

# ARTICLE 20

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## Chapter 275. Zoning

### ARTICLE II. District Regulations

#### Section 2300.. District Use Regulations

##### 2310. General Residence, Single Residence, Suburban, Rural and Housing Authority Districts.

###### 2311.

Permitted residential uses:

###### a.

Residence for a single family.

###### b.

Permanent off-premises freestanding signs in accordance with Chapter 221, Signs, pertaining to facilities located in Business District D, but only if located in the northwest quadrant abutting the intersection of South Main Street and Old Post Road and within 160 feet of the intersection of the centerlines of South Main Street and Old Post Road.

###### c.

In Housing Authority Districts only, single- or multiple-residence housing complete with auxiliary buildings constructed and operated by or for a housing authority organized under MGL c. 121B and subject to the following conditions:

###### (1)

Age of principal inhabitant of each dwelling unit is not less than 60 years.

###### (2)

Occupancy is limited to individuals or families of low income with rentals based on income in accordance with the regulations issued by the commonwealth or federal agency subsidizing the operation.

###### d.

In General Residence Districts only,:

###### (1)

Residence for two families.

###### (2)

Hotel or boarding-, rooming or lodging house.

###### 2312.

Permitted community service uses:

###### a.

Religious or educational purposes on land owned or leased by a public body, religious sect or denomination, or nonprofit educational corporation.

###### b.

Municipal building; park, water tower or reservoir.

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c.

Telephone exchange, provided that there is no service yard or garage.

2313.

Other permitted principal uses:

a.

Agriculture, horticulture or floriculture, including the sale of products raised on the premises only; market gardens; nurseries; greenhouses.

b.

Earth removal as provided by Chapter 141 of the General Bylaws, Sharon, Massachusetts, Earth Removal.

c.

In the Rural 2 District only, indoor/outdoor recreation facilities on land owned by a municipal body, other than land under the control of the Sharon Conservation Commission; provided, however, such use is permitted only on a parcel consisting of two or more acres and which parcel is adjacent to existing municipal recreation or park uses. Parcels separated by a road shall be considered adjacent for purposes of this Subsection c.

d. In all residential districts under this Section 2310, commercial solar energy systems on land owned by the Town of Sharon, other than land under the control of the Sharon Conservation Commission; provided, however, such use is permitted only on a parcel consisting of two or more acres. Parcels separated by a road shall be considered adjacent for purposes of this Subsection d. Solar energy systems permitted under this subsection shall be exempt from lot coverage, natural vegetation and impervious surface requirements as defined in Section 2400 and Section 4500 of this Bylaw.

2314.

Permitted accessory uses:

a.

Such accessory purposes as are customarily incident to the foregoing purposes and are not injurious to a neighborhood as a place of residence. However, such accessory purposes shall not include any organized business, industry, trade, manufacturing or commercial enterprise, nor the stabling or keeping of horses other than for the private use of the owners or residents of the premises.

b.

Private garage with provision for not more than three motor vehicles.

c.

Except within the Water Resource Protection District, customary home occupation and the sale of the products thereof, including such occupations as dressmaking, millinery, crafts, art work, and the taking as lodgers or boarders of not more than five persons not members of the family residing therein, provided for any of the above that no nonresidents (other than domestic help) are employed on the premises.

d.

Except within the Water Resources Protection District, the office of a doctor, dentist, lawyer, or other professional person, or of a real estate or insurance agent; the studio of an artist, musician, photographer, or teacher of art, music or photography; provided for any of the above that no nonresidents (other than domestic help) are employed on the premises.

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## 2315.

Uses allowed on special permit (from the Board of Appeals except as indicated).

### a.

Residential uses:

#### (1)

Conversion to create one or more dwelling units, as specified at Subsection 4210.

#### (2)

In Single Residence, Suburban and Rural Districts, municipal building conversion as specified at Subsection 4220 if authorized by the Board of Selectmen.

#### (3)

Flexible development under Section 4300, including (in Suburban Districts only) multifamily developments.

#### (4)

Nursing homes.

### b.

Community service uses:

#### (1)

Playground, hospital, sanitarium, religious or educational purposes, other than uses specified by Subsection 2312a, or other public or semi-public institution of philanthropic or charitable character, but no correctional institutions.

#### (2)

Cemetery not conducted for profit.

### c.

Other principal uses:

#### (1)

Animal or veterinary hospitals, kennels or similar provision for breeding dogs in a greater number than three, provided all structures used for housing animals are located 200 feet from any lot line.

#### (2)

Public stable; private garage with provisions for more than three motor vehicles or group garage.

#### (3)

Club, except a club which carries on a business or is in the nature of a business.

#### (4)

Natural gas custody transfer facilities or gate stations as provided in Section 4700.

### d.

Accessory uses:

#### (1)

Scientific use accessory to activities permitted as a matter of right, which activities are necessary in connection with scientific research or scientific development or related production, provided that the Board finds that the proposed accessory use does not substantially derogate from the public good.

#### (2)

The shop of a carpenter, electrician, machinist, paperhanger, plumber, photographer or similar artisan, resident on the premises, and provided the building of said shop is not closer than 50 feet to the line of the way and not closer than 20 feet to any property line.

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(3)

An office, studio, or home occupation as described at Subsection 2314 having up to three subordinate nonresident positions accommodated on the premises.

(4)

In the Water Resource Protection District, home offices and occupations allowed or allowed on special permit in General Residence, Single Residence, Suburban, Rural and Housing Authority Districts, provided that the dwelling plus the office or business will not produce an estimated volume of sanitary sewage exceeding 4.5 gallons per 1,000 square feet of lot area per day, as estimated under the provisions of 310 CMR 15:00, Title V of the State Environmental Code.

(5)

Activities similar to those permitted under Subsection 2314 but not specifically included there.

(6)

In General Residence and Single Residence Districts, off-street parking spaces accessory to Professional District uses on special permit as provided for in Subsection 3112.

2316.

Restrictions. All uses allowed under Subsections 2314 and 2315 are subject to the following restrictions:

a.

The business or profession must be owned and operated by a person residing on the premises.

b.

The business or profession shall occupy no more than 25% of the habitable floor area of the dwelling combined with the habitable floor area of any accessory building used in the business or profession.

c.

Off-street parking requirements of Section 3100 must be met. However, no accessory business shall be allowed which would require more than four parking spaces. Parking areas shall be separated from public ways and adjoining lots by screening as described at Subsection 3117.

d.

There shall be no building alteration resulting in a nonresidential character, or visible parking of commercial vehicles.

e.

No parking and no impervious surfaces other than walks and driveways shall be located within a required front yard setback.

f.

There shall be no sale of articles produced elsewhere than on the premises.

g.

There shall be no evidence of the business or profession discernible off the premises through persistent or excessive sound, or through glare, vibration, heat, humidity, smell, smoke, dust or other particulates, exterior storage or display, or other discernible effects.

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## Chapter 275. Zoning

### ARTICLE III. General Regulations

#### Section 3700.. Temporary Moratorium on the Retail Sale and Distribution of Recreational Marijuana.

[Added 11-6-2017 STM by Art. 4]

##### 3710. Purpose.

~~By vote at the State election on November 8, 2016, the voters of the commonwealth approved a law regulating the cultivation, distribution, possession and use of marijuana for recreational purposes. The law provides that it is effective on December 15, 2016, and the Cannabis Control Commission is required to issue regulations regarding implementation by March 15, 2018.~~

~~Currently under the Zoning Bylaw, recreational marijuana establishments and marijuana retailers are not a permitted use in the Town and any regulations promulgated by the State Cannabis Control Commission are expected to provide guidance to the Town in regulating recreational marijuana establishments and marijuana retailers. Further, the state law clarifying the ballot measure establishes a process for the Town to either ban or restrict the issuance of licenses for such facilities.~~

~~The regulation of recreational marijuana establishments and marijuana retailers raise novel and complex legal, planning, and public safety issues, and the Town needs time to study and consider the regulation of recreational marijuana establishments and marijuana retailers and address such novel and complex issues, as well as to address the potential impact of the state regulations on local zoning and to undertake a planning process to consider amending the Zoning Bylaw regarding regulation of recreational marijuana establishments and marijuana retailers and other uses related to the regulation of recreational marijuana. The Town intends to adopt a temporary moratorium on the use of land and structures in the Town for marijuana retailers so as to allow the Town sufficient time to engage in a planning process to address the effects of such structures and uses in the Town and to adopt provisions of the Zoning Bylaw in a manner consistent with sound land use planning goals and objectives. The temporary moratorium is not intended to be a comprehensive moratorium on all recreational marijuana activities but rather a temporary prohibition only on recreational marijuana retail sales.~~

##### 3720. Definitions.

###### MANUFACTURE

~~To compound, blend, extract, infuse or otherwise make or prepare a marijuana product.~~

###### MARIJUANA ACCESSORIES

~~Equipment, products, devices or materials of any kind that are intended or designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, ingesting, inhaling or otherwise introducing marijuana into the human body.~~

###### MARIJUANA CULTIVATOR

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~~An entity licensed to cultivate, process and package marijuana, to deliver marijuana to marijuana establishments and to transfer marijuana to other marijuana establishments, but not to consumers.~~

## **MARIJUANA ESTABLISHMENT**

~~A marijuana cultivator, marijuana testing facility, marijuana product manufacturer, marijuana retailer or any other type of licensed marijuana-related business.~~

## **MARIJUANA PRODUCT MANUFACTURER**

~~An entity licensed to obtain, manufacture, process and package marijuana and 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 from marijuana, including concentrated forms of marijuana and products composed of marijuana and other ingredients that are intended for use or consumption, including edible products, beverages, topical products, ointments, oils and tinctures.~~

## **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.~~

## **MARIJUANA TESTING FACILITY**

~~An entity licensed to test marijuana and marijuana products, including certification for potency and the presence of contaminants.~~

## **3730. Temporary moratorium.**

~~For the reasons set forth above and notwithstanding any other provision of the Zoning Bylaw to the contrary, the Town hereby adopts a temporary moratorium on the use of land or structures for marijuana retailers. The moratorium shall be in effect through June 30, 2018. During the moratorium period, the Town shall undertake a planning process to address the potential impacts of recreational marijuana in the Town, consider the Cannabis Control Commission regulations regarding recreational marijuana establishments and marijuana retailers and related uses, determine whether the Town shall restrict any, or all, licenses for recreational marijuana establishments and marijuana retailers, determine whether the Town will prohibit on-site consumption at recreational marijuana establishments and marijuana retailers and shall consider adopting new provisions of the Zoning Bylaw to address the impact and operation of recreational marijuana establishments and marijuana retailers and related uses.~~

## **3740. Severability.**

~~The provisions of this Section 3700 of the Zoning Bylaw are severable. If any provision, paragraph, sentence, or clause of this Section 3700 or the application thereof to any person, establishment, or circumstances shall be held invalid, such invalidity shall not affect the other provisions or application of this Section 3700.~~

~~Section 3700 – Marijuana Retailers. Consistent with M.G.L. c. 94G, § 3(a)(2), all types of non-medical "Marijuana Retailers" as defined in M.G.L. c. 94G, § 1 shall be prohibited within the Town of Sharon. This prohibition shall not be construed to affect the medical use of marijuana as expressly authorized by the~~

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provisions of Chapter 369 of the Acts of 2012 and 105 CMR 725.000 (as the same may be amended from time to time).

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## Chapter 275. Zoning

### ARTICLE II. District Regulations

#### Section 2300.. District Use Regulations

#### 2330. Light Industrial District.

2334.

Uses and accessory uses allowed by special permit (from the Board of Appeals, except as noted):

a.

Uses allowed pursuant to Subsection 2331 where the proposed building, addition or change of use results in more than 100,000 square feet of gross floor area or more than 250 parking spaces;

b.

Facilities for the sale, leasing, rental or servicing of new and used automobiles and trucks, trailers, and boats, provided that all servicing is carried on within one or more buildings, and provided further that a Class 1 agent's or seller's license (as defined in MGL c. 140, § 58) shall be held by the user of the premises;

c.

Earth removal pursuant to Chapter **141**, Earth Removal, of the Town Code;

d.

Commercial indoor and/or outdoor recreational uses, including recreational uses that include a training component such as, but not limited to, skateboard park, tennis, swimming, skating, sports fields and courts, golf driving range, miniature golf course, batting cages, go-carts, bumper boats, indoor racing tracks, and other similar uses;

e.

Open or outside storage of materials, supplies, equipment, construction equipment, and manufactured products, in a storage yard, provided that the storage is appropriately screened in accordance with all applicable sections of the Zoning Bylaw;

f.

Outdoor storage or overnight parking of buses, trucks, or other vehicles whose gross vehicle weight, as determined by the Massachusetts Registry of Motor Vehicles, equals or exceeds 10,000 pounds;

g.

Paved parking lots and/or parking spaces, including commercial parking not serving the primary use(s) on the lot;

h.

Temporary parking lots;

i.

Drive-in windows for restaurants, banks, dry cleaners, or any other personal services;

j.

Self-storage facilities;



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k.

Motel or hotel, provided that the following are complied with:

(1)

Minimum floor area per unit, not including corridors and public floor areas, shall be 240 square feet;

(2)

No motel or hotel unit floor elevation shall be located below the mean grade level of the land;

(3)

No more than 10% of the public floor area (lobby, function rooms, restaurants) shall be used for accessory commercial uses such as newsstands, barber or beauty shops, vending machines, gift shops or offices other than those offices necessary to the management of the motel.

l.

Natural gas custody transfer facilities or gate stations as provided in Section 4700.

m.

Adult entertainment uses pursuant to Section 4100. These uses shall not be considered accessory uses.

n. Registered Marijuana Dispensaries and Marijuana Establishments as provided in Section 3600. These uses shall not be considered accessory uses.

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## Chapter 275. Zoning

### ARTICLE III. General Regulations

#### Section 3600.. Registered Marijuana Dispensaries and Marijuana Establishments

[Amended 5-5-2014 ATM by Art. 20]

#### 3610. Definitions.

As used in this bylaw, the following terms shall have the meanings indicated:

##### **REGISTERED MARIJUANA DISPENSARY (RMD)**

A building or structure used for a medical marijuana treatment center approved and licensed by the Massachusetts Department of Public Health pursuant to 105 CMR 725.000, owned and operated by a not-for-profit or for profit entity registered under 105 CMR 725.100, that acquires, cultivates, possesses, processes (including development of related products such as marijuana-infused products, tinctures, aerosols, oils or ointments), transfers, transports, sells, distributes, dispenses or administers marijuana products containing marijuana-related supplies or educational materials to registered qualifying patients or their personal caregivers. Unless otherwise specified, "RMD" refers to the site(s) of dispensing, cultivation and preparation of marijuana.

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Marijuana Establishment: A marijuana cultivator, independent testing laboratory, marijuana product manufacturer, marijuana retailer or any other type of licensed marijuana-related business.

### 3620. Siting requirements.

~~a.~~

~~All RMDs as defined in Subsection 3610 of this Zoning Bylaw are allowed only in the Light Industrial (LI) District upon the granting of a special permit by the Zoning Board of Appeals.~~

~~b.~~

~~No RMD shall be located less than 400 feet from any residential zoning district or from any residential use; from any public or private school, or municipal building open to the general public; from any church or other religious facility; from any public park or recreation area and any principal or accessory private recreational facility use; or from any day-care center, nursing home or hospital. The minimum distance specified above shall be measured in a straight line from the nearest point of the uses listed herein to the nearest point of the proposed RMD, except where the distance to be measured crosses Interstate 95 or US Route 1, in which case the distance shall be limited by and measured only to the boundary of such highway.~~

a. All RMDs and Marijuana Establishments, as defined in Subsection 3610 of this Zoning Bylaw are allowed only in the Light Industrial (LI) District upon the granting of a special permit by the Zoning Board of Appeals.

b. No RMD or Marijuana Establishment shall be located less than 400 feet from any residential zoning district or from any residential use; from any public or private school, or municipal building open to the general public; from any church or other religious facility; from any public park or recreation area and any principal or accessory private recreational facility use; or from any day-care center, nursing home or hospital. The minimum distance specified above shall be measured in a straight line from the nearest property line in question to the nearest property line of the proposed RMD or Marijuana Establishment, except where the distance to be measured crosses Interstate 95 or US Route 1, in which case the distance shall be limited by and measured only to the boundary of such highway.

c.

The maximum lot coverage, including building, parking and driveways, shall be 50% of the upland lot area.

### 3630. Off-street parking and loading.

Off-street parking and loading shall be provided as required for retail uses in the Light Industrial District, Subsections 3130 and 3133.

### 3640. Sign requirements.

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~~a.~~

~~Only one sign, to be mounted flat on the building wall face, shall be allowed for an RMD. The area of this wall sign shall be not more than 10% of the projected area of the elevation it is attached to, except that no sign shall exceed 30 square feet.~~

a. Only one sign, to be mounted flat on the building wall face, shall be allowed for an RMD or Marijuana Establishment. The area of this wall sign shall be not more than 10% of the projected area of the elevation it is attached to, except that no sign shall exceed 30 square feet.

b.

Only one freestanding sign may be allowed at the discretion of the Zoning Board of Appeals, in a situation where the wall sign may not be visible from the street on which the property has frontage. This freestanding sign shall not be located within five feet of any street or property line and not more than 10 feet above the ground. Any such sign shall have a maximum sign area of four square feet.

c.

All other signs, including temporary and window signs, whether on the exterior of the building or visible from the exterior of the building, are prohibited.

~~d.~~

~~No RMD may have any flashing lights visible from outside the establishment. Furthermore, no sign shall rotate or contain reflective or fluorescent elements.~~

d. No RMD or Marijuana Establishment may have any flashing lights visible from outside the establishment. Furthermore, no sign shall rotate or contain reflective or fluorescent elements.

e.

The appropriate lighting of the sign(s) shall be determined by the Zoning Board of Appeals.

f.

The sign(s) shall otherwise comply with the Sign Bylaw, Chapter **221** of the General Bylaws of the Town of Sharon.

## 3650. Special permit submission and approval.

a.

In addition to the requirements in this Section 3600, special permit applications for approval under this Section 3600 shall comply with the submittal requirements for site plan approval as detailed in Subsection 6326 and shall contain the following additional information:

(1)

The external and internal physical layout of the premises.

~~(2)~~

~~The distances between the proposed RMD and any residential zoning district, public or private school, church or other religious facility, public park or recreation area, day care center, nursing home and hospital, and municipal building open to the general public.~~

~~(3)~~

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~~Copies of all licenses and permits issued by the Commonwealth of Massachusetts and any of its agencies for the RMD.~~

~~(2) The distances between the proposed RMD or Marijuana Establishment and any residential zoning district, public or private school, church or other religious facility, public park or recreation area, day-care center, nursing home and hospital, and municipal building open to the general public.~~

~~(3) Copies of all licenses and permits issued by the Commonwealth of Massachusetts and any of its agencies for the RMD or Marijuana Establishment.~~

b.

In approving a special permit, the special permit granting authority may attach such conditions, limitations and safeguards as are deemed necessary to protect the immediate area and the Town; provided, however, that no such conditions in fact prohibit the use of the property for the use intended. No special permit shall take effect until such decision has been recorded in the Registry of Deeds. Conditions of approval may include but are not limited to the following:

(1)

Street, side or rear setbacks greater than the minimum required by this bylaw.

(2)

Requirement of nonobstructive landscaping.

(3)

Modification of the exterior features or appearances of the structure.

(4)

Limitation of size, number of occupants, method or time of operation, or extent of facilities.

(5)

Regulation of number, design and location of access drives or other traffic features.

(6)

Requirement of off-street parking or other special features beyond the minimum required by this or other applicable ordinances.

(7)

The special permit shall be issued to the owner of the establishment and shall not transfer with a change in ownership of the business and/or property.

c.

Lapse of permit.

~~(1)~~

~~Any special permit granted hereunder for an RMD shall lapse after one year, including such time required to pursue or await the determination of an appeal from the grant thereof, if a substantial use thereof has not sooner commenced except for good cause, or in the case of a permit for construction, if construction has not begun by such date except for good cause, including such time to pursue or await the determination of an appeal referred to in MGL c. 40A, § 17, from the grant thereof.~~

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(1) Any special permit granted hereunder for an RMD or Marijuana Establishment shall lapse after one year, including such time required to pursue or await the determination of an appeal from the grant thereof, if a substantial use thereof has not sooner commenced except for good cause, or in the case of a permit for construction, if construction has not begun by such date except for good cause, including such time to pursue or await the determination of an appeal referred to in MGL c. 40A, § 17, from the grant thereof.

(2)

A special permit granted hereunder shall expire within two years of the date of issuance of the permit. Prior to the expiration of the special permit, the applicant shall make application to the Zoning Board of Appeals for renewal of the special permit for an additional two-year period. Said renewal shall not require the technical submissions of the original application, provided that conditions of the site and facility have not changed materially from the original application.

~~(3)~~

~~In addition to the requirements of Subsection (2) above, a special permit granted hereunder shall have a term limited to the duration of the applicant's ownership and use of the premises as an RMD. A special permit granted hereunder is nontransferable and nonassignable.~~

(3) In addition to the requirements of Subsection (2) above, a special permit granted hereunder shall have a term limited to the duration of the applicant's ownership and use of the premises as an RMD or Marijuana Establishment. A special permit granted hereunder is nontransferable and nonassignable.

(4)

Violation of any of the conditions of approval of the special permit shall be grounds for nonrenewal of the special permit as provided for above.

### ~~3660. Existing RMDs.~~

~~Any RMD that was in existence as of the first date of the publication of the notice of public hearing on this zoning amendment regulating medical marijuana uses may continue to operate in the same location, without material change in scale or content of the business, but shall apply for such special permit within 90 days following the adoption of this bylaw and shall thereafter comply with all of the requirements herein.~~

### 3660 Existing RMDs and Marijuana Establishments.

Any RMD or Marijuana Establishment that was in existence as of the first date of the publication of the notice of public hearing on this zoning amendment regulating medical marijuana uses or marijuana establishments may continue to operate in the same location, without material change in scale or content of the business, but shall apply for such special permit within 90 days following the adoption of this bylaw and shall thereafter comply with all of the requirements herein.

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## ARTICLE III. General Regulations

### Section 3600.. Registered Marijuana Dispensaries

[Amended 5-5-2014 ATM by Art. 20]

#### 3610. Definitions.

As used in this bylaw, the following terms shall have the meanings indicated:

##### **REGISTERED MARIJUANA DISPENSARY (RMD)**

A building or structure used for a medical marijuana treatment center approved and licensed by the Massachusetts Department of Public Health pursuant to 105 CMR 725.000, owned and operated by a not-for-profit entity registered under 105 CMR 725.100, that acquires, cultivates, possesses, processes (including development of related products such as marijuana-infused products, tinctures, aerosols, oils or ointments), transfers, transports, sells, distributes, dispenses or administers marijuana products containing marijuana-related supplies or educational materials to registered qualifying patients or their personal caregivers. Unless otherwise specified, "RMD" refers to the site(s) of dispensing, cultivation and preparation of marijuana.

#### 3620. Siting requirements.

a.

All RMDs as defined in Subsection 3610 of this Zoning Bylaw are allowed only in the Light Industrial (LI) District upon the granting of a special permit by the Zoning Board of Appeals.

b.

No RMD shall be located less than 400 feet from any residential zoning district or from any residential use; from any public or private school, or municipal building open to the general public; from any church or other religious facility; from any public park or recreation area and any principal or accessory private recreational facility use; or from any day-care center, nursing home or hospital. The minimum distance specified above shall be measured in a straight line from the nearest point of the uses listed herein to the nearest point of the proposed RMD, except where the distance to be measured crosses Interstate 95 or US Route 1, in which case the distance shall be limited by and measured only to the boundary of such highway.

c.

The maximum lot coverage, including building, parking and driveways, shall be 50% of the upland lot area.

d. [The number of marijuana retailers that shall be permitted in the Town of Sharon is limited to twenty percent \(20%\) of the number of licenses issued within the Town under § 15 of M.G.L. c. 138 for the retail sale of alcoholic beverages not to be drunk on the premises where sold.](#)