



# MARIJUANA BYLAW AND ZONING INFORMATION SESSION

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 in Norton
- Marijuana Overlay District Zoning Considerations
- Marijuana Licensing Process
- Timeline
- Potential Business Opportunities
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- Appendix:
  - *Reference Materials*
  - *Studies Refute Dispensary Myths*
  - *Historic: Approved Licenses by County (MA)*

# 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 (HCA) 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)

➤ 1<sup>st</sup> wk sales = \$2.2 M<sup>2</sup>

December 2018

- ✓ Cannabis Control Commission assumes administration of industry<sup>1</sup>

- Regulated statewide by Cannabis Control Commission (CCC)
  - Extensive licensing process (mandated background checks)
  - Applicants must negotiate a Host Community Agreement with the municipality and hold a community meeting in order to receive a state license
  - 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 approximately \$4M in tax revenue (based on \$24M recreational sales)<sup>3</sup>
- Nearby facilities in operation or planned
  - Mansfield Retail Dispensary approved June 2019<sup>4</sup>
  - Franklin: Cultivation / Product Manufacturer<sup>5</sup> (90k sq ft); Dispensary approved in Sept 2019<sup>4</sup>
  - Attleboro opens first Retail Dispensary in May 2020<sup>6</sup>
- Recent legislation for marijuana delivery and Social Consumption Establishment (pilot program)

<sup>1</sup> 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.

<sup>2</sup> 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.

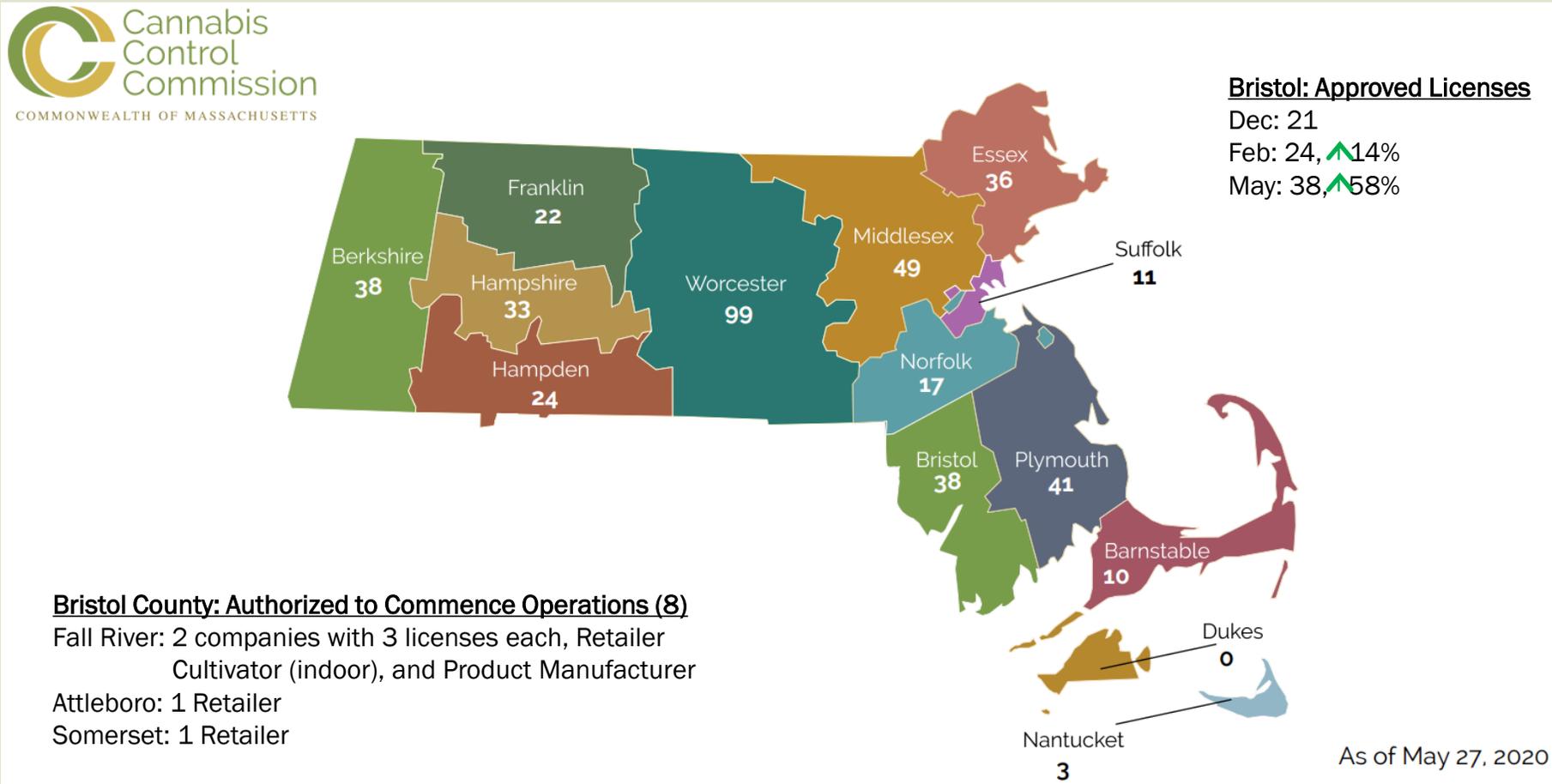
<sup>3</sup> Gans, Felicia (2019-01-24). "In first 2 months of legal pot sales, public spent nearly \$24m". *The Boston Globe*. Retrieved January 5, 2020.

<sup>4</sup> <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

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

<sup>6</sup> [https://www.thesunchronicle.com/news/coronavirus/attleboros-first-pot-shop-to-open-monday/article\\_3e9ca2fc-494b-5dfd-87a1-2b4b7e7897b3.html](https://www.thesunchronicle.com/news/coronavirus/attleboros-first-pot-shop-to-open-monday/article_3e9ca2fc-494b-5dfd-87a1-2b4b7e7897b3.html), Retrieved June 15, 2020.

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



# Current State of Marijuana Bylaws in Norton

## Existing Bylaws

- [Registered Medical Marijuana Dispensary \(RMD\)](#)
  - *Medical Marijuana Treatment Center (MTC) is new terminology*
- [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

- Current RMD bylaw does not include requirements for permitting Marijuana Establishments, guidelines to consider residential areas, or the Town’s character
- RMD bylaw specifies a 1,000 ft buffer
  - *Not applied to Marijuana Establishments*
  - *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.

# Future State of Marijuana in Norton

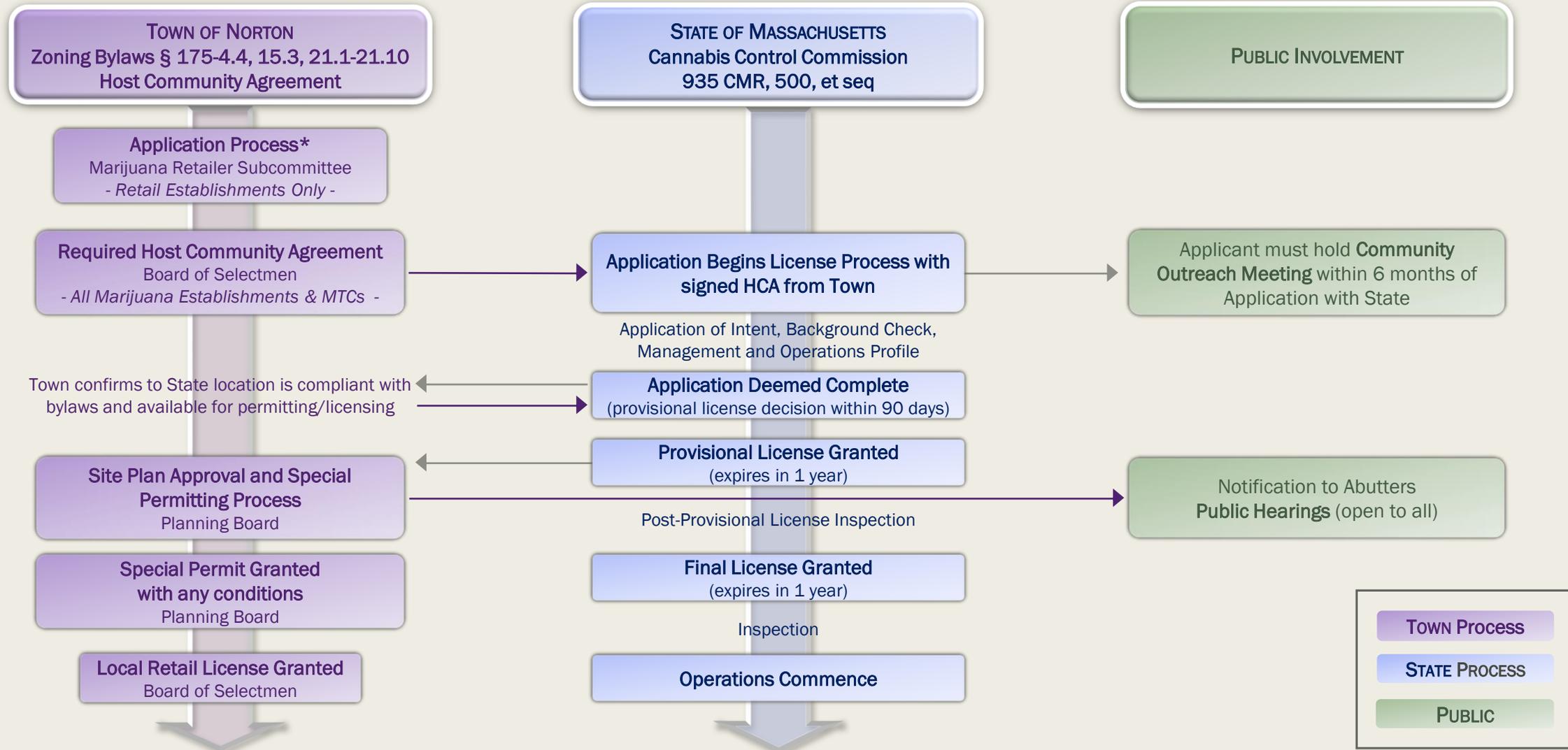
- Collaboration with town boards and committees: Planning Board, Board of Selectmen, Finance Committee
- Revised Host Community Agreement template with input from the police and public bodies
- Special Permitting and Site Plan Approvals remain in place and are enhanced to include all marijuana-related businesses
- Bylaws that allow for specific municipality requirements for Marijuana Establishments and MTCs
  - *In addition to Cannabis Control Commission Regulations 935 CMR, 500.00, et seq, 501.00 et seq, and 502.00 et seq as applicable*<sup>9</sup>
- Marijuana Overlay District to enhance existing Industrial District with special consideration aligned to the Town's character
- Application Process for Marijuana Retail Establishments with subcommittee review and recommendations to the Board of Selectmen

<sup>9</sup> 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 already excluding social consumption.

# Marijuana Overlay District Zoning Considerations

- Create a balance between maintaining the character of the town and attracting businesses
- Review existing Industrial Zones to ensure locations align with the community and character of the town
- Focus on existing Commercial and Village Commercial zoned districts with existing or future site access from more established thoroughfares
- Evaluate individual parcels for suitability with a sensitivity toward residential neighborhoods, schools, traffic, and rehabilitation center

# Marijuana Licensing Process



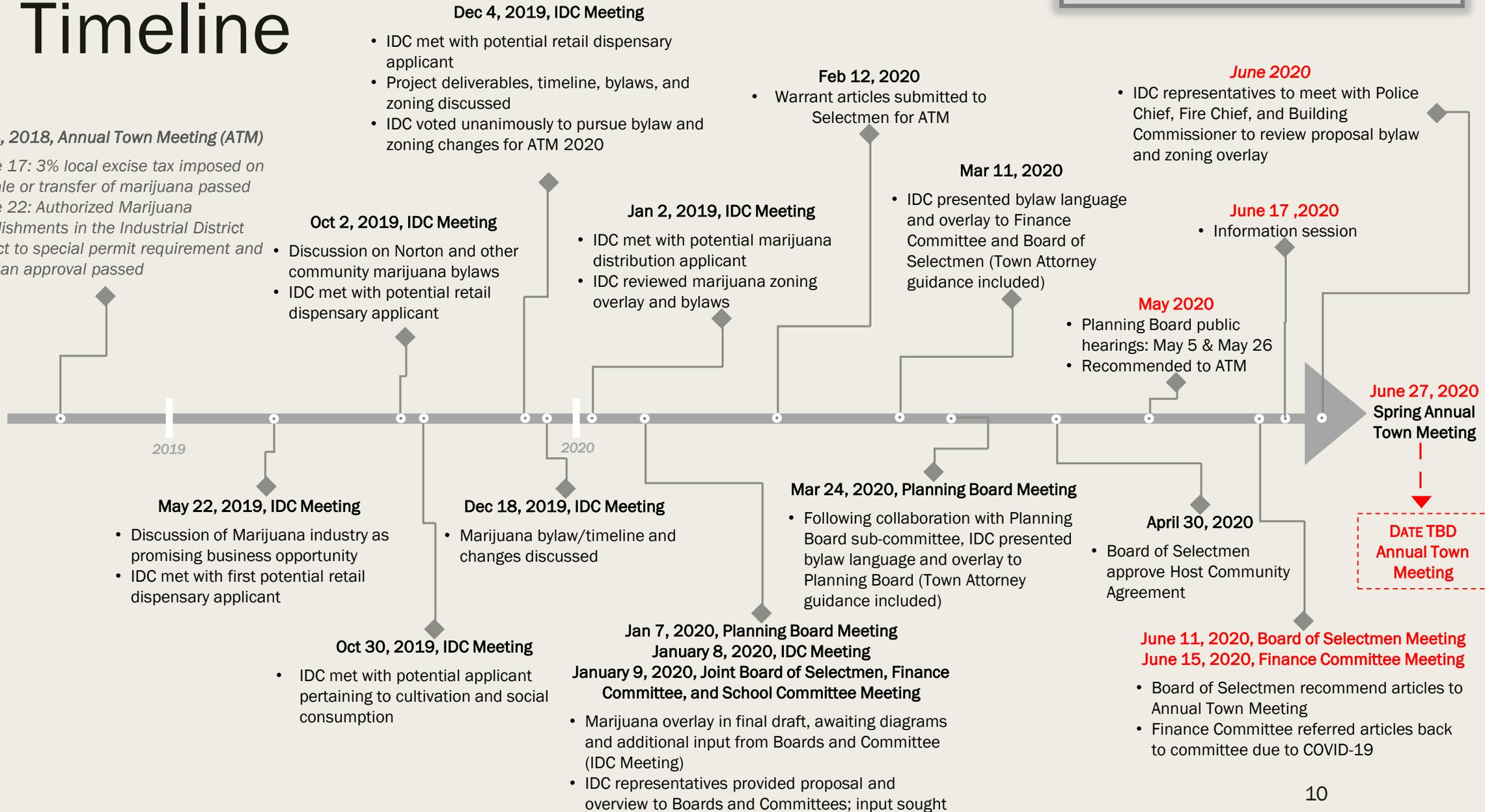
\*As of June 2020, the number of licenses for Marijuana Retail Establishments is equal to 20% of the total number of liquor licenses in the Town.

# Timeline

Items in red indicate delayed activities due to COVID-19

## May 14, 2018, Annual Town Meeting (ATM)

- Article 17: 3% local excise tax imposed on the sale or transfer of marijuana passed
- Article 22: Authorized Marijuana Establishments in the Industrial District subject to special permit requirement and site plan approval passed



# 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.	⑥
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 was also interested in social consumption within a business model of a “farm to table bed and breakfast” concept

# Panel Discussion

- Lauren Harney, Registered Nurse, Bachelor of Science in Nursing
- Michaelle Rosen, Owner, RosenBuds
- Andre Arzumanyan, Director of Business Development, Solar Therapeutics
- Edward Phipps, Chief Executive Officer, Casco Botanicals



# Lauren Harney, RN, BSN

Certified Wound Ostomy Nurse (CWON)

Member, American Cannabis Nurses Association

Working with Trauma and Acute Care Surgery in a Level 1 trauma hospital in Boston for over 10 years



# RosenBuds

Retail Marijuana Establishment



# Community Concerns

## Building Appearance and Advertisement:

Marijuana can not be visible from the outside

No flashy signage, packaging, or advertisement is allowed

★ That includes on the building and any products produced

The goal is to blend into the community, **NOT** stick out as a nuisance

## Children/Security:

Nobody under 21 is allowed into the store at any time even with an adult

IDs checked at the door, once in the facility, and at checkout

24/7 surveillance cameras linked with local police/fire departments



Solar Therapeutics looks forward to **partnering** and working **cooperatively** with the Town of Norton and its community. To ensure that Solar Thera operates as a **responsible, contributing member** of the **local community**, we work hard to establish a **mutually beneficial** relationship with the Town and its' stakeholders.

- **Jobs:**  
Operations add many dozens of full-time and part time jobs, in addition to hiring qualified, local contractors and vendors.
- **Monetary Benefits:**  
A Host Community Agreement with significant monetary contributions and donations provides the Town of Norton with additional financial benefits beyond local property taxes.
- **Economic Development:**  
Solar Thera's involvement and development in the community will contribute to the revitalization of the local area at its vacant or under used sites and contribute to the overall economic development of the local community.
- **Control:**  
In addition to the Cannabis Control Commission, the local Police Department and other municipal departments will have oversight over Solar Thera's security and fire prevention systems and processes.
- **Responsibility:**  
Solar Thera is comprised of experienced Marijuana Establishment operators, investors, and professionals who have been thoroughly background checked and evaluated by the State to meet and exceed their stringent qualification criteria.
- **Access to Quality Product:**  
Solar Thera will allow qualified consumers in the Commonwealth to have access to high quality, sustainable cannabis flower and products that are tested for cannabinoid content and contaminants.



## Principles

- We use scientific research to establish our methodology, techniques, and strategies.
- We scrutinize every aspect of our growing process to minimize environmental impact and carbon footprint.
- We do not pursue innovations without understanding the latest consensus of scientific research and vetting prior to trials.



- We harness the power of chain reactions in the ecosystem we operate, eliminating waste and maximizing efficiency.
- The strategic measures we take as a business-minded team of botanists allow us to anticipate problems before they happen and solve challenges that do arise.
- We take communication seriously and prioritize evolving in a way that keeps individuals connected, voices heard, and information streamlined.

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## Methods

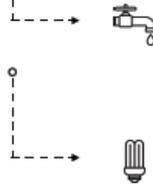
We believe it is better to be prepared for future regulations by holding ourselves to rigorous standards now.

The legal marijuana industry is under intense scrutiny, so we maintain diligence to avoid future imposed regulatory disruptions. To achieve the supreme standard of sustainability necessary for both our high-grade organic flower, industry minimum production costs, and impending policy, we believe balance, precision, and an aptitude for the natural process is the key to unlocking an organism's and an organization's full potential for growth.



### Light & Water Practices

Environmentally-friendly practices are a compelling facet of this market. Consumers have become increasingly concerned about these aspects of a company and the products they purchase.



- Watering occurs once per day at a rate finely tuned to reduce runoff, and water produced by transpiration is reused via condensate collection from all AC & Dehumidifier units. As droughts become increasingly problematic, state-imposed restrictions will detriment any system that cannot operate on limited water usage.
- We use fluorescent vegetative growth lights with low heat output. Commonly used high-output Metal Halides use more electricity and require additional cooling.
- Indoor light wattage is dialed back (~50%) and only runs at peak output (100%) for half of the flowering cycle, which in turn reduces AC and fertilizer usage.

.05



## Methods

### Fertilizer

Balanced with optimal carbon to nitrogen ratios, our in-house organic fertilizer is crafted using principles of organic chemistry to encourage microbiological activity and high bioavailability. Additional phases of ingredients, watering, and aeration enrich the formula to a fresh fertilizer extract (similar to hydroponic gardening) that contains all the necessary elements for plant growth in a versatile water-soluble form. With organic fertilizer comes a better terpene profile: a product's look, smell, and taste are amplified. We then compost all unused organic matter from harvested plants for reuse.



- We do not use synthetic fertilizers. These chemicals have a runoff effect and can leach into local water sources and degrade the local ecosystem. Furthermore, nitrogen-based synthetic fertilizers manufacturing accounts for 5% of the world's greenhouse gas production.
- We use only sustainable sources for fertilizer ingredients. Greensand, rock phosphate, or bat guano are all commonly used, unsustainable fertilizer ingredients. For example: Bat Guano, despite being organic, wipes out bat populations by destroying their habitat.

.06



## Security

The cultivation site will contract with a professional security and alarm company to design, implement, and monitor a comprehensive security plan to ensure that the facility is a safe and secure environment for employees and the local community and compliant with the CCC's strict security requirements set forth in 935 CMR 500.110

A state-of-the-art security system will consist of a perimeter alarm on all exit and entry points and perimeter windows, as well as duress, panic, or hold-up alarms connected to local law enforcement for efficient notification and response in the event of a security threat.

The system will also include a failure notification system that will immediately alert the executive management team if a system failure occurs.

A back-up alarm system or alternate safeguards will be installed to ensure continuous operation of the security system.

Interior and exterior HD video surveillance in all areas that contain marijuana, entrances, exits, and parking lots will be operational 24/7 and available to the Police Department. These surveillance cameras will remain operational even in the event of a power outage.

All agents and visitors will be required to visibly display an ID badge, and The cultivation site will maintain a current list of individuals with access.

The exterior of the facility and the surrounding area will be sufficiently lit, and foliage will be minimized to ensure clear visibility of the area at all times.

Only The cultivation site's registered agents and other lawful visitors (e.g. contractors, vendors) will be authorized to access to the facility, and a visitor log will be maintained in perpetuity.

## Diversion Plan for Minors (under 21)

The cultivation site will make marketing decisions that always take into consideration the appeal to minors. It will not, under any circumstances engage in any marketing, advertising, or branding practices that are targeted to, deemed to appeal to, or portray minors under 21 years of age.

The cultivation site will not manufacture or sell any edible products that resemble a realistic or fictional human, animal, or fruit, including artistic, caricature, or cartoon renderings.

Any marketing, advertising, and branding materials for public viewing will include a warning stating, **"For use only by adults 21 years of age or older. Keep out of the reach of children."**

The cultivation site's website will require all online visitors to verify they are 21 years of age or older prior to accessing the website.

The cultivation site will not hire any individuals who are under the age of 21 or who have been convicted of distribution of controlled substances to minors.

The cultivation site, in accordance to all Massachusetts laws will willingly seek out and design packaging for all cannabis related products that are tamper proof and child resistant.



## Impact Plan

The cultivation & manufacturing site will not install any signage and will ensure that the building maintains a discreet appearance.

The cultivation & manufacturing site will not engage in any advertising or marketing practices using public or private vehicles or public transportation venues – including using radios or loud speaker equipment for the advertising of marijuana.

The cultivation & manufacturing site will comply with all special permit conditions required by the town and will work diligently and in good faith to address any reasonable nuisance concerns brought to its attention by members of the community.

Deliveries to and from the facility will be kept to a minimum with to minimize any traffic impacts.

No marijuana or marijuana products will be clearly visible to a person from the exterior of the cultivation & manufacturing site or from it's delivery vehicles.

In order to minimize odor, the cultivation & manufacturing site will use a sufficient carbon filtration system, used throughout the entire facility and properly designed and installed by a certified engineer. This system will be properly maintained and will be supplemented by the proper sealing of all cultivation rooms to prevent ambient air from exiting the facility.

No consumption of marijuana or marijuana products will occur on the premises and absolutely no retail sales will occur on site. All sales will be through wholesale means to retail stores outside of the town.

All litter and waste will be properly disposed of to minimize the development of odor and the potential for attracting pests.

# Panel Discussion

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# APPENDIX

# Reference Materials

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

# 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 values<sup>6</sup>.

- No increase in crime related to the location of marijuana retail stores<sup>6</sup>
- Recreational Marijuana Laws were associated with an 8% decrease in the odds of teen marijuana use<sup>7</sup>
- Property values near cannabis outlets generally are not affected or have risen 7.7%<sup>8</sup>

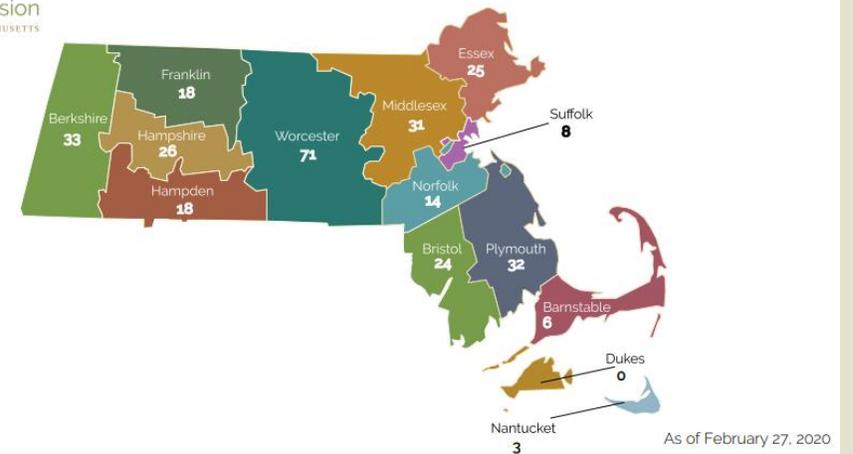
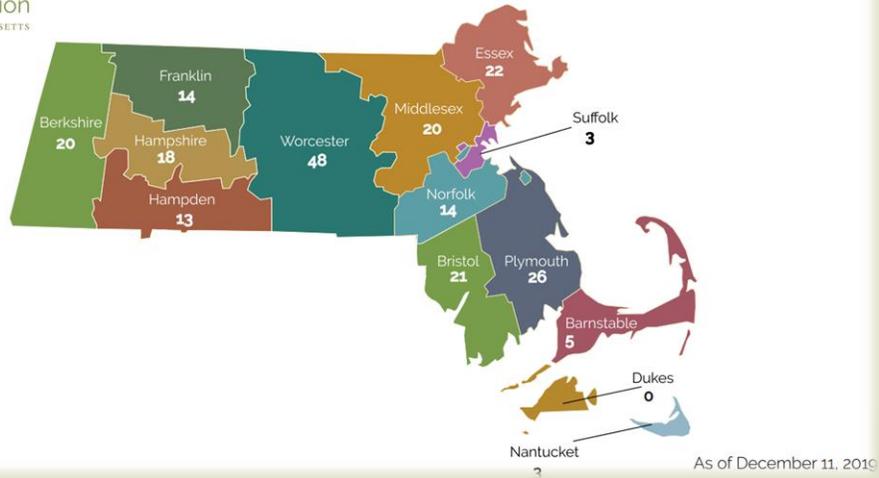


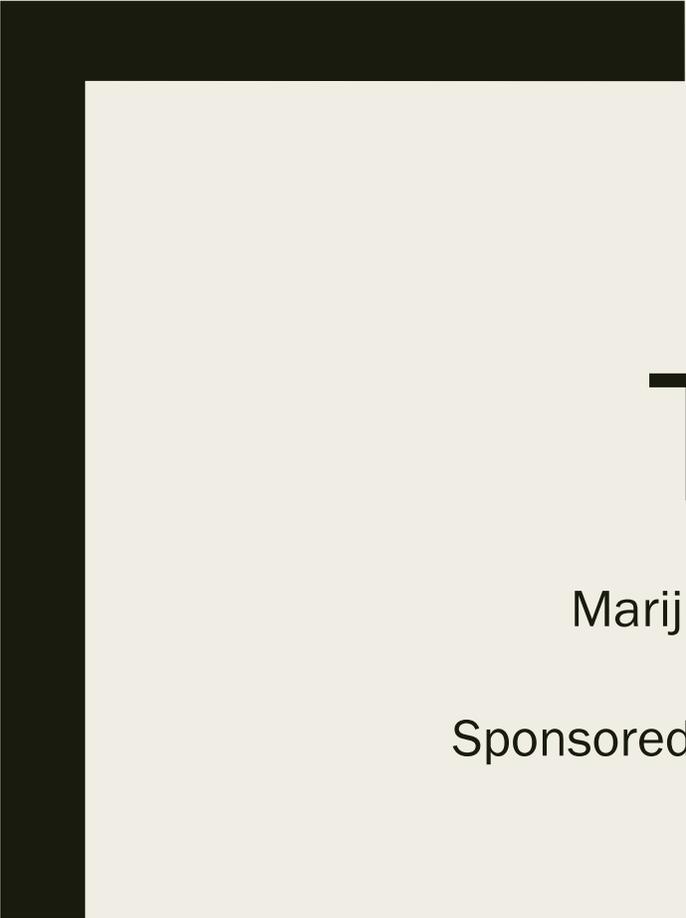
<sup>6</sup> Special Report: Debunking Dispensary Myths, Leafly, May 2019

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

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

# Historic: Approved Licenses by County





# THANK YOU

Marijuana Bylaw and Zoning Information Session

Sponsored by Norton's Industrial Development Commission

