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October 26, 2017

TO: Cannabis Control Commission
One Ashburton Place, Room 313
Boston, MA 02108
ATTN: Regulations

FROM: Janet A. Pierce, Executive Director
Jeff Bagg, Project Manager
Central Massachusetts Regional Planning Commission (CMRPC)
2 Washington Square, Worcester MA 01604-4016

RE: **Regulations – Written Comments for Public Listening Session**

Dear members of the Cannabis Control Commission,

Please accept this written submission as part of your ongoing listening session. The Central Massachusetts Regional Planning Commission (CMRPC) has been very active in providing our member communities with technical assistance regarding the new law since its original passage in November 2016. We have created a working group of town planners from Grafton, Shrewsbury, Northbridge, and Sutton, and, formulated a working group comprised of planning staff at the 13 Regional Planning Agencies. We have created a planning-oriented resources page through the Massachusetts Association of Regional Planning Agencies website (MARPA, www.massmarpa.org/recreationalmarijuana). CMRPC has also provided the planners perspective at several conferences hosted by MMLA, CPTC, and others – all in an effort to stay abreast with the evolving law and maintain the ability to provide accurate and timely technical assistance and outreach to municipal officials.

Recently, the Director of the Municipal Law Unit of the Attorney General's office signaled to an audience of over 100 municipal officials the potential for temporary zoning moratoriums to be challenged; and possibly deemed invalid due to conflict with the new law. In providing technical assistance to our member communities, our agency has been careful not to dictate steps for towns to take. However, the use of temporary moratoriums as an accepted planning tool in Massachusetts has been clearly outlined by the AG's office, MMA, and other prominent town counsels as a viable tool to allow towns to evaluate how to proceed in terms of regulating, or, providing additional time for a community to determine next steps with regard to marijuana uses.

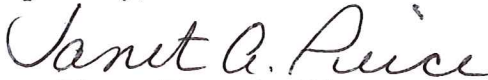
If the validity of a temporary moratorium is in question, we respectfully request that this important issue be addressed as soon as possible by the Cannabis Control Commission.

In order to provide accurate and timely technical assistance to municipal officials, clear guidance on this specific matter should occur prior to the issuance of your draft regulations in mid-December. It is our professional opinion that the purpose and intent of a temporary moratorium is not to “prohibit” any use on its face, but rather it is to “delay” the imposition to act or receive an application until a subsequent step is taken (either a bylaw or a prohibition).

Unfortunately, if moratoriums are deemed invalid, or if this issue is not clarified as soon as possible, we believe that municipalities may initiate the prohibition process (out an abundance of caution) rather than hastily create regulations to allow the uses. It seems feasible that the CCC, in creating guidance and/or regulations, could address and clarify the status of an applicant applying to a community which has enacted a temporary moratorium (such as postponing a decision on an application until the end of a moratorium and then allowing the application process to resume based on the outcome).

We remain available to review or discuss this or other planning related issues raised by our member communities with the Cannabis Control Commission. We sincerely thank you for your service and this opportunity to submit these comments directly to you.

Respectfully,



Janet Pierce, Executive Director

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