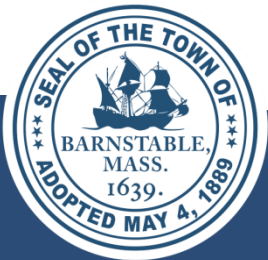



Medical Marijuana Overlay District Proposed Zoning Amendment

TC Item No. 2022-159

Town Council | October 6, 2022



- November 2012: A citizen initiated ballot question passed by a majority vote in Massachusetts legalizing medical use of marijuana. The law took effect on January 1, 2013.
 - May 2013: Implementing regulations from the MA Department of Public Health became effective
 - February 2014: Medical Marijuana Overlay District established by Town of Barnstable
 - 2017: Cannabis Control Commission established
 - Medical Use of Marijuana now regulated by 935 CMR 501.000
- 

Zoning Text Amendment to Section 240-30 Medical Marijuana Overlay District, by citizen petition:

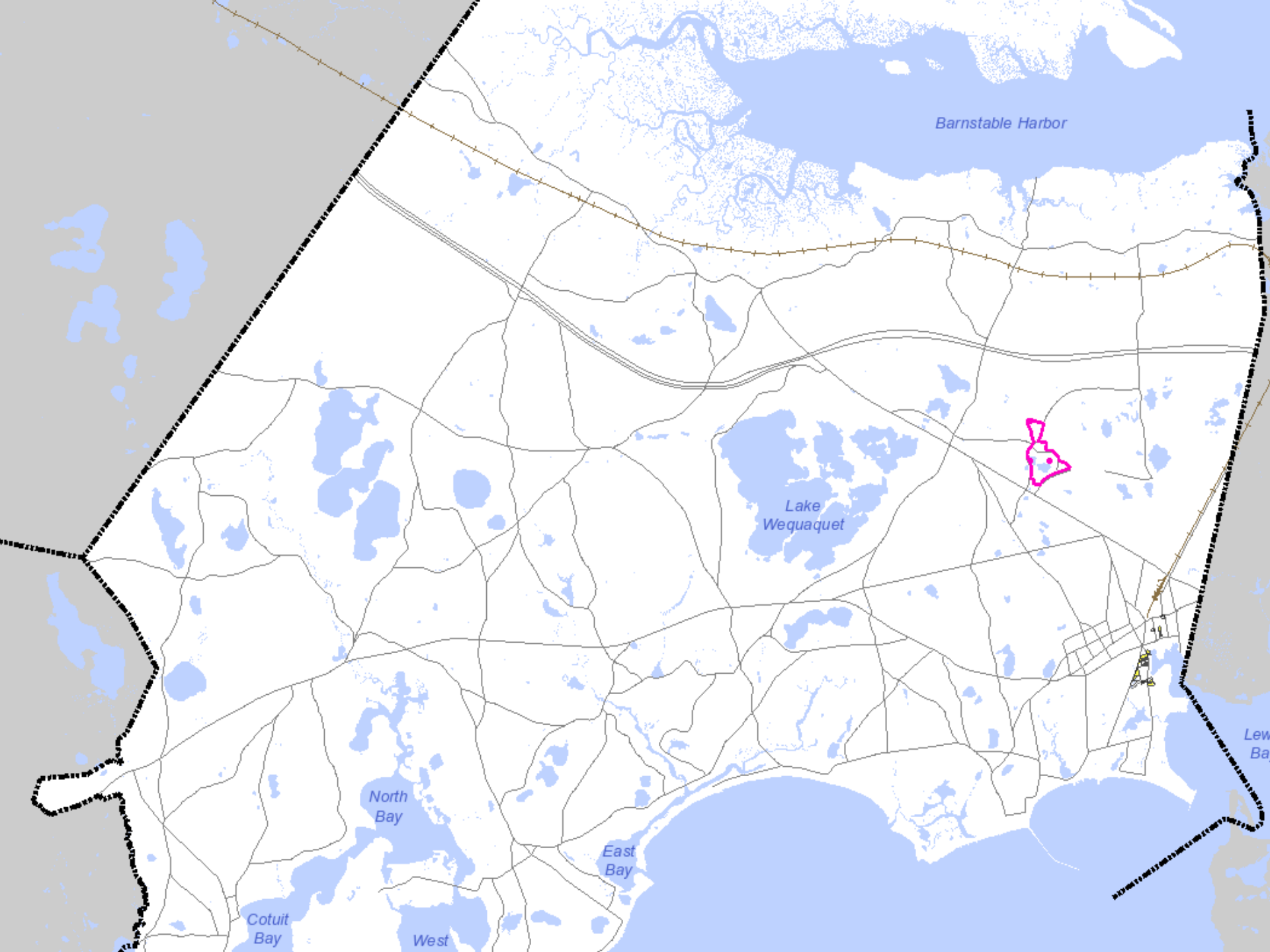
To respectfully request that the Barnstable Town Council amend the below section from the Town of Barnstable Zoning Ordinance, pursuant to M.G.L. Ch. 40 §5 or by other means, for consistency and compliance with State Law, as follows:

By deleting the present form of §240-30(E)4 in its entirety:

“(4) Separation requirements. The site is located at least 1,000 feet distant from a religious institution/place of religious assembly, school, day-care center, preschool or afterschool facility or any facility in which children commonly congregate, or if not located at such a distance, it is determined by the Zoning Board of Appeals to be sufficiently buffered from such facilities such that its users will not be adversely impacted by the operation of the registered marijuana dispensary, but in no case shall the distance be less than 500 feet measured from parcel boundary to parcel boundary. In no case shall a RMD directly abut another RMD or any medical marijuana use.”;

And by replacing that provision with the following:

“(4) Separation requirements. The site does not abut a religious institution/place of religious assembly, and is located at least 500 feet from any school, day-care center, preschool, or afterschool facility or any facility in which children commonly congregate. In no case shall a RMD directly abut another RMD or any medical marijuana use.”



Barnstable Harbor

Lake Wequaquet

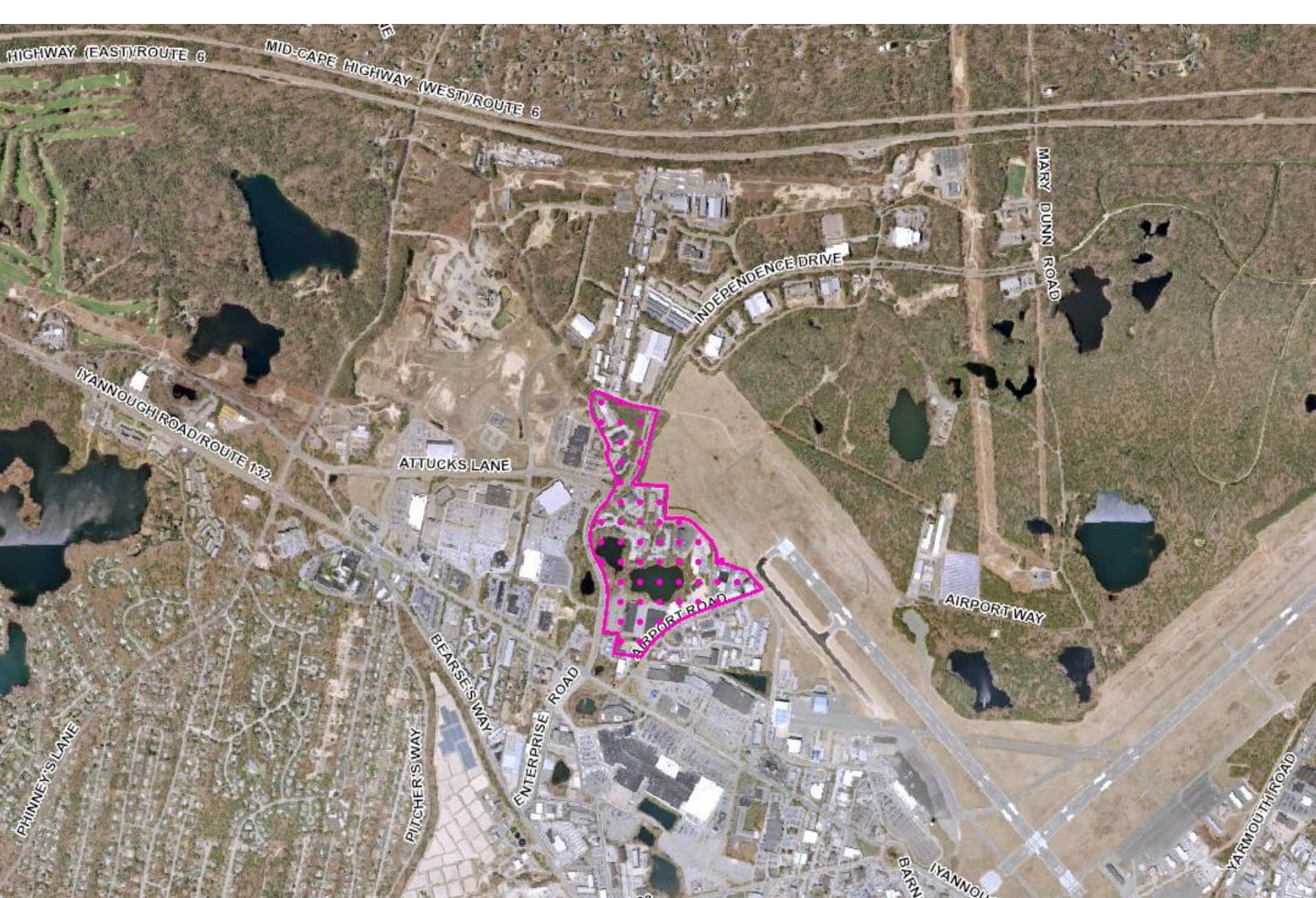
North Bay

East Bay

Cotuit Bay

West

Lew Ba



HIGHWAY (EAST)/ROUTE 6

MID-CAPE HIGHWAY (WEST)/ROUTE 6

MARY DUNN ROAD

INDEPENDENCE DRIVE

IYANNOUGH ROAD/ROUTE 132

ATTUCKS LANE

AIRPORT ROAD

AIRPORT WAY

PHINNEY'S LANE

BEARSE'S WAY

ENTERPRISE ROAD

PITCHER'S WAY

IYANNOUGH ROAD

YARMOUTH ROAD

Zoning Text Amendment to Section 240-30 Medical Marijuana Overlay District, by citizen petition:

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And by replacing that provision with the following:

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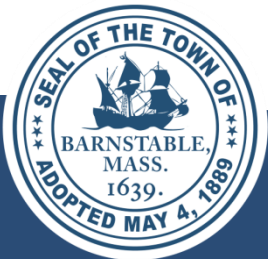
Planning Board recommendation

- Planning Board unanimously recommended support of the proposed amendment on June 13, 2022

Medical Marijuana Overlay District Proposed Zoning Amendment

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Medical Marijuana Overlay District

[240-30 Medical Marijuana Overlay District](#)

Within the Medical Marijuana Overlay District, a registered marijuana dispensary that ***dispenses, cultivates and prepares marijuana products may be permitted as a conditional use only within the overlay district, provided a special permit is first obtained from the Zoning Board of Appeals***

The difference in what is proposed by the petitioner and what the Barnstable Zoning Ordinance states is shown through track changes:

Separation requirements. The site ~~is located at least 1,000 feet distant from~~ **does not abut** a religious institution/place of religious assembly, **and is located at least 500 feet from any** school, day-care center, preschool or afterschool facility or any facility in which children commonly congregate, ~~or if not located at such a distance, it is determined by the Zoning Board of Appeals to be sufficiently buffered from such facilities such that its users will not be adversely impacted by the operation of the registered marijuana dispensary, but in no case shall the distance be less than 500 feet measured from parcel boundary to parcel boundary.~~ In no case shall a RMD directly abut another RMD or any medical marijuana use.