

Town of



Amherst Massachusetts

OFFICE OF THE SELECT BOARD

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December 19, 2016

The Hon. Stanley C. Rosenberg
Senate President
State House, Boston 02133

The Hon. Robert A. DeLeo
Speaker of the House
State House, Boston 02133

Dear President Rosenberg and Speaker DeLeo:

The Town of Amherst Select Board wants to share its concerns with certain provisions of ballot question #4 legalizing the recreational use of marijuana. The Select Board recognizes the clear support of the measure, especially in Amherst, where the question garnered the support of 74% of Amherst voters. However, we respectfully request that the Legislature review several key elements that concern the Select Board. If amended, these areas would increase the likelihood of a smooth and successful implementation.

According to the 2010 Census, the median age of an Amherst resident is 21.6 years old, nearly two decades younger than the median age of the Massachusetts population in general (39.2 years). Over 30% of our population is under the age of 20 and more than 65% of our population is under the age of 25. With such a youthful population – many of whom attend the University of Massachusetts, Amherst College, or Hampshire College – we are particularly concerned that we will not have sufficient time to adequately address the health and safety concerns within the timeframe included in the law.

Therefore, our first request is that the Legislature provide a clear and easy mechanism for a municipality to delay all commercial sales of recreational marijuana, including recreational sale at a registered medical marijuana dispensary. It is important to note the fact that registered medical marijuana dispensaries would appear to automatically be permitted to sell for recreational use, but this potential new use was not a known consideration during the Select Board's deliberations when deciding whether to issue letters of support for medical marijuana dispensaries. Neither was it a consideration when Amherst Town Meeting proactively modified its zoning bylaw in November 2013 to address medical marijuana dispensaries. Amherst is in the difficult position of having provided four letters of support for medical marijuana dispensary

applicants, and two of those four applicants have already received Zoning Board of Appeals Special Permits. We are not attempting to delay the availability of medical marijuana. Our second request is that the Legislature restore the ability of municipalities to make local decisions regarding recreational marijuana establishments. The new law appears to force towns to bring limiting bylaws to local election ballots rather than to Town Meeting. Specifically, the Select Board is concerned that a municipality does not have the ability to prohibit a recreational marijuana establishment in an area where a medical marijuana dispensary is allowed. As noted above, this was not contemplated during the drafting of our current zoning for medical marijuana dispensaries. Because medical and recreational uses of marijuana differ substantially, municipalities should have the ability to distinguish between them in our zoning bylaws. This separation would also recognize the importance of appropriate public signage standards to minimize obvious appeals to users under age 21.

Third, we request that the Legislature revisit the “home grow” provision of the law. In combination with the permission to freely distribute home grown marijuana, as long as the grower does not charge for the product, this could flood Amherst with recreational marijuana and create a heavy burden on our public safety and emergency response staff even before the sale of recreational marijuana becomes legal.

Lastly, we request that the Legislature consider revising the 2% maximum local option sales tax on retailers. Although we understand the reasoning that keeping the state and local taxes low will allow legitimate recreational marijuana establishments to effectively compete with – and hopefully drive out – black market competition, it is unclear whether a 2% local option sales tax will be sufficient to cover the public safety, emergency response, public health, zoning, permitting, and licensing costs associated with the legalization of recreational marijuana. We need some flexibility to ensure that the local option sales tax collected will offset the costs incurred, without having to negotiate agreements with each individual recreational marijuana establishment.

In conclusion, Amherst is committed to respecting the will of the voters, while ensuring the safety and well-being of our residents. We also need more time to consider how our decisions impact bordering communities with significant numbers of college age residents, including Hadley, Sunderland, and Belchertown. The aforementioned provisions of the law, especially the timeframe and lack of local control, will make all of this difficult to accomplish in a deliberate and thoughtful way.

Thank you very much for your consideration. If you have any questions or wish to receive additional information, please do not hesitate to contact Amherst’s Economic Development Director, Geoff Kravitz, at (413) 259-3079 kravitzg@amherstma.gov.

Sincerely,



Alisa V. Brewer
Chair, Amherst Select Board

Cc:

Amherst Select Board

Amherst Board of Health

Amherst Zoning Board of Appeals

Amherst Planning Board

Chancellor Kumble Subbaswamy, University of Massachusetts, Amherst

President Bidy Martin, Amherst College

President Jonathan Lash, Hampshire College

Amherst Area Chamber of Commerce

Hadley Board of Selectmen

Belchertown Board of Selectmen

Sunderland Board of Selectmen

Representative Ellen Story, 3rd Hampshire District

Representative-elect Solomon Goldstein-Rose, 3rd Hampshire District