

SECTION III – PRINCIPAL USE SECTION

3.0 SCHEDULE OF USE REGULATIONS3.01 PROHIBITED USES

d. Marijuana Establishments (see Section 5.10)

TABLE I – WESTHAMPTON SCHEDULE OF USE REGULATIONS					
BYLAW NUMBER	LAND USE CLASSIFICATION	STANDARDS & CONDITIONS	ZONING DISTRICT		
			AR	FPD	WS
	<u>BUSINESS USES</u>				
3.080	Marijuana Establishment	See Section 5.10. All types of marijuana establishments consistent with and defined in MGL c. 94G, but not including registered Medical Marijuana Treatment Centers as defined in Section 5.9 of these Zoning Bylaws	N	N	N

SECTION V – SPECIAL REGULATIONS

5.11 TEMPORARY MORATORIUM ON MARIJUANA ESTABLISHMENTS

5.110 Authority and purpose.

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. This law was amended on December 30, 2016 by extending certain deadlines by six months and the Cannabis Control Commission is required to issue regulations regarding implementation by March 15, 2018 and to begin accepting applications for licenses on April 1, 2018.

Currently under the Zoning Bylaw, 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 Marijuana Establishments and Marijuana Retailers. Further, the ballot measure establishes two important provisions that require ballot action by the Town prior to the adoption of zoning: First, the Town must, by ballot, determine whether it will issue licenses for Marijuana Establishments and Marijuana Retailers; and, second, by ballot that cannot occur prior to November 6, 2018, the next biennial state election, on whether to allow on-site consumption of marijuana products should the Town decide to allow licenses for such facilities.

The regulation of Marijuana Establishments and Marijuana Retailers raise novel and complex legal, planning, and public safety issues and the Town needs time to study and consider the

regulation of 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 Marijuana Establishments and Marijuana Retailers and other uses related to the regulation of marijuana. The Town intends to adopt a temporary moratorium on the use of land and structures in the Town for 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.

5.111 Definitions

For purposes of this moratorium, the definitions set forth in G.L. c. 94G, § 1 shall apply.

5.112 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 Marijuana Establishments and other uses related to recreational marijuana. Because of the statutory requirement to have the state Attorney General's Office approve all Zoning changes approved at Town Meeting, and the time it takes to prepare such submission and for the Attorney General's Office to conduct their review and respond, the moratorium shall take effect through December 31, 2018 or 120 days from the date of the Town Meeting action, whichever occurs later; or until such time as the Town adopts Zoning Bylaw amendments that regulate Marijuana Establishments and obtain the Attorney General's Office approval, whichever occurs earlier. During the moratorium period, the Town shall undertake a planning process to address the potential impacts of marijuana in Westhampton, consider the Cannabis Advisory Board regulations regarding marijuana establishments and marijuana retailers and related uses, determine whether the Town shall restrict any or all licenses for such marijuana establishments and marijuana retailers, and consider such other and further matters as set forth in G.L. c. 94G, § 3 and G.L. c. 64N, § 3.