



TOWN OF HOLLISTON  
PLANNING BOARD  
TOWN HALL

OFFICE OF THE  
TOWN CLERK  
HOLLISTON, MASS.

HOLLISTON, MASSACHUSETTS 01746

2021 APR -7 AM 9:57

**PUBLIC HEARING NOTICE**

In accordance with MGL, c. 40, s. 5, the Planning Board will conduct a public hearing via remote participation pursuant to the Governor's Order suspending certain provisions of the Open Meeting Law (G.L.C. 30A, s. 18) at 7:30 p.m. on Thursday, April 29, 2021. The Board will consider the following Zoning By-Law amendments:

1. Delete Section VIII – Temporary Moratorium on Recreational Marijuana Retailers in its entirety. The effective date of the temporary moratorium has expired (June 15, 2019). Actions of the Special Town Meeting in October 2018 prohibits Marijuana Retailers in all zoning districts (Section III.G.8).
2. Amend Section III.F.2 Large-scale solar power generation system by allowing the use by Special Permit in the AR-1, AR-2, and R-1 zoning districts where it is currently prohibited.

For meeting attendance, connect to Zoom at <https://zoom.us/j/288221782>, meeting password 13579. You can also join by phone by calling: 1-646-558-8656 (meeting ID 288221782, password 13579). Application materials are available on the Planning Board's webpage <https://www.townofholliston.us/planning-board> under Upcoming Public Hearings and may be viewed during regular business hours at the Town Hall. You may contact the Town Planner at (508) 429-0635 or through the webpage staff contact e-mail. All interested parties are invited to attend or submit written comments.

David Thorn, Chairman

## **ZONING ARTICLE : TEMPORARY MORATORIUM ON RECREATIONAL MARIJUANA RETAILERS**

**ZONING ARTICLE** : To see if the Town will vote to amend the Zoning Bylaw by deleting Section VIII - Temporary Moratorium on Recreational Marijuana Retailers. The effective date of the temporary moratorium has expired (June 15, 2019). Actions of the Special Town Meeting in October 2018 prohibit Marijuana Retailers in all zoning districts.

### **~~SECTION VIII. TEMPORARY MORATORIUM ON MARIJUANA RETAILERS~~**

#### **~~VIII A PURPOSE.~~**

~~By vote at the State election on November 8, 2016, the voters of the Commonwealth approved a law entitled the Regulation and Taxation of Marijuana Act, Regulation of the Use and Distribution of Marijuana Not Medically Prescribed, as amended by Chapter 351 of the Acts of 2016 and Chapter 55 of the Acts of 2017, codified in G.L. c. 94G (the "Act"), regulating the control, production and distribution of marijuana under a system of licenses and regulations. In May, 2017, the Town voted affirmatively, through a local ballot measure, to prohibit Marijuana Retailers in the Town of Holliston. Thereafter, HB 3818 was enacted, which modified the process to prohibit Marijuana Retailers. The Town has reviewed its original ballot vote to prohibit Marijuana Retailers and has, as a conservative measure, drafted a bylaw regarding the same. To ensure its enforceability, this bylaw must be ratified by a second ballot vote which cannot occur until the Annual Town Election occurring in the Spring of 2019. This bylaw, and a companion bylaw allowing other types of Marijuana Establishments, including Cultivators, Product Manufacturers, and Testing Facilities, is being presented to Town Meeting concurrently with this moratorium. Consequently, the Town intends to adopt a temporary moratorium on the use of land and structures in the Town for Marijuana Retailers to permit the Town to ratify its prohibitive bylaw through a local ballot measure as required by Chapter 94G.~~

#### **~~VIII B DEFINITIONS~~**

- ~~1. All terms herein shall have the meanings set forth in the Act.~~

#### **~~VIII C TEMPORARY MORATORIUM~~**

~~For the reasons set forth above, and notwithstanding any other provision of the Zoning Bylaw to the contrary, the Town hereby adopts a temporary moratorium on the use of land or structures for Marijuana Retailers as defined by the Act, which shall not include Medical Marijuana Treatment Centers, Marijuana Cultivators, Marijuana Product Manufacturers, or Marijuana Testing Facilities. No building permit, special permit, variance, site plan or other permit may be issued under this zoning by law for the purpose of establishing Marijuana Retailers. The moratorium shall remain in effect through June 15, 2019. During the moratorium period, the Town shall prepare a ballot question for approval of the voters at the Annual Town Election in May, 2019.~~

Or take any action relative thereto.

Sponsor: Planning Board by vote on January 30, 2020

Article : To see if the Town would vote to amend the Zoning By-Laws at Section III (F)(2) to require large-scale solar power generation systems to acquire a Special Permit. Current by-law prohibitions are not consistent with provisions of MGL, c. 40A, s. 3 “Dover Amendment” with regard to solar access. (Note: Existing notations shown in ~~striketrough~~ text and proposed shown in ***bold italic***.

F. ENERGY RELATED USES	District							
	AR-1	AR-2	R-1	VR	C-1	VC	I	APT
2. Large-scale solar power generation system	<del>N</del> <b><i>SP</i></b>	<del>N</del> <b><i>SP</i></b>	<del>N</del> <b><i>SP</i></b>	N	SP	N	SP	N