- Adopts definitions to establish common language between the Applicant and the SPGA

Additional Options for Regulating Aspects of Establishments

- Possible Safety and Security Protocols
 - Planning Board allowed to review Site Plan to ensure establishment is well situated, and pedestrian and traffic flow is safe
 - Implement greater reasonable setbacks from schools
 - Require a Security and Emergency Response Plan be provided to Public Safety Departments
 - Allow Town inspectors access to facilities to ensure compliance with regulations
 - Allow for separate adoption of Rules and Regulations to ensure all aspects of Cannabis Control Commission requirements are documented locally

Next Steps

- Planning Board will continue to receive feedback from the public and consider possible Zoning Bylaw amendments
- Planning Board will hold public hearing(s) on proposed Zoning Bylaw amendments (likely in January or February of 2019)
- Planning Board will propose Zoning Bylaw amendments to the May 2019 Annual Town Meeting

More Information

The following is a list of places where interested parties can obtain more information on the implementation of the new law:

- <https://mass-cannabis-control.com/>
The State Cannabis Control Commission website provides links to their regulations and other documents relating to the law.
- <https://malegislature.gov/Laws/GeneralLaws/PartI/TitleXV/Chapter94G>
The full text of MGL Chapter 94G can be found at Massachusetts Legislature page above. More detailed information on interpretation and regulation of Marijuana Products can be found at the Cannabis Control Commission website.