

Educational Forum: Should We Allow Marijuana Retailers and Marijuana Establishments in Medway?

Presented by



February 28, 2018

From the MDTC

The Medway Democratic Town Committee is pleased to host tonight's forum, "Should We Allow Marijuana Retailers and Establishments in Medway." We thank you all for coming here tonight, and we hope you will find this forum informative.

The Massachusetts Legislature and Governor, following on a successful 2016 ballot referendum, have passed a law allowing people and businesses to grow, prepare, sell and consume marijuana and items containing marijuana for both medical and adult use.

Under that law, each community in the Commonwealth may enact bylaws regulating where marijuana retailers and other establishments may be located, and may determine how to levy taxes on those retailers and establishments.

Tonight's forum will not focus on whether the law is good or bad. We will focus on how the law works, some possible effects of marijuana legalization on Medway, and how the upcoming votes will help Medway prepare for the rollout of the law.

We have invited several state and local officials, and some experts from the marijuana industry, to discuss the content of the law and how the Town proposes to regulate marijuana retailers and establishments. We also want to explore some assumptions underlying the Town's proposal, how nearby towns and cities are addressing the issue, and other aspects of the law.

Our Panelists

On the panel for this forum are:

Jen Flanagan, member, Massachusetts Cannabis Control Commission; former senator, Worcester and Middlesex district; former representative, Fourth Worcester district

Jeffrey Roy, Representative, Tenth Norfolk district (includes Medway precinct 2, 3, 4);

Brian Murray, Representative, Tenth Worcester district (includes Medway precinct 1)

Maryjane White, chair, Medway Board of Selectmen, and Medway Town Clerk

Michael Boynton, Medway Town Administrator

Allen Tingley, Medway Chief of Police

Susy Affleck-Childs, Medway Planning and Economic Development Coordinator

Tara Hopper, elected member, Natick Town Meeting; attorney, lobbyist, licensed social worker

Marc Rosenfeld, CEO, Commonwealth Cannabis Co., Medway/Millis

Dr. Christopher Hudalla, ProVerde Labs Analytical Testing Laboratory

Mike Dundas, CEO, Sage Naturals Dispensary, Milford

The Marijuana Law: Overview

In July 2017, the Massachusetts House and Senate passed House Bill 3818 by overwhelming margins. The bill was signed by Governor Charlie Baker on July 28, 2017.

This bill legalizes the growing, sale and possession of marijuana and related products. It details a number of amendments and changes to existing laws, and adds new sections of law, regarding the cultivation, preparation, manufacture, transportation, sale and resale, taxation, and other regulation of marijuana and marijuana-containing items. The bill also sets up a Cannabis Control Commission to develop and implement regulations and other practices supporting the intent of the law. The Commission has a detailed mission and set of deliverables. Chief among these, it must:

- Set up a Cannabis Advisory Board to help it gather information and set up rules
- Hire an Executive Director and needed staff to support its mission
- Develop regulations, standards of operation, and best practices related to: product types, strengths, and composition; transportation; packaging; building security; signage and advertising; environmental impact; emergency response; insurance coverage; IDs used by customers; owner and employee background checks; home cultivation; and many other areas
- Set up at least four subcommittees (Public Health; Public Safety and Community Mitigation; Cannabis Industry; and Market Participation) to gather information to help develop specific regulations and best practices
- Create a special commission on operating under the influence and impaired driving

The Marijuana Law: Overview (continued)

The law also shifts the oversight of medical marijuana establishments and programs under the Cannabis Control Commission's responsibility.

The Commission is also required to set up public awareness and education campaigns with the Department of Public Health and the Executive Office of Public Safety. Among the goals of these campaigns is a reduction in youth marijuana usage rates.

The Commission may also recommend to the Legislature changes to the law, based on its experience implementing the law and its study of the cannabis industry.

The Commission has a timeframe to act:

- By March 15, 2018, it must issue regulations related to issuing licenses for marijuana retailers and establishments
- By April 1, 2018 it must be ready to start accepting applications for those licenses
- By May 1, 2018 it must issue regulations related to independent testing laboratories
- After June 1, 2018, it may issue licenses for marijuana retailers, establishments and testing facilities

In addition, by July 1, 2018, the state Secretary of Public Safety shall make a recommendation to the Legislature regarding a statewide system and procedures for civil citations. And, by January 1, 2020, the Commission and the state Attorney General must make recommendations to the Legislature about criminal penalties for infractions.

What Medway and nearby towns have done

The Town of Medway voted in May 2017 to institute a one-year moratorium on actions related to marijuana businesses. That moratorium expires on June 30, 2018.

Towns around Medway have a variety of responses to the law:

- Norfolk: Voted a two-year moratorium on issuing regulations or bylaws
- Milford: Voted in 2017 to prohibit marijuana retailers and establishments; The Town will have a new vote on the issue
- Millis: Voted a one-year moratorium on allowing retail marijuana establishments; Formed a committee to study and develop a plan for the town
- Franklin: Voted to allow marijuana retailers and establishments in an industrial zone at the west edge of the town
- Holliston: Voted a one-year moratorium
- Natick: Voted a one-year moratorium on issuing regulations or bylaws; Aiming to develop its bylaws after the CCC issues its regulations, and bring to Fall 2018 Town Meeting

The Town of Medway's proposal

The Medway Board of Selectmen and the Planning and Economic Development Board are proposing several changes to the zoning bylaws to address marijuana-related activities.

The changes would:

- Add definitions for Marijuana Retailers and Marijuana Establishments;
- Prohibit Marijuana Retailers from locating in any zone; and
- Allow Marijuana Establishments to locate by special permit only in the Business/Industrial, East Industrial, and West Industrial zones.

The Town will hold a Special Election on Tuesday March 6 to determine whether to vote again on the bylaw changes at a Special Town Meeting on Monday March 19.

The town's citizens must vote "YES" at both the Election and the Town Meeting for the bylaw changes to become law.

If the election result is "YES" and the Town Meeting result is "NO," the bylaw changes will not take effect.

If the election result is "NO," the Planning & Economic Development Board would offer other bylaw amendments at the Special Town Meeting.

 ABSENTEE OFFICIAL BALLOT SPECIAL TOWN ELECTION MEDWAY, MASSACHUSETTS MARCH 6, 2018	
 TOWN CLERK	
INSTRUCTIONS TO VOTERS A. TO VOTE, completely fill in the OVAL to the RIGHT of your choice like:	
QUESTION	
Shall this Town adopt the following bylaw?	
Summary General Laws chapter 94G, section 3, allows the Town to approve or disapprove, by vote, prohibiting certain marijuana establishments from operating in the Town by a two-step process. First, the zoning bylaw must be approved by a ballot question at a town election. Second, if the ballot question passes, the Town Meeting must then approve the zoning bylaw. The above question, proposed by the voters at this election, would authorize Town Meeting to adopt the zoning bylaw set forth below would prohibit marijuana retailers (as defined in General Laws chapter 94G, section 1) from locating in the Town. The bylaw would allow marijuana independent testing laboratories, and marijuana product manufacturers (as defined in the Planning and Economic Development Board in the East Industrial (EI), West Industrial (WI), and Business Industrial (BI) zoning districts.	
Text of Bylaw: Amend Section 2, Definitions, by adding the following definitions:	
Marijuana Retailer: An entity licensed to purchase and deliver marijuana and marijuana products from marijuana establishments to consumers, sell or otherwise transfer marijuana and marijuana products to marijuana establishments and consumers.	
Marijuana Establishment: a marijuana independent testing laboratory, marijuana product manufacturer, or marijuana cultivator, all as defined in General Laws chapter 94G, §1, but not including Marijuana Retailers.	
Amend Section 5, Authorized Industrial Uses, by adding the following underlined text to Table 1 - Schedule of Use Districts, Business and Industrial Uses as shown:	
Zoning District	
BUSINESS USES	AR-I AR-II VR CB VC NC BI EI ER WI
Marijuana Retailer	N N N N N N N N N N
INDUSTRIAL USES	
Marijuana Establishment	N N N N N N PB PB N PB
	YES <input type="radio"/>
	NO <input type="radio"/>

Impacts to the Town from the law

The Town of Medway can expect many impacts, both positive and negative, from the legalization of marijuana, and from its actions to allow or prohibit marijuana-related businesses from locating in town.

For example, impacts may be observed in or from:

- Public safety, including police, fire and EMS operations
- Public health, including inspections of the businesses and effects on users
- Economic development, business investment, employment
- Tax revenue
- Municipal spending
- School district operations, including youth marijuana awareness programs
- Town reputation
- Home marijuana cultivation
- Residents who legally transport or consume marijuana products in town
- Non-residents passing through town carrying marijuana products

Medway Special Election Ballot (facsimile)



**ABSENTEE
OFFICIAL BALLOT
SPECIAL TOWN ELECTION
MEDWAY, MASSACHUSETTS
MARCH 6, 2018**

Margaret White
TOWN CLERK

INSTRUCTIONS TO VOTERS
A. TO VOTE, completely fill in the OVAL to the RIGHT of your choice like this:

QUESTION

Shall this Town adopt the following bylaw?

Summary
General Laws chapter 94G, section 3, allows the Town to approve zoning bylaws prohibiting certain marijuana establishments from operating in the Town by a two-step process. First, the zoning bylaw must be approved by a ballot question at a town election. Second, if the ballot question passes, the Town Meeting must then approve the zoning bylaw. The above question, if passed by the voters at this election, would authorize Town Meeting to adopt the zoning bylaw set forth below. The zoning bylaw set forth below would prohibit marijuana retailers (as defined in General Laws chapter 94G, section 1) from locating in the Town. The bylaw would allow marijuana cultivators, marijuana independent testing laboratories, and marijuana product manufacturers by special permit from the Planning and Economic Development Board in the East Industrial (EI), West Industrial (WI), and Business Industrial (BI) zoning districts.

Text of Bylaw:
Amend Section 2, Definitions, by adding the following definitions:

Marijuana Retailer: An entity licensed to purchase and deliver marijuana and marijuana products from marijuana establishments and to deliver, sell or otherwise transfer marijuana and marijuana products to marijuana establishments and to consumers.

Marijuana Establishment: A marijuana independent testing laboratory, marijuana product manufacturer, or marijuana cultivator, all as defined in General Laws chapter 94G, §1, but not including Marijuana Retailers.

Amend Section 5.4, Schedule of Uses, by adding the following underlined text to Table 1 - Schedule of Uses under Business Uses and Industrial Uses as shown:

Zoning District

BUSINESS USES	AR-I	AR-II	VR	CB	VC	NC	BI	EI	ER	WI
Marijuana Retailer	N	N	N	N	N	N	N	N	N	N
INDUSTRIAL USES										
Marijuana Establishment	N	N	N	N	N	N	PB	PB	N	PB