

# ***TOWN OF NATICK***

## **Meeting Notice**

POSTED IN ACCORDANCE WITH THE PROVISIONS OF M.G.L. CHAPTER 30A, Sections 18-25

### **Natick Finance Committee**

#### **PLACE OF MEETING**

School Committee Meeting Room -  
3rd Flr., Town Hall, 13 E. Central  
St., Natick, MA

#### **DAY, DATE AND TIME**

September 13, 2018 at 7:00 PM

#### **MEETING AGENDA**

1. **Public Concerns/ Comments**
  - a. Resident and Taxpayer Concerns and Comments
2. **Old Business**
  - a. Finance Committee Scheduling & Sub-Committees
3. **New Business**
  - a. FY'18 Financial and Budget Review with Town Administrator
  - b. Town Administrators FY '19 Strategic Assessment and Focus
4. **2018 Fall Town Meeting Warrant Articles - Public Hearing**
  - a. Article 5 - Other Post-Employment Benefits (OPEB) Appropriation or Transfer of Funds
  - b. Article 7 - Transfer of Unexpended Bond Proceeds
  - c. Article 11 - Rescind Authorized, Unissued Debt
  - d. Article 12 - Unpaid Bills
  - e. Article 16 - West Natick Fire Station Land Disposition
  - f. Article 21 - Excise Tax on Retail Sales of Marijuana for Adult Use
  - g. Article 22 - Marijuana Establishments Zoning Bylaw Amendment
  - h. Article 23 - 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
  - i. Article 24 - Amend Town of Natick By-law Article 10: Board of Selectmen
  - j. Article 35 - Voting Requires Being Legal Resident of Massachusetts and this Municipality - RESCHEDULED to Sept 20
  - k. Article 18 -Appropriate Funds for the Design and Development of Route 27 North Main Street
  - l. Article 9 - Personnel Board Classification and Pay Plan
  - m. Article 29 - Amend Article 2 of the Town of Natick Home Rule Charter

5. **2018 Special Town Meeting #2 Warrant Articles - Public Hearing**

- a. Article 1 - Excise Tax on Retail Sales of Marijuana for Adult Use
- b. Article 2 - Marijuana Establishments Zoning Bylaw Amendment
- c. 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
- d. Article 4 - Amend Town of Natick By-law Article 10: Board of Selectmen

6. **Adjourn**

Please note the committee may take the items on this agenda out of order.

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SUBMITTED BY

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**ITEM TITLE:** Resident and Taxpayer Concerns and Comments

**ITEM SUMMARY:** *a. A time not to exceed 4-5 minutes per resident/taxpayer and/or 15 minutes in total time for all resident/taxpayer speakers, to allow for brief resident/taxpayer comments on topics within the scope of the Committee charge but not on the current agenda*  
*b. There is no debate or discussion between the resident/taxpayer and the committee except as determined by the Chair*

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**ITEM TITLE:** Finance Committee Scheduling & Sub-Committees  
**ITEM SUMMARY:**

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**ATTACHMENTS:**

<b>Description</b>	<b>Upload Date</b>	<b>Type</b>
FinCom Schedule for Sept 4 to October 16	9/4/2018	Exhibit

**Finance Committee - Public Hearing Schedule**  
**2018 Fall Town Meeting and Special Town Meeting #2**  
**As of Septmeber 4, 2018**

Name	Article #	Article Sponsor	Current Hearing Date	Initial Hearing Date	Final Recommendation	Appropriation \$	Proposed Funding Source
Stabilization Fund	2	Town Administrator	8/30/2018		Favorable Action	\$250,000.00	Free Cash
Operational/Rainy Day Stabilization Fund	3	Town Administrator	8/30/2018		Favorable Action	\$250,000.00	Free Cash
Capital Stabilization Fund	4	Town Administrator	8/30/2018		Favorable Action	\$1,409,678.00	Free Cash
Appropriate Funds for the Family of Michael McDaniel Jr.	6	Town Administrator	8/30/2018		Favorable Action	\$36,622.20	Free Cash
West Natick Fire Station Appropriation of Funding	15	Board of Selectmen	8/30/2018		Favorable Action	\$15,600,000.00	Debt Exclusion Borrowing
Amend Agreement with the South Middlesex Regional Vocational School District	25	Board of Selectmen	8/30/2018		No Action	--	--
Capital Equipment (Schools)	19	Superintendent of Schools	9/6/2018				
Legal Settlement	20	Superintendent of Schools	9/6/2018				
Snow Removal ByLaw	41	Paul Greismer, Josh Ostroff, et al	9/6/2018			--	--
Appropriate Funds for the Design and Development of Route 27 North Main Street	18	Board of Selectmen	9/11/2018				
Supplement Prior Town Meeting Vote Authorizing Acquisition and Preservation of the Sawin House and Adjacent Property at 79 South Street, Assessors Map 77 Lot 7	26	Board of Selectmen	9/11/2018				
Amend Article 2 of the Town of Natick Home Rule Charter	29	Board of Selectmen	9/11/2018			--	--
Actions Pertaining to Acquisition and Preservation of the Town's easements on Mechanic Street	31	Board of Selectmen	9/11/2018				
Establish Study Committee: 1.5% Test of Land Use	33	Julian Munnich, et al	9/11/2018			--	--
Amend Natick Town Charter; Natick Town By-Laws; Natick Zoning By-Laws: Constitution of zoning board of appeals, division and distribution of powers regarding MGL c. 40B sections 20-23	38	Julian Munnich, et al	9/11/2018			--	--
Amend Natick Town Charter: Natick By-laws, Natick Zoning By-laws: Appointment and constitution of zoning board of appeals, division and distribution of powers, and assignment o counsel.	39	Julian Munnich, et al	9/11/2018			--	--
Other Post-Employment Benefits (OPEB) Appropriation or Transfer of Funds	5	Town Administrator	9/13/2018	8/30/2018			
Transfer of Unexpended Bond Proceeds	7	Town Administrator	9/13/2018	8/30/2018			
Rescind Authorized, Unissued Debt	11	Town Administrator	9/13/2018	8/30/2018			
Unpaid Bills	12	Town Administrator	9/13/2018	8/30/2018			
West Natick Fire Station Land Disposition	16	Board of Selectmen	9/13/2018	8/30/2018			
Excise Tax on Retail Sales of Marijuana for Adult Use	21	Board of Selectmen	9/13/2018			--	--
Marijuana Establishments Zoning Bylaw Amendment	22	Planning Board	9/13/2018			--	--
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	23	Town Administrator	9/13/2018			--	--
Amend Town of Natick By-law Article 10: Board of Selectmen	24	Board of Selectmen	9/13/2018			--	--
Voting Requires Being Legal Resident of Massachusetts and this Municipality	35	Tony Lista, et al	9/13/2018	9/6/2018		--	--
Change Authority for Acquisition of 22 Pleasant Street Among Other Items	17	Robert Awkward, et al	9/18/2018			--	--
Prohibit Dog Kennels in Single Family Residential Zones RS and/or RG	27	George Richards, et al	9/18/2018			--	--
Amend Zoning By-Law to Allow Indoor Amusement or Recreational Uses in Industrial Zoning Districts by Special Permit	28	George Richards, et al	9/18/2018			--	--
Amend Town of Natick Zoning Map: Assisted Living Overlay Option Plan	30	David Presutti, et al	9/18/2018			--	--
Amend the Town of Natick By-Laws: Create New Committee	40	Daniel Sullivan	9/18/2018			--	--
<b>STM #2 Recommendation Book Printed &amp; Mailed</b>			<b>9/24/2018</b>				
Capital Equipment	13	Town Administrator	9/25/2018				

Capital Improvements	14	Town Administrator	9/25/2018		
Amend Natick Zoning By-Laws: Inclusionary Affordable Housing Requirements	32	Planning Board	9/25/2018	--	--
Amend Historic Preservation Zoning By-Law	34	Joel Valentin, et al	9/25/2018	--	--
Amend Zoning By-Laws: Outdoor Lighting	36	Planning Board	9/25/2018	--	--
Amend Zoning By-Laws: Signage (Residential Zoning Districts)	37	Planning Board	9/25/2018	--	--
Fiscal 2019 Omnibus Budget	1	Town Administrator	9/27/2018		
Collective Bargaining	8	Board of Selectmen	9/27/2018		
Personnel Board Classification and Pay Plan	9	Town Administrator	9/27/2018	--	--
Committee Article	10	Board of Selectmen	9/27/2018	--	--
Technical Changes to Charter and By-Laws	42	Paul Greismer, et al	9/27/2018	--	--
Special Town Meeting #2			10/2/2018	--	--
STM #2 or Finance Committee Public Hearings (articles for reconsideration only)			10/4/2018	--	--
Fall Town Meeting Recommendation Book Printed & Mailed			10/5/2018		

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**ITEM TITLE:** FY'18 Financial and Budget Review with Town Administrator  
**ITEM SUMMARY:**

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**ITEM TITLE:** Town Administrators FY '19 Strategic Assessment and Focus  
**ITEM SUMMARY:**

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**ITEM TITLE:** Article 5 - Other Post-Employment Benefits (OPEB) Appropriation or Transfer of Funds

**ITEM SUMMARY:**

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**ATTACHMENTS:**

<b>Description</b>	<b>Upload Date</b>	<b>Type</b>
Article Language	9/12/2018	Exhibit
Article 5 MOTION	9/12/2018	Exhibit

**ARTICLE 5**  
**Other Post-Employment Benefits (OPEB) Appropriation or Transfer of Funds**  
**(Town Administrator)**

To see what sum of money the Town will vote to raise and appropriate, transfer from available funds or otherwise provide for, the Other Post-Employment Benefits Liability Trust Fund established pursuant to the provisions of Chapter 32B, Section 20 of the General Laws as amended by section 15 of Chapter 218 of the Acts of 2016; or otherwise act thereon.

**ARTICLE 5**  
**Other Post-Employment Benefits (OPEB) Appropriation or Transfer of Funds**  
**(Town Administrator)**

Motion: **(Two-thirds vote required)**

“Move that the Town vote to appropriate \$272,500 from free cash for the purpose of funding the Other Post Employment Benefits Liability Trust Fund authorized by a vote of the 2017 Spring Annual Town Meeting under Article 15, as authorized by Chapter 32B, Section 20 of the General Laws as amended by Section 15 of Chapter 218 of the Acts of 2016.”

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**ITEM TITLE:** Article 7 - Transfer of Unexpended Bond Proceeds

**ITEM SUMMARY:**

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**ATTACHMENTS:**

<b>Description</b>	<b>Upload Date</b>	<b>Type</b>
Article Language	9/12/2018	Exhibit
Article 7 Motions A & B	9/12/2018	Exhibit

**ARTICLE 7**  
**Transfer of Unexpended Bond Proceeds**  
**(Town Administrator)**

To see if the Town will authorize the transfer of unexpended proceeds from amounts previously borrowed to pay costs of various capital projects, which projects are now complete, and for which such funds are no longer needed, to pay costs of one or more capital projects; or take any other action relative thereto.

**ARTICLE 7**  
**Transfer of Unexpended Bond Proceeds**  
**(Town Administrator)**

**MOTION A: (Two-thirds vote required)**

Move that the sum of \$500,000 is appropriated to pay costs of construction of the Replace Groundwater Wells, and for the payment of all costs incidental and related thereto, which project was approved by vote of the Town under Article 14, Motion D of the Warrant at the 2018 Annual Spring Town Meeting, and that to meet this appropriation, \$500,000 is transferred from a portion of the balance of the amount previously appropriated and borrowed by the Town under Article 6 Motion C of the Warrant at the 2007 Annual Fall Town Meeting to pay costs of Phase 5 Relining, which amount is no longer needed to complete the project for which it was originally borrowed. The amount authorized to be borrowed by the Town pursuant to Article 14, Motion D of the Warrant at the 2018 Annual Spring Town Meeting, but not yet borrowed by the Town, shall be reduced to the extent of the funds transferred to this project by this vote.

**MOTION B: (Two-thirds vote required)**

Move that the sum of \$667,000 is appropriated to pay costs of construction of the Fox Hill Drive Water Main, and for the payment of all costs incidental and related thereto, which project was approved by vote of the Town under Article 14, Motion D of the Warrant at the 2018 Annual Spring Town Meeting, and that to meet this appropriation, \$316,621.52 is transferred from a portion of the balance of the amount previously appropriated and borrowed by the Town under Article 9 of the Warrant at the 2006 Annual Spring Town Meeting to pay costs of Sewer Speen, North Main, Park Project, which amount is no longer needed to complete the project for which it was originally borrowed and that \$150,106.21 is transferred from a portion of the balance of the amount previously appropriated and borrowed by the Town under Article 17 of the Warrant at the 1998 Annual Fall Town Meeting to pay costs of Waterline Lakeshore Project ; \$138,276.33 is transferred from a portion of the balance of the amount previously appropriated and borrowed by the Town under Article 6 Motion C of the Warrant at the 2007 Annual Fall Town Meeting to pay costs of Phase 5 Relining, which amount is no longer needed to complete the project for which it was originally borrowed and \$61,995.94 from Water & Sewer retained earnings. The amount authorized to be borrowed by the Town pursuant to Article 14, Motion D of the Warrant at the 2018 Annual Spring Town Meeting, but not yet borrowed by the Town, shall be reduced to the extent of the funds transferred to this project by this vote.

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**ITEM TITLE:** Article 11 - Rescind Authorized, Unissued Debt  
**ITEM SUMMARY:**

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**ATTACHMENTS:**

<b>Description</b>	<b>Upload Date</b>	<b>Type</b>
Article Language and Motion	9/12/2018	Exhibit

ARTICLE 11  
Rescind Authorized, Unissued Debt  
(Town Administrator)

To see if the Town will vote to rescind the authorization for unissued debt that has been determined is no longer needed for the completion of various projects; or otherwise act thereon.

**Motion: No Action**

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**ITEM TITLE:** Article 12 - Unpaid Bills

**ITEM SUMMARY:**

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**ATTACHMENTS:**

<b>Description</b>	<b>Upload Date</b>	<b>Type</b>
Article Language & Motion	9/12/2018	Exhibit

ARTICLE 12  
Unpaid Bills  
(Town Administrator)

To see what sum of money the Town will vote to raise and appropriate, transfer from available funds, or otherwise provide for the payment of unpaid bills of previous years, incurred by the departments, boards and officers of the Town of Natick; or otherwise act thereon.

**Motion: No Action**

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**ITEM TITLE:** Article 16 - West Natick Fire Station Land Disposition

**ITEM SUMMARY:**

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**ATTACHMENTS:**

<b>Description</b>	<b>Upload Date</b>	<b>Type</b>
Article Language	9/12/2018	Exhibit
Article 16 MOTION	9/12/2018	Exhibit
Article 16 - Land ANR Mark-Up	9/12/2018	Exhibit
FinCom annotated version of ANR Mark-Up	9/12/2018	Exhibit
Layout of Route 9	9/12/2018	Exhibit
MASS DOT Land Survey	9/12/2018	Exhibit
Additional Deed Documents- Researched	9/12/2018	Exhibit
WNFS- ANR No Mark-up	9/12/2018	Exhibit

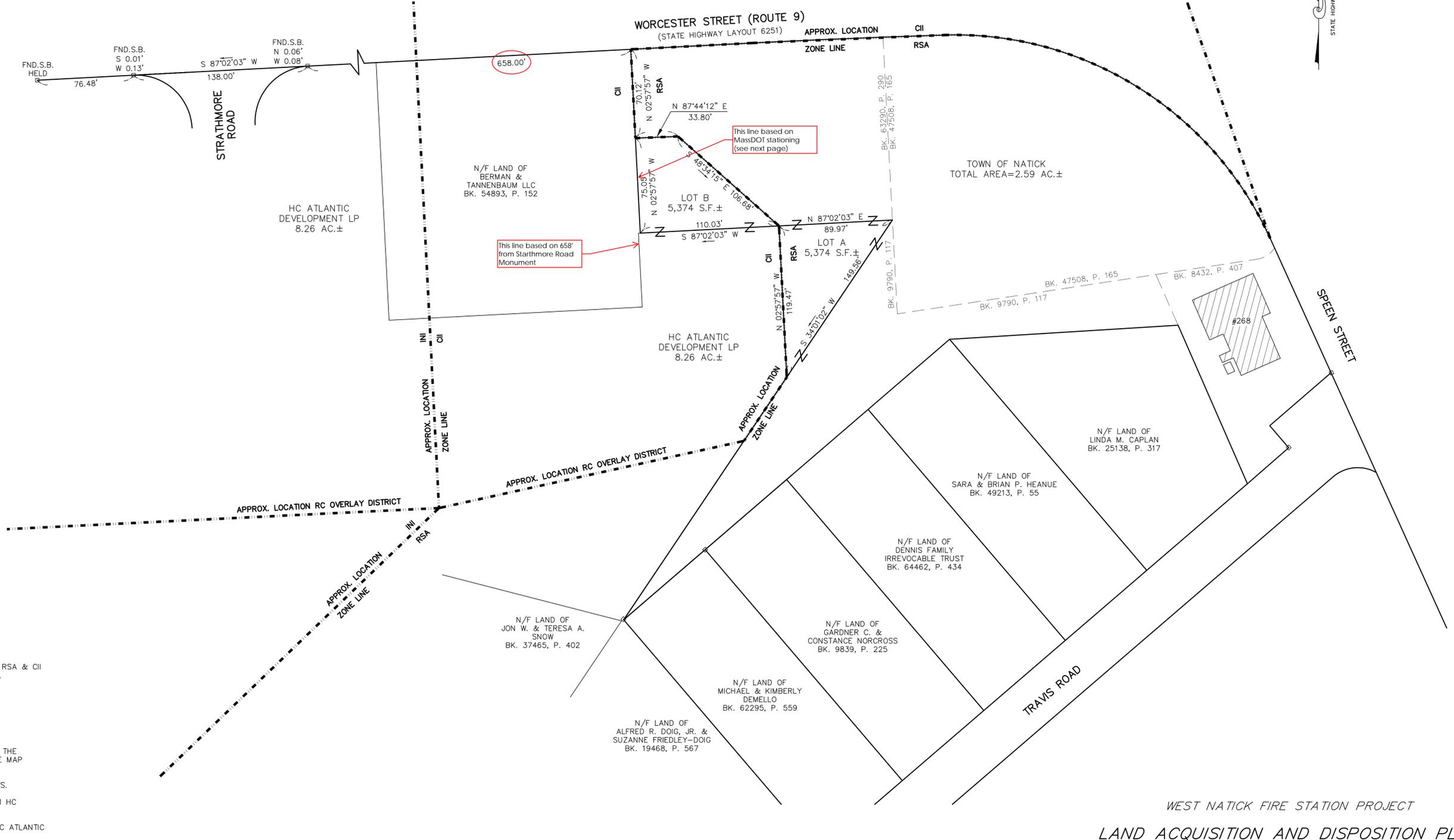
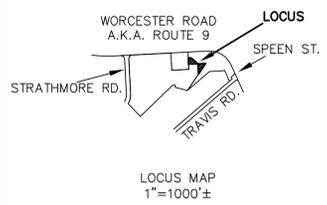
**ARTICLE 16**  
**West Natick Fire Station Land Acquisition**  
**(Board of Selectmen)**

To see if the Town will vote to authorize the Board of Selectmen to acquire by gift, purchase, eminent domain or otherwise, land needed for the construction of the West Natick Fire Station which land is located on the southerly side of Worcester Street, Route 9, and is shown on a plan a copy of which is on file in the Community Development Office; and further, to see what sum of money the Town will vote to raise and appropriate, borrow, transfer from available funds or otherwise provide for the purposes of this article; or otherwise act thereon.

ARTICLE 16  
West Natick Fire Station Land Acquisition  
(Board of Selectmen)

MOTION:

Move that the Town authorize the Board of Selectmen to acquire by gift, purchase, taking by eminent domain or otherwise, fee simple, easements, or other interest in a certain parcel of land, for general municipal purposes, including without limitation for the site of West Natick Fire Station, which land is located on the southerly side of Worcester Street, Route 9, and is noted in red markings, shown on a plan entitled "West Natick Fire Station Project, Land Acquisition and Disposition Plan, in Natick, MA," dated November 30, 2017, prepared by Whitman & Bingham Associates, LLC, a copy of which is on file in the Community Development Office; and that \$1,000.00 be raised and appropriated, or transferred from available funds, under the direction of the Board of Selectmen, to fund the acquisition and legal, appraisal, and other related costs associated with obtaining this interest in land and to take all action necessary or appropriate to accomplish the purposes of this article.



- NOTES:
- DEED REFERENCES: TOWN OF NATICK  
BK. 8432, P. 407  
BK. 9790, P. 117  
BK. 47508, P. 165  
BK. 63290, P. 290  
  
HC ATLANTIC DEVELOPMENT LP  
BK. 24640, P. 573
  - PLAN REFERENCES: 431 OF 2012  
642 OF 1944  
642 OF 2003  
LC 20367
  - THE SUBJECT PREMISES IS GRAPHICALLY SITUATED IN THE RSA & CII ZONING DISTRICTS WITH THE FOLLOWING MINIMUM DIMENSIONAL REQUIREMENTS:
 

	RSA	CII
MINIMUM LOT AREA:	15,000 S.F.	40,000 S.F.
MINIMUM LOT FRONTAGE:	110 FT.	200 FT.
MINIMUM FRONT SETBACK:	30 FT.	40 FT.
MINIMUM SIDE SETBACK:	12 FT.	40 FT.
MINIMUM REAR SETBACK:	25 FT.	40 FT.
MINIMUM LOT DEPTH:	125 FT.	200 FT.
  - THE SUBJECT PREMISES IS NOT GRAPHICALLY SITUATED IN THE 100-YEAR FLOOD HAZARD ZONE PER FLOOD INSURANCE RATE MAP 25017C0517E, DATED JULY 7, 2014.
  - LOTS A AND B ARE NOT TO BE CONSIDERED BUILDING LOTS.
  - LOT A IS TO BE ACQUIRED BY THE TOWN OF NATICK FROM HC ATLANTIC DEVELOPMENT LP.
  - LOT B IS TO BE DISPOSED BY THE TOWN OF NATICK TO HC ATLANTIC DEVELOPMENT LP.

NATICK PLANNING BOARD

APPROVAL UNDER THE SUBDIVISION CONTROL

LAW NOT REQUIRED, DATE: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

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THE ENDORSEMENT OF THE PLANNING BOARD SHOULD NOT BE CONSTRUED TO BE A DETERMINATION OF CONFORMANCE TO ZONING REGULATIONS.

I CERTIFY THAT THIS PLAN MEETS WITH REGULATIONS OF REGISTERS OF DEEDS

WEST NATICK FIRE STATION PROJECT  
LAND ACQUISITION AND DISPOSITION PLAN

IN NATICK, MA

PREPARED FOR

TOWN OF NATICK

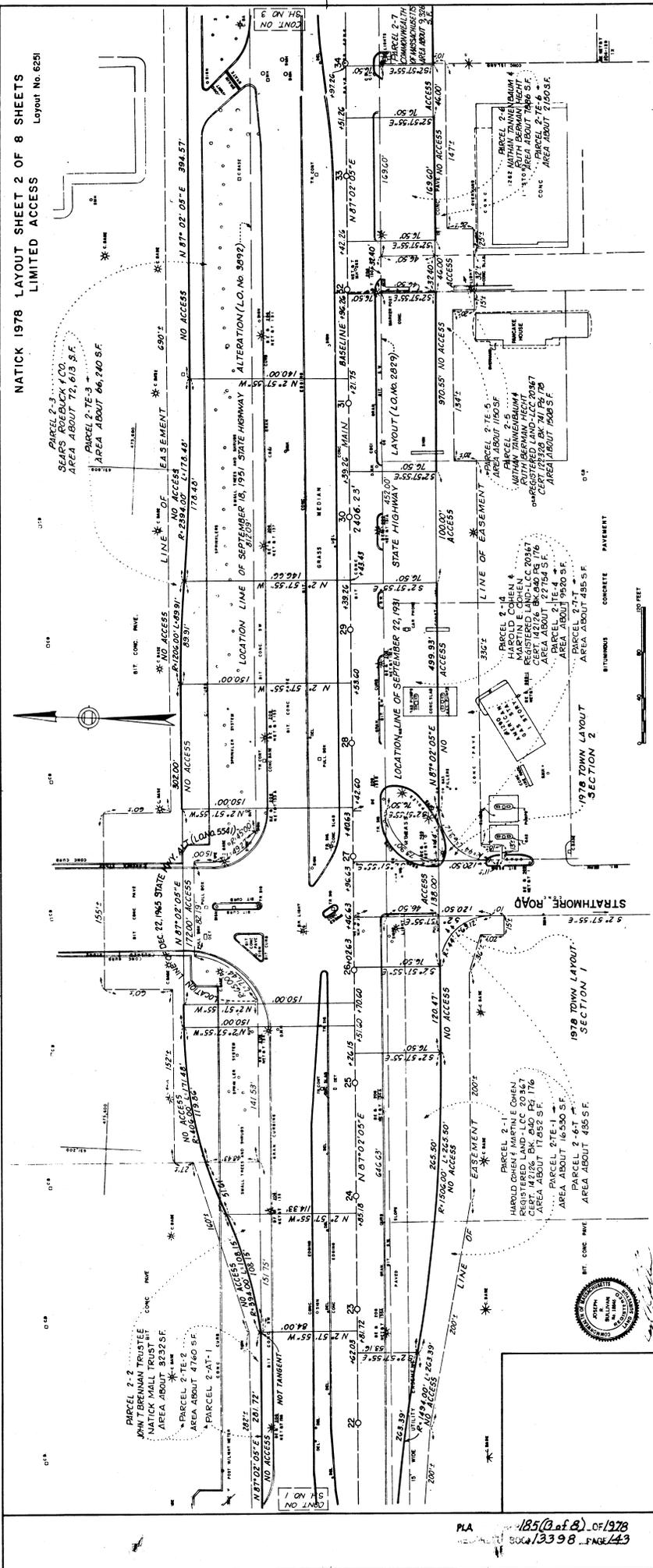
NOVEMBER 30, 2017



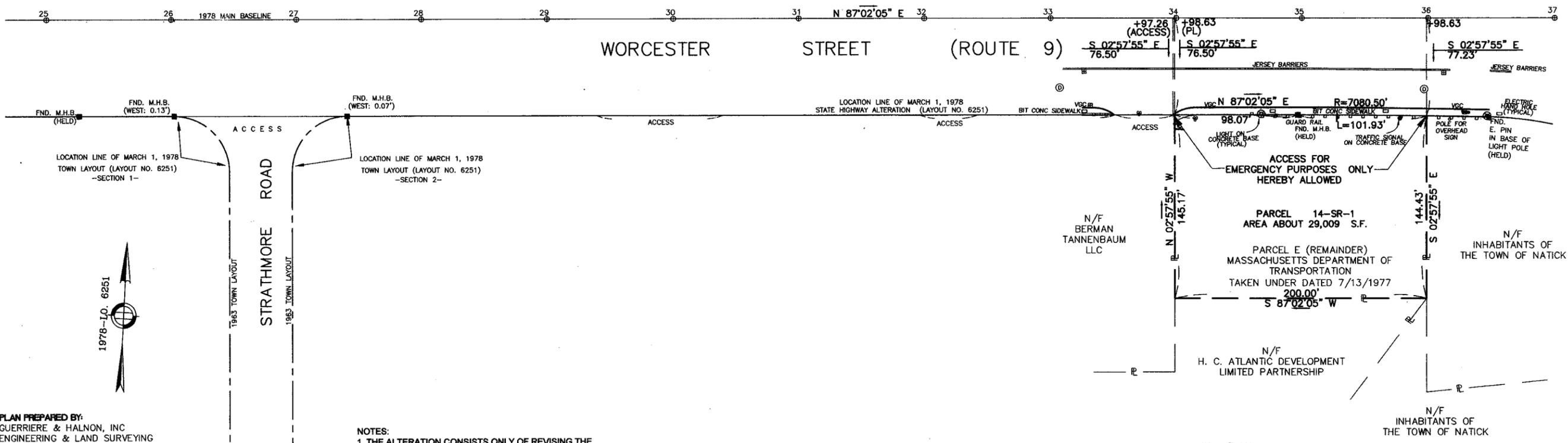
WHITMAN & BINGHAM ASSOCIATES, LLC  
REGISTERED PROFESSIONAL ENGINEERS & LAND SURVEYORS  
510 MECHANIC STREET - LEOMINSTER, MASSACHUSETTS 01453



NATICK 1978 LAYOUT SHEET 2 OF 8 SHEETS  
 Layout No. 6251

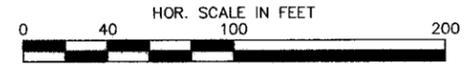


**NATICK-2012 ALTERATION - ONE SHEET  
LIMITED ACCESS  
LAYOUT NO. 8225**



PLAN PREPARED BY:  
GUERRIERE & HALNON, INC  
ENGINEERING & LAND SURVEYING  
333 WEST STREET, MILFORD MA 01757  
TEL: (508) 473-6630

NOTES:  
1. THE ALTERATION CONSISTS ONLY OF REVISING THE LIMITED ACCESS PROVISIONS OF THE MARCH 1, 1978 STATE HIGHWAY ALTERATION (LAYOUT NO. 6251) AS SHOWN ON THIS PLAN.  
2. THE PROPERTY LINE SHOWN ON THIS PLAN WAS SURVEYED BY GUERRIERE AND HALNON, INC.



I CERTIFY THAT THIS PLAN HAS BEEN PREPARED IN CONFORMITY WITH THE RULES AND REGULATIONS OF THE REGISTERS OF DEEDS OF THE COMMONWEALTH OF MASSACHUSETTS.



FEB 27 2012 DATE  
Paul B. Atwood  
PAUL B. ATWOOD PLS #36854

**massDOT**

THIS CERTIFIES THAT THE LOCATION OF THE HIGHWAY HAS BEEN ALTERED AS SHOWN ON THIS PLAN AND THAT SAID HIGHWAY AS ALTERED WAS LAID OUT AND TAKEN CHARGE OF AS A LIMITED ACCESS STATE HIGHWAY BY THE MASSACHUSETTS DEPARTMENT OF TRANSPORTATION, HIGHWAY DIVISION ON JUNE 12, 2012 IN ACCORDANCE WITH CHAPTER 6C AND CHAPTER 81 SECTION 7C OF THE GENERAL LAWS.

Francis J. P. E.  
MASSACHUSETTS DEPARTMENT OF TRANSPORTATION  
HIGHWAY ADMINISTRATOR

MASSACHUSETTS DEPARTMENT OF TRANSPORTATION  
PLAN OF LAND IN THE TOWN OF

**NATICK  
MIDDLESEX COUNTY  
ALTERED AND LAID OUT AS A STATE HIGHWAY  
BY THE MASSACHUSETTS DEPARTMENT OF  
TRANSPORTATION, HIGHWAY DIVISION**

JUNE 12, 2012  
SCALE: 40 FEET TO THE INCH

Thomas J. Ouellet, P.E.  
CHIEF ENGINEER

LAYOUT NO. 8225



5/25/56  
6/21/56

Bk 8876 Pg 553

DEC 19-56 PM 0435 300RE \*\*\*6.25-

SEYMOUR MOTOR SALES CO.,  
a corporation duly established under the laws of Massachusetts  
and having its usual place of business at Boston

Suffolk County, Massachusetts, for consideration paid,

grants to THE CHASE MANHATTAN BANK, successor to The Chase National Bank  
of the City of New York, as Trustee under Agreement dated as of March  
1st, 1950 with Ford Motor Company for the Ford Retirement Plan under  
Agreement with UAW-CIO dated March 16th, 1950.

2146

SEE PLAN IN RECORD BOOK PAGE

2k

with quitclaim covenants

ALL that certain plot, piece or parcel of land, situate,  
lying and being in the Town of Natick, County of Middlesex, Common-  
wealth of Massachusetts, bounded and described as follows: -

(Description and encumbrances, if any)

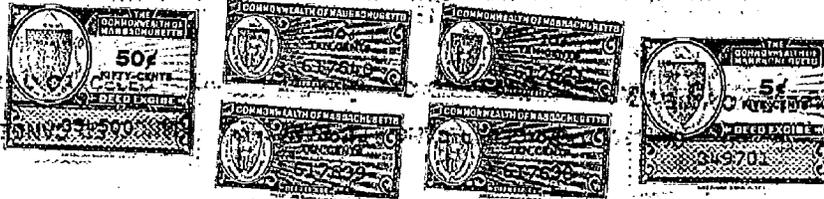
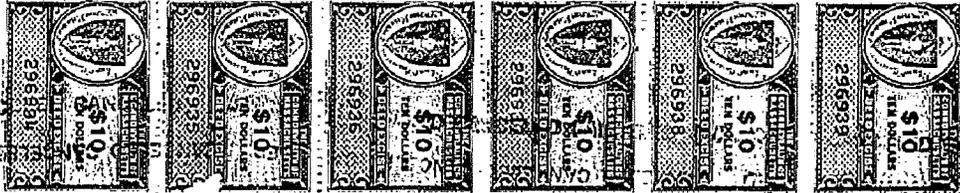
BEGINNING at a point on the southerly side of Worcester Turnpike  
(Route #9) marked by a spike in the asphalt 2 feet west of Highway  
Station 36+00 and adjoining the land now or formerly of Peterson;  
running thence along the said southerly side of Worcester Turnpike  
(Route #9) South 87° 06' 21" West 200 feet to an iron pipe and the  
land now or formerly of Seymour Motor Sales Co;  
running thence along said land now or formerly of Seymour Motor  
Sales Co. South 02° 53' 39" East 191.67 feet to an iron pipe;  
running thence North 87° 06' 21" East 200 feet to a spike in the  
asphalt and land now or formerly of Peterson;  
running thence along said land now or formerly of Peterson North  
02° 53' 39" West 191.67 feet to the point or place of BEGINNING.

Said premises being more particularly set forth on a plan entitled  
"Plan of Land in Natick, Mass., dated June 4, 1956, William J. Ford,  
Jr., C. E.," containing 38,334 square feet of land according to said  
plan; said plan to be recorded herewith.

Being a portion of the premises conveyed to the Grantor herein by  
deed of Richard M. Wyman dated December 9, 1954, and recorded with  
Middlesex South District Deeds, Book 8374, page 27.

Together with any right, title or interest of the Grantor in the land  
lying in the bed of Worcester Street abutting the above described  
premises.

Grantor covenants not to engage in the service station business nor  
permit such use at premises owned or leased by Grantor within a radius  
of 1000 yards of the above described premises, for a period of three  
(3) years after the date hereof.



In witness whereof, the said SEYMOUR MOTOR SALES CO.  
 has caused its corporate seal to be hereto affixed and these presents to be signed, acknowledged and  
 delivered in its name and behalf by SEYMOUR B. LEVIN,  
 its Treasurer, hereto duly authorized, this 19th  
 day of December, in the year one thousand nine hundred and fifty-six.

Signed and sealed in presence of

*Raymond Rambach*

SEYMOUR MOTOR SALES CO.  
 by *Seymour B. Levin*  
 TREASURER



The Commonwealth of Massachusetts

MIDDLESEX, ss.

December 19, 19 56

Then personally appeared the above named Seymour B. Levin,  
 and acknowledged the foregoing instrument to be the free act and deed of ~~xxx~~ SEYMOUR MOTOR SALES CO.

before me

*Raymond Rambach*  
 Notary Public - Middlesex & Essex  
 Raymond Rambach

My commission expires March 20, 19 58



CERTIFICATE OF VOTE

I, Evelyn Levin, hereby certify that I am Clerk of Seymour Motor Sales Co., a Massachusetts corporation, and that it appears, from the records of said corporation in my custody as such Clerk, that at a special meeting of the Board of Directors and at a separate special meeting of the stockholders of said corporation, at which meeting all of the directors and the owners of all of the outstanding stock of said corporation, respectively, were present and acting throughout. it was unanimously:

VOTED: "That Seymour B. Levin, Treasurer, be and he hereby is authorized, empowered and directed to sign, seal with the corporate seal, acknowledge and deliver, in the name and behalf of this Corporation, a deed to the Chase Manhattan Bank, successor to the Chase National Bank of the City of New York, as Trustee under agreement dated as of March 1st, 1950, with Ford Motor Company for the Ford Retirement Plan under Agreement with UAW-CIO dated March 16th, 1950, of a parcel of land situate in the Town of Natick, County of Middlesex and Commonwealth of Massachusetts, said parcel containing 38,334 square feet of land, according to a plan entitled "Plan of Land in Natick, Mass., dated June 4, 1956, William J. Ford, Jr., C. E.," upon such terms and conditions as said Treasurer shall, as evidenced by his execution thereof, determine."



I further certify that said vote remains in full force and effect without alteration or amendment.

WITNESS my hand and the seal of said corporation this 14th day of December, 1956.

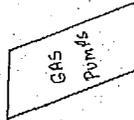
*Evelyn Levin*  
CLERK

NATICK-1977-ONE SHEET  
FED AID PROJ No TQF-21(34)

WORCESTER STREET (ROUTE 9)

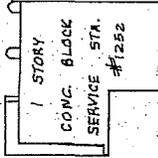
Location Line of September 22, 1937, State Highway Layout

200.00



GELRAW REALTY INC.  
HAROLD W. REEVES, TRUSTEE  
SPEEN - WORCESTER TRUST

191.67



PARCEL "E"  
CITIES SERVICE OIL COMPANY  
Area about 36,334 Sq. Ft.

191.67

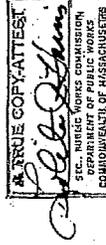
200.00

HAROLD & MARTIN E.  
COHEN TRUSTEES  
NATEX REALTY TRUST

NATHAN TANNENBAUM & RUTH  
BERMAN HECHT



40' 0' 40' 80'  
SCALE



I certify that this plan has been prepared in conformity with the rules and regulations of the Registers of Deeds of the Commonwealth of Massachusetts.



April 27, 1977  
DATE

Albin Sheehan  
REGISTRAR  
SIGNATURE

The Commonwealth of Massachusetts  
PLAN OF LAND IN THE TOWN OF

**NATICK**  
MIDDLESEX COUNTY

Taken for Highway Purposes by the  
Department of Public Works.

July 13, 1977  
Scale: 40 feet to the inch

Robert T. Tice  
Chief Engineer

Approved: July 13, 1977

*[Signatures]*  
James H. DiGeronimo  
Massachusetts Department  
of Public Works

Middlesex Registry of Deeds, State  
CAMBRIDGE, MASS.

Plan Number 766 of 1977  
Rec'd JULY 21 1977 10:45 AM  
With TAKING Doc. No. 152  
COMM. OF MASS. PUB. WORKS DEPT.

Recorded, Book 19242 Page 263

Attest: *[Signature]*

FEE \$ 0.00

Register

BY A

766

JUL 21 11 AM 10:15 15286\*\*\*1.00

766  
SEE PLAN IN RECORD BOOK 13242 PAGE 263

BK 13242 PG 263

THE COMMONWEALTH OF MASSACHUSETTS  
DEPARTMENT OF PUBLIC WORKS

RG  
11  
7.

-----000000-----

Natick  
Order of Taking

The Department of Public Works, acting on behalf of the Commonwealth of Massachusetts, under authority of Chapter 81 of the General Laws and of all other general or special laws thereto enabling, after public notice and a hearing of all parties interested, as required by Chapter 218 of the Acts of 1937, does hereby take, in fee simple, the parcel of land hereinafter described as Parcel "E", including all trees and structures located thereon (not, however, including poles, towers, lines, wires, cables and other appurtenances for the conveyance of electricity and telephone communication), situated in the Town of Natick, County of Middlesex for the purpose of constructing or reconstructing and maintaining a portion of a State highway Worcester Street (Route 9) and/or a Town way or ways in connection therewith. Said parcel of land is taken under the provisions of Chapter 79 of the General Laws, excepting and reserving from the rights herein taken, all easements for wires, pipes, conduits, poles and other appurtenances for the conveyance of water, sewage, gas, oil and electricity and for telephone communication now lawfully in or upon said premises hereby taken.

Parcel "E". A parcel of land supposed to be owned by Cities Service Oil Company on the southerly side of Worcester Street and boundad: Northerly by said Worcester Street 200.00 feet; easterly by land now or formerly of Gelraw Realty Inc. Harold W. Reeves, Trustee Speen-Worcester Trust 191.67 feet; southerly by land now or formerly of Harold and Martin E. Cohen Trustees Natex Realty Trust 200.00 feet; and westerly by land now or formerly of Nathan Tannenbaum and Ruth Berman Hecht 191.67 feet; containing about 38,334 square feet.

For damages sustained by Cities Service Oil Company in its property by reason of the aforesaid taking of Parcel "E" containing about 38,334 square feet, and in

accordance with the provisions of General Laws, Chapter 79, Section 6, as amended, an award is made. The Department reserves the right to amend the award at any time prior to the payment thereof for good cause shown.

The name of the owner herein given, although supposed to be correct, is such only as a matter of opinion and belief.

The parcel of land hereinbefore described is shown on a plan signed by the Chief Engineer and signed by the Department of Public Works and on file in its office, said plan being entitled:

"THE COMMONWEALTH OF MASSACHUSETTS

PLAN OF LAND IN THE TOWN OF

NATICK

MIDDLESEX COUNTY

Taken for Highway Purposes by the

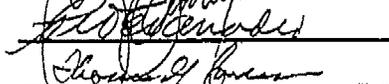
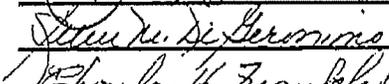
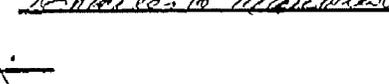
DEPARTMENT OF PUBLIC WORKS

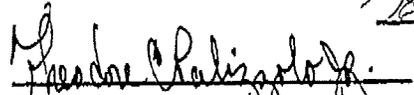
July 13, 1977

Scale: 40 feet to the inch",

an attested copy of which is to be recorded with this order of taking in the Registry of Deeds for Middlesex County, Southern District at Cambridge.

Dated at Boston this thirteenth day of July, 1977

	Members
	of the
	Public
	Works
	Commission

  
Layout Engineer

THE COMMONWEALTH OF MASSACHUSETTS

OFFICE OF THE SECRETARY

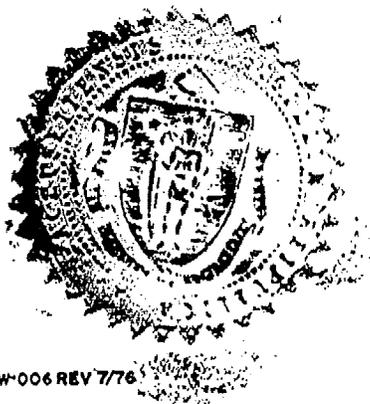
BOSTON July 13, 1977

I hereby certify that at the date of this attestation hereto annexed John J. Carroll, Peter E. Donadio, Thomas E. Barlow, / Ellen M. DiGeronimo and Charles H. Franklin, Jr., were members of the Public Works Commission, and are Commissioner and Associate Commissioners, respectively, Department of Public Works, duly appointed and qualified and that to their acts and attestations, as such, full faith and credit are and ought to be given in and out of Court, and, further, that their signatures to the annexed instrument are genuine.

In testimony of which I have hereunto affixed the Great Seal of the COMMONWEALTH the dated above written.

*Paul Buzzi*

Secretary of the Commonwealth



nio

UN-3-77 AH 1151 141RE-1000

KNOW ALL MEN BY THESE PRESENTS:

That NATHAN TANNENBAUM, residing at 930 Fifth Avenue, Borough of Manhattan, City, County and State of New York, for love and affection grants unto SYLVIA T. ANDER, residing at 350 Central Park West, Borough of Manhattan, City, County and State of New York, one-half of his undivided one-half interest (being one-quarter of the whole), as a tenant in common, with quit-claim covenants in the following property which the said NATHAN TANNENBAUM and RUTH BERMAN HECHT, who resides at 87 Lefferts Road, Yonkers, New York, each heretofore holds a 50% undivided interest as tenants in common, with quit-claim covenants:

PARCEL 1: A certain parcel of land in the Town of Natick, Middlesex County, Massachusetts, with the buildings thereon situated on the Southerly side of Worcester Road or Turnpike, bounded and described as follows:

NORTHERLY by Worcester Turnpike, one hundred sixty-eight and seventy-seven hundredths (168.77) feet;

EASTERLY by land formerly of Seymour Motor Sales Co. and by land now or formerly of All-States Realty of West Virginia, Inc., two hundred fifty (250) feet;

SOUTHERLY by other land now or formerly of All-States Realty of West Virginia, Inc., one hundred sixty-eight and seventy-seven hundredths (168.77) feet;

WESTERLY by other land formerly of All-States Realty of West Virginia, Inc., two hundred fifty (250) feet, being the third parcel herein described.

PARCEL 2: A parcel of registered land, in said Town of Natick, adjoining the above-described Parcel 1 on the West, bounded and described as follows:

NORTHERLY by the Southerly line of Worcester Road, thirty-two (32) feet;

EASTERLY by land now or formerly of Richard M. Wyman, two hundred fifty (250) feet;

SOUTHERLY by lot 439 as shown on plan hereinafter mentioned, thirty-two (32) feet; and

WESTERLY by lot 429 on said plan, two hundred fifty (250) feet.

Said parcel is shown as lot 438 on said plan.

All of said boundaries to the registered parcel of land are determined by the Court to be located as shown on a subdivision plan, as approved by the Court, filed with the Land

*de la...*

Registration Office, a copy of which is filed in the Registry of Deeds for the South Registry District of Middlesex County Registration Book 650, Page 168 with Certificate 104118.

There is appurtenant to the above-described registered parcel of land a perpetual easement over lots 380 and 379 shown on plan filed in Registration Book 564, Page 175 in common with others entitled thereto, more particularly set forth in documents 300502 and 300506.

Said parcels are the same premises conveyed to the grantor and RUTH BERMAN HECHT by SIENA PROPERTIES, INC., a Delaware Corporation, by deed dated August 29, 1966, recorded with Middlesex South District Deeds, Book 11234, Page 297 and registered with Middlesex South District Registry District; see Certificate of Title No. 122328, Registration Book 741, Page 178. See also deed from Richard R. Teschner and George F. Kasten dated October 26, 1965, recorded with Middlesex South District Deeds, Book 11014, Page 382, and registered with Middlesex South District Registry District; see Certificate of Title No. 119821, Registration Book 729, Page 71. See also deed from said Teschner and said Kasten dated January 12, 1966 and recorded with said Deeds, Book 11036, Page 326.

Said parcels are conveyed subject to:

1. Subject as to Parcel 2 to a perpetual easement to Worcester Gas Light Co. registered as Document No. 304935 on April 10, 1956.
2. Subject as to Parcels 1 and 2 to building and zoning laws of the Town of Natick.
3. Subject to easements, restrictions and covenants of record; and
4. Further subject to a blanket mortgage in the sum of \$280,000 dated the 20th day of June, 1966 in favor of the New England Mutual Life Insurance Company.

IN WITNESS WHEREOF, NATHAN TANNENBAUM has hereunto set his hand and seal this 23 day of December in the year One Thousand Nine Hundred and Seventy-Six.

Signed, Sealed and Delivered in the presence of

M. Jazay

Nathan Tannenbaum  
NATHAN TANNENBAUM

STATE OF NEW YORK )  
COUNTY OF NEW YORK ) ss.:



On the 23 day of December 1976, before me came NATHAN TANNENBAUM, to me known, and known to me to be the individual described in, and who executed the foregoing deed, and he thereupon acknowledged to me that he executed the same.

GRACE EISENSTEIN  
Notary Public, State of New York  
No 41-1095076  
Qualified in Queens County  
Commission Expires March 30, 1977

Grace Eisenstein  
Grace Eisenstein, Notary Public

December 23, 1976  
Dated

Quitclaim Deed

Morton Tannenbaum a/k/a Morton Boris Tannenbaum of 394B Heritage Hills in Somers, New York, 10589 and Sylvia Ander a/k/a Sylvia T. Ander of 350 Central Park West, New York, New York, 10025 as Co-Executors of the Estate of Nathan Tannenbaum, pursuant to a decree of the New York County Surrogate's Court dated July 3, 1991 (Docket No. 1985/91) and decree of the Middlesex County Probate Court dated December 4, 1991 (Docket No. 91 P4144E) and Morton Tannenbaum and Sylvia Anders as Co-Trustees of the Trust established pursuant to Last Will and Testament of Nathan Tannenbaum dated June 6, 1975 as amended by codicils dated September 29, 1977, November 12, 1984, and November 1, 1985, and Morton Tannenbaum, individually for consideration paid and in full consideration of less than one hundred (\$100) dollars grant to Sylvia T. Ander of 350 Central Park West, New York, New York, 10025 with quitclaim covenants:

PARCEL 1: A certain parcel of land in the Town of Natick, Middlesex County, Massachusetts, with the buildings thereon situated on the Southerly side of Worcester Road or Turnpike, bounded and described as follows:

NORTHERLY by Worcester Turnpike, one hundred sixty-eight and seventy-seven hundredths (168.77) feet;

EASTERLY by land formerly of Seymour Motor Sales Co. and by land now or formerly of All-States Realty of West Virginia, Inc., two hundred fifty (250) feet;

SOUTHERLY by other land now or formerly of All-States Realty of West Virginia, Inc., one hundred sixty-eight and seventy-seven hundredths (168.77) feet;

WESTERLY by other land formerly of All-States Realty of West Virginia, Inc., two hundred fifty (250) feet, being the third parcel herein described.

PARCEL 2: A parcel of registered land, in said Town of Natick, adjoining the above-described Parcel 1 on the West, bounded and described as follows:

NORTHERLY by the Southerly line of Worcester Road; thirty-two (32) feet;

EASTERLY by land now or formerly of Richard M. Wyman, two hundred fifty (250) feet;

WESTERLY by lot 429 on said plan, two hundred fifty (250) feet.

Said parcel is shown as lot 438 on said plan.

Address: 1262 Worcester Road, Natick, MA  
MSD 06/01/95 08:07:58  
648 25.00

DUP in LC

All of said boundaries to the registered parcel of land are determined by the court to be located as shown on a subdivision plan, as approved by the Court, filed with the Land Registration Office, a copy of which is filed in the Registry of Deeds for the South Registry District of Middlesex County Registration Book 650, Page 168 with Certificate 104118.

There is appurtenant to the above-described registered parcel of land a perpetual easement over lots 380 and 379 shown on plan filed in Registration Book 564, Page 175 in common with others entitled thereto, more particularly set forth in documents 300502 and 300506.

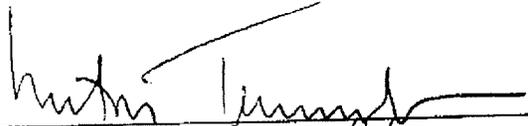
Said parcels are the same premises conveyed to NATHAN TANNENBAUM and RUTH BERMAN HECHT by SIENA PROPERTIES, INC., a Delaware Corporation, by deed dated August 29, 1966, recorded with Middlesex South District Deeds, Book 11234, Page 297 and registered with Middlesex South District Registry District; see Certificate of Title No. 122328, Registration Book 741 Page 178. See also deed from Richard R. Teschner and George F. Kasten dated October 26, 1965, recorded with Middlesex South District Deeds, Book 11014, Page 382, and registered with Middlesex South District Registry District; see Certificate of Title No. 119821, Registration Book 729, Page 71. See also deed from said Teschner and said Kasten dated January 12, 1966 and recorded with said Deeds, Book 11036, Page 326. For title, see deed from Nathan Tannenbaum to Sylvia T. Ander dated December 23, 1976 and recorded with said deeds in Book 13121 Page 113 and Certificate of Title No. 150806 Book 884 Page 56.

Said parcels are conveyed subject to:

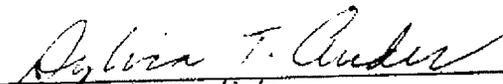
1. Subject as to Parcel 2 to a perpetual easement to Worcester Gas Light Co. registered as Document No. 304935 on April 10, 1956.
2. Subject as to Parcels 1 and 2 to building and zoning laws of the Town of Natick.
3. Subject to easements, restrictions and covenants of record; and
4. Taking in fee by the Commonwealth of Massachusetts dated March 1, 1978. See Document No. 567688 of Certificate of Title No. 150806 of the Registered Land Section of Middlesex South Registry of Deeds and Book 13398 Page 143164 of the Middlesex South Registry of Deeds.

IN WITNESS WHEREOF, MORTON TANNENBAUM a/k/a MORTON BORIS  
TANNENBAUM and SYLVIA ANDER a/k/a SYLVIA T. ANDER have hereunto  
set  
their hands and seals this 2<sup>ND</sup> day of FEBRUARY in the year One  
Thousand Nine Hundred and Ninety-five.

\_\_\_\_\_  
Witness

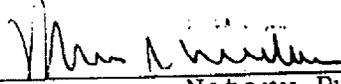
  
\_\_\_\_\_  
Morton Tannenbaum a/k/a  
Morton Boris Tannenbaum

\_\_\_\_\_  
Witness

  
\_\_\_\_\_  
Sylvia Ander a/k/a  
Sylvia T. Ander

State of New York     )  
                                  ) ss.:  
County of New York    )

On the 8 day of FEBRUARY 1995, before me came Sylvia  
Ander a/k/a Sylvia T. Ander, to me known, and known to me to be  
the individual described in, and who executed the foregoing deed,  
and she thereupon acknowledged to me that she executed the same.

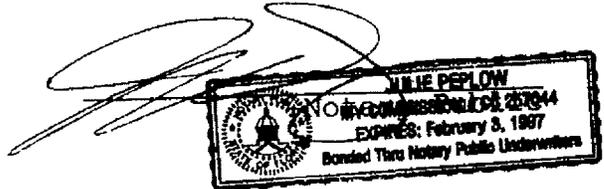
  
\_\_\_\_\_  
Notary Public

FEBRUARY 8, 1995  
\_\_\_\_\_  
Dated

MORRIS R. FRIEDMAN  
Notary Public, State of New York  
No. 4952942  
Qualified in Nassau County  
Commission Expires July 3, 1997

State of ~~New York~~ <sup>Florida</sup> )  
County of ~~New York~~ <sup>Palm Beach</sup> ) ss.:

On the 2 day of February 1995, before me came Morton Tannenbaum a/k/a Morton Boris Tannenbaum, to me known, and known to me to be the individual described in, and who executed the foregoing deed, and he thereupon acknowledged to me that he executed the same.



2-2-95  
Dated

file:tannbnat.dee

DEC 18 66 AM 10:50 066ME\*\*9.50

0W7 50  
2  
950

BK 11234 PG 297

KNOW ALL MEN BY THESE PRESENTS:

That SIENA PROPERTIES, INC., a Delaware corporation, qualified to do business in the Commonwealth of Massachusetts, having offices c/o Nathan Tannenbaum, 570 Seventh Avenue, Borough of Manhattan, City, County and State of New York, for consideration paid grants unto NATHAN TANNENBAUM and RUTH BERMAN<sup>Hecht</sup>, whose addresses are respectively 570 Seventh Avenue, New York, New York and 87 Lefferts Road, Yonkers, New York, as tenants in common, with quit-claim covenants: *NATHAN TANNENBAUM IS MARRIED TO FRANCES P. TANNENBAUM*  
*Ruth BermaHecht is MARRIED TO MILTON HECHT*

PARCEL 1: A certain parcel of land in the Town of Natick, Middlesex County, Massachusetts, with the buildings thereon situated on the Southerly side of Worcester Road or Turnpike, bounded and described as follows:

NORTHERLY by Worcester Turnpike, one hundred sixty-eight and seventy-seven hundredths (168.77) feet;

EASTERLY by land formerly of Seymour Motor Sales Co. and by land now or formerly of All-States Realty of West Virginia, Inc., two hundred fifty (250) feet;

SOUTHERLY by other land now or formerly of All-States Realty of West Virginia, Inc., one hundred sixty-eight and seventy-seven hundredths (168.77) feet;

WESTERLY by other land formerly of All-States Realty of West Virginia, Inc., two hundred fifty (250) feet, being the third parcel herein described.

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NORTHERLY by the Southerly line of Worcester Road, thirty-two (32) feet;

EASTERLY by land now or formerly of Richard M. Wyman, two hundred fifty (250) feet;

SOUTHERLY by lot 439 as shown on plan hereinafter mentioned, thirty-two (32) feet; and

WESTERLY by lot 429 on said plan, two hundred fifty (250) feet.

Said parcel is shown as lot 438 on said plan.

All of said boundaries to the registered parcel of land are determined by the Court to be located as shown on a subdivision plan, as approved by the Court, filed

DK11234 PC288

with the Land Registration Office, a copy of which is filed in the Registry of Deeds for the South Registry District of Middlesex County Registration Book 650, Page 168 with Certificate 104118.

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Said parcels are the same premises conveyed to the grantor by Richard R. Teschner and George F. Kasten by deed dated October 26, 1965, recorded with Middlesex South District Deeds, Book 11014, Page 382, and registered with Middlesex South District Registry District; see Certificate of Title No. 119821, Registration Book 729, Page 71. See also deed from said Teschner and said Kasten dated January 12, 1966 and recorded with said Deeds, Book 11036, Page 326.

Said parcels are conveyed subject to:

1. Subject as to Parcel 2 to a perpetual easement to Worcester Gas Light Co. registered as Document No. 304935 on April 10, 1956.
2. Subject as to Parcels 1 and 2 to building and zoning laws of the Town of Natick.
3. Subject to easements, restrictions and covenants of record; and
4. Further subject to a blanket mortgage in the sum of \$280,000 dated the 20th day of June, 1966 in favor of the New England Mutual Life Insurance Company.

IN WITNESS WHEREOF, SIENA PROPERTIES, INC. has caused this instrument to be executed and its corporate seal to be hereto affixed by Milton Hecht, its Treasurer, hereunto duly authorized this 27th day of August, 1966.

Signed, Sealed & Delivered  
in the presence of

*Carol H. Exchange*

No Stamps Required

SIENA PROPERTIES, INC.

By *Milton Hecht*  
Treasurer



BK 11234 PG 299

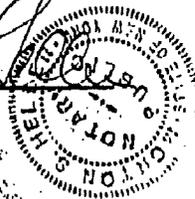
STATE OF NEW YORK )  
                          ) ss.:  
COUNTY OF NEW YORK )

On this *27<sup>th</sup>* day of August, 1966, before me, the undersigned officer, personally appeared MILTON HECHT, who acknowledged himself to be the Treasurer of SIENA PROPERTIES, INC., a corporation, and that he as such Treasurer being authorized so to do, executed the aforementioned instrument for the purposes therein contained by signing the name of the corporation by himself as Treasurer.

In witness whereof, I hereunto set my hand and the official seal.

*Morton S. Hiller*  
Notary Public

MORTON S. HILLER  
NOTARY PUBLIC, State of New York  
No. 31-1746-100  
Qualified in New York County  
Commission Expires March 30, 1967



CERTIFICATE OF VOTE

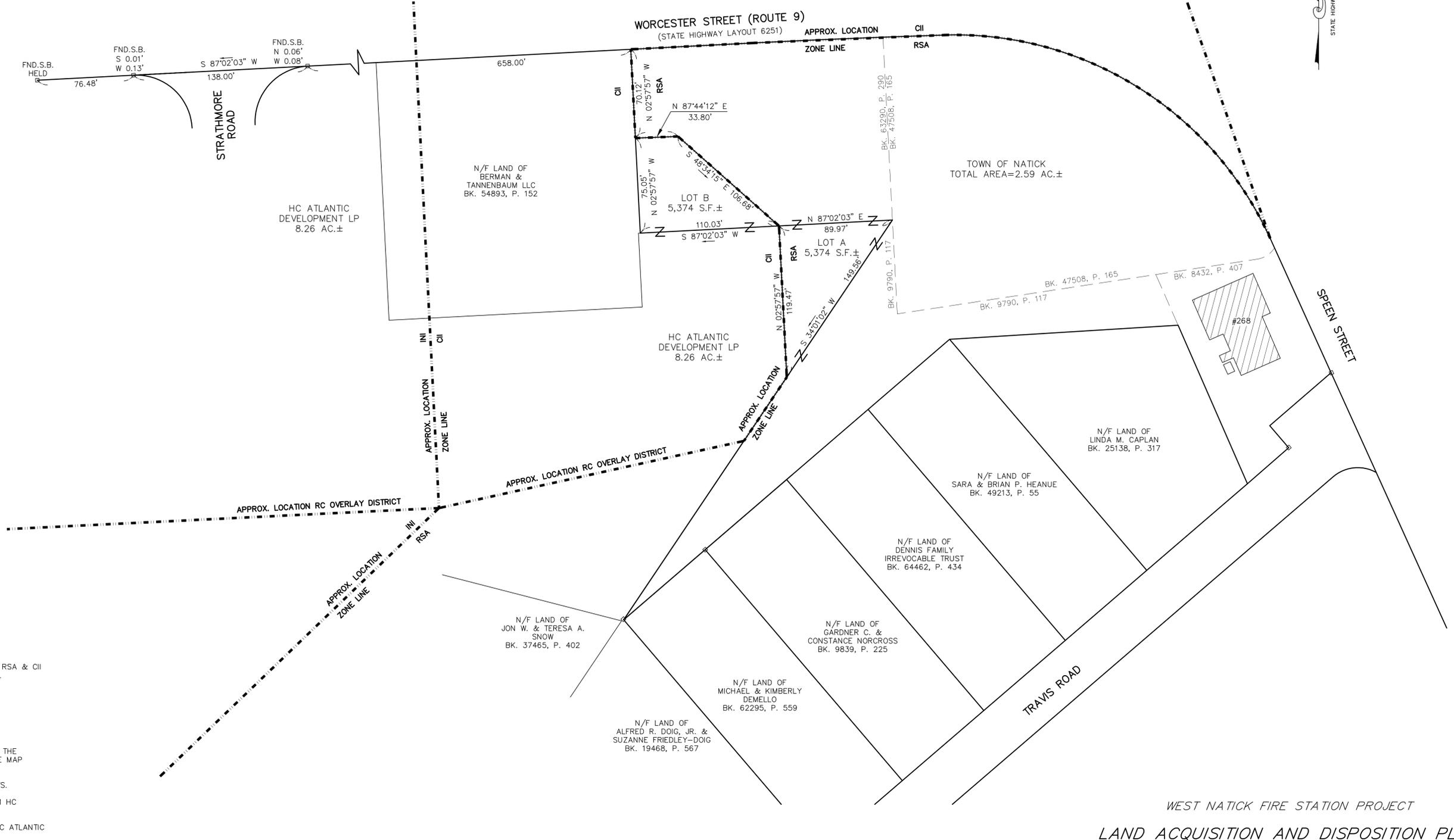
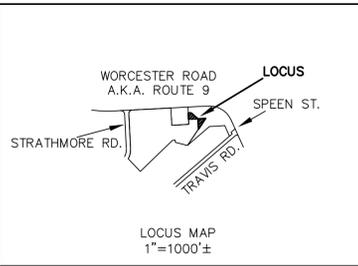
I, CAROL H. ESCHWEGE, Assistant Clerk of SIENA PROPERTIES, INC., and as such having custody of its corporate records, hereby certify that at a Special Meeting of the Board of Directors of this corporation duly called and held on July 27<sup>th</sup> 1966, at which meeting more than a quorum were present and voting, the following vote was unanimously passed:

VOTED: That Milton Hecht, Treasurer of this corporation, be and he hereby is authorized and empowered in the name of and in behalf of this corporation to sign, seal with the corporate seal, acknowledge and deliver a deed and an existing lease with The Friedman Rug Co., Inc. of the real estate of this corporation situated at 1262 Worcester Road, Natick, Massachusetts, all the terms and details of said deed and lease to be left to the absolute discretion of said Treasurer.

I further certify that Milton Hecht is the Treasurer of this corporation, and that the foregoing vote is now in full force and effect.



  
Assistant Clerk



- NOTES:
- DEED REFERENCES: TOWN OF NATICK  
BK. 8432, P. 407  
BK. 9790, P. 117  
BK. 47508, P. 165  
BK. 63290, P. 290  
  
HC ATLANTIC DEVELOPMENT LP  
BK. 24640, P. 573
  - PLAN REFERENCES: 431 OF 2012  
642 OF 1944  
642 OF 2003  
LC 20367
  - THE SUBJECT PREMISES IS GRAPHICALLY SITUATED IN THE RSA & CII ZONING DISTRICTS WITH THE FOLLOWING MINIMUM DIMENSIONAL REQUIREMENTS:
 

	RSA	CII
MINIMUM LOT AREA:	15,000 S.F.	40,000 S.F.
MINIMUM LOT FRONTAGE:	110 FT.	200 FT.
MINIMUM FRONT SETBACK:	30 FT.	40 FT.
MINIMUM SIDE SETBACK:	12 FT.	40 FT.
MINIMUM REAR SETBACK:	25 FT.	40 FT.
MINIMUM LOT DEPTH:	125 FT.	200 FT.
  - THE SUBJECT PREMISES IS NOT GRAPHICALLY SITUATED IN THE 100-YEAR FLOOD HAZARD ZONE PER FLOOD INSURANCE RATE MAP 25017C0517E, DATED JULY 7, 2014.
  - LOTS A AND B ARE NOT TO BE CONSIDERED BUILDING LOTS.
  - LOT A IS TO BE ACQUIRED BY THE TOWN OF NATICK FROM HC ATLANTIC DEVELOPMENT LP.
  - LOT B IS TO BE DISPOSED BY THE TOWN OF NATICK TO HC ATLANTIC DEVELOPMENT LP.

NATICK PLANNING BOARD

APPROVAL UNDER THE SUBDIVISION CONTROL

LAW NOT REQUIRED, DATE: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

THE ENDORSEMENT OF THE PLANNING BOARD SHOULD NOT BE CONSTRUED TO BE A DETERMINATION OF CONFORMANCE TO ZONING REGULATIONS.

I CERTIFY THAT THIS PLAN MEETS WITH REGULATIONS OF REGISTERS OF DEEDS

WEST NATICK FIRE STATION PROJECT  
LAND ACQUISITION AND DISPOSITION PLAN

IN NATICK, MA

PREPARED FOR

TOWN OF NATICK

NOVEMBER 30, 2017



WHITMAN & BINGHAM ASSOCIATES, LLC  
REGISTERED PROFESSIONAL ENGINEERS & LAND SURVEYORS  
510 MECHANIC STREET - LEOMINSTER, MASSACHUSETTS 01453

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**ITEM TITLE:** Article 21 - Excise Tax on Retail Sales of Marijuana for Adult Use

**ITEM SUMMARY:**

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**ATTACHMENTS:**

<b>Description</b>	<b>Upload Date</b>	<b>Type</b>
Article 21 Language	9/12/2018	Exhibit
Article 21 MOTION	9/12/2018	Exhibit
Article 21 Questionnaire Responses	9/12/2018	Exhibit

**ARTICLE 21**  
**Excise Tax on Retail Sales of Marijuana for Adult Use**  
**(Board of Selectmen)**

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.



**Warrant Article Questionnaire**  
**Citizen Petitions & Non Standard Town Agency Articles**

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

Article # 1 – 2018 Special Town Meeting #2 Article #21 – 2018 Fall Town Meeting	Date Form Completed: 9/5/18
Article Title: Excise Tax on Retail Sales of Marijuana for Adult Use	
Sponsor Name: Board of Selectmen	Email: jerrickson@natickma.org

Question	Question
1	Provide the article motion exactly as it is intended to be voted on by the Finance Committee.
Response	Move 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%).
2	At a summary level and very clearly, what is proposed purpose and objective of this Warrant Article and the required Motion?
Response	To impose a 3% tax on the sale of Adult Use Marijuana in Natick.
3	What does the sponsor gain from a positive action by Town Meeting on the motion?
Response	More tax revenue for the Town.
4	Describe with some specificity how the sponsor envisions how: the benefits will be realized; the problem will be solved; the community at large will gain value in the outcome through the accompanied motion?
Response	By gaining revenue from the sale of Adult Use Marijuana, the Town can gain much needed, non-residential property tax, new revenue
5	How does the proposed motion (and implementation) fit with the relevant Town Bylaws, financial and capital plan, comprehensive plan, and community values as well as relevant state laws and regulations
Response	The motion implements an allowed option for local revenue growth per state law.
6	Have you considered and assessed, qualified and quantified the various impacts to the

**Warrant Article Questionnaire  
Citizen Petitions & Non Standard Town Agency Articles**

	<p>community such as:</p> <ul style="list-style-type: none"> <li>• Town infrastructure (traffic, parking, etc.)</li> <li>• Neighbors (noise, traffic, etc.);</li> <li>• Environment and green issues (energy conservation, pollution, trash, encouraging walking and biking, etc.);</li> </ul>
Response	No anticipated impacts from the Tax on Town resources.
7	<p>Who are the critical participants in executing the effort envisioned by the article motion?</p> <p>To this point what efforts have been made to involve those participants who may be accountable, responsible, consulted or just advised/informed on the impacts of executing the motion?</p>
Response	Town Meeting is critical to executing this motion.
8	<p>What steps and communication has the sponsor attempted to assure that:</p> <ul style="list-style-type: none"> <li>• Interested parties were notified in a timely way and had a chance to participate in the process, that</li> <li>• Appropriate town Boards &amp; Committees were consulted</li> <li>• Required public hearings were held</li> </ul>
Response	The BOS, along with other Boards/Committees, and Town Staff have held public forums, meetings and other informational sessions to inform the public of this initiative.
9	Why is it required for the Town of Natick AND for the sponsor(s)?
Response	This is not required.
10	Since submitting the article petition have you identified issues that weren't initially considered in the development of the proposal?
Response	None of significance.
11	What are other towns and communities in the Metro West area, or the Commonwealth of MA

Warrant Article Questionnaire  
 Citizen Petitions & Non Standard Town Agency Articles

	doing similar to what your motion seeks to accomplish
Response	Other similar Towns that are choosing to regulate adult use marijuana are also considering the adoption of this local tax including Framingham.
<b>12</b>	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 will not receive revenue from the Tax on the sale of Adult Use Marijuana.

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**ITEM TITLE:** Article 22 - Marijuana Establishments Zoning Bylaw Amendment

**ITEM SUMMARY:**

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**ATTACHMENTS:**

<b>Description</b>	<b>Upload Date</b>	<b>Type</b>
Article 22 Language	9/12/2018	Exhibit
Article 22 MOTION A only	9/12/2018	Exhibit
Article 22 - MOTIONS B to F	9/12/2018	Exhibit
Article 22 Zoning Map	9/12/2018	Exhibit
Article 22 Questionnaire	9/12/2018	Exhibit

**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.

**2018 Special Town Meeting #2**  
**ARTICLE 2**  
**Marijuana Establishments Zoning Bylaw Amendment**  
**(Planning Board)**

**Motion A**

Move 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 105 CMR 725.00 and 935 CMR 500.000.

Host Community Agreement: An agreement, pursuant to General Laws, Chapter 94G, Section 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.

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 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.

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: Means a co-located 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 or marijuana or an extract from marijuana or 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: Means 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: Means 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 Natick Zoning Bylaw.

### 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 emission do not violate M.G.L c. 111, § 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 shall comply with the requirements of 935 CMR 500. 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 §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 Community Host Agreement: No Special Permit shall be granted without first having an executed Community Host 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 General Laws, Chapter 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: Within twenty-four (24) hours of receipt of notice of it, a Marijuana Establishment shall file with the Town Administrator, Director of the Health Department, Police Chief, and the Building Commissioner 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, unless otherwise modified by licensing regulations enacted and enforced by the Board of Selectmen.

## **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.

**2018 Special Town Meeting #2**  
**ARTICLE 2**  
**Marijuana Establishments Zoning Bylaw Amendment**  
**(Planning Board)**

**Motion B**

Move to amend the Town of Natick Zoning Bylaw to create the Industrial Marijuana Overlay (IMo) and the Retail Marijuana Overlay (RMO) zoning districts in Section II – Use Districts, II-A Types of Districts, by inserting in the list in Section II-A Types of Use Districts after the words “Independent Senior Living Overlay Option Plan” “ISLOOP” the words:

“Industrial Marijuana Overlay (IMo)”

“Retail Marijuana Overlay (RMO)”

**Motion C** (*Oak St Industrial Park*)

Move to amend the Town of Natick zoning map, as referenced under Section II-B Location of Districts (Zones) subsection 1, by placing the Industrial Marijuana Overlay District (IMo) over the following properties as shown on Town Assessors’ maps:

- Map 8 Lots 1C, 1D, 1E, 1F, 1K, 1M, 1P, 1Q, 1R, 1SA, 1SB, 1T, 1U, 2B, 2C, 2D, 2E, 41A, 41B, 41C, 41D, 41Fa, 41Fb, 41G, 41H, 42, 42A, 42B, 42C, 42E, 42F, and 43; and
- Map 9 Lots 2A, 2B, 2C, 2D, 2E, 2F, 2G, 2J, 2K, 2L, 2M, 2N, 28, 28A, and 28B; and
- Map 14 Lots 75E, 75G, 75I, 76, 76A, 77A, and 77B; and
- Map 15 Lots 105A, 105B, and 105C.

**Motion D** (*Golden Triangle*)

Move to amend the Town of Natick zoning map, as referenced under Section II-B Location of Districts (Zones) subsection 1, by placing the Retail Marijuana Overlay District (RMO) over the following properties as shown on Town Assessors’ maps:

- Map 10 Lots 4, 5, and 6;
- Map 16 Lots 2, 2B, 2C, 3, 4B, 4D, 4Ab, and 4Abb;
- Map 17 Lots 1, 3B, 4A, 4B, 4C, 5A, 5C, 5D, 5F, 5FA, 5FB, 5FC, 6, 9A, 9D, 9E, and 20;
- Map 23 Lots 1A, 1E, 73, and 74;
- Map 24 Lots 91 (portion with CII underlying zoning), 94, 100, 101, 88A, 89A, 89CA, 89CD, 89CE, 89DA, 89E, 89f, 89G, 89G, 89H, 89I, 92A, 92C, 92D, 94A, and 94AA;
- Map 25 Lots 276, 277, and 251A.

**Motion E** (*Rt. 9 East Town Line*)

Move to amend the Town of Natick zoning map, as referenced under Section II-B Location of Districts (Zones) subsection 1, by placing the Retail Marijuana Overlay District (RMO) over the following properties as shown on Town Assessors' maps:

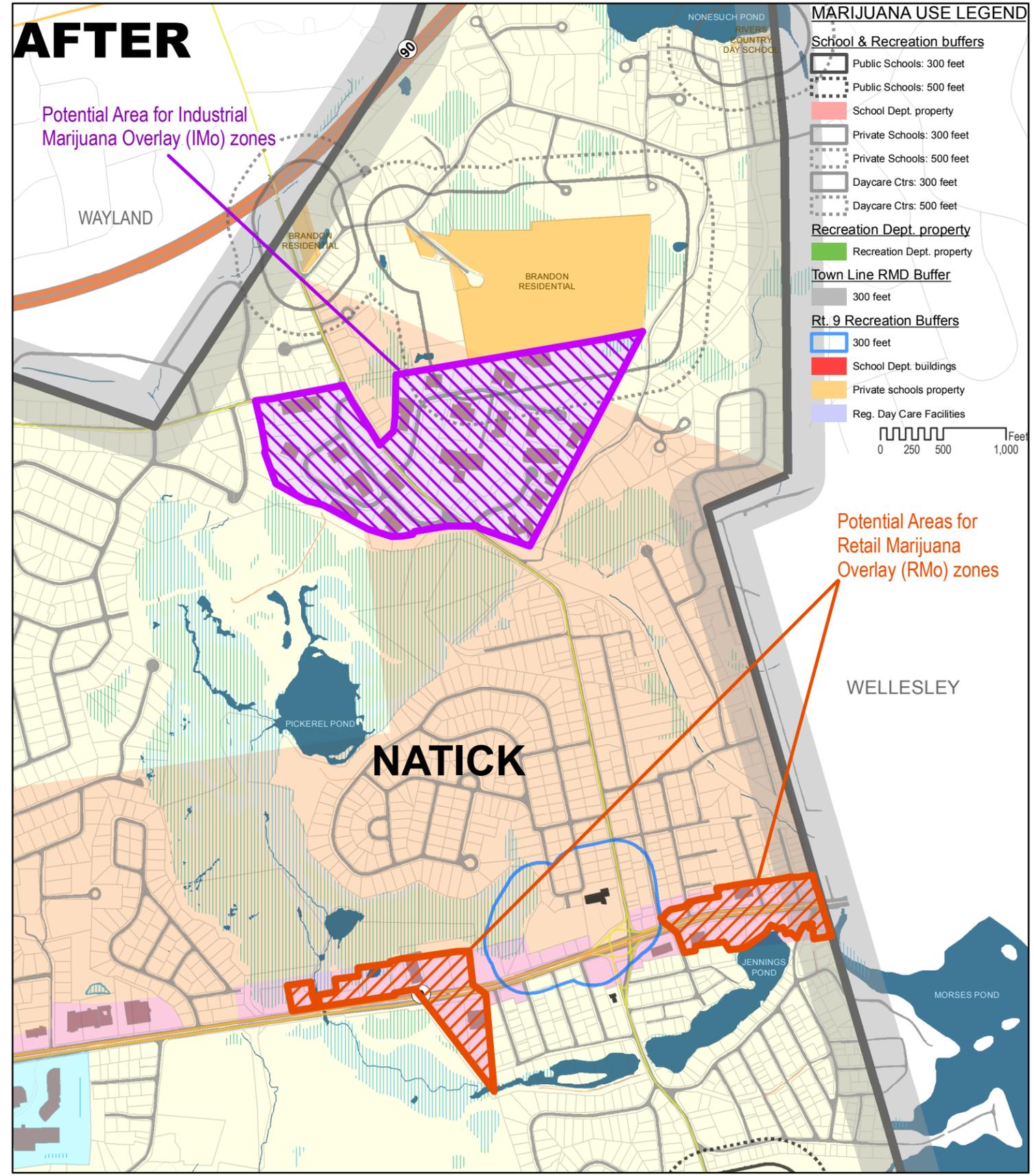
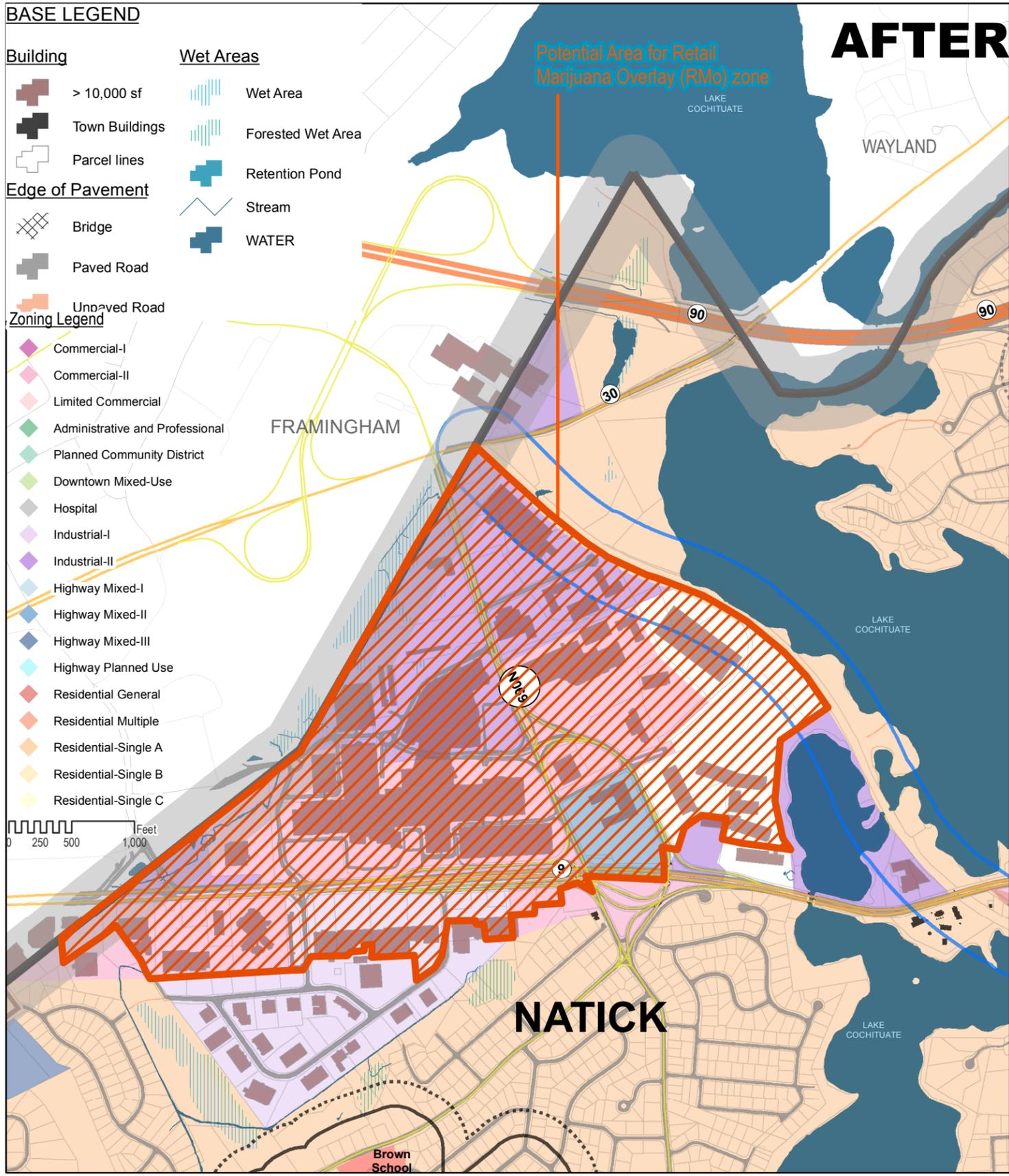
- Map 21 Lots 1, 8 (portion with CII underlying zoning), 114, 115, 116, 117A, 117B, 118, 119, 309, 332, 333, 334, 335 (portion with CII underlying zoning), 357, 358, 359, 360, 376, 377A, and 377B.

**Motion F** (*Rt. 9 East*)

Move to amend the Town of Natick zoning map, as referenced under Section II-B Location of Districts (Zones) subsection 1, by placing the Retail Marijuana Overlay District (RMO) over the following properties as shown on Town Assessors' maps:

- Map 20 Lots 1A, 1B, 97D, 98, 99, 99A, 100, 101A, 102C (portion with CII underlying zoning), 103, and 104.

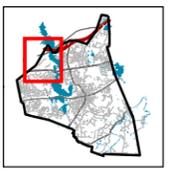
DRAFT



# Natick MA: Rt 9 Corridor, Potential Adult Use Marijuana Overlay Zones, 2018

Community & Economic Development Department

September 6, 2018 Map data derived from Natick municipal GIS and Assessors records. The Town of Natick is not responsible for any errors or omissions in the data on this map, which is subject to change without notice.



1 inch = 1,000 feet

**Warrant Article Questionnaire**  
**Citizen Petitions & Non Standard Town Agency Articles**

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

Article # 2 – 2018 Special Town Meeting #2 Article #22 – 2018 Fall Town Meeting	Date Form Completed: 9/5/18
Article Title: Marijuana Establishments Zoning Bylaw Amendment	
Sponsor Name: Planning Board	Email: jerrickson@natickma.org

Question	Question
1	Provide the article motion exactly as it is intended to be voted on by the Finance Committee.
Response	Please see motions attached
2	At a summary level and very clearly, what is proposed purpose and objective of this Warrant Article and the required Motion?
Response	To establish zoning bylaws to regulate the use of Adult Use Marijuana in Natick, and to determine through zoning map changes where the use is allowed.
3	What does the sponsor gain from a positive action by Town Meeting on the motion?
Response	Nothing.
4	Describe with some specificity how the sponsor envisions how: the benefits will be realized; the problem will be solved; the community at large will gain value in the outcome through the accompanied motion?
Response	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.
5	How does the proposed motion (and implementation) fit with the relevant Town Bylaws, financial and capital plan, comprehensive plan, and community values as well as relevant state laws and regulations
Response	The motion will create a new section to the Town's zoning bylaws.

**Warrant Article Questionnaire  
Citizen Petitions & Non Standard Town Agency Articles**

6	<p>Have you considered and assessed, qualified and quantified the various impacts to the community such as:</p> <ul style="list-style-type: none"> <li>• Town infrastructure (traffic, parking, etc.)</li> <li>• Neighbors (noise, traffic, etc.);</li> <li>• Environment and green issues (energy conservation, pollution, trash, encouraging walking and biking, etc.);</li> </ul>
Response	<p>Yes – though since no project is before the Town for review, site specific impacts will be reviewed per the proposed zoning bylaw.</p>
7	<p>Who are the critical participants in executing the effort envisioned by the article motion?</p> <p>To this point what efforts have been made to involve those participants who may be accountable, responsible, consulted or just advised/informed on the impacts of executing the motion?</p>
Response	<p>Town Meeting in adopting the zoning bylaw, and the Planning Board as the SPGA outlined in the zoning bylaw.</p>
8	<p>What steps and communication has the sponsor attempted to assure that:</p> <ul style="list-style-type: none"> <li>• Interested parties were notified in a timely way and had a chance to participate in the process, that</li> <li>• Appropriate town Boards &amp; Committees were consulted</li> <li>• Required public hearings were held</li> </ul>
Response	<p>The BOS, along with other Boards/Committees, and Town Staff have held public forums, meetings and other informational sessions to inform the public of this initiative.</p>
9	<p>Why is it required for the Town of Natick AND for the sponsor(s)?</p>
Response	<p>This is not required. Though if the Town does not adopt local zoning, either the Town will need to take a vote of the voters to “ban” adult use marijuana or the Town will have to consider the use consistent with other “similar uses” in the zoning bylaw use table per state law.</p>
10	<p>Since submitting the article petition have you identified issues that weren’t initially considered in the development of the proposal?</p>

Warrant Article Questionnaire  
 Citizen Petitions & Non Standard Town Agency Articles

Response	None of significance.
<b>11</b>	What are other towns and communities in the Metro West area, or the Commonwealth of MA doing similar to what your motion seeks to accomplish
Response	Other similar Towns that are choosing to regulate adult use marijuana are also considering the adoption local zoning similar to the proposed bylaw.
<b>12</b>	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	If the Town does not adopt local zoning, either the Town will need to take a vote of the voters to "ban" adult use marijuana or the Town will have to consider the use consistent with other "similar uses" in the zoning bylaw use table, per state law.

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**ITEM TITLE:** Article 23 - 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

**ITEM SUMMARY:**

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**ATTACHMENTS:**

<b>Description</b>	<b>Upload Date</b>	<b>Type</b>
Article 23 Language	9/12/2018	Exhibit
Article 23 MOTION	9/12/2018	Exhibit
Article 23 Quetionaire Responses	9/12/2018	Exhibit

## **ARTICLE 23**

### **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.

**ARTICLE 23**

**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)**

**Motion**

Move 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.”

**Warrant Article Questionnaire**  
**Citizen Petitions & Non Standard Town Agency Articles**

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

Article # 3 – 2018 Special Town Meeting #2 Article #23 – 2018 Fall Town Meeting	Date Form Completed: 9/5/18
Article Title: Extend Marijuana Temporary Moratorium (paraphrased)	
Sponsor Name: Town Administrator	Email: jerrickson@natickma.org

Question	Question
1	Provide the article motion exactly as it is intended to be voted on by the Finance Committee.
Response	Please see motion attached
2	At a summary level and very clearly, what is proposed purpose and objective of this Warrant Article and the required Motion?
Response	If the Motion as outlined in Article 2 of the 2018 Special Town Meeting #2 does not pass, this motion seeks to extend the existing temporary moratorium on Adult Use Marijuana Establishments to June 30, 2019
3	What does the sponsor gain from a positive action by Town Meeting on the motion?
Response	Additional time to work on reasonable regulations for Adult Use Marijuana.
4	Describe with some specificity how the sponsor envisions how: the benefits will be realized; the problem will be solved; the community at large will gain value in the outcome through the accompanied motion?
Response	Additional time to work on reasonable regulations for Adult Use Marijuana, likely bringing forward such regulations to the 2019 Spring Annual Town Meeting.
5	How does the proposed motion (and implementation) fit with the relevant Town Bylaws, financial and capital plan, comprehensive plan, and community values as well as relevant state laws and regulations
Response	The motion will amend an existing section of the Town’s zoning bylaws.
6	Have you considered and assessed, qualified and quantified the various impacts to the

**Warrant Article Questionnaire  
Citizen Petitions & Non Standard Town Agency Articles**

	<p>community such as:</p> <ul style="list-style-type: none"> <li>• Town infrastructure (traffic, parking, etc.)</li> <li>• Neighbors (noise, traffic, etc.);</li> <li>• Environment and green issues (energy conservation, pollution, trash, encouraging walking and biking, etc.);</li> </ul>
Response	N/A
7	<p>Who are the critical participants in executing the effort envisioned by the article motion?</p> <p>To this point what efforts have been made to involve those participants who may be accountable, responsible, consulted or just advised/informed on the impacts of executing the motion?</p>
Response	Town Meeting in adopting the zoning bylaw amendment.
8	<p>What steps and communication has the sponsor attempted to assure that:</p> <ul style="list-style-type: none"> <li>• Interested parties were notified in a timely way and had a chance to participate in the process, that</li> <li>• Appropriate town Boards &amp; Committees were consulted</li> <li>• Required public hearings were held</li> </ul>
Response	The BOS, along with other Boards/Committees, and Town Staff have held public forums, meetings and other informational sessions to inform the public of this initiative.
9	Why is it required for the Town of Natick AND for the sponsor(s)?
Response	This is not required. Though if the Town does not adopt local zoning and/or does not extend the moratorium as proposed in this motion, either the Town will need to take a vote of the voters to “ban” adult use marijuana or the Town will have to consider the use consistent with other “similar uses” in the zoning bylaw use table, per state law.
10	Since submitting the article petition have you identified issues that weren’t initially considered in the development of the proposal?
Response	None of significance.

**Warrant Article Questionnaire**  
**Citizen Petitions & Non Standard Town Agency Articles**

<b>11</b>	What are other towns and communities in the Metro West area, or the Commonwealth of MA doing similar to what your motion seeks to accomplish
Response	Other similar Towns that are choosing to regulate adult use marijuana are also considering the adoption of local zoning similar to the proposed bylaw – and are putting in place moratoriums to provide time to craft such regulations.
<b>12</b>	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	If the Town does not adopt local zoning and/or does not extend the moratorium as proposed in this motion, either the Town will need to take a vote of the voters to “ban” adult use marijuana or the Town will have to consider the use consistent with other “similar uses” in the zoning bylaw use table, per state law.

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**ITEM TITLE:** Article 24 - Amend Town of Natick By-law Article 10: Board of Selectmen

**ITEM SUMMARY:**

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**ATTACHMENTS:**

<b>Description</b>	<b>Upload Date</b>	<b>Type</b>
Article 24 Language	9/12/2018	Exhibit
Article 24 MOTION	9/12/2018	Exhibit
Article 24 Questionnaire Responses	9/12/2018	Exhibit

**ARTICLE 24**

**Amend Town of Natick By-law Article 10: Board of Selectmen  
(Board of Selectmen)**

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.

[REDACTED]

**ARTICLE 24**

**Amend By-law Article 10: Board of Selectmen  
(Town Administrator)**

**Motion:**

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.

## Warrant Article Questionnaire Citizen Petitions & Non Standard Town Agency Articles

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

Article # 4 – 2018 Special Town Meeting #2 Article #24 – 2018 Fall Town Meeting	Date Form Completed: 9/5/18
Article Title: Amend Town of Natick By-Law Article 10: Board of Selectmen	
Sponsor Name: Town Administrator	Email: jerrickson@natickma.org

Question	Question
1	Provide the article motion exactly as it is intended to be voted on by the Finance Committee.
Response	Please see motion attached
2	At a summary level and very clearly, what is proposed purpose and objective of this Warrant Article and the required Motion?
Response	This motion seeks to establish a local licensing process under the authority of the Board of Selectmen for Adult Use Marijuana establishments.
3	What does the sponsor gain from a positive action by Town Meeting on the motion?
Response	The authority to license Adult Use Marijuana establishments.
4	Describe with some specificity how the sponsor envisions how: the benefits will be realized; the problem will be solved; the community at large will gain value in the outcome through the accompanied motion?
Response	The BOS will be afforded the ability to license Adult Use Marijuana establishments, providing greater oversight on such uses in Town. In conjunction with the adoption of this bylaw amendment (should it be approved by Town Meeting), the BOS will create licensing procedures and policies for licensing Adult Use Marijuana to make sure any such establishment will be operating in accordance with local regulations and any negotiated agreements.
5	How does the proposed motion (and implementation) fit with the relevant Town Bylaws, financial and capital plan, comprehensive plan, and community values as well as relevant state laws and regulations
Response	The motion will amend an existing Article 10 of the Town Bylaws.

## Warrant Article Questionnaire Citizen Petitions & Non Standard Town Agency Articles

6	<p>Have you considered and assessed, qualified and quantified the various impacts to the community such as:</p> <ul style="list-style-type: none"> <li>• Town infrastructure (traffic, parking, etc.)</li> <li>• Neighbors (noise, traffic, etc.);</li> <li>• Environment and green issues (energy conservation, pollution, trash, encouraging walking and biking, etc.);</li> </ul>
Response	N/A
7	<p>Who are the critical participants in executing the effort envisioned by the article motion?</p> <p>To this point what efforts have been made to involve those participants who may be accountable, responsible, consulted or just advised/informed on the impacts of executing the motion?</p>
Response	Town Meeting in adopting the bylaw amendment and the Board of Selectmen as the proposed licensing authority.
8	<p>What steps and communication has the sponsor attempted to assure that:</p> <ul style="list-style-type: none"> <li>• Interested parties were notified in a timely way and had a chance to participate in the process, that</li> <li>• Appropriate town Boards &amp; Committees were consulted</li> <li>• Required public hearings were held</li> </ul>
Response	The BOS, along with other Boards/Committees, and Town Staff have held public forums, meetings and other informational sessions to inform the public of this initiative.
9	Why is it required for the Town of Natick AND for the sponsor(s)?
Response	This is not required.
10	Since submitting the article petition have you identified issues that weren't initially considered in the development of the proposal?
Response	None of significance.

**Warrant Article Questionnaire**  
**Citizen Petitions & Non Standard Town Agency Articles**

<b>11</b>	What are other towns and communities in the Metro West area, or the Commonwealth of MA doing similar to what your motion seeks to accomplish
Response	Other similar Towns that are choosing to regulate adult use marijuana are also considering the adoption of local licensing processes similar to the proposed bylaw.
<b>12</b>	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 will not have a local licensing process for Adult Use Marijuana establishments. However, such uses will still require approval from the BOS in order to operate through the state required "Host Community Agreement".

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**ITEM TITLE:** Article 35 - Voting Requires Being Legal Resident of Massachusetts and this Municipality - RESCHEDULED to Sept 20

**ITEM SUMMARY:** Rescheduled to September 20 at request of Town Counsel and Chair's concurrence

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**ATTACHMENTS:**

<b>Description</b>	<b>Upload Date</b>	<b>Type</b>
FinCom Questionnaire Response including MOTION	9/4/2018	Exhibit

Warrant Article Questionnaire  
Citizen Petitions Articles

Article # <b>35</b>	Date Form Completed: <b>08/28/2018</b>
Article Title: <b>Voting requires being legal resident of Massachusetts and this municipality.</b>	
Sponsor Name: <b>Tony Lista</b>	Email: <b>TonyLista1@gmail.com</b>

Question	Question
1	Provide the article motion exactly as it is intended to be voted on by the Finance Committee.
Response	<p>(Type response here)</p> <p><b>To see if the Town will vote to:</b></p> <p><b>amend its Home Rule Charter (Article 7 section 7-7 sub section (l)) and Town By-law, (Article 1 town election and town meeting) by inserting the following language:</b></p> <p><b>“A person age of 18 and over shall be qualified to vote in municipal elections who is a United States citizen and a legal resident of Massachusetts and this municipality, and who meets the qualifications of M.G.L. Ch. 51, section 1.” or otherwise act thereon.</b></p>
2	At a summary level and very clearly, what is proposed purpose and objective of this Warrant Article and the required Motion?
Response	<p>(Type response here)</p> <p><b>To make voting in Town of Natick a protected right of US citizens, Naturalized citizens and legal resident of Massachusetts only</b></p> <ul style="list-style-type: none"> <li>• <b>citizenship and the rights that come with it are fundamental to our core values as Americans</b></li> <li>• <b>noncitizen voting undermines the strength of our Town and Republic</b></li> <li>• <b>reaffirming this warrant further encourages noncitizens to earn their citizenship</b></li> </ul>
3	What does the sponsor gain from a positive action by Town Meeting on the motion?
Response	<p>(Type response here)</p> <p><b>No equity interest or direct/indirect benefit</b></p>
4	Describe with some specificity how the sponsor envisions how: the benefits will be realized; the problem will be solved; the community at large will gain value in the outcome through the accompanied motion?

Warrant Article Questionnaire  
Citizen Petitions Articles

Response	Type response here)  <p><b>The proposed article will codify voting as a right of US citizens and Naturalized citizens in Natick’s Home Rule Charter and Natick By-law, which defines how our municipality is organized, how it functions and all related procedures.</b></p> <ul style="list-style-type: none"> <li>• <b>citizenship and the rights that come with it are fundamental to our core values as Americans</b></li> <li>• <b>noncitizen voting undermines the strength of our Republic</b></li> <li>• <b>reaffirming this warrant further encourages noncitizens to earn their citizenship</b></li> </ul>
5	How does the proposed motion (and implementation) fit with the relevant Town Bylaws, financial and capital plan, comprehensive plan, and community values as well as relevant state laws and regulations
Response	Type response here)  <p><b>The proposed article will codify voting as a right of US citizens and Naturalized citizens and will conform with M.G.L. Ch. 51, section 1</b></p>
6	Have you considered and assessed, qualified and quantified the various impacts to the community such as: <ul style="list-style-type: none"> <li>• Town infrastructure (traffic, parking, etc.)</li> <li>• Neighbors (noise, traffic, etc.);</li> <li>• Environment and green issues (energy conservation, pollution, trash, encouraging walking and biking, etc.);</li> </ul>
Response	Type response here)  <p><b>I see no impacts on any local or state initiatives researched</b></p>
7	Who are the critical participants in executing the effort envisioned by the article motion?  To this point what efforts have been made to involve those participants who may be accountable, responsible, consulted or just advised/informed on the impacts of executing the motion?
Response	Type response here)

Warrant Article Questionnaire  
Citizen Petitions Articles

	<b>Town meeting</b>
8	<p>What steps and communication has the sponsor attempted to assure that:</p> <ul style="list-style-type: none"> <li>• Interested parties were notified in a timely way and had a chance to participate in the process, that</li> <li>• Appropriate town Boards &amp; Committees were consulted</li> <li>• Required public hearings were held</li> </ul>
Response	<p>Type response here)</p> <p><b>Conferred with Moderator regarding Home Rule Charter and By-law and Town meeting; conferred with 19 other cities and towns who are also considering a similar petition, and conferred with a private party familiar with MGL</b></p>
9	<p>Why is it required for the Town of Natick AND for the sponsor(s)?</p>
Response	<p>Type response here)</p> <p><b>To make voting in Town of Natick a protected right of US citizens, Naturalized citizens and legal resident of Massachusetts only</b></p> <ul style="list-style-type: none"> <li>• <b>citizenship and the rights that come with it are fundamental to our core values as Americans</b></li> <li>• <b>noncitizen voting undermines the strength of our Town and Republic</b></li> <li>• <b>reaffirming this warrant further encourages noncitizens to earn their citizenship</b></li> </ul>
10	<p>Since submitting the article petition have you identified issues that weren't initially considered in the development of the proposal?</p>
Response	<p>Type response here)</p> <p><b>No</b></p>
11	<p>What are other towns and communities in the Metro West area, or the Commonwealth of MA doing similar to what your motion seeks to accomplish</p>
Response	<p>Type response here)</p>

Warrant Article Questionnaire  
Citizen Petitions Articles

	<p><b>19 towns in total are considering similar citizen petitions. The following towns are in the process of considering similar (signatures in process, TM Warrant or similar):</b></p> <p><b>Burlington, Stoneham, Billerica, Milford, Hopedale, Lancaster, Braintree</b></p>
<b>12</b>	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	Type response here) <ul style="list-style-type: none"><li>• <b>citizenship and the rights that come with it will be diminished</b></li><li>• <b>noncitizen voting will undermine the strength of our Town</b></li><li>• <b>noncitizens will not be encouraged to earn their citizenship as a right to participate as a Natick voter</b></li></ul>

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**ITEM TITLE:** Article 18 -Appropriate Funds for the Design and Development of Route 27 North Main Street

**ITEM SUMMARY:**

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**ATTACHMENTS:**

<b>Description</b>	<b>Upload Date</b>	<b>Type</b>
Article Language	9/12/2018	Exhibit
Article MOTION	9/12/2018	Exhibit
Memo supplementing Questionnaire Responses	9/12/2018	Exhibit
Questionnaire Responses	9/12/2018	Exhibit

**ARTICLE 18**

**Appropriate Funds for the Design and Development of Route 27 North Main Street  
(Board of Selectmen)**

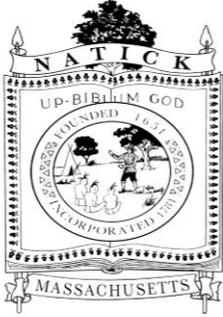
To see what sum of money the Town will vote to raise and appropriate, borrow, transfer from available funds or otherwise provide for design and development of the Route 27 North Main Street (Route 27) roadway improvement project, including but not limited to design, right of way (design and/or acquisition), legal, appraisal, permitting, and/or construction phase services; or otherwise act thereon.

## **2018 Fall Annual Town Meeting**

### **Article 18 Appropriate Funds for the Design and Development of Route 27 North Main Street**

#### **Motion (Requires Two Thirds Vote)**

Move that the Town vote to appropriate the sum of \$2,000,000 to be expended under the direction of the Community and Economic Development Department for the purpose of Route 27 North Main Street design and development including; design, engineering, easement acquisition, right of way acquisition, and legal costs associated with this project, and that to meet this appropriation the Treasurer with the approval of the Board of Selectmen is authorized to borrow \$2,000,000 under Massachusetts General Laws Chapter 44, Section 7, as amended, or any other enabling authority and to issue bonds or notes of the Town therefore aggregating not more than \$2,000,000 in principal amount and that the Town Administrator with the approval of the Board of Selectmen is authorized to take any action necessary to carry out this program, and further, that any premium received by the Town upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with Chapter 44, Section 20 of the General Laws, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount.



# COMMUNITY AND ECONOMIC DEVELOPMENT

BUILDING

PLANNING

ZONING

CONSERVATION

## MEMORANDUM

**TO:** Patrick Hayes, Chair, Natick Finance Committee

**FROM:** Jamie Errickson, Director

**DATE:** September 10, 2018

**RE:** **North Main Street/RT 27 Corridor Project & Budget Update – 2018 Fall Town Meeting**

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This memo is provided in regards to the proposed North Main Street (Rt. 27) corridor project. The project includes the reconstruction of North Main Street from the intersection with North Avenue to the Wayland Town Line, with the exception of the Route 27/9 Interchange, which is a separate project being funded and managed by MassDOT.

Included in the North Main Street project are:

- New/upgraded bike lanes, sidewalks, crosswalks
- New signalization and/or roadway geometry improvements at key intersections (Lake Street, Bacon Street, Pine Street, and others)
- Improved drainage and utility infrastructure

The project is currently programmed on the Boston Metropolitan Area Planning Organization's (MPO), Transportation Improvement Program (TIP) for construction funding in **Federal Fiscal Year 2019** (starting October 1, 2018) with an anticipated project advertisement (bid) date of July 2019 and a likely construction start in the Spring 2020. In order to meet this target bid date, the Town must have all Right of Way, Design, and other work completed by May 2019.

In July 2018, the 75% design plans for this project were submitted to MassDOT for review, as scheduled. As of the date of this memo, no comments, approvals, or other inquiries were received by the Town from MassDOT on the plans, though comments are anticipated by the end of September. Please note that, as with any TIP funded project, as part of the 75% design review MassDOT may determine some costs of the project to be "non-participating" items. Such items would become the responsibility of the Town in order to complete. As of the date of this memo, no such costs have been identified.

As you may recall, at the 2018 Spring Annual Town Meeting I presented the anticipated budget for the project at that time and sought funding to cover appraisal and legal right of way (ROW) document

preparation work. CED Staff is actively completing the request for proposals process for the appraisal work, in order to bring a contract forward to the BOS for approval in September. Work is ongoing with regards to the ROW documentation, which primarily includes the preparation of the easement plans necessary for the project.

Since the 2018 Spring Annual Town Meeting, three additional, unanticipated items and one design budget adjustment are being made to the project budget, as outlined below in detail:

1. Design cost adjustments based on work completed and anticipated due to comments received from MassDOT to date;
2. Site investigation work completed in June/July 2018 in preparation for the 75% design submission;
3. Legal Costs (title examinations, drafting of easement documents, working with property owners) associated with securing the Right of Way for the project;
4. Construction Oversight services provided during construction

**Bullets 1 & 2:**

In June 2018, additional unanticipated field work was requested by MassDOT in May to include and inform the 75% design submission. This included conducting test pit investigations along the Rt 27 North Main Street corridor to better understand the location of underground utilities that are to be impacted, replaced, and/or moved as part of this project. This field work cost approximately \$30,000 to complete, which is reflected in the budget below.

There are a number of benefits to completing this field and design work, including 1) having a more accurate construction budget to ensure the project is funded for construction as programmed; and 2) completing a more accurate ROW plan is anticipated to lead to less ROW cost to the Town.

**Bullets 3 & 4:**

CED Staff has also updated the project budget to reflect two additional items that were not anticipated at the time of the 2018 Spring Town Meeting. These include legal services necessary to secure the Right of Way (ROW) and "Construction Oversight Services".

CED Staff is requesting funding to cover legal services to assist with securing the ROW to complete the project. Such services include completing the required title examination of all impacted properties, drafting/reviewing easement documents (temporary/permanent), and filing documentation with the Registry of Deeds and/or MassDOT. With nearly 200 impacted properties (146 with temporary construction easements and 50 with permanent and/or temporary construction easements/acquisition), this is a large and complex project that warrants counsel dedicated to this project in order to keep the project on the anticipated schedule.

In May 2018, CED Staff was informed by MassDOT that the Town will be required to cover the cost of "Construction Oversight Services" on this project. These services are provided during construction primarily to review shop drawings and confirm design details. Costs associated with this work is anticipated to be in the range of \$250,000 based on recently completed projects of similar scale to the Route 27 project.

The updated project budget is outlined below:

**Design & Right of Way (ROW) Costs January 2018 – September 2019 (Updated Sept 2020)**

Schedule of funds	Anticipated Spend Date	Task	Cost Spring 2018	Cost Fall 2018	Spent to date	Available Funds	Remaining need
<b>2018 Spring TM</b>	Ongoing	Appraisals	\$220,000	\$ -	\$ -	\$220,000	\$ -
	Ongoing	ROW Legal Docs	\$65,000	\$ -	\$ -	\$65,000	\$ -
		<b>Total:</b>	<b>\$285,000</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$285,000</b>	<b>\$ -</b>
<b>2018 Fall TM</b>	Ongoing	Full Design	\$882,000	\$1,095,000	\$600,000	\$45,000	\$450,000
	Spring 2019	ROW Acquisition	\$1,300,000	\$1,300,000	\$ -	\$ -	\$1,300,000
	Completed	Field Invest.	\$ -	\$30,000	\$30,000	\$ -	\$ -
	Fall 2018-2019	Legal Costs	\$ -	\$250,000	\$ -	\$ -	\$250,000
		<b>Total:</b>	<b>\$2,182,000</b>	<b>\$2,675,000</b>	<b>\$630,000</b>	<b>\$45,000</b>	<b>\$2,000,000</b>
<b>Future TM</b>	Spring 2020	Const. Oversight	\$ -	\$250,000	\$ -	\$ -	\$250,000
		<b>Total:</b>	<b>\$ -</b>	<b>\$250,000</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$250,000</b>
NOTE: The ROW Acquisition cost is a placeholder. Costs could be higher or lower depending on appraisal results.							

**Notes:**

- As noted in the table above, CED Staff is requesting \$2,000,000 to be appropriated at the 2018 Fall Town Meeting, with Construction Oversight to be appropriated at a future Town Meeting.
- All currently available funds for design were provided through project mitigation (MathWorks Apple Hill expansion, Modera Natick Center (40R), Primrose School).
- All design, right of way (ROW), other pre-construction/bid costs, AND Construction Oversight Services are the responsibility of the Town of Natick per the MPO TIP program requirements.
- Though not anticipated, there is the potential for “non-participating” costs with this project – these are items MassDOT deems are above what is typically required for a roadway project. Such costs will be identified as part of 75% design review by MassDOT.
- All other construction costs are covered by State (20%) and Federal (80%) sources.

**Construction Costs (FFY 2019)**

FFY 2019	\$12,688,000	80/20 Federal/State funding
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Note: Construction costs are anticipated to increase based on the recent 75% design submission, which is not reflected above or on the current TIP. This increase is largely due to two factors: 1) the increase in construction costs experienced across the region, and; 2) costs associated with construction phasing (i.e. police detail, hours of construction (night-time vs day-time), etc.). CED Staff is working with MassDOT to address these cost impacts to the construction budget, which is not anticipated to impact design costs.

Warrant Article Questionnaire  
Citizen Petitions & Non Standard Town Agency Articles

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

Article # 18	Date Form Completed: 9/5/18
Article Title: Appropriate Funds for the Design & Development of Rt. 27 North Main Street	
Sponsor Name: Board of Selectmen	Email: jerrickson@natickma.org

Question	Question
1	Provide the article motion exactly as it is intended to be voted on by the Finance Committee.
Response	Move to appropriate, borrow, or transfer \$2,000,000 from available funds for design and development of the Route 27 North Main Street roadway improvement project, including but not limited to design, right of way (design and/or acquisition), legal, appraisal, permitting, and/or construction phase services.
2	At a summary level and very clearly, what is proposed purpose and objective of this Warrant Article and the required Motion?
Response	To support the continued design and eventual reconstruction of Route 27 North Main Street from North Avenue to the Wayland Town Line – excluding the Rt. 9 and Rt 27 interchange.
3	What does the sponsor gain from a positive action by Town Meeting on the motion?
Response	The continued advancement of the Rt 27 North Main Street design, leading to the eventual construction of the project.
4	Describe with some specificity how the sponsor envisions how: the benefits will be realized; the problem will be solved; the community at large will gain value in the outcome through the accompanied motion?
Response	The reconstruction of the Rt. 27 North Main Street corridor is vital to the continued quality of life of Natick residents. By supporting the design, ROW, and other work as noted in the motion, the Town will receive the benefit of a State/Federally funded reconstructed roadway at a cost of \$12+ million.
5	How does the proposed motion (and implementation) fit with the relevant Town Bylaws, financial and capital plan, comprehensive plan, and community values as well as relevant state laws and regulations

Warrant Article Questionnaire  
Citizen Petitions & Non Standard Town Agency Articles

Response	The improvements to the Rt 27 North Main Street corridor will incorporate all of the Complete Streets design considerations, including new sidewalks and bike lanes. This fits in with the community's value of improving non-motorized mobility, connectivity between neighbors and to neighborhood amenities, and improved/more efficient flow of vehicle traffic through town. Financially the request is significant. However, the funding requested is needed in order to ensure the construction costs of the roadway improvements, totaling over \$12M are covered by State and Federal resources.
6	<p>Have you considered and assessed, qualified and quantified the various impacts to the community such as:</p> <ul style="list-style-type: none"> <li>• Town infrastructure (traffic, parking, etc.)</li> <li>• Neighbors (noise, traffic, etc.);</li> <li>• Environment and green issues (energy conservation, pollution, trash, encouraging walking and biking, etc.);</li> </ul>
Response	The project will improve a major roadway corridor in Town, providing much needed pedestrian and bike accommodations along the entire corridor. Improvements to traffic flow will be minimal overall, but will be greatly improved at key intersections (i.e. Pine St., Bacon St. Lake St.) along the corridor. The project also upgrades the storm water infrastructure along the corridor, which will have a positive impact on the environment and the properties currently impacted by storm water runoff.
7	<p>Who are the critical participants in executing the effort envisioned by the article motion?</p> <p>To this point what efforts have been made to involve those participants who may be accountable, responsible, consulted or just advised/informed on the impacts of executing the motion?</p>
Response	CED Staff is currently managing the design and ROW process, with help from DPW and other Town staff. The Board of Selectmen will be executing many of the ROW votes that need to occur for this project in the Spring of 2019. Permitting Boards may also be involved as some point during the design process, as required. The larger public will continue to be engaged throughout the design process, including an update public hearing to occur this Fall (pending MassDOT scheduling). Finally, MassDOT will continue their review of the design work and eventually manage and fund the construction of the roadway improvements.
8	What steps and communication has the sponsor attempted to assure that:

**Warrant Article Questionnaire  
Citizen Petitions & Non Standard Town Agency Articles**

	<ul style="list-style-type: none"> <li>Interested parties were notified in a timely way and had a chance to participate in the process, that</li> <li>Appropriate town Boards &amp; Committees were consulted</li> <li>Required public hearings were held</li> </ul>
Response	A design public hearing was held in June 2017. Since that time, many impacted property owners, especially those at key intersections with the most significant impacts, have been contacted. The Board of Selectmen continues to be informed about require design submittals to the MassDOT. At the 2018 Spring TM, Town Meeting also provided approval for a portion of funding in support of this project.
9	Why is it required for the Town of Natick AND for the sponsor(s)?
Response	In order to continue the design and ROW processes, additional funds are necessary.
10	Since submitting the article petition have you identified issues that weren't initially considered in the development of the proposal?
Response	None of significance.
11	What are other towns and communities in the Metro West area, or the Commonwealth of MA doing similar to what your motion seeks to accomplish
Response	The TIP/MPO process is fairly standard, so other Towns seeking similar funding for infrastructure projects following the same process.
12	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 design of the Rt. 27 North Main Street project will stop. This will nearly guarantee that the construction funding for the project will be in jeopardy – likely moved out at least one and possibly several years on the TIP.

**For additional Information, please see the attached memo.**

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**ITEM TITLE:** Article 9 - Personnel Board Classification and Pay Plan

**ITEM SUMMARY:**

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**ATTACHMENTS:**

<b>Description</b>	<b>Upload Date</b>	<b>Type</b>
Article Language & MOTION	9/12/2018	Exhibit
Letter from Personnel Board Chair re: No Action request	9/12/2018	Exhibit

**ARTICLE 9**  
**Personnel Board Classification and Pay Plan**  
**(Town Administrator)**

To see if the Town, pursuant to the authority contained in Section 108A of Chapter 41 of the General Laws, will vote to amend Article 24 of the Natick Town By-Laws, specifically the Classification and Pay Plan referenced in Section 3, paragraph 3.10 therein, by adding, deleting or amending position titles; re-classifying positions to a different Grade; and/or effecting changes in the salary ranges as presently established; or otherwise act thereon.

Motion: No Action



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**No action on Personnel Board Pay Plan**

1 message

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**Steve Levinsky** <sdlevinsky@me.com>  
To: Patrick Hayes <phayes.fincom@natickma.org>  
Cc: "Bill Chenard," <chenard@natickma.org>, Melissa Malone <mmalone@natickma.org>

Tue, Sep 11, 2018 at 3:39 PM

Hi Patrick,

I had a discussion today with Melissa & Bill and we are recommending "No Action" on the article covering the Classification and Pay Plan. Bill looked at Spring TM minutes and there have been no changes to the pay plan and I do not anticipate any being voted at our meeting this month.

Please let me know if you have any questions.

Thanks,

Steve

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**ITEM TITLE:** Article 29 - Amend Article 2 of the Town of Natick Home Rule Charter

**ITEM SUMMARY:**

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**ATTACHMENTS:**

<b>Description</b>	<b>Upload Date</b>	<b>Type</b>
Article Language	9/12/2018	Exhibit
Article MOTION	9/12/2018	Exhibit

**ARTICLE 29**  
**Amend Article 2 of the Town of Natick Home Rule Charter**  
**(Board of Selectmen)**

To see if the Town will vote to amend Article 2 of the Town of Natick Home Rule Charter as follows:

In Section 2-11 (b) delete item (3) which reads “any ten voters” and insert in its place “(3) any ten or more registered voters of the town for any annual town meeting and any one hundred or more registered voters for any special town meeting in accordance with Massachusetts General Laws Chapter 39, Section 10,” so that the section shall read:

“(b) Initiation of Articles - The Board of Selectmen shall receive all petitions which are addressed to it and which request the submission of particular subject matter to the representative town meeting and which are filed by: (1) any elected town officer, (2) any multiple member body, acting by a majority of its members, (3) any ten or more registered voters of the town for any annual town meeting and any one hundred or more registered voters of the town for any special town meeting as detailed in Massachusetts General Laws Chapter 39, Section 10, (4) such other persons or agencies as may be authorized by law, or by by-law. All such requests for submission of matters shall be in writing, but they shall not be required to conform to any particular style or form. The board of selectmen shall within fourteen days of receipt of a proposed zoning by-law amendment submit the same to the planning board for review.”

or otherwise act thereon

ARTICLE 29

Amend Article 2 of the Town of Natick Home Rule Charter  
(Board of Selectmen)

MOTION:

Move to amend Article 2 of the Town of Natick Home Rule Charter as follows:

In Section 2-11 (b) delete item (3) which reads “any ten voters” and insert in its place “(3) any ten or more registered voters of the town for any annual town meeting and any one hundred or more registered voters for any special town meeting in accordance with Massachusetts General Laws Chapter 39, Section 10,” so that the section, as amended, shall read:

“(b) Initiation of Articles - The board of selectmen shall receive all petitions which are addressed to it and which request the submission of particular subject matter to the representative town meeting and which are filed by: (1) any elected town officer, (2) any multiple member body, acting by a majority of its members, (3) any ten or more registered voters of the town for any annual town meeting and any one hundred or more registered voters of the town for any special town meeting as detailed in Massachusetts General Laws Chapter 39, Section 10, (4) such other persons or agencies as may be authorized by law, or by by-law. All such requests for submission of matters shall be in writing, but they shall not be required to conform to any particular style or form. The board of selectmen shall within fourteen days of receipt of a proposed zoning by-law amendment submit the same to the planning board for review.”

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**ITEM TITLE:** Article 1 - Excise Tax on Retail Sales of Marijuana for Adult Use  
**ITEM SUMMARY:**

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**ATTACHMENTS:**

<b>Description</b>	<b>Upload Date</b>	<b>Type</b>
Article 1 Language	9/12/2018	Exhibit
Article 1 MOTION	9/12/2018	Exhibit
Article 1 Questionnaire	9/12/2018	Exhibit

**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.

**2018 Special Town Meeting #2**  
**ARTICLE 1**  
**Excise Tax on Retail Sales of Marijuana for Adult Use**  
**(Town Administrator)**

**Motion:**

Move 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%).

**Warrant Article Questionnaire**  
**Citizen Petitions & Non Standard Town Agency Articles**

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

Article # 1 – 2018 Special Town Meeting #2 Article #21 – 2018 Fall Town Meeting	Date Form Completed: 9/5/18
Article Title: Excise Tax on Retail Sales of Marijuana for Adult Use	
Sponsor Name: Board of Selectmen	Email: jerrickson@natickma.org

Question	Question
1	Provide the article motion exactly as it is intended to be voted on by the Finance Committee.
Response	Move 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%).
2	At a summary level and very clearly, what is proposed purpose and objective of this Warrant Article and the required Motion?
Response	To impose a 3% tax on the sale of Adult Use Marijuana in Natick.
3	What does the sponsor gain from a positive action by Town Meeting on the motion?
Response	More tax revenue for the Town.
4	Describe with some specificity how the sponsor envisions how: the benefits will be realized; the problem will be solved; the community at large will gain value in the outcome through the accompanied motion?
Response	By gaining revenue from the sale of Adult Use Marijuana, the Town can gain much needed, non-residential property tax, new revenue
5	How does the proposed motion (and implementation) fit with the relevant Town Bylaws, financial and capital plan, comprehensive plan, and community values as well as relevant state laws and regulations
Response	The motion implements an allowed option for local revenue growth per state law.
6	Have you considered and assessed, qualified and quantified the various impacts to the

**Warrant Article Questionnaire  
Citizen Petitions & Non Standard Town Agency Articles**

	<p>community such as:</p> <ul style="list-style-type: none"> <li>• Town infrastructure (traffic, parking, etc.)</li> <li>• Neighbors (noise, traffic, etc.);</li> <li>• Environment and green issues (energy conservation, pollution, trash, encouraging walking and biking, etc.);</li> </ul>
Response	No anticipated impacts from the Tax on Town resources.
7	<p>Who are the critical participants in executing the effort envisioned by the article motion?</p> <p>To this point what efforts have been made to involve those participants who may be accountable, responsible, consulted or just advised/informed on the impacts of executing the motion?</p>
Response	Town Meeting is critical to executing this motion.
8	<p>What steps and communication has the sponsor attempted to assure that:</p> <ul style="list-style-type: none"> <li>• Interested parties were notified in a timely way and had a chance to participate in the process, that</li> <li>• Appropriate town Boards &amp; Committees were consulted</li> <li>• Required public hearings were held</li> </ul>
Response	The BOS, along with other Boards/Committees, and Town Staff have held public forums, meetings and other informational sessions to inform the public of this initiative.
9	Why is it required for the Town of Natick AND for the sponsor(s)?
Response	This is not required.
10	Since submitting the article petition have you identified issues that weren't initially considered in the development of the proposal?
Response	None of significance.
11	What are other towns and communities in the Metro West area, or the Commonwealth of MA

Warrant Article Questionnaire  
 Citizen Petitions & Non Standard Town Agency Articles

	doing similar to what your motion seeks to accomplish
Response	Other similar Towns that are choosing to regulate adult use marijuana are also considering the adoption of this local tax including Framingham.
<b>12</b>	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 will not receive revenue from the Tax on the sale of Adult Use Marijuana.

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**ITEM TITLE:** Article 2 - Marijuana Establishments Zoning Bylaw Amendment

**ITEM SUMMARY:**

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**ATTACHMENTS:**

<b>Description</b>	<b>Upload Date</b>	<b>Type</b>
Article 2 Language	9/12/2018	Exhibit
Article 2 - MOTION A	9/12/2018	Exhibit
Article 2 - MOTION B-F	9/12/2018	Exhibit
Article 2 - Zoning Map	9/12/2018	Exhibit
Article 2 Questionnaire Response	9/12/2018	Exhibit

**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.

**2018 Special Town Meeting #2**  
**ARTICLE 2**  
**Marijuana Establishments Zoning Bylaw Amendment**  
**(Planning Board)**

**Motion A**

Move 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 105 CMR 725.00 and 935 CMR 500.000.

Host Community Agreement: An agreement, pursuant to General Laws, Chapter 94G, Section 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.

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 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.

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: Means a co-located 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 or marijuana or an extract from marijuana or 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: Means 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: Means 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 Natick Zoning Bylaw.

### 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 emission do not violate M.G.L c. 111, § 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 shall comply with the requirements of 935 CMR 500. 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 §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 Community Host Agreement: No Special Permit shall be granted without first having an executed Community Host 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 General Laws, Chapter 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: Within twenty-four (24) hours of receipt of notice of it, a Marijuana Establishment shall file with the Town Administrator, Director of the Health Department, Police Chief, and the Building Commissioner 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, unless otherwise modified by licensing regulations enacted and enforced by the Board of Selectmen.

## **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.

**2018 Special Town Meeting #2**  
**ARTICLE 2**  
**Marijuana Establishments Zoning Bylaw Amendment**  
**(Planning Board)**

**Motion B**

Move to amend the Town of Natick Zoning Bylaw to create the Industrial Marijuana Overlay (IMo) and the Retail Marijuana Overlay (RMo) zoning districts in Section II – Use Districts, II-A Types of Districts, by inserting in the list in Section II-A Types of Use Districts after the words “Independent Senior Living Overlay Option Plan” “ISLOOP” the words:

“Industrial Marijuana Overlay (IMo)”

“Retail Marijuana Overlay (RMo)”

**Motion C** (*Oak St Industrial Park*)

Move to amend the Town of Natick zoning map, as referenced under Section II-B Location of Districts (Zones) subsection 1, by placing the Industrial Marijuana Overlay District (IMo) over the following properties as shown on Town Assessors’ maps:

- Map 8 Lots 1C, 1D, 1E, 1F, 1K, 1M, 1P, 1Q, 1R, 1SA, 1SB, 1T, 1U, 2B, 2C, 2D, 2E, 41A, 41B, 41C, 41D, 41Fa, 41Fb, 41G, 41H, 42, 42A, 42B, 42C, 42E, 42F, and 43; and
- Map 9 Lots 2A, 2B, 2C, 2D, 2E, 2F, 2G, 2J, 2K, 2L, 2M, 2N, 28, 28A, and 28B; and
- Map 14 Lots 75E, 75G, 75I, 76, 76A, 77A, and 77B; and
- Map 15 Lots 105A, 105B, and 105C.

**Motion D** (*Golden Triangle*)

Move to amend the Town of Natick zoning map, as referenced under Section II-B Location of Districts (Zones) subsection 1, by placing the Retail Marijuana Overlay District (RMo) over the following properties as shown on Town Assessors’ maps:

- Map 10 Lots 4, 5, and 6;
- Map 16 Lots 2, 2B, 2C, 3, 4B, 4D, 4Ab, and 4Abb;
- Map 17 Lots 1, 3B, 4A, 4B, 4C, 5A, 5C, 5D, 5F, 5FA, 5FB, 5FC, 6, 9A, 9D, 9E, and 20;
- Map 23 Lots 1A, 1E, 73, and 74;
- Map 24 Lots 91 (portion with CII underlying zoning), 94, 100, 101, 88A, 89A, 89CA, 89CD, 89CE, 89DA, 89E, 89f, 89G, 89G, 89H, 89I, 92A, 92C, 92D, 94A, and 94AA;
- Map 25 Lots 276, 277, and 251A.

**Motion E** (*Rt. 9 East Town Line*)

Move to amend the Town of Natick zoning map, as referenced under Section II-B Location of Districts (Zones) subsection 1, by placing the Retail Marijuana Overlay District (RMO) over the following properties as shown on Town Assessors' maps:

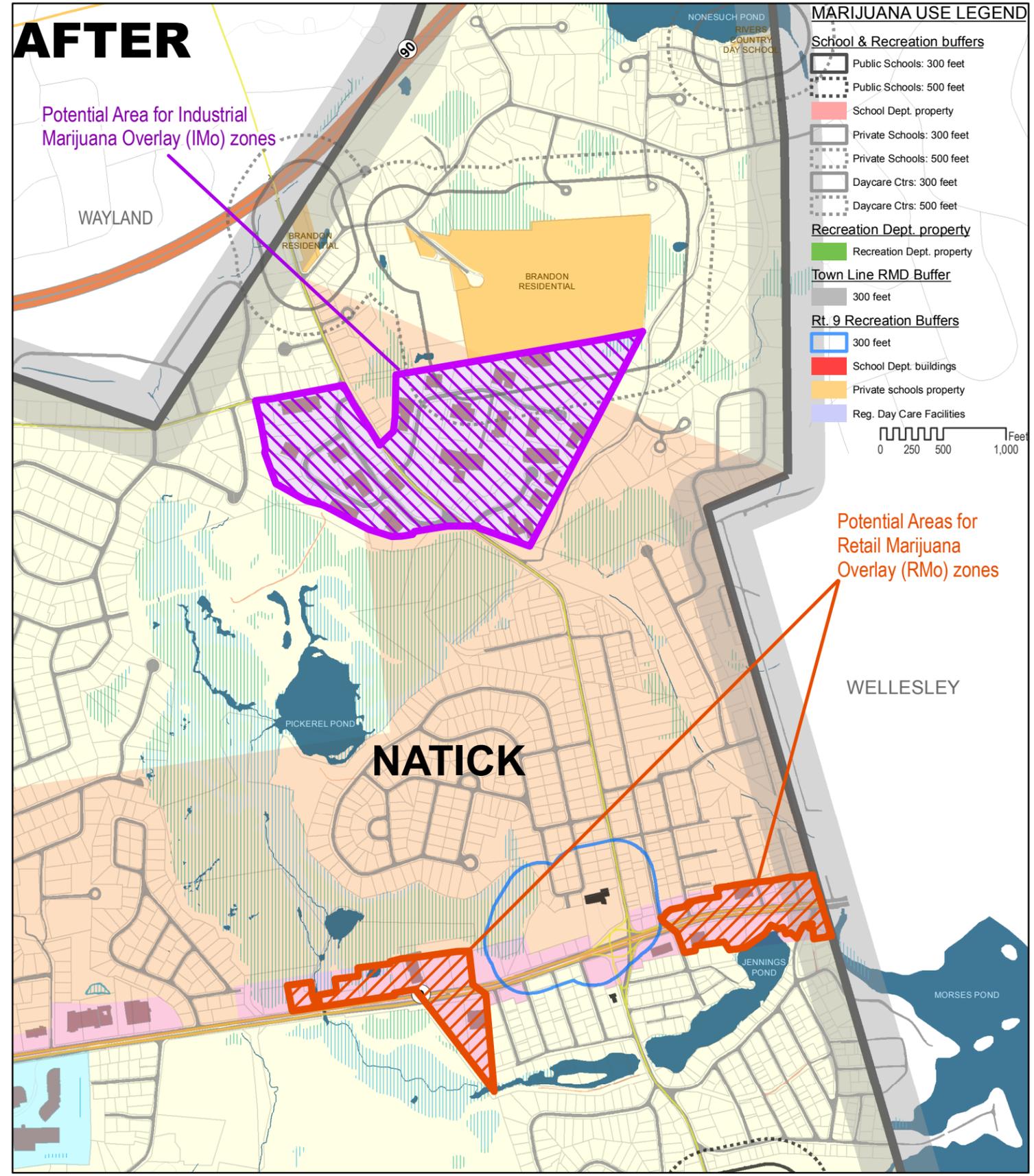
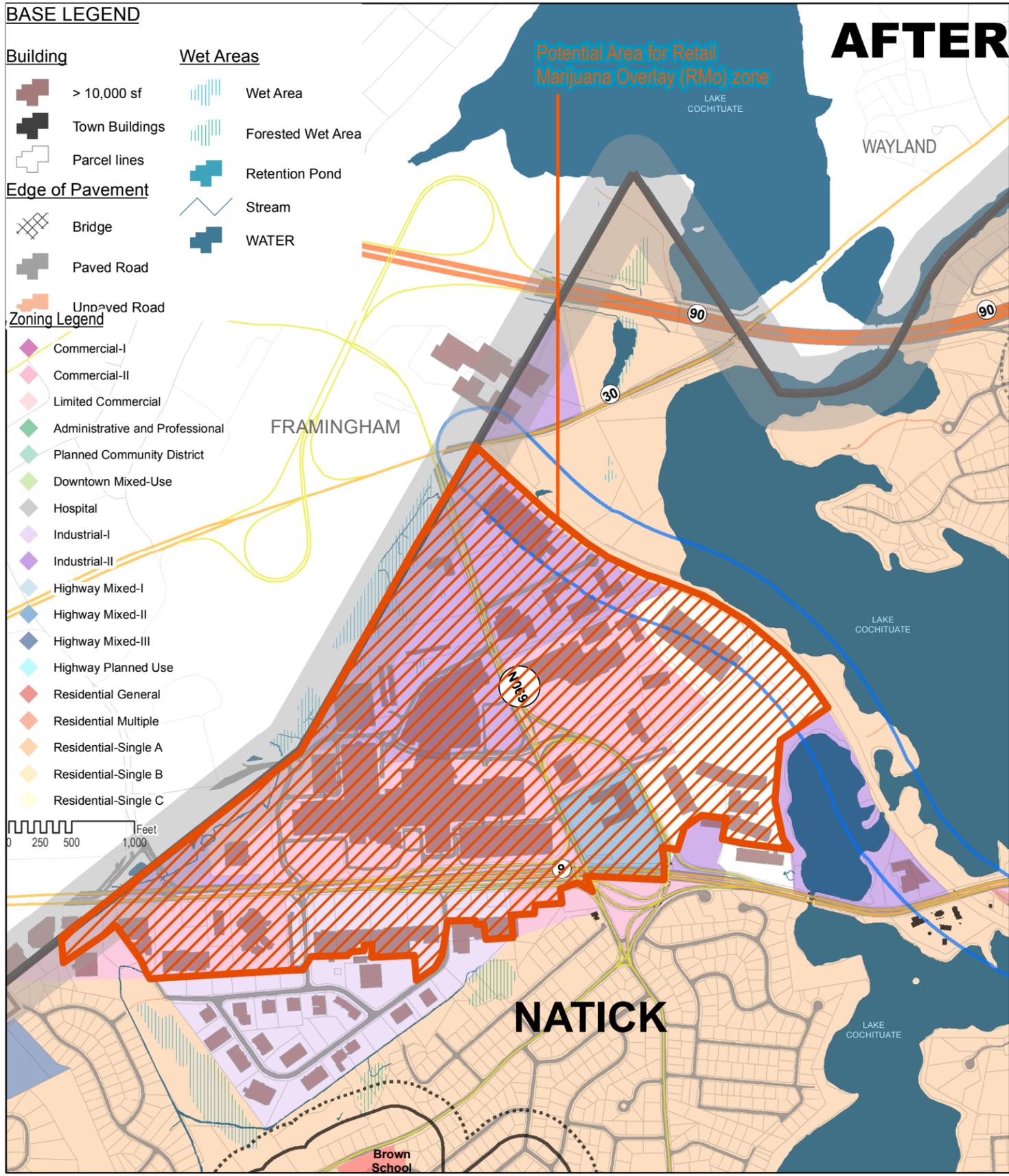
- Map 21 Lots 1, 8 (portion with CII underlying zoning), 114, 115, 116, 117A, 117B, 118, 119, 309, 332, 333, 334, 335 (portion with CII underlying zoning), 357, 358, 359, 360, 376, 377A, and 377B.

**Motion F** (*Rt. 9 East*)

Move to amend the Town of Natick zoning map, as referenced under Section II-B Location of Districts (Zones) subsection 1, by placing the Retail Marijuana Overlay District (RMO) over the following properties as shown on Town Assessors' maps:

- Map 20 Lots 1A, 1B, 97D, 98, 99, 99A, 100, 101A, 102C (portion with CII underlying zoning), 103, and 104.

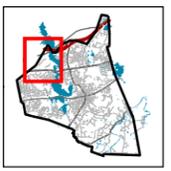
DRAFT



# Natick MA: Rt 9 Corridor, Potential Adult Use Marijuana Overlay Zones, 2018

Community & Economic Development Department

September 6, 2018 Map data derived from Natick municipal GIS and Assessors records. The Town of Natick is not responsible for any errors or omissions in the data on this map, which is subject to change without notice.



1 inch = 1,000 feet

**Warrant Article Questionnaire**  
**Citizen Petitions & Non Standard Town Agency Articles**

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

Article # 2 – 2018 Special Town Meeting #2 Article #22 – 2018 Fall Town Meeting	Date Form Completed: 9/5/18
Article Title: Marijuana Establishments Zoning Bylaw Amendment	
Sponsor Name: Planning Board	Email: jerrickson@natickma.org

Question	Question
1	Provide the article motion exactly as it is intended to be voted on by the Finance Committee.
Response	Please see motions attached
2	At a summary level and very clearly, what is proposed purpose and objective of this Warrant Article and the required Motion?
Response	To establish zoning bylaws to regulate the use of Adult Use Marijuana in Natick, and to determine through zoning map changes where the use is allowed.
3	What does the sponsor gain from a positive action by Town Meeting on the motion?
Response	Nothing.
4	Describe with some specificity how the sponsor envisions how: the benefits will be realized; the problem will be solved; the community at large will gain value in the outcome through the accompanied motion?
Response	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.
5	How does the proposed motion (and implementation) fit with the relevant Town Bylaws, financial and capital plan, comprehensive plan, and community values as well as relevant state laws and regulations
Response	The motion will create a new section to the Town's zoning bylaws.

**Warrant Article Questionnaire  
Citizen Petitions & Non Standard Town Agency Articles**

6	<p>Have you considered and assessed, qualified and quantified the various impacts to the community such as:</p> <ul style="list-style-type: none"> <li>• Town infrastructure (traffic, parking, etc.)</li> <li>• Neighbors (noise, traffic, etc.);</li> <li>• Environment and green issues (energy conservation, pollution, trash, encouraging walking and biking, etc.);</li> </ul>
Response	<p>Yes – though since no project is before the Town for review, site specific impacts will be reviewed per the proposed zoning bylaw.</p>
7	<p>Who are the critical participants in executing the effort envisioned by the article motion?</p> <p>To this point what efforts have been made to involve those participants who may be accountable, responsible, consulted or just advised/informed on the impacts of executing the motion?</p>
Response	<p>Town Meeting in adopting the zoning bylaw, and the Planning Board as the SPGA outlined in the zoning bylaw.</p>
8	<p>What steps and communication has the sponsor attempted to assure that:</p> <ul style="list-style-type: none"> <li>• Interested parties were notified in a timely way and had a chance to participate in the process, that</li> <li>• Appropriate town Boards &amp; Committees were consulted</li> <li>• Required public hearings were held</li> </ul>
Response	<p>The BOS, along with other Boards/Committees, and Town Staff have held public forums, meetings and other informational sessions to inform the public of this initiative.</p>
9	<p>Why is it required for the Town of Natick AND for the sponsor(s)?</p>
Response	<p>This is not required. Though if the Town does not adopt local zoning, either the Town will need to take a vote of the voters to “ban” adult use marijuana or the Town will have to consider the use consistent with other “similar uses” in the zoning bylaw use table per state law.</p>
10	<p>Since submitting the article petition have you identified issues that weren’t initially considered in the development of the proposal?</p>

Warrant Article Questionnaire  
 Citizen Petitions & Non Standard Town Agency Articles

Response	None of significance.
<b>11</b>	What are other towns and communities in the Metro West area, or the Commonwealth of MA doing similar to what your motion seeks to accomplish
Response	Other similar Towns that are choosing to regulate adult use marijuana are also considering the adoption local zoning similar to the proposed bylaw.
<b>12</b>	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	If the Town does not adopt local zoning, either the Town will need to take a vote of the voters to "ban" adult use marijuana or the Town will have to consider the use consistent with other "similar uses" in the zoning bylaw use table, per state law.

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**ITEM TITLE:** 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

**ITEM SUMMARY:**

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**ATTACHMENTS:**

<b>Description</b>	<b>Upload Date</b>	<b>Type</b>
Article Language	9/12/2018	Exhibit
Article MOTION	9/12/2018	Exhibit
Article Questionnaire Responses	9/12/2018	Exhibit

### **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.

**2018 Special Town Meeting #2**  
**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)**

**Motion**

Move 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.”

**Warrant Article Questionnaire**  
**Citizen Petitions & Non Standard Town Agency Articles**

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

Article # 3 – 2018 Special Town Meeting #2 Article #23 – 2018 Fall Town Meeting	Date Form Completed: 9/5/18
Article Title: Extend Marijuana Temporary Moratorium (paraphrased)	
Sponsor Name: Town Administrator	Email: jerrickson@natickma.org

Question	Question
1	Provide the article motion exactly as it is intended to be voted on by the Finance Committee.
Response	Please see motion attached
2	At a summary level and very clearly, what is proposed purpose and objective of this Warrant Article and the required Motion?
Response	If the Motion as outlined in Article 2 of the 2018 Special Town Meeting #2 does not pass, this motion seeks to extend the existing temporary moratorium on Adult Use Marijuana Establishments to June 30, 2019
3	What does the sponsor gain from a positive action by Town Meeting on the motion?
Response	Additional time to work on reasonable regulations for Adult Use Marijuana.
4	Describe with some specificity how the sponsor envisions how: the benefits will be realized; the problem will be solved; the community at large will gain value in the outcome through the accompanied motion?
Response	Additional time to work on reasonable regulations for Adult Use Marijuana, likely bringing forward such regulations to the 2019 Spring Annual Town Meeting.
5	How does the proposed motion (and implementation) fit with the relevant Town Bylaws, financial and capital plan, comprehensive plan, and community values as well as relevant state laws and regulations
Response	The motion will amend an existing section of the Town’s zoning bylaws.
6	Have you considered and assessed, qualified and quantified the various impacts to the

**Warrant Article Questionnaire  
Citizen Petitions & Non Standard Town Agency Articles**

	<p>community such as:</p> <ul style="list-style-type: none"> <li>• Town infrastructure (traffic, parking, etc.)</li> <li>• Neighbors (noise, traffic, etc.);</li> <li>• Environment and green issues (energy conservation, pollution, trash, encouraging walking and biking, etc.);</li> </ul>
Response	N/A
7	<p>Who are the critical participants in executing the effort envisioned by the article motion?</p> <p>To this point what efforts have been made to involve those participants who may be accountable, responsible, consulted or just advised/informed on the impacts of executing the motion?</p>
Response	Town Meeting in adopting the zoning bylaw amendment.
8	<p>What steps and communication has the sponsor attempted to assure that:</p> <ul style="list-style-type: none"> <li>• Interested parties were notified in a timely way and had a chance to participate in the process, that</li> <li>• Appropriate town Boards &amp; Committees were consulted</li> <li>• Required public hearings were held</li> </ul>
Response	The BOS, along with other Boards/Committees, and Town Staff have held public forums, meetings and other informational sessions to inform the public of this initiative.
9	Why is it required for the Town of Natick AND for the sponsor(s)?
Response	This is not required. Though if the Town does not adopt local zoning and/or does not extend the moratorium as proposed in this motion, either the Town will need to take a vote of the voters to “ban” adult use marijuana or the Town will have to consider the use consistent with other “similar uses” in the zoning bylaw use table, per state law.
10	Since submitting the article petition have you identified issues that weren’t initially considered in the development of the proposal?
Response	None of significance.

**Warrant Article Questionnaire**  
**Citizen Petitions & Non Standard Town Agency Articles**

<b>11</b>	What are other towns and communities in the Metro West area, or the Commonwealth of MA doing similar to what your motion seeks to accomplish
Response	Other similar Towns that are choosing to regulate adult use marijuana are also considering the adoption of local zoning similar to the proposed bylaw – and are putting in place moratoriums to provide time to craft such regulations.
<b>12</b>	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	If the Town does not adopt local zoning and/or does not extend the moratorium as proposed in this motion, either the Town will need to take a vote of the voters to “ban” adult use marijuana or the Town will have to consider the use consistent with other “similar uses” in the zoning bylaw use table, per state law.

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**ITEM TITLE:** Article 4 - Amend Town of Natick By-law Article 10: Board of Selectmen

**ITEM SUMMARY:**

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**ATTACHMENTS:**

<b>Description</b>	<b>Upload Date</b>	<b>Type</b>
Article Language	9/12/2018	Exhibit
Article MOTION	9/12/2018	Exhibit
Article Questionnaire Responses	9/12/2018	Exhibit

**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.

**2018 Special Town Meeting #2**  
**ARTICLE 4**  
**Amend By-law Article 10: Board of Selectmen**  
**(Town Administrator)**

**Motion:**

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.

## Warrant Article Questionnaire Citizen Petitions & Non Standard Town Agency Articles

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

Article # 4 – 2018 Special Town Meeting #2 Article #24 – 2018 Fall Town Meeting	Date Form Completed: 9/5/18
Article Title: Amend Town of Natick By-Law Article 10: Board of Selectmen	
Sponsor Name: Town Administrator	Email: jerrickson@natickma.org

Question	Question
1	Provide the article motion exactly as it is intended to be voted on by the Finance Committee.
Response	Please see motion attached
2	At a summary level and very clearly, what is proposed purpose and objective of this Warrant Article and the required Motion?
Response	This motion seeks to establish a local licensing process under the authority of the Board of Selectmen for Adult Use Marijuana establishments.
3	What does the sponsor gain from a positive action by Town Meeting on the motion?
Response	The authority to license Adult Use Marijuana establishments.
4	Describe with some specificity how the sponsor envisions how: the benefits will be realized; the problem will be solved; the community at large will gain value in the outcome through the accompanied motion?
Response	The BOS will be afforded the ability to license Adult Use Marijuana establishments, providing greater oversight on such uses in Town. In conjunction with the adoption of this bylaw amendment (should it be approved by Town Meeting), the BOS will create licensing procedures and policies for licensing Adult Use Marijuana to make sure any such establishment will be operating in accordance with local regulations and any negotiated agreements.
5	How does the proposed motion (and implementation) fit with the relevant Town Bylaws, financial and capital plan, comprehensive plan, and community values as well as relevant state laws and regulations
Response	The motion will amend an existing Article 10 of the Town Bylaws.

## Warrant Article Questionnaire Citizen Petitions & Non Standard Town Agency Articles

6	<p>Have you considered and assessed, qualified and quantified the various impacts to the community such as:</p> <ul style="list-style-type: none"> <li>• Town infrastructure (traffic, parking, etc.)</li> <li>• Neighbors (noise, traffic, etc.);</li> <li>• Environment and green issues (energy conservation, pollution, trash, encouraging walking and biking, etc.);</li> </ul>
Response	N/A
7	<p>Who are the critical participants in executing the effort envisioned by the article motion?</p> <p>To this point what efforts have been made to involve those participants who may be accountable, responsible, consulted or just advised/informed on the impacts of executing the motion?</p>
Response	Town Meeting in adopting the bylaw amendment and the Board of Selectmen as the proposed licensing authority.
8	<p>What steps and communication has the sponsor attempted to assure that:</p> <ul style="list-style-type: none"> <li>• Interested parties were notified in a timely way and had a chance to participate in the process, that</li> <li>• Appropriate town Boards &amp; Committees were consulted</li> <li>• Required public hearings were held</li> </ul>
Response	The BOS, along with other Boards/Committees, and Town Staff have held public forums, meetings and other informational sessions to inform the public of this initiative.
9	Why is it required for the Town of Natick AND for the sponsor(s)?
Response	This is not required.
10	Since submitting the article petition have you identified issues that weren't initially considered in the development of the proposal?
Response	None of significance.

**Warrant Article Questionnaire**  
**Citizen Petitions & Non Standard Town Agency Articles**

<b>11</b>	What are other towns and communities in the Metro West area, or the Commonwealth of MA doing similar to what your motion seeks to accomplish
Response	Other similar Towns that are choosing to regulate adult use marijuana are also considering the adoption of local licensing processes similar to the proposed bylaw.
<b>12</b>	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 will not have a local licensing process for Adult Use Marijuana establishments. However, such uses will still require approval from the BOS in order to operate through the state required "Host Community Agreement".