

ARTICLE 02.

MEDICAL MARIJUANA FACILITIES

To see if the Town will vote to adopt and incorporate pertinent zoning by-law amendments by enacting local regulations and conditions for the establishment of Medical Marijuana Facilities thus acknowledging the regulations enacted following the approval of the initiative petition of ballot questions #3 at the State Election on November 6, 2013, known as Medical Use of Marijuana and to act fully thereon. By request of the Planning Board.

Summary: The Commonwealth has adopted regulations implementing said law under 105 CMR 725.000 and became effective on January 1, 2013. These regulations are local and complement those state controlled components of the law by ensuring that the environment is strictly controlled to meet the requirements of state law control by Massachusetts Department of Public Health (DPH) and do not supersede any State or local requirements of a more stringent nature nor impact the scope or intent of the by-laws.

*Strikethrough represents language proposed for deletion
Underline represents language proposed for inclusion*

Chapter 325: Zoning, Article II: Definitions

§ 325-02. Word usage and definitions.

[new] Medical Marijuana Treatment Center – An establishment registered under 105 CMR 725.100, also known as a registered marijuana dispensary or 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. Medical Marijuana Treatment Center refers to the site(s) of dispensing, cultivation, and preparation of marijuana.

§ 325-3. Division of Town into Districts

[new] Medical Marijuana Overlay District MM

[new] Chapter 325: Zoning, Article XXII: Medical Marijuana Overlay District

§ 325-134. Purpose

The purpose of the Medical Marijuana Overlay District is to provide a location for medical marijuana treatment centers as authorized by the Commonwealth of Massachusetts.

§325-135. District Boundaries

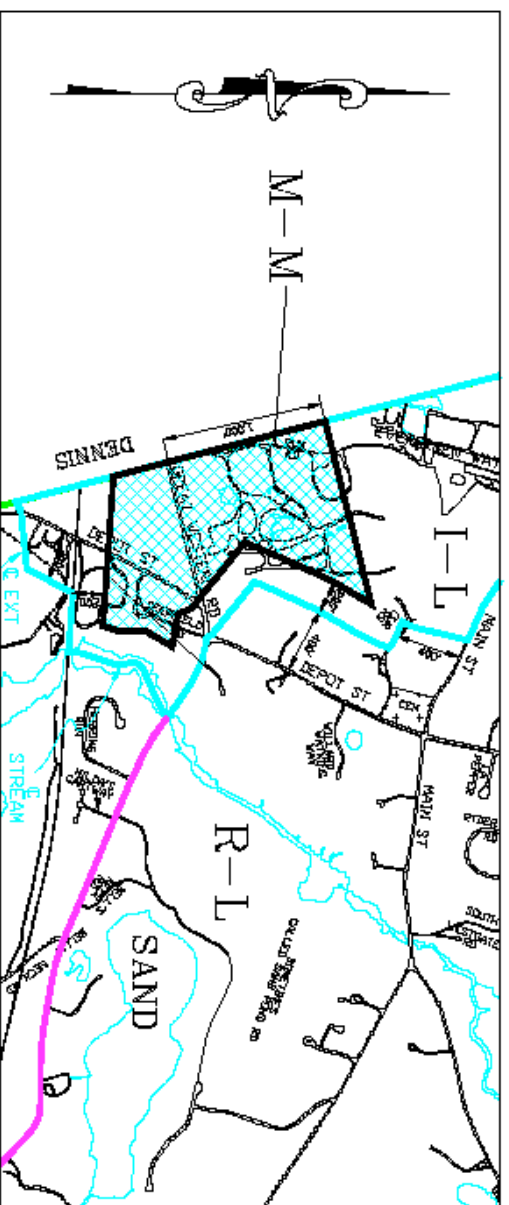
The boundaries of the Medical Marijuana Overlay District are as shown on a map entitled "Medical Marijuana Overlay District", dated March 11, 2014. The district is bounded to the north by a line one thousand (1,000) feet north of Great Western Road, to the west by the westerly town boundary, to the south by a line two hundred (200) feet north of the Cape Cod Rail Trail, and to the east by a line two hundred (200) feet from the abutting R-R and R-L residential zoning districts.

§ 325-136. Special Permit

Special permits for a medical marijuana treatment center may be granted upon a determination by the Planning Board that the following criteria have been met in addition to those specified in §325-51.A and §325-51.B:

- (1) A medical marijuana treatment center shall be registered with the Massachusetts Department of Health pursuant to 105 CMR 725.100 and shall comply with all state and local health regulations.
- (2) A special permit authorizing a medical marijuana treatment center shall be valid only for the registered entity to which the special permit was issued, and only for the site on which the center has been authorized by special permit. If the registration for a medical marijuana treatment center has been revoked, transferred to another controlling entity, or relocated to a different site, a new special permit shall be required.
- (3) Copies of registration materials issued by the Massachusetts Department of Public Health and any materials submitted to the Massachusetts Department of Public Health for the purpose of seeking registration shall be submitted to confirm that all information is consistent with the application for a special permit.
- (4) A medical marijuana treatment center shall not be sited within a radius of five hundred feet of a school, daycare center, library, church, municipal park or any facility in which children commonly congregate. The five hundred (500) foot distance under this section is measured in a straight line from the nearest point of the facility to the nearest point of the medical marijuana treatment center.

TOWN OF HARWICH



PREPARED BY THE HARWICH PLANNING DEPARTMENT
MARCH 11, 2016

MEDICAL MARIJUANA OVERLAY DISTRICT

NOT TO ANY SCALE

REDUCED FOR PUBLICATION