

PROPOSED AMENDMENTS TO THE NEW MARLBOROUGH PROTECTIVE BY-LAWS

Article 32: MARIJUANA BYLAW

Article 32: To see if the Town will vote to adopt the proposed zoning amendments to the Town of New Marlborough's Protective By-Laws to regulate Medical Marijuana Establishments and Marijuana Research Facilities by removing Section 8.10, 8.10.1, 8.10.2, and 8.10.3 (which established and described the Temporary Moratorium on Marijuana Establishments which expired on June 30, 2019) and adding a Section 8.10 to establish regulations to govern the number, the size, the physical configuration, and locations of establishments; and also adding sections 3.4.1.15 and 3.4.1.16 adding Medical Marijuana Establishments and Marijuana Research Facilities to the list of Uses by Special Permit Only. These amendments are more particularly published in the supplementary document, copies of which are available in the Town Clerk's office, on the Town website, and provided at the Annual Town Meeting, or take any other vote in relation thereto.

(2/3 Vote Required)

PROPOSED CHANGES shown in the context of the
existing Bylaw

- Proposed changes are presented in *italics underlined* font
- Proposed deletions are presented in ~~strike through~~ font
- Comments are provided in a comment box for informational purposes only and are not intended to become part of the Protective Bylaws

SECTION 3: PERMITTED USES/USE REGULATIONS

COMMENT: Medical Marijuana Treatment Center and Marijuana Research Facility are added to the list of Uses by Special Permit Only in Section 3.4.

3.4 Uses by Special Permit Only: The following uses may only be allowed by special permit in both the Rural Residential District and Village Center Residential District:

3.4.1 The following uses are permitted if approved, after a public hearing thereon, by permit from the Board of Selectmen who shall determine that the use will not be injurious, noxious or offensive, and that such use is consistent with the intent of the by-law.

3.4.1.1 Commercial Greenhouses

3.4.1.2 Gallery

3.4.1.3 Sawmill

3.4.1.4 Antique, craft or gift shop

3.4.1.5 Summer camp, golf course, boat livery, riding stable

3.4.1.6 Ski tow

3.4.1.7 Restaurant

3.4.1.8 Facility for generating power from wind, sun or water

3.4.1.9 Enclosed veterinary hospital

3.4.1.10 Municipal and public service buildings, structures and use

3.4.1.11 Display and sale of natural products, the major portion of which are raised outside of Town

3.4.1.12 Scrap and salvage yard

3.4.1.13 Sales and service of vehicles

3.4.1.14 Accessory Dwelling either new construction or modification of an existing freestanding building constructed after May 5, 2003.

3.4.1.15 Medical Marijuana Treatment Center

3.4.1.16 Marijuana Research Facility

SECTION 8.10: ZONING BOARD OF APPEALS AND SPECIAL PERMITS

COMMENT: The description of the expired Temporary Moratorium on Marijuana Establishments in Section 8.10 is replaced with a new Section 8.10 regulating Marijuana Establishments and Medical Marijuana Treatment Centers

~~8.10 Temporary Moratorium on Marijuana Establishments~~

~~8.10.1 Purpose By vote at the State election on November 8, 2016, the voters of the Commonwealth approved a law regulating the cultivation, manufacture, processing, distribution, sale, possession, testing and use of marijuana. The law provides that it is effective on December 15, 2016, and that a new state agency, the Cannabis Control Commission, is required to issue regulations regarding implementation by March 15, 2018. The regulation of Marijuana Establishments, however, raises novel and complex legal, planning, and public safety issues. The Town needs time to consider and address these issues, as well as the potential impact of the forthcoming Cannabis Control Commission regulations, by means of a comprehensive planning process to consider amending the Zoning Bylaws to regulate Marijuana Establishments. The temporary moratorium provided in Section 8.10 is intended to allow sufficient time for the Town to engage in such a planning process and to adopt suitable Zoning Bylaw provisions in a manner consistent with sound land use planning objectives.~~

~~8.10.2 Definitions 29 8.10.2.1 Marijuana Establishment: A marijuana cultivator, marijuana testing facility, marijuana product manufacturer, marijuana retailer, or any other type of marijuana related business subject to regulation under Chapter 94G of the~~

~~Massachusetts General Laws; provided, however, that a Registered Medical Marijuana Dispensary shall not be deemed to be a Marijuana Establishment.~~

~~8.10.3 Temporary Moratorium For the reasons set forth above and notwithstanding any other Provision of the Zoning Bylaws to the contrary, the Town hereby adopts a temporary moratorium on the use of land or structures as a Marijuana Establishment. The moratorium shall be in effect through June 30, 2019. During the moratorium period, the Town shall undertake a planning process to address the potential impacts of Marijuana Establishments and other related land uses and structures, consider the Cannabis Control Commission regulations regarding Marijuana Establishments when they are issued, and shall consider adopting new provisions of the Zoning Bylaws governing the location, operation and effects of Marijuana establishments for consideration by a future Town Meeting. (STM 04.13.18; AG 08.28.18)~~

8.10 MARIJUANA ESTABLISHMENTS AND MEDICAL MARIJUANA TREATMENT CENTERS

8.10.1 PURPOSE:

The purpose of this Section 8.10 is to provide for the placement of Marijuana Establishments and Medical Marijuana Treatment Centers in suitable locations in the Town of New Marlborough (the "Town") as allowed in Section 20 of the bylaws of the Town and in recognition of and in accordance with "The Regulation of the Use and Distribution of Marijuana Not Medically Prescribed," M.G.L. c. 94G and "Medical Use of Marijuana," M.G.L. c. 94I. A specific purpose of this Section 8.10 is to safeguard the Town and the Town's built and natural environments by ensuring compliance with state law in a manner consistent with community and neighborhood concerns, while also ensuring that those entities permitted to operate a Marijuana Establishment or a Medical Marijuana Treatment Center, as defined herein, comply with the relevant provisions of Chapter 334 of the Acts of 2016, Chapter 351 of the Acts of 2016, Chapter 55 of the Acts of 2017, and the regulations promulgated by the Cannabis Control Commission found at 935 CMR 500.000 and 935 CMR 501.000 et seq. This Section 8.10 is intended to provide additional local protections to the Town not included in the preceding regulations.

8.10.2 DEFINITIONS (for the purposes of this Section 8.10 only):

BUILDING HEIGHT – As defined by applicable building code.

BUILDING FOOTPRINT – The area on a project site used by the building structure or structures defined by the perimeter of the building plan.

CANNABIS CONTROL COMMISSION OF THE COMMONWEALTH OF MASSACHUSETTS (CCC).

GROSS BUILDING AREA – The area included within surrounding exterior walls exclusive of vent shafts and courtyards. Areas of the building not provided with surrounding walls shall be included in the building area if such areas are included within the horizontal projection of the roof or floor above. Non-mechanical underground building area shall be included in the Gross Building Area.

HOST COMMUNITY AGREEMENT (HCA) – A required municipal process separate and apart from the CCC licensing process described in 935 CMR 501.000 and 502.000 and in the CCC Guidance Letter – Guidance for Host Community Agreements.

INDOOR CULTIVATION – Growing marijuana plants in:

- A. A Building. Defined as any structure used or intended for supporting or sheltering any use or occupancy including a purpose-built metal, modular or prefabricated structure.
- B. A permanent greenhouse.

LIMIT OF CONSTRUCTION (LOC) – The boundary, determined by setbacks from applicable property lines, inside of which all structures and constructed features shall be located. For this definition structures and constructed features include:

- A. Buildings
- B. Fences
- C. Parking surfaces and associated structures
- D. Service structures such as garages, utility sheds and mechanical equipment enclosures.
- E. Mechanical equipment
- F. Greenhouses – permanent and temporary
- G. Porches or other covered exterior spaces
- H. Loading docks and delivery areas
- I. Security buildings and equipment
- J. Underground spaces
- K. Outdoor cultivation
- L. Site lighting

Signage (including address, business identification, and way finding signs, subject to local controls), entry driveway lighting, landscaping and certain decorative features may be placed on the property outside of the LOC.

MARIJUANA or CANNABIS – All parts of any plant of the genus Cannabis, not excepted in 935 CMR 500.002: Cannabis or Marijuana (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.

MARIJUANA ESTABLISHMENT (ME) – For the purposes of this bylaw, going forward, a ME refers exclusively to a Marijuana Research Facility.

MARIJUANA or CANNABIS PRODUCTS (MP) – Marijuana or Cannabis Products means Marijuana or Cannabis and its products, unless otherwise indicated. Marijuana or Cannabis Products includes products that have been manufactured and contain Marijuana or Cannabis or an extract from Marijuana or Cannabis, including concentrated forms of Marijuana and products composed of Marijuana and other ingredients that are intended for use or consumption, including edible Cannabis Products, beverages, topical products, ointments, oils and tinctures. Cannabis or Marijuana Products include Marijuana-infused Products (“MIP”) defined in 935 CMR 500.002.

MEDICAL MARIJUANA TREATMENT CENTER (MTC) – Formerly known as a Registered Marijuana Dispensary (RMD), means an entity licensed under 935 CMR 501.101: Application Requirements for Medical Marijuana Treatment Center, that acquires, cultivates, possesses, processes (including development of related products such as edible Marijuana, MPs, MIPs, tinctures, aerosols, oils, or ointments), transports, sells, distributes, delivers, dispenses, or administers Marijuana, products containing Cannabis or Marijuana, related supplies, or educational materials to registered qualifying patients or their personal

caregivers for medical use. Unless otherwise specified, MTC refers to the site(s) of dispensing, cultivation, and preparation of Cannabis or Marijuana for medical use or as amended by the CCC.

OUTDOOR CULTIVATION – The cultivation of mature Cannabis without the use of artificial lighting in the canopy area at any point in time. Artificial lighting is permissible only to maintain immature or vegetative Mother Plants.

Growing marijuana plants in:

A. An open field.

B. In the ground or in raised beds on the ground with no cover.

C. A temporary greenhouse, hoop house, high tunnel or cold frame.

RURAL RESIDENTIAL DISTRICT (RRD)

RESEARCH FACILITY – An entity licensed to engage in research projects by the CCC. This entity is allowed to cultivate, purchase, and/or acquire Marijuana to conduct research regarding Marijuana and Marijuana Products.

SPECIAL PERMIT GRANTING AUTHORITY (SPGA) – The SPGA is the Board of Selectmen of the Town.

STORY – Floors above grade plane, as defined by applicable building code.

VILLAGE CENTER RESIDENTIAL DISTRICT (VCRD)

8.10.3 DESIGNATED LOCATIONS AND DIMENSIONAL REQUIREMENTS FOR MEs AND MTCs

8.10.3.1 MEs prohibited by Section 20 of the bylaws of the Town are prohibited from operating in all zoning districts in the Town.

8.10.3.2 MEs and MTCs are permitted to operate in the Town per the following table: 8.10.3.2 Schedule of Dimensional Requirements.

8.10.3.2 SCHEDULE OF DIMENSIONAL REQUIREMENTS

RURAL RESIDENTIAL DISTRICT

	Minimum Lot Area (Acres)	Minimum Frontage (ft)	Minimum Front Setback to Limit of Construction (ft)	Minimum Side Setback to Limit of Construction (ft)	Minimum Rear Setback to Limit of Construction (ft)	Maximum Total Gross Building Area (sf)	Maximum Stories (#)	Maximum Building Height (ft)	Maximum Outdoor Cultivation Area (sf)
A. Medical Marijuana Treatment Center (indoor and/or outdoor cultivation, manufacturing and dispensary must be co-located on one lot)	5	150	200	200	200	10,000	2	35	20,000
B. Research Facility (indoor and/or outdoor cultivation and research operations must be co-located on one lot)	5	150	200	200	200	10,000	2	35	20,000

VILLAGE CENTER RESIDENTIAL DISTRICT

	Minimum Lot Area (Acres)	Minimum Frontage (ft)	Minimum Front Setback to Limit of Construction (ft)	Minimum Side Setback to Limit of Construction (ft)	Minimum Rear Setback to Limit of Construction (ft)	Maximum Total Gross Building Area (sf)	Maximum Stories (#)	Maximum Building Height (ft)	Maximum Outdoor Cultivation Area (sf)
A. Medical Marijuana Treatment Center (indoor cultivation, manufacturing and dispensary must be collocated on one lot. Outdoor cultivation prohibited)	1	75	20	25	25	2,500	2	35	x
B. Research Facility (indoor cultivation and research operations must be co-located on one lot. Outdoor cultivation prohibited)	1	75	20	25	25	2,500	2	35	x

x Not Allowed

8.10.3.3 The re-use of existing buildings is encouraged; dimensional requirements may be modified or waived for re-used structures upon approval from the SPGA. A plan of the entire proposed campus must be included in the Special Permit application.

8.10.3.4 No ME or MTC shall be located within one thousand feet (1,000') of a pre-existing licensed day care facility, public or private school providing education in Pre-K, kindergarten or any of grades one through 12. In addition, no ME or MTC shall be located within five hundred feet (500') of any pre-existing facility where children commonly congregate, including a library. These distances shall be measured from the nearest lot line of the relevant property to the nearest lot line of the property to be used for Marijuana purposes.

8.10.3.5 No ME with an outdoor cultivation component shall be located within five hundred feet (500') of the boundary of a VCRD, as measured to the nearest property line of the ME.

8.10.4 DESIGNATED NUMBER OF MEs AND MTCs

8.10.4.1 The total number of MEs shall not exceed one (1). All allowed activities shall be co-located on one lot.

8.10.4.2 The total number of MTCs shall not exceed one (1). All allowed activities (cultivation, preparation and dispensary) shall be co-located on one lot.

8.10.5 SPECIAL PERMIT REQUIRED

8.10.5.1 No ME or MTC shall be operated or expanded without first obtaining a Special Permit from the Town SPGA in accordance with Section 8.3 of the Protective Bylaw of the Town.

8.10.5.3 A Special Permit shall only be valid for use by the applicant and will become null and void upon the sale or transfer of the license of an ME or MTC or change in the location of the business.

8.10.5.4 In the event that the Commonwealth's licensing authority

suspends the license or registration of a ME or MTC, the Special Permit shall be so suspended by the Town until the matter is resolved to the satisfaction of said licensing authority.

8.10.5.5 The Special Permit shall be considered null and void if meaningful construction has not begun on the project within one (1) year of obtaining said permit, as determined by the Building Inspector or their designee(s).

8.10.6 DESIGN REQUIREMENTS FOR MEs AND MTCs

8.10.6.1 Permanent location. Except for outdoor cultivation, all marijuana uses shall be operated from a fixed location within a fully enclosed building.

8.10.6.2 Signage. All signage must comply with the regulations set forth in Section 6 of the Protective Bylaw of the Town and 935 CMR 105(4).

8.10.6.3 Lighting. With the exception of entry driveway lighting, outdoor lighting shall not spread beyond the LOC. All exterior lighting shall not impact surrounding properties and shall be shielded and downward facing. No lighting shall be directed or spread upward towards the sky.

8.10.6.4 Prohibition Against Nuisances. ME's and MTC's shall be located, constructed and operated in such a way to as to minimize noise, odor and environmental impacts. ME and MTC operations shall not create nuisance conditions anywhere on the ME's or MTC's property or on any surrounding properties. "Nuisance" includes, but is not limited to, disturbances of the peace, open public consumption of Marijuana, excessive pedestrian or vehicular traffic, odors emanating from the ME's or the MTC's premises, lighting, illegal drug activity under State law, harassment of passersby, excessive littering, excessive loitering, illegal parking, excessive loud noises, excessive citation for violations of State or local traffic laws, queuing of patrons (vehicular or pedestrian) in the public way (sidewalks and streets).

8.10.6.5 Odor Control and Ventilation. All ME's and MTC's containing an indoor cultivation component shall be equipped with an odor control filtration and ventilation system(s) based on the then current industry-specific best control technologies and

best management practices. No operable windows or exhaust vents shall be located on any building façade. Exhaust vents on rooftops shall direct exhaust away from residential uses or zones. The building, or portion thereof, used for Marijuana dispensing shall be designed and equipped to prevent detection of Marijuana odors and other objectionable odors from within the LOC and beyond. All ME's and MTC's containing an indoor cultivation component shall be ventilated in such a manner, and all ME's and MTC's containing an outdoor cultivation component shall be situated on the property, so that no:

- A. Pesticides, insecticides or other chemicals or products used in the cultivation or processing are dispersed into the outside atmosphere.
- B. No odor from Marijuana cultivation, processing, sale, storage or consumption can be detected by a person with an unimpaired and otherwise normal sense of smell at any adjoining use or adjoining property.
- C. Exhaust systems to control odor shall be designed by a licensed professional air quality/environmental engineer recognized by the Commonwealth.

8.10.6.6 Landscaping. MEs and MTCs shall be landscaped to harmonize with surrounding uses. Landscaping must consist of native, non-invasive, evergreen plant species.

8.10.6.7 Parking. Off-street parking must be adequate for employees, guests, customers and visitors. Parking for MEs and MTCs located in a VCRD shall be located in the rear of the building or on the side of the building with a five-foot (5') minimum setback from the front face of the building.

8.10.6.8 Fencing. Fencing, in addition to that required by the CCC, may be required if determined necessary by the SPGA. Fencing will be shielded by landscaping with an original height of at least two-thirds the height of the fencing.

8.10.6.9 Drive-Through. No ME or MTC shall be designed with a drive-through feature or provide drive-through service.

8.10.6.10 Surrounding Character. MEs and MTCs shall conform to the character of the surrounding area.

8.10.7 FILING REQUIREMENTS

8.10.7.1 Applications for a Special Permit for a ME or MTC must be submitted to the SPGA. The application package must include seven (7) physical copies and one (1) electronic copy in PDF format provided on a flash drive, CD or similar electronic medium, or transmitted via email. Such applications shall include the following:

8.10.7.2 General Information. Required general information shall include:

- A. The names, mailing addresses, phone numbers, email addresses, and signatures of the applicant, owner and operator.
- B. Physical address (if one exists) and the map, lot and block number of the proposed site.
- C. Ownership of adjacent land and location of buildings thereon.
- D. Scope of operations detailing the specific activities, hours of operation and scale thereof to take place at the site.

8.10.7.3 Site Plan. All site plans must be drawn at an appropriate scale and be prepared by a professional engineer or licensed surveyor. The site plan(s) must include the following information:

- A. Property lines of the proposed site and all those within six hundred feet (600') of the property.
- B. Elevation contour lines at two-foot vertical intervals.
- C. Outlines of all existing and proposed buildings and structures on the proposed site and those within six hundred feet (600') of the proposed site, including distances from the proposed ME or MTC.
- D. Existing and proposed access roads, driveway openings, public ways, private ways, parking areas, loading areas, and recreational trails on the proposed site.
- E. Delineation of all wetland resources and associated buffer areas in accordance with the Massachusetts Wetlands Protection Act guidelines and regulations.
- F. Locations of rare, threatened or endangered species existing on the site in accordance with the Natural Heritage Endangered Species Program (NHESP) guidelines and regulations.
- G. Proposed changes to the site, including grading, cut and fill, landscaping, native vegetation for screening and vegetation to be removed or altered.
- H. Engineering controls at the site and on the driveway or access road to control erosion and sedimentation both during construction and after construction as a permanent measure. Such engineering controls shall conform to the Massachusetts Department of Environmental Protection's Stormwater Policy.

8.10.7.4 Building Design. Schematic drawings of the ME or MTC showing the proposed interior layout and exterior elevations of the establishment.

8.10.7.5 Security Plan. A security plan shall be submitted to ensure the safety of employees, patrons, and the public and to protect the premises from theft or other criminal activity. The security plan shall be reviewed and approved by the Town's Police Chief, or his/her designee. The Security Plan shall include the following:

A. An interior floor plan (including secured areas, windows, doors, etc.)

B. Exterior lighting

C. Fencing (if any)

D. Gates (if any)

E. Alarms

F. Any other security measures included in the Host Community Agreement.

8.10.7.6 Traffic Study. A traffic study that includes an analysis of traffic generation, circulation, and off-street parking demand to determine sufficient parking and optimum configuration for site ingress and egress shall be submit to the SPGA.

8.10.7.7 Photometric Plan and/or view shed analysis. The SPGA, or their designee, may require a photometric plan and/or view shed analysis, before or after the Marijuana use is in operation, in order to determine compliance with any provision of this Section 8.10 as deemed appropriate by the SPGA.

8.10.7.8 Water Usage Plan. A water usage plan (showing estimated daily and annual water consumption), liquid waste disposal plans and runoff management plans are to be compliant with all applicable local, state, and federal laws and regulations, including but not limited to: the Massachusetts Clean Waters Act, M.G.L. c. 21 §§ 26 through 53; 314 CMR 3.00: Surface Water Discharge Permit Program; 314 CMR 5.00: Groundwater Discharge Program; 314 CMR 12.00: Operation Maintenance and Pretreatment Standards for Wastewater Treatment Works and Indirect Dischargers; the Federal Clean Water Act, 33 U.S.C. 1251 et seq.

8.10.7.9 State License. A copy of the license or registration as a ME or MTC from the CCC or documentation that demonstrates that said facility and its owner/operators qualify and are eligible to receive a Certification of Registration and meet all of the

requirements of a ME or MTC in accordance with the regulations adopted by the CCC, as amended. Proof of license may also be accepted from the State Department of Health under certain circumstances for MTCs.

8.10.7.10 Proof of Site Control. Evidence that the applicant has site control and the right to use the site for a Marijuana use in the form of a deed, option, valid lease, or purchase & sale agreement or a notarized statement from the property owner certifying the applicant has firm site control.

8.10.7.11 CCC Submission. Copies of all application and submission materials required to be submitted to the CCC shall also be submitted to the SPGA at the same time they are submitted to the CCC.

8.10.7.12 Waiving of Submission Requirements. The SPGA may not waive any submission requirements except with respect to dimensional requirements concerning the re-use of existing buildings in 8.10.3.3.

8.10.8 DISCONTINUANCE OF USE

8.10.8.1 Any ME or MTC under this Section shall be required to remove all temporary structures, material, Marijuana plants, equipment, and other paraphernalia in compliance with regulations established by the CCC within thirty (30) days after the expiration or voiding of its license.

8.10.9 FINANCIAL SURETY

8.10.9.1. Prior to construction, applicants seeking to construct a ME or MTC shall provide a form of surety to cover the cost of removal and restoration of the site as required in Section 8.10.8 in the event the site is abandoned. The amount and form of surety shall be determined by the SPGA, but in no instance shall the amount exceed one hundred twenty-five (125%) percent of the estimated cost of removal. Applicants shall submit a fully inclusive cost estimate, which accounts for inflation, of the costs associated with the removal of the ME or MTC prepared by a registered professional engineer. Said cost estimate shall be reviewed by the applicant, or any successor, every five (5) years from the date of the final

installation and adjusted as necessary. This updated cost estimate shall be transmitted to the SPGA.

8.10.9.2. No less than ninety (90) days prior to the expiration of any financial surety required by this bylaw, the current operator of the ME or MTC shall provide the Town's Building Inspector with renewed, extended or replacement financial surety in an amount and form determined by the SPGA in accordance with this bylaw.

8.10.10 NO TOWN LIABILITY; INDEMNIFICATION

8.10.10.1 The applicant and all licensees waive and release the Town, its elected officials, employees, and agents from any liability for injuries, damages, or liabilities of any kind that result from any arrest or prosecution of the ME or MTC owners, operators, employees, clients, or customers for a violation of local, state or federal laws, rules, or regulations.

8.10.10.2 The applicant, in receiving approvals issued pursuant to this Section 8.10, and all licensees, jointly and severally, if more than one, agree to indemnify, defend and hold harmless the Town, its elected officials, employees, attorneys, agents, insurers and self-insurance pool against all liability, claims and demands on account of any injury, loss or damage, including, without limitation, claims arising from bodily injury, personal injury, sickness, disease, death, property loss or damage or any other loss of any kind whatsoever, arising out of or in any manner connected with the operation of any ME or MTC that is subject of the approval/license.

8.10.11 ANNUAL INSPECTIONS OF MEs and MTCs

8.10.11.1 Any ME or MTC operating within the Town shall be inspected annually by the Board of Health and the Building Inspector of the Town, or their designee(s), to ensure compliance with the applicable provisions of this Section 8.10 and with any conditions imposed by the SPGA.

8.10.11.2 The first annual inspection shall be more than one (1) year after beginning operation, but not more two (2) years after beginning operation.

8.10.12 COMPLIANCE

8.10.12.1 License Required. At all times while a permit is in effect the licensee shall possess a valid license.

8.10.12.2 To the extent that the state has adopted or adopts in the future any additional or stricter law or regulation governing the cultivation, manufacturing, testing, research or retail sale of MPs, the additional or stricter regulation shall control the ME or MTC in the Town. Compliance with any applicable state law or regulation shall be deemed an additional requirement for issuance or denial of any license under this Section 8.10, and noncompliance with any applicable state law or regulation shall be grounds for revocation or suspension of any license issued hereunder.

8.10.13 ADVISORY AND TECHNICAL REVIEW

8.10.13.1 The SPGA shall submit all applications for a ME or MTC to the following boards, commissions and departments of the Town for advice on the application:

- A. Planning Board
- B. Board of Health
- C. Conservation Commission
- D. Historical Commission (for projects located in designated historic districts)
- E. Building Inspector
- F. Highway Department
- G. Police Department
- H. Fire Department

8.10.13.2 Upon receipt of an application for a ME or MTC, the SPGA may engage professional and technical consultants, at the applicant's expense, pursuant to M.G.L. Chapter 44 § 53G to assist the SPGA with its review of application materials. The SPGA may direct the applicant to deposit funds with the SPGA for such review at the time the application is accepted and to add additional funds as needed upon notice. Failure to comply with this Section 8.10.13.2 shall be valid grounds for denying the Special Permit application. Upon the approval or denial of the application, any excess amounts in the account attributable to the application process, including any interest accrued shall be refunded to the applicant.