

Fr: Planning Department

Date: October 23, 2017

RE: Proposed Zoning Amendments for Fall 2017 Special Town Meeting

Proposed ZONING CHANGES

A public hearing will be held on Thursday, November 9, 2017 at 7:15 PM in the Board of Selectmen's Room, Ashland Town Hall, 101 Main Street, Ashland, MA. All persons interested may appear and be heard.

To amend Section 5.1.7 under the Section entitled “Off-Street Parking Requirements”, Section 5.2.8 under the Section entitled “Loading Requirements”, Section 5.4.7 under the Section entitled “General Landscaping Requirements” of Chapter 282 of the Town of Ashland Bylaw:

The purpose of the zoning change is to allow the Board of Appeals to be the Special Permit Granting Authority in matters where an applicant is before the Board of Appeals seeking a special permit or variance and a site plan review is not required by the Planning Board. Currently, depending on the zoning district certain uses require a special permit from either the Board of Appeals (ZBA) or the Planning Board. No matter the special permit granting authority (SPGA), related items such as parking, loading, and landscaping may be considered to determine that the use is appropriate to the neighborhood. As a result of these considerations and input from neighbors sometimes special conditions are included in the special permit that may require a waiver from those requirements. Allowing the ZBA (in cases that do not meet site plan review thresholds) to concurrently grant waivers from the number of parking spaces required, loading and landscaping requirements gives the ZBA the flexibility to grant a useful special permit.

To amend Section 5.8.5 under Section 5.8 entitled “Site Alteration Special Permit” of Chapter 282 of the Town of Ashland Bylaw:

The purpose of this change is to align the procedures outlined in the zoning with the special permit procedures required under Massachusetts General Laws Chapter 40A Section 11 for a special permit.

The Site Alteration permit is referred to as a “special permit” and a special permit implies a public hearing in accordance with MGL 40A Section. However, Section 5.8.5 says just a “fact finding and public information meeting” is required. A public hearing ensures neighbors are directly notified whereas a public meeting notification requires only to be on the agenda. This procedural changes sets expectations of abutters and applicants. The SPGA remains the Planning Board.

Article 13: Zoning Change
Sponsor: Planning Board

To see if the Town will vote to amend the Town of Ashland General Bylaws Section 282, Zoning, as follows (**underline and bold** is proposed language and ~~cross through~~ is proposed omitted language):

A. Off Street Parking Requirements Section 5.1 as follows:

5.1.7 Special Permit. The ~~Planning Board~~ **Special Permit Granting Authority (SPGA)** may authorize by special permit fewer parking spaces than are required by this Section for a use ~~to be constructed~~ when the ~~Board~~ **SPGA** determines that special circumstances render a lesser provision adequate for all parking needs. In consideration of a request for fewer parking spaces, the ~~Board~~ **SPGA** shall consider the following:

1. that the hours of operation and parking demand, or the uses which are proposed to share parking spaces are sufficiently different so as not to require the use of parking spaces at the same time; or
2. that the uses which are proposed to share parking spaces are expected to remain in place and the sharing of parking spaces can be expected to continue for the foreseeable future.

The ~~Planning Board~~ **SPGA** may require that the spaces to be un-constructed shall be delineated on the site plan and indicated as future parking spaces. All or part of said spaces shall be constructed if so required by the ~~Board~~ **SPGA** at a future date or may be constructed by the property owner/tenant at any time without prior ~~Board~~ **SPGA** approval.

The SPGA shall be the Planning Board unless an applicant is before the Board of Appeals for a Special Permit or Variance and also requires relief from the number of parking spaces required and Site Plan Review is not required, then the Board of Appeals may act as the SPGA instead of the Planning Board.

B. Loading Requirements Section 5.2 as follows:

5.2.8 Special Permit. Any loading requirement set forth herein may be reduced upon the issuance of a special permit by the ~~Planning Board~~ **SPGA** if the ~~Board~~ **SPGA** finds that the reduction is not inconsistent with public health and safety, or that the reduction promotes a public benefit. **The SPGA shall be the Planning Board unless an applicant is before the Board of Appeals for a Special Permit or Variance and also requires relief from Loading Requirements and Site Plan Review is**

not required, then the Board of Appeals may act as the SPGA instead of the Planning Board for the purposes of this Section.

C. General Landscaping Requirements Section 5.4 as follows:

5.4.7 Special Permit. By special permit, the Planning Board **SPGA** may authorize a reduction in the requirements of this section, where such reduction will not result in substantial detriment. **The SPGA shall be the Planning Board unless an applicant is before the Board of Appeals for a Special Permit or Variance and also requires relief from General Landscape Requirements and Site Plan Review is not required, then the Board of Appeals may act as the SPGA instead of the Planning Board for the purposes of this Section.**

D. Site Alteration Special Permit Section 5.8 as follows:

5.8.5 **Special Permit. Special Permits will be issued in accordance to M.G.L. Chapter 40A Section 11 Section. The SPGA shall be the Planning Board for the purposes of this section.** Review. The maximum period of review and decision for Site Alteration Special Permit shall be sixty (60) days, unless the review period is extended by written mutual agreement of the Planning Board and applicant. The Planning Board shall hold a fact finding and public information meeting within thirty (30) days of the receipt of the application and a completed submission. The applicant or his/her agent shall attend the public information meeting in order to assist the Planning Board in responding to public questions and concerns. Failure to attend shall be deemed lack of compliance with the requirements of this section.

or pass any vote or take any action relative thereto.

Proposed Changes to Section 5 of the Zoning By-laws within the full text

The highlights show sections that changes are proposed. Actual additions are in bold and text to be removed is stricken-through.

SECTION 5.0 GENERAL REGULATIONS

5.1 OFF-STREET PARKING REQUIREMENTS

5.1.1 General. Except in the Downtown Commerce (CD) District, which is exempt from these requirements, adequate off-street parking must be provided on paved surfaces to service all parking demand created by new construction, whether through new structures or additions to old ones, and by change of use of existing structures. Such parking shall be either on the same premises as the activity it services or within three hundred (300) feet on a separate

parcel, which may be jointly used with other premises for this purpose. In applying for a building or occupancy permit, the applicant must demonstrate that the following minimums will be met unless these are reduced on special permit as per 5.1.7. [Amended 5-5-2010 ATM, Art. 27]

5.1.2 SCHEDULE OF PARKING AREA REQUIREMENTS

Boardinghouse, Lodging	1 space per guest unit
Bed-and-breakfast	2 spaces plus one space per guest room
Commercial accommodations	1-1/8 spaces per guest unit
Dwellings	2 spaces per dwelling unit
Offices, stores	1 space per 180 square feet of leasable floor space
Restaurant, place of assembly	1 space per 4 seats
Bowling alley	4 spaces per lane
Golf course	10 spaces per hole, plus spaces required for accessory use as determined by the Building Inspector advisory report of the Planning Board where required in compliance with Section 9.4, Site Plan Review.
Animal hospital, veterinary	2 spaces per exam room plus 1 space per staff employee but not less than 5 spaces
Nursing home	1 space per 6 beds plus 1 space per employee
Hospital	1 space per bed
Medical and dental offices and clinics	2 spaces per exam room or chair plus 1 space per staff employee but not less than 5 spaces
Financial offices (banks)	1 space per 200 sq. ft. of gross floor area, 1 space per employee, 5 waiting spaces per drive-thru teller
Industrial, Wholesale	1 space per 1.3 employees per shift

Day care and nursery schools

1 space per employee; 1 space per 5 children; drop area; 4 spaces up to 20 children, 1 space per additional 10 children

Others

Individually determined by the Building Inspector upon advisory report of the Planning Board where required in compliance with Section 9.4, Site Plan Review.

5.1.3 Setback. No off-street parking area shall be maintained within ten (10) feet of a street.

5.1.4 Parking Areas with Eight or More Spaces. For parking areas of eight (8) cars or more, the following shall apply:

1. Parking area use shall not require backing on a public way.
2. There shall be not more than one (1) entrance and one (1) exit from such lots per two hundred (200) feet of street frontage or fraction thereof. If necessary to meet this requirement, uses shall arrange for shared egress.
3. In a Residential District, no such parking lot shall extend into a required yard.
4. In Village Commerce (CV) and Neighborhood Commerce (CN) Districts, no such parking lot exclusive of access shall be located between the street and the front line of the principal structure on the lot or within the required front yard, whichever is less. If there is no structure on the lot, no parking lot shall extend into a required front yard.
5. Drive-thru Facilities. Sufficient on site reserved space to permit the stacking of vehicles waiting to be served at a drive-thru window shall be provided to eliminate conflicts with parking vehicles and eliminate interference with the flow of traffic on the adjacent roadway.
6. Restaurant, fast food, drugstore. There shall be at least four spaces provided between the pick up window and order point, at least four spaces provided in advance of the menu board, one space at the order point, and one space at the menu board.
7. Banks. There shall be at least five spaces (including the banking machine, machine/teller window for each drive-thru lane).

5.1.5 Special Provisions for Village Commerce (CV) and Neighborhood Commerce (CN) Districts. The following provisions are intended to support commercial development in Commerce Districts by establishing a mechanism for provision of public off-street parking lots in lieu of private off-street parking facilities.

1. Except for buildings or parts of buildings designed, intended to be used, used or occupied for residential use, all or a portion of the required off-street parking may be waived by the Zoning Board of Appeals by special permit when the property is located within the Village Commerce District, provided that:
 - a. The Board finds that there are sufficient public parking spaces in the vicinity of the property

to justify the relief without detriment to the public health, welfare and safety.

- b. The owner or occupant of the property on which the waiver is to be applied pays to the town a fee to the fair market value of the waived parking spaces [the area of which shall be determined by the number of waived spaces times four hundred (400) square feet], plus the cost of converting such spaces into a parking lot, as estimated by the Planning Board, with the advice of the Director of the Department of Public Service.
- c. In the Neighborhood Commerce District only, an increase of the maximum building coverage of ten percent (10%) of total lot area, subject to the specified limitations on total floor area.
- 2. All fees collected under this section, and all interest earned thereon, shall be deposited in a separate Parking Facilities Fund established by the Board of Selectmen and shall be used only for the acquisition of land, improvement or maintenance of municipally-owned off-street parking facilities for the benefit of those buildings, structure and uses in the Village Commerce and Neighborhood Commerce districts and adjacent areas.
- 3. Any relief of off-street parking approved under this section shall run with the land, and any subsequent change of use that requires more parking shall require subsequent action to satisfy the additional parking requirement. No refund of any payment shall be made when there is a change to a use requiring less parking. Such payment shall be made to the town in total prior to the issuance of a building permit.

5.1.6 Special Provisions for the Office Commerce (CO) District. The following parking regulations shall control in the Office Commerce district notwithstanding the existence of any conflicting requirements contained herein.

- 1. Adequate off-street parking must be provided on paved surfaces to service all parking demand created by new construction, whether through new structures or additions to old ones, and by change of use of existing structures. Such parking shall be either on the same premises as the activity it services or within three hundred (300) feet on a separate parcel, which may be jointly used with other premises for this purpose.
- 2. Schedule of Parking Area Requirements.

Use	Minimum Number of Spaces Required
Dwellings	2 spaces per dwelling unit
Offices, research facilities	3 spaces per 1,000 square feet of leasable floor space
Others	Individually determined by the Building Inspector upon advisory report of the Planning Board where required in compliance with 9.4

- 3. For parking areas of eight (8) cars or more, the following shall apply:
 - a. Parking area use shall not require backing on a public way.
 - b. There shall be not more than one (1) entrance and one (1) exit from such lots per two

hundred (200) feet of street frontage or fraction thereof. If necessary to meet this requirement, uses shall arrange for shared egress.

4. Parking areas shall be illuminated to provide appropriate visibility and security during hours of darkness.

5.1.7 ~~Special Permit.~~ The ~~Planning Board~~ **Special Permit Granting Authority (SPGA)** may authorize by special permit fewer parking spaces than are required by this Section for a use ~~to be constructed~~ when the ~~Board~~ **SPGA** determines that special circumstances render a lesser provision adequate for all parking needs. In consideration of a request for fewer parking spaces, the ~~Board~~ **SPGA** shall consider the following:

1. that the hours of operation and parking demand, or the uses which are proposed to share parking spaces are sufficiently different so as not to require the use of parking spaces at the same time; or
2. that the uses which are proposed to share parking spaces are expected to remain in place and the sharing of parking spaces can be expected to continue for the foreseeable future.

The ~~Planning Board~~ **SPGA** may require that the spaces to be un-constructed shall be delineated on the site plan and indicated as future parking spaces. All or part of said spaces shall be constructed if so required by the ~~Board~~ **SPGA** at a future date or may be constructed by the property owner/tenant at any time without prior ~~Board~~ **SPGA** approval.

The SPGA shall be the Planning Board unless an applicant is before the Board of Appeals for a Special Permit or Variance and also requires relief from the number of parking spaces required and Site Plan Review is not required, then the Board of Appeals may act as the SPGA instead of the Planning Board.

5.2 **LOADING REQUIREMENTS.**

5.2.1 **General.** Adequate off-street loading spaces or loading areas shall be provided and maintained by the owner of the property for each nonresidential building or use which is erected, enlarged or altered after the effective date of this By-law, according to the following regulations.

5.2.2 **Same Lot.** All loading spaces or loading areas required by this By-law shall be on the same lot as the building or use which they are intended to serve, and in no case shall any required loading area be part of an area used to satisfy the off-street parking requirements of this By-law.

5.2.3 **No Queues or Backing onto Street.** No loading facility shall be designed to require trucks to queue on a public way while awaiting to off-load. No loading facility shall be designed to require vehicles to back onto a public way; all turning maneuvers shall be accommodated on the premises.

5.2.4 **Shared Loading.** No part of an off-street loading area required by this By-law for any nonresidential building or use shall be included as part of an off-street loading area similarly required for another building or use, unless the type of buildings or uses indicates that the usage of such loading area would not occur simultaneously, as determined by the Planning

Board.

5.2.5 Screening. Loading areas shall be screened in accordance with Section 5.4.

5.2.6 Size. Where required, loading bays shall not be less than twelve (12) feet in width, sixty-five (65) feet in length, and fourteen (14) feet in height, exclusive of driveway and maneuvering space.

5.2.7 Location. No loading dock or bay shall be located within twenty (20) feet of the boundary of any residential district.

5.2.8 Special Permit. Any loading requirement set forth herein may be reduced upon the issuance of a special permit by the ~~Planning Board~~ **SPGA** if the ~~Board~~ **SPGA** finds that the reduction is not inconsistent with public health and safety, or that the reduction promotes a public benefit. **The SPGA shall be the Planning Board unless an applicant is before the Board of Appeals for a Special Permit or Variance and also requires relief from Loading Requirements and Site Plan Review is not required, then the Board of Appeals may act as the SPGA instead of the Planning Board for the purposes of this Section.**

5.3 SIGNS - no change proposed

5.4 GENERAL LANDSCAPING REQUIREMENTS

5.4.1 General. Landscaped buffer areas are required in all side and rear setbacks with no more than minor removal of existing trees and ground vegetation. The following shall be observed in all districts:

1. Screening and perimeter landscaping. Commercial, service and industrial uses shall be separated from the street and from adjacent residential districts by landscaped buffer areas.
2. All parking areas shall be screened at the front lot line with landscaped buffers, which shall be at least six (6) feet in depth and shall create a strong impression of separation between the street and the developed area of the site without necessarily eliminating visual contact between them. Buffer area shall be continuous except for vehicular and pedestrian circulation facilities.

5.4.2 Buffering Between Residential and Nonresidential Uses.

1. Where a lot containing a nonresidential use adjoins or faces a residential district or residential use, landscaped buffers shall be provided at the perimeter of the lot to screen parking and other vehicular service areas.
2. In a Neighborhood Commerce District only, a continuous landscaped buffer shall be required on the lot containing the nonresidential use immediately adjacent to the residential property along the rear and side lot lines.
3. Such screening shall consist of a landscaped area at least six (6) feet wide and shall create an effective visual barrier from ground level to a height of at least five (5) feet.

5.4.3 Buffer Areas. Buffer areas and screening required by this section may be comprised of brick or stone-faced walls, planted berms, wood fences, planted vegetation and/or existing

vegetation or any combination thereof. Walls or fences exceeding four and one-half (4 1/2) feet in height shall have plantings on the side facing the lot line.

1. Buffer areas along street lines shall be continuous except for driveways and sidewalks; shall contain at least one (1) tree per thirty (30) linear feet of street frontage (or portion thereof) and shall include lower-level elements such as shrubs, hedges, fences, walls and/or planted berms.
2. In a Neighborhood Commerce District, the buffer strip shall include evergreen plantings with at least one (1) tree for each ten (10) feet of buffer length as measured parallel to the property line. There shall be a maximum mixture of seventy-five percent (75%) evergreen and twenty-five percent (25%) deciduous trees which are visually impermeable within two (2) seasons of growth.

5.4.4 Interior Landscaping in Parking Areas. Parking areas containing eight (8) or more spaces shall contain or be bordered by at least one (1) tree per eight (8) spaces. Such trees shall be in any case not further than five (5) feet from the parking cell. In Commercial H and Commercial V Districts for parking areas containing twenty-five (25) or more spaces, the following shall also apply:

1. Parking areas shall be broken into units containing not more than twenty-five (25) cars per cell. Parking units shall be separated by landscaped islands or buffer areas to provide visual and climatic relief.
2. Internal landscaping shall be designed to define logical areas for pedestrian and vehicular circulation.
3. Landscaped islands and buffers shall have a minimum area of one hundred fifty (150) square feet and minimum width of eight (8) feet and shall contain at least one (1) tree per one hundred (100) square feet.
4. In situations where the Planning Board determines that it is impractical to provide internal landscaped area meeting the above requirements, the parking area may instead be provided with additional landscaped area that more effectively screens it from public view by providing greater depth and/or density to perimeter landscaping.

5.4.5 Planting Standards.

1. Deciduous trees in required buffer strips or interior landscaping shall be a minimum of two-inch caliper and evergreen trees shall be a minimum of five (5) feet to a maximum of ten (10) feet in height when planted, depending on topography as determined by the Planning Board.
2. The evergreen trees shall be planted at ten (10) feet on center. Non evergreen planting and/or screen berm, hedge, fence or wall at least five (5) feet in height may be used in conjunction with the evergreen trees.
3. The evergreen trees may be grouped at staggered intervals, provided that the spacing between groups is in-filled with lower level elements such as shrubs, hedges, planted berms, fences or walls at least five (5) feet in height. All trees shall be surrounded by a height of at least thirty-six (36) square feet of an unpaved soil area per tree and shall be protected from damage.

5.4.6 Use of Existing Plant Material. In instances where healthy plant material exists on a site prior to its development, in part or in whole, for purposes of off-street parking or other vehicular use areas, the Planning Board may adjust the application of the above standards to allow credit for such plant material if, in its opinion, such an adjustment is in keeping with and will preserve the intent of these standards.

5.4.7 Special Permit. By special permit, the ~~Planning Board~~ **SPGA** may authorize a reduction in the requirements of this section, where such reduction will not result in substantial detriment. **The SPGA shall be the Planning Board unless an applicant is before the Board of Appeals for a Special Permit or Variance and also requires relief from General Landscape Requirements and Site Plan Review is not required, then the Board of Appeals may act as the SPGA instead of the Planning Board for the purposes of this Section.**

5.5 LANDSCAPING AND SCREENING IN THE OFFICE COMMERCE DISTRICT – no change proposed

5.6 CORNER CLEARANCE. – no change proposed

5.7 ENVIRONMENTAL STANDARDS – no change proposed

5.8 SITE ALTERATION SPECIAL PERMIT [Amended 5-5-2010 ATM, Art. 17; 5-7-2014 ATM, Art. 24]

5.8.1 Intent and Purpose. The intent of this section is to promote and protect the public health, safety, and welfare through the preservation and protection of the environment and by recognizing the vital importance of free and vegetation growth in the ecological system. It is further the purpose of this section to:

1. Preserve and protect the natural scenic beauty and related natural resources in the Town of Ashland;
2. Limit land clearing and alteration of natural topography prior to site plan, preliminary plan, and/or definitive plan approval;
3. To protect, preserve, and promote the aesthetic appeal, character, and value of the surrounding neighborhoods; and,
4. To regulate prior to development plan approval, the removal of natural vegetation, especially major trees, and excavation and alteration of land, in order to minimize any danger of erosion, sedimentation, flooding, water pollution, unnecessary detracting from natural visual setting, obstruction of significant views, and other adverse impacts of development.

5.8.2 Applicability. No person shall undertake the following land clearing/grading activities without first obtaining a Site Alteration Special Permit from the Planning Board:

1. Clearing of an area greater than 5,000 square feet; or,
2. Grading if involving more than one hundred (100) cubic yards of earth.

5.8.3 Exemption. The provisions of this bylaw shall not apply to the following activities:

1. Clearing of land zoned residential when such parcel is included in a submission for development to the Planning Board;
2. Removal of hazardous trees;
3. Routine maintenance of vegetation and removal of dead or diseased limbs and/or trees necessary to maintain the health of cultivated plants, to contain noxious weeds and/or vines in accordance with Department of Environmental Management (DEM) approved Forest Management Plan, or to remedy a potential fire or health hazard or threat to public safety;
4. Maintenance of public and private streets and utilities within town-approved roadway layouts and easements;
5. Agricultural activities on land zoned for agriculture, work conducted in accordance with an approved Natural Resource Conservation Service Agricultural Plan or agricultural uses on parcels of land of more than five acres as specified in G.L. c. 40A, Section 3.

5.8.4 Application. Any person seeking a Site Alteration Special Permit shall submit an application and plan including appropriate fees to the Planning Board which includes the following:

1. Reason for site alteration;
2. Photographs of the site of development taken from at least three significant public vantage points exterior to the project together with a map to indicate the location of points and approximate distance to the proposed development;
3. The present location and size of all major trees and vegetation, with a designation of major trees and vegetation sought to be removed;
4. The location, size and description of landscaping materials proposed to be placed on the lot in order to comply with a Landscape Plan;
5. The location and boundaries of the lot and adjacent streets or ways and showing owners' names of all adjacent properties;
6. Existing and proposed topography, including contours, the location of the wetlands, streams, water bodies, drainage swales, areas subject to flooding and unique natural land features;
7. A timetable indicating estimate startup and completion dates; and,
8. A written narrative indicating how runoff will be controlled and erosion avoided. Either a constructed surface or cover vegetation will be provided not later than the first full spring season immediately following completion of the stripping operation. No stripped area or areas which are allowed by special permit shall remain through the winter without a temporary cover of winter rye or similar plant material being provided for soil control, except in the case of agricultural activity where such temporary cover would be infeasible.

5.8.5 Special Permit. Special Permits will be issued in accordance to M.G.L. Chapter 40A Section 11 Section. The SPGA shall be the Planning Board for the purposes of this

section. Review. The maximum period of review and decision for Site Alteration Special Permit shall be sixty (60) days, unless the review period is extended by written mutual agreement of the Planning Board and applicant. The Planning Board shall hold a fact finding and public information meeting within thirty (30) days of the receipt of the application and a completed submission. The applicant or his/her agent shall attend the public information meeting in order to assist the Planning Board in responding to public questions and concerns. Failure to attend shall be deemed lack of compliance with the requirements of this section.

- 5.8.6 Other Permits. Issuance of a Site Alteration Special Permit does not exclude the applicant from applying for an Order of Conditions in Areas Subject to Protection under the Massachusetts Wetlands Protection Act. These areas include bank, bordering vegetated wetlands, riverfronts and the 25-foot and 100-foot buffer zones.
- 5.8.7 Priority Development Site(s). Where a Site Alteration Special Permit is required in connection with the development of a Priority Development Site (PDS), an application therefor shall be submitted simultaneously with any other permit application(s) required by the Code of the Town of Ashland, including these Zoning By-laws, relating to the use or development of the PDS or the buildings and/or structures located thereon, and not otherwise exempted by G.L. c. 43D, and a decision thereon shall be rendered no later than one hundred eighty (180) days from said date of submittal.

Fr: Planning Department

Date: October 23, 2017

RE: Proposed Zoning Amendments for Fall 2017 Special Town Meeting

Retail Marijuana Moratorium Extension –

A public hearing will be held on Thursday, November 9, 2017 at 7:20 PM in the Board of Selectmen's Room, Ashland Town Hall, 101 Main Street, Ashland, MA. All persons interested may appear and be heard.

Article 17: Marijuana Moratorium Bylaw Extension
Sponsor: Board of Selectmen

To see if the Town will vote to amend Section 3. 1. 6(C) to Chapter 282 of the Town of Ashland Bylaw, entitled "**Temporary Moratorium**" to extend the moratorium from July 1, 2018 to December 31, 2018 as follows (strike through deleted language, underline and bold new language).

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 "Marijuana", "Marijuana Establishment", "Marijuana Product", and "Marijuana Retailer". The moratorium shall be in effect through ~~July 1, 2018~~ **December 31, 2018**. During the moratorium period, the Town shall undertake a planning process to address the potential impacts of marijuana in the Town, consider the Cannabis Control Commission regulations regarding Marijuana, "Marijuana Establishment", "Marijuana Product", and "Marijuana Retailer" and related uses, and shall consider adopting new Zoning Bylaws to address the impact and operation of Marijuana Establishments and Marijuana Retailers and related uses.

Or pass any vote or take any action relative thereto.

Retail Marijuana Moratorium Extension changes in the full text

3.1.5(A).

Purpose. By vote at the State election on November 8, 2016, the voters of the Commonwealth approved a law entitled the Regulation and Taxation of Marijuana Act (the "Act"), regulating the control and production and distribution of marijuana under a system of licenses, regulations. Currently under the Zoning Bylaw, a Marijuana Retailer or Establishment is not a permitted use in the Town and any regulations promulgated by the Cannabis Control Commission are expected to provide guidance to the Town in regulating marijuana sales and distribution. The regulation of marijuana raises novel and complex legal, planning, and public safety issues and the Town needs time to study and consider the regulation of Marijuana Retail or Distribution centers and address such novel and complex issues, as well as to address the potential impact of the State regulations on local zoning and to undertake a planning process to consider amending the Zoning Bylaw regarding regulation of Marijuana Retail sales and distribution and other uses related to the regulation of marijuana. The Town intends to adopt a temporary moratorium on the use of land and structures in the Town for Marijuana Retail and Distribution 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.

[Added 11-28-2016 STM, Art. 11]

3.1.5(B).

Definitions. "Marijuana", "Marijuana Establishment", "Marijuana Product", "Marijuana Retailer" shall have the meaning as set forth in the Act.

[Added 11-28-2016 STM, Art. 11]

3.1.6(A).

(Reserved)

3.1.6(B).

(Reserved)

3.1.6(C).

Temporary Moratorium. 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 "Marijuana", "Marijuana Establishment", "Marijuana Product", and "Marijuana Retailer". The moratorium shall be in effect through **July 1, 2018 December 31, 2018**. During the moratorium period, the Town shall undertake a planning process to address the potential impacts of marijuana in the Town, consider the Cannabis Control Commission regulations regarding "Marijuana", "Marijuana Establishment", "Marijuana Product", and "Marijuana Retailer" and related uses, and shall consider adopting new Zoning Bylaws to address the impact and operation of Marijuana Establishments and Marijuana Retailers and related uses.

[Added 11-28-2016 STM, Art. 11]

