



TOWN OF HOLLISTON
PLANNING BOARD
TOWN HALL

OFFICE OF THE
TOWN CLERK
HOLLISTON, MASS.

2018 SEP 14 AM 10: 54

HOLLISTON, MASSACHUSETTS 01746

PUBLIC HEARING NOTICE

In accordance with the provisions of MGL, c. 40A, s. 5, the Holliston Planning Board will hold a public hearing on October 4, 2018 at 7:30 p.m. in the Selectmen's Meeting Room of Town Hall, 703 Washington Street to receive comments on the following proposed amendments to the Holliston Zoning By-Laws:

Amend Section I-E Definitions to include Marijuana Establishment, including Craft Marijuana Cultivator Cooperative, Marijuana Cultivator, Marijuana Product Manufacturer, Marijuana Retailer, and Marijuana Testing Facility.

Amend Section VIII – Temporary Moratorium on Marijuana Establishments (Retailers only until June 15, 2019 pending results of the Annual Town Election in May 2019).

Amend Section III(G) Industrial Use Regulations to add 7. Marijuana Establishments (all types other than retailers) as a use allowed by Special Permit in the Industrial zoning district.

Amend Section III(G) Industrial Use Regulations to add 8. Marijuana Retailers as a use prohibited in every district.

Amend Section VIII Site Plan Review, subsection 2.b.v. to require Site Plan Review for any new, expanding or converting Marijuana Establishment or Medical Marijuana Treatment Center/Registered Marijuana Dispensary.

The complete text of these proposed amendments are on file at the Office of the Town Clerk and at the Planning Board Office, Town Hall, 703 Washington Street and are available for inspection during regular business hours. They are also posted on the Town's website at www.townofholliston.us. All interested parties are encouraged to attend the hearing and/or submit written commentary.

David Thorn, Chairman

ARTICLE FOR TOWN MEETING

ARTICLE : To see if the Town will vote to accept as public ways, Johnson Drive (Station 30+50 to Station 33+42), Kingsbury Drive (Station 0+00 to Station 26+00 including Emergency Access Drive Sta. 0+15 to 2+60) and Metcalf Drive (Station 0+12 to Station 5+16), as shown on the plans entitled "Acceptance Plan 'Evergreen Square Subdivision', Holliston, MA" Sheets 1 to 4 dated July 25, 2017 (revised thru September 10, 2018), prepared by GLM Engineering Consultants, Inc., 19 Exchange, Holliston, MA 01746, such ways having been laid out as Town Ways by the Board of Selectmen;

or take any action relative thereto.

Sponsor: Planning Board

This article is submitted in accordance with a vote of the Planning Board taken at a meeting held on September 10, 2018.

Karen Sherman
Town Planner

ZONING BYLAW ARTICLE: DEFINITIONS.

ARTICLE : To see if the Town will vote to amend the Zoning Bylaw at Section I-E
DEFINITIONS to define terms as follows:

Marijuana Establishment: A cultivator, marijuana testing facility, marijuana product manufacturer, marijuana retailer or any other type of licensed marijuana-related business, all as defined the Massachusetts General Laws, Chapter 94G, said Marijuana Establishments shall be deemed independent of any other definition in this by-law and not a subset or subcategory of any other category.

Craft Marijuana Cultivator Cooperative: A marijuana cultivator comprised of residents of the commonwealth organized as a limited liability company or limited liability partnership under the laws of the commonwealth, or an appropriate business structure as determined by the commission, and that is licensed to cultivate, obtain, manufacture, process, package and brand marijuana and marijuana products to deliver marijuana to marijuana establishments but not to consumers, as defined the Massachusetts General Laws, Chapter 94G.

Marijuana Cultivator: An entity licensed to cultivate, process and package marijuana, to deliver marijuana to marijuana establishments and to transfer marijuana to other marijuana establishments, but not to consumers, as defined the Massachusetts General Laws, Chapter 94G.

Marijuana Product Manufacturer: An entity licensed to obtain, manufacture, process and package marijuana and marijuana products, to deliver marijuana and marijuana products to marijuana establishments and to transfer marijuana and marijuana products to other marijuana establishments, but not to consumers, as defined the Massachusetts General Laws, Chapter 94G.

Marijuana Retailer: An entity licensed to purchase and deliver marijuana and marijuana products from marijuana establishments and to deliver, sell or otherwise transfer marijuana and marijuana products to marijuana establishments and to consumers, as defined the Massachusetts General Laws, Chapter 94G, further provided that Marijuana Retailers may not be considered Retail Business in any other context.

Marijuana Testing Facility: An entity licensed to test marijuana and marijuana products, including certification for potency and the presence of contaminants, as defined the Massachusetts General Laws, Chapter 94G.

ZONING ARTICLE : TEMPORARY MORATORIUM ON RECREATIONAL MARIJUANA RETAILERS

ZONING ARTICLE : To see if the Town will vote to amend the Zoning Bylaw by amending Section VIII - Temporary Moratorium on Recreational Marijuana Establishments to extend the same for Marijuana Retailers only, as follows:

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 pass any vote or take any action relative thereto.

ZONING BYLAW ARTICLE: SITE PLAN REVIEW.

ARTICLE : To see if the Town will vote to amend the Zoning Bylaw by amending SECTION VI- SITE PLAN REVIEW, subsection 2.b.v., by inserting the text shown in *italics*:

v. No new drive-thru facilities, *new or expanded Medical Marijuana Treatment Center/Registered Marijuana Dispensary, new or expanded Marijuana Establishment, conversion of or expansion of a Medical Marijuana Treatment Center/Registered Marijuana Dispensary to a Marijuana Establishment,* or non-accessory solar energy generation systems shall be allowed except in conformity with a site plan bearing an endorsement of approval by the Planning Board.