

**TOWN OF STURBRIDGE  
SPECIAL TOWN MEETING WARRANT**



**TANTASQUA REGIONAL HIGH SCHOOL  
MONDAY, OCTOBER 29, 2018 @ 7:00 P.M.**

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**ARTICLE 34  
UNPAID BILLS OF A PREVIOUS FISCAL YEAR  
(9/10<sup>th</sup> vote required)**

To see if the Town will vote to transfer a sum of money from Free Cash for the purpose of paying unpaid bills of a prior fiscal year; or take any action relative thereto.

Sponsor: Board of Selectmen

**RECOMMENDATION OF THE FINANCE COMMITTEE:**

*That the Town vote to transfer NINE HUNDRED TEN AND 21/100 DOLLARS (\$910.21) from Free Cash to pay unpaid bills of a prior fiscal year.*

*Voted: 9-0*

**RECOMMENDATION OF THE BOARD OF SELECTMEN:**

*That the Town vote to transfer NINE HUNDRED TEN AND 21/100 DOLLARS (\$910.21) from Free Cash to pay unpaid bills of a prior fiscal year.*

*Voted: 5-0*

*Summary: This article will pay unpaid bills from the previous fiscal year. They are: Osterman Propane (Library) \$360.21 and Dave's Pest Control (Center Office Building) \$550.00.*

**ARTICLE 35  
FREE CASH TRANSFER – COSTS ASSOCIATED WITH THE TOWN  
ADMINISTRATOR SEARCH**

To see if the Town will vote to transfer a sum of money from Free Cash for the purpose of costs associated with the Town Administrator Search; or take any action relative thereto.

Sponsor: Board of Selectmen

**RECOMMENDATION OF THE FINANCE COMMITTEE:**

*That the Town take no action on the article. Voted: 6-0*

**RECOMMENDATION OF THE BOARD OF SELECTMEN:**

*That the Town take no action on the article. Voted: 4-0*

*Summary: The Finance Committee voted no action on this article because the money requested has been voted by a Reserve Fund Transfer in the amount of \$11,800.00. These funds will be used to hire a firm to assist with the search for a new Town Administrator as well as related costs.*

**ARTICLE 36**

**FREE CASH TRANSFER – TOWN ADMINISTRATOR SALARY ACCOUNT**

To see if the Town will vote to transfer a sum of money from Free Cash to the Town Administrator Salary Account (#11231); or take any action relative thereto.

Sponsor: Board of Selectmen

**RECOMMENDATION OF THE FINANCE COMMITTEE:**

*That the Town vote to transfer TWENTY THOUSAND AND 00/100 DOLLARS (\$20,000) from Free Cash to the Town Administrator Salary Account (#11231).*

*Voted: 6-0*

**RECOMMENDATION OF THE BOARD OF SELECTMEN:**

*That the Town vote to transfer TWENTY THOUSAND AND 00/100 DOLLARS (\$20,000) from Free Cash to the Town Administrator Salary Account (#11231).*

*Voted: 3-2*

*Summary: The funds will supplement the FY19 appropriation due to the recent vacancy of the Town Administrator.*

**ARTICLE 37**

**COMMUNITY PRESERVATION – LIGHTING TOWN BARN FIELD**

To see if the Town will vote to appropriate from the Community Preservation Fund – Undesignated Fund Balance the sum of ONE HUNDRED FIFTY-SIX THOUSAND THREE HUNDRED FORTY EIGHT AND 00/100 DOLLARS (\$156,438.00) to be allocated for lighting on Town Barn Field for open space and recreational purposes; or take any action relative thereto.

Sponsor: Community Preservation Committee

**RECOMMENDATION OF THE FINANCE COMMITTEE:**

*To approve the article as written. Voted: 6-0*

**RECOMMENDATION OF THE BOARD OF SELECTMEN:**

*To approve the article as written. Voted: 5-0*

**RECOMMENDATION OF THE COMMUNITY PRESERVATION COMMITTEE:**

*To approve the article as written. Voted: 6-0*

*Summary: This article funded through Community Preservation Funds will provide lighting on Town Barn Field.*

**ARTICLE 38  
COMMUNITY PRESERVATION – REMOVAL OF OUTBUILDING PLIMPTON  
PROPERTY**

To see if the Town will vote to appropriate from the Community Preservation Fund – Undesignated Fund Balance the sum of EIGHT THOUSAND THREE HUNDRED FIFTY FIVE AND 00/100 DOLLARS (\$8,355.00) to be allocated for the removal of a dilapidated outbuilding on the Plimpton Property for conservation, rehabilitation and restoration purposes; or take any action relative thereto.

Sponsor: Community Preservation Committee

**RECOMMENDATION OF THE FINANCE COMMITTEE:**

*To approve the article as written. Voted: 8-0*

**RECOMMENDATION OF THE BOARD OF SELECTMEN:**

*To approve the article as written. Voted: 5-0*

**RECOMMENDATION OF THE COMMUNITY PRESERVATION COMMITTEE:**

*To approve the article as written. Voted: 5-0*

*Summary: This article funded through Community Preservation Funds will provide funds to remove an outbuilding on the Plimpton Property. Some work may be completed by the DPW in order to save on the cost of this project.*

**ARTICLE 39  
ONLINE BOARD AND COMMITTEE DATABASE SOFTWARE**

To see if the Town will vote to transfer from Free Cash the sum of ONE THOUSAND FIVE HUNDRED DOLLARS AND 00/100 (\$1,500.00) for the purpose of purchasing Online Board and Committee Database Software and all costs incidental and related thereto; or take any action relative thereto.

Sponsor: Town Clerk

**RECOMMENDATION OF THE FINANCE COMMITTEE:**

*To approve the article as written. Voted: 8-1*

**RECOMMENDATION OF THE BOARD OF SELECTMEN:**

*To approve the article as written. Voted: 5-0*

*Summary: This article will provide funding for web-based software to be used by the Town Clerk's office to track membership of boards and committees.*

**ARTICLE 40  
TREE REMOVAL AND PRUNING DUE TO GYPSY MOTH DAMAGE**

To see if the Town will vote to transfer from Free Cash the sum of TWO HUNDRED SEVENTY THOUSAND AND 00/100 DOLLARS (\$270,000.00) to the Gypsy Moth Dead Tree Account for the purposes of removing dead public shade trees and pruning dead limbs caused by the recent gypsy moth infestation and related costs; or take any action relative thereto.

Sponsor: Tree Warden

**RECOMMENDATION OF THE FINANCE COMMITTEE:**

*The Town vote to transfer TWO HUNDRED FORTY-TWO THOUSAND SIX HUNDRED FORTY AND 00/100 DOLLARS (\$242,640.00) to the Gypsy Moth Dead Tree Account.*

*Voted: 6-2-1*

**RECOMMENDATION OF THE BOARD OF SELECTMEN:**

*The Town vote to transfer TWO HUNDRED FORTY-TWO THOUSAND SIX HUNDRED FORTY AND 00/100 DOLLARS (\$242,640.00) to the Gypsy Moth Dead Tree Account.*

*Voted: 5-0*

*Summary: From 2014 through 2017 the gypsy moth caterpillar defoliated public street trees throughout town. The extent of the damage was inventoried in July of 2018 with over 700 street trees identified for removal or pruning. Funds will cover the cost of labor & equipment for removal/trimming, & police details.*

*The Finance Committee recommends an expenditure of \$242,640.00 as it previously authorized \$27,360.00 in a Reserve Fund Transfer in September in order to begin the process of trimming/removing trees. The total expenditure would be the amount requested in this article.*

**ARTICLE 41  
UNDERGROUND UTILITIES STUDY**

To see if the Town will vote to transfer from Free Cash the sum of NINETY THOUSAND SIX HUNDRED AND 00/100 DOLLARS (\$90,600.00) for the purpose of funding a study to determine the cost and feasibility of undergrounding the existing overhead utilities on Main

Street (Route 20) between Brookfield Road and New Boston Road; or take any action relative thereto.

Sponsor: Board of Selectmen

**RECOMMENDATION OF THE FINANCE COMMITTEE:**

*That the Town take no action on the article. Voted: 8-0-1*

**RECOMMENDATION OF THE BOARD OF SELECTMEN:**

*That the Town take no action on the article. Voted: 4-0*

*Summary: This Article will provide funding for the Undergrounding Study that is required to move forward with the Commercial Tourist District Plan. The funding includes the costs to National Grid, Charter Communications and Verizon as well as a Consulting Engineer to coordinate this project for the Town.*

*The Finance Committee recommends no action due to the projected high cost of underground utilities.*

**ARTICLE 42  
EMERGENCY REPAIRS TO WELL #5**

To see if the Town will vote to transfer from the Water Reserve Fund Balance the sum of ELEVEN THOUSAND TWO HUNDRED AND 00/100 DOLLARS (\$11,200.00) for the purpose of covering expenses associated with emergency repairs to Well #5; or take any action relative thereto.

Sponsor: Department of Public Works Director

**RECOMMENDATION OF THE FINANCE COMMITTEE:**

*To approve the article as written. Voted: 9-0*

**RECOMMENDATION OF THE BOARD OF SELECTMEN:**

*To approve the article as written. Voted: 5-0*

*Summary: These funds will be used to replace a pitless adaptor on a submersible well pump at Well #5. The repair needs to be made prior to the Spring.*

**ARTICLE 43  
EXPANDING PERCHLORATE INVESTIGATION**

To see if the Town will vote to transfer from the Water Reserve Fund Balance the sum of THIRTY TWO THOUSAND NINE HUNDRED AND 00/100 DOLLARS (\$32,900.00) for the purpose of covering costs associated with additional required testing to determine the source of Perchlorate; or take any action relative thereto.

Sponsor: Department of Public Works Director

**RECOMMENDATION OF THE FINANCE COMMITTEE:**

*To approve the article as written. Voted: 9-0*

**RECOMMENDATION OF THE BOARD OF SELECTMEN:**

*To approve the article as written. Voted: 5-0*

*Summary: These funds will be used for additional testing as required by the DEP to determine the source of Perchlorate.*

**ARTICLE 44  
BUILDING INSPECTOR STEP INCREASE**

To see if the Town will vote to transfer from Free Cash the sum of THREE THOUSAND NINETY ONE AND 00/100 DOLLARS (\$3,091.00) to the Building Inspector Salary Account (#12411) to provide funding for a step increase for the Building Inspector; or take any action relative thereto.

Sponsor: Board of Selectmen

**RECOMMENDATION OF THE FINANCE COMMITTEE:**

*That the Town vote to transfer NINE HUNDRED FIFTY TWO AND 00/100 DOLLARS (\$952.00) to the Building Inspector Salary Account (#12411).*

*Voted: 4-2*

**RECOMMENDATION OF THE BOARD OF SELECTMEN:**

*That the Town vote to transfer NINE HUNDRED FIFTY TWO AND 00/100 DOLLARS (\$952.00) to the Building Inspector Salary Account (#12411)*

*Voted: 3-1*

*Summary: The Finance Committee is recommending a \$952.00 salary increase for the Building Inspector to bring his salary up to an amount equivalent to an entire step instead of the partial step that he had received at the Annual Town Meeting.*

**ARTICLE 45  
FULL TIME POLICE OFFICER/SCHOOL RESOURCE OFFICER**

To see if the Town will vote to transfer from Free Cash the sum of FIFTY THREE THOUSAND SIX HUNDRED FORTY THREE AND 00/100 DOLLARS (\$53,643.00) to the Police Salaries and Wages Account (#12101-51130), THREE THOUSAND NINE HUNDRED ELEVEN AND 00/100 DOLLARS (\$3,911.00) to the Police Overtime Account (#12101-51300), EIGHT THOUSAND THREE HUNDRED FIFTY AND 00/100 DOLLARS (\$8,350.00) to the Police

Supplies Account (#12102-54000), and SIX HUNDRED TWENTY AND 00/100 DOLLARS (\$620.00) to the Police Purchase of Service Account (#12102-52000) for the purpose of funding a Police Officer/SRO position and related costs; or take any action relative thereto.

Sponsor: Police Chief

**RECOMMENDATION OF THE FINANCE COMMITTEE:**

*To approve the article as written. Voted: 5-4*

**RECOMMENDATION OF THE BOARD OF SELECTMEN:**

*To approve the article as written. Voted: 5-0*

*Summary: The Sturbridge Police Department and Tantasqua Regional School District discussed the implementation of a School Resource Officer Program based out of the Senior High School. These transfers would equip and fund this School Resource Officer position for the remainder of FY19. The total amount of transfer would be \$66,524.*

**ARTICLE 46  
FULL TIME PUBLIC SAFETY DISPATCHER**

To see if the Town will vote to transfer from Free Cash the sum of THIRTY TWO THOUSAND NINE HUNDRED SEVENTY TWO AND 00/100 DOLLARS (\$32,972.00) to the Police Salaries and Wages Account (#12101-51130), ELEVEN THOUSAND THIRTY AND 00/100 DOLLARS (\$11,030.00) to the Police Overtime Account (#12101-51300), FIVE HUNDRED AND 00/100 DOLLARS (\$500.00) to the Police Supplies Account (#12102-54000), and TWO THOUSAND FIVE HUNDRED SEVENTY AND 00/100 (\$2,570.00) to the Police Purchase of Service Account (#12102-52000) for the purpose of funding a Public Safety Dispatcher and related costs; or take any action in relation thereto.

Sponsor: Police Chief

**RECOMMENDATION OF THE FINANCE COMMITTEE:**

*To approve the article as written. Voted: 9-0*

**RECOMMENDATION OF THE BOARD OF SELECTMEN:**

*To approve the article as written. Voted: 5-0*

*Summary: The Sturbridge Police Department is responsible for public safety dispatching for the Town. The Sturbridge Fire and EMS Department has doubled the size of their department personnel and their call base has increased exponentially. The Police Department was recently notified that the Sturbridge Public Safety Dispatch Center will begin receiving text-911 calls as well as Wireless Direct (cellphone) 911 calls. The Public Safety Dispatch Center is considerably understaffed, and this has become a public safety concern. The total amount of transfer would be \$47,072.*

**ARTICLE 47  
AMBULANCE STRETCHER**

To see if the Town will vote to transfer from Free Cash the sum of SIXTY THOUSAND AND 00/100 DOLLARS (\$60,000.00) for the purpose of funding the purchase of an ambulance stretcher system and all costs incidental and related thereto; or take any action relative thereto.

Sponsor: Fire Chief

**RECOMMENDATION OF THE FINANCE COMMITTEE:**

*To approve the article as written. Voted: 6-0*

**RECOMMENDATION OF THE BOARD OF SELECTMEN:**

*To approve the article as written. Voted: 5-0*

*Summary: This article will fund a new ambulance stretcher system. Nationally, about half of on-the-job injuries sustained by EMS providers occur while lifting and moving patients. Upgrading to powered patient transport equipment lowers the physical strain on EMS providers and decreases the risk of workplace injuries.*

**ARTICLE 48  
RESERVE FUND**

To see if the Town will vote to transfer from Free Cash the sum of FIFTY-FIVE THOUSAND AND 00/100 DOLLARS (\$55,000.00) to the Reserve Fund Account (#19102-57800); or take any action relative thereto.

Sponsor: Finance Director

**RECOMMENDATION OF THE FINANCE COMMITTEE:**

*To approve the article as written. Voted: 9-0*

**RECOMMENDATION OF THE BOARD OF SELECTMEN:**

*To approve the article as written. Voted: 5-0*

*Summary: This article will put additional funds in the Finance Committee Reserve Fund. The Reserve Fund is used for extraordinary and unforeseen expenditures, as determined by vote of the Finance Committee.*

**ARTICLE 49  
APPROPRIATION OF UNUSED BOND PREMIUMS**

To see if the Town will appropriate premium received upon the sale of bonds or notes to pay costs of one or more capital projects, thereby reducing the amount authorized to be borrowed for such project or projects by a like amount; or to take any action relative thereto.



Sponsor: Finance Director

**RECOMMENDATION OF THE FINANCE COMMITTEE:**

*That the Town appropriates NINETEEN THOUSAND TWO HUNDRED FIFTY-FOUR AND 69/100 DOLLARS (\$19,254.69), to pay costs of Lighting on Town Barn Field, ONE HUNDRED SEVENTEEN AND 01/100 DOLLARS (\$117.01), to pay costs of Capital Replacement needs in the Water Department, and ONE HUNDRED THIRTY SIX AND 86/100 DOLLARS (\$136.86), to pay costs of Capital Replacement needs in the Sewer Department, all funds which were realized from premium paid to the Town upon the issuance of bonds.*

*Voted: 6-0*

**RECOMMENDATION OF THE BOARD OF SELECTMEN:**

*That the Town appropriates NINETEEN THOUSAND TWO HUNDRED FIFTY-FOUR AND 69/100 DOLLARS (\$19,254.69), to pay costs of Lighting on Town Barn Field, ONE HUNDRED SEVENTEEN AND 01/100 DOLLARS (\$117.01), to pay costs of Capital Replacement needs in the Water Department, and ONE HUNDRED THIRTY SIX AND 86/100 DOLLARS (\$136.86), to pay costs of Capital Replacement needs in the Sewer Department, all funds which were realized from premium paid to the Town upon the issuance of bonds.*

*Voted: 5-0*

*Summary: This article will appropriate excess bond premiums to various capital projects.*

**ARTICLE 50  
ADULT USE MARIJUANA ZONING BYLAW CHAPTER 31  
(2/3<sup>rd</sup> vote required)**

To see if the Town will vote to amend the Zoning Bylaw by deleting the existing Chapter 31 – Temporary Moratorium on Recreational Marijuana Establishments and inserting a new Chapter 31 – Adult Use Marijuana, by inserting the language below; or take any action relative thereto.

**CHAPTER 31–ADULT USE MARIJUANA**

Propose to repeal Section 31 – Temporary Moratorium on Recreational Marijuana Establishments and replace that with the following new Section 31 – Adult Use Marijuana.

**Proposed New Chapter 31 – Adult Use Marijuana**

31.01 Purpose:

The purpose of this Section is to provide for the limited establishment of adult use marijuana establishments in the Town of Sturbridge, in appropriate locations. It is the express purpose and intent of this Bylaw to minimize the adverse impacts adult use marijuana establishments may have on residential neighborhoods and other potentially incompatible land uses and to provide

standards for the placement, design, siting, and safety of adult use marijuana establishments subject to reasonable conditions that will protect the public health, safety and welfare. This Bylaw is intended to be used in conjunction with other regulations adopted by the Town of Sturbridge designed to encourage appropriate land use and reasonable safeguards to govern the time, place and manner of Marijuana Establishment operations.

### 31.02 Applicability:

Nothing in this section shall be construed to supersede federal and state laws governing the sale and distribution of marijuana. This section shall not be construed to prevent the conversion of a Registered Marijuana Dispensary (also known as “Medical Marijuana Treatment Center”) licensed or registered no later than July 1, 2017 engaged in the cultivation, manufacture or sale of marijuana or marijuana products to an Adult Use Marijuana Establishment engaged in the same type of activity, provided, however, any such medical marijuana treatment center obtains Site Plan Approval pursuant to Chapter 25 of the Zoning Bylaw and pursuant to the requirements of this Section for any such conversion to an adult use Marijuana Establishment.

### 31.03 Use Regulations:

- A. With the exception of the conversion of a licensed Registered Marijuana Dispensary to an Adult Use Marijuana Establishment, an Adult Use Marijuana Establishment shall be permitted by Special Permit only in the IP, GI and MMOD zoning districts, except a marijuana retailer which may be permitted in the MMOD or C Districts and only then upon the issuance of a Special Permit and Site Plan Approval by the Planning Board acting in accordance with the standards and procedures set forth in this section and Chapters 24 and 25 of the Zoning Bylaw.
- B. The number of Marijuana Retailers that shall be permitted in Town shall be limited to (20%) of the number of licenses issued within the Town of Sturbridge for the retail sale of alcoholic beverages not to be drunk on the premises where sold under MGL Ch. 138, Section 15. In the event that 20% of said licenses is not a whole number, the limit shall be rounded up to the nearest whole number.
- C. The following Marijuana Establishments shall be eligible for a Special Permit:
  - Marijuana Cultivator
  - Marijuana Independent Testing Laboratory
  - Marijuana Product Manufacturer
  - Marijuana Research Facility
  - Marijuana Retailer
  - Marijuana Transporter
  - Marijuana Micro-Business
- D. With the exception of the conversion of a Medical Marijuana Treatment Facility, no Special Permit shall be granted for any Marijuana Establishment within a radius of five hundred feet of a pre-existing public or private, school (pre-school through Grade 12), child care facility, public playground, public park, youth center, library, or similar facility

in which children commonly congregate. The 500-foot distance under this section shall be measured in a straight line from the nearest point of the property line of the protected uses noted above to the nearest point of the property line of proposed Marijuana Establishment. Each applicant for a special permit under this section shall submit a plan signed by a licensed surveyor, depicting compliance with the linear distance requirements set forth herein.

- E. All aspects of a Marijuana Establishment relative to the cultivation, possession, processing, sales, distribution, dispensing or administration of marijuana, marijuana products, or related supplies must take place at a fixed location within a fully enclosed building and shall not be visible from the exterior of the building. A Marijuana Establishment shall not be located in a trailer, storage freight container, motor vehicle or other similar movable enclosure, unless operating as a licensed Marijuana Transporter.
- F. No outside storage of marijuana, marijuana products, or related supplies is permitted.
- G. The hours of operation of a Marijuana Establishment shall be set by the SPGA, but in no event shall a Marijuana Establishment be open to the public, nor shall any sale or other distribution of marijuana occur upon the premises or via delivery from the premises outside the hours of 8:00 am through 11:00 p.m. Monday through Saturday or before 10 a.m. on Sundays.
- H. The Marijuana Establishment shall provide an odor control plan that provides for proper and adequate ventilation at such facilities in such a manner so as to prevent pesticides, insecticides or other chemicals used in the cultivation or processing of marijuana or marijuana related products from being dispersed or released outside the facilities and to prevent odor from marijuana or its processing from being detected by a person with an unimpaired and otherwise normal sense of smell at the exterior of such facility or at any adjoining use or property. Application of pesticides shall be performed in compliance with M.G.L. c. 132B and the regulations promulgated at 333 CMR 2.00 through 333 CMR 14.00.
- I. No use shall be allowed at a Marijuana Establishment which creates a nuisance to abutters or to the surrounding area, or which creates any hazard, including but not limited to, fire, explosion, fumes, gas, smoke, odors, obnoxious dust, vapors, offensive sound or vibration, flashes, glare, objectionable effluent or electrical interference, which may impair the normal use and peaceful enjoyment of any property, structure or dwelling in the area.
- J. The Marijuana Establishment shall provide for adequate and proper security at the premises to ensure the safety of employees and the public and to protect the premises property from theft or other criminal activity.
- K. No marijuana or marijuana product shall be smoked, eaten or otherwise consumed or ingested on the premises of any Marijuana Establishment unless expressly permitted under this law and permitted by state law or regulation. The prohibition on on-site

consumption shall also include private social clubs or 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.

- L. No drive-through service shall be permitted at a Marijuana Establishment.
- M. Clubs, lodges, or other private grounds (non-profit and private) allowing on site social consumption of marijuana or marijuana products, but not operating as a licensed marijuana social consumption operator are prohibited.
- N. All signage must comply with the requirements of the Sturbridge Zoning Bylaw, Design Review Committee and any other applicable bylaws or regulations. In the case of a conflict, the stricter requirement shall apply.

#### 31.04 Procedure:

The Planning Board shall be the Special Permit Granting Authority (SPGA) for a Special Permit for an Adult Use Marijuana Establishment. In addition to a Special Permit, Site Plan Approval is required for all Adult Use Marijuana Establishments in accordance with Chapter 25 of the Zoning Bylaw.

#### 31.05 Application Requirements:

All applicants are encouraged to contact the Planning Department staff to schedule a pre-application meeting.

In addition to all the application requirements related to Special Permits and Site Plan Approval under Chapters 24 and 25 of the Zoning Bylaw, the applicant shall include the following at the time of application:

- A. Copies of all licenses, permits and documentation demonstrating application status, registration or licensure by the Commonwealth of Massachusetts Cannabis Control Commission, including but not limited to a copy of an executed Host Community Agreement.
- B. A security plan showing the arrangement of pedestrian circulation and access to the public points of entry to the premises from the nearest public or private street or off-street parking area. The security plan shall detail how the property will be monitored so as to ensure the safety of employees and the public and to protect the premises property from theft or other criminal activity and shall show the location of any walkway structures, lighting, gates, fencing and landscaping.
- C. A list of all managers, officers, directors, persons or entities having direct or indirect authority over the management, policies, security operations or cultivation operations of the Marijuana Establishment.

- D. 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 and engineering controls that will be implemented to control such odors, including maintenance of such controls.
- E. An applicant who is not the property owner shall submit evidence in the form of a deed, an executed lease or valid purchase and sale agreement documenting the applicant's contingent property interest and legal right to operate a Marijuana Establishment at the property.

2. The SPGA shall refer copies of the application and plan to the Building Department, Fire Department, Police Department, Board of Health, Conservation Commission and Department of Public Works. These Departments shall review the application and shall submit their written recommendations. Failure to make recommendations within 35 days of referral of the application shall be deemed lack of opposition.

#### 31.06 Findings:

In addition to the standard Findings for Special Permit and Site Plan Approval the SPGA must also find all the following:

- A. The Marijuana Establishment does not derogate from the purposes and intent of this Section and the Zoning Bylaw.
- B. The application information submitted is adequate for the SPGA to consider approving the special permit request.
- C. The proposed establishment is designed to minimize any adverse impacts on abutting properties.
- D. The security plan provides, in the opinion of the Chief of Police, sufficient assurance that adequate security controls will be implemented to ensure the protection of the public health and safety during hours of operation and that any marijuana or marijuana related products are adequately secured on-site or via delivery.
- E. The odor control plan proposed adequately provides for the ongoing safe operation of the establishment and minimizes any adverse impacts to abutting properties from odor-emitting activities to be conducted on-site.
- F. The proposed design and operation of the Marijuana Establishment will meet the requirements of this Section.

#### 31.07 Severability:

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

Sponsor: Planning Board

**RECOMMENDATION OF THE FINANCE COMMITTEE:**

*To approve the article as written. Voted: 6-2*

**RECOMMENDATION OF THE BOARD OF SELECTMEN:**

*To approve the article as written. Voted: 4-1*

*Summary: This proposal provides a zoning mechanism for regulating Adult Use Marijuana facilities within the Town of Sturbridge.*

**ARTICLE 51  
ADULT USE MARIJUANA ZONING BYLAW CHAPTER 2 DEFINITIONS  
(2/3<sup>rd</sup> vote required)**

To see if the Town will vote to amend the Zoning Bylaw, Chapter 2 – Definitions, by inserting the following new definitions in their appropriate locations within Chapter 2, and further by amending the definitions for Off Site Medical Marijuana Dispensary (OMMD) and Registered Marijuana Dispensary; or take any action relative thereto.

**CRAFT MARIJUANA CULTIVATOR COOPERATIVE:** a marijuana cultivator comprised of residents of the commonwealth organized as a limited liability company or limited liability partnership under the laws of the commonwealth, or an appropriate business structure as determined by the Massachusetts Cannabis Control Commission, and that is licensed to cultivate, obtain, manufacture, process, package and brand marijuana and marijuana products to deliver marijuana to Marijuana Establishments but not to consumers.

**MARIJUANA:** all parts of any plant of the genus Cannabis, not excepted below and whether growing or not; the seeds thereof; and resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture or preparation of the plant, its seeds or resin including tetrahydrocannabinol as defined in section 1 of chapter 94C; provided, however, that “marijuana” shall not include: (i) 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; (ii) hemp; or (iii) the weight of any other ingredient combined with marijuana to prepare topical or oral administrations, food, drink or other products.

**MARIJUANA CULTIVATOR:** an entity licensed to cultivate, process and package marijuana, to deliver marijuana to Marijuana Establishments and to transfer marijuana to other Marijuana Establishments, but not to consumers. A Craft Marijuana Cultivator Cooperative is a type of marijuana cultivator.

**MARIJUANA ESTABLISHMENT:** a marijuana cultivator, independent testing laboratory, marijuana research facility, marijuana manufacturer, marijuana retailer, or any other type of licensed marijuana-related business, except a Registered Marijuana Dispensary and Off Site Medical Marijuana Dispensary.

**MARIJUANA INDEPENDENT TESTING LABORATORY:** a laboratory that is licensed by the Cannabis Control Commission and is: (i) accredited to the most current International Organization for Standardization 17025 by a third-party accrediting body that is a signatory to the International Laboratory Accreditation Accrediting Cooperation mutual recognition arrangement or that is otherwise approved by the Cannabis Control Commission; (ii) independent financially from any medical marijuana treatment center or any licensee or marijuana establishment for which it conducts a test: and (iii) qualified to test marijuana in compliance with 935 CMR 500.160 and M.G.L. c. 94C, § 34.

**MARIJUANA PRODUCT MANUFACTURER:** an entity licensed to obtain, manufacture, process and package marijuana and marijuana products, to deliver marijuana and marijuana products to Marijuana Establishments and to transfer marijuana and marijuana products to other Marijuana Establishments, but not to consumers.

**MARIJUANA PRODUCTS:** products that have been manufactured and contain marijuana or an extract from marijuana, including concentrated forms of marijuana and products composed of marijuana and other ingredients that are intended for use or consumption, including edible products, beverages, topical products, ointments, oils and tinctures.

**MARIJUANA RESEARCH FACILITY:** an entity licensed to engage in research projects by the Cannabis Control Commission.

**MARIJUANA RETAILER:** an entity licensed to purchase and transport cannabis or marijuana product from Marijuana Establishments and to sell or otherwise transfer this product to marijuana establishments and to consumers.

**MARIJUANA TRANSPORTER:** an entity, not otherwise licensed by the Cannabis Control Commission, that is licensed to purchase, obtain, and possess marijuana and marijuana products solely for the purpose of transporting, temporary storage, sale and distribution to marijuana establishments, not for sale to consumers.

**MICRO-BUSINESS:** a co-located marijuana establishment that can be either a Tier 1 Marijuana Cultivator or Product Manufacturer or both pursuant to state regulations, 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.

And further to amend certain existing definitions by deleting the strike-through text as follows:

Off Site Medical Marijuana Dispensary (OMMD) - A Registered Marijuana Dispensary that is located offsite from the cultivation/processing facility (and controlled and operated by the same

registered and approved ~~non-for-profit~~ entity which operates an affiliated RMD) but which serves only to dispense the processed marijuana, related supplies and educational materials to registered Qualifying Patients or their personal caregivers in accordance with the provisions of 105 CMR 725.00, or such other state regulation, as the case may be.

Registered Marijuana Dispensary - also known as a Medical Marijuana Treatment Center, means an ~~not-for-profit~~ entity registered under 105 CMR 725.100, or such other state regulation, as the case may be, that acquires, cultivates, possesses, processes (including development of related products such as edible marijuana-infused products (“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.

Sponsor: Planning Board

**RECOMMENDATION OF THE FINANCE COMMITTEE:**

*To approve the article as written. Voted: 7-1*

**RECOMMENDATION OF THE BOARD OF SELECTMEN:**

*To approve the article as written. Voted: 4-1*

*Summary: This proposal would insert definitions consistent with the Adult Use Marijuana Bylaw and would update two existing definitions related to Medical Marijuana to be consistent with current language in the law.*

**ARTICLE 52  
STRETCH CODE RENUMBERING**

To see if the Town will vote to correct the General Bylaw numbering of Article #32 of the June 4, 2018 Annual Town Meeting from Chapter 8.60 Stretch Code to Chapter 8.70 Stretch Code; or take any other action relative thereto.

Sponsor: Town Clerk

**RECOMMENDATION OF THE FINANCE COMMITTEE:**

*To approve the article as written. Voted: 9-0*

**RECOMMENDATION OF THE BOARD OF SELECTMEN:**

*To approve the article as written. Voted: 5-0*

*Summary: This article corrects the numbering of the General Bylaw of Article #32 of the June 4, 2018 Annual Town Meeting from Chapter 8.60 Stretch Code to Chapter 8.70 Stretch Code due to a clerical error.*



**ARTICLE 53**  
**FREE CASH TRANSFER - SENIOR CENTER FLOORING**

To see if the Town will vote to transfer from Free Cash the sum of TEN THOUSAND FORTY-TWO AND 00/100 DOLLARS (\$10,042.00) for the purpose of replacing the flooring on the second floor of the large meeting space in the Senior Center including related costs; or take any action relative thereto.

Sponsor: Senior Center Director

**RECOMMENDATION OF THE FINANCE COMMITTEE:**

*To approve the article as written. Voted: 9-0*

**RECOMMENDATION OF THE BOARD OF SELECTMEN:**

*To approve the article as written. Voted: 5-0*

*Summary: The current carpeting will be replaced with a high performance vinyl flooring (wood look). This flooring is more conducive to the use of the room. The total price to replace the flooring is \$18,300.00. This project will be funded from the following sources: \$4,342.00 State Formula Grant, \$2,500.00 Timeless Treasures Gift Account, \$1,416.00 Senior Center Gift Account and \$10,042.00 Free Cash.*