



PLANNING BOARD

Report to Town Meeting

**Article 32. Zoning – Recreational Marijuana Retailer Locations
(Planning Board)**

To see if the Town will amend the Zoning Bylaw by amending Article 3, Use Regulations, Section 3.3, Use Classifications and Standards, Section 3.363.2, Recreational Marijuana Retailer, Standards and Conditions (applies to MMTCs, OMMDs and RMR's) paragraph 5, by deleting the ~~lined-out~~ language and adding the language in ***bold italics***, as follows:

~ SEE WARRANT ~

Recommendation

The Planning Board voted 5-1-0 (with 3 members absent) to recommend that Town Meeting adopt Article 32, which clarifies that the limitation of no more than eight (8) RMRs permitted to be located in the Town of Amherst applies to the locations of RMR's and not to the entities themselves.

Background and Purpose

At the Fall 2017 Special Town Meeting, zoning amendments were adopted to permit and control the sale of marijuana for non-medical purposes in Amherst. As part of these amendments a limitation was placed on the number of RMRs to be allowed in town as follows:

5. Limitation on number of RMR locations – No more than eight (8) Recreational Marijuana Retailers shall be permitted to be located in the Town of Amherst.

Since the close of Fall Special Town Meeting the Building Commissioner has raised questions about this limitation and the way it is phrased in the Zoning Bylaw. The intent of Town Meeting was to limit the number of locations of Recreational Marijuana Retailers, as expressed in Article 4, which was passed by Town Meeting as follows:

No more than eight (8) recreational marijuana retail establishments shall be permitted to be located in the Town of Amherst.

However, the limitation in the Zoning Bylaw could be interpreted to limit the number of Retailers rather than the number of locations.

Therefore the proposed change would read as follows:

5. Limitation on number of RMR locations – No more than eight (8) Recreational Marijuana Retail locations shall be permitted within the Town of Amherst.

This makes it clear that it is the number of locations that is limited rather than the number of entities engaged in retail sales.

Process and Recommendation

The Planning Board held a public hearing on February 21, 2018. There was no public comment.

One Planning Board member suggested that it may be a good idea to limit the number of retailers as well as the number of outlets; the idea of eight different owners is better than eight stores owned by fewer than eight people.

Planning Department staff noted that there are already four entities that have received letters of support from the Select Board and at least three are planning to go forward as OMMD's. Those entities will have priority when applying for recreational licenses from the state.

After discussion the Planning Board voted 5-1-0 with 3 members absent to recommend that Town Meeting adopt the article.