

Town of Walpole Commonwealth of Massachusetts

Planning Board

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REPORT OF THE PLANNING BOARD ARTICLE 13 2013 FALL TOWN MEETING

The Planning Board held a public hearing on the following zoning article on October 3, 2013:

ARTICLE 13: To see if the Town will vote to amend the Zoning Bylaw for the purpose of regulating the locations of medical marijuana facilities by adding a new use to SECTION 5-B. SCHEDULE OF USE REGULATIONS, Table 5-B.1. Use Table, 4. BUSINESS so that it reads as follows:

	RA	RB	GR	R	PSRC	B	CBD	HB	LM	IND	PARKING CODE
ee. Any Medical Marijuana Treatment Center defined in Section 14 of the Bylaw and under the provisions of Chapter 369 of the Acts of 2012 and 105 CMR 725.000, provided that such use is no less than five hundred (500) feet from a parcel containing a school, religious institution, residence, licensed registered daycare facility, playground, park, recreation center, youth center or any established facility in which children commonly congregate.	X	X	X	X	X	X	X	X	X	SPZ	6

And to further amend the Zoning Bylaw by making the following addition and changes to SECTION 14: DEFINITIONS:

Add the following new definition:

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, 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.

And amend the definitions of AGRICULTURE, FLORICULTURE, AND HORTICULTURE, VITICULTURE AND SILVACULTURE and MEDICAL OR DENTAL LABORATORIES by adding the following sentence to each (***added text in bold italics and underlined***):

AGRICULTURE, FLORICULTURE, AND HORTICULTURE, VITICULTURE AND SILVACULTURE – A use which has as its principal purpose the raising of agricultural products for commercial or home use, but not including the raising of livestock or farm animals on parcels of less than five (5) acres, and not including the sale of products, unless raised on the premises or as otherwise allowed under G.L.c.40A, §3. *Agriculture shall not include any uses or activities associated with a Medical Marijuana Treatment Center as defined elsewhere in this section.*

MEDICAL OR DENTAL LABORATORIES – A building or group of buildings used for the offices and facilities accessory to the practice of licensed medical practitioners, (including physicians, dentists, optometrists, ophthalmologists, and persons engaged in all fields related generally to medicine, but not including veterinarians) and including such common facilities as an outpatient clinic or emergency treatment rooms, but not including inpatient facilities. *Medical Laboratories shall not include any uses or activities associated with a Medical Marijuana Treatment Center as defined elsewhere in this section.*

Or to act or do anything in relation thereto. (Petition of the Board of Selectmen).

Public Hearing and Planning Board Recommendation: The Planning Board voted **5-0-0** to recommend **Favorable Action on Article 13.**

MEMORANDUM

TO: TOWN MEETING MEMBERS
FROM: STEPHANIE MERCANDETTI, COMM. & ECON. DEV. DIRECTOR
SUBJECT: ARTICLE 13
DATE: OCTOBER 3, 2013
CC: MICHAEL BOYNTON, TOWN ADMINISTRATOR

As you know, Town Meeting adopted a temporary moratorium on Medical Marijuana Treatment Centers at the 2013 Spring Annual Town Meeting until June 2014. The purpose was to provide time for the Town to study and consider the use as well as review the MA Department of Health's Regulations, which had yet to be finalized at the time.

The Board of Selectmen conducted a survey and received 3,642 responses of which 971 responses indicated a location preference, the results are as follows:

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|--|------|
| a) 421 responses wanted it in an industrial area | 42% |
| b) 357 responses wanted it in Downtown Walpole | 38% |
| c) 192 responses wanted it in a retail/mall/plaza area | 20% |
| d) 1 response wanted it in a residential area | .01% |

A small working group consisting of the Health Director, Robin Chapell; Deputy Police Chief John Carmichael, Planning Board Chairman Richard Nottebart and I met over the summer to review possible zoning options. This group reviewed the MA Department of Public Health's Regulations, zoning adopted by other municipalities as well as survey data noted above.

Article 13 seeks to amend the Walpole Zoning Bylaw for the purpose of regulating Medical Marijuana Treatment Centers, now known as Registered Marijuana Dispensaries (RMD), per Chapter 369 of the Acts of 2012 and 105 CMR 725.000. The proposal adds a new use to the Section 5-B. Schedule of Use Regulations, Table 5-B.1. Use Table, under 4. BUSINESS in the Zoning Bylaw for RMDs and includes specific language for a 500ft buffer requirement similar to the state regulations. The language is very similar to what is currently in the bylaw for Adult Entertainment Uses. This use would be allowed by a Special Permit through the Zoning Board of Appeals in the Industrial District. In addition, a definition for this use would be added to Section 14: Definitions and two existing definitions, for Agriculture, Floriculture, and Horticulture, Viticulture and Silviculture and Medical or Dental Laboratories, would be amended.

Enclosed please find a map which indicates potential locations for the siting of such facilities. Please note that this map is for illustrative purposes only.

