

## **Most Frequently Asked Questions about Commercial Recreational Marijuana Establishments in Lincoln**

**10/01/18**

### ***1. What is the process for banning all commercial recreational marijuana establishments in Lincoln?***

- *An amendment to the Zoning Bylaw must be passed by a 2/3 vote at Town Meeting and then by a majority vote at the polls.*
- *Some towns, such as Concord, have adopted a ban via a General Bylaw, but the Attorney General, in approving such bylaws, has suggested that a zoning bylaw be adopted as marijuana uses “may be more appropriately regulated via a zoning bylaw.”*

### ***2. What is the process for allowing all or some types of commercial recreational marijuana establishments?***

- *The Town can do nothing and all types of commercial recreational marijuana establishments will be allowed, consistent with the requirements of the current Bylaw.  
Or, the Town can amend the Zoning Bylaw to allow some specific marijuana uses pursuant to traditional requirements or restrictions.*

### ***3. What is the process for allowing only some commercial recreational marijuana establishments?***

- *For those commercial recreational marijuana uses which would be prohibited, the process described in Q1 above must be followed for each banned marijuana use (i.e., an amendment to the Zoning Bylaw must be passed by a 2/3 vote at Town Meeting and by a majority at the ballot).*

### ***4. What constitutes a commercial recreational marijuana establishment?***

- *Retail store selling marijuana products*
- *Commercial cultivation indoors or outdoors*
- *Testing facility*
- *Product manufacturing*

### ***5. Will banning commercial recreational marijuana establishments in Lincoln affect the availability or sale of medical marijuana in Lincoln?***

*No.*

**6. If Lincoln votes for a total ban of commercial recreational marijuana establishments, will I be able to grow plants on my own property for personal use?**

*Yes. In accordance with State Law, within a person's primary residence (indoors or outdoors), each resident age 21 or older may grow up to 6 plants for personal use or up to 12 plants if there is more than one resident in the household age 21 or older.*

**7. If Lincoln votes for a total ban of all commercial recreational marijuana, will I be breaking the law if I personally use it?**

- *No. Any person over the age of 21 can legally use, possess, process, and manufacture marijuana for non-commercial purposes.*
- *A person who is 21 years or older can possess or use one ounce or less of marijuana or no more than 5 grams of marijuana concentrate. In addition, within their residence, a person 21 years or older may possess up to 10 ounces, in addition to what is being grown on the premises, of any marijuana legally produced.*
- *A person 21 years or older may legally give away up to one ounce of marijuana to another person age 21 years or older.*

**8. If Lincoln votes to ban all commercial recreational marijuana establishments, will residents be allowed to receive home deliveries from establishments outside Lincoln?**

*Currently, the State Cannabis Control Commission (CCC) does not permit home deliveries for personal recreational use. However, it will be revisiting the issue with an expected implementation date of July 1, 2019.*

**9. Can a marijuana cultivator sell directly to consumers?**

*No. A marijuana cultivator may cultivate, process, and package marijuana for the purpose of transferring and delivering its products only to commercial recreational marijuana establishments.*

**10. What restrictions apply to cultivating commercial recreational marijuana**

- *Greenhouses or growing fields must be a minimum of 500 feet from pre-existing schools.*
- *Cultivation areas may not be visible from a public place without use of binoculars.*
- *Cultivation facilities require fencing, security with lighting, and a visible path around the building.*
- *In addition, for land in Lincoln currently subject to conservations restrictions, additional restrictions may apply.*

**11. How will cultivating marijuana in Lincoln affect abutters?**

- *Greenhouses and/or outside security fences may obstruct views of open fields.*
- *Fertilizer may contribute to ground and water pollution.*

- *Required additional lighting, fencing and cameras for security purposes may be an annoyance.*
- *May give off offensive odors if not properly mitigated. (Odors are not specifically regulated in the statute or by CCC regulations or by Town Bylaw).*

**12. How could the construction of growing, testing and manufacturing facilities impact the environment?**

*Size of the establishments, location, and cultivation requirements would be some of the variables impacting the environment. Increased water and energy demand as well as increased traffic from delivery vehicles will also impact the environment.*

**13. What decisions have Lincoln’s neighboring towns made about commercial recreational marijuana facilities?**

*Some towns are still in the process of deciding, but to date:*

- *Concord: Passed a total ban at Town Meeting via a General Bylaw. No ballot vote yet.*
- *Sudbury: Passed a total ban at Town Meeting No ballot needed.*
- *Lexington: Passed a total ban at Town Meeting. No ballot vote yet.*
- *Waltham: No determination yet.*
- *Wayland: No determination yet.*
- *Weston: No determination yet.*

**14. How will State regulation of commercial recreational marijuana establishments be enforced locally?**

- *The State CCC will be responsible for enforcing regulations at the local level.*
- *Lincoln Police will not be inspecting facilities or checking on reported violations. Bylaw violations are generally subject to enforcement by the Town’s Building Inspector.*

**15. What is the estimated tax revenue Lincoln might expect if it allows the retail sale of commercial recreational marijuana?**

*This is difficult to estimate, but a 3% tax on retail sales can be voted at Town Meeting.*

**16. If commercial recreational marijuana establishments are banned in Lincoln, can the decision be changed?**

*Yes. The decision can be changed by voting a Zoning Bylaw Amendment by a 2/3 vote at a subsequent Town Meeting*