

Engaged Citizen Corner

Recreational Marijuana in Brookline

League of Women Voters of Brookline

In November 2016, Brookline residents voted (60% in favor) to legalize recreational Marijuana, including retail sales, manufacturing, cultivation, and lab testing. Cities and towns are developing local criteria for recreational marijuana in compliance with state law, regulations and oversight by the Cannabis Control Commission. The State law does not cap the number or type of Marijuana Establishments the Cannabis Control Commission may license in a particular community.

On May 22, Brookline Town Meeting members will consider an interrelated group of Warrant Articles seeking to integrate and codify the sale, testing, growing and use of recreational marijuana into Brookline's Town's Zoning and General By-Laws, anticipating that the Cannabis Control Commission could begin to issue licenses by July 1, 2018. The Town's self-imposed moratorium concludes December 31, 2018.

Articles 17 - 22 are the result of significant public outreach and coordination by several Town departments, boards, and commissions. They also reflect the Town's experience with the legalization of medical marijuana in November, 2013.

Article 17: Seeks to amend the Town's Zoning By-Law to create a new use called Marijuana Establishments - inclusive of medical marijuana but expanded to include the sale, cultivation, testing and social consumption of recreational marijuana. The Zoning By-Law would control the siting, density and number of Marijuana Establishments within the Town, and includes several regulatory measures for promotion of public health and safety.

Marijuana Establishments include Marijuana Retailers, Marijuana Product Manufacturers, Marijuana Cultivators, and Independent Testing Laboratories. A ban on any or all of the new Marijuana uses would be allowed, but, by statute, would require a 2/3 majority approval at Town Meeting plus a Town-wide referendum.

The proposed changes to Brookline's Zoning By-Law provide for multi-tiered local control: limitation on number of licenses; limitation on location within Town (zoned business districts), limitation on density (spacing between retailers) and limitation on proximity to K-12 schools (Buffer Zones).

Article 18: Proposes to amend the Town's General By-Laws to include a new Article entitled "Marijuana Establishments," proposing a Select Board licensing scheme similar to that of medical marijuana treatment centers (RMDs). It adopts the State's minimum cap necessary to avoid a Town-wide referendum for Marijuana Retailers at 20% of the number of package store licenses issued in the Town rounded up to the next whole number (currently 4), as well as many of the same regulatory provisions as Article 17, in the event that a 2/3 majority (required for zoning changes) is not reached at Town Meeting.

Article 19: Proposes a Town Meeting motion to set lower caps for Marijuana Retailers than proposed by Warrant Article 18.

Article 20: Proposes a new Article to the General By-Laws entitled "Marijuana and Hemp, and Marijuana and Hemp Products." It provides for local public safety regulation and civil enforcement for personal use and consumption of marijuana, similar to alcohol and tobacco.

Article 21: Proposes amendments to certain sections of Article 10 of the Town's By-Laws designating the Town Departments responsible for enforcement of the proposed new Marijuana-related Articles to the General By-Laws.

Article 22: Proposes to adopt the 3% local option recreational Marijuana sales tax.

Actions: The Select Board has approved a Host Community Agreement (per state requirements) with New England Treatment Access (NETA). The medical marijuana dispensary at Washington Street and Route 9 is seeking a recreational license from the state.

Prepared and submitted by a member of the League of Women Voters of Brookline (LWVB). The League is a nonpartisan organization that encourages informed and active participation in government and that works to influence public policy through education and advocacy.