

TOWN OF HOLLISTON  
SPECIAL TOWN MEETING  
OCTOBER 29, 2018  
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TOWN OF HOLLISTON  
SPECIAL TOWN MEETING  
OCTOBER 29, 2018

The Special Town Meeting of October 29, 2018 was held at the High School Auditorium and brought to order by Moderator Jacqueline Dellicker at 7:35 with a quorum of 103

The moderator read the warrant and went over the preliminary rules for Town Meeting and then read the following motion as required by the Town By-Laws.

**PRIOR TO ARTICLE 1**

**MOTION:** Moved that the following non-resident Town officials, consultants to committees and petitioners be allowed to speak during the course of this Special Town Meeting:

|                  |                                     |
|------------------|-------------------------------------|
| Scott Moles      | Health Director/Agent               |
| Leslie McDonnell | Library Director                    |
| Mary Bousquet    | Treasurer/Collector                 |
| Kathryn Peirce   | Principal Assessor                  |
| Peter Tartakoff  | Building Inspector                  |
| Brad Jackson     | Superintendent of Schools           |
| Peter Botelho    | Assistant Superintendent of Schools |
| Dan MacLeod      | Director of Learning Technology     |
| Sean Reese       | DPW Director                        |
| Tom Smith        | Highway Superintendent              |
| Karen Sherman    | Town Planner                        |
| Matt Stone       | Police Chief                        |
| Dona Walsh       | Animal Control Officer              |
| Chris Meo        | Technology Director                 |
| Jeff Ritter      | Town Administrator                  |
| Sharon Emerick   | Town Accountant                     |
| Mark Frank       | Parks & Recreation                  |
| Jackie Winer     | Youth & Family Services             |
| Ryan Clapp       | Conservation Agent                  |
| Kate Feodoroff   | Town Counsel                        |

**SECONDED**

**DISCUSSION:** Our Town By-Laws require that the Town Meeting vote to allow non-residents and non-voters to address the Town Meeting.

**VOTE:** Passed by unanimous voice vote.

**ARTICLE 1.** To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money for the purpose of supplementing various accounts of the Town's Fiscal Year 2019 annual budget, previously voted by the Town under Article 16 of the Warrant for the 2018 Annual Town Meeting; or take any action relative thereto. **(Board of Selectmen)**

**MOTION:** Moved that the Town vote to raise and appropriate the following changes in the fiscal year 2019 Omnibus Budget:

- 1.) \$25,000 for the Fire Department for Advanced Life Support (ALS) Intercept Service;
- 2.) \$2,835 for the Parks Department to add an Additional 5 Hours to the current position;
- 3.) \$45,826 to fund the Police Union Contract;

for a total of \$73,661 be transferred for these purposes or to take any action relative thereto.

**SECONDED**

**DISCUSSION:** Ken Szajda, 676 Fiske St., gave an overview of the Warrant before Town Meeting.

**VOTE:** Passed by unanimous voice vote to accept Article 1 as stated in the motion.

**ARTICLE 2.** To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money for the Stabilization Fund; or take any action relative thereto. **(Board of Selectmen)**

**MOTION:** Moved that the Town vote to appropriate \$1,000,000 to the Stabilization Fund from Free Cash.

**SECONDED**

**DISCUSSION:** None

**VOTE:** Passed by unanimous voice vote to accept Article 2 as stated in the motion.

**ARTICLE 3.** To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money for the Capital Expenditure Fund; or take any action relative thereto. **(Board of Selectmen)**

**MOTION:** Moved that the Town vote to appropriate \$1,937,566 from Free Cash to the Capital Expenditure Fund.

**SECONDED**

**DISCUSSION:** None

**VOTE:** Passed by unanimous voice vote to accept Article 3 as stated in the motion.

**ARTICLE 4.** To see if the Town will vote to authorize the Board of Selectmen to hold a public auction and or sale for the purpose of disposing of surplus departmental equipment; or take any action relative thereto. **(Board of Selectmen)**

**MOTION:** Move that the Town authorize the Selectmen to sell, any and all surplus equipment by auction or otherwise.

**SECONDED**

**DISCUSSION:** None

**VOTE:** Passed by unanimous voice vote to accept Article 4 as stated in the motion.

**ARTICLE 5.** To see if the Town will vote to appropriate and/or transfer from available funds, or borrow a sum of money for the purpose of capital expenditures, including replacement and of old vehicles and equipment, for the following departments: Board of Selectmen, School Committee, Department of Public Works (Highway), Police and Fire Departments and authorize the Board of Selectmen to trade or sell used equipment toward part of the purchase price; or take any action relative thereto. **(Board of Selectmen)**

**MOTION:** Moved that the Town vote to appropriate \$985,337 from the Capital Expenditure Fund for the following items;

|   |                      |
|---|----------------------|
| \$185,000 for Structural Firefighting Gear,         | (Fire Department);   |
| \$35,000 Utility Task Vehicle (UTV),                | (Fire Department);   |
| \$275,000 Roof Replacement (1750 Washington Street) | (Selectmen);         |
| \$23,000 Wastewater Treatment Plant Repairs         | (Selectmen);         |
| \$13,828 Radio Work Stations (3)                    | (Police Department); |
| \$93,600 Two (2) Police Vehicle (Equipped)          | (Police Department); |

|  |                       |
|--|-----------------------|
| \$141,909 One (1) Replacement Truck            | (Highway Department); |
| \$100,000 Energy Management System (EMS)       | (Schools)             |
| \$40,000 Exterior Auditorium Wall Repairs      | (Schools)             |
| \$30,000 Cleaning Machine (Field House)        | (Schools)             |
| \$28,000 Maintenance Vehicle                   | (Schools)             |
| \$20,000 Furniture and Other Material Upgrades | (Schools)             |
| Total  | \$985,337             |

for a total of \$985,337 from the Capital Expenditure Fund for the purposes detailed above.

**SECONDED**

**DISCUSSION:** None

**VOTE:** Passed by unanimous voice vote to accept Article 5 as stated in the motion.

**ARTICLE 6.** To see if the Town will vote to transfer from available funds a sum of money for the purpose of reducing the amount of money to be raised through property taxes for fiscal year 2019; or take any action relative thereto. **(Board of Selectmen)**

**MOTION:** Moved that the Town vote to indefinitely postpone this Article.

**SECONDED**

**DISCUSSION:** None

**VOTE:** Passed by unanimous voice vote to indefinitely postpone Article 6 as stated in the motion.

**ARTICLE 7.** To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money for the purposes of contracting Professional Services for the inspection, data input and valuation of Commercial, Industrial, Mixed Use and Personal Property; or take any action relative thereto. **(Board of Assessors)**

**MOTION:** Moved that the Town transfer from Free Cash \$54,900 for the purposes of contracting Professional Services for the inspection, data input, and valuation of Commercial, Industrial, Mixed Use and Personal Property.

**SECONDED**

**DISCUSSION:** None

**VOTE:** Passed by unanimous voice vote to accept Article 7 as stated in the Motion.

**ARTICLE 8.** To see if the town will vote to appropriate \$97,000 in Fiscal Year 2019 from the Community Preservation Fund Housing Reserve and \$128,000 from the Community Preservation Fund's General Reserve to the Holliston Affordable Housing Trust to provide affordable housing in Holliston and for the administrative and contract support thereof, subject to the execution of a Housing Grant Agreement between the Holliston Housing Trust and the Town of Holliston; or take any action relative thereto. **(Community Preservation Committee)**

**MOTION:** Moved that the Town vote to appropriate \$97,000 in Fiscal Year 2019 from the Community Preservation Fund Housing Reserve and \$128,000 from the Community Preservation Fund's General Reserve to the Holliston Affordable Housing Trust to provide affordable housing in Holliston and for the administrative and contract support subject to the execution of a Housing Grant Agreement between the Holliston Housing Trust and the Town of Holliston.

**SECONDED**

**DISCUSSION:** None

**VOTE:** Passed by unanimous voice vote to accept Article 8 as stated in the Motion.

**ARTICLE 9.** 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. **(Planning Board)**

**MOTION:** Moved to accept the street acceptances as it is printed in the Warrant and to authorize the Selectmen to take any and all actions associated therewith, including the acceptance of deeds and appurtenant easements with respect thereto.

**SECONDED**

**DISCUSSION:** Jay Leary, 146 Karen Cir., asked for the Planning Board's recommendation. Jay Marsden, Chair BOS, stated that they are holding a driveway Bond.

**VOTE:** Passed by unanimous voice vote to accept Article 9 as stated in the Motion.

**ARTICLE 10.** To see if the Town will vote to authorize the Board of Selectmen to enter into up to a five (5) year contract with the selected vendor(s) for the removal of trash and recycling, or take any action relative thereto. **(Board of Selectmen)**

**MOTION:** Moved to accept the article as it is printed in the Warrant.

**SECONDED**

**DISCUSSION:** Gretchen Rice, 98 Dalton Rd., asked if there could be pick up on the Rail Trail. Mr. Marsden responded that it would be something that could be explored with the Trails Committee, at a later date. Barbara Gardner, 114 Jennings Rd., inquired about a more aggressive composting program, which could reduce the amount of trash being picked up. Mark Ahronian, 107 Concord St., said that the newly formed Recycling Committee will be looking into our options and making recommendations. Marty Lamb, 57 Wingate Rd., would like to see a Penalty Clause added to the contract for nonperformance. John Cronin, 40 Holly Ln., stated that such a clause is currently in place, and will be in the next contract. Ann Louise Hanstad, 8 Cassandra Ln., inquired if we would be considering Single Stream Recycling. Mr. Marsden responded that it is part of what the Sustainable Waste and Recycling Committee is tasked with.

**VOTE:** Passed by unanimous voice vote to accept Article10 as stated in the motion.

**ARTICLE 11:** To see if the Town will vote to authorize the Board of Selectmen to enter into up to a five (5) year contract with the selected vendor(s) for the management of Pinecrest Golf Course grounds and restaurant service, or take any action relative thereto. **(Board of Selectmen)**

**MOTION:** Moved to accept the article as it is printed in the Warrant

**SECONDED**

**DISCUSSION:** Ken Szajda, 676 Fiske St., urges Town Meeting to vote no on this Article, because he feels there is no need to exceed the State Mandated 3 yr. contract. Jay Marsden, 32 Wendy Ln., would like to have the flexibility to go to a 5 year contract, if they feel it is warranted, where it could give the vendor a sense of stability for future planning. It would also give the Town a better chance at attracting more quality vendors with the longer contract.

**VOTE:** Article 11 failed by voice call vote.

**ARTICLE 12:** To see if the Town will vote to authorize the Board of Selectmen to petition the General Court for Special Legislation entitled, "Town of Holliston Economic Development Funding Program", authorizing the Town of Holliston to establish a grant and loan



fund for the purpose of creating economic development tools and activities and to further authorize the Holliston Economic Development Committee to adopt rules and regulations for the management, acceptance and distribution of funds under the Act.

Said Legislation to read as follows:

An Act Creating the Town of Holliston Economic Development Funding Program

Be it enacted by the Senate and the House of Representatives, in General Court assembled, and by the authority of the same as follows, provided, however, that the General Court may make clerical or editorial changes of form only to the bill, unless the Board of Selectmen approve amendments to the bill before enactment by the General Court, and provided further that the Board of Selectmen is hereby authorized to approve amendments which shall be within the scope of the general public objectives of this petition.

Town of Holliston Economic Development Funding Program

It is hereby established in the Town of Holliston an Economic Development Funding Program which will create a loan and grant fund from which individuals or businesses may apply to borrow funds or receive grants for use on private property, and notwithstanding any other law to the contrary the Town of Holliston shall be permitted as hereinafter set forth, to create an Economic Development Funding Program for the purposes set forth below and to be administered and carried out in accordance herewith.

- I. Purpose: The overall purpose of the Town of Holliston Economic Development Funding Program ("Program") shall be to provide assistance to private businesses and individuals in order to encourage and facilitate economic growth and development, including the creation of jobs, the improvement and enhancement of buildings and infrastructure and to increase the value of the real estate tax and general tax base.
- II. Administration: The Program shall be administered by the Holliston Economic Development Committee, which shall adopt rules and regulations, following at least a fourteen (14) day notice and a public hearing. Said rules and regulations shall establish the qualifications for receipt of a loan or grant from the Program including, but not limited to, eligibility thresholds, terms of a loan, operations, administration and other matters necessary to implement and carry out the Program.
- III. Funding: The Town shall be permitted to appropriate funds to support the Program and the Board of Selectmen shall be permitted to accept gifts of funds to support the Program to be held in a special revenue account. The Economic Development Committee, with the approval of the Board of Selectmen, shall be permitted to establish sub-categories within the special revenue account for a particular purpose established hereunder. All revenues received, including repayment of loan proceeds, shall be held year to year in the special revenue account and all interest attributable thereto shall be credited to said account.

- IV. Programs: The Economic Development Committee, with the approval of the Board of Selectmen, may establish programs hereunder, through regulation, such as sign and façade improvements, rent, utility and equipment support, leasehold improvements, operating capital, acquisition of land and buildings, new construction, building

**Article 12 cont. pg. 3**

renovation, landscape and property improvements, machinery and equipment purchases and soft cost expenses related to real estate development. Except as noted above, funds may not be used for improvements to the interior of the business premises or to sidewalks or public walkways.

- V. Expenditure: The Economic Development Committee, with the approval of the Board of Selectmen, shall be permitted to award grants and issue loans to businesses and individuals who qualify and are eligible in accordance with the rules and regulations of the Program to be used on private property. Notwithstanding the foregoing, no such grant or loan shall be made until the Economic Development Committee has adopted rules and regulations as noted in Section II above.
- VI. Reporting: The Economic Development Committee shall annually provide a report to the Town including, but not limited to, the amount of donations or appropriations received, amount of grants or loans made and to whom, and the balance of the funds of the Program,  
or take any other action relative thereto. **(Board of Selectmen/Economic Development Committee)**

**MOTION:** Moved to accept the article as it is printed in the Warrant.

## **SECONDED**

**DISCUSSION:** Matt Colletti, 31 Summit Pointe Dr. stated that he is a member of the Economic Development Committee and the purpose of this article is to create a Grant Program to support new and existing small businesses in Town through donations from any source, not necessarily Town Funds. Ken Szajda, 676 Fiske St. noted that section 3 states that “The Town shall be permitted to appropriate funds to support the Program”. The Finance Comm. is concerned with that language and is willing to work with the Economic Dev. Comm. to come up with a mutually agreeable structure. Therefore he urges Town Meeting to vote against this article.

**Jay Marsden, 32 Wendy Ln., made a motion to Indefinitely Postpone Article 12, it was seconded and voted.**

**VOTE:** Passed by unanimous voice vote to indefinitely postpone Article 12.

**ARTICLE 13:** To see if the Town will vote to authorize the Board of Selectmen to grant a certain easement in the Commonwealth of Massachusetts, County of Middlesex, Town of Holliston, situated on Washington Street and shown as Driveway Easement on a plan entitled

“Easement Plan in Holliston, Massachusetts...” Scale 1”=60’ dated August 29, 2018, prepared by Beal’s and Thomas Inc. More particularly bounded and described as follows:

Beginning at the most northwesterly corner of said easement, being the northeasterly corner of land now or formally of Neel F. Southwick, also being on the southerly side of Washington Street, thence running along Washington Street;

Westerly along a curve to the right having a radius of 1970.00 feet and a central Angle of 00 20’ 56”, an arc distance of 12.00 feet to a point, thence Turning and running;

S11 54’ 27” E 60.09 feet to a point, thence turning and running;

N23 22’ 00” W 60.11 feet along land now or formally of Southwick to the point and place of beginning.

Containing 359 square feet more or less, or 0.008 acres, more or less, or to take any action relative thereto. **(Board of Selectmen)**

**MOTION:** Moved to accept the article and convey the easement as it is printed in the Warrant.

**SECONDED**

**DISCUSSION:** None

**VOTE:** Passed by unanimous voice vote to accept Article 13 as stated in the motion.

**ARTICLE 14:** To see if the Town will vote to authorize the Board of Selectmen to complete a Phase II Environmental site assessment at 9 Green Street, or take any action relative thereto. **(Board of Selectmen)**

**MOTION:** Move to pass over and indefinitely postpone this article.

**SECONDED**

**DISCUSSION:** Oliver Leek, 487 Norfolk St., asked for an update on the project and why are they recommending Indefinite Postponement. John Cronin, 40 Holly Ln, said that this property is privately owned and the owner wishes to sell, but there are some tax implications that would need to be resolved before we could move forward.

**VOTE:** Passed by unanimous voice vote to Indefinitely Postpone Article 14 as stated in the motion.

**ARTICLE 15:** To see if the Town will vote to authorize the establishment of an Upper Charles River Rail Trail Revolving fund with no future further reauthorization required, or take any action relative thereto. **(Board of Selectmen)**

**MOTION:** Move to pass over and indefinitely postpone this article.

**SECONDED**

**DISCUSSION:** None

**VOTE:** Passed by unanimous voice vote to Indefinitely Postpone Article 15 as stated in the motion.

**ARTICLE 16:** To see if the Town will vote raise and appropriate or transfer from available funds a sum of money to relocate fire alarm and fiber cable wires allowing for the removal of double poles. **(Board of Selectmen)**

**MOTION:** Move to appropriate \$25,000 from Free Cash for the purposes of relocating the Town's Fire Alarm system and fiber optic cables within the utility right-of way.

**SECONDED**

**DISCUSSION:** None

**VOTE:** Unanimously passed by voice vote to accept Article 16 as stated in the motion.

**ARTICLE 17:** To see if the Town will vote to raise and appropriate, transfer from available funds, including the Water Surplus (Retained Earnings) or borrow \$450,000 and \$1,350,000 from Water Infrastructure Reserve Account for tasks related to the replacement of approximately 6,100 linear feet of water mains in the Mudville neighborhood. The scope of this project includes new water mains, valves, hydrants and service connections. Surface restorations and related work on Pleasant, Spring, School, Exchange, Mechanic, and Union Streets; or to take any action relative thereto. **(Board of Selectmen)**

**MOTION:** Moved that the Town vote to appropriate from the Water Surplus (Retained Earnings) \$450,000; and \$1,350,000 from Water Infrastructure Reserve Account for the purposes stated in the Article.

**SECONDED**

**DISCUSSION:** None

**VOTE:** Unanimously passed by voice vote to accept Article 17 as stated in the motion.

**ARTICLE 18:** To see if the Town will vote to raise and appropriate, transfer from available funds, or borrow \$25,000 for the purpose of purchasing an Annual Service Agreement and hardware related to the implementation of an Advanced Metering Infrastructure system with Mueller Systems, Inc. or take any action relative thereto. **(Board of Selectmen)**

**MOTION:** Moved that the Town vote to appropriate from the Water Meter Reserve account \$25,000 for the purposes stated in the Article and as it is printed in the Warrant.

**SECONDED**

**DISCUSSION:** None

**VOTE:** Unanimously passed by voice vote to accept Article 18 as stated in the motion.

**ARTICLE 19:** To see if the Town will vote to authorize the Board of Selectmen to petition the State Legislature on behalf of the Conservation Commission, requiring an Amendment to Article XXX, Section 1 of the Town's General By-Laws regarding Commission membership and an Act by the State Legislature. **(Board of Selectmen/Conservation Commission)**

**MOTION:** Moved that the Town vote to approve the article as it is printed in the Warrant and authorize the Board of Selectmen to seek legislative approval of a Special Act that carries out the purposes stated in the Article.

**SECONDED**

**DISCUSSION:** None

**VOTE:** Unanimously passed by voice vote to accept Article 19 as stated in the motion.

**ARTICLE 20:** To see if the Town will vote to amend the Zoning By-law by amending a new 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 control, production and distribution of marijuana under a system of licenses and regulations. In May, 2017, the Town voted affirmatively, through local ballot measure, to prohibit Marijuana Retailers in the Town of Holliston. Thereafter, HB3818 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 By-law regarding the

same. To ensure its enforceability, this By-law must be ratified by a second ballot vote which cannot occur until the Annual Town Election occurring in the Spring of 2019. This By-law, and a companion By-law 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 By-law through a local ballot measure as required by Chapter 94G.

#### VIII-B DEFINITIONS

1. All terms herein shall have the meaning set forth in the Act.

#### VIII-C TEMPORARY MORATORIUM

2. For the reasons set forth above, and notwithstanding any other provision of the Zoning By-law to the contrary, the Town hereby adopts a temporary moratorium on the use of land or structures for Marijuana Establishments as defined by the Act, which shall not include Medical Marijuana Treatment Centers. 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 Establishments. The moratorium shall remain in effect through December 31, 2018. During the moratorium period, the Town shall undertake a planning process to address the potential impacts of the cultivation, distribution and sale of marijuana in the Town, consider the Cannabis Control Commission regulations regarding Marijuana Establishments, and adopt Zoning Bylaws to address the impact and operation of Marijuana Establishments; or take any action relative thereto. **(Board of Selectmen)**

**MOTION:** Moved that the Town vote to approve the article as it is printed in the Warrant.

#### **SECONDED**

**DISCUSSION:** Town Counsel gave an overview of articles 20 through 26, and stated that the purpose of these Articles are to prevent retail sales and to regulate other types of marijuana uses. Jackie Dellicker, Town Moderator, read the recommendation letter from the Planning Board\*. Mark Schultz, 21 Wedgewood Dr., is opposed to the Moratorium and feels the Town will benefit from the tax revenue. Blake Mensing, 1865 Washington St. stated that he is a former Municipal Attorney and a current Cannabis Attorney, he feels he is well versed in this subject. He spoke of the History of Cannabis in our Country, and the loss of revenue this Moratorium would cause. He also compared how alcohol is more dangerous than cannabis. It is a matter of personal choice, it is legal and therefore he opposes the Moratorium. Jay Marsden, 32 Wendy Ln., said that the Town is not against the sale of retail marijuana, it is about giving us time to determine how Holliston wants to be in the "Marijuana business". Ken Szajda, 696 Fiske St., wants to clear up the misconception that retail marijuana sales will bring in a lot of money, it will not, the retailer will make the money not the Town. He feels that with these Articles, it is important for us to establish the regulatory framework necessary to license a retail establishment.

**VOTE:** Passed by 2/3 hand count vote to accept Article 20 as stated in the motion.

Yes – 78 No – 34



**ARTICLE 21:** To see if the Town will vote to amend the Town's General By-laws by adding a new Section 21 to Article XXIV, Miscellaneous that would prohibit Marijuana Retailers in the Town of Holliston as follows, and further to amend the Table of Contents to add Section 21, "Marijuana Retailers" or take any other action relative thereto: (Board of Selectmen)

Section 21. Consistent with G.L. c. 94G, § 3(a)(2), "marijuana retailers" as defined in G.L. c. 94G, § 1 shall be prohibited within the Town of Holliston. This By-law may be enforced through any lawful means in law or in equity including, but not limited to, enforcement by criminal indictment or complaint pursuant to Massachusetts General Laws Chapter 40, section 21, as amended, or by noncriminal disposition pursuant to Massachusetts General Laws Chapter 40, section 21D, as amended, by the Board of Selectmen, the Town Administrator, or their duly authorized agents, or any police officer. The fine for violation of this By-law shall be \$300.00 for each offense.

**MOTION:** Moved that the Town vote to approve the article as it is printed in the Warrant.

**SECONDED**

**DISCUSSION:** None

**VOTE:** Passed by voice vote to accept Article 21 as stated in the motion.

**ARTICLE 22:** To see if the Town will vote to amend the Zoning By-law by amending Section III – Use Regulations, subsection G. Industrial and Outdoor Uses to add the following use as a prohibited use in every district; or take any action relative thereto. (Planning Board)

|                        | AR-1 | AR-2 | R-1 | VR | C-1 | VC | I | APT |
|------------------------|------|------|-----|----|-----|----|---|-----|
| 8. Marijuana Retailers | N    | N    | N   | N  | N   | N  | N | N   |

**FINANCE COMMITTEE RECOMMENDATION:** No action

**SUGGESTED EXPLANATION:** In conjunction with the General By-law, the purpose of this By-law is to prohibit marijuana retailers. i.e. marijuana establishments which sell marijuana to consumers, in all zoning districts in the Town of Holliston. Due to the Town's affirmative vote to legalize recreational marijuana in the Commonwealth in 2016, the legislation requires this By-law to be ratified by local voters. Thus, this section shall be effective upon passage by the voters at a Town Election. The reason for having both a General and Zoning By-law to prohibit marijuana retailers is to ensure the prohibition is effective and not subject to challenge.

**MOTION:** Moved that the Town vote to approve the article as it is printed in the Warrant.

**SECONDED**

**DISCUSSION:** Blake Mensing, 1865 Washington St., made a point of clarification, that the Local Option Tax is up to 3% and the Host Agreement authorizes up to a 3% tax, with a total of

6% possible revenue to the Town. Ken Szajda, 696 Fiske St., stated that we also have the Local Option available for restaurants at 7%, that we do not take advantage of, because it would annoy the residents/patrons. He also restated that we are not voting for or against marijuana, we are voting to regulate the sales or not regulate.

**VOTE:** Passed by 2/3 hand count vote to accept Article 22 as stated in the motion.

Yes – 79 No – 31

**ARTICLE 23:** To see if the Town will vote to amend the Town's General Bylaws by adding a new Article XLVII, Marijuana License, which require the licensure of all Craft Marijuana Cultivator Cooperatives, Marijuana Cultivators, Marijuana Product Manufacturers, and Marijuana Testing Facilities, or take any other action relative thereto, (Board of Selectmen) as follows:

#### ARTICLE XLVII MARIJUANA LICENSE

##### Section. 1

No person shall operate a Craft Marijuana Cultivator Cooperative, Marijuana Cultivator, Marijuana Product Manufacturer, and Marijuana Testing Facility, as defined by Massachusetts General Laws Chapter 94G, or any other licensed marijuana operation, within the Town unless first duly licensed thereof by the Board of Selectmen, which license is renewable annually.

##### Section. 2

The Board may adopt reasonable 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.

##### Section. 3

Applicants for a license annually shall file an application on a form 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 annually shall pay an application fee as may be reasonably determined from time to time by the Board of Selectmen.

##### Section. 4

The Board of Selectmen must act upon the application at one of their next two regularly scheduled meetings with due written notice provided to the applicant of the time, date and location where such appeal will be heard.

##### Section. 5

The Board of Selectmen may approve, deny or approve the application with conditions. Such decision shall be based on the evidence taken at the public hearing, consistent with the protection of the health, safety and welfare of the public, and consistent with the regulations promulgated by such board.

##### Section. 6

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 initial 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.

Section. 7

This By-law may be enforced through any lawful means in law or in equity including, but not limited to, enforcement by criminal indictment or complaint pursuant to Massachusetts General Laws Chapter 40, section 21, as amended, or by noncriminal disposition pursuant to Massachusetts General Laws Chapter 40, section 21D, as amended, by the Board of Selectmen, the Town Administrator, or their duly authorized agents, or any police officer.

Section. 8

A. Home Rule Amendment [art. 89 of the Amendments to the Massachusetts Constitution]; Massachusetts General Laws, Chapter 94G, § 3, 935 CMR 500.000.

**MOTION:** Moved that the Town vote to approve the article as it is printed in the Warrant.

**SECONDED**

**DISCUSSION:** None

**VOTE:** Passed by voice vote to accept Article 23 as stated in the motion.

**ARTICLE 24:** To see if the Town will vote to amend the Zoning Bylaw by amending 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; or take any action relative thereto.(Planning Board)

**MOTION:** Moved that the Town vote to approve the article as it is printed in the Warrant.

**SECONDED**

**DISCUSSION:** Blake Mensing, 1865 Washington St., asked about a License Type called a Micro Business that is not listed in these definitions, and would like to know why. Town Counsel responded that any undefined terms under this Zoning Ordinance would be determined by the Building Inspector.

**VOTE:** Passed by 2/3 hand count vote to accept Article 24 as stated in the motion.

Yes – 90 No – 3

**ARTICLE 25:** To see if the Town will vote to amend the Zoning By-law by amending Section VII – Site Plan Review, subsection 2.b.v., by inserting the text shown in italics:

v. No new drive –through 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 a non-accessory solar energy generation systems shall be allowed except in conformity with a site plan bearing an endorsement approval by the Planning Board; or take any action relative thereto. (Planning Board)

**MOTION:** Moved that the Town vote to approve the article as it is printed in the Warrant.

**SECONDED**

**DISCUSSION:** None

**VOTE:** Unanimously passed by 2/3 hand count vote to accept Article 25 as stated in the motion.

**ARTICLE 26:** To see if the Town will vote to amend the Zoning By-law by amending Section III- Use Regulations, subsection G. Industrial and Outdoor Uses to add the following uses to the use table as a use allowed through Special Permit in the Industrial zoning district; or take any action relative thereto.

AR-1 AR-2 R-1 VR C-1 VC I APT

7. Craft Marijuana Cultivator  
Cooperatives, Marijuana  
Cultivators, Independent  
Testing Laboratories,  
Marijuana product Manufacturer

N N N N N N SP N

**MOTION:** Moved that the Town vote to approve the article as it is printed in the Warrant.

**SECONDED**

**DISCUSSION:** None

**VOTE:** Unanimously passed by 2/3 hand count vote to accept Article 26 as stated in the motion.

**ARTICLE 27:** To see if the Town will vote to raise or appropriate, transfer from available funds, or borrow a sum of money for the purpose of hiring a company to survey and analyze Town records, and make recommendations for a Records Management System; or take any action relative thereto.  
(Town Clerk)

**MOTION:** Moved that the Town vote to appropriate \$5,000 from free cash to survey, analyze town records and to make a recommendation for a Records Management System.

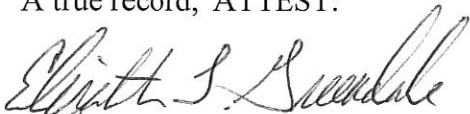
**SECONDED**

**DISCUSSION:** None

**VOTE:** Unanimously passed by voice vote to accept Article 27 as stated in the motion.

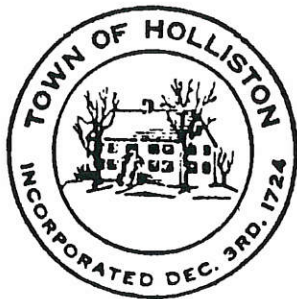
**Motion to adjourn at 9:33 pm**

A true record, ATTEST:



Elizabeth T. Greendale, CMC/CMMC  
Town Clerk

\*Letter from the Planning Board



**TOWN OF HOLLISTON  
PLANNING BOARD**

OFFICE OF THE  
TOWN CLERK  
HOLLISTON, MASS.

2018 OCT 25 PM 12:43

703 Washington Street  
Holliston, MA 01746  
(508)429-0635

October 24, 2018

Jacqueline Dellicker, Town Moderator  
c/o Liz Greendale, Town Clerk  
703 Washington Street  
Holliston, MA 01746

RE: Planning Board Report  
Articles 20, 22, 24, 25 and 26 – Zoning By-Law Amendments

Dear Mrs. Dellicker:

With regard to the proposed amendments to the Zoning By-Laws at Section I-E, III, VII and VIII with regard to Marijuana Establishments, I would respectfully report that the Planning Board held a public hearing as required by MGL, c. 40A, s. 5 on October 4, 2018. The members voted 4-1 to recommend support of the proposed article as written.

If you should have any questions regarding this matter, Board members will be present at Town Meeting.

Sincerely,

David Thorn  
Chairman

cc: Liz Greendale, Town Clerk