

Article Summary

A brief rundown of what is to be voted on. Usually a change to a town bylaw or budget request.

Article 10

To see if the Town will vote to adopt the following Zoning Bylaw amendment limiting the number of marijuana retailers in Town to fewer than 20% of the licenses issued within the Town for the retail sale of alcoholic beverages not to be drunk on the premises under M.G.L. c. 138, §15 and restricting the location of Marijuana Establishments to the Commercial (C-1, C-2, C-3) or Industrial (I-1) Districts as a special permit use, or take any other action relating thereto.

Add the following new section:

“174-45.6 Marijuana Establishments”

Article Purpose / Intent

Tells voters why an article is being called for a vote, and what would happen if the article passes.

Purpose and Intent

By vote approving Question 4 at the State election on November 8, 2016, the voters of the Commonwealth approved a law allowing the non-medical cultivation, distribution, possession and use of marijuana for recreational purposes (Chapter 334 of the Acts of 2016). Revised/amended law on the subject was enacted by the General Court and the Governor effective December 15, 2016 (Chapter 334 of the Acts of 2016) and, thereafter, on July 28, 2017 (Chapter 55 of the Acts of 2017). The Cannabis Control Commission, created and authorized thereby, issued its final regulations regarding implementation of said law in March, 2018. The new law is codified at G.L. c. 94G. Section 3 of Chapter 94G provides that municipalities may limit the number of marijuana retailers to fewer than twenty percent (20%) of the number of liquor licenses within Town for the retail sale of alcoholic beverages not to be drunk on the premises in accordance with G.L.C. 138 §15, and may govern the time, place and manner of marijuana establishment operations and of any business dealing in marijuana accessories in the Town.

Definitions

Tells voters how an article would be implemented; under which existing local or state law.

Definitions

The terms of this Bylaw shall be construed and implemented in accordance with the definitions set forth in G.L. c. 94G, §1.

Detail

A more in-depth look at what is being proposed in the article. In this case, the town is proposing a new regulation limiting the number of marijuana retailers.

Limited Number of Marijuana Retailers

In accordance with the provisions of G.L. c.94G, § 3(a)(2)(ii), Mashpee shall limit the number of Marijuana retailers in the Town to the number fewer than twenty percent of the licenses issued within Town for the retail sale of alcoholic beverages not to be drunk on the premises under M.G.L. c. 138, §15.

And, further, to amend Section 174-25, Table of Use Regulations, to add a new Subsection E. (16) “Marijuana Establishment operations and any business dealing in marijuana accessories. (subject to the provisions of Section 174-24.K)”, and indicating by the letters “SP” under the C-1, C-2, C-3 and I-1 columns of said Table that such uses may be only permitted by Special Permit in the C-1, C-2, C-3 Commercial and I-1 Industrial zoning district.

Explanation

A detailed explanation of what an article would do if passed.

Votes taken at town meeting are binding - what town meeting says becomes reality.

Explanation

Mashpee currently has nine (9) retail off-premises alcoholic beverage licenses issued under G.L. c. 138. Twenty percent (20%) of the nine (9) licenses is 1.8. The number of retailers fewer than twenty percent (20%) presently equals one (1) for the Town of Mashpee; therefore, only one location would be currently allowed for the siting of a marijuana retailer. If the number of such licenses for the off-premises sale of alcoholic beverages should change, the number of allowed marijuana retailers could also change. Thus, this Bylaw does not establish a specific number of allowed retailers, but rather a formula for calculating the number of marijuana retailers that are to be allowed. Further, the proposed Bylaw amendment would restrict a Marijuana Establishment use (including a marijuana cultivator, independent testing laboratory, marijuana product manufacturer, marijuana retailer or any other type of licensed marijuana-related business) to the Commercial (C-1, C-2, C-3) or Industrial (I-1) Districts upon issuance of a special permit.

Submitted By

Tells voters how the article ended up on the warrant

Submitted by the Board of Selectmen