

To: Planning Board
From: Ordinance Review Committee/Mark Eyerma
Subject: Marijuana Amendments Continued
Date: December 30, 2021

The Ordinance Review Committee has developed draft amendments to both the licensing provisions in the City Code and the land use provisions in the Land Use Code. The draft amendments exempt marijuana establishments that go into an existing building or commercial space from some of the review submission requirements. It also removes the requirement to submit copies of the state application when applying for a City license. The amendments also simplify the separation distance provisions and add performance standards that will apply to all cultivation of marijuana in the City. The changes to the City Code go directly to the Council while the changes to the Land Use Code require a public hearing and recommendation by the Planning Board. The City Code amendments will be “held” until the Land Use Code revisions are finalized so the two can go to the City Council as a package.

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 changed to 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 all cultivation 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 an accessory 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 application 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.