

APPENDIX G

TEMPORARY MORATORIUM ON SALE AND DISTRIBUTION OF RECREATIONAL MARIJUANA (ZONING BY-LAW SECTION 3.8/SECTION V.J)

3.8.1 **PURPOSE.** By vote at the State election on November 8, 2016, the voters of the Commonwealth approved a law, Chapter 334 of the Acts of 2016, regulating the cultivation, distribution, possession, and use of marijuana for recreational purposes. By act of the Legislature, Chapter 351 of the Acts of 2016 delays by six months the time within which the Cannabis Control Commission must issue marijuana establishment licenses to applicants.

Pursuant to G.L. c. 94G, § 3, a town may adopt by-laws that impose reasonable safeguards on the operation of marijuana establishments. Chapter 334 of the Acts of 2016 established a Cannabis Advisory Board to, *inter alia*, advise on the preparation of regulations. It is expected that the Cannabis Advisory Board's guidance will inform the Town in the regulation of recreational marijuana establishments and marijuana retailers.

Currently under the Zoning By-law, recreational marijuana establishments and marijuana retailers are not express permitted uses in Hamilton. The regulations on such establishments and retailers raise novel and complex legal, planning, and public safety issues. This temporary moratorium will provide Hamilton with time to study and promulgate a by-law and regulations to address such issues as well as to assess and incorporate state guidance and regulations consistent with sound local land use planning and zoning goals.

3.8.2 **DEFINITIONS.** For purposes of this moratorium, the definitions set forth in G.L. c. 94G, § 1 shall apply.

3.8.3 **TEMPORARY MORATORIUM.** For the reasons set forth above and notwithstanding any other provision of the Zoning By-law, the Town hereby imposes a temporary moratorium on the development or use of land or structures for recreational marijuana establishments and marijuana retailers. The moratorium shall be in effect through June 30, 2018. During the moratorium period, the Town shall undertake a planning process to address the potential impacts of recreational marijuana in Hamilton, consider the Cannabis Advisory Board regulations regarding recreational marijuana establishments and marijuana retailers and related uses, determine whether the Town shall restrict any or all licenses for recreational marijuana establishments and marijuana retailers, and consider such other and further matters as set forth in G.L. c. 94G, § 3 and G.L. c. 64N, § 3.