

Town Of Sandwich
THE OLDEST TOWN ON CAPE COD



PLANNING BOARD

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MINUTES
April 4, 2014

TOWN CLERK
TOWN OF SANDWICH

FROM THE RECORDING

JUN 04 2014

3 H 20 M P MS
RECEIVED & RECORDED

5:00pm

Upper Meeting Room
16 Jan Sebastian Drive
Sandwich, MA 02563

Present: Joseph Vaudo, Chair, Sarah Regan, Elizabeth Cotter and Lori Caron

Absent: Henry Rakov, Stanley Torrey, and William Burbank

Also Present: Nate Jones, Town Planner

Public Hearing for Proposed Zoning Bylaw Amendment

Mr. Vaudo read the Public Hearing Notice into the record.

Recommendation Vote – Proposed Medical Marijuana Moratorium Amendment for Annual Town Meeting May 5, 2014

Mr. Vaudo read the proposed amendment, Article 1. There was no Board comment, and there was no public comment.

Ms. Regan moved the Board recommend that Town Meeting approve the following proposed by-law amendment:

PROPOSED MEDICAL MARIJUANA MORATORIUM
WARRANT ARTICLE BYLAW

PURPOSE

By vote at the State election on November 6, 2012, the voters of the Commonwealth approved a law regulating the cultivation, distribution, possession and use of marijuana for medical purposes. The law provides that it is effective on January 1, 2013 and the State Department of Public Health is required to issue regulations regarding implementation within 120 days of the law's effective date. Currently under the Zoning Bylaw, a Medical Marijuana Treatment Center is not a permitted use in the Town and any regulations promulgated by the State Department of Public Health are expected to provide guidance to the Town in regulating medical marijuana, including Medical Marijuana Treatment Centers. The regulation of medical marijuana raises novel and complex legal, planning, and public safety issues and the Town needs time to study and consider the regulation of Medical Marijuana Treatment Centers and address such novel and complex 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 Bylaw 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 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 planning process to address the effects of such structures and uses in the Town and to enact bylaws in a manner consistent with sound land use planning goals and objectives.



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, oils 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."

TEMPORARY MORATORIUM

For the reasons set forth above and notwithstanding any other provision of the Zoning Bylaw to the contrary, the Town hereby adopts an extended temporary moratorium on the use of land or structures for a Medical Marijuana Treatment Center. The moratorium shall be in effect through June 30, 2015. During the moratorium period, the Town shall undertake an extensive planning process to address the potential impacts of medical marijuana in the Town, consider the Department of Public Health regulations Regarding Medical Marijuana Treatment Facilities and related uses, and shall consider adopting new Zoning Bylaws to address the impact and operation of Medical Marijuana Treatment Centers and related uses.

Ms. Cotter seconded.

Voted:

Joseph Vaudo		Yes
Sarah Regan	Yes	
Elizabeth Cotter		Yes
Lori Caron	Yes	

The vote was unanimous.

Ms. Regan moved the meeting adjourn. Ms. Cotter seconded. The vote was unanimous. The meeting adjourned at 5:07 P.M.

Respectfully submitted,

Marilyn K. Bassett