

Recreational Marijuana Establishments

In order to address Recreational Marijuana Establishments, the Planning Board has decided to give Town Meeting the ability to determine which types of Recreational Marijuana Establishments it would prefer to allow or prohibit in the community. As such, the Planning Board is proposing Recreational Marijuana Establishments be addressed in a series of ordered Warrant Articles at the May 2019 Annual Town Meeting as follows. Please note the numbers assigned to each article below are for organizational purposes only at this point in time and will be revised to reflect their actual Warrant Article number once the Warrant is finalized by the Select Board.

ARTICLE 1 ZONING BYLAW AMENDMENT – AMEND SECTION 7700 TEMPORARY MORATORIUM ON RECREATIONAL MARIJUANA ESTABLISHMENTS

(Two-thirds vote required)

To see if the Town will vote to amend Boxborough Zoning Bylaw Section 7700 Temporary Moratorium on Recreational Marijuana Establishments, by deleting the language indicated by strikethroughs; and further that non-substantive changes to the numbering of the Zoning Bylaw be permitted in order that it be in compliance with the numbering format of the Zoning Bylaw; or to take an action relative thereto.

7700 ~~Temporary Moratorium on Recreational Marijuana Establishments~~

~~7701—Purpose~~

~~On November 8, 2016, the voters of the Commonwealth approved a law regulating the cultivation, processing, distribution, possession and use of marijuana for recreational purposes (new G.L. c.94G, Regulation of the Use and Distribution of Marijuana Not Medically Prescribed). The law, which allows certain personal use and possession of marijuana, begins to take effect on December 15, 2016 and (as amended on December 30, 2016; Chapter 351 of the Acts of 2016) requires a Cannabis Control Commission to issue regulations regarding the licensing of commercial activities by March 15, 2018, and to begin accepting application for licenses on April 1, 2018. Currently under the Zoning Bylaw, a non-medical Marijuana Establishment (hereinafter a “Recreational Marijuana Establishment”), as defined in G.L. c. 94G, §1, is not specifically addressed in the Zoning Bylaw. Regulations promulgated by the Cannabis Control Commission on March 23, 2018, provide guidance on certain aspects of local regulation of Recreational Marijuana Establishments. The regulation of recreational marijuana raises novel legal, planning, and public safety issues, and the Town needs time to study and consider the regulation of Recreational Marijuana Establishments and address such issues, as well as to address the potential impact of the State regulations on local zoning and to undertake a planning process to consider amending the Zoning Bylaw regarding regulation of Recreational Marijuana Establishments. The Town intends to adopt a temporary moratorium on the use of land and structures in the Town for Recreational Marijuana Establishments so as to~~

~~allow the Town sufficient time to address the effects of such structures and uses in the Town and to enact bylaws in a consistent manner.~~

~~7702—*Definition*~~

~~"Recreational Marijuana Establishment" shall mean a "marijuana cultivator, marijuana testing facility, marijuana product manufacturer, marijuana retailer or any other type of licensed marijuana related business."~~

~~7703—*Temporary Moratorium*~~

~~For the reasons set forth above and notwithstanding any other provision of the Zoning Bylaw to the contrary, the Town hereby adopts a temporary moratorium on the use of land or structures for a Recreational Marijuana Establishment and other uses related to recreational marijuana. The moratorium shall be in effect through June 30, 2019 or until such time as the Town adopts Zoning Bylaw amendments that regulate Recreational Marijuana Establishments, whichever occurs earlier. During the moratorium period, the Town shall undertake a planning process to address the potential impacts of recreational marijuana in the Town, consider the Cannabis Control Commission regulations regarding Recreational Marijuana Establishments, and shall consider adopting new Zoning Bylaws in response to these new issues.~~

**ARTICLE 2 ZONING BYLAW AMENDMENT – AMEND SECTION 2100
DEFINITIONS**

(Two-thirds vote required)

To see if the Town will vote to amend Boxborough Zoning Bylaw Section 2100 Definitions, by adding the following language in bold italics; and further that non-substantive changes to the numbering of the Zoning Bylaw be permitted in order that it be in compliance with the numbering format of the Zoning Bylaw; or to take an action relative thereto.

2100 Definitions

21XX Craft Marijuana Cultivator Cooperative shall mean a marijuana cultivator comprised of residents of Massachusetts and organized as a limited liability company, limited liability partnership, cooperative corporation under Massachusetts Law, or an appropriate business structure as determined by the Cannabis Control Commission, and is licensed to cultivate, obtain, manufacture, process, package, and brand marijuana and marijuana products to deliver marijuana to Recreational Marijuana Establishments, but not to consumers.

21XX Host Community Agreement shall mean the agreed upon terms between the Town of Boxborough and a Recreational Marijuana Establishment or Registered Marijuana Dispensary seeking to operate or continue to operate in the Town which sets forth the conditions to have a Recreational Marijuana Establishment or Registered Marijuana Dispensary located within the Town which shall include, but not be limited to, all stipulations of responsibilities between the Town and the Recreational Marijuana Establishment or Registered Marijuana Dispensary. A Host Community Agreement

between a Recreational Marijuana Establishment or Registered Marijuana Dispensary and the Town may include a community impact fee for the Town; provided, however, that the community impact fee shall be reasonably related to the costs imposed upon the Town by the operation of the Recreational Marijuana Establishment or Registered Marijuana Dispensary and shall not amount to more than 3 percent of the gross sales of the Recreational Marijuana Establishment or Registered Marijuana Dispensary or be effective for longer than 5 years. Any cost to the Town imposed by the operation of a Recreational Marijuana Establishment or Registered Marijuana Dispensary shall be documented and considered a public record as defined by clause Twenty-sixth of Section 7 of Chapter 4.

21XX Marijuana Cultivator shall mean an entity licensed to cultivate, process, and package marijuana, to deliver marijuana to Recreational Marijuana Establishments, and to transfer marijuana to other Recreational Marijuana Establishments, but not to consumers.

21XX Marijuana Microbusiness shall mean a colocated Recreational Marijuana Establishment that can be either a Tier 1 Marijuana Cultivator or Product Manufacturer or both, in compliance with the operating procedures for each license. A Microbusiness that is a Marijuana Product Manufacturer may purchase no more than 2,000 pounds of marijuana per year from other Recreational Marijuana Establishments.

21XX Marijuana Product shall mean a manufactured product that contains marijuana or an extract from 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.

21XX Marijuana Product Manufacturer shall mean an entity licensed to obtain, manufacture, process, and package marijuana and marijuana products for delivery and transfer to Recreational Marijuana Establishments, but not to consumers.

21XX Marijuana Research Facility shall mean an entity licensed to engage in research projects, including cultivation, purchase or otherwise acquire marijuana for the purpose of conducting research regarding marijuana and marijuana products or any analogous uses. A Marijuana Research Facility may be academic institutions, non-profit corporations, and domestic corporations, or entities authorized to conduct business in Massachusetts.

21XX Marijuana Retailer shall mean an entity licensed to purchase and transport marijuana or marijuana product from Recreational Marijuana Establishments and to sell or otherwise transfer this product to Recreational Marijuana Establishments and to consumers. Retailers are prohibited from delivering marijuana or marijuana products to consumers; and from offering marijuana or marijuana products for the purposes of on-site social consumption on the premises of a Recreational Marijuana Establishment.

21XX Marijuana Testing Facility shall mean a facility licensed by the Cannabis Control Commission and is: (i) accredited to the most current International Organization for Standardization 17025 by a third-party accrediting body that is a signatory of the International Laboratory Accreditation Accrediting Cooperation mutual recognition arrangement, or that is otherwise approved by the Cannabis Control Commission; (ii) independent financially from any medical marijuana treatment center, Recreational

Marijuana Establishment, or any licensee for which it conducts a test; and (iii) qualified to test marijuana in compliance with 935 CMR 500.160 and M.G.L. c. 94C, § 34.

21XX Recreational Marijuana Establishment shall mean a marijuana cultivator, marijuana testing facility, marijuana research facility, marijuana product manufacturer, marijuana retailer, or any other type of licensed marijuana-related business which is not a Registered Marijuana Dispensary as defined in Section 2165.

**ARTICLE 3 ZONING BYLAW AMENDMENT – AMEND SECTION 7700
RECREATIONAL MARIJUANA ESTABLISHMENTS (CRAFT
MARIJUANA CULTIVATOR COOPERATIVES)**

(Two-thirds vote required)

To see if the Town will vote to amend Boxborough Zoning Bylaw Section 7700 Recreational Marijuana Establishments, by adding the following language in bold italics; and further that non-substantive changes to the numbering of the Zoning Bylaw be permitted in order that it be in compliance with the numbering format of the Zoning Bylaw; or to take an action relative thereto.

7701 Permitted Recreational Marijuana Establishments

The following types of Recreational Marijuana Establishments are permitted in the Town of Boxborough:

- (1) Craft Marijuana Cultivator Cooperatives*

**ARTICLE 4 ZONING BYLAW AMENDMENT – AMEND SECTION 7700
RECREATIONAL MARIJUANA ESTABLISHMENTS (MARIJUANA
CULTIVATORS)**

(Two-thirds vote required)

To see if the Town will vote to amend Boxborough Zoning Bylaw Section 7700 Recreational Marijuana Establishments, by adding the following language in bold italics; and further that non-substantive changes to the numbering of the Zoning Bylaw be permitted in order that it be in compliance with the numbering format of the Zoning Bylaw; or to take an action relative thereto.

7701 Permitted Recreational Marijuana Establishments

The following types of Recreational Marijuana Establishments are permitted in the Town of Boxborough:

- (2) Marijuana Cultivators*

**ARTICLE 5 ZONING BYLAW AMENDMENT – AMEND SECTION 7700
RECREATIONAL MARIJUANA ESTABLISHMENTS (MARIJUANA
MICROBUSINESS)**

(Two-thirds vote required)

To see if the Town will vote to amend Boxborough Zoning Bylaw Section 7700 Recreational Marijuana Establishments, by adding the following language in bold italics; and further that non-substantive changes to the numbering of the Zoning Bylaw be permitted in order that it be in compliance with the numbering format of the Zoning Bylaw; or to take an action relative thereto.

7701 Permitted Recreational Marijuana Establishments

The following types of Recreational Marijuana Establishments are permitted in the Town of Boxborough:

(3) Marijuana Microbusinesses

**ARTICLE 6 ZONING BYLAW AMENDMENT – AMEND SECTION 7700
RECREATIONAL MARIJUANA ESTABLISHMENTS (MARIJUANA
PRODUCT MANUFACTURERS)**

(Two-thirds vote required)

To see if the Town will vote to amend Boxborough Zoning Bylaw Section 7700 Recreational Marijuana Establishments, by adding the following language in bold italics; and further that non-substantive changes to the numbering of the Zoning Bylaw be permitted in order that it be in compliance with the numbering format of the Zoning Bylaw; or to take an action relative thereto.

7701 Permitted Recreational Marijuana Establishments

The following types of Recreational Marijuana Establishments are permitted in the Town of Boxborough:

(4) Marijuana Product Manufacturers

**ARTICLE 7 ZONING BYLAW AMENDMENT – AMEND SECTION 7700
RECREATIONAL MARIJUANA ESTABLISHMENTS (MARIJUANA
RESEARCH FACILITIES)**

(Two-thirds vote required)

To see if the Town will vote to amend Boxborough Zoning Bylaw Section 7700 Recreational Marijuana Establishments, by adding the following language in bold italics; and further that non-substantive changes to the numbering of the Zoning Bylaw be permitted in order that it be in compliance with the numbering format of the Zoning Bylaw; or to take an action relative thereto.

7701 Permitted Recreational Marijuana Establishments

The following types of Recreational Marijuana Establishments are permitted in the Town of Boxborough:

(5) Marijuana Research Facilities

**ARTICLE 8 ZONING BYLAW AMENDMENT – AMEND SECTION 7700
RECREATIONAL MARIJUANA ESTABLISHMENTS (MARIJUANA
RETAILERS)**

(Two-thirds vote required)

To see if the Town will vote to amend Boxborough Zoning Bylaw Section 7700 Recreational Marijuana Establishments, by adding the following language in bold italics; and further that non-substantive changes to the numbering of the Zoning Bylaw be permitted in order that it be in compliance with the numbering format of the Zoning Bylaw; or to take an action relative thereto.

7701 Permitted Recreational Marijuana Establishments

The following types of Recreational Marijuana Establishments are permitted in the Town of Boxborough:

(6) Marijuana Retailers

**ARTICLE 9 ZONING BYLAW AMENDMENT – AMEND SECTION 7700
RECREATIONAL MARIJUANA ESTABLISHMENTS (MARIJUANA
TESTING FACILITIES)**

(Two-thirds vote required)

To see if the Town will vote to amend Boxborough Zoning Bylaw Section 7700 Recreational Marijuana Establishments, by adding the following language in bold italics; and further that non-substantive changes to the numbering of the Zoning Bylaw be permitted in order that it be in compliance with the numbering format of the Zoning Bylaw; or to take an action relative thereto.

7701 Permitted Recreational Marijuana Establishments

The following types of Recreational Marijuana Establishments are permitted in the Town of Boxborough:

(7) Marijuana Testing Facilities

**ARTICLE 10 RECREATIONAL MARIJUANA ESTABLISHMENTS LOCAL TAX
OPTION**

To see if the Town will vote to accept MGL Chapter 64N, § 3, “Local Tax Option,” at the maximum rate permitted by law; or take any action relative thereto.

**ARTICLE 11 ZONING BYLAW AMENDMENT – AMEND SECTION 7700
RECREATIONAL MARIJUANA ESTABLISHMENTS (LOCATION
OF PERMITTED USES)**

(Two-thirds vote required)

To see if the Town will vote to amend Boxborough Zoning Bylaw Section 7700 Recreational Marijuana Establishments, by adding the following language in bold italics; and further that non-substantive changes to the numbering of the Zoning Bylaw be permitted in order that it be in compliance with the numbering format of the Zoning Bylaw; or to take an action relative thereto.

7702 Location

The permitted types of Recreational Marijuana Establishments listed in Section 7701 are only allowed in the Recreational Marijuana Establishment Overlay District as of right pursuant to a Host Community Agreement. The Recreational Marijuana Establishment Overlay District shall be located as shown on the map as displayed as Appendix D.

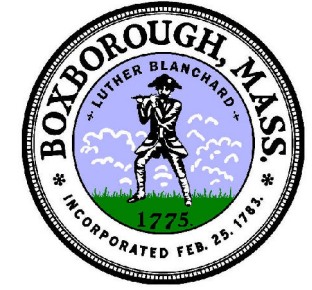
**ARTICLE 12 ZONING BYLAW AMENDMENT – AMEND SECTION 7700
RECREATIONAL MARIJUANA ESTABLISHMENTS
(PROHIBITIONS)**

(Two-thirds vote required)

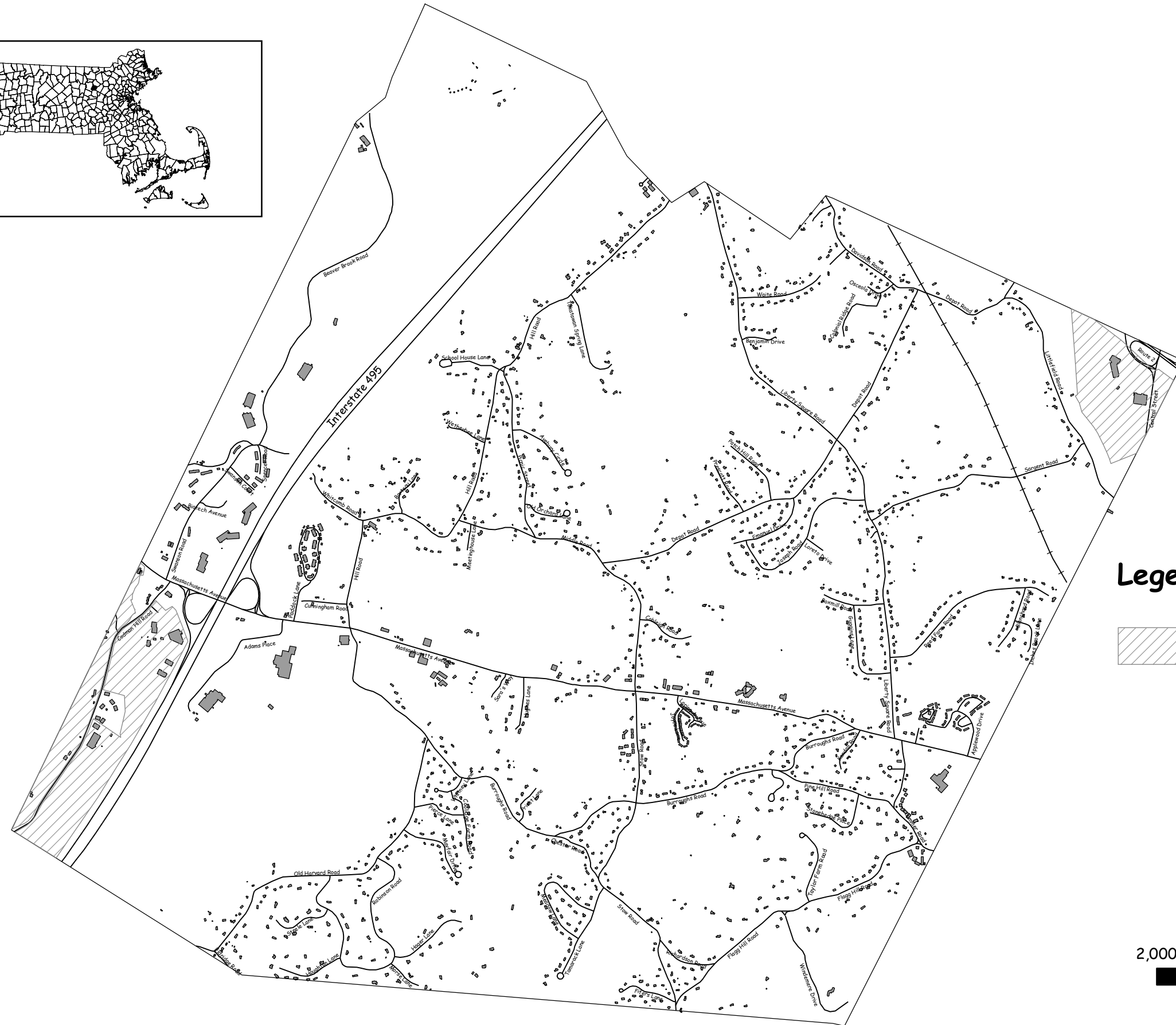
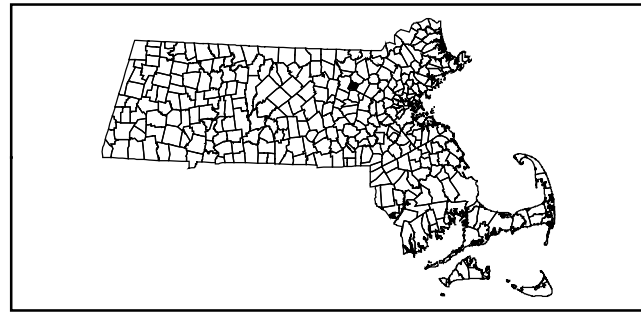
To see if the Town will vote to amend Boxborough Zoning Bylaw Section 7700 Recreational Marijuana Establishments, by adding the following language in bold italics; and further that non-substantive changes to the numbering of the Zoning Bylaw be permitted in order that it be in compliance with the numbering format of the Zoning Bylaw; or to take an action relative thereto.

7703 (or 7700) Prohibited Recreational Marijuana Establishments

The operation within the Town of Boxborough of any marijuana establishment, as defined in Massachusetts General Laws c. 94G, § 1, including, without limitation, a marijuana cultivator, marijuana testing facility, marijuana research facility, marijuana product manufacturer, marijuana retailer, or any other type of licensed marijuana-related business, is prohibited. This prohibition shall not apply to a _____ or to the sale, distribution, or cultivation of marijuana for medical purposes by a Registered Marijuana Dispensary as defined in Section 2165 of the Zoning Bylaw.



Town of Boxborough, Massachusetts



Legend

-  Recreational Marijuana Establishment Overlay District

