



Town of Palmer

Bondsville, Depot Village, Thorndike & Three Rivers
"The Town of Seven Railroads"

Town Council

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Charles T. Blanchard
Town Manager

August 12, 2013

Sponsor: Administration

Ordinance 2014-02

AMENDMENT TO THE CODE OF ORDINANCES OF THE TOWN OF PALMER

BE IT ENACTED BY THE PALMER TOWN COUNCIL

To amend the Town's Zoning Ordinance, Chapter 171, by adding a new Section 171-93, **TEMPORARY MORATORIUM ON MEDICAL MARIJUANA TREATMENT CENTERS**, that would provide as follows:

Section 171-93 TEMPORARY MORATORIUM ON MEDICAL MARIJUANA TREATMENT CENTERS

(a) PURPOSE

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. Currently under the Zoning Bylaws, a Medical Marijuana Treatment Center is not a permitted use in the Town and 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 Chapter 171 Zoning Ordinance 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.

(b) DEFINITION

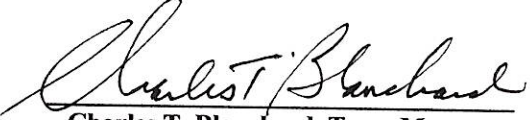
“Medical Marijuana Treatment Center” shall mean a “not-for-profit entity, as defined by Massachusetts law only, registered by the Department of Public Health, that acquires, cultivates, possesses, processes (including development of related products such as food, tinctures, aerosols, oils or ointments), transfers, transports, sells, distributes, dispenses, or administers marijuana, products containing marijuana, related supplies, or educational materials to qualifying patients or their personal caregivers.”

(c) TEMPORARY MORATORIUM

For the reasons set forth above and notwithstanding any other provision of Zoning Ordinance 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 Facilities and related uses, and shall consider adopting new Zoning Bylaws to address the impact and operation of Medical Marijuana Treatment Centers and related uses.

Or take any action relative thereto.


Philip J. Hebert, Council President


Charles T. Blanchard, Town Manager

Adoption History:

Agenda item and First Reading at Regular Town Council Meeting held on June 10, 2013.

Public Hearing was warned in Palmer Journal Register on June 27, 2013 & July 3, 2013

Public Hearing was held in Palmer Town Bldg. July 8, 2013

Second Reading at Regular Town Council Meeting held on July 8, 2013

Vote on Ordinance at Regular Council Meeting and entered into the minutes of this meeting on August 12, 2013

Posted in public places on August 13, 2013

Notice of adoption published in the Palmer Journal Register on August 29, 2013

Effective Date: September 1, 2013