



MARIJUANA BYLAW AND ZONING

Sponsored by Norton's Industrial Development
Commission

Topics

- Opportunities
- Current State of Cannabis Industry in MA
- Current State of Marijuana Bylaws in Norton
- Future State of Marijuana Bylaws and Zoning Proposal
- Marijuana Overlay Zoning Considerations
- Potential Business Opportunities
- Studies Refute Dispensary Myths
- Timeline

Opportunities

- Increase tax base implementing previous Town Meeting articles
 - *Articles 17 and 22, May 14, 2018*
- Leverage current opportunities to bring a new industry to Norton
- Increase revenue potential by enhancing existing groundwork
- Execute a reasonable and thoughtful vision aligned with the Town's character
- Implement a fair Host Community Agreement that allows for:
 - *Collaboration between a company and the town, where the company may provide staff to participate in municipality-sponsored education programs on public health and drug abuse prevention geared toward public health and safety personnel*
 - *Town support through a community impact fee for law enforcement, education, public health or other town costs incurred through various operations, and*
 - *Other conditions for the establishment to operate in the community*



Current State of Cannabis Industry in MA

Nov 4, 2008

- ✓ MA voters decriminalize possession of small amounts of marijuana

Nov 6, 2012

- ✓ MA voters legalize medical marijuana

Nov 8, 2016

- ✓ MA voters legalize recreational marijuana

Nov 20, 2018

- ✓ First two recreational marijuana retail dispensaries open (Leicester/Northampton)

➤ *1st wk sales = \$2.2 M²*

December 2018

- ✓ Cannabis Control Commission assumes administration of industry¹

- Regulated statewide by Cannabis Control Commission (CCC)
 - Extensive licensing process (mandated background checks)
 - Applicants must hold a community meeting and negotiate an agreement with the host municipality in order to receive a state license
 - Retail and medical marijuana business must negotiate a Host Community Agreement (HCA) pursuant to Massachusetts Law
 - Towns are permitted to assess a 3% excise tax and community impact fee of up to 3% of the business's annual revenue; the agreement may be in place for no more than 5 years
- Between November 20, 2018 and January 20, 2019 (two months), the state received about \$4M in tax revenue (based on \$24M recreational sales)³
- Nearby facilities in operation or planned
 - Mansfield Retail Dispensary approved June 2019⁴
 - Franklin: Cultivation / Product Manufacturer⁵ (90k sq ft); Dispensary approved in Sept 2019⁴
- Recent legislation for marijuana delivery and social consumption

¹ G.L. Ch. 94G § 4. The Commission is responsible for promulgating regulations relating to marijuana, processing business applications and issuing licenses, and creating policies and procedures which "promote and encourage full participation in the regulated marijuana industry by people from communities that have previously been disproportionately harmed by marijuana prohibition and enforcement and to positively impact those communities.

² The first week of sales from the two stores, excluding Thanksgiving day where both locations were closed, was \$2,217,621.13. "Recreational Marijuana Sales Begin In Massachusetts Tuesday". WBUR. November 19, 2018. Retrieved January 5, 2020. "Legal Pot Shops In Mass. Sold More Than \$2.2 Million In Their First Week". WBUR. November 27, 2018. Retrieved January 5, 2020.

³ Gans, Felicia (2019-01-24). "In first 2 months of legal pot sales, public spent nearly \$24m". *The Boston Globe*. Retrieved January 5, 2020.

⁴ <https://patch.com/massachusetts/mansfield-ma/mansfield-select-board-approves-retail-marijuana-shop>; <https://franklin.wickedlocal.com/news/20191124/franklins-first-marijuana-dispensary-expected-to-open-soon>. Retrieved Dec 2019

⁵ <https://mass-cannabis-control.com/licensing/>

Current State of Cannabis Industry in MA: Approved Licenses by County



Current State of Marijuana Bylaws in Norton

Existing Bylaws

- [Registered Medical Marijuana Dispensary \(RMD\)](#)
- [Marijuana Establishment Definition](#)
 - *A marijuana cultivator, marijuana testing facility, marijuana product manufacturer, marijuana retailer or any other type of licensed marijuana-related business, all as defined in MGL c. 94G, § 1 and the Cannabis Control Commission regulations, 935 CMR 500.00 et seq.[Added 5-14-2018 ATM by Art. 22]*
- [Industrial District, Special Permit Required/Site Plan Approval](#) (5/14/18)
 - *Siting of Marijuana Establishments, but specifically excluding “on site consumption” marijuana retail establishments as reflected in Commercial Uses as “social consumption establishments of any kind...”*

Risks

- RMD bylaw specifies a 1,000 ft buffer
 - *Not applied to adult recreational use*
 - *Cannabis Control Commission: Guidance on Equitable Cannabis Policies for Municipalities*
 - State law establishes a 500-foot buffer around K-12 schools. A municipality may choose to reduce the size of that buffer. It is unclear whether buffer zones around other uses, such as parks, are legally permissible. The Commission suggests that additional buffer zones or separation requirements may not be necessary and cautions communities against acting arbitrarily.
- Current bylaw for marijuana establishments does not include guidelines to consider residential areas or the Town’s character

Future State of Marijuana Bylaws and Zoning Proposal

- Collaboration with town boards and committees: Planning Board, Board of Selectmen, Finance Committee
- Bylaws that allow for specific municipality requirements in addition to Cannabis Control Commission Regulations 935 CMR, 500.00, et seq, where necessary⁹
- Marijuana Overlay District to enhance existing Industrial District with special consideration aligned to the Town's character
- Special Permitting and Site Plan Approvals remain in place and are enhanced to include all marijuana-related applicants

⁹ Cannabis Control Commission Regulations 935 CMR, 500.00, et seq. (Adult use of marijuana, Dec 13, 2019) contain updates in respect to broadening adult-use to encompass social consumption/cafes. The IDC is not making a change to existing bylaw language excluding social consumption.

Marijuana Overlay Zoning District Considerations

- Create a balance between maintaining the character of the town and attracting businesses
- Evaluate individual parcels for suitability with a sensitivity toward residential neighborhoods, schools, traffic, and rehabilitation center
- Focus on existing Commercial and Village Commercial zoned districts with existing or future site access from main roadways (e.g., Rt-140, Rt-123)
- Review existing Industrial zones to ensure locations aligned with the community and character of the town

⁹ Cannabis Control Commission Regulations 935 CMR, 500.00, et seq. (Adult use of marijuana, Dec 13, 2019) contain updates in respect to broadening adult-use to encompass social consumption/cafes. The IDC would need to have further discussion with other Boards to consider changes to the existing bylaw language excluding social consumption.

Potential Business Opportunities

Type of Establishment	Definition	Number of Interested Parties
Cultivator	Cannabis Cultivation: The use of land and/or buildings for planting, tending, improving, harvesting, processing and packaging, the preparation and maintenance of soil and other media and promoting the growth of cannabis by a cannabis cultivator, micro-business, research facility, craft marijuana cultivator cooperative, registered marijuana dispensary or other entity licensed by the Commission for cannabis cultivation. Such use is not agriculturally exempt from zoning. The cultivation and processing of medical marijuana in accordance with these regulations is considered to be a manufacturing use and is not agriculturally exempt from zoning. Note this term is not defined in 935 CMR 500	②*
	Marijuana Cultivator: An entity licensed to cultivate, process and package marijuana, and to transfer marijuana to other Marijuana Establishments, but not to consumers. A Craft Marijuana Cooperative is a type of Marijuana Cultivator	
Marijuana Product Manufacturer	An entity licensed to obtain, manufacture, process and package cannabis or marijuana products and to transfer these products to other Marijuana Establishments, but not to consumers.	①
Marijuana Retailer	An entity licensed to purchase and transport cannabis or marijuana product from Marijuana Establishments and to sell or otherwise transfer this product to Marijuana Establishments and to consumers. Retailers are prohibited from delivering cannabis or marijuana products to consumers; and from offering cannabis or marijuana products for the purposes of on-site social consumption on the premises of a Marijuana Establishment.	④
Marijuana Transporter	An entity, not otherwise licensed by the Commission, that is licensed to purchase, obtain, and possess cannabis or marijuana product solely for the purpose of transporting, temporary storage, sale and distribution to Marijuana Establishments, but not to consumers. Marijuana Transporters may be an Existing Licensee Transporter or Third Party Transporter.	①

* The potential applicant interested in cultivation is also interested in social consumption within a business model of a “farm to table bed and breakfast” concept

Studies Refute Dispensary Myths

Objections to marijuana retail stores have focused on the supposed negative effects stores will bring to a community. A review of the research finds that marijuana dispensaries improve public safety, health, and nearby property values⁶.

- No increase in crime related to the location of marijuana retail stores⁶
- Recreational Marijuana Laws were associated with an 8% decrease in the odds of teen marijuana use⁷
- Property values near cannabis outlets generally are not affected or have risen 7.7%⁸



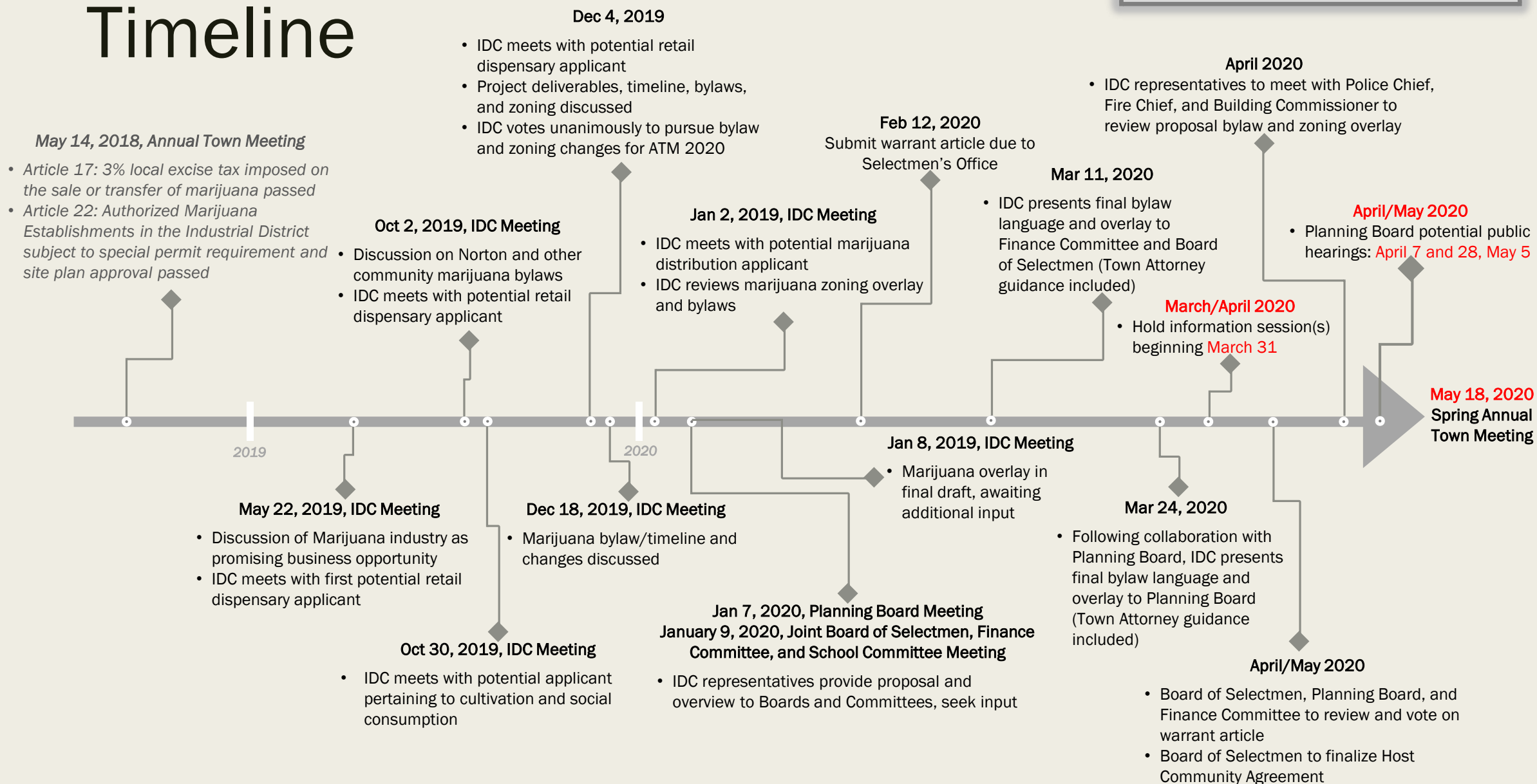
⁶ Special Report: Debunking Dispensary Myths, Leafly, May 2019

⁷ Association of Marijuana Laws with Teen Marijuana Use, *JAMA Pediatrics*, 2019;173(9):879-881. doi:10.1001/jamapediatrics.2019.1720

⁸ The Effect of Marijuana Dispensary Openings on Housing Prices, *Contemporary Economic Policy*, November 29, 2018

Items in red indicate postponed activities due to COVID-19

Timeline

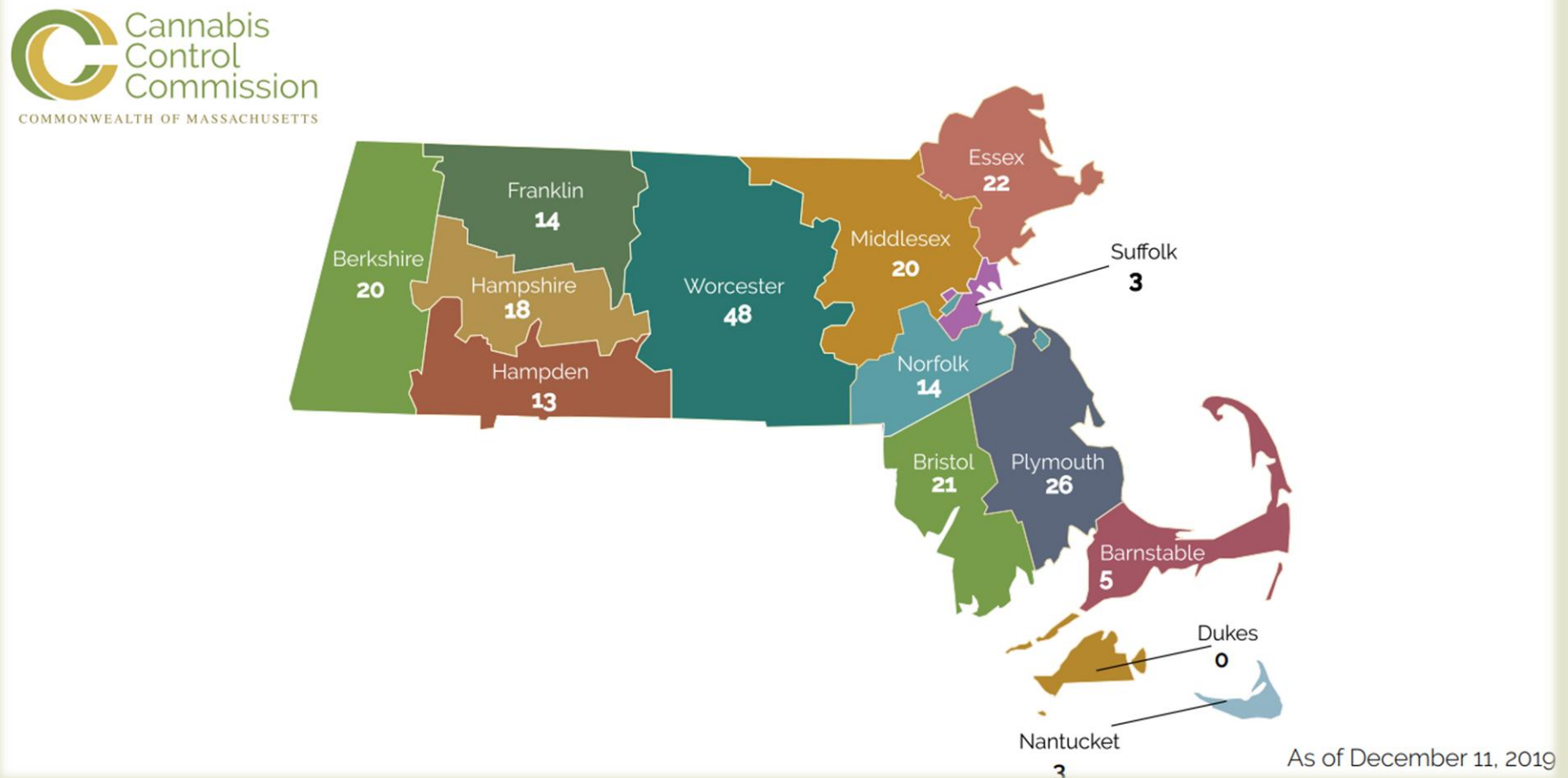


APPENDIX

Reference Materials

Guidance/Resource	Location
Association of Marijuana Laws with Teen Marijuana Use, Research Letter, JAMA Pediatrics	https://jamanetwork.com/journals/jamapediatrics/fullarticle/2737637
Cannabis Control Commission	https://mass-cannabis-control.com/
Cannabis Control Commission Regulations 935 CMR, 500.00, et seq. (Adult use of marijuana, Dec 13, 2019)	https://www.mass.gov/regulations/935-CMR-50000-adult-use-of-marijuana
Cannabis Control Commission: Guidance for Municipalities	http://mass-cannabis-control.com/wp-content/uploads/2019/03/Final-Draft-Municipal-Guidance-Update-02.25.19_1.pdf
Cannabis Control Commission: Guidance on Equitable Cannabis Policies for Municipalities	https://mass-cannabis-control.com/wp-content/uploads/2018/11/Municipal-Equity-Guidance-August-22-1.pdf
Cannabis Control Commission: Guidance on HCA	https://mass-cannabis-control.com/wp-content/uploads/2018/08/Guidance-on-Host-Community-Guidance.pdf
Contemporary Economic Policy, The Effect of Marijuana Dispensary Openings on Housing Prices	https://onlinelibrary.wiley.com/doi/abs/10.1111/coep.12414
Debunking Dispensary Myths	https://drive.google.com/file/d/1osj59y1stEz_vwsxV_08_3s6rRC9wMLS/view
Marijuana Bylaws and Overlay District Reviews and Guidance (researched)	<p>Amesbury Marijuana Bylaws Dighton Bylaw and Zoning Overlay Map Seekonk Bylaw Model Zoning Bylaw: http://www.pvpc.org/sites/default/files/PVPC%20MODEL%20ADULT%20USE%20MARIJUANA%20ZONING%20BYLAW%20-20-18.pdf New Bedford: http://s3.amazonaws.com/newbedford-ma/wp-content/uploads/sites/46/20191219212904/1.-20180913_ZONING_FOR_MJ_EST_FINAL_ORDINANCE.pdf and https://www.newbedford-ma.gov/planning/guidance-establishment-marijuana-facilities/</p>
Existing Norton Bylaws	<p>Article XXI Registered Medical Marijuana Dispensaries: https://www.ecode360.com/28322022 Article II Definitions, § 175-2.2 Terms Defined (Marijuana Establishment): https://www.ecode360.com/28321078 Article IV Use Regulations, § 175-4.4 Commercial Uses: https://www.ecode360.com/28321142 Article XV Site Plan Approval, § 175-15.3 Applicability: https://www.ecode360.com/28321768 Article 1 Public Consumption of Marijuana or Tetrahydrocannabinol: https://www.ecode360.com/28320581 13</p>

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