



Patricia O'Neil <poneil@natickma.org>

Fwd: Medical Marijuana & World War II Museum

1 message

Martha White <mwhite@natickma.org>

Mon, Aug 21, 2017 at 10:18 PM

To: Donna Donovan <ddonovan@natickma.org>, Patricia O'Neil <poneil@natickma.org>

please add this email to 8/21 meeting agenda materials under Update re Medical Marijuana

Martha White
Town Administrator
Town of Natick
[508-647-6410](tel:508-647-6410)

Please note that emails are generally considered a public record.

----- Forwarded message -----

From: **James Errickson** <jerrickson@natickma.org>
Date: Mon, Aug 21, 2017 at 6:35 PM
Subject: Medical Marijuana & World War II Museum
To: Martha White <mwhite@natickma.org>

Hi Martha,

Below is the response we received from the "Registered Marijuana Dispensary Application" group that fields questions about RMDs in Mass. Jeff Barton from Natural Remedies sent the original inquiry.

Ted and I also had a separate conversation with a representative from the State, though it yielded the same/similar information.

Some things to consider:

1) Despite multiple requests for a clearer definition, the definition of "children" as noted in the state regulations is not clearly defined as to particular age groups.

The provided guidance notes that a place where "children commonly congregate" is defined as a place where children are "gathered for a particular purposes in a structured and scheduled manner or which are dedicated to the use of children, such as playgrounds, youth services programs, day care centers, youth sports facilities, dance schools, and gymnastic schools."

As such, and noted below, "if the World War II Museum offers regularly scheduled events specifically targeted for children, this use would be not be in compliance with 105 CMR 725.110(A)(14) if no local requirements exist."

The World War II Museum does not appear to offer regularly scheduled events targeted for children, but (per their website) does offer "school visits weekday mornings during the school year," which must be scheduled in advance. The World War II Museum's website further states: "We believe the Museum is not appropriate for children younger than 12 years of age. We do admit young people 12 to 18 years old with the understanding that they will stay with their parent or guardian throughout the visit."

2) As noted below "The Department does not deem a RMD as non-compliant with 105 CMR 725.110(A)(14) based on events or services for children that an organization or business is considering offering but are not currently scheduled and offered."

3) As noted below, "If Natick has local siting requirements for RMDs, then the 500 foot buffer zone under 105 CMR 715.110(A)(14) would not apply, even if the town's zoning bylaws for RMDs is silent on the setback from a place where children regularly congregate." Currently, the Town's bylaw does not have a specific requirement that an RMD shall not

be sited within a radius of five hundred feet of a school, daycare center, or any facility in which children commonly congregate.

Please let me know if you have any additional questions.
Jamie

----- Forwarded message -----

From: **Registered Marijuana Dispensary Application (DPH)** <RMDApplication@massmail.state.ma.us>
Date: Thu, Mar 23, 2017 at 11:22 AM
Subject: RE: Question about Natick Property
To: Jeff Barton <jeff.naturalremedies@gmail.com>
Cc: "jerrickson@natickma.org" <jerrickson@natickma.org>, Ted Fields <tfields@natickma.org>

Dear Mr. Barton,

Thank you for your email. The language of 105 CMR 725.110(A)(14) states that "[a] RMD shall comply with all local requirements regarding siting, provided however that if no local requirements exist, a RMD shall not be sited within a radius of five hundred feet of a school, daycare center, or any facility in which children commonly congregate. The 500 foot distance under this section is measured in a straight line from the nearest point of the facility in question to the nearest point of the proposed RMD."

Applicants must first determine if their proposed site is compliant with all local requirements. If no such requirements exist for the proposed RMD, the proposed RMD must meet the requirements of 105 CMR 725.110(A)(14). If Natick has local siting requirements for RMDs, then the 500 foot buffer zone under 105 CMR 715.110(A)(14) would not apply, even if the town's zoning bylaws for RMDs is silent on the setback from a place where children regularly congregate. If Natick does not have local siting requirements for RMDs, then the 500 foot buffer zone under the Regulations would apply. When conducting the analysis of whether an applicant is proposing to locate within the 500 feet of a use protected under 105 CMR 725.110(A)(14), applicants should consider whether children congregate at any specific place according to a schedule, how often they congregate, and whether the purpose of congregating is an activity designed for or targeted to children. If the World War II Museum offers regularly scheduled events specifically targeted for children, this use would be not be in compliance with 105 CMR 725.110(A)(14) if no local requirements exist. The Department does not deem a RMD as non-compliant with 105 CMR 725.110(A)(14) based on events or services for children that an organization or business is considering offering but are not currently scheduled and offered.

Sincerely,

The Medical Use of Marijuana Program

From: Jeff Barton [<mailto:jeff.naturalremedies@gmail.com>]
Sent: Wednesday, March 22, 2017 4:01 PM
To: Registered Marijuana Dispensary Application (DPH)
Cc: jerrickson@natickma.org; Ted Fields
Subject: Question about Natick Property

Dear Ms. Doyle,

I was asked to send this email by Jenny Nation. I am looking to lease a property at 11 Mercer Road in Natick for a dispensary (no cultivation). There is a small World War II museum at 11 Mercer Road. Natick's RMD bylaw is silent on the setback from a place where children regularly congregate, and defers to the state regulation for this setback, which is 500'. The buildings are within 500'.

The museum is currently open by appointment only. However, it has been permitted for an expansion. The museum is contemplating periodic school field trips when it has completed the expansion. The commencement and completion of the expansion is uncertain.

We are inquiring of DPH whether the museum should be considered a place where children congregate.

A secondary, but related question is if the planned expansion, and therefore school field trips, should be considered if the project has been approved by the town but has not begun nor been completed.

Thank you for your attention to this matter. Please let me know if you have any questions. I am working with Jamie Errickson and Ted Fields from Natick's Community and Economic Development Office.

Best regards,

Jeff

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Jeff Barton

Natural Remedies

[508-735-4543](tel:508-735-4543)

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James Errickson
Director - Community & Economic Development
Town of Natick
[508-647-6450](tel:508-647-6450)