

Town of Bridgewater, Massachusetts

Town Council
Community and Economic Development Committee

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2019 APR - 2 A 8:48

Town Council
Community and Economic
Development Committee

Peter Colombotos
Chairman
District 5 Representative

Aisha Losche
District 1 Representative

Fred Chase
District 4 Representative

Town Of Bridgewater
Community and Economic Development Committee and Planning Board
Notice of Joint Public Hearing

Pursuant to section MGL Ch. 40A, Sec. 5, notice is hereby given that the Community and Economic Development Committee and Planning Board will hold the following joint public hearings on April 17, 2019 in the Academy Building, Council Chambers, 66 Central Square, Bridgewater, MA 02324 to receive public input on the proposed Zoning Ordinance listed below.

7:30 p.m.: Ordinance D-FY19-003: Zoning Ordinance – Amend Table of Uses – Cultivation, Manufacturing and Testing of Recreational Marijuana: which seeks to amend Section 6.30 Table

of Use Regulations by adding the following:

G. Industrial Wholesale and Transportation Uses

10. Cultivation, Manufacturing and Testing of Recreational Marijuana.

Res. A/B	Res. C	Res. D	CBD	SBD	BUS B	Gate -way	E.Gate -way	IND A	IND B	IND E	PD DIST	MHEC DIST
N	N	N	N	SP	SP	N	N	Y	Y	Y	SP	N

7:45 p.m.: Ordinance D-FY19-005: Zoning Ordinance – Establish Special Permit Criteria – Cultivation, Manufacturing and Testing – Adult Use Marijuana: which sets forth definition,

criteria and application requirements to be considered for allowable adult use recreational marijuana establishments seeking a special permit. The ordinance establishes the Planning Board as the SPGA. The detailed Ordinance is available on the following pages and are on file with the Town Clerk and Council Clerk.



Bridgewater Town Council

In Town Council, Tuesday, March 12, 2019

Council Ordinance: D-FY19-003

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Introduced By: Councilor Aisha Losche
 Date Introduced: November 27, 2018
 First Reading: November 27, 2018
 Second Reading: March 12, 2019
 Third Reading:
 Amendments Adopted: March 12, 2019
 Date Adopted:
 Date Effective:

Ordinance D-FY19-003

ZONING ORDINANCE – AMEND TABLE OF USES – CULTIVATION, MANUFACTURING AND TESTING OF RECREATIONAL MARIJUANA

ORDERED that pursuant to M.G.L., Chapter 40A, Section 5; the Town Council of the Town of Bridgewater, Massachusetts in Town Council assembled vote to amend the Bridgewater Zoning Bylaw, by amending Section 6.30 Table of Use Regulations by adding G. Industrial Wholesale and Transportation Uses, 10. Cultivation, Manufacturing and Testing of Recreational Marijuana.

G. Industrial Wholesale and Transportation Uses

10. Cultivation, Manufacturing and Testing of Recreational Marijuana.

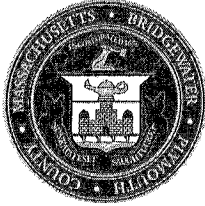
Res. A/B	Res. C	Res. D	CBD	SBD	BUS B	Gate -way	E.Gate -way	IND A	IND B	IND E	PD DIST	MHEC DIST
N	N	N	N	SP	SP	N	N	Y	Y	Y	SP	N

Explanation: The Zoning Table of Uses requires updating based upon the passage of D-FY18-005 Zoning Ordinance – Prohibiting the Retail Sale of Recreational Marijuana.

Committee Referrals and Dispositions:

Referral(s)	Disposition(s)
<ul style="list-style-type: none"> Community & Economic Development Committee Planning Board 	<ul style="list-style-type: none"> 1/16/19: Duly advertised joint public hearing conducted and closed. Discussions continued. 2/20/19 – CEDC voted 2-1 to recommend approval with proposed amendments. 1/16/19: Duly advertised joint public hearing conducted and closed. Discussions continued. 2/20/19 – Planning Board voted unanimously not to recommend approval. The Planning Board provided their reasons in the attached letter.

NOT FOR ACTION – REQUIRES FURTHER ACTION.



Bridgewater Town Council

In Town Council, Tuesday, March 12, 2019

Council Ordinance: D-FY19-005

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2019 APR - 2 A 8:48

Introduced By: Councilor Aisha Losche
 Date Introduced: March 12, 2019
 First Reading: March 12, 2019
 Second Reading:
 Amendments Adopted:
 Date Adopted:
 Date Effective:

Proposed Ordinance D-FY19-005

ZONING ORDINANCE – ESTABLISH SPECIAL PERMIT CRITERIA – CULTIVATION, MANUFACTURING AND TESTING – ADULT USE MARIJUANA

ORDERED, In accordance with MGL, Chapter 40A, Section 5, the Town Council of the Town of Bridgewater, vote to amend the Bridgewater Zoning Bylaw by establishing the following Special Permit criteria for allowable adult use marijuana.

Definitions

MARIJUANA: all parts of any plant of the genus Cannabis, not excepted below and whether growing or not; the seeds thereof; and resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture or preparation of the plant, its seeds or resin including tetrahydrocannabinol as defined in section 1 of chapter 94C; provided, however, that “marijuana” shall not include: (i) the mature stalks of the plant, fiber produced from the stalks, oil, or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture or preparation of the mature stalks, fiber, oil or cake made from the seeds of the plant or the sterilized seed of the plant that is incapable of germination; (ii) hemp; or (iii) the weight of any other ingredient combined with marijuana to prepare topical or oral administrations, food, drink or other products.

MARIJUANA ESTABLISHMENT: a marijuana cultivator, marijuana testing facility, marijuana product manufacturer.

MARIJUANA CULTIVATOR: an entity licensed to cultivate, process and package marijuana, to deliver marijuana to Marijuana Establishments and to transfer marijuana to other Marijuana Establishments, but not to consumers.

MARIJUANA TESTING FACILITY: a laboratory that is licensed by the Cannabis Control Commission and is: (i) accredited to the most current International Organization for Standardization 17025 by a third-party accrediting body that is a signatory to the International Laboratory Accreditation Accrediting Cooperation mutual recognition arrangement or that is otherwise approved by the Cannabis Control Commission; (ii) independent financially from any medical marijuana treatment center or any licensee or marijuana establishment for which it conducts a test; and (iii) qualified to test marijuana in compliance with 935 CMR 500.160 and M.G.L. c. 94C, § 34.

MARIJUANA PRODUCT MANUFACTURER: an entity licensed to obtain, manufacture, process and package marijuana and marijuana products, to deliver marijuana and marijuana products to Marijuana Establishments and to transfer marijuana and marijuana products to other Marijuana Establishments, but not to consumers.

MARIJUANA PRODUCTS: products that have been manufactured and contain marijuana or an extract from marijuana, including concentrated forms of marijuana and products composed of marijuana and other ingredients that are intended for use or consumption, including edible products, beverages, topical products, ointments, oils and tinctures.

Administration

Special Permit Granting Authority (SPGA) shall be the Planning Board.

Use Regulations

1. No special permit shall be granted for any Marijuana Establishment sited within a radius of five hundred feet of a public or private, primary or secondary school, licensed daycare center, public library, public park or playground. The 500 foot distance under this section shall be measured in a straight line from the nearest point of the facility in question to the nearest point of the proposed Marijuana Establishment. Each applicant for a special permit under this section shall submit a plan signed by a licensed surveyor, depicting compliance with the linear distance requirements set forth herein.
2. All aspects of a Marijuana Establishment relative to the cultivation, possession, processing, distribution, dispensing or administration of marijuana, marijuana products, or related supplies must take place at a fixed location within a fully enclosed building and shall not be visible from the exterior of the building. A Marijuana Establishment shall not be located in a trailer, storage freight container, motor vehicle or other similar movable enclosure.
3. No outside storage of marijuana, marijuana products, or related supplies is permitted.
4. The Marijuana Establishment shall provide an odor control plan that provides for proper and adequate ventilation at such facilities in such a manner so as to prevent pesticides, insecticides or other chemicals used in the cultivation or processing of marijuana or marijuana related products from being dispersed or released outside the facilities. All resulting odors, smoke, vapor, fumes, gases and particulate matter from marijuana or its processing or cultivation shall be effectively confined to the premises or so disposed of so as to avoid any air pollution.
5. The Marijuana Establishment shall provide for adequate and proper security at the premises so as to avoid, deter and prevent illegal activities from taking place upon or about the applicant's premises.
6. No marijuana or marijuana product shall be smoked, eaten or otherwise consumed or ingested on the premises. All Marijuana Establishments permitted under this section shall comply with all state and local laws, rules and regulations governing the smoking of tobacco.

Dimensional Requirements

1. A Marijuana Establishment shall comply with the dimensional controls set forth in the Town of Bridgewater Zoning By-laws.

Abandonment or Discontinuance of Use

1. A special permit grant under this section shall lapse if not exercised within one year of issuance.

2. A Marijuana Establishment shall be required to remove all materials, plants, equipment and other paraphernalia within ninety days of ceasing operations or immediately following revocation of its license issued by the Cannabis Control Commission.
3. The SPGA may require the Marijuana Establishment to post a bond or other resources held in an escrow account in an amount sufficient to adequately support the dismantling and winding down of the Marijuana Establishment.

Special Permit Approval Criteria

1. After notice and public hearing, and after due consideration of the evidence submitted, including the reports and recommendations of other Town departments, the SPGA, may grant such a special permit provided that it finds that:
 - a) The Marijuana Establishment does not derogate from the purposes and intent of this Section and the Zoning Ordinance.
 - b) The application information submitted is adequate for the SPGA to consider approving the special permit request.
 - c) The proposed establishment is designed to minimize any adverse impacts on abutting properties.
 - d) The security plan provides sufficient assurance that adequate security controls have been implemented to ensure the protection of the public health and safety during hours of operation and that any marijuana or marijuana related products are adequately secured on-site or via delivery.
 - e) The odor control plan proposed adequately provides for the ongoing safe operation of the establishment and minimizes any adverse impacts to abutting properties from odor-emitting activities to be conducted on-site.
 - f) The proposed design and operation of the Marijuana Establishment will meet the requirements of this Section.

Application Requirements

All applicants are encouraged to contact the Community and Economic Development Director to schedule a pre-application meeting.

In addition to all the application requirements related to special permits the applicant shall include the following at the time of application:

- 1) Copies of all licenses, permits and documentation demonstrating application status, registration or licensure by the Commonwealth of Massachusetts Cannabis Control Commission.
- 2) A security plan showing the arrangement of pedestrian circulation and access to the public points of entry to the premises from the nearest public or private street or off-street parking area. The security plan shall detail how the property will be monitored so as to avoid, deter and prevent illegal activities from taking place upon or about the applicant's premises and shall show the location of any walkway structures, lighting, gates, fencing and landscaping.
- 3) A list of all managers, officers, directors, persons or entities having direct or indirect authority over the management, policies, security operations or cultivation operations of the Marijuana Establishment.

- 4) A list of all persons or entities contributing 10% or more of the initial capital to operate the Marijuana Establishment, including capital in the form of land or buildings.
- 5) Proof that the Marijuana Establishment is registered to do business in the Commonwealth of Massachusetts as a domestic business corporation or another domestic business entity in compliance with 935 CMR 500 and is in good standing with the Secretary of the Commonwealth and Department of Revenue.
- 6) Documentation of a bond or other resources held in an escrow account in an amount sufficient to adequately support the dismantling or winding down of the Marijuana Establishment, if required.
- 7) An odor control plan detailing the specific odor-emitting activities or processes to be conducted on-site, the source of those odors, the locations from which they are emitted from the facility, the frequency of such odor-emitting activities, the duration of such odor-emitting activities, and the administrative and engineering controls that will be implemented to control such odors, including maintenance of such controls.
- 8) An applicant who is not the property owner shall submit evidence in the form of a deed, an executed lease or valid purchase and sale agreement documenting the applicant's contingent property interest and legal right to operate a Marijuana Establishment at the property.

Explanation:

Adoption of this ordinance will establish special permit criteria for cultivation, manufacturing and testing of adult use marijuana.

Committee Referrals and Dispositions:

Referral(s)	Disposition(s)
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