

## **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. 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.***

The Retail Marijuana Overlay District, hereinafter referred to as “RMOD,” is hereby established as an overlay district over 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 only in the Commercial (C) Zoning District,” dated 1/31/2018. This map is hereby made part of the Zoning bylaw and the Overlay District Zoning Map and is on file in the Office of the City Clerk. 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 an 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.

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.

Protected Uses: (See Buffer Zone).

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. Adult use marijuana cultivation shall be allowed in the Marijuana Cultivation Overlay District (MCO) by special permit and Site Plan Approval by the Planning Board subject to the requirements set forth in this Section. Access to marijuana cultivation uses in the MCO may be allowed by Special Permit. (2018-056)

(c) Adult Use Marijuana Cultivators, as defined in 935 CMR 500.00 shall be allowed within the Marijuana Cultivation Overlay District (MCO), by special permit and site plan review by the Planning Board subject to the requirements set forth in this Section of the Zoning Bylaw. (2018-056)

**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.** With the exception of a licensed outdoor cultivator, 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. Required Buffer Zones as defined under Section 6.01.2 of this Ordinance shall also be included for review.

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.**

***10.01.1*** 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:

***A. 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.

***B. 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.

***C. 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.

***D. Host Community Agreement.*** 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.

***E. 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 further that no odor from marijuana or its processing shall be allowed to exceed the threshold established under Section XI.C(8)(J)(8) of the Amesbury Zoning Bylaw 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.

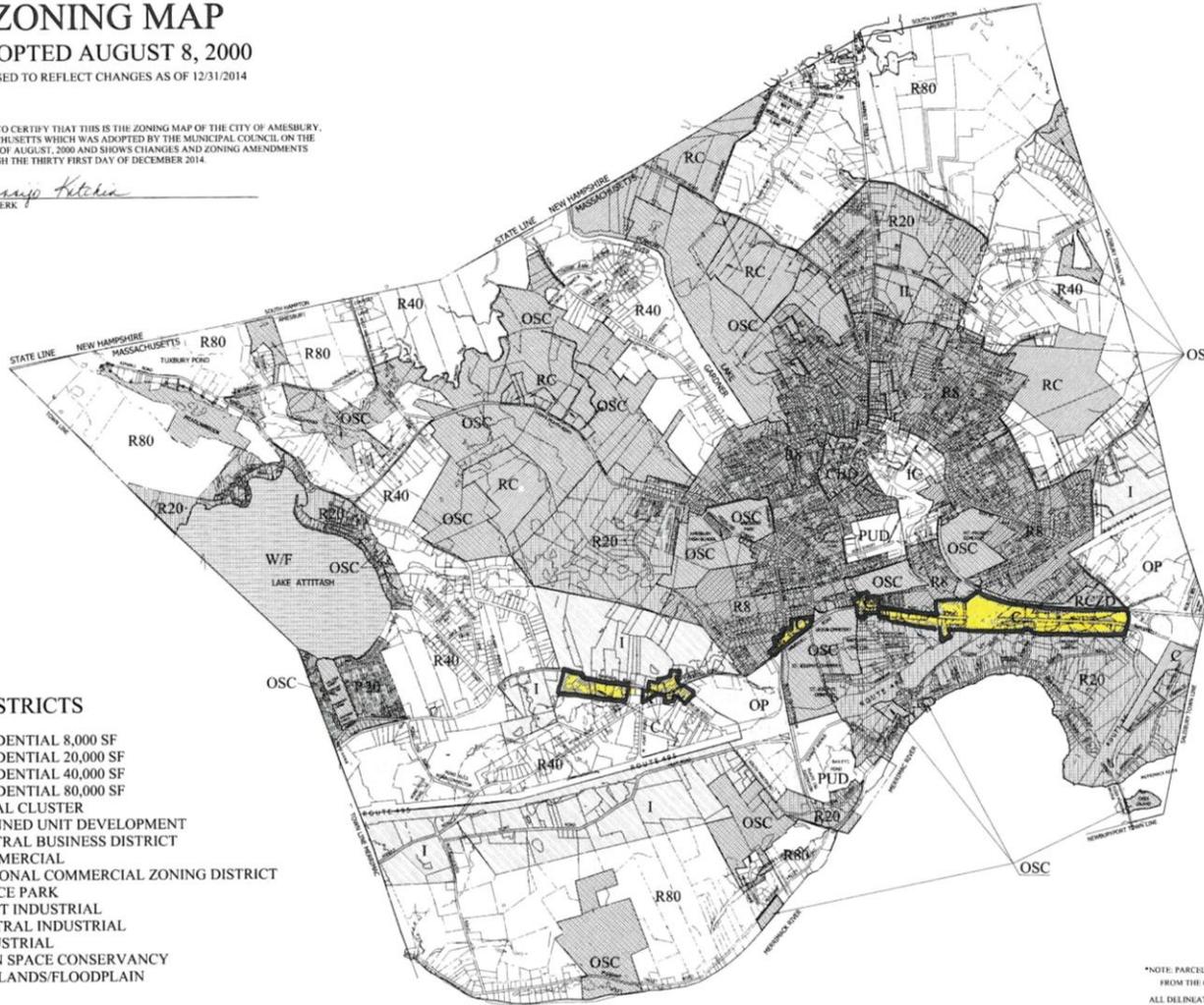
# RETAIL MARIJUANA OVERLAY DISTRICT - ZONING MAP AMENDMENTS



## CITY OF AMESBURY ZONING MAP ADOPTED AUGUST 8, 2000 REVISED TO REFLECT CHANGES AS OF 12/31/2014

THIS IS TO CERTIFY THAT THIS IS THE ZONING MAP OF THE CITY OF AMESBURY, MASSACHUSETTS WHICH WAS ADOPTED BY THE MUNICIPAL COUNCIL ON THE EIGHTH OF AUGUST, 2000 AND SHOWS CHANGES AND ZONING AMENDMENTS THROUGH THE THIRTY FIRST DAY OF DECEMBER 2014.

*Bonnie Ketchin*  
CITY CLERK

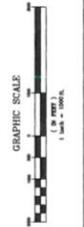


### ZONING DISTRICTS

- R8 ■ RESIDENTIAL 8,000 SF
- R20 ■ RESIDENTIAL 20,000 SF
- R40 ■ RESIDENTIAL 40,000 SF
- R80 ■ RESIDENTIAL 80,000 SF
- RC ■ RURAL CLUSTER
- PUD ■ PLANNED UNIT DEVELOPMENT
- CBD ■ CENTRAL BUSINESS DISTRICT
- C ■ COMMERCIAL
- RCZD ■ REGIONAL COMMERCIAL ZONING DISTRICT
- OP ■ OFFICE PARK
- IL ■ LIGHT INDUSTRIAL
- IC ■ CENTRAL INDUSTRIAL
- I ■ INDUSTRIAL
- OSC ■ OPEN SPACE CONSERVANCY
- W/F ■ WETLANDS/FLOODPLAIN

PLAN  
SCALE: 1"=100'

\*NOTE: PARCELS AS SHOWN REFLECT 1987 INFORMATION FROM THE CITY OF AMESBURY ASSESSORS OFFICE. ALL DELINEATION LINES REFER TO SECTION XV OF THE CITY OF AMESBURY ZONING BY-LAW AND MAP. ALL DISTANCES SHOULD BE FIELD VERIFIED.



CITY OF AMESBURY, MASSACHUSETTS  
DEPARTMENT OF PUBLIC WORKS - ENGINEERING

## ZONING MAP

DATE: 3/2015  
SCALE: 1"=1000'  
PROJECT FILE: ZONING - UPDATES  
DRAWN BY: D.D./P.M.  
CHECKED BY: R.L.D.

SHEET 1 OF 2

RETAIL MARIJUANA OVERLAY DISTRICT - ZONING MAP AMENDMENTS



Along Rte 110 –  
West of Main Street  
*(Over Commercial Zoning District only)*

Along Rte 110 –  
East of Main Street  
*(Over Commercial Zoning District only)*

