



TOWN OF LAKEVILLE

OFFICE OF THE TOWN CLERK

346 Bedford Street
Lakeville, Massachusetts 02347
508-946-8814
ldrane@lakevillema.org

FROM THE OFFICE OF
LILLIAN M. DRANE
CMC/CMMC

PUBLIC NOTICE

SEPTEMBER 16, 2019

TO: James Bowler, Constable

In the name of the Town of Lakeville, you are hereby required to notify the inhabitants of the Town of Lakeville of the **Approval** by the Attorney General of the Commonwealth of Massachusetts of Warrants **Articles # 5 (Zoning)**, voted on at the Special Town Meeting held on **June 3, 2019**.

You are further directed to serve this notice by posting attested copies thereof at the following places:

- **Town Office Building**
- **Star Liquor Market**
- **Cisco's Pizza**
- **Clark Shores Association Bulletin Board**
- **Apponequet Regional High School**
- **Senior Citizens Drop-In Center**
- **Assawompset School.**

Any claims that these by-laws are invalid because of a defect in the procedure by which they were adopted or amended, may only be made within **90 days** of this posting. Copies of these by-laws may be examined and obtained at the Town Clerk's office.

Attest:

Lillian M. Drane
Lillian M. Drane, CMC/CMMC
Town Clerk

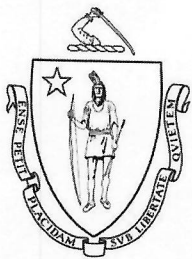
Plymouth ss:

Lakeville, Massachusetts

September 16, 2019

I have this day posted the Approved ByLaw Notice as directed, in the following places: **Town Office Building, Star Liquor Market, Cisco's Pizza, the Clark Shores Assn. Bulletin Board, Apponequet Regional High School, the Senior Citizens Drop-in Center and the Assawompset School.**

James Bowler
Constable



THE COMMONWEALTH OF MASSACHUSETTS
OFFICE OF THE ATTORNEY GENERAL

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

MAURA HEALEY
ATTORNEY GENERAL

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

September 13, 2019

Lillian M. Drane, Town Clerk
Town of Lakeville
346 Bedford Street
Lakeville, MA 02347

Received
SEP 16 2019
Lakeville Town Clerk

Re: Lakeville Special Town Meeting of June 3, 2019 -- Case # 9557
Warrant Article # 5 (Zoning)

Dear Ms. Drane:

Article 5 - We approve Article 5 from the June 3, 2019 Lakeville Special Town Meeting.

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,

MAURA HEALEY
ATTORNEY GENERAL

Nicole B. Caprioli

By: Nicole B. Caprioli
Assistant Attorney General
Municipal Law Unit
10 Mechanic Street, Suite 301
Worcester, MA 01608
(508) 792-7600 ext. 4418

cc: Town Counsel Gregg Corbo

Town of Lakeville

Town Meeting Action:

Article 5:

I move that the Town vote to amend the Zoning By-Law, with respect to regulation of Registered Marijuana Dispensaries and Adult Use Marijuana Establishments by taking the following actions:

(1) deleting **Registered Marijuana Dispensary** from **Section 7.4.6 - Specific Uses by Special Permit**;

(2) amending Zoning By-law **Section 2.0 Definitions – Registered Marijuana Dispensary (RMD)** and

(3) amending **Section 7.4.6 - Specific Uses by Special Permit – Adult Use Marijuana Establishments and Marijuana Retailers** to add “Registered Marijuana Dispensaries” to this Section as a use allowed by Special Permit and to designate the Zoning Board of Appeals as the Special Permit Granting Authority for all Marijuana Uses as set forth below, with additions shown in **bold** and deletions shown in ~~strikethrough~~:

(1) Delete the following provisions from **Section 7.4.6 – Specific uses by Special Permit**:

~~**Registered Marijuana Dispensary** SPGA Board of Appeals; Industrial District.~~

~~Subject to site plan review by the Planning Board and to approval by the Board of Health and conforming to applicable General Laws. Site plan shall be incorporated into the Special Permit by reference.~~

(2) Amend **Section 2.0 Definition**:

Registered Marijuana Dispensary (RMD):

A Medical Marijuana Treatment Center as defined in ~~105 CMR 725.004~~ **935CMR 501.002** and regulated in ~~105 CMR 725.004~~ **935 CMR 501.001 et seq.** (Adopted June 9, 2014; Approved by Attorney General July 1, 2014)

(3) Amend **Section 7.4.6 Adult Use Marijuana Establishments and Marijuana Retailers**:

Marijuana Uses - Adult Use Marijuana Establishments, and Marijuana Retailers, and Registered Marijuana Dispensaries

~~SPGA – Planning Board~~ **Zoning Board of Appeals**; Industrial District

A. **All Marijuana Uses, including Adult Use Marijuana Establishments, and Marijuana Retailers, and Registered Marijuana Dispensaries,** shall require a Special Permit

~~and Site Plan Approval from the Planning Board~~ **Zoning Board of Appeals.**

- B. ~~Adult Use Marijuana Establishment and Marijuana Retailers~~ **Marijuana Uses** shall not be located within 500 feet of a public or private school providing education in kindergarten or grades 1 through 12. The distance under this Section shall be measured in a straight line from the nearest point of the property line in question to the nearest point of the property line where the ~~Marijuana Establishment or Marijuana Retailer~~ **Use** is or will be located.
- C. **Adult use and medical** Cultivation and Manufacturing Establishments shall be separated from adjacent uses by a 50-foot buffer strip, unless the Applicant can demonstrate, and the ~~Planning Board~~ **Zoning Board of Appeals** finds, that adequate buffering can be provided in a narrower buffer strip.
- D. ~~Adult Use Marijuana Establishments and Marijuana Retailers~~ **Marijuana Uses** shall be located only in a permanent building and not within any mobile facility, with the exception of the transporting of marijuana and marijuana products under a Marijuana Transporter license.
- E. The Application for an ~~Adult Use Marijuana Establishment or Marijuana Retailer~~ **Marijuana Use** Special Permit shall include the following:
1. A detailed floor plan of the proposed ~~Adult Use Marijuana Establishment or Marijuana Retailer~~ **Marijuana Use** that identifies the square footage available and describes the functional areas of the facility;
 2. Detailed Site Plans that include the following information:
 - a. Compliance with the requirements for parking and loading spaces, for lot size, frontage, yards and heights and coverage of buildings, signage and all other provisions of this By-Law;
 - b. Convenience and safety of vehicular and pedestrian movement on the site to provide secure and safe access and egress to and from the site;
 - c. Convenience and safety of vehicular and pedestrian movement off the site, if vehicular and pedestrian traffic off-site can reasonably be expected be substantially affected by on-site changes;
 - d. Adequacy as to the arrangement and the number of parking and loading spaces in relation to the proposed use of the premises;
 - e. Site design such that it provides convenient, secure and safe access and egress for clients and employees arriving to and from the site.
 - f. Design and appearance of proposed buildings, structures, freestanding signs, screening and landscaping; and
 - g. Adequacy of water supply, surface and subsurface drainage and light.
 3. A copy of the Written Operating Procedures as required by 935 **CMR 500.105 and/or 935 CMR 501.105**, which shall include, at a minimum, the following:
 - a. Security measures in compliance with 935 CMR 500.110 **and/or 935 CMR 501.110**, to the extent such information may be made publicly available;

- b. Employee security policies;
- c. Proposed hours of operation and after-hours contact information;
- d. Proposal for storage of marijuana;
- e. Emergency procedures, including a disaster plan in case of fire or other emergencies;
- f. Policies and procedures for preventing the diversion of marijuana to individuals younger than 21 years old;
- g. Policies and procedures for energy efficiency and conservation in accordance with 935 CMR 500.105 and a plan for implementation of such policies;

4. A copy of proposed waste disposal procedures; and

~~5. A copy of the provisional license issued by the Cannabis Control Commission, and any additional materials submitted to the Cannabis Control Commission by the Applicant for purposes of obtaining a provisional license~~ **or provisional certificate of registration.**

F. The Planning Board ~~Zoning Board of Appeals~~ may impose conditions reasonably appropriate to improve site design, traffic flow, public safety, protect water quality, air quality and odor control, and significant environmental resources, preserve the character of the surrounding area, and ensure the ~~Adult Use Marijuana Establishment or Marijuana Retailer is~~ **Marijuana Uses are** operating under best management practices for energy use, waste disposal and environmental impact. In addition to any specific conditions applicable to the Applicant's ~~Adult Use Marijuana Establishment or Marijuana Retailer~~ **Marijuana Uses** imposed by the Planning Board ~~Zoning Board of Appeals~~, the following conditions shall apply to any Special Permit granted under this By-Law, unless otherwise stated by the Planning Board ~~Zoning Board of Appeals~~:

- 1. The Planning Board ~~Zoning Board of Appeals~~ may set the hours of operation, but if none are specifically specified in the special permit, hours of operation shall be limited to 8:00 AM – 6:00 PM.
- 2. ~~The Adult Use Marijuana Establishment or Marijuana Retailer~~ **Marijuana Uses** shall not generate outside odors from the cultivation, processing or manufacturing of marijuana or marijuana products.
- 3. The Security Plan and Emergency Procedures shall be approved by the Police Chief and Fire Chief prior to commencing operations. The Applicant shall be required to certify to Police Chief and Fire Chief on an annual basis that there are no changes to the Security Plan and Emergency Procedures for the ~~Adult Use Marijuana Establishment or Marijuana Retailer~~ **Marijuana Uses**.
- 4. The permit holder shall provide to the Zoning Enforcement Officer and Chief of the Police Department, 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.
- 5. ~~The Adult Use Marijuana Establishment or Marijuana Retailer~~ **Marijuana Uses** may not operate, and the Special Permit will not take effect, until the

- Applicant has obtained all final license approvals or final certificates of registration from the Cannabis Control Commission.
6. ~~Adult Use Marijuana Establishments or Marijuana Retailer~~ **Marijuana Uses** may not operate, and the Special Permit will not be valid, unless the Applicant has entered into a Host Community Agreement with the Town relative to any Adult Use Marijuana Establishment, ~~or~~ Marijuana Retailer **or RMD** permitted under this By-Law.
 7. A Special Permit granted under this Section shall have a term limited to the duration of the Applicant's ownership and use of the premises **for the approved Marijuana Use** ~~as an Adult Use Marijuana Establishment or Marijuana Retailer~~. A Special Permit may be transferred only with the approval of the ~~Planning Board~~ **Zoning Board of Appeals** in the form of an amendment to the Special Permit.
 8. The Special Permit shall lapse upon the expiration or termination of the Applicant's license by the Cannabis Control Commission.
- G. The permit holder shall notify the Zoning Enforcement Officer and SPGA in writing within 48 hours of the cessation of operation, ~~of the Adult Use Marijuana Establishment or Marijuana Retailer's~~ expiration or termination of the permit holder's license **or certificate of registration** with the Cannabis Control Commission **for any Marijuana Use**.

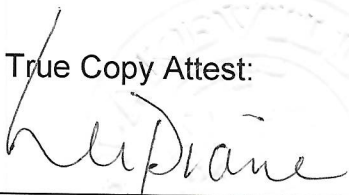
Or take any action relative thereto;

Sponsor: Board of Selectmen

Miriam Hollenbeck, Board of Selectmen Chairman, made a motion to approve the article as printed in the warrant.

Motion was seconded and passed by 2/3rds requirement (75 Yes to 28 No) at Special Town Meeting of June 3, 2019.

A True Copy Attest:



Lillian M. Drane, CMC/CMMC,
Town Clerk