

HOPKINTON ZONING BYLAWS: CHAPTER 210

REGISTERED MARIJUANA DISPENSARY (RMD); (ALSO KNOWN AS A MEDICAL MARIJUANA TREATMENT CENTER) – A not-for-profit entity registered under 105 CMR 725.100 that acquires, cultivates, possesses, processes (including development of related products such as edible marijuana-infused products, tinctures, aerosols, oils, or ointments), transfers, transports, sells, distributes, dispenses, or administers marijuana, products containing marijuana, related supplies, or educational materials to registered qualifying patients or their personal caregivers. Unless otherwise specified, RMD refers to the sites of dispensing, cultivation and preparation of marijuana. **[Added 5-6-2014; ATM Article 31]**

SETBACK -- Shortest line or distance from the street line to the nearest portion of the first adjacent structure measured at a right angle from the street line. The term "structure," for purposes of this definition, shall mean a man-made combination of materials assembled in a fixed location to give support or shelter or for any other purpose, including buildings, frameworks, platforms, sheds, and the like; provided, however, that signs, retaining walls, fences, tents, poles, swing sets and the like are not to be considered structures. **[Amended 5-2-2000 ATM, Article 25]**

SIDE YARD WIDTH -- The minimum distance from the side lot line to the nearest part of the structure nearest to said line. The term "structure," for purposes of this definition, shall mean a man-made combination of materials assembled in a fixed location to give support or shelter or for any other purpose, including buildings, frameworks, platforms, sheds, and the like; provided, however, that signs, retaining walls, fences, tents, poles, swing sets and the like are not to be considered structures. **[Amended 5-2-2000 ATM, Article 25]**

SINGLE-FAMILY DWELLING -- A detached dwelling unit, but not including a mobile home or trailer. **[Added 4-13-1978 ATM, Article 39, 5-4-2009 ATM, Article 25]**

SPECIAL PERMIT -- A right or permit granted by the Board of Appeals or Planning Board pursuant to the authority of MGL c. 40A, § 9, and of Article XXII of this Chapter, for a purpose specified in this Chapter as one subject to special permit, following upon review and conditions set by the Board. **[Amended 4-13-1978 ATM, Article 39; 4-15-1988 ATM, Article 80]**

STORAGE SHED – A one story structure, limited to not more than 120 sq. ft. of gross floor space and not exceeding 12 feet in height, for the storage of landscape materials, tools or other materials related to a residential use. Pool houses/cabanas, garages and barns or other structures housing animals shall not be considered storage sheds. **[Amended ATM 5-6-2013, Article 50]**

STREET LINE -- Common bound between street right-of-way, public or private, and abutting lot.

TOWER -- A monopole or lattice structure which is designed to serve as a mount for wireless communications facilities. **[Added 5-7-1998 ATM, Article 41]**

TRAILER -- A mobile house or compartment constructed to be moved on two or more wheels and designed to be used for living purposes.

TRAILER PARK OR CAMP -- A lot used, designed or advertised as a parking space for two or more trailers used for living purposes. **[Amended 4-13-1978 ATM, Article 39]**

USE, NONCONFORMING -- See definition of "nonconforming use."

VARIANCE -- Relief from strict enforcement of one or more zoning bylaws granted by the Board of Appeals pursuant to authority under MGL c. 40A, §§ 10 and 14, and Article XXII of this Chapter. **[Amended 4-13-1978 ATM, Article 39; 5-3-1999 ATM, Article 24]**

ARTICLE XXXIII
Registered Marijuana Dispensaries
[Amended 5-6-2014, ATM, Article 31]

§ 210-219. Special Permit

The Planning Board and not the Board of Appeals shall be the Special Permit Granting Authority for any Registered Marijuana Dispensary (RMD). Applications for Special Permits for RMDs must conform to the Standards and Procedures of this Article XXXIII, in addition to the generally applicable standards for the grant of a special permit set forth in MGL. c. 40A, § 9.

§ 210-220. Buffer Zone

A. RMDs shall not be located within 500 feet of:

- (1) Any school, including a public or private elementary, vocational or secondary school or a public or private college or university;
- (2) Any child care facility, including preschools;
- (3) Any facility in which children commonly congregate, including, but not limited to, a public library, a playground, an athletic field or recreational facility, a place of worship, and a Town owned beach.

B. For the purposes of this section, the distance of an RMD from a protected use shall be measured in a straight line from the nearest point of the property line of the protected use to the nearest point of the RMD.

§ 210-221. Requirements

- A. No smoking, burning or other consumption of marijuana or marijuana-related products shall be permitted on the premises of an RMD.
- B. No person under the age of 21 shall be permitted on the premises of an RMD unless that person is a qualified patient or accompanied by a caregiver or patient with a valid registration card.
- C. No RMD shall be located inside a building containing residential units, including transient housing.
- D. No RMD shall be located in a movable or mobile structure such as a van or truck.
- E. No RMD shall be located in a building that contains any medical doctor's offices or the offices of any other professional practitioner authorized to prescribe the use of medical marijuana.
- F. All RMDs shall be contained within buildings or structures having a gross floor area of not less than 1,000 square feet and not more than 20,000 square feet.
- G. An RMD shall be required to remove all material, plants equipment and other paraphernalia prior to surrendering its state issued licenses or permits or within six months of ceasing operations, whichever comes first.

§ 210-222. Standards and Procedures Applicable to Special Permits for Registered Marijuana Dispensaries:

- A. Applicants for an RMD Special Permit shall submit the following information in addition to all other required submissions:
- (1) Names and address of all owners, managers, members, partners and employees;
 - (2) Sources of all marijuana that will be processed, packaged, sold or distributed at the facility;
 - (3) Projected quantity of marijuana that will be processed, packaged, sold or distributed at the facility;
 - (4) The name and contact information for a person on staff at the RMD whose responsibilities include community relations, to whom Town staff can provide notice if there are operating problems associated with the establishment.
- B. No Special Permit may be issued unless the Planning Board finds that the RMD is designed so as to minimize any adverse visual or economic impacts on the abutters or other parties in interest, as defined in *M.G.L. c. 40A, §11*.
- C. Each RMD receiving a Special Permit shall, as a condition of the Special Permit, file with the Planning Board and the Town Clerk a copy of all reports submitted to any state agency, including the reports required by 105 CMR 725.105(Q)(4) describing the RMD's liability insurance coverage and the annual security system audits required by 105 CMR 725.110(G).
- D. Special Permits for RMDs shall have a term limited to the duration of the applicant's ownership and the use of the premises as an RMD. Transfers of the special permit may occur only with the permission of the Planning Board, and only in the form of an amendment to the Special Permit.