

Stockbridge Zoning Amendment – Recreational Marijuana

To see if the Town will vote to amend the Zoning Bylaws as follows:

1. By deleting from Section 2.2 the definition of Marijuana Establishment in its entirety, and inserting in place thereof, the following:

MARIJUANA ESTABLISHMENT. A Marijuana Cultivator, Craft Marijuana Cooperative, Marijuana Product Manufacturer, Marijuana Retailer, Marijuana Independent Testing Laboratory, Marijuana Research Facility, Marijuana Transporter, or any other type of licensed marijuana-related business, except a Medical Marijuana Treatment Center.

2. By inserting in Section 2.2 the following in appropriate alphabetical order:

CRAFT MARIJUANA COOPERATIVE. A Marijuana Cultivator comprised of residents of the Commonwealth and organized as a limited liability company, limited liability partnership, or cooperative corporation under the laws of the Commonwealth, and licensed to cultivate, obtain, manufacture, process, package or brand cannabis or marijuana products or to transport marijuana to Marijuana Establishments, but not to consumers.

MARIJUANA CULTIVATOR. An entity licensed to cultivate, process and package marijuana, and to transfer marijuana to other Marijuana Establishments, but not to consumers.

MARIJUANA ESTABLISHMENT AGENT. A board member, director, employee, executive, manager, or volunteer of a Marijuana Establishment, who is 21 years of age or older. As used in this definition, the term “employee” shall include a consultant or contractor who provides on-site services to a Marijuana Establishment related to the cultivation, harvesting, preparation, packaging, storage, testing, or dispensing of marijuana.

MARIJUANA MICRO-BUSINESS. A co-located Marijuana Establishment that can be either a Tier 1 Marijuana Cultivator or a Product Manufacturer or both, in compliance with the operating procedures for each license; provided, however, that a Micro-Business that is a Marijuana Product Manufacturer may purchase no more than 2,000 pounds of marijuana per year from other Marijuana Establishments.

MARIJUANA PRODUCT MANUFACTURER. An entity licensed to obtain, manufacture, process and package cannabis or marijuana products and to transfer these products to other Marijuana Establishments, but not to consumers.

MARIJUANA RESEARCH FACILITY. An entity licensed to engage in research projects by the Cannabis Control Commission.

MARIJUANA RETAILER. An entity licensed to purchase and transport marijuana product from Marijuana Establishments and to sell or otherwise transfer this product to Marijuana Establishments and to consumers.

MARIJUANA INDEPENDENT TESTING LABORATORY. An entity that is licensed to test marijuana in compliance with 935 CMR 500.

MARIJUANA TRANSPORTER. An entity, not otherwise licensed by the Cannabis Control Commission, that is licensed to purchase, obtain, and possess marijuana product solely for the purpose of transporting, temporary storage, sale and distribution to Marijuana Establishments, but not to consumers.

3. By inserting, after the line numbered 40, in Section 4.10.A, the following:

Principal Use	R-4	R-2	R-1	R-C	B	M
41. Marijuana Establishment other than a Marijuana Retailer subject to the requirements of Section 6.30.	No	No	No	SPS	SPS	SPS
42. Marijuana Retailer, subject to the requirements of 6.30.	No	No	No	No	SPS	No

4. By inserting, after the line numbered 22, in Section 4.10.B, the following:

Accessory Uses	R-4	R-2	R-1	R-C	B	M
23. Craft Marijuana Cooperative, subject to the requirements of Section 6.30.	No	No	No	SPS	SPS	SPS

5. By deleting Section 6.30, Temporary Moratorium and Marijuana Establishments, in its entirety, and inserting in place thereof, the following:

6.30 Marijuana Establishments

6.30.1 Special Permit

- a. The Select Board shall be the Special Permit Granting Authority for any Marijuana Establishment. Applications for Special Permits shall conform to the Standards and Procedures of Sections 6.30 and 6.3.6.
- b. Registered Marijuana Dispensaries (RMD) licensed under 105 CMR 725 and that hold a Special Permit pursuant to 6.29 shall obtain a new Special Permit prior to converting to a Marijuana Establishment or commencing any operations regulated by M.G.L. c.94G and 935 CMR 500.
- c. A Marijuana Establishment that seeks to expand or alter its operations so as to come within a new class or sub-class shall obtain a modification to its Special Permit prior to undertaking such expansion or alteration. License classes are as follows:

1. Marijuana Cultivator; provided that each tier of cultivation shall be deemed a separate sub-class for purposes of this Chapter;
2. Craft Marijuana Cooperative;
3. Marijuana Product Manufacturer;
4. Marijuana Retailer;
5. Marijuana Research Facility;
6. Marijuana Independent Testing Laboratory;
7. Marijuana Transporter; and
8. Marijuana Micro-Business.

6.30.2 Buffer Zones

- a. No Marijuana Establishment shall be located within the buffer zone of any pre-existing public or private school, child care facility, including preschools and daycare centers, or any facility in which children commonly congregate, including, but not limited to, a public library, a playground, an athletic field or recreational facility, a place of worship, or a Town-owned beach; provided, however, that a bus stop shall not be considered to be a facility for the purposes of this section. The buffer zones shall be as follows:

District	Buffer Zone
R-C	One thousand (1,000) feet
B	One hundred (100) feet
M	One thousand (1,000) feet

- b. The distances specified by this section shall be measured in a straight line from the nearest point of the facility in question to the nearest point of the proposed Marijuana Establishment.

6.30.3 Requirements

- a. A Marijuana Establishment shall be open and operational only during the times specified in its Special Permit. The hours of operation shall be reasonable given the type and location of the establishment.
- b. Any Marijuana Establishments contained within buildings or structures shall have a gross floor area of not less than 1,000 square feet and not more than 20,000 square feet.
- c. Signage shall require the written approval of the Planning Board in accordance with the provisions of Section 6.8, where applicable.

- d. All Marijuana Establishments shall comply with the requirements of the Americans with Disabilities Act Accessibility Guidelines.
- e. All Marijuana Establishments shall comply with a security plan approved by the Select Board and incorporated into the Establishment's Special Permit, including:
 - 1. Measures to deter or prevent unauthorized access and theft;
 - 2. If applicable, measures to ensure that outdoor areas are not readily accessible to unauthorized individuals;
 - 3. Measures to protect the premises, customers, and Marijuana Establishment Agents and other individuals required to hold a registration card from the Cannabis Control Commission;
 - 4. Sufficient lighting of the outside perimeter to facilitate surveillance; and
 - 5. Trees, bushes and other foliage outside of the Marijuana Establishment shall be maintained so as to prevent a person or persons from concealing themselves from sight.

A copy of the plan shall be provided to the Chief of Police and the Fire Chief. Any material modification to the security plan shall require an amendment to the Special Permit.

- f. All Marijuana Establishments shall provide proof of compliance with the surety bond or escrow account requirements of the Cannabis Control Commission.
- g. A Marijuana Establishment shall be required to remove all material, plants equipment and other paraphernalia prior to surrendering its state-issued licenses or permits or within six months of ceasing operations, whichever comes first.

6.30.4 Standards and Procedures Applicable to Marijuana Establishments

- a. Applicants for a Special Permit shall submit the following information in addition to all other required submissions:
 - 1. Names and address of all owners, managers, members, and partners, and Marijuana Establishment Agents and other individuals required to hold a registration card from the Cannabis Control Commission, if known at the time;
 - 2. Sources of all marijuana;
 - 3. Projected quantity of marijuana that the Marijuana Establishment will cultivate, process, manufacture, study, test, transport, or sell per month; and

4. The name and contact information for a person on staff at the Marijuana Establishment whose responsibilities include community relations, to whom the Town staff can provide notice if there are operating problems associated with the establishment.
- b. The Applicant shall work cooperatively with the Select Board or its designee to develop a plan to prevent diversion to minors and to positively impact the community. The plan shall be presented during the Community Outreach Hearing.
- c. No Special Permit shall be issued unless the Applicant has conducted a Community Outreach Hearing consistent with the Cannabis Control Commission's Guidance for License Applicants on Community Outreach. The Applicant shall contact the Select Board to schedule a mutually agreeable time for the Community Outreach Hearing.
- d. No Special Permit shall be issued until the Town and the Marijuana Establishment have executed a Host Community Agreement consistent with the requirements of M.G.L. c.94G, §3 and governing the operations regulated under Section 6.30; provided, however, that a new Host Community Agreement shall not be required for an RMD converting to or expanding into recreational use if the existing agreement contemplates such conversion or expansion. Compliance with such Host Community Agreement shall be a condition of any Special Permit issued pursuant to this section.
- e. No Special Permit may be issued unless the Select Board finds that the Marijuana Establishment is designed so as to minimize any adverse visual or economic impacts on the abutters or other parties in interest, as defined in M.G.L. c. 40A, §11.
- f. As a condition of the Special Permit, each Marijuana Establishment shall:
 1. File with the Select Board and the Town Clerk a copy of all reports submitted to any state agency, including, but not limited to, the reports required by 935 CMR 500.105(10)(d) describing the establishment's liability insurance coverage and the annual security system audits required by 935 CMR 500.110(8); and
 2. Provide documentation to the Select Board that each Marijuana Establishment Agent has completed training regarding the proper handling of marijuana prior to performing job functions. Such documentation must be provided to the Board within 10 business days of the completion of such training. Annually, the establishment shall provide documentation to the Board that all Marijuana Establishment Agents have received at least eight hours of on-going training.
- g. Special Permits shall have a term limited to the duration of the Applicant's ownership and the use of the premises as a Marijuana Establishment.

Transfers of the Special Permit may occur only with the permission of the Select Board, and only in the form of an amendment to the Special Permit.

or take any other action in relation thereto.

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