



*Town of Lexington*

## **PLANNING BOARD**

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Richard L. Canale, Chair  
Ginna Johnson, Vice-Chair  
Bob Creech, Clerk  
Nancy Corcoran-Ronchetti  
Charles Hornig  
Michael Leon, Associate

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## **RECOMMENDATION REPORT**

### **ARTICLE 43 – AMEND MARIJUANA RULES**

#### **RECOMMENDATION**

This report was unanimously accepted by a vote of the Planning Board March 14, 2018.

At its meeting of January 31, 2018, the Planning Board unanimously voted to recommend **DISAPPROVAL** of the motion, dated January 31, 2018, included by the proponent under Article 43.

#### **BACKGROUND**

The issues around the legalization of marijuana in Massachusetts, first medicinal in 2013, followed by recreational in 2016, continue to require municipal action to appropriately regulate it at the local level. At the moment, the Zoning Bylaw permits medical marijuana to be grown, processed, or sold in the CM commercial district (principally along Hartwell Avenue); at present, there are no medicinal marijuana uses in Lexington. Recreational marijuana uses are prohibited under a General Bylaw. Recreational uses are also prohibited under a zoning moratorium, which is set to expire at the end of 2018. As these measures were adopted before the Commonwealth permitted recreational uses to open, there are no recreational operations in Lexington.

The Commonwealth of Massachusetts continues to revise the regulatory structure of these newly legalized activities, most significantly by removing the Department of Public Health and assigning responsibility to a new state agency, the Cannabis Control Commission (CCC). At the time of this report, the CCC has yet to complete its rulemaking process.

#### **SUMMARY OF THE MOTION**

The proposed motion under Article 43 calls for the following changes:

1. Eliminate the moratorium on recreational marijuana uses.
2. Allow marijuana cultivation and processing by right in all commercial districts and the governmental-civic district, and by special permit in all residential districts.
3. Insert 17 new definitions pertaining to the regulated use of marijuana, many applicable to both recreational and medicinal marijuana.

#### **PUBLIC PROCESS**

As required by State law, the Planning Board held a public hearing for this petition on January 31, 2018. After discussion, the Board determined it had received all the necessary information to

deliberate on the proposed motion and voted to close the hearing. The Board understands that the proponent of the article also made a presentation to the Board of Selectmen at its meeting of January 28, 2018.

The proponent of the article is expected to present to the TMMA Information Meeting on March 21, 2018.

## **CONCLUSION**

While the Board disagrees with most of the details of the proponent's motion, it does share a desire to ensure that Lexington's local bylaws are consistent and compatible with the States rules. Even that, however, seems premature given that those rules are not yet completed and there is no compelling need to act at this time.

Beyond this, it is difficult to believe that Town Meeting would be willing to completely reverse itself on these issues given that Town Meeting adopted the current rules less than six months ago.

While future amendments may be required, the Board is confident that the local rules currently in place will satisfactorily achieve the Town's policies for the immediate future. The Planning Office and Town Counsel are keeping up with the actions of the Commonwealth and will bring any suggested amendments to the Board of Selectmen and Planning Board at the appropriate time.

## **RECORD OF VOTES**

Signatures of a majority of the Board,

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Richard L. Canale, Chair

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Nancy Corcoran-Ronchetti

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Ginna Johnson, Vice-Chair

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