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To see if the Town will vote to amend the Zoning Bylaws of the Town of Dover, by deleting in Section 185-10, Item 35 the letter "X" under the columns labeled "M-P" and "B" and replacing it with the letter "P" and adding "SP" under the column labeled "Site Plan," deleting the definition of "Medical Marijuana Treatment Center" in Section 185-5, deleting Section 185-10.1 in its entirety, and adding a new Section 185-46.2, as follows:

185-46.2 Special Requirements for Medical Marijuana Facilities

185-46.2.1 Purposes

185-46.2.1.1 To provide for the establishment of Medical Marijuana Facilities in appropriate places and under appropriate conditions.

185-46.2.1.2 To minimize the adverse impacts of Medical Marijuana Facilities on adjacent properties, residential neighborhoods, schools and other places where children congregate, local historic districts, and other land uses potentially incompatible with said Facilities.

185-46.2.1.3 To regulate the siting, design, placement, security, safety, monitoring, modification, and removal of Medical Marijuana Facilities.

185-46.2.2 Applicability

185-46.2.2.1 The commercial cultivation [unless it meets the requirements for an agricultural exemption under MGL Chapter 40A, Section 3], production, processing, assembly, packaging, retail or wholesale sale trade, distribution or dispensing of Marijuana for Medical Use is prohibited unless permitted as a Medical Marijuana Facility under this Section 185-46.2.

185-46.2.2.2 No Medical Marijuana Facility shall be established except in compliance with the provisions of this Section 185-46.2.

185-46.2.2.3 Nothing in this Bylaw shall be construed to supersede federal and state laws governing the sale and distribution of narcotic drugs.

185-46.2.2.4 If any provision of this Section or the application of any such provision to any person or circumstance shall be invalid, the remainder of this Section, to the extent it can be given effect, or the application of those provisions to persons or circumstances other than those to which it is held invalid, shall not be affected thereby, and to this end the provisions of this Section are severable.

185-46.2.3 Definitions

Medical Marijuana Facility – Shall mean a “Medical marijuana treatment center,” a not-for-profit 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 marijuana-infused products (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.

Marijuana for Medical Use – Marijuana that is designated and restricted for use by, and for the benefit of, Qualifying Patients in the treatment of Debilitating Medical Conditions as set forth in Citizens Petition 11-11.

Marijuana – The same substance defined as “marihuana” under Chapter 94C of the Massachusetts General Laws.

Definitions not otherwise contained herein shall have the meaning set forth in 105 CMR 725, if contained therein.

185-46.2.4 Eligible Locations

185-46.2.4.1 Medical Marijuana Facilities, other than agricultural operations meeting exemption standards under MGL Chapter 40A, Section 3, may be allowed by Special Permit from the Dover Planning Board in the Medical-Professional and Business Zoning Districts provided the facility meets the requirements of this Section 185-46.2.

186-46.2.4.2 No Medical Marijuana Facility shall be located within a building that is within 200 feet of a building housing a school or day care center.

185-46.2.5 General Requirements and Conditions

185-46.2.5.1 Medical Marijuana Facilities shall be contained within a building or structure.

185-46.2.5.2 No Medical Marijuana Facility shall have a gross floor area of less than 2,500 square feet or in excess of 6,000 square feet.

185-46.2.5.3 A Medical Marijuana Facility shall not be located in buildings that contain any medical doctors offices or the offices of any other professional practitioner authorized to prescribe the use of Marijuana for Medical Use.

185-46.2.5.4 The hours of operation of Medical Marijuana Facilities shall not be outside the hours of 8:00 AM to 8:00 PM on weekdays and 8:00 AM to 5:00 PM on Saturdays and Sundays.

185-46.2.5.5 No smoking, burning or consumption of any product containing marijuana or marijuana-related products shall be permitted on the premises of a Medical Marijuana Facility.

185-46.2.5.6 Signage for the Medical Marijuana Facility shall include the following language: "Registration card issued by the MA Department of Public Health required." The required text shall be a minimum of two inches in height.

185-46.2.5.7 Medical Marijuana Facilities shall provide the Dover Police Department, Building Inspector and the Planning Board with the names, phone numbers and email addresses of all management staff and key holders to whom Town officials can provide notice if there are operating complaints associated with the establishment that are reported to Town officials.

185-46.2.6 Special Permit Requirements

185-46.2.6.1 A Medical Marijuana Facility shall only be allowed by Special Permit from the Dover Planning Board in accordance with G.L. c. 40A, §9, subject to the following statements, regulations, requirements, conditions and limitations.

185-46.2.6.2 A Special Permit for a Medical Marijuana Facility shall be limited to one or more of the following uses that shall be prescribed by the Planning Board:

- a) cultivation of Marijuana for Medical Use (horticulture) except that sites protected under MGL Chapter 40A, Section 3 shall not require a Special Permit;
- b) processing and packaging of Marijuana for Medical Use, including Marijuana that is in the form of smoking materials, food products, oils, aerosols, ointments, and other products;
- c) retail sale or distribution of Marijuana for Medical Use to Qualifying Patients:

185-46.2.6.3 In addition to the requirements set forth in Sections 185-46.2.5 and 185-46.2.6 of this Bylaw, a Special Permit application for a Medical Marijuana Facility shall include the following:

- a) the name and address of each owner of the facility;
- b) copies of all required licenses and permits issued to the applicant by the Commonwealth of Massachusetts and any of its agencies for the Facility;
- c) evidence of the Applicant's right to use the site of the Facility for the Facility, such as a deed, or lease;

- d) if the Applicant is a business organization, a statement under oath disclosing all of its owners, shareholders, partners, members, managers, directors, officers, or other similarly-situated individuals and entities and their addresses. If any of the above are entities rather than individual persons, the Applicant must disclose the identity of the owners of such entities until the disclosure contains the names of individuals;
- e) a certified list of all parties in interest entitled to notice of the hearing for the Special Permit application, taken from the most recent tax list of the town and certified by the Town Assessor or of adjacent towns, as the case may be;
- f) Proposed security measures for the Medical Marijuana Facility, including lighting, fencing, gates, alarms, cameras and guards, as necessary in the discretion of the Planning Board, to ensure the safety of persons and to protect the premises from theft.

185-46.2.6.4 Mandatory Findings. The Dover Planning Board shall not issue a Special Permit for a Medical Marijuana Facility unless it finds that:

- a) the Facility is designated to minimize any adverse visual or economic impacts on abutters and other parties in interest, as defined in MGL Chapter 40A, § 11;
- b) the Facility demonstrates that it will meet all the permitting requirements of all applicable agencies within the Commonwealth of Massachusetts and will be in compliance with all applicable state laws and regulations; and
- c) the applicant has satisfied all of the conditions and requirements of Sections 185-46.2.5 and 185-46.2.6 herein:

185-46.2.6.5 Annual Reporting. Each Medical Marijuana Facility permitted under this Bylaw shall, as a condition of its Special Permit, file an annual report with the Town Clerk and with the Planning Board, and then appear before the Planning Board no later than January 31st. The annual report shall include copies of all current applicable state licenses for the Facility and/or its owners and demonstrate continued compliance with the conditions of the Special Permit.

185-46.2.6.6 A Special Permit granted under this Section shall have a term limited to the duration of the applicant's ownership of the premises as a Medical Marijuana Facility. A Special Permit may be transferred only with the approval of the Planning Board in the form of an amendment to the Special Permit with all information required in this Section 185-46.2.

185-46.2.6.7 The Board shall require the applicant to post a bond at the time of construction to cover costs for the removal of the Medical Marijuana Facility in the event the Town must remove the facility. The value of the bond shall be based upon the cost to completely remove all the items noted in 185-46.2.7.2 and properly clean the Facility pursuant to a contract in compliance with procurement laws and prevailing wages. The value of the bond shall be set

based upon the applicant providing the Planning Board with three (3) written bids to meet the noted requirements.

185-46.2.7 Abandonment or Discontinuance of Use

185-46.2.7.1 A Special Permit shall lapse if not exercised within one year of issuance.

185-46.2.7.2 A Medical Marijuana Facility shall be required to remove all material, plants, equipment and other paraphernalia:

- a) prior to surrendering its state issued licenses or permits; or
- b) within six months of ceasing operations, which shall be construed to mean no sale of Marijuana for Medical Use to Qualifying Patients; whichever comes first.

