

Public Hearing for Special Town  
Meeting Warrant Article 2:  
Medical and Recreational Marijuana  
Establishments

Arlington Redevelopment Board

November 5, 2018



# Background

- 2014 ATM
  - Medical Marijuana Treatment Center (MMTC) zoning adopted
- 2016 STM
  - Citizen petition to adjust buffer zone around MMTC failed
- 2017 ATM
  - Second citizen petition to adjust buffer zone around MMTC failed
  - Moratorium on Recreational Marijuana Establishments adopted
- 2018 STM (May)
  - Moratorium on Recreational Marijuana Establishments extended



# Local Policy Checklist

1. Establish goals, timeline, and process for adopting local policy
  - ✓ Work with Marijuana Study Committee
  - ✓ By December 31, 2018
2. Determine license types and number
  - ✓ Identified in zoning amendment
3. Adopt zoning standards
  - ✓ Special Town Meeting starting on December 5, 2018
4. Establish local selection process
  - ✓ Work with Marijuana Study Committee
  - ✓ Select Board, ARB, and BOH roles
5. Pass optional local sales tax
  - ✓ Article 3 at Special Town Meeting



# Local Board Roles

Local Board	Role
Arlington Redevelopment Board	Reviews and grants Special Permit
Select Board	Approves any Host Community Agreement; Sets local excise tax rate
Board of Health	Issues Operating Permit and sets standards related to operation; Local enforcement power; Sets violation fees; Sets legal age to sell and purchase



# State Agency Roles

State Agency	Role
Cannabis Control Commission	Regulatory, oversight, and enforcement power of Marijuana Establishments and eventually MMTC
Dept. of Public Health	Development of a health warning for advertisement, marketing, and sale; Public awareness campaigns
Attorney General's Office	Approval of local bylaws
Dept. of Agricultural Resources	Lead agency in promulgating regulations and implementing standards for independent lab testing, use of pesticides, and general public health and safety requirements
Dept. of Criminal Justice Information	Lead agency is completing background checks on all industry licenses
Dept. of Revenue	Explore feasibility of alternative forms of taxation on marijuana and marijuana products; Approve all point-of-sale systems
Depts. of Energy Resources and Environmental Protection	Collaborative partners to develop energy and environmental standards

# Warrant Article

To see if the Town will vote to amend the Zoning Bylaw to address Medical and Recreational Marijuana Establishments by:

1. Amending existing SECTION 2 DEFINITIONS “Medical Marijuana Treatment Center” and “Recreational Marijuana Establishments”;
2. Amending SECTION 3.4 ENVIRONMENTAL DESIGN REVIEW to include Recreational Marijuana Establishments as required to obtain an Environmental Design Review Special Permit;
3. Amending SECTION 5 DISTRICT REGULATIONS to create new use categories for Marijuana Establishments and amend existing use categories for Medical Marijuana Treatment Centers and to allow Recreational Marijuana Establishments and Medical Marijuana Treatment Centers in Business and Industrial zones;
4. Amending SECTION 8 SPECIAL REGULATIONS to remove the Temporary Moratorium on Recreational Marijuana Establishments and create a new section on marijuana uses;

or take any action related thereto.



# Marijuana Study Committee

Adam Chapdelaine, Town Manager

Andrew Bunnell, ARB Chair

Jenny Raitt, Director of Planning and Community Development

Dan Dunn, Select Board Chair

Mike Byrne, Director of Inspectional Services

Christine Bongiorno, Director of Health & Human Services

Fred Ryan, Chief of Arlington Police

Doug Heim, Town Counsel

Sarah Augood, Resident, Town Manager Appointee

Joe Moen, Resident, Town Manager Appointee

Paul Czech, Resident, Town Manager Appointee

Jordan Weinstein, Resident, Town Manager Appointee

Kristina Cairns, Resident, Town Manager Appointee



# What are other communities doing?

- New use categories for types of recreational marijuana establishments
- Adopting 500-foot buffer from K-12 public and private schools per state regulation
- Special Permit requirement
- Requiring a cap on the number of establishments
- Density limits between establishments
- Consideration of additional land uses in buffer





# Types of Marijuana Establishments

Establishment Type	Activities	Proposed Zoning Districts
Retailer	Consumer facing; direct sales	B2A, B3, B4, B5, I
Cultivator	Cultivate; Process; Package; Transfer to other Establishments	B4, I
Product Manufacturer	Obtain; Manufacture, Process; Package; Transfer to other Establishments	B4, I
Transporter	Safe & Secure Transfer between Establishments	n/a
Testing Laboratory	Independent; Standards Testing of Product	B2A, B3, B4, B5, I
Craft Cooperative	Type of Cultivator; Massachusetts Owned; LLC, LLP, or Corporation	B4, I
Microbusiness	Co-Located Tier 1 Cultivator or Product Manufacturer or both	B4, I
Research Facility	Engage in Research	B2A, B3, B4, B5, I



**No onsite consumption at any of these establishments!**

# Proposed Use Categories and Zoning Districts

Class of Use	B1	B2	B2A	B3	B4	B5
<b>Retail</b>						
<u>Marijuana Retailer</u>			<u>SP</u>	<u>SP</u>	<u>SP</u>	<u>SP</u>
<b>Research, Laboratory, Related Uses</b>						
<u>Marijuana Research and Testing Facility</u>			<u>SP</u>	<u>SP</u>	<u>SP</u>	<u>SP</u>
<b>Light Industry</b>						
<u>Marijuana Production Facility</u>					<u>SP</u>	
<b>Other Principal Uses</b>						
<u>Medical Marijuana Treatment Center</u>			<u>SP</u>	SP	<u>SP</u>	SP

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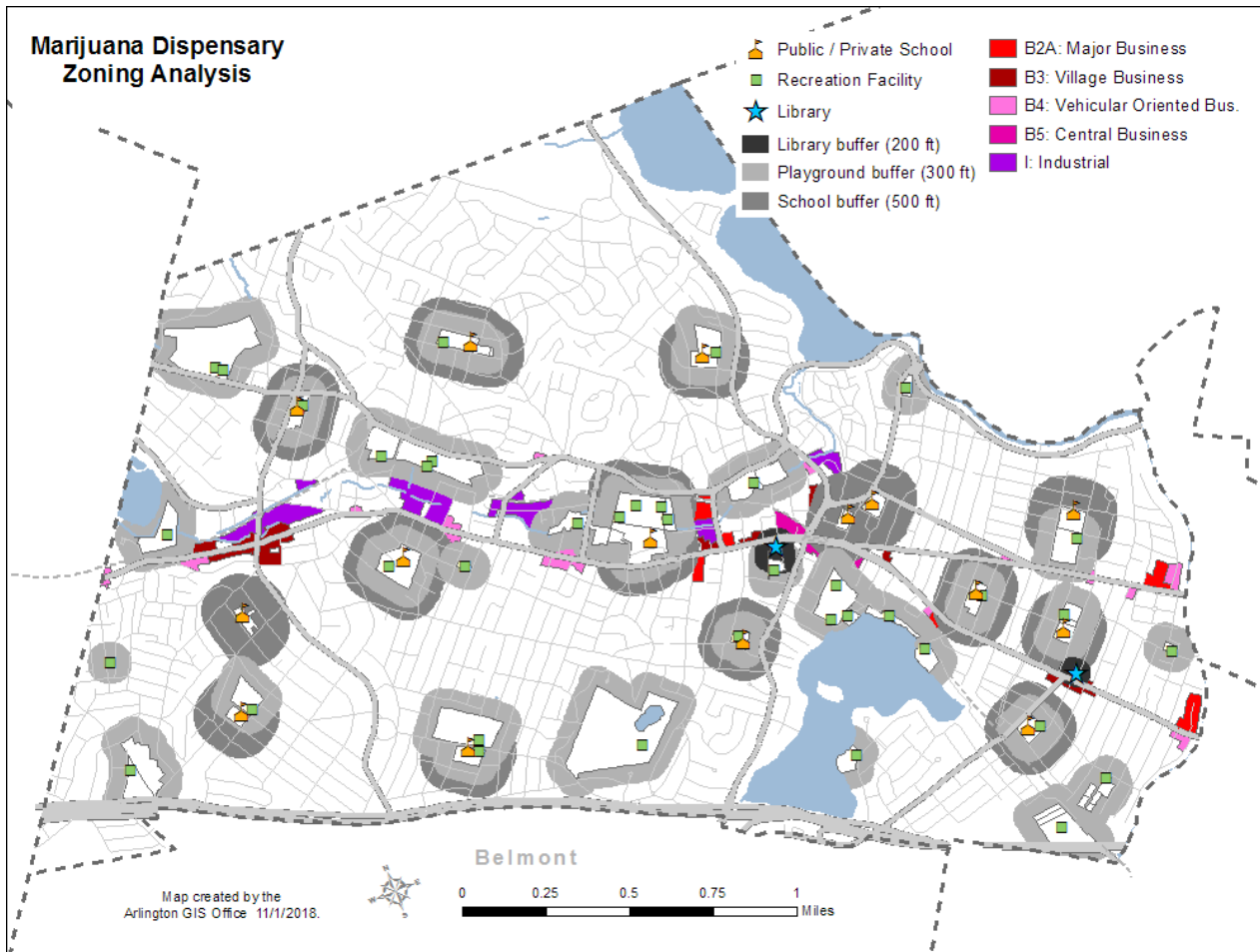


# Buffers

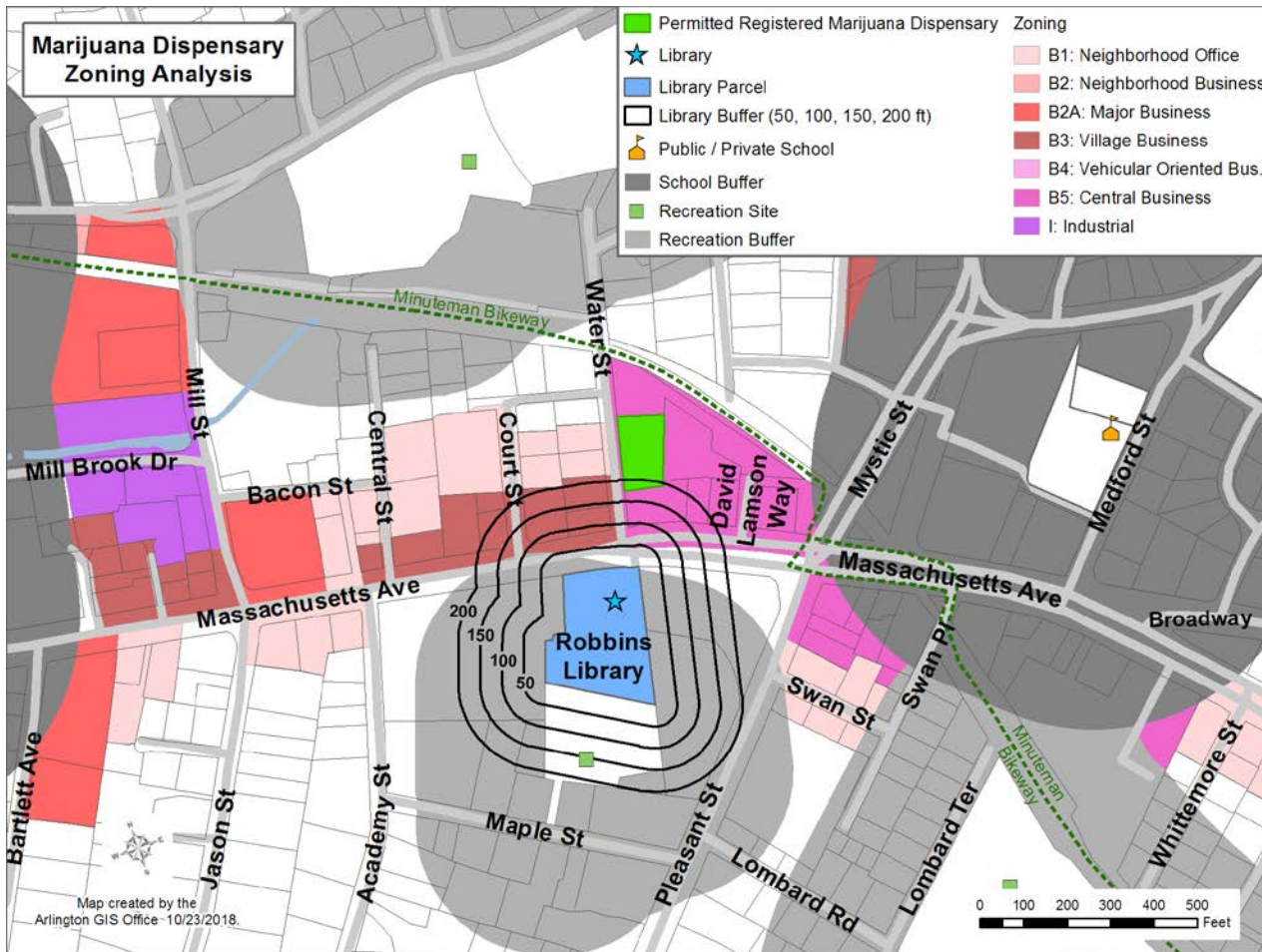
- 500-foot buffer around public and private K-12 school
- Study Committee considered additional land uses within buffer:
  - 200-foot buffer around public libraries
  - 300-foot buffer around Town-owned playgrounds and recreational facilities
  - Day cares were not recommended



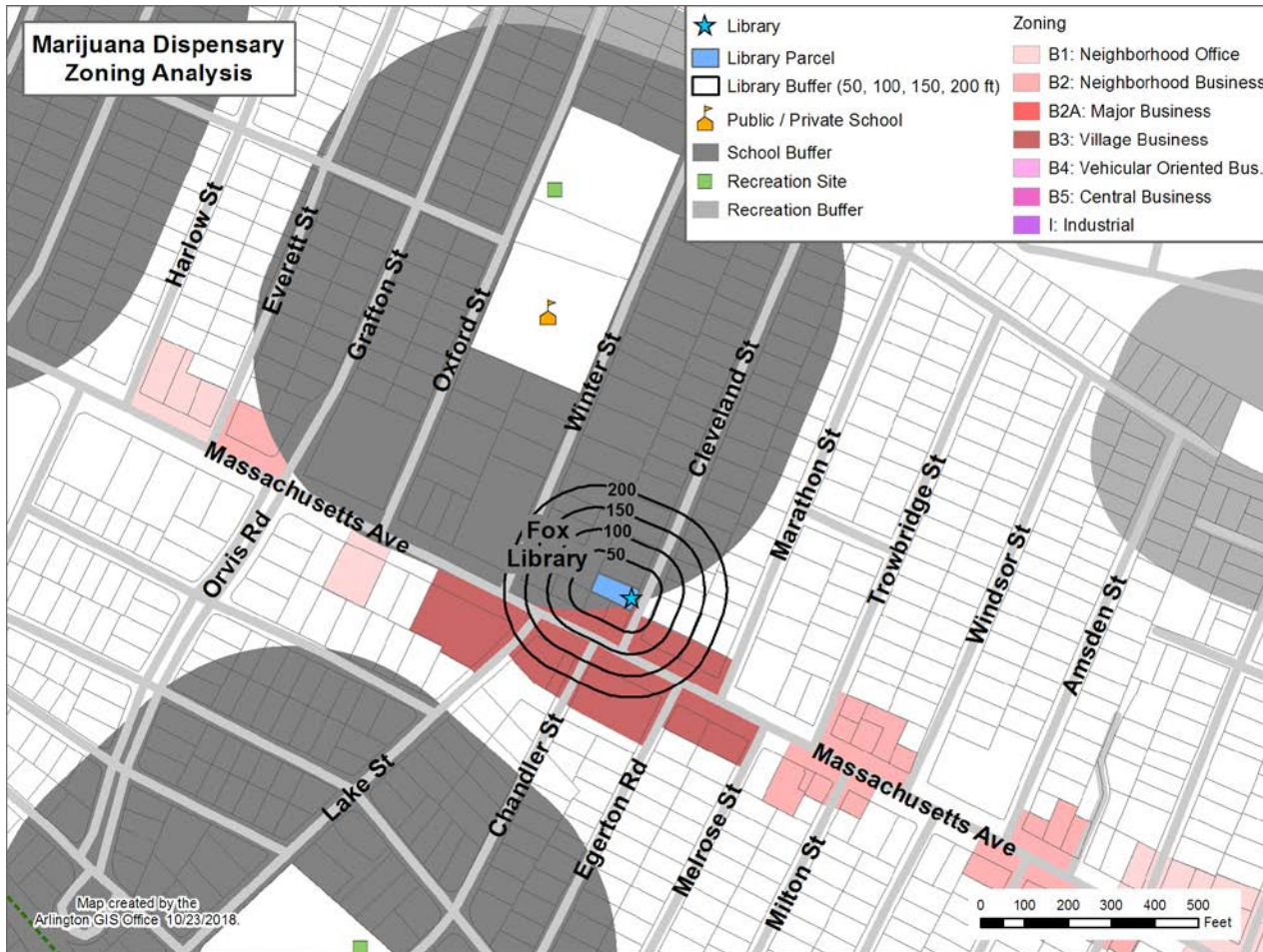
# Zoning Analysis



# Library Buffer



# Library Buffer





# Density Limit and Cap

- Marijuana Retailer or Medical Marijuana Treatment Center (MMTC) cannot be located within 2,000 feet of another Marijuana Retailer or MMTC
- Establishes a cap on the number of Marijuana Retailers
  - No more than 20% of the number of liquor licenses for off-premises consumption
  - Effectively limits the number of Marijuana Retailers to 2 in Arlington



# Other Considerations

- Requires a Special Permit from ARB
- New Special Permit is required for MMTC to convert or co-locate
- Production facilities are limited:
  - No more than 5,000 square feet
  - If marijuana products are cultivated or produced for non-medical use, must be a Microbusiness
- All sales, cultivation, manufacturing, and other related activities must be conducted within a fixed building.





# Permitting Timeframe

## Apply to Cannabis Control Commission

- After complete application is received, Commission has 90 days to issue Provisional License.
- Municipality must receive complete application and has 60 days to respond with a statement of local compliance.

## Issuance of Provisional License

- Application must demonstrate a community meeting was held within 6 months of application.
- Provisional license will identify conditions that must be met for final license, including final local permits and agreements.

## Issuance of Final License

- Timeline can vary depending on local permitting process and satisfaction of any conditions related to local permitting and Commission permitting.



Thank you!

