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# TOWN OF WAYLAND

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## PLANNING DEPARTMENT

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DATE: July 19, 2018

TO: Board of Selectmen

FROM: Sarkis Sarkisian, Town Planner

Julia Junghanns, R.S., C.H.O., Director of Public Health

RE: Commercialization of Marijuana in Wayland

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For the past several months the Marijuana Working Group has been meeting regularly to understand the new State law that will legalize the cultivation, personal use and retail sales of recreational marijuana throughout the Commonwealth and how Wayland will be impacted. As you know, the Town of Wayland voted to extend a moratorium, which is effective through December 31, 2018. Once this date expires it will open up the potential for recreational marijuana business in Wayland. Ultimately the temporary moratorium was passed to allow time for State Regulations to be finalized and to allow the Town to have a community discussion before making a final decision on whether we should allow the commercialization of marijuana in our community. The legal use of recreational marijuana is not in question; we are addressing commercialization only.

**The Marijuana Working Group consists of the following:** Department Heads: Sarkis Sarkisian (Town Planner), Julia Junghanns (Health Director), Pat Swanick (Police Chief), Jason Verhoosky (Director Youth and Family Services), Beth Klein (Town Clerk), Geoff Larsen (Building Commissioner); Committee members: Sarah Greenaway (Chair Youth Advisory Committee), Ira Montague (Vice Chair of Planning Board), Lea Anderson (Chair Board of Selectmen), John Schuler (Chair Board of Health); and residents: Tom Sciacca and James Winokur.

The Working Group consulted with other towns to gather information for review and consideration, and to determine potential strategies. We also reviewed the final regulations that were recently approved by the Cannabis Control Commission. A Marijuana Forum was organized by the working group and held on June 5, 2018.

### **Outline of Working Group activities on Commercialized Recreational Marijuana:**

1. Working Group meetings were held on the following dates in 2018:

April 24, April 30, May 14, May 21, June 12 and July 9

2. Town of Lincoln Pot Forum presented by the Selectmen's Marijuana Study Committee and held on April 25, 2018; attended by Julia Junghanns (Health Director) and Sarah Greenaway (member of Youth Advisory Committee). Information gathered from the forum was shared with the group, considered for a Wayland forum and added to the town website including a video of the forum.
3. Board of Health meeting on May 7th, 2018, for discussion and presentation by Town Planner Sarkis Sarkisian, including representatives of the Youth Advisory Committee and Jason Verhoosky, Director of Y&F Services.
4. May 8th, 2018 Planning Board meeting; presentation and discussion.
5. Wayland Forum on Marijuana, held June 5, 2018.
6. Update provided to Board of Selectmen, May 23, 2018.
7. Board of Health voted unanimously (5-0) to ban Commercialized Recreational Marijuana on June 11, 2018.
8. Updates to the Board of Selectmen from the Health Director, Board of Health, and Town Planner, June 25, 2018.

- **At this time the Marijuana Working Group is presenting to the Board of Selectmen three possible courses of action to consider as outlined below.**

#### **Do Nothing -- Least Restrictive Option**

- Wayland Moratorium ends on December 31, 2018
- No further BOS action necessary
- No protection-this option leaves the Town open to Commercial Recreational Marijuana business in Wayland

The Town of Wayland's current moratorium will expire at the end of December 2018. If this option is chosen, after December 31, 2018 any entity wishing to establish cultivation, processing and/or retail dispensing of Recreational Marijuana in Wayland would be permitted to do so under the regulations of the State, unless the Town of Wayland adopts local regulations through a zoning article. The basic restriction on locations for any of these functions is that they may not be located within 500 feet of any pre-existing private or public school. All other State rules would apply. Note: Federal Law still prohibits Commercialized Recreational Marijuana.

#### **Enact Wayland Zoning Regulations, stricter than State Law -- More Restrictive Option**

- Draft a Zoning Bylaw and create a district for the Commercialization of Marijuana
- Planning Board holds public hearing

- Requires a 2/3 vote at Town Meeting
- Would be enacted by the end of 2018

Under this option, the BOS would need to create a Zoning Bylaw which would allow marijuana cultivation, processing and/or retail dispensary locations in Wayland, containing more restrictive conditions and controls than those established by state law. Other restrictive conditions could include the set back from playgrounds and parks, potential restrictions on site locations, additional security requirements, signage and local licenses. An amendment to the Zoning Bylaw would necessitate taking the marijuana issue through the Planning Board with the required public hearings. Under this option we could allow all functions in one location or within a new overlay district. This option would require a 2/3 vote at Town Meeting. I have enclosed a draft Zoning Bylaw which is based on the Attorney General's approval from the Town of Windsor and Berkshire Planning Commission. This will be discussed at the Planning Board meeting on July 17, 2018.

**Fully prohibit all functions of Commercialized Recreational Marijuana --  
Most Restrictive Option (recommended option by BoH and Working Group)**

- No regulations or Bylaws needed
- BOS must vote to place a question on the ballot for a full ban, language to be provided by Town Counsel.
- Timing for the ballot question must be scheduled (requires simple majority vote at the polls)
- A warrant article must be provided by the Planning Board for Special Town Meeting to approve the ban (requires a 2/3 vote). Language to be provided by Town Counsel.

The Board of Selectmen have the ability under state law, to submit a ballot question to fully prohibit and ban all functions of Commercialized Recreational Marijuana cultivation, processing, and/or retail dispensing of marijuana in Wayland. The ballot question would be a simple majority. The prohibition also needs a zoning article to be enacted by Town Meeting requiring a 2/3 vote. This amendment would require a zoning article through the Planning Board with the required public hearings. (If this article fails to pass, then a zoning article for a marijuana commercial district will be considered at STM.)

**Board of Health recommendation:** After a full discussion, the Board of Health voted unanimously 5-0 at their meeting on June 11, 2018 to recommend that the town fully ban the Commercialization of Recreational Marijuana in Wayland.

**Marijuana Working Group recommendation:**

The Marijuana Working Group is also recommending that the Board of Selectmen fully prohibit cultivation, processing, and dispensing of commercialized marijuana in Wayland. A total ban of commercialization of marijuana will help prevent potential negative secondary effects that could be caused by these operations. We have heard and read published reports from other states where marijuana is currently grown, processed and sold that it has caused a major shift impacting law enforcement and public health. *There is no additional funding from the Commonwealth or from the Town of Wayland to manage these potential secondary negative side effects.*

The working group learned that the origin of WaylandCares dates back to 1981 and was organized to address underage drinking and drug use, *the goal of which is to be a Drug Free Community*. We are very fortunate to have this organization in our community. The goals of this coalition are to raise community awareness about youth substance abuse and prevention through education, social marketing and advocacy and to strengthen the community infrastructure to address youth substance abuse. In 2005 Wayland Pubic Schools received a three-year grant from the MetroWest Health Care Foundation to build a community coalition, strengthen curricula for secondary school heath education and create new ways to intervene and support youth with substance abuse issues. In 2008, the Wayland Schools Substance Abuse Prevention Coalition received a five-year \$625,000 federal grant.

The commercialization of marijuana is still in conflict with Federal law and has not been removed from the Federal Schedule I drug list. Possession and use of medical marijuana in compliance with state law would be allowed; those individuals who desire to possess and use medical marijuana would be able to acquire it from nearby dispensaries in neighboring jurisdictions (e.g., Milford, Marlboro, Framingham).

**If the BOS chooses a full ban on the Commercialization of Marijuana, the following options below show scheduling that must be considered before making a decision. On July 9, 2018, the Marijuana Working Group discussed all the options in detail with Town Counsel present, held a straw vote and recommends *Option 4*. This Option was chosen because of the timing sequence between votes and without the complications of a dual election as stated in the Town Clerk's memo dated July 9, 2018. We also considered the end of the moratorium, December 31, 2018, which leaves the town at risk if no action is taken before this date.**

**There are five scheduling options to consider to enact a full ban:**

**Option 1.**

Special Fall Town Meeting Approval November 13, 2018 (2/3 vote)  
Dual town wide and state election ballot on November 6, 2018  
# of times voters will be at polls in fall - 2  
\*Zoning Article still needed to protect Town (from the Planning Board)

**Option 2.**

Special Fall Town Meeting Approval November 13, 2018 (2/3 vote)  
Dual Town wide and state election ballot on September 4, 2018  
# of times voters will be at polls in fall - 2  
\*Zoning Article still needed to protect Town (from the Planning Board)

**Option 3. Special Fall Town Meeting Approval November 13, 2018 (2/3 vote)**

Town wide election ballot in spring of 2019  
# of times voters will be at polls in fall - 2  
\*Zoning Article still needed to protect Town (from the Planning Board)

**Option 4. (recommended by Working Group)**

Special Fall Town Meeting Approval November 13, 2018 (2/3 vote)  
Town wide election ballot in October of 2018  
# of times voters will be at polls in fall - 3  
\*Zoning Article still needed to protect Town (from the Planning Board)

**Option 5.**

Special Fall Town Meeting Approval November 13, 2018 2/3 vote  
Town wide election ballot in December of 2018  
# of times voters will be at polls in fall - 3  
\*Zoning Article still needed to protect Town (from the Planning Board)

Below is information as provided by the Town Clerk in an updated memo dated July 9, 2018 for your consideration regarding the selection of dates that coincide with dual and single elections. The original memo was dated June 21, 2018.

	Date	Est Cost	Rank	Ballot Question due to TC by:
Dual Election – State Primary	September 4, 2018	\$8,000	Second	July 31, 2018
Dual Election – State Election	November 6, 2018	\$14,512	Fourth	Oct. 2, 2018
Special Local Election	October 2, 2018	\$12,000	First	Aug. 28, 2018
Annual Town Election	April 23, 2019	No additional cost	Third	Feb. 20, 2019

### Planning Board Action

If the Board of Selectmen chooses the full ban option the Planning Board is still prepared to have a zoning article in place to give the Town of Wayland further control and protection. **\*The Zoning Article can always be passed over if the ban passes.** Enclosed is a draft zoning amendment that the Planning Board will be discussing at their next meeting on July 17. The Planning Board would like to schedule the first public hearing for August 14. The zoning amendment is based on the Attorney General's Approval of the zoning amendment for the Town of Windsor Massachusetts which was prepared by the Berkshire County Planning Commission.