

**ARTICLE 21: SECTIONS 4950 AND 5000. SPECIAL REQUIREMENTS FOR REGISTERED MARIJUANA DISPENSARIES AND NON-MEDICAL MARIJUANA OVERLAY DISTRICT-**

**AMEND NON-MEDICAL MARIJUANA OVERLAY DISTRICT BY-LAW SECTION 5000:**

To see if the Town will vote to amend the Carver Zoning Bylaw Section 5000 of the Non-Medical Marijuana By-Law by allowing cultivation, processing and retail uses to occur in both Non-Medical Marijuana overlay districts, deletions are shown in strikethrough and additions are shown in bold font, or take any action relative thereto.

Section 5000.2 – Establishment

There shall be two Non-Medical Marijuana Overlay Districts (“NMOD”); Non-Medical Marijuana Overlay District/ ~~Cultivation and Processing~~ **North Carver** (“NMOD/~~CP~~ **North Carver**”) and Non-Medical Marijuana Overlay District/~~Retail~~ **South Carver** (“NMOD/~~R~~ **South Carver**”). The boundaries of both NMOD/~~CP~~ **North Carver** and NMOD/~~R~~ **South Carver** are shown on the Zoning Map on file with the Town Clerk and shall comprise the following parcels, as set forth on the maps of the Town Board of Assessors:

**NMOD/~~CP~~ **North Carver**:**

Map	Lot	Ext	Map	Lot	Ext	Map	Lot	Ext	Map	Lot	Ext	Map	Lot	Ext
20	1		21	2	A	22	10		24	1		25	1	
	12						10	1		2			1	A
	13						11			3			2	N
	14						3			3	1		4	
	2						3	1		3	2		4	A
	2	1					3	A					4	B
	3						3	B					4	C
						22	4					25	5	
							5	A						
							5	B						
							5	C						
							5	D						
							5	E						
							7	A						

**NMOD/R South Carver:**

Map	Lot	Ext	Map	Lot	Ext	Map	Lot	Map	Lot	Ext	Map	Lot	Ext	Map	Lot
94	6		95	4	A	98	6	126	21		127	A	3	128	1
	6	A		3			6-A		24			A	2		6
	5			3	A		4		25			A	1		7
	3			3	1		5		35			6			8
	2			7			3		36	1		8			
	1			1			1					10	1		
	11			6	A		8					10			
	13											11			
	9											12			
	8											21			
												22A	2		
												22A	1		

Within the NMOD/CP **North Carver** and NMOD/R **South Carver**, all requirements of the underlying zoning district remain in effect, except where these regulations provide an alternative to such requirements. Land within the NMOD/CP **North Carver** and NMOD/R **South Carver** may be used for any state-licensed Non-Medical Adult Use Marijuana Establishment, in which case the requirements set forth in this section shall apply. Land in either the NMOD/CP **North Carver** and/or NMOD/R **South Carver** may be used for a use allowed in the underlying district, in which case the requirements of the underlying district shall apply. If the provisions of the NMOD/CP **North Carver** and/or NMOD/R **South Carver** are silent on a zoning regulation, the requirements of the underlying district shall apply. If the provisions of the NMOD/CP **North Carver** and/or NMOD/R **South Carver** conflict with the requirements of the underlying district, the requirements of the NMOD/CP **North Carver** and/or NMOD/R **South Carver** shall control.

**Section 5000.5 – Location and Dimensional Controls**

1. Non-Medical Marijuana Establishments may be permitted in the NMOD/CP **North Carver** and/or NMOD/R **South Carver** pursuant to a Special Permit and Site Plan Approval.

**Section 5000.4 - Number of Licenses**

Only 2 Marijuana Retailers will be allowed to operate **in the Town of Carver**. **Prospective retailers could propose to operate in either** the NMOD/~~CP~~ **North Carver** or NMOD/~~R~~ **South Carver** ~~at one time~~.

3. Cultivation and processing facilities located within the NMOD/~~CP~~ **North Carver** or NMOD/~~R~~ **South Carver** shall be separated from adjacent uses by a 50-foot buffer strip, unless the applicant can demonstrate, and the Planning Board finds, that adequate buffering can be provided in a narrower buffer strip.

#### PLANNING BOARD

*INFORMATIONAL SUMMARY: The Planning Department has received numerous inquiries this past fall from prospective marijuana facility developers that wanted to combine retail use with cultivation and processing. The proposed amendment would allow both retail use and cultivation/processing in both Non-Medical Marijuana overlay districts. The two overlay districts would re-designated Non-Medical Marijuana Overlay District North Carver (NMOD North Carver) and Non-Medical Marijuana Overlay District South Carver (NMOD South Carver).*

**PROPOSED MOTION:** I move that the Town approve Article 21 as set forth in the Warrant.

**(2/3rds Vote Required)**

*Recommendation: Select Board 0-0; Planning Board 3-1*