

TOWN OF WEYMOUTH

IN COUNCIL

ORDER NO. 13 011

JANUARY 31, 2013

INTRODUCED: COUNCILOR O'CONNOR AND COUNCILOR SMART

ZONING AMENDMENT – MORATORIUM ON MEDICAL MARIJUANA TREATMENT
CENTERS

Upon request of Councilor O'Connor, Councilor Smart, and a ten citizen petition, the Town of Weymouth through the Weymouth Town Council approved to amend the Zoning Ordinance as follows:

A. Amend the Table of Contents by adding:

Article XXVIII

Moratorium – Medical Marijuana Treatment Centers

B. Amend the Zoning Ordinance text by adding the following as Article XXVIII:

Article XXVIII

Moratorium – Medical Marijuana Treatment Centers

120-130. 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 is directed to promulgate regulations regarding implementation of the law within 120 days after the law's effective date.

Under the current Zoning Ordinance, a medical marijuana treatment center is not defined and is not a permitted use in the Town. The Department of Public Health regulations should provide guidance to communities regulating medical marijuana treatment centers at the local level. 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 could be legal, land use, public safety, and public health, should be evaluated and addressed in a comprehensive manner in the Zoning Ordinance prior to the permitting of a medical marijuana treatment center. The moratorium, of a finite duration, will allow the Town to carefully study the potential impacts, both primary and secondary, of such centers and, through a directed planning process, recommend zoning ordinance amendments to address

the Town's concerns in the context of the Master Plan and other Town planning goals and objectives.

120-131. 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), transfer, transports, sells, distributes, dispenses, or administers marijuana, products containing marijuana, related supplies, or educational materials to qualifying patients or their personal caregivers."

120.132. Establishment and Duration

A. 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.

B. The moratorium shall be in effect through and including May 1, 2014, or until such time as zoning amendments are adopted that address medical marijuana treatment centers and associated activities, whichever shall be sooner.

120-133. Applicability

This Article shall be effective in all zoning districts in the town, including overlay districts.

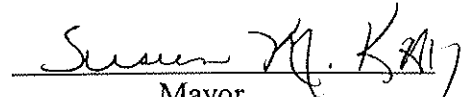
Passed in Council – -March 4, 2013

Presented to Mayor – March 5, 2013

A True Copy. Attest:

Approved 03-11-13
Date


Kathleen A. Deree, Town Clerk


Mayor

YEAS: Burke, Conlon, DiFazio, Hackett, Harrington, Lacey
Mathews, McDonald, Molisse, O'Connor, Smart,

NAYS: Burke, Conlon, DiFazio, Hackett, Harrington, Lacey
Mathews, McDonald, Molisse, O'Connor, Smart

ABSENT: Lacey