

Memorandum

To: Carlisle Planning Board

From: George Mansfield, Planning Administrator

Date: October 24, 2020

Re: Zoning for Adult Marijuana Facilities in comparable Massachusetts communities

Co-Chair Madeleine Blake asked that I undertake some research on how other Massachusetts towns have dealt with amending their zoning bylaws and ordinances to allow or ban marijuana facilities. The purpose is to gain some insight and to benefit from the experience of other towns in deciding what to recommend to Town Meeting regarding the adoption of Zoning Bylaw amendments. Some of the information below has been shared with the Board previously in discussions at Board meetings, and in an e-mail previously sent to the Co-Chair.

The information below is based upon the Municipal Zoning Tracker published by the Cannabis Control Commission, and on Mass. DOR data, as assembled by the Mass. Municipal Association (MMA). In many instances, I have followed up by visiting Town websites and have reviewed their zoning bylaws and some of the memos they have posted on this topic. In almost all cases, these bylaws were adopted in 2018 and 2019. Of the total number of 351 Massachusetts municipalities, 199 (57%) have marijuana land use bylaws in place that allow at least some limited facilities. 105 communities (30%) have enacted total bans. The remaining 47 communities (14%), of which Carlisle is one, have either taken no action, are in the process of discussing or proposing bylaws, or did not respond to the CCC's request for information. This data was gathered early in the summer of 2020.

The majority of communities that have adopted marijuana zoning bylaws or ordinances are the large and medium-sized cities in the state, or are very small rural communities outside of metropolitan Boston. In the cities and larger towns, such as Brookline and Framingham, the focus generally has been on controlling retail use. But in the rural towns in western Mass., land values are much lower than in the rest of the state, which increases the feasibility of facilities for the cultivation and processing of marijuana. Also, in most of the communities whose bylaws I have examined more closely, marijuana land uses are limited to non-residential zoning districts, and especially to industrial and manufacturing districts. Although I have only looked at these bylaws in communities that I determined had some characteristics that would allow transfer of their experience to Carlisle, from what I have discovered, there have not been instances where communities created new zoning districts, and only a few added overlay districts, to allow marijuana use. Rather, they have utilized existing non-residential districts that had been created primarily because of their previous access to rail or regional roadway networks, or to water power for manufacturing. Carlisle, of course, has no such districts nor the land uses and transportation networks that would have called for them.

Regional Experience in Nearby Towns

My first survey was to determine the status of marijuana land use controls in the towns surrounding and immediately adjacent to Carlisle. This could also help the Town to evaluate (1) the availability of the product to Carlisle citizens, and (2) whether the lack of actual or potential facilities in adjacent communities would create a demand for developers to try to locate facilities in Carlisle. Five of the six towns adjacent to Carlisle have adopted a complete ban on marijuana facilities. Only **Billerica** has zoning in place to allow this use, and that town has little in common with Carlisle, having a population of over 40,000, substantial non-residential uses and districts, and a representative town meeting form of government—a municipal structure that makes it more likely that the citizens deliberating on complex or controversial matters like this will be better informed than those in an open town meeting such as Carlisle's. Such uses in Billerica could potentially serve Carlisle's "market demand," and so could those in Lowell, Tewksbury, Dracut, Tyngsborough, Dunstable, Pepperell, Groton, Ayer, Littleton, and Harvard. All these communities have adopted zoning for marijuana land uses. That many of them border on New Hampshire suggests they may be serving an out-of-state market, but this group also shows that Carlisle residents' demand can be well-served locally. The existence of, or potential for, these facilities for adult use marijuana in a group of towns in northern Middlesex county may account for why Carlisle has not experienced any proposals for such facilities here, despite several years without local marijuana zoning controls in place.

Experience in High-Income Towns

Of the Massachusetts towns with the top-ten income levels per capita (particularly relevant because Carlisle, at \$95,600, is ranked by the MMA as **#10** out of 351), which are, in descending order from 1 to 10: Weston, Dover, Sherborn, Wellesley, Wayland, Lincoln, Concord, Manchester-by-the-Sea, Sudbury and Carlisle, all have complete bans in place except Manchester and Carlisle. These are all towns that usually are considered comparable to Carlisle. The only other towns without total bans in the top 50 by income level, and that are similar to Carlisle in any other ways, are Bolton (#27) and Harvard (#39).

As I previously reported to the Board, **Bolton** does allow cultivators, marijuana product manufacturers, and independent testing labs, by special permit from the Planning Board, but only in their industrial district. They also allow retailers in their special business districts. But no marijuana uses are allowed in any residential district.

Harvard is larger in area than Carlisle (26.4 sq. miles), with a population of only 6,600, but its property values are significantly lower than Carlisle's (see below). Harvard's marijuana zoning information or project history is, unfortunately, not accessible on the Town's web site. But I have not pursued further research on this town because of its lower property values.

Littleton is more than twice the population size of Carlisle and is served by a heavily travelled regional transportation network. It is also ranked #82 on the income per capita scale, and is generally not comparable to Carlisle in either land use patterns or zoning districts.

Looking beyond the northwest metropolitan region, **Manchester-by-the-Sea** allows all types of marijuana establishments by special permit, but only in their limited commercial district. The town is comprised of only 9.3 square miles (Carlisle has 15.4), and is coastal of course, with a population of similar size to Carlisle's, but it also hosts seasonal residents. Their marijuana bylaws were approved in 2019, so there is no history yet of approved applications or market effects. But there are not likely to be extensive agricultural uses or opportunities for such in a town with such limited land area.

Experience in Towns with Comparable Property Values

Data is also available on municipalities' ranking on property valuation per capita to compare with Carlisle. Carlisle, at over \$266,000 ranks **#52** out of 351 municipalities. This is likely to be a more relevant index by which to compare with other communities the impacts of marijuana facilities, particularly cultivators, on land values, and vice-versa. The highest-ranking towns on this scale are coastal/resort communities, especially on Cape Cod and the Islands. But these towns have a real estate market that could react in quite a different way to impacts from marijuana facilities.

Chilmark is #1, but like Carlisle, has no marijuana bylaw controls in place. **Wellfleet**, #9, has marijuana bylaws in place and has established a narrow marijuana retail overlay district along busy Rte. 6, leading to Provincetown. However, Wellfleet is only #90 on the income per capita ranking. **Marion**, another coastal town with a population of 4,900 year-round residents, ranks #34 on the property valuation index and #62 on the income index, and has adopted zoning that allows retailers, cultivators, product manufacturers and transporters, by special permit and site plan approval of the planning board. But these uses can only be located in the Limited Industrial zoning district, and no less than 300 ft, from any residential zoning district. As discussed above, Carlisle has no comparable districts available, but the Board may want to review Marion's bylaw for its structure and comprehensiveness, if a decision were made to pursue a limited use bylaw in Carlisle, and theirs is one of the best and most complete I have seen.

Harvard, discussed above, ranks #111 on the property value index and so is not a good comparison to Carlisle on this criterion. **Manchester**, as also discussed previously, ranks #23 on property value, so again it could be a good comparison with Carlisle, but as also noted, it does not have any substantial experience data to inform us.

In summary, I have reviewed the experience of all the most comparable eastern Massachusetts towns that I could discover (about 35-40 towns) and found that the great majority of them that have adopted any marijuana bylaws have enacted complete bans (24). In addition to those mentioned above, and the adjacent towns of Acton, Bedford, Chelmsford, Concord, and Westford, this list includes the following:

Boxborough

Burlington
Dover
Hamilton
Hingham
Lexington
Lincoln
Medfield
Milton
Needham
Sherborn
Stow
Sudbury
Wayland
Wellesley
Wenham
Weston
Westwood
Winchester

These findings, I believe, would help to support recommending a similar ban in Carlisle, if the Planning Board should decide to take that action.