

TOWN OF BLACKSTONE  
WARRANT FOR SPECIAL TOWN MEETING

February 26, 2019

Worcester, SS:

To either of the Constables of the Town of Blackstone in the County of Worcester.

Greetings:

In the name of the Commonwealth of Massachusetts, you are hereby directed to notify the inhabitants of Precinct #1, Precinct #2 and Precinct #3 in the Town of Blackstone, qualified to vote in Town Affairs to meet in the Blackstone-Millville Regional Molony-Sullivan School Auditorium in said Town of Blackstone on Tuesday, February 26, 2019 at 7:00 p.m. then and there to act upon the articles of the warrant.

**ARTICLE 1.** To see if the Town will vote to amend the Zoning Bylaws of the Town of Blackstone by making the following changes to Section 123-23.7 regarding Medical Marijuana Facilities, to address Recreational Marijuana, adding definitions of Marijuana Establishment and Marijuana Retailer to Section 123-24 and adding a Recreational Marijuana Establishment and Recreational Marijuana Retailer to Section 123-11 Use Schedule.

**123-23.7. Marijuana Establishments and Marijuana Retailers**

A. Purpose. This section regulates Marijuana Establishments and Marijuana Retailers for the following purposes as defined in Section 123-24 ("Definitions"):

(1) To provide for, Marijuana Establishments and Marijuana Retailers in appropriate places and under strict conditions in accordance with Chapter 369 of the Acts of 2012 and Chapter 55 of the Acts of 2017

(2) To minimize the adverse impacts of Marijuana Establishments and Marijuana Retailers on adjacent properties, residential neighborhoods, schools, parks and other places where children congregate, local historic districts, and other land uses potentially incompatible with said Facilities.

(3) To regulate the siting, design, placement, security, safety, monitoring, modification, and removal of Marijuana Establishments and Marijuana Retailers.

B. Applicability

(1) The commercial cultivation, production, processing, assembly, packaging, retail or wholesale sale trade, distribution or dispensing of Marijuana is prohibited unless permitted as a Marijuana Establishment or Marijuana Retailer under this Section 123-23.7.

(2) No **Marijuana Establishment or Marijuana Retailer** shall be established except in compliance with the provisions of this Section 123-23.7.

(3) Nothing in this Bylaw shall be construed to supersede federal and state laws governing the sale and distribution of narcotic drugs.

(4) If any provision of this Section or the application of any such provision to any person or circumstance shall be invalid, the remainder of this Section, to the extent it can be given effect, or the application of those provisions to persons or circumstances other than those to which it is held invalid, shall not be affected thereby, and to this end the provision of this Section are severable.

C. Eligible Locations for **Marijuana Establishments and Marijuana Retailers**

**Marijuana Establishments** may be allowed by Special Permit from the Blackstone Planning Board in the Industrial Zoning District provided the facility meets the requirements of this Section 123-23.7.

**Marijuana Retailers may be allowed by Special Permit from the Blackstone Planning Board in the Commercial or Industrial Zoning Districts. Marijuana Retailers may also be allowed in an R-1 district by special permit granted by the ZBA, and subject to site plan review by the Planning Board, but only for sites that abut a Commercial or Industrial District and that have pre-existing nonconforming buildings designed and used solely for commercial purposes.**

D. General Requirements and Conditions for all **Marijuana Establishments and Marijuana Retailers**.

(1) All non-exempt **Marijuana Establishments and Marijuana Retailers** shall be contained within a building or structure.

(2) A Medical Marijuana Facility shall not be located in buildings that contain any medical doctor's offices or the offices of any other professional practitioner authorized to prescribe the use of medical marijuana.

(3) The hours of operation of **Marijuana Establishments and Marijuana Retailers** shall be set by the Special Permit Granting Authority, but in no event shall **Marijuana Retailers** be open and/or operating between the hours of 8:00 PM and 8:00 AM.

(4) No smoking, burning or consumption of any product containing marijuana or marijuana-related products shall be permitted on the premises of **Marijuana Establishments and Marijuana Retailers**.

(5) No **Marijuana Establishment and Marijuana Retailers** shall be located inside building containing residential units, including transient housing such as motels and dormitories, or inside a movable or mobile structure such as a van or truck.

(6) Signage for the Medical Marijuana Facility shall include the following language: "Registration card issued by the MA Department of Public Health required." The required text shall be a minimum of two inches in height.

(7) **Marijuana Establishments and Marijuana Retailers** shall provide the Blackstone Police Department, Building Inspector and the Special Permit Granting Authority with the names, phone numbers and email addresses of all management staff and key holders to whom one can provide notice if there are operating problems associated with the establishment.

#### E. Special Permit Requirements

(1) **Marijuana Establishments and Marijuana Retailers** shall only be allowed by special permit from the Blackstone Planning Board in accordance with G.L. c. 40A, §9, subject to the following statements, regulations, requirements, conditions and limitations.

**(2) The proposed Marijuana Establishment or Marijuana Retailer shall meet the special permit criteria of Section 123-4**

(3) In addition to the application requirements set forth in Sections D and E of this Bylaw, a special permit application for a **Marijuana Establishment or Marijuana Retailer** shall include the following;

- a) the name and address of each owner of the facility;
- b) copies of all required licenses and permits issued to the applicant by the Commonwealth of Massachusetts and any of its agencies for the Facility;
- c) evidence of the Applicant's right to use the site of the **Marijuana Establishment or Marijuana Retailer** such as a deed, or lease;
- d) if the Applicant is a business organization, a statement under oath disclosing all of its owners, 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 the owners of such entities until the disclosure contains the names of individuals;
- e) a certified list all parties in interest entitled to notice of the hearing for the special permit application, taken from the most recent tax list of the town and certified by the Town Assessor;
- f) Proposed security measures for the **Marijuana Establishment or Marijuana Retailer**, including lighting, fencing, gates and alarms, etc., to ensure the safety of persons and to protect the premises from theft.
- g) Proposed odor mitigation plan, including floor plans indicating locations of odor mitigation equipment. Odor mitigation equipment shall be state-of-the-art equipment to the maximum extent practicable. Such odor mitigation plan shall be subject to peer review by a qualified marijuana odor mitigation consultant.

h) Proposed noise mitigation plan for mechanical equipment. Noise mitigation facilities shall be state-of-the-art to maximum extent practicable. The plan must document compliance with Massachusetts Department of Environmental Protection standards for noise.

(4). Mandatory Findings. The Special Permit Authority shall not issue a special permit for a **Marijuana Establishment or Marijuana Retailer** unless it finds that:

a) the Facility is designated to minimize any adverse visual or economic impacts on abutters and other parties in interest, as defined in G.L. c. 40A, § 11;

b) the Facility demonstrates that it will meet all the permitting requirements of all applicable agencies within the Commonwealth of Massachusetts and will be in compliance with all applicable state laws and regulations; and

c) the applicant has satisfied all of the conditions and requirements of Sections D and E herein:

(5) Annual Reporting. Each **Marijuana Establishment or Marijuana Retailer** permitted under this Bylaw shall as a condition of its special permit file an annual report to and appear before the Special Permit Granting Authority and the Town Clerk no later than January 31<sup>st</sup>, providing a copy of all current applicable state licenses for the Facility and/or its owners and demonstrate continued compliance with the conditions of the Special Permit.

(6) A special permit granted under this Section shall have a term limited to the duration of the applicant's ownership of the premises as a **Marijuana Establishment or Marijuana Retailer**. A special permit may be transferred only with the approval of the Special Permit Granting Authority in the form of an amendment to the special permit with all information required in this Section 123-23.7.

(7) The Board shall require the applicant to post a bond at the time of construction to cover costs for the removal of the **Marijuana Establishment or Marijuana Retailer** in the event the Town must remove the facility. The value of the bond shall be based upon the ability to completely remove all the items noted in 123-23.7 F (2). and properly clean the facility at prevailing wages. The value of the bond shall be developed based upon the applicant providing the Planning Board with three (3) written bids to meet the noted requirements. An incentive factor of 1.5 shall be applied to all bonds to ensure compliance and adequate funds for the town to remove the tower at prevailing wages.

#### F. Abandonment or Discontinuance of Use

(1) A Special Permit shall lapse if not exercised within one year of issuance.

(2) A **Marijuana Establishment or Marijuana Retailer** shall be required to remove all material, plants equipment and other paraphernalia:

a) prior to surrendering its state issued licenses or permits; or

b) within six months of ceasing operations; whichever comes first

and add the following to Section 123-24 Definitions and word usage:

**Marijuana Establishment (ME):** A Medical Marijuana Facility, marijuana independent testing laboratory, marijuana product manufacturer, or marijuana cultivator, all as defined in General Laws chapter 94G, §1, but not including Marijuana Retailers.

**Marijuana Retailer:** An entity licensed to purchase and deliver medical and/or recreational marijuana and marijuana products from marijuana establishments and to deliver, sell or otherwise transfer marijuana and marijuana products to marijuana establishments and to consumers.

And add the following to Section 123-11 Use Schedule under **INSTITUTIONAL USES:**

	<b>R-1,</b>			
	<b>R-2</b>	<b>R-3</b>	<b>C</b>	<b>I</b>
<u><b>Marijuana Establishment</b></u>	No	No	No	PB
<u><b>Marijuana Retailer</b></u>	BA*	No	PB	PB

\* Only as provided for in 123-23.7 C.

Or take any other action relative thereto

(Submitted by the Board of Selectmen)

**ARTICLE 2.** To see if the Town will vote to amend **Section 123-23.6, Commercial Ground Mounted Solar Photovoltaic Facilities**, Subsection D, Requirements for Solar Photovoltaic Facilities, of the Blackstone Zoning Bylaws by adding the following as illustrated in **bold underline** type:

### **123-23.6 Commercial Ground Mounted Solar Photovoltaic Facilities**

#### D. Requirements for Solar Photovoltaic Facilities

##### (1) Special Permit

No solar photovoltaic facility over 100 kilowatts of rated nameplate capacity shall be erected, constructed, installed or modified as provided in this section without first obtaining a special permit from the Planning Board. The construction of a solar photovoltaic facility shall be permitted subject to the issuance of a Special Permit and provided that the use complies with all requirements set forth in this Section 123-23.6. All such solar photovoltaic facilities shall be constructed and operated in a manner that minimizes adverse visual, safety, and environmental impacts. **No special permit shall be issued for a Solar Photovoltaic Facility for any parcel that will result in more than 25% of the total land area of an Industrial District consisting of parcels that are the site of Commercial Ground-Mounted Solar Photovoltaic Installations.**

and to amend Section 123-11, Use Schedule, by removing the authority of the Planning Board to grant special permits for Commercial Ground Mounted Solar Photovoltaic Facilities in the R-1, R-2, R-3 and C districts as indicated with ~~striethrough~~ type for deletions and **underline** type for additions follows:

	R- 1, R-2	R-3	C	I
Commercial Solar Photovoltaic Facility in accordance with Section 123-23.6	<u>PB No</u>	<u>PB No</u>	<u>PB No</u>	PB

or take any other action in relation thereto.

(Submitted by the Board of Selectmen)

**ARTICLE 3.** To see if the Town will vote to raise and appropriate or transfer retained earnings the sum of \$3,160 to pay prior year bill payable to Fuss & O'Neill, Inc. for work related to the I & I Study or take any other action in relation thereto.

(Submitted by the Board of Selectmen)

**ARTICLE 4.** To see if the Town will vote to raise and appropriate or transfer from retained earnings the sum of \$120,504.88 to pay prior year bill payable to the City of Woonsocket Regional Waste Water for the flow bill or take any other action in relation thereto.

(Submitted by the Board of Selectmen)

**ARTICLE 5.** To see if the Town will vote to raise and appropriate or transfer from available funds a sum of \$12,000 to monitor flow and/or inspect (camera) and report findings of main sewer lines on various streets and river crossings within the Town or take any other action in relation thereto.

(Submitted by the Board of Selectmen)

**ARTICLE 6.** To see if the Town will vote to raise and appropriate or transfer from available funds a sum of \$25,000 to pay vocational tuition and transportation or take any other action in relation thereto.

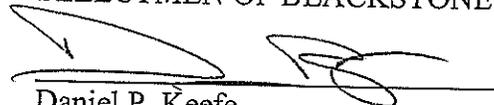
(Submitted by the Board of Selectmen)

Hereof, fail not and make due return of this Warrant with doings thereon, to the Town Clerk at or before the time of said meeting.

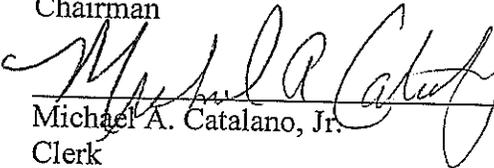
And you are directed to serve this warrant by posting up true and attested copies thereof in each of the following names and places in Blackstone fourteen (14) days at least before the day fixed for such meeting at the Municipal Center on St. Paul Street and at Fire Station #2, Rathbun Street and the A.F. Maloney School on 200 Lincoln Street and also by publication no less than fourteen (14) days before the day fixed for such meeting in that newspaper having the largest circulation in the Town .

Given under our hands this 5th day of February in the year of Our Lord, Two Thousand Nineteen.

SELECTMEN OF BLACKSTONE

  
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Daniel P. Keefe  
Chairman

  
\_\_\_\_\_

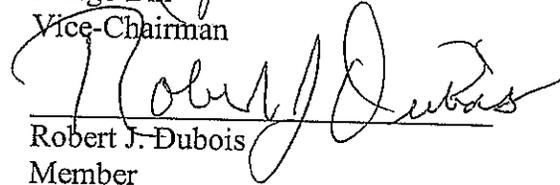
Michael A. Catalano, Jr.  
Clerk

  
\_\_\_\_\_

Gerald P. Rivet  
Member

  
\_\_\_\_\_

Margo Birk  
Vice-Chairman

  
\_\_\_\_\_

Robert J. Dubois  
Member

A true copy attest:

  
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Constable of Blackstone

Worcester, SS:

Pursuant to the foregoing warrant, I have this 6th day of February 2019 notified the inhabitants of Precinct #1, Precinct #2 and Precinct #3 in the Town of Blackstone by posting up true and attested copies of the within warrant at the within named places and by publication as within directed.

  
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Constable of Blackstone

A TRUE COPY OF THE WARRANT AND RETURN:

  
\_\_\_\_\_

Claudette Dolinski  
Town Clerk