

Section 5.11.2: Establishment and Applicability

An MMTC may be established on land solely within the Limited Industry Zoning District.

This Section 5.11 shall be applicable to those uses specified in Section 5.11.5 below. Unless expressly provided otherwise in this Section 5.11, all the requirements of the Bylaws which are applicable to a Limited Industry District shall be applicable to such uses.

The location of any bike or recreational or walking path within any portion of the Limited Industry District now or hereafter shall not preclude an MMTC within 500 feet of such path.

Section 5.11.3: Definitions

Where not expressly defined in these Zoning Bylaws, terms used in this Section 5.11 shall be interpreted as defined in Chapter 94I, 105 CMR 725.000, 935 CMR 501.00 and any regulations issued by the CCC implementing Chapter 94I, and otherwise by their plain language.

“Medical Marijuana Treatment Center” shall mean an entity formerly and validly registered under 935 CMR 501.100 (or 105 CMR 725.000 if applicable), which acquires, cultivates, possesses, processes (including development of related products such as edible MIPs, 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. An MMTC refers to the site(s) of dispensing, cultivation, and preparation of marijuana.

Section 5.11.4: Location and Dimensional Controls

1. An MMTC may not be located within 500 feet (measured in a straight line from the nearest point of the property line of any of the following uses to the nearest point of the property line of the MMTC) of the following pre-existing uses:
 - (a) Public or private school providing education in pre-school, kindergarten and/or grades 1 through 12;
 - (b) State-licensed Child Care Center, as defined in M.G.L. Chapter 15D; or
 - (c) Library, playground, public park, public beach, religious facility, youth center; or similar facility in which minors commonly congregate for a particular purpose in a structured or scheduled manner.
2. Cultivation and processing facilities located within the Limited Industry District shall be separated from adjacent property lines by a 50-foot buffer strip, unless the applicant can demonstrate, and the SPGA (defined in Section 5.11.5) finds, that adequate buffering can be provided in a narrower buffer strip.
3. An MMTC shall be located only in a permanent building and not within any mobile facility. All sales shall be conducted either within the building or by home delivery pursuant to applicable state regulations.
4. Unless expressly stated otherwise in this Section 5.11, an MMTC shall conform to the dimensional requirements applicable to non-residential uses in the Limited Industry District.

Section 5.11.5: Special Permit and Site Plan Requirements

1. Procedure: An MMTC may be permitted in the Limited Industry District pursuant to a Special Permit in accordance with M.G.L. Chapter 40A, Section 9 and Site Plan Approval under the same application and time standards as provided under said Chapter 40A, Section 9 by the Planning Board which shall be the Permit Granting Authority ("SPGA") under this Section 5.11 and shall conduct Site Plan Approval for an applicant for an MMTC.
2. A Special Permit for an MMTC shall be limited to one or more of the following uses:
 - (a) Cultivation of Marijuana for medical use.
 - (b) Processing and packaging of Marijuana for medical use, including Marijuana that is in the form of smoking materials, food products, oils, aerosols, ointments, and other products.
 - (c) Testing of Marijuana for medical use.
 - (d) Sale or distribution of medical use Marijuana.
 - (e) Wholesale sale of medical Marijuana to other MMTCs located in the Town or another municipality in Massachusetts.
 - (f) Medical Marijuana transportation or distribution.
3. Application: The application for an MMTC shall include the following:
 - (a) the name and address of each owner of the MMTC. If the Applicant is a business organization, a statement under oath disclosing all of its owners, shareholders, partners, members, managers, directors, officers, or other similar parties, representatives and entities and their addresses. If any of the above are entities rather than persons, the Applicant must provide the same disclosure in writing under oath for all of such entities.
 - (b) Copies of all required licenses and permits issued to the Applicant by the Commonwealth of Massachusetts and any of its agencies for the MMTC, together with a copy of all materials (including surety bonds or other guarantees) submitted to the Department of Public Health (if applicable) and/or CCC in connection with the licensing and permitting of an MMTC;
 - (c) A description of the proposed use;
 - (d) Evidence of the Applicant's right to use the site for an MMTC, such as a recorded deed, fully executed lease or fully executed purchase and sale agreement;
 - (e) A certified list of all parties in interest entitled to notice of the hearing for the Special Permit and Site Plan Approval application, taken from the most recent tax list of the Town and certified by the Town Assessor;
 - (f) Evidence that the Applicant has entered into a fully executed Community Host Agreement with the Town;
 - (g) A detailed floor plan of the site of the proposed MMTC that identifies the square footage available and describes the functional areas of the facility;
 - (h) A detailed site plan that includes:
 1. Compliance with the requirements for parking and loading spaces, lot size, frontage, yards and heights and coverage of buildings, signage and all other provisions of this Section 5.11 and other applicable provisions of Section 3.9 of the Bylaws;

2. Design for convenience and safety of vehicular and pedestrian movement on the site and access to and from the site which must be located on a public way or approved private way;
 3. Design and appearance of proposed buildings, structures, screening and landscaping;
 4. Adequacy of water supply, drainage, waste water conveyance and treatment plant capacity; and
 5. Adequacy of any on-site septic system, if applicable, as approved by the Board of Health.
- (i) A Security Plan that shall include the details of all security measures for the site and transportation of marijuana and marijuana products to and from off-site premises to ensure the safety of employees and the public and to protect the site from theft or other criminal activity. The Security Plan shall be submitted to the Fire Department and Police Department for review, comments, and recommendations as determined by such departments. This report shall remain confidential as required by applicable law.
 - (j) An Operation and Management Plan that shall include: Organizational Structure, Location, Property Description, Hours of Operation and Staffing, Cultivation Practices, Processing Practices, Distribution Practices, Employee Safety, Fire Prevention, Sanitation Requirements, Electrical System Overview, Ventilation System and Air Quality and Waste Refuse Chemical Remediation Plan. The plan shall be submitted to the Building Department, Board of Health, Water and Sewer Department, Police Department, Fire Department, Conservation Commission and Board of Selectmen for review, comments, and recommendations as determined by such departments and boards.
 - (k) An Emergency Response Plan. All owners and senior managers of an MMTC shall meet with the Police Department and Fire Department to discuss and identify emergency/contingency plans for the site, and a written Emergency Response Plan shall be filed with and approved by the Police Department and Fire Department as a condition of the Special Permit and Site Plan Approval.
4. The SPGA, in its discretion, may retain the services of consultants, as to any matter contained in the application, all expenses of which shall be the responsibility of the Applicant.
 5. Mandatory Findings: The SPGA shall not issue a Special Permit for an MMTC unless it finds that after notice and public hearing in accordance with Section 7.2.2 and Section 3.9 of the Bylaws and consideration of application materials, consultant reviews, public comments, and the recommendations of other town boards and departments:
 - (a) The MMTC is designed to minimize any adverse visual or economic impacts on abutters and other parties in interest, as defined in M.G.L. Chapter 40A, Section 11;
 - (b) The MMTC is fully permitted by all applicable agencies of the Commonwealth of Massachusetts and is in compliance with all applicable state laws and regulations and;
 - (c) The Applicant has satisfied all conditions and requirements of this Section 5.11.

6. The SPGA shall refer copies of the application to the Board of Selectmen, Building Department, Fire Department, Police Department, Board of Health, Conservation Commission, Water and Sewer Department and such other departments, boards and commissions as determined by the SPGA. These boards/departments shall review the application and shall submit their written comments and recommendations. Failure to make comments and recommendations within 45 days of referral of the application shall be deemed lack of opposition.
7. Special Permit Conditions on an MMTC: Conditions which are reasonably appropriate to improve site design, traffic flow, and public safety, to protect water quality, air quality, and significant environmental resources, to preserve the character of the surrounding area and to otherwise serve the purposes of this Section 5.11 may include, but not be limited to:
 - (a) Hours of Operation of an MMTC for sale or distribution to consumers and/or wholesalers shall be limited to 7:00 a.m. – 7:00 p.m., unless otherwise permitted by the SPGA.
 - (b) The use shall be limited to the permitted use and shall not generate outside odors from the cultivation or processing of marijuana and marijuana products. No use shall be allowed in the Limited Industry District 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 sound or vibration, flashes, glare, objectionable effluent or electrical interference.
 - (c) The permit holder shall provide to the Zoning Enforcement Officer/Building Inspector, Board of Health, Chief of the Fire Department, Chief of the Police Department, Town Administrator, and the SPGA, the name, telephone number and electronic mail address of all managers and key holders who can serve as a contact person if such person needs to be contacted at any time, including after regular business hours to address any problems or urgent issues. Such contact information shall be kept updated by the permit holder.
 - (d) With consent of the MMTC, law enforcement personnel or local public health, inspectional services, or other permit-granting agents acting within their lawful jurisdiction may enter and inspect the MMTC for compliance with local and state regulations with prior notice during normal business hours.
 - (e) An MMTC may not operate, and the Special Permit and Site Plan Approval will not be valid, until the applicant has obtained all licenses and permits issued by the Commonwealth of Massachusetts and any of its agencies for the facility and the Applicant has entered into a Host Community Agreement with the Town with respect to the facility.
 - (f) The Special Permit and Site Plan Approval shall lapse and will not be valid if a substantial use thereof has not commenced within two (2) years of issuance, except for good cause, and not including any time as is required to pursue or await a determination of an appeal from the grant thereof.
 - (g) A Special Permit and Site Plan Approval granted under this Section shall have a term limited to the earlier of the (i) duration of the permit holder's ownership of the MMTC, (ii) change in ownership of the permit holder (other than a change in, in the aggregate, of not more than 10 (ten)% ownership interest), including any transfer of ownership voluntarily, involuntarily or by operation of law, or (iii) the expiration or termination of the permit holder's license by the CCC for use of the site as an MMTC. A Special Permit and Site Plan Approval under this

Section may be transferred only with the approval of the SPGA in the form of an amendment to the Special Permit and Site Plan Approval.

- (h) The permit holder shall notify the Zoning Enforcement Officer/Building Inspector, the Board of Selectmen and the SPGA in writing at least 48 hours prior to the cessation of operation of the MMTC and immediately upon expiration or termination of the permit holder's license with the CCC.
- (i) An Annual Report shall be filed with the SPGA, the Board of Selectmen and Board of Health no later than January 31st of each year, providing a copy of all applicable state licenses and renewals thereof required under Chapter 94I, 105 CMR 725.000, and 935 CMR 501.00 as applicable, together with the then current Compliance Inspection report from the CCC and evidence of compliance with all ongoing conditions of the Special Permit and Site Plan Approval.
- (j) Abandonment or Discontinuance of Use. An MMTC shall be required to remove all material, plants, equipment, signs and other paraphernalia at the time of surrendering its state-issued licenses or permits in accordance with any requirements of the CCC and a written discontinuance plan submitted to the SPGA, the Board of Selectmen, and the Board of Health. An MMTC shall be required to provide surety in a form acceptable to and approved by the Town Treasurer, and in an amount determined by the SPGA, to cover (A) the costs for cleaning the facility and the removal of all materials, plants, equipment, signs and other paraphernalia in the event the MMTC fails to do so, plus (B) a contingency equal to 25% of such costs. The applicant shall submit a fully inclusive estimate of the costs associated with cleaning and removal at prevailing wages, which estimate shall be prepared by a qualified licensed contractor who is authorized to undertake such work. The SPGA may, in its discretion, require cost estimates from not more than two qualified licensed contractors as it shall determine in its discretion and shall have the right to determine the amount of the surety based upon the estimate which the SPGA determines to select. Surety is required to be posted at time of grant of permit by the Town.

Section 5.11.6: Prohibition Against On-Site Consumption

No Marijuana or Marijuana Products shall be smoked, eaten, or otherwise consumed or ingested in public or on the site of an MMTC absent a positive vote by ballot question presented to the voters of the town at a biennial state election pursuant to M.G.L. Chapter 94G, s.3(b).

Section 5.11.7 Severability

The provisions of this Bylaw are severable. If any provision, paragraph, sentence, or clause of this Bylaw or the application thereof to any person, establishment, or circumstances shall be held invalid by a court of competent jurisdiction, such invalidity shall not affect the other provisions or application of this Bylaw.

Section 5.11.8 Rules and Regulations

The SPGA shall have the authority to adopt rules and regulations for purposes of implementing this bylaw.

Sponsor: Planning Board

Article: 2 General Bylaw Amendment

2/3 VOTE

To see if the Town will vote to amend the Town of Mattapoisett General Bylaws to include the following:

Article 2 Section 2.18

All Board, Committee, and Commission members holding an Adjudicatory Hearing in the Town under the provisions of Massachusetts General Laws Chapter 39, Section 23D shall not be disqualified from voting in the matter before their respective Board, Committee, or Commission solely due to being absent from one session of such hearing. If the member absent familiarize themselves with the meeting, its submittals, filings and documents and reviews the recording of the proceeding they were absent from then they may participate in subsequent hearings on the matter before them. Or take any action relative thereto.

Sponsor: Planning Board

Article: 3 Appropriations to Town Stabilization Funds

MAJORITY

To see if the Town will vote to appropriate the sum of \$ 400,000 from Surplus Revenue/Certified Free Cash to be placed within the Town's various Stabilization Funds all as listed below:

Special Education Reserve Stabilization	\$50,000
Debt Service Stabilization	\$100,000
Long Term Stabilization	\$100,000
Capital Improvements Stabilization	\$150,000

Sponsor: Board of Selectmen

Article: 4 Funding a Town Zoning Bylaw Review

MAJORITY

To see if the Town will vote to appropriate the sum of \$10,000 from Surplus Revenue/Certified Free Cash for the purpose of funding a review of the Town of Mattapoisett Zoning Bylaws, Rules and Regulations, or take any action relative thereto.

Sponsor: Planning Board

Article: 5 Pease Point Water Main Crossing Project

2/3 VOTE

To see if the Town will vote to appropriate the sum of \$950,000, to fund the project the Town will use a \$498,750 and the balance by borrowing for the purpose of replacing a water main in an area of Mattapoisett known as Pease's Point. Further to authorize the Treasurer with the approval of the Board of Selectmen to borrow said amount or take any action relative thereto.

Sponsor: Water and Sewer Commission

Article: 6 PILOT Agreement for Tinkham II Photovoltaic Project

MAJORITY

To see if the Town will vote to authorize the Board of Selectmen to enter into negotiations with BWC Pine Island Brook, LLC as shown on Town of Mattapoisett's Assessors Maps as Map 20 Parcel 18, Map 19 Parcel 17 for the purposes of developing a PILOT agreement for the photovoltaic equipment comprising the Solar Project known as Tinkham II located on Tinkham Hill Road or take any action relative thereto.

Sponsor: Board of Assessors and Selectmen

Article: 7 Line Item Budget Supplement FY19

MAJORITY

To see if the town will vote to appropriate the sum of \$80,174, \$7,643 from Water Retained Earnings, \$67,506 from Sewer Retained Earnings, and \$5,025 from the Tax Levy for the purpose of making payments for previously approved bond issues of the various town departments in the following line items and departments for FY19:

450- Water Department	\$7,643
443- Sewer Department	\$67,506
751- Excluded Debt Town Road Phase VIII Project	\$5,025

Sponsor: Water and Sewer Commission and Board of Selectmen

Article: 8 Funding for Ambulance Replacement

2/3 VOTE

To see if the Town will vote to appropriate the sum of \$225,000, \$100,000 from Ambulance Receipts Reserved for Appropriation and \$125,000 by borrowing for the purpose of replacing the Town's 2006 Ambulance. That the Treasurer with the approval of the Board of Selectmen be authorized to borrow for purchase of this ambulance or take any action relative thereto.

Sponsor: Police Department

Article: 9 Funding Police Radio Communication Upgrade

2/3 VOTE

To see if the Town will vote to appropriate the sum of \$135,000, \$39,000 to come from article balances of the Police Department in the following areas Police Station Storage Facility \$15,509, Police Station HVAC System \$7,100, and Police Station Furnace \$17,154. \$96,000 from Surplus Revenue/Certified Free Cash, for the purpose of upgrading the town's radio communication system or take any action relative thereto.

Sponsor: Police Department

Article: 10 Funding for Engineering, Design and Plans for Industrial Drive MAJORITY

To see if the Town will vote to appropriate the sum of \$155,000 from available Surplus Revenue/Certified Free Cash for the purpose of advancing the design, engineering, permitting and approvals that are necessary to improve, renovate and rehabilitate Industrial Drive, the Intersection of Industrial Drive and North Street, improving Pedestrian Crossing of North Street, and the development of a Shared Multi Use Path from North Street to the Marion/Mattapoissett Town Line or take any action relative thereto.

Sponsor: Board of Selectmen

Article: 11 Capital Improvement Project Funding MAJORITY

To see if the Town will vote to appropriate the sum of \$128,500 from available Surplus Revenue/Certified Free Cash for the purpose of funding the following capital equipment and improvements all as listed below:

Fire Department Outboard Motor Replacement	\$15,000
Fire Truck Lighting Upgrades	\$ 7,500
Facility Improvements to the COA	\$16,000
Bike Path Safety Crossing Lights	\$35,000
Paving Parking Lot Barstow Street	\$20,000
Town Building Repairs	\$35,000

or take any action relative thereto.

Sponsor: Various Departments

Article: 12 Funding Waterfront Improvements MAJORITY

To see if the Town will vote to appropriate the sum of \$40,000 with \$20,000 from Waterfront Enterprise Fund Certified Retained Earnings and \$20,000 from Surplus Revenue/Certified Free Cash, for the purpose of funding repairs, improvements, renovations, and restoration work within the town wharf and dock facilities and properties of the Mattapoissett waterfront, or take any action relative thereto.

Sponsor: Board of Selectmen

Article: 13 Supplemental Funding FY19 Budget

MAJORITY

To see if the Town will vote to appropriate \$155,965, the sum of \$72,200 from the Tax Levy and \$77,765 from Surplus Revenue/Certified Free Cash and \$6,000 from Waterfront Retained Earnings for supplementing the following FY19 Annual Budget Line Items:

630-Recreation \$5,000

220-Fire Department \$60,000

131-Reserve Fund \$40,000*

135-Town Accountant \$6,500*

145-Town Treasurer/Collector \$15,265*

122-Selectmen \$7,200

210-Police \$16,000*

295-Waterfront Enterprise \$6,000

***From Surplus Revenue/Certified Free Cash**

or take any action relative thereto.

Sponsor: Various Departments

Article 14 Prior Year Bill Town Solid Waste Disposal

9/10th VOTE

To see if the Town will vote to appropriate the sum of \$11,699.66 from Surplus Revenue/Certified Free Cash as a prior year bill for cost of solid waste disposal of the town or take any action relative thereto.

Sponsor: Board of Health

Article 15 Funding Health Department Request

MAJORITY

To see if the Town will vote to appropriate \$22,000 from the Tax Levy for the following:

511-Health Department Inspector Salaries \$12,000

430-Town Solid Waste Disposal \$10,000

Sponsor: Board of Health

Article: 16 Funding Town's Share of New Pump Out Boat

MAJORITY

To see if the Town will vote to appropriate the sum of \$25,000 from Waterfront Certified Retained Earnings for the purpose of providing funds to be used in conjunction with a grant from the Clean Vessel Program in an amount of \$56,000, and further to authorize the Treasurer to obtain a Grant Anticipation Note for funding so as to enable the Town to acquire the boat for an April 2019 acquisition, or take any action relative thereto.

Sponsor: Board of Selectmen and Harbormaster

Article: 17 Funding Design, Engineering and Bidding Work

MAJORITY

To see if the Town will vote to appropriate the sum of \$30,000 from available Surplus Revenue/Certified Free Cash for the purpose of funding services to develop the proper plans and engineering and bidding documents for projects needing to be addressed within the Town including but not limited to Solar Systems on the town landfill, harbor improvements and dredging, compliance to the EPA MS4 Regulations, and the OSHA Workplace Safety Act, or take any action relative thereto.

Sponsor: Board of Selectmen

Article: 18 Public Works Projects

MAJORITY

To see if the Town will vote to appropriate the sum of \$45,000 from Surplus Revenue/Certified Free Cash for the for the purpose of performing improvements including correction of defects within sidewalks of the town that are trip hazards, improving the stormwater drainage in certain neighborhoods, and completing the design, engineering and bidding of town road improvement projects, or take any action relative thereto.

Sponsor: Highway Department

Article: 19 Funding Reserve for Accrued Liability

MAJORITY

To see if the Town will vote to appropriate the sum of \$65,000 from Surplus Revenue/Certified Free Cash for the purpose of setting aside funds for the cost associated with retirement of employees within the Town or take any action relative thereto.

Sponsor Board of Selectmen

Article: 20

Emergency Backup Power Generator Senior Housing Grant 2/3 VOTE

To see if the Town will vote to authorize the Selectmen to accept a grant in the sum of \$88,426 from the Massachusetts Housing Choice Program for the purpose of installing an emergency power generator at the Mattapoisett Housing Authority Complex and further authorize the Treasurer with the approval of the Board of Selectmen may obtain a Grant Anticipation Note if necessary to fund the work and seek reimbursement of costs expended to complete the project, or take any action relative there to.

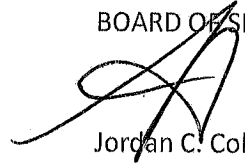
Sponsor: Board of Selectmen

You are hereby notified to serve this Warrant by posting attested copies thereof at the places designated in the Town Bylaws, namely the Post Office and Town Hall at least fourteen (14) days before the day appointed for said meeting.

Hereof fail not and make due return of this warrant with your doing thereon to the Town Clerk at the time and place of meeting aforesaid.

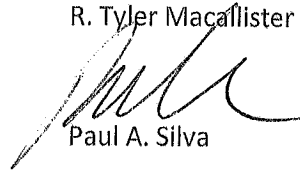
Given under our hands this ninth day in the year Two Thousand Eighteen.

BOARD OF SELECTMEN



Jordan C. Collyer

R. Tyler Macallister



Paul A. Silva