

**ARTICLE 22.** To see if the Town will vote to amend the Town of Hanson Zoning Bylaws, expressly contingent on an affirmative vote by the Town residents at the local Town Election on November 6, 2018, by amending Section VI, subsection M, Marijuana Establishments, as to prohibit Marijuana Retailers in all districts or take any other action relative thereto, by making the following changes thereto, by deleting the text shown with a ~~strike through~~, and inserting the text shown in *italics*:

## **M SPECIAL REQUIREMENTS FOR MARIJUANA ESTABLISHMENTS**

### **1. Purposes**

- A. *To prohibit Marijuana Retailers in the Town of Hanson in all zoning districts.*
- B. To provide for the establishment of Marijuana Establishments, *excluding Marijuana Retailers*, in appropriate places and under strict conditions in accordance with the Regulation and Taxation of Marijuana Act, as amended, and as codified in G.L. c. 94G, §1, *et seq.*, and the Cannabis Control Commission (CCC) Regulations promulgated thereunder, 935 CMR 500.000, as the same may be amended from time-to-time.
- C. To minimize the adverse impacts of Marijuana Establishments on adjacent properties, residential neighborhoods, schools and other places where children congregate, local historic districts, and other land uses potentially incompatible with said Establishments.
- D. To regulate the siting, design, placement, security, safety, monitoring, modification, and removal of Marijuana Establishments, *excluding Marijuana Retailers*.

### **2. Applicability**

- A. *Marijuana Retailers shall be prohibited in all zoning districts in the Town of Hanson.*
- B. The commercial cultivation, production, processing, assembly, packaging, ~~retail~~ or wholesale sale, trade, *or distribution or dispensing* of Marijuana as regulated pursuant to G.L. c. 94G is prohibited unless permitted as a Marijuana Establishment under this Section VI.M.
- C. No Marijuana Establishment shall be established except in compliance with the provisions of this Section VI.M.
- D. Nothing in this Bylaw shall be construed to supersede federal and state laws governing the sale and distribution of narcotic drugs.
- E. If any provision of this Section or the application of any such provision to any person or circumstance shall be held invalid, the remainder of this Section, to the extent it can be given effect, or the application of those provisions to persons or circumstances other than those to which it is held invalid, shall not be affected thereby, and to this end the provisions of this Section are severable.

### **3. Definitions**

**Craft Marijuana Cultivator Cooperative** - shall mean a marijuana cultivator comprised of residents of the commonwealth organized as a limited liability company or limited liability

partnership under the laws of the commonwealth, or an appropriate business structure as determined by the commission, and that is licensed to cultivate, obtain, manufacture, process, package and brand marijuana and marijuana products to deliver marijuana to marijuana establishments but not to consumers, as defined the Massachusetts General Laws, Chapter 94G.

**Marijuana Cultivator** - shall mean an entity licensed to cultivate, process and package marijuana, to deliver marijuana to marijuana establishments and to transfer marijuana to other marijuana establishments, but not to consumers, as defined the Massachusetts General Laws, Chapter 94G.

**Marijuana Establishment** - shall mean considered a cultivator, marijuana testing facility, marijuana product manufacturer, marijuana retailer or any other type of licensed marijuana-related business, all as defined the Massachusetts General Laws, Chapter 94G, said Marijuana Establishments shall be deemed independent of any other definition in this by-law and not a subset or subcategory of any other category.

**Marijuana Product Manufacturer** - shall mean an entity licensed to obtain, manufacture, process and package marijuana and marijuana products, to deliver marijuana and marijuana products to marijuana establishments and to transfer marijuana and marijuana products to other marijuana establishments, but not to consumers, as defined the Massachusetts General Laws, Chapter 94G.

**Marijuana Retailer** - shall mean 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 the Massachusetts General Laws, Chapter 94G, further provided that Marijuana Retailers may not be considered Retail Business in any other context.

**Marijuana Testing Facility** - shall mean an entity licensed to test marijuana and marijuana products, including certification for potency and the presence of contaminants, as defined the Massachusetts General Laws, Chapter 94G.

#### **4. Eligible Locations for Marijuana Establishments.**

~~Marijuana Retailers may be allowed by Special Permit from the Town of Hanson Board of Selectmen only in the Marijuana Retail Area Overlay District, which is comprised of the following locations, those areas in the Town of Hanson zoned as the Business District and which also have frontage on Route 27, Franklin Street and Main Street, as depicted on a plan entitled Proposed Marijuana Retail Area Overlay District Plan, Job Number \_\_\_\_\_, prepared by Land Planning, Inc. of Hanson, Massachusetts, provided the facility meets the requirements of this Section VI.M. shall be prohibited in the Town of Hanson.~~

Marijuana Establishments, expressly excluding Marijuana Retailers, may be allowed by Special Permit from the Town of Hanson Board of Selectmen in the following locations: Assessors Map 59 Lots 17-3, 17-4, 17-5, 17-6, 17-7, 17-8, 17-10, 17-11, 17-12, 17-13, Assessors Map 52 Lot 17-16, as depicted on a plan entitled Marijuana Distribution Area Overlay District Plan, Job Number P-2967, prepared by Land Planning, Inc. of Hanson, Massachusetts, provided the facility meets the requirements of this Section VI.M.

## **5. General Requirements and Conditions for all Marijuana Establishments.**

- A. All Marijuana Establishments shall be contained within a building or structure.
- B. No Marijuana Establishment may be located within 1,000 feet of a pre-existing public or private school providing education in kindergarten or any of grades 1 through 12.
- C. No Marijuana Establishment shall have a gross floor area of less than 2,500 square feet or in excess of 20,000 square feet.
- D. A Marijuana Establishment shall not be located in buildings that contain any medical doctors in excess of 20,000 square feet.
- E. The hours of operation of Marijuana Establishments shall be set by the Special Permit Granting Authority, but in no event shall said Establishments be open and/or operating between the hours of 8:00 PM and 8:00 AM.
- F. No smoking, burning or consumption of any product containing marijuana or marijuana-related products shall be permitted on the premises of a Marijuana Establishment.
- G. No Marijuana Establishment shall be located inside a building containing residential units, including transient housing such as motels and dormitories, or inside a movable or mobile structure such as a van or truck.
- H. Marijuana Establishments shall provide the Hanson Police Department, Building Commissioner and the Special Permit Granting Authority with the names, phone numbers and email addresses of all management staff and key holders to whom one can provide notice if there are operating problems associated with the establishment.

## **6. Special Permit Requirements**

- A. A Marijuana Establishment shall only be allowed by special permit from the Town of Hanson Board of Selectmen in accordance with G.L. c. 40A, *except Marijuana Retailers which are prohibited*.
- B. A special permit for a Marijuana Establishment shall be limited to one or more of the uses that shall be prescribed by the Special Permit Granting Authority as defined in the definitions section above.
- C. In addition to the application requirements set forth in Sections VI.M.5 and VI.M.6 of this Bylaw, a special permit application for a Marijuana Establishment shall include the following:
  - 1) the name and address of each owner of the facility;
  - 2) copies of all required licenses and permits issued to the applicant by the Commonwealth of Massachusetts and any of its agencies for the Establishment;
  - 3) evidence of the Applicant's tenancy or ownership of the site for the Establishment, such as a deed or lease;
  - 4) if the Applicant is a business organization, a statement under oath disclosing all of its owners, 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 the owners of such entities until the disclosure contains the names of individuals;

5) a certified list of all parties in interest entitled to notice of the hearing for the special permit application, taken from the most recent tax list of the town and certified by the Town Assessor;

6) Proposed security measures for the Marijuana Establishment, including lighting, fencing, gates and alarms, etc., to ensure the safety of persons and to protect the premises from theft.

D. Mandatory Findings. The Special Permit Granting Authority shall not issue a special permit for a Marijuana Establishment unless it finds that:

1) the Marijuana Establishment is designed to minimize any adverse visual or economic impacts on abutters and other parties in interest, as defined in G.L. c. 40A, § 9.

2) the Marijuana Establishment demonstrates that it will meet all the permitting requirements of all applicable agencies within the Commonwealth of Massachusetts and will be in compliance with all applicable state laws and regulations; and

3) the applicant has satisfied all of the conditions and requirements of Sections VI.M.5 and VI.M.6 herein;

E. Annual Reporting. Each Marijuana Establishment permitted under this Bylaw shall as a condition of its special permit file an annual report to and appear before the Special Permit Granting Authority and the Town Clerk no later than January 31st, providing a copy of all current applicable state licenses for the Marijuana Establishment and/or its owners and demonstrate continued compliance with the conditions of the Special Permit.

F. A special permit granted under this Section shall have a term limited to the duration of the applicant's state approval as a Marijuana Establishment. A special permit may be transferred only with the approval of the Special Permit Granting Authority in the form of an amendment to the special permit with all information required in this Section VI-M.

G. The Board shall require the applicant to post a bond at the time of construction to cover costs for the removal of the Marijuana Establishment in the event the Town must remove the Marijuana Establishment. The value of the bond shall be based upon the ability to completely remove all the items associated with the Marijuana Establishment and properly clean the facility at prevailing wages. The value of the bond shall be developed based upon the applicant providing the Town of Hanson Board of Selectmen with three (3) written bids to meet the noted requirements. An incentive factor of 1.5 shall be applied to all bonds to ensure compliance and adequate funds for the town to remove the Marijuana Establishment at prevailing wages.

## **7. Abandonment or Discontinuance of Use**

A. A Special Permit shall lapse if not exercised within one year of issuance.

B. A Marijuana Establishment shall be required to remove all material, plants equipment and other paraphernalia:

- 1) prior to surrendering its state issued licenses or permits; or
- 2) within six months of ceasing operations; whichever comes first.

This section shall be effective only upon passage by the voters at the Town Election on November 6, 2018.

Or take any other action in relation thereto.

Proposed by the Board of Selectmen

**Explanation:** *Requires a 2/3 majority vote*