

Town of Ayer

Office of the Town Planner



Town of Ayer | Ayer Town Hall | 1 Main Street, 3rd Floor | Ayer, MA 01432 | 978-772-8218 | www.ayer.ma.us

Summary Description

Marijuana Establishment Zoning Bylaw

In November 2016, Massachusetts voters approved Ballot Question 4, adopting “The Regulation and Taxation of Marijuana Act” (MGL c.94G, sec. 3), which allows for non-medical (or ‘adult’ / ‘recreational’) use of marijuana in Massachusetts and authorized the Commonwealth to adopt rules and regulations to oversee such use. The Cannabis Control Commission (CCC) was established to draft such regulations, which were adopted in March of 2018.

Municipalities are authorized to regulate the time, place and manner of marijuana establishment operations, impose reasonable safeguards on such operations, provided that such bylaws do not render operations unreasonably impracticable. Towns can limit the number of marijuana retailers to no fewer than 20% of the number of retail off-premise alcoholic beverage licenses, which in Ayer’s case is one (1). Under the law, pre-existing medical marijuana establishments are entitled to apply for that first recreational license.

Towns that do not adopt a Bylaw specifically addressing marijuana establishments may still be required to permit such uses to locate in the town, in the zoning district(s) that most closely matches the proposed use. Thus, by not having a Bylaw in place, towns lose the ability to restrict the location of marijuana establishments to the most suitable districts, and cannot impose additional restrictions such as buffer setbacks from residential areas, schools and public parks. Having such a Bylaw in place gives towns, through their Planning Board and other Boards and Commissions, a much greater degree of control over where and how such establishments can be operated.

This proposed Marijuana Establishment Zoning Bylaw (MEZB) was prepared by a special Working Group consisting of members of the Ayer Police Department, Ayer Fire Department, Town Manager’s office, Community and Economic Development office, Parks Department, Building Commissioner, District Health Inspector and the Planning Board.

The proposed Marijuana Establishment Bylaw is mainly concerned with **non-retail** establishments including cultivation and product manufacturing, and does not propose any increase in the number of retail establishments over the one (1) permitted through Town Meeting vote on October 23, 2017. Marijuana establishments are only permitted to locate in the Industrial, Light Industrial or General Business zoning districts after obtaining Site Plan and/or Special Permit approval from the Planning Board and a license from the Massachusetts Cannabis Control Commission. No such establishments can locate within the Downtown Business or any Residential zoning district.

The proposed Bylaw also imposes a two-hundred foot (200') buffer between any new marijuana establishment and residential zoning districts, as well as from any public park, schools and pre-schools.

Other important provisions of Ayer's MEZB include a prohibition on marijuana social consumption businesses ('pot bars'), and a prohibition on the commercial outdoor growing of marijuana.

All marijuana establishments must enter into a **Host Community Agreement** with the Town that is approved by the Board of Selectmen, which allows towns to impose a reasonable community impact fee to cover the costs of increased policing, fire protection, and health and safety inspections. The Massachusetts Cannabis Control Commission also inspects marijuana establishments and ensures compliance with state licensing requirements.

Marijuana establishments are likely to be of substantial economic benefit to host communities by locating in vacant or underutilized commercial and industrial land and buildings, which will generate additional tax revenues, as well as a creating a substantial number of new jobs in what is an expanding and labor intensive industry.

Having a MEZB in place will allow the Town of Ayer to maximize these economic benefits while placing important safeguards on where and how these businesses can operate.

The Planning Board held an official **Public Hearing** on this proposed Bylaw at its regularly scheduled meetings on **April 9 and 23**. Prior to that, the Town Planner held a **Public Information Session** on **March 20**. At their April 23 meeting, the Planning Board voted to issue a **positive recommendation** on the Marijuana Establishment Zoning Bylaw for the June 10, 2019 Special Town Meeting.

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Ayer Town Planner