



COMMUNITY AND ECONOMIC DEVELOPMENT

BUILDING

PLANNING

ZONING

CONSERVATION

MEMORANDUM

To: Jonathan Freedman, Chair, Board of Selectmen

From: Jamie Errickson, Director

CC: Bill Chenard, Acting Town Administrator

Date: January 3, 2018

RE: Update on the Recreational Marijuana State Regulations

As you may recall, Town Staff, working with Legal Counsel, are actively following the State process leading to the creation of proposed Recreational Marijuana regulations. This memo seeks to provide some considerations as the Town looks to move forward with any regulations pertaining to Recreational Marijuana.

The State's Cannabis Control Commission (CCC) recently published draft regulations to govern Recreational Marijuana in Massachusetts. Town Staff and Counsel are currently reviewing these regulations, which are included with this memo for reference. Some considerations with regards to the CCC process and authority to keep in mind as the Town moves forward with any process regarding the regulating of marijuana (both recreational and medical) include:

- If the CCC is not successful in adopting regulations by June 30, 2018, any existing Medical RMD may be allowed to operate at a Recreational facility, potentially without regard to local bylaws, moratoriums, etc., until such time that the CCC adopts regulations.
- The CCC will eventually regulate all cannabis licenses (recreational and medical), including host community agreements - the exact approach/process is still to be determined. For the time being, Medical RMD licensing process is still in place for the time being.
- There are still a lot of open ended questions in regards to enforcement jurisdiction, oversight, policing, Board of Health regulations, and many others with regards to Recreational Marijuana to be outlined/determined by the CCC.

As the CCC moves through its regulation drafting process, the Town must also work through the timeline of all the potential votes, approvals, and other actions the Town may need to take moving forward to ensure the necessary regulations are in place by the time the recently adopted Recreational Marijuana Moratorium expires at the end of 2018.

Ultimately, the “Town” needs to first decide if it wants to propose a ban on such establishments, triggering a “vote of voters” in Natick, or choose to regulate such establishments.

If the decision is made to regulate such establishments, there is ample time to review the CCC regulations and craft local regulations prior to the end of the Moratorium. Such regulations could be brought forward for Town Meeting consideration in the 2018 Fall Annual Town Meeting.

However, if a vote to ban such establishments is desired, the proposed ban (in zoning bylaw and general bylaw form) must be voted on by both Town Meeting and by Town-wide ballot in order to be enacted (per State law). With this in mind, it may be beneficial to consider a town-wide vote for this spring/early summer (which could potentially coincide with the state primary election in May/June) for multiple reasons, including:

- The November 2018 election is likely too late for a town-wide vote since, if the vote were to not receive favorable vote of the voters, any proposed Recreational Marijuana regulations would need to be reviewed and approved by the Town and the State’s Attorney General’s office by December 31, 2018 (end date of the Moratorium). Theoretically, Fall TM could approve such language, but this is logistically challenging.
- A spring/early summer vote would provide enough time for staff/administration to draft regulations should the Ban zoning/bylaw not receive favorable vote of the voters. Draft regulations can be prepared for Fall Town Meeting.

Assuming a vote of the voters occurs this spring/early summer, a vote by Town Meeting on the proposed zoning/general bylaw language of such a ban on recreational marijuana should occur prior to that time, either at the 2018 Spring Annual Town Meeting or the upcoming Special Town Meeting. As you know, the Warrant for the Spring Town Meeting closes in early February and the Warrant for the Special Town Meeting closes sometime in January.

To keep ahead of the process, I am currently working with Town Counsel to draft proposed zoning/general bylaw language that could be used for a proposed ban on recreational marijuana, should the Board determine that such a vote should be brought to the voters of the Town of Natick.

As always, please feel free to contact me with any questions.