

TOWN OF MARION
PLANNING BOARD
PUBLIC HEARING

On April 7, 2014, the Marion Planning Board will hold a public hearing pursuant to the requirements of G.L. c.40A, s.5 regarding two proposed amendments to the Zoning Bylaw and a corresponding amendment to the Table of Principle Use Regulations. The proposed amendment is to create a new Section 17, et seq. of the Zoning Bylaw entitled "Medical Marijuana Treatment Centers (also known as Marijuana Dispensaries)" said new Section 17, et seq. to limit the siting and operation of Medical Marijuana Treatment Centers to locations appropriate to such use, and to regulate such use through the issuance of a special permit and the imposition of conditions necessary to protect community safety while ensuring legitimate patient access throughout the Town of Marion. The second proposed amendment to the Table of Principle Use Regulations, under Limited Business, Section N Other Uses, to read Medical Marijuana Treatment Centers (Dispensaries) PB, subject to the requirements as specified in the Bylaw's text.

The public hearing will be held at the Marion Town House, 2 Spring Street, Marion, Massachusetts 02738 at 7:10 pm in the Main Conference Room. The public is invited to attend and be heard on these proposals and may inspect the full text of these proposals during normal business hours at the Office of the Town Clerk or Planning Board.

Patricia McArdle, Chairman
Steven J. Kokkins, Vice-Chairman

The Wanderer
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March 27, 2014

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**SECTION 17 REGULATION OF MEDICAL MARIJUANA TREATMENT
CENTERS OR REGISTERED MARIJUANA DISPENSARIES**

17.1 Purpose

The purposes of this Bylaw are:

to exercise lawful oversight and regulation of Medical Marijuana Treatment Centers (also known as Registered Marijuana Dispensaries), consistent with Chapter 369 of the Acts of 2012, 105 CMR 725.00 et seq., and the Town's regulatory powers; and

to limit the siting and operation of Medical Marijuana Treatment Centers to locations appropriate to such use, and to regulate such use through conditions necessary to protect community safety while ensuring legitimate patient access.

17.2 Applicability

1. The commercial cultivation, production, processing, assembly, packaging, retail or wholesale sale, trade, distribution or dispensing of marijuana for medical use is prohibited unless permitted as a Medical Marijuana Treatment Center under this Bylaw.
2. No Medical Marijuana Treatment Center shall be established except in conformity with this Bylaw; with all regulations promulgated by the Board of Health; and with the requirements of 105 CMR 725.00 et seq.
3. Nothing in this Bylaw shall be construed to supersede any state or federal laws or regulations governing the sale and distribution of narcotic drugs.

17.3 Definitions

Marijuana means all parts of the plant *Cannabis sativa L.*, whether growing or not; the seeds thereof; and resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds or resin. It does not include the mature stalks of the plant, fiber produced from the stalks, oil, or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks, except the resin extracted therefrom, fiber, oil, or cake or the sterilized seed of the plant which is incapable of germination. Marijuana also includes Marijuana-infused Products (MIPs) except where the context clearly indicates otherwise.

Marijuana-infused Product (MIP) means a product infused with marijuana that is intended for use or consumption, including but not limited to edible products, ointments, aerosols, oils, and tinctures. These products, when created or sold by an RMD, shall not be considered a food or a drug as defined in M.G.L. c. 94, § 1.

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Medical Marijuana Treatment Center means a not-for-profit entity registered under 105 CMR 725.100, to be known as a registered marijuana dispensary (RMD), that acquires, cultivates, possesses, processes (including development of related products such as edible MIPs, tinctures, aerosols, oils, or ointments), transfers, transports, sells, distributes, dispenses, or administers marijuana, products containing marijuana, related supplies, or educational materials to *registered qualifying patients* or their *personal caregivers*, as those terms are defined under 105 CMR 725.004. Unless otherwise specified, RMD refers to the site(s) of dispensing, cultivation, and preparation of marijuana

Medical use of marijuana means the acquisition, cultivation, possession, processing (including development of related products such as tinctures, aerosols, or ointments), transfer, transportation, sale, distribution, dispensing, or administration of marijuana, for the benefit of *qualifying patients* in the treatment of *debilitating medical conditions*, or the symptoms thereof, as those terms are defined under 105 CMR 725.004.

Registered Marijuana Dispensary (RMD) has the same meaning as Medical Marijuana Treatment Center.

Special Permit Granting Authority (SPGA) pursuant to this Bylaw shall be the Planning Board.

17.4 Eligible Locations

1. Medical Marijuana Treatment Centers may be allowed by Special Permit in the Limited Industrial Zoning District, subject to all requirements of this Zoning Bylaw, the requirements of the Board of Health, and of 105 CMR 725.00 et seq.

17.5 General Requirements and Conditions

The following requirements and conditions shall apply to all Medical Marijuana Treatment Centers:

1. All Medical Marijuana Treatment Centers must obtain a Special Permit from the Special Permit Granting Authority, in compliance with all requirements of Section 7.2 of the Zoning Bylaw, in addition to the particular requirements of Section 17.6, below.
2. All Medical Marijuana Treatment Centers must obtain Site Plan Approval from the Planning Board in compliance with all requirements of Section 9 of the Zoning Bylaw, pursuant to Major Site Plan Review under Section 9.1.2 of the Bylaw and Section 17.7, below.

3. No Special Permit shall issue without demonstration by the applicant of compliance with all applicable state laws and regulations, and with all local regulations.
4. No Medical Marijuana Treatment Center shall be located within 300 feet of a residential zoning district, or within 500 feet of any lot containing a school, child care facility, or playground.
5. No smoking, burning or consumption of any product containing marijuana or marijuana-related products shall be permitted on the premises of a Medical Marijuana Treatment Center.
6. No products shall be displayed in the facilities windows or be visible from any street or parking lot.
7. Signs for all Medical Marijuana Treatment Centers must be approved by the Special Permit Granting Authority through Site Plan Review pursuant to Section 9 of the Zoning Bylaw, and consistent with the provisions of 105 CMR 725.105(L) ("Marketing and Advertising Requirements")

17.6 Special Permit Requirements

A Medical Marijuana Treatment Center shall be allowed only by Special Permit in accordance with G.L. c. 40A, s. 9; with all requirements of Section 7.2 of the Zoning Bylaw; and with the additional requirements contained in this Section (17.6), below.

1. Uses. A Special Permit for a Medical Marijuana Treatment Center shall be limited to one or more of the following uses:
 - A. cultivation of Marijuana for Medical Use
 - B. processing and packaging of Marijuana for Medical Use, including Marijuana that is in the form of smoking materials, food products, oils, aerosols, ointments, and other products; or
 - C. retail sale or distribution of Marijuana for Medical Use to Qualifying Patients, as that term is defined in 105 CMR 725.004.
2. Application. In addition to the application requirements set forth in the rules of the Special Permit Granting Authority, a Special Permit application for a Medical Marijuana Treatment Center shall include the following:
 - A. the name and address of each owner of the establishment and property

