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8/3/18

Proposed Zoning Bylaw Amendment

Adult Use of Marijuana in Lenox

Insert, into Section 4, Definitions, the following:

Marijuana Establishment: A marijuana cultivator, independent testing laboratory, marijuana product manufacturer, marijuana retailer, or any other type of marijuana-related business, subject to regulation under G.L. 94G; provided, however, that a Registered Medical Marijuana Dispensary shall not be deemed to be a Marijuana Establishment.

Insert into Section 5.2 Schedule of Uses (under new Section J. "Marijuana Businesses")

	R3A	R1A	R30	R15	C3A	C1A	C	I
23. Marijuana Establishments								
- Marijuana Retailer	N	N	N	N	Y	Y	N	N
- Marijuana Product Manufacturer	N	N	N	N	Y	Y	N	Y
- Marijuana Research Facility	N	N	N	N	Y	Y	N	Y
- Marijuana Cultivator	N	N	N	N	Y	Y	N	Y
- Craft Marijuana Cooperative	N	N	N	N	Y	Y	N	Y
- Marijuana Laboratory (Independent Testing, Standards Testing)	N	N	N	N	Y	Y	N	Y
- Marijuana Transporter	N	N	N	N	Y	Y	N	Y

Amend Section 5.2 Schedule of Uses (under Section J. Marijuana Businesses)

	R3A	R1A	R30	R15	C3A	C1A	C	I
22. Registered Medical Marijuana Dispensary	N	N	N	N	Y	Y	N	N

Commented [GM1]: This will be a separate amendment and warrant article

Delete the existing Section 8.13 and replace with the following new Section 8.13, Adult Use of Marijuana (Non-Medical):

Amend Table of Contents so that Section 8.13 will read "Adult Use of Marijuana (Non-Medical)"

8.13.1. Purpose

The purpose of this section is to provide guidelines for siting Marijuana Establishments in suitable locations in the Town of Lenox in accordance with An Act To Ensure Safe Access to Marijuana, Chapter 55 of the Acts of 2017, and all applicable regulations, including 935 CMR 500.00.

8.13.2. Site Plan Approval

All Marijuana Establishments in Lenox shall be subject to Site Plan Approval by the Lenox Zoning Board of Appeals per the procedures of Section 3.5 of the Lenox Zoning Bylaw.

8.13.3. On-site Consumption

On-site consumption of marijuana and marijuana products, as either a primary or accessory use, shall be prohibited at all Marijuana Establishments unless permitted by a local ballot initiative process, as allowed by MGL 94G §3(b). The prohibition of on-site social consumption shall include private social clubs or any other establishment which allows for social consumption of marijuana or marijuana products on the premises, regardless of whether the product is sold to consumers on site.

8.13.4. General Requirements for Marijuana Establishments

- a. There shall be no publicly visible indication of marijuana cultivation, production, processing, testing, transportation or retail at any marijuana establishment in Lenox. This includes outside storage and activities necessary for business operation, except at open-air, outdoor cultivation facilities, which shall conform to the regulations of the Cannabis Control Commission.
- b. Marijuana Establishments shall conform to the outdoor lighting requirements of Section 7.3 “Lighting” of the Zoning Bylaw.
- c. Marijuana Cultivators shall not illuminate growing operations between dusk and dawn, unless within a fully-enclosed, opaque building.
- d. Marijuana Establishments shall conform to the signage requirements of Section 7.2 “Signs” of the Zoning Bylaw.
- e. Marijuana Establishments shall conform to the parking and loading requirements of Section 7.1 “Off Street Parking and Loading Requirements” of the Zoning Bylaw.
- f. There shall be no noxious odors emitted from the cultivation or processing of marijuana and marijuana products.

8.13.5. Prohibition Against Nuisances

No use shall be allowed by a Marijuana Establishment which creates a nuisance to abutters or to the surrounding area, or which creates any hazard, including but not limited to, fire, explosion, fumes, gas, smoke, odors, obnoxious dust, vapors, offensive sound or vibration, flashes, glare, objectionable effluent or electrical interference, which may impair the normal use and peaceful enjoyment of any property, structure or dwelling in the area.

8.13.6. Severability

The provisions of this Bylaw are severable. If any provision, paragraph, sentence, or clause of this Bylaw or the application thereof to any person, establishment, or circumstances shall be held invalid, such invalidity shall not affect the other provisions or application of this Bylaw.