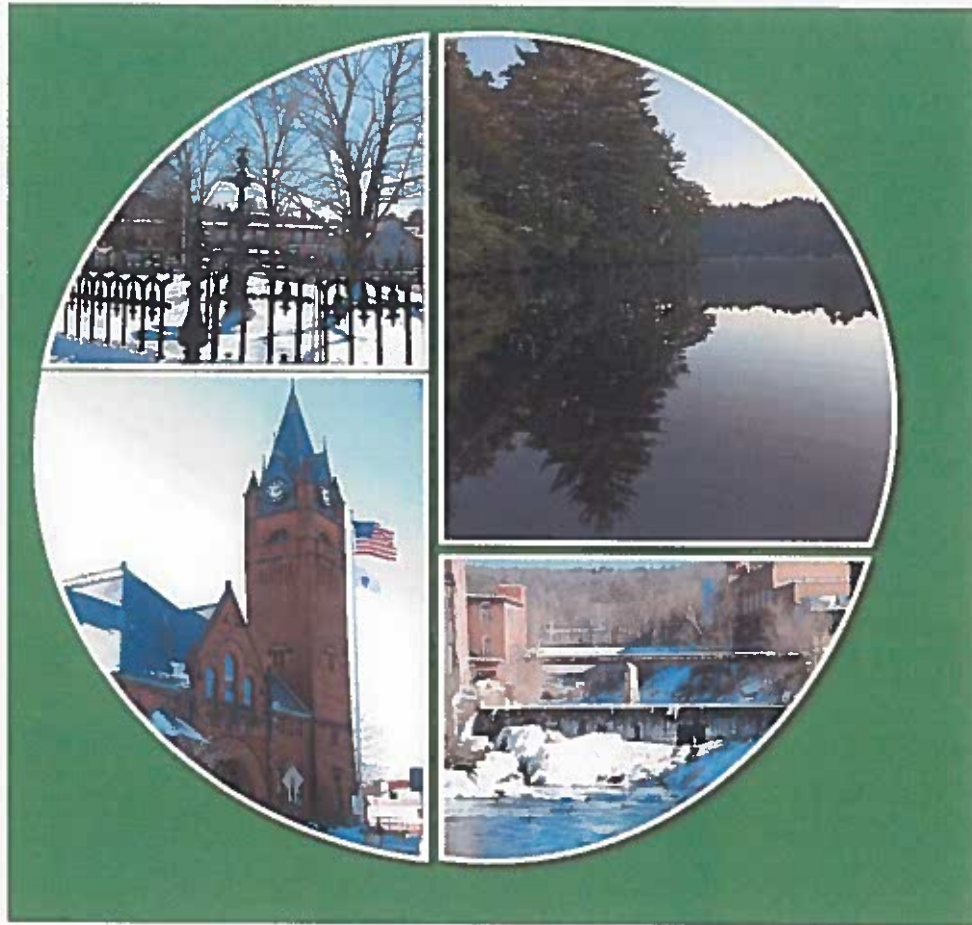


SPECIAL TOWN MEETING PACKET



WARE, MASSACHUSETTS
NOVEMBER 13, 2017

Special Town Meeting 7:00 p.m.



**WARRANT FOR SPECIAL TOWN MEETING
TOWN OF WARE
COMMONWEALTH OF MASSACHUSETTS**

Hampshire, ss.

To any of the Constables of the Town of Ware, in said County,

Greetings:

In the name of the Commonwealth of Massachusetts, you are hereby required to notify and warn all of the inhabitants of the Town of Ware, Precincts A, B and C, qualified to vote on Town affairs, to meet at the Ware High School Auditorium, 237 West Street, Ware, on Monday, November 13, 2017 at seven o'clock in the evening (7:00 P.M.), then and there to act on the following articles:

Article 1. To see if the town will vote to appropriate a sum of money to pay unpaid bills from prior fiscal years, and to determine the manner of meeting said appropriation, whether by taxation, transfer of available funds, borrowing or any other means or any combination thereof, or take any other action relative thereto. **(\$2,038.31 Available Funds)**

Recommended by: Board of Selectmen: YES
Finance Committee: YES
Town Manager: YES

Explanation: Funds payment of bills from previous fiscal years.

10/14/16	Osterman Propane	97.95	Town Hall
12/19/16	Osterman Propane	76.28	Town Hall
02/21/17	Osterman Propane	75.21	Town Hall
09/01/15	W.B. Mason	49.41	Town Hall
09/03/15	W.B. Mason	302.94	Town Hall
11/10/15	Baystate Medical Practice	143.00	Immunizations
09/01/17	Osterman Propane	142.91	School
06/28/17	Lagrant Electric	643.50	WWTP
11/07/16	Osterman Propane	41.19	Parks
11/28/16	Osterman Propane	11.69	Parks
01/06/17	Osterman Propane	79.23	Parks
03/30/17	KM Graphics	375.00	Fire

Article 2. To see if the Town will vote to appropriate a sum of money for amendments to the Fiscal Year 2018 budget, and to determine the manner of meeting said appropriation, whether by taxation, transfer of available funds, borrowing or any other means or any combination thereof, or take any other action relative thereto. **(\$15,500 = \$11,000 Available Funds, \$4,500 Free Cash)**

Recommended by: Board of Selectmen: YES
Finance Committee: YES
Town Manager: YES

Explanation:

The funding in this article will pay for three additions to the 2018 budget.

1. \$600 for the Assessors mapping software due to a cost increase.
2. \$4,500 to move fence work in order to connect the Veterans Park and Parker Street municipal parking lots.
3. \$10,400 to fully fund salary in the Highway Division.

Article 3. To see if the Town will vote to appropriate a sum of money for professional services to assist in the State-mandated "Valuation Certification Process" for Fiscal Year 2019 relating to real and personal Property for the Board of Assessors Office, and to determine the manner of meeting said appropriation, whether by taxation, transfer of available funds, borrowing or any other means or any combination thereof, or take any other action relative thereto. **(\$25,000 Free Cash)**

Recommended by: Board of Selectmen: YES
Finance Committee: YES
Town Manager: YES

Explanation: These funds will pay for the cyclical (3-year) review of values.

Article 4. To see if the Town will vote to appropriate a sum of money to fund the Other Post-Employment Benefits (OPEB) Liability Trust Fund and to determine the manner of meeting said appropriation whether by taxation, transfer of available funds, borrowing or any other means or any combination thereof; or take any other action relative thereto. **(\$173,360 Free Cash)**

Recommended by: Board of Selectmen: YES
Finance Committee: YES
Town Manager: YES

Explanation: OPEB is the cost of providing health insurance benefits to the Town's retirees. Contributions to the OPEB Trust are made to fund future costs. Per the Town's financial reserve policies, 15% of available free cash is reserved to the OPEB trust.

Article 5. To see if the Town will vote to appropriate a sum of money for the Stabilization Fund, and to determine the manner of meeting said appropriation whether by taxation, transfer of available funds, or any other means or any combination thereof or take any other action relative thereto.
(\$58,000 Free Cash)

Recommended by: Board of Selectmen: YES
Finance Committee: YES
Town Manager: YES

Explanation: Per the Town's Financial Reserve policy, 5% of available free cash is placed into the stabilization fund, which is a fund established for emergencies or tough financial times.

Article 6. To see if the Town will vote to appropriate a sum of money for the Capital Stabilization Fund, and to determine the manner of meeting said appropriation whether by taxation, transfer of available funds, or any other means or any combination thereof or take any other action relative thereto.
(\$58,000 Free Cash)

Recommended by: Board of Selectmen: YES
Finance Committee: YES
Town Manager: YES

Explanation: Per the Town's Financial Reserve policy, 5% of available free cash is placed into the Capital stabilization fund, which is a fund established for emergencies equipment procurement or building repairs.

Article 7. To see if the town will vote to appropriate a sum of money to pay for the purchase of a replacement utility vehicle, Gator or similar, for the Parks Department, and to determine the manner of meeting said appropriation, whether by taxation, transfer of available funds, borrowing or any other means or any combination thereof, or take any other action relative thereto.
(\$26,000 Free Cash)

Recommended by: Board of Selectmen: YES
Finance Committee: YES
Town Manager: YES
Capital Planning Committee = Yes

Explanation: This vehicle is used by the Parks department for Parks and Cemetery maintenance work. The current vehicle has been in service since 2006.



Article 8. To see if the town will vote to appropriate a sum of money to fund the purchase of a replacement defibrillator, and to determine the manner of meeting said appropriation, whether by taxation, transfer of available funds, borrowing or any other means or any combination thereof, or take any other action relative thereto.
(\$35,000 Ambulance Funds)

Recommended by: Board of Selectmen: YES
Finance Committee: YES
Town Manager: YES
Capital Planning Committee = Yes

Explanation: Each of the Town's three ambulances carries a defibrillator. It is the goal to replace all three, so they are the same model. The defibrillators are older than their expected and regulatory lifetime. This appropriation will fund one. The Department will seek grant funds for others.

Article 9. To see if the town will vote to appropriate a sum of money for the replacement of some AIR SCBA units, breathing/air tanks and gear, for the Fire Department, and to determine the manner of meeting said appropriation, whether by taxation, transfer from available funds, borrowing, or any other means or combination thereof or take any other action relative thereto.
(\$25,000 Free Cash)

Recommended by: Board of Selectmen: YES
Finance Committee: YES
Town Manager: YES
Capital Planning Committee = Yes

Explanation: The breathing apparatus used by firefighters are past their regulatory usefulness. This appropriation will pay for gear and replacement of 10 tanks. The Department will seek grant funds for other needed replacements.

Article 10. To see if the town will vote to appropriate a sum of money to fund the purchase of an Ambulance for the Ware Fire Department, and to determine the manner of meeting said appropriation, whether by taxation, transfer of available funds, borrowing or any other means or any combination thereof, or take any other action relative thereto.
(\$350,000 Borrow, Ambulance Fund)

Recommended by: Board of Selectmen: YES
Finance Committee: YES
Town Manager: YES
Capital Planning Committee = Yes

Explanation: This appropriation will fund the purchase of a new ambulance to replace the oldest (2007) ambulance in the department. It is the Town's goal to replace its ambulances after 8-9 years of service. This article and appropriation also includes the purchase of a stretcher for the ambulance.

Article 11. To see if the town will vote to appropriate a sum of money to fund the purchase of an administrative vehicle for the Ware Fire Department, and to determine the manner of meeting said appropriation, whether by taxation, transfer of available funds, borrowing or any other means or any combination thereof, or take any other action relative thereto.
(\$40,000 Free Cash)

Recommended by: Board of Selectmen: NO
Finance Committee: NO
Town Manager: YES
Capital Planning = Yes



Explanation: This appropriation will replace the Fire Chief Command vehicle. The Deputy's vehicle (a 2004 Tahoe purchased used) will be surplus. The new vehicle will meet the Green Community mileage requirement of at least 18 mpg.

Article 12. To see if the Town will vote to appropriate a sum of money to fund the expansion of and purchase of equipment for the evidence room for the Police Department, and to determine the manner of meeting said appropriation, whether by taxation, transfer of available funds, borrowing or any other means or any combination thereof, or take any other action relative thereto.
(\$16,000 Free Cash)

Recommended by: Board of Selectmen: YES
Finance Committee: YES
Town Manager: YES
Capital Planning Committee = Yes

Explanation: This appropriation will fund expansion of an evidence room in the Police station along with shelves and security for the room.

Article 13.

To see if the town will vote to appropriate a sum of money to pay for the removal of garage doors and replacement of walls at the Ware Senior Center, and to determine the manner of meeting said appropriation, whether by taxation, transfer of available funds, borrowing or any other means or any combination thereof, or take any other action relative thereto.
(\$15,000 Free Cash)

Recommended by: Board of Selectmen: YES
Finance Committee: YES
Town Manager: YES
Capital Planning Committee = Yes

Explanation: The Senior Center has two garage doors into the two large rooms. The doors are rarely used and are very energy inefficient as they are not insulated. The doors will be replaced with a wood wall with windows and a double door. The Town hopes to work with Pathfinder Vocational on the work.

Article 14.

To see if the town will vote to appropriate a sum of money to fund the purchase of the replacement of a comminutor/grinder at the Ware Wastewater Treatment Plant, and to determine the manner of meeting said appropriation, whether by taxation, transfer of available funds, borrowing or any other means or any combination thereof, or take any other action relative thereto.
(\$25,200 Sewer Reserve)

Recommended by: Board of Selectmen: YES
Finance Committee: YES
Town Manager: YES
Capital Planning Committee = Yes

Explanation: The channel monster is the grinder at the head works of the treatment plant. This appropriation will replace a 3 ¼ - year old unit. The new channel monster will be upgraded to help with the breakdown of thicker materials and the unit will be equipped with hardened shredders to prolong unit life.

Article 15. To see if the Town will vote to appropriate a sum of money to pay for the second phase of the infiltration/inflow study and testing as required by the State Department of Environmental Protection for the Waste Water Treatment Plant and to determine the manner of meeting said appropriation, whether by taxation, transfer of available funds, borrowing or any other means or any combination thereof, or take any other action relative thereto.
(\$120,000 Borrow Sewer Reserve)

Recommended by: Board of Selectmen: YES
Finance Committee: YES
Town Manager: YES
Capital Planning Committee = Yes

Explanation: An Inflow and Infiltration study determines the location of leaks and other inflow of extra water into the sewer system. The second phase will use video cameras within the pipes to determine location of leaks. The study will prioritize pipe sections for repair, ultimately reducing the flow being treated at the plant.

Article 16. To see if the Town will vote to grant a Special Tax Assessment (STA) Agreement or Tax Incentive Financing to Optimus LLC for the development of a senior living facility located at 73 South Street, Assessor's Parcel 57-0-37 and further described in the Economic Development Incentive Program (EDIP) Local Incentive-Only Application, or to take any action related thereto.

Recommended by: Board of Selectmen: YES
Finance Committee: YES
Town Manager: YES

Explanation: The Special Tax Assessment is proposed for the re-use of the South Street School as a senior assisted living development of over 100 units. The proposed development will provide 70 permanent full and part-time jobs, and has an estimated development cost of \$10-\$15 million. The developer is requesting the Town consider a five-year tax assessment that would result in a 100% break in year one, 80% in year two, 60% in year three, 40% in year 4 and 20% in year 5. A full plan and description of the assessment will be available at Town Meeting.

Article 17. To see if the Town will vote to authorize the Board of Selectmen to submit the Economic Development Incentive Program (EDIP) Local Incentive-Only Application for Optimus LLC for the development of a senior Housing facility located at 73 South Street, Assessor's Parcel 57-0-37 to the Economic Assistance Coordinating Council, or to take any action related thereto.

Recommended by: Board of Selectmen: YES
Finance Committee: NOT FINANCIAL
Town Manager: YES

Article 18. To see if the Town will vote to authorize the School Committee to lease school properties, Assessors Map 16-0-14 for the purpose of use as a solar power generating facility for a term not exceeding twenty years at a price and at such conditions determined by the school committee to be in the best interests of the Town of Ware and to authorize the School Committee to execute any lease agreements or other documents necessary to complete this transaction, or taken any action related thereto.

RECOMMEND TO DISMISS

Article 19. To see if the Town will vote to authorize the School Committee to enter into renewable energy purchase and/or net metering credit purchase agreements, including solar energy and related net metering credits, for terms of more than three years, and to take all actions necessary to implement and administer such agreements, or to take any other action relative thereto.

RECOMMEND TO DISMISS

Article 20. To see if the Town will vote to amend the Cemetery Regulations, Section 19.9 (L), Dogs or take any action related thereto.

Recommended by: Board of Selectmen: YES
Finance Committee: NOT FINANCIAL
Town Manager: YES

Explanation: Section 19.9 Prohibited Activities, Subsection L, Currently reads : “Dogs (except for Certified Guide Dogs or Animals) are prohibited from all Town owned cemeteries”. The bylaw is proposed to be amended to read: “Dogs (except for Certified Guide Dogs or Animals) are prohibited from all Town owned cemeteries. Violations of this provision including the leaving of animal waste will be subject to fines established by the Cemetery Commission.”

Article 21. To see if the Town will vote to amend the Zoning Bylaws to regulate Registered Marijuana Dispensaries (RMD) and Marijuana Cultivation sites (MCS), by adding five new definitions to section 2.2, adding two new categories to the Use Table, Section 4.2, and adding a new Section 4.8.7 Marijuana Dispensaries and Cultivation Sites, as published on September 14, 2017 and presented at a Public Hearing on October 4, 2017 as published and available at the Town Hall and on the Town’s website; or to take any action related thereto.

Recommended by: Board of Selectmen: YES
Finance Committee: NOT FINANCIAL
Town Manager: YES
Planning Board = Yes

Explanation: The report of the Planning Board is attached to the end of this packet.

Article 22. To see if the Town will vote to amend the Zoning Bylaws by modifying the Use Table, Section 4.2) to allow some uses by right and to allow some uses by special permit in accordance with the proposed amendments as published and available at the Town Hall and on the Town's website; or to take any action related thereto.

Recommended by: Board of Selectmen: YES
Finance Committee: NOT FINANCIAL
Town Manager: YES
Planning Board = Yes

Explanation: The report of the Planning Board is attached to the end of this packet.

Article 23. To see if the Town will vote to adopt the provisions of MGL Chapter 64N, Section 3, or any other enabling authority, to impose a local sales tax upon the sale or transfer of marijuana or marijuana products by a marijuana retailer operating within the Town to anyone other than a marijuana establishment at the rate of 2 percent of the total sales price received by the marijuana retailer as a consideration for the sale of marijuana or marijuana products, or at any higher rate as authorized by law, or take any action in relation thereto.

Recommended by: Board of Selectmen: YES
Finance Committee: YES
Town Manager: YES

Explanation: In the event that a retail recreation marijuana dispensary locates in Ware, this provision will permit the Town to impose a 3% local sales tax on the retailer. This would work similar to the local meals tax.

Article 24. To determine whether the Town will vote to amend the General Bylaws of the Town of Ware by adding the following new Article 59- Revolving Funds to establish and authorize revolving funds for use by certain town departments, boards, committees, agencies or officers under Massachusetts General Laws Chapter 44, Section 53E½, or take any other action thereto.

Recommended by: Board of Selectmen: YES
Finance Committee: NOT FINANCIAL
Town Manager: YES

(Draft) Registered Marijuana Facilities and Cultivation Sites (Draft)

SECTION 4.8.8. REGISTERED MARIJUANA FACILITIES (RMF) AND MARIJUANA CULTIVATION SITES (MCS)

A. Purpose

The purpose of this Section 4.8.8 is to allow the siting, development and operation of Registered Medical, Recreational and/or Hybrid Marijuana Facilities (RMFs) and Marijuana Cultivation Sites (MCSs) in the Town of Ware in order to 1.) enable individuals with a debilitating medical condition, for which medical marijuana is a viable treatment, to have access to registered marijuana facilities consistent with state law, the Humanitarian Medical Use of Marijuana Act, G.L. c. 94C, App. 1-1 – Chapter 369 of the Acts of 2012, and the Department of Public Health Regulations, 105 CMR 725, and 2.) to allow for the orderly siting of establishments for the retail sale of marijuana and marijuana products.

B. Intent

It is the intent of Section 4.8.8 to protect public health and safety; to regulate the siting, design, and safety of Registered Medical, Recreational and Hybrid Marijuana Facilities (RMFs) and Marijuana Cultivation Sites (MCSs); to minimize adverse impacts on abutting properties; to provide adequate separation from schools, parks, and other areas where children commonly congregate in an organized, ongoing, formal basis; and to provide for site security to deter crime and uphold the safety of surrounding neighborhoods.

C. Definitions

Registered Marijuana Dispensary (RMD): A use operated by an entity registered and approved by the MA Department of Public Health in accordance with 105 CMR 725.000, and pursuant to all other applicable state laws and regulations, also to be known as a Medical Marijuana Treatment Center, that acquires, cultivates, possesses, processes (including development of related products such as food, 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. A RMD shall explicitly include facilities which cultivate and process medical marijuana, and which may also dispense and deliver medical marijuana and related products. 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.

Medical Marijuana Establishment: a business where the possession, sale, distribution, dispensing and administration of medical marijuana and products containing medical marijuana is authorized.

Recreational Marijuana Establishment: a business where the possession, sale, distribution, dispensing and administration of recreational marijuana and products containing and/or associated to recreational marijuana (e.g., aerosols, art, clothing, food, jewelry, literature, oils or ointments, tinctures, etc.) is authorized.

Hybrid Marijuana Establishment: a business where the combined sale of both medical and recreational marijuana and products containing and/or associated to legalized marijuana use is authorized.

Marijuana Cultivation Site: a business where the cultivation, possession, processing (including development of related products such as food, tinctures, aerosols, oils, or ointments), warehousing, distribution, transferring and transporting of marijuana and products containing marijuana is authorized.

D. Special Permit and Site Plan Approval Required

Registered Medical, Recreational, and Hybrid Marijuana Facilities and/or Marijuana Cultivation Sites require a Special Permit and Site Plan Approval. In addition to the requirements in Article 7 – Administration, Section 7.2, Special Permits, and Section 7.4, Site Plan Review, the provisions of this Section ___ shall apply to Registered Medical, Recreational, and Hybrid Marijuana Facilities (RMFs) and Marijuana Cultivation Sites (MCSs).

1. Host Community Agreement: Applicants shall submit a proposed Host Community Agreement that describes the measures the Applicant intends to take to mitigate potential negative impacts on the Town and abutting neighborhood from the Registered Medical, Recreational and Hybrid Marijuana Facility and/or Marijuana Cultivation Site.

E. Separation and Setbacks

No Registered Medical, Recreational and Hybrid Marijuana Facility and/or Marijuana Cultivation Site may be located closer than three hundred feet (300') (measured from door to door) of a facility used, at the time of the first notice of the public hearing, for a park, playground, elementary, middle or high school, or state-licensed child day care center. This measurement shall be the distance between the Registered Medical,

Recreational and Hybrid Marijuana Facility and/or Marijuana Cultivation Site and the front entrance of the building in question. Such uses shall not be prohibited from locating within three hundred feet (300') of a Registered Medical, Recreational and Hybrid Marijuana Facility and/or a Marijuana Cultivation Site, nor shall a Registered Medical, Recreational and Hybrid Marijuana Facility and/or Marijuana Cultivation Site become nonconforming under the Zoning Bylaw if a park, playground, elementary, middle or high school, or state-licensed child day care center later locates within three hundred feet (300') of a preexisting Registered Medical, Recreational and Hybrid Marijuana Facility and/or Marijuana Cultivation Site.

F. Security Plan

In addition to the submission requirements for Special Permit and Site Plan Review, the application shall include a Security Plan designed to deter crime and protect the public safety. The Plan may include measures such as locks, gates, cameras, alarms, fences, lighting, and monitoring protocols. The Ware Police Chief, or his/her designee, may recommend changes to the Security Plan and the Town of Ware Planning Board will incorporate the Chief's recommendations in the Special Permit decision to the fullest extent practicable.

G. Standards Applicable to Registered Medical, Recreational and Hybrid Marijuana Facilities and/or Marijuana Cultivation Sites

1. An applicant shall possess a Certification of Registration from the Commonwealth of Massachusetts Department of Public Health as a Registered Marijuana Dispensary and shall comply with the Department's regulations at all times.
2. The siting, development, and operation of Registered Medical, Recreational, and/or Hybrid Marijuana Facilities shall be allowed by Special Permit and Site Plan Approval in the Downtown Commercial (DTC), Mill Yard (MY) and Highway Commercial (HC) zoning districts. Marijuana Cultivation Sites are to be allowed by Special Permit and Site Plan Approval in the Mill Yard (MY), Commercial Industrial (CI) and Industrial (I) zoning districts.
3. The proposed plan shall conform to §7.2, Special Permits, §7.4, Site Plan Review, and to those zoning districts per §4.2, Use Table, where these uses are allowed.
4. The proposed plan shall provide urban design and landscaping elements to harmonize the proposed project with abutting uses so as to protect and enhance the aesthetics and architectural look and character of the surrounding vicinity.

5. The use shall not generate outside odors from marijuana use and/or production of marijuana products.
6. The proposed plan shall refer to §6.5, Signage, for the installation, type, number and size considerations of signs, as applicable.
7. Hours of operation shall be between 8:00 AM and 8:00 PM Monday thru Sunday.
8. Noise shall comply with the Noise Policy of the Commonwealth of Massachusetts Department of Environmental Protection and Division of Air Quality regulations, 310 CMR 7.10, and any local noise abatement bylaw. A noise source violates the noise regulation if the source: a.) Increases the broadband sound level by more than 10 dB(A) above ambient, or b.) Produces a "pure tone" condition – when any octave band center frequency sound pressure level exceeds the two adjacent center frequency sound pressure levels by 3 decibels or more. These criteria are measured both at the property line of the Registered Medical, Recreational, and Hybrid Marijuana Facility and/or Marijuana Cultivation Site and at the nearest inhabited dwelling unit. "Ambient" is defined as the background A-weighted sound level that is exceeded 90% of the time, measured during equipment operating hours.
9. The Town of Ware Planning Board may require a traffic study that includes an analysis of parking demand to justify the number of proposed parking spaces.
10. A Special Permit granted under this Section ____ shall be personal to the applicant and shall lapse if the applicant no longer is the holder of the Certification of Registration from the Commonwealth of Massachusetts Department of Public Health as a Registered Marijuana Dispensary. A change of the registrant shall require submission of a new Special Permit application.



TOWN OF WARE
Planning & Community Development

126 Main Street, Ware, Massachusetts 01082
t. 413.967.9648 x186 pcd@townofware.com

REPORT TO TOWN MEETING
ON PROPOSED ZONING BYLAW AMENDMENTS

To: Ware Special Town Meeting
From: Richard Starodoj, Chairman, Planning Board
Date: November 2, 2017
RE: Zoning Amendments for STM, November 13, 2017

This report from the Planning Board to the Town Meeting provides a summary of the proposed zoning amendments and the Planning Board's recommendation.

At their November 1, 2017 meeting, the Planning Board unanimously voted to recommend to the Board of Selectmen that the Town Meeting approve Warrant Article 21 to amend the zoning bylaw to regulate Registered Marijuana Dispensaries and Marijuana Cultivation sites; and Article 22 to amend the Zoning bylaw by modifying the Use Table, as published in the Ware River News (Turley Publications) on September 14 and September 21, 2017, and as amended by the Planning Board after the public hearing on October 4, 2017.

ARTICLE 21 BACKGROUND

In 2012, MA voters approved the use of medical marijuana. In 2016, MA voters approved the use of recreational marijuana; in Ware, that vote was by approximately 55% approval. At last year's Special Town Meeting, Ware voters rejected a temporary moratorium on all marijuana-related uses.

In early 2018, the state Cannabis Control Commission (CCC) will issue their regulations for licensing retail marijuana facilities. The CCC is expected to begin issuing licenses in mid-2018. Additionally, any community that intends to regulate or prohibit retail marijuana facilities within their community, must have a bylaw in place by April 1, 2018 (PVPC, 9/22/2017).

Massachusetts General Laws Chapter 94G, §3 states that "[a] city or town may adopt ordinances and bylaws that impose reasonable safeguards on the operation of marijuana establishments". Therefore, the Ware Planning Board and Planning & Community Development staff have worked diligently on drafting an appropriate bylaw amendment. This bylaw allows the Town to consider potential economic development opportunities, while

addressing the coming changes with careful consideration.

Registered Medical, Recreational (or Hybrid) Marijuana Sales: This amendment will allow, by Special Permit, marijuana sales facilities in the Downtown Commercial, Mill Yard, and Highway Commercial Districts only.

The following sections of the bylaw will be amended:

Add to §2.2, Definitions:

Registered Marijuana Dispensary (RMD): A use operated by an entity registered and approved by the MA Department of Public Health in accordance with 105 CMR 725.000, and pursuant to all other applicable state laws and regulations, also to be known as a Medical Marijuana Treatment Center, that acquires, cultivates, possesses, processes (including development of related products such as food, 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. A RMD shall explicitly include facilities which cultivate and process medical marijuana, and which may also dispense and deliver medical marijuana and related products. 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.

Medical Marijuana Establishment: a business where the possession, sale, distribution, dispensing and administration of medical marijuana and products containing medical marijuana is authorized.

Recreational Marijuana Establishment: a business where the possession, sale, distribution, dispensing and administration of recreational marijuana and products containing and/or associated to recreational marijuana (e.g., aerosols, art, clothing, food, jewelry, literature, oils or ointments, tinctures, etc.) is authorized.

Hybrid Marijuana Establishment: a business where the combined sale of both medical and recreational marijuana and products containing and/or associated to legalized marijuana use is authorized.

Marijuana Cultivation Site: a business where the cultivation, possession, processing (including development of related products such as food, tinctures, aerosols, oils, or ointments), warehousing, distribution, transferring and transporting of marijuana and products containing marijuana is authorized.

Add to Section 4.2, Use Table:

Two new sections will be added:

PROPOSED

(Section §7.4 of the bylaw will still be used to determine if a proposed project will require site plan review.)

	Mixed		Commercial/Industrial		
	DTC	MY	HC		
E Retail Business & Consumer Service Uses					
34 Medical, Recreational or Hybrid Marijuana Sales*	SP	SP	SP		

(*Not allowed in all other districts)

	Mixed	Commercial/Industrial	
	MY	CI	I
F Industrial Uses			
12 Marijuana Cultivation Facility**	SP	SP	SP

(**Not allowed in all other districts)

Add to Section 4, Use Regulations:

Add "Registered Marijuana Dispensaries and Cultivation Sites" by creating a new section, §4.8.8.

[continued]

ARTICLE 22 BACKGROUND

The Planning Board and Town officials continually monitor the effectiveness of the Use Table. As a result, we drafted several amendments to the Use Table which help further the goals of the Town’s Master Plan (2016) and diversify economic opportunities. These proposed amendments were published in September 2017 and a public hearing was held on October 4, 2017.

PROPOSED (current)

(Section §7.4 of the bylaw will still be used to determine if a proposed project will require site plan review.)

	Mixed ¹			Commercial/Industrial		
	RB	DTC	MY	HC	CI	I
B Public & Civic Uses						
5 Family Daycare Home	Y	SP (n)	N	N	N	N
6 Large Family Daycare Home	SP	SP (n)	N	N	N	N
9 Hospital	N	SP (n)	SP (n)	SP	N	N
D Office and Research Uses						
5 Research Facility	SP (n)	SP (n)	SP (n)	SP	SP	SP
E Retail Business & Consumer Service Uses						
14 Hotel	SP (n)	SP (n)	SP (n)	Y	Y	N
16 Inn, Bed & Breakfast, Tourist House	Y	Y	SP (n)	Y	N	N
F Industrial Uses						
5 Industry, Heavy ⁹	N	N	N	N	SP (n)	SP
6 Industry, Light ¹⁰	SP	N	SP	SP (n)	Y	Y
8 Tank Farm	N	N	N	N	SP (n)	SP
9 Warehouse	SP	N	Y	SP (n)	Y	Y
10 Wholesale	SP	SP	Y	SP (n)	Y	Y
11 Wood processing, lumber mill	SP	N	N	SP (n)	SP	Y