

Annual Town Meeting Minutes

May 23, 2022 – 4th Session

Call to Order: at 7:32pm in the Town Hall Auditorium, 298 Central Street, Saugus, MA 01906

Pledge of Allegiance

Tellers: Maureen Whitcomb, Precinct 4 and Peter Rossetti Jr., Precinct 2 sworn in at 7:34pm

Roll Call at 7:35pm



Town Meeting Member name	Pct	Present /Absent	Town Meeting Member name	Pct	Present /Absent	Town Meeting Member name	Pct	Present /Absent
Arone, A.	1	A	Hickman, J.	5	P	Paolini, M.	7	P
Bartolo, J.	6	P	Jones, C.	1	P	Riley, C.	2	P
Bell, M.	1	P	Kahn, J.	8	P	Ring, D.	10	P
Berube, K.	9	P	Kelly, D.	9	P	Rossetti, Jr., P.	2	P
Brown, W.	6	A	Kramich Jr., W.	8	P	Schena, D.	3	P
Camuso Sr., R.	2	P	LeBrasseur, E.	6	P	Scuzzarella, C.	10	P
Chipouras, J.	7	P	Leuci, W.	4	P	Smith, R.	3	P
Connors, Jr., A.	3	P	Long, R.	9	A	Spencer, B.	5	P
Costello, M.	10	P	Lopresti, A.	8	A	Strasnick, R.	9	P
Cross III, W.	8	P	Manoogian Sr, P.	10	P	Tesora, A.	3	A
Currie, K.	6	P	McCarthy, S.	7	P	Thompson, R.	3	P
D'Anna, S.	7	P	Migliore, M.	5	P	Traverse, T.	8	P
Davis, G.	4	P	Moreschi, C.	2	P	Vecchione IV	2	P
Delios, P.	10	P	Northrup, R.	4	P	Wallace, R.	5	P
Doherty, S.	4	P	Palleschi, R.	7	P	Whitcomb, M.	4	P
Dunn, S.	1	P	Palomba, A.	1	P	Worthley, J.	9	P
Goodwin, P.	5	P	Panico, A.	6	P	Total Present=		45
Town Meeting:			Annual Town Meeting			Absent count=		5
		Date: 5/23/2022						

Total: 44+ Moderator = 45

Making the Motion this Evening: Kevin Currie PCT 6

Moderator Comments: informs Town Meeting on those members unable to attend. Gives Town Meeting Members instructions. Minutes of the last Town Meeting accepted. Begin with the Special Town Meeting which has 2 Articles.

Finance Committee Chairman Ken DePatto speaks on the Special Warrants 2 Finance Articles and 3 for the Annual at 7:39pm and their recommendations. Article 2 has \$1.5 million deficit and using ARPA (American Rescue Plan Act) money which is a one-time use of funds. Trying to come out of the pandemic. This is a very tight budget and recommend balancing with this one-time source of funding. Article 28 is a reserved fund for monies in SPED, but Town Meeting is the appropriating body, if this article was to pass it would never come in front of Town Meeting but spent how they give it to the School Committee and the Board of Selectmen. The Finance Committee thought it was a perfect opportunity to start a Stabilization Fund for the schools. Felt strongly the wrong venue was being used and should stay with Town Meeting. Please support all our recommendations.

Motion to take Article 31 out of order by Joe Vecchione IV, Precinct 2.

Seconded at 7:50pm

Unanimous voice vote Yes at 7:50pm to take Article 31 out of order.

As a courtesy to the Joe Vecchione IV,, Kevin Currie Precinct 6 moves Article 31 as recommended:

Seconded at 7:59

Article as Written

Article 31: To see if the Town will amend Section VII of the Saugus Zoning By-Laws to distinguish the definitions of signs, murals, and public art installations to allow for the creation of

new Original Art Murals. Public Art Installations and the preservation of Vintage Original Art Murals on public and private property in commercially zoned districts without being calculated as part of the signage dimensional regulations or color regulations set forth in Section 7.4 of the Saugus Zoning By-Laws. This article also seeks to create an approvals process for murals and public art installations which codifies the procedures, design criteria, construction, and maintenance guidelines for “approved arts projects” in the Town of Saugus.

The following definitions are added and amended in Section 7.2 of the Saugus Zoning Bylaws in proper alphabetical order:

Commercial Message: Any Message that advertises, announces or directs to business conducted, services rendered, or good produced or sold.

Original Art Mural: A one-of-a-kind, hand-painted, hand-tilted, or digitally printed image on the exterior wall(s) of a building that does not contain a commercial message as defined in this Section and permitted by a majority vote by the Zoning Board of Appeals deeming it an “Approved arts project”. New original art murals shall not be permitted in residential districts zoned R-1, R-2, R-3 and R-4.

Public Art Installation: A facility, amenity or project that does not contain any commercial message as defined in this Section and permitted by a majority vote by the Zoning Board of Appeals deeming it an “approved arts project”. New public art installations shall not be permitted in residential districts zone R-1, R-2, R-3 and R-4.

Sign: A sign shall mean and include any privately owned permanent or temporary device, structure, placard, painting, drawing, poster, letter, pictorial representation, emblem, pennant, insignia, numeral, trade flag, or representation used as, or that is in the nature of a commercial message, advertisement, announcement or direction that is on a public way or on private property within public view of a merchandise visible through such a window. Murals and public art installations as defined in Section 7.2 shall not be included in this definition.

Vintage Original Art Mural: An Original Art Mural that existed prior to the operative date of this definition. Preservation and/or rehabilitation of vintage original art murals shall not be subject to the dimensional or color regulations for signs.

The following section shall be added to Section VII of the Saugus Zoning Bylaws to codify the mural and public art installation approval process:

Section 7.7 – Mural and Public Art Installation Approval Process

Purpose and Intent: The purpose of this bylaw is to permit display of art or graphics on building, walls and private property within commercially zoned districts which include business, industrial and mixed uses in the Town of Saugus in order to aesthetically enhance otherwise blank walls or spaces and promote a sense of ‘place’ within the COMMUNITY. The Town shall comply with all state and federal requirements as specified by the Federal Highway Administration (“FHWA”) and the Massachusetts Department of Transportation (“MassDOT”) and to keep MassDOT informed of issues pertaining to oversight of the mural ordinance to ensure effective control of the mural program within the Town municipal boundaries.

1. Procedures

- a. **Pre-Application meeting:** Prior to submission of the application, the applicant shall contact the Department of Planning and Economic Development to schedule a pre-application meeting.
- b. **Application intake:** New submittals will only be taken in after a pre-application meeting. Any resubmittals are accepted by appointment only. All complete packets will be forwarded to the Zoning Board of Appeals for review and approval. A public hearing shall be conducted following application intake.
- c. **Design criteria:** These guidelines provide a reasonable process that safeguards both the interests of the community and those of the individual building/property owner. The guidelines are designed to assure that murals and public art installations within the Town of Saugus enhance the community’s

appearance without confusing drivers and/or pedestrians or causing any other negative impact on public safety or welfare.

- i. Art must be suitable for outdoor display, including its maintenance and conservation requirements.
- ii. Art shall not contain a commercial message as defined in Section 7.2.
- iii. Scale of the artwork must be appropriate to the context of the site.
- iv. Art shall be easily visible and be publicly accessible 24 hours per day or during the normal hours of operation if in a park or lockable spaces.
- v. Art shall not obscure windows or entranceways and shall maintain a clear path for pedestrian egress.
- vi. Art shall be placed on a given site if it disrupts the site's landscaping and maintenance requirements.
- vii. Art shall not be so large as to overwhelm adjacent architecture.
- viii. Art shall not detract from its surroundings nor create "blind" spots where activity can take place or impede on the sightlines of vehicular traffic.
- ix. Art shall be located on a site where it will enhance and activate the pedestrian and the streetscape experience.
- x. Art is highly encouraged to be placed in areas that experience high levels of pedestrian traffic and, where possible, be adjacent to public circulation paths.

d. Conforming Mural or Public Art Installation Proposals: Upon review of application materials and conclusion of a public hearing, the Zoning Board of Appeals, with recommendations provided by the Department of Planning & Economic Development and other relevant departments, will determine whether or not a proposed mural or public art installation qualifies as a one-of-a-kind work of art that does not contain a commercial message, meets the design criteria, and meets the purpose and intent of this bylaw. Applicants with conforming proposals will be sent a letter from the Zoning Board of Appeals stating that the proposal is deemed to be an "approved arts project" and is therefore exempt from the dimensional and color regulations that govern signage as laid out in Section 7.4. A copy of this letter will be sent to the Building Commissioner, and the project shall be considered "permitted".

2. Construction and Maintenance

- e. Art shall be designed to incorporate high-quality materials that enhance the overall appearance of the site and not adversely affect safe and efficient movement of vehicles and pedestrians. Materials may include paint or other media appropriate for exterior use, such as tile or mosaic. Materials shall be long lasting and graffiti-resistant to the greatest extent possible.
- f. Colors, though vibrant, should be complementary and harmonious with the exterior colors of the building structure, as well as consistent with the chosen theme. Neon, fluorescent, or reflective-type colors of materials are prohibited.
- g. Art shall be designed and painted by a qualified artist/muralist, one with sufficient knowledge and experience with the application of art and mural materials.
- h. Mural size shall be determined by the wall surface to be covered. Smaller walls may be completely covered. On large walls, murals should be large enough to dominate the wall surface, but not so large as to overwhelm the local streetscape. Generally, one mural will be permitted per structure.
- i. The artist's signature may appear on the mural or public art piece, provided that it is not so prominent as to detract from the art display.
- j. The proposed art, by its design, construction, and location, shall not obscure or detract from the significant architectural features of the building structure, nor should the building's architecture be altered to accommodate the mural.
- k. The proposed art, by its design, construction, and location, shall not have an adverse impact on adjacent properties or permitted uses. If the art requires special lighting or other related construction, all applicable permits will be required as part of installation.
- l. Routine maintenance of artwork becomes the responsibility of the building owner where the artwork is located. The artist should develop a maintenance

program in cooperation with the building owner or manager for the proper long-term care of the artwork.

- m. If, for whatever reason, the art falls in disrepair, the building owner will be notified in writing and required to make necessary repairs within 60 days. If the repairs are not made within the specified time, the Town reserves the right to repair or remove the mural at the owner's expense.
- n. If previously approved art is to be modified, all proposed modifications to artwork are subject to the approvals process and a new application shall be filed for consideration. Any modification to artwork without approval will result in a revocation of the previously issued permit and removal of the art will be ordered. Rehabilitation or repair of existing artwork does not apply.

3. Application Review and Approval Process:

- o. An applicant desiring to install a mural on a building or install a public art installation in the Town of Saugus is required to submit a formal application, a scaled color rendering of the proposed project, and a photograph showing the building location of the proposed mural. Mural proposals that do not meet all of the design criteria and guidelines in this Section may be denied by the Zoning Board of Appeals. Mural installation must begin within 60 days of approval and must be completed within six months of the start date. If these dates are not met the permit shall be voided. A one-time extension for an additional 60 days may be granted if the request is submitted in writing prior to the end of the initial 60-day period.

(Joseph Vecchione Town Meeting Member Precinct 2)

Joe Vecchione IV speaks at 7:59pm this was because of the official ruling on RT Cap World on a mural from 2019. Saugus has a strict signage but it shouldn't be for public art. If this adopt the mural would be exempt. Speaks about the differences from signage and murals. He uses examples of other towns and cities in the surrounding area as examples of art work. Members of the Cultural Counsel here tonight to speak on the Article. Please support the article.

Mike Sullivan, Chairmen Cultural Counsel speaks at 8:07pm resides at 50 Springdale Ave – introduces Tory, Treasurer for the Cultural Counsel on support for the mural and art in Saugus. Public art is very important for our town. Have received Grants for the Cultural Counsel. We can provide up to \$1,500.00 money for public art. Please support the article.

Tory Darnell Treasurer of Cultural Counsel 9 Allan Place is an art advocate and she explains how it can help bring the community together and the chance to bring a story to the people. Please support this article.

Anthony Cogliano, Chairman Board of Selectmen speaks at 8:11pm in favor of the article.

Martin Costello, Precinct 10 speaks at 8:12pm asking the application process for the art work and criteria's that need to be meet. Will the art work be vetted by sight prior?

Joe Vecchione IV, Precinct 2 answers at 8:13pm if you look at the last paragraph it states you do and know what it will look like when it is done.

Robert Strasnick, Precinct 9 speaks at 8:14pm that there is a typo in the article Section 7.7. "vi.: Art shall be placed on a given site if it disrupts the site's landscaping and maintenance requirements." Is missing the word "not" after "shall".

Makes an Amendment to insert the missing word "not"

Seconded at 8:15pm

Article 31 has passed by unanimous voice vote Yes at 8:16pm to Amendment.

Peter Manoogian, Precinct 10 speaks at 8:17pm has concerns with the article. One is size issues. Another issue is first amendment rights with regards to what suitable in regards to content. He sees potential for adverse actions.

Joe Vecchione IV, Precinct 2 at 8:18pm answers about size and appropriate content which the ZBA can determine what is required. Suitable for outside display and artist use their

professional expertise. Give the ZBA their chance to manage the project. Messaging and 1st amendment rights are protected. People are not spending money to alienate their clientele especially where business are struggling but want to bring the community together.

Peter Manoogian, Precinct 10 speaks at 8:22pm he wasn't referring to the materials but the message. A religious organization or businesses that we can get into litigation issues. What is an example of what is not suitable. If the ZBA denies something and it goes to court, we can lose.

Peter Rossetti Jr., Precinct 2 speaks at 8:25pm on past sign bylaws issues. Each of the case was a \$50.00 per day fine. What is art and what is considered art? What are the limits and where do you start placing them. You have a ZBA board that makes decisions on what is appropriate and there are 5 people, not just 1 person. Should be very careful when you change by-laws.

Joe Vecchione IV, Precinct 2 going back to the design criteria for suitable for outdoor use, you need to read the rest of the sentence. Every mural from here to Boston how many do you see are political. Again, what if...the what if of the fear of the unknown. No one will spend money to offend their customers. I hope the majority 2/3 of Town Meeting will support this article.

Tom Traverse, Precinct 8 speaks at 8:33pm chairmen of the ZBA recognize all the hard work of Town Meeting Member from PCT 2. There is a lot into making a ruling. The Town needs something on murals.

Peter Manoogian, Precinct 10 has Town Moderator ask Town Counsel can content be regulated?

Town Counsel, John Vasapolli answers you cannot regulate content. Must be content neutral. We have a provision in on bylaw on political signs.

Bob Palleschi, Precinct 7 speaks at 8:36pm Town Meeting votes conscience. He thinks this is a slippery slope and maybe come back in the future.

Christ Riley, Precinct 2 speaks at 8:37pm art is subjective. There is a board in place which will be able to define what is suitable and not suitable.

Mike Serino, Board of Selectmen speaks at 8:39pm although he supports artwork but not this article. This should be referred back.

Seconded at 8:41pm

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Appeals, with recommendations provided by the Department of Planning & Economic Development and other relevant departments, will determine whether or not a proposed mural or public art installation qualifies as a one-of-a-kind work of art that does not contain a commercial message, meets the design criteria, and meets the purpose and intent of this bylaw. Applicants with conforming proposals will be sent a letter from the Zoning Board of Appeals stating that the proposal is deemed to be an “approved arts project” and is therefore exempt from the dimensional and color regulations that govern signage as laid out in Section 7.4. A copy of this letter will be sent to the Building Commissioner, and the project shall be considered “permitted”.

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- aa. Routine maintenance of artwork becomes the responsibility of the building owner where the artwork is located. The artist should develop a maintenance program in cooperation with the building owner or manager for the proper long-term care of the artwork.
- bb. If, for whatever reason, the art falls in disrepair, the building owner will be notified in writing and required to make necessary repairs within 60 days. If the repairs are not made within the specified time, the Town reserves the right to repair or remove the mural at the owner’s expense.
- cc. If previously approved art is to be modified, all proposed modifications to artwork are subject to the approvals process and a new application shall be filed for consideration. Any modification to artwork without approval will result in a revocation of the previously issued permit and removal of the art will be ordered. Rehabilitation or repair of existing artwork does not apply.

6. Application Review and Approval Process:


- dd. An applicant desiring to install a mural on a building or install a public art installation in the Town of Saugus is required to submit a formal application, a scaled color rendering of the proposed project, and a photograph showing the building location of the proposed mural. Mural proposals that do not meet all of the design criteria and guidelines in this Section may be denied by the Zoning Board of Appeals. Mural installation must begin within 60 days of approval and must be completed within six months of the start date. If these dates are not met the permit shall be voided. A one-time extension for an additional 60 days may be granted if the request is submitted in writing prior to the end of the initial 60-day period.

Ask for a Roll call vote 8:42pm

Article 31								
	Pct	Vote		Pct	Vote		Pct	Vote
Arone, A.	1	A	Hickman, J.	5	N	Paolini, M.	7	Y
Bartolo, J.	6	N	Jones, C.	N	Y	Riley, C.	2	Y
Bell, M.	1	N	Kahn, J.	8	Y	Ring, D.	10	Y
Berube, K.	9	Y	Kelly, D.	9	N	Rossetti, Jr., P.	2	N
Brown, W.	6	A	Kramich Jr., W.	8	N	Schena, D.	3	Y
Camuso Sr., R.	2	Y	LeBrasseur, E.	6	N	Scuzzarella, C.	10	Y
Chipouras, J.	7	N	Leuci, W.	4	N	Smith, R.	3	N
Connors, Jr., A.	3	N	Long, R.	9	A	Spencer, B.	5	N
Costello, M.	10	N	Lopresti, A.	8	A	Strasnick, R.	9	N
Cross III, W.	8	Y	Manoogian Sr, P.	10	N	Tesora, A.	3	A
Currie, K.	6	N	McCarthy, S.	7	N	Thompson, R.	3	N
D'Anna, S.	7	Y	Migliore, M.	5	Y	Traverse, T.	8	N
Davis, G.	4	Y	Moreschi, C.	2	N	Vecchione IV	2	Y
Delios, P.	10	Y	Northrup, R.	4	Y	Wallace, R.	5	N
Doherty, S.	4		Palleschi, R.	7	N	Whitcomb, M.	4	Y
Dunn, S.	1	N	Palomba, A.	1	N	Worthley, J.	9	N
Goodwin, P.	5	N	Panico, A.	6	Y			

Date: 5/23/2022

Annual Town Meeting



Yea=	18
Nay=	26
Abst=	5

Article 31 as Failed by Roll Call Vote: 18 Yeas, Nays 26 and 5 Absent at 8:45pm

As a courtesy to the Finance Committee, Kevin Currie Precinct 6 moves Article 2 as recommended:

Seconded 8:46pm

Article as Written:
Article 2: To see what sum of money the Town will vote to raise and appropriate for Town charges for the ensuing Fiscal Year 2023. (Town Manager)
Article as Voted: Voted to recommend the sum of \$100,741,741.00 for Town charges for the ensuing Fiscal Year 2023 as follows:

Municipal Department Operating Budgets: \$70,466,491.00
School Department Operating Budget: \$30,275,250.00
Total: \$100,741,741.00

Source of funding to be provided from the tax levy, local aid, estimated receipts, and an amount not to exceed \$1,500,000.00 of these expenditures will be funded by ARPA (American Rescue Plan Act) funds.

Town Moderator	\$1.00
Board of Selectmen	\$60,061.00
Town Manager	\$763,578.00
Finance Committee	\$105,00.00
Accounting	\$611,696.00
Assessors	\$488,016.00
Treasurer/Collector	\$498,029.00
Legal Counsel	\$404,883.00
Human Resources	\$270,275.00
Information Technology	\$434,500.00
Town Clerk	\$167,793.00
Election & Registration	\$162,136.00
Conservation Commission	\$60,676.00
Planning Board	\$51,169.00
Board of Appeals	\$36,117.00
Planning & Economic Development	\$217,282.00
Public Safety-Police Department	\$9,063,698.00
Public Safety-Fire Department	\$6,143,216.00
Code Enforcement-Building Inspection	\$204,329.00
Code Enforcement-Gas & Plumbing Inspection	\$78,573.00
Code Enforcement-Sealer of Weights & Measures	\$14,516.00

Code Enforcement-Electrical Inspection	\$79,303.00
Public Safety-Emergency Management	\$23,000.00
Public Safety-Animal Control	\$78,893.00
Harbor Master	\$5,000.00
Public Safety-Dispatcher	\$902,247.00
Vocational Education-Regional Schools	\$3,777,750.00
Department of Public Works	\$6,157,955.00
Engineering Department	\$219,799.00
Building Maintenance & Grounds	\$1,595,629.00
Health Department	\$450,476.00
Council on Aging	\$299,987.00
Veteran Services	\$290,965.00
Library	\$774,316.00
Youth & Recreation	\$142,761.00
Lobsterman Landing	\$17,379.00
Celebrations	\$2,000.00
Debt Services Principal	\$4,278,900.00
Debt Services Interest LTD	\$4,583,567.00
Debt Services Interest STD	\$35,000.00
Employee Benefits	\$25,429,172.00
Other Insurances	\$1,486,849.00
School Department	\$29,075,250.00
Total:	\$100,741,741.00

Hold: Engineering Department at 8:51pm by Chris Riley, Precinct 2 asking Town Manager about new Engineer roles can be used in the New Master Plan.

Town Manager, Scott Crabtree answers at 8:56pm trying to address the development going on in Saugus. Town Engineer is leaving for another position where he is going to a community that has more than 1 person in that department. We are doing a lot with less but these positions are needed, Planning Board and DPW need assistance.

Chris Riley, Precinct 2 speaks at 8:59pm about another budget addition in IT, thank you to the Manager.

Jason Kahn, Precinct 8 speaks a t 9:00pm on page 33 he is confused on Public Safety Dispatcher numbers not adding up.

Town Manager, Scott Crabtree answers about half a year expenditure and the remaining will be expended to the other half of the year. Brought on new dispatchers and in the process of being hired. Dispatcher position is one of the toughest position to keep.

Martin Costello, Precinct 10 speaks at 9:04pm on page 70 under other insurances; no years for Flood Insurance now incurring flood insurance is that because of FEMA to property change in town.

Town Manager, Scott Crabtree answers at 9:05pm A few years ago changed insurance companies and now map changes and buildings that needed the insurance. It has been talked about at the Finance Committee Meeting on the costs of Insurances.

Article 2 passes by unanimous voice vote Yes at 9:08pm

Motion from William Cross, Precinct 8 to take Article 36 out of order.

Seconded at 9:08pm

Unanimous voice vote Yes at 9:08pm to take Article 36 out of order.

As a courtesy to the Anthony Cogliano, Kevin Currie Precinct 6 moves Article 2 as recommended:

Article as Written:

Article 36: To see if the Town will amend the Zoning Bylaws as follows:

Amend definition of “marijuana establishment” as followed - Marijuana Establishments (ME). A use operated by an entity duly licensed by the Cannabis Control Commission in accordance with state law, that is authorized to engage in the licensed cannabis industry pursuant to a provisional or final license issued by the Cannabis Control Commission. Marijuana Establishments include a Marijuana Manufacturing Establishment (MME), Medical Marijuana Dispensary

(MMD), Recreational Marijuana Retail Establishment (RMRE), and Marijuana Testing Facility (MTF).

2. Remove definition of “Marijuana for Medical Use” and “Medical Marijuana Treatment Centers (MMTC)”
3. Add the following definitions to Article IV:

Marijuana manufacturing establishment (MME): A use operated by an entity duly licensed as a Marijuana Cultivator (Indoor or Outdoor), Craft Marijuana Cooperative, Marijuana Microbusiness, Medical Marijuana Treatment Center and/or Marijuana Product Manufacturer by the Cannabis Control Commission in accordance with M.O.L c.940, and pursuant to all other applicable state laws and regulations, that cultivates, possesses, processes (including development of related products such as, but not limited to, food, tinctures, aerosols, oils, or ointments), transfers or transports marijuana or products containing marijuana.

Medical marijuana dispensary (MMD): A use operated by an entity duly licensed as a Medical Marijuana Treatment Center by the Cannabis Control Commission in accordance with M.O.L. c. 941, and pursuant to all other applicable state laws and regulations, also to be known as a medical marijuana treatment center, that that sells, distributes, dispenses, delivers, or administers marijuana, products containing marijuana, or related supplies specifically for medical purposes.

Recreational marijuana retail establishment (RMRE): A use operated by an entity duly licensed by the Cannabis Control Commission in accordance with M.O.L. c. 940, and pursuant to all other applicable state laws and regulations, that sells, distributes, dispenses, delivers, administers or allows for the on-site consumption of marijuana, products containing marijuana, or related supplies for retail sales for non-medical purposes.

Marijuana testing facility (MTF): An entity duly licensed by the Cannabis Control Commission in accordance with M.O.L. c. 940, and pursuant to all other applicable state laws and regulations, that tests marijuana and marijuana products, including certification for potency and the presence of contaminants. An MTF includes Independent Testing Laboratories and Standards Laboratories.

4. Strike Section 5.8 - SECTION 5.8 – MARIJUANA ESTABLISHMENT. The operation of any marijuana establishment, as defined in G.L. c. 94G, §1, including, without limitation, a marijuana cultivator, marijuana testing facility, marijuana product manufacturer, marijuana retailer, or any other licensed marijuana related business, is prohibited in all zoning districts of the Town. This prohibition shall not apply to the sale, distribution, or cultivation of marijuana for medical purposes licensed under Chapter 369 of the Acts of 2012.
5. Amend Table Use and Parking Regulations to allow “Marijuana Establishments” in the BHSD district by SP-2. Chart should be amended to include overlay districts as they are missing completely. Parking regulations shall be defined in Section 21.11 and shall be categorized as a “Retail Business and Service Establishment” and/or “Commercial / Retail”.
6. Repeal Article XVI as it no longer applies (expired)
7. Amend Section 21.9 of Article XXI Section G.2 and add “i. Marijuana Establishments SP2 (in accordance with regulations set forth in Article XXII)
8. Repeal Article XIX and replace with new Article (XXII) titled “Special Requirements

for Marijuana Establishments”. See draft article below:

Article XXII Special Requirements for Marijuana Establishments

Section 22.1 Purpose

22.1.1 It is recognized that the nature of the substance cultivated, processed, tested and/or sold by marijuana establishments have operational characteristics that require they be sited in such a way as to ensure the health, safety, and general well-being of the public. The imposition of reasonable safeguards and regulation of the time, place and manner of marijuana establishments is necessary to advance these purposes.

22.1.2 Subject to the provisions of this Article, Massachusetts General Laws Chapters 40A, 94G, and 94I, and the rules and regulations of the Cannabis Control Commission, marijuana establishments will be permitted to do business within the Town of Saugus that meet state regulations as established by the Cannabis Control Commission.

22.1.3 Nothing in this section shall be interpreted as regulating the growing, processing or fabrication of products that are not regulated as a controlled substance by the Massachusetts Cannabis Control Commission. Nothing in this section shall be interpreted as regulating businesses that do not bring cannabis or products containing delta-9-tetrahydrocannabinol onto their site.

Section 22.2 Applicability

22.2.1 This section applies to all marijuana establishments, which include: Marijuana manufacturing establishments (MME), medical marijuana dispensaries (MMD), recreational marijuana retail establishments (RMRE) and marijuana testing facilities (MTF) and any other Marijuana Establishment (ME).

Section 22.3 Definitions

22.3.1 The following will be defined subcategories of marijuana establishments:

A. Marijuana Establishments (ME): A use operated by an entity duly licensed by the Cannabis Control Commission in accordance with state law, that is authorized to engage in the licensed cannabis industry pursuant to a provisional or final license issued by the Cannabis Control Commission. Marijuana Establishments include a Marijuana Manufacturing Establishment (MME), Medical Marijuana Dispensary (MMD), Recreational Marijuana Retail Establishment (RMRE) and Marijuana Testing Facility (MTF).

B. Marijuana manufacturing establishment (MME): A use operated by an entity duly licensed as a Marijuana Cultivator (Indoor only), Craft Marijuana Cooperative, Marijuana Microbusiness, Medical Marijuana Treatment Center and/or Marijuana Product Manufacturer by the Cannabis Control Commission in accordance with M.O.L c.940, and pursuant to all other applicable state laws and regulations, that cultivates, possesses, processes (including development of related products such as, but not limited to, food, tinctures, aerosols, oils, or ointments), transfers or transports marijuana or products containing marijuana.

C. Medical marijuana dispensary (MMD): A use operated by an entity duly licensed as a Medical Marijuana Treatment Center by the Cannabis Control Commission in accordance with M.O.L. c. 941, and pursuant to all other applicable state laws and regulations, also to be known as a medical marijuana treatment center, that that sells, distributes, dispenses, delivers, or administers marijuana, products containing marijuana, or related supplies specifically for medical purposes.

D. Recreational marijuana retail establishment (RMRE): A use operated by an entity duly licensed by the Cannabis Control Commission in accordance with M.O.L. c. 940, and pursuant to all other applicable state laws and regulations, that sells, distributes, dispenses, delivers, administers or allows for the on-site consumption of marijuana, products containing marijuana, or related supplies for retail sales for non-medical purposes.

E. Marijuana testing facility (MTF): An entity duly licensed by the Cannabis Control Commission in accordance with M.O.L. c. 940, and pursuant to all other applicable state laws and regulations, that tests marijuana and marijuana products,

including certification for potency and the presence of contaminants. An MTF includes Independent Testing Laboratories and Standards Laboratories.

Section 22.4 Eligible Locations for Marijuana Establishments.

22.4.1 Any and all marijuana establishments as defined in Section 22.3 are permitted by Special Permit (SP-2) by the Board of Selectmen within the Business Highway Sustainable District (BHSD) and shall meet all requirements set forth in Article XXI in addition to the regulations set forth in Article XXII.

A. The following conditions apply for marijuana establishments within the Business Highway Sustainable District (BHSD):

1. Marijuana establishments may not be located:
 - a. Within 1,000 feet of each other
 - b. Within 500 feet of the nearest lot line of a Residential District
 - c. Within 1,000 feet of a place of worship
 - d. Within 1,000 feet of a school or other non-profit educational use library or museum
 - e. Within 1,000 feet of a park or playground
2. In addition to the conditions above, a marijuana manufacturing establishment may not be located:
 - a. In buildings that contain any residential units, including transient housing such as hotels, motels and dormitories.

Section 22.5 Operational requirements.

22.5.1 Use:

A. Marijuana establishments may only use their designated square footage for the purposes of operating such an establishment, as encompassed in this section.

- B. No marijuana shall be smoked, eaten or otherwise consumed or ingested within the premises.
- C. Public facing operations may not occur within the hours of 10:00 p.m. to 8:00 a.m. For the purposes of this provision, public facing operations shall mean all public access, sales, and servicing to and from the facility, including deliveries.
- D. A MME may operate for 24 hours.
- E. Physical requirements:
 1. All aspects of marijuana establishment must take place at a fixed location within a fully enclosed building.
 2. No outside storage is permitted.
 3. No MMD or RMRE shall have a gross floor area in excess of 5,000 square feet.
 4. Ventilation - all marijuana establishments shall be ventilated in such a manner that no:
 - a. Pesticides, insecticides or other chemicals or products used in the cultivation or processing are dispersed into the outside atmosphere.
 - b. No odor from marijuana cultivation, processing or consumption can be detected by a person with an unimpaired and otherwise normal sense of smell at any adjoining use or adjoining property to the marijuana establishment.
 - c. All signage shall comply with 935 CMRS00.105(4), Cannabis Control Commission regulations and Article VII of this bylaw.
- F. Issuance/transfer/discontinuance of use:
 1. A special permit shall be valid only for the registered entity to which the approval was issued and only for the site on which the marijuana establishment has been authorized.
 2. A special permit shall be non-transferable and shall have a term limited to the applicant's ownership or control of the premises as a marijuana establishment.
 3. Permitted marijuana establishments shall file an annual report to the Town Clerk's office no later than January 31st, providing a copy of all current applicable State licenses for the establishment and/or its owners and demonstrating continued compliance with the conditions of the special permit.
 4. A special permit shall lapse if the applicant ceases operation for a period of 180 days of the marijuana establishment and/or if the applicants' registration by

department of public health or licensure by the Cannabis Control Commission has been revoked, expires, is terminated, is transferred to another controlling entity or is relocated to a new site.

a. The applicant shall notify the Building Inspector and Town Clerk in writing within 48 hours of such lapse, cessation, discontinuance, or expiration.

5. A marijuana establishment shall be required to remove all material, plants, equipment and other paraphernalia upon registration or licensure revocation, expiration, termination, transfer to another controlling entity or relocation to a new site and any other cessation of operation as regulated by the Health Department or the Cannabis Control Commission. Such removal will be in compliance with 105 CMR 725.105 (J), (O) and regulations from the CCC.

22.6 Application procedure and requirements

22.6.1 Pre-application meeting

A. An applicant for a Marijuana establishment must attend a pre-application meeting set up in cooperation with the Town Manager, Department of Planning and Economic Development and relevant departments / boards. The applicant shall provide adequate information to describe the nature, scope and site of the proposed development, a brief narrative and basic layout plan.

B. As required by the Cannabis Control Commission, the applicant must host a publicly accessible community outreach meeting and work with the Town Manager on the required Host Community Agreement prior to filing for a Special Permit.

22.6.2 Special Permit Application requirements

A. An application for a Special Permit (SP-2) shall include the following:

1. Two (2) original application forms and a designer's certificate.

2. Ten (10) full sets (define how many based on who will be reviewing the plans) of the plans drawn to scale at a plan size no larger than 24" x 36" (reviewing Departments). Plans shall be prepared by a registered surveyor engineer or architect and shall include the names and addresses of the record owner(s) and design professional(s) and include their signatures and seals. Additional plans and associated narrative contents (Section B) shall be submitted as either 8.5" x 11" or 11" x 17" sheet size.

a. Plans to include in application for Special Permit are as followed as applies:

i. Locus Plan. A locus plan showing the entire proposed development and its relation to existing areas, buildings and roads for a distance of 300 feet from the boundaries of the proposed establishment or such other distance as may be approved or required by the Board of Selectmen. The plan shall also show all contiguous land owned by the applicant or by the owner of the property which is the subject of the application.

ii. Survey Plan. A current survey plan of the entire parcel signed and sealed by a registered surveyor; historic surveys older than 10 years, or those that there are known metes and bound alterations or discrepancies, will not be accepted.

iii. Improvements Plan. A plan depicting all existing and proposed buildings, driveways or roads, parking areas, service areas, sally ports, refuse collection areas, sidewalks, paths, landscaping, and etc.

iv. Photometric Plan (aka photometric analysis, photometric lighting study). A survey of the site illustrating the proposed lighting solution by light level (foot candles, fc) for any new lighting to be installed at the proposed facility, including associated pole and fixture details.

v. Building Plan. A detailed floor plan showing square footages (sf) for each use/room within the marijuana establishment.

vi. Elevation Plan. Building elevation plans showing all elevations of all proposed buildings and structure and indicating the type and color of materials to be used on all facades including the dimensions of the building. Window treatments shall be included. Each elevation shall be labeled with its corresponding compass direction. The plan shall also include the location, dimension, height and characteristics of proposed signs. Images of elevations may be substituted where there are no proposed alterations.

- vii. Details. Detail sheets including, but not limited to, pavement markings, lighting fixtures, fencing, dumpster enclosures, sally port(s), signage (temporary and permanent), and any site improvements.
 - viii. Revision List will be required for all revisions to plans and/or narratives.
3. A digital (pdf) file of the plans and all other required submittal materials shall be submitted at the time of submission.

B. Narrative Contents

1. A description of all activities to occur on site, including but not limited to the following, as applicable: (1) cultivating and processing of marijuana and marijuana infused products (MIPs), (2) on-site sales, (3) delivery of marijuana and related products to off-site facilities, (4) off-site direct delivery to patients, (5) distribution of educational materials, and other programs or activities. A separate narrative shall be provided for each activity and labeled as such.
 - a. The name and address of each owner of the marijuana establishment.
 - b. Copies of all required registrations, licenses and permits issued to the applicant by the Commonwealth of Massachusetts and any of its agencies for the establishment.
 - c. Evidence that the applicant has site control and right to use the site for a marijuana establishment in the form of a deed or valid purchase and sales agreement or, in the case of a lease a notarized statement from the property owner and a copy of the lease agreement.
 - d. A notarized statement signed by the marijuana establishment organization's chief executive officer and corporate attorney disclosing all of its designated owners, including officers, directors, partners, managers, or other similarly situated individuals and entities and their addresses. If any of the above are entities rather than persons, the applicant must disclose the identity of all such responsible individual persons.
 - e. A description of all activities to occur on site, including but not limited to: cultivating and processing of marijuana and marijuana infused products(MIPs), on-site sales, delivery of marijuana and related products to off-site facilities, off-site direct delivery, distribution of educational materials, and other programs or activities.
 - f. A written notice from the Chief of Police shall be submitted to the Town Clerk stating that an acceptable security plan has been reviewed and approved. This notice shall be submitted to the Board of Selectmen prior to a public hearing being held. The security plan shall include the location and details of all security measures for the site, including but not limited to lighting, fencing, gates, waste disposal, alarms and similar measures ensuring the safety of employees and patrons and to protect the premises from theft or other criminal activity. This plan is submitted to the Chief of Police only and is not submitted as part of the application.
 - g. A Traffic Impact Assessment.
 - h. Plan for positive impact and to remain compliant with local codes and bylaws.
 - i. A special permit fee in the amount of \$500.00 made out to the Town of Saugus.
 - j. The cost of publication for any and all required public notices shall be borne by the applicant.

22.7 Review Procedures

22.7.1 Special Permit Application Procedures

A. Upon receipt of a complete application, the Town Clerk shall forward a copy for review and comment to the Department of Planning and Economic Development, Building Department, Fire Department, Police Department, Engineering Department, Board of Health, Planning Board, and the Conservation Commission (if applicable). The departments/boards shall review the application and provide comments back to the Board of Selectmen within 21 calendar days. Board of Selectmen shall, if needed, confer with the appropriate committee for review and comment. Should the Applicant provide revised plans and revision list to the Town Clerk on a day between their original complete submission day, and the day of their first public hearing, the 21-day review period will restart from that date.

22.7.2 Site Plan Review:

A. In cases of new construction, an increase of at least 1,000 square feet to an existing structure and where the final structure will have a total gross area in excess of 3,000 square feet, the applicant shall be subject to the Site Plan Review process as defined in Section 21.6 in Article XXI. The applicant shall be subject to all regulations set forth in Article XXII.

22.8 Special Permit Criteria

22.8.1 Special Permits and Conditions, in the Saugus Zoning By-Law, the Board of Selectmen shall consider the following criteria before issuing a Special Permit:

- A. That the marijuana establishment is designed to minimize any adverse impacts on abutters and other parties in interest.
- B. That the marijuana establishment demonstrates that it will meet all the permitting requirements of all applicable agencies within the Commonwealth of Massachusetts and will be in compliance with all applicable State laws and regulations.
- C. That the applicant has satisfied all of the conditions and requirements of this section and other applicable sections of the Saugus Zoning Bylaws.
- D. That the marijuana establishment 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 marijuana product is adequately secured.
- E. That the marijuana establishment adequately addresses issues of traffic demand, circulation flow, parking and queuing, particularly at peak periods at the establishment, and its impact on neighboring uses.

22.9 Enforcement.

22.9.1 Any violation of this section shall be enforced in accordance with Article X, Administration and Enforcement.

SECTION 2. All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

SECTION 3. This ordinance shall take effect on the date
(Anthony Cogliano, Board of Selectmen)

Amendment by Anthony Arone, Precinct 1 submitted to 22.41: Any and all marijuana establishments as defined in Section 22.3 are permitted by Special Permit (SP-2) by the Board of Selectmen within the Business Highway Sustainable District (BHSD) and shall meet all requirements set forth in Article XXI in addition to the regulations set forth in Article XXII.

- A. The following conditions apply for marijuana establishments within the Business Highway Sustainable District (BHSD):
 - 1. Marijuana establishments may not be located:
 - a. 500 feet of a pre-existing public or private school providing education in kindergarten or any grades 1 through 12. The buffer zone distance shall be measured along the shortest publicly accessible pedestrian travel path from the Marijuana Establishment entrance to the school entrance.
 - b. 1,000 feet of a park or playground. The buffer zone distance shall be measured along the shortest publicly accessible pedestrian travel path from the Marijuana Establishment entrance to the park or playground.
 - 2. Marijuana Retail Establishments may not within 1,000 feet of each other.
 - 3. In addition to the conditions above, a marijuana manufacturing establishment may not be located:
 - a. In buildings that contain any residential units, including transient housing such as hotels, motels and dormitories.

Seconded at 9:34pm

Anthony Cogliano, Board of Selectmen speaks at 9:34pm regarding the reasons he brought this up is strictly financial. Saugus hopefully will get 2 to 3 stores on RT 1 not in our residential neighborhoods. Gave examples of those surrounding town/cities that have them. Submits a video for Town Meeting to view. Ask the Town Clerk to run the video. This is a chance to generate money.

Town Meeting watches his video.

Attorney Jonathan Capano, 32 Fairchild Avenue reads a statement on the Cannabis Industry at 9:45pm in favor of the Cannabis Industry. MGL Ch 64H and 64N local tax options. Local revenue has been growing steady over the last 3 years local revenue \$2.9 million.

Jason Kahn, Precinct 8 at 9:49pm asking about liquor stores have the same requirements as distance, he doesn't want to limit where we can have these dispensaries. He is for this article.

Town Moderator states that the Planning Board recommended the article.

Attorney Jonathan Capano responds at 9:50pm he knows liquor licenses does not have set back requirements but the state regulations marijuana cannot be near a school K-12 by 500 feet. That is the only set back distance.

Tom Traverse, Precinct 8 speaks at 9:51pm asks to reiterate the distance in a residence.

Town Moderator re-reads some of the article to answer.

Anthony Cogliano, Board of Selectmen says it cannot be in a residential neighborhood only BHSD along RT.1

Tom Traverse, Precinct 8 states there are residential neighborhoods that buffer or come up to that zone. Safe guards on where the money will be going. He is for the article but wants to clear it up.

Anthony Cogliano, Board of Selectmen responds at 9:53pm about using money for new parks.

Superintendent Erin McMahon speaks 9:55pm talks about in 2012 she was the Regional Superintendent in Colorado when marijuana was passed in that State. Encourage the body to keep in mind the distance of the facilities from schools.

Anthony Cogliano, Board of Selectmen responds at 9:57pm to the last speaker.

Martin Costello, Precinct 10 speaks at 9:58pm the logically place these established could be placed on RT 1. Are we going to get in stone how many licenses are established in the town. Don't want to have a plethora of these establishments later on.

Anthony Cogliano, Board of Selectmen states 20% of the liquor licenses would give us 2 or 3 of these establishments. One on the north bound side and one on the south bound side is what he would prefer.

Carla Scuzzeralla. Precinct 10 speaks 10pm as a principal it's been a constant fight in schools where kids are getting marijuana. That 1000 feet should be maintained not the amendment. Anthony Cogliano Board of Selectmen states he would be fine if someone else makes amendment to move the 500 feet to the 1000 feet.

Chris Riley, Precinct 2 speaks at 10:02pm on the article distance requirements. He speaks in favor of the article.

Joe Vecchione IV, Precinct 2 makes an amendment to the article at 10:03pm to change 500 to 1000 feet.

Amendment would change the amendment as follow:

1. Marijuana establishments may not be located:
 - a. 1000 feet of a pre-existing public or private school providing education in kindergarten or any grades 1 through 12. The buffer zone distance shall be measured along the shortest publicly accessible pedestrian travel path from the Marijuana Establishment entrance to the school entrance.
 - b. 1,000 feet of a park or playground. The buffer zone distance shall be measured along the shortest publicly accessible pedestrian travel path from the Marijuana Establishment entrance to the park or playground.

Seconded at 10:09pm

Amendment to the Amendment – Unanimous voice vote Yes at 10:09pm

Motion to accept Amendment to change 22.4.1

Unanimous voice vote Yes at 10:10pm on the Amendment has passed at 10:10pm

Peter Manoogian, Precinct 10 speaks at 10:10pm about taking the residential restriction out. Ask the tellers to give handouts to Town Meeting. Saugus rejected the State Initiative with only Precincts 2, 6, 10 passed the question. The rest of the precincts voted “No” and Precincts 9 and 7 were the most and they are on RT 1. He agrees that opinions have changed and the benefits this could bring money to the Town of Saugus. He is for the people to vote on this subject. Making a motion to refer this back to the entire Board of Selectmen to be placed on the ballot.

Seconded at 10:15pm

John Hatch, School Committee speaks at 10:16pm he disagrees with the last speaker this is democracy because you were elected by the town to represent them. He speaks in favor of the article.

Jeff Cicolini, Board of Selectmen speaks at 10:20pm he understands the concerns but he fully supports this article and gives examples. Saugus needs new growth. Dramatic shift in recreational marijuana.

Bob Palleschi, Precinct 7 speaks at 10:24pm he is not in favor of this article. Please reject this article in its entirety.

Jason Kahn, Precinct 8 speaks at 10:26pm he thinks we are really late to the game, but he is in favor of the article.

Corinne Riley, Board of Selectmen speaks 10:27pm in favor of the article.

William Cross, Precinct 8 speaks at 10:30pm in favor of the article.

Chris Riley, Precinct 2 speaks at 10:31pm about the amendment referring it back to the maker, he is against it and for the article.

Anthony Cogliano, Board of Selectmen states the majority of the Board of Selectmen supports this Article so no reason to refer it back to the Board.

Peter Manoogian, Precinct 10 speaks at 10:35pm against the last few speakers and gives examples on why the voters shouldn't vote for marijuana establishments.

Attorney Johnathan Capano, 32 Fairchild Ave, Saugus says is not eligible.

Joe Vecchione IV, Precinct 2 speaks at 10:38pm in favor of the article.

Debra Panetta, Board of Selectmen speaks at 10:40pm on the issues of Marijuana. We are going to have an election for debt exclusion for the Voke so why not put a question on this subject. What do the residents want?

Tom Traverse, Precinct 8 speaks at 10:44pm more of a zoning clarification, mixed use on RT 1

Town Moderator re-reads some of the article.

Anthony Cogliano, Board of Selectmen answers questions and explains more.

Mike Serino, Board of Selectmen is against the article but he is in support of whatever Town Meeting does.

Call of the question to refer the Article back to the Maker.

Roll call vote at 10:50pm

Article 36		Amendment TO REFER BACK							
	Pct	Vote		Pct	Vote		Pct	Vote	
Arone, A.	1	A	Hickman, J.	5	Y	Paolini, M.	7	N	
Bartolo, J.	6	N	Jones, C.	1	N	Riley, C.	2	N	
Bell, M.	1	Y	Kahn, J.	8	N	Ring, D.	10	Y	
Berube, K.	9	N	Kelly, D.	9	N	Rossetti, Jr., P.	2	N	
Brown, W.	6	A	Kramich Jr., W.	8	N	Schena, D.	3	N	
Camuso Sr., R.	2	Y	LeBrasseur, E.	6	N	Scuzzarella, C.	10	N	
Chipouras, J.	7	N	Leuci, W.	4	Y	Smith, R.	3	Y	
Connors, Jr., A.	3	N	Long, R.	9	A	Spencer, B.	5	Y	
Costello, M.	10	Y	Lopresti, A.	8	A	Strasnick, R.	9	Y	
Cross III, W.	8	N	Manoogian Sr, P.	10	Y	Tesora, A.	3	A	
Currie, K.	6	N	McCarthy, S.	7	N	Thompson, R.	3	N	
D'Anna, S.	7	N	Migliore, M.	5	N	Traverse, T.	8	N	
Davis, G.	4	N	Moreschi, C.	2	Y	Vecchione IV	2	N	
Delios, P.	10	N	Northrup, R.	4	Y	Wallace, R.	5	N	
Doherty, S.	4		Palleschi, R.	7	Y	Whitcomb, M.	4	N	
Dunn, S.	1	Y	Palomba, A.	1	Y	Worthley, J.	9	N	
Goodwin, P.	5	Y	Panico, A.	6	N				

Date: 5/23/2022

Annual Town Meeting



Yea=	16
Nay=	28
Abst=	5

Motion to Refer back to the Maker has failed at 10:51pm: Yeas; 16, Nays; 28 and Absent 5

Article as Voted: To see if the Town will amend the Zoning Bylaws as follows:

Amend definition of “marijuana establishment” as followed - Marijuana Establishments (ME). A use operated by an entity duly licensed by the Cannabis Control Commission in accordance with state law, that is authorized to engage in the licensed cannabis industry pursuant to a provisional or final license issued by the Cannabis Control Commission. Marijuana Establishments include a Marijuana Manufacturing Establishment (MME), Medical Marijuana Dispensary

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22.1.1 It is recognized that the nature of the substance cultivated, processed, tested and/or sold by marijuana establishments have operational characteristics that require they be sited in such a way as to ensure the health, safety, and general well-being of the public. The imposition of reasonable safeguards and regulation of the time, place and manner of marijuana establishments is necessary to advance these purposes.

22.1.2 Subject to the provisions of this Article, Massachusetts General Laws Chapters 40A, 94G, and 941, and the rules and regulations of the Cannabis Control Commission, marijuana establishments will be permitted to do business within the Town of Saugus that meet state regulations as established by the Cannabis Control Commission.

22.1.3 Nothing in this section shall be interpreted as regulating the growing, processing or fabrication of products that are not regulated as a controlled substance by the Massachusetts Cannabis Control Commission. Nothing in this section shall be interpreted as regulating businesses that do not bring cannabis or products containing delta-9-tetrahydrocannabinol onto their site.

Section 22.2 Applicability

22.2.1 This section applies to all marijuana establishments, which include: Marijuana manufacturing establishments (MME), medical marijuana dispensaries (MMD), recreational marijuana retail establishments (RMRE) and marijuana testing facilities (MTF) and any other Marijuana Establishment (ME).

Section 22.3 Definitions

22.3.1 The following will be defined subcategories of marijuana establishments:

A. Marijuana Establishments (ME): A use operated by an entity duly licensed by the Cannabis Control Commission in accordance with state law, that is authorized to engage in the licensed cannabis industry pursuant to a provisional or final license issued by the Cannabis Control Commission. Marijuana Establishments include a Marijuana Manufacturing Establishment (MME), Medical Marijuana Dispensary (MMD), Recreational Marijuana Retail Establishment (RMRE) and Marijuana Testing Facility (MTF).

B. Marijuana manufacturing establishment (MME): A use operated by an entity duly licensed as a Marijuana Cultivator (Indoor only), Craft Marijuana Cooperative, Marijuana Microbusiness, Medical Marijuana Treatment Center and/or Marijuana Product Manufacturer by the Cannabis Control Commission in accordance with M.O.L c.940, and pursuant to all other applicable state laws and

regulations, that cultivates, possesses, processes (including development of related products such as, but not limited to, food, tinctures, aerosols, oils, or ointments), transfers or transports marijuana or products containing marijuana.

C. Medical marijuana dispensary (MMD): A use operated by an entity duly licensed as a Medical Marijuana Treatment Center by the Cannabis Control Commission in accordance with M.O.L. c. 941, and pursuant to all other applicable state laws and regulations, also to be known as a medical marijuana treatment center, that that sells, distributes, dispenses, delivers, or administers marijuana, products containing marijuana, or related supplies specifically for medical purposes.

D. Recreational marijuana retail establishment (RMRE): A use operated by an entity duly licensed by the Cannabis Control Commission in accordance with M.O.L. c. 940, and pursuant to all other applicable state laws and regulations, that sells, distributes, dispenses, delivers, administers or allows for the on-site consumption of marijuana, products containing marijuana, or related supplies for retail sales for non-medical purposes.

E. Marijuana testing facility (MTF): An entity duly licensed by the Cannabis Control Commission in accordance with M.O.L. c. 940, and pursuant to all other applicable state laws and regulations, that tests marijuana and marijuana products, including certification for potency and the presence of contaminants. An MTF includes Independent Testing Laboratories and Standards Laboratories.

Section 22.4 Eligible Locations for Marijuana Establishments.

22.4.1 Any and all marijuana establishments as defined in Section 22.3 are permitted by Special Permit (SP-2) by the Board of Selectmen within the Business Highway Sustainable District (BHSD) and shall meet all requirements set forth in Article XXI in addition to the regulations set forth in Article XXII.

B. The following conditions apply for marijuana establishments within the Business Highway Sustainable District (BHSD):

1. Marijuana establishments may not be located:
 - a. 1000 feet of a pre-existing public or private school providing education in kindergarten or any grades 1 through 12. The buffer zone distance shall be measured along the shortest publicly accessible pedestrian travel path from the Marijuana Establishment entrance to the school entrance.
 - b. 1,000 feet of a park or playground. The buffer zone distance shall be measured along the shortest publicly accessible pedestrian travel path from the Marijuana Establishment entrance to the park or playground.
4. Marijuana Retail Establishments may not within 1,000 feet of each other.
5. In addition to the conditions above, a marijuana manufacturing establishment may not be located:
 - a. In buildings that contain any residential units, including transient housing such as hotels, motels and dormitories.

Section 22. 5 Operational requirements.

22.5.1 Use:

A. Marijuana establishments may only use their designated square footage for the purposes of operating such an establishment, as encompassed in this section.

- B. No marijuana shall be smoked, eaten or otherwise consumed or ingested within the premises.
- C. Public facing operations may not occur within the hours of 10:00 p.m. to 8:00 a.m. For the purposes of this provision, public facing operations shall mean all public access, sales, and servicing to and from the facility, including deliveries.
- D. A MME may operate for 24 hours.
- E. Physical requirements:
 1. All aspects of marijuana establishment must take place at a fixed location within a fully enclosed building.
 2. No outside storage is permitted.
 3. No MMD or RMRE shall have a gross floor area in excess of 5,000 square feet.

4. Ventilation - all marijuana establishments shall be ventilated in such a manner that no:
 - a. Pesticides, insecticides or other chemicals or products used in the cultivation or processing are dispersed into the outside atmosphere.
 - b. No odor from marijuana cultivation, processing or consumption can be detected by a person with an unimpaired and otherwise normal sense of smell at any adjoining use or adjoining property to the marijuana establishment.
 - c. All signage shall comply with 935 CMRS00.105(4), Cannabis Control Commission regulations and Article VII of this bylaw.

F. Issuance/transfer/discontinuance of use:

1. A special permit shall be valid only for the registered entity to which the approval was issued and only for the site on which the marijuana establishment has been authorized.
2. A special permit shall be non-transferable and shall have a term limited to the applicant's ownership or control of the premises as a marijuana establishment.
3. Permitted marijuana establishments shall file an annual report to the Town Clerk's office no later than January 31st, providing a copy of all current applicable State licenses for the establishment and/or its owners and demonstrating continued compliance with the conditions of the special permit.
4. A special permit shall lapse if the applicant ceases operation for a period of 180 days of the marijuana establishment and/or if the applicants' registration by department of public health or licensure by the Cannabis Control Commission has been revoked, expires, is terminated, is transferred to another controlling entity or is relocated to a new site.
 - a. The applicant shall notify the Building Inspector and Town Clerk in writing within 48 hours of such lapse, cessation, discontinuance, or expiration.
5. A marijuana establishment shall be required to remove all material, plants, equipment and other paraphernalia upon registration or licensure revocation, expiration, termination, transfer to another controlling entity or relocation to a new site and any other cessation of operation as regulated by the Health Department or the Cannabis Control Commission. Such removal will be in compliance with 105 CMR 725.105 (J), (O) and regulations from the CCC.

22.6 Application procedure and requirements

22.6.1 Pre-application meeting

- A. An applicant for a Marijuana establishment must attend a pre-application meeting set up in cooperation with the Town Manager, Department of Planning and Economic Development and relevant departments / boards. The applicant shall provide adequate information to describe the nature, scope and site of the proposed development, a brief narrative and basic layout plan.
- B. As required by the Cannabis Control Commission, the applicant must host a publicly accessible community outreach meeting and work with the Town Manager on the required Host Community Agreement prior to filing for a Special Permit.

22.6.2 Special Permit Application requirements

- A. An application for a Special Permit (SP-2) shall include the following:
 1. Two (2) original application forms and a designer's certificate.
 2. Ten (10) full sets (define how many based on who will be reviewing the plans) of the plans drawn to scale at a plan size no larger than 24" x 36" (reviewing Departments). Plans shall be prepared by a registered surveyor engineer or architect and shall include the names and addresses of the record owner(s) and design professional(s) and include their signatures and seals. Additional plans and associated narrative contents (Section B) shall be submitted as either 8.5" x 11" or 11" x 17" sheet size.
 - a. Plans to include in application for Special Permit are as followed as applies:
 - i. Locus Plan. A locus plan showing the entire proposed development and its relation to existing areas, buildings and roads for a distance of 300 feet from the boundaries of the proposed establishment or such other distance as may be approved or required by the Board of Selectmen. The plan shall also show all

contiguous land owned by the applicant or by the owner of the property which is the subject of the application.

ii. Survey Plan. A current survey plan of the entire parcel signed and sealed by a registered surveyor; historic surveys older than 10 years, or those that there are known metes and bound alterations or discrepancies, will not be accepted.

iii. Improvements Plan. A plan depicting all existing and proposed buildings, driveways or roads, parking areas, service areas, sally ports, refuse collection areas, sidewalks, paths, landscaping, and etc.

iv. Photometric Plan (aka photometric analysis, photometric lighting study). A survey of the site illustrating the proposed lighting solution by light level (foot candles, fc) for any new lighting to be installed at the proposed facility, including associated pole and fixture details.

v. Building Plan. A detailed floor plan showing square footages (sf) for each use/room within the marijuana establishment.

vi. Elevation Plan. Building elevation plans showing all elevations of all proposed buildings and structure and indicating the type and color of materials to be used on all facades including the dimensions of the building. Window treatments shall be included. Each elevation shall be labeled with its corresponding compass direction. The plan shall also include the location, dimension, height and characteristics of proposed signs. Images of elevations may be substituted where there are no proposed alterations.

vii. Details. Detail sheets including, but not limited to, pavement markings, lighting fixtures, fencing, dumpster enclosures, sally port(s), signage (temporary and permanent), and any site improvements.

viii. Revision List will be required for all revisions to plans and/or narratives.

3. A digital (pdf) file of the plans and all other required submittal materials shall be submitted at the time of submission.

B. Narrative Contents

1. A description of all activities to occur on site, including but not limited to the following, as applicable: (1) cultivating and processing of marijuana and marijuana infused products (MIPs), (2) on-site sales, (3) delivery of marijuana and related products to off-site facilities, (4) off-site direct delivery to patients, (5) distribution of educational materials, and other programs or activities. A separate narrative shall be provided for each activity and labeled as such.

a. The name and address of each owner of the marijuana establishment.

b. Copies of all required registrations, licenses and permits issued to the applicant by the Commonwealth of Massachusetts and any of its agencies for the establishment.

c. Evidence that the applicant has site control and right to use the site for a marijuana establishment in the form of a deed or valid purchase and sales agreement or, in the case of a lease a notarized statement from the property owner and a copy of the lease agreement.

d. A notarized statement signed by the marijuana establishment organization's chief executive officer and corporate attorney disclosing all of its designated owners, including officers, directors, partners, managers, or other similarly situated individuals and entities and their addresses. If any of the above are entities rather than persons, the applicant must disclose the identity of all such responsible individual persons.

e. A description of all activities to occur on site, including but not limited to: cultivating and processing of marijuana and marijuana infused products(MIPs), on-site sales, delivery of marijuana and related products to off-site facilities, off-site direct delivery, distribution of educational materials, and other programs or activities.

f. A written notice from the Chief of Police shall be submitted to the Town Clerk stating that an acceptable security plan has been reviewed and approved. This notice shall be submitted to the Board of Selectmen prior to a public hearing being held. The security plan shall include the location and details of all security measures for the site, including but not limited to lighting, fencing, gates, waste disposal, alarms and similar measures ensuring the safety of employees and patrons and to protect the premises from theft or other criminal activity. This plan

is submitted to the Chief of Police only and is not submitted as part of the application.

g. A Traffic Impact Assessment.

h. Plan for positive impact and to remain compliant with local codes and bylaws.

i. A special permit fee in the amount of \$500.00 made out to the Town of Saugus.

j. The cost of publication for any and all required public notices shall be borne by the applicant.

22.7 Review Procedures

22.7.1 Special Permit Application Procedures

A. Upon receipt of a complete application, the Town Clerk shall forward a copy for review and comment to the Department of Planning and Economic Development, Building Department, Fire Department, Police Department, Engineering Department, Board of Health, Planning Board, and the Conservation Commission (if applicable). The departments/boards shall review the application and provide comments back to the Board of Selectmen within 21 calendar days. Board of Selectmen shall, if needed, confer with the appropriate committee for review and comment. Should the Applicant provide revised plans and revision list to the Town Clerk on a day between their original complete submission day, and the day of their first public hearing, the 21-day review period will restart from that date.

22.7.2 Site Plan Review:

A. In cases of new construction, an increase of at least 1,000 square feet to an existing structure and where the final structure will have a total gross area in excess of 3,000 square feet, the applicant shall be subject to the Site Plan Review process as defined in Section 21.6 in Article XXI. The applicant shall be subject to all regulations set forth in Article XXII.

22.8 Special Permit Criteria

22.8.1 Special Permits and Conditions, in the Saugus Zoning By-Law, the Board of Selectmen shall consider the following criteria before issuing a Special Permit:

F. That the marijuana establishment is designed to minimize any adverse impacts on abutters and other parties in interest.

G. That the marijuana establishment demonstrates that it will meet all the permitting requirements of all applicable agencies within the Commonwealth of Massachusetts and will be in compliance with all applicable State laws and regulations.

H. That the applicant has satisfied all of the conditions and requirements of this section and other applicable sections of the Saugus Zoning Bylaws.

I. That the marijuana establishment 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 marijuana product is adequately secured.

J. That the marijuana establishment adequately addresses issues of traffic demand, circulation flow, parking and queuing, particularly at peak periods at the establishment, and its impact on neighboring uses.

22.9 Enforcement.

22.9.1 Any violation of this section shall be enforced in accordance with Article X, Administration and Enforcement.

SECTION 2. All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

SECTION 3. This ordinance shall take effect on the date

Roll Call vote on the article at 10:52pm

Article 36											
	Pct	Vote		Pct	Vote		Pct	Vote			
Arone, A.	1	A	Hickman, J.	5	N	Paolini, M.	7	Y			
Bartolo, J.	6	N	Jones, C.	1	Y	Riley, C.	2	Y			
Bell, M.	1	N	Kahn, J.	8	Y	Ring, D.	10	Y			
Berube, K.	9	Y	Kelly, D.	9	Y	Rossetti, Jr., P.	2	Y			
Brown, W.	6	A	Kramich Jr., W.	8	Y	Schena, D.	3	Y			
Camuso Sr., R.	2	Y	LeBrasseur, E.	6	Y	Scuzzarella, C.	10	Y			
Chipouras, J.	7	Y	Leuci, W.	4	N	Smith, R.	3	N			
Connors, Jr., A.	3	Y	Long, R.	9	A	Spencer, B.	5	N			
Costello, M.	10	Y	Lopresti, A.	8	A	Strasnick, R.	9	Y			
Cross III, W.	8	Y	Manoogian Sr, P.	10	N	Tesora, A.	3	A			
Currie, K.	6	Y	McCarthy, S.	7	Y	Thompson, R.	3	Y			
D'Anna, S.	7	Y	Migliore, M.	5	Y	Traverse, T.	8	Y			
Davis, G.	4	Y	Moreschi, C.	2	N	Vecchione IV	2	Y			
Delios, P.	10	Y	Northrup, R.	4	N	Wallace, R.	5	Y			
Doherty, S.	4		Palleschi, R.	7	N	Whitcomb, M.	4	Y			
Dunn, S.	1	N	Palomba, A.	1	N	Worthley, J.	9	Y			
Goodwin, P.	5	N	Panico, A.	6	Y						

Date: 5/23/2022

Annual Town Meeting

Yea= 31

Nay= 13

Abst= 5

Article 36 passes by 2/3 majority Roll Call vote at 10:54pm; Yea, 31, Nays, 13; Absent 5.

Town Moderator makes a motion to continue since it 10:55pm or to adjourn until June 6, 2022. Majority hand count to move forward and finish the rest of the articles.

As a courtesy to the Finance Committee, Kevin Currie Precinct 6 moves Article 12 as recommended:

Seconded at 10:55pm

Article as Written:
Article 12: To see if the Town will vote to appropriate a sum of money from the PEG Access Enterprise Fund for the purpose of funding the operating budget of the PEG Access studio/facility in Saugus for the Fiscal Year 2023. Said funds to be distributed under the authority and direction of the Board of Selectmen as they see fit pursuant to the current Cable Television Renewal License Agreement and the current agreement between the Town and its designee a PEG access corporation. (Board of Selectmen)

No Discussion

Article as Voted: Voted to recommend the Town appropriate the sum of \$410,000.00 less the balance of unencumbered funds of the Fiscal Year 2022 budget remaining in the operations account of SCTV at the close of Fiscal Year 2022 for the purpose of funding the operating budget of the PEG Access studio/facility in Saugus for the Fiscal Year 2023. The source of funding is the PEG Access Enterprise Fund revenue received under the current Cable Television Renewal Agreement held in the PEG Access Enterprise Fund

Article 12 has passed by unanimous voice vote Yes at 10:56pm

As a courtesy to the Finance Committee, Kevin Currie Precinct 6 moves Article 28 as recommended:

Seconded at 10:57pm

Article as Written:
Article 28: To see if the Town will vote to accept provisions of Section 13E of Chapter 40 of the Massachusetts General Laws, added by Section 24 of Chapter 218 of the Acts of 2016, authorizing the School Department to establish a reserve fund to be utilized in upcoming fiscal years to pay, without further appropriation, for unanticipated or unbudgeted costs of special education, including but not limited to out-of-district tuition or transportation, or to take any other action in relation thereto. (School Committee)

John Hatch, School Committees speaks at 10:57pm that this article was intended to help stabilize costs. Appreciate the Finance Committee, asking to please refer back to the maker to produce the proper language.

William Cross, Precinct 8 to make a motion to refer back to the Schools Committee.

Seconded at 10:59pm

Chris Riley, Precinct 2 speaks at 11:00pm in favor of sending back to the maker.

Article 28 passes by unanimous voice vote Yes at 11:01pm to refer back to maker.

As a courtesy to the Joseph Vecchione IV, Precinct 2, Kevin Currie Precinct 6 moves Article 33 as recommended:

Seconded at 11:02pm

Article as Written

Article 33. To see if the Town will amend Article VI, Section 6.2., footnote 3 in the Table Dimensional and Density Regulations changing the special permit granting authority (SPGA) from the Board of Selectmen to the Board of Appeals via following the change in language:

In Multi-Density Residential Districts and High Rise Business and Industrial Districts, height over 40 ft, will be allowed by special permit by the Board of Appeals. Such height is not to exceed 90 ft. (Joseph Vecchione Town Meeting Member Precinct 2)
Town Moderator states that the Planning Board voted 4 to 1 against the article.

Joe Vecchione IV, Precinct 2 speaks at 11:03pm asks to refer Articles 33, 34, 35 back to the maker.

Motion to refer back to the maker.

Seconded at 11:04

Article 33 passed by unanimous voice vote yes at 11:04pm motion to refer back to the maker.

As a courtesy to the Joseph Vecchione IV, Precinct 2, Kevin Currie Precinct 6 moves Article 34 as recommended:

Seconded at 11:05pm

Article as Written

Article 34. To see if the Town will amend Article XVIII Waterfront Mixed Use Overlay District (WMOUD) Section 18.14, Dimensional and Density Regulations changing the special permit granting authority (SPGA) from the Board of Selectmen to the Board of Appeals via following the change in language on the third paragraph of Section 18.14:

The height limit in the WMOUD-2 is 40 feet, 3 stories. Structural heights of buildings over 40 feet will be allowed by special permit by the Board of Appeals. Such height is not to exceed 90 feet, 6 stories. Height increases over 40 feet, 3 stories shall not be allowed for changes in grading or filling within the WMOUD-2. (Joseph Vecchione Town Meeting Member Precinct 2)

Motion to move back to the maker.

Article 34 passes by unanimous voice vote Yes at 11:05pm motion to refer back to the maker.

As a courtesy to the Joseph Vecchione IV, Precinct 2, Kevin Currie Precinct 6 moves Article 35 as recommended:

Seconded at 11:05pm

Article as Written

Article 35. To see if the Town will amend Article XXI Business Highway Sustainable District (BHSD), Section 21.10, E. Height, changing the special permit granting authority (SPGA) from the Board of Selectmen to the Board of Appeals via following the change in language:

It is permissible to request a Special Permit from the Board of Appeals to increase the height beyond what is allowed as-of-right within a range not to exceed 6 stories and a maximum height of 90 ft. (Joseph Vecchione Town Meeting Member Precinct 2)

Motion to refer back to the maker.

Article 35 passes by unanimous voice vote Yes at 11:05pm motion to refer back to the maker.

As a courtesy to the Maker of the Article, Precinct 2, Kevin Currie Precinct 6 moves Article 37 as recommended:

Seconded at 11:06pm

Article as Written

Article 37. To see if the Town will vote to amend the Zoning Map by changing the zoning classification of Assessors Parcel 010-D-0001-0006.0, located at 961 Broadway, from Residential 2 to Business Highway Residential District as shown on the plan set forth below (plan filed in the Town Clerks Office) (Zach Puracchio, 47 Clifton Ave)

Town Moderator states there was a confusion on the Parcels that were submitted. Maker has asked to refer back to them to resubmit to the Planning Board.

Seconded at 11:07pm to refer back to the maker.

Peter Manoogian speaks at 11:08pm on other issues with the article about Planning Board notifying the abutters to Forest Street.

Motion to refer back to the maker

Article 37 passes by unanimous voice vote Yes at 11:09pm motion to refer back to the maker.

Moderator asks for a motion to adjourn the 2022 Annual Town Meeting.

Motion to adjourn the Annual Town Meeting on May 23, 2022 at 11:10pm

Seconded at 11:10p.m.

Unanimous voice vote at 11:11p.m. to adjourn sine die.

Sincerely,

Ellen Joyce Schena
Saugus Town Clerk

