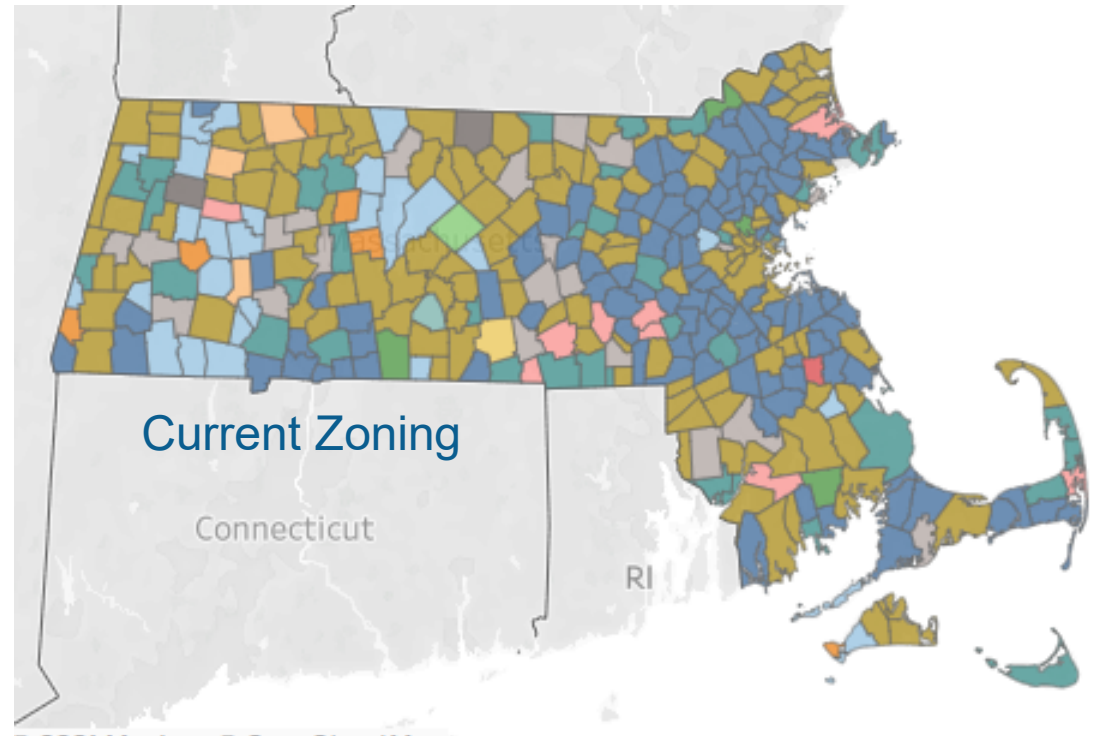


# LEGALIZED ADULT USE CANNABIS: LAND USE PERSPECTIVES FROM MASSACHUSETTS

Presenter: Brandee Nelson, PE, LEED AP

# PRESENTATION OVERVIEW

- **Brief History**
- **Model Ordinance**
- **Case Communities**
  - Zoning
  - Facility Development
  - Imagery



<https://www.wickedlocal.com/news/20200210/3-maps-how-massachusetts-communities-are-zoning-for-marijuana>

# BRIEF HISTORY OF ADULT-USE CANNABIS IN MA

- Legalized in 2016 through a Ballot Initiative
- Communities with majority of voters supporting legalization are prohibited from zoning cannabis facilities out without a separate local ballot initiative
- Approximately 18 months for State to establish a Cannabis Control Commission (CCC) and develop regulations and guidance documents
  - <https://mass-cannabis-control.com/wp-content/uploads/2018/01/010918CNB-Guidance-Municipalities-Adult-Use.pdf>
- CCC issues licenses for all types of commercial facilities (cultivators, retailers, manufacturers, testing labs, and any other licensed marijuana-related businesses)
- First licenses for retail issued in November 2018

# BRIEF HISTORY OF ADULT-USE CANNABIS IN MA

- **351 municipalities, majority have adopted some form of zoning or a ban**
- **State regulations established cannabis cultivation was NOT subject to agricultural exemptions, allowing local control for siting of cultivation facilities**
- **State law allows for:**
  - Municipal ordinances to be passed governing the “time, place and manner of marijuana establishments” but must not be “unreasonably impracticable”
  - Medical dispensaries to be converted
  - Moratoriums to be enacted while zoning is considered
  - Bans or limits to be enacted (but must follow specific procedures)
  - Control of Buffer Zones, Signage and Transportation



# MODEL ORDINANCE

- **Pioneer Valley Planning Commission prepared a model zoning ordinance**
  - <http://www.pvpc.org/sites/default/files/PVPC%20MODEL%20ADULT%20USE%20MARIJUANA%20ZONING%20BYLAW%206-20-18.pdf>
- **Ordinance guidance recommends:**
  - Tailoring to meet specific community needs
  - Communities understand the potential intensity of use related to cultivation facilities and a distinction between craft cultivation and conventional cultivation
  - Table of Uses be updated to reflect the various Marijuana Establishment Uses
  - Definitions section be updated to reflect Marijuana Uses and align with state regulatory definitions
  - Setbacks be tailored to specific community characteristics
  - Consider limitations on the square footage of retail facilities
  - Evaluate proximity of marijuana uses with residential uses

# CASE COMMUNITIES

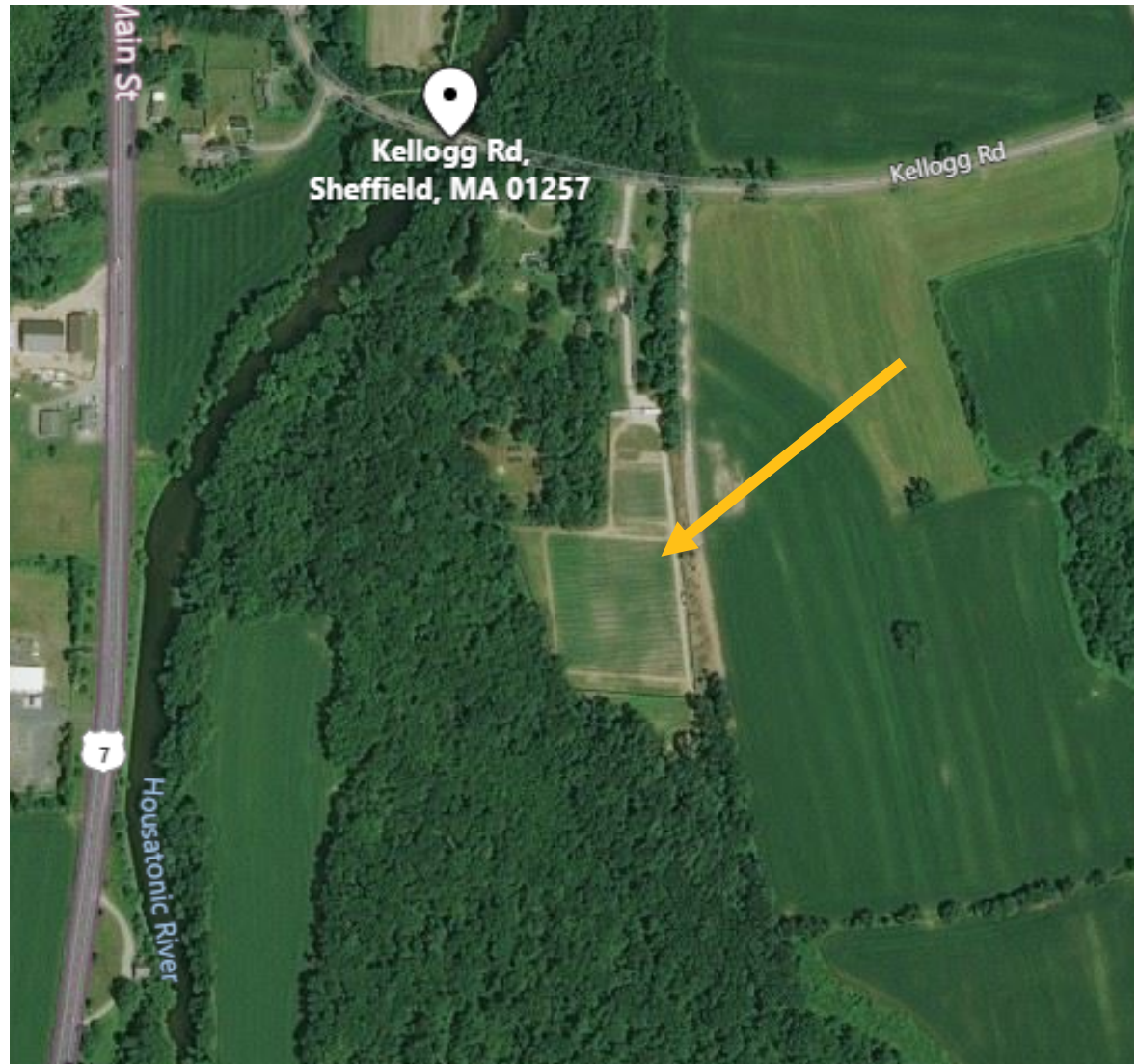
- **Sheffield, MA – Rural agricultural community, population ~3,250**
  - Six grow facilities
  - Mix of indoor/greenhouse and outdoor
  - Located in mix of zones: Rural District, General Business District, Commercial District
  - Zoning Overlay in place for dispensaries only:  
[https://www.sheffieldma.gov/sites/g/files/vyhlif3806/f/uploads/zoningbylawmay2019final\\_-2-17-21\\_2.pdf](https://www.sheffieldma.gov/sites/g/files/vyhlif3806/f/uploads/zoningbylawmay2019final_-2-17-21_2.pdf)
    - Requires a Special Permit from the Planning Board
    - Establishes setbacks from places where children congregate
    - Establishes requirements for bonding and facility decommissioning

# CASE COMMUNITIES – TABLE OF USES

<b>H. Adult Use Marijuana Establishment</b>					
1. Marijuana Cultivator, Indoors	PB	PB	PB	PB	Refer to Section 7.5.3 for definition. Refer to Sections 7.5, 8.2, 8.3, 9.4 and 9.5 for Special Permit requirements.
2. Marijuana Cultivator, Outdoors	PB	N	PB	PB	Refer to Section 7.5.3 for definition. Refer to Sections 7.5, 8.2, 8.3, 9.4 and 9.5 for Special Permit requirements.
3. Craft Marijuana Cooperative	N	N	PB	PB	Refer to Section 7.5.3 for definition. Refer to Sections 7.5, 8.2, 8.3, 9.4 and 9.5 for Special Permit requirements.
4. Marijuana Product Manufacturer	PB	N	PB	PB	Refer to Section 7.5.3 for definition. Refer to Sections 7.5, 8.2, 8.3, 9.4 and 9.5 for Special Permit requirements.
5. Marijuana Retailer	N	PB	PB	PB	Refer to Section 7.5.3 for definition. Refer to Sections 7.5, 8.2, 8.3, 9.4 and 9.5 for Special Permit requirements.
6. Marijuana Research Facility	N	N	PB	PB	Refer to Section 7.5.3 for definition. Refer to Sections 7.5, 8.2, 8.3, 9.4 and 9.5 for Special Permit requirements.
7. Marijuana Independent Testing Laboratory	N	N	PB	PB	Refer to Section 7.5.3 for definition. Refer to Sections 7.5, 8.2, 8.3, 9.4 and 9.5 for Special Permit requirements.
8. Marijuana Transporter	N	N	PB	PB	Refer to Section 7.5.3 for definition. Refer to Sections 7.5, 8.2, 8.3, 9.4 and 9.5 for Special Permit requirements.
9. Marijuana Microbusiness	N	PB	PB	PB	Refer to Section 7.5.3 for definition. Refer to Sections 7.5, 8.2, 8.3, 9.4 and 9.5 for Special Permit requirements.
10. Any Other Type of Licensed Marijuana-Related Business	PB	PB	PB	PB	Refer to Section 7.5.3 for definition. Refer to Sections 7.5, 8.2, 8.3, 9.4 and 9.5 for Special Permit requirements.
11. Non-Residential On-Premises Consumption, i.e. Marijuana Cafes	N	N	N	N	No use listed in Section 3.1.3.H allows for on-site consumption.

# NOVA FARM – OUTDOOR GROW FACILITY

- **Nova Farm**
  - Approx 4 acres in cultivation
  - Field Grown
  - Single Season
  - 500 feet setback
- **First Outdoor facility licensed in MA**
- **Zoning: Rural District**





# NOVA FARM – FACILITY SCREENING





# THEORY WELLNESS – OUTDOOR GROW FACILITY

