

Zoning BYLAW AMENDMENT / Recreational Marijuana Establishments

ARTICLE NO. XX: To see if the Town will vote to amend Chapter 179, Zoning Article IX, Special Regulations of the Brewster Town Code to include Recreational Marijuana Establishments.

§ 179-38.2 Recreational Marijuana Establishments

- a. Recreational Marijuana Establishments (RME) shall conform to 935 CMR 500.000: Adult Use of Marijuana, in addition to any requirements herein.
- b. The special permit granting authority shall be the Planning Board.
- c. A special permit granted under this section shall have a term limited to the duration of the applicant's ownership or lease of the premises for an RME, as licensed by the Massachusetts licensing agent. Any new license for an RME shall require a new special permit pursuant to Section 179-51 and site plan review pursuant to Section 179-64 of the Brewster zoning bylaws.

§ 179-38.3 Applicability of Regulations

- a. The cultivation, production, processing, manufacturing, assembly, packaging, retail or wholesale sale, trade, distribution or dispensing of marijuana is prohibited unless licensed by the Massachusetts licensing agent and permitted as a recreational marijuana establishment under this section.
- b. Marijuana retail establishments shall be limited to one (1) establishment in Brewster, not including a retail establishment connected to a Medical Marijuana Dispensary (MMD), as allowed by the 20% limitation of the number of package stores in Brewster authorized by MGL 94G §3(a)(2).
- c. The number of any type of marijuana establishment, except retail establishments, shall be limited to the number of licensed Medical Marijuana Dispensary in Brewster that engage in the same type of activity.
- d. Consumption of recreational marijuana products at licensed establishments shall be prohibited unless permitted by a local ballot initiative process, as allowed by MGL 94G §3 (a)(5)(b).
- e. Marijuana retail establishments are commercial uses and shall be stand-alone structures.

- f. Hours of operation for retail establishments shall not exceed the Alcoholic Beverages Control Commission (ABCC) maximum hours of operation for liquor licenses not to be drunk on premises pursuant to MGL 138 §15.

§ 179-38.4 Definitions

Pursuant to MGL Title XV, Chapter 94G, § 1, the following definitions shall apply to Recreational Marijuana Establishments.

- a. "Manufacture", to compound, blend, extract, infuse or otherwise make or prepare a marijuana product.
- b. "Marijuana" or "Marihuana", all parts of any plant of the genus Cannabis, not excepted below and whether growing or not; the seeds thereof; and resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture or preparation of the plant, its seeds or resin including tetrahydrocannabinol as defined in section 1 of chapter 94C of the General Laws; provided that "Marijuana" shall not include:
 - i. The mature stalks of the plant, fiber produced from the stalks, oil, or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture or preparation of the mature stalks, fiber, oil, or cake made from the seeds of the plant or the sterilized seed of the plant that is incapable of germination;
 - ii. Hemp; or
 - iii. The weight of any other ingredient combined with marijuana to prepare topical or oral administrations, food, drink or other products.
- c. "Marijuana cultivator", an entity licensed to cultivate, process and package marijuana, to deliver marijuana to marijuana establishments and to transfer marijuana to other marijuana establishments, but not to consumers.
- d. "Marijuana establishment", a marijuana cultivator, marijuana testing facility, marijuana product manufacturer, marijuana retailer or any other type of licensed marijuana-related business.
- e. "Marijuana product manufacturer", an entity licensed 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.
- f. "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.
- g. "Marijuana testing facility", an entity licensed to test marijuana and marijuana products, including certification for potency and the presence of contaminants.

- h. "Marijuana retailer", an entity licensed 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.
- i. "Medical Marijuana Dispensary" A non-profit facility or location that has been registered by the Massachusetts Department of Public Health, where medical marijuana is grown, processed, and/or made available to a qualifying patient or a personal caregiver as determined by 105 CMR 725.000.

§ 179-38.5 General Requirements

- a. No RME shall be located within 500 feet, as measured from each lot line of the subject lot, of the following uses: a K-12 educational use; childcare center; public park; playground; or children's camp.
- b. Applicants for an RME shall provide the licensing agent's approved security plan to the Police Chief and Fire Chief prior to the granting of a Special Permit.
- c. An approved Host Community Agreement shall be required prior to the granting of a Special Permit.

§ 179-(XX)(Reserved)

Or take any other action relative thereto.

(Planning Board)

(Two Thirds Vote Required)

Motion: Move to approve.

COMMENT

The purpose of this article is to include a new section, under Article IX, Special Regulations, Section 179-38, for Recreational Marijuana Establishment (RME). This section will include the standards of review for granting a special permit for marijuana establishments, as defined by Massachusetts General Law 94G, and as regulated by 935 CMR 500.000: Adult Use of Marijuana.

Zoning BYLAW AMENDMENT / Table of Use Regulations

ARTICLE NO. XX: To see if the Town will vote to amend Chapter 179-11 Table of Use Regulations, subsection B (Table 1) to add and/or amend the following uses to the **Village Business (VB)**, **Commercial High Density (C-H)**, and **Industrial (I)** zoning districts to the Brewster Town Code.

	R-R	R-L	R-M	C-H	V-B	I	MRD	PWS-CF
Marijuana Cultivator	-	-	-	S	-	S	-	-
Marijuana Product Manufacturer	-	-	-	S	-	S	-	-
Independent Testing Laboratory	-	-	-	S	-	S	-	-
Marijuana Retailer	-	-	-	S	S	-	-	-
Any Other Licensed Recreational Marijuana Establishment	-	-	-	S	-	S	-	-
Medical Marijuana Dispensary (MMD)	-	-	-	S	S	-	-	-
Manufacturing	-	-	-	-	-	S	-	-

COMMENT:

The purpose of this zoning bylaw amendment is to:

- Add Recreational Marijuana Establishments in the Brewster Zoning Bylaw, Chapter 179-11, Table of Use Regulations
- Amend the permitting requirements for Manufacturing in the Industrial District from Permitted to Special Permit; and
- Prohibit Medical Marijuana Dispensaries in the Industrial District.

Town of Brewster, MA Zoning Districts Map

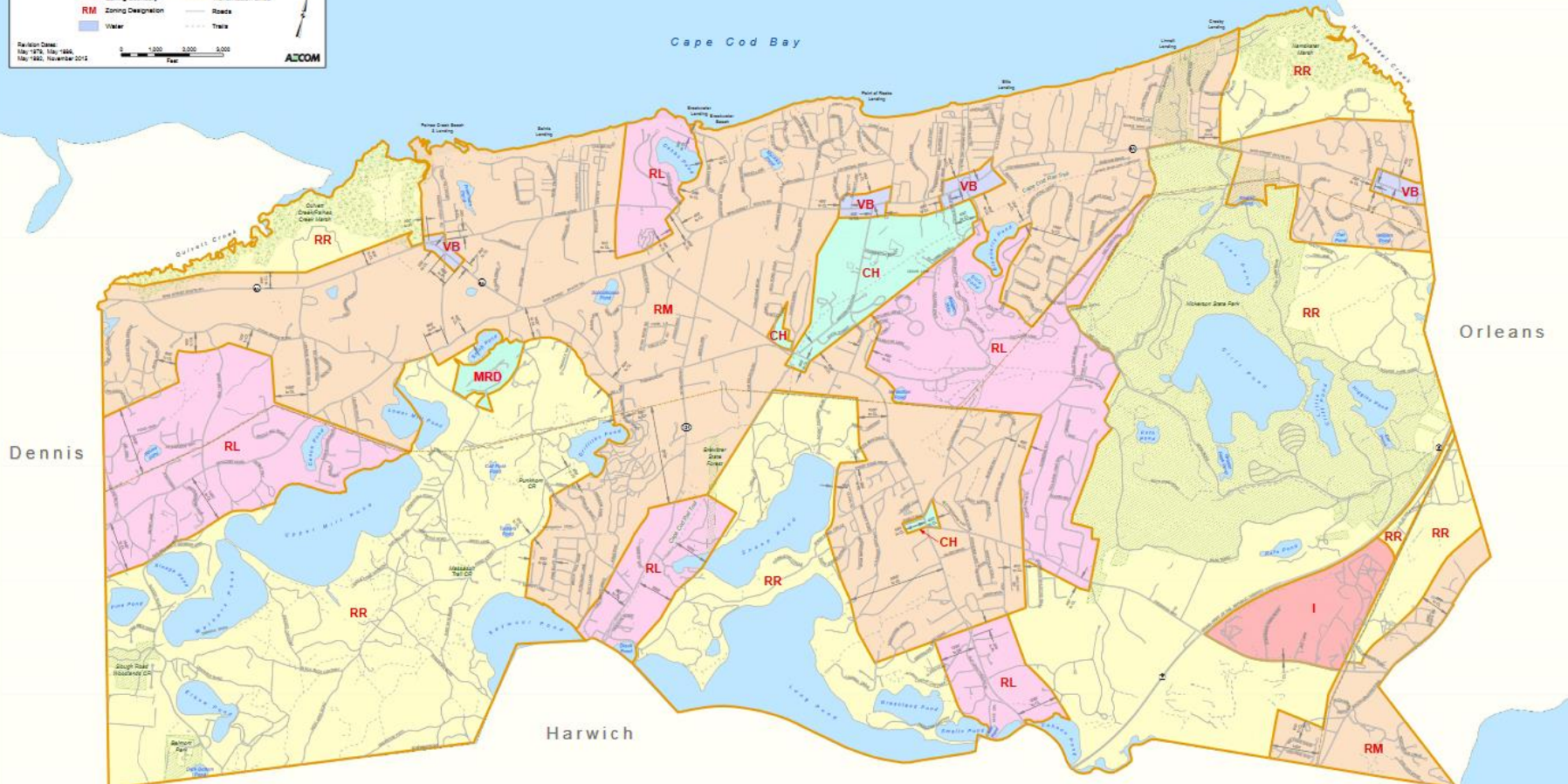
Legend

- Zoning Boundary
- Zoning Designation
- Water
- Transmission Lines
- Roads
- Trails

Revision Dates:
May 1976, Title 186A
May 1980, November 2012

Scale: 0 1,000 2,000 3,000 Feet

ALCOM



Code	Required Lot Area Square Feet	Minimum Lot Frontage (Feet)
RR	100,000	200
RL	50,000	150
RM	20,000	100
CH	15,000 to 20,000	80
VB	10,000	60
MRD	10,000	60
I	10,000	60

Zoning Map Changes			
Date	Town Meeting	Article	Action
May 6, 1968	100	100	Changed area zoned to RR (northwest of current zone)
October 17, 1968	24	24	Changed two areas on Main Street zoned CH to VB. Deleted the zoning and corner lot of Baker Lane.
May 6, 1968	21	21	Changed the zoning of lots on corner of St. W. (north of Orleans Hwy. and at Parke Crest Road).
November 20, 2000	12	12	Changed Village Drive from CH to RR.

Note: Zoning information shown on this map was digitized from historical town data. Locations and distances shown are provided for information only and are not to scale.