

## ARTICLE XVIII

### MARIJUANA ESTABLISHMENTS

1. Purpose: To provide for the placement of Marijuana Establishments, in accordance with the G.L. c. 94G; the Act to Ensure Safe Access to Marijuana; Chapter 55 of the Acts of 2017, and all regulations promulgated thereunder, in locations suitable for lawful recreational marijuana facilities and to minimize adverse impacts of marijuana establishments on adjacent properties, residential neighborhoods, historic districts, schools, playgrounds and other locations where minors congregate by regulating the siting, design, placement, security, and removal of marijuana establishments.
2. Definitions: Where not expressly defined in the Zoning Bylaws, terms used in the Recreational Marijuana Bylaw shall be interpreted as defined in G.L. c. 94G; the Act to Ensure Safe Access to Marijuana; Chapter 55 of the Acts of 2017, and all regulations promulgated thereunder, and otherwise by their plain language.
  - a. Marijuana Establishment: A marijuana cultivator, independent testing laboratory, marijuana product manufacturer, or any other type of licensed marijuana-related business, as set forth in G.L. c. 94G, but not a Marijuana Retailer.
  - b. Marijuana Retailer: An entity licensed to purchase and deliver marijuana and marijuana products from marijuana establishments and to deliver, sell or otherwise transfer marijuana and marijuana products to marijuana establishments and to consumers as defined in G.L. c. 94G and any regulations promulgated hereunder.
3. Location:
  - a. Marijuana Retailers are prohibited within the Town of Lancaster per the Use Regulation Schedule, Section 220-8-4 (F). Consumption of marijuana and marijuana products on the premises of a Marijuana Establishment is prohibited in the Town, except as may be expressly provided for by law with respect to the operation of an RMD.
  - b. Marijuana Establishments, as defined herein, shall be allowed per the Use Regulation Schedule, Section 220-8-4 (G).

- c. A Marijuana Establishment may not be located within 500 feet of a pre-existing public or private school providing education in kindergarten or any of grades 1 through 12, child care facility, library, playground, public park, youth center or other similar facility in which minors commonly congregate in an organized and ongoing manner.
  - d. The distance under this section is measured in a straight line from the nearest point of the property line of the protected uses identified in Section 3.c. to the nearest point of the property line of the proposed Marijuana Establishment.
  - e. The distance requirement may be reduced by twenty-five percent or less, but only if:
    - (1) The applicant demonstrates that the Marijuana Establishment would otherwise be effectively prohibited within the municipality; and
    - (2) The applicant demonstrates that the Marijuana Establishment will employ adequate security measures to prevent diversion of recreational marijuana to minors.
  - f. Home delivery of recreational marijuana is prohibited.
4. Procedure: The Planning Board shall be the Special Permit Granting Authority (SPGA) for a Marijuana Establishment Special Permit.
- a. Application: In addition to the special permit application, the applicant shall include:
    - (1) A copy of its license as a Marijuana Establishment from the Cannabis Control Commission;
    - (2) A detailed 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, including areas for any preparation of marijuana products;
    - (3) A detailed site plan, approved in accordance with Article 10 (Environmental Controls), Section 220-34, of the Town's Zoning Bylaw, that includes the following information:
      - (a) Compliance with the requirements for parking and loading spaces, for lot size, frontage, yards and heights and coverage of buildings, and all other applicable provisions of the Town's Zoning Bylaw;

- (b) Convenience and safety of vehicular and pedestrian movement on the site and for the location of driveway openings in relation to street traffic;
  - (c) 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;
  - (d) 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 delivery vehicles , as applicable;
  - (e) Design and appearance of proposed buildings, structures, freestanding signs, screening and landscaping; and
  - (f) Adequacy of water supply, surface and subsurface drainage and light.
- (4) A description of the security measures, including employee security policies, approved by the Cannabis Control Commission for the Marijuana Establishment;
  - (5) A copy of the emergency procedures approved by the Cannabis Control Commission for the Marijuana Establishment;
  - (6) A copy of the policies and procedures for the delivery of marijuana and marijuana products to and from the Marijuana Establishment approved by the Cannabis Control Commission for the Marijuana Establishment;
  - (7) A copy of the policies and procedures for the transfer, acquisition, or sale of marijuana between Marijuana Establishments approved by the Cannabis Control Commission;
  - (8) A copy of proposed waste disposal procedures; and
  - (9) A description of any waivers from the Cannabis Control Commission regulations issued for the Marijuana Establishment.
- b. The SPGA shall refer copies of the application to the Building Department, Fire Department, Police Department, Board of Health, Conservation Commission, and the

Department of Public Works. These boards/departments shall review the application and shall submit their written recommendations. Failure to make recommendations within 35 days of referral of the application shall be deemed lack of opposition.

5. Special Permit Conditions on Marijuana Establishments: The SPGA may impose conditions reasonably appropriate to improve site design; traffic flow; public safety; protection of water quality, air quality, and significant environmental resources; preservation of the character of the surrounding area and otherwise serve the purpose of this section, and may regulate the hours of operation, including product delivery. In addition to any specific conditions applicable to the Marijuana Establishment, the SPGA the following conditions shall apply to any special permit granted under this Bylaw:
  - a. The permit holder shall, within 24 hours of each incident, file with the Zoning Enforcement Officer and the SPGA and maintain a copy of an incident report with respect to the operation of the Marijuana Establishment in the manner and for the reasons required pursuant to 105 CMR 725.110 (F)(1) and (3) for medical marijuana treatment centers. Such reports may be redacted as necessary to comply with any applicable state or federal laws and regulations.
  - b. The permit holder shall file a copy of any summary cease and desist order, cease and desist order, quarantine order, summary suspension order, order limiting sales, notice of a hearing, or final action issued by the Cannabis Control Commission or the Division of Administrative Law Appeals, as applicable, regarding the Marijuana Establishment with the Zoning Enforcement Officer and SPGA within 48 hours of receipt by the Marijuana establishment.
  - c. 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.
  - d. The special permit shall lapse within **five** years of its issuance. If the permit holder wishes to renew the special permit, an application to renew the special permit must be submitted at least 120 days prior to the expiration of the special permit.
  - e. The special permit shall be limited to the current applicant and shall lapse if the permit holder ceases operating the Marijuana Establishment.

- f. The special permit shall lapse upon the expiration or termination of the applicant's license by the Cannabis Control Commission.
  - g. The permit holder shall notify the Zoning Enforcement Officer and SPGA in writing within 48 hours of the cessation of operation of the Marijuana Establishment or the expiration or termination of the permit holder's registration with the Cannabis Control Commission.
6. Prohibition Against Nuisances: No use shall be allowed 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 noise 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.
7. Severability: The provisions of this Bylaw are severable. If any provision, paragraph, sentence, or clause of this Bylaw 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 Bylaw.