

COMMONWEALTH OF MASSACHUSETTS

TOWN OF HULL, MASSACHUSETTS

Facsimile of the February 12, 2018

SPECIAL TOWN MEETING WARRANT

with

ADVISORY BOARD RECOMMENDATIONS



**Special Town Meeting
Monday, February 12, 2018 at 7:00 o'clock in the evening**

**In the Hull High School situated at
180 Main Street, Hull, MA**

ADVISORY BOARD MESSAGE

Under our current form of Government, the Town Manager, with the guidance of the Board of Selectmen, prepares the Town Budget and presents it to the Board of Selectmen and the Advisory Board for their review. Through discussions with the Town Manager and Department Heads, the Advisory Board reviews the budgets and makes recommendations for changes. This process usually concludes with agreement between the Advisory Board and the Town Manager in terms of presenting the Budget to Town Meeting. The Advisory Board considers all articles for the purpose of making recommendations with explanatory statements. While considering each article many questions are considered such as: Is it necessary? Can the Town afford it? Is it in the Town's best interest? Is it fair to all? Does it affect the balance of power? Is it within legal and allowable guidelines?

The following section includes a facsimile of the Town Warrant. It is called a facsimile because the actual Warrant does not include the commentary and recommendations of the Advisory Board. Some confusion has been caused in the past when motions are read at Town Meeting and are differently worded than what you see here. Motions may be worded differently so long as they are worded within the scope of the printed article. Some people think of the printed warrant as an agenda of the Town Meeting. The legal warrant is printed, signed and posted by our Board of Selectmen.

Comments are in italicized print under the ARTICLES. The RECOMMENDATION precedes the commentary of the Advisory Board. Typical recommendations are as follows:

FAVORABLE ACTION - The Advisory Board is recommending a favorable vote on the Article.

UNFAVORABLE ACTION - The Advisory Board is recommending an unfavorable vote on the Article.

NO RECOMMENDATION - The Advisory Board does not wish to make a recommendation or there is insufficient information to support a recommendation.

RECOMMENDATION AT TOWN MEETING - The Advisory Board does not wish to make a recommendation prior to reviewing additional information or waiting for another committee to hold a public hearing.

NO ACTION - A no action motion or recommendation suggests that Town Meeting set aside and prevent any further action on this Article for the meeting.

REFER TO STUDY – This motion refers (commits) a matter to a committee for additional investigation and report or carry out substantive action.

THE ADVISORY BOARD:

D. Clinton, Chair

P. Cormier

P. Larsen

G. Boylen, Vice Chair

J. Dennard

J. Polito

J. Tiani, Clerk

J. Frady

D. Sullivan

R. Carney

R. Healey



**TOWN OF HULL
Advisory Board**

253 Atlantic Avenue
Hull, Massachusetts 02045

781-925 2000

To the Citizens of Hull,

The primary (but not sole) focus of this Special Town Meeting (STM) is on marijuana-related businesses. Last November's State ballot question was merely a state-wide referendum to legalize aspects of recreational marijuana use on a state-wide basis. Its passage did not answer many important questions as to how the law was to be implemented, monitored and enforced, and how marijuana-related businesses were to be regulated, licensed, located, operated, taxed, etc. within each municipality. Those important details, and many, many questions, were left to existing and newly created State agencies, such as the Department of Health and the new Cannabis Control Commission (CCC) and to each Massachusetts municipality, acting through its residents and its local procedures. Unfortunately, at the time of the printing of this Warrant, many of these questions and procedures remain unanswered or in flux. For instance, it is unclear whether certain restrictions or prohibitions require both a Town Meeting vote and a ballot vote. Some current conventional wisdom is to do both.

In any event, Hull must make its own determination on many aspects of if and how the new marijuana law is to be applied in Town, and if, how and where marijuana related business will locate and operate in our Town. So regardless of whether you are an opponent of or advocate for recreational marijuana use or business in Hull, as this is a new business type (or potential group of businesses), we need to decide on how marijuana related businesses will be operated (generally addressed through the Town's General By-Laws) and how and where these businesses can be situated and what they can look like (generally through the Town's Zoning By-Law). Make no mistake, whether you are pro or con for recreational marijuana use or business in Hull, important decisions must be made as to how this new legal framework will apply to and affect our Town for the future.

So, for instance, the Select Board has offered two similar Articles (1 and 2) that would prohibit non-medical marijuana businesses (retail sales, cultivation, testing, and manufacturing) from being located and/or operated in Hull via changes to the General By-Laws and Zoning By-Laws. These are offered on the condition that they each be affirmed by a Town ballot vote. Current conventional wisdom is to take this layered approach so these questions actually get to the voters. Our View is that a matter of this significance to our town, and one stemming from a ballot referendum originally, should ultimately be determined at the Special Town Election.

Marijuana businesses are a new form of commerce to our state and, if not prohibited by vote, to our Town. The new and unique characteristics of these businesses will most likely bring new and unique challenges and impacts to Hull. It is therefore practical, if not prudent, to carefully consider and regulate the local aspects of these businesses until these challenges and impacts are better understood in our local setting (e.g., to avoid the "law of unintended consequences"). Thoughtful and measured planning addressing these challenges and impacts will allow the Town to get the benefit of these businesses while preserving the current businesses and character of our Town. The failure to enact any form of regulation as to use, location, operation, etc. of these new businesses, however, will leave such decisions at the State level and to a local set of current regulations that neither address nor contemplate any of the intended or unintended challenges or impacts of these new businesses.

Accordingly, the Select Board has drafted two comprehensive General By-Law Articles (3 and 5) so that any such business may be reasonably and prudently regulated, licensed, monitored, and taxed. Similarly, the Planning Board has drafted (Article 7) creating a Zoning By-Law Marijuana Zoning Overlay District and Special Permit process to provide for a reasonable and prudent process to locate (and limit) marijuana business establishments within our Town. We believe each of these Articles (and the motivation behind each) is an appropriate and necessary step given the unknown challenges, impacts and benefits of these new businesses. Time may show that these By-laws should be amended (to better tailor them or offer greater flexibility) once these impacts are better understood. But we believe that after considering all of the information that has been presented in this discussion it is smarter and more responsible to go slow and then ramp up as necessary, than to have incomplete, inadequate or no regulation regarding these new businesses and have them adversely affect our Town without an adequate remedy to address the impact (e.g., “un-ringing the bell”).

Sincerely,

David Clinton, Chairman
George Boylen, Vice Chairman
John Tiani, Clerk

Advisory Board Members:

Expire in 2018: John Tiani, David Clinton, Peter Larsen, Jason Frady

Expire in 2019: Patricia Cormier, Robyn Healey, Jay Polito, George Boylen

Expire in 2020: Dan Sullivan, Jill Dennard, Robert Carney

COMMONWEALTH OF MASSACHUSETTS

Plymouth ss

To any of the Constables of the Town of Hull in the County of Plymouth

Greetings:

In the name of the Commonwealth of Massachusetts you are hereby directed to notify and warn the Inhabitants of the Town of Hull qualified to vote on Town affairs and elections to meet at Hull High School situated at 180 Main Street in said Hull, on Monday, the Twelfth day of February next, 2018 at 7:00 o'clock in the evening, then and there to act upon the following articles, namely:

ARTICLE 1: To see if the Town will amend the zoning bylaws of the Town bylaw by adding:

“Consistent with G.L. c. 94G sec. 3(a)(2), all types of marijuana establishments as defined in G.L. c. 94G, Section 1(j), to include all marijuana cultivators, marijuana testing facilities, marijuana product manufacturers marijuana retailers or any other type of licensed marijuana-related businesses, shall be prohibited within the Town of Hull. This prohibition shall not apply to the sale, distribution, manufacture or cultivation of marijuana for medical purposes if licensed in accordance with applicable law.”

This section shall be effective upon the passage by the voters at a Town Election.”

or take any other action relative thereto. (Inserted by Board of Selectmen)

Recommendation: *Recommendation at Town Meeting on Article 1. As indicated in the Advisory Board Letter, at the time of the printing of this STM Warrant Facsimile, the state Regulatory framework for non-medical marijuana-related business (retail, cultivation, testing and manufacturing) is still in development and there are (too) many unanswered questions as to the most appropriate approach on this Article at this time. We attended and held several meetings on this topic and we are hopeful that prior to Town Meeting some of these answers will be clarified. The goal of this Article, on whether the Town will vote on a Zoning By-Law to prohibit retail marijuana establishments, is simply to allow Hull residents the right to vote (whether it be at Town Meeting, by Special Town Election or both depending on the final regulatory framework) on whether, where and how marijuana related business(es) will be operated in our Town.*

This article is only effective if passed by voters at the Town Election. (7 to 1)

ARTICLE 2: To see if the Town will amend the general bylaws of the Town bylaw by adding:

“Consistent with G.L. c. 94G sec. 3(a)(2), all types of marijuana establishments as defined in G.L. c. 94G, Section 1(j), to include all marijuana cultivators, marijuana testing facilities, marijuana product manufacturers marijuana retailers or any other type of licensed marijuana-related businesses, shall be prohibited within the Town of Hull. This prohibition shall not apply to the sale, distribution, manufacture or cultivation of marijuana for medical purposes if licensed in accordance with applicable law.”

This section shall be effective upon the passage by the voters at a Town Election.”

or take any other action relative thereto. (Inserted by Board of Selectmen)

Recommendation: *Recommendation at Town Meeting on Article 2.* As indicated in the Advisory Board Letter, at the time of the printing of this STM Warrant Facsimile, the state Regulatory framework for non-medical marijuana-related business (retail, cultivation, testing and manufacturing) is still in development and there are (too) many unanswered questions as to the most appropriate approach on this Article at this time. We attended and held several meetings on this topic and we are hopeful that prior to Town Meeting some of these answers will be clarified. The goal of this Article, on whether the Town will vote on a General By-Law to prohibit retail marijuana establishments, is simply to allow Hull residents the right to vote (whether it be at Town Meeting, by ballot or both depending on the final regulatory framework) on whether, where and how marijuana related business(es) will be operated in our Town.

This article is only effective if passed by voters at the Town Election. (7 to 1)

ARTICLE 3: To see if the Town will amend the General By-Laws by adding the following Chapter:

CHAPTER _____ MARIJUANA AND HEMP, AND MARIJUANA AND HEMP PRODUCTS

Section 1. Purpose-

The purpose of this bylaw is to provide for the public health, safety and welfare and good order of the Town by prohibiting certain marijuana and hemp related activities which may be against the law and or present dangers due to the nature of the activities.

Section 2. General Prohibitions:

No person shall:

(1) smoke, ingest, consume, or otherwise use marijuana, hemp or marijuana products while in or upon any public street, sidewalk, footway, passageway, stairs, bridge, park, beach, bay, waterway, land, playground, recreation area, building, school house, school grounds, cemetery, parking lot, or any area owned by or under the control or jurisdiction of the Town, or while in or upon any private way to which the public has a right of access as invitees or licensees.

(2) possess an open container of marijuana or marijuana products any motor vehicle or in any bus or other passenger conveyance operated by a common carrier that is in or upon a public way or a private way to which the public has a right of access as invitees or licensees or in any boat or other maritime vessel in waters or land under the control or jurisdiction of the Town. For purposes of this section, “open container” shall mean that the package containing marijuana or marijuana products has its seal broken or from which the contents have been partially removed or consumed or are capable of being removed or consumed

(3) sell or distribute marijuana, marijuana products, hemp, and hemp products, or test, manufacture, or cultivate marijuana, marijuana products, hemp, and hemp products to be sold, without being duly licensed and permitted in good standing by the Commonwealth of Massachusetts and the Town as may be required by law, .

(4) cultivate, manufacture or process marijuana or marijuana products or hemp or hemp products outside of building or structure that is secured with a lock or other security device to prevent unauthorized access.

(5) smoke marijuana, marijuana products, hemp, and hemp products where smoking tobacco is prohibited by law. Smoking is defined to mean the lighting of, or having in one's possession any lighted cigarette, cigar, pipe or other product designed to be combusted and inhaled. The activation of or inhalation of vapor from an e-cigarette or other similar device shall be considered smoking.

(6) cultivate, manufacture or process, test, or sell marijuana, marijuana products, hemp or hemp products in or upon any land or property or waterways owned by or under the control or jurisdiction of the Town.

Section 3. PERSONAL CULTIVATION AND PROCESSING OF MARIJUANA AND HEMP AND MARIJUANA AND HEMP PRODUCTS

(1) No person shall engage in marijuana or hemp extraction utilizing any extraction process that possess an explosive,, combustible or flammable danger, including solvent based extraction and or extraction utilizing flammable liquids (liquids with a flash point below 100 degrees Fahrenheit), including liquified petroleum gases such as propylene, propane, butane, butylenes and mixtures thereof, or liquefied petroleum gas ("LPG", as may be defined by the National Fire Prevention Association ("NFPA") 1, including propylene in addition to propane, butane (normal butane or isobutane) and butylenes or mixtures thereof), unless the extraction is done by a marijuana establishment that is licensed in good standing by the Massachusetts Cannabis Control Commission and that is otherwise duly licensed and permitted under applicable State and local law.

(2) The possession, growing and processing of marijuana or hemp plants or parts or derivatives thereof shall not be observable or detectable from the exterior of the primary residence or accessory structure or open spaces, including, but not limited to:

- a. Common visual observation;
- b. Odors, smells, fragrances, or other olfactory stimulus associated with such activities;
- c. Light pollution, glare or brightness that disturbs others.

(3) The use of supplemental carbon dioxide and or ozone is prohibited.

(4) The cultivation, manufacturing, testing or processing of marijuana or hemp or marijuana or hemp products shall not occur outside of a building or structure that is secured with a lock or other security device to prevent unauthorized access or if the plants are visible from a public place without the use of binoculars, aircraft or other optical aids.

(5) The possession, growing and processing of marijuana and hemp products shall comply with all applicable state and local laws and rules.

Section 4. Enforcement.

The Police Department shall enforce this Bylaw. The fine for violation of Section _____.2 of this Bylaw shall be two hundred dollars (\$200) for each offense. The fine for violation of Section _____.3 of this Bylaw shall be three hundred dollars (\$300) for each offense. Any violation of this

Bylaw may, in the sole discretion of the enforcing agent, be made the subject matter of noncriminal disposition proceedings commenced by such agent under G.L. c. 40, § 21D and Chapter 1 of the Code/Bylaws of the Town. Each day of a continuing violation shall count as a separate violation. Any fine imposed hereunder shall be in addition to any civil penalty imposed under G.L. c. 94C.”

A. Amend Chapter 1 of the Code/Bylaws of the Town, Non-Criminal Disposition, as follows:

1. Amend the Table of Provisions Subject to Non-Criminal Disposition, Chapter 90 by adding in the table of offenses:

CITE	ENFORCING PERSON	PENALTY
Chapter __ (Marijuana & Hemp)	Police Officer	For Violations of Section 2, \$200 for each violation For Violations of Section 3, \$300 for each violation

or take any other action relative thereto. (Inserted by Board of Selectmen)

Recommendation: *Action on Article 3. As indicated in the Advisory Board Letter, at the printing of this STM Warrant Facsimile, we are still waiting for the state Regulatory framework for non-medical marijuana use. State law establishes limits on the possession, public use, cultivation, extraction, distribution of recreational marijuana and hemp and marijuana and hemp products. This By-Law seeks to enact town enforcement and penalties allowing for local control, fines, and disposition. Enacting this By-Law, allows our Town to collect fines locally where the impact is felt. (Unanimous)*

ARTICLE 4: To see if the Town will amend the vote taken at the 2017 Annual Town Meeting in imposing a local sales tax upon the sale or transfer of marijuana or marijuana products by increasing the amount of said tax to 3% or the highest amount that may be permitted by law from time to time,

or take any other action relative thereto. (Inserted by Board of Selectmen)

Recommendation: *Favorable Action on Article 4. State law allows that municipalities may tax recreational marijuana establishments locally. Currently, the maximum tax rate allowed for a local tax is 3%. Previous Town Meeting action set the rate at 2% which was the maximum allowed at the time. The Advisory Board agreed that the Town should set the rate at 3% or the highest amount permitted by law. This article lists the current rate or the highest rate in order to allow this rates to move with State law changes. (8-0)*

ARTICLE 5: To see if the Town will amend the General By-Laws by

A. Adding the following Chapter:

CHAPTER _____ MARIJUANA ESTABLISHMENTS

Section 1 PURPOSE

The intent of this section is to establish local requirements to ensure safe and appropriate implementation of G.L. c. 94G, legalizing recreational marijuana, within the Town in order to protect the public good, welfare and safety.

Section 2 DEFINITIONS

See G.L. c. 94G, §1, and c. 94I, §1 and the regulations promulgated thereunder by the Commonwealth of Massachusetts, for definitions of applicable terms.

This section specifically adopts the following definitions consistent with G.L. c. 94G, § 1, and 935 CMR 500, as they may be amended:

- a. CCC — the Massachusetts Cannabis Control Commission, or its successor.
- b. Marijuana — all parts of any plant of the genus Cannabis, not excepted below and whether growing or not; the seeds thereof; and resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture or preparation of the plant, its seeds or resin including tetrahydrocannabinol as defined in section 1 of chapter 94C; provided, however, that “marijuana” shall not include (1) the mature stalks of the plant, fiber produced from the stalks, oil, or cake made from the seeds of the plant, any other compound, manufacture, salt derivative, mixture or preparation of the mature stalks, fiber, oil or cake made from the seeds of the plant or the sterilized seed of the plant that is incapable of germination; (2) hemp; or (3) the weight of any other ingredient combined with marijuana to prepare topical or oral administrations, food, drink or other products. Marijuana also includes marijuana products except where the context clearly indicates otherwise.
- c. Marijuana Independent testing laboratory—an entity licensed by the CCC to test marijuana and marijuana products consistent with G.L. c. 94G, including certification for potency and the presence of contaminants.
- d. Marijuana cultivator — an entity licensed by the CCC to cultivate, process, and package marijuana, to deliver marijuana to marijuana establishments and to transfer marijuana to other marijuana establishments, but not to consumers.
- e. Marijuana establishment — a marijuana retailer, marijuana product manufacturer, marijuana cultivator, independent testing laboratory, standards laboratory, marijuana research facility, marijuana transporter, marijuana micro-business, or any other type of marijuana-related business that has been duly licensed by the CCC.
- f. Marijuana establishment agent — a board member, director, employee, executive, manager, or volunteer of a Marijuana Establishment, who is 21 years of age or older. Employee includes a consultant who provides on-site services to a Marijuana Establishment related to the cultivation, harvesting, preparation, packaging, storage, testing, or dispensing of marijuana.
- g. Marijuana Micro-Business — a Marijuana Establishment licensed by the CCC to act as a co-located licensed Marijuana Cultivator in an area less than 5,000 square feet, a licensed Marijuana Product Manufacturer, and a licensed Marijuana Delivery Service in compliance with operating procedures for each such license.

- h. Marijuana product manufacturer—an entity licensed by the Commonwealth 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.
- i. Marijuana products — products that have been manufactured and contain marijuana or an extract from 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.
- j. Marijuana Research Facility — an entity licensed by the CCC to engage in research projects, including cultivation, purchase or acquisition otherwise of marijuana for the purpose of conducting research regarding marijuana and marijuana products. A Marijuana Research Facility may be academic institutions, non-profit corporations and domestic corporations or entities authorized to do business in Massachusetts. A Marijuana Research Facility may hold a CCC Marijuana Retailer License to sell marijuana and marijuana products.
- k. Marijuana Retailer— an entity licensed by the Commonwealth 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.
- l. Marijuana Social Consumption Operator — a Marijuana Retailer licensed by the Massachusetts Cannabis Control Commission to purchase marijuana and marijuana products from marijuana establishments and to sell marijuana and marijuana products on its premises only to consumers or allow consumers to consume marijuana and marijuana products on its premises only.
- m. Marijuana Transporter — an entity, not otherwise licensed by the CCC, that is licensed by the CCC to purchase, obtain and possess marijuana and marijuana products solely for the purpose of transporting, temporary storage, sale and distribution to marijuana establishments, not for sale to consumers
- n. Medical marijuana treatment center— a not-for-profit entity registered under 105 CMR 725.100, also known as a Registered Marijuana Dispensary (RMD), that acquires, cultivates, possesses, processes (including development of related products such as edible marijuana-infused products, tinctures, aerosols, oils, or ointments), transfers, transports, sells, distributes, dispenses, or administers marijuana, products containing marijuana, related supplies, or educational materials to registered qualifying patients or their personal caregivers for medical use. Unless otherwise specified, RMD refers to the site(s) of dispensing, cultivation, and preparation of marijuana for medical use.
- o. Standards laboratory — a laboratory meeting the requirements of the independent testing laboratory that is licensed by the Massachusetts Cannabis Control Commission as a standards laboratory to ensure consistent and compliant testing by the independent testing laboratories.

Section 3 CAP ON THE NUMBER OF MARIJUANA RETAILERS

The number of permits issued pursuant to this section to marijuana retailers shall not exceed two (2).

Section 4 GENERAL REQUIREMENTS FOR MARIJUANA ESTABLISHMENTS

Marijuana establishments shall comply with the following requirements:

A. General

1. Marijuana establishments shall comply with applicable State and local laws, regulations, by-laws, codes, conditions and agreements with the Town, including, but not limited to, G.L. c. 94G, G.L. c. 94I, 935 CMR 500, the Town of Hull's By-Laws, the Town of Hull's Zoning By-Laws, all applicable Town and state and federal building, fire prevention, police, and health codes, regulations and standards, any conditions imposed on licenses and permits held by the marijuana establishment (including, but not limited to, any special permit conditions), and agreements between the marijuana establishment and the Town, including host community agreements.
2. Marijuana establishments shall maintain all permits and licenses required by State, Federal and local laws, (to the extent applicable), including, but not limited to, a valid, current license in good standing from the CCC. Any voiding of the CCC's license by operation of law (including due to cessation of operations, failure to become operational within the permitted time, or relocation without CCC approval) and any revocation or suspension of the marijuana establishment's CCC license shall result in an automatic suspension of the permit issued hereunder pending hearing or the opportunity therefore afforded to the marijuana establishment and pending further determination by the Special Permit Granting Authority of any zoning special permit issued.

B. Operational Requirements

General

1. With the exception of marijuana cultivation conducted pursuant to a special permit issued under the Town's zoning by-law and this general bylaw, all marijuana establishments' licensed operations shall be conducted within a building or structure.
2. No marijuana establishment shall allow cultivation, processing, manufacture, sale or display of marijuana or marijuana products to be visible from a public place without the use of binoculars, aircraft or other optical aids.
3. Marijuana establishments may cultivate, process, test, store, sell, distribute and manufacture marijuana or marijuana products only within an area that is licensed, enclosed and secured in a manner that prevents access by persons not permitted by the marijuana establishment to access the area and all such activities must only occur within the area specifically described in the license issued hereunder.

4. No marijuana establishment shall allow any person under 21 years of age to volunteer or work for the marijuana establishment.
5. Hours of operation shall be set by the Board of Selectmen as part of the local license. In any event, hours of operation shall not be before _____ a.m. or after _____ p.m.
6. Marijuana establishments shall ensure that their (a) hours of operation, and their (b) hours and methods of transportation of product, shall not be a detriment to the surrounding area and nearby uses.
7. Marijuana establishments shall not permit any disorder, disturbance, or illegality under State or local law of any kind on the premises.
8. Marijuana establishments shall not permit any disorder, disturbance, or illegality under State or local law of any kind on the premises or to the extent it is within their control, outside of the premises.
9. Marijuana establishment operations shall not result in illegal distribution or redistribution under State or local law of marijuana obtained from the marijuana establishment, or in use of marijuana in any manner that violates State or local law.
10. Marijuana establishment operations shall not create nuisance conditions in parking areas, sidewalks, streets and areas surrounding its premises and adjacent properties. "Nuisance" includes, but is not limited to, disturbances of the peace, open public consumption of cannabis, excessive pedestrian or vehicular traffic, illegal drug activity under State or local law, harassment of passersby, 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), collisions between vehicles, bicyclists, and pedestrians, lewd conduct or police detentions and arrests.
11. Marijuana establishments shall equip the premises and otherwise conduct their operations in such a manner that (a) no pesticides or other chemicals or products are dispersed into the outside atmosphere, and (b) no odor of marijuana or its processing can be detected by a person with an unimpaired and otherwise normal sense of smell at the exterior of the facility or at any adjoining use or property.
12. A marijuana establishment shall be required to remove all marijuana and marijuana products by the earlier of:
 - a) prior to surrendering its State-issued license; or
 - b) within six months of ceasing operations. As relates thereto, marijuana establishments shall post with the Town a bond or other surety as may be approved by the Town to ensure the proper removal of all marijuana and marijuana products within said removal period.
13. Marijuana establishments shall comply with 527 CMR and with Chapter 38 of the NFPA 1 (2018), as they may be amended, and as applicable.

Marijuana Retailers

Marijuana retailers are required to engage in patron verification as follows:

14. Upon entry into the premises of an adult-use marijuana retailer by an individual, a marijuana establishment agent shall immediately inspect the individual's proof of identification and determine the individual's age. An individual shall not be admitted to the premises unless the marijuana retailer has verified that the individual is 21 years of age or older by an individual's legally-acceptable proof of identification.
15. Upon entry into the premises of a marijuana retailer that is co-located with a medical marijuana treatment center by an individual, a marijuana establishment agent shall immediately inspect the individual's proof of identification and determine that the individual is 21 years of age or older. If the individual is under 21 years of age but 18 years of age or older, the individual shall not be admitted unless he or she produces an active Medical Use of Marijuana Program registration card. If the individual is under 18 years of age, the individual shall not be admitted unless he or she produces an active Massachusetts Medical Use of Marijuana Program registration card and is accompanied by a personal caregiver with an active Massachusetts Medical Use of Marijuana Program registration card and legally-acceptable proof of identification.
16. Marijuana retailers shall not sell, distribute or offer for sale or distribution of marijuana or marijuana products in a quantity that exceeds the limits established by 935 CMR 500 or other applicable law.
17. Marijuana retailers shall not distribute marijuana or marijuana products free of charge or in connection with a commercial or promotional endeavor within the Town of Hull. Such endeavors include, but are not limited to, product "giveaways", or distribution of marijuana or marijuana products as an incentive, prize or bonus in a game, contest or tournament involving skill or chance.
18. Marijuana retailers are prohibited from use of on-site self-service displays. Self-service displays are defined to mean displays from which customers may select marijuana or marijuana products without assistance from an employee or store personnel, and include vending machines.
19. Unless provided otherwise by Town-wide vote pursuant to G.L. c. 94G, § 3(b), and approved as part of a license issued hereunder, no marijuana retailer shall allow consumption of marijuana products in the interior or exterior premises of the establishment. In the event that on-premises consumption is voted pursuant to G.L. c. 94G, § 3(b), Marijuana Social Consumption Operators must obtain a license to do so from the Town or an amendment to its existing license and abide by all State and local requirements for marijuana establishments, including those pertaining to identification verification prior to entry. In no event shall Marijuana Social Consumption Operators permit the smoking of marijuana or marijuana products on the premises. Smoking is defined to mean the lighting of, or having in one's possession any lighted cigarette, cigar, pipe or other product designed to be combusted and inhaled. The activation of or inhalation of vapor from an e-cigarette or other similar device shall be considered smoking.
20. To the extent such a prohibition is permitted by law, delivery of marijuana to consumers is prohibited in the Town. This prohibition shall not apply any lawful delivery from a RMD.

C. Security-Specific Requirements

1. Marijuana establishments shall secure every entrance to the establishment so that access to areas containing marijuana is restricted to employees and others permitted by the marijuana establishment to access the area and to agents of the CCC or state and local law enforcement and inspectional officers and emergency personnel.
2. Marijuana establishments shall secure their inventory and equipment during and after operating hours to deter and prevent theft of marijuana, marijuana products and marijuana accessories.
3. Marijuana establishments shall file an emergency response plan with the fire department and police department and share their security plan and procedures and any updates to them in the event they are modified.
4. A recordable video system as approved by the Chief of Police shall be operational at all times the establishment is open in a minimum of such areas as directed by the Chief of Police and such recordings shall be maintained by the establishment and available to all regulatory authorities for a minimum of thirty (30) days.

D. Access to Premises and Information/Reporting/Record-Keeping

1. Marijuana establishments shall consent to unannounced, unscheduled, periodic inspections of its premises by the Special Permit Granting Authority (SPGA) and agents of the SPGA, from the Licensing Authority, Building, Health, Police and Fire Departments (which, when conducted by the Police Department, shall be by a sworn police officer holding the rank of Sergeant or higher) during normal business hours to determine the establishment's compliance with the requirements of applicable state and local laws, regulations, codes, license and permit conditions, and this section. In addition, routine inspections may be made on week-days during regular Town business hours by authorized inspectional departments to determine compliance with applicable state and local laws, regulations, codes and license and permit conditions. Inspections by the authorized inspectional departments may be made at other times to investigate complaints or suspected non-compliance issues. Inspections may include all areas occupied, used or controlled by the establishment. Facilities requiring inspections or re-inspections are subject to applicable inspection or re-inspection fees. Inspections shall be conducted in conformity with applicable federal, state and local law.
2. Marijuana establishments shall cooperate and comply with requests for information made by the SPGA and Town agents from the Licensing Authority, Planning, Building, Health, Police, Fire and Public Works Departments.
3. Within twenty-four (24) hours of receipt of notice of it, the marijuana establishment shall file with the Town Manager, Police and Fire Chiefs, Director of Public Health 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 or federal agency

(including, but not limited to, the CCC and Massachusetts Department of Public Health (DPH)) regarding the marijuana establishment, the CCC license, or the DPH Certificate of Registration. Any unusual or out of the ordinary event happening at the location or involving the business shall similarly be reported to the Town.

Section 5 MARIJUANA ESTABLISHMENT LOCAL LICENSE

- a. This subsection applies to marijuana establishments that receive licenses to operate from the CCC.
- b. No person shall operate a marijuana establishment within the Town unless licensed to do so by the Board of Selectmen ("Board"). Unless the Board states otherwise, a marijuana establishment license shall be valid for a term of one year from the first day of January and shall expire on December 31 of that year. Licenses issued for a period starting after January 1 shall expire on December 31. Each day of operation without a marijuana establishment license shall constitute a separate violation.
- c. A marijuana establishment license shall be subject to the marijuana establishment's compliance with Massachusetts and Town laws, by-laws, regulations, and codes, including, but not limited to, 935 CMR 500, the Town's Zoning By-Law, and any Town regulations adopted pursuant to this By-Law, and with any conditions placed on the marijuana establishment's license. A license shall be subject to the marijuana establishment's compliance with this bylaw and with any conditions placed on the marijuana establishment's license.
- d. The Board may issue regulations for the implementation of this By-Law. Said regulations may include further licensing procedures including for original applications, renewals, transfers of licenses and locations and other license matters and may establish fees for same including inspection and re-inspection fees.
- e. The Board shall specify the process and forms to be used by applicants for new and renewed marijuana establishment licenses.
- f. The Board or its designee may inspect a marijuana establishment and affiliated vehicles prior to the issuance of a marijuana establishment license or renewal of a license.
- g. All areas of a marijuana establishment may be subject to inspection consistent with applicable law.
- h. Marijuana establishments will post the Town license and all other licenses in a conspicuous place where it can be easily read.
- i. The Board may, to the extent permitted under applicable law, consider whether an applicant for a license is a suitable and responsible license candidate and other aspects of the application as may be necessary to implement the purposes of this By-Law. An applicant's non-compliance with Massachusetts and Town laws, by-laws, regulations, and codes, including, but not limited to, 935 CMR 500, the Town's Zoning By-Law, its general bylaws, with any Town regulations and with any conditions on a license may be cause for denial, suspension or revocation of an application for a new or renewed marijuana establishment license.

Section 6 IMPLEMENTATION

This By-Law shall not be implemented in a manner that conflicts or interferes with the Massachusetts General Laws chapter 94G or 94I or with the regulations promulgated thereunder, including 935 CMR 500.

Section 7 ENFORCEMENT.

The Police Department shall enforce this Bylaw. The fine for violation of this Bylaw shall be three hundred dollars (\$300) for each offense. Any violation of this Bylaw may, in the sole discretion of the enforcing agent, be made the subject matter of noncriminal disposition proceedings commenced by such agent under G.L. c. 40, § 21D and Chapter 1 of the Code/Bylaws of the Town. Each day of a continuing violation shall count as a separate violation. Any fine imposed hereunder shall be in addition to any civil penalty imposed under G.L. c. 94C.

Section 8 Severability.

Any clause, section or part of this chapter determined to be invalid by any court or authority of competent jurisdiction for any reason shall be severable from any other clause, section or part without affecting the validity of that which remains.

B. Amend Chapter 1 of the Code/Bylaws of the Town, Non-Criminal Disposition, as follows:

1. Amend the Table of Provisions Subject to Non-Criminal Disposition, Chapter 90 by adding in the table of offenses:

C. - CITE	ENFORCING PERSON	PENALTY
Chapter _____ - (Marijuana Licensing);	Police Officer	\$300- First Offense and \$300- Each subsequent offense

Or take any other action relative thereto. (Inserted by the Board of Selectmen)

Recommendation: Favorable Action on Article 5. As indicated in the Advisory Board Letter, at the printing of this STM Warrant Facsimile, we are still waiting for the state Regulatory framework for non-medical marijuana-related business (retail, cultivation, testing and manufacturing) to be clarified and finalized. We do, however, strongly believe that as the Town's vote on whether to prohibit non-medical marijuana-related business (retail, cultivation, testing and manufacturing) will not be decided by the STM (and that vote may be changed by subsequent Town actions), it is essential for the Town to take rational and prudent steps to reasonably regulate the potential local impacts, challenges and benefits resulting from these businesses in our Town. The goal of this Article is to create a General By-law governing the local licensing, operation, monitoring and enforcement of these businesses. Currently, there is no General By-Law in place addressing this type of business, so the default could be to treat it like any other business which may not be an appropriate approach given the unknowns. Failing to adopt a specific and tailored By-Law for local operation and regulation of these new businesses would leave these issues at the State level and to a set of current local regulations that neither address nor contemplate any of the intended or unintended challenges, impacts and benefits of this new commerce. (Unanimous)

ARTICLE 6: To see if the Town will adopt a bylaw as follows:

Chapter _____

Sec. _____ Retail Marijuana Establishments, Limits-

In accordance with G.L. c. 94G, section 3(2)(ii), the number of marijuana retailers within the Town shall not exceed two (2).

Or take any other action relative thereto. (Inserted by the Board of Selectmen)

Recommendation: Favorable Action on Article 6. *MA GL Chapter 94 G Section 3 allows cities and towns the ability to limit the number of marijuana retailers to fewer than 20 per cent of the number of licenses issued within the city or town for the retail sale of alcoholic beverages not to be consumed on the premises where sold under section 15 of chapter 138 (Package Store Licenses). Since a majority of the voters of the Town of Hull voted for Question 4 in 2016, the Town would be required to ratify by a ballot referendum any limit that is less than 20% of the number of Package Store Licenses.*

The Town of Hull has 6 Package Store Licenses. 20% of 6 is 1.2 licenses. If we were to limit the number of licenses to 1 it appears that the issue would have to be ratified at the town election. If the Town were to not ratify the By-Law at the election, the Town of Hull would have no restriction on the number of licenses that could be granted to marijuana retailers. It is the recommendation of the Advisory Board to limit the number of marijuana retailers to 2. This limitation would not require ratification by a ballot referendum. A limit of 2 marijuana retailer licenses mitigates the risk that the town could have no limit to the number of licenses should the referendum fail. This by law acts as a failsafe in case the zoning By-Law is not passed by Town Meeting. Should a ban on marijuana retailers be enacted by Town Meeting and ratified by a ballot referendum, that ban would supersede the limit of 2 licenses as long as that ban is in place. (Unanimous)

ARTICLE 7: 39C - MARIJUANA OVERLAY DISTRICT

All marijuana related uses (medical and/or recreational) are prohibited outside the boundaries of the Marijuana Overlay District.

1. Purpose

The purpose of the Marijuana Overlay District (MOD) is to provide for the placement and regulation of Marijuana related uses as authorized pursuant to State regulations with a goal of minimizing potential adverse impacts on adjacent property owners, neighborhoods, and the town in general.

2. Definitions

- 2.1 **Registered Marijuana Dispensaries:** Entity and facility registered under 105 CMR 725.100 that acquires, cultivates, possesses, processes, transfers, transports, sells, distributes, dispenses, or administers marijuana, products containing marijuana, related supplies, or educational materials to registered qualifying patients or their personal caregivers.

- 2.2 **Marijuana Establishment:** A marijuana cultivator, independent testing laboratory, marijuana product manufacturer, marijuana retailer or any other type of licensed marijuana related business. Does not include Registered Marijuana Dispensaries.
- 2.3 **Marijuana Product:** Products that have been manufactured and contain marijuana or an extract from marijuana, including concentrated forms of marijuana and products composed of marijuana and other ingredients that are intended for use of consumption, including edible products, beverages, topical products, ointments, oils and tinctures.

3. Authority and Establishment

- 3.1 The Planning Board shall be the Special Permit and Site Plan Review Granting Authority for uses in the MOD.
- 3.2 The boundaries of the MOD are shown on the Town of Hull Zoning Map on file with the Town Clerk.
- 3.3 Within the MOD all requirements of the underlying districts remain in effect, except where these regulations provide an alternative to such requirements. If the provisions of the MOD are silent on a zoning regulation, the requirements of the underlying district shall apply. If the provisions of the MOD conflict with the requirements of the underlying district, then the provisions of the MOD shall control.

4. Special Permit and Site Plan Review Administration and Procedures

- 4.1 All proposals for any marijuana related facility within the MOD are required to obtain both Special Permit and Site Plan Review approval.
- 4.2 Special Permit and Site Plan Applicants for Registered Marijuana Dispensaries see Section 6.
- 4.3 Special Permit and Site Plan Applicants for Marijuana Establishments see Section 7.
- 4.4 The Planning Board shall act as Special Permit and Site Plan Review Granting Authority for the MOD, following the procedures for Special Permits specified in sections 34-1A.1.A.4, 5, 6, 9, 12, 13, 14, 15, 16 and 17, of this Zoning Bylaw and Site Plan Review under section 40.

5. Severability

If any provision of this by-law shall be found invalid for any reason, such invalidity shall be construed as narrowly as possible, and the balance of the Section shall be deemed to be amended to the minimum extent necessary, so as to secure the purposes thereof, as set forth in Section 1 hereof.

6. REGISTERED MARIJUANA DISPENSARIES (MEDICAL MARIJUANA)

Applicants seeking approval to operate a Registered Marijuana Dispensaries (RMD) within the MOD shall proceed under the following regulations:

6.1. Use Regulations

Registered Marijuana Dispensaries are allowed only within the set boundaries of the MOD.

6.2. Host Agreement

Prior to application with the Planning Board applicants shall negotiate a host agreement with the Board of Selectmen.

6.3 Application

In addition to the materials required under Section 34-1A.1.A of the Zoning By-Law, the application for a Special Permit RMD shall include:

- 6.3.1 Disclosure Statement - A notarized statement signed by the organization's Chief Executive Officer and corporate attorney disclosing all of its designated representatives, including officers and directors, shareholders, partners, members, managers, directors, officers or other similarly-situated individuals and entities and their addresses. If any of the above are entities rather than persons, the Applicant must disclose the identity of all such responsible individual persons for such entity.
- 6.3.2 Description of Activities - A narrative describing the type and scale of all activities that will take place on the proposed site, including, but not limited to on-site sales of marijuana or marijuana infused products, off-site deliveries, distribution of educational materials, and other programs or activities.
- 6.3.3 Floor Plans - a floor plan of the premises of the proposed RMD that identifies the square footage available and describes the functional areas of the RMD.
- 6.3.4 Site Plans – A plan or plans depicting all proposed development on the property as required under Section 40 of this bylaw.
- 6.3.5 Service Area - A map and narrative describing the area proposed to be served by the RMD and the anticipated number of clients that will be served within that area. This description shall indicate where any other RMD exists or have been proposed within the expected service area.
- 6.3.6 Transportation and Parking Analysis - a quantitative analysis, prepared by a qualified transportation specialist acceptable to the Planning Board, modeling the expected origin and frequency of client and employee trips to the site, the expected modes of transportation used by clients and employees, and the frequency and scale of deliveries to and from the site.
- 6.3.7 Context Map – a map depicting all lots and land uses within a 500-foot radius of the premises.
- 6.3.8 Building Elevations and Signage – Architectural drawings of all exterior building facades and all proposed signage, specifying materials and colors to be used.

6.3.9 Registration Materials: RMD shall be registered by the Massachusetts Department of Public Health (DPH) and copies of the application materials issued for the purpose of seeking registration included in the application to the Town.

6.3.10 Letters from the Police and Fire Departments indicating that they have reviewed the application materials and approve the safety and security measures of the RMD.

6.3.11 Executed host agreement.

6.4. **Dimensional Regulations**

Dimensional Regulations are governed by the underlying zoning or applicable overlay district.

6.5. **Special Permit Criteria**

In granting a Special Permit for a RMD, in addition to the general criteria for issuance of a Special Permit as set forth in section 34-1A.1 of this Zoning By-Law, the Planning Board shall find that the following criteria are met:

6.5.1 The building or buildings in which RMD activities take place shall not be located within, on the same lot as, or on a lot adjacent to a licensed pharmacy or within buildings that contain any pharmacy, medical doctor offices or the offices of any other professional practitioner authorized to prescribe the use of medical marijuana, which exist as of the effective date of this amendment to the Zoning By-Law.

6.5.2 The RMD shall establish policies and procedures to ensure that no marijuana is smoked, eaten or otherwise consumed or ingested on the Premises.

6.5.3 The hours of operation shall be set by the Planning Board, but in no event shall a RMD be open to the public, nor shall any sale or other distribution of marijuana occur upon the Premises or via delivery from the Premises, between the hours of 8:00p.m. and 8:00 a.m.

6.5.4 The RMD meets all of the permitting requirements of all applicable agencies within the Commonwealth of Massachusetts and will be in compliance with all applicable state laws and regulations.

6.5.5 The Premises have been designed to be compatible with other buildings in the area and to mitigate any adverse visual or design impacts that might result from required security measures and restrictions on visibility into the building's interior.

6.5.6 The RMD provides a secure indoor waiting area for individuals and clients.

6.5.7 The site is designed such that it provides convenient, safe and secure access and egress for clients and employees arriving to and leaving from the site using all modes of transportation, including drivers, pedestrians, bicyclists and public transportation users.

- 6.5.8 Traffic generated by client trips, employee trips, deliveries to and from the RMD, and parking and queuing especially during peak periods at the RMD, shall not create a substantial adverse impact on nearby uses.
- 6.5.9 Buffer Zone: A RMD shall not be sited within a radius of five hundred feet of a daycare center, a school or playground dedicated for the use of children, any video arcade or the Paragon Carousel. The 500 foot distance shall be measured in a straight line from the nearest point of the facility in question to the nearest point of the proposed RMD facility.

6.6. **Special Permit Conditions**

The Planning Board shall impose conditions reasonably appropriate to improve site design, traffic flow, public safety, air quality, and preserve the character of the surrounding area and otherwise serve the purpose of this Section. In addition to any specific conditions applicable to the Applicant's RMD, the Planning Board shall include the following conditions in any Special Permit granted under this Section:

- 6.6.1 Hours of Operation, including dispatch of home deliveries.
- 6.6.2 The Special Permit shall be limited to the current Applicant and shall lapse if the permit holder ceases operating the RMD.
- 6.6.3 The Special Permit shall lapse upon the expiration or termination of the Applicant's registration by DPH.
- 6.6.4 The permit holder shall provide to the Building Commissioner, Police and Fire Departments, and the Board of Health, the name, telephone number and electronic mail address of a contact person in the event that such person needs to be contacted after regular business hours to address an urgent issue. Such contact information shall be kept updated by the permit holder.
- 6.6.5 The designated contact person(s) shall notify in writing the Police and Fire Departments, Building Commissioner, Board of Health, and the Planning Board within a minimum twelve (12) hours following a violation, a potential violation, or any attempts to violate any applicable law, or any criminal, potential criminal, or attempted criminal activities as a RMD permitted under this Section.
- 6.6.6 The designated representatives shall file an annual report (annually from the issuance of a Certificate of Occupancy) with the Office of Community Development providing a copy of all current applicable state licenses for the RMD and to demonstrate continued compliance with the conditions of the Special Permit.
- 6.6.7 An RMD licensed after July 1, 2017 shall not convert to a Marijuana Establishment without following the Special Permit and Site Plan Review procedures outlined in Section 7.
- 6.6.8 If the Planning Board determines that the provided parking is not adequate to address the observed demand after operations have commenced the

applicant agrees to meet with the Planning Board to explore options and make best efforts to resolve the issue.

Any future town referendum vote to ban Marijuana Establishments in the General Bylaws will determine which of the following Zoning Bylaw sections are approved.

If a referendum to ban Marijuana Establishments is held and is passed by voters, the following section 7 shall become effective:

7. MARIJUANA ESTABLISHMENTS (RECREATIONAL MARIJUANA)

Consistent with G.L. c. 94G sec. 3(a)(2), all types of marijuana establishments as defined in G.L. c. 94G, Section 1(j), to include all marijuana cultivators, marijuana testing facilities, marijuana product manufacturers, marijuana retailers or any other type of licensed marijuana-related businesses, shall be prohibited within the Town of Hull.

This prohibition shall not apply to the sale, distribution, manufacture or cultivation of marijuana for medical purposes if licensed in accordance with applicable law.

If no referendum to ban Marijuana Establishments is held, or if a referendum is held but fails to pass, or if a referendum is passed to set a maximum number of Marijuana Establishments, the following bylaw is to become effective

7. MARIJUANA ESTABLISHMENTS (RECREATIONAL MARIJUANA)

Applicants seeking approval to operate a Marijuana Establishment within the MOD shall proceed under the following regulations:

7.1. Use Regulations

Marijuana Establishments are allowed only within the set boundaries of the MOD.

7.2. Host Agreement

7.2.1 Prior to application with the Planning Board applicants shall negotiate a host agreement with the Board of Selectmen as provided for under MGL Chapter 94G Section 3.

7.2.2 This host agreement shall include language that gives the Planning Board the ability to restrict signage to the standards outlined in the Special Permit Criteria section below.

7.3. Application

In addition to the materials required under Section 34-1A.1.A of the Zoning By-Law, the application for a Special Permit shall include:

7.3.1 Disclosure Statement - A notarized statement signed by the organization's Chief Executive Officer and corporate attorney disclosing all of its designated representatives, including officers and directors, shareholders, partners, members, managers, directors, officers or other similarly-situated individuals and entities and their addresses. If any of the above are entities rather than

persons, the Applicant must disclose the identity of all such responsible individual persons for such entity.

- 7.3.2 Description of Activities - A narrative describing the type and scale of all activities that will take place on the proposed site, including, but not limited to on-site sales of marijuana products, off-site deliveries, distribution of educational materials, and other programs or activities.
- 7.3.3 Cannabis Control Commission (CCC) Compliance – The Marijuana Establishment shall be registered and licensed by the CCC. The CCC application shall be included in the application to the town. A statement outlining how the proposed project complies with CCC regulations and process for approval shall be included.
- 7.3.4 Floor Plans - a floor plan of the premises of the proposed establishment that identifies the square footage available and describes the functional areas of the establishment.
- 7.3.5 Site Plans – A plan or plans depicting all proposed development on the property as required under Section 40 of this bylaw.
- 7.3.6 Transportation and Parking Analysis - a quantitative analysis, prepared by a qualified transportation specialist acceptable to the Planning Board, modeling the expected origin and frequency of client and employee trips to the site, the expected modes of transportation used by clients and employees, and the frequency and scale of deliveries to and from the site.
- 7.3.7 Context Map – a map depicting all lots and their uses within 500 feet and any marijuana related land uses within a 2500 foot radius of the premises.
- 7.3.8 Building Elevations– Architectural drawings of all exterior building facades specifying dimensions, materials and colors to be used.
- 7.3.9 Signage - Drawings of all proposed signage specifying location, illumination, dimensions, materials and colors to be used and details of sign construction.
- 7.3.10 Executed host agreement.

7.4. **Dimensional Regulations**

Dimensional Regulations are governed by the underlying zoning or applicable overlay district.

7.5. **Special Permit Criteria**

- 7.5.1 The Marijuana Establishment meets all of the permitting requirements of all applicable agencies within the Commonwealth of Massachusetts and will be in compliance with all applicable state laws and regulations.
- 7.5.2 The location of Marijuana Establishments shall be a minimum distance of 2500 feet from the location of another Marijuana Establishment or Medical Marijuana Dispensary measured from the two closest points on the lots

where these establishments are to be located. This is not meant to prohibit a single facility from containing both a Marijuana Establishment and Medical Marijuana Dispensary.

7.5.3 The Marijuana Establishment shall not emit any odor.

7.5.4 The Marijuana Establishment shall only sell its products to consumers within an enclosed structure. There shall be no “drive through windows” or openings of any kind allowing the purchase of Marijuana Products to consumers outside of an enclosed structure.

7.5.5 The Marijuana Establishment shall be of a minimum square footage to provide for an occupancy permit where all customers at any given time could locate within the enclosed structure.

7.5.6 Design Standards

7.5.6.1 Special Permits to approve a Marijuana Establishment use require that design standards identified in 39B Nantasket Beach Overlay Section 11 be incorporated into new and existing building design to the satisfaction of the Planning Board.

7.5.6.2 The Premises have been designed to be compatible with other buildings in the area and to mitigate any adverse visual or design impacts that might result from required security measures.

7.5.7 Traffic generated by client trips, employee trips, deliveries to and from the Marijuana Establishment, and parking and queuing especially during peak periods at the Marijuana Establishment, shall not create a substantial adverse impact on nearby uses.

7.5.8 Signage/Lighting

The Planning Board may waive the requirements under 7.5.8.1-7.5.8.3 if a finding is made that the sign is not more detrimental to the neighborhood and it is compatible with the building location and design.

7.5.8.1 There shall be a maximum of one sign per Marijuana Establishment.

7.5.8.2 Signs shall be limited to three (3) square feet in area.

7.5.8.3 Signage is limited to wall signs lying flush with a building façade. Signage within façade windows is prohibited.

7.5.8.4 Use of images of marijuana, related paraphernalia, and colloquial references to cannabis and marijuana, or its use is prohibited from use in any signage.

7.5.8.5 A Marijuana Establishment shall not display on the exterior of the facility advertisements for marijuana, any brand name, sales information or prices.

- 7.5.8.6 Marijuana and/or any associated products shall not be displayed or clearly visible to a person from the exterior of an establishment.
- 7.5.8.7 No signs shall flash, rotate, and be animated, be motorized or move or be designed to move by any means, either in whole or in part. This includes LED scrolling signs or any other means of messaging.
- 7.5.8.8 The number of colors in the sign shall be limited to three and shall be muted in tone.
- 7.5.8.9 Illumination
 - a. External signage shall not be illuminated except for a period of 30 minutes before sundown until closing
 - b. Signage shall not be internally lit.
 - c. Any signage illumination shall be from external means with only white light.
 - d. Neon signage is prohibited.
 - e. No flashing of colored lighting is allowed to be used in conjunction with this use.
- 7.5.9 Buffer Zone: A Marijuana Establishment shall not be sited within a radius of five hundred feet of a daycare center, a school or playground dedicated for the use of children, any video arcade or the Paragon Carousel. The 500 foot distance shall be measured in a straight line from the nearest point of the facility in question to the nearest point of the proposed Marijuana Establishment facility.
- 7.5.10 There shall be no consumption of any Marijuana Products at any Marijuana Establishment.

7.6 Special Permit Conditions

The Planning Board shall impose conditions reasonably appropriate to improve site design, traffic flow, public safety, air quality, and preserve the character of the surrounding area and otherwise serve the purpose of this Section. In addition to any specific conditions applicable to the Applicant's RMD, the Planning Board shall include the following conditions in any Special Permit granted under this Section:

- 7.6.1 The Special Permit shall lapse within two years of its issuance. If the permit holder wishes to renew the Special Permit, an application to renew the Special Permit must be submitted at least 120 days prior to the expiration of the Special Permit.
- 7.6.2 The design of the building, façade and signage shall be constructed exactly as approved by the Planning Board. Any deviations from the approved plan shall be approved by the Board or the Special Permit shall be void.
- 7.6.3 The Special Permit shall be limited to the current Applicant and shall lapse if the permit holder ceases operating the Marijuana Establishment.

- 7.6.4 No marijuana is to be smoked, eaten or otherwise consumed or ingested on the premises.
- 7.6.5 If the Planning Board determines that the provided parking is not adequate to address the observed demand after operations have commenced the applicant agrees to meet with the Planning Board to explore options and make best efforts to resolve the issue.
- 7.6.6 Any Marijuana Establishment that the Special Permit Granting Authority determines has become a nuisance for any reason may be found in violation of the Special Permit.

Or take any other action relative thereto. (Inserted by the Planning Board)

Recommendation: Favorable Action on Article 7. *As indicated in the Advisory Board Letter, at the printing of this STM Warrant Facsimile, we are still waiting for the state Regulatory framework for non-medical marijuana-related business (retail, cultivation, testing and manufacturing) to be clarified and finalized. We do, however, strongly believe that as the Town's vote on whether to prohibit non-medical marijuana-related business (retail, cultivation, testing and manufacturing) will not be decided by the STM (and that vote may be changed by subsequent Town actions), it is essential for the Town to take rational and prudent steps to reasonably regulate the potential local impacts, challenges and benefits resulting from these businesses in our Town. The goal of this Article is to create a Zoning By-law (including a Marijuana Zoning Overlay District and Special Permit process) to provide for a reasonable and prudent process to locate (and limit) marijuana business establishments within our Town. Currently, there is no Zoning in place addressing this type of business so the default could be to allow these businesses in any district in which businesses may be located – including, perhaps, grandfathered or pre-existing use type situations – which is not appropriate for many reasons including the density of our Town, proximity of some of these areas to neighborhoods and other uses and the unknown impacts these new businesses may create. Failing to adopt a specific and tailored Zoning By-Law for where these local businesses can and should be situated in our Town, what physical attributes they should generally have, etc., would leave these issues at the State level and to a set of current local zoning regulations and permitting that neither address nor contemplate any of the intended or unintended challenges, impacts and benefits of these new uses and structures. That would not be rational planning. (7 to 0 with 1 Abstention)*

ARTICLE 8: To see if the Town will vote to alter, discontinue and/or abandon portions of Nantasket Avenue located in the Hull Redevelopment Authority area generally between Phipps Street and Water Street, and/or ratify and confirm any prior alteration, discontinuance and/or abandonment, and to authorize or ratify any actions of the Board of Selectmen to convey or grant use of all or a portion of the Town's right, title and interest in same to such parties as approved by the Board of Selectmen, under such terms and conditions as the Board of Selectmen may deem prudent and beneficial to the Town.

Or take any other action relative thereto. (Inserted by the Board of Selectmen)

Recommendation: Favorable Action on Article 8. *This article allows the HRA, the town, and the DCR to move forward together in enhancing the size and development potential of the HRA property. The 4 lane configuration with median of Nantasket Ave between Phipps St. and Surfside has created traffic and potential development problems. Years of design consideration and public hearings have led to a plan to reroute Nantasket Ave. such that there will be 2 way traffic along the beachfront from George Washington Blvd to Phipps St, and, 2 way traffic on*

the west side from Phipps St to Anastos Corner, with cross streets strategically planned joining these roadways. Approval of this article allows the town to access a \$4.13 million state MassWorks grant for the reconfiguration of the roadways. (unanimous) (8-0)

ARTICLE 9: TO REQUIRE THE USE OF GENDER NEUTRAL LANGUAGE IN ALL TOWN DOCUMENTS AND COMMUNICATIONS

To determine whether the Town will:

- (a) amend the Town By-laws to substitute for the term “board of selectmen,” the term “select board,” and substitute for the words “selectman, selectmen, selectwoman, or selectwomen,” the words “select board member(s)” or “member(s) of the select board,” in each and every place such words appear in the Town By-laws and in all currently active and future Town documents and communications, and
- (b) amend the Town By-laws to require the use of gender-neutral language in all currently active and future Town documents and communications, and
- (c) direct the Town Counsel and the Town Clerk to make the changes to the Town By-Laws described above no later than July 31, 2018.
(Inserted by Mark Vafides and others)

Recommendation: Recommendation at Town Meeting on Article 9. *At the time of the printing of this warrant facsimile, we did not yet have enough information to make a recommendation. We met with the petitioner in an open meeting, and the board appreciated the efforts and intent of the article. There are some open questions as to whether the state will approve an omnibus article to change every bylaw in one vote. We await the Attorney General’s guidance on this and will have a recommendation once issues like this are fully understood. In addition, there are unanswered questions as to the most effective way to implement this policy, potential restrictions as to certain statutory interpretation requirements and the scope, cost, and timing of implementation. (unanimous)*

And you are hereby directed to serve this Warrant by causing attested copies thereof to be posted at the main entrance to the Municipal Building and at least three other public places in said town fourteen days at least before the time of holding said meeting, as directed by vote of the town.

Hereof fail not and make due return of this Warrant with your doings thereof to the Town Clerk at the time and place of meeting aforesaid.

Given under our hands this _____ day of _____, A.D. 2018.

BOARD OF SELECTMEN

Plymouth ss
_____, 2018

By virtue of the above warrant, I have this day notified and warned as therein directed, the Inhabitants of the Town of Hull qualified to vote in elections and town affairs, to meet at the time and place for the purpose therein stated.

Constable, Town of Hull

**Advisory Board
Municipal Building
Hull, MA 02045**

**Presorted Standard
CRRT
US Postage Paid
Permit #17
Hull, MA 02045**

**Residential Customer
Hull, MA 02045**