

**TOWN OF NORTH BROOKFIELD
ANNUAL TOWN MEETING WARRANT**

SEAL, WORCESTER, SS.

TO ANY CONSTABLE OF THE TOWN OF NORTH BROOKFIELD

GREETINGS:

In the name of the Commonwealth of Massachusetts, you are hereby directed to notify and warn the inhabitants of said Town, qualified to vote in elections and Town affairs, to meet at the North Brookfield Senior Center, 29 Forest Street in said North Brookfield, on Monday, the 6th day of May, 2019 at 7:00 AM, to act upon the following articles, namely:

ARTICLE 1

To choose by ballot, one Selectman, one Town Clerk, one Moderator, one Assessor, three Constables, one School Committee member, one Water Commissioner, one Board of Health member, one Cemetery Commissioner, two Library Trustees, one Playground Committee member, all for three year terms; one Board of Health member for a one year term, one Planning Board member for a two year term; one Planning Board member for a five year term, and one Housing Authority Member for a five year term.

The polls will be opened at seven o'clock in the morning and shall be closed at eight o'clock in the evening.

And you are further required to notify and warn the inhabitants of said North Brookfield, qualified to vote in Town affairs, to meet at the North Brookfield Elementary School Auditorium in said North Brookfield, on Friday evening, May 10, 2019 at 7:30 PM, then and there to act on the following articles:

ARTICLE 2

To hear and act upon the reports of the Selectmen and Town Officials and Boards, or take any action relative thereto.

ARTICLE 3

To see if the Town will vote to print the reports of the Selectmen and Town Officials and Boards for the year 2019, or take any action relative thereto.

ARTICLE 4

To see if the Town will vote to fix the salaries of all elected and appointed officials of the Town and determine what sums of money will be raised, appropriated, borrowed, or transferred in the Treasury to defray the charges and expenses of the Town for the 12 month period beginning July 1, 2019, including a Reserve Fund under the control of the Finance Committee, or take any action relative thereto.

ARTICLE 5

To see if the Town will vote to raise and appropriate, borrow, or transfer a sum of money to operate the Water Department for the 12 month period beginning July 1, 2019, under the provisions of MGL Chapter 44, section 53F½, or take any action relative thereto.

ARTICLE 6

To see if the Town will vote to raise and appropriate, borrow, or transfer a sum of money to operate the Sewer Department for the 12 month period beginning July 1, 2019, under the provisions of MGL Chapter 44, section 53F½, or take any action relative thereto.

ARTICLE 7

To see if the Town will vote to authorize the Board of Selectmen to accept gifts, bequests, and donations of money and real and personal property given to the Town, or take any action relative thereto.

ARTICLE 8

To see if the Town will vote to authorize the Board of Selectmen to enter into any and all necessary lease agreements and other dispositions of personal property, or take any action relative thereto.

ARTICLE 9

To see if the Town will vote to authorize the Board of Selectmen to apply for and expend funds that may be available from State and Federal grants, or take any action relative thereto.

ARTICLE 10

To see if the Town will vote to authorize the Board of Water Commissioners to apply for and expend funds that may be available from State and Federal grants, or take any action relative thereto.

ARTICLE 11

To see if the Town will vote to give the Town Treasurer the authority to invest Town funds (General Cash, Water Enterprise Funds, and Sewer Enterprise Funds) in short-term investments as the Treasurer deems prudent for income purposes, or take any action relative thereto.

ARTICLE 12

To see if the Town will vote to authorize the Board of Selectmen to sell and transfer titles in the name of the Town of North Brookfield to any properties or lands obtained through legally acquired tax title foreclosures, or take any action relative thereto.

ARTICLE 13

To see if the Town will vote pursuant to MGL Chapter 44, Section 53E1/2, to establish the following FY20 spending limits for revolving funds listed in Chapter II, Section 17 of the North Brookfield Bylaws as follows:

Council on Aging: \$15,000.00

Council on Aging – Senior Wheels: \$7,000.00

Fire Training Center: \$7,500.00

Planning Board – Engineering Services: \$8,000.00

Cemetery Department: \$15,000.00

Board of Health – Public Health Services: \$5,000.00

Board of Health – Vacant Properties: \$25,000.00

Building Permits: \$10,000.00

Electrical Permits: \$10,000.00

Plumbing and Gas Permits: \$10,000.00

Safety Inspections: \$5,000.00

or take any action relative thereto.

ARTICLE 14

To see if the Town will vote to raise and appropriate, borrow, or transfer from available funds, a sum of money to the North Brookfield Emergency Squad for payment of contracted services, or take any action relative thereto.

ARTICLE 15

To see if the Town will vote to accept the sum of \$309,884.00 as the Town's apportionment of FY2020 Chapter 90 funds, or take any action relative thereto.

ARTICLE 16

To see if the Town will vote to declare the parcel of land being Assessors Map 48, Block 106, Lot 48 (located at 48 Brickyard Road) as Town Forest, and afford it all of the protections provided under Article 97 of the Amendments to the Massachusetts Constitution, or take any action relative thereto.

ARTICLE 17

To see if the Town will vote to amend the Town of North Brookfield Zoning Bylaws, Section II. Definitions and create a new Section VI. I. Recreational Use Marijuana and Hemp Cultivation or take any action relative thereto:

I. Recreational Use Marijuana and Hemp Cultivation

1. Purposes: The purposes of this section are:

- A. To regulate the time, place, and manner of Marijuana Establishments in the Town of North Brookfield in accordance with the provisions of Massachusetts General Law Chapter 94G, Section 3, and the regulations promulgated by the Cannabis Control Commission as 935 CMR 500.000.
- B. To preserve the character of the community and create spaces for responsible, legal access to marijuana by adults
- C. To mitigate the potential impacts of Marijuana Establishments on adjacent properties, residential neighborhoods, schools, road, sewer and water systems and the general welfare of the community.
- D. To regulate the siting, design, placement, security, safety, monitoring, modification, and discontinuance of Marijuana Establishments.
- E. To support the public's right to access legal marijuana; to protect public health, safety and well-being; and to promote new economic growth to expand the tax base.

2. District Location: All defined Recreational Marijuana uses except hemp cultivation are allowed in the BG and IND Districts located south of the intersection of Ward St. and East Brookfield Rd. by special permit. Hemp cultivation is allowed in R-30 and R-66 Districts by special permit.

3. Applicability: Nothing in this section shall be construed to supersede state laws governing the sale and distribution of intoxicating substances not defined herein, nor federal law regarding the interstate transportation of the same.

4. DEFINITIONS: For the purposes of this section, the following terms shall have the meanings hereby assigned to them.

Cannabis Cultivation: The use of land and/or buildings for planting, tending, improving, harvesting, processing and packaging, the preparation and maintenance of soil and other media and promoting the growth of cannabis by a cannabis cultivator, micro-business, research facility, craft marijuana cultivator cooperative, registered marijuana dispensary or other entity licensed by the Commission for cannabis cultivation. Such use is not agriculturally exempt from zoning. The cultivation and processing of medical marijuana in accordance with these regulations is considered to be a manufacturing use and is not agriculturally exempt from zoning.

- A. Cannabis or Marijuana: All parts of any plant of the genus Cannabis, not excepted in 935 CMR 500.002: Cannabis or Marijuana a) through (c) and whether growing or not; the seeds thereof; and resin extracted from any part of the plant; clones of the plant; and every compound, manufacture, salt, derivative, mixture or preparation of the plant, its seeds or resin including tetrahydrocannabinol as defined in M.G.L. c. 94G, § 1; provided that cannabis shall not include:
 1. 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, fiber, oil, or cake made from the seeds of the plant or the sterilized seed of the plant that is incapable of germination;
 2. hemp; or
 3. the weight of any other ingredient combined with cannabis or marijuana to prepare topical or oral administrations, food, drink or other products.
- B. Cannabis or Marijuana Products: Cannabis or marijuana and its products unless otherwise indicated. These include products that have been manufactured and contain cannabis or marijuana or an extract from cannabis or 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.

- C. Ceases to Operate: Marijuana Establishment closes and does not transact business for 60 days, as defined by state regulations and/or this section, with no substantial action taken to reopen. The Special Permit Granting Authority may determine that an establishment has ceased to operate based on its actual or apparent termination of operations.
- D. Commission: The Massachusetts Cannabis Control Commission established by M.G.L. c. 10, § 76, or its designee. The Commission has authority to implement the state marijuana laws, which include, but are not limited to, St. 2016, c. 334 as amended by St. 2017, c. 55, M.G.L. c. 94G, and 935 CMR 500.000.
- E. Craft Marijuana Cooperative: A Marijuana Cultivator comprised of residents of the Commonwealth and organized as a limited liability company, limited liability partnership, or cooperative corporation under the laws of the Commonwealth. A cooperative is licensed to cultivate, obtain, manufacture, process, package and brand cannabis or marijuana products to transport marijuana to Marijuana Establishments, but not to consumers.
- F. Enclosed Area Cultivation: A Marijuana Cultivation operation located, in whole, in a building, greenhouse or other enclosed area which would be subject to security provisions of 935 CMR 500.110 (5)(a) and 935 CMR 500.120.
- G. Hemp: The plant of the genus Cannabis or any part of the plant, whether growing or not, with a delta-9-tetrahydrocannabinol concentration that does not exceed 0.3% on a dry weight basis of any part of the plant of the genus Cannabis, or per volume or weight of cannabis or marijuana product, or the combined percent of delta-9-tetrahydrocannabinol and tetrahydrocannabinolic acid in any part of the plant of the genus Cannabis regardless of moisture content.
- H. Hemp Cultivator: an agricultural establishment authorized by the Massachusetts Department of Agricultural Resources to cultivate hemp for commercial and industrial purposes
- I. Host Community: A municipality in which a Marijuana Establishment is located or in which an applicant has proposed locating an establishment.
- J. Host-Community Agreement: An agreement, pursuant to MAgeneral Laws, Chapter 94G, Section 3(d), between a Cannabis Establishment and a municipality setting forth additional conditions for the operation of a Cannabis Establishment, including stipulations of responsibility between the parties and a community impact fee reasonably related to the costs imposed upon the municipality by the operation of the marijuana establishment or medical marijuana treatment center which fee shall not amount to more than 3 per cent of the gross sales of the marijuana establishment or medical marijuana treatment center.
- K. Marijuana Independent Testing Laboratory: A laboratory that is licensed by the Commission and is:
 - 1. Accredited to the International Organization for Standardization 17025 (ISO/IEC 17025: 2017) by a third-party accrediting body that is a signatory to the International Laboratory Accreditation Accrediting Cooperation mutual recognition arrangement or that is otherwise approved by the Commission;
 - 2. Independent financially from any Medical Marijuana Treatment Center (RMD), Marijuana Establishment or licensee for which it conducts a test; and
 - 3. Qualified to test cannabis or marijuana in compliance with 935 CMR 500.160 and M.G.L. c. 94C, § 34.

- L. Licensee: A person or entity licensed by the Commission to operate a Marijuana Establishment under 935 CMR 500.000.
- M. Manufacture: To compound, blend, extract, infuse or otherwise make or prepare a cannabis or marijuana product.
- N. Marijuana Cultivator: An entity licensed to cultivate, process and package marijuana, and to transfer marijuana to other Marijuana Establishments, but not to consumers. A Craft Marijuana Cooperative is a type of Marijuana Cultivator.
- O. Marijuana Establishment: A Marijuana Cultivator, Craft Marijuana Cooperative, Marijuana Product Manufacturer, Marijuana Retailer, Marijuana Independent Testing Laboratory, Marijuana Research Facility, Marijuana Transporter, or any other type of licensed marijuana-related business, except a medical marijuana treatment center. Marijuana establishments permitted in accordance with these regulations are considered to be a commercial and/or manufacturing use and are not considered being subject to any agricultural exemptions under zoning.
- P. Marijuana Membership Club or Cafe: An organization, club, lodge or other private grounds (non-profit and private) allowing on-site consumption of marijuana or marijuana products, but not operating as a licensed marijuana social consumption operator, and where no sales of marijuana or alcoholic beverages occur.
- Q. Marijuana Microbusiness: A co-located Marijuana Establishment that can be either a Tier 1 Marijuana Cultivator or Product Manufacturer or both, (see CMR 500.000) in compliance with the operating procedures for each license. A Microbusiness that is a Marijuana Product Manufacturer may purchase no more than 2,000 pounds of marijuana per year from other Marijuana Establishments.
- R. Marijuana Process or Processing: To harvest, dry, cure, trim and separate parts of the cannabis or marijuana plant by manual or mechanical means, except it shall not include manufacture as defined in 935 CMR 500.002.
- S. Marijuana Product: 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.
- T. Marijuana Product Manufacturer: An entity licensed to obtain, manufacture, process and package cannabis or marijuana products and to transfer these products to other Marijuana Establishments, but not to consumers.
- U. Marijuana Research Facility: An entity licensed to engage in research projects by the Commission.
- V. Marijuana Retailer: An entity licensed to purchase and transport cannabis or marijuana product from Marijuana Establishments and to sell or otherwise transfer this product to Marijuana Establishments and to consumers. Retailers are prohibited from delivering cannabis or marijuana products to consumers; and from offering cannabis or marijuana products for the purposes of on-site social consumption on the premises of a Marijuana Establishment.
- W. Marijuana Transporter: An entity, not otherwise licensed by the Commission, that is licensed to purchase, obtain, and possess cannabis or marijuana product solely for the purpose of transporting, temporary storage, sale and distribution to Marijuana Establishments, but not to consumers. Marijuana Transporters may be an Existing Licensee Transporter or Third-Party Transporter.
- X. Open Area Cultivation: a marijuana cultivation operation conducted wholly in the open air, and not located in any building, greenhouse or other enclosed area which

would be subject to security provisions of 935 CMR 500.110 (6) and 935 CMR 500.120.

- Y. Propagation: The reproduction of cannabis or marijuana plants by seeds, cuttings, or grafting.
- Z. Provisional Marijuana Establishment License: A certificate issued by the Commission confirming that a Marijuana Establishment has completed the application process.

6. Schedule of Uses: For the purposes of this section, only those uses indicated in the schedule below shall be allowed in the Recreational Use Marijuana District. The provisions of Section 3.1 shall apply hereto.

A. Use Abbreviations: SP = Special Permit, Y = Yes, N = No

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|---|----|----|
| 1. Craft Marijuana Cooperative | SP | |
| 2. Marijuana Cultivator | | SP |
| 3. Marijuana Product Manufacturer | | SP |
| 4. Marijuana Retailer | | SP |
| 5. Marijuana Independent Testing Laboratory | SP | |
| 6. Marijuana Microbusiness | | SP |
| 7. Marijuana Research Facility | | SP |
| 8. Marijuana Transporter | | SP |
| 9. Marijuana Membership Club or Cafe | N | |
| 10. Hemp Cultivator | | SP |

7. Additional Requirements/Conditions: In addition to the standard requirements and conditions established in this bylaw, the following shall also apply to all Marijuana Establishments:

- A. Special Permit Granting Authority: for the purposes of this section, the Special Permit Granting Authority shall be the Planning Board for the Town of North Brookfield.
- B. State Law: Marijuana establishment operations shall conform at all times to MA General Laws, Chapter 94G, and the regulations promulgated by the Commission thereunder as 935 CMR 500.00.
- C. Place:
 - 1. No Marijuana Establishment shall be located on a parcel which is within five hundred (500) feet (to be measured in a straight line from the nearest point of the property line in question to the nearest point of the property line where the Marijuana Establishment is or will be located) of a parcel, occupied at the time the Applicant's license application was received by the Cannabis Control Commission, by any of the following:
 - a. A public or private school providing education in preschool, kindergarten or any of grades 1-12
 - b. A public or private library
 - c. Duly licensed daycare centers
 - d. Churches, synagogues or other places of worship
 - e. Public or private playgrounds
 - 2. Except for the transportation of product or materials, relative to the acquisition, cultivation, possession, processing, sales, distribution, dispensing, or administration of marijuana, products containing marijuana, related supplies, or educational materials must take place at an enclosed, fixed location and shall not be permitted to be located in a trailer, storage freight container, motor vehicle or other similar type potentially movable platform or enclosure.
 - 3. No Marijuana Establishment shall be located inside a building containing residential units, including transient housing such as motels and dormitories.

4. No Marijuana Establishment shall be permitted as a Home Occupation.
5. No Marijuana Establishment is permitted to utilize or provide a drive-through service.
6. Open area cultivation, as defined in this bylaw shall not be allowed in any district except for hemp.
7. Enclosed area cultivation, manufacturing, processing, retail, and standards and testing establishments are encouraged to utilize existing vacant buildings where possible.

D. Time and Manner:

1. Limitations: Any type of Marijuana Establishment may only be involved in the uses permitted by its definition and may not include other businesses or services.
2. On-premises Consumption: No marijuana shall be smoked, eaten or otherwise consumed or ingested within the premises.
3. Hours of Operation: The hours of operation shall be set by the Special Permit Granting Authority, but in no event shall a Marijuana Establishment be open to the public, and no sale or other distribution of marijuana shall occur upon the premises or via delivery from the premises, between the hours of 10:00 p.m. and 10:00 a.m.
4. Final License: No Marijuana Establishment may commence operation or apply for a building permit prior to its receipt of all required permits and approvals including, but not limited, to its Final License from the Cannabis Control Commission.
5. Retail Permits: The number of Retail Marijuana Establishments in concurrent operation permitted to be located within the Town of North Brookfield shall not exceed two (2).
6. Visual Impact: Marijuana plants, products, and paraphernalia shall not be visible from the outside of the building in which the Marijuana Establishment is located and shall comply with the requirements of 935 CMR 500. No outside storage of marijuana, related supplies, or promotional material is permitted. Any artificial screening device erected to eliminate the view from a public way shall also be subject to a vegetative screen and the Special Permit Granting Authority shall consider the surrounding landscape and views to determine if an artificial screen would be out of character with the neighborhood.
7. Ventilation and odor: all Marijuana Establishments shall be ventilated in such a manner that no:
 - (a) Pesticides, insecticides or other chemicals or products used in the cultivation or processing are dispersed into the outside atmosphere, and
 - (b) No odor or aroma from marijuana or its processing can be detected by a person with an unimpaired and otherwise normal sense of smell at the exterior of the Marijuana Establishment or at any adjoining use or property.
8. Signage: All signage shall comply with all other applicable signage regulations in the Zoning Bylaw and 935 CMR 500.
9. Nuisance: Marijuana Establishment operations shall not create nuisance conditions in parking areas, sidewalks, streets, and areas surrounding the premises and adjacent properties. "Nuisance" includes, but is not limited to, disturbances of the peace, open public consumption of marijuana, illegal drug activity under state or local law, harassment of passerby, littering, loitering, illegal parking, loud noises, vehicle idling in violation of State or local traffic laws and regulations, queuing of patrons (vehicular or pedestrian) or

obstructing public or private way (driveways, exit doors, fire lanes, sidewalks and streets).

E. Design Standards: The following design standards shall also apply to all Marijuana Establishments in the Town of North Brookfield:

1. Town Character and Aesthetic: To the extent reasonably possible, all structures utilized for any purpose by a licensed Marijuana Establishment shall be compatible in scale, design and aesthetic with the existing neighboring properties in particular, and with the rural, agricultural character of the Town of North Brookfield in general.
2. Building Scale:
 - (a) Enclosed Structures: for the purposes of this section, an Enclosed Structure shall mean any structure, other than a standard Greenhouse, actively devoted to the cultivation, manufacture, transportation, storage or testing of marijuana products.
 1. Maximum Building Footprint: The total combined footprint for all Enclosed Structures shall not exceed 13,500 square feet and no individual Enclosed Structure shall exceed 4,500 square feet in area.
 2. Height: no Enclosed Structure shall exceed a total of forty (40) feet in height
 3. Spacing: Enclosed Structures shall be no less than twenty (20) feet apart and in no instance shall a Marijuana Establishment erect more than five (5) Enclosed Structures.
 - (b) Greenhouses: For the purpose of this section, a Greenhouse shall mean any structure with walls and roof made of transparent or translucent material in which plants requiring regulated climatic conditions are grown.
 1. Greenhouses shall be allowed in all areas where Marijuana Cultivation is allowed provided that:
 - a. The greenhouse installation conforms to all regulations regarding security, screening, ventilation, odor and any other provisions of 935 CMR 500 and of this bylaw
 - b. The total footprint of all structures devoted to active cultivation, including greenhouse space, does not exceed 13,500 square feet of total area
 - c. No greenhouse exceeds a total height of twenty (20) feet
 - (c) Retail Establishments: the total gross floor area of Retail Marijuana Establishments shall not exceed 1,500 square feet.
 - (d) Setbacks: With the exception of Retail uses, all Marijuana Establishments shall have a minimum setback of 100 feet as measured from the nearest edge of any public right-of-way or abutting property boundary.
 - (e) Roofing: No Enclosed Structure, as defined herein, shall have a roof pitch of less than 5/12, unless the applicant can demonstrate to the satisfaction of the Special Permit Granting Authority that a deviation is necessary.

F. Reporting Requirements:

1. Prior to the commencement of the operation or services, any Marijuana Establishment approved under this section shall provide to the Police Department, Fire Department, Building Commissioner/Inspector and the Special Permit Granting Authority a detailed security plan, which shall include: the names, phone numbers and email addresses of all management staff and holders of keys to the establishment and, a minimum of two (2) operators or managers of the facility identified as contact persons to whom one can provide notice if there are operating problems associated with the establishment. The owner or manager of a

Marijuana Establishment is required to respond by phone or email within twenty-four hours of contact by a Town official concerning their Marijuana Establishment at the phone number or email address provided to the Town as the contact for the business.

It shall be a condition of the Special Permit that the Marijuana Establishment provide current and accurate contact information within five business days of any change in the security plan, management staff and/or contact information.

2. The local Building Inspector, Board of Health, Police Department, Fire Department and Special Permit Granting Authority shall be notified in writing by the Marijuana Establishment facility owner/operator/ manager:

(a) A minimum of 30 days prior to any change in ownership or management of that establishment.

(b) A minimum of 12 hours following a violation or potential violation of any law or any criminal or potential criminal activities or attempts of violation of any law at the establishment.

3. Permitted Marijuana Establishments shall file an annual written report to, and appear before, the Special Permit Granting Authority no later than January 31st of each calendar year, providing a copy of all current applicable state licenses for the facility and/or its owners and demonstrate continued compliance with the conditions of the Special Permit.

G. Issuance/Transfer/Discontinuance of Use:

1. Special Permits/Site Plan Approvals shall be issued to the Marijuana Establishment owner only.
2. Special Permits/Site Plan Approvals shall be issued for a specific type of Marijuana Establishment on a specific site/parcel only.
3. Special Permits/Site Plan Approvals shall be non-transferable to either another Marijuana Establishment owner or another site/parcel.
4. Special Permits/Site Plan Approvals shall have a term limited to the duration of the Applicant's ownership/control of the premises as a Marijuana Establishment, and shall lapse/expire if:
 - a. The Marijuana Establishment ceases operation (not providing the operation or services for which it is permitted) for 60 days.
 - b. The Marijuana Establishment's registration/license by the Cannabis Control Commission expires or is terminated.
 - c. In the event a permitted Marijuana Establishment alters or expands its permitted activities in such a manner as to require additional licenses modifications to existing licenses from the Commission, that Marijuana Establishment shall be required to obtain a new special permit from the Special Permit Granting Authority in accordance with all of the provisions of this section and will require a surety bond review. The surety bond shall also be reviewed to determine adequacy.
5. The Marijuana Establishment shall notify the Zoning Enforcement Officer and Special Permit Granting Authority in writing within 48 hours of such lapse, cessation, discontinuance or expiration or revocation.
6. A marijuana cultivator or manufacturer shall be required to remove all material, plants equipment and other paraphernalia prior to surrendering its state registration/license or ceasing its operation.
 - a. Prior to the issuance of a Building or Occupancy Permit for a Marijuana Establishment, the Applicant shall be required to furnish evidence that a decommissioning bond or other form of financial security pursuant to the requirements of 935 CMR 500.101 §1(a)5 has been posted with the Commission in an amount which shall be sufficient to cover the costs of removing all materials, plants, equipment and other paraphernalia in the event the Applicant fails to do so. Should the applicant not furnish sufficient

evidence, or such financial security is deemed insufficient to cover potential costs to the Town for the removal of said material by either the Special Permit Granting Authority or Town Treasurer, the Applicant shall post with the Town Treasurer an addition bond or other form of financial security acceptable to said Treasurer in an amount set by the Special Permit Granting Authority, which shall cover any and all potential costs to the Town for the removal of said material. The Building Inspector shall give the Applicant 60 (sixty) days' written notice in advance of taking such action. Should the Applicant remove all materials, plants, equipment and other paraphernalia to the satisfaction of the Building Inspector prior to the expiration of the 60 (sixty) days written notice, any bond posted with and under the control of the Town Treasurer shall be returned to the Applicant.

- b. The Special Permit Granting Authority may hire, at the applicant's expense, professional, third-party consultant(s) of their choosing to assist them in evaluating the special permit application, terms of the host-community agreement, estimating any bond amounts or any other requirements contained therein.

8. Application Requirements: A Recreational Marijuana Establishment shall only be allowed by special permit from the Special Permit Granting Authority in accordance with MGL c.40A § 9 and Section VI.G. (Special Permits) of this bylaw subject to the following statements, regulations requirements, conditions, and limitations:

- A. No special permit for any Marijuana Establishment shall be issued without site plan approval by the Special Permit Granting Authority. In addition to the standards set forth within, the site plan must meet all dimensional, parking, and other requirements set forth by this section.
- B. The name and address of each owner and operator of the Marijuana Establishment facility/operation.
- C. A copy of the proposed Host Community Agreement.
- D. Proof of Liability Insurance Coverage or Maintenance of Escrow as required in 935 CMR 500.
- E. Evidence that the Applicant has site control and right to use the site for a Marijuana Establishment facility 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 and Notice of Lease pursuant to M.G.L. c. 183, sec. 4, if the term of such lease, is seven years or more.
- F. A notarized statement signed by the Marijuana Establishment organization's Chief Executive Officer and legal counsel representing the Marijuana Establishment disclosing all of its designated representatives, including officers, directors, shareholders, partners, members, 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.
- G. In addition to what is normally required in a Site Plan, details showing all exterior proposed security measures for the Marijuana Establishment including lighting, fencing, gates and alarms, etc. ensuring the safety of employees and patrons and to protect the premises from theft or other criminal activity.
- H. A detailed floor plan identifying the areas available and functional uses (including square footage).
- I. Detailed renderings of all signage being proposed for the facility.
- J. A pedestrian/vehicular traffic impact study to establish the Marijuana Establishment's impacts at peak demand times, including a line queue plan to ensure that the movement of pedestrian and/or vehicular traffic along access areas

including, but not limited to the public right of ways, will not be unreasonably obstructed.

- K. An odor control plan detailing the specific odor-emitting activities or processes to be conducted on-site, the source of those odors, the locations from which they are emitted from the facility, the frequency of such odor-emitting activities, the duration of such odor-emitting activities, and the administrative of odor control including maintenance of such controls.
- L. A Management Plan including a description of all activities to occur on site, including all provisions for the delivery of marijuana and related products to Marijuana Establishment or off-site direct delivery.
- M. Individual written plans which, at a minimum comply with the requirements of 935 CMR 500, relative to the Marijuana Establishment and include, but are not limited to:
 - 1. Operating procedures
 - 2. Marketing and advertising
 - 3. Waste disposal
 - 4. Transportation and delivery of marijuana or marijuana products
 - 5. Energy efficiency and conservation
 - 6. Security and Alarms
- N. Decommissioning plan for the Marijuana Establishment:
 - 1. Such decommission plans shall include a cost estimate provided by a qualified, third-party expert and shall detail dismantling, disposal of equipment and all other reasonably anticipated costs associated the decommissioning of the Marijuana Establishment
 - 2. The Special Permit Granting Authority reserves the right to request a comparison estimate provided by an independent, qualified professional estimator of the board's choosing, the cost of which shall be borne by the applicant
- O. Copies of any and all other materials required by the Commission as part of the normal application process for a Marijuana Establishment License pursuant to 935 CMR 500.

9. **Findings:** In addition to the standard Findings for a Special Permit or Site Plan Approval the Special Permit Granting Authority must also find whether all the following provisions are satisfied:

- A. That the Marijuana Establishment is consistent with, and does not derogate from, the purposes and intent of this Section and the Zoning Bylaw.
- B. That the Marijuana Establishment facility is designed to minimize any adverse impacts on abutters and other parties in interest;
- C. That the Marijuana Establishment facility demonstrates that it meets or exceeds all the permitting requirements of all applicable agencies within the Commonwealth of Massachusetts and is in compliance with all applicable state laws and regulations; and
- D. That the applicant has satisfied all of the conditions and requirements of this Section and other applicable Sections of this Bylaw;
- E. That the Marijuana Establishment facility 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 cultivation is adequately secured on-site or via delivery.
- F. That the Marijuana Establishment facility adequately addresses issues of traffic demand, circulation flow, parking and queuing, particularly at peak periods at the facility, and it impact on neighboring uses.

4-17-19