

Town Meeting Motion Form

Date: **3-26-18**

Article #: 13	Board of Selectmen as License Authority Chapter 94G Section 3
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Motion By: Chris DiSilva	Presenter ¹³ : Melissa Levine-Piro or Kate Federoff
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Ballot Type: <input type="checkbox"/> Secret	Ballot#: _____	<input checked="" type="checkbox"/> Open
Required Vote: <input checked="" type="checkbox"/> Majority	<input type="checkbox"/> 2/3 rd	<input type="checkbox"/> 4/5 th <input type="checkbox"/> 9/10 th

Motion:

**Move to approve Article 13 as printed in the Warrant except :
Section 6, the third and fourth sentence shall read as follows: 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 initial fine may be punishable by a subsequent fine of \$300.00.**

<input type="checkbox"/> Show of Hands:	<input type="checkbox"/> Pass	<input type="checkbox"/> Fail	<input type="checkbox"/> Unanimous
<input type="checkbox"/> Ballot Count: _____	Votes Required: _____	In Favor: _____	Opposed: _____
		<input type="checkbox"/> Pass	<input type="checkbox"/> Fail

- Motion on the Article Made.
- Is there a Second?
- A Motion has been made and seconded.
(Read article if different or summarize if printed)
- FinCom Recommendation.
- Planning Board Recommendation.

A = Total Fail:	
B = A x 2 =	
C = Total Pass :	
<i>If C is >= than B</i>	<input type="checkbox"/> Passes
<i>If C is < B</i>	<input type="checkbox"/> Fails

¹³ The presenter should be a subject matter expert.
23-Mar-18 23-Mar-18 3/23/2018 10:40:00 AM

ARTICLE 12: LOCAL ACCEPTANCE OF TAX PROVISION

Local Acceptance of Tax Provision

Shall the Town vote to accept the provisions of Massachusetts General Laws Chapter 64N, Section 3 to impose a 3% local sales tax on the sale or transfer of marijuana or marijuana products by a marijuana retailer operating within the Town of Maynard.

SPONSORED BY: Board of Selectmen
APPROPRIATION: None
FINCOM RECOMMENDATION: At town meeting

ARTICLE 13: BOARD OF SELECTMEN AS LICENSE AUTHORITY CHAPTER 94G SECTION 3

Board of Selectmen as License Authority

To see if the Town will vote to amend the Town of Maynard General By-laws, by adding the following chapter, or take any action thereto:

CHAPTER 39.
MARIJUANA LICENSE

Section 1: No person shall carry on the business cultivate, process, package, deliver, obtain, manufacture, process, package, brand, sell or otherwise transfer, or test marijuana or marijuana products, or otherwise operate a Marijuana Establishment as defined by Massachusetts General Laws Chapter 94G within the Town unless first duly licensed thereof by the Board of Selectmen.

Section 2: The Board may adopt reasonable 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.

Section 3: Applicants for a license shall file an application on a form 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.

Section 4: The Board of Selectmen must act upon the application at one of their next two regularly scheduled meetings, holding a public hearing thereon, with due written notice provided to the applicant of the time, date and location where such hearing will be heard.

Section 5: The Board of Selectmen may approve, deny or approve the application with conditions. Such decision shall be based on the evidence taken at the public hearing, consistent with the protection of the health, safety and welfare of the public, and consistent with the regulations promulgated by such board.

Section 6: 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 not more than \$100.00. Any failure to comply after the issuance

of said initial fine may be punishable by a subsequent fine of up to \$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.

Section 7: Home Rule Amendment [art. 89 of the Amendments to the Massachusetts Constitution]; Charter, Article 3, Section 3-2, Massachusetts General Laws, Chapter 94G, § 3, 935 CMR 500.000.

SPONSORED BY: Board of Selectmen
 APPROPRIATION: None
 FINCOM RECOMMENDATION: At town meeting

Sponsor Comments: Massachusetts General Law 94G provides cities and towns with the right to establish a local licensing authority for the regulation of various marijuana businesses. This is similar to the law that provides the Board of Selectmen with licensing authority for alcohol sales. The BOS will be able to create rules, regulations, and a fee structure as well as annually review licensing for each such establishment.

ARTICLE 14: AMEND THE TOWN OF MAYNARD ZONING BY-LAWS – MARIJUANA RETAILER

To see if the Town will vote to amend the Town of Maynard Zoning By-laws as follows:

- 1. AMEND SECTION 3.1.2, USE REGULATIONS, TABLE A, “4. BUSINESS USES”** to add and allow the following use by Special Permit of the Planning Board within the: “Business” (B) “Central Business” (CB), and “Health Care Industrial” (HCI) Zoning Districts: **Marijuana Retailer.**

This will amend the Use Regulations Table as depicted below.

4. Business Uses	S-1	S-2	GR	B	CB	HCI	I	GA	OS
<i>Marijuana Retailer</i>	<i>N</i>	<i>N</i>	<i>N</i>	<i>PB</i>	<i>PB</i>	<i>PB</i>	<i>N</i>	<i>N</i>	<i>N</i>

- 2. AMEND SECTION 3.1.2, USE REGULATIONS, TABLE A, “5. INDUSTRIAL USES”**, to add and allow the following uses by Special Permit of the Planning Board within the: “Health Care Industrial” (HCI) and “Industrial” (I) Zoning Districts: **Craft Marijuana Cultivator Cooperative, Marijuana Cultivator, Marijuana Testing Facility, and Marijuana Product Manufacturer.**

This will amend the Use Regulations Table as depicted below.

5. Industrial Uses	S-1	S-2	GR	B	CB	HCI	I	GA	OS
<i>Craft</i>	<i>N</i>	<i>N</i>	<i>N</i>	<i>N</i>	<i>N</i>	<i>PB</i>	<i>PB</i>	<i>N</i>	<i>N</i>