

Annual **Special Town Meeting: 26-Mar-2018**

Town Meeting Motion Form	
Date: 3-26-18	
Article #: 14	Amend the Town of Maynard Zoning By-Laws, Marijuana Retailers

Motion By: Chris DiSilva	Presenter ¹⁴ : Melissa Levine-Piro or Kate Federoff
Ballot Type: <input checked="" type="checkbox"/> Secret <input type="checkbox"/> Open	Ballot#: _____
Required Vote: <input type="checkbox"/> Majority <input checked="" type="checkbox"/> 2/3 rd <input type="checkbox"/> 4/5 th <input type="checkbox"/> 9/10 th	

Motion:

Move to approve Article 14 as printed in the Warrant except the words "To do or act thereon."

<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: _____	Blank _____
		<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.

Calculations

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

¹⁴ The presenter should be a subject matter expert.

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>

<i>Marijuana Cultivator Cooperative</i>									
<i>Marijuana Cultivator</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>
<i>Marijuana Testing Facility</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>
<i>Marijuana Product Manufacturer</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>

3. AMEND SECTION 3.1.2, USE REGULATIONS, TABLE A, “5. ACCESSORY AND OTHER USES”, to prohibit a **Craft Marijuana Cultivator Cooperative** as an accessory use in all zoning districts.

This will amend the Use Regulations Table as depicted below.

6. Accessory Uses and Other Uses	S-1	S-2	GR	B	CB	HCI	I	GA	OS
<i>Craft Marijuana Cultivator Cooperative</i>	<i>N</i>	<i>N</i>	<i>N</i>	<i>N</i>	<i>N</i>	<i>N</i>	<i>N</i>	<i>N</i>	<i>N</i>

4. AMEND SECTION 7.9 TO INCLUDE THE FOLLOWING USE REGULATIONS:

7.9.1 Spacing Requirements. No Marijuana Establishment shall be located within three hundred (300) feet of a pre-existing public or private school providing education in kindergarten or any of grades 1 through 12.

Distances shall be calculated by direct measurement of a straight line from the nearest point of the school to the nearest point of the Marijuana Establishment premises to be licensed.

7.9.4 Further Criteria:

1. In addition to this by-law, any permit applied for and/or issued shall comply with all State laws and regulations concerning Marijuana Establishments.
2. In addition to the criteria and requirements set forth hereunder, the provisions of Section 10.4 shall apply to Special Permits under this Section.
3. No permit shall be granted hereunder to any applicant, principal officer, agent, owner or manager of a Marijuana Establishment who has been convicted of a felony in the

Commonwealth of Massachusetts or convicted of an offense in another state that would be a felony in the commonwealth, except a prior conviction solely for a marijuana offense or solely for a violation of section 34 of chapter 94C of the General Laws, unless the offense involved distribution of a controlled substance, including marijuana, to a minor. The application shall include proof of the foregoing, by sworn statement and including submission to a CORI from the Chief of Police for each of the aforementioned individuals. The Chief of Police shall report to the SPGA prior to the close of the public hearing whether or not the applicant complies with these criteria.

4. The hours of operation of a Marijuana Establishment may be set by the SPGA.
5. There will be no products displayed in the facility's windows or visible from any street or parking lot.
6. Signage will conform to the sign by-laws in Section 6.2 and any exterior sign may identify the establishment but will not contain any other advertisement.

5. AMEND SECTION 11.0 TO ADD THE FOLLOWING DEFINITIONS:

Craft Marijuana Cultivator Cooperative is a marijuana cultivator comprised of residents of the commonwealth organized as a limited liability company or limited liability partnership under the laws of the commonwealth, or an appropriate business structure as determined by the commission, and that is licensed to cultivate, obtain, manufacture, process, package and brand marijuana and marijuana products to deliver marijuana to marijuana establishments but not to consumers, as defined the Massachusetts General Laws, Chapter 94G.

Marijuana Cultivator is an entity licensed to cultivate, process and package marijuana, to deliver marijuana to marijuana establishments and to transfer marijuana to other marijuana establishments, but not to consumers, as defined the Massachusetts General Laws, Chapter 94G.

Marijuana Establishment is considered a cultivator, marijuana testing facility, marijuana product manufacturer, marijuana retailer or any other type of licensed marijuana-related business, all as defined the Massachusetts General Laws, Chapter 94G, said Marijuana Establishments shall be deemed independent of any other definition in this by-law and not a subset or subcategory of any other category.

Marijuana Product Manufacturer is an entity licensed to obtain, manufacture, process and package marijuana and marijuana products, to deliver marijuana and marijuana products to marijuana establishments and to transfer marijuana and marijuana products to other marijuana establishments, but not to consumers, as defined the Massachusetts General Laws, Chapter 94G.

Marijuana Retailer is an entity licensed to purchase and deliver marijuana and marijuana products from marijuana establishments and to deliver, sell or otherwise transfer marijuana and marijuana products to marijuana establishments and to consumers, as defined the

Massachusetts General Laws, Chapter 94G, further provided that Marijuana Retailers may not be considered Retail Business in any other context.

Marijuana Testing Facility is an entity licensed to test marijuana and marijuana products, including certification for potency and the presence of contaminants, as defined the Massachusetts General Laws, Chapter 94G.

To do or act thereon.

SPONSORED BY: Planning Board
APPROPRIATION: None
FINCOM RECOMMENDATION: At town meeting

Comments:

The addition of “Marijuana Establishment” as uses along with the accompanying definition, are to provide guidelines for the siting of such facilities and require a Special Permit for each. If approved by the Town Meeting, these uses -by Special Permit- will allow:

1. A Marijuana Retailer use within the “Central Business” (CB), “Business” (B) and “Health Care Industrial” (HCI) Zoning Districts.
2. A Craft Marijuana Cultivator Cooperative, Marijuana Cultivator, Marijuana Testing Facility, or Marijuana Product Manufacturer use within the “Health Care Industrial” (HCI) and “Industrial” (I) Zoning Districts.

Maynard voters approved Question 4 appearing on the state election ballot on November, 2016 to allow the non-medical use of marijuana by adults. Because of the approval of Question 4, without zoning by-laws the location of Marijuana Establishments would be largely unrestricted in commercial zoning districts. This article creates zoning by-laws to regulate where Marijuana Establishments can be located.

The proposed zoning by-laws in this article cover only the basic zoning restrictions. Additional regulatory framework will be developed from the Board of Selectmen and the Board of Health.

ARTICLE 15: ACQUISITION OF LAND FOR FIRE DEPARTMENT

To see if the Town will vote to authorize the Board of Selectman to purchase, acquire, or take by eminent domain, and to raise and appropriate, either by appropriation, borrowing or otherwise, a sum of money to fund said purchase or taking along with all associated legal and engineering costs necessary, a portion of the property located at 30 Sudbury Street and portions of 146 Main Street, as well as a portion of Church Place, so called, Maynard, Massachusetts as more fully set forth on a plan by Nitsch Engineering, 2 Center Plaza, Suite 430, Boston MA, titled “Proposed ANR Limits / Final Parcel Exhibit” dated 7/26/17 revised dated February 5, 2018 (see Appendix A, page 20) including 41,418sq. ft. more or less, shown as the area indicated as the “Proposed Limits of Final Parcel Configuration for Taking” and which plan is on file with the Town Clerk, the acquisition of said land having been determined to be necessary for the health and welfare of