



TOWN OF WAYLAND

REQUEST FOR TOWN MEETING WARRANT ARTICLE

Proposer and Contact Information	
1. PROPOSER:	Wayland Planning Board
2. DATE RECEIVED:	January 15, 2019
3. CONTACT PERSON:	Sarkis Sarkisian Town Planner
4. TELEPHONE/DAY:	508-358-3778
5. TELEPHONE/EVENING:	508-358-3778
6. BOARD VOTE:	4-0
7. DATE OF BOARD VOTE:	January 8, 2019
8. FUNDING SOURCE:	None
Article Information	
9. ARTICLE TITLE:	Medical Marijuana Overlay District- Amend Article 26
10. COST:	None
11. NO COST:	None
12. DATE COST ESTIMATE AVAILABLE:	None
Article Text	
13. ARTICLE TEXT:	
See Enclosed	
14. PROPOSER'S COMMENTS:	
The Planning Board will hold the required public hearing and will then issue a report.	
15. FINANCE COMMITTEE DRAFT COMMENTS:	
Medical Marijuana District (MMD) The proposed Zoning Article is sponsored by the Planning Board, and proposes to amend the Zoning Bylaw - Article 26, Marijuana Establishment District recently approved at Town Meeting on November 13, 2018 and approved by the Attorney General on January 11, 2019. The proposed amendment would strike all references to Marijuana Establishments for Retail and would only allow Medical Marijuana Establishments within the same district. The purpose of this Zoning Bylaw amendment is to provide an area in town for the placement and control of Medical Marijuana Treatment Centers in a suitable location superimposed over the existing districts as shown on figure 1 The district would only apply to medical marijuana facilities. Medical Marijuana Facilities cannot be prohibited. Among other things, the proposed bylaw amendment would prohibit Medical Marijuana Treatment Centers within 500 feet of a public or private school providing education in kindergarten or any of grades 1 through 12. Within the Medical Marijuana Establishment District, all requirements of the underlying zoning district remain in effect, except where these regulations provide an alternative to such requirements. If the provisions of the Marijuana Establishment District conflict with the	



TOWN OF WAYLAND

Requirements of the underlying district, the requirements of the Medical Marijuana Establishment District shall control.

The Board of Selectmen authorized a special election for the town to consider a ban on recreational marijuana establishments in Wayland, which was held on October 2, 2018. At the election Wayland residents supported a town-wide prohibition by voting, 1,226 in favor of the ban and 465 opposed. Town of Wayland By-law and Mass General Law include a provision that requires a notice of the special election be mailed to every household in Wayland, which unfortunately was not followed. To rectify this situation, the Board of Selectmen is currently planning to include the same ballot question as part of the annual town election in April 2019. The process of prohibiting recreational marijuana establishments in Wayland also requires adoption of a zoning amendment, and an article was prepared and approved at the Special Town Meeting held on November 13, 2018. The amendment also needs the passing of a ballot question which is scheduled for April 2019 and would become effective at that time.

If the voters do not support the ban at the annual town election in the spring of 2019, thus rejecting the town-wide ban, the Planning Board would recommend that we pass over this Article because the District for both Recreational Marijuana and Medical Marijuana is in place. If the voters approve the ban on recreational marijuana establishments, then the new zoning district would apply only to medical marijuana facilities. Medical Marijuana Establishments cannot be prohibited.

More information can be found on the Planning Board website:

<https://www.wayland.ma.us/planning-board-department/pages/marijuana-material>

16. FINANCE COMMITTEE DRAFT ARGUMENTS IN FAVOR:

ARGUMENTS IN FAVOR:

- The proposed Medical Marijuana Establishment District will allow the Town of Wayland to control where and how marijuana is grown, processed, and sold.
- The proposed location minimizes potential adverse impacts on adjacent properties, residential neighborhoods, historic sites, schools, and other locations where minors congregate by regulating the siting, design, placement, and security.
- Marijuana remains a Schedule I controlled substance and is an illegal drug under the federal Controlled Substances Act warranting additional layers of restrictions.
- Proponents may argue that associated net revenue after addressing community impact mitigation costs is not significant enough to outweigh the potential negative impact on the well-being of the community.

17. FINANCE COMMITTEE DRAFT ARGUMENTS OPPOSED:

ARGUMENTS OPPOSED:

- The Town is potentially forgoing a source of additional sales tax revenue (3% of gross revenue) and community impact mitigation funding (up to 3% of gross revenue) by limiting permissible locations more than state law requires.
- Opponents may argue that the proposed Marijuana Establishment District is overly restrictive thereby not complying



TOWN OF WAYLAND

- With the spirit of the law and as a result may be the subject of costly legal challenges.
- Opponents may argue that MMTCs are already subject to extensive regulations and additional layers of restrictions do not provide a value add to the Town.

18. CHAIR SIGNATURE/DATE:

Town Planner *[Signature]* 01-15-2019

Formatted: Font: 12 pt

ARTICLE 1: ZONING: AMEND ARTICLE 26 MARIJUANA ESTABLISHMENTS AND MEDICAL MARIJUANA TREATMENT CENTERS.

Formatted: Font: (Default) Times New Roman, 12 pt

Sponsored by: Planning Board

Estimated Cost: None

To see whether the Town will vote to amend Chapter 198 of the code of the Town of Wayland, the Town's Zoning Bylaw, by making the following revisions:

SECTION ONE:

Delete Article 26 of Chapter 198 of the code of the Town of Wayland and replace it with the following:

ARTICLE 26

Medical Marijuana District

§198-2601 Purpose and intent

2601.1. The purpose of this section is to provide for the placement of Medical Marijuana Treatment Centers in suitable locations in the Town of Wayland (the "Town") in recognition of and in accordance with "Medical Use of Marijuana," M.G.L. c. 94I. The specific purpose of this section is to safeguard the built environment by permitting compliance with state law in a manner consistent with community and neighborhood concerns, while also ensuring that those entities permitted to operate a Medical Marijuana Treatment Center, as defined herein, comply with the relevant provisions of Chapter 55 of the Acts of 2017, and the regulations promulgated by the Cannabis Control Commission (CCC) found at 935 CMR 500.000 et seq. and the Department of Public Health found at 105 CMR 725.000 et seq., and any successor statutes and regulations, as applicable.

§198-2602 Definitions

2602.1 As used in this article, the following terms shall have the meanings indicated:

MEDICAL MARIJUANA TREATMENT CENTER – an entity 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.

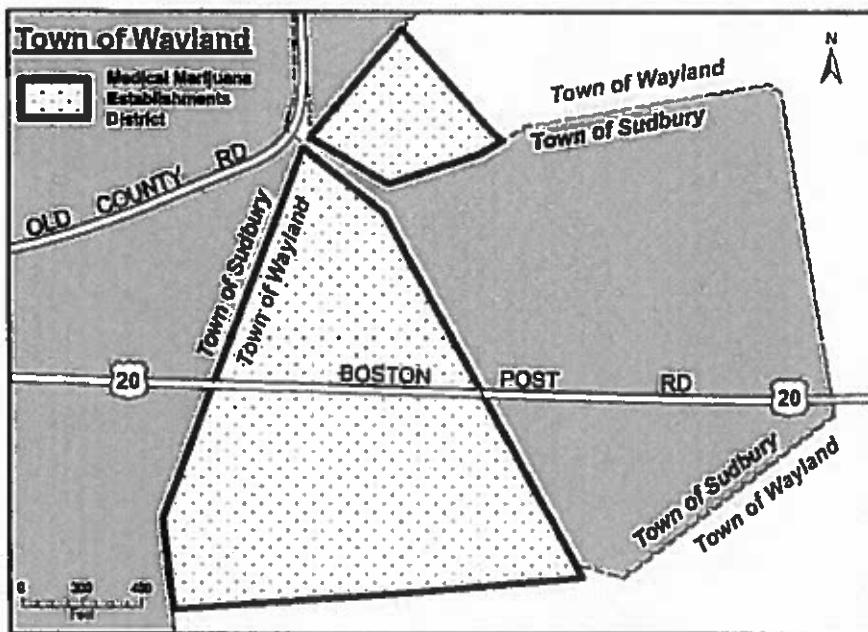


Figure 1

2603.1.2 Medical Marijuana Treatment Centers may only be sited within the Medical Marijuana District, as further defined as Wayland Assessors Parcels 21-010, 21-005, 21-008A, 21-002, 21-004, 21-002A, 21-001, 21-008, 21-006A, 21-006 and 21-003, as per Figure 1, below.

2603.1.3 No Medical Marijuana Treatment Center shall be located within 500 feet of a pre-existing public or private school providing education in kindergarten or any of grades 1 through 12. The distance shall be measured in a straight line from the nearest point of the property line in question to the nearest point of the property line where the Medical Marijuana Treatment Center is or will be located.

2603.1.4 Within the Medical Marijuana District, all requirements of the underlying zoning district remain in effect, except where these regulations provide an alternative to such requirements. If the provisions of the Medical Marijuana District are silent on a zoning regulation, the requirements of the underlying district shall apply. If the provisions of the Medical Marijuana District conflict with the requirements of the underlying district, the requirements of the Medical Marijuana District shall control.

§198-2604 Designated Number Medical Marijuana Treatment Centers

2604.1.2 The total number of Medical Marijuana Treatment Centers shall not exceed one (1).

§198-2605 Special Permit Required.

2605.1.1 Medical Marijuana Treatment Center shall not be operated or expanded without first obtaining a Special Permit from the Special Permit Granting Authority in accordance with Article 2 of the Zoning Bylaw.

2605.1.2 The Special Permit Granting Authority for Medical Marijuana Treatment Center shall be the Planning Board.

2605.1.3 A Special Permit shall only be valid for use by the Applicant and will become null and void upon the sale or transfer of the License of an Medical Marijuana Treatment Center.

2605.1.4 The Special Permit shall lapse if construction has not begun on the project within 2 years of obtaining said permit, as determined by the Building Inspector or their designee(s).

§198-2606 Site Plan Review. Applications to operate Medical Marijuana Treatment Center shall be subject to Article 6 of the Zoning Bylaw. The site plan shall be submitted in conjunction with the Special Permit application and joined to the final approval for the Special Permit.

§198-2607 General Requirements for Medical Marijuana Treatment Centers

2607.1.1 Outside storage. No outside storage of marijuana, Marijuana Products, or related supplies shall be permitted, except at open-air, outdoor cultivation facilities.

2607.1.2 Visibility of activities. All activities shall be conducted indoors, except for open-air, outdoor cultivation facilities or Marijuana Transporters.

2607.1.3 Paraphernalia. No retail marijuana, Marijuana Products, or paraphernalia shall be displayed so as to be visible from outside of the licensed premises.

2607.1.4 Hours of operation. There shall be no hourly restrictions on a Medical Marijuana Treatment Center, unless imposed by the Special Permit Granting Authority.

2607.1.5 On-site consumption of marijuana. On-site consumption is prohibited.

2607.1.6 Marijuana cultivation, processing and product manufacturing may be permitted uses of premises used by Medical Marijuana Treatment Centers, provided that such uses are expressly approved by the Special Permit Granting Authority, such uses are incidental to the principal use of dispensing of Medical Marijuana, and limited to serving the needs of clients and customers of the Medical Marijuana Treatment Center at the specific location for which the special permit is sought. §198-2608 Design Requirements for Medical Marijuana Treatment Centers.

2608.1.1 Permanent location. All Centers shall be operated from a fixed location within a fully enclosed building.

2608.1.2 Signage. All signage must comply with the regulations set forth in Article 5

2608.1.3 Lighting. Outdoor light levels shall not exceed one (1) foot-candle along property lines, nor ten (10) foot-candles for any location on the property. Any light poles, new or existing, may not exceed eighteen (18) feet in overall height. All outdoor light fixtures must be shielded and aimed down in order to prevent light trespass onto adjacent properties. Medical Marijuana Treatment Centers may not illuminate growing operations between dusk and dawn, unless within a fully-enclosed, opaque building. The Special Permit Granting Authority may modify this requirement for adequate security or other reasons specified.

2608.1.4 Landscaping shall be designed in harmony with the building with surrounding uses as stated in Article 6.

2608.1.5 Parking. Off-street parking must be as stated in section §198-506. Off-street loading must be as stated in section §198-507. For buildings or sites that contain more than one type of marijuana use, each use shall be calculated separately and parking provided for each use on-site, based on gross floor area of the individual uses. These requirements may be modified or waived by the Special Permit Granting Authority.

2608.1.6 Drive through facilities. On-site drive through facilities shall be prohibited. 2608.1.7

Fencing. Fencing may be required if determined necessary by the Special Permit-Granting Authority. In no instance shall barbed-wire fencing be permitted.

2608.1.8 Odor Control. Medical Marijuana Treatment Centers engaged in cultivation, processing, product manufacturing, storage and/or transportation shall employ odor control technology such that no odor from the ME can be detected by a person with an unimpaired and otherwise normal sense of smell at the exterior of the Medical Marijuana Treatment Center or at any adjoining use or property.

§198-2609 Filing Requirements. Applications to permit a Medical Marijuana Treatment Center must be submitted to the Planning Board. Such applications shall include the following:

2609.1.1 Site Plan. A site plan shall be submitted that includes all information required under Article 6, Site Plan Approval, and must also include the following:

2609.1.2 The names, mailing addresses, phone numbers, email addresses, and signatures of the applicant, owner, and operator.

2609.1.3 Physical address (if one exists), and the map, lot, and block number of the proposed site.

2609.1.4 Security Plan. The security plan shall be delivered directly to the local Police Chief and reviewed and approved by the local Police Chief, or their designee to ensure the safety of employees, patrons, and the public to protect the premises from theft or other criminal activity.

The Security Plan shall include the following:

2609.1.5 An interior floorplan (including secured areas, windows, doors, etc.)

2609.1.6 Exterior lighting

2609.1.7 Fencing (if any)

2609.1.8 Gates (if any)

2609.1.9 Alarms

2609.1.10 24 Hour cameras

2609.1.11 Any other security measures as requested by the Police

Chief.

2609.1.12 Traffic Study. The Special Permit Granting Authority may require a traffic study that includes an analysis of traffic generation, circulation, and off-street parking demand to determine sufficient parking and optimum configuration for site ingress and egress.

2609.1.13 Photometric Plan. A photometric plan may be required by the Special Permit Granting Authority, or their designee, before or after the marijuana use is in operation.

2609.1.14 State License. Proof of a Provisional Certificate of Registration from the Department of Health or any successor licensing entity shall be required for Medical Marijuana Treatment Centers.

2609.1.15 Proof of Site Control. Evidence that the Applicant has site control and the right to use the site for a marijuana use in the form of a deed, valid lease, or purchase & sale agreement or a notarized statement from the property owner certifying the Applicant has site control.

2609.1.16 Energy Resource Plan. All Centers engaged in marijuana cultivation, processing and product manufacturing shall submit an energy and resource use plan to the Special Permit Granting Authority to demonstrate best practices for resource conservation. The plan shall include an electrical system overview, proposed energy demand, ventilation system and air quality, proposed water system and utility demand.

§198-2610 Discontinuance of Use.

2610.1 Any Medical Marijuana Treatment Centers permitted under this Section shall be required to remove all material, plants, equipment, and other paraphernalia in compliance with regulations established by the CCC within thirty (30) days after the expiration or voiding of its license.

§198-2611 Annual Inspections for Medical Marijuana Treatment Centers

2611.1.1 Any operating Medical Marijuana Treatment Center within the Town shall be inspected annually by the Building Inspector, or their designee(s), to ensure compliance with this section and with any conditions imposed by the Special Permit Granting Authority as a condition of the Special Permit approval.

2611.1.2 The first annual inspection shall be more than one (1) year, but not more than two (2) years after beginning operation.

§198-2613 Other laws remain applicable.

2613.1.1 License Required. At all times while a permit is in effect all Medical Marijuana Treatment Centers shall possess a valid Provisional License or Certificate of Registration from the Department of Public Health, CCC or other state licensing entity, as applicable.

2613.1.2 Prior to the issuance of a Special Permit the Medical Marijuana Treatment Center must have entered into a Host Community Agreement (HCA) with the Town. The HCA shall, at a minimum, include or reference the following:

2613.1.3 A Community Impact Fee, not to exceed 3% of gross sales, may be applied to any Marijuana Retailer, in compliance with G.L. c. 94G, § 3(d), if applicable.

2613.1.4 A description of the activities that will occur on site.

2613.1.5 Hours of operation.

§198-2614 Independent Consultants

2614.1.1 Due to the complex technical character of the information to be provided by an applicant pursuant to these regulations and the monitoring, testing and inspection of facilities and operations, the Special Permit Granting Authority may hire at the applicant's expense such consultants as it deems reasonably necessary to assist said authority in making determinations under this Bylaw.

SECTION TWO:

Amend the Table of Permitted Principal Uses as follows:

Table of Permitted Principal Uses by Districts

Overlay Districts	Description
<i>Medical Marijuana Establishments District</i>	<i>Requirements of Article 26 apply-SP</i>

**SPECIAL TOWN MEETING
VOTE CERTIFICATE Final**

At a legal meeting of the qualified voters of the TOWN OF WAYLAND, held on November 13, 2018, the following business was transacted under Article 6:

ARTICLE 61: ZONING: ESTABLISH DISTRICT FOR Amend Article 26 MARIJUANA ESTABLISHMENTS AND MEDICAL MARIJUANA TREATMENT CENTERS AS AMENDED

ARTICLE 26

Medical Marijuana Establishments-District

§198-2601 Purpose and intent

2601.1. The purpose of this section is to provide for the placement of Marijuana Establishments (MEs) and Medical Marijuana Treatment Centers in suitable locations in the Town of Wayland (the "Town") in recognition of and in accordance with "The Regulation of the Use and Distribution of Marijuana Not Medically Prescribed," M.G.L. c. 94G and "Medical Use of Marijuana," M.G.L. c. 94I. The specific purpose of this section is to safeguard the built environment by permitting compliance with state law in a manner consistent with community and neighborhood concerns, while also ensuring that those entities permitted to operate a ME or Medical Marijuana Treatment Center, as defined herein, comply with the relevant provisions of Chapter 55 of the Acts of 2017, and the regulations promulgated by the Cannabis Control Commission (CCC) found at 935 CMR 500.000 et seq. and the Department of Public Health found at 105 CMR 725.000 et seq., and any successor statutes and regulations, as applicable.

§198-2602 Definitions

2602.1 As used in this article, the following terms shall have the meanings indicated:

~~CRAFT MARIJUANA COOPERATIVE~~—a Marijuana Cultivator comprised of residents of the commonwealth organized as a limited liability company or limited liability partnership under the laws of the commonwealth, or an appropriate business structure as determined by the CCC, and that is licensed to cultivate, obtain, manufacture, process, package and brand marijuana and Marijuana Products to deliver marijuana to MEs but not to consumers.

~~INDEPENDENT TESTING LABORATORY~~—a laboratory that is licensed by the CCC and is: (i) accredited to the most current International Organization for Standardization 17025 by a third party accrediting body that is a signatory to the International Laboratory Accreditation Accrediting Cooperation mutual recognition arrangement or that is otherwise approved by the commission; (ii) independent financially from any medical marijuana treatment center or any licensee or ME for which it conducts a test; and (iii) qualified to test marijuana in compliance with 935 CMR 500.160 and M.G.L. c. 94C, § 34.

~~LICENSE~~—The certificate issued by the CCC that confirms that a ME or Medical Marijuana Treatment Center has met all applicable requirements pursuant to Chapter 55 of

the Acts of 2017, 935 CMR 500 et seq., 105 CMR 725 et seq., and 935 CMR 501 et seq., as applicable. For a Medical Marijuana Treatment Center, the license may also be provisional or called a certificate of registration.

MARIJUANA—all parts of any plant of the genus Cannabis, not excepted in 935 CMR 500.002; Cannabis or Marijuana or Marihuana (a) through (c) and whether growing or not; the seeds thereof and resin extracted from any part of the plant; clones of the plant; and every compound, manufacture, salt, derivative, mixture or preparation of the plant, its seeds or resin including tetrahydrocannabinol as defined in M.G.L. c. 94G, § 1; provided that cannabis shall not include:

(a) 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;

(b) hemp; or

(c) the weight of any other ingredient combined with cannabis or marijuana to prepare topical or oral administrations, food, drink or other products.

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

MARIJUANA CULTIVATOR—an entity licensed to cultivate, process, and package marijuana and to transfer marijuana to other MEs but not to consumers.

MARIJUANA CULTIVATION FACILITIES—facilities that a Marijuana Cultivator may be licensed to operate.

MARIJUANA PRODUCT MANUFACTURER—an entity licensed to obtain, manufacture, process, and package marijuana and Marijuana Products and to transfer marijuana and Marijuana Products to other MEs but not to consumers.

MARIJUANA PRODUCTS—marijuana and its 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 MEs and to deliver, sell, or otherwise transfer marijuana and Marijuana Products to other MEs and to consumers.

THIRD PARTY MARIJUANA TRANSPORTER—an entity licensed by the CCC to purchase, obtain, and possess cannabis or marijuana product solely for the purpose of transporting, temporary storage, sale and distribution to MEs, but not to consumers.

MEDICAL MARIJUANA TREATMENT CENTER—an entity 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.

MICRO-BUSINESS—a ME that is licensed to act as a licensed Marijuana Cultivator in an area less than 5,000 square feet; licensed Marijuana Product Manufacturer; and licensed marijuana delivery service in compliance with the operating procedures for each such license.

MARIJUANA RESEARCH FACILITY—an entity licensed to engage in research projects by the CCC.

§ 19B-260J Location—Marijuana Establishments District is the designated

Location for MEs and Medical Marijuana Treatment Centers

260J.1.1 A Marijuana Cultivator may operate a Marijuana Cultivation Facilities on any property within the Marijuana Establishments District.

2603.1.2 All types of MEs and Medical Marijuana Treatment Centers may only be sited within the Medical Marijuana Establishments District, as further defined as Wayland Assessors Parcels 21-010, 21-005, 21-008A, 21-002, 21-004, 21-002A, 21-001, 21-008, 21-006A, 21-006 and 21-003, as per Figure 1, below.

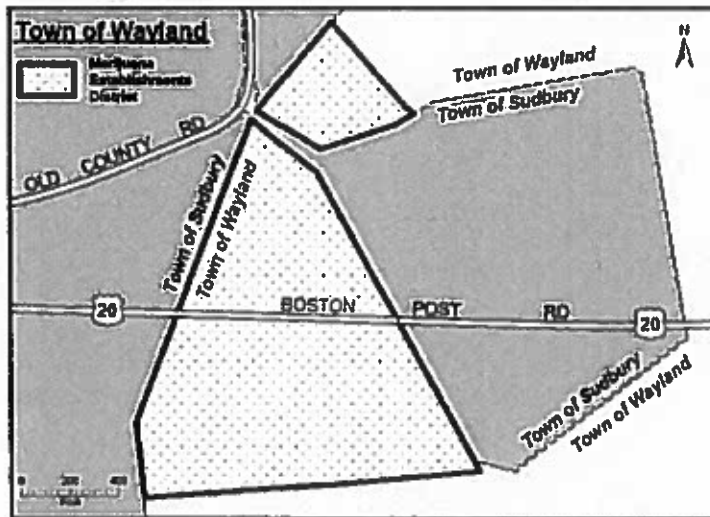


Figure 21

2603.1.3 No ~~ME or~~ Medical Marijuana Treatment Center shall be located within 500 feet of a pre-existing public or private school providing education in kindergarten or any of grades 1 through 12. The distance shall be measured in a straight line from the nearest point of the property line in question to the nearest point of the property line where the Medical Marijuana Treatment Center ME is or will be located.

2603.1.4 Within the Medical Marijuana Establishment District, all requirements of the underlying zoning district remain in effect, except where these regulations provide an alternative to such requirements. If the provisions of the Medical Marijuana Establishment District are silent on a zoning regulation, the requirements of the underlying district shall apply. If the provisions of the Medical Marijuana District ~~Medical Marijuana Establishment District~~ conflict with the requirements of the underlying district, the requirements of the Medical Marijuana Establishment District shall control.

§198-2604 Designated Number of MEs and Medical Marijuana Treatment Centers

2604.1.1 ~~The total number of Marijuana Retailers permitted under this Bylaw shall not be greater than two (2), except that in no instance shall the number of Marijuana Retailers be fewer than twenty percent (20%) of the number of licenses issued within the Town for the retail sale of alcoholic beverages not to be drunk on the premises, as set forth in G.L.c. 44C Section 3(a)(ii). Fractions shall be rounded up to the nearest whole number.~~

2604.1.2 The total number of Medical Marijuana Treatment Centers shall not exceed one (1).

2604.1.3 ~~There shall be no limit on the number of MEs permitted within the Town, except as per Subsection 2604.1.1.~~

§198-2605 Special Permit Required.

2605.1.1 No ~~ME or~~ Medical Marijuana Treatment Center shall not be operated or expanded without first obtaining a Special Permit from the Special Permit Granting Authority in accordance with Article 2 of the Zoning Bylaw.

2605.1.2 The Special Permit Granting Authority for any ~~ME or~~ Medical Marijuana Treatment Center shall be the Planning Board.

2605.1.3 A Special Permit shall only be valid for use by the Applicant and will become null and void upon the sale or transfer of the License of an ~~ME or~~ Medical Marijuana Treatment Center.

2605.1.4 The Special Permit shall lapse if construction has not begun on the project within 2 years of obtaining said permit, as determined by the Building Inspector or their designee(s).

§198-2606 Site Plan Review. Applications to operate or expand a ~~ME or~~ Medical Marijuana Treatment Center shall be subject to Article 6 of the Zoning Bylaw. The site plan shall be submitted in conjunction with the Special Permit application and joined to the final approval for the Special Permit.

§198-2607 General Requirements for MEs and Medical Marijuana Treatment Centers

2607.1.1 Outside storage. No outside storage of marijuana, Marijuana Products, or related supplies shall be permitted, except at open-air, outdoor cultivation facilities.

2607.1.2 Visibility of activities. All activities shall be conducted indoors, except for open-air, outdoor cultivation facilities or Marijuana Transporters.

2607.1.3 Paraphernalia. No retail marijuana, Marijuana Products, or paraphernalia shall be displayed or kept by a Marijuana Retailer so as to be visible from outside of the licensed premises.

2607.1.4 Hours of operation. A Marijuana Retailer may not open earlier than 8:00 AM and shall close no later than 8:00 PM the same day. ~~There shall be no hourly restrictions on any other type of ME or Medical Marijuana Treatment Center, unless imposed by the Special Permit Granting Authority as part of site plan approval.~~

2607.1.5 On-site consumption of marijuana. On-site consumption is prohibited on or within the premises of any ME, except as may be authorized under the CCC license for Research Facilities.

2607.1.6 Marijuana cultivation, processing and product manufacturing may be permitted uses of premises used by Medical Marijuana Treatment Centers, provided that such uses are expressly approved by the Special Permit Granting Authority, such uses are incidental to the principal use of dispensing of Medical Marijuana, and limited to serving the needs of clients and customers of the Medical Marijuana Treatment Center at the specific location for which the special permit is sought.

§198-2608 Design Requirements for MEs and Medical Marijuana Treatment Centers.

2608.1.1 Permanent location. All ~~Centers -marijuana-uses, except for Marijuana Transporters and open-air Cultivation Facilities~~, shall be operated from a fixed location within a fully enclosed building.

2608.1.2 Signage. All signage must comply with the regulations set forth in Article 5

2608.1.3 Lighting. Outdoor light levels shall not exceed one (1) foot-candle along property lines, nor ten (10) foot-candles for any location on the property. Any light poles, new or existing, may not exceed eighteen (18) feet in overall height. All outdoor light fixtures must be shielded and aimed down in order to prevent light trespass onto adjacent properties. ~~Marijuana Cultivation Facilities or Medical Marijuana Treatment Centers~~ may not illuminate growing operations between dusk and dawn, unless within a fully-enclosed, opaque building. The Special Permit Granting Authority may modify this requirement for adequate security or other reasons specified.

2608.1.4 Landscaping. ~~Marijuana Retailers~~ shall be landscaped to harmonize ~~designed in harmony~~ with the building with surrounding uses as stated in Article 6.

2608.1.5 Parking. Off-street parking must be as stated in section §198-506. Off-street loading must be as stated in section §198-507. For buildings or sites that contain more than one type of marijuana use, each use shall be calculated separately and parking provided for each use on-site, based on gross floor area of the individual uses. These requirements may be modified or waived by the Special Permit Granting Authority.

2608.1.6 Drive through facilities. On-site drive through facilities shall be prohibited, ~~for any marijuana use.~~

2608.1.7 Fencing. Fencing may be required if determined necessary by the Special Permit-Granting Authority. In no instance shall barbed-wire fencing be permitted.

2608.1.8 Odor Control. ~~MEs and Medical Marijuana Treatment Centers~~ engaged in cultivation, processing, product manufacturing, storage and/or transportation shall employ odor control technology such that no odor from the ME can be detected by a person with an unimpaired and otherwise normal sense of smell at the exterior of the ~~Marijuana Establishment or Medical Marijuana Treatment Center~~ or at any adjoining use or property.

§198-2609 Filing Requirements. Applications to permit a ~~ME or Medical Marijuana Treatment Center~~ must be submitted to the Planning Board. Such applications shall include the following:

2609.1.1 Site Plan. A site plan shall be submitted that includes all information required under Article 6, Site Plan Approval, and must also include the following:

2609.1.2 The names, mailing addresses, phone numbers, email addresses, and signatures of the applicant, owner, and operator.

2609.1.3 Physical address (if one exists), and the map, lot, and block number of the proposed site.

2609.1.4 Security Plan. The security plan shall be delivered directly to the local Police Chief and reviewed and approved by the local Police Chief, or their designee to ensure the safety of employees, patrons, and the public to protect the premises from theft or other criminal activity.

The Security Plan shall include the following:

2609.1.5 An interior floorplan (including secured areas, windows, doors, etc.)

2609.1.6 Exterior lighting

2609.1.7 Fencing (if any)

2609.1.8 Gates (if any)

2609.1.9 Alarms

2609.1.10 24 Hour cameras

2609.1.11 Any other security measures as requested by the Police Chief.

2609.1.12 Traffic Study. The Special Permit Granting Authority may require a traffic study that includes an analysis of traffic generation, circulation, and off-street parking demand to determine sufficient parking and optimum configuration for site ingress and egress.

2609.1.13 Photometric Plan. A photometric plan may be required by the Special Permit Granting Authority, or their designee, before or after the marijuana use is in operation.

2609.1.14 State License. ~~A copy of the Provisional License for a ME from the CCC or documentation that demonstrates that said facility and its owner/operators qualify and are eligible to receive a Provisional License and meet all of the requirements of an ME in accordance with the regulations adopted by the CCC, as amended.~~

Proof of a Provisional Certificate of Registration from the Department of Health or any successor licensing entity shall be required for Medical Marijuana Treatment Centers.

2609.1.15 Proof of Site Control. Evidence that the Applicant has site control and the right to use the site for a marijuana use in the form of a deed, valid lease, or purchase & sale agreement or a notarized statement from the property owner certifying the Applicant has site control.

2609.1.16 Energy Resource Plan. All Centers/MEs engaged in marijuana cultivation, processing and product manufacturing shall submit an energy and resource use plan to the Special Permit Granting Authority to demonstrate best practices for resource conservation. The plan shall include an electrical system overview, proposed energy demand, ventilation system and air quality, proposed water system and utility demand.

§198-2610 Discontinuance of Use

2610.1 Any Medical Marijuana Treatment Centers ME-permitted under this Section shall be required to remove all material, plants, equipment, and other paraphernalia in compliance with regulations established by the CCC within thirty (30) days after the expiration or voiding of its license.

§198-2611 Annual Inspections for MEs and Medical Marijuana Treatment Centers

2611.1.1 Any operating ME or Medical Marijuana Treatment Center within the Town shall be inspected annually by the Building Inspector, or their designee(s), to ensure compliance with this section and with any conditions imposed by the Special Permit Granting Authority as a condition of the Special Permit approval.

2611.1.2 The first annual inspection shall be more than one (1) year, but not more than two (2) years after beginning operation.

§198-2613 Other laws remain applicable.

2613.1.1 License Required. At all times while a permit is in effect all MEs shall possess a valid License from the CCC and Medical Marijuana Treatment Centers shall possess a valid Provisional License or Certificate of Registration from the Department of Public Health, CCC or other state licensing entity, as applicable.

2613.1.2 Prior to the issuance of a Special Permit, the ME or the Medical Marijuana Treatment Center must have entered into a Host Community Agreement (HCA) with the Town. The HCA shall, at a minimum, include or reference the following:

2613.1.3 A Community Impact Fee, not to exceed 3% of gross sales, may be applied to any Marijuana Retailer, in compliance with G.L. c. 94G, § 3(d), if applicable.

2613.1.4 A description of the activities that will occur on site.

2613.1.5 Hours of operation.

§198-2614 Independent Consultants

2614.1.1 Due to the complex technical character of the information to be provided by an applicant pursuant to these regulations and the monitoring, testing and inspection of facilities and operations, the

Special Permit Granting Authority may hire at the applicant's expense such consultants as it deems reasonably necessary to assist said authority in making determinations under this Bylaw.

SECTION TWO:

Amend the Table of Permitted Principal Uses as follows:

ADD THE FOLLOWING TO THE ZONING BYLAWS

Table of Permitted Principal Uses by Districts

Overlay Districts	Description
<u>Medical Marijuana Establishments District</u>	<u>Requirements of Article 26 apply-SP</u>

VOTED that the Town (1) amend the Town's Zoning Map to create a new Marijuana Establishments overlay zoning district comprising of Wayland parcels Map 21-010, 21-005, 21-008A, 21-002, 21-004, 21-002A, 21-001, 21-008, 21-006A, 21-006 and 21-003; (2) amend Chapter 198 of the Code of Wayland, the Town's Zoning Bylaw, by adding Article 26 "Marijuana Establishments District"; and (3) amend Chapter 198, Attachment 3 of the Code of Wayland, the Table of Permitted Principal Uses by District to include the Marijuana Establishments District as printed in Article 6 on Pages 12-20 of the Warrant for the November 13, 2018 Special Town Meeting.

VOTE ON AMENDED MOTION:

IN FAVOR: 118

OPPOSED: 216 MOTION PASSES BY 2/3 VOTE

A true copy, Attest:

Beth R. Klein
Town Clerk