

SPECIAL TOWN MEETING

June 3, 2019

Pursuant to the Warrant issued by the Board of Selectmen, duly served and legally posted by a constable of the Town, Moderator Katie Goodfellow called the meeting to order at **6:44 P.M.** at Apponequet Regional High School Auditorium when 100 registered voters had been checked in. Tellers had been appointed and sworn in by the Town Clerk, Lillian M. Drane. They included Lorraine Carboni, Kevin Kelleher, Paul Meleedy and Kim Borge.

Mrs. Goodfellow set his usual “ground rules” including identifying oneself, using a microphone when you speak, and putting your motions in writing. In lieu of the town’s by-law, the volume “*Town Meeting Time*” will be used for parliamentary procedures.

We began with the Pledge of Allegiance to the Flag of the United States of America and we held a brief moment of silence in memory Ellie Gamache, Poll worker from 1981-2016.

A motion was made to allow non-residents, Franklin Moniz, Lakeville Superintendent of Streets, Jayme Viverios, Lakeville Library Director, Aaron Polansky, Old Colony Vocational School, Superintendent-Director, Conrad Leger, BETA Group, Inc., Gregg Corbo, Town Counsel and Todd Hassett, Town Accountant, to speak or to be heard-so moved, seconded and passed unanimously. Then she entertained a motion to waive the reading of the warrant, seconded; unanimous. We then proceeded to Article #1.

It was voted that the Town transfer and appropriate the sum of \$513.00 and transfer the funds from the Street Lighting Expense Account for the payment of a bill from Middleborough Gas & Electric for a prior fiscal year.

SOURCE OF FUNDS (Transfer from):		USE OF FUNDS (Transfer to):	
GENERAL FUND			
Street Lighting Expense	\$ 513.00	Prior Year Unpaid Bills (Fy18): -Middleborough G&E (Kenneth Welch Drive)	\$ 513.00
TOTALS :	\$513.00	TOTALS :	\$513.00

The motion carried by 9/10ths requirement, PASSED unanimously.

It was voted that the Town transfer from available funds, certain sums of money in order to defray unanticipated costs for **Fiscal Year 2019** for various accounts in the General Fund as set forth on page 6 of the Warrant.

SOURCE OF FUNDS (Transfer from):		USE OF FUNDS (Transfer to):	
GENERAL FUND			
Reserve Fund	\$ 84,200.00	Snow & Ice Salaries	\$ 16,892.00
		Snow & Ice Expenses	\$ 91,795.00
Out of District Tuitions Bristol Aggie	\$ 93,000.00	Debt Service (Interest on New Police Station BAN)	\$ 11,734.00
		Legal Fees	\$ 43,000.00

		Cable Advisory Legal Fees	\$ 3,579.00
		Unemployment Expenses	\$ 10,200.00
Highway Department Expenses	\$ 2,122.00	Capital Project- Highway Fuel System	\$ 2,122.00
Highway Department Expenses	\$ 4,000.00	Capital Project-Highway Buildings	\$ 4,000.00
TOTALS :	<u>\$183,322.00</u>	TOTALS :	<u>\$183,322.00</u>

Finance Committee-Approved

The motion PASSED unanimously.

ARTICLE 3:

It was voted that the Town transfer from the Reserve Fund the sum of \$162,000.00 to pay costs of **capital improvements**, and all costs incidental and related thereto, as follows:

IT Department

Equipment Replacement and Licenses

\$ 55,000.00

Board of Selectmen & Inspectional Services

Copier and Plot Scanner

\$ 17,000.00

Highway Department

Stormwater Management Consulting Services

\$ 90,000.00

TOTAL **\$162,000.00**

Finance Committee- Approved

The motion PASSED unanimously.

ARTICLE 4:

To see if the town will vote to accept General Laws Chapter 44, Section 53F $\frac{3}{4}$, which establishes a Special Revenue Fund known as the PEG Access and Cable related Fund, to reserve cable franchise fees and other cable related revenues for appropriation to support PEG access services and oversight and renewal of the cable franchise agreement, the fund to begin operation for fiscal year 2020, which begins on July 1, 2019 pr take any other action relative thereto.

After a lengthy discussion, a motion was made to table this matter indefinitely, it was seconded, and the motion passed by majority.

Planning Board Chairman Brian Hoeg gave Planning Board report on Article #5 as presented in the warrant.

Article 5 brought the largest interest and concerns from the floor regarding Adult Marijuana Retailers and Dispensaries in town. After much discussion and explanation from Town Counsel Corbo regarding the Massachusetts Cannabis Regulations a motion was made to “move the question,” it was seconded and passed unanimously, we then proceeded with Article 5.

ARTICLE 5:

It was voted that the Town amend the Zoning By-Law with respect to regulation of Registered Marijuana Dispensaries and Adult Use Marijuana Establishments by taking the following actions:

(1) deleting **Registered Marijuana Dispensary** from **Section 7.4.6 - Specific Uses by Special Permit**;

(2) amending Zoning By-law **Section 2.0 Definitions – Registered Marijuana Dispensary (RMD)** and

(3) amending **Section 7.4.6 - Specific Uses by Special Permit – Adult Use Marijuana Establishments and Marijuana Retailers** to add “Registered Marijuana Dispensaries” to this Section as a use allowed by Special Permit and to designate the Zoning Board of Appeals as the Special Permit Granting Authority for all Marijuana Uses as set forth below, with additions shown in **bold** and deletions shown in ~~strike through~~:

(1) Delete the following provisions from **Section 7.4.6 – Specific uses by Special Permit**:

~~**Registered Marijuana Dispensary** – SPGA – Board of Appeals; Industrial District.~~

~~Subject to site plan review by the Planning Board and to approval by the Board of Health and conforming to applicable General Laws. Site plan shall be incorporated into the Special Permit by reference.~~

(2) Amend Section 2.0 Definition:

Registered Marijuana Dispensary (RMD):

A Medical Marijuana Treatment Center as defined in ~~105 CMR725.004~~ **935CMR 501.002** and regulated in ~~105 CMR 725.004.935 CMR 501.001~~ **et seq.** (Adopted June 9, 2014; Approved by Attorney General July 1, 2014)

(3) Amend Section 7.4.6 Adult Use Marijuana Establishments and Marijuana Retailers:

Marijuana Uses - Adult Use Marijuana Establishments, and Marijuana Retailers, and Registered Marijuana Dispensaries

SPGA – Planning Board **Zoning Board of Appeals**; Industrial District

- A. **All Marijuana Uses, including** Adult Use Marijuana Establishments, **and Marijuana Retailers, and Registered Marijuana Dispensaries,** shall require a Special Permit ~~and Site Plan Approval~~ from the ~~Planning Board~~ **Zoning Board of Appeals**.
- B. ~~Adult Use Marijuana Establishment and Marijuana Retailers~~ **Marijuana Uses** shall not be located within 500 feet of a public or private school providing education in kindergarten or grades 1 through 12. The distance under this Section shall 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 or Marijuana Retailer~~ **Use** is or will be located.
- C. **Adult use and medical** Cultivation and Manufacturing Establishments shall be separated from adjacent uses by a 50-foot buffer strip, unless the Applicant can demonstrate, and the ~~Planning Board~~ **Zoning Board of Appeals** finds, that adequate buffering can be provided in a narrower buffer strip.
- D. ~~Adult Use Marijuana Establishments and Marijuana Retailers~~ **Marijuana Uses** shall be located only in a permanent building and

not within any mobile facility, with the exception of the transporting of marijuana and marijuana products under a Marijuana Transporter license.

E. The Application for an ~~Adult Use Marijuana Establishment or Marijuana Retailer~~ **Marijuana Use** Special Permit shall include the following:

1. A detailed floor plan of the proposed ~~Adult Use Marijuana Establishment or Marijuana Retailer~~ **Marijuana Use** that identifies the square footage available and describes the functional areas of the facility;
2. Detailed Site Plans that include the following information:
 - a. Compliance with the requirements for parking and loading spaces, for lot size, frontage, yards and heights and coverage of buildings, signage and all other provisions of this By-Law;
 - b. Convenience and safety of vehicular and pedestrian movement on the site to provide secure and safe access and egress to and from the site;
 - c. Convenience and safety of vehicular and pedestrian movement off the site, if vehicular and pedestrian traffic off-site can reasonably be expected be substantially affected by on-site changes;
 - d. Adequacy as to the arrangement and the number of parking and loading spaces in relation to the proposed use of the premises;
 - e. Site design such that it provides convenient, secure and safe access and egress for clients and employees arriving to and from the site.
 - f. Design and appearance of proposed buildings, structures, freestanding signs, screening and landscaping; and
 - g. Adequacy of water supply, surface and subsurface drainage and light.

3. A copy of the Written Operating Procedures as required by 935 CMR.500.105 and/or 935 CMR 501.105, which shall include, at a minimum, the following:
 - a. Security measures in compliance with 935 CMR 500.110 and/or 935 CMR 501.110, to the extent such information may be made publicly available;
 - b. Employee security policies;
 - c. Proposed hours of operation and after-hours contact information;
 - d. Proposal for storage of marijuana;
 - e. Emergency procedures, including a disaster plan in case of fire or other emergencies;
 - f. Policies and procedures for preventing the diversion of marijuana to individuals younger than 21 years old;
 - g. Policies and procedures for energy efficiency and conservation in accordance with 935 CMR 500.105 and a plan for implementation of such policies;
4. A copy of proposed waste disposal procedures; ~~and~~
5. ~~A copy of the provisional license issued by the Cannabis Control Commission, and any additional materials submitted to the Cannabis Control Commission by the Applicant for purposes of obtaining a provisional license~~ or provisional certificate of registration.
- F. The ~~Planning Board~~ Zoning Board of Appeals may impose conditions reasonably appropriate to improve site design, traffic flow, public safety, protect water quality, air quality and odor control, and significant environmental resources, preserve the character of the surrounding area, and ensure the ~~Adult Use Marijuana Establishment or Marijuana Retailer is~~ Marijuana Uses are operating under best management practices for energy use, waste disposal and environmental impact. In addition to any specific conditions applicable to the Applicant's ~~Adult Use Marijuana Establishment or Marijuana Retailer~~ Marijuana Uses imposed by the ~~Planning Board~~ Zoning Board of Appeals, the following conditions shall apply to any Special

Permit granted under this By-Law, unless otherwise stated by the ~~Planning Board~~ **Zoning Board of Appeals**:

1. The ~~Planning Board~~ **Zoning Board of Appeals** may set the hours of operation, but if none are specifically specified in the special permit, hours of operation shall be limited to 8:00 AM – 6:00 PM.
2. The ~~Adult Use Marijuana Establishment or Marijuana Retailer~~ **Marijuana Uses** shall not generate outside odors from the cultivation, processing or manufacturing of marijuana or marijuana products.
3. The Security Plan and Emergency Procedures shall be approved by the Police Chief and Fire Chief prior to commencing operations. The Applicant shall be required to certify to Police Chief and Fire Chief on an annual basis that there are no changes to the Security Plan and Emergency Procedures for the ~~Adult Use Marijuana Establishment or Marijuana Retailer~~ **Marijuana Uses**.
4. The permit holder shall provide to the Zoning Enforcement Officer and Chief of the Police Department, the name, telephone number and electronic mail address of a contact person 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.
5. The ~~Adult Use Marijuana Establishment or Marijuana Retailer~~ **Marijuana Uses** may not operate, and the Special Permit will not take effect, until the Applicant has obtained all final license approvals **or final certificates of registration** from the Cannabis Control Commission.
6. ~~Adult Use Marijuana Establishments or Marijuana Retailer~~ **Marijuana Uses** may not operate, and the Special Permit will not be valid, unless the Applicant has entered into a Host Community Agreement with the Town relative to any Adult Use Marijuana Establishment, ~~or Marijuana Retailer~~ **or RMD** permitted under this By-Law.
7. A Special Permit granted under this Section shall have a term limited to the duration of the Applicant's ownership and use of the premises **for the approved Marijuana Use**

~~as an Adult Use Marijuana Establishment or Marijuana Retailer.~~ A Special Permit may be transferred only with the approval of the ~~Planning Board~~ **Zoning Board of Appeals** in the form of an amendment to the Special Permit.

8. The Special Permit shall lapse upon the expiration or termination of the Applicant's license by the Cannabis Control Commission.

- G. The permit holder shall notify the Zoning Enforcement Officer and SPGA in writing within 48 hours of the cessation of operation, ~~of the Adult Use Marijuana Establishment or Marijuana Retailer's~~ expiration or termination of the permit holder's license **or certificate of registration** with the Cannabis Control Commission **for any Marijuana Use.**

Finance Committee- Approved

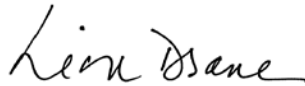
Planning Board– Recommends approval

The motion carried 2/3rds requirement (75 Yes to 28 No).

All business on the Warrant having been acted upon, a motion to dissolve came at 7:35 PM.

*Articles 5 Zoning ByLaw amendment, pending approval by the Attorney General.

A true copy of the record, attest:



**Lillian M. Drane, CMC/CMMC,
Town Clerk**