

## TOWN OF SAUGUS

Essex, ss.

To the Constable of the Town of Saugus

Greetings:

In the name of the Commonwealth of Massachusetts you are hereby required to notify and warn the inhabitants of the Town of Saugus, qualified to vote in Town affairs for the Special Town Meeting at the Saugus Town Hall located at 298 Central Street on Tuesday, October 15, 2013 at 7:30 p.m. to hear and act on the following articles: viz;

**Article 1.** To hear and act on reports of Committees.

**Article 2.** To see if the Town will vote to amend the Town's Zoning By-Laws by adding a new Article 16 entitled "Temporary Moratorium on Medical Marijuana Treatment Centers," that would provide as follows:

That the Town of Saugus Zoning B-Law be amended as follows:

A. Amend Article III-Definitions by adding:

Medical Marijuana Treatment Centers - A "not-for-profit entity, as defined by Massachusetts law only, registered by the Department of Public Health, that acquires, cultivates, possesses, processes (including development of related products such as food, tinctures, aerosols, oil 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."

B. Amend the Zoning By-Law text by adding the following Article 16

### Article 16

#### Temporary Moratorium on Medical Marijuana Treatment Centers

##### 16.1. Purpose

The Massachusetts Medical Marijuana Initiative, also known as Ballot Question Three, was approved by voters at the Massachusetts State election on November 6, 2012. The law regulates the cultivation, distribution, possession, and use of marijuana for medical purposes. The law is effective on January 1, 2013 and the State Department of Public Health issued final regulations regarding implementation of the law on May 24, 2013.

Under the current Zoning By-Law, a Medical Marijuana Treatment Center is not defined and is not a permitted use in the Town. The Department of Public Health regulations provide guidance to communities regulating medical marijuana treatment centers at the local level. As these regulations have been recently released, the Town needs time to study and interpret them and apply them to the unique circumstances of the Town. As this is a new type of land use in the state, there will be unique and new aspects to the use that could require oversight and regulations. These local impacts, which raises novel and complex issues, including legal, land use, public safety, and public health, should be evaluated and addressed in a comprehensive manner in the Zoning By-Law prior to the permitting of a Medical Marijuana Treatment Center. The Town needs time to study and consider the regulation of Medical Marijuana Treatment Centers and address these novel and complex issues, as well as address the potential impact of the State regulations on local zoning and to undertake a planning process to consider amending the Zoning By-Law 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, of a finite duration, on the use of land and structures in the Town for Medical Marijuana Treatment Centers so as to allow the Town sufficient time to engage in a careful study and planning process to address the potential impacts, both primary and secondary, of such

structures and uses in the Town and to enact By-Laws in a manner consistent with sound land use and planning goals and objectives.

#### 16.2. 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, that acquires, cultivates, possesses, processes (including development of related products such as food, tinctures, aerosols, oil 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.”

#### 16.3. Establishment of Temporary Moratorium and Duration

16.3.1. For the reasons set forth above and notwithstanding any other provision of the Zoning By-Law to the contrary, the Town hereby adopts a temporary moratorium on the use of land or structures for Medical Marijuana Treatment Centers. No building permit, special permit, variance, site plan or other permit may be issued under this zoning ordinance, and no use of land or structures shall be allowed for the purpose of establishing a Medical Marijuana Treatment Center or associated activities.

16.3.2. The moratorium shall be in effect through and including September 30th 2014, or until such time as zoning by-laws are adopted that address medical marijuana treatment centers and associated activities, whichever shall be sooner. During the moratorium period, the Town shall undertake a planning process to address the potential impacts of medical marijuana in the Town, consider the Department of Public Health regulations regarding Medical Marijuana Treatment Centers and related uses, and consider adopting new Zoning By-Laws to address the impact and operation of Medical Marijuana Treatment Centers and related uses.

#### 16.4. Applicability

This By-Law shall be effective in all zoning districts in the town, including overlay districts.  
(Town Manager)