The Planning & Regulation and Public Safety Subcommittees met jointly to hold a public hearing on Special Town Meeting (STM) #3 Warrant Articles 1-3 on October 28th at 6:00 pm in the Select Board’s Hearing Room on the 6th Floor of Town Hall. STM3 is a citizen-petitioned town meeting to be held within the scheduled November Special Town Meeting, which was filed to address the impacts of the operation of NETA’s adult use marijuana retail business on its abutting neighborhoods.

Attending the public hearing were well over 100 residents. Also in attendance were NETA employees, some of whom are also residents of Brookline. In attendance were Petitioners Paul Warren (TMM-1), Dan Saltzman (TMM-6), Susan Park (Coolidge Corner resident), Faith Michaels (TMM-5), Katharine (Kate) Silbaugh (TMM-1), Ana Albuquerque (TMM-1), and Fred Levitan (TMM-14); Representatives for NETA included Amanda Rositano (Pres., NETA), Jennifer Dopazo Gilbert (Legal Counsel, NETA) and Kim Napoli (Designated Director on Diversity & Equity, NETA). Also attending were: Will Luzier (petitioner of the State initiative to legalize marijuana in MA); David Kimmel (opening manager of Sanctuary, in Coolidge Corner); Ranch Kimbell (P1 resident); Lt. Derrick Hayes (BPD); Sgt. Casey Hatchett (BPD); Planning and Regulation subcommittee members Steve Kanes (Chair), Neil Wishinsky (TMM-5), Carol Levin, Carlos Ridruejo, Lee Selwyn (TMM-13) and Ben Birnbaum; and Public Safety subcommittee members Janice Kahn (Chair, TMM-15), David-Marc Goldstein (TMM-8), and Susan Granoff (TMM-7).

The subcommittees also received over 100 emails from residents in the Town, letters from employees of NETA (some of whom are also residents) and a petition from the local business community. The public hearing was live-streamed by BIG and lasted nearly 5 hours. A link to the public hearing may be found here: https://www.youtube.com/watch?v=eq67_9YNsAo

SUMMARY: STM #3 is a citizen-petitioned special town meeting that seeks to amend the Town’s General By-Laws to address issues that have been affecting the quality of life of residents in Brookline Village and High Street Hill since March 2019, the start of retail sales of adult use marijuana in Brookline. Article 1 would amend Section 8.37.5 Paragraph B to limit the hours of operation to a maximum range of between 10 a.m. to 7 p.m. Mondays through Saturdays and 12 p.m. to 6 p.m. on Sundays. The subcommittees by a vote of 5-4-0 recommended that the Mondays to Saturdays maximum range of hours be limited, instead, to from 10 a.m. to 8 p.m. Article 2 would add a new subsection 18 to Section 8.37.5 Paragraph B to require that marijuana retailers operate on a reserve-ahead pick-up and appointment only basis. Articles 1 and 2 do not apply to the sale of medical marijuana or to delivery only sales. Article 3 is a Resolution that asks Town Meeting to not issue new operating licenses for retail marijuana
establishments until a study committee assesses Brookline’s by-laws and policies regulating the operation of those businesses, and further, that the study committee report its findings to the Select Board no later than March 1st, 2020. The joint subcommittees recommend the following:

Article 1 by a unanimous vote of 9-0-0, Favorable Action, with a sunset clause of 6/1/2022
Article 2 by a vote of 6-2-1, Favorable Action, with a sunset clause of 6/1/2022
Article 3 by a unanimous vote of 9-0-0, Favorable Action

BACKGROUND:

At the May 2018 Annual Town Meeting, local legislation was passed in anticipation of State enabling legislation following the passage of a citizen initiative petition for the legalization of marijuana in Massachusetts.

Article 17, submitted by the Department of Planning and Community Development, amended the following sections of the Town’s Zoning By-Laws: Section 2.13 (“M” Definitions); Section 4.07 (Table of Use Regulations); and created a new Section 4.13, Marijuana Establishments (General Requirements, Operational Requirements, Security-Specific Requirements, Access to Premises and Information/Reporting/Record-Keeping).

Articles 18-20 were submitted by the Select Board to amend Brookline’s General By-Laws. Article 18 added Article 8.37 (Marijuana Establishments) setting out general requirements in Section 8.37.5 and licensing in Section 8.37.6. Article 19, which did not pass, would have allowed for a lower maximum number of marijuana retailers than the State statutory number of four. Article 20 added Article 8.38 (Marijuana and Hemp, and Marijuana and Hemp Products) and Section 8.38 (Definitions).

With regard to WA 17, new Section 4.13 of the Zoning By-Laws included the following requirements in Paragraphs 1 and 8:

1. All Marijuana Establishments’ licensed operations shall be conducted within a building at a fixed location.

8. Marijuana Establishment operations shall not create nuisance conditions in parking areas, sidewalks, streets and areas surrounding its premises and adjacent properties. “Nuisance” includes, but is not limited to, disturbances of the peace, open public consumption of Marijuana, excessive pedestrian or vehicular traffic, odors emanating from the Marijuana Establishment’s premises, electrical lighting, illegal drug activity under State or local law, harassment of passersby, excessive littering, excessive loitering, illegal parking, excessive loud noises, excessive citation for violations of State traffic laws and regulations and/or Transportation Division Rules and Regulations, queuing of patrons (vehicular or pedestrian) in or other obstructions of the public way (sidewalks and streets), collisions between vehicles, bicyclists, and pedestrians, lewd conduct or police detentions and arrests.

The explanation for WA17 notes: “The Planning Department recommends being mindful of what this might look like in practice: 1, the patron verification check point is located outside. This is
neither favorable nor recommended as lines could begin to form outside and disrupt the vibrancy of our sidewalks and commercial areas; or 2, the Planning Department suggests creating a queue system inside the building, which will take space from the total gross floor area.” One of the reasons for requiring up to 5,000 square feet for retail marijuana establishments, with a 3,500 square foot ground floor area, was to enable all operations – including patron verification check point and queuing—to be located within the building, so the business would seamlessly fit into the existing commercial areas.

Article 18 added a new Section 8.37 (Marijuana Establishments) to the Town’s General By-Laws. Under Section 8.37.5.B (Operational Requirements) Paragraph 9 states that such establishments “shall not create nuisance conditions in parking areas, sidewalks, streets and areas surrounding its premises and adjacent properties.” As did new Section 4.13, new Section 8.37 sets out what is meant by nuisance: “Nuisance” includes, but is not limited to, disturbances of the peace, open public consumption of Marijuana, excessive pedestrian or vehicular traffic, odors emanating from the Marijuana Establishment’s premises, electrical lighting, illegal drug activity under State or local law, harassment of passersby, excessive littering, excessive loitering, illegal parking, excessive loud noises, excessive citation for violations of State traffic laws and regulations and/or Transportation Department Rules and Regulations, queuing of patrons (vehicular or pedestrian) in or other obstructions of the public way (sidewalks and streets), collisions between vehicles, bicyclists, and pedestrians, lewd conduct or police detentions and arrests.

On October 29, 2018, the Zoning Board of Appeals (ZBA) held a public hearing (2018 Decision No. 0073, 160 Washington Street, NETA). The minutes note that no one spoke in favor of the proposal; several members of the public are recorded as speaking in opposition. The Planning Board comment, which appeared in the report, included a concern about queuing obstructing the sidewalk, particularly during the first 6 months of operation, and recommended that all queuing be contained in the parking lot. It further recommended that “at least a four-foot width of sidewalk shall be unobstructed at all times.” NETA’s counsel told the ZBA that there would be two police officers present at all times. The minutes also note that the Petitioner met with municipal representatives from Police, Fire, Health and Transportation, and that the proposal was approved by the Building Department and recommended by the Planning Board.

On November 27, 2018 the Brookline Select Board voted Marijuana Establishment License Conditions for Adult Retail Sales. Condition #5 under General Requirements states the following: “After approximately 90 days from the commencement of Adult Use Sales, the Licensee will appear before the Select Board on the date noticed by the Board for a review of the impacts of the extended hours, and will provide the Board with such information as the Board or its designee requests in connection with such review.” The Select Board never scheduled the 90-day review as required under the license.

DISCUSSION:

The Subcommittees’ public hearing on STM #3, Warrant Articles 1-3 lasted for nearly five hours. The first 90 minutes focused on hearing from the Petitioners and from principals at NETA; each
group was given equal time. David Kimmel, the Opening Manager of Sanctuary, a retail marijuana establishment which has been licensed by the Select Board for Coolidge Corner, was also given time to offer brief comments.

In summary, the Petitioners identified a number of negative consequences of NETA’s current retail sales operations on Brookline Village. These include both public safety and public nuisance concerns. The Petitioners believe that by reducing NETA’s hours of operations, along with controlling sales volume through a reservation-only sales model, these negative consequences would be mitigated. By amending the Town’s By-Laws, these mitigation responses will apply both to NETA and all future cannabis retailers in the Town. NETA believes many of these negative impacts are already being responsively addressed. NETA asks that the mitigation impact fees it pays to the Town of Brookline be expended to further address public safety and public nuisance complaints, and notes that sales volume will be naturally decreasing in the future due to the opening of additional establishments in the greater Boston area and the opening of a third NETA facility in Franklin, as well as soon to be implemented State regulations governing marijuana delivery.

The hearing opened with a presentation by several of the Petitioners which focused on three areas:
- Site and sizing
- Impact on Community
- Remedy being sought

Faith Michaels provided an overview of the reasoning behind these Articles. It is based on the petitioners’ 6 months of experience living with adult use marijuana retail sales at NETA in Brookline Village and High Street Hill. The Petitioners feel the need to find a means to better integrate NETA into the neighborhood. They emphasize Warrant Articles 1 and 2 would apply only to retail sales of recreational marijuana, not medical cannabis operations or delivery only sales.

Ranch Kimball presented his findings from a study of marijuana retail sales in the states of Colorado and Washington. He concluded that a retail outlet of this size is inappropriate for this site. NETA, at approximately 10,000 square feet, has a significantly larger footprint than urban cannabis retailers in Colorado and Washington, offers significantly less parking and has the highest level of retail sales in the country, $75.2 million. Most retailers have facilities that are 1,000 to 2,000 square feet with sales of about $2 million.

Mr. Kimball was followed by Ana Albuquerque who presented an analysis of parking capacity at various retail sites in Brookline and noted NETA’s parking lot is currently being used for customer queuing and not for parking.

Petitioner Dan Saltzman was the next presenter. His comments focused on the impact of NETA on the immediate neighborhood since it commenced retail sales in March 2019. These impacts include activities that can be considered public “nuisances” under our By-Laws, such as public consumption and intoxication, unruly behavior, public urination, the smell of pot on the street.
and litter; and public “safety” such as increased traffic, double parking, idling cars, blocking of driveways and parking congestion issues creating potential dangers to pedestrians and bikers.

The final presenter for this segment was Kerri Ann Tester. Ms. Tester, a Walnut Street resident, challenged the validity of the observations and conclusions of the Tetra Tech Traffic Monitoring Study dated August 1, 2019, and performed on Tuesday, June 18, and Wednesday, June 19, the two slowest days of the week, in both its observations and conclusions. Ms. Tester felt the traffic study required better data.

The Petitioners’ presentation then focused on how Warrant Articles 1 and 2 would remedy the problems they had identified.

Professor Nan Liu, an Assistant Professor at the Carroll School of Management at Boston College with a focus on operations management in service industries, explained that queues develop when demand exceeds capacity. He has found, through the use of readily accessible scheduling software, queuing issues can be resolved by smoothing demand.

The next speaker was Linda Plazonja, Citizens Assistance Officer, Office of the Mayor, Newton, MA and a Brookline resident. Ms. Plazonja spoke of her experience handling complaints relating to the Garden Remedies store in Newtonville. This store is located on Washington Street near the Whole Foods market and does not abut a residential neighborhood. It does not have any on-site parking, but it does require all customers to make an appointment. She reported that there are few, if any, complaints about the store and that it does not require a police detail.

Petitioner Kate Silbaugh then spoke about NETA’s hours of operations and her analysis of other Massachusetts marijuana retailers’ hours of operations. She concluded that only 4 out of 28 retailers operate until 10:00 statewide, and that two of those are NETA’s Brookline and Northampton locations. The other two late operating outlets are in Uxbridge and Leicester, in suburban and/or rural areas. Her conclusions were challenged by subcommittee member Carol Levin, as the analysis was based on information in a news article that included a number of either reporting errors or out of date information.

The petitioners concluded that Article 1, reducing hours is necessary, but not sufficient, to mitigate NETA’s neighborhood impacts. The Petitioners believe that changing to a reserve-ahead appointment system, as stipulated in Article 2, in conjunction with the reduced hours, will be more effective.

Upon the conclusion of the petitioners’ presentations, Amanda Rositano, President of NETA, took the podium. Ms. Rositano’s presentation made 5 major points:

1) **Access:** Retail sales provide access to many people who, for a variety of reasons, are not eligible or do not want to register for medical sales, but receive major benefits from cannabis. These are individuals who may suffer from anxiety, pain, or the discomfort of cancer treatment. Curtailing the hours of operation or requiring reservations will impair the access of these individuals who, because of their illnesses, frequently cannot plan ahead; it will also make it difficult for people who work.
2) **Demand**, and therefore store volumes, will decrease as additional stores open in the greater Boston market and specifically in Brookline. NETA is selling all that it produces. It is at its regulatory production cap and, with the opening of its third store (in Franklin), the amount of products available for sale in Brookline will decrease. In addition, she maintained that continued increases in operating efficiencies will lead to the eventual elimination of the lines.

3) NETA’s **Host Community Agreement** (HCA) with Brookline requires the payment of impact fees to cover the cost to the community for mitigating the negative impacts of the business on the community. To date, NETA has paid approximately $1.4 million to Brookline, and the Town has not spent any of this money. Expenditure of this money is being proposed as budget amendments under Special Town Meeting Warrant Article 3. NETA asks that the Town and Petitioners provide time for the impact of these expenditures to be shown.

4) NETA is responsive to the neighborhood and the larger Brookline community’s concerns. Customers are encouraged to take the T. There is complimentary customer parking at the Homewood Suites garage, where NETA is leasing 15 spaces from 9 am to 5 pm. Employees are incentivized to take public transit, receive subsidized off-street parking and there is a one strike policy for employees using on-street parking. There are ample lavatories: two porta potties in the parking lot and three inside the building. Employees conduct regular litter pick-ups throughout Brookline Village. The parking lot, which was originally intended to hold 14 cars, is being used for waiting queues to keep customers off the sidewalk.

5) There are many changes occurring simultaneously in Brookline Village and NETA feels that it is being held accountable for all of their negative impacts: Children’s Hospital, One Brookline Place, 700 Brookline Avenue (Hilton Garden Hotel), 20 Boylston (mixed-use at the former Dunkin Donuts), the Audi dealership construction and the use of the Old Lincoln School by the High School.

Finally, Ms. Rositano reported that the Brookline Police feel there is no increased crime in the Brookline Village area. Note: the Subcommittees did not request a report from the representatives of the Brookline Police Department who were in attendance, and intend to rectify this oversight at the full Advisory Committee meeting.

The Chair called on David Kimmel, the representative from Sanctuary, who will be operating the retail cannabis store in Coolidge Corner. Mr. Kimmel is the Opening Manager for Sanctuary. He did not comment directly on the warrant articles or Sanctuary’s business plans for the Brookline location. He related his experience as the owner of a cannabis business in Colorado. He indicated that when cannabis was first legalized in Colorado there were lines at the outlets, but now, with over 350 dispensaries in Denver alone, the lines have disappeared.

**PUBLIC COMMENT**

As noted previously in this report, over 100 individuals attended the public hearing. The majority of speakers supported the warrant articles and related their personal negative experiences in Brookline Village. These included: smelling pot, being groped, illegal drug activity, excessive littering, feeling unsafe, and witnessing open public consumption.
speakers shared their concerns about similar potential impacts in Coolidge Corner. Speakers were both residents and small business owners.

David Gladstone, Vice President for Government Affairs at the Brookline Chamber of Commerce expressed the Chamber’s support for NETA, but noted the Chamber had not voted on the warrant articles. The Chamber would like a compromise to be worked out to resolve any conflicts. He noted that the Brookline Village Parking Benefit District Committee has not yet been appointed by the Select Board, and the parking committee would have input in addressing parking issues.

Paul Warren, a co-petitioner, noted that these articles are about volume, not cannabis. The petitioners want to turn down the volume of customers during peak periods. Proponents noted that Brookline’s regulations were put into place prior to the opening of NETA’s adult use retail marijuana business on March 23rd 2019. Brookline was the first community in Greater Boston to open a "pot shop". This situation has been further complicated by the fact that Boston, which can open up to 40 retail establishments, has not yet opened any. Pure Oasis, a 3,000 square foot retail shop in Dorchester will be Boston’s first, and is expected to open shortly. NETA estimates that it serves up to 3,600 customers a day at its Brookline Village site – far exceeding initial projections. The petitioners of the warrant articles, both Brookline Village and Coolidge Corner residents, filed the warrant articles to address immediate problems in Brookline Village and High Street Hill, and to prevent similar problems in Coolidge Corner and other neighborhoods in Brookline that will soon have marijuana retail shops operating in close proximity.

A number of NETA staff members, some of whom are Brookline residents, all spoke against the warrant articles. They shared stories of the service provided to customers, the diversity of and opportunity provided to employees, and personal stories of the positive impact of their employment on their lives.

Speaking on behalf of NETA, Will Luzier, an Allston resident and petitioner for legalization of cannabis at the State level, disputed Branch Kimball’s analysis. He noted that Washington state closed all medical dispensaries when adult recreational sales started, and Mr. Kimball’s analysis of short-term trends at the start of retail sales might not apply to Massachusetts. He also noted that Cambridge has recently closed two sites over “temporary” regulatory issues, and this situation has directed more people to NETA. Finally, he noted that as of Friday, November 1st home delivery regulations would be put into effect in the Commonwealth and that this will further reduce traffic to NETA. Other speakers opposed to Warrant Articles #1 and #2 felt the solution to the issues does not belong in the Town’s By-Laws, and should be more time and site specific.

Prior (and subsequent) to the hearing, subcommittee members received a considerable amount of written public comments. The comments were both for and against the warrant articles with a significant majority supporting the proposals. Those opposed to the articles did not share the Petitioners negative experiences in Brookline Village and expressed concern that the Articles were a response to different types of people coming to Brookline Village or were inconsistent with the Town’s vote to legalize recreational cannabis. The Petitioners reiterated that they welcome NETA into their community and are simply interested in adding regulations that may
help to lead to a more peaceful coexistence. In general, the written comments echoed what was heard from the speakers at the hearing.

**SUBCOMMITTEES’ DISCUSSION**

The members of both subcommittees expressed concern about the significant negative impacts reported in Brookline Village and High Street Hill, and did not reconcile the differing reports of NETA’s impact on the abutting neighborhoods. It was noted after the hearing that the officers in attendance from the Brookline Police Department were not asked to speak, and this oversight will be rectified at the full Advisory meeting.

Discussion focused on the potential impacts of the warrant articles on both the neighborhood’s concerns and NETA’s claims of adverse impacts on access to legal cannabis. The Petitioners’ assertions that reducing NETA’s customer volume will alleviate public safety and public nuisance concerns were explored. By reducing the hours of operation and requiring appointments to visit the store it is likely that the total number of customers in a given day/week will be reduced. With a reduction in the hours of operation without requiring reservations the impact on volume may not be as great. Committee members discussed that the combination of reduced hours along with a reserve ahead and appointment model could help to reduce traffic congestion and lead to shorter queues.

Lee Selwyn questioned why an appointment requirement will necessitate that individuals provide their name. Amanda Rositano clarified that it is individuals who shop as adult users, rather than medical users, who do not want to register with their name. She was not suggesting that an appointment only model will require registration.

The discussion then turned to NETA’s claims that the store volume will soon begin to decline for reasons independent from the warrant articles. Lee Selwyn asked if the amount of product is constrained by capital or regulatory constraints. Ms. Rositano replied that it is constrained by regulatory constraints and operational capabilities. A post-hearing review of the Cannabis Control Commission (CCC) site shows that NETA was issued provisional licenses on July 26, 2018 for a Tier 6 indoor operation (40,000 square feet – 50,000 square feet) and for Product Manufacturer. At present, its Franklin manufacturing operation has a total canopy of 20,804 square feet, which is equal to a Tier 4 level. NETA told the CCC in its application for a larger (Tier 6) indoor operation that it intends to expand its manufacturing capacity.

Carlos Ridruejo asked NETA if the size of the store is limited by regulation and was told no. He then asked if NETA opens a third store but cannot increase its supply does it expect NETA Brookline sales volume will decrease? The reply was that there will be customers who find it more convenient to go to Franklin.
The Petitioners were asked how they would use the impact fees if it were up to them. Co-Petitioner Dan Saltzman responded that “we do not want to spend our way out of the problem. We want to prevent it from happening in the first place.”

Carol Levin asked what had been the response of the Transportation Board to the Petitioners’ complaints, and wasn’t this the type of issue which should be handled by the new Brookline Village Parking Benefit District Committee? The Petitioners responded that the Transportation Board was not responsive and the new parking committee has not yet been appointed by the Select Board.

Neil Wishinsky clarified that Article 3 (the proposed moratorium) will not impact the store opening in Coolidge Corner because Sanctuary already has a license. He urged that the Select Board appoint a committee to review cannabis operations and regulations, and noted that this does not require a warrant article to accomplish. Mr. Wishinsky continued that clearly something needed to be done, but was not convinced that this was the correct solution. Both Ben Birnbaum and Carol Levin echoed these concerns, stating that amending the By-Laws did not provide flexibility in addressing a fluid situation. In response, it was noted that the By-Laws could be revisited and revised at a future Town Meeting.

Mr. Wishinsky provided a spreadsheet detailing the cash flows received from NETA. The spreadsheet showed that Unrestricted HCA Funds prior to FY2020 had been placed into Free Cash and could not be expended. Through August of 2019, the Town received HCA Restricted Funds of $763,843. These funds needed to be appropriated by Town Meeting. At the October 29, 2019 Advisory Committee meeting the Committee will review the Town Administrator’s mitigation proposal on how to spend these mitigation funds. The proposal will include the creation of an Impact Coordinator position to “own” this problem.

Sales tax revenues since March are approximately $1.1 million. A little less than one million dollars is projected for FY2020. Approximately $350,000 was budgeted for FY2020. If NETA’s volume is reduced, it will cut down sales tax revenues and the Town will need to raise funds elsewhere or cut services. Petitioners estimate that the sales tax impact will only be $250,000. Paul Warren said this assumes a 10% reduction in revenues for NETA. NETA stated that it projects a 50-60% revenue loss as a result of the impact of these warrant articles. There is no certainty to these projections at either end of the spectrum.

Lee Selwyn noted that there could also be a significant erosion of revenue as additional stores open in the greater Boston area, and that a $250,000 reduction in sales tax revenue is a working number of reasonable magnitude.

Janice Kahn noted that Newton has a Marijuana Host Community Agreement Advisory Group to advise the Mayor, and the City has moved more slowly into the cannabis market. Newton could eventually have a total of eight stores but to-date has approved only three retail establishments and has only one in operation. A February 4, 2019 document on the Newton website regarding the review process for marijuana establishments and registered marijuana dispensaries, acknowledges that the primary focus of the HCA is financial. It goes on to say that “the Mayor is under no obligation to enter into a HCA or do so in a set time frame.” In a September 6, 2019
letter Mayor Fuller updated the City Council on the status of marijuana establishments in Newton. The letter states that following the recommendations of the Advisory Group, Newton would be moving forward with provisional host agreements with three of the six applicants. The reasons given for not moving forward with the others included safety and traffic concerns, lack of adequate dedicated parking and a weak community relations plan.

Carlos Ridruejo noted it was hard to compare Brookline’s situation to that of Newton. Brookline is more urban and is more accessible from Boston. The subcommittee members were in agreement that Boston’s failure to open any of its forty cannabis retailers has likely been a major contributor to the high volumes at NETA.

Susan Granoff believes that there are real neighborhood issues, but is very concerned about generalizing from the NETA issues to other sites in town. She is especially concerned about the limitations on hours, particularly for members of the public who work during the day and might find a 7 pm close too early. In general, she is concerned about the rigidity of Articles 1 & 2.

David-Marc Goldstein noted that NETA was approved as a test case. We should have an expectation that we will need to re-adjust the rules. Mr. Selwyn also noted that NETA was originally approved as a medical dispensary and the expansion to retail sales was not anticipated.

After further discussion the subcommittee voted to amend WA 1 by revising the Monday to Saturday closing time from 7:00 pm to 8:00 pm. By a Vote of 5 – 4 the Amendment passed.

After further discussion the subcommittees voted to require a Sunset Provision of 6/1/22 on WA 1 and WA 2.

The subcommittees voted to recommend:
WA 1 – by a unanimous vote, favorable action with a Sunset Provision of 6/1/22.
WA 2 – by a vote of 6 – 2 -1, favorable action on WA 2 with sunset of 6/1/22.
WA 3 – by a unanimous vote, favorable action on WA 3.

The Subcommittees’ Recommendation is for favorable action on all three articles amended as follows:

ARTICLE 1. To see if the Town will amend Section 8.37.5, B.5 of the General By-Laws to limit the hours of operation that shall be set by the Select Board for Marijuana Retailers (not to include Medical Marijuana Treatment Centers or Delivery Only Marijuana Retailers) to a maximum range of from 10 am to 8 pm on Mondays through Saturdays, and from 12 pm to 6 pm on Sundays. The maximum range of hours of operation set forth in this Paragraph B.5 shall terminate on June 1, 2022.

ARTICLE 2. To see if the Town will amend Section 8.37.5, B of the General By-laws, by adding a new subsection 18, to require purchases by customers from Marijuana Retailers (not to include Medical Marijuana Treatment Centers or Delivery Only Marijuana Retailers) to be made solely
on a reserve ahead basis for pick up at the Marijuana Retailer facility, provided, however, that if a customer requires the assistance of a marijuana consultant at the facility, an advance appointment is required; all such reserve ahead purchases require confirmation of the time at which a pick-up may be made; and, all reserve ahead pick-ups and appointments for consultation shall be scheduled and, if necessary, limited, to avoid nuisance conditions in surrounding neighborhoods as provided in Section 8.37.5. B.9 of the General By-Laws, as well as to otherwise comply with State and local law. This Paragraph B.18 shall terminate on June 1, 2022.

ARTICLE 3. To see if the Town will vote to adopt a resolution requesting that the Select Board not issue new operating licenses for Retail Marijuana Establishments until such time as: (1) the Select Board appoints a study committee, which shall include, among others, representatives from impacted neighborhoods, to assess the effectiveness of Brookline’s marijuana by-laws and policies given Brookline’s recent experience with the sale of recreational marijuana including NETA’s operation and its neighborhood impact, and (2) the appointed study committee submits its findings and recommendations at a public hearing held by the Select Board no later than March 1, 2020.