

SUMMARY

Article	Description	Cost	Source
1 Unanimous	FY 2018 REGIONAL ANIMAL CONTROL	\$2,464.73	Stabilization
2 Unanimous	FY 2018 PUBLIC SAFETY BUILDERS RISK POLICY	\$530.00	Stabilization
3 Unanimous	FIRE DEPARTMENT ENGINE 4 REPLACEMENT	\$500,000.00	BORROW
4 Unanimous	ASSESSORS VISION UPGRADE	\$15,000.00	Stabilization
5 Unanimous	POLICE DEPARTMENT TASERS	\$6,000.00	Stabilization
6 Unanimous	AUTHORIZE SENIOR TRANSPORTATION CHANGE FROM WRTATO MARTA	0	
7 Unanimous	AMEND ARTICLE 6 OF JUNE 19, 2018 ANNUAL TOWN MEETING	50,000.00	PEG Access and Cable-Related Fund
8 MAJ AFF	ACCEPT MGL C. 64N, S3 AND ADOPT A 3% LOCAL SALES TAX ON MARIJUANA PRODUCTS	0	
9 TABLED	MARIJUANA LICENSING GENERAL BYLAW	0	GENERAL BYLAW
10 2/3 rd Aff	AMEND SOLAR BYLAW	0	ZONING BYLAW
11 DEFEATED	MARIJUANA ESTABLISHMENTS ZONING BYLAW	0	ZONING BYLAW
12 2/3 RD AFF	EXTEND MORATORIUM ON RECREATIONAL MARIJUANA ESTABLISHMENTS	0	ZONING BYLAW
13 Unanimous	AMEND ARTICLE 34 OF JUNE 19, 2018 ANNUAL TOWN MEETING	0	ZONING AMENDMENT
14 DEFEATED	PERMANENT BASKETBALL HOOP TO BE INSTALLED IN NORNAY PARK	0	

Pursuant to the foregoing warrant **123** of the 3,655 qualified voters (64 from Prec. 1 and 59 from Prec. 2) gathered at the Ruggles Lane School Auditorium in Barre Center, to act on the Articles in said warrant. A total of 12 guests (non-voters) were also in attendance. A quorum was present at all times.

Town Clerk, Ellen Glidden, opened the meeting at 6:30 by welcoming everyone. Voters were checked in using the Towns new Poll Pad system which allowed everyone to check in at any station therefore reducing lines and wait time to check in and to allow for an almost instant quorum check. Brenda L'Italien (Merritt), Senior Manager of Brand Development & Innovation for LHS Associates, Inc. was present and assisted in training Town Meeting, Election Workers and Town Clerk Staff on the new check in system. Non-registered voters and guests were seated in the reserved front row.

She announced that that Moderator Cranston was out of town and could not attend the meeting, therefore the first order of business was to elect a temporary moderator for the meeting and asked if there were any Nominations from the floor. Only one Nomination was made by Kathy Inman and duly seconded for Joshua Smith. The Town Clerk called for a vote for all those in favor of Joshua Smith for Temporary Moderator. With there being no objections, it was unanimously voted to have Joshua act as the Temporary Moderator for the meeting. The Town Clerk then administered the Oath of Office to Mr. Smith for the Temporary Moderator Position.

Moderator Smith continued the meeting with a pledge of allegiance to the flag and announced that everyone should have received a copy of the finance committees booklet containing the warrant articles to be acted upon (two paper ballots with instructions in the event a paper ballot was called for were also handed to voters). He then proceeded with the reading of the opening of the warrant and on a motion made and duly seconded it was unanimously voted to waive the reading of articles. Moderator Smith read the closing of the warrant which was unanimously accepted and asked if anyone had any changes or edits to the Finance Committee Booklet.

The only changes to the Finance Committee Booklet that were announced were to Appendix B. The Title should be changed from "Annual Town Meeting – June 19, 2018, Article 31" to "Special Town Meeting – December 11, 2018 - Article 10". Moderator Smith announced other edits would need to take place for Appendix's with the motions for each article as they come up.

All motions were made and seconded and the meeting continued as follows:

ARTICLE 1: FY 2018 REGIONAL ANIMAL CONTROL: [9/10 Vote Required]

VOTED UNANIMOUSLY that the Town vote to transfer from the Stabilization fund the Sum of \$2,464.73 to pay for costs associated with the Assessment from FY 2018 for Regional Animal Control.

Sponsor: Board of Selectmen

RECOMMENDATION OF THE FINANCE COMMITTEE: FAVORABLE
RECOMMENDATION OF THE BOARD OF SELECTMEN: FAVORABLE

ARTICLE 2: PUBLIC SAFETY BUILDERS RISK POLICY: [9/10 Vote Required]

VOTED UNANIMOUSLY that the Town vote to transfer from Stabilization Fund the sum of \$530 to pay for costs associated with invoice #204004 for Renaissance Alliance Insurance Services, LLC from FY 2018.

Sponsor: Board of Selectmen

RECOMMENDATION OF THE FINANCE COMMITTEE: FAVORABLE
RECOMMENDATION OF THE BOARD OF SELECTMEN: FAVORABLE

ARTICLE 3: FIRE DEPARTMENT ENGINE 4 REPLACEMENT [2/3 Vote Required]

VOTED UNANIMOUSLY That the Town vote to authorize the Town Treasurer with the approval of the Select Board to borrow by the issuance of bonds or notes under the provisions of Massachusetts General Laws c. 44, § 7 the sums of \$500,000 for the purchase of a new Fire Engine to replace Engine #4.

Sponsor: Fire Department

RECOMMENDATION OF THE FINANCE COMMITTEE: FAVORABLE
RECOMMENDATION OF THE BOARD OF SELECTMEN: FAVORABLE

ARTICLE 4: ASSESSORS VISION UPGRADE: [2/3 Vote Required]

VOTED UNANIMOUSLY that the Town vote to transfer from Stabilization Fund the sum of \$15,000.00 to purchase an upgrade to the Assessor's Vision System.

Sponsor: Board of Assessors

RECOMMENDATION OF THE FINANCE COMMITTEE: FAVORABLE
RECOMMENDATION OF THE BOARD OF SELECTMEN: FAVORABLE

ARTICLE 5: POLICE DEPARTMENT TASERS: [2/3 Vote Required]

VOTED UNANIMOUSLY that the Town vote to transfer from Stabilization Fund the sum of \$6,000.00 to purchase tasers for the Police Department.

Sponsor: Police Department

RECOMMENDATION OF THE FINANCE COMMITTEE: FAVORABLE
RECOMMENDATION OF THE BOARD OF SELECTMEN: FAVORABLE

ARTICLE 6: AUTHORIZE SENIOR TRANSPORTATION CHANGE FROM WRTA TO MARTA:

[Majority Vote Required]

VOTED UNANIMOUSLY that the Town vote to petition the legislature to change the regional transportation authority covering the Town of Barre from Worcester Regional Transportation Authority to Montachusett Regional Transportation Authority.

Sponsor: Council on Aging

RECOMMENDATION OF THE FINANCE COMMITTEE: FAVORABLE
RECOMMENDATION OF THE BOARD OF SELECTMEN: FAVORABLE

ARTICLE 7: AMEND ARTICLE 6 OF JUNE 19, 2018 ANNUAL TOWN MEETING: [Majority Vote Required]

VOTED UNANIMOUSLY That the Town vote to authorize the expense of \$50,000 from the PEG Access and Cable-Related Fund to be expended during the fiscal year ending June 30, 2019 under the direction of the Board of Selectmen for necessary and expedient cable-related purposes consistent with the license agreement.

Sponsor: Board of Selectmen

RECOMMENDATION OF THE FINANCE COMMITTEE: FAVORABLE
RECOMMENDATION OF THE BOARD OF SELECTMEN: FAVORABLE

ARTICLE 8: ACCEPT MGL C. 64N, S3 AND ADOPT A 3% LOCAL SALES TAX ON MARIJUANA PRODUCTS: [Majority Vote Required]

VOTED UNANIMOUSLY that the town vote to adopt the provisions of MGL Chapter 64N, Section 3, as amended by section 13 of Chapter 55 of the Acts of 2017, and 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 three percent (3%) of the total sales price received by the marijuana retailer as a consideration for the sale of marijuana or marijuana products.

Sponsor: Board of Selectmen

RECOMMENDATION OF THE FINANCE COMMITTEE:	FAVORABLE
RECOMMENDATION OF THE BOARD OF SELECTMEN:	FAVORABLE

ARTICLE 9: MARIJUANA LICENSING BYLAW: [Majority Vote Required]

A motion was made and 2nd that the Town vote to amend the Code of the Town of Barre, by inserting a new Chapter 64 Local Licensing of Marijuana Establishments as is appears in the Finance Committee Booklet as Appendix A and further that nonsubstantive changes to the numbering of this bylaw be permitted in order that it be in compliance with the numbering format of the Code of Barre.

Discussion on Appendix A Section 5, D, 1 on page 7 of the Finance Booklet in reference to unannounced inspections. Police Chief Carbone also expressed concern with the wording on Section 5, C, 1 as to whether or not it would hold up in a court as the language was not clear.

A 2ND motion was made and seconded to Table Article 9.

ARTICLE 9: MARIJUANA LICENSING BYLAW: [Majority Vote Required]

VOTED BY A STANDING VOTE OF 85 YES TO 19 NO TO TABLE ARTICLE 9.

Sponsor: Board of Selectmen

RECOMMENDATION OF THE FINANCE COMMITTEE: No Recommendation Given

RECOMMENDATION OF THE BOARD OF SELECTMEN: FAVORABLE

***See Appendix A (There were no Edits to the FinCom Booklet for Appendix A)**

Appendix A - LOCAL LICENSING OF MARIJUANA ESTABLISHMENTS

ARTICLE 9

To see if the Town will amend the General By-Laws by adding the following article:

Chapter 64 LOCAL LICENSING OF MARIJUANA ESTABLISHMENTS

Section 1 PURPOSE

The intent of this section is to permit Marijuana Establishments to operate pursuant to local requirements to ensure safe and appropriate implementation of Chapter 334 of the Acts of 2016 (Question #4 on the November 8, 2016 ballot), legalizing recreational Marijuana, within the community. If any provisions of this section shall be held to be invalid, those provisions shall be severable and the remaining sections shall be valid.

Section 2 DEFINITIONS

See also Massachusetts General Laws Chapter 94G, Section 1, Chapter 94I, Section 1, and the regulations promulgated thereunder, as they may be amended. In the event of a conflict between the following definitions and those contained in the foregoing State laws and regulations, the definitions contained in the foregoing State laws and regulations shall govern.

- A. Cannabis Control Commission - The Massachusetts Cannabis Control Commission.
- B. Delivery-Only Marijuana Retailer - a Marijuana Retailer that does not provide a retail location accessible to the public, but is authorized to deliver directly from a Marijuana Cultivator facility, Craft Marijuana Cultivator Cooperative facility, Marijuana Product Manufacturer facility, or Marijuana Micro-Business.
- C. 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 per cent on a dry weight basis of any part of the plant of the genus Cannabis, or per volume or weight of Marijuana Product, or the combined per cent of delta-9-tetrahydrocannabinol and tetrahydrocannabinolic acid in any part of the plant of the genus Cannabis regardless of moisture content.
- D. Host Community Agreement – Agreement between the Town and Marijuana Establishment which shall include, but not be limited to, all stipulations of responsibilities between the host community and the marijuana establishment or a medical marijuana treatment center in

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accordance with M. G. L. c. 94G, § 3(d)

- E. Manufacture - To compound, blend, extract, infuse or otherwise make or prepare a Marijuana Product.
- F. Marijuana - All parts of any plant of the genus Cannabis, not excepted below and whether growing or not; the seeds thereof; and resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture or preparation of the plant, its seeds or resin including tetrahydrocannabinol as defined in section 1 of chapter 94C; provided, however, that "Marijuana" 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 Marijuana to prepare topical or oral administrations, food, drink or other products. Marijuana also includes Marijuana Products except where the context clearly indicates otherwise.
- G. Marijuana Cultivator - An entity licensed by the Cannabis Control Commission to cultivate, process, and package Marijuana, to deliver Marijuana to Marijuana Establishments and to transfer Marijuana to other Marijuana Establishments, but not to consumers.
- H. Marijuana Establishment - A Marijuana Retailer, Marijuana Product Manufacturer, Marijuana Cultivator, Marijuana Independent Testing Laboratory, or any other type of Cannabis Control Commission-licensed Marijuana-related business or entity.
- I. Marijuana Establishment Agent - A board member, director, employee, executive, manager, or volunteer of a Marijuana Establishment, who is 21 years of age or older. Employee includes a consultant who provides on-site services to a Marijuana Establishment related to the cultivation, harvesting, preparation, packaging, storage, testing, or dispensing of Marijuana.
- J. Marijuana Independent Testing Laboratory - An entity licensed by the Cannabis Control Commission that is (i) accredited to the most current International Organization for Standardization 17025 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 Cannabis Control Commission; (ii) independent financially from any Medical Marijuana Treatment Center or any Cannabis Control Commission licensee or Marijuana Establishment of which it conducts a test; and (iii) qualified to test Marijuana in compliance with 935 CMR 500.160 and M.G.L. c, 94C, § 34.
- K. Marijuana Product Manufacturer - An entity licensed by the Cannabis Control Commission to obtain, manufacture, process and package Marijuana and Marijuana. Products, to deliver Marijuana and Marijuana. Products to Marijuana Establishments and to transfer Marijuana and Marijuana Products to other Marijuana Establishments, but not to consumers.
- L. Marijuana Products - Products that have been manufactured and contain Marijuana or an extract from Marijuana, including concentrated forms of Marijuana and products composed of Marijuana and other ingredients that are intended for use or consumption, including edible products, beverages, topical products, ointments, oils and tinctures.
- M. Marijuana Retailer - An entity licensed by the Cannabis Control Commission to purchase and deliver Marijuana and Marijuana Products from Marijuana Establishments and to deliver, sell or otherwise transfer Marijuana and Marijuana Products to Marijuana Establishments and to consumers.
- N. Medical Marijuana Treatment Center - An entity that acquires, cultivates, possesses, processes (including development of related products such as edible Marijuana• infused products, tinctures, aerosols, oils, or ointments), transfers, transports, sells, distributes, dispenses, or administers Marijuana, products containing Marijuana, related supplies, or educational materials to registered qualifying patients or their personal caregivers for medical use.
- O. Mixed Use Social Consumption Marijuana Retailer - A Marijuana. Retailer that is in possession of a Cannabis Control Commission Mixed Use Social Consumption Marijuana. Retailer license (as may be further provided by 935 CMR, any commercial enterprise for which 50% or less of average monthly revenue shall be derived from the sale of marijuana products to be consumed on the premises).
- P. Social Consumption Marijuana Retailer - A Marijuana Retailer licensed by the Cannabis Control Commission to purchase Marijuana and Marijuana. Products from Marijuana Establishments and to sell Marijuana and Marijuana. Products on its premises only to consumers or allow consumers to consume Marijuana and Marijuana Products on its premises only.

- Q. Primary Use Social Consumption Marijuana Retailer - A Marijuana. Retailer that is in possession of a Cannabis Control Commission Primary Use Social Consumption Marijuana. Retailer license (as may be further provided by 935 CMR, any commercial enterprise for which 51% or more of average monthly revenue shall be derived from the sale of marijuana products to be consumed on the premises).
- R. Storefront Marijuana Retailer - A Marijuana Retailer providing a retail location accessible to consumers 21 years of age or older or in possession of a registration card demonstrating that the individual is a registered qualifying patient with the Massachusetts Medical Use of Marijuana Program.

Section 3 MEDICAL MARIJUANA TREATMENT CENTERS

Medical Marijuana Treatment Centers may be licensed pursuant to Section 6 below, as the Board of Selectmen may determine in conformity with applicable State and local laws.

Section 4 CAPS ON THE NUMBER OF BOARD OF SELECTMEN LICENSES FOR MARIJUANA RETAILERS

The Board of Selectmen shall not issue more Marijuana Retailer licenses in each of the following categories of Marijuana Establishment licenses than the number that is 20% of the number of liquor licenses for off-premises alcohol consumption that have been issued by the Board of Selectmen pursuant to M.G.L. c. 138, § 15, as rounded up to the nearest whole number in the event the number is a fraction.

Not more than three (3) Indoor Marijuana Cultivator Licenses are allowed in the Town of Barre Not more than three (3) Outdoor Marijuana Cultivator Licenses are allowed in the Town of Barre. Section

5 GENERAL REQUIREMENTS FOR MARIJUANA ESTABLISHMENTS

Marijuana Establishments shall comply with the following requirements:

A. General

1. Marijuana Establishments shall comply with applicable State and local laws, regulations, by-laws, codes, conditions and agreements with the Town, including, but not limited to, M.G.L. c. 94G, M.G.L. c. 941, 935 CMR 500, the Town of Barre's General By-Laws, the Town of Barre's Zoning By-Laws, all applicable Town building, fire prevention, police, and health codes, regulations and standards, any conditions imposed on licenses and permits held by the Marijuana Establishment (including, but not limited to, the Town's Zoning Board of Appeals variance).
2. Marijuana Establishments shall execute and maintain a Host Community Agreement with the Town which shall include the conditions for having the Marijuana Establishment within the Town in conformity with applicable law and as per the policies and procedures established by the Board of Selectmen. As part of the Host Community Agreement, the Board may consider impacts related to proximity to a public library; playground or park; youth center; daycare/childcare facility; public swimming area or pool; residential dwellings or group homes; or structure used for religious purposes.
3. Upon completion of Host Community Agreement negotiations, the Board of Selectmen and Planning Board shall hold two (2) joint public hearings on the proposed agreement. At minimum, fourteen (14) days prior to the first public hearing, applicant shall erect a three (3) foot high by (4) four foot wide sign clearly visible from the right of way, no more than 25 feet from the legal frontage stating the name of the proposed business, type of license being sought, and location where information related to the project may be found. Following the two (2) public hearings, the Host Community Agreement shall be adopted by a majority combined vote of the Board of Selectmen and Planning Board. A tie of the voting members shall constitute a failed vote.
4. Marijuana Establishments shall maintain all permits and licenses required by State and local laws, including, but not limited to, a valid, current license in good standing from the Cannabis Control Commission. Any voiding of the Cannabis Control Commission's license by operation of law (including due to cessation of operations, failure to become operational within the permitted time, or relocation without Cannabis Control Commission approval), and any revocation or suspension of the Marijuana Establishment's Cannabis Control Commission license, shall result in an automatic suspension of the Board of Selectmen license pending hearing or the opportunity therefore afforded to the Marijuana Establishment.

5. All taxes and charges owed to the Town must be paid on a current basis. The Town may place a lien on the property of any person who has an outstanding balance due the Town from any fee, charge or tax, which balance is at least six (6) months past due.
6. Any Marijuana Establishment licensee wishing to close a place of business or cease operations, whether on a temporary or permanent basis, may do so only if permitted by State law and must submit to the Board of Selectmen a written request for the Board of Selectmen's permission to do so, stating the reason for and length of such closing or inactivity. Failure to provide such notice and to obtain such permission may, after hearing or reasonable opportunity therefor, result in cancelation of the license.

B. Operational Requirements

1. All Marijuana Retail, Processing and/or Manufacturing Establishments' licensed operations shall be conducted within a building or fixed structure. Marijuana Cultivation Establishments' operations may be licensed for indoor or outdoor operations in accordance with M.G.L. c. 94G, M.G.L. c. 941, 935 CMR 500, the Town of Barre's General By-Laws and the Town of Barre's Zoning By-Laws.
2. No Marijuana Establishment shall allow cultivation, processing, manufacture, sale or display of Marijuana or Marijuana Products to be visible from a public place without the use of binoculars, aircraft or other optical aids.
3. Marijuana Establishments may cultivate, process, test, store and manufacture Marijuana or Marijuana Products only within an area that is enclosed and secured in a manner that prevents access by persons not permitted by the Marijuana Establishment to access the area.
4. No Marijuana Establishment shall allow any person under 21 years of age to volunteer or work for the Marijuana Establishment.
5. The hours of operation of Marijuana Establishments shall be set by the Board of Selectmen. The licensee shall not change its hours of operation without Board approval.
6. Marijuana Establishments shall ensure that their hours and methods of transportation of product shall not be a detriment to the surrounding area and nearby uses.
7. Marijuana Establishments shall not permit any disorder, disturbance or illegality under State or local law of any kind on the premises.
8. Marijuana Establishment operations shall not result in illegal redistribution under State or local law of Marijuana obtained from the Marijuana Establishment, or in use of Marijuana in any manner that violates State or local law.
9. Marijuana Establishment operations shall not create nuisance conditions in parking areas, sidewalks, streets and areas surrounding its premises and adjacent properties. "Nuisance" includes, but is not limited to, disturbances of the peace, open public consumption of Marijuana, excessive pedestrian or vehicular traffic, odors emanating from the Marijuana Establishment's premises, electrical lighting, illegal drug activity under State or local law, harassment of passersby, excessive littering, excessive loitering, illegal parking, excessive loud noises, excessive citation for violations of State traffic laws and regulations and/or Transportation Department Rules and Regulations, queuing of patrons (vehicular or pedestrian) in or other obstructions of the public way (sidewalks and streets), collisions between vehicles, bicyclists, and pedestrians, lewd conduct or police detentions and arrests.
10. Marijuana Establishments shall equip the premises and otherwise conduct their operations in such a manner that (a) no pesticides or other chemicals or products are dispersed into the outside atmosphere, and (b) no odor of Marijuana or its processing can be detected by a person with an unimpaired and otherwise normal sense of smell at the exterior of the facility or at any adjoining use or property.
11. A Marijuana Establishment shall be required to remove all Marijuana and Marijuana Products by the earlier of:
 - a) prior to surrendering its State-issued license; or
 - b) within six (6) months of ceasing operations.
12. Marijuana Establishments shall comply with 527 CMR and with Chapter 38 of the NFPA 1 (2018), as they may be amended, and as applicable.

13. Marijuana Retailers are required to engage in patron age verification using legally acceptable proof of age as may be further specified by the Select Board license.
14. Marijuana Retailers shall not sell or offer for sale Marijuana or Marijuana Products in a quantity that exceeds the limits established by 935 CMR 500.
15. Marijuana Establishments shall not supply Marijuana or Marijuana Products free of charge or in connection with a commercial or promotional endeavor within the Town of Barre. Such endeavors include, but are not limited to, product "giveaways", use of gift cards, distribution of Marijuana or Marijuana Products as an incentive, prize or bonus in a game, contest or tournament involving skill or chance.
16. Marijuana Retailers are prohibited from use of on-site self-service displays. Self-service displays are defined to mean displays from which customers may select Marijuana or Marijuana Products without assistance from an employee or store personnel, and include vending machines.
17. Smoking and consumption of Marijuana in the interior or exterior of the premises is not permitted. Social Consumption Marijuana Retailers are banned in the Town of Barre in accordance with Town of Barre Bylaws Chapter 66.

C. Security-Specific Requirements

1. Marijuana Establishments shall maintain compliance with any Town Police Department- approved security and public safety plan as the Police Department may require, which plan may include measures relating to alarms, fencing, gates, limited access areas, delivery procedures, police details, specification of video and lighting locations, notifications to the Police Department in the event of any known or suspected violation of criminal law that has taken place on or near the location of the establishment (related or unrelated. to the business or the establishments), providing access to and transfer of video footage from the establishment's video surveillance system to the Police Department when the Police Department so requests (which request may be made when the Police Department has a reason to believe that such footage may be of assistance in an ongoing investigation related or non-related to the business of the establishment), a requirement to connect an alarm system to a third party monitoring system and to notify the Town's Chief of Police about said third party monitoring system, and any other notifications and security-related measures as may be required by the Police Department and the Board of Selectmen.
2. Marijuana Establishments shall secure every entrance to the Marijuana Establishment so that access to areas containing Marijuana is restricted to employees and others permitted by the Marijuana Establishment to access the area and to agents of the Cannabis Control Commission or state and local law enforcement officers and emergency personnel.
3. Marijuana Establishments shall secure their inventory and equipment during and after operating hours to deter and prevent theft of Marijuana, Marijuana Products and Marijuana accessories.
4. Marijuana Establishments shall file an emergency response plan with the Town's Fire, Police and Health Departments and share with these Departments their security plan and procedures and any updates to them in the event they are modified.

D. Access to Premises and Information/Reporting/Record-Keeping

1. Marijuana Establishments shall consent to unannounced, unscheduled, periodic inspections of its premises by the Board of Selectmen and agents of the Board of Selectmen from the Building, Health, Police and Fire Departments on week-days during normal business hours to determine the Marijuana Establishment's compliance with the requirements of applicable state and local laws, regulations, codes, license and permit conditions, and this section. In addition, routine inspections may be made on week-days during regular Town business hours by authorized inspectional departments to determine compliance with applicable state and local laws, regulations, codes and license and permit conditions. Inspections by the authorized inspectional departments may be made at other times to investigate complaints or suspected non-compliance issues. Inspections may include all areas occupied, used or controlled by the Marijuana Establishment. Facilities requiring re-inspection are subject to applicable re-inspection fees. Inspections shall be conducted in conformity with applicable federal, state and local law.

2. Marijuana Establishments shall cooperate and comply with requests for information made by the Board of Selectmen and its agents from the Planning, Building, Health, Police, Fire and Public Works Departments.
3. Within twenty-four (24) hours of receipt of notice of it, a Marijuana Establishment shall file with the Town Administrator, Board of Health and the Building Commissioner any summary cease and desist order, cease and desist order, quarantine order, suspension order, revocation order, order limiting sales, deficiency statement, plan of correction, notice of a hearing, notice of any other administrative process or legal action, denial of a license, denial of a renewal of a license, or final action issued by a state or federal agency (including, but not limited to, the Cannabis Control Commission and Massachusetts Department of Public Health (DPH)) regarding the Marijuana Establishment, the Cannabis Control Commission license, or the DPH Certificate of Registration.

Section 6 MARIJUANA ESTABLISHMENT BOARD OF SELECTMEN LICENSE

- A. No person shall operate a Marijuana Establishment or sell Marijuana within the Town unless licensed to do so by the Board of Selectmen. Unless the Board of Selectmen license states a different duration, a Marijuana Establishment license shall be valid for a term of one year from the first day of January. Each day of operation without a Board of Selectmen license shall constitute a separate violation.
- B. A Board of Selectmen license shall be subject to the Marijuana Establishment's compliance with this Article and with any conditions placed on the Marijuana Establishment's license. An applicant's or licensee's violation of this Article and applicable State and local law shall be good cause for and may result in the Board of Selectmen's denial of an application or sanction of a license to the extent permitted by law, including, but not limited to, the imposition of additional conditions on a license, a reduction or modification of the licensee's approved hours of operations, or a suspension, non-renewal, revocation, forfeiture, or cancellation of a license. No sanction shall be made except after notice and opportunity for hearing.
- C. The Board of Selectmen may issue regulations for the implementation of this By-Law.
- D. The Board of Selectmen shall specify the process and forms to be used by applicants for new and renewed licenses.
- E. The Board of Selectmen may institute a fee schedule for the issuance of new and renewed licenses.
- F. All license applications must contain complete and truthful information. Submission of an application containing material false information may be cause for refusing the application or for suspending, canceling or revoking a license already granted. No application will be accepted for filing by the Board of Selectmen until it is fully complete. Annual license fees shall be payable immediately upon approval of the license by the Board of Selectmen. License fees shall not be prorated and are not refundable. Application and license fees shall be in an amount established by the Board of Selectmen pursuant to M.G.L. c. 40, § 22F.
- G. No Board of Selectmen licensee may transfer a license to another person or entity, or transfer the license or operations to another location, without Board of Selectmen approval. A Board of Selectmen licensee must obtain Board of Selectmen approval for a change to or addition of Board Member, Executive, Director and/or Managers, as may be determined by the Board of Selectmen. Any transfer shall be subject to the terms and conditions of the original license, unless otherwise stipulated by the Board.
- H. A Board of Selectmen licensee must apply for and obtain the approval of the Board of Selectmen or its designee prior to making any structural change to the premises.
- I. The Board of Selectmen licensee shall display its license on the premises in a conspicuous place where it can be easily read.
- J. The Board of Selectmen or its designee may inspect a Marijuana Establishment and affiliated vehicles prior to the issuance of a Marijuana Establishment license or renewal of a license.
- K. All areas of a Marijuana Establishment may be subject to inspection consistent with applicable law.

- L. The Board of Selectmen may, to the extent permitted under applicable law, consider whether an applicant for a license is a suitable and responsible license candidate and other aspects of the application as may be necessary to implement the purposes of this By-Law. An applicant's non-compliance with applicable Massachusetts laws and regulations (including 935 CMR 500), Town by-laws (including this Article and applicable sections of the Town's Zoning By-Law), Town regulations and codes, and any conditions on a license may be cause for denial of an application for a new or renewed Marijuana Establishment license.

Section 7 FINES

Any person violating this By-Law shall be fined in the amount of \$100 for each violation. Each day of a continuing violation shall count as a separate violation.

Section 8 IMPLEMENTATION

This By-Law shall not be implemented in a manner that conflicts or interferes with the Massachusetts General Laws Chapter 94G or Chapter 94I, or with the regulations promulgated thereunder, including 935 CMR 500.

or act on anything relative thereto.

ARTICLE 10: AMEND SOLAR BYLAW: [2/3 Vote Required]

The Planning Board announced they voted a Favorable Recommendation for this Article.

VOTED BY A STANDING 2/3RD AFFIRMATIVE VOTE OF 77 YES TO 14 NO that the Town amend the Code of the Town of Barre, Zoning, Chapter 140 by amending section 140-10.1 Solar Energy Facilities Special Permit and Site Plan Review as it appears in the Finance Committee Booklet as Appendix B and further that nonsubstantive changes to the numbering of this bylaw be permitted in order that it be in compliance with the numbering format of the Code of Barre.

Sponsor: Planning Board

RECOMMENDATION OF THE FINANCE COMMITTEE: No Recommendation

Given RECOMMENDATION OF THE BOARD OF SELECTMEN: To be Given

*** See Appendix B 4 Edits to Appendix B in the FINCOM Booklet were made and announced**

Appendix B

AMENDED SOLAR BYLAW

Proposed Amendments - Code of the Town of Barre, Chapter 140 Zoning

Special Town Meeting – December 11, 2018 - Article 10

§ 140-10.1 **1 Solar energy facilities special permit and site plan review.**

[Added 6-21-2016 ATM, Art. 48]

- A. Purpose.
 - (1) The purpose of this bylaw is to regulate the development of solar energy facilities by providing standards for the placement, design, construction, operation, monitoring, modification, and removal of such facilities. The prime purpose shall be to protect the public health, safety, and welfare. In considering a proposed facility, the Planning Board shall minimize impacts on scenic views, agricultural, natural and historic resources of Barre. In the event a facility is approved, a further purpose of this bylaw is to provide adequate financial assurance for the timely decommissioning and removal of such facilities, including the restoration of the site.
 - (2) The Planning Board shall be the special permit granting authority for those installations that require a special permit. The Planning Board shall consider all effects that the proposed facility may have upon the site, the neighborhood and the community as a whole. In the event the proposed site is presently in agricultural use, the continued agricultural use shall be encouraged. The Planning Board may recommend that the facility be located on other portions of the site where the soil does not have prime agricultural use potential.
 - (3) The initial term of any special permit will be 20 years, or such other time as determined by the Planning Board. The permit may be extended for up to two five years terms. Any further extension shall require a new application.
- B. Applicability. This bylaw applies to all solar energy facilities, either existing, or proposed, in the Town of Barre. In addition this bylaw shall apply to any and all alterations, changes, improvements and modifications, including, but not limited to, upgrades or physical modifications, regardless of whether the modification materially alters the type, configuration, or size of these facilities or related equipment. The Planning Board shall follow the procedural requirements for processing special permit applications as set forth in Massachusetts General Laws, including but not limited to MGL c. 40A, § 9.

C. Definitions and use regulations.

AGRICULTURAL SOLAR PHOTOVOLTAIC FACILITY

A solar photovoltaic system that is for the exclusive purpose of providing electricity for a property that is primarily in agricultural use as defined under MGL c. 40A, § 3. The electricity produced to be used solely for the benefit of the agricultural property. Allowed as a matter of right in all zoning districts.

COMMERCIAL LARGE-SCALE GROUND-MOUNTED SOLAR PHOTOVOLTAIC FACILITY

Town Clerk Note- FINCOM BOOKLET APPENDIX B - EDIT #1 – *The Last Sentence in this paragraph was changed from: “New commercial large scale ground mounted solar photovoltaic facilities shall be limited twenty five (25) megawatts (DC) of total capacity in aggregate from the date of adoption of this revised bylaw.” TO: “New commercial large scale ground mounted solar photovoltaic facilities shall not exceed twenty five (25) megawatts (DC) of total capacity for all newly permitted facilities in aggregate beginning on the date of adoption of this revised bylaw.”*

A commercial solar photovoltaic system that is structurally mounted on the ground and has a minimum nameplate output capacity of 250 kw DC. Only allowed by special permit in the following zoning districts: Limited Business, Business and Commercial and Industrial. Commercial large-scale ground-mounted solar photovoltaic facilities may be allowed by special permit on agricultural lands which are zoned R-80 in limited numbers and limited circumstances as determined by the Planning Board and under special conditions as stated in Section D and Section E. New commercial large scale ground mounted solar photovoltaic facilities shall not exceed twenty five (25) megawatts (DC) of total capacity for all newly permitted facilities in aggregate beginning on the date of adoption of this revised bylaw.

COMMERCIAL ROOF-MOUNTED SOLAR PHOTOVOLTAIC FACILITY

A commercial solar photovoltaic system that is structurally mounted on the roof of a building zoned and actively used for an allowed commercial use. Allowed as a matter of right in the following zoning districts: Limited Business, Business and Commercial and Industrial.

COMMERCIAL SMALL-SCALE GROUND-MOUNTED SOLAR PHOTOVOLTAIC FACILITY

A commercial solar photovoltaic system that is structurally mounted on the ground and has a nameplate output capacity of less than 250 kw DC. Only allowed by special permit in the following zoning districts: Limited Business, Business and Commercial and Industrial.

COMMERCIAL USE

Where the electricity generated by a solar energy facility is produced, distributed and utilized for use on site or sale or resale off site which allows a monetary gain directly or indirectly to the owner of the property.

RATED NAMEPLATE CAPACITY

The maximum rated output of electric power production equipment, such as solar energy facilities or solar photovoltaic facilities. The manufacturer typically specifies this output with a "nameplate" on the equipment.

RESIDENTIAL GROUND-MOUNTED SOLAR PHOTOVOLTAIC FACILITY

A residential solar photovoltaic system that is structurally mounted on the ground where the electricity generated by the solar facility is produced and solely utilized, on the residential site, by the owner of the residential property. The output to not exceed 110% of the residential unit's electrical consumption. Requires a special permit in all districts.

RESIDENTIAL ROOF-MOUNTED SOLAR PHOTOVOLTAIC FACILITY

A residential solar photovoltaic system that is structurally mounted on the roof of a residential structure where the electricity generated by the solar facility is produced and solely utilized, on the residential site, by the owner of the residential property. The output to not exceed 110% of the residential unit's electrical consumption. Allowed as a matter of right in all districts.

RESIDENTIAL USE

Where the electricity generated by a solar energy facility is produced solely, on a residential site, for the use and benefit of the owner of the residential property.

SOLAR ENERGY FACILITY

A structure that is designed, constructed and intended to convert solar energy to electricity generated for residential or commercial use. In this bylaw "Solar Energy Facility" shall include and the bylaw shall apply and not be limited to: solar energy facilities, whether referred to as "Solar Energy Facility," "Photovoltaic Facility," "Solar Photovoltaic System," or otherwise.

PRIME AGRICULTURAL SOILS: Agricultural land with soils designed as prime or of the statewide significance by the U.S. Natural Resources Soil Services soil surveys.

D. Location/lot/siting preferences.

- (1) It is strongly recommended that proposals not select locations that would result in significant loss of land and natural resources such as farm and forest land. Preference is that rooftop siting(s) and locations in industrial or commercial districts be used. As an alternative vacant, previously disturbed land should be considered. Placement of facilities in front yards will not be permitted without specific approval of the Planning Board. For agricultural facilities rooftops are preferable. In the event an agricultural facility does not have adequate roof space, nonproductive, nonarable land should be selected. (2) Commercial: large-scale ground-mounted solar photovoltaic facilities that are proposed for agricultural lands in areas zoned R-80 shall have a minimum overall lot size of 800,000 square feet and no more than sixty percent of this area may be used for the solar facility. The maximum size of a single solar facility shall be five (5) megawatts DC. The lot must be contiguous. Minimum road frontage for the applicable zoning classification shall be required. Access to solar facility shall be limited to one driveway unless site layout requires a second driveway and the Planning Board approves. The solar facility shall be the sole use on the proposed lot with sole use of the applicable driveway. An existing right of way, whether in use or not, may not be used as the new access. No below grade foundation(s) or structures shall be used without the specific approval of the Planning Board. No material, including top soil, may be removed from the site without prior specific approval of the Planning Board.

E. Visual impact.

- (1) All solar energy facilities shall be positioned to provide a visual buffer in order to reduce the visual impact the facility has upon all abutting properties in residential use, whether occupied or not, or potentially in residential use, or which have a view of the proposed project, including houses across a street. In addition, a visual buffer shall be provided for roadways which have a view of the proposed project. Note: Additional conditions for visual impact mitigation apply to commercial large-scale ground-mounted solar photovoltaic facilities located on agricultural land in areas zoned R-80.
- (2) The applicant shall incorporate methods to eliminate or minimize the visual impact of the solar facility such as earthen berms, vegetation and fencing/screening or reducing the height of facility components. The retention of existing natural growth is encouraged. The applicant shall indicate any existing vegetation the applicant plans to remove or alter. The required visual buffer will be determined on a case-by-case basis and site specific at the sole discretion of the Planning Board. The documents submitted pursuant to Subsection **F(3)** below will be used but will not be the only source of information used by the Planning Board regarding this matter.
- (3) Commercial large-scale ground-mounted solar photovoltaic facilities located on agricultural land in areas zones R-80 shall not be visible from any roadway or from any residential abutters.
- (4) Commercial large-scale ground-mounted solar photovoltaic facilities located on agricultural land in areas zones R-80 shall not be located along or be visible from a scenic highway.
- (5) Commercial large-scale ground-mounted solar photovoltaic facilities located on agricultural land in areas zones R-80 shall be evaluated in accordance with dual use agriculture/energy guidelines as described in Massachusetts Department of Agricultural Resources regulations.
- (6) Solar energy facilities shall not be located within one-fourth (1/4) mile of the Town Commons of the Town of Barre, South Barre, or Barre Plains.
- (7) Solar Energy Facilities shall not be located on unfragmented open land as identified as a priority for protection in the town's Open Space and Recreation Plan, Master Plan or the community Development Plan.
- (8) Solar Energy Facilities shall not be located on agricultural land with soils designed as prime or of statewide significance by the U.S. Natural Resource Conservation Service Soil Surveys.
- (9) Solar Energy Facilities shall not be located in areas that contain rare, threatened, or endangered species or exemplary natural communities' according to the Massachusetts BioMap Project developed by the Massachusetts Natural Heritage & Endangered Species Program and the

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Massachusetts Department of Environmental Protection (DEP).

- (10) Solar Energy Facilities shall not be located in area that contain unique natural, culture, and/or historical features as intended in the Master Plan or community Development Plan.
- F. Site plan review procedure. A site plan review shall be conducted as a part of the special permit process. Site plan documents: The applicant shall submit plans and documents to the Planning Board, which shall be the site plan review authority. The site plans shall show:
- (1) Property lines and physical features, including roads and topographical contour lines for the project site. Also the applicant shall indicate the location of existing, proposed or potential agricultural uses.
 - (2) Proposed changes to the landscape of the site, grading, vegetation clearing and planting, exterior lighting, screening vegetation or structures. A planting plan where a visual buffer is required shall be presented.
 - (3) Views of the site from all off-site abutting properties (and where the site is abutting a street, from the street) indicating what will be seen, prior to construction, immediately after construction is completed with no plantings in place, after construction with all plantings in place and at two, five and 10 years after construction with all plantings still in place (indicating normal anticipated growth). The view may be a sketch or computer generated from photographs or drawings. The views should indicate both existing conditions and proposed modifications with particular attention as to how each modification is intended to reduce the visual impact of the proposed facility. The Planning Board may request additional views. Note: Commercial large-scale ground-mounted solar photovoltaic facilities located on agricultural land in areas zoned R-80 must meet alternate requirements for visual impact as specified in Section E. Visual Impact, Parts 1 through 6.
 - (4) In addition to the abutter notification requirements for special permits as contained in Section G, the applicant for a commercial large-scale ground-mounted solar photovoltaic facility shall notify all property owners located within one half (1/2) mile of the boundaries of the property on which the solar facility will be located. This notification shall include a description of the project, a site plan showing the location of the solar facility and any additional information that the Planning Board determines. Then notification shall be mailed via certified mail with a return receipt. Any comments received from local property owners shall be included in the permit application. The property owner shall erect a sign beside the major frontage road within 30 days of submitting an application for a Special Permit for the solar facility. The sign shall state the name of the solar contractor, the size in acres of the solar facility, and the total megawatt output of the facility. The sign shall include a site plan showing the location and extent of the solar facility and all nearby roads and highways. The sign lettering shall be of sufficient size to be read by someone driving along the road.
 - (5) The Planning Board may require, as a part of the review, on-site visits by the Planning Board during the application process. In addition the Planning Board may require on-site visits during the construction phase and from time to time, as determined by the Planning Board, following the date of completion. In the event the Planning Board receives a signed written complaint, the Planning Board will notify the applicant, owner and operator and schedule an on-site visit to resolve the matter. The purpose of such visits to be to confirm that the visual impact of the project has been minimized. In the event that the Planning Board finds that further steps are required to minimize the visual impact, the applicant, owner and/or operator shall take such steps as are required by the Planning Board, including replacing dead or unhealthy vegetation.
- G. Special permit solar energy system plans and documents.
- (1) All applicants shall submit to the Planning Board the following plans and documents that fully describe the nature of the proposed solar energy system.
 - (a) Plans and drawings of the solar facility signed and stamped by a professional engineer licensed to practice in Massachusetts showing the proposed layout of the system and any potential shading from nearby structures or trees.
 - (b) One or three line electrical diagram detailing the solar facility, associated components, and electrical interconnection methods, with the Massachusetts Electrical Code, 527 C.M.R. §12.00.
 - (c) Technical specifications of the major system components, such as solar arrays, mounting system, transformers, and inverters. The information shall include what materials are used in the manufacture of the components.
 - (d) The name, physical address, mailing address, telephone number(s) and e-mail address of the owner(s), lessor(s), contact person(s), design engineer(s), and contractor(s). If any of the aforesaid named entities change during the construction, operation, or decommissioning of the solar facility, the Planning Board shall be notified within thirty (30) days of the change.

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- (e) Proof that the project site has the necessary frontage and area to satisfy Town of Barre zoning requirements to qualify as a separate lot. In addition proof that the site has sufficient area to allow for installation and use of the proposed facility.
- (f) An operation and maintenance plan.
- (g) General liability insurance; proof of \$1,000,000 by occurrence; \$2,000,000 in aggregate; or \$5,000,000 excess liability (umbrella policy).
- (h) Agreement to make deposits to Barre Treasurer for financial surety that satisfies Subsection **N(4)** of this bylaw.
- (i) List of all chemicals, including cleaners, that will be used on the solar facility site. All chemicals proposed to be used on site shall be approved by the Planning Board prior to being used on the site. No hazardous materials shall be used on the solar facility site.

Town Clerk Note- FINCOM BOOKLET APPENDIX B - EDIT #2 – The Last Sentence in paragraph (j) “Use, storage, application, transportation and disposal of pesticides or defoliant shall be in accordance with the Massachusetts Pesticide Control Act, G.L. C. 123B §2.” was removed.

- (j) No pesticides or defoliant may be used on the site.
- (k) As a part of the application, small-scale ground-mounted solar photovoltaic facilities may submit a written request to waive any of the above requirements, which may be granted at the Planning Board's discretion.
- (2) Fees: The applicant shall pay the special permit and site plan review fee as set forth in the Planning Board Fee Schedule at the time of submission of the application. In addition, all engineering fees, legal fees, publication fees, etc., incurred by the Planning Board during the application process and site plan review shall be paid for by the applicant, in full, prior to issuance of any permit.
- (3) Operation and maintenance plan: The applicant shall submit a plan for the operation and maintenance of the solar facility, which shall include measures for maintaining safe access, stormwater controls, and general procedures for operating and maintaining the facility.
- (4) Utility notification: The applicant shall submit evidence that the utility company has been informed of applicant's intent to install a solar energy facility and that the utility company has favorably responded, in writing, to the notice. Off-grid systems are exempt from this requirement.
- (5) Locations of wetlands, floodplains, and priority habitats as described by the Massachusetts Natural Heritage & Endangered Species Program, and the Massachusetts DEP.
- (7) A written description including manufacturer's documentation of all major system components to be installed, including photovoltaic panels, inverters, transformers, mounting systems, etc.
- (8) The height of any structure associated with the solar facility shall be approved by the Planning Board.
- (9) Procedures: The applicant shall submit five copies of the required plans and documents. The applicant shall also submit the required fee(s).

H. Waiver of Requirements

The Planning Board may waive any requirements or conditions as specified in this Bylaw if they determine that the requirements and/or conditions are not necessary. The waiver of any requirement or condition shall be made at the sole discretion of the Planning Board.

- (l) Public hearing. The Planning Board shall hold a public hearing in accordance with Massachusetts General Laws. The time for acting may be extended upon written request of the applicant and/or Planning Board. Such request shall not be unreasonably denied. The Planning Board's final action may consist of either:
 - (1) Approval of the site plan based on a determination that the proposed project will constitute a suitable development. The Planning Board shall include a finding that the proposal will be neither detrimental nor offensive to the neighborhood. Further, the Planning Board shall include a finding that there are no modifications or changes required to protect the public health, safety or welfare.

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- (2) Disapproval of the site plan with an explanation of the reasons for such disapproval including the elements of the proposal the Planning Board finds are not capable of revision. The Planning Board shall include a finding as to how the proposal is either detrimental or offensive to the neighborhood. In addition or in the alternative, the Planning Board shall include a finding that there are no modifications or changes, the applicant could make to the proposal that would modify the proposal in order that the public health, safety or welfare would be protected. The Planning Board may also include a finding as to the elements of the proposal that are so deficient in important elements and intrusive on the interests of the public that they warrant disapproval.
 - (3) Approval of the site plan subject to such reasonable conditions, modifications, and restrictions as the Planning Board may deem necessary to insure that the proposal will be neither detrimental nor offensive to the neighborhood. Further, the Planning Board shall indicate that the conditions, modifications and or restrictions will protect the public health, safety or welfare and that the project will then constitute a suitable development and will not result in substantial detriment to the neighborhood.
- (J) Dimension and density requirements.
- (1) Setbacks: All facilities shall have front, side and rear yard setbacks of at least 50 feet, for any fencing that is required by the Planning Board. Fencing shall be required to fully enclose the project. Solar arrays and related equipment shall have front, side and rear setbacks of a minimum of 100 feet. In the event a front, side or rear lot line abuts one or more residences, that front, rear or side setback shall be a minimum of 200 feet. Setback from a roadway shall be at least 200 feet. A fifty-foot minimum setback shall be used when the abutting parcel has the same owner and the same proposed use. No trees shall be removed outside the limit of work boundary. The Planning Board may allow a lesser setback along a property line where, in its judgment, the proposed facility is not likely to negatively affect an existing or permitted land use on the abutting property. The Planning Board may require a greater setback along a property line where, in its judgment, the proposed facility is likely to negatively affect an existing or permitted land use on the abutting property. All invertors, transformers, or other equipment that have the potential to exceed allowable noise levels shall be located no less than 250 feet from property lines.
 - (2) Appurtenant structures: All appurtenant structures, including, but not limited to, equipment shelters, storage facilities, transformers, and substations shall be subject to bylaws concerning bulk and height, setbacks, parking, building coverage, and vegetative screening to avoid adverse impacts on the neighborhood or abutting properties.
- (K) Design standards.
- (1) Lighting: Lighting shall be limited to that required for safety and operational purposes, and shall not be intrusive in any way on abutting properties. Lighting shall incorporate full cutoff fixtures to reduce light pollution.
 - (2) Signage: The solar facility shall provide a sign that identifies the operator and provides a twenty- four-hour emergency contact phone number. Solar facilities shall not display any advertising except for reasonable identification of the manufacturer or operator of the facility. The site may have a secondary sign providing educational information about the facility and the benefits of renewable energy. Applicant to obtain permits for all signs. Applicant shall provide ongoing and up to date educational website information, in an acceptable format, for viewing at the Town Library, schools and Town's website.
 - (3) Utility connections: The applicant shall place all utility connections underground except in unique cases where the Planning Board finds that soil conditions, topographic constraints, or utility company requirements make underground connections unfeasible.
 - (4) In the event the proposed site includes land that is active or potentially active agricultural or forest land and applicant excludes such land from the area to be used by the solar facility, the Planning Board may consider reducing some of the set back requirements in consideration of such exclusion. In the alternative, the Planning Board may increase setbacks for any project that fails to make a reasonable effort to exclude active or potentially active agricultural or forest land from the site.
- (L) Building permit and building inspection: No solar photovoltaic installation shall be constructed, installed, or modified without first obtaining a building permit. The application for building permit must be accompanied by the fee required for a building permit.

- (1) Exemptions: The following solar energy facilities are exempt from Planning Board action under this bylaw but require a building permit prior to installation. The Building Inspector shall review the application for building permit to determine that the facility does not impose an objectionable visual impact on abutting properties. In the event the Building Inspector is not satisfied that the visual impact is acceptable, he shall refer the application to the Planning Board for review:
 - (a) Agricultural solar photovoltaic facility for which all electrical power generated is used for the farm operations.
 - (b) Commercial roof-mounted solar photovoltaic facility.
 - (c) Residential roof-mounted solar photovoltaic facility.
- (2) The Planning Board shall conduct a site plan review, as to visual impact. The Planning Board may require submission of such documentation as it deems reasonable.
- (M) Emergency services: The operator shall provide a copy of the operation and maintenance plan, electrical schematic, and site plan to the Fire Chief, Police Chief, EMS (emergency medical service). The operator shall cooperate with local emergency services in developing an emergency response plan. All means of shutting down the facility shall be clearly marked. The premises shall identify a qualified contact person available 24 hours per day/seven days per week to provide assistance during an emergency; the operator shall change the contact information immediately whenever a change in personnel occurs.
- (N) Monitoring and maintenance.
 - (1) Maintenance: The operator shall maintain the facility in good condition. Maintenance shall include, but not be limited to, painting, structural repairs, and integrity of security measures. The operator shall be responsible for maintaining adequate access for emergency vehicles and maintenance equipment.
 - (2) An operation and maintenance manual is to be filed annually with the Planning Board confirming that the operation is ongoing and has not been abandoned. The owner and operator to provide the Planning Board with access to a computer/internet link in order that the Planning Board may view real time operation data to confirm ongoing operation.
 - (3) Modifications: No modifications to the plans submitted with the application and approved by the Planning Board may be made without written approval by the Planning Board. All modifications to the facility proposed after issuance of the special use permit and building permit require approval of the Planning Board and Inspector of Buildings.
 - (4) The applicant shall comply with any and all federal, Massachusetts or local requirements in existence at the time application is filed or adopted after approval.

Town Clerk Note- FINCOM BOOKLET APPENDIX B - EDIT #3 – The Last Sentence in paragraph (5) below the letter “a” in the word ambient was changed to a capital letter “A”.

- (5) Noise: Noise generated by a solar facility and its associated equipment shall not produce any vibration, harmonics, or other interference which would be perceived or negatively impact people, animals or the normal functions of electronic equipment off site. Prior to the issuance of a building permit, the applicant shall conduct a test of ambient noise conditions during startup operations and provide a written report of noise decibel levels. The solar facility and its associated equipment shall not produce a noise level that exceeds the Massachusetts DEP's Division of Air Quality noise regulations (310 CMR 7.10). The ambient noise level shall be evaluated at the property line and at the nearest inhabited residence or other sensitive land use boundary. "Ambient" shall mean the background A-weighted sound level that is exceeded 90% of the time as measured during equipment operating hours.
- (O) Decommissioning, removal, restoration, abandonment.
 - (1) Removal requirements: Any solar facility that has reached the end of its useful life (estimated to be 20 years), has been abandoned or has discontinued operation shall be physically removed from the parcel within 150 days after the date of discontinued operations; otherwise the Planning Board may proceed as set forth below. The owner or operator shall include in the application the anticipated date of discontinued operations together with plans for removal. As an ongoing obligation the owner or operator shall notify the Planning Board by certified mail, annually, as to the proposed date of discontinued operations and plans for removal.

- (2) Decommissioning/removal/restoration: Decommissioning/removal/restoration shall consist of at least the following:
 - (a) Physical removal of the solar arrays, structures, equipment, security barriers, and electrical transmission lines from the site and from the Town of Barre.
 - (b) The site to be restored as near as reasonably possible to its condition prior to the commencement of construction.
 - (c) Stabilization or revegetation of the site as necessary to minimize erosion. The Planning Board may allow the owner or operator to leave landscaping or below-grade foundations in order to minimize erosion and disruption of vegetation.
 - (d) Disposal of all solid and hazardous waste in accordance with local, state and federal bylaws
- (3) Abandonment: Absent notice of a proposed date of decommissioning or written notice of extenuating circumstances, the solar facility shall be considered abandoned when in the Planning Board's discretion it fails to operate for more than six months. If the solar facility is deemed abandoned by the Planning Board, the Town shall give the owner and operator 30 days' written notice to remove the facility. In the event that the owner and operator have not completed the removal at the conclusion of 90 days from the date of written notice, the Town may proceed, without taking any legal action, to enter the property to decommission, physically remove the facility and restore the property. The Town may recover any costs from the financial surety provided by the applicant. In the event there are insufficient funds to complete the decommissioning, removal and restoration, the applicant, owner and operator (including such other parties or entities as appropriate) shall be jointly and severally liable to pay any excess costs incurred in order to do so.

Town Clerk Note- FINCOM BOOKLET APPENDIX B - EDIT #4 – The word “funds” in the third Sentence was changed to the word “dollars”.

- (4) Financial surety: As a part of the application, the applicant shall provide the Planning Board with a fully inclusive estimate of the costs associated with the decommissioning and removal of the facility and site restoration. The estimate shall be prepared by a qualified engineer selected by the Planning Board, and the cost of the engineer preparing the estimate shall be paid by the applicant prior to issuance of any permit. At or before the second anniversary of the approval of the special permit, the applicant, owner or operator shall deposit with the Barre Treasurer United States dollars in an amount equal to 25% of the estimated cost of decommissioning, removal and site restoration. The applicant, owner or operator shall deposit additional sums equal to 25% of said estimate on the third, fourth and fifth anniversaries, resulting in the Barre Treasurer having a sum equal to 100% of the estimate on deposit by the fifth anniversary of the approval of the special permit. On said fifth, and on the 10th, 15th and 20th anniversaries (and 25th if appropriate), the applicant, owner or operator shall provide the Planning Board with an updated estimate from the same engineer (or such other engineer as may be selected by the Planning Board), the cost to be paid by the applicant, owner or operator. In addition the applicant, owner or operator shall deposit any additional funds with the Barre Treasurer in order that the funds on deposit are equal to 100% of the most recent estimate. In the event that the funds on deposit exceed 100% of the most recent estimate, the Planning Board shall authorize the Barre Treasurer to release any excess to the applicant, owner and operator. Such surety will not be required for municipal facilities owned and operated by the Town.
- (P) Prior to execution and delivery of special permit.
- (1) Prior to the Planning Board signing and delivering any special permit approved hereunder, the applicant shall deliver to the Planning Board the following:
 - (a) Written confirmation that the Conservation Commission has reviewed the facility plan, inspected the site as to wetlands and other issues within the Conservation Commission's jurisdiction and approved the site for the work shown on the facility plan.
 - (b) Written confirmation that the Barre Board of Health has reviewed the facility plan and approved a site assignment for the facility. Or in the alternative a vote indicating that the Barre Board of Health has determined that a site assignment is not required.
 - (c) Written confirmation that the Barre Board of Assessors has determined that the parcel(s) involved are not subject to special real estate tax assessment such as Chapter 61, 61A or 61B. In the event the Board of Assessors has determined that all or part of the parcel(s) are subject to special real estate tax assessment, written confirmation shall be required from the Barre Tax Collector of the payment of any rollback tax, or other payment that is required to remove the parcel(s) from such special real estate tax assessment status.

- (d) Written approval by the Barre Board of Health for the use of all chemicals listed on the document submitted pursuant to Subsection **G(1)(i)**.
- (e) Evidence of payment for the engineer to prepare estimate of cost of decommissioning [Subsection **N(4)**].
- (2) Any approval voted by the Planning Board prior to receipt of the foregoing shall be provisional.
- (Q) Severability. In the event any section or portion of this bylaw is determined to be invalid or unenforceable, such determination shall not affect the validity and enforceability of the remaining sections and portions of this bylaw.

ARTICLE 11: MARIJUANA ESTABLISHMENTS ZONING BYLAW: [2/3 Vote Required]

A motion was made by Selectman Matt Urban to amend the main motion under Article 11 by eliminating Sections G17, 18 & 19. A second motion was made and 2nd to Table the motion to amend and was voted by a Standing 2/3rd affirmative vote of 64 YES TO 19 NO to TABLE the amendment. A third motion to Table Article 11's main motion was made and 2nd which was defeated by a 2/3rd Negative Standing vote of 49 yes to 31 no.

Some discussion on this article included reference to Page 13 under Sections AA "allowing in business, commercial and Industrial districts" is inconsistent with allowances on page 6. Also Page 13 BB Section 6 of Appendix C is confusing as to whether Restrictions apply to marijuana sellers selling marijuana infused products/foods or if it only restricts other establishments from selling marijuana infused products/foods and that the Bylaw needed more work.

The Planning Board announced they voted a Favorable Recommendation for this Article.

ARTICLE 11- MAIN MOTION DEFEATED by a STANDING 2/3RD VOTE OF 55 YES TO 28 NO

Motion -to amend the Code of the Town of Barre, Zoning, Chapter 140 by inserting a new section 140-11.2 Adult Marijuana and Marijuana Establishments as it appears in the Finance Committee Booklet as Appendix C and further that nonsubstantive changes to the numbering of this bylaw be permitted in order that it be in compliance with the numbering format of the Code of Barre.

Sponsor: Board of Selectmen

RECOMMENDATION OF THE FINANCE COMMITTEE: No Recommendation Given

RECOMMENDATION OF THE BOARD OF SELECTMEN: To Be Given

*** See Appendix C 1 Edit to Appendix C in the FINCOM Booklet was made and announced**

Appendix C
MARIJUANA ESTABLISHMENTS ZONING BYLAW

Proposed Amendments
Code of the Town of Barre, Chapter 140 Zoning
Special Town Meeting
December 11, 2018
Article 11

To see if the Town will vote to amend the Code of the Town of Barre, Chapter 140, Zoning by adding a new section, 140-11.2, Adult and Medical Marijuana Establishments that would provide as follows:

140-11.2 Adult and Medical Marijuana and Marijuana Establishments

A. Authority, Purpose and Intent

(1) These provisions are enacted pursuant to General Laws, Chapter 40A, Section 9, and pursuant to the Town's authority under the Home Rule Amendment to the Massachusetts Constitution. It is recognized that the nature of the substance cultivated, processed, and/or sold by marijuana establishments may have objectionable operational characteristics and should be located in such a way as to ensure the health, safety, and general well-being of the Barre residents, the general public, patients seeking treatment, and customers seeking to purchase marijuana for recreational use. The Planning Board shall consider the effects that the proposed facility may have upon the site, the neighborhood, and the community. The Adult Marijuana and Marijuana Establishments bylaw is therefore necessary to advance these purposes.

(2) Subject to the provisions of this Zoning Bylaw, Chapter 40A of the Massachusetts General Laws, 105 CMR 725.000, and M.G.L. Chapter 94G, Marijuana Establishments will be permitted to provide medical support, security, and physician oversight that meet or exceed state regulation as established by the Massachusetts Department of Health (DPH) and to provide retail sales of marijuana for non-medical use in a manner that meets or exceeds state regulations.

B. Definitions

For the purpose of this bylaw, the following definitions shall apply:

Allowed Marijuana Use (AMU): Craft Marijuana Cultivator Cooperative, Independent Marijuana Testing Laboratory, Marijuana Cultivator, Marijuana Establishment, Marijuana Product Manufacturer, Marijuana Products, Adult Marijuana Retailer, Medical Marijuana Treatment Center, Registered Medical Marijuana Dispensary (RMD), Offsite Medical Marijuana Dispensary (OMMD)

Craft Marijuana Cultivator Cooperative: A marijuana cultivator comprised of residents of the Commonwealth as a limited liability company or limited liability partnership under the laws of the Commonwealth, or an appropriate business structure as determined by the Cannabis Control Commission (hereafter, "the Commission"), and that is licensed to cultivate, obtain, manufacture, process, package and brand marijuana and marijuana products to deliver marijuana to marijuana establishments but not to the consumer.

Independent Marijuana Testing Laboratory: A laboratory that is licensed by the Commission and is: (a) accredited to the most current version of the International Organization for Standardization 17025 by a third-party accrediting body that is a signatory of the International Laboratory Accreditation Accrediting Cooperation with a mutual recognition arrangement, or that is otherwise approved by the Commission; (b) independent financially from any medical marijuana treatment center or any licensee or marijuana establishment for which it conducts a test; and (c) qualified to test marijuana in compliance with regulations promulgated by the Commission pursuant to this chapter

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

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

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Marijuana Product Manufacturer: An entity licensed to obtain, manufacture, process, and package marijuana and marijuana products, to deliver marijuana and marijuana products to marijuana establishments, and to transfer marijuana and marijuana products to other marijuana establishments, but not to consumers.

Marijuana Products: Products that have been manufactured and contain marijuana or an extract of marijuana, including concentrated forms of marijuana and products composed of marijuana and other ingredients that are intended for use or consumption, including without limitation edible products, beverages, topical products, ointments, oils, and tinctures.

Adult Marijuana Retailer (AMR): An entity licensed to purchase and deliver marijuana and products from marijuana establishments and to deliver, sell, or otherwise transfer marijuana and marijuana products to marijuana establishments and to consumers.

Medical Marijuana Treatment Center: Also known as Registered Marijuana Dispensary as defined by 105 CMR 725.000.

Registered Marijuana Dispensary (RMD): A use 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.

Off-Site Medical Marijuana Dispensary (OMMD): A Registered Marijuana Dispensary that is located off-site from the cultivation/processing facility (and controlled and operated by the same registered and approved entity which operates an affiliated RMD) but which serves only to dispense the processed marijuana, related supplies and educational materials to registered qualifying patients or their personal caregivers in accordance with the provisions of 105 CMR 725.00.

SPGA – Special Permit Granting Authority – Planning Board of the Town of Barre.

Prime Agricultural Soils: Agricultural land with soils designed as prime or of the statewide significance by the U.S. Natural Resources Soil Services soil surveys.

Adult – 21 years of age or older.

C. Application Requirements. All applications for a Marijuana Establishment shall include the information listed in Section C, Application Requirements below. Any of the listed information requirements in Section C may be waived at the sole discretion of the Planning Board after determining that the information requirement is not applicable and/or is not needed for a particular application.

(1) An AMU shall only be allowed by Special Permit. The Planning Board shall be the Special Permit Granting Authority (SPGA). The following items are required submittals for a Special Permit Application:

- a. The name and address of each owner of the facility/operation;
- b. Copies of all documentation demonstrating appropriate application status under state law, or registration or license, issued to the applicant by the Commonwealth of Massachusetts and any of its agencies for the facility;
- c. Evidence that the Applicant has site control and the right to use the site for a facility in the form of a deed or valid purchase and sale agreement, or, in the case of a lease, a notarized statement from the property owner and a copy of the lease agreement;

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- d. A notarized statement signed by the organization's Chief Executive Officer disclosing all of its designated representatives, including officers and directors, shareholders, partners, members, managers, directors, officers, 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 individual persons associated with the entity as set forth above;
- e. In addition to what is normally required in a Site Plan application, details showing all exterior proposed security measures for the premises, including lighting, fencing, gates and alarms, etc., which seek to ensure the safety of employees and patrons and to protect the premises from theft or other criminal activity;
- f. A **Management Plan** as required under the Rules and Regulations of the Cannabis Control Commission including a description of all activities to occur on site, including all provisions for the delivery of marijuana and related products to Marijuana Establishments, OMMD's, RMD's, and AMR's or off-site direct delivery;
- g. **Community Impact Statement** - An analysis of the impact on the Town, including but not limited to, the surrounding neighborhood in terms of use, architectural consistency, pedestrian movement and overall character; impacts on nearby historic structures, if any exist. ; the impact on the interests noted in Section 1 of the Zoning Bylaw, and an evaluation of the proposed project's consistency and compatibility with existing local and regional plans. The Planning Board may employ a third party consultant to evaluate whether or not the project has been designed in such a manner to minimize impact on the community.
- h. **Water Use Study** – (For Projects using Town of Barre Water) A detailed analysis and data regarding the proposed water use for any AMU. The analysis shall include details regarding the adequacy of water supply, and information regarding how the application complies with all regulations promulgated pursuant to G.L. c.94C, App. 1, 94G, and any other laws or regulations promulgated regarding commercial or medical marijuana. All controls on water use and discharge by an AMU but in any event shall be no less restrictive than those promulgated pursuant to G.L. c. 94C, App. 1 and any other relevant regulation or law. The Planning Board may employ a third party consultant to review the water use study.
- i. **Security Measure Report** - Applicant shall submit a copy of the Security Plan as required by the Cannabis Control Commission. Security measures proposed by an AMU must at least meet the standard set by G.L. c. 94C, App.1. Security measures proposed by the AMU should be designed in accordance with the best management practices of the industry. The Planning Board may employ a third party consultant to review the proposed security measures to evaluate whether the security measures comply with the regulations cited above.
- j. **Transfer of Ownership**- The Applicant shall submit a copy of the transfer of ownership policies as required by the Cannabis Control Commission. The policies and procedures for the transfer, acquisition, or sale of marijuana shall comply with the regulations promulgated pursuant to G.L. c. 94C, App. 1 and 94G and any other laws or regulations promulgated regarding commercial or medical marijuana. Policies and procedures for the transfer of marijuana must at least meet the standards set by G.L. 94C, App.1 94G and any regulations established by the Town which shall be no less restrictive than those promulgated by the general laws and regulations. The Planning Board may employ a third party consultant to review the proposed policies and procedures regarding the transfer of marijuana.
- k. **Waste Management Report** – The Applicant shall submit a copy of the proposed waste management plan as required by the Cannabis Control Commission. A copy of proposed waste management procedures. Such proposal shall ensure safe disposal of waste, promote recycling and comply with the regulations promulgated pursuant to G.L. c. 94C, App. 1 and 94G and any other laws or regulations promulgated regarding commercial or medical marijuana. Policies and procedures for waste management must at least meet the standards set by G.L. c. 94C, App.1 and 94G and any regulations established by the Town which shall be no less restrictive than those promulgated by the general laws and regulations. The Planning Board may employ a third party consultant to review the proposed policies and procedures regarding waste management.

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- l. Energy and Environmental Standards Report** - The Applicant shall submit a detailed analysis of how the project meets the energy and environmental standards approved by the State regulatory authority which shall comply with the regulations promulgated pursuant to G.L. c. 94C, App. 1 and 94G and any other laws or regulations promulgated regarding commercial or medical marijuana. Policies and procedures for energy and environmental standards must at least meet the standards set by G.L. c. 94C, App. 1 and 94G and any regulations established by the Town which shall be no less restrictive than those promulgated by the general laws and regulations. The Planning Board may employ a third party consultant to review the proposed policies and procedures regarding the energy and environmental.
- m. Odor Analysis and Report** – The Applicant shall submit a detailed analysis as to how the project will meet the odor control standards as required by the State regulatory authority which complies with the regulations promulgated pursuant to G. L. c. 94C, App. 1 and 94G and any other laws or regulations promulgated regarding commercial or medical marijuana. Policies and procedures for Odor Control must at least meet the standards set by G.L. c. 94G and regulations promulgated there under C, App. 1 and any regulations established by the Town which shall be no less restrictive than those promulgated by the general laws and regulations. The Planning Board may employ a third party consultant to review the proposed policies and procedures regarding odor control
- n. Construction Management Plan** – The Applicant shall submit a plan which describes the project construction management plan. The Planning Board may employ a third party consultant to review the proposed construction management plan.
- o. Regulatory Waivers** - A description of any waivers or variances of the requirements of the State licensing and registration authorities granted to or sought by the AMU.
- p. Traffic Impact Study:** Identification of existing traffic levels, along with the expected traffic impacts to occur based upon the proposed project.

D. Use Regulations: The following regulations shall apply to uses under this section:

- (1) No marijuana shall be smoked, eaten or otherwise consumed or ingested on the premises.
- (2) The hours of operation shall be determined by the Board of Selectmen and the Planning Board and made a part of the Host Community Agreement.

E. Locational, Physical Requirements, and Allowed Uses:

(1) All aspects of a Marijuana Establishment, RMD, OMMD, or AMR 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 a fixed location within a fully enclosed building and shall not be visible from the exterior of the business.

(2) No outside storage of marijuana, related supplies, or educational materials is permitted.

(3) Ventilation – all facilities shall be ventilated in such a manner that:

- No pesticides, insecticides or other chemicals or products used in the cultivation or processing are dispersed into the outside atmosphere; and
- No odor from marijuana or its processing can be detected by a person with an unimpaired and otherwise normal sense of smell at any adjoining use or property.

(4) Allowed Uses:

(a) Marijuana Cultivator, Outdoor Cultivation of Marijuana: Outdoor cultivation of Marijuana is allowed on existing farmland in areas zoned R-80 Residential and Industrial. No other types of Marijuana Establishments are allowed in areas zoned R80 Residential. A minimum lot size of 20 acres is required in the R-80 zone and 3 acres in the Industrial Zone. If property is taxed under G.L.c. 61A, the section of the property used for marijuana growth will need to be removed from G.L.c. 61A. No below grade foundation(s) or structures shall be used without the specific approval of the Planning Board. No material, including top soil, may be removed from the site without prior specific approval of the Planning Board. The visual impact requirements for an outdoor cultivation facility are specified in Section M. Visual Impacts.

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(b) Marijuana Cultivator, Indoor Cultivator of Marijuana: Indoor cultivation of marijuana is allowed in areas zoned Business/Commercial and Industrial. A minimum lot size of 5 acres is required with minimum road frontage as required by the Town's Zoning Bylaws. The lot to be one continuous parcel. . No material, including top soil, may be removed from the site without prior specific approval of the Planning Board. Indoor cultivation of marijuana requires approval through a special permit by the SPGA. All other conditions for Marijuana Establishments in this Bylaw apply to Commercial indoor Cultivation of Marijuana.

Minimum yard dimensions shall conform to the requirements for Business Commercial as specified in Section 140.14, Table of Dimensional Requirements in the Town of Barre Zoning Code.

(c) Adult Marijuana Retailer (AMR) and Registered Medical Marijuana Dispensary (RMD):AMR and RMD facilities are only allowed in area zoned Business/Commercial and Industrial.

Minimum yard dimensions shall conform to the requirements for Business Commercial as specified in Section 140.14, Table of Dimensional Requirements in the Town of Barre Zoning Code.

F. Annual Reporting: Each facility permitted under this Bylaw shall, as a condition of its special permit submit a copy of the as required by the Cannabis Control Commission.

G. Restrictions and Prohibitions

(1) The proposed uses shall not be located within five hundred (500) feet of the following, as measured from the building and/or area actively used:

- a. A public or private preschool, elementary school, middle school, secondary school, preparatory school, licensed daycare center, or any other facility in which children commonly congregate in an organized ongoing formal basis;
- b. A Playground, Park, or town Common;

(2) The proposed AMUs shall be located a minimum distance of one hundred to five hundred (500) feet from the following, as measured from the building and/or area actively used. The actual distances shall be determined on a case by case basis by the Planning Board.

- a. Public Library;
- b. Public swimming area or pool;
- c. Residential dwellings or group homes;
- d. Structure used for religious purposes.

(3) No Marijuana Retailer shall be located within five hundred (500) feet of another Marijuana Retailer. The distance shall be measured along a straight line from the nearest point of the property line in question to the nearest point of the property line where the other Marijuana Retailer is or will be located.

(4) The proposed use shall not display on-premises signage or other marketing on the exterior of the building or in any manner visible from the public way, which, in the opinion of the Special Permit Granting Authority, may promote or encourage the use of marijuana or other drugs by minors.

(5) All AMUs must minimize adverse impacts on abutters and other parties of interest, as defined in M.G.L. Chapter 40A, Section 11.

(6) All AMUs engaged in the acquisition, cultivation possession, processing, sales, distribution, dispensing or administration of marijuana, products containing marijuana, related supplies or promotional materials must take place in a fixed location within a fully enclosed building and shall not be visible from the exterior of the building.

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(7) AMUs are not allowed on Agricultural land with soils as prime or statewide significance by the U.S. Natural Resource Conservation Service soil survey. Outdoor marijuana cultivators are exempt from this requirement.

(8) AMUs are not allowed on lots containing rare, threatened, or endangered species or exemplar natural communities' according to the Massachusetts BioMap Project development by the Massachusetts Natural Heritage & Endangered Species Program.

(9) AMUs are not allowed on unique natural, cultural, and/or historical features as identified in the Master Plan or Community Development Plan.

(10) All indoor marijuana cultivation is to be located in a fully-enclosed, permanent building and may not be located in a trailer, cargo container, motor vehicle or other similar non-permanent enclosure.

(11) **Prohibition Against Nuisances:** No use shall be allowed in the allowed marijuana use which creates a nuisance to abutters or to the surrounding area, or which creates any hazard, including but 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.

(13) **Violation:** In the event of any violation of the terms and conditions of a special permit issued pursuant to this Zoning Bylaw, after proper notice and demand, the Building Inspector shall institute appropriate action or proceedings in the name of the Town of Barre to prevent, correct, restrain, or abate any violation. The violator shall be subject to a fine of \$300.00 a day from each day the violation continues.

(14) This bylaw applies to all Marijuana Facilities, either existing or proposed in the Town of Barre. In addition this bylaw shall apply to any and all alterations, changes, improvements and modifications, including, but not limited to upgrades or physical modifications, regardless of whether the modification materially alters the type, configuration, or size of these facilities or related equipment. The Planning Board shall follow the procedural requirements for processing special permit applications as set forth in Massachusetts General Laws, including but not limited to MGL c. 40A, 9.

(15) AMUs must comply with Security Requirements for Marijuana Establishments per 935 CMR: Cannabis Control Commission, 500.110 – Security Requirements for Marijuana Establishments.

(16) Prior to construction being undertaken in the Town of Barre, any site or development to which this section applies shall comply with the regulations of all sections of the Zoning Bylaw as well as all other applicable Town Bylaws and laws and regulations of the Commonwealth of Massachusetts.

Town Clerk Note- FINCOM BOOKLET APPENDIX C - EDIT #1 –Sentence in paragraph (17) changed from “The number of licensed Marijuana Retailer Establishments in the Town of Barre shall not exceed 20% of the number of licenses issued for the sale of alcohol not to be consumed on the premises under the Massachusetts General laws Chapter 138, Section 15.” TO: “The number of licensed Marijuana Retailer Establishments in the Town of Barre shall not exceed 20% of the number of liquor licenses for off premises alcohol consumption that have been issued pursuant to Massachusetts General laws Chapter 138, Section 15, as rounded up to the nearest whole number in the event the number is a fraction.”

(17) **Number of Marijuana Retailer Establishments** – The number of licensed Marijuana Retailer Establishments in the Town of Barre shall not exceed 20% of the number of liquor licenses for off premises alcohol consumption that have been issued pursuant to Massachusetts General laws Chapter 138, Section 15, as rounded up to the nearest whole number in the event the number is a fraction.

(18) Not more than three (3) Indoor Marijuana Facilities are allowed by Special Permit in the Town of Barre.

(19) Not more than three (3) Outdoor Marijuana Facilities are allowed by Special Permit in the Town of Barre.

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H. Findings: In addition to the findings required under all other applicable sections of this Bylaw, the Special Permit Granting Authority shall find that the proposed use:

- (1) Meets all of the permitting requirements of all applicable agencies within the Commonwealth of Massachusetts and will as proposed be in compliance with all applicable state laws and regulations.
- (2) Complies with 105 CMR 725.000 and approved regulations of the MA Department of Public Health, if the proposed use is a Registered Marijuana Dispensary (RMD) or an Off-Site Medical Marijuana Dispensary (OMMD),
- (3) Is designed to minimize any adverse visual or economic impacts on abutters and other parties of interest.
- (4) Provides that the storage and/or location of cultivation of marijuana is adequately secured in enclosed, locked facilities.

I. Prior to Issuance of Special Permit.

- (1) Applicant shall provide proof that they have executed a Host Community Agreement with the Town of Barre.
- (2) Applicant shall certify that they have received a provisional or final registration and has received all other required permits, licenses and approvals from all applicable agencies with the Commonwealth of Massachusetts and is in compliance with all applicable state laws and regulations.

J. Transfer/Discontinuance of Use

- (1) A Special Permit granted under this Section shall not run with the land but shall be specific to the applicant and shall be non-transferrable to another owner or operator without an amendment to the special permit following a noticed public hearing in accordance with M.G.L. c. 40A and the Barre Zoning Bylaws.
- (2) The special permit shall lapse upon the expiration or termination of the special permit holder's license from the state Cannabis Control Commission. The special permit holder shall notify the Building Commissioner and the SPGA in writing within 48 hours of the cessation of operation or expiration or termination of the special permit holder's state license.
- (3) Any Marijuana Establishment, RMD, OMMD, or AMR permitted under this section shall be required to remove all material, plants, equipment, and other paraphernalia in compliance with 105 CMR 725.105 (J) and (O) prior to the expiration of its DPH Registration, immediately following revocation or voiding of its DPH Registration, or following the expiration, revocation or voiding of its license issued by the Commission.

K. Outside Consultants and Review Fees: The SPGA may retain third party consultants to review the applicant's submittals and provide advice and technical assistance to the SPGA for its review. An outside consultant review escrow deposit shall be submitted to the SPGA if requested. The escrow for review fees is intended to cover the SPGA's cost of hiring consultants to review the Applicant's compliance with the Special Permit requirements under this Bylaw and may include legal counsel. The initial escrow deposit amount shall be set by the SPGA. Any unexpended monies in the escrow account will be returned to the Applicant after all obligations are satisfied.

L. The SPGA shall submit-copies of the application to the Building Department, Fire Department, Police Department, Board of Health, the Conservation Commission, Board of Assessors, and the Department of Public Works. These Boards/Departments will be asked to review the application in accordance with their applicable laws and regulations and make a determination as to whether or not the proposed project complies with the same. They shall submit their written comments and/or recommendations within 35 days of receipt of the application.

M. Visual Impact

Outdoor cultivation of marijuana facilities located in R-80 zoning areas shall be positioned to provide a visual buffer of the facility in order to reduce the visual impact the facility may have upon all abutting and affected residential properties. A visual buffer shall be provided for roadways from which the facility can be seen. The applicant may incorporate methods to reduce the visual impact such as earthen berms, vegetation, and/or fencing and screening. The adequacy of the visual buffer will be determined on a case by case basis as determined by the Planning Board.

A Site Plan shall be submitted that contains the following information:

- (1) Property lines and physical features, including roads and topographical contour lines for the project site. Also the applicant shall indicate the location of existing, proposed or potential agricultural.
- (2) Proposed changes to the landscape of the site, grading, vegetation clearing and planting, exterior lighting, screening vegetation or structures. A planting plan where a visual buffer is required shall be presented.
- (3) Views of the site from all off-site abutting properties (and where the site is abutting a street, from the street) indicating what will be seen, prior to construction, immediately after construction is completed with no plantings in place, after construction with all plantings in place and at two, five and 10 years after construction with all plantings still in place (indicating normal anticipated growth).
- (4) The Planning Board may require, as a part of the visual impact review, on-site visits by the Planning Board during the application process.
- (5) Plans and drawings showing the proposed layout of the facility signed and stamped by a professional engineer licensed to practice in Massachusetts.
- (6) The names, addresses, telephone numbers, e-mail addresses and any other contact information of the property owner, applicant, construction contractor(s), and facility owner operator or leasee.

N. Insurance: The applicant shall submit documentation demonstrating that they have obtained general liability insurance as required by regulations of the Cannabis Control Commission.

O. Planning Board Review Process

- (1) The applicant shall submit five copies of the required plans and documents. The applicant shall also submit the required fee(s).
- (2) Public hearing. The Planning Board shall hold a public hearing in accordance with Massachusetts General Laws. The time for acting may be extended upon written request of the applicant and/or Planning Board. Such request shall not be unreasonably denied. The Planning Board may waive or modify any condition as it determines in its sole discretion.
- (3) The Planning Board may waive selected requirements of this bylaw if they determine that a particular requirement is not applicable or that the requirement is not needed. The determination to waive a requirement shall be at the sole discretion of the Planning Board.
- (4) The Planning Board's final action may consist of either:
 - (a) Approval of the application based on a determination that the proposed project complies with the conditions contained in this Bylaw. The Planning Board shall include a finding that the proposal will be neither detrimental nor offensive to the neighborhood.
 - (b) Disapproval of the application with an explanation of the reasons for such disapproval including the elements of the proposal the Planning Board finds are not capable of revision. The Planning Board shall include a finding as to how the proposal is either detrimental or offensive to the neighborhood. In addition or in the alternative, the Planning Board shall include a finding that there are no modifications or changes, the applicant could make to the proposal that would modify the proposal in order that the public health, safety or welfare would be protected. The Planning Board may also include a finding as to the elements of the proposal that are so deficient in important elements and intrusive on the interests of the public that they warrant disapproval.

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P. Building Permit and Building Inspection: No installation shall be constructed, installed, or modified without first obtaining a building permit and shall not be issued until the Planning Board has issued a Special Permit. No modifications shall be made without obtaining Planning Board approval.

Q. Emergency Services: The operator shall provide a copy of the operation and maintenance plan, electrical schematic, and site plan to the Fire Chief, Police Chief, and EMS (emergency medical service). The operator shall cooperate with local emergency services in developing an emergency response plan. All means of shutting down the facility shall be clearly marked. The premises shall identify a qualified contact person available 24 hours per day/seven days per week to provide assistance during an emergency; the operator shall change the contact information immediately whenever a change in personnel occurs.

R. Maintenance and Modifications

(1) **Maintenance:** The operator shall maintain the facility in good condition. Maintenance shall include, but not be limited to, painting, structural repairs, and integrity of security measures. The operator shall be responsible for maintaining adequate access for emergency vehicles and maintenance equipment.

(2) **Modifications:** No modifications to the plans submitted with the application and approved by the Planning Board may be made without written approval by the Planning Board. All material modifications to the facility proposed after issuance of the building permit require approval of the Planning Board and Inspector of Buildings.

S. Decommissioning, Removal, Restoration, Abandonment -

(1) **Removal requirements:** Any facility that has reached the end of its useful life, has been abandoned or has discontinued operation shall be physically removed from the parcel within 150 days after the date of discontinued operations; otherwise the Planning Board may proceed as set forth below. The owner or operator shall include in the application the anticipated date of discontinued operations, if any, together with plans for removal. Structures that may have a potential for future use are not required to be dismantled or demolished and removed for purposes other than cultivation of Marijuana.

(2) **Decommissioning/removal/restoration:** The owner/operator shall be required to remove all material, plants, equipment and other paraphernalia in compliance with 105 CMR 725.105 (J) and (O) prior to the expiration of its Department of Public Health (DPH) Registration, immediately following revocation or voiding of its DPH Registration, or following the expiration, revocation or voiding of its license issued by the Cannabis Control Commission and to include as follows:

(a) The site to be restored as near as reasonably possible to its condition prior to the commencement of construction except for structures which the owner/operator has determined have a potential for future use.

(b) Stabilization or revegetation of the site as necessary to minimize erosion. The Planning Board may allow the owner or operator to leave landscaping or below-grade foundations in order to minimize erosion and disruption of vegetation.

(c) Removal and disposal of all solid and hazardous waste in accordance with local, state and federal bylaws.

(3) **Abandonment:** Absent notice of a proposed date of decommissioning or written notice of extenuating circumstances, the facility shall be considered abandoned when in the Planning Board's discretion, it fails to operate for more than six months. If the facility is deemed abandoned by the Planning Board, the Town shall give the owner and operator 30 days' written notice to remove:

(a) Remove all material, plants, equipment and other paraphernalia in compliance with 105 CMR 725.105 (J) and (O).

(b) In the event that the owner and operator have not completed the removal at the conclusion of 90 days from the date of written notice, the Town may proceed, without taking any legal action, to enter the property to decommission, physically remove the facility and restore the property. The Town may recover any costs from the financial surety provided by the applicant. In the event there are insufficient funds to complete the decommissioning, removal and restoration, the applicant, owner and operator (including such other parties or entities as appropriate) shall be jointly and severally liable to pay any excess costs incurred in order to do so.

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T. Financial Surety: The Applicant shall submit to the Planning Board a copy of the Financial Surety documentation submitted to the Cannabis Control Commission.

U. Severability – In the event any section or portion of this bylaw is determined to be invalid or unenforceable by a court of competent jurisdiction such determination/ruling shall not affect the validity and enforceability of the remaining sections and portions of this bylaw.

AA. Marijuana Establishment - Registered Marijuana Dispensary, are allowed in business/commercial zone. All requirements listed in this bylaw apply in addition to:

1. Shall be located in a fully-enclosed, permanent building and may not be located in a trailer, cargo container, motor vehicle or other similar non-permanent enclosure;
2. Shall not have a drive thru service;
3. Shall not be within a building containing residential units;
4. Must be the sole use on said premise;
5. No smoking, burning or consumption of any product contain marijuana or marijuana-related products shall be permitted on the premises with the exception of product testing performed at an Independent Testing Laboratory;
6. All other sections of the bylaw are to be adhered to.

BB. Marijuana Retailer Store Front are allowed in business/commercial zone. All requirements listed in this bylaw apply in addition to:

1. Shall be located in a fully-enclosed, permanent building and may not be located in a trailer, cargo container, motor vehicle or other similar non-permanent enclosure;
2. Shall not have a drive thru service;
3. Shall not be within a building containing residential units;
4. Must be the sole use of said premise;
5. No smoking, burning or consumption of any product contain marijuana or marijuana-related products shall be permitted on the premises with the exception of product testing performed at an Independent Testing Laboratory;
6. Sale of Marijuana and marijuana products will be the sole use of said premise/building. Cannot be combined with any other food, beverages or items sold within the Town of Barre.
7. No Marijuana Establishment shall be permitted to operate from a moveable, mobile or transitory location.
8. Marijuana Establishments are not permitted as a Home Occupation.
9. All other sections of the bylaw are to be complied with.

CC. Marijuana Retailer Delivery allowed in areas zoned business/commercial.

DD. Marijuan Retailer Social consumption not allowed.

ARTICLE 12: EXTEND MORATORIUM ON RECREATIONAL MARIJUANA ESTABLISHMENTS: [2/3 Vote Required]

The Planning Board announced they voted a Favorable Recommendation for this Article. **VOTED BY A 2/3RD AFFIRMATIVE STANDING VOTE OF 79 YES TO 4 NO** to amend the Code of the Town of Barre, Zoning Chapter 140-11.1, Temporary Moratorium on Recreational Marijuana Establishments by extending the moratorium through June 30, 2019 or until such time as the Town adopts Zoning Bylaw amendments that regulate Recreational Marijuana Establishments, whichever occurs earlier.

Sponsor: Board of Selectmen

RECOMMENDATION OF THE FINANCE COMMITTEE: No Recommendation Given
RECOMMENDATION OF THE BOARD OF SELECTMEN: FAVORABLE

ARTICLE 13: AMEND ARTICLE 34 OF JUNE 19, 2018 ANNUAL TOWN MEETING: [2/3 Vote Required]

The Planning Board announced they voted a Favorable Recommendation for this Article. **VOTED UNANIMOUSLY** to amend the vote taken at the June 19, 2018 Annual Town Meeting, Article 34, by inserting, following the words "Provisional Certificate of Registration for a Registered Marijuana Dispensary", the words "for in the Town of Barre"

Sponsor: Town Counsel

RECOMMENDATION OF THE FINANCE COMMITTEE: No Recommendation Given
RECOMMENDATION OF THE BOARD OF SELECTMEN: To Be Given

TOWN OF BARRE, SPECIAL TOWN MEETING, DECEMBER 11, 2018 - MINUTES

ARTICLE 14: PERMANENT BASKETBALL HOOP TO BE INSTALLED IN NORNAY PARK:

[Majority Vote Required]

Mary Jane Bade petitioned for the article so that children in her neighborhood would have an alternative place to play basketball other than in the road and parking lot directly outside her home as the noise of the children playing basketball is frequent and very bothersome for her.

Discussion was mainly based on the location of where to put the basketball hoop. Mary Ann Gendron spoke on behalf of the South Barre Common Committee who stated she did not feel it was appropriate for the hoop to be placed in Nornay Park and that other areas would be better suited.

A Motion made and seconded for a Secret Ballot was unanimously defeated.

A Motion to move the Question was voted unanimously.

The main motion "That the Town will vote to have a permanent basketball hoop installed in the Nornay Park (South Barre) area so the children can have a safe place to play and practice "shots" at the hoop." was defeated by a unanimous voice vote.

Sponsor: Citizen Petition

RECOMMENDATION OF THE FINANCE COMMITTEE: No Recommendation Given

RECOMMENDATION OF THE BOARD OF SELECTMEN: To Be Given

A point of order – due to the closeness of the vote Dennis Fleming made a motion to reconsider Article 11 which was 2nd and defeated by a majority negative voice vote.

There being no further business the meeting adjourned at 9:00 p.m.

RESPECTFULLY SUBMITTED:

Ellen M. Glidden

ELLEN M. GLIDDEN, CMC, CMMC

BARRE TOWN CLERK