

PROPOSED ZONING REGULATION OF REGISTERED MARIJUANA DISPENSARIES
11/22/2013 Draft

- 1) In Section 200, Definitions, add the following new definitions, and change the wording in the definition of “Medical Marijuana Treatment Center” to “Registered Marijuana Dispensary” to conform to the language now used by the Massachusetts Department of Public Health, as follows below:

AGRICULTURAL USE

Agricultural use shall not include cultivation of marijuana for any purpose, with the exception of personal cultivation by qualifying patients or cultivation by personal caregivers on behalf of qualifying patients or others as provided by 105 CMR 725.

MARIJUANA: Shall include the definition under MGL Chapter 94C S 1, Controlled Substances Act, Definitions and Marijuana, Marihuana, Cannabis, Hashish, Cannabis seeds, THC (tetrahydrocannabinol) and its derivatives and extracts as well as any substances containing THC whether in plant, including its flowers, oil, resin, solid, liquid or aerosol form.

REGISTERED MARIJUANA DISPENSARY: Any registered marijuana dispensary, as defined under state law, as a not-for-profit entity, (as defined by Massachusetts law only), that acquires, cultivates, possesses, processes (including development of related products such as food, tinctures, aerosols, oils, or ointments), transfers, transports, sells, distributes, dispenses, or administers marijuana, products containing marijuana, related supplies, or educational materials to qualifying patients or their personal caregivers, which is properly licensed and registered by the Massachusetts Department of Public Health pursuant to all applicable state laws and regulations.

- 2) Change Section 420, Table of Use Regulations, Paragraph 3., Commercial Uses, by adding the following new uses and designations:

Use Category	R-1	R-2	R-3	RM	GB	HB	C
3. Commercial Uses							
EE. Registered marijuana dispensary	N	N	N	N	N	N	SP

- 3) Change Section 440 by substituting the following language for Paragraph 440.2, and renumbering that paragraph and subsequent paragraphs to #'s 440.3 – 440.5.

440.2 REGISTERED MARIJUANA DISPENSARIES

The zoning of Registered Marijuana Dispensaries in the Town of Scituate shall be governed in accordance with this section, Section 440.2.

1. PURPOSE:

It is the purpose of this section titled to provide appropriate locations for Registered Marijuana Dispensaries which serve a legitimate need for human health, while minimizing any potential adverse impacts on the residents of the Town, including impacts on residential neighborhoods, schools, children and other vulnerable populations. It is the intent of this bylaw to establish specific zoning standards and regulations for Registered Marijuana Dispensaries.

2. **APPLICABILITY:**

The cultivation, production, processing, assembly, packaging, retail or wholesale sale, trade, distribution or dispensing of marijuana for medical use is prohibited unless permitted under this Section, except for personal cultivation by qualifying patients or cultivation by personal caregivers on behalf of qualifying patients or others as provided by 105 CMR 725.

3. **PROCEDURES :**

A. **Applications.** Applications for special permits under this section shall include the following information: in addition to the information required for a Major Site Plan Review:

1. All requirements for a Major Site Plan Review, as described in Section 770.5.
2. Application and/or approval including any conditions of operation from the Massachusetts Department of Public Health
2. Application for a criminal background check.
3. Identification and distance to any of the following in the Town of Scituate or an adjacent Town, as applicable:
 - a. Any establishment or place where minors congregate, including but not limited to a school, library, park, ball field, sports or family recreation facility;
 - b. Any other Registered Marijuana Dispensary or related activity.
 - c. Any drug or alcohol rehabilitation facility;
 - d. Any correctional facility, half-way house or similar facility.

B. **Distribution.** Applications for special permits for Registered Marijuana Dispensaries shall be distributed to the Superintendent of Schools and Police Chief in addition to the departments and boards listed in Section 940, referrals.

C. **Process.** The Planning Board shall be the special permit granting authority for Registered Marijuana Dispensaries. The process for application shall be governed by MGL Ch 40A S 9 and this section.

D. **Standard of Review.**

1. In reviewing a special permit application under this section, the Planning Board shall insure the proposal meets the Standard of Review contained in Section 770.6 for site plan applications.
2. Any Registered Marijuana Dispensary permitted under this Section shall be located only in a zoning district that is designated for its use within this Zoning Bylaw.
3. Location. No Registered Marijuana Dispensary shall be located within five hundred (500) linear feet of a property line where the following Districts or activity or uses occur:
 - a. Any establishment or place where minors congregate, including but not limited to a school, library, park, ball field, sports or family recreation facility;
 - b. Any other Registered Marijuana Dispensary or related activity.
 - c. Any drug or alcohol rehabilitation facility;
 - d. Any correctional facility, half-way house or similar facility.

Distances shall be calculated by direct measurement from the nearest property line of the land used for these purposes.

4. There shall be no visibility or aroma of activities, products or treatment occurring within or on the premises of a Registered Marijuana Dispensary from the exterior of such facility or premises.
5. Off site signage or advertising shall not be allowed.
6. In the event the Massachusetts Department of Public Health license for cultivation of marijuana, manufacture of marijuana products or a registered marijuana dispensary is not renewed, the special permit shall become void.
7. No special permit shall be issued to any person convicted of violating the provisions of Mass General Law, Chapter 119, Section 63, or General Law, Chapter 94C, or similar laws in other jurisdictions.

4) In Section 420, Table of Use Regulations, change the first paragraph to read as follows:

In the following Table of Use Regulations, uses which are permitted as of right are designated "Y", uses allowed by special permit are designated "SP", and uses that are prohibited are designated "N". For uses designated "SP", the Board of Appeals shall be the special permit granting authority, except for those uses where the Planning Board is specifically designated the special permit granting authority elsewhere within this bylaw.