

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

Sponsored by: Planning Board

Estimated Cost: None

To see whether the Town will vote to amend the Town's Zoning Map to create a new "Medical Marijuana District," and further 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 general purpose of this section is to provide for the placement of Registered Marijuana Dispensaries ("RMD") (also known as "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 permit compliance with state law in a manner that protects public health, safety and welfare and mitigates community and neighborhood impacts, while ensuring that those entities permitted to operate an RMD, 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 501.000 et seq., and any successor statutes and regulations, as applicable.

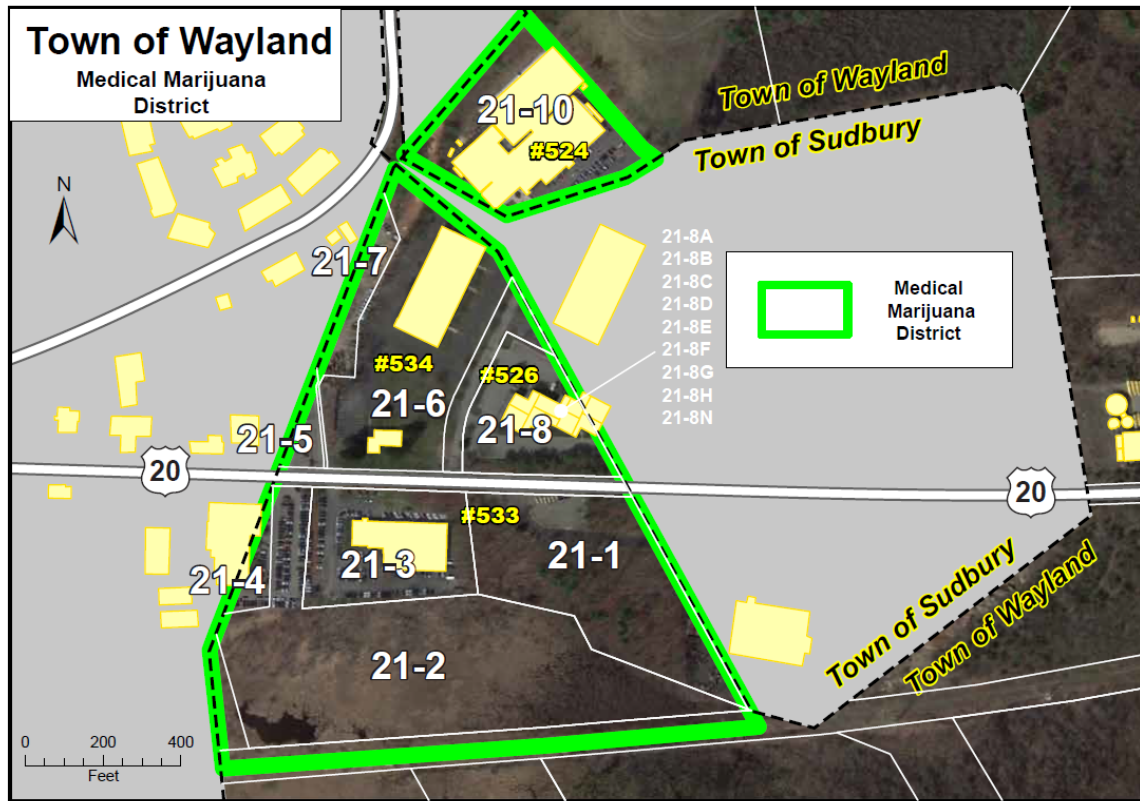
§198-2602 Definitions

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

Registered Marijuana Dispensaries (RMD) – an entity as defined in 935 CMR 501.000, et seq. that acquires, cultivates, possesses, processes (including development of related products such as edible MIPs, tinctures, aerosols, oils, or ointments), transfers, transports, sells, distributes, dispenses, or administers medical marijuana, products containing medical marijuana, related supplies, or educational materials to registered qualifying patients or their personal caregivers for medical purposes.

§198-2603 Location of the Medical Marijuana District

2603.1.1 RMDs 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.



2603.1.2 No RMD 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 RMD is or will be located.

2603.1.3 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 of RMDs

2604.1.1 The total number of RMDs permitted within the Town shall not exceed one (1).

§198-2605 Special Permit Required.

2605.1.1 An RMD shall not be operated or expanded without first obtaining a Special Permit from the Special Permit Granting Authority in accordance with §198-203 of the Zoning Bylaw.

2605.1.2 The Special Permit Granting Authority for an RMD 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 Certificate of Registration of a RMD to a new owner or operator.

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 an RMD shall be subject to §198-601, et seq. 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 RMDs

2607.1.1 Outside storage. No outside storage of marijuana, marijuana products, or related supplies shall be permitted.

2607.1.2 Visibility of activities. All activities shall be conducted indoors, except for the lawfully authorized delivery or transportation of medical marijuana.

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. The Special Permit Granting Authority may impose restrictions on the hours of operation.

2607.1.5 On-site consumption of marijuana is prohibited.

2607.1.6 Allowed uses. The Special Permit Granting Authority may permit some or all of the following uses or activities of an RMD, subject to any conditions that may be imposed by the Special Permit Granting Authority and upon a finding that such uses satisfy the special permit criteria of Section 203.1: the sale, dispensing or administering of marijuana, products containing marijuana, related supplies, or educational materials to qualifying patients or their personal caregivers ("Principal Uses"). The Special Permit Granting Authority may also permit the following additional uses, provided that such uses are and shall be incidental to the Principal Uses of the RMD: marijuana cultivation, processing, product research and manufacturing. Any marijuana cultivation, processing and product manufacturing operations allowed under this Section shall be limited to serving the needs of the RMD in the sale, dispensing and administering of marijuana and related products at the specific location for which the special permit is sought.

§198-2608 Design Requirements for RMDs.

2608.1.1 Permanent location. All RMDs 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 § 198-501 of the Zoning Bylaw.

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. RMDs 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. Landscaping shall be designed in harmony with the building with surrounding uses as stated in § 198-601, et seq. of the Zoning Bylaw.

2608.1.5 Parking. Off-street parking must be provided as stated in section §198-506 of the Zoning Bylaw. Off-street loading must be provided as stated in section §198-507 of the Zoning Bylaw. 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. Drive-through RMDs 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. RMDs engaged in cultivation, processing, product manufacturing, storage and/or transportation shall employ odor control technology such that no odor from the RMD can be detected by a person with an unimpaired and otherwise normal sense of smell at the exterior of the facility or at any adjoining use or property.

§198-2609 Filing Requirements.

Applications to permit an RMD 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 §198-601, et seq., 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.

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

- b. Exterior lighting
- c. Fencing (if any)
- d. Gates (if any)
- e. Alarms
- f. Hour cameras
- 1. 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 Cannabis Control Commission or any successor licensing entity shall be required for RMDs.

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 RMDs 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 RMDs 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 RMDs

2611.1.1 Any operating RMD 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.

§198-2612 Other laws remain applicable.

2612.1.1 License Required. At all times while a permit is in effect all RMDs shall possess a valid Provisional or Final RMD Certificate of Registration from the CCC or other state licensing entity, as applicable.

2612.1.2 Prior to the issuance of a Special Permit the RMD must have entered into a Host Community Agreement (HCA) with the Town. The HCA shall, at a minimum, include or reference the following:

- a. A Community Impact Fee, not to exceed 3% of gross sales, in compliance with G.L. c. 94G, § 3(d), if applicable; and
- b. A description of the activities that will occur on site.

§198-2613 Independent Consultants

2613.1.1 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 District</i>	<i>Requirements of Article 26 apply-SP</i>