

**TOWN OF NEWBURY
ANNUAL TOWN MEETING
APRIL 24, 2018**

ESSEX SS.

TO: ONE OF THE CONSTABLES FOR THE TOWN OF NEWBURY,
MASSACHUSETTS

GREETINGS:

IN THE NAME OF THE COMMONWEALTH OF MASSACHUSETTS, YOU ARE
HEREBY DIRECTED TO NOTIFY AND WARN THE INHABITANTS OF THE TOWN OF
NEWBURY, QUALIFIED TO VOTE IN TOWN AFFAIRS, TO MEET AT THE NEWBURY
ELEMENTARY SCHOOL AT 63 HANOVER STREET IN SAID TOWN OF NEWBURY
ON TUESDAY, THE 24th DAY OF APRIL 2018 AT 7:00 P.M. TO ACT ON THE
FOLLOWING ARTICLES, VIZ:

GENERAL GOVERNMENT MATTERS

ARTICLE 1. To meet in our respective voting districts on Tuesday, May 8, 2018, the
polls will open at 7:00 AM and close at 8:00 PM, to vote on the following offices:

<u>Position</u>	<u>Term</u>
Selectman (2)	Three Years
Assessor	Three Years
Board of Health	Three Years
Constable	Four Years
Fish Commissioner	Three Years
Library Trustee (2)	Three Years
Planning Board	Five Years
Town Clerk	Three Years
Triton Regional School Committee- Newbury	Three Years
Triton Regional School Committee - Rowley	Three Years
Triton Regional School Committee - Salisbury	Three Years
Trustee First Settlers Burial Ground	Three Years

And the following Question:

Question 1:

Shall the Town of Newbury be allowed to assess an additional \$359,790.00 in real
estate and personal property taxes for the purposes of funding the Triton Regional
School assessment for the fiscal year beginning July 1, 2018?

_____ Yes _____ No

ARTICLE 2. To receive the reports of the Selectmen, School Committee, Regular and Special Committees, and all other Town Officers, or take any other action in relation thereto.

ARTICLE 3. To see if the Town will fix the salaries and compensation of certain elective officers of the Town as follows:

Town Moderator		\$ 500.00
Board of Selectmen	Each Member	\$ 7,500.00
Board of Assessors	Chair	\$ 3,500.00
	Member	\$ 2,500.00
Town Clerk		\$59,959.00
Tree Warden		\$ 5,000.00
Fish Commissioner	Each Member	\$ 1,300.00

APPROPRIATIONS

ARTICLE 4. To see if the Town will vote to raise and appropriate, transfer from available funds or otherwise provide to meet the salaries and wages of Town Officers and employees, expense and outlays of the Town Departments, and other sundry and miscellaneous, but regular expenditures necessary for the operation of the Town for Fiscal Year 2019;

General Government	\$2,008,925.00
Public Safety	2,974,782.00
Education	9,759,511.00
DPW	1,267,376.00
Human Services	301,400.00
Culture & Recreation	272,606.00
Debt Service	1,158,181.00
Benefits	1,667,540.00

Total Budget \$19,410,321.00

or take any other action in relation thereto.

ARTICLE 5. To see if the Town will vote to raise and appropriate the sum of \$250,000.00, or any other sum, to be added to the Stabilization Fund; or take any other action in relation thereto.

ARTICLE 6. To see if the Town will vote to raise and appropriate the sum of \$50,000.00, or any other sum, to fund Other Post-Employment Benefits; or take any other action in relation thereto.

ARTICLE 7. To see if the Town will vote to transfer the sum of \$162,000.00, or any other sum, from Free Cash, to allow the Town to lease space for the Town Hall operations; or take any other action in relation thereto.

ARTICLE 8. To see if the Town will vote to appropriate the sum of \$25,000.00, or any other sum, from the Free Cash, for Storm Water Management purposes; or take any other action in relation thereto.

ARTICLE 9. To see if the Town will vote to appropriate the sum of \$112,000.00, or any other sum, from the Receipts Reserved Cable Television PEG Access Special Revenue Fund, for the support of PEG access service and programming; or take any other action in relation thereto.

ARTICLE 10. To see if the Town will vote to o authorize the total expenditures for the following revolving funds pursuant to G.L. c44 Section 53E ½ for the fiscal year beginning July 1, 2018 to be expended in accordance with the bylaws heretofore approved;

Fund:	Spending Limit
Recreation Revolving Fund	\$50,000.00
Municipal Waterways Improvement and Maintenance Fund	\$54,310.00

or take any other action in relation thereto.

ARTICLE 11. To see if the Town will vote to raise and appropriate the sum of \$359,790.00 for the purpose of paying its full assessed share of the Triton Regional School District Budget for the fiscal year beginning July first, Two Thousand and eighteen required to fully fund such assessment and thereby approve the District's budget for the year, provided that such additional appropriation be contingent on the approval of a levy limit override question under Massachusetts General Laws Chapter 59, §21C; or take any other action in relation thereto.

ARTICLE 12. To see if the Town will vote to raise and appropriate or transfer from available funds the following sums, or any other sums, to operate the ambulance enterprise;

Salaries & Wages	\$ 86,520.00
Expenses	82,000.00
Debt Service	22,083.00
Insurance	4,000.00
Indirect Costs	56,597.00
Extraordinary/Unforeseen	6,320.00
Prior Year Deficit	
Total:	\$ 257,520.00

And further that \$257,520.00 be raised as follows:

Departmental Receipts \$257,520.00

or take any other action in relation thereto.

ARTICLE 13. To see if the Town will vote to transfer the sum of \$24,714.00, or any other sum, from Free Cash, to purchase Thermal Imaging Cameras; or take any other action in relation thereto.

ARTICLE 14. To see if the Town will vote to transfer the sum of \$159,981.00, or any other sum, from the Stabilization Fund, to purchase a Bucket Truck; or take any other action in relation thereto.

ARTICLE 15. To see if the Town will vote to transfer the sum of \$100,000.00, or any other sum, from Free Cash, to repair and replace Catch Basins and Drainage Pipe; or take any other action in relation thereto.

ARTICLE 16. To see if the Town will vote to transfer the sum of \$199,700.00, or any other sum, from the Stabilization Fund, to purchase a Front End Loader; or take any other action in relation thereto.

ARTICLE 17. To see if the Town will vote to transfer the sum of \$10,000.00, or any other sum, from Free Cash, to establish a Police Detail Reserve Account; or take any other action in relation thereto.

BYLAWS/OTHER

ARTICLE 18. To see if the Town will vote to amend the Town of Newbury General Bylaws to create a new chapter, Chapter 78, Marijuana, which would require the licensure of all Marijuana Establishments, namely Craft Marijuana Cultivator Cooperatives, Marijuana Cultivators, Marijuana Product, Marijuana Retailers Manufacturers, and Marijuana Testing Facilities and which would limit the number of number of marijuana retail licenses to 20% of licenses issued in the Town of Newbury for retail sale of alcoholic beverages not to be drunk on the premises where sold (e.g. package stores) as follows:

Chapter 78: Marijuana

Article I Marijuana License.

§ 78-1. Marijuana License Required

A. No person shall carry on the business cultivate, process, package, deliver, obtain, manufacture, process, package, brand, sell or otherwise transfer, or test marijuana or marijuana products, or otherwise operate a Marijuana Establishment as defined by Massachusetts General Laws Chapter 94G within the Town unless first duly licensed thereof by the Board of Selectmen, which license must be reviewed and renewed on an annual basis.

§ 78-2. Limitation on Number of Licenses Issued.

A. The number of Marijuana Retail Licenses issued in the Town of Newbury shall be limited to twenty (20%) percent of licenses issued in the Town of Newbury for retail sale of alcoholic beverages not to be drunk on the premises where sold, which shall be calculated by rounding up to the next whole number.

§ 78-3. Regulations.

A. The Board may adopt reasonable rules and regulations related to the issuance of such licenses, including the fees to be paid therefore and the conditions to be satisfied by any applicant for such a license.

§ 78-4. Applications.

Applicants for a license shall file an application on a form by the Board of Selectmen, signed under the penalties of perjury by the applicant, containing such information as the Board of Selectmen may reasonably require from time to time. Each applicant shall pay an application fee as may be reasonably determined from time to time by the Board of Selectmen.

§ 78-5. Hearing.

A. The Board of Selectmen must act upon the application at one of their next two regularly scheduled meetings with due written notice provided to the applicant of the time, date and location where such appeal will be heard.

§ 78-6. Decision.

A. The Board of Selectmen may approve, deny or approve the application with conditions. Such decision shall be based on the evidence taken at the public hearing, consistent with the protection of the health, safety and welfare of the public, and consistent with the regulations promulgated by such board.

§ 78-7. Enforcement.

The Board of Selectmen may issue orders as appropriate to aid in the enforcement of this regulation and may enforce these provisions in equity, including the request for injunctive relief, in a court of competent jurisdiction. Any failure to comply with any

Order issued hereunder shall result in the issuance of a formal warning. Any failure to comply with such a warning shall result in a fine of not more than \$100.00. Any failure to comply after the issuance of said initial fine may be punishable by a subsequent fine of up to \$300.00. Each day of a continued non-compliance shall constitute a separate violation. Further, the Board of Selectmen may hold a hearing, with notice to the licensee, to determine if such license should be modified, suspended or revoked.

§ 78-8. Nonpayment of taxes.

A. The licensing authority may deny, revoke or suspend any license or permit, including renewals and transfers, of any party or agent thereof whose name appears on said list furnished to the licensing authority from the Town Collector of individuals delinquent on their taxes and/or water bills. Written notice must be given to the party by the Tax Collector, as required by applicable provision of law, and the party must be given the opportunity for a hearing not earlier than 14 days after said notice.

B. See Chapter 76 of this Code for specific language on the effect of nonpayment of taxes.

§ 78-9. Authority.

A. Home Rule Amendment [art. 89 of the Amendments to the Massachusetts Constitution]; Massachusetts General Laws, Chapter 94G, § 3, 935 CMR 500.000.

or take any other action in relation thereto.

ARTICLE 19. To see if the Town will vote to amend the Town of Newbury Zoning By-Laws by amending Chapter 97, Zoning, Article V, Special Permits, to add a new section 97-5.H, Marijuana Establishments as allowable by special permit in the districts identified in Attachment 4, the Table of Use Regulations:

Newbury Zoning By-Law, Chapter 97, Article V, Special Permits, § 97-5.H.

H. Marijuana Establishments:

(1) Purpose:

- (a) To provide a permitting process for the placement of Marijuana Establishments, in accordance with the Regulation and Taxation of Marijuana Act, as amended, and as codified in G.L. c.94G, §1, *et seq.* (hereinafter G.L. c. 94G), and the Cannabis Control Commission (hereinafter CCC) Regulations promulgated thereunder, 935 CMR 500.000, as the same may be amended from time-to-time, in locations suitable for lawful Marijuana Establishments;
- (b) To minimize and mitigate adverse impacts of Marijuana Establishments on adjacent properties, public ways, residential neighborhoods, historic districts, schools, playgrounds and other locations where minors congregate, and other land uses potentially incompatible with said facilities, by regulating the siting, design, and placement of Marijuana Establishments.

(2) Definitions:

(a) Definition of Marijuana and Marijuana Establishments:

Craft Marijuana Cultivator Cooperative is a marijuana cultivator comprised of residents of the Commonwealth organized as a limited liability company or limited liability partnership under the laws of the Commonwealth, or an appropriate business structure as determined by the CCC, and that is licensed to cultivate, obtain, manufacture, process, package, and brand marijuana and marijuana products to deliver marijuana to Marijuana Establishments, but not to consumers, as defined in G.L. c. 94G.

Marijuana or ***Marihuana*** is all parts of any plant of the genus Cannabis, not excepted below and whether growing or not; the seeds thereof; and resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture or preparation of the plant, its seeds or resin including tetrahydrocannabinol as defined in section 1 of chapter 94C of the General Laws; provided that "Marijuana" shall not include:

- (1) The mature stalks of the plant, fiber produced from the stalks, oil, or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture or preparation of the mature stalks, fiber, oil, or cake made from the seeds of the plant or the sterilized seed of the plant that is incapable of germination;
- (2) Hemp; or
- (3) The weight of any other ingredient combined with marijuana to prepare topical or oral administrations, food, drink or other products.

Marijuana Cultivator is an entity licensed to cultivate, process, and package marijuana, to deliver marijuana to Marijuana Establishments and to transfer marijuana to other Marijuana Establishments, but not to consumers, as defined in G.L. c. 94G.

Marijuana Establishment is considered a cultivator, marijuana testing facility, marijuana product manufacturer, marijuana retailer or any other type of licensed marijuana-related business, all as defined in G.L. c. 94G. Said Marijuana Establishment shall be deemed independent of any other definition in this by-law and not a subset or subcategory of any other category. Said Marijuana Establishment may never be considered an accessory use.

Marijuana Product Manufacturer is an entity licensed to obtain, manufacture, process and package marijuana and marijuana products, to deliver marijuana and marijuana products to Marijuana

Establishments and to transfer marijuana and marijuana products to other Marijuana Establishments, but not to consumers, as defined in G.L. c. 94G.

Marijuana Products are products that have been manufactured and contain marijuana or an extract from 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, as defined in G.L. c. 94G.

Marijuana Retailer is an entity licensed to purchase and deliver marijuana and marijuana products from Marijuana Establishments and to deliver, sell or otherwise transfer marijuana and marijuana products to Marijuana Establishments and to consumers, as defined in G.L. c. 94G, further provided that a Marijuana Retailer may not be considered a Retail Business in any other context.

Marijuana Testing Facility is an entity licensed to test marijuana and marijuana products, including certification for potency and the presence of contaminants, as defined in G.L. c. 94G.

- (b) Definition of other terms used in this section: Where not expressly defined in the Code of the Town of Newbury, Chapter 97, Zoning, terms used in this Section shall be interpreted as defined in The Regulation and Taxation Of Marijuana Act, as amended, and as codified in G.L. c.94G, and the CCC Regulations promulgated thereunder, 935 CMR 500.000, *et seq.*, as the same may be amended from time-to-time, and otherwise by their plain language.

(3) General Requirements:

- (a) A Special Permit shall be required for the establishment of a Marijuana Establishment. For the purposes of this Section, the Special Permit Granting Authority (SPGA) shall be the Planning Board.
- (b) All permitted Marijuana Establishments shall have received a provisional license from the CCC and shall comply with all applicable state and local public health regulations and all other applicable state and local laws, rules and regulations at all times. Failure to obtain a final license from the CCC shall result in automatic rescission of the special permit as more fully described in 7(e) below. No Building Permit or Certificate of Occupancy shall be issued for a Marijuana Establishment that has not received a provisional license from the CCC.

- (c) The Special Permit shall be valid only for the Applicant(s) (hereinafter Applicant), shall become invalid if the Applicant ceases operating the licensed Marijuana Establishment, and shall not transfer with a change in ownership of the business and/or property.
- (d) The Special Permit shall become invalid if the Applicant fails to obtain a final license from the CCC or upon the expiration or termination of the Marijuana Establishment's CCC license.
- (e) Parking and loading for a Marijuana Establishment shall be in accordance with § 97-7. Off Street Parking, Access, and Loading of Newbury's Zoning By-Law. However, the SPGA may require a greater number of parking spaces and/or loading bays if it finds, based on the application materials submitted to the SPGA regarding operation of the Marijuana Establishment, that the minimum requirements are not sufficient.
- (f) All signage shall conform to the requirements of § 97-8. Sign Regulations of Newbury's Zoning By-Law. Any exterior sign may identify the Establishment, but shall not contain any other advertisement. The SPGA may impose additional restrictions on signage as appropriate for the site, provided such regulations and restrictions do not conflict with state law or any CCC regulation.
- (g) All Marijuana Establishments shall operate within a fully enclosed building that is monitored by surveillance cameras, alarm systems, and all other security measures in accordance with CCC Regulations deemed appropriate to ensure patron and community safety and deter unauthorized access to the premises.
- (h) No products shall be displayed in the Marijuana Establishment's windows or visible from any street or parking lot.
- (i) Industry Best Management Practices shall be utilized to control odors inside and outside all types of Marijuana Establishments. No odors from marijuana or its processing shall be detectable by a person with an unimpaired and otherwise normal sense of smell at the exterior of the Marijuana Establishment or at any adjoining property or use.
- (j) Waste disposal shall be in accordance with the CCC Regulations and State and local regulations. No composting of waste materials may occur at the Marijuana Establishment. Outside storage of general solid waste not containing any usable marijuana shall be screened with a locked fence. Solid waste containing any usable marijuana shall be stored inside a designated locked, limited-access area located inside the main structure. Liquid waste from

processing or disposal of marijuana shall not be discharged to surface waters or groundwater or septic systems. Liquid waste must be stored pending disposal in an industrial wastewater holding tank in accordance with 314 CMR 18.00: *Industrial Wastewater Holding Tanks and Containers*.

(4) Location:

- (a) The Zoning Districts in which Craft Marijuana Cultivator Cooperatives, Marijuana Cultivators, Marijuana Product Manufacturers, and Marijuana Testing Facilities may be located are the Business & Light Industrial District and the Commercial Highway District, excluding that area of the Commercial Highway District at the Northwestern Junction of the right-of-way of I-95 and Central Street.
- (b) The Zoning District in which Marijuana Retailers may be located is the Business & Light Industrial District.
- (c) No Marijuana Retailer may be located within 1,000 feet of the real property comprising any of the following:
 - 01) A public or private school;
 - 02) Daycare center; or
 - 03) A similar facility in which minors commonly congregate (e.g. library, playground, etc.).
- (d) No Craft Marijuana Cultivator Cooperatives, Marijuana Cultivators, Marijuana Product Manufacturers, and Marijuana Testing Facilities may be located within 500 feet of the real property comprising any of the following:
 - 01) A public or private school;
 - 02) Daycare center; or
 - 03) A similar facility in which minors commonly congregate (e.g. library, playground, etc.).
- (e) No Marijuana Establishment may be located within 300 feet of the real property comprising a residence.
- (f) The distance under this section is measured in a straight line from the nearest point of the property line of the protected uses identified in Section (4)(c), (4)(d), or (4)(e) above to the nearest point of the property line of the proposed Marijuana Establishment.

(5) Application Process and Requirements:

- (a) Application Procedures: The application for a Special Permit for a Marijuana Establishment shall be filed at a regularly scheduled Planning Board meeting and with the Town Clerk in accordance with § 97-11.C.(1) of Newbury's Zoning By-Law and with G.L. c. 40A § 9. The application shall be signed by a duly authorized officer of the Applicant.
- (b) Required Documents: The Applicant shall provide the SPGA with 15 copies of the application and the required fees. All plans and maps shall be prepared, stamped, and signed by a professional engineer or architect licensed to practice in Massachusetts. An application to the SPGA shall include, at a minimum, the following information:
 - 01) The Applicant's name, address, telephone number, and email address;
 - 02) Evidence that the Applicant has site control and the right to use the site for a facility in the form of a deed or valid purchase and sale agreement, or, in the case of a lease, a notarized statement from the property owner and a copy of the lease agreement;
 - 03) A certified copy of the provisional license issued by the CCC to the Applicant, along with copies of all other materials issued by the CCC to the Applicant, except for those materials that are deemed by the CCC to be confidential and therefore subject to the public records exemption;
 - 04) A narrative providing information about the type and scale of all activities that will take place on the proposed site, including but not limited to, cultivating and processing of marijuana or marijuana products as defined in G.L. c. 94G, § 1, on-site sales, off-site deliveries, distribution of educational materials, and other programs or activities;
 - 05) A map depicting all properties and land uses within a one thousand-foot (1,000') radius (minimum) of the project site, whether such uses are located in Newbury or within surrounding communities, including, but not limited to, all educational uses, daycare, preschool and afterschool programs, playgrounds, libraries, public parks, houses of worship, and housing facilities owned by a public housing authority;

- 06) A plan or plans depicting all proposed development on the property, including the dimensions of the building, the layout of parking, the location of pedestrian and vehicular points of access and egress, the location and design of all loading, refuse and service facilities, the location, type, and direction of all outdoor lighting on the site, and any landscape design;
 - 07) A plan or plans showing any proposed stormwater management system, which plan(s) shall meet the submission requirements of Newbury's Stormwater Management Rules and Regulations;
 - 08) Architectural drawings of all exterior building facades and all proposed signage, specifying materials and colors to be used. Perspective drawings and illustrations of the site from public ways and abutting properties are strongly recommended, but not required;
 - 09) A written Energy Use/Environmental Plan demonstrating best practices for energy conservation to ensure that there are no undue impacts on the natural environment; the plan shall include proposed energy and water conservation measures, including use of energy efficient lighting where appropriate, measures for controlling odors and effluent, and measures for disposal of solid waste.
 - 10) Traffic Impact Report;
 - 11) A Security Plan, to be submitted to the Newbury Police Department only, including all security measures for the site and for transportation of marijuana and marijuana products to and from off-site premises. The Security Plan shall include a site plan showing all exterior proposed security measures for the premises, including lighting, fencing, gates and alarms, etc., which seek to ensure the safety of employees and patrons and to protect the premises from theft or other criminal activity;
 - 12) A description of waivers, if any, from the CCC Regulations issued for the Marijuana Establishment.
- (c) Within five business days of the receipt of the application, the SPGA shall refer copies of the application to the Building Commissioner, the Conservation Commission, the Board of Health, the Fire Department, and the Police Department. These boards/departments shall review the application and shall submit their written recommendations. Failure to make recommendations

within 30 days of referral of the application shall be deemed lack of opposition.

- (d) After notice and public hearing and consideration of application materials, public comments, and the recommendations of other Town boards and departments, the SPGA shall act upon the application.
- (6) Decision Criteria: The SPGA shall issue a special permit for a Marijuana Establishment only if it finds that the Applicant has submitted sufficient information from which it can conclude that:
- (a) The Marijuana Establishment has received a provisional license CCC as required in (3)(b) above and complies with all applicable state and local laws, regulations, and requirements, including, but not limited to, health and safety regulations, and construction and environmental requirements;
 - (b) The building and site have been designed to be reasonably compatible with other buildings in the area;
 - (c) The siting of the Marijuana Establishment will be accomplished so as to minimize any adverse impacts on abutters and other parties in interest, as defined in G.L. c. 40A, § 11, including but not limited to compliance with the following:
 - i. proper location in accordance with the distance and location requirements in § 97-5.H (4) above
 - ii. design which ensures sufficient buffering, except to the extent that any part of such buffering is contrary to state law and the CCC Regulations;
 - iii. design which minimizes visual impacts, noise, odors, and light pollution or other undue nuisance;
 - iv. design which creates no hazard or congestion;
 - v. design which shields loading and service areas;
 - vi. design which ensures adequate waste disposal of products containing usable marijuana that does not adversely impact the environment or water resources.
 - (d) The Marijuana Establishment will create no substantial harm to the established or future character of the neighborhood or town.

- (e) With due consideration to aesthetics, the Marijuana Establishment is designed to ensure convenient, safe and secure access as follows:
 - i. personal safety of those working at or utilizing the facility;
 - ii. personal safety for clients and invitees; and
 - iii. loading and service areas are designed to be secure;
 - iv. protection of the premises from theft.
 - (f) The Applicant has not provided materially false documents or testimony.
 - (g) The Applicant has satisfied all of the conditions and requirements of Newbury's Zoning By-Law.
- (7) Special Permit Conditions: The SPGA shall impose conditions reasonably appropriate to improve siting, design, placement, traffic flow, and public safety; protect water quality, air quality, and significant environmental resources; preserve the character of the surrounding area; and otherwise serve the purpose of this By-Law. In addition to any specific conditions applicable to the Marijuana Establishment, the SPGA shall include the following conditions in any special permit granted under this By-Law:
- (a) With 24 hours of creating an Incident Report required by the CCC Regulations, the permit holder shall file a copy of said Incident Report with the Board of Selectmen, with copies to the Zoning Enforcement Officer and the SPGA. Such reports may be redacted as necessary to comply with any and all applicable laws and regulations;
 - (b) The permit holder shall file a copy of any summary cease and desist order, cease and desist order, quarantine order, summary suspension order, order limiting sales, notice of a hearing, or final action issued by the CCC or the Division of Administrative Law Appeals, as applicable, regarding the Marijuana Establishment with the Board of Selectmen, with copies to the Zoning Enforcement Officer and the SPGA, within 48 hours of receipt by the Marijuana Establishment;
 - (c) The permit holder shall provide to the Board of Selectmen, the Zoning Enforcement Officer, the SPGA, the Police Chief, and the Fire Chief the name, telephone number and email address of a contact person in the event that such person needs to be contacted

after regular business hours to address an urgent issue. Such contact information shall be kept updated by the permit holder;

- (d) The Special Permit shall be limited to the current Applicant, shall become invalid if the permit holder ceases operating the Marijuana Establishment, and shall not transfer with a change in ownership of the business and/or property;
 - (e) The Special Permit shall become invalid upon the expiration or termination of the Applicant's CCC license or the failure of the Applicant to receive a final license from the CCC;
 - (f) The permit holder shall notify the Board of Selectmen in writing, with copies to the Zoning Enforcement Officer, the Police Department, and the SPGA, within 48 hours of the cessation of operation of the Marijuana Establishment, notice by the CCC of denial of a final license, or the expiration or termination of the permit holder's CCC license;
 - (g) In the event that the CCC revokes, fails or refuses to issue a final license to the Marijuana Establishment, a Special Permit issued by the Town for the Marijuana Establishment shall be deemed null and void;
- (8) Prohibition against Nuisances: The Marijuana Establishment shall not create a nuisance to abutters or to the surrounding area, or create any hazard, including, but not limited to, fire, explosion, fumes, gas, smoke, odors, obnoxious dust, vapors, offensive noise 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.
- (9) Conflicts with State Law and Regulations: If any provision, paragraph, sentence, or clause of this By-Law shall be determined to be in conflict with applicable State Law or Regulations, the provisions of said State Law or Regulations shall prevail.
- (10) Severability: The provisions of this By-Law are severable. If any provision, paragraph, sentence, or clause of this By-Law or the application thereof to any person, establishment, or circumstances shall be held invalid, such invalidity shall not affect the other provisions or application of this By-Law.

**And to Amend
Attachment 4 Table of Use Regulations as follows:**

PRINCIPAL USE	DISTRICT									
	R-AG	PR	R-LB	BVB	CH	CHA	LIB	UGB	BLI	PRM
COMMERCIAL USES										
Marijuana Retailer (see Notes 1 and 4 below)	NP	NP	NP	NP	NP	NP	NP	NP	SP	NP
Marijuana Testing Facility (see Notes 1, 4 and 5 below)	NP	NP	NP	NP	SP	NP	NP	NP	SP	NP

PRINCIPAL USE	DISTRICT									
	R-AG	PR	R-LB	BVB	CH	CHA	LIB	UGB	BLI	PRM
INDUSTRIAL USES										
Craft Marijuana Cultivator Cooperative (see Notes 1, 4 and 5 below)	NP	NP	NP	NP	SP	NP	NP	NP	SP	NP
Marijuana Cultivator (see Notes 1, 4 and 5 below)	NP	NP	NP	NP	SP	NP	NP	NP	SP	NP
Marijuana Product Manufacturer (see Notes 1, 4 and 5 below)	NP	NP	NP	NP	SP	NP	NP	NP	SP	NP

**And to Amend Notes to Attachment 4 Table of Use Regulations as follows:
By deleting Notes 4 and 5 and replacing with the following:**

Notes:

4. See Article V — Special Permits General for regulations pertaining to Bed and Breakfast Establishments, and Large Wind Energy Facilities, Registered Marijuana Dispensaries and Marijuana Establishments.

5 The Zoning Districts in which RMDs, Craft Marijuana Cultivator Cooperatives, Marijuana Cultivators, Marijuana Product Manufacturers, and Marijuana Testing Facilities may be located are the Business & Light Industrial District (BLI) and the Commercial Highway District (CH), excluding that area of the Commercial Highway District at the Northwestern Junction of the right-of-way of 1-95 and Central Street.

or take any other action in relation thereto.

ARTICLE 20. To see if the Town will vote to accept the provisions of Massachusetts General Laws Chapter 64N, Section 3 to impose a 3% local sales tax on the sale or transfer of marijuana or marijuana products by a marijuana retailer operating within the Town of Newbury; or take any other action in relation thereto.

ARTICLE 21. To see if the Town will vote to amend the Town of Newbury General Bylaws Chapter 87, Stormwater Management and Illicit Discharge and Erosion Control, as follows (underline and bold is new language and ~~cross-out~~ is removed language) as follows:

Proposal A. Modify §87-4(a) Applicability as follows:

This bylaw applies to 1) all properties in Newbury, and 2) all activities that alter or disturb any land area equal to or greater than one acre, or less than one acre that is part of a larger common plan of development or sale, that will ultimately alter or disturb any land equal to or greater than one acre that drains into the Town of Newbury MS4. ~~This By-Law shall apply to all activities that result in the alteration or disturbance of one or more acres of land that drain to the Town of Newbury's MS4. Except as authorized by the Conservation Commission in a Stormwater Management Permit or as otherwise provided in this By Law, no person shall perform any activity that results in disturbance of an acre or more of land.~~

Proposal B. Modify §87-4(d) as follows: **Activities that meet the definitions of alteration or disturbance of land that are exempt from requiring a Stormwater Management Permit are:** ~~Construction activities that are exempt are:~~

Proposal C. Add a new § 87-5 as follows:

5). PROHIBITIONS: All Illicit Connections and Illicit Discharges shall be prohibited. In the event any Illicit Discharge or Illicit Connection exists prior to the adoption of this bylaw it shall immediately cease and be removed.

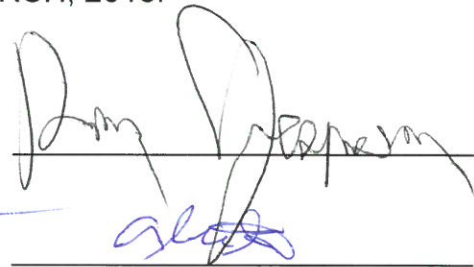
Proposal D. Renumber the remaining items in §87- 5-10 to be consecutive following the new number 5.

or take any other action in relation thereto.

AND YOU ARE HEREBY DIRECTED TO SERVE THIS WARRANT BY POSTING AN ATTESTED COPY THEREOF IN EACH VOTING DISTRICT, FOURTEEN DAYS AT LEAST BEFORE THE TIME OF HOLDING SAID MEETING.

HEREOF, FAIL NOT, AND MAKE DUE RETURN OF THE WARRANT WITH YOUR DOINGS THEREON TO THE TOWN CLERK AT THE TIME AND PLACE AFORESAID.

GIVEN UNDER OUR HANDS THIS 27th DAY OF MARCH, 2018.



SELECTMEN, TOWN OF NEWBURY

A TRUE COPY ATTEST

PURSUANT TO THE ABOVE WARRANT TO ME DIRECTED, I HEREBY NOTIFY AND WARN THE INHABITANTS OF THE TOWN OF NEWBURY, QUALIFIED TO VOTE IN TOWN AFFAIRS, TO MEET AT THE TIME AND PLACE MENTIONED FOR THE PURPOSE HEREIN NAMED.

DATE:

CONSTABLE:

PURSUANT TO THE ABOVE WARRANT TO ME DIRECTED, I HAVE NOTIFIED AND WARNED THE INHABITANTS OF THE TOWN OF NEWBURY, QUALIFIED TO VOTE IN TOWN AFFAIRS, TO MEET AT THE TIME AND PLACE MENTIONED FOR THE PURPOSE HEREIN NAMED.

DATE:

CONSTABLE: