

TOWN OF SAUGUS
2022 ANNUAL TOWN MEETING

Essex, ss.

To the Constable of the Town of Saugus

Greetings:

In the name of the Commonwealth of Massachusetts you are hereby required to notify and warn the inhabitants of the Town of Saugus, qualified to vote in Town affairs for the Annual Town Meeting at the Saugus Town Hall located at 298 Central Street on **May 2, 2022 at 7:30 PM** to hear and act on the following articles: viz;

Article 1. To hear and act on reports of Committees.

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 3. To see if the Town will vote to make supplementary appropriations to be used in conjunction with money appropriated under Article 2 of the 2021 Annual Town Meeting during the current fiscal year, and determine whether the money shall be provided by transfer from available funds; or to see what other action the Town wishes to take in the matter. (Town Manager)

Article 4. To see if the Town will vote to make supplementary appropriations to be used in conjunction with money appropriated under Article 6 of the 2021 Annual Town Meeting during the current fiscal year, and determine whether the money shall be provided by transfer from available funds; or to see what other action the Town wishes to take in the matter. (Town Manager)

Article 5. To see if the Town will vote to make supplementary appropriations to be used in conjunction with money appropriated under Article 7 of the 2021 Annual Town Meeting during the current fiscal year, and determine whether the money shall be provided by transfer from available funds; or to see what other action the Town wishes to take in the matter. (Town Manager)

Article 6. To see what sums of money the Town will vote to raise and appropriate for the Water Enterprise Fund for the ensuing Fiscal Year 2023. (Town Manager)

Article 7. To see what sums of money the Town will vote to raise and appropriate for the Sewer Enterprise Fund for the ensuing Fiscal Year 2023. (Town Manager)

Article 8. To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money for the purpose of funding unpaid bills of a prior fiscal year. (Town Manager)

Article 9. To see if the Town will vote to authorize an amount to be expended from each of the revolving funds listed below and authorized under the Town of Saugus Bylaws as amended April 9, 2018 as Section 405.00 Departmental Revolving Funds for the ensuing Fiscal Year 2023 (Town Manager):

Saugus Senior Center Programs and Activities
Saugus Senior Center Lunch Program
Water System Cross-Connection Program
Town of Saugus Compost Program
Youth & Recreation Programs and Activities

Article 10. To see if the Town will vote to authorize the Treasurer with the approval of the Board of Selectmen, to borrow a certain amount at 0% interest from the MWRA Local Pipeline Assistance Program for the purpose of designing and constructing improvements to water pipelines or to take any other action relative thereto. (Town Manager)

Article 11. To see if the Town will vote to increase water rates with all receipts to be held within the Water Enterprise Fund to be used exclusively for water expenses, water maintenance, water debt and interest and water improvement programs, or take any other action relating thereto. (Town Manager)

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)

Article 13. To see if the Town will vote to appropriate a sum of money from available funds in the Transportation Infrastructure Fund for the purpose of conducting line painting on various streets in town. This appropriation is in accordance with Act St. 2016, ch 187 s8(c)(i) and MGL c44 s53. (Town Manager)

Article 14. To see if the Town will vote to appropriate a sum of money for capital improvements to the Town's sanitary sewer system, including the payment of all costs incidental or related thereto; to determine whether this appropriation shall be raised by borrowing from the Massachusetts Clean Water Trust or otherwise; and to take any other action relative thereto. (Town Manager).

Article 15. To see if the Town will vote to appropriate a sum of money for construction and reconstruction of various streets and sidewalks, including the payment of costs incidental or related thereto; to determine whether this appropriation shall be raised by borrowing or otherwise; or to take any other action relative thereto. (Town Manager)

Article 16. To see if the Town will vote to raise and appropriate a sum of money for the purpose of repairing or replacing Town guard rails, including payment of costs incidental or related thereto; to determine whether this appropriation shall be raised by borrowing or otherwise; or to take any other action relative thereto. (Town Manager)

Article 17. To see if the Town will vote to amend the zoning by-laws of the Town of Saugus by adding the following:

Amend: Article VI - DIMENSIONAL AND DENSITY REGULATIONS
Section 6.2 TABLE OF DIMENSIONAL AND DENSITY REGULATIONS
By deleting the following under the Table of Dimensional and Density Regulations:

District	Max. Height (feet)
R4 Any Permitted Use	90
B2 Any Permitted Use	90

By adding the following under the Table of Dimensional and Density Regulations:

District	Max. Height (feet)
R4 Any Permitted Use	50
B2 Any Permitted Use	50

(Michael Serino)

Article 18. To see if the Town will vote to amend the zoning by-laws of the Town of Saugus by adding the following:

Amend: Article VI - DIMENSIONAL AND DENSITY REGULATIONS

Section 6.2 TABLE OF DIMENSIONAL AND DENSITY REGULATIONS

By deleting the following definition under footnote symbol (1) under the Table of Dimensional and Density Regulations:

(1) There shall be an additional 2,500 sq. ft. for each unit in excess of four (4), except for federal or state-aided housing for the elderly or handicapped, built for the Saugus Housing Authority, where up to 35 units/acre of land may be allowed by Special Permit from the Board of Appeals under Section 12.4G of this Zoning By-Law.

By adding the following new definition under footnote symbol (1) under the Table of Dimensional and Density Regulations:

(1) There shall be an additional 2,500 sq. ft. for each unit in excess of four (4), except for federal or state-aided housing for the elderly or handicapped, built for the Saugus Housing Authority, where up to thirty-five (35) units/acre of land and a height of ninety (90) feet may be allowed by Special Permit from the Board of Appeals under Section 12.4G of this zoning By-Law.

By adding the following new footnote symbol (1) under the Table of Dimensional and Density Regulations:

District	Minimum Lot Area	Max Height (feet)
R4 (Michael Serino)	(1)	50 (1)

Article 19. To see if the Town will vote to amend the zoning by-laws of the Town of Saugus by adding the following:

Amend: Article VI - DIMENSIONAL AND DENSITY REGULATIONS
Section 6.2 TABLE OF DIMENSIONAL AND DENSITY REGULATIONS

By deleting the following definition under footnote symbol (3) under the Table of Dimensional and Density Regulations:

(3) In Multi-Density Districts and High Rise Business and Industrial Districts, heights over 40 ft, will be allowed only by special permit by Board of Selectmen. Such height is not to exceed 90 ft.

By adding the following new definition under footnote symbol (3) under the Table of Dimensional and Density Regulations:

(3) In Multi-Density Districts (R-4) and High Rise Business (B-2) and Industrial Districts (I-1) and (I-2), heights over 40 ft, will be allowed only by special permit by Board of Selectmen. Such height is not to exceed four (4) stories and a maximum height of fifty (50) feet.
(Michael Serino)

Article 20. To see if the Town will vote to amend the zoning by-laws of the Town of Saugus by adding the following:

Amend: Article VI - DIMENSIONAL AND DENSITY REGULATIONS
Section 6.8 - OTHER GENERAL DIMENSIONAL AND DENSITY
PROVISIONS

By deleting the following under section 6.8 (J.)

J. The limit of height in High Rise Business and Industrial Districts (B2), subject to the provisions of Article XII, shall be six (6) stories, not to exceed ninety (90) feet, with the same exceptions as provided in paragraph F of this section.

By adding the following new section under 6.8 (J.)

J. The limit of height in Multi-Density Districts (R4), High Rise Business Districts (B2) and Industrial Districts (I-1) and (I-2) are subject to the provisions of Article XII, shall be four (4) stories, not to exceed a maximum height of fifty (50) feet, with the same exceptions as provided in paragraph F of this section.
(Michael Serino)

Article 21. To see if the Town will vote to amend the zoning by-laws of the Town of Saugus by adding the following:

Amend: Article XII - SPECIAL PERMITS AND CONDITIONS
Section 12.4 SPECIAL CONDITIONS
C. PLANNED MULTI-DENSITY RESIDENTIAL DEVELOPMENT

By deleting the following section under 12.4.C - 1. General Requirements (f)
f) Buildings shall not exceed six (6) stories in height.

By adding the following new section under 12.4.C - 1. General Requirements (f)
f) Buildings shall not exceed four (4) stories and a maximum height of fifty (50) feet.
(Michael Serino)

Article 22. To see if the Town will vote to amend the zoning by-laws of the Town of Saugus by adding the following:

Amend: Article XVIII - WATERFRONT MIXED USE OVERLAY DISTRICT
Section 18.2 DISTRICT BOUNDARIES

By deleting the last sentence in the paragraph:
Such height in the WMUOD 2 is not to exceed 90 feet and 6 stories.

By adding the following new last sentence to the end of the paragraph:
Such height in the WMUOD 2 is not to exceed four (4) stories and a maximum height of fifty (50) feet.
(Michael Serino)

Article 23. To see if the Town will vote to amend the zoning by-laws of the Town of Saugus by adding the following:

Amend: Article XVIII - WATERFRONT MIXED USE OVERLAY DISTRICT
Section 18.14 DIMENSIONAL AND DENSITY REGULATIONS

By deleting the following section under 18.14 Dimensional and Density Regulations:

The Height limit in the WMUOD-2 is 40 feet, 3 stories. Structural heights of buildings over 40 feet will be allowed by special permit by the Board of Selectmen. 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 WMUOD-2.

By adding the following new section under 18.14 Dimensional and Density Regulations:

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 Selectmen. Such height is not to exceed four (4) stories and a maximum height of fifty (50) feet. Height increases over 40 feet, 3 stories shall not be allowed for changes in grading or filling within the WMOUD-2.
(Michael Serino)

Article 24. To see if the Town will vote to amend the zoning by-laws of the Town of Saugus by adding the following:

Amend: Article XXI - BUSINESS HIGHWAY SUSTAINABLE DEVELOPMENT
ZONING DISTRICT
Section 21.10 DIMENSIONAL and DENSITY REGULATIONS

By deleting the following section under 21.10 E. HEIGHT

2. It is permissible to request a Special Permit from the Saugus Board of Selectmen (SP2) 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.

By adding the following new section under 21.10 E. HEIGHT

2. It is permissible to request a Special Permit from the Saugus Board of Selectmen (SP2) to increase the height beyond what is allowed as-of-right within a range not to exceed five (5) stories and a maximum height of sixty (60) feet. (Michael Serino)

Article 25. To see if the Town will vote to amend the zoning by-laws of the Town of Saugus by adding the following:

Amend: Article XXI - BUSINESS HIGHWAY SUSTAINABLE DEVELOPMENT
ZONING DISTRICT
Section 21.10 DIMENSIONAL AND DENSITY REGULATIONS

By deleting the following section under 21.10 H. DENSITY

1. Residential = 25 units per acre

By adding the following new section under 21.10 H. DENSITY

1. Residential = 20 units per acre maximum
(Michael Serino)

Article 26. To see if the Town will vote to amend the zoning by-laws of the Town of Saugus by adding the following:

Amend: Article III - DEFINITIONS
Section 3.1 GENERAL

By deleting the following definition under: 3.1 HEIGHT

The vertical distance from the average finished grade of the adjacent ground to the top of the structure of the highest roof beams of a flat roof, or the mean level of the highest gable or slope of a hip roof, but not to exceed ninety (90) feet.

By adding the following new definition under: 3.1 HEIGHT

The vertical distance from the average finished grade of the adjacent ground to the top of the structure of the highest roof beams of a flat roof, or the mean level of the highest gable or slope of a hip roof.
(Michael Serino)

Article 27. To see if the Saugus Town Meeting will vote to raise and appropriate or transfer from certified free cash the sum of up to \$10,000.00 to survey and place permanent boundary makers on the following two parcels upon said parcels being released, transferred, or conveyed from the Saugus Housing Authority to the Saugus Conservation Commission. The following two non-buildable parcels are:

- 1) 34 Houston Avenue as recorded by the Saugus Assessors as Parcel ID 006.H-0011-0019.0 consisting of .171 acres or 7,449 feet.
- 2) 50 Spencer Avenue as recorded by the Saugus Assessors as Parcel ID 007.H-0007-0005.0 consisting of .258 acres or 11,239 square feet.

All procurement, coordination, and necessary communication will be within the purview of the Saugus Town Manager.

(Peter Manoogian, Precinct 10 Town Meeting Member)

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)

Article 29. To see if the Town will amend the following bylaw in Section 507.00 Canine Control in the Town of Saugus By-Laws to read as followed adding language in regard to Dog Parks:

507.03 Restraint of Dogs

No Person shall own, keep or harbor in the Town of Saugus, outside the confines of the owner's property, any dog which is not held firmly on a leash by a person who shall have control of such dog, except in signed designated areas within a dog park where dogs may be unleashed.

(Joseph Vecchione Town Meeting Member Precinct 2)

Article 30. To see if the Town will the following bylaws in Section 507.00 Canine Control in the Town of Saugus By-Laws to read as followed language in regard to Dog Parks:

507.7 Nuisances

No owner shall fail to exercise proper care and control of his animals to prevent them from becoming a public nuisance. Excessive or untimely barking, molesting passerby, chasing vehicles, habitually attacking people or other domestic animals, trespassing upon school grounds or trespassing upon private property in such a manner as to damage property shall be deemed a nuisance.

Certain acts are prohibited in Public Parks, Playgrounds, Schoolyards and Public Recreation Areas, excluding the Rail Trail, dog parks and at Town Celebrations, except at Prankers Pond where leashed dogs and horseback riding are permitted. No person shall permit pets or other such animals to enter these areas, nor shall any person willfully ride a horse or other such animal in these areas unless designated to do so by proper authority, by the Town manager or his Designee.

Except for Educational Purposes, animals shall be prohibited in public buildings. Exception: Guide, Hearing and Other Service Dogs or Law Enforcement Dogs. These animals may be allowed in town buildings or town grounds with proof of current rabies vaccinations. The Town of Saugus Animal Control Officer will be exempt from this By-Law as necessary to hold dogs to be kept in his/her custody in performance of their duties.

(Joseph Vecchione Town Meeting Member Precinct 2)

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)

Article 32. To see if the Town will vote to amend the zoning by-laws of the Town of Saugus by adding the following:

Amend: Article VIII – OFF STREET PARKING AND LOADING REGULATIONS

By adding the following new section under: TABLE OF OFF STREET PARKING REGULATIONS

Parking Code	Uses	Number of Spaces per unit (Min)
A1.	Single and two-family dwelling	For each dwelling unit greater than three bedrooms, one parking space for each additional bedroom shall be required.

(Dan Kelly, Building Inspector)

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)

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)

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)

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 defines 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)

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)

Article 38. To see if the Town will vote to petition the Legislature of the Commonwealth of Massachusetts to adopt the following special act:

SECTION 1. The Town Manager of the Town of Saugus has sole discretion to appoint Retired police officers of the Town of Saugus as special police officers to perform police details or other police duties arising from police details or during the course of police details work, whether or not related to the detail work. The retired police officers shall have been regular, full-time police officers of the Town of Saugus who retired in good standing and based on superannuation. A special police officer appointed pursuant to this act shall not be subject to the maximum age restrictions for police officers set forth in Chapter 32 of the General Laws, but shall not be eligible to serve as a special police officer once the special police officer has reached the age of 70.

SECTION 2. Prior to appointment as a special police officer pursuant to this act, a retired police officer shall be required to (i) pass a medical examination conducted by a physician or other certified professional chosen by the Town, or agreed upon by the parties, to determine whether the retired police officer is capable of performing the essential duties of a special police officer; and (ii) provide proof of that page to the chief of police. Additional post-appointment fitness for duty examinations may be required of a special officer by the chief of police, if the Chief has a question of fitness for duty, as to that special police officer. The cost of all medical examinations pursuant to this section shall be borne by the retired or special police officer.

SECTION 3. A special police officer appointed pursuant to this act shall not be subject to Chapter 31, Sections 99, 99A, 100 and 111F of Chapter 41, or Chapter 150E of the General Laws. A special police officer shall not be subject to Section 85H or 85H ½ of Chapter 32 of the General Laws nor eligible for any benefits pursuant thereto.

SECTION 4. A special police officer appointed pursuant to this act shall be subject to the policies, procedures, rules and regulations of the police department of the Town of Saugus including, but not limited to, those policies, procedures, rules and regulations governing training, equipment, uniforms, firearms, certifications or any other restrictions or requirements related to employment as a special officer.

SECTION 5. A special police officer of the Town of Saugus, while performing the duties described in this act, shall have the same power of arrest and authority to perform other police functions as a full-time, regular police officer of the Town of Saugus.

SECTION 6. A special police officer shall be appointed for an indefinite term, but shall serve at the pleasure of the Town of Saugus and may be suspended or removed from the appointment by the Town Manager or Chief of Police at any time, with or without cause.

SECTION 7. The Chief of Police of the Town of Saugus may restrict the type of detail assignments that special police officers may work. Special police officer's appointment pursuant to this act shall not be subject to Section 96B of Chapter 41 of the General Laws. The cost of all training, equipment, and uniforms shall be borne by the special police officer except as otherwise determined by the Chief of Police.

SECTION 8. Special police Officers of the Town of Saugus shall be sworn before the Clerk of the Town of Saugus, who shall keep a record of all appointments and expirations of appointments.

SECTION 9. The assignment of a special officer pursuant to this act to a police detail or other duties shall be the discretion of the Chief of Police of the Town of Saugus.

SECTION 10. A special police officer appointed pursuant to this act shall be subject to the limitations on hours worked and earnings restrictions in Section 91 of the Chapter 32 of the General Laws.

SECTION 11. Special police officer appointed under this act shall not be entitled to any other town benefits, nor will they be eligible to collect unemployment benefits, nor will the town be liable for unemployment benefits, under Chapter 151A of the Massachusetts General laws, for any reason, including involuntary removal of an individual as special police officer.

SECTION 12. This act shall take effect upon its passage.
(Kevin Cabral, Saugus Superior Officer's Association; William Cash, Saugus Patrolmen's Association)