

**SPECIAL TOWN MEETING
TOWN OF MONTAGUE
COMMONWEALTH OF MASSACHUSETTS
February 15, 2018**

Franklin, ss.

To either of the Constables of the Town of Montague in the County of Franklin:

GREETING:

In the name of the Commonwealth of Massachusetts, you are hereby directed to notify and warn the Inhabitants of the Town of Montague qualified to vote in Town affairs to meet in the **Shea Theater**, located at 71 Avenue A, Turners Falls, on Thursday, February 15, 2018, at 6:30 P.M. and to act on the following articles and any motions which may be presented.

ARTICLE 1. To see if the Town will vote to authorize the Board of Selectmen to petition the General Court for special legislation, as set forth below, to allow the Board of Assessors to grant reasonable real estate tax abatements for property located on Swamp Road (as shown on Assessors Map 44, Lot 81) for previous fiscal years; provided, however, that the General Court may make clerical or editorial changes of form only to the bill, unless the Board of Selectmen approves amendments to the bill before enactment by the General Court which are within the scope of the general public objectives of the petition, or pass any vote or votes in relation thereto.

The petition for special legislation shall take the following form:

**AN ACT AUTHORIZING THE TOWN OF MONTAGUE TO GRANT PROPERTY
TAX ABATEMENTS**

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same as follows:

SECTION 1. Notwithstanding the provisions of Section 59 of Chapter 59 of the General Laws, or any other general or special law to the contrary, the Board of Assessors of the Town of Montague are authorized to grant a reasonable abatement of real estate taxes assessed on the owner of property located at 0 Swamp Road, Montague, Massachusetts, as shown on Assessors Map 44, Lot 81 for fiscal years 2005-2016.

SECTION 2. Notwithstanding the provisions of Section 25 of Chapter 59 of the General Laws, or any other general or special law to the contrary, any abatement granted pursuant to the authority conferred by this act shall be paid only to Gregory Newth as the owner of the subject property during the relevant period of time, from available funds in the assessors' overlay account for the current fiscal year.

SECTION 3. This act shall apply only to taxes assessed by the Town of Montague and shall not apply to any taxes, fees or special assessments from any other entity, including but not limited to the Montague Center Fire District and the Montague Lighting District.

SECTION 4. This act shall take effect upon passage.

(Board of Selectmen Request)

ARTICLE 2. To see if the Town will vote to raise and appropriate, transfer from available funds, borrow, or otherwise provide the sum of \$13,250 or any other amount for the purpose of increasing the Fiscal Year 2018 Building Inspector budget, or pass any vote or votes in relation thereto.

(Board of Selectmen Request)

ARTICLE 3. To see if the Town will vote to raise and appropriate, transfer from available funds, borrow, or otherwise provide the sum of \$49,000 or any other amount for the purpose of repairing or replacing all or part of the Shea Theater building roof and related appointments, including any and all incidental costs related thereto, or pass any vote or votes in relation thereto.

(Board of Selectmen Request)

ARTICLE 4. To see if the Town will vote pursuant to the provisions of General Laws Chapter 40 Section 59 and General Law Chapter 23A, Sections 3E and 3F to: (a) approve the Tax Increment Financing (“TIF”) Agreement between the Town and Ja’Duke, substantially in the form as on file with the Town Clerk (the “TIF Agreement”), for property located at 110 Industrial Blvd, Turners Falls, as shown on Assessors Map 17, Lot 054, and as described more fully in the TIF Agreement, which TIF Agreement provides for real estate tax exemptions in accordance with the exemption rate schedule set forth therein; (b) authorize the Board of Selectmen to execute the TIF Agreement, and any documents relating thereto; and (c) authorize the Board of Selectmen to approve submission of the TIF Agreement and Certified Project Application, and any associated documents, to the Massachusetts Economic Assistance Coordinating Council, all relating to the project as described in the TIF Agreement; and take such other action and authorize the Board of Selectmen to execute such other documents as may be necessary or appropriate to obtain EACC approval, implement these documents and carry out the purposes of this article; or pass any vote or votes in relation thereto.

(Board of Selectmen Request)

ARTICLE 5. To see if the Town will vote to authorize the Board of Selectmen to petition the General Court for one (1) additional all alcohol on premises liquor license to be exercised and located at 42 Canal Road in the Turners Falls village of the Town, said license not to be transferred to any other location; provided, however, that the General Court may make clerical or editorial changes of form only to the bill, unless the Board of Selectmen approves amendments to the bill before enactment by the General Court which are within the scope of the general public objectives of the petition, or pass any vote or votes in relation thereto.

The petition for special legislation shall take the following form:

AN ACT AUTHORIZING THE TOWN OF MONTAGUE TO ISSUE ONE ADDITIONAL LIQUOR LICENSE.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same as follows:

SECTION 1. (a) Notwithstanding Section 17 of Chapter 138 of the General Laws or any other general or special, rule or regulation to the contrary, the licensing authority of the Town of Montague may grant one (1) additional license for the sale of all alcoholic beverages to be consumed on premises under Section 12 of said Chapter 138 to be exercised at and located at 42 Canal Road, in the

Turners Falls Village in said town. A license granted under this section shall be subject to all of said Chapter 138 except said Section 17.

(b) Once issued, the licensing authority shall not approve the transfer of the license issued under this section to any other location, but it may grant the license to a new applicant at the same location if the applicant files with the authority a letter from the department of revenue indicating that the license is in good standing with the department and that all applicable taxes have been paid.

(c) If the license granted under this section is cancelled, revoked or no longer in use, it shall be returned physically, with all of the legal rights, privileges and restrictions pertaining thereto, to the licensing authority, which may then grant the license to a new applicant at the same location under the same conditions as specified in this section.

SECTION 2. This act shall take effect upon passage.
(Board of Selectmen Request)

ARTICLE 6. To see if the Town will vote to adopt the provisions of General Laws Chapter 64N, Section 3, as amended by Section 13 of Chapter 55 of the Acts of 2017, to impose a local sales tax upon the sale or transfer of marijuana or marijuana products by a marijuana retailer operating within the Town to anyone other than a marijuana establishment at the rate of three percent (3%) of the total sales price received by the marijuana retailer as a consideration for the sale of marijuana or marijuana products; this act shall take effect on the first day of the calendar quarter following thirty days after its acceptance by Town Meeting, or pass any vote or votes in relation thereto.

(Board of Selectmen Request)

ARTICLE 7. To see if the Town will vote to amend the Montague Zoning Bylaws pertaining to licensed marijuana establishments in sections 7.1, 5.2, and 8.2 and 2 in the following manner, or pass any vote or votes in relation thereto:

Part A: Remove Section 7.10 (Registered Marijuana Dispensaries) in its entirety, and replace it with the following:

7.10 Marijuana Establishments

7.10.1 Purpose

The purpose of this Section is to provide for the orderly placement of medical and recreational marijuana establishments in areas where such a use is not inconsistent with the neighborhood character and in accordance with State law.

7.10.2 General

Marijuana Establishments may be allowed by special permit and site plan review from the Board of Appeals pursuant to Section 5.2, Section 7.10, and Section 8. The Planning Board shall be the Site Plan Review and Special Permit Granting Authority for Marijuana Establishments in the Industrial District. The Special Permit Granting Authorities shall consider the design of buildings, setbacks, visual impacts, outdoor lighting, security, hours of operation, odor control, traffic circulation, and consistency with current and abutting land uses.

7.10.3 Standards and Conditions

- a) No Marijuana Establishment shall locate any buildings, structures, or signs within 300 feet of a pre-existing public or private school providing education in kindergarten or grades 1 through 12, as measured from the nearest point of the school property.
- b) Marijuana plants, products, and paraphernalia shall not be visible from outside the building in which the Marijuana Establishment is located. No outside storage is permitted.
- c) No odor may be noxious or cause a nuisance, or impair public comfort and convenience. Marijuana Establishments shall incorporate odor control technology and provisions.
- d) The special permit shall be limited to the current applicant and shall provide that the permit shall lapse if the applicant ceases operating the Marijuana Establishment or if the applicant's license with the Commonwealth of Massachusetts expires or is terminated.
- e) The Special Permit Granting Authority may require additional conditions and set standards for performance and maintenance upon finding that such action is reasonably necessary to meet the purpose and intent of the Zoning Bylaws.

Part B: Amend Section 5.2, Permitted Uses, by adding the words “Marijuana cultivation, in accordance with Section 7.10”, to Section 5.2.1(b), Uses allowed by Special Permit from Board of Appeals in Agricultural-Forestry Districts.

Part C: Amend Section 5.2, Permitted Uses, by adding the words “Marijuana cultivation or production, in accordance with Section 7.10”, to Section 5.2.13(b), Uses allowed by Special Permit from Board of Appeals in Rural Business District.

Part D: Amend Section 5.2, Permitted Uses, by deleting the words “Registered Marijuana Dispensary, in accordance with Section 7.10”, from Section 5.2.5(b), Uses allowed by Special Permit from Board of Appeals in General Business District, and replacing them with the words “Marijuana retailer, Medical Marijuana Treatment Center, cultivation, production, research or testing, in accordance with Section 7.10”.

Part E: Amend Section 5.2, Permitted Uses, by deleting the words “Registered Marijuana Dispensary, in accordance with Section 7.10” from Section 5.2.6(b), uses allowed by Special Permit from Zoning Board of Appeals in Industrial District.

Part F: Amend Section 5.2, Permitted Uses, by adding the words “Marijuana cultivation, production, research or testing, Medical Marijuana Treatment Center, or retail if accessory to cultivation or production as a primary use, in accordance with Section 7.10” to Section 5.2.6(c), Uses allowed by Special Permit from Planning Board in Industrial District.

Part G: Amend Section 5.2, Permitted Uses, by deleting the words “Registered Marijuana Dispensary, in accordance with Section 7.10 from Section 5.2.11(b), Uses allowed by Special Permit from Board of Appeals in Central Business District, and replacing them with the words “Marijuana Retailer, in accordance with Section 7.10”.

Part H: Amend Section 5.2, Permitted Uses, by deleting the words “Registered Marijuana Dispensary, in accordance with Section 7.10” from Section 5.2.12 (b), Uses allowed by Special Permit from Board of Appeals in Historic Industrial District, and replacing them with the words “Marijuana retailer, Medical Marijuana Treatment Center, cultivation, production, research or testing, in accordance with Section 7.10”.

Part I: Amend Section 8.2(g) Site Plan Review: Applicability, by deleting the words Registered Marijuana Dispensary, in accordance with Section 7.10” and replacing them with the words “Marijuana retailer, Medical Marijuana Treatment Center, cultivation, production, research or testing, in accordance with Section 7.10”.

Part J: Amend Section 2, Definitions, by deleting the definition: “MEDICAL MARIJUANA DISPENSARY – A Medical Marijuana Treatment Center as defined in 105 CMR 725.004 and regulated in 105 CMR 725.100.” and adding the following six new definitions:

- MARIJUANA ESTABLISHMENT – a marijuana cultivator, marijuana research facility or testing laboratory, marijuana product manufacturer, marijuana retailer or Medical Marijuana Treatment Center.
- MARIJUANA RETAILER- an entity licensed by the Commonwealth of Massachusetts to purchase and deliver marijuana and marijuana products from marijuana establishments and to deliver, sell, or otherwise transfer marijuana and marijuana products to marijuana establishments and to consumers for recreational or medicinal purposes.
- MARIJUANA CULTIVATOR- an entity licensed by the Commonwealth of Massachusetts to cultivate, process, and package marijuana for adult use or medical use purposes, to deliver marijuana to marijuana establishments, and to transfer marijuana to other marijuana establishments, but not to consumers.
- MARIJUANA PRODUCT MANUFACTURER- an entity licensed by the Commonwealth of Massachusetts to obtain, manufacture, process, and package marijuana and marijuana products for adult use or medical use purposes, 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 RESEARCH FACILITY OR TESTING LABORATORY- an entity licensed by the Commonwealth of Massachusetts to cultivate, purchase or otherwise acquire marijuana for the purpose of conducting research or testing regarding marijuana and marijuana products.
- MEDICAL MARIJUANA TREATMENT CENTER – an entity registered under 105 CMR 725.100 that acquires, cultivates, possesses, processes (including development of related products), transfers, transports, sells, distributes, dispenses, or administers marijuana, products containing marijuana, related supplies, or educational materials to registered qualifying patients or their personal caregivers.

(Planning Board Request)

Given under our hands this 29th day of January in the Year of Our Lord Two Thousand and Eighteen.

Michael Nelson

Christopher M. Boutwell, Sr.

Richard Kuklewicz, Chairman
Selectmen, Town of Montague

Franklin, ss Montague, MA January , 2018

Pursuant to the within warrant, I have warned the Inhabitants of the Town of Montague by posting attested copies of the same in a conspicuous place in each of the Post Offices, Libraries, Town Website and the Town Hall of the Town of Montague, at least fourteen days before said meeting as within directed.

Constable of Montague