

# CITY OF MARLBOROUGH MEETING POSTING

Meeting Name: City Council Urban Affairs Committee

Date: March 6, 2018

Time: 5:30 PM

Location: City Council Chamber, 2<sup>nd</sup> Floor, City Hall, 140 Main Street

RECEIVED  
CITY CLERK'S OFFICE  
CITY OF MARLBOROUGH

2018 FEB 28 P 12:12

02-05-2018 – **Order No. 18-1007163-1 & -2 (X18-1007151)**: Proposed Zoning Ordinance to further amend Chapter 650, several subsections as it pertains to the Medical & Recreational Use of Marijuana.

-Refer to Urban Affairs Committee and Planning Board

-Public Hearing: February 26, 2018

02-26-2018 – **Order No. 18-1007177 (X12/13/14-1005247I)**: Proposed Order for Recreational Marijuana Moratorium which shall be in effect through December 31, 2018 or the adoption by the City Council of ordinances that address recreational marijuana establishments, the sale of marijuana accessories, and related uses, whichever occurs first in time.

-Refer to Urban Affairs Committee and Planning Board

-Advertise for Public Hearing: March 19, 2018

THE LISTING OF TOPICS THAT THE CHAIR REASONABLY ANTICIPATES WILL BE DISCUSSED AT THE MEETING IS NOT INTENDED AS A GUARANTEE OF THE TOPICS THAT WILL HAVE BEEN DISCUSSED. NOT ALL TOPICS LISTED MAY IN FACT BE DISCUSSED, AND OTHER TOPICS NOT LISTED MAY ALSO BE BROUGHT UP FOR DISCUSSION TO THE EXTENT PERMITTED BY LAW.

The public should take due notice that the Marlborough City Council may have a quorum in attendance due to Standing Committees of the City Council consisting of both voting and non-voting members. However, members attending this duly posted meeting are participating and deliberating only in conjunction with the business of the Standing Committee.

Electronic devices, including laptops, cell phones, pagers, and PDAs must be turned off or put in silent mode upon entering the City Council Chamber, and any person violating this rule shall be asked to leave the chamber. Express authorization to utilize such devices may be granted by the President for recordkeeping purposes.



# IN CITY COUNCIL

Marlborough, Mass., FEBRUARY 5, 2018

PAGE 1

## ORDERED:

THAT, PURSUANT TO § 5 OF CHAPTER 40A OF THE GENERAL LAWS, THE CITY COUNCIL OF THE CITY OF MARLBOROUGH, HAVING SUBMITTED FOR ITS OWN CONSIDERATION CHANGES IN THE ZONING ORDINANCE OF THE CITY OF MARLBOROUGH, AS AMENDED, TO FURTHER AMEND CHAPTER 650, NOW ORDAINS THAT THE ZONING ORDINANCE OF THE CITY OF MARLBOROUGH, AS AMENDED, BE FURTHER AMENDED BY ADDING THERETO AS FOLLOWS:

1. Section 650-17, entitled "Table of Uses," is hereby amended by deleting in its entirety the use entitled "Medical Marijuana Treatment Centers" and by inserting in place thereof the following:

	RR	A1	A2	A3	RB	RC	B	CA	LI	I	MV
Medical Marijuana											
Treatment Centers (45)	N	N	N	N	N	N	SP	N	SP	N	N

2. Section 650-18, entitled "Conditions for Uses," is hereby amended by adding to said section a new paragraph (45), as follows:

(45) Medical Marijuana Treatment Centers:

- (a) Shall only be located within those portions of the B and LI Districts located along Massachusetts State Highway Route 20 (Boston Post Road) from the Northborough town line to Massachusetts State Highway Route 495, and within those portions of the B and LI districts located along Massachusetts State Highway Route 20 (Boston Post Road) from the Sudbury town line to Phelps Street;
- (b) Shall have frontage on Massachusetts State Highway Route 20 (Boston Post Road); and
- (c) Shall be subject to the provisions of local and state laws, standards and regulations, and ordinances including without limitation § 650-32 of the Zoning Ordinance of the City of Marlborough, any conditions imposed on licenses and permits held by the Medical Marijuana Treatment Center, agreements between the Medical Marijuana Treatment Center and the City of Marlborough, and a Special Permit from the City Council (the "Special Permit Granting Authority").



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Marlborough, Mass., FEBRUARY 5, 2018

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ORDERED:

3. Section 650-32 entitled "Medical Marijuana Treatment Centers" is hereby deleted in its entirety and inserted in place thereof shall be the following:

§650-32 MEDICAL MARIJUANA TREATMENT CENTER

- A. Subject to the provisions of this Zoning Ordinance, Chapter 40A of the Massachusetts General Laws, Chapter 94I of the Massachusetts General Laws, and 105 CMR 725.000, all as amended, the City of Marlborough Zoning Ordinance will not prohibit the location of a center for medical marijuana treatment within the City of Marlborough, but will instead regulate such centers. A Medical Marijuana Treatment Center should provide medical support, security, oversight by a physician, and standards that meet or exceed 105 CMR 725.000. These Centers should not compete to provide streamlined care to patients and should not provide a location for patients to wait for treatment in the vicinity of children. Therefore, to ensure that these Centers are located in such a way as to not pose a direct threat to the health or safety of either qualifying patients or the public at large, the provisions of this section will apply to all such Centers.
- B. In the interpretation of this chapter, the meanings of words and phrases shall be according to the definitions included in Chapter 94I of the Massachusetts General Laws and 105 CMR 725.00, as amended, unless the context shows another sense to be intended. For purposes of this chapter, the following definitions shall also apply:

MARIJUANA-INFUSED PRODUCT (MIP) means a product infused with marijuana that is intended for use or consumption, including but not limited to edible products, ointments, aerosols, oils, and tinctures. These products, when created or sold by a Recreational Marijuana Retail Sales business, shall not be considered a food or a drug as defined in M.G.L. c. 94, § 1.



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Marlborough, Mass., FEBRUARY 5, 2018

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ORDERED:

MEDICAL MARIJUANA shall mean all parts of the plant Cannabis sativa L., 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. It does not include 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, except the resin extracted therefrom, fiber, oil, or cake or the sterilized seed of the plant which is incapable of germination. The term also includes MIPs except where the context clearly indicates otherwise.

MEDICAL MARIJUANA TREATMENT CENTER shall refer to the site(s) of dispensing, cultivation, and preparation of marijuana; shall mean a not-for-profit entity registered under 105 CMR 725.100 and known thereunder 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; and shall be subject to the regulations under § 650-32 of this Ordinance.

MEDICAL USE OF MARIJUANA shall mean the acquisition, cultivation, possession, processing (including development of related products such as Marijuana-Infused Products (MIPs) that are to be consumed by eating or drinking, tinctures, aerosols, oils, or ointments), transfer, transport, sale, distribution, dispensing, or administration of marijuana, products containing marijuana, related supplies, or educational materials to qualifying patients or their personal caregivers.



# IN CITY COUNCIL

Marlborough, Mass., FEBRUARY 5, 2018

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## ORDERED:

- C. In such zoning districts where a Special Permit is required for Medical Marijuana Treatment Center, upon application, the Special Permit Granting Authority shall grant the Special Permit only upon its written determination that any adverse effects of the proposed use will not outweigh its beneficial impacts to the City or the neighborhood, in view of the particular characteristics of the site, and of the proposal in relation to that site. In addition to any specific factors that may be set forth in this Ordinance, the determination shall include, but is not limited to, consideration of each of the following:
1. Social, economic, or community needs which are served by the proposal;
  2. Traffic flow and safety, including parking and loading;
  3. Adequacy of utilities and other public services;
  4. Neighborhood character and social structures;
  5. Impacts on the natural environment;
  6. Potential fiscal impact, including impact on City services, tax base, and employment;
  7. Hours of operation;
  8. Prohibiting the smoking or consumption of marijuana on the premises;
  9. Requiring that contact information be provided to the Chief of Police, the Building Commissioner, and the Special Permit Granting Authority;
  10. Requiring payment of a community impact fee;
  11. Requiring the submission to the Special Permit Granting Authority of the same annual reports that must be provided to the Department of Public Health and/or the Cannabis Commission;
  12. Requiring regular inspections by City officials or their agents, and access to the same records which are available for inspection to the Commonwealth of Massachusetts Department of Public Health and/or Cannabis Commission;
  13. Requiring employees to undergo a criminal background check, including but not limited to CORI and an additional background check, by the Police Chief who shall have the authority to disapprove the employment of any person(s) as a result of said background check;
  14. Requiring surveillance cameras, capable of 24-hour video recording, archiving recordings and ability to immediately produce images, in, on, around or at the premises;



# IN CITY COUNCIL

Marlborough, Mass., FEBRUARY 5, 2018

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ORDERED:

15. Prohibiting the sale of any materials or items unrelated to the purposes of registration by the Commonwealth of Massachusetts Department of Public Health and/or the Massachusetts Cannabis Commission, including, without limitation, tobacco products, clove cigarettes or e-cigarettes;
  16. The ability for the Business to:
    - a. provide a secure indoor waiting area for clients;
    - b. provide an adequate pick-up/drop-off area;
    - c. provide adequate security measures to ensure that no individual participant will pose a direct threat to the health or safety of other individuals; and
    - d. adequately address issues of traffic demand, parking, and queuing, especially at peak periods at the Business, and its impact on neighboring uses;
  17. Signs and signage; and
  18. Names of businesses, business logos and symbols, subject to state and federal law and regulations.
- D. The Special Permit Granting Authority may require the applicant to provide a traffic study, at the applicant's expense, to establish the impacts of the peak traffic demand.
- E. Applicants for a Special Permit shall be subject to Site Plan Review under § 270-2 of the Code of the City of Marlborough.
- F. A Medical Marijuana Treatment Center shall not be located:
- a. Within a radius of five hundred (500) feet of a school (as defined in § 517-2 of the Code of the City of Marlborough, as amended) located within the City of Marlborough; and
  - b. Within a radius of five hundred (500) feet of a daycare center (as defined in § 517-2 of the Code of the City of Marlborough, as amended) located within the City of Marlborough.

The five hundred (500) foot distance in these section F. is measured in a straight line from the nearest point of the school or daycare center in question to the nearest point of the building within which the proposed Medical Marijuana Treatment Center would be located.



## IN CITY COUNCIL

Marlborough, Mass., FEBRUARY 5, 2018

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### ORDERED:

4. Pursuant to section 72 of chapter 55 of the Acts of 2017, Section 650-32 B. is hereby amended by inserting in the definition of the word "Person" and after the words "non-profit entity" the words ", or a for profit entity", as follows:

PERSON

An individual, non-profit entity, or a for profit entity.

5. The effective date of these amendments shall be the date of their passage.

Be and is herewith refer to **URBAN AFFAIRS COMMITTEE, PLANNING BOARD,  
AND ADVERTISE PUBLIC HEARING FOR MONDAY FEBRUARY 26, 2018.**

ADOPTED

ORDER NO. 18-1007163-1  
X18-1007151

PLANNING BOARD  
BERLIN TOWN HALL  
23 LINDEN STREET  
BERLIN, MA 01503

PLANNING BOARD  
FRAMINGHAM CITY HALL  
150 CONCORD STREET  
FRAMINGHAM, MA 01702

PLANNING BOARD  
HUDSON TOWN HALL  
78 MAIN STREET  
HUDSON, MA 01749

PLANNING BOARD  
SUDBURY TOWN HALL  
278 OLD SUDBURY ROAD  
SUDBURY, MA 01776

PLANNING BOARD  
SOUTHBOROUGH TOWN HALL  
17 COMMON STREET  
SOUTHBOROUGH, MA 01772

PLANNING BOARD  
NORTHBOROUGH TOWN HALL  
63 MAIN STREET  
NORTHBOROUGH, MA 01532

PLANNING BOARD  
WESTBOROUGH TOWN HALL  
45 WEST MAIN ST.  
WESTBOROUGH, MA 01581

MAPC  
MUNICIPAL LEGAL NOTICES  
60 TEMPLE PLACE  
BOSTON, MA 02111

BUILDING COMMISSIONER  
CITY HALL  
140 MAIN STREET  
MARLBOROUGH, MA 01752

CITY ENGINEER  
DEPARTMENT OF PUBLIC WORKS  
135 NEIL STREET  
MARLBOROUGH, MA 01752

GIS ADMINISTRATOR  
DEPARTMENT OF PUBLIC WORKS  
135 NEIL STREET  
MARLBOROUGH, MA 01752

CITY COUNCIL  
CITY HALL  
140 MAIN STREET  
MARLBOROUGH, MA 01752

PLANNING BOARD  
DEPARTMENT OF PUBLIC WORKS  
135 NEIL STREET  
MARLBOROUGH, MA 01752

*Noted  
Marked  
2/8/18  
[Signature]*





# IN CITY COUNCIL

Marlborough, Mass., FEBRUARY 5, 2018

ORDERED:

PAGE 1

THAT, PURSUANT TO § 5 OF CHAPTER 40A OF THE GENERAL LAWS, THE CITY COUNCIL OF THE CITY OF MARLBOROUGH, HAVING SUBMITTED FOR ITS OWN CONSIDERATION CHANGES IN THE ZONING ORDINANCE OF THE CITY OF MARLBOROUGH, AS AMENDED, TO FURTHER AMEND CHAPTER 650, NOW ORDAINS THAT THE ZONING ORDINANCE OF THE CITY OF MARLBOROUGH, AS AMENDED, BE FURTHER AMENDED BY ADDING THERETO AS FOLLOWS:

1. Section 650-17, entitled "Table of Uses," is hereby amended by deleting in its entirety the use entitled "Medical Marijuana Treatment Centers" and by inserting in place thereof the following:

Medical Marijuana Treatment Centers (45)	RR	A1	A2	A3	RB	RC	B	CA	LI	I	MV
	N	N	N	N	N	N	SP	N	SP	N	N

2. Section 650-17, entitled "Table of Uses," is hereby amended by inserting a new section for the use entitled "Recreational (adult use) marijuana retail" as follows:

Recreational (adult use) marijuana retail and marijuana accessories retail (46)	RR	A1	A2	A3	RB	RC	B	CA	LI	I	MV
	N	N	N	N	N	N	SP	N	SP	N	N

3. Section 650-17, entitled "Table of Uses," is hereby amended by inserting a new section for the uses entitled "Medical and/or recreational (adult use) marijuana cultivator, independent testing laboratory, product manufacturer or transporter" as follows:

Medical and/or recreational marijuana, cultivator independent testing laboratory product manufacturer or transporter (47)	RR	A1	A2	A3	RB	RC	B	CA	LI	I	MV
	N	N	N	N	N	N	N	N	SP	SP	N



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Marlborough, Mass., FEBRUARY 5, 2018

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## ORDERED:

4. Section 650-18, entitled "Conditions for Uses," is hereby amended by adding to said section a new paragraph (45), as follows:

(45) Medical Marijuana Treatment Centers:

- (d) Shall only be located within those portions of the B and LI Districts located along Massachusetts State Highway Route 20 (Boston Post Road) from the Northborough town line to Massachusetts State Highway Route 495, and within those portions of the B and LI districts located along Massachusetts State Highway Route 20 (Boston Post Road) from the Sudbury town line to Phelps Street;
- (e) Shall have frontage on Massachusetts State Highway Route 20 (Boston Post Road); and
- (f) Shall be subject to the provisions of local and state laws, standards and regulations, local ordinances including without limitation § 650-32 of the Zoning Ordinance of the City of Marlborough, any conditions imposed on licenses and permits held by the Medical Marijuana Treatment Center, agreements between the Medical Marijuana Treatment Center and the City of Marlborough, and a Special Permit from the City Council (the "Special Permit Granting Authority").

5. Section 650-18, entitled "Conditions for Uses," is hereby amended by adding to said section a new paragraph (46), as follows:

(46) Recreational (adult use) marijuana retail and marijuana accessories retail:

- (a) Shall only be located within those portions of the B and LI Districts located along Massachusetts State Highway Route 20 (Boston Post Road) from the Northborough town line to Massachusetts State Highway Route 495, and within those portions of the B and LI districts located along Massachusetts State Highway Route 20 (Boston Post Road) from the Sudbury town line to Phelps Street;
- (b) Shall have frontage on Massachusetts State Highway Route 20 (Boston Post Road); and



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Marlborough, Mass., FEBRUARY 5, 2018

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ORDERED:

- (c) Shall be subject to the provisions of local and state laws, standards and regulations, local ordinances including without limitation § 650-32 of the Zoning Ordinance of the City of Marlborough, any conditions imposed on licenses and permits held by the recreational (adult use) marijuana retail business or marijuana accessories retail business, agreements between a recreational (adult use) marijuana retail business or marijuana accessories retail business and the City of Marlborough including, with respect to the recreational (adult use) marijuana retail business, a host community agreement, and a Special Permit from the City Council (the "Special Permit Granting Authority").
- 6. Section 650-18, entitled "Conditions for Uses," is hereby amended by adding to said section a new paragraph (47), as follows:
  - (47) Medical and/or recreational (adult use) marijuana cultivator, independent testing laboratory, product manufacturer or transporter:
    - (a) Shall only be located within those portions of the I and LI Districts located west of Massachusetts State Highway Route 495;
    - (b) Shall be limited in number to one (1) of each type (cultivator, independent testing laboratory, product manufacturer or transporter), but in no event fewer than the number of Medical Marijuana Treatment Centers registered to engage in the same type of activity in the City of Marlborough;
    - (c) Shall be subject to the provisions of local and state laws, standards and regulations, local ordinances including without limitation § 650-32 of the Zoning Ordinance of the City of Marlborough, any conditions imposed on licenses and permits held by the Medical and/or recreational (adult use) marijuana cultivator, independent testing laboratory, product manufacturer or transporter, agreements between the Medical and/or recreational (adult use) marijuana cultivator, independent testing laboratory, product manufacturer or transporter and the City of Marlborough, and a Special Permit from the City Council (the "Special Permit Granting Authority");



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Marlborough, Mass., FEBRUARY 5, 2018

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ORDERED:

- (d) All aspects of a medical and/or recreational (adult use) marijuana cultivator, independent testing laboratory, product manufacturer or transporter concerning marijuana or products containing marijuana, related supplies or educational materials must take place in a fixed location within a fully enclosed building, with the exception of the actual transport of marijuana, marijuana products and related supplies, and shall not be visible from the exterior of the building;
- (e) No outside storage of marijuana, related supplies, equipment, or educational materials is permitted; and
- (f) No marijuana shall be smoked, vaped, eaten or otherwise consumed, ingested, inhaled, dermally applied or injected on the premises of a medical and/or recreational (adult use) marijuana cultivator, independent testing laboratory, product manufacturer or transporter.

7. Section 650-32 entitled "Medical Marijuana Treatment Centers" is hereby deleted in its entirety and inserted in place thereof shall be the following:

§650-32 MEDICAL MARIJUANA TREATMENT CENTERS;  
RECREATIONAL (ADULT USE) MARIJUANA RETAIL AND  
MARIJUANA ACCESSORIES RETAIL; MEDICAL/RECREATIONAL  
MARIJUANA CULTIVATOR, INDEPENDENT TESTING  
LABORATORY, PRODUCT MANUFACTURER OR TRANSPORTER

G. MEDICAL MARIJUANA TREATMENT CENTER: Subject to the provisions of this Zoning Ordinance, Chapter 40A of the Massachusetts General Laws, Chapter 94I of the Massachusetts General Laws, and 105 CMR 725.000, all as amended, the City of Marlborough Zoning Ordinance will not prohibit the location of a center for medical marijuana treatment within the City of Marlborough, but will instead regulate such centers. A Medical Marijuana Treatment Center should provide medical support, security, oversight by a physician, and standards that meet or exceed 105 CMR 725.000. These Centers should not compete to provide streamlined care to patients and should not provide a location for patients to wait for treatment in the vicinity of children. Therefore, to ensure that these Centers are located in such a way as to not pose a direct threat to the health or safety of either qualifying patients or the public at large, the provisions of this section will apply to all such Centers.



# IN CITY COUNCIL

ORDERED:

Marlborough, Mass., FEBRUARY 5, 2018  
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- H. RECREATIONAL (ADULT USE) MARIJUANA RETAIL AND MARIJUANA ACCESSORIES RETAIL: Subject to the provisions of this Zoning Ordinance, Chapter 40A of the Massachusetts General Laws, Chapter 94G of the Massachusetts General Laws and 935 CMR 500.00, all as amended, the City of Marlborough Zoning Ordinance will not prohibit the location of recreational (adult use) marijuana retail business locations and marijuana accessories business locations within the City of Marlborough, but will instead regulate such businesses. To ensure that these businesses are located in such a way as to not pose a direct threat to the health or safety of children and other vulnerable populations, the provisions of this section will apply to all such businesses.
- I. MEDICAL/RECREATIONAL MARIJUANA CULTIVATOR, INDEPENDENT TESTING LABORATORY, PRODUCT MANUFACTURER OR TRANSPORTER: Subject to the provisions of this Zoning Ordinance, Chapter 40A of the Massachusetts General Laws, Chapter 94I of the Massachusetts General Laws, Chapter 94G of the Massachusetts General Laws, 105 CMR 725.00 and 935 CMR 500.00, all as amended, the City of Marlborough Zoning Ordinance will not prohibit the location of cultivators, independent testing laboratories, product manufacturers, or transporters, for the purposes of medical marijuana or recreational (adult use) marijuana, within the City of Marlborough, but will instead regulate such businesses. To ensure that these businesses are located in such a way as to not pose a direct threat to the health or safety of children and other vulnerable populations, the provisions of this section will apply to all such businesses.
- J. In the interpretation of this chapter, the meanings of words and phrases shall be according to the definitions included in Chapter 94I of the Massachusetts General Laws, Chapter 94G of the Massachusetts General Laws, and 935 CMR 500.00, and 105 CMR 725.00, all as amended, unless the context shows another sense to be intended. For purposes of this chapter, the following definitions shall also apply:



## IN CITY COUNCIL

ORDERED:

Marlborough, Mass., FEBRUARY 5, 2018  
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MARIJUANA shall mean 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 2 of chapter 96G of the Massachusetts General Laws, as amended. "Marijuana" does not include 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, except the resin extracted therefrom, fiber, oil, or cake or the sterilized seed of the plant which is incapable of germination, or hemp. The term also includes MIPs except where the context clearly indicates otherwise.

MARIJUANA ACCESSORIES shall mean equipment, products, devices or materials of any kind that are intended or designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, injecting, inhaling or otherwise introducing marijuana into the body.



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MEDICAL AND/OR RECREATIONAL (ADULT USE) MARIJUANA CULTIVATOR, INDEPENDENT TESTING LABORATORY, PRODUCT MANUFACTURER OR TRANSPORTER as used herein, medical and/or recreational (adult use) "marijuana cultivator" means an entity licensed to cultivate, process and package marijuana, to deliver to other marijuana cultivators, independent testing laboratories, product manufacturers, marijuana retailers or any other type of licensed marijuana-related businesses, but not to consumers; "independent testing laboratory" means 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 Accrediting Cooperation mutual recognition arrangement or that is otherwise approved by the 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. 94G, s. 34; "marijuana product manufacturer" means an entity licensed to obtain, manufacture, process and package marijuana and marijuana products, to deliver marijuana and marijuana products to marijuana cultivators, independent testing laboratories, product manufacturers, marijuana retailers or any other type of licensed marijuana-related businesses, but not to consumers; "marijuana transporter" means an entity, not otherwise licensed by the Cannabis Commission, that is licensed to purchase, obtain, and possess marijuana and marijuana products solely for the purpose of transporting, temporary storage, sale and distribution to marijuana establishments, not for sale to consumers.

MARIJUANA-INFUSED PRODUCT (MIP) means a product infused with marijuana that is intended for use or consumption, including but not limited to edible products, ointments, aerosols, oils, and tinctures. These products, when created or sold by a Recreational Marijuana Retail Sales business, shall not be considered a food or a drug as defined in M.G.L. c. 94, § 1.



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ORDERED:

Marlborough, Mass., FEBRUARY 5, 2018  
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MEDICAL MARIJUANA shall mean all parts of the plant *Cannabis sativa* L., 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. It does not include 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, except the resin extracted therefrom, fiber, oil, or cake or the sterilized seed of the plant which is incapable of germination. The term also includes MIPs except where the context clearly indicates otherwise.

MEDICAL MARIJUANA TREATMENT CENTER shall refer to the site(s) of dispensing, cultivation, and preparation of marijuana; shall mean a not-for-profit entity registered under 105 CMR 725.100 and known thereunder 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; and shall be subject to the regulations under Section 650-32 of this ordinance.

MEDICAL USE OF MARIJUANA shall mean the acquisition, cultivation, possession, processing (including development of related products such as Marijuana-Infused Products (MIPs) that are to be consumed by eating or drinking, tinctures, aerosols, oils, or ointments), transfer, transport, sale, distribution, dispensing, or administration of marijuana, products containing marijuana, related supplies, or educational materials to qualifying patients or their personal caregivers.





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Marlborough, Mass., FEBRUARY 5, 2018

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ORDERED:

RECREATIONAL (ADULT USE) MARIJUANA shall mean 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 2 of chapter 96G of the Massachusetts General Laws, as amended. "Marijuana" does not include 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, except the resin extracted therefrom, fiber, oil, or cake or the sterilized seed of the plant which is incapable of germination, or hemp. The term also includes MIPs except where the context clearly indicates otherwise.

RECREATIONAL (ADULT USE) MARIJUANA RETAIL shall refer to the retail location(s) accessible to consumers and open to the public where an entity licensed and registered under 935 CMR 500.00, as amended, as a Marijuana Retailer to purchase and deliver marijuana and products and to deliver, sell or otherwise transfer marijuana and marijuana products to consumers and to marijuana establishments, as defined in 935 CMR 500.002, shall be subject to the regulations under Section 650-32 of this ordinance.

- K. In such zoning districts where a Special Permit is required for a Recreational (adult use) marijuana retail and marijuana accessories retail, Medical Marijuana Treatment Center, Medical and/or recreational (adult use) marijuana cultivator, independent testing laboratory, product manufacturer or transporter, upon application, the Special Permit Granting Authority shall grant the Special Permit only upon its written determination that any adverse effects of the proposed use will not outweigh its beneficial impacts to the City or the neighborhood, in view of the particular characteristics of the site, and of the proposal in relation to that site. In addition to any specific factors that may be set forth in this Ordinance, the determination shall include, but is not limited to, consideration of each of the following:



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ORDERED:

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1. Social, economic, or community needs which are served by the proposal;
2. Traffic flow and safety, including parking and loading;
3. Adequacy of utilities and other public services;
4. Neighborhood character and social structures;
5. Impacts on the natural environment;
6. Potential fiscal impact, including impact on City services, tax base, and employment;
7. Hours of operation;
8. Prohibiting the smoking or consumption of marijuana on the premises;
9. Requiring that contact information be provided to the Chief of Police, the Building Commissioner, and the Special Permit Granting Authority;
10. Requiring payment of a community impact fee;
11. Requiring the submission to the Special Permit Granting Authority of the same annual reports that must be provided to the Department of Public Health and/or the Cannabis Commission;
12. Requiring regular inspections by City officials or their agents, and access to the same records which are available for inspection to the Commonwealth of Massachusetts Department of Public Health and/or Cannabis Commission;
13. Requiring employees to undergo a criminal background check, including but not limited to CORI and an additional background check, by the Police Chief who shall have the authority to disapprove the employment of any person(s) as a result of said background check;
14. Requiring surveillance cameras, capable of 24-hour video recording, archiving recordings and ability to immediately produce images, in, on, around or at the premises;
15. Prohibiting the sale of any materials or items unrelated to the purposes of registration by the Commonwealth of Massachusetts Department of Public Health and/or the Massachusetts Cannabis Commission, including, without limitation, tobacco products, clove cigarettes or e-cigarettes;



# IN CITY COUNCIL

ORDERED:

Marlborough, Mass., FEBRUARY 5, 2018

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16. The ability for the Business to:
    - a. provide a secure indoor waiting area for clients;
    - b. provide an adequate pick-up/drop-off area;
    - c. provide adequate security measures to ensure that no individual participant will pose a direct threat to the health or safety of other individuals; and
    - d. adequately address issues of traffic demand, parking, and queuing, especially at peak periods at the Business, and its impact on neighboring uses;
  17. Signs and signage; and
  18. Names of businesses, business logos and symbols, subject to state and federal law and regulations.
- L. The Special Permit Granting Authority may require the applicant to provide a traffic study, at the applicant's expense, to establish the impacts of the peak traffic demand.
- M. Applicants for a Special Permit shall be subject to Site Plan Review under  
§ 270-2 of the Code of the City of Marlborough.
- H. The number of Special Permits issued to marijuana retail businesses shall not exceed the number that is 20% of the number of liquor licenses for off-premises alcohol consumption that have been issued by the Licensing Board pursuant to section 15 of chapter 138 of the Massachusetts General Laws.
- I. A Medical Marijuana Treatment Center shall not be located:
- c. Within a radius of five hundred (500) feet of a school (as defined in § 517-2 of the Code of the City of Marlborough, as amended) located within the City of Marlborough; or
  - d. Within a radius of five hundred (500) feet of a daycare center (as defined in § 517-2 of the Code of the City of Marlborough, as amended) located within the City of Marlborough.



# IN CITY COUNCIL

Marlborough, Mass., FEBRUARY 5, 2018

PAGE 12

## ORDERED:

- J. A recreational (adult use) marijuana retail business or a marijuana accessories retail business shall not be located:
  - a. Within a radius of five hundred (500) feet of a school (as defined in § 517-2 of the Code of the City of Marlborough, as amended) located within the City of Marlborough; or
  - b. Within a radius of five hundred (500) feet of a daycare center (as defined in § 517-2 of the Code of the City of Marlborough, as amended) located within the City of Marlborough.
- K. A medical and/or recreational marijuana cultivator, independent testing laboratory, product manufacturer or transporter shall not be located:
  - a. Within a radius of five hundred (500) feet of a school (as defined in § 517-2 of the Code of the City of Marlborough, as amended) located within the City of Marlborough; or
  - b. Within a radius of five hundred (500) feet of a daycare center (as defined in § 517-2 of the Code of the City of Marlborough, as amended) located within the City of Marlborough.

The five hundred (500) foot distance in these sections I, J. and K. is measured in a straight line from the nearest point of the school or daycare center in question to the nearest point of the building within which the proposed Medical Marijuana Treatment Center, recreational (adult use) marijuana retail business, marijuana accessories retail business, or medical and/or recreational marijuana cultivator, independent testing laboratory, product manufacturer or transporter would be located.

- L. Unless otherwise provided in a City-wide vote pursuant to § 3(b) of chapter 94G of the Massachusetts General Laws to allow the sale of marijuana or marijuana products for consumption on the premises where sold, no marijuana retail business shall allow the consumption of marijuana products in the interior or exterior premises of the establishment.
- M. Chapter 412 of the Code of the City of Marlborough, as amended, prohibiting the smoking, ingesting, or other use or consumption of marijuana in any place accessible to the public shall be construed as applying to the recreational (adult) use of marijuana.



# IN CITY COUNCIL

Marlborough, Mass., FEBRUARY 5, 2018

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ORDERED:

N. Nothing contained in Chapter 412 of the Code of the City of Marlborough, as amended, prohibiting the smoking, ingesting, or other use or consumption of marijuana in any place accessible to the public shall be construed as applying to the medical use of marijuana inside a Medical Marijuana Treatment Center.

8. The effective date of these amendments shall be the date of their passage.

Be and is herewith refer to **URBAN AFFAIRS COMMITTEE, PLANNING BOARD, AND ADVERTISE PUBLIC HEARING FOR MONDAY FEBRUARY 26, 2018.**

ADOPTED

ORDER NO. 18-1007163-2  
X18-1007151

PLANNING BOARD  
BERLIN TOWN HALL  
23 LINDEN STREET  
BERLIN, MA 01503

PLANNING BOARD  
FRAMINGHAM CITY HALL  
150 CONCORD STREET  
FRAMINGHAM, MA 01702

PLANNING BOARD  
HUDSON TOWN HALL  
78 MAIN STREET  
HUDSON, MA 01749

PLANNING BOARD  
SUDBURY TOWN HALL  
278 OLD SUDBURY ROAD  
SUDBURY, MA 01776

PLANNING BOARD  
SOUTHBOROUGH TOWN HALL  
17 COMMON STREET  
SOUTHBOROUGH, MA 01772

PLANNING BOARD  
NORTHBOROUGH TOWN HALL  
63 MAIN STREET  
NORTHBOROUGH, MA 01532

PLANNING BOARD  
WESTBOROUGH TOWN HALL  
45 WEST MAIN ST.  
WESTBOROUGH, MA 01581

MAPC  
MUNICIPAL LEGAL NOTICES  
60 TEMPLE PLACE  
BOSTON, MA 02111

BUILDING COMMISSIONER  
CITY HALL  
140 MAIN STREET  
MARLBOROUGH, MA 01752

CITY ENGINEER  
DEPARTMENT OF PUBLIC WORKS  
135 NEIL STREET  
MARLBOROUGH, MA 01752

GIS ADMINISTRATOR  
DEPARTMENT OF PUBLIC WORKS  
135 NEIL STREET  
MARLBOROUGH, MA 01752

CITY COUNCIL  
CITY HALL  
140 MAIN STREET  
MARLBOROUGH, MA 01752

PLANNING BOARD  
DEPARTMENT OF PUBLIC WORKS  
135 NEIL STREET  
MARLBOROUGH, MA 01752

*Notice  
sent  
2/8/18  
[Signature]*



## IN CITY COUNCIL

Marlborough, Mass., FEBRUARY 26, 2018

### ORDERED:

That the Communication from Urban Affairs Chairman Delano, re: Proposed Order Recreational Marijuana Moratorium with letter of support from the Mayor, be and is herewith refer to **URBAN AFFAIRS COMMITTEE, PLANNING BOARD AND ADVERTISE JOINT PUBLIC HEARING WITH PLANNING BOARD FOR MARCH 19, 2018.**

**Councilor Juairé recused.**

ADOPTED

ORDER NO. 18-1007177  
X12/13/14-1005247I



# *City of Marlborough*

## *Office of the Mayor*

140 Main Street  
Marlborough, Massachusetts 01752  
Tel. (508) 460-3770 Facsimile (508) 460-3698 TDD (508) 460-3610  
[www.marlbrough-ma.gov](http://www.marlbrough-ma.gov)

*Arthur G. Vigeant*  
MAYOR

*Nicholas J. Milano*  
EXECUTIVE AIDE

*Patricia Bernard*  
EXECUTIVE SECRETARY

February 22, 2018

City Council President Edward J. Clancy  
Marlborough City Council  
140 Main Street  
Marlborough, MA 01752

*VP PB  
ADV PH 3/19/18 P.B.*

### **Re: Recreational Marijuana Moratorium**

Honorable President Clancy and Councilors:

I write in support of the proposed order to enact a temporary zoning moratorium on recreational marijuana establishments in the City of Marlborough. Since the Mayor is not permitted by state law or the City Charter to submit a zoning amendment, I have requested that Councilor Delano submit this order for review. As proposed, the moratorium will expire on December 31, 2018 or upon the adoption by the City Council of ordinances that address marijuana establishments.

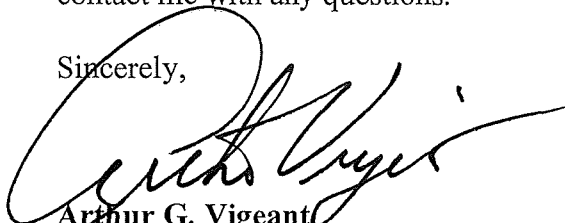
I support potentially amending our zoning code to allow recreational marijuana establishments and changing where medical marijuana establishments are permitted; however, it is necessary for the City to be able to take its time to adopt these ordinances.

I was advised during meetings with the Massachusetts Municipal Association that municipalities ought to have a moratorium in place if a final zoning ordinance is not adopted by April 1, 2018. Ambiguity in our zoning code could result in potential legal challenges about whether or not recreational marijuana establishments are permitted. A moratorium will make it clear that they are not permitted while we collaboratively evaluate the zoning code for a long-term solution.

To expedite the adoption of this moratorium, I have requested that the Planning Board hold a public hearing with the City Council in March. In addition, I have discussed with a Board member why this moratorium is a prudent decision.

Again, I request your support of this temporary moratorium proposal. Please do not hesitate to contact me with any questions.

Sincerely,

  
Arthur G. Vigeant  
Mayor





# IN CITY COUNCIL

Marlborough, Mass., FEBRUARY 26, 2018

ORDERED:

PAGE 1

THAT, PURSUANT TO § 5 OF CHAPTER 40A OF THE GENERAL LAWS, THE CITY COUNCIL OF THE CITY OF MARLBOROUGH, HAVING SUBMITTED FOR ITS OWN CONSIDERATION CHANGES IN THE ZONING ORDINANCE OF THE CITY OF MARLBOROUGH, AS AMENDED, TO FURTHER AMEND CHAPTER 650, NOW ORDAINS THAT THE ZONING ORDINANCE OF THE CITY OF MARLBOROUGH, AS AMENDED, BE FURTHER AMENDED BY ADDING THERETO AS FOLLOWS:

1. Section 650-5, entitled "Definitions, Word Usage," is hereby amended by adding to said section the following definitions:

MARIJUANA ESTABLISHMENT: a marijuana cultivator, independent testing laboratory, marijuana product manufacturer, marijuana retailer, marijuana delivery-only retailer, marijuana social consumption primary use establishment, marijuana social consumption mixed-use establishment, craft marijuana cooperative, marijuana transporter, marijuana micro-business, or any other type of licensed marijuana-related business, including but not limited to medical marijuana treatment centers which convert to or collocate with any of the aforementioned classes of marijuana establishments.

RECREATIONAL MARIJUANA: marijuana subject to regulation under 935 CMR 500.00, entitled "Adult Use of Marijuana," as promulgated by the Massachusetts Cannabis Control Commission, the laws of the Commonwealth of Massachusetts, and the regulations and ordinances of the City of Marlborough.

MARIJUANA ACCESSORIES: equipment, products, devices or materials of any kind that are intended or designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, ingesting, inhaling, or otherwise introducing marijuana into the human body.

2. A new Section 650-38, entitled "TEMPORARY MORATORIUM ON RECREATIONAL MARIJUANA ESTABLISHMENTS AND THE SALE OF MARIJUANA ACCESSORIES," is hereby added, as follows:

650-38 TEMPORARY MORATORIUM ON RECREATIONAL MARIJUANA ESTABLISHMENTS AND THE SALE OF MARIJUANA ACCESSORIES



# IN CITY COUNCIL

Marlborough, Mass., FEBRUARY 26, 2018

PAGE 2

## ORDERED:

### A. Purpose

By vote of the state election on November 8, 2016, the voters of the Commonwealth approved a law, Chapter 334 of the Acts of 2016, which regulates the cultivation, distribution, possession and use of marijuana for recreational purposes. By act of the Legislature, Chapter 351 of the Acts of 2016, the Cannabis Control Commission must issue initial regulations by March 15, 2018 and begin accepting applications for licenses by April 1, 2018. The Cannabis Control Commission must also adopt final regulations by July 1, 2018.

Pursuant to section 3 of chapter 94G of the Massachusetts General Laws, a municipality may adopt zoning regulations that impose reasonable safeguards on the operation of marijuana establishments. Chapter 334 of the Acts of 2016 also established the Cannabis Advisory Board to, among other things, advise on the preparation of regulations. It is expected that the Legislature, the Cannabis Control Commission, and the Cannabis Advisory Board's will provide guidance to the City concerning the regulation of recreational marijuana establishments and marijuana retailers.

### B. Temporary Moratorium

The regulation of recreational marijuana establishments and the sale of marijuana accessories raises complex and novel legal, planning, and public safety issues. The City intends to adopt a temporary moratorium on the use of land and structures in the City for the purpose of recreational marijuana establishments and the sale of marijuana accessories. The temporary moratorium will provide the City with time to study, plan, consider and promulgate ordinances to address said complex and novel issues, including but not limited to assessing and incorporating State regulations, in a manner consistent with sound land use planning goals and objectives.



## IN CITY COUNCIL

Marlborough, Mass., FEBRUARY 26, 2018

PAGE 3

### ORDERED:

For the reasons sets forth above, and notwithstanding any other provision of the Zoning Ordinance to the contrary, the City hereby adopts a temporary moratorium on the use of land or structures for or by recreational marijuana establishments and the sale of marijuana accessories, as herein defined, including but not limited to accessory uses and home occupations. During the moratorium period, the City shall undertake a planning process to address the potential impacts of recreational marijuana in the City; consider Cannabis Control Commission regulations regarding recreational marijuana establishments, the sale of marijuana accessories, and related uses; consider such guidance as may be provided by the Legislature, the Cannabis Control Commission, and the Cannabis Advisory Board; determine whether the City shall restrict any or all recreational marijuana establishments, the sales of marijuana accessories or related uses through any available legal means, adopt provisions of the Zoning Code to address the impact and operation of recreational marijuana establishments, the sale of marijuana accessories, and related uses; and consider such other and further matters as set forth in M.G.L. c. 94G, § 3, M.G.L. c. 64N, § 3, and 935 CMR 500.000.

The moratorium shall be in effect through December 31, 2018 or the adoption by the City Council of ordinances that address recreational marijuana establishments, the sale of marijuana accessories, and related uses, whichever occurs first in time.