



**TOWN OF MAYNARD**  
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*Board of Health  
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*Building & Inspections  
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*Board of Appeals  
 Planning Board*

**Legal Notice – Maynard Planning Board**

Pursuant to Massachusetts General Laws, Chapter 40A s.5, the Maynard Planning Board will hold a public hearing on Tuesday, January 2, 2018 at 7:00 p.m. at the Maynard Town Building, 195 Main Street, Maynard, Room 201 to discuss proposed changes to the Maynard Protective Zoning By-laws. The Planning Board will also consider whether or not to recommend approval of the proposed Zoning By-law changes to the Town Meeting (date TBD). Town Meeting approval is required in order for a proposed Zoning By-Law to become effective. The following changes are proposed, and will be discussed at the Planning Board public hearing on January 2, 2018:

- 1. AMEND SECTION 3.1.2, USE REGULATIONS, TABLE A, “4. BUSINESS USES”,** to add and allow the following use by Special Permit of the Planning Board within the: “Business” (B) “Central Business” (CB), and “Health Care Industrial” (HCI) Zoning Districts: **Marijuana Retailer.**

This will amend the Use Regulations Table as depicted below.

<b>4. Business Uses</b>	<b>S-1</b>	<b>S-2</b>	<b>GR</b>	<b>B</b>	<b>CB</b>	<b>HCI</b>	<b>I</b>	<b>GA</b>	<b>OS</b>
<i>Marijuana Retailer</i>	<i>N</i>	<i>N</i>	<i>N</i>	<i>PB</i>	<i>PB</i>	<i>PB</i>	<i>N</i>	<i>N</i>	<i>N</i>

- 2. AMEND SECTION 3.1.2, USE REGULATIONS, TABLE A, “5. INDUSTRIAL USES”,** to add and allow the following uses by Special Permit of the Planning Board within the: “Health Care Industrial” (HCI) and Industrial (I) Zoning Districts: **Craft Marijuana Cultivator Cooperative, Marijuana Cultivator, Marijuana Testing Facility, and Marijuana Product Manufacturer.**

This will amend the Use Regulations Table as depicted below.

<b>5. Industrial Uses</b>	<b>S-1</b>	<b>S-2</b>	<b>GR</b>	<b>B</b>	<b>CB</b>	<b>HCI</b>	<b>I</b>	<b>GA</b>	<b>OS</b>
<i>Craft Marijuana Cultivator Cooperative</i>	<i>N</i>	<i>N</i>	<i>N</i>	<i>N</i>	<i>N</i>	<i>PB</i>	<i>PB</i>	<i>N</i>	<i>N</i>
<i>Marijuana Cultivator</i>	<i>N</i>	<i>N</i>	<i>N</i>	<i>N</i>	<i>N</i>	<i>PB</i>	<i>PB</i>	<i>N</i>	<i>N</i>
<i>Marijuana Testing Facility</i>	<i>N</i>	<i>N</i>	<i>N</i>	<i>N</i>	<i>N</i>	<i>PB</i>	<i>PB</i>	<i>N</i>	<i>N</i>
<i>Marijuana Product Manufacturer</i>	<i>N</i>	<i>N</i>	<i>N</i>	<i>N</i>	<i>N</i>	<i>PB</i>	<i>PB</i>	<i>N</i>	<i>N</i>

**3. AMEND SECTION 3.1.2, USE REGULATIONS, TABLE A, “5. ACCESSORY USES”,** to prohibit a **Craft Marijuana Cultivator Cooperative** as an accessory use in all zoning districts.

This will amend the Use Regulations Table as depicted below.

<b>6. Accessory Uses and Other Uses</b>	<b>S-1</b>	<b>S-2</b>	<b>GR</b>	<b>B</b>	<b>CB</b>	<b>HCI</b>	<b>I</b>	<b>GA</b>	<b>OS</b>
<i>Craft Marijuana Cultivator Cooperative</i>	<i>N</i>	<i>N</i>	<i>N</i>	<i>N</i>	<i>N</i>	<i>N</i>	<i>N</i>	<i>N</i>	<i>N</i>

**4. AMEND SECTION 7.9 TO INCLUDE THE FOLLOWING USE REGULATIONS:**

**7.9.1 Spacing Requirements.** No Marijuana Establishment shall be located within three hundred (300) feet of a pre-existing public or private school providing education in kindergarten or any of grades 1 through 12.

Distances shall be calculated by direct measurement of a straight line from the nearest property line of the facility in question to the nearest property line of the Marijuana Establishment.

7.9.2 **Term.** A Special Permit granted under this Section shall expire within two (2) years of the date of issuance of the Permit. Prior to the expiration of the Special Permit, the applicant shall make application to the Special Permit Granting Authority (SPGA) for renewal of the Special Permit for an additional two (2) year period. Said renewal shall require the applicant to appear before the SPGA for a noticed public hearing however; shall not require the technical submission of the original application, provided that conditions of the site and facility have not changed materially from the original application.

7.9.3 **Transfer.** In addition to the Term requirements specified under Section 7.9.3, a Special Permit granted under this Section shall have a term limited to the duration of the applicant's ownership of the premises as a Marijuana Establishment. A Special Permit may only be transferred only with the approval of the SPGA in the form of a modification to the Special Permit and with all the information required per this Section, Section 10.4 and in any Rules and Regulations that have been adopted.

**7.9.4 Further Criteria:**

1. In addition to this by-law, any permit applied for and/or issued shall comply with all State laws and regulations concerning Marijuana Establishments.
2. In addition to the criteria and requirements set forth hereunder, the provisions of Section 10.4 shall apply to Special Permits under this Section.
3. No permit shall be granted hereunder to any applicant, principal officer, agent, owner or manager of a Marijuana Establishment who has been convicted of a felony in the Commonwealth of Massachusetts or convicted of an offense in another state that would be a felony in the commonwealth, except a prior conviction solely for a marijuana offense or solely for a violation of section 34 of chapter 94C of the General Laws, unless the offense involved distribution of a controlled substance, including marijuana, to a minor. The application shall include proof of the foregoing, by sworn statement and including submission to a CORI from the Chief of Police for each of the aforementioned individuals. The Chief of Police shall report to the SPGA prior to the close of the public hearing whether or not the applicant complies with these criteria.
4. The hours of operation of a Marijuana Establishment may be set by the SPGA.
5. There will be no displayed products in the facilities windows or be visible from any street or parking lot.
6. Signage will conform to the sign by-laws in Section 6.2 and any exterior sign may identify the establishment but will not contain any other advertisement.

**5. AMEND SECTION 11.0 TO ADD THE FOLLOWING DEFINITIONS:**

**Craft Marijuana Cultivator Cooperative** is a marijuana cultivator comprised of residents of the commonwealth organized as a limited liability company or limited liability partnership under the laws of the commonwealth, or an appropriate business structure as determined by the commission, and that is licensed to cultivate, obtain, manufacture, process, package and brand marijuana and marijuana products to deliver marijuana to marijuana establishments but not to consumers, as defined the Massachusetts General Laws, Chapter 94G.

**Marijuana Cultivator** is an entity licensed to cultivate, process and package marijuana, to deliver marijuana to marijuana establishments and to transfer marijuana to other marijuana establishments, but not to consumers, as defined the Massachusetts General Laws, Chapter 94G.

**Marijuana Establishment** is considered a cultivator, marijuana testing facility, marijuana product manufacturer, marijuana retailer or any other type of licensed marijuana-related business, all as defined the Massachusetts General Laws, Chapter 94G.

**Marijuana Product Manufacturer** is an entity licensed to obtain, manufacture, process and package marijuana and marijuana products, to deliver marijuana and marijuana products to marijuana establishments and to transfer marijuana and marijuana products to other marijuana establishments, but not to consumers, as defined the Massachusetts General Laws, Chapter 94G.

**Marijuana Retailer** is an entity licensed to purchase and deliver marijuana and marijuana products from marijuana establishments and to deliver, sell or otherwise transfer marijuana and marijuana products to marijuana establishments and to consumers, as defined the Massachusetts General Laws, Chapter 94G.

**Marijuana Testing Facility** is an entity licensed to test marijuana and marijuana products, including certification for potency and the presence of contaminants, as defined the Massachusetts General Laws, Chapter 94G.

A copy of the Proposed Zoning Bylaw Changes is also on file with the Office of Municipal Services Office, Planning Division and the Town Clerk's Office and can be viewed during normal business hours.

Bill Nemser  
Town Planner