

Jennifer Tabakin  
Town Manager

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## TOWN OF GREAT BARRINGTON MASSACHUSETTS

OFFICE OF THE TOWN MANAGER

### SELECTBOARD'S MEETING AGENDA

MONDAY, FEBRUARY 26, 2018

7:00 PM – REGULAR SESSION

TOWN HALL, 334 MAIN STREET

#### ORDER OF AGENDA

#### 7:00 PM - OPEN MEETING

**1. CALL TO ORDER:**

**2. APPROVAL OF MINUTES:**

January 8, 2018 Regular Meeting

**3. SELECTBOARD'S ANNOUNCEMENTS/STATEMENTS:**

- A. General Comments by the Board
  - Update on High Speed Internet

**4. TOWN MANAGER'S REPORT:**

- A. Department Updates
- B. Project Updates
  - Update on feasibility of 24 hour parking lot limit and resident permits.
  - Update on Mass Works Grant – Railroad Street and Elm Street

**5. LICENSES OR PERMITS:**

- A. Rio Café/Jesus Chairez & Jose Luis Chairez Marquez for 2018 Common Victualler License.  
(Discussion/Vote)

**6. Old BUSINESS:**

- A. Selectboard review of Massachusetts Cannabis Control Commission Draft Regulations.  
(Discussion/Vote)

**7. NEW BUSINESS:**

- A. SB – Review and Comment to the Building Inspector, per Sec. 9.3.11 of the Zoning Bylaw, regarding Notice from SBA Communications to add Sprint equipment to the existing wireless telecommunications tower at 425 Stockbridge Road (WSBS Cell Site).  
(Discussion/Vote)
- B. SB – To Designate a Selectboard member to Complete Streets Team. (Discussion/Vote)

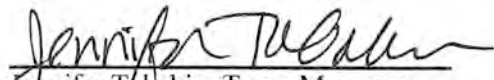
8. CITIZEN SPEAK TIME:

9. SELECTBOARD'S TIME:

10. MEDIA TIME:

11. ADJOURNMENT:

**NEXT SELECTBOARD'S MEETING: Monday, March 12, 2018, 7:00 P.M.**

  
Jennifer Tabakin, Town Manager

*Pursuant to MGL 7c. 30A sec. 20 (f), after notifying the chair of the public body, any person may make a video or audio recording of an open session of a meeting of a public body, or may transmit the meeting through any medium. At the beginning of the meeting, the chair shall inform other attendees of any such recordings. Any member of the public wishing to speak at the meeting must receive permission of the chair. The listings of 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.*

BOARD OF SELECTMEN  
GREAT BARRINGTON, MA  
FEB 20 2018  
RECEIVED  
TOWN MANAGER

COMMONWEALTH OF MASSACHUSETTS  
TOWN OF GREAT BARRINGTON  
APPLICATION FOR COMMON VICTUALLER LICENSE

FEE: \$25.00 (Payable to the Town of Great Barrington) DATE: \_\_\_\_\_

**NOTICE:**

As provided by MGL Chapter 140, the sale of food for immediate consumption on the premises of the vendor has an intimate relation to the public health, and such activity cannot be conducted without the proper license and permit.

**TO THE LICENSING AUTHORITY:**

The undersigned hereby applies for a Common Victualler License in accordance with the provisions relating thereto:

OWNER(S) NAME: Jesus Chaires & Jose Luis Chaires  
NAME OF BUSINESS: Potreros LLC Marquez  
D/B/A (if applicable): Rio Cafe'  
BUSINESS MAILING ADDRESS: P.O. Box 354 Pittsfield MA 01202  
BUSINESS TELEPHONE: (413) 528-9746 HOME TELEPHONE: 413-212-0224  
LOCATION WHERE LICENSE IS TO BE USED: 403 Stockbridge Rd  
Great Barrington, MA 01230  
DAYS OF OPERATION: 7 days a week  
HOURS OF OPERATION: 7-3pm  
DESCRIPTION OF PREMISES: Restaurant serving breakfast  
and lunch

Pursuant to M.G.L. Ch. 62C, Sec. 49A, I certify under the penalties of perjury that I, to my best knowledge and belief, have filed all state tax returns and paid all state taxes required under law.

\_\_\_\_\_  
Signature of Individual or Corporate Name

By: \_\_\_\_\_  
Corporate Officer (if applicable)

935 CMR 500.000: ADULT USE OF MARIJUANA

- 500.001: Purpose
- 500.002: Definitions
- 500.005: Fees
- 500.030: Registration of Marijuana Establishment Agents
- 500.031: Denial of a Marijuana Establishment Agent Registration Card
- 500.032: Revocation of a Marijuana Establishment Agent Registration Card
- 500.033: Void Marijuana Establishment Agent Registration Cards
- 500.040: Leadership Ratings Program
- 500.050: Marijuana Establishments
- 500.100: Applications for Marijuana Establishment Licenses
- 500.101: Application Requirements
- 500.102: Action on Applications
- 500.103: Licensure and Renewal
- 500.104: Notification of Change
- 500.105: General Operational Requirements for Marijuana Establishments
- 500.110: Security Requirements for Marijuana Establishments
- 500.120: Additional Operating Requirements for Marijuana Cultivation
- 500.130: Additional Operating Requirements for Marijuana Product Manufacturers
- 500.140: Additional Operating Requirements for Storefront and Delivery Retail Sale
- 500.145: Additional Operating Requirements for Social Consumption
- 500.150: Edibles
- 500.160: Testing
- 500.170: Municipal Requirements
- 500.200: Regulations for Martha's Vineyard and Nantucket
- 500.300: Inspections and Compliance
- 500.301: Unannounced Purchase for Purpose of Testing (Secret Shopper Program)
- 500.302: Complaints Process
- 500.310: Deficiency Statements
- 500.320: Plans of Correction
- 500.330: Marijuana Establishments: Limitation of Sales
- 500.340: Summary Cease and Desist Order and Quarantine Order
- 500.350: Summary Suspension Order
- 500.400: Marijuana Establishments: Grounds for Denial of Initial Application for License
- 500.415: Void Marijuana Establishment License
- 500.450: Marijuana Establishment License: Grounds for Denial of Renewal Applications and Revocation
- 500.500: Administrative Appeals
- 500.650: Non-Conflict with Other Law
- 500.700: Waivers
- 500.750: Notice
- 500.800: Severability
- 500.900: Background Check Suitability Standard for Licensure and Registration
- 500.901: Suitability Standard for Licensure
- 500.902: Suitability Standard for Registration as a Marijuana Establishment Agent

500.001: Purpose

The purpose of 935 CMR 500.000 is to implement St. 2016, c. 334, *The Regulation and Taxation of Marijuana Act*, as amended by St. 2017, c.55, *An Act To Ensure Safe Access To Marijuana*.

500.002: Definitions

For the purposes of 935 CMR 500.000, the following terms shall have the following meanings:

Accredited Medical Marijuana Treatment Center: a medical marijuana treatment center that has received a provisional or final certificate of registration from the Department of Public Health.

Act means 2016, c. 334, *The Regulation and Taxation of Marijuana Act*, as amended by St. 2017, c.55, *An Act To Ensure Safe Access To Marijuana*.

Area of Disproportionate Impact: A geographic area identified by the Commission for the purposes identified in 935 CMR 500.040 and 500.100.

Arming Station means a device that allows control of a security alarm system.

Beverage means a liquid that is intended for drinking.

Card Holder means a registered qualifying patient, personal caregiver, laboratory agent, or Marijuana Establishment Agent of a Marijuana Establishment who has been issued and possesses a valid registration card.

License means the certificate issued by the Commission that confirms that a Marijuana Establishment has met all applicable requirements pursuant to St. 2012, c. 334, as amended by St. 2017, c.55 and 935 CMR 500.000. A Marijuana Establishment may be eligible for a provisional or final license.

Cannabinoid means any of several compounds produced by marijuana plants that have medical and psychotropic effects.

Cannabinoid profile means the amounts, expressed as the dry-weight percentages, of delta-nine-tetrahydrocannabinol, cannabidiol, tetrahydrocannabinolic acid and cannabidiolic acid in a marijuana product. Amounts of other cannabinoids may be required by the Commission.

Citizen Review Committee: A committee appointed by the Commission for the purpose of providing experiential guidance regarding Social Equity Program logistics and outcomes, and to

treatment, including, but not limited to: growing media, ambient conditions, watering and light regimes and agricultural or hydroponic inputs. The marijuana licensee shall assign and record a unique, sequential alphanumeric identifier to each cultivation batch for the purposes of production tracking, product labeling and product recalls.

Duress Alarm means a silent security alarm system signal generated by the entry of a designated code into an arming station in order to signal that the alarm user is being forced to turn off the system.

Edible Marijuana Products means a Marijuana Product that is to be consumed by humans by eating or drinking.

Enclosed, Locked Area means a closet, room, greenhouse, or other indoor or outdoor area equipped with locks or other security devices, accessible only to consumers 21 years of age or older Marijuana Establishment Agents, registered qualifying patients, or caregivers.

Executive means the chair of a board of directors, chief executive officer, executive director, president, senior director, other officer, and any other executive leader of a Marijuana Establishment.

Finished marijuana means usable marijuana, cannabis resin or cannabis concentrate.

Flowering means the gametophytic or reproductive state of marijuana in which the plant produces flowers, trichomes, and *cannabinoids* characteristic of marijuana.

Healthcare Provider means a certifying physician, certifying certified Nurse Practitioner or certifying physician's assistant qualified under 105 CMR 725.000 to issue written certifications for the medical use of marijuana.

Hemp means the plant of the genus *Cannabis* or any part of the plant, whether growing or not, with a delta-9-tetrahydrocannabinol concentration that does not exceed 0.3 per cent on a dry weight basis of any part of the plant of the genus *Cannabis*, or per volume or weight of marijuana product, or the combined per cent of delta-9-tetrahydrocannabinol and tetrahydrocannabinolic acid in any part of the plant of the genus *Cannabis* regardless of moisture content.

Holdup Alarm means a silent alarm signal generated by the manual activation of a device intended to signal a robbery in progress.

Host community means a municipality in which a marijuana establishment is located or in which an applicant has proposed locating a marijuana establishment.

drink or other products. Marijuana also includes marijuana products except where the context clearly indicates otherwise.

Marijuana accessories means equipment, products, devices or materials of any kind that are intended or designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, ingesting, inhaling or otherwise introducing marijuana into the human body.

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

Marijuana Delivery-Only Retailer means an entity that does not provide a retail location accessible to the public, but is authorized to deliver directly from a marijuana cultivator facility, craft marijuana cultivator cooperative facility, marijuana product manufacturer facility, or micro-business.

Marijuana Establishment means a marijuana cultivator, independent testing laboratory, marijuana product manufacturer, marijuana retailer or any other type of licensed marijuana-related business.

Marijuana Establishment Agent means a board member, director, employee, executive, manager, or volunteer of a Marijuana Establishment, who is 21 years of age or older. Employee includes a consultant or contractor who provides on-site services to an Marijuana Establishment related to the cultivation, harvesting, preparation, packaging, storage, testing, or dispensing of marijuana.

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

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

Marijuana Retailer means an entity licensed to purchase and deliver marijuana and marijuana products from Marijuana Establishments and to deliver, sell or otherwise transfer marijuana and marijuana products to Marijuana Establishments and to consumers.

Personal Caregiver means a person, registered by the Commission, who is at least 21 years old, who has agreed to assist with a registered qualifying patient's medical use of marijuana, and is not the registered qualifying patient's certifying healthcare provider. A visiting nurse, personal care attendant, or home health aide providing care to a registered qualifying patient may serve as a personal caregiver, including to patients under 18 years of age as a second caregiver.

Premises means any indoor or outdoor location over which a social consumption operation or its agents may lawfully exert substantial supervision or control over entry, property or the conduct of persons.

Priority Applicant means a registered marijuana dispensary with a final or provisional certificate of registration in good standing with the Department of Public Health or Commission, as applicable ("Priority RMD Applicant"), or an applicant who demonstrates experience in or business practices that promote economic empowerment in communities disproportionately impacted by high rates of arrest and incarceration for offenses under chapter 94C ("Priority Justice Applicant").

Process or processing means to harvest, dry, cure, trim and separate parts of the marijuana plant by manual or mechanical means, except it shall not include manufacture as defined in this section.

Production Area means any limited access area within the Marijuana Establishment where marijuana is handled or produced in preparation for sale.

Production batch means a batch of finished plant material, cannabis resin, cannabis concentrate or marijuana-infused product made at the same time, using the same methods, equipment and ingredients. The licensee shall assign and record a unique, sequential alphanumeric identifier to each production batch for the purposes of production tracking, product labeling and product recalls. All production batches shall be traceable to 1 or more marijuana cultivation batches.

Propagation means the reproduction of marijuana plants by seeds, cuttings, or grafting.

Provisional Marijuana Establishment License means a certificate issued by the Commission confirming that a Marijuana Establishment has completed the application process.

Qualifying Patient means a Massachusetts resident 18 years of age or older who has been diagnosed by a Massachusetts licensed healthcare provider as having a debilitating medical condition, or a Massachusetts resident under 18 years of age who has been diagnosed by two Massachusetts licensed certifying physicians, at least one of whom is a board-certified



employment training for residents interested in participating in the cannabis industry and technical assistance for existing Social Equity Program licensees.

Terpenoid means an isoprene that are the aromatic compounds found in cannabis, including, but not limited to: limonene, myrcene, pinene, linalool, eucalyptol,  $\delta$ -terpinene,  $\beta$ -caryophyllene, caryophyllene oxide, nerolidol and phytol.

Unreasonably impracticable means that the measures necessary to comply with the regulations, ordinances or by-laws adopted pursuant to this chapter 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.

Usable Marijuana means the fresh or dried leaves and flowers of the female marijuana plant and any mixture or preparation thereof, including MIPs, but does not include the seedlings, seeds, stalks, roots of the plant, or marijuana rendered unusable in accordance with 935 CMR 500.105(L)(3)(d).

Vegetation means the sporophytic state of the marijuana plant, which is a form of asexual reproduction in plants during which plants do not produce resin or flowers and are bulking up to a desired production size for flowering.

Visitor means an individual, other than a Marijuana Establishment Agent authorized by the Marijuana Establishment, to be on the premises of a Marijuana Establishment for a purpose related to Marijuana Establishment operations and consistent with the objectives of the Act and 935 CMR 500.000, provided, however, that no such individual shall be under 21 years of age.

500.005: Fees and Fines

(A) Marijuana Establishment Application and License Fees

- (1) Except for Equity Applicants, each applicant for licensure as a Marijuana Establishment, shall pay to the Commission a nonrefundable application fee and an annual license fee, not including the costs associated with any criminal background checks required under 935 CMR 500.100(A)(2); 500.100(B)(3); or 935 CMR 500.030. The fee for equity applicants in accordance with the criteria included at 935 CMR 500.101(A)(5) shall be waived.
- (2) Application fees are waived for Equity Applicants, except that such applicants shall pay to the Commission the costs associated with any background checks.
- (3) Application and Annual License Fee Schedule:

Agent, or any other position designated as an agent by the Commission shall pay a fee of \$50.

(C) Fingerprint-Based Criminal Background Checks Fees

- (1) All persons required to submit fingerprints shall pay a fee to be established by the Secretary of Administration and Finance, in consultation with the Secretary of Public Safety and the Commission, to offset the costs of operating and administering a fingerprint-based criminal background check system. The Secretary of Administration and Finance, in consultation with the Secretary of Public Safety and the Commission, may increase the fee accordingly if the Federal Bureau of Investigation increases its fingerprint background check service fee.
- (2) The Commission may pay the fee on behalf of applicants or reimburse applicants for all or part of the fee on the grounds of financial hardship.
- (3) Any fees collected from fingerprinting activity under this chapter shall be deposited into the Fingerprint-Based Background Check Trust Fund, established in section 2HHHH of chapter 29 of the General Laws.

(D) Fines

- (1) The Commission may issue an order to a licensee to show cause as to why a fine or other financial penalty against a licensee should not be imposed for any acts or omissions which are in violation of any provision of the Act or any regulation adopted pursuant thereto. Each such order:
  - (a) shall be in writing;
  - (b) shall describe with particularity the nature of the violation, including a reference to the law or regulation determined to have been violated;
  - (c) may contain an assessment of an administrative fine of up to \$25,000, and/or an order of abatement fixing a reasonable time for abatement of the violation;
  - (d) shall be served personally or by certified mail; and
  - (e) shall inform the licensee or person that he or she may request an adjudicatory hearing.
- (2) Failure to pay a fine within 30 calendar days of the date of the assessment, unless the order is appealed pursuant to 935 CMR 500.500, may result in further action being taken by the Commission including, but not limited to, suspension or revocation of a license. If an order is not appealed and the fine is not paid, the full amount of the assessed fine shall be added to the fee for renewal of the license. A license shall not be renewed without the payment of the renewal fee and fine.
- (3) Nothing in this section shall be deemed to prevent the Commission from issuing an order to suspend or revoke a license or registration card where grounds for such suspension or revocation exist.

- (b) All aliases used previously or currently in use by the individual, including maiden name, if any;
  - (c) A copy of the Marijuana Establishment Agent's driver's license, government-issued identification card, liquor purchase identification card issued pursuant to M.G.L. c.138 §34B, or other verifiable identity document acceptable to the Commission;
  - (d) An attestation that the individual will not engage in the diversion of marijuana;
  - (e) Written acknowledgement by the Marijuana Establishment Agent applicant of any limitations on his or her authorization to cultivate, harvest, prepare, package, possess, transport, and dispense marijuana in the Commonwealth;
  - (f) Background information, including, as applicable:
    - i. A description and the relevant dates of any criminal action under the laws of the Commonwealth, or another state, the United States, or a military, territorial, or Indian tribal authority, whether for a felony or misdemeanor and which resulted in conviction, or guilty plea, or plea of nolo contendere, or admission of sufficient facts;
    - ii. A description and the relevant dates of any civil or administrative action under the laws of the Commonwealth, another state, the United States, or a military, territorial, or Indian tribal authority relating to any profession or occupation or fraudulent practices;
    - iii. A description and relevant dates of any past or pending denial, suspension, or revocation of a license or registration, or the denial of a renewal of a license or registration, for any type of business or profession, by any federal, state, or local government, or any foreign jurisdiction;
    - iv. A description and relevant dates of any past discipline by, or a pending disciplinary action or unresolved complaint by, the Commonwealth, or a like action or complaint by another state, the United States or a military, territorial, or Indian tribal authority with regard to any professional license or registration held by the applicant for Marijuana Establishment Agent; and
  - (g) A non-refundable application fee paid by the Marijuana Establishment with which the Marijuana Establishment Agent will be associated; and
  - (h) Any other information required by the Commission.
- (C) A Marijuana Establishment executive registered with the Department of Criminal Justice Information Systems pursuant to 803 CMR 2.04(2) shall submit to the Commission a Criminal Offender Record Information (CORI) report and any other background check information required by the Commission for each individual for whom the Marijuana Establishment seeks a dispensary agent registration, obtained within 30 days prior to submission.

- (1) Submission of misleading, incorrect, false, or fraudulent information in the application or renewal application;
  - (2) Violation of the requirements of the Act or 935 CMR 500.000;
  - (3) Fraudulent use of a Marijuana Establishment Agent registration card;
  - (4) Selling, distributing, or giving marijuana to any unauthorized person;
  - (5) Tampering, falsifying, altering, modifying, duplicating, or allowing another person to use, tamper, falsify, alter, modify, or duplicate a Marijuana Establishment Agent registration card;
  - (6) Failure to notify the Commission within 5 business days after becoming aware that the registration card has been lost, stolen, or destroyed;
  - (7) Failure to notify the Commission within 5 business days after a change in the registration information contained in the application or required by the Commission to have been submitted in connection with the application for a Marijuana Establishment Agent registration card, including open investigations or pending actions as delineated in 935 CMR 500.902, as applicable, that may otherwise affect the status of the suitability for registration of the Marijuana Establishment Agent;
  - (8) Conviction, guilty plea, plea of nolo contendere, or admission to sufficient facts of a felony drug offense involving distribution to a minor in the Commonwealth, or a like violation of the laws of another state, the United States or a military, territorial, or Indian tribal authority; or
  - (9) Conviction, guilty plea, plea of nolo contendere or admission to sufficient facts in the Commonwealth, or a like violation of the laws of another state, to an offense as delineated in 935 CMR 500.902, as applicable, that may otherwise affect the status of the suitability for registration of the Marijuana Establishment Agent;
- (B) Other grounds, as determined by the Commission, that are inconsistent with the intent of 935 CMR 500.000 or the Act; provided, however, that the Commission shall notify the applicant of the grounds prior to revocation pursuant to 935 CMR 500.500.

500.033: Void Registration Cards

- (A) A registration card issued to a Marijuana Establishment Agent or Laboratory Agent shall be void when:
- (1) the Agent has ceased to be associated with the Marijuana Establishment or Independent Testing Laboratory that applied for and received the Agent's registration card;

- (a) The licensee has met or exceeded its energy and environmental impact goals for its registration period; and
- (b) The licensee has consistently complied with best management practices for energy use, waste disposal and environmental impact.

(4) Compliance Leader: in the year preceding the date of application for a leader rating:

- (a) All licensee employees have completed all required trainings for their positions within ninety days of hire;
- (b) The licensee has not been issued a written deficiency statement;
- (c) The licensee has not been the subject of a cease and desist order or a quarantine order;
- (d) The licensee has not had its license suspended; and
- (e) The licensee has met all timelines required by the Commission.

(D) Leadership Ratings will be taken into consideration by the Commission in assessing fines pursuant to 935 CMR 500.005 and disciplinary action pursuant to 935 CMR 500.450.

500.050: Marijuana Establishments

(A) General Requirements

- (1) A Marijuana Establishment is required to be registered to do business in the Commonwealth as a domestic business corporation or another domestic business entity in compliance with 935 CMR and to maintain the corporation in good standing with the Secretary of the Commonwealth and the Department of Revenue.
- (2) No licensee shall be granted more than 3 licenses in a particular class, except as otherwise specified in 935 CMR 500.000. An independent testing laboratory or standards laboratory may not have a license in any other class. No individual or entity shall be a controlling person over more than 3 licenses in a particular class of license.
- (3) License Classes are as follows:
  - (a) Marijuana Cultivator:
    - (i) Tier 1: up to 1,000 square feet of canopy;
    - (ii) Tier 2: 1,001 to 5,000 square feet of canopy;
    - (iii) Tier 3: 5,001 to 10,000 square feet of canopy;
    - (iv) Tier 4: 10,001 and over square feet of canopy.
  - (b) Craft Marijuana Cooperative
  - (c) Marijuana Product Manufacturer
  - (d) Marijuana Retailer
    - 1. Storefront
    - 2. Delivery-Only
    - 3. Marijuana Social Consumption Establishment

- (6) A Craft Marijuana Cultivator Cooperative may submit an application, in a time and manner determined by the Commission, to change the tier in which it is classified. A Craft Marijuana Cultivator Cooperative may change tiers to either expand or reduce production. If a Craft Marijuana Cultivator Cooperative is applying to expand production, it must demonstrate that it has sold 85% of its product consistently over the six months preceding the application for expanded production.

(D) Marijuana Product Manufacturer

- (1) A marijuana product manufacturer may 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.

(E) Marijuana Retailer

(1) General Requirements.

- (a) A marijuana retailer may purchase and deliver marijuana and marijuana products from marijuana establishments and to deliver, sell or otherwise transfer marijuana and marijuana products to marijuana establishments and to consumers.
- (b) A marijuana retailer shall operate all marijuana-related activities solely at the address identified in the license.

(2) Storefront Marijuana Retailer

- (a) A marijuana retailer providing a retail location accessible to consumers 21 years of age or older or in possession of a registration card demonstrating that the individual is a registered qualifying patient with the Medical Use of Marijuana Program.

(3) Delivery-Only Retailer

- (a) A marijuana retailer that does not provide a retail location accessible to the public, but is authorized to deliver directly from a marijuana cultivator facility, Craft Marijuana Cultivator Cooperative facility, marijuana product manufacturer facility, or micro-business.

(4) Marijuana Social Consumption Establishment

- (a) A marijuana social consumption establishment may purchase marijuana from licensed marijuana establishments and sell single servings of marijuana to consumers for consumption on the premises.

(b) Primary Use. A primary use marijuana social consumption license shall be required for any commercial enterprise for which 51% or more of average monthly revenue is derived from the sale of marijuana products to be consumed on the premises.

- (a) Accredited to *International Organization for Standardization (ISO) 17025* by a third party accrediting body that is a signatory to the International Laboratory Accreditation Cooperation (ILAC) Mutual Recognition Arrangement; or
  - (b) Certified, registered, or accredited by an organization approved by the Commission.
- (2) An executive or member of a Marijuana Establishment is prohibited from having any financial or other interest in an independent testing laboratory providing testing services for any Marijuana Establishment;
  - (3) No individual employee of a laboratory providing testing services for Marijuana Establishments may receive direct financial compensation from any Marijuana Establishment;
  - (4) Standards Laboratory: a laboratory meeting the requirements of the independent testing laboratory may be licensed as a standards laboratory to ensure consistent and compliant testing by the independent testing laboratories. An independent testing laboratory may not serve as a standards laboratory.
    - (a) Upon request by the Commission, a standards laboratory shall test samples of marijuana or marijuana products in a time and manner to be determined by the Commission.
    - (b) The testing shall be performed in a manner determined by the Commission so as not to reveal to the laboratory the source of the marijuana or marijuana products.
    - (c) The standards laboratory shall submit the results of testing to the Commission for review.
    - (d) The standards laboratory shall retain the marijuana or marijuana products tested pursuant to paragraph (1) until directed to transfer or dispose of them by the Commission. Any disposal shall take place in compliance with 935 CMR 500.105(L).

#### (H) Marijuana Transporter

- (1) 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:
  - (a) Third Party Transporter: It is 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.
  - (b) Existing Licensee Transporter: It is Marijuana Establishment that wishes to contract with other marijuana establishments to transport their marijuana and marijuana products to other marijuana establishments.
- (2) All Marijuana Transporter, their agents and employees, who contract with a marijuana establishment to transport marijuana or marijuana products must comply with the Act and 935 CMR 500.000.

verification by the Commission as a component of the application process. Required documentation shall include but not limited to:

- i. The proper name of any individual or registered business name of any entity;
- ii. The street address, provided, however that the address shall not be a post office box;
- iii. The primary telephone number;
- iv. Electronic mail;
- v. The amount and source of capital provided or promised;
- vi. A bank record dated within 30 days of the application verifying the existence of capital; and
- vii. Certification that funds used to invest in or finance the Marijuana Establishment were lawfully earned or obtained.

(c) Documentation of a bond or other resources held in an escrow account in an amount sufficient to adequately support the dismantling and winding down of the Marijuana Establishment;

(d) Identification of the proposed address for the license;

(e) Documentation of a property interest in the proposed address. Interest may be demonstrated by one of the following:

- i. Clear legal title to the proposed site;
- ii. An option to purchase the proposed site;
- iii. A lease;
- iv. A legally enforceable agreement to give such title; or
- v. Binding permission to use the premises.

(f) Documentation in the form of a single-page certification signed by the contracting authorities for the municipality and applicant evidencing that the applicant for licensure and host municipality in which the address of the Marijuana Establishment is located have executed a host community agreement;

(g) Documentation that the applicant has conducted a community outreach hearing consistent with the Commission's *Guidance for License Applicants on Community Outreach* within the six months prior to the application. Documentation must include:

- i. Copy of a notice of the time, place and subject matter of the hearing, including the proposed address of the Marijuana Establishment, that was published in a newspaper of general circulation in the city or town at least 7 calendar days prior to the hearing;
- ii. Copy of the hearing notice 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;



- ii. The Commission shall consider certification submitted by the applicant to be sufficient evidence of compliance with municipal bylaws or ordinances unless it receives a response in writing from the municipality within 60 days stating that the applicant is not in compliance with local law.
  - (i) A description of plans to ensure that the Marijuana Establishment is or will be compliant with local codes, ordinances, and bylaws for the physical address of the Marijuana Establishment, which shall include but not be limited to the identification of any local licensing requirements for adult use of marijuana;
  - (j) A plan by the Marijuana Establishment to positively impact areas of disproportionate impact, as defined by the Commission;
  - (k) The requisite non-refundable application fee pursuant to 935 CMR 500.005; and
  - (l) Any other information required by the Commission.
- (2) Background Check: Prior to an application being considered complete, each applicant for licensure must submit the following information:
- (a) The list of individuals and entities in 935 CMR 500.101 (A)(1)(a);
  - (b) Information for each individual identified in paragraph (a) which shall include:
    - i. The individual's full legal name and any aliases;
    - ii. The individual's address;
    - iii. The individual's date of birth;
    - iv. A photocopy of the individual's driver's license or other government-issued identification card;
    - v. A CORI Acknowledgement Form, pursuant to 803 CMR 2.09, provided by the Commission, signed by the individual and notarized;
    - vi. Authorization to obtain a full set of fingerprints, in accordance with section 21 of chapter 94G of the General Laws, submitted in a form and manner as determined by the Commission;
    - vii. A description and dates of any correction orders issued under the laws or regulations of the Commonwealth, or other states, to the individual or an entity in which the individual served as an executive and was responsible for the matter the correction order addressed, including the response to the correction order and any resolution;
    - viii. A description and the relevant dates of any criminal action under the laws of the Commonwealth, or another state, the United States, or a military, territorial, or Indian tribal authority, whether for a felony or misdemeanor, including but not limited to action against any health care facility or facility for providing marijuana for medical or recreational purposes in which those individuals either owned shares of stock or served as executives, and which resulted in conviction, or guilty plea, or plea of nolo contendere, or admission of sufficient facts;
    - ix. A description and the relevant dates of any civil or administrative action under the laws of the Commonwealth, another state, the United States, or a military,

- (e) A description of the Marijuana Establishment's plan to obtain a liability insurance policy or otherwise meet the requirements of 935 CMR 500.105(I);
- (f) A detailed summary of the business plan for the Marijuana Establishment;
- (g) A detailed summary of operating policies and procedures for the Marijuana Establishment, which shall include, but not be limited to, provisions for:
  - (i) security;
  - (ii) prevention of diversion;
  - (iii) storage of marijuana;
  - (iv) transportation of marijuana, if applicable to license type;
  - (v) inventory procedures;
  - (vi) procedures for quality control and testing of product for potential contaminants, if applicable to license type;
  - (vii) personnel policies;
  - (viii) dispensing procedures;
  - (ix) record-keeping procedures;
  - (x) maintenance of financial records; and
  - (xi) diversity plans to promote equity among minorities, women, veterans, people with disabilities and people of all gender identities in the operation of the Marijuana Establishment.
- (h) A detailed description of qualifications and intended training(s) for Marijuana Establishment Agents who will be employees; and
- (i) Any other information required by the Commission.

(4) Additional Specific Requirements.

- (a) In addition to the requirements set forth in 935 CMR 500.101(A)(3), applicants for a license to operate a Marijuana Establishment for retail shall also provide, as part of the Management and Operation Profile packet, a detailed description of the Marijuana Establishment's proposed plan for obtaining marijuana or marijuana products from a licensed Marijuana Establishment(s);
- (b) In addition to the requirements set forth in 935 CMR 500.101(A)(3), applicants for a license to operate Marijuana Establishment for cultivation shall also provide as part of the Management and Operation Profile packet an operational plan for the cultivation of marijuana, including a detailed summary of the policies and procedures for cultivation.
- (c) In addition to the requirements set forth in 935 CMR 500.101(A)(3), applicants for a license to operate a Marijuana Establishment for product manufacturing shall also provide as part of the Management and Operation Profile packet:
  - (i) a description of the types and forms of marijuana products that the Marijuana Establishment intends to produce;

- iii. At least 51% of current employees or subcontractors reside in areas of disproportionate impact and by the first day of business, the ratio will meet or exceed 75%;
- iv. At least 51% of employees or subcontractors have drug-related CORI and are otherwise legally employable in cannabis enterprises;
- v. Other significant articulable demonstration of past experience in or business practices that promote economic empowerment in areas of disproportionate impact.

**B. Existing RMD License Priority Applicants**

(1) The application for an Existing RMD License Priority Applicant intending to operate an Adult Use Marijuana Establishment shall consist of three packets: (i) an Application of Intent packet; (ii) a Background Check packet; and (iii) a Management and Operations Profile packet. Applicants for licensure under this provision shall be required to provide the information required as part of (i)-(iii) of this provision to the extent that the required information does not qualify as specific information previously required, analyzed, approved and recognized by the department of public health. An applicant may file individual packets separately or as a whole. An application will be not be considered complete by the Commission until each individual packet is determined by the Commission to be complete and the applicant has been notified. Applicants shall be determined to have achieved accreditation status if according to the records of the certifying agency the applicant:

- (a) Is a registered marijuana dispensary that has received a Final Certificate of Registration and is selling marijuana or marijuana-infused products as of the date of application;
- (b) Is a registered marijuana dispensary that has received a Final Certificate of Registration but is not selling marijuana or marijuana-infused products as of the date of application; or
- (c) Is a registered marijuana dispensary that has received a Provisional Certificate of Registration but not a Final Certificate of Registration.

(2) Application of Intent Packet. An Existing RMD applicant for licensure as an Adult Use Marijuana Establishment shall submit the following as part of the Application of Intent:

- (a) A list of all executives, managers, persons or entities having direct or indirect authority over the management, policies, security operations or cultivation operations of the adult use Marijuana Establishment not currently included on the RMD license; close associates and members of the applicant, if any; and a list of all persons or entities contributing 10% or more of the initial capital to operate the Marijuana Establishment including capital that is in the form of land or buildings;
- (b) Identification of the proposed address for the license;
- (c) Documentation of a property interest in the proposed address, if different than the location identified in the Existing RMD license. Interest may be demonstrated by one of the following:

- D. Information adequate to demonstrate that the location will not constitute a nuisance to the community by noise, odor, dust, glare, fumes, vibration, heat, glare, or other conditions likely to cause nuisance; and
- E. Attestation that community members were permitted to ask questions and receive answers from representatives of the Adult Use Marijuana Establishment.

- (f) The requisite non-refundable application fee;
- (g) Documentation that the Marijuana Establishment is in compliance with local zoning ordinances or bylaws, which shall include but may not be limited to a certification from the municipality in which the Marijuana Establishment will be located.
  - i. The Commission shall, as part of its review of the application, request that the municipality respond within 60 days of the date of correspondence from the Commission seeking confirmation that the applicant's proposed Marijuana Establishment complies with local bylaws or ordinance and is not within 500 feet of a pre-existing public or private school providing education in kindergarten or grades 1 through 12, unless the municipality has adopted an ordinance or bylaw that reduces that distance.
  - ii. The Commission shall consider certification submitted by the applicant to be sufficient evidence of compliance with municipal bylaws or ordinances unless it receives a response in writing from the municipality within 60 days stating that the applicant is not in compliance with local law.
- (h) If physically separate from the RMD location, a description of plans to ensure that the Marijuana Establishment is or will be compliant with local codes, ordinances, and bylaws for the physical address of the Marijuana Establishment, which shall include but not be limited to the identification of any local licensing requirements for adult use of marijuana;
- (i) A plan by the Marijuana Establishment to positively impact areas of disproportionate impact, as defined by the Commission; and
- (j) Any other information required by the Commission.

(3) Background Check Packet: Prior to an application being considered complete, each Existing RMD applicant for licensure to operate an Adult Use Marijuana Establishment shall submit the following information:

- (a) The list of individuals in 935 CMR 500.101(B)(2)(a);
- (b) Information for each individual identified in paragraph (a) which shall include:
  - (i) The individual's full legal name and any aliases;
  - (ii) The individual's address;
  - (iii) The individual's date of birth;
  - (iv) An indication of whether the individual is or has been associated with the Existing RMD and in what capacity.

- (g) A description and relevant dates of actions against a license to prescribe or distribute controlled substances or legend drugs held by any executive or member that is part of the applicant's application, if any;
  - (h) A description and relevant dates of any attempt to obtain a registration, license, or approval to operate in any state by fraud, misrepresentation, or the submission of false information; and
  - (i) Any other information required by the Commission.
- (5) Management and Operations Profile Packet: To be considered for licensure as an Adult Use Marijuana Establishment, each Existing RMD licensee applicant shall submit the following information:
- (a) Detailed information regarding its business registration with the Commonwealth, including the legal name, a copy of the articles of organization and bylaws;
  - (b) A certificate of good standing from the Corporations Division of the Secretary of State;
  - (c) A certificate of good standing from the Massachusetts Department of Revenue;
  - (d) The applicant's plan for separating medical and recreational operations, including:
    - i. Where operations are co-located, the applicant's plan shall include a component detailing the manner in which the applicant will ensure that operations remain separate at the point of sale; and
    - ii. Where operations are co-located, the applicant's plan shall include a component detailing the manner in which Medical and Adult Use operations will be kept separate, including a plan to ensure that access to the Adult Use operation is restricted to those individuals age 21 and older;
  - (e) A proposed timeline for achieving operation of the Marijuana Establishment and evidence that the Marijuana Establishment will be ready to operate within the proposed timeline after notification by the Commission that the applicant qualifies for licensure;
  - (f) A description of the Marijuana Establishment's plan to obtain a liability insurance policy or otherwise meet the requirements of 935 CMR 500.105(Q);
  - (g) A detailed summary of the business plan for the Adult Use Marijuana Establishment;
  - (h) A detailed summary describing or, where co-located with the existing RMD, updating or modifying operating policies and procedures for an Adult Use Marijuana Establishment which shall include, but not be limited to, provisions for:
    - (i) Security;
    - (ii) Prevention of diversion;
    - (iii) Storage of marijuana;

- (e) In addition to the requirements set forth in 935 CMR 500.101 (B)(4), applicants for a license to operate a Marijuana Establishment as a micro business shall also provide as part of the Application of Intent evidence of residency within the Commonwealth for a period of 12 consecutive months prior to the date of application.
- (f) In addition to the requirements set forth in 935 CMR 500.101(B)(4), applicants for a license to operate a Marijuana Establishment as a Craft Marijuana Cooperative shall also provide as part of the Application of Intent:
  - i. Evidence of residency within the Commonwealth for a period of 12 consecutive months prior to the date of application; and
  - ii. Evidence of the Craft Marijuana Cooperative's organization as a limited liability company or limited liability partnership under the laws of the Commonwealth.

500.102: Action on Applications

(A) Action on Each Packet. The Commission shall grant licenses with the goal of ensuring that the needs of the Commonwealth are met with regard to access, quality, and community safety.

1. Packets comprising the license application shall be evaluated based on the Applicant's (i) demonstrated compliance with the laws and regulations of the Commonwealth; (ii) suitability for licensure based on the provisions of 935 CMR 500.101(A) or (B) and the factors set forth in 935 CMR 500.901; and (iii) evaluation of the thoroughness of the applicants' responses to the required criteria. The Commission shall consider each packet submitted by an Applicant on a rolling basis.
2. The Commission shall notify each applicant in writing that: (a) that the applicant qualifies as an Economic Empowerment priority applicant pursuant to the criteria set forth in 935 CMR 500.101(A)(5), where applicable, and may be eligible for assistance through the Social Equity program established in 935 CMR 500.105(Q); (b) that the applicant has completed a packet; or (c) that the Commission requires further information within a specified period of time before the packet is determined to be complete.
3. Failure of the applicant to adequately address all required items in its application in the time required by the Commission will result in evaluation of the application as submitted. The applicant will not be permitted to provide supplemental materials unless specifically requested by the Commission. Nothing in 935 CMR 500.100 is intended to confer a property or other right or interest entitling an applicant to a hearing before an application may be denied.
4. Upon determination that the application is complete, a copy of the completed application, to the extent permitted by law, will be forwarded to the

including, but not limited to, a detailed floor plan of the premises of the proposed Marijuana Establishments that identifies the square footage available and describes the functional areas of the Marijuana Establishments, including areas for any preparation of marijuana products, and, if applicable, such information for the single allowable off-premises location in Massachusetts where marijuana will be cultivated or marijuana products will be prepared; and a description of plans to ensure that the Marijuana Establishments will be compliant with requirements of the Americans with Disabilities Act (ADA) Accessibility Guidelines;

- ii. Marijuana Establishments shall construct its dispensary, processing and cultivation facilities in accordance with 935 CMR 500.000, conditions set forth by the Commission in its provisional license and architectural review, and any applicable state and local laws, regulations, permits or licenses;
- iii. The Commission may conduct inspections of the dispensary, processing and cultivation facilities, as well as review all written materials required in accordance with 935 CMR 500.000.

(B) Final License: Upon completion of all inspections required by the Commission, Marijuana Establishments is eligible for a final license. All information described in 935 CMR 500.000 that is not available at the time of submission, must be provided to and approved by the Commission, before Marijuana Establishments may receive a final license. Such final licenses shall be subject to reasonable conditions specified by the Commission, if any.

- (1) No person shall operate a Marijuana Establishments without a final license issued by the Commission.
- (2) A provisional or final license may not be assigned or transferred without prior Commission approval.
- (3) A provisional or final license shall be immediately null and void if the Marijuana Establishments ceases to operate, or if, without the permission of the Commission, it relocates.
- (4) Acceptance of a provisional or final license constitutes an agreement by the Marijuana Establishments that it will adhere to the practices, policies, and procedures that are described in its application materials, as well as all relevant laws, regulations, and any conditions imposed by the Commission as part of registration.
- (5) The Marijuana Establishments shall post the final license in a conspicuous location on the premises at each Commission-approved location.
- (6) The Marijuana Establishments shall conduct all activities authorized by 935 CMR 500.000 at the address(es) identified on the final license issued by the Commission.

(C) The Marijuana Establishments must be operational within the time indicated in 935 CMR 500.100(A)(3)(d) or 935 CMR 500.100(B)(4)(e) or as otherwise amended through the application process, and approved by the Commission through the issuance of a final license.

500.105: General Operational Requirements for Marijuana Establishments

- (A) Written Operating Procedures. Every Marijuana Establishment shall have and follow a set of detailed written operating procedures. If the Marijuana Establishment has a second location, it shall develop and follow a set of such operating procedures for that facility. Operating procedures shall include but need not be limited to the following:
- (1) Security measures in compliance with 935 CMR 500.110;
  - (2) Employee security policies, including personal safety and crime prevention techniques;
  - (3) A description of the Marijuana Establishment's hours of operation and after-hours contact information, which shall be provided to the Commission, made available to law enforcement officials upon request, and updated pursuant to 935 CMR 500.000.
  - (4) Storage of marijuana in compliance with 935 CMR 500.105(K);
  - (5) Description of the various strains of marijuana to be cultivated, processed or sold, as applicable, and the form(s) in which marijuana will be sold;
  - (6) Procedures to ensure accurate recordkeeping, including inventory protocols;
  - (7) Plans for quality control, including product testing for contaminants in compliance with 935 CMR 500.000;
  - (8) A staffing plan and staffing records in compliance with 935 CMR 500.105(I);
  - (9) Emergency procedures, including a disaster plan with procedures to be followed in case of fire or other emergencies;
  - (10) Alcohol, smoke, and drug-free workplace policies;
  - (11) A plan describing how confidential information will be maintained;
  - (12) A policy for the immediate dismissal of any Marijuana Establishment Agent who has:
    - (a) Diverted marijuana, which shall be reported to law enforcement officials and to the Commission;
    - (b) Engaged in unsafe practices with regard to operation of the Marijuana Establishment, which shall be reported to the Commission; or
    - (c) Been convicted or entered a guilty plea, plea of nolo contendere, or admission to sufficient facts of a felony drug offense involving distribution to a minor in the Commonwealth, or a like violation of the laws of another state, the United States or a military, territorial, or Indian tribal authority.
  - (13) A list of all board members and executives of a Marijuana Establishment, and members, if any, of the applicant, must be made available upon request by any individual. This



located in the Marijuana Establishment in production areas and where good sanitary practices require employees to wash and/or sanitize their hands, and shall provide effective hand-cleaning and sanitizing preparations and sanitary towel service or suitable drying devices;

- (d) There shall be sufficient space for placement of equipment and storage of materials as is necessary for the maintenance of sanitary operations;
- (e) Litter and waste shall be properly removed, disposed of so as to minimize the development of odor, and minimize the potential for the waste attracting and harboring pests. The operating systems for waste disposal shall be maintained in an adequate manner pursuant to 935 CMR 500.105(L);
- (f) Floors, walls, and ceilings shall be constructed in such a manner that they may be adequately kept clean and in good repair;
- (g) There shall be adequate safety lighting in all processing and storage areas, as well as areas where equipment or utensils are cleaned;
- (h) Buildings, fixtures, and other physical facilities shall be maintained in a sanitary condition;
- (i) All contact surfaces, including utensils and equipment, shall be maintained in a clean and sanitary condition. Such surfaces shall be cleaned and sanitized as frequently as necessary to protect against contamination, using a sanitizing agent registered by the U.S. Environmental Protection Agency (EPA), in accordance with labeled instructions. Equipment and utensils shall be so designed and of such material and workmanship as to be adequately cleanable;
- (j) All toxic items shall be identified, held, and stored in a manner that protects against contamination of marijuana and Marijuana products;
- (k) A Marijuana Establishment's water supply shall be sufficient for necessary operations. Any private water source shall be capable of providing a safe, potable, and adequate supply of water to meet the Marijuana Establishment's needs;
- (l) Plumbing shall be of adequate size and design, and adequately installed and maintained to carry sufficient quantities of water to required locations throughout the Marijuana Establishment. Plumbing shall properly convey sewage and liquid disposable waste from the Marijuana Establishment. There shall be no cross-connections between the potable and waste water lines;
- (m) A Marijuana Establishment shall provide its employees with adequate, readily accessible toilet facilities that are maintained in a sanitary condition and in good repair;

approved by the FDA. There is limited information on the side effects of using this product, and there may be associated health risks. Marijuana use during pregnancy and breast-feeding may pose potential harms. It is against the law to drive or operate machinery when under the influence of this product. **KEEP THIS PRODUCT AWAY FROM CHILDREN.** There may be health risks associated with consumption of this product. Marijuana can impair concentration, coordination, and judgment. The intoxicating effects of edible products may be delayed by 2 hours or more. In case of accidental ingestion, contact poison control hotline 1-800-222-1222. This product may be illegal outside of MA.”

- (2) Prohibited Practices. The following advertising, marketing, and branding activities are prohibited:
- (a) advertising, marketing, and branding in such a manner that is deemed to be deceptive, false, misleading, or untrue, or tends to deceive or create a misleading impression, whether directly, or by ambiguity or omission;
  - (b) advertising, marketing and branding by means of television, radio, internet or other electronic communication, billboard or other outdoor advertising, or print publication unless at least 85 per cent of the audience is reasonably expected to be 21 years of age or older, as determined by reliable, up-to-date audience composition data;
  - (c) advertising, marketing, and branding that utilizes statements, designs, representations, pictures or illustrations that portray anyone less than 21 years of age;
  - (d) advertising, marketing, and branding including, but not limited to, mascots, cartoons, brand sponsorships and celebrity endorsements, that is deemed to appeal to a person less than 21 year of age;
  - (e) advertising, marketing, and branding, including statements by a licensee, that makes any false or misleading statements concerning other licensees and the conduct and products of such other licensees;
  - (f) advertising, marketing, and branding through certain identified promotional items as determined by the Commission, including, but not limited to, giveaways, coupons, or “free” or “donated” marijuana;
  - (g) advertising, marketing, and branding by a licensee that asserts that its products are safe, or represent that its products have curative or therapeutic effects, other than labeling required pursuant to M.G.L. c. 94G, § 4(a<sup>1/2</sup>)(xxvi), unless supported by substantial evidence or substantial clinical data with reasonable scientific rigor as determined by the Commission;
  - (h) installation of any neon signage or any illuminated external signage which fails to comply with all local ordinances and requirements;
  - (i) installation of any external signage that is illuminated beyond the period of 30 minutes before sundown until closing;
  - (j) the use of vehicles equipped with radio or loud speakers for the advertising of marijuana;
  - (k) the use of radio or loud speaker equipment in any Marijuana Establishment for the purpose of attracting attention to the sale of marijuana;
  - (l) advertising, marketing, and branding at, or in connection with, a charitable, sporting or similar event, unless at least 85 per cent of the audience is reasonably expected to

- (e) The full cannabinoid profile of the marijuana contained within the package, including THC and other cannabinoid level;
- (f) A statement and a seal certifying that the product has been tested for contaminants, that there were no adverse findings, and the date of testing in accordance with G. L. c. 94G, § 15;
- (g) This statement, including capitalization: “This product has not been analyzed or approved by the FDA. There is limited information on the side effects of using this product, and there may be associated health risks. Marijuana use during pregnancy and breast-feeding may pose potential harms. It is against the law to drive or operate machinery when under the influence of this product. KEEP THIS PRODUCT AWAY FROM CHILDREN”;
- (h) A symbol or easily recognizable mark issued by the commission not later than March 15, 2018 that indicates the package contains marijuana or a marijuana product; and
- (i) A symbol or other easily recognizable mark issued by the commission not later than March 15, 2018 on the package indicating to children that the product is harmful to children.

This section shall not apply to marijuana packaged by a marijuana cultivator for transport to a marijuana retailer in compliance with 935 CMR 500.105(M) provided however that the marijuana retailer is responsible for compliance with this subsection for all marijuana and Marijuana Products sold or displayed for consumers.

- (2) Labeling of Edible Marijuana Infused Products. Prior to edible Marijuana Products being sold or transferred the product manufacturer shall place a legible, firmly affixed label on which the wording is no less than 1/16 inch in size on each edible MARIJUANA PRODUCT that it prepares for retail sale or wholesale, containing at a minimum the following information:
- (a) The name and registration number of the product manufacturer that produced the marijuana product, together with the product manufacturer’s business telephone number, e-mail address, and website information, if any;
  - (b) The name of the marijuana product;
  - (c) Refrigeration of the product is required, as applicable;
  - (d) Net weight or volume in U.S. customary and metric units;
  - (e) The quantity of usable marijuana contained within the product as measured in ounces;

This section shall apply to edible Marijuana Products produced by a marijuana product manufacturer for transport to a marijuana retailer in compliance with 935 CMR 500.105 and shall be in addition to any regulation regarding the appearance of edible Marijuana Products under 935 CMR 500.150.

- (3) Labeling of Marijuana Concentrates and Extracts. Prior to marijuana concentrates or extracts being sold or transferred, the product manufacturer shall place a legible, firmly affixed label on which the wording is no less than 1/16 inch in size on each marijuana concentrate container that it prepares for retail sale or wholesale, containing at a minimum the following information:
- a. The name and registration number of the product manufacturer that produced the marijuana product, together with the product manufacturer's business telephone number, e-mail address, and website information, if any;
  - b. The name of the marijuana product;
  - c. Product identity including the word "concentrate" or "extract" as applicable;
  - d. Net weight or volume expressed in U.S. customary units and metric units;
  - e. The type of marijuana used to produce the product, including what, if any, processing technique or solvents were used.
  - f. A list of ingredients, including the full cannabinoid profile of the marijuana contained within the marijuana product, including the amount of delta-nine-tetrahydrocannabinol ( $\Delta^9$ -THC) and other cannabinoids in the package and in each serving of a marijuana product as expressed in absolute terms and as a percentage of volume;
  - g. A statement of the serving size and number of servings per container or amount suggested for use based on the limits provided in 935 CMR 500.150;
  - h. The date of creation and the recommended "use by" or expiration date;
  - i. A batch number, sequential serial number, and bar code when used, to identify the batch associated with manufacturing and processing;
  - j. Directions for use of the marijuana product if relevant;
  - k. A statement and a seal that the product has been tested for contaminants, that there were no adverse findings, and the date of testing in accordance with G. L. c. 94G, § 15;

- f. The date of product creation;
- g. A batch number, sequential serial number, and bar code when used, to identify the batch associated with manufacturing and processing;
- h. Directions for use of the marijuana product if relevant;
- i. A statement and a seal that the product has been tested for contaminants, that there were no adverse findings, and the date of testing in accordance with G. L. c. 94G, § 15;
- j. A warning if nuts or other known allergens are contained in the product;
- k. This statement, including capitalization: “This product has not been analyzed or approved by the FDA. There is limited information on the side effects of using this product, and there may be associated health risks. Marijuana use during pregnancy and breast-feeding may pose potential harms It is against the law to drive or operate machinery when under the influence of this product. KEEP THIS PRODUCT AWAY FROM CHILDREN;”
- l. A symbol or easily recognizable mark issued by the commission not later than March 15, 2018 that indicates the package contains marijuana or a marijuana product; and
- m. A symbol or other easily recognizable mark issued by the commission not later than March 15, 2018 on the package indicating to children that the product is harmful to children.

This section shall apply to marijuana-infused tinctures and topicals produced by a marijuana product manufacturer for transport to a marijuana retailer in compliance with 935 CMR 500.105(M).

(F) Packaging of Marijuana and Marijuana Products

- 1. Child Resistant Packaging. Licensees licensed subject to 935 CMR 500.050 (E) shall ensure that all marijuana and marijuana products, other than those offered at wholesale by a marijuana cultivator, that are provided for sale to consumers by a licensee shall be sold in child resistant packaging. To be in compliance with this provision, licensees shall ensure:
  - a. That to the extent it is not unreasonably impracticable for the specific type of product, marijuana products are packaged in containers that are (i) opaque or plain in design; (ii) resealable for any marijuana product intended for more than a single use or containing multiple servings;

- i. Edible Marijuana Products in a solid form shall be easily and permanently scored to identify individual servings.
    - ii. Notwithstanding clause (i) of this paragraph, where a product is unable because of its form to be easily and permanently scored to identify individual servings, the product shall be packaged in a single serving size. The determination of whether a product is able to be easily and permanently scored shall be decided by the Commission consistent with sub-regulatory guidelines established by the Commission and provided to licensees.
  - c. Packaging for marijuana product beverages shall be packages solely in a single serving size. Multiple serving marijuana product beverages are strictly prohibited for sale.
- 4. Each single serving of an Edible MIP contained in a multiple-serving package shall be marked, stamped or otherwise imprinted with a symbol or easily recognizable mark issued by the Commission that indicates that the single serving is a Marijuana Product.
- 5. Serving size shall be determined by the processor but in no instance shall an individual serving size of any MARIJUANA PRODUCT contain more than five (5) milligrams of delta-nine-tetrahydrocannabinol ( $\Delta$ 9-THC).

(G) Packaging and Labeling Pre-Approval.

Prior to a Marijuana Product being sold at a Marijuana Establishment, a licensee or license applicant may submit an application, in a form and manner determined by the Commission, for packaging and label approval to the Commission. The Commission may charge a fee for packaging and labeling pre-approval. The Commission shall issue guidelines on the pre-approval review process, provided, however, that the packaging and labeling pre-approval process shall in no way substitute for compliance with the regulations set forth in 935 CMR 500.105(D)-(F).

(H) Inventory

- (1) A Marijuana Establishment must limit its inventory of seeds, plants, and usable marijuana to reflect the projected needs of consumers in its market area.
- (2) Real-time inventory shall be maintained as specified by the Commission and in 935 CMR 500.105(H)(3) and (4), including, at a minimum, an inventory of marijuana plants; marijuana plant-clones in any phase of development such as propagation, vegetation, and flowering; marijuana ready for dispensing; all Marijuana products; and all damaged, defective, expired, or contaminated marijuana and Marijuana products awaiting disposal.
- (3) A Marijuana Establishment shall:

- (iii) The job description or employment contract that includes duties, authority, responsibilities, qualifications, and supervision;
    - (iv) Documentation of all required training, including training regarding privacy and confidentiality requirements, and the signed statement of the individual indicating the date, time, and place he or she received said training and the topics discussed, including the name and title of presenters;
    - (v) A copy of the application that the Marijuana Establishment submitted to the Commission on behalf of any prospective Marijuana Establishment Agent;
    - (vi) Documentation of periodic performance evaluations; and
    - (vii) A record of any disciplinary action taken.
    - (viii) Notice of completed responsible vendor and 8-hour related duty training.
  - (c) A staffing plan that will demonstrate accessible business hours and safe cultivation conditions;
  - (d) Personnel policies and procedures; and
  - (e) All background check reports obtained in accordance with 935 CMR 500.030;
- (5) Business records, which shall include manual or computerized records of:
- (a) Assets and liabilities;
  - (b) Monetary transactions;
  - (c) Books of accounts, which shall include journals, ledgers, and supporting documents, agreements, checks, invoices, and vouchers;
  - (d) Sales records that indicate the name of the registered qualifying patient or personal caregiver to whom marijuana has been dispensed, including the quantity, form, and cost; and
  - (e) Salary and wages paid to each employee, stipend paid to each board member, and any executive compensation, bonus, benefit, or item of value paid to any individual affiliated with a Marijuana Establishment, including members of the non-profit corporation, if any.
- (6) Waste disposal records as required under 935 CMR 500.105(L); and
- (7) Following closure of a Marijuana Establishment, all records must be kept for at least 2 years at the expense of the Marijuana Establishment and in a form and location acceptable to the Commission.
- (J) Liability Insurance Coverage or Maintenance of Escrow
- (1) A Marijuana Establishment shall obtain and maintain general liability insurance coverage for no less than \$1,000,000 per occurrence and \$2,000,000 in aggregate, annually, and product liability insurance coverage for no less than \$1,000,000 per occurrence and \$2,000,000 in aggregate, annually, except as provided in 935 CMR 500.105(J)(2) or otherwise approved by the Commission. The deductible for each policy

- (a) Incineration in a commercial or municipal waste combustor in Massachusetts holding a valid permit issued by the Commission of Environmental Protection (DEP). No fewer than two Marijuana Establishment Agents must witness and document destruction; or
- (b) Disposal in a landfill holding a valid permit issued by the DEP or by the appropriate state agency in the state in which the facility is located. No fewer than two Marijuana Establishment Agents must witness and document disposal in the landfill;
- (c) Recycled in a manner approved by the Commission; or
- (d) Grinding and incorporating the marijuana waste with solid wastes such that the resulting mixture renders the marijuana waste unusable. Once such marijuana waste has been rendered unusable, it may be:
  - (i) Disposed of in a solid waste management facility that holds a valid permit issued by the DEP or by the appropriate state agency in the state in which the facility is located; or
  - (ii) If the material mixed with the medical marijuana waste is organic material as defined in 310 CMR 16.02, the mixture may be composted at an operation that is in compliance with the requirements of 310 CMR 16.00.
- (4) When marijuana or Marijuana products are disposed of, the Marijuana Establishment must create and maintain a written record of the date, the type and quantity disposed of, the manner of disposal, and the persons present during the disposal, with their signatures. Marijuana Establishments shall keep disposal records for at least two years.

(M) Transportation Between Marijuana Establishments

(1) General Requirements

- (a) A licensed Marijuana Establishment shall, as an element of its license, be licensed to transport its own Marijuana and Marijuana Products to other licensed Marijuana Establishments, except as otherwise provided herein.
- (b) Marijuana and Marijuana Products may only be transported between licensed Marijuana Establishments by registered Marijuana Establishment Agents.
- (c) A licensed Marijuana Transporter may contract with a licensed Marijuana Establishment to transport that licensee's Marijuana and marijuana products to other licensed Marijuana Establishments.
- (d) The originating and receiving licensed Marijuana Establishments shall ensure that all transported Marijuana and Marijuana Products are linked to the seed-to-sale tracking program.
- (e) Any Marijuana or marijuana product that is undeliverable or is refused by the destination Marijuana Establishment shall be transported back to the originating Marijuana Establishment.



### (3) Vehicles

- (a) A vehicle used for transporting Marijuana or Marijuana Products must be:
  - (i) owned by the Marijuana Establishment or the Marijuana Transporter;
  - (ii) properly registered, inspected, and insured in the Commonwealth of Massachusetts (documentation of such status shall be maintained as records of the Marijuana Establishment or the Marijuana Transporter, and shall be made available to the Commission upon request);
  - (iii) equipped with an alarm system approved by the Commission; and
  - (iv) equipped with functioning heating and air conditioning systems appropriate for maintaining correct temperatures for storage of Marijuana and Marijuana Products.
- (b) Marijuana and Marijuana Products must not be visible from outside the vehicle.
- (c) Any vehicle used to transport Marijuana and Marijuana Products shall not bear any markings indicating that the vehicle is being used to transport Marijuana or Marijuana Products, and any such vehicle shall not indicate the name of the Marijuana Establishment or the Marijuana Transporter.
- (d) When transporting marijuana or Marijuana Products, no other products may be transported or stored in the same vehicle.
- (e) No firearms may be located within the vehicle or on a Marijuana Establishment Agent.

### (4) Storage Requirements

- (a) Marijuana and Marijuana Products must be transported in a secure, locked storage compartment that is a part of the vehicle transporting the Marijuana or Marijuana Products.
- (b) The storage compartment must be sufficiently secure that it cannot be easily removed.
- (c) If a Marijuana Establishment, pursuant to a Marijuana Transporter License, or a Marijuana Transporter is transporting Marijuana or Marijuana Products for more than one Marijuana Establishment at a time, the Marijuana or Marijuana Products for each Marijuana Establishment shall be kept in a separate locked storage compartment during transportation and separate manifests shall be maintained for each Marijuana Establishment.

### (5) Communications

- (a) Any vehicle used to transport Marijuana or Marijuana Products shall contain a global positioning system (GPS) monitoring device that is:
  - (i) not a mobile device that is easily removable; attached to the vehicle at all times

originating Marijuana Establishment, a second copy provide to the destination Marijuana Establishment upon arrival, and a copy to be kept with the licensed Marijuana Establishment Agent during transportation and returned to the Marijuana Establishment or Marijuana Transporter upon completion of the delivery.

- (b) Prior to transport, the manifest shall be securely transmitted to the destination Marijuana Establishment by facsimile or email.
- (c) Upon arrival at the destination Marijuana Establishment, a Marijuana Establishment Agent at the destination Marijuana Establishment shall compare the manifest produced by the agents who transported the Marijuana or Marijuana Products to the copy transmitted by facsimile or email. This manifest must, at a minimum, include;
  - (i) The originating Marijuana Establishment name, address, and registration number;
  - (ii) the names and registration numbers of the agents who transported the marijuana or Marijuana Products;
  - (iii) the name and registration number of the Marijuana Establishment Agent who prepared the manifest;
  - (iv) the destination Marijuana Establishment name, address, and registration number;
  - (v) a description of the marijuana or Marijuana Products being transported, including the weight and form or type of product;
  - (vi) the mileage of the transporting vehicle at departure from originating Marijuana Establishment and mileage upon arrival at destination Marijuana Establishment, as well as mileage upon return to originating Marijuana Establishment;
  - (vii) the date and time of departure from originating Marijuana Establishment and arrival at destination Marijuana Establishment for each delivery;
  - (viii) signature lines for the agents who transported the Marijuana or Marijuana Products;
  - (ix) a signature line for the Marijuana Establishment Agent who receives the marijuana or Marijuana Products;
  - (x) the weight and inventory before departure and upon receipt;
  - (xi) the date and time that the delivered products were re-weighed and re-inventoried;
  - (xii) the name of the Marijuana Establishment Agent at the destination Marijuana Establishment who re-weighed and re-inventoried products; and
  - (xiii) the vehicle make, model, and license plate number.
- (d) The manifest shall be maintained within the vehicle during the entire transportation process, until the delivery is completed.
- (e) A Marijuana Establishment shall retain all transportation manifests for no less than one year and make them available to the Commission upon request.

- (h) A Marijuana Establishment that has a Marijuana Delivery License may only deliver Marijuana and Marijuana Products to a residence, which means a dwelling such as a house, condominium, or apartment, but does not include a dormitory, hotel, motel, bed and breakfast, or other similar commercial dwelling.
  - (i) Home deliveries can only be made during the hours of operation of the Marijuana Establishment that has a Marijuana Delivery license, and the Marijuana Establishment must maintain coverage by Marijuana Establishment Agents at the Marijuana Establishment until the Marijuana Establishment Agents return the manifest and any undelivered products.
  - (j) A Marijuana Establishment or a Marijuana Transporter transporting Marijuana or Marijuana Products shall ensure that all delivery routes remain within the Commonwealth of Massachusetts.
- (2) Consumer Verification
- (a) A home delivery order from a consumer must include the consumer's name, address, date of birth, the requested date of delivery, and the specific Marijuana or Marijuana Products requested.
  - (b) Before home delivery to any consumer, the consumer must produce proof of identity, residence, and age, and the consumer must sign the manifest to confirm the receipt of marijuana or Marijuana Products.
- (3) Transportation Requirements for Home Delivery
- (a) All vehicles transporting Marijuana and Marijuana Products for home delivery shall be staffed with a minimum of two Marijuana Establishment Agents. At least one Marijuana Establishment Agent shall remain with the vehicle at all times that the vehicle contains Marijuana or Marijuana Products.
  - (b) Marijuana and Marijuana Products must be packaged in sealed, labeled, and tamper-proof packaging prior to and during transportation, subject to the same requirements for Marijuana and Marijuana Products before transfer to another Marijuana Establishment.
  - (c) In the case of an emergency stop during the transportation of Marijuana or Marijuana Products, a log must be maintained describing the reason for the stop, the duration, the location, and any activities of personnel exiting the vehicle.
  - (d) A Marijuana Establishment transporting Marijuana or Marijuana Products for home delivery shall ensure that all delivery times and routes are randomized.
- (4) Reporting Requirements
- (a) Marijuana Establishment Agents must document and report any unusual discrepancy in weight or inventory to the Commission and local law

- (i) not a mobile device that is easily removable;
  - (ii) attached to the vehicle at all times that the vehicle contains Marijuana or Marijuana Products;
  - (iii) monitored by the Marijuana Establishment during transport of Marijuana or Marijuana Products; and
  - (iv) inspected by the Commission prior to initial transportation of Marijuana or Marijuana Products, and after any alteration to the locked storage compartment.
- (b) Each Marijuana Establishment Agent transporting Marijuana and Marijuana Products shall have access to a secure form of communication with personnel at the Marijuana Establishment at all times that the vehicle contains Marijuana and Marijuana Products.
- (c) Secure types of communication include, but are not limited to:
- (i) two-way digital or analog radio (UHF or VHF);
  - (ii) cellular phone; and
  - (iii) satellite phone.
- (d) When choosing a type of secure communications, the following shall be taken into consideration:
- (i) cellular signal coverage;
  - (ii) transportation area;
  - (iii) base capabilities;
  - (iv) antenna coverage; and
  - (v) frequency of transportation.
- (e) Prior to, and immediately after leaving the originating location, the Marijuana Establishment Agents shall use the secure form of communication to contact the Marijuana Establishment to test communications and GPS operability.
- (f) If communications or the GPS system fail while on route to a delivery, the Marijuana Establishment Agents transporting Marijuana or Marijuana Products must return to the Marijuana Establishment until the communication system or GPS system is operational.
- (g) The Marijuana Establishment Agents transporting marijuana or Marijuana Products shall contact the Marijuana Establishment when stopping at and leaving any scheduled location, and regularly throughout the trip, at least every 30 minutes.
- (h) The Marijuana Establishment must have a Marijuana Establishment Agent assigned to monitoring the GPS unit and secure form of communication, who must log all official communications with Marijuana Establishment Agents transporting marijuana or

(9) Requirements for Agents

- (a) Each employee or agent transporting or otherwise handling marijuana products for a Marijuana Delivery Operator must be registered as a Marijuana Establishment Agent and have a driver's license in good standing issued by the Massachusetts Registry of Motor Vehicles for all classes of vehicle the Marijuana Establishment Agent will operate for the Marijuana Delivery Operator prior to transporting or otherwise handling marijuana or marijuana products.
- (b) A Marijuana Establishment Agent shall carry his or her registration card at all times when transporting marijuana or marijuana products, and shall produce his or her registration card to the Commission or law enforcement officials upon request.

(10) Marijuana Transporters shall use best management practices to reduce energy and water usage, engage in energy conservation and mitigate other environmental impacts.

(O) Access to the Commission, Emergency Responders and Law Enforcement

(1) The following individuals shall have access to a Marijuana Establishment or Marijuana Establishment transportation vehicle:

- (a) Representatives of the Commission in the course of responsibilities authorized by 935 CMR 500.000 or the Act;
- (b) Representatives of other state agencies of the Commonwealth of Massachusetts acting within their jurisdiction; and
- (b) Emergency responders in the course of responding to an emergency.

(2) This regulation shall not be construed to prohibit access to authorized law enforcement personnel or local public health, inspectional services, or other permit-granting agents acting within their lawful jurisdiction.

(P) Bond

- (1) Prior to commencing operations, a Marijuana Establishment shall provide proof of having obtained a surety bond in an amount equal to its licensure fee payable to the Marijuana Regulation Fund to ensure payment of the cost incurred for the destruction of cannabis goods necessitated by a violation of the Act or 935 CMR 500.000 or the cessation of operation of the Marijuana Establishment.
- (2) All bonds required under this regulation must be issued by a corporate surety licensed to transact surety business in the Commonwealth of Massachusetts.
- (3) If the Marijuana Establishment is unable to secure a surety bond, as required by 935 CMR 500.105(P) may place in escrow a sum of no less than \$250,000 or such other

licensee to protect the premises, employees, consumers and general public shall include, but not be limited to, the following:

- (1) Positively identifying individuals seeking access to the premises of the Marijuana Establishment or to whom Marijuana or Marijuana Products are being delivered pursuant to 935 CMR 500.105(N) to limit access solely to individuals 21 years of age or older;
- (2) Adopting procedures to prevent loitering and ensure that only individuals engaging in activity expressly or by necessary implication permitted by these regulations and its enabling statute are allowed to remain on the premises;
- (3) Disposing of marijuana in accordance with 935 CMR 500.105(L) in excess of the quantity required for normal, efficient operation as established within 935 CMR 500.105;
- (4) Securing all entrances to the Marijuana Establishment to prevent unauthorized access;
- (5) Establishing Limited Access Areas pursuant to 935 CMR 500.110(D), which shall be accessible only to specifically authorized personnel limited to include only the minimum number of employees essential for efficient operation;
- (6) Storing all finished marijuana or marijuana products in a secure, locked safe or vault in such a manner as to prevent diversion, theft and loss;
- (7) Keeping all safes, vaults, and any other equipment or areas used for the production, cultivation, harvesting, processing or storage of marijuana and marijuana infused products securely locked and protected from entry, except for the actual time required to remove or replace marijuana;
- (8) Keeping all locks and security equipment in good working order;
- (9) Prohibiting keys, if any, from being left in the locks or stored or placed in a location accessible to persons other than specifically authorized personnel;
- (10) Prohibiting accessibility of security measures, such as combination numbers, passwords or electronic or biometric security systems, to persons other than specifically authorized personnel;
- (11) Ensuring that the outside perimeter of the Marijuana Establishment is sufficiently lit to facilitate surveillance, where applicable;
- (12) Ensuring that all marijuana or marijuana products are kept out of plain sight and are not visible from outside the Marijuana Establishment without the use of binoculars, optical aids or aircraft;
- (13) Developing emergency policies and procedures for securing all product following any instance of diversion, theft or loss of marijuana, and conduct an assessment to determine whether additional safeguards are necessary;
- (14) Developing sufficient additional safeguards as required by the Commission for Marijuana Establishments that present special security concerns; and  
Sharing the Marijuana Establishment's security plan and procedures with local law enforcement and fire services and periodically updating local law

(E) Security and Alarm Requirements for Marijuana Establishments Operating Enclosed Areas

- (1) A Marijuana Establishment located, in whole or in part, in a building, greenhouse or other enclosed area shall have an adequate security system to prevent and detect diversion, theft or loss of marijuana or unauthorized intrusion, utilizing commercial grade equipment which shall, at a minimum, include:
- a. A perimeter alarm on all building entry and exit points and perimeter windows, if any;
  - b. A failure notification system that provides an audible, text or visual notification of any failure in the surveillance system. The failure notification system shall provide an alert to designated employees of the Marijuana Establishment within five (5) minutes after the failure, either by telephone, email or text message;
  - c. A duress alarm, panic alarm or hold-up alarm connected to local public safety or law enforcement authorities;
  - d. Video cameras in all areas that may contain marijuana, at all points of entry and exit and in any parking lot which shall be appropriate for the normal lighting conditions of the area under surveillance. The cameras shall be directed at all safes, vaults, sales areas and areas where marijuana is cultivated, harvested, processed, prepared, stored, handled or dispensed. Cameras shall be angled so as to allow for the capture of clear and certain identification of any person entering or exiting the Marijuana Establishment or area;
  - e. Twenty-four hour recordings from all video cameras that are available immediate viewing by the Commission upon request and that are retained for at least 90 calendar days. Recordings shall not be destroyed or altered, and shall be retained as long as necessary if the Marijuana Establishment is aware of a pending criminal, civil or administrative investigation or legal proceeding for which the recording may contain relevant information;
  - f. The ability to immediately produce a clear, color still photo whether live or recorded;
  - g. A date and time stamp embedded in all recordings, which shall be synchronized and set correctly at all times and shall not significantly obscure the picture;
  - h. The ability to remain operational during a power outage; and
  - i. A video recording that allows for the exporting of still images in an industry standard image format, including .jpg, .bmp and .gif. Exported video shall have the ability to be archived in a proprietary format that ensures authentication of the video and guarantees that no alternation of the recorded image has taken place. Exported video shall also have the ability to be saved in an industry standard file format that may be played on a standard computer operating system. All recordings shall be erased or destroyed prior to disposal.

- and certain identification of any person entering or exiting the Marijuana Establishment or area;
- e. Twenty-four hour recordings from all video cameras that are available immediate viewing by the Commission upon request and that are retained for at least 90 calendar days. Recordings shall not be destroyed or altered, and shall be retained as long as necessary if the Marijuana Establishment is aware of a pending criminal, civil or administrative investigation or legal proceeding for which the recording may contain relevant information;
  - f. The ability to immediately produce a clear, color still photo whether live or recorded;
  - g. A date and time stamp embedded in all recordings, which shall be synchronized and set correctly at all times and shall not significantly obscure the picture;
  - h. The ability to remain operational during a power outage;
  - i. A video recording that allows for the exporting of still images in an industry standard image format, including .jpg, .bmp and .gif. Exported video shall have the ability to be archived in a proprietary format that ensures authentication of the video and guarantees that no alteration of the recorded image has taken place. Exported video shall also have the ability to be saved in an industry standard file format that may be played on a standard computer operating system. All recordings shall be erased or destroyed prior to disposal.
- (2) All security system equipment and recordings shall be maintained in a secure location so as to prevent theft, loss, destruction and alterations.
  - (3) Access to surveillance areas shall be limited to persons that are essential to surveillance operations, law enforcement authorities acting within their lawful jurisdiction, security system service personnel and the Commission. A current list of authorized employees and service personnel that have access to the surveillance room must be available to the Commission upon request. If the surveillance room is on-site of the Marijuana Establishment it shall remain locked and shall not be used for any other function.
  - (4) All security equipment shall be in good working order and shall be inspected and tested at regular intervals, not to exceed 30 calendar days from the previous inspection and test.
  - (5) Security plans and procedures shared with local law enforcement pursuant to 935 CMR 500.110(A)(15) shall include:
    - a. A description of the location and operation of the security system, including the location of the central control on the premises;
    - b. A schematic of security zones;
    - c. The name of the security alarm company and monitoring company, if any;
    - d. A floor plan or layout of the facility in a manner and scope as required by the municipality.



- recorded; and
  - ii. A date and time stamp embedded in all recordings which shall be synchronized and set correctly at all times and shall not significantly obscure the picture.
  - g. All security equipment on vehicles shall be in good working order and shall be inspected and tested at regular intervals, no to exceed 30 calendar days from the previous inspection and test.
- (2) All Marijuana or Marijuana Products shall be secured in a locked storage compartment required pursuant to 935 CMR 500.110(G)(1)(C) during the duration of transport from the Marijuana Establishment to the verified delivery address. Marijuana or Marijuana Products that are not successfully delivered to an adult twenty-one (21) years of age or older at the verified delivery address shall be returned to the vehicle and stored in the locked storage compartment for transport back to the Marijuana Establishment.
- (3) All Marijuana or Marijuana Products unable to be delivered in accordance with the vehicle manifesto shall be removed from vehicle in a timely manner upon return to the Marijuana Establishment. Marijuana or Marijuana Products shall not be stored in a vehicle overnight.
- (4) Vehicles used for the transport of Marijuana and Marijuana Products shall:
- a. Be locked and secured when not in use;
  - b. Plain in description with no signs, pictures or other markings that identify that the vehicle is used for the transport or Marijuana or Marijuana Products;
  - c. Pursuant to 935 500.110(A)(12), the storage area of a vehicle used to transport Marijuana or Marijuana Products shall be opaque to prevent the viewing of Marijuana or Marijuana Products from outside the vehicle.
- (5) A Marijuana Establishment operating under a retail, delivery-only license shall notify law enforcement immediately and without delay of any breach of security during the course of transportation in accordance with 935 CMR 500.110(H).

(H) Incident Reporting

- (1) A Marijuana Establishment shall notify appropriate law enforcement authorities and the Commission of any breach of security immediately and, in no instance, more than 24 hours following discovery of the breach; provided, however that Marijuana Establishments operating under a retail, delivery-only license pursuant to 935 CMR 500.100(E)(3) shall notify law enforcement immediately and without delay of any breach of security during the course of transportation pursuant to 935 CMR 500.110(G)(4). Notification shall occur, but not be limited to, the following occasions:
- a. Discovery of discrepancies identified during inventory;
  - b. Diversion, theft or loss of any marijuana or marijuana product;
  - c. Any criminal action involving or occurring on or in the Marijuana Establishment premises;

- (D) All phases of the cultivation, processing and packaging of marijuana by a marijuana cultivator shall take place in a designated area that is not visible from a public place without the use of binoculars, aircraft or other optical aids.
- (E) Application of pesticides shall be performed in compliance with M.G.L. c. 132B and the regulations promulgated at 333 CMR 2.00, *Pesticide Board*. Any testing results indicating noncompliance shall be immediately reported to the Commission, who may refer any such result to the Massachusetts Department of Agriculture.
- (F) A Marijuana Cultivator selling or otherwise transferring marijuana to another Marijuana Establishment shall provide documentation of its compliance, or lack thereof, with the testing requirements of 935 CMR 500.160.
- (G) A Marijuana Cultivator shall comply with the requirements established by the National Fire Protection Association in Chapter 38 of NFPA 1 (2018), as applicable.
- (H) A Marijuana Cultivator may label Marijuana with the word “organic” only if all cultivation is consistent with U.S. Commission of Agriculture organic requirements at 7 CFR Part 205;
- (I) Soil for cultivation shall meet the U.S. Agency for Toxic Substances and Disease Registry’s Environmental Media Evaluation Guidelines for residential soil levels;
- (J) The cultivation process shall use best practices to limit contamination, including but not limited to mold, fungus, bacterial diseases, rot, pests, pesticides not in compliance with 500.120(E) for use on marijuana, mildew, and any other contaminant identified as posing potential harm.
- (K) Any application of plant nutrient to land used for the cultivation of marijuana shall comply with Chapter 262 of the Acts of 2012, as amended by Section 26 of Chapter 118 of the Acts of 2013, and 330 CMR 31.00, *Plant Nutrient Application Requirements For Agricultural Land And Land Not Used For Agricultural Purposes*.
- (L) A marijuana cultivator shall satisfy minimum energy efficiency and equipment standards established by the Commission and meet all applicable environmental laws, regulations, permits and other applicable approvals, including those related to water quality and solid waste disposal, and to use additional best management practices as determined by the working group established under section 78(b) of chapter 55 of the acts of 2017 to reduce energy and water usage, engage in energy conservation and mitigate other environmental impacts. If minimum standards or best management practices are not established by the time of an application for initial licensure, a marijuana cultivator must satisfy such standards or best management practices as a condition of license renewal, in addition to any the terms and conditions of any environmental permit regulating the licensed activity.

and water usage, engage in energy conservation and mitigate other environmental impacts. If minimum standards or best management practices are not established by the time of an application for initial licensure, a marijuana product manufacturer shall satisfy such standards or best management practices as a condition of license renewal, in addition to any the terms and conditions of any environmental permit regulating the licensed activity.

(D) A Marijuana Product Manufacturer selling or otherwise transferring marijuana to another Marijuana Establishment shall provide documentation of its compliance, or lack thereof, with the testing requirements of 935 CMR 500.160.

(E) A marijuana product manufacturer shall comply with the requirements established by the National Fire Protection Association in Chapter 38 of NFPA 1 (2018), as applicable.

(F) In addition to the written operating policies required under 935 CMR 500.105(A), a marijuana product manufacturer shall maintain written policies and procedures for the production or distribution of marijuana and marijuana products, as applicable, which shall include but not be limited to:

(1) Methods for identifying, recording, and reporting diversion, theft, or loss, and for correcting all errors and inaccuracies in inventories in compliance with 935 CMR 500.105(H);

(2) A procedure for handling voluntary and mandatory recalls of marijuana or marijuana products. Such procedure shall be adequate to deal with recalls due to any action initiated at the request or order of the Commission, and any voluntary action by a Marijuana Establishment to remove defective or potentially defective marijuana or marijuana products from the market, as well as any action undertaken to promote public health and safety;

(3) A procedure for ensuring that any outdated, damaged, deteriorated, mislabeled, or contaminated marijuana or marijuana products is segregated from other marijuana or marijuana products and destroyed. This procedure shall provide for written documentation of the disposition of the marijuana or marijuana products;

(4) Policies and procedures for delivery;

(5) Policies and procedures to reduce energy and water usage, engage in energy conservation and mitigate other environmental impacts;

(6) Policies and procedures for the transfer, acquisition, or sale of marijuana or marijuana products between Marijuana Establishments.

#### 500.140 Additional Operational Requirements for Storefront and Delivery Retail Sale

(A) In addition to the General Operational Requirements for Marijuana Establishments required under 935 CMR 500.105, licensees engaged in storefront or delivery retail sales shall comply with Additional Operational Requirements for Storefront and Delivery Retail Sale under 935

- (4) A Marijuana retailer, other than the holder of a Marijuana Social Consumption Operator License, shall not gift marijuana or marijuana products to a consumer contingent upon the sale of any other product.
- (5) A marijuana retailer is prohibited from selling marijuana products containing nicotine.
- (6) A marijuana retailer is prohibited from selling marijuana products containing alcohol, if sales of such alcohol would require licensure pursuant to M.G.L. c.138.

(G) Recording Sales

- (1) A Marijuana retailer shall only utilize a point of sales (POS) system approved by the Commission, in consultation with the Department of Revenue.
- (2) A marijuana retailer may utilize a sales recording module approved by the Department of Revenue.
- (3) A marijuana retailer is prohibited from utilizing software or other methods to manipulate or alter sales data.
- (4) A marijuana retailer shall conduct a monthly analysis of its equipment and sales data to determine that no software has been installed that could be utilized to manipulate or alter sales data and that no other methodology has been employed to manipulate or alter sales data. A marijuana retailer shall maintain records that it has performed the monthly analysis and product it upon request to the Commission. If a marijuana retailer determines that software has been installed for the purpose of manipulation or alteration of sales data or other methods have been utilized to manipulate or alter sales data:
  - (a) it shall immediately disclose the information to the Commission;
  - (b) it shall cooperate with the Commission in any investigation regarding manipulation or alteration of sales data; and
  - (c) take such other action directed by the Commission to comply with 935 CMR 500.105.
- (5) A marijuana retailer shall comply with 830 CMR 62C.25.1 and Department of Revenue Directive 16-1 regarding recordkeeping requirements.

(H) Physical Separation of Marijuana and Marijuana Products for Medical or Adult Use

A marijuana retailer that is co-located with a medical marijuana treatment center shall physically separate marijuana and marijuana products for medical use from marijuana for adult use within the sales area. There shall be a physical barrier that, in the opinion of the Commission, adequately separates sales of marijuana and marijuana products for medical use from marijuana for adult use within the sales area.

(2) Products consumed on the premises of marijuana social consumption establishments shall be provided only in individual servings.

(B) Products consumed on the premises of marijuana social consumption retail establishments shall be purchased only from licensed Marijuana Establishments.

(C) All marijuana products must remain in the original packaging and may not be further processed, except social consumption establishments that are licensed as a restaurant (common victualler) pursuant to M.G.L. c.140, § 2, subject to any guidance developed by the Commission. All preparation of edibles must comply with the requirements under 935 CMR 500.105, 935 CMR 130, and 935 CMR 500.150.

(D) No social consumption establishment may serve or allow the consumption of alcohol in any form on the premises at the same time that the establishment serves or allows the consumption of marijuana in any form on the premises.

(E) In addition to the written operating policies required under 935 CMR 500.105(A), a marijuana social consumption retail establishment shall maintain written policies and procedures for the sale, distribution, and serving of marijuana and marijuana products which shall include but not be limited to:

- (1) Methods for identifying, recording, and reporting diversion, theft, or loss, and for correcting all errors and inaccuracies in inventories in compliance with 935 CMR 500.110(H);
- (2) Procedures to ensure that marijuana purchased on site does not leave the premises, including disposal procedures;
- (3) A reasonable plan to assist patrons in acquiring taxi, ridesharing, or other third-party transportation services. Any such plan must, at a minimum, provide an area with electrical outlets and ports for charging common types of cell phones, identify designated pick-up areas near the premises for ridesharing or taxi services, and provide assistance in calling for taxi services for patrons who do not have access to ridesharing services;
- (4) Procedures to ensure that consumers are not over-served; and
- (5) Mixed Use Business Licensees shall also maintain procedures to ensure that on-site consumption is limited to an area accessible only to authorized staff 21 years of age and older and consumers 21 years of age and older.

(F) All sales of marijuana products under a social consumption operation license shall be taxed in compliance with the Act.

(G) No licensee shall permit the smoking of marijuana on the premises of a marijuana social consumption establishment before October 1, 2018.

#### 935 CMR 500.150: Edible Marijuana Products

##### (A) Production of Edible MIPs

Production of edible MIPs shall take place in compliance with the following:

(4) Each serving of an Edible MIP within a multi-serving package of Edible MIP's must be easily separable in order to allow an average person 21 years of age and over to physically separate, with minimal effort, individual servings of the product.

(5) Each single serving of an Edible MIP contained in a packaged unit of multiple Edible MIPs shall be marked, stamped, or otherwise imprinted with a symbol or easily recognizable mark issued by the Commission that indicates the package contains marijuana or a marijuana product.

**(D) Dosing Limitations**

A marijuana product manufacturer may not prepare, and a marijuana retailer may not deliver, sell or otherwise transfer an Edible MIP with potency levels exceeding the following, as tested by an independent marijuana testing facility licensed in accordance with M.G.L. c. 94G, § 15:

- (1) for a single serving of an Edible MIP, five milligrams of active tetrahydrocannabinol (THC); and
- (2) in a single package of multiple Edible MIPs to be eaten, swallowed, or otherwise ingested, not more than 20 servings or 100 milligrams of active THC.
- (3) The THC content must be homogenous, or evenly distributed throughout the Edible MIP.

**500.160: Testing of Marijuana and Marijuana Products**

- (A) Testing of Marijuana and Marijuana Products shall be performed by an independent testing laboratory in compliance with the *Protocol for Sampling and Analysis of Finished Medical Marijuana Products and Marijuana-Infused Products, as amended in November, 2016, published by the Department of Public Health. Testing of environmental media (e.g., soils, solid growing media, and water) shall be performed in compliance with the Protocol for Sampling and Analysis of Environmental Media for Massachusetts Registered Medical Marijuana Dispensaries* published by the Department of Public Health.
- (B) The Marijuana Establishment shall maintain the results of all testing for no less than one year;
- (C) A Marijuana Establishment shall have a written policy for responding to laboratory results that indicate contaminant levels are above acceptable limits established in the Department of Public Health protocols identified in 935 CMR 500.160. Any such policy shall include notifying the Commission within 72 hours of any laboratory testing results indicating that the contamination cannot be remediated and disposing of the production batch. The notification must be from both the Marijuana Establishment and the independent testing laboratory, separately and directly. The notification from the Marijuana Establishment must describe a proposed plan of action for both the destruction of the contaminated product and the assessment of the source of contamination.
- (D) All transportation of marijuana to and from independent testing laboratories providing marijuana testing services shall comply with 935 CMR 500.105(M).

500.300: Inspections and Compliance

- (A) The Commission or its agents may inspect a Marijuana Establishment and affiliated vehicles at any time without prior notice in order to determine the Marijuana Establishment's compliance with the Act and 935 CMR 500.000. All areas of a Marijuana Establishment, all Marijuana Establishment Agents and activities, and all records are subject to such inspection. Acceptance of a license by a Marijuana Establishment constitutes consent for such inspection.
- (B) A Marijuana Establishment shall immediately upon request make available to the Commission all information that may be relevant to a Commission inspection, or an investigation of any incident or complaint.
- (C) A Marijuana Establishment shall make all reasonable efforts to facilitate the Commission's inspection, or investigation of any incident or complaint, including the taking of samples, photographs, video or other recordings by the Commission or its agents, and to facilitate the Commission's interviews of Marijuana Establishment Agents,
- (D) An inspection or other investigation may be made prior to the issuance of a license or renewal of registration. Additional inspections may be made whenever the Commission deems it necessary for the enforcement of the Act and 935 CMR 500.000.
- (E) During an inspection, the Commission may direct a Marijuana Establishment to test marijuana for contaminants as specified by the Commission, including but not limited to mold, mildew, heavy metals, plant-growth regulators, and the presence of pesticides not approved for use on marijuana by the Massachusetts Department of Agricultural Resources.

500.301: Unannounced Purchase for Purpose of Testing (Secret Shopper Program)

- (A) Secret Shopper Program Authorized: The Commission, at any time and without prior notice, authorize an employee or other agent to pose as a customer and purchase any marijuana or marijuana products from any licensed Marijuana Establishment for the purpose of delivery to and testing at an Independent Testing Laboratory or Standards Laboratory. The Commission may authorize such purchase for purposes of testing for quality and compliance with the Act or 935 CMR 500.000. The purchasing employee or agent shall document the purchase, including the date, time, and place of purchase, type and amount of marijuana or marijuana-related product, and any other information required by the Commission.
- (B) Custody and Preservation of Purchases: The marijuana or marijuana products purchased as part of the program shall be securely stored during transport in a manner to prevent contamination or spoilage.
- (C) Contamination and Spoilage During Storage or Transport: Any contamination or spoilage of purchases under the Secret Shopper Program during storage or transport while under the control of the purchaser shall be promptly documented by the purchaser in writing and reported to the Commission. The Commission may authorize the disposal of the contaminated or spoiled

500.320: Plan of Correction

- (A) A Marijuana Establishment shall submit to the Commission a written Plan of Correction for any violations cited in the Deficiency Statement issued pursuant to 935 CMR 500.310 within 10 business days after receipt of the Deficiency Statement.
- (B) Every Plan of Correction shall state, with respect to each deficiency, the specific corrective step(s) to be taken, a timetable for such steps, and the date by which compliance with 935 CMR 500.000 will be achieved. The timetable and the compliance dates shall be consistent with achievement of compliance in the most expeditious manner possible.
- (C) The Commission shall review the Plan of Correction for compliance with the requirements of 935 CMR 500.000 and the Act and shall notify the Marijuana Establishment of either the acceptance or rejection of the plan. An unacceptable plan must be amended and resubmitted within five business days after receipt of such notice.

500.330: Marijuana Establishment Registration: Limitation of Sales

- (A) If the Commission determines that a Marijuana Establishment does not substantially comply with applicable provisions of 935 CMR 500.000 or the Act, the Commission may order that the Marijuana Establishment shall not sell marijuana, after a date specified.
- (B) The Commission shall not make such a determination until a Marijuana Establishment has been notified that the Marijuana Establishment does not substantially comply with applicable provisions of 935 CMR 500.000 or the Act, that an order to limit sales is contemplated, and that the Marijuana Establishment has a reasonable opportunity to correct the deficiencies.
- (C) An order that a Marijuana Establishment shall not sell marijuana pursuant to 935 CMR 500.330(A) may be rescinded when the Commission finds that the Marijuana Establishment is in substantial compliance with the applicable provisions of 935 CMR 500.000.

500.340: Summary Cease and Desist Order and Quarantine Order

- (A) A summary cease and desist order or quarantine order may be imposed by the Commission prior to a hearing, in order immediately to stop or restrict operations by a Marijuana Establishment to protect the public health, safety, or welfare. The Commission may rescind or amend a summary cease and desist order or quarantine order.
- (B) If, based upon inspection, affidavits, or other evidence, the Commission determines that a Marijuana Establishment or the products produced or prepared by a Marijuana Establishment pose an immediate or serious threat to the public health, safety, or welfare, the Commission may:
  - (1) Issue a cease and desist order and/or quarantine order, requiring cessation or restriction of any or all Marijuana Establishment operations, and prohibiting the use of marijuana produced by that Marijuana Establishment; or



500.415: Void Marijuana Establishment License

A Marijuana Establishment license is void if the Marijuana Establishment transfers its location without Commission approval or ceases to operate.

500.450: Marijuana Establishment License: Grounds for Denial of Renewal Applications and Revocation

Each of the following, in and of itself, constitutes full and adequate grounds for denying the renewal application for a Marijuana Establishment license or revoking the license of a Marijuana Establishment.

- (A) The Marijuana Establishment is not operational within the time projected in the license application or the time otherwise approved by the Commission.
- (B) Information provided by the Marijuana Establishment was materially inaccurate, incomplete, or fraudulent.
- (C) The Marijuana Establishment has failed to comply with any requirement of the Act or 935 CMR 500.000 or any applicable law or regulation, including laws and regulations of the Commonwealth relating to taxes, child support, workers' compensation, and professional and commercial insurance coverage.
- (D) The Marijuana Establishment has failed to submit a Plan of Correction as required or to implement a Plan of Correction as submitted pursuant to 935 CMR 500.320.
- (E) The Marijuana Establishment has assigned or attempted to assign its license to another entity without prior approval of the Commission.
- (F) There has been a lack of responsible operation of the Marijuana Establishment, as shown by, but not limited to, one or more of the following:
  - (1) Failure to maintain the Marijuana Establishment in a clean, orderly, and sanitary fashion;
  - (2) Permitting a Marijuana Establishment Agent to use a registration card belonging to a different person;
  - (3) Repeated sales or marijuana or marijuana products to individuals under 21 years of age, unless in each instance, the Marijuana Establishment Agent reasonably relied upon validly issued government identification in compliance with M.G.L. c.94G §9(b);
  - (4) Repeated failure to verify the age of an individual prior to permitting that individual on the premises of a Marijuana Establishment or making sales of marijuana or marijuana products to that individual; or
  - (5) Other incompetent or negligent operation.
- (G) The financial management of the Marijuana Establishment has resulted in the filing of a petition for bankruptcy or receivership related to the financial solvency of the Marijuana Establishment.

- at the time of the order, an immediate or serious threat to the public health, safety, or welfare.
- (3) Hearings on Summary Suspension Orders.
- (a) Upon written request filed with the Commission a registrant shall be afforded a hearing.
  - (b) A request for a hearing shall be filed no later than 14 calendar days after the effective date of a summary suspension order issued pursuant to 935 CMR 500.350.
  - (c) For the order to be sustained the Commission must prove by a preponderance of the evidence that there existed immediately prior to, or at the time of the suspension, an imminent danger to the public health, safety, or welfare.
- (4) Hearings on Other Actions. Notwithstanding 935 CMR 500.500(B)(2) and (3), for all other actions adverse to a licensee or registrant the Commission shall provide written notice and shall provide a hearing, if a hearing is requested in writing, within 21 calendar days after the effective date stated in the notice, prior to:
- (a) Denying a renewal application for a registration card;
  - (b) Revoking a registration card for a Marijuana Establishment Agent or Marijuana Related-Business Agent;
  - (c) Denying a renewal application of a Marijuana Establishment;
  - (d) Revoking the license of a Marijuana Establishment;
  - (e) Limiting sales of marijuana by a Marijuana Establishment; or
  - (f) Imposition of a fine.
- (5) Final Decision. The Commission shall bear the burden of proving by a preponderance of the evidence the basis for the action taken. All decisions of the Hearing Officer shall be in writing. The decision of the Hearing Officer shall be considered to be a final decision by the Commission.
- (6) Appeals. Any person aggrieved by a determination of the Commission may appeal the decision to the Superior Court in accordance with M.G. L. c. 30A, §14.
- (7) Timeliness. The right to a hearing shall be waived if a hearing permitted under 935 CMR 500.500(B) is not requested within the specified time.

500.650: Non-Conflict with Other Law

(A) Nothing in 935 CMR 500.000 shall be construed to limit the applicability of other law as it pertains to the rights of landlords, employers, law enforcement authorities, or regulatory agencies, except as otherwise provided herein.

(B) Nothing in 935 CMR 500.000:

- (1) Allows the operation of a motor vehicle, boat, or aircraft while under the influence of marijuana;

violation of section 34 of chapter 94C of the General Laws, unless the offense involved distribution of a controlled substance, including marijuana, to a minor.

- B. For purposes of determining suitability based on Background Checks in accordance with 935 CMR 500.100(A)-(B):
1. All conditions, offenses, and violations are construed to include Massachusetts law or like/similar law(s) of another state, the United States, a military, territorial or Native American tribal authority, or any other jurisdiction. All criminal disqualifying conditions, offenses, and violations include the crimes of attempt, accessory, conspiracy, and solicitation. Juvenile dispositions shall not be considered as a factor for determining suitability.
  2. Where applicable, all look back periods for criminal conditions, offenses, and violations included in Table A commence upon the date of disposition; provided, however, that if disposition results in incarceration in any institution, the look back period shall commence upon release from incarceration.
  3. A Presumptive Negative Suitability Determination may issue if reliable information demonstrates that the applicant for licensure or licensee acted in a manner that resulted in jeopardy to the health, safety, or welfare of any person, or that an applicant for licensure or licensee's actions are not consistent with the public interest.
  4. There shall be a Suitability Review Committee appointed by the Executive Director of the Commission for the purpose of: (a) considering whether offense(s) or information that would result in a Presumptive Negative Suitability Determination under Table A renders the subject unsuitable for licensure; and (b) to consider appeals of determinations of unsuitability based on claims of erroneous information received as part of the background check during the application process in accordance with 803 CMR 2.19. All reviews shall be on the basis of written information and evidence.
    - i. Reviews under 935 CMR 500.901(B)(4)(a) shall be instituted by the Suitability Review Committee upon notification by designated investigative services staff or contractors of the need for a review.
    - ii. Reviews under 935 CMR 500.901(B)(4)(b) for appeals of determinations of unsuitability based on claims of erroneous information obtained as part of the background check shall be accompanied by the appropriate form as determined by the Commission and shall be filed no later than 10 business days following receipt of the negative determination. Requests received after 10 business days shall be considered at the discretion of the Suitability Review Committee.
  5. The Suitability Review Committee shall advise the Executive Director who shall make a recommendation to the full Commission, which may adopt the

**Table A: Marijuana Establishment Agent Licensees.** Shall apply solely to Marijuana Establishment Agents listed on the application for licensure in accordance with 935 CMR 500.100(A)(1) and (B)(2).

<b>Time Period</b>	<b>Precipitating Issue</b>	<b>Result</b>
Present (during time from start of application process through action on application.)	<b>Open/Unresolved Criminal Proceedings:</b> any outstanding or unresolved criminal proceeding, the disposition of which may result in a felony conviction under the laws of the Commonwealth or a similar law in another jurisdiction but excluding any criminal proceeding based solely on a marijuana-related offense or a violation of section 34 of chapter 94C of the General Laws.	Mandatory Disqualification
	<b>Open/Unresolved Marijuana Business-Related License Violations (Massachusetts or other jurisdictions):</b> an outstanding or unresolved violation of the regulations as included in 935 CMR 500.000 et. seq. or a similar statute or regulations in another jurisdiction that has either (a) remained unresolved for a period of six (6) months or more; or (b) the nature of which would result in a determination of unsuitability for licensure.	Mandatory Disqualification
	<b>Outstanding or unresolved criminal warrants</b>	Presumptive Negative Suitability Determination (see 935 CMR 500.901(B)(3)-(5))
Indefinite	<b>Sex Offender Registration:</b> required to register as a sex offender in any jurisdiction.	Mandatory Disqualification
	<b>Felony convictions in Massachusetts or other jurisdictions,</b> including but not limited to: Felony weapons violation involving narcotics; Felony violence against a person; Felony involving theft or fraud;	Mandatory Disqualification

- provided, however, that if disposition results in incarceration in any institution, the look back period shall commence upon release from incarceration.
3. A Presumptive Negative Suitability Determination may issue if reliable information demonstrates that the applicant for registration or registrant acted in a manner that resulted in jeopardy to the health, safety, or welfare of any person, or that an applicant for licensure or licensee's actions are not consistent with the public interest.
  4. There shall be a Suitability Review Committee appointed by the Executive Director of the Commission for the purpose of: (a) considering whether offense(s) or information that would result in a Presumptive Negative Suitability Determination under Tables B-E renders the subject unsuitable for registration regardless of the determination of the licensee; and (b) to consider appeals of determinations of unsuitability based on claims of erroneous information received as part of the background check during the application process in accordance with 803 CMR 2.17-2.18. All reviews shall be on the basis of written information and evidence.
    - i. Reviews under 935 CMR 500.902(B)(4)(a) shall be instituted by the Suitability Review Committee upon notification by designated investigative services staff or contractors of the need for a review.
    - ii. Reviews under 935 CMR 500.902(B)(4)(b) for appeals of determinations of unsuitability based on claims of erroneous information obtained as part of the background check shall be accompanied by the appropriate form as determined by the Commission and shall be filed no later than 10 business days following receipt of the negative determination. Requests received after 10 business days shall be considered at the discretion of the Suitability Review Committee.
  5. The Suitability Review Committee shall advise the Executive Director who shall make a recommendation to the full Commission, which may adopt the recommendation. A determination of the suitability for registration where there is a Presumptive Negative Suitability Determination under Tables B-D shall be on the basis of the following factors:
    - i. Time since the offense or incident;
    - ii. Age of the subject at the time of the offense or incident;
    - iii. Nature and specific circumstances of the offense or incident;
    - iv. Sentence imposed and length, if any, of incarceration, if criminal;
    - v. Penalty or discipline imposed, including damages awarded, if civil or administrative;
    - vi. Relationship of offense or incident to nature of work to be performed;
    - vii. Number of offenses or incidents;

Present (cont'd)	more; or (b) the nature of which would result in a determination of unsuitability for registration.	
Indefinite	<b>Sex Offense:</b> Felony conviction for a “sex offense” as defined in M.G.L. c. 6, §178C and M.G. L. c. 127, §133E or like offenses in other jurisdictions	Mandatory Disqualification
	<b>Conviction or CWOFF for any distribution of a controlled substance to a minor</b>	Mandatory Disqualification
	<b>Failure to register as a sex offender in any jurisdiction</b>	Mandatory Disqualification
Preceding Five (5) Years	<b>Felony convictions in Massachusetts or other jurisdictions for crimes of violence against a person or crimes of dishonesty or fraud</b>	Mandatory Disqualification
Preceding Seven (7) Years	<b>CWOFF for crimes of violence, fraud</b>	Presumptive Negative Suitability Determination (see 935 CMR 500.901(B)(3)-(5))

Preceding Seven (7) Years	<b>CWOF</b> for crimes of violence, fraud	Presumptive Negative Suitability Determination ( <i>see</i> 935 CMR 500.901(B)(3)-(5))
Preceding Ten (10) Years	<b>Sex Offense:</b> Felony conviction for a “sex offense” as defined in M.G.L. c. 6, §178C and M.G. L. c. 127, §133E or like offenses in other jurisdictions	Mandatory Disqualification

DRAFT AS APPROVED 12-21-17

500.903: Suitability Standard for Registration as a Laboratory Agent

- A. The regulation included at 935 CMR 500.903 shall apply to Laboratory Agents in their capacity as employees or volunteers for an Independent Testing Laboratory licensed pursuant to 935 CMR 500.050 and shall be used by the Independent Testing Laboratory executive registered with the Department of Criminal Justice Information Systems pursuant to 803 CMR 2.04(2) and the Commission for purposes of determining suitability for registration as a Laboratory Agent with the licensee.
- B. In accordance with M.G.L. c. 94G, §5, the Commission is prohibited from issuing a registration to a Laboratory Agent who has been convicted of a felony drug offense in the Commonwealth or in another state that would be a felony drug offense in the Commonwealth.
- C. For purposes of determining suitability based on Background Checks performed in accordance with 935 CMR 500.903:
  1. All conditions, offenses, and violations are construed to include Massachusetts law or like/similar law(s) of another state, the United States, a military, territorial or Native American tribal authority, or any other jurisdiction. All criminal disqualifying conditions, offenses, and violations include the crimes of attempt, accessory, conspiracy, and solicitation. Juvenile dispositions shall not be considered as a factor for determining suitability.
  2. Where applicable, all look back periods for criminal conditions, offenses, and violations included in Table E commences upon the date of disposition; provided, however, that if disposition results in incarceration in any institution, the look back period shall commence upon release from incarceration.
  3. A Presumptive Negative Suitability Determination may issue if reliable information demonstrates that the applicant for registration or registrant acted in a manner that resulted in jeopardy to the health, safety, or welfare of any person, or that an applicant for licensure or licensee's actions are not consistent with the public interest.
  4. There shall be a Suitability Review Committee appointed by the Executive Director of the Commission for the purpose of: (a) considering whether offense(s) or information that would result in a Presumptive Negative Suitability Determination under Table E renders the subject unsuitable for registration regardless of the determination of the licensee; and (b) to consider appeals of determinations of unsuitability based on claims of erroneous information received as part of the background check during the application process in accordance with 803 CMR 2.17-2.18. All reviews shall be on the basis of written information and evidence.



**Table E: Registration as a Laboratory Agent.** Shall apply solely to applicants for registration as a Laboratory Agent in accordance with 935 CMR 500.903 at a Marijuana Establishment licensed pursuant to 935 CMR 500.050.

<u>Time Period</u>	<u>Precipitating Issue</u>	<u>Result</u>
Present (during time from start of application process through action on application.)	<b>Open/Unresolved Criminal Proceedings:</b> any outstanding or unresolved criminal proceeding, the disposition of which may result in a felony conviction under the laws of the Commonwealth or a similar law in another jurisdiction.	Mandatory Disqualification
	<b>Open occupational license cases</b>	Mandatory Disqualification
	<b>Open/Unresolved Marijuana Business-Related License Violations (Massachusetts or other jurisdictions):</b> an outstanding or unresolved violation of the regulations as included in 935 CMR 500.000 et. seq. or a similar statute or regulations in another jurisdiction that has either (a) remained unresolved for a period of six (6) months or more; or (b) the nature of which would result in a determination of unsuitability for registration.	Presumptive Negative Suitability Determination ( <i>see</i> 935 CMR 500.901(B)(3)-(5))
Indefinite	<b>Felony drug convictions in Massachusetts or other jurisdictions</b>	Mandatory Disqualification
	<b>Failure to register as a sex offender</b>	Mandatory Disqualification
Preceding Five (5) Years	<b>Felony convictions or CWOFF in Massachusetts or other jurisdictions for crimes of violence against a person</b>	Presumptive Negative Suitability Determination ( <i>see</i> 935 CMR 500.901(B)(3)-(5))
Preceding Seven (7) Years	<b>Felony convictions or CWOFF in Massachusetts or other jurisdictions for crimes of dishonesty or fraud</b>	Presumptive Negative Suitability Determination ( <i>see</i> 935 CMR 500.901(B)(3)-(5))

REGULATORY AUTHORITY

935 CMR 500.000: St. 2016, c. 334, *The Regulation and Taxation of Marijuana Act*, as amended by St. 2017, c.55, *An Act To Ensure Safe Access To Marijuana*.



February 9, 2018

*Received 2/13/18*

Members of the Board of Selectmen  
and  
Members of the Planning Board  
Town of Great Barrington  
334 Main Street  
Great Barrington, MA 01230

Edwin May, Building Inspector  
Town of Great Barrington  
20 Castle Street  
(Old Fire Station- 2nd Floor)  
Great Barrington, MA 01230

RE: **Eligible Facilities Request to Modify Transmission Equipment on a Communications Tower**  
Sprint Antennas @ 425 Stockbridge Rd., Great Barrington, MA  
SBA Communications: Agent for Sprint  
Sprint #: AL72XC101\_DO Macro

Dear Mr. May, Members of the Board of Selectmen and Members of the Planning Board:

**Please let the below, and attached, serve as notification to the Select and Planning Boards of Great Barrington of Sprint's Eligible Facilities Request ("EFR") to make site upgrades to the existing cell site at 425 Stockbridge Road.**

SBA Communications, on behalf of Sprint, is submitting the attached Eligible Facilities Request application to add, remove, modify, or replace Transmission Equipment on a telecommunications Tower located at 425 Stockbridge Rd., Great Barrington, MA. Telecommunication carriers are working to respond to unprecedented demand for dependable wireless communication services. In order to meet this demand, Sprint is modifying and improving its cell site installations, which support Sprint's overall wireless telecommunications network. Enclosed for your review and approval is Sprint's EFR application to modify its existing wireless telecommunications facility, located at 425 Stockbridge Rd., Great Barrington, MA, and commonly known as the WSBS Cell Site ("WSBS Cell Site").

The WSBS Cell Site is strategically positioned near Route 7 and has provided wireless coverage to residents in the surrounding area since February of 2004. The current equipment configuration consists of three (3) antennas split into three (3) sectors mounted on a 161' self-support cell tower. The antenna sectors are installed at approximately 155' above ground level. As set forth in the structural analysis report, enclosed with this letter, Sprint's modification at the WSBS Cell Site includes: installation of (3) antennas together with associated equipment. These minimal changes are vital to Sprint's efforts to provide the best possible wireless service to Town residents and improving its enhanced-911 service in support of Great Barrington's emergency personnel and first responders.



## SECTION 6409

As you may be aware, Section 6409 of the Federal Middle Class Tax Relief and Job Creation Act of 2012 ("Section 6409") was created, in great part, to allow for a streamlined approval process for modifications to eligible wireless facilities.

**Section 6409(a) of the Spectrum Act mandates that state and local governments "may not deny, and shall approve, any eligible facilities request for a modification of an existing wireless tower or base station that does not substantially change the physical dimensions of such tower or base station." Under Section 6409(a)(2)(A)-(C) an Eligible Facilities Request is any request to modify a Tower or Base Station that involves "collocations of new Transmission Equipment," "removal," or "replacement" of Transmission Equipment.**

Because federal law now preempts many of the permit application requirements that this jurisdiction would previously have required from an applicant, this Eligible Facilities Request application provides only the information that federal law allows this jurisdiction to consider when reviewing an Eligible Facilities Request.

### Why this Eligible Facilities Request Must Be Granted

This Eligible Facilities Request involves an effort to collocate, remove, modify, or replace Transmission Equipment on a Tower for the use of an FCC licensed wireless carrier. The existing Tower is a structure that is 161' high and presently contains wireless facilities. The existing Tower meets the Federal Communications Commission ("FCC") definition of a Tower.

The list of equipment identified in the Eligible Facilities Request application that will be collocated, removed or replaced at the Tower also is Transmission Equipment as determined by the FCC. The FCC has defined Transmission Equipment as "any equipment that facilitates transmission for any Commission-licensed or authorized wireless communication service, including, but not limited to, radio transceivers, antennas and other relevant equipment associated with and necessary to their operation, including coaxial or fiber-optic cable, and regular and back-up power supply. This definition includes equipment used in any technological configuration associated with any Commission-authorized wireless transmission, licensed or unlicensed, terrestrial or satellite, including commercial mobile, private mobile, broadcast and public safety services, as well as fixed wireless services such as microwave backhaul or fixed broadband."

The FCC, in a Report and Order adopted on October 17, 2014, determined that any modification to an existing telecommunications Tower that meets the following six criteria does not substantially change the physical dimensions of the existing Tower and therefore is an Eligible Facilities Request which must be granted:

1. The modifications to the Transmission Equipment do not increase the height of the Tower by twenty feet or ten percent, whichever is greater.



2. The modifications to the Transmission Equipment do not protrude from the edge of the Tower by twenty feet or more than the width of the Tower (whichever of these two dimensions is greater) at the level where the transmission equipment modifications are made.
3. The modifications to the Transmission Equipment do not involve the installation of more than the standard number of equipment cabinets for the technology involved, not to exceed four.
4. The modifications to the Transmission Equipment do not entail any excavation or deployment outside of the Tower site.
5. The modifications to the Transmission Equipment do not defeat any existing concealment elements of the Tower.
6. **The modifications to the Transmission Equipment comply with prior conditions of approval of the Tower, unless the non-compliance is due to an increase in height, increase in width, addition of equipment cabinets, or new excavation that does not exceed the corresponding "substantial change" thresholds in numbers 1-4.**

There is a certification attached to the accompanying Eligible Facilities Request that identifies how each of the six review criteria identified by the FCC is met. The modifications to the Transmission Equipment at the Tower located at 425 Stockbridge Road contained in this Eligible Facilities Request fully conform to Section 6409(a) as enacted by Congress and as interpreted by the FCC. Accordingly, this Eligible Facilities Request must be approved by administrative and non-discretionary means within 60 days, as required by federal law and FCC regulations.

Notice of Federal Law Expedited Permit Processing and Deemed Granted

Under federal law, an Eligible Facilities Request is deemed granted sixty (60) days after a complete application is filed with a local jurisdiction. If sixty days pass after the submission of Sprint's accompanying Eligible Facilities Request and the Town of Great Barrington has not acted to grant or deny the request, it will be deemed granted.

Thank you in advance for your consideration. We look forward to working with you to provide high quality wireless communications services to the community.

Thank you,

**Kri Pelletier**

*Property Specialist*

**SBA COMMUNICATIONS CORPORATION**

134 Flanders Rd., Suite 125

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508.366.2610 + F

203.446.7700 + C

[kpelletier@sbsite.com](mailto:kpelletier@sbsite.com)

**ELIGIBLE FACILITIES REQUEST CERTIFICATION FOR  
NON-SUBSTANTIAL CHANGES  
TO A WIRELESS TOWER NOT LOCATED WITHIN A PUBLIC RIGHT OF WAY**

- 1) Address of the Wireless Tower: 425 Stockbridge Road, Great Barrington, MA
- 2) The height (measured in feet above ground level) of the existing Tower as originally approved, including any modifications approved prior to February 22, 2012: 161'
- 3) What is the height (measured in feet above ground level) at which the modifications to the Transmission Equipment will occur on the Tower? 155'
- 4) What will be the height (measured in feet above ground level) of the existing Tower after the modifications to the Transmission Equipment are installed? 161'
- 5) Effect of modifications of Transmission Equipment on Tower height:
  - a. Will the modifications in Transmission Equipment (addition, removal or replacement of Transmission Equipment) result in increasing the height above ground level of the existing Tower?  
 Yes  No
  - b. Will the modifications in Transmission Equipment result in increasing the height above ground level of the existing Tower by more than: (i) 10% of the height of the existing Tower, as originally approved, including any modifications approved prior to February 22, 2012; or (ii) twenty feet above the height of the existing Tower, as originally approved, including any modifications approved prior to February 22, 2012, whichever height increase is greater?  
 Yes  No
- 6) Will the modifications in Transmission Equipment (measured at the height above ground level where the Transmission Equipment will be attached to the tower) result in any Transmission Equipment protruding horizontally from the edge of tower by more than twenty (20) feet or by more than the existing width of the tower at that height, whichever of these dimensions is greater?  
 Yes  No
- 7) Will the proposed changes in Transmission Equipment involve excavation or placement of new equipment outside the existing Tower site or outside any access or utility easements currently related to the site?  
 Yes  No
- 8) Will the proposed modification in Transmission Equipment involve installation of more than the standard number of new equipment cabinets for the technology involved, but not to exceed four?  
 Yes  No

9) Will the proposed modification in Transmission Equipment defeat the existing concealment elements of the Tower?

Yes  No

10) Prior Conditions of Approval

a. Will the proposed modification in Transmission Equipment comply with conditions of approval imposed on the Tower prior to February 22, 2012?

Yes  No

b. If the answer to 10(a) is "No," is the non-compliance due solely to any of the conditions addressed in questions 5-9 above?

Yes  No

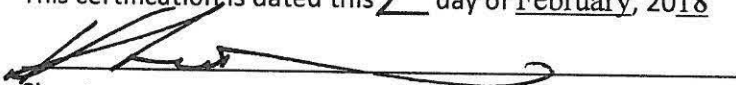
If the answer to either question 5(a) or 5(b) is "No," and the answers to questions 6-9 are "No," and the answer to either 10(a) or 10(b) is "Yes," then the proposed modifications do not substantially change the physical dimensions of the existing Tower. Please provide a brief explanation, if necessary, to clarify any answer.

Explanatory Comments (if needed):

Question No.: n/a

Comment: n/a

This certification is dated this 2<sup>nd</sup> day of February, 2018

  
Signature

Kri Pelletier / Property Specialist

\_\_\_\_\_  
Name & Title

# ELIGIBLE FACILITIES REQUEST (EFR) APPLICATION FORM

Date of Submittal: 2/9/18

Submitted by:

Name: Kri Pelletier / SBA Communications  
Title: Property Specialist on behalf of SBA/Sprint  
Contact Information: 134 Flanders Rd, #125  
Westborough MA 01581

Name of Jurisdiction: Great Barrington

Address of Jurisdiction: 20 Castle Street, Great Barrington, Ma 01230

Contact Name for Jurisdiction: Edwin May, Building Inspector

Name of Local Government Permit Application: Online application through Town

Local Government File #: N/A

Street Address of Site: 425 Stockbridge Rd.

Tax Parcel # of Site:

Latitude/Longitude of Site: 42 12 50.61 / -73 20 40.98

List Each Piece of Transmission Equipment that will be Collocated or Added:

(3) Panel Antennas

(1) Hybrid fiber

(6) RRHs (Remote Radio Heads)

List Each Piece of Transmission Equipment that will be Removed:

N/A

List Cabinets that will be Collocated or Added at the Site:

N/A

List Cabinets that will be Removed at the Site:

N/A

Permit Application Deposit Amount: n/a

Municipal Consultant Review Fee Deposit (if applicable): n/a



CONSULTING GROUP, INC.

9221 Lyndon B. Johnson Freeway, #204, Dallas, TX 75243 ★ PHONE 972-231-8893 ★ FAX 1-866-364-8375  
www.allprocgi.com ★ e-mail: info@allprocgi.com

**Tower Structural Analysis Report for  
SBA Communications Corporation**



**Existing 160' Self Supported Tower**

**SBA Site Name: WSBS**

**SBA Site Number: MA13743-A-03**

**Carrier Name: Sprint Nextel**

**Carrier Site ID: AL72XC101 / MA1266**

**Application #: 65306, v1**

**Site Location:**

**425 Stockbridge Road,  
Great Barrington, MA 01230  
Berkshire County**

**Latitude: 42.214058°**

**Longitude: -73.344717°**

**ACGI Job # 17-6144**

*(Refer to previous SA, ACGI Job #16-2868)*

<b>ANALYSIS RESULTS</b>		
<b>Tower Components</b>	104.9 %	<b>Acceptable</b>
<b>Tower Foundation Capacity</b>	36.9 %	<b>Pass</b>
<b>Net Change in tower stress ratio</b>	+1.4 %	<b>Change from previous SA by Allpro Consulting Group, ACGI #16-2868, dated 08/17/2016</b>
<b>Net Change in tower stress ratio due to mount reinforcement</b>	+3.9 %	-

Prepared By:  
Andriani Stefanaki, EIT



10/03/2017  
Approved By:  
Rajesh Sehgal, P.E.  
MA PE # 45329





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**1. ANALYSIS SUMMARY**

The existing 160' Self Supported Tower located in Great Barrington, MA was analyzed by Allpro Consulting Group, Inc (ACGI) for the existing loads and the proposed Sprint Nextel antennas and coaxes as authorized by SBA Communication Corp. Based on the results of the analysis, the existing tower with below mentioned proposed and existing loading is found **to be acceptable** with TIA/EIA-222-G, Structural Standards for Steel Antenna Towers and Antenna Supporting Structures and 2009 International Building Code and 780 CMR-MA (State Building Code Amendments to IBC 2009).

**2. SCOPE & SOURCE OF INFORMATION**

The purpose of this structural analysis is to determine whether the existing structure is capable of supporting additional proposed loads.

SOURCE OF INFORMATION		
<b>Tower Data:</b>	Central Towers, Inc.	Original tower drawings, by Central Towers Inc Drawings No. SS-1276 dated 01/24/2003.
	FDH Engineering, Inc.	Previous structural analysis by FDH Engineering Inc., Project # 15BFIU1400 dated 03/09/2015.  Tower modification by FDH Engineering, project # 11-01055E, dated 05/16/2011.
	Allpro Consulting Group, Inc.	Previous structural analysis by Allpro Consulting Group, Inc., ACGI # 16-2868 dated 08/17/2016.
<b>Foundation Data:</b>	Central Towers Inc.	Original tower drawings, by Central Towers Inc Drawings No. SS-1276 dated 01/24/2003.
<b>Geotechnical Report:</b>	Jaworski Geotech, Inc.	Geotechnical data as per geotechnical engineering investigation by Jaworski Geotech, Inc., Project No. 02715G dated 01/09/2003.
<b>Loading Data:</b>	Allpro Consulting Group, Inc.	Existing loading as per previous structural analysis by Allpro Consulting Group, Inc., Project # 16-2868 dated 08/17/2016.
	SBA Communication Corp.	Existing loading as per SBA Site Summary, dated 12/28/2016  Proposed final loading for Sprint Nextel as per sbsite.com, Application ID # 65306, v1.
<b>Authorization:</b>	SBA Communication Corp.	

**3. ANALYSIS METHODS & DATA**

The analysis was performed in accordance with Telecommunication Industry Association specification TIA/EIA-222-G-Addendum 2. The tower was modeled using TNX Tower, a 3-D finite element program. TNX Tower is a general-purpose modeling, analysis, and design program created specifically for communication towers using the EIA-222-C, EIA-222-D, TIA/EIA-222-F or TIA-222-G standards. The 3-D model included the tower, with existing appurtenances and all proposed loads.

SITE DATA	
<b>SBA Site Name:</b>	WSBS
<b>SBA Site Number:</b>	MA13743-A
<b>Carrier Site ID:</b>	Sprint Nextel: AL72XC101 / MA1266
<b>City, State:</b>	Great Barrington, MA
<b>County:</b>	Berkshire
<b>Code Wind Load Requirement:</b>	ANSI/TIA-222-G & 2009 International Building Code with 780 CMR-MA ( <i>State Building Code Amendments to IBC 2009</i> ) (115mph ultimate wind speed equivalent to 89 mph Nominal design wind speed)
<b>Wind Load Used:</b>	ANSI/TIA-222-G Code: <ul style="list-style-type: none"> <li>• Nominal design wind speed of 89 mph (3 second gust wind speed)</li> <li>• Structure Class II.</li> <li>• Exposure Category C.</li> <li>• Topographic Category 1.</li> <li>• Crest Height 0.00 ft.</li> <li>• A wind speed of 40 mph is used in combination with ice.</li> <li>• Nominal ice thickness of 0.75 in.</li> </ul>
<b>Seismic Requirements</b>	Spectral Response Acceleration at Short Period (S <sub>s</sub> ) is 0.223 g which is lesser than 1.000 g. Therefore, seismic check is not required as per TIA-222-G section 2.7.3.

This structural analysis is based upon the tower being classified as a class II; however, if a different classification is required subsequent to the date hereof, the tower classification will be changed to meet such requirement and a new structural analysis will be run.

TOWER DATA	
<b>Tower Type:</b>	Self - Supported Tower
<b>Height:</b>	160'
<b>Cross Section:</b>	Triangular
<b>Steel Strength:</b>	Legs – 50 ksi Braces – 36 ksi
<b>Type of Foundation:</b>	Mat foundation with pedestal

TOWER HISTORY	
<i>Tower Manufacturer / Model:</i>	Central Towers Inc / SS-1276
<i>Date of Original Design:</i>	01/24/2003
<i>Previous Modifications:</i>	N/A
<i>Original Design Code Requirements:</i>	ANSI/TIA/EIA-222-F Code (70 mph wind + 1/2" ice)

4.

CONCLUSIONS

RESULT SUMMARY		
MEMBER	% Capacity	Pass/Fail/Acceptable
Legs	104.9 %	Acceptable
Diagonals	89.8 %	Pass
Girts	4.8 %	Pass
Bolt Checks	103.3 %	Acceptable
Anchor Bolt Checks	70.4 %	Pass
FOUNDATION RESULT SUMMARY		
REACTION	% Capacity	Pass/Fail
Overturning	22.9 %	Pass
Net soil pressure	36.9 %	Pass
Horizontal shear	24.1 %	Pass

As per the results of the analysis, the existing tower **is more than allowable but less than 105% making it acceptable in compliance** for the proposed and existing antenna loads.

Maximum tower member stress **is more than allowable but less than 105% making it acceptable in compliance** under the TIA-222-G code and IBC 2009 requirements.

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**5. ASSUMPTIONS**

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This analysis was completed based on the following assumptions:

- Tower has been properly maintained.
- Tower erection was in accordance to manufacturer drawings.
- Leg flanges have been properly designed by manufacturer to not be a limiting reaction.
- Welds have been properly designed and installed by manufacturer to not be a limiting reaction.
- Foundation was constructed in accordance to manufacturer drawings.
- Foundation does not have structural damage.
- Bolts have been properly tightened according to manufacturer specifications.
- Appurtenance, mount and transmission line sizes and weights are best estimates using the tnxTower database and manufacturer information.
- It is assumed that all the radios are/will be mounted behind the antennas.

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**6. DISCLAIMER**

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Installation procedures and related loading are not within the scope of this analysis. A contractor experienced in similar work should perform all installation work. The engineering services provided by Allpro Consulting Group, Inc. (ACGI) are limited to the computer analysis and calculations of the structure with the proposed and existing loads. This analysis is considered void if the loading mentioned in this report is changed or is different as installed. It is assumed that the existing structure is properly maintained and is in good condition free of any defects. Scope of this analysis does not include existing connections, except as noted in this report.

ACGI does not make any warranties, expressed or implied in connection with this engineering analysis report and disclaims any liability arising from deficiencies or any existing conditions of the original structure. ACGI will not be responsible for consequential or incidental damages sustained by any parties as a result of any data or conclusions included in this Report. The maximum liability of ACGI pursuant to this report shall be limited to the consulting fee received for the preparation of the report.

**7. APPURTENANCE LISTING**

EXISTING LOAD DESCRIPTION					
<i>ELEV (ft.)</i>	<i>Qty.</i>	<i>Antenna Description</i>	<i>Mount Type &amp; Qty.</i>	<i>TX. LINE (in)</i>	<i>TENANT</i>
166±	1	13' x 1" Omni	Direct (159.5'±)	(1) 1/4" coax	WSBS
	1	13' x 1.62" Omni		(1) 3/8" coax	
155.5±	3	RFS APXVSP18-C-A20 Antennas	(3) Sector Frames	(3) 1-1/4" hybrid	Sprint Nextel
	3	ALU 1900 MHz RRUs			
	3	ALU 800 MHz RRUs			
	3	ALU 800 MHz Filters			
	4	RFS ACU-A20-N RET			
143±	6	Kathrein 800 10122 Antennas	(3) Sector Frames	(12) 1-5/8" coax (1) 3/8" fiber (2) 5/8" DC power	AT&T
	2	KMW AM-X-CD-16-65-00T- RET Antennas			
	1	Powerwave P45-16-XLH-RR Antenna			
	3	CSS Duo 1414-8686 Antennas			
	6	Powerwave TT08-19DB111-001 TMAs			
	12	Kathrein 860 10025 TMAs			
	3	Ericsson RRU-11			
	1	Raycap DC6-48-60-18-8F Surge Protector			
	3	Ericsson RRU-12			
	3	Kathrein 782 10254 Bias T			
140±	6	RFS FD9R6004/2C-3L TMAs	(3) Sector Frames (137.5'±)	(12) 1-5/8" coax	Verizon
	1	Andrew LNX-6512DS Antenna			
	2	Swedcom SLCP 2x6014 Antennas			
	6	Antel LPA-80063/4CF Antennas			
	3	Antel BXA-171063/8BF Antennas			
127±	3	EMS RR65-19-02DP Antennas	(3) T-frames (127.5'±)	(18) 1-5/8" coax	T-Mobile
	3	CommScope LNX-6515DS Antennas			
	3	RFS APX16PV-16PRVL Antennas			
	6	Ericsson KRY 112 489/2 TMAs			
	3	Kathrein 782 11056 TMAs			
117±	1	Scala HDCA-5/HRM/75N Yagi Antenna	(1) 11' pipe (112.5'±)	(1) 1/2" coax	WRCR
109.5±	1	Scala HDCA-5/HRM/75N Yagi Antenna			
93.5±	1	Antenex 8' x 1" Omni	(1) 4' Standoff	(1) 1/2" coax	WSBS
88±	1	Dielectric DCR-L-1	Direct Mount	(1) 7/8" coax	New England Public Radio



FINAL LOAD DESCRIPTION					
<u>ELEV</u> <u>(ft.)</u>	<u>Qty.</u>	<u>Antenna Description</u>	<u>Mount Type &amp; Qty.</u>	<u>TX. LINE (in)</u>	<u>TENANT</u>
155.5±	3	Commscope DT465B-2XR Antennas	(3) Sector Frames (1) SitePro HPK14 (3) SitePro SFR-K-L (3) SitePro STK-U (3) SitePro TAP-472	(4) 1-1/4" hybrid	Sprint Nextel
	3	RFS APXVSP18-C-A20 Antennas			
	3	ALU 1900 MHz RRUs			
	6	ALU 800 MHz RRUs			
	3	ALU 800 MHz Filters			
	4	RFS ACU-A20-N RET			
	3	ALU TD-RRH8x20-25 RRUs			

Notes:

1. ACGI should be notified of any discrepancies found in the data listed in this report.
2. Notify Allpro Consulting Group, Inc of any potential physical & other interference with existing antennas for a redesign.

**8. SUMMARY OF WORKING PERCENTAGE OF STRUCTURAL COMPONENTS**

**Section Capacity Table**

Section No.	Elevation ft	Component Type	Size	Critical Element	P K	$\phi P_{allow}$ K	% Capacity	Pass Fail	
T1	160 - 140	Leg	2	3	-24.47	91.64	26.7	Pass	
		Diagonal	7/8	14	-3.44	8.98	38.4	Pass	
		Top Girt	7/8	5	-0.30	6.27	4.8	Pass	
		Bottom Girt	7/8	8	-0.12	6.27	1.9	Pass	
T2	140 - 120	Leg	2 3/4	48	-74.49	99.01	75.2	Pass	
		Diagonal	L2x2x3/16	54	-7.76	11.05	70.2	Pass	
T3	120 - 100	Leg	3	69	-135.60	138.34	80.5 (b)	Pass	
		Diagonal	L2x2x3/16	75	-7.53	9.87	76.3	Pass	
T4	100 - 80	Leg	3 1/4	90	-192.19	183.64	78.4 (b)	Acceptable	
		Diagonal	L2x2x3/16	96	-7.67	8.55	104.7	Pass	
T5	80 - 73.3333	Leg	3 1/2	111	-210.62	234.84	89.8	Pass	
		Diagonal	L2x2x1/4	117	-7.70	10.53	89.7	Pass	
T6	73.3333 - 66.6667	Leg	3 1/2	120	-228.68	234.84	73.1	Pass	
		Diagonal	L2x2x1/4	126	-7.70	9.99	97.4	Pass	
T7	66.6667 - 60	Leg	3 1/2	129	-246.42	234.84	77.1	Pass	
		Diagonal	L2x2x1/4	135	-7.79	9.47	104.9	Acceptable	
T8	60 - 53.3333	Leg	3 3/4	138	-264.01	291.70	82.2	Pass	
		Diagonal	L2x2x1/4	144	-7.79	9.04	90.5	Pass	
T9	53.3333 - 46.6667	Leg	3 3/4	147	-281.24	291.70	86.2	Pass	
		Diagonal	L2x2x5/16	153	-7.92	10.46	96.4	Pass	
T10	46.6667 - 40	Leg	3 3/4	156	-298.38	291.70	75.7	Pass	
		Diagonal	L2x2x5/16	162	-7.94	9.94	102.3	Acceptable	
T11	40 - 20	Leg	4	165	-348.32	354.02	79.8	Pass	
		Diagonal	L2 1/2x2 1/2x3/16	171	-8.12	10.85	98.4	Pass	
T12	20 - 0	Leg	4 1/4	186	-395.11	421.61	74.8	Pass	
		Diagonal	L2 1/2x2 1/2x3/16	192	-8.17	9.43	93.7	Acceptable	
							103.3 (b)		
							86.6	Pass	
							Summary		
							Leg (T7)	104.9	Acceptable
							Diagonal (T4)	89.8	Pass
							Top Girt (T1)	4.8	Pass
							Bottom Girt (T1)	1.9	Pass
							Bolt Checks	103.3	Acceptable
							<b>RATING =</b>	<b>104.9</b>	<b>Acceptable</b>



## Helen Kuziemko

---

**From:** Kri Pelletier <KPelletier@sbsite.com>  
**Sent:** Wednesday, February 14, 2018 12:22 PM  
**To:** Chris Rembold  
**Cc:** Edwin May; Helen Kuziemko  
**Subject:** RE: 425 Stockbridge Road, Great Barrington

Chris,

Thank you for your email.

As Section 6409 was put into place, in great part, to streamline the approval process for telecommunication upgrades and to keep the cost of same down, we would prefer to provide information in form of a narrative that can be read at the meetings by its respective members. The proposed work falls quite well within the parameters of that which is allowed by Federal Law, and, as such, must be approved by administrative / non-discretionary means.

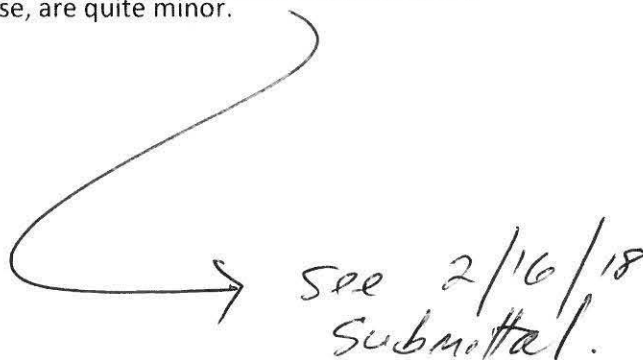
Typically, where a jurisdiction opts for discussion by a board, we will provide a narrative and snapshots from the drawings which clearly show the upgrades – which, in this case, are quite minor.

Will this be acceptable?

Thank you,

**Kri Pelletier**  
*Prop Spec - Svcs*

508.251.0720 x3804 + T  
508.366.2610 + F  
203.446.7700 + C



see 2/16/18  
submittal.

**From:** Chris Rembold [<mailto:crembold@Townofgb.org>]  
**Sent:** Wednesday, February 14, 2018 11:44 AM  
**To:** Kri Pelletier <KPelletier@sbsite.com>  
**Cc:** Edwin May <EMay@Townofgb.org>; Helen Kuziemko <hkuziemko@Townofgb.org>  
**Subject:** 425 Stockbridge Road, Great Barrington

Good morning,

We are in receipt of the notice to modify the existing tower at 325 Stockbridge Road to add new Sprint equipment, as described in your letter of February 9.

Please be advised that a representative for the applicant should be present at the following meetings:

Planning Board  
Thursday evening, February 22, 7:00 PM

Selectboard  
Monday evening, February 26, 7:00 PM

Both meetings are at Town Hall, 334 Main Street, 2<sup>nd</sup> floor.

Thank you,

Chris

---

**Christopher T. Rembold, AICP**

Town Planner  
Town of Great Barrington  
334 Main Street  
Great Barrington, MA 01230  
Ph: (413) 528-1619, x. 7  
[www.townofgb.org](http://www.townofgb.org)

~~SB~~ SB for 2/26/18



~~February 16, 2018~~  
February 16, 2018

Members of the Board of Selectmen / Members of the Planning Board  
Town of Great Barrington  
334 Main Street  
Great Barrington, MA 01230

RE: Eligible Facilities Request to Modify Transmission Equipment at an Existing Base Station  
Sprint Antenna Ungrades @ 425 Stockbridge Rd., Great Barrington, MA  
SBA Communications: Agent for Sprint  
Sprint #: AL72XC101\_DO Macro

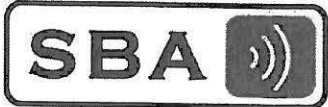
Dear Members of the Board of Selectmen and Members of the Planning Board:

Due to the extreme increase in volume at all telecom sites (phone usage and data transfer), carriers must look for every opportunity to increase capacity. On behalf of Sprint, SBA has applied for a Building Permit to make minor site upgrades at the existing SBA-owned telecommunications tower at 425 Stockbridge Road in order to optimize their site presence. We provide the following narrative to you in explanation of their proposed updates.

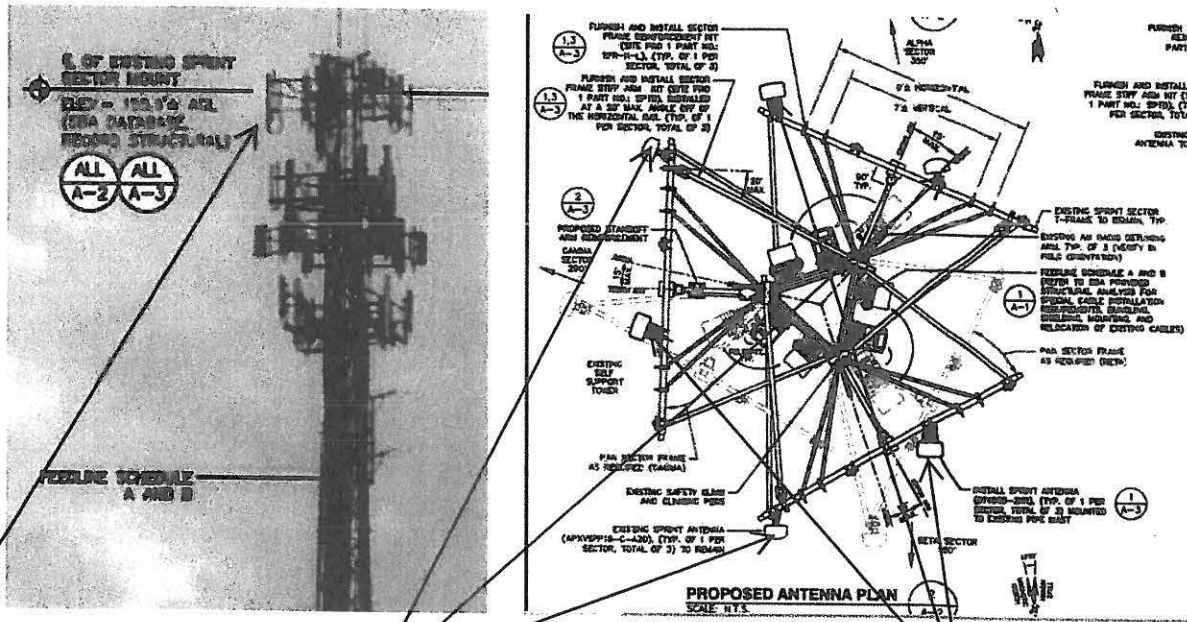
- 1) Sprint presently has (3) antennas at the site and proposes to add (3) newer technology antennas. A sector frame reinforcement will allow for the existing and new antennas to sit **side by side** on each of the three existing sectors, per the snapshots below taken from the construction drawings.
- 2) Sprint currently has (6) existing Remote Radio Heads (RRHs or Radio Receivers) and, to accommodate the new technology, proposes to install an additional six (6) **behind** the existing and newer antennas.
- 3) Necessary cabling for the above will consist only of (1) fiber line routed up to the equipment alongside the existing line route.

**Please note that there will be no change to the tower/height or compound/size. In fact, no ground work will be required at all. There will be no significant changes to the aesthetics of the site. Most importantly, the work will serve to complete Sprint's comprehensive DO Macro Update, meaning consumer usage and E911 data transfers will be optimized.**

The Town is likely already aware of Federal Legislation set in place in 2012 (Section 6409 of the Middle Class Tax Relief Act, or "TRA"), in great part, to allow for expedited and cost-efficient processes for telecommunication site upgrade approvals. Construction parameters were set to identify minor, albeit necessary, upgrades. If a carrier's proposed work falls within these constraints, local governments are not burdened with the responsibility of making such determinations and the work is allowed by Federal Law without discretionary review. The Eligible Facilities (Section 6409) materials attached do demonstrate that the proposed work at 56 Wilbur Lane falls squarely within these parameters.



Snapshot of existing tower and proposed upgrades:



Sprint Antennas

Existing (3) Antennas

Proposed (3) Antennas

Thank you for your consideration of the above and attached. Please let me know if you have any further questions.

Respectfully,

**Kri Pelletier**  
*Property Specialist*  
**SBA COMMUNICATIONS CORPORATION**  
 134 Flanders Rd., Suite 125  
 Westborough, MA 01581  
 508.251.0720 x3804 + T  
 508.366.2610 + F  
 203.446.7700 + C  
[kpelletier@sbsite.com](mailto:kpelletier@sbsite.com)

cc : Edwin May, Building Inspector

## Chapter 171. Zoning

### SECTION 9.0. Special Districts

#### 9.3. Wireless Telecommunication Overlay District (WTOD).

9.3.1. Purposes. The purposes of the WTOD are to:

1. Preserve the character and appearance of the Town while simultaneously allowing adequate personal wireless services to be developed.
2. Protect the scenic, historic, environmental and natural or man-made resources of the community.
3. Provide standards and requirements for planning, regulation, placement, construction, monitoring, design, modification and removal of personal wireless service facilities.
4. Provide a procedural basis for action within a reasonable period of time for requests for authorization to place, construct, operate or modify personal wireless service facilities.
5. Preserve property values.
6. Minimize the total number and height of towers throughout the community.
7. Locate towers so that they do not have negative impacts, such as, but not limited to, attractive nuisance, noise and falling objects, on the general safety, welfare and quality of life of the community.
8. Require owners of towers and personal wireless service facilities to configure them so as to minimize and mitigate the adverse visual impact of the towers and facilities where possible.
9. Require tower sharing and the clustering of personal wireless service facilities where possible.

9.3.2. Overlay district. The WTOD is an overlay district mapped over other districts. It modifies and, where there is inconsistency, supersedes the regulations of those other districts. Except as so modified or superseded, the regulations of the underlying districts remain in effect.

9.3.3. Location. The WTOD includes the properties listed below. These properties are included by reason of their potential to provide technically feasible and accessible locations for the siting of wireless telecommunications facilities that will provide adequate wireless telecommunications services to the Town of Great Barrington. The WTOD is defined, delineated and mapped on the set of eight maps entitled "Wireless Telecommunications Overlay District, s. 171-9D(3) WTOD, Town of Great Barrington, MA," and incorporated by reference herein. Also incorporated by reference herein are the plots of coverage entitled "Radial Plots from Proposed Overlay District" which provide engineering data to support the choices of properties for the WTOD, and showing that these sites will provide adequate coverage for the FCC licensed wireless telecommunications providers who are doing business in Great Barrington.

Map Key	Location	Assessor's Map #	Parcel #
1	East of Long Pond Road	34	9
1	East of Long Pond Road	34	12
1	East of Long Pond Road	34	12A
1	East of Long Pond Road	26	85.2
2	Transfer Station	35	21
3	WSBS Tower	29	5
4	Butternut Tower	42	24
5.2	Berkshire Heights Area	23	3
5.3	Berkshire Heights Area	31	57 and 58
6	Vossberg Hill	30	112A and 112B
7	VFW	30	48

9.3.4. Consistency with federal law. These regulations are intended to be consistent with the Telecommunications Act of 1996 in that they do not prohibit or have the effect of prohibiting the provision of personal wireless services; they are not intended to be used to unreasonably discriminate among providers of functionally equivalent services; and they do not regulate personal wireless services on the basis of the environmental effects of radio frequency emissions to the extent that the regulated services and facilities comply with the FCC's regulations concerning such emissions.

1. Any decision by the SPGA to deny an application for a special permit under this bylaw shall be in conformance with Section 332 [47 U.S.C. § 332(7)(b)(iii)] of the Act, in that it shall be in writing and supported by substantial evidence contained in a written record.


9.3.5. Definitions. For the purposes of this section, the terms defined in Section 11.0, under "Wireless Telecommunication Overlay District," shall apply.

9.3.6. Applicability. Any use of lands within the WTOD for the purposes of placement, construction, modification or removal of personal wireless

telecommunications services, towers or antennas shall be subject to these requirements.

1. Exempted wireless telecommunications uses. This section specifically exempts the following wireless telecommunications facilities: police, fire, ambulance and other emergency dispatch; amateur (ham) radio; citizens band radio; low-power FM radio stations; any existing commercial radio tower; and radio dispatch services for local businesses. No personal wireless service facility shall be considered exempt from this bylaw for any reason, whether or not said facility is proposed to share a tower or other structure with such exempt uses.
- 9.3.7. Provision of independent consultants. Upon submission of an application for a special permit under this section, the SPGA may hire independent consultants whose services shall be paid for by the applicant(s) under the terms of the Selectmen's Policies and Procedures in accordance with Chapter 44, § 53G, of the Massachusetts General Laws. These consultants shall each be qualified professionals with a record of service to municipalities in one of the following fields: (a) telecommunications engineering, (b) structural engineering, (c) monitoring of electromagnetic fields and, if determined necessary by the SPGA, (d) other consultants.
1. In the event the SPGA elects to hire an independent consultant, the independent consultant(s) shall be selected after consultation with the Town Manager, the Planning Board, the Board of Health and the Conservation Commission, which may propose a list of qualified candidates.
- 9.3.8. Application requirements; tower or structure and initial facility. No personal wireless tower or structure shall be erected, constructed, modified or installed, nor shall the initial personal wireless service facility be mounted upon any such personal wireless tower or structure, without first obtaining a special permit from the SPGA. Applications shall be submitted using the Long Form Application (SP-2), in accordance with the requirements of Section 10.4. A special permit is required of the first personal wireless service facility to be mounted on the personal wireless tower or structure so that the Town can have the opportunity to assess the impacts of the new facility in accordance with the purposes of this bylaw. The following information must also be submitted:
1. Copies of all submittals and showings pertaining to: FCC licensing; environmental impact statements; FAA notice of construction or alteration; aeronautical studies; and all data, assumptions and calculations relating to service coverage and power levels regardless of whether categorical exemption from routine environmental evaluation under the FCC rules is claimed.
  2. The exact legal name, address or principal place of business and phone number of the applicant. If any applicant is not a natural person, it shall also give the state under which it was created or organized.
  3. The name, title, address and phone number of the person to whom correspondence or communications in regard to the application are to be sent. Notice, orders and other papers may be served upon the person so named, and such service shall be deemed to be service upon the applicant.
  4. The name, address, phone number and written consent to apply for this permit, of the owner of the property on which the proposed tower shall be located, or of the owner(s) of the tower or structure on which the proposed facility shall be located.
  5. Details of the proposed method of financial surety as required herein.
  6. Any applicant for a permit or a special permit under this bylaw shall provide a written commitment that if the applicant receives a permit or special permit under this bylaw, that the applicant shall abide by the requirements herein as they may apply.
  7. The applicant shall provide a written, irrevocable commitment, valid for the duration of the existence of the personal wireless tower or structure, to rent or lease available space for collocation on the tower or structure at fair-market prices and terms, without discrimination, to other personal wireless service providers.
  8. If an applicant for a special permit for a personal wireless tower or structure is not simultaneously applying for a personal wireless service facilities special permit, it shall provide a copy of its existing lease/contract with a personal wireless service provider showing that the provider is legally obligated to locate its personal wireless service facility on the personal wireless tower or structure in question. A special permit under this section shall not be granted for a tower to be built on speculation (without a contract or lease with a personal wireless service provider).
- 9.3.9. Required plans. The following required plans and engineering plans shall also be submitted. Such plans shall be prepared, stamped and signed by a professional engineer licensed to practice in Massachusetts. (NOTE: Survey plans should also be stamped and signed by a professional land surveyor registered in Massachusetts). Plans shall be on twenty-four-inch by thirty-six-inch sheets, on as many sheets as necessary, and at scales which are no smaller (i.e., no less precise) than listed below. Each plan sheet shall have a title block indicating the project title, sheet title, sheet number, date, revision dates, scale(s), and original seal and signature of the P.E. and other professionals who prepared the plan. The plan shall show the following information:
1. Location map. Copy of a portion of the most recent USGS Quadrangle Map, at a scale of 1:25,000, and showing the area within at least two miles from the proposed tower site. Indicate the tower or structure location and the exact latitude and longitude (degrees, minutes and seconds).
  2. Vicinity map. At a scale of no less than one inch equals 100 feet (1:1,200) with contour intervals no greater than 10 feet (three meters), showing the entire vicinity within a one-thousand-foot radius of the tower or structure site, and including the topography, public and private roads and driveways, buildings and structures, bodies of water, wetlands, landscape features, historic sites, and habitats for endangered species.
  3. Abutter's map. Indicate the property lines of the proposed tower site parcel and all abutters within 300 feet of the tower site parcel (from assessors' maps or available surveys). Include the names of all abutters within 300 feet of the tower site parcel. Indicate any access easement or right-of-way needed for access from a public way to the tower and the names of all abutters or property owners along the access easement or who have deeded rights to the easement.
  4. Proposed site plans: proposed facility site layout, grading and utilities at a scale of not less than one inch equals 20 feet and with topography drawn with a minimum of two-foot contour intervals.
  5. Proposed personal wireless tower or structure location and any appurtenances, including supports and guy wires, if any, and any accessory building (communication equipment shelter or other). Indicate property boundaries and setback distances to the base(s) of the tower and to the nearest corners of each of the appurtenant structures to those boundaries, and dimensions of all proposed improvements.

6. Proposed utilities, including distance from source of power, sizes of service available and required, locations of any proposed utility or communication lines, and whether underground or above ground.
  7. Limits of areas where vegetation is to be cleared or altered, and justification for any such clearing or alteration.
  8. Locations of any wetlands or streams and location and description of any direct or indirect wetlands alteration proposed.
  9. Detailed plans for drainage of surface and/or subsurface water; plans to control erosion and sedimentation, both during construction and as a permanent measure.
  10. Plans indicating locations and specifics of proposed screening, landscaping, ground cover, fencing, etc.; any exterior lighting or signs.
  11. Plans of proposed access driveway or roadway and parking area at the tower site. Include grading, drainage, and traveled width. Include a cross section of the access drive indicating the width, depth of gravel, paving or surface materials. Include a road profile of the proposed access driveway or road.
  12. Proposed personal wireless tower or structure and appurtenances at a scale of not less than one inch equals 10 feet.
  13. An elevation of the proposed personal wireless tower or structure and any guy wires or supports. Show all proposed antennas, including their location on the personal wireless tower or structure.
  14. Detail proposed exterior finish of the personal wireless tower or structure.
  15. A professional engineer's written description of the proposed tower's structure or of the structure proposed for the mounting of personal wireless facilities and its capacity to support additional antennas or other communications facilities at different heights and the ability of the personal wireless tower or structure to be shortened or added to in the future to adapt to changing communications conditions or demands.
  16. Proposed antennas.
  17. Number of antennas and repeaters, as well as the exact locations of antenna(s) and of all repeaters (if any) located on a map as well as by degrees, minutes and seconds of latitude and longitude.
  18. Mounting locations on the personal wireless tower or structure, including height above ground.
  19. Antenna type(s), manufacturer(s), model number(s).
  20. For each antenna, the antenna gain and antenna radiation pattern.
  21. Number of channels per antenna, projected and maximum.
  22. Power output, in normal use and at maximum output, for each antenna and all antennas as an aggregate.
  23. Output frequency of the transmitter(s).
  24. Proposed communications equipment shelter.
  25. Floor plans, elevations and cross sections at a scale of no smaller than 1/4 inch equals one foot (1:48) of any proposed appurtenant structure.
  26. Representative elevation views, indicating the roof, facades, doors and other exterior appearance and materials.
  27. Sight lines.
  28. A plan map of a circle of two miles' radius of the facility site on which any visibility of the proposed tower from a public way shall be indicated. The locations from which the photographic simulation or profile drawing required below were taken shall also be indicated upon this plan.
  29. If the proposed personal wireless tower or structure is visible from a public way, then the applicant shall submit either a photo simulation of the proposed tower or structure from one or more locations along the public way, or a profile drawing which shall utilize the USGS Quadrangle Map, at a scale of 1:25,000, and submit profile drawings on a horizontal scale of one inch equals 400 feet with a vertical scale of one inch equals 40 feet. Trees shall be shown at existing heights and at projected heights in 10 years.
  30. Any applicant for a permit or a special permit under this bylaw shall provide a set of radial plot maps from each location in the WOTD showing the projected coverage from each location. The purpose of this provision is to identify any potential gaps in wireless service and to assist the Town in planning for future wireless communication coverage.
- 9.3.10. Balloon test. Within 35 days of submitting an application, the applicant shall arrange to fly, or raise upon a temporary mast, a four-foot-diameter brightly colored balloon at the maximum height and at the location of the proposed tower. The dates (including a second date, in case of poor visibility on the initial date), times and location of this balloon test shall be advertised by the applicant at seven and 14 days in advance of the first test date in a newspaper with a general circulation in the Town of Great Barrington. The applicant shall inform the SPGA and the Planning Board, in writing, of the dates and times of the test, at least 14 days in advance. The balloon shall be flown for at least eight consecutive daylight hours for no less than five days within a fourteen-day period within the dates chosen. Visibility and weather conditions must be adequate for interested citizens to be able to clearly see the balloon test, or further tests may be required by the SPGA.
- 9.3.11. Application requirements for facilities on previously permitted tower or structure. Where a personal wireless tower or structure has received a special permit under this bylaw and at least one personal wireless service provider (which has obtained a special permit under this section) is providing personal wireless services from the personal wireless tower or structure, and the facility remains in full compliance with the terms and conditions of this bylaw and the special permit, then any other provider of personal wireless services may place a personal wireless service facility at that personal wireless tower or structure without obtaining a special permit. The provider shall provide the following information to the Board of Selectmen, Planning Board and Building Inspector in order to obtain a building permit to allow the mounting of its equipment at the site and must agree in writing to comply with the conditions set forth in this section. The Board of Selectmen and the Planning Board have 30 days to review that information and provide comments and concerns to the Building Inspector. The Town may require the provider to pay for the Town to hire an independent consultant as set forth herein.
- [Amended 5-7-2012 ATM, Art. 21]

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1. All information set forth in Sections 9.3.8.1 to 9.3.8.6, 9.3.9 and 9.3.9.16 to 9.3.9.23.
  2. The applicant shall comply with the terms of Section 6.1 where applicable.

#### 9.3.12. General requirements.

1. New towers shall be set at least one times the height of the tower, plus 50 feet from any boundaries of the WTOD site within which the tower is located and from any dwelling unit within the WTOD. A personal wireless tower or structure shall comply with the setback requirements set forth for the applicable district.
2. No personal wireless tower or structure or personal wireless service facility shall be located any closer than 500 feet to any dwelling unit located outside the WTOD in existence at the time of installation of the personal wireless tower or structure or personal wireless service facility.
3. If the personal wireless tower or structure facility or tower site is in a wooded area, a vegetated buffer strip of undisturbed trees shall be retained for at least 50 feet in depth around the entire perimeter except where the access drive is located. The applicant may, at the discretion of the SPGA, be required to obtain a financial surety to cover the cost of the remediation of any damage to the landscape which occurs during the clearing of the site.
4. Fencing and signs. The area around the personal wireless tower or structure and communication equipment shelter(s) shall be completely fenced for security to a height of six feet and gated. Use of razor wire is not permitted. A sign no greater than two square feet indicating the name of the facility owner(s) and a twenty-four-hour emergency telephone number shall be posted adjacent to the entry gate. In addition, "no trespassing" or other warning signs may be posted on the fence.
5. Communication equipment shelters and accessory buildings shall be designed to be architecturally similar and compatible with each other, and shall be no more than 15 feet high. The buildings shall be used only for the housing of equipment related to this particular site. Whenever possible, the buildings shall be joined or clustered so as to appear as one building.
6. New towers shall not exceed 150 feet, not including whip antennas or lightning rods, subject to a maximum future expansion of 10% by approval of the SPGA to eliminate the need for another tower in the immediate area.
7. Tower finish. New tower(s) shall have a galvanized finish unless otherwise required. The SPGA may require the tower(s) to be painted or otherwise camouflaged to minimize the adverse visual impact. The SPGA may also require personal wireless service facilities and repeaters to be painted or otherwise camouflaged to minimize the adverse visual impact.
8. Personal wireless towers or structures must be of a type which will maximize potential sharing. The applicant must demonstrate the future utility of such personal wireless tower or structure for expansion of service for the applicant and other future applicants.
9. The use of repeaters to assure adequate coverage, or to fill holes within areas of otherwise adequate coverage, while minimizing the number of required towers is permitted and encouraged. An applicant who has received a personal wireless service facility special permit under this bylaw may, with at least 30 days' written notice to the SPGA, Planning Board, Board of Health, Conservation Commission, Building Inspector and Town Clerk, install one or more additional repeaters by right. Site plan review before the Planning Board shall be required, and any conditions or recommendations proposed by the Planning Board shall become conditions of the building permit. The Planning Board shall publish written notice of the public meeting date at least 14 days in advance. Applicants shall detail the number, location, power output, and coverage of any proposed repeaters in their systems and provide engineering data to justify their use.
10. Commercial advertising shall not be allowed on any antenna, tower, or accessory building or communication equipment shelter.
11. Unless required by the Federal Aviation Administration, no night lighting of towers, or the personal wireless service facility, is permitted except for manually operated emergency lights for use when operating personnel are on site.
12. No tower or personal wireless service facility that would be classified as a hazard to air navigation, as defined by the Federal Aviation regulations (Title 14 CFR), is permitted.
13. There shall be no teleport(s) within the Town of Great Barrington.
14. Each personal wireless tower or structure or personal wireless service facility shall be located within the WTOD so as to provide adequate coverage and adequate capacity with the least number of towers and antennas which is technically and economically feasible.

#### 9.3.13. Appropriate siting within the WTOD. Towers and personal wireless service facilities shall be located so as to minimize the following potential impacts:

1. Visual/aesthetic. Towers shall, when possible, be sited off ridgelines and where their visual impact is less detrimental to highly rated scenic areas.
2. Diminution of residential property values. Siting shall be in as low population density areas as possible.
3. Safety, in cases of structural failure and attractive nuisance.
4. Safety from excessive electromagnetic radiation, in case the tower or personal wireless service facility is found to exceed the FCC guidelines.

#### 9.3.14. Preferences. The following locations are ranked in order of preference:

1. Shared use of existing towers shall be encouraged.
2. Clustering of towers: applications for towers adjacent to existing towers shall be encouraged, provided that the existing tower(s) are already fully utilized.
3. The use of municipal lands where appropriate shall be encouraged.
4. The use of repeaters either within or outside the WTOD to provide adequate coverage without requiring new tower(s) shall be encouraged.



- 9.3.15. Evaluation by independent consultants and others. Upon submission of a complete application for a special permit under this bylaw, the SPGA shall provide its independent consultant(s), if any, with the full application for its analysis and review.
1. Applicants for any special permit under this bylaw shall obtain permission from the owner(s) of the proposed property(ies) or facilities site(s) for the Town's independent consultant(s) to conduct any necessary site visit(s).
  2. The SPGA may request input from the Chiefs (or their designees) of Fire, Police and other emergency services regarding the adequacy for emergency access of the planned drive or roadway to the site.
- 9.3.16. Approval criteria. In acting on the special permit application, the SPGA shall proceed in accordance with the procedures and timelines established for special permits in Section 10.4. In addition to the findings required by Section 10.4, the SPGA shall, in consultation with the independent consultant(s), make all the applicable findings before granting the special permit, as follows:
1. That the applicant has agreed to rent or lease available space on the personal wireless tower or structure, under the terms of a fair-market lease, without discrimination to other personal wireless service providers;
  2. That proposed personal wireless tower or structure or personal wireless service facility will not have an undue adverse impact on historic resources, scenic views, residential property values, or natural or man-made resources;
  3. That the applicant has agreed to implement all reasonable measures to mitigate the potential adverse impacts of the facilities; and
  4. That the proposal shall comply with OET Bulletin 65 regarding emissions of electromagnetic radiation and that the evaluation protocols set forth in this bylaw are in place and shall be paid for by the applicant.
- 9.3.17. Evaluation of compliance; inspection. After the granting of a special permit and before the applicant's personal wireless service facilities begin transmission, the applicant shall provide, or may pay for an independent consultant, hired by the Town, to provide, an evaluation of the existing radio frequency radiation at and around the proposed facility site and/or any repeater locations to be utilized for the applicant's personal wireless service facility, by using OET Bulletin 65 protocols. A report of the evaluation shall be prepared and submitted to the Board of Selectmen, the Planning Board, the Board of Health, the Town Engineer, the Building Inspector and the Town Clerk.
- 9.3.18. Ongoing evaluation of conditions. After transmission begins, the owner(s) of any personal wireless service facility(ies) located on any facility site shall provide, or may pay for an independent consultant, hired by the Town, to provide, ongoing assessment and evaluation of the EMF radiation emitted from said site, and to report results of said evaluation, as follows:
1. There shall be routine annual assessment of RF emissions by the applicant or by an independent consultant using either actual field measurement of radiation or by utilizing the OET Bulletin 65 protocol. This assessment shall evaluate levels of RF emissions from the personal wireless service facility site's primary antennas as well as from repeaters (if any). A report of the monitoring results shall be prepared by the independent consultant and submitted to the Board of Selectmen, the Planning Board, the Board of Health, the Town Engineer, the Building Inspector and the Town Clerk.
  2. Any major modification of an existing personal wireless service facility, or the activation of any additional permitted channels, shall require new evaluation.
- 9.3.19. Excessive emissions. Should the evaluation of a personal wireless service facility site reveal that the site exceeds the levels allowed under OET Bulletin 65, then the owner(s) of all facilities utilizing that site shall be so notified. The owner(s) shall submit to the SPGA and the Building Inspector a plan for reduction of emissions to a level that complies with OET Bulletin 65 within 10 business days of notification of noncompliance. That plan shall reduce emissions to the standard within 15 days of initial notification of noncompliance. Failure to accomplish this reduction of emission within 15 business days of initial notification of noncompliance shall be a violation of the special permit and subject to penalties and fines as specified in Section 10.1. Such fines shall be payable by the owner(s) of the facilities with antennas on the facility site, until compliance is achieved.
- 9.3.20. Structural inspection. Tower owner(s) shall provide inspection reports from a professional engineer assessing the structural integrity and safety of the tower(s) at intervals of three years from initial certificate of occupancy for guyed towers and five years for monopoles and nonguyed lattice towers. The inspection report shall be submitted to the Board of Selectmen, the Town Engineer, the Building Inspector, and the Town Clerk. Any major modification of an existing facility which includes changes to tower dimensions may require new structural inspection.
- 9.3.21. Unsafe structure. Should the inspection of any tower reveal any structural defect(s) which render(s) that tower unsafe, the following actions must be taken. Within 10 business days of notification of unsafe structure, the owner(s) of the tower shall submit a plan to remediate the structural defect(s). This plan shall be initiated within 10 days of the submission of the remediation plan and completed as soon as reasonably possible. Failure to accomplish this remediation of structural defect(s) within 10 business days of initial notification shall be a violation of the special permit and subject to penalties and fines as specified in Section 10.1. Such fines shall be payable by the owner(s) of the tower, until compliance is achieved.
- 9.3.22. Removal requirements. Any personal wireless service facility which ceases to operate for a period of one year shall be removed. "Cease to operate" is defined as not performing the normal functions associated with the personal wireless service facility and its equipment on a continuous and ongoing basis for a period of one year. At the time of removal, the personal wireless facility site shall be remediated such that all personal wireless service facility improvements which have ceased to operate are removed. If all personal wireless service facilities on a tower have ceased to operate, the tower shall also be removed, and the site shall be revegetated. Existing trees shall only be removed if necessary to complete the required removal. The applicant shall, as a condition of the special permit, provide a financial surety, or other form of financial guarantee payable to the Town of Great Barrington and acceptable to the SPGA, to cover the cost of removal of the personal wireless service tower or personal wireless service facility and the remediation of the landscape, should the personal wireless service tower or personal wireless service facility cease to operate.
- 9.3.23. Fees and insurance.
1. Each personal wireless tower or structure or personal wireless service facility shall be insured by the owner(s) against damage to persons or property. The owner(s) shall provide a certificate of insurance to the Selectmen's office on an annual basis.
  2. A schedule of fees for towers and personal wireless service facilities permitting and renewal, any monitoring of emissions and inspection of structures, and any other fees shall be established by the SPGA as provided for in Section 10.4. This schedule may be amended from time to time.

**PROJECT INFORMATION**

**SITE INFORMATION**

LATITUDE: 42.21417 (PER SPRINT RFDS)  
 LONGITUDE: -73.34469 (PER SPRINT RFDS)  
 GROUND ELEVATION: 687'± AMSL (PER GOOGLE EARTH)  
 STRUCTURE HEIGHT: 160'± AGL (FROM RECORD STRUCTURAL)  
 (TYPE: SELF SUPPORT)  
 ZONING JURISDICTION: TOWN OF GREAT BARRINGTON  
 ZONING DISTRICT/ OCCUPANCY: B-2 (GENERAL BUSINESS)  
 UC (UPLAND CONSERVATION OVERLAY DISTRICT)

**APPLICANT**

SPRINT  
 1 INTERNATIONAL BLVD. SUITE 800  
 MAHWAH, NJ 07495

**PROPERTY OWNER:**

N/F BERKSHIRE BROADCASTING CO INC  
 211 JACKSON STREET  
 PITTSFIELD, MA 01201

**TOWER OWNER:**

SBA TOWERS II LLC  
 8051 CONGRESS AVENUE  
 BOCA RATON, FL 33487  
 (561) 995-7670  
 SBA SITE ID: MA13743-A, SBA SITE NAME: WSBS

**SBA CONTACT:**

MITCH WEST mwest@sbase.com  
 (518) 852-9244

**VICINITY MAP**

N.T.S.



**CODE COMPLIANCE**

1. MASSACHUSETTS AMENDMENTS TO THE IBC 2015 (780 CMR) - 9TH EDITION WITH MASSACHUSETTS AMENDMENTS.
2. 2017 NATIONAL ELECTRICAL CODE (NFPA70) AND MA AMENDMENTS (527 CMR12)
3. TIA-EIA-222-G

BASED ON INFORMATION PROVIDED BY SPRINT, THIS TELECOMMUNICATIONS EQUIPMENT DEPLOYMENT IS CONSIDERED AN ELIGIBLE FACILITY UNDER THE TAX RELIEF ACT OF 2012, 47 USC 1455(A), AND IS SUBJECT TO AN EXPEDITED ELIGIBLE FACILITIES REQUEST/REVIEW AND ZONING PRE-EMPTION FOR LOCAL DISCRETIONARY PERMITS (VARIANCE, SPECIAL PERMIT, SITE PLAN REVIEW).

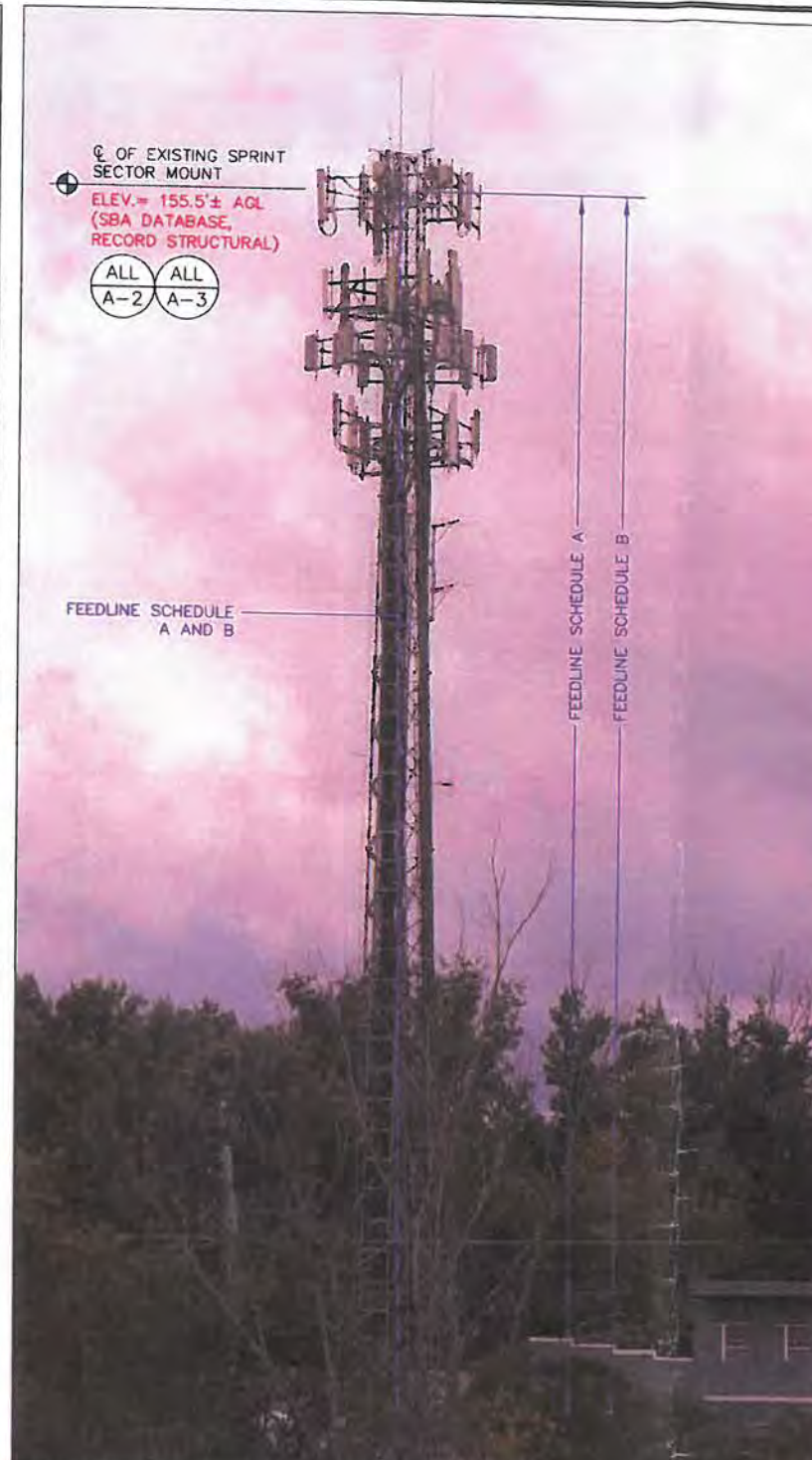


IMAGE SOURCE: PROTERRA 08/10/2017

FEEDLINE SCHEDULE	FEEDLINE DESCRIPTION	LOCATION
A	EXISTING TO REMAIN: (3) HYBRID TO 155.5' RAD	UP CABLE LADDER ON SELF SUPPORT TO RAD
B	PROPOSED: (1) HYBRID TO 155.5' RAD;	UP CABLE LADDER ON SELF SUPPORT TO RAD

NOTE: EXISTING SPRINT EQUIPMENT FEEDLINE INVENTORY BASED ON OBSERVED FIELD CONDITIONS. RFDS AND FEEDLINE LEASING ENTITLEMENTS MAY DIFFER

**TOWER ELEVATION PHOTO DETAIL**

SCALE: N.T.S.

1  
A-1

**DO MACRO UPGRADE EQUIPMENT DEPLOYMENT**

**SITE NAME: MA1266**  
**425 STOCKBRIDGE ROAD**  
**GREAT BARRINGTON, MA 01230**

**SITE CASCADE: AL72XC101**

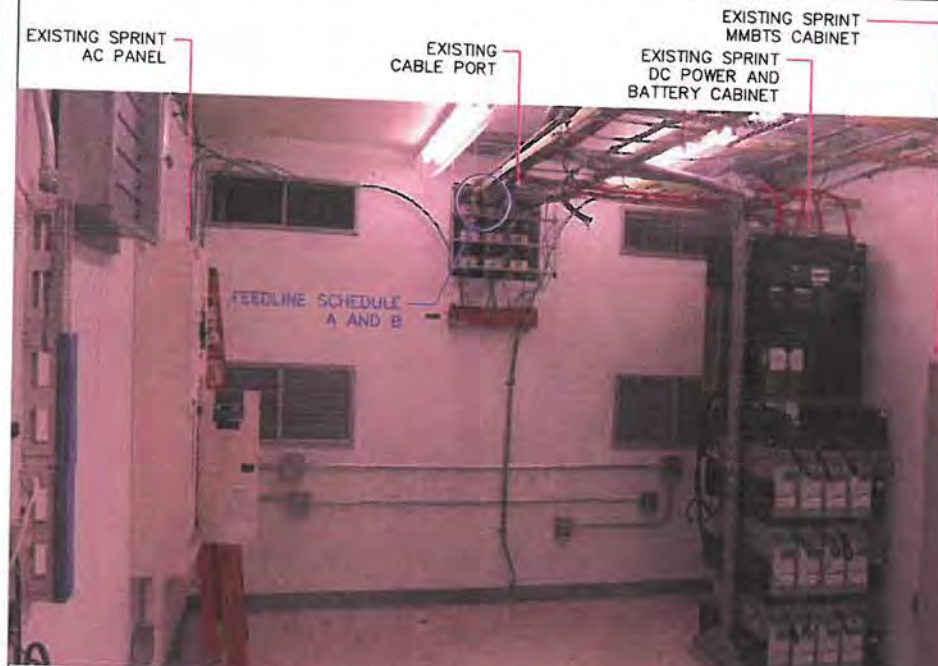


IMAGE SOURCE: PROTERRA 08/10/2017



IMAGE SOURCE: PROTERRA 08/10/2017

**EQUIPMENT PLAN PHOTO DETAIL**

SCALE: N.T.S.

2  
A-1



1 INTERNATIONAL BLVD. SUITE 800  
 MAHWAH, NJ 07495  
 TEL: (800) 357-7641



SBA COMMUNICATIONS CORP.  
 134 FLANDERS ROAD, SUITE 125  
 WESTBOROUGH, MA 01581 TEL: (508) 251-0720



4 Boy Road, Building A  
 Suite 200  
 HODLEY, MA 01035 Ph: (413)320-4918



CHECKED BY: JMM/TEJ

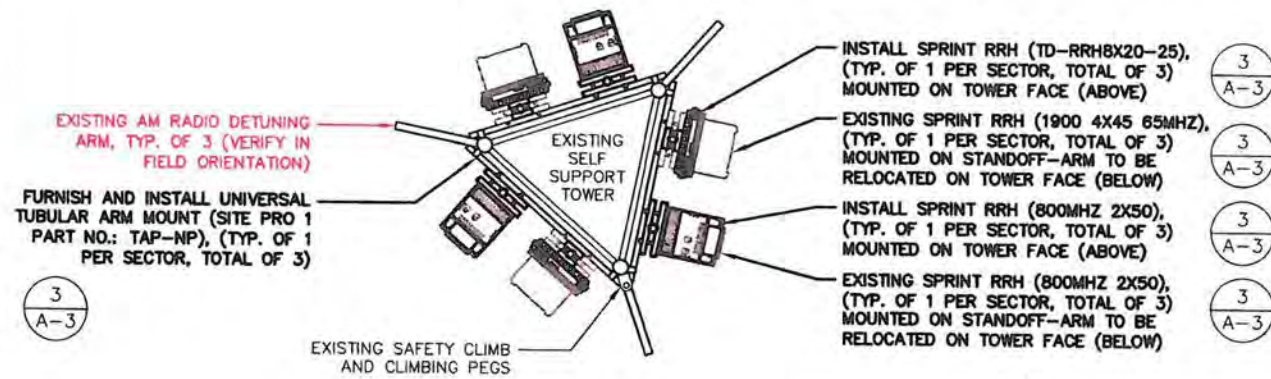
APPROVED BY: JMM/TEJ

SUBMITTALS			
REV.	DATE	DESCRIPTION	BY
1	02/02/18	ISSUED FOR CONSTRUCTION	PN
0	10/20/17	ISSUED FOR REVIEW	JEB

SITE NUMBER:  
**AL72XC101**  
 SITE NAME:  
**MA1266**  
 SITE ADDRESS:  
 425 STOCKBRIDGE ROAD  
 GREAT BARRINGTON, MA 01230

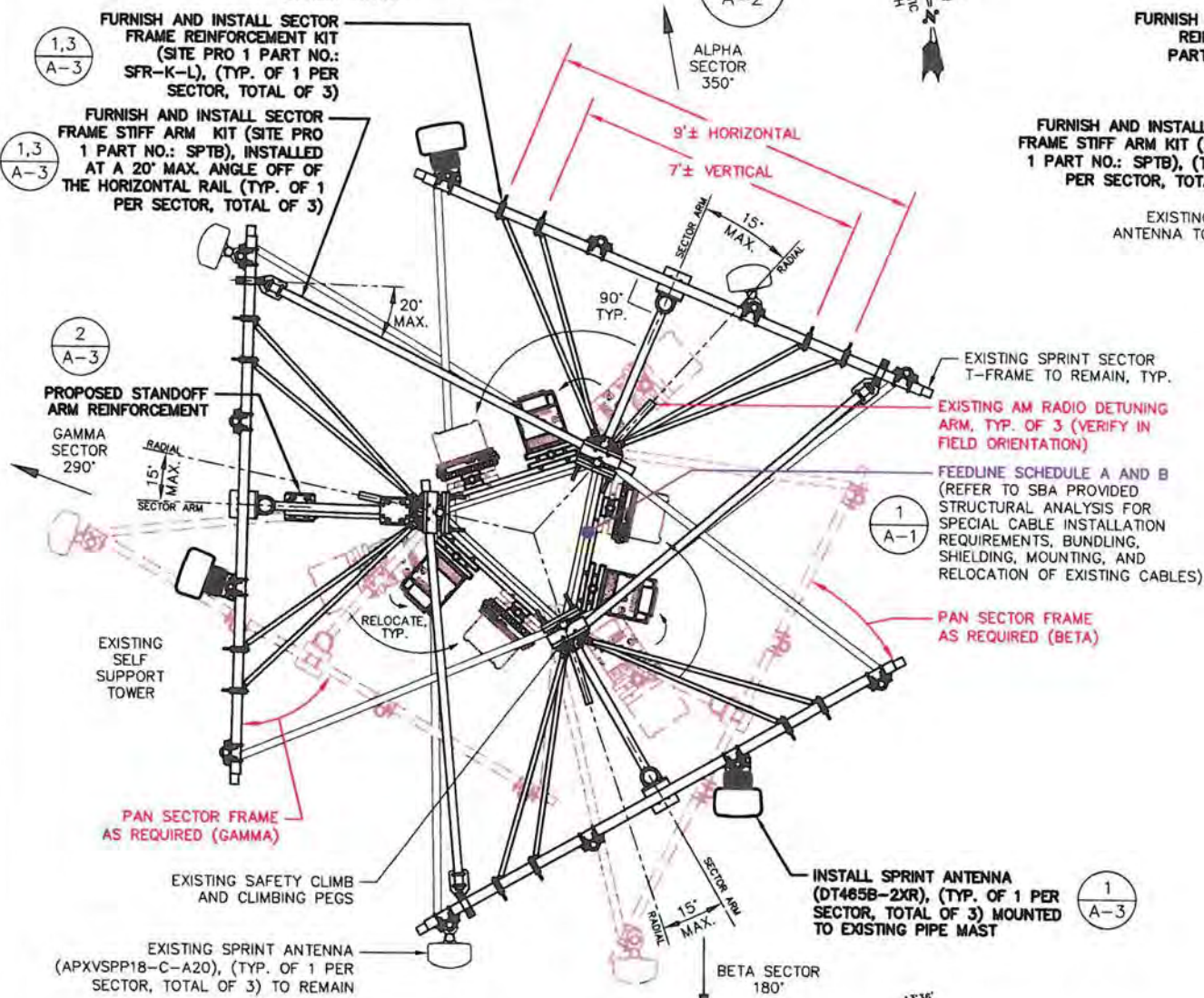
SHEET TITLE  
**TITLE SHEET**  
**ELEVATION &**  
**EQUIPMENT PLAN**  
**PHOTO DETAIL**

SHEET NUMBER  
**A-1**



**PROPOSED RRH PLAN**

SCALE: N.T.S.



**PROPOSED ANTENNA PLAN**

SCALE: N.T.S.

**SPECIAL PRE-CONSTRUCTION WORK NOTE (AM TOWER RF PROOF-OF-PERFORMANCE TESTING REQUIREMENT):**

1. SPRINT SHALL BE RESPONSIBLE FOR ALL REQUIRED AM STATION NOTIFICATION AND PREPARATION OF PRE-CONSTRUCTION AND POST-CONSTRUCTION PROOF-OF-PERFORMANCE STUDIES.
2. TOWER TOP EQUIPMENT DESIGN AS DEPICTED HEREIN WILL REQUIRE REVIEW AND APPROVAL BY AM TOWER RF ENGINEER. THE ENGINEER-OF-RECORD FOR THESE CONSTRUCTION DRAWINGS HAS NO DIRECT OR IMPLIED RESPONSIBILITY TO ENSURE THAT AM STATION PERFORMANCE WILL MEET AM STATION FCC LICENSE REQUIREMENTS.
3. AM STATION RF ENGINEER SHALL DESIGN AND SPECIFY MODIFICATIONS TO THE EXISTING AM DETUNING EQUIPMENT AND SHALL SPECIFY ANY ADDITIONAL ISOLATION OR DE-COUPLED REQUIRED FOR THE TOWER TOP NEW RAN EQUIPMENT. SPRINT SHALL BE RESPONSIBLE SUPPLEMENTAL RF DESIGN FEES AND SHALL FURNISH AND INSTALL ALL AM DETUNING EQUIPMENT UTILIZING, IF REQUIRED, A SPECIALLY-DESIGNATED SUBCONTRACTOR APPROVED BY THE AM STATION RF ENGINEER.

**SPECIAL PRE-CONSTRUCTION WORK NOTE (SBA-PROVIDED TOWER STRUCTURAL ANALYSIS; SPECIAL EQUIPMENT INSTALLATION REQUIREMENTS):**

GENERAL CONTRACTOR SHALL FURNISH AND INSTALL ALL SPECIAL OR SUPPLEMENTAL ADDITIONAL TOWER-MOUNTED EQUIPMENT PER RECOMMENDATIONS FROM SBA-PROVIDED TOWER STRUCTURAL ANALYSIS FOR ANY SPECIAL SHIELDING OF TOWER TOP EQUIPMENT AND FOR ANY SPECIAL FEEDLINE BUNDLING OR RELOCATION.

**ANTENNA MOUNT STRUCTURAL DESIGN NOTE:**

THE RECOMMENDED EXISTING AND PROPOSED TOWER TOP EQUIPMENT INSTALLATION AND STRUCTURAL DETAILS AS DEPICTED HEREIN FOR MODIFICATION OF THE EXISTING ANTENNA MOUNT ASSEMBLIES ARE BASED UPON AND SUBJECT TO THE MODIFICATIONS AS SPECIFIED IN THE SUPPLEMENTAL ANTENNA MOUNT STRUCTURAL ANALYSIS, BY GEOSTRUCTURAL, LLC DATED JANUARY 12, 2018.

INSTALL SPRINT ANTENNA (DT465B-2XR), (TYP. OF 1 PER SECTOR, TOTAL OF 3) MOUNTED TO EXISTING PIPE MAST

FURNISH AND INSTALL SECTOR FRAME REINFORCEMENT KIT (SITE PRO 1 PART NO.: SFR-K-L), (TYP. OF 1 PER SECTOR, TOTAL OF 3)

FURNISH AND INSTALL SECTOR FRAME STIFF ARM KIT (SITE PRO 1 PART NO.: SPTB), (TYP. OF 1 PER SECTOR, TOTAL OF 3)

EXISTING SPRINT ANTENNA TO REMAIN

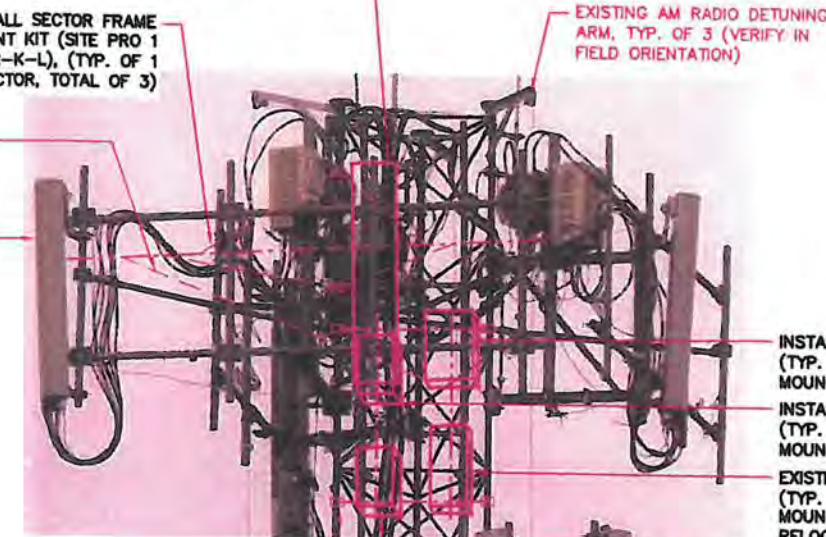


IMAGE SOURCE: PROTERRA 08/10/2017

FURNISH AND INSTALL UNIVERSAL TUBULAR ARM MOUNT (SITE PRO 1 PART NO.: TAP-NP), (TYP. OF 1 PER SECTOR, TOTAL OF 3)

EXISTING SPRINT RRH (800MHZ 2X50), (TYP. OF 1 PER SECTOR, TOTAL OF 3) MOUNTED ON STANDOFF-ARM TO BE RELOCATED ON TOWER FACE (BELOW)

**ANTENNA AND RRH MOUNT PHOTO DETAIL**

SCALE: N.T.S.

**MAJOR RF EQUIPMENT LIST**

(GC SHALL FURNISH AND INSTALL ALL OTHER MATERIALS AND EQUIPMENT NOT SUPPLIED BY SPRINT)

DESCRIPTION	QUANTITY	UNITS	MAKE/MODEL/MATERIAL	PROVIDED BY
ANTENNA	3	EA	COMMSCOPE DT465B-2XR	SPRINT
2500 RRH	3	EA	NOKIA (ALU) TD-RRH8x20-25	SPRINT
800 RRH	3	EA	NOKIA (ALU) 800MHZ 2x50W	SPRINT
FIBER	1 @ 275'± FROM FIBER DISTRIBUTION BOX	LINEAR FEET LISTED [INCLUDES (2) 10' COILS]	1-1/4" HYBRIFLEX	SPRINT

**SPRINT-PROVIDED EQUIPMENT SCHEDULE**

SCALE: N.T.S.



1 INTERNATIONAL BLVD, SUITE 800  
MAHWAH, NJ 07495  
TEL: (800) 357-7641



SBA COMMUNICATIONS CORP.  
134 FLANDERS ROAD, SUITE 125  
WESTBOROUGH, MA 01581  
TEL: (508) 251-0720



4 Bay Road, Building A  
Suite 200  
Hadley, MA 01035 Ph: (413) 320-4918



CHECKED BY: JMM/TEJ

APPROVED BY: JMM/TEJ

**SUBMITTALS**

REV.	DATE	DESCRIPTION	BY
1	02/02/18	ISSUED FOR CONSTRUCTION	PN
0	10/20/17	ISSUED FOR REVIEW	JEB

SITE NUMBER:

AL72XC101

SITE NAME:

MA1266

SITE ADDRESS:

425 STOCKBRIDGE ROAD  
GREAT BARRINGTON, MA 01230

SHEET TITLE

ANTENNA PLAN  
AND DETAILS

SHEET NUMBER

A-2

**SPECIAL PRE-CONSTRUCTION WORK NOTE (AM TOWER RF PROOF-OF-PERFORMANCE TESTING REQUIREMENT):**

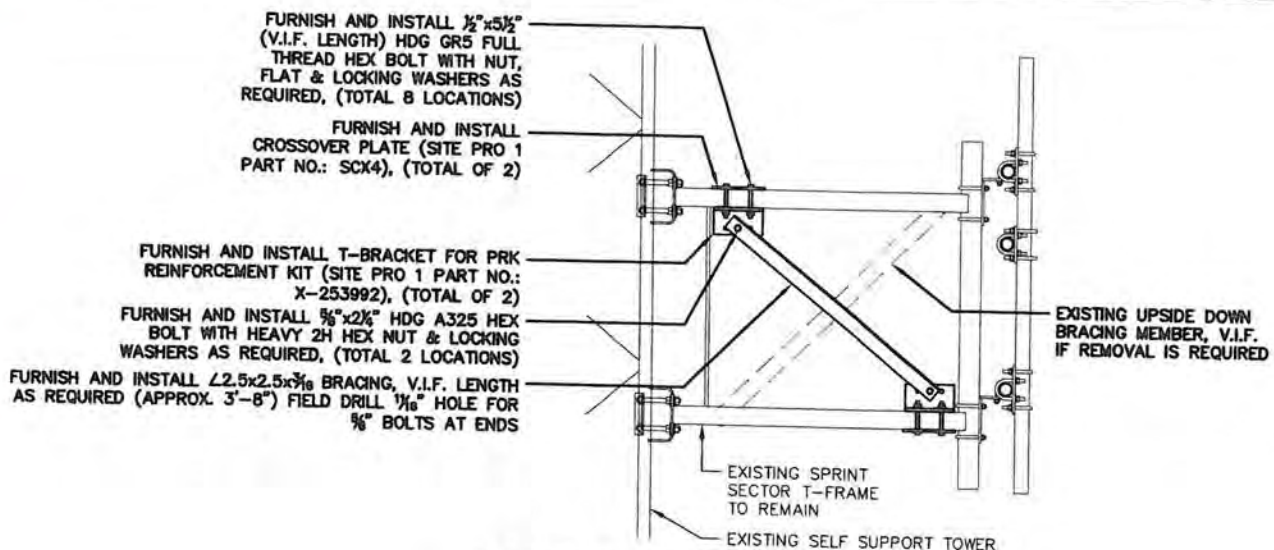
- SPRINT SHALL BE RESPONSIBLE FOR ALL REQUIRED AM STATION NOTIFICATION AND PREPARATION OF PRE-CONSTRUCTION AND POST-CONSTRUCTION PROOF-OF-PERFORMANCE STUDIES.
- TOWER TOP EQUIPMENT DESIGN AS DEPICTED HEREIN WILL REQUIRE REVIEW AND APPROVAL BY AM TOWER RF ENGINEER. THE ENGINEER-OF-RECORD FOR THESE CONSTRUCTION DRAWINGS HAS NO DIRECT OR IMPLIED RESPONSIBILITY TO ENSURE THAT AM STATION PERFORMANCE WILL MEET AM STATION FCC LICENSE REQUIREMENTS.
- AM STATION RF ENGINEER SHALL DESIGN AND SPECIFY MODIFICATIONS TO THE EXISTING AM DETUNING EQUIPMENT AND SHALL SPECIFY ANY ADDITIONAL ISOLATION OR DE-COUPLED REQUIRED FOR THE TOWER TOP NEW RAN EQUIPMENT. SPRINT SHALL BE RESPONSIBLE SUPPLEMENTAL RF DESIGN FEES AND SHALL FURNISH AND INSTALL ALL AM DETUNING EQUIPMENT UTILIZING, IF REQUIRED, A SPECIALLY-DESIGNATED SUBCONTRACTOR APPROVED BY THE AM STATION RF ENGINEER.

**ANTENNA MOUNT STRUCTURAL DESIGN NOTE:**

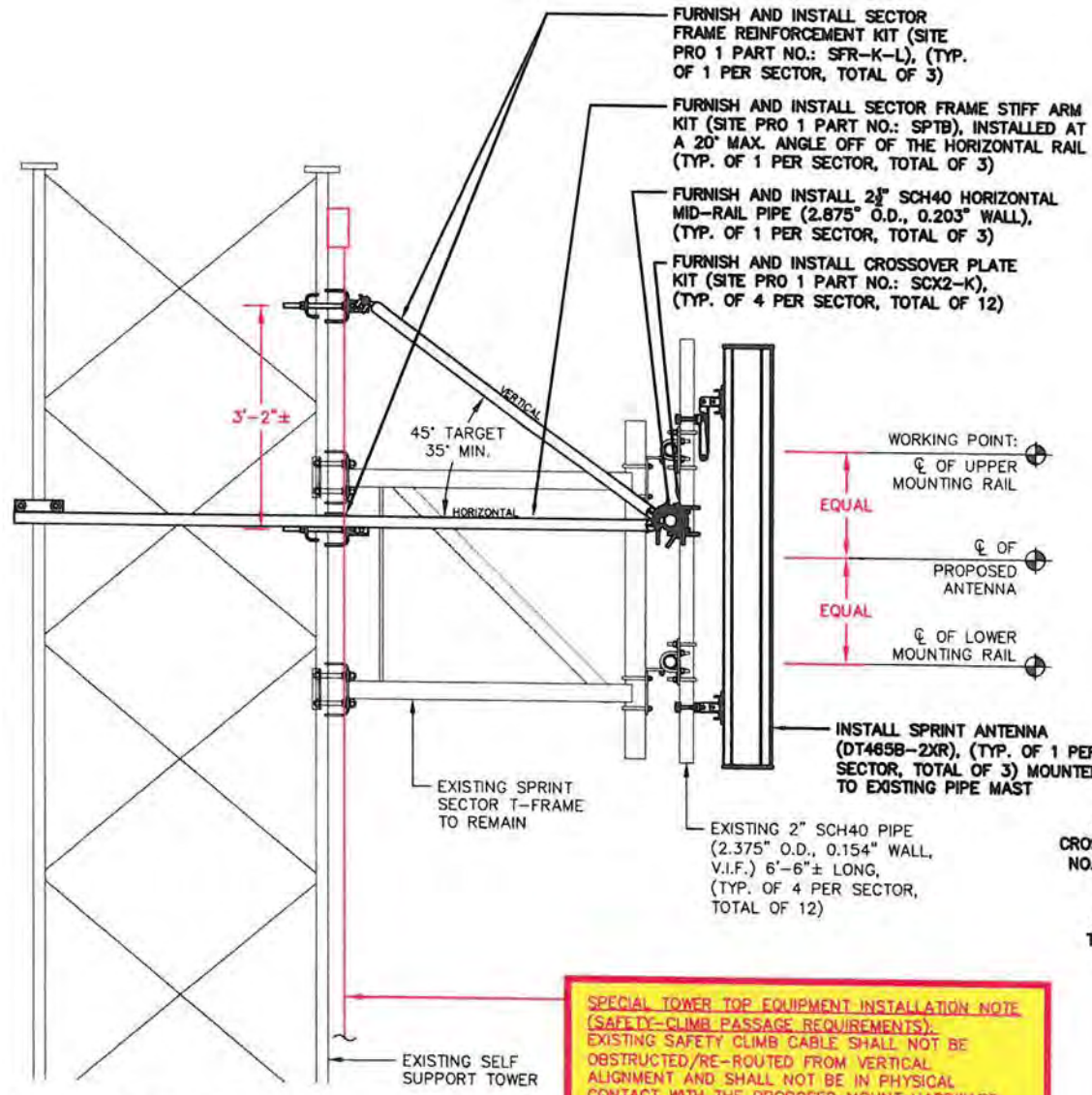
THE RECOMMENDED EXISTING AND PROPOSED TOWER TOP EQUIPMENT INSTALLATION AND STRUCTURAL DETAILS AS DEPICTED HEREIN FOR MODIFICATION OF THE EXISTING ANTENNA MOUNT ASSEMBLIES ARE BASED UPON AND SUBJECT TO THE MODIFICATIONS AS SPECIFIED IN THE SUPPLEMENTAL ANTENNA MOUNT STRUCTURAL ANALYSIS, BY GEOSTRUCTURAL, LLC DATED JANUARY 12, 2018.

**SPECIAL PRE-CONSTRUCTION WORK NOTE (SBA-PROVIDED TOWER STRUCTURAL ANALYSIS/SPECIAL EQUIPMENT INSTALLATION REQUIREMENTS):**

GENERAL CONTRACTOR SHALL FURNISH AND INSTALL ALL SPECIAL OR SUPPLEMENTAL ADDITIONAL TOWER-MOUNTED EQUIPMENT PER RECOMMENDATIONS FROM SBA-PROVIDED TOWER STRUCTURAL ANALYSIS FOR ANY SPECIAL SHIELDING OF TOWER TOP EQUIPMENT AND FOR ANY SPECIAL FEEDLINE BUNDLING OR RELOCATION.



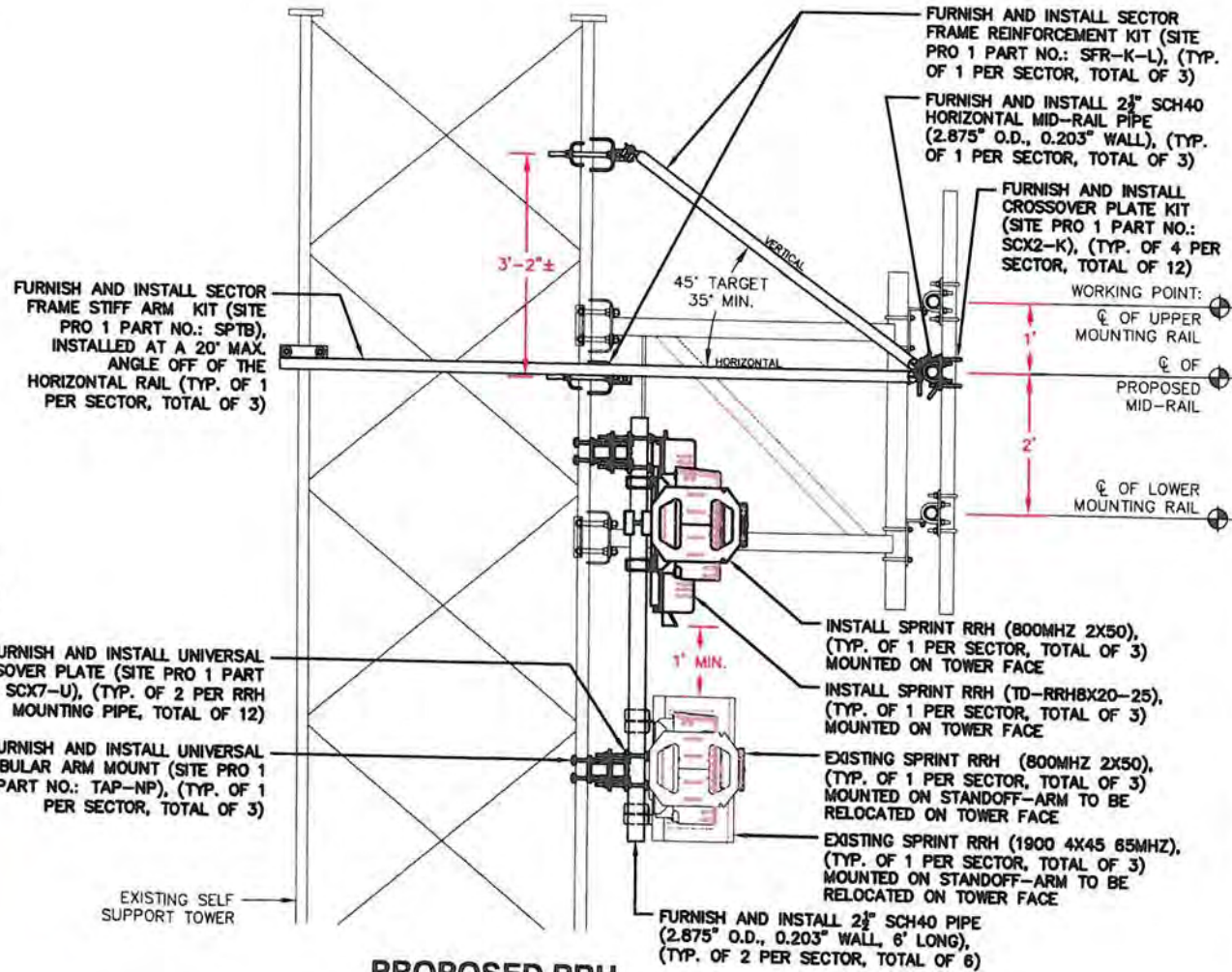
**GAMMA SECTOR MOUNT ELEVATION**  
SCALE: N.T.S.



**PROPOSED ANTENNA MOUNTING ELEVATION**  
SCALE: N.T.S.

**SPECIAL TOWER TOP EQUIPMENT INSTALLATION NOTE (SAFETY-CLIMB PASSAGE REQUIREMENTS):**

EXISTING SAFETY CLIMB CABLE SHALL NOT BE OBSTRUCTED/RE-ROUTED FROM VERTICAL ALIGNMENT AND SHALL NOT BE IN PHYSICAL CONTACT WITH THE PROPOSED MOUNT HARDWARE. GENERAL CONTRACTOR SHALL INSTALL NEW OR ADDITIONAL SAFETY-CLIMB CABLE GUIDES IF ADDITIONAL CLEARANCE IS REQUIRED. ADDITIONAL CABLE GUIDES SHALL BE ATTACHED SECURELY TO THE TOWER LEG USING MECHANICAL FASTENERS OR FIELD WELDED BY A CERTIFIED WELDING TECHNICIAN.



**PROPOSED RRH MOUNTING ELEVATION**  
SCALE: N.T.S.

**Sprint**  
1 INTERNATIONAL BLVD. SUITE 800  
MAHWAH, NJ 07495  
TEL: (800) 357-7641

**SBA**  
SBA COMMUNICATIONS CORP.  
134 FLANDERS ROAD, SUITE 125  
WESTBOROUGH, MA 01581  
TEL: (508) 251-0720

**ProTerra**  
DESIGN GROUP, LLC  
4 Bay Road, Building A  
Suite 200  
Hadley, MA 01035 Ph: (413)320-4918

COMMONWEALTH OF MASSACHUSETTS  
JESSE M. MORENO  
CIVIL  
No. 01115  
REGISTERED ENGINEER  
2-2-18

CHECKED BY: JMM/TEJ  
APPROVED BY: JMM/TEJ

SUBMITTALS			
REV.	DATE	DESCRIPTION	BY
1	02/02/18	ISSUED FOR CONSTRUCTION	PN
0	10/20/17	ISSUED FOR REVIEW	JEB

SITE NUMBER:  
AL72XC101  
SITE NAME:  
MA1266  
SITE ADDRESS:  
425 STOCKBRIDGE ROAD  
GREAT BARRINGTON, MA 01230

SHEET TITLE  
ANTENNA MOUNT AND RRH RACK DETAILS

SHEET NUMBER  
A-3

**THESE OUTLINE SPECIFICATIONS IN CONJUNCTION WITH THE SPRINT STANDARD CONSTRUCTION SPECIFICATIONS, INCLUDING CONTRACT DOCUMENTS AND THE CONSTRUCTION DRAWINGS DESCRIBE THE WORK TO BE PERFORMED BY THE CONTRACTOR.**

**CONTRACTOR NOTES:**

1. PRIOR TO BEGINNING CONSTRUCTION, ALL CONTRACTORS AND SUBCONTRACTORS MUST ACKNOWLEDGE IN WRITING TO TOWER OWNER THAT THEY HAVE OBTAINED, UNDERSTAND, AND WILL FOLLOW STRUCTURE OWNER STANDARDS OF PRACTICE, CONSTRUCTION GUIDELINES, ALL SITE AND STRUCTURE/TOWER SAFETY PROCEDURES, ALL PRODUCT LIMITATIONS AND INSTALLATION PROCEDURES USED ON SITE, AND PROPOSED AUGMENTATIONS DESCRIBED. RECEIPT OF ACKNOWLEDGEMENT MUST OCCUR PRIOR TO BEGINNING CONSTRUCTION OR CLIMBING. IT IS THE RESPONSIBILITY OF THE GENERAL CONTRACTOR TO PROVIDE THIS DOCUMENTATION FOR STRUCTURE OWNER ON COMPANY LETTERHEAD AND THE RESPONSIBILITY OF THE GENERAL CONTRACTOR TO OBTAIN THIS DOCUMENTATION FROM ANY SUBCONTRACTORS (ON SUBCONTRACTOR LETTERHEAD) AND DELIVER IT TO THE STRUCTURE OWNER.
2. IF THE CONTRACTOR DISCOVERS ANY EXISTING CONDITIONS THAT ARE NOT REPRESENTED ON THESE DRAWINGS, OR ANY CONDITIONS THAT WOULD INTERFERE WITH THE INSTALLATION OF THE AUGMENTATIONS, THE ENGINEER OF RECORD SHALL BE CONTACTED IMMEDIATELY TO EVALUATE THE SIGNIFICANCE OF THE DEVIATION.
3. THE CONTRACTOR SHALL SOLICIT AND HIRE THE SERVICES OF A QUALIFIED AUGMENTATION INSPECTOR PRIOR TO BEGINNING CONSTRUCTION. THE AUGMENTATION INSPECTOR MAY BE AN EMPLOYEE OF THE CONTRACTOR'S FIRM, HOWEVER THE INSPECTOR'S ONLY DUTIES SHALL BE INSPECTION, TESTING, AND REPORT CREATION AS REQUIRED ON THE "AUGMENTATION INSPECTION NOTES" SHEET.
4. IT IS ASSUMED THAT ANY STRUCTURAL AUGMENTATION WORK SPECIFIED ON THESE PLANS WILL BE ACCOMPLISHED BY KNOWLEDGEABLE WORKMEN WITH TOWER CONSTRUCTION EXPERIENCE. THIS INCLUDES PROVIDING THE NECESSARY CERTIFICATIONS TO THE STRUCTURE OWNER AND ENGINEER INCLUDING BUT NOT LIMITED TO TOWER CLIMBER AND RESCUE CLIMBER CERTIFICATIONS, ET CETERA.
5. THESE DRAWINGS DO NOT INDICATE THE METHOD OF CONSTRUCTION. THE CONTRACTOR SHALL SUPERVISE AND DIRECT THE WORK AND SHALL BE SOLELY RESPONSIBLE FOR ALL CONSTRUCTION METHODS, MEANS, TECHNIQUES, SEQUENCES AND PROCEDURES.
6. THE CONTRACTOR IS RESPONSIBLE FOR THE DESIGN AND EXECUTION OF ALL MISCELLANEOUS SHORING, BRACING, TEMPORARY SUPPORTS, GUYING, ETC. NECESSARY TO PROVIDE A COMPLETE AND STABLE STRUCTURE AS SHOWN ON THESE DRAWINGS.

**BOLTS:**

1. ALL CONNECTIONS OF STRUCTURAL STEEL MEMBERS SHALL BE MADE USING SPECIFIED GALVANIZED HIGH STRENGTH ASTM A325 OR A490 BOLTS WITH THREADS EXCLUDED FROM SHEAR PLANE.
2. FASTENERS SHALL BE INSTALLED IN PROPERLY ALIGNED HOLES, WITH BOLT HEADS FACING DOWN WHERE APPLICABLE.
3. ALL BOLTS AT EVERY CONNECTION SHALL BE INSTALLED SNUG-TIGHT UNTIL THE SECTION IS FULLY COMPACTED AND ALL PLIES ARE JOINED, AND THEN TIGHTENED FURTHER BY AISC - "TURN OF THE NUT" METHOD. TIGHTENING SHALL PROGRESS SYSTEMATICALLY.
4. ALL BOLTED CONNECTIONS SHALL USE LOCK WASHERS.

**STRUCTURAL STEEL:**

1. STRUCTURAL STEEL SHALL BE DETAILED, FABRICATED, AND ERECTED IN ACCORDANCE WITH THE CURRENT EDITION OF THE AISC STEEL CONSTRUCTION MANUAL AND SECTION 4 OF THE TIA CODE.
2. PRE-QUALIFIED STRUCTURAL STEEL SHALL CONFORM TO THE FOLLOWING MINIMUM GRADES UNLESS OTHERWISE NOTED:
  - CHANNELS & ANGLES ..... ASTM A36, (Fy = 36 KSI)
  - PLATES ..... ASTM A36, (Fy = 36 KSI)
  - PIPES ..... ASTM A53 GR.B, (Fy = 35 KSI)
  - HSS ROUND ..... ASTM A500 GR.B, (Fy = 42 KSI)
  - HSS RECTANGULAR ..... ASTM A500 GR.B, (Fy = 46 KSI)
  - STRUCTURAL BOLTS ..... ASTM A325
  - U-BOLTS ..... ASTM A307 GR.A
  - NUTS FOR BOLTS ..... ASTM A563 (THREADING TO MATCH BOLT)
  - WASHERS FOR BOLTS ..... ASTM F436
  - SEE TABLE 5-1 OF THE TIA CODE FOR ADDITIONAL SHAPES AND STANDARDS THAT ARE NOT LISTED ABOVE.
3. NON PRE-QUALIFIED STRUCTURAL STEEL SHALL CONFORM TO THE FOLLOWING STANDARDS PER THE TIA CODE:
  - THE CARBON EQUIVALENT OF STEEL SHALL NOT EXCEED 0.65 PER SECTION 5.4.2 OF THE TIA CODE.
  - ELONGATION OF STEEL SHALL NOT BE LESS THAN 18%
  - TEST REPORTS SHALL BE IN ACCORDANCE WITH ASTM A6 OR A568
  - TOLERANCES SHALL BE IN ACCORDANCE WITH ASTM A6
4. FIELD CUT EDGES, EXCEPT DRILLED HOLES, SHALL BE GROUND SMOOTH AND COLD GALVANIZED.
5. ALL WELDING WORK SHALL CONFORM TO THE AWS D1.1 STRUCTURAL WELDING CODE. ALL WELDING SHALL BE PERFORMED BY CERTIFIED WELDERS ONLY. WELDING ELECTRODES SHALL BE E70XX.
6. ALL DETAILING, FABRICATION AND ERECTION OF STRUCTURAL STEEL SHALL CONFORM TO AISC SPECS AND CODES, LATEST EDITION.
7. UPON REQUEST, THE CONTRACTOR SHALL SUBMIT DETAILED, ENGINEERED, COORDINATED AND CHECKED SHOP DRAWINGS FOR ALL STRUCTURAL STEEL TO THE ENGINEER OF RECORD TO REVIEW FOR COMPLIANCE WITH DESIGN INTENT PRIOR TO THE START OF FABRICATION AND/OR ERECTION.
8. TORCH-CUTTING OF ANY KIND SHALL NOT BE PERMITTED.
9. ALL BOLT HOLES SHALL BE STANDARD SIZE BOLT HOLES PER AISC 360, UNLESS OTHERWISE NOTED. ALL HOLES SHALL BE SHOP DRILLED OR SUB-PUNCHED AND REAMED. BURNING OF HOLES IS NOT PERMITTED. WHERE SLOTTED OR OVERSIZE HOLES ARE SPECIFIED ON THE DRAWINGS, EXTRA-THICK ASTM F436 PLATE WASHERS SHALL BE USED (3/16" MINIMUM THICKNESS) WITH A DIAMETER SUITABLE TO COVER THE EXTENTS OF THE SLOT OR HOLE. BOLTS SHALL BE HEAVY-HEX WHERE AVAILABLE IN THE SIZE AND GRADE SPECIFIED, OTHERWISE BOLTS SHALL BE HEX HEAD CAP SCREWS.
10. ALL STEEL HARDWARE, INCLUDING ADHESIVE OR EMBEDDED ANCHOR BOLTS AND THEIR ACCESSORIES, SHALL BE HOT-DIP GALVANIZED IN ACCORDANCE WITH ASTM A153 (EXCEPT BOLTS SMALLER THAN 1/2" SHALL CONFORM TO FE/ZN 3 AT PER ASTM F1941 WHERE HOT-DIP GALVANIZED BOLTS ARE NOT AVAILABLE). ALL STEEL MEMBERS, INCLUDING WELDMENTS, SHALL BE HOT-DIP GALVANIZED IN ACCORDANCE WITH ASTM A123. REPAIR DAMAGE TO GALVANIZED COATINGS USING ASTM A780 PROCEDURES WITH A ZINC RICH PAINT (SUCH AS ZINC GALVALITE) FOR GALVANIZED DAMAGED BY HANDLING, TRANSPORTING, CUTTING, WELDING, OR BOLTING. DO NOT HEAT SURFACES TO WHICH REPAIR PAINT HAS BEEN APPLIED. CALL OUT HOLES REQUIRED FOR HOT-DIP GALVANIZING ON SHOP DRAWINGS.
11. MEMBERS SHALL BE SHOP-FABRICATED AND WELDED TO THE EXTENT PRACTICABLE IN ORDER TO REDUCE FIELD INSTALLATION COSTS.

CONSTRUCTION INSPECTION CHECKLIST	
CONSTRUCTION AND/OR INSTALLATION INSPECTIONS REQUIRED FOR REPORT:	INSPECTION REPORT ITEM:
YES	CONSTRUCTION INSPECTIONS
N/A	THIRD-PARTY CERTIFIED WELD INSPECTION (INCLUDING IBC SPECIAL INSPECTIONS)
YES	GALVANIZING REPAIR MATERIAL PREPARATION, INSPECTION & PAINT APPLICATION
YES	PRIME CONTRACTOR'S AS-BUILT DOCUMENTS (SIGNED & DATED)
YES	FABRICATION INSPECTION
YES	MATERIAL TEST REPORT(S) / MILL CERTIFICATE(S)
YES	PACKING SLIPS FOR STRUCTURAL MATERIALS

**Sprint**  
 1 INTERNATIONAL BLVD, SUITE 800  
 MAHWAH, NJ 07495  
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**ProTerra**  
 DESIGN GROUP, LLC  
 4 Bay Road, Building A  
 Suite 200  
 Hadley, MA 01035 Ph: (413)320-4918

COMMONWEALTH OF MASSACHUSETTS  
 JESSE M. MORENO  
 CIVIL  
 No. 41115  
 REGISTERED ENGINEER  
 2218

CHECKED BY: JMM/TEJ

APPROVED BY: JMM/TEJ

SUBMITTALS			
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0	10/20/17	ISSUED FOR REVIEW	JEB

SITE NUMBER:  
**AL72XC101**  
 SITE NAME:  
**MA1266**  
 SITE ADDRESS:  
 425 STOCKBRIDGE ROAD  
 GREAT BARRINGTON, MA 01230

SHEET TITLE  
**NOTES AND SPECIFICATIONS**

SHEET NUMBER  
**A-4**

Jennifer Tabakin  
Town Manager

E-mail: [jtabakin@townofgb.org](mailto:jtabakin@townofgb.org)  
[www.townofgb.org](http://www.townofgb.org)



Town Hall, 334 Main Street  
Great Barrington, MA 01230

Telephone: (413) 528-1619 x2  
Fax: (413) 528-2290

## TOWN OF GREAT BARRINGTON MASSACHUSETTS

OFFICE OF THE TOWN MANAGER

### Complete Streets Team

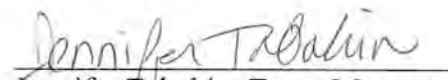
I hereby establish a Complete Streets Team to implement and monitor Complete Streets initiatives, pursuant to the Complete Streets Policy adopted by the Selectboard on June 12, 2017.

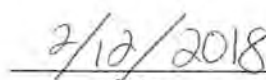
The Team shall consist of the following members, for indefinite terms

- Town Planner (lead / project manager);
  - DPW Superintendent;
  - Health Agent;
  - Council on Aging Director;
  - One member of the Selectboard, designated by the Selectboard;
  - One member of the Planning Board, designated by the Planning Board; and,
  - One member of the Design Advisory Committee (DAC), designated by the DAC.
- The Town Manager shall be an ex-officio member.

The Team shall establish a regular meeting schedule and shall work with other Town staff and boards and committees as appropriate, and with regional planning and transportation agencies including the Berkshire Regional Planning Commission (BRPC). The Team, working with BRPC, shall draft a Complete Streets plan by the end of August 2018 to submit to Mass DOT. Thereafter, the Team shall meet as needed to implement the Town's Complete Street policy.

Implementation of the Town's Complete Streets Policy will be carried out cooperatively within all relevant departments in the Town and, to the greatest extent possible, in coordination with regional, state, and federal partners.

  
Jennifer Tabakin, Town Manager

  
date

cc: Town Planner                      DPW Superintendent  
Health Agent                      Council on Aging Director  
Selectboard                      Planning Board  
DAC

Encl.: Complete Streets Policy

SEAN A. STANTON  
STEPHEN C. BANNON  
DANIEL BAILLY  
ED ABRAHAMS  
WILLIAM COOKE



Town Hall, 334 Main Street  
Great Barrington, MA 01230

Telephone: (413) 528-1619, x2  
Fax: (413) 528-2290  
website: [www.townofgb.org](http://www.townofgb.org)

## TOWN OF GREAT BARRINGTON MASSACHUSETTS

### SELECTBOARD

### **Complete Streets Policy**

Complete Streets provide safety, comfort, mobility, and accessibility for all users of the street network, including pedestrians, cyclists, other nonmotorists, transit users, school bus riders, motorists, commercial vehicles, and emergency vehicles, and are for people of all ages and abilities. Complete Streets principles contribute to the safety, health, economic vitality, and quality of life in our community by improving the motorized and nonmotorized environments in order to provide safe, accessible, and comfortable means of travel between home, school, work, recreation, and/or retail destinations. The Complete Streets framework also furthers equity objectives by providing safe forms of transportation for all Great Barrington residents.

#### *Vision and Intent*

Great Barrington envisions a transportation system where users of all modes and abilities can move safely and efficiently. The purpose of the Town of Great Barrington's Complete Streets Policy, therefore, is to accommodate all users by creating a transportation network that meets the needs of individuals utilizing a variety of transportation modes. It is the intent of the Town of Great Barrington to ensure the planning, design, operation, and maintenance of streets so they are safe for users of all ages and abilities and to provide a multi-modal transportation network. This Policy directs staff to consistently plan, design, construct, and maintain streets to accommodate a range of multi-modal transportation users including, but not limited to: pedestrians, cyclists, other nonmotorists, transit users, motorists, emergency vehicles, and freight/commercial vehicles.

#### *Core Commitment*

The Town of Great Barrington recognizes that users of various modes of transportation, including, but not limited to, pedestrians, cyclists, other nonmotorists, transit and school bus riders, motorists, freight/commercial drivers, and emergency responders are legitimate users of the transportation network and deserve safe facilities. "All users" includes users of all ages and abilities.

The Town of Great Barrington recognizes that all roadway projects, including new construction, maintenance, upgrades, and reconstruction, are opportunities to apply Complete Streets design principles. The Town will, to the maximum extent practical, design, construct, maintain, and operate all streets to provide for a comprehensive and integrated street network of facilities that is safe, accessible, and comfortable for all users.

Complete Streets design recommendations shall be incorporated into all publicly and privately funded projects to the maximum extent practical. All transportation infrastructure and street design projects requiring funding or approval by the Town of Great Barrington, as well as projects funded by the State and/or Federal government, including but not limited to Chapter 90 funds,

Town improvement grants, Transportation Improvement Program funds, the MassWorks Infrastructure Program, Community Development Block Grants, and other State and/or Federal funds for transportation improvements shall adhere to the Town of Great Barrington's Complete Streets Policy.

Private developments and related roadway design components shall adhere to Complete Streets principles. In addition, to the extent practical, state owned-roadways will comply with the Complete Streets Policy, including design, construction, and maintenance of such roadways within the Town of Great Barrington.

The Superintendent of Public Works, in consultation with a Complete Streets team (described below), will use best judgment regarding the desirability and feasibility of applying Complete Streets principles for routine roadway maintenance and projects, such as repaving, restriping, and so forth. Transportation infrastructure projects, including but not limited to roadway reconstruction, roadway reconfigurations, or subdivisions may be exempted from the Complete Streets Policy upon approval by the Town Manager, where documentation and data indicate that any of the following apply:

1. Roadways where specific users are prohibited by law, such as interstates or pedestrian malls. An effort will be made, in these cases, for Complete Streets accommodations elsewhere.
2. Cost or impacts of Complete Streets accommodation are excessively disproportionate to the need or probable future use.
3. Other Town policies, regulations, or requirements contradict or preclude implementation of Complete Streets principles.

#### *Context Sensitive Approach*

Complete Streets principles include the development and implementation of projects in a context-sensitive manner where project implementation is sensitive to the community's physical, economic, and social setting. The context-sensitive approach to planning and design includes a range of goals achieved by giving significant consideration to stakeholder and community values and livability. The overall goal of this approach is to preserve and enhance scenic, aesthetic, historic, and environmental resources while improving or maintaining safety, mobility, and infrastructure condition.

#### *Best Practices*

The Town of Great Barrington's Complete Streets Policy will focus on developing a connected, integrated transportation network that serves all users. Ensuring the region has a multi-modal transportation system that is well-connected, integrated, and safe is an important part of the development of transportation infrastructure in the region. Complete Streets principles will be integrated into policies, planning, and design of all types of public and private projects, including new construction, reconstruction, rehabilitation, repair, and maintenance of transportation facilities on streets and redevelopment projects. As practicable, recommendations from the Complete Streets team for incorporating complete streets elements will occur in project's beginning stages, prior to design, and will continue through design development, implementation phases.

The Town of Great Barrington recognizes that Complete Streets may be achieved through single elements incorporated into a particular project or incrementally through a series of smaller



improvements or maintenance activities over time.

The latest design guidance, standards, best practices, and recommendations available at the time of implementation will be used, including but not limited to the newest version of:

- MassDOT Project Development and Design Guide,<sup>1</sup>
- NACTO Urban Street Design Guide,<sup>2</sup> Urban Bikeway Design Guide,<sup>3</sup> Global Street Design Guide,<sup>4</sup> and/or Transit Street Design Guide<sup>5</sup>
- FHWA Manual on Uniform Traffic Control Devices,<sup>6</sup>
- National Complete Streets Coalition Resources,<sup>7</sup>
- ITE Designing Walkable Urban Thoroughfares: A Context Sensitive Approach,<sup>8</sup>
- Architectural Access Board 521 CMR Rules and Regulations,<sup>9</sup>
- United States Access Board Streets and Sidewalks Guidelines,<sup>10</sup> and/or
- AASHTO Guide for Planning, Designing, and Operating Pedestrian Facilities.<sup>11</sup>

In recognition of context sensitivity, public input and the needs of many users, a flexible, innovative, and balanced approach that follows other appropriate design standards may be considered, provided that a comparable level of safety for all users is present.

#### *Implementation and Next Steps*

A Complete Streets team will be created to implement and monitor this initiative. The Complete Streets team will be an ad-hoc committee designated by the Town Manager. It will be a multidisciplinary team and members will include representation from: Public Works, Health, and Planning Departments, and other committees, departments or organizations, as appropriate. The focus of this team will be ensuring the implementation of the Complete Streets Policy and, where necessary, altering existing practices and overcoming barriers that may act as impediments to implementation. In addition, this team will regularly update and solicit feedback on potential projects with the general public to ensure that the perspectives of the community are considered and incorporated, as appropriate.

Implementation of the Town of Great Barrington's Complete Streets Policy will be carried out cooperatively within all relevant departments in the Town and, to the greatest extent possible, in coordination with regional, state, and federal partners.

The Town shall make Complete Streets practices a routine part of everyday operations, shall approach every transportation project and program as an opportunity to improve streets and the transportation network for all users, and shall work in coordination with other departments,

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<sup>1</sup> <https://www.massdot.state.ma.us/highway/DoingBusinessWithUs/ManualsPublicationsForms.aspx>

<sup>2</sup> <http://nacto.org/publication/urban-street-design-guide/>

<sup>3</sup> <http://nacto.org/publication/urban-bikeway-design-guide/>

<sup>4</sup> <http://globaldesigningcities.org/publication/global-street-design-guide/>

<sup>5</sup> <http://nacto.org/transit-street-design-guide/>

<sup>6</sup> <http://mutcd.fhwa.dot.gov/>

<sup>7</sup> <http://www.smartgrowthamerica.org/complete-streets>

<sup>8</sup> <http://www.ite.org/css/>

<sup>9</sup> <http://www.mass.gov/eopss/consumer-prot-and-bus-lic/license-type/aab/aab-rules-and-regulations-pdf.html>

<sup>10</sup> <http://www.access-board.gov/guidelines-and-standards/streets-sidewalks>

<sup>11</sup> [http://www.fhwa.dot.gov/environment/bicycle\\_pedestrian/guidance/design\\_flexibility.cfm](http://www.fhwa.dot.gov/environment/bicycle_pedestrian/guidance/design_flexibility.cfm)

agencies, and jurisdictions to achieve Complete Streets in Great Barrington.

The Town, with input from the Complete Streets team, shall review and either revise or develop proposed revisions to all appropriate planning documents (master plans, open space and recreation plan, etc.), zoning and subdivision codes, laws, procedures, rules, regulations, guidelines, programs, and templates to integrate Complete Streets principles in all roadway projects.

The Town shall maintain a comprehensive inventory of pedestrian and bicycle facility infrastructure that will highlight projects that eliminate gaps in the sidewalk and bikeway network.

The Town will evaluate projects within the Capital Improvement Program to ensure projects comply with this Policy in a context sensitive manner and to the maximum extent practicable.

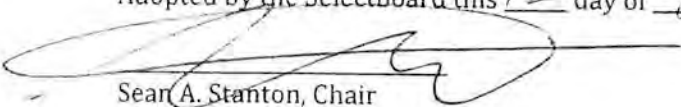
The Town will secure training for pertinent Town staff and decision-makers on both the technical content of Complete Streets principles and best practices, as well as community engagement methods for implementing the Complete Streets Policy. Training may be accomplished through workshops and other appropriate means. The Town will utilize inter-department coordination to promote the most responsible and efficient use of resources for activities within the public way.

The Town will seek out appropriate sources of funding and grants for implementation of the Complete Streets Policy.

#### *Evaluation of Effectiveness*

The Complete Streets team will develop performance measures to assess the rate, success, and effectiveness of implementing the Town of Great Barrington's Complete Streets Policy on an annual basis. The team will determine the frequency of assessment and utilize appropriate metrics for analyzing the success of this policy. These performance measures shall include: total miles of bike lanes, linear feet of pedestrian accommodation, number of new curb ramps installed, and number of crosswalk and intersection improvements. The team may also include metrics like: rate of crashes by mode, rate of children walking or cycling to school, and/or number of trips by mode.

Adopted by the Selectboard this 12<sup>th</sup> day of June, 2017

  
Sean A. Stanton, Chair