

**ARTICLE: Amend Zoning Bylaw Sections 3.10 Table of Principal Uses, 5.5 Registered Marijuana Establishment Overlay District, and 10 Temporary Moratorium on Recreational Marijuana Establishments**

To see if the Town will vote to amend the Zoning Bylaw by amending Sections 3.10, 5.5, and 10 as stated below is sections A, B, C, D, E, F, and G of this article; and further than non-substantive changes to the numbering of this bylaw be permitted in order that it be in compliance with the numbering format of the Zoning Bylaw; or to take any other action relative thereto.

(Planning Board)

**Planning Board Summary**

In 2018 Town Meeting approved a Registered Marijuana Overlay District which prohibited all categories of recreational marijuana establishments, unless or until voters allowed such categories of uses through a subsequent Town wide ballot vote. At the ballot, Stow voters approved testing laboratories, marijuana product manufactures, and marijuana research facilities as permitted uses in the Registered Marijuana Overlay District. These proposed amendments update the Zoning Bylaw to reflect this election outcome, eliminating language regarding the voting process, and to make it clear which uses are currently permitted in the overlay district. The amendments also remove the language of Section 10, the previous *Temporary Moratorium on Recreational Marijuana Establishments*, which is no longer in effect due to passage of the Registered Marijuana Overlay District.

**A) Amend Section 3.10 - Table of Principal Uses as stated below:**

Principal Uses	Residential	Business	Compact Business	Industrial	Commercial	Recreation Conservation	FloodPlain Wetlands	Refuse Disposal	Site Plan Approval
<b><u>General Uses</u></b>									
Agriculture	Y (4)	N	Y	Y	Y	Y	Y	Y	NR
Conservation	Y	Y (5)	Y	Y	Y	Y	Y	Y	NR
Recreation	SPA (4)	N	N	SPP	N	SPP	SPA	SPP	(3)
<b><u>Residential Uses</u></b>									
Single Family DWELLING	Y (4) (11)	N	Y SPP(11)	N	N	N	N	N	(3)
Single Family DWELLING with ACCESSORY APARTMENT	SPP (4) (7) (11)	N	SPP (7) (11)	N	N	N	N	N	(3)
Duplex DWELLINGS	SPP (4) (11)	N	N	N	N	N	N	N	(3)
Multi-Family DWELLING	SPP(4) (11)	N	N	N	N	N	N	N	(3)
Conversion to 2-Family DWELLING	SPA (4)	N	N	N	N	N	N	N	(3)
Combined Residence/ Home Occupation	Y (4)	N	Y	N	N	N	N	N	NR
Bed & Breakfast Home	Y (4)	SPA (1)	N	N	SPP (3)	N	N	N	R
Bed & Breakfast Home or Establishment	SPA (1) (4)	SPA (1)	N	N	SPP (1)	N	N	N	(3)

**Table of Principal Uses (Continued)**

<b>Principal Uses</b>	<b>Residential</b>	<b>Business</b>	<b>Compact Business</b>	<b>Industrial</b>	<b>Commercial</b>	<b>Recreation Conservation</b>	<b>FloodPlain Wetlands</b>	<b>Refuse Disposal</b>	<b>Site Plan Approval</b>
Boarding House or Rooming House	Y (4)	N	Y	N	N	N	N	N	R
Playgrounds	SPA (4)	N	N	N	N	N	N	N	(3)
Conservation Areas, Farming and Horticulture, Orchards, Nurseries, Forests, Tree Farms, Sale of Farm Produce	Y (4)	N	Y	Y	Y	Y	Y	Y	R
Storage of Farm Vehicles	Y (4)	N	N	N	N	N	N	N	NR
ACCESSORY BUILDINGS & Uses	Y (4)	Y	Y	SPP	SPP	Y	SPA	SPP	(3)
Hammerhead LOTS	SPP (4)	N	N	N	N	N	N	N	(3)
INDEPENDENT ADULT LIVING RESIDENCE	N	SPP (9) (11)	N	N	N	N	N	N	(3)
ACTIVE ADULT NEIGHBORHOOD	N	N	N	SPP (10)	SPP (10)	N	N	N	(3)
Common Drives	Y	N	N	N	N	N	N	N	R
<b><u>Institutional Uses</u></b>									
CHILD CARE FACILITY	Y (5) (4)	Y (5)	Y (5)	Y (5)	Y (5)	Y (5)	Y (5)	Y (5)	R
FAMILY DAY CARE HOME	Y (6) (4)	N	Y	N	N	N	N	N	R
Private Schools & Colleges, Dance & Music Studios	SPA (4)	N	N	N	N	N	N	N	(3)
Nursing Homes	SPA (4)	N	N	N	N	N	N	N	(3)
Day Camps, Overnight Camps, and Camp Sites	N	N	N	SPP	N	SPP	N	SPP	(3)
Municipal	Y (5) (4)	Y (5)	Y (5)	Y (5)	Y (5)	Y (5)	Y (5)	Y (5)	R
Public Service Corporation	Y (5) (4)	Y (5)	Y (5)	Y (5)	Y (5)	Y (5)	Y (5)	Y (5)	R
Religious	Y (5) (4)	Y (5)	Y (5)	Y (5)	Y (5)	Y (5)	Y (5)	Y (5)	R
Educational (Non-Profit)	Y (5) (4)	Y (5)	Y (5)	Y (5)	Y (5)	Y (5)	Y (5)	Y (5)	R
Wireless Communication Facilities	SPP (8)	N	N	SSP(8)	SSP(8)	SPP (8)	N	SSP(8)	(3)
<b><u>Business &amp; Commerical Uses</u></b>									
TOURIST HOMES, or LODGING HOUSES	N	SPA (1)	N	N	SPP (1)	N	N	N	(3)
Business or Professional Offices	N	SPP (1)	SPP	SPP (2)	SPP (1)	N	N	SPP (2)	(3)
Retail Stores or Service Establishments	N	SPP (1)	SPP	N	SPP (1)	N	N	N	(3)
Banks	N	SPP	SPP	N	SPP	N	N	N	(3)
U.S. Post Offices	N	SPP	SPP	N	N	N	N	N	(3)
Salesrooms for Automobiles, Bicycles, Farm Implements, Boats, and Similar Equipment	N	SPP	N	N	SPP (1)	N	N	N	(3)
Restaurants, including those offering accessory outdoor service on a patio or seating area	N	SPP	N	SPP	SPP	SPP	N	SPP	(3)

**Table of Principal Uses (Continued)**[illegible]

**Table of Principal Uses (Continued)**

<b>Principal Uses</b>	<b>Residential</b>	<b>Business</b>	<b>Compact Business</b>	<b>Industrial</b>	<b>Commercial</b>	<b>Recreation Conservation</b>	<b>FloodPlain Wetlands</b>	<b>Refuse Disposal</b>	<b>Site Plan Approval</b>
COMMERCIAL SOLAR PHOTOVOLTAIC RENEWABLE ENERGY INSTALLATION	SPP	SPP	N	Y	Y	SPP	N	Y	(3)
CRAFT MARIJUANA CULTIVATOR COOPERATIVE	N	N	N	N	N	N	N	N	(3)
MARIJUANA CULTIVATOR	N	N	N	N	N	N	N	N	(3)
MARIJUANA PRODUCT MANUFACTORY	N	N	N	SPP (13)	SPP (13)	N	N	N	(3)
MARIJUANA RESEARCH FACILITY	N	N	N	SPP (13)	SPP (13)	N	N	N	(3)
MARIJUANA INDEPENDENT TESTING LABORATORY	N	N	N	SPP (13)	SPP (13)	N	N	N	(3)
MARIJUANA MICROBUSINESS	N	N	N	N	N	N	N	N	(3)

- (1) Uses permitted by right provided that the BUILDING is less than 1,000 square feet GROSS FLOOR AREA, there is only one BUILDING per LOT, all parking spaces are located only in the rear yard, Site Plan Approval is granted, and 50% of the LOT area is open space.
- (2) Uses permitted by right provided that the BUILDING is less than 1,500 square feet GROSS FLOOR AREA, there is only one BUILDING per LOT, all parking spaces are located only in the rear yard, Site Plan Approval is granted, and 50% of the LOT area is open space.
- (3) All uses requiring a Special Permit are subject to Site Plan Approval requirements as part of the special permit process.
- (4) Refer to Section 7.3.3.3 of this Bylaw to determine parking requirements for uses permitted in the Residential District.
- (5) Allowed in accordance with the provisions of M.G.L., Ch. 40A, Section 3.
- (6) Allowed as accessory use only.
- (7) Allowed without special permit in accordance with Section 8.1.2 of this Bylaw.
- (8) Wireless Service Facilities shall be allowed by special permit only on land located in the Wireless Service Facility District.
- (9) The total number of INDEPENDENT ADULT UNITS shall not exceed 6% of the total single family DWELLING UNITS in Stow.
- (10) An Active Adult Neighborhood shall be allowed by Special Permit only on land located in the Active Adult Neighborhood District.
- (11) Provisions of Section 8.9, Inclusion of Affordable Housing, may apply.
- (12) The retail component of a REGISTERED MARIJUANA DISPENSARY is allowed by Special Permit within the Business District, in accordance with Section 5.5 of the BYLAW and pursuant to Department of Public Health Regulations 105 CMR 175.000 and Cannabis Control Commission Regulations 935 CMR 500.
- (13) MARIJUANA RESEARCH FACILITIES, MARIJUANA INDEPENDENT TESTING LABORATORIES, and MARIJUANA PRODUCT MANUFACTURERS are allowed in the REGISTERED MARIJUANA ESTABLISHMENT Overlay District, pursuant to Section 5.5 of the BYLAW, and Cannabis Control Commission regulations 935 CMR 500.

Prohibited Uses - All uses not specifically named in the text of the bylaw are prohibited.

**B) Amend Section 5.5.1 to read in its entirety as stated below:**

5.5.1 Establishment - The REGISTERED MARIJUANA ESTABLISHMENT Overlay District is intended to provide for the siting and establishment of a REGISTERED MARIJUANA ESTABLISHMENTS, including REGISTERED MARIJUANA DISPENSARIES, in accordance with M.G.L c.94G, Massachusetts Department of Public Health regulations set forth in 105 CMR 725.000, and Cannabis Control Commission regulations set forth in 935 CMR 500.000.

This Section 5.5 is adopted for the purpose of regulating such uses as REGISTERED MARIJUANA ESTABLISHMENTS in the Town of Stow.

**C) Delete section 5.5.4.5.1**

**D) Amend Section 5.5.5 Location Requirements to read in its entirety as stated below:**

**5.5.5 Location Requirements**

5.5.5.1 All aspects of a REGISTERED MARIJUANA ESTABLISHMENT, including but not limited to sales, distribution, acquisition, cultivation, manufacture, processing, dispensing, and administration shall be contained within a building or structure. No REGISTERED MARIJUANA ESTABLISHMENT shall allow cultivation, processing, manufacture, sale or display of MARIJUANA PRODUCTS to be visible from a public place without the use of binoculars, aircraft or other optical aids.

The Planning Board may only allow outdoor activity at the site of a REGISTERED MARIJUANA ESTABLISHMENT under the following circumstances:

- The REGISTERED MARIJUANA ESTABLISHMENT utilizes vehicles as part of regular activity, in accordance with all safety, security and storage requirements of 935 CMR 500.

5.5.5.2 No REGISTERED MARIJUANA ESTABLISHMENT, including the retail component of a REGISTERED MARIJUANA DISPENSARY in the Business District, shall be located within a building which houses residential DWELLING UNITS.

5.5.5.3 Manufacturing and extraction of MARIJUANA PRODUCTS shall not occur in any BUILDING containing assembly, education, health care, ambulatory health care, residential board and care, detention or correctional facilities.

5.5.5.4 No REGISTERED MARIJUANA ESTABLISHMENT shall be located within a moveable structure, trailer or truck. All sales related to the retail component of a REGISTERED MARIJUANA DISPENSARY shall be conducted within a building or through home deliveries to qualified adults or patients pursuant to 935 CMR 500 or 105 CMR 725 as amended. Nothing in this Section shall be cause to preclude the lawful transportation of MARIJUANA PRODUCTS as allowed through 935 CMR 500 or 105 CMR 725.000.

- 5.5.5.5 No REGISTERED MARIJUANA ESTABLISHMENT shall be permitted within (500') five hundred feet of the lot line of a pre-existing public or private school providing education in kindergarten or any of grades one (1) through twelve (12). The distance shall be measured in a straight line from the nearest point of the property line in question to the nearest point of the property line where the REGISTERED MARIJUANA ESTABLISHMENT is or will be located.
- 5.5.5.6 The establishment and operation of the retail component of a REGISTERED MARIJUANA DISPENSARY may only be permitted in the Business District in accordance with all applicable laws and regulations as stated in 935 CMR 500, Massachusetts Department of Public Health regulations set forth in 105 CMR 725.000 and the provisions outlined in this Section 5.5 - REGISTERED MARIJUANA ESTABLISHMENT Overlay District of the Zoning Bylaw. Despite the provisions herein, regarding the siting of the retail component of a REGISTERED MARIJUANA DISPENSARY, the retail component of a REGISTERED MARIJUANA DISPENSARY shall be governed by the provisions outlined in this Section 5.5 - REGISTERED MARIJUANA DISPENSARY Overlay District.

<b>E) Amend Section 5.5.8.1.1 to read in its entirety as stated below:</b>
--

- 5.5.8.1.1 In addition to the limitations provided in Section 5.5 of the Zoning Bylaw, the retail component of a REGISTERED MARIJUANA DISPENSARY shall be limited to 2500 square feet of gross floor area where such establishment is located at the street level of a BUILDING or STRUCTURE.

<b>F) Amend Section 5.5.9 to read in its entirety as stated below:</b>
--

### **Planning Board Action**

- 5.5.9 In evaluating the proposed REGISTERED MARIJUANA ESTABLISHMENT Special Permit application, the Planning Board shall consider the general objectives of the Zoning Bylaw, as well as the degree to which the following criteria are met:
- a) The REGISTERED MARIJUANA ESTABLISHMENT proposal complies with all requirements for a Special Permit, including the Stow Zoning Bylaw, the Site Plan Approval Rules and Regulations, Rules and Regulations for a REGISTERED MARIJUANA ESTABLISHMENT, all requirements pursuant to the Department of Public Health Regulations 105 CMR 725.000, Cannabis Control Commission regulations 935 CMR 500.000 and M.G.L. c.94G.
  - b) Issuance of a Special Permit for the retail component of a REGISTERED MARIJUANA DISPENSARY shall not exceed the limitation on the number of such establishments pursuant to Section 5.5.4.3 of the Zoning Bylaw.

- c) The site is designed to create safe, secure and efficient access and egress to customers and employees using multiple modes of transportation, including vehicle, bicycle and pedestrians.
  - d) Traffic generated by clients, employees and delivery schedules from the REGISTERED MARIJUANA ESTABLISHMENT shall not create a substantial adverse impact on nearby residential uses.
  - e) Loading and refuse disposal areas are designed to be safe, secure and shielded from abutting uses.
  - f) The hours and methods of transportation are not substantially detrimental to surrounding USEs.
  - g) The REGISTERED MARIJUANA ESTABLISHMENT has provided documentation to show compliance with 527 CMR 1 – the Comprehensive Fire Code and Chapter 38 of the National Fire Protection Association (NFPA) standards for *Marijuana Growing, Processing, or Extraction Facilities*.
  - h) The building and site have been designed in a manner consistent and compatible with nearby structures of a similar size and use and in a manner that mitigates any negative aesthetic impact imposed by the required security conditions, measures and restrictions stated in the Department of Public Health Regulations pursuant to 105 CMR 725.000 and Cannabis Control Commission Regulations pursuant to 935 CMR 500.000.
- 5.5.9.1 The Planning Board shall consider the recommendation of the Board of Health, the Conservation Commission, the Town’s consulting engineer, and other Boards, Departments and agents, in making said findings.
- 5.5.9.2 The Planning Board may require changes to the “REGISTERED MARIJUANA ESTABLISHMENT Site Plan” and impose additional conditions, safeguards and limitations, as it deems necessary, to secure the objectives of this Bylaw.

<b>G) Amend Section 10 by deleting Section 10 and all subsections</b>
---

Annotated Version

Additions are underlined

Deletions are ~~strike through~~

**ARTICLE: Amend Zoning Bylaw Sections 3.10 Table of Principal Uses, 5.5 Registered Marijuana Establishment Overlay District, and 10 Temporary Moratorium on Recreational Marijuana Establishments**

To see if the Town will vote to amend the Zoning Bylaw by amending Sections 3.10, 5.5, and 10 as stated below is sections A, B, C, D, E, F, and G of this article; and further than non-substantive changes to the numbering of this bylaw be permitted in order that it be in compliance with the numbering format of the Zoning Bylaw; or to take any other action relative thereto.

(Planning Board)

**A) Amend Section 3.10 - Table of Principal Uses as stated below:**

<b>Principal Uses</b>	<b>Residential</b>	<b>Business</b>	<b>Compact Business</b>	<b>Industrial</b>	<b>Commercial</b>	<b>Recreation Conservation</b>	<b>FloodPlain Wetlands</b>	<b>Refuse Disposal</b>	<b>Site Plan Approval</b>
<b><u>General Uses</u></b>									
Agriculture	Y (4)	N	Y	Y	Y	Y	Y	Y	NR
Conservation	Y	Y (5)	Y	Y	Y	Y	Y	Y	NR
Recreation	SPA (4)	N	N	SPP	N	SPP	SPA	SPP	(3)
<b><u>Residential Uses</u></b>									
Single Family DWELLING	Y (4) (11)	N	Y SPP(11)	N	N	N	N	N	(3)
Single Family DWELLING with ACCESSORY APARTMENT	SPP (4) (7) (11)	N	SPP (7) (11)	N	N	N	N	N	(3)
Duplex DWELLINGS	SPP (4) (11)	N	N	N	N	N	N	N	(3)
Multi-Family DWELLING	SPP(4) (11)	N	N	N	N	N	N	N	(3)
Conversion to 2-Family DWELLING	SPA (4)	N	N	N	N	N	N	N	(3)
Combined Residence/ Home Occupation	Y (4)	N	Y	N	N	N	N	N	NR
Bed & Breakfast Home	Y (4)	SPA (1)	N	N	SPP (3)	N	N	N	R
Bed & Breakfast Home or Establishment	SPA (1) (4)	SPA (1)	N	N	SPP (1)	N	N	N	(3)
Boarding House or Rooming House	Y (4)	N	Y	N	N	N	N	N	R
Playgrounds	SPA (4)	N	N	N	N	N	N	N	(3)
Conservation Areas, Farming and Horticulture, Orchards, Nurseries, Forests, Tree Farms, Sale of Farm Produce	Y (4)	N	Y	Y	Y	Y	Y	Y	R
Storage of Farm Vehicles	Y (4)	N	N	N	N	N	N	N	NR



ACCESSORY BUILDINGS & Uses	Y (4)	Y	Y	SPP	SPP	Y	SPA	SPP	(3)
Hammerhead LOTS	SPP (4)	N	N	N	N	N	N	N	(3)
INDEPENDENT ADULT LIVING RESIDENCE	N	SPP (9) (11)	N	N	N	N	N	N	(3)
ACTIVE ADULT NEIGHBORHOOD	N	N	N	SPP (10)	SPP (10)	N	N	N	(3)
Common Drives	Y	N	N	N	N	N	N	N	R

**Table of Principal Uses (Continued)**

<b>Principal Uses</b>	<b>Residential</b>	<b>Business</b>	<b>Compact Business</b>	<b>Industrial</b>	<b>Commercial</b>	<b>Recreation Conservation</b>	<b>FloodPlain Wetlands</b>	<b>Refuse Disposal</b>	<b>Site Plan Approval</b>
<b><u>Institutional Uses</u></b>									
CHILD CARE FACILITY	Y (5) (4)	Y (5)	Y (5)	Y (5)	Y (5)	Y (5)	Y (5)	Y (5)	R
FAMILY DAY CARE HOME	Y (6) (4)	N	Y	N	N	N	N	N	R
Private Schools & Colleges, Dance & Music Studios	SPA (4)	N	N	N	N	N	N	N	(3)
Nursing Homes	SPA (4)	N	N	N	N	N	N	N	(3)
Day Camps, Overnight Camps, and Camp Sites	N	N	N	SPP	N	SPP	N	SPP	(3)
Municipal	Y (5) (4)	Y (5)	Y (5)	Y (5)	Y (5)	Y (5)	Y (5)	Y (5)	R
Public Service Corporation	Y (5) (4)	Y (5)	Y (5)	Y (5)	Y (5)	Y (5)	Y (5)	Y (5)	R
Religious	Y (5) (4)	Y (5)	Y (5)	Y (5)	Y (5)	Y (5)	Y (5)	Y (5)	R
Educational (Non-Profit)	Y (5) (4)	Y (5)	Y (5)	Y (5)	Y (5)	Y (5)	Y (5)	Y (5)	R
Wireless Communication Facilities	SPP (8)	N	N	SSP(8)	SSP(8)	SPP (8)	N	SSP(8)	(3)
<b><u>Business &amp; Commerical Uses</u></b>									
TOURIST HOMES, or LODGING HOUSEs	N	SPA (1)	N	N	SPP (1)	N	N	N	(3)
Business or Professional Offices	N	SPP (1)	SPP	SPP (2)	SPP (1)	N	N	SPP (2)	(3)
Retail Stores or Service Establishments	N	SPP (1)	SPP	N	SPP (1)	N	N	N	(3)
Banks	N	SPP	SPP	N	SPP	N	N	N	(3)
U.S. Post Offices	N	SPP	SPP	N	N	N	N	N	(3)
Salesrooms for Automobiles, Bicycles, Farm Implements, Boats, and Similar Equipment	N	SPP	N	N	SPP (1)	N	N	N	(3)
Restaurants, including those offering accessory outdoor service on a patio or seating area	N	SPP	N	SPP	SPP	SPP	N	SPP	(3)
Country Clubs or Other MEMBERSHIP CLUBs	N	SPA	N	SPP	N	SPP	N	SPP	(3)
Golf Courses	SPP (4)	N	N	SPP	N	SPP	N	SPP	(3)
Ski Areas, MARINAs & Boat Landings	SPA(4)	N	N	SPP	N	SPP	N	SPP	(3)
Cross Country Ski Areas	SPP (4)	N	N	N	N	N	N	N	(3)
Parking Areas for Employees, Customers or Visitors	N	SPP	SPP	SPP	SPP	N	N	SPP	(3)
HOTELS MOTELS	N	SPA	N	N	N	N	N	N	(3)
Theaters, Bowling Alleys, Skating Rinks, Clubs or Assembly within the BUILDING	N	SPA	N	N	N	N	N	N	(3)
Funeral Home, Mortuaries or Crematories	N	N	N	N	SPP	N	N	N	(3)

**Table of Principal Uses (Continued)**

<b>Principal Uses</b>	<b>Residential</b>	<b>Business</b>	<b>Compact Business</b>	<b>Industrial</b>	<b>Commercial</b>	<b>Recreation Conservation</b>	<b>FloodPlain Wetlands</b>	<b>Refuse Disposal</b>	<b>Site Plan Approval</b>
Veterinary Hospitals, Stables & Kennels, Raising or Breeding of Animals for Sale, and Boarding Animals	SPA(4)	N	N	N	N	N	N	N	(3)
Printing, Publishing or Commercial Reproduction or Photo Processing Establishments, Offices, Medical or Dental Labs, and Research Laboratories	N	N	N	N	SPP (2)	N	N	N	(3)
Building Materials Salesrooms & Yards, Contractor's Yards, Wholesale Distribution Plants, Storage Warehouses	N	N	N	N	SPP	N	N	N	(3)
Gasoline Service Stations, Garages or Repair Shops	N	SPA	N	N	N	N	N	N	(3)
Utility Structures, Passenger Depots and Terminals	N	N	N	N	SPP	N	N	N	(3)
Screened Storage	N	N	N	SPP	SPP	N	N	SPP	(3)
Cafeterias for Employees	N	N	N	SPP	N	N	N	SPP	(3)
Access to Industrial Zoned Land	N	Y	N	N	N	N	N	N	(3)
Retail Store as part of a REGISTERED MARIJUANA DISPENSARY	N	SPP (1)(12)	N	N	N	N	N	N	(3)
MARIJUANA RETAILER	N	SPP (12) (20) N	N	N	N	N	N	N	(3)
<b><u>Industrial Uses</u></b>									
Manufacturing Enterprises	N	N	N	SPP	N	N	N	SPP	(3)
Research Laboratories with Incidental Assembly or Manufacture	N	N	N	SPP (2)	N	N	N	SPP (2)	(3)
Sanitary Landfill	N	N	N	N	N	N	N	SPS	(3)
Refuse Transfer Station	N	N	N	N	N	N	N	SPS	(3)
Refuse Incinerator	N	N	N	N	N	N	N	SPS	(3)
COMMERCIAL SOLAR PHOTOVOLTAIC RENEWABLE ENERGY INSTALLATION	SPP	SPP	N	Y	Y	SPP	N	Y	(3)
CRAFT MARIJUANA CULTIVATOR COOPERATIVE	N	N	N	SPP (13)(14) N	SPP (13)(14) N	N	N	N	(3)
MARIJUANA CULTIVATOR	N	N	N	SPP (13)(15) N	SPP (13)(15) N	N	N	N	(3)

**Table of Principal Uses (Continued)**

Principal Uses	Residential	Business	Compact Business	Industrial	Commercial	Recreation Conservation	FloodPlain Wetlands	Refuse Disposal	Site Plan Approval
MARIJUANA PRODUCT MANUFACTOR	N	N	N	SPP (13) (16)	SPP (13) (16)	N	N	N	(3)
MARIJUANA RESEARCH FACILITY	N	N	N	SPP (13) (17)	SPP (13) (17)	N	N	N	(3)
MARIJUANA INDEPENDENT TESTING LABORATORY	N	N	N	SPP (13) (18)	SPP (13) (18)	N	N	N	(3)
MARIJUANA MICROBUSINESS	N	N	N	<del>SPP</del> (13) (19) N	<del>SPP</del> (13) (19) N	N	N	N	(3)

- (1) Uses permitted by right provided that the BUILDING is less than 1,000 square feet GROSS FLOOR AREA, there is only one BUILDING per LOT, all parking spaces are located only in the rear yard, Site Plan Approval is granted, and 50% of the LOT area is open space.
- (2) Uses permitted by right provided that the BUILDING is less than 1,500 square feet GROSS FLOOR AREA, there is only one BUILDING per LOT, all parking spaces are located only in the rear yard, Site Plan Approval is granted, and 50% of the LOT area is open space.
- (3) All uses requiring a Special Permit are subject to Site Plan Approval requirements as part of the special permit process.
- (4) Refer to Section 7.3.3.3 of this Bylaw to determine parking requirements for uses permitted in the Residential District.
- (5) Allowed in accordance with the provisions of M.G.L., Ch. 40A, Section 3.
- (6) Allowed as accessory use only.
- (7) Allowed without special permit in accordance with Section 8.1.2 of this Bylaw.
- (8) Wireless Service Facilities shall be allowed by special permit only on land located in the Wireless Service Facility District.
- (9) The total number of INDEPENDENT ADULT UNITS shall not exceed 6% of the total single family DWELLING UNITS in Stow.
- (10) An Active Adult Neighborhood shall be allowed by Special Permit only on land located in the Active Adult Neighborhood District.
- (11) Provisions of Section 8.9, Inclusion of Affordable Housing, may apply.
- (12) ~~MARIJUANA RETAILERS and the Retail~~ The retail component of a REGISTERED MARIJUANA DISPENSARY ~~are is~~ allowed by Special Permit within the Business District, in accordance with Section 5.5 of the BYLAW and pursuant to Department of Public Health Regulations 105 CMR 175.000 and Cannabis Control Commission Regulations 935 CMR 500.
- (13) ~~MARIJUANA CULTIVATORS, CRAFT MARIJUANA CULTIVATOR COOPERATIVES, MARIJUANA RESEARCH FACILITIES, MARIJUANA INDEPENDENT TESTING LABORATORIES, and MARIJUANA PRODUCT MANUFACTURERS, MARIJUANA MICROBUSINESSES, and MARIJUANA TRANSPORTERS~~ are allowed in the REGISTERED MARIJUANA ESTABLISHMENT Overlay District, pursuant to Section 5.5 of the BYLAW, and Cannabis Control Commission regulations 935 CMR 500.

- ~~(14) Notwithstanding the allowances stated in the Table of Principal Uses, CRAFT MARIJUANA CULTIVATOR COOPERATIVES shall be prohibited in all Districts in the Town of Stow upon a vote to prohibit such USE at the October 1, 2018 Town Meeting and an affirming vote to prohibit at a local Stow election.~~
- ~~(15) Notwithstanding the allowances stated in the Table of Principal Uses, MARIJUANA CULTIVATORS shall be prohibited in all Districts in the Town of Stow upon a vote to prohibit such USE at the October 1, 2018 Town Meeting and an affirming vote to prohibit at a local Stow election.~~
- ~~(16) Notwithstanding the allowances stated in the Table of Principal Uses, MARIJUANA PRODUCT MANUFACTURERS shall be prohibited in all Districts in the Town of Stow upon a vote to prohibit such USE at the October 1, 2018 Town Meeting and an affirming vote to prohibit at a local Stow election.~~
- ~~(17) Notwithstanding the allowances stated in the Table of Principal Uses, MARIJUANA RESEARCH FACILITIES shall be prohibited in all Districts in the Town of Stow upon a vote to prohibit such USE at the October 1, 2018 Town Meeting and an affirming vote to prohibit at a local Stow election.~~
- ~~(18) Notwithstanding the allowances stated in the Table of Principal Uses, MARIJUANA INDEPENDENT TESTING LABORATORYS shall be prohibited in all Districts in the Town of Stow upon a vote to prohibit such USE at the October 1, 2018 Town Meeting and an affirming vote to prohibit at a local Stow election.~~
- ~~(19) Notwithstanding the allowances stated in the Table of Principal Uses, MARIJUANA MICROBUSINESSES shall be prohibited in all Districts in the Town of Stow upon a vote to prohibit such USE at the October 1, 2018 Town Meeting and an affirming vote to prohibit at a local Stow election.~~
- ~~(20) Notwithstanding the allowances stated in the Table of Principal Uses, MARIJUANA RETAILERS shall be prohibited in all Districts in the Town of Stow upon a vote to prohibit such USE at the October 1, 2018 Town Meeting and an affirming vote to prohibit at a local Stow election.~~

Prohibited Uses - All uses not specifically named in the text of the bylaw are prohibited.

<b>B) Amend Section 5.5.1 to read in its entirety as stated below:</b>
--

5.5.1 Establishment - The REGISTERED MARIJUANA ESTABLISHMENT Overlay District is intended to provide for the siting and establishment of a REGISTERED MARIJUANA ESTABLISHMENTS, including REGISTERED MARIJUANA DISPENSARIES, in accordance with M.G.L c.94G, Massachusetts Department of Public Health regulations set forth in 105 CMR 725.000, and Cannabis Control Commission regulations set forth in 935 CMR 500.000.

~~At the May 2, 2017 Annual Town Meeting, the Town of Stow adopted Section 10 of the Zoning Bylaw — Temporary Moratorium on RECREATIONAL MARIJUANA ESTABLISHMENTS. This Section 5.5 is adopted for the purpose of regulating such uses as REGISTERED MARIJUANA ESTABLISHMENTS in the Town of Stow. Section 10— Temporary Moratorium on RECREATIONAL MARIJUANA ESTABLISHMENTS shall no longer be in effect.~~

**C) Delete section 5.5.4.5.1:**

~~5.5.4.5.1 In the event that a prohibition or ban on a category of REGISTERED MARIJUANA ESTABLISHMENT as defined in M.G.L. Ch.94G, 935 CMR 500 or in Section 1.3 of this Zoning Bylaw has been approved at a local Stow election in a manner that affirms such prohibition pursuant to M.G.L. c.94G §A(2)(i), the specific category of the applicable REGISTERED MARIJUANA ESTABLISHMENT shall be deemed prohibited in Stow and all provisions, standards and permissions outlined in Section 5.5 of this Zoning Bylaw shall be deemed non-applicable.~~

**D) Amend Section 5.5.5 Location Requirements to read in its entirety as stated below:**

**5.5.5 Location Requirements**

5.5.5.1 All aspects of a REGISTERED MARIJUANA ESTABLISHMENT, including but not limited to sales, distribution, acquisition, cultivation, manufacture, processing, dispensing, and administration shall be contained within a building or structure. No REGISTERED MARIJUANA ESTABLISHMENT shall allow cultivation, processing, manufacture, sale or display of MARIJUANA PRODUCTS to be visible from a public place without the use of binoculars, aircraft or other optical aids.

The Planning Board may only allow outdoor activity at the site of a REGISTERED MARIJUANA ESTABLISHMENT under the following circumstances:

- The REGISTERED MARIJUANA ESTABLISHMENT utilizes vehicles as part of regular activity, in accordance with all safety, security and storage requirements of 935 CMR 500.
- ~~The REGISTERED MARIJUANA ESTABLISHMENT is licensed under 935 CMR 500 as a MARIJUANA CULTIVATOR. Under such determination, the Planning Board may permit a MARIJUANA CULTIVATOR to operate in outdoor cultivation facilities. Outdoor cultivation facilities shall be screened and secured in accordance with Section 5.5.6 of this Zoning Bylaw, and in accordance with 935 CMR 500.110.~~

5.5.5.2 No REGISTERED MARIJUANA ESTABLISHMENT, including the retail component of a REGISTERED MARIJUANA DISPENSARY in the Business District, shall be located within a building which houses residential DWELLING UNITS.

5.5.5.3 Manufacturing and extraction of MARIJUANA PRODUCTS shall not occur in any BUILDING containing assembly, education, health care, ambulatory health care, residential board and care, detention or correctional facilities.

5.5.5.4 No REGISTERED MARIJUANA ESTABLISHMENT shall be located within a moveable structure, trailer or truck. All sales related to a ~~MARIJUANA RETAILER~~ and the retail component of a REGISTERED MARIJUANA DISPENSARY shall be conducted within a building or through home deliveries to qualified adults or patients pursuant to 935 CMR 500 or 105 CMR 725 as amended. Nothing in this Section shall be cause to

preclude the lawful transportation of MARIJUANA PRODUCTS as allowed through 935 CMR 500 or 105 CMR 725.000.

- 5.5.5.5 No REGISTERED MARIJUANA ESTABLISHMENT shall be permitted within (500') five hundred feet of the lot line of a pre-existing public or private school providing education in kindergarten or any of grades one (1) through twelve (12). The distance shall be measured in a straight line from the nearest point of the property line in question to the nearest point of the property line where the REGISTERED MARIJUANA ESTABLISHMENT is or will be located.
- 5.5.5.6 The establishment and operation of ~~a MARIJUANA RETAILER, or the retail component of a REGISTERED MARIJUANA DISPENSARY~~ may only be permitted in the Business District in accordance with all applicable laws and regulations as stated in 935 CMR 500, Massachusetts Department of Public Health regulations set forth in 105 CMR 725.000 and the provisions outlined in this Section 5.5 - REGISTERED MARIJUANA ESTABLISHMENT Overlay District of the Zoning Bylaw. Despite the provisions herein, regarding the siting of ~~MARIJUANA RETAILERS, including the retail component of a REGISTERED MARIJUANA DISPENSARY, MARIJUANA RETAILERS, and the retail component of a REGISTERED MARIJUANA DISPENSARY~~ shall be governed by the provisions outlined in this Section 5.5 - REGISTERED MARIJUANA DISPENSARY Overlay District.

**E) Amend Section 5.5.8.1.1 to read in its entirety as stated below:**

- 5.5.8.1.1 In addition to the limitations provided in Section 5.5 of the Zoning Bylaw, ~~MARIJUANA RETAILERS and the retail component of a REGISTERED MARIJUANA DISPENSARY~~ shall be limited to 2500 square feet of gross floor area where such establishment is located at the street level of a BUILDING or STRUCTURE.

**F) Amend Section 5.5.9 to read in its entirety as stated below:**

**Planning Board Action**

- 5.5.9 In evaluating the proposed REGISTERED MARIJUANA ESTABLISHMENT Special Permit application, the Planning Board shall consider the general objectives of the Zoning Bylaw, as well as the degree to which the following criteria are met:
- a) The REGISTERED MARIJUANA ESTABLISHMENT proposal complies with all requirements for a Special Permit, including the Stow Zoning Bylaw, the Site Plan Approval Rules and Regulations, Rules and Regulations for a REGISTERED MARIJUANA ESTABLISHMENT, all requirements pursuant to the Department of Public Health Regulations 105 CMR 725.000, Cannabis Control Commission regulations 935 CMR 500.000 and M.G.L. c.94G.
  - b) Issuance of a Special Permit for ~~a MARIJUANA RETAILER or the retail component of a REGISTERED MARIJUANA DISPENSARY~~ shall not exceed the limitation on the number of such establishments pursuant to Section 5.5.4.3 of the Zoning Bylaw.

- c) The site is designed to create safe, secure and efficient access and egress to customers and employees using multiple modes of transportation, including vehicle, bicycle and pedestrians.
- d) Traffic generated by clients, employees and delivery schedules from the REGISTERED MARIJUANA ESTABLISHMENT shall not create a substantial adverse impact on nearby residential uses.
- e) Loading and refuse disposal areas are designed to be safe, secure and shielded from abutting uses.
- f) The hours and methods of transportation are not substantially detrimental to surrounding USEs.
- g) The REGISTERED MARIJUANA ESTABLISHMENT has provided documentation to show compliance with 527 CMR 1 – the Comprehensive Fire Code and Chapter 38 of the National Fire Protection Association (NFPA) standards for *Marijuana Growing, Processing, or Extraction Facilities*.
- h) The building and site have been designed in a manner consistent and compatible with nearby structures of a similar size and use and in a manner that mitigates any negative aesthetic impact imposed by the required security conditions, measures and restrictions stated in the Department of Public Health Regulations pursuant to 105 CMR 725.000 and Cannabis Control Commission Regulations pursuant to 935 CMR 500.000.

5.5.9.1 The Planning Board shall consider the recommendation of the Board of Health, the Conservation Commission, the Town's consulting engineer, and other Boards, Departments and agents, in making said findings.

5.5.9.2 The Planning Board may require changes to the "REGISTERED MARIJUANA ESTABLISHMENT Site Plan" and impose additional conditions, safeguards and limitations, as it deems necessary, to secure the objectives of this Bylaw.

G) Amend Section 10 by deleting Section 10 and all subsections
--

## **SECTION 10.**

### **~~TEMPORARY MORATORIUM ON RECREATIONAL MARIJUANA ESTABLISHMENTS~~**

#### **~~10.1 Purpose~~**

~~By vote at the State election of November 8, 2016, the voters of the Commonwealth approved a law regulating the cultivation, distribution, possession and use of marijuana for recreational purposes. The law, Chapter 334 of the Acts of 2016, An Act The Regulation and Taxation of Marijuana Act, and as amended by Chapter 351 of the Acts of 2016, became effective December 15, 2016, and requires the Governor to appoint a Cannabis Control Commission which shall adopt final regulations governing RECREATIONAL MARIJUANA ESTABLISHMENTS by April 1, 2018.~~

~~Currently, a RECREATIONAL MARIJUANA ESTABLISHMENT is not a permitted use in the Town and any regulations promulgated by the Cannabis Advisory Board and Cannabis Control~~



~~Commission are expected to provide guidance to the Town in regulating RECREATIONAL MARIJUANA ESTABLISHMENTS.~~

~~The regulation of RECREATIONAL MARIJUANA ESTABLISHMENTS raises novel and complex legal, planning, and public safety issues and the Town needs time to study and consider the regulation of RECREATIONAL MARIJUANA ESTABLISHMENTS and address such novel and complex issues, as well as to address the potential impact of evolving State regulations on local zoning and to undertake a planning process to consider amending the Zoning Bylaw regarding regulation of RECREATIONAL MARIJUANA ESTABLISHMENTS and other uses related to the regulation of recreational marijuana. The Town intends to adopt a temporary moratorium on the use of land and structures in the Town for RECREATIONAL MARIJUANA ESTABLISHMENTS so as to allow the Town sufficient time to engage in a planning process to address the effects of such structures and uses in the Town and to adopt provisions of the Zoning Bylaw in a manner consistent with sound land use planning goals and objectives.~~

## **10.2 — Definition**

~~RECREATIONAL MARIJUANA ESTABLISHMENT — A marijuana cultivator, marijuana testing facility, marijuana product manufacturer, marijuana retailer or any other type of licensed recreational marijuana-related business.~~

## **10.3 — Temporary Moratorium**

~~There is hereby established a temporary moratorium on the use of land or structures for a RECREATIONAL MARIJUANA ESTABLISHMENT, the moratorium shall be in effect until December 31, 2018, or any date prior. During the moratorium period, the use of land or structures for a RECREATIONAL MARIJUANA ESTABLISHMENT shall be prohibited.~~

~~Nothing contained in this Article shall be construed to permit, or authorize to be permitted, the use of land or structures for any activity involving marijuana, other than as a RECREATIONAL MARIJUANA ESTABLISHMENT.~~

## **10.4 — Planning Process**

~~During the temporary moratorium established in section 10.3, the Town shall undertake a planning process to address the potential effects of RECREATIONAL MARIJUANA ESTABLISHMENTS and other land uses and structures related to the use of marijuana for medical purposes, shall consider the final regulations promulgated by the State of Massachusetts, and shall make recommendations regarding the adoption of new Zoning Bylaw provisions governing the location, operation and effects of RECREATIONAL MARIJUANA ESTABLISHMENTS and other land uses and structures related to the use of marijuana for recreational purposes.~~