

DRAFT MARIJUANA ZONING BYLAW
August 26, 2019

To see if the Town will vote to amend the Zoning Bylaw as follows:

1. By inserting in Article II, Definitions, Section 300-7, the following in appropriate alphabetical order:

CANNABIS – See MARIJUANA.

COMMISSION—Means the Cannabis Control Commission

CRAFT MARIJUANA COOPERATIVE – Means 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, and which is licensed to cultivate, obtain, manufacture, process, package and brand cannabis or marijuana products to transport marijuana to Marijuana Establishments, but not to consumers.

MARIJUANA – Means marijuana as defined in MGL c.94G, §1, and 935 CMR 500 et seq.

MARIJUANA CULTIVATOR – Means an entity licensed to cultivate, process and package marijuana, to transfer marijuana to Marijuana Establishments, but not to consumers.

MARIJUANA ESTABLISHMENT – Means a Marijuana Cultivator, Craft Marijuana Cooperative, Marijuana Product Manufacturer, Marijuana Retailer, Marijuana Testing Laboratory, Marijuana Research Facility, Marijuana Transporter, or any other type of licensed marijuana-related business, except a Medical Marijuana Treatment Center.

MARIJUANA ESTABLISHMENT AGENT – Means a board member, director, employee, executive, manager, or volunteer of a Marijuana Establishment, who is 21 years of age or older. Employee includes a consultant or contractor who provides on-site services to a Marijuana Establishment related to the cultivation, harvesting, preparation, packaging, storage, testing, or dispensing of marijuana.

MARIJUANA FOR ADULT USE – Means Marijuana and Marijuana products that are not designated and restricted for use by, and for the benefit of, Qualifying Patients in the treatment of Debilitating Medical Conditions as defined in 935 CMR 500 et seq.

MARIJUANA TESTING LABORATORY – Means either an independent testing laboratory or a standard testing laboratory that is

licensed by the Cannabis Control Commission to test cannabis or marijuana products in compliance with 935 CMR 500.

MARIJUANA MICRO-BUSINESS — Means a colocated Marijuana Establishment that can be either a Tier 1 Marijuana Cultivator or Product Manufacturer or both, in compliance with the Cannabis Control Commission’s operating procedures for each license; provided, however, that a Micro-Business 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 — Means 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.

MARIJUANA RESEARCH FACILITY – Means an entity licensed to engage in research projects by the Commission.

MARIJUANA RETAILER – Means 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.

MARIJUANA TRANSPORTER – Means an entity 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.

MEDICAL MARIJUANA TREATMENT CENTER – Means a Medical marijuana treatment center as defined in MGL c.94I and 935 CMR 501.000.

MEDICAL USE OF MARIJUANA – Means the acquisition, cultivation, possession, processing, including development of related products such as food, tinctures, aerosols, oils or ointments, transfer, transportation, sale, distribution, dispensing or administration of marijuana for the benefit of registered qualifying patients in the treatment of debilitating medical conditions or the symptoms thereof.

2. By inserting in Article III “Use Districts” Section 300-8(A) the following use allowed by right:

(8) Marijuana Establishment and Medical Marijuana Treatment Center.

3. By inserting in Article III "Use Districts" Section 300-9(A) the following use allowed by right:

(8) Marijuana Establishment and Medical Marijuana Treatment Center.

4. By inserting the following Sections in Article IV "Overlay Districts":

§300-17.A. Marijuana Overlay Districts

§300-17.A.1. Purposes

- A. To provide for Marijuana Establishments and Medical Marijuana Treatment Centers in suitable locations and under strict conditions.
- B. To regulate the siting, design, placement, operation, safety, monitoring, modification and removal of any Marijuana Establishment and Medical Marijuana Treatment Center that may be located within the Overlay Districts.
- C. To minimize the adverse impacts of any Marijuana Establishment and Medical Marijuana Treatment Center on the Town, nearby properties, residential neighborhoods, schools and other places where minors congregate, local historic districts, and other land uses incompatible with said establishments.

§300-17.A.2. Applicability.

- A. The commercial cultivation, production, processing, manufacturing, packaging, testing, retail or wholesale trade, distribution, transporting, dispensing, researching and studying of Marijuana for Adult Use is prohibited in the Overlay Districts unless permitted as a Marijuana Establishment under this Article IV, Section 300-17.A et seq.
- B. The Medical Use of Marijuana is prohibited unless permitted as a Medical Marijuana Treatment Center under this Article IV, Section 300-17.A et seq.
- C. Nothing in this Article IV, Section 300-17.A et seq. shall be construed to supersede federal and state laws governing the sale and distribution of narcotic drugs; nor shall any special permit issued pursuant to this Article IV, Section 300-17.A et seq. supersede federal, state or local laws.
- D. Where not expressly defined in Section 300-7, all terms used herein shall be as defined in MGL c. 94G and 935 CMR 500 et seq., M.G.L.c.94I and 935 CMR 501 et seq., or 935 CMR 502 et seq.

§300-17.A.3. Siting.

- A. The Marijuana Use Overlay District-A (which includes Use District Highway-Business) and the Marijuana Use Overlay District-B (which includes certain

parcels on School Street) are hereby established as overlay districts as shown on the maps entitled "Adult Use Marijuana Establishment Overlay District-A" dated _____, and "Adult Use Marijuana Establishment Overlay District-B" dated _____, respectively, both on file with the Town Clerk and hereby made a part of this chapter. Marijuana Establishments and Medical Marijuana Treatment Centers that are sited within these Overlay Districts are subject to all of the provisions of this Article IV, Section 300-17.A et seq.

B. The following classes of Marijuana Establishments and Medical Marijuana Treatment Centers, if sited within the Marijuana Use Overlay District-A, will be subject to all of the provisions of this Article:

- (1) Marijuana Retailer;
- (2) Marijuana Cultivator;
- (3) Craft Marijuana Cooperative;
- (4) Marijuana Product Manufacturer;
- (5) Marijuana Research Facility;
- (6) Marijuana Testing Laboratory;
- (7) Marijuana Transporter;
- (8) Marijuana Micro-business; and
- (9) Medical Marijuana Treatment Centers engaged in cultivating, processing, manufacturing and/or dispensing.

C. The following classes of Marijuana Establishments, if sited within the Marijuana Use Overlay District B, will be subject to all of the provisions of this Article:

- (1) Marijuana Cultivator;
- (2) Craft Marijuana Cooperative;
- (3) Marijuana Product Manufacturer;
- (4) Medical Marijuana Treatment Centers engaged in cultivating, processing and/or manufacturing of Medical Use Marijuana only.

§300-17.A.5. Administration and Procedure.

- A. Marijuana Establishments and Medical Marijuana Treatment Centers (hereinafter collectively referred to as "Marijuana Uses") may be allowed in locations set forth in this Article IV, Section 300-17.A et seq. by special permit from the Planning Board (the "SPGA") in accordance with M.G.L. c.40A, §9, only subject to the procedures, regulations, requirements, conditions and limitations set forth herein.
- B. Marijuana Uses may be co-located at the same site, subject to compliance with all applicable requirements in M.G.L. c.94G and 935 CMR 500 et seq., M.G.L. c.94I and 935 CMR 501 et seq. and 935 CMR 502 et seq.

- C. Applicants for a special permit pursuant to this Article IV, Section 300-17.A et seq. are required to meet with the SPGA at a public meeting to discuss the proposed application and to discuss in general terms of the proposed Marijuana Use prior to the formal submission of an application.
- D. In addition to the standard Special Permit Application form, an applicant for a special permit under this Article shall also submit the following:
- (1) A copy of the final, executed Host Community Agreement (“HCA”) between the applicant and the Town of Templeton.
 - (2) A written description of the status of its application or applications to the Cannabis Control Commission relative to the establishment at issue, or a copy of such license, as applicable.
 - (3) A list of any waivers of regulations that the applicant seeks to obtain from the Cannabis Control Commission, or a copy of any such waivers that the Commission has issued to the applicant, as applicable.
 - (4) Copies of all policies and procedures approved by the Cannabis Control Commission including without limitation the applicant’s operating and safety procedures, or copies of such policies and procedures that the applicant intends to submit to the Commission, as applicable.
 - (5) For applications for a Marijuana Cultivator, a Craft Marijuana Cooperatives, Marijuana Micro-Business, or Medical Marijuana Treatment Center engaged in cultivation, information demonstrating that the applicant has considered the following factors in its design and its operating plan:
 - i. Identification of potential energy use reduction opportunities (such as natural lighting and energy efficiency measures), and a plan for implementation of such opportunities;
 - ii. Consideration of opportunities for renewable energy generation, including, where applicable, submission of building plans showing where energy generators could be placed on the site, and an explanation of why the identified opportunities were not pursued, if applicable;
 - iii. Strategies to reduce electric demand (such as lighting schedules, active load management, and energy storage); and
 - iv. Engagement with energy efficiency programs offered pursuant to M.G.L. c.25, §21.
 - v. Identification of potential water recycling opportunities (such as implementation of water recapture methods including the use of HVAC condensate).
 - (6) The quantity and source or sources of all marijuana and marijuana products that will be sold at the proposed Marijuana Establishment and/or Medical Marijuana Treatment Center, as applicable.
 - (7) The quantity of marijuana and marijuana products that will be cultivated, processed, manufactured, packaged, transported, tested, or studied at the Marijuana Establishment and/or Medical Marijuana Treatment Center, as applicable.

- (8) Written statement confirming that no marijuana or marijuana products will be smoked, burned, vaped, aerosolized or consumed on the premises as part of the cultivation, manufacturing, testing or researching operations, as applicable, or a statement explaining how any such uses have been authorized by the Commission.
- (9) Names and addresses of each owner of the Marijuana Establishment and/or Medical Marijuana Treatment Center, and where the owner is a business entity, the names and address of each owner of that establishment.
- (10) If applicable, a copy of the Applicant's Articles of Organization, a current Certificate of Legal Existence from the Commonwealth, and the most recent annual report.
- (11) Copies of all licenses and permits issued to the Applicant by the Commonwealth of Massachusetts and any of its agencies.
- (12) Evidence that the applicant has site control and the right to use the proposed site as a Marijuana Establishment and/or Medical Marijuana Treatment Center. Such evidence shall be in the form of a deed, purchase and sale agreement, lease, or other legally binding document.
- (13) In addition to what is otherwise required to be shown on a site plan pursuant to Article VIII, Administration and Procedures, Section 300-32(C), the applicant shall provide details showing all exterior proposed security measures for the premises, including but not limited to lighting, fencing, gates and alarms to ensure the safety of employees and patrons and to protect the premises from theft or other criminal activity. The site plan shall further delineate various areas of the site (indoors and outdoors) such as public access areas, employee only access areas, storage, cultivation, preparation, waste disposal, administrative, transportation, loading and parking areas. Site plans and/or application narrative shall contain sufficient information so that the SPGA can evaluate the design and operational standards contained in this Article IV, Section 300-17.A.5.
- (14) Certification to the SPGA that the applicant has filed copies of the special permit application as required by §300-17.A.5(D).

E. Upon the filing of the special permit application with the SPGA, the Applicant shall simultaneously deliver copies of the full application to the Board of Selectmen, the Building Commissioner, the Board of Health, the Police Department and the Fire Department.

§300-17.A.6. Special Permit Requirements.

A. No Marijuana Establishment or Medical Marijuana Treatment Center shall be located within 500 feet of a preexisting public or private school providing education in kindergarten or any of grades one through 12. This distance shall be measured in a straight line from the nearest point of the property line in question to the nearest point of the propertyline where the Marijuana

Establishment or the is or Medical Marijuana Treatment Center will be located.

- B. Any Marijuana Use that seeks to expand or alter its operations so as to come within a new class or sub-class of Marijuana Establishment, as identified 935 CMR 500.050(1)(d), or a Medical Marijuana Treatment Center seeking to engage in a permissible activity not previously permitted, shall obtain a new special permit prior to undertaking such expansion or alteration.
- C. No smoking, burning, vaping, aerosolization or consumption of any marijuana product shall be permitted at any Marijuana Establishment or Medical Marijuana Treatment Center, except as may be authorized by 935 CMR 500 et seq. or 935 CMR501 et seq.
- D. All shipping and receiving areas shall serve the Marijuana Establishment and/or Medical Marijuana Treatment Center exclusively.
- E. The use shall have adequate water supply, stormwater systems, sewage disposal, and surface and subsurface drainage.
- F. Adequate lighting, including night lighting that provides for monitoring or building and site security, including those measures to prevent diversion of marijuana and marijuana products cultivated outdoors.
- G. The Marijuana Use shall provide and keep up to date contact information as required by the Chief of Police and Building Commissioner such as name, telephone number and electronic mail address of a contact person who must be available 24 hours a day, seven days a week.
- H. No special permit shall be issued unless the applicant has executed a Host Community Agreement with the Town in accordance with M.G.L. c.94G, §3.

§300-17.A.7. Special Permit Approval Criteria.

The SPGA may issue a special permit for a Marijuana Use only if it finds that the project satisfies the requirements of §300-31, this Article IV, Section 300-17.A et seq., and the following additional special permit criteria:

- A. The Marijuana Use is fully permitted by all applicable agencies within the Commonwealth of Massachusetts and is in compliance with all State laws and regulations; provided, however, that issuance of a valid license pursuant to M.G.L. c.94G and/or M.G.L. c.94I, as applicable, may be a condition of the special permit.
- B. The proposed use is designed to minimize any adverse impacts on the on the residents of the Town.

- C. The Marijuana Use adequately addresses issues of vehicular and pedestrian traffic, circulation and parking, especially during peak periods at the facility, and adequately mitigates the impacts of vehicular and pedestrian traffic on neighboring uses.

§300-17.A.8. Special Permit Conditions.

- A. In addition to compliance with M.G.L. c.94G and 935 CMR 500 et seq., M.G.L. 94I and 935 CMR 501 et seq. and 935 CMR 502 et seq., as applicable, the SPGA may impose reasonable conditions to improve site design, traffic flow, public safety, water quality, air quality, protection of significant environmental resources and the preservation of community character of the surrounding area including, without limitation, the following:

- (1) Minimization of the impacts of increased noise and traffic.
- (2) Imposition of security precautions related to the high value of products and case transactions.
- (3) Deterring the presence of unauthorized or ineligible persons at, or near, the Marijuana Use.
- (4) Imposition of measures to prevent diversion of marijuana and marijuana products.
- (5) Conditions related to the design and construction of the facility to improve safety, security and conformance with community character.
- (6) Conditions, consistent with the State Building Code, relating to energy efficiency and conservation.

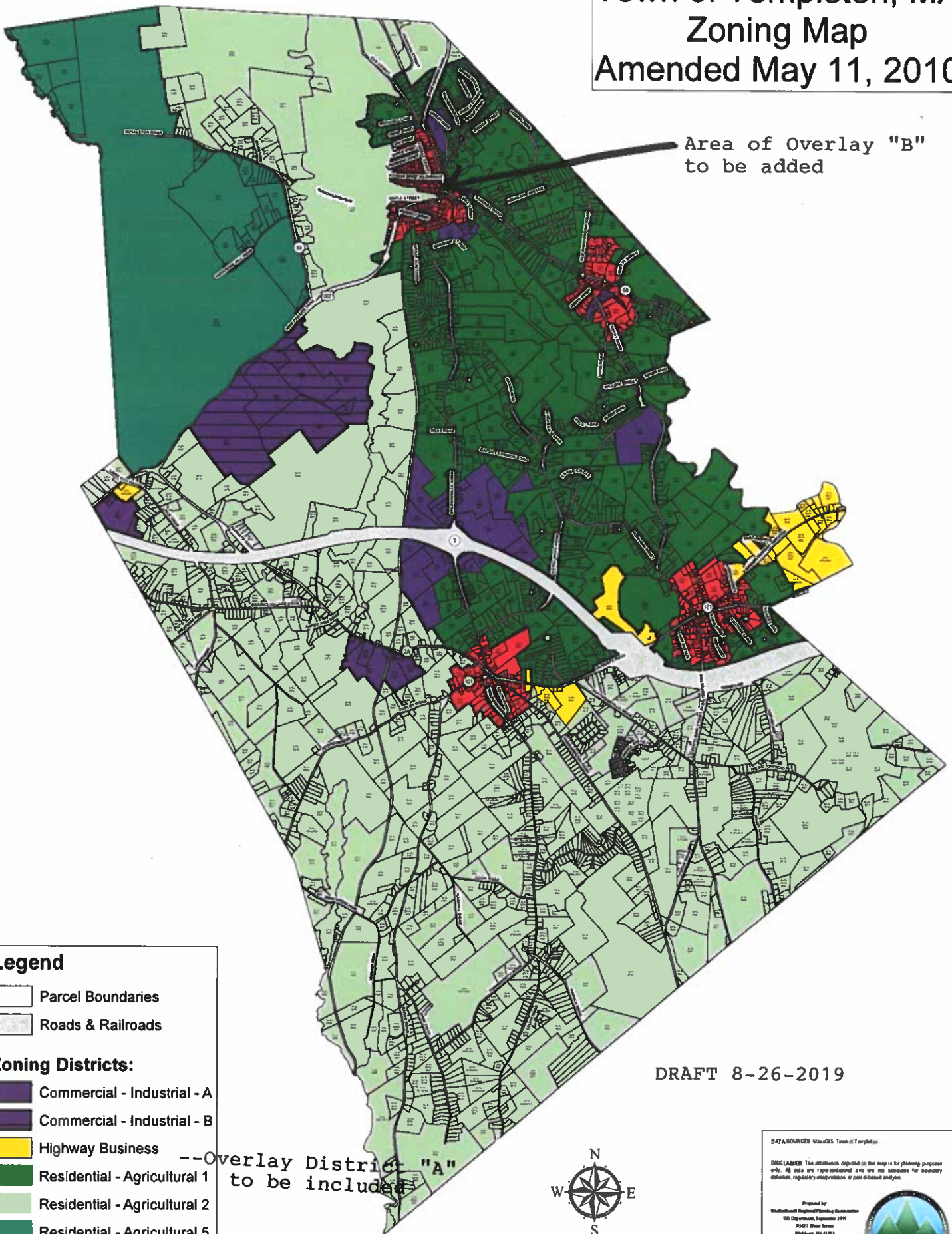
- B. The SPGA shall include conditions concerning the following in any special permit granted pursuant to this Article:

- (1) Hours of operation, including dispatch for any home delivery.
- (2) Compliance with the Host Community Agreement.
- (3) The submission of a copy of the license from the Cannabis Control Commission with the SPGA and the Building Commissioner prior to the issuance of a building permit, certificate of occupancy, or commencement of use, whichever occurs first.
- (4) The reporting of any incidents to the Building Commissioner as required pursuant to applicable Cannabis Control Commission regulations within 24 hours of their occurrence. Such reports may be redacted as necessary to comply with any applicable state or federal laws or regulations and shall be provided to the Chief of Police and the Board of Selectmen.
- (5) The reporting of any cease and desist order, quarantine order, suspension order, limiting sales order, notice of hearing or final action by the Cannabis Control Commission or the Division of Administrative Law Appeals, as applicable, regarding the Marijuana Use to the Building Commissioner within 48 hours of the applicant's receipt.

- (6) Copies of all reports submitted to any state agency, including, but not limited to, the reports required by applicable Cannabis Control Commission describing the establishment's liability insurance coverage and the annual security system audits shall be submitted to the SPGA within 5 business days of submission to the State. Such reports may be redacted as necessary to comply with any applicable state or federal laws or regulations.
 - (7) Documentation to the SPGA that each Marijuana Establishment Agent and/or Medical Marijuana Treatment Center Agent has completed training regarding the proper handling of marijuana prior to performing job functions. Such documentation must be provided to the Board within 5 business days of the completion of such training. Annually, the establishment shall provide documentation to the SPGA and the Board of Selectmen that all Marijuana Establishment Agents and/or Medical Marijuana Treatment Center Agents have received at least eight hours of on-going training.
- C. The issuance of a special permit pursuant to this Article shall also be subject to the following:
- (1) The holder of a special permit shall annually file an affidavit with the Building Commissioner demonstrating that it is in good standing with respect to its license from the Cannabis Control Commission and any other applicable State licenses.
 - (2) The holder of a special permit shall notify the Building Commissioner and the SPGA in writing within 48 hours of the cessation of operation of the Marijuana Use or the expiration or termination of the permit holder's license from the Cannabis Control Commission.

Town of Templeton, MA Zoning Map Amended May 11, 2010

Area of Overlay "B"
to be added



Legend

- Parcel Boundaries
- Roads & Railroads

Zoning Districts:

- Commercial - Industrial - A
- Commercial - Industrial - B
- Highway Business
- Residential - Agricultural 1
- Residential - Agricultural 2
- Residential - Agricultural 5
- Village District

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DATA SOURCE: GIS/IGIS, Town of Templeton

DISCLAIMER: The information depicted on this map is for planning purposes only. All data are representative and are not adequate for boundary definition, regulatory interpretation, or part of a land analysis.

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MEMORIAL STREET

CENTRAL SQUARE

CENTRAL

FIRE STATION

OVERLAY DISTRICT "B" TO BE ADDED

Old Elementary School

DRAFT 8-26-2019

