

Special Town Meeting
October 1, 2018

Moderator Sean J. Kealy called the meeting to order at 7:36PM in the auditorium of the Middle School with Joseph Campbell, John Norton and Robert O'Brien appointed and sworn in as tellers.

Town Counsel was Katherine Feodoroff from Blatman, Bobrowski & Mead.

The Pledge of Allegiance was recited by the Town Meeting and a moment of silence was observed in memory of Maureen T. Lowe, George E. McLaughlin and Scott R. Landis. A quorum was declared present with 109 voters in attendance. The Moderator, Sean Kealy announced that he would be using Town Meeting Time as the guide for the Town Meeting.

The Moderator asked for a motion to request the Town Meeting allow the Moderator to declare 2/3 and 9/10 majority of a voice vote. Motion was made by Joseph O'Sullivan and 2nd by Robert Hayes. **Voted: Aye, voice.**

The Moderator recognized in the audience State Representative, Josh Cutler and Senator in General Court, Michael D. Brady.

ARTICLE 1: To see if the Town will vote to transfer a sum of money from Free Cash or available funds to pay unpaid bills from Fiscal Year 2018 or take any other action in relation thereto.

Proposed by the Board of Selectmen

Explanation: There are a few unpaid bills from various departments, which were received after the end of fiscal year 2018. ***Requires a 9/10 vote.***

Finance Committee recommends.

Motion: Matthew Dyer
Second: Robert Hayes

VOTED Aye, voice declared 9/10 by moderator to transfer \$12,165.00 from Free Cash to pay unpaid bills from Fiscal Year 2018.

ARTICLE 2: To see if the Town will vote to transfer from available funds or raise and appropriate a sum of money to supplement appropriations previously voted at the Annual Town Meeting of May 2018 for the Fiscal Year beginning July 1, 2018 for various Town Departments, or take any action in relation thereto.

Proposed by the Board of Selectmen

Explanation: The purpose of this article is to supplement a number of line items in the current fiscal year's budget (FY19) in order to fund a number of additional expenses. A detailed handout will be presented to the voters at Town meeting outlining in detail these expenses.

| Item # | Budget Line # | Department | Budget | Adjustment | Revised FY19 Budget | Explanation |
|--------|---------------|--|-------------|-------------------|---------------------|---|
| 1 | 7 | Dept. 135 Accountant Salaries | \$111,795 | \$1,380 | \$113,175 | Admin. Professional Salaries – Contractual |
| 2 | 10 | Dept. 141 Assessors Salaries | \$161,950 | \$2,970 | \$164,920 | Admin. Professional Salaries – Contractual |
| 3 | 12 | Dept. 145 Treasurer/Collector Salaries | \$195,336 | \$3,210 | \$198,546 | Admin. Professional Salaries – Contractual |
| 4 | 13 | Dept. 145 – Treasurer Collector - Expense | \$10,375 | \$5,000 | \$15,375 | Debt Issuance costs |
| 5 | 15A | Dept. 155 – Information Technology - Salary | \$0 | \$50,000 | \$50,000 | Add funds to IT Salary Line |
| 6 | 15 | Dept. 155 – Information Technology - Expense | \$120,000 | -\$50,000 | \$150,000 | Transfer funds to IT Salary Line |
| 7 | 17 | Dept. 161 – Town Clerk Salaries | \$115,242 | \$1,450 | \$116,102 | Admin. Professional Salaries – Contractual |
| 8 | 19 | Dept.162 Election Salaries | \$15,019 | \$1,850 | \$16,869 | Salaries for Special Election |
| 9 | 20 | Dept. 162– Election Expense | \$12,891 | \$2,800 | \$15,691 | Ballot for Special Election |
| 10 | 23 | Dept. 171 Conservation Salaries | 44,606 | \$355 -\$5,000 | \$39,961 | Admin. Professional Salaries – Contractual & Transfer to Exp. |
| 11 | 24 | Dept. 171 Conservation Expense | 720 | \$5,000 | \$5,720 | Expense for Cons. Agent Services |
| 12 | 25 | Dept. 175 Planning Salaries | \$82,285 | \$355 | \$82,640 | Admin. Professional Salaries – Contractual |
| 13 | 26 | Dept. 175 Planning Expense | \$6,331 | \$16,000 | \$22,331 | Professional Services Town Planner |
| 14 | 27 | Dept. 176 Appeals Salaries | \$35,152 | \$930 | \$36,082 | Admin. Professional Salaries – Contractual |
| 15 | 34 | Dept. 210 Police Salaries | \$2,065,559 | \$5,000 | \$2,070,559 | Police Salaries Lt. Salary |
| 16 | 36 | Dept. 210 – Police – Capital Outlay | \$129,000 | \$7,000 | \$136,000 | Technology for Dispatch |
| 17 | 39 | Dept. 220 – Fire Expense | \$197,719 | \$3,900 | \$201,619 | Purchase 3 hydrant assist valves |
| 18 | 42 | Dept. 241 – Building Inspection – Salaries | \$79,162 | \$2,990 | \$82,152 | Admin. Professional Salaries – Contractual |
| 19 | 64 | Dept. 511 – Board of Health – Salaries | \$110,402 | \$1,125 | \$111,527 | Admin. Professional Salaries – Contractual |
| 20 | 67 | Dept. 541 – Council on Aging – Salaries | \$83,007 | \$800 | \$83,807 | Admin. Professional Salaries – Contractual |

| | | | | | | |
|----|----|--------------------------------|-----------|--------------------|-----------|---|
| 21 | 74 | Dept. 610 – Library - Salaries | \$286,249 | \$3,360 \$4,775 | \$294,384 | Admin. Professional Salaries – Contractual & Additional Hours |
| 22 | 85 | Dept. – Water - Expenses | \$412,520 | \$5,350 | \$417,870 | Office Supplies & Licenses |
| | | TOTAL | | \$70,600 | | |

Finance Committee recommends.

Motion: James Hickey

Second: Laura FitzGerald-Kemmett

VOTED Aye, voice to raise and appropriate \$70,600.00 to supplement appropriations previously voted at the Annual Town Meeting of May 2018 for the Fiscal Year beginning July 1, 2018 for various Town Departments as printed in the warrant.

ARTICLE 3: To see if the Town will vote to transfer \$325,000 from the ambulance receipts reserved account to purchase and equip an ambulance as well as a power stretcher and patient loading system or take any action in relation thereto.

Proposed by the Fire Chief

Explanation: These funds will be utilized to purchase and equip an Ambulance as well as power stretcher and patient loading system.

Finance Committee recommends.

Motion: Jerry Thompson

Second: Joseph O’Sullivan

VOTED Aye, voice to transfer \$325,000 from the ambulance receipts reserved account to purchase and equip an ambulance as well as a power stretcher and patient loading system.

ARTICLE 4: To see if the Town will vote to transfer \$25,000 from available funds or raise and appropriate such amount to purchase ballistic protection for all fulltime fire members or take any action in relation thereto.

Proposed by the Fire Chief

Explanation: These funds will be utilized to purchase ballistic protection for all fulltime fire members.

Finance Committee recommends.

Motion: Jerry Thompson
Second: Kenneth Duty

VOTED Aye, voice to transfer \$25,000.00 from Free Cash to purchase ballistic protection for all fulltime fire members.

ARTICLE 5: To see if the Town will vote to appropriate \$1,300,000, or any other amount, to pay costs of purchasing and installing water meters, including the payment of all costs incidental and related thereto; to determine whether this amount shall be raised by taxation, transfer from available funds, borrowing, or otherwise provided; or take any other action relative thereto.

Proposed by the Water Commissioners

Explanation: Requires 2/3 Majority

Finance Committee recommends.

Motion: William Garvey
Second: Donald Howard

Kathleen Marini asked what would be the impact to the tax rate. Water Commissioner, Donald Howard explained that there would be no impact to the tax rate. Mr. Howard further explained that Hanson now has three different types of meters and this will allow them all to be changed to the same type of meter.

VOTED Aye, voice declared 2/3's by moderator to appropriate \$1,300,000 to pay costs of purchasing and installing water meters, including the payment of all cost incidental and related thereto, and that to meet this appropriation, the Treasurer, with the approval of the Selectmen is authorized to borrow the amount under and pursuant to M.G.L. c44, s. 8 (6) or any other enabling authority and to issue Bonds or Notes of the Town therefor. Any premium received upon the sale of any Bonds or Notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such Bonds or Notes, may be applied to the payment of the costs approved by this vote in accordance with M.G.L. c.44. s. 20, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount.

ARTICLE 6: To see if the Town will vote to transfer \$500,000 from Water Surplus to be added to the funds appropriated under Article #23 of the May 4, 2015 Annual Town Meeting for additional water exploration, or take any other action thereto.

Proposed by the Board of Water Commissioners

Explanation: The Town is currently in the process of exploring a well site off Old Pine Drive. This money will get us into the next phase for the drilling of the test wells; short term pumping tests, water sampling and Source Approval from D.E.P. if the site proves favorable.

Finance Committee recommends.

Motion: William Garvey
Second: Donald Howard

VOTED Aye, voice to transfer \$500,000 from Water Surplus to be added to the funds appropriated under Article #23 of the May 4, 2015 Annual Town Meeting for additional water exploration.

ARTICLE 7: To see if the Town will vote to raise and appropriate, transfer from free cash, overlay surplus and or available funds a sum of money to fund the FY 2018-2020 Interim year adjustments and the Commercial/Industrial/Personal Property Cyclical Recertification of the Town's Real Estate and Personal Property values, as required by Massachusetts General Law, Chapter 218 of the acts of 2016 or take any other action in relation thereto.

Proposed by the Board of Assessors

Explanation: M.G.L. now requires that valuations be recertified every five (5) years. All building schedules, land tables, depreciation schedules, etc. are recalculated according to the current real estate market. New income and expense figures are also adopted based on the current commercial/industrial market. This is to fund the contract changes adopted to the prior the legislature amendments imposing a five (5) year requirement. Estimated amount \$10,000

Finance Committee recommends.

Motion: Kathleen Marini
Second: Robert Hayes

VOTED Aye, voice to transfer from Free Cash the sum of \$10,000.00 to fund the FY 2018-2020 Interim year adjustments and the Commercial/Industrial/Personal Property Cyclical Recertification of the Town's Real Estate and Personal Property values, as required by Massachusetts General Law, Chapter 218 of the acts of 2016.

ARTICLE 8: To see if the Town will vote to raise and appropriate or transfer from Free Cash and/or available funds to add zoning and conservation layers to PeoplesGIS in order to create and print new zoning map books or take any other action in the relation thereto

Proposed by the Building Department

Explanation: The Land use departments are using books dating back to 1997 that have the zones delineated. Omitted from these books are all streets or developments constructed since 1997. These new books will include updated zoning and conservations layers. This is a much needed asset to have in all the land use departments.

Finance Committee recommends.

Motion: Phil Clemons
Second: Donald Howard

VOTED Aye, voice to transfer from Free Cash the amount of \$3,500.00 to add Zoning and Conservation layers to PeoplesGIS in order to create and print new zoning map books.

ARTICLE 9: To see if the Town will vote to raise and appropriate or transfer from Free Cash or available funds to the 200th Anniversary Committee Account or take any other action in relation thereto.

Proposed by the 200th Anniversary Committee

Explanation: These funds will be used start the process for events commemorating the Town's 200th Anniversary. Estimated amount \$50,000.

Finance Committee recommends.

Motion: Marcus Linn
Second: Donald Howard

VOTED Aye, voice to transfer \$50,000.00 from Free Cash to the 200th Anniversary Committee Account.

ARTICLE 10: To see if the town will raise and appropriate or transfer from available funds a sum of money to fund a needs analysis of the Hanson Senior Center, both operations and facilities, or take any other action there to.

Proposed by Board of Selectmen

Finance Committee does not recommend.

Motion: Kenneth Mitchell
Second: Donald Howard

A hand count was requested and granted by the Moderator.

VOTED Aye 63, Nay 31, to transfer \$35,000.00 from Free Cash to fund a needs analysis of the Hanson Senior Center, both operations and facilities.

ARTICLE 11: To see if the town will raise and appropriate or transfer from available funds a sum of money to secure and weatherize the building and grounds of the former Maquan School, both internally and externally, and to fund the analysis of hazardous materials within the building or take any other action in relation thereto.

Proposed by the Board of Selectmen

Explanation: These funds will be used to secure and winterize the building once the School District has returned the building to the Town. In addition fund a hazardous materials study.

Finance Committee does not recommend.

Motion: Laura FitzGerald-Kemmett
Second: Kenneth Mitchell

David Soper asked the Finance Committee to explain why they did not recommend this Article. Kevin Sullivan, Chairman of the Finance Committee explained that when they voted on Article 11 there was not dollar amount listed and the Committee does not support articles without the amounts requested.

VOTED Aye, voice to transfer \$47,600.00 from Free Cash to secure and weatherize the building and grounds of the former Maquan School, both internally and externally, and to fund the analysis of hazardous materials within the building.

ARTICLE 12: To see if the Town will vote to transfer a sum of money from the amounts appropriated at the May 2016 Annual Town Meeting, Article 12, Item 3 Lift for High School Bleachers and from the amounts appropriated at the October 2016 Special Town Meeting, Article 18, Maquan Repairs and/or available funds to construct a handicap ramp to the existing press box at the high school or take any other action in relation thereto.

Proposed by the Whitman Hanson Regional School District

Explanation: By eliminating the lift/elevator and installing a handicap ramp, there will be less maintenance and inspection costs. Estimated total cost is \$70,000.00 of which Town of Hanson share at 40.18% = \$28,126.00

Finance Committee recommends.

Motion: Robert Hayes
Second: Kenneth Mitchell

VOTED Aye, voice to transfer \$28,126.00 from funds appropriated at the May, 2016 Annual Town Meeting and the October, 2016 Special Town Meeting as printed in the warrant to construct a handicap ramp to the existing press box at the High School.

ARTICLE 13: To see if the Town will vote to appropriate \$30,000 from the Open Space Reserve Fund to be used for the development of engineering plans for a park at the former Plymouth County Hospital Site or take any other action in relation thereto.

Proposed by the Community Preservation Committee

Explanation: As part of the next step to developing a portion of the former Plymouth County Hospital site into a park, the Final Plymouth County Re-Use Committee and Board of Selectmen are recommending that the recent conceptual work of the Conway School of Landscape Design be converted into a set of engineering plans. These plans can then be used for determining cost estimates for future construction work on the site. These funds are limited to expenses related to the engineering plans.

Finance Committee recommends.

Motion: Patty Norton
Second: Donald Howard

VOTED Aye, voice to appropriate \$30,000 from the Community Preservation Committee's Open Space Reserve Fund to be used for the development of engineering plans for a park at the former Plymouth County Hospital Site.

ARTICLE 14: To see if the Town will vote, pursuant to the recommendation of the Hanson Community Preservation Committee, to appropriate the sum of \$25,000 from the Community Preservation Fund - Housing Reserve, in accordance with Massachusetts General Laws Chapter 44B and any amendments thereto, to be expended through a grant agreement

between the Town and Dakota Partners, Inc., or an affiliate thereof, with the purpose of creating “community housing.” More specifically, the funds will be utilized, in conjunction with state or federal low income housing tax credits for the design, permitting, acquisition and/or construction of [# units] that qualify as low and moderate income housing for individuals and families, as part of the Depot Village project located at Phillips Street (Assessors Map 50, Lot 24D), all of which will be subject to a permanent affordable housing deed restriction that runs to the benefit of the Town, or to take any other actions relative thereto.

Explanation: Depot Village is [48] unit mixed income development that is permitted under M.G.L. c. 40B ("Project"). The Project will include the following affordable units: []. As part of the financing, Dakota Partners, Inc., the sponsor, will utilize state and federal funding and will apply for state and federal low income housing tax credits. The state and Federal tax credits application requires evidence of community support, which is the purpose of this article. These funds will not be allocated until after Dakota Partners Inc. secures the required financing and permitting for the Project.

Finance Committee recommends.

Motion: Patty Norton

Second: Kenneth Mitchell

VOTED Aye, voice to Pass Over Article 14.

ARTICLE 15: To see if the Town will vote to raise and appropriate or transfer from Free Cash and/or available funds a sum of money to be added to Stabilization or take any other action in relation thereto.

Proposed by the Finance Committee

Explanation: This money will be used to increase the Stabilization Fund. A stabilization fund is a mechanism for setting aside money either for unforeseen needs or for capital projects. Such a fund is intended to equalize the effect of capital expenditures over time and to provide a “rainy day” fund. The dollar amount appropriated under this article will increase the Stabilization Fund to \$1,200,016, which represents 5% of the operating budget. The Town’s target has been to maintain close to 5% which is the industry standard minimum amount for Stabilization Funds as recommended by our auditors and will help to maintain a positive bond rating for future borrowing purposes. Estimated \$50,000.

Finance Committee recommends.

Motion: Kevin Sullivan

Second: Donald Howard

VOTED Aye, voice to transfer from Free Cash \$50,000.00 to be added to Stabilization.

ARTICLE 16: To see if the Town will vote to raise and appropriate or transfer from Free Cash and/or available funds a sum of money to be added to the Regional Schools Capital Stabilization fund as established by the October 2014 Special Town Meeting or take any other action in relation thereto.

Proposed by the Board of Selectmen

Explanation: This Stabilization Fund sets aside funds for the exclusive use of paying for capital improvements to the Hanson School Buildings and the Whitman Hanson Regional High School. Estimated \$25,000.00

Finance Committee recommends.

Motion: Wesley Blauss
Second: Kenneth Mitchell

VOTED Aye, voice to transfer from Free Cash \$25,000.00 to be added to the Regional Schools Capital Stabilization fund as established by the October 2014 Special Town Meeting.

ARTICLE 17: To see if the Town will vote to authorize the Board of Selectmen to lease a portion of the Hanson Middle School property at 111 Liberty Street, Hanson, Massachusetts, which parcel is shown on Assessors Plan 91 as Lot 26, described in a deed recorded with the Plymouth Registry of Deeds in Book 4023, Page 740, and which portion is depicted on a plan entitled, "Plan of Land in Hanson, Lot A 83.34 acres" prepared by Lamout R. Healy, Inc., Plan No. 77-770 recorded October 17, 1977, approximately in the location shown on a sketch plan on file with the Town Clerk, for telecommunications purposes on such terms and conditions and for such consideration as the Board of Selectmen shall determine to be appropriate, such lease to be for a term of up to twenty (20) years; and further to grant such access and utility easements on said property as the Board of Selectmen deems appropriate to serve the telecommunications tower and other facilities installed pursuant to said lease; or take any action relative thereto.

Proposed by Board of Selectman

Explanation: The purpose of this article is to authorize the Board of Selectmen to enter into a lease agreement with (a wireless telecommunications provider to be named following procurement process) for the use of a portion of the Hanson Middle School property on which will be located a cellular tower up to 175' feet in height. The construction of said tower would result in greater cellular coverage in Hanson in addition to providing an anticipated revenue stream to the Town.

Requires a 2/3 majority vote

Finance Committee recommends.

Motion: Matthew Dyer
Second: Kenneth Mitchell

VOTED Aye, voice declared 2/3's by moderator to authorize the Board of Selectmen to lease a portion of the Hanson Middle School for the purpose of constructing and maintaining a cell tower as printed in the warrant, and further to authorize the Board of Selectmen to execute and convey access and utility easement related thereto.

ARTICLE 18: To see if the Town of Hanson will approve the amended Whitman Hanson Regional School District Regional Agreement dated June 6, 2018, a copy of which is on file in the Town Clerk's office or take any other action in relation thereto.

Proposed by the Whitman Hanson Regional
School District

Finance Committee recommends.

Motion: Robert Hayes
Second: Kenneth Mitchell

VOTED Aye, voice to approve the amended Whitman Hanson Regional School District Regional Agreement dated June 6, 2018, a copy of which is on file in the Town Clerk's office.

ARTICLE 19: To see if the Town will vote to amend the Town of Hanson General Article 2 – 12 Classification and Compensation, Section 11A Professional Positions by amending the range for Item E. Health Agent to \$40,000 - \$70,000 or take any other action in relation thereto.

Proposed by the Board of Selectmen

Explanation: This is a housekeeping matter. The October 2017 Special Town Meeting approved the adjustment. However the matrix which was approved at the May 2018 Annual Town Meeting did not reflect the change.

Finance Committee recommends.

Motion: James Hickey
Second: Kenneth Mitchell

VOTED Aye, voice to amend the Town of Hanson General Article 2 – 12 Classification and Compensation, Section 11A Professional Positions by amending the range for Item E. Health Agent to \$40,000 - \$70,000.

ARTICLE 20: To see if the Town will vote to declare a parcel of land designated on Assessors Map 99, Lot 12-2 and listed as 0 Liberty Street as surplus and further to authorize the Board of Selectmen dispose of said parcel in accordance with MGL chapter 30B or take any other action in relation thereto.

Proposed by the Board of Selectmen

Explanation: This parcel was set aside as a potential site for the Hanson Middle School Septic system. The property is no longer needed for its intended use. The Board recommends disposing of the property. ***Requires a 2/3 majority vote***

Finance Committee recommends.

Motion: Laura FitzGerald-Kemmett
Second: Kenneth Mitchell

VOTED Aye, voice declared 2/3's by moderator to declare a parcel of land designated on Assessors Map 91, Lot 12-2 and listed as 0 Liberty Street as surplus and further to authorize the Board of Selectmen dispose of said parcel in accordance with MGL chapter 30B.

ARTICLE 21: To see if the Town, expressly contingent on an affirmative vote by the Town residents at the local Town Election on November 6, 2018 will vote to amend the Town of Hanson General Bylaws by amending Part 3 - Articles Relating to the General Public, by adding a new Article 3-24 - Marijuana Retailers, to prohibit Marijuana Retailers in the Town of Hanson or take any other action relative thereto, as follows:

ARTICLE 3 -24 – Marijuana Retailers

Section 1.

Consistent with G.L. c. 94G, § 3(a)(2), “marijuana retailers” as defined in G.L. c. 94G, § 1 shall be prohibited within the Town of Hanson.

Section 2.

This prohibition shall not apply to a Medical Marijuana Dispensary as defined in Section VI, L. 3. of the Town of Hanson Zoning Bylaws.

Section 3.

This By-law may be enforced through any lawful means in law or in equity including, but not limited to, enforcement by criminal indictment or complaint pursuant to Massachusetts General

Laws Chapter 40, section 21, as amended, or by noncriminal disposition pursuant to Massachusetts General Laws Chapter 40, section 21D, as amended, by the Board of Selectmen, the Town Administrator, or their duly authorized agents, or any police officer. The fine for violation of this By-law shall be \$300.00 for each offense.

and further to amend the Table of Contents to add Section 3-24.

This section shall be effective only upon passage by the voters at the Town Election on November 6, 2018

Or take any other action in relation thereto.

Proposed by the Board of Selectmen

Finance Committee does not recommend.

Motion: James Hickey

Second: Kenneth Mitchell

There was a lot of discussion on this Article with both FOR and AGAINST voters stepping up to the microphone and stating their opinions. The people that argued FOR the Article were looking at the expected income through taxes, job opportunities and the overall benefits to the Town. Some key topics from the people that were AGAINST the Article were concerns on traffic (drug and vehicle), the implications of having marijuana in our Town, concern of how it will affect our children and that the income generated is not worth the negative impact it will have on Hanson. A hand count was conducted to make sure the vote was accurate.

VOTED Aye 50, Nay 45, expressly contingent on an affirmative vote by the Town residents at the local Town Election on November 6, 2018, to amend the Town of Hanson General Bylaws by amending Part 3 - Articles Relating to the General Public, by adding a new Article 3-24 - Marijuana Retailers, to prohibit Marijuana Retailers in the Town of Hanson as printed in the warrant.

ARTICLE 22. To see if the Town will vote to amend the Town of Hanson Zoning Bylaws, expressly contingent on an affirmative vote by the Town residents at the local Town Election on November 6, 2018, by amending Section VI, subsection M, Marijuana Establishments, as to prohibit Marijuana Retailers in all districts or take any other action relative thereto, by making the following changes thereto, by deleting the text shown with a ~~strike through~~, and inserting the text shown in *italics*:

M SPECIAL REQUIREMENTS FOR MARIJUANA ESTABLISHMENTS

1. Purposes

A. *To prohibit Marijuana Retailers in the Town of Hanson in all zoning districts.*

B. To provide for the establishment of Marijuana Establishments, *excluding Marijuana Retailers*, in appropriate places and under strict conditions in accordance with the Regulation

and Taxation of Marijuana Act, as amended, and as codified in G.L. c. 94G, §1, *et seq.*, and the Cannabis Control Commission (CCC) Regulations promulgated thereunder, 935 CMR 500.000, as the same may be amended from time-to-time.

C. To minimize the adverse impacts of Marijuana Establishments on adjacent properties, residential neighborhoods, schools and other places where children congregate, local historic districts, and other land uses potentially incompatible with said Establishments.

D. To regulate the siting, design, placement, security, safety, monitoring, modification, and removal of Marijuana Establishments, *excluding Marijuana Retailers*.

2. Applicability

A. *Marijuana Retailers shall be prohibited in all zoning districts in the Town of Hanson.*

B. The commercial cultivation, production, processing, assembly, packaging, ~~retail~~ or wholesale sale, trade, *or* distribution ~~or dispensing~~ of Marijuana as regulated pursuant to G.L. c. 94G is prohibited unless permitted as a Marijuana Establishment under this Section VI.M.

C. No Marijuana Establishment shall be established except in compliance with the provisions of this Section VI.M.

D. Nothing in this Bylaw shall be construed to supersede federal and state laws governing the sale and distribution of narcotic drugs.

E. If any provision of this Section or the application of any such provision to any person or circumstance shall be held invalid, the remainder of this Section, to the extent it can be given effect, or the application of those provisions to persons or circumstances other than those to which it is held invalid, shall not be affected thereby, and to this end the provisions of this Section are severable.

3. Definitions

Craft Marijuana Cultivator Cooperative - shall mean a marijuana cultivator comprised of residents of the commonwealth organized as a limited liability company or limited liability partnership under the laws of the commonwealth, or an appropriate business structure as determined by the commission, and that is licensed to cultivate, obtain, manufacture, process, package and brand marijuana and marijuana products to deliver marijuana to marijuana establishments but not to consumers, as defined the Massachusetts General Laws, Chapter 94G.

Marijuana Cultivator - shall mean an entity licensed to cultivate, process and package marijuana, to deliver marijuana to marijuana establishments and to transfer marijuana to other marijuana establishments, but not to consumers, as defined the Massachusetts General Laws, Chapter 94G.

Marijuana Establishment - shall mean considered a cultivator, marijuana testing facility, marijuana product manufacturer, marijuana retailer or any other type of licensed marijuana-related business, all as defined the Massachusetts General Laws, Chapter 94G, said Marijuana Establishments shall be deemed independent of any other definition in this by-law and not a subset or subcategory of any other category.

Marijuana Product Manufacturer - shall mean an entity licensed to obtain, manufacture, process and package marijuana and marijuana products, to deliver marijuana and marijuana products to marijuana establishments and to transfer marijuana and marijuana products to other marijuana establishments, but not to consumers, as defined the Massachusetts General Laws, Chapter 94G.

Marijuana Retailer - shall mean an entity licensed to purchase and deliver marijuana and marijuana products from marijuana establishments and to deliver, sell or otherwise transfer marijuana and marijuana products to marijuana establishments and to consumers, as defined the Massachusetts General Laws, Chapter 94G, further provided that Marijuana Retailers may not be considered Retail Business in any other context.

Marijuana Testing Facility - shall mean an entity licensed to test marijuana and marijuana products, including certification for potency and the presence of contaminants, as defined the Massachusetts General Laws, Chapter 94G.

4. Eligible Locations for Marijuana Establishments.

~~Marijuana Retailers may be allowed by Special Permit from the Town of Hanson Board of Selectmen only in the Marijuana Retail Area Overlay District, which is comprised of the following locations, those areas in the Town of Hanson zoned as the Business District and which also have frontage on Route 27, Franklin Street and Main Street, as depicted on a plan entitled Proposed Marijuana Retail Area Overlay District Plan, Job Number _____, prepared by Land Planning, Inc. of Hanson, Massachusetts, provided the facility meets the requirements of this Section VI.M. shall be prohibited in the Town of Hanson.~~

Marijuana Establishments, expressly excluding Marijuana Retailers, may be allowed by Special Permit from the Town of Hanson Board of Selectmen in the following locations: Assessors Map 59 Lots 17-3, 17-4, 17-5, 17-6, 17-7, 17-8, 17-10, 17-11, 17-12, 17-13, Assessors Map 52 Lot 17-16, as depicted on a plan entitled Marijuana Distribution Area Overlay District Plan, Job Number P-2967, prepared by Land Planning, Inc. of Hanson, Massachusetts, provided the facility meets the requirements of this Section VI.M.

5. General Requirements and Conditions for all Marijuana Establishments.

A. All Marijuana Establishments shall be contained within a building or structure.

B. No Marijuana Establishment may be located within 1,000 feet of a pre-existing public or private school providing education in kindergarten or any of grades 1 through 12.

C. No Marijuana Establishment shall have a gross floor area of less than 2,500 square feet or in excess of 20,000 square feet.

D. A Marijuana Establishment shall not be located in buildings that contain any medical doctors in excess of 20,000 square feet.

E. The hours of operation of Marijuana Establishments shall be set by the Special Permit Granting Authority, but in no event shall said Establishments be open and/or operating between the hours of 8:00 PM and 8:00 AM.

F. No smoking, burning or consumption of any product containing marijuana or marijuana-related products shall be permitted on the premises of a Marijuana Establishment.

G. No Marijuana Establishment shall be located inside a building containing residential units, including transient housing such as motels and dormitories, or inside a movable or mobile structure such as a van or truck.

H. Marijuana Establishments shall provide the Hanson Police Department, Building Commissioner and the Special Permit Granting Authority with the names, phone numbers and email addresses of all management staff and key holders to whom one can provide notice if there are operating problems associated with the establishment.

6. Special Permit Requirements

A. A Marijuana Establishment shall only be allowed by special permit from the Town of Hanson Board of Selectmen in accordance with G.L. c. 40A, *except Marijuana Retailers which are prohibited*.

B. A special permit for a Marijuana Establishment shall be limited to one or more of the uses that shall be prescribed by the Special Permit Granting Authority as defined in the definitions section above.

C. In addition to the application requirements set forth in Sections VI.M.5 and VI.M.6 of this Bylaw, a special permit application for a Marijuana Establishment shall include the following:

- 1) the name and address of each owner of the facility;
- 2) copies of all required licenses and permits issued to the applicant by the Commonwealth of Massachusetts and any of its agencies for the Establishment;
- 3) evidence of the Applicant's tenancy or ownership of the site for the Establishment, such as a deed or lease;
- 4) if the Applicant is a business organization, a statement under oath disclosing all of its owners, shareholders, partners, members, managers, directors, officers, or other similarly-situated individuals and entities and their addresses. If any of the above are entities rather than persons, the Applicant must disclose the identity of the owners of such entities until the disclosure contains the names of individuals;
- 5) a certified list of all parties in interest entitled to notice of the hearing for the special permit application, taken from the most recent tax list of the town and certified by the Town Assessor;
- 6) Proposed security measures for the Marijuana Establishment, including lighting, fencing, gates and alarms, etc., to ensure the safety of persons and to protect the premises from theft.

D. Mandatory Findings. The Special Permit Granting Authority shall not issue a special permit for a Marijuana Establishment unless it finds that:

- 1) the Marijuana Establishment is designed to minimize any adverse visual or economic impacts on abutters and other parties in interest, as defined in G.L. c. 40A, § 9.
- 2) the Marijuana Establishment demonstrates that it will meet all the permitting requirements of all applicable agencies within the Commonwealth of Massachusetts and will be in compliance with all applicable state laws and regulations; and

3) the applicant has satisfied all of the conditions and requirements of Sections VI.M.5 and VI.M.6 herein;

E. Annual Reporting. Each Marijuana Establishment permitted under this Bylaw shall as a condition of its special permit file an annual report to and appear before the Special Permit Granting Authority and the Town Clerk no later than January 31st, providing a copy of all current applicable state licenses for the Marijuana Establishment and/or its owners and demonstrate continued compliance with the conditions of the Special Permit.

F. A special permit granted under this Section shall have a term limited to the duration of the applicant's state approval as a Marijuana Establishment. A special permit may be transferred only with the approval of the Special Permit Granting Authority in the form of an amendment to the special permit with all information required in this Section VI-M.

G. The Board shall require the applicant to post a bond at the time of construction to cover costs for the removal of the Marijuana Establishment in the event the Town must remove the Marijuana Establishment. The value of the bond shall be based upon the ability to completely remove all the items associated with the Marijuana Establishment and properly clean the facility at prevailing wages. The value of the bond shall be developed based upon the applicant providing the Town of Hanson Board of Selectmen with three (3) written bids to meet the noted requirements. An incentive factor of 1.5 shall be applied to all bonds to ensure compliance and adequate funds for the town to remove the Marijuana Establishment at prevailing wages.

7. Abandonment or Discontinuance of Use

A. A Special Permit shall lapse if not exercised within one year of issuance.

B. A Marijuana Establishment shall be required to remove all material, plants equipment and other paraphernalia:

- 1) prior to surrendering its state issued licenses or permits; or
- 2) within six months of ceasing operations; whichever comes first.

This section shall be effective only upon passage by the voters at the Town Election on November 6, 2018.

Or take any other action in relation thereto.

Proposed by the Board of Selectmen

Explanation: *Requires a 2/3 majority vote*

Finance Committee does not recommend.

Motion: Kenneth Mitchell
Second: James Hickey

VOTED Aye 49, Nay 63 (2/3's majority not achieved) to amend the Town of Hanson Zoning Bylaws, expressly contingent on an affirmative vote by the Town residents at the local Town Election on November 6, 2018, by amending Section VI, subsection M, Marijuana Establishments, to prohibit Marijuana Retailers in all districts by making the following changes thereto, by deleting the text shown with a ~~strikethrough~~, and inserting the text shown in *italics* as printed on the warrant.

ARTICLE 23: To see if the town will vote to designate the following parcels as comprising an Economic Opportunity Area (EOA) for a ten year period and submit same to the Economic Assistance Coordinating Council (EACC) - Parcel 42-0-11-0, 1011-1057 Main Street; Parcel 42-0-17-0, 1054 Main Street; Parcel 42-0-60A-0, 1011-Rear Main Street; Parcel 42-0-66-0, 0 ADJ NY NH/Hartford RR; Parcel 43-0-29-0, 1071, 1071 Main Street or take any other action in relation thereto.

Proposed by the Board of Selectmen

Finance Committee recommends.

Motion: Wesley Blauss

Second: Laura FitzGerald-Kemmett

VOTED Aye, voice to designate the following parcels as comprising an Economic Opportunity Area (EOA) for a ten year period and submit same to the Economic Assistance Coordinating Council (EACC) as printed in the warrant.

ARTICLE 24: To see if the Town will vote to adopt a Tax Increment Financing ("TIF Plan") pursuant to G.L. c. 40, § 59 and G.L. c. 23A for personal property located at 1101-Rear Main Street in Hanson and known as Town Assessor Map 42, Parcel 60A ("TIF Zone") and pursuant to the Tax Increment Financing Agreement between Teleconstrutors, Inc. and the Town of Hanson ("TIF Agreement") on file with the Board of Selectmen and Town Clerk, which TIF Agreement provides for personal property tax exemptions at the exemption rate schedule set forth therein for the consideration and commitments set forth therein; to authorize the Board of Selectmen to approve proposed projects as provided in the TIF Plan; to authorize the Board of Selectmen to apply to the Economic Assistance Coordinating Council ("EACC") of the Commonwealth of Massachusetts under the Economic Development Incentives Program ("EDIP") for approval and designation of the economic opportunity area, the TIF zone, the TIF Plan and any certified projects; to authorize the Board of Selectmen to execute the TIF Agreement and any documents relating thereto and to take such other actions as necessary or appropriate to implement the TIF Agreement and such documents; to take such other and further action as may be necessary or appropriate to carry out the TIF Plan as it relates to the project as described by the TIF Agreement and the purposes of this article; or to take any action in relation thereto.

Proposed by the Board of Selectmen

Explanation: Tax Increment Financing (TIF) – is a form of real or personal property tax relief under the state’s Economic Development Incentive Program that allows municipalities to provide flexible targeted incentives to stimulate job creating development. The municipality and the prospective Certified Project candidate agree to a property tax exemption based on a percentage of the value added through new construction or significant improvements for a period of no less than five (5) and no more than twenty (20) years. The exemptions terms are calculated and negotiated between the municipality and the Certified Project candidate. The negotiated TIF is presented to the Board of Selectmen for recommendation to Town Meeting. Once Town Meeting has approved the TIF, the Certified Project is presented to the state’s Economic Assistance Coordinating Council for final approval. The Company is also eligible to benefit from the state’s 5% EOA Investment Tax Credit on qualifying tangible depreciable assets.

Finance Committee recommends to pass over.

Motion: Laura FitzGerald-Kemmett

Second: Kenneth Mitchell

VOTED Aye, voice to Pass Over Article 24.

Voted Aye, voice to adjourned sine die the meeting at 9:04 PM

A true copy of the vote, Attest:

**Elizabeth Sloan, CMC, CMMC
Town Clerk**