

SPECIAL TOWN MEETING

TO BE HELD

FEBRUARY 12, 2018

Commonwealth of Massachusetts

To either of the Constables of Mattapoisett, in said County of Plymouth:

Greetings:

In the name of the Commonwealth of Massachusetts, you are hereby directed to notify and warn the inhabitants of the Town of Mattapoisett qualified to vote in Elections and Town Affairs to meet at the Old Rochester Regional High School Auditorium located at 135 Marion Road in said Mattapoisett on Monday, February twelfth at six thirty in the evening, then and there to act on the following articles.

Article 1: Recreational Marijuana Establishments Moratorium

To see if the Town will vote to amend the Town's Zoning Bylaw by adding a new Article 11, **TEMPORARY MORATORIUM ON RECREATIONAL MARIJUANA ESTABLISHMENTS**, that would provide as follows, and further to amend the Table of Contents to add Article 11, "Temporary Moratorium on Recreational Marijuana Establishments."

Section 11.1: Purpose

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 (new G.L. c. 94G, Regulation of the Use and Distribution of Marijuana Not Medically Prescribed). The law, which allows certain personal use and possession of marijuana, took effect on December 15, 2016 and (as amended on December 30, 2016 by Chapter 351 of the Acts of 2016 and thereafter, on July 28, 2017 by Chapter 55 of the Acts of 2017) 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 no later than April 1, 2018. Currently under the Zoning Bylaw, non-medical Marijuana Establishments (hereinafter, a "Recreational Marijuana Establishment"), as defined in G.L. c.94G, §1, is not specifically addressed in the 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. A temporary moratorium on the use of land and structures in the Town for Recreational Marijuana Establishments will allow the Town sufficient time to engage in a planning process to address the effects of such structures and uses in the Town and to enact bylaws in a manner consistent with sound land use planning goals and objectives.

Section 11.2: Definition

“Recreational Marijuana Establishment” shall mean a “marijuana cultivator, independent testing laboratory, marijuana product manufacturer, marijuana retailer or any other type of licensed marijuana-related business.”

Section 11.3: Temporary Moratorium

For the reasons set forth above and notwithstanding any other provision of the Zoning Bylaw to the contrary, the Town hereby adopts a temporary moratorium on the use of land or structures for Recreational Marijuana Establishments and other uses related to recreational marijuana. The moratorium shall be in effect through December 31, 2018. During the moratorium period, the Town shall undertake a planning process to address the potential impacts of recreational marijuana in the Town, consider the impact of “The Regulation and Taxation of the Marijuana Act” and the “Act to Ensure Safe Access to Marijuana” and to consider the Cannabis Control Commission regulations regarding Recreational Marijuana Establishments, and shall consider adopting new Zoning Bylaws to address the impact and operation of Recreational Marijuana Establishments and related uses.

Or take any action relative thereto.

Sponsor Mattapoisett Planning Board

Article 2: Medical Marijuana Treatment Centers Moratorium

To see if the Town will vote to amend the Town’s Zoning Bylaw by adding a new Article 12, **TEMPORARY MORATORIUM ON MEDICAL MARIJUANA TREATMENT CENTERS**, that would provide as follows, and further to amend the Table of Contents to add Article 12, “Temporary Moratorium on Medical Marijuana Treatment Centers:”

Section 12.1: Purpose

By vote at the State Election on November 6, 2012, the voters of the Commonwealth enacted Chapter 369 of the Acts of 2012, entitled “An Act for the Humanitarian Medical Use of Marijuana”, regulating the cultivation, distribution, possession and use of marijuana for medical purposes. The law became effective on January 1, 2013, and on May 24, 2013, the

State Department of Public Health issued regulations under the act governing the cultivation, processing and distribution of medical-use marijuana. On July 28, 2017, Governor Baker signed "An Act to Ensure Safe Access to Marijuana" (the "Act"), adopted as Chapter 55 of the Acts of 2017. The Act makes a number of significant changes to the regulation of medical-use marijuana, including, but not limited to, the eventual repeal of Chapter 369 of the Acts of 2012, the transfer of the oversight and regulation of medical-use marijuana from the Department of Public Health to the newly-created Cannabis Control Commission, and the adoption of new requirements for the cultivation, processing, distribution, possession and use of marijuana for medical purposes. Pursuant to the Act, the Commission is required to promulgate new rules and regulations for the medical use of marijuana, including the licensing and operation of Medical Marijuana Treatment Centers. Currently under the Zoning Bylaws, the cultivation, processing, or distribution of marijuana for medical purposes is not a permitted use in the Town and regulations promulgated by the Commission are expected to provide guidance to the Town in regulating medical marijuana, including Medical Marijuana Treatment Centers.

The regulation of medical marijuana raises complex legal, planning and public safety issues and the Town needs time to study and consider the regulation of Medical Marijuana Treatment Centers and address such issues, as well as to address the potential impact of State regulations on local zoning and to undertake a planning process to consider amending the Zoning Bylaws regarding regulation of Medical Marijuana Treatment Centers and other uses related to the regulation of medical marijuana. A temporary moratorium on the use of land and structures in the Town for Medical Marijuana Treatment Centers will allow the Town sufficient time to engage in a planning process to address the effects of such structures and uses in the Town and to enact bylaws in a manner consistent with sound land use planning goals and objectives.

Section 12.2: Definition

"Medical marijuana treatment center" shall mean an establishment approved under a medical use marijuana license that acquires, cultivates, possesses, processes (including development of related products such as food, tinctures, aerosols, oils, or ointments), transfers, transports, sells, distributes, dispenses, or administers marijuana, products containing marijuana, related supplies, or educational materials for medical purposes.

Section 12.3: Temporary Moratorium

For the reasons set forth above and notwithstanding any other provision of the Zoning Bylaws to the contrary, the Town hereby adopts a temporary moratorium on the use of land or structures for Medical Marijuana Treatment Centers. The moratorium shall be in effect through December 31, 2018. During the moratorium period, the Town shall undertake a planning

process to address the potential impacts of medical marijuana in the Town, consider the impact of the "Act to Ensure Safe Access to Marijuana" and regulations adopted thereunder, and consider adopting new zoning bylaws to address the impact and operation of Medical Marijuana Treatment Centers and related uses.

Or take any action relative thereto.

Sponsor Mattapoisett Planning Board

You are hereby notified to serve this Warrant by posting attested copies thereof at the places designated in the Town Bylaws, namely the Post Office and Town Hall at least fourteen (14) days before the day appointed for said meeting.

Hereof fail not and make due return of this warrant with your doing thereon to the Town Clerk at the time and place of meeting aforesaid.

Given under our hands this twenty-second day of January in the year Two Thousand Eighteen.

BOARD OF SELECTMEN



Paul A. Silva



Jordan C. Collyer



R. Tyler Macallister