

Frequently Asked Questions - Marijuana Cultivation Williamstown, MA

Prepared by the Williamstown Planning Board and the Office of Community Development
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Introduction

This document presents some information related to marijuana cultivation regulations in Williamstown. You'll find a brief discussion about marijuana legalization in the state, a description of the Planning Board's zoning bylaw amendment proposal for marijuana cultivation and answers to frequently asked questions.

The Planning Board has been working on this proposal for about two years. The current regulations related to marijuana cultivation do not provide enough guidance to the Zoning Board of Appeals when they are reviewing applications. Nor do they give the ZBA the mechanism to engage outside expertise to help in their review of complex permit applications.

We've consulted with the Williamstown Agricultural Commission, the state's Cannabis Control Commission, Williamstown's legal counsel, and Planning Board officials in other communities, and others. We've consulted with other Town committees and officials including MGHS School Committee, Board of Health, Police Department, Zoning Board of Appeals, Select Board among others. We've visited outdoor cultivation operations. We've hosted a public forum featuring a large outdoor grower, town counsel and a town planner from a neighboring community. We've heard from residents in-person at our regular meetings or via written communication and we've hosted a public hearing.

We've done our best to balance economic opportunities for farming and potential concerns from neighbors.

At Town Meeting (INSERT DATE), you will have an opportunity to vote on these amendments. They will require a $\frac{2}{3}$ majority to pass. The Planning Board recommends the adoption of these regulations that define setbacks, applicable zones, screening, security measures, etc without additional amendments.

There are two articles related to marijuana on the Town Warrant:

Article A - modifies some of the terminology used in the Town's current bylaws to be consistent with the state regulations.

Article B - strives to improve the regulations associated with marijuana establishments other than retail marijuana establishments. This FAQ focuses on Article B.

Why is the Planning Board proposing amendments to regulations related to marijuana?

In 2016 Massachusetts voters voted 61% in favor of authorizing adult use of marijuana and the licensing of marijuana establishments.

In May 2017, 85% of the voters in attendance at Williamstown Town Meeting voted in favor of allowing marijuana establishments in Town. Marijuana establishments include testing facilities, marijuana manufacturing facilities and indoor and outdoor growing facilities, etc.

Since that time:

- state regulations have been developed,
- we have learned from the experiences of other communities that permitted marijuana cultivation in the state and elsewhere,
- two retail shops have been permitted in Williamstown, one is open,
- we've had experience with a potential outdoor marijuana cultivator applying for a permit.

At the Town Meeting 2020, the Planning Board had proposed changes to regulations related to Indoor Cultivation and the Agricultural Commission brought a citizen's petition to regulate outdoor marijuana cultivation. Two articles related to cannabis cultivation and as well as amended versions of the articles failed to achieve the $\frac{2}{3}$ majority vote required to pass.

What is permissible in Williamstown today?

Indoor and Outdoor Cultivation are permitted in Rural Residence 2 (RR2), Rural Residence 3 (RR3) and Limited Industrial (LI) zones with review and approval by the Zoning Board of Appeals.

In the RR 2 and RR 3 zones the marijuana cultivation area or indoor grow facility is required to be setback from public ways by 50 ft and from rear and side property lines by 25 ft.

In the Limited Industrial zone setbacks are 150 ft from public way and 50 ft on rear or side property lines unless the property abuts a residential property then the setback is increased to 150 ft.

[State Regulations](#)

Compare existing regulations to the 2021 proposal?

INDOOR CULTIVATION & Manufacturing	Current	Proposed 2021
<i>Zones</i>	RR2, RR3, LI	LI - Limited Industrial
<i>Permitting</i>	Special Permit	Special Permit
<i>Odor control</i>	No local requirements	Plan to control emissions, best available technology, nuisance clause
<i>Renewable Energy</i>	No requirements	25% of energy

<i>Expert Review</i>	No requirements	Expert review allowance
<i>Waste Management</i>	No local requirements	Compost organic materials, Waste Management Plan
<i>Canopy</i>	State allows 100,000 s.f.	100,000 s.f

OUTDOOR CULTIVATION	Current Bylaw	Proposed 2021
ZONES	Permissible Zones: RR2, RR3, LI	Permissible Zones: RR2, RR3
Permits	Special Permit	Special Permit
Lot Size	Minimum lot size 2.5 acres	Minimum 5 acres
Setback	Setback: 50 ft from front and 25 ft side/back, 500 ft from school	Marijuana canopy - 150 ft. setback from property boundary AND 500 ft from any residence or school
Fencing	Fencing required by state	Screening of fencing with existing vegetation, plantings or topography
Size of canopy	State allows 100,000 s.f. (Tier 11)	100,000 s.f. (Tier 11)
Expert Review	No allowance	Expert Review if requested by ZBA
Security	24 hr security (required by state), cameras	Without the use of overnight visible outdoor lighting, lighting only allowed for access
Odor Control	No local requirement	Nuisance clause, increased setbacks

What is the role of the state's Cannabis Control Commission?

[Cannabis Control Commission](#) develops and administers regulations that guide the licensing of retail, cultivation and production of the marijuana. The Commission is required to promulgate statewide regulations addressing: public health issues such as products, labeling, advertising and potency; industry issues such as cultivation, distribution, transportation and seed-to-sale tracking; and market participation for groups including women, minority, and veteran-owned businesses, as well as growing cooperatives.

The Commission also reviews applications for licenses, awards and denies licenses. They can limit, condition, restrict, revoke or suspend licenses. They also check the backgrounds of individuals associated with applicants or licensees.

The Commission may inspect marijuana establishments, seize and remove from the premises of a marijuana establishment and impound any marijuana, equipment, supplies, documents and records obtained or possessed in violation of the law for the purpose of examination and inspection, inspect all papers, books and records of close associates of a licensee whom the Commission suspects is involved in the financing, operation or management of the licensee, impose fees and fines, and conduct adjudicatory proceedings.

The Cannabis Advisory Board, established by Chapter 55 of the Acts of 2017, has twenty-five members: five appointees each from the Governor, Treasurer, and Attorney General, and ten ex officio members with expertise and knowledge relevant to the Board's mission. They are charged with studying and making recommendations to the Cannabis Control Commission on the regulation and taxation of marijuana in Massachusetts. The Board includes representatives from Massachusetts Department of Public Health, Department of Agricultural Resources, Massachusetts State Police and the Massachusetts Municipal Association.

What is a Marijuana Cultivator ?

A **Marijuana Cultivator** may cultivate, process, and package marijuana, to transfer marijuana to other Marijuana Establishments, but not to consumers. That means they can grow the plants but cannot sell directly to consumers. Cultivators must select what tier they will be in by determining the total canopy they will cultivate. Canopy is an area calculated in square feet and measured using clearly identifiable boundaries of all areas(s) that will contain mature plants at any point in time. The available tiers are:

Tier	Canopy Size Allowed
1	up to 5,000 square feet (0.11 acres)
2	5,001 to 10,000 sq. ft. (0.23 acres)
3	10,001 to 20,000 sq. ft. (0.46 acres)

4	20,001 to 30,000 sq. ft. (0.69 acres)
5	30,001 to 40,000 sq. ft. (0.92 acres)
6	40,001 to 50,000 sq. ft. (1.15 acres)
7	50,001 to 60,000 sq. ft. (1.38 acres)
8	60,001 to 70,000 sq. ft. (1.61 acres)
9	70,001 to 80,000 sq. ft. (1.84 acres)
10	80,001 to 90,000 sq. ft. (2.07 acres)
11	90,001 to 100,000 sq. ft. (2.30 acres)

Microbusiness means a co-located Marijuana Establishment that can be either a Tier 1 Marijuana Cultivator (5,000 square feet of canopy or less) or Product Manufacturer, or both, and if in receipt of a Delivery Endorsement issued by the Commission, may deliver Marijuana or Marijuana Products produced at the licensed location directly to Consumers in compliance with the operating procedures for each license.

- Most of its executives or members must have been residents of Massachusetts for no less than 12 months prior to application.
- A Microbusiness that is a Marijuana Product Manufacturer may purchase no more than 2,000 pounds of Marijuana per year from other Marijuana Establishments.
- A Microbusiness licensee cannot have an ownership stake in any other Marijuana Establishment except a Social Consumption Establishment.
- The application fees for a microbusiness are reduced by 50%
- Seed-to-sale SOR monthly program fees are waived for Microbusinesses, but this waiver does not include other costs associated with the Seed-to-sale licensing system.

What are the benefits to the Town?

Marijuana Retail establishments pay a 3% tax to the Town but Marijuana Cultivators are a little different as there is no retail tax levied. There are other potential benefits. They can provide year-round and seasonal jobs. They can provide a stable source of income to a farmer who engages in the cultivation directly or indirectly through partnering with a cannabis grower through lease arrangement or contract farming. They can indirectly generate property tax revenue as the value of viable land increases. Indirectly, allowing marijuana cultivation, may be helpful in preserving farmland in our community.

The Marijuana Cultivator must work with the Town to craft a host community agreement setting forth the conditions to have a marijuana cultivation facility located within the Town. The agreement shall stipulate the responsibilities between the host community and the marijuana cultivator. An agreement may include a community impact fee for the host community; provided, however, the community impact fee shall be reasonably related to the costs imposed upon the municipality by the operation of the marijuana cultivator and shall not amount to more than 3% of the gross sales of the cultivator or be effective for longer than 5 years. Any cost to the town imposed by the operation of a marijuana cultivator shall be documented and considered a public record

What are the potential impacts to a community?

As with any property use there are potential impacts. This proposed bylaw amendment strives to minimize potential negative impacts and balance opportunities for economic development with the concerns of community members. Potential impacts may include high electricity use and water use, demand on wastewater treatment systems, traffic, visual impact of lighting and/or security features, odor, noise from mechanical systems, demand on law enforcement, concern about public health or safety. The proposed bylaw strives to minimize the impacts to the community



A commercial medical-cannabis cultivation facility in Moncton, Canada. Credit: Organigram Inc.

Which zones or districts will allow marijuana cultivation?

Indoor cultivation of marijuana will be permitted in Limited Industrial District (LI). LI is intended for use by research laboratories, office buildings and selected light industries which are compatible with a low-density, rural residential community. Marijuana cultivation within a building is compatible with these uses.

An Indoor Cultivator cultivates marijuana plants entirely within a building using artificial light. Activity therein shall not be visible to a public way or adjacent properties. All indoor cultivators shall use artificial ventilation and filtering equipment to minimize the impact of odors on surrounding properties.

Outdoor cultivation will be permitted in Rural Residence 2 and 3 (RR2 and RR3). An outdoor cultivator grows marijuana plants outside, like in a field, or in a structure that is unconditioned and relies exclusively on use of natural light, like a greenhouse.

Our current bylaws state that RR2 is intended as a district for typical rural uses with which single-family homes are compatible. RR3 is a similar rural

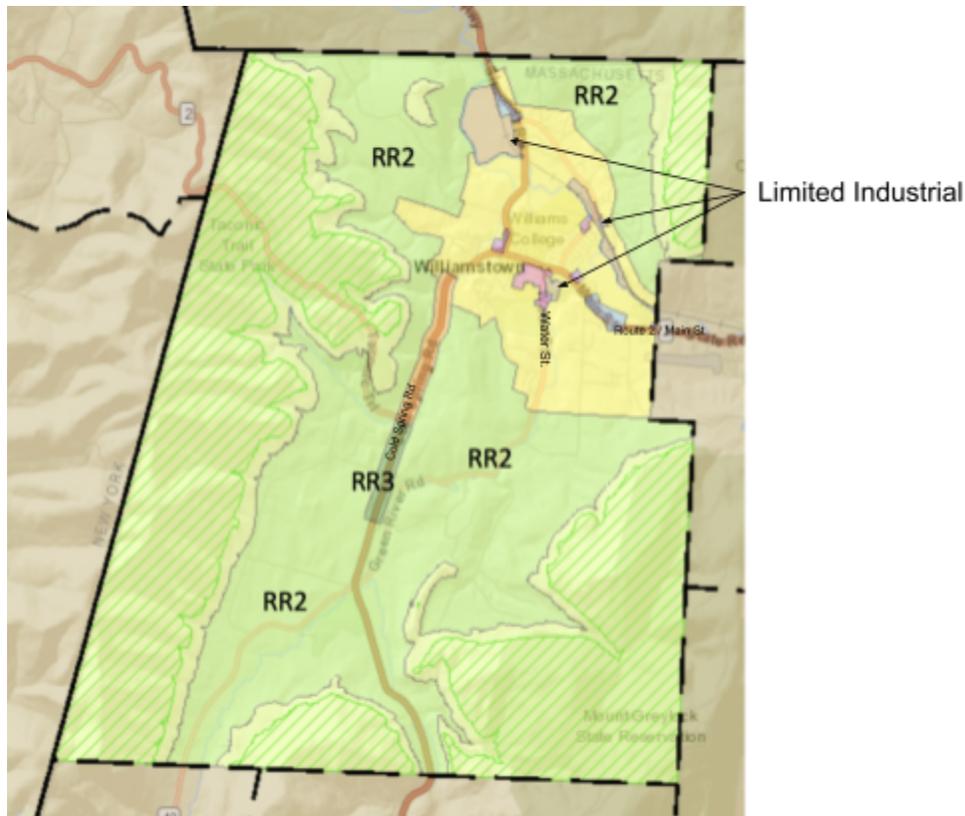


Photo: Scott Bauer/CDFW

area along a stretch of Cold Spring Road. This district is intended to provide for the protection and preservation of special community services (e.g. town water and sewer). More information about these zones are available in the [Town's bylaws](#).

The activities permitted in the RR2/RR3 zones include farming and some small non-agricultural activities (small hotel, bed and breakfast, office, etc.). Outdoor cultivation of marijuana is compatible with the currently-permitted activities in these zones. Since indoor cultivation typically requires large warehouse type facilities with high demands for water and energy it was deemed inappropriate for RR2/RR3 districts.

The map below indicates where these zones are located. RR2 and RR3 are those zones outside of the town center where there are typically large lots and farmland. RR2 is shown in solid light green and RR3 in solid dark green on the map below. For a more detailed look at these zoning districts, consult [Williamstown Property Map](#). Limited Industrial (LI) is located on Route 7, at the corner of Cole Ave and N Hoosac Rd and on Water St./Main St.



Note: the small limited industrial zone near Water St. is likely to be soon changed to another zoning category. This is the property that contains Linear Park and the cemetery.

How do we prevent unauthorized people from entering the cultivation facility?

State regulations require a perimeter security fence designed to prevent unauthorized entry to the outdoor cultivation facility with signs notifying observers that it is a Limited Access Area for outdoor cultivation. The CCC does not require fencing for an indoor cultivation area since the cultivation activity takes place entirely within a secure building.

For outdoor cultivation, this proposed bylaw will require that security fencing be screened with natural vegetation or topography. On large properties, it is likely that the cultivator will place the relatively small growing area far from any property boundary so that it is screened from the public by existing vegetation and/or topography. If vegetation is planted to screen the fence, the cultivator will have 3-years for the vegetation to reach maturity and full coverage.

We also require that any barbed or razor wire type fencing materials not be used or be entirely hidden from view from public ways or neighboring property. A screening plan must be submitted and be discussed at a public meeting of the Zoning Board of Appeals.

What are other security requirements?

The Cannabis Control Commission requires cultivators to provide an alarm system that shall be continuously monitored, whether electronically, by a monitoring company or other means determined to be adequate; and provide an alert to designated employees of the Marijuana Establishment within five minutes after a notification of an alarm or a system failure, either by telephone, email or text message.

The cultivator must also provide video cameras at all points of entry and exit and in any parking lot appropriate for the normal lighting conditions of the area under surveillance. Cameras shall be directed at all safes, vaults, sales areas, and areas where marijuana is cultivated, harvested, processed, prepared, stored, handled, transferred or dispensed and for the purpose of securing cash. Cameras shall be angled so as to allow for the capture of clear and certain identification of any person entering or exiting the Marijuana Establishment or area. They will have the ability to immediately produce a clear, color still image whether live or recorded.

This proposed bylaw requires that these security measures be met without the additional use of outdoor lighting. Visible lighting on site will be limited to only that required by Massachusetts State Building Code and/or Cannabis Control Commission. Applicants will be required to submit a lighting plan to the Zoning Board of Appeals.

How large is the permissible cannabis canopy?

The Cannabis Control Commission allows a maximum of 100,000 square feet, a little more than 2 acres of canopy. The Planning Board is recommending that the Williamstown regulations align with state regulations. There are incentives in the Town's proposed legislation that would allow the smallest-possible state-licensed facility (5000 square foot canopy) by-right (i.e. no Zoning Board of

Appeals process involved) and would not require the applicant to provide a performance bond to cover the cost of site restoration when/if cultivation operation is suspended.

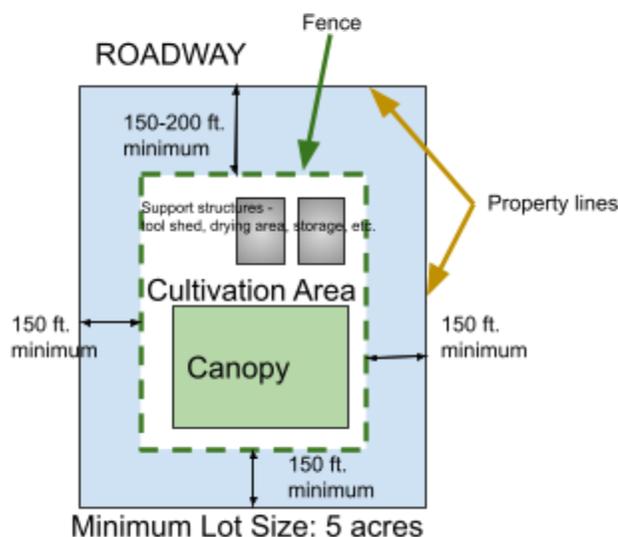
How is the canopy measured?

The Cannabis Control Commission defines how the canopy is measured. The canopy is an area to be calculated in square feet and measured using clearly identifiable boundaries of all areas(s) that will contain mature plants at any point in time, including all of the space(s) within the boundaries. Canopy may be noncontiguous, but each unique area is included in the total. Canopy calculations shall be separated by an identifiable boundary which includes, but is not limited to interior walls, shelves, greenhouse walls, hoop house walls, garden benches, hedge rows, fencing, garden beds, or garden plots. If mature plants are being cultivated using a shelving system, the surface area of each level shall be included in the total canopy calculation.

What are the setback requirements?

For **Indoor Cultivation** in the Limited Industrial district the setback requirements will be the same as for other uses in that zone. A 150 ft setback from streets and 50 ft setback from property line on the side and rear of the property. If the Limited Industrial zone property abuts a residential property on the side or rear property line, the setback is increased to 150 ft. Williamstown dimensional requirements are found [here](#) in the zoning bylaws. This means that all activity or structures or plants related to the marijuana cultivation will only occur within the area defined by the setback.

SCHEMATIC DRAWING OF A
TYPICAL CULTIVATION AREA FOR OUTDOOR GROWING



For **Outdoor Cultivation** we are recommending a tiered approach.

1. For marijuana canopy of equal to or less than 1 acre, the front or public way setback shall be 150 ft, and 150 ft from side and rear property lines.
2. For marijuana canopy of greater than 1 acre, the front setback is increased to 200 ft and side and rear setbacks remain the same at 150 ft.

In addition, the outdoor cultivation facility can not be closer than 500 ft from any existing residential dwelling unit not owned by the licensee.

How big is 100,000 s.f., the maximum grow area?

There are a few ways we can think about size. One acre is 43,560 s.f. The maximum size canopy, 100,000 s.f. (Tier 11) that is permissible under state law is about 2.3 acres. That is about the size of a typical football field and its surrounding sideline areas. It is also about the area contained inside the Field Park rotary including the paved road.

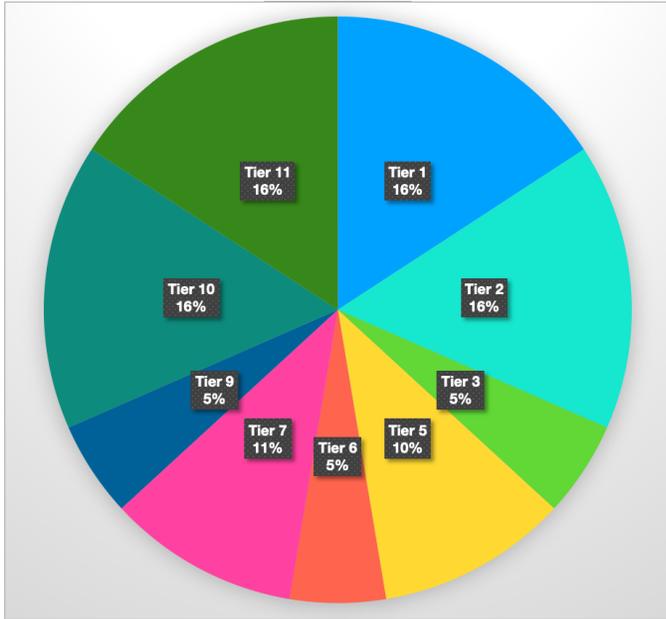
In the context of a typical farm this is not a large area. The average farm in Massachusetts is 68 acres in size. Hay farming is the most common type of farming and holds the greatest amount of farmland in the state with 104,300 acres, about 104 acres per farm in 2017. The average dairy farm is 355 acres. In this context, an average hay farm could house 2-acres canopy of marijuana with very little impact on neighboring properties. More information about farmland is available [here](#).

How many marijuana cultivation permits are there in Massachusetts?

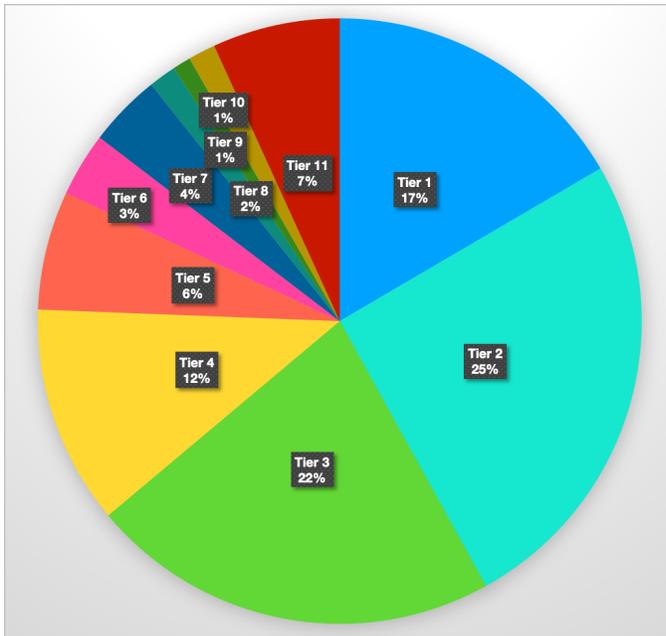
In Massachusetts, since 2018, 19 outdoor cultivation permits, 17 microbusiness permits and 186 indoor cultivation permits have been granted by the state. The **outdoor** cultivation areas seem to be either small or large. 32% of permits are for Tier 1 and 2, and 32% for are Tier 10 and 11. While 76% of **indoor** permits have been awarded to the smallest tiers (1, 2, 3 and 4)

There are a variety of ways that farmers can be engaged in farming this crop. Farmers can grow the crop themselves, lease their land to others, or contract to grow the plants for the permit holder.

Percentage of Outdoor Marijuana Cultivation Permits By Tier

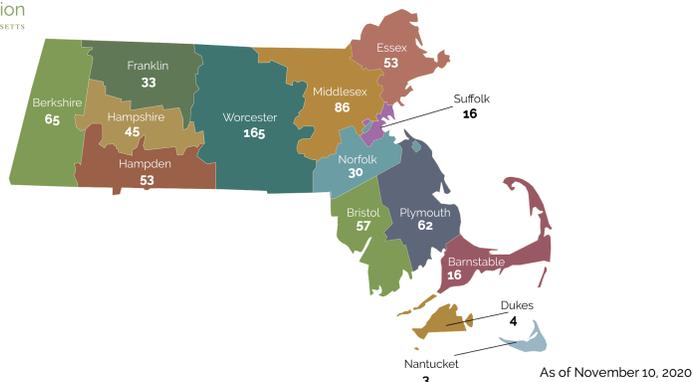


Percentage of Indoor Marijuana Cultivation Permits by Tier



Which Massachusetts towns have permitted cultivation?

The Cannabis Control Commission maintains a database of permitting information that is available for download and analysis. It is available [here](#). As of now they have granted X permits.



Worcester county has the most permits with 165. Berkshire County has permitted 65 cultivators.

Berkshire county towns are in italics.

Outdoor cultivation: Barre, *Cheshire*, Colrain, Dunstable, *Hinsdale*, Middleborough, Orange, *Pittsfield*, Plainfield, *Sheffield*, Wareham, *West Stockbridge*, Whately

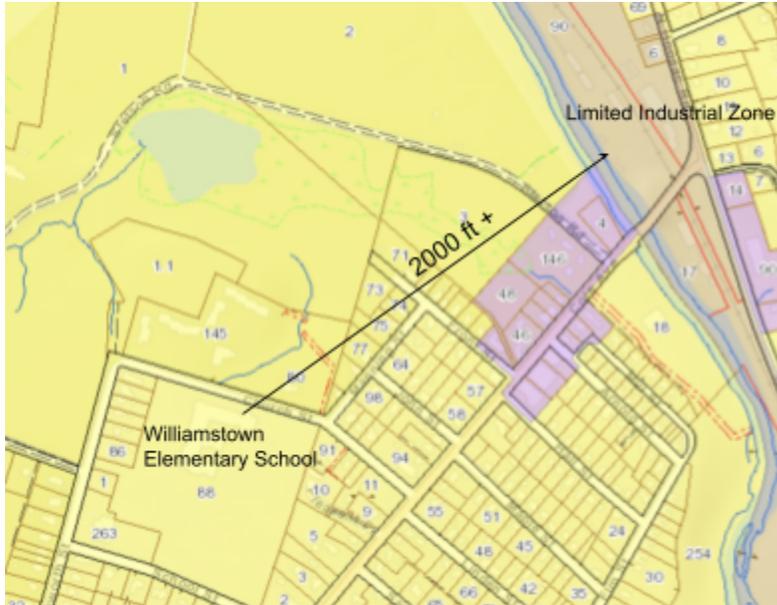
Indoor Cultivation: Adams, Amesbury, Ashby, Athol, Attleboro, Ayer, Barre, Belchertown, Bellingham, Berkley, Bernardston, Boston, Brewster, Bridgewater, Brockton, Charlton, Chelsea, *Cheshire*, Chester, Chicopee, Clinton, Colrain, Cummington, Deerfield, Dighton, Douglas, Dracut, Dunstable, Eastham, Easthampton Fall River, Fitchburg, Framingham, Franklin, Freetown, Gardner, Georgetown, Gloucester, Grafton, Greenfield, Hanson, *Hinsdale*, Holbrook, Holliston, Holyoke, Hopedale, Hudson, Lakeville, Lee, North Brookfield, Northampton, Leicester, Littleton, Lowell, Lynn, Medway, Middleborough, Milford, Millis, Monson, Montague, Nantucket, New Bedford, Newburyport, Orange, *Otis*, *Pittsfield*, Plainfield, Plymouth, Rockland, Royalston, Salem, Salisbury, Sharon, *Sheffield*, Somerset, Southbridge, Southwick, Taunton, Templeton, Uxbridge, Wareham, Warren, Webster, West Boylston, *West Stockbridge*, West Tisbury, Westfield, Whately, Winchendon, Worcester

How close to a school can you grow marijuana?

The Cannabis Control Commission states that a Marijuana Establishment's (including cultivation area) entrance may not be closer than 500 feet from the nearest school entrance, unless a city or town adopts an ordinance or bylaw that reduces the distance requirement. The Town's legal counsel has indicated that an attempt to increase the setback to the school is likely not to be upheld by the state.

The buffer zone distance of **500 feet** shall be measured in a straight line from the center of the Marijuana Establishment entrance to the center of the nearest school entrance.

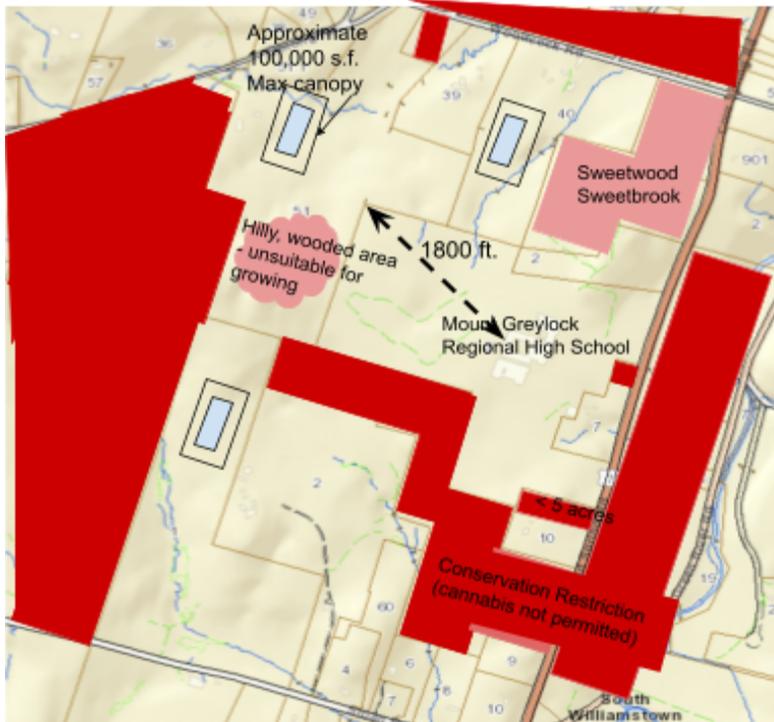
The closest property to the Williamstown Elementary School that might be permitted for marijuana cultivation is over 2000 ft away.



The drawing below shows some possible locations of the maximum size (100,000 s.f) outdoor cultivation areas on the properties surrounding the high school. The dark shaded areas are properties where cultivation will NOT be permitted due to conservation restrictions or small lot size. The lighter shaded areas show unlikely cultivation due physical characteristics of the property or current uses. While the state regulations would not permit increasing setbacks around a school it seems unlikely that a cultivation area would be permitted

If there were to be a cultivation area on neighboring property, the area would not be seen from the school or school property. The cultivation area is required to be fenced, and the fence is required to be screened from view by vegetation or landscape features.

Possible Locations of Outdoor Cultivations
(max. size)



Can a property be divided to accommodate many cultivation sites?

The short answer is no. The Cannabis Control Commission limits the number of licenses to 3 of each type (see: 500.050 1 (b)) 1. And the maximum canopy permissible under all licenses is 100,000 s.f. (see. 500.050 1 (b) 5.)

These regulations, in effect, prevent large properties from being subdivided into multiple pot farms. An individual either as a sole proprietor or in partnership with others cannot hold permits for more than 100,000 s.f (Tier 11) in total area.

In addition, [Williamstown Zoning Laws](#) dimensional requirements stipulate minimum frontage standards for properties. In RR2, a lot requires 150 ft along the roadway and in RR3, a 200 ft frontage is required.

I've heard growing marijuana isn't agriculture. What does that mean?

The state lawmakers exempted the cultivation of marijuana from the agricultural exemption in the Zoning Act, G.L. c.40A §3, therefore retaining local control over the placement of marijuana establishments.

Most other agricultural activities are exempted from local zoning laws, conservation laws, etc. In other words, marijuana cultivation is not an activity allowed by right, through agriculture exemptions in state law, on land zoned for agriculture. In Williamstown, for example, in RR2/RR3 a person has the right to operate an agricultural business (hay farming, dairy farming, vegetable farming, etc.) without a special permit but the Town has the right to impose special permit requirements or other requirements on marijuana cultivation.

What does "Right – to – Farm" Community mean? How does it affect marijuana?

A Right to Farm bylaw does not typically confer any additional protections from local zoning and licensing restrictions. Instead, it notifies purchasers of property in the town that it is the policy of the town to protect agriculture and provides a means of dispute resolution, while reiterating the protections existing in state law for agriculture. The cultivation of marijuana is not protected under the exemption for agriculture in the [Zoning Act](#).

How does Chapter 61 or APR affect land use for marijuana cultivation?

There are different types of APRs (Agricultural Protection Restrictions). Farmers should determine the type of APR they have. If it is an APR regulated by 330 CMR and administered by Massachusetts Division of Agricultural Resources (MDAR), the farmer may need to get approval from MDAR and/or the town, if it is a co-holder of the APR, prior to engaging in the cultivation of marijuana. Similarly, if the APR is held by a conservation organization or municipality, the farmer may need to determine whether the cultivation of marijuana and related activity, such as the construction of structures, is considered permissible under the deed restriction. Farmers are encouraged to seek legal advice.

What about odor?

Many strains of cannabis become pungent during the last six weeks of their growing season in late summer to early fall (for outdoor cultivation). Indoor facilities can harvest year-round, which means they are generating odors continuously. There are several potential sources of odor: the final weeks of growing, the drying process, and the trimming process. What we smell from the cannabis plant are

terpenes, which are found in numerous plant species and essential oils. For example, the smell of pine trees is a function of a terpene (*pinene*) produced by the tree.

The proposed bylaw requires that cultivators must use state-of-the-art ventilation and odor control technologies and gives the Zoning Board of Appeals a means to engage an expert to evaluate the applicant's proposal for compliance.

Indoor Cultivation must submit a detailed plan to control and mitigate odors or emissions of any kind from exiting the proposed facility, using the Best Available Technology. The plan must include Design and Specifications of all filtration technologies and equipment proposed along with an action plan addressing the response to any emissions that may occur during the operation of the facility. If at any time during the ongoing operations of a duly licensed facility emissions or odors occur, the Marijuana Cultivator will immediately correct such condition and inform the permit granting authority in writing of the measures taken to mitigate.

Outdoor Marijuana Cultivators shall utilize best available technology which may include vegetative buffers to mitigate cannabis plant odors. Applicants shall submit a detailed odor dispersal plan to the Zoning Board of Appeals as part of their application.

Many of the newspaper and online articles that you read about marijuana smell are often discussing very large outdoor cultivation areas (in states that allow them) or indoor facilities that are within residential areas.

Can people under the age of 21 work with marijuana or marijuana products?

No. Only persons 21 years of age or older may work on the premises of a Marijuana Establishment. That means that not only are they restricted from working on your marijuana or marijuana products, they cannot work on other crops on the same premises. If you are working with marijuana, all workers will need to be 21 years of age or older.

Does cannabis growing use a lot of energy or other resources?

Indoor cannabis is much more resource intensive than outdoor growing. It requires nearly continuous use of lights, and heating, ventilating and air conditioning systems. Massachusetts has included energy-efficiency standards for indoor cultivation. Oregon requires that growers estimate their energy use. [Resource Innovation Institute](#), a nonprofit organization that promotes resource conservation in the cannabis industry has estimated that it requires 18 times more power to grow a gram of cannabis indoors than outdoors. The proposed Williamstown bylaw includes a requirement for 25% renewable energy to be generated on-site.

The Cannabis Control Commission regulations reduce the energy efficiency requirements of lighting and heating and ventilating if the indoor Marijuana Cultivator is generating 80% or more of the total annual on-site energy use for all fuels from an onsite clean or renewable generating source, or renewable thermal generation. Additionally, the CCC requires the Marijuana Establishment to document that

renewable energy credits or alternative energy credits representing the portion of the Establishment's energy usage not generated onsite have been purchased and retired on an annual basis.

The CCC also provides [guidance for cultivators](#) to minimize energy use.

What about waste?

Like any other business, marijuana cultivations generate a variety of common waste materials. While some materials need to be disposed of in the trash, others should be recycled or composted. Massachusetts has waste disposal regulations (310 CMR 19.017, available at <https://www.mass.gov/regulations/310-CMR-19000-solid-waste-facility-regulations>) that ban the disposal of certain materials in the trash. Commonly-generated waste that is banned from disposal include cardboard, bottles and cans, paper, and leaves and yard waste. Under the waste ban regulations, the Massachusetts Department of Environmental Protection (MassDEP) considers cannabis plant material to be "commercial organic material." This material is banned from disposal in the trash if a business generates one ton or more per week for disposal. If a Marijuana Establishment generates 1 ton or more of commercial organic material per week for disposal, it would need to divert this material from disposal, typically to a compost or anaerobic digestion operation. If a Marijuana Establishment generates less than 1 ton of plant material per week, the material may be disposed of in the trash, although MassDEP still encourages this material to be composted where possible.

More info about the State's Waste Management requirements are available [here](#).

The Williamstown bylaw is more comprehensive than the states's. It requires that the cultivator compost the waste organic material and to submit a waste management plan.

In which states is it legal to grow marijuana? What size canopy is permitted?

Since 2012, 15 states and Washington, DC, have legalized marijuana for adults over the age of 21. And 36 states have legalized medical marijuana. Marijuana is still considered an illegal Schedule I drug by the US federal government and therefore cannot be transported across state borders.

Some states have permitted very large outdoor and indoor cultivation operations. For example,

- [Cooperstate Farm](#) in Snowflake, Arizona has planted 5-acres and another 35 are earmarked for planting.
- In California, the maximum permit size is 43,560 s.f of canopy (about 1 acre), but Towns do not limit how many licenses are available to a farmer.
- In Colorado, [Los Sueños](#) touts itself as the largest cannabis farm in North America with 36 acres in outdoor production, plus an indoor cultivation operation.

- In [Washington](#), for the market's first four years, farms were limited to 30,000 square feet, but a **rule change** this summer (2020) allowed farmers to purchase and combine up to three total licenses, expanding the potential farm size to 90,000 square feet.

END
