

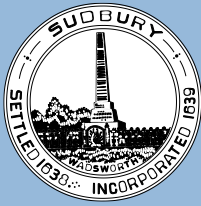
SUDBURY BOARD OF SELECTMEN  
TUESDAY APRIL 24, 2018  
7:00 PM, TOWN HALL - LOWER LEVEL

Item #	Time	Action	Item
	7:00 PM		CALL TO ORDER
			Opening remarks by Chairman
			Reports from Town Manager
			Reports from Selectmen
			Citizen's comments on items not on agenda
<b>TIMED ITEMS</b>			
1.	7:15 PM		Meet with legislator Senator Jamie Eldridge.
2.	7:45 PM		Presentation of Fairbank Task Force's recommendations to the Board. Jack Ryan and Jim Marrotta to attend.
<b>MISCELLANEOUS</b>			
3.			Discussion on DPW Town Meeting Articles. Dan Nason, DPW Director, to attend.
4.			Discuss Article 20 (Marijuana Zoning Bylaw) with Meagen Donoghue, Director of Planning and Community Development. Planning Board invited to attend.
5.		<i>VOTE</i>	Discussion and vote whether to endorse Housing Choice Initiative Designation application, as requested by Meagen Donoghue, Director of Planning and Community Development.
6.			Discussion on transition from Metropolitan Law Enforcement Council (MetroLEC) to Northeastern Massachusetts Law Enforcement Council (NEMLEC). Police Chief Scott Nix will be present.
7.			Discuss Welcoming Community Proposal. Police Chief Scott Nix to attend.
8.		<i>VOTE</i>	Discussion and possible vote on Special Town Election date and ballot questions. Also submit ballot questions to Town Clerk.
9.		<i>VOTE</i>	Review Town Meeting articles, take positions on articles, and assign presentations.

*These agenda items are those reasonably anticipated by the Chair which may be discussed at the meeting. Not all items listed may in fact be discussed and other items not listed may also be brought up for discussion to the extent permitted by law.*

Item #	Time	Action	Item
10.			Review draft Spring 2018 Board of Selectmen Newsletter and approve for distribution.
11.			Citizens Comments (cont)
12.			Discuss upcoming agenda items
<b>CONSENT CALENDAR</b>			
13.		<i>VOTE</i>	Vote to proclaim the second Sunday in June to be Race Amity Day in the Town of Sudbury.
14.		<i>VOTE</i>	In recognition of National Public Works Week, May 20-26, 2018, vote to extend sincere thanks to the entire Sudbury DPW staff for their outstanding efforts during the recent snowstorms.
15.		<i>VOTE</i>	Vote to approve the FY19 rates for transfer station stickers as recommended by DPW Director Dan Nason, who is advising leaving them at the FY18 amounts.
16.		<i>VOTE</i>	Vote to approve the regular session minutes of 2/27/18.

*These agenda items are those reasonably anticipated by the Chair which may be discussed at the meeting. Not all items listed may in fact be discussed and other items not listed may also be brought up for discussion to the extent permitted by law.*



SUDBURY BOARD OF SELECTMEN  
Tuesday, April 24, 2018

**TIMED ITEM**

**1: Meet with legislator Sen. Eldridge**

REQUESTOR SECTION

Date of request:

Requested by: Patty Golden

Formal Title: Meet with legislator Senator Jamie Eldridge.

Recommendations/Suggested Motion/Vote: Meet with legislator Senator Jamie Eldridge.

Background Information:  
timed item 7:15 PM

Financial impact expected:

Approximate agenda time requested:

Representative(s) expected to attend meeting:

Review:

Patty Golden	Pending
Melissa Murphy-Rodrigues	Pending
Barbara Saint Andre	Pending
Robert C. Haarde	Pending
Board of Selectmen	Pending

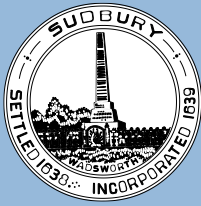
04/24/2018 7:00 PM

#### Potential legislative priorities/updates/questions

1. Remote participation
2. Budget
3. An Act Promoting Housing and Sustainable Development
  - a. Allows a town to become a certified community through office of Housing and Economic Development.
4. An Act Building for the Future of the Commonwealth
  - a. Legislation to establish an annual program of education, self-evaluation and training for members of local planning boards and zoning boards of appeals and to promote affordable community housing
5. An Act relative public investment in fossil fuels
6. An for community empowerment
  - a. Empowers communities to transition to renewable energy
7. Governor's Housing Choice Initiative
  - a. Changes to 40a that would reduce 2/3 voting threshold to enact zoning policies that are laid out in a best practices established by the administration
    - i. Multi family or cluster
    - ii. By right zones for accessory apartments
    - iii. Transfer of development rights
    - iv. Reducing parking and dimensional requirements, such as minimum lot sizes
  - b. Streamlines processes for local government that engage with state on housing matters by going to one online portal
  - c. Incentives through grant funding and technical assistance

## Potential Legislative Priorities/Updates/Questions April 2018

Priority	Bill #	Desc.
1	<a href="#">H366</a>	An Act establishing a remote voting system for town meeting in the Town of Sudbury
2	<a href="#">H2</a>	Governor's FY 19 Budget
3	<a href="#">S81</a>	An Act Promoting Housing and Sustainable Development <ul style="list-style-type: none"> <li>a. Allows a town to become a certified community through office of Housing and Economic Development.</li> </ul>
4	<a href="#">H2420</a>	An Act Building for the Future of the Commonwealth <ul style="list-style-type: none"> <li>a. Legislation to establish an annual program of education, self-evaluation and training for members of local planning boards and zoning boards of appeals and to promote affordable community housing</li> </ul>
5	<a href="#">H3281</a>	An Act relative public investment in fossil fuels
6a	<a href="#">H1745</a>	An Act for community empowerment (Empower communities to transition to Renewable Energy)
6b	<a href="#">S1834</a>	Renewable Energy Act
7	<a href="#">H4290</a>	Governor's Housing Choice Initiative <ul style="list-style-type: none"> <li>a. Changes to 40a that would reduce 2/3 voting threshold to enact zoning policies that are laid out in a best practices established by the administration <ul style="list-style-type: none"> <li>i. Multi family or cluster</li> <li>ii. By right zones for accessory apartments</li> <li>iii. Transfer of development rights</li> <li>iv. Reducing parking and dimensional requirements, such as minimum lot sizes</li> </ul> </li> <li>b. Streamlines processes for local government that engage with state on housing matters by going to one online portal</li> <li>c. Incentives through grant funding and technical assistance</li> </ul>
8	<a href="#">S2325</a>	An Act Modernizing the Foundation Budget for the 21st century (Regional School Districts)
9a	<a href="#">S1305</a>	An Act to Protect the Civil Rights and Safety of all Massachusetts Residents (Safe Communities Act)
9b	<a href="#">H3269</a>	Safe Communities Act
10	<a href="#">S1137</a>	Regional Stabilization Fund
11	<a href="#">S93</a>	An Act to Promote Livable Communities
12	<a href="#">H225</a>	Disability Programs
13	<a href="#">S1560</a>	Senior Tax Exemption
14	N/A	Bond Bill (Conference) - Playgrounds
15a	<a href="#">S315</a>	School Safety/Gun Safety
15b	<a href="#">H1319</a>	School Safety/Gun Safety
16	N/A	Aquisition of CSX Rail
17	N/A	CPA Funds



## SUDBURY BOARD OF SELECTMEN

Tuesday, April 24, 2018

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### TIMED ITEM

#### 2: Presentation by Fairbank Task Force

##### REQUESTOR SECTION

Date of request:

Requestor: Selectman Pat Brown

Formal Title: Presentation of Fairbank Task Force's recommendations to the Board. Jack Ryan and Jim Marrotta to attend.

Recommendations/Suggested Motion/Vote: Presentation of Fairbank Task Force's recommendations to the Board. Jack Ryan and Jim Marrotta to attend.

Background Information:  
attached

Financial impact expected:

Approximate agenda time requested:

Representative(s) expected to attend meeting: Jack Ryan and Jim Marrotta, Fairbank Task Force members

##### Review:

Patty Golden	Pending
Melissa Murphy-Rodrigues	Pending
Barbara Saint Andre	Pending
Robert C. Haarde	Pending
Board of Selectmen	Pending

04/24/2018 7:00 PM

In advance of our providing the Task Force recommendation tonight we have outlined the Task Force findings and recommendations.

The Task Force was established to provide an assessment of the existing building to meet the current and future program needs of its primary users--namely the Sudbury Senior Center and the Park and Recreation Department, including the Teen Center and the Atkinson Pool.

There was much disagreement and debate by Task Force members over the course of the five years since the Task Force was established but in the end the Task Force supports the development of a new facility about 60,000 square feet in size which would cost the Town about \$30.0 million dollars. The new facility will keep substantial portions of the existing Atkinson Pool. This recommendation is supported by two separate feasibility studies both of which rendered similar conclusions – conclusions that are similar physically and fiscally.

Aside from this conclusion the Task Force also recommends that before any proposal (Article) is brought to the Town for vote some form of educational outreach is needed to better inform residents on the:

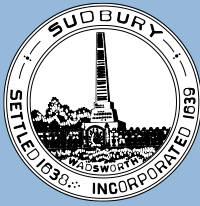
1. current and future program needs of its primary users
2. the existing facility and its ability to meet the current and future program needs of its primary users; and,
3. the cost of a new facility relative to the cost to renovate the existing facility and the ability of a renovated facility to meet the current and future program needs of its primary users.

In term of the latter the cost to renovate was determined to be \$12.0 MM (January 2015 cost, page 174 of the 2015 Feasibility Study). The scope of this renovation would maintain the building and use as currently configured with renovations to the senior center, the pools, interior finishes as well needed upgrades to structural building components and building systems. In addition, the January 2015 study developed a “no action” decision which would maintain the status quo of the existing facility at a cost of approximately \$1 million, which excludes the \$3 million cost to replace the school administration wing. It is important to note that the Task Force has determined that both renovations scenarios do not meet the current or future program needs of its primary users.

In addition to capital costs, the Task Force and both feasibility studies factored operational costs of various build new scenarios as well as renovation scenarios. In all scenarios the operational cost recovery is below 100 percent with the cost recovery of the recommended 60,000 square foot facility about 93 percent in both feasibility studies. In terms of dollars this is similar to the current operating deficit of the existing facility.

Both feasibility reports, various other reports and documents, as well as agendas and meeting minutes for 57 Task Force meetings, are posted on the Town web site at <https://sudbury.ma.us/fairbankstudy/documents/>.





## MISCELLANEOUS (UNTIMED)

### 3: Discussion on DPW Town Meeting Articles

#### REQUESTOR SECTION

Date of request:

Requested by: Patty Golden

Formal Title: Discussion on DPW Town Meeting Articles. Dan Nason, DPW Director, to attend.

Recommendations/Suggested Motion/Vote: Discussion on DPW Town Meeting Articles. Dan Nason, DPW Director, to attend.

Background Information:

Financial impact expected:

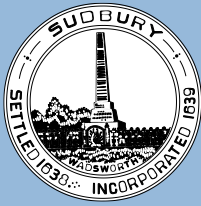
Approximate agenda time requested: 10 minutes

Representative(s) expected to attend meeting: Dan Nason, DPW Director

#### Review:

Patty Golden	Pending
Melissa Murphy-Rodrigues	Pending
Barbara Saint Andre	Pending
Robert C. Haarde	Pending
Board of Selectmen	Pending

04/24/2018 7:00 PM

**SUDBURY BOARD OF SELECTMEN**

Tuesday, April 24, 2018

**MISCELLANEOUS (UNTIMED)****4: Discuss Article 20 with Planning Board****REQUESTOR SECTION**

Date of request:

Requestor: Chairman Haarde

Formal Title: Discuss Article 20 (Marijuana Zoning Bylaw) with Meagen Donoghue, Director of Planning and Community Development. Planning Board invited to attend.

Recommendations/Suggested Motion/Vote: Discuss Article 20 (Marijuana Zoning Bylaw) with Meagen Donoghue, Director of Planning and Community Development. Planning Board invited to attend.

Background Information:

Ppt slides to come Monday, 4/23 from Meagan

Financial impact expected:

Approximate agenda time requested: 15 minutes

Representative(s) expected to attend meeting: Meagen Donoghue, Director of Planning & Community Development (and PB)

Review:

Patty Golden	Pending
Melissa Murphy-Rodrigues	Pending
Barbara Saint Andre	Pending
Robert C. Haarde	Pending
Board of Selectmen	Pending

04/24/2018 7:00 PM



# ARTICLE 20

- Amend Zoning Bylaw, Article 7000, Definitions, and Section 2230 (Appendix A), Table of Principal Use

# HISTORY

- November 2016 election, Sudbury residents voted “No” to Question 4.
- May 2017 Annual Town Meeting, residents voted to impose a temporary moratorium on marijuana establishments.
  - Set to expire July 2018.

# VOTING TO PASS THE ZONING BYLAW AMENDMENT

- Bylaw amendment would PROHIBIT marijuana establishments including for the cultivation, testing laboratory, marijuana product manufacturing, or retailer of any marijuana product or any other type of licensed marijuana-related business (as defined in MGL Ch. 94G, Section 1) in any zoning district throughout town.
  - Does not restrict the personal use of marijuana.
- Change also include the Table of Principal Use.
  - Placing an “N” in the column for each district.

# VOTE DOES NOT PASS

- Economic Impact:
  - Licensing Fees
    - 20% of liquor licenses may go towards marijuana retailers
  - Within a Host Community Agreement:
    - Community Impact Fee = Optional Local Tax Revenue of up to 3% of gross sales to be paid to the host community as long as the fee is reasonably related to real costs imposed on the municipality due to the establishment of medical marijuana treatment center operating in there.
    - Only effective for 5 years.

# SUDBURY POLICE CHIEF NIX

- To minimize adverse impacts of marijuana establishments that may include:
  - Concerns regarding operating under the influence of marijuana.
  - Ability to enforce applicable laws.
  - Open Container.
  - Exposure to children.
    - Colorado has seen increased emergency room visits.
- Ultimately concerned about the safety of all.



COMMONWEALTH OF MASSACHUSETTS

## *Municipal Guidance*

UPDATED MARCH, 2018

The following information is provided to assist municipalities by addressing questions related to the regulation of marijuana establishments. Additional information is available on the Cannabis Control Commission website at [masscannabiscontrol.com](http://masscannabiscontrol.com). Please note that this Guidance document only pertains to marijuana for adult use and does not provide guidance on the medical use of marijuana program regulated by the Department of Public Health or the hemp program to be regulated by the Massachusetts Department of Agricultural Resources. The Medical Use of Marijuana Program will be transferring to the Cannabis Control Commission on or before December 31, 2018.

### CONTACTING THE COMMISSION

101 Federal Street, 13<sup>th</sup> Floor  
Boston, MA 02110  
Phone: (617) 701-8400  
Fax: (617) 889-7892

#### INSIDE :

- \* Timeline for Implementation of Marijuana for Adult Use
- \* Background on 2016 and 2017 Laws on Marijuana for Adult Use
- \* Types of Marijuana Establishments
- \* Role of the Cannabis Control Commission
- \* Municipal Role in the Licensing Process
- \* Role of Municipalities
- \* Host Community Agreements
- \* Local Tax
- \* Bylaws & Ordinances

*The information in this guidance does not constitute legal advice. Please consult your City Solicitor or Town Counsel regarding municipal legal questions on adult use of marijuana.*



## TIMELINE FOR IMPLEMENTATION OF MARIJUANA FOR ADULT USE

<b>November 8, 2016</b>	Question 4 passed
<b>July 28, 2017</b>	Governor signs Chapter 55 of the Acts of 2017
<b>August 1, 2017</b>	Appointment of Cannabis Advisory Board
<b>September 1, 2017</b>	Appointment of Cannabis Control Commission
<b>December 22, 2017</b>	Announcement of Draft Regulations
<b>February 5-15, 2018</b>	Public Hearings
<b>February 15, 2018</b>	End of Public Comment Period
<b>March 7, 2018</b>	Final Regulations Approved
<b>March 23, 2018</b>	Anticipated date the final regulations will be published in the Massachusetts Register
<b>April 1, 2018</b>	Applications Scheduled to be Accepted

## BACKGROUND ON 2016 & 2017 LAWS ON MARIJUANA FOR ADULT USE IN MASSACHUSETTS

On November 8, 2016, Massachusetts voters voted 53% in favor of a ballot initiative known as “Question 4” authorizing the limited adult use of marijuana and the licensing of marijuana establishments, amongst other things. The ballot initiative became Chapter 334 of the Acts of 2016 and created the “Regulation and Taxation of Marijuana Act, G.L. c.94G (“2016 Marijuana Act”).

In December 2016, the Massachusetts Legislature passed Chapter 351 of the Acts of 2016. Chapter 351 accomplished a number of things. First, it exempted the cultivation of marijuana from the agricultural exemption in the Zoning Act, G.L. c.40A §3, therefore retaining local control over the placement of marijuana establishments. It also delayed the deadlines set in Chapter 334 for six months to allow the Legislature time to amend Chapter 334 (the timeline above reflects the delayed dates). It also required the Department of Public Health to enter into an agreement with a research entity to conduct a comprehensive baseline study of marijuana use in the commonwealth. DPH is required to submit a report of its findings not later than July 1, 2018.

On July 19, 2017, the Massachusetts Legislature passed a bill (H.3818) to amend Chapter 334 and the law it created, G.L. c.94G, as well as create additional laws relating to adult and medical use of marijuana. The bill became Chapter 55 of the Acts of 2017 (“2017 Marijuana Act”) and was signed by the Governor on July 28, 2017. The 2017 Act built upon the foundation of the 2016 Act, creating a five-person Cannabis Control Commission, a twenty-five person Cannabis Advisory Board, as well as a hemp program to be run by the Department of Agricultural Resources. It also placed limits and restrictions on municipal control over the siting of marijuana establishments that will be discussed in this Guidance. The deadlines created by the Legislature in December 2016 remained unchanged.

In October, 2017, the newly-formed Cannabis Control Commission held listening sessions throughout the Commonwealth. The Cannabis Advisory Board was also convened in October, 2017 and broke into four subcommittees: Public Safety, Public Health, Market Participation and Marijuana Industry, which issued recommendations to the Commission regarding proposed regulations on December 5, 2017.

On December 21, 2017, the Cannabis Control Commission approved draft regulations. Public hearings were held throughout the Commonwealth and written comments were accepted through February 15, 2018. On March 7, 2018, the Commission promulgated final regulations at 935 CMR 500. It is anticipated that the regulations will be published in the Register on March 23, 2018.

## HELPFUL LINKS

### **Chapter 334 of the Acts of 2016**

<https://malegislature.gov/Laws/SessionLaws/Acts/2016/Chapter334>

### **Chapter 351 of the Acts of 2016**

<https://malegislature.gov/Laws/SessionLaws/Acts/2016/Chapter351>

### **Chapter 55 of the Acts of 2017**

<https://malegislature.gov/Laws/SessionLaws/Acts/2017/Chapter55>

### **Chapter 94G of the General Laws**

<https://malegislature.gov/Laws/GeneralLaws/PartI/TitleXV/Chapter94g>

### **Bill H.4284**

<https://malegislature.gov/Bills/190/H4284>

### **Final Regulations**

<https://masscannabiscontrol.com/wp-content/uploads/2018/03/Reposted-031218-CCC-Final-Regulations-with-disclaimer.pdf>

### **Cannabis Control Commission website**

<https://masscannabiscontrol.com/>

## DEFINITIONS

Terms used in this Guidance, such as “marijuana,” “marijuana products” and many others are defined in the Regulations, 935 CMR 500.000. Please refer to the Regulations (link provided above) if you have any questions regarding the meaning of a particular term.

## TYPES OF MARIJUANA ESTABLISHMENTS

The Marijuana Acts and the draft regulations create different kinds of marijuana establishments. Unlike a registered marijuana dispensary (“RMD”) (also known as a “medical marijuana treatment center”), which is required to cultivate, process and retail its own marijuana and marijuana products for medical use, an adult use marijuana establishment may opt only to participate in a particular part of the industry, such as cultivation. All marijuana establishments are subject to strict, comprehensive state regulations and inspections by Commission agents. All marijuana establishments are required to enter into host community agreements with the municipality in which they are located (there is more detail on host community agreements below). Only marijuana retailers are subject to the local marijuana tax created under the 2017 Act. One business may hold three licenses in each category, with certain exceptions.

## MARIJUANA CULTIVATORS

***Marijuana Cultivator:*** A marijuana cultivator may cultivate, process and package marijuana, to transfer and deliver marijuana products to marijuana establishments, but not to consumers. A Craft Marijuana Cooperative, which will be discussed in further detail below, is a type of Marijuana Cultivator. Cultivators may select what tier they will be in, which will affect their application and licensing fees. The following options are available, but no licensee may have a total canopy of more than 100,000 square feet.



***Canopy:*** means an area to be calculated in square feet and measured using clearly identifiable boundaries of all areas(s) that will contain mature plants at any point in time, including all of the space(s) within the boundaries, canopy may be noncontiguous, but each unique area included in the total canopy calculations shall be separated by an identifiable boundary which include, but are not limited to: interior walls, shelves, greenhouse walls, hoop house walls, garden benches, hedge rows, fencing, garden beds, or garden plots. If mature plants are being cultivated using a shelving system, the surface area of each level shall be included in the total canopy calculation.

## TIERS OF MARIJUANA CULTIVATOR

Each licensee (except a craft marijuana cooperative) may have three licenses, but the total canopy authorized by the licenses added together may not exceed 100,000 square feet.

Tier 1: up to 5,000 square feet

Tier 2: 5,001 to 10,000 sq. ft.

Tier 3: 10,001 to 20,000 sq. ft.

Tier 4: 20,001 to 30,000 sq. ft.

Tier 5: 30,001 to 40,000 sq. ft.

Tier 6: 40,001 to 50,000 sq. ft.

Tier 7: 50,001 to 60,000 sq. ft.

Tier 8: 60,001 to 70,000 sq. ft.

Tier 9: 70,001 to 80,000 sq. ft.

Tier 10: 80,001 to 90,000 sq. ft.

Tier 11: 90,001 to 100,000 sq. ft.

## TIER MANAGEMENT

**Expansion:** A Marijuana Cultivator may submit an application to change the tier in which it is classified. A Marijuana Cultivator may change tiers to either expand or reduce production. If a Marijuana Cultivator is applying to expand production, it must demonstrate that while cultivating at the top of its production tier, it has sold 85% of its product consistently over the six months preceding the application for expanded production.

**Relegation:** At the time of license renewal process for Marijuana Cultivators, the Commission will review the records of the Marijuana Cultivator during the six months prior to the application for renewal. The Commission may reduce the licensee's maximum canopy to a lower tier if the licensee sold less than 70% of what it produced.

## CRAFT MARIJUANA COOPERATIVE

***Craft Marijuana Cooperative:*** a craft marijuana cooperative is a type of marijuana cultivator which may cultivate, obtain, manufacture, process, package and brand marijuana and marijuana products to deliver marijuana to marijuana establishments, but not to consumers, and must consist of:

- ◇ Massachusetts residents who have formed a limited liability company, limited liability partnership, or a cooperative corporation;
- ◇ A business may only have one craft marijuana cooperative license;
- ◇ Members of a craft marijuana cooperative may not have a controlling interest in any other marijuana establishment;
- ◇ A craft marijuana cooperative is not limited to a particular number of cultivation locations, but is limited to a total canopy of 100,000 square feet and 3 locations for activities authorized for marijuana product manufacturers;
- ◇ One member of the craft marijuana cooperative must have filed a Schedule F tax form (reporting farm income) in the past five years.
- ◇ The craft marijuana cooperative must operate according to the seven cooperative principles published by the International Cooperative Alliance in 1995.

## MARIJUANA PRODUCT MANUFACTURER



***Marijuana Product Manufacturer:*** an entity authorized 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 RETAILER

***Marijuana Retailer:*** an entity authorized to purchase and deliver marijuana and marijuana products from marijuana establishments and to sell or otherwise transfer marijuana and marijuana products to marijuana establishments and to consumers.

Please note that similar to marijuana for medical use, edible marijuana products for adult use shall not be considered food and therefore marijuana retailers would not be subject to inspection by local Boards of Health under 105 CMR 590 unless local regulations requiring such inspections are promulgated.

A marijuana retailer provides a retail location which may be accessed by consumers 21 years of age or older or, if the retailer is co-located with a RMD by individuals who are a registered qualifying patients with the Medical Use of Marijuana Program with a registration card.



## MARIJUANA TRANSPORTER

***Marijuana Transporter:*** An entity may only transport marijuana or marijuana products when such transportation is not already authorized under a marijuana establishment license if it is licensed as a Marijuana Transporter:

***Third Party Transporter:*** An entity registered to do business in Massachusetts that does not hold another marijuana establishment license pursuant to 935 CMR 500.050 and is not registered as a registered marijuana dispensary pursuant to 105 CMR 725.000.

***Existing Licensee Transporter:*** A Marijuana Establishment that wishes to contract with other marijuana establishments to transport their marijuana and marijuana products to other marijuana establishments.

## MARIJUANA RESEARCH FACILITY



***Marijuana Research Facility:*** an academic institution, non-profit corporation or domestic corporation or entity authorized to do business in the Commonwealth of Massachusetts. A marijuana research facility may cultivate, purchase or otherwise acquire marijuana for the purpose of conducting research regarding marijuana and marijuana products. Any research involving humans must be authorized by an Institutional Review Board. A marijuana research facility may not sell marijuana it has cultivated.

## LABORATORIES

***Independent Testing Laboratory:*** an entity that does not hold any other type of marijuana establishment license and is properly accredited to perform tests in compliance with the stringent requirements of the Department of Public Health protocols for testing marijuana and marijuana products.

***Standards Testing Laboratory:*** an entity that would otherwise qualify to be an independent testing laboratory but instead performs blind tests to verify the results of an independent testing laboratory at the request of the Commission.





## MICROBUSINESS

***Marijuana Micro-Business:*** A microbusiness is a co-located Tier 1 marijuana cultivator, and/or marijuana product manufacturer limited to purchase 2,000 pounds of marijuana from other marijuana establishments in one year.

A microbusiness licensee shall not have an ownership stake in any other marijuana establishment and a majority of its executives or members must have been residents of Massachusetts for no less than 12 months prior to application is eligible to apply for a micro-business license.

Application fees and license fees for marijuana micro-businesses shall be set at 50% of the combined sum of the application fees and license fees for cultivation and/or, manufacturing.

## SOCIAL CONSUMPTION AND DELIVERY

***Social Consumption and Delivery:*** Regulations regarding licenses for social consumption and delivery to consumers have been delayed for further study. The Commission anticipates drafting regulations regarding licenses for this category in February, 2019. In the meantime, municipalities wishing to authorize social consumption in their community must follow the ballot process established in G.L. c.94G §3(b) for the election in November, 2018.

Please note that legislation has been filed to clarify the ballot process (Bill H.4284, which may be reviewed at <https://malegislature.gov/Bills/190/H4284>) and this Guidance will be updated if the legislation is enacted.

## ROLE OF CANNABIS CONTROL COMMISSION

The Commission is required to promulgate statewide regulations addressing: public health issues such as products, labeling, advertising and potency; industry issues such as cultivation, distribution, transportation and seed-to-sale tracking; and market participation for communities including women, minority, and veteran-owned businesses, as well as growing cooperatives. The Commission will also review applications from candidates for licenses, determine which applicants may be awarded licenses, deny an application or limit, condition, restrict, revoke or suspend a license, establish a registration process, based on finding of suitability or approval of licensure, check the backgrounds of individuals associated with applicants or licensees. The Commission may inspect marijuana establishments, seize and remove from the premises of a marijuana establishment and impound any marijuana, equipment, supplies, documents and records obtained or possessed in violation of the law for the purpose of examination and inspection, inspect all papers, books and records of close associates of a licensee whom the Commission suspects is involved in the financing, operation or management of the licensee, impose fees and fines, and conduct adjudicatory proceedings. The Commission may also refer cases for criminal prosecution to the appropriate federal, state or local authorities, monitor any federal activity regarding marijuana, adopt, amend or repeal regulations for the implementation, administration and enforcement of the law, and may prepare, publish and distribute studies, reports, bulletins and other materials.

## MUNICIPAL ROLE IN COMMISSION LICENSING PROCESS

The Commission is required by law to engage in a licensing process for marijuana establishments. During the application process, applicants will be required to demonstrate that they have held a community outreach meeting within the past six months and that they have executed a Host Community Agreement with the municipality. Once the application is complete, the municipality will be notified and given an opportunity to confirm and that the proposed location is compliant with bylaws or ordinances at the time the application was completed.

## LICENSING PROCESS: COMMUNITY OUTREACH MEETING

**Community Outreach Meeting:** the applicant will need to submit documentation of a community outreach meeting, which must occur within six months of filing its application, including:

◇ **Notice**

- ⇒ Must contain the time, place and subject matter of the meeting, including the proposed address of the Marijuana Establishment, that was published in a newspaper of general circulation in the city or town at least seven calendar days prior to the hearing;
- ⇒ a copy of the meeting notice must be filed with the town or city clerk, the planning board, the contracting authority for the municipality, and local licensing authority for adult use of marijuana (if applicable); and
- ⇒ a copy of the meeting mailed to abutters and other parties of interest identified in the regulations;

◇ **Information Discussed:** information presented at the community outreach hearing, which must include:

- ⇒ the type(s) of Marijuana Establishment to be located at the proposed address;
- ⇒ information adequate to demonstrate that the location will be maintained securely; steps to be taken by the Marijuana Establishment to prevent diversion to minors;
- ⇒ a plan by the Marijuana Establishment to positively impact the community; and
- ⇒ information adequate to demonstrate that the location will not constitute a nuisance.

◇ **Q & A:** community members must be permitted to ask questions and receive answers from representatives of the Marijuana Establishment.

## HOST COMMUNITY AGREEMENT

**Host Community Agreement:** Documentation in the form of a single-page certification signed by the contracting authorities for the municipality and the applicant evidencing that the applicant for licensure and host municipality have executed a host community agreement.

## LICENSING PROCESS: MUNICIPAL NOTIFICATION & PERMITTING

**Notice:** Once the Commission determines an application is complete, it is required to notify a municipality that it has received a completed application for a marijuana establishment in the municipality.

**Sixty Day Deadline:** The municipality has sixty (60) days from receipt of the application to notify the Commission that the applicant is not in compliance with local ordinances or bylaws. If communication from the municipality is not received within 60 days, the applicant will be deemed to be compliant with all applicable local ordinances and bylaws.

**Local Permits:** Please note that if a local ordinance or bylaw requires local permitting or licensing, the applicant does not need to have the permitting or licensing granted at the time of the notice to a municipality. Instead, the Commission simply needs to know whether such permitting or licensing is available for that particular location.

**Provisional License:** Similar to the process with registered marijuana dispensaries, when it completes the application process, including the municipal notification, an applicant will initially receive a provisional license. If a provisional license is issued and the applicant does not yet have local permits or licenses, it may seek the necessary local permits or licenses prior to requesting a final license from the Commission.

**Final License:** A final license may be issued by the Commission once the applicant has passed all the necessary inspections to receive a final license, including a demonstration that all necessary local permits and licenses have been granted.

**Local Licensing:** A municipality may also implement its own licensing process, as long as it does not conflict with the state laws and regulations governing marijuana establishments.

## ROLE OF MUNICIPALITIES REGARDING ADULT USE OF MARIJUANA

The Marijuana Acts both authorize and limit the way in which municipalities can control marijuana establishments in their communities. It also protects any restrictions or limitations a municipality may have imposed as of July 1, 2017 on the operation of RMDs, marijuana establishments or both, pursuant to the 2012 law authorizing medical use of marijuana (Chapter 369 of the Acts of 2012) or the 2016 Act. Below is a brief overview of provisions relating to municipal control. Any decision to implement local controls on marijuana should be made in consultation with a municipality's attorney.

## HOST COMMUNITY AGREEMENTS

Under state law, marijuana establishments and RMDs are required to execute "host community agreements" with the municipalities in which they operate. The agreement must stipulate the responsibilities of the community and the marijuana establishment or RMDs.

The agreement may include a community impact fee of up to 3% of gross sales to be paid to the host community, as long as the fee is reasonably related to real costs imposed on the municipality due to the establishment or RMD operating there. The agreement may not be effective for longer than five years.

Please note that any cost to a city or town imposed by the operation of a marijuana establishment or RMD must be documented and considered a public record under Massachusetts public records laws, G.L. c.4 §7 cl. 26 and G.L. c.66 §10.

The Commission encourages municipalities to carefully consider the impact of the particular marijuana establishment proposed for a community, as well as benefits it may bring in local revenue and employment, when negotiating a host community agreement.

There is legislation pending to protect host community agreements executed on or before July 1, 2017 (<https://malegislature.gov/Bills/190/H4284>). The same legislation requires municipalities receiving community impact fee payments to establish a separate account into which fee payments must be deposited.

During each fiscal year, the funds in the account may be appropriated for the purposes identified in the agreement and the balance in the account would be available for appropriation in the next fiscal year. Any deficit in the account must be raised by taxation, unless the municipality has otherwise provided, and would be subject to all applicable provisions of G.L. c.59.

## LOCAL CONTROL: TAXES

A municipality that accepts the local sales tax option may collect a 3% tax on sales of marijuana by a marijuana retailer to a consumer. The tax will be collected with other sales tax and distributed to municipalities at least four times per year. Please note that there is legislation pending (<https://malegislature.gov/Bills/190/H4284>) that would remove “marijuana products intended for consumption as defined in G.L. c.94G” from the exemption from sales tax for food products for human consumption in G.L. c.64H §6.

## BYLAWS & ORDINANCES

The law allows, but does not require, municipalities to pass bylaws and ordinances governing the “time, place, and manner” of marijuana establishments (cultivators, retailers, manufacturers, testing labs, and any other licensed marijuana-related businesses) as well as businesses dealing with marijuana accessories. Such bylaws and ordinances may not be “*unreasonably impracticable*.”

Under the definition in the law, this means that the local laws cannot be so difficult to comply with that they would subject licensees to unreasonable risk, or require such a high investment of risk, money, time or any other resource or asset, that a reasonably prudent businessperson would not operate a marijuana establishment.

Alternatively, a municipality may determine a proposed marijuana-related use falls under an existing use authorized by its bylaws or ordinances. For the purpose of understanding how to respond to a notification from the Commission that an application has been deemed to be complete, the Commission provides the following interpretation of the limits of local control.

## LOCAL CONTROL: BYLAWS & ORDINANCES

- ◇ ***Conversion from Medical Use to Adult Use:*** Zoning bylaws or ordinances are not permitted to operate to *prevent* the conversion of an RMD registered not later than July 1, 2017 that is engaged in the cultivation, manufacture or sale of marijuana or marijuana products to a marijuana establishment for adult use engaged in the same type of activity. The Commission interprets *conversion* to include not only replacing the operation of a registered marijuana dispensary entirely with the operation of a marijuana establishment, but also to address adding marijuana establishment operations to the operations of a RMD. There is legislation pending (<https://malegislature.gov/Bills/190/H4284>) that clarifies this interpretation. In other words, a registered marijuana dispensary that has received its provisional or final registration no later than July 1, 2017 is grandfathered against zoning bylaws or ordinances that would prevent it from conducting the same type of activities for adult use of marijuana that it is engaged in for medical use of marijuana. For a discussion on bans or limiting the number of marijuana establishments through a general bylaw or ordinance, please see the next page.
- ◇ ***A Moratorium of a Reasonable Length of Time is Permitted.*** Although municipalities are prohibited from using a zoning bylaw or ordinance to *prevent* the conversion of a registered marijuana dispensary, the Commission does not interpret the word *prevent* to prohibit the municipality from imposing a moratorium, a temporary delay passed as a zoning amendment to allow a municipality to engage in a planning process to determine how best to zone marijuana establishments for adult use in its community. The Commission will interpret the reasonableness of the length of a moratorium in a manner consistent with the opinions issued by the Attorney General's Office in reviewing moratoria proposed by communities, which, as of the date of this publication, in the majority of cases has allowed moratoria through December 31, 2018. When the moratorium expires, the Commission cautions local officials from amending their zoning bylaws or ordinances in a manner that could be deemed to conflict with the statute and recommends consulting the City Solicitor and Town Counsel regarding any zoning amendments.
- ◇ ***Additional Local Permits for Adult Use May Be Required.*** Although municipalities are prohibited from using a zoning bylaw or ordinance to *prevent* the conversion of a registered marijuana dispensary, the Commission does not interpret the word *prevent* to prohibit the municipality from requiring a registered marijuana dispensary eligible under the statute to apply for any additional local permits required to change its existing operation with a marijuana establishment for adult use. The Commission cautions local permitting boards from exercising their discretion in acting on a request for a local permit in a manner that could be deemed to conflict with the statute and recommends consulting the City Solicitor and Town Counsel during their decision-making.

## LOCAL CONTROL: BYLAWS & ORDINANCES & BALLOTS

***Banning or Limiting the Number of Marijuana Establishments in a Municipality:*** A municipality may restrict the number of marijuana establishments in its community, but it must follow certain procedures to do so.

- ◇ A municipality may pass a bylaw or ordinance limiting the number of marijuana retailers to 20% or more of the number of liquor licenses issued pursuant to G.L. c.138 §15 (commonly known as “package stores”) in that municipality. For example, if a municipality has 100 such liquor licenses, that municipality may set a maximum limit for 20 marijuana retailers.
- ◇ If the governing body of a municipality seeks to ban marijuana retailers from operating in the municipality, limit the number of them to fewer than 20% of the number of liquor licenses or limit the number of any type of marijuana establishment to fewer than the number of RMDs registered to engage in the same type of activity in the city or town, there are two different procedures for proceeding, which depend on how the municipality voted on the ballot initiative to legalize marijuana in 2016.
  - ⇒ If a municipality voted no on the initiative, then the governing body may limit or ban the number of marijuana establishments by passing a bylaw or ordinance prior to and including December 31, 2019.
  - ⇒ If a municipality voted yes on the initiative or if it is after December 31, 2019, then the question must be posed to the people of the municipality at a regular or special election following a specific process and wording.

Please note that there is legislation pending (<https://malegislature.gov/Bills/190/H4284>) to clarify the election process.

***Ban:*** If a municipality enacts a complete prohibition on marijuana establishments for adult use through a general bylaw or ordinance, the Commission will not issue a license so as to authorize the conversion of a registered marijuana dispensary to a marijuana establishment for adult use in that municipality.

***Limited Number:*** If a municipality adopts a general bylaw or ordinance imposing a limitation on the number of marijuana establishments within its community, such that the amount allowed is less than the registered marijuana dispensaries within that community, the municipality must determine which registered marijuana dispensaries will be permitted to proceed to the application process for adult use by executing a host community agreement with those dispensaries.



## LOCAL CONTROL: BYLAWS & ORDINANCES

- ◇ *Buffer Zone:* Under state law, a marijuana establishment may not be located within 500 feet of a pre-existing public or private school providing education in kindergarten or any of grades 1 through 12. Municipalities may adopt an ordinance or bylaw to reduce that distance requirement.
- ◇ *Signage:* A municipality may regulate, by bylaw or ordinance, signage regarding marijuana-related uses, but the ordinance or bylaw may not impose a standard more restrictive than those applied to retail establishments selling alcoholic beverages within the municipality.
- ◇ *Transportation:* Municipalities are prohibited from barring the transportation of marijuana or marijuana products or adopting an ordinance or by-law that makes the transportation of marijuana or marijuana products unreasonably impracticable.

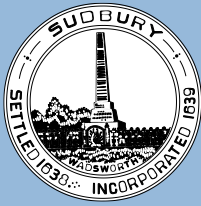
## QUESTIONS?

If you have additional questions regarding local control over marijuana establishments or other questions regarding the Marijuana Acts, please contact the Cannabis Control Commission at:

CannabisCommission@State.MA.US

or

617-701-8400.

**SUDBURY BOARD OF SELECTMEN**

Tuesday, April 24, 2018

**MISCELLANEOUS (UNTIMED)****5: Housing Choice Initiative Designation application****REQUESTOR SECTION**

Date of request:

Requestor: Meagen Donoghue

Formal Title: Discussion and vote whether to endorse Housing Choice Initiative Designation application, as requested by Meagen Donoghue, Director of Planning and Community Development.

Recommendations/Suggested Motion/Vote: Discussion and vote whether to endorse Housing Choice Initiative Designation application, as requested by Meagen Donoghue, Director of Planning and Community Development.

Background Information:

Attached supporting documents. Application is due 4/30/18 at 3:00 PM.

Financial impact expected:

Approximate agenda time requested:

Representative(s) expected to attend meeting: Meagan Donoghue, Director of Planning & Community Development

Review:

Patty Golden	Pending
Melissa Murphy-Rodrigues	Pending
Barbara Saint Andre	Pending
Robert C. Haarde	Pending
Board of Selectmen	Pending

04/24/2018 7:00 PM



# Housing Choice Initiative

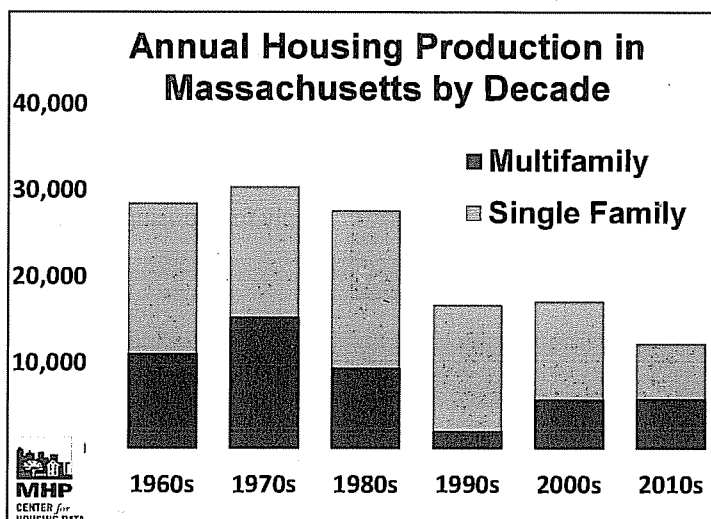
[www.mass.gov/housingchoice](http://www.mass.gov/housingchoice)

## NEED FOR MORE HOUSING

Massachusetts home prices have increased at the fastest rate in the nation, and metropolitan Boston rent prices rank among the highest in the country. **The Commonwealth must add to its housing stock to support a growing economy and provide new housing choices.**

But we can't do it alone: municipalities have control over local zoning and permitting, and they must be partners if the Commonwealth is to successfully overcome these housing challenges. Cities and towns should be encouraged to adopt best practices and zoning that supports sustainable housing production.

*The **Housing Choice Initiative** provides incentives, rewards, technical assistance and targeted legislative reform to encourage and empower municipalities to plan and build the diverse housing stock that the Commonwealth needs to continue to thrive.*



## HOUSING CHOICE DESIGNATION

A Housing Choice Designation rewards communities that are producing new housing and have adopted best practices to promote sustainable housing development. Housing Choice designation provides:



**Exclusive admission** to new **Housing Choice Capital Grants**, Housing Choice Communities will be eligible for a major new capital grant program.

**Bonus points** or other considerations for certain Commonwealth funding programs such as MassWorks, Seaport Council Grants, Complete Streets, MassDOT capital projects, and LAND and PARC grants.

## NEW AND BETTER COORDINATED TECHNICAL ASSISTANCE

To assist municipalities to achieve Housing Choice status, DHCD's Housing Choice Program Director will coordinate existing technical assistance and provide "one-stop shopping" for information about **technical assistance grants** for local governments. In addition, MassHousing will provide **\$2 million** in planning assistance to help cities and towns achieve their affordable housing goals under Chapter 40B through its new "Planning for Production" program.



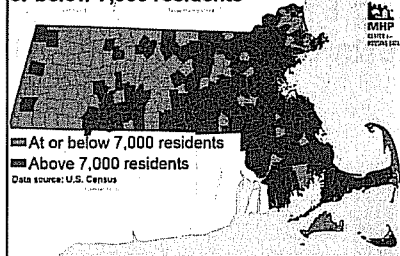


# Housing Choice Initiative

[www.mass.gov/housingchoice](http://www.mass.gov/housingchoice)

## SMALL TOWN PROGRAM

Communities with population at or below 7,000 residents

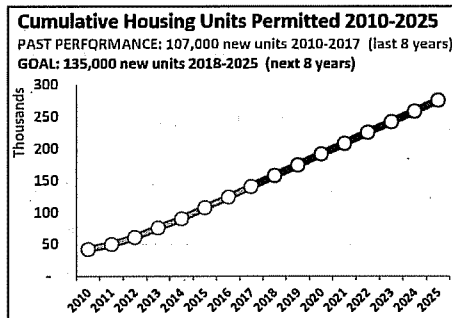


Recognizing that small towns face different challenges, the Housing Choice Initiative will set aside funding for a competitive capital grant program exclusively for towns with population under 7,000. **\$1 million** in capital grant monies are expected to be available in the first year, to grow thereafter. Small Towns can also apply for Housing Choice Designation.

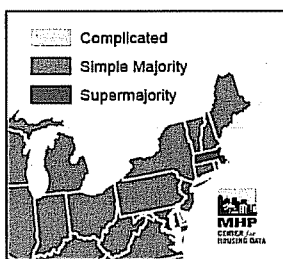
## TRACK PROGRESS TOWARD THE HOUSING GOAL

The Housing Choice Initiative will track progress toward a goal of **135,000 new housing units statewide by 2025**, or about 17,000 new units per year.

- This goal requires sustaining the level of production over the last three years
- Represents a 26 percent increase in housing production compared to the last eight years
- Keeps pace with projected increases in housing demand
- Closely aligned with the housing production goals required for designation as a Housing Choice community



## LEGISLATION – AN ACT TO PROMOTE HOUSING CHOICES



The Administration will file **An Act to Promote Housing Choices**, to facilitate housing production and adoption of zoning best practices. It eliminates barriers to building new housing and improving land use without mandating that cities and towns adopt any specific zoning practices. The Act will change state law **to reduce the required vote from 2/3 “supermajority” to a simple majority for certain zoning changes**. This change makes Massachusetts more consistent with current practice in most states. Zoning changes that promote best practices that would qualify for the simple majority threshold include:

- Building mixed-use, multi-family, and starter homes, and adopting 40R “Smart Growth” zoning in town centers and near transit
- Clustering new homes to permanently preserve open space and protect natural resources
- Reducing parking requirements and dimensional requirements such as minimum lot sizes
- Allowing for transfer of development rights (TDR) zoning and natural resource protection zoning
- Allowing for increased density through a Special Permit process, promoting more flexible development
- Allowing accessory dwelling units or “in-law” apartments





## There are two ways to get Housing Choice Designation

### #1 High Production

Greater than 5% housing growth OR 500 units over the last 5 years

Housing choice communities must have:  
**Applied for a Community Compact**  
and  
**No moratorium on new housing**

### #2 Production & Planning

Greater than 3% housing growth OR 300 units over the last 5 years AND 4 of 9 housing best practices

### Housing Choice Communities

- Priority scoring for Commonwealth Grant Programs
- Exclusive access to a new capital grant program for Housing Choice Communities
- New and better coordinated technical assistance to maintain housing production
- Continue to support sustainable development in order to maintain designation and compete for Housing Choice Grants

[www.mass.gov/housingchoice](http://www.mass.gov/housingchoice)



**For the Planning for Production (3% or 300 units) Housing Choice Designation Communities must meet 4 of the following 9 Best Practices, one of which must be related to affordable housing.**

1. Designated local resources for housing such as established an Affordable Housing Trust, donated land, or appropriated substantial CPC funds for community housing [**Affordable Category**]
2. Selected a housing best practice as part of its Community Compact
3. Have units currently eligible for inclusion in the Subsidized housing Inventory (SHI) that equal or exceed 10% of total year round housing units [**Affordable Category**]
4. Have adopted zoning that allows mixed use or cluster development by right (or can demonstrate a consistent pattern over the last 5 years of approving such developments)
5. Have zoning that allows for accessory dwelling units (ADUs) by right (or can demonstrate a consistent pattern over the last 5 years of approving ADUs)
6. Have inclusionary zoning that provides for reasonable density increases so that housing is not unreasonably precluded [**Affordable Category**]
7. Have an approved 40R district, Starter Home District, Housing Development Incentive Program (HDIP) or have adopted an Urban Center Housing Tax Increment Financing District (UCH-TIF) [**Affordable Category**]
8. Have at least one zoning district that allows multifamily by right with capacity to add units and that allows for family housing (greater than 2 bedrooms)
9. Have a CERTIFIED Housing Production Plan which means a DHCD approved Housing Production Plan that resulted in at least 0.5% or 1.0% increase in year-round housing units following its adoption and approval [**Affordable Category**]

## An Act to Promote Housing Choices

Massachusetts home prices have increased at the fastest rate in the nation, and metropolitan Boston rent prices rank among the highest in the country. The Commonwealth must build enough diverse housing stock – single family homes, multi-family units, and small apartments -- to support our growing economy and to provide our growing population with housing choices. **Massachusetts must find new ways to encourage housing development.**

**This new housing production should be concentrated in environmentally sound ways.**

Massachusetts laws should make it easier to build housing that supports transit-oriented development, revitalizes downtowns, uses existing infrastructure, preserves natural land where possible, and avoids unnecessary environmental impacts. The Baker-Polito Administration's Housing Choice Initiative encourages and rewards municipalities for taking actions that result in housing production. *An Act to Promote Housing Choices* complements the Housing Choice Initiative by lowering barriers to sustainable housing production and adoption of planning and zoning best practices. **At the same time, the legislation respects the role of local decision-making.**

**Massachusetts is an extreme outlier in requiring a supermajority vote of its local legislative bodies to change zoning laws**, and we are the only state in New England that requires a 2/3 vote to change local zoning. In order to facilitate adoption of zoning best practices and appropriate housing production, *An Act to Promote Housing Choices* lowers the voting threshold to a majority vote for specific best practices.

The following local zoning would require only a majority vote of the local legislative body:

- Reducing dimensional requirements, such as minimum lot sizes, to allow homes to be built closer together.
- Reducing required parking ratios, which can lower the cost of building new housing and accommodate development on a smaller footprint.
- Creating mixed-use zoning in town centers, and creating multi-family and starter home zoning in town centers, near transit, and in other smart locations.
- Adopting "Natural Resource Protection Zoning" and "Open Space Residential Development." These zoning techniques allow the clustering of new development while protecting open space or conservation land.
- Adopting provisions for Transfer of Development Rights (TDR), which protects open space while creating more density in suitable locations.
- Adopting 40R "Smart Growth" zoning, which provides incentives for dense, mixed-use development in town centers, near transit, and in other "smart" locations.
- Allowing accessory dwelling units or "in-law" apartments – small apartments in the same building or on the same lot as an existing home.
- Allowing for increased density through a Special Permit process promoting more flexible development.

***This legislation does not mandate that any town adopt these zoning best practices; it simply removes the barrier of having to convince a supermajority of the legislative body to adopt them.*** In addition, the legislation authorizes adjacent municipalities to enter into agreements for sites that span multiple communities.



# Planning for Housing Production Grant Program

MassHousing's Planning for Housing Production Program builds on local affordable housing planning and empowers cities and towns by providing additional technical capacity to implement their housing production goals and deliver new mixed-income housing. MassHousing has made \$2 million in grant funding available to municipalities that are actively planning to increase their supply of affordable housing to help them achieve production-driven Chapter 40B safe harbor status.

## Eligibility

Participating municipalities will identify a problem to be solved that stands in the way of a local housing plan being implemented. MassHousing grants will help the municipality overcome these self-identified roadblocks, and deliver on local housing opportunities.

### This program is available to:

- Municipalities in the Commonwealth with a Subsidized Housing Inventory (SHI) percentage of less than 13.0 percent
- Communities that do not currently have multifamily housing development moratoria
- Applicants that have already completed a locally-driven housing planning process

## Eligible grant activities

The planning services MassHousing will offer communities will vary, depending on local needs, but will generally include:

### Assistance

*crafting new zoning to spur new housing growth, whether through Chapter 40A, Chapter 40R, or a friendly Chapter 40B proposal; planning public infrastructure improvements needed to support housing growth;*

### Capacity-building

*in planning and community development; and*

### Public education

*and data transparency initiatives around financial feasibility, development cost-benefit analysis, local infrastructure needs, and school cost/school enrollment projections.*

*The implementation strategies funded under this grant program will respond to an established planning vision, and advance the realization of that vision in a measurable way.*

## How to Apply

For more information on MassHousing's Planning for Housing Production Program, or to apply for funding, visit [www.masshousing.com/planning](http://www.masshousing.com/planning).

*MassHousing's Planning for Housing Production Program was developed in support of The Baker-Polito Administration's Housing Choice Initiative. This initiative seeks to add 135,000 new housing units by 2025 and provides cities and towns with new incentives and rewards for producing the housing needed to grow the Massachusetts economy and secure housing affordability. It assists local governments by providing new grants, coordinating technical assistance, and promoting regulatory innovation at the local level.*

For more information on the Baker-Polito Administration's Housing Choice Initiative, visit [mass.gov/housingchoice](http://mass.gov/housingchoice).





## About Chapter 40B

Chapter 40B is the state's regional planning statute, and the law seeks to ensure that all 351 of the Commonwealth's cities and towns provide housing opportunities for lower-income working households and older adults. The statute helps communities meet the Commonwealth's housing needs, by providing a flexible zoning approval process that allows for the creation of new homes for individuals, families, and older adults, across a range of incomes. At the same time, Chapter 40B provides ample opportunities for municipalities to control their own housing growth.

The law enables agencies like MassHousing to deny 40B project eligibility to projects that are inconsistent with local planning, in localities that have a demonstrated commitment to planning and delivering housing growth. MassHousing is committed to partnering with committed municipalities, to achieve housing growth consistent with local planning priorities.

Below are a few examples of municipalities working successfully under Chapter 40B to plan and implement housing production:



*Easton worked collaboratively with the housing developer Beacon Communities, to transform the historic former Oliver Ames & Sons Shovel Company factory into an award-winning mixed-income rental community. The Ames Shovel Works project delivered 113 new housing units, and 1.5 acres of new open space. Easton's support of the Ames Shovel Works, including a substantial Community Preservation Act commitment, was a key factor in MassHousing denying 40B project eligibility to a less compatible 40B proposal in the town.*



*Reading has taken a strong role in shaping new housing growth, resulting in meaningful 40B relief. Reading has adopted a pair of Chapter 40R smart growth zoning districts, including one surrounding its commuter rail station, zoning over 450 units for development by right. The Town's embrace of smart growth zoning under Chapter 40R was a key factor in MassHousing denying 40B project eligibility to a less compatible 40B proposal. Since that denial, Reading has enjoyed a strong hand in shaping 40B proposals; the Town recently secured significant improvements to design of a 40B development located directly across the street from its downtown 40R district.*

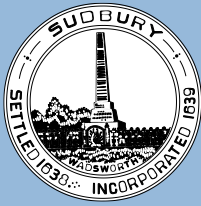


*Hanover used Chapter 40B to rezone a former dormitory on the campus of the Cardinal Cushing Centers, enabling the Planning Office for Urban Affairs to create 37 new mixed-income homes. The Bethany Apartments, currently under construction, will create an inclusive new housing community for residents of a wide range of incomes and abilities, from middle-income families, to low-income clients of the Massachusetts Department of Mental Health. In addition to a collaborative 40B permitting process, the Town of Hanover committed nearly \$300,000 in Community Preservation Act funds to this project.*

To read more about Chapter 40B and the Planning for Housing Production Grant Program, please visit [www.masshousing.com/planning](http://www.masshousing.com/planning).



[www.masshousing.com/planning](http://www.masshousing.com/planning)



SUDBURY BOARD OF SELECTMEN  
Tuesday, April 24, 2018

6

**MISCELLANEOUS (UNTIMED)**

**6: NEMLAC transition**

REQUESTOR SECTION

Date of request:

Requestor: Police Chief Scott Nix

Formal Title: Discussion on transition from Metropolitan Law Enforcement Council (MetroLEC) to Northeastern Massachusetts Law Enforcement Council (NEMLEC). Police Chief Scott Nix will be present.

Recommendations/Suggested Motion/Vote: Discussion on transition from Metropolitan Law Enforcement Council (MetroLEC) to Northeastern Massachusetts Law Enforcement Council (NEMLEC). Police Chief Scott Nix will be present.

Background Information:

Attached memo and documentation from Police Chief Scott Nix

Financial impact expected:n/a

Approximate agenda time requested:

Representative(s) expected to attend meeting: Police Chief Scott Nix

Review:

Patty Golden	Pending
Melissa Murphy-Rodrigues	Pending
Barbara Saint Andre	Pending
Robert C. Haarde	Pending
Board of Selectmen	Pending

04/24/2018 7:00 PM



**Scott Nix**  
*Chief of Police*

## Sudbury Police Department Office of the Chief of Police

75 Hudson Road  
Sudbury, MA 01776  
Business (978) 443-1042  
Fax (978) 443-1045  
nixs@sudbury.ma.us

April 11, 2018

To: Board of Selectmen  
From: Scott Nix, Chief of Police  
RE: Transition from MetroLEC to NEMLEC

Dear Board of Selectmen,

You have heard me talk about our transitioning from the Metropolitan Law Enforcement Council (MetroLEC) to the Northeastern Massachusetts Law Enforcement Council (NEMLEC). In elaborating further, NEMLEC is similar to MetroLEC as a consortium of police agencies providing resources beyond our means but I feel it has many positive attributes more beneficial for the Town of Sudbury.

NEMLEC is a membership based organization requiring monthly attendance of member Chiefs who have an equal say in matters irrelevant of the size of the department. MetroLEC has a different business model where it is driven but elected board members and decisions are often made without knowledge of member agencies until after they are implemented. I feel it is important to have our voice heard to ensure Sudbury is represented in a manner consistent with our mission.

The Lincoln Police Department has been a member of NEMLEC for longer than we have been with MetroLEC. With Lincoln-Sudbury Regional High School in our jurisdiction, I thought it best to align our resources instead of potentially having competing resources. Additionally, NEMLEC offers a great benefit that will now be available to all Sudbury Schools in their STARS Unit (School Threat Assessment and Response System). This unit brings a plethora of expertise and experience to augment measures we already have in place.

The vast majority of Middlesex County police departments comprise a large portion of the NEMLEC communities with several more departments slated to come on board. These are departments we work with on a consistent basis and Chiefs who I have regular working relationship with which is key. I have attached several documents for your review and look forward to answering any further questions that may arise. Thank you.

Respectfully,

Scott Nix  
Chief of Police





# NEMLEC:

## The Northeastern Massachusetts Law Enforcement Council

*Assisting local law enforcement for over 50 years.*

**Who we are: The team that you need — quickly - organized, without changing the way that you operate.**

The Northeastern Massachusetts Law Enforcement Council (NEMLEC) is a consortium of police departments in Middlesex and Essex Counties, and two County Sheriff's Departments. Member agencies operate by sharing resources and personnel, collectively providing services to each other that might not be available to one. NEMLEC coordinates this sharing of personnel and resources to provide its member agencies with the ability to provide supplemental services to the 1.7 million people in the 925 square miles they serve.

NEMLEC is a professional organization that is directed by the priorities and needs of its members. This means that officers from NEMLEC's agencies can be made available in other communities during an emergency or event that requires police services beyond what local police may have. NEMLEC coordinates the provision of mutual aid and the sharing of these officers between agencies, in

accordance with Massachusetts General Laws, Section 40, Paragraphs 8G and 4J. Responding officers that report to provide mutual aid are under complete control of, and follow all commands given by, the local police chief of the department that requests our services.

## *Looking for something?*

[Who We Are \(index.html\)](#)

[What We Do \(whatwedo.html\)](#)

[NEMLEC Communities \(communities.html\)](#)

[Contact Us \(contact.html\)](#)

[Members Only \(https://www.nemlec.org/\)](https://www.nemlec.org/)



# NEMLEC:

## The Northeastern Massachusetts Law Enforcement Council

*Assisting local law enforcement for over 50 years.*

### What we do: What is a Law Enforcement Council?

Simply stated, a law enforcement council coordinates a collaborative partnership of police agencies in a region that share knowledge, resources and personnel for the benefit of public safety.

There are over 18,000 law enforcement agencies in the United States. Approximately 85% have less than 24 sworn police officers. Agencies must efficiently manage the resources they have to provide public safety services in their communities, and most often provide patrol, 911 response, and criminal investigations. The ability to provide specialized services, such as electronic media assistance, search & rescue, and school safety may be limited. NEMLEC partnerships make many additional services available. By coordinating the sharing of police personnel, NEMLEC offers member police departments access to added resources on a moment's notice. This allows one agency, if they request aid, to increase its resources temporarily in response to an emergency or large event. NEMLEC's member agencies are committed to sharing assets and ensuring that communities are prepared for unplanned special occurrences.

## *Looking for something?*

Who We Are ([index.html](#))

What We Do ([whatwedo.html](#))

NEMLEC Communities ([communities.html](#))

Contact Us ([contact.html](#))

Members Only (<https://www.nemlec.org/>)





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The Northeastern Massachusetts Law Enforcement Council (NEMLEC) is a consortium of police departments in Middlesex and Essex Counties, and two County Sheriff's Departments. Member agencies operate by sharing resources and personnel, collectively providing services to each other that might not be available to one. NEMLEC coordinates this sharing of personnel and resources to provide its member agencies with the ability to provide supplemental services to the 1.7 million people in the 925 square miles they serve. For more information about NEMLEC, please visit the [NEMLEC \(http://nemlec.com\)](http://nemlec.com) home page.

Since its inception in 1999, the Northeastern Massachusetts Law Enforcement Council (NEMLEC) School Threat Assessment and Response System (STARS) program has become a nationally recognized model, and has further expanded its response capabilities in the area of school-based mental health, including psychological triage and recovery.

The team continues to advance its founding purpose, which is to provide overall school safety awareness, school crisis planning, hazard identification, and training, by adhering to the core concepts of the Emergency Management Cycle: Prevent, Prepare, Respond, and Recover. These tenets are shared and established by a strong and dedicated multidisciplinary group of volunteers from public and private schools, colleges and universities, fire departments, hospitals, and police from local, state, and federal agencies.

The main purpose of the [STARS Toolkit 2<sup>nd</sup> Edition \(/Toolkit\)](#), the [School Emergency Operations Plan \(/school-emergency-operations-plan-seop\)](#), and its companion website and resources, is to provide visitors with a comprehensive resource to aid them in their school crisis management planning and response.





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*School Threat Assessment and Response System*  
(<http://www.starstoolkit.org/node/2>)

### **SEOP**

*School Emergency Operations Plan*  
(<http://www.starstoolkit.org/node/3>)

*This website was prepared under a grant from the U.S. Department of Homeland Security – Federal Emergency Management Agency (DHS-FEMA). Points of view or opinions expressed in this document are those of the authors and do not necessarily represent the official positions or policies of DHS-FEMA.*

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RECOVER (/HELPFUL-DOCUMENTS) RESOURCES (/RESOURCES) ACTIVATE STARS (/ACTIVATE-STARS)

their communities with crisis planning and preparedness. It contains samples and templates that can be used to jump-start or update your community's school preparedness program, as well as provides essential guidelines during a critical incident.

Among other things, this *Toolkit* includes guidance on the following:

1. **Forming multi-disciplinary District Level Emergency Management and School Level Crisis Response Teams**
2. **Developing an all hazards crisis plan**
3. **Assessing threats and school preparedness**
4. **Responding to bomb threats and other critical incidents**
5. **Creating a "Go-Kit"**
6. **Creating and conducting training and exercises**
7. **Creating and disseminating standardized floor plans**
8. **And much more...**

**The NEMLEC STARS Toolkit 2nd Edition** offers an in-depth look at some of the most problematic areas that schools may lack experience in handling, and provides the user with guidance to make planning, response, and recovery more comprehensive.

Nothing in the *Toolkit* or its accompanying supplementary web site and documents should be construed as prescriptive. Instead, districts are encouraged to use this comprehensive resource as a starting point for collaborative discussion and planning. Only when school systems, their public safety partners, and other community stakeholders come together to plan a comprehensive strategy for effective school safety, can the goal of providing safer schools be met.



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2nd Edition - 2017



DOWNLOAD

([HTTP://WWW.STARSTOOLKIT.ORG/SITES/DEFAULT/FILES/STARS-TOOLKIT-DIGITAL\\_FINAL-REV3.PDF](http://www.starstoolkit.org/sites/default/files/stars-toolkit-digital_final-rev3.pdf))





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[PREPARE \(/PREPARE\)](#)   [RESPOND \(/RESPOND\)](#)   [RECOVER \(/HELPFUL-DOCUMENTS\)](#)

The purpose of the School Emergency Operations Plan (SEOP) is to provide information on how to respond to emergency incidents by outlining the responsibilities and duties of the district, the school, its employees, parents/guardians and students. This plan has been customized to meet the specific and unique needs, capabilities, and circumstances found at any of our schools.

Each year, the School Administration shall review and certify that the plan is current and accurate. This must be done with the School Level Crisis Response Team at the beginning of each school year.

The school superintendent must meet with the police and fire chief to formulate or review a school-specific Emergency Operations Plan at the beginning of each school year as required by Section 363 of Chapter 159 of the Acts of 2000 in Massachusetts General Laws.

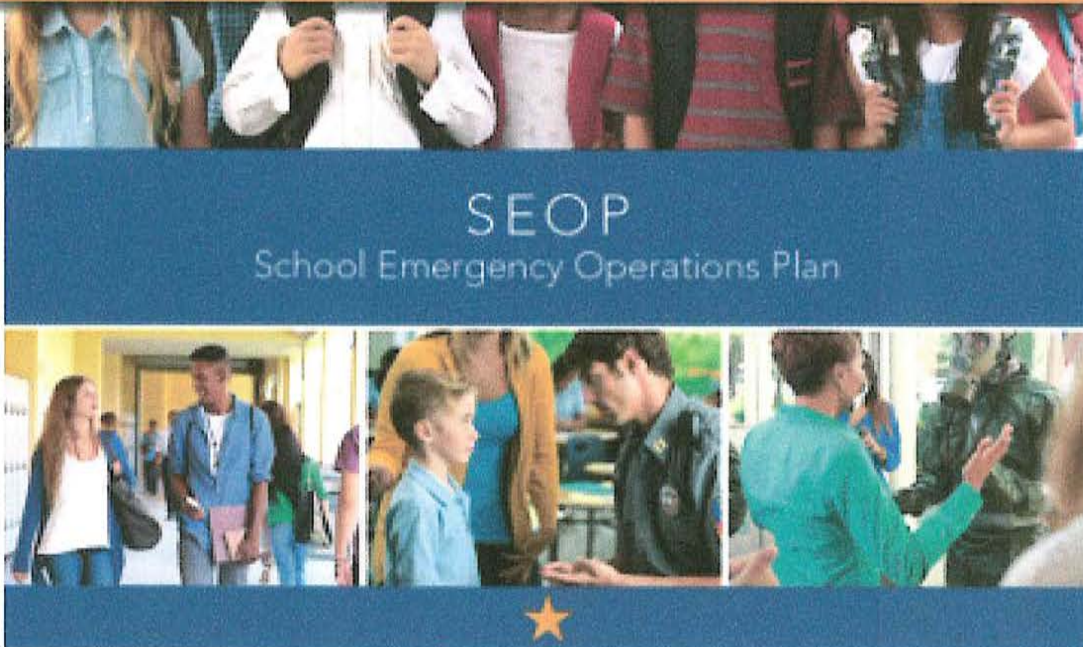
This plan provides teachers, staff, students, parents, and other members of the community with assurances that the district and school has established guidelines and procedures to respond to incidents/hazards in an effective way.

The School Emergency Operations Plan is one component of the Comprehensive Emergency Management Plan. The additional components to the Comprehensive Emergency Management Plan are:

- Floor Plan(s) that are unique to each floor of the building
- Site Plan that includes all building property and surrounding property
- Emergency Contact Information Sheet specific to the school
- Emergency Medical Plan
- Bullying Plan

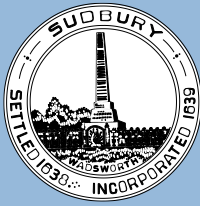


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*This website was prepared under a grant from the U.S. Department of Homeland Security—Federal Emergency Management Agency (DHS-FEMA). Points of view or opinions expressed in this document are those of the authors and do not necessarily represent the official positions or policies of DHS-FEMA.*



## SUDBURY BOARD OF SELECTMEN

Tuesday, April 24, 2018

7

### MISCELLANEOUS (UNTIMED)

#### 7: Welcoming Community discussion

##### REQUESTOR SECTION

Date of request:

Requested by: Patty Golden

Formal Title: Discuss Welcoming Community Proposal. Police Chief Scott Nix to attend.

Recommendations/Suggested Motion/Vote: Discuss Welcoming Community Proposal. Police Chief Scott Nix to attend.

Background Information:

Financial impact expected:

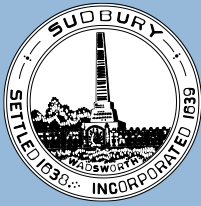
Approximate agenda time requested:

Representative(s) expected to attend meeting: Police Chief Scott Nix

Review:

Patty Golden	Pending
Melissa Murphy-Rodrigues	Pending
Barbara Saint Andre	Pending
Robert C. Haarde	Pending
Board of Selectmen	Pending

04/24/2018 7:00 PM



SUDBURY BOARD OF SELECTMEN  
Tuesday, April 24, 2018

8

**MISCELLANEOUS (UNTIMED)**

**8: Special Town Election**

REQUESTOR SECTION

Date of request:

Requested by: Patty Golden

Formal Title: Discussion and possible vote on Special Town Election date and ballot questions. Also submit ballot questions to Town Clerk.

Recommendations/Suggested Motion/Vote: Discussion and possible vote on Special Town Election date and ballot questions. Also submit ballot questions to Town Clerk.

Background Information:

Financial impact expected:

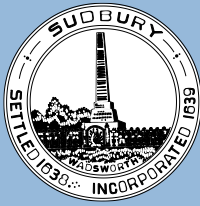
Approximate agenda time requested:

Representative(s) expected to attend meeting:

Review:

Patty Golden	Pending
Melissa Murphy-Rodrigues	Pending
Barbara Saint Andre	Pending
Robert C. Haarde	Pending
Board of Selectmen	Pending

04/24/2018 7:00 PM



## MISCELLANEOUS (UNTIMED)

### 9: Presentation or discussion of Town Meeting articles

#### REQUESTOR SECTION

Date of request:

Requestor: Town Manager Melissa Murphy-Rodrigues

Formal Title: Review Town Meeting articles, take positions on articles, and assign presentations.

Recommendations/Suggested Motion/Vote: Review Town Meeting articles, take positions on articles, and assign presentations.

Background Information:  
attached articles list

Financial impact expected:

Approximate agenda time requested:

Representative(s) expected to attend meeting:

Review:

Patty Golden	Pending
Melissa Murphy-Rodrigues	Pending
Barbara Saint Andre	Pending
Robert C. Haarde	Pending
Board of Selectmen	Pending

04/24/2018 7:00 PM



ATM 2018 Articles

9.a

#	Article Title	Status	Sponsor/ Submitted by	Article Presenter	BOS Position	FinCom Position	Report BOS position at ATM	Funding Source	Requested Amount	Required Vote	Consent Calendar
	<b>IN MEMORIAM RESOLUTION</b>										
	<b>FINANCE/BUDGET</b>										
1	Hear Reports	submitted	BOS	Miles						Majority	
2	FY18 Budget Adjustments	submitted	BOS	MMR	RTM	RTM				Majority	X
3	FY19 Budget	submitted	Town Manager	MMR	S	S				Majority	
4	FY19 Capital Budget - Town Manager	submitted	Town Manager	MMR	S	RTM				Majority	
5	FY19 Transfer Station Enterprise Fund Budget	submitted	Town Manager	MMR	S	S				Majority	
6	FY19 Pool Enterprise Fund Budget	submitted	Town Manager	MMR	RTM	RTM				Majority	
7	FY19 Recreation Field Maintenance Enterprise Fund Budget	submitted	Town Manager	MMR	S	S				Majority	
8	FY18 Snow & Ice Transfer	submitted	Town Manager	MMR	RTM	RTM					
9	Unpaid Bills	submitted	Town Accountant	MMR	RTM	RTM				Four-fifths	X
10	Chapter 90 Highway Funding	submitted	DPW Director	Nason	S	S				Majority	X
11	FY19 Revolving Funds Spending Limits	submitted	SPS & Town		S	S				Majority	X
12	Fund Litigation Costs - Eversource	submitted	BOS	MMR	S	RTM				Majority	
13	Fund Litigation Costs - Sudbury Station Project	submitted	BOS	MMR	S	RTM				Two-thirds	
14	<b>WITHDRAWN</b>	submitted	BOS								
15	Means Tested Senior Tax Exemption Extension	submitted	Assessors	Assessor	S	S					X
16	Amend Article XXV - Capital Planning	submitted	BOS	MMR	S	S					
17	Amend Bylaws Article I - Town Meetings, s. 3	submitted	BOS	MMR	S						

Attachment 9.a: Articles list ATM 2018\_4.19 : Presentation or discussion of Town Meeting articles)

4/19/2018

Page 1

S-support; IP-Indefinitely Postpone; RTM-Report at Town Meeting

Packet Pg. 37

ATM 2018 Articles

9.a

#	Article Title	Status	Sponsor/ Submitted by	Article Presenter	BOS Position	FinCom Position	Report BOS position at ATM	Funding Source	Requested Amount	Required Vote	Consent Calendar
18	Repeal Art. V(C) Smoking Prohibition	submitted	BOS	MMR	S					Two-thirds	
19	Amend Art. V, s.3 Nuisance or Dangerous Dogs	submitted	BOS	MMR	S					Majority	
20	Amend Zoning Bylaw, Art. 7000 Marijuana	submitted	Planning Board	Planning Board	RTM					Majority	
	<b>CAPITAL ARTICLES</b>										
21	DPW Rolling Stock Replacement	submitted	DPW Director	Nason	S	RTM		Free cash	\$60,000	Majority	
22	DPW Equipment	submitted	DPW Director	Nason	S	S		Bonds	\$860,000	Majority	
23	DPW Underground Fuel Storage, etc.	submitted	DPW Director	Nason	RTM	RTM		Bonds	\$1,500,000	Majority	
24	Stearns Mill Pond Dam/Dutton Rd. Bridge	submitted	DPW Director	Nason	S	S		Bonds	\$1,850,000	Majority	
25	Sudbury Public Schools Playground Improvement Funding	submitted - also see CPC	SPS	SPS	S	RTM		Free cash		Majority	
26	Noyes School Fire Alarm System Replacement	submitted	SPS	SPS	RTM	RTM			22,000	Majority	
27	LSRHS Phone System Replacement	submitted	LSRHSC	LS	S	RTM			\$80,000		
28	Cutting Field	submitted - wording to be revised	Park & Rec		RTM	RTM					
29	<b>WITHDRAWN</b>	submitted	Fire Chief								
30	Fairbank Community Center Design Funds	submitted	BOS	MMR	RTM	RTM			\$1,900,000		
31	Acquisition of Broadacres Farm	submitted - see also CPC	BOS		RTM	RTM					
32	Melone Property Disposition	submitted	BOS		RTM	RTM					
33	<b>WITHDRAWN</b>	submitted	BOS								

Attachment 9.a: Articles list ATM 2018\_4.19 : Presentation or discussion of Town Meeting articles)

4/19/2018

Page 2

S-support; IP-Indefinitely Postpone; RTM-Report at Town Meeting

Packet Pg. 38

ATM 2018 Articles

9.a

#	Article Title	Status	Sponsor/ Submitted by	Article Presenter	BOS Position	FinCom Position	Report BOS position at ATM	Funding Source	Requested Amount	Required Vote	Consent Calendar
	<b>CPC Articles</b>										
34	SPS Playground Modernization	submitted (supplement to SPS article)	CPC	SPS	S	S				Majority	
35	Pond Invasive Weed Removal	submitted	CPC	CPC	S	S				Majority	
36	Wayside Inn Invasive Plant Species Removal	submitted	CPC	CPC	S	S					
37	Acquisition of Broadacres Farm	submitted (supplement to BOS article)	CPC	CPC	RTM	RTM				Majority	
38	Regional Housing Services Office Allocation	submitted	CPC	CPC	S	S				Majority	
39	Sudbury Housing Trust Allocation	submitted	CPC	CPC	S	RTM				Majority	
40	CSX Alternative Acquisition Funding Reversion FY19	submitted	CPC	CPC	RTM	RTM					
41	Reversion of Funds FY19	submitted	CPC	CPC	S	S					
42	FY19 Community Preservation Fund General Budget and Appropriations	submitted	CPC	CPC	S	S					
	<b>PETITION ARTICLES</b>										
43	Petition - Release of Deed Restriction	submitted	Guthy		RTM					Majority	
44	Petition - Welcoming Town	submitted	Taylor		RTM					Majority	
45	Resolution - Transparency in Political Donations	submitted	Keklak		RTM						

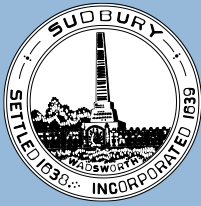
Attachment9.a: Articles list ATM 2018\_4.19 (2761 : Presentation or discussion of Town Meeting articles)

4/19/2018

Page 3

S-support; IP-Indefinitely Postpone; RTM-Report at Town Meeting

Packet Pg. 39



## SUDBURY BOARD OF SELECTMEN

Tuesday, April 24, 2018

10

### MISCELLANEOUS (UNTIMED)

#### 10: Spring 2018 Selectmen Newsletter Approval

##### REQUESTOR SECTION

Date of request:

Requested by: Leila S. Frank

Formal Title: Review draft Spring 2018 Board of Selectmen Newsletter and approve for distribution.

Recommendations/Suggested Motion/Vote:

Background Information:

Draft newsletter attached

Financial impact expected:N/A

Approximate agenda time requested:

Representative(s) expected to attend meeting:

Review:

Patty Golden Pending

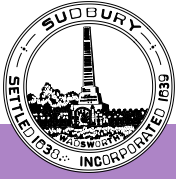
Melissa Murphy-Rodrigues Pending

Barbara Saint Andre Pending

Robert C. Haarde Pending

Board of Selectmen Pending

04/24/2018 7:00 PM



# BOARD OF SELECTMEN NEWSLETTER

TOWN OF SUDBURY

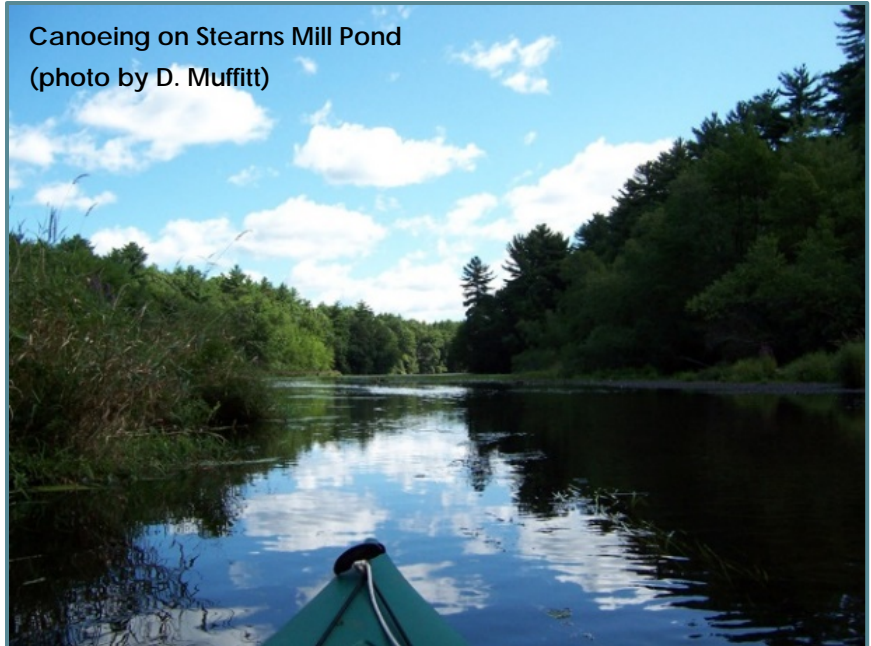
## STEARNS MILL POND DAM AND DUTTON ROAD BRIDGE

By Selectman Susan Iuliano

Stearns Mill Pond is a beautiful pond located adjacent to and west of Dutton Road. Stearns Mill Pond Dam detains Hop Brook upstream to create the pond (previously known as Pratt's Mill Pond). The Dam is important to Sudbury for historic, environmental, and public safety reasons. The Dam is believed to have been first constructed in 1677 as part of the lumber and milling industry in town. It was rebuilt in 1790 and 1915. The first water-powered mill in Sudbury was established at this location. The last active use was as a Box Mill in the 1930s. Sudbury acquired the Dam and a key adjacent parcel to preserve this historic structure.

The Dam is currently in disrepair, with undermining, sinkholes, and infiltration. The Dam has been rated as a significant hazard dam by the Massachusetts Department of Conservation and Recreation Office of Dam Safety. A recent inspection resulted in the Town receiving a Notice of

Canoeing on Stearns Mill Pond  
(photo by D. Muffitt)



Noncompliance from the ODS. The Town must next perform a Phase II analysis, involving hydraulic and hydrological calculations, a topographic survey, and wetland delineation, and produce a remedial design to stabilize the structure and correct the safety deficiencies cited by the state. The Town estimates that the planning and design will cost \$750,000. Repair of this Dam is essential to protect this sensitive area and to prevent any impact to Dutton Road.

The nearby culvert under the Dutton Road Bridge also requires critical repairs. Of the 200 culverts currently being

### Contents

Stearns Mill Pond Dam and Dutton Road Bridge.....	1
Livable Sudbury Community..	2
What's Happening With The Bruce Freeman Rail Trail? .....	3
Meadow Walk Update .....	4
Update on the Fairbank Community Center Project .....	5

assessed, the Department of Public Works has identified the Dutton Road Bridge culvert as being in the worst condition. Further, Dutton Road serves as a major road in town, connecting Hudson Road to the Route 20 area. The culvert has much undermining, cracked concrete and piping, and sagging pipes. Stones are breaking loose and erosion is occurring on the banks under

the bridge. This important project is estimated to cost \$1.1 million. The Town has applied for a \$500,000 grant from the Massachusetts Highway fund, which may be received only upon completion of the project.

These large projects to repair vital structures have been targeted in the Town's long-term capital planning. The Board of Selectmen

agrees that these projects need to move forward. The projects have been combined in Article 24 for consideration at the Annual Town Meeting. Later in May, voters will be presented with a Debt Exemption to authorize the borrowing of funds for these and other capital items.

## LIVABLE SUDBURY COMMUNITY

By Chairman Bob Haarde

What is a livable community? As defined by the Partners for Livable Communities, livability is the sum of the factors that add up to a community's quality of life—including the built and natural environments, economic prosperity, social stability and equity, educational opportunity, and cultural, entertainment and recreation possibilities. Many studies have shown that a key factor in long-term health and happiness is maintaining strong and healthy relationships with other people. A livable community fosters healthy relationships among and between residents of all ages by providing opportunities for educational, social, cultural and economic engagement.

Sudbury is currently undertaking many different initiatives to promote livability by engaging residents of all ages, encouraging adults and children

to enjoy, explore and access the resources for staying involved with friends and neighbors. As defined by the World Health Organization, livable communities not only promote health but also sustain economic growth.

Sudbury has joined a global network of livable communities including 17 towns and cities in Massachusetts to share best practices and explore new ways to make our communities more livable for residents of all ages. Sudbury has teamed with the Center for Social & Demographic Research on Aging at UMass Boston to conduct a nine-month needs assessment study to identify areas where Sudbury should focus our efforts to create a more livable



community. Sudbury won a Massachusetts Community Compact grant this year to update the town master plan which will include our vision as a livable community. The Board of Selectmen is creating a Transportation Committee to explore new ways to provide transportation for our residents. In fact, Sudbury just launched a Sudbury Shuttle on April 12th



which stops at Stephen Anthony's, Longfellow Glen, Whole Foods, Shaw's, Sudbury Farms, Musketahquid Village, Coolidge at Sudbury, and Panera Bread. The final stop is Stop & Shop in Wayland. This new shuttle is a significant new service for Sudbury residents and is the

beginning of a new effort to use transportation to engage our residents and foster relationships and social activity. Sudbury is also in the planning phases of a multi-generational community center at the current Fairbank Recreation Center, which will be a center where residents of all

ages can engage in social, fitness, cultural, educational and recreational activities.

Throughout all of these activities, both planned and in progress, Sudbury is leading by example in the effort to create livable communities.

## WHAT'S HAPPENING WITH THE BRUCE FREEMAN RAIL TRAIL?

By Vice-Chair Len Simon

Three months ago, the town took the first steps toward getting control of the entire railroad corridor in Sudbury for the Bruce Freeman Rail Trail.

The corridor north of Station Road is owned by MassDOT, while the area south of Station Road (Phase 3) is owned by CSX. The design of the MassDOT portion is under way, but not the part owned by CSX. Last February, Sudbury submitted a \$100,000 grant application to the Dept. of Conservation and Recreation (DCR) to purchase the northernmost ¼ mile of the CSX corridor, from Station Road to Route 20. Note, from Rt. 20 the CSX corridor extends southward about another mile in Sudbury to the Framingham line and then toward Rt. 9 in Framingham.

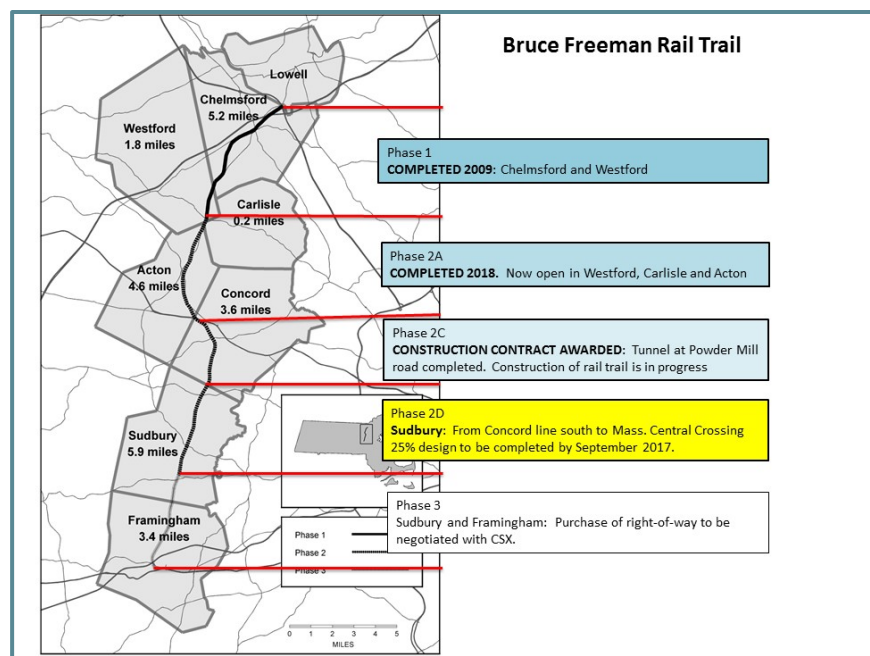
Recently, two developments came together to put the CSX corridor within Sudbury's reach. First, the DCR Recreational Trail Program has allowed Sudbury to apply for funding to acquire part of the corridor. Second, CSX submitted a letter supporting the

grant application, and, further, said it now wants to sell the corridor to Sudbury for a recreational trail. This is a major change from CSX's prior position.

The Town Manager, Melissa Murphy-Rodrigues and the Environmental Planner, Beth Suedmeyer, did a tremendous job in preparing the DCR grant application. Senators Eldridge and Barrett, Representative Gentile, and others provided

letters of support for the grant. A decision from DCR is expected in a few months.

Purchase of the CSX corridor has longstanding and widespread support from the town. In May 2008, Town Meeting unanimously supported a \$420,000 appropriation of Community Preservation Act funds to purchase the CSX corridor. The money has been sitting there, earning interest, but



CSX was not ready to sell, and a resident threatened to block the sale because of a legal loophole. Remedial legislation is being prepared by Representative Carmine Gentile to close the loophole to allow CPA funds to purchase the CSX corridor.

An article at this year's Annual Town Meeting, if passed, would reverse the unanimous 2008 Town Meeting vote which

approved the use of CPA funds to acquire the CSX corridor. At a Community Preservation Committee meeting last December, Environmental Planner Beth Suedmeyer and I asked the CPC not to put this article on the warrant for the 2018 Town Meeting. The reason advanced for including this article is that "time has elapsed" since 2008 and the funds have not been spent.

Circumstances have changed and the prospects for purchasing the CSX corridor are much improved. It will be up to Town Meeting to say whether the unanimous 2008 Town Meeting vote to use the already existing funds to purchase the CSX corridor will stand or be reversed.

## MEADOW WALK UPDATE

By Selectman Dan Carty

Spring is in the air, but development work at Meadow Walk has been in full swing throughout the winter. While Whole Foods has been bustling for months, the four remaining retail buildings in the complex are nearly complete and will soon be open for business. Once landscaping, final paving, and other minor site work are completed, the first retail tenants will begin moving in. The Oak Barrel Tavern is expected to open in June or July, followed by Mooyah Burgers, Peet's Coffee, and Paani Pure Indian Cuisine, which is relocating from further down Route 20.

At about the same time, final paving of Route 20 and Bay Drive – the main access road to Meadow Walk – should be completed. Now that the Commonwealth Department of Transportation's winter work



Meadow Walk rendering – Route 20 view

moratorium has ended, that phase of the project has restarted in earnest. Recently all wires – Eversource, Sudbury Fire Department, Comcast, and Verizon – have been transferred from old poles to new, and the old poles have been removed. Soon the concrete jersey barriers will be replaced by barrels, and once the concrete sidewalks and granite curbing are in place on the south side of Route 20, the

existing pavement will be ground down and final paving along the length of the project, from Chiswick Park to the western entrance to Meadow Walk, will be performed. The developer will work with the Police and Fire Departments to minimize impact to residents, commuters, and tenants during this time. Traffic lights are installed, but once paving is complete they will be



connected to loop detectors in the streets and driveways to allow signals to operate as efficiently as possible.

AvalonBay's first residential buildings are nearly finished; they have opened a marketing trailer near Whole Foods and have begun signing tenant leases. The clubhouse and management office will open in the first week of May and the first residents will be moving in the first or second week of May. Avalon anticipates opening two or three new residential buildings each month throughout the rest of 2018. The Bridges Memory Care assisted living community is also nearing completion. Besides working

with the Sudbury Historical Society to create a "history wall" of local historical photos, staff will begin occupying the building in June in order to hire and train staff, and the first residents will move in sometime in July. Pulte Homes is close to finishing their first age-restricted condominiums towards the rear of the Meadow Walk development. Their marketing office and model homes should be open for tours in May, while construction of the townhome and apartments will continue through early 2019.

In other news, the Retail Design Institute, the industry's largest association for retail design professionals, has recognized the Whole Foods

Market Sudbury for excellence in design and execution. The project will be inducted into the RDI's "Class of 2017" at the 47th Annual Awards Gala taking place May 23, 2018 in New York City. Congratulations are due to Whole Foods, National Development and their design team.

For further information and updates, please visit [www.meadowwalksudbury.com](http://www.meadowwalksudbury.com) and <https://sudbury.ma.us>.

Thank you to Steve Senna of National Development, Sally Hild of the Sudbury Historical Society, and Meaghan Donahue of the Sudbury Planning Department for information and updates.

## UPDATE ON THE FAIRBANK COMMUNITY CENTER PROJECT

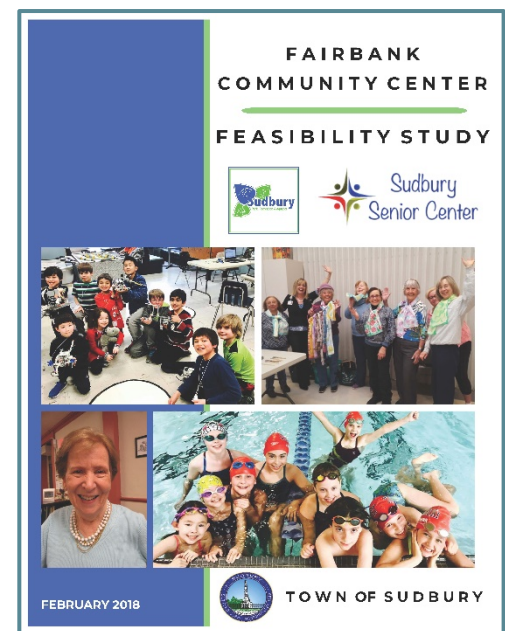
By Selectman Pat Brown

Since the last update on the Fairbank Community Center project, the Task Force has received and posted the responses from both the Town and the consultant concerning the Fairbank Report. The Task Force has been focused on coming to agreement on what to recommend to the Selectmen to present at May 2018 Town meeting.

At its April 5 meeting the Fairbank Task Force agreed that it is not ready to stand before May Town Meeting to request funding for the design presented this spring. The Task

Force agreed that town-wide education is necessary before bringing this project to Town Meeting, but also believes that the Task Force was never charged with this mission and lacks the expertise to carry it out. Instead, the Task Force will present its recommendations to the Board of Selectmen on April 24.

The Task Force agrees that a greatly expanded Fairbank Community Center similar to that proposed in the Fairbank Report is required to



meet the needs of Sudbury's citizens over the next decades. However, the Task Force also believes town residents need to understand both the advantages of such a center and the expenses it would entail. What would the new space look like, what new services would it permit, what are the costs and expected revenues of such a facility? The Task Force would like to turn this responsibility over to a new entity better fitted to deal with it, with the goal of having the Selectmen present the project to Town Meeting in the fall of 2018.

The Town Manager's office has partnered with FlashVote to obtain citizen input on municipal questions without

requiring lengthy meetings or surveys. Find out more about the program here: <https://sudbury.ma.us/townmanager/2018/04/12/sudbury-partners-with-flashvote/>. The first one-minute survey of this partnership will be about the proposed Fairbank Center.

We look forward to seeing other public education and outreach over the remainder of the spring, summer and fall.

Why not move forward with the request for Fairbank design funds for the May Town Meeting? Basically, the Task Force believes that the community needs to understand not just the costs but the benefits of the proposal—and that the community deserves full

information before it chooses. The Fairbank Report and the additional answers to our questions were not available till early March.

It's very clear that "doing nothing" is not an option. Space is excruciatingly tight for both our senior and our recreation programs. The building—particularly the roof--becomes more problematic over time. The space is not suited to its current use. The Task Force is well aware that the need is Now, and that there is no time to waste.

We'd like an informed decision from the Town as soon as possible. We believe that is at Fall Town Meeting.

See you there.

# Do you have one minute a month to help make Sudbury better?

**YES**

**NO**

Don't miss the next FlashVote survey, sign up now!

<https://sudbury.ma.us/flashvote>

# TOWN OF SUDBURY COMMUNITY "GREEN"UP

## SATURDAY, MAY 19, 2018



### ANNUAL ROADSIDE CLEANUP

*Join Sudbury civic groups, businesses and residents in the Annual Roadside Cleanup and general beautification of business districts, public areas and parks.*

To "Adopt a Street" please visit:  
<https://sudbury.ma.us/RoadSideCleanup/>

### GO GREEN WITH RAIN BARRELS

*Great for the environment - Great for your plants! 40% off retail price through the Town of Sudbury. Pickup on 5/19/18.*

Order at:

[www.TGARb.com](http://www.TGARb.com)

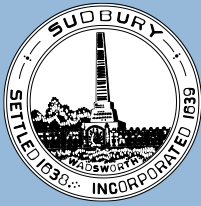


### REPAIR CAFE

*Why throw it away, when you can fix it? Help reduce waste while you save some green. 5/19/18 from 9AM-12PM.*

Learn More at:

<https://bit.ly/2IOKL7M>



## MISCELLANEOUS (UNTIMED)

### 11: Citizens Comments (cont)

#### REQUESTOR SECTION

Date of request:

Requested by: Patty Golden

Formal Title: Citizens Comments (cont)

Recommendations/Suggested Motion/Vote:

Background Information:

Financial impact expected:

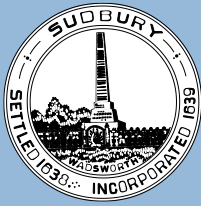
Approximate agenda time requested:

Representative(s) expected to attend meeting:

Review:

Patty Golden	Pending
Melissa Murphy-Rodrigues	Pending
Barbara Saint Andre	Pending
Robert C. Haarde	Pending
Board of Selectmen	Pending

04/24/2018 7:00 PM



SUDBURY BOARD OF SELECTMEN  
Tuesday, April 24, 2018

12

**MISCELLANEOUS (UNTIMED)**  
**12: Discuss upcoming agenda items**

REQUESTOR SECTION

Date of request:

Requested by: Patty Golden

Formal Title: Discuss upcoming agenda items

Recommendations/Suggested Motion/Vote:

Background Information:

Financial impact expected:

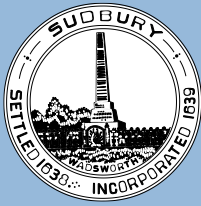
Approximate agenda time requested:

Representative(s) expected to attend meeting:

Review:

Patty Golden	Pending
Melissa Murphy-Rodrigues	Pending
Barbara Saint Andre	Pending
Robert C. Haarde	Pending
Board of Selectmen	Pending

04/24/2018 7:00 PM



## SUDBURY BOARD OF SELECTMEN

Tuesday, April 24, 2018

**CONSENT CALENDAR ITEM****13: Proclamation for Race Amity Day**REQUESTOR SECTION

Date of request:

Requested by: Patty Golden

Formal Title: Vote to proclaim the second Sunday in June to be Race Amity Day in the Town of Sudbury.

Recommendations/Suggested Motion/Vote: Vote to proclaim the second Sunday in June to be Race Amity Day in the Town of Sudbury.

Background Information:  
attached proclamation

Financial impact expected:n/a

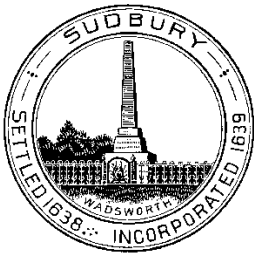
Approximate agenda time requested:

Representative(s) expected to attend meeting:

Review:

Patty Golden	Pending
Melissa Murphy-Rodrigues	Pending
Barbara Saint Andre	Pending
Robert C. Haarde	Pending
Board of Selectmen	Pending

04/24/2018 7:00 PM



## TOWN OF SUDBURY

*Office of Selectmen*

[www.sudbury.ma.us](http://www.sudbury.ma.us)

278 Old Sudbury Road  
Sudbury, MA 01776-1843

978-639-3381

Fax: 978-443-0756

Email: [selectmen@sudbury.ma.us](mailto:selectmen@sudbury.ma.us)

### Race Amity Day Proclamation

Whereas, the greatest asset of the Town of Sudbury is its people; and

Whereas, the Town of Sudbury holds dear the motto of the United States of America, E Pluribus Unum (out of many, one), recognizing the principle of the oneness of the humankind and the rich cultural, ethnic and racial diversity of its inhabitants; and

Whereas, civility, respect, kindness and friendship are commonly shared values of the collective citizenry of the Town of Sudbury; and

Whereas, the Town of Sudbury promotes communities and neighborhoods to join in reflection on the beauty and richness of our diverse cultures and ethnicities while reaching out with a spirit of amity toward one another,

Whereas, H2475, Chapter 163 of the Acts of 2015 of the Commonwealth of Massachusetts establishes the second Sunday in June annually as Race Amity Day; and

Now, therefore, the Town of Sudbury hereby proclaims the second Sunday of June to be Race Amity Day And, urges all the people of Sudbury to recognize this event and to celebrate its annual observance.

VOTED AND DATED this 24th day of April 2018.

Sudbury Board of Selectmen

Robert C. Haarde, Chairman

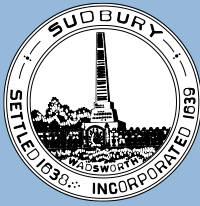
Leonard A. Simon, Vice-Chairman

Patricia A. Brown

Daniel E. Carty

Susan N. Iuliano





## SUDBURY BOARD OF SELECTMEN

Tuesday, April 24, 2018

**CONSENT CALENDAR ITEM****14: DPW Appreciation Week**REQUESTOR SECTION

Date of request:

Requested by: Patty Golden

Formal Title: In recognition of National Public Works Week, May 20-26, 2018, vote to extend sincere thanks to the entire Sudbury DPW staff for their outstanding efforts during the recent snowstorms.

Recommendations/Suggested Motion/Vote: In recognition of National Public Works Week, May 20-26, 2018, vote to extend sincere thanks to the entire Sudbury DPW staff for their outstanding efforts during the recent snowstorms.

Background Information:

Financial impact expected:

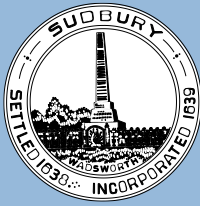
Approximate agenda time requested:

Representative(s) expected to attend meeting:

Review:

Patty Golden	Pending
Melissa Murphy-Rodrigues	Pending
Barbara Saint Andre	Pending
Robert C. Haarde	Pending
Board of Selectmen	Pending

04/24/2018 7:00 PM



## SUDBURY BOARD OF SELECTMEN

Tuesday, April 24, 2018

**CONSENT CALENDAR ITEM****15: FY19 rates for Transfer Station stickers**REQUESTOR SECTION

Date of request:

Requestor: Dan Dason, DPW Director

Formal Title: Vote to approve the FY19 rates for transfer station stickers as recommended by DPW Director Dan Nason, who is advising leaving them at the FY18 amounts.

Recommendations/Suggested Motion/Vote: Vote to approve the FY19 rates for transfer station stickers as recommended by DPW Director Dan Nason, who is advising leaving them at the FY18 amounts.

Background Information:

Financial impact expected:same rates as FY18

Approximate agenda time requested:

Representative(s) expected to attend meeting:

Review:

Patty Golden	Pending
Melissa Murphy-Rodrigues	Pending
Barbara Saint Andre	Pending
Robert C. Haarde	Pending
Board of Selectmen	Pending

04/24/2018 7:00 PM



## Transfer Station / Recycling Center Sudbury, MA

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[Subscribe](#)

### Pay-As-You-Throw

Published on [Wednesday, 6/28/2017 12:00 am](#) | by [Transfer Station / Recycling Center](#)

**Pay-As-You-Throw** is a two part system. Resident must purchase a yearly Transfer Station Sticker for their car and then they must use the designated [yellow Transfer Station bag](#) to be able to use the waste collection point at the station. The bags are sold in packages of five (5) and come in two sizes, 30 gallon and 15 gallon. (A normal kitchen trash bag is thirteen gallons). These bags are sold locally and are not available at the Transfer Station.

#### Retailers for Pay-As-You-Throw Bags

Rite Aid Pharmacy

CVS

Shaw's Market

Sudbury Farms

Sudbury Lumber

Town Line Hardware

The bags are sold in packages of five (5)

15-gallon size, 5-pack: \$6.00    30-gallon size, 5-pack: \$12.00

The **Pay-As-You-Throw** program continues to be successful as recycling is still up and tonnage of waste hauled is down. [The current annual sticker price is \\$170.00.](#) They are sold in packets of 5 bags at local PAYT Retailers.

#### Categories

[Department Page News](#)

[Email this Article](#)

[Back to Transfer Station / Recycling Center](#)

### Transfer Station / Recycling Center

The Sudbury Department of Public Works operates a secure, safe and environmentally friendly Transfer Facility for the residents of Sudbury to properly dispose of and/or recycle common household items and non-hazardous waste.

The station provides excellent recycling opportunities in which residents can exercise environmental stewardship of resources and help reduce the bulk amount of trash.

**Items that can be recycled** include newspapers, mixed paper, cardboard, glass, aluminum cans, plastic, automobile batteries, used motor oil and scrap metal. Careful recycling is the best way to keep the price of your sticker at the current rate.

Per the vote of the Board of Selectmen, the costs of operating the Transfer Station are covered through a **Pay-As-You-Throw** pricing mechanism.

Other materials that you may have (such as carpeting, furniture, building debris, tires, and refrigerators) require a special fee payable at the Transfer Station ([Transfer Station Fees chart](#)). Payment can be made at the shed located at the Entrance to the Transfer Station/Recycle Center. No contractors or businesses allowed. This service is for residents only.

#### Recent News

[Pay-As-You-Throw](#) June 28, 2017

[Sudbury Recycling Guide](#) June 28, 2017

[Transfer Station Fees](#) December 22, 2011

#### Contact

##### Hours:

Tuesday, Thursday and Saturday

8:00 a.m. to 3:00 p.m.

(Put & Take closes 1/2 hour earlier)

**Email:** [transferstation@sudbury.ma.us](mailto:transferstation@sudbury.ma.us)

**Phone:** (978) 440 - 5421

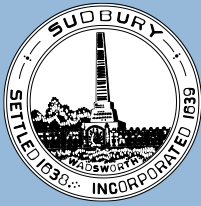
**Fax:** (978) 440 - 5404

**Building:** [Transfer Station / Recycle Center](#)

20 Boston Post Road

Sudbury, MA 01776





## SUDBURY BOARD OF SELECTMEN

Tuesday, April 24, 2018

**CONSENT CALENDAR ITEM****16: Minutes approval**REQUESTOR SECTION

Date of request:

Requested by: Patty Golden

Formal Title: Vote to approve the regular session minutes of 2/27/18.

Recommendations/Suggested Motion/Vote: Vote to approve the regular session minutes of 2/27/18.

Background Information:  
attached draft

Financial impact expected:

Approximate agenda time requested:

Representative(s) expected to attend meeting:

Review:

Patty Golden	Pending
Melissa Murphy-Rodrigues	Pending
Barbara Saint Andre	Pending
Robert C. Haarde	Pending
Board of Selectmen	Pending

04/24/2018 7:00 PM