



Town of Middlefield

Special Town Meeting Warrant

Town Hall Auditorium
January 2, 2018

Hampshire, ss:

To either of the Constables of the Town of Middlefield in the County of Hampshire

Greetings: In the name of the Commonwealth of Massachusetts, you are hereby directed to notify and warn the inhabitants of said Town qualified to vote in elections and Town affairs, to meet in the Town Hall in said Middlefield on the 2nd of January 2018 at 7:00pm then and there to act on the following articles to wit:

ARTICLE 1. To see if the Town will vote to amend the Town's Zoning Bylaw by adding a new Section 3.050, **TEMPORARY MORATORIUM ON RECREATIONAL MARIJUANA ESTABLISHMENTS**, that would provide as follows, and further to amend the Table of Contents to add Section 3.050, "Temporary Moratorium on Recreational Marijuana Establishments:"

Section 3.050 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 7.00 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 3.050 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. 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.

And you are directed to serve this warrant by posting attested copies of same in the Middlefield Post Office, on the bulletin board at the Town Hall, a designated place in the Bancroft section of the Town and a designated place in Smith Hollow, at least fourteen (14) days before time of holding said meeting. Hereof, fail not and make due return of this warrant with your doings thereon to the Town Clerk at the time and place of meetings as aforesaid.

Given under our hands at Middlefield the 9th day of December 2017.

David DiNicola, Chair

Judith Hoag, Selectman

Albert Sirard, Selectman

I have this day posted copies of the above warrant.

Constable

Date

ATTEST