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TOWN OF WESTMINSTER

Town of Westminster

ZONING BYLAWS APPROVED AT SPECIAL TOWN MEETING NOVEMBER 27, 2018

**Changes approved by Attorney General on June 12, 2019
Article 14 Only**

**Ellen M. Sheehan
Westminster Town Clerk**



**TOWN OF WESTMINSTER
OFFICE OF THE TOWN CLERK**

Ellen M. Sheehan
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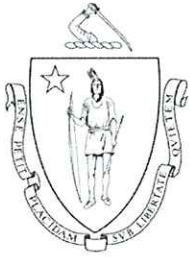
June 20, 2019

On the date written above, I have posted copies of the Zoning Bylaw Amendments passed at the Special Town Meeting on November 27, 2018, Article 14, and approved by the Attorney General of Massachusetts on June 12th, at the following public places in the Town of Westminster:

Community/Senior Center
Town Hall
US Post Office
Forbush Memorial Library
Public Safety Building

The above amendment was also posted on our Town of Westminster website on the same day.

Ellen M. Sheehan
Town Clerk



MAURA HEALEY
ATTORNEY GENERAL

THE COMMONWEALTH OF MASSACHUSETTS
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June 12, 2019

Ellen M. Sheehan, Town Clerk
Town of Westminster
11 South Street
Westminster, MA 01473

**Re: Westminster Special Town Meeting of November 27, 2018 -- Case # 9268
Warrant Articles # 9, 10, 11, 12 and 14 (Zoning)**

Dear Ms. Sheehan:

Article 14 - We approve Article 14 from the November 27, 2018 Westminster Special Town Meeting.¹ However, we note that the Town's temporary moratorium on recreational marijuana establishments (Section 205-41.1) has expired by its terms on May 4, 2019, the date the Town adopted zoning by-laws regulating Recreational Marijuana Establishments (*See* Articles 30 and 32 from the Westminster Annual Town Meeting of May 4, 2019, approved by this Office today in Case # 9449).²

Note: Pursuant to G.L. c. 40, § 32, neither general nor zoning by-laws take effect unless the Town has first satisfied the posting/publishing requirements of that statute. Once this statutory duty is fulfilled, (1) general by-laws and amendments take effect on the date these posting and publishing requirements are satisfied unless a later effective date is prescribed in the by-law, and (2) zoning by-laws and amendments are deemed to have taken effect from the date they were approved by the Town Meeting, unless a later effective date is prescribed in the by-law.

¹ In a decision issued March 15, 2019, we approved Articles 9, 10, 11 and 12.

² Article 14 sought to amend the Town's zoning by-laws, Section 205.41.1, "Temporary Moratorium on the Sale and Distribution of Recreational Marijuana" to extend the moratorium period until "May 31, 2019 or until the Town adopts zoning bylaws regulating or prohibiting Recreational Marijuana Establishments, whichever occurs sooner." *See* Section 42.3 (emphasis added) The Town Clerk has certified to this Office that on May 4, 2019, at the Annual Town Meeting, the Town adopted zoning by-laws regulating marijuana establishments under Articles 30 and 32 (*See* Case # 9449). As such, the Temporary Moratorium has now expired by its terms.

Very truly yours,

MAURA HEALEY
ATTORNEY GENERAL

Margaret J. Hurley

by: Margaret J. Hurley, Assistant Attorney General
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cc: Town Counsel Brian Riley



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VOTE TAKEN AT THE SPECIAL TOWN MEETING, NOVEMBER 27, 2018

An affirmative vote was taken at this time to accept the provisions of MGL Chapter 39, Section 15, which allows the Moderator to dispense with a count in matters requiring a two-thirds vote by statute, where the vote is unanimous or clearly overwhelming at this Annual Town Meeting.

ARTICLE 14. Voted to amend Section 205-41.1 of the Zoning Bylaw (TEMPORARY MORATORIUM ON THE SALE AND DISTRIBUTION OF RECREATIONAL MARIJUANA), to extend the current moratorium for recreational marijuana establishments until the end of May 2019, by deleting the strikethrough language and inserting the language in italics, as follows:

Section 205-41.1 Temporary Moratorium on the Sale and Distribution of Recreational Marijuana

42.1 Purpose: By vote at the State election on November 8, 2016, the voters of the Commonwealth approved a law regulating the cultivation, distribution, possession and use of marijuana for recreational purposes. The law took effect on December 15, 2016 and (as amended by Chapter 351 of the Acts of 2016) requires the Cannabis Control Commission to issue regulations regarding the licensing of commercial activities by March 15, 2018 and begin accepting applications for licenses on April 1, 2018.

Currently under the Zoning Bylaw, non-medical Marijuana Establishments (hereinafter "Recreational Marijuana Establishments") as defined in G.L. c.94G, §1 are not a permitted use in the Town of Westminister. ~~Any~~ *The* regulations promulgated by the State Cannabis Control Commission ~~are expected to~~ provide guidance to the Massachusetts municipalities in regulating Recreational Marijuana Establishments, *as well as details on how the Town may further restrict or prohibit commercial sales of recreational marijuana by local ballot questions.* ~~Further, the Act establishes a provision that involves ballot action by the Town whereby the Town may, by ballot, determine whether it will prohibit Recreational Marijuana Establishments within the Town.~~

The regulation of Recreational Marijuana Establishments raises novel and complex issues in terms of legality, planning, and public safety, and the Town needs time to study how best to address these issues. Further, the Town needs time to assess the potential impact of the State regulations on local zoning and to ~~undertake complete~~ a planning process ~~that will considering~~

amending the Zoning Bylaw regarding regulation of Recreational Marijuana Establishments and other uses related to the regulation of recreational marijuana. *Since a temporary moratorium on Recreational Marijuana Establishments was adopted November 28, 2017, the Town has been consistently engaged in a planning process involving consideration of options for regulation, including study of proposed bylaws by the Planning Board, Board of Health, Agricultural Commission, and Board of Selectmen, and placement of non-binding questions on the 2018 Town election warrant,. The planning process remains ongoing, and further time is needed to review these matters and make recommendations concerning the local regulation of Recreational Marijuana Establishments.*

The Town intends to ~~adopt~~ *extend its* a temporary moratorium on the use of land and structures in Westminster for Recreational Marijuana Establishments so as to allow the Town sufficient time to engage in a planning process to address the effects of such structures and uses and to adopt zoning provisions in a manner consistent with State law, sound land use planning goals and objectives.

42.2 Definitions.

"Manufacture": to compound, blend, extract, infuse or otherwise make or prepare a marijuana product.

"Marijuana accessories": equipment, products, devices or materials of any kind that are intended or designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, ingesting, inhaling or otherwise introducing marijuana into the human body.

"Marijuana cultivator": an entity licensed to cultivate, process and package marijuana, to deliver marijuana to marijuana establishments and to transfer marijuana to other marijuana establishments, but not to consumers.

"Marijuana establishment": a marijuana cultivator, marijuana testing facility, marijuana product manufacturer, marijuana retailer or any other type of licensed marijuana-related business.

"Marijuana product manufacturer": an entity licensed to obtain, manufacture, process and package marijuana and marijuana products, to deliver marijuana and marijuana products to marijuana establishments and to transfer marijuana and marijuana products to other marijuana establishments, but not to consumers.

"Marijuana products": products that have been manufactured and contain marijuana or an extract from marijuana, including concentrated forms of marijuana and products composed of marijuana and other ingredients that are intended for use or consumption, including edible products, beverages, topical products, ointments, oils and tinctures.

"Marijuana testing facility": an entity licensed to test marijuana and marijuana products, including certification for potency and the presence of contaminants.

"Marijuana retailer": an entity licensed to purchase and deliver marijuana and marijuana products from marijuana establishments and to deliver, sell or otherwise transfer marijuana and marijuana products to marijuana establishments and to consumers.

42.3 Temporary Moratorium.

For the reasons set forth above and notwithstanding any other provision of the Zoning Bylaw to the contrary, the Town hereby ~~adopts~~ *extends its* temporary moratorium on the use of land or structures for Recreational Marijuana Establishments. The moratorium shall be in effect through ~~December 31, 2018~~ *May 31, 2019 or until the Town adopts zoning bylaws regulating or prohibiting Recreational Marijuana Establishments, whichever occurs sooner*. During the moratorium period, the Town shall undertake a planning process to address the potential impacts of recreational marijuana in the Town, consider the Cannabis Control Commission regulations regarding Recreational Marijuana Establishments and related uses, determine whether the town shall, by ballot measure, restrict any, or all, Recreational Marijuana Establishments, and shall consider adopting new provisions of the Zoning Bylaw to address the impact and operation of Recreational Marijuana Establishments and related uses.

42.4. Severability.

The provisions of this by-law are severable. If any provision, paragraph, sentence, or clause of this Bylaw or the application thereof to any person, establishment, or circumstances shall be held invalid, such invalidity shall not affect the other provisions or application of this bylaw.

(2/3 vote required)
UNANIMOUS

A True Copy, Attest:



Ellen M. Sheehan
Westminster Town Clerk