

The Commonwealth of Massachusetts

HAMPSHIRE, SS.

To either of the Constables of the Town of Chesterfield in the County of Hampshire,

GREETING.

IN THE NAME OF The Commonwealth of Massachusetts, you are hereby directed to notify and warn the inhabitants of said Town qualified to vote in elections and Town affairs, to meet at the Town Hall, 403 Main Road, in said Chesterfield on the Thirtieth day of March next, at 6:00 o'clock in the evening, then and there to act on the following articles:

ARTICLE 1: To see if the Town will vote to transfer from Free Cash the sum of **\$653.13** to pay the Daily Hampshire Gazette for a Planning Board legal advertisement from FY22, or take any other action relative thereto.

Select Board Note: This bill was overlooked by the Planning Board chair in FY22 and could not be paid in FY23 unless approved at Town Meeting. This vote requires a 9/10 approval.

ARTICLE 2: To see if the Town will vote to transfer from Free Cash the sum of **\$15,650** to fund the costs associated with sending two police officers to the Bridge Academy; or take any action relative thereto.

Police Chief Note: The Municipal Police Training Committee (MPTC) in MA now requires all municipal police officers to attend the Bridge Academy for certification to be a police officer. This money would fund the expenses and wages the town will incur in sending two of our officers to the training. It includes wages, travel, lodging, meals and ammunition. This will be \$5,650 for expenses and \$10,000 for wages.

ARTICLE 3: To see if the Town will vote to transfer from Free Cash the sum of **\$19,000** to FY23 budget line 001-422-5400-0000 Highway Gas & Diesel Expenses, or take any other action relative thereto.

Select Board Note: Due to increased fuel costs, a large number of winter storms, and recent road construction, the current budget line will not be sufficient to finish out the current fiscal year.

ARTICLE 4: To see if the Town will vote to transfer from Free Cash the sum of **\$5,000** to the FY23 budget line 001-422-5240-0001 Machinery Expenses, or take any action relative thereto.

Select Board Note: The current equipment has required some major repairs due to age and use. One truck that has required considerable work is the truck that was just replaced.

ARTICLE 5: To see if the Town will vote to adopt a Zoning By-Law Section 6.4 called "Adult Use Marijuana Establishments," by adopting and inserting the following section therein; or take any action relative thereto:

TOWN OF CHESTERFIELD ZONING BYLAW: CANNABIS

6.4 Adult Use Marijuana Establishments

- 6.4.1 Purpose
- 6.4.2 Applicability
- 6.4.3 Definitions

6.4.4 Additional Requirements and Conditions

6.4.4.1 Uses

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6.4.4.3 Location

6.4.4.4 Reporting Requirements

6.4.4.5 Issuance, Transfer, of Discontinuance of Use

6.4.5 Application Requirements

6.4.6 Required Findings

6.4.7 Planning Board Obligation

6.4.8 Enforcement

6.4 ADULT USE Marijuana Establishments (ME)

6.4.1 Purpose

It is the purpose of this article to promote public health, safety and general welfare, and to support the availability of recreational and medical marijuana in accordance with state law and regulations (935 CMR 500.000 et.seq.) and (935 CMR 501.000 et. seq.). This bylaw contains regulations regarding the location and site development of MEs in order to maintain property values, protect and preserve the quality of residential neighborhoods, and protect the safety of children and young people in the vicinity of schools, public parks and other areas where children regularly congregate.

Marijuana Establishments are subject to the provisions of this Zoning Bylaw, Chapter 40A of the Massachusetts General Laws, Chapter 94G of the Massachusetts General Laws and 105 CMR 725.000.

6.4.2 Applicability

Nothing in this section shall be construed to supersede any state laws governing the sale and distribution of marijuana. This bylaw does not apply to the cultivation of industrial hemp as is regulated by the Massachusetts Department of Agricultural Resources pursuant to General Laws, Chapter 128, Sections 116-123.

6.4.3 Definitions

Where the definitions in this section differ from 935 CMR 500, the State definitions will control in the event of a conflict.

Cannabis Cultivation – The use of land and/or buildings for planting, tending, improving, harvesting, processing and packaging, the preparation and maintenance of soil and other media and promoting the growth of cannabis by a cannabis cultivator, micro-business, research facility, craft marijuana cultivator cooperative, or other entity licensed by the Commission for cannabis cultivation.

Cannabis or Marijuana or Marihuana – All parts of any plant of the genus Cannabis, not excepted in 935 CMR 500.002: Cannabis or Marijuana or Marihuana (a) through (c) and whether growing or not; the seeds thereof; and resin extracted from any part of the plant; clones of the plant; and every compound, manufacture, salt, derivative, mixture or preparation of the plant, its seeds or resin including tetrahydrocannabinol as defined in M.G.L. c. 94G, § 1; provided that cannabis shall not include:

- (a) 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;
- (b) hemp; or
- (c) the weight of any other ingredient combined with cannabis or marijuana to prepare topical or oral administrations, food, drink or other products.

Cannabis or Marijuana Products – Cannabis or marijuana and its products unless otherwise indicated. These include products that have been manufactured and contain cannabis or marijuana or an extract from cannabis or 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.

Ceases to Operate – Marijuana Establishment closes and does not transact business for a period greater than 60 days with no substantial action taken to reopen; the exception being growing operations that are idle during certain seasons as defined in their Special Permit application. The Commission may determine that an establishment has ceased to operate based on its actual or apparent termination of operations.

Commission – The Massachusetts Cannabis Control Commission established by M.G.L. c. 10, § 76, or its designee. The Commission has authority to implement the state marijuana laws, which include, but are not limited to, St. 2016, c. 334 as amended by St. 2017, c. 55, M.G.L. c. 94G, and 935 CMR 500.000.

Community Host Agreement – An agreement, pursuant to General Laws, Chapter 94G, Section 3(d), between a Marijuana Establishment and a municipality setting forth additional conditions for the operation of a Marijuana Establishment, including stipulations of responsibility between the parties. The Select Board may limit the number of Community Host Agreements that are entered into. Note this term is not defined in 935 CMR 500.

Craft Marijuana Cooperative – A Marijuana Cultivator comprised of residents of the Commonwealth and organized as a limited liability company, limited liability partnership, or cooperative corporation under the laws of the Commonwealth. A cooperative is licensed to cultivate, obtain, manufacture, process, package and brand cannabis or marijuana products for transport to Marijuana Establishments, but not to consumers and is subject to the cultivation tier and other limits of this bylaw.

Cultivation Tiers: Levels of cannabis canopy allowed as defined in 935 CMR 500 and as further modified in this bylaw.

Delivery Endorsement – Means authorization granted to Licensees in categories of Marijuana Establishments identified by the Commission to perform deliveries directly from the establishment to consumers.

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% on a dry weight basis of any part of the plant of the genus Cannabis, or per volume or weight of cannabis or marijuana product, or the combined percent of delta-9-tetrahydrocannabinol and tetrahydrocannabinolic acid in any part of the plant of the genus Cannabis regardless of moisture content.

Host Community – A municipality in which a Marijuana Establishment is located or in which an Applicant has proposed locating an establishment.

Licensee – A person or entity licensed by the Commission to operate a Marijuana Establishment under 935 CMR 500.000.

Marijuana Courier – Means an entity licensed to deliver Finished Marijuana Products, Marijuana Accessories and Branded Goods directly to Consumers from a Marijuana Retailer, or directly to Registered Qualifying Patients or Caregivers from a Marijuana Treatment Center, but is not authorized to sell Marijuana or Marijuana Products directly to Consumers, Registered Qualifying Patients or Caregivers and is not authorized to Wholesale, Warehouse, Process, Repackage, or White Label. A Marijuana Courier is an additional license type under G.L. c. 94G, § 4(b)(1) that allows for limited delivery of Marijuana or Marijuana Products to Consumers; and shall not be considered to be a Marijuana Retailer under 935 CMR 500.002: Definitions or 935 CMR 500.050: Marijuana Establishments and shall be subject to 935 CMR 500.050(1)(b): Control Limitations.

Marijuana Cultivator – An entity licensed to cultivate, process and package marijuana, either indoor or outdoor, and to transfer marijuana to other Marijuana Establishments, but not to consumers. A Craft Marijuana Cooperative is a type of Marijuana Cultivator.

Marijuana Cultivator, Indoor – An indoor cultivator means one that cultivates the growth of marijuana plants within a building primarily through use of artificial light. An indoor marijuana cultivator shall be entirely enclosed in a building and activity therein shall not be visible to a public way or adjacent properties. All indoor cultivators shall use artificial ventilation and filtering equipment to minimize the impact of odors on surrounding properties. Growing in greenhouses with solid walls and a roof is considered indoor growing.

Marijuana Cultivator, Outdoor – An outdoor cultivator means one that cultivates the growth of cannabis without the use of artificial lighting in the canopy area at any point in time. Artificial lighting used indoors is permissible only to maintain immature or vegetative mother plants. This aspect of outdoor growing must occur in a fully enclosed building without light being emitted if artificial lighting is used and should address the other appropriate design standards of this section related to indoor growing. Growing using hoop houses or other temporary structures is considered outdoor growing and must follow the requirements for outdoor growing.

Marijuana Delivery Operator – Means an entity licensed to purchase at Wholesale and Warehouse Finished Marijuana Products acquired from a Marijuana Cultivator, Marijuana Product Manufacturer, Microbusiness or Craft Marijuana Cooperative, and White Label, sell and deliver Finished Marijuana Products, Marijuana Accessories and Marijuana Branded Goods directly to Consumers, but is not authorized to Repackage Marijuana or Marijuana Products or operate a storefront under this license. A Delivery Operator is an additional license type under G.L. c. 94G, § 4(b)(1) that allows for limited delivery of Marijuana or Marijuana Products to Consumers; and shall not be considered to be a Marijuana Retailer under 935 CMR 500.002: Definitions or 935 CMR 500.050: Marijuana Establishments and shall be subject to 935 CMR 500.050(1)(b): Control Limitations.

Marijuana Establishment – A Marijuana Cultivator, Craft Marijuana Cooperative, Marijuana Product Manufacturer, Marijuana Retailer, Marijuana Independent Testing Laboratory, Marijuana Research Facility, Marijuana Courier, Marijuana Delivery Operator, Marijuana Microbusiness, or any other type of licensed marijuana-related business, except a medical marijuana treatment center. Marijuana Establishments permitted in accordance with these regulations are not considered subject to any agricultural exemptions under zoning.

Marijuana Independent Testing Laboratory – A laboratory that is licensed by the Commission and is:

- (a) accredited to the International Organization for Standardization 17025 (ISO/IEC 17025: 2017) 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 Commission;
- (b) independent financially from any Medical Marijuana Treatment Center (RMD), Marijuana Establishment or licensee for which it conducts a test; and
 - (c) qualified to test cannabis or marijuana in compliance with 935 CMR 500.160 and M.G.L. c. 94C, § 34.

Marijuana Microbusiness – A colocated Marijuana Establishment that can be either a Tier 1 Marijuana Cultivator or Product Manufacturer or both, in compliance with the operating procedures for each license. A Microbusiness that is a Marijuana Product Manufacturer may purchase no more than 2,000 pounds of marijuana per year from other Marijuana Establishments.

Marijuana Process or Processing – To harvest, dry, cure, trim and separate parts of the cannabis or marijuana plant by manual or mechanical means, except it shall not include manufacture as defined in 935 CMR 500.002.

Marijuana Product Manufacturer – An entity licensed to obtain, manufacture, process and package cannabis or marijuana products and to transfer these products to other Marijuana Establishments, but not to consumers.

Marijuana Research Facility – An entity licensed to engage in research projects by the Commission.

Marijuana Retailer – An entity licensed to purchase and transport cannabis or marijuana product from Marijuana Establishments and to sell or otherwise transfer this product to Marijuana Establishments and to consumers. Retailers are prohibited from delivering cannabis or marijuana products to consumers.

Marijuana Transporter – An entity, not otherwise licensed by the Commission, that is licensed to purchase, obtain, and possess cannabis or marijuana products solely for the purpose of transporting, temporary storage, sale and distribution to Marijuana Establishments, but not to consumers. Marijuana Transporters may be an Existing Licensee Transporter or Third Party Transporter in conformance with 935 CMR 500.

Medical Marijuana Treatment Center or Registered Marijuana Dispensary (RMD) - A use operated by a not-for-profit entity registered and approved by the MA Department of Public Health in accordance with 105 CMR 725.000, and pursuant to all other applicable state laws and regulations, also to be known as a Medical Marijuana Treatment Center, that acquires, cultivates, possesses, processes (including development of related products such as food, tinctures, aerosols, oils, or ointments), transfers, transports, sells, distributes, dispenses, or administers marijuana, products containing marijuana, related supplies, or educational materials to registered qualifying patients or their personal caregivers. An RMD shall explicitly include facilities which cultivate and process medical marijuana, and which may also dispense and deliver medical marijuana and related products.

Propagation – The reproduction of cannabis or marijuana plants by seeds, cuttings, or grafting.

Provisional Marijuana Establishment License – A certificate issued by the Commission confirming that a Marijuana Establishment has completed the application process.

6.4.4 Additional Requirements and Conditions

In addition to the standard requirements for uses permitted by-right or requiring a Special Permit, as established in Sections 7.2 and 7.4, the following shall also apply to all Marijuana Establishments:

6.4.4.1 Uses:

- a. Marijuana Establishments of all types are required to submit to the Planning Board an application for a Special Permit with Site Plan approval that contains all the required information of a standard Special Permit and the additional requirements of this Section.
- b. Any type of Marijuana Establishment may only be involved in the uses permitted by its definition and may not include other businesses or services.
- c. No marijuana shall be smoked, eaten or otherwise consumed or ingested within the premises.
- d. The hours of operation shall be set by the Planning Board consistent with the purposes of this bylaw.
- e. No Marijuana Establishment may commence operation prior to its receipt of all required permits and approvals including, but not limited, to its Final License from the Cannabis Control Commission.
- f. The number of adult use marijuana retail establishments permitted shall not exceed 20% of the number of licenses issued within the town for the retail sale of alcoholic beverages not to be drunk on the premises where sold under chapter 138 of the General Laws. For the purposes of determining this number, any fraction shall be rounded up to the next highest whole number. If the number is zero, one (1) adult use retail Marijuana Establishment is permitted.
- g. Delivery Operator: Any application for a Special Permit under this Section shall include the anticipated number of vehicles operating from the location, number of employees for all operations including fulfillment, administration, and vehicle drivers shall be identified and may be conditioned as such.
- h. Use Limitations:
 1. The number of Special Permits issued for each type of ME other than retail establishments addressed by Section 6.4.4.1.f. shall not exceed two indoor cultivator licenses (Marijuana Cultivator, Indoor; Craft Marijuana Cooperative, or Marijuana Microbusiness) and two outdoor cultivator licenses (Marijuana Cultivator, Outdoor; Craft Marijuana Cooperative, or Marijuana Microbusiness)
 2. The number of Special Permits issued for each type of ME other than retail establishments addressed by Section 6.4.4.1.f. shall not exceed one of each of the following types:
 1. Marijuana Product Manufacturer
 2. Marijuana Independent Testing Laboratory
 3. Marijuana Research Facility
 4. Marijuana Transporter

5. Marijuana Courier
 6. Marijuana Delivery Operator
 7. Marijuana Medical Treatment Center
- i. License Limitations: Each licensee (except a craft marijuana cooperative which is limited to one license) may have up to three licenses, as allowed by state law, but the total canopy coverage (growing space) authorized by the licenses within the Town of Chesterfield added together may not exceed Tier 5 or 40,000 square feet of canopy for outdoor growing and Tier 3 or 20,000 square feet of canopy for indoor growing.

6.4.4.2 Physical Requirements

- a. All aspects of any Marijuana Establishment, except for the transportation of product or materials and outdoor cultivation growing beds, 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 (including greenhouses) and shall not be visible from the exterior of the buildings. Marijuana Establishments may not be permitted to be located in or operated from a trailer, storage freight container, motor vehicle or other similar type potentially movable or transitory enclosure, except as permitted for delivery operator and courier licensees in accordance with 935 CMR 500.
- b. Marijuana Establishments shall abide by the following development standards: where these standards conflict with those in Section 7.2, the provisions herein shall apply.
1. Lot area requirement: All outdoor marijuana cultivators shall be located on ten (10) or more acres of land. All indoor marijuana cultivators shall be located on five (5) or more acres of land.
 2. Facility setback requirements: Unless the Planning Board approves a Special Permit so authorizing narrower distances so doing will result in increased buffering elsewhere.
 - a. No part of any Marijuana Establishment shall be located less than 300 feet from the closest point of any property line of properties not owned by the Applicant.
 - b. No part of any physical structure or growing area shall be located less than 500 feet from an existing off-site residential structure.
 3. Screening: Cannabis plants, products, and paraphernalia shall not be visible from the outside and shall comply with the requirements of 935 CMR 500. Any artificial screening device erected to eliminate the view from the public way or adjacent property shall also provide a vegetative screen and the Planning Board shall consider the surrounding landscape to determine if an artificial screen would be out of character with the neighborhood. All secure area fencing as required by the Massachusetts Cannabis Control Commission shall be supplemented with site appropriate native vegetation. Vegetation shall be designed to create 90% opacity and equal to

the height of fencing within three years of planting. Any razor or barbed wire on required security fencing shall not be visible from the public way or abutting property.

4. Lighting: All MEs shall meet the security requirements of 935 CMR 500 without the use of visible outdoor lighting between dusk and dawn. Outdoor lighting on-site shall be limited to that necessary to provide safe egress from buildings and parking as required by the Massachusetts State Building Code and/or the Cannabis Control Commission, and shall be compliant with the site plan criteria as established in Section 7.2. The lighting shall be shielded and down-facing utilizing full cut-off optics to reduce light spill-over in conformance with dark sky principles. If an application is proposing greenhouses, lighting at night, whether originating from the interior or exterior of the structure, shall not result in any illumination or glow visible on the outside of the structure.
5. Odor Dispersal Plan: All Marijuana Cultivators, growing outdoors shall utilize best available technology and design methods which may include vegetative buffers or additional setbacks to mitigate potential cannabis plant odors. All Marijuana Cultivators growing indoors shall use the best available technology for reducing odor dispersion.
6. Ground and Surface Water Protections: Applicants shall demonstrate protection of ground and surface water sources and the methods they are employing to minimize water usage and ensure safe disposal. Marijuana Establishments are required to prepare and submit a plan for water use, management, and efficiency. Applicants shall provide expected water usage amounts and will address whether such amounts may impact nearby public or private drinking water supplies or other water resources in the area. No contamination of soils is permitted.
7. Waste Water Disposal: Applicants shall provide information on estimated quantities of wastewater to be disposed of, the proposed method of disposal, and any potential contaminants or hazardous materials that may be contained in the wastewater.
8. Indoor Ventilation: All indoor marijuana cultivation operations 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.
9. Signs: The following sign shall be placed on the exterior of the Marijuana Establishment's entrance in plain sight of the public stating that "Access to this facility is limited to individuals 21 years or older." in text at least two inches in height. All other signs must comply with all other applicable sign regulations in this Zoning Bylaw and 935 CMR 500.
10. Noise Restrictions: During operational hours as determined by the Planning Board as part of the Special Permit approval, noise levels attributable to the ME should be managed and reduced where possible especially near property lines where residential

or other noise sensitive uses are adjacent. During non-operational hours' noise at the property lines adjacent to residential or other noise sensitive uses shall not exceed 10 decibels (averaged) during nighttime hours above the sustained background noise levels.

11. **Energy Efficiency:** Marijuana Establishments are required to prepare and submit an energy efficiency plan. The use of renewable energy sources such as on-site solar should be considered.
 12. **Hazardous materials:** Submission of a complete list all inorganic and organic chemicals, pesticides, fertilizers, fuels, and other potentially hazardous materials to be used or stored on the premises in quantities greater than those associated with normal household use. Depending on the quantities proposed to be used or stored on site, the Planning Board may request that a Hazardous Materials Management Plan be prepared to protect against the discharge of hazardous materials or wastes to the environment due to spillage, accidental damage, corrosion, leakage, or vandalism. The plan should include spill containment and clean-up procedures, and provisions for indoor, secured storage of hazardous materials and wastes with impervious floor surfaces.
- c. No Marijuana Retailer shall have a gross floor area open to the public in excess of 2,500 square feet.
 - d. No Marijuana Establishment is permitted to utilize or provide a drive-through service.
 - e. Marijuana Establishments are encouraged to utilize existing buildings where possible.

6.4.4.3 Location

- a. Marijuana Establishments may be located only within the Town Center, Agricultural-Residential (AR-I) or Agricultural-Residential (AR-II) Zoning Districts with an approved Special Permit with Site Plan approval and as shown in Table 1, Schedule of Use Regulations.

TABLE 1 SCHEDULE OF USE REGULATIONS

Definitions of the terms used in this table can be found in Section 6.4.3.

Bylaw Number	Land Use Classification	Standards and Conditions	Zoning Districts					
			TC	AR-I	AR-II	FP	WRP	WS
3.088.1	Craft Marijuana Cooperation	See Section 6.4	N	SPA	SPA	N	N	N
3.088.2	Marijuana Cultivator, Indoor/Outdoor	See Section 6.4	N	SPA	SPA	N	N	N

3.088.3	Marijuana Product Manufacturer	See Section 6.4	N	SPA	SPA	N	N	N
3.088.3	Marijuana Retailer	See Section 6.4	SPA	SPA	SPA	N	N	N
3.088.5	Marijuana Independent Testing Laboratory	See Section 6.4	N	SPA	SPA	N	N	N
3.088.6	Marijuana Microbusiness	See Section 6.4	N	SPA	SPA	N	N	N
3.088.7	Marijuana Research Facility	See Section 6.4	N	SPA	SPA	N	N	N
3.088.8	Marijuana Transporter	See Section 6.4	N	SPA	SPA	N	N	N
3.088.9	Marijuana Courier	See Section 6.4	N	SPA	SPA	N	N	N
3.088.10	Marijuana Delivery Operator	See Section 6.4	N	SPA	SPA	N	N	N
3.088.11	Medical Marijuana Treatment Ctr.	See Section 6.4	N	SPA	SPA	N	N	N

- b. No Marijuana Establishment shall be located on a parcel which is within one-half mile (to be measured in a straight line from the nearest point of the property line in question to the nearest point of the property line where the Marijuana Establishment will be located) of a parcel occupied by a pre-existing public or private school (existing at the time the Applicant’s license application was received by the Cannabis Control Commission) providing education in kindergarten or any of grades 1-12 or within 500 feet of any public park or public recreation area.
- c. When a Marijuana Establishment applies for a Special Permit application and its proposed location is within one-quarter mile, measured in a straight line from property line to property line, of an existing Marijuana Establishment, the new application must consider the potential cumulative impacts of transportation, odor, noise, water use, groundwater impacts or any other design standard where the Planning Board must find conformance with this Section.

6.4.4.4 Reporting Requirements

- a. Prior to the commencement of the operation or services provided by a Marijuana Establishment, it shall provide the Police Department, Fire Department, Building Commissioner/Inspector and the Planning Board with the names, phone numbers and email addresses of all management staff and key-holders,

including a minimum of two (2) operators or managers of the facility identified as contact persons to whom one can provide notice if there are operating problems associated with the establishment. All such contact information shall be updated as needed to keep it current and accurate.

- b. The local Building Commissioner/Inspector, Board of Health, Police Department, Fire Department and Planning Board shall be notified in writing by the Marijuana Establishment facility owner/operator/ manager:
 - i. A minimum of 30 days prior to any change in ownership or management of that establishment.
 - ii. A minimum of 12 hours following a violation or potential violation of any law or any criminal or potential criminal activities or attempts of violation of any law at the establishment.
- c. Permitted Marijuana Establishments shall file an annual written report to, and appear before, the Planning Board no later than one year from the initial Special Permit approval or no later than one year from their last appearance to demonstrate continued compliance with the conditions of the Special Permit.
- d. The owner or manager of a Marijuana Establishment is required to respond by phone or email within twenty-four hours of contact by a town official concerning their Marijuana Establishment at the phone number or email address provided to the town as the contact for the business.
- e. All reports defined as public records sent to the state in any capacity by ME Special Permit holders shall be sent to the Select Board for distribution to appropriate town boards and commissions.

6.4.4.5 Issuance, Transfer, or Discontinuance of Use

- a) Special Permits shall be issued to the Marijuana Establishment owner.
- b) Special Permits shall be issued for a specific type of Marijuana Establishment on a specific site or parcel.
- c) Special Permits shall be non-transferable to either another Marijuana Establishment owner or another site or parcel.
- d) Special Permits shall have a term limited to the duration of the Applicant's ownership or control of the premises as a Marijuana Establishment, and shall lapse or expire if:
 - i. the Marijuana Establishment ceases operation (not providing the operation or services for which it is permitted) for 365 days, and/or

- ii. the Marijuana Establishment's registration or license by the Cannabis Control Commission expires or is terminated.
- e) The Marijuana Establishment shall notify the Building Inspector and Planning Board in writing within 48 hours of such lapse, cessation, discontinuance, expiration or revocation.
- f) Marijuana Establishments shall be required to remove all material, plants, equipment, and other paraphernalia prior to surrendering its state registration/license or ceasing its operation.
- g) Prior to the issuance of a Building Permit for a Marijuana Establishment the Applicant is required to post a minimum bond of \$5,000 with the Town Treasurer or other form of financial security acceptable to said Treasurer in an amount set by the Planning Board. The amount shall be sufficient to cover the costs of the town removing all materials, plants, equipment and other paraphernalia if the Applicant fails to do so. The Building Inspector shall give the Applicant 45 days' written notice in advance of taking such action. Should the Applicant remove all materials, plants, equipment, and other paraphernalia to the satisfaction of the Building Inspector prior to the expiration of the 45 days' written notice, said bond shall be returned to the Applicant. The security deposited with the Treasurer shall be held and expended in accordance with G.L. c.44, s.53G1/2 and investment earnings on the deposit, if any, shall be added to and treated as part of the security for all purposes.

6.4.5 Application Requirements

Applications for Special Permits with Site Plan Approvals for Marijuana Establishments will be processed in the order that complete applications are received by the Planning Board. The approval of a Special Permit for any Marijuana Establishment is up to the discretion of the Planning Board who will be making its determination based on each application's adherence to the standards stated in this bylaw and in other applicable sections of Section 7.0. Applicants are required to attend a duly advertised Planning Board meeting prior to submitting an application for a Special Permit to review the submission requirements for a complete application.

Applicants for permits for Marijuana Establishments shall provide, at their own expense, written documentation with supporting research to allow the Planning Board to make the required findings of a Special Permit application.

Documentation must be provided by qualified professionals with minimum qualifications that shall consist either of an educational degree in or related to the field at issue or three or more years of practice in the field at issue or a related field with expertise in the areas. The Planning Board may retain a technical expert or consultant to verify information presented by the Applicant. The cost for such a technical expert or consultant will be at the expense of the Applicant. To provide for such assistance, the Board may require the Applicant to deposit a sum of money with the Town, in an amount to be

determined by the Board, to retain and utilize the services of such consultants. In the event that such sum is insufficient to fund the necessary consulting services, the Board may require additional deposits. Funds received by the Board pursuant to this rule shall be deposited with the Town Treasurer, who shall establish a special account for this purpose, consistent with the terms and provisions of G.L. c.44, §53G. Expenditures from this special account may be made at the direction of the Board without further appropriation.

In addition to the standard application requirements for Special Permits, applications for a Marijuana Establishment shall submit a Special Permit with Site Plan approval package that includes the following items. The Planning Board, may waive or modify submission requirements for certain items for specific applications, if requested by an Applicant.

- 6.4.5.1** The name and address of each owner and operator of the Marijuana Establishment facility/operation.
- 6.4.5.2** A copy of an approved Host Community Agreement.
- 6.4.5.3** A copy of its Provisional License application from the Cannabis Control Commission pursuant to 935 CMR 500.
- 6.4.5.4** If a Special Permit application is for a state approved Medical Marijuana Treatment Center (RMD), a copy of its registration as an RMD from the Massachusetts Department of Public Health in accordance with 105 CMR 725.000 or from the Cannabis Control Commission in accordance with 935 CMR 500.
- 6.4.5.5** Proof of application for Liability Insurance Coverage or Maintenance of Escrow as required in 935 CMR 500.
- 6.4.5.6** Evidence that the Applicant has site control and right to use the site for a Marijuana Establishment facility in the form of a deed or valid purchase and sales agreement or, in the case of a lease, a notarized statement from the property owner and a copy of the lease agreement.
- 6.4.5.7** A notarized statement signed by the Marijuana Establishment organization's Chief Executive Officer and corporate attorney disclosing all of its designated representatives, including officers, directors, shareholders, partners, members, managers, 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 such responsible individual persons.
- 6.4.5.8** In addition to what is normally required in a Site Plan, details showing all exterior proposed security measures for the Marijuana Establishment including lighting, fencing, gates and alarms, etc. ensuring the safety of employees and patrons and to protect the premises from theft or other criminal activity.
- 6.4.5.9** A detailed floor plan identifying the areas available and functional uses (including square footage).
- 6.4.5.10** A copy of the Application of Intent and Management and Operations Profile for Delivery Operators.
- 6.4.5.11** All signage being proposed for the facility.
- 6.4.5.12** A pedestrian and vehicular traffic impact study to establish the Marijuana Establishment's impacts at peak demand times, including a line queue plan to ensure that the movement of pedestrian and/or vehicular traffic, including

but not limited to, along the public rights-of-way will not be unreasonably obstructed.

- 6.4.5.13** An odor control plan that demonstrates conformance with Section 6.4.4.2.b.5. and detailing the specific odor-emitting activities or processes to be conducted on-site, the source of those odors, the locations from which they are emitted from the facility, the frequency of such odor-emitting activities, the duration of such odor-emitting activities, and the administrative of odor controls including maintenance of such controls.
- 6.4.5.14** A screening plan that demonstrates conformance with Section 6.4.4.2.b.3.
- 6.4.5.15** A lighting plan that demonstrates conformance with Section 6.4.4.2. b.4.
- 6.4.5.16** Information regarding proposed water use and source(s) and impacts on ground and surface waters which demonstrates conformance with Section 6.4.4.2.b.6
- 6.4.5.17** A study or statement demonstrating that noise levels meet the standards in Section 6.4.4.2. b.10.
- 6.4.5.18** A plan for the use of renewable energy sources which demonstrates conformance with Section 6.4.4.2. b.11.
- 6.4.5.19** A Management Plan including a description of all activities to occur on-site, including all provisions for the delivery of marijuana and related products to the Marijuana Establishment or off-site direct delivery.
- 6.4.5.20** Individual written plans which, at a minimum comply with the requirements of 935 CMR 500, relative to the Marijuana Establishment's:
 - a. Operating procedures
 - b. Marketing and advertising
 - c. Waste disposal
 - d. Transportation and delivery of marijuana or marijuana products
 - e. Energy efficiency and conservation
 - f. Security and Alarms
 - g. Decommissioning of the Marijuana Establishment including a cost estimate reflecting the town's cost to undertake the decommissioning of the site if abandoned.

6.4.6 Required Findings

In addition to the standard Findings for a Special Permit, the Planning Board must also find that the following conditions are met:

- 6.4.6.1** That the application is consistent with and meets the purposes and intent of this Section and the Zoning Bylaw.
- 6.4.6.2** That the Marijuana Establishment is designed to minimize any adverse impacts on abutters and the community.
- 6.4.6.3** That the application demonstrates that it meets or exceeds all the permitting requirements of all applicable agencies within the Commonwealth of Massachusetts and it is or will be in compliance with all applicable state laws and regulations.

- 6.4.6.4 That the application has satisfied all of the conditions and requirements of this Section and other applicable Sections of this bylaw.
- 6.4.6.5 That the application provides adequate security measures to ensure that the application will not pose a direct threat to the health or safety of other individuals and that the storage and/or location of cultivation is adequately secured.
- 6.4.6.6 That the application adequately addresses issues of traffic demand, circulation flow, parking and queuing, particularly at peak periods at the facility, and its impact on neighboring uses.

6.4.7

While the Planning Board is authorized to approve Special Permits for retail Marijuana Establishments under certain circumstances (See Section 6.4.4.1.f), the Planning Board is not obligated to approve an application for a Marijuana Establishment of any kind that it does not find meets the standards stated in this bylaw and in other applicable sections of Section 7.0

6.4.8

Complaints of failures to meet the requirements of the approved Special Permit shall be investigated by the Zoning Enforcement Officer.

ARTICLE 8: To take up any other matter which may legally be brought before this meeting.

And you are hereby directed to serve this Warrant, by posting up attested copies thereof at the Chesterfield Post Office and the Town Office Building in said Town, fourteen days at least before the time of holding said meeting.

HEREOF FAIL NOT, and make due return of this Warrant, with your doings thereon, to the Town Clerk, at the time and place of meeting, as aforesaid.

Given under our hands this 13th of March in the year of our Lord Two Thousand Twenty-Three.

Roger A. Fuller, Chair

Patricia G. Colson-Montgomery

Patricia G. Colson-Montgomery

Donald Willard

Donald Willard

Select Board of Chesterfield

Hampshire, SS.

PURSUANT TO THE WITHIN WARRANT, I have notified and warned the inhabitants of the Town of Chesterfield by posting up attested copies of the same at the Chesterfield Post Office and the Town Office fourteen days before the date of the meeting, as within directed.



Constable of Chesterfield

Posted 3-16-2023

Returned _____