



**TOWN OF HULL
OFFICE OF THE TOWN CLERK**

Lori West, MMC/CMC

Town Clerk
Justice of the Peace
Notary Public

**POSTING DATE: December 19, 2023
PLYMOUTH, SS.**

TO ANY CONSTABLE OF THE TOWN OF HULL IN SAID COUNTY:

GREETINGS:

In the name of the Commonwealth of Massachusetts you are hereby directed to post in at least five public places in the Town in each of the three precincts, **Precinct 1 – Hull Public Library, Town of Hull (Allerton) Post Office, Precinct 2 - Town of Hull Main Post Office and Precinct 3 - Town Hall, Town of Hull Police Department** with copies of the attached Amendment to the Town General By-laws.

These amendments were voted under Article 7 (Zoning) and Warrant Articles 2 and 8 (General) from the Warrant for the 2023 Special Town Meeting, which the meeting was held on August 31, 2023.

As relates to any Zoning by-law, any claim of invalidity by reason of any defect in the procedure of adoption or amendment of the aforementioned by-laws may only be made within ninety days of the date of the posting of this notice. Copies of the by-laws are available in the office of the Town Clerk, Town Hall, and 253 Atlantic Avenue, Hull, Massachusetts and by the online version available on the Town of Hull Website under the Town Clerk's webpage at: www.town.hull.ma.us.

Hereof fail not and make due return upon this warrant with your action thereon to the Town Clerk.

Attest:

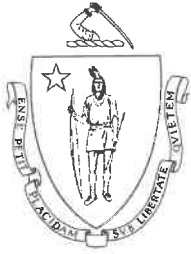
Lori West

**Lori West
Town Clerk**

By virtue of this warrant, I have this day posted attested copies of the amendment to the Bylaws of the Town of Hull voted under the aforementioned articles of the 2023 Annual Town Meeting on five bulletin boards erected by the town in public places in each of the three precincts of the Town.

Kathleen A. Peloquin

**Kathleen Ann Peloquin
Date: December 19, 2023**



THE COMMONWEALTH OF MASSACHUSETTS
OFFICE OF THE ATTORNEY GENERAL

CENTRAL MASSACHUSETTS DIVISION
10 MECHANIC STREET, SUITE 301
WORCESTER, MA 01608

ANDREA JOY CAMPBELL
ATTORNEY GENERAL

(508) 792-7600
(508) 795-1991 fax
www.mass.gov/ago

December 12, 2023

Lori West, Town Clerk
Town of Hull
253 Atlantic Avenue
Hull, MA 02045

Re: Hull Special Town Meeting of August 31, 2023 -- Case # 11167
Warrant Article # 7 (Zoning)
Warrant Articles # 2 and 8 (General)

Dear Ms. West:

Articles 2, 7, and 8 - We approve Articles 2, 7 and 8 from the August 31, 2023 Hull Special Town Meeting. Our comments regarding Articles 7 and 8 are provided below.

Articles 7 and 8 - Under Article 7, the Town voted to amend the zoning by-laws to delete Section 410-3.13 (G) (1) and (2) in their entirety and insert a new Section 410-3.13 (G) that allows marijuana establishments in the Town. The Town's existing zoning by-laws (adopted in 2018) prohibited all types of marijuana establishments in the Town (except for marijuana for medical purposes). See 410-3.13 (G) (1) and (2). The new Section 410-3.31 (G) as follows:

The Planning Board may grant a special permit to a Marijuana Establishment and/or an applicant for a standalone adult use retail license to authorize adult use retail sales, subject to execution of a new Host Community Agreement, submission of new applications for site plan approval and special permit satisfying all of the requirements of Section 410-3.13H.

The Town also deleted the existing and inserted new text for Section 410-3.13 (F) (6) (g) as follows: "A Marijuana Establishment licensed after July 1, 2017 shall not convert to a Marijuana Establishment without following Special Permit and Site Plan Review procedures outlined in Subsection H." ¹ Finally, under Article 7, the Town adopted a new Section 410-3.13H, "Marijuana

¹ As amended, Section 410-3.13 (F) (6) (g) prohibits a "Marijuana Establishment licensed after July 1, 2017" from converting "to a Marijuana Establishment" without a special permit and site plan. However, the existing text in Section 410-3.13 (F) (6) (g) references the process for *RMDs* licensed after July 1, 2017 converting to Marijuana Establishments. It is not clear whether Section 410-3.13 (F) (6) (g)'s new text intended to reference *RMDs* converting to Marijuana Establishments. The Town may wish to consult with Town Counsel to determine if a future amendment is needed to clarify this issue.

A true copy attest:


Lori West-Town Clerk of Hull


Date 12/12

Establishments (Recreational Marijuana)” that allows Marijuana Establishments within the Marijuana Overlay District (MOD) by special permit, subject to the requirements imposed under Section 410-3.13H.²

Under Article 8, the Town voted to amend the general by-laws, Chapter 309, “Marijuana Establishments,” to allow a “Registered Marijuana Dispensary and/or an applicant for a standalone adult use retail license [to] engage in adult use retail sales, subject to execution of a new or amended Host Community Agreement, compliance with all applicable Zoning Bylaws, and...final licensure and permission to commence operations from the Cannabis Control Commission.” We approve Articles 7 and 8 and offer the following comment for the Town’s consideration regarding requirements for Host Community Agreements.

Section 410-3.13 (H) of the zoning by-laws and Chapter 309 of the general by-laws, require the execution of a Host Community Agreement. See 410-3.13 (H) (2) (“Prior to application with the Planning Board applicants shall negotiate a host agreement with the Board of Selectmen.”); Section 410-3.13 (H) (3) (k) (requiring as part of the special permit application that an applicant submit a “Executed host agreement.”); and Chapter 309 (requiring the execution of a new or amended Host Community Agreement.) However, the Cannabis Control Commission (CCC) recently updated its regulations (effective October 27, 2023). The new regulations, among other things, impose requirements for Host Community Agreements. See 935 CMR §§ 500.180 and 500.181 (Adult Use Marijuana) and 935 CMR §§ 501.180 and 500.181 (Medical Use of Marijuana). The Town must ensure that the zoning and general by-law provisions that require a Host Community Agreement are applied consistent with the updated CCC regulations. The Town should consult with Town Counsel with any questions on this issue.

Note: Pursuant to G.L. c. 40, § 32, neither general nor zoning by-laws take effect unless the Town has first satisfied the posting/publishing requirements of that statute. Once this statutory duty is fulfilled, (1) general by-laws and amendments take effect on the date these posting and publishing requirements are satisfied unless a later effective date is prescribed in the by-law, and (2) zoning by-laws and amendments are deemed to have taken effect from the date they were approved by the Town Meeting, unless a later effective date is prescribed in the by-law.

Very truly yours,
ANDREA JOY CAMPBELL
ATTORNEY GENERAL

Kelli E. Gunagan

by: Kelli E. Gunagan, Assistant Attorney General
By-law Coordinator, Municipal Law Unit
Ten Mechanic Street, Suite 301
Worcester, MA 01608
(508) 792-7600 x 4406

cc: Town Counsel James B. Lampke

² Section 410-3.13 (B), “Definitions,” defines a Marijuana Establishment as follows: “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.”