

**ARTICLE 9: NON-MEDICAL/RECREATIONAL MARIJUANA
MORATORIUM - ZONING BYLAW AMENDMENT**

Sponsored by: Youth Advisory Committee

To determine whether the Town will vote to amend Chapter 198 of the Town Code, the Town’s Zoning Bylaw, by adding a new definition for “Marijuana Establishment” and establishing a temporary moratorium on the use of land, buildings or structures for said Marijuana Establishments in all zoning districts in the Town of Wayland, as follows:

I. Section One

Amend Section 104.2 by adding the following new definition:

Marijuana Establishment – as defined in Section 1 of Chapter 94G of the General Laws, meaning a “marijuana cultivator, marijuana testing facility, marijuana product manufacturer, marijuana retailer or any other type of licensed marijuana-related business.”

II. Section Two

Amend Section 803.5 by adding the following new subsection:

Section 803.5.8. There shall be a temporary moratorium on Marijuana Establishments until January 1, 2019, or six months from the date that final regulations are issued by the state Cannabis Control Commission under Chapter 94G of the General Laws, whichever date is later.

PLANNING BOARD REPORT: On November 8, 2016, the voters of the Commonwealth approved a law regulating the cultivation, processing, distribution, possession and use of marijuana for recreational purposes. The law, which allows certain personal use and possession of marijuana, begins to take effect on December 15, 2016 and as amended on December 30, 2016 via Chapter 351 of the Acts of 2016, requires a Cannabis Control Commission to issue regulations regarding the licensing of commercial activities by March 15, 2018 and to begin accepting applications for licenses on April 1, 2018. Currently, a Non-Medical or Recreational Marijuana Establishment (hereafter, a “Recreational Marijuana Establishment”), as defined in G.L. c. 94G, § 1, is not specifically addressed in the Town’s Zoning Bylaw. Regulations to be promulgated by the Cannabis Control Commission may provide guidance on certain aspects of local regulation of Recreational Marijuana Establishments. The regulation of recreational marijuana raises novel legal, planning, and public safety issues and the Town needs time to study and consider the regulation of Recreational Marijuana Establishments and address such issues, as well as to address the potential impact of the State regulations on local zoning and to undertake a planning process to consider amending the Zoning Bylaw regarding regulation of Recreational Marijuana Establishments. The Town intends to adopt a temporary moratorium on the use of land and structures in the Town for Non-Medical/Recreational Marijuana Establishments so as to allow the Town sufficient time to address the effects of such structures and uses in the Town and to enact bylaws in a consistent manner.

Pursuant to Massachusetts General Laws Chapter 40A, Section 5, the Planning Board held a public hearing to discuss the proposed amendments to the Town’s Zoning Bylaws on February 7, 2017 and closed the public hearing the same night.

The Planning Board voted 4-0 in favor of Article 9.

FINANCE COMMITTEE COMMENTS: By offering the citizens of Wayland the opportunity to vote to extend the moratorium until January 1, 2019 it allows Wayland the opportunity to weigh all options, look to develop best practices and insure that Wayland would be prepared in the event that a commercial marijuana business applies to open in Wayland. The Ballot issue to legalize non-medical marijuana passed in Wayland by 33 votes (4,215 to 4,182). There are many unanswered questions that

State and local officials are struggling with and the State passed a measure in December 2016 delaying the opening of recreational marijuana stores for 6 months to July 2018. The objective of this article is to provide sufficient time for the Town to develop appropriate zoning regulations and bylaws to effectively manage the sale and use of non-medical / recreational marijuana. The Attorney General's Office issued a ruling that a local zoning bylaw that imposes a temporary moratorium on recreation marijuana is consistent with the Town's authority to impose reasonable time limitations on development so that the Town can engage in a legitimate planning study.

The Planning Board voted 4-0 in favor of Article 9.

The Board of Selectmen voted to recommend approval of this article 4 to 0.

The Youth Advisory Committee voted to recommend approval of this article 5 to 0.

The Board of Public Health voted to recommend approval of this article 4 to 0.

ARGUMENTS IN FAVOR: An extension of time will enable the Town and its various Boards and Committees to research and understand the impact of stores selling recreational marijuana on the (1) physical and mental health of town residents; (2) medical services in town; (3) social impact in Wayland.

There are conflicts between state and federal law regarding this issue that need to be understood considering the federal conservation land in Wayland.

The legalization of marijuana in Massachusetts introduced a new commercial industry to the state. Infrastructure and policies must be developed as well as implementation strategies.

Location and permitting of retail stores near schools and recreational areas needs to be understood and then appropriate zoning bylaws need to be developed similar to those dealing with alcohol sales. The moratorium will allow time for these to be developed and presented at the 2018 Town Meeting.

The moratorium will provide time for the State to pass legislation dealing with the sale and use of recreational marijuana.

The moratorium will allow the Town to work with neighboring communities to have a consistent legal framework to manage the sale and use of medical marijuana.

ARGUMENTS OPPOSED: Recreational use of Marijuana is legal in Massachusetts, and Wayland can play a part in the initial implementation of the law. Some voters may believe that Wayland can handle the impacts without any further delay as many other states, cities, and towns across the country have gone through this process in recent years.

A moratorium delays financial and other benefits to potential individual business owners and users of recreational marijuana.

RECOMENDATION: The Finance Committee recommends approval. Vote 6-0-1.

QUANTUM OF VOTE: Two-thirds vote per Massachusetts General Laws Chapter 40A, Section 5.

CONSISTENCY WITH LAW: The proposed bylaw amendment is not repugnant to federal or Massachusetts law.

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