

Montague Planning Board

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**MONTAGUE PLANNING BOARD
NOTICE OF PUBLIC HEARING
PROPOSED AMENDMENT TO ZONING BYLAWS
RECREATIONAL MARIJUANA MORITORIUM**

**Tuesday, November 28, 2017 7:00 PM
Town Hall – Second Floor**

The Montague Planning Board will hold a public hearing to consider an amendment to the Montague Zoning Bylaws petitioned by the Board of Selectmen pertaining to a Temporary Moratorium of Recreational Marijuana Establishments at 7:00 pm on Tuesday November 28, 2017 at Town Hall, One Avenue A, Turners Falls, MA: The proposed amendment would add a new section 7.11 to establish a moratorium through 12/31/2018 for the purpose of allowing the Town to study and consider the regulation of recreational marijuana establishments, 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 such establishments. Full text of the proposed moratorium is available for review at montague-ma.gov and at Town Hall during office hours M-Th.

Ron Sicard, Planning Board Chairman

*Greenfield Recorder 11/14/17, 11/27/17
Montague Reporter 11/17/17
Town Hall/Town Website 11/8/17
Notice mailed to parties of interest 11/13/2017*

Proposed Petition

To see if the Town will vote to amend Montague's Zoning Bylaw by adding a new Section 7.11, **TEMPORARY MORATORIUM ON RECREATIONAL MARIJUANA ESTABLISHMENTS**, that would provide as follows, and further to amend the Table of Contents to add Section 7.11, "Temporary Moratorium on Recreational Marijuana Establishments."

Section 7.11.1 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, a non-medical Marijuana Establishment (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. 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 sufficient time to address the effects of such structures and uses in the Town and to enact bylaws in a consistent manner.

Section 7.11.2 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 7.11.3 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 a Recreational Marijuana Establishment 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, and to consider the Cannabis Control Commission regulations regarding Recreational Marijuana Establishments, and shall consider adopting new Zoning Bylaws in response to these new issues. Or take any action relative thereto.