

**COMMONWEALTH OF MASSACHUSETTS
TOWN OF HARDWICK
WARRANT FOR ANNUAL TOWN MEETING**

Greetings:

In the name of the Commonwealth of Massachusetts, you are hereby required to notify and warn the inhabitants of the Town of Hardwick qualified to vote in Town affairs, to meet at the Hardwick Elementary School, 76 Schoolhouse Drive, Gilbertville, on Saturday, June 16, 2018 at 9:00 AM then and there to act on the following articles:

- Note: Funds acquired through borrowing require a 2/3 vote.
- Note: Funds acquired through raise and appropriate (taxation) and transferring require a majority vote.
- Note: Transfers in and out of Stabilization require a 2/3 vote.
- Note: Zoning Bylaws and Amendments require a 2/3 vote.
- Note: General Bylaws and Amendments require a majority vote.
- Note: Petition the General Court for a Special Act require a 2/3 vote.

Article 1. To see if the Town will vote to accept the reports of all officers and committees as printed in the 2017 Annual Report, or take any other action relative thereto.

Sponsor: Board of Selectmen

Article 2. To see if the Town will vote to authorize the Treasurer, with approval of the Board of Selectmen, to borrow money from time-to-time in anticipation of the revenue for the fiscal year beginning July 1, 2018, or take any other action relative thereto.

Sponsor: Board of Selectmen

Article 3. To see if the Town will vote to authorize the following FY19 Revolving Funds in accordance with MGL Chapter 44, section 53E1/2, to be expended under the authority and direction of the following agencies or officials, to be credited with receipts from the following revenue sources, to be expended for the following stated purposes, not to exceed the following spending limits respectively:

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
ELECTRICAL INSPECTOR	INSPECTOR, ASST. INSPECTOR	PERMIT FEES & INSPECTIONS OF ELECTRICAL INSPECTOR	WAGES	NOT TO EXCEED \$5,000.	80% OF FEE PAID TO THE INSPECTOR, 20% RETAINED BY THE TOWN	FY/2019 & SUBSEQUENT YEARS
ELECTRICAL INSPECTOR	INSPECTOR, ASST. INSPECTOR	PERMIT FEES & INSPECTIONS OF COMMERCIAL SOLAR PROJECTS	WAGES	50/50	50% OF FEE PAID TO THE INSPECTOR, 50% RETAINED BY THE TOWN	FY/2019 & SUBSEQUENT YEARS

RECYCLING COMMISSION	RECYCLING COMMISSION	FEES COLLECTED FOR HHW ITEMS, BULK WASTER	DISPOSAL OF HHW ITEMS, BULK WASTE	NOT TO EXCEED \$6,500.	NONE	FY/2019 & SUBSEQUENT YEARS
PLUMBING INSPECTOR	INSPECTOR, ASST. INSPECTOR	PERMIT FEES & INSPECTIONS OF PLUMBING INSPECTOR	WAGES	NOT TO EXCEED \$3,000.	NONE	FY/2019 & SUBSEQUENT YEARS
GAS INSPECTOR	INSPECTOR, ASST. INSPECTOR	PERMIT FEES & INSPECTIONS OF GAS INSSPECTOR	WAGES	NOT TO EXCEED \$750.		FY/2019 & SUBSEQUENT YEARS
YOUTH COMMISSION	YOUTH COMMISSION	USER FEES & CHARGES COLLECTED BY THE YOUTH COMMISSION RELATING TO THE CONDUCT OF ITS PROGRAMS	TO MEET EXPENSES OF THE YOUTH COMMISSION	NOT TO EXCEED \$500.	NONE	FY/2019 & SUBSEQUENT YEARS
AGRICULTURAL COMMISSION	AGRICULTURAL COMMISSION	USER FEES & CHARGES COLLECTED BY THE AGRICULTURAL COMMISSION RELATING TO THE CONDUCT OF ITS PROGRAMS	TO MEET EXPENSES OF THE AGRICULTURAL COMMISSION	NOT TO EXCEED \$1,000.	NONE	FY/2019 & SUBSEQUENT YEARS
PARKS & RECREATION COMMISSION	PARKS & RECREATION COMMISSION	USER FEES & CHARGES COLLECTED BY THE AGRICULTURAL COMMISSION RELATING TO THE CONDUCT OF ITS PROGRAMS	TO MEET EXPENSES OF THE AGRICULTURAL COMMISSION	NOT TO EXCEED \$500.	NONE	FY/2019 & SUBSEQUENT YEARS
CEMETERY COMMISSION	CEMETERY COMMISSION	FEES & CHARGES COLLECTED BY THE CEMETERY COMMISSION	TO MEET EXPENSES OF THE CEMETERY COMMISSION	NOT TO EXCEED \$2,500.	NONE	FY/2019 & subsequent years
TOWN HOUSE COMMITTEE	TOWN HOUSE COMMITTEE	RENTAL FEES & CHARGES COLLECTED BY THE TOWN HOUSE COMMITTEE	TO MEET JANITORIAL EXPENSES OF THE TOWN HOUSE	NOT TO EXCEED \$500.	NONE	FY/2019 & subsequent years

Or take any other action relative thereto.

Sponsor: Board of Selectmen

Article 4. To see if the Town will vote to allow the Board of Assessors to appoint one of its members to a full-time position under its supervision as allowed by MGL Chapter 268A, section 21A, or take any other action relative thereto.

Sponsor: Board of Assessors

Article 5. To see if the Town will vote to appropriate a sum of money from the Sale of Lots Fund and Burial Fees to the Cemetery Commission for the care, improvement and embellishment, or enlargement of Town cemeteries, or take any other action relative thereto.

Sponsor: Cemetery Commission

Article 6. To see if the Town will vote to transfer a sum of money in the Cemetery Perpetual Care Account to the Cemetery Commission Expense Account for care, improvement and embellishment, or enlargement of Town cemeteries, or take any other action relative thereto.

Sponsor: Cemetery Commission

Article 7. To see if the Town will vote to raise and appropriate or otherwise fund a sum of money for the Reserve Fund, or take any other action relative thereto.

Sponsor: Finance Committee

Article 8. To see if the Town will vote to raise and appropriate, borrow or otherwise fund a sum of money to be used in conjunction with, and in addition to, any funds allotted by the Commonwealth for the construction, and/or improvement of town roads, as requested by the Board of Selectmen, in their discretion, to be returned to the Treasury when reimbursed by the Commonwealth of Massachusetts, or take any other action relative thereto.

Sponsor: Superintendent of Streets

Article 9. To see if the Town will vote to raise and appropriate from sewer revenues a sum of money to the Water Pollution Control Facilities Enterprise Fund for the operation of the Gilbertville and Wheelwright Water Pollution Control Facilities, or take any other action relative thereto.

Sponsor: Sewer Commissioners

Article 10. To see if the Town will vote to raise and appropriate or transfer from available funds in the town treasury a sum of money to subsidize the operation of the Sewer Enterprise Fund in the Fiscal Year 2019, or take any other action relative thereto.

Sponsor: Sewer Commissioners

Article 11. To see if the Town will vote to raise and appropriate, transfer from available funds in the treasury, borrow or any combination thereof a sum of money to pay the necessary Town charges for the Fiscal Year 2019 beginning July 1, 2018, or take any other action relative thereto.

Sponsor: Board of Selectmen

Article 12. To see if the Town will vote to raise and appropriate, or transfer from available funds in the treasury a sum of money to the Stabilization Account, or take any other action relative thereto.

Sponsor: Board of Selectmen

Article 13. To see if the Town will vote to raise and appropriate, transfer from available funds in the treasury, borrow or any combination thereof a sum of money for engineering costs associated with requirements of the Comprehensive Site Assessment (CSA) Permit, recording, annual third party inspection, annual monitoring of gas, ground water, private water supply wells and surface water for the old landfills located at 444 Lower Road and 197 River Run as outlined in the Massachusetts Department of Environmental Protection Amended Comprehensive Site Assessment (CSA) Permit dated September 22, 2016, or take any other action relative thereto.

Sponsor: Board of Health

Article 14. To see if the Town will vote to raise and appropriate, transfer from available funds in the treasury, borrow or any combination thereof a sum of money for the replacement of four (4) SCBA Complete Breathing Apparatus, or take any other action relative thereto.

Sponsor: Fire Department

Article 15. To see if the Town will vote to raise and appropriate, transfer from available funds in the treasury, borrow or any combination thereof a sum of money for the replacement of all smoke detectors in the Hardwick Elementary School, or take any other action relative thereto.

Sponsor: Board of Selectmen

Article 16. To see if the Town will vote to authorize the Board of Selectmen to petition the General Court for a special act authorizing the Board of Selectmen to appoint the Town Clerk for the Town of Hardwick, as set forth below, provided, however, that the General Court may make clerical or editorial changes of form only to the bill, unless the Board of Selectmen approves amendments to the bill before enactment by the General Court, and to authorize the Board of Selectmen to approve amendments which shall be within the scope of the general public objectives of the petition:

AN ACT AUTHORIZING THE BOARD OF SELECTMEN OF HARDWICK TO APPOINT THE TOWN CLERK

Section 1. Notwithstanding Section 1 of Chapter 41 of the General Laws or any other general or special law to the contrary there shall be a Town Clerk for the Town of Hardwick. The Town Clerk shall have all the powers, perform the duties and be subject to the liabilities and penalties now or hereafter conferred and imposed by law on Town Clerk. The Town Clerk shall be appointed and may be removed, after the opportunity for a hearing by the Board of Selectmen of the Town.

The board of selectmen may establish an employment contract for the Town Clerk for salary, fringe benefits and other conditions of employment, including, but not limited to, severance pay, reimbursement

for expenses incurred in the performance of the duties of office, liability insurance and conditions of discipline, termination, dismissal, reappointment, performance standards and leave.

Section 2. Upon the effective date of this act, the elected office of Town Clerk shall be abolished and the term of such office terminated; provided, however, that any incumbent of such office serving on the effective date of this act shall continue to hold said office and to perform the duties thereof until the expiration of the term for which said individual was elected or until said individual otherwise vacates such office. After the expiration of the term of the incumbent Town Clerk, or a sooner vacating of the office; the position shall be posted and published in a local newspaper, a search committee shall be formed to include: Town Assessor, Town Accountant, Town Collector, Town Administrator, Finance Committee Chairperson and one public at large member to conduct preliminary interviews and shall provide the top three (3) candidates to the Board of Selectmen. The Board of Selectman shall interview the recommended candidates and shall appoint a Town Clerk as under section 1.

Section 3. No contracts or liabilities in force on the effective date of this act shall be affected by the abolition of the elected office of Town Clerk and the appointment of a Town Clerk and the appointed Town Clerk shall, in all respects, be the lawful successor of the office so abolished. All records, property and equipment of the office of the elected Town Clerk shall be assigned to the office of the appointed Town Clerk.

Or take any other action relative to.

Sponsor: Board of Selectmen

Article 17. To see if the Town will vote to amend the General Bylaws by adding the following to:

ARTICLE #XIII – FIRE DEPARTMENT

SECTION 4. -

HAZARDOUS WASTE MATERIALS AND WASTE RECOVERY

- A. Any individual, corporation, or organization which, whether deliberately or accidentally, releases, or causes a release or threat of release of, any hazardous material or hazardous waste as defined in Massachusetts General Law Chapter 21 C, D, or E, upon public or private property within the boundaries of the Town of Hardwick, shall be liable to the Town for any and all response costs directly incurred by the Town as a result of said release or threat of release including but not limited to, the following:
 - 1. The cost of complete cleanup and disposal of the material released or contaminated by the release, and all costs incurred by the Town as a result of remediation required due to the release or threat of release, including all costs incurred or authorized by any officer or the Town having jurisdiction over such matters.
 - 2. Replacement or cost of replacement of any reusable equipment and/or material damaged due to the incident.

3. Replacement or cost of replacement of any disposable equipment and/or materials used during the incident.

4. Reimbursement of any funds expended by the Town for food and/or shelter upon determination by the Town that expenditures are necessary due to a threat to public health and safety as a result of the release or threat of release.

5. Reimbursement of any funds expended by the Town for evacuation and/or relocation upon determination by the Town that such expenditures are necessary due to a threat to public health and safety as a result of the release or threat of release.

6. Reimbursement of any funds expended by the Town for overtime expenditures incurred by the Town as a result of the release or threat of release.

B. The following are excluded (as defined in Massachusetts General Law Chapter 21E):

1. Emissions from exhaust of an engine.
2. Normal application of fertilizer and application of pesticides consistent with their labeling.

C. Failure by any individual, corporation, or organization responsible for any costs incurred by the Town pursuant to Section A to reimburse the Town for said costs within thirty (30) days of demand shall entitle the Town to bring an action in any court of competent jurisdiction to recover said costs.

Or take any other action relative thereto.

Sponsor: Emergency Management

Article 18. To see if the Town will vote to amend the Zoning Bylaws as voted at the Special Town Meeting of May 17, 2012 under Article #1, Section 10.00 – RESERVED and replacing it with:

Section 10: Marijuana Establishments

10.1 Purpose

The purpose of this section is to regulate the time, place, and manner of marijuana establishments in Hardwick in accordance with the provisions of Massachusetts General Law Chapter 94G. The zoning serves to preserve the character of the community and creates a place for the public to responsibly access legal marijuana while mitigating community impact. It minimizes adverse impacts of marijuana establishments on adjacent properties, residential neighborhoods, schools and other places where children congregate. This bylaw regulates the siting, design, placement, security, safety, monitoring, modification, and discontinuance of marijuana establishments. This bylaw serves as a guide that supports the public's right to access legal marijuana; protects public health, safety and well-being; and it promotes new growth to expand the tax base.

10.2 Scope

1. Section 10 relates only to marijuana establishments authorized by General Laws, Chapter 94G, the location and operation of which are governed locally by Section 10.4 of these bylaws, and not to medical marijuana treatment centers authorized by General Laws, Chapter 94I, nor to

marijuana-related businesses not required to be licensed by Chapter 94G, except as otherwise provided herein.

2. Nothing in this section shall be construed to supersede federal and state laws governing the sale and distribution of narcotic drugs.
3. 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.

10.3 Definitions

For the purpose of this section the word marijuana is used in place of cannabis as found in MA General Laws, Chapter 94G, and 935 CMR 500; except where any potential conflict in terms appears the state regulations and purpose shall prevail.

Adult On-Site Marijuana Social Consumption Operator: A marijuana retailer licensed to purchase marijuana and marijuana products from a marijuana establishment and to sell marijuana and marijuana products on its premises and to allow customers to consume marijuana and marijuana products on its premises only. Note this term is not defined in 935 CMR 500.

Marijuana Cultivation: Use of land and/or buildings for planting, tending, improving, harvesting, processing and packaging, the preparation and maintenance of soil and other media promoting the growth of marijuana by a marijuana cultivator, micro-business, research facility, craft marijuana cultivator cooperative, registered marijuana dispensary or other entity licensed by the Cannabis Control Commission (hereafter 'Commission') for marijuana cultivation. Such use is not agriculturally exempt from zoning. Note this term is not defined in 935 CMR 500.

Marijuana Cultivator: An entity licensed to cultivate, process, and package marijuana, 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, Independent Testing Laboratory, Marijuana Research Facility, Marijuana Transporter, or any other type of licensed marijuana-related business, except a Medical Marijuana Treatment Center.

Marijuana Membership Club: An organization, club, lodge on private grounds (non-profit and private) allowing on-site consumption of marijuana or marijuana products where no sales occur, but not operating as a licensed Adult On-site Marijuana Social Consumption Operator. Note this item is not defined in 935 CMR 500.

Marijuana Product: Products that have been manufactured and contain marijuana or an extract from 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 Product Manufacturer: An entity licensed to obtain, manufacture, process and package marijuana or marijuana products and to transfer these products to other Marijuana Establishments, but not to consumers.

Marijuana Retailer: An entity licensed to purchase and transfer marijuana 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 marijuana or marijuana products to consumers and from offering marijuana or marijuana products for the purposes of onsite social consumption on the premises of a Marijuana Establishment.

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

Commission: The Massachusetts Cannabis Control Commission (CCC) established by M.G.L.c.10 Section 76, or its designee. The Commission has authority to implement the state marijuana laws, which include, but are not limited to the act, 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 marijuana establishment and a municipality setting forth additional conditions for the operation of a marijuana 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 marijuana or marijuana products and to transport marijuana to Marijuana Establishments, but not to consumers.

Hemp cultivation: For the purposes of this section, the cultivation of hemp shall require a Site Plan Approval from the Planning Board and comply with all applicable sections herein, except that the use may be exempt from the licensing requirements of 935 CMR 500. Note this term is not defined in 935 CMR 500.

Independent Testing Laboratory: A laboratory that is licensed by the Commission to test marijuana and marijuana products, including certification for potency and the presence of contaminants, and is: 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 Cooperation mutual recognition arrangement or that is otherwise approved by the commission; Independent financially from any Medical Marijuana Treatment Center (RMD), Marijuana Establishment or licensee for which it conducts a test; and Qualified to test marijuana or marijuana in compliance with 935 CMR 500.000. A Marijuana Establishment may be eligible for a provisional or final license.

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 marijuana or marijuana products, tinctures, aerosols, oils, or ointments) and transfers, transports, sells, distributes, dispenses, or administers marijuana products containing marijuana 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 marijuana or marijuana for medical use.

Microbusiness: A co-located Marijuana Establishment that can be either a Tier 1 Marijuana Cultivator or Marijuana 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.

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

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

10.4 Place

1. Schedule of Use Regulations

SP - Permitted with Planning Board Special Permit and Site Plan Review

R – Permitted with Site Plan Review

N- Not a permitted use in this District

Schedule of Use Regulations	District						
	AR-60	R-40	V	I-40	C-40	G-V	MCOD
Marijuana Cultivator	SP	SP	N	N	N	N	SP
Marijuana Product Manufacturer	SP	SP	N	N	SP	SP	SP
Marijuana Retailer	N	N	N	N	SP	SP	SP
Marijuana Testing Facility	SP	SP	N	N	SP	SP	SP
Marijuana Transportation/Distribution	SP	SP	N	N	SP	N	SP
Other licensed Marijuana-related business	N	N	N	N	SP	N	SP
Hemp Cultivation	R	R	N	N	N	N	N
Adult On-site Marijuana Social Consumption Operator	SP	SP	SP	SP	SP	SP	SP
Marijuana Membership Club	SP	SP	SP	SP	SP	SP	SP

- All Marijuana Establishments shall be contained within a building or structure. No Marijuana Establishment shall be located in a trailer, cargo container, motor vehicle, or other similar nonpermanent enclosure.
- Marijuana Establishments shall not have drive-through services.
- No Marijuana Establishment shall be located within 500 feet of a pre-existing public or private school providing education in kindergarten or any of grades 1 through 12; junior college; college; licensed day-care center; place of worship; library; park; or playground; establishment, in operation at the time of application for a special permit or site plan approval. Distance shall be measured in a straight line from the nearest point of the property line in question to the nearest

point of the building where the marijuana establishment is or will be located. In any case where the measurement is determined to be in question, the Planning Board may require verification of distances by a Registered Land Surveyor.

5. No Marijuana Establishment shall be located within a building containing residential units. This prohibition includes transient housing such as motels and dormitories, and group housing. Additionally, it is not permitted inside a movable or mobile structure such as a van or truck.
6. The number of licenses for Marijuana Retailers shall be no less than two (2). Special Permit applications will be considered in the order in which the Planning Board receives a completed Special Permit application and confirmation that a completed license application has been received by the Marijuana Control Commission.
7. No Marijuana Retailer shall be located within 200 feet of another Marijuana Retailer. Distance shall be measured by 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.

10.5 Time and Manner

1. No marijuana shall be smoked, eaten, or otherwise consumed or ingested on premises, except as may be allowed in a Marijuana Membership Club or an Adult On-site Social Consumption Operation. All Marijuana Establishments permitted under this section shall comply with all state and local laws, rules and regulations governing the smoking of tobacco.
2. Adult On-Site Social Consumption: All on-site social consumption of marijuana or marijuana products, as either a primary or accessory use, must first be approved by a local ballot initiative process pursuant to M.G.L. 94G Section 3(b).
3. Odor: No Marijuana Establishment shall allow the escape of noxious odors or gases. They shall incorporate odor control technology and provisions, and ensure that emissions do not violate MGL Chapter 1111, Section 31C. All marijuana establishments shall be ventilated in such a manner that no:
 - i. Pesticides, insecticides, or other chemicals or products used in cultivation or processing are dispersed into the outside atmosphere.
 - ii. Odor from marijuana cannot be detected by a person with a normal sense of smell at the exterior of the marijuana establishment or at any adjoining use or property.
4. Signage: All signage shall comply with the requirements of 935 CMR 500, and Section 8 of this zoning ordinance.
5. Hours: Marijuana Retailers shall be open to the public no earlier than 8:00AM or later than 8:00pm.
6. Visual Impact: Marijuana plants, products, and paraphernalia shall not be visible from the outside of the building in which the marijuana establishment is located and shall comply with the requirements of 935 CMR 500. No outside storage of marijuana, related supplies, or promotional material is permitted. Any artificial screening device erected to eliminate the view from a public way shall also be subject to a vegetative screen and the Board shall consider the surrounding landscape and views to determine if an artificial screen would be out of character with the neighborhood.

7. Nuisance: Marijuana Establishment operations shall not create nuisance conditions in parking areas, sidewalks, streets, and areas surrounding the premises and adjacent properties. "Nuisance" includes, but is not limited to, disturbances of the peace, open public consumption of marijuana, excessive pedestrian or vehicular traffic, illegal drug activity under state or local law, harassment of passerby, excessive littering, excessive loitering, illegal parking, excessive loud noises, excessive citation for violations of State or local traffic laws and regulations, queuing of patrons (vehicular or pedestrian) or other obstructions in the public or private way (sidewalks and streets).
8. Home Occupation: Marijuana Establishments are not permitted as a Home Occupation, as defined in Section 1.4 of the Hardwick Zoning Bylaw.
9. Security: Every application for a special permit for the operation of a Marijuana Establishment shall include a security plan describing all security measures. This shall include site security and security for the transportation of marijuana and marijuana products. Safety plans shall mitigate any potential harm to employees and the public including insuring customers are at least 21 years of age. The security plan shall meet all security requirements of 935 CMR 500.110.
10. Community Host Agreement: No Special Permit shall be granted without first having an executed Community Host Agreement with the Town of Hardwick through the Board of Selectmen.
11. Community Outreach meeting: No Special Permit application shall be deemed complete by the Planning Board until a Community Outreach Hearing in accordance with 935 CMR 500 has occurred.
12. State Law: Marijuana establishment operations shall conform at all times to General Laws, Chapter 94G, and regulations issued thereunder.
13. License requirements:
 - i. The Applicant shall submit proof that the application to the CCC has been deemed complete pursuant to 935 CMR 500.102. Copies of the complete application, to the extent legally allowed, shall be provided as an integral component of the application to the Planning Board and no Special Permit application shall be deemed complete by the Planning Board until this information is provided.
 - ii. No Special Permit shall be granted by the Planning Board to an applicant without the Marijuana establishment first having been issued a Provisional License from the Marijuana Control Commission pursuant to 935 CMR 500.
 - iii. No person shall operate a marijuana establishment without having a license in good standing from the Cannabis Control Commission.
14. Energy Use: All marijuana cultivators shall submit an energy use plan to the Planning Board to demonstrate best practices for energy conservation, water usage, and waste disposal. The plan shall include an electrical system overview, proposed energy demand, ventilation system and air quality, proposed water system and utility demand.
15. Line Queue Plan: The applicant shall submit a line queue plan to ensure that the movement of pedestrian and/or vehicular traffic along the public right of ways will not be unreasonably obstructed.
16. Traffic Impact Statement: Any marijuana establishment open to the general public shall submit a detailed Motor Vehicle Access Statement in accordance with Hardwick Zoning Bylaw Section 6.14.5.

17. Parking: Parking shall be in accordance with Hardwick Zoning Bylaw Section 6.14.6.
18. Permitting: The Planning Board shall be the Special Permit Granting Authority. The application requirements and procedures shall be conducted pursuant to Hardwick Zoning Bylaw Section 4.0, Special Permits.
19. Waivers: The applicant shall be required to submit specific information regarding any waivers from 935 CMR 500.000 granted by the CCC. The Planning Board shall approve or disapprove said waivers based on the following CCC criteria in 935.CMR.500.
 - i. Compliance would cause undue hardship to the investor;
 - ii. If applicable, the requestor's non-compliance does not jeopardize the health or safety of any patient or the public;
 - iii. If applicable, the requestor has instituted compensating features that are acceptable to the Planning Board; and
 - iv. The requestor provides to the Planning Board written documentation, in a form and manner determined by the planning board, supporting its request for a waiver.
20. Hemp: The cultivation of industrial hemp is regulated by the Massachusetts Department of Agricultural Resources pursuant to General Laws, Chapter 128, Sections 116-123, shall require a Site Plan Approval from the Planning Board and comply with all applicable sections herein, except that the use may be exempt from the licensing requirements of 935 CMR 500. Use of land or buildings for hemp processing and/or product manufacture shall be subject to such zoning controls as apply to other (non-marijuana) processing and product manufacture operations.

10.6 Special Permit Requirements:

1. A Marijuana Establishment shall only be allowed by special permit from the Planning Board in accordance with MGL c.40A § 9 and Section 4.0 (Special Permits) of this chapter's subject to the following statements, regulations requirements, conditions, and limitations.
2. No special permit for any marijuana establishment shall be issued without site plan approval having been obtained from the Planning Board, Section 5.0 Site Plan Approval. In addition to the standards set forth within, the site plan must meet all dimensional, parking, landscaping, and signage requirements within this chapter.
3. A special permit for a marijuana establishment shall be limited to one or more of the following uses that shall be prescribed by the special permit granting authority:
 - i. Marijuana Cultivator
 - ii. Marijuana Product Manufacturer
 - iii. Marijuana Retailer
 - iv. Marijuana testing facility
 - v. Marijuana transportation or distribution facility
 - vi. Any other type of marijuana-related business
4. In addition to the application requirements set forth above, a special permit application for a marijuana establishment shall include the following:
 - i. The name and address of each owner of the establishment
 - ii. Copies of all required licenses and permits issued to the applicant by the Commonwealth of Massachusetts Cannabis Control Commission and any of its other agencies for the establishment;

- iii. Evidence of the applicant's right to use the site of the establishment for the establishment, such as a purchase of sale agreement, deed, owner's authorization, or lease;
 - iv. 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. A letter from the Town of Hardwick Police Chief, or designee, acknowledging review and approval of the marijuana establishment security plan is required. To the extent allowed by law, all such documents shall be confidential.
 - v. All application requirements for Site Plan Review are as specified in Section 5.0 of Hardwick Zoning Bylaw unless certain non-applicable requirements are waived by the Planning Board.
5. Mandatory findings. The Special Permit authority shall not issue a special permit for a marijuana establishment unless it finds that:
- i. The establishment is designed to minimize any adverse impacts on abutters and other parties in interest, as defined in MGL c.40A, § 11.
 - ii. The establishment demonstrates that it will meet all the permitting requirements of all applicable agencies within the Commonwealth of Massachusetts and will comply with all applicable state laws and regulations; and
 - iii. The applicant has satisfied all of the conditions and requirements set forth herein.
6. A special permit granted under this section shall have a term limited to the duration of the applicant's ownership of the premises 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 Section 4.0.

10.7 Severability

If any provision of Section 10 is found to be invalid by a court of competent jurisdiction, the remainder of Section 10 shall not be affected but shall remain in full force. The invalidity of any provision of Section 10 shall not affect the validity of the remainder of this zoning ordinance.

10.8 Abandonment or discontinuance of use

- 1. A special permit granted hereunder shall lapse at the end of one (1) year from the date of issuance, not including such time required to pursue or await the determination of an appeal, referred to in G.L.c.40A, § 9, from grant thereof, if a substantial use thereof has not commenced, except for good cause or, in the case of permit for construction, if construction has not begun by such date except for good cause.
- 2. A marijuana establishment shall be required to remove all material, plants, equipment and other paraphernalia within thirty (30) days of ceasing operations, or take any other action related thereto.

Sponsor: Planning Board

Article 19. To see if the Town will vote to amend the General Bylaws by deleting the following bylaw as voted at the Special Town Meeting of November 15, 2001 under Article #17

ARTICLE VIII – CONSERVATION COMMISSION

Section 4. Consultant Fees

Upon receipt of a permit application or RFD, or at any point in its deliberations, the Commission may deem it necessary to obtain expert engineering or other consultant services in order to reach a final decision on the application. The specific consultant services may include but are not limited to resource area survey delineation, analysis, and environmental or land use law.

In such instances the Commission shall notify the applicant of this need and the estimated costs and provide the opportunity for the application to be amended or withdrawn. Should an applicant choose to proceed the Commission shall require the applicant to pay the reasonable costs and expenses borne by the Commission for these consulting services as listed below. This fee is called the consultant fee. The exercises of discretion by the Commission in making its determination to require the payment of a consultant fee shall be based upon its reasonable finding that additional information acquirable only through outside consultants would be upon receipt of a permit application or RFD, or at any point in its deliberations, the Commission may deem it necessary to obtain expert engineering or other consultant services in order to reach a final decision on the application. The specific consultant services may include but are not limited to resource survey delineation, analysis or resource area values, including wildlife necessary for the making of an objective decision.

The Commission may require the payment of the consultant fee at any point in its deliberations prior to a final decision. The applicant shall pay the fee to be put into a consultant services account of the Commission which may be drawn upon by the Commission for specific consultant services approved by the Commission at one of its public meetings. The Commission shall return any unused portion of the consultant fee to the applicant

The maximum consultant fee charged to reimburse the Commission for reasonable costs and expenses shall be according to the following schedule:

Project Costs	Maximum Fee
Up to \$100	\$1,000
\$100.001 - \$5,000	\$2,500
\$5,000.001 - \$1,000,000	\$5,000
\$1,000,001 - \$1,500,000	\$7,500
\$1,500,001 - \$2,000,000	\$10,000
\$500,000 Each additional project cost increment (over \$2,000,000) shall be charged at an additional \$2,500 maximum fee per increment.	

Or take any other action relative to.

Sponsor: Conservation Commission

Article 20. To see if the Town will vote to amend the General Bylaws, Article VII, Section 5, as voted at the Special Town Meeting of June 19, 1993 under Article #6 by deleting the words "any fees required pursuant to MGL, Chapter 31, Section 40" and "of \$20.00".

The Bylaw will now read:

An applicant for a determination of applicability from the Conservation Commission, shall pay a fee to the Hardwick Conservation Commission for the purpose of determining whether or not a proposed activity or area is subject to MGL, Chapter 31, Section 40, or take any other action relative thereto.

Sponsor: Conservation Commission

Article 21. To see if the Town will vote to amend the General Bylaws as voted at the Annual Town Meeting of June 17, 2017 under Article #21 – HIGHWAY DEPARTMENT – ARTICLE XIV – Section. 5 ROAD OPENING PERMIT REGULATIONS –

1. APPLICATION FOR PERMIT

E. After the words "Board of Selectmen" insert the following words ", by giving written notice within seven (7) days after the receipt of the Superintendent's decision. After conducting a hearing on the rejection, the Board may affirm, modify or rescind the decision in a manner consistent with these regulations, or take any other action relative thereto.

Sponsor: Superintendent of Streets

Article 22. To see if the Town will vote to amend Article #2 of the Special Town Meeting of April 26, 2018 by adding the words "Wheelwright Pump Station and the Wheelwright Collection System" after the words "Wheelwright Water Pollution Control Facility" the motion will now read as follows:

For the Town to appropriate the sum of Four Million Dollars (\$4,000,000.00) to upgrade the Wheelwright Water Pollution Control Facility, Wheelwright Pump Station and the Wheelwright Collection System pursuant to the Massachusetts Department of Environmental Protection's Administrative Consent Order with Penalty, ACOP-WE-15-1N002, including but not limited, to the cost of demolition, equipment and systems replacement, improvements, and installation, as well as building and /or structure improvements or additions, in order to comply with the Facility's National Pollutant Discharge Elimination System (NYDES) permit. Occupational Safety and Health Administration (OSHA) regulations, National Fire Protection Association Standard 820 (NFPA 820), the Massachusetts State Building Code (780 CMR), and the New England Interstate Water Pollution Control Commission's Technical Report 16 (TR-16), and payment of all other costs incidental and related thereto, including planning, design, engineering, and construction costs; that to meet this appropriation the Treasurer, with the approval of the Selectmen, is authorized to borrow said amount under and pursuant to Chapter 44, Sections 7(1) and/or 8(20) of the General Laws, or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefor; that the Board of Selectmen are hereby authorized to apply for and accept any grants or loans from the United States Department of Agriculture Rural Development and/or any other funding entities that may be available for the project; and that the amount authorized to be borrowed under this vote shall be reduced by the amount of any grants received for the project.

Or take any other action relative thereto.

Sponsor: Sewer Commissioners

Article 23. To see if the Town will vote to authorize the Board of Selectmen to petition the General Court for special legislation as set forth below, provided, however, that the General Court may make clerical or editorial changes of form only to the bill, unless the Board of Selectmen approves amendments to the bill before enactment by the General Court, and provided further that the Board of Selectmen is hereby authorized to approve amendment which shall be within the scope of the general public objectives of this petition.

AN ACT AUTHORIZING THE TOWN OF HARDWICK TO CONTINUE THE EMPLOYMENT OF FIRE CHIEF RAYMOND WALKER

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same as follows:

SECTION 1. Notwithstanding any general or special law to the contrary, Raymond Walker, Chief of the Fire Department of the Town of HARDWICK, may continue to serve in such position until December 21, 2023, until the date of his retirement, or until the date he is relieved of his duties by the Board of Selectmen, whichever occurs first; provided, however, that he is mentally and physically capable of performing the duties of his office. The Board of Selectmen may, at its own expense, require that Raymond Walker be examined by an impartial physician designated by them to determine such capability. No further deductions shall be made from the regular compensation of Raymond Walker under Chapter 32 of the General Laws for any service subsequent to the Chief reaching age 65.

SECTION 2. This act shall take effect upon its passage,

Or take any other action relative thereto.

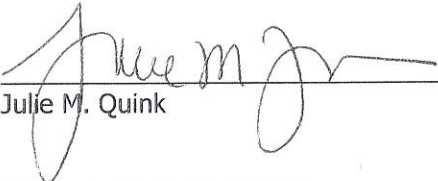
Sponsor: Board of Selectmen

And you are directed to serve this warrant by posting attested copies thereof in each of the Post Offices in said Hardwick, seven days at least before the time of said meeting. Hereof and fail not and make due return of this warrant with your doings thereon to the Town Clerk on or before the time of said meeting.

Given under our hands this 6th day of June, 2018.




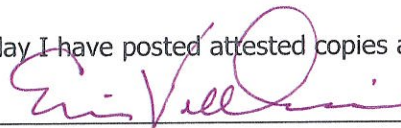
Kenan P. Young, Chairman

Kelly G. Allen


Julie M. Quink

**BOARD OF SELECTMEN
TOWN OF HARDWICK**

This is a true copy attest:  _____ Date: 6/7/18
Constable

This day I have posted attested copies as directed.
 _____ Date: 6/7/18
Constable