

# **Proposed Zoning Bylaw Amendments**


## **Recreational Marijuana Establishments**



# Boxborough and Recreational Marijuana

- Town voted at November 2016 ballot to legalize Recreational Marijuana in Massachusetts
- As such, any bylaw (Zoning or General) which partially or completely prohibits Recreational Marijuana Establishments requires BOTH a vote of Town Meeting AND approval at a ballot vote
- Town Meeting approved Temporary Moratoriums on Recreational Marijuana Establishments in:
  - May 2017 – Implemented Moratorium until June 30, 2018
  - May 2018 – Extended Moratorium until December 31, 2018
  - September 2018 – Extended Moratorium until June 30, 2019

# Boxborough and Recreational Marijuana


- September 2018 Special Town Meeting vote approved a General Bylaw amendment prohibiting all forms of Recreational Marijuana Establishments
    - Approval at May 2019 Annual Town Election still needed to implement measure
  - Town Counsel has indicated having ONLY a General Bylaw prohibiting Recreational Marijuana Establishments is the weakest form of prohibition
  - Zoning Bylaw and General Bylaw should be consistent
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# Recreational Marijuana Establishments


- Planning Board would prefer to present an itemized Warrant Article approach to the May 2019 Town Meeting
  - Allow by Special Permit
  - Prohibit
- If allowed, where should the permitted forms of Recreational Marijuana Establishments be allowed to operate in Boxborough? Which zoning districts or areas of town?
- If no action taken at the May 2019 Town Meeting, Town would only be able to use the existing Zoning Bylaw to regulate Recreational Marijuana Establishments

# Types of Recreational Marijuana Establishments

State defines seven (7) different types of Recreational Marijuana Establishments:

- Craft Marijuana Cultivator Cooperative
  - Marijuana Cultivator
  - Marijuana Microbusiness
  - Marijuana Product Manufacturer
  - Marijuana Research Facility
  - Marijuana Retailer
  - Marijuana Testing Facility
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# Warrant Articles for 2019 Annual Town Meeting

- Removal of existing language regarding Temporary Moratorium
  - Definitions for Recreational Marijuana Establishments
  - Warrant Articles for each type of Recreational Marijuana Establishment. Town Meeting will have the ability to allow by Special Permit or prohibit each particular use
  - Local Tax Option
  - Location(s) for permitted Recreational Marijuana Establishments
  - List of Prohibited Recreational Marijuana Establishments (could prohibit some or all forms of uses)
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## Any New Zoning Bylaws will NOT:

- Restrict the personal right to use and cultivate marijuana allowed by State law
  - Further restrict or limit the use or availability of Medical Marijuana Dispensaries in Boxborough
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