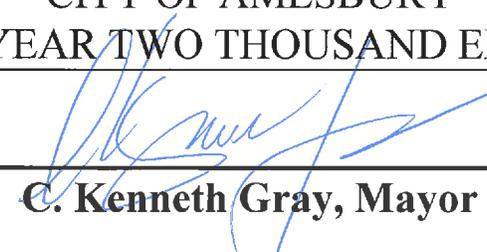




CITY OF AMESBURY  
IN THE YEAR TWO THOUSAND EIGHTEEN

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SPONSORED BY:  BILL No. 2018-015  
C. Kenneth Gray, Mayor

REVISED

**An Ordinance** to Amend the Amesbury Zoning Bylaw to Establish a Retail Marijuana Overlay District, to Regulate Adult Use Marijuana Establishments, and to Amend Existing Regulations relative to Medical Marijuana Establishments.

**Summary:** This Ordinance to amend the Amesbury Zoning Bylaw will

- Establish a Retail Marijuana Overlay District to allow retail sales of adult use and medical marijuana within the Commercial Zoning Districts on Route 110 by Special Permit and site plan approval from the Planning Board;
- Add a new Section (XI.02) to the Amesbury Zoning Bylaw to regulate the permitting, locations, and operations of Adult Use Marijuana Establishments;
- Amend Section XI.01 of the Amesbury Zoning Bylaw to update existing medical marijuana regulations in a manner that is more consistent with Section XI.02 and the Retail Marijuana Overlay District;
- Update the Zoning Map and the Table of Use Regulations in accordance with the changes summarized above.

**Be it Ordained by the City Council of the City of Amesbury assembled, and by the authority of the same, that the Amesbury Zoning Bylaw be amended as follows:**

1. Section III, Establishment of Zoning Districts, is hereby amended by adding in alphabetical order, "Retail Marijuana Overlay District," to the table of districts;
2. The Zoning Map is hereby amended to establish a Retail Marijuana Overlay District as a segment of Massachusetts Route 110 from the boundary line with the Town of Merrimac easterly to the boundary line with the Town of Salisbury along Haverhill Road and Macy Street, Amesbury, superimposed over such parcels that are included in the Commercial Zoning Districts only as set forth on the map entitled "Retail Marijuana Overlay District," dated 1/31/2018, attached hereto and as on file in the office of the City Clerk.
3. The Amesbury Zoning Bylaw is hereby further amended by adding thereto a new Section XI.02, Adult Use Marijuana Establishments, to read as follows:

**Section XI.02 ADULT USE MARIJUANA ESTABLISHMENTS**

**1.01 Purpose:** The purpose of this Section is to provide for the limited establishment of Adult Use Marijuana Establishments in as much as:

- A. They are authorized pursuant to Chapter 334 of the Acts of 2016, as amended by Chapter 351 of the Acts of 2016 and Chapter 55 of the Acts of 2017, as codified in G.L. c. 94G, and regulations promulgated by the Massachusetts Cannabis Control Commission (“CCC”), 935 CMR 500.00;
- B. The City seeks to protect the public welfare, health and safety of the residents of Amesbury;
- C. These zoning regulations provide for the placement of Adult Use Marijuana Establishments in locations suitable for such uses; and
- D. The City seeks to minimize any potential adverse impacts of Adult Use Marijuana establishments by regulating the siting, design, placement, security and removal of Adult Use Marijuana establishments.

**2.01 Establishment.**

As further outlined in Section 4.01 of this Bylaw and the Table of Use Regulations, Adult Use Marijuana Establishments shall be permitted in the Medical Marijuana Overlay District (MMOD) and the Retail Marijuana Overlay District (RMOD) as such districts have been designated on the City’s Zoning Map.

**3.01 Definitions.** For the purpose of this regulation, the following words shall have the following meanings. Where not expressly defined in the Zoning Bylaw, terms used herein shall be interpreted as defined in G.L. c. 94G, and 935 CMR 500.00 and otherwise by their plain language:

**Adult-Use Marijuana Establishment (“AME”):** Marijuana Cultivator, Craft Marijuana Cooperative, Marijuana Product Manufacturer, Marijuana Retailer, Independent Testing Laboratory, Marijuana Research Facility, Marijuana Transporter, or any other type of licensed marijuana-related business as defined in 935 CMR 500.00.

**Applicant:** The individual or entity that has applied for or received a provisional or final license from the CCC to operate an AME and is submitting the application to the Planning Board.

**Buffer Zone:** The 500-foot distance between where a proposed Marijuana Establishment is to be located, at the time the license application is received by the Commission, and a pre-existing public or private school providing education in kindergarten or any of grades 1 through 12. The distance shall be measured in a straight line from the nearest point of the property line in question to the nearest point of the property line where the Marijuana Establishment is or will be located.

**Business Agent:** An individual who has been designated by the owner or operator of any AME to be the manager or otherwise in charge of said AME.

**Cannabis Control Commission (CCC):** The state commission created pursuant to G.L. c. 94G and G.L. c. 10, §76, and authorized to issue licenses to operate AMEs in Massachusetts .

Host Community: a municipality in which an AME or Registered Marijuana Dispensary is located or in which an applicant has proposed locating an AME or Registered Marijuana Dispensary. For purposes of this Ordinance, the Host Community is the City of Amesbury.

Host Community Agreement (HCA): An agreement entered into by the City of Amesbury and a License Holder proposing to locate a Marijuana Establishment within Amesbury pursuant to the provisions of 935 CMR 500 and which outlines the details for the operation of the proposed Marijuana Establishment as well as any impact fees or other provisions allowed by law.

License: A provisional or final license or certificate issued by the CCC that permits an AME to operate at a permanent, non-mobile location in the City of Amesbury.

License Holder: Any person or entity engaged in the operation of a AME or sale of marijuana and who applies for and receives a License from the CCC or his or her business agent.

Permit: A special permit and site plan approval granted by the City of Amesbury Planning Board.

Permit Holder: Any person or entity that has been granted a special permit and site plan approval by the City of Amesbury Planning Board.

Special Permit Granting Authority (SPGA): For purposes of this Ordinance, the Planning Board is the Special Permit Granting Authority.

#### 4.01.1. Allowed Uses.

(a) Notwithstanding the use limitations of the underlying zoning district or any other overlay zoning district, an Adult Use "Marijuana Retailer," as defined in 935 CMR 500.00, shall be allowed within the Retail Marijuana Overlay District (RMOD), as stated in the Table of Use Regulations, by special permit and site plan review by the Planning Board, subject to the requirements set forth in this Section.

(b) Adult Use Marijuana Cultivators, Product Manufacturers, Independent Testing Laboratories Research Facilities and Marijuana Transporters, as defined in 935 CMR 500.00, shall be allowed within the Medical Marijuana Overlay District (MMOD), as stated in the Table of Use regulations, by special permit and site plan review by the Planning Board, subject to the requirements set forth in this Section of the Zoning Bylaws.

4.01.2 Prohibited Uses: Adult Use Marijuana Establishments for on-premises social consumption of adult-use marijuana are prohibited.

#### 5.01 Dimensional Requirements

Except where it is explicitly stated otherwise in this Section, an AME shall conform to the dimensional requirements applicable to non-residential uses within the base zoning districts.

## **6.01 Eligibility**

**6.01.1 Building.** An AME as defined herein shall be located only in a permanent building and not within any mobile facility. All sales shall be conducted either within the building or, if allowed by applicable state regulations, by home deliveries to qualified purchasers.

### **6.01.2 Location (Buffer Zone).**

a) The site of an AME permitted under this section shall, at the time the license application is received by the CCC, not be located within 500 feet of a pre-existing public or private school providing education in kindergarten or any of grades 1 through 12.

b) The distance under this section is measured in a straight line from the nearest point of the property line in question to the nearest point of the property line where the Marijuana Establishment is or will be located.

c) If it is determined by the Planning Board that the proposed Site Plan provides sufficient buffers from such protected uses such that its users will not be adversely impacted by the operation of the AME, the distance requirement from these protected uses may be reduced, but only if the applicant has 1) entered into a HCA with the City and 2) demonstrated that the AME will employ stringent security measures to prevent diversion of marijuana and marijuana products to minors.

## **7.01 Application Requirements.**

**7.01.1 Application:** An application for a proposed AME shall be filed with the Planning Board in accordance with the procedures outlined in Section X.J of the Zoning Bylaw, as well as this Section and accompanied with the appropriate fees as outlined in Planning Board schedule of application fees for all projects.

### **7.01.2. Special Permit/Site Plan Review**

A. **Special Permit Procedure:** The special permit shall conform to this Section of the Zoning Bylaw and to M.G.L. Chapter 40A, Section 9, as well as to regulations which the Planning Board shall adopt from time to time for carrying out its requirements under this Section. An application for special permit under this Section shall be submitted and administered in accordance with the provisions of Section X.J of the Amesbury Zoning Bylaw.

B. **Site Plan Review (SPR) Procedure:** An application for Site Plan Review shall be submitted and administered in accordance with the provisions of Section XI.C of the Amesbury Zoning Bylaw. Site Plan Approval for an AME shall be subject to the requirements indicated herein and shall be in addition to the provisions of Section XI.C.

**7.01.3 Materials for Review:** In addition to the materials required under Section XI.C, an application to the Planning Board shall include, at a minimum, the following information:

A. **Description or Activities:** A narrative providing information about the type and scale of all activities that will take place on the proposed site, the square footage available and that describes the functional areas of the AME, including but not

limited to cultivating and processing of marijuana or marijuana infused products ("MIPs"), laboratory testing of marijuana or marijuana products, on-site sales, off-site deliveries, if allowed by state regulations, distribution of educational materials, and other programs or activities.

B. Service Area: A map and narrative describing the area proposed to be served by the AME and the anticipated number of customers that will be served within that area. This description shall indicate where any Registered Marijuana Dispensaries and/or AMEs exist or have been proposed within the expected service area.

C. Transportation Analysis: A quantitative analysis, prepared by a qualified transportation specialist acceptable to the Planning Board, modeling the expected origin and frequency of traffic trips generated by AME to the site, the expected modes of transportation to be used by customers and employees, and the frequency and scale of deliveries to and from the site.

D. Context Map: A map depicting all properties and land uses within a one thousand-foot (1,000') radius (minimum) of the project site, whether such uses are located in Amesbury or within surrounding communities, including but not limited to, all protected uses such as educational uses, city parks, playgrounds, daycare, preschool and afterschool programs.

E. Site Plan: A plan or plans depicting all proposed development on the property, including the dimensions of the building, the layout of automobile and bicycle parking, the location of pedestrian, bicycle and vehicular points of access and egress, the location and design of all loading, refuse and service facilities, the location, type and direction of all outdoor lighting on the site, and landscape design including landscape buffers along abutting properties and public ways.

F. Building Elevations and Signage: For all new buildings, architectural drawings of all exterior building facades and all proposed signage, specifying materials and colors to be used, shall be submitted by the applicant. Perspective drawings and illustrations of the site from public ways and abutting properties are recommended but not required. For existing buildings and structures, any changes to the exterior of the building shall be shown along with location of proposed entrances, loading areas and signage.

G. License Materials: the applicant shall submit a copy of its provisional or final license, if issued by the Massachusetts CCC and if no license has been issued, a copy of the application submitted to the Massachusetts CCC, along with any materials submitted to the Massachusetts CCC for the purpose of seeking such license, to confirm that all information provided to the Planning Board is consistent with the information provided to the Massachusetts CCC. This information shall include, but not limited to:

1. A copy of its license to operate as an AME from the Massachusetts CCC ("CCC"), and if no license has been issued, a copy of the AME's application to the CCC, excluding those portions of the application related to the applicant's finances, criminal background checks, security measures to be used at the site, and any other proprietary information, shall be submitted to the Planning Board. If any portion of the materials submitted to the Planning Board contain materials that are not public records pursuant to G.L. c.4, §7, cl. 26 or any other statutory provision, the non-public information shall be redacted and shall be submitted

to the Planning Board in a separately labeled packet clearly indicating that the contents are not public records;

2. Criminal background checks for those individuals associated with the AME who are required by the CCC to undergo such a criminal background check shall be provided to the Amesbury Chief of Police;
3. A description of the security measures including employee security policies, approved by the CCC for the AME, and if not yet approved, a description of the security measures proposed by the applicant, shall be provided only to the City of Amesbury Chief of Police and Fire Chief for review and comment to the Planning Board as to the adequacy of such measures, including employee security policies, approved by the CCC for the AME;
4. A copy of the emergency procedures approved by the CCC for the AME; and
5. A description of any waivers from the CCC regulations granted to the AME, or if an application is still pending with the CCC, a list of those waivers from CCC regulations requested by the applicant.

**8.01 Design and Performance Standards**

A. For the purposes of this section, the provisions of Section XI.C.8 shall apply to all types of AMEs unless noted otherwise in this section.

B. Signage. Signage shall be consistent with underlying zoning requirements and CCC regulations.

C. Public Safety.

a. Security Plan

i. The applicant shall submit a security plan to the Amesbury Police Department, in conformance with the requirements of the Amesbury Police Department, to demonstrate that there is limited undue burden on city public safety officials as a result of the proposed business prior to the issuance of a certificate of occupancy.

ii. The security plan shall include the details of all security measures for the site and the transportation of marijuana and marijuana products to and from off-site premises to ensure the safety of employees and the public and to protect the premises property from theft or other criminal activity.

b. Operation and Management Plan

All marijuana establishments shall submit an operation and management plan to the Planning Board and Building Department which shall include, but not be limited to the following elements: Organizational Structure, Location, Property Description, Hours of Operation and Staffing, description of proposed operations, distribution practices, employee safety, general compliance, fire prevention, sanitation requirements, electrical system overview, proposed energy demand and proposed electrical demand off-sets, ventilation system

and air quality, proposed water system and utility demand prior to the issuance of a building permit.

c. Emergency Response Plan

All marijuana establishments shall meet with the Amesbury Fire Department and the Amesbury Police Department to discuss and identify emergency plans/contingency plans for the site prior to the issuance of a certificate of occupancy. A written Emergency Response Plan shall be filed with the Amesbury Fire Department and the Amesbury Police Department pursuant to M.G.L. c. 94G, §12.

**9.01 Special Permit Criteria.**

**9.01.1** In granting a special permit for an AME, in addition to the general criteria for issuance of a special permit as set forth in Section X.J of the Amesbury Zoning Bylaw, the Planning Board shall find that the following criteria are met:

- A. The site is designed such that it provides convenient, safe and secure access and egress for customers and employees arriving to and leaving from the site using all modes of transportation, including drivers, pedestrians, bicyclists and public transportation users.
- B. Traffic generated by customer trips; employee trips, and deliveries to and from the AME shall not create a substantial adverse impact on nearby residential uses.
- C. Loading, refuse and service areas are designed to be secure and shielded from abutting uses.
- D. The building and site have been designed to be compatible with other buildings in the area and to mitigate any negative aesthetic impacts that might result from required security measures and restrictions on visibility into the building's interior.

**10.01 Conditions of Approval.**

A. Special Permits under this ordinance shall be issued by the Planning Board, acting as the Special Permit Granting Authority, which shall impose conditions reasonably appropriate to improve site design, traffic flow, public safety, protect water quality, air quality, and significant environmental resources, preserve the character of the surrounding area and otherwise serve the purpose of this section. In addition to any specific conditions applicable to the applicant's AME, the SPGA shall include the following conditions in any permit granted under this Bylaw:

B. Licensed to Operate. All permitted AMEs shall be properly licensed by the CCC and shall comply with all applicable state and local public health regulations and all other applicable state and local laws, rules and regulations at all times. No Building Permit or Certificate of Occupancy shall be issued for an AME that is not properly licensed with the Massachusetts CCC.

C. Limitation of Approval. A special permit and/or site plan approval authorizing the location of an AME shall be valid only for the licensed entity to which the special permit and/or

site plan approval was issued, and only for the site at which the AME has been authorized by special permit and/or site plan approval.

D. Operations and Security Measures. The applicant shall comply with all of the regulations promulgated by the CCC, as well as any additional security measures imposed by the SPGA.

E. Host Community Agreement. In addition, the permit holder shall enter into a HCA (HCA) with the City of Amesbury. The HCA shall address any known and additional impact of the AME on the City's public safety and infrastructure, and any other reasonable stipulations as deemed necessary by the Mayor of the City of Amesbury, including a Community Impact Fee. No certificate of occupancy shall issue for an AME unless or until the HCA is executed by the Mayor and the authorized representative of the AME.

F. Validity of Permits and Cessation of Operations. The validity of special permits/site plan review granted to operate an AME shall be as follows:

1. The special permit shall lapse three years from the date the SPGA files the special permit decision with the City Clerk, pursuant to G.L. c. 40A, §9 if a substantial use thereof has not sooner commenced except for good cause.
2. The special permit or a site plan approval shall be limited to the permit holder and shall lapse if the permit holder ceases operating the AME.. Any changes in the entity of the special permit holder, to the scope and scale of operations, or other material facts stated on the initial application to license the AME with the CCC, shall be submitted to the Planning Board and Zoning Enforcement Officer. If the Planning Board determines that there are substantial changes to the original approval, the Planning Board may require the permit holder to file an application for major modification of the current permit, which shall be acted upon following a public hearing. If the Planning Board determines that the only change to the original approval is the entity to operate the establishment, the Planning Board may consider such change to be insubstantial and may approve such change at a public meeting without need for a new application or public hearing.
3. The special permit or a site plan approval shall automatically lapse upon the expiration or termination of the permit holder's license issued by the CCC.
4. The permit holder shall notify the Zoning Enforcement Officer and Planning Board in writing within 48 hours of the cessation of operation of the AME or the expiration or termination of the permit holder's license issued by the CCC.

**11.01 Prohibition Against Nuisances:** No AME shall create or permit a nuisance to abutters or to the surrounding area, consistent with the underlying zoning requirements. All facilities shall be ventilated in such a manner that no pesticides, insecticides or other chemicals or products used in the cultivation or processing are dispersed into the outside atmosphere and no odor from marijuana or its processing can be detected by a person with an unimpaired and otherwise normal sense of smell at the exterior of the AME or at any adjoining use or property.

**12.01 Severability:** The provisions of this Bylaw are severable. If any provision, paragraph, sentence, or clause of this Bylaw or the application thereof to any person, establishment, or

circumstances shall be held invalid, such invalidity shall not affect the other provisions or application of this Bylaw.

4. The Table of Contents is hereby amended by adding Section XI.02, Adult Use Marijuana Establishments;
5. Section V, the Table of Use Regulations, is hereby amended by adding Adult Use Marijuana Retailer and Medical Marijuana Retailer as uses allowed in the Retail Marijuana Overlay District by Special Permit and Site Plan Review from the Planning Board; by prohibiting Adult Use Marijuana Establishments for On-Premises Social Consumption in all districts; by amending Note 11 to allow a Medical Marijuana Retailer in the Retail Marijuana Overlay District by Special Permit from the Planning Board; and by adding a new Note 12 to allow Adult Use Marijuana Cultivator, Product Manufacturer, Independent Testing Laboratory, Research Facilities and Marijuana Transporter as uses allowed in the Medical Marijuana Overlay District by Special Permit and Site Plan Review by the Planning Board;, as follows:
  - A. The Table of Use Regulations is hereby amended by adding a column for the Retail Marijuana Overlay District and allowing Adult Use Marijuana Retailer and Medical Marijuana Retailer as uses allowed in the Retail Marijuana Overlay District by Special Permit and site plan review by the Planning Board;
  - B. The Table of Use Regulations is hereby amended by amending the use designation for “Registered Marijuana Dispensary – cultivation and processing only” to change the use designation from P<sup>11</sup> in the IL and I districts to S1<sup>11</sup> in both districts.
  - C. Note 11 is hereby amended by adding the following sentence after the first sentence: “In addition to being allowed in the Medical Marijuana Overlay District, a Medical Marijuana Retailer shall be allowed in the Retail Marijuana Overlay District by Special Permit and site plan review from the Planning Board granted pursuant to Section XI.01.1; and
  - D. By adding a new Note (12) as follows: “(12) Notwithstanding anything to the contrary set forth elsewhere in this Zoning Bylaw, an Adult Use Marijuana Cultivator, Adult Use Marijuana Product Manufacturer, and Adult Use Marijuana Independent Testing Laboratory, Adult Use Marijuana Research Facility, and Marijuana Transporter shall be permitted only by special permit and site plan review by the Planning Board in the Medical Marijuana Overlay District (MMOD) pursuant to the requirements of Section XI.02 of the Zoning Bylaw. Further, an Adult Use Marijuana Retailer shall only be allowed in the Retail Marijuana Overlay District by Special Permit and site plan review from the Planning Board pursuant to the requirements of Section XI.02 of the Zoning Bylaw.”
6. Section XI.01, Medical Marijuana Overlay District, is hereby amended as follows:
  - A. Section 3.01, Definitions, is hereby amended by inserting a new definition as follows: “Medical Marijuana Retailer: Medical Marijuana Treatment Center, also known as a Registered Marijuana Dispensary, properly registered with the Massachusetts Department of Public Health under 105 CMR 725.00 et seq. that sells or dispenses medical marijuana, products containing medical marijuana or related supplies through retail sales directly to registered qualifying patients or to their personal caregivers, but does not cultivate, process, manufacture, or test medical marijuana or medical marijuana products on the same site where retail sales are made;”
  - B. Section 4.02.1, Allowed Uses, subparagraph (b) is hereby amended by inserting the words “special permit and” after the words “shall be permitted by” and before the words “Site Plan Approval”.

- C. Section 4.01.1, Allowed Uses, is hereby amended by adding a new subparagraph (c) as follows: “A Medical Marijuana Retailer is allowed in the Retail Marijuana Overlay District, as provided in Section V, the Table of Use Regulations, subject to a Special Permit and site plan review from the Planning Board pursuant to the provisions of this Section of the Zoning Bylaws.”;
- D. Section 6.01.2, Location, is hereby deleted, and a new section 6.01.2, Location (Buffer Zones), is hereby inserted in its place, as follows:

**6.01.2 Location (Buffer Zone).**

- a) The site of an RMD permitted under this section shall, at the time the license application is received by the CCC, not be located within 500 feet of a pre-existing public or private school providing education in kindergarten or any of grades 1 through 12.
- b) The distance under this section is measured in a straight line from the nearest point of the property line in question to the nearest point of the property line where the RMD is or will be located.
- c) If it is determined by the Planning Board that the proposed Site Plan provides sufficient buffers from such protected uses such that its users will not be adversely impacted by the operation of the RMD, the distance requirement from these protected uses may be reduced, but only if the applicant has 1) entered into a HCA with the City and 2) demonstrated that the RMD will employ stringent security measures to prevent diversion of marijuana and marijuana products to minors.
- E. Section 8.01.1 is hereby amended by inserting after “Section XI.C.8 shall apply” the words: “to all Registered Marijuana Dispensaries and Medical Marijuana Treatment Centers, including Medical Marijuana Retailers;” and
- F. Section 10.01.2 is hereby amended by adding in the second sentence after the words “or relocated to a different site within the Medical Marijuana Overlay District” the following new text: “or Retail Marijuana Overlay District, as applicable;”;
- G. Section 10.01.3(l) is hereby amended by adding at the end of the first sentence the following phrase: “prior to issuing a certificate of occupancy;” and
- H. Section 11.01 is hereby amended by adding in the first sentence after the words: “No use shall be allowed in the MMOD” the following new text: “or in the Retail Marijuana Overlay District”.

**RETAIL MARIJUANA OVERLAY DISTRICT (RMOD)  
TABLE OF USE REGULATIONS AMENDMENTS**

USES	R8	R20	R40	R80	RC1	CBD	C	RCZD	OP	IL	I	IC	PUD	W/F	OSC	ES- OD	HR- OD	DAD	CE- COD	RM- OD	Site Plan Review Required
Adult Use Marijuana Retailer	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	SI	YES
Medical Marijuana Retailer	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	SI	YES
Adult Use Marijuana Cultivator (12)	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	YES
Adult Use Marijuana Establishments for On-premises Social Consumption	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Adult Use Marijuana Product Manufacturer (12)	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	YES
Adult Use Marijuana Independent Testing Laboratory (12)	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	YES
Adult Use Marijuana Research Facility	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	YES
Adult Use Marijuana Transporter	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	YES

**Notes:**

- (11) *Amend Note 11 by adding the following sentence after the first sentence: "In addition to being allowed in the Medical Marijuana Overlay District, a Medical Marijuana Retailer shall be allowed in the Retail Marijuana Overlay District by Special Permit and site plan review from the Planning Board granted pursuant to Section XI.01.1"*
- (12) *Add New Note 12: "Notwithstanding anything to the contrary set forth elsewhere in this Zoning Bylaw, an Adult Use Marijuana Cultivator , Adult Use Marijuana Product Manufacturer, Adult Use Marijuana Independent Testing Laboratory, Adult Use Marijuana Research Facility and Marijuana Transporter shall be permitted only by special permit and site plan review by the Planning Board in the Medical Marijuana Overlay District (MMOD) pursuant to the requirements of Section XI.02 of the Zoning Bylaws. Further, an Adult Use Marijuana Retailer shall only be allowed in the Retail Marijuana Overlay District by Special Permit and site plan review from the Planning Board pursuant to the requirements of Section XI.02 of the Zoning Bylaws."*

### Summary of Revisions to 2018-015

1. All references to “Recreational” marijuana have been replaced with “Adult Use” marijuana to be consistent with state regulatory language.
2. Resolves inconsistencies relative to special permit and site plan requirements stemming from discrepancies between the original bill’s proposed use table and enacting language.
3. Pursuant to recommendations from KP Law, language in the proposed new section (XI.02) of the Zoning Bylaw relative to protected uses and buffer zone requirements has been revised to align with state regulations, primarily by narrowing the scope of uses protected by buffer zone requirements to public and private K-12 schools only.
4. Language in the proposed new Section XI.02.4.01.1 has been revised to make marijuana transporters subject to the same permitting requirements as other marijuana establishments.
5. Language in the proposed new Section XI.02.4.01.2 has been revised to remove prohibitions on self-service displays, vending machines, and “Roll-Your-Own” devices.
6. Language in the proposed new Section XI.02.8.01.B has been revised to make marijuana establishments within the Retail Marijuana Overlay District subject to the signage requirements of the underlying zoning district and state regulations.
7. Language in the proposed new Section XI.02.8.01.C has been revised to provide more specificity with respect to application requirements related to public safety and security.
8. Language in Paragraph 6 of the bill’s enacting language has been revised to propose the following further amendments to Section XI.01 (Medical Marijuana Overlay District) of the Amesbury Zoning Bylaw:
  - a. Adding a special permit requirement for marijuana cultivators to make all marijuana uses subject to the same permitting requirements;
  - b. Revising requirements relative to buffer zones to align with state regulations and the proposed new Section XI.02, Retail Marijuana Overlay District.



CITY OF AMESBURY  
IN THE YEAR TWO THOUSAND EIGHTEEN

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SPONSORED BY: \_\_\_\_\_ BILL No. 2018-015  
**C. Kenneth Gray, Mayor**

REVISED

**An Ordinance** to Amend the Amesbury Zoning Bylaw to Establish a Retail Marijuana Overlay District, to Regulate ~~Recreational Marijuana Adult Use Establishments~~ Marijuana Establishments, and to Amend Existing Regulations relative to Medical Marijuana Establishments.

**Summary:** This Ordinance to amend the Amesbury Zoning Bylaw will

- Establish a Retail Marijuana Overlay District to allow retail sales of adult use recreational and medical marijuana ~~retailers~~ within the Commercial Zoning Districts on Route 110 by Special Permit and site plan approval from the Planning Board;
- Add a new Section (XI.02) to the Amesbury Zoning Bylaw to regulate the permitting, locations, and operations of ~~Recreational Marijuana Adult Use Establishments~~ Marijuana Establishments;
- Amend Section XI.01 of the Amesbury Zoning Bylaw to update existing medical marijuana regulations in a manner that is more consistent with Section XI.02 and the Retail Marijuana Overlay District;
- Update the Zoning Map and the Table of Use Regulations in accordance with the changes summarized above.

**Be it Ordained by the City Council of the City of Amesbury assembled, and by the authority of the same, that the Amesbury Zoning Bylaw be amended as follows:**

1. Section III, Establishment of Zoning Districts, is hereby amended by adding in alphabetical order, "Retail Marijuana Overlay District," to the table of districts;
2. The Zoning Map is hereby amended to establish a Retail Marijuana Overlay District as a segment of Massachusetts Route 110 from the boundary line with the Town of Merrimac easterly to the boundary line with the Town of Salisbury along Haverhill Road and Macy Street, Amesbury, superimposed over such parcels that are included in the Commercial Zoning Districts only as set forth on the map entitled "Retail Marijuana Overlay District," dated 1/31/2018, attached hereto and as on file in the office of the City Clerk;
3. The Amesbury Zoning Bylaw is hereby further amended by adding thereto a new Section XI.02, ~~Recreational Marijuana Adult Use Establishments~~ Marijuana Establishments, to read as follows:

Section XI.02 RECREATIONAL MARIJUANA ADULT USE MARIJUANA  
ESTABLISHMENTS

**1.01 Purpose:** The purpose of this Section is to provide for the limited establishment of ~~Recreational Marijuana Adult Use Establishments~~ Marijuana Establishments in as much as:

A. They are authorized pursuant to Chapter 334 of the Acts of 2016, as amended by Chapter 351 of the Acts of 2016 and Chapter 55 of the Acts of 2017, as codified in G.L. c. 94G, and regulations ~~to be promulgated~~ promulgated by the Massachusetts Cannabis Control Commission ("CCC"), 935 CMR 500.00;

B. The City seeks to protect the public welfare, health and safety of the residents of Amesbury;

C. These zoning regulations provide for the placement of ~~Recreational Marijuana Adult Use Marijuana~~ Marijuana Establishments in locations suitable for ~~such uses~~ lawful recreational marijuana Adult Use Marijuana establishments; and

D. The City seeks to minimize any potential adverse impacts of ~~recreational marijuana Adult Use Marijuana establishments on adjacent properties, residential neighborhoods, historic districts, schools, playgrounds and other locations where minors congregate~~ by regulating the siting, design, placement, security and removal of ~~recreational marijuana Adult Use Marijuana~~ Marijuana establishments.

## **2.01 Establishment.**

As further outlined in Section 4.01 of this Bylaw and the Table of Use Regulations, Adult Use Marijuana Establishments shall be permitted in the Medical Marijuana Overlay District (MMOD) and the Retail Marijuana Overlay District (RMOD) as such districts have been ~~designated on the City's Zoning Map. Recreational and Medical Marijuana Retailers, (Adult use Retailers),~~ as defined herein, shall be allowed in the Retail Marijuana Overlay District, as stated in the Table of Use Regulations, by Special Permit and site plan review from the Planning Board. ~~Recreational Marijuana Adult Use Marijuana Cultivation Sites, Product Manufacturers, and Testing Facilities, as those terms are defined herein, shall be allowed in the Medical Marijuana Overlay District, as stated in the Table of Use Regulations, by Special Permit and Site Plan Review from the Planning Board.~~

**3.01 Definitions.** For the purpose of this regulation, the following words shall have the following meanings. Where not expressly defined in the Zoning Bylaw, terms used herein shall be interpreted as defined in G.L. c. 94G, and 935 CMR 500.00 ~~pursuant to regulations to be promulgated by the Massachusetts Cannabis Control Commission (CCC) in March 2018,~~ and otherwise by their plain language:

Adult-Use Marijuana Establishment ("AME"): Marijuana Cultivator, Craft Marijuana Cooperative, Marijuana Product Manufacturer, Marijuana Retailer, Independent Testing Laboratory, Marijuana Research Facility, Marijuana Transporter, or any other type of licensed marijuana-related business as defined in 935 CMR 500.00.

**Applicant:** The individual or entity that has applied for or received a provisional or final license or certificate from the Cannabis Control Commission CCC to operate an recreational marijuana AME dult Use Marijuana establishment and is submitting the application to the Planning Board.

Buffer Zone: The 500-foot distance between property where the proposed Marijuana Establishment is to be located, at the time the license application is received by the Commission, is not located within 500 feet of and a pre-existing public or private school providing education in kindergarten or any of grades 1 through 12, unless a city or town adopts an ordinance or by law that reduces the distance requirement. The distance under this section shall be measured in a straight line from the nearest point of the property line in question to the nearest point of the property line where the Marijuana Establishment is or will be located.

Business Agent: An individual who has been designated by the owner or operator of any Recreational Marijuana Adult Use Establishment Marijuana Establishment ("RME") to be the manager or otherwise in charge of said RME/AME.

Cannabis Control Commission (CCC): The state commission created pursuant to G.L. c. 94G and G.L. c. 10, §76, and authorized to issue licenses to operate recreational marijuana AMEs Adult Use Marijuana establishments in Massachusetts.

Host Community: a municipality in which an AME Marijuana Establishment or Registered Marijuana Dispensary is located or in which an applicant has proposed locating an AME or Registered Marijuana Dispensary Marijuana Establishment. For purposes of this Ordinance, the Host Community is the City of Amesbury.

Host Community Agreement (HCA): An agreement entered into by the City of Amesbury and an License Holder applicant proposing to locate a Marijuana Establishment within Amesbury pursuant to the provisions of 935 CMR 500 and which outlines the details for the operation of the proposed Marijuana Establishment as well as any impact fees or other provisions allowed by law, the entity licensed by the Cannabis Control Commission to operate a Recreational Marijuana Adult Use Marijuana Establishment in Amesbury.

License: A provisional or final license or certificate issued by the Cannabis Control Commission CCC that permits an Recreational Marijuana AME Adult Use Establishment Marijuana Establishment to operate at a permanent, non-mobile location in the City of Amesbury.

License Holder: Any person or entity engaged in the operation of a RME/AME or sale of marijuana and who applies for and receives a License from the Cannabis Control Commission CCC or his or her business agent.

Recreational Marijuana Cultivation Site: A Recreational Marijuana Establishment ("RME") 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, as defined by G.L. c. 94G and pursuant to regulations to be promulgated promulgated by the Cannabis Control Commission.

Recreational Marijuana Establishment: A marijuana cultivator, marijuana testing facility, marijuana product manufacturer, marijuana retailer or any other type of licensed marijuana-related business as defined in G.L. c.94G, §1.

Recreational Marijuana Establishments for On-premises Social Consumption: Any business where the retail sale of recreational marijuana or recreational marijuana products is offered as the principal use or as an accessory or incidental use or is offered for the convenience of customers.

Recreational Marijuana Product Manufacturer: An entity licensed by the Cannabis Control Commission 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 to consumers.

Recreational 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.

Recreational Marijuana Retailer: An entity licensed by the Cannabis Control Commission 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.

Recreational Marijuana Adult Use Marijuana Testing Facility: An entity licensed by the Cannabis Control Commission<sup>CCC</sup> to test marijuana and marijuana products, including certification for potency and the presence of contaminants.

Non-Residential Roll-Your-Own (RYO) Machine: A mechanical device made available for use (including to an individual who produces rolled marijuana products solely for the individual's own personal consumption or use) that is capable of making rolled marijuana products. RYO machines located in private homes used solely for personal consumption are not Non-Residential RYO machines.

Permit: A special permit and/or site plan approval granted by the City of Amesbury Planning Board.

Permit Holder: Any person or entity that has been granted a special permit and/or site plan approval by the City of Amesbury Planning Board.

Protected Uses: These are facilities in which children and minors commonly congregate. Such a facility includes dance schools, gymnastic schools and similar facilities if children commonly congregate there in a structured manner. It includes facilities where services or programs targeting children or youth take place. It includes a private home housing a family day care center, but not a private home where children happen to live. It includes a city park if the park includes play structures intended for children to use. It includes public or private outdoor recreational facilities where programs targeting children or youth take place. When conducting this analysis, the Board shall consider whether minors congregate at a site according to schedule, how often they congregate, and whether the purpose of congregating is an activity designed for or targeted to children.

Self-Service Display: Any display from which customers may select a marijuana product without assistance from a RME Agent or store personnel.

Special Permit Granting Authority (SPGA): For purposes of this Ordinance, the Planning Board is the Special Permit Granting Authority.

Vending Machine: Any automated or mechanical self-service device, which upon insertion of money, tokens or any other form of payment, dispenses or makes marijuana products.

#### **4.01.1. Allowed Uses.**

(a) Notwithstanding the use limitations of the underlying zoning district or any other overlay zoning district, an Recreational Marijuana Adult Use "Marijuana Retailer," as defined in 935 CMR 500.00 herein, shall be allowed within the Retail Marijuana Overlay District (RMOD), as stated in the Table of Use Regulations, by special permit and site plan review by the Planning Board, subject to the requirements set forth in this Section.

(b) Recreational Marijuana Adult Use Marijuana Cultivation Sites, Product Manufacturers, and Independent Testing Laboratories Facilities Research Facilities and Marijuana Transporters, as defined in 935 CMR 500.00, shall be allowed within the Medical Marijuana Overlay District (MMOD), as stated in the Table of Use regulations, by special permit and site plan review by the Planning Board, subject to the requirements set forth in this Section of the Zoning Bylaws.

4.01.2 Prohibited Uses: At any RME, the sale of marijuana from self-service displays, vending machines or Non-Residential Roll-Your-Own machines shall be prohibited. Recreational Marijuana Adult Use Marijuana Establishments for on-premises social consumption of adult-use marijuana as defined herein, are prohibited.

#### **5.01 Dimensional Requirements**

Except where it is explicitly stated otherwise in this Section, an Recreational Marijuana Adult Use Establishment Marijuana Establishment shall conform to the dimensional requirements applicable to non-residential uses within the base zoning districts.

#### **6.01 Eligibility**

6.01.1 Building. An Recreational Marijuana Adult Use Establishment as defined herein shall be located only in a permanent building and not within any mobile facility. All sales shall be conducted either within the building or, if allowed by applicable state regulations, by home deliveries to qualified purchasers.

#### **6.01.2 Location (Buffer Zone).**

a) The site of an RMEAME permitted under this section shall, at the time the license application is received by the CCC, not be located within 500 feet of a pre-existing public or private school providing education in kindergarten or any of grades 1 through 12. will be located at least 500 feet from protected uses, as defined in the final final adult use regulations as promulgated by the CCC in the final adult use regulations as promulgated by the CCC.

b) The distance under this section is measured in a as the nearest straight line from the nearest point of the property line in question to the nearest point of the property line where the Marijuana Establishment is or will be located. between the two structures, or in the case of a k-12 school, is measured in a straight line from the nearest point of the property line to the

nearest point of the principal structure in which the RME is located, as defined in the final adult use regulations as promulgated by the CCC.

A. The site of a RME permitted under this Section shall be located at least five hundred (500) feet from the following protected uses ~~(facilities in which children/minors commonly congregate):~~

- ~~1. School, including a public or private elementary, vocational, or secondary school or a public or private college, junior college, or university;~~
- ~~2. Child Care Facility, including daycare center, preschool or afterschool facility;~~
- ~~3. Library;~~
- ~~4. Playground;~~
- ~~5. Public Park;~~
- ~~6. Youth center;~~
- ~~7. Public swimming pool;~~
- ~~8. Indoor/Outdoor recreation facilities where organized sports are held or~~
- ~~9. Any similar protected use determined by the Planning Board to be a facility in which minors and youth commonly congregate.~~

B. The distance under this section is measured in a straight line from the nearest point of the property line of the protected uses identified above to the nearest point of the principal or primary structure in which the proposed RME is located.

~~c)C.~~ If it is determined by the Planning Board that the proposed Site Plan provides sufficient buffers from such protected uses such that its users will not be adversely impacted by the operation of the Recreational Marijuana ~~AME~~ Adult Use Marijuana Establishment, the distance requirement from these protected uses may be reduced, but only if the applicant has 1) entered into a Host Community Agreement-HCA (HCA) with the City and 2) to further demonstrated that the RME ~~AME~~ will employ stringent security measures to prevent diversion of marijuana and marijuana products to minors.

#### 7.01 Application Requirements.

**7.01.1 Application:** An application for a proposed ~~AME Recreational Marijuana Adult Use Cultivation~~ Marijuana Cultivation Site, Product Manufacturer, Retailer and Testing Facility shall be filed with the Planning Board in accordance with the procedures outlined in Section X.J of the Zoning Bylaw, as well as this Section and accompanied with the appropriate fees as outlined in Planning Board schedule of application fees for all projects.

#### 7.01.2. Special Permit/Site Plan Review

A. Special Permit Procedure: The special permit shall conform to this Section of the Zoning Bylaw and to M.G.L. Chapter 40A, Section 9, as well as to regulations which the Planning Board shall adopt from time to time for carrying out its requirements under this Section. An application for special permit under this Section shall be submitted and administered in accordance with the provisions of Section X.J of the Amesbury Zoning Bylaw.

B. Site Plan Review (SPR) Procedure: An application for Site Plan Review shall be submitted and administered in accordance with the provisions of Section XI.C of the Amesbury Zoning Bylaw. Site Plan Approval for ~~an AME Recreational Marijuana Adult~~

~~Use Cultivation Marijuana Cultivation Site, Retailer, Product Manufacturer, and Testing Facility~~ shall be subject to the requirements indicated herein and shall be in addition to the provisions of Section XI.C.

**7.01.3 Materials for Review:** In addition to the materials required under Section XI.C, an application to the Planning Board shall include, at a minimum, the following information:

A. **Description or Activities:** A narrative providing information about the type and scale of all activities that will take place on the proposed site, the square footage available and that describes the functional areas of the ~~RMEAME~~, including but not limited to cultivating and processing of marijuana or marijuana infused products ("MIPs"), laboratory testing of marijuana or marijuana products, on-site sales, off-site deliveries, if allowed by state regulations, distribution of educational materials, and other programs or activities.

B. **Service Area:** A map and narrative describing the area proposed to be served by the ~~AME Recreational Marijuana Adult Use Establishment Marijuana Establishment~~ and the anticipated number of customers that will be served within that area. This description shall indicate where any Registered Marijuana Dispensaries and/or ~~AMEs Recreational Marijuana Adult Use Establishments Marijuana Establishments~~ exist or have been proposed within the expected service area.

C. **Transportation Analysis:** A quantitative analysis, prepared by a qualified transportation specialist acceptable to the Planning Board, modeling the expected origin and frequency of traffic trips generated by ~~RMEAME~~ to the site, the expected modes of transportation to be used by customers and employees, and the frequency and scale of deliveries to and from the site.

D. **Context Map:** A map depicting all properties and land uses within a one thousand-foot (1,000') radius (minimum) of the project site, whether such uses are located in Amesbury or within surrounding communities, including but not limited to, all protected uses such as educational uses, city parks, playgrounds, daycare, preschool and afterschool programs.

E. **Site Plan:** A plan or plans depicting all proposed development on the property, including the dimensions of the building, the layout of automobile and bicycle parking, the location of pedestrian, bicycle and vehicular points of access and egress, the location and design of all loading, refuse and service facilities, the location, type and direction of all outdoor lighting on the site, and landscape design including landscape buffers along abutting properties and public ways.

F. **Building Elevations and Signage:** For all new buildings, architectural drawings of all exterior building facades and all proposed signage, specifying materials and colors to be used, shall be submitted by the applicant. Perspective drawings and illustrations of the site from public ways and abutting properties are recommended but not required. For existing buildings and structures, any changes to the exterior of the building shall be shown along with location of proposed entrances, loading areas and signage.

G. **License Materials:** the applicant shall submit a copy of its provisional or final license or certificate, if issued by the Massachusetts ~~Cannabis Control Commission CCC~~ and if no license or certificate has been issued, a copy of the application submitted to the

Massachusetts Cannabis Control Commission CCC, along with any materials submitted to the Massachusetts Cannabis Control Commission CCC for the purpose of seeking such license, to confirm that all information provided to the Planning Board is consistent with the information provided to the Massachusetts Cannabis Control Commission CCC. This information shall include, but not limited to:

1. A copy of its license to operate as an RME/AME from the Massachusetts Cannabis Control Commission CCC ("CCC"), and if no license has been issued, a copy of the RME/AME's application to the CCC, excluding those portions of the application related to the applicant's finances, criminal background checks, security measures to be used at the site, and any other proprietary information, shall be submitted to the Planning Board. If any portion of the materials submitted to the Planning Board contain materials that are not public records pursuant to G.L. c.4, §7, cl. 26 or any other statutory provision, the non-public information shall be redacted and shall be submitted to the Planning Board in a separately labeled packet clearly indicating that the contents are not public records;
2. Criminal background checks for those individuals associated with the RME/AME who are required by the CCC to undergo such a criminal background check shall be provided to the Amesbury Chief of Police;
3. A description of the security measures including employee security policies, approved by the CCC for the RME/AME, and if not yet approved, a description of the security measures proposed by the applicant, shall be provided only to the City of Amesbury Chief of Police and Fire Chief for review and comment to the Planning Board as to the adequacy of such measures, including employee security policies, approved by the CCC for the RME/AME;
4. A copy of the emergency procedures approved by the CCC for the RME/AME; and
5. A description of any waivers from the CCC regulations granted to the RME/AME, or if an application is still pending with the CCC, a list of those waivers from CCC regulations requested by the applicant.

#### **8.01 Design and Performance Standards**

A. For the purposes of this section, the provisions of Section XI.C.8 shall apply to all types of RMEs ~~Recreational Marijuana Adult Use Marijuana Retailer, Cultivation Site, Product Manufacturer, and Testing Manufacturer, Testing Facility, and Marijuana Transporter unless,~~ unless noted otherwise in this section.

B. Signage. One building mounted sign not to exceed twenty (20) square feet shall be allowed for any one location. No other signage identifying the activity or products associated with the RME shall be allowed. Signage shall be consistent with underlying zoning requirements and CCC regulations.

### **C. Public Safety.**

#### **a. Security Plan**

- i. The petitioner applicant shall submit a security plan to the Amesbury Police Department, in conformance with the requirements of the Amesbury Police Department, to demonstrate that there is limited undue burden on city public

safety officials as a result of the proposed business prior to the issuance of a certificate of occupancy.

ii. The security plan shall include the details of all security measures for the site and the transportation of marijuana and marijuana products to and from off-site premises to ensure the safety of employees and the public and to protect the premises property from theft or other criminal activity.

b. Operation and Management Plan

All marijuana establishments shall submit an operation and management plan to the Planning Board and Building Department which shall include, but not be limited to the following elements: Organizational Structure, Location, Property Description, Hours of Operation and Staffing, description of proposed operations, distribution practices, employee safety, general compliance, fire prevention, sanitation requirements, electrical system overview, proposed energy demand and proposed electrical demand off-sets, ventilation system and air quality, proposed water system and utility demand prior to the issuance of a building permit.

c. Emergency Response Plan

All marijuana establishments shall meet with the Amesbury Fire Department and the Amesbury Police Department to discuss and identify emergency plans/contingency plans for the site prior to the issuance of a certificate of occupancy. A written Emergency Response Plan shall be filed with the Amesbury Fire Department and the Amesbury Police Department pursuant to M.G.L. c. 94G, §12.

~~A detailed RMEAME facility operations plan, including but not limited to, fire protection, waste disposal, security and hours of operation, shall be provided with sufficient information to the satisfaction of the City of Amesbury Police and Fire Department. Upon review by local public safety and law enforcement officials, additional information may be required from the applicant. Upon recommendation from the Chief of Police and the Fire Chief, the Planning Board may require safety measures in addition to the minimum requirements stated in G.L. c. 94G or any regulations promulgated by the CCC.~~

**9.01 *Special Permit Criteria.***

**9.01.1** ~~In granting a special permit for an AMERecreational Marijuana Adult Use Cultivation Marijuana Cultivation Site, Product Manufacturer, Retailer, and Testing Facility,~~ in addition to the general criteria for issuance of a special permit as set forth in Section X.J of the Amesbury Zoning Bylaw, the Planning Board shall find that the following criteria are met:

A. The site is designed such that it provides convenient, safe and secure access and egress for customers and employees arriving to and leaving from the site using all modes of transportation, including drivers, pedestrians, bicyclists and public transportation users.

B. Traffic generated by customer trips; employee trips, and deliveries to and from the RMEs shall not create a substantial adverse impact on nearby residential uses.

C. Loading, refuse and service areas are designed to be secure and shielded from abutting uses.

D. The building and site have been designed to be compatible with other buildings in the area and to mitigate any negative aesthetic impacts that might result from required security measures and restrictions on visibility into the building's interior.

**10.01 Conditions of Approval.**

A. Special Permits under this ordinance shall be issued by the Planning Board, acting as the Special Permit Granting Authority, which The Special Permit Granting Authority shall impose conditions reasonably appropriate to improve site design, traffic flow, public safety, protect water quality, air quality, and significant environmental resources, preserve the character of the surrounding area and otherwise serve the purpose of this section. In addition to any specific conditions applicable to the applicant's RME, the SPGA shall include the following conditions in any permit granted under this Bylaw:

B. Licensed to Operate. All permitted Recreational Marijuana Adult Use Marijuana Establishments shall be properly licensed by the ~~Massachusetts Cannabis Control~~ CommissionCCC and shall comply with all applicable state and local public health regulations and all other applicable state and local laws, rules and regulations at all times. No Building Permit or Certificate of Occupancy shall be issued for ~~an Recreational Marijuana Adult Use Marijuana Establishment~~ that is not properly licensed with the ~~Massachusetts Cannabis Control~~ CommissionCCC.

C. Limitation of Approval. A special permit and/or site plan approval authorizing the location of ~~an AME Recreational Marijuana Adult Use Establishment~~ Marijuana Establishment shall be valid only for the licensed entity to which the special permit and/or site plan approval was issued, and only for the site at which the ~~AME Recreational Marijuana Adult Use Establishment~~ Marijuana Establishment has been authorized by special permit and/or site plan approval, ~~unless the entity's license to operate a RME has been transferred to another entity and approved by the Cannabis Control CommissionCCC. In the event that the entity's license is transferred to another entity, the new entity shall notify the Planning Board immediately following the approval of such transfer by the Cannabis Control CommissionCCC. A copy of the new entity's application, current and valid license issued by the Massachusetts Cannabis Control CommissionCCC and any renewals thereafter shall be submitted to the Zoning Compliance Officer and shall always be available at the RME's site. Upon receipt of notice that the entity's license has been transferred by the CCC to another entity, the Planning Board shall review the new entity's application and license to determine whether such transfer creates substantial changes to the original approval, and if so, the new entity shall be required to file an application for major modification of the current permit.~~

D. Operations and Security Measures. The applicant shall comply with all of the regulations promulgated by the ~~Cannabis Control CommissionCCC~~ CCC, as well as any additional security measures imposed by the SPGA.

E. Host Community Agreement. In addition, the permit holder shall enter into a ~~Host Community Agreement (HCA)~~ (HCA) with the City of Amesbury. The HCA shall address

any known and additional impact of the RMEAME on the City's public safety and infrastructure, and any other reasonable stipulations as deemed necessary by the Mayor of the City of Amesbury, including a Community Impact Fee. No certificate of occupancy shall issue for an RMEAME unless or until the ~~Host Community Agreement~~ HCA is executed by the Mayor and the authorized representative of the RMEAME.

F. *Validity of Permits and Cessation of Operations.* The validity of special permits/site plan review granted to operate an RMEAME shall be as follows:

1. The special permit shall lapse three years from the date the SPGA files the special permit decision with the City Clerk, pursuant to G.L. c. 40A, §9 if a substantial use thereof has not sooner commenced except for good cause.
2. The special permit or a site plan approval shall be limited to the permit holder and shall lapse if the permit holder ceases operating the RMEAME, ~~unless the RME's license is seeking to be transferred or has been transferred to another entity by the Cannabis Control CommissionCCC.~~ Any changes in the entity of the special permit holder, to the scope and scale of operations, or other material facts stated on the initial application to license the RMEAME with the ~~Massachusetts Cannabis Control CommissionCCC,~~ or renewal of license thereafter, shall be submitted to the Planning Board and Zoning Enforcement Officer. If the Planning Board determines that there are substantial changes to the original approval, the Planning Board may require the permit holder to file an application for major modification of the current permit, which shall be acted upon following a public hearing. If the Planning Board determines that the only change to the original approval is the entity to operate the establishment, the Planning Board may consider such change to be insubstantial and may approve such change at a public meeting without need for a new application or public hearing.
3. The special permit or a site plan approval shall automatically lapse upon the expiration or termination of the permit holder's license issued by the ~~Massachusetts Cannabis Control CommissionCCC, unless said license is renewed or transferred to another entity by the CCC. If a licensee requests the CCC to transfer its license to another entity, the special permit holder shall follow the procedure outlined in subparagraph 2 above.~~
4. The permit holder shall notify the Zoning Enforcement Officer and Planning Board in writing within 48 hours of the cessation of operation of the RMEAME or the expiration or termination of the permit holder's license issued by the ~~Massachusetts Cannabis Control CommissionCCC.~~

**11.01 Prohibition Against Nuisances:** No RMEAME shall create or permit a nuisance to abutters or to the surrounding area, ~~or create any hazard, including but not limited to, fire, explosion, fumes, gas, smoke, odors, obnoxious dust, vapors, offensive noise or vibration, flashes, glare, objectionable effluent or electrical interference, which may impair the normal use and peaceful enjoyment of any property, structure or dwelling in the area consistent with the underlying zoning requirements.~~ All facilities shall be ventilated in such a manner that no pesticides, insecticides or other chemicals or products used in the cultivation or processing are dispersed into the outside atmosphere and no odor

from marijuana or its processing can be detected by a person with an unimpaired and otherwise normal sense of smell at the exterior of the AME or at any adjoining use or property.

**12.01 Severability:** The provisions of this Bylaw are severable. If any provision, paragraph, sentence, or clause of this Bylaw or the application thereof to any person, establishment, or circumstances shall be held invalid, such invalidity shall not affect the other provisions or application of this Bylaw.

4. The Table of Contents is hereby amended by adding Section XI.02, Recreational Marijuana Adult Use Marijuana Establishments;
5. Section V, the Table of Use Regulations, is hereby amended by adding Recreational Marijuana Adult Use Marijuana Retailer and Medical Marijuana Retailer as uses allowed in the Retail Marijuana Overlay District by Special Permit and Site Plan Review from the Planning Board; by prohibiting Recreational Marijuana Adult Use Marijuana Establishments for On-Premises Social Consumption in all districts; by amending Note 11 to allow a Medical Marijuana Retailer in the Retail Marijuana Overlay District by Special Permit from the Planning Board; and by adding a new Note 12 to allow Recreational Marijuana Adult Use Marijuana Cultivatorien Site, Product Manufacturer, and Independent Testing Laboratory, Research Facilities and Marijuana Transporter -as uses allowed in the Medical Marijuana Overlay District by Special Permit and Site Plan Review by the Planning Board;and allowing Marijuana Transporters as a use allowed by right but subject to Site Plan review in the Medical Marijuana Overlay District, as follows:
  - A. The Table of Use Regulations is hereby amended by adding a column for the Retail Marijuana Overlay District and allowing Recreational Marijuana Adult Use Marijuana Retailer and Medical Marijuana Retailer as uses allowed in the Retail Marijuana Overlay District by Special Permit and site plan review by the Planning Board;
  - A.B. The Table of Use Regulations is hereby amended by amending the use designation for "Registered Marijuana Dispensary – cultivation and processing only" to change the use designation from P<sup>11</sup> in the IL and I districts to S1<sup>11</sup> in both districts.
  - B.C. Note 11 is hereby amended by adding the following sentence after the first sentence: "In addition to being allowed in the Medical Marijuana Overlay District, a Medical Marijuana Retailer shall be allowed in the Retail Marijuana Overlay District by Special Permit and site plan review from the Planning Board granted pursuant to Section XI.01.1; and
  - C.D. By adding a new Note (12) as follows: "(12) Notwithstanding anything to the contrary set forth elsewhere in this Zoning Bylaw, an Recreational Marijuana Adult Use Marijuana Cultivatorien Site, Recreational Marijuana Adult Use Marijuana Product Manufacturer, and Recreational Marijuana Adult Use Marijuana Independent Testing Facility Laboratory, Adult Use Marijuana Research Facility, and Marijuana Transporter shall be permitted only by special permit and site plan review by the Planning Board in the Medical Marijuana Overlay District (MMOD) pursuant to the requirements of Section XI.02 of the Zoning Bylaw. Further, an Recreational Marijuana Adult Use Marijuana Retailer shall only be allowed in the Retail Marijuana Overlay District by Special Permit and site plan review from the Planning Board pursuant to the requirements of Section XI.02 of the Zoning Bylaw.A Marijuana transporter shall be a use allowed by right but subject to site plan review in the Medical Marijuana Overlay District."
6. Section XI.01, Medical Marijuana Overlay District, is hereby amended as follows:

- A. Section 3.01, Definitions, is hereby amended by inserting a new definition as follows: "Medical Marijuana Retailer: Medical Marijuana Treatment Center, also known as a Registered Marijuana Dispensary, properly registered with the Massachusetts Department of Public Health under 105 CMR 725.00 et seq. that sells or dispenses medical marijuana, products containing medical marijuana or related supplies through retail sales directly to registered qualifying patients or to their personal caregivers, but does not cultivate, process, manufacture, or test medical marijuana or medical marijuana products on the same site where retail sales are made;"
- B. Section 4.02.1, Allowed Uses, -subparagraph (b) is hereby amended by inserting the words "special permit and" after the words "shall be permitted by" and before the words "Site Plan Approval".

~~A.~~

- C. Section 4.01.1, Allowed Uses, is hereby amended by adding a new subparagraph (c) as follows: "A Medical Marijuana Retailer is allowed in the Retail Marijuana Overlay District, as provided in Section V, the Table of Use Regulations, subject to a Special Permit and site plan review from the Planning Board pursuant to the provisions of this Section of the Zoning Bylaws.";
- D. Section 6.01.2, Location, is hereby deleted, and a new section 6.01.2, Location (Buffer Zones), is hereby inserted in its place, as follows:

6.01.2 Location (Buffer Zone).

- a) The site of an RMD permitted under this section shall, at the time the license application is received by the CCC, not be located within 500 feet of a pre-existing public or private school providing education in kindergarten or any of grades 1 through 12.
- b) The distance under this section is measured in a straight line from the nearest point of the property line in question to the nearest point of the property line where the RMD is or will be located.
- c) If it is determined by the Planning Board that the proposed Site Plan provides sufficient buffers from such protected uses such that its users will not be adversely impacted by the operation of the RMD, the distance requirement from these protected uses may be reduced, but only if the applicant has 1) entered into a HCA with the City and 2) demonstrated that the RMD will employ stringent security measures to prevent diversion of marijuana and marijuana products to minors.

~~B.~~

- C.E. Section 8.01.1 is hereby amended by inserting after "Section XI.C.8 shall apply" the words: "to all Registered Marijuana Dispensaries and Medical Marijuana Treatment Centers, including Medical Marijuana Retailers;" and
- D.F. Section 10.01.2 is hereby amended by adding in the second sentence after the words "or relocated to a different site within the Medical Marijuana Overlay District" the following new text: "or Retail Marijuana Overlay District, as applicable,";
- E.G. Section 10.01.3(l) is hereby amended by adding at the end of the first sentence the following phrase: "prior to issuing a certificate of occupancy;" and

**F.H.** Section 11.01 is hereby amended by adding in the first sentence after the words:  
"No use shall be allowed in the MMOD" the following new text: "or in the Retail  
Marijuana Overlay District".

**RETAIL MARIJUANA OVERLAY DISTRICT (RMOD)  
TABLE OF USE REGULATIONS AMENDMENTS**

USES	R8	R20	R40	R80	RC'	CBD	C	RCZD	OP	IL	I	IC	PUD	W/E	OSC	ES- OD	HR- OD	DAD	CF- COD	RM- OD	Site Plan Review Required
<del>Recreational-Adult Use Marijuana Retailer</del>	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	SI	YES
Medical Marijuana Retailer	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	SI	YES
<del>Recreational-Adult Use Marijuana Cultivation Cultivator Site (12)</del>	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	YES
<del>Recreational-Adult Use Marijuana Establishments for On-premises Social Consumption</del>	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
<del>Recreational-Adult Use Marijuana Product Manufacturer (12)</del>	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	YES
<del>Adult Use Recreational Marijuana Independent Testing Laboratory Facility (12)</del>	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	YES
<del>Adult Use Marijuana Research Facility</del>	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	=	YES
<del>Adult Use Marijuana Transporter</del>	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	=	YES

**Notes:**

- (11) Amend Note 11 by adding the following sentence after the first sentence: "In addition to being allowed in the Medical Marijuana Overlay District, a Medical Marijuana Retailer shall be allowed in the Retail Marijuana Overlay District by Special Permit and site plan review from the Planning Board granted pursuant to Section XI.01.1."
- (12) Add New Note 12: "Notwithstanding anything to the contrary set forth elsewhere in this Zoning Bylaw, an ~~Adult Use Recreational~~ Marijuana Cultivator ~~Site~~ ~~Adult Use Recreational~~ Marijuana Product Manufacturer, ~~and~~ ~~Adult Use Recreational~~ Marijuana ~~Independent~~ Testing Laboratory, ~~Adult Use Recreational~~ Marijuana Research Facility and ~~Adult Use Recreational~~ Marijuana Transporter shall be permitted only by special permit and site plan review by the Planning Board ~~and Site Plan Review~~ in the Medical Marijuana Overlay District (MMOD) pursuant to the requirements of Section XI.02 of the Zoning Bylaws. Further, an ~~Adult Use Recreational~~ Marijuana Retailer shall only be allowed in the Retail Marijuana Overlay District by Special Permit and site plan review from the Planning Board pursuant to the requirements of Section XI.02 of the Zoning Bylaws."