

Town of Halifax

Special Town Meeting
Quorum 100

April 8, 2013

As Voted
Present 59

HALIFAX ELEMENTARY SCHOOL

Moderator John Bruno called the meeting to order at 7:50 p.m. Town Clerk Barbara J. Gaynor read the Call to the Meeting which was followed by the Pledge of Allegiance.

A motion was made by Troy Garron, and seconded to adjourn the meeting (due to a lack of quorum) to Monday, May 13, 2013 at 7:45 p.m.

Passed Unanimously

ARTICLE 1 To see if the Town will vote to amend Chapter 167 (Zoning) of the Code of the Town of Halifax by:

Adding the following definition to Chapter 167-3 Definitions:

MEDICAL MARIJUANA TREATMENT CENTER - A not-for-profit entity, as defined by Massachusetts law only, registered by the Department of Public Health, that acquires, cultivates, possesses, processes (including development of related products such as food, tinctures, aerosols, oils or ointments), transfers, transports, sells, distributes, dispenses or administers marijuana, products containing marijuana, related supplies or educational materials to qualifying patients or their personal caregivers.

Adding the following to Schedule of Use Regulations for Commercial Uses under Section 167-7C:

Use	AR	B	I	I-2	C
Commercial uses					
Medical Marijuana Treatment Center as a primary or accessory use	N	N	N	N	N

Changing the following to Schedule of Use Regulations for Agricultural Uses under Section 167-7C:

From:

Use	AR	B	I	I-2	C
Agricultural uses					
Farms: Agricultural, orchard, plant nursery, greenhouse or cranberry or vitaculture [See § 167-7D(1)]	Y	SP	SP	N	Y

To:

Use	AR	B	I	I-2	C
Agricultural uses					

Use	AR	B	I	I-2	C
Farms: agricultural, orchard, plant nursery greenhouse or cranberry or vitaculture, <u>excluding marijuana</u> [See § 167-7D (1)]	Y	SP	SP	N	Y

And from:

Use	AR	B	I	I-2	C
Agricultural uses					
Salesroom or stand for the display or sale of horticultural and/or floricultural products, the major portion of which is grown or produced on the premises	Y	SP	SP	SP	Y

To:

Use	AR	B	I	I-2	C
Agricultural uses					
Salesroom or stand for the display or sale of horticultural and/or floricultural products, the major portion of which is grown or produced on the premises, <u>excluding medical marijuana dispensaries</u>	Y	SP	SP	SP	Y

Or take any other action thereon.

Proposed by the Board of Selectmen

Finance Committee Recommendation at Town Meeting

ARTICLE 2 To see if the Town will vote to amend Chapter 167 (Zoning) of the Code of the Town of Halifax, said amendments to be in effect until June 30, 2014, or until such future time that the Town of Halifax approves superseding zoning bylaws applicable to Medical Marijuana Treatment Centers, by:

Adding the following definition to Chapter 167-3 Definitions:

MEDICAL MARIJUANA TREATMENT CENTER - A not-for-profit entity, as defined by Massachusetts law only, registered by the Department of Public Health, that acquires, cultivates, possesses, processes (including development of related products such as food, tinctures, aerosols, oils or ointments), transfers, transports, sells, distributes, dispenses or administers marijuana, products containing marijuana, related supplies or educational materials to qualifying patients or their personal caregivers.

Adding the following to Schedule of Use Regulations for Commercial Uses under Section 167-7C:

Use	AR	B	I	I-2	C
Commercial uses					
Medical Marijuana Treatment Center as a primary or accessory use [See § 167-7D (14)]	N	N	N	N	N

Changing the following to Schedule of Use Regulations for Agricultural Uses under Section 167-7C:

From:

Use	AR	B	I	I-2	C
Agricultural uses					
Farms: agricultural, orchard, plant nursery greenhouse or cranberry or vitaculture [See § 167-7D (1)]	Y	SP	SP	N	Y

To:

Use	AR	B	I	I-2	C
Agricultural uses					
Farms: agricultural, orchard, plant nursery greenhouse or cranberry or vitaculture, <u>excluding marijuana</u> [See § 167-7D (1) and § 167-7D (14)]	Y	SP	SP	N	Y

And from:

Use	AR	B	I	I-2	C
Agricultural uses					
Salesroom or stand for the display or sale of horticultural and/or floricultural products, the major portion of which is grown or produced on the premises	Y	SP	SP	SP	Y

To:

Use	AR	B	I	I-2	C
Agricultural uses					
Salesroom or stand for the display or sale of horticultural and/or floricultural products, the major	Y	SP	SP	SP	Y

Use	AR	B	I	I-2	C
portion of which is grown or produced on the premises, <u>excluding medical marijuana dispensaries</u> [See § 167-7D (14)]					

Adding the following as Chapter 167-7D (14)

By vote at the State election on November 6, 2012, the voters of the Commonwealth approved a law regulating the cultivation, distribution, possession and use of marijuana for medical purposes. The law provides that it is effective on January 1, 2013 and the State Department of Public Health is required to issue regulations regarding implementation within 120 days of the law's effective date. Any regulations promulgated by the State Department of Public Health are expected to provide guidance to the Town in regulating medical marijuana, including Medical Marijuana Treatment Centers. The regulation of medical marijuana raises novel and complex legal, planning, and public safety issues and the Town needs time to study and consider the regulation of Medical Marijuana Treatment 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 Medical Marijuana Treatment Centers and other uses related to the regulation of medical marijuana. The Town intends to adopt a temporary moratorium on the use of land and structures in the Town for Medical Marijuana Treatment Centers 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. 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 a Medical Marijuana Treatment Center. The moratorium shall be in effect through June 30, 2014, or until such future time that the Town of Halifax approves superseding zoning bylaws applicable to Medical Marijuana Treatment Centers. During the moratorium period, the Town shall undertake a planning process to address the potential impacts of medical marijuana in the Town, consider the Department of Public Health regulations regarding Medical Marijuana Treatment Centers and related uses, and shall consider adopting new Zoning Bylaws to address the impact and operation of Medical Marijuana Treatment Centers and related uses.

Proposed by the Board of Selectmen

Finance Committee Recommendation at Town Meeting

Town of Halifax

Special Town Meeting

April 8, 2013

As Voted

HALIFAX ELEMENTARY SCHOOL

The Special Town Meeting reconvened at 7:52 p.m. on Monday, May 13, 2013.

A motion was made by Kim Roy, and seconded to Pass Over the following article. - Passed

ARTICLE 1 To see if the Town will vote to amend Chapter 167 (Zoning) of the Code of the Town of Halifax by:

Adding the following definition to Chapter 167-3 Definitions:

MEDICAL MARIJUANA TREATMENT CENTER - A not-for-profit entity, as defined by Massachusetts law only, registered by the Department of Public Health, that acquires, cultivates, possesses, processes (including development of related products such as food, tinctures, aerosols, oils or ointments), transfers, transports, sells, distributes, dispenses or administers marijuana, products containing marijuana, related supplies or educational materials to qualifying patients or their personal caregivers.

Adding the following to Schedule of Use Regulations for Commercial Uses under Section 167-7C:

Use	AR	B	I	I-2	C
Commercial uses					
Medical Marijuana Treatment Center as a primary or accessory use	N	N	N	N	N

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From:

Use	AR	B	I	I-2	C
Agricultural uses					
Farms: Agricultural, orchard, plant nursery, greenhouse or cranberry or vitaculture [See § 167-7D(1)]	Y	SP	SP	N	Y

To:

Use	AR	B	I	I-2	C
Agricultural uses					
Farms: agricultural, orchard, plant nursery greenhouse or cranberry or vitaculture, <u>excluding marijuana</u> [See § 167-7D (1)]	Y	SP	SP	N	Y

And from:

Use	AR	B	I	I-2	C
Agricultural uses					
Salesroom or stand for the display or sale of horticultural and/or floricultural products, the major portion of which is grown or produced on the premises	Y	SP	SP	SP	Y

To:

Use	AR	B	I	I-2	C
Agricultural uses					
Salesroom or stand for the display or sale of horticultural and/or floricultural products, the major portion of which is grown or produced on the premises, <u>excluding medical marijuana dispensaries</u>	Y	SP	SP	SP	Y

Or take any other action thereon.

Proposed by the Board of Selectmen

Passed Over

ARTICLE 2 Voted to amend Chapter 167 (Zoning) of the Code of the Town of Halifax, said amendments to be in effect until June 30, 2014 by:

Adding the following definition to Chapter 167-3 Definitions:

MEDICAL MARIJUANA TREATMENT CENTER - A not-for-profit entity, as defined by Massachusetts law only, registered by the Department of Public Health, that acquires, cultivates, possesses, processes (including development of related products such as food, tinctures, aerosols, oils or ointments), transfers, transports, sells, distributes, dispenses or administers marijuana, products containing marijuana, related supplies or educational materials to qualifying patients or their personal caregivers.

Adding the following to Schedule of Use Regulations for Commercial Uses under Section 167-7C:

Use	AR	B	I	I-2	C
Commercial uses					
Medical Marijuana Treatment Center as a primary or accessory use [See § 167-7D (14)]	N	N	N	N	N

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From:

Use	AR	B	I	I-2	C
Agricultural uses					
Farms: agricultural, orchard, plant nursery greenhouse or cranberry or vitaculture [See § 167-7D (1)]	Y	SP	SP	N	Y

To:

Use	AR	B	I	I-2	C
Agricultural uses					
Farms: agricultural, orchard, plant nursery greenhouse or cranberry or vitaculture, <u>excluding marijuana</u> [See § 167-7D (1) and § 167-7D (14)]	Y	SP	SP	N	Y

And from:

Use	AR	B	I	I-2	C
Agricultural uses					
Salesroom or stand for the display or sale of horticultural and/or floricultural products, the major portion of which is grown or produced on the premises	Y	SP	SP	SP	Y

To:

Use	AR	B	I	I-2	C
Agricultural uses					
Salesroom or stand for the display or sale of horticultural and/or floricultural products, the major portion of which is grown or produced on the premises, <u>excluding medical marijuana dispensaries</u> [See § 167-7D (14)]	Y	SP	SP	SP	Y

Adding the following as Chapter 167-7D (14)

By vote at the State election on November 6, 2012, the voters of the Commonwealth approved a law regulating the cultivation, distribution, possession and use of marijuana for medical purposes. The law provides that it is effective on January 1, 2013 and the State Department of Public Health is required to issue regulations regarding implementation within 120 days of the law's effective date. Any regulations promulgated by the State Department of Public Health are expected to provide guidance to the Town in regulating medical marijuana, including Medical Marijuana Treatment Centers. The regulation of medical marijuana raises novel and complex legal, planning, and public safety issues and the Town needs time to study and consider the regulation of Medical Marijuana Treatment 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 Medical Marijuana Treatment Centers and other uses related to the regulation of medical marijuana. The Town intends to adopt a temporary moratorium on the use of land and structures in the Town for Medical Marijuana Treatment Centers 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. 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 a Medical Marijuana Treatment Center. The moratorium shall be in effect through June 30, 2014. During the moratorium period, the Town shall undertake a planning process to address the potential impacts of medical marijuana in the Town, consider the Department of Public Health regulations regarding Medical Marijuana Treatment Centers and related uses, and shall consider adopting new Zoning Bylaws to address the impact and operation of Medical Marijuana Treatment Centers and related uses.

Proposed by the Board of Selectmen – Kim R. Roy

A two-thirds majority vote is required.

Passed

Respectfully submitted,

Barbara J. Gaynor, Town Clerk