

# Recreational & Medical Marijuana Potential Zoning Bylaw Amendments Colrain Public Hearing

*November 6, 2019*

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Marijuana Retail Store



Indoor Marijuana Grow Facility



Artisan Grow Facility

# Role of the Planning Board and Framework

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- The Planning Board is responsible for local land use planning and updating Colrain's Zoning Bylaw
- The Planning Board examined the issues and reviewed regulations and examples from other towns
- The Planning Board opted for a "streamlined approach" to address the new uses associated with the State legalization of marijuana and updated the Use Table and added Definitions
- FRCOG staff provided technical assistance with drafting the proposed zoning bylaw revisions
- The purpose of the Public Hearing is to receive input on the proposed zoning changes from town residents and municipal officials

# Types of Recreational Marijuana Establishments

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- **Marijuana Cultivator** — an entity licensed to cultivate, process and package marijuana, to deliver or transfer marijuana to Marijuana Establishments, but not to consumers. Marijuana cultivation is not considered an agricultural activity for purposes of the zoning exemptions outlined in M.G.L. 40A, Section 3.
- **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.
- **Marijuana Product Manufacturer** — an entity licensed to obtain, manufacture, process and package marijuana or marijuana products and to transfer marijuana and marijuana products to other Marijuana Establishments, but not to consumers.

# Types of Recreational Marijuana Establishments

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- **Marijuana Retailer** — an entity licensed by the State Cannabis Control Commission to purchase and transport marijuana or marijuana products from Marijuana Establishments and to sell or otherwise transfer marijuana and marijuana products to Marijuana Establishments and to consumers.
- **Marijuana Delivery-Only Retailer** - An entity that is authorized to deliver directly to Consumers, Registered Qualifying Patients or Caregivers from a licensed Marijuana Retailer and but does not provide a retail location accessible to the public.
- **Marijuana Microbusiness** - a collocated 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.

# Types of Recreational Marijuana Establishments

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- **Marijuana Social Consumption Establishment (aka Marijuana Café)** – an entity licensed to purchase Marijuana or Marijuana Products from a Cultivator, Manufacturer or Microbusiness, sell Marijuana or Marijuana Products to Consumers at an approved premises, and to allow Consumers to consume Marijuana or Marijuana products at such premise.
- **Medical Marijuana Treatment Center** - also known as a Registered Marijuana Dispensary (RMD) - An entity registered and approved by the Cannabis Control Commission that acquires, cultivates, processes, transports, sells, dispenses, or administers marijuana, products containing marijuana, related supplies, or educational materials to registered qualifying patients or their personal caregivers for medical use.
- **Marijuana Research Facility** – an entity licensed to engage in research projects by the State Cannabis Control.
- **Marijuana Independent Testing Laboratory** – a laboratory that is licensed by the State Cannabis Control Commission to test marijuana for compliance with State statute and the Commission’s regulations.

# Host Community Agreements

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- **Host Community Agreement** – A marijuana establishment seeking to operate in a municipality which permits such operation shall execute an agreement with the host community setting forth the conditions for having a marijuana establishment located within the host community.
- A Host Community Agreement between a marijuana establishment and a host community may include a **Community Impact Fee** for the host community.

# Impact Fees & Local Sales Tax

## ➤ **Community Impact Fees –**

- ❖ Must be **reasonably related** to the costs imposed on the municipality by the operation of the marijuana establishment.
- ❖ Shall not amount to more than 3 per cent of the gross sales of the marijuana establishment or be effective for longer than 5 years. Towns must keep records to document costs.

## ➤ **Local Sales Tax Option** - Towns can impose a local sales tax on marijuana retailers of up to 3% of the total sales price, which would require approval by Town Meeting.

# Recreational Marijuana – Potential Impacts

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## Potential impacts of marijuana establishments:

- Substantial electricity use
- Substantial water use
- Wastewater treatment
- Traffic
- Lighting and security features
- Hazardous Materials
- Dissemination of marijuana odors
- Noise from HVAC units
- Added law enforcement requirements
- Public health and safety concerns





# Siting of Marijuana Establishments

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- Municipalities may adopt zoning bylaws regulating the time, place and manner of operations of marijuana establishments, provided that such bylaws are not **unreasonably impracticable**.



Healing House Greenhouse –  
Englewood, Colorado



Greenhouse Images

# What is Site Plan Review and how is it different from a Special Permit?

- Site Plan Review focuses on the site design aspects of the proposal including placement of structures, parking, traffic, drainage, roadway construction, signage, utilities, screening, and lighting.
- During Site Plan Review, the Planning Board assesses the site design for a proposed use. A site plan can be denied if there is insufficient information or if it is not in compliance with the Zoning Bylaws. Conditions can be imposed on the site plan and approval requires a simple majority vote.
- For a Special Permit the “Special Permit Granting Authority” (ZBA or Planning Board) evaluates the impacts of the proposed use (e.g. traffic, odor, noise, light pollution, energy and water usage, wastewater disposal, etc.). The SPGA has the full range of discretion in assessing an application according to the criteria set forth in the Zoning Bylaws, including the right to impose conditions or deny the permit. Approval requires a supermajority vote.

# Proposed Zoning for Marijuana Establishments

Business Uses	Village District	Rural District	Commercial – Industrial District
Retail Store(s) except for Marijuana Retailer – Building 3,000 sq. ft. or less of enclosed floor space	SPR	N	SP
Retail Store(s ) except for Marijuana Retailer – Building greater than 3,000 sq. ft. up to 12,000 sq. ft. of enclosed floor space	SP	N	SP
Marijuana Retailer Store	SP	SP	SP



# Proposed Zoning for Marijuana Establishments

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Business Uses (cont.)	Village Districts	Rural District	Commercial - Industrial Districts
Marijuana Delivery - Only Retailer	SP	SP	SP
Marijuana Social Consumption Establishment (aka Café)	SP	SP	SP
Medical Marijuana Treatment Center	SP	SP	SP



# Proposed Zoning for Marijuana Establishments

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Industrial Uses	Village Districts	Rural District	Commercial - Industrial District
Marijuana Processing and/or Product Manufacturing	SPP/SPR	SPP/SPR	SPP/SPR
Marijuana Independent Testing Laboratory or Research Facility	SPP/SPR	SPP/SPR	SPP/SPR



Testing Laboratory



Zoots Colorado MIPs - Manufacturing Facility for cannabis infusions

# Proposed Zoning for Marijuana Establishments

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Agricultural & Recreational Uses	Village Districts	Rural District	Commercial-Industrial District
Marijuana Cultivation, indoor or outdoor, including Craft Marijuana Cooperative	SPP/SPR	SPP/SPR	SPP/SPR
Marijuana Microbusiness	SPP/SPR	SPP/SPR	SPP/SPR



Cultivation Facility – Bernardston, MA



Greenhouse Images

# Review & Permitting Process for Marijuana Establishments

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- Special Permit required for Marijuana Establishments.
- Marijuana Establishments must minimize traffic, odor, noise, light pollution, water usage and wastewater disposal, energy use, and use or storage of hazardous materials.

# Steps

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- Conduct a Public Hearing in accordance with M.G.L. Ch. 40A (the Zoning Act)
- Incorporate Public Input from Public Hearing
- Bring Zoning Revisions to Town Meeting for a vote
- The Zoning Bylaw revisions must pass by a two-thirds vote at Town Meeting to be adopted



# Questions/Comments

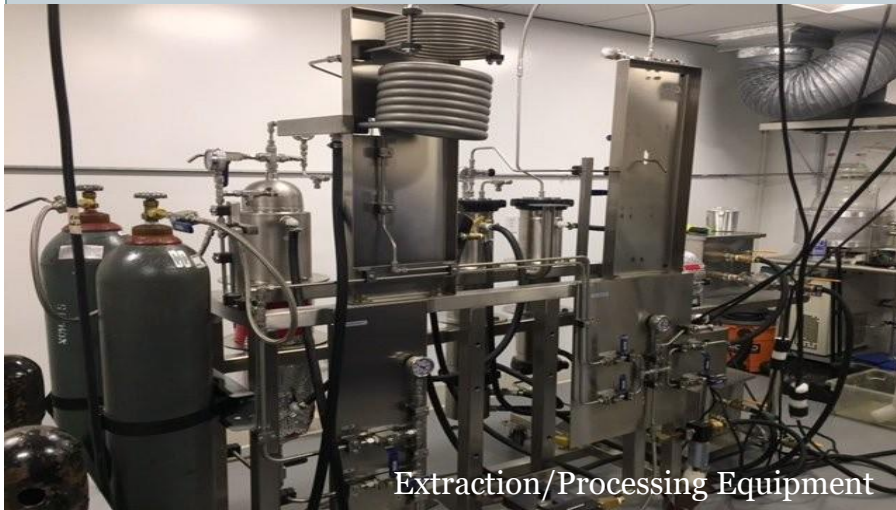
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Greenhouse Images



Zoots Colorado MIPs - Manufacturing Facility for premium cannabis infusions



Extraction/Processing Equipment



Artisan Cultivation Facility