

LUNENBURG PLANNING BOARD TOWN OF LUNENBURG

Joanna L. Bilotta-Simeone, Chair
Nathan J. Lockwood, Vice-Chair
Damon McQuaid, Clk.
Emerick R. Bakaysa, Mbr.
Matthew Allison, Mbr.
Marion M. Benson, Planning Director



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Public Hearing Minutes
Special Town Meeting Article
January 6, 2014

Meeting Posted: Yes

Place: Town Hall, 17 Main Street, Lunenburg, MA. 01462

Time: 6:30 PM

Members Present: Joanna L. Bilotta-Simeone, Chair, Nathan J. Lockwood, Vice Chair, Damon McQuaid, Emerick R. Bakaysa, Matthew Allison, Marion M. Benson, Planning Director

Chair opened the Public Hearing at 6:30 PM with the reading of the legal notice published in the Sentinel & Enterprise on December 23 and December 30, 2013. The Public Hearing was to hear an amendment to the Zoning Bylaw to add a new Section 9.0. entitled Temporary Moratorium on Medical Marijuana Treatment Centers/Registered ,Marijuana Dispensaries. Notices were sent to abutting towns, cities, agencies and Town departments.

MODEL MORATORIUM WARRANT ARTICLE

Article: 2

To see if the Town will vote to amend the Town's Zoning Bylaw by adding a new Section 9.0., entitled TEMPORARY MORATORIUM ON MEDICAL MARIJUANA TREATMENT CENTERS/REGISTERED MARIJUANA DISPENSARIES, that would provide as follows, and further to amend the Table of Contents to add Section 9.0., "Temporary Moratorium on Medical Marijuana Treatment Centers/Registered Marijuana Dispensaries:"

Section 9.0.1. Purpose

By vote at the State election on November 6, 2012, the voters of the Commonwealth approved a law regulating the cultivation, distribution, possession and use of marijuana for medical purposes. The law provides that it is effective on January 1, 2013. On May 8, 2013, the State Department of Public Health promulgated Regulations that became effective on May 24, 2013. Currently under the Zoning Bylaw, a Medical Marijuana Treatment Center, identified in the State Regulations as a Registered Marijuana Dispensary, is not a permitted use in the Town of Lunenburg. The State Regulations provide guidance to the Town in regulating medical marijuana, including Medical Marijuana Treatment Centers/Registered Marijuana Dispensaries. The regulation of medical marijuana raises novel and complex legal, planning, and public safety issues and the Town needs time to study and consider the regulation of such use 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 medical marijuana treatment centers and other uses related to the regulation of medical marijuana. The Town intends to adopt a temporary moratorium on the use of land and structures in the Town for Medical Marijuana Treatment Center/Registered Marijuana Dispensaries so as to allow the Town sufficient time to engage in a planning process to address the effects of such structures and uses in the Town and to enact bylaws in a manner consistent with sound land use planning goals and objectives.

Section 9.0.2. Definition

"Medical Marijuana Treatment Center" shall mean a "not-for-profit entity, as defined by Massachusetts law only, registered by the Department of Public Health as a Registered Marijuana Dispensary, that acquires, cultivates, possesses, processes (including development of related products such as food, tinctures, aerosols, oils or ointments), transfers, transports, sells, distributes, dispenses, or administers marijuana, products containing marijuana, related supplies, or educational materials to qualifying patients or their personal caregivers."

Section 9.0.3. 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 Medical Marijuana Treatment Center/Registered Marijuana Dispensary. The moratorium shall be in effect through December 31, 2014 or until such time as the Town adopts Zoning Bylaw amendments that regulate Medical Marijuana Treatment Centers/Registered Marijuana Dispensaries and related uses, whichever occurs earlier. During the moratorium period, the Town shall undertake a planning process to address the potential impacts of medical marijuana in the Town, consider the State Regulations and related uses, and shall consider adopting new Zoning Bylaws to address the impact and operation of Medical Marijuana Treatment Centers/Registered Marijuana Dispensaries and related uses; or take any action relative thereto.

D. McQuaid inquired if the Town would benefit economically; e.g., are Town taxes different for a not-for-profit entity. M. Benson to inquire of Town Counsel.

J. Bilotta-Simeone opened the Hearing to public comment.

Bob Ebersole, 94 Main Street- Encouraged the Board to have a bylaw for adoption at the May Town Meeting. Noted that if a dispensary is not within a certain radius of the community, community residents with the need for medical marijuana can apply for a hardship cultivation permit (which would be separate from zoning).

N. Lockwood noted that hardship cultivation could also be financial (if a patient cannot afford the price a dispensary is charging). He opined that most insurance plans would probably not cover medical marijuana and that banks probably do not want to be involved either. He believes there are also restrictions on how an individual will pay for their medical marijuana; probably cash only. The Commonwealth of Massachusetts has mandated a price floor for medical marijuana to avoid patients reselling it on the illegal market.

E. Bakaysa inquired as to what happens if the Moratorium Warrant Article does not pass at STM as it is currently not a permitted use in Town. What would be the consequences to the Town?

E. Bakaysa, Motion to adjourn, Second, D. McQuaid, Motion passed. Adjourned 6:50 PM.