

Updates to Marijuana Zoning

PUBLIC HEARING

ZONING AND PLANNING COMMITTEE

MARCH 8, 2021

PLANNING & DEVELOPMENT

New State Regulations

Cannabis Control Commission filed new medical and adult use marijuana regulations on January 8, 2021

New regulations require updates to marijuana zoning ordinance from December 2018

Updates include changes to terminology, changes to buffer zones around medical marijuana treatment centers to be consistent with retailers, clarification of buffer measurement, etc.

Two new license types: marijuana courier and marijuana delivery operator

Updates to Ordinance

Registered Marijuana Dispensaries (RMDs) are now Medical Marijuana Treatment Centers (MTCs)

Marijuana Product Manufacturer definition updated to include packaging and transfer of products to other marijuana establishments

MTC buffers updated to match retail marijuana buffers and no longer require 500 foot buffer from daycares, preschools, facilities where children commonly congregate

Clarification on buffer measurement – door to door except for impassible barriers

Requirement for medical marijuana to be located in an area without reasonable access has been removed

Strike 2018 Moratorium, Section 6.10.4

Zoning Considerations for Delivery

Similar existing uses: Marijuana Transporter (may transport marijuana but cannot deliver to customers) – M district; Wholesale Business or Storage Facility – BU2, MU1, M, LM districts

High, but predictable parking need, minimal traffic

No public interaction on site

Delivery operator warehouse requires security

Parking and security needs not compatible with village centers and commercial districts

Not an active, pedestrian oriented use

Licenses will be restricted to Social Equity and Economic Empowerment Applicants for 3 years

Zoning Districts Considered

Business districts (BU1, BU2, BU4, BU5) – Active, pedestrian oriented mix of uses should be prioritized in these zones

Mixed Use 1 and 2 – Needham Street. Housing is not feasible and delivery licensees may be compatible with existing uses, but not with Needham Street Vision Plan

Mixed Use 4 – Only applied in conjunction with a development project, requires active retail or commercial uses on ground floor and high transparency

Zoning Recommendations for Delivery

Allow Marijuana Courier and Marijuana Delivery Operator by-right in Manufacturing (M) and Limited Manufacturing (LM) districts

Consistent with uses allowed in these districts

These areas tend to be less pedestrian oriented, and residential uses are prohibited

Provides opportunities on both north and south side of the City

Consistent with preliminary recommendations from Cambridge and Natick to locate delivery in industrial areas

Eliminating the need for a Special Permit benefits Social Equity and Economic Empowerment applicants by reducing the costs associated with the process and with “holding” a property while seeking local and state approvals

Proposed Marijuana Courier and Delivery Operator Zoning

City of Newton, MA



Legend

Zoning

- Light Purple: Limited Manufacturing
- Purple: Manufacturing

0 0.5 1 2 Miles

Map Date: February 04, 2021



CITY OF NEWTON, MASSACHUSETTS
Mayor - Ruthanne Fuller

State Regulations

Highly regulated use by the Cannabis Control Commission, including:

Building and parking areas must be secure

Vehicles must be owned or leased by the courier or delivery operator and must be unmarked

Vehicles must have separate secure, locked compartments for product and cash

Cash value of product contained in the vehicle limited to \$10,000

Two agents staff each vehicle, and one must remain with the vehicle at all times

Deliveries may not occur before 8am or after 9pm

No product may be visible from outside of building

Additional City Regulations

In addition, our zoning ordinance requires all marijuana establishments comply with the following:

Must be located in a permanent building and may not be in a building with residential uses

Must submit state approved emergency response, security, and operations and management plans for review and approval

No odors may be detected at the exterior of the building

Signage must be approved by UDC (though signage is unlikely for security purposes)

Summary

Marijuana Courier and Marijuana Delivery Operator are similar to other uses allowed by-right in Manufacturing and Limited Manufacturing Districts

Between Cannabis Control Commission regulations and licensing process, City ordinance, and Host Community Agreement, the use is well regulated, and a Special Permit is not necessary

Eliminating the need for a Special Permit provides greater opportunity for Social Equity and Economic Empowerment applicants