

Town Manager: *Stuart Beckley*  
sbeckley@townofware.com



**Board of Selectmen**  
**Ware Town Hall, 126 Main Street, Meeting Room**

**6:30 p.m. Executive Session: MGL Chapter 30A, Section 21 (a) #2 Negotiations**

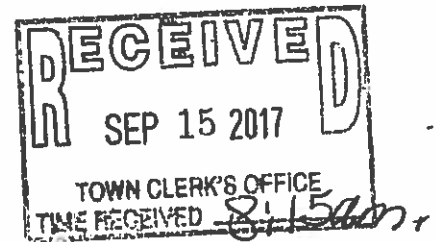
**Regular Meeting Notice Agenda**  
**Tuesday, September 19, 2017 at 7:00 p.m.**

**Meeting Opened**

**Opening Remarks, Announcements, and Agenda review by Chair**

**Consent Agenda**

- **Approval of September 5, 2017 Meeting Minutes**
- **Retroactive Approval of One-Day Liquor License Application: Workshop 13, Friday, September 15, 2017**
- **Approval of One-Day Liquor License Application: Workshop 13, Friday, October 20, 2017**
- **Approval of Toll Road Application: Ware Rotary Club, Saturday, October 14 & Sunday, October 15, 2017 or Saturday, October 21 & Sunday, October 22, 2017**



**Comments and Concerns of Citizens**

**Scheduled Appearances**

- **7:10 p.m. Public Hearing for Application for New All Alcoholic Restaurant License, Common Victualler License, and Entertainment License: Wicked Wings Ware, Inc., 136 Pleasant Street, Ware**
- **7:15 p.m. Public Hearing for Proposed License Fee Increases: Liquor, Common Victualler, Lodging, Entertainment, Automatic Amusement Device, One-Day Liquor and Car Dealer Licenses**

**Old Business**

**New Business**

- **Request for Zoning Amendment to Be Sent to Planning Board for Hearing**
- **Request to Open Special Town Meeting Warrant (Special Town Meeting Date of Monday, November 13, 2017)**

**Town Manager Report**

**Adjournment**

Town Manager: Stuart Beckley  
sbeckley@townofware.com



**Board of Selectmen  
Ware Town Hall, 126 Main Street, Meeting Room  
Regular Meeting Minutes  
Tuesday, September 5, 2017**

**Regular meeting opened at 6:30 p.m.**

**6: 30 p.m. - Executive Session: MGL Chapter 30A, Section 21 (a) #2 Negotiations**

Selectman Whitney moved to Adjourn Regular Session at 6:30 p.m. to move into Executive Session per MGL Chapter 30A, Section 21 (a) #2 Negotiations , **TO RECONVENE IN OPEN SESSION**; Selectman Opalinski seconded the motion. The motion passed on a Roll Call Vote of 4 Yes, 0 No, 1 Absent (Selectman Carroll):

Nancy J. Talbot	Yes√
Alan G. Whitney	Yes√
Tracy R. Opalinski	Yes√
John E. Carroll	Absent
Michael P. Fountain	Yes√

Selectman Opalinski moved to Adjourn Executive Session at 7:00 p.m., **TO RECONVENE IN OPEN SESSION**; Selectman Whitney seconded the motion. The motion passed on a Roll Call Vote of 4 Yes, 0 No, 1 Absent (Selectman Carroll):

Nancy J. Talbot	Yes√
Alan G. Whitney	Yes√
Tracy R. Opalinski	Yes√
John E. Carroll	Absent
Michael P. Fountain	Yes√

**Regular Meeting Minutes  
Tuesday, September 5, 2017 at 7:00 p.m.  
The Board of Selectmen reconvened in Open Session at 7:00 p.m.**

**Opening Remarks, Announcements, and Agenda review by Chair**

Chairman Talbot noted that the Tax Rate Analysis will be discussed on October 17, 2017. The dedication of the new 9/11 memorial will be held on Sunday, September 10, 2017 at 11 a.m. at the Ware Fire Station – all residents are invited to attend!

**Consent Agenda**

- Approval of Meeting Minutes of August 22, 2017
- Special Event Permit Application: Ware Family Center Presents The Ware Jr. Car Show, September 9, 2017
- Special Event Permit Application: Proprietors of the Ware Center Meeting House – Ware Fair & Flea, September 16, 2017

Selectman Opalinski noted corrections to be made in the minutes of August 22, 2017.

**Selectman Opalinski moved approval of the minutes of August 22, 2017 with corrections; Selectman Whitney seconded the motion. After Comments and Concerns of Citizens, Selectman Opalinski moved to approve the two Special Event applications; Selectman Whitney seconded the motion. The motions passed on a vote of 4 Yes, 0 No, 1 Absent (Selectman Carroll).**

### **Comments and Concerns of Citizens**

Resident Bill Jackson thanked Mr. Beckley for the improved shrubs near Rite Aid. He also questioned the funding for the Main Street project. Mr. Beckley noted that the funds are from Chapter 90 and Mass DOT funding. Mr. Beckley also noted that the hearing regarding Main Street had great input from residents, and the Board is committed to hold additional hearings; the State seems open to comments, in particular, those comments about the loss of parking spaces. Mr. Jackson questioned if bump outs would be used; Selectman Opalinski stated there is a science to the design.

Resident Carol Zins noted the wonderful events taking place in Ware on September 16 – Ware Center Meeting House Fair & Flea, Trinity Church Block Party, and Car Show; these events blend faith, history and family in Ware.

Resident Darlene Popec stated her concerns about the 44% proposed increase in water & sewer rates. Ms. Popec showed Board members photos on her phone of the rusty water her family experiences daily. Selectman Fountain questioned Mr. Beckley about the faulty streetlight near the Post Office; Mr. Beckley will investigate this situation.

### **Scheduled Appearances**

- **Water & Sewer Rates, Request for Increase – Dick Kilhart, DPW Director**

Dick Kilhart, DPW Director, explained the proposed water and sewer rate increases using the Water & Sewer Rate Study done by Wright-Pierce in December 2016. Mr. Kilhart stated that 100 cubic feet = 748 gallons. The price per gallon is .078. Mr. Kilhart noted that this gives the Town to come up with the increases, but does not hit the resident all at once. The USDA borrowing is at a very good rate with no prepayment penalty. Mr. Kilhart noted that residents bring samples and photos often to the DPW similar to those Ms. Popec showed to the Board a few moments ago.

Selectman Talbot noted funds must be kept aside for emergencies and repairs. Mr. Kilhart noted that the increases would not be on the bills for a full three-month cycle, but would begin with the February 2018 billing. The design and construction portion will incur costs before the loan begins.

Selectman Opalinski questioned the loan schedule and allocation of funds; Mr. Kilhart noted that the DPW intends by these increases to lessen the impact by incurring over three years. Selectman Opalinski questioned the Capital Plan and where this schedule fits in; Mr. Kilhart noted that the request is broken into several categories. Mr. Beckley noted this could be broken down more clearly.

Town Manager: *Stuart Beckley*  
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Resident Keith Krukas questioned whether old pipes would be fixed and replaced; Mr. Kilhart stated that some pipes date back to 1886 – 1896 and must be replaced. The Town allocates approximately \$200,000 per year for repairs. The goal is to first eliminate the legacy sediment to eliminate the problem at the source.

Mr. Beckley noted that sewer rates must be increased as reserves for sewer are not as high as water reserves. Selectman Opalinski questioned if the rate increases would go before Town Meeting; Mr. Beckley noted the next step is to set a Public Hearing for these proposed rates. Mr. Kilhart explained that the State has new regulations which must be met; for example, the Waste Water Treatment Plant needs significant upgrades. The Town produces 600,000 gallons of water per day. There are sewer lines dating to 1889 with significant infrastructure repairs to eliminate infiltration. Drains and lines must be replaced. The DPW has projects and plans to make repairs over a long period of time. The Wright-Pierce report discusses the change to ultraviolet disinfection. The Waste Water Treatment Plant was built in 1964, upgraded in 1983, and now needs new upgrades.

Resident Dar Sojka stated her agreement with the water rates, but disagreed with increases in the sewer rates at the same time. Ms. Sojka noted the Slum and Blight Designation showed most residents with income \$40,000 or less. Ms. Sojka stated that most residents cannot withstand these increases in their bills.

Resident Keith Krukas questioned the harm to businesses on Main Street; Chairman Talbot noted that Main Street is state funded, with only design costs from Chapter 90 funds.

Resident Bill Jackson compared the upgrade of the Waste Water Treatment Plant to the previous Kanzaki treatment plant upgrades. Mr. Kilhart noted that the upgrades would take 6 – 18 months. Mr. Beckley asked that a public hearing be scheduled to further discuss these proposed increases.

**Selectman Whitney moved to set a Public Hearing for Proposed Water and Sewer Rate Increases for the Town of Ware on Tuesday, October 3, 2017 at 7:10 P.M.; Selectman Fountain seconded the motion. The motion passed on a vote of 4 Yes, 0 No, 1 Absent (Selectman Carroll).**

Resident Bill Jackson questioned the amount of enterprise funds; Mr. Beckley noted that, at the end of FY2017, the Water Enterprise amount was approximately \$770,000 and Sewer Enterprise amount was approximately \$200,000. The Master Plan is on the town website under DPW.

Resident Denis Ouimette questioned the use of USDA grants; Mr. Kilhart noted that the USDA uses a percentage of median household income to base its' funding.

Selectman Opalinski inquired about flood mitigation; Mr. Beckley noted that Deputy Fire Chief Wloch is in charge of emergency management plans.

- **Loan Resolution, Water Treatment Plant**

**Selectman Whitney moved to approve the loan resolution for the Waste Water Treatment Plant; Selectman Fountain seconded the motion. The motion passed on a vote of 4 Yes, 0 No, 1 Absent (Selectman Carroll).**

## Old Business

- **Tabled from August 22, 2017 - Planning & Community Development: Request for Loan Forgiveness**  
**Request to Table to September 19, 2017**

Selectman Opalinski moved to table to September 19, 2017; Selectman Whitney seconded the motion. The motion passed on a vote of 4 Yes, 0 No, 1 Absent (Selectman Carroll).

- **Tabled from August 22, 2017 – Application for Appointment to Zoning Board of Appeals: Andrew Choquette or Elizabeth Calvert, Term to Expire June 30, 2019**

Selectman Opalinski moved to appoint Elizabeth Calvert to the ZBA; Selectman Fountain seconded the motion. The motion passed on a vote of 3 Yes, 1 No (Selectman Whitney), 1 Absent (Selectman Carroll).

Mr. Choquette was present and asked why he was not recommended; Chairman Talbot noted the Board decides the best interests and does not need to give a reason. Mr. Choquette continued to question the decision; Chairman Talbot offered to discuss this with Mr. Choquette at another time.

## New Business

- **Affirmation of Vote of March 7, 2017 – Removal of Deed Restriction, Workshop 13**

Selectman Opalinski moved to reaffirm the vote of March 7, 2017 to remove the deed restriction for 13 Church Street (Section B, Book 11148, Page 111) per Article 4 of the May 8, 2017 Special Town Meeting; Selectman Whitney seconded the motion. The motion passed on a vote of 4 Yes, 0 No, 1 Absent (Selectman Carroll).

- **Set Public Hearing for Proposed License Fee Increases: Liquor, Common Victualler, Lodging, Entertainment, Automatic Amusement Device, One-Day Liquor and Car Dealer Licenses**

Selectman Whitney moved to set a Public Hearing for September 19, 2017 at 7:15 p.m. for Proposed License Fee Increases: Liquor, Common Victualler, Lodging, Entertainment, Automatic Amusement Device, One-Day Liquor and Car Dealer Licenses; Selectman Fountain seconded the motion. The motion passed on a vote of 4 Yes, 0 No, 1 Absent (Selectman Carroll).

- **Set Public Hearing for Application for New All Alcoholic Restaurant License, Common Victualler License, and Entertainment License: Wicked Wings Ware, Inc., 136 Pleasant Street, Ware**

Selectman Whitney moved to set a Public Hearing for September 19, 2017 at 7:10 p.m. for Application for New All Alcoholic Restaurant License, Common Victualler License, and Entertainment License: Wicked Wings Ware, Inc., 136 Pleasant Street, Ware; Selectman Fountain seconded the motion. The motion passed on a vote of 4 Yes, 0 No, 1 Absent (Selectman Carroll).

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- **Request for Approval of Proposal, Solar Facility, Robbins Road**

Mr. Beckley presented the recommendation to award the solar array contract to ForeFront Power. Selectman Opalinski questioned details of the contract, noting that it should be reviewed by the town attorney, and questioned the bond. Mr. Beckley noted the Planning Board required the bond as part of the special permit, and the design allowed for space for rail trail access. All costs are the responsibility of the maintenance company.

**Selectman Opalinski moved to award the contract for solar array to ForeFront Power, with provision for Rail Trail access; Selectman Whitney seconded the motion. The motion passed on a vote of 4 Yes, 0 No, 1 Absent (Selectman Carroll).**

- **Review of Social Media Policy Draft**

Mr. Beckley presented a draft using material from Sturbridge and Easton policies; the draft will be sent to department heads and town counsel for comments.

**Selectman Opalinski moved to table to September 19, 2017; Selectman Fountain seconded the motion. The motion passed on a vote of 4 Yes, 0 No, 1 Absent (Selectman Carroll).**

#### **Town Manager Report**

Mr. Beckley noted on October 14, 2017 at 1:00p.m. the Domestic Violence Awareness Walk will be held. The Town is currently searching for custodians for the Senior Center and Police Department, a part-time assessors' assistant, and a water system operator. Mr. Beckley and Mr. Kilhart have interviewed and will offer the Deputy Director position to an individual soon. As Mr. Tworek has retired, Mr. Beckley will ask the Board to appoint a temporary tree warden for public hearings.

Mr. Beckley asked the Board to consider hiring part-time v. full-time employees for positions; the hiring of part-time employees saves on benefits, but full-time employees give more opportunity for longer term. Selectman Whitney asked Mr. Beckley to chart the advantages/disadvantages and present to the Board.

The Senior Center parking lot quotes are due September 7, 2017. The bids for WWTP concrete aerator repairs are due September 14, 2017. Quotes are being reviewed and permitting software will be installed this Fall. Mr. Beckley is seeking funds from the Finance Committee for engineering repairs to the senior center walls.

Capital requests have been submitted by Department heads. The Capital Planning Committee will meet in September to review the requests and recommend additions to the plan. Selectman Opalinski requested a longer term snapshot of capital plan, with current list of all assets. Mr. Beckley noted that Town Accountant Tracy Meehan keeps a very detailed list of all assets.

Town Manager: *Stuart Beckley*  
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**Selectman Opalinski moved to Adjourn Regular Session at 8:26 p.m. to move into Executive Session per MGL Chapter 30A, Section 21 (a) #2 Negotiations , NOT TO RECONVENE IN OPEN SESSION; Selectman Fountain seconded the motion. The motion passed on a Roll Call Vote of 4 Yes, 0 No, 1 Absent (Selectman Carroll):**

<b>Nancy J. Talbot</b>	<b>Yes√</b>
<b>Alan G. Whitney</b>	<b>Yes√</b>
<b>Tracy R. Opalinski</b>	<b>Yes√</b>
<b>John E. Carroll</b>	<b>Absent</b>
<b>Michael P. Fountain</b>	<b>Yes√</b>

Attest: *Mary L. Midura*  
Mary L. Midura, Executive Assistant

LISA  
413 896 6812



APPLICATION FOR SPECIAL SERVICE OF  
ALCOHOLIC BEVERAGES  
MGL CHAPTER 138, SECTION 14  
TOWN OF WARE

Name: Workshop 13 Application Date: 8/29/17

Contact Phone: 277-6072 Email: info@workshop13.org

Effective Date(s) of License: 9/15/17 FRIDAY

Hours of Service (In conformity with MGL): 6<sup>30</sup> - 10<sup>30</sup> pm

Event (describe activities): Open Mic

Anticipated Attendance: 90

Sponsoring Organization: \_\_\_\_\_

For Profit:  Beer & Wine (only) Non Profit: All Alcoholic  Beer & Wine

Address (include Street & Number): 13 Church St. Ware MA

Names of All Servers (bartenders) for this event: Lisa DiMarzio, Pat Goudreau

Estimated Number of Attendees 90

Crowd Control Manager Roc Goudreau, Chris DiMarzio

I have received, and agree to abide by, all regulations of the Board of Selectmen. Furthermore, pursuant to MGL Chapter 52C, Section 49A, I hereby Certify under penalties of perjury that I, to the best of my knowledge and belief, have filed all state tax returns and all state taxes required under law.

Signature of Applicant: Lisa DiMarzio

Social Security # or Federal I.D.#: 4712000425

**Fire Inspection**  
Date: 12/5/2016

**Building Inspection**  
Date: 12/5/2016

Date Received: <u>9/7/2017</u>	Insurance Certificate: <u>7/9/2018</u> ✓ EFFECTIVE TO
Application Fee: <u>\$25</u>	
Action Taken: <input checked="" type="checkbox"/> Approved <input type="checkbox"/> Denied	Date: <u>08-30-17</u>
Police Chief Review and Action	
<u>[Signature]</u>	
Police Chief	
2017-28	





APPLICATION FOR SPECIAL SERVICE OF  
ALCOHOLIC BEVERAGES  
MGL CHAPTER 138, SECTION 14  
TOWN OF WARE

Name: Workshop 13 Application Date: 8/29/17  
 Contact Phone: 277-6072 Email: info@workshop13.org  
 Effective Date(s) of License: 10/20/17 FRIDAY  
 Hours of Service (In conformity with MGL): 6:30 - 10:30 pm  
 Event (describe activities): Open Mic  
 Anticipated Attendance: 90  
 Sponsoring Organization: \_\_\_\_\_

For Profit:  Beer & Wine (only) Non Profit: All Alcoholic  Beer & Wine

Address (include Street & Number): 13 Church St Ware MA

Names of All Servers (bartenders) for this event: Luigi Marzio, Pat Carachea

Estimated Number of Attendees 90  
 Crowd Control Manager Pat Carachea, Chris DiMarzio

I have received, and agree to abide by, all regulations of the Board of Selectmen. Furthermore, pursuant to MGL Chapter 52C, Section 49A, I hereby certify under penalties of perjury that I, to the best of my knowledge and belief, have filed all state tax returns and all state taxes required under law.

Signature of Applicant: Luigi Marzio  
 Social Security # or Federal I.D.#: 4712 00425

**Fire Inspection** **Building Inspection**  
**Date:** 12/5/2016 **Date:** 12/5/2016

Date Received: <u>9/7/2017</u>	Insurance Certificate: <u>EFFECTIVE TO 7/9/2018 ✓</u>
Application Fee: <u>\$25</u>	
Action Taken: <u>Approved</u> <input type="checkbox"/> Denied <input type="checkbox"/>	Date: <u>08-30-17</u>
Police Chief Review and Action	
<u>Shawn Cron</u>	
Police Chief	
2017-29	

TOWN OF WARE  
BOARD OF SELECTMAN

APPLICATION FOR THE CONDUCT OF A "TOLL ROAD"

Ware Rotary Club  
Name of Organization  
PO Box 177 Ware  
Address  
1920's  
Date Organization Established

Chairperson/Person in Charge:

Name Kathleen Deschamps Title VP  
Address 11 Cottage St., Ware Telephone # 967-5187  
Email Kate3754@aol.com  
Date Requested Oct. 14-15 Alternate Date Oct. 21-22  
Time Requested 8:00 to 12:00

Purpose to raise money for replacement of Christmas trees and bulbs and to put on the Holiday Flair

Number of Participants 24 (Please attach a separate paper listing names, addresses and ages of all participants.)  
will forward list before the event

Attached herewith is a certificate of insurance for the event which designates the Town of Ware as an additional named insured for the event.

I have been provided with a copy of the "Toll Road Policy and Map" and am aware of the requirements associated with its provisions of conduct.

Kathleen Deschamps 9-11-17  
Signature of Chairperson Person in Charge Date

Application Approved by Board of Selectmen on \_\_\_\_\_  
\_\_\_\_\_  
Clerk to Board of Selectmen

cc: Toll Road Approved Applications File  
Police Department  
Fire Department



# TOWN OF WARE

Town Hall, 126 Main St., Suite J  
Ware, Massachusetts 01082-1386

Tel. 413-967-9648 EXT. 101

## PUBLIC HEARING NOTICE

The Board of Selectmen will conduct a Public Hearing on **Tuesday, September 19, 2017 at 7:10 P.M.**, in the Selectmen's Meeting Room, 126 Main Street, Ware, MA. The purpose of the Public Hearing is to hear petition from **Wicked Wings Ware, Inc., 136 Pleasant Street, Ware, MA for Application for New All Alcoholic Restaurant License, Common Victualler License, and Entertainment License.** Copies of the petition are available at the office of the Town Manager, 126 Main Street, Ware, MA. **This notice shall also be posted on the Massachusetts Newspaper Publishers Association's (MNPA) website (<http://masspublicnotices.org>).**

All interested parties are invited to attend.

Nancy J. Talbot  
Chairman  
Board of Selectmen  
September 6, 2017



The Commonwealth of Massachusetts  
Alcoholic Beverages Control Commission

For Reconsideration

LOCAL LICENSING AUTHORITY REVIEW RECORD

NEW

WARE

8/29/2017

ABCC License Number

City/Town

Date Filed with LLA

TRANSACTION TYPE (Please check all relevant transactions):

- New License
- Change Corporate Name
- Pledge of Collateral (i.e. License/Stock)
- Change Corporate Structure (i.e. Corp/LLC)
- Transfer of License
- Change of DBA
- Change of Class (i.e. Annual/Seasonal)
- Change of Hours
- Change of Manager
- Alteration of Licensed Premises
- Change of License Type (i.e. club/restaurant)
- Issuance/Transfer of Stock/New Stockholder
- Change of Beneficial Interest
- Change of Location
- Change of Category (i.e. All Alcohol/Wine/Malt)
- Management/Operating Agreement

APPLICANT INFORMATION

Name of Licensee: WICKED WINGS WARE, INC. D/B/A

ADDRESS: 136 PLEASANT STREET CITY/TOWN: WARE STATE: MA ZIP CODE: 01082

Manager: ANDREW M. NORTON

Granted under Special Legislation? Yes  No

\$12 Restaurant (Type) Annual (Class) All Alcoholic Beverages (Category)

(i.e. restaurant, package store) (Annual or Seasonal) (i.e. Wines and Malts / All Alcohol)

If Yes, Chapter of the Acts of (year)

LOCAL LICENSING AUTHORITY DECISION

Please indicate the decision of the Local Licensing Authority: Approves this Application

Please indicate what days and hours the licensee will sell alcohol:

If Approving With Modifications, please indicate below what changes the LLA is making:

Please indicate if the LLA is downgrading the License Category (approving only Wines and Malts if applicant applied for All Alcohol):

Changes to the Premises Description

Patio/Deck/Outdoor Area Total Square Footage

Seating Capacity

Indoor Area Total Square Footage

Number of Entrances

Number of Exits

Floor Number	Square Footage	Number of Rooms

Abutters Notified Yes  No  Date of Abutter Notification: 9/7/2017 Date of Advertisement: 9/7/2017

Please add any additional remarks or conditions here:

Check here if you are attaching additional documentation

The Local Licensing Authorities By

Alcoholic Beverages Control Commission  
Ralph Sacramone  
Executive Director

9/19/2017  
Date APPROVED by LLA

TOWN OF WARE  
BOARD OF SELECTMEN

**RE: APPLICATION FOR NEW ALL ALCOHOLIC LIQUOR LICENSE FOR WICKED WINGS WARE, INC., 136 PLEASANT STREET, WARE, MA 01082**

FINDING PURSUANT TO M.G.L. CH. 138, SEC. 16C

The Board of Selectmen of the Town of Ware, MA, having held a public hearing on **September 19, 2017**, does hereby make the following determination as required under Massachusetts General Laws, Chapter 138, Section 16C.

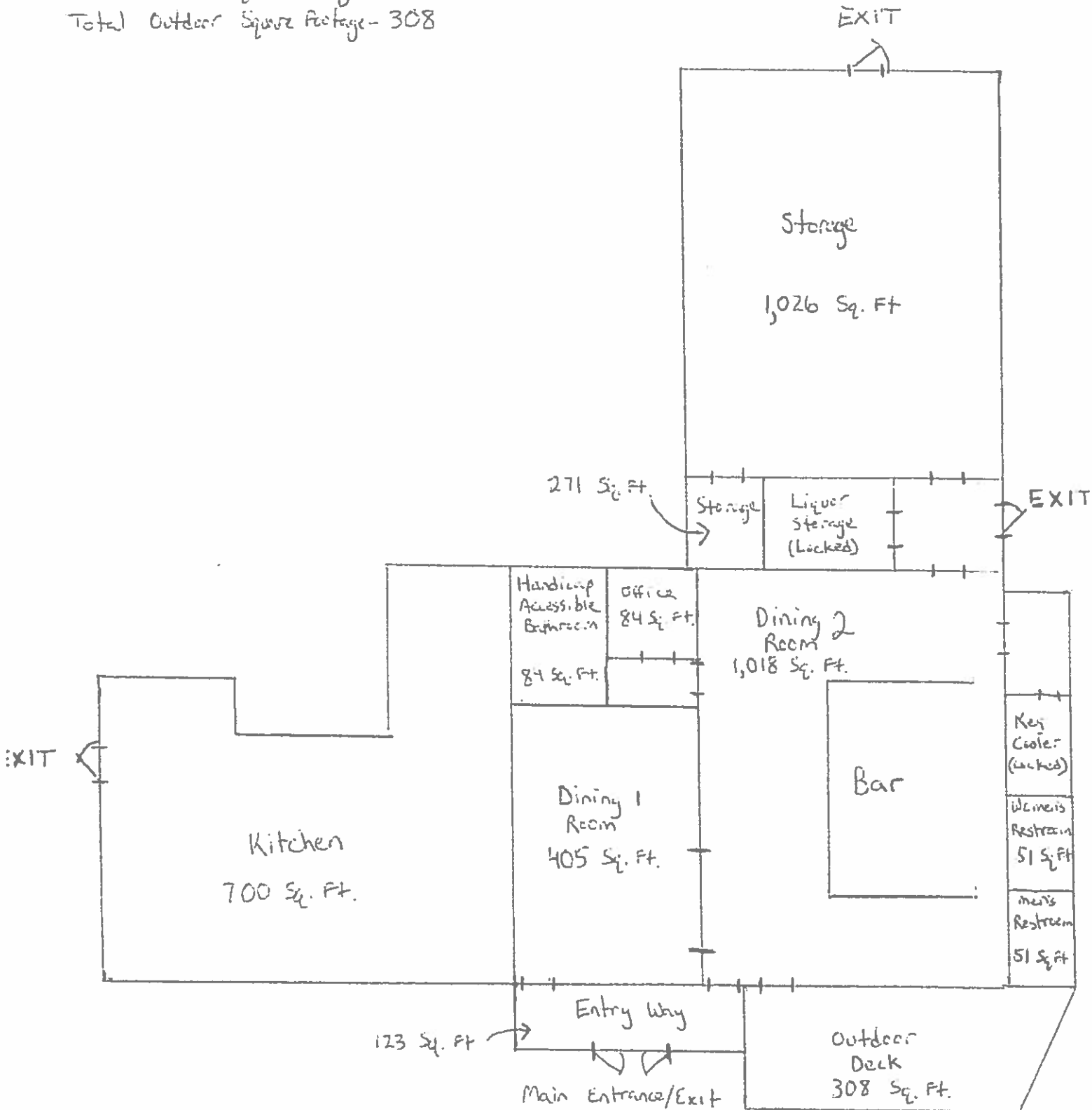
1. That the proposed location of the license is not within 500 feet of any church, hospital, school or synagogue.
2. That given the above, the Board of Selectmen finds that there will be no negative impact on educational or spiritual activities, by the granting of this License.

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Alan G. Whitney, Vice Chairman  
September 19, 2017

136 Pleasant St.  
Ware, MA 01082

Total Indoor Square Footage - 3813  
Total Outdoor Square Footage - 308





**TOWN OF WARE**  
**Common Victualler Application**  
(MASSACHUSETTS GENERAL LAWS, CHAPTER 140, SECTION 6)

Application is hereby made to the Town of Ware (date): 8/29/17

CORPORATION NAME: WICKED WINGS WARE INC.

D/B/A NAME WICKED WING COMPANY

ADDRESS OF ESTABLISHMENT: 136 PLEASANT ST

TELEPHONE: 413-222-5441

NAME OF MANAGER: ANDREW NORTON

DESCRIPTION OF

PREMISES: RESTAURANT/BAR, FULL SERVICE, FULL LIQUOR LICENSE

If this license is granted, I hereby agree to abide by all of the laws of the Commonwealth of Massachusetts and all rules and regulations of the Ware Board of Selectmen. I understand and accept responsibility of ensuring that these are enforced.

Pursuant to MGL, C. 62C, s. 49A, I certify under the penalties of perjury that I have, to the best of my knowledge and belief, complied with the law of the Commonwealth relating to taxes, reporting of employees and contractors, and withholding and remitting child support.

Pursuant to MGL, C. 152, s. 25A, I certify under the penalties of perjury that I have, to the best of my knowledge and belief, complied with the law of the Commonwealth relating to Workers' Compensation Insurance.

8/29/17

Date

Signature of Individual or Corporate name

V.P.

Corporate Officer and Title (if applicable)

DATE OF PUBLIC HEARING (to be determined): 9/19/2017

Social Security Number or Federal Identification Number:



## TOWN OF WARE

### Entertainment Application

(MASSACHUSETTS GENERAL LAWS, CHAPTER 140, SECTION 183A)

Application is hereby made to the Town of Ware (date): 8/29/17

CORPORATION NAME: WICKED WINGS WARE INC.

D/B/A NAME: WICKED WING COMPANY

ADDRESS OF ESTABLISHMENT: 136 PLEASANT ST

TELEPHONE: 413-222-5441

NAME OF MANAGER: ANDREW NORTON

DESCRIPTION OF PROPOSED ENTERTAINMENT: N/A

Type of entertainment to be offered (check all that apply):	Juke Box	Disc Jockey
Dancing by patrons	Dancing by entertainers	Recorded music <input checked="" type="checkbox"/>
Live Music <input checked="" type="checkbox"/>	Amplification System <input checked="" type="checkbox"/>	Play
Moving Picture Show	Floor Show	Light Show
Theatrical Exhibition	Any other dynamic audio or visual show, whether live or recorded (please specify)	

Please list the hours that Entertainment will be offered:	
Monday	<u>11 AM - 1 AM</u>
Tuesday	<u>11 AM - 1 AM</u>
Wednesday	<u>11 AM - 1 AM</u>
Thursday	<u>11 AM - 1 AM</u>
Friday	<u>11 AM - 1 AM</u>
Saturday	<u>11 AM - 1 AM</u>
Sunday	<u>11 AM - 1 AM</u>



Please state whether the applicant is applying for indoor and/or outdoor entertainment (i.e., patio roof-top, etc.) If outdoor, the applicant must provide proof of ownership/lease for use of the outdoor space.

INDOOR \_\_\_\_\_ OUTDOOR

If outdoor, please describe what efforts the applicant/business has taken to reduce the impact of NOISE from outdoor entertainment on neighboring residents and businesses.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Give a complete description of the entertainment to be offered and the premises to be licensed, including floors and location of all entrances and exits.

POSSIBLE DJ / POSSIBLE LIVE MUSIC SEE ATTACHMENT FOR EXIT FLOOR PLAN  
RADIO/TELEVISIONS TO BE PLAYED DURING DAY/NIGHT. TRIVIA/

Kent

Seating Capacity: 99 Occupancy Number: \_\_\_\_\_

Does the applicant have a license to sell alcohol?

\_\_\_\_\_ Yes (please attach a copy of liquor license)

No

In the previous year, has the applicant been summoned to appear before the Board of Selectmen for ANY type of hearing including but not limited to informational hearings, pre-hearing conferences, and/or final hearings?

\_\_\_\_\_ Yes  No

If yes, please describe the offense and outcome of said hearing (you may attach a separate sheet, if necessary)

\_\_\_\_\_

In the previous year, has the applicant received a letter from the Board of Selectmen regarding any incident(s) which allegedly may have occurred on the licensed premises?

\_\_\_\_\_ Yes  No

If yes, please state the reason for the letter of warning:

\_\_\_\_\_

Has the applicant or any partners thereof ever been denied an entertainment license?

\_\_\_\_\_ Yes  No

If yes, please explain:

---

Has the applicant or any partners thereof ever held, in their name or any other name, an Entertainment license which was suspended or revoked?

\_\_\_\_\_ Yes  No

If yes, please explain:

---

Has the applicant or any partners thereof ever held an entertainment license in their name or any other name where they were summoned to an informational meeting, or violation meeting in front of the Selectmen for ANY reason?

\_\_\_\_\_ Yes  No

If yes, please explain in detail and include any action which was taken:

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Has the applicant or any partners thereof ever been convicted of a felony?

\_\_\_\_\_ Yes  No

If yes, please explain:

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\*Each sole proprietor or individual applicant must sign below.

\*Applications by a partnership must be signed by a majority of the partners.

\*Applications by a corporation must be signed by a duly authorized officer or designee.

\*Applications by an association must be signed by a majority of the members of the governing body.

\*Applications by an LLC must be signed by a duly authorized managing member or designee.

**False information or failure to disclose information is reason to revoke a license or deny a license application.**

AFFIRMATION

Under the pains and penalties of perjury, I/we affirm that the preceding answers are true to the best of my/our knowledge and belief, and that there are no other direct or indirect interests in this license other than those indication in this application.

Signature of Applicant(s)  
M.C.A.  
AL M. UO

Social Security Number  
026-64-2437  
026-64-3022

Pursuant to Massachusetts General Laws C. 140, sec. 181: an entertainment license may be denied, suspended or revoked if it is determined that such a license would lead or leads "to the creation of a nuisance or would endanger the public health, safety or order by: (a) unreasonably increasing pedestrian traffic in the area in which the premises are located; (b) increasing the incidence of disruptive conduct in the area in which the premises are located; or (c) unreasonably increasing the level of noise in the area in which the premises are located."

If this license is granted, I hereby agree to abide by all of the laws of the Commonwealth of Massachusetts and all rules and regulations of the Ware Board of Selectmen. I understand and accept responsibility of ensuring that these are enforced.

Pursuant to MGL, C. 62C, s. 49A, I certify under the penalties of perjury that I have, to the best of my knowledge and belief, complied with the law of the Commonwealth relating to taxes, reporting of employees and contractors, and withholding and remitting child support.

Pursuant to MGL, C. 152, s. 25A, I certify under the penalties of perjury that I have, to the best of my knowledge and belief, complied with the law of the Commonwealth relating to Workers' Compensation Insurance.

8/29/17  
Date

M.C.A.  
Signature of Individual or Corporate name

V.P.

Corporate Officer and Title (if applicable)

DATE OF PUBLIC HEARING (to be determined): 9/19/2017

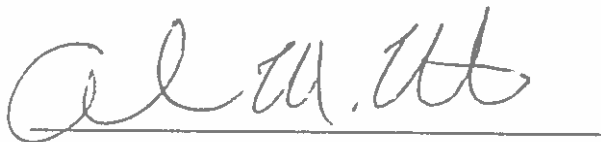
Social Security Number or Federal Identification Number:

**Part I** ADMINISTRATION OF THE GOVERNMENT  
**Title XX** PUBLIC SAFETY AND GOOD ORDER  
**Chapter 138** ALCOHOLIC LIQUORS  
**Section 33B** SALES OF ALCOHOLIC BEVERAGES BY ON-PREMISE LICENSEES ON SUNDAYS AND CERTAIN LEGAL HOLIDAYS; SALES BETWEEN 10:00 A.M. AND 12:00 NOON

Section 33B. The local licensing authority of any city or town which accepts this section may authorize licensees under section twelve to sell alcoholic beverages between the hours of 10:00 a.m. and 12:00 noon on Sundays, the last Monday in May and on Christmas day or on the day following when said day occurs on Sunday.

We hereby request the Town of Ware to accept Section 33B as outlined above on behalf of Wicked Wings Ware, Inc. dba Wicked Wing Company.

Thank you.



Andrew Norton



Nicholas Norton

Board of Selectmen: *Nancy J. Talbot, Alan G. Whitney, Tracy R. Opalinski, John E. Carroll, Michael P. Fountain*  
Town Manager: *Stuart Beckley*  
*sbeckley@townofware.com*



## TOWN OF WARE

Town Hall, 126 Main St., Suite J  
Ware, Massachusetts 01082-1386

Tel. 413-967-9648 EXT. 101

### **PUBLIC HEARING NOTICE**

The Board of Selectmen will conduct a Public Hearing on **Tuesday, September 19, 2017 at 7:15 P.M.**, in the Selectmen's Meeting Room, 126 Main Street, Ware, MA. The purpose of the Public Hearing is to consider **License Fee Increases** of Liquor, Common Victualler, Lodging, Entertainment, Automatic Amusement Device, One-Day Liquor and Car Dealer Licenses. Copies of the petition are available at the office of the Town Manager, 126 Main Street, Ware, MA. **This notice shall also be posted on the Massachusetts Newspaper Publishers Association's (MNPA) website (<http://masspublicnotices.org>).**

All interested parties are invited to attend.

Nancy J. Talbot  
Chairman  
Board of Selectmen  
September 6, 2017

## Midura, Mary

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**From:** Midura, Mary  
**Sent:** Thursday, September 07, 2017 2:17 PM  
**To:** Talbot, Nancy; alanwhitney\_ware@yahoo.com; 'Tracy Opalinski'; mf3667@hotmail.com; jecwareselectman@gmail.com  
**Cc:** Beckley, Stuart  
**Subject:** September 19, 2017 Public Hearing for Proposed License Fee Increases  
**Attachments:** ForSept19HearingLicenseFees.pdf

Selectmen – Please review the attached information for your consideration for the Public Hearing on September 19, 2017 for Proposed License Fee Increases.

License fees have not been adjusted since 2009.

I have included a chart provided by the Town of Spencer, which I answered in January 2017. I also researched and have attached license fees from Northampton, Springfield, Amherst, and Hadley.

Mary L. Midura  
Executive Assistant to  
Ware Town Manager  
413-967-9648 extension 101

Office Hours: 8:00 am – 2:30 pm



**Memo**

**To:** Board of Selectmen

**From:** Mary L. Midura

**Date:** September 19, 2017

**Re:** License fees

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The Board of Selectmen last increased license fees in 2009. I have sent a copy of the legal advertisement of this public hearing to all licensees.

Please see the attached license fees from several towns. Most of our license fees are in line with surrounding communities. I have charted out some possible increases for your consideration.

If approved, any fee increases will be reflected in renewal documents to be mailed to licensees on November 1, 2017 for 2018 license renewals.

Thank you for your consideration,

*Mary L. Midura*

**TOWN OF WARE**  
**ANNUAL LICENSING FEES**

<b>All Alcoholic Restaurant</b>	<b>\$1,115.00</b>
<b>Wine &amp; Malt Restaurant</b>	<b>\$450.00</b>
<b>All Alcoholic Club</b>	<b>\$700.00</b>
<b>General On Premise Alcoholic</b>	<b>\$1,000.00</b>
<b>General On Premise Wine &amp; Malt</b>	<b>\$700.00</b>
<b>All Alcoholic Package Store</b>	<b>\$650.00</b>
<b>Wine &amp; Malt Package Store</b>	<b>\$600.00</b>
<b>One-Day Liquor License</b>	<b>\$25.00</b>
<b>Common Victualler's License</b>	<b>\$14.00</b>
<b>Lodging House/Innholder's License</b>	<b>\$10.00</b>
<b>Entertainment License</b>	<b>\$100.00</b>
<b>Automatic Amusement Licenses</b>	<b>\$50.00 (Each Device)</b>
<b>Class I, II, III Car Dealer</b>	<b>\$50.00</b>

Adopted by Board of Selectmen November 13, 2007  
Fees Changed 2009



Town of Ware Annual License Fees (2009 - 2017 Rates)							
	<u># of Licenses</u>	<u>Current Fee</u>	<u>2017 Renewal Collected Revenue</u>	<u>Proposed Increase</u>	<u>Fee + Increase</u>	<u>2018 Revenue Increase</u>	
All Alcoholic Restaurant	5	\$1,115	\$5,575	\$50	\$1,165	\$5,825.00	
Wine and Malt Restaurant	4	\$450	\$1,800	\$50	\$500	\$2,000.00	
All Alcoholic Club	3	\$700	\$2,100	\$50	\$750	\$2,250.00	
General On Premise Alcoholic	0	\$1,000	\$0	\$50	\$1,050	\$0.00	
General On Premise W&M	1	\$700	\$700	\$50	\$750	\$750.00	MGL Chapter 138 Section 12
All Alcoholic Package Store	3	\$650	\$1,950	\$50	\$700	\$2,100.00	
W&M Package Store	3	\$600	\$1,800	\$50	\$650	\$1,950.00	MGL Chapter 138 Section 15
One-Day Liquor	30 approx.	\$25	\$750.00	\$5.00	\$30	\$900.00	MGL Chapter 138 Section 14
Common Victualler	26	\$14	\$378.00	\$6.00	\$20	\$520.00	MGL Chapter 140 Section 2 (not more than \$100)
Lodging/Innholder	2	\$10	\$10.00	\$10.00	\$20	\$40.00	MGL Chap 140 Sec 183A (not more than \$100)
Entertainment	9	\$100	\$900	\$0	\$100	\$900.00	MGL Chap 140 Sec 177A (not more than \$100)
Automatic Amusement Device (each)	9	\$50	\$450.00	\$10.00	\$60	\$540.00	MGL Chap 140 Sec 58 & 59 (not more than \$200)
Class I, II, and III Car Dealer	17	\$50	\$850.00	\$10.00	\$60	\$1,020.00	
			\$17,263.00			\$18,795.00	(+\$1,532)

MGL Chap 138: Section 12, 15, and 14 Fees Set by Board of Selectmen from time to time (with public hearing)



## Midura, Mary

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**From:** Brenda Savoie <bsavoie@spencerma.gov>  
**Sent:** Tuesday, January 17, 2017 9:54 AM  
**To:** Hmielowski.Kara; selectmen@dudleyma.gov; Heather Brissette; Forsberg, Kristen; Andrew Golas; Tish Hayes; Courtney Tyrrell; Crandell, Karen; Midura, Mary; ssusienka@northbridgemass.org  
**Subject:** Completed 10-town Fee Comparison  
**Attachments:** Fee Comparison.xlsx

Hi All,

Please find the attached fee comparison for licenses issued by the Board of Selectmen.

Thank you all for providing the information!

*Brenda Savoie*

Administrative Assistant

Town Administrator/Board of Selectmen

Ph: 508-885-7500 x102 Fax: 508-885-7528



Town of Spencer

157 Main Street

Spencer, MA 01562

[www.spencerma.gov](http://www.spencerma.gov)

# CITY OF NORTHAMPTON, MA



## Fees

Type of Fee	Fiscal Year 2017 Fee
All Alcoholic Restaurant and General On-premise	\$2259
All Alcoholic Innholder	\$2,259
All Alcoholic Club	\$1,260
All Alcoholic Package Store (Under 5,000 square feet)	\$1,907
All Alcoholic Package Store (over 5,000 square feet)	\$2,377
Wine and Malt Restaurant	\$1,550
Wine and Malt Package	\$1,020
Wine and Malt Special	\$1,550
Seasonal Wine and Malt Restaurant	\$1,433
Seasonal All Alcoholic Restaurant	\$1,550
Seasonal All Alcoholic Club	\$791
Common Victualler	\$50
Entertainment	\$80
Auto Amusement Device (per vehicle)	\$65
Lodging House License	\$50
Innholder License	\$50
Car Dealer Class I	\$200
Car Dealer Class II	\$175
Car Dealer Class III	\$150
Short Term Wine and Malt, per day	\$61
Short Term All Alcoholic, per day	\$102

	of notice.
<b>Fee Schedule:</b>	See table below.
<b>Applicable Local, State, Federal Statutes</b>	MGL Chapters 138

### License Commission Fee Schedule

(Check with department for recent fee amendments)

Permit/License	Fee
Auto dealer license	\$225.00/new ; \$200.00/renewal
Common Victualler	\$125.00/new ; \$100.00/renewal
Entertainment –Short (Monday-Saturday)	\$ 50.00
Entertainment –Short (Sunday)	\$200.00
Entertainment –Long (Monday-Saturday)	\$100.00
Entertainment –Long (Sunday)	\$400.00
Junkyard	\$200.00 (Renew January 1 <sup>st</sup> )
Lodging House	\$ 50.00
Movie Theater	\$500.00
Pool Table	\$100.00 /1 <sup>st</sup> \$25.00 each additional
Video Games	\$100.00 /per game
Taxi License	\$25.00
<b>Liquor Licenses</b>	
All Alcohol - Club	\$2,200.00/annually
All Alcohol General on Premises (Bar)	\$2,700.00/annually
All Alcohol Package Store	\$2,000.00/annually
All Alcohol Restaurants	\$2,800.00/annually
Beer and Wine- Club	\$ 950.00/annually

Beer and Wine General on Premises (Bar)	\$1,400.00/annually
Inn Holder (All Alcohol license)	\$4,500.00/annually
Liquor License Application (new, transfer, other changes)	\$ 200.00
One Day Beer and Wine	\$ 75.00
On Day All Alcohol	\$ 150.00
Small Inn Holder Alcohol License	\$1,400.00/annually
Wine & Beer Restaurant	\$1,500.00/annually

*Page last updated: Thursday, August 24, 2017 09:28 am*

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AMHERST, MA  
**Select Board Office**  
**License and Permit Fee Chart**

Licenses and Permits	Fee
Alcohol	
All Alcohol Restaurant	\$3,500 annually
All Alcohol Inn/Innkeeper	\$3,500 annually
All Alcohol Club	\$1,500 annually
All Alcohol Off- Premise	\$2,000 annually
Cordials & Liqueurs	\$150 annually
Keg - Short-term	No Fee
One Day All Alcohol	\$100/day
One Day Wine & Malt	\$100/day
Wine & Malt Rest./Club	\$1,000 annually
Wine & Malt R/C-Off Quota	\$800 annually
Wine & Malt R/C-Seasonal	\$700 annually
Wine & Malt Off-Premise	\$1,500 annually
Auction & Flea Market	
Annual	\$100 annually
Special ( 1 - 10 Days)	\$15/day
Banner (See Dept of Public Works)	\$80.00
Common Reservation (See Dept of Public Works)	No Fee
Common Victualler (Select Board Office)	\$50 annually
Coin-Op/Amusement	
Sunday	Varies annually
Weekday	\$100/machine annually
Flamable or Combustible Liquid Storage (See Fire Dept)	\$25
Hawkers & Peddlers	\$62.00 (State Fee)
Inn Holders	\$50 annually
Live Entertainment	
Annual	\$5.00 annually
Lunch Cart (See Health Dept)	\$100 annually
Parade Permits	No Fee
Second-Hand Sales	\$75 annually
Sweetster Park Reservation	No Fee
Taxi Business	\$100 annually
Taxi Drivers	\$25 annually
Auto Dealers	\$100 annually

## Town of Hadley Select Board Licenses

Type	Amount	Date Adopted	Authorization Range
<b>ABCC LICENSES:</b>			
<b>ALL ALCOHOLIC, ON PREMISE</b>			
Club	\$1,500	10/4/1989	Ch.138, s.12 -No limit
Common Victualler Restaurant	\$3,500	10/27/2016	Ch.138, s.12 -No limit
Innholder	\$2,500	10/4/1989	Ch.138, s.12 -No limit
<b>MALT &amp; WINE, ON PREMISE</b>			
Common Victualler Restaurant	\$1,900	10/27/2016	Ch.138, s.12 -No limit
<b>ALL ALCOHOLIC, OFF PREMISE</b>			
Package Store	\$3,000	10/27/2016	Ch.138, s.12 -No limit
<b>MALT &amp; WINE, OFF PREMISE</b>			
Package Store	\$1,900	10/27/2016	Ch.138, s.12 -No limit
<b>SPECIAL ONE DAY</b>			
One Day for Profit Organiztions - Wine & Malt Only	\$350	10/27/2016	Ch.138, s.14
One Day for Non-profits Wine & Malt	\$20	10/27/2016	
One Day for Non-profits All Alcohol	\$35	10/27/2016	
<b>TOWN LICENSES</b>			
Common Victualler	\$100	10/30/2014	Ch. 140, s.2 (\$100 Allowed)
Innholder	\$100	10/30/2014	Ch. 140, s.2 (\$100 Allowed)
Entertainment License	\$100	10/20/1987	Ch. 140, s183A (\$100 Limit)
Entertainment for Innholder and Common Victualler	\$100	10/30/2014	Ch. 140 s. 183A (\$100 Limit)
Sunday Entertainment - Annual/Weekly Regular Hours	100/\$10	10/4/1989	Ch. 136, s4
Sunday Entertainment - Annual/Weekly Special Hours	\$200 /\$20	10/4/1989	Ch. 136, s4
Theatrical Entertainment	\$100	2/7/2007	Ch. 140, s.181 (\$100 Limit)
Flea Market			
One Day	\$200	9/18/1996	Ch. 136, s4 (\$200 Limit)
Season (once a week)	\$400	10/20/1987	Ch. 136, s4 (\$400 Limit)
Roller/Ice Skating Rink	\$150	10/30/2014	Ch.140, s202
Motion Pictures	\$500	2000	Ch. 140, s.202
Automatic Amusement (per device)	\$100	3/20/1986	Ch.140,s.177A (\$100 Limit)
Class I Auto Dealer - Annual	\$200	10/30/2014	Ch. 140, s58-59 (\$200 Limit)
Class II Auto Dealer - Annual	\$200	10/30/2014	Ch. 140, s58-59 (\$200 Limit)
Transient Vendor, Hawker, Peddlar	\$100	10/30/2014	Ch. 101, s.1
Craft Fair Organizer	\$100	10/30/2014	Ch. 101, s.1
Use of the Town Commons for Non-Profits	\$100 (+ \$500 refundable deposit)	6/29/2016	
Use of the Town Commons for Profits	500 (+ \$500 refundable deposit)	6/29/2016	





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## MEMORANDUM

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**To:** Board of Selectmen  
Stuart Beckley, Town Manager

**From:** P&CD

**Subject:** Bylaw amendments

**Date:** September 11, 2017

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*At the September 6, 2017 Planning Board meeting, the board agreed to forward all proposed bylaw amendments to the Board of Selectmen for review.*



# TOWN OF WARE

Planning & Community Development

126 Main Street, Ware, Massachusetts 01082

t. 413.967.9648 ext. 186 f. 413.967.9642

pcd@townofware.com

## Notice of Public Hearing Planning Board

### LEGAL AD

to be published in the *Ware River News*  
issues 9/14/2017 and 9/21/2017

Pursuant to MGL Ch. 40A, Sec. 5, the Ware Planning Board will hold a public hearing on Wednesday, October 4, 2014 at 7:00 PM in the Board of Selectmen Meeting Room in the Ware Town Hall, 126 Main Street, Ware, MA. The purpose of this hearing is to consider amendments to the Town of Ware Zoning Bylaw. Topics proposed to be amended include the Use Table (§4.2), under Sections B. Public & Civic Uses, D. Office and Research Uses, E. Retail Business & Consumer Service Uses, and F. Industrial Uses; and adding language to address all Registered Marijuana Facilities and Cultivation Sites.

A copy of the proposed amendments may be inspected at the Town Clerk's office during regular business hours. The proposed amendments can also be viewed on the Town website, [www.townofware.com](http://www.townofware.com). Anyone interested or wishing to be heard on the proposed amendments should appear at the time and place designated.

Pursuant to MGL Chapter 4, Section 13, a copy of this legal notice can be found on the Massachusetts Newspaper Publishers Association's (MNPA) website:  
<http://masspublicnotices.org>.

WARE PLANNING BOARD  
Richard Starodoj, Chairman

(Draft) Registered Marijuana Facilities and Cultivation Sites (Draft)

SECTION \_\_. REGISTERED MARIJUANA FACILITIES (RMF) AND MARIJUANA CULTIVATION SITES (MCS)

Purpose

The purpose of this Section \_\_ is to allow the siting, development and operation of Registered Medical, Recreational and/or Hybrid Marijuana Facilities (RMFs) and Marijuana Cultivation Sites (MCSs) in the Town of Ware in order to 1.) enable individuals with a debilitating medical condition, for which medical marijuana is a viable treatment, to have access to registered marijuana facilities consistent with state law, the Humanitarian Medical Use of Marijuana Act, G.L. c. 94C, App. 1-1 – Chapter 369 of the Acts of 2012, and the Department of Public Health Regulations, 105 CMR 725, and 2.) to allow for the orderly siting of establishments for the retail sale of marijuana and marijuana products.

Intent

It is the intent of Section \_\_ to protect public health and safety; to regulate the siting, design, and safety of Registered Medical, Recreational and Hybrid Marijuana Facilities (RMFs) and Marijuana Cultivation Sites (MCSs); to minimize adverse impacts on abutting properties; to provide adequate separation from schools, parks, and other areas where children commonly congregate in an organized, ongoing, formal basis; and to provide for site security to deter crime and uphold the safety of surrounding neighborhoods.

Definitions

Registered Marijuana Dispensary (RMD): A use operated by an entity registered and approved by the MA Department of Public Health in accordance with 105 CMR 725.000, and pursuant to all other applicable state laws and regulations, also to be known as a Medical Marijuana Treatment Center, that acquires, cultivates, possesses, processes (including development of related products such as food, tinctures, aerosols, oils, or ointments), transfers, transports, sells, distributes, dispenses, or administers marijuana, products containing marijuana, related supplies, or educational materials to registered qualifying patients or their personal caregivers. A RMD shall explicitly include facilities which cultivate and process medical marijuana, and which may also dispense and deliver medical marijuana and related products. The cultivation and processing of medical marijuana in accordance with these regulations is considered to be a manufacturing use and is not agriculturally exempt from zoning.

Medical Marijuana Establishment: a business where the possession, sale, distribution, dispensing and administration of medical marijuana and products containing medical marijuana is authorized.

Recreational Marijuana Establishment: a business where the possession, sale, distribution, dispensing and administration of recreational marijuana and products containing and/or associated to recreational marijuana (e.g., aerosols, art, clothing, food, jewelry, literature, oils or ointments, tinctures, etc.) is authorized.

Hybrid Marijuana Establishment: a business where the combined sale of both medical and recreational marijuana and products containing and/or associated to legalized marijuana use is authorized.

Marijuana Cultivation Site: a business where the cultivation, possession, processing (including development of related products such as food, tinctures, aerosols, oils, or ointments), warehousing, distribution, transferring and transporting of marijuana and products containing marijuana is authorized.

#### \_\_\_ Special Permit and Site Plan Approval Required

Registered Medical, Recreational, and Hybrid Marijuana Facilities and/or Marijuana Cultivation Sites require a Special Permit and Site Plan Approval. In addition to the requirements in Article 7 – Administration, Section 7.2, Special Permits, and Section 7.4, Site Plan Review, the provisions of this Section \_\_\_ shall apply to Registered Medical, Recreational, and Hybrid Marijuana Facilities (RMFs) and Marijuana Cultivation Sites (MCSs).

1. Host Community Agreement: Applicants shall submit a proposed Host Community Agreement that describes the measures the Applicant intends to take to mitigate potential negative impacts on the Town and abutting neighborhood from the Registered Medical, Recreational and Hybrid Marijuana Facility and/or Marijuana Cultivation Site.

#### \_\_\_ Separation

No Registered Medical, Recreational and Hybrid Marijuana Facility and/or Marijuana Cultivation Site may be located closer than three hundred feet (300') of a facility used, at the time of the first notice of the public hearing, for a park, playground, elementary, middle or high school, or state-licensed child day care center. This measurement shall be the distance between the Registered Medical, Recreational and Hybrid Marijuana

Facility and/or Marijuana Cultivation Site and the front entrance of the building in question. Such uses shall not be prohibited from locating within three hundred feet (300') of a Registered Medical, Recreational and Hybrid Marijuana Facility and/or a Marijuana Cultivation Site, nor shall a Registered Medical, Recreational and Hybrid Marijuana Facility and/or Marijuana Cultivation Site become nonconforming under the Zoning Bylaw if a park, playground, elementary, middle or high school, or state-licensed child day care center later locates within three hundred feet (300') of a preexisting Registered Medical, Recreational and Hybrid Marijuana Facility and/or Marijuana Cultivation Site.

#### \_\_\_ Security Plan

In addition to the submission requirements for Special Permit and Site Plan Review, the application shall include a Security Plan designed to deter crime and protect the public safety. The Plan may include measures such as locks, gates, cameras, alarms, fences, lighting, and monitoring protocols. The Ware Police Chief, or his/her designee, may recommend changes to the Security Plan and the Town of Ware Planning Board will incorporate the Chief's recommendations in the Special Permit decision to the fullest extent practicable.

#### \_\_\_ Standards Applicable to Registered Medical, Recreational and Hybrid Marijuana Facilities and/or Marijuana Cultivation Sites

1. An applicant shall possess a Certification of Registration from the Commonwealth of Massachusetts Department of Public Health as a Registered Marijuana Dispensary and shall comply with the Department's regulations at all times.
2. The siting, development, and operation of Registered Medical, Recreational, and/or Hybrid Marijuana Facilities shall be allowed by Special Permit and Site Plan Approval in the Downtown Commercial (DTC), Mill Yard (MY) and Highway Commercial (HC) zoning districts. Marijuana Cultivation Sites are to be allowed by Special Permit and Site Plan Approval in the Mill Yard (MY), Commercial Industrial (CI) and Industrial (I) zoning districts.
3. The proposed plan shall conform to §7.2, Special Permits, §7.4, Site Plan Review, and to those zoning districts per §4.2, Use Table, where these uses are allowed.
4. The proposed plan shall provide urban design and landscaping elements to harmonize the proposed project with abutting uses so as to protect and enhance the aesthetics and architectural look and character of the surrounding vicinity.

5. The use shall not generate outside odors from marijuana use and/or production of marijuana products.
6. The proposed plan shall refer to §6.5, Signage, for the installation, type, number and size considerations of signs, as applicable.
7. Hours of operation shall be between 8:00 AM and 8:00 PM Monday thru Sunday.
8. Noise shall comply with the Noise Policy of the Commonwealth of Massachusetts Department of Environmental Protection and Division of Air Quality regulations, 310 CMR 7.10, and any local noise abatement bylaw. A noise source violates the noise regulation if the source: a.) Increases the broadband sound level by more than 10 dB(A) above ambient, or b.) Produces a "pure tone" condition – when any octave band center frequency sound pressure level exceeds the two adjacent center frequency sound pressure levels by 3 decibels or more. These criteria are measured both at the property line of the Registered Medical, Recreational, and Hybrid Marijuana Facility and/or Marijuana Cultivation Site and at the nearest inhabited dwelling unit. "Ambient" is defined as the background A-weighted sound level that is exceeded 90% of the time, measured during equipment operating hours.
9. The Town of Ware Planning Board may require a traffic study that includes an analysis of parking demand to justify the number of proposed parking spaces.
10. A Special Permit granted under this Section \_\_\_ shall be personal to the applicant and shall lapse if the applicant no longer is the holder of the Certification of Registration from the Commonwealth of Massachusetts Department of Public Health as a Registered Marijuana Dispensary. A change of the registrant shall require submission of a new Special Permit application.

	Residential					Mixed			Commercial/Industrial		
	RQ	RR	SR	BLR	DTR	RB	DTC	MY	HC	CI	
<b>A Residential Uses</b>											
1 Single Family	SP	Y	Y	Y	Y	Y	Y	Y	Y	N	N
2 Two Family	N	SP	Y	N	Y	SP	Y	Y	SP	N	N
3 Multi-Family	N	N	SP	N	Y	N	Y	Y	Y	N	N
4 Mobile Home Park	N	SP	N	N	N	N	N	N	N	N	N
5 Flexible Resid. Open Space Development (see § 4.8.1)	N	Y	Y	N	Y	Y	N	N	N	N	N
<b>B Public &amp; Civic Uses<sup>2</sup></b>											
1 Private Nonprofit Library or Museum	N	SP	SP	SP	SP	Y	Y	Y	Y	Y	N
2 Government Facilities	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
3 Community Center	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N
4 Recreation, publicly owned lands	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
5 Family Daycare Home	N	Y	Y	Y	Y	Y	SP	N	N	N	N
6 Large Family Daycare Home	N	SP	SP	SP	SP	SP	SP	N	N	N	N
7 Adult Daycare Center	N	N	SP	N	SP	SP	Y	Y	Y	N	N
8 Nursing or Convalescent Home	N	SP	SP	N	SP	SP	SP	SP	SP	N	N
9 Hospital	N	N	SP	N	N	N	SP	SP	SP	N	N
10 Cemetery	N	SP	SP	N	SP	SP	N	N	SP	N	N
11 Utility Minor	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
12 Utility Major	N	SP	SP	N	SP	SP	SP	SP	SP	SP	Y
13 Large Ground Mounted Solar Facility (see § 4.8.3)	SP	SP	N	N	N	SP	N	N	N	Y	Y
14 Wind Energy Facility (see § 4.8.4)	SP	SP	N	N	N	N	N	N	N	N	N
15 Wireless Communication Facilities (see § 4.8.2)	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP
<b>C Agricultural Uses</b>											
1 Farm at least 5 acres in size	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
2 Farm less than 5 acres in size	Y	Y	SP	N	SP	Y	N	SP	Y	N	Y
3 Commercial Greenhouse	N	SP	SP	N	SP	Y	N	Y	Y	Y	Y
4 Smokehouses	N	SP	N	N	N	N	N	N	SP	N	Y
5 Equestrian Stable <sup>3</sup>	N	Y	SP	N	SP	Y	N	N	Y	N	N
<b>D Office and Research Uses<sup>2</sup></b>											
1 Business, Finance, or Other Professional Offices	N	N	SP	N	SP	Y	Y	Y	Y	Y	Y
2 Office or clinic for health services	N	N	SP	N	SP	Y	Y	Y	Y	N	N
3 Trade, Professional, or Other School (Private, for Profit)	N	N	N	N	N	Y	Y	Y	Y	N	N
4 Laboratory	N	N	SP	N	N	SP	SP	Y	Y	Y	Y
5 Research Facility	N	N	SP	N	N	SP	Y	Y	SP	SP	SP
6 Radio or Television Studio	N	N	N	N	N	Y	Y	Y	Y	Y	N
<b>E Retail Business &amp; Consumer Service Uses<sup>2</sup></b>											
1 Adult entertainment establishment (See § 4.8.6)	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP
2 Auto Body Shop	N	N	N	N	N	SP	SP	SP	SP	SP	SP
3 Auto Fuel Station (with or without convenience store)	N	N	N	N	N	Y	N	N	Y	Y	Y
4 Auto Service	N	N	N	N	N	Y	SP	SP	Y	Y	Y
5 Banks	N	N	N	N	N	Y	Y	Y	Y	Y	N
6 Campground	N	Y	N	N	N	N	N	N	Y	N	N
7 Car Wash	N	N	N	N	N	Y	N	N	Y	Y	Y
8 Construction Trades	N	SP	N	N	N	Y	N	SP	Y	Y	Y
9 Eating establishment, drive-in/dine thru	N	SP	N	N	N	SP	N	N	Y	Y	N
10 Eating establishment, high turnover	N	N	N	N	SP	Y	Y	Y	Y	Y	N
11 Eating establishment, low turnover	N	SP	N	N	SP	Y	Y	Y	Y	Y	N
12 Eating establishment, specializing in serving alcohol	N	N	N	N	N	SP	SP	SP	SP	Y	N
13 Funeral home, mortuary, or undertaking establishment	N	N	SP	N	SP	Y	N	N	Y	N	N
14 Hotel	N	N	N	N	N	SP	Y	Y	Y	Y	N
15 Indoor entertainment or recreation facility <sup>4</sup>	N	N	N	N	N	Y	Y	Y	Y	Y	N
16 Inn, Bed & Breakfast, Tourist House	N	SP	SP	SP	SP	Y	Y	Y	Y	N	N
17 Kennels, pet day care establishments	N	SP	N	N	N	SP	N	N	Y	Y	N
18 Motor Vehicle Sales	N	N	N	N	N	Y	N	N	Y	Y	N
19 Non-Family Accommodations	N	SP	SP	N	SP	SP	SP	SP	Y	N	N
20 Outdoor recreation facility <sup>5</sup>	N	Y	SP	SP	N	Y	N	SP	Y	Y	N
21 Parking facilities	N	N	N	SP	N	N	Y	Y	Y	Y	N
22 Personal Services <sup>6</sup>	N	N	SP	N	SP	Y	Y	Y	Y	Y	N
23 Private membership club or lodge	N	Y	SP	SP	SP	Y	Y	Y	Y	N	N
24 Recycling Center, Composting Facility	N	N	N	N	N	N	N	SP	SP	SP	SP
25 Retail sales & service, large scale <sup>7</sup> w/out storage	N	N	N	N	N	N	N	N	Y	Y	N
26 Retail sales & service, large scale <sup>8</sup> w/no out-of-storage	N	N	N	N	N	N	SP	SP	Y	Y	N
27 Retail sales & service, small scale <sup>9</sup> w/out-of-storage	N	N	N	N	N	Y	N	SP	Y	Y	Y
28 Retail sales & service, small scale <sup>9</sup> w/no out-of-storage	N	SP	SP	N	SP	Y	Y	Y	Y	Y	Y
29 Sales of agriculture or horticultural products and associated supplies (party or wholly out-of-store, not associated with agriculture use (kitchen, Cabinet)	N	SP	N	N	N	Y	SP	Y	Y	Y	N
30 Self-service storage facility	N	N	N	N	N	N	N	Y	Y	Y	Y
31 Tax cab Business	N	N	N	N	N	SP	SP	Y	Y	Y	Y
32 Tow Service	N	N	N	N	N	SP	N	N	SP	SP	SP
33 Veterinary or pet grooming establishment	N	SP	SP	N	SP	SP	Y	Y	Y	Y	N
34 Medical, Recreational or Hybrid Marijuana Facility	N	N	N	N	N	N	SP	SP	SP	N	N
<b>F Industrial Uses<sup>2</sup></b>											
1 Auto Salvage	N	N	N	N	N	N	N	N	N	N	SP
2 Aviation field	N	SP	N	N	N	N	N	N	N	SP	SP
3 Earth Removal (see § 4.8.5)	N	SP	N	N	N	N	N	N	N	SP	SP
4 Freight or trucking terminal	N	N	N	N	N	N	N	N	SP	SP	Y
5 Industry, Heavy <sup>10</sup>	N	N	N	N	N	N	N	N	SP	SP	Y
6 Industry, Light <sup>10</sup>	N	N	N	N	N	SP	N	SP	SP	Y	Y
7 Solid Waste Disposal Facilities <sup>11</sup>	N	N	N	N	N	N	N	N	N	SP	SP
8 Tank Farm	N	N	N	N	N	N	N	N	SP	SP	Y
9 Warehouse	N	N	N	N	N	SP	N	Y	SP	Y	Y
10 Wholesale	N	N	N	N	N	SP	SP	Y	SP	Y	Y
11 Wood processing, lumber mill	N	SP	N	N	N	SP	N	N	SP	SP	Y
12 Marijuana Cultivation Facility	N	N	N	N	N	N	N	SP	N	SP	SP

**Footnotes**

- 1 In the Mixed Use districts, one parcel can have more than one principal use. See § 4.1.1.E
- 2 See also § 7.4 to determine if a proposed project will require site plan review.
- 3 If on a parcel of 5 acres or greater, this use is exempt from Zoning but must comply with the dimensional requirements in Article 5.
- 4 Indoor entertainment or recreation facility examples: bowling alley, arcade, roller skat, tennis courts, swimming, theater, etc.
- 5 Outdoor recreation facility examples: amusement park, country club, golf course, tennis courts, etc.
- 6 Personal services examples: hair salon, barber, tanning salon, massage therapist, nail salon, tailor, shoe repair, etc.
- 7 Large scale retail sales and service examples: "big box" stores, full-service grocery stores, shopping centers, etc.
- 8 Small scale retail sales and service examples: gift shops, clothing stores, small specialty stores, convenience stores (without fuel sales), etc.
- 9 Specific uses listed in the Table of Uses that should also be categorized as heavy industry shall be regulated under the specific use.
- 10 Specific uses listed in the Table of Uses that should also be categorized as light industry shall be regulated under the specific use.
- 11 As defined in MGL c. 111 § 150A.