

OFFICIAL POSTING

TOWN OF ROYALSTON GENERAL BY-LAWS

APPROVED BY THE ATTORNEY GENERAL

This posting reflects changes to the Town of Royalston Zoning Bylaws that were approved at a Special Town Meeting of October 4, 2018 and approved by the Office of the Attorney General on January 15, 2019. There are 7 pages to this posting, including this cover page.

The following amendments were made to the Zoning Bylaws:

Inserted new "Section IX" entitled "Recreational Marijuana Establishments";
Renumbered Sections IX, X, and XI as sections X, XI and XII respectively, and added additional use categories to Section III.B., Table of Use Regulations, Industrial Uses.
The full text of the added section IX and the amended Table of Use Regulations is included in this posting and set forth below.

The effective date of these zoning by-law amendments is October 4, 2018, as pursuant to the posting requirements of G.L. c40, section 32.

A full copy of the Town of Royalston Zoning Bylaws is available on the Town's website, at www.royalston-ma.gov. It is available for download on the Public Records page, bylaws, and on the Planning Board page.

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BY: , CONSTABLE
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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, modifications, 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

Terms used in this bylaw and not expressly defined herein shall be defined as set forth in MGL Ch.94G and Ch.94I, and regulations promulgated thereunder and otherwise by their plain language.

Marijuana cultivator, an entity licensed to cultivate, process and package marijuana, 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, craft marijuana cooperative, independent testing laboratory, marijuana product manufacturer, marijuana research facility, marijuana retailer, marijuana transporter, or any other type of licensed marijuana-related business, except a medical marijuana treatment center.

Marijuana Product Manufacturer, an entity licensed to obtain, manufacture, process and package cannabis or marijuana products to other Marijuana Establishments, but not to consumers.

Marijuana Products, cannabis or marijuana and its products unless otherwise indicated. These include products that have been manufactured and contain cannabis or marijuana or an extract from cannabis or 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.

Independent Testing Laboratory, a laboratory that is licensed by the Cannabis Control Commission and is:

- a) accredited by the International Organization for Standardization 17025 (ISO/IEC 170025: 2017) by a third party accrediting body that is a signatory to the International Laboratory Accreditation Accrediting Cooperation mutual recognition arrangement or that is otherwise approved by the Commission;
- b) independent financially from any Medical Marijuana Treatment Center (RMD),
Marijuana Establishment or licensee for which it conducts a test; and
- c) qualified to test cannabis or marijuana in compliance with 935 CMR 500, 160 and MGL, Ch.94C, S.34.

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 onsite social consumption on the premises of a Marijuana Establishment.

Marijuana Transporter, an entity, not otherwise licensed by the Cannabis Control Commission, 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.

Other type of licensed marijuana related business, a licensed marijuana establishment other than a marijuana cultivator, independent testing laboratory, marijuana product manufacturer, marijuana transporter, 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 establishments. Distance shall be measured in a straight line from property boundary line to property boundary line.
- (4) 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.
- (5) 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 enclosures. Marijuana establishments shall not have drive-through service.
- (6) No outside storage of marijuana, related supplies or promotional materials is permitted.
- (7) 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 Ch. 40A, Sec 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, 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) Independent testing laboratory
 - (e) Marijuana transporter
 - (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, owner's 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 Ch. 40A, Sec 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 or control 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 automatically revoked if the permit holder ceases operation or the permit holder's registration by the 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.

SECTION III. USE REGULATIONS

(1) **Uses By Right, Special Permit Requirements.** No building or structure shall hereafter be used for any purpose other than those permitted in this section. This bylaw establishes five general types of uses in each zoning district: those permitted by right, those prohibited, those permitted by Special Permit (See Section V-A), those permitted with Site Plan approval (See Section V-B) and those permitted by a permit from the Board of Selectmen.

(2) Table of Use Regulations

Y	=	Yes, Allowed by Right	SPA	=	Site Plan Approval Required
N	=	No, Prohibited	PBS	=	Permit from Board of Selectmen
SPBA	=	Special Permit from ZBA			
SPPB	=	Special Permit from Planning Board			

PRINCIPAL USES	DISTRICTS		
	R	HR	RRA
RESIDENTIAL			
Detached Single Family	Y	Y	Y
Two Family	Y	Y	Y
Internal conversion of Single Family to Two Family with Board of Health approval for sewage disposal.	Y	Y	Y
Extend addition to a Single Family house to a two family with Board of Health approval for sewage disposal.	Y	Y	Y
Room Rental, or Boarding House	SPBA	SPBA	SPBA
Multi-Unit Dwelling	N	N	N

Mobile Homes	N	N	N
Mixed Use Buildings	SPBA	N	N
GENERAL USES			
Boarding of Horses	SPBA	Y	Y
Riding Academy	SPBA	N	Y
Agriculture (excluding livestock)	Y	Y	Y
Livestock Agriculture	SPBA	SPBA	Y
Sale of Natural Products produced on property	SPBA	SPBA	Y
Saddlehorse or Riding Stable	SPBA	N	Y
Smokehouses	N	N	SPBA
Outside Boiler/ Hydronic Heater	Y	Y	Y
Wood Lot Operations	SPBA	SPBA	Y
Lumbermill	N	N	SPBA
Earth Removal of greater than 2000 yards for purposes other than development. (See Town Bylaws)	PBS	PBS	PBS
Commercial Greenhouses	SPBA	SPBA	SPBA
GOVERNMENT INSTITUTIONAL AND PUBLIC			
PRINCIPAL USES	DISTRICTS		
	R	HR	RRA
USES			
Religious	Y	Y	Y
Educational	Y	Y	Y
Government	Y	Y	Y
Utilities greater than 40 kW	SPPB	SPPB	SPPB
Non-Profit Human or Health Services	SPBA	SPBA	SPBA
State or Town Owned Recreation or Amusement Facilities	Y	Y	Y
Private Recreation or Amusement Facilities	SPBA	SPBA	SPBA
Health Organizations	SPBA	SPBA	SPBA
Nursing, Convalescent Homes or Long Term Care Facility	SPBA	SPBA	SPBA
Private Clubs	N	SPBA	SPBA
Golf Courses	N	N	SPBA
BUSINESS USES			
Restaurants	SPBA	N	N
Automobile Service Station, Repair Shop or Storage Garage	SPBA	N	N
Retail, Office or Service Uses of 1500 square feet of sales area or less.	SPBA	N	N
Retail, Office or Service Uses greater than 1500 square feet of sales area.	N	N	N
Home Occupations	Section III.E.4	Section III.E.4	Section III.E.4
Hotels, Motels or Inns	N	N	N
Bed and Breakfasts	SPBA	[SPBA	SPBA
Warehousing	N	N	N
Auto Salvage Operation	N	N	N
Telecommunications & Wireless Towers (see Section VII.A.)	SPPB	SPPB	SPPB
Accessory Fixed Wireless Broadband Facilities over ten (10) feet in height	SPPB Section III.E.5	SPPB Section III.E.5	SPPB Section III.E.5
INDUSTRIAL USES			
Research Operations	SPA	SPA	SPA
Wholesaling	N	N	SPA
Light Industry (Unrestricted) equal to or less than 10,000 square feet of building area.	SPA	N	SPA

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
Independent testing laboratory	SPPB	N	SPPB
Marijuana transporter	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

PRINCIPAL USES	DISTRICTS		
	R	HR	RRA
INDUSTRIAL USES (CONT.)			
Prohibited Industries (See Section II)	N	N	N
Restricted Industries	SPA	N	SPA
(All other types of industry not included in Light or Prohibited) equal to or less than 10,000 square feet of building space. Any industrial use of more than 10,000 sq.ft.	N	N	N
Renewable Energy Uses			
Large Solar Installations 40 kW and greater	SPPB	SPPB	SPPB
Small Solar Installations 39 kW and less	Y	Y	Y
Small Wind Energy System (SWES): under eighty (80) feet in height	Y	Y	Y
Large Wind Energy System (LWES): (80) eighty feet and over in height	SPPB	SPPB	SPPB