

To: Ordinance Review Committee
From: Mark Eyerman
Subject: Marijuana Amendments Continued
Date: **Updated** December 16, 2021

The changes we discussed at the October and November meetings will require amendments to both the licensing provisions in the City Code and the land use provisions in the Land Use Code. Attached are draft amendments to both ordinances to tweak the various marijuana requirements. These reflect our discussion at the November meeting and add performance standards that will apply to all cultivation of marijuana in the City.

The draft amendments to the Land Use Code do not include any proposals for changing the various use categories. It was my understanding that the sense of the committee was to hold off on doing anything with these until the new medical marijuana law and rules are adopted. The drafts do include provisions for regulating the cultivation of marijuana by medical marijuana caregivers as well as by individuals for private use. We should hold off on moving these forward to the Planning Board until we get feedback from Jon Pottle as to whether he thinks the City can legally do that.

Here is an overview of the draft changes to the Land Use Code:

1. The submission requirements for applications for Planning Board approval for marijuana establishments that don't otherwise trigger Planning Board or Site Plan Review include an automatic waiver for the map/drawing requirements when they are simply going into an existing space.
2. The separation distance around schools, etc. is a flat 1000 foot donut measured from property lines with no provisions for reductions.
3. The separation distance between retail marijuana establishments is changed to a 500 foot donut measured from property lines.
4. Performance standards for the cultivation of marijuana are added including that it be done in a fully enclosed structure with provisions for odor control and that the structure meets setback requirements. It also includes a provision requiring that the cultivation facility not be visible from a public street if it is a freestanding structure.
5. The definitions of cultivation facilities are revised to require that the growing occur within a fully enclosed facility with walls and a roof.

The draft changes to the licensing provisions in the City Code remove the requirement that an applicant provide the City Council with the materials that were submitted to the state. Instead it provides for a consistent provision that the applicant has to provide evidence that they applied for and/or received state approval.