

# ***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 20, 2018 at 7:00 PM

#### **MEETING AGENDA**

**1. Public Concerns/ Comments**

- a. Resident and Taxpayer Concerns and Comments

**2. Meeting Minutes**

- a. Review & Approve the August 30, September 6, September 11 and September 13, 2018 meeting minutes

**3. Old Business**

- a. Finance Committee Scheduling

**4. 2018 Fall Town Meeting Warrant Articles - Public Hearing**

- a. Article 26 - 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
- b. Article 31 - Actions Pertaining to Acquisition and Preservation of the Town's easements on Mechanic Street - Will be moved to Sept 25 meeting agenda
- c. Article 35 - Voting Requires Being Legal Resident of Massachusetts and this Municipality
- d. Article 10 - Committee Reports
- e. Article 17 - Change Authority for Acquisition of 22 Pleasant Street Among Other Items
- f. Article 30 - Amend Town of Natick Zoning Map: Assisted Living Overlay Option Plan
- g. Article 34- Amend Historic Preservation Zoning By-Law
- h. Article 8 - Collective Bargaining
- i. Article 27 - Prohibit Dog Kennels in Single Family Residential Zones RS and/or RG
- j. Article 28 - Amend Zoning By-Law to Allow Indoor Amusement or Recreational Uses in Industrial Zoning Districts by Special Permit

**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
- e. Update and discussion on the Point of Order regarding the Special Town Meeting #2 public notice process

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 lime not to exceed 4-5 minutes per resident/taxpayer and/or 15 minutes in total time for all 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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**ATTACHMENTS:**

<b>Description</b>	<b>Upload Date</b>	<b>Type</b>
Policy & Procedure for Public Comments during a Finance Committee Meeting	9/15/2018	Exhibit

## Finance Committee Policy & Procedures for Public Comments:

### Public Comments at the start of the meeting:

- *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*
- *There is no debate or discussion between the resident/taxpayer and the committee except as determined by the Chair*

### Public Comments on a specific agenda item:

- Following the sponsor presentation, the Finance Committee enters into discussion with questions and answers from the sponsor and others as determined by the Chair. This is not a time that residents and taxpayers ask questions or offer comments.
- Upon the completion of the discussion/Q&A period, as determined by the Chair, the committee moves in to citizen comments. The same policy as stated above is used.
  - *A time not to exceed 4-5 minutes per resident/taxpayer to allow for brief resident/taxpayer comments on topics within the scope of the agenda item before the Committee at that point in time*
  - *There is no debate or discussion between the resident/taxpayer and the committee except as determined by the Chair*
  - *Any question is to be directed to the Chair and only the Chair will decide whether to allow the question or just ask that it be recorded in the minutes.*

### Procedural guidance for public comments:

- Once being recognized by the Chair please go to the podium, stand close to the microphone and speak loudly
- You must introduce yourself by stating your full name and your address in Natick
- You may not use the names of any individual. You should refer to the person's title, or use the expression "a previous speaker...)
- The committee is interested in hearing your comments of a substantive and material nature in regard to the subject matter before the committee. The Chair will politely encourage you to stay on topic and to quickly make the point
- If you're running out of time, the Chair will advise you that you have 30 seconds left at which time you will need to wrap things up.



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**ITEM TITLE:** Review & Approve the August 30, September 6, September 11 and  
September 13, 2018 meeting minutes

**ITEM SUMMARY:**

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**ITEM TITLE:** Finance Committee Scheduling

**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 of 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			--	--
STM #2 Recommendation Book Printed & Mailed			9/24/2018				
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:** Article 26 - 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

**ITEM SUMMARY:**

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**ITEM TITLE:** Article 31 - Actions Pertaining to Acquisition and Preservation of the  
Town's easements on Mechanic Street - Will be moved to Sept 25  
meeting agenda

**ITEM SUMMARY:**

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

**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)  <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>  <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)  <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>
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)  <b>I see no impacts on any local or state initiatives researched</b>
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	Why is it required for the Town of Natick AND for the sponsor(s)?
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	Since submitting the article petition have you identified issues that weren't initially considered in the development of the proposal?
Response	<p>Type response here)</p> <p><b>No</b></p>
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	Type response here)

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	<p>Type response here)</p> <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 10 - Committee Reports  
**ITEM SUMMARY:**

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**ITEM TITLE:** Article 17 - Change Authority for Acquisition of 22 Pleasant Street Among Other Items

**ITEM SUMMARY:**

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**ATTACHMENTS:**

<b>Description</b>	<b>Upload Date</b>	<b>Type</b>
Article 17 Questionnaire Response & MOTION	9/15/2018	Exhibit

# Warrant Article Questionnaire Citizen Petitions Articles

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

Article # 17	Date Form Completed: 9/14/2018
Article Title: Change Authority for Acquisition of 22 Pleasant Street	
Sponsor Name: Robert J. Awkward, Ph.D.	Email: rjawkward@verizon.net

Question	Question
1	Provide the article motion exactly as it is intended to be voted on by the Finance Committee.
Response	To create a committee appointed by the Moderator to negotiate for and acquire the property known as 22 Pleasant Street, alternatively known as Map 64 Parcel 44, in Natick for park and recreation purposes and/or conservation and/or passive recreation purposes. The 22 Pleasant Street Acquisition Committee will be comprised of a minimum of three (3), but no more than five (5) members who have expertise in commercial real estate, real estate law, environmental site remediation, as well as from the adjoining neighborhood and the Town at large. The Committee will coordinate its work with the Board of Selectmen, the Town Administrator and have access to the Town Counsel and any other Town agencies necessary to fulfill its mission. This Committee will subsume the authority previously granted to the Board of Selectmen in previous votes of Town Meeting under Article 35 of Spring 2015 Annual Town Meeting, Article 29 of Spring 2016 Annual Town Meeting, or any other previous warrant articles and votes of Town Meeting. Finally, the Committee shall be responsible for determining what additional sums of money the Town may raise, transfer from available funds, appropriate and authorize or raise from borrowing to accomplish the purposes of acquisition of 22 Pleasant street and/or to authorize acquisition of the fee interest in the property, a long term renewable ground lease whether rent paid over time of all upfront, in lump sum, or an exclusive perpetual easement for the use of 22 Pleasant Street, and making such recommendations to Town Meeting as appropriate.
2	At a summary level and very clearly, what is proposed purpose and objective of this Warrant Article and the required Motion?
Response	The intent of this motion is to execute the will of Town Meeting – twice expressed, but not completed after two years – to complete negotiations and successfully execute a Purchase & Sale Agreement in order to acquire the property at 22 Pleasant Street to ensure access to the Town baseball fields (that we do not currently possess) and to utilize the land for recreation and park space. Since the Board of Selectmen have not executed the will of Town Meeting after two years nor have they have they reported to Town Meeting why there has been no action, it appears time to change the authority to a Moderator-appointed committee to complete this action.
3	What does the sponsor gain from a positive action by Town Meeting on the motion?

## Warrant Article Questionnaire Citizen Petitions Articles

Response	The will of Town Meeting will be heard and executed reflecting the desires of the neighborhood, Natick Little League Baseball Executive Committee, the Recreation & Parks Commission, the Conservation Commission, the Open Space Advisory Committee, the Finance Committee, the Planning Board, and the Town at large as expressed through the collection of over 1,200 signatures from Town residents.
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 Moderator-appointed committee would be comprised of three, but no more than five members who have expertise in commercial real estate, real estate law, environmental site remediation, as well as from the adjoining neighborhood and the Town. This committee would meet with the Town Administrator to receive a detailed briefing in exactly where the process is currently. Then, they would contact the owner to conclude the negotiations and execute the final Purchase & Sale Agreement (PSA). Next, they would work with the Town Administrator and Town Counsel to complete payment as per the PSA in order for the owner to begin to demolish the existing building and clean the site in accordance with the Department of Environmental Protection standards to be confirmed by an independent environmental remediation consultant to be hired by the Town. The committee would also report to the Town Meeting on its work through written communication by mail and oral presentations at Town Meeting until the process is either cleaned to state standards appropriate for recreation and park use or not in which case the deal will not be executed as per the will of Town Meeting. These reports may include proposing any subsequent actions that require Town Meeting authorization.
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 approach is unorthodox, but legal under state law (MGL, Chapter 45, Section 14). The Town of Natick through its Planning Board, Recreation & Parks Commission, Open Space Advisory Committee, Conservation Commission, Finance Committee, and Town Meeting have already taken these considerations into account when they each voted twice to support the action to acquire 22 Pleasant Street.
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> </ul>

## Warrant Article Questionnaire Citizen Petitions Articles

	<ul style="list-style-type: none"> <li>Environment and green issues (energy conservation, pollution, trash, encouraging walking and biking, etc.);</li> </ul>
Response	The intent of this motion will help to reduce unwanted street parking for baseball by creating more parking space on the property, significantly increase green space by use as park and recreation land for the Town through multiple purposes, and the neighborhood – as expressed through the South Natick Neighborhood Association – is strongly in support of this project and this specific article as noted by the signatures on the petition.
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	The critical participants would include the Board of Selectmen, the Town Administrator, the Town Counsel, and the Moderator. Several overtures have been made to the Board of Selectmen and the current and prior Town Administrator without receiving any actionable information. This is, in part, because the negotiations are covered by executive session. However, to not even be informed as to whether or not the Board is even negotiating with the owner and they view the discussions as moving in a positive, negative or not moving has not been useful. Moreover, if the Board has not been able to execute the will of Town Meeting – twice expressed – then they are duty-bound to report that to Town Meeting, explain what the challenges are to executing the will of Town Meeting, and make recommendations as to what action(s) should be undertaken in their judgment. No action and no communication are unacceptable.
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	Several overtures have been made to the Board of Selectmen during open citizens' concerns and the current and prior Town Administrator without receiving any actionable information.
9	Why is it required for the Town of Natick AND for the sponsor(s)?
Response	By "why is it required for the Town of Natick," the presumption is that the "it" refers to why this article needs to be considered and voted. Because after two years of apparent inaction, clearly a



## Warrant Article Questionnaire Citizen Petitions Articles

	different strategy needs to be taken in order to execute the will of the Town Meeting. Simply waiting for more time and a different response is, in the words of Albert Einstein, the definition of insanity. If a different outcome is desired, a different approach is required.
10	Since submitting the article petition have you identified issues that weren't initially considered in the development of the proposal?
Response	No.
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	We cannot say. We have not undertaken any research to ascertain this. Quite frankly, such action should not be required as the Board of Selectmen, as the executive body of the Town, is already been authorized to execute the will of Town Meeting, its legislative body. If the Board cannot execute the will of Town Meeting on this or any action, they are duty-bound to so report to Town Meeting. They are not authorized to "pocket veto" an action of Town Meeting with which they may not agree. If this approach is allowed, it will subvert the democratic process of Town governance as detailed in Natick's Home Rule Charter and Town By-laws.
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	22 Pleasant Street will return to the market. The owner will lease out the space as authorized by the current zoning code in the short-run. In the long-run, the owner will continue to look for a different purchaser of the property. At that point the current owner is successful at finding a purchaser, the new owner is not required to provide the Town access to the baseball fields. That is currently done because the current owner so desires. The new owner is not so obligated. Depending on their planned use, they may or may not require approvals from the Town that would allow the Town to leverage for access. Thus, lost of access to the baseball fields would require the Town to acquire access through eminent domain, which would severely reduce the value of the property. A subsequent legal claim by the new owner for loss of value of their property could probably cost the Town almost as much as an outright purchase.

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**ITEM TITLE:** Article 30 - Amend Town of Natick Zoning Map: Assisted Living Overlay  
Option Plan

**ITEM SUMMARY:**

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**ITEM TITLE:** Article 34- Amend Historic Preservation Zoning By-Law  
**ITEM SUMMARY:**

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**ATTACHMENTS:**

<b>Description</b>	<b>Upload Date</b>	<b>Type</b>
Article 34 Questionnaire Response and Motion (at back)	9/15/2018	Exhibit
Email to Historic Commission requesting confirmation of vote in support	9/15/2018	Exhibit

**Q1- Provide the article motion exactly as it is intended to be voted on by Town Meeting**

See attached Motion.

**Q2- At a Summary level and very clearly, what is the proposed purpose and objective of this Warrant Article and the required Motion?**

The purpose and objective of the Warrant article and required Motion is to:

- 1) Restore the integrity of these historic homes that can provide housing within our communities.
- 2) Preserving history as well as the antiquity of their architectural designs.
- 3) Providing relief to large historic home owners that are bound to the hardship caused by the size of these properties as a single family residence
- 4) The property located at 50 Pleasant Street is one of a kind property that would benefit from the above proposal. Its astounding original design should be restored while being converted into condominiums. This project will benefit homeowners in the community by increasing the value of their property

as well as increasing the town's revenue in real estate taxes.

5) One of the units (10%) will be made available for sale as an “affordable” unit

6) It appears the existing By-Law was written primarily for one project and we are asking that the By-Law is re-written with flexibility for all historic properties in the community.

**Q3-What does the sponsor gain from a positive action by Town Meeting on the motion?**

If the laws is modified we could provide housing for 10 families with one affordable unit. We would help our community to grow and prosper. Returning this property to its original state is our way of giving back to a community that we dearly cherish where we raised our family for the past twenty two years. Should the town vote to amend the bylaw, it would be a huge victory for the community to protect and restore the characteristics of historic homes thus preserving history in our town. Likewise, we as well as others, will no longer carry the financial burden caused by these large single historic properties.

**Q4-Describe with some specificity how the sponsor envisions how:**

➤ **The benefits will be realized**

Pictures of the original property will be utilized as the architectural model to return the property to its original design. Recently added sections that do not reflect the original design will be torn down and replaced.

Buildings that were demolished will be re-built.

Returning this property to its original state while providing affordable housing will welcome and maintain the caliber of residents that are attracted to Natick thus raising the value of our community.

This project will be well worth our venture and will deliver great return on investment as our goals to construct quality Town Houses. We, as the sponsors will benefit from selling the units. The bank will benefit and the town will benefit in significant increase in real estate taxes. The 2018 current tax amount for the property located at 50 Pleasant Street is \$15,475

and the expected tax amount for the ten units will be approximately \$130,000.00.

➤ **The problem will be solved**

If this motion passes, it will make the restoration economically possible. The elimination of the 10% limit on new construction will allow the community to return their historic homes to their original states providing that they meet the requirement of the By-Laws. If we do not amend this law it continues to be detrimental to historic properties in Town. As you are aware, 50 Pleasant Street was on the market for a long time and has not sold as a single family residence. All potential buyers contacted the building inspector for the purpose of trying to build condominium units.

**The community at large will gain value in the outcome through the accompanied motion**

If the motion passes it will allow others to benefit from growth, population and revenue.

This project at 50 Pleasant Street will upgrade, replace and renovate the dilapidated property that negatively affects the neighborhood and community at large.

Because of its uniqueness and beauty of the property, this development will add character and charm to the neighborhood and to the Town.

The business community will also benefit because this project will bring new people to the community, increases its pride and satisfaction, as well as creates new jobs and increase investment for many businesses.

**Q5-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?**

The proposed amendment is consistent with the intent and purpose of the Historic Preservation By-Law (H.P.B) to preserve unique historic structures.

**Q6-Have you considered and assessed, qualified and quantified the various impacts to the community such as:**

➤ Town infrastructure (traffic, parking, etc)



- **Neighbors (noise, traffic, etc)**
- **Environment and green issues (energy conservation, pollution, trash, encouraging walking and biking, etc**

Pleasant Street is a busy road and there are many cars traveling daily. The proposed plan at 50 Pleasant Street will have:

- a) Minimum effects on infrastructures
- b) Landscaping along all buffers
- c) Private trash collection
- d) Sufficient parking spaces

The project will appeal to families who are empty nesters seeking to downsize their therefore noise will be a non-issue, and will provide an affordable unit.

We plan to come up with a green plan that will optimize the conservation of energy while utilizing recycled materials. We will partner with a company whose expertise lies on conservation and green issues.

**Q7-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?**

Ee have already obtained the unanimous vote of the Natick Historic Committee Board that the building and structures are of Historic architectural and cultural significance.

We have also retained a local firm, South Natick Law being a firm of lawyers who are well informed on the town's bylaws and building codes.

We are hoping the Planning Board will support the amendment as well.

**Q8-What steps and communication has the sponsor attempted to assure that:**

- Interested parties were notified in a timely way and had a chance to participate in the process
- Appropriate Town Boards & Committee were consulted
- Required public hearing were held

We have the Historic District Committee support, we have met with the Community Development Director James Errickson on several occasions. We have spoken with building inspectors Mike Connely, Dave Gusmini who have had conversation with many Planning and Zoning members about the preservation of the historic structures at 50 Pleasant street.

**Q9-Why is it required for the Town of Natick AND the sponsor?**

To provide flexibility in attempting to preserve historic structures so they are not demolished and lost forever as well as to provide needed housing and economic development.

**Q10-Since submitting the article petition have, have you identified issues that weren't initially considered in the development of the proposal?**

No

**Q11-What are other towns and communities in the Metro West Area, or the Commonwealth of Ma doing similar to what your motion seek to accomplish?**

In Newton and Wellesley each case is looked at an individual basis.

**Q12-If the Warrant Article is not approved by Town Meeting, what are the consequences to the Town and to the sponsor? Please be specific on both financial and other consequences?**

If the Warrant article is not approved by Town Meeting, the Town of Natick will lose the opportunity to restore a unique historic structure as well as to lose increased in tax revenue that the new Town Houses would bring.

The existing historic structure will continue to deteriorate and be a burden for the neighborhood and the community.

This By-Law and amendment will demonstrate the Town's commitment to preserving community history and seeing historic resources as a community asset.

**2018 Fall Town Meeting**  
**ARTICLE 34**

**Motion:**

Move to amend the Historic Preservation Bylaw Section III-J of the Town of Natick Zoning By Laws by deleting Section III-J(7)(3) in its entirety and replacing it with a new subsection 3 as follows:

“3. New construction shall be permitted on an individual basis at the discretion of the Planning Board after taking the following factors into consideration:

1. The square footage and net useable land area of the parcel(s);
2. Compliance of the existing buildings/structures and parcel with underlying zoning requirements;
3. Proposed restoration of the property to its original state – the extent and degree of the proposed restoration/preservation of the historic portion(s) of existing buildings/structures, as well as any proposed replication of previously demolished historic building/structures in order to bring the property/building(s)/structure(s) back to their original state.”



Patrick Hayes <phayes.fincom@natickma.org>

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**RE: 50 Pleasant Streets**

1 message

**George Richards** <GRichards@southnaticklaw.com>  
To: Joel Valentin <jvalentin\_6@hotmail.com>, "steve.evers@smithgroup.com" <steve.evers@smithgroup.com>  
Cc: Bmsb <bmsb77@gmail.com>, Patrick Hayes <phayes.fincom@natickma.org>

Fri, Sep 14, 2018 at 10:53 AM

Hi Steve:

Per the Bylaw, the letter/documentation needs to say that the by unanimous vote, the Commission found that "the building(s) or structure(s) is of historic, architectural or cultural significance".

Thanks so much!

George

George L. Richards III, Esquire  
McLaughlin, Richards, Biller & Schindel, LLP  
8E Pleasant Street  
South Natick, MA 01760  
Direct Line: (508) 655-1660  
Fax: (508) 651-1128  
Email: [grichards@southnaticklaw.com](mailto:grichards@southnaticklaw.com)

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**From:** Joel Valentin [mailto:[jvalentin\\_6@hotmail.com](mailto:jvalentin_6@hotmail.com)]  
**Sent:** Friday, September 14, 2018 10:46 AM  
**To:** [steve.evers@smithgroup.com](mailto:steve.evers@smithgroup.com)  
**Cc:** Bmsb; George Richards  
**Subject:** 50 Pleasant Streets

Mr. Evers

Hope this email find you well. Would you please send us a copy of the document stating that your committee (Natick Historic Committee) voted unanimously to add the [50 Pleasant street](#) house in the listing of Historic Homes. We would like to have it in our possession for our upcoming meetings with the Finance committee and the Planning Board. Thank you.

Regards,

Joel Valentin, MBA, MSCIS  
Master of Business Administration  
Master of Science in Computer Information Systems  
President  
The Bilingual Montessori School of Sharon  
8 Nancy Road  
Natick, Massachusetts 01760  
Tel: (508) 878-9434

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**ITEM TITLE:** Article 8 - Collective Bargaining  
**ITEM SUMMARY:**

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**ITEM TITLE:** Article 27 - Prohibit Dog Kennels in Single Family Residential Zones RS and/or RG

**ITEM SUMMARY:**

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**ATTACHMENTS:**

<b>Description</b>	<b>Upload Date</b>	<b>Type</b>
Questionnaire Responses and FINAL MOTION	9/15/2018	Exhibit
Preliminary Motion	9/6/2018	Exhibit



# Warrant Article Questionnaire Citizen Petitions Articles

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

Article #27	Date Form Completed: September 12, 2018
Article Title: Prohibit Dog Kennels in Single Family Residential Zone RS and/or RG	
Sponsor Name: George Richards	Email: grichards@southnaticklaw.com

Question	Question
1	Provide the article motion exactly as it is intended to be voted on by the Finance Committee.
Response	See attached Motion.
2	At a summary level and very clearly, what is proposed purpose and objective of this Warrant Article and the required Motion?
Response	To prohibit “dog kennels” (use # 53) from ALL residential zones (currently prohibited in RM but are allowed by special permit in RG and RS).
3	What does the sponsor gain from a positive action by Town Meeting on the motion?
Response	Peace and quiet. The knowledge that neither I nor any other resident in the Town has to worry about opposing applications for dog kennels near our homes. Continued increase in residential property values.
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	Peace and quiet for all residential zones. Offsite doggy day care businesses, dog walkers and dog kennels in CII zone can adequately address the needs of the dog owners in the community.
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 fact that dog kennels are NOT allowed in RM, but ARE allowed by special permit in RS and RG makes absolutely NO sense! They should not be allowed in ANY residential zones in order to protect residents’ use and enjoyment of their property as well as their property values.
6	Have you considered and assessed, qualified and quantified the various impacts to the community such as:

## Warrant Article Questionnaire Citizen Petitions Articles

	<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	Less noise in residential zones – otherwise, no impacts to the Town.						
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	I have represented 3 different property owners in 2018 to oppose dog kennel applications and although good for my business, my clients as well as of hundreds of other property owners have expressed their STRONG belief that this type of use should NOT be allowed in residential zones.						
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	Hundreds of residents have expressed support of this proposal and the Planning Board has a public hearing scheduled for September 20.						
9	Why is it required for the Town of Natick AND for the sponsor(s)?						
Response	It is required in order to respect the rights of residential property owners.						
10	Since submitting the article petition have you identified issues that weren't initially considered in the development of the proposal?						
Response	No.						
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	<table border="0"> <tr> <td>1</td><td><b>Framingham</b></td><td><b>Not allowed</b></td></tr> <tr> <td>2</td><td>Medfield</td><td>Special permit</td></tr> </table>	1	<b>Framingham</b>	<b>Not allowed</b>	2	Medfield	Special permit
1	<b>Framingham</b>	<b>Not allowed</b>					
2	Medfield	Special permit					

# Warrant Article Questionnaire Citizen Petitions Articles

	3	<b>Needham</b>	<b>Not allowed</b>
	4	<b>Sherborn</b>	<b>Not allowed</b>
	5	Sudbury	Special permit but very strict. All neighbors need to accept and controls for odor, noise, sound, lighting, waste control, etc.
	6	<b>Waltham</b>	<b>Not allowed</b>
	7	Wayland	Special permit but very strict in consideration of neighbors
	8	Wellesley	Highly scrutinized permit but not allowed if there is an employee.
	9	<b>Weston</b>	<b>Not allowed</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	Unhappy residents who may move to another town and possible decreases in residential property values.		

**2018 Fall Town Meeting  
ARTICLE 27**

**Motion:**

Move to Amend "Other Use # 53" in **Section III – A.2 – USE REGULATIONS SCHEDULE** of the Natick Zoning By-Laws by changing the "A" to an "O" in the Residential General (RG) and Residential Single zone columns.

So then the applicable chart in **Section III – A.2 – USE REGULATIONS SCHEDULE**, Other Use #53 now reads:

"

OTHER USES	RG	RM	RS	PCD	SH	AP	DM	CII	INI	INII	H
53. Dog Kennel	O	O	O	O	O	O	(*)	A	O	O	O

"

**2018 Fall Town Meeting  
ARTICLE 27**

**Motion:**

Move to Amend "Other Use # 53" in **Section III – A.2 – USE REGULATIONS SCHEDULE** of the Natick Zoning By-Laws by changing the "A" to an "O" in the Residential General (RG) and Residential Single zone columns.

So then the applicable chart in **Section III – A.2 – USE REGULATIONS SCHEDULE**, Other Use #53 now reads:

"

OTHER USES	RG	RM	RS	PCD	SH	AP	DM	CII	INI	INII	H
53. Dog Kennel	O	O	O	O	O	O	(*)	A	O	O	O

"

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**ITEM TITLE:** Article 28 - Amend Zoning By-Law to Allow Indoor Amusement or Recreational Uses in Industrial Zoning Districts by Special Permit

**ITEM SUMMARY:**

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**ATTACHMENTS:**

<b>Description</b>	<b>Upload Date</b>	<b>Type</b>
Preliminary Motion	9/6/2018	Exhibit
Map for Reference	9/6/2018	Exhibit
Article 28 Questionnaire Response and FINAL MOTION	9/15/2018	Exhibit

**2018 Fall Town Meeting  
ARTICLE 28**

**Motion # 1:**

Move to Amend Recreational Use 12 in **Section III – A.2 – USE REGULATIONS SCHEDULE** of the Natick Zoning By-Laws by adding two (2) asterisks after the “O” in the Industrial One (INI) Column.

So then the applicable chart Section III – A.2 – USE REGULATIONS SCHEDULE, Recreational Use 12 now reads:

“

RECREATIONAL USES	RG	RM	RS	PCD	SH	AP	DM	CII	INI	INII	H
12. Indoor amusement or recreation place or place of assembly provided that the building is so insulated and maintained as to confine noise to the premises and is located not less than one hundred feet from a residential district.	O	O	O	O	A	O	(*)	A	O**	O	O

“

And to add the following language at the end of Section III – A.2 – USE REGULATIONS SCHEDULE , RECREATIONAL USES after Use 17:

**\*\*\*Note:** Use # 12 above shall be allowed by special permit in the East Natick Industrial Park on the east side of Oak Street and being an area including ONLY the following lots (but including any further subdivision of these lots) as shown on the Town’s Assessors Maps: Map 8, Lots 41A, 41B, 41C, 41E, 41G, 41H, 41FA, 41FB, 41FBB, 42, 42A, 42B, 42C, 42D, 42E, 42F and 43; Map 9, Lots 2A, 2B, 2C, 2D, 2E, 2EA, 2F, 2G, 2J, 2K, 2L, 2M, 2N, 28, 28A and 28B; Map 14, Lots 76, 76A, 77A and 77B; and Map 15, Lots 105A, 105B and 105C.”

**2018 Fall Town Meeting  
ARTICLE 28**

**Motion #2:**

Move to Amend "Recreational Use 12" in **Section III – A.2 – USE REGULATIONS SCHEDULE** of the Natick Zoning By-Laws by changing the "O" in the Industrial One (INI) Column to an "A".

So then the applicable chart in **Section III – A.2 – USE REGULATIONS SCHEDULE**, Recreational Use 12 now reads:

"

RECREATIONAL USES	RG	RM	RS	PCD	SH	AP	DM	CII	INI	INII	H
12. Indoor amusement or recreation place or place of assembly provided that the building is so insulated and maintained as to confine noise to the premises and is located not less than one hundred feet from a residential district.	O	O	O	O	A	O	(*)	A	A	O	O

"



## 2018 Fall Town Meeting

### ARTICLE 28

#### **Motion # 3:**

##### **Motion A:**

Move to amend the Town of Natick Zoning By Laws

by inserting in **SECTION II – USE DISTRICTS, II-A TYPES OF DISTRICTS** a new overlay district as follows:

“Indoor Recreational Overlay District”

and

following **Section III-J – Historic Preservation** by inserting a new section, **Section III-K – Indoor Recreational Overlay District**, as follows:

##### **“Section III-K – Indoor Recreational Overlay District**

1. **Purpose.** The purpose of the District is to allow for indoor amusement and recreational uses by special permit in certain industrially zoned areas.
2. **Procedure & Standards.** The SPGA may allow such uses by grant of a Special Permit and approval under Site Plan Review under the procedures and criteria established in MGL 40 A and the Special Permit and Site Plan Review sections of this by-law and provided the SPGA finds that:
  - a. The building is so insulated and maintained so as to confine noise to the premises;  
and
  - b. The building is located not less than one hundred feet from a residential district.

##### **Motion B:**

Move to amend the Town of Natick Zoning Map by including in an Indoor Recreational Overlay District the land known as East Natick Industrial Park and being the lots shown Town’s Assessors Maps: Map 8, Lots 41A, 41B, 41C, 41E, 41G, 41H, 41FA, 41FB, 41FBB, 42, 42A, 42B, 42C, 42D, 42E, 42F and 43; Map 9, Lots 2A, 2B, 2C, 2D, 2E, 2EA, 2F, 2G, 2J, 2K, 2L, 2M, 2N, 28, 28A and 28B; Map 14, Lots 76, 76A, 77A and 77B; and Map 15, Lots 105A, 105B and 105C..



# Warrant Article Questionnaire Citizen Petitions Articles

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

Article # 28	Date Form Completed: September 12, 2018
Article Title: Amend Zoning By-Law to allow Indoor Amusement or Recreational Uses (Use # 12 of Use Regulation Schedule) in Industrial Zoning Districts by Special Permit	
Sponsor Name: George Richards	Email: grichards@southnaticklaw.com

Question	Question
1	Provide the article motion exactly as it is intended to be voted on by the Finance Committee.
Response	See attached motions.
2	At a summary level and very clearly, what is proposed purpose and objective of this Warrant Article and the required Motion?
Response	To allow indoor amusement and recreational uses by special permit in Industrial Zones since many already exist by use variances and otherwise. Although the Zoning Board of Appeals (ZBA) has permitted many of the current recreational uses by way of use variances, they have indicated that they would prefer to see the zoning bylaws changed to allow these uses by special permit rather than to continue to allow them by variance. In addition, Town Counsel has since opined that use variances are no longer permitted so there is now NO regulatory path to currently allow recreational uses in Industrial zones.
3	What does the sponsor gain from a positive action by Town Meeting on the motion?
Response	Would allow the sponsor's client to file for a special permit for a "volley ball club" to be located at 0 Tech Circle.
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	This will "legitimize" many recreational uses already located in industrial zones, specifically those recreational uses currently located in the East Natick Industrial Park. By allowing these uses, you are providing additional recreational uses and benefits for the tenants and owners of property located in Industrial zones, as well to others in town who use these recreational businesses.
5	How does the proposed motion (and implementation) fit with the relevant Town Bylaws,



## Warrant Article Questionnaire Citizen Petitions Articles

	financial and capital plan, comprehensive plan, and community values as well as relevant state laws and regulations
Response	This use is consistent with town's current bylaws and uses in Industrial zones and will cover gaps that already exist since these uses already are located in Industrial zones. There are no additional costs to the Town from allowing this change.
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	There will be little, if any impact on the Town infrastructure and the neighbor's prefer "recreational" uses over other industrial uses currently allowed. In addition, the Bylaws already protect residential neighborhoods by requiring the indoor amusement or recreational building must be located at least one hundred (100') feet from any residential district. The proposed use on O Tech Circle will have minimal impact on the environment and will leave considerable open space.
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	We have reached out to other owners and tenants in the East Natick Industrial Park, as well as residential abutters on Rathbun Road, almost all of whom support the Article. The Sponsor also previously met with the Town's Community Development Director to discuss that Department's concerns with and/or possible support of this Article.
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	See Response to # 7 above. In addition, the Sponsor spoke with the acting Town Administrator who did NOT think the selectmen would take a position on the Article. We are schedule to appear for a public hearing before the Planning Board on February 28 <sup>th</sup> .

# Warrant Article Questionnaire Citizen Petitions Articles

<b>9</b>	Why is it required for the Town of Natick AND for the sponsor(s)?
Response	See Responses #2-4 above.
<b>10</b>	Since submitting the article petition have you identified issues that weren't initially considered in the development of the proposal?
Response	No.
<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	See Attached Memo.
<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 consequences to the Town is that the Article will give owners of land in these zones more options for possible tenants and might avoid other more disruptive "industrial uses" being proposed at 0 Tech Circle and in other Industrial zones. The Article would diversify allowable uses in industrial zones and allow the Sponsor's client to seek a permit for a "volley ball club" which would not otherwise be allowed. This Article takes NOTHING away from the landowners or the Town – it simply adds an additional use but only by way of a Special permit issued by the Planning Board in order to protect all involved stakeholders.

**2018 Fall Town Meeting**  
**ARTICLE 28**

**Motion # 1:**

Move to Amend Recreational Use 12 in **Section III – A.2 – USE REGULATIONS SCHEDULE** of the Natick Zoning By-Laws by adding two (2) asterisks after the “O” in the Industrial One (INI) Column.

So then the applicable chart Section III – A.2 – USE REGULATIONS SCHEDULE, Recreational Use 12 now reads:

“

RECREATIONAL USES	RG	RM	RS	PCD	SH	AP	DM	CII	INI	INII	H
12. Indoor amusement or recreation place or place of assembly provided that the building is so insulated and maintained as to confine noise to the premises and is located not less than one hundred feet from a residential district.	O	O	O	O	A	O	(*)	A	O**	O	O

“

And to add the following language at the end of Section III – A.2 – USE REGULATIONS SCHEDULE ,  
RECREATIONAL USES after Use 17:

**\*\*\*Note:** Use # 12 above shall be allowed by special permit in the East Natick Industrial Park on the east side of Oak Street and being an area including ONLY the following lots (but including any further subdivision of these lots) as shown on the Town’s Assessors Maps: Map 8, Lots 41A, 41B, 41C, 41E, 41G, 41H, 41FA, 41FB, 41FBB, 42, 42A, 42B, 42C, 42D, 42E, 42F and 43; Map 9, Lots 2A, 2B, 2C, 2D, 2E, 2EA, 2F, 2G, 2J, 2K, 2L, 2M, 2N, 28, 28A and 28B; Map 14, Lots 76, 76A, 77A and 77B; and Map 15, Lots 105A, 105B and 105C.”

**2018 Fall Town Meeting  
ARTICLE 28**

**Motion #2:**

Move to Amend "Recreational Use 12" in **Section III – A.2 – USE REGULATIONS SCHEDULE** of the Natick Zoning By-Laws by changing the "O" in the Industrial One (INI) Column to an "A".

So then the applicable chart in **Section III – A.2 – USE REGULATIONS SCHEDULE**, Recreational Use 12 now reads:

"

RECREATIONAL USES	RG	RM	RS	PCD	SH	AP	DM	CII	INI	INII	H
12. Indoor amusement or recreation place or place of assembly provided that the building is so insulated and maintained as to confine noise to the premises and is located not less than one hundred feet from a residential district.	O	O	O	O	A	O	(*)	A	A	O	O

"

## 2018 Fall Town Meeting

### ARTICLE 28

#### **Motion # 3:**

##### **Motion A:**

Move to amend the Town of Natick Zoning By Laws

by inserting in **SECTION II – USE DISTRICTS, II-A TYPES OF DISTRICTS** a new overlay district as follows:

“Indoor Recreational Overlay District”

and

following **Section III-J – Historic Preservation** by inserting a new section, **Section III-K – Indoor Recreational Overlay District**, as follows:

##### **“Section III-K – Indoor Recreational Overlay District**

1. **Purpose.** The purpose of the District is to allow for indoor amusement and recreational uses by special permit in certain industrially zoned areas.
2. **Procedure & Standards.** The SPGA may allow such uses by grant of a Special Permit and approval under Site Plan Review under the procedures and criteria established in MGL 40 A and the Special Permit and Site Plan Review sections of this by-law and provided the SPGA finds that:
  - a. The building is so insulated and maintained so as to confine noise to the premises;  
and
  - b. The building is located not less than one hundred feet from a residential district.

##### **Motion B:**

Move to amend the Town of Natick Zoning Map by including in an Indoor Recreational Overlay District the land known as East Natick Industrial Park and being the lots shown Town’s Assessors Maps: Map 8, Lots 41A, 41B, 41C, 41E, 41G, 41H, 41FA, 41FB, 41FBB, 42, 42A, 42B, 42C, 42D, 42E, 42F and 43; Map 9, Lots 2A, 2B, 2C, 2D, 2E, 2EA, 2F, 2G, 2J, 2K, 2L, 2M, 2N, 28, 28A and 28B; Map 14, Lots 76, 76A, 77A and 77B; and Map 15, Lots 105A, 105B and 105C..



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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

	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	No anticipated impacts from the Tax on Town resources.
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	Town Meeting is critical to executing this motion.
8	What steps and communication has the sponsor attempted to assure that: <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
Motion A - Revised 9-12-18 by PB	9/13/2018	Exhibit
Motion B - REvised 9-12-18 by PB	9/13/2018	Exhibit
citizen email A	9/15/2018	Exhibit
citizen email B	9/15/2018	Exhibit
citizen email C	9/15/2018	Exhibit
citizen email D	9/15/2018	Exhibit
citizen email E	9/15/2018	Exhibit
citizen email F	9/15/2018	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*)



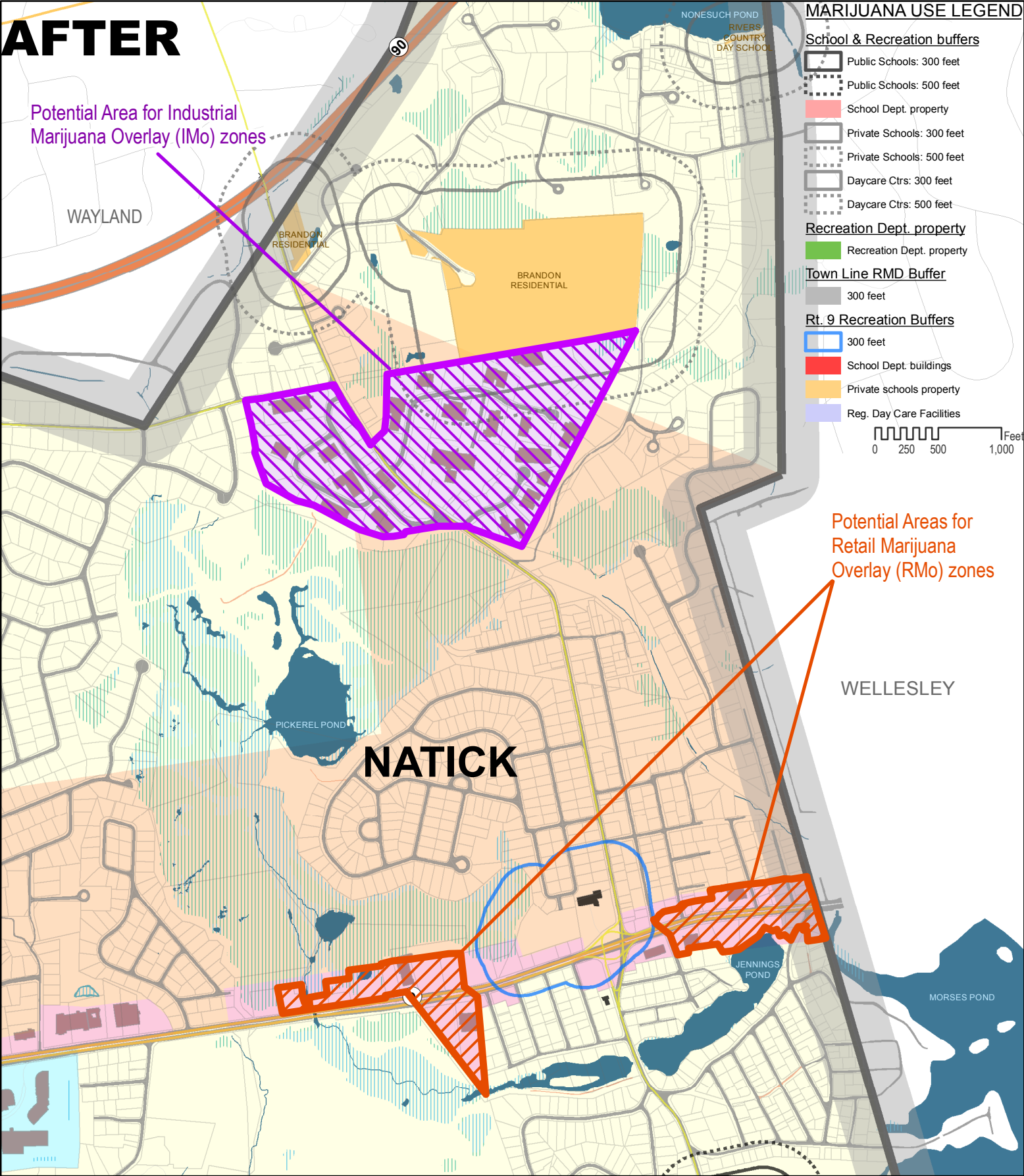
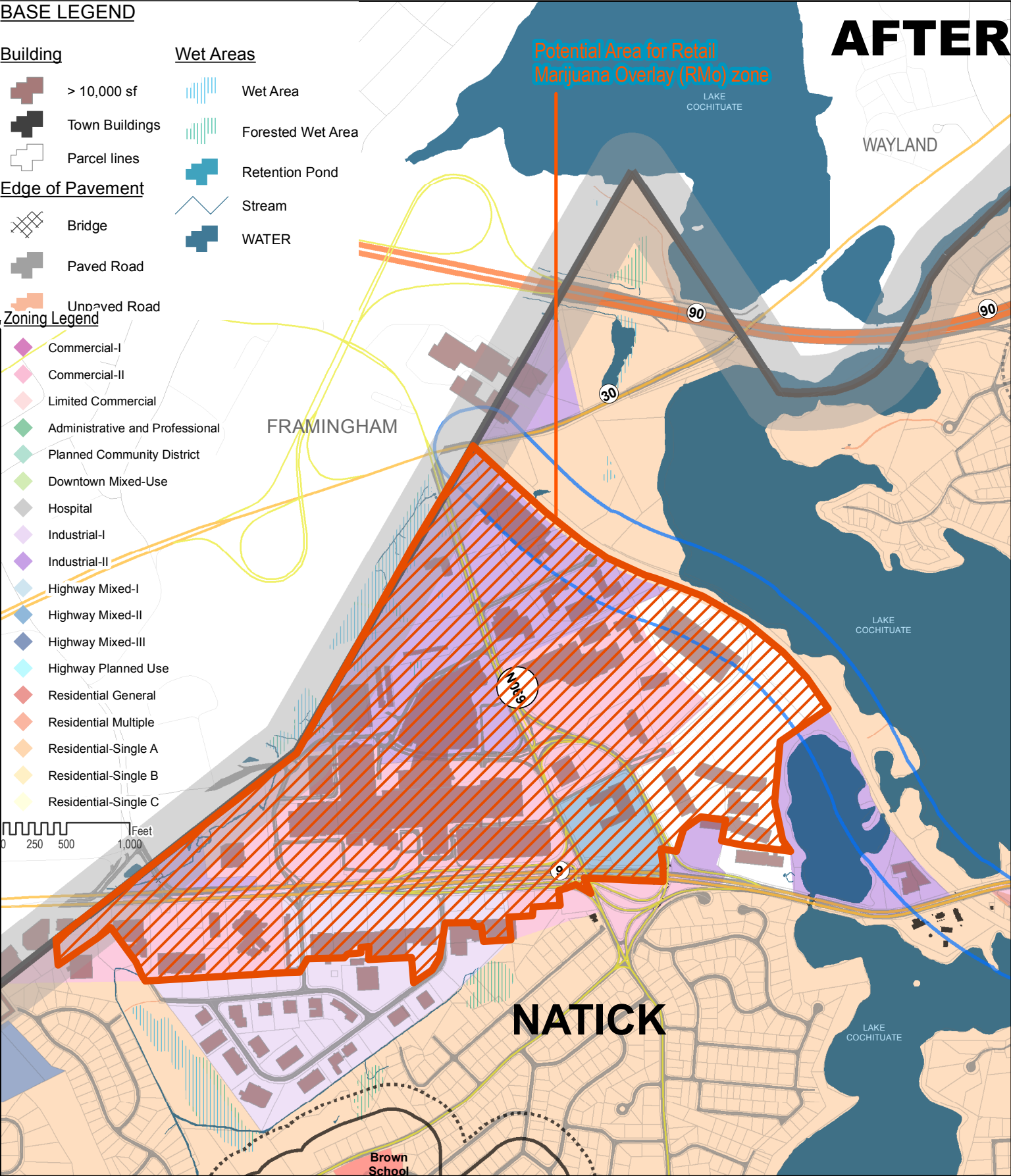
Move to amend the Town of Natick zoning map, as referenced under Section II-B Location of Districts (Zones) subsection 1, by placing the Retail Marijuana Overlay District (RMO) over the following properties as shown on Town Assessors' maps:

- 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:

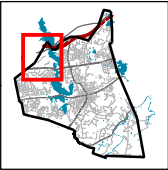
- Map 20 Lots 1A, 1B, 97D, 98, 99, 99A, 100, 101A, 102C (portion with CII underlying zoning), 103, and 104.



# 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	Date Form Completed: 9/5/18
Article #22 – 2018 Fall Town Meeting	
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.

## **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.

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.

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.

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.

5.7 Use Variances: No use variances shall be allowed for any Marijuana Establishment in the Town of Natick.

### 6. Time and Manner.

6.1 Odor: No Marijuana Establishment shall allow the escape of odors or gases from the cultivation, processing or manufacturing of marijuana or marijuana products and shall incorporate odor control technology to ensure that 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 Host Community Agreement: No Special Permit shall be granted without first having an executed Host Community Agreement with the Town of Natick.

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

8.3 State Law: Marijuana Establishment operations shall conform at all times to 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** (*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 E** (*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 (for a depth not to exceed 400 feet from the right of way of Route 9), 1B (for a depth not to exceed 400 feet from the right of way of Route 9), 97D, 98, 99, 99A, 100, 101A, 102C (portion with CII underlying zoning), 103, and 104.

**Motion F** (*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.



Patrick Hayes <phayes.fincom@natickma.org>

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## Industrial Marijuana Overlay Zoning will not be a good idea.

1 message

**Boyd Law** <boyd.law80@gmail.com>

To: fincom@natickma.org

Cc: phayes.fincom@natickma.org, selectmen@natickma.org

Wed, Sep 12, 2018 at 1:10 AM

To whom may this concern,

I am a local Natick resident. My wife and I moved from Malden to live in Natick because of its calm and low crime rates, great existing local businesses, excellent schools so our little ones can grow up in a town that I know will be safe and be educated. I also live on Winter Street where I am about 2 blocks away from where the area is to be changed to the new zoning. There is a new day care there, there is also children that lives around there. Why is the town deciding to endanger such little minds that might grow up to be something great in the future? Sure, the argument is, "its facilities that will be heavily monitored". But we all know that, no matter how heavily something that is monitored, things always gets leaked out, just look at our current government and presidency. What is there that will guarantee that no stray marijuana get leak out to the local area? There is Brandon School and The Rivers School in the same area as well? What if this marijuana leaks to those schools? As a resident of Natick, I demand answers, what is in place that the Town of Natick government body can guarantee that none of the marijuana will be leaked? And Crime rate won't will not go up do to such facilities?

I beg whom this may concern, please reconsider. Please do not ruin this great town I have grown to love. I gave up on Malden, but please don't force us to give up on Natick.

Sincerely,

Boyd Law

19 Winter Street,  
Natick MA 01760



Patrick Hayes <phayes.fincom@natickma.org>

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## Zoning for Pot?

1 message

**Jim Lavelle** <jlavelle2@outlook.com>  
To: "fincom@natickma.org" <fincom@natickma.org>  
Cc: Laura <limmanuel2@yahoo.com>

Mon, Sep 10, 2018 at 9:22 PM

Dear Selectmen,

It has come to my attention that you want to zone Tech Circle for marijuana growers? Do you know that kids attend day care and after school programs there?? Have you lost your collective minds??!!

Please address this asap!! Daycare/after school programs are no place for pot growers. C'mon, have some common sense!!

Please advise.

Jim Lavelle  
8 Wight Farm Rd.  
Natick, MA

Sent from my iPhone





Patrick Hayes <phayes.fincom@natickma.org>

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## Industrial Marijuana Overlay Zoning

1 message

Shiva <shivasmall@gmail.com>  
To: fincom@natickma.org

Tue, Sep 11, 2018 at 11:19 AM

Hello Finance Committee,

I recently came to know from a friend that the town is planning to make the Tech Circle where my kids go to LongFellow Day care and after school programs is being zoned as Industrial Marijuana Overlay Zone.

I would request you to find some other spot for the Marijuana zones away from the heaviest child activity areas.

Thanks  
Shiva Chakilam  
Cell:- 714-872-0849



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## Request to reconsider including Tech Cir. in the new Marijuana Overlay Zoning

1 message

**Sigal Vax** <sigalvax@gmail.com>

Tue, Sep 11, 2018 at 10:53 AM

To: fincom@natickma.org, phayes.fincom@natickma.org

Dear Chair of the Finance Committee and committee members,

It was brought to our attention that the Marijuana Overlay Zoning was changed to include Tech Circle.

This decision is very troubling for us. As parents of three children ages 16, 12, and 6 who are using the different facilities around Tech Cir., we must raise our concern. Our youngest son attends the Longfellow after-school program every day and over the summer he spends his time at the YMCA camp and the Sci-Tech. Our older daughters are using the gym and other sports facilities at Longfellow and around it. Teenagers can arrive at Longfellow independently riding their bikes, or even walk there. Selling marijuana in this area will expose them dangerously both to the substance as well as to users.

I find it even more troubling knowing how many children services are provided in this small area, such as the Wonderland Academy, Little Sprouts Daycare, Little Lamb Nursery, The Y after school and camps programs, the tennis club, lacrosse, Sci-Tech and many more. When we bought our house in Natick we chose to live close to this area for its richness in opportunities for kids, not for its marijuana shop...

Please reconsider the zoning decision and keep our kids safe,

Regards,  
Sigal Vax

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Sigal Vax  
Consultant in Psychiatric Rehabilitation  
[sigalvax@gmail.com](mailto:sigalvax@gmail.com)



Patrick Hayes <phayes.fincom@natickma.org>

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## Zoning for Pot?

1 message

**Jim Lavelle** <jlavelle2@outlook.com>  
To: "fincom@natickma.org" <fincom@natickma.org>  
Cc: Laura <limmanuel2@yahoo.com>

Mon, Sep 10, 2018 at 9:22 PM

Dear Selectmen,

It has come to my attention that you want to zone Tech Circle for marijuana growers? Do you know that kids attend day care and after school programs there?? Have you lost your collective minds??!!

Please address this asap!! Daycare/after school programs are no place for pot growers. C'mon, have some common sense!!

Please advise.

Jim Lavelle  
8 Wight Farm Rd.  
Natick, MA

Sent from my iPhone



Patrick Hayes <phayes.fincom@natickma.org>

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## Article 22

1 message

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**Chris** <cscondlin@aol.com>  
To: fincom@natickma.org

Thu, Sep 13, 2018 at 6:57 PM

To the Natick Town Council,

My name is Christopher Condlin, I am a life long resident of Natick.

I would like to express concern regarding the implementation of Article 2 specifically involving the marijuana establishment zoning regulations. I believe this Article requires more study and further discussion prior to any form of implementation.

Respectfully,

Christopher Condlin  
11 Walkup Court  
Natick, MA

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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

	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	N/A
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	Town Meeting in adopting the zoning bylaw amendment.
8	What steps and communication has the sponsor attempted to assure that: <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".

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**ITEM TITLE:** Update and discussion on the Point of Order regarding the Special Town Meeting #2 public notice process

**ITEM SUMMARY:**

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