



TOWN OF PLYMPTON, MASSACHUSETTS
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NOTICE OF HEARING

POSTED IN ACCORDANCE WITH THE PROVISIONS OF
The Town of Plympton Municipal Bylaws

Planning Board

Name of Committee

Place of Hearing: Small Meeting Room

Date: Tuesday 04/16/19
Day of Week Date (mm/dd/yy)

Time: 6:30 PM

AGENDA ATTACHED OR SUBJECTS TO BE DISCUSSED LISTED BELOW:

In accordance with the Massachusetts General Laws Chapter 40A Section 5, the Zoning act, you are hereby notified of a public hearing to amend the Town of Plympton Land use Regulations Zoning By-Law.

The Town of Plympton Agricultural Commission in conjunction with the Plympton Planning Board will conduct a public hearing to review proposed amendment.

Article XX To see if the Town will vote to make corrections to the Zoning By-Laws

See Attached Article

Signature:

Deborah Anderson

Date: 3/28/19

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a). The Marijuana Establishment is fully permitted by all applicable agencies within the Commonwealth of Massachusetts and is in compliance with all State laws and regulations; provided, however, that issuance of a valid license pursuant to M.G.L. c.94G may be a condition of the special permit.

b). The proposed use is designed to minimize any adverse impacts on the residents of the Town.

c). For a Marijuana Retail Establishment, there shall be a secure indoor area for all customers.

d). The Marijuana Establishment adequately addresses issues of vehicular and pedestrian traffic, circulation and parking, especially during peak periods at the facility, and adequately mitigates the impacts of vehicular and pedestrian traffic on neighboring uses.

7. Special Permit Conditions.

a) In addition to compliance with M.G.L. c.94G, and 935 CMR 500 et seq., the Planning Board may impose reasonable conditions to improve site design, traffic flow, public safety, water quality, air quality, protection of significant environmental resources and the preservation of community character of the surrounding area including, without limitation, the following:

i) Minimization of the impacts of increased noise and traffic.

ii) Imposition of security precautions related to the high value of products and cash transactions.

iii) Deterring the presence of unauthorized or ineligible persons at, or near, the Marijuana Establishment.

iv) Imposition of measures to prevent diversion of marijuana and marijuana products.

v) Conditions related to the design and construction of the facility to improve safety, security and conformance with community character.

vi) Conditions, consistent with the State Building Code, relating to energy efficiency and conservation.

b). The Planning Board shall include conditions concerning the following in any special permit granted pursuant to this Section:

i) Hours of operation, including dispatch for any home delivery.

ii) Compliance with the Host Community Agreement.

iii) The submission of a copy of the license from the Cannabis Control Commission with the Planning Board and the Building Commissioner prior to the issuance of a building permit, certificate of occupancy, or commencement of use, whichever occurs first.

iv) The reporting of any incidents to the Building Commissioner as required pursuant to 935 CMR 500.110(7) within 24 hours of their occurrence. Such reports may be redacted as necessary to comply with any applicable state or federal laws or regulations.

v) The reporting of any cease and desist order, quarantine order, suspension order, limiting sales order, notice of hearing or final action by the Cannabis Control Commission or the Division of Administrative Law Appeals, as applicable, regarding the Marijuana Establishment to the Building Commissioner within 48 hours of the applicant's receipt.

vi) Copies of all reports submitted to any state agency, including, but not limited to, the reports required by 935 CMR 500.105(10)(d) describing the establishment's liability insurance coverage and the annual security system audits required by 935 CMR 500.110(8) shall be submitted to the Planning Board within 5 business days of submission to the State. Such reports may be redacted as necessary to comply with any applicable state or federal laws or regulations.

vii) Documentation to the Planning Board that each Marijuana Establishment Agent has completed

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training regarding the proper handling of marijuana prior to performing job functions. Such documentation must be provided to the Board within 5 business days of the completion of such training. Annually, the establishment shall provide documentation to the Planning Board and the Board of Selectmen that all Marijuana Establishment Agents have received at least eight hours of on-going training.

c). The issuance of a special permit pursuant to this Section shall also be subject to the following:

i) The special permit shall expire within five (5) years of the date of issue. If the applicant wishes to renew the special permit, an application to renew must be submitted at least 120 days prior to the expiration of the special permit.

ii) The holder of a special permit shall annually file an affidavit with the Building Commissioner demonstrating that it is in good standing with respect to its license from the Cannabis Control Commission and any other applicable State licenses.

iii) The holder of a special permit shall notify the Zoning Enforcement Officer and the Planning Board in writing within 48 hours of the cessation of operation of the Marijuana Establishment or the expiration or termination of the permit holder's license from the Department of Public Health.

iv) Special permits shall lapse upon the expiration or termination of an applicant's license from the Cannabis Control Commission.

9.6 Transfer/Discontinuance of Use.

1. A Special Permit for a Marijuana Establishment or Medical Marijuana Facility shall lapse if not exercised within one year of issuance.

2. A special permit granted under this Section shall have a term limited to the duration of the applicant's ownership of the premises as a Marijuana Establishment or Medical Marijuana Facility. A special permit may be transferred only with the approval of the Special Permit Granting Authority in the form of an amendment to the special permit with all information required in this Section 9.

3. A permit granted under this Section shall include a requirement that the applicant post a bond at the time of construction to cover costs for the removal of the Marijuana Establishment or Medical Marijuana Facility in the event the Town must remove the facility. The value of the bond shall be based upon the ability to completely remove all the items noted in 9.6.4 below and properly clean the facility at prevailing wages. The value of the bond shall be developed based upon the applicant providing the Planning Board with three (3) written bids to meet the noted requirements. An incentive factor of 1.5 shall be applied to all bonds to ensure compliance and adequate funds for the town to remove the facility at prevailing wages.

4. Any Marijuana Establishment or Registered Marijuana Dispensary permitted under this section shall be required to remove all material, plants, equipment and other paraphernalia in compliance with 105 CMR 725.105 (J) and (O) prior to the expiration of its Department of Public Health (DPH) Registration, immediately following revocation or voiding of its DPH Registration, following the expiration, revocation or voiding of its license issued by the Cannabis Control Commission, or within six months of ceasing operations, whichever comes first.

9.7 Quota. All applications for a special permit pursuant to this Section shall be acted upon in the order in which they are filed. The Planning Board shall limit the number of special permits issued for Marijuana Retailers such that the total number of active special permits for Marijuana

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Retailers shall not exceed 20% of the number of licenses issued within Plympton for the retail sale of alcoholic beverages not to be drunk on the premises where sold under Section 15 of Massachusetts General Law Chapter 138. Said number shall be rounded up to the next whole number. The Planning Board shall limit the number of special permits issued for Marijuana Establishments other than Marijuana Retailers to [one (1)].

9.8 No Accessory Use Marijuana Establishments

or Medical Marijuana Facilities. Use of property as a Marijuana Establishment or Medical Marijuana Facility shall necessarily be deemed a principal use for purposes of the Zoning Bylaw, and shall be permitted exclusively in accordance with this Section 9. No Marijuana Establishment may be allowed within Town on the basis that such use qualifies as a permissible accessory use.

Article _____. To see if the Town will vote to amend the Zoning Bylaws, Section H DEFINITIONS by inserting the following definitions, or take any action thereon:

CANNABIS – See MARIJUANA MARIJUANA – Means marijuana as defined in MGL c.94G, §1, 935 CMR 500 et seq., and 105 CMR 725 et seq.

CRAFT MARIJUANA CO-OPERATIVE – Means 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, and which is licensed to cultivate, obtain, manufacture, process, package and brand cannabis or marijuana products to transport marijuana to Marijuana Establishments, but not to consumers.

MARIJUANA CULTIVATOR – Means an entity licensed to cultivate, process and package marijuana, to transfer marijuana to Marijuana Establishments, but not to consumers.

MARIJUANA ESTABLISHMENT – Means a Marijuana Cultivator, Craft Marijuana Cooperative, Marijuana Product Manufacturer, Marijuana Retailer, Marijuana Testing Laboratory, Marijuana Research Facility, Marijuana Transporter, or any other type of licensed marijuana-related business, except a Medical Marijuana Treatment Center.

MARIJUANA ESTABLISHMENT AGENT – Means a board member, director, employee, executive, manager, or volunteer of a Marijuana Establishment, who is 21 years of age or older. Employee includes a consultant or contractor who provides on-site services to a Marijuana Establishment related to the cultivation, harvesting, preparation, packaging, storage, testing, or dispensing of marijuana.

MARIJUANA FOR ADULT USE – Means Marijuana and Marijuana products that are not designated and restricted for use by, and for the benefit of, Qualifying Patients in the treatment of Debilitating Medical Conditions as defined in 105 CMR 725 et seq.

MARIJUANA TESTING LABORATORY – Means either an independent testing laboratory or a standard testing laboratory that is licensed by the Cannabis Control Commission to test cannabis or marijuana products in compliance with 935 CMR 500.

MARIJUANA MICRO-BUSINESS – Means a coterminated Marijuana Establishment that can be either a Tier 1 Marijuana Cultivator or Product Manufacturer or both, in compliance with the Cannabis Control Commission's operating procedures for each license; provided, however, that a Micro-Business that is a Marijuana Product Manufacturer may purchase no more than 2,000 pounds of mari-

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juana per year from other Marijuana Establishments.

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

MARIJUANA PRODUCT MANUFACTURER – Means 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 – Means an entity licensed to engage in research projects by the Commission.

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

MARIJUANA TRANSPORTER – Means an entity 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 FACILITY – Shall mean a "Medical marijuana treatment center" to mean a not-for-profit entity, as defined by Massachusetts law only, registered under this law, that acquires, cultivates, possesses, processes (including development of related products such as food, tinctures, aerosols, oils, or ointments), transfers, transports, sells, distributes, dispenses, or administers marijuana, products containing marijuana, related supplies, or educational materials to qualifying patients or their personal caregivers. These facilities shall be located inside a structure or building.

MARIJUANA FOR MEDICAL USE – Marijuana that is designated and restricted for use by, and for the benefit of, Qualifying Patients in the treatment of Debilitating Medical Conditions as set forth in Citizens Petition 11-11.

A copy of the revised by-law may be reviewed at the office of the Town Clerk, Plympton Town House, 5 Palmer Road, Plympton, MA during normal business hours. All persons, parties or corporations interested therein may appear at the hearing and be heard in relation thereto.

Plympton Planning Board
Deborah Anderson,
Chairman,
Paul D'Angelo,
Vice-chairman,
Jennifer Macdonald, Secretary,
Ann Sobolewski
and John Schmid,
Members

2PL - March 29, April 5, '19

TOWN OF PLYMPTON



PLANNING BOARD NOTICE OF PUBLIC HEARING

In accordance with the Massachusetts General Laws Chapter 40A Section 5, the Zoning Act, you are hereby notified of a Public Hearing to amend the Town of Plympton Land Use Regulations Zoning By-law.

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The Town of Plympton Conservation Commission and Open Space Committee, in conjunction with the Plympton Planning Board, will conduct a public hearing on Tuesday, April 16, 2019 at 6:25 p.m. at the Plympton Town House, small meeting room, 5 Palmer Road, Plympton to review the proposed amendment.

The Conservation Commission and Open Space Committee recommend amending Section 8 Special Districts of the Town's Zoning Bylaws which pertain to Flood Plains and Watershed protection districts.

Section 8.1.2 of Plympton's Zoning Bylaws lists permitted uses in Flood Plains and Watershed protection districts. It specifies that no building or other structure shall be constructed "except for ducks blinds or structures necessary for the cultivation of cranberry bogs or for the propagation of fish." The revision proposes to insert, after the word "blinds" - "municipal boardwalks constructed for passive recreation." The remainder of the clause would remain the same.

A copy of the revised by-law may be reviewed at the office of the Town Clerk or the Planning Board, Plympton Town House, 5 Palmer Road, Plympton, MA during normal business hours. All persons, parties or corporations interested therein may appear at the hearing and be heard in relation thereto.

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In accordance with the Massachusetts General Laws Chapter 40A Section 5, the Zoning Act, you are hereby notified of a Public Hearing to amend the Town of Plympton Land Use Regulations Zoning By-law.

The Town of Plympton Agricultural Commission, in conjunction with the Plympton Planning Board, will conduct a public hearing on Tuesday, April 16, 2019 at 6:30 p.m. at the Plympton Town House, small meeting room, 5 Palmer Road, Plympton to review the proposed amendment.

Article XX _____. To see if the Town will vote to make corrections to the Zoning By-laws as follows:

(1) Delete the first paragraph in section 8.1.1 in its entirety and replace it with following paragraph:

"The purpose of this Flood Plain and Watershed Protection District is to protect the health and safety of persons against the hazards of flooding, to conserve the value of land and buildings, to facilitate the adequate provision of a water supply through preservation and maintenance of the groundwater table, to protect and to preserve the marshes, bogs, ponds and water courses and their adjoining wetlands, to encourage the most appropriate use of wetlands, to encourage the most appropriate use of the land and to preserve and increase the amenities of the Town. This section does not grant any property rights; it does not authorize any person to trespass, infringe upon or injure the prop-

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erty of another; it does not excuse any person of the necessity of complying with other sections of this By-law or other applicable laws, regulations or By-laws."

(2) Delete the first paragraph in section 8.1.2 in its entirety and replace it with the following paragraph:

"Subject to the special conditions of this section, land in a Flood Plain and Watershed Protection District may be used for any purpose otherwise permitted in the underlying district except that no building or other structure shall be constructed other than

Or take any action relative thereto.
Agricultural Commission
and the
Plympton Planning Board
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In accordance with the Massachusetts General Laws Chapter 40A Section 5, the Zoning Act, you are hereby notified of a Public Hearing to amend the Town of Plympton Land Use Regulations Zoning By-Law.

The Town of Plympton Planning Board, in conjunction with the Board of Selectmen, will conduct a public hearing on Tuesday, April 16, 2019 at 6:40 p.m. at the Plympton Town House, small meeting room, 5 Palmer Road, Plympton to review the proposed amendment.

Article XX To see if the town will vote to amend

Section 6.10 Solar Facilities
To see if the Town of Plympton will vote to delete in its entirety Section 6.10.1, Section 6.10.1.2, and Section 6.10.2, plus portions of Sections 6.10.3, 6.10.4.1, 6.10.4.2 and 6.10.5 of the Plympton Zoning Bylaw and replace them with

6.10.1. Purpose
The purpose of this section is to regulate the development of ground-mounted solar photovoltaic facilities (a "Solar Energy Facility") and roof mounted solar facilities by providing standards for the placement, design, construction, operation, monitoring, modifications, and removal of such energy facilities; to promote public safety; to protect and preserve farmland and open space as promoted by the Commonwealth of Massachusetts; to minimize impacts on the scenic, natural and historic resources of Plympton, and to provide adequate financial assurance for the eventual de-commissioning of such solar energy facilities.

6.10.2. Applicability
This section applies to the installation of all ground mounted solar energy facilities that generate power utilized in part offsite from the installation location. Specifically, Solar Energy Facilities are permitted for only two

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installation types as follows:

1. Facilities with name plate capacity of 250kw or greater, sited by "Special Permit."

2. Facilities with name plate capacity of less than 150kw, sited by "Special Permit."

This section also applies to future physical modifications that materially alter the type, configuration, or size of a Solar Energy Facility or related equipment. Facility sitings shall be limited in number and location, as described in Subsection 6.10.4.3a

Solar Energy Facilities for the exclusive purpose of agriculture, with the power generated to be used on the property, are exempt from this Section in accordance with G.L., c.40A, s.3.

Roof mounted solar facilities shall be allowed provided they comply with Section C.10.4.3

Section 6.10.3 Definitions
Delete "As-of-Right Siting"

Section 6.10.4 General Requirements
Delete first paragraph of 6.10.4.1 and replace with

All large scale ground mounted Solar Energy Facilities, except for those explicitly exempted pursuant to Section B, shall undergo site plan review, including a public hearing, as part of the special permit process by the Planning Board, as well as review by other bodies including but not limited to the Conservation Commission, prior to construction, installation or modification as provided in this Section.

Delete a. and replace with
Facilities with name plate capacity of 250kw or greater, the solar array may be sited by "Special Permit."
The total number of these large facilities shall be limited to nine facilities in operation concurrently within the Town. Included within this number are large facilities that have received a permit to operate from the Planning Board as of the effective date of this Solar Energy Facilities by-law.

Insert new b-Siting requirements for large facilities; one of the following conditions must be met:

b1) the location of the facility, due to topography, tree lines, and/or vegetation, cannot reasonably be seen from a residence or public way during all seasons of the year; or

b2) the location of the facility is so distant from a residence or public way, and/or so obscured by topography, tree lines, and/or vegetation, that the visual impact of the facility is rendered negligible, as determined by the Planning Board, during all seasons of the year.

Re-alphabetize the current b - f, so that "Monitoring and maintenance" is c and "proof of liability" is g.

Section 6.10.4.2 Delete first sentence and replace with

All medium and small scale ground mounted Solar Energy Facilities, less than 150kw, the solar array footprint not to exceed five acres, except for those explicitly exempted pursuant to Section B, shall undergo site plan review, including a public hearing, as part of the special permit process by the Planning Board, as well as review by other bodies including but not limited to the Conservation Commission, prior to construction, installation or modification as provided in this Section.

Section 6.10.5

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Amend the title to be
Special Permit and Site Plan Review

A copy of the revised by-law may be reviewed at the office of the Town Clerk or the Planning Board, Plympton Town House, 5 Palmer Road, Plympton, MA during normal business hours. All persons, parties or corporations interested therein may appear at the hearing and be heard in relation thereto.

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In accordance with the Massachusetts General Laws Chapter 40A Section 5, the Zoning Act, you are hereby notified of a Public Hearing to amend the Town of Plympton Land Use Regulations Zoning By-Law.

The Town of Plympton Planning Board will conduct a public hearing on Tuesday, April 16, 2019, at 6:45 p.m. at the Plympton Town House, small meeting room, 5 Palmer Road, Plympton to review the proposed amendment.

Article XX : To see if the Town will vote to amend the Town's list of uses under Special Permits, Section 7.2, of the Zoning Bylaw by adding "Solar Energy Facilities", as defined in Plympton Zoning Bylaws, Section 6.10.3, with SP-PB designations for all zones.

A copy of the revised by-law may be reviewed at the office of the Town Clerk or the Planning Board, Plympton Town House, 5 Palmer Road, Plympton, MA during normal business hours. All persons, parties or corporations interested therein may appear at the hearing and be heard in relation thereto.

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In accordance with the Massachusetts General Laws Chapter 40A Section 5, the Zoning Act, you are hereby notified of a Public Hearing to amend the Town of Plympton Land Use Regulations Zoning By-law.

The Town of Plympton Planning Board, will conduct a public hearing on Tuesday, April 16, 2019 at 6:35 p.m. at the Plympton Town House, small meeting room, 5 Palmer Road, Plympton to review the proposed amendment.

Town of Plympton By-Law Review Committee Proposed Warrant Article regarding definition of Building Height For Consideration by May 2019 Town Meeting

Article XX To see if the Town will vote to amend the Zoning Bylaws as follows: Article 11 Definitions by adding the following Definitions in alphabetical order within the existing list of definitions.

Building Height: The vertical distance between the Lower Elevation and the Upper Elevation as described below:

1. The Lower Elevation shall be the natural grade of the land at the point of measurement prior to disturbance for construction. The elevation of the natural grade prior to disturbance for construction shall be certified by a registered land surveyor, or may be such elevation as the Building Inspector may determine from Town maps or records. In a case where the finished grade is lower than the natural grade of the land at the point of measurement prior to disturbance for construction, the finished grade shall be the lower elevation.
2. The Upper Elevation shall be the highest point of flat or mansard roofs, including the top of a parapet, or, in the case of pitched roofs, the highest point of the ridge or top of the roof.

Half Story: A story with a sloping roof, the area of which story at a height of four (4) feet above the floor does not exceed two-thirds of the floor area of the story immediately below it.

A copy of the revised by-law may be reviewed at the office of the Town Clerk A copy of the revised by-law may be reviewed at the office of the Town Clerk or the Planning Board, Plympton Town House, 5 Palmer Road, Plympton, MA during normal business hours. All persons, parties or corporations interested therein may appear at the hearing and be heard in relation thereto.

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