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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: 6:20 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 By-Law review Committee in conjunction with the Plympton Planning Board will conduct a public hearing to review proposed amendment

#### Section 9.

#### SPECIAL REQUIREMENTS FOR MEDICAL MARIJUANA FACILITIES

SEE ATTACHED ARTICLE

Signature:

Deborah Anderson

Date: 3/28/19

## LEGAL NOTICE

**Distribution Facility, Merchandise** - A facility for the packaging, storage and distribution of previously manufactured products.

**Junk or Salvage Yard** - The property used/owned by any junk dealer requires a Class III Motor Vehicle License. Holders shall meet the following requirements: The areas used for storage of junk vehicles and junk materials shall be situated within 500 feet of a public road and 1000 feet from a dwelling. Except where screened from view by natural objects, a junk yard shall have a fence at least eight (8) feet in height, which substantially screens same from surrounding areas. Such fence shall be of the type acceptable to the Building Inspector, soundly erected, properly maintained and shall not have junk stored against it. No such fence shall be erected at a distance less than twenty-five (25) feet from the curbing or edge of the pavement of any street. The junk yard, together with things kept therein, shall at all times be maintained in a sanitary condition. Space not covered by the license shall not be used in the licensed business. Water shall not be allowed to stand in any place on the premises in such manner as to afford a breeding place for mosquitoes. Weeds and vegetation on the premises, other than trees, shall be kept at a height of not more than four (4) inches. Garbage or other waste liable to give off foul odor or attract vermin shall not be kept on the premises, nor shall any refuse of any kind be kept on the premises, unless such refuse is junk, as defined herein, and is in use in the licensed business. Junk shall not be allowed to rest upon or protrude over any public street, walkway, or curb or become scattered or blown off the business premises. Junk shall be stored in piles not exceeding eight (8) feet in height and shall be arranged so as to permit easy access to all such junk for fire-fighting purposes. No combustible material of any kind that is not necessary or beneficial to the licensed business shall be kept on the premises, nor shall the premises be allowed to become a fire hazard. Gasoline and oil shall be removed from any engines, vehicles and other such junk items stored on the premises and disposed of in a manner that does not endanger public health, safety, welfare, or the environment. No junk yard shall be allowed to become a nuisance, nor shall any junk yard be operated in such a manner as to become injurious to the health, safety, or welfare of the community and any adjacent residents. Any ESTABLISHED JUNK YARDS for the purpose of this By-Law, the location of which already established shall be considered approved, provided that such junk yards comply with the fencing, aesthetic provisions and requirements for operation.

**Light Manufacturing** - Fabrication, assembly, processing, finishing work and packaging in such a manner that noise, dust, odor, vibration, or similar objectionable features are confined to the premises and are in no way objectionable to abutting property, and incidental storage and distribution of the same, and expressly excluding the manufacture of acid, asphalt, cement, explosives, fertilizer, gas, glue, gypsum, pesticide and petroleum; hazardous or radioactive waste storage, processing or disposal; and petroleum refining.

**Light Manufacturing, Intensive** - Light Manufacturing which employs over twenty (20) persons or discharges into the ground wastewater containing chemical substances not normally present in domestic wastewater; or maintains an impervious area in excess of one (1) acre.

**Commercial Sewage w/o Septage**

## LEGAL NOTICE

**Treatment w/o Disposal Facilities** - Facilities for treating and/or disposing of domestic, commercial, or industrial sewage or septage (material pumped from septic tanks) when such facilities are privately owned and are operated as a business serving off-site sources. This includes mechanical treatment plants using physical, biological, or chemical processes, open lagoon systems or other facilities designed to process and/or dispose of sewage or septage as defined in the State Environmental Code.

**Temporary Sawmill** - A temporary saw mill is a moveable unit, usually towed by a vehicle where the logs lay flat on a steel bed and the motorized saw cuts the logs horizontally along the length of the bed by the operator manually pushing the saw. The most basic kind of portable saw mill consists of a chainsaw and a customized jig with similar horizontal operation.

**Warehouse** - A building used primarily for the storage of goods and materials, for distribution, but not for sale on the premises.

**Wireless Communication Towers** - A structure (with antennas, if any) designed to facilitate the following types of services: cellular telephone service, personal communications service and enhanced specialized mobile radio service

**Wireless Communication Facilities** - Devices (other than a "wireless communications tower" which are mounted on top of an existing building or structure (roof-mounted), mounted adjacent to the side or rear of an existing building or structure (side mounted), or mounted to the facade of an existing building or structure (façade-mounted) designed to facilitate the following types of services: cellular telephone service, personal communications service and enhanced specialized mobile radio service.

### Agricultural

**Agricultural** - Agricultural shall have the same meaning as in MA G.L. c. 128, s. 1A (or successor statutory provision)

### Educational

**Child Care Facility** - A facility operated on a regular basis by an entity licensed by the Massachusetts Department of Early Education and Care under G.L. c. 15D, § 1A, which may be known as a child nursery, nursery school, kindergarten, child play school, progressive school, child development center, pre-school, or known under any other similar name, which receives children not of common parentage under seven years of age, or under 16 years of age if they are children with special needs, for nonresidential custody and care during part or all of the day, separate from their parent(s).

**Educational Use, Exempt** - Use of land or structures for educational purposes on land leased by the Commonwealth or any of its agencies, subdivisions or bodies politic or by a religious sect or denomination or by a nonprofit educational corporation.

**Educational Use, Non-Exempt** - Educational facilities not exempted under MA G.L. c. 40A, s. 3.

**Non-Profit Museums, Historical Associations or Societies** - Premises for the procurement, care and display of inanimate objects of lasting historical or cultural interest and value that are opened to the public at regularly scheduled times with no retail sales activities other than an accessory gift book shop and accessory food sales.

### Governmental

**Essential Services** - Services provided

## LEGAL NOTICE

by a public utility or governmental agency through erection, construction, alteration or maintenance of gas, electrical, steam or water transmission or distribution systems and collection, communication, supply or disposal systems whether underground or overhead. Facilities necessary for providing essential services include poles, wires, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, and other similar equipment and accessories, but excluding buildings necessary for the furnishing of adequate service by the public utility or governmental agency for the public health, safety, or general welfare.

### Religious

**Religious** - "Religious" shall have the same meaning as the second paragraph of MA G.L. c. 40A, s. 3 (or successor statutory provision)

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.

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

ZPL - 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.

The Town of Plympton By-Law Review Committee, in conjunction with the Plympton Planning Board, will conduct a public hearing on Tuesday, April 16, 2019 at 6:20 p.m. at the Plympton Town House, small meeting room, 5 Palmer Road, Plympton to review the proposed amendment.

Article . . . To see if the Town will vote to amend the Zoning Bylaws, Section 9.

**SPECIAL REQUIREMENTS FOR MEDICAL MARIJUANA FACILITIES** by deleting that Section in its entirety and replacing it with Section 9 **SPECIAL REQUIREMENTS FOR RECREATIONAL AND MEDICAL MARIJUANA FACILITIES** or take any action thereon. Section 9 shall contain the following text: Section 9. Special Requirements for Recreational and Medical Marijuana Establishments

### 9.1 Applicability.

1. The Planning Board may grant a special permit authorizing a Marijuana Establishment or a Medical Marijuana Facility as provided under Section 4.1 of the Plympton Zoning Bylaws in conformance with the following regulations, conditions and limitations.

2. No Marijuana Establishment or Medical Marijuana Facility

shall be established except in compliance with the provisions of this Section 9.

3. Nothing in this Section 9 shall be construed to supersede federal and state laws governing the sale and distribution of narcotic drugs; nor shall any special permit issued pursuant to this Section 9 supersede federal, state or local laws.

4. For the purpose of this Section, the terms "Medical Marijuana Facility", "Marijuana Establishment", "Marijuana Cultivator", "Independent Testing Laboratory", "Marijuana Product Manufacturer", "Marijuana Retailer", and "Other Type of Licensed Marijuana-Related Business" shall be as defined in Section 11, Definitions. Where not expressly defined in Section 173-2, all terms used herein shall be as defined in M.G.L. c. 94G and 935 CMR 500 et seq.

### 9.2 Purpose and Intent.

The purposes of this Section are:

1. To provide for the placement of Marijuana Establishments and Medical Marijuana Facilities in appropriate places and under conditions in accordance with the provisions of Massachusetts General Laws Chapter 94G.

2. To protect the health, safety, and general well-being of Plympton residents, the public, patients seeking treatment, and customers seeking to purchase marijuana for recreational use, and patients seeking marijuana for medicinal purposes.

3. To minimize any adverse impacts of Marijuana Establishments and Medical Marijuana Facilities on abutters, residential neighborhoods, schools and other places where children congregate, historic districts, sensitive land uses and other land uses potentially incompatible with such facilities.

4. To regulate the siting, design, security, safety, monitoring, modification discontinuance, and quota of Marijuana Establishments and Medical Marijuana Facilities.

5. To limit the total overall number of Marijuana Establishments that may be located within the Town to an appropriate amount, which shall not exceed twenty percent (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.

6. To establish that on-premises consumption shall not be permitted unless the Town votes to authorize on-premises consumption pursuant to M.G.L. c.94G, §3.

### 9.3 General Requirements and Conditions.

The following restrictions shall apply to all uses under this Section 9:

1. No Marijuana Establishment or Medical Marijuana Facility shall be located within five hundred feet (500') of the property boundary line of any lot in use as a public or private pre-school, primary or secondary school, licensed daycare center, church, library, park, playground, or other Marijuana Establishment or Medical Marijuana Facility except for marijuana facilities that are owned or leased by the same operator. Distance shall 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. The Planning Board may reduce this minimum distance requirement as part of the issuance of a special permit in the following instances only:

a) Renewal of a special permit for an existing Marijuana Establishment or Medical Marijuana Facility where the use described in Section 9.3.1 has been established after issuance of the original special permit.

b) Change of permit holder for an existing Marijuana Establishment

Medical Marijuana Facility where the use described in Section 9.3.1 was established after issuance of the original special permit.

2. A Marijuana Establishment that seeks to expand or alter its operations so as to come within a new class or sub-class of Marijuana Establishment, as identified 935 CMR 500.050(d), shall obtain a new special permit prior to undertaking such expansion or alteration.

3. A Medical Marijuana Facility licensed under 105 CMR 725 et seq., and that holds a special permit pursuant to Section 9.4 shall obtain a new special permit prior to converting to a Marijuana Establishment or commencing any operations regulated by M.G.L. c.94G and 935 CMR 500 et seq.

4. A Marijuana Establishment or Medical Marijuana Facility shall be located within a fully-enclosed, permanent building and may not be located in a trailer, cargo container, motor vehicle or other similar non-permanent enclosure.

5. No Medical Marijuana Facility or Marijuana Retailer shall have a net floor area of less than 2,500 square feet or more than 10,000 square feet.

6. No Medical Marijuana Facility shall be located in buildings that contain any medical doctor's offices or the offices of any other professional practitioner authorized to prescribe the use of medical marijuana.

7. A Marijuana Establishment or Medical Marijuana Facility shall not have drive-thru service.

8. A Marijuana Establishment or Medical Marijuana Facility shall not be within a building containing residential units, including transient housing. No Medical Marijuana Facility or Marijuana Retailer shall be located on a lot that abuts a residential zoning district.

9. No smoking, burning or consumption of any product containing marijuana or marijuana-related products shall be permitted on the premises of a Marijuana Establishment or Medical Marijuana Facility except as may be authorized by 935 CMR 500 et seq for purposes of cultivation, testing, research, or manufacturing.

10. Marijuana, marijuana products, associated supplies, and/or promotional/advertising materials shall be displayed or visible to a person from the exterior of a Marijuana Establishment.

11. A Marijuana Establishment or Medical Marijuana Facility shall not display signage or other marketing materials on the exterior of the building or in any manner visible from the public way, which, in the opinion of the Planning Board, may promote or encourage the use of marijuana or other drugs by minors.

12. A Medical Marijuana Facility shall post at a conspicuous location at the public entrance a sign that states: "Registration card issued by the MA Department of Public Health required." A Marijuana Retailer shall post at a conspicuous location at the public entrance a sign that states: "Only individuals 21 years of age or older, unless in possession of a registration card issued by the MA Department of Public Health." The required text for each such sign shall be a minimum of two (2) inches in height.

13. A Marijuana Establishment or Medical Marijuana Facility shall be ventilated in such a manner that:

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

b) 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 Establishment / Medical Marijuana Facility or at any adjoining property.

## LEGAL NOTICE

14. The hours of operation of a Marijuana Establishment or Medical Marijuana Facility shall be determined by the Planning Board as a condition of the special permit, but in no event shall a Marijuana Retailer or Medical Marijuana Facility be open and/or operating between the hours of 8:00 p.m. and 8:00 a.m.

15. Marijuana Establishments and Medical Marijuana Facilities shall provide and keep up to date contact information as required by Chief of Police, Building Inspector and Zoning Enforcement Officer, such as name, telephone number and electronic mail address of a contact person who must be available 24 hours a day, seven days a week and to whom one can provide notice if there are operating problems associated with the establishment or facility.

16. All shipping and receiving areas shall serve the Marijuana Establishment or Medical Marijuana Facility exclusively. In the case of a multi-use or multi-tenant site, the Marijuana Establishment or Medical Marijuana Facility shall be laid out and designed to ensure separation from other uses or tenants at the site.

17. The Marijuana Establishment or Medical Marijuana Facility shall have adequate water supply, stormwater systems, sewage disposal, and surface and subsurface drainage.

18. The Marijuana Establishment or Medical Marijuana Facility shall have adequate lighting, including night lighting that provides for monitoring or building and site security, including those measures to prevent diversion of marijuana and marijuana products cultivated outdoors.

### 9.4 Special Permits for Medical Marijuana Facilities

1. A Medical Marijuana Facility shall only be allowed by special permit from the Plympton Planning Board in accordance with G.L. c. 40A, §9, subject to the following standards, regulations, requirements, conditions and limitations. Only an applicant holding a valid Certificate of Registration from the Department of Public Health (DPH) is eligible to apply for a special permit pursuant to this Section 9.4.

2. Applicants for a special permit pursuant to this Section 9.4 are strongly encouraged to meet with the Planning Board at a public meeting to discuss the proposed application for a new Medical Marijuana Facility and to discuss in general terms the proposed Medical Marijuana Facility prior to the formal submission of an application.

3. A special permit for a Medical Marijuana Facility shall be limited to one or more of the following uses that shall be prescribed by the Special Permit Granting Authority:

a) cultivation of Marijuana for Medical Use (horticulture);

b) processing and packaging of Marijuana for Medical Use, including Marijuana that is in the form of smoking materials, food products, oils, aerosols, ointments, and other products;

c) retail sale or distribution of Marijuana for Medical Use to Qualifying Patients.

4. In addition to the application requirements set forth in Sections 9.5 and 9.6 of this Bylaw, a special permit application for a Medical Marijuana Facility shall include the following:

a) A copy of its Certificate of Registration from the Massachusetts Department of Public Health.

b) A copy of any waivers of regulations that the Department of Public Health has issued to the applicant.

c) Copies of all policies and procedures approved by the Department of Public Health, including

without limitation the Medical Marijuana Facility's operating procedures pursuant to 105 CMR 725.105(A).

d) The source or sources of all marijuana that will be sold or distributed at the proposed Medical Marijuana Facility, if applicable.

e) The quantity of marijuana that will be cultivated, processed, and/or packaged at the Medical Marijuana Facility, if applicable.

f) Names and addresses of each owner of the Medical Marijuana Facility and, where the owner is a business entity, the names and addresses of each owner of the business entity. If any of the former are entities rather than persons, the Applicant must disclose the identity of the owners of such entities until the disclosure contains the names of individuals.

g) If applicable, a copy of the applicant's Articles of Organization, a current Certificate of Legal Existence from the Commonwealth, and the most recent annual report.

h) Copies of all licenses and permits issued to the applicant by the Commonwealth of Massachusetts and any of its agencies.

i) Evidence that the applicant has site control and the right to use the proposed site as a Medical Marijuana Facility. Such evidence shall be in the form of a deed, purchase and sale agreement, lease, or other legally binding document.

j) a certified list of all parties in interest entitled to notice of the hearing for the special permit application, taken from the most recent tax list of the town and certified by the Town Assessor;

k) In addition to what is otherwise required to be shown on a site plan pursuant to the Section 5.3, the applicant shall provide details showing all exterior proposed security measures for the premises including lighting, fencing, gates and alarms, etc., to ensure the safety of persons and to protect the premises from theft or other criminal activity. The site plan shall further delineate various areas of the Medical Marijuana Facility (indoors and outdoors) such as public access areas, employee only access areas, storage, cultivation, preparation, waste disposal, administrative, transportation, loading and parking areas. Site plans and/or application narrative shall contain sufficient information so that the Planning Board can evaluate the design and operational standards contained in this Section 9.4.

4. Upon the filing of the special permit application with the Planning Board, the Applicant shall simultaneously deliver copies of the full application to the Board of Selectmen, the Zoning Enforcement Officer, the Building Inspector, the Board of Health, the Police Department and the Fire Department.

5. Special Permit Approval Criteria. The Special Permit Authority shall not issue a special permit for a Medical Marijuana Facility unless it finds that the Medical Marijuana Facility satisfies the requirements of Section 7.1, this Section 9 and the following additional special permit criteria:

a) The Medical Marijuana Facility is fully permitted by all applicable agencies within the Commonwealth of Massachusetts and is in compliance with all State laws and regulations.

b) The proposed use is designed to minimize any adverse impacts on the residents of the Town, including but not limited to adverse visual or economic impacts on abutters and other parties in interest, as defined in G.L. c. 40A, §11.

c) The Medical Marijuana Facility contains a secure indoor waiting area for qualifying patients.

d) The storage and/or location of cultivation of Marijuana is adequately secured in enclosed, locked facilities within the Medical Mari-

juana Facility.

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

f) The applicant has satisfied all of the conditions and requirements of Sections 9.3 and 9.4 herein.

6. Special Permit Conditions.

1. 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:

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

b) Imposition of security precautions related to the high value of products and ease transactions. (3) Detering the presence of unauthorized or ineligible persons at, or near, the RMD.

c) Imposition of measures to prevent diversion of marijuana.

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

2. The Planning Board shall include conditions concerning the following in any special permit granted pursuant to this Article:

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

b) The reporting of any incidents to the Building Commissioner and Planning Board as required pursuant to 105 CMR 725.110(1) within 24 hours of their occurrence. Such reports may be redacted as necessary to comply with any applicable state or federal laws or regulations.

c) The reporting of any cease and desist order, quarantine order, suspension order, limiting sales order, notice of hearing or final action by the Department of Public Health or the Division of Administrative Law Appeals, as applicable, regarding the RMD to the Building Commissioner and the SPGA within 48 hours of the applicant's receipt.

3. The issuance of a special permit pursuant to this Article shall also be subject to the following:

a) 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.

b) Special permits shall be limited to the original applicant(s) and shall expire on the date the special permit holder ceases operation of the Medical Marijuana Facility.

c) The holder of a special permit shall annually (no later than January 31st of each year) file with the Zoning Enforcement Officer and the Town Clerk, a copy of all current applicable state licenses for the Facility and/or its owners and demonstrate continued compliance with the conditions of the Special Permit.

d) 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 Medical Marijuana Facility or the expiration or termination of the permit holder's Certificate of Registration from the Department of Public Health.

e) Special permits shall lapse upon the expiration or termination of an applicant's Certificate of Registration from the Department of Public Health.

9.5 Special Permits for Marijuana Establishments

1. Only an applicant holding a valid license from the Cannabis Con-

trol Commission issued pursuant to M.G.L. c.94G and 935 CMR 500 et. seq., is eligible to apply for a special permit pursuant to this Section.

2. Applicants for a special permit pursuant to this Section 9 are strongly encouraged to meet with the Planning Board at a public meeting to discuss the proposed application for a new Marijuana Establishment and to discuss in general terms the proposed Marijuana Establishment prior to the formal submission of an application.

3. No special permit shall be issued until the Applicant has held a community outreach hearing consistent with the Commission's Guidance for License Applicants on Community Outreach and 935 CMR 500.101(1)(a)(9) or (2)(b)(7), unless the proposed use is exempt from the hearing requirement under the regulations.

4. Application Requirements. In addition to the standard Special Permit Application form, an applicant for a special permit under this Section for a Marijuana Establishment shall also submit the following:

a) A copy of the final, executed Host Community Agreement ("HCA") between the applicant and the Town of Plympton.

b) A written description of the status of its application to the Cannabis Control Commission relative to the establishment at issue, or a copy of such license, as applicable.

c) A list of any waivers of regulations that the applicant seeks to obtain from the Cannabis Control Commission, or a copy of any such waivers that the Commission has issued to the applicant, as applicable.

d) Copies of all policies and procedures approved by the Cannabis Control Commission including without limitation the Marijuana Establishment's operating and safety procedures, or copies of such policies and procedures that the applicant intends to submit to the Commission, as applicable.

e) The quantity and source of sources of all marijuana and marijuana products that will be sold at the proposed Marijuana Establishment, as applicable.

f) The quantity of marijuana and marijuana products that will be cultivated, processed, manufactured, packaged, transported, tested, or studied at the Marijuana Establishment, as applicable.

g) Written statement confirming that no marijuana or marijuana products will be smoked, burned, or consumed on the premises as part of the cultivation, manufacturing, testing or researching operations, as applicable, or a statement explaining how any such uses have been authorized by the Commission.

h) Names and addresses of each owner of the Marijuana Establishment, and where the owner is a business entity, the names and addresses of each owner of that establishment.

i) If applicable, a copy of the Applicant's Articles of Organization, a current Certificate of Legal Existence from the Commonwealth, and the most recent annual report.

j) Copies of all licenses and permits issued to the Applicant by the Commonwealth of Massachusetts and any of its agencies.

k) Evidence that the applicant has site control and the right to use the proposed site as a Marijuana Establishment. Such evidence shall be in the form of a deed, purchase and sale agreement, lease, or other legally binding document.

l) a certified list of all parties in interest entitled to notice of the hearing for the special permit application, taken from the most recent tax list of the town and certified by the Town Assessor;

m) In addition to what is otherwise required to be shown on a site plan pursuant to Section 5.3, the applicant

shall provide details showing all exterior proposed security measures for the premises, including but not limited to lighting, fencing, gates and alarms to ensure the safety of employees and patrons and to protect the premises from theft or other criminal activity. The site plan shall further delineate various areas of the Marijuana Establishment (indoors and outdoors) such as public access areas, employee only access areas, storage, cultivation, preparation, waste disposal, administrative, transportation, loading and parking areas. Site plans and/or application narrative shall contain sufficient information so that the Planning Board can evaluate the design and operational standards contained in this Section 9.

5. Upon the filing of the special permit application with the Planning Board, the Applicant shall simultaneously deliver copies of the full application to the Board of Selectmen, the Zoning Enforcement Officer, the Building Inspector, the Board of Health, the Police Department and the Fire Department.

6. Special Permit Approval Criteria. The Special Permit Authority shall not issue a special permit for a Marijuana Establishment unless it finds that the Marijuana Establishment satisfies the requirements of Section 7.1, this Section 9 and the following additional special permit criteria:

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 ease transactions.

iii) Detering 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