

TO: Paula Vaughn, Planning Department  
FR: Tim Higgins, Town Administrator  
DT: February 10, 2017  
RE: Recreational Marijuana Moratorium

In preparation for the February 14<sup>th</sup> Planning Board public hearing, this is to confirm that the Board of Selectmen does intend to move forward with the proposed moratorium bylaw. The Board continues to believe that the Town would benefit from the opportunity to study the issues, to engage the Town and to develop appropriate policies and regulations before the state begins accepting applications from Recreational Marijuana retailers and growers.

The text of the proposed Bylaw has not changed from the time of the initial Planning Board hearing held on January 10<sup>th</sup>. You will recall that the major open item at the conclusion of the first hearing was for the Selectmen to determine the effective date and duration of the proposed Moratorium, a decision that was somewhat complicated by the vote of the Legislature to postpone pertinent provisions of the Act for six months.

**Revised Timeline:**

March 15, 2018-

Cannabis Control Commission (CCC) will issue its initial regulations.

April 1, 2018 –

CCC will begin accepting applications from growers and retailers.

If an application is accepted from a business proposing to operate in Lincoln, the CCC will determine whether the application is consistent with local bylaws in effect at the time of the application.

July 1, 2018 –

Deadline for CCC to issue its final regulations.

Therefore, the Selectmen would like to time the Moratorium so that it is in effect when the CCC begins accepting applications (April 1, 2018), and that it is in effect for one year (+/-) from the time the CCC issues its regulations (July 1, 2018) – operating under the assumption that the CCCs regulations will inform the our deliberations regarding the Town’s intended regulations.

Subject to final discussion with Town Counsel, the Selectmen are inclined to bring the proposed Moratorium Bylaw forward this March for a vote, with a delayed effective date of April 1, 2018, to remain in effect for twelve months until April 1, 2019.

The Moratorium Bylaw in its current form reads as follows:

<b>February 10, 2017</b> <b>ARTICLE</b>
<b>Planning Board</b> <b>Zoning By-law Amendment: Temporary Moratorium</b> <b>on Recreational Marijuana Establishments</b>

To see if the Town will vote to amend the Zoning Bylaw of the Town of Lincoln by adding a new Section \_\_\_\_, **TEMPORARY MORATORIUM ON RECREATIONAL MARIJUANA ESTABLISHMENTS**, that would provide as follows, and further to amend the Table of Contents to add Section \_\_\_\_, “Temporary Moratorium on Recreational Marijuana Establishments”:

**Section \_\_\_\_, Temporary Moratorium on Recreational Marijuana Establishments**

**§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. The law, which allows certain personal use and possession of marijuana, begins to take effective on December 15, 2016 and requires a Cannabis Control Commission to issue regulations regarding licensing of commercial activities by September 15, 2017.

Currently under the Zoning Bylaw, a Recreational Marijuana Establishment, as defined in G.L. c. 94G, §1, is not a permitted uses in the Town. 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 Establishments 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 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 adopt provisions of the Zoning Bylaw in a consistent manner.

**§2. Definition.**

"Marijuana establishment" shall mean “a marijuana cultivator, marijuana testing facility, marijuana product manufacturer, marijuana retailer or any other type of licensed marijuana-related business.”

### §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 take effect on April 1, 2018, shortly after the Commonwealth's Cannabis Control Commission is expected to issue its initial regulations and when it is expected to begin accepting license applications from recreational marijuana retailers and growers, and shall remain in effect until April 1, 2019, or until such time as the Town adopts Zoning Bylaw amendments that regulate Recreational Marijuana Establishments, whichever occurs earlier. During the moratorium period, the Town shall undertake a planning process to address the potential impacts of recreational marijuana in the Town, consider the Cannabis Control Commission regulations regarding Recreational Marijuana Establishments and shall consider adopting new Zoning Bylaw in response to these new uses.

or take any other action in relation thereto.

The Board intends to appoint a Study Committee to explore the issues and to provide recommendations that would need to be acted on (i.e., by ballot in the event of a proposed ban, and by Town Meeting in the case of Zoning Bylaw/restrictions).

The proposed Moratorium Bylaw currently appears as Article # 39 on the Warrant, as follows:

#### ARTICLE 39

To see if the Town will vote to amend the Zoning Bylaw of the Town of Lincoln by adding a new Section **TEMPORARY MORATORIUM ON RECREATIONAL MARIJUANA ESTABLISHMENTS**, as substantially on file with the Town Clerk; or take any other action relative thereto.

Selectmen