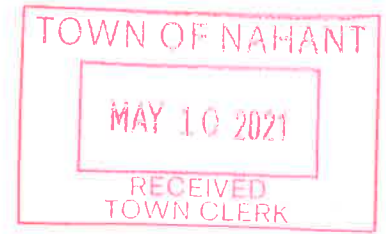




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PLANNING BOARD

REPORT ON WARRANT ARTICLE 30, PROPOSED MARIJUANA BY-LAW

May 4, 2021

The Planning Board of the Town of Nahant hereby submits the following report to Town Meeting on Warrant Article 30, proposed amendments to the Nahant Zoning By-Laws to (1) add new language to SECTION 2.02 – DEFINITIONS; and (2) to add a new SECTION 14 – MARIJUANA ESTABLISHMENTS AND MEDICAL MARIJUANA TREATMENT CENTERS.

The Planning Board agrees with the purposes of Warrant Article 30, and seeks to expand the protection afforded to the Town beyond the level provided in the language submitted by the Board of Selectmen, which can be found in Appendix 13 to the Warrant, printed on pp. 177-179.

Accordingly, the Planning Board proposes the following amendments to Warrant Article 30 as published, and recommends that the Article be adopted as amended.

AMENDMENT FIRST

Language: Delete the following words from the end of proposed Section 14.01 (Purpose): “and do not become concentrated in any one area within the Town of Nahant”. The words to be deleted are the last 14 words printed at the bottom of Warrant p. 178.

Explanation: Some municipalities seek to spread marijuana-related establishments across the various business districts of the city or town, in order not to create an area that they fear could devolve into a zone of drug and other illegal activity. The Planning Board feels that in Nahant, however, it would be better to steer any commercial marijuana activity to the central business district, where it would be open and visible and thus easy to monitor.

AMENDMENT SECOND

Language: Change the language of proposed subsection 14.02(A)(2) from

“The maximum number of marijuana cultivators, marijuana testing facilities, research facilities, marijuana product manufacturer or any other type of licensed marijuana-related business (exclusive of marijuana retailers or MTCs) shall be no more than one (1) in total.”,

as printed near the top of Warrant p. 179, to

“The maximum number of Marijuana Establishments (exclusive of Marijuana Retailers or MTCs) shall be no more than one (1).”

Explanation: This proposed amendment is merely an improvement of the draft language, to utilize the defined terms set out in the earlier portion of proposed Article 30, as printed on Warrant p. 178. Further use of the defined terms both simplifies the language of the proposed by-law and eliminates any ambiguity as to the intended meaning of the words.

AMENDMENT THIRD

Language: Insert a new Paragraph 3 before the close-quotation mark (“) near the end of proposed subsection 14.02(B)(2), which is printed on Warrant p.179, to read as follows:

3. The Planning Board is hereby authorized to issue regulations by supermajority (5 members) vote consistent with this by-law and Mass. General Laws Chapter 40A, Section 9, that shall be effective immediately upon such vote until superseded by an amendment to this by-law approved at Town Meeting. [“; and]

Explanation: Warrant Article 30 was submitted by the Board of Selectmen with very little notice or lead time. The language submitted was necessarily brief. As soon as the issue of a marijuana by-law arose, the Planning Board began reviewing some marijuana by-laws that have already been adopted by other Massachusetts municipalities, and discovered that a more comprehensive by-law can provide substantial additional protection to the city or town, and that most such additional by-law provisions appear to be potentially beneficial to Nahant. However, the time available before Town Meeting as well as the procedural rules applicable to items submitted for the Warrant did not permit the Planning Board to conclude or even continue our work in this regard. The Planning Board intends to resume such work after this Town Meeting and propose a more comprehensive by-law for consideration at the next Nahant Town Meeting, be it next year’s ATM or a prior Special Town Meeting, if any. The Planning Board does not intend to request a Special Town Meeting for purposes of considering a superseding marijuana by-law. Rather, by this proposed Amendment Third, the Planning Board requests authorization to issue regulations consistent with Warrant Article 30 that could

provide temporary additional protection to the Town in certain areas, which would be effective in advance of another Town Meeting.

AMENDMENT FOURTH

Language: Change the proposed treatment of all marijuana-related operations in the Table of Use Regulations, as printed on p. 179 of the Warrant, to allow use by special permit in B-1 Zones but not in B-2 Zones.

Explanation: As noted above in the Explanation of proposed Amendment First, the Planning Board would like to steer any commercial marijuana activity to the central business district, where it would be open and visible and thus easy to monitor. Activity for example at the Valley Road Building, zoned B-2, would not be sufficiently open and visible and easy to monitor. The Planning Board feels that marijuana activity should be permitted only in B-1 zones.

This Report on Warrant Article 30, Proposed Marijuana Bylaw, was approved in full by a vote of 5-0 at a regularly scheduled meeting of the Nahant Planning Board held on May 4, 2021, after a duly noticed hearing on the record that was held on April 29, 2021. The votes were as follows:

Calvin B. Hastings, Chair	Yes
Daniel M. Berman, Vice-Chair	Yes
Sheila K. Hambleton, Treasurer	Yes
J. Shannon Bianchi, Corresp. Sec'y	Not at Hearing
Patrick S. O'Reilly, Recording Sec'y	Yes
Stephen D. Viviano	Not at Hearing
Robert E. Steinberg	Yes

Respectfully submitted,
Town of Nahant Planning Board



by

Daniel M. Berman, Vice-Chair

A Blacklined copy of the Planning Board's proposed amendments to Warrant Article 30 is shown on the following page.

Blacklined Amendments to Warrant Article 30 as Proposed by the Planning Board

Proposed new SECTION 14 of Nahant Zoning By-Laws:
 MARIJUANA ESTABLISHMENTS AND
 MEDICAL MARIJUANA TREATMENT CENTERS

SECTION 14.01 – Purpose

It is recognized that the nature of the substance cultivated, processed, and/or sold by Medical Marijuana Treatment Centers (MTC) and Marijuana Establishments (ME) may have objectionable operational characteristics and should be located in such a way as to ensure the health, safety, and general well-being of the public, customers as well as patients seeking treatment. The specific and separate regulation of MTCs and MEs is necessary to advance these purposes and ensure that such facilities are not located within close proximity of minors and do not become concentrated in any one area within the Town of Nahant. [Warrant p. 178]

SECTION 14.02 – Number and Location of Marijuana Establishments and Medical Marijuana Treatment Centers

A. Number

1. The maximum number of Marijuana Retailers shall be no more than one (1).
2. The maximum number of ~~m~~Marijuana Establishments cultivators, marijuana testing facilities, research facilities, marijuana product manufacturer or any other type of licensed marijuana-related business (exclusive of ~~m~~Marijuana ~~R~~Retailers or MTCs) shall be no more than one (1) ~~in total.~~
3. The maximum number of MTCs shall be no more than one (1).

B. Location, Uses and Special Permit Granting Authority

1. MEs or MTCs are prohibited in all zoning districts, except as otherwise permitted by these By-laws, following the standards herein:
 - a. The Board of Selectmen shall negotiate and execute a Host community Agreement with the proposed ME or MTC.
 - b. Any ME or MTC must be located within whichever district permissible under Section 4.13, Table of Use Regulations.
 - c. Except during transportation, Marijuana or Marijuana products held at any ME or MTC shall be located within a secure indoor facility.
 - d. No use covered herein shall be allowed to disseminate or offer to disseminate Marijuana products or product advertising to minors or to allow minors to view displays or linger on the premises, except for MTCs."
2. Notwithstanding Section 9.08.A. of these Zoning By-Laws, the Planning Board shall be the Special Permit Granting Authority regarding MEs and MTCs.

3. The Planning Board is hereby authorized to issue regulations by supermajority (5 members) vote consistent with this by-law and Mass. General Laws Chapter 40A, Section 9, that shall be effective immediately upon such vote until superseded by an amendment to this by-law approved at Town Meeting."; and

to amend Section 4.13, Table of Use Regulations to reflect the following:

Description of Use	"Zoning Districts:					
	R-1	R-2	B-1	B-2	NR	P
Marijuana Establishments	N	N	S	S N	N	N
Marijuana Treatment Centers	N	N	S	S N	N	N",

or take any other action relative thereto.

End

[Warrant p. 179]