

TOWN OF SANDISFIELD



Minutes of ANNUAL TOWN MEETING May 14, 2022

The inhabitants of Sandisfield qualified to vote in elections and town affairs met Saturday, May 14, 2022 at the DPW Garage Building, Located at 5 Silverbrook Road at 10:00 A.M. to act on the following matters:

ARTICLE 1: To see if the Town will vote to accept the reports of the Town Officers.

Motion made and appropriately seconded

ARTICLE 1: Passed with majority vote

ARTICLE 2: To see if the Town will vote to fix the salary of all elective officers of the Town as provided by Section 108 and 108A of Chapter 41 of the General Laws, as amended for Fiscal Year 2023 as follows, or take any other action thereon:

Moderator.....	\$ 150.00 per year
Town Clerk.....	29,640.00 per year
Selectmen Member.....	4,000.00 per year
Selectmen Chairman.....	5,000.00 per year
Planning Board Member.....	400.00 per year
Planning Board Chair.....	500.00 per year
Board of Health Member.....	250.00 per year
Board of Health Chairman.....	350.00 per year
Board of Assessors.....	2,294.00 per year
School Committee Chairman.....	500.00 per year
School Committee Member.....	400.00 per year
Library Trustee.....	100.00 per year
Constables.....	15.30 per hour

Motion made and appropriately seconded

Motion made to amend and appropriately seconded - remove Planning Board Member and Planning Board Chair Salaries

Amendment passed with majority vote

ARTICLE 2: amended to read: To see if the Town will vote to fix the salary of all elective officers of the Town as provided by Section 108 and 108A of Chapter 41 of the General Laws, as amended for Fiscal Year 2023 as follows, or take any other action thereon:

Moderator.....	\$ 150.00 per year
Town Clerk.....	29,640.00 per year
Selectmen Member.....	4,000.00 per year
Selectmen Chairman.....	5,000.00 per year
Board of Health Member.....	250.00 per year
Board of Health Chairman.....	350.00 per year
Board of Assessors.....	2,294.00 per year
School Committee Chairman.....	500.00 per year
School Committee Member.....	400.00 per year
Library Trustee.....	100.00 per year
Constables.....	15.30 per hour

ARTICLE 2: passed as amended unanimously

ARTICLE 3: To see if the Town will vote to raise and appropriate, or otherwise transfer from available funds for General Government Operating purposes the following sums, or any other sum(s) for the following Fiscal Year 2023 expenses/accounts, or take any other action thereon.

#	Description	FY22 Approved	FY23 Requested	Increase/ Decrease
	General Government			
1	Moderator Expense	100.00	100.00	0.00
2	Moderator Salary	150.00	150.00	0.00
3	Select Board Expenses	15,000.00	15,000.00	0.00
4	Select Board Salaries	56,157.00	13,000.00	(43,157.00)
5	Admin Asst to TM & SB		35,776.00	35,776.00
6	Town Manager Salary	76,500.00	78,795.00	2,295.00
7	Town Manager Expense	1,692.00	1,692.00	0.00
8	Legal Services	12,000.00	15,000.00	3,000.00
9	Employee Incentive	9,000.00	7,000.00	(2,000.00)
10	Finance Committee Expense	475.00	475.00	0.00
11	Finance Committee Clerk	1,500.00	1,500.00	0.00
12	Finance Committee Salaries		1,350.00	1,350.00
13	Reserve Fund	10,000.00	20,000.00	10,000.00
14	Assessors Salaries	52,031.00	0.00	(52,031.00)
15	Principal Assessor Salary		37,920.00	
16	Assessor Clerk Salary		14,820.00	14,820.00
17	Board of Assessors Salaries		6,882.00	6,882.00
18	Assessors Expense	3,855.00	15,719.00	11,864.00
19	Assessors Tri Recert	7,764.00	10,000.00	2,236.00
20	Treas/Tax Coll Salary	41,200.00	52,000.00	10,800.00
21	Asst. Treas/Tax Coll Salary		8,700.00	8,700.00
22	Treas/Tax Coll Expense	5,214.00	12,162.31	6,948.31
23	Treasurer Tax Lien	24,000.00	24,000.00	0.00
24	Treasurer Payroll Service		9,000.00	9,000.00
25	Town Accountant Salary	25,460.00	26,223.80	763.80
26	Town Accountant Expense	3,700.00	8,278.46	4,578.46
27	Technology Expense	52,365.00	7,654.00	(44,711.00)
28	Webmaster Salary	6,387.00	5,000.00	(1,387.00)
29	Building Dept. Expenses		1,675.00	1,675.00
30	Town Clerk Salary	24,960.00	29,640.00	4,680.00
31	Town Clerk Expenses	8,066.00	7,054.00	(1,012.00)
32	Asst. Town Clerk		8,320.00	8,320.00
33	Election Workers		7,050.00	7,050.00
34	Conservation Commission Expense	1,020.00	1,041.00	21.00
35	Conservation Commission Clerk	1,831.00	1,885.93	54.93
36	Conservation Commission Salaries		1,350.00	1,350.00

37	Planning Board Expense	487.00	1,150.00	663.00
38	Planning Board Clerk	1,550.00	1,596.50	46.50
39	Planning Board Salaries		2,500.00	
40	Zoning Board Clerk	1.00	1.00	0.00
41	Zoning Board Expense	500.00	500.00	0.00
	Subtotal	442,965.00	491,961.00	48,996.00
	<i>Percent change</i>			<i>11.06%</i>
	DPW & Facilities			
42	Highway Maintenance	93,792.00	98,392.00	4,600.00
43	Highway Snow/Ice Removal	141,000.00	141,000.00	0.00
44	Highway Machinery Maintenance	75,000.00	90,000.00	15,000.00
45	Highway Tree Account	36,000.00	41,500.00	5,500.00
46	Highway Salaries	246,450.00	276,989.00	30,539.00
47	Highway Snow/Ice Overtime	35,373.00	35,373.00	0.00
48	Highway Con Consultant	10,000.00	10,000.00	0.00
49	Highway Admin. Assistant		16,640.00	16,640.00
50	Cust Twn Buildings Salary	10,000.00	10,900.00	900.00
51	Repair & Maint Town Properties Exp	20,731.00	0.00	(20,731.00)
52	HW mowing/cem maint.	15,000.00	17,250.00	2,250.00
53	Street Lighting	4,800.00	4,800.00	0.00
54	Solid Waste Disposal	33,434.00	45,000.00	11,566.00
55	Solid Waste Disposal Salary	20,536.00	23,000.00	2,464.00
56	Op Maint & Repair Town Buildings	53,900.00	6,900.00	(47,000.00)
57	Utilities		47,000.00	47,000.00
58	Op Maintenance Salary	1,000.00	5,000.00	4,000.00
59	Vehicle Fuel Account	35,000.00	50,000.00	15,000.00
60	Cemetery Comm Expense	4,500.00	4,000.00	(500.00)
61	Cemetery Comm Salary	1,000.00	1,500.00	500.00
	Subtotal	837,516.00	925,244.00	87,728.00
	<i>Percent change</i>			<i>10.47%</i>
	Protection, Persons & Property			
62	Police Dept. Expenses	15,650.00	15,963.05	313.05
63	Police Dept. Salary	58,139.00	59,883.17	1,744.17
64	BC Sherriff Control	10,739.00	11,061.23	322.23
65	Fire Dept. / Ambul Maint	36,155.00	36,878.10	723.10
66	Fire Dept. Salary	12,740.00	13,122.20	382.20
67	Fire Ambulance Equip	22,623.00	23,076.00	453.00
68	Fire Ambulance Training	6,916.00	7,054.00	138.00
69	Fire House Rental - Legion	3,714.23	3,788.51	74.28
70	Fire House Rental - Rt. 57	6,242.40	6,242.00	(0.40)

71	ALSS Intercept Service	16,000.00	16,320.00	320.00
72	Fire/EMS Compensation	33,042.00	34,033.26	991.26
73	Public Safety Officer	59,703.00	59,703.00	0.00
74	ER Mgt. Revolving	2,800.00	2,800.00	0.00
75	Inspector of Animals Salary	520.00	520.00	0.00
76	Animal Control/Dog Exp	1,000.00	600.00	(400.00)
77	Animal Control/Dog Sal	1,872.00	855.00	(1,017.00)
78	S. Berk Reg. ER Plan Com	500.00	500.00	0.00
	Subtotal	288,355.63	292,399.52	4,043.89
	<i>Percent change</i>			1.40%
	Education			
79	School Operations	1,652,749.00	1,483,340.00	(169,409.00)
80	School Comm Mem Salary	1,300.00	1,300.00	0.00
	Subtotal	1,654,049.00	1,484,640.00	(169,409.00)
	<i>Percent change</i>			-10.24%
	Human Services			
81	Veterans Benefits	42,940.00	43,000.00	60.00
82	Veterans Service District	3,787.00	4,051.00	264.00
83	Board of Health Expenses	1,300.00	600.00	(700.00)
84	Board of Health Clerk	2,000.00	1,560.00	(440.00)
85	Board of Health Salaries		800.00	800.00
86	Public Health Nurse	2,000.00	2,100.00	100.00
87	The Brien Center	450.00	450.00	0.00
88	Community Health Program	1,000.00	1,000.00	0.00
89	Council on Aging Expenses	3,150.00	3,150.00	0.00
90	Elderly Transportation	5,000.00	5,000.00	0.00
91	Berk Reg. Planning Com	729.00	729.00	0.00
	Subtotal	62,356.00	62,440.00	84.00
	<i>Percent change</i>			0.13%
	Culture & Recreation			
92	Yanner Park	15,547.00	0.00	(15,547.00)
93	Library Expenses	6,850.00	7,900.00	1,050.00
94	Librarian Salary	14,047.00	14,576.64	529.64
95	Library Trustees Salaries		300.00	300.00
96	Memorial Day Parade	2,000.00	3,000.00	1,000.00
97	Cultural Council Expenses	250.00	500.00	250.00
98	Historical Commission Expenses	500.00	2,500.00	2,000.00
99	Recreation Committee Expenses	3,538.00	7,000.00	3,462.00
	Subtotal	42,732.00	35,776.64	(6,955.36)
	<i>Percent change</i>			-16.28%
	Fixed Costs			

100	Unemployment Insurance	5,954.00	7,700.00	1,746.00
101	Berkshire Cty. Retirement	98,431.00	123,730.00	25,299.00
102	Employee Benefits	93,140.00	155,986.60	62,846.60
103	Medicare	9,621.00	10,546.80	925.80
104	Insurance and Bonds	56,878.00	73,455.00	16,577.00
	Subtotal	264,024.00	371,418.40	107,394.40
	<i>Percent change</i>			40.68%
	Total Operating	3,591,997.63	3,663,879.56	71,881.93
	<i>Percent change</i>			2.00%

Motion Made and appropriately seconded

Motion made to amend line 39 and appropriately seconded

line 39 amended to read \$0 instead of \$2,500 - a decrease of \$2,500
amendment passed with majority vote and 1 abstention

Motion made to amend line 70 and appropriately seconded

line 70 amended to read \$6,367.24 instead of \$6,242.00 - an increase of \$125.24
amendment passed unanimously

Amended Total Operating Budget to read \$3,661,504.80 instead of \$3,663,879 - a decrease of \$2,374.76

ARTICLE 3: passed as amended unanimously

ARTICLE 4: To see if the Town will vote pursuant to the provisions of Section 53E½ of Chapter 44 of the General Laws to amend the annual spending limits for the revolving funds appearing in Chapter IV, Financial Affairs, Section 6(F) of the General Bylaws of the Town, with such expenditure limits to be applicable from fiscal year to fiscal year unless Town Meeting votes to change the same prior to the start of such fiscal year, or take any other action thereon:

- a) Board of Health – Town Sanitary Inspector..... \$ 7,500.00
- b) Building Dept. – Town Plumbing Inspector..... 2,500.00
- c) Building Dept. – Town Building Inspector..... 12,000.00
- d) Building Dept. – Town Wiring Inspector..... 2,500.00
- e) Building Dept. – Town Gas Inspector..... 2,500.00

Motion Made and appropriately seconded

ARTICLE 4: Passed unanimously

ARTICLE 5: To see if the Town will vote to appropriate the sum of \$152,717.60, or any other sum, from Free Cash, to purchase a soil compactor for the Highway Department, including the payment of all costs incidental and related thereto, or to take any other action thereon.

Motion Made and appropriately seconded

ARTICLE 5: passed unanimously

ARTICLE 6: To see if the Town will vote to appropriate the sum of \$397,000.00, or any other sum, from Free Cash to purchase a grader for the Highway Department, including the payment of all costs incidental and related thereto, or to take any other action thereon.

Motion made and appropriately seconded

ARTICLE 6: passed unanimously

ARTICLE 7: To see if the Town will vote to appropriate the sum of \$84,756.00, or any other sum, from Free Cash, to conduct an engineering study for road improvements, including all costs incidental and related thereto, or take any other action thereon.

Motion made and appropriately seconded

ARTICLE 7: passed unanimously

ARTICLE 8: To see if the Town will vote to appropriate the sum of \$18,000.00, or any other sum, from Free Cash, to conduct a town audit, including all costs incidental and related thereto, or take any other action thereon.

Motion made and appropriately seconded

ARTICLE 8: passed unanimously

ARTICLE 9: To see if the Town will vote to appropriate the sum of \$9,500.00, or any other sum, from Free Cash, for the purpose of engaging an executive recruitment firm to assist, advise, and support the Town Manager Search Committee, including all costs incidental and related thereto, or take any other action thereon.

Motion made and appropriately seconded

Motion made to amend and appropriately seconded

ARTICLE 9: amended to read: To see if the Town will vote to appropriate the sum of \$9,500.00, from Free Cash, in support of the Town Manager's search committee specifying to the select board a strategy for identifying, securing and retaining an appropriate candidate for the roll.

Amendment does not pass - majority against

ARTICLE 9: as originally written passed by a majority 39-37

ARTICLE 10: To see if the Town will vote to appropriate the sum of \$10,000.00, or any other sum, from Free Cash, to pay for the Assessors tri-annual recertification, including all costs incidental and related thereto, or take any other action thereon.

Motion made and appropriately seconded

ARTICLE 10: passed unanimously

ARTICLE 11: To see if the Town will vote to appropriate the sum of \$350,000.00, or any other sum, from Free Cash, to purchase and equip a used Fire Truck, including the payment of all costs incidental and related thereto, or take any other action thereon. (2/3 required)

Motion made and appropriately seconded

Motion made to amend and appropriately seconded

ARTICLE 11: amended to read: To see if the Town will vote to appropriate the sum of \$700,000.00 from the capital stabilization fund, to purchase and equip a new Fire Truck, including the payment of all costs incidental and related thereto, or take any other action thereon.

Motion made to move question and appropriately seconded (2/3 needed)

Move question passed by 2/3 majority

Amendment passed with 40-31 majority

Motion made for secondary amendment and appropriately seconded

ARTICLE 11: amended to read: To see if the Town will vote to appropriate the sum of \$700,000.00 from the capital stabilization fund, to purchase and equip a new, used or demo Fire Truck.

Amendment passed by majority

Motion made for tertiary amendment and appropriately seconded

ARTICLE 11: amended to read: To see if the Town will vote to appropriate the sum of \$350,000 from free cash and \$350,000 from the capital stabilization fund, to purchase and equip a new, used or demo Fire Truck.

Amendment passed unanimously

ARTICLE 11: passed by 2/3 vote - called by moderator

ARTICLE 12: To see if the town will vote to accept the fourth paragraph of Massachusetts General Laws Chapter 40, Section 5B, which allows the dedication, without further appropriation, of all, or a percentage not less than 25 percent, of particular fees, charges or receipts to a stabilization fund established under Massachusetts General Laws Chapter 40, Section 5B, to be effective for fiscal year 2023, beginning on July 1, 2022, or take any other action thereon. (2/3 required)

Motion made and appropriately seconded

ARTICLE 12: passed unanimously

ARTICLE 13: To see if the town will dedicate all or a percentage, which may not be less than 25 percent, of the ambulance fee revenues to the Ambulance Stabilization Fund established pursuant to Massachusetts General Laws Chapter 40, Section 5B, effective for fiscal year 2023, beginning on July 1, 2022, or take any other action thereon. (2/3 required)

Motion made and appropriately seconded

Motion made to amend and appropriately seconded

ARTICLE 13 amended to read: To see if the town will dedicate 50 percent of the ambulance fee revenues to the Ambulance Stabilization Fund established pursuant to Massachusetts General Laws Chapter 40, Section 5B, effective for fiscal year 2023, beginning on July 1, 2022

ARTICLE 13: passed unanimously

ARTICLE 14: To see if the town will transfer the sum of \$227,009.30, or any other sum, from the Ambulance Fees Revolving account to the Ambulance Stabilization Fund, or take any other action thereon.

Motion made and appropriately seconded

Motion made to amend and appropriately seconded

ARTICLE 14: amended to read : To see if the town will transfer the sum of \$232,094.87, plus any fees accrued through June 30, 2022 from the Ambulance Fees Revolving account to the Ambulance Stabilization Fund, or take any other action thereon.

Motion made to make secondary amendment and appropriately seconded

ARTICLE 14: amended to read: To see if the town will transfer the sum of \$243,749.44 plus any fees accrued through June 30, 2022 from the Ambulance Fees Revolving account to the Ambulance Stabilization Fund.

Amendment passed with majority

ARTICLE 14 passed as amended unanimously

ARTICLE 15: To see if the town will vote to appropriate \$11,413.85, or any other sum, for the Yanner Park Committee Expenses and to meet that appropriation transfer \$11,413.85, or any other sum from the Yanner Park Stabilization Account, or take any other action thereon. (2/3 required)

Motion made and appropriately seconded

ARTICLE 15: passed unanimously

ARTICLE 16: To see if the town will vote to appropriate the sum of \$198,114.57, or any other sum, from Free Cash, to reduce the tax levy for the fiscal year 2023, beginning on July 1, 2022, or take any other action thereon.

Motion made and appropriately seconded

ARTICLE 16: passed unanimously

ARTICLE 17: To see if the town will vote to appropriate the sum of \$533.25, or any other sum, from Free Cash, to pay for FY21 bills submitted after the deadline to pay, or to take any other action thereon. (4/5 required)

Motion made and appropriately seconded

ARTICLE 17: passed unanimously

ARTICLE 18: To see if the town will vote to amend the Zoning Bylaw by adding a Section 8(I) - 'Sandisfield Accessory Dwelling Unit Bylaw', or take any other action thereon: Sandisfield Accessory Dwelling Unit Bylaw . (2/3 required)

1. **Purpose and Intent:** The intent of permitting accessory dwelling units is to:
 1. Provide older homeowners with a means of obtaining rental income, companionship, security, and services, thereby enabling them to stay more comfortably in homes and neighborhoods they might otherwise be forced to leave;
 2. Add moderately priced rental units to the housing stock to meet the needs of smaller households and make housing units available to moderate income households who might otherwise have difficulty finding housing;
 3. Develop housing units in our single-family neighborhoods that are appropriate for households at a variety of stages in their life cycle;
 4. Provide housing units for persons with disabilities;
 5. Protect stability, property values, and the residential character of a neighborhood.

02.0 Definitions:

1. Accessory Dwelling Unit (ADU): A self-contained housing unit incorporated within a single-family dwelling or within another structure.
2. Building, attached: A building having any portion of one or more walls in common or within five (5) feet of an adjacent building.
3. Building, Detached: A building having a five feet or more of open space on all sides
4. Dwelling, Single-Family: A building designed or used exclusively as a residence and including only one dwelling unit.
5. Dwelling Unit: One or more rooms designed, occupied or intended for occupancy as separate living quarters, with cooking, sleeping and sanitary facilities provided within the dwelling unit for the exclusive use of a single family maintaining a household. This definition does not include a trailer, however mounted.
6. Primary Residence: A building in which is conducted the principal use of the lot on which it is located. For residentially zoned lots, such a building would be a dwelling.

03.0 Procedural Requirements:

1. Review Procedure: All ADU's shall require a building permit. All ADU's shall require adequate septic capacity for the number of bedrooms in the ADU.

04.0 Use and Dimensional Regulations:

1. The issuance of a Building Permit shall follow the requirement in Section 03.0 and in addition meet the following conditions:
 - (a) The unit shall be a complete, separate housekeeping unit containing both kitchen and bath.
 - (b) Only one ADU may be created within a single-family house or house lot.
 - (c) The gross floor area of an ADU (including any additions) shall not be greater than the largest of 900 sq feet or 30% of the principal residence size, but in no case greater than 1200 sq feet, but must include kitchen, bath, and at least one bedroom.
 - (d) An ADU may not be occupied by more people than allowed by existing septic capacity.
 - (e) The construction of any ADU must conform to all applicable health, building and other codes.
 - (f) Sufficient off-street parking shall be available for both primary residents and ADU occupants.
2. In order to encourage the development of housing units for disabled or handicapped individuals and persons with limited mobility, the SPGA may allow reasonable deviation from the stated conditions where necessary to install features that facilitate access and mobility for such persons.
3. Prior to issuance of a permit, a floor plan must be submitted showing the proposed interior and exterior changes to the building.

05.0 Administration and Enforcement

1. It shall be the duty of the Building Inspector to administer and enforce the provisions of this Bylaw.
2. No building shall be constructed or changed in use or configuration, until the Building Inspector has issued a permit. No permit shall be issued until a sewage disposal works permit, when applicable, has first been obtained from the Board of Health and the proposed building and location thereof conform with the town's laws and bylaws. Any new building or structure shall conform to all adopted state and town laws, bylaws, codes and regulations. No building shall be occupied until a certificate of occupancy has been issued by the Building Inspector where required.
3. The Building Inspector shall refuse to issue any permit, which would result in a violation of any provision of this chapter or in a violation of the conditions or terms of any special permit or variance.
4. The Building Inspector shall issue a cease and desist order on any work in progress or on the use of any premises, either of which are in violation of the provisions of this chapter.
5. Construction or use according to a building permit or special permit shall conform to any subsequent amendment of this chapter unless the construction or use is begun within a period of not more than six months after the issuance of a permit granted before the effective date of the amendment. To qualify for this exemption, construction must be completed in a continuous and expeditious manner.

Motion made and appropriately seconded

Motion made to refer back to the planning board and appropriately seconded

Motion made to amend Section 4 , line (c)

ARTICLE 18: amended to read: (c) The gross floor area of an ADU (including any additions) shall not be greater than the smallest of 900 sq feet or 50% of the principal residence size, but in no case greater than 1200 sq feet, and include kitchen, bath, and at least one bedroom.

Amendment passes by majority

ARTICLE 18 is referred back to the planning board by majority

ARTICLE 19: To see if the town will vote to amend the Section 8 of the Zoning Bylaws by amending Section 8A, and Section 8B(1), (6), (13), (15), as follows, or take any other action thereon: (2/3 required)

Shared Driveway amendment

The purpose of this amendment is to permit a single driveway to serve multiple parcels, to reduce habitat fragmentation and share costs between cooperating landowners.

Section 8B of Sandisfield's Zoning Bylaws is hereby amended by striking "public or private building" in part 1 and replacing it with: "one or more public and/or private buildings".

Part 6 shall be amended by adding the word "not" between the words "shall have" [*note: this corrects an apparent typo*]

A new part 8A shall be added immediately following part 8: "A shared driveway to be used by multiple property owners shall have a turnout every 500 feet that allows safe passage of 2 vehicles, and shall have adequate sight lines to reasonably avoid collisions".

Part 13 shall be amended by adding at the end the following sentence: "For shared driveways, a written agreement between the landowners shall be recorded on the deed and filed with the building inspector and DPW superintendent."

Part 15 shall have inserted after the words "house number" the words "or house numbers for all parcels served by a shared driveway"

The following is what we are amending as it reads currently.

B. Driveways:

1. "Driveways" is defined as any road used for vehicular access from a public road to a public or private building. Access roads used only occasionally such as those used to access a field for haying, are not intended to be included in these bylaws.
2. Should terrain or other conditions make these driveway bylaws exceedingly difficult or impossible to follow, a solution must be developed and approved by consulting with the Sandisfield Building Inspector. If a solution cannot be developed in this manner, then the Sandisfield Board of Selectmen will determine the solution.
3. Driveway entrance into public or private road shall be situated so the driver has a minimum sight line of 100 feet each direction when entering any of Sandisfield's roads.
4. No driveway entrance shall be located closer than 75 feet to any intersection.

5. No portion of a driveway including its cuts, fills, culverts, etc. shall come closer than 10 feet to any abutting property.
6. Driveways coming down to a public road shall have a grade steeper than 12% within the first 50 feet from the edge of the traveled roadway.
7. Any new or additional driveway entering onto a paved road must have a paved, concrete or asphalt apron at least 4 inches thick, not less than 20 feet wide and not less than 20 feet long connecting the driveway and the road.
8. Driveways shall be a minimum of 15 feet wide with a surface of 6 inches of well compacted gravel within the first 50 feet from the edge of the traveled roadway.
9. Driveways shall be adequately crowned to direct surface water runoff to appropriate gutters within the first 50 feet from the edge of the traveled roadway.
10. Driveway gutters and culverts shall be of adequate size and location to handle all anticipated surface runoff, and shall be directed to follow previous natural runoff pattern and shall in no instance be changed to flow on to adjacent property or roads, private or public.
11. Driveway cuts and fills shall be no steeper than 1 foot rise to 2 feet run.
12. Cuts and fills must be stabilized with vegetation or stone covering and protected from erosion with straw mulch and hay bales and/or stabilization fabric until vegetation or stone covering is effectively in place.
13. All driveway plans must be inspected and approved by the Sandisfield Highway Superintendent with respect to necessary culverts, paved apron and sight lines.
14. All driveway excavation and construction must follow the approved plan and be inspected and approved by the Sandisfield Building Inspector. The property owner is responsible for notifying the proper Town Authorities at least 48 hours before any inspection is due.
15. All driveways must have house number posted before final approval is given. Number must be posted with 911 regulations.

Motion made and appropriately seconded

Motion made to amend part 14

ARTICLE 19 Part 14: amended to read : All driveway excavation and construction must follow the approved plan and be inspected and approved by the Sandisfield Highway Inspector. The property owner is responsible for notifying the proper Town Authorities at least 48 hours before any inspection is due.

Amendment passes unanimously

Motion made to return to the planning board

ARTICLE 19: returned to planning board by majority

ARTICLE 20: To see if the Town will vote to amend the Zoning Bylaws by adding Section 8.I - Marijuana Establishments, Section 9.B – Marijuana Overlay District, and Subsection 2.B.2 – Marijuana Overlay District, and by updating Sections 3.B – Table of Permitted Uses and 3.C – Prohibited Uses, establishing standards for the siting of Marijuana Establishments in the Town of Sandisfield as follows, or to take any action thereon.:

Town of Sandisfield, Massachusetts

Marijuana (Cannabis) Establishment Zoning Bylaw

CREATE NEW SECTIONS IN THE ZONING BYLAWS; SECTION 8.I, MARIJUANA ESTABLISHMENTS,
SECTION 9.B – MARIJUANA OVERLAY DISTRICT, AND SUBSECTION 2.B.2 – MARIJUANA OVERLAY
DISTRICT.
UPDATE SECTION 3.B – TABLE OF PERMITTED USES AND SECTION 3.C – PROHIBITED USES.

UPDATE TABLE OF CONTENTS TO INCLUDE NEW SECTIONS.

1. Purpose

The **Marijuana Establishment Zoning Bylaw** is enacted to allow State-licensed adult use Marijuana Establishments (MEs) to locate within the Town of Sandisfield in accordance with applicable State Laws, Rules and Regulations and to impose reasonable safeguards to govern the time, place and manner of Marijuana Establishments to ensure proper consideration of public health, safety, well-being, and undue impacts on the natural environment as it relates to cultivation, processing, manufacturing, testing, transportation and retail sales of adult use marijuana, subject to the provisions of this Zoning Bylaw and M.G.L. c. 40A , and M.G.L. c.94G. It is the intent of this section to minimize adverse impacts on

adjacent properties, residential neighborhoods, schools and other places where children congregate, and other land uses potentially incompatible with adult use marijuana activities. This bylaw does not restrict the personal cultivation and consumption of marijuana in Sandisfield.

2. Definitions¹

CANOPY: Canopy means an area to be calculated in square feet and measured using clearly identifiable boundaries of all areas(s) that will contain flowering and/or vegetative plants larger than eight inches tall and eight inches wide at any point in time, including all of the space(s) within the boundaries. Canopy may be noncontiguous, but each unique area included in the total Canopy calculations shall be separated by an identifiable boundary which includes, but is not limited to: interior walls, shelves, Greenhouse walls, hoop house walls, garden benches, hedge rows, fencing, garden beds, or garden plots. If flowering and/or vegetative plants larger than eight inches tall and eight inches wide are being cultivated using a shelving system, the surface area of each level shall be included in the total Canopy calculation.

CRAFT MARIJUANA COOPERATIVE: A Marijuana Cultivator comprised of residents of the Commonwealth and organized as a limited liability company, limited liability partnership, or cooperative corporation under the laws of the Commonwealth. A cooperative is licensed to cultivate, obtain, manufacture, process, package and brand cannabis or marijuana products to transport marijuana to Marijuana Establishments, but not to consumers.

INDEPENDENT TESTING FACILITY: An Independent Testing Laboratory, as defined in 935 CMR 500.002. A laboratory that is licensed to test marijuana and marijuana products, including certification for potency and the presence of contaminants.

MARIJUANA (or Cannabis): All parts of any plant of the genus Cannabis, not excepted in 935 CMR 501.002: Marijuana (a) through (c) 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 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 marijuana to prepare topical or oral administrations, food, drink or other products.

MARIJUANA CONSUMPTION FACILITY: A commercial establishment that either sells single servings of marijuana and marijuana products for consumption on the premises or allows patrons to bring their own marijuana or marijuana products for on-site social consumption.

MARIJUANA CULTIVATOR: An entity licensed to cultivate, process and package marijuana, and to transfer marijuana to other Marijuana Establishments, but not to consumers.

MARIJUANA ESTABLISHMENT (ME): For purposes of this Bylaw, the term Marijuana Establishment (ME) shall comprehensively include all types of licensed marijuana-related businesses in accordance with M.G.L. c.94G and 935 CMR 500.

MARIJUANA PRODUCT: Cannabis or marijuana and its products unless otherwise indicated. Cannabis or Marijuana Products includes products that have been manufactured and contain cannabis or marijuana or an extract from cannabis or marijuana, including concentrated forms of marijuana and products composed of marijuana and other ingredients that are intended for use or consumption, including edible products, beverages, topical products, ointments, oils and tinctures. Cannabis or marijuana products are the equivalent of marijuana-infused products (MIPs) defined in 935 CMR 501.002:
Definitions.

MARIJUANA PRODUCT MANUFACTURER: An entity licensed to obtain, manufacture, process and package marijuana and marijuana products, and to transfer these products to MEs but not to consumers.

MARIJUANA RETAILER: An entity licensed to purchase and transport cannabis or marijuana product from MEs and to sell or otherwise transfer this product to MEs 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 onsite social consumption on the premises of an ME. A Marijuana Retailer must be located in the Marijuana Overlay District.

MARIJUANA TRANSPORTER: An entity with a fixed location that is licensed by the Cannabis Control Commission to purchase, obtain and possess marijuana or marijuana products solely for the purpose of transporting and temporary storage on the premises for sale and distribution to MEs, but not consumers.

¹ 935 CMR: Cannabis Control Commission, 502.002 *Definitions*

MEDICAL MARIJUANA TREATMENT CENTER, also known as a Registered Marijuana Dispensary (RMD): A not-for-profit entity registered under 105 CMR 725.100: *Registration of Registered Marijuana Dispensaries*, that acquires, cultivates, possesses, processes (including development of related products such as edible marijuana infused products, 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 for medical use. Unless otherwise specified, RMD refers to the site(s) of dispensing, cultivation, and preparation of marijuana for medical use. A Medical Marijuana Treatment Center must be located in the Marijuana Overlay District.

MICRO-BUSINESS: A co-located 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.

TIERS OF MARIJUANA CULTIVATOR

The total canopy permitted by Special Permit in the Town of Sandisfield shall not exceed 500,000 square feet.

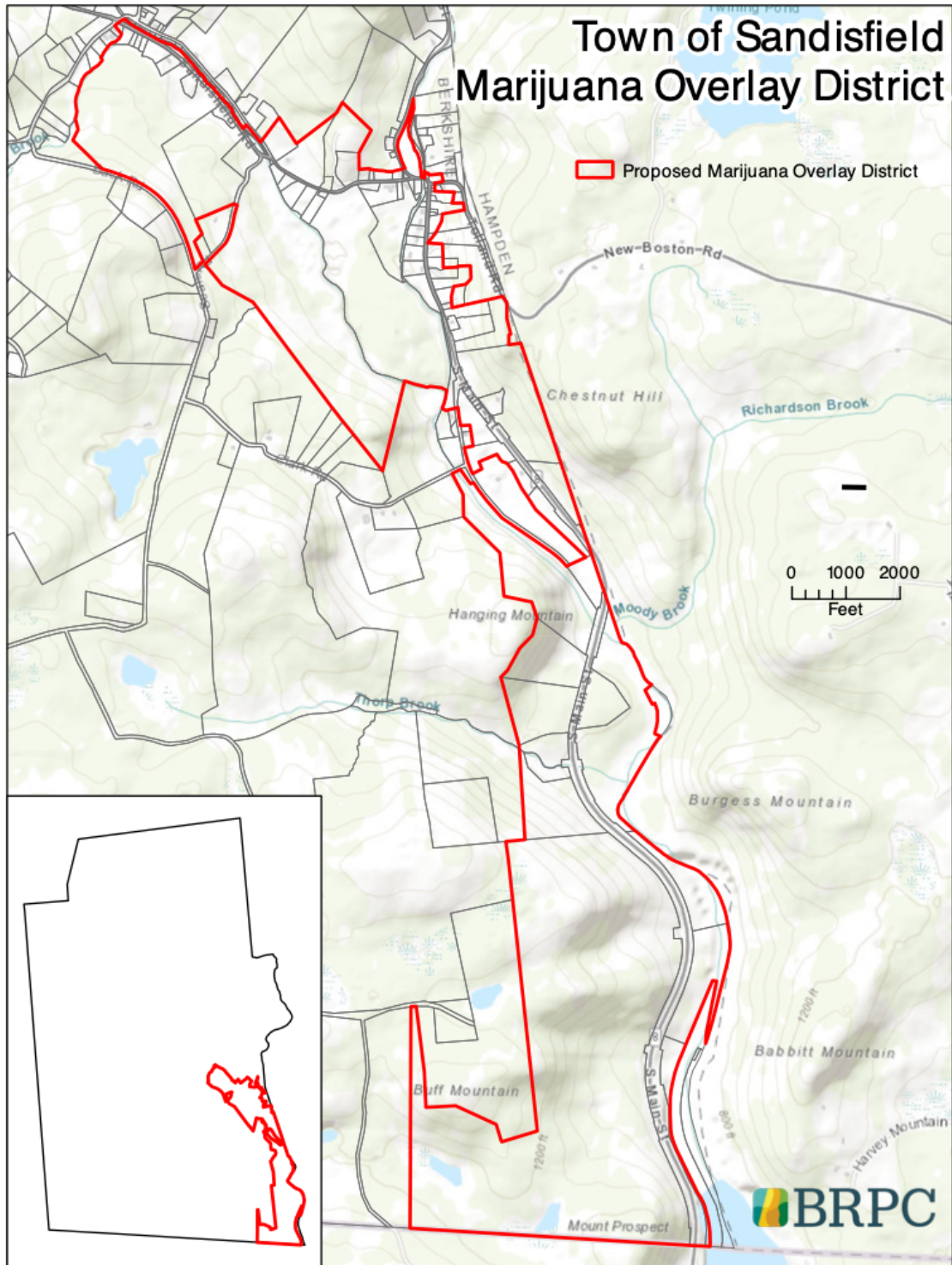
TIER STRUCTURE:

Tier	Square Feet of Canopy	Tier 6	40,001 to 50,000 sq. ft.
Tier 1	up to 5,000 square feet	Tier 7	50,001 to 60,000 sq. ft.
Tier 2	5,001 to 10,000 sq. ft.	Tier 8	60,001 to 70,000 sq. ft.
Tier 3	10,001 to 20,000 sq. ft.	Tier 9	70,001 to 80,000 sq. ft.
Tier 4	20,001 to 30,000 sq. ft.	Tier 10	80,001 to 90,000 sq. ft.
Tier 5	30,001 to 40,000 sq. ft.	Tier 11	90,001 to 100,000 sq. ft.

3. Location and Permits

- A. Marijuana Establishments may be permitted as provided in the following Table of Uses which describes what uses are allowed with issuance of a building permit (B); allowed by Special Permit with Site Plan review (SP); or prohibited (N).

This bylaw references the Overlay District, Section 2B, of the Sandisfield zoning bylaws for Marijuana Retailers and Medical Marijuana Treatment Centers, which is bounded by Route 57 from Silverbrook Road east to Route 8, and Route 8 from New Boston south to the Connecticut line. Marijuana Retailers and Medical Marijuana Treatment Centers must be located within this Overlay District.



Marijuana Establishment Table of Uses		
Establishment Type	Permit	Location
Medical Marijuana Treatment Center	B, SP	Only in Overlay District
Marijuana Independent Testing Facility	B, SP	Only in Overlay District
Marijuana Retailer	B, SP	Only in Overlay District
Marijuana Consumption Facility	N	N
Marijuana Cultivator	B, SP	*

*Subject to the provisions of section 4(B) below.

B. Special Permit Required: No ME shall be operated or expanded without first obtaining a Special Permit from the Town Special Permit Granting Authority (SPGA).

- C. **Site Plan Review:** Applications to operate or expand a ME shall be subject to site plan review as defined in Section 5 of this bylaw. The site plan shall be submitted in conjunction with the Special Permit application and joined to the final approval for the Special Permit.

4. Operating Regulations

- A. **General:** Marijuana Establishments (except as specified for Cultivators) must take place at a fixed location within a fully enclosed building and marijuana products shall not be visible from the exterior of the building. No outside storage of marijuana, related supplies, or educational materials is permitted. Commercial Marijuana Cultivation and Marijuana Establishments are not permitted as a home occupation. Site Plan Review is required for all Marijuana Establishments, including when the facility will reuse an existing structure.

B. Marijuana Cultivator, Setbacks and Location Standards:

Marijuana Cultivator, Setback and Locations Standards		
	Minimum lot size	Setback
Indoor, Tier 1-11	50 acres	250 ft
Outdoor, Tier 1-11	50 acres	250 ft

Setback distance shall be measured in a straight line as the shortest distance between the Marijuana Establishment building and property line.

- C. **Access:** No Marijuana Establishment is permitted to use or provide a drive-through service.
- D. **Signage:** All business signage shall be subject to the requirements of the Sandisfield Zoning Bylaw.
- E. **Ventilation/Odor:** All indoor Marijuana Establishments shall install odor control technology, as necessary, in order to control ventilation at the establishment in such a manner that no odor from marijuana cultivation, its processing or the manufacturing of products can be detected by a person with an unimpaired and otherwise normal sense of smell, to be determined by the Building Inspector or their designee, at any adjoining property. The Operator shall properly maintain all odor mitigation equipment to ensure maximum efficiency. Failure to comply with this section shall result in the revoking of the special permit.
- F. **Security:** The Applicant shall submit a security plan to the Sandisfield Police Department to demonstrate that there is limited burden on the Town public safety officials as a result of the proposed ME. The security plan shall include all security measures for the site and for 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 premises from theft or other criminal activity. A letter from the Sandisfield Police Department to the Select Board acknowledging receipt and approval of such a security plan shall be submitted as part of the Special Permit application and/or Site plan review. All MEs shall provide adequate security measures to ensure that no individual participant will pose a direct threat to the health or safety of other individuals, and that the storage and location of marijuana product is adequately secured in enclosed, locked facilities. Safety plans should mitigate any potential harm to the employees and the public including ensuring all customers and employees are at least 21 years of age.
- G. **Hours:** A Marijuana Retailer shall be open and/or operating to the public only between the hours of 8:00 AM and 8:00 PM, Monday through Sunday, unless otherwise determined by the Select Board.
- H. **Visual Impact:** Marijuana plants, products, and paraphernalia shall not be visible from outside the building in which the ME is located and Marijuana Establishments shall comply with the requirements of 935 CMR 500 with respect to visibility of marijuana and marijuana products.
- I. **Private Clubs:** Clubs, lodges, businesses or other private grounds allowing on-site consumption of marijuana or marijuana products as a principal or accessory use, but not operating as a licensed marijuana social consumption facility, are prohibited.

- J. **Conversion:** The conversion of a Medical Marijuana Treatment Center that is engaged in the cultivation, manufacture or sale of marijuana or marijuana products in Sandisfield to a Marijuana Establishment for adult use (also known as recreational use) engaged in the same type of activity shall require a Special Permit.
- K. **Nuisance:** Marijuana Establishments shall be managed in a manner to protect against nuisance conditions in parking areas, sidewalks, streets, and areas surrounding the premises and at adjacent properties. “Nuisance” includes, but is not limited to, disturbances of the peace, open public consumption of cannabis, pedestrian or vehicular queuing that results in obstruction of sidewalks or public ways, littering, loitering, illegal parking, loud or sustained noises, disturbing lighting or citations for violations of State or local traffic laws and regulations.
- L. **Marijuana Cultivators:** Marijuana Cultivators shall not transfer any marijuana or marijuana products to the site from any other location without express written permission from the SPGA.
- M. **Limitations on Marijuana Retailers:** In the Town of Sandisfield, there shall be no more than two (2) non-medical “marijuana retailer” as defined in M.G.L. c. 94G, §1 as “an entity licensed to purchase and deliver marijuana and marijuana products from Marijuana Establishments and to deliver, sell or otherwise transfer marijuana and marijuana products to Marijuana Establishments and to consumers.”
- N. **Home Deliveries:** All MEs, with the exception of Medical Marijuana Treatment Centers, are prohibited from delivering marijuana or marijuana products to consumers’ homes.
- O. **Design Guidelines for Cultivation:**
 - 1) **Screening.** The Marijuana Establishment shall be screened year-round with dense native vegetation or security fencing from all adjoining properties and public and private ways.
 - 2) **Vegetation Clearing.** The clearing of vegetation shall be limited to that which is necessary for the construction, operation, maintenance, modification and removal of the ME.
 - 3) **Habitat Fragmentation.** All MEs shall to the fullest extent practicable be clustered and located in or adjacent to areas of the site where the land has already been cleared to avoid habitat fragmentation.
- P. **Inspections:** Any operating Marijuana Establishment within the Town may be inspected annually and/or in response to any reasonable complaint, by the Building Inspector, the Fire Chief, the Police Department, or their designee(s), to ensure compliance with this Section and with any conditions imposed by the SPGA as a condition of the Special Permit approval. The reasonable costs of such inspections shall be borne by the Operator, including periodic independent measurements of sound levels and/or laboratory analysis of any effluents, odor emissions or other discharges into the environment.

5. Citizen Sub-Committee

The Select Board shall create a representative group of 3-5 members consisting of full and part-time residents to advise the SPGA.

6. Special Permit Application Procedures

The Select Board shall be the Special Permit Granting Authority (SPGA) for all Marijuana Establishments.

- A. A Marijuana Establishment may be allowed in locations set forth in above zoning table by Special Permit from the Select Board in accordance with M.G.L. c.40A, §9, subject to the procedures, regulations, requirements, conditions and limitations set forth herein. Only an Applicant who has obtained a Provisional License or Provisional Certificate of Registration from the Cannabis Control Commission issued pursuant to M.G.L. c. 94G and 935 CMR 500 et. seq., or M.G.L. c.94I and 935 CMR 501 et. Seq., is eligible to apply for a Special Permit pursuant to this Article.
- B. Applicants for a Special Permit pursuant to this Article are strongly encouraged to meet with the SPGA at a public meeting to discuss the proposed application for a new ME and to discuss in general terms the proposed ME prior to the formal submission of an application.
- C. In addition to the standard Special Permit Application form, Site Plan Review of the Zoning Bylaw, an Applicant for a Special Permit under this Article shall also submit the following:
 - 1) The name, address and contact information of each owner and operator of the Marijuana Establishment. Where the owner is a business entity, the names and address of each Controlling Person, as defined in 935 CMR 500.002 shall be provided.

- 2) A copy of the final, executed Host Community Agreement ("HCA") between the Applicant and the Town of Sandisfield, as well as any Provisional License or Provisional Certificate of Registration from the Cannabis Control Commission pursuant to 935 CMR 500 or 935 CMR 501.
- 3) A written description of the status of its application to the Cannabis Control Commission relative to the Marijuana Establishment at issue, or a copy of such license, as applicable.
- 4) A list of any waivers of regulations that the Applicant seeks to obtain from the Cannabis Control Commission, or a copy of any such waivers that the Commission has issued to the Applicant, as applicable.
- 5) Copies of all policies and procedures approved by the Cannabis Control Commission including without limitation the ME's operating and safety procedures, or copies of such policies and procedures that the Applicant intends to submit to the Commission, as applicable.
- 6) For applications for a Non-Retail ME, information demonstrating that the Applicant has considered the following factors in its design and its operating plan:
 - i. Identification of potential energy use reduction opportunities (such as natural lighting and energy efficiency measures), and a plan for implementation of such opportunities;
 - ii. Identification of opportunities for renewable energy generation, including, where applicable, submission of building plans showing where energy generators could be placed on the site, and an explanation of why the identified opportunities were not pursued, if applicable;
 - iii. Strategies to reduce electric demand (such as lighting schedules, active load management, and energy storage);
 - iv. Engagement with energy efficiency programs offered pursuant to M.G.L. c.25, §21;
 - v. Odor control technology;
 - vi. Sound mitigation measures that minimize increases in ambient sound levels, including variable frequency drives to reduce fan speeds and fan sound when feasible and/or installing fan treatments (e.g., silencers or acoustically lined plenums);
 - vii. Strategies and systems to minimize the use of chemical fertilizers, pesticides, herbicides, fungicides, plastics and other synthetic toxins; and
 - viii. Water reclamation systems or other technology to reduce water usage and runoff.
 - ix. A submitted lighting plan should include best management practices for minimizing negative impact to the night sky.
- 7) The approximate quantity and source or sources of all marijuana and marijuana products that will be cultivated, processed, manufactured, packaged, transported, tested, studied or sold at the proposed ME, as applicable.
- 8) A written statement confirming that no marijuana or marijuana products will be smoked, burned, or consumed on the premises as part of the cultivation, manufacturing, testing or researching operations, as applicable, or a statement explaining how any such uses have been authorized by the Cannabis Control Commission.
- 9) If applicable, a copy of the Applicant's Articles of Organization, a current Certificate of Legal Existence from the Commonwealth, and the most recent annual report.
- 10) Copies of all licenses and permits issued to the Applicant by the Commonwealth of Massachusetts and any of its agencies, other than those specified in sub-section (2) above.
- 11) Proof of liability insurance.
- 12) Evidence that the Applicant has site control and the right to use the proposed site as a Marijuana Establishment. Such evidence shall be in the form of a deed, purchase and sale agreement, lease, or other legally binding document.
- 13) The Site Plan shall clearly show:
 - i. A topographic map of the property with elevations marked;
 - ii. The extent of tree removal, and vegetation to be removed or altered, and landscaping or native vegetation for screening;

- iii. The amount of site grading, with estimates of fill to be removed from or brought to the site;
- iv. Drainage mitigation for new impervious areas;
- v. The visual impact of the building(s) relative to surrounding areas;
- vi. A traffic assessment (daily, weekly, annually) of passenger and transport vehicles;
- vii. Impact to ground water and streams, including sources and estimated quantities of all water to be used by the establishment, and descriptions and quantities of all effluents produced;
- viii. The type, extent and duration of exterior lighting.
- ix. Delineation of all wetland resources and associated buffer areas.
- x. Locations of rare, threatened or endangered species existing on the site.
- xi. Engineering controls at the site and on the access road to control erosion and sedimentation both during construction and after construction as a permanent measure. Such engineering controls shall conform to the Massachusetts Department of Environmental Protection's Stormwater Policy.

All plans and maps shall be prepared, stamped and signed by a Professional Engineer licensed to practice in the Commonwealth of Massachusetts.

- 14) In addition to what is otherwise required to be shown on a site plan the Applicant shall provide security details to the Sandisfield Police Department showing all exterior proposed security measures for the premises, including but not limited to lighting, fencing, gates and alarms to ensure the safety of employees and patrons and to protect the premises from theft or other criminal activity. The Sandisfield Police Department will issue their review on such security measures to the Sandisfield Planning and Select Boards. For confidentiality and security reasons, these security measures will only be submitted to and reviewed by the Sandisfield Police Department, who may only consult with the Sandisfield Fire Department on pertinent items as needed.
- 15) The site plan shall further delineate various areas of the Marijuana Establishment (indoors and outdoors) such as public access areas, employee only access areas, storage, cultivation, preparation, waste disposal, administrative, transportation, loading and parking areas. Site plans and/or application narrative shall contain sufficient information so that the SPGA can evaluate the design and operational standards contained in this Article, provided however that information pertaining to the safety and security of the building and persons employed therein shall be kept confidential to the extent permitted by law.
- 16) Certification to the SPGA that the Applicant has filed copies of the Special Permit application as required by Section D.

- D. Upon the filing of the Special Permit application with the SPGA, the Applicant shall simultaneously deliver copies (excepting item #14) of the application to the Planning Board, the Building Inspector, the Board of Health, the Police Department and the Fire Department. The SPGA may waive documentary or copy requirements as it deems appropriate.
- E. **Technical Review.** Upon receipt of an application for a Marijuana Establishment, the SPGA may engage professional and technical consultants, at the Applicant's expense, pursuant to M.G.L. Chapter 44 § 53G to assist the Select Board with its review of application materials. The SPGA may direct the Applicant to deposit funds with the SPGA for such review at the time the application is accepted and to add additional funds as needed upon notice. Failure to comply with this section shall be grounds for denying the Special Permit application. Upon the approval or denial of the application, any excess amounts in the account attributable to the application process, including any interest accrued shall be refunded to the Applicant.

7. Special Permit Requirements

Applications shall be submitted in accordance with the Select Board's Special Permit Regulations. The fee for an ME Special Permit is \$1/sq. ft., except that the fee for a Special Permit for marijuana cultivation only is \$.10/sq. ft. In addition to the Special Permit approval criteria for the applicable zoning district and the Select Board's Special Permit Regulations, the Select Board shall find that the proposed use meets the requirements of this section and the specific requirements as described below:

- A. The Marijuana Establishment is fully permitted by all applicable agencies within the Commonwealth of Massachusetts and is in compliance with all State laws and regulations; provided, however, that issuance of a valid license pursuant to M.G.L. c.94G or Certificate of Registration pursuant to M.G.L. c.94I may be a condition of the Special Permit.
- B. The proposed use is designed to minimize any adverse impacts on the residents of the Town;
- C. For a Marijuana Retailer, there shall be a secure indoor area for all customers.
- D. The Marijuana Establishment adequately addresses issues of vehicular and pedestrian traffic, circulation and parking, especially during peak periods at the facility, and adequately mitigates the impacts of vehicular and pedestrian traffic on neighboring uses.

8. Special Permit Conditions

- A. The SPGA shall include conditions concerning the following in any Special Permit granted pursuant to this Article:
 - 1) Hours of operation.
 - 2) The submission of a copy of the Final License or Certificate of Registration from the Cannabis Control Commission with the SPGA and the Building Inspector prior to the issuance of a building permit, certificate of occupancy, or commencement of use, whichever occurs first.
 - 3) The reporting of any incidents to the Building Inspector as required pursuant to 935 CMR 500.110(7) within 24 hours of their occurrence. Such reports may be redacted as necessary to comply with any applicable state or federal laws or regulations.
 - 4) The reporting to the Building Inspector of any cease-and-desist order, quarantine order, suspension order, limiting sales order, notice of hearing or final action by the Cannabis Control Commission or the Division of Administrative Law Appeals, as applicable, regarding the ME within 48 hours of the Applicant's receipt.
 - 5) Copies of all reports submitted to any state agency, including, but not limited to, the reports required by 935 CMR 500.105(10)(d) describing the establishment's liability insurance coverage and the annual security system audits required by 935 CMR 500.110(8) shall be submitted to the SPGA within 5 business days of submission to the State. Such reports may be redacted as necessary to comply with any applicable state or federal laws or regulations.
 - 6) Documentation to the SPGA that each ME Agent has completed training regarding the proper handling of marijuana prior to performing job functions. Such documentation must be provided to the Board within 5 business days of the completion of such training. Annually, the ME shall provide documentation to the SPGA that all ME Agents have received at least eight hours of ongoing training.
- B. In addition to compliance with M.G.L. c.94G, and 935 CMR 500 and M.G.L. c.94I and 935 CMR 501, the SPGA may impose reasonable conditions to improve site design, traffic flow, public safety, water quality, air quality, protection of significant environmental resources and the preservation of community character of the surrounding area including, without limitation, the following:
 - 1) Minimization of the impacts of increased noise and traffic.
 - 2) Minimization of the impacts of any odors or noise generated from the facility.
 - 3) Deterring the presence of unauthorized or ineligible persons at, or near, the Marijuana Establishment.
 - 4) Imposition of measures to prevent diversion of marijuana and marijuana products.
 - 5) Conditions related to the design and construction of the facility to improve safety, security and conformance with community character.
 - 6) Conditions, consistent with the State Building Code, relating to energy efficiency and conservation.
- C. A Special Permit issued pursuant to this Article shall also be subject to the following conditions:
 - 1) Prior to the commencement of the operation or services provided by any ME, it shall provide in writing to the Chief of Police and Town Manager the names, phone numbers and email addresses of all management staff, key-holders, and a minimum of two (2) contact persons to whom complaints or inquiries associated with the ME shall be directed. All such contact information shall be updated as needed to keep it current and accurate. The Town Manager shall provide this information to the Board of Health, Fire Department, Building Inspector and the Select Board. The owner or manager of an ME is

required to respond by phone or email within twenty-four hours of being contacted by a duly-authorized Town official concerning their ME. Such contact will be made to the phone number or email address provided to the Town as the contact for the ME.

- 2) Special Permits shall be limited to the original Applicant(s) and shall expire on the earliest date of either:
 - i. the cessation of operation of the ME by the Special Permit holder, or
 - ii. any revocation, expiration or termination of an Applicant's license from the Cannabis Control Commission, or
 - iii. any change in the Company's ownership, including without limitation a takeover, merger, sale of assets and equity, sale to another entity for which the original Applicant and/or the individuals defined as Controlling Persons do not maintain a controlling equity interest or other change in ownership. [Any change in ownership requires a new Special Permit or modification of the existing permit for the succeeding owner of the ME.], or
 - iv. five (5) years from the date of issue. If the Applicant wishes to renew the Special Permit, an application to renew must be submitted at least 120 days prior to the expiration of the Special Permit.
- 3) The holder of a Special Permit shall annually file an affidavit with the Building Inspector demonstrating that it is in good standing with respect to its license from the Cannabis Control Commission and any other applicable State licenses.
- 4) The Operator shall notify the SPGA within 20 days of any projected or actual increase in the number of employees, amount of traffic, use of energy, or extent of tree removal, grading, drainage or lighting beyond that specified in the Site Plan submitted as part of the Special Permit Application.
- 5) The Operator shall notify the SPGA and the Conservation Commission within 20 days of any increase over 10% in projected or actual water use, and of any projected use of fertilizer, pesticide, herbicide or fungicide, whether organic or not, by the facility, beyond that specified in the Site Plan submitted as part of the Special Permit Application.
- 6) The Operator shall maintain the facility in good condition. Maintenance shall include, but not be limited to, painting, structural repairs, and integrity of security measures. Site access shall be maintained to a level acceptable to the local Fire Chief and Emergency Medical Services.
- 7) Prior to construction, Applicants seeking to construct an ME shall provide a form of surety to cover the cost of removal and restoration of the site in the event the site is abandoned. The amount and form of surety shall be determined by the Select Board, but in no event shall the amount exceed one hundred and twenty-five (125%) percent of the cost of removal. Applicants shall submit a fully inclusive cost estimate, which accounts for inflation, of the costs associated with the removal of the ME prepared by a qualified engineer. Said cost estimate shall be reviewed by the Applicant, or their successor, every 5 years from the date of the final installation and adjusted as necessary. This updated cost estimate shall be transmitted to the Select Board.
- 8) The holder of a Special Permit shall notify the Building Inspector and the SPGA in writing within 48 hours of the cessation of operation of the ME or the revocation, expiration or termination of the permit holder's license from the Cannabis Control Commission.

9. Abandonment & Removal

- A. A Marijuana Establishment shall be deemed abandoned when the Marijuana Establishment has not been in operation for a period of twelve (12) months.
- B. After twelve (12) months of non-operation, the Building Inspector shall provide written notification to the Operator that such Marijuana Establishment is presumed to be abandoned. The Operator has thirty (30) days to rebut the presumption of abandonment by submitting evidence to the Building Inspector that the Marijuana Establishment has been in operation during the relevant twelve (12) month period.
- C. If the Operator does not respond within the thirty (30) day appeal period or does not submit evidence that, in the discretion of the Building Inspector, proves that the Marijuana Establishment has been in operation for the relevant twelve (12) month period, then the Marijuana Establishment shall be deemed abandoned. The Building Inspector shall provide written notification of abandonment to the Operator.
- D. The Operator of the Marijuana Establishment shall remove all traces of marijuana and marijuana products from the Marijuana Establishment and restore the site or transfer it to another owner within one hundred eighty (180) days of the date of the written notification of abandonment. If

the Operator fails to remove all traces of marijuana and marijuana products and restore or transfer the ME within one-hundred eighty (180) days, the Town shall have the right, to the extent it is duly authorized by law, to enter onto the site and remove all traces of marijuana and marijuana products, and, if deemed necessary by the Select Board, to physically remove the Marijuana Establishment and restore the site at the sole expense of the Operator, using the surety provided in section 7C, §7. Any excess amounts in the surety account, including any interest accrued, shall be refunded to the Operator.

10. Severability

The provisions of this bylaw are severable. The invalidity of any section, sub-section, paragraph, sentence, clause, phrase or word of this Bylaw shall not be held to invalidate any other section, sub-section, paragraph, sentence, clause, phrase or word of this Bylaw.

Motion made and appropriately seconded

Motion made to amend Setback and Location Standards

Minimum Lot size of 50 acres changed to 20 acres - a decrease of 30 acres

Setback of 250' changed to 100' - a decrease of 150'

Amendment did not pass

ARTICLE 20: passed with 2/3 vote

ARTICLE 21: To see if the town will vote to replace Chapter 2, Section 4 of the Town Bylaw with the following wording, or to take any other action thereon:

The Selectmen shall cause the Annual Town Report to be printed and made available in the Library and Town Offices and also posted on the Town Website by March 1 of the following year. By the first business day following March 1, a mailer shall be sent to all residents as a reminder that the Annual Town Report is on the Website and in print at the Library and Town Offices, and may also optionally be mailed upon request in writing.

Motion made and appropriately seconded

ARTICLE 21: passed unanimously

ARTICLE 22: To see if the town will vote to authorize the town clerk to make non-substantive changes to the bylaws, or to take any other action thereon.

Motion made and appropriately seconded

ARTICLE 22: passed with majority

ARTICLE 23: CITIZEN PETITION To see if the town will vote to amend the Regional School District Agreement between the Towns of Otis, Massachusetts and Sandisfield, Massachusetts, consistent with its stipulated procedures for its amendment, by adding to that agreement the following provision: *"All motions on Committee business shall be decided by a majority vote of the quorum in attendance, unless otherwise required by law, provided that at least one Committee member from each town votes on the prevailing side of any such motion. This should apply to setting the agendas for future meetings as well,"* or take any other action thereon.

Motion made and appropriately seconded

ARTICLE 23: passed unanimously

A True Copy Attest:



Douglas T. Miner

Town Clerk