



Mass. towns balking at pot shops as Beacon Hill weighs tighter local approvals

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Cannabis.

By Dan Adams and Matt Rocheleau

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At least 103 cities and towns — nearly one-third of all Massachusetts communities — have placed outright bans or other restrictions on marijuana businesses since voters legalized the drug for recreational use in November, according to a Globe analysis.

And another 47 municipalities are actively considering restrictions, the review found, as local elected officials express unease about the state's venture into legalized recreational marijuana.

Most of the restrictions are temporary, intended to allow local officials time to consider where marijuana shops should be allowed to operate in their communities — if at all.

But residents of 29 municipalities have gone much further, voting to bar all types of recreational cannabis businesses.



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Seventy communities enacted temporary moratoriums of varying lengths on recreational marijuana businesses. Of those, local officials in 39 municipalities imposed moratoriums even though voters in those communities supported the marijuana ballot initiative. In some cases, local elected leaders adopted the freezes at sparsely attended meetings with minimal public debate.

The findings, based on news accounts and data collected by the lobbying group for local governments, suggest that recreational marijuana businesses could encounter considerable friction across much of the Commonwealth. If there is significant pushback, proponents of legalized marijuana warn that consumers will be unable to legally buy recreational pot in broad swaths of the state — especially if a legislative proposal giving local officials even greater power to block marijuana businesses is signed into law.

“If people have to drive 40 miles to get legal marijuana, they’re just going to drive 2 miles to get illegal marijuana,” said Jim Borghesani, who directed communications for the group that sponsored the ballot measure. “We’re going to see the criminal market stay in business, and we’re going to see tax revenue lost. It simply doesn’t make any sense.”

The [municipalities that have adopted temporary or permanent restrictions](#) range from small communities such as Ashby, which is north of Fitchburg, to cities such as Springfield, and include many suburbs that ring Boston.

Mayor Martin J. Walsh, who had opposed the ballot initiative, has since warned that bans by surrounding communities could unfairly concentrate pot commerce in Boston.

The question of who should control marijuana shops at the local level has become a major point of contention on Beacon Hill, where state lawmakers are negotiating changes to the new law before recreational sales begin in July 2018.

Question 4, the ballot measure passed by voters, requires municipalities to hold a communitywide vote if they want to ban pot shops or limit their number to fewer than 20 percent of the number of local liquor stores.

But [lawmakers in the Massachusetts House in June approved changes](#) that would let elected municipal officials — not voters — enact those limits unilaterally. The state Senate wants to keep the ballot initiative’s original language, leaving local control with the voters.

Governor Charlie Baker on Thursday expressed support for the House approach, noting in an interview with WGBH’s Boston Public Radio show that local officials manage the location of alcohol licensees and “are on the hook to the people in their community.”

The Massachusetts Municipal Association pushed the House provision, arguing that the rollout of sales next year comes too late for local voters to weigh in at their usual spring elections.

The association said the ballot law also fails to spell out precise procedures for organizing votes on



pot rules, and robs town and city officials of customary powers they hold over most other businesses.

“Forcing the inefficient and extremely difficult process of zoning by referendum would only force communities to delay for months or years, which works against the interests of the industry,” said Geoffrey Beckwith, the association’s executive director.



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A cashier rang up a marijuana sale at a cannabis dispensary in Las Vegas earlier this month.

The state’s approach to municipal restrictions will profoundly shape the development of the nascent cannabis industry and, in turn, the drug’s availability to consumers. But after weeks of meetings aimed at producing a compromise by June 30, [House and Senate negotiators remain deadlocked](#) over local control, [as well as the new tax rate on legal pot](#).

The impasse threatens to further delay the debut of dispensaries, which lawmakers [previously pushed back six months to July 1, 2018](#). In Nevada, which also legalized recreational marijuana in November,

[the first pot shops have already opened.](#)

Members of the cannabis industry called municipalities' fears overblown, arguing that the law as written gives local officials sufficient oversight and that tightly regulated marijuana companies will cause neighbors few problems.

"At the town level, decisions are made more on emotion and irrational fear," said Jon Napoli, who runs a hydroponics shop in Boston and cultivates cannabis for a medical dispensary in Brockton. "If local officials can just obstruct and obstruct, Massachusetts could easily lose this golden opportunity to be the first place" with recreational sales on the East Coast.

Municipal leaders said many of the restrictions were intended to buy time to draw up zoning rules for marijuana businesses, and to reassure nervous constituents that they won't let dispensaries open in town without permission.

In many cases, the moratoriums appear to be purely symbolic, as they expire around the time pot businesses can finally apply for licenses in April.

"We didn't necessarily buy ourselves much more time than the state regulations allow anyway, but it sent a clear policy message," said Adam Chapdelaine, the town manager of Arlington, where Town Meeting members in April implemented [a moratorium on recreational pot operations until next June](#), or until the municipality enacts marijuana bylaws. "We wanted every resident to know that we will have a planning process and public discussion about whether or not to have recreational facilities in town."

About 56 percent of Arlington voters supported Question 4. Chapdelaine acknowledged the moratorium appeared to be at odds with residents' votes, and that public awareness of the freeze wasn't widespread. But he recalled that in 2012, an overwhelming majority of Arlington voters supported legalizing medical marijuana, yet there was still stiff resistance when a dispensary subsequently sought to open in town.

"We found ourselves facing some extremely angry residents," Chapdelaine said. "Even though people in Arlington voted for it as a policy for the state, it wasn't clear to them that they wanted one in Arlington."

The largest gap between a town's policy and its voters' choice on Question 4 appears to be in the tiny

hamlet of Egremont, on the New York border. There, 64 percent of 845 total voters backed Question 4. But town meeting members nonetheless blocked marijuana businesses [until February 2019 at the earliest](#). The moratorium was pushed by the three-member Egremont planning board, whose hearing on the subject [was attended only by a local reporter and no residents](#). Officials in Egremont did not return calls seeking comment.

Residents in at least 29 municipalities have used the authority granted by the ballot law to impose indefinite bans on marijuana operations, among them Falmouth, Norwood, and Wakefield. Seven of those communities did so despite voting in favor of Question 4, including Stoughton, East Bridgewater, and Medway.

Pro-marijuana advocates argue these local votes were marred by low turnout common during local elections, while Question 4 was approved amid a presidential election that saw record turnout of 75 percent in Massachusetts. Beckwith countered that asking people whether marijuana should be legal is hardly the same as asking if they want pot shops in their neighborhoods.

Some in the marijuana industry support a component of the House bill that would replace an optional 2 percent local pot tax with a mandatory 5 percent municipal levy. The promise of more tax receipts, they argue, could sway some communities to open their doors to pot shops.

“I’m all about the host community tax,” said marijuana attorney Valerio Romano, whose clients include a number of prospective recreational businesses. “Municipalities need an incentive to help these places get started besides just regulating them.”

Thinking twice on legal marijuana

Many Massachusetts communities want to delay the opening of recreational shops, while a few have banned them outright.

 BANS ENACTED MORATORIUMS ENACTED ZONING RESTRICTIONS ENACTED CONSIDERING OR HAVE CONSIDERED RESTRICTIONS

***Note: There is currently no central agency collecting this info, more towns may be considering restrictions that have yet to be reported.**

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