



Commonwealth of Massachusetts
Town of Conway, Massachusetts

Annual Town Meeting
June 20, 2020

AT A LEGAL TOWN MEETING of the inhabitants of the Town of Conway qualified to vote in town affairs, convened at the time and place and for the purpose specified in the warrant, 157 voters were checked at the door and issued yellow cards for the purpose of voting. Sarah Newman and Troy Lucier served as checkers. The meeting was called to order by Town Clerk Laurie Lucier. Kenneth Ouimette was nominated to moderate, and it was unanimously voted to dispense with the formality of having the warrant read by the Town Clerk. The following action was taken by those persons in attendance:

ARTICLE 1: Unanimously voted that the Town dispense with hearing the reports of the Selectmen, Town Treasurer, Town Clerk, School Committee, Tax Collector, Board of Health and any committee and act thereon.

ARTICLE 2: Voted to hear the report of the Finance Committee and **raise and appropriate only, by taxation, such sums of money as may be deemed necessary to defray the Town charges for the year ensuing.**

A.	DEPT #	DEPARTMENT NAME	FY 2021 REC.*	VOTE
	114	MODERATOR	350	Voted
	122	SELECTMEN	2,900	Voted
	131	FINANCE COMMITTEE	300	Voted
	132	RESERVE FUND	40,000	Voted
	135	TOWN AUDITS	1	Voted
	141	ASSESSORS	10,690	Voted
	141	ASSESSORS SALARY, WAGES	49,114	Voted
	145-146	TREASURER-COLLECTOR	17,898	Voted
	145-146	TREASURER-COLLEC. SALARY, WAGES	60,337	Voted
	150	TOWN ADMIN	16,000	Voted
	150	TOWN ADMIN SALARY, WAGES	98,787	Voted
	151	LEGAL	10,000	Voted
	159	INFORMATION TECHNOLOGY	34,431	Voted
	161	TOWN CLERK	6,150	Voted
	161	TOWN CLERK SALARY, WAGES	34,513	Voted
	162-163	REGISTRARS AND ELECTIONS	9,600	Voted
	170 SERIES	ConCom, Pl. Brd., ZBA, Ag. Com, Open Space	6,004	Voted
	190	PERSONNEL COMMITTEE	1	Voted
	192	BUILDING MAINTENANCE	59,600	Voted
	192	BUILDING MAINTENANCE WAGES	17,833	Voted
	193	TOWN INSURANCE	84,710	Voted
	210	POLICE	18,050	Voted
	210	POLICE SALARY, WAGES	110,620	Voted
	220	FIRE	36,005	Voted
	220	FIRE SALARY, WAGES	36,673	Voted
	231	AMBULANCE	22,400	Voted
	290 SERIES	DOG & TREE WARDENS, EMERG. MAN.	7,535	Voted
	422	HIGHWAY	256,000	Voted
	422	HIGHWAY SALARY, WAGES	260,781	Voted
	423	WINTER ROADS	103,000	Voted
	423	WINTER ROADS WAGES	19,830	Voted
	512	BOARD OF HEALTH (BOH)	165,131	Voted
	512	BOH SALARY, WAGES	60,469	Voted
	540 SERIES	HUMAN SERVICES (COA, VETERANS)	11,943	Voted
	630	PARKS, RECREATION, TRAILS	8,000	Voted
	691	HISTORICAL COMMISSION	400	Voted
	751	DEBT SERVICE	103,046	Voted
	752	SHORT TERM INTEREST	1,650	Voted
	830	FRCOG (town nurse under Board of Health)	56,474	Voted
	900	EMPLOYEE COSTS	731,191	Voted
	GRAND TOTALS:			
			6,165,362	
B.	300A	GRAM SCH OPERATING	1,868,752	Unanimously voted
	300B	GRAM SCH TRANSPORT	83,520	Unanimously voted
C.	892A	FRONTIER REG OPERATING	1,473,565	Unanimously voted
	892B	FRONTIER TRANSPORTATION	38,734	Unanimously voted
D.	320	TECHNICAL SCHOOLS	132,274	Unanimously voted

**recommended by the Select Board and Finance Committee*

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ARTICLE 3: Unanimously voted that the Town transfer \$25,800 from free cash to the general fund for capital expenses for the Conway Grammar School.

ARTICLE 4: Unanimously voted that the Town transfer \$8,066 from free cash to the general fund for capital expenses for the Frontier Regional School District, including purchasing and installing electric corridor holds, repairing the Central Clock System, and repairing the exterior and interior Intercom System, as part of a total \$48,500 expense.

ARTICLE 5: Voted that the Town transfer \$240,000 from the capital stabilization account to the general fund to replace a 6-wheel Highway Truck, the current truck to be traded in. (*Two-thirds vote declared by Moderator.*)

ARTICLE 6: Passed over the Article to transfer \$159,000 from the General Stabilization Fund to the general fund.

ARTICLE 7: Passed over the Article to transfer \$159,000 from free cash to the general fund.

ARTICLE 8: Passed over the Article to authorize the Treasurer / Collector to borrow up to \$200,000.

ARTICLE 9: Unanimously voted that the Town transfer \$150,000 from free cash to the Capital Stabilization Fund.

ARTICLE 10: Voted as follows that the Town transfer \$122,700 from the Capital Stabilization Fund to the general fund for the following equipment:

- Two-thirds vote failed - Highway Department –\$50,000, for a bucket loader;
- Unanimously voted for the Fire Department, \$42,700 for self-contained breathing apparatuses;
- Two-thirds vote failed - Highway Department, \$30,000 for a compact loader.

ARTICLE 11: Unanimously voted that the Town transfer \$38,416 from the OPEB Trust Fund to the general fund to pay other post-employment benefits (retiree health insurance) and to transfer \$10,000 from free cash into the OPEB Trust Fund.

ARTICLE 12: Unanimously voted that the Town transfer \$27,693 from free cash to the Ambulance Department operating budget.

ARTICLE 13: Unanimously voted that the Town transfer \$27,435 from free cash to the general fund for partial debt service for the Highway garage.

ARTICLE 14: Unanimously voted that the town transfer \$23,300 from free cash to the general fund for radio equipment for the Police, Fire, and Ambulance Departments.

ARTICLE 15: Unanimously voted that the town transfer \$11,040 from free cash to the general fund for the first year of software conversion for the Treasurer/Collector.

ARTICLE 16: Unanimously voted that the town transfer \$5,000 from free cash to the general fund for an annual contribution to the Assessors' five-year revaluation program.

ARTICLE 17: Unanimously voted that the Town transfer \$5,000 from free cash to the grant match fund.

ARTICLE 18: Unanimously voted that the Town transfer \$4,500 from free cash to the general fund for software conversion for the Board of Assessors.

ARTICLE 19: Unanimously voted that the Town transfer \$2,641 from free cash to the general fund for helping ensure accreditation for the Field Memorial Library.

ARTICLE 20: Votes as follows that the Town appropriate, or reserve for later appropriation, monies from the **Community Preservation Fund**, with each item considered a separate appropriation, as follows:

A: Unanimously voted that the Town appropriate \$115,854 from the Unreserved Fund Balance for preservation of the Field Memorial Library, to include upgrading the heating system, interior lighting, dome repairs (both interior and exterior), and multiple interior restoration projects.

B: Voted that the Town appropriate \$4,000 from the Open Space Reserve for interpretive nature signs in the South River Meadow.

C: Voted that the Town appropriate \$14,000 from the Open Space Reserve for updating the Open Space and Recreation Plan.

D: Voted that the town appropriate \$60,840 from the Open Space Reserve and \$13,160 from the Budgeted Reserve for a partial Town match for approximately \$440,000 state grant for Municipal Vulnerability Preparedness (MVP) against flooding in the South River.

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E: Voted that the town appropriate \$250,000 from the Unreserved Fund Balance for safety and accessibility improvements to the playground at the Conway Grammar School.

F: Voted to table the Article to appropriate \$50,000 from the Unreserved Fund Balance for conservation of the MacLeish Stone House.

G: Unanimously voted to provide reserves from FY 2021 Annual Reserves, as mandated by state law:

10% to the Community Preservation Historical Resources Reserve (\$9,021.05, estimated);

10% to the Community Preservation Open Space Reserve (\$9,021.05, estimated);

10% to the Community Preservation Community Housing Reserve (\$9,021.05, estimated);

5% to for Administration of the Community Preservation Committee (\$4,510.53, estimated); and

the remainder to the Community Preservation Budgeted Reserve (\$58,636.81, estimated).

ARTICLE 21: Unanimously voted that the Town authorize the Treasurer to spend \$15,000 from the Medicaid Revolving Fund to pay related reimbursement fees.

ARTICLE 22: Unanimously voted that the Town authorize the Select Board to approve a Massachusetts Department of Transportation project to approve a road layout, and replace a bridge or bridges, on North Poland Road.

ARTICLE 23: Unanimously voted that the Town authorize the creation of a revolving fund for receipts from sales and donations for the purpose of publishing a Town newsletter in accordance with M.G.L. Chapter 44, Section 53E½, with annual expenses not to exceed \$5,000, and that the Newsletter Committee and the Town Administrator, or his or her designee, be authorized to expend funds from the account.

ARTICLE 24: Unanimously voted to table the Article to rescind the Town Meeting vote for Article 27 at the April 10, 2006 annual Town Meeting to establish a Housing Committee.

ARTICLE 25: Unanimously voted that the Town amend its General By-laws by adding a section, "Depositing Snow on Roads," as follows:

Depositing Snow in Roads

No person shall throw, or cause to be thrown, or put or cause to be put, by any means, any snow or ice onto any public way or public land. Anyone doing so is subject to non-criminal disposition. Homeowners are responsible for contractors' actions. The enforcing agent shall be the Police Department.

ARTICLE 26: Unanimously voted that the Town amend its marijuana by-law, accepting the recommendations of the Planning Board, to read as follows:

ADULT USE RECREATIONAL MARIJUANA ESTABLISHMENTS AND MEDICAL USE OF MARIJUANA

(amended 20 June 2020)

11.1 Purpose and Intent

It is the purpose of this article to promote public health, safety and general welfare, and to support the availability of recreational *and medical* marijuana in accordance with State law and regulations (935 CMR 500.000 et. seq.) *and (935 CMR 501.000 et. seq.)*. To mitigate potential impacts to adjacent areas and the environment this bylaw will regulate the locations and site development to promote safe attractive business areas, prevent crime, maintain property values, protect and preserve the quality of residential neighborhoods and to protect the safety of children and young people in the vicinity of schools, public parks and other areas where children *regularly* congregate.

11.2 Special Permit Granting Authority & Site Plan Review

The Planning Board shall be the Special Permit Granting Authority (SPGA) under this section in accordance with M.G.L. Chapter 40A, Sections 9 and 9A. Special permits issued by the Planning Board shall require a positive vote by a supermajority vote of Planning Board Members. Any proposed Marijuana Establishment requires a Special Permit and Site Plan Review approval. The Planning Board may in any particular case, where such action is in the public interest and not inconsistent with the intent and purpose of this Article, waive strict compliance with the requirements set forth in sections 11.4 and 11.5.

11.3 Definitions

Craft Marijuana Cultivator Cooperative - a marijuana cultivator comprised of residents of the Commonwealth organized as a limited liability company or limited liability partnership under the laws of the Commonwealth, or an appropriate business structure as determined by the Cannabis Control Commission, that is licensed to cultivate, obtain, manufacture, process, package and brand marijuana and marijuana products for delivery to marijuana establishments but not to consumers.

Host Community Agreement – A Marijuana Establishment seeking to operate in Conway shall execute an agreement with the host community setting forth the conditions for having a marijuana establishment located within the host community. Such Host Community Agreement shall include, but not be limited to, all stipulations of responsibilities between Conway and the marijuana establishment. A Host Community Agreement between a marijuana establishment and a host community will include a community impact fee for the host community. The community impact fee shall be reasonably related to the costs imposed upon the municipality by the operation of the marijuana establishment and shall not amount to more than 3 per cent of the gross sales of the marijuana establishment or a greater amount if allowed by the State. Such Host Community Agreement shall be effective for 5 years and can be renewed for successive 5 year periods at the option of the Town. Any cost to Conway imposed by the operation of a marijuana establishment shall be documented and considered a public record.

Independent Testing Laboratory - a laboratory that is licensed by the State Cannabis Control Commission and is: (i) accredited to the most current International Organization for Standardization 17025 by a third-party accrediting body that is a signatory to the International Laboratory Accreditation Cooperation mutual recognition arrangement or that is otherwise approved by the Commission; (ii) independent financially from any medical marijuana treatment center or any licensee or marijuana establishment for which it conducts a test; and (iii) qualified to test marijuana in compliance with regulations promulgated by the Cannabis Control Commission.

Licensee - a person or entity licensed by the State Cannabis Control Commission to operate a marijuana establishment.

Marijuana Cultivator - an entity licensed to cultivate, process and package marijuana, to deliver marijuana to marijuana establishments and to transfer marijuana to other marijuana establishments, but not to consumers.

Marijuana Establishment – a marijuana cultivator, independent testing laboratory, marijuana product manufacturer, marijuana retailer or any other type of marijuana-related business licensed by the Commonwealth of Massachusetts except a medical marijuana treatment center.

Marijuana Product Manufacturer – an entity licensed to obtain, manufacture, process and package marijuana and marijuana products, to deliver marijuana and marijuana products to marijuana establishments and to transfer marijuana and marijuana products to other marijuana establishments, but not to consumers.

Marijuana Products – products that have been manufactured and contain marijuana or an extract from marijuana, including concentrated forms of marijuana and products composed of marijuana and other ingredients that are intended for use or consumption, including edible products, beverages, topical products, ointments, oils and tinctures.

Marijuana Research Facility – an entity licensed to engage in research projects by the State Cannabis Control Commission.

Marijuana Retailer – an entity licensed to purchase and transport marijuana and marijuana products from marijuana establishments and to sell or otherwise transfer marijuana and marijuana products to marijuana establishments and to consumers.

Medical Marijuana Treatment Center (MTC) - a marijuana cultivator, independent testing laboratory, marijuana product manufacturer, marijuana retailer or any other type of marijuana-related business licensed by the Commonwealth of Massachusetts under 935 CMR 501.000. Similar to a Marijuana establishment for adult use marijuana, except only allowed to supply products for Medical use of Marijuana in accordance with 935 CMR 501.000.

For purposes of this bylaw section, "Marijuana Establishments" shall include "Medical Marijuana Treatment Centers" unless otherwise indicated.

11.4 Requirements Regarding the Allowed Locations for Marijuana Establishments

- A. See Sections 22 and 23 of these bylaws for locations for permitted Marijuana Establishments.
- B. Marijuana Establishments shall not be located within 500 feet of any existing public, parochial, or private school, kindergarten, State-approved day care center or other locations where children regularly congregate. This setback shall include the grounds on which said public, parochial, or private school, kindergarten or State-approved day care center is located on. The distance between any Marijuana Establishment and any public, parochial, or private school, kindergarten, State-approved day care center or other location where children regularly congregate shall be measured in a straight line, without regard to intervening structures, from the closest property line of any existing public, parochial, or private school, kindergarten, or State-approved day care center or other places where children regularly congregate to the building, outdoor cultivation area, or parking area of the Marijuana Establishment, whichever is closest.
- C. Marijuana Establishments shall not be located within 500 feet from any existing public recreation area or park measured in a straight line, without regard to intervening structures, from the closest property line of the recreation area to the building, outdoor cultivation area, or parking area of the Marijuana Establishment,

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whichever is closest.

- D. Marijuana Establishments, excluding Marijuana Retailers, shall not be located within 200 feet from any existing residential use not located on the same lot with the marijuana establishment. The distance between a residential use and a Marijuana Establishment shall be measured in a straight line, without regard to intervening structures, from the closest property line of the residential property to the building, outdoor cultivation area, or parking area of the Marijuana Establishment, whichever is closest.

11.5 Site Development, Permitting Standards & Application

Pursuant to Chapter 40A Section 9A the following site improvements and amenities are required to protect public safety and neighboring property values, in addition to the Special Permit requirements found in Section 63 and the Site Plan Review requirements found in Section 64 of these bylaws. The Planning Board is empowered hereunder to review and approve Special Permit applications for Marijuana Establishments and impose requirements for: buffering; odor control; noise; outdoor lighting; parking; access to the site from public roads; hazardous materials; and landscaping and buildings. The purpose of these requirements is to avoid site development, which may result in negative environmental, neighborhood, or public safety impacts.

- A. Dimensional Requirements: All outdoor cultivation areas, buildings or structures containing a Marijuana Establishment shall meet the setback requirements of this Section 11 and all other dimensional requirements of the appropriate district as specified in these bylaws. For any property proposed to contain a Marijuana Establishment, the applicant for a Special Permit for such use shall demonstrate that the entire property shall comply with these requirements and controls following the establishment of such use thereon. Unless otherwise specified for all outdoor cultivation areas, a minimum setback (clearance) from any property line of 50 feet shall be required.
- B. Parking and Loading Requirements: On-site parking and loading shall be provided in accordance with the requirements of Section 34 of these bylaws. For any property proposed to contain a Marijuana Establishment Business, the applicant for a Special Permit for such use shall demonstrate that the entire property shall comply with these requirements and controls following the establishment of such use thereon.
- C. Site Screening: Rear and side property lines shall be screened from any neighboring residential, educational, childcare or recreational uses or properties. Screening shall be by fencing that is 3-1/2 feet tall within 20 feet of the street and 6 feet tall elsewhere on the property and/or a 10 foot wide vegetated planting of hardy evergreens and deciduous trees and shrubs no more than six (6) feet on center and no less than five (5) feet in height or other appropriate screening approved by the granting authorities.
- D. Lighting & Security: Energy efficient site lighting shall be maintained at a minimum lumen to ensure adequate visibility on the property to ensure public safety. Light standards may not exceed twenty (20) feet in height and shall be shielded from abutting properties and shall incorporate full cut off fixtures to reduce light pollution. Additional security features, such as security cameras covering external areas with the capability to function with minimal lighting at night, shall be installed and maintained. Internal lighting in greenhouses shall be fully screened from abutters after sunset.
- E. Noise & Odors: No objectionable noise, or objectionable marijuana odors, or other objectionable odors detectable at the property line of the Marijuana Establishment shall be allowed, except outdoor marijuana cultivators shall be allowed to mitigate marijuana odors through siting, use of low-odor seed varieties, and other odor-reduction methods as practicable. For odor mitigation plans, applicants for permits for Marijuana Establishments at Tiers 5-11 shall provide, at their own expense, written documentation with supporting research. Documentation must be provided by qualified professionals approved by the Planning Board. Minimum qualifications shall consist either of an educational degree in or related to the field at issue or three or more years of practice in the field at issue or a related field with expertise in the areas.
- F. Complaints of objectionable noise or odors exceeding four incidents within a two-week period shall be investigated by the town. Complainants may seek relief from the Board of Health, from the ZBA for violations of the Special Permit, or by mediation from the Agricultural Commission or Selectboard.
- G. Hazardous Materials: Submission of a complete list of all inorganic and organic chemicals, pesticides, fertilizers, fuels, and other potentially hazardous materials to be used or stored on the premises in quantities greater than those associated with normal household use. Depending on the quantities proposed to be used or stored on site, the Planning Board may request that a Hazardous Materials Management Plan be prepared to protect against the discharge of hazardous materials or wastes to the environment due to spillage, accidental damage, corrosion, leakage, or vandalism. The plan should include spill containment and clean-up procedures, and provisions for indoor, secured storage of hazardous materials and wastes with impervious floor surfaces. Permitting priority will be granted to organic cultivation.
- H. Driveways: Driveways shall comply with Section 34 of these bylaws.
- I. Signs: All signs for a Marijuana Establishment must meet the requirements of Section 33 of this bylaw and the State Regulations (935 CMR 500.000 et. seq.) including the requirement that no advertising signs shall be located within twenty feet of a public or private way and must be set back a minimum of twenty (20) feet from all property lines.

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- J. Buildings *and Structures*: Appearance of buildings *or structures* for Marijuana Establishments shall be consistent with the appearance of other buildings *or structures* in Conway, not employing unusual color or building design that would attract attention to the premises. In the Rural Residential and Agricultural Zoning District new buildings *or structures* for Marijuana Cultivators, including Craft Marijuana Cultivators shall resemble local agricultural buildings, such as barns or greenhouses. Marijuana Establishment Buildings *or structures* shall not exceed 10,000 square feet in total on any parcel in the Rural Residential and Agricultural Zoning District.
- K. Cultivation : Marijuana products are required to be grown indoors in *buildings*, greenhouses, barns or other structures or outdoors in a manner that minimizes public nuisances including odors, noise, and lighting to neighboring properties.
- L. Energy Efficiency: Marijuana establishments are required to prepare an energy efficiency plan. The use of renewable energy sources such as solar should be considered.
- M. Water Efficiency: Marijuana Establishments are required to prepare a plan for water management and efficiency. Applicant shall provide expected water usage amounts for cultivation or processing and will address whether such amounts will impact nearby public or private drinking water supplies or other water resources in the area. Applicants for permits for Marijuana Establishments at Tiers 5-11 shall provide, at their own expense, written documentation with supporting research. Documentation must be provided by qualified professionals approved by the Planning Board. Minimum qualifications shall consist either of an educational degree in or related to the field at issue or three or more years of practice in the field at issue or a related field with expertise in the areas
- N. Marketing: Marijuana Establishments shall not be allowed to disseminate or offer to disseminate marijuana marketing materials to minors or suffer minors to view displays or linger on the premises. No free samples may be provided by Marijuana Establishments to consumers.
- O. Applications: The applicant requesting permission to operate any Marijuana Establishment must file their application with the Special Permit Granting Authority and the Town Clerk. Such application shall contain the information required by Section 63 Special Permit and any rules and regulations established by the Special Permit Granting Authority and the State Cannabis Control Commission. The application shall also include:
1. Name and Address of the legal owner and Licensee of the Marijuana Establishment;
 2. Name and Address of all persons having lawful, equity or security interests in the Marijuana Establishment;
 3. Name and Address of the Manager of the Licensed Marijuana Establishment;
 4. The number of proposed employees; and
 5. Proposed security precautions.
- P. Site Plan Review: No Marijuana Establishment shall be established prior to submission and approval of a site plan by the Planning Board, pursuant to Section 64. The site plan shall, at the minimum, depict all existing and proposed buildings, parking spaces, driveways, service areas, and other open uses. The site plan shall show the distances between the proposed Marijuana Establishment and all existing uses within 1,000 feet of the property lines of the proposed Marijuana Establishment.
- Q. Change in License or Owner: The Owner and Licensee of any Marijuana Establishment issued a Special Permit under this bylaw shall report, in writing, within 10 business days any change in the name of the legal owner of the Marijuana Establishment or any expiration or suspension of a license to the Building Inspector and Planning Board. Any failure to meet this requirement of this Bylaw will result in the immediate issuance of a cease and desist order by the Building Inspector ordering that all activities conducted under the Special Permit cease immediately.
- R. Change of Ownership: A Special Permit issued under this Article shall lapse upon any transfer of ownership or legal interest of more than 10% or change in contractual interest in the subject premises or property. The Special Permit may be renewed thereafter only in accordance with this Article 11 and Section 63 (Special Permit) and Section 64 (Site Plan Review) of these bylaws.
- S. Host Community Agreement: Applicant shall submit the proposed Host Community Agreement that is required between a Marijuana Establishment and the Town it is operating in at the time they submit their Application.

11.6 Expiration

A Special Permit to operate a Marijuana Establishment shall expire after a period of five calendar years from its date of issuance but shall be renewable for successive five-year periods thereafter, provided that a written request

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for such renewal is made to the Special Permit Granting Authority at least 60 calendar days prior to said expiration and that no objection to said renewal is made and sustained related to compliance with the conditions of the Special Permit as well as public safety factors applied at the time the Special Permit renewal is requested. In addition, a Host Community Agreement satisfactory to Conway shall be provided if requested by the Town.

11.7 Severability

The invalidity of any provision *or any Section* of this Article shall not invalidate any other provision *or Section* thereof.

At 5:30 p.m., the meeting adjourned until Tuesday, June 30, 2020, to the Town Hall between the hours of 11:00 a.m. and 7:00 p.m., to bring in their votes for:

- One Selectman for three years;
- One Assessor for three years;
- Two members of the Board of Health for three years;
- Two members of the local School Committee for three years;
- One member of the local School Committee for one year;
- Two members of the Planning Board for three years;
- One Tree Warden for three years; and
- One Moderator for one year

A true record of the Meeting,
Attest:

Laurie L. Lucier, Town Clerk

