

PLANNING BOARD REPORT

In accordance with the provisions of Section XXVIA, Notice for Public Hearings, of the Zoning Bylaw, and Chapter 40A of the General Laws of the Commonwealth of Massachusetts, the Planning Board convened a duly advertised public hearing on Tuesday, February 26, 2019 on the proposed amendments to the Zoning Bylaws as contained in the Warrant for the April 29, 2019 Annual Spring Town Meeting (Article--). Following the public hearing and as further required by the Zoning Bylaw and General Laws of the Commonwealth of Massachusetts, the Planning Board produced this Report with a 3-0 vote in favor of this article for consideration by Town Meeting.

The proposed Zoning Article is sponsored by the Planning Board, and proposes to amend the Zoning Bylaw - Article 26, Marijuana Establishment District recently approved at Town Meeting on November 13, 2018 and approved by the Attorney General on January 11, 2019. The proposed amendment would strike all references to recreational Marijuana Establishments (MEs) and would only allow Registered Marijuana Dispensaries ("RMD") (also known as " Medical Marijuana Treatment Centers" (MMTCs) within the same district.

The purpose of this Zoning Bylaw amendment is to provide an area in town for the placement and control of RMD in a suitable location superimposed over the existing districts as shown on Figure 1. The district would only apply to an RMD, which cannot be prohibited.

The proposed bylaw amendment would prohibit RMD's within 500 feet of a public or private school providing education in kindergarten or any of grades 1 through 12. Within the Medical Marijuana District, all requirements of the underlying zoning district remain in effect, except where these regulations provide an alternative to such requirements. If the provisions of the Medical Marijuana District conflict with the requirements of the underlying district, the requirements of the Medical Marijuana District shall control.

The Board of Selectmen authorized a special election for the town to consider a ban on recreational MEs in Wayland, which was held on October 2, 2018. At the election, Wayland residents supported a town-wide prohibition by voting, 1,226 in favor of the ban and 465 opposed. The process of prohibiting recreational MEs in Wayland also requires adoption of a zoning amendment which was approved via Article 7 at the Special Town Meeting held on November 13, 2018. Town of Wayland By-law and Mass General Law include a provision that requires a notice of the special election be mailed to every household in Wayland. This did not occur and under the advice of Town Counsel, the Board of Selectmen will repeat the same ballot question as part of the annual town election in April 2019.

If the voters do not reaffirm the ban at the annual town election in the spring of 2019, the Planning Board would recommend that we pass over this Article because the District for both recreational marijuana and medical marijuana is already in place from Article 6 approved at Special Town Meeting on November 13, 2018. If the voters reaffirm the town-wide ban on recreational MEs at the annual town election in the spring of 2019, then the District as it applies to recreational marijuana would be unnecessary and thus

approval of the amended zoning district in this Article would serve to simplify the District to apply only to RMD's, which cannot be prohibited.

More information can be found on the Planning Board website: <https://www.wayland.ma.us/planning-board-department/pages/marijuana-material>