

DRAFT (as amended January 10, 2018)

RED text is under discussion by the Planning Board

Zoning BYLAW AMENDMENT / Recreational Marijuana Establishments

ARTICLE NO. XX: To see if the Town will vote to amend Chapter 179, Zoning Article IX, Special Regulations of the Brewster Town Code to include Recreational Marijuana Establishments.

§ 179-38.2 Recreational Marijuana Establishments

- A. Recreational Marijuana Establishments (RME) shall conform to 935 CMR 500.000: Adult Use of Marijuana, in addition to any requirements herein.
- B. The special permit granting authority shall be the Planning Board.
- C. A special permit granted under this section shall have a term limited to the duration of the applicant's ownership or lease of the premises for an RME, as licensed by the Massachusetts licensing agent. A special permit may be transferred only with the approval of the special permit granting authority in the form of a modification to the special permit, and shall require site plan review pursuant to Section 179-64 of the Brewster zoning bylaw.

§ 179-38.3 Applicability of Regulations

- a) The cultivation, production, processing, manufacturing, assembly, packaging, retail or wholesale sale, trade, distribution or dispensing of marijuana is prohibited unless licensed by the Massachusetts (licensing agent) and permitted as a recreational marijuana establishment under this section.
- b) Marijuana retail establishments shall be limited to ___ establishments in Brewster, as allowed by MGL 94G §3(a)(2).
- c) The number of any type of marijuana establishment, except retail establishments, shall be limited to the number of medical marijuana treatment centers registered to engage in the same type of activity.
- d) Consumption of recreational marijuana products at licensed establishments shall be prohibited unless permitted by a local ballot initiative process, as allowed by MGL 94G §3 (a)(5)(b).
- e) Marijuana Retail Establishments are not permitted as ROW Commercial uses and must be stand-alone structures.

§ 179-38.4 Definitions

Pursuant to MGL Title XV, Chapter 94G, § 1, the following definitions shall apply to Recreational Marijuana Establishments.

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

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- b. "Marijuana" or "Marihuana", all parts of any plant of the genus Cannabis, not excepted below and 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 including tetrahydrocannabinol as defined in section 1 of chapter 94C of the General Laws; provided that "Marijuana" shall not include:
 - i. 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, fiber, oil, or cake made from the seeds of the plant or the sterilized seed of the plant that is incapable of germination;
 - ii. Hemp; or
 - iii. The weight of any other ingredient combined with marijuana to prepare topical or oral administrations, food, drink or other products.
- c. "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.
- d. "Marijuana establishment", a marijuana cultivator, marijuana testing facility, marijuana product manufacturer, marijuana retailer or any other type of licensed marijuana-related business.
- e. "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.
- f. "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.
- g. "Marijuana testing facility", an entity licensed to test marijuana and marijuana products, including certification for potency and the presence of contaminants.
- h. "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.

§ 179-38.5 General Requirements

- a) **No Recreational Marijuana Establishment shall be located within 500 feet, as measured from the four corners of the subject lot, of a K-12 educational use, childcare center, public park or playground.**
- b) **Applicants for a Recreational Marijuana Establishments shall provide a security plan, to be approved by the Police Chief and Fire Chief, prior to the granting of a Special Permit.**

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- c) An approved Host Community Agreement shall be required prior to the granting of a Special Permit.

§ 179-(XX)(Reserved)

Or take any other action relative thereto.

(Planning Board)

(Two Thirds Vote Required)

Motion: Move to approve.

COMMENT

The purpose of this article is to(in progress...)

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<i>Zoning BYLAW AMENDMENT / Table of Use Regulations</i>
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ARTICLE NO. XX: To see if the Town will vote to amend Chapter 179-11 Table of Use Regulations, subsection B (Table 1) to add the following uses to the **Village Business (VB)**, **Commercial High Density (C-H)**, and **Industrial (I)** zoning districts to the Brewster Town Code.

	R-R	R-L	R-M	C-H	V-B	I	MRD	PWS-CF
Marijuana Cultivator	-	-	-	S	-	S	-	-
Marijuana Product Manufacturer	-	-	-	S	-	S	-	-
Independent Testing Laboratory	-	-	-	S	-	S	-	-
Marijuana Retailer	-	-	-	S	S	S	-	-
Any Other Licensed Recreational Marijuana Establishment	-	-	-	S	-	S	-	-
Medical Marijuana Dispensary (MMD)	-	-	-	S	S	S	-	-

Purpose: The purpose of this bylaw amendment is to recognize Recreational Marijuana Establishments in the Brewster Zoning Bylaw, Chapter 179.

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