

TOWN OF DEERFIELD
Special Town Meeting
October 22, 2020

I, Barbara J. Hancock, duly appointed and qualified Clerk of the Town of Deerfield hereby verify that the following voted were taken at the Special Town Meeting held on Thursday, October 22, 2020 on the football field at the Frontier Regional School on 113 North Main Street, in the Village of South Deerfield. Town Meeting convened at 5:07pm. There were 135 registered voters present.

Voted to waive the reading of all articles and that prior to the reading of a motion under the article, the Moderator briefly summarize the content of the article to be considered; and, further, that unless objection is raised, the reading of detailed motions be waived where the article as printed can, in the opinion of the Moderator, be incorporated by reference in any motion presented.

Motion carried, so declared the Moderator

Voted that the following people be allowed to address the audience during the Town Meeting:

Jason Talerman, Town Counsel

Brenda Hill, Town Accountant

Kayce Warren, Town Administrator

Judith Rathbone and Vera Mark, Co-Personal Representatives of the Estate of Charles Mark

Attorney McLaughlin, Judith Rathbone's Attorney

Motion carried, so declared the Moderator

ARTICLE 1 – Acceptance of Grants

VOTED that the Town authorize the Selectboard to apply for, accept and expend for specific purposes any monies provided by any Federal or State Grants or Programs which may be awarded to the Town.

Motion carried, so declared the Moderator

ARTICLE 2 – Exemption from Retirement Age for Continued Service

VOTED that the Selectboard be authorized to submit a Home Rule Petition to the General Court, requesting the enactment of a special act of the state legislature to exempt Mr. Robert Warger, Mr. Joseph Mieczkowski, and Mr. Raymond Burniske, three Deerfield Police Officers, from mandatory retirement age of sixty-five (65) and extend their ability to serve in the capacity of police officers for an additional five (5) years.

Motion carried, so declared the Moderator

ARTICLE 3 – Consent Article

VOTED that the Town act on Article 3 for the Fiscal Year beginning July 1, 2020, with each item considered a separate appropriation, as presented in this handout:

TOWN OF DEERFIELD
Special Town Meeting
October 22, 2020

A. Transfer for FY2021 Capital Expenditures

That the Town:

- Transfer \$35,000 from Free Cash to fund Police Mobile Data Terminals for Cruisers;
- Transfer \$32,500 from Free Cash to fund a Ford F150 Pickup Truck;
- Total transfer amount of \$67,500

B. Transfer to FY2021 General Stabilization

That this section be tabled.

C. Transfer to FY2021 Capital Stabilization

That the Town Transfer \$250,000 from Free Cash to Capital Stabilization.

D. Transfer for Deerfield 350th Celebration Funds

That the Town Transfer \$10,000 from Free Cash for the Town's 350th Anniversary Celebration.

E. Transfer for FY2021 Legal Expenses

That the Town Transfer \$25,000 from Free Cash to Legal Expenses for unforeseen costs.

F. Revisions to Classification Plan

That the Town amend the Classification/Compensation Plan per Deerfield Bylaws c. 35, Article III, § 35-37 as amended, to include the positions of Highway Dept./Public Works Administrative Assistant at Grade 2, a Highway Dept./Public Works Assistant Superintendent at Grade 5, and reclassification of the Building Commissioner from Grade 5 to Grade 6, for the Fiscal Year beginning July 1, 2020, as referenced in the Warrant.

TOWN OF DEERFIELD
Special Town Meeting
October 22, 2020

Y21 DEERFIELD COMPENSATION - CLASSIFICATION SCHEDULE												
Grade	Position	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7	Step 8	Step 9	Step 10	Over
1	Landfill Attendants	13.73	14.48	15.25	16.02	16.78	17.54	18.30	19.07	19.83	20.59	Long.
	Library Aides	13.73	14.48	15.25	16.02	16.78	17.54	18.30	19.07	19.83	20.59	Long.
2	Admin Asst (Hwy/Public Works)	16.47	17.40	18.30	19.21	20.14	21.05	21.96	22.88	23.79	24.72	Long.
	Assistant Town Clerk	16.47	17.40	18.30	19.21	20.14	21.05	21.96	22.88	23.79	24.72	Long.
	EMT - Basic	16.47	17.40	18.30	19.21	20.14	21.05	21.96	22.88	23.79	24.72	Long.
	Heavy Equipment Operator	16.47	17.40	18.30	19.21	20.14	21.05	21.96	22.88	23.79	24.72	Long.
	Library Adult Circ. Head	16.47	17.40	18.30	19.21	20.14	21.05	21.96	22.88	23.79	24.72	Long.
	Sr Ctr Program Coordinator	16.47	17.40	18.30	19.21	20.14	21.05	21.96	22.88	23.79	24.72	Long.
	WWTP Operator	16.47	17.40	18.30	19.21	20.14	21.05	21.96	22.88	23.79	24.72	Long.
3	Admin Assistant (Insp.)	19.21	20.28	21.35	22.41	23.48	24.56	25.64	26.70	27.77	28.84	Long.
	Admin Assistant (SB/BOH)	19.21	20.28	21.35	22.41	23.48	24.56	25.64	26.70	27.77	28.84	Long.
	Admin Assistant (Police)	19.21	20.28	21.35	22.41	23.48	24.56	25.64	26.70	27.77	28.84	Long.
	Advanced EMT	19.21	20.28	21.35	22.41	23.48	24.56	25.64	26.70	27.77	28.84	Long.
	Children's Librarian	19.21	20.28	21.35	22.41	23.48	24.56	25.64	26.70	27.77	28.84	Long.
	Foreman/HEO	19.21	20.28	21.35	22.41	23.48	24.56	25.64	26.70	27.77	28.84	Long.
	Recreation Director	19.21	20.28	21.35	22.41	23.48	24.56	25.64	26.70	27.77	28.84	Long.
4	Assistant Assessor	21.96	23.19	24.40	25.64	26.85	28.06	29.28	30.51	31.72	32.95	Long.
	Asst Treas/Collector	21.96	23.19	24.40	25.64	26.85	28.06	29.28	30.51	31.72	32.95	Long.
	Bldg/Land Use Office Mgr	21.96	23.19	24.40	25.64	26.85	28.06	29.28	30.51	31.72	32.95	Long.
	Executive Assistant	21.96	23.19	24.40	25.64	26.85	28.06	29.28	30.51	31.72	32.95	Long.
	Paramedic	21.96	23.19	24.40	25.64	26.85	28.06	29.28	30.51	31.72	32.95	Long.
	Senior Center Director	21.96	23.19	24.40	25.64	26.85	28.06	29.28	30.51	31.72	32.95	Long.
	Assistant EMS Director	24.72	26.08	27.46	28.84	30.20	31.58	32.95	34.32	35.70	37.07	Long.
Asst Town Admin/Plan Off	Asst Highway (Public Works) Supt	24.72	26.08	27.46	28.84	30.20	31.58	32.95	34.32	35.70	37.07	Long.
	Chief WWTP Operator	24.72	26.08	27.46	28.84	30.20	31.58	32.95	34.32	35.70	37.07	Long.
Health Agent	24.72	26.08	27.46	28.84	30.20	31.58	32.95	34.32	35.70	37.07	Long.	
Library Director	24.72	26.08	27.46	28.84	30.20	31.58	32.95	34.32	35.70	37.07	Long.	
Town Accountant	24.72	26.08	27.46	28.84	30.20	31.58	32.95	34.32	35.70	37.07	Long.	
6	Building Commissioner	27.46	28.99	30.51	32.03	33.57	35.08	36.61	38.13	39.66	41.19	Long.
	EMS Director	27.46	28.99	30.51	32.03	33.57	35.08	36.61	38.13	39.66	41.19	Long.
	Police Chief	27.46	28.99	30.51	32.03	33.57	35.08	36.61	38.13	39.66	41.19	Long.
	Public Works Supt	27.46	28.99	30.51	32.03	33.57	35.08	36.61	38.13	39.66	41.19	Long.
	Town Clerk/Treas/Collector	27.46	28.99	30.51	32.03	33.57	35.08	36.61	38.13	39.66	41.19	Long.
LONGEVITY		10-14 yrs-\$200			15-19 yrs-\$300			20-24 yrs-\$400			25+ yrs-\$500	

TOWN OF DEERFIELD

Special Town Meeting

October 22, 2020

G. Transfer of SCEMS Rental Income to SCEMS Stabilization Fund from previous years

That the Town Transfer \$54,000 from Free Cash to the SCEMS Stabilization fund which represents seventy-five percent (75%) of the rental income received by the Town for the Fiscal Years 2019 and 2020.

Motion carried, so declared the Moderator

ARTICLE 4 – Authorization for Funds for Construction of facilities for Recreational Purpose and Acceptance of PARC Grant funding.

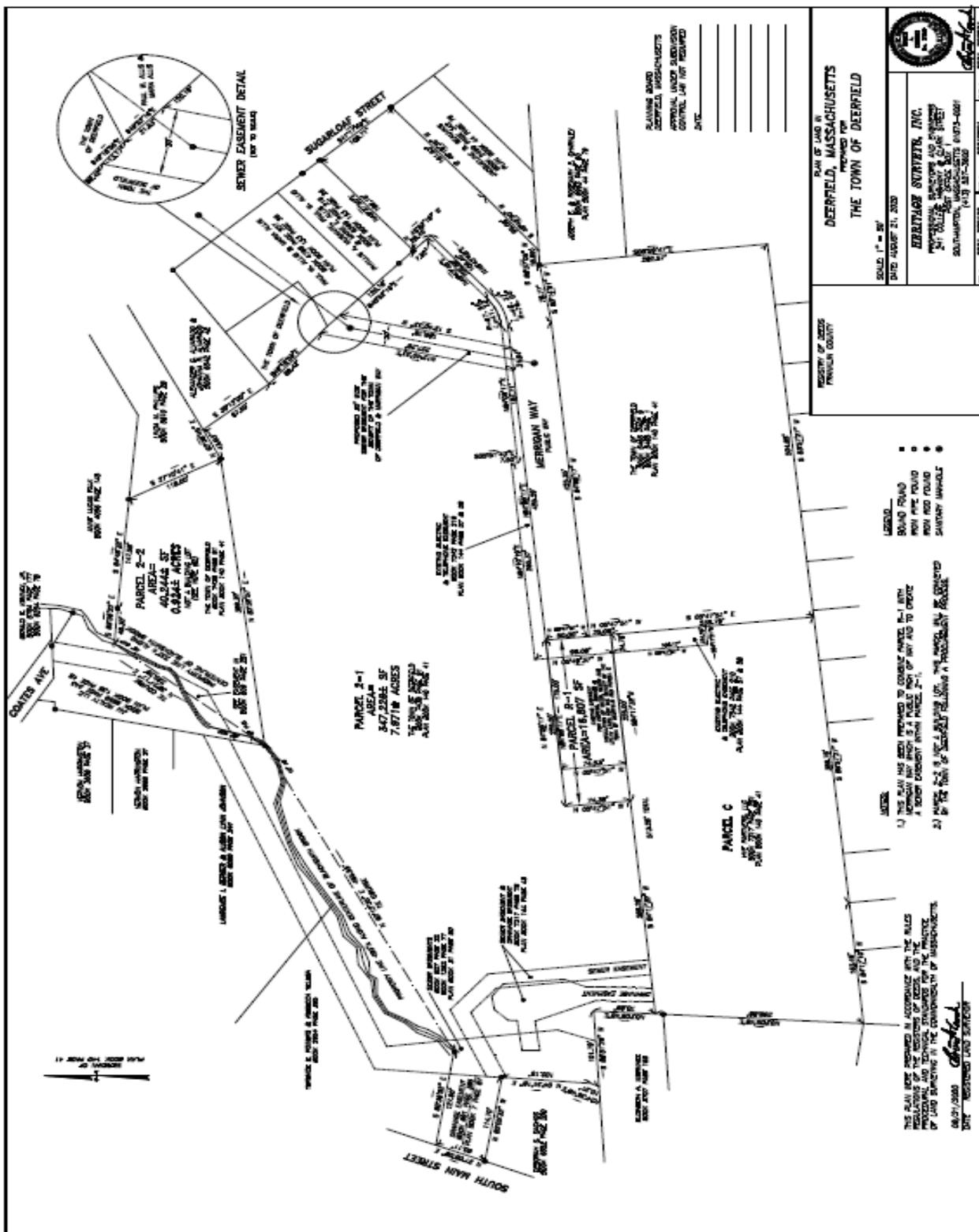
VOTED that the Town appropriate \$1,000,000 for the purpose of construction of recreation fields, foot and bicycle paths, with parking including all engineering and design work, in accordance with G.L. c. 45 § 14 or any other enabling authority - and to meet said appropriation transfer funds from the Community Preservation Act Fund of \$1,000,000 with \$153,516 from the Budgeted Reserve Fund and \$846,484 from the Undesignated Fund Balance and further authorize the Selectboard G.L. c. 44, to file on behalf of the Town of Deerfield any and all applications deemed necessary under the PARC Grant or any other applications for funds in any way connected with the scope of this construction, and authorize the Selectboard to enter into any and all agreements and execute any and all instruments as may be necessary to affect said construction and acceptance of grants. The foregoing being done in conjunction with the acquisition by the Town pursuant to Article 16, of the June 1, 2020 Annual Town meeting of the property located at the Town of Deerfield Assessor's Records, Map 151 Lot 1 including 8.5 +/- acres and then owned by Joyce H. Pervere by deed recorded in the Franklin County Registry of Deeds, Book 2635, Page 326, said purchase having been made for general recreational purposes to be under the care, custody and control of the Selectboard and by an appropriation of \$272,000 together with the Appropriation of \$1,150,000 pursuant to Article 13C of the June 1, 2020 Annual Town Meeting for the development of recreation fields, foot and bicycle paths with parking and a band shell with seating for open air events.

Motion carried, so declared the Moderator

ARTICLE 5 – Acceptance of Merrigan Way (as altered) as a Town Way

VOTED that the Town accept as a town way the altered layout of Merrigan Way, as laid out by the Select Board, as shown on the plans of land titled Town of Deerfield Signed ANR Plan, provided by Heritage Surveys, dated August 21, 2020, filed with the Town Clerk, reviewed and approved by Planning Board, and as referenced in this article.

TOWN OF DEERFIELD
 Special Town Meeting
 October 22, 2020



Motion carried by 2/3rds, so declared the Moderator

ARTICLE 6 – Deerfield Zoning Bylaw Amendment c. 179 § 4300 Flood Plain District

VOTED that the Town replace Chapter 179, Section 4300, Flood Plain District, of the Deerfield Zoning bylaws with the following as presented in the Warrant:

4300. FLOOD PLAIN DISTRICT.

4301. Purpose. The purpose of the Flood Plain District is to promote the health, safety, and general welfare of the community by protecting life and property from the detrimental effects of floods; to ensure an adequate quality and quantity of water; to conserve the natural resources of the Town; and to prevent temporary and permanent contamination of the environment, to preserve the natural flood control and flood storage characteristics of the floodplain; and to prevent any alterations to the natural flow of the river.

TOWN OF DEERFIELD
Special Town Meeting
October 22, 2020

4302. Definitions. For the purposes of this bylaw, the following definitions apply:

Encroachment - fill, construction of new structures, substantial improvement to existing structures or other development.

Floodway - the channel of a river or other watercourse plus any adjacent areas that must be kept free of encroachment in order that the 100-year flood may be carried without any increase in flood heights, as shown on the Flood Boundary and Floodway Map.

Floodplain - areas which would be flooded during the occurrence of the 100-year flood, shown as Zones A, A1-30 on the Flood Insurance Rate Maps.

Riverine Material - stone, rock, gravel, soil or other materials which comprise the river's bed or riverbank.

Substantial Improvement - improvement to a structure or building which exceeds 25% of the original footprint of such structure or building.

4303. Establishment of Districts. The Flood Plain District includes all special flood hazard areas designated as Zone A, A1-30 on the Deerfield Flood Insurance Rate Map (FIRM) and the Flood Boundary - Floodway Maps, dated July 2, 1980, on file with the Town Clerk, Planning Board, and Building Inspector. All maps are hereby made a part of this Zoning By-Law and are on file in the office of the Town Clerk.

4304. Use Regulations. The Flood Plain District is an overlay district superimposed over the underlying districts set forth in this Zoning By-Law. Within the Flood Plain District, the requirements of the underlying district continue to apply, subject to the following additional provisions:

4305. Floodway Regulations. In the floodway designated on the Flood Boundary - Floodway Map, all encroachments, including fill, new construction, substantial improvements to existing structures and other developments, are prohibited.

4306. Floodplain Regulations. All development within the Floodplain District, including structural and non-structural activities, whether permitted as a right or by Special Permit must be in compliance with the Massachusetts River Protection Act and the Massachusetts Wetlands Protection Act, (MGL Ch131 s40), and with the requirements of the Massachusetts State Building Code pertaining to construction in the Flood Plain (currently Section 744).

4307. Permitted Uses. The following uses in the Floodplain District of low flood damage potential and causing no obstruction to flood flows shall be permitted provided they do not require structures, fill, or storage of material or equipment:

- a. Agricultural uses such as farming, grazing, and horticulture, including barns or farm-related structures, and irrigation and maintenance of farmlands.
- b. Forestry uses.
- c. Outdoor recreational uses, including fishing, boating, play areas and foot, bicycle or horse paths.
- d. Conservation of water, plants, and wildlife.
- e. Wildlife management areas.
- f. Buildings lawfully existing prior to the adoption of these provisions.
- g. Municipal or civic uses, including water or wastewater treatment facilities.

4308. Prohibited Uses.

- a. No dumping or filling in the river is permitted. Maintenance of the riverbank may be done under requirements of MGL Ch 131s 40, and any other applicable laws, by-laws, and regulations, and must be done using natural riverbank best management practices. Agricultural uses may restore flooded fields to pre-storm conditions.
- b. No impoundments, dams, or other water obstructions may be located within the District.
- c. Commercial or industrial uses are prohibited in the district.
- d. Dumping of trash, garbage or other materials on or near the riverbank is prohibited.
- e. Construction of any kind on slopes of greater than 25% within the district is prohibited.

TOWN OF DEERFIELD

Special Town Meeting

October 22, 2020

- f. No discharge of pollutants directly to the any river or water body is permitted.
- g. All other uses not specifically permitted or allowed by site plan approval within the overlay zone are prohibited.

4309. Uses by Special Permit

- a. No structure or building in the Floodplain District shall be erected, constructed, substantially improved, reconstructed, or otherwise created or moved; no earth or other materials dumped, filled, excavated, or transferred, unless a Special Permit is granted by the Planning Board.
- b. The following uses may be allowed by Special Permit in accordance with the Special Permit regulations of this Zoning By-Law, and additional restriction and criteria contained herein:
 - i. Single and two family residences.
 - ii. Residential accessory uses including garages, driveways, private roads, utility rights-of-way and on-site waste-water disposal systems.
 - iii. Enlargement or alteration of an existing structure, provided that the addition is no more than 25% larger than the footprint of the structure that existed at the time of the adoption of this bylaw.
 - iv. Moving of riverine materials to protect municipal infrastructure.
 - v. Parking or storage of vehicles, trailers or equipment within 200 feet of the riverbank.

4310. Special Permit Procedures

- a. The Planning Board shall be the Special Permit Granting Authority for the Floodplain District.
- b. The following Special Permit requirements apply in the Floodplain District:
 - i. With Zone A 1-30, where base flood elevation is not provided on the FIRM, the applicant shall obtain any existing base flood elevation data. These data will be reviewed by the Building Inspector for their reasonable utilization toward meeting the elevation or flood proofing requirements, as appropriate, of the State Building Code.
 - ii. No encroachments (including fill, new construction, substantial improvements to existing structures, or other development shall be allowed unless it is demonstrated by the applicant that the proposed development, as a result of compensating actions, will not result in any increase in flood levels during the occurrence of a 100-year flood in accordance with the Federal Emergency Management Agency's regulation for the National Flood Insurance Program.
 - iii. The proposed use shall comply in all respects to the provisions of the underlying District in which the land is located.
 - iv. The Board may specify such additional requirements and conditions as it finds necessary to protect the health, safety and welfare of the public and the occupants of the proposed use.
 - v. Within 10 days of the receipt of the application the Board shall transmit one copy of the development plan to the Conservation Commission, Board of Health and Building Inspector. Final action shall not be taken until reports have been received from the above Boards or until thirty-five (35) days have elapsed.
 - vi. On-site wastewater disposal systems shall be located as far from rivers or water bodies as is feasible.
- c. In addition to the provisions of Section 4310-a, in order to issue a Special Permit, the Planning Board must find that the proposed use is compliant with the following provisions:
 - i. In the Floodplain District, proposed uses must:
 - 1. Not create increased flood hazards which are detrimental to the public health, safety and welfare;
 - 2. Comply in all respects with the provisions of the underlying District or Districts within which the land is located;

TOWN OF DEERFIELD

Special Town Meeting

October 22, 2020

3. Comply with all applicable State and Federal laws, including the Massachusetts Wetlands Protection Act (MGL Ch 131 s40) and the Massachusetts State Building Code, including:
 - a. All buildings or structures erected or substantially improvements erected, after the adoption of this bylaw, within a flood-hazard zone shall be elevated so that the lowest floor is located at or above the base flood elevation. All basement/ cellar floor surfaces shall be located at or above the base flood elevations.
 - b. The structural systems of all buildings or structures shall be designed, connected and anchored to resist floatation, collapse or permanent lateral movement due to structural loads and stresses from flooding equal to the base flood elevation.
4. Be situated in a portion of the site that will conserve riverfront vegetation and maximize open space retention;
5. Be integrated into the existing landscape through features such as vegetative buffers and through retention of the natural shorelines;
6. Not result in water pollution, erosion or sedimentation;
7. Minimize obstruction of scenic views from publicly accessible locations;
8. Preserve unique natural and historical features;
9. Minimize tree, vegetation and soil removal and grade changes.

4311. Nonconforming Uses

- a. Any lawful use, building, structures, premises, land or parts thereof existing at the effective date of this By-Law or amendments thereof and not in conformance with the provisions of this By-Law shall be considered to be a nonconforming use.
- b. Any existing use or structure may continue and may be maintained, repaired, and improved, but in no event made larger.
- c. Any nonconforming structure which is destroyed may be rebuilt on the same location but no larger than its overall original square footage.

Motion carried by 2/3rds, so declared the Moderator

ARTICLE 7 – Deerfield Zoning Bylaw Amendment c. 179 §§4650-4660 Medical Marijuana and Marijuana Establishments

VOTED that the Town amend Chapter 179 of the Town Code, Sections 4650 and 4660, entitled “Medical Marijuana Treatment Centers” and “Marijuana Establishments,” respectively, by deleting these existing Sections in their entirety and by adding a new Section 4660, entitled “Marijuana Establishments,” as printed in the Special Town Meeting warrant but subject to the following amendments which follow the Planning Board’s public hearing on the new Section:

- (i) By deleting from Section 4662 the definition of “Ceases to Operate,” in its entirety;
- (ii) By also deleting from Section 4662, in the definition of “Marijuana Establishment,” the phrase “except a medical marijuana treatment center”;
- (iii) By adding a new paragraph to the end of Section 4663, stating: “No Marijuana Establishment that has applied for and/or received a special permit or building permit prior to the effective date of this bylaw shall be subject to any requirement hereunder that is more stringent or restrictive than that in effect on the date of such special permit or building permit application”;
- (iv) By deleting from Section 4665(g) the term “building,” singular, and replacing it with the term “buildings,” plural;

TOWN OF DEERFIELD
Special Town Meeting
October 22, 2020

- (v) By adding to Section 4666(a)(iii), after the phrase “Marijuana Establishment use,” the phrase “except for a Marijuana Retailer or Marijuana Independent Testing Laboratory”; and by adding a new sentence at the end of Section 4666(a)(iii), stating: “The Planning Board may waive the foregoing requirement when the public interest so requires.”
- (vi) By deleting Section 4666(a)(iv) in its entirety, and by renumbering Section 4666(a)(v) as Section 4666(a)(iv);
- (vii) By deleting from Section 4666(b)(iii) the term “8:00 p.m.,” twice, and in each instance replacing it with the term “10:00 p.m.”; and
- (viii) By deleting from Section 4666(d)(iv)(2) the phrase “medical marijuana business,” and replacing it with the phrase “Marijuana Establishment.”

A.

Section 4660. MARIJUANA ESTABLISHMENTS

4661. Purposes. It is recognized that the nature of the substance cultivated, processed, and/or sold by marijuana establishments should be located in such a way as to ensure the health, safety, and general well-being of the public as well as legally authorized adult customers seeking to legally purchase marijuana for their own use. The specific and separate regulation of “Marijuana Establishments” (hereafter also referred to as an ME) is necessary to advance these purposes and ensure that such facilities are not located within close proximity of minors and do not become concentrated in any one area within the Town of Deerfield.

Subject to the provisions of this Zoning Bylaw, Chapter 40A of the Massachusetts General Laws, Chapter 94G and Chapter 94I of the Massachusetts General Laws and 935 CMR 500.000 – 501.000 , Marijuana Establishments will be permitted to provide the opportunity for the legal cultivation, product manufacturing and retail sale of marijuana for non-medical adult marijuana use in a manner that complies with state regulations.

4662. Definitions.

The following definitions shall be applicable to this Section 4660 only.

Cannabis Cultivation: The use of land and/or buildings for planting, tending, improving, harvesting, processing and packaging, the preparation and maintenance of soil and other media and promoting the growth of cannabis by a cannabis cultivator, micro-business, research facility, craft marijuana cultivator cooperative, registered marijuana dispensary or other entity licensed by the Commission for cannabis cultivation. The cultivation and processing of medical marijuana in accordance with these regulations is considered to be a manufacturing use and is not agriculturally exempt from zoning. Note this term is not defined in 935 CMR 500.

Cannabis or Marijuana or Marihuana: All parts of any plant of the genus Cannabis, not excepted in 935 CMR 500.002: Cannabis or Marijuana or Marihuana(a) through (c) and whether growing or not; the seeds thereof; and resin extracted from any part of the plant; clones of the plant; and every compound, manufacture, salt, derivative, mixture or preparation of the plant, its seeds or resin including tetrahydrocannabinol as defined in M.G.L. c. 94G, § 1; provided that cannabis shall not include: (a) the mature stalks of the plant, fiber produced from the stalks, oil, or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture or preparation of the mature stalks, fiber, oil, or cake made from the seeds of the plant or the sterilized seed of the plant that is incapable of germination; (b) hemp; or (c) the weight of any other ingredient combined with cannabis or marijuana to prepare topical or oral administrations, food, drink or other products.

Cannabis or Marijuana Products: Cannabis or marijuana and its products unless otherwise indicated. These include products have been manufactured and contain cannabis or marijuana or an extract from cannabis or 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.

TOWN OF DEERFIELD

Special Town Meeting

October 22, 2020

Commission: The Massachusetts Cannabis Control Commission established by M.G.L. c. 10, § 76, or its designee. The Commission has authority to implement the state marijuana laws, which include, but are not limited to, St. 2016, c. 334 as amended by St. 2017, c. 55, M.G.L. c. 94G, and 935 CMR 500.000.

Community Host Agreement: An agreement, pursuant to General Laws, Chapter 94G, Section 3(d), between a Cannabis Establishment and a municipality setting forth additional conditions for the operation of a Cannabis Establishment, including stipulations of responsibility between the parties and a up to 3% host agreement revenue sharing. Note this term is not defined in 935 CMR 500.

Craft Marijuana Cooperative: A Marijuana Cultivator comprised of residents of the Commonwealth and organized as a limited liability company, limited liability partnership, or cooperative corporation under the laws of the Commonwealth. A cooperative is licensed to cultivate, obtain, manufacture, process, package and brand cannabis or marijuana products to transport marijuana to Marijuana Establishments, but not to consumers.

Hemp: The plant of the genus Cannabis or any part of the plant, whether growing or not, with a delta-9-tetrahydrocannabinol concentration that does not exceed 0.3% on a dry weight basis of any part of the plant of the genus Cannabis, or per volume or weight of cannabis or marijuana product, or the combined percent of delta-9-tetrahydrocannabinol and tetrahydrocannabinolic acid in any part of the plant of the genus Cannabis regardless of moisture content.

Host Community: A municipality in which a Marijuana Establishment is located or in which an applicant has proposed locating an establishment.

Marijuana Independent Testing Laboratory: A laboratory that is licensed by the Commission and is: (a) accredited to the International Organization for Standardization 17025 (ISO/IEC 17025: 2017) by a third-party accrediting body that is a signatory to the International Laboratory Accreditation Accrediting Cooperation mutual recognition arrangement or that is otherwise approved by the Commission; (b) independent financially from any Medical Marijuana Treatment Center (RMD), Marijuana Establishment or licensee for which it conducts a test; and (c) qualified to test cannabis or marijuana in compliance with 935 CMR 500.160 and M.G.L. c. 94C, § 34.

Licensee: A person or entity licensed by the Commission to operate a Marijuana Establishment under 935 CMR 500.000.

Manufacture: To compound, blend, extract, infuse or otherwise make or prepare a cannabis or marijuana product.

Marijuana: All parts of any plant of the genus Cannabis, whether growing or not, the seeds thereof and resin extracted from any plant, and every compound, manufacture, salt, derivative, mixture or preparation of the plant, its seeds or resin including tetrahydrocannabinol as defined in G.L. c. 94C sec. 1, subject to those exemptions stated in G.L. c. 94C sec. 1, and expressly including marijuana products except where the context clearly indicates otherwise.

Marijuana Cultivator: An entity licensed to cultivate, process and package marijuana, and to transfer marijuana to other Marijuana Establishments, but not to consumers. A Craft Marijuana Cooperative is a type of Marijuana Cultivator.

Marijuana Establishment: A Marijuana Cultivator, Craft Marijuana Cooperative, Marijuana Product Manufacturer, Marijuana Retailer, Marijuana Independent Testing Laboratory, Marijuana Research Facility, Marijuana Transporter, Medical Marijuana Treatment Center or any other type of licensed marijuana-related business.

Marijuana Microbusiness: A co-located Marijuana Establishment that can be either a Tier 1 Marijuana Cultivator or Product Manufacturer or both, in compliance with the operating procedures for each license. A Microbusiness that is a Marijuana Product Manufacturer may purchase no more than 2,000 pounds of marijuana per year from other Marijuana Establishments.

Marijuana Process or Processing: To harvest, dry, cure, trim and separate parts of the cannabis or marijuana plant by manual or mechanical means, except it shall not include manufacture as defined in 935 CMR 500.002.

TOWN OF DEERFIELD

Special Town Meeting

October 22, 2020

Marijuana Product Manufacturer: An entity licensed to obtain, manufacture, process and package cannabis or marijuana products and to transfer these products to other Marijuana Establishments, but not to consumers.

Marijuana Research Facility: An entity licensed to engage in research projects by the Commission.

Marijuana Retailer: An entity licensed to purchase and transport cannabis or marijuana product from Marijuana Establishments and to sell or otherwise transfer this product to Marijuana Establishments and to consumers. Retailers are prohibited from delivering cannabis or marijuana products to consumers; and from offering cannabis or marijuana products for the purposes of onsite social consumption on the premises of a Marijuana Establishment.

Marijuana Social Consumption Operation: An entity that purchases or otherwise acquires Marijuana from licensed Marijuana Establishments and sells single servings of Marijuana to consumers for consumption or use on the premises.

Marijuana Transporter: An entity, not otherwise licensed by the Commission, that is licensed to purchase, obtain, and possess cannabis or marijuana product solely for the purpose of transporting, temporary storage, sale and distribution to Marijuana Establishments, but not to consumers. Marijuana Transporters may be an Existing Licensee Transporter or Third-Party Transporter.

Medical Marijuana Treatment Center, also known as a Registered Marijuana Dispensary (RMD): A not-for-profit entity registered under 105 CMR 725.100: Registration of Registered Marijuana Dispensaries, that acquires, cultivates, possesses, processes (including development of related products such as edible cannabis or marijuana products, tinctures, aerosols, oils, or ointments), transfers, transports, sells, distributes, dispenses, or administers marijuana, products containing cannabis or marijuana, related supplies, or educational materials to registered qualifying patients or their personal caregivers for medical use. Unless otherwise specified, RMD refers to the site(s) of dispensing, cultivation, and preparation of cannabis or marijuana for medical use.

Propagation: The reproduction of cannabis or marijuana plants by seeds, cuttings, or grafting.

Provisional Marijuana Establishment License: A certificate issued by the Commission confirming that a Marijuana Establishment has completed the application process.

RMD Applicant: A previously Registered Marijuana Dispensary with a final or provisional certificate of registration in good standing with the DPH.

4663. Applicability. Nothing in this section shall be construed to supersede state laws governing the sale and distribution of marijuana. This section shall not be construed to prevent the conversion of a medical marijuana treatment center licensed or registered no later than July 1, 2017 engaged in the cultivation, manufacture or sale of marijuana or marijuana products to a Marijuana Establishment, provided, however, any such medical marijuana treatment center obtains a special permit pursuant to this Section for any such conversion to a Marijuana Establishment.

This bylaw does not apply to the cultivation of industrial hemp as is regulated by the Massachusetts Department of Agricultural Resources pursuant to General Laws, Chapter 128, Sections 116-123.

No Marijuana Establishment that has applied for and/or received a special permit or building permit prior to the effective date of this bylaw shall be subject to any requirement hereunder that is more stringent or restrictive than that in effect on the date of such special permit or building permit application.

4664. Social Consumption. All Marijuana Social Consumption Operations are expressly prohibited anywhere within the Town of Deerfield; provided, however, that said prohibition shall apply only insofar as the same does not conflict with Massachusetts law, or has not been preempted thereby.

4665. Uses Permitted and Regulated

a. Land and buildings in Deerfield may be used hereunder only in accordance with Section 2200, Table of Use Regulations, and as otherwise provided herein.

b. The Planning Board shall be the Special Permit Granting Authority under this section 4600.

TOWN OF DEERFIELD

Special Town Meeting

October 22, 2020

- c. There shall be three (3) Marijuana Overlay districts, MO-1, MO-2 and MO-3. All Marijuana uses shall be prohibited elsewhere in the Town, except as noted in 4665 (g) below.
- d. All uses requiring a Special Permit under this section shall also require concurrent Site Plan Review, and shall comply with the special permit and site plan review requirements, procedures and criteria in Sections 5300 and 5400 of this Bylaw.
- e. All Marijuana operations shall comply with the dimensional requirements of Section 2300 for the applicable district.
- f. For all Special Permits, in addition to those criteria set forth in section 5300, the Planning Board may impose such restrictions on the time, place and manner of Marijuana operations as may be necessary to protect the public interest and/or to satisfy the purpose and intent of this Bylaw. In addition, the Planning Board may consider factors including but not limited to, odor control, security, hours of operation and consistency with nearby and abutting land uses, and may reasonably condition any Special Permit approval accordingly.
- g. The Planning Board may approve a Special Permit allowing co-location of a Marijuana Product Manufacturer at a location approved by Special Permit for a Marijuana Cultivator prior to the adoption of this amendment outside of the MO-1, MO-2 or MO-3 Districts; provided, however, that all other relevant requirements of this bylaw shall be satisfied (i) except for the restriction on location contained in Section 4666.a.iii, which shall not apply, and (ii) so long as product manufacturing at said location does not exceed the approved footprint of the building as of the date of adoption of this amendment.

4666. Additional Requirements/Conditions. The following additional requirements and conditions shall also apply to all Marijuana Establishments:

a. Location:

The following are additional location requirements:

- i. Marijuana establishments are encouraged to utilize existing vacant buildings where possible.
- ii. No marijuana establishment shall be located on a parcel which is within five hundred (500) feet (to be measured in a straight line from the nearest point of the property line in question to the nearest point of the property line where the Marijuana Establishment is or will be located) of a parcel occupied by a preexisting public or private school or licensed daycare center (existing at the time the applicant's license application was received by the Cannabis Control Commission).
- iii. No Building utilized for any Marijuana Establishment use, except for a Marijuana Retailer or Marijuana Independent Testing Laboratory, shall be located within five hundred (500) feet of a Building occupied by a residential use (including commercial residential uses such as hotels, motels, lodging houses, etc.). The distance is to be measured in a straight line from the nearest point of the residential Building in question to the nearest point of the Building where the Marijuana Establishment is or will be located. The Planning Board may waive the foregoing requirement when the public interest so requires.
- iv. No Marijuana Establishment is permitted to utilize or provide a drive-through service.

b. Use, Security and Hours of Operation:

- i. Any type of Marijuana Establishment may only be involved in the uses permitted by its definition and may not include other businesses or services.
- ii. No Marijuana shall be smoked, eaten or otherwise consumed or ingested within, or on, the premises.
- iii. The hours of operation shall be set by the Planning Board, but in no event shall a Marijuana Retail Establishment be open to the public between the hours of 10:00 p.m. and 8:00 a.m. No sale or other distribution of Marijuana shall occur upon the premises, or via delivery from the premises, between the hours of 10:00 p.m. and 8:00 a.m.
- iv. Marijuana Establishments shall provide appropriate security measures, shall establish a protocol therefor and shall provide to the Deerfield Police Department and, subsequently, to the Planning Board, a copy of its emergency management plan and contact information for a facility representative available 24 hours a day.

TOWN OF DEERFIELD
Special Town Meeting
October 22, 2020

c. Licensing:

i. No Marijuana Establishment may commence operation or apply for a building permit prior to its receipt of all required permits and approvals including, but not limited, to its Final License from the Cannabis Control Commission.

ii. The number of Marijuana Retail Establishments permitted to be located within the Town of Deerfield shall not exceed 20% of the number of licenses issued within the town for the retail sale of alcoholic beverages not to be drunk on the premises where sold under chapter 138 of the General Laws. For the purposes of determining this number, any fraction shall be rounded up to the next highest whole number.

d. Physical Requirements:

i. All aspects of the any Marijuana Establishment, except for the transportation of product or materials, relative to the acquisition, cultivation, possession, processing, sales, distribution, dispensing, or administration of marijuana, products containing marijuana, related supplies, or educational materials must take place at a fixed location within a fully enclosed building (including greenhouses) and shall not be visible from the exterior of the business. They may not be permitted to be located in a trailer, storage freight container, motor vehicle or other similar type potentially movable enclosure.

ii. No outside storage is permitted.

iii. No Marijuana Retailer shall have a gross floor area open to the public in excess of 2,500 square feet.

iv. Ventilation – all marijuana establishments shall be ventilated in such a manner that no:

1. Pesticides, insecticides or other chemicals or products used in the cultivation or processing are dispersed into the outside atmosphere, and

2. 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 or at any adjoining use or property.

v. No Marijuana Establishment shall be operated so as to cause a nuisance to the community by noise, odor, dust, glare, fumes, vibration, heat, glare or other conditions. Marijuana Establishments shall address noise control, shall incorporate odor reduction measures and shall otherwise undertake appropriate action(s) to avoid any nuisance or impairment of the public comfort and convenience from facility operation(s).

vi. Signage shall be displayed on the exterior of the Marijuana Establishment's entrance in plain sight of the public stating that "Access to this facility is limited to individuals 21 years or older." in text two inches in height. All other signage must comply with all other applicable signage regulations in the Zoning Bylaw and 935 CMR 500.

vii. Cannabis plants, products, and paraphernalia shall not be visible from outside the building in which the cannabis establishment is located and shall comply with the requirements of 935 CMR 500. Any artificial screening device erected to eliminate the view from the public way shall also be subject to a vegetative screen and the Board shall consider the surrounding landscape and viewshed to determine if an artificial screen would be out of character with the neighborhood.

e. Reporting Requirements.

i. Prior to the commencement of the operation or services provided by a Marijuana Establishment, it shall provide the Police Department, Fire Department, Building Commissioner and the Planning Board with the names, phone numbers and email addresses of all management staff and keyholders, including a minimum of two (2) operators or managers of the facility identified as contact persons to whom one can provide notice if there are operating problems associated with the establishment. All such contact information shall be updated as needed to keep it current and accurate.

ii. The local Building Commissioner, Board of Health, Police Department, Fire Department and Planning Board shall be notified in writing by the Marijuana Establishment facility owner/operator/ manager:

1. A minimum of 30 days prior to any change in ownership or management of that establishment.

TOWN OF DEERFIELD

Special Town Meeting

October 22, 2020

2. A minimum of 12 hours following a violation or potential violation of any law or any criminal or potential criminal activities or attempts of violation of any law at the establishment.

iii. Permitted Marijuana Establishments shall file an annual written report to, and ***the owner shall*** appear before, the Planning Board no later than January 31st of each calendar year, providing a copy of all current applicable state licenses for the facility and/or its owners and demonstrate continued compliance with the conditions of the Special Permit.

iv. The owner or manager of a Marijuana Establishment is required to respond by phone or email within twenty-four hours of contact by a Town official concerning their Marijuana Establishment at the phone number or email address provided to the Town as the contact for the business.

f. Issuance, Transfer or Discontinuance of Use

i. Any permits issued hereunder shall be issued to the Marijuana Establishment owner.

ii. Any permits issued hereunder shall be issued for a specific type of Marijuana Establishment on a specific site/parcel.

iii. Any permits issued hereunder shall be non-transferable to either another Marijuana Establishment owner or another site/parcel.

iv. Any permits issued hereunder shall have a term limited to the duration of the applicant's ownership/control of the premises as a Marijuana Establishment, and shall lapse/expire if:

1. The Marijuana Establishment ceases operation (not providing the operation or services for which it is permitted) for 365 days, and/or;

2. The Marijuana Establishment's registration/license by the Cannabis Control Commission expires or is terminated;

3. Substantial use has not commenced within one year of the Special Permit issuance, except for good cause.

4. Any transfer or change of ownership of a Marijuana Establishment shall be treated as an amendment to any permit, including a Site Plan Approval, issued hereunder and shall require a public hearing before the Planning Board.

v. The Marijuana Establishment shall notify the Zoning Enforcement Officer and Planning Board in writing within 48 hours of such lapse, cessation, discontinuance or expiration or revocation.

vi. A Marijuana Cultivation or Product Manufacturing Establishment shall be required to remove all material, plants equipment and other paraphernalia prior to surrendering its state registration/license or ceasing its operation.

4667. Application Requirements. Applications for Special Permits and Site Plan Approvals for Marijuana Establishments will be processed in the order that they are filed with the Town.

In addition to the standard application requirements for Special Permits and Site Plan Approvals, such applications for a Marijuana Establishment shall include the following:

a. The name and address of each owner and operator of the Marijuana Establishment facility/operation.

b. A copy of an approved Host Agreement.

c. A copy of its Provisional License from the Cannabis Control Commission pursuant to 935 CMR 500.

d. If it's in conjunction with an approved RMD, a copy of its registration as an RMD from the Massachusetts Department of Public Health in accordance with 105 CMR 725.000 or from the Cannabis Control Commission in accordance with 935 CMR 500.

e. Proof of Liability Insurance Coverage or Maintenance of Escrow as required in 935 CMR 500.

f. Evidence that the Applicant has site control and right to use the site for a Marijuana Establishment facility 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.

TOWN OF DEERFIELD

Special Town Meeting

October 22, 2020

- g. A notarized statement signed by the Marijuana Establishment organization's Chief Executive Officer and corporate attorney disclosing all of its designated representatives, including officers, directors, shareholders, partners, members, 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.
- h. In addition to what is normally required in a Site Plan, details showing all exterior proposed security measures for the marijuana establishment including lighting, fencing, gates and alarms, etc. ensuring the safety of employees and patrons and to protect the premises from theft or other criminal activity.
- i. A detailed floor plan identifying the areas available and functional uses (including square footage).
- j. All signage being proposed for the facility.
- k. A pedestrian/vehicular traffic impact study to establish the Marijuana Establishment's impacts at peak demand times, including a line queue plan to ensure that the movement of pedestrian and/or vehicular traffic, including but not limited to, along the public right of ways will not be unreasonably obstructed.
- l. An odor control plan detailing the specific odor-emitting activities or processes to be conducted on-site, the source of those odors, the locations from which they are emitted from the facility, the frequency of such odor-emitting activities, the duration of such odor-emitting activities, and the administrative of odor control including maintenance of such controls.
- m. A Management Plan including a description of all activities to occur on site, including all provisions for the delivery of Marijuana and related products to Marijuana Establishment or off-site direct delivery.
- n. Individual written plans which, at a minimum comply with the requirements of 935 CMR 500, relative to the Marijuana Establishments:
 - i. Operating procedures
 - ii. Marketing and advertising
 - iii. Waste disposal
 - iv. Transportation and delivery of marijuana or marijuana products
 - v. Energy efficiency and conservation
 - vi. Security and alarms
 - vii. Decommissioning of the Marijuana Establishment including a cost estimate taking into consideration the community's cost to undertake the decommissioning of the site.

4668. Findings. In addition to the standard Findings for a Special Permit the Planning Board must also find all the following:

- a. The Marijuana Establishment is consistent with and does not derogate from the purposes and intent of this Section and the Zoning Ordinance/Bylaw.
- b. That the Marijuana Establishment facility is designed to minimize any adverse visual or economic impacts on abutters and other parties in interest;
- c. That the Marijuana Establishment facility demonstrates that it meets or exceeds 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;
- d. That the applicant has satisfied all of the conditions and requirements of this Section and other applicable Sections of this Bylaw;
- e. That the Marijuana Establishment facility provides adequate security measures to ensure that no individual participant will pose a direct threat to the health or safety of other individuals, and that the storage and/or location of cultivation is adequately secured on-site or via delivery.
- f. That the Marijuana Establishment facility adequately addresses issues of traffic demand, circulation flow, parking and queuing, particularly at peak periods at the facility, and its impact on neighboring uses.

and

B.

Section 2230. Use Regulations Schedule shall be amended as follows:

TOWN OF DEERFIELD

Special Town Meeting

October 22, 2020

The existing uses of Marijuana Cultivator, Marijuana Retailer and Marijuana Product Manufacturer shall be deleted and replaced with the following uses and new districts:

Amendments to Use Regulations Schedule

	RA	CVRD	C-I	C-II	I	PI	EPD	MO-1	MO-2	MO-3
Marijuana Cultivator	N	N	N	N	N	N	N	N	SP ¹⁰	SP ¹⁰
Marijuana Product Manufacturer	N	N	N	N	N	N	N	N	SP ¹⁰	SP ¹⁰
Marijuana Retailer	N	N	N	N	N	N	N	SP ¹⁰	SP ¹⁰	N
Marijuana Independent Testing Laboratory	N	N	N	N	N	N	N	Y ¹¹	Y ¹¹	Y ¹¹
Marijuana Microbusiness	N	N	N	N	N	N	N	N	SP ¹⁰	SP ¹⁰
Marijuana Research Facility	N	N	N	N	N	N	N	N	SP ¹⁰	SP ¹⁰
Marijuana Transporter	N	N	N	N	N	N	N	N	SP ¹⁰	SP ¹⁰
Marijuana Social Consumption Operation	N	N	N	N	N	N	N	N	N	N
Medical Marijuana Treatment Center	N	N	N	N	N	N	N	N	SP ¹⁰	SP ¹⁰

Footnotes:

¹⁰ Authorized by Special Permit with Site Plan Approval from the Planning Board.

¹¹ Authorized with Site Plan Approval from the Planning Board.

MO= Marijuana Overlay District

and

C. That the Town shall amend the ZONING MAP by deleting the current Marijuana Overlay District Boundaries and in place thereof adopt the following Map changes:

The official Deerfield Zoning map shall be amended by creating three (3) new Marijuana Overlay districts, MO-1, MO-2, and MO-3 having boundaries that follow existing zoning district boundaries as follows:

MO-1:

- Industrial (south district)
- C-II (south and central districts)
 - C-I (town Center)

MO-2:

- PI
- Industrial

MO-3

- C-II (north district)

Motion carried by 2/3rds, so declared the Moderator

Voted to dissolve at 6:34 p.m.