

Warrant Article Questionnaire Non-Standard Town Agency Articles

Section III – Questions with Response Boxes – To Be Completed By Petition Sponsor

Article #26	Date Form Completed: 3/15/2021
Article Title: Amend Zoning Bylaws: Adult Use Marijuana Establishment Uses	
Sponsor Name: Planning Board	Email: jfreas@natickma.org tevans.pb@natickma.org

Question	Question
1	Provide the article motion exactly as it will appear in the Finance Committee Recommendation Book and presented to Town Meeting for action.
Response	<p>MOTION A: Move to amend Section III-K (Marijuana Establishments) of the Natick Zoning Bylaws by the following:</p> <ol style="list-style-type: none"> 1. DELETE sections A, B, C, D, and E in their entirety. 2. In the section header, add the words, “Adult Use” before the words, “Marijuana Establishments” so that the section header now reads, “Section III-K Adult Use Marijuana Establishments.” <p>MOTION B: Move to amend Section III-K.2 (Adult Use Marijuana Establishments) by the following:</p> <ol style="list-style-type: none"> 1. Remove the section title, which reads, “Section III-K.2: Adult Use Marijuana Establishments,” so that the following section is now under Section III-K. 2. In subsection 4, remove the “2” at the end of the first paragraph of the subsection so that it now reads “and shall apply only to this Section III-K.” 3. In subsection 4, after the definition of Craft Marijuana Cooperative, add the following two definitions: <ul style="list-style-type: none"> Delivery Courier: An entity licensed by the Commission to deliver marijuana products from a licensed marijuana retailer to customers. A delivery courier is not authorized to actually sell marijuana products to consumers—only to deliver from retailers, who make the sales themselves. Delivery Operator: An entity licensed by the Commission to purchase marijuana products at wholesale, to warehouse the products, label them (but not repackage them), sell them and deliver them. It may not operate a storefront retail operation; all sales must be through delivery. 4. In subsection 5.1, following the words “Craft Marijuana Cooperatives,” add “Delivery Courier, Delivery Operator,”. 5. In the subsection header that reads, “III-K.5.2 Marijuana Establishment Use Regulation Schedule” remove the “III-K.” so that the subsection header now reads “5.2 Marijuana Establishment Use Regulation Schedule.”

Warrant Article Questionnaire Non-Standard Town Agency Articles

	<p>6. In subsection 5.2, in the table, under the line for “Craft Marijuana Cooperatives” add the following two rows:</p> <table border="1" style="width: 100%; border-collapse: collapse; text-align: center;"> <tr> <td style="width: 25%;"><u>Delivery Courier</u></td> <td>SP</td> <td>N</td> <td>N</td> <td>N</td> <td>N</td> <td>N</td> <td>N</td> <td>N</td> <td>N</td> <td>N</td> <td>N</td> <td>N</td> <td>N</td> <td>N</td> <td>N</td> <td>N</td> </tr> <tr> <td><u>Delivery Operator</u></td> <td>SP</td> <td>N</td> <td>N</td> <td>N</td> <td>N</td> <td>N</td> <td>N</td> <td>N</td> <td>N</td> <td>N</td> <td>N</td> <td>N</td> <td>N</td> <td>N</td> <td>N</td> <td>N</td> </tr> </table> <p>7. In subsection 5.2, in the table, under the line for “Marijuana Retailers” add the following row:</p> <table border="1" style="width: 100%; border-collapse: collapse; text-align: center;"> <tr> <td style="width: 25%;">Other Adult-Use Marijuana Establishments</td> <td>SP</td> <td>N</td> <td>N</td> <td>N</td> <td>N</td> <td>N</td> <td>N</td> <td>N</td> <td>N</td> <td>N</td> <td>N</td> <td>N</td> <td>N</td> <td>N</td> <td>N</td> <td>N</td> </tr> </table> <p>8. Delete the subsection that reads “5.2 Intentionally left blank”</p>	<u>Delivery Courier</u>	SP	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	<u>Delivery Operator</u>	SP	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	Other Adult-Use Marijuana Establishments	SP	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
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2	At a summary level and very clearly, what is the proposed purpose and objective of this Warrant Article and the accompanying Motion?																																																			
Response	Motion A removes the no longer necessary moratorium on adult use marijuana establishments. Motion B incorporates two Adult Use Marijuana Establishments to the Zoning Bylaws following the promulgation of regulations for these uses by the state Cannabis Control Commission.																																																			
3	Has this article or one of a very similar scope and substance been on a previous Warrant Article and what have been the actions taken by the Finance Committee, other Boards or Committees and Town Meeting?																																																			
Response	<table border="1" style="width: 100%; border-collapse: collapse; text-align: center;"> <thead> <tr> <th style="width: 25%;">Warrant Period</th> <th style="width: 25%;">Other Committees</th> <th style="width: 25%;">FinCom Action</th> <th style="width: 25%;">Town Meeting</th> </tr> </thead> <tbody> <tr> <td>SATM 2020</td> <td></td> <td></td> <td></td> </tr> <tr> <td>FTM 2019</td> <td></td> <td></td> <td></td> </tr> <tr> <td>SATM 2019</td> <td></td> <td></td> <td></td> </tr> <tr> <td>FTM 2018</td> <td></td> <td></td> <td></td> </tr> <tr> <td>Prior</td> <td></td> <td></td> <td></td> </tr> </tbody> </table> <p>Comments: No</p>	Warrant Period	Other Committees	FinCom Action	Town Meeting	SATM 2020				FTM 2019				SATM 2019				FTM 2018				Prior																														
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4	Why is it required for the Town of Natick and for the Town Agency sponsor(s)?																																																			
Response	As the Town of Natick did not vote favorably on a referendum excluding Adult Use Marijuana Establishments, we are legally obligated to accommodate and regulate these uses.																																																			
5	Does this article require funding, how much, from what source of funds and under whose authority will the appropriation be managed and spent?																																																			
Response	No, other than the expense of the Town’s requisite permitting and public safety responsibilities.																																																			

Warrant Article Questionnaire Non-Standard Town Agency Articles

6	<p>Does this article act in any way in concert with, in support of, or to extend any prior action of Natick Town Meeting, Massachusetts General Laws or CMR's or other such legislation or actions?</p> <p>Does this article seek to amend, rescind or otherwise change any prior action of Natick Town Meeting?</p>
Response	This article rescinds the now expired moratorium on adult use marijuana establishments voted by the 2017 Fall Town Meeting and provides for additional uses to those already voted by the 2018 Fall Town Meeting and found in Section III-K of the Zoning Bylaws.
7	How does the proposed motion (and implementation) fit with the relevant Town Bylaws, financial and capital plan, comprehensive Master Plan, and community values as well as relevant state laws and regulations?
Response	M.G.L. ch 94 G governs the legalization of adult-use marijuana in Massachusetts. Section 3 of this law requires that if a Town intends to ban a type of marijuana establishment, it can only do so by Town-wide referendum. On January 8, 2020 new regulations promulgated by the Cannabis Control Commission went into effect creating the two marijuana delivery types of marijuana establishment. By not including these two types of marijuana establishment in Natick's Zoning Bylaw, the Town effectively has a ban in place without the required town-wide referendum. Therefore, Motion B of this article is proposed in order to remedy the current inconsistency with State law. Further, a "catch-all" use is proposed to be added so as to prevent this scenario from occurring again.
8	Who are the critical participants in executing the effort envisioned by the article motion?
Response	Community and Economic Development Dept; Planning Board; Select Board; Building Dept; Police Dept.
9	<p>What steps and communication has the sponsor attempted to assure that:</p> <ul style="list-style-type: none"> ● Interested parties were notified in a timely way and had a chance to participate in the process ● Appropriate Town Boards & Committees were consulted ● Required public hearings were held
Response	The Planning Board reviewed the subject matter of the article at its meeting on February 3, 2021; and held a properly noticed public hearing on the warrant article on February 17. The proposed article has also been discussed at Select Board meetings during general discussions of the licensing and permitting of adult use marijuana establishments in Natick as well as discussed individually with interested parties in the business and residential communities.

**Warrant Article Questionnaire
Non-Standard Town Agency Articles**

10	Since submitting the article have you identified issues that weren't initially considered in the development of the proposal?
Response	No
11	If this Warrant Article is not approved by Town Meeting what are the consequences to the Town and to the sponsor(s)? Please be specific on both financial and other consequences?
Response	The Town could be subject to a legal challenge by an applicant seeking to locate one of the two Marijuana Delivery establishment types in Natick and being denied that opportunity based on the current ban on these uses created by their omission from the current zoning bylaw.