

**The following shall be added to Appendix A, Table of Principal Uses.**

**Schedule of Use Regulations**

	<b><u>RR</u></b>	<b><u>TR</u></b>	<b><u>RCR</u></b>	<b><u>SR</u></b>	<b><u>UR</u></b>	<b><u>C</u></b>	<b><u>I</u></b>
<b><u>Marijuana Establishments and other types of licensed marijuana-related business</u></b>							
Marijuana Cultivator, Tier 1 – Tier 6	N	N	N	N	N	N	PB
Marijuana Product Manufacturer	N	N	N	N	N	N	PB
Marijuana Retailer	N	N	N	N	N	PB	PB
Marijuana Research Facility or independent testing laboratory	N	N	N	N	N	N	PB
Marijuana Transporter	N	N	N	N	N	N	PB
Any other type of licensed marijuana-related business	N	N	N	N	N	N	PB
On-site consumption of marijuana or Marijuana Products at licensed Marijuana Establishment	N	N	N	N	N	N	N
Craft Marijuana Cooperative	N	N	N	N	N	N	PB
Marijuana Microbusiness	N	N	N	N	N	N	PB

**6600. Adult Use Recreational Marijuana Establishments**

**6610. Purpose.**

The purpose of this Section is to provide for the placement of Marijuana Establishments in appropriate places and under conditions in accordance with the provisions of Massachusetts General Laws Chapter 94G, to minimize the adverse impacts of these establishments on adjacent properties, residential neighborhoods, schools and other places where minors congregate by regulating the siting, design, placement, security and safety monitoring, and modification of Marijuana Establishments.

**6620. Applicability.**

Nothing in this Section shall be construed to supersede federal and state laws governing the cultivation, manufacturing, processing, testing, sale and distribution of marijuana. No Marijuana Establishments shall be established except those in compliance with the provisions set forth in this Section. If any provision of this Section, or the application of any such provision to any person or circumstance, shall be held invalid, the remainder of this Section, to the extent it can be given effect, or the application of those provisions to persons or circumstances other than those to which it is held invalid, shall not be affected thereby, and to this end the provisions of this Section 6600 are severable.

**6630. Definitions.**

For the purpose of this Section, the following definitions shall apply. In addition, other terms used herein which are defined in said Chapter 94G or the regulations of the Massachusetts Cannabis Control Commission at 935 CMR 500 shall have the meanings given therein.

- **CCC:** Massachusetts Cannabis Control Commission established by M.G.L. c. 10, §76, or its designee.

- ***Craft Marijuana Cooperative:*** A Marijuana Cultivator comprised of residents of the Commonwealth and organized as a limited liability company, limited liability partnership, or cooperative corporation under the laws of the Commonwealth. A cooperative is licensed to cultivate, obtain, manufacture, process, package and brand cannabis or Marijuana Products to transport marijuana to Marijuana Establishments, but not to consumers.
- ***Host Community Agreement:*** An agreement, pursuant to General Laws Chapter 94G, Section 3(d), between a Marijuana Establishment and a municipality setting forth conditions for the operation of the Marijuana Establishment within the municipality, including stipulations of responsibility between the parties, and a community impact fee to the host community.
- ***Marijuana Cultivator:*** An entity licensed by the Commonwealth of Massachusetts to cultivate, process and package marijuana, to deliver marijuana to Marijuana Establishments and to transfer marijuana to other Marijuana Establishments, but not to consumers.
- ***Marijuana Cultivator, Tier 1:*** A Marijuana Cultivator with up to 5,000 square feet of canopy.
- ***Marijuana Cultivator, Tier 2:*** A Marijuana Cultivator with 5,001 to 10,000 square feet of canopy.
- ***Marijuana Cultivator, Tier 3:*** A Marijuana Cultivator with 10,001 to 20,000 square feet of canopy.
- ***Marijuana Cultivator, Tier 4:*** A Marijuana Cultivator with 20,001 to 30,000 square feet of canopy.
- ***Marijuana Cultivator, Tier 5:*** A Marijuana Cultivator with 30,001 to 40,000 square feet of canopy.
- ***Marijuana Cultivator, Tier 6:*** A Marijuana Cultivator with 40,001 to 50,000 square feet of canopy.
- ***Marijuana Establishment:*** A Marijuana Cultivator, independent testing laboratory, Marijuana Product Manufacturer, Marijuana Retailer, any other type of licensed marijuana-related business, or any other combination thereof at a single location.
- ***Marijuana Microbusiness:*** A collocated Marijuana Establishment that can be either a Tier 1 Marijuana Cultivator or Marijuana Product Manufacturer or both, in compliance with the operating procedures for each license. A Marijuana Microbusiness that is a Marijuana Product Manufacturer may purchase no more than 2,000 pounds of marijuana per year from other Marijuana Establishments.
- ***Marijuana Product Manufacturer:*** An entity licensed to obtain, manufacture, process and package marijuana and Marijuana Products, to deliver marijuana and Marijuana Products to Marijuana

Establishments and to transfer marijuana and Marijuana Products to other Marijuana Establishments, but not to consumers.

- **Marijuana Products:** Products that have been manufactured and contain 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.
- **Marijuana Research Facility:** An entity licensed to cultivate, purchase or otherwise acquire marijuana for the purpose of conducting research regarding Marijuana Products.
- **Marijuana Retailer:** An entity licensed to purchase and deliver marijuana and Marijuana Products from Marijuana Establishments and to deliver, sell or otherwise transfer marijuana and Marijuana Products to Marijuana Establishments and to consumers.
- **Marijuana Transporter:** An entity, not otherwise licensed by the CCC, that is licensed to purchase, obtain, and possess cannabis or Marijuana Products solely for the purpose of transporting, temporary storage, sale and distribution to Marijuana Establishments, but not to consumers.

#### **6640. Permitting.**

A Marijuana Establishment shall not be established without obtaining a Special Permit in accordance with Appendix A, Table of Principal Uses. The Planning Board shall serve as the Special Permit Granting Authority (SPGA). This authority shall ensure strict compliance with this Section. Any such Special Permit issued by the SPGA shall comply with all relevant local, state and federal laws. A Special Permit for a Marijuana Establishment shall be limited to one or more of the uses specified in Appendix A, Table of Principal Uses, as specified by the SPGA. Such a use shall be located only in a zoning district that is designated for such use.

In addition to compliance with M.G.L. c. 94G and 935 CMR 500 *et seq.*, the SPGA may impose reasonable conditions to improve site design, traffic flow, and public safety, and to preserve water quality, significant environmental resources and the community character of the surrounding area including, without limitation, the following:

- a) Minimization of the impacts of increased noise and traffic.
- b) Imposition of security precautions to protect personnel, consumers, residents and property.
- c) Deterring the presence of unauthorized or ineligible persons at or near the Marijuana Establishment.
- d) Imposition of measures to prevent diversion of marijuana and Marijuana Products.
- e) Conditions related to the design and construction of the establishment to improve safety, security and conformance with community character.
- f) Conditions relating to energy efficiency.

No special permit for any Marijuana Establishment shall be issued without major site plan approval having been obtained from the Planning Board pursuant to Planning Board Rules and Regulations for

Special Permits and Site Plan Reviews. In addition to the standards set forth therein, the site plan must meet all dimensional, parking, landscaping, and signage requirements within the Zoning Bylaw.

In addition to the standard requirements for uses requiring a Special Permit, the following shall also apply to all Marijuana Establishments:

**6640.1 Location.**

- a) Marijuana Establishments are encouraged to utilize existing vacant buildings where possible.
- b) No Marijuana Establishment shall be located within three hundred feet (300') (to be measured in a straight line from the nearest point of the principal building structure in question to the nearest point of the principal building structure where the Marijuana Establishment is or will be located) of a preexisting public or private school (existing at the time the applicant's license application was received by the CCC) providing education in kindergarten or any of grades pre-k to 12.
- c) No Marijuana Establishment shall be located on a parcel which is within three hundred feet (300') (to be measured in a straight line from the nearest corner of the principal building structure in question to the nearest corner of the principal building structure where the Marijuana Establishment is or will be located) of a parcel occupied by a day care center or any facility where children commonly congregate. Such a facility is not, however, limited to a building. A "facility where children commonly congregate" includes, but is not limited to, facilities in which children gather for a particular purpose in a structured or scheduled manner, or which are dedicated to use by children, such as playgrounds, youth service programs, day care centers, youth sports facilities, dance schools and gymnastic schools.
- d) The SPGA may reduce the distance requirement for non-retail Marijuana Establishments if the SPGA determines that there is no other feasible location alternative.

**6640.2** The hours of operation of Marijuana Establishments shall be set by the SPGA.

**6640.3** A Marijuana Establishment may only conduct or engage in the uses permitted by its definition in this Zoning Bylaw and may not include other businesses or services.

**6640.4** No smoking or consumption of any Marijuana Products shall be permitted on the premises of a Marijuana Establishment. No burning of any Marijuana Products shall be permitted on the premises of a Marijuana Establishment, with the exception of product testing performed at an independent testing laboratory or Marijuana Research Facility.

**6640.5** Consistent with M.G.L. c. 94G, §3(b) (2), the maximum number of Marijuana Establishments in the Town of Pepperell shall be limited as follows:

- a) The number of Marijuana Retailers shall not exceed twenty percent (20%) of the number of alcohol licenses issued pursuant to M.G.L. c. 138, §15 for retail sale of alcohol not to be drunk on the premises in the Town of Pepperell, said 20% figure to be rounded up to the next whole number.
- b) The number of non-retail Marijuana Establishments shall be limited an aggregate of two (2), one (1) Tier 2 or lower tier Cultivator and one (1) Tier 6 or lower tier Cultivator.

**6640.6** No Marijuana Establishment shall be located inside a building containing residential units, including transient housing such as motels and dormitories.

**6640.7** Marijuana Establishments shall be located within a permanent building and may not be located in a trailer, cargo container, motor vehicle or other similar nonpermanent enclosure.

**6640.8** Marijuana Establishments shall not have drive-through service.

**6640.9** No outside storage of marijuana accessories, marijuana related supplies or promotional materials shall be allowed.

**6640.10** All Marijuana Establishments shall be ventilated in such a manner that:

- a) If pesticides, insecticides or other chemicals or products are used in cultivation or processing they must be vented and dispersed into the outside atmosphere so as not to be detectible at any adjoining use or property.
- b) No odor from marijuana can be detected by a person with a normal sense of smell at the exterior of the Marijuana Establishment or at any adjoining use or property.

**6640.11** Any building or structure containing a Marijuana Establishment shall meet the setback and dimensional controls of the applicable zoning district as specified in this Zoning Bylaw.

### **6650. Application Requirements.**

Applications for Special Permits for Marijuana Establishments will be processed in the order that they are filed with the Town. The approval of a Special Permit for any Marijuana Establishment shall require a) the determination of the SPGA that the application meets the requirements stated herein, (b) the SPGA making the findings set forth in Section 6660, and (c) the determination of the SPGA that issuance of the Special Permit will comply with the standards and intent of the Zoning Bylaw. While the SPGA is authorized to approve Special Permits for Marijuana Retailers in an amount up to, but not exceeding 20% of the number of licenses issued within the Town pursuant to M.G.L. c. 138, §15 for the retail sale of alcoholic beverages not to be drunk on the premises, the Zoning Bylaw shall not be construed to obligate the SPGA to approve any particular application for a Special Permit just because the maximum number of Special Permits has not been approved.

In addition to the standard application requirements for Special Permits, applications for a Marijuana Establishment shall include the following:

- a) The name and address of each owner and operator of the establishment;
- b) A copy of an approved Host Community Agreement;
- c) Copies of all required licenses and permits issued to the applicant by the CCC and any other governmental agencies having jurisdiction for the establishment; provided that approval of a Special Permit may be conditioned upon receipt of a final license from the CCC;
- d) Evidence of the applicant's right to use the proposed site of the establishment for the establishment, such as purchase and sale agreement, deed, owner's authorization, or lease;
- e) A notarized statement signed by the Marijuana Establishment organization's chief executive officer and corporate attorney disclosing all of its designated representatives, including officers, directors, shareholders, partners, members, managers, and other similarly-situated individuals and entities and their addresses. If any of the above are entities rather than persons, the applicant must disclose the identity of all individual persons associated with the entity as set forth above.
- f) A letter from the Town of Pepperell Police Chief, or designee, acknowledging review and approval of the Marijuana Establishment security plan;

- g) Proof of liability insurance coverage or maintenance of an escrow as required in 935 CMR 500.105;
- h) In addition to all application requirements outlined in the Planning Board Rules and Regulations for Special Permits and Site Plan Reviews, details showing all exterior proposed security measures for the Marijuana Establishment 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;
- i) A detailed floor plan identifying the area available and functional uses (including square footage);
- j) All signage proposed for the Marijuana Establishment;
- k) A pedestrian/vehicular traffic impact study to establish the Marijuana Establishment's impacts at peak demand times, including a line queue plan to ensure that the movement of pedestrian and/or vehicular traffic, including but not limited to, along the public right of ways will not be unreasonably obstructed;
- l) An odor control plan detailing the specific odor-emitting activities or processes to be conducted on-site; the source of these odors; the locations from which they are emitted from the establishment, the frequency of such odor-emitting activities; the duration of such odor-emitting activities; and the administration of odor control measures including maintenance of odor control devices;
- m) A management plan including a description of all activities to occur on-site, including all provisions for the delivery of marijuana, marijuana accessories, and Marijuana Products to the Marijuana Establishment and off-site direct delivery;
- n) Individual written plans which, at a minimum comply with the requirements of 935 CMR 500, relative to the Marijuana Establishment's operating procedures, marketing and advertising, waste disposal, transportation and delivery of marijuana or Marijuana Products, energy efficiency and conservation, security and alarms and the decommissioning of the Marijuana Establishment, as may be required, including a cost estimate taking into consideration Town oversight and regulatory costs in connection with such decommissioning.

**6660. Mandatory findings.**

In addition to the standard findings for a Special Permit under Section 9300, the SPGA shall not grant a special permit for a Marijuana Establishment unless it finds that:

- a) The establishment is designed to minimize any adverse visual or economic impacts on abutters and other parties in interest, as defined in M.G.L. c. 40A, §11.
- b) The applicant demonstrates to the satisfaction of the SPGA that it will meet all the permitting requirements of all applicable agencies within the Commonwealth of Massachusetts and will comply with all applicable state laws and regulations;
- c) The Marijuana Establishment 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 any cultivated marijuana and Marijuana Products is adequately secured on-site and in delivery operations;
- d) The Marijuana Establishment's traffic plan adequately addresses traffic demand, circulation flow, parking and queueing, particularly during peak periods at the establishment, and its impact on neighboring uses, and
- e) The applicant has satisfied all of the conditions and requirements set forth in Section 6600.

A special permit granted under this Section shall have a term limited to no longer than the duration of the applicant's ownership or lease of the premises to be used for the Marijuana Establishment. A special

permit may be transferred only with the approval of the SPGA. Transfer shall require an application for an amendment to the special permit, including all information required for an initial application.

**6670. Abandonment or discontinuance of use.**

A special permit shall lapse if a final license has not been issued by the CCC pursuant to CMR 500.103 within one year of issuance of the special permit. The SPGA may grant an extension if the applicant demonstrates that, despite diligent effort, circumstances beyond its control have prevented the issuance of a final license and further demonstrates to the satisfaction of the SPGA that issuance of a final license is forthcoming.

A Marijuana Establishment shall be required to remove from its premises all material, plants, products, equipment and other paraphernalia within six (6) months of ceasing operations. All components of the Marijuana Establishment's security plan, and all required security measures and precautions shall be continued until removal is completed.