

ARTICLE 264

To see if the Town will vote to amend the following Articles within the Norton Zoning Bylaws, Chapter 175 of the General Code, to create a Marijuana Overlay District and to provide for the regulation of ~~Adult Use~~-Marijuana Establishments and Medical Marijuana Treatment Centers (MTCs), formerly known as Registered Medical Marijuana Dispensaries (RMDs):

1. Article IV - Use Regulations, §4.4 to allow for Marijuana Establishments and Medical Marijuana Treatment Centers (MTCs), formerly known as Registered Medical Marijuana Dispensaries (RMDs) within the Marijuana Overlay District by Special Permit (changes shown below in **bold**);
2. Article XV - Site Plan Approval, §15.3 to require Site Plan Approval for Marijuana Establishments and MTCs (changes shown below in **bold**);
3. Article XXI – to delete the current Article XXI and replace it with a new Article XXI, which will regulate all marijuana uses within the Town, including ~~Adult Use~~ Marijuana Establishments and Medical Marijuana Treatment Centers.

and further, to amend the Town’s Zoning Map to show the Marijuana Overlay District, as shown on the plan on file with the Town Clerk, or take any other action relative thereto:

**ARTICLE IV USE REGULATIONS**

**§ 175-4.4 Commercial Uses**

Principal Uses	Zoning Districts Allowed Uses					
	R-80	R-60	R-40	VC	C	I
<del>Registered medical marijuana dispensary</del> <b>Medical Marijuana Treatment Center</b> <b>("MTC")</b>	N	N	N	<del>N</del> <b>SP+</b>	<del>N</del> <b>SP+</b>	SP+
Marijuana <del>E</del> establishment, excluding <del>S</del> social <del>C</del> onsumption <del>E</del> establishments" of any kind, including private social clubs, exercise or holistic studios or facilities and all other private entities	N	N	N	<del>N</del> <b>SP+</b>	<del>N</del> <b>SP+</b>	SP+
<del>Marijuana establishment, "S</del> Social <del>C</del> onsumption <del>E</del> establishments" of any kind, including private social clubs, exercise or holistic studios or facilities and all other private entities	N	N	N	N	N	N

**\*Only areas designated on Marijuana Overlay District**

**ARTICLE XV SITE PLAN APPROVAL**

**§ 175-15.3, part F**

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All "Marijuana Establishments," and MTCs as defined in Article II, Definitions, shall require site plan approval, including those with less than 2,500 square feet and/or less than 10 parking spaces that would otherwise be exempt from site plan review. All site plan applications submitted for Marijuana Establishments and MTCs under this section shall include all documents submitted to the Cannabis Control Commission for state licensing of the Marijuana Establishment or MTC, and the site plan review shall include review of the site plan's satisfaction of the standards established by the Cannabis Control Commission regulations, 935 CMR 500.00 et seq., 501.00 et seq, and 502.00 et seq as applicable as well as those submittals and reviews required under the Norton Town Zoning Bylaws.

[Added 5-14-2018 ATM by Art. 22]

**ARTICLE XXI Marijuana Establishments and Medical Marijuana Treatment Centers**  
**§ 175-21.1 Purpose.**

The purpose of this bylaw is to provide for the placement of Marijuana Establishments and Medical Marijuana Treatment Center (MTCs), in accordance with applicable state law, in locations suitable for lawful Marijuana Establishment or MTC and to minimize adverse impacts of Marijuana Establishments and MTCs on adjacent properties by regulating the siting, design, placement, security, and removal of Marijuana Establishments and MTCs.

**§ 175-21.2 Establishment**

The Marijuana Overlay District is hereby established as an overlay district over segments of Route 140 North, E. Main Street Business Parks, Norton Commerce Center, Industrial Zones in South Norton, and Business and Industrial Zones in Chartley, superimposed over such parcels that are included in the Village Commercial (VC) Zoning District, Commercial (C) Zoning District and the Industrial (I) Zoning District, dated XX/XX/XX. This map is hereby made part of the Norton Zoning bylaw and is on file in the Office of the Town Clerk. Any Marijuana Establishments or MTCs shall be permitted in the Marijuana Overlay District, subject to the limitations imposed by this bylaw. In the instance where a parcel is split between Residential Zoning District and either Village Commercial (VC) Zoning District, Commercial (C) Zoning District or the Industrial (I) Zoning District, the Marijuana Establishment or MTC may not be built or established on the residential portion of the parcel.

Commented [RD1]: Ask counsel: "special permit" or "bylaw"?

**§ 175-21.3 Definitions.**

Where not expressly defined in the Norton Zoning Bylaw, terms used in this article shall be interpreted as defined in MGL chapters 94G and 94I and the Commissioner's regulations promulgated from time to time thereunder, including without limitation, 935 CMR 500.000, 501.000 and 502.000 et seq, and otherwise by their plain language. If any terms in this article conflict with the terms of the governing state laws and regulations, the terms in the governing laws and regulations will govern for the purpose covered by this article. In addition to definitions generally applicable to the Norton Zoning Bylaw as set

forth in § 175-2.2, for purposes of this article, the following terms shall have the meanings indicated:

**CANNABIS OR MARIJUANA OR MARIHUANA:** All parts of any plant of the genus Cannabis, not excepted in 935 CMR 500.002: Cannabis or Marijuana or Marihuana(a) through (c) and whether growing or not; the seeds thereof; and resin extracted from any part of the plant; clones of the plant; and every compound, manufacture, salt, derivative, mixture or preparation of the plant, its seeds or resin including tetrahydrocannabinol as defined in M.G.L. c. 94G, § 1; provided that cannabis shall not include:

- (a) the mature stalks of the plant, fiber produced from the stalks, oil, or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture or preparation of the mature stalks, fiber, oil, or cake made from the seeds of the plant or the sterilized seed of the plant that is incapable of germination;
- (b) hemp; or
- (c) the weight of any other ingredient combined with cannabis or marijuana to prepare topical or oral administrations, food, drink or other products.

**CANNABIS OR MARIJUANA PRODUCTS:** Cannabis or marijuana and its products unless otherwise indicated. These include products that have been manufactured and contain cannabis or marijuana or an extract from cannabis or marijuana, including concentrated forms of marijuana and products composed of marijuana and other ingredients that are intended for use or consumption, including edible products, beverages, topical products, ointments, oils and tinctures.

**COMMISSION:** The Massachusetts Cannabis Control Commission established by M.G.L. c. 10, § 76, or its designee. The Commission has authority to implement the state marijuana laws, which include, but are not limited to, St. 2016, c. 334 as amended by St. 2017, c. 55, M.G.L. c. 94G, and 935 CMR 500.000.

**HOST COMMUNITY AGREEMENT:** An agreement, pursuant to General Laws, Chapter 94G, Section 3(d), between a Cannabis Establishment and a municipality setting forth additional conditions for the operation of a Cannabis Establishment, including stipulations of responsibility between the parties and a up to 3% host agreement revenue sharing. Note this term is not defined in 935 CMR 500. ~~The legislative-executive~~ body of the municipality is responsible for negotiating the Host Community Agreement on behalf of the municipality.

**HEMP:** The plant of the genus Cannabis or any part of the plant, whether growing or not, with a delta-9-tetrahydrocannabinol concentration that does not exceed 0.3% on a dry weight basis of any part of the plant of the genus Cannabis, or per volume or weight of cannabis or marijuana product, or the combined percent of delta-9-tetrahydrocannabinol and tetrahydrocannabinolic acid in any part of the plant of the genus Cannabis regardless of moisture content.

**Commented [RD2]:** It was noted in the public hearing that the BOS is the executive body, not legislative body.

Consider language that says executive under TM or RTM form of govt and legislative if changed to TC.

Or something like 'licensing authorities' as shown in MGL chapter 138, §15?

**MARIJUANA CULTIVATOR:** An entity licensed to cultivate, process and package marijuana, and to transfer marijuana to other marijuana establishments, but not to consumers.

**MARIJUANA INDEPENDENT TESTING LABORATORY:** A laboratory that is licensed by the Commission and is:

- (a) accredited to the International Organization for Standardization 17025 (ISO/IEC 17025: 2017) by a third-party accrediting body that is a signatory to the International Laboratory Accreditation Accrediting Cooperation mutual recognition arrangement or that is otherwise approved by the Commission;
- (b) independent financially from any Medical Marijuana Treatment Center (MTC), Marijuana Establishment or licensee for which it conducts a test; and
- (c) qualified to test cannabis or marijuana in compliance with 935 CMR 500.160 and M.G.L. c. 94C, § 34.

**LICENSEE:** A person or entity licensed by the Commission to operate a Marijuana Establishment under 935 CMR 500.000 and/or Medical Marijuana Treatment Centers under 935 CMR 501.00 or 502.00.

**MANUFACTURE:** To compound, blend, extract, infuse or otherwise make or prepare a cannabis or marijuana product.

**MARIJUANA PROCESS OR PROCESSING:** To harvest, dry, cure, trim and separate parts of the cannabis or marijuana plant by manual or mechanical means, except it shall not include manufacture as defined in 935 CMR 500.002.

**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. Unless licensed *and permitted under the zoning Bylaws*, 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.

**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 a third-party transporter.

**MEDICAL MARIJUANA TREATMENT CENTERS (MTC):** Medical Marijuana Treatment Center (MTC) formerly known as a Registered Marijuana Dispensary (RMD): an entity licensed under 935 CMR 501.101: Application Requirements for Medical Marijuana Treatment Centers, that acquires, cultivates, possesses, processes (including development of related products such as edible marijuana or marijuana products, MIPs, tinctures, aerosols oils, or ointments), transports, sells, distributes, delivers, dispenses, or administers Marijuana, products containing Cannabis or Marijuana, related supplies,

or educational materials to Registered Qualifying Patients or their Personal Caregivers for medical use. Unless otherwise specified, MTC refers to the site(s) of dispensing, cultivation, and preparation of Cannabis or Marijuana for medical use.

**§ 175-21.4 Applicability.**

This bylaw does not apply to the cultivation of industrial hemp as is regulated by the Massachusetts Department of Agricultural Resources pursuant to General Laws, Chapter 128, Sections 116-123.

**§ 175-21.5 Additional Requirements/Conditions.**

In addition to the standard requirements for uses permitted By-right or requiring a Special Permit or Site Plan Approval, the following shall also apply to all Marijuana Establishments and MTC facilities:

a. Use:

- i. Any type of Marijuana Establishment or MTC may only be involved in the uses permitted by its definition and may not include other businesses or services.
- ii. No marijuana shall be smoked, eaten or otherwise consumed or ingested within the premises.
- iii. The hours of operation shall be set by the Special Permit Granting Authority, and no retail sale of marijuana shall occur upon the premises between the hours of 11:00 p.m. and 8:00 a.m.
- iv. No Marijuana Establishment or MTC may commence operation or apply for a building permit prior to its receipt of all required permits and approvals including, but not limited, to its Final License from the appropriate Commission.
- v. The number of ~~adult use-Marijuana R~~retailers establishments permitted to be located within the Town of Norton shall not exceed 20% of the number of licenses issued within the Town for the retail sale of alcoholic beverages not to be drunk on the premises where sold under MGL chapter 138, §15. For the purposes of determining this number, any fraction shall be rounded up to the next highest whole number.

b. Physical Requirements:

- i. All aspects of the Marijuana Establishment or MTC, except for the transportation of product or materials, relative to the acquisition, cultivation, possession, processing, sales, distribution, dispensing, or administration of marijuana, products containing marijuana, related supplies, or educational materials must take place at a fixed location within a fully enclosed building (including greenhouses) and shall not be visible from the exterior of the business. They may not be permitted to be located in a trailer, storage freight container, motor vehicle or other similar type potentially movable enclosure.

ii. No outside storage is permitted.

~~iii.~~ Primary vehicular access must be established off main roadway.

~~iv.~~ Ventilation – all Marijuana Establishments and MTC's shall be ventilated in such a manner that no:

**Commented [RD3]:** Question for counsel: This continues to come up in discussion with the Planning Board. Can you confirm what licenses this applies to? Is it all alcoholic beverages, malt and wine, or both combined?

Note to Mike: The conversation at the BOS to increase two licenses (all alcoholic beverages) has raised concern that it will raise the 20% of retailers to 3 in the town.

**Commented [RD4]:** Counsel to finesse language

1. Pesticides, insecticides or other chemicals or products used in the cultivation or processing are dispersed into the outside atmosphere, and
2. No odor from marijuana or its processing can be detected by a person with an unimpaired and otherwise normal sense of smell at the exterior of the medical marijuana business or at any adjoining use or property, such evaluation shall be made by the Building Inspector or his/her designee.

~~v.v.~~ Signage shall be displayed on the exterior of the Marijuana Establishment's entrance in plain sight of the public stating that "Access to this facility is limited to individuals 21 years or older." in text two inches in height.

All other signage must comply with all other applicable signage regulations in the Zoning or 935 CMR 500.000,501.000 or 502.000, as applicable.

~~v.vi.~~ Cannabis plants, products, and paraphernalia shall not be visible from outside the building in which the Marijuana Establishment or MTC is located and shall comply with the requirements of 935 CMR 500.000 or 501.000, as applicable. Any artificial screening device erected to eliminate the view from the public way shall also be subject to a vegetative screen and the Board shall consider the surrounding landscape and viewshed to determine if an artificial screen would be out of character with the neighborhood.

c. Location:

- i. Marijuana Establishments and MTC's are encouraged to utilize existing vacant buildings where possible
- ii. All Marijuana Establishments and MTC's shall be located in the Marijuana Overlay District
- iii. No Marijuana Establishment or MTC shall be located on a parcel which is within five hundred (500) feet (to be measured in a straight line from the nearest point of the property line in question to the nearest point of the property line where the Marijuana Establishment or MTC is or will be located) of a parcel occupied by a pre-existing public or private school (existing at the time the applicant's license application was received by the appropriate Commission) providing education in kindergarten or any of grades 1-12.
- iv. No Marijuana ~~Establishment-Retailer~~ or MTC shall be located on a parcel which is within five hundred (500) feet (to be measured in a straight line from the nearest point of the property line in question to the nearest point of the property line where the Marijuana ~~Establishment-Retailer~~ or MTC is or will be located) of a parcel occupied by another Marijuana ~~Establishment-Retailer~~ or MTC facility.

d. Reporting Requirements.

- i. Prior to the commencement of the operation or services provided by a Marijuana Establishment or MTC, it shall provide the Police Department, Fire Department, Building Commissioner/Inspector and the Special Permit Granting Authority with the names, phone numbers and email addresses of all management staff and key-holders, including a minimum of two (2) operators or managers of the facility identified as contact persons to whom one can provide notice if there

are operating problems associated with the establishment. All such contact information shall be updated as needed to keep it current and accurate.

ii. The local Building Commissioner/Inspector, Board of Health, Police Department, Fire Department and Special Permit Granting Authority shall be notified in writing by the Marijuana Establishment or MTC facility owner/operator/manager:

1. A minimum of 30 days prior to any change in ownership or management of that establishment.
2. A minimum of 12 hours following a violation of any law or any criminal activities or attempts of violation of any law at the establishment.

iii. Permitted Marijuana Establishments and MTCs shall file an annual written report to, and appear before the Special Permit Granting Authority, if requested, no later than January 31<sup>st</sup> of each calendar year, providing a copy of all current applicable state licenses for the facility and/or its owners and demonstrate continued compliance with the conditions of the Special Permit.

iv. The owner or manager of a Marijuana Establishment or MTC is required to respond by phone or email within twenty-four hours of contact by a town official concerning their Marijuana Establishment or MTC at the phone number or email address provided to the town as the contact for the business.

e. Issuance/Transfer/Discontinuance of Use

i. Special Permits/Site Plan Approvals shall be issued to the Marijuana Establishment or MTC owner.

ii. Special Permits/Site Plan Approvals shall be issued for a specific type of Marijuana Establishment or MTC on a specific site/parcel.

iii. Special Permits/Site Plan Approvals shall be non-transferable to either another Marijuana Establishment or MTC owner.

iv. Special Permits/Site Plan Approvals shall have a term limited to the duration of the applicant's ownership/control of the premises as a Marijuana Establishment or MTC, and absent an extension granted by the shall lapse/expire if:

1. the Marijuana Establishment or MTC ceases operation (not providing the operation or services for which it is permitted) for 120 days, and/or
2. the Marijuana Establishment or MTC's registration/license by the appropriate Commission expires or is terminated.

v. The Marijuana Establishment or MTC shall notify the Zoning Enforcement Officer and Special Permit Granting Authority in writing within 48 hours of such lapse, cessation, discontinuance or expiration or revocation.

vi. A marijuana cultivation or product manufacturing establishment shall be required to remove all material, plants equipment and other paraphernalia prior to surrendering its state registration/license or ceasing its operation.

1. Prior to the issuance of a Building Permit for such a Marijuana Establishment or MTC the applicant is required to post with the Town Treasurer a bond or other form of financial security acceptable to said Treasurer in an amount set by the Planning Board. The amount shall be sufficient to cover the costs of the town removing all materials, equipment and other paraphernalia if the applicant

**Commented [RD5]:** Question for counsel: Does issuance to owner (individual) conflict with current practices regarding permitting, where it typically is issued to the site?

Confirm this language is correct and appropriate.

**Commented [RD6R5]:** Additional question from Planning Board: Can we just have a new applicant with a new HCA amend the existing special permit of same property?

The PB is wondering why they need to go through the entire Special Permitting Process if there is just a transfer of the same type of Marijuana Establishment at a particular location.



fails to do so. The Building Inspector shall give the applicant 45 days written notice in advance of seeking a court order allowing the Town to take such action. Should the applicant remove all materials, plants, equipment and other paraphernalia to the satisfaction of the Building Inspector prior to the expiration of the 45 days written notice, said bond shall be returned to the applicant.

f. Testing

i. All cannabis or marijuana product shall be tested by a Marijuana Independent Testing Facility to ensure compliance in compliance with 935 CMR 500.160 and M.G.L. c. 94C, § 34.

§ 175-21.6 **Special permit procedure.**

The Planning Board shall be the Special Permit Granting Authority (SPGA) for a Marijuana Establishment or MTC special permit.

**A. Application.** Applications for Special Permits and Site Plan Approvals for Marijuana Establishments or MTC's will be processed in the order that they are filed with the town. The approval of a Special Permit for any Marijuana Establishment or MTC is up to the discretion of the Planning Board who will be making its determination based on compliance with the standards and intent of this Bylaw.

In addition to the standard application requirements for Special Permits and Site Plan Approvals, such applicants for a Marijuana Establishment and MTC's shall provide the following information:

- (1) The name and address of each owner and operator of the Marijuana Establishment or MTC facility/operation;
- (2) A copy of an approved Host Community Agreement;
- (3) A copy of its Provisional License from the Commission pursuant to 935 CMR 500.000 or 935 CMR 501.000, as applicable;
- (4) Proof of Liability Insurance Coverage or Maintenance of Escrow;
- (5) Evidence that the Applicant has site control and right to use the site for a Marijuana Establishment or MTC facility in the form of a deed or valid purchase and sales agreement or, in the case of a lease a notarized statement from the property owner and a copy of the lease agreement;
- (6) A notarized statement signed by the Marijuana Establishment or MTC organization's Chief Executive Officer and corporate attorney disclosing all Persons or Entities Having Direct or Indirect Control, as defined in 935 CMR 500.002;
- (7) A detailed floor plan of the premises of the proposed Marijuana Establishment or MTC that identifies the square footage available and describes the functional areas of the Marijuana Establishment or MTC;
- (8) Detailed site plans that include the following information:



- (a)** Compliance with the requirements for parking and loading spaces, for lot size, frontage, yards and heights and coverage of buildings, and all other provisions of this bylaw;
  - (b)** Convenience and safety of vehicular and pedestrian movement on the site and for the location of driveway openings in relation to street traffic;
  - (c)** Convenience and safety of vehicular and pedestrian movement off the site, if vehicular and pedestrian traffic off-site can reasonably be expected to be substantially affected by on-site changes;
  - (d)** Adequacy as to the arrangement and the number of parking and loading spaces in relation to the proposed use of the premises, including designated parking for home delivery vehicle(s), as applicable;
  - (e)** Design and appearance of proposed buildings, structures, freestanding signs, screening and landscaping;
  - (f)** Adequacy of water supply, surface and subsurface drainage and light;
  - (g)** Details showing all exterior proposed security measures for the Marijuana Establishment or MTC, including lighting, fencing, gates and alarms, etc. ensuring the safety of employees and patrons and to protect the premises from theft or other criminal activity;
  - (h)** All signage being proposed for the facility.
- (9)** A description of the security measures, including employee security policies, approved by the Commission;
- (10)** A copy of the emergency procedures approved by the appropriate;
- (11)** A copy of the policies and procedures for patient or personal caregiver home delivery approved by the Commission;
- (12)** A copy of the policies and procedures for the transfer, acquisition, or sale of marijuana between Marijuana Establishments and/or MTCs approved by the Commission;
- (13)** A copy of proposed waste disposal procedures;
- (14)** A pedestrian/vehicle traffic impact study to establish the Marijuana Establishment's impact at peak demand times, including ~~queue~~ plan to ensure that the movement of pedestrian and/or vehicle traffic, including to, along the public right of ways will not be unreasonably obstructed;
- (15)** An odor control plan detailing the specific odor-emitting activities or processes to be conducted on-site, the source of those odors, the locations from which they are emitted from the facility, the frequency of such odor-emitting activities, the duration of such odor-emitting activities, and the administrative of odor control including maintenance of such controls; and
- (16)** Individual written plans which, at a minimum comply with the requirements of 935 CMR 500, relative to the Marijuana Establishment's or MTC's:

- i. Operating procedures
- ii. Marketing and advertising
- iii. Waste disposal
- iv. Transportation and delivery of marijuana or marijuana products
- v. Energy efficiency and conservation
- vi. Security and Alarms
- vii. Decommissioning of the Marijuana Establishment or MTC including a cost estimate taking into consideration the community's cost to undertake the decommissioning of the site.

**B.** The applicant shall provide copies of the application to the Board of Selectmen, the Building Department, Fire Department, Police Department, Board of Health, the Conservation Commission, the Highway Department, and Board of Water/Sewer Commissioners. These boards/departments shall review the application and shall submit their written recommendations. Failure to make recommendations within 35 days of referral of the application shall be deemed lack of opposition.

**C.** After notice and public hearing and consideration of application materials, consultant reviews, public comments, and the recommendations of other Town boards and departments, the Planning Board may act upon such a permit.

**§ 175-21.7 Special permit conditions.**

**A.** The Planning Board, in granting a Special Permit hereunder, in addition to the requirements of Section 175-21-4 above, shall impose conditions reasonably appropriate to improve site design, traffic flow, public safety, protect water quality, air quality, and significant environmental resources, preserve the character of the surrounding area and otherwise serve the purposes of this article, and the standards under Section 175-10.10.

**B. FINDINGS;**

In addition to the standard findings and criteria for a Special Permit or Site Plan Approval the Special Permit Granting Authority must also find all the following:

- a. The Marijuana Establishment or MTC is consistent with and does not derogate from the purposes and intent of this *Bylaw* and the other Town's *Zoning Bylaws*.
- b. That the Marijuana Establishment or MTC facility is designed to minimize any adverse visual or economic impacts on abutters and other parties in interest;
- c. That the Marijuana Establishment or MTC facility demonstrates that it meets or exceeds all the permitting requirements of all applicable agencies within the

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Commonwealth of Massachusetts and will be in compliance with all applicable state laws and regulations;

d. That the applicant has satisfied all of the conditions and requirements of this *Bylaw* and other applicable *Town Bylaws*;

e. That the Marijuana Establishment or MTC facility provides adequate security measures to ensure that no individual participant will pose a direct threat to the health or safety of other individuals, and that the storage and/or location of cultivation is adequately secured on-site or via delivery.

f. That the Marijuana Establishment or MTC facility adequately addresses issues of traffic demand, circulation flow, parking and queuing, particularly at peak periods at the facility, and its impact on neighboring uses.

**§ 175-21.8 Nuisances prohibited.**

No Marijuana Establishment or MTC shall be allowed which creates an unreasonable nuisance to abutters or to the surrounding area, or which creates any hazard, including, but not limited to, fire, explosion, fumes, gas, smoke, odors, obnoxious dust, vapors, offensive noise or vibration, flashes, glare, objectionable effluent or electrical interference, which may significantly impair the normal use and peaceful enjoyment of any property, structure or dwelling in the area.

**§ 175-21.9 Severability.**

The provisions of this bylaw are severable. If any provision, paragraph, sentence, or clause of this bylaw or the application thereof to any person, establishment, or circumstances shall be held invalid, such invalidity shall not affect the other provisions or application of this bylaw.

**§ 175-21.10 Conflicts.**

This bylaw sets out the general terms of Marijuana Establishments and Medical Marijuana Treatment Centers. In the case of inconsistencies (if any) between this Bylaw and the Cannabis Control Commission Regulations 935 CMR 500.00, 501.000 or 502.000 et seq. the terms of this Bylaw shall govern unless there is explicit direction otherwise.