



*Town of Sterling*  
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EXCERPT OF THE ANNUAL TOWN MEETING HELD  
MONDAY, May 1, 2023  
Chocksett Middle School 40 Boutelle Road

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**ARTICLE 29. TEMPORARY MORATORIUM ON NON-MEDICAL MARIJUANA ESTABLISHMENTS**

To see if the Town will vote to amend the Protective bylaw so as to repeal Section 301-4.9A relating to a temporary moratorium on Non-Medical Marijuana Establishments, as the moratorium has expired and it is no longer necessary to keep in the Bylaw; or take any action in relation thereto.

**§ 301-4.9A Temporary moratorium on non-medical marijuana establishments.**

§ 301-4.9A.1. Purpose. On November 8, 2016, the voters of the commonwealth approved a law regulating the cultivation, processing, distribution, possession and use of marijuana for personal use (new MGL c. 94G, Regulation of the Use and Distribution of Marijuana Not Medically Prescribed). The law, which allows certain personal use and possession of marijuana, is effective on December 15, 2016 and (as amended on December 30, 2016; Chapter 351 of the Acts of 2016) 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 on or before April 1, 2018. Regulations to be promulgated by the Cannabis Control Commission may provide guidance on certain aspects of local regulation of marijuana establishments for non-medical marijuana. The regulation of marijuana for personal use raises novel legal, planning, and public safety issues, and the Town needs time to study and consider the regulation of marijuana establishments for non-medical marijuana 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 marijuana establishments for non-medical marijuana. The Town intends to adopt a temporary moratorium on the use of land and structures in the Town for marijuana establishments for non-medical marijuana so as to allow the Town sufficient time to address the effects of such structures and uses in the Town and to enact bylaws in a consistent manner.

§ 301-4.9A.2. Definition.

**NON-MEDICAL MARIJUANA ESTABLISHMENT**

A marijuana cultivator, marijuana testing facility, marijuana product manufacturer, marijuana retailer or any other type of licensed marijuana-related business as defined in MGL c. 94G.

§ 301-4.9A.3. 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 non-medical marijuana establishment and other uses related to personal use of marijuana. The moratorium shall be in effect through June 30, 2018, or until such time as the Town adopts Zoning Bylaw amendments that regulate non-medical 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, consider the Cannabis Control Commission regulations regarding non-medical marijuana establishments, and shall consider adopting Zoning Bylaw amendments in response to these new issues. This temporary moratorium shall not affect in any way the use of land or structures for registered marijuana dispensaries (for medical marijuana), which are governed by Section of this Zoning Bylaw.

*Passage requires two-thirds vote.*

**Motion made that the Town vote to amend Section 301-4 of the Protective bylaw so as to repeal of the Temporary Moratorium on non-medical marijuana establishments as presented in Article 29 of this Warrant.**

Submitted by: Planning Board

Recommendations: Select Board, Planning Board recommend approval

*Summary: This section of the Protective Bylaw expired at the end of June 2018. Since then, the Town has adopted provisions that regulate non-medical marijuana establishments (see Section 301-4.9B), and thus, there is no longer a need to keep Section 301-4.9A.2 on the books. Repealing this section does not allow for new marijuana establishments in Town and the status quo remains.*

**Motion passed by 2/3rds vote as declared by the Moderator**

A True Copy Attest: \_\_\_\_\_  
Kathleen K. Farrell, Town Clerk