



Minutes of the Town of Wales

Annual Town Meeting

Wednesday, May 19, 2021

The Annual Town Meeting, held at the Tantasqua Regional High School, was attended by 123 voters. A quorum of 56 people being present, the meeting was opened at 6:07 p.m. with a salute to the flag led by the Moderator, Mr. Michael Valanzola. The Moderator thanked those who made the effort to attend the meeting. A moment of silence was held for members of the Public Safety services who had lost their lives during the Novel Coronavirus crisis.

ARTICLE 1 The Town Voted to hear and act upon the reports and recommendations of Town Officers.

ARTICLE 2 The Town voted to hear and act upon the reports and recommendations of Committees.

ARTICLE 3 The Town voted to raise and appropriate \$4,991,684.44 and to transfer from the Capital Stabilization fund the total sum of \$72,434.80 to defray expenses of the Town, on a departmental basis, for the fiscal year 2022 period; and further to fix the salary and compensation of the following elective officers of the Town of Wales, as provided by M.G.L. c. 41, § 108, as amended: Moderator, Selectmen, Assessors, Treasurer, Collector, Town Clerk, Planning Board, Road Commissioner and Board of Health for fiscal year 2022.

ARTICLE 4 The Town voted to transfer the sum of \$4,000.00 from Certified Free Cash for an audit of the Town's finances.

ARTICLE 5 The Town voted to transfer the sum of \$2,167.00 from Certified Free Cash for the Board of Assessors to undertake property revaluation.

ARTICLE 6 The Town voted to transfer the sum of \$2,000.00 from Certified Free Cash for dam inspections.

ARTICLE 7 The Town voted to transfer the sum of \$5,000.00 from Certified Free Cash to the Other Post-Employment Benefits Trust Fund.

ARTICLE 8 The Town voted to transfer the sum of \$500.00 from Certified Free Cash to the Wales Community Events Gift Account for the purpose of supporting Wales Olde Home Day.

ARTICLE 9 The Town voted to authorize the Town Treasurer, with the approval of the Select Board, to borrow money from time to time in anticipation of revenue of the fiscal year beginning July 1, 2021, in accordance with the provisions of M.G.L. c. 44, § 4, and to renew any note or notes as may be given in accordance with the provisions of M.G.L. c. 44, § 17.

ARTICLE 10 The Town voted to authorize the Town Treasurer, with the approval of the Select Board, to enter into compensating balance agreements with bank offices having their principal offices in the Commonwealth during the fiscal year 2022, as permitted by M.G.L. c. 44, § 53F.

ARTICLE 11 The Town voted to accept any and all grant monies received during fiscal year 2022 for the Wales Public Library Grant Account, for the use of the Wales Public Library.

ARTICLE 12 The Town voted to reauthorize an Offset Receipt Account, said amount not to exceed ONE HUNDRED THOUSAND DOLLARS (\$100,000.00) more or less, for the operation of the TRANSFER STATION provided, however, that pursuant to M.G.L. c. 44, § 53E, such costs shall be offset by the estimated receipts from the fees charged to users of the services provided by the transfer station; or take any other action thereto.

ARTICLE 13 The Town voted to amend Chapter 3, Section 5 of the General Bylaws by adding the following:

A: REVOLVING FUND	B: AUTHORITY TO SPEND	C: FEES, CHARGES OR OTHER RECEIPTS CREDITED TO FUND	D: PROGRAM OR ACTIVITY EXPENSES PAYABLE FROM FUND	E: RESTRICTIONS OR CONDITIONS ON EXPENSES PAYABLE FROM BUDGET	F: OTHER REQUIREMENTS OR REPORTS	G: FISCAL YEARS
Highway – Driveway Permits	Road Commissioner	Driveway permit fees	Expenses related to inspections			Fiscal year 2022 and subsequent years

ARTICLE 14 The Town voted to fix the maximum amount that may be spent during fiscal year 2022 beginning on July 1, 2021 for the revolving funds established in the General Bylaws, Chapter 3, Section 5 for certain departments, boards, committees, agencies or officers in accordance with M.G.L. c. 44, § 53E½, as follows:

Revolving Fund	Department, Board, Committee, Agency or Officer	Limit on Spending
Building Inspections	Building Commissioner	\$50,000.00
Plumbing, Heating and Gas Inspections	Plumbing/Heating/Gas Inspector	\$50,000.00
Cemetery Services	Cemetery Commission	\$3,000.00
Planning	Planning Board	\$3,000.00
Conservation	Conservation Commission	\$1,500.00
Zoning	Zoning Board	\$1,000.00
Animal Control	Animal Control Officer	\$2,000.00
Library	Library Trustees or Director	\$1,000.00
Board of Health	Board of Health	\$5,000.00
Electrical	Electrical Inspector	\$50,000.00
Police – Pistol Permits	Chief of Police	\$4,000.00
Council on Aging	Council on Aging	\$3,500.00
Fire Department	Fire Inspector	\$6,000.00
Highway – Driveway Permits	Road Commissioner	\$1,000.00

ARTICLE 15 The Town voted to appropriate the total sum of \$15,000.00 from the PEG Access and Cable Related Fund, said funds to be expended during the fiscal year commencing July 1, 2021 under the direction of the Cable Advisory Committee for necessary and expedient cable related purposes consistent with the license agreement, of which the sum

of \$12,000.00 is the estimated license revenue to be received during FY2022 in accordance with the license agreement and the sum of \$3,000.00 shall be allocated from the available fund balance.

ARTICLE 16 The Town voted to transfer \$40,000.00 from Certified Free Cash to the General Stabilization Fund.

ARTICLE 17 The Town voted to transfer \$100,000.00 from Certified Free Cash to the Capital Stabilization Fund.

ARTICLE 18 The Town voted to transfer the total sum of \$51,000.00 from the Capital Stabilization Fund for the purpose of funding the following capital purchases/projects, including all costs incidental and related thereto:

Department	Purchase/Project	Amount
Board of Selectmen	Information Technology	\$20,000.00
School	Boiler Replacement	\$12,000.00
School	Building Improvements	\$19,000.00

ARTICLE 19 The Town voted to appropriate the sum of \$57,000.00 for the purchase and original equipping of a 2020 Chevrolet Tahoe 4-wheel drive PPV for the Police Department's printed in the warrant, and that to meet said appropriation the Treasurer, with the approval of the Select Board, be authorized to borrow said sum under M.G.L. c.44 or any other enabling authority and issue bonds or notes therefore; and further, that any premium received upon the sale of any bonds or notes approved by this vote, less any premium applied to the payment of costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with M. G. L. c.44, §20, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount.

ARTICLE 20 The Town voted on a written ballot Yes 77 No 45 with 81 Yes votes needed to reach the required 2/3 vote **not** to appropriate the sum of \$676,000.00 for the purpose of purchasing a new fire rescue/pumper, including associated equipment and all related incidental costs, to replace Rescue 1 and Engine 4, and that to meet said appropriation the Treasurer, with the approval of the Board of Selectmen, be authorized to borrow said sum under M.G.L. c. 44 or any other enabling authority and issue bonds and notes therefore; and further, that any premium received upon the sale of any bonds or notes approved by this vote, less any such premium applies to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with M.G.L. c. 44, § 20, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount.

ARTICLE 21 The Town voted on a hand count of Yes 73 and No 37 to amend Chapter 2, Sections 1(4), 1(5) and 1(6) of the General Bylaws by deleting the text indicated (~~striketrough~~) and inserting the text indicated (**bolded and underlined**) below:

Sec. 4 Annual Town Meetings and all other Town meetings, and meetings for elections under any of the provisions of the laws of the Commonwealth shall be warned by posting attested copies thereof **on the Town's website and** in at least three (3) conspicuous public places in the Town.

Sec. 5A At least seven (7) days before the day fixed in the warrant for the Annual Town Meeting, the Selectmen shall ~~cause to be mailed to each dwelling house in the Town, occupied by a registered voter, a copy of the warrant~~ **post the Annual Town Meeting Warrant on the Town's website and make copies thereof available at the Town Office, Library, Senior Center and the Annual Town Meeting.**

Sec. 5B At least seven (7) days before the day fixed in the warrant for the Annual Town Meeting, the Selectmen shall post the Annual Town Report on the Town's website and make copies thereof available at the Town Office, Library, Senior Center and the Annual Town Meeting.

Sec. 6 At least ~~seven (7) days~~ **fourteen (14) days** before the day fixed in the warrant for any Special Town Meeting, the Selectmen shall ~~cause to be mailed to each dwelling house, occupied by a registered voter, a summary copy of the warrant for the warned meeting~~ **post the Special Town Meeting Warrant on the Town's website and make copies thereof available at the Town Office, Library, Senior Center and the Special Town Meeting.**

ARTICLE 22 The Town voted to amend Chapter 3, Section 5 of the General Bylaws to bring them into line with DOR guidance by deleting the text indicated (~~striketrough~~) below:

A: REVOLVING FUND	B: AUTHORITY TO SPEND	C: FEES, CHARGES OR OTHER RECEIPTS CREDITED TO FUND	D: PROGRAM OR ACTIVITY EXPENSES PAYABLE FROM FUND	E: RESTRICTIONS OR CONDITIONS ON EXPENSES PAYABLE FROM BUDGET	F: OTHER REQUIREMENTS OR REPORTS	G: FISCAL YEARS
Building Inspections	Building Commissioner	Inspection Fees	Expenses and costs related to the provision of inspection services. Amount in excess of \$500 (excluding unpaid expenses) shall close to general fund at fiscal year end.			Fiscal year 2018 and subsequent years
Plumbing, Heating and Gas Inspections	Plumbing/ Heating/Gas Inspector	Inspection fees and expense reimbursements	Expenses related to provision of inspection services. Balance (excluding fees due to the inspector) shall close to general fund at fiscal year end.			Fiscal year 2018 and subsequent years
Cemetery services	Cemetery Commission	Fees received in connection with opening and closing graves	Expenses and costs related to opening and closing			Fiscal year 2018 and subsequent years

			graves, including payment to other departments related thereto.			
Planning	Planning Board	Filing fees and expense reimbursements	Expenses and costs related to processing applications, publishing notices, and holding hearings.			Fiscal year 2018 and subsequent years
Conservation	Conservation Commission	Filing fees, expense reimbursements	Expenses and costs related to processing applications, publishing notices, and holding hearings.			Fiscal year 2018 and subsequent years
Zoning	Zoning Board	Filing fees and expense reimbursements	Expenses and costs related to processing applications, publishing notices, and holding hearings.			Fiscal year 2018 and subsequent years
Animal Control	Animal Control Officer	Fines and fees	Expenses and costs related to provision of animal control services for which fees and fines are assessed.			Fiscal year 2018 and subsequent years
Library	Library Trustees or Director	Fees and fines	Expenses and costs related to library programs and activities for which fees and fines are assessed.			Fiscal year 2018 and subsequent years
Board of Health	Board of Health	Fees and reimbursements	Expenses and costs related to enforcing			Fiscal year 2018 and

			State & Local Board of Health regulations.			subsequent years
Electrical	Electrical Inspector	Permit fees and expenses	Expenses related to inspections. Balance (excluding inspection fees due to the inspector) shall close to the general fund at fiscal year end.			Fiscal year 2018 and subsequent years
Police – Pistol Permits	Police Chief	Pistol Permit Fees	Expenses and costs related to pistol permit application review and issuance.			Fiscal year 2018 and subsequent years
Council on Aging	Council on Aging	Fees and reimbursements	Expenses and costs related to programs and activities for Seniors.			Fiscal year 2018 and subsequent years
Fire Dept.	Fire Inspector	Permit Fees	Expenses related to provisions of inspection services. Balance (excluding fees due to the inspector) shall close to the General fund at fiscal year end.			Fiscal year 2018 and subsequent years
Highway – Driveway Permits	Road Commissioner	Driveway permit fees	Expenses related to inspections			Fiscal year 2022 and subsequent years

ARTICLE 23 The Town voted **not** to amend the General Bylaws by adding 16) Open Space Committee to Chapter 4:

16) OPEN SPACE COMMITTEE

Section 1. There shall be established an Open Space Committee consisting of five (5) voting members and two (2) associate/non-voting members who shall reside in Wales. The Committee shall be comprised of at least one (1) member from each of the following: Planning Board, Parks Commission, Recreation Committee, and Conservation Commission. All members shall be residents of Wales with interest in open space preservation.

1. The Open Space Committee shall be appointed by the Board of Selectmen. Each board shall choose their representative to serve up to a two (2) year term, additional members that are residents of the Town will serve an initial one (1) year term. Thereafter, reappointments shall be for a two (2) year term.
2. The membership shall consist of individuals with experience, training or a dedicated interest in open space preservation, land planning, conservation, real estate acquisition, mapping, fundraising, communications, and such other professions as could be helpful to the Committee's work.

Section 2. The Open Space Committee shall have the following responsibilities and duties:

1. Create an Open Space and Recreation Plan (OSRP) for the Town of Wales. This OSRP will be pursuant to Massachusetts Department of Conservation and Recreation guidelines, which would identify locations for passive and active recreation which will help the Town maintain the rural character that is important to residents.
2. OSRPs allow communities *"to maintain and enhance all the benefits of open space that together make up much of the character of the community and protect the "green infrastructure" of the community"* (2008 Open Space and Recreation Planner's Workbook). Current data for Wales shows that there are 410 undeveloped parcels in Wales, covering 4,881 acres¹ or 49% of parcels. Of the undeveloped parcels, 52% are permanently protected².
3. Implement the OSRP:
 - a. Keep the Town current with State OSRP requirements and with opportunities and eligibility for State funding.
 - b. Advise and assist the Planning Board and the Board of Selectmen, its applicants, and other Town entities (upon their request) regarding decisions concerning land development with the goal of following the OSRP in prioritizing areas for development and protection.
 - c. Serve as an information source and advocate for the acquisition of land for conservation, open space, recreation, and related purposes.
 - d. Work with Wales residents, Town departments/boards/committees, state and federal officials and agencies, and private non-profit land conservation organizations to further the preservation of Wales's open space resources.
 - e. Encourage philanthropy and private efforts to preserve open space.
 - f. Submit annual report to the Town and follow OSRP for action plans.
4. Maintain an open space inventory.
5. Develop community education programs and communication tools regarding the value and use of open space areas.

Section 3. The Open Space Committee shall choose its own officers and may adopt rules of procedure regarding its functioning and operation.

Section 4. In performing its work, the Open Space Committee shall be guided by the Wales Master Plan and upon completion, the OSRP.

¹ Bureau of Geographic Information (MassGIS), Commonwealth of Massachusetts, Executive Office of Technology and Security Services. 2021. Statewide Parcels file geodatabase. <https://docs.digital.mass.gov/dataset/massgis-data-standardized-assessors-parcels>

² \\walesthdc01\users\$\select\Pam\Town Meetings\2 Harvard Forest. 2020. New England protected open space (version 1.0.0) [Data set]. Zenodo. <http://doi.org/10.5281/zenodo.3606763>

ARTICLE 24 The Town voted to amend the General Bylaws by adding 17) Nuisance Property to Chapter 4:

17) NUISANCE PROPERTY

Section 1. PURPOSE

Pursuant to the Board of Health's authority to enact reasonable health regulations and to abate or prevent public nuisances, sources of filth and causes of sickness within the Town as granted by M.G.L. c. 111, §§31 and 122-125, this regulation is adopted for the prevention of future nuisances and the removal of existing nuisances within the Town that constitute a health hazard and blight.

Section 2. DEFINITIONS

- A. Vacant Blight or Blighted - Any condition that seriously impairs the value, condition, strength, durability, or appearance of real property that is known to be vacant.
- B. Nuisance - Any substantial interference with the common interest of the general public in maintaining decent, safe, non-dilapidated and sanitary structures and the neighborhoods, when such interference results from the hazardous, or blighted condition of private property, land, or buildings. The fact that a particular structure or use may be permitted under the Zoning Regulation does not create an exemption from the application of this regulation.

The term nuisance includes, but is not limited to:

- 1. Burned structures not otherwise lawfully habitable or usable.
- 2. Outside in public view, the accumulation of garbage and/or trash containing approximately 3 cubic yards (containing approximately 30 normally filled 30-gallon trash bags or a footprint of 6 feet x 6 feet x 30 inches).
- 3. Litter (trash, such as paper, plastic bags, cans, or bottles, that is left lying in an open private or public place).
- C. Occupant - A person who occupies real property with the consent of the owner as a lessee, tenant at will, licensee or otherwise.
- D. Owner - Every person who alone or jointly or severally with others:
 - 1. Has legal title to any building, structure, or property subject to this bylaw; or
 - 2. Has care, custody, or control of any such building, structure or property in any capacity including but not limited to agent, executrix, administratrix, trustee, or guardian of the estate of the holder of legal title; or
 - 3. Is a mortgagee in possession of such property; or
 - 4. Is an agent, trustee, or other person appointed by the courts and vested with control of such property.
- E. Structure - A combination of materials, whether wholly or partially level with, above, or below the surface of the ground, whether permanent or temporary, assembled at a fixed location to give support, shelter, or enclosure.

Section 3. NUISANCES PROHIBITED

All property in the Town of Wales, whether occupied or vacant, shall be maintained in a safe and sanitary condition. No owner, or in the case of real property, occupant, of property shall create, permit, or maintain a condition or activity on the property that creates litter, blight or a nuisance as those terms are defined herein.

No person shall throw or deposit litter on any public or private property within the town limits, whether owned by such person or not.

Section 4. ADMINISTRATION AND ENFORCEMENT

- A. This bylaw may be enforced in accordance with applicable law, and the election of one remedy shall not preclude enforcement through any other lawful means. If enforced through non-criminal disposition, the following fine schedule shall apply: first violation - \$50.00; second violation - \$100.00; third and subsequent violations - \$300.

When the Board of Health is informed of or has reason to believe that any provision of this bylaw has been, is being, or is likely to be violated, an investigation of the facts, including an investigation of the property where the violation may exist may be conducted, IF the following persons: the Board of Health, Building Inspector and at least one (1) member of the Board of Selectmen conclude with a majority vote that further investigation is needed into the facts. Nothing herein shall preclude the Enforcement Authority from providing a warning or seeking to resolve any violation informally.

This bylaw shall only be enforced by a majority vote of the Board of Health and one Selectman as well as either the Building Inspector or a member of the Police Department.

Nothing herein shall preclude the enforcement authority from providing a warning or seeking to resolve any violation informally.

- B. Except in the case of an emergency posing an immediate threat to the public health and safety or as otherwise provided herein, the enforcing authority may seek to provide immediate notice in writing to the owner and occupant of a property being maintained in violation of this bylaw, outlining such violation in general terms and providing a reasonable deadline for taking corrective action ("Enforcement Order"). The Board or its authorized agent may, if the owner or occupant fails to comply with such Enforcement Order, seek to enforce such order by any means at law or in equity.
- C. If the owner or occupant fails to timely remedy the violation in accordance with an Enforcement Order, the Town may cause the nuisance to be removed in accordance with the provisions of Massachusetts General Laws or otherwise in accordance with a court order for such purposes and place a lien on the involved property.

Section 5. INTERACTION WITH OTHER LAWS

This bylaw is intended to further the objectives of and to act in concert with any existing federal, state, or local laws concerning the maintenance of property and the abatement of nuisances, and nothing herein shall be deemed to limit or restrict Town officials whatsoever from acting in accordance with such laws.

Section 6. SEVERABILITY

The invalidity of any section, provision, paragraph, sentence, or clause of this bylaw shall not invalidate any other section, provision, paragraph, sentence, or clause thereof, nor shall it invalidate any permit or determination that previously has been issued.

ARTICLE 25 The Town voted to amend the Zoning Bylaws by adding Section 7.9 Medical/Adult Use Marijuana. The Moderator declared the voice vote unanimous.

7.9 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 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.
- 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, 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.

ARTICLE 26 The polls were open on May 26, 2021, from noon to 8 p.m. and 231 voters there did give their vote on a ballot for the following officers:

William J. Matchett III as a Selectboard member for a three-year term (2024)
Rodney A. Kincaid as Treasurer for a three-year term (2024)
Rebecca R. Smith as Tax Collector for a three-year term (2024)
Michael J. Valanzola as Moderator for a three-year term (2024)
Bruce R. Cadieux as Road Commissioner for a three-year term (2024)
Charles Smith III as Constable for a three-year term (2024)
Keridwyn E. Pitcher as a Library Trustee for a three-year term (2024)
Kenneth C. Moore as a Board of Health member for a three-year term (2024)
Carolyn A. Boehne as a School Committee member for a three-year term (2024)
John S. Croke as a School Committee member for a three-year term (2024)
Sarah Ryan as a Planning Board member for a three-year term (2024)
Michael J. Valanzola as Tantasqua Representative for a three-year term (2024)
Leon Givner as a Board of Assessors member for a three-year term (2024)
Joel Jette as a Cemetery Commissioner for a three-year term (2024)

The Town voted Yes 108 No 95 to have its elected Road Commissioner become an appointed Road Commissioner of the Town.

The Two-year term for Planning Board received 11 different names written-in, resulting in a failure to elect anyone to the position.

The meeting adjourned at 8:28 p.m.

I certify that these are the actions taken by the voters at the Annual Town Meeting held May 19, 2021, at Tantasqua Regional High School.

Respectfully submitted,

Leis Phinney

Town Clerk