

CITY OF BEVERLY'S PLAN FOR ZONING FOR  
MARIJUANA ESTABLISHMENTS

## LEGALIZED IN MASSACHUSETTS BY STATE BALLOT QUESTION NOVEMBER 8, 2016

- “Yes” vote – supported legalizing recreational marijuana for persons 21 or older, regulating in ways similar to alcoholic beverages
- “No” vote – opposed legalizing recreational marijuana
- Massachusetts voted “Yes”: **53.66%** to 46.34%
  - **54.31%** of Beverly votes supported legalizing recreational marijuana
    - “Yes”: 12,173 (54.31%)
    - “No”: 9,899 (44.17%)
    - Blank ballots: 341 (1.52%)
    - Codified by legislature in M.G.L. ch. 94G, sections 1 through 21
  - **79.25%** of all registered voters in Beverly voted on this issue

## TYPES OF MARIJUANA ESTABLISHMENTS ALLOWED UNDER STATE LAW

- Marijuana Retailer
- Marijuana Cultivator
- Marijuana Testing Laboratory
- Marijuana Product Manufacturer
- Marijuana Research Facility
- Registered Marijuana Dispensary (non-recreational)

## HIGHLIGHTS OF STATE LAW REGULATIONS

- Establishes licensing through the Cannabis Control Commission
- Stringent security, advertising, and signage regulations
- Applicant must hold public meeting with the community
- Requires “Host Community Agreement” with municipality
- 500-foot buffer around pre-existing schools K-12

## HIGHLIGHTS OF STATE LAW REGULATIONS

- State law prohibits:
  - Consuming marijuana in public places or smoking marijuana where smoking tobacco is prohibited
  - Onsite social consumption without a vote of the voters
  - Delivery of marijuana products to consumers
  - Open containers of marijuana in a motor vehicles
  - Furnishing marijuana to persons under 21
- Additional requirements can be found at:  
<https://www.mass.gov/orgs/cannabis-control-commission>

## HOW BEVERLY CAN RESPOND

- Regulate time, place, and manner
- Limit number of marijuana retailers to 20% of liquor licenses
- Develop Host Community Agreements
- Impose local tax of up to 3% on retail sales
- Restrict cultivation, processing, and manufacturing that is a public nuisance

# HOST COMMUNITY AGREEMENTS

- All marijuana establishments must execute a Host Community Agreement with the City before applying for a state license
- City can charge impact fee that is reasonably related to costs incurred by the City that are associated with the marijuana establishment.
- The impact fee cannot be more than 3% of gross annual sales of the establishment
- Term cannot be longer than 5 years

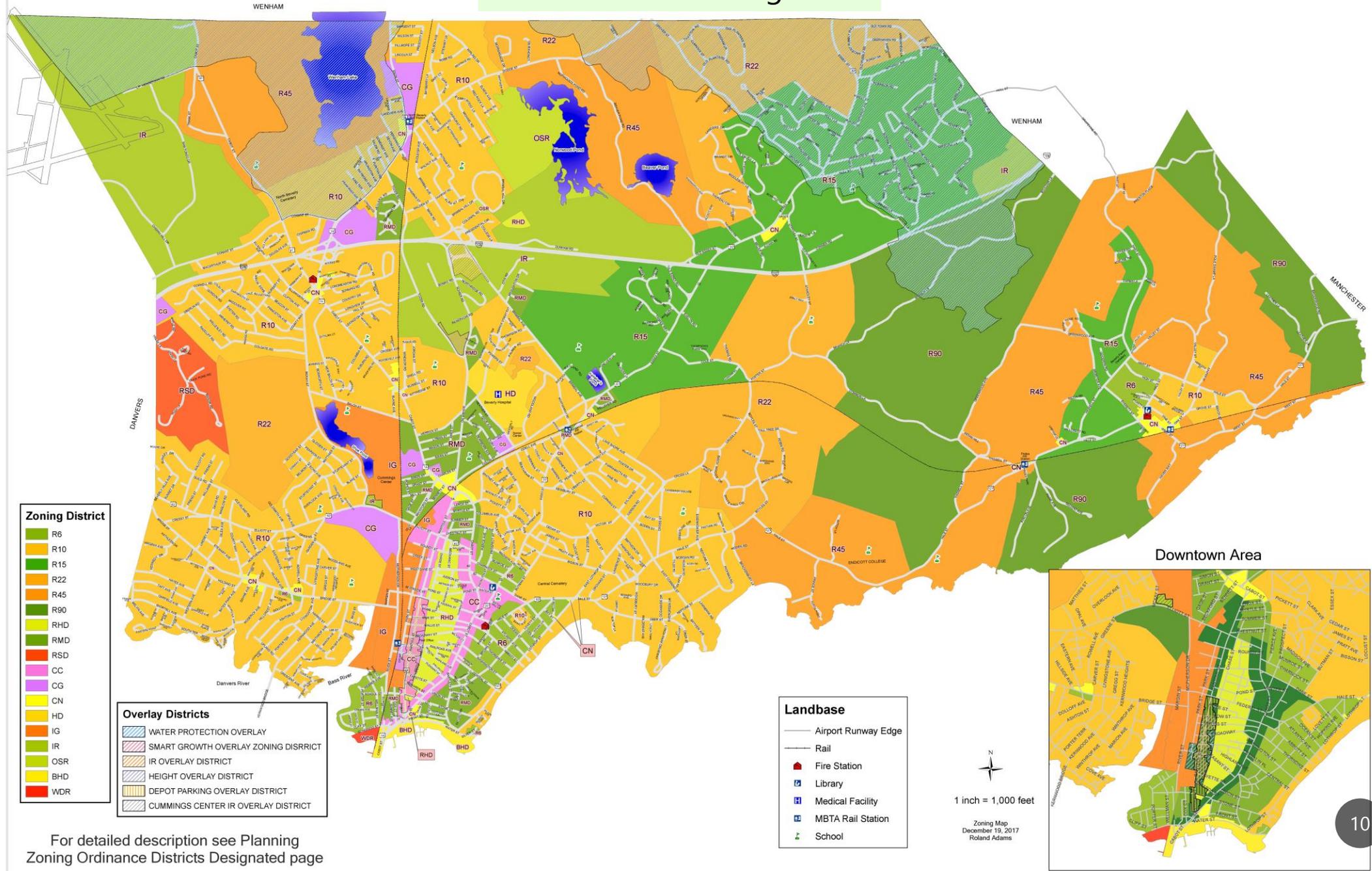
## WHAT LEGALIZATION MEANS FOR BEVERLY

- Moratorium (temporary ban) until December 31, 2018
- Zoning requirements need to be adopted to reasonably regulate marijuana establishments
- Beverly is now in the process of writing a zoning ordinance to regulate marijuana establishments

## WHAT BEVERLY IS CONSIDERING

- Limiting the number of marijuana retailers to 4 (20% of liquor licenses)
- Buffers between marijuana establishments and:
  - Schools K-12
  - Public parks or playgrounds
  - Public libraries
  - Licensed childcare facilities, including daycare centers, preschools, and afterschool facilities
- Regulations to prevent concentrating all marijuana retailers in one place
- Local tax of 3% on retail sales

# Current Zoning



**Zoning District**

R6
R10
R15
R22
R45
R90
RHD
RMD
RSD
CC
CG
CN
HD
IG
IR
OSR
BHD
WDR

**Overlay Districts**

Water Protection Overlay
Smart Growth Overlay Zoning District
IR Overlay District
Height Overlay District
Depot Parking Overlay District
Cummings Center IR Overlay District

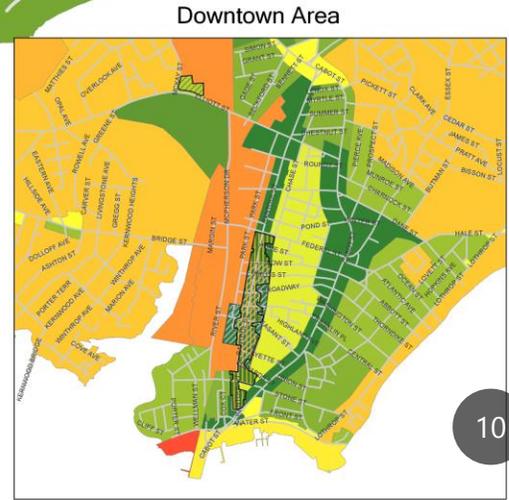
**Landbase**

Airport Runway Edge
Rail
Fire Station
Library
Medical Facility
MBTA Rail Station
School

1 inch = 1,000 feet

Zoning Map  
December 19, 2017  
Roland Adams

For detailed description see Planning Zoning Ordinance Districts Designated page



# BEVERLY'S ZONING PROCESS

- To adopt an ordinance in Beverly:
  - Planning Department researches subject, reviews ordinances from other communities and best practices
  - Ordinance is drafted
  - Ordinance filed with City Council
  - Ordinance referred to Planning Board
  - Joint public hearing with City Council and Planning Board
  - Planning Board recommendation
  - City Council votes
  - If City Council adopts ordinance, it is sent to Mayor for final approval
  - Ordinance becomes a municipal law