

## SECTION III.P. MEDICAL MARIJUANA DISPENSARY AND CULTIVATION CENTER

### 1. Purpose and Intent.

The purpose of this By-law is to provide appropriate zoning regulations for Medical Marijuana Treatment Centers and to establish overlay districts for Registered Marijuana Dispensary (RMD) uses that comply with state law and regulations.

The intent of this section is to:

- a. Establish specific zoning standards and regulations for a RMD;
- b. Protect the public health, safety and welfare of Framingham residents and the community; and
- c. Provide site design standards and permitting requirements for a RMD.

### 2. Definitions

**Medical Marijuana Treatment Center (MMTC):** 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 product, tinctures, aerosols, oils, or ointments), transfers, transports, sells, distributes, dispenses, or administers 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.

#### Terms Not Defined

Any terms not defined in this Section but defined elsewhere in the Town By-laws, Building and Board of Health Regulations or Commonwealth of Massachusetts laws and regulations shall have the meanings given therein to the extent the same are not inconsistent with this Section.

### 3. Applicability

- a. All RMD activities shall require a special permit from the Planning Board.
- b. A RMD shall be located within Medical Marijuana Dispensary and Cultivation Center Overlay District.

### 4. Separation of Use

#### a. Requirements

A RMD shall not be allowed or permitted upon any parcel or any portion of which is at the time of establishment within:

- i. 1,000 feet from a parcel on which another RMD has been established; and
- ii. 500 feet from a parcel containing a school, licensed registered daycare facility, playground, park, recreation center, youth center or where children commonly congregate; or
- iii. within a Single Family Residential Zoning District or General Residential Zoning District.

The distance between the RMD and uses referenced herein, shall be measured in a straight line, without regard for intervening structures, from any parcel line of the real property on which the RMD is located, to the nearest point on a parcel line of the real property, referenced herein.

**b. Residential Use and Residential Zoning District**

No marijuana or marijuana based products shall be sold or grown or cultivated, interior or exterior to a residential dwelling unit, residential use, or mixed-use residential building or within a residential zoning district except if a hardship certificate is granted by the Department of Public Health according to 105 CMR 725.035.

**5. Design Standards, Off-street Parking and Loading Requirements**

**a. Site Plan Review**

A RMD shall require site plan review and shall comply with the regulations of Section IV.I. of this Zoning By-law.

**b. Basic Requirements**

A RMD shall be designed and constructed in accordance with the requirements of the underlying zoning district and with the requirements of all applicable provisions of the Zoning By-Law including Section IV.K. Highway Overlay District Regulations for site layout.

**c. Off-street Parking**

i. Off-street parking facilities for a RMD shall conform to all regulations and design standards set forth in Section IV.B. of the Zoning By-law.

- a). A standalone dispensary facility shall be considered as a “Other personal, consumer and retail services” occupancy type for the purpose of parking space count.
- b). A standalone cultivation facility shall be considered as a “Wholesale or non-retail business, warehouse or other storage facility” occupancy type for the purpose of parking space count.
- c). A joint dispensary and cultivation center shall be considered as a “R&D establishment, manufacturing, industrial service, or extractive industry” occupancy type for the purpose of parking space count.

**d. Premises Requirements**

**i. Building Area**

- a). A standalone dispensary facility shall not exceed 3,000 gross square feet for client dispensary and consultation area.
- b). A standalone cultivation facility shall not exceed 25,000 gross square feet.
- c). A joint dispensary and cultivation facility shall not exceed 30,000 gross square feet.
- d). A RMD must be located in a permanent building and may not be located in a trailer, cargo container or motor vehicle.
- e). The RMD shall be of adequate interior space to accommodate all activities inside the building so as not to have outside patient queuing on sidewalks, parking areas, or other areas outside the building.

- ii. Physical Appearance
  - a). Marijuana, marijuana-infused products, or associated products shall not be displayed or clearly visible to a person from the exterior of the RMD.
  - b). A RMD shall not display on the exterior of the facility advertisements for marijuana or any brand name, and may only identify the building by the registered name.
  - c). A RMD shall not utilize graphics related to marijuana or paraphernalia on the exterior of the RMD or the building in which the RMD is located.
- iii. Drive-thru:
  - a). A RMD may not have a drive-thru service.
- iv. Waste Disposal:
  - a). The disposal of waste shall comply with 105 CMR 725.105(J).
  - b). Outdoor storage of waste shall be screened with a locking fence.

**6. Openness of Premises**

Any and all distribution, possession, storage, display, sales or other distribution of marijuana shall occur only within the restricted interior area of the RMD. Therefore, the RMD shall be designed and constructed such that no area or portion where marijuana is processed or stored is visible from the exterior; however, the entrance shall be fully visible from the public street or building frontage.

**7. RMD Storage Requirements**

All requirements for storage of Medical Marijuana and products shall be in compliance with 105 CMR 725.105(D).

**8. Cultivation, Acquisition and Distribution Requirements**

Cultivation of medical marijuana, marijuana-infused products, or associated products shall follow the regulations set forth in 105 CMR 725.105(B).

**9. Operating License Required**

A Department of Public Health Registration and Compliance Certificate shall be required for the operation of a RMD within the Town of Framingham.

**10. Additional Conditions, Limitations, and Safeguards**

- a. **Entitlement or vested rights to permitting** No person shall be deemed to have any entitlement or vested rights to permitting under this By-law by virtue of having received any prior permit from the Town including, by way of example only, any zoning permit or any wholesale food manufacturer’s license. In order to lawfully operate a RMD, a person must qualify for and obtain a special permit in accordance with the requirements of this By-law.
- b. **Conflict of Laws** In the event of any conflict between the provisions of this By-law and any other applicable state or local law, the stricter provision, as deemed by the Zoning Enforcement Officer, shall control.
- c. **Severability** Any determination that a particular provision or set of provisions in this Section III.P. are invalid or unenforceable shall not render ineffective, unenforceable, or inapplicable the remainder of this Section.
- d. **Variance:** No use variance maybe granted for a RMD.