



Commercial Real Estate Loans • Secured Commercial Term Loans  
Secured Lines of Credit • Commercial Vehicle Loans  
Ed Petras - Commercial Banking Officer - 781-774-0922



# BANKER & TRADESMAN

ESTABLISHED IN 1872

Hello Bernkopf Goodman  
([My Account](#) | [Logout](#))

[Help / FAQs](#)

[Subscribe](#) to B&T Digital Edition | [Sign Up](#) for B&T Daily Email



[Home](#) | [This Week's Digital Edition](#) | [Subscribe](#) | [Events](#) | [Classifieds](#) | [Special Supplements](#) | [Advertise](#) | [Archives](#) | [Calendar](#) | [Contact Us](#)

# BANKER & TRADESMAN

ESTABLISHED IN 1872

Sunday, September 21, 2014, 3:00am

## Prominent Pot Purveyors

# The Medical Marijuana Dispensary Next Door After Calling Timeout, Communities Will Decide Sites

By Steve Adams

## Banker & Tradesman Staff

After having their business plans and backgrounds vetted by state regulators, medical marijuana dispensary sponsors in Massachusetts have a fresh set of hurdles to clear at the local level.

A vast majority of communities have updated their zoning bylaws to give them control over where dispensaries can go. Although Brockton and Milford have already approved dispensary locations, nine others approved by the state, from Northampton to Dennis, still need to navigate local permitting – and few are expected to be slam-dunks.



“This is Massachusetts. It’s hard to site a Dunkin’ Donuts in many locations, let alone a dispensary,” said Wayne Dennison, an attorney at Brown Rudnick in Boston.

The guidelines for marijuana dispensaries are roughly similar to those for adult entertainment and cellular towers, two other categories that have been reliable sources of controversial siting decisions. Cities and towns can regulate, but not prohibit.

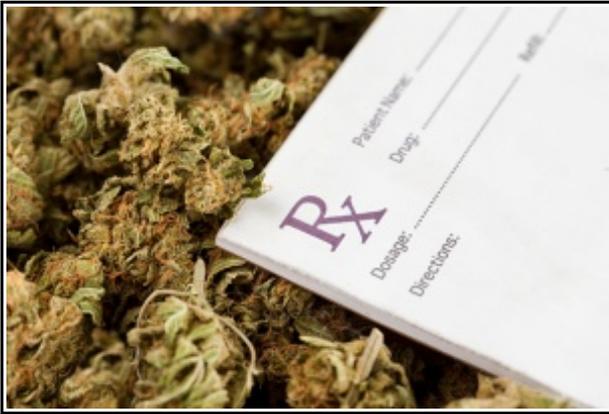
“You can’t say, ‘Not in my town,’ but there’s always the ability to significantly affect the businesses: Where they’re located, what they can look like and when they can operate,” Dennison said.

Many communities declared year-long moratoriums on the dispensaries to give themselves time to update their zoning. More than three-quarters of the commonwealth’s 351 cities and towns enacted such moratoriums.

There have been two predominant approaches to the new rules, according to Jody Lehrer, a researcher at Bridgewater State University who has studied the issue since

2012.

Many communities have restricted dispensaries to industrial zones, where they’re required to obtain a special permit from planning or zoning boards. Boards have significant leeway whether to approve special permits, and can impose conditions on traffic patterns and hours of operation, among other factors.



“They have fairly broad discretion and they can cast a pretty wide net in terms of conditioning the permit,” said Gary Lilienthal, an attorney at Bernkopf Goodman in Boston.

The next most common approach is limiting dispensaries to overlay districts, so communities can restrict them to specific neighborhoods.

### **Industrial Sites, Business Districts**

In Quincy, a state-approved applicant is seeking special permit approval in an industrial zone. The zoning board of appeals will open a hearing next month on an application for a dispensary at 216 Ricciuti Drive, an industrial area between the Southeast Expressway and Granite Links Golf Club. The property owner, Newton-based Universal Properties, proposes adding 39 parking spaces outside the two-story building.

In addition to the zoning board of appeals review, Quincy Mayor Thomas Koch is negotiating a host community agreement with Ermont Inc. of Provincetown, the applicant. The primary goal is a revenue-sharing agreement with the city to pay for educational programs, Koch spokesman Christopher Walker said.

In Newton, an ordinance passed in December allows dispensaries by special permit in three business zones. Newton-based Garden Remedies has sought permission to open at 697 Washington St. in Newtonville, which will be the subject of a hearing next month by a board of alderman subcommittee.

The city’s goals included locating dispensaries along major arteries that can be monitored by law enforcement, on sites that have access to public transit and are an “appropriate fit within a given business district environment,” said James Freas, the city’s acting director of planning and development.

Brockton, which early this month approved a dispensary at 1200 West Chestnut St. to the rear of a printing warehouse, also has a special permit process. Milford’s zoning board of appeals approved a special permit for Framingham-based applicant Bay State Relief at an industrial park site late last year.

## Separated From Schools

Communities can largely set their own guidelines for where to allow or prohibit dispensaries, but state law takes precedent in one major category: None can open within 500 feet of schools, daycare centers or other areas where children commonly gather.

But many communities take it a step further, Lehrer said. Some require setbacks as large as 3,000 feet from schools, playgrounds and libraries.

“That seems to be a paramount public policy concern: That they not fall into the hands of unqualified minors,” she said.

Increased setback requirements also apply to dispensaries near public housing complexes, addiction recovery meetings, churches and package stores.

A handful of communities group them in districts with adult entertainment uses, others allow them in commercial zones, and some including Provincetown allow them in residential areas, Lehrer said.

In addition to the 11 approved dispensaries approved in June, four others have been encouraged by the state to apply to open locations in counties that do not have approved applicants. The list includes Suffolk, Bristol, Hampden, Berkshire, Franklin, Dukes and Nantucket counties.

*Email: [sadams@thewarrengroup.com](mailto:sadams@thewarrengroup.com)*