

**Town of Great Barrington  
2018 Annual Town Meeting**

**WARRANT**

with Recommendations  
by the Finance Committee  
and the Selectboard

Monday, May 7, 2018



**SELECTBOARD**

Sean A. Stanton, Chair  
Stephen C. Bannon  
Daniel Bruce Bailly  
Edward D. Abrahams  
William F. Cooke

**FINANCE COMMITTEE**

Thomas A. Blauvelt, Chair  
Walter F. Atwood, III  
Eugene W. Curletti  
Janet Lee  
Anne O'Dwyer

([www.townofgb.org](http://www.townofgb.org))

TOWN OF GREAT BARRINGTON  
2018 ANNUAL TOWN MEETING, MAY 7, 2018

INDEX OF WARRANT ARTICLES

2018 ANNUAL TOWN MEETING

1. Authorize Revolving Fund Limits
2. Elected Officials' Salaries
3. MassDOT Highway Funds
4. Borrowing for Capital Items
5. FY19 Operating Budget
6. FY19 Wastewater Treatment Budget
7. FY19 Regional School Assessment (Operating and Capital Budgets)
8. Authorize use of Free Cash
9. Authorize Appropriation from the Stabilization Fund
10. Rescind Authorized but Unissued Debt
11. Community Preservation Fund Reserves/Appropriations
12. Community Preservation Projects
13. Authorize the Selectboard to acquire certain permanent easements and temporary easements, in order to implement downtown street improvements on Bridge Street, Bentley Road, Elm Street, Railroad Street, and School Street
14. Authorize the Selectboard to acquire certain permanent easements and temporary easements on Knob Hill Road
15. Authorize the Selectboard to transfer or gift the property totaling approximately 8.34 acres on East Mountain to the Commonwealth of Massachusetts
16. Authorize the Selectboard to grant a Natural Area and Trail Use Agreement in perpetuity to the Great Barrington Land Conservancy in connection with the construction, use, and maintenance of a recreation trail
17. Vote to discontinue as a town way a portion of Manville Street
18. Zoning: Rezone State Road between the Housatonic River and Belcher Square
19. Zoning: Revise the Bylaw to Regulate Marijuana Establishments including Marijuana Retail Stores
20. Marijuana / Cannabis: Accept MGL c. 64N, sec. 3 to impose a 3% local tax on retail marijuana sales
21. Authorize Special Tax Agreement in Lieu of Taxes (PILOT) for a Ground Mounted Solar Photovoltaic Installation(s)
22. Citizen Petition: It shall be Unlawful to Sell Non-Sparkling, Unflavored Drinking Water in Single-serve Containers of 1 liter (34 ounces) or less in the Town of Great Barrington on or after January 1, 2019, and to Amend Chapter 1-5.1, Noncriminal Disposition Bylaw
23. BYLAW AMENDMENT: To amend the Polystyrene Bylaw and Include the Polypropylene Plastic to the Restricted Products
24. Citizen Petition: To Consider Political Activity and Political Activism are an Essential and Necessary Elements of the Democratic Process
25. Citizen Petition: To Approve the Following Principle and Article: Homeless Persons are Entitled to Equal Civil Rights with other groups designated as Protected Classes to Prevent Discrimination against them under Existing Laws and Regulations of the Commonwealth of Massachusetts and the United State of America
26. Citizen Petition: To amend and add the following to the Great Barrington Bylaw: The Acceptance Period of Citizen Petitions will be No Less than Thirty (30) days

27. Citizen Petition: To Vote and Approve the following Resolution: To Invite Brief Questions and Comments on Specific Agenda Items Throughout the Meetings

WARRANT

ANNUAL TOWN ELECTION  
ANNUAL TOWN MEETING

2018

COMMONWEALTH OF MASSACHUSETTS

BERKSHIRE, SS

To William Walsh, Chief of Police of the Town of Great Barrington, in said Berkshire County,

**GREETINGS:**

In the name of the Commonwealth of Massachusetts, you are hereby required to notify and warn the Inhabitants of said town to meet at the Great Barrington Fire Station, 37 State Road in the Town of Great Barrington in Precinct A for Precincts A, C, and D, and at the Housatonic Community Center Building in the Village of Housatonic, in Precinct B, for Precinct B on Tuesday, May 15<sup>th</sup>, 2018 at 8:00 A.M. until 8:00 P.M. for the following purposes, viz.; to elect:

MODERATOR, ONE FOR ONE YEAR  
SELECTBOARD, TWO FOR THREE YEARS  
BOARD OF HEALTH, ONE FOR THREE YEARS  
CONSTABLE, TWO FOR THREE YEARS  
FINANCE COMMITTEE, TWO FOR THREE YEARS  
LIBRARY TRUSTEES, TWO FOR THREE YEARS  
PLANNING BOARD, ONE FOR THREE YEARS  
ZONING BOARD OF APPEALS, TWO FOR THREE YEARS  
HOUSING AUTHORITY, TWO FOR FIVE YEARS  
HOUSING AUTHORITY, ONE FOR ONE YEAR

**BALLOT QUESTION:**

Shall the Town of Great Barrington be allowed to exempt from the provisions of Proposition Two and One-half, so called, the amounts required to pay for the bond issued in order to pay the cost of building improvements to the Mason Library, the Housatonic Fire Station and the Dewey School, and for the payment of all other costs incidental and related thereto?

The above named officers and ballot questions will be voted for on official ballots prepared by the Town Clerk.

You are also required to notify and warn the Inhabitants of said town, qualified to vote in town affairs, to meet at the Monument Mountain High School in Great Barrington on Monday, May 7<sup>th</sup>, 2018, at 6:00 P.M., then and there to act on the following:

**ARTICLE 1:**

To see if the Town will vote, to fix the maximum amount that may be spent during fiscal year 2019, beginning on July 1, 2018, for the revolving funds established in the Town's by-laws for certain departments, boards, committees, agencies and officers in accordance with M.G.L. Chapter 44, Section 53E ½ as follows, or take any other action relative thereto.

<b>Revolving Fund</b>	<b>Department, Board, Committee, Agency or Officer</b>	<b>FY2019 Spending Limit</b>
Plumbing Inspections	Building Department	\$13,000
Wiring Inspections	Building Department	40,000
Gas Inspections	Building Department	12,000
Cemetery	Public Works Department	5,000
Town Code Printing	Town Clerk	0
Parks and Recreation	Public Works Department	0
Recycling/Green Product Sales	Public Works Department	0
Fire Inspections	Fire Department	0

**Recommended by the Finance Committee and the Selectboard****ARTICLE 2:**

To see if the Town will vote to fix the salaries of all elected officials for the period of July 1, 2018 to June 30, 2019 as indicated below:

Elected Officials Salaries:

Selectboard: \$12,500 (\$2,500 per Selectboard member)

**Recommended by the Finance Committee and the Selectboard****ARTICLE 3:**

To see if the Town will vote to accept any and all funds being provided by the Commonwealth of Massachusetts Division of Transportation (MassDOT), under the provisions of Chapter 90 of the Massachusetts General Laws, to pay for such costs as allowed by appropriate legislation in connection with the maintenance, repair, and construction of Town ways and bridges, or to take any other action relative thereto.

**Recommended by the Finance Committee and the Selectboard****ARTICLE 4:**

To see if the Town will vote to appropriate \$3,047,045, or any other sum of money, in the following approximate amounts and for the following purposes:

Street/Road/Sidewalk Improvements	\$2,384,545
Building Improvements	290,000
Police Cruisers (1)	53,000
Highway Dump Truck	180,000
Highway Service Truck	50,000

Cemetery Mower	16,500
Cemetery Leaf Blower	10,000
Police Speed Trailer	15,000
Parks and Open Space Improvements	<u>48,000</u>
<b><u>Total</u></b>	<b>\$3,047,045</b>

and for the payment of all other costs incidental and related thereto, and to determine whether this appropriation shall be raised by taxation, transferred from available funds, borrowing or otherwise; or to take any other action relative thereto.

## **Recommended by the Finance Committee and Not Recommended by the Selectboard**

### **ARTICLE 5:**

To see if the Town will vote to raise and appropriate or transfer from available funds such sums of money necessary for the operation of the several departments in the Town for the ensuing year for the purposes outlined below, or to take any other action relative thereto.

#### **General Government**

Town Manager/Selectboard	\$ 371,619
Finance Committee/Reserve Fund	100,300
Town Accountant	118,900
Technology	175,130
Assessors	147,845
Treasurer/Collector	191,348
Town Clerk/Elections	122,458
Conservation Commission	23,520
Historic District Commission	2,500
Various Boards/Commission	4,000
Planning Board	5,250
Zoning Board of Appeals	1,350
Office of Planning/Community Development	102,185

#### **Public Safety**

Police Department	1,590,343
Fire Department	490,553
Communications/Emergency Management	26,985
Building Inspector	158,920
Weights and Measures	4,500
Animal Control	11,750

#### **Department of Public Works** 2,159,240

#### **Public Health**

Board of Health	113,355
-----------------	---------

#### **Community Services**

Council on Aging	168,498
Veterans' Affairs	171,851
Human Services	32,000

Libraries	537,410
Parks/Recreation	75,750

Insurance	1,931,250
Debt Service	1,673,650
Retirement	818,263
Celebrations/Seasonal/Events/Band Programs	12,000

**Recommended by the Finance Committee and the Selectboard**

To see if the Town will vote to appropriate from the receipts of the Wastewater Treatment Plant such sums of money necessary for the operation of the Sewer Division for the ensuing year for the purposes outlined below, or to take any other action relative thereto.

Salaries	\$ 437,355
Expenses	601,976
Insurance/Benefits	233,622
Miscellaneous/Transfers	172,529
Debt Service	835,598

**Recommended by the Finance Committee and the Selectboard**

To see if the Town will vote to raise and appropriate or transfer from available funds the sum of Fifteen Million, Five Hundred Thirty-Two Thousand , Three Hundred and Seventy-Eight Dollars (\$15,532,378) for the operating assessment, and Six Hundred Twenty-Two Thousand, Nine Hundred and Nineteen Dollars (\$622,919) for the capital assessment, for a total assessment of Sixteen Million, One Hundred Fifty-Five Thousand, Two Hundred and Ninety-Seven Dollars (\$16,155,297) of the Berkshire Hills Regional School District, or take any other action relative thereto.

To see if the Town will vote to authorize the use of Free Cash to reduce the tax levy for Fiscal Year 2019, or to take any other action relative thereto.

## 6

**ARTICLE 9:**

To see if the Town will vote to appropriate \$100,000 from the Stabilization Fund to reduce the tax levy for Fiscal Year 2019, or to take any other action relative thereto.

**Recommended by the Finance Committee and the Selectboard****ARTICLE 10:**

To see if the Town will vote to rescind the following amounts that have been authorized to be borrowed, but which are no longer needed for the purposes for which they were initially approved:

<b>Unissued Amount</b>	<b>Date of Town Meeting Approval</b>	<b>Warrant Article</b>	<b>Original Purpose</b>
\$ 1,464	5/4/15	5	Dump Truck
\$155,000	5/9/16	4	Fire Air Packs
\$ 29,000	5/9/16	4	Dump Truck
\$ 10,000	5/1/17	4	Dump Truck

or to take any other action relative thereto.

**Recommended by the Finance Committee and the Selectboard****ARTICLE 11:**

To see if the Town will vote to appropriate or reserve for future appropriation, from the community preservation fund, the following amounts recommended by the Community Preservation Committee for fiscal year 2019, with each item considered a separate appropriation; or to take any other action relative thereto.

**Reserves:**

From FY2019 revenues for historic resources reserve	\$ 43,050
From FY2019 revenues for community housing reserve	\$ 43,050
From FY2019 revenues for open space reserve	\$ 43,050

**Appropriations:**

From FY2019 revenues for administrative expenses	\$ 19,178
From undesignated fund balance for 2019 budgeted reserve	\$250,000

**Recommended by the Community Preservation Committee and the Selectboard****ARTICLE 12:**

To see if the Town will vote to appropriate from the Community Preservation Fund for fiscal 2019 the following amounts recommended by the Community Preservation Committee with each item to be considered a separate appropriation, or to take any other action relative thereto.



PROJECTS	TOTAL APPROPRIATION	Source of Appropriation		
		BUDGETED RESERVE	RESERVED FUND BALANCES	FY 19 REVENUES
<b>AFFORDABLE HOUSING</b>				
Affordable housing trust fund: rehab and/or downpayment assistance	\$100,000			\$100,000
<b>HISTORIC PRESERVATION</b>				
Town Hall steps restoration project	\$120,000			\$120,000
Clinton Church Restoration	\$100,000			\$100,000
<b>SUBTOTAL</b>	<b>\$220,000</b>			
<b>OPEN SPACE AND RECREATION</b>				
Old Route 7 Greenway Phase 1	\$25,000		\$25,000	
Lake Mansfield accessible loop trail	\$15,000		\$15,000	
McAllister wildlife refuge project	\$18,950		\$18,950	
HVA: Housatonic River access project	\$19,676		\$19,676	
GB Land Conservancy: construction of trail	\$115,000		\$5,000	\$110,000
<b>SUBTOTAL</b>	<b>\$193,626</b>			
			\$83,626	\$430,000
<b>TOTAL</b>	<b>\$513,626</b>	<b>\$513,626</b>		

### **Recommended by the Community Preservation Committee and the Selectboard**

#### **ARTICLE 13:**

To see if the Town will vote to authorize the Selectboard to acquire certain permanent easements and temporary easements through all legal means including donation, purchase, or eminent domain, in order to implement downtown street improvements on Bridge Street, Bentley Road, Elm Street, Railroad Street and School Street, said easement areas being shown on the nine pages of plans entitled “Downtown Street Improvements Easements 2018”, prepared by Martinez Couch & Associates, Rocky Hill, CT, dated 3/5/18 and 4/9/18, which are on file with the Town Clerk, or to take any other action relative thereto.

#### **ARTICLE 14:**

To see if the Town will vote to authorize the Selectboard to acquire certain permanent easements and temporary easements on and/or in Knob Hill Road, through all legal means including donation, purchase, or eminent domain, said easement areas being shown on a plan entitled “Proposed Easement Plan and Summary” prepared by Foresight Land Services, Pittsfield, MA, and dated 4/20/2018, and which is on file with the Town Clerk, or to take any other action relative thereto.

#### **ARTICLE 15:**

To see if the Town will vote to transfer the care, custody, management and control of the approximately 8.34 acres of property on East Mountain, shown on Assessors' Map 37 as Parcel 53, to the Selectboard for the purpose of transfer or conveyance, and authorize the Selectboard to transfer or donate the property to the Commonwealth of Massachusetts, and to take all action and execute all documents necessary in connection therewith, or to take any other action relative thereto.

#### **ARTICLE 16:**

To see if the Town will vote to authorize the Selectboard to grant to the Great Barrington Land Conservancy certain perpetual land use rights, under a Natural Area and Trail Use Agreement with the Great Barrington Land Conservancy in connection with the construction, use and maintenance of a recreational trail, as shown on six pages of plans entitled "Easement Plan Prepared for the Great Barrington Land Conservancy Riverfront Trail," prepared by Foresight Land Services, Pittsfield, MA, which are on file with the Town Clerk, or to take any other action relative thereto.

#### **ARTICLE 17:**

To see if the Town will vote to discontinue as a public way the westerly portion of Manville Street, as shown on a Site Plan prepared by SK Design Group Inc. dated March 23, 2018, on file with the Town Clerk, and which portion is described as follows: Beginning at a point in the northerly line of Manville Street 568 feet westerly in said northerly line from the westerly line of Main Street; Running thence westerly in said northerly line a distance of 261 feet, more or less, to land now or formerly of the New York, New Haven & Hartford Railroad Company; Running thence southerly along land now or formerly of said Railroad Company a distance of 40 feet, more or less, to the southerly line of Manville Street; Running thence easterly in said southerly line a distance of 263 feet, more or less to a point; and Running thence northerly across Manville Street a distance of 40 feet, more or less, to the place of beginning, or to take any other action relative thereto.

#### **ARTICLE 18: State Road Mixed Use (B2X)**

To see if the Town will vote to amend the Zoning Bylaw by adding a new Section 9.14, State Road Mixed Use; amending Section 2.1.2, List of Business Districts; amending Section 3.1.4, Table of Use Regulations, amending Section 4.1.2, Schedule of Dimensional Requirements, as proposed below, and amending the Zoning Map as shown below, or to take any other action relative thereto.

*Purpose of the Amendment:* This amendment is proposed pursuant to the recommendations of the 2013 Master Plan to update the zoning in certain commercial areas within walking distance of a village center, to preserve and enhance the mix of residential and retail uses, and to reflect the context of the built fabric. This amendment would affect the area of State Road approximately between the Housatonic River and Belcher Square, as shown on the accompanying map, most of which is currently zoned B-2. Most of the B-2 parcels would be rezoned to B2X, while some would be rezoned to reflect their adjacent residential districts, e.g., R3 or R1B.

The existing B-2 designation allows for a wide variety of business and retail uses, but it is more restrictive

with regards to residential and mixed-uses. The B-2 designation also sets strict building setback and lot size requirements. Few of the lots and existing structures meet the dimensional requirements of the B-2 zone, and many of the uses, which predated the B-2 designation, would not be permitted today under the B-2 regulations. Some lots with business uses are currently zoned residential. Many lots, which are residential in use and character, are nonconforming under current zoning because they are zoned for business. These include some lots on East Street, Avery Lane, Everett Street, Gilmore Avenue, Mechanic Street, and Hillside Avenue. Making improvements or modifications to properties that do not conform to their zoning designation requires a potentially onerous and expensive permitting process, which discourages owners from investing in their properties.

The Planning Board is proposing to address these issues by rezoning the area, to reflect more closely the mix of business and residential uses that already exists. The new zone would continue to allow retail and commercial establishments, like the current B-2, but it would also allow for a variety of residential and mixed uses. It would also allow buildings to be built close together and close to the street line, in much the same way they exist now. The overarching goal of this effort is to bring currently nonconforming structures and uses into conformance to the extent possible, allow for mixed-uses and a variety of housing options, and reduce parking requirements.

Proposed additions are underlined.

Proposed deletions are ~~struck through~~.

*Add a new Section 9.14, as follows:*

#### **9.14 State Road Mixed Use (B2X)**

**9.14.1 Purpose.** The State Road Mixed Use district (B2X) is hereby established to preserve and enhance the mix of business and residential uses, to enhance the existing character of the area, and to bring existing uses and structures more into compliance with the Zoning Bylaw, thereby facilitating a variety of business and housing opportunities.

**9.14.2 Location.** The B2X shall consist of the land shown on the 2016 Town of Great Barrington Assessors' Map 11 as Parcels 69, 71, 72, 74, 97, 105-111, 114-116; on Map 12 as Parcels 75, 75A, 79, 81, 84, 85, 88 and 89; on Map 14 as Parcels 8-24, 43, 44, 57, 57A; and on Map 15 as Parcels 1-6, and that portion of parcel 57 within 300 feet from the centerline of State Road.

**9.14.3 Permitted Uses.** Permitted uses in the B2X are set forth in Section 3.1.4, the Table of Use Regulations.

**9.14.4 Dimensional Requirements.** Minimum setback and dimensional requirements for the B2X shall be as set forth in Section 4.1.2, Schedule of Dimensional Requirements except as follows:

1. Existing structures, or those for which valid building permits have been issued, as of May 7, 2018, with front, side, and rear setbacks that do not meet the requirements herein shall be permitted to maintain those setbacks.

**9.14.5 Parking.** The off-street parking requirements in Section 6.1 shall not apply in the B2X except as provided in this section. Off-street parking requirements in the B2X shall be as follows:

1. For new buildings, no off-street parking spaces shall be located within the front yard area.
2. Only one space shall be required for any dwelling unit, whether in residential-only or in mixed-use buildings.

3. For permitted uses in buildings in existence as of May 7, 2018 that are not substantially expanded, no new spaces shall be required. A substantial expansion is defined, for the purpose of this subsection, as one which involves increasing the gross floor area of a structure by more than 25% or 500 square feet, whichever is less.
4. For permitted uses in new buildings or existing buildings that are substantially expanded, as defined in this subsection, or for any building greater than 5,000 square feet gross floor area, parking is required as follows:
  - (a) one parking space shall be required for each dwelling unit;
  - (b) the parking requirements for business or industrial uses in Section 6.1.2 through 6.1.6 shall be calculated as follows: the sum of the required parking for each use multiplied by 0.5, with the product rounded down to the nearest whole number, plus handicapped parking as may be required by law or building code (Example: 3 spaces required for retail, 4 spaces required for offices:  $(3 + 4) \times 0.5 = 3.5$ , so 3 spaces, + 1 handicapped space, = 4 spaces are required); and
5. The parking requirements of paragraphs 2, 3, or 4 of this subsection may be waived if the SPGA grants a special permit pursuant to section 6.1.9.

*Amend Section 2.1.2 to add the B2X district, as follows:*

#### **2.1.2 Business Districts.**

B	Downtown Business
B1	Neighborhood Business
B2	General Business
B2A	Transitional Business
<u>B2X</u>	<u>State Road Mixed Use</u>
B3	Downtown Business Mixed Use
HVC	Housatonic Village Center
MXD	Mixed Use Transitional

*Amend Section 3.1.4, Table of Use Regulations, to add a new column, B2X, as follows:*

Permitted Use			ZONING DISTRICT <sup>1</sup>														ADDITIONAL APPLICABLE REGULATIONS
		R1A	R1B	R2	R3	R4	B	HVC	B1	B2	B2A	<u>B2X</u>	B3	MXD	I	I2	
A. Residential uses																	
(1)	Dwelling, Single family	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	<u>Y</u>	Y	Y	SB	SB	
(2)	Dwelling, Two-family	Y <sup>2</sup>	Y <sup>2</sup>	Y <sup>2</sup>	Y <sup>2</sup>	Y <sup>2</sup>	Y <sup>2</sup>	Y <sup>2</sup>	Y <sup>2</sup>	Y <sup>2</sup>	Y <sup>2</sup>	<u>Y<sup>2</sup></u>	Y <sup>2</sup>	Y <sup>2</sup>	Y <sup>2</sup>	Y <sup>2</sup>	See also <a href="#">8.1</a> , <a href="#">8.7</a> .
(3)	Dwelling, multifamily 3 to 8 units	SB	SB	SB	SB	N	SB	SB	SB	SB	SB	<u>Y</u>	Y	Y	N	SB	See also <a href="#">8.3</a>
	9 units or more	N	N	N	SB	N	SB	SB	N	SB	SB	<u>SB</u>	Y	SB	N	SB	See also <a href="#">8.3</a>
(4)	Assisted living residence	PB	PB	PB	PB	PB	PB	PB	PB	PB	PB	<u>PB</u>	PB	PB	PB	PB	See also <a href="#">8.8</a>
(5)	Live/work units	N	N	N	N	N	N	Y	N	N	N	<u>Y</u>	Y	Y	Y	Y	See also <a href="#">9.4</a> , <a href="#">9.6</a> .
(6)	Lodging house or tourist home for transient guests	SB	SB	SB	SB	SB	SB	SB	N	SB	SB	<u>SB</u>	SB	SB	SB	SB	See also <a href="#">7.16</a>
(7)	Mixed use	N	N	N	N	N	SB	Y	SB	SB	SB	<u>Y</u>	SB	Y	Y	Y	See also <a href="#">8.4</a> , <a href="#">9.6</a> .
(8)	Open Space Residential Development	N	N	PB	N	PB	N	N	N	N	N	<u>N</u>	N	N	N	N	See also <a href="#">8.7</a>
(9)	Planned unit residential development (PURD)	SB	SB	SB	SB	SB	SB	N	N	SB	SB	<u>SB</u>	SB	SB	N	N	See also <a href="#">8.5</a>
(10)	Publicly Financed Nonprofit Age-Restricted Housing	N	N	N	SB	N	SB	SB	N	SB	SB	<u>SB</u>	SB	SB	N	N	See also <a href="#">8.9</a>
(11)	Trailer or mobile home	SB	SB	SB	SB	SB	SB	N	SB	SB	SB	<u>SB</u>	N	N	SB	SB	See also <a href="#">8.6</a>
B. Community, educational, & recreational uses																	
(1)	Camping facilities	N	N	SB	N	SB	N	N	N	N	SB	<u>SB</u>	N	N	N	N	See also <a href="#">7.4</a>
(2)	Cemeteries	N	N	SB	N	SB	N	N	N	N	N	<u>N</u>	N	N	N	N	
(3)	Child care center	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	<u>Y</u>	Y	Y	Y	Y	
(4)	Clubhouses or fraternal lodges not conducted for profit	SB	SB	SB	SB	SB	SB	SB	SB	SB	SB	<u>SB</u>	SB	SB	SB	SB	

Permitted Use		ZONING DISTRICT <sup>1</sup>															ADDITIONAL APPLICABLE REGULATIONS
		R1A	R1B	R2	R3	R4	B	HVC	B1	B2	B2A	<u>B2X</u>	B3	MXD	I	I2	
(5)	Commercial amusements, fairgrounds	N	N	N	N	N	SB	SB	N	SB	N	<u>N</u>	N	SB	SB	SB	
(6)	Community center operated by a municipal or private not-for-profit organization	SB	SB	SB	SB	SB	SB	SB	SB	SB	SB	<u>SB</u>	SB	SB	SB	SB	
(7)	Educational use, exempt	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	<u>Y</u>	Y	Y	Y	Y	
(8)	Educational use, nonexempt	N	N	SB	N	SB	SB	SB	N	SB	SB	<u>SB</u>	SB	SB	SB	SB	See also <a href="#">7.6</a>
(9)	Golf or country clubs	N	N	SB	N	SB	N	N	N	N	SB	<u>N</u>	N	N	SB	SB	
(10)	Hospitals, sanitariums, nursing or convalescent homes or philanthropic institutions, provided that no principal building so used shall be within 50 feet of any lot line	N	N	SB	N	SB	SB	SB	N	SB	SB	<u>SB</u>	SB	SB	SB	SB	
(11)	Municipal parks and playgrounds, including recreational buildings therein	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	<u>Y</u>	Y	Y	Y	Y	
(12)	Public libraries, public museums, municipal buildings and facilities	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	<u>Y</u>	Y	Y	Y	Y	
(13)	Riding stables on less than 5 acres, provided that any buildings or structures are set back not less than 50 feet from any lot line	N	N	SB	N	SB	SB	N	N	SB	SB	<u>N</u>	N	N	SB	SB	
(14)	Ski tows, provided that any buildings or structures are set back not less than 50 feet from any lot line	N	N	SB	N	SB	SB	N	N	SB	N	<u>N</u>	N	N	SB	SB	
(15)	Summer camps operated for children on sites not less than 10 acres in area	N	N	SB	N	SB	N	N	N	N	SB	<u>N</u>	N	N	N	N	
(16)	Use of land or structures for religious purposes	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	<u>Y</u>	Y	Y	Y	Y	

Permitted Use			ZONING DISTRICT <sup>1</sup>														ADDITIONAL APPLICABLE REGULATIONS
		R1A	R1B	R2	R3	R4	B	HVC	B1	B2	B2A	<u>B2X</u>	B3	MXD	I	I2	
C. Office, retail and consumer service establishments																	
(1)	Banks and other financial institutions	N	N	N	N	N	Y	Y	Y	Y	Y	<u>Y</u>	Y	Y	Y	Y	
(2)	Fast-food eating establishments	N	N	N	N	N	SB	SB	N	SB	N	<u>SB</u>	N	SB	N	N	See also <a href="#">7.7</a> , <a href="#">7.9</a>
(3)	Fuel storage and sales, excluding motor vehicle fuel stations	N	N	N	N	N	SB	N	N	SB	N	<u>N</u>	N	SB	SB	SB	
(4)	Garages, public	N	N	N	N	N	SB	SB	N	SB	N	<u>SB</u>	SB	SB	SB	SB	See also <a href="#">9.7</a>
(5)	Garden centers, including associated landscaping services	N	N	N	N	N	Y	Y	N	Y	Y	<u>Y</u>	Y	Y	Y	Y	
(6)	General service establishment	N	N	N	N	N	SB	Y	N	Y	N	<u>Y</u>	SB	Y	Y	Y	
(7)	Greenhouses, commercial, on less than 5 acres, provided that no heating plant for a greenhouse shall be within 50 feet from any side or rear lot line	N	N	Y	N	Y	Y	Y	Y	Y	Y	<u>Y</u>	Y	Y	Y	Y	
(8)	Hotels	N	N	N	N	N	SB	SB	N	SB	SB	<u>SB</u>	SB	SB	SB	SB	See also <a href="#">7.10</a>
(9)	Institutional administrative offices or planned professional office developments or research centers, provided that in R2 & R4 Districts such uses are subject to special requirements	N	N	SB	N	SB	SB	SB	SB	SB	SB	<u>SB</u>	SB	SB	SB	SB	See also <a href="#">7.13</a>
(10)	Kennel	SB	SB	SB	SB	SB	SB	SB	SB	SB	SB	<u>SB</u>	SB	SB	SB	SB	See also <a href="#">7.17</a>
(11)	Large-scale commercial development	N	N	N	N	N	Y	SB	SB	SB	N	<u>N</u>	SB	N	SB	SB	See also <a href="#">7.9</a> , <a href="#">7.12</a> , <a href="#">9.6</a>
(12)	Lumberyards	N	N	N	N	N	SB	N	N	SB	N	<u>N</u>	SB	SB	SB	SB	
(13)	Motels or overnight cabins	N	N	N	N	N	SB	SB	N	SB	N	<u>SB</u>	SB	SB	SB	SB	See also <a href="#">7.10</a>
(14)	Motor vehicle fuel station	N	N	N	N	N	SB	SB	N	SB	N	<u>SB</u>	N	SB	SB	SB	See also <a href="#">7.8</a>

Permitted Use		ZONING DISTRICT <sup>1</sup>															ADDITIONAL APPLICABLE REGULATIONS
		R1A	R1B	R2	R3	R4	B	HVC	B1	B2	B2A	<u>B2X</u>	B3	MXD	I	I2	
(15)	Motor vehicle general and body repair	N	N	N	N	N	SB	SB	N	SB	N	<u>SB</u>	N	SB	SB	SB	
(16)	Motor vehicle sales rooms including used car lots	N	N	N	N	N	SB	SB	N	SB	N	<u>SB</u>	N	SB	SB	SB	
(17)	Offices	N	N	N	N	N	Y	Y	Y	Y	Y	<u>Y</u>	Y	Y	Y	Y	
(18)	Parking lots, commercial	N	N	N	N	N	SB	SB	N	SB	N	<u>SB</u>	SB	SB	SB	SB	
(19)	Personal service establishment	N	N	N	N	N	Y	Y	Y	Y	N	<u>Y</u>	Y	Y	Y	Y	
(20)	Professional offices	SB	SB	SB	SB	SB	Y	Y	Y	Y	Y	<u>Y</u>	Y	Y	Y	Y	See also <a href="#">7.14</a>
(21)	Registered Marijuana Dispensary	N	N	N	N	N	N	N	N	Y	N	<u>Y</u>	Y	N	Y	Y	See also <a href="#">7.18</a>
(22)	Restaurants and other places for serving food, other than fast-food eating establishments	N	N	N	N	N	Y	SB <sup>4</sup>	SB	SB	SB	<u>SB</u>	SB	SB	SB	SB	See also <a href="#">7.3</a> See also footnote 4, below.
(23)	Retail stores or centers and/or wholesale sales and service with total aggregate floor area less than or equal to 20,000 square feet	N	N	N	N	N	Y	Y <sup>5</sup>	Y	Y	SB	<u>Y</u> <sup>5</sup>	Y	Y <sup>5</sup>	Y	Y	See also footnote 5, below.
(24)	Retail stores and shops for custom work or making of articles sold on the premises	N	N	N	N	N	Y	Y	SB	Y	SB	<u>Y</u>	Y	Y	Y	Y	
<b>D. Agricultural uses</b>																	
(1)	Agriculture, as defined by MGL c. 40A, s. 3, on tracts larger than 5 acres, including sales of products raised on premises on stands or structures erected in accordance with front yard setback requirements, provided that soil fertilizer shall be stored not less than 100 feet from any lot line, unless kept in air-tight	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	<u>Y</u>	Y	Y	Y	Y	



Permitted Use		ZONING DISTRICT <sup>1</sup>															ADDITIONAL APPLICABLE REGULATIONS
		R1A	R1B	R2	R3	R4	B	HVC	B1	B2	B2A	<u>B2X</u>	B3	MXD	I	I2	
	containers																
<b>E. Utilities, communication and transportation</b>																	
(1)	Aviation field, public or private	N	N	N	N	SB	N	N	N	N	N	<u>N</u>	N	N	N	N	See also <a href="#">7.2</a>
(2)	Essential services	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	<u>Y</u>	Y	Y	Y	Y	
(3)	Freight terminals, truck or rail	N	N	N	N	N	SB	N	N	SB	N	<u>N</u>	N	SB	SB	SB	
(4)	Low-power FM broadcast radio licensed by FCC																See also <a href="#">7.15</a>
	(a) Studio	N	N	N	N	N	Y	Y	Y	Y	Y	<u>Y</u>	Y	Y	Y	Y	
	(b) Antenna	SB	SB	SB	SB	SB	SB	SB	SB	SB	SB	<u>SB</u>	SB	SB	SB	SB	
(5)	Passenger stations	SB	SB	SB	SB	SB	SB	SB	SB	SB	SB	<u>SB</u>	SB	SB	SB	SB	
(6)	Personal wireless tower or structure as a principal (or accessory) use in the Overlay District, and the initial and any subsequent personal wireless service facility located upon that tower or structure (see Section 9.3 of this Bylaw)																See also <a href="#">9.3</a>
(7)	Solar Energy Systems:																
	Roof-mounted (any size)	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	<u>Y</u>	Y	Y	Y	Y	See also 9.12
	Accessory use, up to 750 sf project area <sup>6</sup>	Y	Y	Y	Y	Y	PB	PB	Y	Y	Y	<u>Y</u>	Y	Y	Y	Y	See note <sup>6</sup> and 9.12
	Accessory use 750 sf project area or larger <sup>6</sup>	PB	PB	Y	PB	Y	PB	PB	Y	Y	PB	<u>PB</u>	Y	Y	Y	Y	See note <sup>6</sup> and 9.12
	Commercial scale	N	N	PB	N	PB	PB	N	N	PB	N	<u>N</u>	PB	N	Y	PB	See also 9.12
<b>F. Industrial, manufacturing and storage uses</b>																	
(1)	Contractor's and Landscaper's yards	N	N	N	N	N	N	N	N	N	N	<u>N</u>	N	SB	Y	Y	
(2)	Gravel, loam, sand and stone removal for commercial purposes	N	N	SB	N	SB	SB	N	N	SB	N	<u>N</u>	N	N	SB	SB	See also <a href="#">7.5</a>

Permitted Use		ZONING DISTRICT <sup>1</sup>															ADDITIONAL APPLICABLE REGULATIONS
		R1A	R1B	R2	R3	R4	B	HVC	B1	B2	B2A	B2X	B3	MXD	I	I2	
(3)	Light manufacturing	N	N	N	N	N	N	SB	N	N	N	<u>SB</u>	SB	SB	Y	Y	See also <a href="#">6.4</a>
(4)	Saw (log) mill and manufacture of forest products, provided that any saw (log) mill shall be located at least 200 feet from any lot line, and no piles of sawdust or other refuse shall be maintained within 100 feet of any lot line	N	N	N	N	N	N	N	N	N	N	<u>N</u>	N	N	SB	SB	
<b>G Accessory uses</b>																	
(1)	Any structure or use customarily incidental and subordinate to the principal permitted use in the district	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	<u>Y</u>	Y	Y	Y	Y	See also <a href="#">3.2</a> , <a href="#">7.1</a>
(2)	Home occupation (low impact)	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	<u>Y</u>	Y	Y	Y	Y	See also <a href="#">3.3</a>
(3)	Adult day care	PB	PB	PB	PB	PB	PB	PB	PB	PB	PB	<u>PB</u>	PB	PB	PB	PB	See also <a href="#">8.8</a>
(4)	An accessory use to a by-right use, whether or not on the same parcel, which is necessary in conjunction with scientific research or development or related production, provided that the Board of Selectmen finds that the proposed accessory use does not substantially derogate from the public good	SB	SB	SB	SB	SB	SB	SB	SB	SB	SB	<u>SB</u>	SB	SB	SB	SB	See also <a href="#">3.2</a>
(5)	Drive-up or drive-through facilities	N	N	N	N	N	SB	N	SB	SB	SB	<u>SB</u>	SB	SB	SB	SB	See also <a href="#">7.9</a> , <a href="#">9.6</a>
(6)	Family day care (small)	Y	Y	Y	Y	Y	SB	Y	SB	SB	SB	<u>Y</u>	SB	SB	SB	SB	
(7)	Family day care (large)	SB	SB	SB	SB	SB	SB	SB	SB	SB	SB	<u>SB</u>	SB	SB	SB	SB	
(8)	Home occupation (moderate impact)	SB	SB	SB	SB	SB	SB	SB	SB	SB	SB	<u>Y</u>	SB	Y	SB	SB	See also <a href="#">3.3</a>

Permitted Use			ZONING DISTRICT <sup>1</sup>														ADDITIONAL APPLICABLE REGULATIONS
		R1A	R1B	R2	R3	R4	B	HVC	B1	B2	B2A	<u>B2X</u>	B3	MXD	I	I2	
(9)	Incidental stripping of sod or removal of topsoil, gravel, loam, sand, stone or other earth materials	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	<u>Y</u>	Y	Y	Y	Y	
(10)	Keeping of horses, for whatever purpose, subject to Board of Health regulations and only on lots of 5 acres or more	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	<u>Y</u>	Y	Y	Y	Y	
(11)	Private garage or off-street parking for private automobiles registered at the premises	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	<u>Y</u>	Y	Y	Y	Y	
(12)	Swimming pools, inground or aboveground. Pool must be surrounded by a continuous fence having a minimum of 4 feet height and with a gate that can be locked; so designed and built to restrain entry by unauthorized persons.	Y	Y	Y	Y	Y	SB	Y	SB	SB	SB	<u>Y</u>	SB	Y	SB	SB	
(13)	Wind Energy Generator	SB	SB	SB	SB	SB	SB	SB	SB	SB	SB	<u>SB</u>	SB	SB	SB	SB	

<sup>5</sup> NOTE: In the B1, HVC and B2X zones, wholesale sales and service facilities as well as retail stores are permitted by right up to 6,500 gross square feet (GSF). Such uses may also be permitted by special permit from the Select Board up to 10,000 GSF in the B1, HVC and B2X zones. Such uses greater than 10,000 GSF are prohibited in the B1 zone. Retail stores up to 20,000 GSF in the HVC may be allowed by special permit from the Select Board, however, if the use is proposed as a component of a project that redevelops or reuses historic structures. Said structures are those listed on the State or National Register of Historic Places, a designated property in a Local Historic District, or determined in writing by the Great Barrington Historical Commission as historically, culturally, or architecturally significant to the Town. [5-4-2015 ATM, Art. 18.] In the MXD zones, retail stores and wholesale sales and service facilities are permitted by right up to 9,000 GSF, and by special permit from the Selectboard up to 20,000 GSF. [5-9-2016 ATM, Art. 21.]

Amend Section 4.1.2, to add a new row, B2X, and amend footnote 9, as follows:

#### 4.1.2 Schedule of Dimensional Requirements

District	Minimum lot area (sq. ft.)	Width (ft.)	Minimum front yard <sup>1</sup> (ft.)	Minimum side yard (ft.)	Minimum rear yard (ft.)	Maximum lot coverage by buildings (percent)	Stories <sup>2, 6</sup>	Height (ft.) <sup>2, 6</sup>
<b>B2X</b>	<u>5,000</u>	<u>50</u>	<u>0<sup>9</sup></u>	<u>0</u>	<u>0</u>	<u>75</u>	<u>3</u>	<u>40</u>

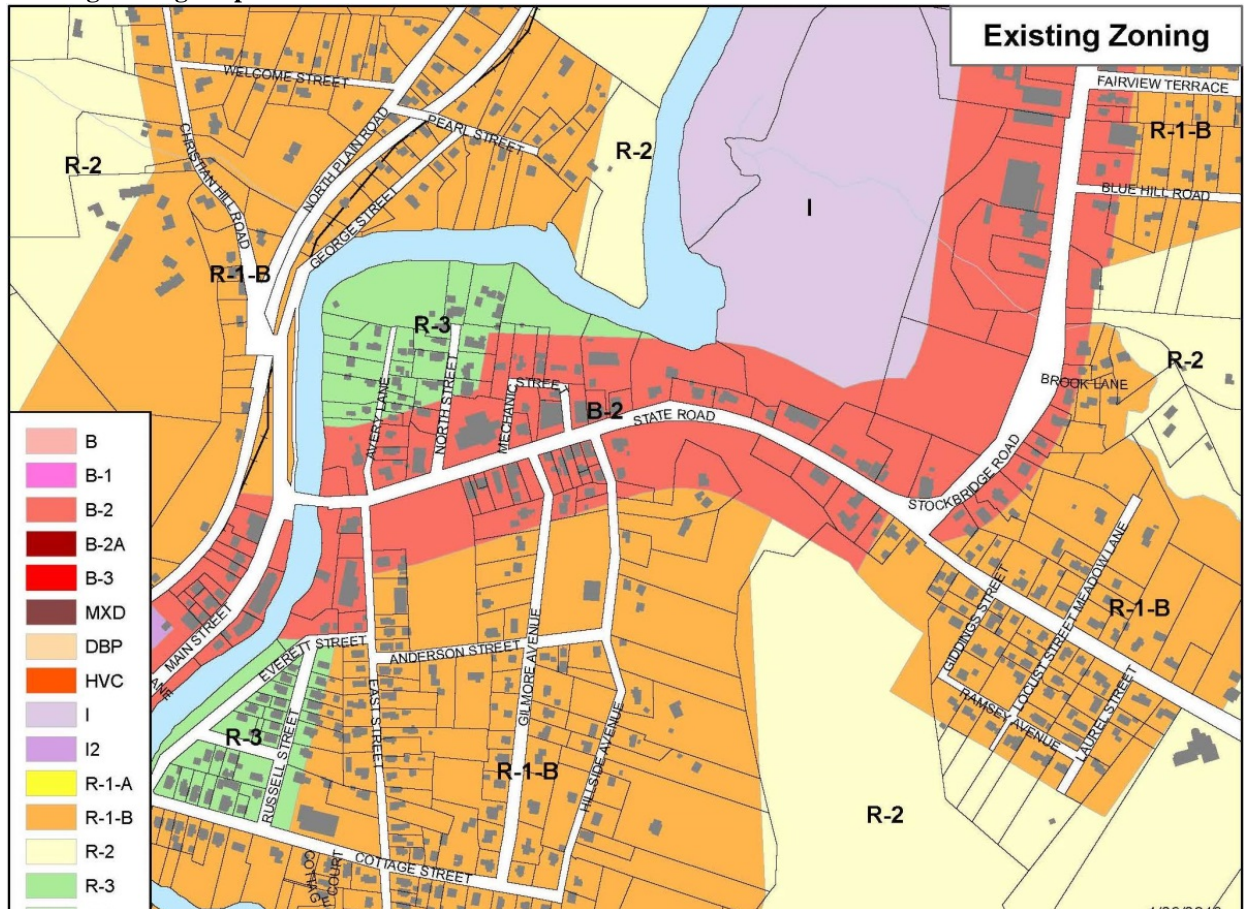
9. Zero front setbacks are encouraged for the purpose of maintaining the integrity and continuity of the street facade. The maximum front setback in the B District shall be five feet. The maximum setback in the B2X District shall be 12 feet.

And rezone certain other land as follows:

Rezone the land shown on the 2016 Town of Great Barrington Assessors' Map 11, Parcels 73, 75, 76, 78, and 90-93 and on Map 14, Parcel 40, to R3; and, rezone the land shown on Map 14, Parcels 48, 58, and 59 and Map 15 Parcels 58, 58A, and 59A to R1B.

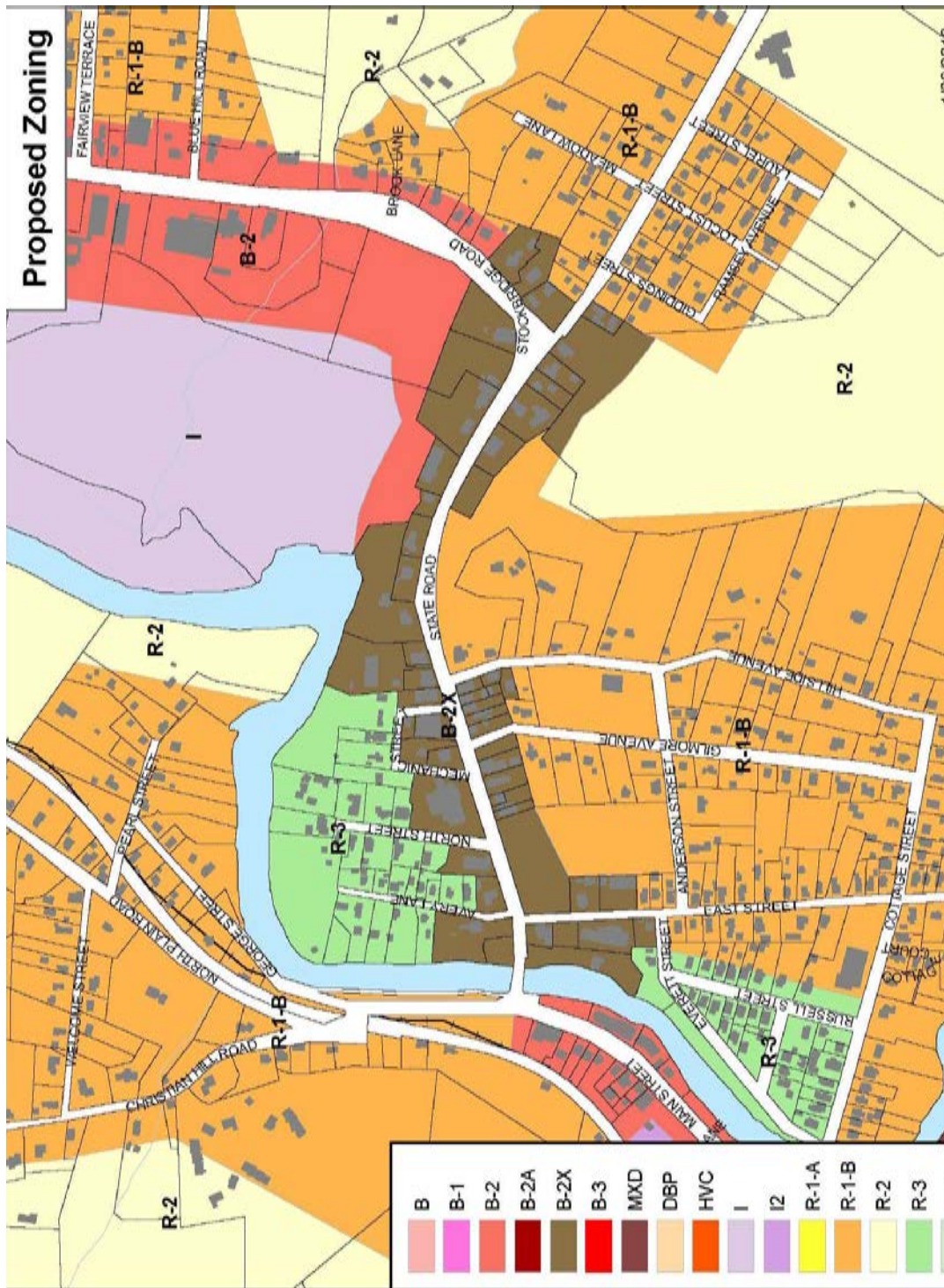
And amend the Zoning Map as shown below to reflect the above actions:

Existing Zoning Map:





**Proposed Zoning Map:**



## **ARTICLE 19: Marijuana Establishments and Medical Marijuana Treatment Centers**

To see if the Town will vote to amend the Zoning Bylaw to regulate both medical and recreational marijuana establishments, as proposed below, or to take any other action relative thereto.

*Purpose of the Amendment:* This amendment is proposed to provide for the placement of marijuana establishments, licensed by the Commonwealth in accordance with General Laws, in suitable locations in the town. Without this amendment, it may be possible to locate a marijuana retail establishment anywhere that retail uses might be allowed in the town. This proposal limits marijuana establishments to appropriate districts and sets additional requirements for the location of the establishments.

Proposed additions are underlined.

Proposed deletions are ~~struck through~~.

*Amend Section 7.18, as follows:*

### **7.18 REGISTERED MARIJUANA DISPENSARY MARIJUANA ESTABLISHMENTS AND MEDICAL MARIJUANA TREATMENT CENTERS**

**7.18.1 Purposes.** To provide for the placement of ~~Registered Marijuana Dispensaries (RMDs)~~ Establishments and Medical Marijuana Treatment Centers in recognition of and accordance with ~~the Humanitarian Medical Use of Marijuana Act, G.L. c.94C, and the implementing regulations, 105 CMR 725~~ G.L. c.94I, Medical Use Of Marijuana, and G.L. c.94G, Regulation of the Use and Distribution of Marijuana Not Medically Prescribed, in suitable locations in Great Barrington, in order to minimize potential adverse impacts of ~~RMDs~~ such facilities.

**7.18.2 Definitions.** Terms are defined in Section 11 and in the applicable governing statutes and regulations, including said chapters 94I and 94G of the General Laws and the regulations of the Cannabis Control Commission.

**7.18.3 Site Plan Review Required.** All proposed uses ~~under this Section, including those that qualify for the agricultural use exemption under G.L. Ch. 40A, s.3,~~ Marijuana Establishments and Medical Marijuana Treatment Centers shall be subject to Planning Board Site Plan Review as set forth in Section 10.5.

**7.18.4 Locational Requirements.** Marijuana Establishments may be located in accordance with Section 3.1.4, Table of Use Regulations, except as follows:

1. No ~~RMD~~ Marijuana Establishment or Medical Marijuana Treatment Center may be located closer than 200 feet from ~~any school, daycare center, or other similar facility where minors may commonly congregate~~ a pre-existing public or private school providing education in kindergarten or any of grades 1 through 12.
2. The distance in paragraph 1 is to be measured in a straight line from the nearest point of the property line of the proposed ~~RMD~~ Marijuana Establishment or Medical Marijuana Treatment Center and the nearest point of the property line of the protected uses stated above in paragraph 1.
3. The Planning Board may, by special permit pursuant to Section 10.4, authorize a deviation from this distance requirement if it finds ~~specific circumstances or barriers adequately separate the RMD and a protected use. The burden shall be on the applicant to satisfy the Planning Board that these barriers are adequate to serve the purpose of this Section.~~ the Marijuana Establishment or Medical Marijuana Treatment Center will not be detrimental to a protected use.

4. Outdoor marijuana cultivation may be located by right in the I district, and by right in the R2 and R4 districts only on parcels of not less than five acres.

5. Indoor marijuana cultivation may be located by right in the I district. In the R2 and R4 districts, only on parcels not less than five acres, indoor cultivation in structures totaling 10,000 square feet or less may be by right, but in structures totaling more than 10,000 square feet may be permitted by special permit by the Planning Board.

6. Other types of marijuana establishments licensed by the Massachusetts Cannabis Control Commission may be permitted in accordance with the appropriate use category in the Table of Use Regulations.

**7.18.5 Physical Requirements.** In addition to pertinent requirements of implementing regulations of ~~105 CMR 725, RMDs~~ the Massachusetts Cannabis Control Commission, Marijuana Establishments and Medical Marijuana Treatment Centers shall comply with the following:

1. All aspects of a ~~RMD~~ Marijuana Establishment or Medical Marijuana Treatment Center relative to the acquisition, cultivation, possession, processing, sales, distribution, dispensing, or administration of marijuana, products containing marijuana, marijuana accessories, related supplies, or educational materials shall take place at a fixed location within a fully enclosed building or fenced area dedicated to the cultivation of marijuana and shall not be visible from the exterior of the business.

2. No ~~outside~~ unprotected storage of marijuana, related supplies, or educational materials is permitted.

3. Marijuana not grown inside a securable structure shall be enclosed within a six (6) foot fence, and inasmuch as possible the plants shall be screened from view, at grade, from a public way or from a protected use.

4. No outdoor cultivation of marijuana shall be allowed within fifty (50) feet of any property line.

**7.18.6 Use Regulations.** In addition to pertinent requirements of implementing regulations of ~~105 CMR 725, RMDs~~ the Massachusetts Cannabis Control Commission, Marijuana Establishments and Medical Marijuana Treatment Centers shall comply with the following:

1. Uses under this Section may only consist of the uses and activities permitted by ~~its~~ their definition as limited by state law, ~~and may not include other businesses or services in the same building.~~

2. No marijuana shall be smoked, eaten or otherwise consumed or ingested on the premises, ~~except as permitted by 105 CMR 725.000~~ unless specifically authorized by the Town pursuant to G.L. 94G.

~~3. The hours of operations for sales, delivery and dispensing purposes, and that the facility is open to qualifying patients, shall be between the hours of 8:00 AM and 8:00 PM, Monday through Saturday. Retail sales of marijuana products and opening of the premises to the public shall not occur earlier than 8:00 AM or later than 11:00 PM.~~

~~4. The agricultural component of an RMD operation may be allowed in any zone on lots of five acres or more, or two acres or more if the sale of products produced from the agricultural use on the parcel annually generates at least \$1,000 per acre based on gross sales dollars, pursuant to the agricultural use exemption under G.L. Ch. 40A, s.3. The dispensing of medical marijuana, however, is permitted only in locations specified in the Table of Use Regulations~~

§ 4. Additional regulations may be imposed as Site Plan Review or Special Permit conditions.

**7.18.7 Submittal Requirements.** Above and beyond the standard application for Site Plan Review, an application under this section shall include the following:

1. Copies of all required ~~RMD~~ Marijuana Establishment or Medical Marijuana Treatment Center licenses or registrations issued to the applicant by the Commonwealth of Massachusetts and any of its agencies for the facility;
2. Evidence that the applicant has site control and the right to use the site for a facility in the form of a deed, valid lease, or purchase and sale agreement, and a signed statement from the property owner;
3. In addition to what is normally required in a site plan pursuant to Section 10.5, submittal shall also include details showing all signage, exterior proposed security measures for the premises, including cameras, lighting, fencing, gates and alarms, etc. ensuring the safety of employees and patrons and to protect the premises from theft or other criminal activity.

#### **7.18.8 Discontinuance of Use**

1. Any ~~RMD~~ Marijuana Establishment or Medical Marijuana Treatment Center permitted under this section shall be required to remove all material, plants, equipment and other paraphernalia in compliance with ~~105 CMR 725 implementing regulations of the Cannabis Control Commission~~ prior to expiration of its DPH Registration operating license or permit issued by the Commonwealth of Massachusetts or immediately following revocation or voiding of its DPH Registration such license or permit.

*Amend Section 11, Definitions, as follows:*

**MEDICAL MARIJUANA TREATMENT CENTER (MMTC):** ~~See Registered Marijuana Dispensary.~~ A premises approved under a medical use marijuana license by the Cannabis Control Commission or as otherwise authorized by state law, also known as a Registered Marijuana Dispensary (RMD).

**REGISTERED MARIJUANA DISPENSARY (RMD):** ~~A use operated by a not for profit entity registered, approved, and regulated by the Massachusetts Department of Public Health in accordance with 105 CMR 725.000, and pursuant to all other applicable state laws and regulations, to be known as a Registered Marijuana Dispensary (RMD), that acquires, cultivates, possesses, processes (including development of related products such as food, tinctures, aerosols, oils, or ointments), transfers, transports, sells, distributes, dispenses, or administers marijuana, products containing marijuana, related supplies, or educational materials to registered qualifying patients or their personal caregivers. See Medical Marijuana Treatment Center.~~



**MARIJUANA ESTABLISHMENT:** A marijuana cultivator, independent testing laboratory, marijuana transporter, marijuana product manufacturer, marijuana retailer or any other type of licensed marijuana-related business registered, approved, and regulated in accordance with the regulations of the Massachusetts Cannabis Control Commission and/or pursuant to all other applicable state and local laws and regulations.

*Amend Section 3.1.4, Table of Use Regulations, by renaming existing row C (21), Registered Marijuana Dispensary, to “Marijuana Establishment, Retail and Medical Marijuana Treatment Center” inserting it into the Table as row C (13), and renumbering subsequent rows accordingly, as follows:*

Permitted Use		ZONING DISTRICT <sup>1</sup>														ADDITIONAL APPLICABLE REGULATIONS	
		R1A	R1B	R2	R3	R4	B	HVC	B1	B2	B2A	B2X	B3	MXD	I		I2
C. Office, retail and consumer service establishments																	
(24) (13)	Registered Marijuana Dispensary <u>Marijuana Establishment, Retail and Medical Marijuana Treatment Center</u>	N	N	N	N	N	<del>N</del> <u>Y</u>	<del>N</del> <u>Y</u>	N	Y	N	<u>Y</u>	Y	N	Y	Y	See also 7.18. <u>For cultivation, see 7.18.4.</u>

## **ARTICLE 20: Marijuana/Cannibis**

To see if the Town will vote to accept MGL chapter 64N, section 3 to impose a local sales tax on the retail sales of marijuana for adult use within the Town, at the rate of 3% of the total sales price, or to take any other action relative thereto.

## **ARTICLE 21:**

To see if the Town will vote to authorize the Selectboard to enter into a Tax Agreement pursuant to M.G.L. Chapter 59, section 38H(b), and Chapter 164, Section 1, and/or any other enabling authority with Kearsarge Solar LLC for personal property taxes associated with the 2.7 megawatts (“MW”) solar photovoltaic facility to be located on property at West Plain Road and described in a deed recorded with the Southern Berkshire Registry of Deeds in Book 1178 Page 17, for a term of up to twenty (20) years, on such terms and conditions as the Selectboard deems to be in the best interest of the Town, and to take any and all actions as may be necessary or convenient to accomplish the purpose of this article, or to take any other action relative thereto.

## **ARTICLE 22:** (by petition)

### TOWN OF GREAT BARRINGTON, MASSACHUSETTS SALE OF DRINKING WATER IN SINGLE-SERVE CONTAINERS BYLAW

### **Section 1. Sale of Drinking Water in Single-Serve Containers**

It shall be unlawful to sell non-sparkling, unflavored drinking water in single-serve containers of 1 liter (34 ounces) or less in the Town of Great Barrington on or after January 1, 2019.

### **Section 2. Exemption for Emergencies**

Sales occurring subsequent to a declaration of an emergency adversely affecting the availability and/or quality of drinking water to Great Barrington residents by the Emergency Management Director or other duly-authorized Town, Commonwealth, or United States official shall be exempt from this Bylaw until seven days after such declaration has ended.

### **Section 3. Enforcement Process**

Enforcement of this Bylaw shall be the responsibility of the Town Manager or his/her designee. The Town Manager shall determine the inspection process to be followed, incorporating the process into other town duties as appropriate. Any establishment conducting sales in violation of this Bylaw shall be subject to a noncriminal disposition fine as specified in Chapter 1, General Provisions, Section 5.1, of Town Bylaws under M.G.L. Chapter 40, §21D. Any such fines shall be paid to the Town of Great Barrington.

### **Section 4. Suspension of the Bylaw**

If the Town Manager determines that the cost of implementing and enforcing this Bylaw has become unreasonable, then the Town Manager shall so advise the Board of Selectmen, and the Board of Selectmen shall conduct a Public Hearing to inform the citizens of such costs. Subsequent to the Public Hearing, the Board of Selectmen may continue this Bylaw in force or may suspend it permanently or for such length of time as they may determine.

And to amend Chapter 1-5.1, Noncriminal Disposition Bylaw, by adding the following:

Bylaw	Fine Schedule	Fine Allowed	Enforcement Agency
Drinking Water in Single-Serve Bottles Bylaw	1st offense	\$50.00/day	Town Manager's Designee
	2nd offense	\$100.00/day	
	3rd & each subsequent offense	\$200.00/day	

## **ARTICLE 23:**

To see if the Town will vote to amend the Town's Bylaws, Chapter 102 Section 2, Garbage, Rubbish and Refuse, by inserting the words "or polypropylene" in the first sentence so that section 2 reads as follows (proposed additions are underlined):

Effective September 1, 1990, polystyrene or polypropylene food or beverage containers shall not be used in the Town of Great Barrington to package food or beverages if that packaging takes place on the premises of retail sale. This provision shall not apply to the packaging of uncooked meat, uncooked poultry and/or uncooked fish, or to take any other action relative thereto.

**ARTICLE 24:** (by petition)

To see if the Great Barrington Annual Town Meeting of 2018 will approve the following proposed article as written, amended or take any other action thereto in accord with the rules of town meeting procedure:

We the Town Meeting of 2018 hereby consider the following political activity and political activism are an essential and necessary element of the democratic process.

Therefore be it resolved at this day and time present that discrimination based on political activity is a threat to democracy.

The term political activity here means political organizing, the promotion of issues, signing petitions, supporting candidates for election, voting for candidates for election, as well as, expressing your own opinion via

any form of communication including attendance at public meetings and verbal communication by speaking your own opinion on public issues at public hearings held by local boards for public comment and also state agencies seeking public comments on various issues which may include newly proposed regulations.

The term discrimination here means any activity or action considered discriminatory under existing civil rights laws, including lack of access to housing and lack of access to employment, and refusal of public accommodations.

**ARTICLE 25:** (by petition)

To see if the Annual Town Meeting of 2018 will approve the following principle and article:

Homeless persons are entitled to equal civil rights with other groups designated as protected classes to prevent discrimination against them under existing laws and regulations, of the Commonwealth of Massachusetts and the United States of America.

The Annual Town Meeting of 2018 in Great Barrington therefore affirms this principle and establishes homeless persons and homelessness as a protected class in Great Barrington and recommends to the State Legislature and to the Congress of the United States of America that they also likewise adopt this principle and policy and enact it as law.

**ARTICLE 26:** (by petition)

That the Great Barrington Bylaws be amended to add the following: The acceptance period for Citizen Petitions will be no less than thirty (30) days.

**ARTICLE 27:** (by petition)

To see if the Town will vote to approve the following:

WHEREAS:

The 2015 Town Meeting voted to make Citizens Speak time a mandatory item on all public Town agendas to enable general comments on new or current issues. To further encourage citizen participation:

**BE IT RESORVED:**

That Town committee, boards and their chairs are encouraged to invite brief questions and comments on specific agenda items throughout their respective meetings, even if those agenda items are not subject to a public hearing.

**HEREOF FAIL NOT**, and of this Warrant and your doings thereon, make due return to the Clerk of said Town at or before the time and place of said meeting.

Given under our hands and the seal of the Town of Great Barrington, this 27th day of April, 2018.

\_\_\_\_\_  
Sean A. Stanton

\_\_\_\_\_  
Stephen C. Bannon

\_\_\_\_\_  
Daniel Bruce Bailly

\_\_\_\_\_  
Edward D. Abrahams

\_\_\_\_\_  
William F. Cooke

**Selectboard of the Town of Great Barrington**

A TRUE COPY ATTEST:

\_\_\_\_\_  
William R. Walsh, Chief of Police  
Town of Great Barrington

COMMONWEALTH OF MASSACHUSETTS

BERKSHIRE, SS.

I hereby certify that I have served the foregoing warrant by posting duly attested copies thereof in the following places in the Town of Great Barrington, namely:

The vestibule of the Town Hall Building and the Post Office in the Town of Great Barrington, the post office in the Village of Housatonic, Mason Library in the Town of Great Barrington, and the Ramsdell Library in the Village of Housatonic, seven days, at least before the time of holding the within mentioned Town Meeting.

WITNESS my hand and seal this 27th of April, 2018.

\_\_\_\_\_  
William R. Walsh, Chief of Police  
Town of Great Barrington