



# Joint Meeting with the Planning Board and Town of Barnstable Town Council

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## MEETING AGENDA TOWN HALL HEARING ROOM

August 09, 2018  
7:00 PM

Original posted on 08/07/18 @ 10:55  
Updated on 08/08/18 @ 12:11pm to  
fix numbering on Item # 2019-015

### Councilors:

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President  
Precinct 2

James H. Crocker Jr.  
Vice President  
Precinct 5

John G. Flores  
Precinct 1

Paul Hebert  
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Debra S. Dagwan  
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Philip N. Wallace  
Precinct 11

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Precinct 12

Jennifer L. Cullum  
Precinct 13

Administrator:  
Cynthia A. Lovell

Administrative  
Assistant:  
Kelly Crahan

- 1. ROLL CALL**
- 2. PLEDGE OF ALLEGIANCE**
- 3. MOMENT OF SILENCE**
- 4. PUBLIC COMMENT**
- 5. COUNCIL RESPONSE TO PUBLIC COMMENT**
- 6. TOWN MANAGER COMMUNICATIONS**
- 7. ACT ON MINUTES (Including Executive Session)**
- 8. COMMUNICATIONS- from elected officials, boards, committees, staff commission reports, correspondence and announcements**
  - **Municipal Dredge Program Presented by Mark S. Ells, Town Manager**
- 9. ORDERS OF THE DAY**
  - A. Old Business**
  - B. New Business**
- 10. ADJOURNMENT**

**NEXT REGULAR MEETING: August 16, 2018**

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Approve Minutes –July 19, 2018

**Please Note:** The list of matters, are those reasonably anticipated by the council president, which may be discussed at the meeting. Not all items listed may in fact be discussed and other items not listed may in fact be discussed and other items not listed may also be brought up for discussion to the extent permitted by law. It is possible that if it so votes, the Council may go into executive session. The Council may also act on items in an order other than they appear on this agenda. Persons interested are advised, that in the event any matter taken up at the meeting remains unfinished at the close of the meeting, may be put off to a continued session of this meeting, and with proper notice. Anyone requiring hearing assistance devices please inform the Town Clerk at the meeting.

**A. OLD BUSINESS (Joint Public Hearing with Planning Board)  
(Roll call 2/3)**

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2019-009  
INTRO: 07/19/2018, 08/09/18**

**2019-009 AMENDING CHAPTER 240, THE ZONING ORDINANCES TO ADD REGULATIONS FOR ESTABLISHING AND OPERATING REGISTERED RECREATIONAL MARIJUANA RESEARCH FACILITIES AND INDEPENDENT TESTING LABORATORIES AND PROHIBITING ALL OTHER NON-MEDICAL MARIJUANA ESTABLISHMENTS**

**ORDERED:**

**Section 1.**

That Chapter 240, Article III, Section 240.24.1.4 MS Medical Services District of the Zoning Ordinance is hereby amended as follows:

1. Add a new Special Permit use to Section 240-24.1.4(B) as follows:
  - (3) Registered Recreational Marijuana Research Facilities and Independent Testing Laboratories, subject to compliance with the provisions of Article XII herein.

**Section 2.**

That Chapter 240, Article III, Section 240.24.1.9.1 GM Gateway Medical District of the Zoning Ordinance is hereby amended as follows:

1. Add a new Special Permit use to Section 240-24.1.9.1(B) as follows:
  - (2) Registered Recreational Marijuana Research Facilities and Independent Testing Laboratories, subject to compliance with the provisions of Article XII herein.

**Section 3.**

That Chapter 240, the Zoning Ordinance be amended by renumbering the existing Article XII (Administration and Enforcement) to Article XIII and by sequentially renumbering each Article thereafter and substituting in place of the existing ARTICLE XII the following:

**“ARTICLE XII Registered Recreational Marijuana Research and Testing Facilities.**

§240-122.1 Registered Recreational Marijuana Research and Testing Facilities.

**A. Purpose; applicability; use; prohibited marijuana establishments**

(1) Purpose. To provide for the location of Registered Recreational Marijuana Research Facilities and Independent Testing Laboratories, as defined herein, in accordance with Chapter 55 of the Acts of 2017 and M.G.L. c.94G, the Humanitarian Medical Use of Marijuana Act, G. L. c.94C, App. §1-1, et seq., as amended by Chapter 55 of the Acts of 2017 and G.L. c. 94I, to be enacted pursuant to Chapter 55 of the Acts of 2017, in locations within the Medical Services District and the GM Gateway Medical District suitable for lawful Marijuana Research and Independent Testing and to minimize adverse impacts of Marijuana Research Facilities and Independent Testing Laboratories on adjacent properties, residential neighborhoods, historic sites, schools and other locations where minors congregate by regulating the siting, design, placement, security, modification and removal of Marijuana Research Facilities and Independent Testing Laboratories.

(2) Applicability. The conducting of research regarding marijuana products and testing of marijuana or cannabis is prohibited unless licensed by all applicable Massachusetts licensing authorities and permitted under this section.

(3) Use. Within the MS Medical Services District and GM Gateway Medical District, a licensed Marijuana Research Facility and Independent Testing Laboratory may be permitted as a conditional use, provided a special permit is first obtained from the Planning Board. All special permits granted under this section shall be subject to the provisions of §240-125.C. and §240-24.1.2E. herein and subject to all additional standards and conditions of this section.

(4) Prohibition of All Other Non-Medical Marijuana Establishments. Except for licensed Marijuana Research and Independent Testing Laboratory Facilities permitted as a conditional use in the MS Medical Services District and GM Gateway Medical District, subject to all the requirements of this Article, all other types of non-medical “marijuana establishments” as defined in G.L. c. 94G §1, including marijuana cultivators, marijuana product manufacturers, marijuana retailers or any other types of licensed related businesses are prohibited.

B. Definitions. Any term not specifically defined herein shall have the meaning as defined in Massachusetts General Laws Chapter 94G, §1, and the Cannabis Control Commission Regulations 935 CMR 500.00 governing Adult Use of Marijuana.

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

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

RECREATIONAL MARIJUANA ESTABLISHMENT, INDEPENDENT TESTING LABORATORY – A laboratory that is licensed by the Cannabis Control Commission and is:

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

RECREATIONAL MARIJUANA ESTABLISHMENT, MARIJUANA RESEARCH FACILITY – An entity licensed to engage in research projects by the Cannabis Control Commission.

C. Requirements for allowed Marijuana Research Facilities and Independent Testing Laboratories. Marijuana Research Facilities and Independent Testing Laboratories shall comply with the following requirements:

(1) General

- a) Marijuana Research Facilities and Independent Testing Laboratories shall comply with applicable State and local laws, regulations, ordinances, codes, conditions and agreements with the Town, including, but not limited to, Chapter 55 of the Acts of 2017 and M.G.L. c.94G, the Humanitarian Medical Use of Marijuana Act, M.G. L. c.94C, App. §1-1, et seq., as

amended by Chapter 55 of the Acts of 2017 and M.G.L. c. 94I, to be enacted pursuant to Chapter 55 of the Acts of 2017, the Town of Barnstable's General Ordinances, the Town of Barnstable's Zoning Ordinances, all applicable Town building, fire prevention, police, and health codes, regulations and standards, any conditions imposed on licenses and permits held by the Marijuana Research Facilities or Independent Testing Laboratories (including, but not limited to, the Town's Planning Board special permit), and agreements between the Marijuana Research Facility or Independent Testing Laboratory and the Town, including host community agreements.

- b) Marijuana Research Facilities and Independent Testing Laboratories shall maintain all permits and licenses required by State and local laws. Any voiding of the Cannabis Control Commission's license by operation of law (including due to cessation of operations, failure to become operational within the permitted time, or relocation without Cannabis Control Commission approval), and any revocation or suspension of the Marijuana Research Facilities and Independent Testing Laboratories Cannabis Control Commission license shall result in an automatic suspension of the special permit pending hearing or the opportunity therefore afforded to the Marijuana Research Facility or Independent Testing Laboratory and pending further determination by the Planning Board.
- c) All taxes and charges owed to the Town must be paid on a current basis. Failure to pay all taxes and charges shall be subject to the provisions of Chapter 121 of the Barnstable Code and all other available legal remedies.
- d) An approved Host Community Agreement shall be required prior to granting a Special Permit for a Marijuana Research Facility or Independent Testing Laboratory.
- e) Dimensional requirements. Except where it is explicitly stated otherwise in this section, Marijuana Research Facilities and Independent Testing Laboratories shall conform to the dimensional requirements applicable within the underlying and other overlaying zoning districts.
- f) Parking. The required number of parking spaces for Marijuana Research Facilities and Independent Testing Laboratories shall be one space for every 700 square feet of gross floor area. The Planning Board shall also rely on the recommendation of Site Plan Review.
- g) Loading. The Planning Board may require loading bays based on the recommendation of site plan review and/or based on the needs of the proposed use.
- h) Landscaping. Landscape requirements in the underlying zoning district shall apply.
- i) Landscape Buffers. The landscape setback from any residential property line shall be 20 feet. Landscape buffers shall be densely landscaped with a combination grasses, trees, and shrubs providing year-round screening.
- j) Signage. The signage requirements of the underlying zoning district pursuant to Article VII of this chapter shall apply. The Planning Board may impose additional restrictions on signage, as appropriate, to mitigate any aesthetic impacts.
- k) Groundwater Protection. Marijuana Research Facilities and Independent Testing Laboratories shall be subject to the requirements of Section 240-35 Groundwater Protection Overlay Districts as applicable.

## (2) Operational Requirements

- (a) All Marijuana Research Facilities' and Independent Testing Laboratories' licensed operations shall be conducted within a building at a fixed location.
- (b) No Marijuana Research Facility or Independent Testing Laboratory shall allow research, testing, cultivation, processing, manufacture, or display of Marijuana or Marijuana Products to be visible to the public without the use of binoculars, aircraft, or other optical aids.
- (c) Marijuana Research Facilities and Independent Testing Laboratories may conduct research and testing on Marijuana or Marijuana Products only within an area that is enclosed and secured in a manner that prevents access by persons not permitted by the Marijuana Research Facility or Independent Testing Laboratory to access the area.
- (d) The hours of operation for a Marijuana Research Facility or Independent Testing Laboratory shall be those conditioned by the Marijuana Research Facility's or Independent Testing Laboratory's special permit.

- (e) Marijuana Research Facilities and Independent Testing Laboratories shall ensure that their hours and methods of transportation of product shall not be a detriment to the surrounding area and nearby uses.
- (f) Marijuana Research Facilities and Independent Testing Laboratories shall not permit any disorder, disturbance, or illegality under State or local law of any kind on the premises.
- (g) Marijuana Research Facilities' and Independent Testing Laboratories' operations shall not result in illegal redistribution under State or local law of Marijuana obtained from the Marijuana Research Facility or Independent Testing Laboratory, or in use of Marijuana in any manner that violates State or local law.
- (h) Marijuana Research Facilities or Independent Testing Laboratories operations shall not create nuisance conditions in parking areas, sidewalks, streets and areas surrounding its premises and adjacent properties.
- (i) Marijuana Research Facilities and Independent Testing Laboratories shall equip the premises and otherwise conduct their operations in such a manner that (a) no pesticides or other chemicals or products are dispersed into the outside atmosphere, or into a wastewater treatment system or in any other manner that may contaminate the groundwater and (b) no odor of Marijuana or its processing can be detected by a person with an unimpaired and otherwise normal sense of smell at the exterior of any adjoining use or property.
- (j) Marijuana Research Facilities and Independent Testing Laboratories shall be required to remove all Marijuana and Marijuana Products by the earlier of: prior to surrendering its State-issued license; or within six (6) months of ceasing operations.
- (k) Marijuana Research Facilities and Independent Testing Laboratories must display a sign legible from the exterior of the building in which the Marijuana Research Facility or Independent Testing Laboratory is located either by posting on the building exterior in close proximity to the entrance or by placement in a window in close proximity to the entrance with the text facing and legible from the exterior, which states: "Must be 21 years or older and show identification to enter this establishment."
- (l) Solid and liquid waste, including waste composed of or containing marijuana, finished marijuana, Marijuana-Infused Product, or byproducts of marijuana processing shall be stored, secured, managed, and disposed of in accordance with State Law and all other applicable statutes and ordinances and regulations of the Town.

### (3) Security-Specific Requirements

- (a) Marijuana Research Facilities and Independent Testing Laboratories shall submit and receive the approval of the Barnstable Police Department for its required security and emergency procedures, including a disaster plan, which plan may include measures relating to alarms, fencing, gates, limited access areas, delivery procedures, police details, specification of video and lighting locations, notifications to the Police Department in the event of any known or suspected violation of criminal law that has taken place on or near the location of the establishment.
- (b) Lighting shall be designed and maintained so as to protect adjacent properties from intrusive lighting; however, in accordance with State Law, the exterior perimeter of Marijuana Research Facilities and Independent Testing Laboratories shall be sufficiently lit to facilitate surveillance.
- (c) Marijuana Research Facilities and Independent Testing Laboratories shall secure every entrance so that access to areas containing the storage of Marijuana products are restricted to employees and others permitted by the Marijuana Research Facility or Independent Testing Laboratory to access the area and to Cannabis Control Commission or state and local law enforcement officers, agents and emergency personnel.
- (d) Marijuana Research Facilities and Independent Testing Laboratories shall secure their inventory and equipment during and after operating hours to deter and prevent theft of Marijuana, Marijuana Products and Marijuana accessories.
- (e) Marijuana Research Facilities and Independent Testing Laboratories shall file an emergency procedures, including a disaster plan, with the Town's Fire, Police and Health Departments

and share with these Departments their security plan and procedures and any updates to them in the event they are modified.

- (f) Landscaping shall be in compliance with the requirements set forth herein, except that in accordance with State Law, Marijuana Research Facilities and Independent Testing Laboratories shall maintain trees, bushes, and other exterior vegetation so that they do not allow for a person or persons to conceal themselves from sight.

(4) Access to Premises and Information/Reporting/Record-Keeping

- (a) Marijuana Research Facilities and Independent Testing Laboratories shall be subject to unannounced, unscheduled, periodic inspections of its premises by the Building Commissioner or designee, including an agent from the Building, Health, Police and applicable Fire Department on week-days between 8:00 a.m. to 5:00 p.m. to determine the Marijuana Research Facility or Independent Testing Laboratory's compliance with the requirements of applicable state and local laws, regulations, codes, license and permit conditions, and this section. In addition, routine inspections may be made on week-days during regular Town business hours by authorized inspectional departments to determine compliance with applicable state and local laws, regulations, codes and license and permit conditions. Inspections by the authorized inspectional departments may be made at other times to investigate complaints or suspected non-compliance issues. Inspections may include all areas occupied, used or controlled by the Marijuana Research Facility or Independent Testing Laboratory. Facilities requiring re-inspection are subject to applicable re-inspection fees. Inspections shall be conducted in conformity with applicable federal, state and local law.
- (b) Marijuana Research Facilities and Independent Testing Laboratories shall cooperate and comply with requests for information made by the Building Commissioner or designee, including agents from the Planning & Development, Building, Health, Police, Fire and Public Works Departments.
- (c) Within twenty-four (24) hours of receipt of notice of it, Marijuana Research Facilities and Independent Testing Laboratories shall file with the Town Manager, Director of Public Health and the Building Commissioner any summary cease and desist order, cease and desist order, quarantine order, suspension order, revocation order, order limiting sales, deficiency statement, plan of correction, notice of a hearing, notice of any other administrative process or legal action, denial of a license, denial of a renewal of a license, or final action issued by a state or federal agency (including, but not limited to, the Cannabis Control Commission) regarding the Marijuana Research Facility or Independent Testing Laboratory, or the Cannabis Control Commission license.

(5) Additional Location Requirements for Marijuana Research Facilities and Independent Testing Laboratories,

- (a) No Marijuana Research Facility and Independent Testing Laboratory shall be located within 500 feet, as measured from each lot line of the subject lot, or the following preexisting uses: K-12 educational use; childcare center; or children's camp.

D. Site Plan Review for Marijuana Research Facilities and Independent Testing Laboratories. Marijuana Research Facilities and Independent Testing Laboratories shall be subject to Article IX, Site Plan Review, Section 240-102.

E. Special Permits. The following apply to special permits to operate a Marijuana Research Facility or Independent Testing Laboratory.

- (1) Application requirements: Applicants shall include with their special permit application:
  - (a) Copies of any required licenses and permits relating to the operation of the Marijuana Research Facility or Independent Testing Laboratory, or, if an application for a required license or permit is pending, a copy of the application.
  - (b) Evidence of the applicant's right to use the proposed site as a Marijuana Research Facility or Independent Testing Laboratory, such as a deed, lease or purchase and sales agreement.

- (c) A copy of the Site Plan Review Approval.
  - (d) A description of the security measures, required by this section, approved by Barnstable Police Department and Cannabis Control Commission for the Marijuana Research Facility or Independent Testing Laboratory, as applicable.
  - (e) A copy of emergency procedures, including a disaster plan with procedures to be followed in case of fire or other emergencies, approved by the Cannabis Control Commission for the Marijuana Research Facility or Independent Testing Laboratory, as applicable.
  - (f) A copy of the policies and procedures for the transfer, or acquisition of marijuana between Marijuana Research Facilities and Independent Testing Laboratories and other Recreational Marijuana Establishments, as applicable.
  - (g) A copy of proposed waste disposal procedures.
  - (h) Proof of liability insurance that is in accordance with 105 CMR 725.105(Q) or any applicable regulations promulgated by the Cannabis Control Commission.
  - (i) Any waivers from Cannabis Control Commission regulations issued for the Marijuana Research Facility or Independent Testing Laboratory, as applicable.
  - (j) A copy of the Community Host Agreement.
  - (k) Any other materials requested by the Special Permit application form, as well as any other additional materials the Planning and Development Department determines is necessary for review, such as Department reports or transportation studies or a license application.
- (2) Special permit criteria, The Planning Board, subject to the provisions of §240-125C and §240-24.1.2E. shall not approve any application for a special permit unless it finds that in its judgment all of the following conditions are met:
- (a) That the Marijuana Research Facility or Independent Testing Laboratory has demonstrated compliance with or the ability to comply where the requirements are prospective with all of the General Requirements set forth in this section.
  - (b) That the Marijuana Research Facility or Independent Testing Laboratory has an approved Host Agreement.
  - (c) That the Marijuana Research Facility or Independent Testing Laboratory has a security and public safety plan approved by the Barnstable Police Department.
  - (d) The location is compliant with this section in its entirety.
  - (e) The site is designed such that it provides convenient, safe and secure access and egress for clients and employees arriving to and leaving from the site using all modes of transportation, including drivers, pedestrians, cyclists and public transportation users.
  - (f) Traffic generated by client trips, employee trips, and deliveries to and from the Marijuana Research Facility or Independent Testing Laboratory shall not create a substantial adverse impact on nearby residential uses.
  - (g) A special permit granted under this section shall have a term limited to the duration of the applicant's ownership or lease of the premises for a Marijuana Research Facility or Independent Testing Laboratory, as licensed by the applicable Massachusetts licensing authority. Any new license for an existing Marijuana Research Facility or Independent Testing Laboratory location or transfer of an existing license to a new owner shall require a new Special Permit pursuant to the Barnstable Zoning Ordinance.

#### F. Implementation

This section shall not be implemented in a manner that conflicts or interferes with the operation of M.G.L. c. 94G, 94I or the regulations promulgated thereunder, including 935 CMR 500.

#### G. Severability

The provisions of Article XII, §240-122.1 are severable. If any provision shall be held to be invalid or unconstitutional by any court of competent jurisdiction, the remaining provisions shall continue in full force and effect.”



**Section 4.**

That the Zoning Ordinance, Chapter 240, Article I, Prohibited Uses, §240-10, is hereby amended by adding a new paragraph E as follows:

“E. All types of non-medical “marijuana establishments” as defined in G.L. c. 94G §1, including marijuana cultivators, marijuana product manufacturers, marijuana retailers or any other types of licensed related businesses except for licensed Marijuana Research and Independent Testing Laboratory Facilities permitted as a conditional use in the MS Medical Services District and GM Gateway Medical District, subject to all the requirements of Article XII, §240-122.1 herein.”

**SPONSORS:** Eric R. Steinhilber, Town Council President, Town Council, James Crocker Jr. Vice President

DATE	ACTION TAKEN
<u>07/19/18</u>	<u>Refer to Joint Hearing with the Planning Board 8/9/18</u>

- 
- \_\_\_ Read Item
  - \_\_\_ Motion to Open Public Hearing
  - \_\_\_ Rationale
  - \_\_\_ Public Hearing
  - \_\_\_ Close public hearing
  - \_\_\_ Council

**A. OLD BUSINESS (May be acted upon)**

**BARNSTABLE TOWN COUNCIL**

**ITEM # 2019-011**  
**INTRO: 07/19/18, 08/09/18**

**2019-011 APPOINTMENTS TO A BOARD/COMMITTEE/COMMISSION**

**RESOLVED:** That the Town Council appoints the following individuals to a multiple-member board/committee/commission: **Golf Committee:** Keith Hochstein, 57 Cap'n Lijah's Road, Centerville, as a regular member to a term expiring 06/30/21; Ron Matros, 140 Pheasant Hill Circle, Cotuit, as a regular member to a term expiring 06/30/21; **Housing Committee:** Catherine Ritchie, 23 Doves Lane, Marstons Mills, as an alternate member to a term expiring 06/30/21; **Community Preservation Committee:** James Tenaglia as a Recreation Commission representative member to a term expiring 06/30/19

**SPONSOR:** Appointments Committee

DATE	ACTION TAKEN
<u>07/19/18</u>	<u>First Reading</u> _____
_____	_____

- \_\_\_ Read Item
- \_\_\_ Rationale
- \_\_\_ Council Discussion
- \_\_\_ Move/Vote

**A. OLD BUSINESS (May be acted upon)**

**BARNSTABLE TOWN COUNCIL**

**ITEM # 2019-012**  
**INTRO: 07/19/18, 08/09/18**

**2019-012 REAPPOINTMENTS TO A BOARD/COMMITTEE/COMMISSION**

**RESOLVED:** That the Town Council reappoints the following individuals to a multiple-member board/committee/commission: **Land Acquisition and Preservation Committee:** Anne Rowland as a regular member to a term expiring 6/30/21; Phyllis Miller as a regular member to a term expiring 6/30/21; F.P Tom Lee as a regular member to a term expiring 6/30/21; Ann Canedy as a regular member to a term expiring 6/30/21; **Youth Commission:** Matthew McCauley as a student member to a term expiring 6/30/19; Sean Dowling as a student member to a term expiring 6/30/19; Ethan Sirhal as a student member to a term expiring 6/30/19; Connor Levesque as a student member to a term expiring 6/30/19; Allianna DeBarros, as a student member to a term expiring 6/30/19; LT. Jean Challies as an adult advisory member to a term expiring 6/30/19

**SPONSOR:** Appointments Committee

DATE	ACTION TAKEN
<u>07/19/18</u>	<u>First Reading</u> _____
_____	_____

- \_\_\_ Read Item
- \_\_\_ Rationale
- \_\_\_ Council Discussion
- \_\_\_ Move/Vote

**B. NEW BUSINESS (May be acted upon)**

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2019-013  
INTRO: 08/09/18**

**2019-013 ACCEPTANCE OF A FISCAL YEAR 2018 TRAFFIC ENFORCEMENT GRANT AWARD IN THE AMOUNT OF \$11,972 FROM THE EXECUTIVE OFFICE OF PUBLIC SAFETY AND SECURITY, OFFICE OF GRANT AND RESEARCH, HIGHWAY SAFETY DIVISION**

**RESOLVED:** That the Town Council hereby accepts a Traffic Enforcement Grant award in the amount of **\$11,972** from the Executive Office of Public Safety and Security, Highway Safety Division

**SPONSOR:** Mark S. Ells, Town Manager

DATE	ACTION TAKEN
_____	_____
_____	_____

- Read Item
- Rational
- Council Discussion
- Move/Vote

# BARNSTABLE TOWN COUNCIL

**ITEM: 2019-013**  
**INTRO: 08/09/18**

## SUMMARY

**TO:** Town Council  
**FROM:** Mark S. Ells, Town Manager  
**THROUGH:** Matthew K. Sonnabend, Chief of Police  
**DATE:** August 9, 2018  
**SUBJECT:** Acceptance of a Fiscal Year 2018 Traffic Enforcement Grant award in the amount of **\$11,972** from the Executive Office of Public Safety and Security, Highway Safety Division

**BACKGROUND:** The Department has been awarded a grant in the amount of **\$11,972**. Of this total grant award, \$6,572 is dedicated to specifically themed mobilizations in addition to directed enforcement at the discretion of the Department and \$5,400 is dedicated towards the purchase of traffic-related equipment. This grant helps to raise awareness of both traffic safety challenges involving drinking and driving, as well as the importance of seatbelt usage and distracted driving.

**ANALYSIS:** Acceptance of this grant will assist the Department in the continuance of these important traffic safety programs.

**GRANT DETAIL:** \$6,572 of the grant will be directed toward overtime associated with *Occupant Protection; Impaired Driving and Distracted Driving*.

\$5,400 of the grant will be directed toward the purchase of traffic enforcement equipment.

**FISCAL IMPACT:** There is no required match and the overtime and equipment costs of the grant will be reimbursed.

**TOWN MANAGER RECOMMENDATION:** Town Manager, Mark S. Ells recommends acceptance of this grant.

**STAFF ASSISTANCE:** Matthew K. Sonnabend, Chief of Police; Anne Spillane, Barnstable Police Department

**B. NEW BUSINESS (May be acted upon)**

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2019-014  
INTRO: 08/09/18**

**2019- 014 ACCEPTANCE OF FISCAL YEAR 2017 EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT (JAG) IN THE AMOUNT OF \$57,360 FROM THE U. S. DEPARTMENT OF JUSTICE**

**RESOLVED:** That the Barnstable Town Council does hereby accept the Federal Fiscal Year 2017 Edward Byrne Memorial Justice Assistance Grant (JAG) Program Local in the amount of **\$57,360** from the U. S. Department of Justice

**SPONSOR:** Mark S. Ells, Town Manager

DATE	ACTION TAKEN
_____	_____
_____	_____

- Read Item
- Rational
- Council Discussion
- Move/Vote

# BARNSTABLE TOWN COUNCIL

**ITEM #2019-014**  
**INTRO: 08/09/18**

## SUMMARY

**TO:** Town Council  
**FROM:** Mark S. Ells, Town Manager  
**THROUGH:** Matthew K. Sonnabend, Chief of Police  
**DATE:** August 9, 2018  
**SUBJECT:** Acceptance of a Fiscal Year 2017 Edward Byrne Memorial Justice Assistance Grant (JAG) in the amount of **\$57,360** from the U. S. Department of Justice

**BACKGROUND:** The Police Department applied for and was awarded Federal Fiscal Year 2017 Byrne Memorial Justice Assistance Grant: Local Solicitation from the United States Department of Justice in the amount of **\$57,360**. The grant has been deemed to be a disparate certification allocation to be distributed among three towns as outlined below based on a prescribed grant formula amount for each town and the Town of Barnstable Police Department will act as the grant administrator and fiscal agent for all towns:

Barnstable Police Dept.: \$28,694 to be expended on the purchase of a Digital Fingerprint Scanner for us in the processing of non-criminal fingerprints in Police Records; and personnel costs associated with the Community Service Officer program.

Falmouth Police Dept.: \$10,757 to be expended on the purchase of 9 Tasers.

Yarmouth Police Dept.: \$17,909 to be expended on 2 new computer towers in the Emergency Operations Center; a thermal imaging camera; 7 GPS tracking bracelets to be provided to residents with Alzheimer's who have a history of wandering; and the purchase of a surveillance camera for use in remote areas that have a high crime rate.

**ANALYSIS:** The acceptance of this grant will allow the aforementioned police departments to take action on the programs as described previously.

**FISCAL IMPACT:** There is no matching funding required for this grant. This is a reimbursement grant as expenses are incurred up to the total dollar amount of the grant. The Town of Barnstable Police Department will serve as the fiscal agent for all the towns and will be responsible for all grant reporting, reimbursement of funds and draw downs.

**TOWN MANAGER RECOMMENDATION:** Mark S. Ells, Town Manager recommends acceptance of this grant.

**STAFF ASSISTANCE:** Matthew K. Sonnabend, Chief of Police, Anne Spillane, Barnstable Police Department

**B. NEW BUSINESS (Refer to Joint Public Hearing with Planning Board 08/16/18)**

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2019-015  
INTRO: 08/09/2018**

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2019-015  
INTRO: 08/09/2018**

**2019-015 AMENDING CHAPTER 240, THE ZONING ORDINANCES TO ADD REGULATIONS FOR ESTABLISHING AND OPERATING REGISTERED RECREATIONAL MARIJUANA CULTIVATORS, RESEARCH FACILITIES AND INDEPENDENT TESTING LABORATORIES AND PROHIBITING ALL OTHER NON-MEDICAL MARIJUANA ESTABLISHMENTS**

**ORDERED:**

**Section 1.**

That Chapter 240, Article III, Section 240.24.1.4 MS Medical Services District of the Zoning Ordinance is hereby amended as follows:

2. Add a new Special Permit use to Section 240-24.1.4B as follows:
  - (3) Registered Recreational Marijuana Cultivators, Research Facilities and Independent Testing Laboratories, subject to compliance with the provisions of Article XII herein.

**Section 2.**

That Chapter 240, Article III, Section 240.24.1.9.1 GM Gateway Medical District of the Zoning Ordinance is hereby amended as follows:

2. Add a new Special Permit use to Section 240-24.1.9.1B as follows:
  - (2) Registered Recreational Marijuana Cultivators, Research Facilities and Independent Testing Laboratories, subject to compliance with the provisions of Article XII herein.

**Section 3.**

That Chapter 240, the Zoning Ordinance be amended by renumbering the existing Article XII (Administration and Enforcement) to Article XIII and by sequentially renumbering each Article thereafter and by substituting in place of the existing ARTICLE XII the following:

**“ARTICLE XII Registered Recreational Marijuana Cultivators, Research Facilities and Testing Laboratories.**

§240-122.1 Registered Recreational Marijuana Cultivators, Research Facilities and Testing Laboratories.

**A. Purpose; applicability; use; prohibited marijuana establishments**

- (1) Purpose. To provide for the location of Registered Recreational Marijuana Cultivators, Research Facilities and Independent Testing Laboratories, as defined herein, in accordance with Chapter 55 of the



Acts of 2017 and M.G.L. c.94G, the Humanitarian Medical Use of Marijuana Act, G. L. c.94C, App. §1-1, et seq., as amended by Chapter 55 of the Acts of 2017, G.L. c. 94I, to be enacted pursuant to Chapter 55 of the Acts of 2017, and Cannabis Control Commission Regulations 935 CMR 500.00 governing Adult Use of Marijuana, in locations within the MS Medical Services District and the GM Gateway Medical District suitable for lawful Marijuana Cultivation, Research and Independent Testing and to minimize adverse impacts of Marijuana Cultivation, Research Facilities and Independent Testing Laboratories on adjacent properties, residential neighborhoods, historic sites, schools and other locations where minors congregate by regulating the siting, design, placement, security, modification and removal of Marijuana Cultivators, Research Facilities and Independent Testing Laboratories.

(2) Applicability. The cultivation, processing, packaging, and transfer of marijuana products; conducting of research regarding marijuana products; and testing of marijuana or cannabis is prohibited unless licensed by all applicable Massachusetts licensing authorities and permitted under this Article.

(3) Use. Within the MS Medical Services District and GM Gateway Medical District, a licensed Marijuana Cultivator, Research Facility or Independent Testing Laboratory may be permitted as a conditional use, provided a special permit is first obtained from the Planning Board. All special permits granted under this Article shall be subject to the provisions of §240-125C and §240-24.1.2E herein and subject to all additional standards and conditions of this Article.

(4) Prohibition of All Other Non-Medical Marijuana Establishments. Except for licensed Marijuana Cultivators, Research Facilities and Independent Testing Laboratories permitted as a conditional use in the MS Medical Services District and GM Gateway Medical District, subject to all the requirements of this Article, all other types of non-medical “marijuana establishments” as defined in G.L. c. 94G §1, including marijuana product manufacturers, marijuana retailers or any other types of licensed related businesses are prohibited.

B. Definitions. Any term not specifically defined herein shall have the meaning as defined in Massachusetts General Laws Chapter 94G, §1, and the Cannabis Control Commission Regulations 935 CMR 500.00 governing Adult Use of Marijuana.

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

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

CRAFT MARIJUANA COOPERATIVE – A Marijuana Cultivator comprised of residents of the Commonwealth and organized as a limited liability company, limited liability partnership, or cooperative corporation under the laws of the Commonwealth. A cooperative is licensed to cultivate, obtain, manufacture, process, package and brand cannabis or marijuana products to transport marijuana to Marijuana Establishments, but not to consumers.

RECREATIONAL MARIJUANA ESTABLISHMENT, INDEPENDENT TESTING LABORATORY – A laboratory that is licensed by the Cannabis Control Commission and is:

- (a) accredited to the International Organization for Standardization 17025 (ISO/IEC 17025: 2017) by a third-party accrediting body that is a signatory to the International Laboratory Accreditation Accrediting Cooperation mutual recognition arrangement or that is otherwise approved by the Cannabis Control Commission;
- (b) independent financially from any Medical Marijuana Treatment Center, Marijuana Establishment or licensee for which it conducts a test; and

- (c) qualified to test cannabis or marijuana in compliance with 935 CMR 500.160 and M.G.L. c. 94C, § 34.

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

RECREATIONAL MARIJUANA ESTABLISHMENT, MARIJUANA RESEARCH FACILITY – An entity licensed to engage in research projects by the Cannabis Control Commission.

- C. Requirements for allowed Marijuana Cultivators, Research Facilities and Independent Testing Laboratories. Marijuana Cultivators, Research Facilities and Independent Testing Laboratories shall comply with the following requirements:

- (1) General

- a) Marijuana Cultivators, Research Facilities and Independent Testing Laboratories shall comply with applicable State and local laws, regulations, ordinances, codes, conditions and agreements with the Town, including, but not limited to, Chapter 55 of the Acts of 2017 and M.G.L. c.94G, the Humanitarian Medical Use of Marijuana Act, M.G. L. c.94C, App. §1-1, et seq., as amended by Chapter 55 of the Acts of 2017 and M.G.L. c. 94I, to be enacted pursuant to Chapter 55 of the Acts of 2017, Cannabis Control Commission Regulations 935 CMR 500.00 governing Adult Use of Marijuana, the Town of Barnstable’s General Ordinances, the Town of Barnstable’s Zoning Ordinances, all applicable Town building, fire prevention, police, and health codes, regulations and standards, any conditions imposed on licenses and permits held by the Marijuana Cultivators, Research Facilities and Independent Testing Laboratories (including, but not limited to, the Town’s Planning Board special permit), and agreements between the Marijuana Cultivator, Research Facility or Independent Testing Laboratory and the Town, including host community agreements.
- b) Marijuana Cultivators, Research Facilities and Independent Testing Laboratories shall maintain all permits and licenses required by State and local laws. Any voiding of the Cannabis Control Commission’s license by operation of law (including due to cessation of operations, failure to become operational within the permitted time, or relocation without Cannabis Control Commission approval), and any revocation or suspension of the Marijuana Cultivators, Research Facilities and Independent Testing Laboratories’ Cannabis Control Commission license shall result in an automatic suspension of the special permit pending hearing or the opportunity therefore afforded to the Marijuana Cultivator, Research Facility or Independent Testing Laboratory and pending further determination by the Planning Board.
- c) All taxes and charges owed to the Town must be paid on a current basis. Failure to pay all taxes and charges shall be subject to the provisions of Chapter 121 of the Barnstable Code and all other available legal remedies.
- d) An approved Host Community Agreement shall be required prior to granting a Special Permit for a Marijuana Cultivator, Research Facility or Independent Testing Laboratory.
- e) Dimensional requirements. Except where it is explicitly stated otherwise in this Article, Marijuana Cultivator, Research Facilities and Independent Testing Laboratories shall conform to the dimensional requirements applicable within the underlying and other overlaying zoning districts.
- f) Parking. The required number of parking spaces for Marijuana Cultivators, Research Facilities and Independent Testing Laboratories shall be one space for every 700 square feet of gross floor area. The Planning Board shall also rely on the recommendation of Site Plan Review.
- g) Loading. The Planning Board may require loading bays based on the recommendation of site plan review and/or based on the needs of the proposed use.
- h) Landscaping. Landscape requirements in the underlying zoning district shall apply.

- i) Landscape Buffers. The landscape setback from any residential property line shall be 20 feet. Landscape buffers shall be densely landscaped with a combination grasses, trees, and shrubs providing year-round screening.
- j) Signage. The signage requirements of the underlying zoning district pursuant to Article VII of this chapter shall apply. The Planning Board may impose additional restrictions on signage, as appropriate, to mitigate any aesthetic impacts.
- k) Groundwater Protection. Marijuana Cultivators, Research Facilities and Independent Testing Laboratories shall be subject to the requirements of Section 240-35 Groundwater Protection Overlay Districts as applicable.

(2) Operational Requirements

- (a) All Marijuana Cultivators', Research Facilities' and Independent Testing Laboratories' licensed operations shall be conducted within a building at a fixed location.
- (b) No Marijuana Cultivators, Research Facilities or Independent Testing Laboratories shall allow research, testing, cultivation, processing, packaging, manufacturing, or display of Marijuana or Marijuana Products to be visible to the public without the use of binoculars, aircraft, or other optical aids.
- (c) Marijuana Cultivators, Research Facilities and Independent Testing Laboratories may cultivate, process, package, or conduct research and testing on Marijuana or Marijuana Products as licensed by the Cannabis Control Commission only within an area that is enclosed and secured in a manner that prevents access by persons not permitted by the Marijuana Cultivator, Research Facility or Independent Testing Laboratory to access the area.
- (d) The hours of operation for a Marijuana Cultivator, Research Facility or Independent Testing Laboratory shall be those conditioned by the Marijuana Cultivator's, Research Facility's or Independent Testing Laboratory's special permit.
- (e) Marijuana Cultivators, Research Facilities and Independent Testing Laboratories shall ensure that their hours and methods of transportation of product shall not be a detriment to the surrounding area and nearby uses.
- (f) Marijuana Cultivators, Research Facilities and Independent Testing Laboratories shall not permit any disorder, disturbance, or illegality under State or local law of any kind on the premises.
- (g) Marijuana Cultivators', Research Facilities' and Independent Testing Laboratories' operations shall not result in illegal redistribution under State or local law of Marijuana obtained from the Marijuana Cultivator, Research Facility or Independent Testing Laboratory, or in use of Marijuana in any manner that violates State or local law.
- (h) Marijuana Cultivators, Research Facilities or Independent Testing Laboratories operations shall not create nuisance conditions in parking areas, sidewalks, streets and areas surrounding its premises and adjacent properties.
- (i) Marijuana Cultivators, Research Facilities and Independent Testing Laboratories shall equip the premises and otherwise conduct their operations in such a manner that (a) no pesticides or other chemicals or products are dispersed into the outside atmosphere, or into a wastewater treatment system or in any other manner that may contaminate the groundwater and (b) no odor of Marijuana or its processing can be detected by a person with an unimpaired and otherwise normal sense of smell at the exterior of any adjoining use or property.
- (j) Marijuana Cultivators, Research Facilities and Independent Testing Laboratories shall be required to remove all Marijuana and Marijuana Products by the earlier of: prior to surrendering its State-issued license; or within six (6) months of ceasing operations.
- (k) Marijuana Cultivators, Research Facilities and Independent Testing Laboratories must display a sign legible from the exterior of the building in which the Marijuana Cultivator, Research Facility or Independent Testing Laboratory is located either by posting on the building exterior in close proximity to the entrance or by placement in a window in close proximity to the entrance with the text facing and legible from the exterior, which states: "Must be 21 years or older and show identification to enter this establishment."
- (l) Solid and liquid waste, including waste composed of or containing marijuana, finished marijuana, Marijuana-Infused Product, or byproducts of marijuana processing shall be stored,

secured, managed, and disposed of in accordance with State Law and all other applicable statutes and ordinances and regulations of the Town.

(3) Security-Specific Requirements

- (a) Marijuana Cultivators, Research Facilities and Independent Testing Laboratories shall submit and receive the approval of the Barnstable Police Department for its required security and emergency procedures, including a disaster plan, which plan shall include measures relating to alarms, fencing, gates, limited access areas, delivery procedures, police details, specification of video and lighting locations, notifications to the Police Department in the event of any known or suspected violation of criminal law that has taken place on or near the location of the establishment.
- (b) Lighting shall be designed and maintained so as to protect adjacent properties from intrusive lighting; however, in accordance with State Law, the exterior perimeter of Marijuana Cultivators, Research Facilities and Independent Testing Laboratories shall be sufficiently lit to facilitate surveillance.
- (c) Marijuana Cultivators, Research Facilities and Independent Testing Laboratories shall secure every entrance so that access to areas containing the storage of Marijuana products are restricted to employees and others permitted by the Marijuana Cultivator, Research Facility or Independent Testing Laboratory to access the area and to Cannabis Control Commission or state and local law enforcement officers, agents and emergency personnel.
- (d) Marijuana Cultivators, Research Facilities and Independent Testing Laboratories shall secure their inventory and equipment during and after operating hours to deter and prevent theft of Marijuana, Marijuana Products and Marijuana accessories.
- (e) Marijuana Cultivators, Research Facilities and Independent Testing Laboratories shall file an emergency procedures, including a disaster plan, with the Town's Fire, Police and Health Departments and share with these Departments their security plan and procedures and any updates to them in the event they are modified.
- (f) Landscaping shall be in compliance with the requirements set forth herein, except that in accordance with State Law, Marijuana Cultivators, Research Facilities and Independent Testing Laboratories shall maintain trees, bushes, and other exterior vegetation so that they do not allow for a person or persons to conceal themselves from sight.

(4) Access to Premises and Information/Reporting/Record-Keeping

- (a) Marijuana Cultivators, Research Facilities and Independent Testing Laboratories shall be subject to unannounced, unscheduled, periodic inspections of its premises by the Building Commissioner or designee, including an agent from the Building, Health, Police and applicable Fire Department on week-days between 8:00 a.m. to 5:00 p.m. to determine the Marijuana Cultivator, Research Facility or Independent Testing Laboratory's compliance with the requirements of applicable state and local laws, regulations, codes, license and permit conditions, and this Article. In addition, routine inspections may be made on week-days during regular Town business hours by authorized inspectional departments to determine compliance with applicable state and local laws, regulations, codes and license and permit conditions. Inspections by the authorized inspectional departments may be made at other times to investigate complaints or suspected non-compliance issues. Inspections may include all areas occupied, used or controlled by the Marijuana Cultivator, Research Facility or Independent Testing Laboratory. Facilities requiring re-inspection are subject to applicable re-inspection fees. Inspections shall be conducted in conformity with applicable federal, state and local law.
- (b) Marijuana Cultivators, Research Facilities and Independent Testing Laboratories shall cooperate and comply with requests for information made by the Building Commissioner or designee, including agents from the Planning & Development, Building, Health, Police, Fire and Public Works Departments.
- (c) Within twenty-four (24) hours of receipt of notice of it, Marijuana Cultivators, Research Facilities and Independent Testing Laboratories shall file with the Town Manager, Director of

Public Health and the Building Commissioner any summary cease and desist order, cease and desist order, quarantine order, suspension order, revocation order, order limiting sales, deficiency statement, plan of correction, notice of a hearing, notice of any other administrative process or legal action, denial of a license, denial of a renewal of a license, or final action issued by a state or federal agency (including, but not limited to, the Cannabis Control Commission) regarding the Marijuana Cultivator, Research Facility or Independent Testing Laboratory, or the Cannabis Control Commission license.

(5) Additional Location Requirements for Marijuana Cultivators, Research Facilities and Independent Testing Laboratories,

- (a) No Marijuana Cultivator, Research Facility and Independent Testing Laboratory shall be located within 500 feet, as measured from each lot line of the subject lot, of the following preexisting uses: K-12 educational use; childcare center; or children's camp.

D. Site Plan Review for Marijuana Cultivators, Research Facilities and Independent Testing Laboratories.

Marijuana Cultivators, Research Facilities and Independent Testing Laboratories shall be subject to Article IX, Site Plan Review, Section 240-102.

E. Special Permits. The following apply to special permits to operate a Marijuana Cultivator, Research Facility or Independent Testing Laboratory.

(1) Application requirements: Applicants shall include with their special permit application:

- (a) Copies of any required licenses and permits relating to the operation of the Marijuana Cultivator, Research Facility or Independent Testing Laboratory, or, if an application for a required license or permit is pending, a copy of the application.
- (b) Evidence of the applicant's right to use the proposed site as a Marijuana Cultivator, Research Facility or Independent Testing Laboratory, such as a deed, lease or purchase and sales agreement.
- (c) A copy of the Site Plan Review Approval.
- (d) A description of the security measures, required by this Article, approved by Barnstable Police Department and Cannabis Control Commission for the Marijuana Cultivator, Research Facility or Independent Testing Laboratory, as applicable.
- (e) A copy of emergency procedures, including a disaster plan with procedures to be followed in case of fire or other emergencies, approved by the Cannabis Control Commission for the Marijuana Cultivator, Research Facility or Independent Testing Laboratory, as applicable.
- (f) A copy of the policies and procedures for the transfer, or acquisition of marijuana between Marijuana Cultivators, Research Facilities and Independent Testing Laboratories and other Recreational Marijuana Establishments, as applicable.
- (g) A copy of proposed waste disposal procedures.
- (h) Proof of liability insurance that is in accordance with 105 CMR 725.105(Q) or any applicable regulations promulgated by the Cannabis Control Commission.
- (i) Any waivers from Cannabis Control Commission regulations issued for the Marijuana Cultivator, Research Facility or Independent Testing Laboratory, as applicable.
- (j) A copy of the Community Host Agreement.
- (k) Any other materials requested by the Special Permit application form, as well as any other additional materials the Planning and Development Department determines is necessary for review, such as Department reports or transportation studies or a license application.

(2) Special permit criteria, The Planning Board, subject to the provisions of §240-125C and §240-24.1.2E. shall not approve any application for a special permit unless it finds that in its judgment all of the following conditions are met:

- (a) That the Marijuana Cultivator, Research Facility or Independent Testing Laboratory has demonstrated compliance with or the ability to comply where the requirements are prospective with all of the General Requirements set forth in this Article.
- (b) That the Marijuana Cultivator, Research Facility or Independent Testing Laboratory has an approved Host Agreement.

- (c) That the Marijuana Cultivator, Research Facility or Independent Testing Laboratory has security and emergency procedures, including a disaster plan, approved by the Barnstable Police Department.
- (d) The location is compliant with this Article in its entirety.
- (e) The site is designed such that it provides convenient, safe and secure access and egress for clients and employees arriving to and leaving from the site using all modes of transportation, including drivers, pedestrians, cyclists and public transportation users.
- (f) Traffic generated by client trips, employee trips, and deliveries to and from the Marijuana Cultivator, Research Facility or Independent Testing Laboratory shall not create a substantial adverse impact on nearby residential uses.
- (g) A special permit granted under this Article shall have a term limited to the duration of the applicant's ownership or lease of the premises for a Marijuana Cultivator, Research Facility or Independent Testing Laboratory, as licensed by the applicable Massachusetts licensing authority. Any new license for an existing Marijuana Cultivator, Research Facility or Independent Testing Laboratory location or transfer of an existing license to a new owner shall require a new Special Permit pursuant to the Barnstable Zoning Ordinance.

**F. Implementation**

This Article shall not be implemented in a manner that conflicts or interferes with the operation of M.G.L. c. 94G, 94I or the regulations promulgated thereunder, including 935 CMR 500.

**G. Severability**

The provisions of Article XII, §240-122.1 are severable. If any provision shall be held to be invalid or unconstitutional by any court of competent jurisdiction, the remaining provisions shall continue in full force and effect.”

**Section 4.**

That the Zoning Ordinance, Chapter 240, Article I, Prohibited Uses, §240-10, is hereby amended by adding a new paragraph E as follows:

“E. All types of non-medical “marijuana establishments” as defined in G.L. c. 94G §1, including marijuana product manufacturers, marijuana retailers or any other types of licensed related businesses except for licensed Marijuana Cultivators, Research and Independent Testing Laboratory Facilities permitted as a conditional use in the MS Medical Services District and GM Gateway Medical District, subject to all the requirements of Article XII, §240-122.1 herein.”

**SPONSORS:** Eric R. Steinhilber, Town Council President, Town Council, James Crocker Jr. Vice President

DATE

ACTION TAKEN

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