

To see if the Town will vote to amend the Code of Lunenburg, to modify §250-4.15.C by deleting November 30, 2018 and inserting May 31, 2019 and §250-4.15.D by inserting “the remaining portions shall remain in full force and effect.”, or take any action relative thereto

**§ 250-4.15 Temporary moratorium on sale and distribution of recreational marijuana.  
[Added 5-6-2017 ATM by Art. 33]**

**A. Purpose.**

- (1) By vote at the state election on November 8, 2016, the voters of the commonwealth approved a law regulating the cultivation, distribution, possession and use of marijuana for recreational purposes. The law provides that it is effective on December 15, 2016, and the Cannabis Control Commission is currently required to issue regulations regarding implementation by March 15, 2018 (see Section 11 of Chapter 351 of the Acts of 2016).
- (2) Currently under the Zoning Bylaw, recreational marijuana establishments and marijuana retailers are not a permitted use in the Town, and any regulations promulgated by the State Cannabis Control Commission are expected to provide guidance to the Town in regulating recreational marijuana establishments and marijuana retailers.
- (3) The regulation of recreational marijuana establishments and marijuana retailers raises novel and complex legal, planning, and public safety issues and the Town needs time to study and consider the regulation of recreational marijuana establishments and marijuana retailers and address such novel and complex 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 and marijuana retailers and other uses related to the regulation of recreational marijuana. The Town intends to adopt a temporary moratorium on the use of land and structures in the Town for recreational marijuana establishments and marijuana retailers so as to allow the Town sufficient time to engage in a planning process to address effects of such structures and uses in the Town and to adopt provisions of the Zoning Bylaw in a manner consistent with sound land use planning goals and objectives.

**B. Definitions.**

**MANUFACTURE**

To compound, blend, extract, infuse or otherwise make or prepare a marijuana product.

**MARIJUANA ACCESSORIES**

Equipment, products, devices or materials of any kind that are intended or designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, ingesting, inhaling or otherwise introducing marijuana into the human body.

**MARIJUANA CULTIVATOR**

An entity licensed to cultivate, process and package marijuana, to deliver marijuana to marijuana establishments and to transfer marijuana to other marijuana establishments, but not to consumers.

**MARIJUANA ESTABLISHMENT**

A marijuana cultivator, marijuana testing facility, marijuana product manufacturer, marijuana retailer or any other type of licensed marijuana-related business.

**MARIJUANA PRODUCT MANUFACTURER**

An entity licensed to obtain, manufacture, process and package marijuana and marijuana products, to deliver marijuana and marijuana products to marijuana establishments and to transfer marijuana and marijuana products to other marijuana establishments, but not to consumers.

## **MARIJUANA PRODUCTS**

Products that have been manufactured and contain marijuana or an extract from marijuana, including concentrated forms of marijuana and products composed of marijuana and other ingredients that are intended for use or consumption, including edible products, beverages, topical products, ointments, oils and tinctures.

## **MARIJUANA TESTING FACILITY**

An entity licensed to test marijuana and marijuana products, including certification for potency and the presence of contaminants.

## **MARIJUANA RETAILER**

An entity licensed to purchase and deliver marijuana and marijuana products from marijuana establishments and to deliver, sell or otherwise transfer marijuana and marijuana products to marijuana establishments and to consumers.

- C. 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 marijuana retailers. The moratorium shall be in effect through November 30~~May 31, 2018~~2019. 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 marijuana retailers and related uses, determine whether the Town will prohibit on-site consumption at recreational marijuana establishments and marijuana retailers and shall consider adopting new provisions of the Zoning Bylaw to address the impact and operation of recreational marijuana establishments and marijuana retailers and related uses.
- D. Severability. The provisions of this bylaw are severable. If any provision, paragraph, sentence, or clause of this bylaw or the application thereof to any person, establishment, or circumstances shall be held invalid the remaining portions shall remain in full force and effect.