

## 05.00 BUSINESS DISTRICTS - 1 AND 2:

Except as provided in Section 07.00 hereof, no building structure within Business Districts 1 and 2 shall be constructed and no building, structure or land or part thereof, shall be used for any purpose or in any manner other than one or more of the uses hereinafter set forth. All land within Business District 1 (Map Symbol B1) and Business District 2 (Map Symbol B2) may be used for any of the following uses, under the following regulations, provided that all uses not specifically permitted shall be prohibited.

## 05.10 Business District - 1:

## 05.11 Uses Permitted:

- .01 Any wholesale or retail business, service, office or public utility conducted indoors.
- .02 Light manufacturing (free of excessive sound, light, odor, vibration, commotion or other noxious disturbances) where all materials are stored indoors and the major portion of the products thereof are sold on the premises by the producer to the consumer (e.g. jewelry store, bakery shop, arts and crafts).

## 05.12 Uses Requiring Permit from the Board of Appeals:

- .01 Private dwelling use and apartments provided that:
  - no private dwelling or apartment use sited in a business structure shall be permitted on the first (1st) floor of any structure where such use did not exist during the proceeding two (2) years;
  - there are two separate exits to the outside;
  - each sleeping room has at least one window on each of two different outside walls;
  - the Board of Health and the Fire Department approve; such approval may be conditional;

## 05.10 Business District - 1:

05.12 Uses Requiring Permit from the Board of Appeals,  
continued.01 Private dwelling use and apartments provided  
that:

- hazardous materials and commercial inventories of foodstuffs are not kept on a floor, or floor level used for habitation purposes;
- commercial processes creating hazardous (toxic, flammable or explosive) vapors shall not take place in any structure, or on any lot where there is a habitation use;
- all commercial uses shall occur at a floor, or level, below habitation uses.

The Board of Appeals may require the installation of detection alarms for heat, smoke, fire or vapor hazards.

.02 In Business District 1 only, hotels, motels rooms-for-rent, boarding houses, food service establishments and the conversion of a residential structure/lot to business use (including expansion of existent business uses herein cited), provided that the proposed use is determined to be in conformity with the intent purposes of this Zoning Bylaw and specifically:

- such use does not significantly conflict, in size and appearance, with existent uses; and,
- additional parking requirements can be accommodated within one-quarter (1/4) mile of the site, and;
- such use would not significantly increase traffic congestion or hazards, and;
- the Board of Health determines that provisions for wastewater disposal are adequate.

The Board of Appeals may impose such conditions or restrictions as they shall find reasonable and necessary; including, but not limited to , seasonal or intermittent use restrictions.

## 05.10 Business District - 1:

05.12 Uses Requiring Permit from the Board of Appeals,  
continued

.02 In Business District 1 only, continued

Note: (1) At the time this Bylaw amendment became effective (1985), problem conditions relating to traffic, wastewater disposal and flood hazards would generally preclude issuing Special Permits under this section. This section makes possible the consideration of certain uses as major problem solutions become effective.

(2) The Zoning Board of Appeals may require the applicant to submit professional studies relating to traffic impacts, flood/storm conditions, pollution prevention or other necessary and pertinent data.

.03 Other retail businesses where sales, demonstrations, displays, services, and other activities, or some of them, are conducted other than in an enclosed building.

.04 Place of amusement, or assembly, or club conducted for profit.

.05 Tennis (or other ball game) courts provided they are within a building and not in excess of two courts per lot, or contiguous lots in common ownership.

.06 One (1) only swimming pool per lot, or contiguous lots in common ownership, provided the pool is located indoors and meets the requirements of Section 04.02.10.

05.13 Uses Requiring a Special Permit from the Planning Board:

.01 Uses set forth in Section 05.11 having 3,000 or more square feet of gross floor area, which shall include any new structure, or group of structures under the same ownership on the same lot or contiguous lots, or any improvement or

## 05.10 Business District - 1:

## 05.13 Uses Requiring a Special Permit from the Planning Board, cont

alteration or change in use of an existing structure or group of structures.

.02 Special Permit Requirements. Plan Review by the Site Plan Review Board, as defined in Section 02.68 and provided for in Section 10.06, shall be required prior to the issuance of a Special Permit.

.03 Special Permit Findings. Before granting an application for a special permit, the Planning Board, with due regard to the nature and condition of the adjacent structures and uses in the district shall find all of the following general conditions to be in compliance with this by-law :

.01 The proposed use is consistent with the purpose and intent of this bylaw and with the Site Plan Standards for Review.

.02 The proposed use is appropriate for the specific site.

.03 The proposed use will not overburden any road, public water, public property, drainage or sewer system to such an extent that the proposed use or any developed use in the immediate area or in any other area of the Town will be unduly subjected to hazards affecting health, safety or the general welfare.

.04 The proposed use shall not adversely impact the district's visual character, including views and vistas, and will improve opportunities for visual and pedestrian access within and through the district.

## 05.10 Business District - 1:

## 05.13 Uses Requiring a Special Permit from the Planning Board, continued

.04 Special Permit Conditions. The Planning Board may impose in addition to any applicable conditions specified in this by-law, such additional conditions as it finds reasonably appropriate to safeguard the neighborhood or otherwise serve the purpose and intent of the By-law and including:

- .01 Screening of parking areas or other parts of the premises from adjoining premises, or from the street or from other public spaces by specific walls, fences, plantings, or other devices.
- .02 Modification of the exterior features or appearances of the structure(s).
- .03 Limitation of size, number of occupants, method and time of operation, and extent of facilities.
- .04 Regulation of number, design, and location of access drives, walks, or links and other traffic and pedestrian features within and through the district.
- .05 Requirements of off-street parking and other special features beyond the minimum required by this by-law.
- .06 Requirement for performance bonds or other security.
- .07 Requirement of underground installation of utilities
- .08 Installation and certification of mechanical or other devices to limit

05.10 Business District - 1:

05.13 Uses Requiring a Special Permit from the Planning Board, continued

.04 Special Permit Conditions, continued

present or potential hazard to human health, welfare or the environment.

(Adopted Section 05.13: April 29, 2014)

05.14 Regulations:

.01 Lot size, setbacks and heights shall conform to the requirements set forth in Schedule A of this Bylaw.

.02 Commercial laundries, wholesale distribution terminals and freight distribution terminals are prohibited.

.03 Where otherwise, under Section 05.10, both a Permit and a Special Permit application would be required, single application shall be made to the Planning Board for a Special Permit.

05.20 Business District - 2:

05.21 Uses Permitted:

.01 Any use permitted in Business District 1 and so regulated.

.02 Multiple Dwelling Units (including apartments) and/or Structures, without a Special Permit, provided:

- the number of dwelling units does not exceed three (3) and the number of dwelling structures does not exceed two (2) on any lot, including contiguous lots in the same ownership; and,
- the conditions and requirements of Section 04.03 are met, except that the Schedule A (section 13.00) requirements for R10 shall apply.

## 05.20 Business District - 2:

## 05.21 Uses Permitted, continued:

- .03 Food Service Establishments subject to the requirements of Schedule A (section 13.00) and Board of Health approval.
- .04 Light manufacturing (free of excessive sound, light, odor, vibration, commotion or other noxious disturbance) where all materials are stored indoors, or screened from public view, provided shipping and receiving activities take place on the reverse side (rear) of the structure so as to be away from public entrances.
- .05 Large-Scale Ground-Mounted Solar Photovoltaic Installations

- .01.00 Purpose

The purpose of this bylaw is to promote the creation of new large-scale ground-mounted solar photovoltaic installations by providing standards for the placement, design, construction, operation, monitoring, modification and removal of such installations that address public safety, minimize impacts on scenic, natural and historic resources and to provide adequate financial assurance for the eventual decommissioning of such installations.

The provisions set forth in this section shall apply to the construction, operation, and/or repair of large-scale ground-mounted solar photovoltaic installations.

- .01 Applicability

This section applies to large-scale ground-mounted solar photovoltaic installations proposed to be constructed after the effective date of this section. This section also pertains to physical modifications that materially alter the type, configuration, or size of these installations or related equipment

05.20 Business District - 2:

05.21 Uses Permitted, continued:

.05 Large-Scale Ground-Mounted Solar Photovoltaic Installations, continued:

.01 Applicability, continued:

Designated Location: Zoning Districts B- 2 (Business District II) is designated by town meeting vote, in accordance with Massachusetts General Laws Chapter 40A, section 5, as the location where ground - mounted large scale solar photovoltaic installations may be sited as-of right. Said locations are shown on a Zoning Map, for the Town of Tisbury, Dukes County, Massachusetts, last revised on 25 March 2003 pursuant to Massachusetts General Laws Chapter 40A Section 4. This map is hereby made a part of this Zoning Bylaw and is on file in the Office of the Tisbury Town Clerk.

.02.00 General Requirements for all Large Scale Solar Power Generation Installations

The following requirements are common to all solar photovoltaic installations to be sited in designated locations.

.01 Compliance with Laws, Ordinances and Regulations

The construction and operation of all large scale solar photovoltaic installations shall be consistent with all applicable local, state and federal requirements, including but not limited to all applicable safety, construction, electrical, and communications requirements. All buildings and fixtures forming part of a solar photovoltaic installation shall be constructed in accordance with the State Building Code.

## 05.20 Business District - 2:

## 05.21 Uses Permitted, continued:

## .05 Large-Scale Ground-Mounted Solar Photovoltaic Installations, continued:

02.00 General Requirements for all Large Scale Solar Power Generation Installations, cont

.02 Building Permit and Building Inspection  
No large scale solar photovoltaic installation shall be constructed, installed or modified as provided in this section without first obtaining a building permit.

## .03 Fees

The application for a building permit for a large scale solar photovoltaic installation must be accompanied by the fee required for a building permit.

## .04 Site Plan Review

Ground-mounted large scale solar photovoltaic installations with 250 kW or larger of rated nameplate capacity shall undergo site plan review by the Site Plan Review Board as defined in Section 02.61 prior to construction, installation or modification as provided in this section.

.03.00 General

All plans and maps shall be prepared, stamped and signed by a Professional Engineer licensed to practice in Massachusetts.

## .01 Required Documents

Pursuant to the site plan review process, the project proponent shall provide the following documents:

- (a) A site plan showing:
- i. Property lines and physical features, including roads, for the project site;
  - ii. Proposed changes to the landscape of the site, grading, vegetation clearing and planting,

.05 Large-Scale Ground-Mounted Solar Photovoltaic Installations,  
continued:

05.21 Uses Permitted, continued:

.03.00 General, cont.

.01 Required Documents, cont.

- exterior lighting, screening vegetation or structures;
- iii. Blueprints or drawings of the solar photovoltaic installation signed by a Professional Engineer licensed to practice in the Commonwealth of Massachusetts showing the proposed layout of the system and any potential shading from nearby structures
  - iv. One or three line electrical diagram detailing the solar photovoltaic installation, associated components, and electrical interconnection methods, with all National Electrical Code compliant disconnects and overcurrent devices;
  - v. Documentation of the major system components to be used, including the PV panels, mounting system, and inverter;
  - vi. Name, address, and contact information for proposed system installer;
  - vii. Name, address, phone number and signature of the project proponent, as well as all co-proponents or property owners, if any;
  - viii. The name, contact information and signature of any agents representing the project proponent; and
    - (b) Documentation of actual or prospective access and control of the project site (see also Section 05.21.05;
    - (c) An operation and maintenance plan (see also Section 05.21.05
    - (d) Zoning district designation for the parcel(s) of land comprising the project site (submission of a copy of a zoning map with the parcel(s) identified is suitable for this purpose);
    - (e) Proof of liability insurance; and

.05 Large-Scale Ground-Mounted Solar Photovoltaic Installations,  
continued:

05.21 Uses Permitted, continued:

.03.00 General, cont.

.01 Required Documents, cont.

(f) Description of financial surety that  
satisfies Section 05.21.05

The Site Plan Review Board may waive documentary  
requirements as it deems appropriate.

.02 Site Control

The project proponent shall submit documentation  
of actual or prospective access and control of  
the project site sufficient to allow for  
construction and operation of the proposed solar  
photovoltaic installation.

.03 Operation & Maintenance Plan

The project proponent shall submit a plan for  
the operation and maintenance of the large-scale  
ground-mounted solar photovoltaic installation,  
which shall include measures for maintaining  
safe access to the installation, storm water  
controls, as well as general procedures for  
operational maintenance of the installation.

.04 Utility Notification

No large- scale ground -mounted solar  
photovoltaic installation shall be constructed  
until evidence has been given to the Site Plan  
Review Board that the utility company that  
operates the electrical grid where the  
installation is to be located has been informed  
of the solar photovoltaic installation owner or  
operator's intent to install an interconnected  
customer-owned generator. Off-grid systems  
shall be exempt from this requirement.

.05 Large-Scale Ground-Mounted Solar Photovoltaic Installations, continued:

.03.00 General, cont.

.05 Dimension and Density Requirements

.01 Setbacks

For large-scale ground-mounted solar photovoltaic installations, front, side and rear setbacks shall be as follows:

- (a) Front yard: The front yard depth shall be at least 10 feet; provided, however, that where the lot abuts a Conservation-Recreation or Residential district, the front yard shall not be less than 50 feet.
- (b) Side yard: Each side yard shall have a depth at least 15 feet; provided, however, that where the lot abuts a Conservation-Recreation or Residential district, the side yard shall not be less than 50 feet.
- (c) Rear yard: The rear yard depth shall be at least 25 feet; provided, however, that where the lot abuts a Conservation-Recreation or Residential district, the rear yard shall not be less than 50 feet:

.02 Appurtenant Structures

All appurtenant structures to large-scale ground-mounted solar photovoltaic installations shall be subject to Tisbury Zoning Bylaw Section 05.20.00 (Business District II) concerning the bulk and height of structures, lot area, setbacks, open space, parking and building coverage requirements. All such appurtenant structures, including but not limited to, equipment shelters, storage facilities, transformers, and substations, shall be architecturally compatible with each other. Whenever reasonable, structures should be shaded from view by vegetation and/or joined

05.20 Business District - 2:

05.21 Uses Permitted, continued:

.05 Large-Scale Ground-Mounted Solar Photovoltaic Installations continued:

.03.00 General, cont.

.05 Dimension and Density Requirements, cont.

or clustered to avoid adverse visual impacts.

.06 Design Standards

.01 Lighting

Lighting of solar photovoltaic installations shall be consistent with local, state and federal law. Lighting of other parts of the installation, such as appurtenant structures, shall be limited to that required for safety and operational purposes, and shall be shielded down to protect abutting properties. Lighting of the solar photovoltaic installation shall be directed downward and shall incorporate full cut-off fixtures to reduce light pollution.

.02 Signage

Signs on large- scale ground-mounted solar photovoltaic installations shall comply with

Tisbury Zoning Bylaw Sections 05.23.01, (non-appurtenant signs) and 07.06 (Sign Regulations. A sign consistent with a municipality's sign bylaw shall be required to identify the owner and provide a 24-hour emergency contact phone number.

Solar photovoltaic installations shall not be used for displaying any advertising and may be used for the identification of the manufacturer or operator of the solar photovoltaic installation only.

## 05.20 Business District - 2:

## 05.21 Uses Permitted, continued:

## .05 Large-Scale Ground-Mounted Solar Photovoltaic Installations, continued:

.03.00 General, cont.

## .07 Utility Connections

Reasonable efforts, as determined by the Site Plan Review Board shall be made to place all utility connections from the solar photovoltaic installation underground, depending on appropriate soil conditions, shape, and topography of the site and any requirements of the utility provider. Electrical transformers for utility interconnections may be above ground if required by the utility provider.

## .08 Safety and Environmental Standards

## .01 Emergency Services

The large scale solar photovoltaic installation owner or operator shall provide a copy of the project summary, electrical schematic, and site plan to the local fire chief. Upon request the owner or operator shall cooperate with local emergency services in developing an emergency response plan. All means of shutting down the solar photovoltaic installation shall be clearly marked. The owner or operator shall identify a responsible person for public inquiries throughout the life of the installation.

## .02 Land Clearing, Soil Erosion and Habitat Impacts

Clearing of natural vegetation shall be limited to what is necessary for the construction, operation and maintenance of the large - scale ground-mounted solar photovoltaic installation or otherwise prescribed by applicable laws, regulations, and bylaws.

05.20 Business District - 2:

05.21 Uses Permitted, continued:

.05 Large-Scale Ground-Mounted Solar Photovoltaic Installations, continued

.04.00 Monitoring and Maintenance

.01 Solar Photovoltaic Installation Conditions

The large - scale ground-mounted solar photovoltaic installation owner or operator shall maintain the facility in good condition. Maintenance shall include, but not be limited to, painting, structural repairs, and integrity of security measures. Site access shall be maintained to a level acceptable to the local Fire Chief and Emergency Medical Services. The owner or operator shall be responsible for the cost of maintaining the solar photovoltaic installation and any access road(s), unless accepted as a public way.

.02 Modifications

All material modifications to a solar photovoltaic installation made after issuance of the required building permit shall require approval by the Site Plan Review Board.

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.05.00 Abandonment or Decommissioning

.01 Removal Requirements

Any large- scale ground-mounted solar photovoltaic installation which has reached the end of its useful life or has been abandoned consistent with Section 3.12.2 of this bylaw shall be removed. The owner or operator shall physically remove the installation no more than 150 days after the date of discontinued operations. The owner or operator shall notify the Site

## 05.20 Business District - 2:

## 05.21 Uses Permitted, continued:

.05 Large-Scale Ground-Mounted Solar  
Photovoltaic Installations, continued

05.00 Abandonment or Decommissioning, cont.

## .01 Removal Requirements, cont.

Plan Review Board by certified mail of the proposed date of discontinued operations and plans for removal. Decommissioning shall consist of:

- (a) Physical removal of all large- scale ground-mounted solar photovoltaic installations, structures, equipment, security barriers and transmission lines from the site.
- (b) Disposal of all solid and hazardous waste in accordance with local, state, and federal waste disposal regulations.
- (c) Stabilization or re-vegetation of the site as necessary to minimize erosion. The Site Plan Review Board may allow the owner or operator to leave landscaping or designated below-grade foundations in order to minimize erosion and disruption to vegetation.

## .02 Abandonment

Absent notice of a proposed date of decommissioning or written notice of extenuating circumstances, the solar photovoltaic installation shall be considered abandoned when it fails to operate for more than one year without the written consent of the Site Plan Review Board. If the owner or operator of the large- scale ground-mounted solar photovoltaic installation fails to remove the installation in accordance with the requirements of this section within 150 days of abandonment or the proposed date of decommissioning, the town may enter the

05.20 Business District - 2:

05.21 Uses Permitted, continued:

.05 Large-Scale Ground-Mounted Solar Photovoltaic Installations, continued

05.00 Abandonment or Decommissioning, cont.

.02 Abandonment, cont.

property and physically remove the installation.

.03 Financial Surety

Proponents of large-scale ground-mounted solar photovoltaic projects shall provide a form of surety, either through escrow account, bond or otherwise, to cover the cost of removal in the event the town must remove the installation and remediate the landscape, in an amount and form determined to be reasonable by the Site Plan Review Board, but in no event to exceed more than 125 percent of the cost of removal and compliance with the additional requirements set forth herein, as determined by the project proponent. Such surety will not be required for municipally- or state-owned facilities. The project proponent shall submit a fully inclusive estimate of the costs associated with removal, prepared by a qualified engineer. The amount shall include a mechanism for calculating increased removal costs due to inflation.

(Amend Section 05.00: April 5, 2011 - Acting on Article 12)

05.22 Uses Requiring a Permit from the Board of Appeals

.01 Lumber yard, wood milling shop, sheet metal shop, automotive vehicular sales and/or services (includes all forms of automotive repair and service, body work and painting; does not

## 05.20 Business District - 2:

05.22 Uses Requiring a Permit from the Board of Appeals  
(Cont.)

include stores selling parts and packaged materials only).

- .02 Activities regularly involving welding, spray painting, toxic chemicals or hazardous materials.
- .03 Other retail businesses where sales, demonstrations, displays, services, and other activities, or some of them, are conducted in other than an enclosed building.
- .04 Place of amusement, or assembly, or club conducted for profit.
- .05 Tennis courts not to exceed four (4) in number subject to the regulations set forth in Section 04.02.11.
- .06 One (1) only swimming pool per lot or set of contiguous lots in common ownership, provided that:
  - if located outdoors, the requirements set forth in Section 04.03.10 are met;
  - if located indoors, plans shall be submitted with the seal and signature of a qualified registered professional engineer.
- .07 Automobile dismantling, used yard parts, salvage (junk) yard. The Board of Appeals may grant a Special Permit provided:
  - the site, as enclosed and screened, is at least 150 feet from a principal way, road, or street;
  - the distance from ground surface to ground water is determined and found to be not less than twenty (20) feet;
  - impervious raised pads rimmed and

## 05.20 Business District - 2:

05.22 Uses Requiring a Permit from the Board of Appeals  
(Cont.)

07 Automobile dismantling, used yard parts, salvage  
(junk) yard. The Board of Appeals may grant a  
Special Permit (cont.:

provided for the storage of chemicals  
(including petroleum products) and heavy  
metals;

- all federal, state and local regulations  
applicable to hazardous materials/wastes  
are complied with;
- no materials of any kind shall be  
disposed of subsurface; and,
- the site is secured against unauthorized  
entry use.

The Board may impose such additional conditions  
and restrictions as it shall determine to be  
appropriate and shall specify enclosure,  
screening, maximum activity and storage  
permitted.

- .08 Hotels, Motels and Apartments where there are  
more than three (3) dwelling units or more than  
two(2) dwelling structures on any lot, including  
contiguous lots in the same ownership, provided:
- excepting low/moderate income housing or  
housing for the elderly, there are no  
more than eight (8) dwelling units and/or  
four (4) dwelling structures on any lot,  
including contiguous lots in the same  
ownership; and,
  - excepting that Schedule A (section 13.00)  
requirements shall be those that apply to  
R10, and the conditions and requirements  
of Section 04.03.12 are met.

05.20 Business District - 2:

05.23 Uses Requiring Special Permit from the Planning Board

.01 Non- Appurtenant Signs: Business District 2  
Non-Appurtenant signs, as defined in the Zoning By-Law Section 07.06.01, may be permitted by Special Permit only upon the Planning Board's written determination that the proposed signage will not constitute a hazard, promote blight or pollution, visual or otherwise, nor have any adverse effects on the proposed sign location, or the town.

Only a permitted business located in the Business District 2 on a parcel with no frontage on State Road is eligible for special permit consideration.

The application for a special permit under this section shall be signed by the owner of the property on which the proposed sign is to be located or shall be accompanied by a written authorization signed by the owner of such property. If the proposed sign is to be located on Town property located within the Business District 2, written authorization of the Board of Selectmen shall be required.

The Planning Board may impose reasonable conditions on the special permit, including but not limited to conditions regarding the materials, location and installation of the proposed sign.

The area of all non-appurtenant signs shall be part of the total signage allowed on the subject parcel pursuant to Section 07.06.04 of this By-law. No more than one non-appurtenant sign structure shall be permitted on a parcel. Within the limits of the restrictions on "Self Supported" and "Hanging Signs", a "Ladder" or directory sign may contain several individual signs of a uniform aesthetic or architectural style.

All non-appurtenant signs shall be subject to the requirements applicable to hanging signs, pursuant to Section 07.06 of this By-law, as well as 780 C.M.R. 3102.0.

05.20 Business District - 2:

05.23 Uses Requiring Special Permit from the Planning Board, continued:

.01 Non- Appurtenant Signs: Business District 2, Cont.

The Special Permit is personal to the applicant. Any change in ownership or tenancy will void this special permit.

Any non-appurtenant sign determined by the Zoning Enforcement Officer to be structurally unsound or improperly maintained so as to pose a blight or hazard may be required by the Zoning Enforcement Officer to be removed at the owner's expense, if the deficiencies are not corrected within thirty (30) days of written notice of such determination.

The owner must remove any non-appurtenant sign for any occupation, business, commodity or service or entertainment within thirty (30) days of the permanent cessation of same or it may be required by the Zoning Enforcement Officer to be removed at the owner's expense.

(Adopted on February 20, 2007 - Acting on Article 17)

.02 Registered Marijuana Dispensary (RMD, hereinafter) Applicability. This section provides that:

01. No RMD shall be established except in compliance with the provisions of this Section.

02. Nothing in this Section shall be construed to supersede federal and state laws governing the possession, sale and distribution of narcotic drugs.

03. If any provision of this Section or the application of any such provision to any person or circumstance shall be held invalid, the remainder of this Section, to the extent it can be given effect, or the application of those provisions to persons or circumstances other than those to which it is held invalid, shall not be affected.

## 05.20 Business District - 2:

05.23 Uses Requiring Special Permit from the Planning Board, continued:

.03 General Requirements and Conditions for all Registered Marijuana Dispensaries

01. No application for a special permit is complete without the applicant demonstrating that they have acquired all licenses and permits required by 105 CMR 725.000 and demonstrating certification from the state.

02. All RMDs shall be contained within a building or structure.

03. No RMD shall have a gross floor area in excess of 1500 sq. ft.

04. The maximum land area allowance for the cultivation of medical marijuana shall not exceed 5000 sq. ft.

05. The hours of operation of a RMD shall be set by the Planning Board, but in no event shall a RMD be open and/or operating between the hours of 8:00 PM and 8:00 AM.

06. Any RMD or similar facility shall not be located within 100 feet of an existing school, daycare facility, playground, public park, public athletic field or similar public recreation facility, or any place where children commonly congregate, and a half-way house.

07. No smoking or burning of marijuana or marijuana related products shall be permitted on the premises of a RMD.

08. Signage for a RMD shall be limited to one (1) sign, fixed flat against the building up to one (1) square foot of sign for each lineal foot of building frontage, not to exceed ten (10) square feet in area. Said sign shall include the following language "Only individuals with a registration card issued by the state Department

## 05.20 Business District - 2:

05.23 Uses Requiring Special Permit from the Planning Board, continued:

.03 General Requirements and Conditions for all Registered Marijuana Dispensaries, Cont.

of Public Health may obtain cannabis from medical cannabis dispensaries". The required text shall be a minimum of two inches in height.

09. All print and electronic advertisements for Medical marijuana facilities, including but not limited to flyers, general advertising signs, and newspaper and magazine advertisements, shall include the following language "Only individuals with a registration card issued by the state

10. Department of Public Health may obtain cannabis from medical cannabis dispensaries". Oral advertisements for Registered Marijuana Dispensaries, including but not limited to radio and television advertisements shall include the same language.

11. RMDs shall provide the Special Permit Granting Authority with the name, phone number and email address of an on-site community relations staff person to whom one can provide notice if there are operating problems associated with the establishment.

12. No person who is not at least 18 years of age shall be permitted on the premises of a RMD during hours of operation unless that person is a qualified patient or caregiver with a valid registration card.

13. The potential discharge of THC and nitrogen into wastewater shall be addressed with the Board of Health for a remediation plan, and submitted to the Planning Board, if required.

05.20 Business District - 2:

05.23 Uses Requiring Special Permit from the Planning Board, continued:

.04 Special Permit Conditions & Restrictions for all Registered Marijuana Dispensaries

01. A RMD may only be allowed by special permit from the Special Permit Granting Authority (the Planning Board) in accordance with MGL c.40A s.9, subject to the following statements, regulations, requirements, conditions and limitations

02. The applicant shall provide a copy of its Articles of Organization, a current Certificate of Legal Existence from the Secretary of the Commonwealth, and the most recent annual report. The applicant shall in addition provide a copy of its Articles of Incorporation or equivalent documents, a current Certificate of legal Existence from the Secretary of the Commonwealth, and the most recent annual report. If the applicant is a public agency, evidence of the agency's authority to engage in the development of the RMD as proposed by the application must be provided.

03. The applicant shall provide copies of all licenses and permits issued by the Commonwealth of Massachusetts and any of its agencies for the RMD

04. The applicant shall provide evidence of the applicant's right to use the site of the RMD for the RMD, such as a deed, lease, purchase and sale agreement or other legally-binding document

05. Special Permits shall remain exclusively with the applicant, who shall be the owner or lessee of the premises described in the application. The Special Permit shall terminate automatically on the date the applicant alienates that title or leasehold interest in the premises.

06. Special Permits shall be valid for a period of one (1) year from the date of the decision. Not less than three (3) months prior to the

## 05.20 Business District - 2:

05.23 Uses Requiring Special Permit from the Planning Board, continued:

.04 Special Permit Conditions & Restrictions for all Registered Marijuana Dispensaries, cont.

expiration of the special permit, it shall be incumbent upon the applicant to apply to the Tisbury Planning Board for a renewal of the special permit. Said permit shall be valid for a five (5) year term, and renewable for successive five (5) year periods provided that a written request for renewal is made to the Tisbury Planning Board not less than three (3) months prior to the expiration of the then-existing five (5) year period.

Amend Section 05.00: April 29, 2014 - Acting on Article 14)

.05 Uses set forth in Section 05.21 having 3,000 or more square feet of gross floor area, which shall include any new structure, or group of structures under the same ownership on the same lot or contiguous lots, or any improvement or alteration or change in use of an existing structure or group of structures.

.01 Special Permit Requirements. Plan Review by the Site Plan Review Board, as defined in Section 02.68 and provided for in Section 10.06, shall be required prior to the issuance of a Special Permit.

.02 Special Permit Findings. Before granting an application for a special permit, the Planning Board, with due regard to the nature and condition of the adjacent structures and uses in the district shall find all of the following general conditions to be in compliance with this by-law :

.01 The proposed use is consistent with the purpose and intent of this bylaw and with the Site Plan Standards for Review.

05.20 Business District - 2:

05.23 Uses Requiring a Special Permit from the Planning Board, cont.

.02 Special Permit Findings, cont.

.02 The proposed use is appropriate for the specific site.

.03 The proposed use will not overburden any road, public water, public property, drainage or sewer system to such an extent that the proposed use or any developed use in the immediate area or in any other area of the Town will be unduly subjected to hazards affecting health, safety or the general welfare.

.04 The proposed use shall not adversely impact the district's visual character, including views and vistas, and will improve opportunities for visual and pedestrian access within and through the district.

.03 Special Permit Conditions. The Planning Board may impose in addition to any applicable conditions specified in this by-law, such additional conditions as it finds reasonably appropriate to safeguard the neighborhood or otherwise serve the purpose and intent of the By-law and including:

.01 Screening of parking areas or other parts of the premises from adjoining premises, or from the street or from other public spaces by specific walls, fences, plantings, or other devices.

05.20 Business District - 2:

05.23 Uses Requiring a Special Permit from the Planning Board, continued

.03 Special Permit Conditions, cont.

.02 Modification of the exterior features or appearances of the structure(s).

.03 Limitation of size, number of occupants, method and time of operation, and extent of facilities.

.04 Regulation of number, design, and location of access drives, walks, or links and other traffic and pedestrian features within and through the district.

.05 Requirements of off-street parking and other special features beyond the minimum required by this by-law.

.06 Requirement for performance bonds or other security.

.07 Requirement of underground installation of utilities

.08 Installation and certification of mechanical or other devices to limit present or potential hazard to human health, welfare or the environment.

(Adopted on April 12, 2016 - Acting on Article 14)

05.24 Regulations:

.01 Lot size, setbacks and height shall conform to the requirements set forth in Schedule A of this Bylaw.

.02 Industrial activities and heavy manufacturing are prohibited.

05.20 Business District - 2:

05.24 Regulations,cont.

.03 Where otherwise, under Section 05.20, both a Permit and a Special Permit application would be required, a single application shall be made to the Planning Board for a Special Permit.