

Ruberto, Israel & Weiner Attorneys Michael Rosen and Bradley Croft Obtain a Precedent Setting Land Use Decision Affecting Cannabis Cultivation in Massachusetts

By RIW on September 10, 2019



Ruberto, Israel & Weiner (RIW) attorneys, led by **Land Use** Attorney **Michael Rosen** and **Litigator Bradley Croft**, obtained a precedent setting land use decision affecting cannabis cultivation in Massachusetts. The ruling clarifies that the exclusion of cannabis from the definition of “agriculture” under MGL Chapter 40A, Section 3 (the Dover Act) applies only to the Dover Act and not to the determination of whether cannabis cultivation is an allowed use in an “agricultural” zoned district. The Land Court determined that the growth or cultivation of cannabis, just like any other plant or crop, is within the plain meaning of “agricultural use” under the applicable Charlton by-law and that the Planning Board’s attempt to characterize it as “light manufacturing” in denying the developer’s site plan application was in error.

The full text of the Memorandum and Order Motion can be found [here](#) and the Judgment can be found [here](#).

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PROFESSIONALS

Bradley L. Croft

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PRACTICES

Cannabis

Litigation