

March 29, 2022

Planning Board  
Town of Wayland  
41 Cochituate Road  
Wayland, MA 01778

**Re: Update to Special Permit and Site Plan Review Application for a Medical Marijuana Treatment Center at 526 Boston Post Road in Wayland, Massachusetts**

Dear Chairman Montague:

It has come to our attention that the Town of Sudbury has raised a concern as to whether the proposed Medical Marijuana Treatment Center (“MMTC”) at 526 Boston Post Road violates certain “buffer” requirements under the law. The short answer is that it does not.

An official from the Town of Sudbury provided a document interpreting 105 CMR 725 to prohibit MMTCs from locating within 500 feet of a “facility in which children commonly congregate.” While that provision may or may not have acted to prohibit this MMTC from locating at 526 Boston Post Road, it no longer applies, as it has been replaced by a new provision in 935 CMR 501.110(3).

By way of background, when it came time to create new rules for the emerging recreational cannabis industry, the Cannabis Control Commission decided to re-write its buffer rules for both medical and recreational facilities, because the older version had become unworkable. It was seen as too vague to provide guidance, and it eliminated too many properties from consideration as locations. In particular, the term “facility in which children commonly congregate” was proving difficult to interpret and therefore overly broad and restrictive.

The new language for medical marijuana treatment center buffers is contained in 935 CMR 501.110(3) and provides as follows:

(3) Buffer Zone. An MTC Entrance may not be closer than 500 feet from the nearest School Entrance, unless a city or town adopts an ordinance or bylaw that reduces the distance requirement.


(a) The buffer zone distance of 500 feet shall be measured in a straight line from the geometric center of the MTC Entrance to the geometric center of the nearest School Entrance unless there is an Impassable Barrier within those 500 feet; in these cases, the buffer zone distance shall be measured along the center of the shortest publicly-accessible pedestrian travel path from the geometric center of the MTC Entrance to the geometric center of the nearest School Entrance.

(b) The buffer zone distance of 500 feet may be reduced if a city or town adopts an ordinance or bylaw that reduces the distance requirement.

As clarified further in the attached municipal guidance, the buffer applies only to schools and not the other types of uses which caused so much confusion in the prior version of the regulations. As there are no known schools within 500 feet of the proposed MMTC, the proposed location does not violate any buffer provision.

Please do not hesitate to reach out if you have any other questions.

Best regards,



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Phil Silverman, Esq.