Article 25: The Finance Committee unanimously recommends the adoption of this subject matter.

Note: This acceptance establishes a local sales tax on recreational marijuana.

ARTICLE 26 Amend Zoning By-Laws: Recreational Marijuana Overlay District

To see if the Town will vote to amend Chapter 5.0 of the Protective Zoning By-laws by adding thereto a new Section 5.12 as follows:

5.12 RECREATIONAL MARIJUANA OVERLAY DISTRICT

Section 5.12.1 PURPOSE

This Section entitled "Recreational Marijuana Overlay District" (RMOD) is enacted in order to serve the compelling interests of the Town to address possible health, safety and quality of life effects related to the location and operation in the Town of recreational marijuana operations pursuant to Massachusetts General Laws Chapter 94G, Section 3 and all other applicable provisions and is to allow State-licensed Marijuana Establishments (ME) to exist in the Town of Hudson in accordance with applicable State laws Rules and Regulations and impose reasonable safeguards to govern the time, place and manner of Marijuana Establishments' to ensure public health, safety, well-being, and undue impacts on the natural environment as it relates to cultivation, processing and manufacturing subject to the provisions of this Zoning by law, M.G.L.c. 40A, and M.G.L. c.94G. Further to establish specific zoning regulations for the limited establishment of any registered marijuana establishment in appropriate places and under reasonable and practicable conditions, for marijuana products, marijuana accessories and marijuana cultivation and dispensing, all as defined in Massachusetts General Laws Chapter 94G. It is the intent of this section to minimize adverse impacts on adjacent properties, residential neighborhoods, schools and other places where children congregate and other land uses potentially incompatible with recreational marijuana activities.

Section 5.12.2 DEFINITIONS The following definitions, consistent with M.G.L. c. 94G, and 935 CMR 500.000 shall apply in the interpretation and enforcement of this section:

Marijuana - all parts of the plant Cannabis Sativa L., whether growing or not; the seeds thereof; and resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds or resin. It does not include the mature stalks of the plant, fiber produced from the stalks, oil, or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the
mature stalks, except the resin extracted there from, fiber, oil, or cake or the sterilized seed of the plant which is incapable of germination. The term also includes Marijuana Infused Products except where the context clearly indicates otherwise.

**Independent Testing Laboratory** - A laboratory that is licensed by the commission and is accredited to the most current International Organization for Standardization 17025 by a third-party accrediting body that is signatory to the International Laboratory Accreditation Accrediting Cooperation mutual recognition arrangement or that is otherwise approved by the commission and which tests marijuana and marijuana products including but not limited to certification for potency and the presence of contaminants (ii) is financially independent from any Recreational Marijuana Establishments or any licensee or marijuana establishment for which it conducts a test; and (iii) is qualified to test marijuana in compliance with regulations promulgated by the Massachusetts Cannabis Control Commission (CCC).

**Marijuana Cultivator** - an entity duly licensed by the Cannabis Control Commission in accordance with Massachusetts General Laws c.94G or by the Massachusetts Department of Public Health in accordance with 105 CMR 725.00 and pursuant to all other applicable State laws and regulations to cultivate, process, and package marijuana, to deliver marijuana to marijuana establishments, and to transfer marijuana to other marijuana establishments, but not to consumers. The cultivation and processing of marijuana in accordance with this definition is considered to be a manufacturing use and is not agriculturally exempt from zoning.

**Marijuana Establishment** - a marijuana cultivator, independent testing laboratory, marijuana product manufacturer, marijuana retailer, or any other type of licensed marijuana-related businesses.

**Marijuana Product Manufacturer** - an entity licensed to obtain, manufacture, process, and package marijuana / marijuana products, to deliver marijuana and marijuana products to marijuana establishments, and to transfer marijuana and marijuana products to other marijuana establishments, but not to consumers.

**Marijuana Products** - products that have been manufactured and contain marijuana or an extract of marijuana, including concentrated forms of marijuana and products.

**Special Permit Granting Authority (SPGA)** – for the purposes of the provisions of this by-law, the SPGA shall mean the Hudson Zoning Board of Appeals.

**Section 5.12.3 LOCATION**

The location and boundaries of the RMOD shall be delineated to include the
following:

1. Limited Commercial and Light Industrial District (LCI) as shown on the Zoning Map of the Town, and more specifically shown on the Recreational Marijuana Overlay District Map.

Section 5.12.4 PROCEDURAL REQUIREMENTS
1. An Application for Special Permit shall be filed with the SPGA in accordance with the provisions herein, Section 8.2 of the Hudson Zoning By-Laws, and the provisions of M.G.L. c.40A, Section 9 as amended.

2. Applicants shall first obtain Site Plan Review from the Hudson Planning Board as provided in Section 7.1.7 of the Zoning by-laws of the Town of Hudson.

3. Applicants must be permitted by the Town of Hudson Board of Health prior to issuance of any Occupancy Permit.

Section 5.12.5 USE REGULATIONS
1. All Recreational Marijuana Establishments shall be in a fixed location and not within a mobile facility;

2. No outside storage is permitted;

3. No home delivery of marijuana products is permitted;

4. All Recreational Marijuana Establishments shall be located at least 2,000 feet from the property line of any school, daycare center, or library;

5. All Recreational Marijuana Establishments shall be located at least 300 feet from a residential zoning district;

6. All Recreational Marijuana Establishments shall not be located inside a building containing residential units including transient housing such as motels and dormitories;

7. Applicants shall provide the Special Permit Granting Authority with proposed security measures for the Marijuana Establishment, including lighting, fencing, gates, and alarms, to ensure the safety of persons and to protect the premises from theft;

8. No smoking, burning, consumption or ingestion of any product containing marijuana or marijuana related products shall be permitted on the premises of a Recreational Marijuana Establishment, including social consumption bars or cafes;

9. All business signage shall be subject to the requirements as promulgated by the Cannabis Control Commission (935.CMR 500) and
the requirements of the Hudson Protective Zoning By Law;

10. The hours of operation of all Recreational Marijuana Establishments shall be set by the Special Permit Granting Authority, but in no event shall said Marijuana Establishments be open, operate or receive deliveries between the hours of 8:00 PM and 8:00AM;

11. The applicant shall provide express written authorization from the property owner of the proposed site;

12. No activities occurring or products offered within or on the premises of a registered marijuana establishment shall be displayed in the windows or on the building thereof, or be visible to the public from the pedestrian sidewalks or walkways or from other areas, public or semi-public, outside such facility or premises.

13. No odor from marijuana cultivation, processing, manufacturing, or retail may be noxious or cause a nuisance, a danger to public health, or public comfort and convenience. Marijuana establishments shall incorporate odor control technology and provisions, and ensure that emissions do not violate M.G.L. Chapter111, Section31C, including but not limited to those specified for Odors. The Special Permit Granting Authority may impose reasonable conditions including, but not limited to signage, painting and lighting standards;

14. The Special Permit Granting Authority is authorized to grant the Special Permit if it finds all of the following:

(a.) the proposal is not contrary to the best interests of the inhabitants of the Town of Hudson;
(b.) is in accordance with Section 8.2 of the Protective Zoning by-laws of the Town of Hudson;
(c.) is in harmony with the general purpose and intent of the protective zoning by-law;
(d.) does not constitute a substantial detriment to the public good and the is designed to minimize any adverse visual or public safety impacts on abutters and other parties of interest;
(e.) the Marijuana Establishment demonstrates that it has met the permitting requirements of all applicable state agencies;
(f.) the Marijuana facility project meets a demonstrated need of the community;
(g.) that the marijuana establishment provides adequate security measures to ensure that no individual participant will pose a direct threat to the health or safety of other individuals, and that the storage and/or location of marijuana product are adequately secured;
(h.) that the marijuana establishment adequately addresses issues of traffic demand, circulation flow, parking and queuing, particularly at peak periods at the establishment and its impact on neighboring uses; and
(i.) the Applicant has satisfied all the conditions and requirements herein.
15. A Special Permit granted hereunder shall not be transferable and shall have a term limited to applicant's ownership or control of the premises of the marijuana establishment;

**Section 5.12.6 APPLICATION REQUIREMENTS**

1. The name and address of each owner of the marijuana establishment.
2. Copies of all required registrations, licenses and permits issued to the applicant by the Commonwealth of Massachusetts and any of its agencies for the establishment.
3. Evidence that the Applicant has site control and right to use the site for a marijuana establishment in the form of a deed or valid purchase and sales agreement or, in the case of a lease, a notarized statement from the property owner and a copy of the lease agreement.
4. A notarized statement signed by the marijuana establishment organization's Chief Executive Officer and corporate attorney disclosing all of its designated owners, including officers, directors, partners, managers, or other similarly situated individuals and entities and their addresses. If any of the above are entities rather than persons, the Applicant must disclose the identity of all such responsible individual persons.
5. A description of all activities to occur on site, including but not limited to: cultivating and processing of marijuana and marijuana infused products (MIPs), on site sales, delivery of marijuana and related products to off-site facilities, off-site direct delivery to patients, distribution of educational materials and other programs or activities.
6. A written notice from the Chief of Police shall be submitted to the Town Clerk stating that an acceptable Security Plan has been reviewed and approved. The Security Plan shall include the location and details of all security measures for the site, including but not limited to lighting, fencing, gates, waste disposal, alarms and similar measures ensuring the safety of employees and patrons and to protect the premises from theft or other criminal activity.
7. Details of all proposed exterior security measures for the marijuana establishment.

**Section 5.12.7 ANNUAL REPORTING**

Each Recreational Marijuana Establishment permitted with under this bylaw shall as a further condition of its Special Permit file an Annual Report the Special Permit Granting Authority and the Board of Health no later than January 31st, providing a copy of all current applicable state licenses for the Center and/or its owners, and demonstrate continued compliance with the condition (s) of the Special Permit.

**Section 5.12.8 ABANDONMENT OR DISCONTINUANCE OF USE**

1. A marijuana establishment shall be required to remove all material, plants, equipment and other paraphernalia upon registration or licensure revocation, expiration, termination, transfer to another controlling entity relocation to a new site and any other cessation of operation as regulated by the Department of Public Health or the Cannabis Control Commission. Such removal will be in compliance with 105 CMR 725.105 (J), (O.) and...
regulations from the CCC; and

2. A Special Permit granted hereunder shall lapse if the applicant ceases marijuana establishment operations for a period of ninety (90) days and/or if the applicant's registration by the Department of Public Health or license by the Cannabis Control Commission has been revoked, expires, is terminated, is transferred to another controlling entity or is relocated to a new site;

Section 5.12.9 SEVERABILITY
If any paragraph, sentence, phrase or word contained in this by-law is adjudicated by a Court of competent jurisdiction to be unconstitutional, illegal or otherwise unenforceable, then it is intended that the remaining provisions of this by-law continue in full force and effect.

Section 5.12.10 PREEMPTION
No portion of this By-law is intended to supersede, preempt or conflict with another State or Federal law or rule or regulation to the extent applicable to Medical Marijuana Treatment Centers, or the humanitarian medical use of marijuana as contained in Chapter 369 of the Acts of 2012 as specified herein.

Executive Assistant
Board of Selectmen

Article 26: The Finance Committee unanimously recommends the adoption of this subject matter.

Note: Passage of this article will restrict, among other things, the sale of recreational marijuana to the same zone as for the medical marijuana. Failure of this article will allow recreational marijuana sales anywhere in Hudson, subject only to state statutes and regulations.

ARTICLE 27 Amend General By-Laws: Wetlands Protection By-Law
To see if the Town will vote to amend the General Bylaws of the town by inserting the following bylaw “Town of Hudson Wetlands Protection Bylaw” as Article X of the General Bylaws and making the present Article X, “Applications and Penalties”, the new Article XI

Section 1 Purpose
The intent and purpose of this bylaw is to maintain the quality of surface water, the quality and level of the ground water table and water recharge areas for existing or potential water supplies; to protect the public health and safety; to protect persons and property against the hazards of flood water inundation; to protect the community against the costs which may be incurred when unsuitable development occurs in wetland resource