

**ABSTRACT OF THE SPECIAL TOWN MEETING HELD  
MONDAY, DECEMBER 3, 2018, 7:00 P.M.  
ACTON-BOXBOROUGH REGIONAL HIGH SCHOOL AUDITORIUM**

**NUMBER OF REGISTERED VOTERS ATTENDING TOWN MEETING  
DECEMBER 3, 2018 – 1097**

*Article Index*

---

<b><u>Article</u></b>	<b><u>Title</u></b>	<b><u>Page</u></b>
1	Amend General Bylaws – Chapter Z – Marijuana Establishments .....	7
2	Amend Zoning Bylaw – Regulation of Marijuana Retail.....	8
3	Adopt Local Option Excise on Retail Marijuana Sales .....	10
4	Amend Zoning Bylaw – Extension of Marijuana Establishment Temporary Moratorium .....	11

---

The Moderator, Mr. Peter Ashton, called the Special Town Meeting to order on Monday, December 3, 2018, at 7:05PM.

Mr. Ashton gave a brief overview of the process of Town Meeting.

Mr. Ashton introduced the chairman of the Board of Selectmen, Katie Green, who then introduced the members at the table. Joan Gardner – Vice Chair, Jon Benson – Clerk, as well as Peter Berry, and Janet Adachi members of the Board of Selectmen. In addition, Town Manager – John Mangiaratti Nina Pickering Cook - Town Counsel, and Eva Szkaradek - Town Clerk.

The Moderator introduced the Chair of the Finance Committee Jason Cole, who then introduced the members at the table. Roland Bourdon III – V Chair, Steve Noone, Jeff Bergart, Christi Andersen, Christine Russell, Michael F. Majors, Thomas Farley and Sahana Purohit, Associate member.

The Moderator asked Town Meeting to vote to allow Non Resident Town Staff, to speak to the Articles of this Special Town Meeting if needed.

Motion carries to allow speakers.

The Moderator gave a presentation on the iClicker, the new Electronic Voting equipment that we will use at this Town Meeting. The new voting process was voted at the Special Town Meeting held October 5, 2016, Article 2, adding section A7 to the Town Bylaws.

The Moderator presented two practice motions to test the iClicker.

Practice Motion #1:

Motion is do you believe the Patriots will make it to the Super Bowl?

IClicker - A Yes - 665 74%      E No - 239 26%

Practice Motion #2:

Motion all those who believe they have mastered the art of Electronic Voting and we should move on to the business of Town Meeting, please vote yes?

IClicker - A Yes - 838 91%      E No - 78 9%

**Article 1                      Amend General Bylaws – Chapter Z – Marijuana Establishments**

(Majority vote)

To see if the Town will vote to amend the General Bylaws by adding Chapter Z – Marijuana Establishments, or take any other action relative thereto.

**CHAPTER Z – MARIJUANA ESTABLISHMENTS**

The operation within the Town of Acton of any marijuana establishment, as defined in Massachusetts General Laws c. 94G, § 1, including, without limitation, a marijuana cultivator, marijuana testing facility, marijuana product manufacturer, marijuana retailer, or any other type of licensed marijuana-related business, is prohibited. This prohibition shall not apply to the sale, distribution, or cultivation of marijuana for medical purposes by a Registered Marijuana Dispensary as defined by and registered under Chapter 369 of the Acts of 2012.

**MOTION:**

Ms. Green moves that the Town amend the General Bylaws as set forth in the Article.

IClicker - A Yes - 811 76%      E No - 261 24%

**MOTION CARRIES**

**Article 2 Amend Zoning Bylaw – Regulation of Marijuana Retail**

(Two-thirds vote)

To see if the Town of Acton will vote to amend the Zoning Bylaw - Section 3, Table of Principal Uses, Principal Use Definitions, and Accessory Use Regulations as follows:

1. In the Table of Principal Uses, insert a new line 3.5.26 as follows:

		RESIDENTIAL DISTRICTS				VILLAGE DISTRICTS					OFFICE DISTRICTS		BUSINESS DISTRICTS		
		R-2, R-4, R-8, R-8/4, R-10 & R-10/8	R-A	R-AA	VR	EAV	EAV2	NAV	SAV	WAV	OP-1	OP-2	KC	LB	PM
<b>3.5 BUSINESS USES</b>															
3.5.26	Marijuana Retailer	N	N	N	N	SPS	SPS	N	N	N	N	N	N	SPS	SPS

INDUSTRIAL DISTRICTS					SP. DIST.	
GI	LI	LI-1	SM	TD	ARC	SITE PLAN
N	N	N	N	N	N	R

2. Under Principal Use Definitions, insert a new Section 3.5.26 as follows:

- 3.5.26 Marijuana Retailer - an entity licensed 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 as defined by Massachusetts General Law Chapter 94G, Section 1.
- 3.5.26.1 No Marijuana Retailer shall be established within 500 feet of an existing public or private school providing education in kindergarten or any of grades 1 through 12.
- 3.5.26.2 All Marijuana Retailers shall be separated from each other by a distance of at least 2,500 feet.
- 3.5.26.3 There shall not be more Marijuana Retailers than 20% of the number of package liquor stores in the Town of Acton, rounded up to the nearest integer, in accordance with Massachusetts General Law Chapter 94G, Section 3.
- 3.5.26.4 The maximum NET FLOOR AREA of any one Marijuana Retailer shall not exceed 5,000 square feet in size.

3. Amend Section 3.2.1, Definition of Agriculture, by inserting after the words “the sale of farm products”, the following new phrase:

“; but not including the growing, cultivation, distribution or dispensation of marijuana”.

[Note – Section 3.2.1 currently reads:

3.2.1 Agriculture – Agriculture or farming as defined in M.G.L Ch. 128, s. 1A; the boarding, keeping or raising of livestock, including horses, as a commercial enterprise; aquaculture; silviculture; horticulture; floriculture; or viticulture; the use of BUILDINGS and STRUCTURES for the primary purpose of these activities; and the sale of farm products (insertion place for proposed amendment). The aforesaid uses and activities shall be limited to parcels of 2 acres or more, whereby land divided by a public or private way or a waterway shall be construed as one parcel, and they shall be subject to and in conformance with the definitions, criteria, thresholds, and requirements as they pertain to these activities conducted on not less than 2 acres or not less than 5 acres, respectively, all as set forth in MGL Ch. 40A, s. 3.

**MOTION:**

Ms. Green moves that the Town take no action under Article 2.

IClicker - A Yes - 749 84%      E No - 139 16%

**MOTION CARRIES**

Motion to reconsider the vote on Article 1

IClicker - A Yes - 107 11%      E No - 834 89%

**MOTION FOR CONSIDERATION FAILED**

**Article 3                      Adopt Local Option Excise on Retail Marijuana Sales**  
(Majority vote)

To see if the Town will vote to accept Massachusetts General Laws, Chapter 64N, Section 3, to impose a local excise on retail sales of marijuana at the rate of 3 percent, or take any other action relative thereto.

**MOTION:**

Ms. Green moves that the Town take no action under Article 3.

**MOTION CARRIES**

**Article 4**                    **Amend Zoning Bylaw – Extension of Marijuana Establishment**  
(Two-thirds vote)        **Temporary Moratorium**

To see if the Town will vote to amend the Zoning Bylaw to extend the existing temporary moratorium on marijuana establishments, which temporary moratorium is in place to permit appropriate planning by the Town, by amending Section 3.12.3, “Temporary Moratorium,” striking and replacing “December 31, 2018” with the following: “the earliest of (1) the Attorney General’s approval of the Town’s General Bylaw banning recreational marijuana establishments, (2) the Town’s approval of a Zoning Bylaw regulating the time, place, and manner of the sale of recreational marijuana, or (3) June 30, 2019.”, or to take any other action relative thereto.

**MOTION:**

Ms. Green moves that the Town amend the Zoning Bylaw as set forth in the Article.

IClicker - A Yes - 817 91%        E No - 84 9%

**MOTION CARRIES**

**Declared 2/3 by Moderator\***

\*Town of Acton has accepted MGL CH 39 Sec 15 at its Annual Town Meeting April 2001, Article 43 and the amended Bylaw 5A was approved by the Attorney General on Aug. 6, 2001.  
(The Town Meeting Moderator is not required to count a 2/3 required vote.)

**MOTION TO DISSOLVE:** Ms. Green moves to dissolve the Special Town Meeting at 9:01pm.

**MOTION TO DISSOLVE CARRIES**