



**TOWN OF FALMOUTH**  
**Division of Code Administration & Building Regulation**  
**Justin Brown – Code Enforcement Officer**

Memorandum

Date: December 7, 2016  
To: Town Council  
From: Justin Brown, Code Enforcement Officer  
Cc: Nathan Poore, Town Manager  
Amanda Stearns, Community Development Director  
Re: Status of State Marijuana Legalization Measure

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As result of the November 8<sup>th</sup> approval of marijuana legalization language I have prepared a number of items for consideration in the interim before this language officially becomes law.

- Due to the extremely close vote the ballots are being recounted. That recount began in early December and could take upwards of a month.
- There have been hints that the bill, as written, lacks a number of clarifications and enforcement items that legislators may push to amend. Provided the initial “yes” vote is upheld there will likely be a period of time taken to “clean up” some language in the bill. The approximate time necessary for this process is unclear at this time.
- The language addresses commercial marijuana operations such as cultivation facilities, retail establishments, and social clubs. As part of this referendum the Department of Agriculture, Conservation and Forestry will be tasked with establishing licensing guidelines for all such facilities. This process will likely take a number of months at a minimum and possibly substantially longer.
- Assuming that the vote is upheld and the regulations are in place to move forward with commercial marijuana businesses from a state level Falmouth’s current zoning ordinance would likely limit cultivation facilities to districts allowing “Light Manufacturing” use. Retail establishments and social clubs would likely be limited to districts allowing for retail and service establishments.
- A number of municipalities in the state have opted to put moratoriums in place to limit commercial operations until such time as they can enact appropriate zoning. A moratorium of this kind, if enacted, is only valid for 180 days. It is possible to extend the moratorium for an additional 180 day period after that point provided that:
  - *The problem giving rise to the need for the moratorium still exists; and*

- *Reasonable progress is being made to alleviate the problem giving rise to the need for the moratorium.*

A moratorium could take a month to two months to put in place but it could be structured in such a way as to be retroactive to the time at which the moratorium was first proposed.

In conclusion, it is the opinion of both staff and legal council that it would seem unnecessary to enact a moratorium at this time for the following reasons:

- The final decision on the November 8th vote has not been officially decided in light of the ongoing recount.
- It is likely that the language will need to be altered before being implemented.
- The language governing all regulatory aspects of commercial operations would need to be created and implemented before any state licensing could take place.

While it is not yet known exactly how long any of the above mentioned items might take to resolve it is clear that the entire process is likely to be a number of months at a minimum. Staff will monitor the situation as time goes on to determine what the ultimate outcome may be as well as keep track of a possible timeline for that outcome. I am happy to discuss this item with you further.