

BY-LAW AMENDMENTS

Article XX To see if the Town will vote to amend Chapter 125 of the Code of the Town of Adams entitled “Zoning” to read as follows, or take any other action in relation thereto.

1. Create new Section 125-35, “Licensed Marijuana Establishments,” A. – I. as follows:

ARTICLE IV. SPECIAL REGULATIONS

§125-35. Licensed Marijuana Establishments.

A. Purpose. The purpose of this section is to provide for the placement of Licensed Marijuana Establishments in suitable locations in Adams, in recognition of and in accordance with “The Regulation and Taxation of Marijuana Act,” G.L. c. 94G, in order to minimize potential adverse impacts of marijuana establishments. The specific purpose of this section is to safeguard the built environment by permitting compliance with state law in a manner consistent with community and neighborhood concerns, while also ensuring that those entities permitted to operate a licensed marijuana establishment, as defined herein, comply with all of the provisions of Chapter 334 of the Acts of 2016.

B. Definitions.

LICENSED MARIJUANA ESTABLISHMENT – a marijuana cultivator, independent marijuana testing laboratory, marijuana product manufacturer, marijuana retailer, or any other type of marijuana-related business licensed by the Massachusetts Cannabis Control Commission.

MARIJUANA CULTIVATOR – an entity licensed to cultivate, process, and package marijuana, to deliver marijuana to marijuana establishments, and to transfer marijuana to other marijuana establishments but not consumers.

MARIJUANA INDEPENDENT TESTING LABORATORY – a laboratory licensed by the Cannabis Control Commission and qualified to test marijuana in compliance with regulations promulgated by the Commission, as amended.

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 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 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.

- C. Designated Locations for Marijuana Establishments. The locations designated by the Town of Adams where licensed marijuana establishments may be sited are as follows:
- (1) Licensed marijuana establishments may be sited as-of-right in the Industrial (I) District, as shown on the Zoning Map pursuant to G.L. c. 40A, §4, subject to site plan approval in accordance with §125-19 of this chapter.
 - (2) Marijuana retailers, as defined in this bylaw, may be sited in the Business (B-2) District as shown on the Zoning Map pursuant to G.L. c. 40A, §4, if granted a Special Permit and subject to site plan approval. The Special Permit Granting Authority is the Adams Planning Board.
 - (3) Marijuana independent testing laboratories, as defined herein, may be sited in the Industrial Park (IP) District shown on the Zoning Map pursuant to G.L. c. 40A, §4, if granted a Special Permit and subject to site plan approval.
 - (4) Licensed marijuana establishments, both medical and non-medical marijuana establishments, are prohibited in all other zoning districts within the Town of Adams.
- D. General Requirements. The following general requirements are established for all proposed operations of Licensed Marijuana Establishments, consistent with Subsection C.
- (1) Permanent location. Each licensed marijuana establishment and any part of its operation, including but not limited to, cultivation, processing, packaging, and sales, shall be operated from a fixed location within a fully enclosed building and its operations shall not be visible from the exterior of the premises. No marijuana establishment, including any medical or non-medical retailer, shall be permitted to operate from a moveable, mobile or transitory location.
 - (2) Outside storage. No outside storage of marijuana, marijuana products, related supplies, or educational materials is permitted.
 - (3) Hours of operation. A marijuana retailer may open no earlier than 8:00 AM and shall close no later than 8:00 PM the same day, Monday through Saturday, and from 10:00 AM until 6:00 PM on Sunday unless other hours of operation are set by the Planning Board as part of site plan approval. Hours of operation shall apply to all sales, delivery, and dispensing activities for the business. There shall be no hourly restrictions on marijuana testing facilities or marijuana manufacturers, unless imposed by the Planning Board as part of site plan approval.
 - (4) Signage. All signage and advertising for licensed marijuana establishments shall comply with all applicable state laws, as well as, the provisions of §125-15 of this chapter and all other applicable provisions of this code and any relevant regulations promulgated by the Cannabis Control Commission.

(5) On-site consumption of marijuana. The use, consumption, ingestion or inhalation of marijuana or marijuana products on or within the premises of any Licensed Marijuana Establishment is prohibited.

(6) Visibility of activities. All activities of any licensed marijuana establishment, including any marijuana retailer or marijuana manufacturer shall be conducted indoors.

(7) Paraphernalia. Devices, contrivances, instruments and paraphernalia for inhaling or otherwise consuming marijuana, including, but not limited to, rolling papers and related tools, water pipes, and vaporizers may lawfully be sold at a marijuana retailer. No retail marijuana, marijuana products, or paraphernalia shall be displayed or kept in a retail marijuana store so as to be visible from outside the licensed premises.

(8) Control of emissions. Sufficient measures and means of preventing smoke, odors, debris, dust, fluids and other substances from exiting a licensed marijuana establishment must be provided at all times. In the event that any odors, debris, dust, fluids or other substances exit a retail marijuana store or marijuana manufacturing or testing facility, the owner of the subject premises and the licensee shall be liable for such conditions and shall be responsible for immediate, full clean-up and correction of such condition. The licensee shall properly dispose of all such materials, items and other substances in a safe, sanitary and secure manner and in accordance with all applicable federal, state and local laws and regulations.

(9) Any violation will be corrected within 30 days and if not corrected within the required time, all operations of the licensed marijuana establishment shall be suspended until the violation is corrected.

E. Special Permit Required. No licensed marijuana retailer in a Business (B-2) District shall be operated without first obtaining a special permit from the Adams Planning Board in accordance with this Section and § 125-4 “Special Permits.” Similarly, no marijuana independent testing laboratory in an Industrial Park (IP) District shall be operated without obtaining a special permit from the Planning Board.

(1) No licensed marijuana retailer within a B-2 District may be located closer than two hundred fifty feet (250’) from any school, daycare center, or other similar facility where minors commonly congregate and are the primary population served by the facility.

(2) The setback distance is to be measured in a straight line from the nearest point of the property line of the proposed marijuana retailer and the nearest point of the property line of the protected uses stated above.

(3) As part of the special permit process, the Planning Board may reduce the required minimum setback distance within a B-2 District if it finds site-specific circumstances or barriers adequately separate the proposed marijuana retailer and a protected use. The burden shall be on the Applicant to demonstrate that reducing the minimum setback will serve the purpose of this Section and address the concerns of the Planning Board.

(4) A Special Permit shall only be valid for use by the Applicant and will become null and void upon the sale or transfer of the license of a marijuana establishment operating under a Special Permit or upon a change in the location of the business.

(5) In the event that the Commonwealth's licensing authority suspends the license or registration of a licensed marijuana establishment operating under a Special Permit, the Special Permit shall be so suspended by the Town until the matter is resolved to the satisfaction of said licensing authority.

F. Site Plan Required. All proposed uses under this Section shall be subject to the Town's Site Plan review process as set forth in § 125-19. In addition to the standard application requirements for site plan approval, such applications for Licensed Marijuana Establishments shall include the following:

(1) The name and address of each owner of the facility/operation.

(2) A copy of the license or registration as a licensed marijuana establishment from the Massachusetts Cannabis Control Commission or documentation that demonstrates that said facility and its owner/operators, qualify and are eligible to receive a Certification of Registration and meet all of the requirements of a licensed marijuana establishment in accordance with the regulations adopted by the Commission, as amended.

(3) Evidence that the Applicant has site control and the right to use the site for a Licensed Marijuana Establishment.

(4) As part of the Applicant's site plan, details showing all proposed exterior security measures for the premises, including lighting, fencing, gates and alarms, etc. ensuring the safety of employees, patrons, and the public and to protect the premises from theft or other criminal activity.

(5) A letter from the Adams Police Chief certifying the department has reviewed and deemed acceptable the Applicant's full Security Plan for the proposed facility. Should the Police Chief recommend additional security provisions, the Planning Board may incorporate additional recommendations as part of site plan approval. The Building Commissioner shall not issue a Certificate of Occupancy until the Police Chief has inspected the premises and certified that all security measures have been implemented per the approved plan.

(6) The proposed plan shall provide appropriate landscaping and urban design features to harmonize the proposed project with abutting uses so as to protect and enhance the aesthetics and architectural look and character of the surrounding neighborhood.

(7) The Planning Board may require a traffic study that includes an analysis of on-site circulation and parking demand to justify the number of proposed parking spaces and the optimum configuration for site ingress and egress.

G. Discontinuance of Use. Any licensed marijuana establishment under this Section shall be required to remove all material, marijuana products, equipment, signs, and other paraphernalia in compliance with regulations established by the Cannabis Control Commission prior to expiration of its license or immediately following revocation or voiding of its licensure and/or registration. If the license holder discontinues use, the licensed marijuana establishment shall immediately notify the Adams Select Board, the Adams Police Chief, and the Zoning Enforcement Officer.

H. Other laws remain applicable.

(1) Business License Required. At all times while a permit is in effect the licensee shall possess a valid business license as required by the Adams Town Code.

(2) To the extent the state has adopted or adopts in the future any additional or stricter law or regulation governing the sale, distribution or testing of retail marijuana or retail marijuana products, the additional or stricter regulation shall control the establishment or operation of any marijuana retailer in the town. Compliance with any applicable state law or regulation shall be deemed an additional requirement for issuance or denial of any license under this chapter, and noncompliance with any applicable state law or regulation shall be grounds for revocation or suspension of any license issued hereunder.

(3) Any licensed marijuana establishment may be required to demonstrate, upon demand by law enforcement officers of the Adams Police Department and/or the local licensing authority, that the source and quantity of any marijuana found upon the licensed premises are in full compliance with any applicable state law or regulation.

(4) The issuance of any license pursuant to this chapter shall not be deemed to create an exception, defense or immunity to any person in regard to any potential criminal liability the person may have for the cultivation, possession, sale, distribution or use of marijuana.

(5) Prior to the issuance of a special permit or site plan approval, the licensed marijuana establishment must have entered into a host community agreement with the Town. If, upon review by the Board of Selectmen, the licensed marijuana establishment is found to not be fully in compliance with the host community agreement, the special permit and/or the local license may be suspended or rescinded.

2. **Add to Section 125-50, Attachment 1, “Business Uses” and “Accessory Uses” by inserting the following new uses to the Use Regulation Schedule:**

1. **Add to § 125-50, Attachment 1, “Business Uses,” by inserting the following new use to the Use Regulation Schedule:**

Business Uses	R-1	R-2	R-3	R-4	B-1	B-2	B-3	IP	I	OS	SPR
Licensed Marijuana Establishments ^{8,9}	NO	NO	NO	NO	NO	SP	NO	SP	YES	NO	YES

NOTES:

⁸Licensed Marijuana Retailers may be allowed in the B-2 District only if granted a Special Permit. No other Licensed Marijuana Establishment is permitted in B-2.

⁹Marijuana Independent Testing Laboratories may be allowed in the IP District only if granted a Special Permit. No other Licensed Marijuana Establishment is permitted in IP.