

70-18-13



# City of Methuen, Massachusetts

## Department of Economic & Community Development

The Searles Building, 41 Pleasant Street  
Methuen, Massachusetts 01844  
Telephone (978) 983-8560 Fax (978) 983-8976

James P. Jajuga  
Mayor

William J. Buckley  
Director

*Order # 933*

### Memorandum

To: Jennifer Kannan, Chairman, City Council

From: Stephen F. DeFeo, Jr., Chairman, Community Development Board

Date: December 19, 2018

Re: Proposed Zoning Ordinance Amendment: Section XI-D (22) to extend the Temporary Moratorium on Recreational Marijuana Establishments through June 30, 2019

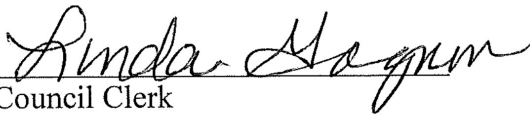
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At their regularly scheduled meeting held on December 18, 2018 the Community Development Board **voted unanimously to recommend favorable action** to extend the Temporary Moratorium on Recreational Marijuana Establishments through June 30, 2019.

If you have any questions or need additional information please do not hesitate to contact me.

First Read: November 3, 2018  
Adopted: January 15, 2019  
Effective: February 14, 2019

I do hereby certify that at a meeting of which a quorum was present, the foregoing ordinance was adopted by the Methuen City Council by a unanimous vote on January 15, 2019.

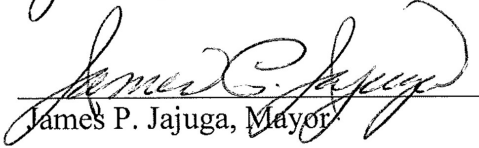
  
Council Clerk

  
Jennifer Kannan, Council Chair

Approved under MHRC Sec. 3-6

Date: 2/13/19

Approved:

  
James P. Jajuga, Mayor

TO-18-13

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Director

## MEMORANDUM

TO: James P. Jajuga, Mayor  
FROM: William J. Buckley, Director  
CC: Methuen City Council  
DATE: October 31, 2018  
RE: Extension of Recreational Marijuana Moratorium

The Cannabis Policy Working Group, upon the advice of legal counsel, recommends that the Methuen City Council vote to extend the existing zoning moratorium on recreational marijuana to June 30, 2019. Councilor McCarty has placed the proposed amendment on the City Council agenda for November 5<sup>th</sup>.

As you are aware, our Cannabis Policy Working Group, comprised of City staff, a City Councilor, legal counsel, and a community business representative, has begun a planning process to review and make policy recommendations concerning the local regulation of Recreational Marijuana Establishments. We expect this planning process to carry into 2019 as we identify opportunities for additional public outreach and input. The City initially adopted a Temporary Zoning Moratorium on recreational Marijuana Establishments extending until November 1, 2018. The Working Group is requesting that City Council vote to send the attached proposed Zoning Ordinance Amendment to the Community Development Board to schedule a joint public hearing on Tuesday, December 18, 2019 at 6 PM. This amendment will extend the existing Recreational Marijuana Moratorium to June 30, 2019.

Attached you will also find a "red-lined" version of the existing Ordinance to show the slight changes in language proposed to bring the purpose section up to date and to change the date from November 1, 2018 to June 30, 2019. The June 30, 2019 date was chosen as the Attorney General's Office has approved the request of other communities to extend zoning moratoriums to this date.

Thank you.

## **PROPOSED ZONING ORDINANCE AMENDMENT TO EXTEND RECREATIONAL MARIJUANA MORATORIUM TO JUNE 30, 2019**

The City votes to amend the City's Zoning Ordinance by amending section XI-D (22), TEMPORARY MORATORIUM ON RECREATIONAL MARIJUANA ESTABLISHMENTS, as follows;

### **Section XI-D (22) (1) PURPOSE**

By vote at the State election 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 (G.L. c. 94G, "Regulation of the Use and Distribution of Marijuana Not Medically Prescribed"). Effective December 15, 2016, the law allows certain personal use and possession of marijuana, and further requires the Cannabis Control Commission to issue regulations regarding the licensing of commercial marijuana activities on or before March 15, 2018, and subsequently, to accept license applications for commercial operations beginning on April 1, 2018. Non-medical Marijuana Establishments as defined by G.L. c. 94G are not otherwise contemplated or addressed under the present Zoning Ordinance. The regulations promulgated by the Cannabis Control Commission provide important guidance on aspects of local regulation of Recreational Marijuana Establishments, as well as details on how the City may further restrict commercial sales of recreational marijuana by local ballot questions. The regulation of recreational marijuana raises novel legal, planning and public safety issues, necessitating 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 aforementioned State regulations on local zoning; and to undertake a planning process to consider amending the Zoning Ordinance regarding regulation of Recreational Marijuana Establishments. The City has been engaged in a planning process, including the formation of a Cannabis Policy Working Group comprised of City staff, representatives from the City Council, legal counsel and representatives from the community to review these matters and make recommendations concerning the local regulation of Recreational Marijuana Establishments. The City initially adopted a Temporary Moratorium on Recreational Marijuana Establishments extending until November 1, 2018. The City intends to extend its temporary moratorium on the use of land and structures in the City for Recreational Marijuana Establishments so as to allow the City additional time to complete its planning process to address the effects of such structures and uses in the City and to adopt provisions of the Zoning Ordinance in a manner consistent with sound land use planning goals and objectives.

## Section XL-D (22) (2) DEFINITIONS

"Recreational Marijuana Establishment" shall mean a non-medical "marijuana cultivator, marijuana testing facility, marijuana product manufacturer, marijuana retailer or any other type of licensed marijuana-related business" as defined in G.L. c.94G. §1 and 935 CMR 500.002.

"Marijuana" or "Marihuana", all parts of any plant of the genus Cannabis, not excepted below and whether growing or not; the seeds thereof; and resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture or preparation of the plant, its seeds or resin including tetrahydrocannabinol as defined in section 1 of chapter 94C of the General Laws; provided that "Marijuana" shall not include: (1) The mature stalks of the plant, fiber produced from the stalks, oil, or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture or preparation of the mature stalks, fiber, oil, or cake made from the seeds of the plant or the sterilized seed of the plant that is incapable of germination; (2) Hemp; or (3) The weight of any other ingredient combined with marijuana to prepare topical or oral administrations, food, drink or other products.

"Marijuana Accessories", equipment, products, devices or materials of any kind that are intended or designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, ingesting, inhaling or otherwise introducing marijuana into the human body.

"Marijuana Products", products that have been manufactured and contain marijuana or an extract from marijuana, including concentrated forms of marijuana and products composed of marijuana and other ingredients that are intended for use or consumption, including edible products, beverages, topical products, ointments, oils and tinctures.

"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.

## Section XI-D (22)(3) TEMPORARY MORATORIUM

For the reasons set forth above and notwithstanding any other provision of the Zoning Ordinance to the contrary, the City hereby extends its temporary moratorium on the use of land or structures for Recreational Marijuana Establishments (which includes

dispensing, processing, and cultivation activities, and other related activities to the sale, storage and distribution of marijuana for non-medical use and the operation of a Recreational Marijuana Establishment for non-medical use). The moratorium shall be in effect through June 30, 2019 or until the City adopts a Zoning Ordinance regulating or prohibiting Recreational Marijuana Establishments, whichever occurs sooner. During the moratorium period, the City shall continue to engage in the planning process to address the potential impacts of recreational marijuana in the City, consider the regulations of the Cannabis Control Commission regarding recreational marijuana and related uses, and shall consider adopting new Zoning Ordinances to address the impact and operation of Recreational Marijuana Establishments (which includes dispensing, processing, and cultivation activities, and other related activities to the sale, storage and distribution of marijuana for non-medical use and the operation of a marijuana establishment for non- medical use).

#### Section XI-D (22) (4) SEVERABILITY

The provisions of this by-law are severable. If any provision, paragraph, sentence, or clause of this Ordinance or the application thereof to any person, establishment, or circumstances shall be held invalid, such invalidity shall not affect the other provisions or application of this Ordinance. Or take any action related thereto.



City of Methuen, Massachusetts  
OFFICE OF THE CITY COUNCIL  
The Searles Building • 41 Pleasant Street  
Methuen, Massachusetts 01844  
Tel: 978-983-8510 • Fax: 978-983-8975

Order #920

ZONING ORDINANCE BYLAW AMENDMENT/RECREATIONAL MARIJUANA  
MORATORIUM

The City votes to amend the City's Zoning Bylaws Ordinance by adding amending a new section XI-D (22), TEMPORARY MORATORIUM ON RECREATIONAL MARIJUANA ESTABLISHMENTS, ~~which would provide as follows; and further to amend the Table of Contents to add Section XI-D (22), "Temporary Moratorium on Recreational Marijuana Establishments."~~

Section XI-D (22) (1) PURPOSE

By vote at the State election 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 (G.L. c. 94G, "Regulation of the Use and Distribution of Marijuana Not Medically Prescribed"). Effective December 15, 2016, the law allowed certain personal use and possession of marijuana, and further requires the Cannabis Control Commission to issue regulations regarding the licensing of commercial marijuana activities on or before March 15, 2018, and subsequently, to accept license applications for commercial operations beginning on April 1, 2018. Non-medical Marijuana Establishments as defined by G.L. c. 94G are not otherwise contemplated or addressed under the present Zoning Ordinance Bylaw. The regulations to be promulgated by the Cannabis Control Commission may provide important guidance on aspects of local regulation of Recreational Marijuana Establishments, as well as details on how the City may further restrict commercial sales of recreational marijuana by local ballot questions. ~~Moreover, the regulation of recreational marijuana raises novel legal, planning and public safety issues, potentially necessitating time to study and consider study and consider the regulation of Recreational Marijuana Establishments and address such issues, as well as to address the potential impact of the aforementioned State regulations on local zoning; and to undertake a planning process to consider amending the Zoning Bylaw Ordinance regarding regulation of Recreational Marijuana Establishments. The City has been engaged in a planning process, including the formation of a Marijuana Working Group comprised of City staff, representatives from the City Council, legal counsel and representatives from the community to review these matters and make recommendations concerning the local regulation of Recreational Marijuana Establishments. The City initially adopted a Temporary Moratorium on Recreational Marijuana Establishments extending until November 1, 2018. The City intends to adopt a extend its temporary moratorium on the use of land and structures in the City for Recreational Marijuana Establishments so as to allow the City additional sufficient time to engage complete in a its planning process to address the effects of such structures and uses in the City and to adopt provisions of the Zoning Bylaw Ordinance in a manner consistent with sound land use planning goals and objectives.~~

Section XL-D (22) (2) DEFINITIONS

"Recreational Marijuana Establishment" shall mean a non-medical "marijuana cultivator, marijuana testing facility, marijuana product manufacturer, marijuana retailer or any other type of licensed marijuana-related business." as defined in G.L. c.94G, §1 and 935 CMR 500.002.

"Marijuana" or "Marihuana", all parts of any plant of the genus Cannabis, not excepted below and whether growing or not; the seeds thereof; and resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture or preparation of the plant, its seeds or resin including



tetrahydrocannabinol as defined in section 1 of chapter 94C of the General Laws; provided that "Marijuana" shall not include: (1) The mature stalks of the plant, fiber produced from the stalks, oil, or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture or preparation of the mature stalks, fiber, oil, or cake made from the seeds of the plant or the sterilized seed of the plant that is incapable of germination; (2) Hemp; or (3) The weight of any other ingredient combined with marijuana to prepare topical or oral administrations, food, drink or other products. "Marijuana Accessories", equipment, products, devices or materials of any kind that are intended or designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, ingesting, inhaling or otherwise introducing marijuana into the human body.

"Marijuana Products", products that have been manufactured and contain marijuana or an extract from marijuana, including concentrated forms of marijuana and products composed of marijuana and other ingredients that are intended for use or consumption, including edible products, beverages, topical products, ointments, oils and tinctures.

"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.

#### Section XI-D (22)(3) TEMPORARY MORATORIUM

For the reasons set forth above and notwithstanding any other provision of the Zoning Ordinance Bylaw to the contrary, the City hereby ~~extends~~ ~~adopts its~~ a temporary moratorium on the use of land or structures for Recreational Marijuana Establishments Marijuana Retail Sale (which includes dispensing, processing, and cultivation activities, and other related activities to the sale, storage and distribution of marijuana for non-medical use and the operation of a Recreational mMarijuana Establishment for non-medical use). The moratorium shall be in effect through ~~November 1, 2018~~ June 30, 2019 or until the City adopts a Zoning Ordinance regulating or prohibiting Recreational Marijuana Establishments, whichever occurs sooner or 6 months after the effective date of the Cannabis Control Commission regulations, ~~whichever is greater~~. During the moratorium period, the City shall continue to engage in ~~undertake a~~ the planning process to address the potential impacts of recreational marijuana in the City, consider the regulations of the Cannabis Control Commission regarding recreational mMarijuana and related uses, and shall consider adopting new Zoning Ordinances ~~Bylaws~~ to address the impact and operation of Recreational Marijuana Establishments Retail Sale (which includes dispensing, processing, and cultivation activities, and other related activities to the sale, storage and distribution of marijuana for non-medical use and the operation of a marijuana establishment for non- medical use).

#### Section XI-D (22) (4) SEVERABILITY

The provisions of this by-law are severable. If any provision, paragraph, sentence, or clause of this ~~bylaw~~ Ordinance or the application thereof to any person, establishment, or circumstances shall be held invalid, such invalidity shall not affect the other provisions or application of this ~~Ordinance~~ bylaw.<sup>2</sup> Or take any action related thereto.