



**LEGAL NOTICE
NOTICE OF PUBLIC HEARING ON PROPOSED CHANGES
TO THE ZONING BYLAW
SCITUATE PLANNING BOARD**

PUBLIC HEARING-- THURSDAY SEPTEMBER 9, 2021 at 7:00PM

RECEIVED
2021 AUG 25 AM 9:43
TOWN OF SCITUATE
TOWN CLERK

Notice is hereby given pursuant to M.G.L. Chapter 40A Section 5 that a Public Hearing will be held by the Scituate Planning Board on Thursday, September 9, 2021 at 7:00 P.M. in the Select Board hearing room at Town Hall to consider amendments to the Scituate Zoning Bylaw as described below submitted via **CITIZEN'S PETITION**. These amendments will appear as an article on the Warrant for the Special Town Meeting commencing October 26, 2021. The intent of the change is to allow Marijuana Establishments in the Business District B and in some sub-districts of the Village Center and Neighborhood District (VCN). All references below refer to sections of the Zoning Bylaw.

1. Insert into SECTION 200-DEFINITIONS those definitions currently located in SECTION 491.1B "Definitions".
2. Amend SECTION 420 TABLE OF USE REGULATIONS USE CATEGORY GG Marijuana Establishments as follows:
COMMERCIAL DISTRICT B: change "N" to "SP".
VILLAGE CENTER & NEIGHBORHOOD DISTRICTS: change "N" to "SP" in districts GVC, GWB, NDTV, NRN, DBP, VC and OV.
3. Amend by adding to the title of SECTION 440.2 the phrase "AND MARIJUANA ESTABLISHMENTS", and amend the prefatory sentence thereafter by adding the words "and Marijuana Establishments" after the word "Dispensaries".
4. Amend SECTION 440.2A by adding the words "and recreation" after the word "health".
5. Amend SECTION 440.2: A; C: (1) (d) and (1) (h) (ii), 2, 3, 4(b) and 5-12 by replacing the phrase "Registered Marijuana Dispensary" whenever it therein appears with the phrase "Registered Marijuana Dispensary and/or Marijuana Establishment".

6. Amend SECTION 440.2 B by deleting all of the first paragraph as it appears after the phrase “except as permitted under this section” and by placing a period at the end of the phrase. Delete the second paragraph. The existing third paragraph shall become the new second paragraph.
7. Amend SECTION 440.2 C (1) (c) by beginning the clause with the words: “In the case of a Registered Marijuana Dispensary...” and change the existing first word from upper case “A” to the lower case “a”.
8. Delete SECTION 491 – TEMPORARY MORATORIA and SECTION 492- PROHIBITION OF MARIJUANA ESTABLISHMENTS in their entirety.

The text of the current Zoning Bylaw and the complete text of the proposed amendments to the Zoning Bylaw are available for inspection during the normal hours of business of the Scituate Town Hall at the offices of the Town Clerk and the Planning Board at Town Hall, 600 Chief Justice Cushing Highway, Scituate, Massachusetts and on the Town of Scituate website on the Planning Board web page under proposed bylaw changes. Any person wishing to comment on these proposed zoning amendments should appear at the public hearing at the time and date designated above. Written comments on the zoning amendments will also be accepted by the Planning Board prior to the public hearing. The Planning Board office is available at 781-545-8730 for further information.

Ann Burbine, Chair, Scituate Planning Board

TOWN OF SCITUATE

TOWN OF SCITUATE
TOWN TIMESTAMP

2021 AUG -9 PM 1:23

RECEIVED



Copy

REGISTRARS OF VOTERS
Receipt of Nomination Papers/Petitions

Candidate/Petition

Amend TOWNING Bylaws

Number of Pages

6 partial pages

Name of person dropping off the pages:

Keith Saunders

Print Name

Keith Saunders

Signature

Name of person picking up the papers:

N/A

Phone number and Email for the person picking up the papers:

Ph #

617 272 0180

Email

Keithsaundersphd@gmail.com

Signature at time picked up and date:

Date

N/A

This receipt **MUST** be presented to pick certified papers or you **MUST** present a letter of authorization signed by the candidate or committee chairperson on letterhead stationery. To check on completion of signatures please call 781-545-8743.

The Commonwealth of Massachusetts

PETITION FOR A SPECIAL TOWN MEETING ARTICLE

Pursuant to General Laws, Chapter 39, section 10.

TOWN OF

2021 AUG 9 PM 2:20

Town of Scituate

SUBJECT OR SUBJECTS REQUIRED FOR ACTION AT THE MEETING RECEIVED

(To be filled in by petitioners)

To see if the Town will vote to amend the Town of Scituate Zoning Bylaws as follows, or take any other action relative thereto:

1. Insert into SECTION 200-DEFINITIONS those definitions currently located in SECTION 491.1 B "Definitions".
2. Amend SECTION 420 TABLE OF USE REGULATIONS, USE CATEGORY GG Marijuana Establishment as follows:
COMMERCIAL DISTRICT B: change "N" to "SP".
VILLAGE CENTER & NEIGHBORHOOD DISTRICTS: change "N" to "SP" in districts GVC, GWB, NDTV, NRN, DBP, VC and OV.
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4. Amend SECTION 440.2 A by adding the words "and recreation" after the word "health".
5. Amend SECTION 440.2: A; C: (1)(d) and (1)(h)(ii), 2, 3, 4(b) and 5-12 by replacing the phrase "Registered Marijuana Dispensary" whenever it therein appears with the phrase "Registered Marijuana Dispensary and/or Marijuana Establishment".
6. Amend SECTION 440.2 B by deleting all of the first paragraph as it appears after the phrase "except as permitted under this section" and by placing a period at the end of that phrase. Delete the second paragraph. The existing third paragraph shall become the new second paragraph.
7. Amend SECTION 440.2 C (1)(c) by beginning the clause with the words: "In the case of a Registered Marijuana Dispensary...", and change the existing first word from upper case "A" to the lower case "a".
8. Delete SECTION 491- TEMPORARY MORATORIA and SECTION 492- PROHIBITION OF MARIJUANA ESTABLISHMENTS in their entirety.

SIGNER'S

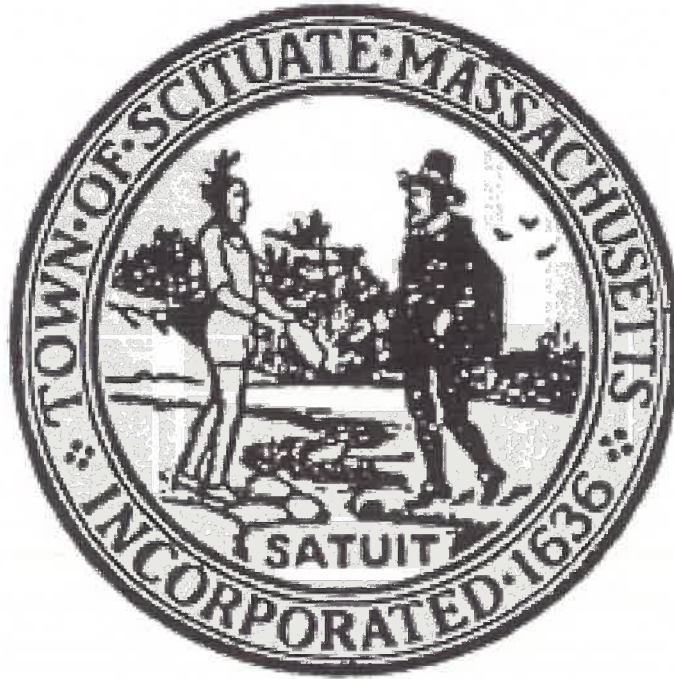
We, the undersigned, are qualified voters of the Town of Scituate, and in accordance with the provisions of law request a special town meeting for the above purposes.

CHECK	SIGNATURES TO BE MADE IN PERSON WITH NAME SUBSTANTIALLY AS REGISTERED	PRINT NAME	ADDRESS (NUMBER, STREET AND APART NUMBER IF ANY)
1		Peter Muñoz	40 Kane Drive
2		Julie Berch	119 First Parish Rd
3		Rommie Lamy	119 First Parish Rd
4		Todd Brown	27 Tanglewood Dr
5		Kim Brown	27 Tanglewood Dr
6		Rick Bowen	28 Stockton Ln
7			
8			
9			
10			

ZONING BYLAWS

REDLINE

(done by Planning Board)



RECEIVED

2021 AUG 25 AM 9:43

TOWN OF SCITUATE

Town of Scituate Massachusetts

Including changes approved by 4/12/21 Annual Town Meeting
Approved by the Attorney General July 7, 2021

Posted: July 21, 2021
Printed: July 30, 2021

TOWN OF SCITUATE
ZONING BYLAW
~~APRIL 13, 2021~~
October 26, 2021

Including changes approved by 4/12/21 10/26/21 Annual Town Meeting
 Approved by the Attorney General July 7, 2021

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Zoning bylaws are effective from the date of the Town Meeting when they were adopted, after subsequent approval by the Attorney General.

SECTION 200 - DEFINITIONS

ACCESSORY DWELLING

An accessory dwelling is a separate housekeeping unit, complete with its own sleeping, cooking, and sanitary facilities, that is substantially contained within the structure of a single-family dwelling, a structure accessory thereto, or a business structure, but functions as a separate unit.

ACCESSORY USE

Either a subordinate use of a structure or tract of land, or a subordinate structure:

- (1) Which use is customary in connection with the principal structure or use of land, and
- (2) Which use is clearly incidental to the use of the principal structure or use of land, and
- (3) Which is located on the same lot with the principal structure or use of land, or on a lot adjacent to such lot, if part of the same premises, and
- (4) Which does not constitute, in effect, a conversion of the principal use of the premises to one not permitted in the district.

AFFORDABLE ACCESSORY DWELLING

An accessory dwelling that is affordable to and occupied by a low- or moderate-income household, meets the definition of low- or moderate-income housing under applicable state regulations and is eligible for inclusion in the Chapter 40B Subsidized Housing Inventory.

AFFORDABLE HOUSING

A dwelling unit that is affordable to and occupied by a low- or moderate-income household, meets the definition of low- or moderate-income housing under applicable state regulations and is eligible for inclusion in the Chapter 40B Subsidized Housing Inventory.

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 725.000: Implementation of an Act for the Humanitarian Medical Use of Marijuana, adopted May 8, 2013, or except as otherwise allowed under Massachusetts General Laws Chapter 40A, Section 3.

AS-OF-RIGHT SITING

As-of-Right Siting shall mean that development may proceed without the need for a special permit, variance, amendment, waiver, or other discretionary approval. As-of-right development may be subject to site plan review to determine conformance with local zoning ordinances or bylaws. Projects cannot be prohibited, but can be reasonably regulated by the building commissioner. **(Definition voted Special Town Meeting November 8,2010)**

ASSISTED LIVING FACILITY

Independent residential dwelling units containing a combination of central cooking and dining facilities capable of providing three meals per day for residents, central recreational programs and facilities, and providing to all residents specified medical services which must include, but are not limited to, nursing and dietary assistance.

BED AND BREAKFAST ESTABLISHMENT

A dwelling which includes the renting of rooms at a daily rate (whether or not billed or paid daily), wherein the rental rate includes a breakfast meal in the daily rate, and wherein the owner or operator maintains a place of principal residence. Hotels, motels, inns and lodging houses (or boarding houses) are not classified as bed and breakfast establishments.

CIVIC AND COMMUNITY BUILDING

A building located and designed to accommodate public or civic uses such as a neighborhood center and similar public gathering facilities and spaces. Community Buildings may be privately owned and operated as an accessory building and amenity for residential and mixed use developments.

CLUB OR LODGE

Country club, yacht club, lodge building, or other nonprofit social, civic or recreational use (but not including any use the chief activity of which is one customarily conducted as a business).

CMR

Code of Massachusetts Regulations.

COMMERCIAL SERVICE ESTABLISHMENTS

Establishments that provide services primarily to residents as opposed to businesses, such as but not limited to barber or beauty shop, laundromat, bicycle repair and cleaning, dancing or music school, funeral home, medical or dental office, photographic studio, shoe repair shop, custom work by a dress maker, milliner or tailor, television or household appliance repair shop, typewriter or computer repair shop; dry cleaner.

COMMERCIAL KENNEL

A single premises on which are kept four or more dogs over the age of three months which is maintained as a business for the boarding of dogs, the grooming of dogs, or one which sells dogs born and raised on the premises from four or more litters per year.

COTTAGE AND COTTAGE COURT

A cottage is a small single-family detached dwelling with narrow massing. Cottages are limited to a maximum unit size of 1,400 GFA; a maximum height of 1.5 stories and 20 feet; and one (1) dwelling unit per building. They are only permitted on separate lots or part of a Cottage Court where the front elevation of each unit is positioned along and oriented to a common open space. Each unit in a Cottage Court shall be included in a homeowners association and shall be responsible for common parking areas, gardens, open space, buildings, and other shared amenities. Cottages are not allowed accessory dwelling units.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

The agency of the Commonwealth of Massachusetts charged with regulating water quality, allocation, and drinking water supply management. Also referred to herein as "DEP" and "the Department".

DISCHARGE

In connection with toxic or hazardous materials or hazardous waste, the accidental or intentional disposal, deposit, injection, dumping, spilling, leaking, pouring, or placing of toxic or hazardous material or hazardous waste upon or into any land or water such that it may enter the surface or groundwaters.

DWELLING

Any building or part thereof erected or used for occupancy as a place of continuous residence for an individual or family or designed for such occupancy, on a site intended as the permanent location of such building. This definition does not include a trailer, however mounted.

EXISTING STRUCTURE (OR USE)

A structure (or use) which exists in fact on the date of application for review under this bylaw.

FAST FOOD ESTABLISHMENT

An establishment in which 40% or more of its annual sales (projected or actual) are derived from the sale of food and beverages in a ready-to-consume state directly to a customer from a servicing counter for consumption off the premises or for consumption on premises if said food or beverage is served in single service or disposable containers.

FLEX SPACE/FABRICATION BUILDING

A building located and designed to accommodate a small to medium footprint for fabrication and light industrial uses. Flex buildings are also used to provide affordable space to small and creative business enterprises.

GAS BACKWARDS BUILDING

This building type reverses the conventional site layout for gas stations with convenience stores by placing the storefront along the street line and the gas pumps and canopy behind. This reverse layout orients the building to the street and sidewalk, screens glare from the gas pumps and canopy, and pulls the curb-cuts away from the intersection, creating safer access for drivers and pedestrians.

GENERAL COMMERCIAL BUILDING

A variable floor plate building type that typically accommodates a variety of ground floor commercial uses and upper office uses at the scale that is compatible and complementary to its given district. Residential uses are not permitted in General Commercial Buildings.

GROSS FLOOR AREA

The sum of the areas of the several floors of a building, including areas used for human occupancy in basements, attics, and penthouses, as measured from the exterior faces of the walls. It does not include cellars, unenclosed porches or attics not used for human occupancy. It shall include the horizontal area at each floor level devoted to stairwells and elevator shafts.

HABITABLE ATTIC

An attic in which the ceiling area at a height of 7 1/3 feet above the attic floor is not less than 1/3 the area of the floor next below. A habitable attic constitutes a story for the purposes of this bylaw.

HAZARDOUS MATERIAL

Any substance in any form which because of its quantity, concentration, or its chemical, corrosive, flammable, reactive, toxic, infectious or radioactive characteristics, either separately or in combination with one or more substances, constitutes a present or potential threat to human health, safety, welfare, or to the environment, when improperly stored, treated, transported, disposed of, used, or otherwise managed. Hazardous material includes, without limitation, synthetic organic chemicals, petroleum products, heavy metals, radioactive or infectious materials, and all substances defined as toxic or hazardous under MGL c. 21E. This term shall not include hazardous waste or oil. 3, 4

HAZARDOUS WASTE

A substance or combination of substances, which because of quantity, concentration, or physical, chemical or infectious characteristics may cause, or significantly contribute to an increase in mortality or an increase in serious irreversible, or incapacitating reversible illness or pose a substantial present or potential hazard to human health, safety, or welfare or to the environment when improperly treated, stored, transported, used or disposed of, or otherwise managed. This term shall include all substances identified as hazardous pursuant to the Hazardous Waste Regulations, 310 CMR 30.000.

HEIGHT

The distance measured vertically from the average finished grade of the ground adjoining a building to the highest point of the roof for flat roofs, to the deck line for mansard roofs, and to the average height between eaves and ridge for gable, hip and gambrel roofs except that in residential zoning districts, there shall also be a maximum height measured from the average finished grade to the ridge for a building with a gable, hip or gambrel roof.

In connection with elevation of an existing structure above the Base Flood Elevation as determined by the current National Flood Insurance Rate Maps, the vertical distance between the sill and the ridge of the roof shall not be increased, but the height of the structure as measured from the average surrounding grade may exceed the maximum building height as defined in this bylaw as long as there is no increase in the number of bedrooms or net floor area, and as long as the height of the structure does not exceed fifty feet.

HOTEL OR MOTEL

A building or group of buildings containing more than ten guest rooms without individual cooking facilities for transient occupancy and let for compensation. A restaurant, dining room, or related consumer and retail services may be provided within the building or buildings.

IMPERVIOUS SURFACE

Any material or structure on or above the ground that prevents water from infiltrating through the underlying soil. Impervious surface is defined to include, without limitation: paved surfaces (parking lots, sidewalks, driveways), roof tops, swimming pools, patios, and paved, gravel and compacted dirt surfaced roads.

INN

A dwelling whose use includes the renting of rooms at a transient daily rate (whether or not billed or paid daily), and wherein a dining room serving meals in addition to breakfast, only to registered guests, is operated on the premises, and wherein the owner or operator may or may not maintain a place of principal residence.

LARGE SCALE GROUND-MOUNTED SOLAR PHOTOVOLTAIC INSTALLATION

A solar photovoltaic system that is structurally mounted on the ground and is not roof-mounted, and has a minimum nameplate capacity of 250 kW DC. **(Definition voted Special Town Meeting November 8, 2010)**

LIGHT MANUFACTURING

Manufacturing, processing or assembly provided that such use is not dangerous to the neighborhood through fire, explosion, emission of wastes or other cause, and provided further that such use is not likely to create excessive noise, vibration, dust, heat, smoke, fumes, odor or glare.

LIVE/WORK BUILDING

A small floor plate attached residential building type with one (1) dwelling unit and one (1) ground floor commercial unit. Live/Work units shall be occupied by the owner of the building and the commercial operation.

LOCAL INITIATIVE PROGRAM

A program administered by the Massachusetts Department of Housing and Community Development (DHCD) to develop and implement local housing initiatives that produce low- and moderate-income housing.

LODGING HOUSE (OR BOARDING HOUSE)

A dwelling whose use includes the renting of rooms at a prearranged or contractual weekly, monthly or annual rate, whether or not meals are included in the rate, and wherein the owner or operator maintains a place of principal residence. Hotels, motels, inns and bed and breakfast establishments are not classified as lodging or boarding houses.

LOT

A single or continuous parcel of land with definite boundaries, held in the same ownership throughout and not divided by a street.

LOT FRONTAGE

That portion of a lot fronting upon and having rights of access to a way providing legally sufficient frontage for a division of land under the requirements of Massachusetts General Laws Chapter 41, Section 81L, to be measured continuously along a single street line.

LOT LINE, FRONT

The dividing line between a street and an adjacent lot.

LOT LINE, REAR

The lot line opposite and most distant from the front lot line. In the case of a corner lot, the determination as to the rear yard depth shall be calculated as provided in Section 620.4. For other irregularly shaped lots, the rear lot line is composed of all lot lines that are parallel to, or closely parallel to, the front lot line.

LOT LINE SIDE

Any lot line that is not a front or a rear lot line.

MARIJUANA

Shall include all parts of the plant *Cannabis sativa* L., whether growing or not; the seeds thereof; and resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds or resin. It does not include the mature stalks of the plant, fiber produced from the stalks, oil, or cake made from the seeds of the plant,

any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks, except the resin extracted therefrom, fiber, oil, or cake or the sterilized seed of the plant which is incapable of germination. The term also includes Marijuana-Infused Products except where the context clearly indicates otherwise.

MANUFACTURE MARIJUANA

To compound, blend, extract, infuse or otherwise make or prepare a marijuana product.

MARIJUANA ACCESSORIES

Equipment, products, devices or materials of any kind that are intended or designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, ingesting, inhaling or otherwise introducing marijuana into the human body.

MARIJUANA CULTIVATOR

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.

MARIJUANA ESTABLISHMENT

A marijuana cultivator, marijuana testing facility, marijuana product manufacturer, marijuana retailer or any other type of licensed marijuana-related business.

MARIJUANA PRODUCT MANUFACTURER

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.

MARIJUANA PRODUCTS

Products that have been manufactured and contain marijuana or an extract from marijuana, including concentrated forms of marijuana and products composed of marijuana and other ingredients that are intended for use or consumption, including edible products, beverages, topical products, ointments, oils and tinctures.

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.

MARIJUANA TESTING FACILITY

An entity licensed to test marijuana and marijuana products, including certification for potency and the presence of contaminants.

MARINA

A facility which provides dockage, berthing, or mooring for more than five vessels and may also provide the services of a vessel service area.

MAXIMUM AFFORDABLE RENT

Monthly rent, exclusive of utilities, that does not exceed 30% of the monthly income of a household earning 70% of area median income based on household size, except that if the

dwelling unit receives a state, federal or local subsidy, the maximum rent may be as allowed by the subsidy program so long as the tenant share of rent does not exceed 30% of the monthly income.

MICROBREWERY

An entity where up to 15,000 barrels (1 barrel=31 gallons) of beer is made annually and prepared for sale, both on premise and wholesale to other establishments. Microbreweries are licensed by the United States Alcohol and Tobacco Tax and Trade Bureau (TTB) as well as the Commonwealth of Massachusetts Alcoholic Beverages Control Commission (ABCC) to produce and sell beer and/or ale. A Microbrewery sells to the public by one or more of the following methods: the traditional three-tier system (brewer to wholesaler to retailer to consumer); the two-tier system (brewer acting as wholesaler to retailer to consumer); and, directly to the consumer through carry-outs and/or on-site tap-room sales. (Definition voted Special Town Meeting November 2, 2015)

MIXED USE DEVELOPMENT

An existing or proposed structure or group of structures containing retail, office and/or residential uses, and including one or more mixed use buildings. A mixed use development may include buildings containing only multiple dwellings as long as there is an existing or proposed mixed use building on the same lot.

MIXED USE BUILDING

A building that typically accommodates a variety of ground floor commercial uses and upper residential and office uses at a scale that is compatible and complimentary to its given district.

MULTI-FAMILY DWELLING

A building containing more than two dwelling units, exclusive of accessory dwellings, and not classified as a one or two-family dwelling, and containing only residential uses and uses accessory to them.

NON-SANITARY WASTEWATER

Wastewater discharges from industrial and commercial facilities containing wastes from any activity other than collection of sanitary sewage including, but not limited to, activities specified in 310 CMR 15.004(6).

ON-SITE SOLAR PHOTOVOLTAIC INSTALLATION

A solar photovoltaic installation that is constructed at a location where other uses of the underlying property occur. **(Definition voted Special Town Meeting November 8,2010)**

PARKING SPACE

An area for the parking of one motor vehicle, with free and unimpeded access to a street over unobstructed passageways or driveways.

PAVING

A uniform, hard, smooth covering which will bear travel by vehicles or by pedestrians in all seasons, or which is used in conjunction with certain sports or recreational activities. It includes concrete, bituminous concrete, oil-penetrated gravel, brick and paving stone, but shall not include such materials as gravel, crushed clamshells or any other similar material

PERSONAL WIRELESS SERVICE FACILITY

Any facility for the provision of personal wireless services, such as an antenna, dish, tower, monopole or similar equipment.

PERSONAL WIRELESS SERVICES

All forms of wireless communication included in this definition in the federal Telecommunications Act of 1996, including commercial mobile radio services, unlicensed wireless services, common carrier wireless exchange services and other forms of wireless communication of a similar nature. Common carrier wireless exchange services include cellular telephone services, personal communications systems and paging services, wireless computer networking, wireless Internet access and wireless communication services of a similar nature.

PRE-EXISTING NONCONFORMING STRUCTURE (OR USE)

An existing structure (or use) which also existed on the effective date of the original amendment to the bylaw which made the existing structure (or use) nonconforming.

PRIVATE GARAGE

A building or building appendage that is accessory to a main building, providing for the storage of automobiles and in which no occupation or business for profit is carried on and which is enclosed on all four sides.

QUALIFIED RENTER

A household with income at or below 80% of area median income, adjusted for household size, for the metropolitan or non-metropolitan area that includes the Town of Scituate as determined annually by the U. S. Department of Housing and Urban Development (HUD) that rents and occupies an affordable accessory dwelling unit.

RADIOFREQUENCY ENGINEER

An engineer specializing in electrical or microwave engineering, especially the study of radiofrequencies.

RADIOFREQUENCY RADIATION

A form of energy emitted in the course of wireless communications.

RATED NAMEPLATE CAPACITY

The maximum rated output of electric power production of the Photovoltaic system in Direct Current (DC). **(Definition voted Special Town Meeting November 8,2010)**

REGISTERED MARIJUANA DISPENSARY

Any registered marijuana dispensary, 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 registered 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.

REST, NURSING OR CONVALESCENT HOME

An institution licensed and regulated by the State and Federal government which provides for its residents three meals per day, assistance with daily living activities, social, psychological and educational programs, twenty-four hour supervision, and nursing and other medical care as appropriate. Other support and rehabilitation services may include, but are not limited to, an adult day care or respite facility to provide short-term custodial care to individuals with special needs.

RESTAURANT

A building or portion thereof containing a kitchen and tables and/or booths which is used for the preparation, sale and consumption of food on the premises, and which may include outdoor seating for patrons.

RETIREMENT LIVING FACILITY

A residential housing facility which contains independent, private living accommodations which are restricted to persons fifty-five years of age or older.

SCIENTIFIC ACCESSORY USE

Uses, accessory to activities permitted as a matter of right, which are accessory in connection with scientific research or scientific development or related production, whether or not on the same parcel as the activities to which said uses are accessory.

SIGN

Any words, lettering, parts of letters, figures, numerals, phrases, sentences, emblems, devices, designs, or trade names or trademarks by which anything is made known, either attached to the exterior of a building or freestanding, used to identify the building, use of land or services sold or conducted within the confines of the lot on which it is located, and which is visible from a public street or right-of-way. For the purposes of this bylaw, this definition shall not include the display of street numbers.

SINGLE-FAMILY DETACHED DWELLING

A building containing one dwelling unit and allowed accessory uses.

SINGLE-FAMILY ATTACHED DWELLING

A small footprint attached single family residential building having narrow massing, which may be located on individual or common lots. Each unit is separated horizontally by a common wall and groups of buildings may be separated by a common driveway or community space. Townhouses and Rowhouses are common types of Single-Family Attached Dwellings.

STORY

That part of a building between any floor and the next higher floor or lower roof line. Where a building is not divided into stories, a story shall be considered fifteen feet in height. The first story for the purposes of determining building height shall be the lowermost story with more than 60% of the wall surfaces enclosing that story above the natural grade. A habitable attic constitutes a story for the purposes of this bylaw.

STREET OR WAY

Any street or way providing legally sufficient frontage for a division of land under the requirements of General Laws Chapter 41, Section 81L.

SUBSIDIZED HOUSING INVENTORY

The Department of Housing and Community Development Subsidized Housing Inventory provided in state regulations.

SUBSTANTIAL IMPROVEMENT

External alteration or enlargement of a building or structure which does not change its use to a nonconforming use and which will impact an area of the structure greater than twenty-five percent of the existing gross square feet or twenty-five percent of the existing footprint. This definition shall exclude repairs or improvements to a structure to comply with existing state or local health, safety or sanitary code specifications which are necessary to assure safe living conditions. The determination of substantial improvement shall be made by the Building Commissioner.

TEMPORARY OUTDOOR SALES

Any outdoor sales activity which by its nature will begin and end within a period of 180 days or less, including but not limited to festivals, seasonal and holiday sales and sidewalk sales.

TRAILER

A structure built on a chassis to be moved from site to site, whether used with or without a permanent foundation.

TREATMENT WORKS

Any and all devices, processes and properties, real or personal, used in the collection, pumping, transmission, storage, treatment, disposal, recycling, reclamation, or reuse of waterborne pollutants, but not including any works receiving a hazardous waste from off the site of the works for the purpose of treatment, storage, or disposal.

TRIBUTARY

Tributary means any body of running, or intermittently running, water which moves in a definite channel, naturally or artificially created, in the ground due to a hydraulic gradient, and which ultimately flows into a Class A water source, as defined in 314 CMR 4.05(3)(a).

TWO-FAMILY DWELLING

A building containing two dwelling units and allowed accessory uses per unit.

UTILITY WORKS

Regulated activities providing for public services, including roads, water, sewer, electricity, gas, telephone, transportation and their associated maintenance activities. This term shall include the installation of detention and retention basins for the purpose of controlling storm water.

WIND ENERGY CONVERSION SYSTEM (WECS)

A mechanical or electro-mechanical system for the conversion of wind power into useful energy. It includes both horizontal and vertical rotating mechanisms, the supporting tower and energy transmitting conductor or shaft.

WIRELESS COMMUNICATION

A form of communication by a signal sent through the air which does not use wires for transmission. Wireless communications include radio, television and personal wireless services.

WIRELESS COMMUNICATION ANTENNA

An antenna installed for the primary purpose of transmitting and receiving wireless communication signals, including all surfaces from which wireless communications are sent or received.

WIRELESS COMMUNICATION TOWER

A structure such as a lattice tower, guyed tower or monopole, designed and constructed for the primary purpose of supporting wireless communication antennas.

ZONE A

a) The land between a surface water source and the upper boundary of the bank; b) The land area within a 400 foot lateral distance from the upper boundary of a Class A surface water source, as defined in 314 CMR 4.05(3)(a) or c) The land area within a 200 foot lateral distance from the upper boundary of the bank of a tributary or associated water body.

ZONE II

The delineated recharge area to a public drinking water well as approved by MassDEP and defined under the Massachusetts Drinking Water Regulations 310 CMR 22.00.7

210 INTERPRETATION

Terms not defined in this Section or elsewhere in this bylaw but defined in the State Building Code shall have the meanings given in the State Building Code.

In the following Table of Use Regulations, uses which are permitted as of right are designated "Y", uses allowed by special permit from the Board of Appeals are designated "SP" for all districts except the VCN where the Planning Board shall be the Special Permit Granting Authority, and uses that are prohibited are designated "N".

USE CATEGORY	RESIDENTIAL DISTRICTS				COMMERCIAL DISTRICT	VILLAGE CENTER & NEIGHBORHOOD DISTRICTS ¹									
	RESIDENTIAL DISTRICTS					GREENBUSH-DRIFTWAY									
	R-1	R-2	R-3	B		GVC	GWB	NDTV	NRN	DBP	NCR	DCR	VC	NORTH SCITUATE	OV
1. Residential and Institutional Uses															
A.	Y	Y	Y	Y	Y	N	N	N	N	N	N	N	N	N	
A.1					Y	Y	Y	Y	Y	N	N	N	N	N	
A.2					Y	N	N	N	N	N	N	N	N	N	
B.	Y	Y	Y	Y	Y	N	N	N	N	N	N	N	N	N	
C.	Y	Y	Y	Y	Y	N	N	N	N	N	N	N	N	N	
D.	SP	SP	SP	SP	Y	N	N	N	N	N	N	N	SP	SP	
E.	See Section 530														
F.	N	N	N	Y	Y	SP	Y	Y	N	N	N	N	N	Y	
G.	N	N	N	N	SP	SP	Y	Y	N	N	N	N	N	N	
H.	SP	SP	SP	Y	Y	N	N	N	N	N	N	N	SP	N	
I.	SP	SP	SP	Y	Y	N	N	N	Y	N	N	N	N	N	
J.	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	
K.	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	
L.	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	
M.	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	
N.	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	N	Y	Y	Y	
O.					Y	Y	Y	Y	Y	SP	N	Y	Y	Y	
P.					Y	Y	Y	Y	Y	SP	N	Y	Y	Y	
2. Agricultural, Horticultural, Floricultural Uses															
A.	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	
B.	Y	Y	Y	Y	N	N	N	N	N	N	N	N	N	N	

¹ Refer to 580.3 and 580.9 for allowed buildings and associated standards within the Village Center Neighborhoods.

USE CATEGORY	VILLAGE CENTER & NEIGHBORHOOD DISTRICTS ¹												
	RESIDENTIAL DISTRICTS			COMMERCIAL DISTRICT	GREENBUSH-DRIFTWAY							NORTH SCITUATE	
	R-1	R-2	R-3	B	GVC	GWB	NDTV	NRN	DBP	NCR	DCR	VC	OV
C.	SP	SP	SP	Y	Y	Y	N	N	Y	N	N	N	N
D.	SP	SP	SP	Y	Y	Y	N	N	Y	N	N	N	N
E.	SP	SP	SP	Y	Y	Y	N	N	Y	N	N	N	N
3. Commercial Uses													
A.	SP	SP	SP	Y	N	N	N	N	N	N	N	N	N
B.	SP	SP	SP	Y	Y	Y	SP	Y	N	N	N	SP	SP
C.	SP	SP	SP	Y	SP	N	N	N	N	N	N	N	N
D.	SP	SP	SP	Y	N	N	SP	N	SP	N	N	N	N
E.	SP	SP	SP	Y	Y	Y	SP	SP	SP	SP	SP	Y	Y
F.	Y	Y	Y	Y	Y	Y	Y	SP	Y	SP	SP	Y	Y
G.	SP	SP	SP	Y	SP	SP	N	SP	SP	N	N	N	N
H.	SP	SP	SP	Y	N	N	N	N	N	N	Y	N	N
I.	N	N	N	Y	N	N	N	N	N	N	N	N	N
J.	SP	SP	SP	Y	SP	SP	N	N	N	N	N	SP	SP
K.	SP	SP	SP	Y	Y	Y	Y	SP	SP	N	SP	Y	Y
L.	SP	SP	SP	Y	Y	Y	Y	SP	SP	N	SP	Y	Y
M.	N	N	N	SP	SP	Y	SP	SP	SP	N	SP	Y	SP
N.	SP	SP	SP	Y	Y	Y	Y	Y	Y	N	SP	Y	Y
O.	SP	SP	SP	Y	Y	Y	Y	N	Y	N	N	Y	Y
P.	N	N	N	Y	Y	Y	Y	N	Y	N	N	Y	Y
Q.	N	N	N	Y	Y	Y	N	N	Y	N	N	Y	Y
S.	N	N	N	Y	Y	Y	Y	N	Y	N	N	Y	Y

440.1 SCREENING OF COMMERCIAL USES

Any business or commercial use conducted outside a completely enclosed building (including storage, accessory parking of commercial vehicles, and service of manufacturing operations) shall, if visible at normal eye level from any point within the R-1, R-2, or R-3 Districts and less than one hundred and fifty feet distant shall be completely screened from such view except where separated from said districts by a railroad, or by a public or private way having a width of forty feet or more. Screening required under this paragraph shall be by an evergreen planting, fence, or other suitable visual barrier.

440.2 REGISTERED MARIJUANA DISPENSARIES AND MARIJUANA ESTABLISHMENTS

The zoning of Registered Marijuana Dispensaries and Marijuana Establishments in the Town of Scituate shall be governed in accordance with this section.

A. Purpose. The purpose of this section is to regulate the locations for Registered Marijuana Dispensaries and Marijuana Establishments which serve a legitimate need for human health and recreation, in order to minimize any potential adverse impacts on residents of the Town, including impacts on residential neighborhoods and incompatible land uses, children and vulnerable populations.

B. Applicability. The cultivation, production, processing, assembly, packaging, retail or wholesale sale, trade, distribution or dispensing of marijuana for medical use is prohibited, ~~except as permitted under this Section, except for personal cultivation by registered qualifying patients or cultivation by personal caregivers on behalf of qualifying patients or others as provided by 105 CMR 725.000: Implementation of an Act for the Humanitarian Medical Use of Marijuana, adopted May 8, 2013.~~

~~Any establishment 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 registered qualifying patients or their personal caregivers shall not be permitted if such establishment has not been properly registered and licensed in accordance with applicable state and local laws and regulations, or is not operated as a not for profit entity, or otherwise fails to meet the definition of a Registered Marijuana Dispensary.~~

In no case shall the acquisition, cultivation, possession, processing, transference, transportation, sale, distribution, dispensing, or administration of marijuana, products containing or derived from marijuana, or related products be considered accessory to any other use, other than personal cultivation by registered qualifying patients or cultivation by personal caregivers on behalf of qualifying patients or others as provided by 105 CMR 725.000.

C. Procedures.

1. Applications. Applicants for special permits under this section shall include the following information with the application:
 - a. All requirements for a Major Site Plan Review, as described in Section 770.5;
 - b. A deed, purchase and sale agreement or lease as evidence of the Applicant's right to use the site;
 - c. In the case of a Registered Marijuana Dispensary and/or Marijuana Establishment a copy of the license from the Mass. Dept. of Public Health (MDPH) for the Registered Marijuana Dispensary and/or Marijuana Establishment, including the detailed written operating procedures submitted to MDPH and any conditions of operation specific to the proposed operation;
 - d. A labeled, dimensioned floor plan by a licensed architect showing the different functions within the building in which the Registered Marijuana Dispensary and/or Marijuana Establishment will be located, and the area to be occupied by the Registered Marijuana Dispensary and/or Marijuana Establishment, with square footage;
 - e. The proposed hours of operation, number of employees and number of vehicles used for regular operations;
 - f. A description of the proposed system of fire protection;
 - g. A detailed description of proposed security measures to ensure the safety of customers, employees and property, and to protect the premises from theft including lighting, fencing, gates and alarms, etc. as required to meet the standards of 105 CMR 125.000.
 - h. Identification of any of the following facilities within five hundred (500') linear feet of the proposed location, with stated distance to any of the following as applicable:
 - i. Any school, library, park, ballfield or other recreation facility typically used by children;
 - ii. Any other Registered Marijuana Dispensary and/or Marijuana Establishment or related activity including but not limited to an independent testing laboratory;
 - iii. Any drug or alcohol rehabilitation facility;
 - iv. Any correctional facility, half-way house or similar facility.
2. Distribution. Applications for special permits for Registered Marijuana Dispensaries and/or Marijuana Establishment shall be distributed to the Superintendent of Schools and Police Chief, in addition to the departments and boards listed in Section 940, referrals.
3. Process. The Planning Board shall be the special permit granting authority for Registered Marijuana Dispensaries and/or Marijuana Establishment. The process for application shall be governed by MGL Ch 40A, § 9 and this section.
4. Standard of Review.
 - a. 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 Site Plan Review, Standards of Review.

- b. The Special Permit Granting Authority must also find all the following:
 - i. That the Registered Marijuana Dispensary and/or Marijuana Establishment including its site plan is designed to minimize any adverse visual or economic impacts on abutters and other parties in interest;
 - ii. That the Registered Marijuana Dispensary and/or 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
 - iii. That the applicant has satisfied all of the conditions and requirements of this Section and other applicable Sections of this Bylaw/Ordinance;
 - iv. That the site plan for the Registered Marijuana Dispensary and/or Marijuana Establishment adequately addresses issues of traffic demand, circulation flow, parking and queuing, particularly at peak periods at the facility, and its impact on neighboring uses.
- c. The special permit review shall also be subject to the procedure and conditions of approval set forth in Section 950.2 and 950.3 of the Zoning Bylaw, and the Planning Board may issue further conditions to the special permit, in addition to those stated herein.

5. Any Registered Marijuana Dispensary and/or Marijuana Establishment permitted under this Section shall be located only in a zoning district that is designated for its use within this Zoning Bylaw.

6. Location. No Registered Marijuana Dispensary and/or Marijuana Establishment shall be located within five hundred (500) linear feet of the nearest point of the property line where the following activities or uses occur:

- a. Any school, library, park, ballfield or other recreation facility typically used by children;
- b. Any other Registered Marijuana Dispensary and/or Marijuana Establishment or related activity including but not limited to an independent testing laboratory;
- c. Any drug or alcohol rehabilitation facility;
- d. Any correctional facility, half-way house or similar facility.

The five hundred (500) linear foot distance under this section is measured in a straight line from the nearest point of the property line to the proposed Registered Marijuana Dispensary and/or Marijuana Establishment.

7. As a condition of its special permit, off-site signage or advertising for a Registered Marijuana Dispensary and/or Marijuana Establishment shall not be permitted.
8. As a condition of its special permit, the appearance and/or aroma of marijuana products or treatment, or of associated activities shall not be detectable from the exterior of a Registered Marijuana Dispensary and/or Marijuana Establishment.
9. As a condition of its special permit, a Registered Marijuana Dispensary and/or Marijuana Establishment shall provide the Scituate Police Department, Building Commissioner, and the Planning Board with the names, phone numbers, and e-mail addresses of all management staff and key holders to whom one can provide notice if there are operating problems associated with the Registered Marijuana Dispensary and/or Marijuana Establishment.
10. A special permit granted to an applicant under this Section is non-transferable and shall have a term limited to the earlier of the duration of the applicant's ownership or control of the premises as a Registered Marijuana Dispensary and/or Marijuana Establishment.
11. In the event the Massachusetts Department of Public Health license for cultivation of marijuana, manufacture of marijuana products, or operation of a Registered Marijuana Dispensary and/or Marijuana Establishment is not renewed, is cancelled, or is otherwise terminated for any reason, its special permit shall immediately become void.
12. As a condition of its special permit, the holder shall file an annual report to the Planning Board no later than January 31st of each year, providing a copy of all current applicable state licenses for the Registered Marijuana Dispensary and/or Marijuana Establishment and its owners and demonstrate continued compliance with all conditions of the special

~~491~~ TEMPORARY MORATORIA

~~491.1. Temporary Moratorium on the Sale and Distribution of Recreational Marijuana~~

- A. ~~Purpose.~~ By vote at the State election on November 8, 2016, the voters of the Commonwealth approved a law regulating the cultivation, distribution, possession and use of marijuana for recreational purposes. The law provided that it became effective on December 15, 2016 and the Cannabis Control Commission was required to issue regulations regarding implementation by September 15, 2017. This law was amended on December 30, 2016 so it will become effective on March 15, 2018 and the Cannabis Control Commission is required to issue regulations regarding implementation by March 15, 2018 and to begin accepting applications for licenses on April 1, 2018.

Currently under the Zoning Bylaw, Recreational Marijuana Establishments and Marijuana Retailers are not a permitted use in the Town and any regulations promulgated by the State Cannabis Control Commission are expected to provide

~~guidance to the Town in regulating Recreational Marijuana Establishments and Marijuana Retailers. Further, the ballot measure establishes two important provisions that require ballot action by the Town prior to the adoption of zoning. First, the Town must, by ballot, determine whether it will allow Recreational Marijuana Establishments and Marijuana Retailers and second, by ballot that cannot occur prior to November 6, 2018, the next biennial state election, on whether to allow on-site consumption of marijuana products should the Town decide to allow such facilities.~~

~~The regulation of Recreational Marijuana Establishments and Marijuana Retailers raises novel and complex legal, planning, and public safety issues and the Town needs time to study and consider the regulation of Recreational Marijuana Establishments and Marijuana Retailers and address such novel and complex issues, as well as to address the potential impact of the State regulations on local zoning and to undertake a planning process to consider amending the Zoning Bylaw regarding regulation of Recreational Marijuana Establishments and Marijuana Retailers and other uses related to the regulation of recreational marijuana. The Town intends to adopt a temporary moratorium on the use of land and structures in the Town for Recreational Marijuana Establishments and Marijuana Retailers so as to allow the Town sufficient time to engage in a planning process to address the effects of such structures and uses in the Town and to adopt provisions of the Zoning Bylaw in a manner consistent with sound land use planning goals and objectives.~~

~~B. Definitions:~~

~~"Manufacture", to compound, blend, extract, infuse or otherwise make or prepare a marijuana product.~~

~~"Marijuana accessories", equipment, products, devices or materials of any kind that are intended or designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, ingesting, inhaling or otherwise introducing marijuana into the human body.~~

~~"Marijuana cultivator", 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.~~

~~"Marijuana establishment", a marijuana cultivator, marijuana testing facility, marijuana product manufacturer, marijuana retailer or any other type of licensed marijuana-related business.~~

~~"Marijuana product manufacturer", 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.~~

~~"Marijuana products", products that have been manufactured and contain marijuana or an extract from marijuana, including concentrated forms of~~

~~marijuana and products composed of marijuana and other ingredients that are intended for use or consumption, including edible products, beverages, topical products, ointments, oils and tinctures.~~

~~"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.~~

~~"Marijuana testing facility", an entity licensed to test marijuana and marijuana products, including certification for potency and the presence of contaminants.~~

- ~~C. Temporary Moratorium. For the reasons set forth above and notwithstanding any other provision of the Zoning Bylaw to the contrary, the Town hereby adopts a temporary moratorium on the use of land or structures for Recreational Marijuana Establishments and Marijuana Retailers. The moratorium shall be in effect through November 30, 2018. During the moratorium period, the Town shall undertake a planning process to address the potential impacts of recreational marijuana in the Town, consider the Cannabis Control Commission regulations regarding Recreational Marijuana Establishments and Marijuana Retailers and related uses, determine whether the town shall restrict any, or all Recreational Marijuana Establishments and Marijuana Retailers through any available legal means, determine whether the town will prohibit on-site consumption at Recreational Marijuana Establishments and Marijuana Retailers and shall consider adopting new provisions of the Zoning Bylaw to address the impact and operation of Recreational Marijuana Establishments and Marijuana Retailers and related uses.~~
- ~~D. Severability. The provisions of this by-law are severable. If any provision, paragraph, sentence, or clause of this By-law or application thereof to any person, establishment, or circumstance shall be held invalid, such invalidity shall not affect the other provisions or application of this bylaw.~~

~~492. PROHIBITION OF MARIJUANA ESTABLISHMENTS~~

~~In accordance with Massachusetts General Laws Chapter 94G, Section 3(a)(2), all types of marijuana establishments, as defined in Massachusetts General Laws Chapter 94G, Section 1 and as may otherwise be defined by Massachusetts law or regulation, to include, without limitation, all marijuana cultivators, marijuana testing facilities, marijuana product manufacturers, marijuana retailers, on-site consumption of marijuana at a marijuana retailer location, any other types of licensed marijuana-related businesses, and the conducting of any such activity for commercial purposes by whichever name used, shall be prohibited within the Town of Scituate. This prohibition shall not be construed to affect the medical use of marijuana as expressly authorized by the provisions of Chapter 369 of the Acts of 2012 and 105 CMR 725.000 (as the same may be amended from time to time).~~

