

ARTICLE 12
Amend Zoning By-Laws: Medical Marijuana Treatment Centers
(Town Administrator)

To see if the Town will vote to amend the Zoning By-Laws by adding a new Section 323.8, Registered Marijuana Dispensaries, as follows.

“323.8 Registered Marijuana Dispensaries.

323.8.1 Purposes

To provide for the establishment of registered marijuana dispensaries in appropriate places and under conditions in accordance with the passage of Chapter 369 of the Acts of 2012, an Act for the Humanitarian Medical Use of Marijuana. See also Appendix Sections 1-1, et seq., to Chapter 94C of the Massachusetts General Laws.

To minimize the adverse impacts of registered marijuana dispensaries on adjacent properties, residential neighborhoods, schools and other places where children congregate, local historic districts, and other land uses potentially incompatible with said dispensaries.

To regulate the siting, design, placement, security, safety, monitoring, modification, and removal of registered marijuana dispensaries.

323.8.2 Applicability

The commercial cultivation (unless it meets the requirements for an agricultural exemption under Chapter 40A, Section 3 of the Massachusetts General Laws), production, processing, assembly, packaging, retail or wholesale sale, trade, distribution or dispensing of marijuana for medical use is prohibited unless allowed by special permit as a registered marijuana dispensary under Chapter 40A, Section 9 of the Massachusetts General Laws and this Section 323.8.

No registered marijuana dispensary shall be established except in compliance with the provisions of this Section 323.8.

Nothing in this By-Law shall be construed to supersede federal and state laws governing the sale and distribution of narcotic drugs.

323.8.3 Definitions

“Debilitating medical condition” shall mean cancer, glaucoma, positive status for human immunodeficiency virus, acquired immune deficiency syndrome (AIDS), hepatitis C, amyotrophic lateral sclerosis (ALS), Crohn’s disease, Parkinson’s disease, multiple sclerosis and other conditions as determined in writing by a qualifying patient’s physician.

“Marijuana” shall have the same meaning given as “marihuana” in Chapter 94C of the Massachusetts General Laws.

“Marijuana for medical use” shall mean marijuana that is designated and restricted for use by, and for the benefit of, qualifying patients in the treatment of debilitating medical conditions.

Registered marijuana dispensary” shall mean a not-for-profit entity, as defined by Massachusetts law only, registered under Chapter 369 of the Acts of 2012, that acquires, cultivates, possesses, processes (including development of related products such as food, tinctures, aerosols, oils, or ointments), transfers, transports, sells, distributes, dispenses, or administers marijuana, products containing marijuana, related supplies, or educational materials to qualifying patients or their personal caregivers.

323.8.4 General Requirements and Conditions

323.8.4.1 Registered marijuana dispensaries, other than agricultural operations meeting the requirements for an exemption under Chapter 40A, Section 3 of the Massachusetts General Laws, may be allowed in the RC District by special permit issued by the Planning Board provided that the registered marijuana dispensary meets the requirements of this Section 323.8.

323.8.4.2 No registered marijuana dispensary shall be located on land in the RC District in which the underlying zoning is Highway Mixed Use III (HM III).

323.8.4.3 No registered marijuana dispensary shall be located within five hundred (500) feet of any other promises containing a registered marijuana dispensary.

323.8.4.4 No registered marijuana dispensary shall be located in any premises for which an alcoholic beverages license has been issued.

323.8.4.5 No registered marijuana dispensary shall be located inside a building containing residential units, including single family housing, multi-family housing, and transient housing such as motels and dormitories, or inside a movable or mobile structure such as a van or truck.

323.8.4.6 No registered marijuana dispensary shall be located in a building that contains the office of any medical doctor or the office of any other professional practitioner authorized to prescribe the medical use of marijuana.

323.8.4.7 All registered marijuana dispensaries shall be contained within a building or structure.

323.8.4.8 No registered marijuana dispensary shall be located on a lot which is located within three hundred (300) feet of a Town of Natick boundary line, or a residential zoning district boundary line, or a house of worship, or a school, playground or day care facility.

323.8.4.9 No registered marijuana dispensary shall have a gross floor area of less than two thousand five hundred (2,500) square feet or in excess of twenty thousand (20,000) square feet.

323.8.4.10 The hours of operation of registered marijuana dispensaries shall be set by the Planning Board, but in any event no registered marijuana dispensary shall be open and/or operating between the hours of 8:00 PM and 8:00 AM.

323.8.4.11 No smoking, burning or consumption of any product containing marijuana or marijuana-related products shall be permitted on the premises of a registered marijuana dispensary.

323.8.4.12 Signage for the registered marijuana dispensary shall include the following language: "Registration card issued by the MA Department of Public Health required". The required text shall be a minimum of two (2) inches in height.

323.8.4.13 Registered marijuana dispensaries shall provide the Natick Police Department, Natick Board of Health, Natick Building Commissioner, and Natick Planning Board with the names, phone numbers and email addresses of all management staff and keyholders to whom the Town of Natick can provide notice if there are emergencies or operating problems associated with the registered marijuana dispensary.

323.8.5 Special Permit Requirements

323.8.5.1 A special permit for a registered marijuana dispensary shall be limited to one (1) or more of the following uses:

- a) cultivation of marijuana for medical use;
- b) processing and packaging of marijuana for medical use, including marijuana that is in the form of smoking materials, food products, oils, aerosols, ointments, and other products; or
- c) retail sale or distribution of marijuana for medical use to qualifying patients.

323.8.5.2 An application for a special permit for a registered marijuana dispensary shall include the following:

- a) the location of the proposed registered marijuana dispensary, including the street address, and the floors(s) and unit number(s) to be occupied;
- b) the proposed use of the subject registered marijuana dispensary;
- c) the name and address of each owner of the registered marijuana dispensary;
- d) copies of all required licenses and permits issued to the applicant by the Commonwealth of Massachusetts and any of its agencies for the registered marijuana dispensary;
- e) evidence of the applicant's right to use the proposed site for the registered marijuana dispensary, such as a lease or consent of the property owner;
- f) if the applicant is a business organization, a statement under oath

disclosing all of its owners, shareholders, partners, members, managers, directors, and officers, and their addresses. If any of the above are entities rather than persons, the applicant must disclose the identity of the owners of such entities;

- g) a certified list of all parties in interest entitled to notice of the hearing for the special permit application, taken from the most recent Town of Natick tax list and certified by the Town of Natick Assessor; and
- h) Proposed security measures for the registered marijuana dispensary, including lighting, fencing, gates, surveillance equipment, alarms, etc., to ensure the safety of persons and to protect the premises from theft.

323.8.5.3 Mandatory Findings

In addition to the findings otherwise required by law for issuance of a special permit, the Planning Board shall not issue a special permit for a registered marijuana dispensary unless it finds that:

- a) the registered marijuana dispensary demonstrates that it shall meet all the permitting requirements of all applicable agencies within the Commonwealth of Massachusetts and shall be in compliance with all applicable state laws and regulations; and
- b) the applicant has satisfied all of the conditions and requirements of this Section 323.8.

323.8.5.4 Term

A special permit granted under this Section 323.8 shall have a term limited to the duration of the applicant's ownership of, or leasehold interest in, the premises as a registered marijuana dispensary. A special permit may be transferred only with the approval of the Planning Board in the form of an amendment to the special permit with all information required in this Section

323.8.5.5 Annual Reporting. Each registered marijuana dispensary permitted under this By-Law shall as a condition of its special permit file an annual report with the Natick Board of Health, the Natick Community Development Department, and the Natick Town Clerk no later than January 31st, providing a copy of all current applicable state licenses for the registered marijuana dispensary and/or its owners and demonstrating continued compliance with the conditions of the special permit.

323.8.5.6 Abandonment or Discontinuance of Use

323.8.5.6.1 A special permit issued under this Section 323.8 shall lapse if not exercised within one (1) year of issuance.

323.8.5.6.2 A registered marijuana dispensary shall be required to remove all plants, equipment, supplies and materials related to the registered marijuana dispensary:

- a) prior to surrendering its state issued licenses or permits; or
- b) within three (3) months of ceasing operations; whichever comes first.

323.8.6 Invalidity

If any provision of this Section 323.8 or the application of any such provision to any person or circumstance shall be determined to be invalid or enforceable by final judgment or order of a court of competent jurisdiction, the remainder of this Section 323.8 shall continue in effect, to the extent permitted by law.”; or otherwise act thereon.