

ORIGINAL

TOWN OF MATTAPOISETT

TOWN MEETING WARRANT

ANNUAL TOWN MEETING

MAY 13, 2019

6:30 P.M.

**OLD ROCHESTER REGIONAL
HIGH SCHOOL AUDITORIUM**

**ANNUAL TOWN MEETING
TOWN OF MATTAPOISETT
MAY 13, 2019**

Commonwealth of Massachusetts

Plymouth, ss

To either of the Constables of Mattapoisett, in said County of Plymouth:

Greetings:

In the name of the Commonwealth of Massachusetts, you are hereby directed to notify and warn the inhabitants of the Town of Mattapoisett qualified to vote in Elections and Town Affairs to meet at the Old Rochester Regional High School, located at 135 Marion Road, in said Mattapoisett on Monday, the thirteenth day of May in the Year 2019 at six thirty in the evening, then and there to act on the following Articles:

ARTICLE 1: ELECTED OFFICERS' COMPENSATION

To see if the Town will vote to fix the salaries of elected officers of the Town for Fiscal Year 2020 as follows:

	<u>CURRENT</u>	<u>PROPOSED</u>
Moderator	260.00	270.00
Board of Selectmen, Chairman	5,508.00	5,600.00
Board of Selectmen, Members – each	5,020.00	5,050.00
Assessor – each	5,020.00	5,050.00
Town Clerk	60,180.00	62,000.00
Board of Health – each	625.00	650.00
Highway Surveyor	87,000.00	88,740.00
Mattapoisett School Committee – each	625.00	650.00
Water/Sewer Commissioner – each	625.00	650.00
Tree Warden	8,900.00	9,500.00
Herring Inspector	925.00	930.00

or take any action relative thereto.

ARTICLE 2: GENERAL OPERATING BUDGET

To see if the Town will vote to appropriate the sums of money to defray general operating expense of the Town for Fiscal Year 2020 including debt and interest, the money to be raised by taxation, borrowing or transfer from available funds, or take any action relative thereto.

Amounts to be voted are shown in Attachment "A".

BY VARIOUS TOWN DEPARTMENTS

ARTICLE 3: APPROPRIATION FOR OPEB LIABILITIES

To see if the Town will vote to appropriate the sum of \$414,100 to meet the Town's obligations under the Government Accounting Standards Board (GASB) Statement 45 to fund the Town's future obligations for the cost of other post-employment benefits (OPEB) identified by the GASB 45 Report; and as funding therefore, to raise \$385,000 from the Tax Levy, \$375,000 towards the Town of Mattapoisett OPEB Liability, and \$10,000 towards the Mattapoisett share of the ORR School Liability, and transfer \$4,100 from Sewer Retained Earnings and \$25,000 from Water Retained Earnings, towards the Water and Sewer Enterprise OPEB Liability, or take any action relative thereto.

BY BOARD OF SELECTMEN

ARTICLE 4: DEPARTMENTAL REVOLVING FUND AUTHORIZATION

To see if the Town will vote to authorize Revolving Funds for certain departments and reauthorize existing Town revolving funds that require annual reauthorization, under and pursuant to MGL c. 44 § 53 E½ for the Fiscal 2019 year, or take any action relative thereto. Amounts to be voted are shown in table below:

Revolving Fund	FY Limit
Public Health Nursing Services	\$5,000
Heritage Days	\$10,000
Local Cultural Council	\$5,000
Wood Waste Recycling	\$10,000
Community Farmer's Market	\$7,500
Library Fines	\$10,000
Private Road Maintenance	\$25,000
Fire Alarm Bylaw Penalties	\$10,000
Public Access Channels	\$200,000
COA Programs	\$5,000

School Kiln/Art Project	\$7,500
Center School Clock Maintenance	\$5,000

BY VARIOUS TOWN DEPARTMENTS

ARTICLE 5: CYCLICAL ANNUAL PROPERTY REVALUATION AND TOWN MAPPING

To see if the Town will vote to appropriate the sum of \$40,000 from the Town's Tax Levy for the purpose of funding the Department of Revenue mandated cyclical revaluation of property in Mattapoisett and mapping updates or take any action relative thereto.

BY BOARD OF ASSESSORS

ARTICLE 6: PERSONNEL SCHEDULES

To see if the Town will vote to amend the Town of Mattapoisett Personnel Compensation Schedules, by adding the Personnel Schedules all as shown in Attachment "E", or take any action relative thereto.

BY BOARD OF SELECTMEN

ARTICLE 7: ACCEPTANCE OF REVISED OLD COLONY REGIONAL AGREEMENT

To see if the Town will vote to approve the amended Old Colony Regional Vocational School Agreement as presented by the regional school committee to the member between the towns of Acushnet, Carver, Lakeville, Mattapoisett, and Rochester with respect to the establishment of a regional high school district all as proposed and approved by the Old Colony Vocational School Committee or take any action relative thereto.

BY OLD COLONY REGIONAL SCHOOL COMMITTEE

ARTICLE 8: WATER RESERVE ACCOUNT

To see if the Town will vote to appropriate the sum of \$10,000 from Water Retained Earnings for the purpose of establishing a Reserve for unforeseen expenses of the Department in FY2020, or take any action relative thereto.

BY WATER AND SEWER COMMISSION

ARTICLE 9: SEWER RESERVE ACCOUNT

To see if the Town will vote to appropriate the sum of \$10,000 from Sewer Retained Earnings for the purpose of establishing a Reserve for unforeseen expenses of the Department in FY2020, or take any action relative thereto.

BY WATER AND SEWER COMMISSION

ARTICLE 10: REALLOCATION OF FUNDS FOR PROJECT FUNDING

To see if the Town will vote to authorize the use of the following project balances in previous town meeting approved appropriations as listed below for the purpose of funding the work as approved in Article 5 Pease's Point Water Main Crossing Project as voted at the November 25th, 2018 Special Town Meeting:

Article 14	Water Main Transmission Line	\$ 43,451.51
Article 2	Installation of Water Main, Antassawamock	\$ 3,324.28
Article 2	Mechanic Street Water Main	\$ 25,254.62
Article 3	Cove Street Water Main	\$ 33,076.97
Article 20	Village Water Main Replacement	\$100,000.00
TOTAL		\$205,107.38

BY WATER AND SEWER COMMISSION

ARTICLE 11: FUNDING FOR SEWER EXTENSION

To see if the Town will vote to appropriate the sum of \$35,000 from the Sewer Retained Earnings for the construction of a municipal sewer in the eastern portion of Industrial Drive from its present terminus at the Bay Club Service Entrance, including all equipment, materials, and supply costs incidental and related thereto, or take any action relative thereto.

BY WATER AND SEWER COMMISSION

ARTICLE 12: ACCEPTANCE OF REPORT OF CAPITAL PLANNING COMMITTEE

To see if the Town will vote to accept a report of the Capital Planning Committee outlining the needs of the various town departments as to both short and long term capital equipment, improvements and project needs all as shown in Attachment "C" or take any action relative thereto.

BY CAPITAL PLANNING COMMITTEE

ARTICLE 13: APPROPRIATION TO DEBT STABILIZATION FUND

To see if the Town will vote to appropriate the sum of \$100,000 from the Tax Levy to the Town of Mattapoissett Debt Stabilization Fund, or take any action relative thereto.

BY BOARD OF SELECTMEN

ARTICLE 14: FIRE STATION CONSTRUCTION PROJECT FUNDING

To see if the Town will vote to raise and appropriate, transfer from available funds, or borrow \$9,275,000, more or less, for the design, engineering, bidding, construction, equipping, and furnishing of a new Fire Station to be located on town owned land as shown on Mattapoisett's Assessors Map 9, Lot 77, including any and all incidental and related costs, including site preparation, and further to authorize the Board of Selectmen to convey the current site of the Fire Station, at 26 County Road, following a determination by said Board that the new fire station is complete, upon such terms and conditions and for such consideration as the Board of Selectmen may deem appropriate; to authorize the Board of Selectmen to use the construction management at risk delivery method pursuant to the provisions of G.L. c. 149A Sections 1-13 if it determines the same is warranted, provided, further, however, that no funds shall be borrowed or expended under this article unless and until the Town shall vote to exclude the amounts required to pay for any such bonds or notes from the limitations of Proposition 2 ½, G.L. c. 59, Section 21C; and further to authorize the Board of Selectmen to enter into any agreements and execute all documents including contracts for a term including any that are in excess of three years, necessary to effectuate the purposes of this Article; or take any action relative thereto.

BY BOARD OF SELECTMEN

ARTICLE 15: CAPITAL PLAN FUNDING

To see if the Town will vote to appropriate the sum of \$602,957 with \$152,000 from the Capital Improvement Stabilization Fund, \$316,000 from Free Cash, \$94,603 from the Tax Levy and \$40,354 from prior year article balances as shown in Attachment "G" for the purpose, of funding capital needs as described below:

Repairs and Improvements to Highway Barn	\$231,000
Trench Safety Box	\$12,457
Fire Station Design, Engineering, and Bidding	\$310,000
Local School Education Modules	\$ 49,500

or take any action relative thereto.

BY VARIOUS TOWN DEPARTMENTS

ARTICLE 16: ALLOCATION OF REVENUES COMMUNITY PRESERVATION ACT (From Community Preservation Funds)

To see if the Town will vote to hear and act on the report of the Community Preservation Committee on the Fiscal Year 2020 Community Preservation Budget, and to appropriate or reserve from the Community Preservation Act, Fiscal Year 2020 estimated annual revenues to meet the administrative expenses and all other necessary and proper expenses of the Committee for Fiscal Year 2020 and reserve for future appropriation from said annual revenues

a sum of money for open space, historic preservation and housing purposes, as well as a sum of money to be placed in the FY2020 Budgeted Reserve all as recommended by the Community Preservation Committee as follows;

Appropriate FY2020 Estimated Annual Revenues

Administrative Expenses \$ 1,000

Debt Service Expense \$ 54,293

Transfer from FY2020 Estimated Annual Revenues for the Following Reserve Accounts.

Housing \$ 18,998

Historic Preservation \$ 18,998

Open Space \$ 18,998

Budgeted Reserve \$ 73,106

or take any action relative thereto.

BY COMMUNITY PRESERVATION COMMITTEE

ARTICLE 17: FUNDING CPA REPAIRS AT CUSHING CEMETERY

To see if the Town will vote to appropriate the sum of \$19,000 from CPA Historic Preservation Reserves for the purpose of providing funding for the purpose of repairing and refurbishing the Cushing Cemetery fence along Mendell Road, or take any action relative thereto.

BY COMMUNITY PRESERVATION COMMITTEE

ARTICLE 18: FUNDING CPA SURVEY AND RESEARCH

To see if the Town will vote to appropriate the sum of \$15,000 from CPA Budgeted Reserves for the purpose of survey work and ownership title review of land encompassing Phase 2A of the bike path proposed along the Railroad Right of Way from Route 6 to North Street or take any action relative thereto.

BY COMMUNITY PRESERVATION COMMITTEE

ARTICLE 19: CPA FUNDING TRI-TOWN COST SHARING FOR ORR PRESS BOX

To see if the Town will vote to appropriate the sum of \$20,000 from Community Preservation Budgeted Reserves for the purpose of funding a one third portion of a total cost of \$60,000 for constructing a HP Accessible Press Box at the athletic field at Old Rochester Regional High School, said appropriation is contingent upon Marion and Rochester each appropriating \$20,000 towards the total cost of \$60,000; or take any action relative thereto.

BY COMMUNITY PRESERVATION COMMITTEE

ARTICLE 20: CPA FUNDING HISTORIC PIECE OF EQUIPMENT AQUISITION

To see if the Town will vote to appropriate the sum of \$7,500 from the Historic Reserve for the purpose of funding a portion of the cost of acquiring a 1927 Maxim Fire Engine originally owned by the Town of Mattapoisett, being the first motorized piece of fire equipment the Town owned in its Fire Department, or take any action relative thereto.

BY COMMUNITY PRESERVATION COMMITTEE

ARTICLE 21: STREET LIGHTS

To see if the Town will vote to authorize the Board of Selectmen to enter into an agreement with the Commonwealth of Massachusetts for the purpose of receiving grant funding, technical assistance for the acquisition of the street lights in Mattapoisett currently owned by Eversource, and further to engage in energy conservation programs and measures to upgrade the street lights and save costs in energy conservation, or take any action relative thereto.

BY BOARD OF SELECTMEN

ARTICLE 22: ROAD IMPROVEMENTS FUNDING

To see if the Town will vote to appropriate the sum of \$75,000 from the Tax Levy for the purpose of funding design, engineering, permitting and road work related to town roads in Mattapoisett including work incidental and related thereto, or take any action relative thereto.

BY BOARD OF SELECTMEN

ARTICLE 23: AUTHORIZATION OF USE OF GRANT ANTICIPATION NOTES FOR TOWN PROJECTS

To see if the town will vote to authorize the various town departments to use Grant Anticipation Notes for any grant funding that they are in receipt of notice of award, and have a signed executed contract between the Town and the Commonwealth of Massachusetts and Mattapoisett, further to authorize the Treasurer with the approval of the Board of Selectmen to use Grant Anticipation Notes for the purpose of funding, with reimbursement from the Commonwealth for expenditure of the grant funding, or take any action relative thereto.

BY BOARD OF SELECTMEN

ARTICLE 24: ZONING BYLAW AMENDMENT

To see if the Town will vote to amend the Town of Mattapoisett Zoning Bylaws by adding the following Article:

Article 6 Density Regulations

To see if the Town will vote to amend the Town's Zoning Bylaw by amending **Article 6, Density Regulations, Section 6.1**, as follows:

Amendment of Article 6, Density Regulations, Section 6.1, as set forth below, to permit an increase in Lot Coverage to 70% in the Limited Industry Zoning District, provided the lot is connected to municipal sewer:

"In the General Business and Limited Industrial Districts, multiple units may be constructed, each not more than 300 feet long, provided that dimensional controls of this Bylaw have been met. No structure or structures shall cover more than 25% of the lot in the General Business District. No structure or structures shall cover more than 50% of the lot in the Limited Industry District, **however if a lot is connected to municipal sewer, lot coverage may be increased to 70%.** An existing single lot must have at least 100 feet of frontage to be built upon or take any action relative thereto.

BY BOARD OF SELECTMEN

ARTICLE 25: CONSERVATION and RECREATION PROJECT – PINE ISLAND WATERSHED

To see if the Town will vote to raise, borrow and/or appropriate the sum of \$250,000 for the acquisition by gift, negotiated purchase or eminent domain of a Conservation Restriction (CR) within the meaning of M.G.L. Chapter 184, Sections 31-33 on approximately 120 acres, more or less, associated with the Pine Island Pond Watershed Land Project and being described as Assessors Map 1, Lots 1 and 2; Map 5, Lots 195 and a portion of Lot 202A; Map 5A, Lots 5, 5A, 259, 261, 263, 265, 267-269, 305, 307-313, 316-322 and 327, to be co-held by the Conservation Commission of the Town of Mattapoisett and the Buzzards Bay Coalition, and to authorize the Conservation Commission and Board of Selectmen to execute the same in accordance with M.G.L. Chapter 40, Section 8C for open space conservation, passive recreation and climate change resilience purposes and to be protected under Article 97 of the Amendments to the Constitution of the Commonwealth of Massachusetts, and to meet said appropriation with funds from the Town's General Fund and/or transferred and/or borrowed in accordance with M.G.L. Chapter 293, the Community Preservation Act and any and all other sources, including external sources including the state Municipal Vulnerability Preparedness (MVP) grant program (Chapter 209 of the Acts of 2018, line item 2000-7081 and Executive Order 569), and to authorize the Treasurer, with the approval of the Board of Selectmen, to issue any bonds or notes that may be necessary for that purpose, as authorized by M.G.L. Chapter 44, or any other enabling authority, and that the Board of Selectmen and/or Conservation Commission be authorized to enter into all agreements and applications deemed necessary on behalf of the Town of Mattapoisett for the receipt of funds, grants and/or reimbursements from any and all federal, state, local and private sources including Mattapoisett Land Trust, the state MVP grant program and/or any other applications for funds in any way connected with the scope of this Article, and the Board of Selectmen and the Conservation Commission be authorized, as they deem appropriate, to enter into all agreements and execute any and all instruments as may be necessary on behalf of the Town of Mattapoisett to effectuate said acquisition, provided however that no portion of said appropriation shall be expended unless the Town of Mattapoisett has received, been allocated or awarded or otherwise secures grants, other outside funding and/or contracts for reimbursement to supplement any internal funds such that all funds for which the Town expends to acquire the Conservation Restriction, including related project costs, closing costs, legal fees and transfer expenses, on said property are accounted;

or to take any other action relative thereto.

BY BOARD OF SELECTMEN

ARTICLE 26: ADULT USE MARIJUANA ESTABLISHMENTS

To see if the Town will vote to amend the Zoning Bylaw, Article 5, USE REGULATIONS, Section 5.11, MEDICAL MARIJUANA TREATMENT CENTERS as set forth below, with text to be inserted as shown in **bold** and text to be deleted shown in ~~strikethrough~~, to allow adult use (recreational) Marijuana Cultivators and Marijuana Product Manufacturers to operate within the Limited Industry Zoning District, and further to amend the Table of Contents to change the title of Section 5.11 to "MEDICAL MARIJUANA TREATMENT CENTERS AND ADULT USE MARIJUANA ESTABLISHMENTS" to read as follows:

Section 5.11 – Medical Marijuana Treatment Centers and Adult Use Marijuana Establishments

Section 5.11.1: Purpose

To provide for the placement of Medical Marijuana Treatment Centers (each an “MMTC”), **and adult use Marijuana Cultivators and Product Manufacturers (hereinafter “Marijuana Establishments”)** in accordance with ~~An Act for the Humanitarian Medical Use of Marijuana, Chapter 369 of the Acts of 2012, as codified in Massachusetts General Laws (“M.G.L.”) Chapter 94I (“Chapter 94I) and M.G.L. Chapter 94G (“Chapter 94G”)~~ and ~~An Act To Ensure Safe Access to Marijuana, Chapter 55 of the Acts of 2017 and all regulations which have or may be issued by the Department of Public Health and/or the Cannabis Control Commission (“CCC”), including, but not limited to 105 CMR 725.000 and 935 CMR 501.000, and 935 CMR 500.000,~~ all as may be amended hereafter, which will minimize adverse impacts of an MMTC **and Marijuana Establishments** on adjacent properties, residential neighborhoods, schools, playgrounds, public beaches and other locations where minors congregate and which will regulate the siting, design, security, monitoring, and removal of an MMTC **such uses**.

Section 5.11.2: Establishment and Applicability

An MMTC **or Marijuana Establishment** may be established on land solely within the Limited Industry Zoning District. ~~However, notwithstanding any other permit granted herein, no facility or product sold or produced or stored on the MMTC site may be used for or engaged in adult use marijuana sale or distribution.~~ **An MMTC and a Marijuana Establishment may be co-located within the same facility; however, adult use retail sales of marijuana and marijuana products directly to consumers are expressly prohibited at such facilities.**

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

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

Section 5.11.3: Definitions

Where not expressly defined in these Zoning Bylaws, terms used in this Section 5.11 shall be interpreted as defined in Chapter 94I, 105 CMR 725.000, 935 CMR 501.00, **Chapter 94G, 935 CMR 500.000** and any regulations issued by the CCC implementing Chapter 94I **and Chapter 94G**, and otherwise by their plain language.

“Marijuana Cultivator” shall mean an entity licensed to cultivate, process and package adult use marijuana, and to transfer marijuana to other licensed Marijuana Establishments, but not to consumers.

“Marijuana Establishment” shall mean a Marijuana Cultivator and a Marijuana Product Manufacturer, including the state-licensed categories of Marijuana Microbusiness and Craft Marijuana Cooperative, as defined in 935 CMR 500.002. For purposes of this Bylaw, all other types of marijuana establishments licensed by the Cannabis Control Commission, including, but not limited to, Marijuana Retailer, Independent Testing Laboratory, Marijuana Research Facility and Marijuana Transporter are expressly prohibited.

“Marijuana Product Manufacturer” shall mean an entity licensed to obtain, manufacture, process and package adult use marijuana and marijuana products and to transfer these products to other licensed Marijuana Establishments, but not to consumers.

“Medical Marijuana Treatment Center” shall mean an entity ~~formerly and~~ validly registered under 935 CMR 501.100 ~~(or 105 CMR 725.000 if applicable)~~, which acquires, cultivates, possesses, processes (including development of related products such as edible MIPs, tinctures, aerosols, oils or ointments), transfers, transports, sells, distributes, dispenses, or administers marijuana, products containing marijuana, related supplies, or educational materials to registered qualifying patients or their personal caregivers. An MMTC refers to the site(s) of dispensing, cultivation, and preparation of marijuana.

Section 5.11.4: Location and Dimensional Controls

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

Section 5.11.5: Special Permit and Site Plan Requirements

1. Procedure: An MMTC **or Marijuana Establishment** may be permitted in the Limited Industry District pursuant to a Special Permit in accordance with M.G.L. Chapter 40A, Section 9 and Site Plan Approval under the same application and time standards as provided under said Chapter 40A, Section 9 by the Planning Board which shall be the Permit Granting Authority (“SPGA”) under this Section 5.11 and shall conduct Site Plan Approval for an applicant for an MMTC **and/or Marijuana Establishment**.
2. A Special Permit for an MMTC **and/or Marijuana Establishment** shall be limited to one or more of the following uses:
 - (a) Cultivation of Marijuana for medical **or adult** use.

- (b) Processing and packaging of Marijuana for medical or adult use, including Marijuana that is in the form of smoking materials, food products, oils, aerosols, ointments, and other products.
 - (c) Testing of Marijuana for medical or adult use, provided it is conducted as incidental to the cultivation or product manufacturing operations and not as an Independent Testing Laboratory.
 - (d) Sale or distribution of medical use Marijuana. The retail sale of adult use marijuana directly to consumers is expressly prohibited.
 - (e) Wholesale sale of medical or adult use Marijuana to other MMTCs or Marijuana Establishments located in the Town or another municipality in Massachusetts.
 - (f) Medical Marijuana transportation or distribution in accordance with 935 CMR 501. Adult use Marijuana Transporters, as defined in 935 CMR 500.002, and delivery of adult use marijuana directly to consumers from Marijuana Establishments are expressly prohibited.
3. Application: The application for an MMTC and/or Marijuana Establishment shall include the following:
- (a) the name and address of each owner of the MMTC and/or Marijuana Establishment.
If the Applicant is a business organization, a statement under oath disclosing all of its owners, shareholders, partners, members, managers, directors, officers, or other similar parties, representatives and entities and their addresses. If any of the above are entities rather than persons, the Applicant must provide the same disclosure in writing under oath for all of such entities.
 - (b) Copies of all required licenses and permits issued to the Applicant by the Commonwealth of Massachusetts and any of its agencies for the MMTC and/or Marijuana Establishment, together with a copy of all materials (including surety bonds or other guarantees) submitted to the Department of Public Health (if applicable) and/or CCC in connection with the licensing and permitting of an MMTC or Marijuana Establishment;
 - (c) A description of the proposed use;
 - (d) Evidence of the Applicant's right to use the site for an MMTC and/or Marijuana Establishment, such as a recorded deed, fully executed lease or fully executed purchase and sale agreement;
 - (e) A certified list of all parties in interest entitled to notice of the hearing for the Special Permit and Site Plan Approval application, taken from the most recent tax list of the Town and certified by the Town Assessor;
 - (f) Evidence that the Applicant has entered into a fully executed Community-Host Community Agreement with the Town;
 - (g) A detailed floor plan of the site of the proposed MMTC and/or Marijuana Establishment that identifies the square footage available and describes the functional areas of the facility;
 - (h) A detailed site plan that includes:
 - 1. Compliance with the requirements for parking and loading spaces, lot size, frontage, yards and heights and coverage of buildings, signage and all other

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

- (a) The MMTC **and/or Marijuana Establishment** is designed to minimize any adverse visual or economic impacts on abutters and other parties in interest, as defined in M.G.L. Chapter 40A, Section 11;
 - (b) The MMTC **and/or Marijuana Establishment** is fully permitted by all applicable agencies of the Commonwealth of Massachusetts and is in compliance with all applicable state laws and regulations and;
 - (c) The Applicant has satisfied all conditions and requirements of this Section 5.11.
6. The SPGA shall refer copies of the application to the Board of Selectmen, Building Department, Fire Department, Police Department, Board of Health, Conservation Commission, Water and Sewer Department and such other departments, boards and commissions as determined by the SPGA. These boards/departments shall review the application and shall submit their written comments and recommendations. Failure to make comments and recommendations within 45 days of referral of the application shall be deemed lack of opposition.
7. Special Permit Conditions on an MMTC **and/or Marijuana Establishment**: Conditions which are reasonably appropriate to improve site design, traffic flow, and public safety, to protect water quality, air quality, and significant environmental resources, to preserve the character of the surrounding area and to otherwise serve the purposes of this Section 5.11 may include, but not be limited to:
- (a) Hours of Operation of an MMTC for sale or distribution to consumers and/or wholesalers shall be limited to 7:00 a.m. – 7:00 p.m., unless otherwise permitted by the SPGA.
 - (b) The use shall be limited to the permitted use and shall not generate outside odors from the cultivation or processing of marijuana and marijuana products. No use shall be allowed in the Limited Industry District which creates a nuisance to abutters or to the surrounding area, or which creates any hazard, including but not limited to, fire, explosion, fumes, gas, smoke, odors, obnoxious dust, vapors, offensive sound or vibration, flashes, glare, objectionable effluent or electrical interference.
 - (c) The permit holder shall provide to the Zoning Enforcement Officer/Building Inspector, Board of Health, Chief of the Fire Department, Chief of the Police Department, Town Administrator, and the SPGA the name, telephone number and electronic mail address of all managers and key holders who can serve as a contact person if such person needs to be contacted at any time, including after regular business hours to address any problems or urgent issues. Such contact information shall be kept updated by the permit holder.
 - (d) With consent of the MMTC **or Marijuana Establishment**, law enforcement personnel or local public health, inspectional services, or other permit-granting agents acting within their lawful jurisdiction may enter and inspect the MMTC **or Marijuana Establishment** for compliance with local and state regulations with prior notice during normal business hours.
 - (e) An MMTC **or Marijuana Establishment** may not operate, and the Special Permit and Site Plan Approval will not be valid, until the applicant has obtained all licenses and permits issued by the Commonwealth of Massachusetts and any of its agencies for

the facility and the Applicant has entered into a Host Community Agreement with the Town with respect to the facility.

- (f) The Special Permit and Site Plan Approval Shall lapse and will not be valid if a substantial use thereof has not commenced within two (2) years of issuance, except for good cause, and not including any time as is required to pursue or await a determination of an appeal from the grant thereof.
- (g) A Special Permit and Site Plan Approval granted under this Section shall have a term limited to the earlier of the (i) duration of the permit holder's ownership of the MMTC **or Marijuana Establishment**, (ii) change in ownership of the permit holder (other than a change in, in the aggregate, of not more than 40 ~~(ten)~~ **25 (twenty five)**% ownership interest), including any transfer of ownership voluntarily, involuntarily or by operation of law, or (iii) the expiration or termination of the permit holder's license by the CCC for use of the site as an MMTC **or Marijuana Establishment**. A Special Permit and Site Plan Approval under this Section may be transferred only with the approval of the SPGA in the form of an amendment to the Special Permit and Site Plan Approval.
- (h) The permit holder shall notify the Zoning Enforcement Officer/Building Inspector, the Board of Selectmen and the SPGA in writing at least 48 hours prior to the cessation of operation of the MMTC **or Marijuana Establishment** and immediately upon expiration or termination of the permit holder's license with the CCC.
- (i) An Annual Report shall be filed with the SPGA, the Board of Selectmen and Board of Health no later than January 31st of each year, providing a copy of all applicable state licenses and renewals thereof required under Chapter 94I **or Chapter 94G**, 405-CMR 725.000, and 935 CMR 501.00 **or 935 CMR 500.000**, as applicable, together with the then current Compliance Inspection report from the CCC and evidence of compliance with all ongoing conditions of the Special Permit and Site Plan Approval.
- (j) Abandonment or Discontinuance of Use. An MMTC **or Marijuana Establishment** shall be required to remove all material, plants, equipment, signs and other paraphernalia at the time of surrendering its state-issued licenses or permits in accordance with any requirements of the CCC and a written discontinuance plan submitted to the SPGA, the Board of Selectmen, and the Board of Health. An MMTC **or Marijuana Establishment** shall be required to provide surety in a form acceptable to and approved by the Town Treasurer, and in an amount determined by the SPGA, to cover (A) the costs for cleaning the facility and the removal of all materials, plants, equipment, signs and other paraphernalia in the event the MMTC **or Marijuana Establishment** fails to do so, plus (B) a contingency equal to 25% of such costs. The applicant shall submit a fully inclusive estimate of the costs associated with cleaning and removal at prevailing wages, which estimate shall be prepared by a qualified licensed contractor who is authorized to undertake such work. The SPGA may, in its discretion, require cost estimates from not more than two qualified licensed contractors as it shall determine in its discretion and shall have the right to determine the amount of the surety based upon the estimate which the SPGA determines to select. Surety is required to be posted at time of grant of permit by the Town.

Section 5.11.6: Prohibition Against On-Site Consumption

No Marijuana or Marijuana Products shall be smoked, eaten, or otherwise consumed or ingested in public or on the site of an MMTC and/or a Marijuana Establishment absent a positive vote by ballot question presented to the voters of the town at a biennial state election pursuant to M.G.L. Chapter 94G, s.3(b) and receipt of all necessary local and CCC approvals for such use.

Section 5.11.7 Severability

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

Section 5.11.8 Rules and Regulations

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

or take any other action relative thereto.

BY VARIOUS PETITIONERS

ARTICLE 27: ADULT USE (RECREATIONAL) MARIJUANA ESTABLISHMENT PROHIBITION

To see if the Town will vote to amend the Zoning Bylaw, by deleting the following Articles:

1. **Article 11 – TEMPORARY MORATORIUM ON RECREATIONAL MARIJUANA ESTABLISHMENTS;**
2. **Article 12 – TEMPORARY MORATORIUM ON MEDICAL MARIJUANA TREATMENT CENTERS; and**
3. **Article 13 –RECREATIONAL MARIJUANA ESTABLISHMENTS**

and adopt a new **Article 11, ADULT USE MARIJUANA ESTABLISHMENT PROHIBITION**, which would provide as follows:

Article 11 — Adult Use Marijuana Establishment Prohibition

Consistent with General Laws Chapter 94G, subsection 3(a)(2), the following adult use (recreational) Marijuana Establishments, as defined in 935 CMR 500.002, shall be prohibited within the Town of Mattapoisett: Marijuana Retailers, Marijuana Transporters, Marijuana Research Facilities, Independent Testing Laboratories, and any other type of licensed Marijuana Establishment not otherwise permitted under Section 5.11 of the Zoning Bylaw.

or take any other action relative thereto.

BY VARIOUS PETITIONERS

ARTICLE 28: ORR ATHLETIC FACILITIES AND AUDITORIUM IMPROVEMENTS FUNDING

To see if the Town will vote to approve the \$2,000,000 borrowing as requested by the Old Rochester Regional School District to pay costs of designing, constructing and equipping a

synthetic turf athletic field, track repairs and other improvements including renovations to the auditorium, including the payment of all costs incidental and related thereto. The approval of the District's borrowing by this vote shall be subject to and contingent upon an affirmative vote of the Town at the Annual Town Election for the purpose of exempting its allocable share of the amounts required for the payment of interest and principal on said borrowing from the limitations on taxes imposed by Proposition 2 1/2 , G.L. c. 59, sec.21C, or take any action relative thereto.

BY OLD ROCHESTER REGIONAL SCHOOL COMMITTEE

You are hereby notified to serve this Warrant by posting up attested copies thereof at the several places designated in the Town By-Laws, namely the Mattapoisett Post Office and the Mattapoisett Town Hall, and the Mattapoisett Library seven (7) days at least before the day appointed for said meeting.

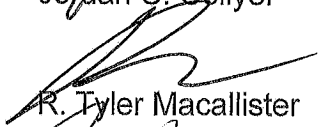
Here of fail not and make due return of this Warrant with your doing thereon to the Town Clerk at the time and place of the meeting aforesaid.

Given under our hands this 3rd day of May in the year Two Thousand and Nineteen.

BOARD OF SELECTMEN



Jordan C. Collyer



R. Tyler Macallister



Paul A. Silva

I, Kim J. Paul, being a duly elected Constable of the Town of Mattapoisett, in the County of Plymouth, hereby make affidavit that legal notice of the meeting called under this Warrant has been served on the voters of said Town of Mattapoisett by posting attested copies of this Warrant in three public places within said Town of Mattapoisett, namely the Town Hall, the Mattapoisett Post Office and the Mattapoisett Public Library on MAY 4 2019, said date being seven (7) days at least before the date of the Meeting, in accordance with Section 10 of Chapter 39 of the General Laws of Massachusetts.

Kim J. Paul
CONSTABLE