

TOWN OF BOLTON MARIJUANA ESTABLISHMENT SPECIAL PERMIT RULES AND REGULATIONS



PLANNING BOARD

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SECTION 1: GENERAL PROVISIONS

1.1 AUTHORITY

These Marijuana Establishment Rules and Regulations are adopted by the Bolton Planning Board as authorized by M.G.L. Chapter 40A and the Bolton Zoning Bylaw as amended.

1.2 PURPOSE

The purpose of these Rules and Regulations is to set forth uniform rules and procedures applicable to any Application for uses identified in Chapter 250-23.3 of the Code of the Town of Bolton requiring a Special Permit from the Planning Board; and to ensure submission of adequate materials to assist the Planning Board with its duties under the Bylaw.

1.3 DEFINITIONS

In these Rules the following terms shall have the following meanings:

Abutters: Owners of land within 300 (three hundred) feet of the property line of the Applicant as they appear on the most recent applicable tax list, notwithstanding that the land of any such owner is located in another city or town.

Agent: A person appointed by the Board, serving as the Board's representative to advise the Board on matters relating to these rules and regulations and construction of ways.

Applicant: A person, including an owner or his representative, who applies for the approval of a Marijuana Establishment Special Permit.

Application: All Plans, Forms, Reports, Studies, or other supportive documents which are submitted to the Board under these Rules by an Applicant.

Board: The Planning Board of the Town of Bolton, meaning a majority of such.

Bylaw: The Zoning Bylaw of the Town of Bolton, as amended.

CMR: Regulations from Massachusetts state agencies which are compiled in the Code of Massachusetts Regulations (CMR).

General Laws (abbreviated G.L.): The General Laws of Massachusetts. In case of rearrangement of the General Laws, any citation of particular sections of the General Laws shall be applicable to the corresponding sections of the new codification.

Independent Testing Laboratory: A laboratory that is licensed by the Cannabis Control Commission and is: i) accredited to the most current International Organization for Standardization 17025 by a third-part accrediting body that is a signatory to the International Laboratory Accreditation Cooperation mutual recognition agreement or that is otherwise approved by the Cannabis Control Commission; ii) independent financially from any medical marijuana treatment center or any licensee or marijuana establishment for which it conducts a test; and iii) qualified to test marijuana in compliance with regulations promulgated by the Cannabis Control Commission.

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: 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 or marijuana products, to deliver marijuana and marijuana products to marijuana establishments, and to transfer marijuana and marijuana products to other marijuana establishments, but not to consumers.

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 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.

Owner: As applied to real estate, the person holding the ultimate fee simple title to a parcel, tract or lot of land, as shown by the record in the appropriate Land Registration Office, Registry of Deeds or Registry of Probate.

Parties in Interest: The Applicant; abutters; the Bolton Planning Board; and the Planning Board of every abutting city or town.

Special Permit: A Marijuana Establishment Special Permit under the Bolton Zoning Bylaws as amended.

Special Permit Granting Authority (SPGA): The Bolton Planning Board is designated the SPGA to grant special permits for proposed marijuana establishments in compliance with the provisions of Section 250-23.3 of the Code of the Town of Bolton.

Subdivision Rules and Regulations: The Rules and Regulations Governing the Subdivision of Land in Bolton as amended and in effect.

Town: The Town of Bolton.

1.4 APPLICABILITY

Any person or entity applying for a Marijuana Establishment Special Permit or amendment thereto under the Zoning Bylaw, whether or not such person is governed by any other federal, state, or local permits, variances, approvals, or programs, shall comply with the provisions of these Rules.

1.5 PROVISION OF SECURITY

The Board may require that security be posted with the Town in such form and amount as is required by the Board to secure the satisfactory completion of all or any part of the work authorized by or required under the Marijuana Establishment Special Permit. The form of security shall be generally as allowed in the Subdivision Rules and Regulations.

1.6 CONSULTANTS

The Board may assign as its agents appropriate town agencies or officials and may hire professional assistance, at the cost of the applicant, to review any plans and inspect improvements before, during and after construction of said improvements. These costs incurred for plan review shall be paid in full by the applicant prior to endorsement of the plan. Costs incurred for construction inspection shall be paid in full prior to release of security, if required.

1.7 WAIVERS OF RULES AND REGULATIONS

Strict compliance with the requirements of these Rules and Regulations may be waived when, in the judgment of the Board, such action is in the public interest and is consistent with the intent and purpose of the Bylaw and these Rules and Regulations. All plans and all procedures shall in all respects comply with the provisions of these Rules and Regulations, unless the Board authorizes a variation therefrom in specified instances. In approving waivers, the Board may require such conditions as will, in its judgment, secure substantially the objectives of the standards or

requirements waived. The list of waivers granted shall be printed on the plan next to the Board's signature block.

When the applicant is seeking waivers to these Rules and Regulations, the applicant shall present a separate letter requesting such waivers to the Board at the time of application. If an oral request is made at a hearing or meeting, it shall be reduced to and submitted as a written request by the Applicant. Any request from an Applicant for a waiver from these Rules and Regulations must be submitted, in writing, to the Board prior to the close of the public hearing. Any request for a waiver from these Rules and Regulations must clearly identify the provision or provisions from which relief is sought and such request must be accompanied by a statement setting forth the reason or reasons why, in the Applicant's opinion, the granting of such a waiver would be in the public interest and consistent with the intent and purpose of the Bylaw and these Rules and Regulations.

If a requested waiver is not granted, the time for the submission of the required material or information shall be set forth by the Planning Board and said material or information shall be received at least 10 business days prior to the close of the public hearing. If an extension of the time for conducting the public hearing or rendering a decision is necessary for consideration of this additional material or information, and such extension is not granted by the Applicant upon request of the Board, such refusal may be grounds for denial of the Marijuana Establishment Special Permit.

1.8 ADVICE FROM TOWN STAFF

Any advice, opinion, or information given to the Applicant by a Board member or by any agency, official, or employee of the Town shall be considered advisory only and not be binding on the Board.

1.9 AMENDMENTS

These Rules and Regulations or any portion thereof may be amended, supplemented or repealed by the Board after a public hearing.

1.10 EFFECTIVE DATE

These Rules and Regulations, or any amendment thereto, shall become effective upon vote of the Board following a public meeting and the filing of the same with the Town Clerk.

1.11 VALIDITY AND REFERENCE

Any part of these Rules and Regulations subsequently invalidated by a new federal or state law or modification of an existing federal or state law shall automatically be brought into conformity with the new or amended law, and shall be deemed to be effective immediately, without recourse to a public hearing and the customary procedures for amendment or repeal of such regulations.

If any section, paragraph, clause, sentence or provision of these rules and regulations shall be adjudged not valid, the adjudication shall apply only to the material so adjudged and the remainder of these rules and regulations shall be deemed to remain valid and effective.

1.12 RESCISSIONS

Failure to comply with the procedural and other requirements of these Rules and Regulations may result in the rescission of the approval given hereunder by the Board.

SECTION 2: PRELIMINARY REVIEW

2.1 PRELIMINARY CONSULTATIONS

Consultations between an Applicant and the Board prior to the filing of an Application with the Board are recommended and can prevent delays in the processing of the final Application. The Town Planner will share the Applicant's preliminary review materials with other Town Departments, Boards, and Commissions for any comments to be included in preliminary review and subsequent filing of a complete Application for a Marijuana Establishment Special Permit.

2.2 SUBMISSION PROCEDURES

The Applicant seeking preliminary review shall submit to the Board at least three (3) hard copies and an electronic version of any materials for which the Applicant seeks comment, along with a letter requesting such a review and including the name, address, email address, and phone number of a person who may be contacted concerning the review. All correspondence and communication must be sent through the Planning Department.

2.3 PLANNING BOARD ACTION

The Board shall review preliminary materials in an attempt to avoid unnecessary technical deficiencies in the Application to be filed and to promote efficiency in the formal review and hearing process. The Board will not be responsible for assuring the accuracy, correctness, or thoroughness of any Application for review. It is the responsibility of the Applicant to ensure that any Application to the Board is accurate, correct, and thorough.

The Board, accompanied by the Applicant and/or the Applicant's representative, may schedule a site visit to the location of the proposed Marijuana Establishment.

2.4 PRELIMINARY REVIEW FEES

The first such preliminary review by the Board shall be free of charge. Subsequent preliminary reviews shall require payment of a fee by the Applicant of \$100.00 at the time of submission. The fee shall be submitted in check form and made payable to the Town of Bolton. The Board may require as part of the preliminary review process that the Applicant deposit fees for consultant review pursuant to M.G. L. Ch.44 Section 53G.

SECTION 3: FILING REQUIREMENTS

3.1 SUBMISSION PROCEDURES

A complete Application for a Marijuana Establishment Special Permit shall be made in writing on a form entitled “Application for Marijuana Establishment Special Permit”. Such form is available in Appendix A of these Rules and Regulations and in the office of the Planning Department.

All information required by any form as part of an Application for a Marijuana Establishment Special Permit shall be furnished by the Applicant in the manner prescribed in these Rules and Regulations and by such form unless a waiver is requested and granted as set forth above in Section 1.7.

A complete Application shall be submitted to the office of the Town Clerk during posted business hours. The Applicant may request and shall be entitled to a written receipt for the materials submitted. The date of filing shall be considered the date upon which the Application or notice thereof has been delivered to or received by the Town Clerk as required by these Rules and Regulations.

The submission should be based on the preliminary review process, if conducted, and should contain all changes and modifications suggested by the various boards and town consultants under the auspices of the Board, unless justification for non-inclusion is provided with the Application.

The Applicant submitting an Application for a Marijuana Establishment Special Permit to the Board for approval, modification, amendment, or rescission of a Marijuana Establishment Special Permit shall file with the Board, by delivery or registered mail, the following:

- (a) Three (3) copies of a properly executed Application for Marijuana Establishment Special Permit form;
- (b) The required filing fee;
- (c) Three (3) full-size paper prints of the plans and three (3) reduced scale paper prints of the plans;
- (d) Three (3) copies of the Marijuana Establishment’s application for a license from the Cannabis Control Commission or relevant State agency, including the Application of Intent packet and Management and Operations Profile packet. Additional application materials may be requested dependent of the type of Marijuana Establishment in accordance with 935 CMR 500.101 as amended;
- (e) Three (3) copies of the Applicant’s registration card issued by the Cannabis Control Commission;
- (f) Three (3) copies of the proposed security measures for the Marijuana Establishment in accordance with Section 250-23.3 F (d) of the Code of the Town of Bolton and 935 CMR 500.110 as amended;
- (g) Three (3) copies of the waste disposal plan in accordance with Section 250-23.3 F (f) of the Code of the Town of Bolton and 935 CMR 500.105 (12) as amended;
- (h) Three (3) copies of the Stormwater Management Report as applicable;
- (i) Copy of the executed Host Community Agreement;
- (j) Copy of the deed for all parcels contained within the Site Plan;
- (k) Impact Analysis with supporting documentation;
- (l) Written list of any requested waivers from these Rules and Regulations with reasons as to why those waivers would permit a superior design that would be in the public interest and not

inconsistent with the purpose and intent of the Code of the Town of Bolton;

- (m) Letter documenting authorizing vote if the Applicant is acting in the name of a trust, corporation, or company;
- (n) Any other information required and previously requested by the Board and other boards during the preliminary plan review process, if applicable;
- (o) A certified list of all abutters (see definition) per the most recent tax list;
- (p) All documents shall also be made available in electronic format.

3.2 FILING FEE

Any Application for a Marijuana Establishment Special Permit shall include a fee to cover the expenses incurred by the Town in reviewing the Application, excluding the cost of plan review by a consultant for the Town and payment to cover expenses related to the publishing of the public hearing notice through a local newspaper, which shall each be billed separately. The fee is not refundable. The fee shall be submitted in check form and made payable to the Town at the time of the filing. The amount of the filing fee shall be \$540.00.

3.3 ADDITIONAL REVIEW FEE DEPOSITS

So that the Board may make the findings required under the Zoning Bylaw and ensure that public safety will be protected, the Board may hire outside traffic, engineering, legal, or planning consultants to review an Application. To cover the cost of these reviews a review fee deposit may also be required of an Applicant at the time of submission or at any appropriate time in the review process. As the scope of the study and review will vary according to the size of a particular project, the Applicant is hereby strongly advised to consult the Board concerning the scope and cost of any such studies during the preliminary review. Failure to do so could result in serious delays in the processing of an Application. The amount of the fee deposit will reflect the anticipated consultant fees plus 10%. Note that some projects may require additional fees to cover further study if significant impacts or problems are found in the initial review. Any amount of the deposits remaining after the satisfactory completion of all site improvements plus any accrued interest will be repaid to the Applicant or the Applicant's successor in interest. The Board will make the choice of the consultant.

3.4 APPEAL FROM SELECTION OF THE CONSULTANTS

The Applicant may appeal the selection of an outside review consultant to the Select Board. If no decision is made by the Select Board within thirty days following the filing of an appeal, the selection of the Planning Board stands. The grounds for such an appeal shall be limited to claims that the consultant selected has a conflict of interest or does not possess the minimum required qualifications of an educational degree in or related to the field at issue or three or more years of practice in the field at issue or a related field. The Applicant must specify in writing the specific grounds which the Applicant claims constitute a conflict of interest or a failure to meet minimum professional requirements.

3.5 AMENDMENTS

Applications for Marijuana Establishment Special Permit amendments shall require the filing of a new Application for such purpose.

SECTION 4: CONTENTS OF AN APPLICATION

An Application for a Marijuana Establishment Special Permit which lacks information or is incomplete in any manner may be denied or seriously delayed. It is the responsibility of the Applicant to ensure that any Application to the Board is accurate, correct, and thorough.

4.1 APPLICATION FORM

Any Marijuana Establishment Special Permit for which an Applicant seeks approval shall be submitted on the proper forms and shall be accompanied by a Site Plan prepared by a registered engineer and land surveyor drawn at a scale of 1 inch equals 40 feet or such other as the Board may require to show details clearly and adequately. The Site Plan must be plainly marked "Site Plan" and shall be clearly and legibly drawn in dark lines on a white background, or similar medium acceptable for filing with the Registry of Deeds or Land Court to fully detail and explain the intentions of the Applicant.

The details and contents of a plan where not otherwise specifically set forth herein may be provided in accordance with the requirements of the Subdivision Rules and Regulations.

- 4.1.1 The Applicant for a Marijuana Establishment Special Permit must be a Registered Agent that has the authority from the Cannabis Control Commission to operate a Marijuana Establishment.
- 4.1.2 In the case where the Applicant is a person other than the record owner of the property, the Applicant shall obtain the owner's signature on this form indicating that the owner has knowledge of and consents to the application. If the Applicant is acting in the name of a trust, corporation, or company, an authorizing vote by said trust, corporation, or company shall be attached.
- 4.1.3 Numbering System: All plans should include a reasonable numbering system with an appropriate title block, signature block, legend, and a North arrow.
- 4.1.4 **Required Information**
 - 4.1.4.1 Name, address, and telephone number of Applicant and any co-Applicant as well as any agents for the Applicant or co-Applicant.
 - 4.1.4.2 Co-Applicants may include the landowner of the subject property.
 - 4.1.4.3 Original signatures for the Applicant and all co-Applicants applying for the Special Permit. If the Applicant or co-Applicant will be represented by an agent, original signature authorizing the agent to represent the Applicant and/or co-Applicant. Photo-reproductions of signatures will not be accepted.
 - 4.1.4.4 Evidence that the Applicant has site control and the right to use the site for a Marijuana Establishment in the form of a deed or valid purchase and sales agreement, or, in the case of a lease, a notarized statement from the property owner and a copy of the lease agreement.
 - 4.1.4.5 A notarized statement signed by the Marijuana Establishment organization's Chief Executive Officer and corporate attorney disclosing all of its designated owners, including officers, directors, partners, managers, or other similarly situated individuals and entities and their addresses. If any of the above are entities rather than persons, the Applicant must disclose the identity of all such responsible individual persons.
 - 4.1.4.6 The Marijuana Establishment's application for a license from the Cannabis Control Commission or relevant State agency, including the Application of Intent packet, and Management and Operations Profile packet. Additional application materials may be requested dependent on the type of Marijuana Establishment in accordance with 935 CMR 500.101 as amended.

- 4.1.4.7 A copy of the Applicant's registration card issued by the Cannabis Control Commission.
- 4.1.4.8 A description of all activities to occur on site, including all provisions for the delivery of marijuana products to and/or from the premises.
- 4.1.4.9 Proposed hours of operation for the Establishment, which will be considered based on the type of Establishment proposed and typical hours in the Zoning District.
- 4.1.4.10 A ventilation plan detailing how the Marijuana Establishment will be ventilated. No odor from Marijuana Establishments may be noxious or cause a nuisance, a danger to public health, or public comfort and convenience. Marijuana Establishments shall incorporate odor control technology and provisions, and ensure that emissions do not violate M.G. L. Ch.111 Section 31C, including but not limited to those specified for Odors. The Planning Board may impose reasonable conditions related to odor control.
- 4.1.4.11 Detail of the Marijuana Establishment's signage, indicating the owner and a twenty-four-hour emergency contact number. All signage must comply with requirements set forth in Section 250-18 of the Zoning Bylaw.
- 4.1.4.12 A waste disposal plan which provides details for disposal of the waste materials in compliance with 935 CMR 500.105(12).
- 4.1.4.13 A noise reduction plan ensuring the Marijuana Establishment maintains compliance with 310 CMR 7.10.
- 4.1.4.14 A description of the Marijuana Establishment's proposed water usage and water management plan, including detail of water intended to be recycled and discharged. The water supply shall be sufficient for necessary operations. Any private water source shall be capable of providing a safe, potable, and adequate supply of water to meet the Marijuana Establishment's needs. Details should include the intended usage and flow rate, including whether the Marijuana Establishment will use a private well or public water supply. Any necessary irrigation should be detailed. If a public water supply is required, the location and extent of the applicable well radius and/or Interim Wellhead Protection Area (IWPA) shall be included on submitted plans. Well radii and IWPA's shall, to the extent practicable, be located entirely within the site of the Marijuana Establishment.
- 4.1.4.15 Security Measures- Proposed security measures for the premises which seek to ensure the safety of employees and patrons and to protect the premises from theft or other criminal activity. The Applicant shall demonstrate that the Registered Marijuana Establishment's security plan has been approved by the Police Chief and Fire Chief through written notice from the Police and Fire Chiefs. This plan shall detail all exterior and interior proposed security measures for the premises, including but not limited to: video monitoring and recording, lighting, fencing, gates, and alarms. This plan must provide twenty-four-hour security and monitoring for the establishment, particularly those portions of the building which are deemed by the Police Chief to be most vulnerable to unauthorized entry and least visible from public ways.

Lighting of the Marijuana Establishment, including all accessory structures, shall comply with Section 250-18 (outdoor lighting) of the Zoning Bylaw. A lighting plan shall be provided by the Applicant to demonstrate that light levels are sufficient to ensure security measures in accordance with 935 CMR 500.110 and M.G.L. Chapter 94G Section 12.

Outdoor Lighting Structures - The location of any existing or proposed outdoor lighting facilities shall be shown. Appropriate symbols shall be used to identify whether such facilities are intended for functional or decorative purposes.

Photometric Plan – A Photometric Plan shall be provided so the Board may ensure there is no light trespass onto abutting properties.

Marijuana Establishments shall secure every entrance to the establishment so that access to areas containing the storage of marijuana products is restricted to employees and others permitted by the Marijuana Establishment to access the area and to Cannabis Control Commission or state and local law enforcement officers, agents, and emergency personnel.

Marijuana Establishments shall file an emergency response plan and a security plan with the Town's Fire Department, Police Department, and Board of Health. These Boards and Departments shall be notified in the event the plans are updated or modified.

4.1.4.16 Site Plan - More information than the minimum required herein may be shown on a Site Plan provided such information is reasonably necessary for the proper evaluation of the Site Plan. Any Special Permit submitted for consideration shall include a Site Plan which consists of the following minimum components:

- (a) Impact Analysis (see Appendix);
- (b) A Locus Plan;
- (c) A Site Composite Plan;
- (d) A Construction Detail Plan;
- (e) A Landscape and Lighting Plan;
- (f) A Building Elevation Plan;
- (g) A Floor Plan;
- (h) A Sedimentation and Erosion Control Plan;
- (i) A Plan showing Zoning District boundaries and uses within 300 feet of the property line of the premises.

4.2 CERTIFIED ABUTTERS LIST

A list of abutters that are Parties in Interest as defined in these Rules and Regulations and certified by the Assessors' Office shall be included in the submission of the Application. The Applicant shall pay any charges required by the Assessors' Office for the list.

4.3 SUBSTANTIATION OF FACTS

The Applicant shall be responsible for factually supporting all points relied upon in the Application concerning the proposal, including without limitation references for methodologies used in design calculations.

4.4 IMPACT ANALYSIS

The Impact Analysis, as outlined in Appendix A, shall be completed in its entirety and 3 copies shall be submitted as part of the Application for a Marijuana Establishment Special Permit. The Board may request environmental and/or financial impact studies which demonstrate that available alternatives have been explored and provide evidence that the plans submitted represent the best environmental and/or financial interests of the Town.

4.5 OTHER PERMITS AND VARIANCES

The Applicant shall list on the Application and provide copies of all variances, permits, and other special permits previously issued by Town boards or State and Federal agencies, and a list of any variances or permits required to

complete the proposed work. This list should include but not be limited to any permits from the Board of Health, the Conservation Commission, the Board of Appeals, the Planning Board, the Select Board, the Department of Public Works, the Army Corps of Engineers, and the State Department of Environmental Protection; and certificates issued by the Secretary of Environmental Affairs under the Massachusetts Environmental Policy Act.

If any other special permits are required, the Applicant is hereby strongly advised to make the applications for such additional permits concurrently with this Application.

4.6 RECORDED PLANS

A copy of the most recently recorded plans for the lots on which the work will take place bearing the book numbers, page numbers, and dates of recordings or registrations.

4.7 PLANS

Plans shall be legibly drawn to fully detail and explain the intentions of the Applicant. Site Plans shall be drawn at a scale of 1-inch equals 40 feet. All plans shall include a reasonable numbering system with an appropriate title block, North arrow, signature block and legend identifying any representative symbols used on the sheet in question.

4.7.1 Locus Plan - A Locus Plan shall be submitted as part of any Site Plan. The Locus Plan shall be drawn at a scale of 1 inch equals 1000 feet with a minimum of a one-mile diameter. Major streets, buildings, brooks, streams, rivers or other landmarks should be shown on the Locus Plan with sufficient clarity to be easily discernible.

4.7.2 Design Certification - Each plan sheet shall show the seal of a Registered Professional Engineer or a Registered Land Surveyor, or both, as appropriate to the data.

4.7.3 Site Composite Plan - The Site Composite Plan shall include the following minimum information presented as prescribed below:

4.7.3.1 Legends - Each Plan sheet shall contain a legend identifying any representative symbols used on the plan sheet in question.

4.7.3.2 General Site Characteristics -The following general site characteristics shall be shown on the Site Composite Plan:

- (a) All lot lines and boundaries of the site, with ownership of abutting properties indicated, and all setbacks for buildings, structures, parking, or loading facilities. All required setback lines shall be dimensioned on the plan so that compliance with zoning regulations may be clearly discerned, including required buffers from residential dwellings, public or private schools, day-care centers, or any facility where children commonly congregate.
- (b) All Zoning District boundaries shall be shown in their proper location on the site.
- (c) Any special site features including, but not limited to, stone walls, fences, historic structures or buildings.

4.7.3.3 Natural Site Characteristics -The following natural site characteristics shall be shown on the Site Composite Plan:

- (a) Site features such as, but not limited to, wetlands, water bodies and waterways, drainage courses, historic

sites, ledge outcroppings, etc. All wetlands and wetland buffer area boundaries must be shown on the plan. Wetlands are defined as those areas subject to the provisions of either the "Wetlands Protection Act", M.G.L. Chapter 131, Section 40, or the Town of Bolton Wetlands Bylaw.

- (b) Each area intended to be used as open space on the site shall be clearly identified on the plan and the square footage of each such area shall be shown.
- (c) All existing and proposed topography on the site shall be shown at two (2) foot intervals. Unless otherwise required by the Floodplain Bylaw, topography shall be referenced to the National Geodetic Vertical Datum with the location and elevation of the benchmark plus at least two additional benchmarks on the site.

4.7.3.4 Site Improvements - Any improvements intended to be constructed shall be shown on the Site Composite Plan.

- (a) The outline or footprint of any existing or proposed building or structure must be shown and identified. The final disposition of any existing building or structure, whether it shall remain, be removed or altered, shall be noted. The location of any existing or proposed signs must be shown, and, if existing, their final disposition must be noted. Any outdoor storage areas must be adequately shown.
- (b) The location and type of water services to serve the facility shall be shown. If the site is to utilize an on-site well, its proposed location must be shown in addition to its setbacks from any building, structure or sewage disposal system.
- (c) All fire hydrants on the site or off the site but within 500' of the principal building on the site shall be shown. If no fire hydrants are located within 500' of the principal building on the site, then a note shall appear clearly explaining how the Applicant will provide fire protection to the site. The location of any proposed municipal fire alarm boxes or other warning systems and any proposed fire lanes shall be clearly shown and identified.
- (d) The location and type of any other utilities all of which shall be located underground including, but not limited to, electric or gas services, shall be shown.
- (e) All exterior proposed security measures for the premises, including lighting, fencing, gates and alarms, etc., which seek to ensure the safety of employees and patrons and to protect the premises from theft or other criminal activity.
- (f) Interior traffic circulation shall be shown, indicating the ability of any necessary delivery and waste removal vehicles or public safety vehicles such as fire apparatus to appropriately navigate the site.

4.7.3.5 Waste Disposal Facilities -The following waste disposal facilities shall be shown on the Site Composite Plan:

- (a) The type and location of any solid waste disposal facilities must be shown and identified.
- (b) The disposal of all wastes must comply with Town, State or Federal regulations or law.
- (c) The proposed location (shown as a perimeter outline of the system) of any on-site sewage disposal systems, including any required reserve areas, must be shown on the plan. The type of sewage disposal system may be identified by a simple notation (for example, "proposed location of on-site sewage disposal system and proposed reserve area"). Actual design and construction of the sewage disposal system shall not be shown on a Site Composite Plan. However, the proposed location of the sewer main running from the building to the sewage disposal system must be shown. If a sewage system other than an on-site sewage disposal system is to be used, the location of any sewer main to be installed on the property in

question must be shown. In addition, if the proposed development includes the construction of a sewage treatment plant, then the location of the plant and the sewer main to serve the facility in question must be shown.

- 4.7.3.6 Erosion and Sedimentation Controls - The Site Composite Plan shall show any devices or note any techniques which will be used to control erosion and sedimentation on the site during and after construction of the development.

4.8 CONSTRUCTION DETAIL PLAN

- 4.8.1 Detail of Structures - A typical detail of a proposed catch basin, manhole, headwall, walkway, subdrain, waterway, leaching basin, drainage pond, or other similar structures, if any, shall be shown.
- 4.8.2 Landscaping Details -A typical detail of a tree well, tree planting, or specialty planting area, if applicable, shall be shown.
- 4.8.3 Parking Details -A typical detail of each type of parking space to be used on the site showing the dimensions of the "Parking Stall Length of Line" and the "Width of the Parking Stall" shall be shown so that compliance with "Parking Standards" of the Bylaw are met.
- 4.8.4 Tabulations - Building coverage, open space, and drainage tabulations shall be shown.
- 4.8.5 Outdoor Lighting Details -A detail of the lighting proposed shall be shown.

4.9 LANDSCAPE PLAN

The Landscape Plan shall be sufficient to ensure security measures in accordance with the Cannabis Control Commission Regulations 935 CMR 500.110 and M.G.L. Chapter 940 Section 12. At a minimum, the Plans shall include the following information presented as prescribed below:

- 4.9.1 Legend-A legend identifying the symbols used to represent any landscape elements including, but not limited to, trees, shrubs, ground covers or other landscape element, or outdoor lighting facility shall be shown on the Landscape Plan sheet. The botanical and common name of each species, its height (at planting), its spread (at maturity) and the quantity intended to be planted shall be listed in an orderly fashion as part of the legend.
- 4.9.2 Certifications -The Landscape Plan must be prepared by and show the seal of a Registered Professional Landscape Architect certified to practice in the Commonwealth of Massachusetts.
- 4.9.3 Landscape Buffers -The location, depth, width and length of proposed buffer area(s) shall be shown and dimensioned. A detailed planting plan of the buffer shall be shown and shall include an opaque screen. An opaque screen is intended to exclude all visual contact between uses and to create a strong impression of spatial separation.
- 4.9.3.1 Opaque Screen - Said screen shall be opaque from the ground to a height of at least six (6) feet, with intermittent visual obstruction to a height of at least twenty (20) feet. The opaque screen may be composed of a wall, fence, landscaped earth berm (subject to height limitations contained within the Bolton Zoning Bylaw) or a densely planted mix of deciduous and evergreen trees and shrubs, tolerant to the climatic conditions of Bolton. The landscape buffer shall be opaque in all seasons of the year.
- 4.9.3.2 Plantings - Plantings shall be done in accordance with proper landscaping practices. Shade trees shall be of a species tolerant to the climatic conditions of Bolton, and be at least three inches in diameter at breast height. All trees shall be staked and mulched. Shrubs shall be a mix of deciduous and evergreen varieties, tolerant to the climatic conditions of Bolton, and be at least eighteen inches in height at time of planting.
- 4.9.3.3 Maintenance of Plantings -Trees, shrubs, grass and ground cover which die or become diseased shall be

replaced within two years of planting or anytime during the life of the Special Permit, whichever is longer.

- 4.9.3.4 Retention of Existing Vegetation - Wherever possible, the above requirements shall be met by retention of existing vegetation.
- 4.9.4 Land Contours - Existing and proposed contours of the land shall be shown at two (2) foot intervals. Such topography shall be referenced to the National Geodetic Vertical Datum.
- 4.9.5 Site Features -The boundaries of the site, the outline or footprint of all buildings, structures, parking areas, walkways, or loading facilities shall be shown. Areas of proposed "open space" shall be shown and identified on the Landscape Plan. In addition, any special site features such as historical features; ponds, streams, brooks or other water bodies; or large ledge outcroppings or boulders shall be shown.
- 4.9.6 Limits of Work-Any area where existing conditions may reasonably be expected to be disturbed during construction shall be shown and identified on the Landscape Plan. Any trees larger than 6" diameter at breast height that are intended to be removed shall be noted on the plan.
- 4.9.7 Perimeter of Trees -The perimeter of any existing wooded areas on the site shall be shown. Existing wooded areas intended for preservation shall be noted.

4.10 BUILDING ELEVATION PLAN

At a minimum the Building Elevation Plan shall include the following information presented as prescribed below:

- 4.10.1 Scale of Building Elevation Plan - The Building Elevation Plan shall be drawn at an appropriate scale generally not less than $1/8" = 1'$.
- 4.10.2 Certifications - The Building Elevation Plan must be prepared by and display the seal of a Registered Professional Architect or a Registered Professional Engineer certified to practice in the Commonwealth of Massachusetts.
- 4.10.3 Elevations - The front, sides and rear elevations and the maximum height of each building shall be shown.

4.11 FLOOR PLAN

A Floor Plan must be shown for each floor of each building whether such building is existing or proposed so that compliance with the minimum parking regulation of the Bylaw may be discerned. At a minimum the Floor Plan shall include the following information presented as prescribed below:

- 4.11.1 Scale of Floor Plan - The Floor Plan shall be drawn at a scale of $1/4" = 1'$ or such other scale as the Planning Board may require to show details clearly and adequately.
- 4.11.2 Certifications - The Floor Plan must be prepared by and display the seal of a Registered Professional Architect or by a Registered Professional Engineer certified to practice in the Commonwealth of Massachusetts.
- 4.11.3 Floor Plan - Each Floor Plan must identify the proposed use or uses to be conducted on the floor in question. Each Floor Plan must be dimensioned to show the net floor area.

4.12 USE DESCRIPTION

The Application shall contain a detailed description of the proposed use. Additionally, the Applicant must provide the Board with a description of the possible uses to which the facility may apply for, such as expanded cultivation tiers, colocation of Registered Marijuana Dispensary and Marijuana Establishment uses, or other use scenarios as allowed by the Town of Bolton Zoning Bylaw.

4.13 ACCESSORY STRUCTURES

All accessory structures to a Marijuana Establishment shall be subject to these regulations, Zoning Bylaws, the Cannabis Control Commission and Department of Public Health Regulations concerning the bulk and height of structures, lot area, setbacks, open space, parking, security, and building coverage requirements.

4.14 SIGNAGE AND ADVERTISING

Marijuana Establishments shall not be used for displaying any advertising except for reasonable identification of the Marijuana Establishment. Signs advertising brands of marijuana products shall not be visible from a public way. All signage and advertising must be consistent with Marketing and Advertising Requirements of 935 CMR 500.105.

4.15 SCREENING AND ARCHITECTURAL COMPATABILITY

The visual impact of the Marijuana Establishment, including all accessory structures and appurtenances, shall be mitigated in accordance with the Zoning Bylaw and all relevant Cannabis Control Commission Regulations. Should the Planning Board determine the Application requires review by the Design Review Board (DRB), the DRB shall use the design review criteria appearing in Section 250-23G of the Zoning Bylaws. Further information regarding this process is included in Section 4.20 of these Rules and Regulations. All accessory structures and appurtenances shall be architecturally compatible with each other. Structures shall be shielded from view by vegetation or other means as approved by the Board and/or joined and clustered to avoid adverse visual impact. Methods such as the use of landscaping or natural features are preferred.

4.16 STORMWATER MANAGEMENT AND DRAINAGE CALCULATIONS

Stormwater management on the site shall comply with the regulations set forth in the Planning Board's Subdivision Rules and Regulations.

4.17 EARTH REMOVAL CALCULATIONS

Calculations for determining the volume of earth to be removed from the site. Calculations of the amount of earth removal shall be prepared by, and show the seal of, a Registered Professional Engineer. The calculations shall show the total amount of earth materials to be removed from the site. A removal schedule may be required when earth materials are intended to be removed from the site. This schedule, if required, must state the size of the trucks or other vehicles to be used, their gross vehicle weight, the estimated number of trips per day for each removal vehicle, the travel routes to be taken by removal vehicles as well as their approximate hours of operation and the clearing procedures used. Any earth removal must be done in compliance with Chapter 205 of the Code of the Town of Bolton.

4.18 TRAFFIC STUDY

A traffic impact study of a scope specified by the Board will be required in all Applications where the proposed uses will, in the opinion of the Planning Board, be likely to produce an additional 100 ADT per weekday, based on the most recent edition of the Institute of Transportation Engineers' publication Trip Generation. If the proposed uses are not listed in said publication, the Planning Board may approve the use of trip generation rates for another listed use that is similar, in terms of traffic generation, to the proposed uses. If no such listed use is sufficiently similar, a detailed traffic generation estimate, along with the methodology used, prepared by a Registered Professional Engineer experienced and qualified in traffic engineering, shall be submitted. To avoid lengthy delays in the processing of an Application, consultations should be made by the Applicant with the Planning Board during the Preliminary Review to determine whether an Application is likely to require a traffic study. A traffic study shall examine the following:

Existing traffic conditions including roadway geometries, traffic volumes, safety, delays, and levels of service for streets and intersections (whether in Bolton or another town) affected by the proposed uses.

Future traffic conditions including trip generation, trip distribution, volume to capacity ratios, and levels of service for existing streets and intersections (whether in Bolton or another Town) affected by the proposed project at the time of anticipated completion and 5 years beyond anticipated completion, taking into consideration the impacts of previously-approved projects and projects pending approval on the same streets. Future traffic conditions shall include trips made by delivery vehicles and waste removal vehicles as required by the use, including the size of the vehicle, quantity of trips taken and timing of the trips. Approach and departure route assignments shall be based on existing traffic patterns, minimum time paths, or market studies. Trip generation for the proposed uses shall be based on average statistics from Trip Generation as above, and must include both A.M. and P.M. peak hours, weekend peaks, if applicable, as well as average total daily trips. Any anticipated reduction in trips due to special characteristics of the proposed uses must be fully explained and documented. Sight distances for turning movements to and from the site must be analyzed using AASHTO standards. The adequacy of vehicular queuing storage at the site entrances shall also be demonstrated. The impact of any planned phasing of the project shall be discussed.

Mitigation measures that could be taken to reduce the impacts of the proposed uses and their estimated cost. These should include demand management strategies such as staggered employee work schedules and promotion of car-pooling, as well as capacity enhancements such as added turn lanes, signalization, and improvements to intersections and medians. The potential for driveway connections to neighboring lots must be explored. The study should take into account those improvements that are being planned by the Town or the State.

The Applicant shall provide three (3) copies of the Traffic Impact Study for review by the Board and/or its consultants.

4.19 ADDITIONAL INFORMATION TO BE FURNISHED TO THE PLANNING BOARD

The Board is empowered to require information in addition to that specifically required by the Bylaw or by these Rules. The Board will require the Applicant to supply additional information if it finds that such information is necessary to properly act upon the Application in question.

No submission of additional information or amendments will be accepted after the filing and prior to the commencement of the public hearing, or subsequent to its close, without the Board's permission.

4.20 RECOMMENDATIONS FROM OTHER BOARDS, COMMITTEES, AND AGENCIES

Upon receipt of an Application hereunder, the Board shall transmit forthwith a copy of the Application to the:

Building Inspector
Board of Health
Peer Review Consultant(s)
Conservation Commission
Select Board*

Fire Department
Police Department
Department of Public Works
Historical Commission
Zoning Board of Appeals

*Note that the Select Board shall receive a copy of the Site Plan from the Applicant pursuant to Zoning Bylaw Section 250-23F "Site Plan Approval Process".

During the public hearing process, the Planning Board will determine whether the Application requires review by the Design Review Board. In considering Applications for Special Permits, the Design Review Board shall use the design review criteria appearing in Section 250-23G of the Zoning Bylaws. If the Planning Board requests

Design Review Board review, a separate Design Review Board Application package and fee is required.

SECTION 5 PUBLIC HEARING

5.1 PUBLIC HEARING NOTICE

5.1.1 Publication of Notice - Upon receipt of an Application for a Registered Marijuana Establishment Special Permit, the Planning Board shall set the date, time, and place of the public hearing, which shall be held within 65 days of the Application filing date. The Planning Department will create the Public Hearing Notice and coordinate its publishing in a newspaper of general circulation once in each of two (2) successive weeks. The first such publication shall appear not less than fourteen (14) days before the day of the hearing and a copy of the notice shall be posted in a conspicuous place in the Town Hall for a period of not less than fourteen (14) days before the date of the hearing. The day of the hearing shall not be counted as one of the required fourteen days.

In addition, copies of the notice shall be sent by the Planning Department to all Parties in Interest at least fourteen (14) days prior to the date of the public hearing.

5.2 APPEARANCE OF APPLICANT AT PUBLIC HEARING

An Applicant may appear on their own behalf or be represented by an agent or attorney. In the absence of an appearance, the Board may decide the matter using the information it has received. In any case, the Planning Board shall not be responsible for presenting any Site Plan to the public at a public hearing or any other forum. It is the responsibility of the Applicant to present the Site Plan to the Planning Board and to the public. Failure to appear at a public hearing could seriously jeopardize the success of an Application.

5.3 PUBLIC HEARING PROCEDURE

The objective of a public hearing is to provide Parties in Interest and other Town Boards and Committees the opportunity to have their opinion heard by a public decision-making body. In order to encourage informed opinions, it is important that the Plan in question be presented to the public in a thorough but concise manner. These Rules and Regulations are intended to promote a well- prepared, brief, and accurate presentation of the Application for a Special Permit, thereby providing the public with maximum opportunity to speak on issues of concern.

5.3.1 **Time of Hearing** - No hearing shall begin before the time published in the notice.

5.3.2 **Public Invited** - Any party whether entitled to notice thereof or not may appear in person or by agent or by attorney.

5.3.3 **Rules of Conduct** - The Chair will conduct the hearing in accordance with applicable laws and rules for the conduct of such meetings and may administer oaths, summon witnesses, and call for the presentation of relevant documents. The Planning Board may retain any record which has been introduced in evidence for reference in its deliberations on the case.

5.3.4 **Notice of Public Hearing**-The Chair will open each hearing by reading the notice as published.

5.3.5 **Applicant's Presentation** -The Applicant may then present the Site Plan in accordance with the procedure for such presentations as set forth in these Rules.

5.3.6 **Time Limit for Presentation** -Because the time afforded the Applicant to present the Plan is limited, the Chair shall not allow any person in attendance, including members of the Planning Board, to interrupt the Applicant during the presentation of the Site Plan.

5.3.7 **Questions by Planning Board Members** - When the Applicant has concluded the presentation, the Chair will allow members of the Planning Board to ask questions of the spokesperson related to clarifying any points made during the presentation. In addition, members of the Planning Board may direct appropriate

questions during the hearing.

- 5.3.8 **Questions from Public** - When all questions have been asked by members of the Planning Board, the Chair will allow all those present to speak on the matter under consideration. Those who wish to speak shall, upon recognition by the Chair, give their names and addresses, then proceed.
- 5.3.9 **Questions Addressed to Chair** -Any comments or questions said by any person in attendance except members of the Planning Board shall be directed to the Chair and not directly to the Applicant, the Applicant's representatives or any other persons without the express permission of the Chair.
- 5.3.10 **No Cross-Examination**-No cross-examination will be allowed, although questions seeking information and deemed relevant by the Chair may be allowed at the discretion of the Chair.
- 5.3.11 **Rebuttals** - Rebuttals may only be allowed at the discretion of the Chair.
- 5.3.12 **Close of Hearing** - When all the facts have been presented and all persons wishing to speak on the Application have been heard, the Chair will close the hearing in accordance with parliamentary procedure and inform the Applicant and others present that the Applicant will be notified, by certified mail, of the Planning Board's decision.
- 5.3.13 **New Evidence Limitation**- In no case shall the Planning Board allow new evidence to be admitted after the close of the public hearing. However, written information may be submitted after the close of the public hearing provided the information does not contain new evidence and is intended to clarify existing factual evidence. In any case the Planning Board shall have the right to refuse admission or receipt of information which in the Planning Board's opinion constitutes new evidence or which is otherwise deemed inappropriate.

5.4 PUBLIC HEARING PRESENTATION

The Planning Board highly recommends that the Applicant present the Site Plan to the Planning Board and to the public in the following manner:

- 5.4.1 **Locus of Site** - The Applicant should locate the site under consideration by using a locus map which clearly shows the location of the site within the Town and the applicable neighborhood. The site, major roads or other landmarks should be clearly discernible to all persons in the hearing room by the use of color or other graphic techniques.
- 5.4.2 **Application and Plan Summary** - The Applicant should then summarize the Application for all those present so that they may have a full understanding of the purpose and scope of the project, and the extent to which the project strives to meet the objectives of the Bylaw. During the summary the Applicant shall limit the discussion to facts which are part of the Application submitted. New facts not contained in the Application must be clearly identified as new facts by the Applicant. Often it is the presentation of new facts at a public hearing which will necessitate that the hearing be continued so that the Planning Board and the public may have the opportunity to evaluate the new facts. Therefore, in order to prevent the delays caused by a continued hearing, the Applicant should strive to assure that the initial Application is complete.
- 5.4.3 **Plan Analysis** -The Applicant should then provide a brief but thorough analysis of the Plan, clearly identifying all major Plan components, and shall explain their respective roles in the Plan so that lay persons in the hearing room can clearly understand the scope and probable impacts of the proposal. Any plans or other graphic representations of the proposal used during the presentation should be clearly drawn and easily discernible to all those present. It is highly recommended that major Plan components such as buildings, parking facilities, drainage and utility systems, site landscaping, major topographic changes such as hills or valleys, and major site features such as ponds, streams, and stone walls be shown in color so that these Plan elements can be identified by persons in the hearing room. It is also recommended that major Plan components be shown on separate Plan sheets if it is deemed that their display will be confusing if shown on only one Plan sheet.

- 5.4.4 **Time Limit of Presentation** - The Chair shall allow any Applicant a maximum of 30 minutes to complete the presentation. If the Applicant feels that the presentation requires more time, the Applicant may request that the Chair allow an additional specified amount of time for the presentation. Such a request must be made prior to the beginning of the presentation; otherwise, the presentation shall not exceed the required 30 minutes allowed for the presentation. The Chair may upon his own motion allow the Applicant to exceed the time limitation imposed herein when the Chair deems such an action appropriate under the circumstances. Upon completion of the presentation, the Applicant shall advise the Chair that the presentation has been completed.

5.5 CONTINUANCE OF PUBLIC HEARING

The Planning Board may continue a public hearing if the Planning Board finds that the continuance is necessary or appropriate to allow the Applicant or others to provide additional information. In such a case, the Chair shall announce to those present, prior to the adjournment of the hearing, the specific date, time, and place where the hearing will be continued, and the subject matter to be discussed at the continued hearing. The Planning Board may require the Applicant to re-advertise or re-notify Parties in Interest, where it deems such an action to be in the public interest.

- 5.5.1 **Extension** - The period within which final action shall be taken may be extended for a defined period by written agreement between the Planning Board and the Applicant and a copy is filed with the Town Clerk.

SECTION 6: PLANNING BOARD ACTION

6.1 VOTING REQUIREMENTS

6.1.1 Hearing Attendance Required for Action - Only those members of the Planning Board who were in attendance at the public hearing may vote on the Permit in question.

6.1.2 Record of Proceedings - The Planning Board shall cause to be made a detailed record of its proceedings, showing the vote of the Planning Board and whether a member of the Planning Board was absent or failed to vote, and setting forth clearly the reason or reasons for its decision and for its other official actions. Copies of such record shall be filed at the Planning Board Office and the Office of the Town Clerk.

6.2 WITHDRAWAL OF APPLICATION BEFORE PUBLIC HEARING NOTICE

Any Application for a Special Permit may be withdrawn without prejudice by filing a properly executed form entitled, "Notice of Application Withdrawal". Said form must be received by the Planning Board prior to the first publication of notice of the public hearing. No refund of fees will be provided if an Application is withdrawn.

6.3 WITHDRAWAL OF APPLICATION AFTER PUBLIC HEARING NOTICE

Withdrawal of any Application after the first publication of notice for the public hearing requires Planning Board approval. The request for such approval shall be made on a properly executed form entitled, "Request for Application Withdrawal". Requests made in any other manner than that prescribed herein shall not be considered for approval by the Planning Board.

6.4 DECISION OF THE BOARD

The concurring vote of four (4) of the five (5) members of the Planning Board shall be necessary to decide in favor of granting a Marijuana Establishment Special Permit. Only those members of the Planning Board who were in attendance at the public hearing may vote on the Application in question. A failure of the Planning Board to achieve the required vote shall be deemed a denial of such Permit.

6.4.1 Time Period for Deliberation - The Board will act on each Application for a Registered Marijuana Establishment Special Permit within ninety (90) days from the date of the close of the public hearing, unless such Application has been withdrawn from consideration.

6.4.2 Notice of Decision - The Board will send a full copy of its Decision to the property owner and the Applicant if other than the property owner, the Bolton Town Clerk, and other Town Special Permit Granting Authorities and departments. Such notice shall be on a form entitled "Registered Marijuana Establishment Special Permit Notice of Decision".

6.4.3 Recording of Decision - Recording a Special Permit Decision is required by the Zoning Act and the Bylaw. The Applicant will be responsible for recording the full copy of the Special Permit Decision in the Middlesex South District Registry of Deeds and for paying any required recording fees. A copy of the recorded Decision, certified by the Registry of Deeds, must be submitted to the Planning Board and the Building Inspector. No construction shall be allowed to begin at the site which was the subject of the Decision until evidence, satisfactory to the Building Inspector, has been presented to the Building Inspector that the Permit in question has been duly recorded as required herein.

6.4.4 Submission of Final Approved Plans - Five copies of the final plans as approved for construction by the Planning Board shall be submitted to the Building Inspector prior to the issuance of a building permit.

6.5 APPEAL OF DECISION

Any person aggrieved by a decision of the Planning Board, whether or not previously a party to the proceeding, may appeal such decision in accordance with Section 17 of the Zoning Act.

6.6 TIME LIMITATION ON APPROVAL

In the case where a Special Permit is granted by the Planning Board, all other permits for the execution of the work shall be obtained and substantial use thereof shall be commenced, except for good cause, or construction begun, except for good cause, within two years from the date of filing of the Planning Board's Decision in the Office of the Town Clerk, unless the Planning Board otherwise provides for a different period of time in the Permit. Said time shall not exceed two years.

6.7 EXTENSION OF TIME LIMITATION TO BEGIN WORK

6.7.1 Extension for Good Cause - A reasonable extension of said time may be granted by the Planning Board where good cause is shown after a public hearing has been conducted in accordance with the requirements of Section 5 of these Rules on the request for extension. Such extension or extensions shall not exceed two years beyond the original expiration date of the Registered Marijuana Establishment Special Permit.

6.7.2 Form of Extension Request - Any request for an extension shall be made in writing to the Planning Board on a properly executed form entitled, "Application for Extension of Time Period". Such request must be submitted to the Planning Board and a copy thereof to the Town Clerk at least sixty (60) days prior to the date when the Permit is due to lapse. Failure to submit such Application as prescribed above shall be due cause for the Planning Board to deny the requested time extension.

6.8 REPETITIVE APPLICATION

Section 16 of the Zoning Act stipulates that no Application which has been unfavorably and finally acted upon by the Planning Board shall be acted favorably upon within two years after the date of final unfavorable action unless four members of the Planning Board vote to find that specific and material changes in the conditions upon which the previous unfavorable action was based have occurred and describe such changes in the records of the Planning Board's proceedings, and all but one member of the Planning Board consents to the consideration of the matter. Therefore, any person wishing to re-apply for a Permit within two (2) years from the date when the final and unfavorable action was filed with the Town Clerk must submit to the Planning Board a properly executed form entitled, "Application for Planning Board Consent to a Repetitive Application", annexed hereto and made part of these Rules.

6.9 AMENDING A SPECIAL PERMIT

A previously granted Special Permit may be amended upon Application to the Planning Board or upon the Planning Board's own motion. The Planning Board shall determine whether any request for further alterations to a site constitutes a minor modification and therefore does not require an amendment to the Special Permit. Requests for minor modification may be considered where the Applicant submits sufficient information, including but not limited to:

- (a) Repair of a scrivener's error;
- (b) Alteration to administrative requirements, including but not limited to the timing of submittals or the sequencing of work or construction tasks, except where such alteration could change the impact on abutting property owners;
- (c) Changes to the site plan that do not alter the nature, intensity or visual impact of the use for which the Special Permit was originally granted.

In the event that any request for minor modification relates to a topic of consideration specifically discussed as part of the Special Permit Public Hearing for which the request relates to, such request shall be subject to a Public Hearing and follow the rules for Special Permit Modification.

6.9.1 Public Hearing- Unless the original Permit specifically allows certain modifications or alterations without the necessity of a new public hearing, all requests for amendments shall require a new public hearing to be advertised and conducted in accordance with these Rules.

6.9.2 Applicable Requirements -All of the requirements applicable to a Special Permit shall be applicable to an amendment to a Special Permit. Because of the variety of amendments which are possible, Applicants are advised to inquire whether they will need to submit any plans, reports or other information in addition to those submitted at the time the original Special Permit was applied for. If any plans, reports or other information is required, then such plans, reports or other information will comply with the requirements set forth in these Rules.

6.9.3 Application Fee Reduction-Amendments to an existing Special Permit may take many forms. Some amendments may be quite simple while others could be quite complex. In each case where an amendment to an existing Permit is sought the Applicant may request that the Planning Board reduce the Application fee required by these Rules. Failure to pay the required payment in a timely manner may be considered due cause to deny the requested amendment.

6.10 MAINTENANCE OF PERMIT

The Planning Board shall review on an annual basis, with the assistance of the Building Inspector, all Registered Marijuana Establishment Special Permits issued for compliance with the conditions of the Permit. More frequent reviews may be conducted if it is deemed necessary by the Planning Board. Remedial actions shall be required where necessary. Failure to comply with recommended remedial actions may result in revocation of the Special Permit and/or further zoning enforcement actions.

6.11 VALIDITY

In the event of a conflict between the provisions of these Rules and Regulations and the provisions of the Zoning Act and the Bolton Zoning Bylaw, the provisions of the Zoning Act and the Bolton Zoning Bylaw shall apply.

APPENDIX

Appendix A: Impact Analysis Outline

Appendix B: Marijuana Establishment Special Permit Application Form

IMPACT ANALYSIS OUTLINE

(page 1 of 2)

PHYSICAL ENVIRONMENT

1. Describe the general physical conditions of the existing site, including amounts and varieties of vegetation, general topography, slopes, ledge outcroppings, unusual geologic, scenic and historical features, stone walls, agricultural remains, tree rows, trees over 24" (diameter), trails, open space links and indigenous wildlife.
2. Describe how the proposed project will impact these features.
3. Provide a complete physical description of the project and its relationship to surrounding area.
4. Describe the source and quantity of water available for fire protection of the area.

SURFACE WATER AND SOILS

5. Describe location, extent and type of existing water and wetlands, including existing drainage characteristics, both within and adjacent to the project. What is the relationship of the site to the regional watershed?
6. Describe the methods to be used during construction to control erosion and sedimentation, i. e., use of temporary sedimentation basins, type of mulching, matting or netting. Describe the approximate size, slope and relative location of the land to be cleared and length of time of exposure. Describe other soil erosion measures deemed necessary for this site.
7. Describe permanent measures to control erosion and sedimentation on-site to prove that there will be no damage to abutting properties.
8. Are there any areas of flooding or ponding on-site and/or adjacent to the site?
9. Describe the proposed drainage system and how it impacts the existing drainage patterns.
10. Describe the proposed permanent vegetative cover.
11. Describe completely the proposed sewage disposal methods and evaluate the summation of all systems relative to the surface water, soils, groundwater and vegetation. Are there any groundwater divides and where does the groundwater flow to? What is the site's proximity to private wells? Will the wells be affected by the cumulative impact of the proposed sewage systems?
12. Will blasting be required?

TRAFFIC ANALYSIS

13. Determine existing traffic conditions including roadway geometries, traffic volumes, safety, delays, and levels of service for streets and intersections affected by the Marijuana Establishment.
14. Determine future traffic conditions as indicated under Section 4.18 of these Rules and Regulations.
15. Determine the adequacy of those impacted streets to accept the proposed traffic. What percentage of increase will the existing roads experience? If deficiencies are detected on the existing streets, what improvements should be made to remedy the problem? What are the costs for such improvements?

1. IMPACT ANALYSIS OUTLINE (continued)

2. (page 2 of 2)

LAND USE ANALYSIS

16. Describe how the project accomplishes the objectives of the Board listed under Section 5100.
17. Describe the site's proximity to transportation, shopping, educational facilities, recreational facilities, etc.
18. What types of architecture are proposed?
19. If the development will be phased over more than one year, show how it will be constructed, with a schedule for completion. Show the anticipated time table for each phase in terms of clearing, construction of road, construction of buildings, and landscaping.

**MARIJUANA ESTABLISHMENT SPECIAL PERMIT
Application Form**

Date of Filing

Name of Applicant: _____ Phone Number: _____

Mailing Address: _____

Email Address _____

Location and Street Address of Site: _____

Name of Registered Engineer or Surveyor _____

Address: _____

Property Owner: _____ Phone Number: _____

Deed or property Recorded in: Book No. _____ Page _____ of the Worcester County
Registry of Deeds or Land Court Certificate of Title No.(s): _____

Location and Description of Property (include zoning district(s)): _____

Lot Frontage: _____ feet Lot Area: _____ Square Feet

Detailed description of the proposed Special Permit: _____

Please include all materials listed in the following check list for your application indicating with a check mark the information included. If an item is not applicable to your application, write "N/A". If any applicable items are missing attach additional sheets explaining the omission. Note that this list is not a complete description of the requirements for a complete Application. It is each Applicant's responsibility to prepare a complete Application according to the Marijuana Establishment Rules and Regulations as adopted by the Planning Board. An Application lacking any required information in the appropriate format may not be accepted or may be cause for denial of said Application.

Signature of Owner or Agent _____

Address _____

Phone Number _____