



Town of Reading

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Community Planning and Development Commission

CPDC PUBLIC HEARING LEGAL NOTICE Zoning By-Law Amendments

Pursuant to Massachusetts General Law Chapter 40A, Section 5 - Adoption or change of zoning ordinances or by-law; notice is hereby given that the Reading Community Planning and Development Commission (CPDC) will hold a public hearing on **Monday, July 8, 2013 at 7:30 PM, in the Selectmen's Meeting Room of the Reading Town Hall, 16 Lowell Street** to discuss the proposed adoption of a temporary moratorium on Medical Marijuana Treatment Centers/Registered Marijuana Dispensaries as defined by Massachusetts General Law and registered by the Department of Public Health. The proposed zoning amendment will include a definition of a Medical Marijuana Treatment Center/Registered Marijuana Dispensary into Section 2.0 Definitions of the Reading Zoning Bylaw which will also result in a renumbering of a definition of "mixed use". The amendment also proposes to insert a new Section 4.13 "Temporary Moratorium on Medical Marijuana Treatment Centers/Registered Marijuana Dispensaries" which will include a new Section 4.13.1 "Purpose", 4.13.2 "Temporary Moratorium on Medical Marijuana Treatment Centers/Registered Marijuana Dispensaries" and Section 4.13.3 "Planning Process". The complete text relative to the proposed amendment and more information are available for public inspection between 7:30 AM to 5:30 PM Monday through Thursday and until 7:00 PM on Tuesdays in the Community Services Department at Reading Town Hall or on the Town's website.

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Article XX: To see if the Town will vote to add a new Section 4.13 “Temporary Moratorium On Medical Marijuana Treatment Centers/Registered Marijuana Dispensaries” and amend Section 2.0 “Definitions” to include Medical Marijuana Treatment Centers/Registered Marijuana Dispensaries of the Town of Reading Zoning By-Law as follows: (note: **bold** represents new language)

Section 2.0 Definitions:

2.2.21.2 Medical Marijuana Treatment Center/Registered Marijuana Dispensary: “a not-for-profit entity, as defined by Massachusetts law only, registered by the Department of Public Health (DPH) as a Registered Marijuana Dispensary, that acquires, cultivates, possesses, processes (including development of related products such as food, tinctures, aerosols, oils or ointments), transfers, transports, sells, distributes, dispenses, or administers marijuana, products containing marijuana, related supplies, or educational materials to qualifying patients or their personal caregivers.”

2.2.21.3 - Mixed Use: The combining of retail/commercial and/or service uses with residential or office use in the same building or on the same site. (Note: this change is a result of renumbering)

Section 4.13 Temporary Moratorium on Medical Marijuana Treatment Centers/Registered Marijuana Dispensaries

4.13.1 Purpose

By vote at the State election on November 6, 2012, the voters of the Commonwealth approved a law regulating the cultivation, distribution, possession and use of marijuana for medical purposes. The law provides that it is effective on January 1, 2013. On May 8, 2013 the State Department of Public Health (DPH) promulgated regulations that are effective on May 24, 2013. The regulations promulgated by the State Department of Public Health provide guidance in regulating medical marijuana, including Medical Marijuana Treatment Centers/Registered marijuana Dispensaries (see Section 2.2.21.2 for definition). The Town needs time to study and consider the regulation of Medical Marijuana Treatment Centers/Registered Marijuana Dispensaries. This includes issues related to planning, public health and public safety, as well as to evaluate the potential impact of the

State regulation on local zoning. The Town intends to adopt a temporary moratorium on the use of land and structures in the Town for Medical Marijuana Treatment Centers/Registered Marijuana Dispensaries 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 enact bylaws in a manner consistent with sound land use planning goals and objectives.

4.13.2. Temporary Moratorium on Medical Marijuana Treatment Centers/Registered Marijuana Dispensaries

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 Medical Marijuana Treatment Center/Registered Marijuana Dispensary. The moratorium shall be in effect through November 10, 2014. During the moratorium period, the use of land or structures for a Medical Marijuana Treatment Center/Registered Marijuana Dispensary shall be prohibited.

Nothing contained in this Article shall be construed to permit or authorize to be permitted, the use of land or structures for any activity involving marijuana, other than as a Medical Marijuana Treatment Center/Registered marijuana Dispensary.

4.13.3. Planning Process

During the temporary moratorium established in Section 4.13 – 4.13.2, the Town shall undertake a planning process to address the potential effects of Medical Marijuana Treatment Centers/Registered Marijuana Dispensaries and other land uses and structures related to the use of marijuana for medical purpose. In doing so, the Town shall consider the DPH regulations and shall make recommendations regarding the adoption of new Zoning Bylaw provisions governing the location, operation and effects of Medical Marijuana Treatment Centers/Registered Marijuana Dispensaries and other land uses and structures related to the use of marijuana for medical purposes. This process shall coincide with a comprehensive update of the Zoning Bylaw and be part of a larger planning process for consideration at Subsequent Town Meeting in November of 2014.

Or to act in any other manner in relation thereto.

Submitted by the Board of Selectmen at the request of

the Planning Board

PASSED () DEFEATED () POSTPONED INDEFINITELY () OTHER ()

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