

Section IX Recreational Marijuana Establishments

A. Purpose

- (1) To provide for the placement of marijuana establishments in appropriate locations in the Town of Royalston and under conditions in accordance with the provisions of Massachusetts General Law Chapter 94G.
- (2) To minimize the adverse impacts of marijuana establishments on adjacent properties, residential neighborhoods, schools and other places where children congregate, local historic districts, and other sensitive land areas in the Town of Royalston.
- (3) To regulate the siting, design, placement, security, safety, monitoring, modification, and discontinuance of marijuana establishments in the Town of Royalston.

B. Applicability

- (1) No marijuana establishment shall be established except in compliance with the provisions of Sections III-A and B, of the Zoning Bylaw of the Town of Royalston, April 10, 2015, and this bylaw (Recreational Marijuana Establishments).
- (2) Marijuana establishments are not a form of agriculture, horticulture, or floriculture for the purpose of the Zoning Bylaws.
- (3) Nothing in this section shall be construed to supersede federal and state laws governing the sale and distribution of narcotic drugs.
- (4) 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 are severable.

C. Definitions

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 to consumers. A craft marijuana cooperative is a type of marijuana cultivator.

Marijuana establishment, a marijuana cultivator, marijuana testing facility, marijuana product manufacturer, marijuana retailer, any other type of licensed marijuana-related business, or any combination thereof.

Marijuana Product Manufacturer, 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 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 testing facility, an entity licensed to test marijuana and marijuana products, including certification for potency and the presence of contaminants.

Marijuana retailer, 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. Retailers are prohibited from delivering cannabis or marijuana products to consumers; and from offering cannabis or marijuana products for the purposes of on-site social consumption on the premises of a Marijuana Establishment.

Marijuana transportation or distribution facility, an entity with a fixed location that delivers marijuana and marijuana products to marijuana establishments and transfers marijuana and marijuana products to other marijuana establishments, but not to consumers. This shall include the temporary storage of marijuana products on premises associated with transportation and distribution.

Other type of licensed marijuana related business, a licensed marijuana establishment other than a marijuana cultivator, independent testing laboratory, marijuana product manufacturer, or marijuana retailer.

Tier 1 marijuana cultivator, a marijuana cultivator with up to 5,000 square feet of canopy.

Tier 2 marijuana cultivator, a marijuana cultivator with between 5,001 to 10,000 square feet of canopy.

D. General Requirements And Conditions For All Marijuana Establishments.

- (1) All marijuana establishments shall be contained within a building or structure.
- (2) The hours of operation of marijuana establishments shall be set by the special permit granting authority.
- (3) No marijuana establishment shall be located within 500 feet of the property boundary line of any lot in use as a public or private pre-school, primary or secondary school, licensed day-care center, church, library, park, playground, or other marijuana establishment. Distance shall be measured in a straight line from property boundary line to property boundary line.
- (4) No smoking, burning or consumption of any product containing marijuana or marijuana related products shall be permitted on the premises of a marijuana establishment.
- (5) No marijuana establishment shall be located inside a building containing residential units, including transient housing such as motels and dormitories, or inside a movable or mobile structure such as a van or truck.

- (6) 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. Marijuana establishments shall not have drive-through service.
- (7) No outside storage of marijuana, related supplies or promotional materials is permitted.
- (8) All marijuana establishments shall be ventilated in such a manner that no:
 - (a) pesticides, insecticides, or other chemicals or products used in cultivation or processing are dispersed into the outside atmosphere.
 - (b) 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.

E. Special Permit Requirements.

- (1) A marijuana establishment shall only be allowed by special permit from the Planning Board in accordance with MGL c. 40A, § 9 and Section V-A of the Zoning Bylaw of the Town of Royalston, April 10, 2015, and this bylaw (Recreational Marijuana Establishments) subject to the following statements, regulations, requirements, conditions and limitations.
- (2) In addition to the standards set forth within, the site plan must meet all dimensional, parking, landscaping, and signage requirements of the Zoning Bylaw of the Town of Royalston, April 10, 2015.
- (3) A special permit for a marijuana establishment shall be limited to one or more of the following uses that shall be prescribed by the special permit granting authority:
 - (a) Marijuana cultivator
 - (b) Marijuana product manufacturer
 - (c) Marijuana retailer
 - (d) Marijuana testing facility
 - (e) Marijuana transportation or distribution facility
 - (f) Any other type of licensed marijuana-related business
- (4) In addition to the application requirements set forth above, a special permit application for a marijuana establishment shall include the following:
 - (a) The name, address, phone number, and email addresses of all management, staff, and key holders of the marijuana establishment, including a minimum of two (2) operators or managers which the facility identifies as contact persons to whom one can provide notice of operating problems associated with the marijuana establishment.

- (b) If the applicant is a non-profit organization, a copy of its Articles of Organization, a current Certificate of Legal Existence from the Secretary of the Commonwealth, and the most recent annual report; if the applicant is a for-profit corporate entity, a copy of its Articles of Incorporation or equivalent documents, a current Certificate of Legal Existence from the Secretary of the Commonwealth, and the most recent annual report; if the applicant is a public agency, evidence of the agency's authority to engage in the development of the marijuana establishment as proposed by the application.
 - (c) If the applicant is a business organization, a statement under oath disclosing all its owners, shareholders, partners, members, managers, directors, officers, or other similarly-situated individuals and entities. If any of the above are entities rather than persons, the applicant must disclose the identity of the owners of such entities until the disclosure contains the names of individuals.
 - (d) Copies of all required licenses and permits issued to the applicant by the Commonwealth of Massachusetts and any of its agencies for the marijuana establishment, including the Cannabis Control Commission.
 - (e) Evidence of the applicant's right to use the site for the establishment, such as a purchase and sale agreement, deed, owners authorization, or lease.
 - (f) Details showing all proposed security measures for the marijuana establishment, including lighting, fencing, gates and alarms, etc., to ensure the safety of persons and to protect the premises from criminal activity. A letter from the Town of Royalston Police Chief, or designee, acknowledging review and approval of the marijuana establishment security plan is required. To the extent allowed by law, all such documents shall be confidential.
 - (g) The resume(s) of the applicant and all members of the marijuana establishment management, including company history, references, and relevant experience.
 - (h) Description of activities: A narrative providing information about the type and scale of all activities that will take place on the proposed site.
 - (i) Context map: A map depicting all properties and land uses within a minimum of five hundred (500) foot radius of the proposed site. The context map shall include the measured distance to all uses described in section D (3) of this bylaw.
- (5) The special permit authority shall not issue a special permit for marijuana establishment unless it finds that:
- (a) The establishment is designed to minimize any adverse impacts on abutters and other parties in interest, as defined in MGL c. 40A, § 11.

(b) The establishment demonstrates 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; and

(c) The applicant has satisfied all of the conditions and requirements set forth herein.

- (6) The marijuana establishment owner or their representative shall file an annual report to, and appear before, the Planning Board no later than January 31st of each calendar year providing a copy of all current applicable state licenses for the facility and/or its owners and demonstrate continued compliance with the conditions of the Special Permit.
- (7) A special permit granted under this section shall have a term limited to the duration of the applicant's ownership of the premises as a marijuana establishment. A special permit may be transferred only with the approval of the special permit granting authority in the form of an amendment to the special permit with all application information required in accordance with this section and after a posted public hearing.

F. Abandonment Or Discontinuance Of Use.

- (1) A special permit shall lapse if not exercised within one year of issuance.
- (2) A special permit shall be revoked if the permit holder ceases operation or the permit holder's registration by Massachusetts Department of Public Health expires or is terminated.
- (3) A marijuana establishment shall be required to remove all material, plants equipment and other paraphernalia within six months of ceasing operations.
- (4)

The chart below will be inserted into the Royalston Zoning Bylaws, amended April 10, 2015, Section III. B Table of Use Regulations, Industrial Uses

	R	HR	RRA
Marijuana cultivator, tier 1 and tier 2	SPPB	N	SPPB
Marijuana cultivator, tier 3 through 11	N	N	N
Marijuana product manufacturer	SPPB	N	SPPB
Marijuana retailer	SPPB	N	SPPB
Marijuana testing facility	SPPB	N	SPPB
Marijuana transportation or distribution facility	SPPB	N	SPPB
Any other type of licensed marijuana-related business	SPPB	N	SPPB
On-site consumption of marijuana at licensed marijuana establishment	SPPB	N	N