

## Marijuana Host Agreement Process\*

Once you have decided to site a marijuana facility, cultivation or retail operation in Lanesborough follow the process below:

### **STEP 1.**

Schedule an appointment to meet with the Board of Selectmen. Contact the Town Secretary at [town.secretary@lanesborough-ma.gov](mailto:town.secretary@lanesborough-ma.gov) or call for an appointment 413-442-1167 ext. 20

Bring to this meeting four copies of the following documents:

#### Proposal for facility.

The proposal should include:

1. Type of facility sought: medical distribution, recreational manufacturing, recreational retail, cultivation, or combination of any of above
2. Number of license(s) sought for each type of facility. (each activity will need either a separate host agreement or a combination host agreement depending on the Selectmen's preference)
3. List of all partners, silent or otherwise, including self  
Contact information for all parties involved
4. Identification of proposed location –  
Attach a copy of the Assessor's field card - This can be found on the town website here, <https://www.axisgis.com/LanesboroughMA/>  
Copy of the assessor's map - This can be found here, <https://www.axisgis.com/LanesboroughMA/>  
Proof of ownership or in the alternative, a written agreement acknowledging and allowing proposed use from actual owner  
Please state in your document the zone of the proposed property (R, RA, B, LB, M, I, C)  
**\*Note: depending on the zoning of your property location you may need a Special Permit from the Planning Board see attached zoning bylaw for by right and special permit locations.**
5. Demographics of property  
Square feet devoted to each activity including:
  - storage
  - administration
  - retail
  - cultivation
  - manufacturing, etc.

6. Proposed security measures for the facility or facilities. See attached Code of Mass Regulations for beginning guidance.

## **STEP 2**

Once the Selectmen have voted to accept your proposal you will need to provide:

Filled out CORI paperwork

Check made payable to the Town of Lanesborough for \$4,000.00 to cover the Town's expenses

## **STEP 3**

A community outreach meeting must be held by the party requesting the host agreement following the Cannabis Control Commission Regulations. Further information can be found at <https://mass-cannabis-control.com/guidancedocuments/>

## **STEP 4**

All projects are subject to site plan review by the Planning Board

Please note that if anything in your original proposal changes you must seek another meeting with Board of Selectmen.

Town of Lanesborough Recreational Marijuana Retail License bylaw

Article 26 of the June 12, 2018 Annual Town Meeting was approved on October 11, 2019, by the Attorney General as follows :

The number of Recreational Marijuana Retailers permitted to be located in the Town shall be limited to two (2), which number is more than twenty percent (20%) of the number of licenses issued within the Town for the retail sale of alcoholic beverages not to be drunk on the premises where sold pursuant to G.L. c. 138, § 15.

\* procedure can be changed at any time without notice.



Commonwealth of Massachusetts  
**Town of Lanesborough**

*Ruth A. Krysh, Town clerk*

Newton Memorial Town Hall  
 Post Office Box 1492  
 83 North Main Street  
 Lanesborough, MA 01237  
 TEL (413) 442-1167  
 FAX (413) 443-5811  
[www.lanesborough-ma.gov](http://www.lanesborough-ma.gov)

CERTIFIED COPY OF VOTE

At a legal meeting of the qualified voters in the Town of Lanesborough, held on February 13, 2018 the following business was transacted.

**ARTICLE 2.** To see if the Town will vote to amend the Zoning Bylaw by adding the following to the Use Regulation Table by adding the following uses;

COMMERCIAL USES	R	RA	B	LB	MR	I
Marijuana Retail	NO	NO	✓	PBP	✓	✓
Marijuana Facility	NO	NO	✓	PBP	✓	✓

To see if the Town will vote to amend the Zoning Bylaw by adding the bold and underlined language to Section IX.C

**C. SITE PLAN REVIEW.**

1. **APPLICABILITY.** To assist in assuring compliance with the Zoning Bylaw, any use subject to Site Plan Approval shall be established, expanded, erected or externally altered only in conformity with a Site Plan approved by the Special Permit Granting Authority (SPGA). Site Plan approval will be required of all uses in B, LB, MR, and I districts, except for, agricultural, horticultural, floricultural and viticultural uses Marijuana cultivation is subject to site plan approval. Site Plan Approval is required for construction, major exterior alteration or exterior expansion of, or change of use within an institutional, commercial, industrial, multi-family structure with four or more dwelling units, or residential use exceeding a total gross floor area of 3,000 square feet. Site Plan Approval is also required for construction or expansion of a parking lot for an institutional, commercial, industrial, or multi-family structure or purpose. Agricultural, horticultural, floricultural, viticultural, **not to include marijuana cultivation**, and residential

uses not exceeding a total gross floor area of 3,000 square feet are exempt from Site Plan Approval.

To see if the Town will vote to amend the Zoning Bylaw by adding the following section;

## **O. MARIJUANA LAND USE**

1. **PURPOSE.** The purpose of this section is to provide a permitting process for recreational and medical marijuana retail, cultivation, processing, and testing facilities, in recognition of and in accordance with applicable state law and to protect health and safety, while allowing marijuana related businesses to contribute to the overall economic development of the community.

### 2. **DEFINITIONS.**

**MARIJUANA RETAIL** - An establishment licensed to purchase marijuana and marijuana products from marijuana facilities and re sell them for recreational or medicinal means in accordance with applicable state law and regulations. Marijuana Retail is not to include sites for social consumption as accessory or primary use of a premises.

**MARIJUANA FACILITY** - An establishment licensed to cultivate and/or obtain, test, manufacture, process and package marijuana and marijuana products, to deliver marijuana and marijuana products to marijuana retail and to transfer marijuana and marijuana products to other marijuana retail, but not to consumers, in accordance with applicable state law and regulations.

### 1. **DEVELOPMENT STANDARDS**

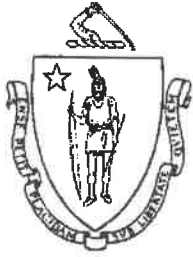
- 1) **Permanent location.** No marijuana retail or marijuana facility may cultivate, process, test, store or manufacture marijuana or marijuana products at any location other than at a physical address and within an area that is enclosed and secured in a manner that prevents access by persons not permitted to access the area. A greenhouse or outdoor marijuana cultivation area shall have sufficient security measures to demonstrate that outdoor areas are not readily accessible by unauthorized individuals, including perimeter security fencing designed to prevent unauthorized entry.
- 2) **Storage.** Each marijuana retail or marijuana facility must store marijuana products in accordance with applicable state law and regulations.

Vote: Ayes have it by 2/3 vote

A TRUE COPY ATTEST

*Ruth A. Kruph*

TOWN CLERK



THE COMMONWEALTH OF MASSACHUSETTS  
OFFICE OF THE ATTORNEY GENERAL

CENTRAL MASSACHUSETTS DIVISION  
10 MECHANIC STREET, SUITE 301  
WORCESTER, MA 01608

MAURA HEALEY  
ATTORNEY GENERAL

(508) 792-7600  
(508) 795-1991 fax  
[www.mass.gov/ago](http://www.mass.gov/ago)

March 30, 2018

Ruth A. Knysh, Town Clerk  
Town of Lanesborough  
P.O. Box 1492  
Lanesborough, MA 01237

Re: **Lanesborough Special Town Meeting of February 13, 2018 – Case # 8780  
Warrant Article # 2 (Zoning)**

Dear Ms. Knysh:

**Article 2** - We approve Article 2 from the February 13, 2018 Lanesborough Special Town Meeting.

**Note:** Pursuant to G.L. c. 40, § 32, neither general nor zoning by-laws take effect unless the Town has first satisfied the posting/publishing requirements of that statute. Once this statutory duty is fulfilled, (1) **general** by-laws and amendments take effect on the date these posting and publishing requirements are satisfied unless a later effective date is prescribed in the by-law, and (2) **zoning** by-laws and amendments are deemed to have taken effect from the date they were approved by the Town Meeting, unless a later effective date is prescribed in the by-law.

Very truly yours,

MAURA HEALEY  
ATTORNEY GENERAL

*Margaret J. Hurley*

by: Margaret J. Hurley, Assistant Attorney General  
Chief, Central Massachusetts Division  
Director, Municipal Law Unit  
Ten Mechanic Street, Suite 301  
Worcester, MA 01608  
(508) 792-7600 x 4402

cc: Town Counsel Jeffrey T. Blake

## Security Requirements for Marijuana Establishments: 935 CMR 500.110

**(1) General Requirements.** A Marijuana Establishment shall implement sufficient safety measures to deter and prevent unauthorized entrance into areas containing marijuana and theft of marijuana at the Marijuana Establishment. Security measures taken by the licensee to protect the premises, employees, consumers and general public shall include, but not be limited to, the following:

- a) Positively identifying individuals seeking access to the premises of the Marijuana Establishment or to whom marijuana products are being transported pursuant to 935 CMR 500.105(13) to **limit access solely to individuals 21 years of age or older**;
- b) Adopting procedures to **prevent loitering** and ensure that only individuals engaging in activity expressly or by necessary implication permitted by these regulations and its enabling statute are allowed to remain on the premises;
- c) **Disposing of marijuana** in accordance with 935 CMR 500.105(12) in excess of the quantity required for normal, efficient operation as established within 935 CMR 500.105;
- d) **Securing all entrances** to the Marijuana Establishment to prevent unauthorized access;
- e) **Establishing limited access areas** pursuant to 935 CMR 500.110(4), which shall be accessible only to specifically authorized personnel limited to include only the minimum number of employees essential for efficient operation;
- f) **Storing all finished marijuana products in a secure, locked safe or vault** in such a manner as to prevent diversion, theft and loss;
- g) Keeping all safes, vaults, and any other equipment or areas used for the production, cultivation, harvesting, processing or storage of marijuana products **securely locked and protected** from entry, except for the actual time required to remove or replace marijuana;
- h) Keeping all **locks and security equipment in good working order**;
- i) Prohibiting keys, if any, from being left in the locks or stored or placed in a location accessible to persons other than specifically authorized personnel;

- j) **Prohibiting accessibility of security measures**, such as combination numbers, passwords or electronic or biometric security systems, to persons other than specifically authorized personnel;
- k) Ensuring that the **outside perimeter of the Marijuana Establishment is sufficiently lit to facilitate surveillance**, where applicable;
- l) Ensuring that all **marijuana products are kept out of plain sight and are not visible from a public place** without the use of binoculars, optical aids or aircraft;
- m) **Developing emergency policies and procedures** for securing all product following any instance of diversion, theft or loss of marijuana, and conduct an assessment to determine whether additional safeguards are necessary;
- n) Developing sufficient additional safeguards as required by the Commission for Marijuana Establishments that present special security concerns; and
- o) **Sharing the Marijuana Establishment's security plan and procedures with law enforcement authorities and fire services** and periodically updating law enforcement authorities and fire services if the plans or procedures are modified in a material way.

## **(2) Alternate Security Provisions.**

- a) Notwithstanding the requirements specified in 935 CMR 500.110(1), (5) and (6), if a Marijuana Establishment has provided other, specific safeguards that may be regarded as an adequate substitute for those requirements, such measures may be taken into account by the Commission in evaluating the overall required security measures.
- b) The applicant or licensee shall submit a request for an alternative security provision to the Commission on a form as determined and made available by the Commission. **Upon receipt of the form, the Commission shall submit the request to the chief law enforcement officer in the municipality where the Marijuana Establishment is located or will be located.** The Commission shall request that the chief law enforcement officer **review the request and alternative security provision requested and, within 30 days,** (i) certify the sufficiency of the requested alternate security provision; or (ii) provide the Commission with a statement of reasons why the alternative security provision is not sufficient in the opinion of the chief law enforcement officer. **The Commission shall take the chief law enforcement officer's opinion under consideration in determining whether to grant the alternative security provision, provided that it shall not be determinative.** If no response is received from the chief law enforcement officer or a designee within 30

days of submitting the request to the chief law enforcement officer, the Commission shall proceed with a determination.

**(3) Buffer Zone.** The property where the proposed Marijuana Establishment is to be located, at the time the license application is received by the Commission, is **not located within 500 feet of a pre-existing public or private school providing education in kindergarten or any of grades 1 through 12, unless a city or town adopts an ordinance or by-law that reduces the distance requirement.** The 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.

**(4) Limited Access Areas.**

- a) All limited access areas must be identified by the posting of a sign that shall be a minimum of 12" x 12" and which states: "**Do Not Enter—Limited Access Area—Access Limited to Authorized Personnel Only**" in lettering no smaller than one inch in height.
- b) All limited access areas shall be clearly described by the **filing of a diagram of the registered premises**, in the form and manner determined by the Commission, reflecting entrances and exits, walls, partitions, vegetation, flowering, processing, production, storage, disposal and retail sales areas.
- c) Access to limited access areas shall be restricted to employees, agents or volunteers specifically permitted by the Marijuana Establishment, agents of the Commission, state and local law enforcement and emergency personnel.
- d) Employees of the Marijuana Establishment **shall visibly display an employee identification badge** issued by the Marijuana Establishment at all times while at the Marijuana Establishment or transporting marijuana.
- e) All outside vendors, contractors and visitors shall obtain a **visitor identification badge** prior to entering a limited access area, and shall be escorted at all times by a marijuana establishment agent authorized to enter the limited access area. The visitor identification badge shall be visibly displayed at all times while the visitor is in any limited access area. All visitors must be logged in and out and that log shall be available for inspection by the Commission at all times. All visitor identification badges shall be returned to the Marijuana Establishment upon exit.



## **(5) Security and Alarm Requirements for Marijuana Establishments Operating Enclosed Areas.**

- a) A Marijuana Establishment located, in whole or in part, in a building, greenhouse or other enclosed area shall have an adequate security system to prevent and detect diversion, theft or loss of marijuana or unauthorized intrusion, utilizing commercial grade equipment which shall, at a minimum, include:
1. A **perimeter alarm** on all building entry and exit points and perimeter windows, if any;
  2. A **failure notification system** that provides an audible, text or visual notification of any failure in the surveillance system. The failure notification system shall provide an alert to designated employees of the Marijuana Establishment within five minutes after the failure, either by telephone, email or text message;
  3. A **duress alarm, panic alarm or hold-up alarm connected to local public safety or law enforcement authorities;**
  4. **Video cameras in all areas that may contain marijuana, at all points of entry and exit and in any parking lot which shall be appropriate for the normal lighting conditions of the area under surveillance.** The cameras shall be directed at all safes, vaults, sales areas and areas where marijuana is cultivated, harvested, processed, prepared, stored, handled or dispensed. Cameras shall be angled so as to allow for the capture of clear and certain identification of any person entering or exiting the Marijuana Establishment or area;
  5. **24-four hour recordings from all video cameras that are available immediate viewing by the Commission upon request and that are retained for at least 90 calendar days.** Recordings shall not be destroyed or altered, and shall be retained as long as necessary if the Marijuana Establishment is aware of a pending criminal, civil or administrative investigation or legal proceeding for which the recording may contain relevant information;
  6. The ability to immediately produce a clear, color still photo whether live or recorded;
  7. A **date and time stamp embedded in all recordings,** which shall be synchronized and set correctly at all times and shall not significantly obscure the picture;
  8. The ability to **remain operational during a power outage;** and

9. A video recording that allows for the exporting of still images in an industry standard image format, including .jpg, .bmp and .gif. Exported video shall have the ability to be archived in a proprietary format that ensures authentication of the video and guarantees that no alternation of the recorded image has taken place. **Exported video shall also have the ability to be saved in an industry standard file format** that may be played on a standard computer operating system. All recordings shall be erased or destroyed prior to disposal.
- b) All security system equipment and recordings shall be maintained in a secure location so as to prevent theft, loss, destruction and alterations.
- c) In addition to the requirements listed in 935 CMR 500.110(5)(a) and (b), the Marijuana Establishment shall have a **back-up alarm system**, with all the capabilities of the primary system, provided by a company supplying commercial grade equipment, **which shall not be the same company supplying the primary security system**, or shall demonstrate to the Commission's satisfaction alternate safeguards to ensure continuous operation of a security system.
- d) Access to surveillance areas shall be limited to persons that are essential to surveillance operations, law enforcement authorities, security system service personnel 935 CMR: and the Commission. **A current list of authorized employees and service personnel that have access to the surveillance room must be available to the Commission upon request.** If the surveillance room is on-site of the Marijuana Establishment, it shall remain locked and shall not be used for any other function.
- e) All security equipment shall be in ***good working order*** and shall be inspected and **tested at regular intervals, not to exceed 30 calendar days** from the previous inspection and test.
- f) Trees, bushes and other foliage outside of the Marijuana Establishment shall be maintained so as to prevent a person or persons from concealing themselves from sight.

## **(6) Security and Alarm Requirements for Marijuana Establishments Operating an Open Cultivation Facility.**

- a) A Marijuana Establishment that is an open cultivation facility shall implement adequate security measures to ensure that outdoor areas are not readily accessible to unauthorized individuals and to prevent and detect diversion, theft or loss of marijuana which shall, at a minimum, include:

1. A perimeter security fence designed to prevent unauthorized entry to the cultivation facility with signs notifying observers that it is a limited access area;
2. Commercial-grade, nonresidential locks;
3. A security alarm system that shall:
  - i. be continuously monitored, whether electronically, by a monitoring company or other means determined to be adequate by the Commission; and
  - ii. provide an alert to designated employees of the Marijuana Establishment within five minutes after a notification of an alarm or a system failure, either by telephone, email or text message;
4. Video cameras at all points of entry and exit and in any parking lot which shall be appropriate for the normal lighting conditions of the area under surveillance. Cameras shall be angled so as to allow for the capture of clear and certain identification of any person entering or exiting the Marijuana Establishment or area;
5. 24-hour recordings from all video cameras that are available immediate viewing by the Commission upon request and that are retained for at least 90 calendar days. Recordings shall not be destroyed or altered, and shall be retained as long as necessary if the Marijuana Establishment is aware of a pending criminal, civil or administrative investigation or legal proceeding for which the recording may contain relevant information;
6. The ability to immediately produce a clear, color still phone whether live or recorded;
7. A date and time stamp embedded in all recordings, which shall be synchronized and set correctly at all times and shall not significantly obscure the picture;
8. The ability to remain operational during a power outage;
9. A video recording that allows for the exporting of still images in an industry standard image format, including .jpg, .bmp and .gif. Exported video shall have the ability to be archived in a proprietary format that ensures authentication of the video and guarantees that no alternation of the recorded image has taken place. Exported video shall also have the ability to be saved in an industry standard file format that may be played on a standard computer operating system. All recordings shall be erased or destroyed prior to disposal.

- b) All security system equipment and recordings shall be maintained in a secure location so as to prevent theft, loss, destruction and alterations.
- c) Access to surveillance areas shall be limited to persons that are essential to surveillance operations, law enforcement authorities, security system service personnel and the Commission. A current list of authorized employees and service personnel that have access to the surveillance room must be available to the Commission upon request. If the surveillance room is on-site of the Marijuana Establishment, it shall remain locked and shall not be used for any other function.
- d) All security equipment shall be in good working order and shall be inspected and tested at regular intervals, not to exceed 30 calendar days from the previous inspection and test.
- e) Security plans and procedures shared with law enforcement authorities pursuant to 935 CMR 500.110(1)(o) shall include:
  - 1. a description of the location and operation of the security system, including the location of the central control on the premises;
  - 2. a schematic of security zones;
  - 3. the name of the security alarm company and monitoring company, if any;
  - 4. a floor plan or layout of the facility in a manner and scope as required by the municipality.

## **(7) Incident Reporting.**

- a) **A Marijuana Establishment shall notify appropriate law enforcement authorities and the Commission of any breach of security immediately and, in no instance, more than 24 hours following discovery of the breach.** Notification shall occur, but not be limited to, during the following occasions:
  - 1. discovery of **discrepancies identified during inventory;**
  - 2. diversion, **theft or loss of any marijuana** product;
  - 3. **any criminal action** involving or occurring on or in the Marijuana Establishment premises;
  - 4. any **suspicious act involving the sale, cultivation, distribution, processing or production of marijuana by any person;**
  - 5. unauthorized destruction of marijuana;
  - 6. any loss or unauthorized alteration of records related to marijuana;
  - 7. **an alarm activation or other event that requires response by public safety personnel or security personnel** privately engaged by the Marijuana Establishment;
  - 8. the **failure of any security alarm system** due to a loss of electrical power or mechanical malfunction that is expected to last more than eight hours; or
  - 9. **any other breach of security.**

- b) **A Marijuana Establishment shall, within ten calendar days, provide notice to the Commission of any incident described in 935 CMR 500.110(7)(a) by submitting an incident report in the form and manner determined by the Commission** which details the circumstances of the event, any corrective action taken, and confirmation that the appropriate law enforcement authorities were notified.
- c) All documentation related to an incident that is reportable pursuant to 935 CMR 500.110(7)(a) shall be maintained by a Marijuana Establishment for not less than one year or the duration of an open investigation, whichever is longer, and made available to the Commission and law enforcement authorities acting upon request.

**(8) Security Audits.** A Marijuana Establishment must, on an **annual basis, obtain at its own expense, a security system audit by a vendor approved by the Commission.** A report of such audit must be submitted, in a form and manner determined by the Commission, no later than 30 calendar days after the audit is conducted. If the audit identifies concerns related to the establishment's security system, the Marijuana Establishment must also submit a plan to mitigate those concerns within ten business days of submitting the audit.