

**COMMONWEALTH OF MASSACHUSETTS
TOWN OF WALES
SPECIAL TOWN MEETING WARRANT
OCTOBER 21, 2020**

HAMPDEN, SS

GREETINGS: In the name of the Commonwealth of Massachusetts you are hereby required and directed to notify and warn the inhabitants of the Town of Wales who are qualified to vote in elections and Town affairs to meet at the TANTASQUA REGIONAL HIGH SCHOOL AUDITORIUM, 319 Brookfield Road, Fiskdale, MA on **Wednesday, the 21st day of October, 2020 at 7:00 pm**, or as soon thereafter as the subject matter of this warrant can then and there be reached, to act on the following Articles to wit:

ARTICLE 1 To hear and act upon the reports and recommendations of Town Officers; or take any other action relative thereto.

Sponsored by the Select Board

ARTICLE 2 To hear and act upon the reports and recommendations of Committees; or take any other action relative thereto.

Sponsored by the Select Board

ARTICLE 3 To see if the Town will vote to raise and appropriate or transfer from any available funds the sum of \$320.00 to the Board of Health Unpaid Bills Account for the purpose of funding the payment of a prior year unpaid invoice; or take any other action relative thereto.

Sponsored by the Select Board

ARTICLE 4 To see if the Town will vote to raise and appropriate or transfer from any available funds the sum of \$569.30 to the Highway Unpaid Bills Account for the purpose of funding the payment of a prior year unpaid invoice; or take any other action relative thereto.

Sponsored by the Select Board

ARTICLE 5 To see if the Town will vote to raise and appropriate or transfer from any available funds a sum sufficient to the Building Maintenance Account to provide the additional funds necessary to complete the Wales Library ADA Ramp Reconstruction project, including all incidental and related expenses; or take any other action relative thereto.

Sponsored by the Select Board

ARTICLE 6 To see if the Town will vote to accept the provisions of M.G.L. c. 59, § 5, clause 17C½, providing tax relief to certain surviving spouses or minors whose parents are deceased, to be effective on taxes issued on or after July 1, 2021; or take any other action relative thereto.

Sponsored by the Board of Assessors

ARTICLE 7 To see if the Town will vote, pursuant to the provisions of M.G.L. c. 41, § 1B, to make the elected position of Road Commissioner an appointed position of Road Commissioner, and further, to authorize the Board of Selectmen to provide for the appointment of such office for a term not to exceed three (3) years, unless otherwise provided by law; provided, however, that any such change be subject to approval by the voters of the Town at the next Annual Town Election in accordance with the provisions of M.G.L. c. 41, § 1B, and provided that this vote be taken at least sixty (60) days prior to said Annual Town Election; or take any other action relative thereto.

FORM OF THE BALLOT QUESTION

Shall the Town vote to have its elected Road Commissioner become an appointed Road Commissioner of the Town?

Yes ___ No ___

Sponsored by the Select Board

ARTICLE 8 To see if the Town will vote to authorize the Board of Selectmen to petition the General Court for enactment of special legislation, as set forth below, to change the position of Road Commissioner from an elected position to a DPW Director position appointed by the Board of Selectmen; provided, however, that the General Court may make clerical or editorial changes of form only to the bill, unless the Board of Selectmen approves amendments to the bill before enactment by the General Court which are within the scope of the general public objectives of the petition; or take any other action relative thereto;

AN ACT AUTHORIZING THE TOWN OF WALES TO ESTABLISH A DEPARTMENT OF PUBLIC WORKS

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same as follows:

SECTION 1 Notwithstanding any general or special law, rule or regulation to the contrary, there shall be a department of public works in the Town of Wales. The select board shall appoint a department of public works director, to serve at its discretion, and may remove the director after opportunity for a hearing. The director shall have all the powers, perform the duties and be subject to the liabilities and penalties now or hereafter conferred and imposed by law on town road commissioners. Additionally, the department shall exercise the powers and duties of public works operations of the town not assigned to other departments of the town. The Board of Selectmen may establish an employment contract, subject to annual appropriation, with the director for salary, fringe benefits and other conditions of employment, including, but not limited to, severance pay, reimbursement for expenses incurred in the performance of the duties of office, liability insurance and conditions of discipline, termination, dismissal, reappointment, performance standards and leave.

SECTION 2 The department of public works established by section 1 of this act may, by bylaw, be granted additional operational powers and duties; provided, however, that all policy making functions assigned to a particular officer or board by statute shall remain the responsibility of such officer or board. Such operational powers and duties could include, but not be limited to: park and recreation construction and maintenance; tree and moth; building and grounds maintenance at municipal buildings, excluding the school department; other related construction and operations assigned from time to time by bylaw as the town meeting considers necessary or desirable.

SECTION 3 Upon the effective date of this act, the elected office of road commissioner shall be abolished and the term of the incumbent of such office terminated. Notwithstanding the foregoing, the elected incumbent holding the office of road commissioner on the effective date of this act shall serve as the first appointed road commissioner and perform the duties of such office until the expiration of the term for which the Town road commissioner was elected or sooner vacates the office and until a director is appointed by the Board of Selectmen in accordance with section 1 of this act.

SECTION 4 No contracts or liabilities in force on the effective date of this act shall be affected by the abolition of the elected office of road commissioner or the creation of the appointed office of department of public works director who shall be the lawful successor of the office so abolished. All records, property and equipment of the offices of the elected road commissioner shall, by operation of law, be assigned to the office of the appointed department of public works director as of the effective date of this act.

SECTION 5 This act shall take effect upon its passage.

Sponsored by the Select Board

ARTICLE 9 To see if the Town will vote to amend the Zoning Bylaws by adding Section 7.9 Medical/Adult Use Marijuana:

7.11 MEDICAL/ADULT USE MARIJUANA

1. PURPOSE

It is recognized that the nature of the substance cultivated, processed, and/or sold by Registered Marijuana Dispensaries, also known as Medical Marijuana Treatment Centers, and Marijuana Establishments may have operational characteristics that should be located in such a way as to ensure the health, safety, and general well-being of the public while also supporting the right of legally authorized adults to access marijuana for their own use. The specific and separate regulation of Medical Marijuana Treatment Centers and Marijuana Establishments is necessary to advance these purposes.

Subject to the provisions of this Zoning Bylaw, Chapter 40A of the Massachusetts General Laws, Chapters 94G and 94I of the Massachusetts General Laws and all regulations which have or may be issued thereunder, including, but not limited to 935 CMR 500.000, 935 CMR 501.000 and 935 CMR 502.000, Medical Marijuana Treatment Centers and Marijuana Establishments will be permitted to provide the opportunity for the legal cultivation, product manufacturing, retail sale and other legally authorized uses of marijuana for medical and non-medical adult marijuana use in a manner that complies with state regulations.

2. APPLICABILITY

This section applies to the operation of Medical Marijuana Treatment Centers and Adult Use Marijuana Establishments as defined in part 3 of this section. Nothing in this section shall be construed to supersede state law governing the sale and distribution of marijuana, or any federal laws governing the interstate transportation or sale of the same. This section 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, and Sections 116-123.

3. DEFINITIONS

Where not expressly defined herein, the terms used in this bylaw shall be interpreted as defined in Chapter 94I, Chapter 94G and the regulations promulgated by the Cannabis Control Commission (the Commission) from time to time thereunder, including without limitation, 935 CMR 500.000, 935 CMR 501.000, 935 CMR 502.000, and otherwise by their plain language. For the purposes of this section, the following terms shall have the following meanings hereby assigned to them:

- A. ***Cannabis or Marijuana or Marihuana*** means 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:
 - 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 cannabis or marijuana to prepare topical or oral administrations, food, drink or other products.
- B. ***Cannabis or Marijuana Products*** means cannabis or marijuana and its products unless otherwise indicated. These include products 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.

- C. ***Ceases to Operate*** means a Medical Marijuana Treatment Center or Marijuana Establishment which closes and does not transact business for period greater than 180 days. A determination that an establishment has ceased to operate may be based on its actual or apparent termination of operations.
- D. ***Commission*** means the Massachusetts Cannabis Control Commission established by M.G.L. c. 10, §76, or its designee.
- E. ***Craft Marijuana Cooperative*** means 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 to transport marijuana to Marijuana Establishments, but not to consumers.
- F. ***Dark Skies Standards*** means a design standard to reduce light pollution from lighting fixtures to minimize glare, light trespass into the nighttime environment and generally reduces sky glow to the most minimum level practically achievable.
- G. ***Hemp*** means 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 tetrahydrocannabinol acid in any part of the plant of the genus Cannabis regardless of moisture content.
- H. ***Host Community*** means a municipality in which a Medical Marijuana Treatment Center or Marijuana Establishment is located or in which an Applicant has proposed locating a Medical Marijuana Treatment Center or Marijuana Establishment.
- I. ***Host Community Agreement*** means an agreement, pursuant to General Laws, Chapter 94G, Section 3(d), between a Cannabis Establishment and a municipality setting forth additional conditions for the operation of a Medical Marijuana Treatment Center or Marijuana Establishment, including stipulations of responsibility between the parties and a community impact fee reasonably related to the costs imposed upon the municipality by the operation of the marijuana establishment or medical marijuana treatment center which fee shall not amount to more than 3 per cent of the gross sales of the marijuana establishment or medical marijuana treatment center.
- J. ***Licensee***: means a person or entity licensed by the Commission to operate a Medical Marijuana Treatment Center or Marijuana Establishment under 935 CMR 500.000 and 935 CMR 501.000.
- K. ***Manufacture*** means to compound, blend, extract, infuse or otherwise make or prepare a cannabis or marijuana product.
- L. ***Marijuana Cultivator*** means an entity licensed to cultivate, process and package marijuana, and to transfer marijuana to other Marijuana Establishments, but not to consumers. A Craft Marijuana Cooperative is a type of Marijuana Cultivator.
- M. ***Marijuana Establishment*** means a Marijuana Cultivator, Craft Marijuana Cooperative, Marijuana Product Manufacturer, Marijuana Retailer, Marijuana Independent Testing Laboratory, Marijuana Research Facility, Marijuana Transporter, or any other type of licensed marijuana-related business, except a medical marijuana treatment center. Marijuana establishments permitted in accordance with these regulations are considered to be

a commercial and/or manufacturing use and are not considered being subject to any agricultural exemptions under zoning.

- N. ***Marijuana Independent Testing Laboratory*** means a laboratory that is licensed by the Commission and is:
- 1) Accredited to the International Organization for Standardization 17025 (ISO/IEC 7025: 2017) by a third-party accrediting body that is a signatory to the International Laboratory
 - 2) Independent financially from any Medical Marijuana Treatment Center (RMD), Marijuana Establishment or licensee for which it conducts a test; and
 - 3) Qualified to test cannabis or marijuana in compliance with 935 CMR 500.160 and M.G.L. c. 94C, §34.
- O. ***Marijuana Membership Club*** means an organization, club, lodge or other private grounds (non-profit and private) allowing on-site consumption of marijuana or marijuana products, regardless of whether marijuana or marijuana products are sold on the premises, but not operating as a licensed Adult On-Site Marijuana Social Consumption Operator.
- P. ***Marijuana Microbusiness*** means a collocated 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.
- Q. ***Marijuana Process or Processing*** means 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.
- R. ***Marijuana Product Manufacturer*** means 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.
- S. ***Marijuana Research Facility*** means an entity licensed to engage in research projects by the Commission.
- T. ***Marijuana Retailer*** means 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; and from offering cannabis or marijuana products for the purposes of on-site social consumption on the premises of a Marijuana Establishment.
- U. ***Marijuana Transporter*** means an entity, not otherwise licensed by the Commission, that is licensed to purchase, obtain, and possess cannabis or marijuana product 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.
- V. ***Propagation*** means the reproduction of cannabis or marijuana plants by seeds, cuttings, or grafting.
- W. ***Provisional Medical Marijuana Treatment Center or Marijuana Establishment License*** means a certificate issued by the Commission confirming that a Medical Marijuana Treatment Center or Marijuana Establishment has completed the application process and satisfied the qualifications for initial licensure.
- X. ***Registered Marijuana Dispensary (RMD), or Medical Marijuana Treatment Center*** means an entity validly registered under State law, that 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. Unless otherwise specified, RMD refers to the site(s) of dispensing, cultivation, and preparation of marijuana.

4. SCHEDULE OF USES

For the purposes of this section, only those uses in the schedule below shall be allowed in the Town of Wales.

Abbreviations: SP = Special Permit; N = No; Y = Yes (by-right use)

Craft Marijuana Cooperative	SP
Marijuana Cultivator	SP
Marijuana Product Manufacturer	SP
Marijuana Retailer	SP
Marijuana Independent Testing Laboratory	SP
Marijuana Microbusiness	SP
Marijuana Research Facility	SP
Marijuana Transporter	SP
Marijuana Membership Club	N
Registered Marijuana Dispensary, or Medical Marijuana Treatment Center	SP

5. ADDITIONAL REQUIREMENTS/CONDITIONS

In addition to the standard requirements for uses permitted by Special Permit, the following shall also apply to all Medical Marijuana Treatment Centers and Adult Use Marijuana Establishments:

- A. **Special Permit Granting Authority** For the purposes of this section, the Special Permit Granting Authority shall be the Planning Board of the Town of Wales.
- B. **Enforcement** Any violations of the terms of a Special Permit granted under to this section and otherwise not of a criminal nature, shall be directed to the Zoning Enforcement Officer as defined by Section XVI (B) of this zoning bylaw or in writing to the Special Permit Granting Authority.
- C. **Place**
 1. No Medical Marijuana Treatment Center or Marijuana Establishment shall be located on a parcel which is within five hundred (500) feet (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 Medical Marijuana Treatment Center or Marijuana Establishment structure is or will be located) of a parcel, occupied at the time the Applicant's license application was received by the Cannabis Control Commission, by any of the following:
 - a) A public or private school providing education in preschool, kindergarten or any of grades 1-12
 - b) A public or private library
 - c) Duly licensed daycare centers
 - d) Churches, synagogues or other places of worship
 - e) Public or private parks, playgrounds and recreation areas
 2. All aspects of any Medical Marijuana Treatment Centers and Marijuana Establishments, except for the transportation of product or materials, 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 an enclosed, fixed location and shall not be permitted to be located in a trailer, storage freight container, motor vehicle or other similar type potentially movable platform or enclosure.

3. No Medical Marijuana Treatment Center or Marijuana Establishment shall be located inside a building containing residential units, including transient housing such as motels and dormitories.
4. No Medical Marijuana Treatment Center or Marijuana Establishment shall be permitted to utilize or provide a drive-through service.
5. Enclosed area cultivation, manufacturing, processing, retail, and standards and testing establishments are encouraged to utilize existing buildings where possible.

D. Time and Manner

1. Any type of Medical Marijuana Treatment Center or Marijuana Establishment may only be involved in the uses permitted by its license definition and may not include other businesses or services.
2. No marijuana shall be smoked, eaten or otherwise consumed or ingested within a Medical Marijuana Treatment Center or Marijuana Establishments unless expressly permitted under this Bylaw, and permitted by state law or regulation. The prohibition on on-site consumption shall also include Marijuana Membership Clubs, private social clubs and any other establishment which allows for social consumption of marijuana or marijuana products on the premises, regardless of whether the product is sold to consumers on site.
3. The hours of operation shall be set by the Special Permit Granting Authority, but in no event shall a Medical Marijuana Treatment Center or Marijuana Establishment be open to the public, and no sale or other distribution of marijuana shall occur upon the premises or via delivery from the premises, between the hours of 8:00 p.m. and 8:00 a.m.
4. No Medical Marijuana Treatment Center or Marijuana Establishment may commence operation or apply for a building permit prior to its receipt of all required permits and approvals including, but not limited to, its Final License from the Cannabis Control Commission.
5. The number of adult use marijuana retail establishments permitted to be located within the Town shall not exceed the number of licenses issued within the Town for the retail sale of alcoholic beverages sold under chapter 138 of the General Laws.
6. *Nuisance* Medical Marijuana Treatment Center or Marijuana Establishment operations shall not create nuisance conditions in parking areas, sidewalks, streets, and areas surrounding the 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, illegal drug activity under state or local law, harassment of passerby, excessive littering, excessive loitering, illegal parking, excessive loud noises, excessive citation for violations of State or local traffic laws and regulations, queuing of patrons (vehicular or pedestrian) or other obstructions in the public or private way (sidewalks and streets).

E. Design Standards/Physical Requirements In addition to pertinent requirements of implementing regulations of the Massachusetts Cannabis Control Commission, Marijuana Establishments and Medical Marijuana Treatment Centers shall comply with the following:

All aspects of a Marijuana Establishment or Medical Marijuana Treatment Center relative to the acquisition, cultivation, possession, processing, sales, distribution, dispensing, or administration of marijuana, products containing marijuana, marijuana accessories, related supplies, or educational materials shall take place at a fixed location within a fully enclosed structure or fenced area and shall not be visible from the exterior of the business.

1. For Marijuana Cultivation, Outdoors, the following dimensional regulations shall apply:
 - a. Minimum Lot Area: 5 acres;
 - b. Minimum Front Setback: 100 feet;
 - c. Minimum Rear and Side Setback: to be assigned by the SPGA depending on site dimensions and adjacent uses. In no cases shall such setbacks be less than what is required for the underlying zoning district in Section 5.0.2;
 - d. No unprotected storage of marijuana, related supplies, or educational materials is permitted.

- e. Marijuana not grown inside a securable enclosed structure shall be enclosed within a six (6) foot fence and inasmuch as possible the plants shall be screened from view, at grade, from a public way or from a protected use.
 - f. No outdoor cultivation of marijuana shall be allowed within one-hundred (100) feet of any property line.
2. **Town Character and Aesthetic:** To the extent reasonably possible, all structures utilized for any purpose by a licensed Medical Marijuana Treatment Center or Marijuana Establishment shall be compatible in scale, design and aesthetic with the existing neighboring properties in particular, and with the rural, agricultural character of the Town of Wales in general.
3. **Building Scale, Mass and Bulking:**
- a. **Enclosed Structures** For the purposes of this section, an Enclosed Structure shall mean any structure, other than a standard Greenhouse, actively devoted to the cultivation, manufacture, transportation, storage or testing of marijuana products.
 - 1. **Maximum Building Footprint:** The total combined footprint for all enclosed structures shall not exceed 13,500 square feet.
 - 2. **Height:** no Enclosed Structure shall exceed a total of forty (40) feet in height.
 - 3. **Spacing:** Enclosed Structures shall be no less than twenty (20) feet apart and in no instance shall a Marijuana Establishment erect more than five (5) Enclosed Structures.
 - b. **Greenhouses** For the purpose of this section, a Greenhouse shall mean any structure with walls and roof made of transparent or translucent material in which plants requiring regulated climatic conditions are grown and allowed in all areas where Marijuana Cultivation is allowed provided that:
 - 1. The greenhouse installation conforms to all regulations regarding security, screening, ventilation, odor and any other provisions of 935 CMR 500, 935 CMR 501 and of this bylaw.
 - 2. The total footprint of all structures devoted to active cultivation, including greenhouse space, does not exceed 13,500 square feet of total area.
 - 3. No greenhouse exceeds a total height of twenty (20) feet.
 - c. **Retail Establishments** The total gross floor of Retail Marijuana Establishments or a Medical Marijuana Treatment Center engaged in retail operations shall be determined by the Special Permit Granting Authority.
 - d. **Setbacks** With the exception of retail uses, all marijuana establishments shall have a minimum setback of 100 feet as measured from the nearest edge of any public right-of-way or abutting property boundary.
 - e. **Roofing** No Enclosed Structure, as defined herein, shall have a roof pitch of less than 5/12, unless the applicant can demonstrate to the satisfaction of the Special Permit Granting Authority that any deviation from this standard is in better keeping with Section 5E(2) of this section.
4. **Visual Impact:** Marijuana plants, products, and paraphernalia shall not be visible from the outside of the building in which the Medical Marijuana Treatment Center or Marijuana Establishment is located and shall comply with the requirements of 935 CMR 500. No outside storage of marijuana, related supplies, or promotional material is permitted. Any artificial screening device erected to eliminate the view from a public way shall also be subject to a vegetative screen and the Special Permit Granting Authority shall consider the surrounding landscape and views to determine if an artificial screen would be out of character with the neighborhood.

5. Ventilation and odor: All Medical Marijuana Treatment Centers and Marijuana Establishments shall be ventilated in such a manner that no:
 - a. Pesticides, insecticides or other chemicals or products used in the cultivation or processing are dispersed into the outside atmosphere, and
 - b. No odor from marijuana, marijuana products or its processing can be detected by a person with an unimpaired and otherwise normal sense of smell at the exterior of the Medical Marijuana Treatment Center or Marijuana Establishment or at any adjoining use or property.
6. Signage: All signage shall comply with all other applicable signage regulations in the Zoning Bylaw, Section 7.0.
7. Lighting: To the extent permissible by state law and regulations, all Medical Marijuana Treatment Centers and Marijuana Establishments shall make every reasonable effort to minimize the effects of security and other necessary light installations on the surrounding community and shall comply with "dark skies" standards.

F. *Reporting Requirements*

1. Prior to the commencement of the operation or services, any Medical Marijuana Treatment Center or Marijuana Establishment approved under this section shall provide the Police Department, Fire Department, Building Commissioner/Inspector and the Special Permit Granting Authority 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.
2. The local Building Inspector, Board of Health, Police Department, Fire Department, Board of Selectmen and Special Permit Granting Authority shall be notified in writing by the Medical Marijuana Treatment Center or Marijuana Establishment facility owner/operator/ manager:
 - a. A minimum of 30 days prior to any change in ownership or management of that establishment.
 - b. 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.
3. Permitted Medical Marijuana Treatment Centers or Marijuana Establishments shall file an annual written report to, and appear before, the Special Permit Granting Authority no later than January 31st of each calendar year, providing a copy of all current applicable state licenses for the facility and/or its owners and demonstrate continued compliance with the conditions of the Special Permit.

G. *Issuance/Transfer/Discontinuance of Use*

1. Special Permits/Site Plan Approvals shall be issued to the Medical Marijuana Treatment Center or Marijuana Establishment licensee only.
2. Special permits granted under this section shall be issued to no more than one Licensee and no Special Permit shall allow for the concurrent operation of two or more Medical Marijuana Treatment Centers and/or Marijuana Establishments on the same parcel of land.
3. Special Permits/Site Plan Approvals shall be issued for a specific type of Medical Marijuana Treatment Center or Marijuana Establishment on a specific site/parcel only.

4. Special Permits/Site Plan Approvals shall be non-transferable to either another Medical Marijuana Treatment Center or Marijuana Establishment licensee or another site/parcel without the consent of the Planning Board upon application by the existing licensee and the proposed transferee.
5. Special Permits/Site Plan Approvals shall have a term limited to the duration of the Applicant's ownership/control of the premises as a Medical Marijuana Treatment Center or Marijuana Establishment, and shall lapse if:
 - a. the Medical Marijuana Treatment Center or Marijuana Establishment ceases to operate; and/or
 - b. the Medical Marijuana Treatment Center or Marijuana Establishment's registration/license by the Cannabis Control Commission expires or is terminated.
6. The Medical Marijuana Treatment Center or Marijuana Establishment shall notify the Zoning Enforcement Officer and Special Permit Granting Authority in writing within 48 hours of such lapse, cessation, discontinuance or expiration or revocation.
7. In the event that any Medical Marijuana Treatment Center or Marijuana Establishment has reasonable grounds to temporarily cease to operate for a period greater than 180 days, the Special Permit Granting Authority may, at its discretion, extend the term limit defined in Section 3C, provided that;
 - a. The licensed Medical Marijuana Treatment Center or Marijuana Establishment submits to the Special Permit Granting Authority a written statement explaining the need for such an extension, the steps being taken to resume operations and the amount of time considered necessary to realize those steps; AND
 - b. No such cessation of operations shall be for a period longer than 365 days in total.
8. A marijuana cultivator or manufacturer shall be required to remove all material, plants equipment and other paraphernalia prior to surrendering its state registration/license or ceasing its operation.
9. Prior to the issuance of a Building or Occupancy Permit for a Medical Marijuana Treatment Center or Marijuana Establishment, the Applicant shall be required to furnish evidence that a decommissioning bond or other form of financial security pursuant to the requirements of 935 CMR 500.105 §16 has been posted with the Commission in an amount which shall be sufficient to cover the costs of removing all materials, plants, equipment and other paraphernalia in the event the Applicant fails to do so.
 - a. Should the applicant not furnish sufficient evidence, or such financial security is deemed insufficient in the opinion of either the Special Permit Granting Authority or Town Treasurer to cover potential costs to the Town for the removal of said material, the Applicant shall post with the Town Treasurer an additional bond or other form of financial security acceptable to said Treasurer in an amount set by the Special Permit Granting Authority, which shall cover any and all potential costs to the Town for the removal of said material.
 - b. In the event that the Town finds a licensed Medical Marijuana Treatment Center or Marijuana Establishment to have ceased to operate, the Building Inspector shall give the owner 30 days' written notice in advance of taking any 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 30 days written notice, any bond posted with and under the control of the Town Treasurer shall be returned to the Applicant.
 - c. All licensed Medical Marijuana Treatment Centers and Marijuana Establishments in the Town of Wales shall be required to furnish to the Town an annually updated estimate of decommissioning costs which shall include any increases resulting from changes to operations, annual inflation or any and all other factors, as well as a full accounting of any bonds or other financial securities held with the Commission

and/or the Town. The owner shall be responsible for the cost of any annual increases in posted bonds necessary to cover the cost of decommissioning.

10. The Special Permit Granting Authority may hire, at the applicant's expense, professional, third-party consultant(s) of their choosing to assist them in evaluating the Special Permit application, estimating any bond amounts as required by Section 5;(1:8) of this bylaw, or any other requirements contained herein.

6. APPLICATION REQUIREMENTS

A Medical Marijuana Treatment Center or Marijuana Establishment shall only be allowed by Special Permit from the Special Permit Granting Authority in accordance with MGL c.40A §9 and other provisions of this chapter. All Special Permits for Medical Marijuana Treatment Centers and Marijuana Establishments shall be subject to following requirements and conditions:

1. Community Host Agreement: All applications for a Special Permit shall include an executed Community Host Agreement with the Town through the Board of Selectmen.
2. Community Outreach meeting for Marijuana Establishments: All applications for a Special Permit shall include certification that a Community Outreach Hearing in accordance with 935 CMR 500 has occurred. Additionally, the applicant shall demonstrate that reasonable efforts have been made to ensure that any and all handouts, presentations and other audio/visual materials utilized in a public hearing have been designed so as to accommodate the needs of sight and/or hearing-impaired residents.
3. Site Plan Approval: No Special Permit for any Medical Marijuana Treatment Centers and Marijuana Establishments shall be issued without site plan approval by the Special Permit Granting Authority. In addition to the standards set forth herein, the site plan must meet all dimensional, parking, and other requirements set forth by this zoning bylaw.

A. License requirements

1. Copies of the complete application, to the extent legally allowed, shall be provided as an integral component of the application to the Planning Board and no Special Permit application shall be deemed complete by the Planning Board until this information is provided.
2. No Special Permit shall be granted by the Planning Board to an applicant without the Medical Marijuana Treatment Center or Marijuana Establishment first having been issued a Provisional License from the Marijuana Control Commission pursuant to 935 CMR 500 or 935 CMR 501.
3. No person shall operate a Medical Marijuana Treatment Center or Marijuana Establishment without having a final license from the Cannabis Control Commission.

- B. Security Plan All applications for a Special Permit shall include a security plan describing all proposed security measures including lighting, fencing, gates and alarms, and any other such measures that will satisfy the requirements of 935 CMR 500.110. Security information shall be submitted and retained by the Planning Board as a confidential document and forwarded to the Chief of Police for review and comment.

- C. Odor Control Plan All applications for a Special Permit shall include an Odor Control Plan 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 control including maintenance of such controls.

- D. Management Plan All applications for Special Permit shall include a management plan with a comprehensive description of all activities to occur on site, including all provisions for the delivery of marijuana and related products to the Medical Marijuana Treatment Center or Marijuana Establishment or off-site direct delivery.

- E. Energy Use Plan All applications for a Special Permit shall include an energy use plan which shall demonstrate best practices for energy conservation, water usage, and waste disposal. The plan shall include an electrical system overview, proposed energy demand, ventilation system and air quality, proposed water system and utility demand.
- F. Decommissioning Plan All applications for Special Permit shall include a plan providing for the decommissioning of the Medical Marijuana Treatment Center or Marijuana Establishment. Such decommission plans shall include a cost estimate provided by a qualified, third-party expert and shall detail dismantling, disposal of equipment and all other reasonably anticipated costs associated the decommissioning of the Medical Marijuana Treatment Center or Marijuana Establishment, along with detailed accounting of any bonds posted with the Commission in accordance with 935 MCR 500 and Section 5G(9) of this section. The Special Permit Granting Authority/Planning Board reserves the right to request a comparison estimate provided by an independent, qualified professional estimator of the board's choosing, the cost of which shall be borne by the Applicant.
- G. Waivers The Applicant shall be required to submit specific information regarding any waivers from 935 CMR 500.000 or 935 CMR 501.000 granted by the Commission.
- H. Other Requirements
1. The name and address of each owner and operator of the Medical Marijuana Treatment Center or Marijuana Establishment facility/operation.
 2. Proof of Liability Insurance Coverage or Maintenance of Escrow as required in 935 CMR 500 and 935 CMR 501.
 3. Evidence that the Applicant has site control and right to use the site for a Medical Marijuana Treatment Center or 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.
 4. A notarized statement signed by the Medical Marijuana Treatment Center or 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 is entities rather than persons, the Applicant must disclose the identity of all such responsible individual persons.
 5. A detailed floor plan identifying the areas available and functional uses (including square footage).
 6. All signage being proposed for the facility.
 7. A pedestrian/vehicular traffic impact study to establish the Medical Marijuana Treatment Center or Marijuana Establishment's impacts at peak demand times, including a line queue plan to ensure that the movement of pedestrian and/or vehicular traffic along access areas including, but not limited to the public right of ways, will not be unreasonably obstructed.

7. FINDINGS

In addition to the Findings for a Special Permit or Site Plan Approval as enumerated in Section 8.4 of the Zoning Bylaw, the Special Permit Granting Authority must also find all the following:

1. The Medical Marijuana Treatment Center or Marijuana Establishment is consistent with and does not derogate from the purposes and intent of this Section and the Zoning Bylaw.
2. That the Medical Marijuana Treatment Center or Marijuana Establishment is designed to minimize any adverse visual or economic impacts on abutters and other parties in interest;
3. That the Medical Marijuana Treatment Center or Marijuana Establishment demonstrates that it meets or exceeds all the permitting requirements of all applicable agencies within the Commonwealth of Massachusetts and is in compliance with all applicable state laws and regulations; and

4. That the Applicant has satisfied all of the conditions and requirements of this Section and other applicable Sections of this Bylaw;
5. That the Medical Marijuana Treatment Center or Marijuana Establishment provides adequate security measures to ensure that there is no direct threat to the health or safety of other individuals, and that the storage and/or location of cultivation is adequately secured on-site or via delivery.
6. That the Medical Marijuana Treatment Center or Marijuana Establishment adequately addresses issues of traffic demand, circulation flow, parking and queuing, particularly at peak periods at the facility, and its impact on neighboring uses.

8. SEVERABILITY

If any provision of this section is found to be invalid by a court of competent jurisdiction, the remainder of this section shall not be affected but shall remain in full force. The invalidity of any provision of this section shall not affect the validity of the remainder of this zoning bylaw.

Sponsored by the Planning Board

ARTICLE 10 To see if the Town will vote to amend the action taken at the May 18, 2016 Annual Town Meeting under Article 22 by deleting the words "serving as drivers for the senior center van" and replacing the word "driver" with the word "participant"; or take any other action relative thereto.

Sponsored by the Select Board

And you are hereby directed to serve this warrant by posting attested copies thereof in at least three (3) conspicuous places in the Town.

Hereof, fail not, and make return of the warrant with your doings thereon to the Town Clerk at the time and place of said meeting, as aforesaid. Given under our hands this twenty eighth day of September, two thousand and twenty.

WALES SELECT BOARD

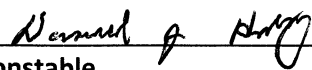

William J. Matchett III, Chairman


Michael J. Valanzola, Vice Chairman


John A. Grasso, Clerk

**KP LAW, P.C.
TOWN COUNSEL**

**Attest: A True Copy
Posted at Town Website, Wales Senior Center, Town Offices, Library, Post Office**


Constable


Date

