

TOWN OF DUNSTABLE
SPECIAL TOWN ELECTION - June 26, 2018

Summary:

Total Votes Cast:	600 Ballots Cast
Registered Voters:	2,427
Voter Turnout:	25 %

Question 1: Shall the Town of Dunstable be allowed to exempt from the provisions of proposition two and one-half, so called, the amounts required to pay for the bond issued in order to fund the purchase of a new Engine 2 for the Fire Department?

Yes: 277

No: 318

Blanks: 5

Total: 600

Question 2: Shall the Town of Dunstable be allowed to exempt from the provisions of proposition two and one-half, so called, the amounts required to pay for the bond issued in order to purchase the Dumont property, described on the "Existing Conditions Plan" prepared for Cornerstone Properties and dated March 23, 2017, containing 73.83 acres, more or less?

Yes: 232

No: 362

Blanks: 6

Total: 600

Question 3: Shall the Town adopt the following bylaw?

Summary:

The proposed Section 30, Recreational Marijuana Establishments, of the Town's Zoning Bylaws would prohibit the following types of recreational Marijuana Establishments in all

Zoning Districts in the Town of Dunstable: Marijuana retailer and any Other Type of Licensed Marijuana-Related Business, excluding Independent Testing Laboratories, Marijuana Product Manufacturers, and Marijuana Cultivators. Independent Testing Laboratories and Marijuana Product Manufacturers would be allowed by special permit in the Town's B1, B2, and B3 Zoning Districts.

Tier 1 Marijuana Cultivators would be allowed by special permit in all of the Town's Zoning Districts. Tier II Marijuana cultivators and larger types of Marijuana Cultivators would be allowed by special permit in the Town's B3 Zoning Districts.

Yes: 385

No: 212

Blanks: 3

Total: 600

The full text of the proposed bylaw is provided below.

Section 30. Recreational Marijuana Establishments

A. Purpose:

The purpose of this Section is to regulate Marijuana Establishments in Dunstable for public health and safety purposes, and to minimize adverse impacts on the character of the Town in general and adjoining properties in particular.

B. Applicability:

- (1) The commercial cultivation, production, processing, assembly, packaging, retail sale, distribution, and dispensing of marijuana for recreational purposes shall only be allowed in the Town of Dunstable as a Marijuana Establishment governed by this Section.
- (2) Marijuana Establishments are not a form of agriculture, horticulture, or floriculture for purposes of the Zoning Bylaws.

C. Definitions:

In addition to any applicable definitions contained in the Zoning Bylaws, the following definitions shall be applicable to this Section:

Canopy: an area to be calculated in square feet and measured using clearly identifiable boundaries of all areas(s) that will contain mature marijuana plants at any point in time, including all of the space(s) within the boundaries, canopy may be noncontiguous, but each unique area included in the total canopy calculations shall be separated by an identifiable boundary which include, but are not limited to: interior walls, shelves, greenhouse walls, hoop house walls, garden benches, hedge rows, fencing, garden beds, or garden plots. If mature plants are being cultivated using a shelving system, the surface area of each level shall be included in the total canopy calculation.

Independent Testing Laboratory: A laboratory that is licensed by the Cannabis Control Commission and is: 1) accredited to the most current version of the International Organization for Standardization 17025 by a third-party accrediting body that is a signatory of the International Laboratory Accreditation Accrediting Cooperation mutual recognition arrangement, or that is otherwise approved by the Cannabis Control Commission; 2) independent financially from any medical marijuana treatment center or any licensee or marijuana establishment for which it conducts a test; and 3) qualified to test marijuana in compliance with 935 CMR 500.160 and M.G.L. c. 94C, § 34.

Marijuana Cultivator: 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.

Marijuana Establishment: a marijuana cultivator, independent testing laboratory, marijuana product manufacturer, marijuana retailer, or any other type of licensed marijuana-related business.

Marijuana Product Manufacturer: an entity licensed to obtain, manufacture, process, and package marijuana/marijuana products, to deliver marijuana and marijuana products to marijuana establishments, and to transfer marijuana and marijuana products to the other marijuana establishments, but not to consumers.

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

Marijuana Retailer: 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.

Other Type of Licensed Marijuana-Related Business: a licensed marijuana establishment other than a marijuana cultivator, independent testing laboratory, marijuana product manufacturer, or marijuana retailer.

Tier 1 Marijuana Cultivator: a marijuana cultivator with up to 5,000 square feet of canopy.

Tier 2 Marijuana Cultivator: a marijuana cultivator with between 5,001 to 10,000 square feet of canopy.

D. Eligible Types of Marijuana Establishments and Applicable Zoning Districts:

- (1) Independent Testing Laboratories and Marijuana Product Manufacturers shall be allowed by special permit in B1, B2, and B3 Zoning Districts.
- (2) Tier I Marijuana Cultivators shall be allowed by special permit in all Zoning Districts.
- (3) Tier II Marijuana Cultivators and larger types of Marijuana Cultivators shall be allowed by special permit in B3 Zoning Districts.
- (4) Marijuana Retailers and Other Type of Licensed Marijuana-Related Businesses shall be prohibited in all Zoning Districts; provided however, that this subsection D(4) shall not take effect until approved by the voters of Dunstable through a ballot question.

E. Minimum Criteria and Limitations on Approval for Marijuana Establishments:

- (1) Marijuana Establishments shall comply with all aspects of M.G.L. c. 94G (Regulation of the Use and Distribution of Marijuana Not Medically Prescribed) and 935 CMR 500.000 (Adult Use of Marijuana).
- (2) All aspects of the Marijuana Establishment relative to the acquisition, cultivation, possession, processing, sales, distribution, dispensing, or administration of marijuana, products containing marijuana, related supplies or educational materials shall take place at a fixed location and shall not be visible from the exterior of the business. Marijuana Establishments shall be located only in a permanent building or fully enclosed structure and not within any mobile facility, unless outdoor cultivation is expressly allowed by special permit.

- (3) No outside storage of marijuana or marijuana products is permitted. This prohibition applies to all aspects of the product and waste associated with the Marijuana Establishment.
- (4) A special permit granted under this Section shall run with the applicant and shall be non-transferrable to another owner or operator without an amendment to the special permit with all application information required in accordance with this Section and a noticed public hearing.
- (5) All Marijuana Establishments shall be ventilated in such a manner that no:
 - a. Pesticides, insecticides, or other chemicals or products used in the cultivation or processing are dispersed into the outside atmosphere or ground, unless outdoor cultivation is expressly allowed by special permit.
 - b. Odor from marijuana cannot be detected by a person with a normal sense of smell at the exterior of the Marijuana Establishment or at any adjoining use or property.
- (6) Signage shall conform to Section 13 of the Zoning Bylaws and the requirements of State laws and regulations governing such facilities, including 935 CMR 500.105 (D).
- (7) All Marijuana Establishments shall be subject to the number of parking stalls required by Section 12 of the Zoning Bylaws unless a lesser or greater number of stalls is required by special permit.
- (8) No smoking, burning, or consumption of any product containing marijuana or marijuana-related products shall be permitted on the premises of a Marijuana Establishment.
- (9) No Marijuana Establishment shall be located:
 - a. within 200 feet of a residential dwelling;
 - b. within 500 feet of a public or private school, playground (indoor or outdoor), day-care center, or youth center;
 - c. within 500 feet of a library;
 - d. within 500 feet of a church or place of worship; or

- e. within 500 feet of a park, athletic playing field, scout camp, golf course, or any facility where children commonly congregate.

Distance shall be established at the time the proposed Marijuana Establishment's application is received by the Planning Board. Distance shall be measured for items a. through d. above in a straight line from the nearest corner of the principal building of the proposed Marijuana Establishment to the nearest corner of the principal building of the protected use. Distance shall be measured for item e. above in a straight line from the nearest corner of the principal building of the proposed Marijuana Establishment to the nearest property boundary line of the protected use.

- (10) No Marijuana Establishment shall be located inside a building containing residential units, including without limitation, transient housing such as motels, hotels, lodging houses and dormitories, or inside a movable or mobile structure such as a van or truck.
- (11) The building(s) in which a Marijuana Establishment is permitted shall not be located within three hundred (300) feet of any building containing another Marijuana Establishment, except for Marijuana Establishments that are owned or leased by the same operator.
- (12) Marijuana Establishments shall provide the Dunstable Police Department, Fire Department, Building Inspector, and the Planning Board with the names, phone numbers, and email addresses of all management, staff, and key holders who can be contacted if there are operating problems associated with the Marijuana Establishment.

F. Special Permit Application and Procedure

- (1) The Dunstable Planning Board shall be the special permit granting authority for special permits governed by this Section.
- (2) Special permit applications for Marijuana Establishments shall be governed by Section 14, Site Plans, of these Zoning Bylaws, and the Rules and Regulations of the Planning Board governing Site Plans and Special Permits. In addition, an application for special permit for a Marijuana Establishment shall include, at a minimum, the following information:
 - (a) General Information:

(i) The name and address of each owner, officer, manager, member, partner and employee of the Marijuana Establishment and (if applicable) the legal entity;

(ii) If the Applicant is a non-profit organization, a copy of its Articles of Organization, a current Certificate of Legal Existence from the Secretary of the Commonwealth, and the most recent annual report; if the Applicant is a for-profit corporate entity, a copy of its Articles of Incorporation or equivalent documents, a current Certificate of Legal Existence from the Secretary of the Commonwealth, and the most recent annual report; if the Applicant is a public agency, evidence of the agency's authority to engage in the development of the Marijuana Establishment as proposed by the application;

(iii) Evidence of the Applicant's right to use the site of the Marijuana Establishment, such as a deed, lease, purchase and sale agreement or other legally-binding document;

(iv) If the Applicant is a business organization, a statement under oath disclosing all of its owners, shareholders, partners, members, managers, directors, officers, or other similarly-situated individuals and entities. If any of the above are entities rather than persons, the Applicant must disclose the identity of the owners of such entities until the disclosure contains the names of individuals;

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

(vi) Proposed security measures for the Marijuana Establishment, including lighting and alarms, to ensure the safety of persons and to protect the premises from theft; and

(vii) The resume(s) of the Applicant and all members of the Marijuana Establishment's management, including company history, references, and relevant experience.

(b) Description of Activities: A narrative providing information about the type and scale of all activities that will take place on the proposed site.

(c) Context Map: A map depicting all properties and land uses within a minimum five hundred (500) foot radius of the

proposed site. The context map shall include the measured distance to all uses described in Section 30.E(9), of this Section.

- (d) Copies of all required licenses and permits issued to the applicant by the Commonwealth of Massachusetts and any of its agencies for the Marijuana Establishment, including the Cannabis Control Commission.
- (e) Upon written request from the applicant, the Planning Board may waive the submission of such information, or parts thereof, as may not be necessary for the consideration of the application. The Planning Board's waiver decision shall be set forth in the written special permit decision.

G. Lapse and Discontinuance of Use

- (1) A special permit granted under this Section shall lapse if not exercised within twenty-four (24) months of issuance.
- (2) A Marijuana Establishment shall be required to remove all material, plants, equipment, and other paraphernalia prior to surrendering its state issued licenses or permits or within six (6) months of ceasing operations, whichever comes first.

Certified, this 28th day of June, 2018

A handwritten signature in cursive script, reading "Carol A. Skerrett", is written over a horizontal line.

Carol A. Skerrett, Town Clerk CMMC