



## **MONTAGUE PLANNING & CONSERVATION**

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**To:** Board of Selectmen  
**From:** Walter Ramsey- Town Planner  
**Date:** 1/3/2018  
**RE:** Planning Board Petition for Zoning Amendment

### **LICENSED MARIJUANA ESTABLISHMENTS DRAFT ZONING BYLAW AMENDMENT Draft Approved by Planning Board 1/2/2018**

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#### **Preamble**

This proposed zoning bylaw amendment would remove existing bylaws for registered (medical) marijuana dispensaries and replace it with a broader regulation addressing both recreational and medicinal marijuana establishments in light of new regulations for recreational marijuana drafted by the Massachusetts Cannabis Control Commission. Under the bylaw amendment the Zoning would regulate Marijuana establishments licensed by the Commonwealth of Massachusetts, inclusive of retail, cultivation, processing, research, and testing establishments. These uses will be allowed by Special Permit and Site Plan Review in the following districts, subject to certain standards and conditions:

Agriculture-Forestry District- Marijuana cultivation  
Rural Business District- Marijuana cultivation or production  
Central Business District- Marijuana retailer  
General Business District- Marijuana retailer, cultivation, production, research, or testing  
Industrial District- Marijuana cultivation, production, research, or testing  
Historic Industrial District- Marijuana retailer, cultivation, production, research, or testing

The proposed bylaw does not set maximum number of retail establishments in Montague. The Zoning Board of Appeals is the Site Plan Review and Special Permit Granting Authority with the exception of the Industrial District where the Planning Board is the Site Plan Review and Special Permit Granting Authority.

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## **Proposed amendment to text of Montague Zoning Bylaws**

Remove Section 7.10 (Registered Marijuana Dispensaries) in its entirety  
Add the following section:

### **7.10 Licensed Marijuana Establishments**

#### **7.10.1 Purpose**

The purpose of this Section is to provide for the orderly placement of medical and recreational marijuana establishments in areas where such a use is not inconsistent with the neighborhood character and in accordance with State law.

#### **7.10.2 General**

Licensed Marijuana Establishments may be allowed by special permit and site plan review from the Board of Appeals pursuant to Section 5.2, Section 7.10, and Section 8. The Planning Board shall be the Site Plan Review and Special Permit Granting Authority in the Industrial District. The Board shall consider the design of buildings, setbacks, visual impacts, outdoor lighting, security, hours of operation, odor control, traffic circulation, and consistency with current and abutting land uses.

#### **7.10.3 Standards and Conditions**

- a) No establishment may locate any buildings, structures, or signs within 100 feet of a pre-existing public or private school, as measured from the nearest point of the school property.
- b) Marijuana plants, products, and paraphernalia shall not be visible from outside the building in which establishment is located. No outside storage is permitted.
- c) No odor may be noxious or cause a nuisance, or impair public comfort and convenience. Marijuana establishments shall incorporate odor control technology and provisions.
- d) The special permit may be limited to the current applicant and provide that the permit shall lapse if the applicant ceases operating the licensed marijuana establishment or if the applicant's license with the Commonwealth of Massachusetts expires or is terminated.
- e) The Board may require additional conditions and set standards for performance and maintenance upon finding that such action is reasonably necessary to meet the purpose and intent of the Zoning Bylaws.

### **Section 5.2- Permitted Uses**

*Under Section 5.2.1 (b) Uses allowed by Special Permit from Board of Appeals in Agricultural-Forestry Districts*

Add: "Marijuana cultivation, in accordance with Section 7.10"

*Under Section 5.2.13 (b) Uses allowed by Special Permit from Board of Appeals in Rural Business District*

Add: “Marijuana cultivation or production, in accordance with Section 7.10”

*Under Section 5.2.5 (b) Uses allowed by Special Permit from Board of Appeals in General Business District*

Remove: “Registered Marijuana Dispensary, in accordance with Section 7.10”

Add: “Marijuana retailer, cultivation, production, research or testing, in accordance with Section 7.10”

*Under Section 5.2.6 (b) Uses allowed by Special Permit from Zoning Board of Appeals in Industrial District*

Remove: “Registered Marijuana Dispensary, in accordance with Section 7.10”

*Under Section 5.2.6 (c) Uses allowed by Special Permit from Planning Board in Industrial District*

Add: “Marijuana cultivation, production, research or testing, in accordance with Section 7.10”

*Under Section 5.2.6 (b) Uses allowed by Special Permit from Board of Appeals in Central Business District*

Remove: “Registered Marijuana Dispensary, in accordance with Section 7.10”

Add: “Marijuana retailer, in accordance with Section 7.10”

*Under Section 5.2.6 (b) Uses allowed by Special Permit from Board of Appeals in Historic Industrial District*

Remove: “Registered Marijuana Dispensary, in accordance with Section 7.10”

Add: “Marijuana retailer, cultivation, production, research or testing, in accordance with Section 7.10”

## **Section 8.2 Site Plan Review: Applicability**

*Under Section 8.2(g) (applicability):*

Remove: “Registered Marijuana Dispensary, in accordance with Section 7.10”

Add: “Marijuana retailer, cultivation, production, research or testing, in accordance with Section 7.10”

## **SECTION 2 Definitions**

Remove definition: “MEDICAL MARIJUANA DISPENSARY – A Medical Marijuana Treatment Center as defined in 105 CMR 725.004 and regulated in 105 CMR 725.100.”

Add four Definitions:

- MARIJUANA RETAILER- an entity licensed by the Commonwealth of Massachusetts 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 for recreational or medicinal purposes.
- MARIJUANA CULTIVATOR- an entity licensed by the Commonwealth of Massachusetts to cultivate, process, and package marijuana, to deliver marijuana to marijuana establishments, and to transfer marijuana to other marijuana establishments, but not to consumers.
- MARIJUANA PRODUCT MANUFACTURER- an entity licensed by the Commonwealth of Massachusetts 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.
- MARIJUANA RESEARCH FACILITY OR TESTING LABORATORY- an entity licensed by the Commonwealth of Massachusetts to cultivate, purchase or otherwise acquire marijuana for the purpose of conducting research or testing regarding marijuana and marijuana products.

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### **Current bylaw- to be replaced in entirety (for reference only)**

#### **7.10 Registered Marijuana Dispensaries**

##### **7.10.1 Purpose**

*The purpose of this Section is to provide for the orderly placement of Registered Marijuana Dispensaries (RMDs) in areas where such a facility is not inconsistent with the neighborhood character.*

##### **7.10.2 General**

*RMDs may be allowed by special permit and site plan review from the Board of Appeals pursuant to Section 5.2, Section 7.10, and Section 8.*

##### **7.10.3 Standards**

- The special permit may be limited to the current applicant and to provide that the permit shall lapse if the applicant ceases operating the RMD or if the applicant's registration with the Massachusetts Department of Public Health expires or is terminated;*
- The Board shall consider the design of buildings, setbacks, visual impacts, lighting, security issues, hours of operation, traffic circulation, and consistency*

- with current and abutting land uses;*
- (c) *The Board may require additional conditions and set standards for performance and maintenance upon finding that such action is reasonably necessary to meet the purpose and intent of the Zoning Bylaws;*

***Sections 5.2 and 8.2***

*Allowed by Special Permit and Site Plan Review from Zoning Board of Appeals in Central Business, General Business, Industrial, and Historic Industrial*

***SECTION 2 Definitions***

*REGISTERED MARIJUANA DISPENSARY (RMD):--A Medical Marijuana Treatment Center as defined in 105 CMR 725.004 and regulated in 105 CMR 725.100.*