TOWN OF HADLEY
SPECIAL TOWN MEETING WARRANT
October 18, 2018

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 eighteenth day of October 2018 at 7:00 p.m. to act on the following articles:

Article 1

To see if the Town will vote to amend the Fiscal Year 2019 Budget by amending the vote on Article 6 of the Warrant of the Annual Town Meeting held on May 3, 2018 as follows:

<table>
<thead>
<tr>
<th>DEPARTMENT</th>
<th>FROM</th>
<th>TO</th>
</tr>
</thead>
<tbody>
<tr>
<td>122 Select Board Salaries</td>
<td>$51,038</td>
<td>$52,058</td>
</tr>
<tr>
<td>Other Salaries</td>
<td></td>
<td></td>
</tr>
<tr>
<td>135 Accountant Salary</td>
<td>5,000</td>
<td>5,100</td>
</tr>
<tr>
<td>141 Assessors</td>
<td>66,305</td>
<td>67,631</td>
</tr>
<tr>
<td>Other Salaries</td>
<td></td>
<td></td>
</tr>
<tr>
<td>145 Treasurer</td>
<td>60,055</td>
<td>61,256</td>
</tr>
<tr>
<td>Salary</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Other Salary</td>
<td>46,074</td>
<td>46,985</td>
</tr>
<tr>
<td>146 Tax Collector</td>
<td>60,963</td>
<td>62,155</td>
</tr>
<tr>
<td>Salary</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Other Salary</td>
<td>38,794</td>
<td>39,570</td>
</tr>
<tr>
<td>161 Town Clerk</td>
<td>58,912</td>
<td>60,090</td>
</tr>
<tr>
<td>Salary</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Other Salaries</td>
<td>15,229</td>
<td>15,534</td>
</tr>
<tr>
<td>Expenses</td>
<td>5,150</td>
<td>8,000</td>
</tr>
<tr>
<td>171 Conservation Commission Expenses</td>
<td>3,110</td>
<td>15,110</td>
</tr>
<tr>
<td>175 Planning Board Other Salaries</td>
<td>5,592</td>
<td>5,704</td>
</tr>
<tr>
<td>193 Property Insurance</td>
<td>106,500</td>
<td>124,071</td>
</tr>
<tr>
<td>Town Buildings</td>
<td></td>
<td></td>
</tr>
<tr>
<td>192 Senior Center</td>
<td>35,250</td>
<td>34,000</td>
</tr>
<tr>
<td>195 Town Hall</td>
<td>62,225</td>
<td>65,025</td>
</tr>
<tr>
<td>198 North Hadley Village Hall</td>
<td>11,300</td>
<td>4,800</td>
</tr>
<tr>
<td>210 Police Salaries</td>
<td>972,504</td>
<td>1,013,234</td>
</tr>
<tr>
<td>220 Fire</td>
<td>464,175</td>
<td>469,175</td>
</tr>
<tr>
<td>Salaries</td>
<td>142,225</td>
<td>144,700</td>
</tr>
<tr>
<td>Expenses</td>
<td></td>
<td></td>
</tr>
<tr>
<td>222 Communications Salaries</td>
<td>242,126</td>
<td>291,685</td>
</tr>
<tr>
<td>241 Building Inspector Salaries</td>
<td>90,548</td>
<td>92,339</td>
</tr>
<tr>
<td>242 Gas Inspector</td>
<td>3,442</td>
<td>3,511</td>
</tr>
<tr>
<td>243 Plumbing Inspector</td>
<td>6,002</td>
<td>6,122</td>
</tr>
<tr>
<td>300 School Department</td>
<td>7,039,167</td>
<td>7,064,167</td>
</tr>
<tr>
<td>422 Highway Construction Salaries</td>
<td>422,342</td>
<td>440,436</td>
</tr>
<tr>
<td>Expenses</td>
<td>314,310</td>
<td>315,110</td>
</tr>
<tr>
<td>440 Sewer Salaries</td>
<td>304,667</td>
<td>313,608</td>
</tr>
<tr>
<td>Other Expenses</td>
<td>474,250</td>
<td>474,550</td>
</tr>
<tr>
<td>450 Water Salaries</td>
<td>340,430</td>
<td>362,314</td>
</tr>
<tr>
<td>Other Expenses</td>
<td>509,235</td>
<td>509,535</td>
</tr>
<tr>
<td>490 Building Maintenance Salaries</td>
<td>0</td>
<td>26,490</td>
</tr>
<tr>
<td>Expenses</td>
<td>144,750</td>
<td>119,250</td>
</tr>
<tr>
<td>541 Council on Aging Salaries</td>
<td>82,835</td>
<td>90,227</td>
</tr>
<tr>
<td>599 Hadley Media</td>
<td>17,000</td>
<td>17,340</td>
</tr>
<tr>
<td>Salaries</td>
<td></td>
<td></td>
</tr>
<tr>
<td>610 Library Salaries</td>
<td>141,813</td>
<td>144,650</td>
</tr>
<tr>
<td>630 Park Commission</td>
<td>35,849</td>
<td>36,366</td>
</tr>
<tr>
<td>Other Salaries</td>
<td></td>
<td></td>
</tr>
<tr>
<td>710 Long Term Debt Principal</td>
<td>1,162,756</td>
<td>1,167,252</td>
</tr>
<tr>
<td>750 Long Term Debt Interest</td>
<td>107,924</td>
<td>103,428</td>
</tr>
<tr>
<td>912 Workers Compensation</td>
<td>75,000</td>
<td>76,441</td>
</tr>
</tbody>
</table>
And further that the Town amend the appropriation as follows:

Raise and appropriate the sum of $15,312,846,
and appropriate from Sewer Receipts $977,903,
and appropriate from Water Receipts $1,245,155,
and transfer from Sewer Reserve $148,941,
and transfer from Water Reserve $10,000,
and take from MSBA Debt Fund Reserve $2,444,
and appropriate from Hadley Public Access Cable Franchise Receipts $69,257,
and transfer from Hadley Public Access Franchise Reserves $23,344,
and transfer from the November 2014 Premium Balance $928,
and transfer from Free Cash $439,564,
and transfer from Stabilization $263,838,
for the maintenance and operation of the town in fiscal year 2019 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 Treasurer, 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.

Select Board recommends 5-0-0
Finance Committee recommends 3-0-0

Article 2

To see if the Town will vote to amend Section 86-9 Article V of Chapter 86 of the Code of the Town of Hadley, relating to revolving funds, pursuant to the provisions of G.L. c.44, §53E½ by adding the following:

<table>
<thead>
<tr>
<th>Description</th>
<th>Responsible Department</th>
<th>Purpose</th>
<th>Source of Funds</th>
<th>Annual Expenses Allowed</th>
<th>Maximum Allowable Balance as of June 30</th>
</tr>
</thead>
<tbody>
<tr>
<td>After School Program</td>
<td>Park and Recreation Commission</td>
<td>Support of children's recreational programs and personnel associated with program enrollment.</td>
<td>Fees associated with hosting and administrating children's recreational programs.</td>
<td>$45,000</td>
<td>$20,000</td>
</tr>
</tbody>
</table>

Or take any other action relative thereto.

Finance Committee recommends 3-0-0
Select Board recommends 5-0-0

Article 3

To see if the Town will vote to transfer the following balances from prior town meeting articles:

<table>
<thead>
<tr>
<th>Meeting</th>
<th>Description</th>
<th>Account Number</th>
<th>Balance</th>
<th>Transfer To</th>
</tr>
</thead>
<tbody>
<tr>
<td>ATM 2018</td>
<td>Town Hall Parking</td>
<td>02-196-5860-550</td>
<td>$3,667.34</td>
<td>Capital Stab.</td>
</tr>
<tr>
<td></td>
<td>Units</td>
<td>Description</td>
<td>Account Number</td>
<td>Original Authorized Borrowing Amount</td>
</tr>
<tr>
<td>------------------</td>
<td>----------------------------------</td>
<td>----------------------</td>
<td>----------------</td>
<td>--------------------------------------</td>
</tr>
<tr>
<td>STM 2017</td>
<td>Police Cruiser</td>
<td>02-210-5851-S55</td>
<td>$828.85</td>
<td>Capital Stab.</td>
</tr>
<tr>
<td>ATM 2014</td>
<td>Library Interior Painting</td>
<td>02-610-5825-A10</td>
<td>$9,000.00</td>
<td>Capital Stab.</td>
</tr>
<tr>
<td>ATM 2015</td>
<td>Assessors' Vision 7 Software</td>
<td>02-141-580-A11</td>
<td>$8,000.00</td>
<td>Capital Stab.</td>
</tr>
<tr>
<td>ATM 2017</td>
<td>DPW Lift</td>
<td>02-422-5870-S60</td>
<td>$73.00</td>
<td>Capital Stab.</td>
</tr>
<tr>
<td>STM 2017</td>
<td>Water Rate Study</td>
<td>61-450-5310-S61</td>
<td>$4,700.00</td>
<td>Water Reserves</td>
</tr>
<tr>
<td>STM 2017</td>
<td>Sewer Rate Study</td>
<td>60-440-5310-S61</td>
<td>$4,700.00</td>
<td>Sewer Reserves</td>
</tr>
<tr>
<td>STM 2015</td>
<td>Sewer Clarifier</td>
<td>32-440-5800-C03</td>
<td>$744.20</td>
<td>Sewer Impact Fees</td>
</tr>
<tr>
<td>ATM 2014</td>
<td>Library Electrical</td>
<td>21-610-5825-A21</td>
<td>$83,500.00</td>
<td>Community Preservation Act</td>
</tr>
</tbody>
</table>

And further to see if the Town will vote to adjust borrowing authorizations as follows:

<table>
<thead>
<tr>
<th>Meeting</th>
<th>Description</th>
<th>Account Number</th>
<th>Original Authorized Borrowing Amount</th>
<th>Amended Authorized Borrowing Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>ATM 2014</td>
<td>Fire Truck Pumper</td>
<td>30-220-5850-A12</td>
<td>$761,250</td>
<td>$761,029.94</td>
</tr>
</tbody>
</table>

Or take any action relative thereto.

Finance Committee recommends 3-0-0
Select Board recommends 5-0-0

**Article 4**

To see if the Town will vote to transfer from Sewer Impact Fees $80,000.00 to Sewer Reserves for expenses related to emergency sewer line repairs, or take any action relative thereto.

Select Board recommends 4-0-1
Finance Committee recommends 3-0-0

**Article 5**

To see if the Town will vote to transfer from Free Cash $29,952.00 into the Capital Stabilization Fund, or take any action relative thereto.

Select Board recommends 4-1-0
Finance Committee recommends 3-0-0

**Article 6**

To see if the Town will vote to raise and appropriate, transfer from Capital Stabilization, authorize the Treasurer to borrow, transfer from Water Reserves, transfer from Sewer Reserves, transfer from Sewer Impact Fees, transfer from HPAT reserves, transfer from funds available, or otherwise provide $569,400.00 for expenses associated with the following projects:

<table>
<thead>
<tr>
<th>DESCRIPTION</th>
<th>DEPARTMENT</th>
<th>AMOUNT</th>
<th>SOURCE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Appraisal Software</td>
<td>Assessors</td>
<td>$8,000</td>
<td>Capital Stab.</td>
</tr>
<tr>
<td>Evidence Locker</td>
<td>Police Department</td>
<td>9,000</td>
<td>Capital Stab.</td>
</tr>
<tr>
<td>Compensation/Classification</td>
<td>Select Board</td>
<td>14,000</td>
<td>Capital Stab.</td>
</tr>
<tr>
<td>Plan Review</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Highway Garage Repair</td>
<td>DPW</td>
<td>10,000</td>
<td>Water and</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Sewer Reserves</td>
</tr>
<tr>
<td>Sewer Line Assessment</td>
<td>DPW- Sewer</td>
<td>30,000</td>
<td>Sewer Reserves</td>
</tr>
<tr>
<td></td>
<td>Division</td>
<td>Amount</td>
<td>Fund</td>
</tr>
<tr>
<td>--------------------------</td>
<td>-------------------------------</td>
<td>--------</td>
<td>-----------------------</td>
</tr>
<tr>
<td>Water Tank Access &amp;</td>
<td>DWP-Water</td>
<td>25,000</td>
<td>Water Reserves</td>
</tr>
<tr>
<td>Clearing</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Callahan Well #1</td>
<td>DPW-Water</td>
<td>25,000</td>
<td>Water Reserves</td>
</tr>
<tr>
<td>Reconditioning</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Relocation Expenses</td>
<td>Hadley Media</td>
<td>15,000</td>
<td>Hadley Media Reserves</td>
</tr>
<tr>
<td>HVAC Attic Venting &amp;</td>
<td>Police, Fire</td>
<td>27,000</td>
<td>Capital Stabilization</td>
</tr>
<tr>
<td>Dampers</td>
<td>Departments</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Town Hall Staff Vehicle</td>
<td>Building Inspector</td>
<td>10,000</td>
<td>Borrow</td>
</tr>
<tr>
<td>Cruiser</td>
<td>Police Department</td>
<td>47,000</td>
<td>Borrow</td>
</tr>
<tr>
<td>Skid Unit</td>
<td>Fire Department</td>
<td>31,000</td>
<td>Borrow</td>
</tr>
<tr>
<td>Ford F-550 Dump Truck</td>
<td>DPW-Highway Division</td>
<td>85,000</td>
<td>Borrow</td>
</tr>
<tr>
<td>HA Cafeteria Equipment</td>
<td>School Department</td>
<td>55,400</td>
<td>Borrow</td>
</tr>
<tr>
<td>Replacement</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>HA &amp; HE Health &amp;</td>
<td>School Department</td>
<td>98,000</td>
<td>Borrow</td>
</tr>
<tr>
<td>Security Upgrades</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Van</td>
<td>Council on Aging</td>
<td>80,000</td>
<td>Borrow</td>
</tr>
</tbody>
</table>

Or take any action relative thereto.
Select Board recommends 5-0-0
Finance Committee recommends 3-0-0
Capital Planning Committee recommends 4-0-0

**Article 7**

To see if the Town will vote to transfer **$23,000.00** from the Community Preservation Act Historic Preservation set aside to the Hadley Cemetery Committee for the preservation and restoration of the historic gravestones in Hockanum Cemetery (1767) located 191-299 Hockanum Road, Hadley, MA 01035 in accordance with the proposal presented in the August 27 meeting of the CPAC. Said expenditure to be conducted within two years of the date of the 2018 Fall Town Meeting (November 1, 2020) or unspent funds will automatically be returned to the appropriate CPA fund by that date.

Or take any action relative thereto.
Select Board recommends 5-0-0
Finance Committee recommends 3-0-0
Community Preservation Act Committee recommends 9-0-0

**Article 8**

To see if the Town will vote to transfer **$12,000.00** from the Community Preservation Historic Preservation set-aside to the Hadley Cemetery Committee to conduct a study of possible restoration and conservation work to the historic Town-owned cemeteries to include Plainville, Russellville, North Hadley and Old Hadley (central section) Cemeteries in accordance with the proposal presented in the August 27 meeting of the CPAC. Said expenditure to be conducted within two years of the date of the 2018 Fall Town Meeting (November 1, 2020) or unspent funds will automatically be returned to the appropriate CPA fund by that date.

Or take any action relative thereto.
Select Board recommends 5-0-0
Finance Committee recommends 3-0-0
Community Preservation Act Committee recommends 9-0-0

**Article 9**

To see if the Town will vote to transfer **$26,000.00** from the Community Preservation Historic Preservation set-aside to the Board of Directors of the North Hadley Congregational Church for additional restoration and conservation work of the steeple
and roof area of the church, located at 12 Mount Warner Road, Hadley, MA 01035, in accordance with the proposal presented in the August 27 meeting of the CPAC. Said expenditure to be conducted within two years of the date of the 2018 Fall Town Meeting (November 1, 2020) or unspent funds will automatically be returned to the appropriate CPA fund by that date.

Or take any action relative thereto.

Select Board recommends 5-0-0  
Finance Committee recommends 3-0-0  
Community Preservation Act Committee recommends 8-1-0

Article 10

To see if the Town will vote to authorize the Department of Public Works to have primary responsibility for the operation, management, and care of the town cemeteries and to amend the vote of February 28, 1928, Articles 30 and 31, so that it shall read as follows: voted that the Town authorize the Select Board to appoint a Cemetery Committee of five members, each for the term of three years, and further to authorize the Committee to advise and assist the Department of Public Works in the operation, management, and care of the town cemeteries, including but not limited to the sale of lots, or take any action relative thereto.

Select Board recommends 4-0-1  
Finance Committee recommends 3-0-0

Article 11

To see if the Town will vote to amend Section 218-5 of Chapter 218 of the Code of the Town of Hadley relating to snow and ice removal from sidewalks by deleting Section 218-5 in its entirety and replacing it with the following section:

218-5

A. For public sidewalks located on Route 9 from South Maple Street to the Town of Amherst line, the owner of any property used for commercial or industrial purposes, but excluding residential and not-for-profit real estate, abutting any way used by the public where there is a sidewalk shall remove from said sidewalk any snow, ice, or sleet that has accumulated within twenty-four (24) hours after ceasing to fall. The owner shall also remove any snow, ice or sleet which accumulates upon said sidewalk in other manners, such as drifting. Snow, ice, or sleet shall be removed from the full width of the sidewalk, including abutting curb cuts/curbs. If the same cannot be wholly removed, said owner shall sprinkle sand or other substance thereon, so the sidewalks shall be safe for travel. No person shall place ice or snow in a street outside the walk.

B. Violations and penalties

Whomever violates any provision of this bylaw shall be punished by a fine not exceeding ten dollars ($10) for the first offense, twenty-five dollars ($25) for the second offense and for the third and subsequent offenses, one hundred dollars ($100) for each separate offense in any one (1) calendar year. Each day a violation exists shall be deemed to be a separate offense. This bylaw shall be enforced by the Department of Public Works.

Alternately, violations of this bylaw may be enforced by the non—criminal method of disposition as provided in MGL Chapter 40, Section 21D and as enabled pursuant to the Town of Hadley’s General Bylaw Chapter 1, Section 1-3.

Or take any action relative thereto.

Select Board recommends 4-0-1  
Finance Committee recommendation pending
Article 12

To see if the Town will vote to amend Subsection 19.3 of the Zoning Bylaws relating to roof design within the Center Village Overlay District by deleting the subsection in its entirety and replacing it with the following:

“All roofs shall be pitched; minimum pitch shall be three-inch vertical rise per twelve-inch horizontal run. No roofline shall exceed 75 feet continuous run without a break, change in elevation or intercepting roofline. Prohibited roof appearances are flat roof appearance, and roofs with less than three-inch vertical rise per twelve-inch horizontal run”

Or take any vote in relation thereto.

Article 13

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 by site plan approval.

<table>
<thead>
<tr>
<th>Use District</th>
<th>Standards &amp; Conditions</th>
</tr>
</thead>
<tbody>
<tr>
<td>COMMERCIAL/RETAIL</td>
<td></td>
</tr>
<tr>
<td>Craft Marijuana Cooperative</td>
<td>SP/SPA</td>
</tr>
<tr>
<td>Marijuana Cultivator</td>
<td>SP/SPA</td>
</tr>
<tr>
<td>Marijuana Retailer</td>
<td>N</td>
</tr>
<tr>
<td>Marijuana Independent Testing Laboratory</td>
<td>N</td>
</tr>
<tr>
<td>Marijuana Microbusiness</td>
<td>SP/SPA</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>INDUSTRIAL/ MANUFACTURING</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Marijuana Research Facility</td>
<td>N</td>
</tr>
<tr>
<td>Marijuana Product Manufacturer</td>
<td>N</td>
</tr>
<tr>
<td>Marijuana Transporter</td>
<td>N</td>
</tr>
<tr>
<td>any other type of licensed marijuana-related business, except a medical marijuana treatment center</td>
<td>N</td>
</tr>
</tbody>
</table>

and 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 (hereafter also referred to as MEs) in appropriate locations in accordance with applicable state laws and regulations regarding adult use marijuana in accordance state law, including 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 build environment of the town and its residents.

30.2. **Definitions**
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, registered marijuana dispensary or other entity licensed by the Cannabis Control Commission for marijuana cultivation. The cultivation and processing of marijuana shall be considered a separate use classification and shall not be deemed exempt from zoning. Note this term is not defined in 935 CMR 500.

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;
(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 Establishment 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.

Host Community Agreement: An agreement, pursuant to General Laws, Chapter 94G, Section 3(d), between a Marijuana Establishment and a municipality setting forth additional conditions for the operation of a Marijuana Establishment, including stipulations of responsibility between the parties and a up to 3% community impact fee.

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.
Marijuana Independent Testing Laboratory: A laboratory that is licensed by the Commission and is:
(a) accredited to 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 Cooperation mutual recognition arrangement or that is otherwise approved by the Commission;
(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.

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 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 Independent Testing Laboratory, Marijuana Research Facility, Marijuana Transporter, or any other type of licensed marijuana-related business, except a medical marijuana treatment center. Marijuana establishments permitted in accordance with these regulations are considered to be a commercial and/or manufacturing use and are not considered being subject to any agricultural exemptions under zoning.

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, 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 cannabis or marijuana products, tinctures, aerosols, oils, or ointments), transfers, transports, sells, distributes, dispenses, or administers marijuana, products containing cannabis or 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 cannabis or marijuana for medical use.

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 medical marijuana treatment center licensed or registered no later than July 1, 2017 engaged in the cultivation, manufacture or sale of marijuana or marijuana products to a Marijuana Establishment engaged in the same type of activity, provided, however, any such medical marijuana treatment center 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 standard requirements for uses permitted By-right or requiring a Special Permit or Site Plan Approval, 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 law and permitted by state law or regulation. The prohibition on on-site consumption shall also include private social clubs or any other establishment which allows for social consumption of marijuana or marijuana products on the premises, regardless of whether the product is sold to consumers on site.

30.4.1.3 The hours of operation shall be set by the Special Permit Granting Authority, but in no event shall an RMD or OMMD facility 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 or apply for a building permit prior to its receipt of all required permits and approvals including, but not limited, to its Final License from the Cannabis Control Commission.

30.4.1.5 The number of adult use marijuana retail 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 any marijuana establishment, except for the transportation of product or materials, relative to the acquisition, cultivation (except for outdoor marijuana cultivation establishments which shall be buffered and screened to limit visibility), possession, processing, 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 (including greenhouses) and shall not be visible from the exterior of the business. Marijuana Establishments may
not be operated within a trailer, storage freight container, motor vehicle or
other similar type potentially movable enclosure.
30.4.2.2 No outside storage is permitted.
30.4.2.3 No Marijuana Retailer shall have a gross floor area open to the public
in excess of 2,500 square feet.
30.4.2.4 Ventilation – all marijuana establishments shall be ventilated in such
a manner that no:
30.4.2.4.1 Pesticides, insecticides or other chemicals or products used in
the cultivation or processing are dispersed into the outside atmosphere,
and
30.4.2.4.2 No odor from marijuana or its processing can be detected by a
person with an unimpaired and otherwise normal sense of smell at the
exterior of the marijuana business or at any adjoining use or property.
30.4.2.5 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 500.00.
30.4.2.6 Security lighting shall comply with § 8.8.9 of this Bylaw and 935
CMR 500.00.
30.4.2.7 All lighting shall comply with the Zoning Bylaw and be shielded so
as to not shed light onto adjacent properties. The Planning Board may require
any artificial lighting system to employ only LED components equipped with
deflectors in order to mitigate potential light pollution.
30.4.2.8 Marijuana plants, products, and paraphernalia shall not be visible
from outside the building in which the marijuana establishment is located.
30.4.2.9 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, flames, 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.

30.4.3 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 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 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 kindergarten or any of grades 1-12.
30.4.3.3 No marijuana retailer 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 is or will be located) of a parcel occupied by
another marijuana retailer.
30.4.3.4 Craft Marijuana Cooperative, Marijuana Cultivator, and Marijuana
Microbusiness establishments shall be setback at least 300 feet from any
boundary line.
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 Craft Marijuana Cooperative, Marijuana Cultivator,
and Marijuana Microbusiness establishments shall be defined as in § 5.4.1 of
this Bylaw except that the area required for parking shall be: one (1) square
foot of parking area one (1) square foot of gross building 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 local Building Commissioner/Inspector, Board of Health, Police Department, Fire Department and Planning Board shall be notified in writing by the marijuana establishment owner/operator/manager:
   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 twenty-four (24) hours following a violation or potential violation of any law or any criminal or potential criminal activities or attempts of violation of any law at the establishment.
30.4.4.3 Marijuana establishments shall file an annual written report to, and appear before, the Planning Board no later than January 31st 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.
30.4.4.4 The owner or manager of a marijuana establishment is required to respond by phone or email within twenty-four hours of contact by the Zoning Enforcement Officer concerning their marijuana establishment at the phone number or email address provided to the town as the contact for the business.

30.4.5 Issuance/Transfer/Discontinuance of Use

30.4.5.1 Special Permits/Site Plan Approvals shall be issued to the marijuana establishment owner.
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.
30.4.5.4 Special Permits/Site Plan Approvals shall lapse/expire if:
   30.4.5.4.1 The marijuana establishment 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 forty-eight (48) hours 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 section shall be for a period of one (1) year and subsequent renewals shall be valid for two (2) years.
If no complaints have been received after two (2) successive renewals then there will be no further renewals after five years from the original approval. 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 Board within twenty days (20) of the first publication of notice. The 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 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, 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 A copy of its Provisional License from the Cannabis Control Commission pursuant to 935 CMR 500.000 or a Provisional Certificate of Registration from the Massachusetts Department of Public Health in accordance with 105 CMR 725.000.
30.5.4 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.
30.5.5 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.
30.5.6 In addition to what is normally required in a Site Plan, details showing all exterior proposed security measures for the marijuana establishment including lighting and fencing ensuring the safety of employees and patrons and to protect the premises from theft or other criminal activity.
30.5.7 All signage being proposed for the marijuana establishment.
30.5.8 A pedestrian/vehicular traffic impact study to establish the marijuana 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 will not be unreasonably obstructed.
30.5.9 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.
30.5.10 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.
30.5.11 Individual written plans which, at a minimum comply with the requirements of 935 CMR 500, relative to the marijuana establishment:
   30.5.11.1 Hour of Operation
   30.5.11.2 General Security Plans
30.5.11.3 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 standard Findings for a Special Permit or Site Plan Approval the Planning Board must also find all the following:

30.6.1 The Marijuana Establishment is consistent with and does not derogate from the purposes and intent of this Section and this Zoning Bylaw.
30.6.2 That the marijuana establishment is designed to minimize any adverse visual, odor or 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 will be in compliance 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 other individuals, 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 14

To see if the Town will vote to amend the Chapter 36 of the General Bylaws of the Town of Hadley to include a new section:

Section 36-3. Limitation on the Number of Adult Use Retail Establishments.

The number of adult use marijuana retail establishments permitted to be located within the Town Hadley shall not exceed 20% of the number of licenses issued within the town for the retail sale of alcoholic beverages not to be drank 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.

Or taken any action relative thereto.

Article 15

To see if the Town will vote to amend Chapter 17 of the General Bylaws of the Town of Hadley by deleting Article 1 in its entirety and replacing it with the following:

Article 1 Open Containers and Marijuana Consumption

17-1 Restrictions in Public Places

The consumption of any alcoholic beverage, or possession of an open container holding such a beverage, whether full or partially full, shall not be permitted on any Town-owned or -controlled place, or on any public way, including but not limited to streets, sidewalks, commons, parks, school playgrounds, and recreation/conservation areas, unless a permit therefor has previously been secured from the Select Board.

17-2 Violations and Penalties

[Amended 5-6-2010 ATM by Art. 9]
This Bylaw/Ordinance may be enforced through any lawful means in law or in equity including, but not limited to, enforcement by criminal indictment or complaint pursuant to G.L. c.40, § 21, or by noncriminal disposition pursuant to G.L. c. 40, § 21D, or any police officer. The fine for violation of this Bylaw/Ordinance shall be three hundred dollars ($300) for each offense. Any penalty imposed under this Bylaw/Ordinance shall be in addition to any civil penalty imposed under G.L. c. 94C, § 32L.

17-3 Consumption of Marijuana or Tetrahydrocannabinol in Public Places

No person shall inhale, ingest, or otherwise use or consume marijuana or THC (as defined in G.L. c. 94C, § 1, as amended) while in or upon any street, sidewalk, public way, footway, passageway, stairs, bridge, park, playground, beach, recreation area, boat landing, public building, schoolhouse, school grounds, cemetery, parking lot, or any area owned by or under the control of the Town; or in or upon any bus or other passenger conveyance operated by a common carrier; or in any place accessible to the public. Whoever is found in violation of this bylaw/ordinance shall, when requested by an official authorized to enforce this bylaw, state their true name and address to such official.

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

This Bylaw/Ordinance 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.

Or taken any action relative thereto.

Article 16

To see if the Town will vote to amend the Zoning Bylaws Section XXI Moratorium on Establishment of Recreational Marijuana Facilities, as follows:

21.1.3 To allow the Planning Board time to review and propose a revised zone bylaw designed for use after the Massachusetts Cannabis Control Commission develops its regulations, which were due October 1, 2017, but were not finalized until early 2018, by addressing recreational marijuana facilities and to present it at the Fall 2019 Special Town Meeting.

21.2.1 No building permits shall be granted for new, revised, or modifications to any structure or building within the Town for the establishment and operation of businesses for the distribution of recreational marijuana within any Zone District prior to June 1, 2019.

Or take any action relative thereto.
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, one in the Goodwin Memorial Library, and in said Town, fourteen days at least, not including the day of posting, before the time of holding said meeting.

Given under your hands this 3rd day of October 2018

Joyce A. Chunglo, Chair

John C. Waskiewicz, II
Molly A. Keegan

David J. Fill, II

Christian Stanley
HADLEY SELECT BOARD

Constable of Hadley

Date: 10-4-2018

CONSTABLE'S RETURN

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 in the Goodwin Memorial Library, all in said town fourteen days before the date hereof as within directed.

Constable of Hadley, Massachusetts

OCT 18, 2018

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