



TOWN OF MILLIS

Robert Cantoreggi, *Chairman*
George Yered, *Clerk*
James McKay
Nicole Riley
Richard Nichols
Carlo Molinari, *Assoc. Member*

OFFICE OF THE PLANNING BOARD

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Received
April 23, 2018
Kathleen Smith
Asst. Town Clerk

April 19, 2018

To: Town Clerk, Town of Millis

From: Town of Millis Planning Board
Robert Cantoreggi, Chairman 

Re: Public Hearing held Tuesday, April 10, 2018, at the Veterans Memorial Building, Room 229, to consider amending the Town of Millis Zoning By-Laws as follows:

The proposed amendments include:

ARTICLE - To see if the Town will vote to amend the Zoning Bylaws, as most recently amended, by repealing the "Section V. Use Regulations G. Temporary Moratorium On Recreational Marijuana Establishments" adopted by Town Meeting during November, 2017, and by amending the various sections identified herein as follows, or to take any other action related thereto.

By amending Section V, Use Regulations, Table 1, Use Regulations, Retail & Service uses, by adding a new use #42, "Marijuana Establishments" so that such use is allowed by special permit in the I-P-2 zoning district, and by amending Section XIII, Special Permit Conditions, by adding a new Section: V. Marijuana Establishments, 1. Purpose, 2. General Regulations, 3. Special Permit Conditions on Marijuana Establishments, 4. Prohibition Against Nuisance, 5. Severability, or to take any other action related thereto, and

ARTICLE – To see if the Town will vote to amend the Zoning Bylaw, as most recently amended, by amending Section XIII.V., Marijuana Establishments, to limit the number of Marijuana Retailers to no more than the greater of one (1) or 25% 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, as follows:

Amend section XIII.V.2., General Regulations: Marijuana Establishments, by adding the underlined language to the existing paragraph 2, as follows:

2. General Regulations: Marijuana Establishments, as defined in G.L. c., 94G, § 1, and 935 CMR 500.000, may be permitted in the I-P-2 district pursuant to a Special Permit issued by the Planning Board, subject to the provisions of this Bylaw, provided that the number of Marijuana Retailers, as

defined in G.L. c. 94G, § 1, and 935 CMR 500.000, that shall be permitted in the Town of Millis is limited to the greater of one (1) or twenty-five percent (25%) 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.

Or take any other action relative thereto.

After due notices having been published in the Milford Daily News, a newspaper of local circulation, under dates of March 23, 2018, and March 30, 2018, a public hearing was held on Tuesday, April 10, 2018 at 7:30 p.m. in the Veterans' Memorial Building, Room 229.

Planning Board Members present: Robert Cantoreggi, Chairman
George Yered, Clerk
James McKay
Nicole Riley
Richard Nichols

Others present: Scott Fuzy, 114 Union St.
J. Bryan Riley, 213 Village St.
Pete D'Agostino, 12 Post Office Sq., 6th Floor, Boston
Dave Schofield, 37 Ticonderoga Lane
Jim Borgman, 25 Grove St.
Peter Harkey, 256 Orchard St.
Lisa Hardin, 56 Walnut St.
James McCaffrey, 13 Bogastow Circle
Tom Chung, 1073 Main St.
Richard Gin, 1073 Main St.
Nathan Maltinsky, 431 Exchange St.
David Baker, 2 Holbrook Way
Chris Maltinsky, 431 Exchange St.
Joyce Boiardi, 206 Orchard St.
Marc Rosenfeld, 730 Main St.
Ellen Rosenfeld, 730 Main St.
Erin LeBlanc, 22 Winter St.

The public hearing was opened at 7:30 p.m. with notice being read by Mr. Yered, Clerk.

Mr. James McCaffrey, Selectman Chair, updated the Planning Board on the articles presented. He stated that the Selectmen took a position to support the limitation bylaw article, and they recommend approval of that article, as it will limit the number of establishments for retail sales that can open in Millis.

Mr. McCaffrey stated that since the development of the first “Marijuana Establishments” article prepared by the Retail Marijuana Committee (“RMC”) (attached), the Selectmen were approached by representatives for a potential business opening at 1073 Main St., the former GAF facility. There is a proposal for siting of a Medical Marijuana Treatment Center on the property which is in the I-P-2 District. The business would include cultivation, manufacturing, dispensing of medical marijuana and cannabis by-products for wholesale distribution. According to Mr. McCaffrey, this facility would be prohibited under the Town of Millis Medical Marijuana Treatment Center bylaw and the proposed Marijuana Establishments bylaw prepared by the RMC; primarily due to the setback requirements. According to Mr. McCaffrey, Town Counsel had numerous conversations with the Attorney General’s office and from their “point of view, they would most likely not approve a 1,500 foot setback.” He stated that during the Selectmen’s meeting the previous evening, on a vote of two to one, the Selectmen accepted a proposed amended Marijuana Establishments bylaw drafted by Town Counsel (attached). Mr. McCaffrey asked that the Board consider recommending the amended proposed bylaw for Town Meeting “to enable the Town to engage with the potential business” at 1073 Main Street. The business would still be required to get the appropriate licenses from the Commonwealth, host agreements from the Town, and a Special Permit from the Planning Board, he said.

Mr. Robert Cantoreggi expressed his concerns and stated he was “taken aback by the whole process” of the last minute changes to the bylaw as proposed by the RMC which was previously approved and recommended by the Selectmen. In his opinion, the changes made to the bylaw are “significant.”

Mr. McCaffrey stated that he is the Board of Selectmen liaison to the RMC and he is aware of all of their hard work. He said that one event that contributed to changes was that the Cannabis Control Commission just recently came out with any guidance; and the second event was the business approaching the Town which they “thought was a potential economic opportunity,” and their decision meant no disrespect to the RMC. “There is a high level proposal from the applicant to the Town,” Mr. McCaffrey stated.

Ms. Nicole Riley, Planning Board member and RMC Chair, summarized the work of the RMC stating there were numerous public forums and meetings where many public comments were taken into account; as well as comments from town safety officials and the Board of Health. She stated that there was uncertainty from the Attorney General’s office whether a moratorium would stay in effect at the end of June. They wanted to prepare “something to get on the books” to protect the Town should the moratorium not be in effect through December 2018 and that was the purpose of their proposed bylaw. She stated there had also been discussion to create an “overlay district” but due to the short amount of time before the May meeting, that option was not feasible. Ms. Riley stated that the Cannabis Control Commission came out with municipal guidelines on March 16th, which did state that they would approve moratoriums through the year (December 2018). After the RMC learned of that, they discussed an option of holding off on any bylaws until fall Town Meeting when a new bylaw and overlay district could be proposed simultaneously. According to Ms. Riley, the Board of Selectmen “did not want to hold off.”

Mr. James McKay stated that the property at 1073 Main Street has been vacant for a long time and there have been other less desirable proposals for the property. If the building “could handle” this type of business, he would be in favor it as it would have other benefits to the Town.

Other members of the RMC spoke on behalf of the Planning Board recommending their originally proposed bylaw; citing concerns as to how much input and discussion went into preparation of the bylaw. They also raised concern over the speed with which the changes/amendments were made without their input. The intent of the RMC was to keep such businesses further away from the "Town Center." Also discussed were concerns over fumes/odor from the proposed facility due to its proximity to a residential zone and other businesses. The overall recommendation of the RMC was to place their bylaw article on the warrant for voting at Town Meeting; not the amended version of the bylaw.

Mr. David Baker stated that he had been hired by the applicant to work on the design, permitting, etc. for them. He said that he had been working with the owner of 1073 Main Street for the last 5-7 years to bring "business to Millis." Mr. Baker stated that in his opinion, the proposed business will generate tax revenue and there would be no drain on town services; it would be an ideal location. He and Ms. Lisa Hardin spoke in favor of recommending the amended bylaw option.

Mr. Peter D'Agostino spoke on behalf of the applicant (617THC) and provided information on the proposed business. He discussed significant changes in technology to address any odor issues. Mr. Marc Rosenfeld expressed his concern, in part, over the location of the proposed business and odor issues were again discussed. Mr. Rosenfeld stated that once a Special Permit is granted, it "can't be taken away" and he urged caution on the Planning Board's part.

Mr. McCaffrey discussed the article recommended by both the RMC and Board of Selectman regarding the 25% license limitation. He stated it is a practical solution and prudent action for the Town to take for the foreseeable future.

There being no further discussion, on a motion made by Mr. Robert Cantoreggi, seconded by Mr. Richard Nichols, it was unanimously voted to close the public hearing on the proposed bylaw amendment articles at 9:18 p.m.

At a regularly scheduled meeting of the Planning Board held on Tuesday, April 10, 2018, the following motions/votes were made:

On a motion made by Mr. James McKay, seconded by Mr. Richard Nichols, it was voted to recommend approval of the articles for the **Recreational Marijuana Establishments** as revised/amended by the Board of Selectmen on 4/9/18 and to recommend approval of the **Retail Marijuana License Limitation** as written, for the May 14, 2018 Town Meeting. Mr. McKay and Mr. Nichols voted in favor; Mr. Cantoreggi and Ms. Riley opposed; and Mr. Yered abstained. The motion did not pass.

On a motion made by Mr. Cantoreggi, seconded by Ms. Riley, it was voted to recommend approval of the original article for the **Retail Marijuana Establishments** as prepared by the Retail Marijuana Committee (RMC) as written, for the May 14, 2018 Town Meeting. Ms. Riley and Mr. Cantoreggi voted in favor; Mr. McKay and Mr. Nichols opposed; and Mr. Yered abstained. The motion did not pass.

On a motion made by Ms. Nicole Riley, seconded by Mr. Robert Cantoreggi, it was voted unanimously to **recommend** the attached warrant article, as written, for **Retail Marijuana – Limit to 25% of Alcohol Licenses** for the May 14, 2018, Town Meeting. Voting on this article was: Mr. Robert Cantoreggi, Mr. George Yered, Mr. James McKay, Ms. Nicole Riley, and Mr. Richard Nichols.

cc: Michael Guzinski, Town Administrator
Board of Selectmen
Finance Committee
RMC
File

ORIGINAL-
RMC

ARTICLE – Retail Marijuana Establishments

To see if the Town will vote to amend the Zoning Bylaws, as most recently amended, by amending the various sections identified herein as follows, or to take any other action related thereto.

By amending Section V, Use Regulations, by repealing Subsection G. "Temporary Moratorium On Recreational Marijuana Establishments" adopted by Town Meeting during November, 2017.

By amending Section V, Use Regulations, Table 1, Use Regulations, Retail & Service uses, by adding a new use #42, "Marijuana Establishments" so that such use is allowed by special permit in the I-P-2 zoning district, as follows:

	R-T	R-S	R-V	R-V- C	C-V	C-V-2	V-B	I-P	I-P-2
42. Marijuana Establishments	N	N	N	N	N	N	N	N	SPB

By amending Section XIII, Special Permit Conditions, by adding a new Subsection V. Marijuana Establishments, as follows, and to amend the Table of Contents to add Section XIII, Subsection V. Marijuana Establishments:

V. Marijuana Establishments

1. Purpose: To provide for the placement of Marijuana Establishments, in accordance with G.L. c. 94G, and 935 CMR 500.000, in locations suitable for lawful Marijuana Establishments and to minimize adverse impacts of Marijuana Establishments on adjacent properties, residential neighborhoods, historic districts, schools, playgrounds, and other locations where minors congregate, by regulating the siting, design, placement, security, and removal of Marijuana Establishments.

2. General Regulations: Marijuana Establishments, as defined in G.L. c., 94G, § 1, and 935 CMR 500.000, may be permitted in the I-P-2 district pursuant to a Special Permit issued by the Planning Board, subject to the provisions of this Bylaw.

a. Location: Marijuana Establishments may not be located within 1,500 feet of the following uses within the Town of Millis:

- (1) school, including a public or private elementary, vocational, or secondary school or a public or private college, junior college, or university;
- (2) child care facility;
- (3) library;
- (4) playground;
- (5) public park;
- (6) youth center;
- (7) public swimming pool;
- (8) video arcade facility;

- (9) similar facility in which minors commonly congregate in an organized, ongoing basis;
- (10) place of worship; or
- (11) residential zoning district as identified in Section III. A. of the Millis Zoning Bylaws.

There shall be a minimum separation of 300 feet between Marijuana Retailers, as that term is defined by 935 CMR 500.00.

The distance under this section is measured in a straight line from the nearest point of the property line of the protected uses identified in this section to the nearest point of the property line of the proposed Marijuana Establishment.

Marijuana Establishments shall be located in stand-alone facilities and shall not be allowed within a building or structure containing other retail, commercial, residential, industrial, or other uses, except for co-location with another licensed Marijuana Establishment or Medical Marijuana Treatment Center.

- b. Location waiver: The distance requirements may be reduced by twenty-five percent or less, but only if:
 - (1) the applicant demonstrates that the Marijuana Establishment would otherwise be effectively prohibited within the municipality; and
 - (2) the applicant demonstrates that the Marijuana Establishment will employ adequate security measures to prevent diversion of marijuana to minors.
- c. Procedure:
 - (1) Application: In addition to the materials required under Section XII.Q., the applicant shall include:
 - (a) a copy of its license issued by the Massachusetts Cannabis Control Commission ("CCC");
 - (b) a detailed floor plan of the premises of the proposed Marijuana Establishment that identifies the square footage available and describes the functional areas of the Marijuana Establishment;
 - (c) detailed site plans that include the following information:
 - (i) compliance with the requirements for parking and loading spaces, for lot size, frontage, yards and heights and coverage of buildings, and all other provisions of this Bylaw;
 - (ii) convenience and safety of vehicular and pedestrian movement on the site and for the location of driveway openings in relation to street traffic;
 - (iii) convenience and safety of vehicular and pedestrian traffic off the site, if vehicular and pedestrian traffic off-site can reasonably be expected to be substantially affected by on-site changes;
 - (iv) adequacy as to the arrangement and the number of parking and loading spaces in relation to the proposed use of the premises, including designated parking for home delivery vehicle(s), as applicable.

- (v) design and appearance of proposed buildings, structures, freestanding signs, screening and landscaping; and
- (vi) adequacy of water supply, surface and subsurface drainage and light.
- (d) a description of security measures, including employee security policies, approved by the CCC;
- (e) a copy of the emergency procedures approved by the CCC;
- (f) a copy of the policies and procedures for the transfer, acquisition, or sale of marijuana products, as those are defined by G.L. c. 94G, § 1;
- (g) a copy of proposed waste disposal procedures; and
- (h) a description of any waivers from the CCC regulations issued for the Marijuana Establishment.

(2) The Planning Board shall refer copies of the application to the Building Department, Fire Department, Police Department, Board of Health, Conservation Commission, Department of Public Works and the Board of Selectmen, acting as Board of Water Commissioners. These boards/departments shall review the application and shall submit their written recommendations to the Planning Board. Failure to make written recommendations within 35 days of referral of the application shall be deemed lack of opposition.

(3) After notice and public hearing and consideration of application materials, consultant reviews, public comments, and the recommendations of other town boards and departments, the Planning Board may act upon the application.

3. Special Permit Conditions on Marijuana Establishments: The Planning Board shall impose conditions reasonably appropriate to improve site design, traffic flow, public safety, protect water quality, air quality, and significant environmental resources, preserve the character of the surrounding area and otherwise serve the purpose of this Bylaw. In addition to any specific conditions applicable to the applicant's Marijuana Establishment, the Planning Board shall include the following conditions in any special permit granted under this Bylaw:

- a. Hours of operation, including dispatch of home deliveries;
- b. The permit holder, or the Marijuana Establishment Agent, as defined by 935 CMR 500.002, shall file a copy of any Incident Report required under 935 CMR 500.000 with the Zoning Enforcement Officer and the Planning Board within 24 hours of creation by the Marijuana Establishment. Such reports may be redacted as necessary to comply with any applicable state or federal laws and regulations;
- c. The permit holder, or the Marijuana Establishment Agent, shall file a copy of any deficiency statement, plan of correction, limitation of sales, summary cease and desist order, cease and desist order, quarantine order, summary suspension order, notice of violation, notice of hearing, and notice of final action issued by the CCC, or any other adjudicatory agency, as applicable, regarding the Marijuana Establishment, with the Zoning Enforcement Officer and Planning Board within 48 hours of receipt by the Marijuana Establishment or Marijuana Establishment Agent;

- d. The permit holder, or the Marijuana Establishment Agent, shall provide to the Zoning Enforcement Officer and Chief of the Police Department, the name, telephone number, and electronic mail address of the Marijuana Establishment Agent in the event that such person needs to be contacted after regular business hours to address an urgent issue. Such contact information shall be kept updated by the permit holder and the Marijuana Establishment Agent;
- e. The special permit shall terminate on the five (5) year anniversary of its issuance. If the permit holder wishes to renew the special permit, an application to renew the special permit must be submitted to the Planning Board at least 120 days prior to the expiration of the special permit;
- f. The special permit shall be limited to the original applicant and is not transferrable;
- g. The special permit shall lapse if the permit holder ceases operation of the Marijuana Establishment for a period of thirty (30) days, or upon the expiration, termination or nonrenewal of the applicant's license issued by the CCC;
- h. The permit holder, or the Marijuana Establishment Agent, shall annually provide the Zoning Enforcement Officer and the Planning Board with a copy of the renewed license issued by the CCC, as well as any modification of the existing license, as approved by the CCC;
- i. The permit holder, or the Marijuana Establishment Agent, shall notify the Zoning Enforcement Officer and Planning Board in writing within 48 hours of the cessation of operation of the Marijuana Establishment or the expiration, termination or nonrenewal of the license issued by the CCC;
- j. No marijuana shall be smoked, eaten or otherwise consumed or ingested on the premises.

4. Prohibition Against Nuisance: No Marijuana Establishment shall be permitted to create a nuisance to abutters or to the surrounding areas, or create any hazard, including by not limited to, fire, explosion, fumes, gas, smoke, odors, obnoxious dust, vapors, offensive noise, or vibration, flashes, glare, objectionable effluent or electrical interference, which may impair the normal use and peaceful enjoyment of any property, structure or dwelling in the area. Any Marijuana Establishment that the Zoning Enforcement Officer or Planning Board finds has become a nuisance for any reason may be found in violation of the special permit.

5. Severability: The provisions of this Bylaw are severable. If any provision, paragraph, sentence, or clause of this Bylaw 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 Bylaw.

Or take any other action relative thereto.

[THIS ARTICLE SHOULD BE PLACED ON THE WARRANT AFTER THE MAIN ZONING AMENDMENT TO ALLOW IN I-P-2]

ARTICLE – Retail Marijuana – Limit to 25% of alcohol licenses

ARTICLE – To see if the Town will vote to amend the Zoning Bylaw, as most recently amended, by amending Section XIII.V., Marijuana Establishments, to limit the number of Marijuana Retailers to no more than the greater of one (1) or 25% 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, as follows:

Amend section XIII.V.2., General Regulations: Marijuana Establishments, by adding the underlined language to the existing paragraph 2, as follows:

2. General Regulations: Marijuana Establishments, as defined in G.L. c., 94G, § 1, and 935 CMR 500.000, may be permitted in the I-P-2 district pursuant to a Special Permit issued by the Planning Board, subject to the provisions of this Bylaw, provided that the number of Marijuana Retailers, as defined in G.L. c. 94G, § 1, and 935 CMR 500.000, that shall be permitted in the Town of Millis is limited to the greater of one (1) or twenty-five percent (25%) 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.

Or take any other action relative thereto.

BOS
version

ARTICLE – Recreational Marijuana Establishments

To see if the Town will vote to amend the Zoning Bylaws, as most recently amended, by amending the various sections identified herein as follows, or to take any other action related thereto.

By amending Section V, Use Regulations, by repealing Subsection G. "Temporary Moratorium On Recreational Marijuana Establishments" adopted by Town Meeting during November, 2017.

By amending Section V, Use Regulations, Table 1, Use Regulations, Retail & Service uses, by adding a new use #42, "Recreational Marijuana Establishments" so that such use is allowed by special permit in the I-P-2 zoning district, as follows:

	R-T	R-S	R-V	R-V- C	C-V	C-V-2	V-B	I-P	I-P-2
42. Recreational Marijuana Establishments	N	N	N	N	N	N	N	N	SPB

By amending Section XIII, Special Permit Conditions, by adding a new Subsection V. Recreational Marijuana Establishments, as follows, and to amend the Table of Contents to add Section XIII, Subsection V. Recreational Marijuana Establishments:

V. Recreational Marijuana Establishments

1. Purpose: To provide for the placement of Marijuana Establishments, in accordance with G.L. c. 94G, and 935 CMR 500.000, in locations suitable for lawful Marijuana Establishments and to minimize adverse impacts of Marijuana Establishments on adjacent properties, residential neighborhoods, historic districts, schools, playgrounds, and other locations where minors congregate, by regulating the siting, design, placement, security, and removal of Marijuana Establishments.

2. General Regulations: Marijuana Establishments, as defined in G.L. c., 94G, § 1, and 935 CMR 500.000, may be permitted in the I-P-2 district pursuant to a Special Permit issued by the Planning Board, subject to the provisions of this Bylaw.

a. Location

(1) Marijuana Retailers, as that term is defined in G.L. c. 94G, § 1 and 935 CMR 500.000, may not be located within 500 feet of a pre-existing public or private school providing education in kindergarten or any of grades 1 through 12, and 1,500 feet of the following other uses within the Town of Millis:

- (a) child care facility;
- (b) library;

- (c) playground;
- (d) public park;
- (e) youth center;
- (f) public swimming pool;
- (g) video arcade facility;
- (h) similar facility in which minors commonly congregate in an organized, ongoing basis;
- (i) place of worship; or
- (j) residential zoning district as identified in Section III. A. of the Millis Zoning Bylaws.

There shall be a minimum separation of 300 feet between Marijuana Retailers, as that term is defined by 935 CMR 500.00 and G.L. c. 94G, § 1.

(2) Marijuana Establishments, other than Marijuana Retailers, may not be located within 500 feet of the following uses within the Town of Millis:

- (a) school, including a public or private elementary, vocational, or secondary school or a public or private college, junior college, or university;
- (b) child care facility;
- (c) library;
- (d) playground;
- (e) public park;
- (f) youth center;
- (g) public swimming pool;
- (h) similar facility in which minors commonly congregate in an organized, ongoing basis; or
- (i) place of worship.

(3) The distance under this section is measured in a straight line from the nearest point of the property line of the protected uses identified in this section to the nearest point of the property line of the proposed Marijuana Establishment.

(4) Marijuana Establishments shall be located in stand-alone facilities and shall not be allowed within a building or structure containing other retail, commercial, residential, industrial, or other uses, except for co-location with another licensed Marijuana Establishment or Medical Marijuana Treatment Center.

b. Location waiver: The distance requirements may be reduced by twenty-five percent or less, but only if:

(1) the applicant demonstrates that the Marijuana Establishment would otherwise be effectively prohibited within the municipality; and

(2) the applicant demonstrates that the Marijuana Establishment will employ adequate security measures to prevent diversion of marijuana to minors.

c. Procedure

(1) Application: In addition to the materials required under Section XII.Q., the applicant shall include:

- (a) a copy of its license issued by the Massachusetts Cannabis Control Commission ("CCC");
- (b) a detailed floor plan of the premises of the proposed Marijuana Establishment that identifies the square footage available and describes the functional areas of the Marijuana Establishment;
- (c) detailed site plans that include the following information:
 - (i) compliance with the requirements for parking and loading spaces, for lot size, frontage, yards and heights and coverage of buildings, and all other provisions of this Bylaw;
 - (ii) convenience and safety of vehicular and pedestrian movement on the site and for the location of driveway openings in relation to street traffic;
 - (iii) convenience and safety of vehicular and pedestrian traffic off the site, if vehicular and pedestrian traffic off-site can reasonably be expected to be substantially affected by on-site changes;
 - (iv) adequacy as to the arrangement and the number of parking and loading spaces in relation to the proposed use of the premises, including designated parking for home delivery vehicle(s), as applicable.
 - (v) design and appearance of proposed buildings, structures, freestanding signs, screening and landscaping; and
 - (vi) adequacy of water supply, surface and subsurface drainage and light.
- (d) a description of security measures, including employee security policies, approved by the CCC;
- (e) a copy of the emergency procedures approved by the CCC;
- (f) a copy of the policies and procedures for the transfer, acquisition, or sale of marijuana products, as those are defined by G.L. c. 94G, § 1;
- (g) a copy of proposed waste disposal procedures; and
- (h) a description of any waivers from the CCC regulations issued for the Marijuana Establishment.

(2) The Planning Board shall refer copies of the application to the Building Department, Fire Department, Police Department, Board of Health, Conservation Commission, Department of Public Works and the Board of Selectmen, acting as Board of Water Commissioners. These boards/departments shall review the application and shall submit their written recommendations to the Planning Board. Failure to make written recommendations within 35 days of referral of the application shall be deemed lack of opposition.

(3) After notice and public hearing and consideration of application materials, consultant reviews, public comments, and the recommendations of other town boards and departments, the Planning Board may act upon the application.

3. Special Permit Conditions on Marijuana Establishments: The Planning Board shall impose conditions reasonably appropriate to improve site design, traffic flow, public safety, protect water quality, air quality, and significant environmental resources, preserve the character of the surrounding area and otherwise serve the purpose of this Bylaw. In addition to any specific conditions applicable to the applicant's Marijuana Establishment, the Planning Board shall include the following conditions in any special permit granted under this Bylaw:

- a. Hours of operation, including dispatch of home deliveries;
- b. The permit holder, or the Marijuana Establishment Agent, as defined by 935 CMR 500.002, shall file a copy of any Incident Report required under 935 CMR 500.000 with the Zoning Enforcement Officer and the Planning Board within 24 hours of creation by the Marijuana Establishment. Such reports may be redacted as necessary to comply with any applicable state or federal laws and regulations;
- c. The permit holder, or the Marijuana Establishment Agent, shall file a copy of any deficiency statement, plan of correction, limitation of sales, summary cease and desist order, cease and desist order, quarantine order, summary suspension order, notice of violation, notice of hearing, and notice of final action issued by the CCC, or any other adjudicatory agency, as applicable, regarding the Marijuana Establishment, with the Zoning Enforcement Officer and Planning Board within 48 hours of receipt by the Marijuana Establishment or Marijuana Establishment Agent;
- d. The permit holder, or the Marijuana Establishment Agent, shall provide to the Zoning Enforcement Officer and Chief of the Police Department, the name, telephone number, and electronic mail address of the Marijuana Establishment Agent in the event that such person needs to be contacted after regular business hours to address an urgent issue. Such contact information shall be kept updated by the permit holder and the Marijuana Establishment Agent;
- e. The special permit shall terminate on the five (5) year anniversary of its issuance. If the permit holder wishes to renew the special permit, an application to renew the special permit must be submitted to the Planning Board at least 120 days prior to the expiration of the special permit;
- f. The special permit shall be limited to the original applicant and is not transferrable;
- g. The special permit shall lapse if the permit holder ceases operation of the Marijuana Establishment for a period of thirty (30) days, or upon the expiration, termination or nonrenewal of the applicant's license issued by the CCC;
- h. The permit holder, or the Marijuana Establishment Agent, shall annually provide the Zoning Enforcement Officer and the Planning Board with a copy of the renewed license issued by the CCC, as well as any modification of the existing license, as approved by the CCC;
- i. The permit holder, or the Marijuana Establishment Agent, shall notify the Zoning Enforcement Officer and Planning Board in writing within 48 hours of the cessation of operation of the Marijuana Establishment or the expiration, termination or nonrenewal of the license issued by the CCC;

- j. No marijuana shall be smoked, eaten or otherwise consumed or ingested on the premises.

4. Prohibition Against Nuisance: No Marijuana Establishment shall be permitted to create a nuisance to abutters or to the surrounding areas, or create any hazard, including by not limited to, fire, explosion, fumes, gas, smoke, odors, obnoxious dust, vapors, offensive noise, or vibration, flashes, glare, objectionable effluent or electrical interference, which may impair the normal use and peaceful enjoyment of any property, structure or dwelling in the area. Any Marijuana Establishment that the Zoning Enforcement Officer or Planning Board finds has become a nuisance for any reason may be found in violation of the special permit.

5. Severability: The provisions of this Bylaw are severable. If any provision, paragraph, sentence, or clause of this Bylaw 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 Bylaw.

Or take any other action relative thereto.