

THE COMMONWEALTH OF MASSACHUSETTS
OFFICE OF THE ATTORNEY GENERAL

CENTRAL MASSACHUSETTS DIVISION
10 MECHANIC STREET, SUITE 301
WORCESTER, MA 01608

MAURA HEALEY
ATTORNEY GENERAL

(508) 792-7600
(508) 795-1991 fax
www.mass.gov/ago

June 5, 2018

Jayne Marie Davolio, Town Clerk
Town of Millbury
127 Elm Street
Millbury, MA 01527

**RE: Millbury Annual Town Meeting of May 1, 2018 – Case # 8911
Warrant Articles # 29, 30, 31, 32, 33, 34 and 37 (Zoning)
Warrant Article # 24 (General)**

Dear Ms. Davolio:

Articles 24, 29, 30, 31, 32, 33, 34 and 37 – We approve Articles 24, 29, 30, 31, 32, 33, 34 and 37, and the map amendments related to Article 37, from the May 1, 2018 Millbury Annual Town Meeting. We will return the approved map to you by regular mail.

Note: Pursuant to G.L. c. 40, § 32, neither general nor zoning by-laws take effect unless the Town has first satisfied the posting/publishing requirements of that statute. Once this statutory duty is fulfilled, (1) general by-laws and amendments take effect on the date these posting and publishing requirements are satisfied unless a later effective date is prescribed in the by-law, and (2) zoning by-laws and amendments are deemed to have taken effect from the date they were approved by the Town Meeting, unless a later effective date is prescribed in the by-law.

Very truly yours,

MAURA HEALEY
ATTORNEY GENERAL

Margaret J. Hurley

by: Margaret J. Hurley, Assistant Attorney General
Chief, Central Massachusetts Division
Director, Municipal Law Unit
Ten Mechanic Street, Suite 301
Worcester, MA 01608
(508) 792-7600 x 4402

cc: Town Counsel Brian Falk



**BULLETIN
TOWN OF MILLBURY**

**STATE ATTORNEY GENERAL MAURA HEALEY,
HAS RETURNED APPROVAL OF THE AMENDMENTS FROM THE
TOWN OF MILLBURY'S ANNUAL TOWN MEETING HELD ON
MAY 1, 2018. GENERAL BYLAWS ARTICLES 24 AND
ZONING BYLAWS ARTICLES 29, 30, 31, 32, 33, 34 & MAP AMENDMENT
ARTICLE 37 WERE ACCEPTED WITH THE APPROVAL DATE OF
JUNE 5, 2018.**

**AMENDMENTS CAN BE VIEWED AT THE TOWN CLERKS OFFICE,
TOWN'S WEBSITE, POST OFFICE, LIBRARY, SENIOR CENTER,
PEARSONS FARM & DAIRY, VILLAGE KNOLL, J.T. MINI MART AND
THE EAST MILLBURY FIRE STATION**

**BYLAWS ARE RETROACTIVE
TO THE MAY 1, 2018 ANNUAL TOWN MEETING
ONCE THE THREE WEEK PERIOD OF ADVERTISING IS OVER
DEADLINE IS JUNE 28, 2018**

**MILLBURY TOWN CLERK
Jayne Marie Davolio**



TOWN OF MILLBURY

MUNICIPAL OFFICE BUILDING • 127 ELM STREET • MILLBURY, MA 01527-2632 • TEL. 508/865-9110 • FAX 508/865-0857
Email: jdavolio@townofmillbury.net

Jayne Marie Davolio
Town Clerk

**Form 2
Submission 2
Town Meeting Action
General By-Law
Article 24**

**TOWN OF MILLBURY
ANNUAL TOWN MEETING, MAY 1, 2018**

ARTICLE 24: Vote passed by majority to amend the General Bylaws, Chapter 2, Division 3, Department of Financial Management, Section 2-69, Revolving Funds, as follows, with deleted text in strikethrough and new text underlined.

A	B	C	D	E	F	G
Revolving Fund	Department, Board, Committee, Agency or Officer Authorized to Spend from Fund	Fees, Charges or Other Receipts Credited to Fund	Program or Activity Expenses Payable from Fund	Restrictions or Conditions on Expenses Payable from Fund	Other Requirements/ Reports	Fiscal Years
Transfer Station	DPW Director	Fees and Charges for Disposal of Allowable Items at Transfer Station <u>Fees associated with the operations of the Transfer Station including but not limited to hauling and recycling.</u>	Funding Expenses Associated with Disposal of Allowable Items at Transfer Station <u>Funding associated with the operations of the Transfer Station including but not limited to hauling and recycling.</u>	Cannot Exceed Balance	None, Other Than As Set Forth in This Chapter and by Town Meeting Vote	Fiscal Year 2018 and Subsequent Years <u>Fiscal Year 2019 and Subsequent Year</u>

A TRUE COPY ATTEST:

Christine Billington – Asst. Town Clerk
June 11, 2018



TOWN OF MILLBURY

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Form 2
Submission 2
Town Meeting Action
Zoning By-Law
Article 29

TOWN OF MILLBURY
ANNUAL TOWN MEETING, MAY 1, 2018

Article 29: Vote declared by 2/3 majority to amend the Zoning Bylaws, **ARTICLE 4. SPECIAL REGULATIONS** by deleting **Section 52. Registered Marijuana Dispensaries** in its entirety and replacing it with **Section 52. Recreational and Medical Marijuana Establishments**, or take any action thereon. Section 52 shall contain the following text:

Section 52. Recreational and Medical Marijuana Establishments

52.1 Applicability. The Planning Board may grant a special permit authorizing a Marijuana Establishment or a Registered Marijuana Dispensary as provided under Article 1, Section 14.11 of the Millbury Zoning Bylaws in conformance with the following regulations, conditions and limitations. For the purpose of this Section, the terms “Registered Marijuana Dispensary”, “Marijuana Establishment”, “Marijuana Cultivator”, “Independent Testing Laboratory”, “Marijuana Product Manufacturer”, “Marijuana Retailer” and “Other Type of Licensed Marijuana-Related Business” shall be as defined in Article 5, Definitions.

52.2 Purpose and Intent. The purposes of this Section are:

1. To provide for the placement of Marijuana Establishments and Registered Marijuana Dispensaries in appropriate places and under conditions in accordance with the provisions of Massachusetts General Laws Chapter 94G.
2. To protect the health, safety, and general well-being of Millbury residents, the public, patients seeking treatment, customers seeking to purchase marijuana for recreational use, and patients seeking marijuana for medicinal purposes.
3. To minimize any adverse impacts of Marijuana Establishments and Registered Marijuana Dispensaries on abutters, residential neighborhoods and sensitive land uses.

4. To regulate the siting, design, security, safety, transfer, discontinuance, and quota of Marijuana Establishments and Registered Marijuana Dispensaries.

52.3 Design Standards and Siting Requirements. The following restrictions shall apply to uses under this Section 52:

1. No Marijuana Establishment or Registered Marijuana Dispensary shall be located within five hundred feet (500') of the property boundary line of any lot in use as a licensed daycare center, public or private pre-school or school providing education in kindergarten or any of grades 1-12, church, library, park, or playground. No Marijuana Establishment or Registered Marijuana Dispensary shall be located within five hundred feet (500') of any lot in use as a Marijuana Establishment or Registered Marijuana Dispensary, except where the marijuana facility is operated by the same individual, organization, or affiliated organization. For purposes of this provision, distance shall be measured in a straight line from property boundary line to property boundary line.
2. A Marijuana Establishment or Registered Marijuana Dispensary shall be located within a fully-enclosed, permanent building and may not be located in a trailer, cargo container, motor vehicle or other similar non-permanent enclosure.
3. A Marijuana Establishment or Registered Marijuana Dispensary shall not have drive-thru service.
4. A Marijuana Establishment or Registered Marijuana Dispensary shall not be located within a building containing residential units.
5. No smoking, burning, consumption, or use of marijuana or Marijuana Products shall be permitted on the premises of a Marijuana Establishment or Registered Marijuana Dispensary with the exception of product testing performed at an Independent Testing Laboratory.
6. Marijuana, marijuana products, associated supplies, and/or promotional/advertising materials shall not be displayed or visible to a person from the exterior of a Marijuana Establishment.
7. A Marijuana Establishment or Registered Marijuana Dispensary shall not display signage or other marketing materials on the exterior of the building or in any manner visible from the public way, which, in the opinion of the Planning Board, may promote or encourage the use of marijuana or other drugs by minors.
8. A Marijuana Establishment or Registered Marijuana Dispensary shall be ventilated in such a manner that:

- a) No pesticides, insecticides or other chemicals or products used in the cultivation or processing are dispersed into the outside atmosphere; and
 - b) No odor from marijuana or its processing can be detected by a person with an unimpaired and otherwise normal sense of smell at the exterior of the Marijuana Establishment / Registered Marijuana Dispensary or at any adjoining property.
9. The hours of operation of a Marijuana Establishment or Registered Marijuana Dispensary shall be determined by the Planning Board as a condition of the special permit.

52.4 Application Procedure. Applicants are required to submit an application conforming to the requirements of Section 14 and this Section 52. The application shall include a site plan and associated documents specified under Section 12.4 Site Plan Review, as well as the following additional information:

1. The name and address of each owner of the facility/operation.
2. Copies of all documentation demonstrating appropriate application status under the state law, or registration or license, issued to the applicant by the Commonwealth of Massachusetts and any of its agencies for the facility.
3. Evidence that the applicant has site control and the right to use the site for a Marijuana Establishment or Registered Marijuana Dispensary in the form of a deed or valid purchase and sale agreement, or, in the case of a lease, a notarized statement from the property owner and a copy of the lease agreement.
4. A description of all activities to occur on site, including all provisions for the delivery of marijuana and related products.
5. Details showing all proposed exterior 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 and other criminal activity. A letter from the Town of Millbury Police Chief, or his/her designee, acknowledging review and approval of the security plan for the Marijuana Establishment or Registered Marijuana Dispensary shall be submitted with the application. To the extent allowed by law, all such documents shall be confidential.
6. Details of the ventilation system.

52.5 Specific Findings Required. In addition to the findings required under Section 12.46 and all other applicable sections of the Zoning Bylaws, the Planning Board shall not issue a special permit for a Marijuana Establishment or Registered Marijuana Dispensary unless it finds that the use:

1. Minimizes through design any adverse impacts on abutters and other parties in interest, as defined in M.G.L Chapter 40A, Section 11.
2. Demonstrates to the satisfaction of the Planning Board that it meets all of the permitting requirements of all applicable agencies within the Commonwealth of Massachusetts and will comply with all applicable state laws and regulations.
3. Adequately addresses issues of site layout, security, ventilation, vehicular and pedestrian traffic, circulation, parking and queuing.
4. Satisfies all of the conditions and requirements set forth in this Section.

52.6 Transfer/Discontinuance of Use.

1. A special permit granted under this Section 52 shall run with the applicant and shall be non-transferrable to another owner or operator without an amendment to the special permit following a noticed public hearing in accordance with M.G.L. c. 40A and the Zoning Bylaws.
2. Any Marijuana Establishment or Registered Marijuana Dispensary permitted under this section shall be required to remove all material, plants, equipment and other paraphernalia in compliance with 105 CMR 725.105 (J) and (O) prior to the expiration of its Department of Public Health (DPH) Registration, immediately following revocation or voiding of its DPH Registration, or following the expiration, revocation or voiding of its license issued by the Cannabis Control Commission.

52.7 Quota. All applications for a special permit pursuant to this Section shall be acted upon in the order in which they are filed. The Planning Board shall limit the number of special permits issued for Marijuana Retailers such that the total number of active special permits for Marijuana Retailers shall not exceed 20% of the number of licenses issued within Millbury for the retail sale of alcoholic beverages not to be drunk on the premises where sold under Section 15 of Massachusetts General Law Chapter 138. Said number shall be rounded up to the next whole number. The Planning Board shall limit the number of special permits issued for Marijuana Establishments other than Marijuana Retailers to one (1).

A TRUE COPY ATTEST:



Christine Billington – Asst. Town Clerk
June 11, 2018



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Jayne Marie Davolio
Town Clerk

**Form 2
Submission 2
Town Meeting Action
Zoning By-Law
Article 30**

TOWN OF MILLBURY ANNUAL TOWN MEETING, MAY 1, 2018

ARTICLE 30: Vote declared by 2/3 majority to amend the Zoning Bylaws, ARTICLE 1. ADMINISTRATION AND PROCEDURE, Section 14.11 Planning Board Authority, by adding the following italicized text and deleting the text with strikethrough, as set forth below.

- ~~i) Environmental analysis procedures under section 15.~~
- r) *Marijuana Establishment and Registered Marijuana Dispensary under Section 52.*

A TRUE COPY ATTEST:



Christine Billington – Asst. Town Clerk
June 11, 2018



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**Form 2
Submission 2
Town Meeting Action
Zoning By-Law
Article 31**

TOWN OF MILLBURY ANNUAL TOWN MEETING, MAY 1, 2018

ARTICLE 31: Vote declared by 2/3 majority to amend the Zoning Bylaws, ARTICLE 4. SPECIAL REGULATIONS, Section 48.3, by adding the following italicized text.

48.31 Node Classification I.

Uses Permitted by Special Permit:

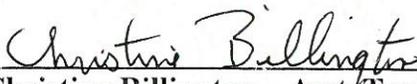
Marijuana Retailer in accordance with Section 52.

48.32 Node Classification II.

Uses Permitted by Special Permit:

Marijuana Retailer in accordance with Section 52.

A TRUE COPY ATTEST:



Christine Billington – Asst. Town Clerk
June 11, 2018



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Town Clerk

**Form 2
Submission 2
Town Meeting Action
Zoning By-Law
Article 32**

TOWN OF MILLBURY ANNUAL TOWN MEETING, MAY 1, 2018

ARTICLE 32: Vote declared by 2/3 majority to amend the Zoning Bylaws, ARTICLE 2. DISTRICT REGULATIONS, Section 26.22 Industrial II special permit uses, by adding the following italicized text.

- *Independent Testing Laboratory in accordance with Section 52*
- *Marijuana Cultivator in accordance with Section 52*
- *Marijuana Product Manufacturer in accordance with Section 52*
- *Other Type of Licensed Marijuana-Related Business in accordance with Section 52*

A TRUE COPY ATTEST:

Christine Billington – Asst. Town Clerk

June 11, 2018



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Town Clerk

Form 2
Submission 2
Town Meeting Action
Zoning By-Law
Article 33

TOWN OF MILLBURY
ANNUAL TOWN MEETING, MAY 1, 2018

ARTICLE 33. Vote declared by 2/3 majority to amend the Zoning Bylaws, ARTICLE 5.
DEFINITIONS by inserting the following definitions.

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

Marijuana Cultivator – An entity licensed to cultivate, process, and package marijuana, to deliver marijuana to marijuana establishments, and to transfer marijuana to other marijuana establishments, but not to consumers.

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

Marijuana Product Manufacturer – An entity licensed to obtain, manufacture, process, and package marijuana 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 consumers.

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

Marijuana Retailer – An entity licensed to purchase and deliver marijuana and marijuana products from marijuana establishments and to deliver, sell or otherwise transfer marijuana and marijuana products to marijuana establishments and to consumers.

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

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Christine Billington – Asst. Town Clerk

June 11, 2018



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**Form 2
Submission 2
Town Meeting Action
Zoning By-Law
Article 34**

TOWN OF MILLBURY ANNUAL TOWN MEETING, MAY 1, 2018

ARTICLE 34: Vote declared by 2/3 majority to amend the Zoning Bylaws, ARTICLE 4. SPECIAL REGULATIONS by striking Section 53. Temporary Moratorium on Marijuana Establishments and the Sale or Distribution of Marijuana and Marijuana Products, in its entirety.

A TRUE COPY ATTEST:

Christine Billington – Asst. Town Clerk
June 11, 2018



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Jayne Marie Davolio
Town Clerk

**Form 3
Submission 2
Town Meeting Action
Zoning Map
Article 37**

**TOWN OF MILLBURY
ANNUAL TOWN MEETING, MAY 2, 2018**

ARTICLE 37: By a vote of 95 to 46 this article passed to amend the Zoning Map by rezoning to Industrial I District that portion of the Suburban IV District and Industrial II District that includes the following lots as shown on the map on file in the Town Clerk's Office.

- Assessor's Map 5, Lot 62
- Assessor's Map 9, Lot 52
- Assessor's Map 4, Lot 3
- Assessor's Map 4, Lot 2
- Assessor's Map 4, Lot 1
- Assessor's Map 9, Lot 48
- Assessor's Map 9, Lot 87
- Assessor's Map 9, Lot 49
- Assessor's Map 9, Lot 46
- Assessor's Map 9, Lot 47
- Assessor's Map 9, Lot 89

A TRUE COPY ATTEST:


Christine Billington – Asst. Town Clerk
June 11, 2018