Dear City Councilors,

Please consider this memorandum and the accompanying information as a report from the Planning Board pursuant to Chapter 40A Section 5 regarding a proposed amendment to Section 10.10 which would allow for the construction of new buildings for the purposes of cultivation of cannabis in the Highway Business District.

The public hearings were legally advertised as follows:

To amend Section 10.10, to allow Cannabis Cultivation, Manufacturing, Research and Development in new buildings in the Highway Business Zoning District.

The public hearing notice was posted on the City’s website on June 9, 2020. On August 11, 2020 the Planning Board voted 6-0 to recommend the following amendment of Section 10.10.4.2 to the full City Council:

10.10.4.2 A Cannabis Establishment is permitted by Special Permit in Highway Business (HB), Downtown Business (DB), Mixed-Use / Mill Industrial (MI) and industrial (I) zoning districts. Refer to Table 5-I, Easthampton Table of Use Regulations. In the Highway Business (HB), any Cannabis Establishment shall be permitted provided that the Cannabis Establishment is located in an existing building, or, if one is to be located in a new building it shall comply with all of the Planned Business Development requirements under Section 8.1, except that:

a) cultivation/manufacturing uses must be accompanied by a Retail Establishment,
b) cultivation/manufacturing uses must be on a property a minimum of 5 acres in size

In the Downtown Business (DB), any Cannabis Establishment other than retail must be located within an existing building (s) and comply with the requirements of Section 10.5 of the Zoning Ordinance.

The Planning Board and Ordinance Subcommittee held several public hearings in June, July and August, resulting in approximately 5.5 hours of discussions.
These meeting videos and the accompanied materials are linked below and the materials used are included in this report:

**June 23, 2020**
Meeting video link: https://youtu.be/X6-PHzYfibQ

**July 14, 2020**
Meeting video link: https://youtu.be/PlFEWxoSFus

**July 28, 2020**
Meeting video link: https://youtu.be/_sISiHrKLT4

**August 18, 2020**
Meeting video link: https://youtu.be/hnX2I7fG_dI

As part of this discussion, it was acknowledged that this question of whether or not to allow cannabis cultivation in new buildings was not new and was discussed during the creation of Easthampton’s Adult Use Cannabis Zoning in February and March 2018. The issue at that time was essentially “punted” due to the importance of completing overarching regulations for retail and other uses. At that time, the decision was made to restrict cannabis cultivation to existing buildings as a safeguard until additional regulations were considered for how and where cultivation in new buildings might occur. The most relevant discussion from 2018 can be found during the February 26, 2018 joint Planning Board and Ordinance Subcommittee Public Hearing here (starts at 1:34-1:44): https://www.youtube.com/watch?v=cXWxqW4kU30&t=5969s

The proposed amendment to Section 10.10.4.2 is intended to create several provisions that will guide and dictate some general time, place, and manner characteristics of projects seeking a Special Permit for cannabis cultivation in new buildings. This zoning amendment does not consider a specific proposal but rather applies to the entire Highway Business District. Should this amendment be adopted, any applicant seeking to establish a cultivation use would be subject to a Special Permit process with the Planning Board where the specific proposal and any issues, impacts, or concerns of neighbors would be considered. The Planning Board acknowledges that the City Council may approve, deny, or modify this proposed amendment as deemed necessary.

Over the course of the hearings, numerous topics were discussed to create reasonable regulations that would be considered by applicants, neighbors, and the Planning Board in considering any Special Permit application for a specific proposal. These include, but are not limited to:

- The size of individual buildings used for cannabis cultivation/manufacturing
- Proximity of new buildings to Route 10
- Proximity of new buildings to abutting properties in residential zoning districts
• The inclusion of cannabis retail as part of a cultivation use
• The character of Route 10 as a vehicle-oriented business district
• Incorporating regulations that apply to other businesses in the district

A few concerns were identified and discussed but not resolved. Mainly, the potential for larger cannabis cultivation buildings to be vacated if the market demand shifts or changes rapidly. The issue was one of the factors that resulted in the reduction in a single building maximum size going down from 50,000 square feet to 25,000 square feet under the premise that a smaller (albeit still large) building would be more likely to be repurposed. The other concern was with regard to the allowable height for new buildings. Here, it was acknowledged that the current zoning for uses other than cannabis allows buildings of 45 feet in height or three stories. There was discussion of lowering the height of cannabis buildings to 30 feet or two stories.

As the completion of the joint public hearing process concluded, concerns were raised about notification of property owners, property owners adjacent to the Highway Business District, and the broader Easthampton Community. The process met the requirements for zoning amendments under Chapter 40A, Section 5. Mainly that requires that a legal advertisement be published in the Gazette two consecutive weeks prior to the first public hearing. All other requirements for meetings and agendas were met. It is important to note that the Planning Department does not have guidance, clear authority, or any other past practice to use discretion as to when and where to do more than is statutorily required.

The anticipated process from receipt of this report is for the City Council to schedule a public hearing. Pursuant to the City Charter Section 2-9 (c), a legal advertisement in the Gazette must be published at least 10 days in advance of said hearing date.

Thank you,

Jeff Bagg
City Planner
TO: Planning Board & Ordinance Subcommittee  
FROM: Jeff Bagg, City Planner  
DATE: August 17, 2020

During the July 28, 2020 public hearing several questions and issues were raised. The attached is a revision to Section 10.10 to try to address some of those concerns. In addition, a series of preliminary GIS assessments are also included to show properties three acres and larger as well as some with buildings within the first 100 feet.

Sincerely,

Jeff Bagg  
City Planner
10.10.4.2 A Cannabis Establishment is permitted by Special Permit in Highway Business (HB), Downtown Business (DB), Mixed-Use / Mill Industrial (MI) and industrial (I) zoning districts. Refer to Table 5-1, Easthampton Table of Use Regulations. In the Highway Business (HB), any Cannabis Establishment shall be permitted provided that any Cannabis Establishment other than one that is solely retail shall comply with the Planned Business Development requirements under Section 8.1 and the building cap set forth under Section 8.12 shall apply to each structure connected with the Cannabis Establishment. In the Downtown Business (DB), any Cannabis Establishment other than retail must be located within an existing building(s) and comply with the requirements of Section 10.5 of the Zoning Ordinance.

Version 2 (updated August 17, 2020)

10.10.4.2 A Cannabis Establishment is permitted by Special Permit in Highway Business (HB), Downtown Business (DB), Mixed-Use / Mill Industrial (MI) and industrial (I) zoning districts. Refer to Table 5-1, Easthampton Table of Use Regulations. In the Highway Business (HB), any Cannabis Establishment shall be permitted provided that any Cannabis Establishment other than one that is solely retail shall comply with all of the Planned Business Development requirements under Section 8.1, except that: a) cultivation/manufacturing uses must be accompanied by a Retail Establishment, b) cultivation/manufacturing buildings must be at least 100 feet from Route 10, and, c) no single cultivation/manufacturing building shall be larger than 25,000 square feet. In the Downtown Business (DB), any Cannabis Establishment other than retail must be located within an existing building(s) and comply with the requirements of Section 10.5 of the Zoning Ordinance.

NOTES:
The changes in version 2 are an attempt to respond to some of the key issues raised during the initial hearings. A quick summary of each is included for discussion:

- “any Cannabis Establishment other than one that is solely retail shall comply with all of the requirements of the Planned Business Development requirements under Section 8.1, except” – There are quite a few provisions of Section 8.1 that are desirable and that will give greater control to the Planning Board in reviewing an application. These include compliance with the standard dimensional requirements of tables 6-1 and 6-2, flexibility in considering parking, requirements to comply with Section 10.1 (which are site and building design standards) and 10.2 (which is certain environmental standard such as emissions and storage of materials). However, based on previous discussions during the hearing relying solely on 8.1 could result in proposals that might impact the character of Route 10 hence the addition sections.

- “except, that a) cultivation/manufacturing uses must be accompanied by a Cannabis Retail Establishment” – This is in response to questions about the intent of the Highway Business to create areas of commerce that involve members of the public. This element would ensure that no use involving only cultivation would be situated in the HB.

- “except, that b) cultivation/manufacturing buildings must be at least 100 feet from Route 10” – This is in response to concerns about the siting of larger cultivation buildings situated close to Route 10 which could disrupt the existing character of the Highway Business which is generally automobile oriented uses. 100 feet is a discretionary number but is supported by the existence of numerous existing buildings that are situated in the first 100 feet along with associated parking. The distance would be sufficient for other buildings to be situated closer to the road, or, for the area to be free from larger buildings. This would be in line with and support the finding of the 2013 HB study that identifies that this is “an area zoned for particular businesses that are dependent on vehicular activity, accessibility and exposure” and so that the area along Route 10 would be available for an additional building/use or more extensive landscaping.
“except, that: c) no single cultivation/manufacturing building shall be larger than 25,000 square feet” – This is in response to concerns about building size as it could relate to the character of the Highway Business and suitability for re-use in the future. The proposed size is a compromise that would be half (50%) less than the 50,000 square foot cap on retail. For reference, the size listed in the community outreach materials by Advanced Research Park showed 22,000 square feet for cultivation. Also, the approximate size of the building under construction by River Valley Co-op is approximately 23,000 square feet.

These additional criteria should be considered to see if the language and restrictions might result in a more detailed amendment prior to moving to full City Council.
Properties three acres or greater in size:
Properties with buildings & parking within first 100 feet
10.10.4.2 A Cannabis Establishment is permitted by Special Permit in Highway Business (HB), Downtown Business (DB), Mixed-Use / Mill Industrial (MI) and industrial (I) zoning districts. Refer to Table 5-1, Easthampton Table of Use Regulations. In the Highway Business (HB), any Cannabis Establishment shall be permitted provide that any Cannabis Establishment other than one that is solely retail shall comply with the ed as a Planned Business Development requirements under Section 8.1 and the building cap set forth under Section 8.12 shall apply to each structure connected with the Cannabis Establishment. In the Downtown Business (DB), any Cannabis Establishment other than retail must be located within an existing building (s) and comply with the requirements of Section 10.5 of the Zoning Ordinance.
SECTION VIII. DEVELOPMENT METHODS

8.0 GENERAL DEVELOPMENT STANDARDS
All developments in the city shall conform to the Rules and Regulations Governing the Subdivision of Land in the City of Easthampton, Massachusetts, as amended.

8.1 PLANNED BUSINESS DEVELOPMENT
8.11 Planned Business Developments shall be permitted in the General Business (GB) Highway Business (HB) and Industrial (I) districts only upon the issuance of a Special Permit from the Planning Board in accordance with Section 12.7 of this ordinance.

8.12 General Description
A Planned Business Development shall mean a development constructed on a lot or lots under single or consolidated ownership at the time of the application, planned, developed, operated and maintained as a single entity containing one or more structures to accommodate retail and service uses and shall be at least three (3) acres in size and shall conform to Section 6.10, Building Size Cap for Retail Uses, of the Easthampton Zoning Ordinance. (Sec. 8.12 amended by the City Council on June 17, 2015; approved by the Mayor on June 18, 2015)

Planned Business Developments are permitted in the parking requirements contained in the Table of Off-Street Parking Regulations provided that the Special Permit requirements (Section 12.7) of the ordinance are met as well as additional requirements herein specified.

8.13 Permitted Uses
Uses permitted by Special Permit in a Planned Business Development shall include all Retail and Service uses listed in Table 5-1.

8.14 Area, Height, and Bulk Regulations
a. All uses in a Planned Business Development shall be in conformity with the area, height and bulk regulations set forth in Table 6-1 (Easthampton Table of Area Regulations) and Table 6-2 (Easthampton Table of Height and Bulk Regulations).

b. Uses shall be contained in one continuous building except that groupings of buildings may be allowed by the special permit of the Special Permit Granting Authority where such groups are consistent with the safety of the users of the development and are further consistent with the overall intent of this section.

c. The development shall be served by one common parking area and by common exit and entrance areas.

d. The following uses are restricted to a total of only twenty (20) percent of the gross floor area of the building(s) in the development: convenience market, drive-in or drive-through restaurants, automatic teller bank machines, banks with drive-through windows, and automotive service stations.

Unless the applicant provides data from existing uses, the Institute of Transportation Engineers' publication, Trip Generation, shall be used to calculate the number of vehicles trips per day for each proposed use.

Commented [JB1]: July 27, 2020
Planning Department – Preliminary Review
To consider how a Cannabis Cultivation and/or Manufacturing Establishment with or without retail would be regulated under this section.

Commented [JB2]: This requires a Cannabis Establishment other than retail to apply here and is still subject to 12.7 (same as an applicant under Section 10.10)

Commented [JB3]: Some notes are added in Section 10.10 clarify that a Cannabis use shall be considered “retail and service” and that the building cap size applies to all cannabis uses and that the calculation is intended to be cumulative.

The section requires lot size of three acres which would preclude smaller lots from consideration.

Commented [JB4]: Fine, offers flexibility

Commented [JB5]: This creates a level field for Cannabis with any other proposal that would be eligible under this section.

Commented [JB6]: Suggests one building but offers flexibility on multiple buildings. We would allow one Special Permit for a use and include this description; this would not trigger a separate application or process.

Commented [JB7]: This is straightforward.

Commented [JB8]: This provision would likely not be applicable to a Cannabis Establishment. The retail component of a Cannabis Establishment would be included in the review of proposed. A cultivation facility is not required to have any retail.

Commented [JB9]: This would apply to all uses.
Additional building permits for any uses listed above will not be issued once the twenty percent (20%) threshold has been reached.

8.15 Additional Planned Business Development Requirements

In addition to the Special Permit requirements in Section 12.7 of this ordinance, the planned business development must conform to the following:

The development shall be served only by one common parking area and by common exit and entrance areas.

The development shall be served by a public water and sewer system.

The proposed development must comply with the Commercial Development and Environmental Performance Standards of Section 10.5 and 10.2.

A reduction in parking space requirements is permitted for a Planned Business Development.

Reduction in parking space requirements shall not exceed more than ten (10) percent of those required under normal application of requirements for the particular uses proposed.

Except for the permitted parking space reduction, the Planned Business Development shall comply with the Off-Street Parking and Loading regulations in Section 10.1. In addition, the development must comply with the following:

a. Parking area may be located to the side or rear of the structure. No parking shall be permitted within the required front yard setback of a structure. (Subsection a. amended by the City Council on Aug. 4, 2010; approved by Mayor Tautznik on Aug. 10, 2010)

b. Notwithstanding other screening and landscape requirements set forth elsewhere in the ordinance, all yards shall be landscaped. Such landscaping shall include, but not necessarily be limited to, the planting of grass, ground cover, flowerbeds, shrubs, hedge or trees. All landscaping shall be maintained in a healthy growing condition, neat and orderly in appearance, and free of refuse and debris. All plantings shall be arranged and maintained so as not to obscure the vision of traffic.

c. Street frontages shall include shade trees and there shall be trees planted for every 30 feet of street frontage, using trees no less than 2.5 inch caliper at the time of installation. In the case of an uncleared site, existing vegetation can be preserved to achieve said objective.

d. When a parking lot is located adjacent to a public right-of-way, at least a five (5) foot wide landscaped area between the right-of-way and the parking lot shall be provided. This area shall be landscaped with one shade or ornamental tree planted every forty (40) feet along the right-of-way.

e. For interior parking lot areas at least twelve (12) percent of the gross area of the vehicular use area shall be landscaped. Developed areas shall be a minimum of

Commented [JB10]: Stated above. Customary and applicable to all uses under this section

Commented [JB11]: Applicable to all uses under this section

Commented [JB12]: Applicable to all uses under this section. However, section 10.5 provides parking, architectural design standards, lighting, landscaping and traffic impact statement requirements that should be applied to cannabis in HB as they would be applied to other uses under this section.

Commented [JB13]: Offers flexibility
nine (9) feet in width. One shade tree for every fifteen (15) parking spaces is required in parking lots of over fifty (50) spaces. Landscaped front, side and rear yard areas can be included in this calculation.

f. Failure to maintain landscaping shall be grounds to revoke parking lot approval and the approval for the principal use which the parking lot serves.

g. Loading and unloading facilities shall be located in a manner so as not to be visible from the street frontage. In addition, such facilities shall be screened from public view from any side streets abutting the lot on which the building is located.

Traffic Impact Statement

The Special Permit Granting Authority (SPGA) shall require a detailed traffic study for high-volume traffic generating uses with a trip generation rate over 700 vehicles/day (based on Institute of Transportation Engineers rates found in Trip Generation) within a Planned Business Development; for the construction of new Planned Business Development structure or more than 10,000 square feet in gross floor area; and for any external enlargement that brings the PBD total to 10,000 sq. ft. gross floor area for all structures. The SPGA may waive any or all requirements for a traffic study for external enlargements of less than 2,000 square feet of gross floor area in excess of the 10,000 gross floor area threshold. The traffic impact statement shall contain:

a. The projected number of motor vehicle trips to enter or leave the site, estimated for daily and peak hour traffic levels.

b. The proposed traffic flow pattern for both vehicular and pedestrian access shall be described and related to the site plan, including vehicular movements, including vehicular movements at all major intersections likely to be affected by the proposed use of the site.

d. Traffic flow patterns at the site including entrances and egresses, loading and unloading areas, and curb cuts on site and within one hundred (100) feet of the site.

e. A detailed assessment of the traffic safety impacts of the proposed project or use on the carrying capacity of any adjacent highway or road, including the projected number of motor vehicle trips to enter or depart from the site estimated for daily hour and peak hour traffic levels, road capacities, and impacts on intersection. Existing daily and peak hour traffic levels and road capacities shall also be given.

f. An internal traffic and pedestrian circulation plan designed to minimize conflicts and safety problems.

Additional Buildings Within A Planned Business Development

Any additional buildings added to the development plan of a Planned Business Development, after it has received its initial Special Permit, shall be interpreted as an amendment to the initial special permit and results in a change of the special

Commented [JB14]: This does not add any new requirement. Section 10.10. includes a similar requirement to comply with Section 7.4104. That section is substantially the same as this section. In other words, when Section 10.10 was created the requirement for a traffic impact statement was already required.
permit conditions. The SPGA must hold a public hearing to discuss the proposed amendment to the PBD and any necessary changes to the special permit conditions.

A parking, landscaping and pedestrian system plan for any additional structure must be filed. Additional landscaping of the PBD's parking lot area may be required in order to ensure safe traffic flow within the PBD.

8.16 Application for a Planned Business Development

a. The applicant must comply with the application requirements of M.G.L. Chapter 40A, Section 9 and the requirements contained in Section 12.7 of this ordinance. Where the development constitutes a subdivision, the development shall be subject to Planning Board approval under the subdivision control law.

b. The applicant shall provide the city with a performance guarantee if the development requires subdivision. The performance guarantee is subject to approval from the SPGA and shall be in the form of (a) a Covenant covenenting that before any lot is built upon or conveyed, all roads and utilities shall be built and approved by the SPGA; or (b) performance bond or surety. In the case of (b), the applicant shall complete all the required improvements at least nine (9) months prior to the expiration date of the financial performance guarantee so that the city will have time to draw upon said funds and complete the unfinished work.

Commented [JB15]: This gives clarity to any developer that an additional building *could be added subject to a new Special Permit.

Commented [JB16]: This would apply to all uses.

Commented [JB17]: Only applicable if part of a subdivision.
TO: Planning Board & Ordinance Subcommittee  
FROM: Jeff Bagg, City Planner  
June 23, 2020  

During the creation of the current Zoning Ordinance during February and March of 2018, several components were put into place as “safeguards” to ensure regulations were in place but were conservative in nature. The discussion about whether cultivation facilities should be allowed in the Highway Business District was discussed at length. The intent of requiring cultivation to occur only in existing buildings was largely based on rapid changes occurring in other communities at the advent of the cannabis industry. Specifically, the discussions on 2/26/2018 referenced the potential for larger metal pre-fabricated buildings to be erected in prominent locations without any size limitations or design standards.

One of the primary questions is to determine whether or not to establish certain size limitations on individual buildings and basic design standards to ensure larger cultivation buildings are not constructed in extremely prominent locations along Route 10 in the Highway Business District.

The proposed language modification proposed is as follows:

10.10.4.2 A Cannabis Establishment is permitted by Special Permit in Highway Business (HB), Downtown Business (DB), Mixed-Use / Mill Industrial (MI) and industrial (I) zoning districts. Refer to Table 5-1, Easthampton Table of Use Regulations. In the Highway Business (HB) and Downtown Business (DB), any Cannabis Establishment other than retail must be located within an existing building (s) and comply with the requirements of Section 10.5 of the Zoning Ordinance.

In addition to this amendment, a separate but related amendment has been presented by Councilor Kwiecinski and seeks to add a minimum setback requirement of 75 feet from residential zoning districts for any structures containing cannabis cultivation.

Discussion related to this provision is discussed in the following portions of the 2/20/208 public hearing: https://www.youtube.com/watch?v=cXWxqW4kU30&t=5969s 1:34:50-1:44:00

Sincerely,

Jeff Bagg  
City Planner
TO: Planning Board

FROM: Barbara L. LaBombard, Clerk to the City Council

RE: Request to amend zoning ordinance – Section 10.10

DATE: May 7, 2020

In accordance with MGL Chapter 40A, Section 5 the following zoning amendment request from the City Council is hereby referred by the City Council to the Planning Board for review and action:

- Various options to amend the Zoning Ordinance, Section 10.10, cannabis establishments in the Highway Business zone.

For your information, 65 days from the date of this correspondence is JULY 11, 2020.
Bellingham – 50,000 square foot cultivation facility on a 382,000 square foot lot Industrial Zoning.

[Link to approved plan](https://www.bellinghamma.org/planning-board/files/24-william-way-lot-2-development-plan-approved-plan-111518)
Amsbury – 21,000 square foot building on 2.28 acre site
Preliminary Research relative to cannabis cultivation & building size
Planning Department
Draft for discussion – June 23, 2020

Northampton – 145,000 square foot cultivation on ~100 acres

Preliminary Research relative to cannabis cultivation & building size
Planning Department
Draft for discussion – June 23, 2020

Easthampton – 19 Wemelco Way ~16,000 square foot building (existing)
Easthampton – 195 Northampton Street ~15,400 square feet*

*denotes building size; only a small portion is cultivation
41 O’Neill Street – Not cannabis related. Shows 53,000 square foot building addition
Preliminary Research relative to cannabis cultivation & building size
Planning Department
Draft for discussion – June 23, 2020
Preliminary Research relative to cannabis cultivation & building size
Planning Department
Draft for discussion – June 23, 2020

93-97 Northampton Street – former Stop and Shop now potential Cannabis Cultivation
Section 6.10 Building Size Cap for Retail Uses

(Section 6.10 added by the City Council on 06-17-2015; approved by the Mayor on 06-18-2015)

6.101 Purpose
1. To ensure that new, large scale retail development is consistent with the goals and strategies of the City’s Master Plan.
2. To encourage new retail development that enhances district character within the City’s primary commercial zones.
3. To ensure that new, large scale retail development has minimal impact on the environment and municipal costs of service.

6.102 Applicability
This section shall apply to all Retail and Service uses as listed in Table-5-1, Table of Uses Regulations of the Easthampton Zoning Ordinance, within the Downtown Business (DB), Highway Business (HB) and Neighborhood Business (NB) zoning districts.

6.103 Exemptions
The following uses are exempt from this ordinance:
1. Redevelopment of existing commercial buildings over 50,000 square feet within the Downtown Business (DB), Highway Business (HB) and Neighborhood Business (NB).
2. Educational uses as defined by M.G.L. Chapter 40A, Section 3.
3. Solar access or solar energy system as defined by M.G.L. Chapter 40A, Section 1A.

6.103 Size Cap
No building to be occupied by a single commercial retailer shall exceed fifty-thousand (50,000) square feet of gross floor area.
Zoning map showing Highway Business
Highway Business zoning map w/ buildings – Post Office is highlighted = ~41,000 square feet
Highway Business and adjacent Industrial Zoning. Building Highlighted is ~247,000 square feet
In addition to the amendment presented by Councilor Kwieciński, the following change to Section 10.10 is also requested at this time.

**Option 1 –**
10.10.4.2 A Cannabis Establishment is permitted by Special Permit in Highway Business (HB), Downtown Business (DB), Mixed-Use / Mill Industrial (MI) and industrial (I) zoning districts. Refer to Table 5-1, Easthampton Table of Use Regulations. In the Highway Business (HB) and Downtown Business (DB), any Cannabis Establishment other than retail must be located within an existing building(s) and comply with the requirements of Section 10.5 of the Zoning Ordinance.

**Option 2 –**
10.10.4.2 A Cannabis Establishment is permitted by Special Permit in Highway Business (HB), Downtown Business (DB), Mixed-Use / Mill Industrial (MI) and industrial (I) zoning districts. Refer to Table 5-1, Easthampton Table of Use Regulations. In the Highway Business (HB) and Downtown Business (DB), any Cannabis Establishment other than retail must be located within an existing building(s) and comply with the requirements of Section 10.5 of the Zoning Ordinance.

**Option 3 –**
10.10.4.2 A Cannabis Establishment is permitted by Special Permit in Highway Business (HB), Downtown Business (DB), Mixed-Use / Mill Industrial (MI) and industrial (I) zoning districts. Refer to Table 5-1, Easthampton Table of Use Regulations. In the Highway Business (HB) and Downtown Business (DB), any Cannabis Establishment other than retail must be located within an existing building(s), or shall be situated on the parcel such that the cultivation facility/building is not prominently visible from the street and where it is not the singular use of the property, and, shall comply with the design requirements of Section 10.5 of the Zoning Ordinance.

**Discussion –**
During the creation of the current Zoning Ordinance during February and March of 2018, several components were put into place as “safeguards” to ensure regulations were in place but were conservative in nature. The discussion about whether cultivation facilities should be allowed in the Highway Business District was discussed at length. The intent of requiring cultivation to occur only in existing buildings was largely based on rapid changes occurring in other communities at the advent of the cannabis industry. Specifically, the discussions on 2/26/2018 referenced the potential for larger metal pre-fabricated buildings to be erected in prominent locations without any size limitations or design standards.

Option 3, above, seeks to establish certain size limitations on individual buildings and basic design standards to ensure larger cultivation buildings are not constructed in extremely prominent locations along Route 10 in the Highway Business District. This amendment seeks to allow cultivation as part of a larger proposal/project where cultivation is not the sole use of limited land within the Highway Business District.

**Public Hearing 2/20/2018**
Discussion related to this provision is discussed in the following portions of the hearing:

https://youtu.be/ZKycOCPmGoU (Part 1)
6:30-7:42
22:23-23:50

https://www.youtube.com/watch?v=cXWxqW4kU30&t=5969s (Part 2)
1:34:50-1:44:00