

**~ 200-7.17. Marijuana Establishments [Added by the Town Council on June 20, 2018; Amended by the City Council on October 20, 2021, July 20, 2022, and December 21, 2022]**

A. Purpose

The purpose of this Section is to provide for the orderly placement of medical and recreational marijuana establishments in areas where such use is not inconsistent with the neighborhood character and in accordance with State law.

B. Applicability

(1) Community Host Agreement: No Special Permit shall be granted without first having an executed Community Host Agreement with the City of Greenfield.

(2) Community Outreach Meeting: No Special Permit application shall be deemed complete by the Planning Department until a Community Outreach Meeting in accordance with 935 CMR 500 has occurred.

(3) No person shall operate a marijuana establishment without having a license in good standing from the Commission.

(4) No more than eight (8) Marijuana Retailers and no more than four (4) Marijuana Delivery Operators shall be allowed within the City of Greenfield. The number of licenses for brick and mortar Marijuana Retailers shall be capped at eight (8). A marijuana outdoor cultivation is limited to Tier 1 (5,000 square feet) per license. No person or entity having direct or indirect control shall be granted, or hold, more than three licenses in a particular class. The maximum outdoor canopy permissible under all licenses for a single parcel is 15,000 sq. ft.

(5) All Marijuana Establishments shall require a special permit from the Zoning Board of Appeals.

(6) The commercial cultivation production, processing, assembly, packaging, retail or wholesale sale, trade, distribution or dispensing of Marijuana is prohibited unless permitted as a Marijuana Establishment under this Section.

(7) No Marijuana Establishment shall be established except in compliance with the provisions of this Section.

(8) Nothing in this Section shall be construed to supersede federal and state laws governing the sale and distribution of narcotic drugs.

(9) If any provision of this Section or the application of any such provision to any person or circumstance shall be held invalid, the remainder of this Section, to the extent it can be given effect, or the application of those provisions to persons or circumstances other than those to which it is held invalid, shall not be affected thereby, and to this end the provisions of this Section are severable.

C. Definitions.

The following definitions can be found in Section 200-2.1, Definitions, of the Zoning Ordinance: Cannabis or Marijuana, Craft Marijuana Cooperative, Commission (CCC), Hemp, Host

Community, Host Community Agreement, Marijuana Courier, Marijuana Cultivator, Marijuana Cultivation-Indoor, Marijuana Cultivation-Outdoor, Marijuana Delivery Operator, Marijuana Establishment, Marijuana Micro-Business, Marijuana Independent Testing Laboratory, Marijuana Research Facility, Marijuana Retailer, Marijuana Product Manufacturer, Marijuana Standards Testing Laboratory, Marijuana Transporter, and Medical Marijuana Dispensary.

D. Eligible Locations for Marijuana Establishments

See Article IV, Use Regulations, and Appendix A, Table of Uses, of the Greenfield Zoning Ordinance.

E. General Requirements and Conditions for all Marijuana Establishments

(1) All processing, testing, product manufacturing, and retail must take place within a fully enclosed building.

(2) Marijuana plants, products, and paraphernalia shall not be visible from outside the building in which the marijuana establishment is located. No outside storage is permitted.

(3) The hours of operation of Marijuana Establishments shall be set by the Special Permit Granting Authority, but in no event shall said Marijuana Establishments be open and/or operating between the hours of 10:00 PM and 7:00 AM.

(4) No Marijuana Establishment shall be located within a radius of two-hundred and fifty (250) feet of a pre-existing public or private school providing education in kindergarten or any of grades 1 through 12. The two-hundred and fifty (250) foot distance under this section 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 Marijuana Establishment is or will be located.<sup>1</sup>

(5) No smoking, burning or consumption of any product containing marijuana or marijuana-related products shall be permitted on the premises of a Marijuana Establishment.

(6) No Marijuana Establishment shall be located inside transient housing such as motels and dormitories, or inside a movable or mobile structure such as a van or truck.

(7) All business signage for marijuana establishments shall be subject to the requirements promulgated by the Massachusetts Cannabis Control Commission and the requirements of Section 200-6.7 of the Greenfield Zoning Ordinance.

(8) Marijuana Establishments shall provide the Greenfield Police Department, Building Inspector and the Special Permit Granting Authority with the names, phone numbers and email addresses of all management staff and keyholders to whom one can provide notice if there are operating problems associated with the establishment.

(9) Marijuana Establishments are not permitted as a Home Occupation, as defined per Section 200-6.3 of the Greenfield Zoning Ordinance.

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<sup>1</sup> Editor's Note: The Greenfield Board of Health may require a greater setback distance.

- (10) All applicants for Marijuana Establishments shall give 30 days prior written notice by certified mail to all preexisting House of Worship within three hundred (300) feet of the public meeting at which the Special Permit shall be considered by the Zoning Board of Appeals.
- (11) No Marijuana Establishment shall be permitted to operate from a moveable, mobile or transitory location, except as permitted for delivery operator and courier licensees in accordance with 935 CMR 500.000.
- (12) Vehicles owned and operated by Delivery operators and Couriers must include in their fleet at least one third total vehicles of either hybrid or electric vehicles for licensees owning six (6) or more vehicles for the purpose of delivery.
- (13) No Marijuana Outdoor Cultivation in the RC zone shall be located within a distance of 400 feet from the nearest residential property line as measured in a straight line as the shortest distance from the edge of the marijuana canopy to the edge of the nearest residential property line.
- (14) All Marijuana establishments shall comply in every respect with the requirements 935 CMR 500.110 which regulates "Security Requirements for Marijuana Establishments".
- (15) No Outdoor Marijuana Cultivation establishment shall allow cultivation, processing, manufacture, sale, or display of marijuana or marijuana products to be visible from a public place without the use of binoculars, aircraft, or other optical aids.
- (16) No marijuana cultivation facility, indoor or outdoor, shall create a "nuisance" to areas surrounding its premises and to adjacent properties. Nuisance includes odors emanating from an outdoor or an indoor cultivation. An Indoor marijuana cultivation shall be ventilated and an outdoor marijuana cultivation shall be managed in such a manner that no odor from marijuana or its processing can be detected by a person with an unimpaired and otherwise normal sense of smell at any exterior boundary line of the cultivation property, or at the property line of any adjoining use or property. The exhaust system to control odor shall be designed by a licensed professional air quality/environmental engineer recognized by the Commonwealth. Outdoor cultivation of marijuana will implement industry best practice to eliminate any noticeable trace of marijuana odor at the perimeter of property of the cultivation site. Any property owner may file an odor complaint by filing a report with the city Board of Health for investigation. The Board shall have jurisdiction to regulate and control odors. The Board of Health shall ensure that emissions do not violate M.G.L. Chapter 111, Section 31C, including but not limited to those specified for Odors. Marijuana cultivators found to be in violation of an order by the Board of Health shall be subject to the provisions of Chapter 111, Section 31C.
- (17) Lighting from any Indoor or Outdoor Marijuana Cultivation shall not extend beyond property lines. Artificial lighting from within any building(s) shall not create light pollution.
- (18) All applications for a special permit for marijuana cultivation must include a water management plan, submitted by the applicant. It shall be prepared by an independent qualified hydrogeologist or other qualified professional who is approved by the city. The plan will then be reviewed by the DPW Director. It must demonstrate that water usage at full capacity will not adversely impact the public water supplies of the City. Said Water Management Plan shall also include recommending best management practices, including mandating the metering of water

usage on all cultivations, practices to reduce and recycle water usage to accommodate various levels of drought, and other proposed mechanisms to minimize adverse impacts on the city's water supplies and/or the existing private wells in use in the City and/or adjoining municipalities.

F. Special Permit Requirements

(1) In addition to the application requirements set forth in Section E of this Ordinance, a special permit application for a Marijuana Establishment shall include the following:

- (a) proof that the application to the CCC has been deemed complete pursuant to 935 CMR 500.102;
- (b) the name and address of each owner of the facility;
- (c) copies of all required licenses and permits issued to the applicant by the Commonwealth of Massachusetts and any of its agencies for the Marijuana Establishment;
- (d) evidence of the Applicant's right to use the site of the Marijuana Establishment for the Marijuana Establishment, such as a deed, or lease;
- (e) if the Applicant is a business organization, a statement under oath disclosing all of its owners, shareholders, partners, members, managers, directors, officers, or other similarly-situated individuals and entities and their addresses. If any of the above are entities rather than persons, the Applicant must disclose the identity of the owners of such entities until the disclosure contains the names of individuals;
- (f) a certified list of all parties in interest entitled to notice of the hearing for the special permit application, taken from the most recent tax list of the City and certified by the City Assessor;
- (g) an approval letter from the Greenfield Chief of Police regarding the proposed security measures for the Marijuana Establishment, including lighting, fencing, gates and alarms, etc., to ensure the safety of persons and to protect the premises from theft.
- (h) Site design and other development related site impacts.
- (i) Liability Insurance Coverage or Maintenance of Escrow as required in 935 CMR 500(10)

(2) Mandatory Findings. The Special Permit Authority shall not issue a special permit for a Marijuana Establishment unless it finds that:

- (a) the Marijuana Establishment is designed to minimize any adverse visual or economic impacts on abutters and other parties in interest, as defined in M.G.L. c. 40A, §11;
- (b) the Marijuana Establishment demonstrates that it will meet all the permitting requirements of all applicable agencies within the Commonwealth of Massachusetts and will be in compliance with all applicable state laws and regulations; and

(c) the Applicant has satisfied all of the conditions and requirements of Sections E and F herein;

G. Abandonment or Discontinuance of Use

(1) A Special Permit shall lapse if not exercised within one year of issuance.

(2) A Marijuana Establishment 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.