



CITY OF MELROSE
In Board of Aldermen

August 21, 2017

AN ORDER
2017-130

Amend Revised Zoning Ordinances, Chapter 235, Sections 235-5 and 235-16.2 to Enact a Temporary Moratorium on Recreational Marijuana Establishments as set forth herein.

Offered by Mayor Robert J. Dolan

BE IT ORDAINED

by the Board of Aldermen of the City of Melrose, that the Melrose Revised Zoning Ordinances,

Chapter 235 Zoning be, and hereby is amended as follows:

Section 235-5, Definitions:

Add the following definition "Recreational Marijuana Establishment":

RECREATIONAL MARIJUANA ESTABLISHMENT: A marijuana cultivator, marijuana testing facility, marijuana product manufacturer, marijuana retailer, or any other type of licensed marijuana-related business, subject to regulation under Chapter 94G of the Massachusetts General Laws; provided, however, that a Registered Marijuana Dispensary shall not be deemed to be a Recreational Marijuana Establishment.

Section 235-16.2, Temporary Moratorium on Medical Marijuana Treatment Centers:

Delete the section in its entirety and replace with the following text:

Section 235-16.2. Temporary Moratorium on Recreational Marijuana Establishments

A. 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. The law, which allows certain personal use and possession of marijuana, took effect on December 15, 2016 and (as amended on December 30, 2016; Chapter 351 of the Acts of 2016) requires a Cannabis Control Commission to issue regulations regarding the licensing of commercial activities by March 15, 2018 and to begin accepting applications for licenses on April 1, 2018.

Currently under the Zoning Ordinance, a non-medical Marijuana Establishment (hereinafter, a “Recreational Marijuana Establishments”) is not specifically addressed. Regulations to be promulgated by the Cannabis Control Commission are expected to provide guidance to the City in regulating recreational marijuana, including Recreational Marijuana Establishments.

The regulation of Recreational Marijuana Establishments raise novel and complex legal, planning, and public safety issues, and the City needs time to study and consider the regulation of Recreational Marijuana Establishments and address such 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 Ordinance regarding regulation of Recreational Marijuana Establishments and other uses related to the regulation of recreational marijuana. The City intends to adopt a temporary moratorium on the use of land and structures in the City for Recreational Marijuana Establishments so as to allow sufficient time to engage in a planning process to address the effects of such structures and uses in the City and to enact ordinances in a manner consistent with sound land use planning goals and objectives.

B. Temporary Moratorium.

For the reasons set forth above and notwithstanding any other provision of the Zoning Ordinance to the contrary, the City hereby adopts a temporary moratorium on the use of land or structures for Recreational Marijuana Establishments. The moratorium shall be in effect through December 31, 2018. During the moratorium period, the City shall undertake a planning process to address the potential impacts of recreational marijuana use in the City, consider the Cannabis Control Commission regulations regarding Recreational Marijuana Establishments and related uses, and shall consider adopting new Zoning Ordinance regulations to address the impact and operation of Recreational Marijuana Establishments and related uses.

The same be, and hereby is passed.

August 21, 2017
In the Board of Aldermen
Ordained Roll Call:
9 Yea, 0 Nay
Mary-Rita O’Shea, Clerk

Passed August 21, 2017
Donald L. Conn, Jr., President
Board of Aldermen

Approved August 23, 2017
Robert J. Dolan
Mayor