

**2018 Special Town Meeting #2
Marshall Lebowitz Town Meeting Hall
Wilson Middle School
October 2, 2018
First Session**

The First Session of the 2018 Special Town Meeting #2 was called to order at 7:50 PM by Town Moderator, Frank W. Foss, who declared a quorum present. The Moderator welcomed residents, taxpayers, town officials, Town Meeting Members and interested parties to the First Session of 2018 Special Town Meeting #2. Mr. Foss presented the official, duly posted warrant signed by the Board of Selectmen with the officer's return thereon to the Town Clerk to be entered into the official record of the town. The Moderator asked that any recently elected or appointed members of Town Meeting stand to take the oath of office. There were no new Town Meeting members. The Moderator asked the audience to stand for the Pledge of Allegiance and a moment of silence in recognition of all the men and women serving on our behalf throughout the world.

The Moderator introduced the officials present on the stage and in the well of the auditorium. The following people were present: Diane Packer, Town Clerk; Patrick Hayes, Finance Committee Chair; Bruce Evans, Finance Committee Secretary; Karis North, Town Counsel; Katherine Laughman, Special Counsel; Melissa Malone, Town Administrator and Amy Mistrot, Chair, Board of Selectmen; Tim Lathwood, a representative from Option Technologies who will be operating the electronic voting system; and Sean O'Brien who will be operating the slides.

The Moderator reviewed the general rules and procedures of Town Meeting. He indicated that all residents and taxpayers of the town and town officers and employees, whether or not residents, have the same right to speak as Town Meeting Members; however they do not have the right to submit motions for consideration at Town Meeting, nor vote on any matter before Town Meeting. Non-residents may only speak at Town Meeting after approval by Town Meeting Members. The proceedings of Town Meetings shall be governed by *Town Meeting Time*, the Town of Natick Home Rule Charter, the Natick By-Laws and the General Laws of the Commonwealth of Massachusetts.

All motions offered for consideration by Town Meeting shall be in writing if required by the Moderator; and all motions involving the expenditure of money shall be in writing when required by any Town Meeting Member. No person shall speak upon any article more than once when any other person desires to be heard, nor more than twice on the same question without permission of Town Meeting; and no person shall speak more than ten (10) minutes at one time without permission of Town Meeting. Consistent with the Natick By-Laws, once a member is recognized, it is the practice of Town Meeting to first ask questions, then propose a motion and/or debate the highest ranking motion. This practice is unchanged. Once a speaker is called upon by the Moderator the speaker's time will begin. Time expended asking questions will be considered part of the speaker's time, pursuant to the Natick By-Laws. Responses to the speaker's question will not be considered part of the speaker's requisite time. Each speaker will be limited to three questions, whether or not they are stated singularly or in a compound question and divided by the Moderator. When a question on an article is before Town Meeting, motions shall be received and have precedence as listed in the table entitled "Precedence of Motions", found in the Natick By-Laws, the Town Meeting Member Handbook and *Town Meeting Time*. Any person having a monetary or equitable interest in any matter under discussion at a Town Meeting, and any person employed by another having such an interest, shall disclose the fact of his/her interest or employment before speaking on the matter. The motion for the previous question shall not be entertained by the Moderator if three or more persons, who have not previously spoken to the question, are seeking recognition. There was an objection to these rules and therefore Town Meeting voted to accept the rules. ***The vote to accept the rules passed by majority vote (112-2-6).***

The Moderator suggested a motion to waive the reading of articles and motions. Moved by Mr. Sidney, seconded by Mr. Gath to waive reading the text of all 2018 Special Town Meeting #2 warrant articles and move to waive reading the text of motions, excluding the amounts to be appropriated and sources of said amounts to be appropriated when motions are provided in the text of any Recommendations of the Natick Finance Committee publications. ***The motion passed by majority vote (117-1-2).***

Ms. Collins moved, seconded by Mr. Coburn to take up the Articles of the 2018 Special Town Meeting in the following order:

- Article 1 - Excise Tax on Retail Sales of Marijuana for Adult Use
- Article 4 - Amend Town of Natick By-law Article 10: Board of Selectmen
- Article 3 - Extend the Temporary Moratorium
- Article 2 - Marijuana Establishments Zoning Bylaw Amendment

The procedural motion passed by a two-thirds vote (by hand count).

ARTICLE 1: Excise Tax on Retail Sales of Marijuana for Adult Use (Town Administrator)

To see if the Town of Natick will vote to accept Massachusetts General Laws Chapter 64N, Section 3 to impose local sales tax upon sale or transfer of marijuana or marijuana products by a marijuana retailer operating within the Town of Natick, to anyone other than a marijuana establishment, at a rate not greater than 3 per cent of the total sales price received by the marijuana retailer, or to otherwise act thereon.

FINANCE COMMITTEE RECOMMENDATION:

The Finance Committee recommends the following action:

ARTICLE 1	DATE VOTED	MOTION	QUANTUM OF VOTE
	September 20, 2018	Favorable Action	13-0-0

MOTION (requires a majority vote):

Moved by Mr. Evans, seconded by Mr. Hayes that the Town accept Massachusetts General Law Chapter 64N, Section 3 to impose an excise on the retail sales of marijuana for adult use at the rate of three percent (3%).

Ms. Katherine Laughman, Special Counsel from KP Law gave a brief overview of the law regarding recreational marijuana. Jamie Errickson, Director of Community and Economic Development also gave a presentation relating to this article and the process for regulating adult use marijuana.

The main motion under Article 1 passed by majority vote (121-3-2).

ARTICLE 4: Amend Town of Natick By-law Article 10: Board of Selectmen (Town Administrator)

To see whether the Town will vote to amend the Town of Natick By-Laws, Article 10, Board of Selectmen by adding a new Section 5: Marijuana Licensing, the purpose of which shall be to create a local licensing process for Marijuana Establishments pursuant to G.L. c.94G Section 3 and 935 CMR 500, under the authority of the Board of Selectmen, to include provisions for regulations, hearings, applications, enforcement, limitation on licenses, and/or other requirements that may be adopted by the Board of Selectmen under such licensing authority; or otherwise act thereon.

FINANCE COMMITTEE RECOMMENDATION:

The Finance Committee recommends the following action:

ARTICLE 4	DATE VOTED	MOTION	QUANTUM OF VOTE
	September 20, 2018	Favorable Action	12-1-0

MOTION (requires a majority vote):

Move that the Town amend Article 10: Board of Selectmen of the Town of Natick By-laws by adding a new Section 5: Marijuana Licensing, as follows:

Section 5 MARIJUANA LICENSING

5.1 Marijuana License Required. No person shall carry on the business operating an Adult Use Marijuana Establishment as defined in G.L. c.94G and 935 CMR 500, including the cultivation, processing, packaging, delivering, manufacturing, branding, selling or otherwise transferring or testing marijuana or marijuana products within the Town unless first duly licensed thereof by the Board of Selectmen, which license shall be renewed by said Marijuana Establishment annually.

5.2 Host Community Agreement Required. Any Marijuana Establishment operating within the Town shall at all times have a valid Host Community Agreement and operate in accordance with the terms and provisions thereof.

5.3 Regulations. The Board of Selectmen may adopt rules and regulations related to the issuance of such licenses, including the fees to be paid therefore and the conditions to be satisfied by any applicant for such a license.

5.4 Applications. Applicants for a license shall file an application on a form provided by the Board of Selectmen, signed under the penalties of perjury by the applicant, containing such information as the Board of Selectmen may reasonably require from time to time. Each applicant shall pay an application fee as may be reasonably determined from time to time by the Board of Selectmen.

5.5 Limitation on Licenses: The number licenses issued for Adult Use Marijuana Retailers, as defined in G.L. c.94G, §1 and 935 CMR 500.00, shall be limited to twenty percent (20%) of the number of licenses issued within the Town for the retail sale of alcoholic beverages not to be drunk on the premises where sold pursuant to G.L. c.138 §15. In the event that 20% of said licenses is not a whole number, the limit shall be rounded up to the nearest whole number.

5.6 Hearing. The Board of Selectmen shall hold a public hearing within 60 days of receipt of a completed application, with due written notice provided to the applicant of the time, date and location where such application will be heard.

5.7 Enforcement. The Board of Selectmen may issue orders as appropriate to aid in the enforcement of this regulation and may enforce these provisions in equity, including the request for injunctive relief, in a court of competent jurisdiction. Any failure to comply with any order issued hereunder shall result in the issuance of a formal warning. Any failure to comply with such a warning shall result in a fine of \$100.00. Any failure to comply after the issuance of said fine may be punishable by a subsequent fine of \$300.00. Each day of a continued non-compliance shall constitute a separate violation. Further, the Board of Selectmen may hold a hearing, with notice to the licensee, to determine if such license should be modified, suspended or revoked.

Mr. Errickson, Director of Community and Economic Development spoke to this article. He explained that this article would serve to appoint the Board of Selectmen as the licensing authority. Mr. Montross moved to insert the word “of” in section 5.5 after the word “number” and before the word “licenses”. *The amendment passed by majority vote (118-4-2).*

Moved by Ms. Collins, seconded by Mr. Coburn to amend the main motion in Section 5.3 Regulations by replacing the word “may” with the word “shall” as it appears after the word “Selectmen” and before the word “adopt” so that the first sentence of the Section 5.3 Regulations will read “The Board of Selectmen shall adopt rule and regulations related to the issuance of such licenses,…”

The amendment to the main motion passed by majority vote (83-39-4). The amended main motion passed by majority vote (122-2-1).

ARTICLE 3: Amend Zoning By-Law to create, extend, and/or modify the existing Temporary Moratorium Regarding Recreational Marijuana Establishments currently located in Section III-K: Marijuana Establishments of the Natick Zoning Bylaws (Town Administrator)

To see if the Town will vote to amend the Natick Zoning By-Law pursuant to Chapter 334 of the Acts of 2016, subsequently amended, in part, by Chapter 351 of the Acts of 2016, entitled “An Act Further Regulating the Cultivation of Marijuana and Marihuana,” and by Chapter 55 of the Acts of 2017, entitled “An Act to Ensure Safe Access to Marijuana” (collectively, the “Acts”) by creating, extending and/or modifying an existing temporary moratorium regarding recreational marijuana establishments and related uses currently located in Section III-K: Marijuana Establishments of the Natick Zoning Bylaws. The existing moratorium is in effect through December 31, 2018 or six (6) months from the date of adoption of regulations to implement the Acts by the Cannabis Control Commission, whichever is later. The proposed extension and/or modification of the existing moratorium shall be in effect for a period up to, but not exceeding, an additional six (6) months from December 31, 2018, unless said moratorium is extended, modified or rescinded by a subsequent action of Town Meeting; the purpose of said moratorium extension is to allow the Town of Natick adequate time to consider whether and/or how to allow, prohibit and/or regulate marijuana establishments and related uses as outlined in the Acts, in accordance with applicable state laws and regulations, and to undertake an appropriate planning process; or otherwise act thereon.

FINANCE COMMITTEE RECOMMENDATION:

The Finance Committee recommends the following action:

ARTICLE 3	DATE VOTED	MOTION	QUANTUM OF VOTE
	September 20, 2018	Favorable Action	13-0-0

MOTION: (Requires a two-thirds majority vote)

Moved by Mr. Evans seconded by Mr. Hayes to amend the Natick Zoning By-Law Section III-K: Marijuana Establishments to amend the expiration date of the moratorium to June 30, 2019, as follows:

To amend Section III-K(C) by replacing

“...in effect through December 31, 2018 or six (6) months from the adoption of regulation to implement the Acts by the Cannabis Control Commission, whichever is later, ...”

with

“in effect through June 30, 2019,...”

So that Section III-K(C) shall read as follows:

C. Expiration

For the reasons set forth above and notwithstanding any other provision of the Natick Zoning Bylaws to the contrary, the temporary moratorium set forth in Section B above shall be in effect through June 30, 2019, unless extended, modified or rescinded by a subsequent action of Town Meeting.

Moved by Ms. Collins, seconded by Mr. Munnich to amend the motion under Article 3 of the 2018 Special Town Meeting #2 by replacing it in its entirety with the following:

Move that the town vote to amend the Natick Zoning By-Law Section III-K Marijuana Establishments by:

Replacing the words “in effect through December 31, 2018 or six (6) months from the adoption of regulations to implement the Acts of the Cannabis Control Commission, whichever is later,” with the words “in effect through June 30, 2019”; and

Adding the words “and to ensure Natick has a comprehensive Zoning By-Law on Adult Use Marijuana in place” after the words “set forth above” and before the words “and notwithstanding”

So that Section III-K(C) shall read:

“C. Expiration

For the reasons set forth above and to ensure Natick has a comprehensive Zoning By-Law on Adult Use Marijuana in place and notwithstanding any other provision of the Natick Zoning Bylaws to the contrary, the temporary moratorium set forth in Section B above shall be in effect through June 30, 2019, unless extended, modified or rescinded by a subsequent action of Town Meeting.”

The Moderator called for a short recess to assure that this amendment is correct. Ms. Laughman, Special Counsel reviewed this amendment and said that the language is not in violation of the law.

The amendment to the main motion under Article 3 passed by a majority vote (72-40-3).

Ms. Evans moved, seconded by Mr. Yang to table Article 3. ***The motion passed by a two-thirds vote (81-32-2).***

ARTICLE 2: Marijuana Establishments Zoning Bylaw Amendment (Planning Board)

To see if the Town will vote to amend the Town of Natick Zoning By-Laws and Map with regards to establishing reasonable regulations regarding the time, place and/or manner of adult use marijuana establishments per G.L. c. 94G, including but not limited to the following:

- Replace and/or modify the existing “Section III-K: Marijuana Establishments” with a new “Section III-K: Adult Use Marijuana Establishments” which address the following topics:
 - Specify the purpose, scope, and/or objective;
 - Specify the applicability of the provisions;
 - Specify the relationship with underlying districts and regulations;
 - Create, amend, and/or add definitions;

- Specify the place, time and/or manner;
 - Create and/or specify the regulation of the use(s), including but not limited to any special provisions and/or limitation of the use(s) such as creating a use regulation table, establishing buffer zones, relationship to existing uses, location to other similar establishments, and/or other special provision regarding where such uses can be located or operated;
 - Create and/or specify the special Permit and/or site plan requirements and/or process;
 - Create and/or specify provisions, if any, for licensing requirements, community outreach, community host agreement, energy use, parking and traffic impacts, waiver provisions, enforcement, inspections, screening and/or other visual impacts, signage, and/or other neighborhood and abutter protections; and/or
- Amend and/or modify the Town of Natick Zoning Bylaw to create one or more Adult Use Marijuana Establishment overlay zoning district(s) in Section II – Use Districts, II-A Types of Districts; and/or
 - Amend the Town of Natick zoning map, as referenced under Section II-B Location of Districts (Zones) subsection 1 to locate one or more Adult Use Marijuana Establishment overlay zoning district(s) on parcels with current underlying zoning allowing commercial, retail, and/or industrial uses either by right or by special permit;
 - And/or extend and/or modify an existing temporary moratorium regarding recreational marijuana establishments and related uses currently located in Section III-K: Marijuana Establishments of the Town of Natick Zoning Bylaws. The existing moratorium is in effect through December 31, 2018 or six (6) months from the date of adoption of regulations to implement the Acts by the Cannabis Control Commission, whichever is later. The proposed extension and/or modification of the existing moratorium shall be in effect for a period up to, but not exceeding, an additional six (6) months from December 31, 2018, unless said moratorium is extended, modified or rescinded by a subsequent action of Town Meeting;

or otherwise act thereon.

FINANCE COMMITTEE RECOMMENDATION:

The Finance Committee recommends the following action:

ARTICLE 2	DATE VOTED	MOTION	QUANTUM OF VOTE
Motion A	September 20, 2018	Favorable Action	11-2-0

MOTION A: (Requires a two-thirds majority vote)

Moves by Mr. Evans, seconded by Mr. Hayes that the Town Replace the existing “Section III-K: Marijuana Establishments” with a new “Section III-K: Adult Use Marijuana Establishments”, that reads:

Section III-K: Adult Use Marijuana Establishments

1. Purpose.

The purpose of this Section is to regulate the time, place and manner of Adult Use Marijuana Establishments. The zoning will serve to preserve the character of the community and create a place for the public to have access to legal marijuana while mitigating community impact. This Bylaw should serve as a guide that will support the public’s right to access legal marijuana, protect the public health, safety, and well-being and expand new growth for the tax base.

2. Relationship to underlying districts and regulations

2.1 The Adult Use Marijuana Overlay Districts shall overlay all underlying districts so that any parcel of land lying in an Adult Use Marijuana Overlay District shall also lie in one or more of the other zoning districts in which it was previously classified, as provided for in this Zoning Bylaw.

2.2 All regulations of the underlying zoning districts shall apply within the Adult Use Marijuana Overlay Districts, except to the extent that they are specifically modified or supplemented by other provisions of the applicable Adult Use Marijuana Overlay District.

3. Scope.

This Section III.K relates only to Marijuana Establishments authorized by General Laws, Chapter 94G, and not to Registered Marijuana Dispensaries authorized by General Laws, Chapter 94I; the location and operation of which is governed by Section III.323.8 of these Bylaws, nor to marijuana-related businesses not required to be licensed by Chapter 94G, except as otherwise provided for herein.

4. Definitions.

The terms used herein shall be interpreted as defined in the regulations governing Adult Use of Marijuana (935 CMR 500.00) and otherwise by their plain language.

Commission: The Cannabis Control Commission established by M.G.L. c.10, s.76 with authority to implement the state marijuana laws, including, M.G.L. c.94I, and M.G.L. c.94G, and all related regulations, including 935 CMR 500.00, 935 CMR 501.00 and 935 CMR 502.00 .

Craft Marijuana Cooperative: A Marijuana Cultivator comprised of residents of the Commonwealth and organized as a limited liability company, limited liability partnership, or cooperative corporation under the laws of the Commonwealth. A cooperative is licensed to cultivate, obtain, manufacture, process, package and brand marijuana or marijuana products and to transport marijuana to Marijuana Establishments, but not to consumers.

Hemp: The plant of the genus Cannabis or any part of the plant, whether growing or not, with a delta-9-tetrahydrocannabinol concentration that does not exceed 0.3% on a dry weight basis of any part of the plant of the genus Cannabis, or per volume or weight of cannabis or marijuana product, or the combined percent of delta-9-tetrahydrocannabinol and tetrahydrocannabinolic acid in any part of the plant of the genus Cannabis regardless of moisture content.

Host Community Agreement: An agreement, pursuant to M.G.L. c.94G, s.3(d), between a Marijuana Establishment and a municipality setting forth additional conditions for the operation of a Marijuana Establishment, including stipulations of responsibility between the parties.

Independent Testing Laboratory: A laboratory that is licensed by the Commission in accordance with 935 CMR 500.00

Manufacture: To compound, blend, extract, infuse or otherwise make or prepare a marijuana product.

Marijuana Cultivation: The use of land and/or buildings for planting, tending, improving, harvesting, processing and packaging, preparing and maintaining soil and other media and promoting the growth of marijuana by a marijuana cultivator, micro-business, research facility, craft marijuana cultivator cooperative, registered marijuana dispensary or other entity licensed by the Commission for marijuana cultivation. Such use is not agriculturally exempt from zoning.

Marijuana Cultivator: An entity licensed by the Commission to cultivate, process and package marijuana, to transfer marijuana to other Marijuana Establishments, but not directly to consumers. A Craft Marijuana Cooperative is a type of Marijuana Cultivator.

Marijuana Establishment: A Marijuana Cultivator, Craft Marijuana Cooperative, Marijuana Product Manufacturer, Marijuana Retailer, Independent Testing Laboratory, Marijuana Research Facility, Marijuana Transporter, or any other type of licensed marijuana-related business, except a Medical Marijuana Treatment Center (Registered Marijuana Dispensary).

Marijuana Microbusiness: A Marijuana Establishment that can be either a Marijuana Cultivator or Product Manufacturer or both, licensed in accordance with the requirements of 935 CMR 500.00.

Marijuana Products: Marijuana and its products unless otherwise indicated. These include products that have been manufactured and contain marijuana or an extract from marijuana, including concentrated forms of marijuana and products composed of marijuana and other ingredients that are intended for use or consumption, including edible products, beverages, topical products, ointments, oils and tinctures.

Marijuana Product Manufacturer: An entity licensed to obtain, manufacture, process and package marijuana or marijuana products and to transfer these products to other Marijuana Establishments, but not directly to consumers.

Marijuana Retailer: An entity licensed to purchase and transfer marijuana or marijuana product from Marijuana Establishments and to sell or otherwise transfer this product to Marijuana Establishments and to consumers. Retailers are prohibited from delivering marijuana or marijuana products to consumers and from offering marijuana or marijuana products for the purposes of onsite social consumption on the premises of a Marijuana Establishment.

Third Party Marijuana Transporter: An entity, that is licensed to purchase, obtain, and possess marijuana or marijuana product solely for the purpose of transporting, temporary storage, sale and distribution to Marijuana Establishments, but not directly to consumers.

Process or Processing: To harvest, dry, cure, trim and separate parts of the marijuana or marijuana plant by manual or mechanical means, except it shall not include manufacturing of marijuana products as defined in 935 CMR 500.002.

Marijuana Research Facility: An entity licensed to engage in marijuana research projects by the Commission.

5. Place.

5.1 A Marijuana Establishment is permitted by Special Permit issued by the Planning Board as the Special Permit Granting Authority (SPGA) in the Industrial Marijuana Overlay (IMo) and the Retail Marijuana Overlay (RMo) zoning districts as specified in the Marijuana Establishment Use Regulation Schedule below. Craft Marijuana Cooperatives, Marijuana Cultivators, Microbusinesses, Marijuana Product Manufacturers, Independent Testing Laboratories, Marijuana Research Facilities and Marijuana Transporters are allowed to locate in the Industrial Marijuana Overlay (IMo) district. Marijuana Retailers are allowed in the Retail Marijuana Overlay (RMo) district.

III-K.5 Marijuana Establishment Use Regulation Schedule

Marijuana Establishment Uses	IMo	RMo	RG	RM	RS	PCD	SH	AP	DM	HM	HPU	LC	CII	INI	INII	H
Craft Marijuana Cooperatives	SP	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Marijuana Cultivators	SP	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Marijuana Microbusinesses	SP	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Marijuana Product Manufacturers	SP	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Marijuana Research Facilities	SP	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Third Party Marijuana Transporters	SP	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Independent Testing Laboratories	SP	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Marijuana Retailers	N	SP	N	N	N	N	N	N	N	N	N	N	N	N	N	N

Y = Permitted By-Right SP = Allowed by Special Permit N = Not allowed or permitted

5.2 Intentionally left blank

5.3 No Marijuana Establishment shall be located within a building containing residential units, including transient housing and group housing.

5.4 No Marijuana Retailer shall be located within 500 feet of another Marijuana Retailer. Distance shall be measured by a straight line from the nearest point of the building in question to the nearest point of the building where the Marijuana Establishment is or will be located.

5.5 With the exception of a licensed Marijuana Transporter, no Marijuana Establishment shall be permitted to operate from a moveable, mobile or transitory location.

5.6 Home Occupation: Marijuana Establishments are not permitted as a Home Occupation, as defined within the Zoning Bylaw.

5.7 Use Variances: Notwithstanding any other provision of this Bylaw, no use variances shall be allowed for any Marijuana Establishment in the Town of Natick.

6. Time and Manner.

6.1 Odor: No Marijuana Establishment shall allow the escape of odors or gases from the cultivation, processing or manufacturing of marijuana or marijuana products and shall incorporate odor control technology to ensure that emissions do not violate M.G.L c. 111, s. 31 C.

6.2 Signage: All signage shall comply with the requirements of 935 CMR 500, and Section V of this Zoning Bylaw.

6.3 Hours: Marijuana Retailers shall be open and/or operating to the public only between the hours of 8:00 AM and 8:00 PM, unless otherwise modified by licensing regulations enacted and enforced by the Board of Selectmen.

6.4 Visual Impact: Marijuana plants, products, and paraphernalia shall not be visible from outside the building in which the Marijuana Establishment is located and Marijuana Establishments shall comply with the requirements of 935 CMR 500 with respect to visibility of marijuana and marijuana products. Any artificial screening device erected to eliminate the view from the public way shall also be subject to a vegetative screen and the SPGA shall consider the surrounding landscape and viewshed to determine if an artificial screen would be out of character with the neighborhood.

6.5 Nuisance: Marijuana Establishment operations shall not create nuisance conditions in parking areas, sidewalks, streets and areas surrounding the premises and adjacent properties. "Nuisance" includes, but is not limited to, disturbances of the peace, excessive pedestrian or vehicular traffic, excessive littering, excessive loitering, illegal parking, excessive loud noises, excessive citation for violations of State or local traffic laws and regulations, queuing of patrons (vehicular or pedestrian) in or other obstructions of the public or private way (sidewalks and streets).

6.6 Security: The applicant shall submit a security plan to the Police Department to demonstrate that there is limited undue burden on the Town public safety officials as a result of the proposed Marijuana Establishment. The security plan shall include all security measures for the site and transportation of marijuana and marijuana products to and from off-site premises to ensure the safety of employees and the public and to protect the premises from theft or other criminal activity. A letter from the Natick Police Department to the Planning Board acknowledging receipt and approval of such a security plan shall be submitted as part of the Special Permit application.

Safety plans should mitigate any potential harm to the employees and the public including ensuring all customers are at least 21 years of age.

7. Adult On-Site Social Consumption.

7.1 On-site consumption of marijuana and marijuana products, as either a primary or accessory use, shall be prohibited at all Marijuana Establishments unless permitted by a local ballot initiative process, as allowed by M.G.L. c.94G s.3(b). The prohibition of on-site social consumption shall include private social clubs or any other establishment which allows for social consumption of marijuana or marijuana products on the premises, regardless of whether the product is sold to consumers on site.

8. Other.

8.1 Host Community Agreement: No Special Permit shall be granted without first having an executed Host Community Agreement with the Town of Natick.

8.2 Community Outreach Meeting: No Special Permit application shall be deemed complete until a Community Outreach Meeting in accordance with 935 CMR 500 has occurred.

8.3 State Law: Marijuana Establishment operations shall conform at all times to M.G.L., c.94G, and regulations issued thereunder.

8.4 License requirements:

8.4.1 The applicant shall submit proof that the application to the Commission has been deemed complete pursuant to 935 CMR 500.102. Copies of the complete application, to the extent legally allowed, shall be provided as part of the application to the SPGA, and no Special Permit application shall be deemed complete until this information is provided.

8.4.2 No Special Permit shall be granted by the SPGA without the Marijuana Establishment first having been issued a Provisional License from the Commission pursuant to 935 CMR 500.

8.4.3 No person shall operate a Marijuana Establishment without having a license in good standing from the Commission.

8.5 Energy Use: All Marijuana Cultivators shall submit an energy use plan to the SPGA to demonstrate best practices for energy conservation. The plan shall include an electrical system overview, proposed energy demand, ventilation system and air quality, proposed water system and utility demand.

8.6 Line Queue Plan: The applicant shall submit a line queue plan to ensure that the movement of pedestrian and/or vehicular traffic along the public right of ways will not be unreasonably obstructed.

8.7 Traffic Impact Statement: Any Marijuana Establishment open to the general public shall submit a detailed Traffic Impact Statement.

8.8 Parking: Parking shall be in accordance with Section V-D Off-Street Parking and Loading Requirements

8.9 Permitting: The Planning Board shall be the Special Permit Granting Authority (SPGA). The application requirements and procedures shall be conducted pursuant to Section VI, Special Permits of the Zoning Bylaw. A special permit granted under this Section shall have a term limited to the duration of the applicant's ownership and use of the premises as a Marijuana Establishment. A special permit may be transferred only with the approval of the Planning Board in the form of an amendment to the special permit.

8.10 Hemp: For the purposes of this Bylaw, the cultivation of hemp shall require a Site Plan Approval from the Planning Board in accordance with Section III-A.7 "Regulation of Land or Structures for Purposes Otherwise Exempted from Permitting" and comply with all applicable sections herein.

Use of land or buildings for hemp processing and/or product manufacture shall be subject to such zoning controls as apply to other (non-marijuana) processing and product manufacture operations.

8.11 Notice of Enforcement Order: A Marijuana Establishment shall file notice with the Town Administrator, Director of the Health Department, Police Chief, and the Building Commissioner within 24 hours of receipt of any summary cease and desist order, cease and desist order, quarantine order, suspension order, revocation order, order limiting sales, deficiency statement, plan of correction, notice of a hearing, notice of any other administrative process or legal action, denial of a license, denial of a renewal of a license, or final action issued by a state agency (including, but not limited to, the Commission and Massachusetts Department of Public Health) regarding the Marijuana Establishment or the Marijuana Establishment's Cannabis Control Commission license.

8.12 Annual Inspection: Any operating Marijuana Establishment within the Town shall be inspected annually by the Building Inspector, the Fire Chief, the Police Department, or their designee(s), to ensure compliance with this Section and with any conditions imposed by the SPGA as a condition of the Special Permit approval.

9. Severability.

If any provision of this Section III.K is found to be invalid by a court of competent jurisdiction, the remainder of Section III.K shall not be affected but shall remain in full force.

The invalidity of any provision of this Section III.K shall not affect the validity of the remainder of this Zoning Bylaw.

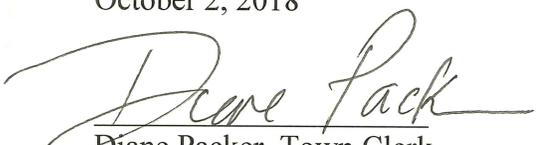
Jamie Errickson, Director of Community and Economic Development spoke to this motion. Ms. Collins moved to refer the subject matter of Article 2 to the Sponsors. There was no second to the motion.

Mr. Munnich moved, seconded by Mr. Sidney postponement of continued consideration of Article 2 until Tuesday, October 9, 2018. Ms. McKenzie moved, second by Mr. Ostroff to amend the postponement until Thursday, October 4, 2018. ***The amendment passed by majority vote (by hand count). The amended motion to postpone continued consideration of Article 2 until October 4, 2018 passed by majority vote (by hand count).***

Moved by Mr. Sidney, seconded by Mr. Gath to put Article 3 back on the table. ***The motion passed by majority vote (by hand count).*** Moved by Mr. Sidney, seconded by Mr. Gath to postpone consideration of Article 3 until the second order of business on October 4th. ***This motion passed by majority vote.***

Mr. Sidney moved, seconded by Mr. Gath to adjourn. ***The motion to adjourn passed by majority vote. The meeting adjourned at 10:50 PM until Thursday, October 4, 2018.***

A record of the First Session of
2018 Special Town Meeting #2
October 2, 2018


Diane Packer, Town Clerk