



Rules and Regulations

Governing the Issuance of a Special Use Permit for
Registered Marijuana Dispensaries Section XXV.B.6

ISSUED BY THE WELLESLEY BOARD OF SELECTMEN

July 15, 2014

Rules Relative to the Issuance of Special Permits for Registered Marijuana Dispensaries

A. AUTHORITY

These rules are prepared and adopted by the Board of Selectmen acting as Special Permit Granting Authority under the authority of Section 9, of Chapter 40A, M.G.L. and SECTION IA. DEFINITIONS. "Special Permit Granting Authority" for the purposes of consideration of Special Permit requests submitted under Subsection B.6 of SECTION XXV. SPECIAL PERMIT GRANTING AUTHORITY. of the Zoning Bylaw for "Registered Marijuana Dispensaries."

B. DEFINITIONS.

"the application": an application and supporting documents for issuance of a Special Permit for a Registered Marijuana Dispensary.

"the applicant": a not-for-profit entity registered under 105 CMR 725.100 also referred to as a Medical Marijuana Treatment Center.

"the Board": the Wellesley Board of Selectmen, unless otherwise indicated.

"RMD": a Registered Marijuana Dispensary

"outside consultant": a professional engineer(s) registered in the Commonwealth of Massachusetts in accordance with Section XVIA. of the Zoning Bylaw, not including Town of Wellesley employees.

"project": a Registered Marijuana Dispensary, as defined in SECTION IA. DEFINITIONS. of the Zoning Bylaw.

C. SUBMISSION

Application materials shall be submitted to the Board of Selectmen's office during regular office hours with a copy to the Town Clerk. Distribution of copies to review departments shall be made by the Board of Selectmen in accordance with Section XXV. of the Zoning Bylaw.

1. APPLICATION: A complete application shall consist of twelve (12) copies of the following required submittals and a submission fee.

a. Completed SPECIAL PERMIT APPLICATION FORM

b. Required Massachusetts Department of Public Health Approvals

c. Location Plan demonstrating 500 foot setback, measured in a straight line from the nearest point of the structure which the RMD would operate to the nearest property line of a public or private elementary, middle, or high school or to the nearest point of any structure including: child care facility, including family daycare homes, daycare centers, or nursery schools, or any establishment catering to or providing services primarily intended for minors

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d. Twelve (12) full sized (24" x 36") copies of each plan and ten (10) 11" x 17" copies of each plan shall be submitted.

1. Existing Conditions
2. Site Plan Development
3. Utilities
4. Landscape/Parking
5. Architectural
6. Lighting Plan and Photometric
7. Signage Plan approved by the Design Review Board that complies with 105 CMR 725.000

e. Security plan to be approved by the Chief of Police including:

1. Description of alarm system
2. Description and plan of surveillance system
3. Procedures and protocols for the delivery and transport of marijuana

2. **SUBMISSION FEE:** The project submission fee shall be \$1000. The fee shall be made in the form of a check payable to "Town of Wellesley." Failure of an applicant to pay a project submission fee shall constitute in an incomplete submission which shall be rejected and/or denied.

Additionally, the applicant shall be responsible for expenses incurred by the Town for project review.

D. REVIEW OF APPLICATION

Copies of the completed application form and submittal materials shall be reviewed by the Board of Selectmen. Applications deemed complete shall be sent by the Board of Selectmen within 7 days to the Board of Health, Planning Board, Town Engineer and the Board of Public Works, Wetlands Protection Committee, the Police Chief, and the Fire Chief.

Written recommendations of the review departments shall become part of the file. Review department recommendations, including lack of opposition, shall be submitted to the Selectmen's Office 10 days prior to the hearing.

1. **FINDINGS:** In addition to determining compliance with SECTION XXV. B.6., Registered Marijuana Dispensaries, (d.) General Regulations, the Board shall find that the proposed Registered Marijuana Dispensary meets all of the following:

- a. Meets demonstrated local and regional need based on proximity of other RMDs serving the Town's qualifying patients;
- b. Complies with all applicable zoning regulations, and all applicable state laws and regulations;

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- c. Is designed to minimize any adverse visual or economic impacts on abutters and other parties of interest;
- d. Provides a secure indoor waiting area for patients;
- e. Provides adequate pick up/drop off area;
- f. Provides adequate security measures to ensure that no individual participants will pose a threat to the health or safety of other individuals, and that the storage and/pr location of cultivation of marijuana is adequately secured in enclosed, locked facilities; and
- g. Adequately addresses issues of vehicular and pedestrian traffic, circulation, parking and queuing, especially during peak periods.

The applicant shall submit sufficient documentation and evidence to satisfy the Board each finding is met.

2. PUBLIC HEARING: The Board of Selectmen shall hold a public hearing on the RMD Special Permit within 65 days from the date of filing a complete application. A decision shall be made within ninety (90) days following the close of the public hearing.

The required time limits for a public hearing may be extended by written agreement between the applicant and the Special Permit Granting Authority. A copy of such agreement shall be filed in the office of the Town Clerk.

E. DECISION

The Board shall make no decision in connection with an application until the required written recommendations have been received.

The Board shall act within ninety (90) days following the close of a public hearing, concerning a complete application, for which due notice has been given as provided in the Zoning Bylaw. The required time limits for action may be extended by written agreement between the applicant and the Special Permit Granting Authority. A copy of such agreement shall be filed in the office of the Town Clerk.

Failure of the Board to take final action within ninety (90) days or extended time shall be deemed to constitute approval of the application. This time period shall be extended, day for day, for the time of appeal of one or more outside consultants as provided for in Part F, below.

F. APPEAL PERIOD

There is a 20 day appeal period which begins when the decision is filed with the Town Clerk.

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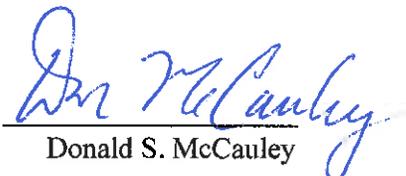
Promulgated the 15th day of July, 2014 by the Board of Selectmen of the Town of Wellesley, Special Permit Granting Authority pursuant to the provisions of Section XXV.B.6 of the Wellesley Zoning Bylaw

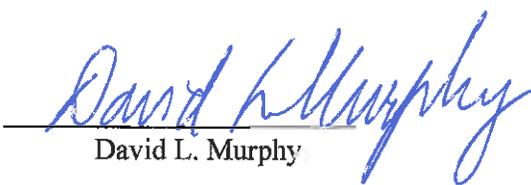
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TOWN OF WELLESLEY



MASSACHUSETTS

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HANS LARSEN
EXECUTIVE DIRECTOR OF GENERAL GOVERNMENT

Special Permit Granting Authority
Wellesley Town Hall
Wellesley, MA 02482

Date: _____

RMD Number: _____

Pursuant to the provisions of Section XXV, subparagraph B.6, and Section _____ of the Zoning Bylaw, the undersigned hereby requests a Special Permit for the establishment of a Registered Marijuana Dispensary (RMD).

Location: _____ within _____ District(s)

Type of RMD: Dispensary _____ Cultivation _____ Marijuana Infused Products _____

The following plans are submitted:

- 1. Existing Site Features Plan Plan # _____ (Title Block Number)
- 2. Site Development Plan Plan # _____
- 3. Location Plan Plan # _____
- 4. Utilities Site Plan Plan # _____
- 5. Landscape/Parking Plan Plan # _____
- 6. Architectural/Signage Plan Plan # _____
- 7. Lighting/Photometric Plan Plan # _____ through _____
- 8. Utilities Detail Plans Plan # _____ through _____

Twelve (12) full sized 24 inch by 36 inch copies of each plan, Ten (10) 11 inch by 17 inch copies of each plan, a check in the amount of \$1000 payable to the Town of Wellesley. In submitting an application, the applicant and owner agree to follow all Rules, Regulations, and Bylaws of the Town of Wellesley, and all laws of the Commonwealth of Massachusetts and the United States of America regarding the sale of Medical Marijuana.

OWNER OF RECORD/PETITIONER: _____
ADDRESS: _____
TELEPHONE NUMBER: _____ FAX NUMBER: _____

PROJECT CONTACT PERSON: _____
ADDRESS: _____
TELEPHONE NUMBER: _____ FAX NUMBER: _____

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PROCESS SCHEDULE FOR RMD SPECIAL PERMITS

1. Petitioner meets with Executive Director to discuss project. At initial meeting, petitioner is given the List of Plans, Check List, Time Line, and Process Schedule.
2. Departmental Meetings Necessary for Completion of Application
 - A. Police Department
 - B. Board of Health
 - C. Department of Public Works
 1. Petitioner arranges preliminary meeting with Town Engineer, which will include other DPW representatives. Petitioner will be prepared to discuss in detail the water, sewer, drainage, electric, parking and landscaping requirements associated with the project. Petitioner will bring preliminary engineering and landscape/parking plans to this meeting.
 2. No less than Four (4) weeks prior to the Public Hearing, the applicant will send **one** full set of plans to the Town Engineer for review by the Department of Public Works. Plans should include all requirements on the Check List. Within ten (10) days of receipt of the plans, the Department of Public Works will send a letter of review to the petitioner, summarizing comments and concerns and issues to be addressed.
 - D. Wetlands Protection Committee
 1. If the location of the construction is within a Resource Area, a Water Supply Protection District or a Flood Plain District, the petitioner must obtain all necessary approvals and Orders of Conditions at least ten (10) days prior to the date of the Public Hearing on the petition.
 - E. Fire Department
 - F. Municipal Light Plant
3. Submittal Timeline and Process
 - A. No less than four (4) weeks prior to Board of Selectmen Public Hearing, the applicant

shall submit twelve (12) copies of the application for a Registered Marijuana Dispensary, the Check List and any supplemental materials, 12 large sets 24 x 36 of all required plans & 10 sets of 11 x 17 plans, incorporating all DPW comments, to the office of the Board of Selectmen.

- B. Two (2) copies of all materials and plans shall be time stamped, as submitted, in the Town Clerk's office. Individual packages of all plans and materials with a cover letter shall be distributed to the Planning Board, Wetlands Protection Committee, Town Engineer, Board of Health, Fire Chief, Police Chief and Municipal Light Plan, for review and recommendations.
 - C. The Board of Selectmen will automatically continue the scheduled Special Permit Public Hearing, if all revised plans and/or additional requested materials have not been approved by all departments no less than ten (10) days prior to the hearing.
4. Public Hearing on petition for RMD Special Permit
- A. If the above requirements have not been completed, or if the Board requests additional information or plan revisions at the initial hearing, the Board may continue the hearing for one month.
5. Decision
- A. The decision shall be issued between three to four weeks following the close of the Public Hearing.
6. General Comments
- A. If the project requires Project Approval issued by the Planning Board or Zoning Board of Appeals, no submission shall be made until the Special Use Permit for the RMD has been granted and the twenty-day appeal period has expired.

ALL WETLANDS PROTECTION ISSUES (DETERMINATION OF NEGATIVE APPLICABILITY OR ORDER OF CONDITIONS) MUST BE RESOLVED AND SUBMITTED TO THE BOARD BEFORE THE PUBLIC HEARING.

THE BOARD RECOMMENDS THAT THE PETITIONER REVIEW THE RULES AND REGULATIONS GOVERNING THE ISSUANCE OF A SPECIAL PERMIT FOR A REGISTERED MARIJUANA DISPENSARY.

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**Registered Marijuana Dispensaries
Special Permit
Plans and Submittal Checklist**

- 1. Hours of Operation Proposed _____
- 2. Employee Roster _____

Name	Telephone #	Email

- 3. Security Plan and Details Shall be submitted as a separate attachment with Police sign-off Check _____
- 4. Procedures and protocols for the delivery and transport of marijuana and marijuana infused products (MIP) shall be submitted as a separate attachment with Police sign-off _____
- 5. Specifications on proposed ventilation system shall be submitted as a separate attachment with Board of Health sign-off. _____
- 6. Specifications on the number of vehicle trips, number of employees or visitors and whether there will be any adverse impact due to traffic generated from the site on the character of the site and its surrounding area _____

Plans

- 1. Existing Site Features Plan _____
 - a. Location, type, size or dimension of existing trees and rock masses _____
 - b. Surface drainage and topography with one foot contours _____
 - c. Property lines, zoning districts, adjacent roadways, historical or archeological features _____
 - d. Rights of way and easements (temporary and permanent) _____
 - e. Wetlands and floodplains _____

- f. Adjacent public footpaths, trails and other natural or man-made features such as walls and fences
- g. Plan to be scaled 1"= 40' or larger
- h. Plan must be stamped, dated and signed by a Registered Land Surveyor in the Commonwealth of Massachusetts

2. Site Plan Development

- a. Building locations, finish floor elevations at basement and first floor
- b. Grading detail for entire site with existing and proposed contours
- c. Existing and proposed curb cuts, design as per Town Policy by the Board of Selectmen dated 5/15/73
- d. Property lines and easement lines
- e. All elevations on the Town of Wellesley datum base
- f. North directional arrows shall be provided and point due north
- g. Plan to be scaled 1"=40' or larger
- h. Plan must be stamped, dated and signed by a Registered Land Surveyor in the Commonwealth of Massachusetts

3. Location Plan

- a. Existing building and structures
- b. Proposed structure(s) including all dimensions and distances from front, rear, and side setback lines
- c. Area of lot or lots included in the project
- d. Zoning district lines and portion of lot in different zoning (if applicable)
- e. Names of all abutters as they appear on the most recent tax list
- f. 500 foot demarcation line indicating proximity to public/private elementary middle, high schools to be measured in a straight line from the nearest point of the structure within the RMD would operate to the nearest point of any property line containing these uses
- g. 500 foot demarcation line indicating proximity to daycares, nursery schools, and/or establishments catering to or providing services to minors to be measured in a straight line from the nearest point of the structure within the RMD would operate to the nearest point of any structure containing or associated with these uses.
- h. Plan must be stamped, dated and signed by a Registered Land Surveyor in the Commonwealth of Massachusetts

4. Utilities Site Plan

- a. Building location and elevations
- b. Existing utilities on project site and in abutting street
- c. Location, depth, size, (slope where applicable) and material of:
 - i. Water service and hydrants
 - ii. Gas service
 - iii. Sanitary sewer connections (pipe to be SRD-35 PVC, green)
 - iv. Electric service
 - v. Fire alarm, burglar alarm, surveillance system connections
 - vi. Telephone service
- d. Number utility structures such as manholes and catch basins for identification purposes
- e. Detail specifications for installation of all utilities including street pavement restoration as per current DPW standards
- f. Flow direction arrows on drain and sewer lines

- g. Plan must be stamped, dated and signed by a Registered Professional Engineer in the Commonwealth of Massachusetts _____

5. Landscape/Parking Plan

- a. Proposed landscaping of property _____
- b. Size, type and location of proposed plan materials with botanical names _____
- c. Consider the impact for plantings at their maturity size as relates to sight distances _____
- d. Landscaping plan shall be coordinated with grading plan _____
- e. Tree planting and shrub planting details _____
- f. Hardscape details such as walkways and patios _____
- g. See attached listing of undesirable plants as prepared by the Town Horticulturalist _____
- h. No bushes or trees of any kind shall be planted within 10 feet in any direction of a Fire Department connection. Connections include hydrants, standpipes and sprinkler feeds on the outside of buildings _____
- i. Parking lot plans shall include dimensions of parking spaces, maneuvering aisles, islands, turning radii, percentage of landscaped open space, percentage of interior landscaping, appropriate number of handicapped parking spaces, and directional flow arrows. All parking spaces shall be numbered _____
- j. Location of dumpsters and proposed screening and security measures _____
- k. Plan must be stamped, dated and signed by a Registered Landscape Architect in the Commonwealth of Massachusetts _____

6. Architectural and Signage Plan

- a. Proposed floor plans _____
- b. Elevations of all sides of all buildings, including proposed location of signage _____
- c. Sections identifying type and exterior finish of proposed buildings _____
- d. Signage cut sheet including size, dimension, material and installation technique for all proposed and mandated signs _____
- e. Plan must be stamped, dated and signed by a Registered Architect in the Commonwealth of Massachusetts _____

7. Lighting/Photometric Plan

- a. Existing light fixture location, mounting height, arm length, wattage, voltage, and spacing _____
- b. Proposed light fixture location, mounting height, arm length, wattage, voltage, and spacing _____
- c. Lumens shall be shown in average foot candles _____

8. Utilities Detail Plan

- a. Structure details _____
 - i. Sanitary sewer manholes
 - ii. Drain manholes, detention structures, etc.
 - iii. Catch basins (gas and oil separators required at parking lots)
 - iv. Outside grease trap (if applicable)
- b. Plumbing details _____
 - i. Water service size and entrance location
 - ii. Water meter size, location and piping detail
 - iii. Size and location of water service backflow protection devices (if applicable)
 - iv. Sanitary sewer size and entrance location with elevations
 - v. Size and location of sanitary sewer check valves (if applicable)
 - vi. Oil/Water separators and MDC gas traps (if applicable)

- vii. Pumping equipment (if applicable)
 - c. Electric Details
 - i. Location service entrance
 - ii. Size of service
 - iii. Meter location and switch gear arrangement
 - iv. Provision for future expansion
 - v. Transformer size and facilities for pad or vault room
 - vi. Data including load requirements
 - vii. Backup generator details (if applicable)
-

9. General Plan Comments

- a. All plans must be stamped, signed and dated by a Registered Professional Engineer, Surveyor, Landscape Architect, or Architect in the Commonwealth of Massachusetts responsible for the particular plan's contents.
- b. Title Blocks shall provide the name of project, job site location, architects and engineer responsible for plan contents, date and plan scale
- c. All Plans must be numbered and titled
- d. All date revisions shall be included
- e. Provide retaining wall locations and wall design details
- f. Provide locus plan drawn at a scale of 1"= 500' showing the relation of the project to adjoin properties within a radius of ¼ mile
- g. The cover sheet shall provide the names, mailing addresses and phone numbers of the land owner, building owner, architects and engineers and project contact person along with a Table of Contents
- h. Location of all mechanical systems must be shown

UNDESIRABLE PLANTS FOR LANDSCAPE DESIGNS SUBMITTED WITHIN
THE TOWN OF WELLESLEY

TREES:

- | | |
|--------------------------------|-------------------|
| * <i>Acer platanoides</i> | Norway Maple |
| * <i>Acer pseudoplatanus</i> | Sycamore Maple |
| <i>Acer saccharinum</i> | Silver Maple |
| * <i>Ailanthus altissima</i> | Tree-of-Heaven |
| <i>Elaeagnus angustifolia</i> | Russian-olive |
| <i>Morus alba</i> | White Mulberry |
| * <i>Phelodendron amurense</i> | Amur Cork-tree |
| <i>Populus alba</i> | White Poplar |
| <i>Pyrus c. 'Bradford'</i> | Bradford Pear |
| <i>Pyrus c. 'New Bradford'</i> | New Bradford Pear |
| * <i>Robinia pseudoacacia</i> | Black Locust |
| <i>Tsuga canadensis</i> | Eastern Hemlock |

SHRUBS:

- | | |
|---------------------------------|----------------------|
| <i>Alnus glutinosa</i> | Common Alder |
| * <i>Berberis thunbergii</i> | Japanese Barberry |
| * <i>Berberis vulgaris</i> | Common Barberry |
| * <i>Elaeagnus umbellata</i> | Autumn-olive |
| * <i>Euonymus alatus</i> | Burning Bush |
| * <i>Frangula alnus</i> | Glossy Buckthorn |
| * <i>Ligustrum obtusifolium</i> | Border Privet |
| <i>Ligustrum sinense</i> | Chinese Privet |
| <i>Ligustrum vulgare</i> | Common Privet |
| * <i>Lonicera maackii</i> | Amur Honeysuckle |
| * <i>Lonicera morrowii</i> | Morrow Honeysuckle |
| * <i>Lonicera tatarica</i> | Tatarian Honeysuckle |
| * <i>Lonicera x bella</i> | Bell's Honeysuckle |
| * <i>Rhamnus cathartica</i> | Common Buckthorn |
| * <i>Rosa multiflora</i> | Multiflora Rose |

VINES:

- | | |
|--------------------------------------|----------------------|
| * <i>Ampelopsis brevipedunculata</i> | Porcelain Ampelopsis |
| * <i>Celastrus orbiculatus</i> | Chinese Bittersweet |
| * <i>Cynanchum spp.</i> | Swallow-worts |
| * <i>Humulus japonicus</i> | Japanese Hops |
| * <i>Lonicera japonica</i> | Japanese Honeysuckle |
| * <i>Polygonum perfoliatum</i> | Mile-a-minute Vine |
| <i>Wisteria sinensis</i> | Chinese |

ORNAMENTALS:

* *Aegopodium podagraria*

Goutweed

* *Iris pseudacorus*

Yellow Flag Iris

* *Lythrum salicaria*

Purple Loosestrife

* *Phalaris arundinaceae*

Ribbon Grass

* Indicates species listed *A Guide to Invasive Plants in MA*