

Commonwealth of Massachusetts
Town of Hawley
Special Town Meeting Warrant – December 12, 2017

FRANKLIN SS:

To George A. Rice, Constable of the Town of Hawley, GREETINGS:

In the name of the Commonwealth of Massachusetts you are directed to notify and warn said inhabitants of the Town of Hawley qualified to vote in elections and in town affairs, to meet at the Hawley Town Office in said Hawley on **Tuesday, the twelfth day of December, 2017.**

At **six-thirty o'clock in the evening** the meeting will convene to act on the following articles:

ARTICLE 1: To see if the Town will vote to amend the Town's Zoning Bylaw by adding a new Section 57 , TEMPORARY MORATORIUM ON RECREATIONAL MARIJUANA ESTABLISHMENTS, that would provide as follows, and further to amend the Table of Contents to add Section 57 , "Temporary Moratorium on Recreational Marijuana Establishments:"

Section 57 Purpose

On November 8, 2016, the voters of the Commonwealth approved a law regulating the cultivation, processing, distribution, possession and use of marijuana for recreational purposes (new G.L. c. 94G, Regulation of the Use and Distribution of Marijuana Not Medically Prescribed). The law, which allows certain personal use and possession of marijuana, took effect on December 15, 2016 and (as amended on December 30, 2016 by Chapter 351 of the Acts of 2016 and thereafter, on July 28, 2017 by Chapter 55 of the Acts of 2017) 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 no later than April 1, 2018. Currently under the Zoning Bylaw, a non-medical Marijuana Establishment (hereinafter, a "Recreational Marijuana Establishment"), as defined in G.L. c. 94G, §1, is not specifically addressed in the Zoning Bylaw. Regulations to be promulgated by the Cannabis Control Commission may provide guidance on certain aspects of local regulation of Recreational Marijuana Establishments. The regulation of recreational marijuana raises novel legal, planning, and public safety issues, and the Town 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 Bylaw regarding regulation of Recreational Marijuana Establishments. The Town intends to adopt a temporary moratorium on the use of land and structures in the Town for Recreational Marijuana Establishments so as to allow sufficient time to address the effects of such structures and uses in the Town and to enact bylaws in a consistent manner.

Section 57 Definition

“Recreational Marijuana Establishment” shall mean a “marijuana cultivator, independent testing laboratory, marijuana product manufacturer, marijuana retailer or any other type of licensed marijuana related business.”

Section 57 Temporary Moratorium

For the reasons set forth above and notwithstanding any other provision of the Zoning Bylaw to the contrary, the Town hereby adopts a temporary moratorium on the use of land or structures for a Recreational Marijuana Establishment and other uses related to recreational marijuana. The moratorium shall be in effect through December 31, 2018 or until such time as the Town adopts Zoning Bylaw amendments that regulate Recreational Marijuana Establishments, whichever occurs earlier. During the moratorium period, the Town shall undertake a planning process to address the potential impacts of recreational marijuana in the Town, and to consider the Cannabis Control Commission regulations regarding Recreational Marijuana Establishments, and shall consider adopting new Zoning Bylaws in response to these new issues.

Or take any action relative thereto.

ARTICLE 2: To see if the Town will vote to transfer the sum of \$10,000 from the Highway Department Equipment Stabilization Fund, or another available fund, for the purchase of a plow, or take any other action in relation thereto.

And you are directed to serve this warrant by posting attested copies thereof, one at the West Hawley Town Garage, one at the Hawley Town Office, and one at the Hawley Fire Station, fourteen days at least before time of holding said meeting.

Given under our hands this 12th day of December, 2017.

Hussain Hamdan, Chairman

Robert MacLean

A true copy. Attest:

George A. Rice, Constable

Robert Root
Town of Hawley - Selectboard