

Marijuana Establishment Zoning Bylaw for the Town of Ayer

Presented by Mark Archambault, Town Planner
June 10, 2019 Special Town Meeting

Why the Town is proposing this Bylaw

- November 2016: Massachusetts voters approve Question 4 legalizing the cultivation and sale of Recreational Marijuana in the State. Ayer voted 'Yes' on the question. In 2017 the Cannabis Control Commission was formed to develop regulations and issue licenses for Marijuana Establishments (ME's).
- Towns can limit the number of retail establishments to no fewer than 20% of the number of alcoholic beverage licenses in town, or **one** such establishment. This was done at the October 23, 2017 Special Town Meeting.
- If a Town does not zone for and regulate Marijuana establishments (M.E.), they are considered allowed in the zoning district(s) most closely matching the proposed use, without other controls, such as buffers from schools, parks and residential areas, etc. being in place to better control their siting and operation.

Process of Developing this Bylaw

1. Town Planner Mark Archambault researched State Law, the Cannabis Control Commission regulations, a model Bylaw and actual Zoning Bylaws adopted by towns from across Massachusetts.
2. A **Recreational Marijuana Zoning Bylaw Working Group** composed of the Police Chief, Police Detective, Fire Chief, Town Manager, Asst. Town Manager, Economic Development Director, Parks and Recreation Director, DPW Superintendent, Building Commissioner, District Health Inspector - Nashoba Associated Boards of Health, Town Planner and Planning Board representative was created to draft and review the Bylaw.
3. Draft Bylaw prepared by March 1. Submitted to Town Counsel for legal review.
4. **Public Information Session on March 20.**
5. Revised Bylaw filed with Town Clerk on March 29.
6. **Planning Board Public Hearing on April 9 and April 23.**
7. **Special Town Meeting vote on Monday, June 10.**

What this Bylaw does and doesn't do...

- This Bylaw **does not allow** more than ONE **retail** establishment at the present time. Allowing more than one retail establishment would require future action by Town Meeting (by a 2/3 super-majority vote).
- This Bylaw is mainly concerned with regulating the location and operation of **cultivation, product manufacturing, testing, research, and transportation facilities**.
- These enterprises are to be confined to the **General Business, Industrial and Light Industrial** zoning districts.
- Only applicants who have obtained a **Provisional License or Provisional Certificate of Registration** from the Cannabis Control Commission, as well as a **Host Community Agreement** with the Town, can apply for a Special Permit / Site Plan from the Planning Board to operate a M.E. This 'pre-vetting' ensures that only qualified applicants will be able to run a M.E.

Major Issues that were considered

- 200 foot buffer from all M.E. to pre-schools, schools, public parks and residential zoning districts.
- All M.E.s except Medical Dispensaries require a Special Permit from the Planning Board. All M.E.s also require Site Plan approval.
- *Specific* Special Permit criteria apply in addition to normal criteria in the Zoning Bylaw.
- Commercial outdoor cultivation is prohibited.



Illustration of how the 200 foot buffer would apply. Hypothetical example.

How Ayer would benefit from having a M.E. Bylaw

- **Regulatory**, by giving the Town, through its Planning Board, a much greater degree of control over where and how these establishments will be operated. Special Permits require a public hearing with abutter notification.
- **Economically**, through increased and more efficient use of land and buildings in Ayer's Industrial and General Business districts, thereby,
- **Increasing Ayer's commercial and industrial tax base**, which will generate additional tax revenue for the Town, and...
- **By generating new jobs**, many relatively high paying, in the growing and labor intensive Cannabis industry, and...
- Potential benefits from provisions in **Host Community Agreements** to offset any costs due to increased policing, fire safety inspections, public health inspections, etc.

Types of Marijuana Enterprises

- Marijuana Retailer
(limited to one in town)
- Marijuana Cultivator (indoors)
- MJ Product Manufacturer
(edibles, refined products, etc.)
- Marijuana Testing Laboratory
- Marijuana Research Facility
- Marijuana Craft Cooperative
- Marijuana Licensed Transporter
- Marijuana Microbusiness
(small-scale cultivation and product manufacturing, not retail.)



Characteristics of Non-Retail Marijuana Enterprises

- They should appear to be just another business; no giant 'Pot leaf' signs, etc.
- Indoor operations must not be visible from the outside.
- Should be no strong odors or loud noises beyond the property line.
- Should appear to be a typical light industrial or commercial building.
- The only additional traffic should be employees arriving and leaving and occasional small trucks or vans for deliveries.



Additional pictures of cultivation and product manufacturing facility in Littleton



This facility is located in an Industrial Park similar to that found in many towns in Massachusetts, including Ayer.

Table of Uses

Principal Use	A1	A2	GR	DB	MUT	GB	LI	I	HCS
Medical Marijuana Treatment Center	N	N	N	N	N	SI	SI	N	N
Marijuana Establishment, Retailer #	N	N	N	N	N	SP#	SP#	N	N
Marijuana Establishment, Non-Retail *	N	N	N	N	N	SP	SP	SP	N
Marijuana Social Consumption Facility	N	N	N	N	N	N	N	N	N

Subject to the provisions of section 8.6.4 L below (retail limited to ONE establishment).

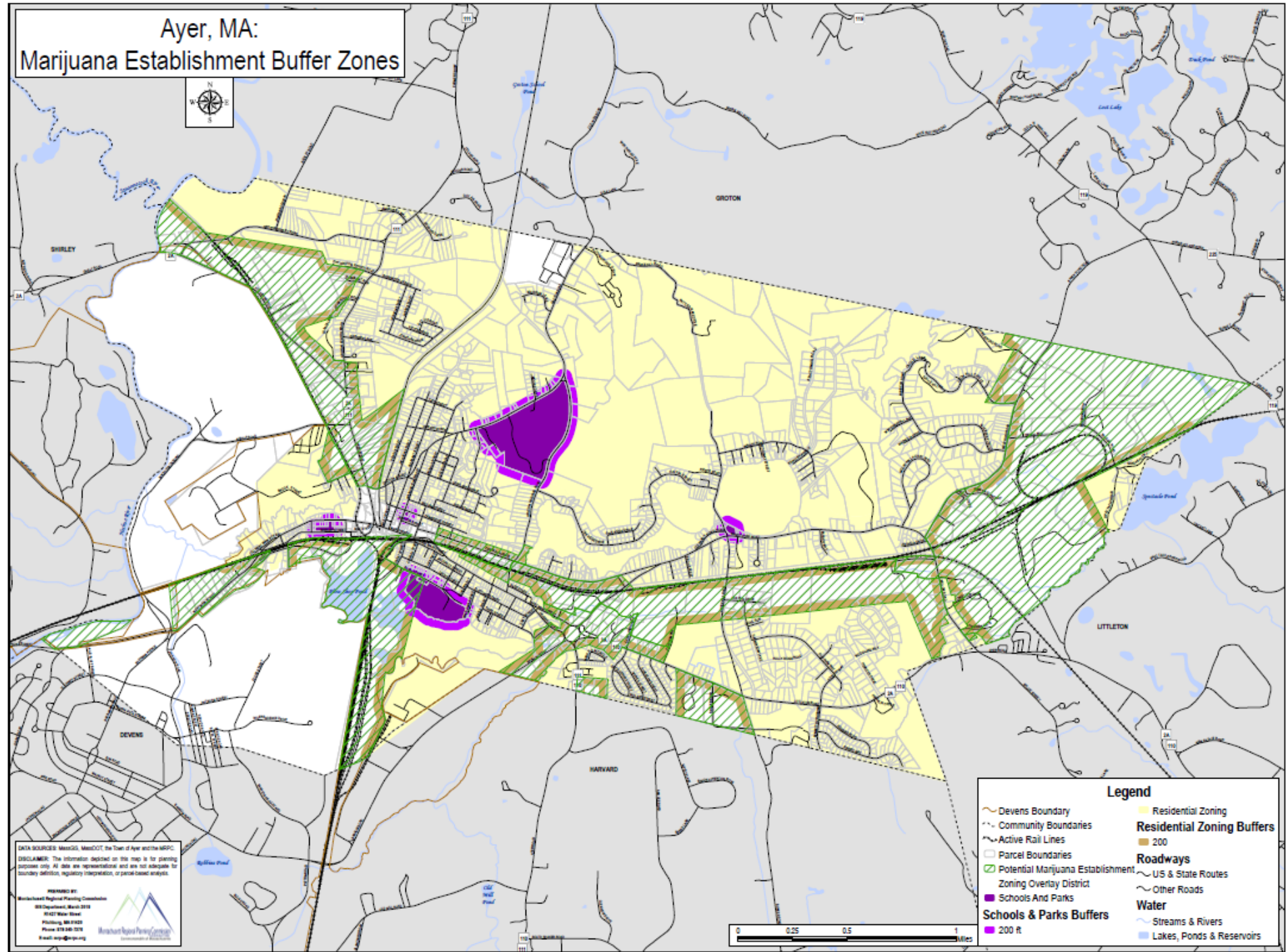
* includes all non-retail establishments as listed in the Definitions above.

Special Permit Criteria for M.E.s

In Section 8.6.7 of the proposed Bylaw, the Ayer Planning Board can impose conditions of approval in granting a **Special Permit** for a M.E. that:

- Minimize the impacts of traffic and noise;
- Minimize the impacts of any odors generated from the facility;
- Address special security measures warranted for M.E.s;
- Impose conditions related to the design and construction of the facility to improve safety, security and compatibility with the character of the area;
- Impose conditions related to energy efficiency and conservation;
- Regulate the hours of operation;
- Ensure compliance with the Host Community Agreement, which all M.E.s must adhere to per agreement with the Board of Selectmen; ...

Ayer, MA: Marijuana Establishment Buffer Zones



DATA SOURCES: MassGIS, MassDOT, the Town of Ayer and the MRPC.
DISCLAIMER: The information depicted on this map is for planning purposes only. All data are representative and are not adequate for boundary definition, regulatory interpretation, or parcel-based analysis.

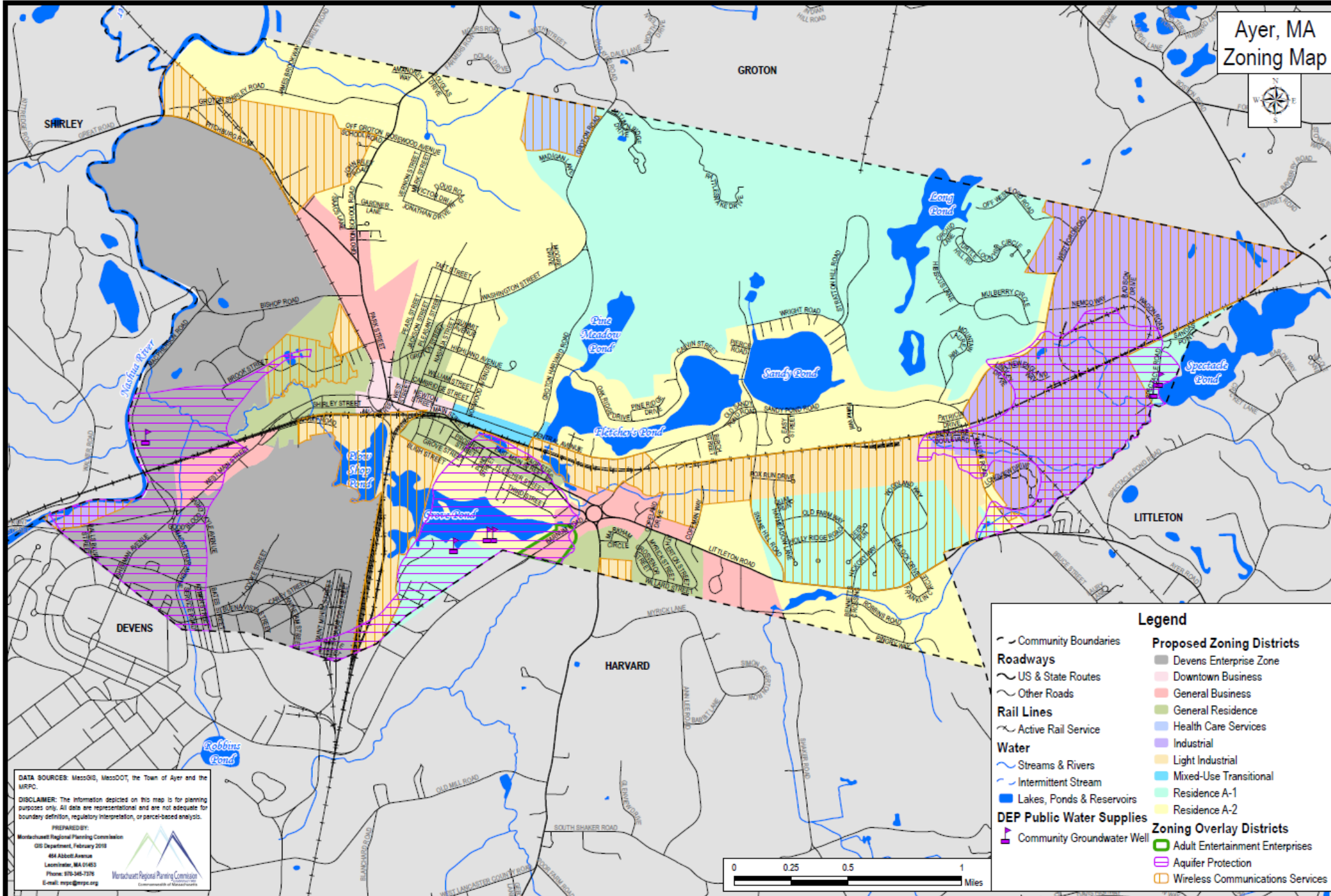
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Legend

Devens Boundary	Residential Zoning
Community Boundaries	Residential Zoning Buffers
Active Rail Lines	200
Parcel Boundaries	Roadways
Potential Marijuana Establishment	US & State Routes
Zoning Overlay District	Other Roads
Schools And Parks	Water
Schools & Parks Buffers	Streams & Rivers
200 ft	Lakes, Ponds & Reservoirs

Ayer, MA Zoning Map



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