

Article 12

MEDICAL MARIJUANA TREATMENT CENTERS

DUXBURY ANNUAL TOWN MEETING 2019

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Director



MEDICAL MARIJUANA LEGALIZED IN 2012

Medical Marijuana is prescribed by a doctor

Different from non-medically prescribed - aka recreational
- marijuana - which Duxbury *banned* at last town meeting

Not regulating home cultivation and use, home delivery

Medical Marijuana Treatment Centers (MMTCs) are regulated by
the State

The background features abstract, overlapping geometric shapes in various shades of blue, ranging from light sky blue to deep navy blue. These shapes are primarily located on the right side of the slide, creating a modern, layered effect.

Why is this before Town Meeting?

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CURRENTLY, DUXBURY HAS NO LOCAL REGULATIONS

State law mandates

500 foot buffer from places children congregate -
(school/children's park/dance studio for example) -
beyond this limitation it can appear

ANYWHERE in the community in ANY neighborhood
in ANY zoning district
including residentially zoned areas

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State law:

MMTC can be located anywhere BUT “shall not be sited within a radius of **500** feet of a school, daycare center, or any facility in which children commonly congregate - facilities in which children are gathered for a particular purpose in a structured and scheduled manner or which are dedicated to the use of children, such as playgrounds, youth service programs, day care centers, youth sports facilities, dance schools and gymnastic schools.” (*emphasis added*)

It does not include residential dwellings where a child lives, and it does not include where children happen to congregate, such as ice cream parlors. (*source CCC website*)

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All activities - manufacture, sale, administer, grow, process...

“An entity registered under 105 CMR 725.100, to be known as a registered marijuana dispensary (RMD), that acquires, cultivates, possesses, processes (including development of related products such as edible MIPs, tinctures, aerosols, oils, or ointments), transfers, transports, sells, distributes, dispenses, or administers marijuana, products containing marijuana, related supplies, or educational materials to registered qualifying patients or their personal caregivers. Unless otherwise specified, RMD refers to the site(s) of dispensing, cultivation, and preparation of marijuana.”

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Local zoning empowers the community.

Through **zoning**, Town Meeting can:

- ▶ choose the most desirable places the use could locate
- ▶ define what permits and licenses are required locally - like a special permit
- ▶ define buffers from where children congregate
- ▶ hours of operation

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State law and regulations

- ▶ Massachusetts Cannabis Control Commission (CCC) registers, licenses and regulates
- ▶ State law & regulations define allowed uses Medical Marijuana Treatment Center (MMTC) - zoning can't select pieces of the MMTC uses
- ▶ Local control limited by state law & subject to review
- ▶ Attorney General's Office has overturned local bylaws & ordinances which it believes are in conflict with state law, including bylaws attempting to prohibit MMTCs or which effectively ban MMTCs

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What about a Host Agreement?

HOST AGREEMENT

- ▶ Separate from the zoning or bylaw
- ▶ Used to negotiate types of local permits are required, establishes conditions, sharing of revenue
- ▶ Happens when an applicant requests the letter for a site
- ▶ The Board of Selectmen may (or may not) issue letter of support (letter of non-opposition)
- ▶ mandatory part of application to CCC to be registered for MMTC
- ▶ Process of appeal not laid out in regulations - court appeal

What is being proposed?

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MMTC OVERLAY DISTRICT - Neighborhood Business 2 - the underlying zoning remains unchanged. *MMTC overlay is only triggered if there is a site specific application.*

- ▶ Host agreement required *with the application.*
- ▶ Special permit (supermajority) from Planning Board.
- ▶ Abutter notification and standing.
- ▶ 1,000 foot buffer zone from places children gather as defined by law, AND expressly includes religious facilities where children gather as defined by the law.

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LOCATION IS CHALLENGING:




- ▶ 47% residential
- ▶ Less than 5% neighborhood commercial
- ▶ Remainder: open space (25%), water, roads (9%) & agriculture.

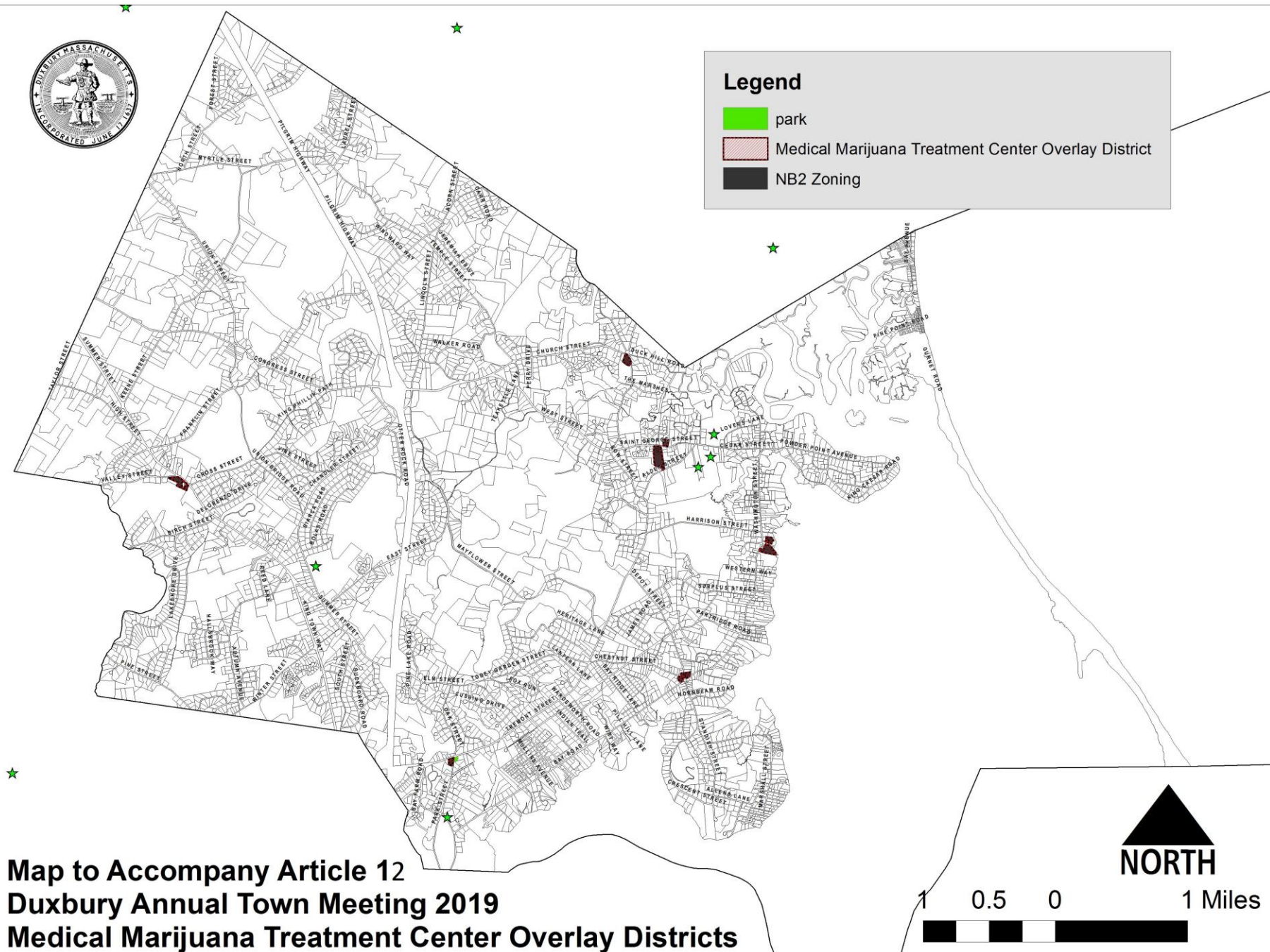
NB2 - the most intensive use in town

Duxbury doesn't have *any* zoning separated from residential areas
1,000 feet (rather than 500 feet) of buffer - maximum
recommended at advice of counsel
and includes religious facilities to be buffered.



Legend





-  park
-  Medical Marijuana Treatment Center Overlay District
-  NB2 Zoning

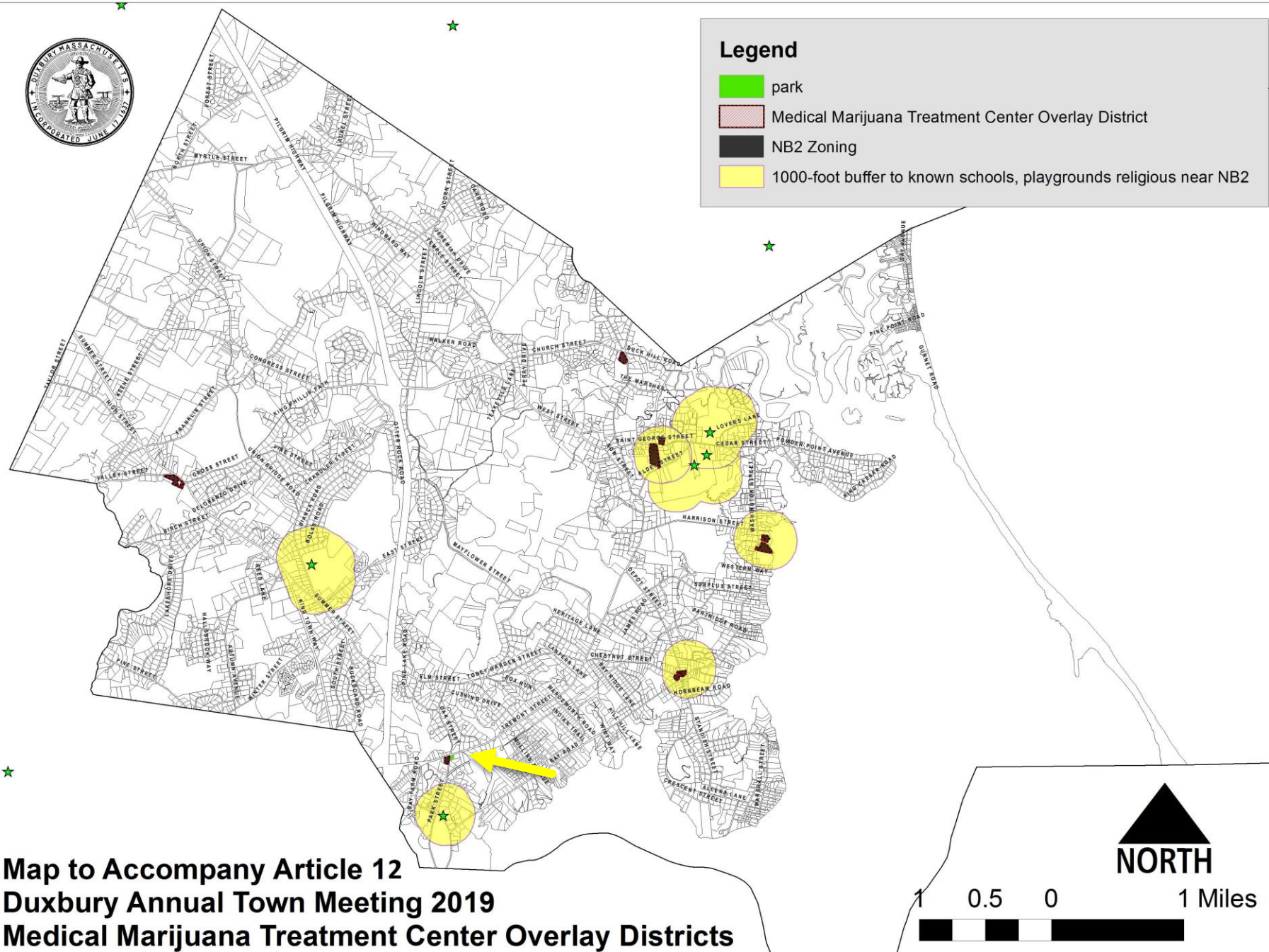


**Map to Accompany Article 12
Duxbury Annual Town Meeting 2019
Medical Marijuana Treatment Center Overlay Districts**



Legend

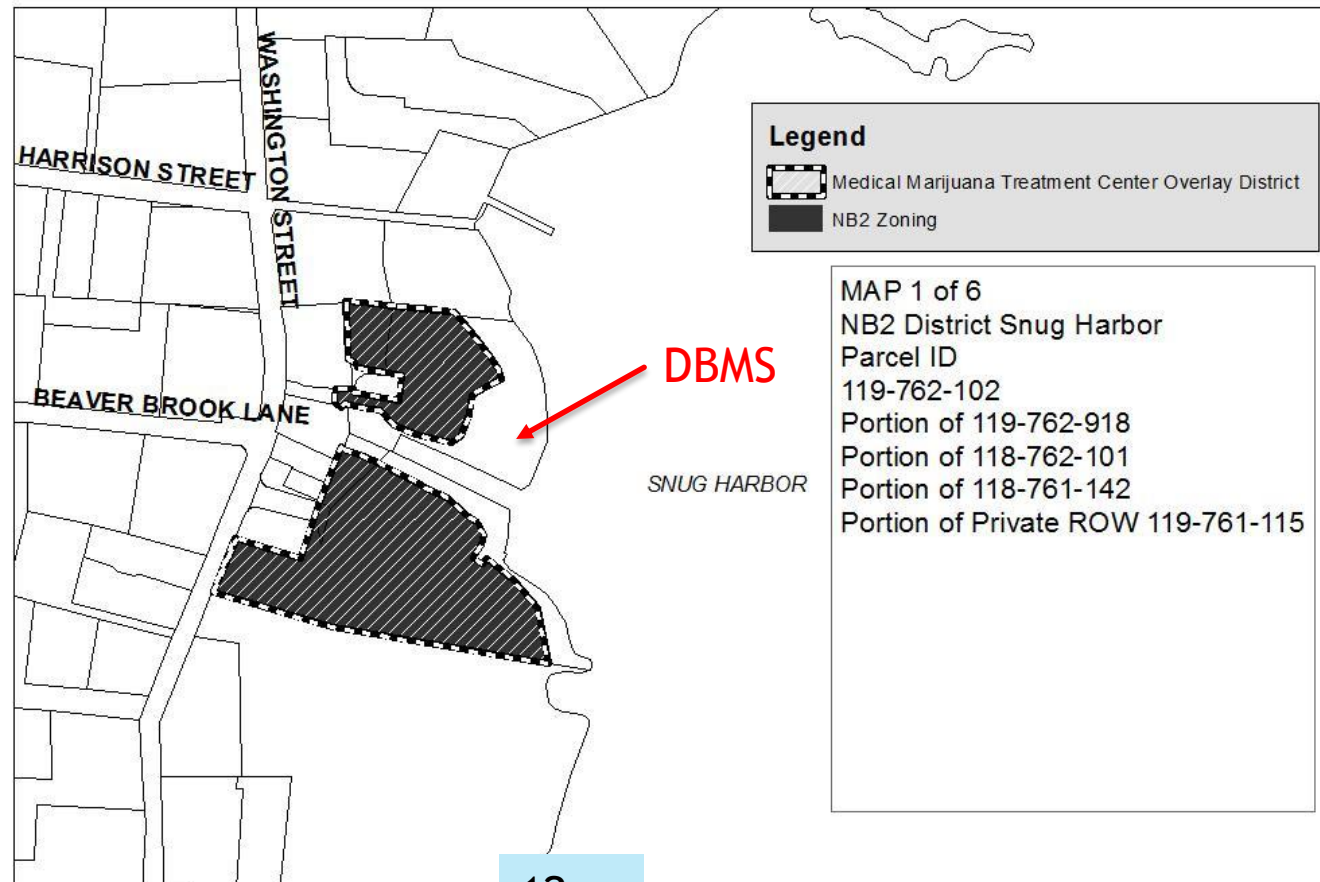
-  park
-  Medical Marijuana Treatment Center Overlay District
-  NB2 Zoning
-  1000-foot buffer to known schools, playgrounds religious near NB2



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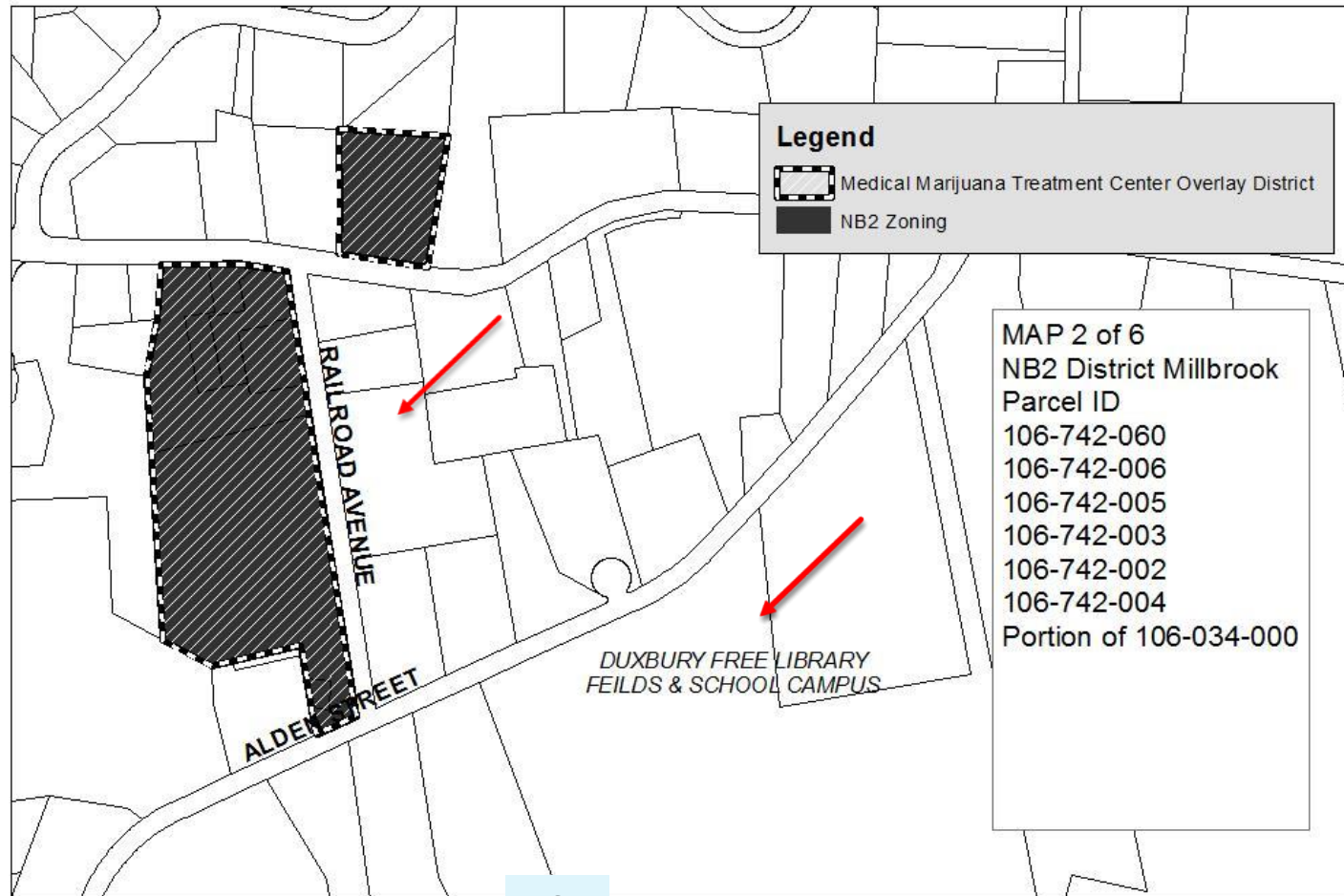
Common Nickname NB2 District	Parcel ID - Proposed MOD
Fred's Fix-It/Osbornes	Portion of 015-782-001
	Portion of 015-782-002
	Portion of 015- 502-056
Bennett's Gas	062-752-015
	Portion of 062-752-014
Hall's Corner	110-772-034
	110-772-045
	110-772-134
Snug Harbor	119-762-102
	Portion of 119-762-918
	Portion of 118-762-101
	Portion of 118-761-142
	Portion of Private ROW 119-761-115
Millbrook	106-742-060
	106-742-006
	106-742-005
	106-742-003
	106-742-002
	106-742-004
	Portion of 106-034-000
Cox's Corner	104-732-042

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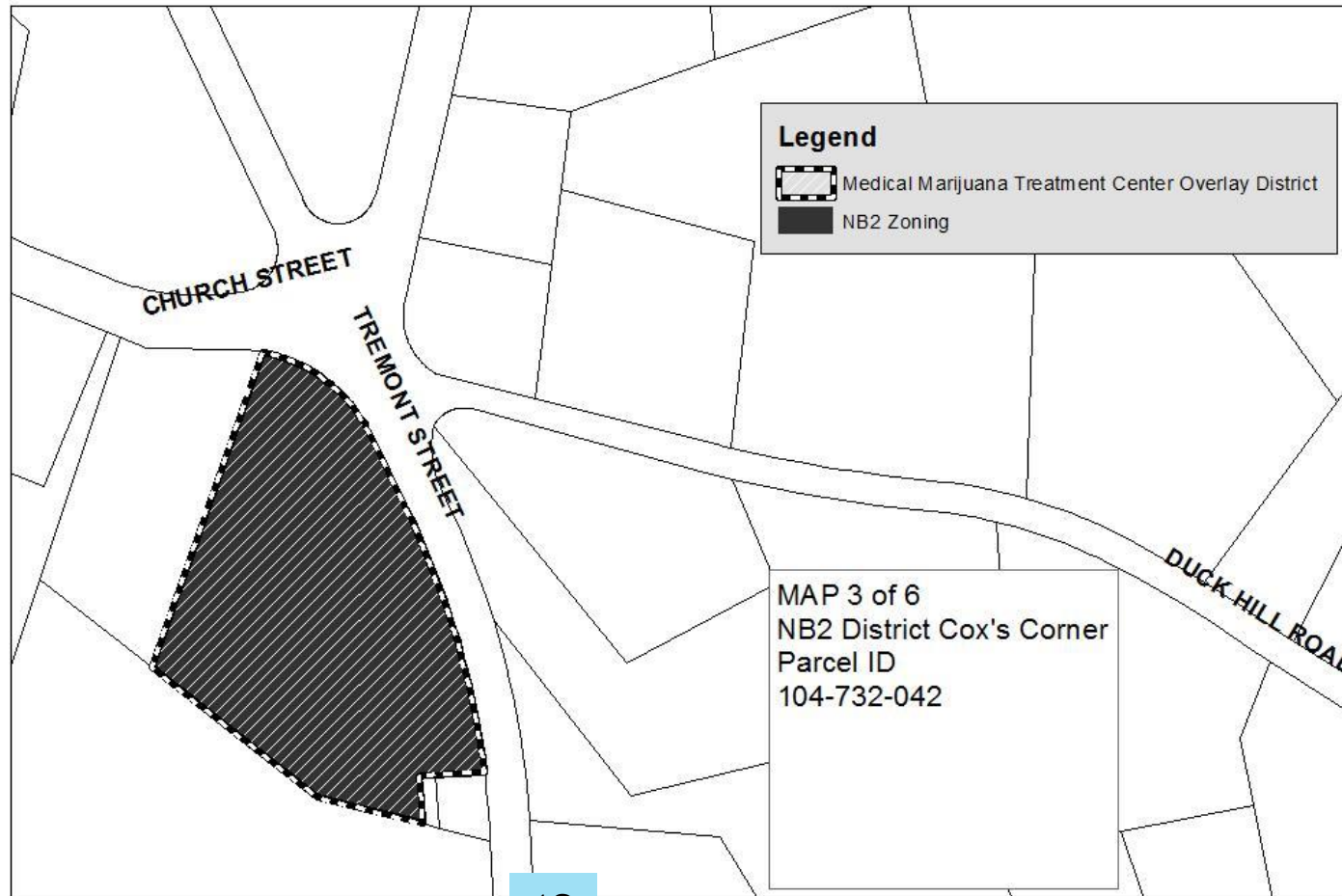


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200 100 0 200 Feet



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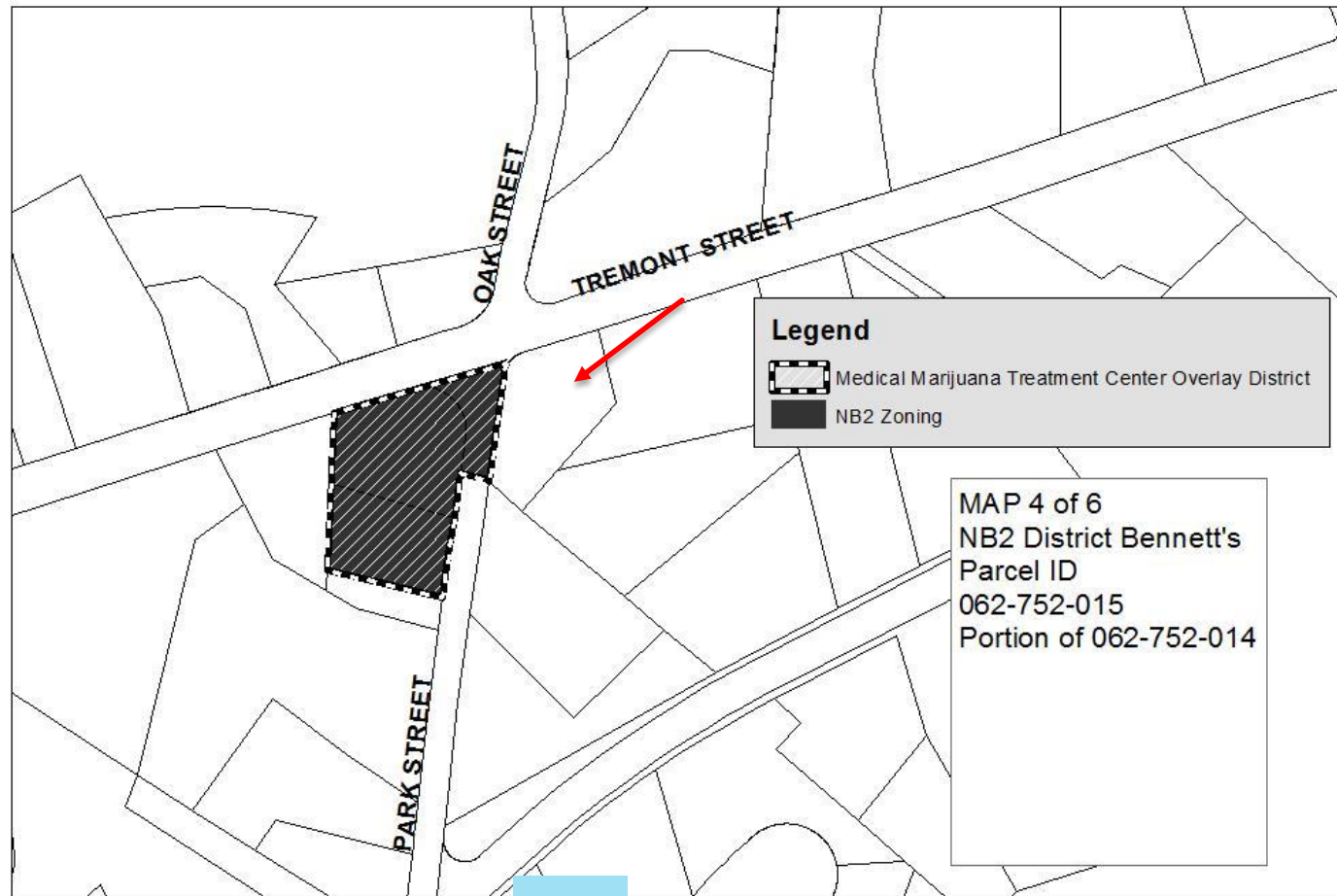


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100 50 0 100 Feet



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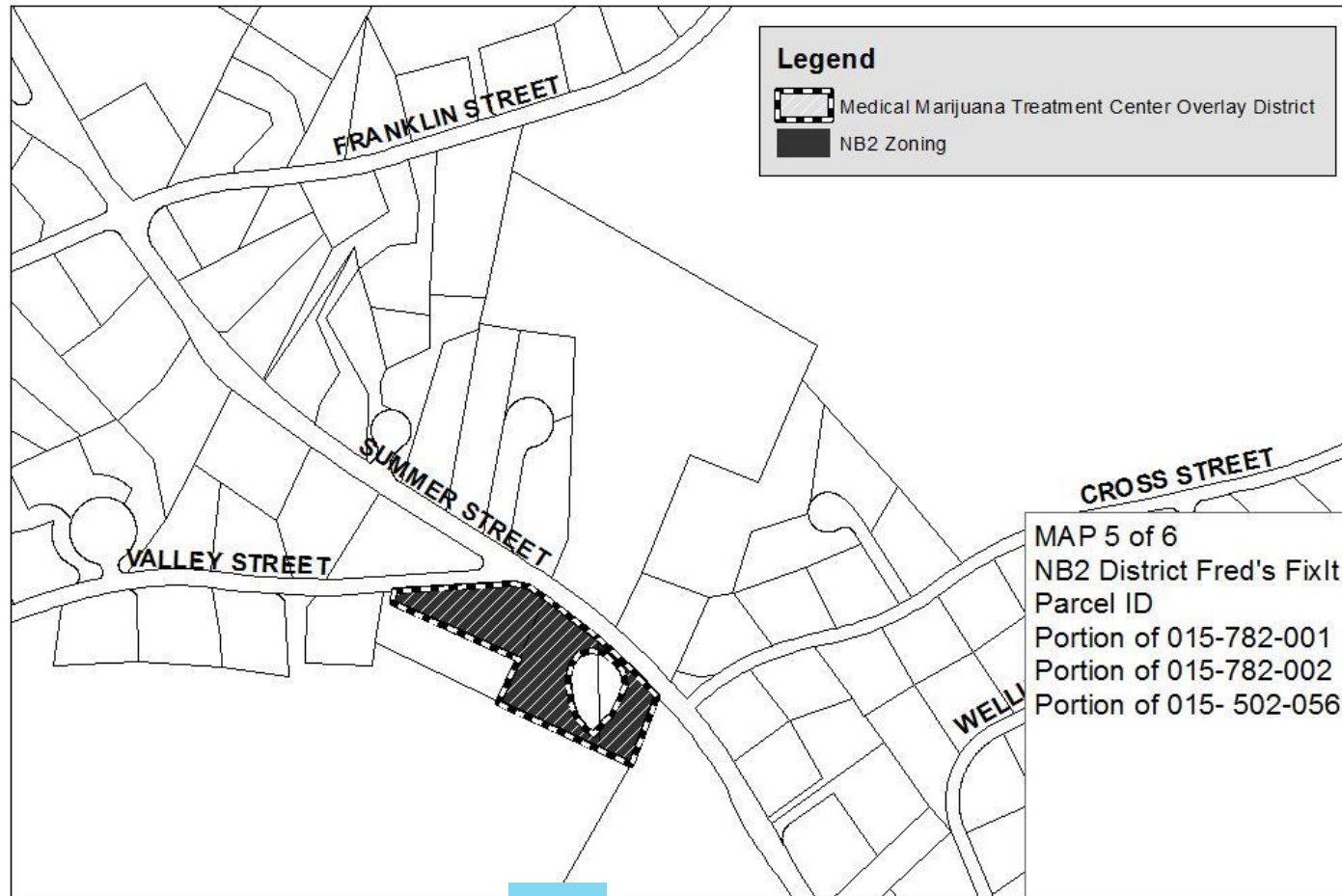


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10050 0 100 Feet



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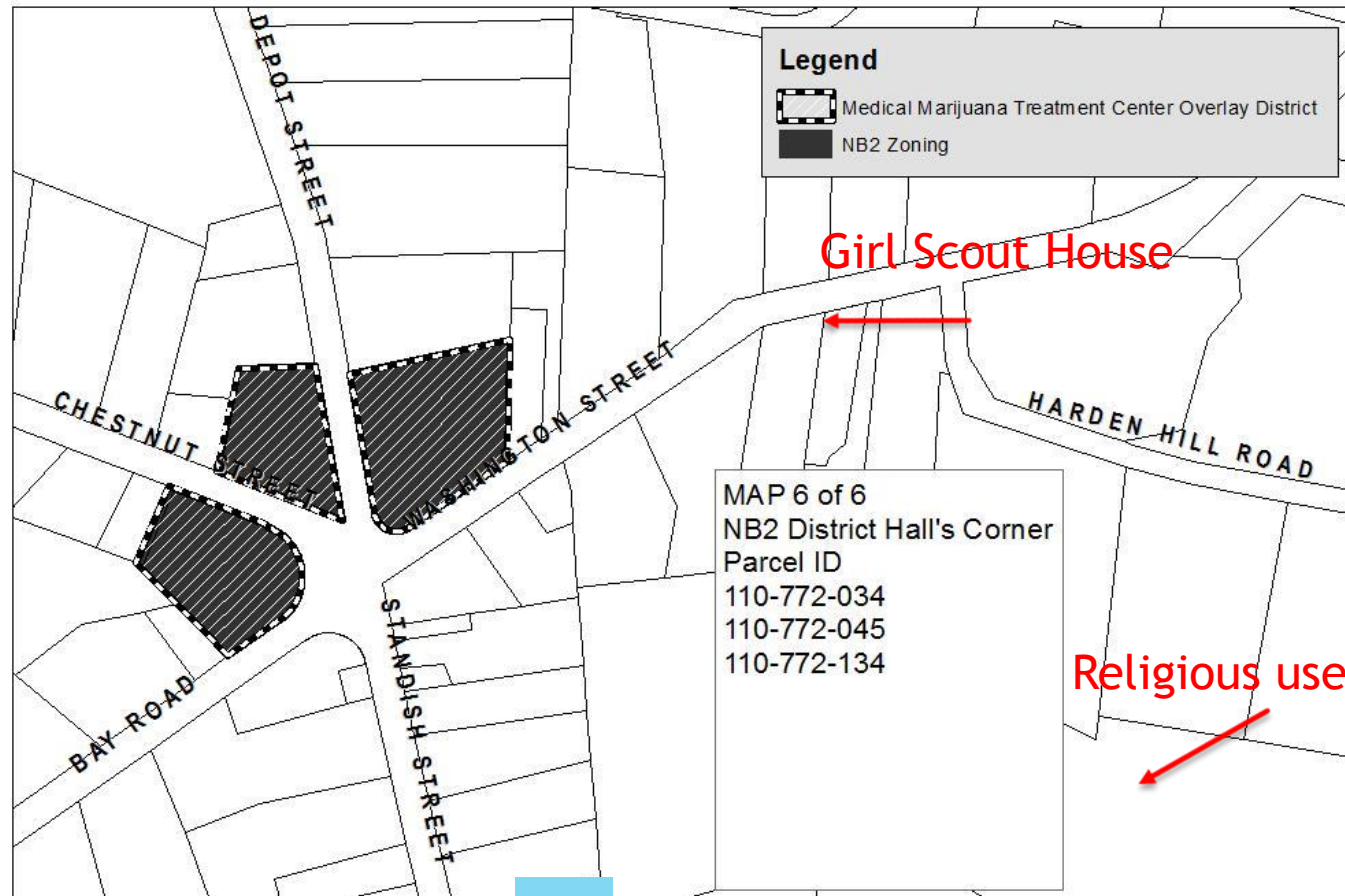


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200000 200 Feet



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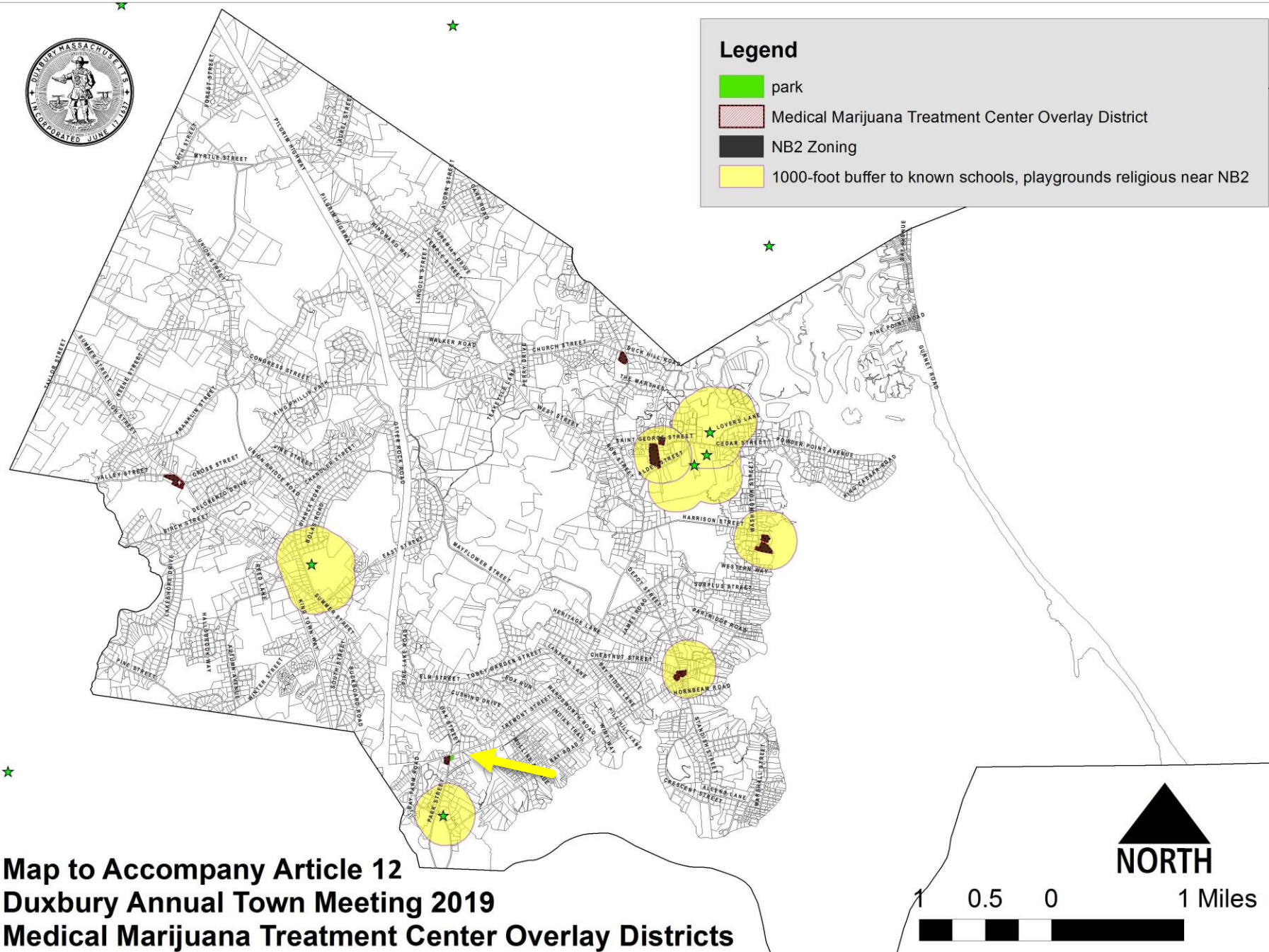
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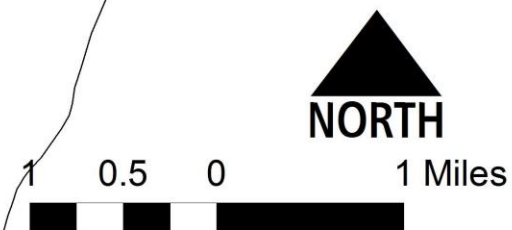


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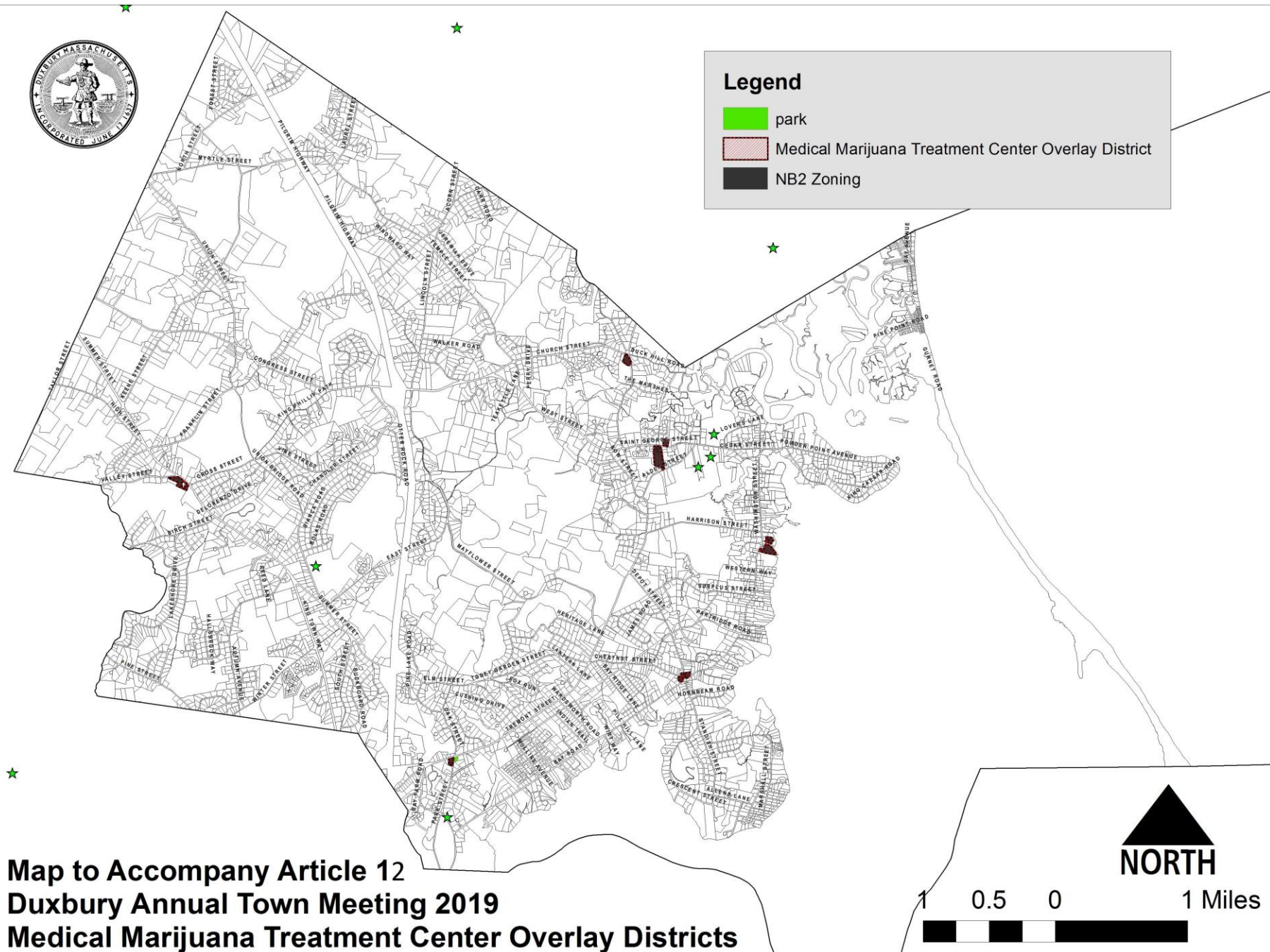
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-  NB2 Zoning



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WITHOUT LOCAL ZONING

it can go ANYWHERE in the community in ANY neighborhood in ANY zoning district *including residentially zoned areas - in other words, at your neighbor's property -*

So long as it's 500 feet from where children congregate

We recommend the overlay district as the best option.