

**TOWN OF HADLEY  
ANNUAL TOWN MEETING WARRANT  
May 2, 2019**

**Hampshire, ss.**

To the Constable of the Town of Hadley in the County of Hampshire:

**GREETINGS:**

In the name of the Commonwealth of Massachusetts, you are hereby required to notify and warn the inhabitants of said Town qualified to vote in Elections and Town affairs to meet in Hopkins Academy on Thursday, the second day of May 2019 at 7:00 p.m. to act on the following articles:

**Article 1**

To see if the Town will vote to authorize the Select Board to apply for and expend Massachusetts Small Cities Program grants or monies, or any Federal or State grants or monies, received as set forth in the appropriate application, or take any action relative thereto.

Finance Committee recommends 4-0-0  
Select Board recommends 5-0-0

**Article 2**

To see if the Town will vote to appropriate funds provided to the Town by the State under Chapter 90 Type money and such other funds as the Commonwealth of Massachusetts Department of Transportation may provide, and to authorize the Select Board to enter into contracts with Commonwealth of Massachusetts Highway Division for Chapter 90 Type money allocated to the Town by the State, or take any action relative thereto.

Finance Committee recommends 4-0-0  
Select Board recommends 5-0-0

**Article 3**

To see if the Town will vote to authorize the Treasurer with the approval of the Select Board, to borrow money from time to time in anticipation of the revenue of the fiscal year beginning July 1, 2019 in accordance with the provisions of the Massachusetts General Laws, Chapter 44, Section 4 and to issue a note or notes therefor, payable within one year, and to renew any note or notes as may be given for a period of less than one year, in accordance with Massachusetts General Laws, Chapter 44, Section 17, or take any action relative thereto.

Finance Committee recommends 4-0-0  
Select Board recommends 5-0-0

**Article 4**

To see if the Town will vote to lower the borrowing authorization as follows:

Meeting	Description	Account Number	Original Authorized Borrowing Amount	Amended Authorized Borrowing Amount
STM 2018	Vehicle	30-241-5851-301001	\$30,000	\$28,226.75

Or take any action relative thereto.

Finance Committee recommends 4-0-0  
Select Board recommends 5-0-0

**Article 5**

To see if the Town will vote to transfer **\$26,000.00** from Water Reserves to the Water Plant Filtration Stabilization fund as per the provisions of MGL Chapter 40, Section 5B, for the purpose of repairing and replacing water plant filtration membranes and associated expenses, or take any votes in relation thereto.

Finance Committee recommends 4-0-0  
Select Board recommends 5-0-0

**Article 6**

To see if the Town will vote to act on the report of the Community Preservation Committee on the fiscal year 2020 budget and to reserve for later appropriation the following sums of money from the Community Preservation Fund estimated annual revenues:

Open Space Preservation	\$25,000.00
Historic Preservation	\$25,000.00
Housing	\$25,000.00

and appropriate the sum of **\$2,000.00** from the Community Preservation Fund estimated FY2020 annual revenues for all necessary and proper expenses of the Community Preservation Committee for the year, and further to appropriate from the Community Preservation Fund a sum or sums of money for Community Preservation projects or purposes as may be recommended by the Community Preservation Committee, or take any action relative thereto.

Community Preservation Act Committee recommends 8-0-0  
Finance Committee recommends 4-0-0  
Select Board recommends 5-0-0

**Article 7**

To see if the Town will vote to rise and appropriate, transfer from funds available, transfer from water reserves, or otherwise provide **\$1,468.00** to pay for prior year construction costs associated with the Route 9 water line replacement project, and further to raise and appropriate, transfer from available funds, or otherwise provide **\$567.50** to fund a prior year payroll for the Zoning Board of Appeals, or take any action relative thereto.

Finance Committee recommends 4-0-0  
Select Board recommends 5-0-0

**Article 8**

To see if the Town will raise and appropriate or transfer from available funds, a sum of money, for the maintenance and operation of the town in fiscal year 2020 as recommended by the Finance Committee, including debt and interest, and to fix the salary of all elected officials, including, if appropriate, Select Board, Town Clerk, Town Collector, Town Assessors, Town Constables, Board of Health, Elector under the Oliver Smith Will, Planning Board and Park and Recreation Commission, and to provide a reserve fund, or take any action relative thereto.

Finance Committee recommends 4-0-0  
Select Board recommends 5-0-0

**Article 9**

To see if the Town will raise and appropriate or transfer from available funds, a sum of money, for the salaries, expenses, and debt, and to provide a reserve fund, for the Wastewater Division Enterprise Fund, the Water Division Enterprise Fund, and the Hadley Media Enterprise Fund for the ensuing fiscal year, such sums of money to be offset by revenues of the Wastewater Division Enterprise Fund, the Water Division Enterprise Fund, and the Hadley Media Enterprise Fund received during fiscal year 2020, or take any action relative thereto.

Finance Committee recommends 4-0-0  
 Select Board recommends 5-0-0

**Article 10**

To see if the Town will vote to raise and appropriate, transfer from funds available, transfer from Free Cash, authorize the Treasurer to borrow, **\$375,050.00** for the following capital projects:

<b>Department</b>	<b>Project</b>	<b>Expense</b>	<b>Source</b>
Select Board	Capital Asset Schedule	\$6,550	Borrow
DPW	Cleaning & Repair Ditches	\$100,000	Borrow
DPW	Skid Steer	\$75,000	Borrow
DPW	Hot Box Unit	\$30,000	Borrow
DPW	Mini-Excavator	\$60,000	Borrow
DPW	Cleaning Well #2	\$40,000	Water Reserves
DPW	Septage Truck Added	\$40,000	Sewer Impact
DPW	Computers	\$6,000	Water Reserves/Sewer Reserves/Raise and Appropriate
Town Clerk	Voting Booths	\$7,000	Borrow
Select Board	Furniture	\$10,500	Borrow

Or take any action relative thereto.

Capital Planning Committee recommends 4-0-0, except for the DPW ditches, skid steer, hot box, and mini-excavator, which is recommended 3-1-0

Finance Committee recommends all but the ditch cleaning, skid steer, hot box unit, and mini-excavator 4-0-0.

Select Board recommends 5-0-0

**Article 11**

To see if the Town will vote to amend Chapter 86, Section 86-9, relating to tax liens revolving funds as administered by the Treasurer, by increasing the annual expenses allowed from \$5,000 to \$7,500 and increasing the maximum allowable balance as of June 30 from \$10,000 to \$12,000 as shown below:

<b>Title</b>	<b>Responsible Department</b>	<b>Purpose</b>	<b>Source of Funds</b>	<b>Annual Expenses Allowed</b>	<b>Maximum Allowable Balance as of June 30</b>
Tax Liens	Treasurer	Underwrite legal expenses associated with collecting tax liens	Fines and Fees associated with collecting tax liens	\$7,500	\$12,000

Or take any action relative thereto.

Finance Committee recommends 4-0-0  
 Select Board recommends 5-0-0

**Article 12**

To see if the Town will vote to accept the provisions of MGL Chapter 200A, Section 9A relating to the disposition of unclaimed property, or take any action relative thereto.

Finance Committee recommends 4-0-0  
Select Board recommends 5-0-0

**Article 13**

To see if the Town will vote to raise and appropriate, transfer from funds available, or otherwise provide **\$19,000.00** to add to the Police Detail Revolving Fund established under MGL Chapter 44, Section 53C, or take any action relative thereto.

Finance Committee recommends 4-0-0  
Select Board recommends 5-0-0

**Article 14**

To see if the Town will vote to appropriate **\$210,000.00** from the Community Preservation General Fund for the purpose of acquiring an agricultural preservation restriction (APR) on all or a portion of the parcel of property known as the Szala Farm (Assessors Map 12D, Parcel 8; Assessors Map 13, Parcel 49), and the authorize the Select Board to enter into such agreements on behalf of the Town as may be necessary for the Town to be a co-holder of said APR. Conditions include: The applicant would have 2 years to spend the funding, and if not spent, any remaining funds would revert back to CPA General Fund.

Or take any action relative thereto.

Community Preservation Act Committee recommends 8-0-1  
Finance Committee recommends 4-0-0

**Article 15**

To see if the Town will vote to transfer **\$56,590.00** from Transfer of Development Rights and to transfer **\$93,410.00** from Conservation Land Fund for the purpose of acquiring an agricultural preservation restriction (APR) on all or a portion of the parcel of property known as the Szala Farm (Assessors Map 12D, Parcel 8; Assessors Map 13, Parcel 49), and the authorize the Select Board to enter into such agreements on behalf of the Town as may be necessary for the Town to be a co-holder of said APR, or take any action relative thereto.

Finance Committee recommends 4-0-0  
Select Board recommends 5-0-0

**Article 16**

To see if the Town will vote to appropriate **\$83,091.00** from the CPA General Fund for the purpose of acquiring an agricultural preservation restriction (APR) on all or a portion of the parcel of the property known as the Niedbala Farm (Assessors Map 4F, Parcel 15), and to authorize the Select Board to enter into such agreements on behalf of the Town as may be necessary for the Town to be a co-holder of said APR. Conditions include: The applicant would have 2 years to spend the funding, and if not spent, any remaining funds would revert back to CPA General Fund.

Or take any action relative thereto.

Community Preservation Act Committee recommends 9-0-0  
Finance Committee recommends 4-0-0

**Article 17**

To see if the Town will vote to transfer **\$20,773.00** from the Transfer of Development Rights Fund for the purpose of acquiring an agricultural preservation restriction (APR) on all or a portion of the parcel of the property known as the Niedbala Farm (Assessors Map 4F, Parcel 15), and to authorize the Select Board to enter into such agreements on behalf of the Town as may be necessary for the Town to be a co-holder of said APR, or take any action relative thereto.

Finance Committee recommends 4-0-0

Select Board recommends 5-0-0

**Article 18**

To see if the Town will vote to transfer **\$500.00** to the Historical Commission to fund an inspection and preservation plan for two historic 1740-era maps of Hadley. Funding would come from the Historical Set Aside Fund. Conditions include: The applicant would have 2 years to spend the funding, and if not spent, any remaining funds would revert back to CPA Historical Set Aside Fund.

Or take any action relative thereto.

Community Preservation Act Committee recommends 9-0-0

Finance Committee recommends 4-0-0

**Article 19**

To see if the Town will vote to transfer **\$32,000.00** to the Hadley Park and Recreation Department for work as proposed on application dated 1/9/19 for finishing construction of Zatyрка Park. Funding would come from the CPA General Fund. Conditions include: The applicant would have 2 years to spend the funding, and if not spent, any remaining funds would revert back to CPA General Fund.

Or take any action relative thereto.

Community Preservation Act Committee recommends 7-1-1

Finance Committee recommends 4-0-0

**Article 20**

To see if the Town will vote to transfer **\$1,517.00** to the Friends of Lake Warner per the application as amended 1/17/19 to construct a boardwalk on conservation land boarding Lake Warner. Funding would come from the CPA General Fund. Conditions include: The applicant would have 2 years to spend the funding, and if not spent, any remaining funds would revert back to CPA General Fund.

Or take any action relative thereto.

Community Preservation Act Committee recommends 6-2-1

Finance Committee recommendation pending

**Article 21**

To see if the Town will vote to transfer **\$810.00** to the Friends of Lake Warner per the application dated 12/29/18 for water testing of Lake Warner for conservation purposes. Funding would come from the CPA General Fund. Conditions include: The applicant would have 2 years to spend the funding, and if not spent, any remaining funds would revert back to CPA General Fund.

Or take any action relative thereto.

Community Preservation Act Committee recommends 8-0-1

Finance Committee recommends 4-0-0

**Article 22**

To see if the Town will vote to transfer **\$185,000.00** to the Hadley School Committee/School Department for Phase 1 of improvements of the Hopkins Academy playing fields per the proposal dated 12/18/18. Funding would come from the CPA General Fund. Conditions include: The applicant would have 2 years to spend the funding, and if not spent, any remaining funds would revert back to CPA General Fund.

Or take any action relative thereto.

Community Preservation Act Committee recommends 8-0-1  
Finance Committee recommends 4-0-0

**Article 23**

To see if the Town will vote to authorize the Hadley Select Board to grant a nonexclusive utility easement to NStar Electric Company (doing business as Eversource Energy) over a portion of town-owned land identified as Parcel 41-32 known as 46 Middle Street, and to allow NStar Electric Company (doing business as Eversource Energy) to utilize the Town’s interest in the easement described in the Easement Relocation Agreement recorded at Book 13130, Page 102 in the Hampshire County Registry of Deeds for purposes of a nonexclusive utility easement, or take any action relative there to.

Select Board recommends 5-0-0

**Article 24**

To see if the Town will vote to authorize the Select Board to petition the General Court to release land protected under Article 97 of the Amendments to the Constitution of the Commonwealth of Massachusetts, said land located at 239 River Drive, adjacent to North Hadley Hall and acquired by the Town pursuant to a February 7, 1916 vote of Hadley Town Meeting, or take any action relative thereto.

Select Board recommends 4-0-1

**Article 25**

To see if the Town will vote to designate Zatyрка Park, located at the intersection of Huntington Road and Breckenridge Road, as recreational land, or take any action relative thereto.

Select Board recommends 4-0-1

**Article 26**

To see if the Town will vote to amend the General Bylaws by amending Chapter 162, Article V, entitled Public Consumption of Marijuana and Tetrahydrocannabinol by replacing the existing Chapter 162, Article V with the following:

Article V: Public Consumption of Marijuana or Tetrahydrocannabinol Prohibition

162-16 Prohibited acts

No person shall smoke, inject, burn, vaporize, inhale, ingest, or otherwise use or consume marijuana or marijuana products (as those terms are defined in G.L. c. 94C, § 1, as amended) while in or upon any public place, including but not limited to any sidewalk, public way or any way to which the public has a right of access, footway, passageway, stairs, bridge, park, playground, beach, recreation area, boat landing, public building, schoolhouse, school grounds, cemetery, parking lot, or any area owned by, leased or occupied by or otherwise under the control of the Town; or any place to which members of the public have access as invitees or licensees, or in or upon any bus or other passenger conveyance operated by a common carrier; or in any other place accessible to the public; provided however that this bylaw shall not be construed to limit the medical use of marijuana.

No person shall, upon any way or in any place to which the public has a right of access, or upon any way or in any place to which members of the public have access as invitees or licensees, or any area owned, leased or occupied by or otherwise under the control of the Town of Hadley, possess an open container of marijuana or marijuana products in the passenger area of any motor vehicle. For purposes of this section, "open container" shall mean that the package containing marijuana or marijuana products has its seal broken or from which the contents have been partially removed or consumed and "passenger area" shall mean the area designed to seat the driver and passengers while the motor vehicle is in operation and any area that is readily accessible to the driver or passenger while in a seated position; provided however that the passenger area shall not include a motor vehicle's trunk, locked glove compartment or the living quarters of a house coach or house trailer, or if a motor vehicle is not equipped with a trunk, the area behind the last upright seat or an area not normally occupied by the driver or passenger.

**162-17 Enforcement and Penalties**

This bylaw shall be enforced through any lawful means in law or in equity including, but not limited to, enforcement by a noncriminal disposition pursuant to G.L. c. 40, § 21D, or by any police officer. The fine for violation of this bylaw shall be three hundred dollars (\$300) for each offense. Any penalty imposed under this bylaw shall be in addition to any civil penalty imposed under G.L. c. 94C, § 32L.

This bylaw shall not alter or affect the jurisdiction of the Board of Health under the provisions of G.L. c.111, §31 or any other applicable law, including but not limited to the regulation of combustion and inhalation of tobacco and non-tobacco products in workplaces and public spaces in the Town.

**162-18 Severability**

In the event that any provision, section or clause of this bylaw is hereafter found to be invalid, such decision, invalidity or voidance shall not affect the validity of the remaining portion of this bylaw.

Or take any action relative thereto.

Select Board recommends 4-1-0

**Article 27**

To see if the Town will vote to amend the Hadley Zone Bylaw Section III, subsection 3.1 by adding the following to the TABLE OF USES:

In the Table of Uses, the following use designations shall apply:

SPA: Use permitted with Site Plan Approval, issued by the Planning Board.

SPB: Use permitted with Special Permit, issued by the Planning Board.

Use	DISTRICT					
	R	AR	LoB	LiB	B	I
<b>COMMERCIAL/RETAIL</b>						
Craft Marijuana Cooperative	N	N	N	N	SPB/SPA	SPB/SPA
Marijuana Cultivator (Tiers 2-6)	N	N	N	N	SPB/SPA	SPB/SPA
Marijuana Cultivator (Tiers 7-11)	N	N	N	N	N	SPB/SPA
Marijuana Cultivator (Tier 1 only)	N	SPB/SPA	SPB/SPA	SPB/SPA	SPB/SPA	SPB/SPA
Marijuana Retailer	N	N	N	N	SPB/SPA	SPB/SPA
Marijuana Independent Testing Laboratory	N	N	N	N	N	SPB/SPA

Marijuana Microbusiness	N	N	N	N	SPB/SPA	SPB/SPA
<b>INDUSTRIAL/ MANUFACTURING</b>						
Marijuana Research Facility	N	N	N	N	N	SPB/SPA
Marijuana Product Manufacturer	N	N	N	N	N	SPB/SPA
Marijuana Transporter	N	N	N	N	N	SPB/SPA
any other type of licensed marijuana-related business, except a medical marijuana treatment center	N	N	N	N	N	SPB/SPA

and vote to amend the Zone Bylaw by adding a new SECTION XXX as follows:

**Section XXX ADULT USE MARIJUANA ESTABLISHMENTS**

**30.1. Purposes**

The purpose of this bylaw is to allow for the siting of state-licensed Marijuana Establishments in appropriate locations in accordance with applicable state laws and regulations regarding adult use marijuana state law including, but not limited to M.G.L. c.94G and 935 CMR 500.00, and to impose reasonable safeguards to govern the time, place and manner of Marijuana Establishments to ensure public health, safety, well-being and mitigate against undue impacts on the natural and built environment of the town and its residents.

**30.2. Definitions**

Where not expressly defined herein, terms used in this bylaw shall be interpreted as defined in the regulations governing Adult Use of Marijuana (935 CMR 500.000) and otherwise by their plain language.

Cannabis or Marijuana or Marihuana: All parts of any plant of the genus Cannabis, not excepted in 935 CMR 500.002: Cannabis or Marijuana or Marihuana(a) through (c) and whether growing or not; the seeds thereof; and resin extracted from any part of the plant; clones of the plant; and every compound, manufacture, salt, derivative, mixture or preparation of the plant, its seeds or resin including tetrahydrocannabinol as defined in M.G.L. c. 94G, § 1; provided that cannabis shall not include:

- (a) 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; or
- (b) hemp; or
- (c) the weight of any other ingredient combined with cannabis or marijuana to prepare topical or oral administrations, food, drink or other products.

Cannabis or Marijuana Products: Cannabis or marijuana and its products unless otherwise indicated. These include products have been manufactured and contain cannabis or marijuana or an extract from cannabis or marijuana, including concentrated forms of marijuana and products composed of marijuana and other ingredients that are intended for use or consumption, including edible products, beverages, topical products, ointments, oils and tinctures.

Ceases to Operate: Marijuana Retailer closes and does not transact business for a period greater than 60 days with no substantial action taken to reopen.



Commission: The Massachusetts Cannabis Control Commission established by M.G.L. c. 10, § 76, or its designee.

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.

Hemp: The plant of the genus Cannabis or any part of the plant, whether growing or not, with a delta-9-tetrahydrocannabinol concentration that does not exceed 0.3% on a dry weight basis of any part of the plant of the genus Cannabis, or per volume or weight of cannabis or marijuana product, or the combined percent of delta-9-tetrahydrocannabinol and tetrahydrocannabinolic acid in any part of the plant of the genus Cannabis regardless of moisture content.

Host Community Agreement: An agreement, pursuant to General Laws, Chapter 94G, Section 3(d), between a Marijuana Establishment and a municipality.

Licensee: A person or entity licensed by the Commission to operate a Marijuana Establishment under 935 CMR 500.000.

Manufacture: To compound, blend, extract, infuse or otherwise make or prepare a cannabis or marijuana product.

Marijuana Cultivation: The use of land and/or buildings for planting, tending, improving, harvesting, processing and packaging, the preparation and maintenance of soil and other media and promoting the growth of marijuana by an adult use marijuana cannabis cultivator, micro-business, research facility, craft marijuana cultivator cooperative, or other entity licensed by the Cannabis Control Commission for marijuana cultivation.

Marijuana Cultivator: An entity licensed to cultivate, process and package marijuana, and to transfer marijuana to other Marijuana Establishments, but not to consumers. A Craft Marijuana Cooperative is a type of Marijuana Cultivator.

Marijuana Establishment: A Marijuana Cultivator, Craft Marijuana Cooperative, Marijuana Product Manufacturer, Marijuana Retailer, Marijuana Microbusiness, Marijuana Independent Testing Laboratory, Marijuana Research Facility, Marijuana Transporter, or any other type of licensed marijuana-related business, except a Registered Marijuana Dispensary or Off-site Medical Marijuana Dispensary.

Marijuana Independent Testing Laboratory: A laboratory that is licensed by the Commission and is:

- (a) accredited by the International Organization for Standardization 17025 (ISO/IEC 17025: 2017) by a third-party accrediting body that is a signatory to the International Laboratory Accreditation Accrediting Cooperation mutual recognition arrangement or that is otherwise approved by the Commission; and
- (b) independent financially from any Medical Marijuana Treatment Center (RMD), Marijuana Establishment or licensee for which it conducts a test; and
- (c) qualified to test cannabis or marijuana in compliance with 935 CMR 500.160 and M.G.L. c. 94C, § 34.

Marijuana Microbusiness: A colocated Marijuana Establishment that can be either a Tier 1 Marijuana Cultivator or Product Manufacturer or both, in compliance with the operating procedures for each license. A Microbusiness that is a Marijuana Product Manufacturer may purchase no more than 2,000 pounds of marijuana per year from other Marijuana Establishments.

Marijuana Process or Processing: To harvest, dry, cure, trim and separate parts of the cannabis or marijuana plant by manual or mechanical means, except it shall not include manufacture as defined in 935 CMR 500.002.

Marijuana Product Manufacturer: An entity licensed to obtain, manufacture, process and package cannabis or marijuana products and to transfer these products to other Marijuana Establishments, but not to consumers.

Marijuana Research Facility: An entity licensed to engage in research projects by the Commission.

Marijuana Retailer: An entity licensed to purchase and transport cannabis or marijuana product from Marijuana Establishments and to sell or otherwise transfer this product to Marijuana Establishments and to consumers. Retailers are prohibited from delivering cannabis or marijuana products to consumers; and from offering cannabis or marijuana products for the purposes of on-site social consumption on the premises of a Marijuana Establishment.

Marijuana Transporter: An entity, not otherwise licensed by the Commission, that is licensed to purchase, obtain, and possess cannabis or marijuana product solely for the purpose of transporting, temporary storage, sale and distribution to Marijuana Establishments, but not to consumers. Marijuana Transporters may be an Existing Licensee Transporter or Third Party Transporter.

Medical Marijuana Treatment Center: A Registered Marijuana Dispensary (RMD) and Off-site Medical Marijuana Dispensary (OMMD) as defined in Section XXIX of this bylaw.

### **30.3. Applicability**

Nothing in this section shall be construed to supersede federal and state laws governing the sale and distribution of marijuana. This section shall not be construed to prevent the conversion of a Registered Marijuana Dispensary or an Off-site Medical Marijuana Dispensary to a Marijuana Establishment engaged in the same type of activity, provided, however, any such medical marijuana dispensary obtains a special permit pursuant to this Section for any such conversion to an adult use Marijuana Establishment.

### **30.4. Additional Requirements/Conditions**

The Planning Board shall be the Special Permit Granting Authority/Site Plan Review Authority for Marijuana Establishments. In addition to the standards for Site Plan Approval bylaw as set forth in Section VIII of this bylaw, the following shall also apply to all Marijuana Establishments:

#### **30.4.1 Use:**

30.4.1.1 Any type of Marijuana Establishment may only be involved in the uses permitted by its definition and may not include other businesses or services. This excludes agricultural uses, such as growing other crops.

30.4.1.2 No marijuana shall be smoked, eaten or otherwise consumed or ingested within the premises of any Marijuana Establishment unless expressly permitted under this Bylaw and permitted by state law or regulation. The prohibition on on-site consumption shall also include private social clubs and any other establishment which allows for social consumption of marijuana or marijuana products on the premises, regardless of whether the product is sold to consumers on site.

30.4.1.3 The hours of operation shall be set by the Special Permit Granting Authority, but in no event shall a Marijuana Retailer be open to the

public, and no sale or other distribution of marijuana shall occur upon the premises or via delivery from the premises, between the hours of 8:00 p.m. and 8:00 a.m.

30.4.1.4 No Marijuana Establishment may commence operation prior to its receipt of all required permits and approvals including, but not limited, to its Final License from the Cannabis Control Commission.

30.4.1.5 The number of adult use marijuana retail sales establishments permitted to be - located within the Town of Hadley shall not exceed 20% of the number of licenses issued within the town for the retail sale of alcoholic beverages not to be drunk on the premises where sold under chapter 138 of the General Laws. For the purposes of determining this number, any fraction shall be rounded up to the next highest whole number.

#### 30.4.2 Physical Requirements:

30.4.2.1 All aspects of the Marijuana Establishment (except for the transportation of product or materials) relative to the acquisition, cultivation, possession, processing, storage, sales, distribution, dispensing, or administration of marijuana, products containing marijuana, related supplies, or educational materials must take place at a fixed location within a fully enclosed building or blackout style greenhouse and shall not be visible from the exterior of said building. Marijuana Establishments may not be operated within a trailer, storage freight container, motor vehicle or other similar type of potentially movable enclosure.

30.4.2.2 No Marijuana Retailer shall have a gross floor area open to the public in excess of 2,500 square feet.

30.4.2.3 Ventilation – all Marijuana Establishments shall be ventilated in such a manner that:

30.4.2.3.1 No pesticides, insecticides or other chemicals or products used in the cultivation or processing are dispersed into the outside atmosphere, and

30.4.2.3.2 Employs odor control technology such that no odor from the Marijuana Establishment can be detected by a person with an unimpaired and otherwise normal sense of smell at the exterior of the Marijuana Establishment or at any adjoining property, and

30.4.2.3.3 Ensure emissions are in compliance MGL Chapter 111 §31C.

30.4.2.4 Signage shall be displayed on the exterior of the Marijuana Establishment's entrance in plain sight of the public stating that "Access to this facility is limited to individuals 21 years or older" in text two inches in height.

All other signage must comply with all other applicable signage regulations in the Zoning Bylaw and 935 CMR 500.000.

30.4.2.5 Security lighting shall comply with § 8.8.9 of this Bylaw and 935 CMR 500.00.

30.4.2.6 All lighting shall comply with the Zoning Bylaw and be shielded so as not to shed light onto adjacent properties or the sky above. The Planning Board may require any artificial lighting system to employ only components equipped with deflectors in order to mitigate potential light pollution.

30.4.2.7 Marijuana plants, products, and paraphernalia shall not be visible from outside the building in which the Marijuana Establishment is located.

30.4.2.8 No use shall be allowed at a Marijuana Establishment which creates a nuisance to abutters or to the surrounding area, or which creates any hazard, including but not limited to, fire, explosion, fumes, gas, smoke, odors, obnoxious dust, vapors, offensive sound or vibration, flashes, glare, objectionable effluent or electrical interference, which may impair the normal use and peaceful enjoyment of any property, structure or dwelling in the area.

30.4.2.9 Noise from a Licensed Marijuana Establishment shall be properly mitigated. No marijuana cultivation facility shall allow any noise to

be emitted from its facility greater than 75dBA. Such noise level shall be measured at the cultivation facility's property lines.

#### 30.4.3 Location:

30.4.3.1 Marijuana Establishments are encouraged to utilize existing vacant buildings where possible.

30.4.3.2 No Marijuana Establishment shall be located on a parcel which is within five hundred (500) feet (to be measured in a straight line from the nearest point of the property line in question to the nearest point of the property line where the Marijuana Establishment is or will be located) of a parcel occupied by a pre-existing public or private school (existing at the time the applicant's license application was received by the Cannabis Control Commission) providing education in pre-kindergarten/kindergarten or any of grades 1-12, or licensed day care center.

30.4.3.3 No marijuana retailer or Tier 1 Cultivator shall be located on a parcel which is within three hundred (300) feet (to be measured in a straight line from the nearest point of the property line in question to the nearest point of the property line where the marijuana retailer or Tier 1 Cultivator is or will be located) of a parcel occupied by another marijuana retailer or Tier 1 Cultivator.

30.4.3.4 All Marijuana Establishments shall have a setback at least 300 feet from the nearest property line of any residential dwelling, regardless of whether the dwelling is occupied or not. For purposes of this section, an unimproved residential lot or parcel approved by the Town of Hadley pursuant to a Definitive Subdivision Plan on record with the Hampshire County Registry of Deeds shall constitute a "residential dwelling".

30.4.3.5 No Marijuana Establishment shall be located inside a building containing residential units, including transient housing such as motels and dormitories.

30.4.3.6 No Marijuana Establishment is permitted to provide a drive-through service.

30.4.3.7 Parking area for any Marijuana Establishment shall conform to the requirements set forth as in § 5.4 of this bylaw except that any building constructed or modified, altered or expanded for Craft Marijuana Cooperative, Marijuana Cultivator, or Marijuana Microbusiness uses shall be so located upon its parcel of land that there may be provided an off-street parking area equal to the floor area of the building to be constructed or existing building to be modified, altered or expanded. "Floor area" is defined as gross square footage under cover, as well as outdoor storage areas, outdoor display areas, outdoor seating and/or outdoor food service areas, and any other outdoor facilities related to the use. The Planning Board may (but is not required to) waive additional parking for modifications, alterations or expansions of less than 10% of the existing floor area.

#### 30.4.4 Reporting Requirements.

30.4.4.1 Prior to the commencement of the operation or services provided by a Marijuana Establishment, the owner/applicant shall provide the Police Department, Fire Department, Building Commissioner/Inspector and the Planning Board with the names, phone numbers and email addresses of all management staff and key-holders, including a minimum of two (2) operators or managers of the Marijuana Establishment identified as contact persons to whom one can provide notice if there are operating problems associated with the establishment. All such contact information shall be updated as needed to keep it current and accurate.

30.4.4.2 The Marijuana Establishment owner/operator/manager shall notify, in writing, the local Building Commissioner/Inspector, Board of

Health, Police Department, Fire Department and Planning Board for any of the following:

30.4.4.2.1 A minimum of thirty (30) days prior to any change in ownership or management of that establishment.

30.4.4.2.2 A minimum of one (1) business day following a violation or potential violation of any law or any criminal or potential criminal activities or attempts of violation of any law at the establishment.

30.4.4.3 Marijuana Establishments shall file an annual written report to, and appear before, the Planning Board no later than January 31<sup>st</sup> of each calendar year, providing a copy of all current applicable state licenses for the Marijuana Establishment and/or its owners and demonstrate continued compliance with the conditions of the Special Permit/Site Plan Approval.

#### 30.4.5 Issuance/Transfer/Discontinuance of Use

30.4.5.1 Special Permits/Site Plan Approvals shall be issued to the Marijuana Establishment licensee.

30.4.5.2 Special Permits/Site Plan Approvals shall be issued for a specific type of Marijuana Establishment on a specific site/parcel.

30.4.5.3 Special Permits/Site Plan Approvals shall be non-transferable to either another Marijuana Establishment owner or another site/parcel, without the consent of the Planning Board upon application by the existing licensee and the proposed transferee.

30.4.5.4 Special Permits/Site Plan Approvals shall lapse/expire if:

30.4.5.4.1 The Marijuana Establishment, other than Retail, ceases operation for 365 days, and/or

30.4.5.4.2 The Marijuana Establishment's registration/license by the Cannabis Control Commission expires or is terminated.

30.4.5.5 The Marijuana Establishment shall notify the Zoning Enforcement Officer and Special Permit Granting Authority in writing within two (2) business days of such lapse, cessation, discontinuance or expiration or revocation.

30.4.5.6 A marijuana cultivation or product manufacturing establishment shall be required to remove all material, plants equipment and other paraphernalia prior to surrendering its state registration/license or ceasing its operation.

30.4.5.6.1 Prior to the issuance of a Building Permit for a Marijuana Establishment- the applicant shall post with the Town Treasurer a bond or other form of financial security acceptable to said Treasurer in an amount set by the Planning Board. The amount shall be sufficient to cover the costs of the Town removing all materials, plants, equipment and other paraphernalia if the applicant fails to do so. The Zoning Enforcement Officer shall give the applicant forty-five (45) days' written notice in advance of taking such action. Should the applicant remove all materials, plants, equipment and other paraphernalia to the satisfaction of the Zoning Enforcement Officer prior to the expiration of the 45 days written notice, said bond shall be returned to the applicant.

30.4.5.7 The initial special permit issued under this bylaw shall be for a period of one (1) year and subsequent renewals shall be valid for two (2) years.

If no non-conformances to this bylaw, that have been confirmed by either the Zoning Enforcement Officer and/or the Police Chief, to this bylaw have been received after two (2) successive renewals then there will be no need for further renewals after five years from the original approval provided ownership of the establishment does not change. If the ownership changes the renewal process shall be treated as a new permit. The permit application period for renewal shall be between January 1 and February 28 of each year. Publication of notice of said request for renewal shall be made in the same manner as would be required for an original application for a

special permit. Said notice shall state that the renewal request will be granted automatically unless a written objection to the renewal is received by the Planning Board within twenty days (20) of the first publication of notice. The Planning Board itself may file a written objection if written complaints have been filed with the Town or for other reasons. In the event of such receipt on an objection, the Planning Board shall treat the application as one for a new special permit, beginning with publication and mailing of a notice of public hearing. The renewal shall then proceed in the manner of a regular special permit application,

### **30.5. Application Requirements**

Complete applications for Special Permits and Site Plan Approvals for Marijuana Establishments will be processed in the order that they are filed with the Town. In addition to the standard application requirements for Special Permits and Site Plan Approvals, pursuant to Section VIII of this bylaw, such applications for a Marijuana Establishment shall include the following:

- 30.5.1 The name and address of each owner and operator of the Marijuana Establishment.
- 30.5.2 A copy of an approved Host Community Agreement.
- 30.5.3 Evidence that the Applicant has site control and right to use the site for a Marijuana Establishment in the form of a deed or valid purchase and sales agreement or, in the case of a lease, a notarized statement from the property owner and a copy of the lease agreement.
- 30.5.4 A notarized statement signed by the Marijuana Establishment organization's Chief Executive Officer and corporate attorney disclosing names of the owners and managers and their addresses. If any of the above are entities rather than persons, the Applicant must disclose the identity of all such responsible individual persons.
- 30.5.5 In addition to the requirements for Site Plan Approval as set forth in Section VIII of this bylaw, Security and Fire details shall comply with M.G.L. c.94G and 935 CMR 500.00.
- 30.5.6 All signage being proposed for the Marijuana Establishment.
- 30.5.7 A pedestrian/vehicular traffic impact study to establish the marijuana retail establishment's impacts at peak demand times, including a line queue plan to ensure that the movement of pedestrian and/or vehicular traffic, including but not limited to, along the public right of ways to ensure that they will not be unreasonably obstructed.
- 30.5.8 An odor control plan detailing the specific odor-emitting activities or processes to be conducted on-site, the source of those odors, the locations from which they are emitted from the Marijuana Establishment, the frequency of such odor-emitting activities, the duration of such odor-emitting activities, and the administrative of odor control including maintenance of such controls.
- 30.5.9 A Management Plan including a description of all activities to occur on site, including all provisions for the transportation of marijuana and related products to Marijuana Establishments.
- 30.5.10 Individual written plans which, at a minimum comply with the requirements of 935 CMR 500, relative to the Marijuana Establishment:
  - 30.5.10.1 Hour of Operation
  - 30.5.10.2 General Security Plans
  - 30.5.10.3 Decommissioning of the Marijuana Establishment including a cost estimate taking into consideration the community's cost to undertake the decommissioning of the site.

### **30.6. Findings**

In addition to the Findings for Site Plan Approval as set forth in in Section VIII of this bylaw, the Planning Board must also find all the following:

- 30.6.1 The proposed use of land or buildings of the Marijuana Establishment is consistent with and does not derogate from the intent of this Section and this Zoning Bylaw.
- 30.6.2 That the proposed use of land or buildings of the Marijuana Establishment is designed to minimize any adverse visual, odor and other environmental and economic impacts on abutters and other parties in interest;
- 30.6.3 That the Marijuana Establishment demonstrates that it meets or exceeds all the permitting requirements of all applicable agencies within the Commonwealth of Massachusetts and complies with all applicable state laws and regulations;
- 30.6.4 That the applicant has satisfied all of the conditions and requirements of this Section and other applicable Sections of this Zoning Bylaw;
- 30.6.5 That the Marijuana Establishment provides adequate security measures to ensure that no individual participant will pose a direct threat to the health or safety of the community, and that the storage and/or location of cultivation is adequately secured on-site or via delivery.
- 30.6.6 That the Marijuana Establishment adequately addresses issues of traffic demand, circulation flow, parking and queuing, particularly at peak periods at the Marijuana Establishment, and its impact on neighboring uses.

Or take any action relative thereto.

## **ARTICLE 28**

### **TOWN MEETING HADLEY CITIZEN'S ARTICLE**

#### **Resolution in Support of Changing the State Motto and Seal of Massachusetts**

As the 400th anniversary of the landing of the Pilgrims at Patuxet (Plymouth) approaches in 2020, citizens of the Town of Hadley are called to support a statewide effort to change the current seal and motto of the Commonwealth of Massachusetts.

The several versions of the Massachusetts motto and seal up to this date have been made without consulting the Native communities of Massachusetts. Native Nations in Massachusetts have long voiced concerns that the current motto and seal image are historically inaccurate, perpetuate harmful stereotypes and disregard the perspective of Native communities. In addition, many Massachusetts citizens believe that the existing motto and seal no longer represent our current understanding of our state's history or our values as a Commonwealth.

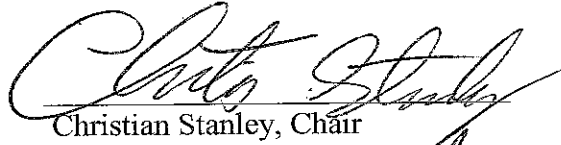
Massachusetts House Bill HD.2968 and Massachusetts Senate Bill SD.1495 would set up a commission to investigate changes to the state motto and seal. The commission would include state legislators and at least five representatives of Native Nations within the borders of Massachusetts. Recommendations of that commission would have to be approved by the legislature in order to change the current state flag and seal.

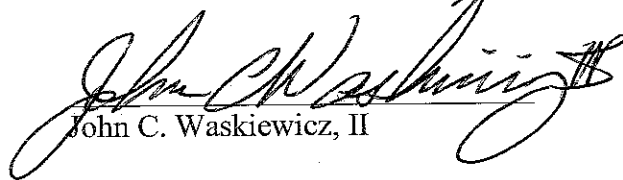
Therefore, be it resolved that the Town of Hadley, Massachusetts, adopt this resolution in support of HD.2968 and SD.1495. In addition, be it resolved that the Town of Hadley thank State Senator Jo Comerford for her co-sponsorship of SD.1495. Also, be it resolved that the Town of Hadley request that State Representative Dan Carey support HD.2968 and vote for its passage in the General Court.

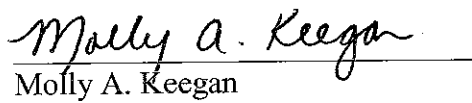
And you are hereby directed to serve this warrant by posting attested copies in the usual places: one at the Town Hall, one at the Hadley Post Office, and in said Town, seven days at least, not including the day of posting, before the time of holding said meeting.

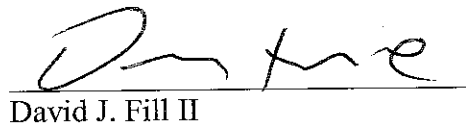
North  
Hadley  
Sugar  
Shack

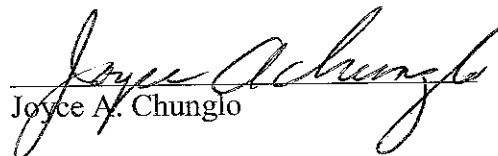
Given under your hands this 17<sup>th</sup> day of April 2019

  
Christian Stanley, Chair

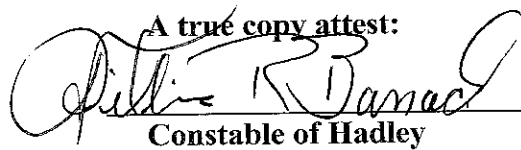
  
John C. Waskiewicz, II

  
Molly A. Keegan

  
David J. Fill II

  
Joyce A. Chunglo

**HADLEY SELECT BOARD**

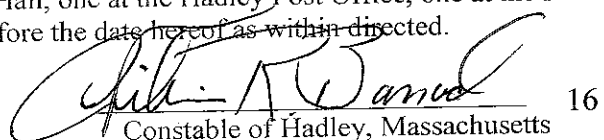
A true copy attest:  
  
Constable of Hadley

Date: 4-19-19

CONSTABLE'S RETURN

May 2, 2019

Pursuant to the within warrant, I have notified and warned the inhabitants of the Town of Hadley, Massachusetts, qualified to vote in Town elections and Town affairs, by posting up attested copies of the same, at the usual places: one at the Town Hall, one at the Hadley Post Office, one at the North Hadley Sugar Shack, all in said town seven days before the date hereof as within directed.

  
Constable of Hadley, Massachusetts 16