

STERLING PLANNING BOARD

PUBLIC HEARING NOTICE

The Sterling Planning Board will hold a public hearing on Wednesday, March 29, 2017 at 7:05 pm in Room 205 of the Butterick Municipal Office Building, 1 Park Street, Sterling, MA for the purpose of amending the Town of Sterling Protective By-Laws for the Adoption of Prohibition On The Use Of Land For Non-Medical/Recreational Marijuana and for a Temporary Moratorium on Non-Medical of Recreational Marijuana Establishments.

A copy of the proposed changes may be viewed in the Town Clerk's Office during regular business hours.

Any person interested, or wishing to be heard on the proposed amendment, should appear at the time and place indicated.

John Santoro, Chairman Sterling Planning Board

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TOWN OF STERLING
TOWN CLERK

PUBLISH: **LEGALS, Worcester Telegram & Gazette**
Tuesday ~ March 14, 2017 and Tuesday ~ March 21, 2017

BILL: **STERLING PLANNING BOARD**
Town Hall
1 Park Street, Sterling, MA 01564

MAR13 17 8:47AM

QUESTIONS: **(978-314-5769) Betty Kazan, Planning Board Adm. Asst.**

Adoption of Prohibition On The Use Of Land For Non-Medical/Recreational Marijuana

To see if the Town will vote to amend the Town's Zoning Bylaw to add to the following new section entitled Non-Medical/Recreational Marijuana Establishment as follow:

NON-MEDICAL/RECREATIONAL MARIJUANA

Consistent with General Laws Chapter 94G, Section 3(a)(2), all types of marijuana establishments as defined in General Laws Chapter 94G, Section 1(j), including all marijuana cultivators, marijuana testing facilities, marijuana product manufacturers, marijuana retailers or any other types of licensed marijuana-related businesses for non-medical or recreational purposes, shall be prohibited within the Town of Sterling.

This bylaw shall only take effect in accordance with G.L. c. 40A, §5 and upon approval of a related ballot question at a Town Election.

Adoption Article Temporary Moratorium On Non-Medical Or Recreational Marijuana Establishments

To see if the Town will vote to amend the Town's Zoning Bylaw to add the following new section entitled "Temporary Moratorium on Non-Medical Or Recreational Marijuana Establishments", as follows:

TEMPORARY MORATORIUM ON NON-MEDICAL OR RECREATIONAL MARIJUANA ESTABLISHMENTS

Purpose.

By vote at the State election on November 8, 2016, the voters of the Commonwealth approved a law regulating the cultivation, distribution, possession and use of marijuana for recreational purposes. The law provides that it is effective on December 15, 2016 and as amended on December 30, 2016 via 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 April 1, 2018. Regulations to be promulgated by the Cannabis Control Commission may provide guidance on certain aspects of local regulation of Recreational Marijuana Establishments.

Currently, a Non-Medical or Recreational Marijuana Establishment (hereafter, a "Marijuana Establishment"), as defined in G.L. c. 94G, §1, is not specifically addressed in the Town's Zoning Bylaw. The regulation of Recreational Marijuana raises novel and complex legal, planning, and public safety issues and the Town needs time to study and consider the regulation of Marijuana Establishments and address such novel and complex 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 and other uses related to the regulation of recreational marijuana. The Town intends to adopt a temporary moratorium on the use of land and structures in the Town for Marijuana Establishments so as to allow the Town sufficient time to engage in a planning process to address the effects of such structures and uses in the Town and to adopt provisions of the Zoning Bylaw in a manner consistent with sound land use planning goals and objectives.

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 Marijuana Establishments as defined in G.L. c. 94G, §1. The moratorium shall be in effect through June 30, 2018, or twelve months from the date that final regulations are issued by the Cannabis Control Commission, whichever occurs later. 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 Marijuana Establishments and related uses, determine whether the town shall restrict the use of land for any, or all, licenses Marijuana Establishments, determine whether the town will prohibit on-site consumption at Marijuana Establishments and shall consider adopting new provisions of the Zoning Bylaw to address the impact and operation of Marijuana Establishments and related uses.

Severability.

The provisions of this by-law are severable. If any provision, paragraph, sentence, or clause of this Bylaw 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 bylaw.