

**TOWN OF NORTHBRIDGE
BOARD OF SELECTMEN'S MEETING
NORTHBRIDGE TOWN HALL
7 MAIN STREET - WHITINSVILLE, MA 01588
November 20, 2017 AT 7:00 PM**

REVISED

~~**Representative David Muradian—Office Hours 7PM to 8PM—Northbridge Town Hall**~~ *Postponed until December 4, 2017*

Presentation: Proclamation awarded to Shannon Mortimer

PLEDGE OF ALLEGIANCE

I. APPROVAL OF MINUTES

A. October 16, 2017

II. PUBLIC HEARING

III. APPOINTMENTS/Resignations

IV. CITIZENS' COMMENTS/INPUT

V. DECISIONS:

B. Winter Parking Ban [December 1, 2017 to April 1, 2018] / Vote to approve

C. Purgatory Beer Company/Request for a Change of Hours [**Current:** Thursday 5 PM-8 PM, Friday 4 PM- 9 PM, Saturday 11 AM-9 PM, and Sunday 12 PM-5 PM/**Request:** Sunday-Saturday 11 AM -9 PM]

Present: Brian Distefano

VI. DISCUSSIONS

D. Proposed Zoning Bylaw Amendment (Solar Photovoltaic Installation/Puddon Street & Quaker Street)

Present: Stephen J. O'Connell, Vice President, Andrews Survey & Engineering, Inc.

E. Recreational Marijuana Update/**Present:** Gary Bechtholdt, Town Planner & Walter Warchol, Police Chief

F. WWI Monument update/**Present:** Trustees of Soldiers Memorials

G. Town Manager Goals/Reminder to submit

VII. TOWN MANAGER'S REPORT

H. 1) Meetings Attended

2) School Building Project Update

3) DPW Garage Project

4) Fire Station Project (Feasibility Study)

5) Electricity Supply Agreement for Municipal Buildings

6) Other ongoing tasks

VIII. SELECTMEN'S CONCERNS

IX. ITEMS FOR FUTURE AGENDA

X. CORRESPONDENCE

XI. EXECUTIVE SESSION

Town Clerk: 2 Hard copies	<input type="checkbox"/>
Web: Post time-stamped copy	<input type="checkbox"/>

THIS AGENDA IS SUBJECT TO CHANGE



BOARD OF SELECTMEN'S MEETING
October 16, 2017

A meeting of the Board of Selectmen was called to order by Vice Chairman Thomas Melia at 6:32 PM, Northbridge Town Hall, 7 Main Street, Whitinsville, MA. Present: Messrs. Melia, Marzec, and Nolan. Selectman Athanas and Chairman Ampagoomian were absent and it is duly noted. **Also Present:** Adam D. Gaudette, Town Manager.

The Pledge of Allegiance was recited by those present.

Vice Chairman Melia announced that the Board would be going into executive session and declared that having an open meeting may have a detrimental effect on the bargaining position of the body.

A motion/Mr. Marzec, seconded/Mr. Nolan to go into Executive Session under M.G.L. Chapter 30A, Sec. 21 #3 - To discuss strategy with respect to collective bargaining [Police Dispatchers] – and to reconvene in Open Session. Roll Call Vote: Mr. Marzec/Yes, Mr. Melia/Yes, and Mr. Nolan/Yes.

Open Session Adjourned: 6:33 PM

Executive Session Convened: 6:35 PM

Executive Session Adjourned: 6:56 PM

Open Session Reconvened: 7:00 PM

APPROVAL OF MINUTES: 1) **May 15, 2017 Special Meeting.** A motion/Mr. Marzec, seconded/Mr. Melia to approve the May 15, 2017 minutes as presented with the readings omitted. Vote yes/Messrs. Marzec and Melia. Abstain: Mr. Nolan. 2) **May 22, 2017 [Exec. Sess.].** A motion/Mr. Marzec, seconded/Mr. Nolan to approve but not release the May 22, 2017 executive session minutes. Vote yes/Messrs. Marzec, Melia and Nolan. 3) **June 26, 2017 [Exec. Sess.].** A motion/Mr. Marzec, seconded/Mr. Nolan to approve but not release the June 26, 2017 executive session minutes. Vote yes/Messrs. Marzec, Melia and Nolan. 4) **August 21, 2017.** A motion/Mr. Marzec, seconded/Mr. Nolan to approve the August 21, 2017 minutes as presented with the readings omitted. Vote yes/Messrs. Marzec, Melia and Nolan.

PUBLIC HEARING: None

APPOINTMENTS/By the Board of Selectmen [Vote to appoint]: Justine Carroll, Conservation Commission/Present: Barbara McNamee, Conservation Commission Member. Ms. McNamee stated the Commission is proud to have Ms. Carroll interested in serving with them because she has a Bachelor's Degree in Civil Engineering and a Master's Degree in Environmental and Water Resource Engineering, both of which will be helpful to the Commission. Ms. Carroll introduced herself and stated she has lived in Northbridge for a few years and looks forward to contributing her engineering knowledge and experience with the Conservation Commission. A motion/Mr. Marzec, seconded/Mr. Nolan to appoint Ms. Carroll to the Conservation Commission. Vote yes/Messrs. Marzec, Melia and Nolan.

APPOINTMENTS/By the Town Manager [Vote to affirm]: Christopher Bessette, Laborer 1, DPW Highway Division/Present: Jamie Luchini, Highway Superintendent. Mr. Luchini stated that Mr. Bessette has been a seasonal employee for a year and a half now and is a great worker, mechanically inclined, and has experienced the winter season at the Highway Department. Mr. Bessette introduced himself and stated he appreciates the opportunity and looks forward to being a full-time Highway Division Employee. A motion/Mr. Nolan, seconded/Mr. Marzec to affirm the Town Manager's appointment of Christopher Bessette to the position of Laborer 1, in the DPW Highway Division. Vote yes/Messrs. Marzec, Melia and Nolan.

CITIZENS' COMMENTS/INPUT: None

School Building Committee/Request to hang a banner across Church Street from Sunday, November 5, 2017 to Sunday, November 12, 2017 to advertise the Balmer School Project Community Forum meeting to be held on Wednesday, December 6, 2017. A motion/Mr. Marzec, seconded/Mr. Nolan to approve the above request to hang a banner across Church Street from Sunday, November 5, 2017 to Sunday, November 12, 2017 to advertise the Balmer School Project Community Forum meeting to be held Wednesday, December 6, 2017. Vote yes/Messrs. Marzec, Melia and Nolan.

Massachusetts Down Syndrome Congress/Request to hold a boot drive at Memorial Square and Ovia Square on Saturday, May 19, 2018 from 9 AM to 3 PM. [Rain date: Sunday, May 20, 2018]. Present: Stephanie Bentley, NHS Teacher. Ms. Bentley stated the purpose of the boot drive is to fundraise for the Massachusetts Down Syndrome Congress. A motion/Mr. Marzec, seconded/Mr. Nolan to approve the above request to hold a boot drive at Memorial Square and Ovia Square on Saturday, May 19, 2018 from 9 AM to 3 PM with a rain date of Sunday, May 20, 2018; subject to the safety requirements of the Police Department. Vote yes/Messrs. Marzec, Melia and Nolan.

MRA Multisport [Alex Rogozenski] /1) Request to hold the 6th annual 1st Day 5k road race on Monday January 1, 2018 beginning at 11 AM. 2) Request to close down Linwood Avenue between 10:45 AM and 12 Noon. A motion/Mr. Marzec, seconded/Mr. Nolan to approve MRA's request to hold the 6th annual 1st Day 5k road race on Monday, January 1, 2018, beginning at 11 AM and further to approve their request to close down Linwood Avenue between 10:45 AM and 12 Noon subject to the safety requirements of the Police Department. A vote yes/Messrs. Marzec, Melia and Nolan.

Pine Grove Cemetery Deed/ Laura Valanzola [Lot No. 14, Birch Path South]. A motion/Mr. Marzec, seconded/Mr. Nolan to approve the sale of lot No. 14, Birch Path South to Laura Valanzola. Vote yes/Messrs. Marzec, Melia and Nolan.

Riverdale Cemetery Deed/1) Linda and Francis Mello, Jr. [Lot No. 25-A, Maple Ave.] A motion/Mr. Marzec, seconded/Mr. Nolan to approve the sale of lot No. 25-A, Maple Ave. to Linda and Francis Mello Jr. Vote yes/Messrs. Marzec, Melia, and Nolan. **2) Linda and Francis Mello, Jr. [Lot No. 25-B, Maple Ave].** A motion/Mr. Marzec, seconded/Mr. Nolan to approve the sale of lot No. 25-B, Maple Ave. to Linda and Francis Mello. Vote yes/Messrs. Marzec, Melia and Nolan.

Lease Renewals: 1) Rockdale Village Foundation/Vote to renew. A motion/Mr. Marzec, seconded/Mr. Nolan to approve the renewal of the Rockdale Village Foundation Lease through June 30, 2018. Vote yes/Messrs. Marzec, Melia and Nolan **2) Oliver Ashton Post #343, Inc./Vote to renew.** A motion/Mr. Marzec, seconded/Mr. Nolan to approve the renewal of the Oliver Ashton Post #343, Inc. Lease through June 30, 2018. Vote yes/Messrs. Marzec, Melia and Nolan.

Fall Annual Town Meeting [October 24, 2017]/Vote positions on Warrant Articles. Article 1 (Selectmen). FY '18 Budget Adjustments: Town Manager Gaudette explained that Article 1 is for FY '18 budget adjustments for a total of \$73,500. The Finance Committee supports passage of Article 1. A motion/Mr. Nolan, seconded/Mr. Marzec to support Article 1. Vote yes/Messrs. Marzec, Melia and Nolan. **Article 2 (Selectmen). Other Post Employment Benefits Obligations:** Town Manager Gaudette explained that Article 2 seeks special legislation to directly allow for the local meals tax collection to go into the OPEB account of the town. If enacted, it will move to the Senate and then the House. The Finance Committee supports passage of Article 2. A motion/Mr. Marzec, seconded/Mr. Melia to support Article 2. Vote yes/Messrs. Marzec, Melia and Nolan. **Article 3 (Selectmen). Funding the purchase of streetlights and convert to LED fixtures:** Town Manager Gaudette explained that Article 3 is to fund, in combination with a grant from Metropolitan Area Planning Commission (MAPC), the purchase of streetlights from

National Grid and convert them to LED fixtures. The Finance Committee supports passage of Article 3 in an amount not to exceed \$400,000. A motion/Mr. Marzec, seconded/Mr. Nolan to support Article 3. Vote yes/Messrs. Marzec, Melia and Nolan. **Article 4 (School Committee). Middle School repairs:** Mike Lebrasseur, Chairman of the School Committee, explained that the original article has been amended to include replacing some of the lockers at the Middle School in place of the carpet and chairs in the auditorium as the cost was more than estimated. The Finance Committee supports passage of Article 4 in an amount not to exceed \$200,000. A motion/Mr. Nolan, seconded/Mr. Marzec to support Article 4. Vote yes/Messrs. Melia, Marzec and Nolan. **Article 5 (Planning Board). Street acceptance [Wilson Street]:** Town Planner Gary Bechtholdt explained that the Board of Selectmen voted at a prior meeting to layout Wilson Street as a public way and the Planning Board is recommending its acceptance. The Finance Committee supports passage of Article 5. A motion/Mr. Marzec, seconded/Mr. Nolan to support Article 5. Vote yes/Messrs. Marzec, Melia and Nolan. **Article 6 (Planning Board). Street acceptance [a portion of Roosevelt Drive]:** Mr. Bechtholdt explained that the Board of Selectmen voted at a prior meeting to layout a portion of Roosevelt Drive as a public way and the Planning Board is recommending the acceptance. Mr. Bechtholdt noted that there is one outstanding issue, which is turning on the streetlights. The Department of Public Works is working with National Grid to get the paperwork and finalize everything. The Finance Committee supports passage of Article 6. A motion/Mr. Marzec, seconded/Mr. Nolan to support Article 6. Vote yes/Messrs. Marzec, Melia and Nolan. **Article 7 (Planning Board). Acceptance of 7 parcels of land [Hills at Whitinsville]:** Mr. Bechtholdt indicated that this article was considered years ago. He also noted there are back taxes owed. Instead of going through the process of tax title it was easier to have it considered for conveyance at Town Meeting, which would then authorize the Board of Selectmen to accept the donation and decide how to address the tax title issues. The Finance Committee supports passage of Article 7. A motion/Mr. Nolan, seconded/Mr. Marzec to support Article 7. Vote yes/Messrs. Marzec, Melia and Nolan. **Article 8 (Planning Board). Amend Table of Use Regulations:** Mr. Bechtholdt explained this article is a zoning amendment in regards to defining an existing use and allowing that use within an Industrial 1 and Industrial 2 zoning by Special Permit of the Planning Board. Currently, amusement and recreation is allowed in zones B1, B2 & B3 by right. Mr. Bechtholdt explained the Planning Board is looking to create greater flexibility within industrial zones to promote additional use as there are a number of underutilized or vacant structures. The Finance Committee supports passage of Article 8. Vote yes/Messrs. Marzec, Melia and Nolan. **Article 9 (BPCC). Underground easements for the DPW Facility:** Town Manager Gaudette explained there is some additional utility work that is required as part of the DPW facility project due to the fact that some of the utilities are on abutters' property. This article will allow the utilities to be moved to Town property and allow access for maintenance. The Finance Committee supports passage of Article 9. A motion/Mr. Nolan, seconded/Mr. Marzec to support Article 9. Vote yes/Messrs. Marzec, Melia and Nolan. **Article 10 (BPCC). Raise and appropriate funds \$50,000 for underground easements:** Mr. Gaudette explained that this article would provide funding for the additional utility work. The Finance Committee supports passage of Article 10. A motion/Mr. Marzec, seconded/Mr. Nolan to support Article 10. Vote yes/Messrs. Marzec, Melia and Nolan.

Intermunicipal Agreement for Regional Systems Administrator Services/Vote to approve. Town Manager Gaudette explained that this agreement is for our shared IT Director with the Town of Douglas. He said there is a renewal clause in the agreement that states a renewal needs to be completed in October that would take effect on January 25, 2018. Town Manager Gaudette stated that he and the new Douglas Town Administrator have discussed the arrangement and would like to evaluate the IT services over the next six months or so to see if they favor going beyond a time line of June 30, 2018. A motion/Mr. Nolan, seconded/Mr. Marzec to approve the Intermunicipal Agreement for the Regional Systems Administrator Services. Vote yes/Messrs. Marzec, Melia and Nolan.

TOWN MANAGER'S REPORT: 1) Meetings Attended: a. MMA Fiscal Policy Committee – 9/26/2017. b. Blackstone Valley Tech School Tour – 9/27/2017. c. Berry Insurance (General Liability) – 9/28/2017. d. Kopelman & Paige (Union Negotiations) – 9/28/2017. e. MMA Legislators Breakfast – 9/29/2017. f.

Site Visit – 120 Ivy Lane re: Water Tie-in – 10/2/2017. **g.** School Building Committee Meeting – 10/3/2017. **h.** NFP (Health Insurance Broker) – 10/2/2017. **i.** Upton Town Manager – 10/4/2017. **j.** Randy Swigor, Whitinsville Water Co. – 10/5/2017. **k.** DPW Project Meeting – 10/5/2017. **l.** Library Staff Meeting – 10/6/2017. **m.** Fire Department Open House – 10/8/2017. **n.** Joint Selectmen/Finance Committee/School Building Committee – 10/12/2017. **o.** Department Head Meeting – 10/13/2017. **p.** DPW Project Meeting – 10/13/2017. **2) School Building Project Update:** Town Manager Gaudette stated that the Committee has selected their top three site development options and voted to submit the PDP (Preliminary Design Program) to the Mass. School Building Authority. Town Manager Gaudette announced that Community Forum #4 is scheduled for October 30th in the Balmer Cafeteria. They have put out a public survey and will finalize responses after October 26th deadline. They also have prepared a FAQ document – available on the town and school websites. **3) Fire Station Project (Feasibility Study):** Town Manager Gaudette stated that the Building, Planning & Construction Committee [BPCC] voted to assign him to work with staff, the Owners Project Manager, and a member from the Board of Selectmen and the BPCC to prepare a site search list and rank them using previously approved criteria and to bring it to the BPCC for their review. **4) DPW Garage Project:** Town Manager Gaudette stated that site work is ongoing – the building is to be delivered within the next few weeks. The BPCC will be at the 11/6/2017 Selectmen's Meeting to provide an update. **5) Other ongoing tasks:** a) *Fall Town Meeting Planning* – Town Manager Gaudette stated he is working with Staff, the Moderator, and Town Counsel to prepare for the October 24, 2017 Fall Annual Town Meeting. b) *Recreational Marijuana* – Mr. Gaudette is working on a program for the Spring with the Town Planner and Police Chief. This will be discussed at the 11/6/2017 Board of Selectmen's Meeting. c) *National Park Service* – Mr. Gaudette is working with the Town Planner to create a Local Historic District. This will be discussed at the 11/6/2017 Board of Selectmen's Meeting. d) *MAPC Grant* – Mr. Gaudette is working with the DPW Director on the LED Streetlight Conversion Project. e) *Energy Reduction Projects* – Steam Traps, Lighting, HVAC at various locations.

SELECTMEN'S CONCERNS: Selectmen Melia 1) mentioned he was out of Town for the Open House at the Fire Department but stated he heard it was a success and thanked Timothy Ryan, former Police Chief, who photographed the open house.

ITEMS FOR FUTURE AGENDA/None.

CORRESPONDENCE/None.

EXECUTIVE SESSION: 6:30 PM

M. Under M.G.L. Chapter 30A, Sec. 21 #3- To discuss strategy with respect to collective bargaining [Police Dispatchers].

A motion/Mr. Marzec, seconded/Mr. Nolan to adjourn the public meeting. Vote yes/ Messrs. Marzec, Melia and Nolan.

Meeting Adjourned: 7:29 PM

Respectfully submitted,

James Athanas, Clerk

/mjlw

LIST OF DOCUMENTATION

BOARD OF SELECTMEN'S MEETING - OPEN SESSION

October 16, 2017

I. APPROVAL OF MINUTES

A. 1) May 15, 2017 Special Meeting

-Copy of May 15, 2017 minutes

2) May 22, 2017 [Exec. Sess.]

-Copy of May 22, 2017 Executive Session minutes

3) June 26, 2017 [Exec. Sess.]

-Copy of June 26, 2017 Executive Session minutes

4) August 21, 2017

-Copy of August 21, 2017 minutes

II. PUBLIC HEARING

III. APPOINTMENTS: B. By the Board of Selectmen: Justine Carroll, Conservation Commission /Present: Joy Anderson, Chairman, Conservation Commission and Barbara McNamee, Conservation Commission Member

-Copy of Justine Carroll's talent bank form

C. By the Town Manager [Vote to affirm]: Christopher Bessette, Laborer 1, DPW Highway Division Present: Jamie Luchini, Highway Superintendent

-Copy of Mr. Bessette's cover letter

-Copy of Mr. Bessette's application

IV. CITIZENS' COMMENTS/INPUT

V. DECISIONS

D. School Building Committee/Request to hang a banner across Church Street from Sunday, November 5, 2017 to Sunday, November 12, 2017 to advertise the Balmer School Project Community Forum meeting to be held on Monday, November 27, 2017

-Copy of email request to hang banner

E. Massachusetts Down Syndrome Congress/Request to hold a boot drive at Memorial Square and O'Connell Square on Saturday, May 19, 2018 from 9 AM to 3 PM. [Rain date: Sunday, May 20, 2018]

-Copy of email request to hold a boot drive

F. MRA Multisport [Alex Rogozenski] /1) Request to hold the 6th annual 1st Day 5k road race on Monday January 1, 2018 beginning at 11 AM /2) Request to close down Linwood Avenue between 10:45 AM and 12 PM

-Copy of letter requesting permission to hold a road race and permission to close Linwood Avenue between 10:45 AM and 12 PM on January 1, 2018

-Copy of the Police Lieutenant's email approving the road closure

-Copy of email from DPW Director having no concern's with the event / road closure

G. Pine Grove Cemetery Deed/ Laura Valanzola [Lot No. 14, Birch Path South]

-Copy of Pine Grove Cemetery Deed for Laura Valanzola for Lot No. 14, Birch Path South

H. Riverdale Cemetery Deed 1) Linda and Francis Mello, Jr. [Lot No. 25-A Maple Ave.] 2) Linda and Francis Mello, Jr. [Lot No. 25-B, Maple Ave.]

-Copy of Riverdale Cemetery Deed for Linda and Francis Mello Jr. for lot No. 25-A, Maple Ave.

-Copy of Riverdale Cemetery Deed for Linda and Francis Mello Jr. for lot No. 25-B, Maple Ave.

I. Lease Renewals: 1) Rockdale Village Foundation/Vote to renew 2) Oliver Ashton Post #343, Inc./Vote to renew

-Copy of lease for the Rockdale Village Foundation

-Copy of lease for the Oliver Ashton Post #343, Inc

J. Fall Annual Town Meeting [October 24, 2017]/Vote positions on Warrant Articles

-Copy of Fall Annual Town Meeting Warrant position

-Copy of letter pertaining to Article 5

-Copy of letter pertaining to Article 6

-Copy of letter pertaining to Article 7

-Copy of map pertaining to Article 7

-Copy of Table of Use Regulations [draft] pertaining to Article 8

K. Intermunicipal Agreement for Regional Systems Administrator Services/Vote to approve

-Copy of letter from the Town of Douglas regarding the Regional Systems Administrator Services agreement

-Copy of Intermunicipal Agreement for the Regional Systems Administrator Services

VI. DISCUSSIONS/None

VII. TOWN MANAGER'S REPORT

L. 1) Meetings Attended - No documentation

2) School Building Project Update - No documentation

3) Fire Station Project (Feasibility Study) -No documentation

4) DPW Garage Project -No documentation

5) Other ongoing Tasks - No documentation

VIII. SELECTMEN'S CONCERNS -No documentation

IX. ITEMS FOR FUTURE AGENDA/None

X. CORRESPONDENCE/None

XI. EXECUTIVE SESSION: 6:30 PM

M. Under M.G.L. Chapter 30A, Sec. 21 #3 - To discuss strategy with respect to collective bargaining [Police Dispatchers].

-No documentation



WALTER J. WARCHOL
CHIEF OF POLICE

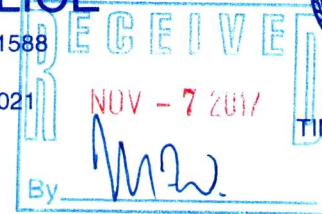
802 Agenda 11.20

TOWN OF NORTHBRIDGE
DEPARTMENT OF POLICE

1 HOPE STREET, WHITINSVILLE, MA 01588
www.northbridgepolice.com
TEL (508) 234-6211 • FAX (508) 234-9021



TIMOTHY LABRIE
LIEUTENANT



The all night parking ban for the Town of Northbridge will go into effect on December 1, 2017 and continue through April 1, 2018. The April 1st date may be extended if weather conditions make it necessary. The ban is effective from 1:00 am. to 6:00 a.m. The ban is applicable to all streets in the Town of Northbridge with the following exceptions:

ON BOTH SIDES:

Cove Place

ON THE EVEN NUMBERED SIDE:

D Street
High Street
Linden Street
Main Street from Buma Square to Border Street
Maple Court
Overlook Street
Upper High Street from #66 to #100
Water Street from Main Street to gate at the Shop yard entrance
Johnston Ave. from Brook Street to the end of Johnston Ave @ dead end
Upper Border Street from D Street North

ON THE ODD NUMBERED SIDE:

East Street from Johnston Ave to Christian Church parking lot
Forest Street
Johnston Avenue from Church Street to East Street
Pine Street
Prospect Street from Cottage Street to Church Street
Water Street from gate behind Fire Station to bottom of hill, 20 feet
North of fire hydrant
Granite Street from #23 Granite to East Street

Violators of the ban will be tagged and if interfering with snow removal operations will be towed at the owner's expense.

Walter J. Warchol
Chief of Police

11/06/17

11/16/17

To the Northbridge Board of Selectmen:

This letter is a written request from the co-founders of the Purgatory Beer Company to change our operating hours. Currently we are approved for Thursday – Sunday and we would like to change our ability to operate to seven days from 11:00 am to 9:00 pm.

Thank you,

Brian Distefano
Co-Founder

Purgatory Beer Company
670 Linwood Avenue
Whitinsville, MA 01588

The Commonwealth of Massachusetts
Alcoholic Beverages Control Commission
239 Causeway Street
Boston, MA 02114
www.mass.gov/abcc

Print Form

RETAIL ALCOHOLIC BEVERAGES LICENSE APPLICATION
MONETARY TRANSMITTAL FORM

APPLICATION SHOULD BE COMPLETED ON-LINE, PRINTED, SIGNED, AND SUBMITTED TO THE
LOCAL LICENSING AUTHORITY.

REVENUE CODE: RETA

CHECK PAYABLE TO ABCC OR COMMONWEALTH OF MA: NO FEE

A.B.C.C. LICENSE NUMBER (IF AN EXISTING LICENSEE, CAN BE OBTAINED FROM THE CITY):

LICENSEE NAME: Kevin Mulvehill

ADDRESS: 670 Linwood Ave

CITY/TOWN: Whitinsville

STATE MA

ZIP CODE 01588

TRANSACTION TYPE (Please check all relevant transactions):

☒ Change of Hours

☐ Change of DBA

THE LOCAL LICENSING AUTHORITY MUST MAIL THIS TRANSMITTAL
FORM ALONG WITH THE CHECK, COMPLETED APPLICATION, AND
SUPPORTING DOCUMENTS TO:

ALCOHOLIC BEVERAGES CONTROL COMMISSION
P. O. BOX 3396
BOSTON, MA 02241-3396

CORPORATE VOTE FORM

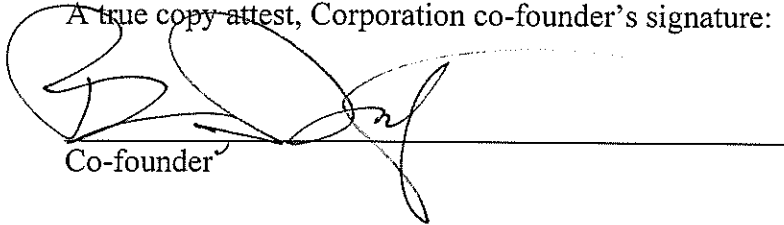
DATE: 11/15/17

At a meeting of the Board of Directors of Purgatory Beer Company, held at 670 Linwood Avenue, on 11/15/17, it was duly voted that the Corporation apply to the Local Licensing Authority for the Town of Northbridge for: Change of Hours (Sunday – Saturday, 11:00am – 9:00pm).

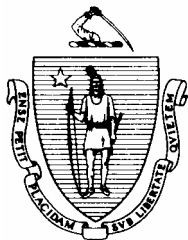
The Directors: “VOTED: To authorize Brian Distefano and/or Kevin Mulvehill to sign the application submitted in the name of Purgatory Beer Company, and to execute in the Corporation’s behalf, any necessary papers and do all things required to have the application granted.”

It is hereby certified that all the Directors of Purgatory Beer Company, a Corporation duly organized under the laws of the Commonwealth of Massachusetts, are citizens of the United States and residents of the Commonwealth of Massachusetts.

A true copy attest, Corporation co-founder’s signature:

A handwritten signature in black ink, appearing to be "B. Distefano", is written over a horizontal line. The signature is stylized with a large loop at the beginning and a long, sweeping tail. Below the line, the word "Co-founder" is printed.

Co-founder



Timothy P. Cahill
Treasurer and Receiver General

Commonwealth of Massachusetts
Department of the State Treasurer
Alcoholic Beverages Control Commission
239 Causeway Street
Boston, MA 02114
Telephone: (617) 727-3040
Fax: (617) 727-1258

Kim S. Gainsboro
Chairman

THE ALCOHOLIC BEVERAGES CONTROL COMMISSION ("ABCC") ADVISORY

Effective July 1, 2010, the legislature passed a new law authorizing Local Liquor Licensing Authorities ("LLA") to allow M.G.L. c. 138, §12 licensees to sell alcoholic beverages at 10 a.m. on Sundays. This law amends M.G.L. c. 138, §33B by allowing each city or town to "opt into" the new law giving their LLA discretion to grant an additional one (1) hour of sale of alcoholic beverages on Sundays, now starting at 10 a.m. to any or all of the §12 licensee in their community. Cities and towns should check with their counsel to determine the procedure required to "opt into" this new law. ABCC approval for these discretionary hours of sale is not required; but as always the LLA must forward an informational "Form 43" with the Sunday hours of sale to the ABCC.

Each §12 licensee should consult with their LLA to determine the necessary steps to get permission to sell alcoholic beverages at 10 a.m. on Sundays. A §12 license holder who is denied the discretionary hour of sale may not appeal that denial to the ABCC.

All licensees should ensure that they are in compliance with the laws of the Commonwealth of Massachusetts, M.G.L. c. 138, §64, and that sales of alcoholic beverages take place only on the days and hours last approved by the LLA.

NO §12 LICENSEE HAS THE RIGHT TO SELL ALCOHOLIC BEVERAGES EXCEPT DURING THE HOURS the LLA PREVIOUSLY GRANTED ON OR BEFORE JUNE 30, 2010. ANY LICENSEE WHO SELLS BEFORE THE HOURS OF SALE PREVIOUSLY GRANTED ON OR BEFORE JUNE 30, 2010 BY THE LLA VIOLATES THE LAW AND FACES DISCIPLINARY ACTION FROM THE LLA BY SUSPENSION, REVOCATION, CANCELLATION OR MODIFICATION OF THE LICENSE IN ADDITION TO ARREST AND CRIMINAL PROSECUTION FOR THE ILLEGAL SALE OF ALCOHOLIC BEVERAGES.

Individuals with questions concerning this Advisory and the new Sunday Sales law may contact, the ABCC at 617-727-3040 x 31.

(Issued: Friday, July 02, 2010)

The Town voted at the May 3, 2011 Spring Annual Town Meeting to accept the provisions of MGL Chapter 138, section 33B authorizing licensees under section 12 of Chapter 138 to sell alcoholic beverages at 10 AM on Sundays

NTM License Slips

Row 1

Current Status On BOS Agenda for 11.20.17

Done ☐

License ID: NTM#16039

License Type: Farmer-Brewery Pouring License

Description: Purgatory Beer Company is seeking to change the hours.
Current hours:
Thursday 5 PM-8 PM
Friday 4 PM-9 PM
Saturday 11 AM-9 PM
Sunday 12 PM-5 PM

Requested hours: Sunday-Saturday 11 AM -9 PM

Business: Purgatory Beer Company

Applicant: Brian Distefano

Address: 670 Linwood Ave., Bldg C 111A

Approval Target 11/17/17

Slip Started on: 11/16/17 9:12 AM

PLANNING Approve: ☒

PLANNING Comments: N/A -not applicable

POLICE Approve: ☒

POLICE Comments: No objections

FIRE Approve: ☒

FIRE Comments:

BUILDING ZONING Approve: ☒

BUILDING ZONING Comments:

CONSERVATION Approve: ☒

CONSERVATION**Comments:**

HEALTH**Approve:****HEALTH****Comments:**No Board of Health concerns with requested change of hours.

ASSESSORS**Approve:****ASSESSORS****Comments:**No Issues. Bob Fitzgerald

TREASURER**COLLECTOR****Approve:****TREASURER****COLLECTOR****Comments:**

Andrews Survey & Engineering, Inc.

Land Surveying • Civil Engineering • Site Planning

D.

November 15, 2017

Northbridge Board of Selectmen
7 Main Street
Whitinsville, MA 01588

***Re: Proposed Zoning Bylaw Amendment
Solar Photovoltaic Installation – Puddon Street & Quaker Street
ASE Project #2017-339***

Dear Board Members:

On behalf of Syncarpha Capital, please accept this letter as a formal request to be placed on the November 20, 2017 agenda of the Northbridge Board of Selectmen to make a presentation for a proposed amendment to the Northbridge Zoning Bylaws. The proposed bylaw amendment would create an overlay district which shall integrate with your existing solar bylaw for the specific use of a large-scale community shared solar facility situated on 135± acres of land off Puddon Street and Quaker Street.

Syncarpha Capital is a private equity firm dedicated to developing, owning and operating commercial and utility scale photovoltaic solar energy systems throughout the United States. Partnering with experienced solar developers, installers, engineers and EPC contractors, Syncarpha Capital designs and builds on-site solar systems for municipalities, utilities, and businesses. Syncarpha Capital currently operates 100 megawatts (MW) of ground mounted and rooftop solar assets in Massachusetts, New Jersey, New York, North Carolina, South Carolina, Nevada, Vermont, and Arizona.

Following our presentations to the Planning Board on October 24 & November 14, 2017 to present the proposed bylaw and conceptual plans for the project, we believe that we are ready to present our proposal to your Board. At the meeting on November 20th, in addition to the proposed bylaw amendment, we shall present the multiple benefits of the project to the Town of Northbridge.

Primarily due to Massachusetts Department of Energy Resources (DOER) regulations and National Grid requirements, time is of the essence for the feasibility of this project. Therefore, we are requesting a Special Town Meeting and that the Board of Selectmen sponsor the proposed bylaw amendments. Enclosed for your review, please find a copy of the proposed bylaw amendment, an informational sheet regarding the project, and a map illustrating the location of the proposed overlay district.

**104 Mendon Street, P.O. Box 312
Uxbridge, MA 01569**
*Phone (508) 278-3897
Fax (508) 278-2289*

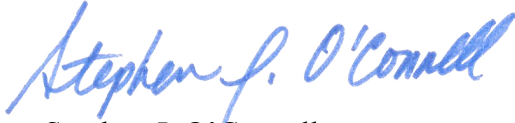
www.andrews-engineering.com

**500 East Washington Street
North Attleboro, MA 02760**
*Phone (508) 316-0452
Fax (508) 316-0963*

We hope this serves your needs at this time. Should you have any questions or require additional information, please contact this office.

Very truly yours,

ANDREWS SURVEY & ENGINEERING, INC.



Stephen J. O'Connell
Vice President

Enclosure(s)

C: Syncarpha Capital

F:\Acad\2017 Projects\2017-339\documents\Zoning\BOS Letter_11-15-17.doc

ASE

ARTICLE XXI
Community Shared Solar Overlay District (CSSOD)

§ 173-136. Overlay District

The Community Shared Solar Overlay District (CSSOD) is hereby established as an overlay district. In the area(s) of Town designated as CSSOD, all requirements pertaining to the underlying district(s) shall continue to be in full force and effect, except where this bylaw supersedes such underlying requirements or provide an alternate to such requirements. The boundaries of the Community Shared Solar Overlay District are comprised of Northbridge Assessor Map 27, Parcels 15, 16, 17, 18, 20, 21, 22, 23, 29, and 89, and are shown on a map entitled Northbridge, Massachusetts Zoning Overlay Districts prepared by CMRPC (Central Massachusetts Regional Planning Commission) dated October 2012, as amended.

§ 173-137. Applicability

- A. This bylaw applies to the construction, maintenance, or modification of a Large-Scale Ground Mounted Solar Photovoltaic Installations (LGSPI), as defined in Article XX of the Northbridge Zoning Bylaws. All requirements within Article XX (Large-Scale Solar Photovoltaic Installations) shall apply to installations in the CSSOD, except where superseded by this bylaw.
- B. A LGSPI shall be permitted on contiguous parcels of land in the Community Shared Solar Overlay District which:
 - 1. have a total minimum area of 100 acres;
 - 2. have a minimum of fifty (50') feet of Lot Width on a way in the Town of Northbridge;
 - 3. obtain approval pursuant to §173-49.1 (Site Plan Review by Planning Board) of the Northbridge Zoning Bylaw.

§ 173-138. Design Standards

- A. Setback/yard requirements listed in Article XX shall be applicable to LGSPI within the Community Shared Solar Overlay District, except that no setbacks are required from interior parcel lines that adjoin parcels held in common ownership within the CSSOD.
- B. Within the CSSOD, adjoining interior parcels without frontage that are held in common ownership with a parcel(s) meeting the criteria in §173-137(B) shall be considered buildable as part of a single LGSPI under one (1) building permit.
- C. Access to a LGSPI within the CSSOD may be provided at any location if the necessary and permanent rights of access are provided. Access roads shall be constructed to minimize grading, removal of stone walls or street trees, and minimize impacts to environmental or historical resources to the maximum extent practicable.



The proposed approximately 16 MW Solar project will be constructed on just over 65 acres of land. The aggregate size of the lots is 135 acres off Quaker and Puddon Streets. No other major development will occur on the remaining acreage.

- Construction will take 5-7 months and is targeted to begin in Spring 2018.
- Once constructed, the solar project will have very little activity onsite. Maintenance and mowing is only required a handful of times per year.
- The project will be developed and constructed under the new Massachusetts solar program (SMART program). The project will also be required to receive approval from National Grid for interconnection to the electrical grid.
- The project will provide multiple benefits to the Town of Northbridge without requiring additional services that an alternate use (residential subdivision) would require.
 - This project will be a community shared solar project and thus, net metering agreements will be available to the Town, local businesses, and residents throughout the Town.
 - These agreements would provide savings on utility bills over the 20+ year life of the solar project. The savings will be in excess of \$400,000 per year split between the Municipality and its local businesses/residents.
 - The Town would also receive tax payments over the 20+ year life of the solar project via a Payment in Lieu of Taxes (PILOT) Agreement in excess of \$100,000 per year, in addition to the existing real property taxes already attributable to the land value.
 - Finally, the Town and the community will be supporting the State in the achievement of its greenhouse gas emissions reduction goals by allowing the development of a renewable energy project and participating in a community shared solar program.

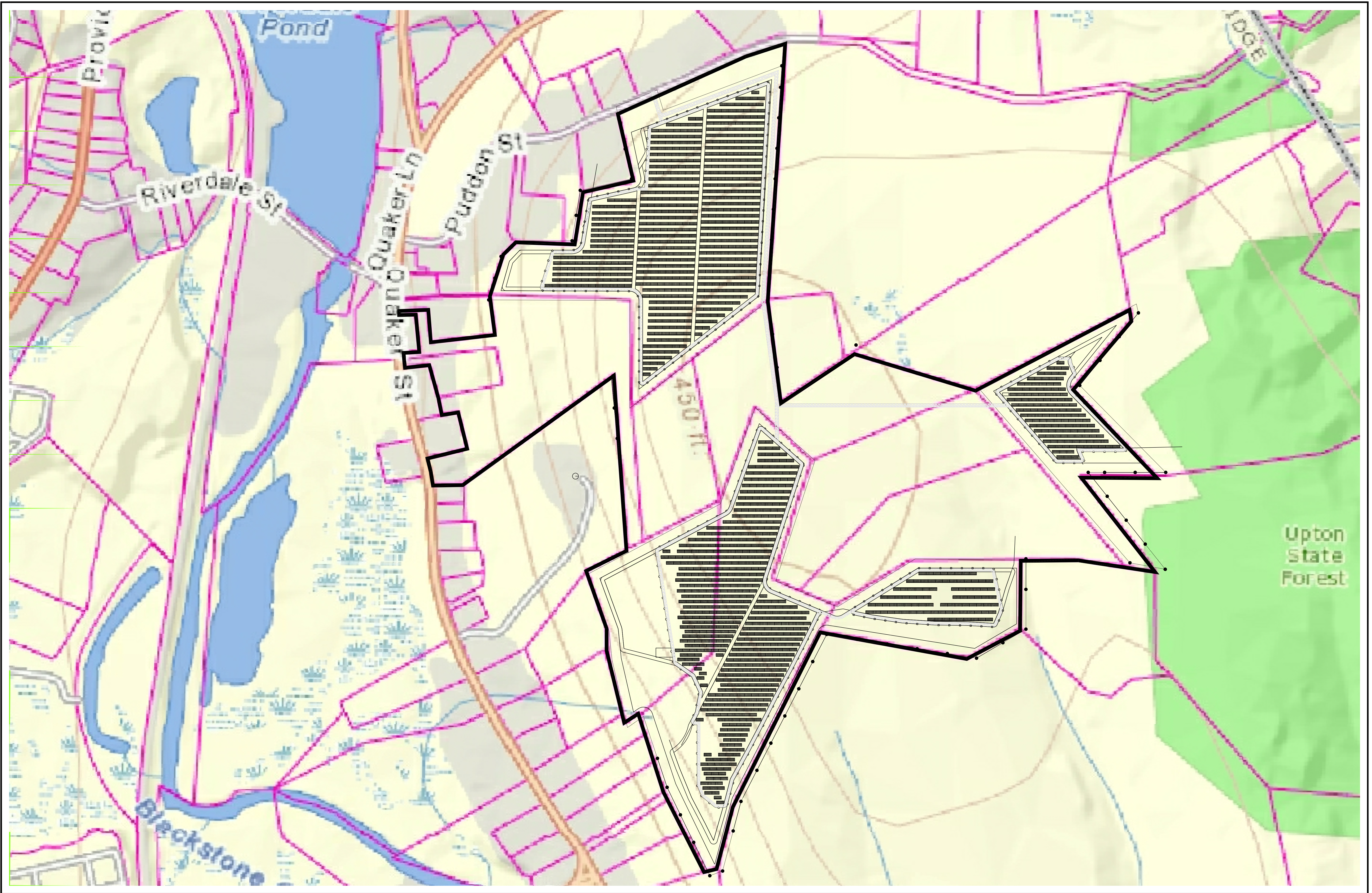
Please see attached for images of other projects developed by Syncarpha Capital. Syncarpha provides visual screening on all it's projects to minimize visual impact to any abutters that may be located in close proximity to it's projects.

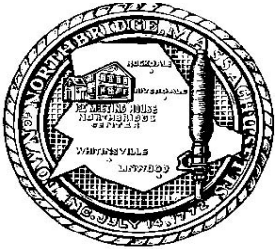


Leominster, MA
2.56 MW Ground Mount
Operating since April 2015



Stow, Massachusetts
2.5 MW Ground Mount





E.

TOWN OF NORTHBRIDGE, MASSACHUSETTS

COMMUNITY PLANNING & DEVELOPMENT

R. Gary Bechtholdt II, Town Planner
7 Main Street Whitinsville, MA 01588
Phone: (508) 234.2447 Fax: (508) 234.0814
gbechtholdt@northbridgema.org

MEMORANDUM

Date: October 30, 2017/November 15, 2017

TO: NORTHBRIDGE BOARD OF SELECTMEN
Adam D. Gaudette, Town Manager

From: R. Gary Bechtholdt II, Town Planner

Re: **Recreational Marijuana Establishments**
Zoning/Land Use

With the passage of Ballot Question #4 -*Regulation and Taxation of Marijuana [November 08, 2016]* recreational use of marijuana was legalized in Massachusetts for persons 21 and older. Northbridge, like every other community in the Commonwealth may decide locally how to regulate this new land use (time, place & manner).

At the May 2017 Spring Annual Town Meeting, Northbridge voters adopted a temporary zoning moratorium on recreational marijuana establishments through November 30, 2018. This moratorium period provides the Town opportunity to review and understand the marijuana statute and moreover the regulations of the Cannabis Control Commission (CCC), the State's newly created licensing agency. The CCC is to adopt its regulations by March 15, 2018 and is required, under the law to begin the process of accepting applications on April 01, 2018. Recreational marijuana retail licenses will be issued by the CCC beginning June 01, 2018.

During Northbridge's moratorium, municipal staff have attended meetings, workshops and State sponsored forums to better understand the law and how a community may regulate recreational marijuana land use. Town Counsel (KP Law) has issued guidance documents to assist and inform municipalities on timelines and local options; enclosed is KP Law's most recent dated August 2017.

As noted previously, the law provides municipalities the option to opt-out and prohibit recreational marijuana retail establishments. For Northbridge, this would require a 2-step process: 1.) local Ballot Question & 2.) Town Meeting action. The sequencing and timing of this consideration however, remains somewhat of an unknown as it relates to the timeline of the Cannabis Control Commission application process (April 01, 2018) and issuance of State licensing (June 01, 2018). The local Ballot Question may appear on the next scheduled general election for May 15, 2018, with the Spring Annual Town Meeting set for May 01, 2018.

Attached is an illustration prepared to show the timeline for the Cannabis Control Commission (CCC) and flowchart on local options for the Town of Northbridge.

Should the Selectmen decide to pursue the local opt-out option, Town Counsel (KP Law) has prepared a sample Ballot Question (attached) for both Zoning and General Bylaw considerations. Selectmen should consult Town Counsel on exact wording and timing of the required Town Meeting actions.

The law permits municipalities to regulate recreational marijuana retail establishments through local zoning (time, place & manner). Northbridge currently allows for Registered Marijuana Dispensaries (RMDs) within the Industrial-Two (I2) Zoning District by special permit of the Planning Board. In accordance with the Northbridge Zoning Bylaw, RMDs are not to be located within 500-feet of a school; child care facility; library; playground/park; youth center; or house of worship [-see Zoning §173-18.4].

Under the recreational marijuana law, retail establishments may seek State licensing to operate 1.) a marijuana retail store, 2.) a marijuana product manufacturer, 3.) a marijuana cultivator, and/or 4.) a marijuana testing facility. Selectmen should consult Town Counsel to confirm whether a community may consider opting-out of one or all types of marijuana retail operations. The Board of Selectmen should also consult the Planning Board and other municipal departments on possible zoning provisions (parking requirements, etc.) and potential siting for marijuana retail establishments.

Communities may consider the local option to limit the number of marijuana retailers permitted to fewer than 20% of retail off-premise alcoholic beverage licenses issued under G.L. c. 183 and adoption of a local Sales Tax (3%). Like the opt-out, limiting the number of recreational marijuana retail establishments requires a 2-step process: Ballot Question & Town Meeting action, whereas the local Sales Tax option requires only Town Meeting action.

Under the law, communities may also consider on-site consumption as a local option (via Ballot Question), which unless initiated by petition of not fewer than 10% of the number of voters of the town voting at the State Election preceding the filing of the petition and approved; on-site consumption shall be considered not permitted.

Since the time of implementation of the Act and amendments thereto, there remain significant questions. Fundamentally, the timeline for adoption of final regulations by the Cannabis Control Commission creates a great unknown for communities looking to adopt zoning to permit the new land use or those considering local options; especially when Town Meeting action is required.

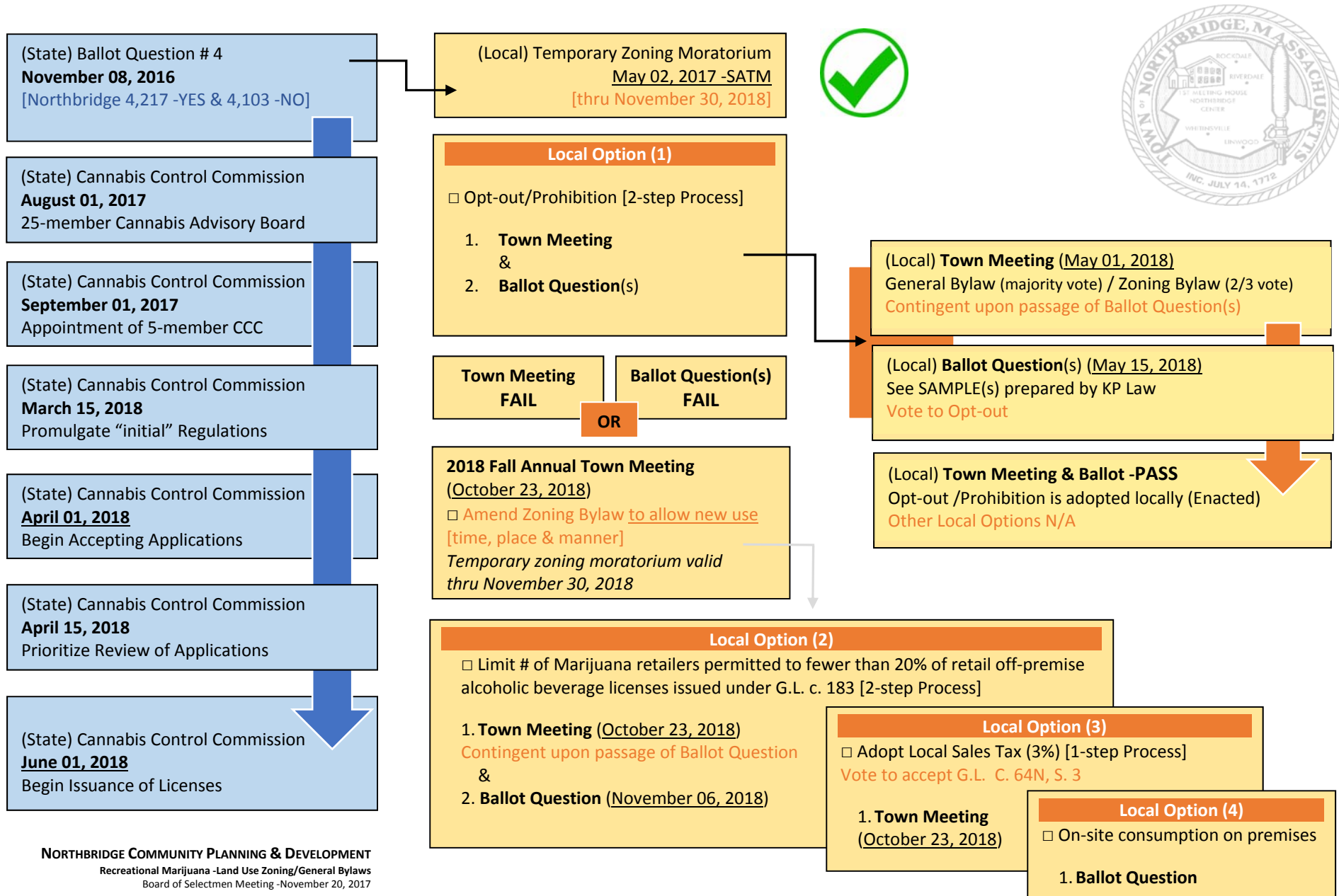
I hope you find this correspondence helpful as the Board considers and discusses this topic.

Cc: Planning Board
Police Chief
/File

RECREATIONAL MARIJUANA ESTABLISHMENTS

Regulations & Taxation of Marijuana Act
An Act to Ensure Safe Access to Medical & Adult-Use of Marijuana in the Commonwealth

**Disclaimer - Timeline/Flowchart for illustrative purposes ONLY*





The Leader in Public Sector Law

AN ACT TO ENSURE SAFE ACCESS TO MARIJUANA

A GUIDE TO THE REVISED LAW LEGALIZING RECREATIONAL USE OF MARIJUANA

AUGUST 2017

On the November 2016 state election ballot, Massachusetts voters approved Question 4 to allow the non-medical (hereinafter “recreational”) use of marijuana by adults in the Commonwealth (Chapter 334 of the Acts of 2016, entitled, “The Regulation and Taxation of Marijuana Act”). We issued a guide to the new law in January, 2017. On July 28, 2017, Governor Baker signed the General Court’s revised law on the subject, “An Act to Ensure Safe Access to Marijuana” (the “Act”), adopted as Chapter 55 of the Acts of 2017.

The Act makes numerous changes to the laws that were approved by the voters. The most significant changes from the municipal perspective involve the licensing process, the optional local tax surcharge, and amendments to the optional local restrictions or prohibitions that may be considered. Additionally, the Act will soon repeal Chapter 369 of the Acts of 2012, entitled “An Act for the Humanitarian Medical Use of Marijuana,” and move the statutory requirements for the limited cultivation, distribution, possession and use of marijuana for medical purposes into a new G.L. c.94I. This guide will summarize the key points.

CURRENT TIMELINE

AUGUST 1, 2017 Cannabis Advisory Board	Appointment of a 25-member Cannabis Advisory Board, with members appointed by a variety of officials and organizations, charged with making recommendations on guidelines, rules, and regulations for the recreational use of marijuana. The President (or a designee) of the Massachusetts Municipal Association shall hold one seat.
SEPTEMBER 1, 2017 Cannabis Control Commission	Appointment of a five-member Cannabis Control Commission (“CCC”), by the Governor, Attorney General and Treasurer. The CCC will have authority to adopt regulations and issue licenses for commercial production and sale of marijuana, much like the Alcoholic Beverages Control Commission for alcohol. The CCC shall also assume authority over the licensing of medical marijuana treatment centers, which will be transferred from the Department of Public Health before December 31, 2018.
MARCH 15, 2018 CCC Adoption of Regulations	Adoption of regulations, guidelines and protocols by the CCC for the issuance of licenses for recreational marijuana establishments. The CCC must additionally make necessary accommodations and promulgate special regulations for the counties of Dukes and Nantucket by May 1, 2018.

April 1, 2018 License Applications Begin	Acceptance of applications by the CCC for recreational marijuana licenses pursuant to G.L. c.94G will begin not later than April 1. IMPORTANT: The CCC will be governed by the zoning bylaws or ordinances in effect at the time of application . Municipalities must inform the CCC of any bylaw or ordinance that would make the applicant noncompliant if the license is issued.
June 1, 2018 License Issuance	The CCC may begin issuing licenses, prioritizing applications under statutory criteria. The CCC must approve or deny applications within 90 days.

ZONING MORATORIA

The emerging area of marijuana regulation presents many policy and planning issues for municipalities. A zoning moratorium, which would impose a temporary limit on the ability of applicants to locate marijuana establishments within a municipality, is a powerful tool available to municipalities to provide additional time to consider how a community will regulate marijuana uses.

Many municipalities have already adopted a zoning moratorium on locating a recreational marijuana facility. In light of the revisions to Chapter 94G, it appears that the Attorney General will continue to approve such moratoria for towns. We recommend that municipalities not seek to impose a moratorium beyond December 31, 2018. A moratorium may be important if a municipality is considering seeking a prohibition or other limitation but may not be able to have the bylaw or ordinance in place before April 1, 2018. A sample zoning moratorium is attached.

LOCAL REGULATION UNDER G.L. c.94G, §3

Municipalities may regulate the time, place and manner of marijuana establishment operations and may adopt ordinances and bylaws that impose reasonable safeguards on the operation of marijuana establishments, provided they are not “unreasonably impracticable.” Ordinances and bylaws may also restrict licensed cultivation, processing and manufacturing of marijuana that is a “public nuisance,” establish restrictions on public signs related to marijuana establishments and establish a civil penalty for violation of an ordinance or bylaw.

Municipalities seeking to prohibit or otherwise limit the number or types of marijuana establishments within a community must follow the method revised by the General Court to impose such limitations.

Prohibitions or Limitations Permitted by Bylaws or Ordinances

Pursuant to G.L. c.94G, §3, a municipality may prohibit or limit recreational marijuana establishments by bylaw or ordinance with respect to the following:

- prohibit the operation of one or more types of marijuana establishments;

- limit the number of marijuana retailers to fewer than 20 per cent of the number of retail off-premises alcoholic beverage licenses issued under G.L. c.138 by the municipality; or
- limit the number of any type of marijuana establishment to fewer than the number of medical marijuana treatment centers registered to engage in the same type of activity in the municipality.

The procedure for adopting a bylaw or ordinance to prohibit or limit the number of recreational marijuana establishments has significantly changed.

- If a municipality voted in *favor* of Question 4 on November 8, 2016 [i.e., a majority of voters casting ballots voted “yes” on the question], then two votes must be taken before an ordinance or bylaw can be effective – (1) it must be approved by the voters by ballot at an annual or special election, and (2) the ordinance or bylaw must be approved by the local legislative body.
- If a municipality voted *against* Question 4, a ballot question is not required and the ordinance or bylaw may be adopted by the local legislative body. This special provision will expire on December 31, 2019, after which the two-step process requiring a ballot question and legislative approval will apply to all municipalities.

Chapter 94G, §3 now provides the general form for a ballot question. The question must include the entire proposed bylaw or ordinance and also directs that the City Solicitor/Town Counsel prepare a brief summary that makes clear the number and types of marijuana establishments that will be permitted to operate. As with all ballot questions, pursuant to G.L. c.54, §42C, a City or Town Clerk must receive notice of the ballot question, with the full legislation text and counsel summary, no less than 35 days prior to the date of the election. Sample ballot questions are attached.

Additional Issues to Consider When Imposing Prohibitions or Limitations

The Act is silent on several issues concerning the adoption of local legislation. These issues include:

Zoning v. General Legislation: The language in the Act is ambiguous with respect to whether a bylaw or ordinance implementing a prohibition or limitation must be zoning or general in nature. We recommend that a municipality consider adopting both a general and a zoning bylaw or ordinance to prohibit or limit recreational marijuana establishments. A general bylaw or ordinance may serve to protect the Town from zoning issues such as zoning freezes and “grandfathering” of existing uses. A lower quantum of vote is also required to pass a general bylaw. The Attorney General has already approved zoning bylaws imposing prohibitions and limitations on recreational marijuana establishments. The Attorney General has also approved a similar general bylaw, but recommended that the town adopt a zoning bylaw as well. This is an evolving issue that will also involve different policy considerations. Samples of bylaw/ordinance language are attached.

Agreement of Bylaw or Ordinance Language with Ballot Question: For municipalities subject to the two-step approval process for implementing a prohibition or limitation, it is important that the bylaw or ordinance approved by ballot be the same or substantially similar as that approved by the local legislative body in order to avoid any challenge to its validity.

Conversion of Existing Marijuana Treatment Centers

The prior law required a city or town to allow a recreational marijuana establishment to be located in “any area in which a medical marijuana treatment center is registered to engage in the same type of activity.” The new Act rescinded that requirement, but added a new requirement prohibiting a zoning bylaw or ordinance from preventing a medical marijuana establishment, licensed by the Commonwealth on or before July 1, 2017, from converting to a recreational marijuana establishment “engaged in the cultivation, manufacture or sale of marijuana or marijuana products to a marijuana establishment engaged in the same type of activity.” It is important to note, however, that such a conversion may be prohibited if the municipality has adopted a total prohibition of all recreational marijuana establishments by ordinance or bylaw.

Petition for Ballot Question to Permit Marijuana “Cafés”

The procedure for allowing consumption on the premises where marijuana is sold remains unchanged from the previous legislation. A petition, which must be signed by at least 10% of the registered voters, is the only mechanism to put this question on a ballot, and it can only appear on a ballot for the biennial state election, the next of which will be held in November 2018.

Marijuana Growing and Cultivation

As our previous memorandum indicated, Chapter 351 of the Acts of 2016 amended the Zoning Act, G.L. c.40A, §3, to provide that the “growing, cultivation, distribution or dispensation of marijuana” does not qualify for the agricultural exemption under the Zoning Act. The new Act expressly adds, however, that municipalities are not precluded “from establishing zoning bylaws or ordinances which allow commercial marijuana growing and cultivation on land used for commercial agriculture, aquaculture, floriculture, or horticulture.”

HOST COMMUNITY AGREEMENTS

The Host Community Agreement (HCA) provision in G.L. c.94G, §3 was substantially revised to cover both recreational and medical marijuana establishments. The Act now requires that recreational marijuana establishments and medical marijuana treatment centers enter into such agreements with host communities. The Act authorizes a “reasonable” community impact fee but caps it at no more than 3% of the establishment’s gross sales and limits the terms of the agreement to no more than five years. The Act does not preclude renegotiation of a HCA at the end of the initial five-year term. The Act continues to require that a host community agreement only include community impact fees that are “reasonably related” to the costs imposed upon the municipality by the operation of the marijuana establishment. The municipality is required to document its costs.

TAXATION ON SALE OF RECREATIONAL MARIJUANA

The Act increases the amount of local tax that municipalities may impose on the “sale or transfer of marijuana or marijuana products by a marijuana retailer operating within the city or town” to 3% of the total sales price, an increase from 2%.

- If a municipality wishes to adopt the local sales tax, it must accept G.L. c.64N, §3 by a vote of its Town Meeting, Town Council, or the approval of a City Council and Mayor. If a municipality has already accepted §3, a new vote of the legislative body will be required in order to increase a sales tax rate between 2% – 3%.
- This local tax does not apply to sales of marijuana or marijuana product between marijuana establishments.

The Act, at G.L. c.64N, §2, increased the amount of state tax on sales of recreational marijuana from the original 3.75% up to 10.75%.

CHANGES TO MEDICAL MARIJUANA LAWS

The Act makes a number of significant changes to the regulation of medical-use marijuana including the following:

- The eventual repeal of chapter 369 of the Acts of 2012, “An Act for the Humanitarian Medical Use of Marijuana.”
- The adoption of a new Chapter 94I – “Medical Use of Marijuana.”
- The transfer of the oversight and regulation of medical-use marijuana to the Cannabis Control Commission.
- The continuation of the Department of Public Health regulating medical-use marijuana in the short-term under its existing regulatory scheme, 105 CMR 725, until the transfer of oversight and regulation is complete. This transfer must occur on or before December 31, 2018.

We will address these changes in more depth in a separate update.

PERSONAL USE OF RECREATIONAL MARIJUANA

The following personal use of recreational marijuana is permitted under the Act:

- Persons 21 years of age or older may possess two ounces or less of marijuana. G.L. c.94C, §32L.
- Within a person’s “primary residence,” a person may possess up to 10 ounces of marijuana and any marijuana produced on the premises for personal use by not more than six marijuana plants. If there is more than one grower at the residence, there may be up to 12 plants cultivated on the premises.
- A person may give away or transfer without “remuneration” to a person age 21 years or older up to one ounce of marijuana, of which no more than five grams may be in the form of marijuana concentrate, provided that such transfer is not advertised or promoted to the “public.”
- A person 21 years of age or older may also possess or manufacture marijuana accessories or sell such accessories to a person 21 years of age or older.

The following are significant limitations imposed on personal use of recreational marijuana under the Act:

- Cultivation and processing marijuana plants may not be visible from a public place.
- Marijuana or marijuana products exceeding 1 ounce within the person's place of residence must be secured by a lock.
- No person shall consume marijuana in a public place or smoke marijuana where smoking tobacco is prohibited. The term "public place" is not defined in the Act but is generally understood to include areas both privately and publicly owned to which the public have rights of access by invitation, either express or implied.
- Open containers of marijuana or marijuana products are prohibited in the passenger area of any motor vehicle.

FURTHER DEVELOPMENTS

We shall continue to monitor developments in this changing area of the law, particularly as the proposed regulations of the CCC are made public.

In the meantime, if you have any questions concerning regulation or recreational marijuana, please contact Attorneys Joel Bard (jbard@k-plaw.com), Katherine Laughman (klaughman@k-plaw.com), or Brian Riley (briley@k-plaw.com) at 617.556.0007. Members of our Labor and Employment Practice Group are also available to assist with employment-related questions.



The Leader in Public Sector Law

MODEL RECREATIONAL MARIJUANA ESTABLISHMENT BAN WARRANT ARTICLES FOR MUNICIPALITIES REQUIRING A BALLOT VOTE

ZONING BYLAW ARTICLE:

To see if the Town will vote to amend the Town’s Zoning Bylaw by adding a new Section [INSERT BYLAW SECTION REFERENCE HERE], **MARIJUANA ESTABLISHMENTS**, that would provide as follows, and further to amend the Table of Contents to add Section [INSERT BYLAW SECTION REFERENCE HERE], “Marijuana Establishments”:

Section [INSERT BYLAW SECTION REFERENCE HERE]

Consistent with G.L. c.94G, § 3(a)(2), all types of non-medical “marijuana establishments” as defined in G.L. c.94G, §1, including marijuana cultivators, independent testing laboratories, marijuana product manufacturers, marijuana retailers or any other types of licensed marijuana-related businesses, shall be prohibited within the Town of _____.

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

Or take any action relative thereto.

GENERAL BYLAW ARTICLE:

To see if the Town will vote to amend the Town’s General Bylaw by adding a new Section [INSERT BYLAW SECTION REFERENCE HERE], **MARIJUANA ESTABLISHMENTS**, that would provide as follows, and further to amend the Table of Contents to add Section [INSERT BYLAW SECTION REFERENCE HERE], “Marijuana Establishments”:

Section [INSERT BYLAW SECTION REFERENCE HERE]

Consistent with G.L. c.94G, § 3(a)(2), all types of non-medical “marijuana establishments” as defined in G.L. c.94G, §1, including marijuana cultivators, independent testing laboratories, marijuana product manufacturers, marijuana retailers or any other types of licensed marijuana-related businesses, shall be prohibited within the Town of _____.

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

Or take any action relative thereto.

SAMPLE



The Leader in Public Sector Law

**MODEL RECREATIONAL MARIJUANA ESTABLISHMENT
BALLOT QUESTION FOR IMPOSING LIMITATION OR PROHIBITION**

Shall this [City or Town] adopt the following [bylaw or ordinance]?

[Insert solicitor/counsel summary]

[Insert full text of bylaw or ordinance]

SAMPLE

**Town Manager's Report for the Period of
November 3, 2017 – November 17, 2017**

H.

1. **Meetings Attended:**
 - a. **Tour of Whitinsville Christian School – 11/6/2017**
 - b. **DPW Garage Project Meeting – 11/6/2017**
 - c. **Board of Selectmen Meeting – 11/6/2017**
 - d. **Union Membership to discuss GIC options – 11/7/2017**
 - e. **Balmer School Building Committee Meeting – 11/7/2017**
 - f. **Financial Team to discuss Health Insurance Reimbursement – 11/9/2017**
 - g. **Attended the Rockdale WWI Memorial Dedication – 11/11/2017**
 - h. **Streetlight Project Kick-off Conference Call – 11/13/2017**
 - i. **Building, Planning, Construction Committee Meeting – 11/13/2017**
 - j. **Council on Aging Meeting at the Senior Center – 11/14/2017**
 - k. **“Meet & Greet” and Thanksgiving Luncheon with Senator Moore – 11/14/2017**
 - l. **“Q&A” with Town Employees regarding GIC options – 11/14/2017**
 - m. **Kick-off with the Auditor & Financial Team – 11/15/2017**
 - n. **Recreational Marijuana Meeting with Gary B and Chief Warchol – 11/15/2017**
 - o. **PEC Meeting to vote on GIC options – 11/16/2017**
2. **School Building Project Update:** The Committee has begun the process to work down from the 4 development options submitted in the PDP (Preliminary Design Program) to MSBA, to begin get to the Preferred Option. Community Forum #5 I scheduled for December 11th.
3. **DPW Garage Project:** Site work started up again with subgrade prep for paving taking part this week as well as subbase work for the foundation. Paving is expected to take place this Monday, November 20th. The BPCC held a meeting this past 11/13/2017 and approved Change Order #1 which involved several credits as well as changes for the additional utility/paving work. There are several Change Orders that being reviewed/negotiated and the BPCC will be looking to resolve those at their meeting next Tuesday, November 21st and will then be prepared to provide a budget update to the Board of Selectmen on Monday, December 4th.
4. **Fire Station Project (Feasibility Study):** Staff, along with the Town Manager, have collected information on Town-owned property, properties listed for sale, and properties previously studied and will be filtering the data for the purposes of providing an adequate list for the Building Planning Construction Committee to designate for inclusion in the Architect RFP. A meeting was held this Thursday, November 16th to begin matching potential sites with site location/design criteria.
5. **Electricity Supply Agreement for Municipal Buildings:** Over the last several weeks I have worked with energy brokers and directly with suppliers to establish pricing for the electrical supply for all town buildings (non-school), streetlights, sewer treatment plant, and other facilities. Our current supply contract (rate of \$0.1040) expires on November

30th. This past Wednesday, November 15, 2017, I signed a replacement agreement locking in a new rate (\$0.0864) for the next 60 months. This Agreement, signed with Constellation Energy is through their MunEnergy Program and equates, all things being equal, to a \$31,207.50 annual savings and \$156,037.50 savings over the 5-year period.

6. Other ongoing tasks:

- a) Recreational Marijuana – Developing an action plan for 2018 with the Town Planner and Police Chief. This will be discussed at the 11/20/2017 BoS Meeting.
- b) Streetlight Conversion Project (MAPC Grant) – The project kick-off meeting/call with Tanko Lighting and MAPC this past Monday, November 13, 2017. The audit is expected to take place this in December.
- c) National Park Service – Working with the Town Planner to create a Local Historic District. The Town and the NPS counselors are reviewing designation agreement and the Town has advertised for new Local Historic Committee members.
- d) FY2019 Budget Planning – The Board of Selectmen will be discussing goals with the Town Manager on 12/4/2017. Please submit suggestions to Sharon Susienka.