

STM 2017-3
Articles 3 & 4
Recreational Marijuana

Marijuana Articles:

Article 3

- Proposes a general bylaw that will effectuate an outright permanent Ban of recreational Marijuana sales in Lexington

Article 4

- Proposes a temporary zoning by-law moratorium on the licensing and siting of any recreational marijuana dispensary in Lexington

Why are we addressing this issue now?

- Statewide Ballot Question 4, passed in November of 2016 created MGL. Ch94 G legalizing recreational marijuana sales in Massachusetts.
- Applications to the Cannabis Control Commission for licensing of marijuana dispensaries can be made as soon as -
April 1, 2018.

Why are we addressing this issue now?

- Any by-law passed by Town Meeting must first receive Attorney General's approval before it goes into effect.
- Therefore, **waiting until the Spring Town Meeting in 2018 is not desirable** if Lexington wants to prohibition or control the location of marijuana establishments.

H 3818 "AN ACT TO ENSURE SAFE ACCESS TO MARIJUANA", 7/27/17 –

Chapter 55 of the Acts of 2017

- **Allows Cities and Towns that did not vote in favor of Question 4 at the Statewide Ballot to ban marijuana by a vote of the local Legislative Body (Town Meeting).**
- This regulatory authorization is only granted to such cities and towns until the end of 2019. After December 31, 2019, an action to ban must go to a municipal-wide ballot.

State Ballot Question 4, November 2016

Lexington results:

- ✓ 53% - No
- 47% - Yes

A majority of residents did not favor legalization

As of August 2017, the Mass. Municipal Association estimates, that **Approximately 30 cities and towns have voted to ban** recreational marijuana activities. Most of the communities which have instituted this ban were in places where the voters rejected the 2016 Ballot Question #4.

Westborough is most recent community to ban.

About **80 cities and towns** have adopted a **local moratorium** to allow for community dialog to assist in providing siting guidance and developing zoning by-laws

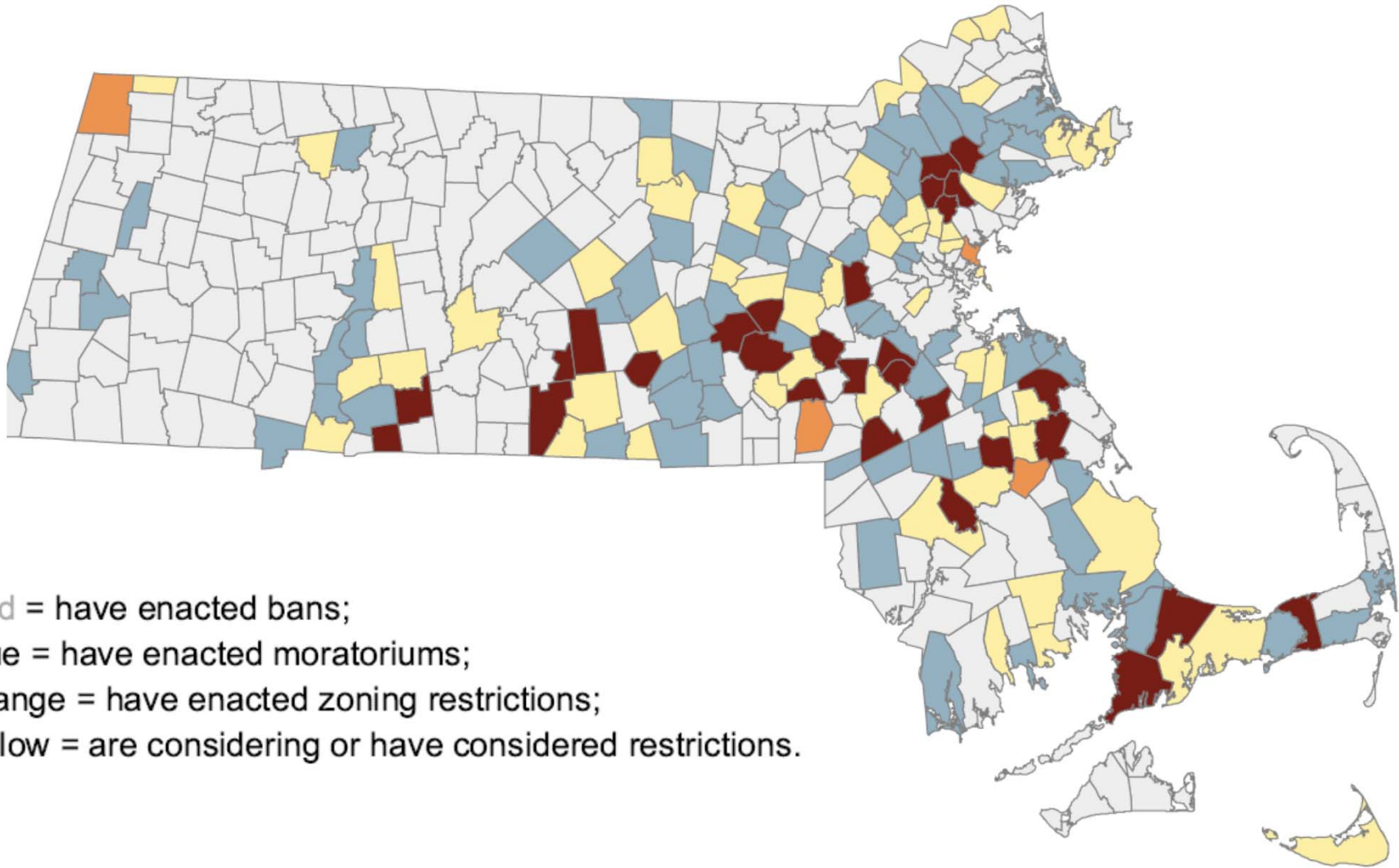
As the Attorney General's Office generally declines to support long-term moratoriums, presently **no community has a moratorium that extends beyond Dec. 31, 2018.**

The Boston Globe reported on July 6th that 153 communities are considering regulations from banning to siting restrictions / zoning.

BY [MATT ROCHELEAU](#) GLOBE STAFF APRIL 05, 2017

(Note: This story was updated the latest information on July 6.)

<http://bit.ly/2yfRxBL>



Lexington BOS Position:

- 4 members are in favor of a ban
- 1 member prefers a moratorium

BOS Position

The members in favor of a ban believe it is the right thing to do:

- For public health and safety reasons
- To preserve the character of our retail & commercial districts
- To help restrict access of marijuana to underage youth
- Because we don't yet have the training and knowledge to adequately police and manage the access to a substance we still don't fully understand scientifically & medically
- **Because Lexington voted AGAINST legalizing recreational Marijuana.**

BOS Majority Position – Prefer a Belt & Suspenders Approach

- There may still be legal challenges to the most recent statewide implementation laws
- Therefore, a majority of the Board believes that even if Town Meeting passes the Ban per Article 3, that we should still encourage Town Meeting to pass the Moratorium contemplated under Article 4.