BOARD OF SELECTMEN
Edward H. Dlott Meeting Room
AGENDA
September 13, 2018
6:00 PM

Agenda Revised 9/11/18 to add Article 9 under FATM Warrant Articles

EXECUTIVE SESSION

To discuss strategy with respect to litigation or collective bargaining where discussion in open session could be detrimental to the Town's position: New England Police Benevolent Association (NEPBA), Inc., Local 82

CITIZENS' CONCERNS

DISCUSSION AND DECISION

1. 2018 Special Town Meeting No. 2 Warrant Articles: 1-4
2. 2018 Fall Annual Town Meeting Warrant Articles: 5, 7, 9, 11, 12, 16, 18, 21-24, 29

CONSENT AGENDA

3. Wanderlust Content, Inc.: Request to Reschedule Filming of Commercial on Chester, Sheridan, & Avon Streets and Lincoln Street Extension

SELECTMEN'S CONCERNS

Next Meeting Dates: 9/17, 10/1, 10/15, 10/29

ITEM TITLE: 2018 Special Town Meeting No. 2 Warrant Articles: 1-4

ITEM SUMMARY:

ATTACHMENTS:

Description	Upload Date	Type
2018 Special Town Meeting No. 2 Warrant	9/10/2018	Cover Memo
Article 1	9/11/2018	Cover Memo
Article 1 Motion	9/11/2018	Cover Memo
Article 1 Questionnaire	9/11/2018	Cover Memo
Article 2	9/11/2018	Cover Memo
Article 2 Motion A	9/11/2018	Cover Memo
Article 2 Motion A REVISED	9/13/2018	Cover Memo
Article 2 Motions B-F	9/11/2018	Cover Memo
Article 2 Zoning Map	9/11/2018	Cover Memo
Article 2 Questionnaire	9/11/2018	Cover Memo
Article 3	9/11/2018	Cover Memo
Article 3 Motion	9/11/2018	Cover Memo
Article 3 Questionnaire	9/11/2018	Cover Memo
Article 4	9/11/2018	Cover Memo
Article 4 Motion	9/11/2018	Cover Memo
Article 4 Questionnaire	9/11/2018	Cover Memo
Q & A	9/12/2018	Cover Memo

WARRANT
2018 SPECIAL TOWN MEETING #2
October 2, 2018

THE COMMONWEATH OF THE MASSACHUSETTS

Middlesex, ss

To Any Constable of the Town of Natick in said County:
Greeting:

In the name of the Commonwealth of Massachusetts you are required to notify the qualified Town Meeting Members of the said Town of Natick to meet in the Wilson Middle School, 22 Rutledge Road, Natick on **Tuesday Evening October 2, 2018 at 7:30 PM**, then and there to act on the following Articles:

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

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.

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.

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.

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.

The above articles are to be acted upon and determined exclusively by Town Meeting Members in accordance with Chapter 2 of the Acts of 1938 and Amendments thereto and the Town Charter and subject to the referendum provided thereby.

You are directed to serve this Warrant by causing an attested copy of said Warrant to be posted in the Post Office in said Natick, and at the following public places in said Natick, to wit: Precinct 1; Reliable Cleaners, 214 West Central Street; Precinct 2, Cole Recreation Center, 179 Boden Lane; Precinct 3, Kennedy Middle School, 165 Mill St.; Precinct 4, Lola's, 9 Main Street Precinct 5, Wilson Middle School, 22 Rutledge Road; Precinct 6, East Natick Fire Station, 2 Rhode Island Avenue; Precinct 7, Lilja Elementary School, 41 Bacon Street; Precinct 8, Natick High School, 15 West Street; Precinct 9: Community-Senior Center, 117 East Central Street and Precinct 10, Memorial Elementary School, 107 Eliot Street.

Above locations being at least one public place in each Precinct, in the Town of Natick, and also posted in the Natick U.S. Post Office, Town Hall, Bacon Free Library and Morse Institute Library seven days at least before October 2, 2018; also by causing the titles of the articles on the Warrant for the 2018 Special Town Meeting #2 to be published once in the Newspaper called "The

Metrowest Daily News," with notice of availability of an attested copy of said Warrant, said Newspaper published in the Town of Natick and said publication to be August 31, 2018.

Hereof fail not and make due return of this Warrant with your doings thereon to the Town Clerk at or before the time appointed for holding said meeting.

Given under our hands this 27th day of August, 2018.

Board of Selectmen for the Town of Natick

_____	_____	_____
AMY K. MISTROT	SUSAN G. SALAMOFF	MICHAEL J. HICKEY, JR
Chair	Vice Chair	Clerk
_____	_____	
JONATHAN H. FREEDMAN	RICHARD P. JENNETT, JR	
Member	Member	

Certified copies of the Warrant are available at the Office of the Town Clerk, Natick Town Hall, 13 East Central St., Natick, MA between the hours of 8:00 a.m. – 5:00 p.m., Monday through Wednesday; 8:00 a.m.- 7:00 p.m. on Thursday and 8:00 a.m.-12:30 p.m. Friday; the Warrant may also be accessed from the Town web site www.natickma.gov.

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

	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.);
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: • Interested parties were notified in a timely way and had a chance to participate in the process, that • Appropriate town Boards & Committees were consulted • Required public hearings were held
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

	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.
12	If this Warrant Article is not approved by Town Meeting what are the consequences to the Town and to the sponsor(s)? Please be specific on both financial and other consequences.
Response	The Town will not receive revenue from the Tax on the sale of Adult Use Marijuana.

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.

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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).

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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.

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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.

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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. .

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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.

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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.

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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: Not withstanding any other provision of this Bylaw, 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 *(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)*

DRAFT

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

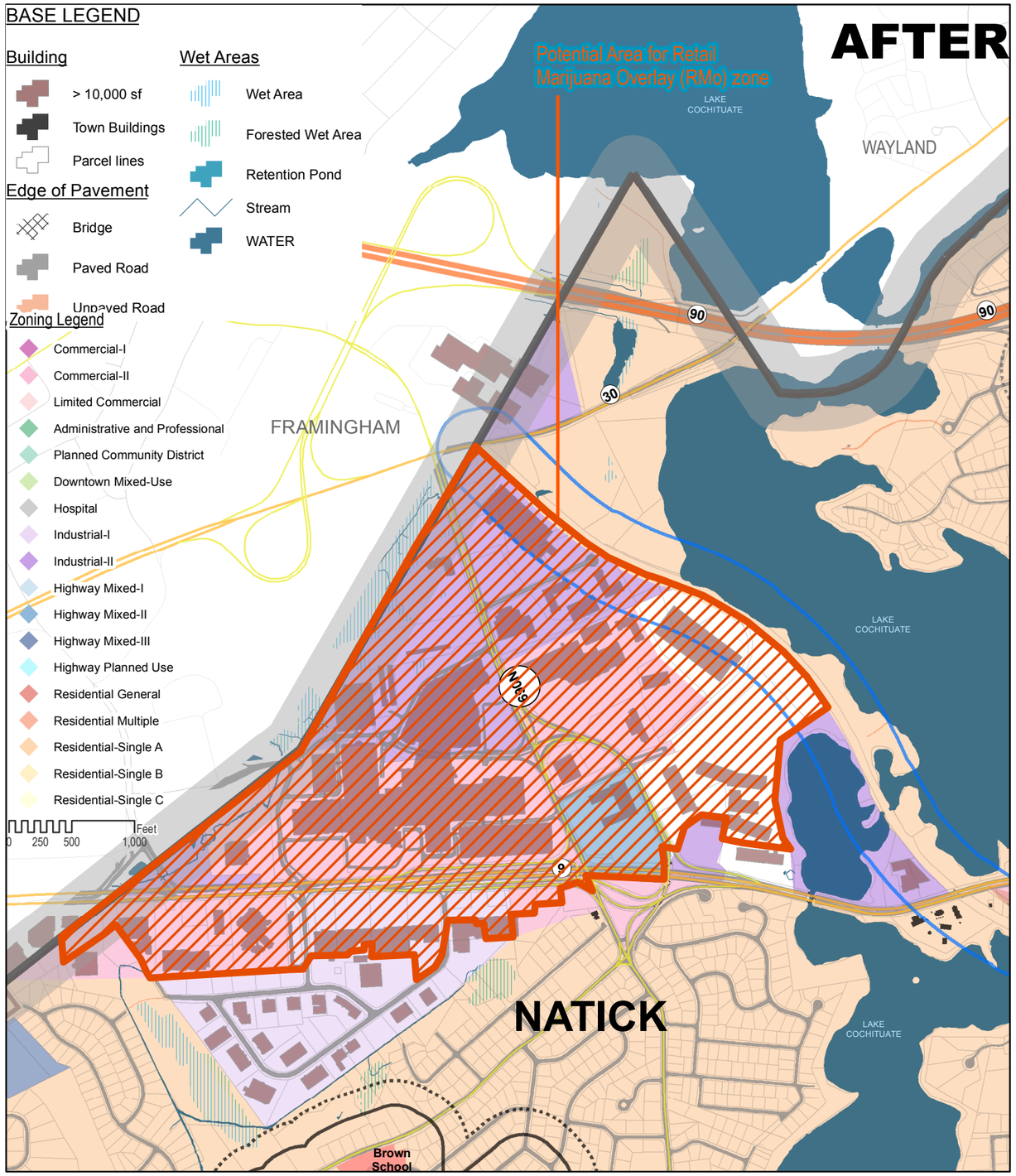
- Map 21 Lots 1, 8 (portion with CII underlying zoning), 114, 115, 116, 117A, 117B, 118, 119, 309, 332, 333, 334, 335 (portion with CII underlying zoning), 357, 358, 359, 360, 376, 377A, and 377B.

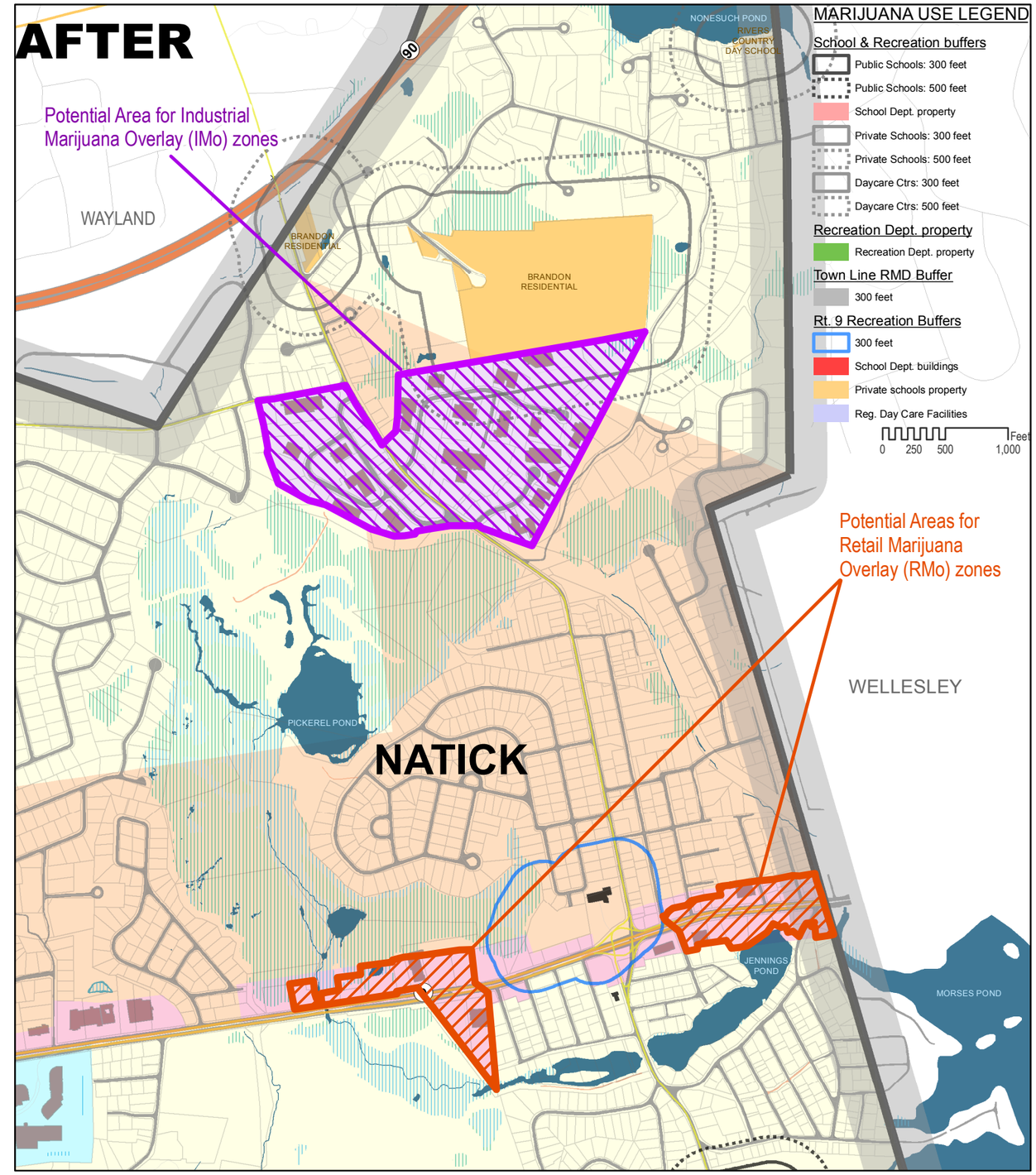
Motion F *(Rt. 9 East)*

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

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

DRAFT





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

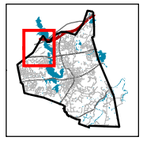
Community & Economic Development Department

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

0 500 1,000 Feet 2,000

1 inch = 1,000 feet

NORTH



Warrant Article Questionnaire
Citizen Petitions & Non Standard Town Agency Articles

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

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

Question	Question
1	Provide the article motion exactly as it is intended to be voted on by the Finance Committee.
Response	Please see motions attached
2	At a summary level and very clearly, what is proposed purpose and objective of this Warrant Article and the required Motion?
Response	To establish zoning bylaws to regulate the use of Adult Use Marijuana in Natick, and to determine through zoning map changes where the use is allowed.
3	What does the sponsor gain from a positive action by Town Meeting on the motion?
Response	Nothing.
4	Describe with some specificity how the sponsor envisions how: the benefits will be realized; the problem will be solved; the community at large will gain value in the outcome through the accompanied motion?
Response	The zoning will serve to preserve the character of the community and create a place for the public to have access to legal marijuana while mitigating community impact. This bylaw should serve as a guide that will support the public's right to access legal marijuana, protect the public health, safety, and well-being and expand new growth for the tax base.
5	How does the proposed motion (and implementation) fit with the relevant Town Bylaws, financial and capital plan, comprehensive plan, and community values as well as relevant state laws and regulations
Response	The motion will create a new section to the Town's zoning bylaws.

6	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.);
Response	Yes – though since no project is before the Town for review, site specific impacts will be reviewed per the proposed zoning bylaw.
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, and the Planning Board as the SPGA outlined in the zoning bylaw.
8	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, that • Appropriate town Boards & Committees were consulted • Required public hearings were held
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, 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.
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	Other similar Towns that are choosing to regulate adult use marijuana are also considering the adoption local zoning similar to the proposed bylaw.
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	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.

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 Cannibis 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

	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.);
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: • Interested parties were notified in a timely way and had a chance to participate in the process, that • Appropriate town Boards & Committees were consulted • Required public hearings were held
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.

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	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.
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	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.

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
(Board of Selectmen)

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.

6	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.);
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 bylaw amendment and the Board of Selectmen as the proposed licensing authority.
8	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, that • Appropriate town Boards & Committees were consulted • Required public hearings were held
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 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.
12	If this Warrant Article is not approved by Town Meeting what are the consequences to the Town and to the sponsor(s)? Please be specific on both financial and other consequences.
Response	The 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".

Patricia O'Neil <poneil@natickma.org>

Questions on STM Motions

8 messages

Jonathan Freedman <jfreedman@natickma.org> Tue, Sep 11, 2018 at 9:21 PM
To: Selectmen <selectmen@natickma.org>, Melissa Malone <mmalone@natickma.org>, James Errickson <jerrickson@natickma.org>

Hello -- initial questions on the draft marijuana motions:

Article 2, Motion A:

Section 5.4: 500' buffer, measured building point to point; why not from parcel edge -- isn't that more consistent with the Medical Marijuana zoning?

Section 6.2 -- is the signage consistent with the requirements for package stores?

Section 6.5: does 'nuisance condition' need to be a defined term?

Section 8.5: what defines 'best practices' for energy use? And what defines how the SPGA takes that into account for its decision-making purposes?

Section 8.11: 'Within twenty-four (24) hours of receipt of notice of *it*...'???

Numerous typos in the draft motion -- extra spaces, extra periods, etc.

Motions B-F: can we have a map showing the specific impact of each of the motions?

Article 4, section 5.2: Host Community Agreement -- I note that the phrase 'at all times' is still in the draft motion. What has been learned since the last BOS meeting regarding this condition?

Thanks,

Jonathan

--
Jonathan Freedman
Member, Natick Board of Selectmen
Vice Chair, Financial Planning Commttee
Chair, Audit Advisory Committee
Vice Chair, KMS Building Committee

Please note that the Massachusetts Secretary of State considers e-mail to be a public record, and therefore subject to the Massachusetts Public Records Law (M.G.L. c. 66 § 10).

James Errickson <jerrickson@natickma.org> Wed, Sep 12, 2018 at 10:43 AM
To: Jonathan Freedman <jfreedman@natickma.org>
Cc: Selectmen <selectmen@natickma.org>, Melissa Malone <mmalone@natickma.org>

Hi Jonathan,

Responses below in italics. Thanks for sending these along!

Article 2, Motion A:

Section 5.4: 500' buffer, measured building point to point; why not from parcel edge -- isn't that more consistent with the Medical Marijuana zoning?

- the PB considered both, but decided building would be more appropriate as parcel sizes and shapes vary widely especially in the districts being proposed. For example, a building could be located on the far edge of a parcel that is very large or shaped oddly, thereby causing the "buffer" to be much greater than intended. Further, the definition of "parcel" is not clear in the recreational marijuana statute, thereby causing some interpretation concerns on behalf of the PB.

Section 6.2 -- is the signage consistent with the requirements for package stores?

- Signage is regulated as the underlying zoning is regulations. There are not separate signage requirements in the zoning bylaw for package stores.

Section 6.5: does 'nuisance condition' need to be a defined term?

- The bylaw does provide direction on what constitutes a "nuisance condition" within Section 6.5. I suppose it could be a defined term, but will pose this question to KP Law. They did review this entire draft, so I suspect this is not needed.

Section 8.5: what defines 'best practices' for energy use? And what defines how the SPGA takes that into account for its decision-making purposes?

- Best practices are really a time a place type item. Best practice today may not be a best practice 5 or 10 years from now, so the term is deliberately open ended. Ultimately, the applicant will need to show how they are integrating best practices into their proposal to the satisfaction of the PB.

Section 8.11: 'Within twenty-four (24) hours of receipt of notice of *it*...'???

- Of the Enforcement Order. This can be clarified.

Numerous typos in the draft motion -- extra spaces, extra periods, etc

- I will read back through a look for the extra spaces, periods etc. When one "accepts all changes" from a track changes version (KP Law's review) the unintended victim in Word are extra spaces and period.

Motions B-F: can we have a map showing the specific impact of each of the motions?

- See attached - also available on the Recreational Marijuana page of the Town's website

Article 4, section 5.2: Host Community Agreement -- I note that the phrase 'at all times' is still in the draft motion. What has been learned since the last BOS meeting regarding this condition?

- In discussing this with Katie Laughman with KP Law (which is shown on the document with "BOS COMMENTS" in the title, also attached) - under CCC regulations, the community impact fee has a 5 year term but the HCA can be in effect for any period of time - i.e. for as long as the establishment is in operation, 10 years, 20 years, whatever the BOS negotiates.

As such, the current wording does not pose a conflict with CCC regulations. This does pose a question on strategy as the BOS negotiates an HCA. There may be a benefit to having the HCA have a 5 year term since the community impact fee is limited to 5 years. But that discussion is for another day.

Please let me know if there are any additional questions.
-Jamie

--
James Errickson
Director - Community & Economic Development
Town of Natick
508-647-6450

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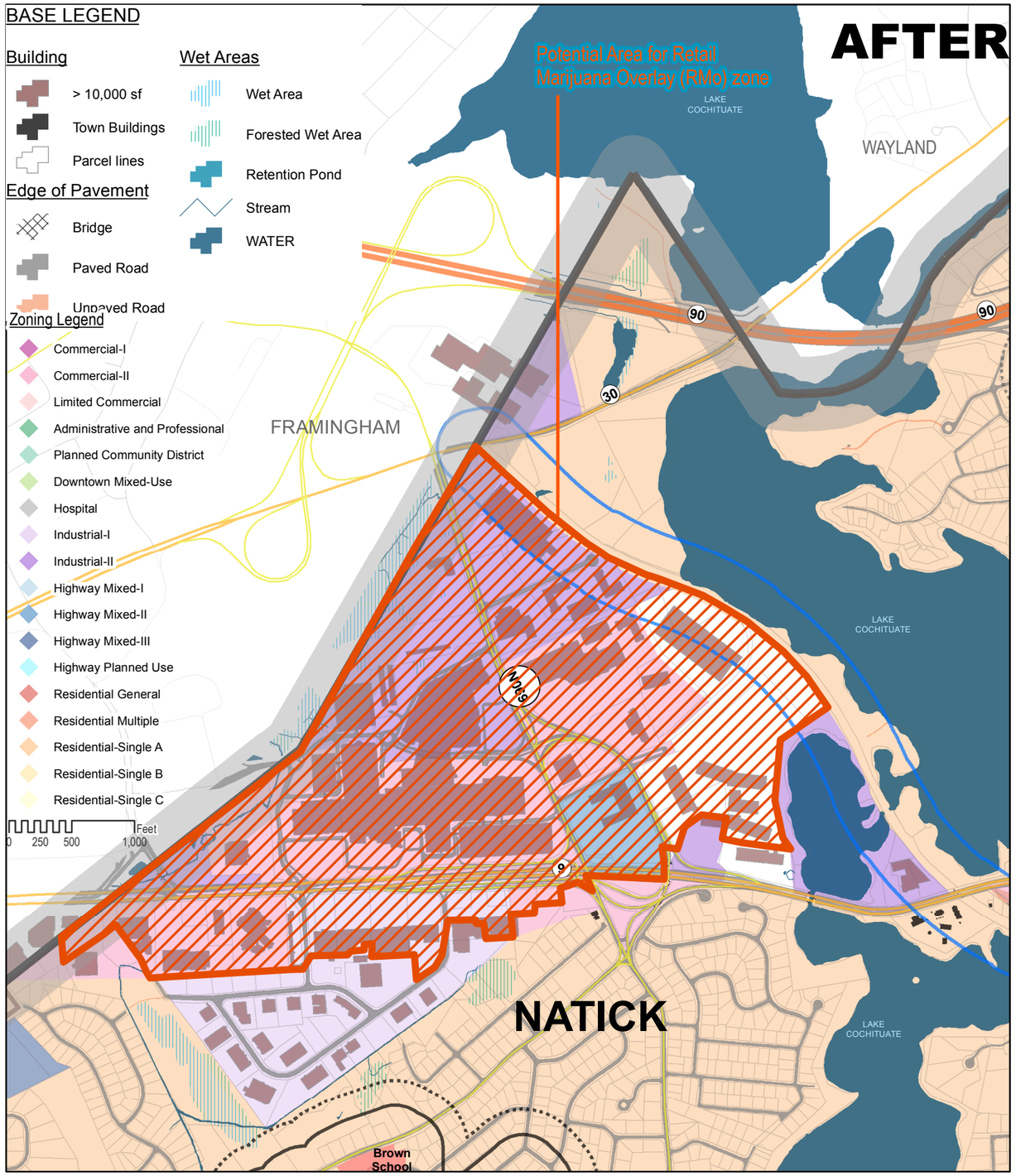
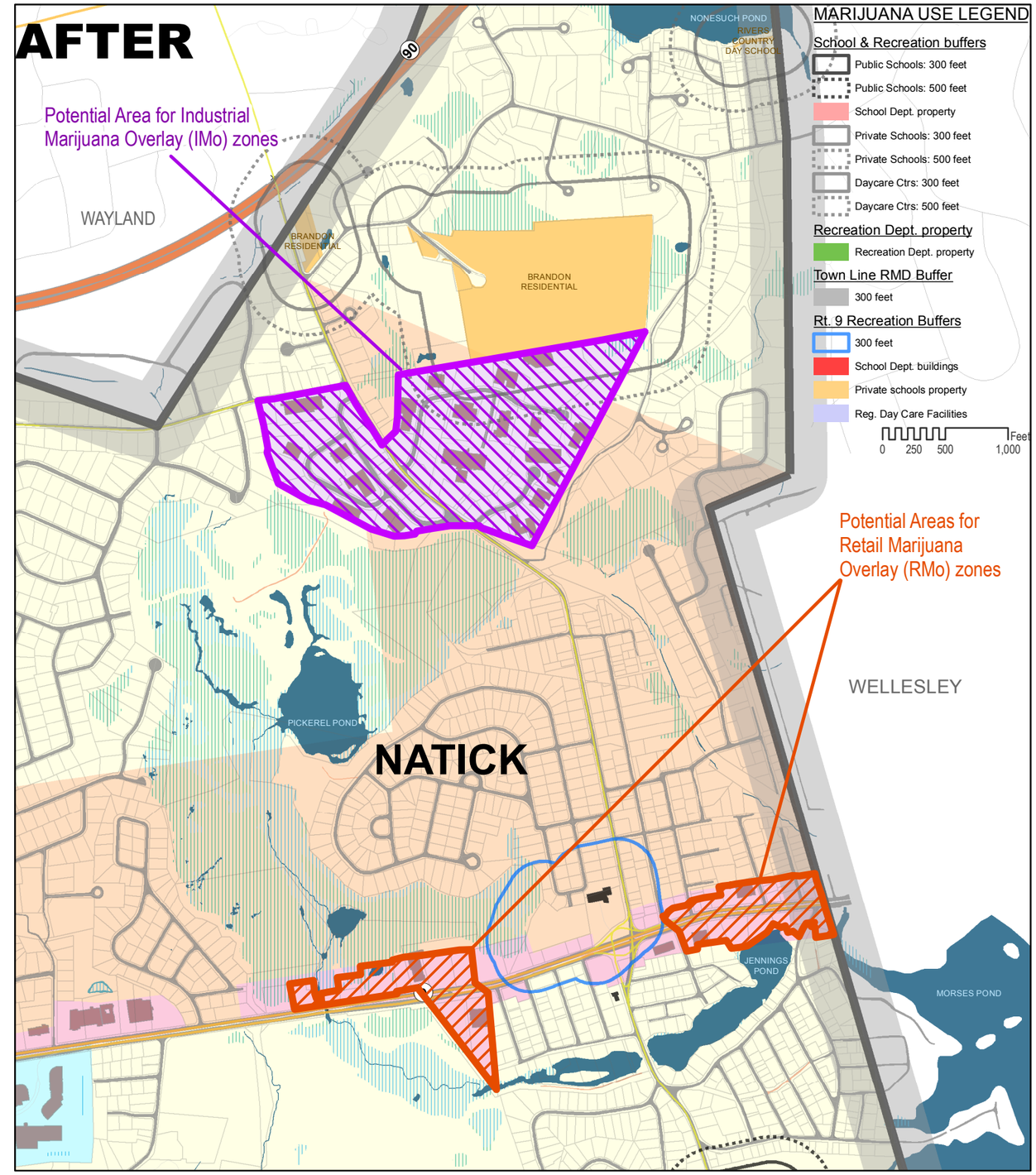
2 attachments

CED AU MJ zoning map A (2).pdf
1329K

2018 Special TM #2 Article 4 Rec Marijuana General Bylaw Amendment Licensing MOTION BOS COMMENTS.pdf
316K





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

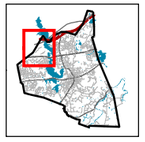
Community & Economic Development Department

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.

0 500 1,000 Feet 2,000

1 inch = 1,000 feet

NORTH



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

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 ~~final~~ fine may be punishable by a subsequent fine of $300.00. Each day of a continued non-compliance shall constitute a separate violation. Further,

Comment [EJ1]: Is this compliant with state law – if an HCA is good for 5 years, is there a renewal process under the law? Does the state impose a limitation on HCA, which makes the "shall at all times" valid/invalid?

K Laughman – Under CCC regulations, the community impact fee has a 5 year term but the HCA can be in effect, for example, for as long as the establishment is in operation. As such, the current wording does not pose a conflict with CCC regulations. This does pose a question on strategy as the BOS negotiates an HCA, but that discussion is for another day.

Comment [EJ2]: What is the notification requirement for this type of public hearing? 14 days, 7 days, 48 hours? And does "hold" mean "conclude" and or, is there a limit on when such a hearing must be concluded?

K Laughman – This is a public hearing the Town is requiring itself to hold (self imposed) so there is no legal requirement on notification. Recommendation is for the Board to handle this similar to other public hearings. Further, the "hold" is implied to mean "open" but not necessarily conclude – no requirement on when it must be "concluded".

Comment [EJ3]: Is this the right language? There is no mention of what makes a "final fine" – should "final" be removed?

K Laughman – "Final" should be removed.

the Board of Selectmen may hold a hearing, with notice to the licensee, to determine if such license should be modified, suspended or revoked.

Jonathan Freedman <jfreedman@natickma.org> Wed, Sep 12, 2018 at 11:00 AM
To: James Errickson <jerrickson@natickma.org>
Cc: Selectmen <selectmen@natickma.org>, Melissa Malone <mmalone@natickma.org>

Thanks Jamie! The only thing I would like to clarify is with respect to the zoning article. Unless I am misreading the maps, they seem to be showing the cumulative effect of the article. I am looking to understand the impact of the individual motions -- that is, what area is impacted by motion A? By motion B? Etc. If that is not readily available, just let me know -- please don't go to extra work to produce it, though bear in mind that level of detail will probably be needed for tonight meeting.

Thanks,

Jon

James Errickson <jerrickson@natickma.org> Wed, Sep 12, 2018 at 12:38 PM
To: Jonathan Freedman <jfreedman@natickma.org>
Cc: Selectmen <selectmen@natickma.org>, Melissa Malone <mmalone@natickma.org>

No problem at all - well informed public officials (you all) makes my job easier.

Your comments on the map are well taken (I noticed the same issue yesterday - great minds) and we are working to better label each district.

In short:
Motions A & B do not have implications on the zoning map - they are establishing the zoning (A) and creating the overlay districts (B). Motions C - F place the districts at certain locations in Natick.

Motion C - Industrial Marijuana OD - East Natick Industrial Park (off Oak Street)
Motion D - Retail Marijuana OD - Golden Triangle
Motion E - Retail Marijuana OD - Rt 9 by Town Line (wine emporium area)
Motion F - Retail Marijuana OD - Rt 9 further west (not by Town Line)

Jamie

ITEM TITLE: 2018 Fall Annual Town Meeting Warrant Articles: 5, 7, 9, 11, 12, 16, 18, 21-24, 29

ITEM SUMMARY:

ATTACHMENTS:

Description	Upload Date	Type
2018 Fall Annual Town Meeting Warrant	9/10/2018	Cover Memo
Article 5-Article & Motion	9/11/2018	Cover Memo
Article 7-Article & Motions A & B	9/11/2018	Cover Memo
Article 9-Article & Motion	9/11/2018	Cover Memo
Articles 11 & 12-Articles & Motions	9/11/2018	Cover Memo
Article 16	9/11/2018	Cover Memo
Article 16-Motion	9/11/2018	Cover Memo
Article 18-Memo	9/11/2018	Cover Memo
Article 18	9/11/2018	Cover Memo
Article 18-Motion	9/11/2018	Cover Memo
Article 21	9/11/2018	Cover Memo
Article 21 Motion	9/12/2018	Cover Memo
Article 21 Questionnaire	9/12/2018	Cover Memo
Article 22	9/12/2018	Cover Memo
Article 22 Motion A	9/12/2018	Cover Memo
Article 22 Motion A-REVISED	9/13/2018	Cover Memo
Article 22 Motions B-F	9/12/2018	Cover Memo
Article 22 Zoning Map	9/12/2018	Cover Memo
Article 22 Questionnaire	9/12/2018	Cover Memo
Article 23	9/12/2018	Cover Memo
Article 23 Motion	9/12/2018	Cover Memo
Article 23 Questionnaire	9/12/2018	Cover Memo
Article 24	9/12/2018	Cover Memo
Article 24 Motion	9/12/2018	Cover Memo
Article 24 Questionnaire	9/12/2018	Cover Memo
Article 29	9/12/2018	Cover Memo
Article 29 Motion	9/12/2018	Cover Memo
Questions RE: Articles 5, 7, 11, 21, 24, 29-C, Collins	9/13/2018	Cover Memo

WARRANT
FALL ANNUAL TOWN MEETING
OCTOBER 16, 2018

THE COMMONWEATH OF THE MASSACHUSETTS

Middlesex, ss

To Any Constable of the Town of Natick in said County:
Greeting:

In the name of the Commonwealth of Massachusetts you are required to notify the qualified Town Meeting Members of the said Town of Natick to meet in the Natick High School, Natick on **Tuesday Evening October 16, 2018 at 7:30 PM**, then and there to act on the following Articles:

Article 1	Fiscal 2019 Omnibus Budget
Article 2	Stabilization Fund
Article 3	Operational/Rainy Day Stabilization Fund
Article 4	Capital Stabilization Fund
Article 5	Other Post-Employment Benefits (OPEB) Appropriation or Transfer of Funds
Article 6	Appropriate Funds for the Family of Michael McDaniel Jr.
Article 7	Transfer of Unexpended Bond Proceeds
Article 8	Collective Bargaining
Article 9	Personnel Board Classification and Pay Plan
Article 10	Committee Article
Article 11	Rescind Authorized, Unissued Debt
Article 12	Unpaid Bills
Article 13	Capital Equipment
Article 14	Capital Improvement
Article 15	West Natick Fire Station Appropriation of Funding
Article 16	West Natick Fire Station Land Acquisition
Article 17	Change Authority for Acquisition of 22 Pleasant Street Among Other Items
Article 18	Appropriate Funds for the Design and Development of Route 27 North Main Street
Article 19	Capital Equipment
Article 20	Legal Settlement
Article 21	Excise Tax on Retail Sales of Marijuana for Adult Use
Article 22	Marijuana Establishments Zoning Bylaw Amendment
Article 23	Amend Zoning By-Law to create, extend, and/or modify the existing Temporary Moratorium Regarding Recreational Marijuana Establishments currently located in Section III-K: Marijuana Establishments of the Natick Zoning Bylaws
Article 24	Amend Town of Natick By-law Article 10: Board of Selectmen
Article 25	Amend Agreement with the South Middlesex Regional Vocational School District
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
Article 27	Prohibit Dog Kennels in Single Family Residential Zones RS and/or RG
Article 28	Amend Zoning By-Law to Allow Indoor Amusement or Recreational Uses in Industrial Zoning Districts by Special Permit
Article 29	Amend Article 2 of the Town of Natick Home Rule Charter
Article 30	Amend Town of Natick Zoning Map: Assisted Living Overlay Option Plan
Article 31	Actions Pertaining to Acquisition and Preservation of the Town's easements on Mechanic Street
Article 32	Amend Natick Zoning By-Laws: Inclusionary Affordable Housing Requirements
Article 33	Establish Study Committee: 1.5% Test of Land Use
Article 34	Amend Historic Preservation Zoning By-Law
Article 35	Voting Requires Being Legal Resident of Massachusetts and this Municipality
Article 36	Amend Zoning By-Laws: Outdoor Lighting
Article 37	Amend Zoning By-Laws: Signage (Residential Zoning Districts)

Article 38	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
Article 39	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.
Article 40	Amend the Town of Natick By-Laws: Create New Committee
Article 41	Snow Removal ByLaw
Article 42	Technical Changes to Charter and By-Laws

ARTICLE 1
Fiscal 2019 Omnibus Budget
(Town Administrator)

To see what sum of money the Town will vote to raise and appropriate, transfer from available funds or otherwise provide for the operation of the government of the Town of Natick, including debt and interest, during Fiscal Year 2019 (July 1, 2018 through June 30, 2019) and to provide for a reserve fund for Fiscal Year 2019, and to see what budgets for Fiscal 2019 will be reduced to offset said additional appropriations; or otherwise act thereon.

ARTICLE 2
Stabilization Fund
(Town Administrator)

To see what sum of money the Town will vote to raise and appropriate, transfer from available funds or otherwise provide for the purpose of supplementing the Stabilization Fund established under Article 22 of the warrant for Annual Town Meeting of 1961, as authorized by Chapter 40, Section 5B of the General Laws, as amended; or otherwise act thereon.

ARTICLE 3
Operational/Rainy Day Stabilization Fund
(Town Administrator)

To see what sum of money the Town will vote to raise and appropriate, transfer from available funds or otherwise provide for the purpose of supplementing the Operational Stabilization Fund established by vote of the 2011 Spring Annual Town Meeting under Article 4, as authorized by Chapter 40, Section 5B of the General Laws, as amended; or otherwise act thereon.

ARTICLE 4
Capital Stabilization Fund
(Town Administrator)

To see what sum of money the Town will vote to raise and appropriate, transfer from available funds or otherwise provide for the purpose of supplementing the Capital Stabilization Fund established under Article 2 of the warrant for Fall Annual Town Meeting of 2010, as authorized by Chapter 40, Section 5B of the General Laws, as amended; or otherwise act thereon.

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

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

ARTICLE 6
Appropriate Funds for the Family of Michael McDaniel Jr.
(Town Administrator)

To see if the Town will vote to appropriate funds to supplement the prior appropriations given to the widow of Michael McDaniel Jr., long time employee of the Town of Natick Department of Public Works, killed in the line of duty on February 4, 2014; or otherwise act thereon.

ARTICLE 7
Transfer of Unexpended Bond Proceeds
(Town Administrator)

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

ARTICLE 8
Collective Bargaining
(Board of Selectmen)

To see what sum of money the Town will vote to raise and appropriate, transfer from available funds, or otherwise provide, to implement any Collective Bargaining Agreements between the Town Natick and any recognized bargaining units of the Town; or otherwise act thereon.

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

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

ARTICLE 10
Committee Article
(Board of Selectmen)

To see if the Town will vote to hear and discuss the reports of town officers, boards, and committees; or otherwise act thereon.

ARTICLE 11
Rescind Authorized, Unissued Debt
(Town Administrator)

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

ARTICLE 12
Unpaid Bills
(Town Administrator)

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

ARTICLE 13
Capital Equipment
(Town Administrator)

To see what sum of money the Town will vote to raise and appropriate, borrow, transfer from available funds or otherwise provide as may be required for capital equipment for the various departments of the Town of Natick; to determine whether this appropriation shall be raised by borrowing or otherwise; or otherwise act thereon.

ARTICLE 14
Capital Improvement
(Town Administrator)

To see what sum of money the Town will vote to raise and appropriate, borrow, transfer from available funds or otherwise provide to implement a Capital Improvement Program, to protect the physical infrastructure of the Town of Natick, to add new physical infrastructure, or to improve community assets; and, further, to determine whether this appropriation shall be raised by borrowing or otherwise; or to otherwise act thereon.

ARTICLE 15
West Natick Fire Station Appropriation of Funding
(Board of Selectmen)

To see what sum of money the Town will vote to appropriate, borrow, transfer from available funds or otherwise provide to be expended under the direction of the Board of Selectmen to design, develop, construct, furnish, and equip a new West Natick Fire Station (Fire Station #4), currently located at 268 Speen Street, Natick, Massachusetts, 01760, including all related facilities, buildings, appurtenant structures, site improvements, and grounds; or otherwise act thereon.

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

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

ARTICLE 17
Change Authority for Acquisition of 22 Pleasant Street Among Other Items
(Robert Awkward et al)

To see what action(s) the Town will take, under MGL Chapter 45 Section 14, or any other authority, either a) to create a committee appointed by the Moderator or b) to use one of the methods specified in MGL Chapter 45, including, without limitation, section 14 of MGL Chapter 45, and/or c) to authorize the Conservation Commission under MGL Chapter 40 including, without limitation, section 8 – c to negotiate for and to acquire the property known as 22 Pleasant Street, alternatively know as Map 64 Parcel 44, in Natick for park and playground purposes and/or conservation and/or passive recreation purposes as the case may be including without limitation:

1) a) to create such committee appointed by the Moderator as an action of Town Meeting and/or to amend the Town ByLaws to create and to empower such committee or commission and specify their powers and duties and or b) to create within the scope of MGL Ch 45 including, without limitation, section 14 a committee or commission and to provide for their appointment by elected officers or elected multiple member bodies, and c) to allow any committee or commission access to the services of Town counsel and town staff; and/or

2) to set the number, qualifications and terms of members of such committee or commission; and/or

3) to change the previous votes of town Meeting under Article 35 of Spring 2015 Annual Town Meeting, Article 29 of Spring 2016 Town Meeting, or any other previous warrant article and vote of Town Meeting in order, without limitation, to change the authority to negotiate from the Board of Selectmen to such new committee or commission or to elected parks commissioners or the Conservation Commission, to transfer the control over and the authority to expend funds under any and all existing appropriation authority from the Board of Selectmen to such committee of commission or the Conservation Commission, provided, however, that neither any existing appropriation nor any existing borrowing authorization nor the eminent domain authorization nor grant application nor grant application authorizations may be rescinded or reduced in any way under this warrant article; and/or

4) to see what additional sums of money the town may raise, transfer from available funds, appropriate and or authorize or raise from borrowing to accomplish the purposes of the acquisition of 22 Pleasant St. 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 up front in lump sum or an exclusive perpetual easement for the use of 22 Pleasant St. ; and/or

5) to change the condition or conditions of any of the previous votes of Town Meeting referenced in 3) above in order to change the purpose of those previous appropriations and votes to be consistent with this article, to remove the conditions in any of those previous

votes concerning letters of intent or any other matters, and/or to modify such conditions consistent with accomplishing the purposes of this article; and/or

6) to provide that whatever new committee of commission or the Conservation Commission is authorized under this article will also have access to Town Counsel and Town staff for the purposes of negotiating for and acquiring 22 Pleasant St.; and/or

or otherwise act thereon.

ARTICLE 18
Appropriate Funds for the Design and Development of Route 27 North Main Street
(Board of Selectmen)

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

ARTICLE 19
Capital Equipment
(Interim School Superintendent)

To see if the Town will vote to appropriate and raise, borrow or otherwise provide, a sum of money as may be required for capital equipment for the various departments of the Town of Natick; to determine whether this appropriation shall be raised by borrowing or otherwise; or otherwise act thereon.

Emergency Generator – Memorial Elementary School - $25,000
Natick High School Athletic Field Bleacher Repairs - $20,000
ADA Accessibility Wheelchair Ramp – Auditorium – Johnson Elementary School - $10,000

Total = $55,000

ARTICLE 20
Legal Settlement
(Interim School Superintendent)

To see if the Town will vote to raise and appropriate, or otherwise provide, the funds necessary to implement the Terms of a Legal Settlement Agreement/litigation outcomes between the Natick Public Schools and pending litigation regarding cases currently before the Massachusetts Court System/Massachusetts Arbitration System.

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

To see if the Town of Natick will vote to accept Massachusetts General Laws Chapter 64N, Section 3 to impose local sales tax upon sale or transfer of marijuana or marijuana products by a marijuana retailer operating within the Town of Natick, to anyone other than a marijuana establishment, at a rate not greater than 3 per cent of the total sales price received by the marijuana retailer, or to otherwise act thereon.

ARTICLE 22
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.

ARTICLE 23
Amend Zoning By-Law to create, extend, and/or modify the existing Temporary Moratorium Regarding Recreational Marijuana Establishments currently located in Section III-K: Marijuana Establishments of the Natick Zoning Bylaws
(Town Administrator)

To see if the Town will vote to amend the Natick Zoning By-Law pursuant to Chapter 334 of the Acts of 2016, subsequently amended, in part, by Chapter 351 of the Acts of 2016, entitled "An Act Further Regulating the Cultivation of Marijuana and Marihuana," and by Chapter 55 of the Acts of 2017, entitled "An Act to Ensure Safe Access to Marijuana" (collectively, the "Acts") by creating, extending and/or modifying an existing temporary moratorium regarding recreational marijuana establishments and related uses currently located in Section III-K: Marijuana Establishments of the Natick Zoning Bylaws. The existing moratorium is in effect through December 31, 2018 or six (6) months from the date of adoption of regulations to implement the Acts by the Cannabis Control Commission, whichever is later. The proposed extension and/or modification of the existing moratorium shall be in effect for a period up to, but not exceeding,

an additional six (6) months from December 31, 2018, unless said moratorium is extended, modified or rescinded by a subsequent action of Town Meeting; the purpose of said moratorium extension is to allow the Town of Natick adequate time to consider whether and/or how to allow, prohibit and/or regulate marijuana establishments and related uses as outlined in the Acts, in accordance with applicable state laws and regulations, and to undertake an appropriate planning process; or otherwise act thereon.

ARTICLE 24
Amend Town of Natick By-law Article 10: Board of Selectmen
(Board of Selectmen)

To see whether the Town will vote to amend the Town of Natick By-Laws, Article 10, Board of Selectmen by adding a new Section 5: Marijuana Licensing, the purpose of which shall be to create a local licensing process for Marijuana Establishments pursuant to G.L. c.94G Section 3 and 935 CMR 500, under the authority of the Board of Selectmen, to include provisions for regulations, hearings, applications, enforcement, limitation on licenses, and/or other requirements that may be adopted by the Board of Selectmen under such licensing authority; or otherwise act thereon.

ARTICLE 25
Amend Agreement with the South Middlesex Regional Vocational School District
(Board of Selectmen)

To see if the Town will vote to amend the agreement among the towns of Ashland, Holliston, Hopkinton and Natick and the City of Framingham with respect to Establishment of a Regional Vocational School District to incorporate prior amendments to said agreement, to eliminate outdated provisions, to recognize Framingham's change from a town to a city form of government, and to bring said agreement into alignment with the District's existing practices, in accordance with an April 23, 2018 executive summary, a copy of which is on file with the office of the Town Administrator; or otherwise act thereon.

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.
(Board of Selectmen)

To see if the Town will vote, supplementing the vote of the 2017 Fall Annual Town Meeting under Article 28, to authorize the Board of Selectmen to acquire easements over adjoining property, including without limitation property owned by the Massachusetts Audubon Society, Inc., for purposes to use of the former Sawin House Property at 79 South Street, Natick, shown on Town Assessor's Map 77, Lot 7, including vehicular and pedestrian access and egress, use of a septic system, vehicle parking, maintenance or removal of trees, and drawing water from a well; or otherwise act thereon.

ARTICLE 27
Prohibit Dog Kennels in Single Family Residential Zones RS and/or RG
(George Richards et al)

To see if the town will vote to:

1. Prohibit dog kennels in single family residential zones RS and/or RG.

2. Change Natick by-laws section III-A-2 Use Regulations, <u>Other Uses</u>, item 53 where a Dog Kennel may be allowed by special permit to reflect the prohibition of Dog Kennels in the RS and/or RG zones; i.e. replace "A" with an "O"

or take any other action with respect thereto.

ARTICLE 28
Amend Zoning By-Law to allow Indoor Amusement or Recreational Uses in Industrial Zoning Districts by Special Permit
(George Richards et al)

To see what action(s) the town will take to amend the Zoning By Law to allow Indoor Amusement or Recreational Uses (Use # 12 in Section III-A.2 of the Zoning By-Law) by special permit in some or all of the existing Industrial zoning districts, including but not limited to the following:

1) Whether to limit Use #12 by special permit to Industrial I and II zoning districts or only allow the use by special permit only in Industrial I zoning districts and/or

2) Whether to allow Use #12 by special permit to only one specific Industrial I zoned area, namely in the so-called "East Natick Industrial Park" on the east side of Oak Street , specifically including the following parcels (and including any further subdivision of these parcels) as identified 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, whether by limiting the floor area ratio of the recreational use, by way of creating a new Industrial zone, creating an overlay district, by footnote in the Use Regulation Schedule, and/or allowing the use elsewhere in the Zoning By-Law

or otherwise act thereon.

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

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

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

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

or otherwise act thereon

ARTICLE 30
Amend Town of Natick Zoning Map: Assisted Living Overlay Option Plan
(David Presutti et al)

To see if the town will vote to amend the Town of Natick Zoning Map as follows: By including an "Assisted Living Overlay Option Plan" overlay district on the land known as 89 Union Street, also known as Assessors parcel: Map 53, Parcel 32

Or take any other action relative thereto.

ARTICLE 31
Actions Pertaining to Acquisition and Preservation of the Town's Easements on Mechanic Street
(Board of Selectmen)

To see if the Town will vote to authorize the Board of Selectmen to acquire by gift, purchase, eminent domain or otherwise, any interest, whether by easements or otherwise, in all or part of Mechanic Street for any of the following: roads, sidewalks, vehicular and/or pedestrian access or passage, drainage and utilities or other purposes that Town Meeting may authorize, and, further, to authorize the Board of Selectmen to acquire, by easements or otherwise, interests in any of the parcels which abut Mechanic Street for the purposes of this article; and further, to see what sum of money the Town will vote to raise and appropriate, borrow, transfer from available funds or otherwise provide for the purposes of this article; or otherwise act thereon.

ARTICLE 32
Amend Natick Zoning By-Laws: Inclusionary Affordable Housing Requirements
(Planning Board)

To see if the Town will vote to amend the Natick Zoning Bylaws with regard to promoting Affordability in the town's housing stock and enabling and permitting the construction or development of Affordable Housing, as provided for in MGL c. 40B and defined in 760 CMR 56, by:

- Amend, modify, or add to Section 200 – Definitions, including without limitation defining any aspect of the provision(s) of affordable housing, affordable housing requirements, and/or provisions for housing that meets the Commonwealth's standards for inclusion on the Town's Subsidized Housing Inventory (SHI) (as defined in 760 CMR 56); and
- Replace, eliminate, or modify the following sections (including without limitations subsections and/or footnotes) within the Natick Zoning Bylaw that relate to minimum affordable housing requirements, affordability requirements, affordable housing provisions, and/or other affordable provisions/requirements (whether local or related to the Commonwealth's requirements for inclusion in the Subsidized Housing Inventory):
    - Section III-A.2 - Use Regulations Schedule
    - Section III-A.6.A - Inclusionary Housing Option Program (IHOP)
    - Section III-A.6.B – Housing Overlay Option Plan (HOOP)
    - Section III-D – Use Regulations for LC Districts
    - Section III.E – Downtown Mixed Use District
    - Section III-F – Cluster Development Allowed in Certain Districts:
        - 1.F – Town House Cluster Development
        - 2.F – Single-Family Town House Cluster Development
        - 3.F – Single-family Town House Cluster Development (RSC District)
        - 4.F – Cluster Development – AP and PCD Districts
        - 5.F – Comprehensive Cluster Development Option
    - Section III-I.1 – Assisted Living Residences
    - Section III-I.2 – Independent Senior Living Overlay Option Plan (ISLOOP)
    - Section III-J – Historic Preservation
    - Section 320 – Highway Overlay Districts

with a new Section V-J – Inclusionary Affordable Housing Requirements, which address the following topics:

- Purpose and Intent to encourage the development of affordable housing

- Applicability of mandatory provisions of affordable units
- Affordable housing unit requirements (on site and off site)
- Special permit requirements
- Fees-in-lieu of affordable unit requirements
- Density Bonus
- Maximum income and sell price provisions
- Preservation of affordability and restrictions on resale of units;

or otherwise act thereon.

ARTICLE 33
Establish Study Committee: 1.5% Test of Land Use
(Julian Munnich et al)

To see whether the Town will vote to establish a study committee of Town Meeting, appointed by the Moderator, to address, research, study, analyze and recommend regarding the issue and question of where the Town stands relative to and whether the Town has met and/or can meet its obligation under the so-called "1.5% test" of land use as defined and more specifically described in MGL c.40B §§ 20-23, 760 CMR 56 and/or related guidelines issued by DHCD or any office of the Commonwealth or established in any legal proceeding; and, without limitation:

1) To establish the number and/or qualifications of committee members to be appointed;

2) To establish the charge of said committee including, but not limited to:

   - Identify any and all components of the calculation and all individual parcels or acreage owned by the United States; the Commonwealth; or any political subdivision thereof; the Department of Conservation and Recreation or any state public authority; or where all residential, commercial, and industrial development has been prohibited by deed, decree, zoning or restrictive order of the Department of Environmental Protection pursuant to M.G.L. c. 131, § 40A; or is dedicated to conservation or open space whether under control or ownership by trusts, corporations, partnerships, private parties, or elsewise; or is contained in the Subsidized Housing Inventory; and the size of all bodies of water located within Natick;

   - Gather any other information necessary to analyze, evaluate, and calculate the Town's position relative to the 1.5% test;

   - Identify and recommend any zoning changes or other actions that might strengthen or improve the Town's position relative to meeting or exceeding this test;

   - Report its findings and recommendations to 2019 Fall Annual Town Meeting or such other date as Town Meeting shall establish provided, however, that this shall not preclude any preliminary or earlier report(s) to Town boards, committees, commissions, or to Town Meeting;

3) To authorize said committee to develop a database of properties to be included in and/or excluded from either the numerator or the denominator of the calculation;

4) To provide that said committee shall have access to Town Counsel and to Town staff, including but not limited to the Community and Economic Development, DPW (GIS), and Finance (Assessors) divisions and may utilize the services of outside consultants;

5) To provide for a method to engage any such outside consultant including, without limitation, a reserve fund transfer by the Finance Committee;

6) To see what sum of money the Town will appropriate to accomplish the purpose of said committee;

7) To set the term of said study committee to expire upon the dissolution of 2019 Fall Annual Town Meeting or such other date as Town Meeting shall establish unless otherwise extended by Town Meeting;

8) Said committee, being a multiple member body under the Town Charter, is authorized to sponsor warrant articles for any Annual or Special Town Meeting Warrant;

or otherwise act thereon.

ARTICLE 34
Amend Historic Preservation Zoning By-Law
(Joel Valentin et al)

To see what action(s) the town will take to amend the Historic Preservation By Law (Section III-J) so as to increase the amount of new construction allowed on a parcel whether based on the size of the parcel, excessive compliance of the structure and/or lot with underlying zoning requirements, restoration of the structure to its' original state and/or other regulatory requirements,

Or otherwise act thereon.

ARTICLE 35
Voting Requires Being Legal Resident of Massachusetts and this Municipality
(Tony Lista et al)

To see if the Town will vote to:

Amend its charter (section 7-7 sub section (I)) and bylaws, (article 1 town election and town meeting) by inserting the following language: "A person over the age of 18 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 qualification of M.G.L. Ch. 51, section 1

or otherwise act thereon.

ARTICLE 36
Amend Zoning By-Laws: Outdoor Lighting
(Planning Board)

To see if the Town will vote to amend the Town of Natick Zoning Bylaws by modifying Section V-I (Outdoor Lighting) and Section 200 (Definitions) to provide regulation of pole-mounted lighting.

Or otherwise act thereon.

ARTICLE 37
Amend Zoning By-Laws: Signage (Residential Zoning Districts)
(Planning Board)

To see if the Town will vote to amend the Town of Natick Zoning Bylaws by modifying Section V-H (Signs and Advertising Devices) and Section 200 (Definitions) to provide regulation of signage in Residential Zoning Districts for uses that are permitted as of right, by special permit, by variance, by pre-existing use, or uses exempted in MGL Chapter 40A, Section 3 from certain zoning restrictions.

Or otherwise act thereon.

ARTICLE 38
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
(Julian Munnich et al)

To see if the Town will vote to amend the Town of Natick Home Rule Charter, the Natick Town By-Laws, and the Town of Natick Zoning By-Laws to, including but not limited to adding new sections and/or definitions, and/or amending existing sections and/or definitions; to provide for the division and exercise of functions to other appointed or elected bodies:

-Pursuant to MGL c. 40A s.12, MGL c. 4 s. 7, MGL c. 43B s. 20, and MGL c. 40B s. 21 or otherwise; provide by amendment and/or addition including but not limited to the Article 3 Section 11 b of the charter to make the Planning Board responsible for hearing comprehensive permit applications under MGL Chapter 40 b s 20-23; divide the assignment of functions to other appointed or elected bodies;

-Pursuant to MGL c. 40 s. 32 or otherwise; provide by amendment and/or addition to the Natick Town By-Laws including, without limitation, in Article 10 Section 3 and Article 22 Section 5 such that they comport with the Natick Home Rule Charter, and/or establish the assignment of counsel to town boards;

-Pursuant to MGL c. 40A s. 5 or otherwise; provide by amendment and/or addition to the Town of Natick Zoning By-Laws such that they comport with the Natick Home Rule Charter;

Or otherwise act thereon.

ARTICLE 39
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.
(Julian Munnich et al)

To see if the Town will vote to amend the Town of Natick Home Rule Charter, the Natick Town By-Laws, and the Town of Natick Zoning By-Laws to; including but not limited to, adding new sections, and/or definitions, and/or amending existing sections and/or definitions, and/or providing for transition and implementation procedures; to provide for the division and exercise of functions to other appointed or elected bodies:

-Pursuant to MGL c. 40A s.12, MGL c. 4 s. 7, and MGL c. 43B s. 20 or otherwise; provide by amendment and/or addition to the charter, including but not limited to, in Article 3 for the appointment of members and associate members to the zoning board of appeals by a different appointing authority or in Article 3 for the election of a board of appeals, to change or to establish its number of members and associate members of the board of appeals; and/or to divide the assignment of functions to other appointed or elected bodies;

-Pursuant to MGL c. 40 s. 32 or otherwise; provide by amendment and/or addition to the Natick Town By-Laws such that they comport with the Natick Home Rule Charter, and/or to amend Article 22, including but not limited to Section 5, and/or Article 10, including but not limited to Section 3, of the Natick Town Bylaws, (respectively the Town Counsel and Board of Selectmen sections of the by-laws), including but not limited to Article 44 of the Natick Town By-Laws, and/or add new section to the By-Laws to: a) determine which multiple member bodies shall have the right to services of Town Counsel; and b) provide that multiple member bodies, and elected town officers, who are parties in interest or defendants in any matter connected to their official duties, shall have the right to bring and to settle legal action and to defense pertaining to such matters; and c) provide that the Board of Selectmen and Town Administrator not have authority to settle or to control such matters or to limit such control or involvement: and d) to determine the extent to which any or all multiple member bodies and/or elected town officers shall have rights to legal services and/or causes of action in connection with their official duties;

-Pursuant to MGL c. 40A s. 5 or otherwise; provide by amendment and/or addition or deletion to the Town of Natick Zoning By-Laws such that they comport with the Natick Home Rule Charter in regard to the appointment of the Zoning Board of Appeals, and division and exercise of functions;

Or otherwise act thereon.

ARTICLE 40
Amend the Town of Natick By-Laws: Create New Committee
(Daniel Sullivan et al)

To see what action the Town will take to amend the Town of Natick By-Laws ("the By-Laws"), consistent with and pursuant to Article 2, Section 11(e) of the Town of Natick Home Rule Charter ("Committees"), the Massachusetts General Laws, Chapter 39 §16 or any other authority, to add a new and/or to amend an existing Article(s) or Section(s) of the By-Laws, including without limitation:

i) to create a standing committee, appointed by the Moderator, for the purpose of study, review, recommendation and/or report to Town Meeting on zoning warrant articles, motions and related zoning matters in advance of and/or in connection with Town Meeting action; and

ii) to allow such committee to conduct studies and analyses of the Town for the purpose of providing information and reports to Town Meeting and the Town on zoning, land use and related matters; and

iii) to determine the name, size and composition of such committee and to specify the eligibility, term and/or qualifications for an individual to be a member of such committee; and

iv) to provide and/or to allow for such committee to provide input, report, advice and recommendation to the Finance Committee in connection with the Finance Committee's consideration of warrant articles and other matters before Town Meeting and/or the Town; and

v) to provide that such committee, in connection with its work, have access to Town Counsel whether such provision is made in a new article or section of the By-Laws or within Article 22 – Town Counsel, Section 5 (c) of the By-Laws; and

vi) to specify any other powers, duties or responsibilities of such committee;

vii) provided however that no member of any elected Board or the Zoning Board of Appeals shall be eligible to serve on said committee;

or otherwise act thereon.

ARTICLE 41
Snow Removal ByLaw
(Paul Griesmer, Joshua Ostroff, et al)

To see what action(s) the Town will take to help ensure public safety, access and convenience by amending Article 50 Section 18 and/or Article 92 of the Town ByLaws:

1) to clarify and/or to define, whether in whole or in part, what the term "public way(s)" shall mean for the purposes of Article 50 Section 18 or other purposes in the Bylaws, potentially including, without limitation, that the term "public way(s)" shall include streets to which the public has right of access; and/or
2) to change any fine in Section 18 to a different number or a schedule of fines for first and any enumerated or further list of offenses, and/or to add such fines or schedule to Article 92 of the ByLaws and provide a cross reference from Article 50 Section 18 to Article 92, and/or to delete or to modify subsection "a" in whole or in part and/or to add or to rearrange subsections within Article 18 to establish fines; and/or
3) to delete or to modify existing subsection "b" of Article 50 Section 18 and/or add new text in Article 50 Section 18; and/or
4) to insert a provision in subsection "b" or in a new subsection that no persons except employees and contractors of the Town in the lawful or authorized performance of Town snow removal duties, shall either move snow into and leave such snow within, or deposit and leave snow in any improved portion of i) any public sidewalk, ii) street or iii) public way or any part(s) thereof, so as to obstruct or impede regular snow removal operations of the Town; and/or
5) to provide that such prohibition above shall not prevent and shall not apply to the clearing, by persons other than Town employees or town contractors, of snow from either public ways, or improved sidewalk or street portions of public ways, where snow is or has been left un-

cleared by Town snow removal operations; provided that A) such snow clearing does not leave snow in sidewalks or streets areas already cleared by the Town, B) is incidental to or necessary for clearing access to private driveways, private sidewalks, private buildings or mailboxes and/or C) does not prevent or impede regular snow removal operations conducted by the Town to any greater extent than those regular Town snow removal operations would or should have done; and/or

6) to clarify or to define that "regular snow removal operations" refers to or means those snow removal operations, both which and in the manner they are regularly or routinely conducted by the Town in a timely manner practicable after a snowstorm; and/or

7) to make any other changes to the text of the Bylaws consistent with accomplishing the general purposes of this article, which purposes include, without limitation, the goals of ensuring public safety, access and convenience; allowing the Town to clear snow efficiently and effectively from improved sidewalks, streets or other portions of public ways; and of allowing residents and private property owners the ability to clear access to their properties;

or otherwise act thereon.

ARTICLE 42
Technical Changes to Charter and By-Laws
(Paul Griesmer et al)

To see what action(s) the Town will take to amend the Town of Natick Home Rule Charter and/or the Town of Natick By-Laws ("the By-Laws"), to add new definitions, to amend existing articles and/or sections, whether by adding new language, removing existing language, changing exiting language or otherwise, and/or to add new articles and or sections including without limitation:

1) to restore, in whole or in part, or otherwise to provide new requirements within Article 7 Section 9 (a) of the Charter the provisions for calling meetings of multiple member bodies and notification to members including potentially, but not limiting the foregoing, a) that such meetings be called by the i) Chair, Vice Chair and/or secretary/clerk of the multiple member body and /or ii) 1/3 of the members of the multiple member body and b) that a minimum of 48 hours or 2 day notice, including the agenda items and/or then available advance materials, be given to each member of the multiple member body and/or c) that subsequently available advance materials be given to all members either in advance or at the same time; and/or

2) to clarify in Article 3 of or elsewhere in the Bylaws or the Charter a) that the Finance Committee public hearings on the proposed budget and its individual elements as described in and/or discussed in Article 5 Fiscal Procedures of the Charter and/or as contemplated in Article 23 of the Bylaws shall be required public hearings within the meaning of and subject to the requirements of Town Meeting Time, and/or b) that such public hearing requirements of Town Meeting Time shall also apply to or pertain to the subject matter of any related warrant article or portion thereof which includes any element of the proposed budget whether such preceding clarification(s) is(are) new or for the avoidance of any doubt and/or misunderstanding, and /or c) to allow Town Meeting, by 4/5ths or other greater super majority vote or unanimous consent, to consider part(s) of the proposed budget which have not been so heard by the Finance Committee or to prohibit, within the Bylaws or charter, such consideration until after the required public hearing is held and/or e) to determine whether the provisions of this paragraph of this warrant article shall also apply to all financial warrant articles and/or other warrant articles which are not part of the proposed provided that any such requirement(s) must also apply to all of the elements and/or items of the proposed budget; and/or

3) to create a definition of "resident" and /or "taxpayer" and/or to clarify that such terms mean only "of the Town of Natick" and/or to clarify the meaning of "of the Town of Natick"; and/or

4) to determine and or to define, without limitation, whether "resident" shall a) be defined in accordance with existing Federal, state or other statutes, regulations, legal requirements and/or practices of residency and/or b) be limited to or consist solely of individual human beings and/or to specify that any person registered to vote in a community other than the Town of Natick is not considered a resident of the Town; and/or

5) to determine and/or to define, without limitation, whether “taxpayer” shall a) be limited to or consist of real estate, personal property and/or other types of taxpayers, b) be limited to or consist of current taxpayers or taxpayers within the current fiscal year or other period(s) to be specified, c) to define whether taxpayer means and/or includes i) the actual payer of the tax, ii) the owner on whose behalf the tax is paid, iii) the owner of property who has paid tax or is subject to taxation, including taxes accruing and/or payable, d) to define whether the assessor’s records and/or registry of deeds shall be conclusive for determining taxpayer status and/or e) to provide that taxpayers who no longer own property in the Town will not be considered taxpayers even if they paid tax within the current fiscal year; and/or

6) to determine whether these or any other new or existing definitions shall apply a) throughout the charter, b) for the purposes of specified articles and/or sections of the charter with such specific sections, if any, to be determined under this warrant article, c) throughout the ByLaws and/or d) for the purposes of specified Articles or sections of the ByLaws with such specific sections, if any, to be determined under this warrant article; and/or

7) to amend Charter Article 2 Section 10 (c) to a) completely re write this section, b) amend any wording within this section in whole or in part, c) to change the word “participate” in this section to “speak” or some other more limited term or verb, d) to change or delete the words “in the proceedings” so that the actions contemplated therein i) be limited to speaking and/or to other specified acts of participation, ii)) specifically exclude the ability to make motions and/or iii) be modified/limited in some further or other manner; and/or

8) to provide that corporate and/or other taxpayers who are not individual human beings shall a) be able to participate within the meaning of Charter Article 2 Section 10 (c) only through their officers and/or directors as listed with the Corporations Division of the Secretary of State of the Commonwealth, b) to i) limit such taxpayers in the previous clause to one or some other number of speaker(s) and/or ii) provide that such taxpayers shall be considered to be speaking for a second or further time when any officer or director of such corporation or legal entity seeks to be recognized for a second or further time on an article or motion in the basis of standing as a taxpayer, and/or c) to preclude non-resident and or non-taxpayer representatives, attorneys and/or agents of such taxpayers and/or of any resident from speaking without permission of Town Meeting, whether these changes in this paragraph are made i) within Article 2 of the Charter, ii) the text of new or existing definitions in the Charter and/or Bylaws, iii) within Article 3 of the Bylaws and/or other appropriate Article or section of the charter or bylaws; and/or

9) to change Charter Article 7 Section 9 b so that the members of the public be changed to or defined as residents or taxpayers, as defined, and /or as contemplated elsewhere within this warrant article and/or to provide or to limit the subjects about which questions may be asked, opinions stated and/or information exchanged be limited and/or to determine the manner, type or extent of such limitation(s) and/or to require that any such topics be limited to matters which are within the i) official scope, authority, reach, extent, purview, depth, width, responsibility, jurisdiction, role and/or responsibility of a multiple member body and/or ii) current practice of such multiple member body and/or to define current practice whether within the aforesaid section or elsewhere in the charter or Bylaws and/or iii) to provide that current practice of a multiple member body shall be measured only from the most recent annual and/or once a year reorganization of a multiple member body; and/or

10) to clarify in Article 3 of or elsewhere in the Bylaws or the charter a) that the Finance Committee public hearings as discussed in Article 5 Fiscal Procedures of the Charter and/or as contemplated in Article 23 of the Bylaws shall be public hearings at which only residents and /or taxpayers, as defined, shall have the right to speak and/or be heard, that persons who are not residents or not taxpayers may be heard only with the permission of the Finance Committee as contemplated for rules provided elsewhere within this warrant article for multiple member bodies; and/or

11) to amend the Charter to allow the representative Town Meeting by ByLaw i) to create uniform rules for all multiple member bodies with regard to any of the subject matter in Article 7

section 9(b) of the Charter, ii) to create and apply such rules to certain multiple member bodies only and/or iii) to create and apply such rules to all multiple member bodies with specific exceptions; and/or

12) to create and to apply any other definitions within all or certain parts of the charter and /or bylaws to accomplish the purpose(s) of this warrant article;

or otherwise act thereon.

The above articles are to be acted upon and determined exclusively by Town Meeting Members in accordance with Chapter 2 of the Acts of 1938 and Amendments thereto and the Town Charter and subject to the referendum provided thereby.

And you are directed to serve this Warrant by causing an attested copy of said Warrant to be posted in the Post Office in said Natick; and at the following public places in said Natick, to wit: Precinct 1, Reliable Cleaners, 214 West Central Street; Precinct 2, Cole Recreation Center, 179 Boden Lane; Precinct 3, Kennedy Middle School, 165 Mill St.; Precinct 4, Lola's, 9 Main Street; Precinct 5, Wilson Middle School, 22 Rutledge Road; Precinct 6, East Natick Fire Station, 2 Rhode Island Avenue; Precinct 7, Lilja Elementary School, 41 Bacon Street; Precinct 8, Natick High School, 15 West Street; Precinct 9, Community Senior Center, 117 East Central Street and Precinct 10, Memorial Elementary School, 107 Eliot Street.

Above locations being at least one public place in each Precinct, in the Town of Natick, and also posted in the Natick U.S. Post Office, Town Hall, Bacon Free Library and Morse Institute Library seven days at least before October 16, 2018; also by causing the titles of the articles on the Warrant for the 2018 Fall Annual Town Meeting to be published once in the Newspaper called "The MetroWest Daily News," with notice of availability of an attested copy of said Warrant, said Newspaper published in the Town of Natick and said publication to be August 24, 2018.

Hereof fail not and make due return of this Warrant with your doings thereon to the Town Clerk at or before the time appointed for holding said meeting.

Given under our hands this, 20th Day of August, 2018.

_____	_____	_____
AMY K. MISTROT	SUSAN G. SALAMOFF	MICHAEL J. HICKEY, JR
Chair	Vice Chair	Clerk
_____	_____	
JONATHAN H. FREEDMAN	RICHARD P. JENNETT, JR	
Member	Member	

Board of Selectmen for the Town of Natick

Certified copies of the Warrant are available at the Office of the Town Clerk, Natick Town Hall, 13 East Central St., Natick, MA between the hours of 8:00 a.m. – 5:00 p.m., Monday through Wednesday; 8:00 a.m.-7:00 p.m. on Thursday and 8:00 a.m.-12:30 p.m. Friday; the Warrant may also be accessed from the Town web site www.natickma.gov.

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

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

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

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

ARTICLE 7
Transfer of Unexpended Bond Proceeds
(Town Administrator)

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

MOTION A: (Two-thirds vote required)

Move that the sum of $500,000 is appropriated to pay costs of construction of the Replace Groundwater Wells, and for the payment of all costs incidental and related thereto, which project was approved by vote of the Town under Article 14, Motion D of the Warrant at the 2018 Annual Spring Town Meeting, and that to meet this appropriation, $500,000 is transferred from a portion of the balance of the amount previously appropriated and borrowed by the Town under Article6 Motion C of the Warrant at the 2007 Annual Fall Town Meeting to pay costs of Phase 5 Relining, which amount is no longer needed to complete the project for which it was originally borrowed. The amount authorized to be borrowed by the Town pursuant to Article 14, Motion D of the Warrant at the 2018 Annual Spring Town Meeting, but not yet borrowed by the Town, shall be reduced to the extent of the funds transferred to this project by this vote.

MOTION B: (Two-thirds vote required)

Move that the sum of $667,000 is appropriated to pay costs of construction of the Fox Hill Drive Water Main, and for the payment of all costs incidental and related thereto, which project was approved by vote of the Town under Article 14, Motion D of the Warrant at the 2018 Annual Spring Town Meeting, and that to meet this appropriation, $316,621.52 is transferred from a portion of the balance of the amount previously appropriated and borrowed by the Town under Article9 of the Warrant at the 2006 Annual Spring Town Meeting to pay costs of Sewer Speen, North Main, Park Project, which amount is no longer needed to complete the project for which it was originally borrowed and that $150,106.21 is transferred from a portion of the balance of the amount previously appropriated and borrowed by the Town under Article 17 of the Warrant at the 1998 Annual Fall Town Meeting to pay costs of Waterline Lakeshore Project ; $138,276.33 is transferred from a portion of the balance of the amount previously appropriated and borrowed by the Town under Article6 Motion C of the Warrant at the 2007 Annual Fall Town Meeting to pay costs of Phase 5 Relining, which amount is no longer needed to complete the project for which it was originally borrowed and $61,995.94 from Water & Sewer retained earnings. The amount authorized to be borrowed by the Town pursuant to Article 14, Motion D of the Warrant at the 2018 Annual Spring Town Meeting, but not yet borrowed by the Town, shall be reduced to the extent of the funds transferred to this project by this vote.

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

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

Motion: No Action

ARTICLE 11
Rescind Authorized, Unissued Debt
(Town Administrator)

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

Motion: No Action

ARTICLE 12
Unpaid Bills
(Town Administrator)

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

Motion: No Action

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

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

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

MOTION:

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

COMMUNITY AND ECONOMIC DEVELOPMENT

BUILDING

PLANNING

ZONING

CONSERVATION

MEMORANDUM

TO: Patrick Hayes, Chair, Natick Finance Committee

FROM: Jamie Errickson, Director

DATE: September 10, 2018

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

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

Included in the North Main Street project are:

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

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

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

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

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

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

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

Bullets 1 & 2:
In June 2018, additional unanticipated field work was requested by MassDOT in May to include and inform the 75% design submission. This included conducting test pit investigations along the Rt 27 North Main Street corridor to better understand the location of underground utilities that are to be impacted, replaced, and/or moved as part of this project. This field work cost approximately $30,000 to complete, which is reflected in the budget below.

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

Bullets 3 & 4:
CED Staff has also updated the project budget to reflect two additional items that were not anticipated at the time of the 2018 Spring Town Meeting. These include legal services necessary to secure the Right of Way (ROW) and "Construction Oversight Services".

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

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

The updated project budget is outlined below:

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

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

Notes:

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

Construction Costs (FFY 2019)

FFY 2019	$12,688,000	80/20 Federal/State funding

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

ARTICLE 18
Appropriate Funds for the Design and Development of Route 27 North Main Street
(Board of Selectmen)

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

2018 Fall Annual Town Meeting

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

Motion (Requires Two Thirds Vote)

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

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

To see if the Town of Natick will vote to accept Massachusetts General Laws Chapter 64N, Section 3 to impose local sales tax upon sale or transfer of marijuana or marijuana products by a marijuana retailer operating within the Town of Natick, to anyone other than a marijuana establishment, at a rate not greater than 3 per cent of the total sales price received by the marijuana retailer, or to otherwise act thereon.

ARTICLE 21

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

	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.);
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: • Interested parties were notified in a timely way and had a chance to participate in the process, that • Appropriate town Boards & Committees were consulted • Required public hearings were held
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

	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.
12	If this Warrant Article is not approved by Town Meeting what are the consequences to the Town and to the sponsor(s)? Please be specific on both financial and other consequences.
Response	The Town will not receive revenue from the Tax on the sale of Adult Use Marijuana.

ARTICLE 22
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.

[redacted]

ARTICLE 22

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.

DRAFT

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).

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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.

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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.

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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. .

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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.

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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.

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2018 Fall Annual Town Meeting
ARTICLE 22
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: Not withstanding any other provision of this Bylaw, 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.

ARTICLE 22

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)*

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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.

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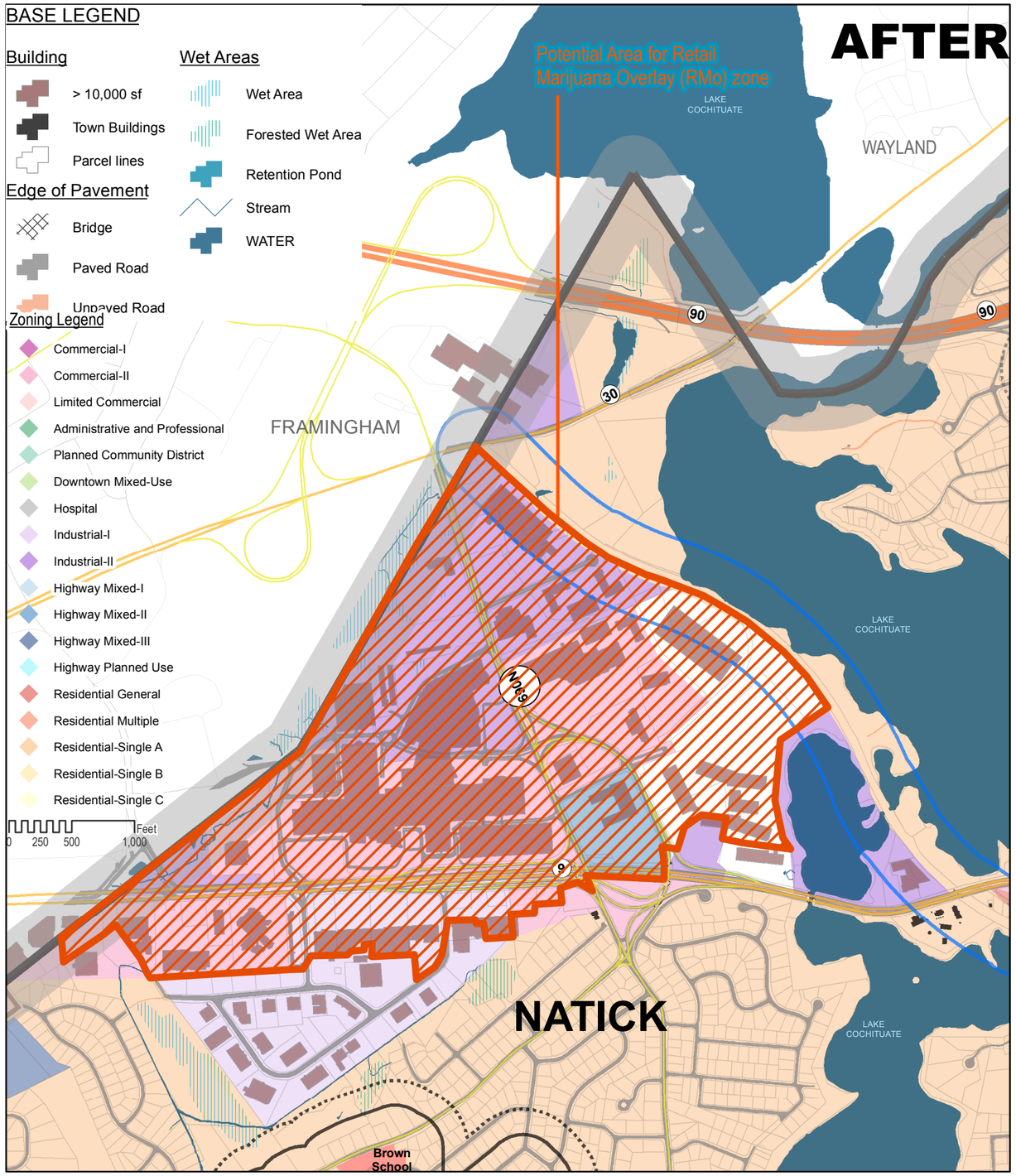
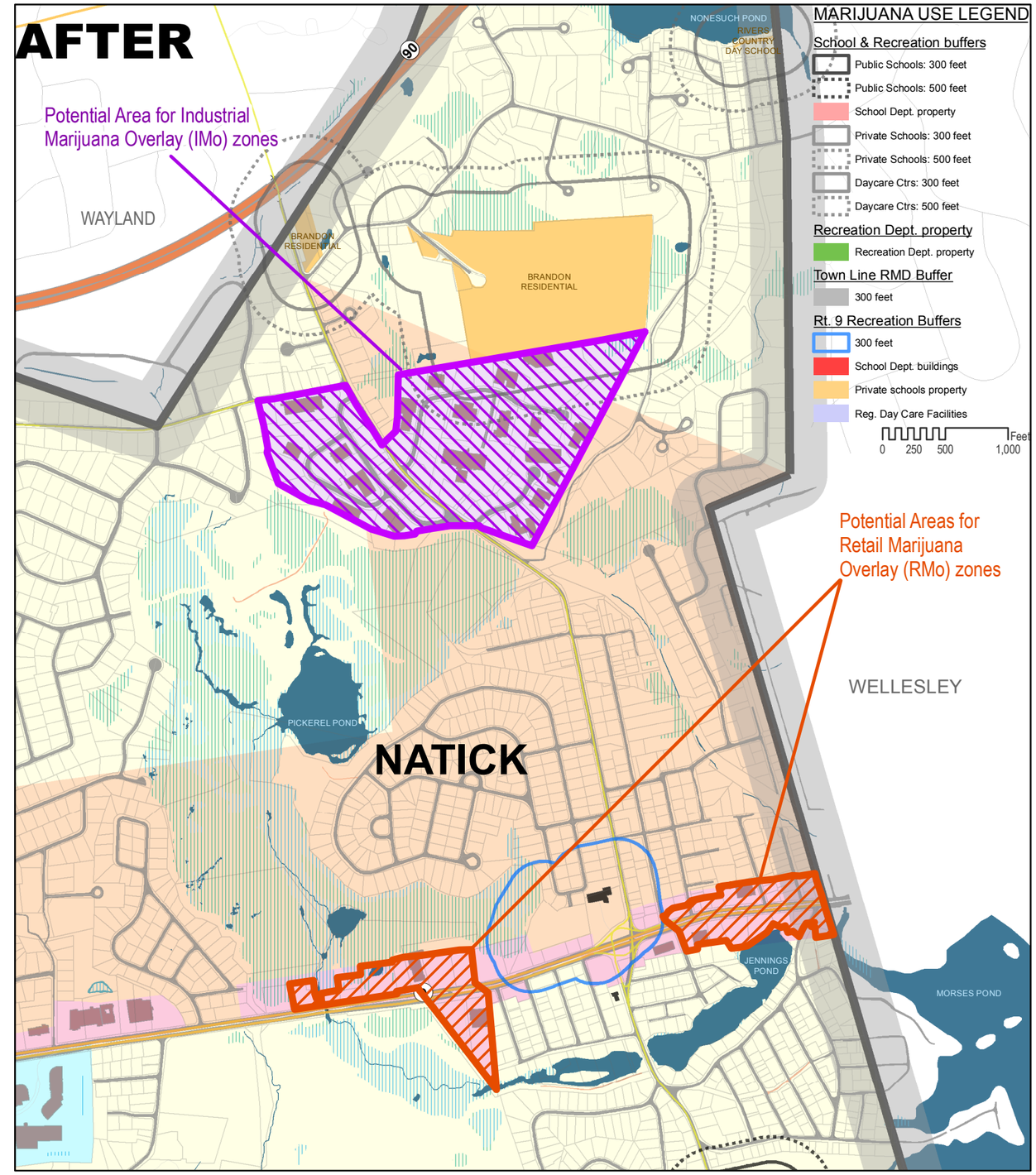




Natick MA: Rt 9 Corridor, Potential Adult Use Marijuana Overlay Zones, 2018

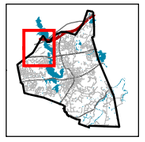
Community & Economic Development Department

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.

0 500 1,000 Feet 2,000

1 inch = 1,000 feet

NORTH



Warrant Article Questionnaire
Citizen Petitions & Non Standard Town Agency Articles

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

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

Question	Question
1	Provide the article motion exactly as it is intended to be voted on by the Finance Committee.
Response	Please see motions attached
2	At a summary level and very clearly, what is proposed purpose and objective of this Warrant Article and the required Motion?
Response	To establish zoning bylaws to regulate the use of Adult Use Marijuana in Natick, and to determine through zoning map changes where the use is allowed.
3	What does the sponsor gain from a positive action by Town Meeting on the motion?
Response	Nothing.
4	Describe with some specificity how the sponsor envisions how: the benefits will be realized; the problem will be solved; the community at large will gain value in the outcome through the accompanied motion?
Response	The zoning will serve to preserve the character of the community and create a place for the public to have access to legal marijuana while mitigating community impact. This bylaw should serve as a guide that will support the public's right to access legal marijuana, protect the public health, safety, and well-being and expand new growth for the tax base.
5	How does the proposed motion (and implementation) fit with the relevant Town Bylaws, financial and capital plan, comprehensive plan, and community values as well as relevant state laws and regulations
Response	The motion will create a new section to the Town's zoning bylaws.

6	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.);
Response	Yes – though since no project is before the Town for review, site specific impacts will be reviewed per the proposed zoning bylaw.
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, and the Planning Board as the SPGA outlined in the zoning bylaw.
8	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, that • Appropriate town Boards & Committees were consulted • Required public hearings were held
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, 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.
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	Other similar Towns that are choosing to regulate adult use marijuana are also considering the adoption local zoning similar to the proposed bylaw.
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	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.

ARTICLE 23

Amend Zoning By-Law to create, extend, and/or modify the existing Temporary Moratorium Regarding Recreational Marijuana Establishments currently located in Section III-K: Marijuana Establishments of the Natick Zoning Bylaws
(Town Administrator)

To see if the Town will vote to amend the Natick Zoning By-Law pursuant to Chapter 334 of the Acts of 2016, subsequently amended, in part, by Chapter 351 of the Acts of 2016, entitled "An Act Further Regulating the Cultivation of Marijuana and Marihuana," and by Chapter 55 of the Acts of 2017, entitled "An Act to Ensure Safe Access to Marijuana" (collectively, the "Acts") by creating, extending and/or modifying an existing temporary moratorium regarding recreational marijuana establishments and related uses currently located in Section III-K: Marijuana Establishments of the Natick Zoning Bylaws. The existing moratorium is in effect through December 31, 2018 or six (6) months from the date of adoption of regulations to implement the Acts by the Cannabis Control Commission, whichever is later. The proposed extension and/or modification of the existing moratorium shall be in effect for a period up to, but not exceeding, an additional six (6) months from December 31, 2018, unless said moratorium is extended, modified or rescinded by a subsequent action of Town Meeting; the purpose of said moratorium extension is to allow the Town of Natick adequate time to consider whether and/or how to allow, prohibit and/or regulate marijuana establishments and related uses as outlined in the Acts, in accordance with applicable state laws and regulations, and to undertake an appropriate planning process; or otherwise act thereon.

ARTICLE 23

Amend Zoning By-Law to create, extend, and/or modify the existing Temporary Moratorium Regarding Recreational Marijuana Establishments currently located in Section III-K: Marijuana Establishments of the Natick Zoning Bylaws (Town Administrator)

Motion

Move to amend the Natick Zoning By-Law Section III-K: Marijuana Establishments to amend the expiration date of the moratorium to June 30, 2019, as follows:

To amend Section III-K(C) by replacing

"…in effect through December 31, 2018 or six (6) months from the adoption of regulation to implement the Acts by the Cannibis 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

	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.);
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: • Interested parties were notified in a timely way and had a chance to participate in the process, that • Appropriate town Boards & Committees were consulted • Required public hearings were held
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.

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	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.
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	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.

ARTICLE 24
Amend Town of Natick By-law Article 10: Board of Selectmen
(Board of Selectmen)

To see whether the Town will vote to amend the Town of Natick By-Laws, Article 10, Board of Selectmen by adding a new Section 5: Marijuana Licensing, the purpose of which shall be to create a local licensing process for Marijuana Establishments pursuant to G.L. c.94G Section 3 and 935 CMR 500, under the authority of the Board of Selectmen, to include provisions for regulations, hearings, applications, enforcement, limitation on licenses, and/or other requirements that may be adopted by the Board of Selectmen under such licensing authority; or otherwise act thereon.

ARTICLE 24

Amend By-law Article 10: Board of Selectmen

(Town Administrator)

Motion:

Move that the Town amend Article 10: Board of Selectmen of the Town of Natick By-laws by adding a new Section 5: Marijuana Licensing, as follows:

Section 5 MARIJUANA LICENSING

5.1 Marijuana License Required. No person shall carry on the business operating an Adult Use Marijuana Establishment as defined in G.L. c.94G and 935 CMR 500, including the cultivation, processing, packaging, delivering, manufacturing, branding, selling or otherwise transferring or testing marijuana or marijuana products within the Town unless first duly licensed thereof by the Board of Selectmen, which license shall be renewed by said Marijuana Establishment annually.

5.2 Host Community Agreement Required. Any Marijuana Establishment operating within the Town shall at all times have a valid Host Community Agreement and operate in accordance with the terms and provisions thereof.

5.3 Regulations. The Board of Selectmen may adopt rules and regulations related to the issuance of such licenses, including the fees to be paid therefore and the conditions to be satisfied by any applicant for such a license.

5.4 Applications. Applicants for a license shall file an application on a form provided by the Board of Selectmen, signed under the penalties of perjury by the applicant, containing such information as the Board of Selectmen may reasonably require from time to time. Each applicant shall pay an application fee as may be reasonably determined from time to time by the Board of Selectmen.

5.5 Limitation on Licenses: The number licenses issued for Adult Use Marijuana Retailers, as defined in G.L. c.94G, §1 and 935 CMR 500.00, shall be limited to twenty percent (20%) of the number of licenses issued within the Town for the retail sale of alcoholic beverages not to be drunk on the premises where sold pursuant to G.L. c.138 §15. In the event that 20% of said licenses is not a whole number, the limit shall be rounded up to the nearest whole number.

5.6 Hearing. The Board of Selectmen shall hold a public hearing within 60 days of receipt of a completed application, with due written notice provided to the applicant of the time, date and location where such application will be heard.

5.7 Enforcement. The Board of Selectmen may issue orders as appropriate to aid in the enforcement of this regulation and may enforce these provisions in equity, including the request for injunctive relief, in a court of competent jurisdiction. Any failure to comply with any order issued hereunder shall result in the issuance of a formal warning. Any failure to comply with such a warning shall result in a fine of $100.00. Any failure to comply after the issuance of said fine may be punishable by a subsequent fine of $300.00. Each day of a continued non-compliance shall constitute a separate violation. Further, the

Board of Selectmen may hold a hearing, with notice to the licensee, to determine if such license should be modified, suspended or revoked.

Warrant Article Questionnaire
Citizen Petitions & Non Standard Town Agency Articles

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

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

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

6	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.);
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 bylaw amendment and the Board of Selectmen as the proposed licensing authority.
8	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, that • Appropriate town Boards & Committees were consulted • Required public hearings were held
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 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.
12	If this Warrant Article is not approved by Town Meeting what are the consequences to the Town and to the sponsor(s)? Please be specific on both financial and other consequences.
Response	The 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".

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

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

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

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

or otherwise act thereon

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

MOTION:

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

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

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

Amy Mistrot <amistrot@natickma.org> Thu, Sep 13, 2018 at 7:46 AM
To: Selectmen <selectmen@natickma.org>

Hi All,
See below for context going into tonight's FC meeting.
Thanks,
Amy

From: Melissa Malone <mmalone@natickma.org>
Date: September 13, 2018 at 6:29:38 AM EDT
To: Patrick Hayes <phayes.fincom@natickma.org>
Cc: Bill Chenard <Chenard@natickma.org>, John Townsend <jtownsend@natickma.org>
Subject: Re: Materials for Sept 13 Meeting

Good morning - thank you for forwarding along the information. We will not have time to provide written responses before this evening. But will endeavor to provide as much information this evening and will then provide written information re same. I can provide a status of where we are with the answers by around 4:30 if that is helpful. MMalone

Sent from my iPhone

On Sep 13, 2018, at 2:49 AM, Patrick Hayes <phayes.fincom@natickma.org> wrote:

Folks,

A number of material questions from Ms. Collins across a number of articles. Normally I wouldn't disclose who was the requesting member but in the interest of time and my morning schedule I'm forwarding this on quickly.

Cathi is copied so she knows her questions were forwarded without the benefit of being masked.

I would appreciate any responses to the questions in writing in advance. Lacking time for that I'd request you provide the answers extemporaneously to Igor and follow up with a written response for the record.

Patrick.

Sent from my iPhone

Begin forwarded message:

From: Cathleen Collins <cmcfincom@gmail.com>
Date: September 12, 2018 at 11:20:26 PM EDT
To: Patrick Hayes <phayes.fincom@natickma.org>
Subject: Re: Materials for Sept 13 Meeting

Patrick -

I can live without getting questionnaires for several Town sponsored articles IN THIS CASE ONLY IF we receive any comments the sponsors intend to make in writing and in advance. I believe that these comments should be part of the written historical record - which may or may not be completely captured in our minutes but, more importantly would be available to the public without waiting for our minutes, especially given the significant number of articles this go around. In addition, I have the following questions specific to particular articles and motions that I would ask the Administration be prepared to address if they are unable to provide answers in advance (understanding that I have not yet had the opportunity to carefully review Articles 22 or 23 yet):

Article 5
1. Is the required quantum still 2/3 for putting $$ into a trust fund (as opposed to a stabilization fund)?
2. I haven't been able to check previous motions so forgive me if I'm off base but is "the purpose of funding the (OPEB Trust) the correct language? Isn't this $272,500 meant to supplement the funding? The way I read the language in the proposed motion, one could argue or at least tie TM in knots that after this vote we would only have $272,500 in the trust.
3. How much did we originally intend to add to the trust? I thought it was about $500,000 or so?
4. Assuming we add the $272,500 what will the balance in the trust be (other than woefully short of our liability)?

Article 7, Motions A&B -
1. When were the projects for which we previously borrowed money and now propose to transfer unexpended funds to new projects completed? The projects in Motion A were authorized in 1998, 2006, 2007 and the projects noted in Motion B were authorized by TM in 2007. How much was originally authorized by TM? What amount was originally borrowed? By what amount did the actual borrowing exceed the actual cost of the project? How much were the accepted bids for the three projects included in Article 14, Motion D of 2018 SATM?
2. Both motions state that they desire to transfer monies "from a portion of the balance of the amount previously appropriates and borrowed …" so the natural follow-up question is, assuming these motions pass, what will the remaining portion of the balance of unexpended debt be? If the answer is anything more than nothing, do we have plans as to what we will use these other monies?
3. How much interest have the W&S ratepayers been charged (in total and average ratepayer or some other understandable metric such as gallons) because we borrowed in advance only to discover we didn't need to borrow that much?
4. Article 14, Motion D of 2018 SATM authorized a total W&S borrowing of $2,017,000 ($667,000 for Fox Hill Drive Water Main; $500,000 to Replace Ground Water Wells;
$850,000 for the East Central Water Main Abandonment). Therefor, since Motion A seeks to transfer $500,000 of unexpended bond proceeds to fund the replacement of ground water wells, shouldn't this transfer of $500,000 completely offset the $500,000 included in the 2018 SATM borrowing authorization for this project? If so, is there a more direct way to address this than the last sentence of Motion A?
5. Motion B proposes the use of $61,995.94 of W&S Retained Earnings to supplement the previously borrowed funds. Are we certain that there are no other instances of unexpended and unneeded previously borrowed funds in the W&S Enterprise fund that could be used here? How much will be left in W&S Retained Earnings if this passes?
6. Since the W&S Enterprise Fund was not created until Spring 2002, are we certain that the $150,106.12 from the 1998 borrowing authorization belongs to the W&S Enterprise Fund rather than the General Fund?
7. If both motions pass, am I correct that the $2,017,000 authorized at 2018 SATM would be reduced to $850,000?
8. Understanding that in order to re-appropriate unexpended bond proceeds from one project to another project, the two projects must have a similar useful life, how many other cases of previously borrowed unexpended proceeds do we have in the a) General Fund, b) W&S Enterprise Fund and c) Golf Course Enterprise Fund? What are the useful lives of each of these cases? How much do they total in each fund?
9. Given that we have several instances where we over borrowed funds, have we determined how we were so off in so many instances and what controls do we now have in place to prevent a reoccurrence of this problem?
10. Since Article 9 of 2006 SATM was actually the re-appropriation of previously borrowed but unexpended proceeds, do we need to identify the original voted articles in Motion B? For example, the Speen Street Water main relining was originally voted under Article 11 of 2004 FATM in the amount of $1,700,000. Under Article 9 of 2006 SATM, $1,158.000 was identified as the Speen Street relining project. However I cannot find any reference in the voted motion to

funding anything on North Main Street or the Park Project in Article 9 of 2006 SATM. It does appear in the write-up, however, that $687,669.86 of previously issued but unneeded and unexpended bond proceeds (originally issued 4/15/2002) related to water main work “in North Main Street, Bacon Street, etc.” were “released” to partially fund Article 9 of the 2006 SATM but the 2006 Annual Town Report identifies the original action by TM to appropriate funds and authorize the borrowing for this project as having occurred under Articles 13 & 14 of the 2011 SATM (4/10/11). That date is clearly wrong but makes it difficult to review the original vote of TM, however, if these monies were re-appropriated in 2006, how can they also be re-appropriated in 2018?
11. Since Article 14, Motion D of 2018 SATM identifies the 3 projects and amounts making up the total voted appropriation and authorization in the amount of $2,017,000, could these motions be combined into a single motion?

Article 11 (Rescind Authorized Unissued Debt)
Doesn’t Article 7 (above) essentially rescind authorized unissued debt without ever using the word? Do we use “reduce” in Article 7 and request “No Action” here because rescinding under Article 7 could be out of scope?

Article 21
Speaking for myself, I believe the Article language is more clear and provides more information, such as “sale or transfer of marijuana or marijuana products by a
marijuana retailer:” why wouldn’t we include it in the motion?

Article 24
The answer to item 9 of the questionnaire (Why is it required?) states that it is not required. If this article is not required but TM amends the by-laws to permit Retail Adult Use Marijuana Businesses, what regulations would determine the process for Natick? Is this by-law duplicative of the Host Community Agreement process? How does the Motion for Article 24 differ from those regulations?

Article 29
1. Why did the BOS decide to place this article on the warrant? In other words, what is wrong with the current process?
2. I know that MGL c. 39 s. 10 limits a town to requiring signatures of no more than 100 registered voters in order to place an article on a special town meeting warrant unless the Town votes for some lesser number of signatures or, in our case, is silent on the issue. Why does the BOS believe we should adopt this maximum rather than some number greater than 10 but less than 100?
3. Doesn’t this change significantly disadvantage citizens as compared to the several 5-member boards who could place an article on a special town meeting warrant with the support of only 3 people by requiring citizen’s petitions to gather the support of more than 33 times as many people to place an article on a special TM warrant?

Thanks, Cathi
[Quoted text hidden]

ITEM TITLE: Wanderlust Content, Inc.: Request to Reschedule Filming of Commercial on Chester, Sheridan, & Avon Streets and Lincoln Street Extension

ITEM SUMMARY:

ATTACHMENTS:

Description	Upload Date	Type
Request to Reschedule	9/11/2018	Cover Memo
New Police Recommendation	9/12/2018	Cover Memo
Original Request & Police Recommendation	9/5/2018	Cover Memo
Map	9/1/2018	Cover Memo

To whom this may concern,

This letter is to inform the Town of Natick that the Wanderlust Content commercial shoot, scheduled for Monday Sept. 10th, 2018, has been postponed. Forecasts show high chances of rain on the 10th and 11th, which would be highly problematic to our filming due to all of it taking place outside. With permission from the town, we would like reschedule our project to Monday September 17th, with the 18th as a weather back up. Thank you again for your accommodation and we look forward to hearing back from you.

WANDERLUST CONTENT, INC
Boston MA
617.335.5669

Eric D'Amario
Principal / Executive Producer
eric@wanderlustcontent.com

Jared Larner
Location Scout
jlarner1986@gmail.com

GENERAL INQUIRIES
contact@wanderlustcontent.com

WANDERLUST

Patricia O'Neil <poneil@natickma.org>

Postponed

4 messages

Jared Larner <jlarner1986@gmail.com> Fri, Sep 7, 2018 at 6:17 PM
To: "poneil@natickma.org" <poneil@natickma.org>

Hey Trish, I attached a somewhat formal looking document explaining whats going on. Everything is the same besides being pushed back one week. Have a great weekend!

Sent from Mail for Windows 10

Postponed.docx
47K

Patricia O'Neil <poneil@natickma.org> Mon, Sep 10, 2018 at 8:26 AM
To: Brian Lauzon <lauzon@natickpolice.com>

Brian, Wanderlust postponed their date. The Selectmen are meeting on 9/13 so I will try for that agenda. Will your recommendations remain the same?
[Quoted text hidden]
--
Trish O'Neil
Executive Assistant
Town of Natick
13 East Central Street
Natick, MA 01760
P: 508-647-6410
F: 508-647-6401
poneil@natickma.gov
www.natickma.gov

Postponed.docx
47K

Brian Lauzon <lauzon@natickpolice.com> Tue, Sep 11, 2018 at 2:30 PM
To: Patricia O'Neil <poneil@natickma.org>

Trish,

Our recommendations will remain the same, but will add that they need to contact me so that we can re-organize our efforts.

Respectfully,

Lt. Brian G. Lauzon
[Quoted text hidden]

Patricia O'Neil <poneil@natickma.org> Wed, Sep 12, 2018 at 10:42 AM

To: Brian Lauzon <lauzon@natickpolice.com>

Okay, thanks. I just emailed Jared Larner and asked him to contact you. If you have any additional recommendations after speaking with him, please let me know. Thanks.

[Quoted text hidden]

Patricia O'Neil <poneil@natickma.org>

Permit for Filming in/around Chester St.

12 messages

Jared Larner <jlarner1986@gmail.com> Fri, Aug 31, 2018 at 12:27 PM
To: "poneil@natickma.org" <poneil@natickma.org>

Hi Trish,

This is Jared with Wanderlust Content Inc, we just spoke on the phone about acquiring a filming permit. I've listed the important info below and I've attached some photo's of the area we want to shoot in. Thanks so much for your help!

We would like to shoot on the sidewalk or street of the following streets in Natick, MA

- Chester St
- Sheridan St
- Avon St
- Lincoln Street Extension

I've attached a shooting map which highlights in YELLOW the areas we would need street/sidewalk access. The GREEN highlighted houses are the one that will have their exteriors featured.

Our crew will be about 15 people. As a side note I was wondering if you could point me in the right direction as to who manages Coolidge Field. We would love to rent it for parking and to set up catering for lunch.

If you guys have any questions please feel free to contact myself or the Executive Producer Eric D'Amario, I've listed both our contacts below.

Thanks again so much,

Jared Larner

Location Scout

jlarner1986@gmail.com

(508)685-1651

Eric D'Amario

Executive Producer

eric@wanderlustcontent.com

https://www.wanderlustcontent.com

Sent from Mail for Windows 10

ASCENSUS_NATICK MAP.pdf
21278K

Patricia O'Neil <poneil@natickma.org> Fri, Aug 31, 2018 at 1:26 PM
To: Jared Larner <jlarner1986@gmail.com>

Jared, what date are you interested in?
[Quoted text hidden]
--
Trish O'Neil
Executive Assistant
Town of Natick
13 East Central Street
Natick, MA 01760
P: 508-647-6410
F: 508-647-6401
poneil@natickma.gov
www.natickma.gov

Jared Larner <jlarner1986@gmail.com> Fri, Aug 31, 2018 at 1:28 PM
To: Patricia O'Neil <poneil@natickma.org>

My apologies, it would be on the 10th of September, with a rain reschedule for the 11th, next day.

[redacted]

[redacted]

[redacted]

Brian Lauzon <lauzon@natickpolice.com> Tue, Sep 4, 2018 at 11:33 AM
To: Patricia O'Neil <poneil@natickma.org>

Trish,

I have spoken with the applicant Jared Lerner and he has agreed that we will meet on site this Thursday, September 6th, at 1pm to finalize any public safety conditions we may require. Jared has also agreed, at our request, to submit written permission for any private or personal property to be filmed as a result of this project. This being said we would recommend that the Board approve this request contingent upon the above.

Respectfully,

Lt. Brian G. Lauzon
[Quoted text hidden]

ASCENSUS SHOOTING MAP
NATICK MA

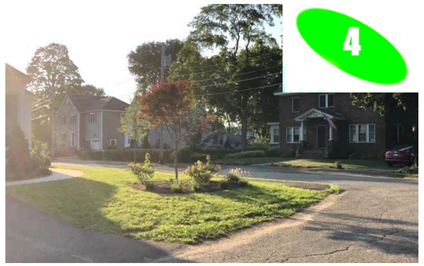
* all locations are pending clearance

1

2

3

3B



4

drone

5

5alt

5alt

drone

- Hero Locations to clear
- Neighbors to clear for inconvenience