

Zoning Considerations – Medical and Non-Medical (Adult Use) Cannabis

Consideration	Current Zoning for Medical Marijuana Dispensaries	Considerations for Adult Use Cannabis Retailers
Districts	<ul style="list-style-type: none"> Allowed by special permit in BA, BB, BB-1, BB-2, BC, IA-1, IB-1, IB-2 (see map) 	<ul style="list-style-type: none"> Same as medical? More restrictive than medical? (e.g., BA and IA-1 are more residential in character) More permissive than medical? (medical is not allowed in BA-1, BA-2, BA-3, BA-4)
Location Standards	<ul style="list-style-type: none"> Required 1,800-foot separation from other dispensaries Required 500-foot buffer from schools or other “facilities where children commonly congregate,” but Planning Board may approve smaller distance in case-by-case review 	<ul style="list-style-type: none"> State law requires 500-foot buffer from K-12 schools only; municipality may reduce buffer Require separation from other marijuana establishments? Require a buffer from other uses – e.g., playgrounds, youth centers?
Number of Establishments	<ul style="list-style-type: none"> No specific limit, but Planning Board must find there is an unmet need for medical marijuana in area 	<ul style="list-style-type: none"> Cannot prevent conversion of registered dispensary to non-medical establishment Cannot limit to less than 20% of number of alcohol “package” licenses Numerical limitation combined with separation of establishments could be overly restrictive
Parking & Transportation	<ul style="list-style-type: none"> Parking, bicycle parking, loading requirements determined in special permit review Special permit conditions require a loading plan, transportation monitoring, TDM 	<ul style="list-style-type: none"> Parking, bicycle parking, loading requirements could mirror comparable retail establishments Loading plan, transportation monitoring, and TDM (3-5 yrs.) could be established in special permit or host community agreement
Design Standards	<ul style="list-style-type: none"> Special permit consideration; most projects have had limited ground floor frontage screened by active retail 	<ul style="list-style-type: none"> Could have specific standards for store size and limitations on ground-floor frontage Signage – may impose local requirements, but cannot be stricter than licensed alcohol establishments
Cultivation and Manufacturing	<ul style="list-style-type: none"> Could be approved by special permit; no applications thus far in Cambridge 	<ul style="list-style-type: none"> Allowed or prohibited citywide? Could allow only in higher-intensity industrial districts where impacts on surrounding uses are limited Could require buffer from residences, special permit process to control odor and other potential nuisance
Review Procedures	<ul style="list-style-type: none"> Requires special permit from Planning Board (all Planning Board special permits require pre-application community engagement process) 	<ul style="list-style-type: none"> Could be as-of-right or a “conditional use” special permit from BZA Special permit could duplicate aspects of the host community agreement Would need to consider timing of special permit relative to licensing process

Non-zoning Considerations – Medical and Non-Medical (Adult Use) Cannabis

Consideration	Medical Marijuana Dispensaries	Adult Use Cannabis Establishments
Sales Tax	<ul style="list-style-type: none"> No sales tax 	<ul style="list-style-type: none"> State law allows up to 3% local sales tax surcharge (in addition to 17% total state tax)
Public Health	<ul style="list-style-type: none"> CPHD has draft regulations; most RMDs have voluntarily agreed to follow CPHD guidelines Agreements include commitment not to have repackaging of marijuana on-site 	<ul style="list-style-type: none"> CPHD could promulgate regulations Odor is a major concern where there is on-site packaging or repackaging (in addition to other forms of processing) CPHD may develop standardized health & safety information for establishments to distribute
Community Engagement	<ul style="list-style-type: none"> Community engagement process is required before applying for Planning Board special permit Special permit process generally occurs after preliminary registration with the state 	<ul style="list-style-type: none"> Community meeting required in state regulations before applying for a license Community meeting topics must include: type and location of establishment; security; preventing diversion to minors; a plan to positively impact the community; demonstration that the location will not constitute a nuisance <i>What additional issues may need to be discussed with the community?</i> <i>How will the community meeting inform the host community agreement process?</i>
Security	<ul style="list-style-type: none"> Strong security measures included in state guidelines, both interior to the building and exterior 	<ul style="list-style-type: none"> State regulations similar to medical <i>Are there security concerns given volume of cash transactions?</i>
Host Community Agreement	<ul style="list-style-type: none"> Host community agreements not typically used in Cambridge for medical marijuana dispensaries; however, they have been typical in other Mass. communities Special permit process sometimes addresses issues that might otherwise be in a host community agreement (e.g., hours of operation) New state law requires dispensaries to have an executed host community agreement, as with other marijuana establishments 	<ul style="list-style-type: none"> Standardization State law and regulations require an executed host community agreement before applying for a license Agreement must stipulate the responsibilities of the community and the marijuana establishment or RMDs. Hours of operation – could be in host community agreement, special permit process, or other regulation May include a community impact fee of up to 3% of gross sales, as long as the fee is reasonably related to real costs imposed on the municipality, and may not be effective for longer than five years City could develop a model host community agreement