

**Town of Great Barrington
2014 Annual Town Meeting**

WARRANT

with Recommendations
by the Finance Committee
and the Board of Selectmen

Monday, May 5, 2014



BOARD OF SELECTMEN

Sean Stanton, Chairman
Deborah Phillips
Andrew D. Blechman
Stephen C. Bannon
Daniel Bailly

FINANCE COMMITTEE

Sharon Gregory, Chairman
Mark Lefenfeld
Walter F. Atwood, III
Thomas Blauvelt
Leigh Davis

(www.townofgb.org)

TOWN OF GREAT BARRINGTON
2014 ANNUAL TOWN MEETING, MAY 5, 2014

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TOWN OF GREAT BARRINGTON

WARRANT

ANNUAL TOWN ELECTION
ANNUAL TOWN MEETING

2014

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 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 13, 2014 at 8:00 A.M. until 8:00 P.M. for the following purposes, viz.; to elect:

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

BALLOT QUESTION:

Shall the Town accept, pursuant to Subsection 3(e) of Chapter 44B of the General Laws, otherwise known as the Massachusetts Community Preservation Act, the following exemption, to commence in Fiscal Year 2015, from the surcharge on real property permitted by said Act: \$100,000 of the value of each taxable parcel of class three, commercial property, and class four, industrial property as defined in section 2A of chapter 59 of the General Laws?

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 Mahaiwe Theater, 14 Castle Street in Great Barrington on Monday, May 5th, 2014, at 6:00 P.M., then and there to act on the following:

ARTICLE 1:

To see if the Town will vote to authorize the use of revolving funds for the following programs and purposes:

- a. Plumbing Inspector (\$15,000)
- b. Wire Inspector (\$40,000)
- c. Gas Inspector (\$15,000)
- d. Town Code Printing (\$10,000)
- e. Parks Commission (\$5,000)
- f. Recycling/Green Product Sales (\$5,000)
- g. Cemetery (\$5,000)
- h. Fire Inspectors (\$5,000)

which revolving funds together shall not exceed the sum of One Hundred Thousand Dollars (\$100,000.00), which shall be under the control of the Town Treasurer, which shall be accounted for separately and to which shall be credited only the departmental receipts received in connection with the programs supported by each revolving fund; further to authorize the Town Treasurer to expend from such funds in accordance with Chapter 44, §53 E 1/2 of the General Laws, provided however that said expenditures for all revolving funds shall not exceed the receipts for such funds; or to take any other action relative thereto.

Recommended by the Finance Committee and the Board of Selectmen

ARTICLE 2:

To see if the Town will vote to fix the salaries of all elected officials for the period of July 1, 2014 to June 30, 2015 as indicated below:

Elected Officials Salaries:

Selectmen: \$7,500 (\$1,500 per Selectman)

Recommended by the Finance Committee and the Board of Selectmen

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 (Mass DOT), under the provisions of Chapter 90 of the 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 Board of Selectmen

ARTICLE 4:

To see if the Town will vote to appropriate \$857,280, or any other sum of money, in the following approximate amounts and for the following purposes:

Road Improvements/Sidewalks/Drainage	\$ 500,000
Town Building Improvements	65,000
Police Cruiser (1)	35,280
Loader	160,000
Dump Truck (1)	<u>97,000</u>
Total	\$ 857,280

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 the Board of Selectmen**ARTICLE 5:**

To see if the Town will vote to appropriate \$129,400, or any other sum, for the following General Fund Capital Items and to determine whether this amount shall be raised by taxation, transferred from available funds or otherwise and appropriate \$450,000, or any other sum, from the Sewer Enterprise Fund Free Cash for the following Sewer Fund Capital items:

<u>General Fund</u>	
<u>Town Manager/Selectmen</u>	
Grants/Economic development	20,000
Total	20,000
<u>Public Works</u>	
Remediation-highway garage	25,000
Bike path feasibility	20,000
Total	45,000
<u>Parks</u>	
Improvements	45,000
Total	45,000
<u>Fire Department</u>	
Fire computer system	19,400
Total	19,400
Total Capital-General Fund	129,400
<u>Waste Water Enterprise Fund Capital</u>	
Improvements	370,000
Mobile CTV unit	80,000
Total Capital-Waste Water Enterprise Fund	450,000

Recommended by the Finance Committee and the Board of Selectmen

ARTICLE 6:

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 as detailed in the FY15 Annual Budget for the General Fund, or to take any other action relative thereto.

Recommended by the Finance Committee and the Board of Selectmen

ARTICLE 7:

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 as detailed in the FY15 Annual Budget for the Sewer Fund, or to take any other action relative thereto.

Recommended by the Finance Committee and the Board of Selectmen

ARTICLE 8:

To see if the Town will vote to appropriate \$13,200,000, or any other sum of money, to pay costs of making sewer system improvements, and for payment of all other costs incidental and related thereto, and to determine whether this appropriation shall be raised by taxation, transfer from available funds, borrowing or otherwise; or to take any other action relative thereto.

Recommended by the Finance Committee and the Board of Selectmen

ARTICLE 9:

To see if the Town will vote to raise and appropriate or transfer from available funds the sum of Twelve Million, One Hundred and Thirteen Thousand, Two Hundred Fifty Eight Dollars (\$12,113,258.00) for the operating assessment, and Four Hundred Ninety Nine Thousand Nine Hundred and Five Dollars (\$499,905.00) for the capital assessment, for a total assessment of Twelve Million, Six Hundred Thirteen Thousand, One Hundred Sixty Three Dollars (\$12,613,163.00) of the Berkshire Hills Regional School District, or take any other action relative thereto.

**Not Recommended by the Finance Committee
Recommended by the Board of Selectmen**

ARTICLE 10:

To see if the Town will vote to authorize the use of the Pension Reserve Fund to reduce the FY15 appropriation required under Chapter 32 of the General Laws for the Berkshire Regional Retirement System, or to take any other action relative thereto.

Recommended by the Finance Committee and the Board of Selectmen

ARTICLE 11:

To see if the Town will vote to authorize the use of Free Cash to reduce the tax levy for Fiscal Year 2015, or to take any other action relative thereto.

Recommended by the Finance Committee and the Board of Selectmen

ARTICLE 12: To see if the Town will vote to appropriate and/or reserve for future appropriation, from the **Community Preservation Fund** annual revenues, the following amounts recommended by the Community Preservation Committee for committee administrative expenses, community preservation projects and other expenses in fiscal year 2015, with each item to be considered a separate appropriation, or to take any other action relative thereto.

Appropriations:

From FY 2015 estimated revenues for Committee administrative expenses	\$ 21,525
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Reserves:

From FY 2015 estimated revenues for Historic Resources Reserve	\$ 43,050
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From FY 2015 estimated revenues for Community Housing Reserve	\$ 43,050
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From FY 2015 estimated revenues for Open Space Reserve	\$ 43,050
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From FY 2015 estimated revenues for Budgeted Reserve	\$ 279,825
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Recommended by the Finance Committee and the Board of Selectmen

ARTICLE 13:

To see if the Town will vote to amend Sections 6.1.9, 6.2.8, and 6.3.6 of the Zoning Bylaw, relating to parking and landscape regulations, as follows, or to take any other action relative thereto:

Purpose of the amendments: To streamline the existing process for requesting deviations from parking and loading regulations, in order to avoid the potential need for two separate special permit applications and different Granting Authorities.

Proposed additions are underlined.
Proposed deletions are ~~struck through~~.

6.1.9 Special Permit. The Planning Board may, by special permit pursuant to Section 10.4, authorize a deviation from any parking or loading requirement set forth in this Section 6.1. In instances where an application is pending before a different Special Permit Granting Authority, that body may, in accord with a finding by the Planning Board, authorize the deviation from the requirements of Section 6.1.

6.2.8 Special Permit. The Planning Board may, by special permit pursuant to Section 10.4, authorize a deviation from any requirement set forth in this Section 6.2. In instances where an application is pending before a different Special Permit Granting Authority, that body may, in accord with a finding by the Planning Board, authorize the deviation from the requirements of Section 6.1.

6.3.6 Special Permit. The Planning Board may, by special permit pursuant to Section 10.4, authorize a deviation from any requirement set forth in this Section 6.3. In instances where an application is pending before a different Special Permit Granting Authority, that body may, in accord with a finding by the Planning Board, authorize the deviation from the requirements of Section 6.1.

ARTICLE 14:

To see if the Town will vote to amend Section 7.10.2 of the Zoning Bylaw, relating to Hotel and Motel room limits, by adding a new item 3, as follows, or to take any other action thereto:

Purpose of the amendment: Hotels and motels require a special permit, but there is a limit to the number of rooms. This amendment would keep the special permit requirement, but would amend the room limit provision to give the Special Permit Granting Authority the ability to waive room limits in the case of redevelopment or reuse of historic structures. Since a room limit could make a redevelopment or reuse projects infeasible, this amendment would remedy that issue and could encourage the redevelopment or reuse of existing historic structures, a goal of the Master Plan.

Proposed additions are underlined.

Proposed deletions are ~~struck through~~.

7.10 HOTELS AND MOTELS

7.10.1 General. Hotels and motels may be allowed by special permit in those districts shown in Section 3.1.4, Table of Use Regulations.

7.10.2 Room Limits.

1. No hotel or motel shall contain more than 45 rental rooms.
2. The limit in District B2A shall be 30 rental rooms.

3. The Special Permit Granting Authority may authorize a deviation from the room limits above when hotels and motels are 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.

ARTICLE 15:

To see if the Town will vote to amend Sections 8.1 and 3.1.4 of the Zoning Bylaw, relating to two-family residential uses, as follows, or to take any other action thereto:

Purpose of the amendment: To allow two-family dwelling units by right, as recommended by the Master Plan. This amendment also makes small changes to other requirements of the section, including the parking requirement.

Proposed additions are underlined.

Proposed deletions are ~~struck through~~.

8.1 TWO-FAMILY RESIDENTIAL USE OF A SINGLE LOT

8.1.1 General. ~~The special permit granting authority (SPGA) may grant a special permit in accordance with Section 10.4 for two family residential use of a single lot in any zoning district specified for such use in the Table of Use Regulations.~~ The two-family residential use of a single lot is permitted as set forth in Section 3.1.4, Table of Use Regulations. For the purposes of this section, any two dwelling units on a single lot, whether in the same building or in separate buildings, shall be considered two-family residential use, except where Section 4.2.1 or Section 8.2 applies. In the event of two dwelling units in separate buildings, all applicable requirements of this Bylaw shall apply. ~~Nothing in this section shall be construed as to allow two dwelling units on a single lot, in separate buildings, when that lot is not at least twice the minimum lot area specified in Section 4.0. Before granting such a special permit, the SPGA shall conduct a site inspection of the property to ascertain its conformance with this Bylaw.~~

8.1.2 Submittals. ~~Every application for a special permit for such two family residential use shall be accompanied by site plans and floor plans acceptable to the SPGA and meeting all applicable requirements of this Bylaw.~~

8.1.3 2 Site Plan Approval Required. Two-family residential use of a single lot shall require site plan approval from the Planning Board. Every application for a site plan approval shall be accompanied by site plans, floor plans and elevations meeting all applicable requirements of this Bylaw.

8.1.4 3 Conditions Requirements. ~~Every special permit issued in accordance with the provisions of this section shall contain the following conditions~~ All two-family residential uses shall comply with the following requirements:

1. All repairs, renovations or construction specified by the applicant in his application shall be made to the satisfaction of the Inspector of Buildings before an occupancy permit is issued.
2. There shall be separate toilet, bath and kitchen facilities for each ~~family~~ dwelling unit.

3. Fire escapes and outside stairways leading to a second or higher story ~~shall~~, where practicable, ~~shall not be located on any building wall facing a street~~; be located on the rear of the building; ~~shall not be located on any building wall facing a street~~; and shall comply with Section 4.2.3, Permitted Projections into Yards.

4. Two off-street parking spaces shall be provided for each dwelling unit, located in such a manner that permeable surfaces, including lawns and/or garden areas but exclusive of all structures, driveways, walkways and parking spaces, shall be no less than 15% of the total area of the property. Deviation from this requirement may be permitted in accordance with Section 6.1.9. ~~When one of the dwelling units is 650 gross square feet or less, the two dwelling units shall require a total of three parking spaces. In the event that the required parking spaces cannot be provided on the property, the applicant shall, before the special permit is issued, present proof of a duly recorded permanent easement or deed providing such off-street parking space on other property, and the special permit shall be conditioned upon such permanent easement or deed. The SPGA may waive this requirement, provided it finds that a lesser number of parking spaces per dwelling unit may be appropriate.~~

5. Drainage controls ~~as deemed necessary by the SPGA~~ shall be specifically ~~described~~ designed and detailed on drawings. ~~and d~~ Drainage improvements may be required as an added condition of the special permit site plan review approval.

6. New construction of any two-family ~~residence~~ residential structure or structures shall conform to all dimensional requirements of Section 4.0. A new separate second dwelling unit in a new separate structure building may be constructed to provide for a second dwelling shall only be allowed when the lot is at least twice the minimum lot area specified in Section 4.0. The Planning Board may, by special permit pursuant to Section 10.4, authorize a deviation from this requirement.

7. Any other conditions specified by the ~~SPGA~~ Planning Board.

8.1.5 4 Notice. The ~~SPGA~~ Planning Board shall notify the Inspector of Buildings of its site plan review approval and any conditions prior to ~~of the issuance of a building permit in accordance with the provisions of Subsections 8.1.1 through 8.1.4.~~

3.1.4, A (2), TABLE OF USE REGULATIONS

Permitted Use		ZONING DISTRICT ^{1,4}												ADDITIONAL APPLICABLE REGULATIONS
		R1A	R1B	R2	R3	R4	B	B1	B2	B2A	B3	I	I2	
A. Residential uses														
(2)	Dwelling, Two-family	<u>SB</u> <u>Y²</u>	<u>SB</u> <u>Y²</u>	<u>SB</u> <u>Y²</u>	<u>SB</u> <u>Y²</u>	<u>SB</u> <u>Y²</u>	Y ²	<u>N</u> <u>Y²</u>	Y ²	Y ²	Y ²	<u>SB</u> <u>Y²</u>	<u>SB</u> <u>Y²</u>	See also 8.1, 8.7.

² Dimensional and lot size requirements and other conditions as set forth in 8.1.1 and 8.1.4 shall apply even where the use is permitted by right.

ARTICLE 16:

To see if the Town will vote to amend Section 8.2 and Section 11.0 of the Zoning Bylaw, relating to Accessory Dwelling Units, as follows, or to take any other action relative thereto:

Purpose of the amendment: To allow accessory dwelling units by right, and as an accessory to two-family uses. Currently ADU's are permitted by right only in R2 and R4, and only when they are accessory to a single family dwelling unit. This amendment will allow for more housing opportunities in accordance with the Master Plan.

Proposed additions are underlined.

Proposed deletions are ~~struck through~~.

8.2 ACCESSORY DWELLING UNIT (ADU)

8.2.1 General. An accessory dwelling unit (ADU) is permitted ~~by right in the R2 and R4 zones.~~ An accessory dwelling unit may be allowed by special permit in R1A, R1B, R3, B1, B2, B2A, B3, I, and I2 Zones in any district. ~~The special permit granting authority shall be the Planning Board except where an accessory dwelling unit ADU is proposed in a legally pre-existing nonconforming building structure, in which case the ADU shall require a special permit issued by the Zoning Board of Appeals in accordance with Sections 5.30, 8.2, and 10.4 is required.~~

8.2.2 Site Plan Approval. ~~Whether permitted by right or by special permit, a~~ Any new accessory dwelling unit ADU shall be subject to site plan review and approval based upon the criteria set forth herein and in Section 10.5. The Planning Board will conduct the site plan review in accordance with Section 10.5 and all criteria specified in Section 8.2. An approved site plan for ~~accessory dwelling units~~ an ADU is required prior to the issuance of the building permit by the Building Inspector. Abutters within 300 feet of the applicant's property must be notified in writing by certified mail by the applicant that the ADU is being proposed and that the Planning Board will be conducting a site plan review ~~on~~ at a given place, time and date. Said notice shall be mailed not later than ten days prior to the site plan review meeting. The Applicant shall provide proof of mailing to the Planning Board. The Board of Health shall give its approval prior to the issuance of a building permit.

8.2.3 Requirements.

1. Only one ~~accessory dwelling unit ADU~~ ADU may be established per ~~primary single family home, whether within the primary single family home or on the same lot as the primary single family home lot.~~

2. ~~The existence of the accessory dwelling unit must be recorded by the applicant with the Registry of Deeds. Recording of the special permit decision will serve that purpose. If the ADU is allowed by site plan review, then the Planning Board will provide a certificate that must be recorded.~~

3. ~~The ADU may not be in separate ownership from that of any other dwelling unit on the lot. the single family home in which it is located. The owner, or a member of the owner's family, must occupy one of the units in the residence.~~

4. ~~The accessory dwelling unit ADU may not in any case be larger than 650 gross square feet. If a dwelling unit greater than 650 gross square feet is created within a single-family home, the residence will be considered a two-family dwelling and will be subject to the requirements of require a special permit in accordance with Section 8.1 of this Bylaw.~~

5. ~~The structure in which the accessory unit ADU is to be located must meet the zoning requirements for residences, excepting that in cases were when the it structure is a legally pre-~~

~~existing nonconforming structure and the Zoning Board of Appeals use is authorized the use by special permit the Zoning Board of Appeals, the Board of Appeals may waive this requirement.~~

65. One parking space shall be provided in addition to that required by the present building. All required parking spaces, including the parking space for the ~~accessory dwelling unit~~ ADU, must be provided no closer to the street than the building setback line, unless other specified provisions are made and agreed to by the permit granting authority. The Planning Board, ~~or SPGA, in accord with a finding by the Planning Board, may, by special permit pursuant to Section 10.4, authorize a deviation from this requirement. may waive the parking requirements, however, if findings are made that there are adequate provisions for permanent off-street parking off-site, and those parking provisions are made part of the conditions of approval by special permit or site plan review.~~

76. An ~~accessory dwelling unit~~ ADU may be created within a new or a previously existing single-family ~~or two-family residential~~ structure. An ~~accessory dwelling unit~~ ADU may be created within a new or previously existing accessory structure in the R2 and R4 zones, but in other zones only in accessory structures that were lawfully existing or lawfully begun prior to May 2, 2011.

87. A home occupation may be allowed within ~~the primary~~ any single-family dwelling unit and/or ~~the~~ accessory structure. Any such home occupation shall meet the provisions of Section 3.3.

98. Where practicable, any new entrance necessitated by the ~~accessory dwelling unit~~ ADU must be located on the rear or side of the building.

109. Fire escapes and outside stairways leading to a second or higher story shall be located on the rear or side of the building, and, where practicable, shall not be located on any building wall facing a street and shall comply with Section 4.2.3.

11.0 DEFINITIONS

ACCESSORY DWELLING UNIT: a subordinate dwelling unit ~~within a primary single family home or~~ on the same lot as a primary single family ~~or two-family residential use~~ home, with provisions for independent cooking, living, sanitation and sleeping.

ARTICLE 17:

To see of the Town will vote to Amend Section 11.0 of the Zoning Bylaw, Definitions for the Stream and Lake Protection Zone, as follows:

Purpose of the amendment: Clarify which water bodies are subject to the 300-foot or 500-foot regulations. The existing definition is unclear and appears to assign both distances to anything upstream of the drinking water supply gallery. This has caused confusion for the Building Inspector, Planning Board, and applicants.

Proposed additions are underlined.

Proposed deletions are ~~struck through~~.

STREAM AND LAKE PROTECTION ZONE: (1) The land area within a five-hundred-foot lateral distance will apply to the Green River and its upstream tributaries of the water supply gallery only, and three hundred foot lateral distance of the upper boundary of the bank of of the

upper boundary of the bank of the Alford Brook, Long Pond Brook, and Seekonk Brook, when directly tributary to the Green River, and the Green River itself upstream of the water supply gallery. (2) The land area within a three-hundred-foot lateral distance of the upper boundary of the bank of:

~~Alford Brook~~
East Mountain Reservoir
Fountain Pond
Green River downstream of the water supply gallery
Housatonic River [see * Note]
Hubbard Brook
Konkapot Brook
Lake Mansfield
Long Pond Brook where not directly tributary to the Green River
Muddy Brook
Roaring Brook
Root Pond
Round (Mercer's) Pond
~~Seekonk Brook~~
Stony Brook
Thomas and Palmer Brook
Williams River

and the land area within a two-hundred-foot lateral distance of the upper boundary of the bank of all tributaries to these bodies of water or tributaries to any Class A surface water source.

* Note: In the urban centers, meaning those properties served by public water and sewer, the Stream and Lake Protection Zone shall not apply to the Housatonic River.

ARTICLE 18:

To see of the Town will vote to amend the Zoning Bylaw by adding to Section 11.0 Definitions, revising Section 3.1.4, Table of Use Regulations, and inserting a new Section 7.18 to provide for regulation of Medical Marijuana Treatment Centers, as follows:

Purpose of the amendment: To Provide for the placement of registered medical marijuana dispensaries in accordance with the Humanitarian Medical Use of Marijuana Act in suitable locations in the town. This is a new use for the zoning regulations, with corresponding additions to the Table of Use Regulations and Definitions.

Proposed additions are underlined.
Proposed deletions are ~~struck through~~.

Section 11.0 Definitions: Add two new definitions as follows:

MEDICAL MARIJUANA TREATMENT CENTER (MMTC): See Registered Marijuana Dispensary.

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.

Section 3.1.4 Table of Use Regulations: Add new item C (21), as follows, after existing C (20) Professional offices, and renumber the subsequent rows accordingly:

Permitted Use		ZONING DISTRICT ^{1,4}												ADDITIONAL APPLICABLE REGULATIONS
		R1A	R1B	R2	R3	R4	B	B1	B2	B2A	B3	I	I2	
C.	Office, retail, and consumer service establishments													
(21)	<u>Registered Marijuana Dispensary</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>Y</u>	<u>N</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>See also 7.18</u>

Add new Section 7.18 as follows:

7.18 REGISTERED MARIJUANA DISPENSARY

7.18.1 Purposes. To provide for the placement of Registered Marijuana Dispensaries (RMDs) in recognition of and accordance with the Humanitarian Medical Use of Marijuana Act, G.L. c.94C, and the implementing regulations, 105 CMR 725, in suitable locations in Great Barrington, in order to minimize potential adverse impacts of RMDs.

7.18.2 Definitions. Terms are defined in Section 11.

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, shall be subject to Planning Board Site Plan Review as set forth in Section 10.5.

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

1. No RMD may be located closer than 200 feet from any school, daycare center, or other similar facility where minors may commonly congregate.
2. The distance is to be measured in a straight line from the nearest point of the property line of the proposed RMD and the nearest point of the property line of the protected uses stated above.
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.

7.18.5 Physical Requirements. In addition to pertinent requirements of 105 CMR 725, RMDs shall comply with the following:

1. All aspects of a RMD relative to the acquisition, cultivation, possession, processing, sales, distribution, dispensing, or administration of marijuana, products containing marijuana, related supplies, or educational materials shall take place at a fixed location within a fully enclosed building and shall not be visible from the exterior of the business.
2. No outside storage of marijuana, related supplies, or educational materials is permitted.

7.18.6 Use Regulations. In addition to pertinent requirements of 105 CMR 725, RMDs shall comply with the following:

1. Uses under this Section may only consist of the uses and activities permitted by its 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.
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.
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.
5. 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 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, details showing all exterior proposed security measures for the premises, including 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 permitted under this section shall be required to remove all material, plants, equipment and other paraphernalia in compliance with 105 CMR 725 prior to expiration of its DPH Registration or immediately following revocation or voiding of its DPH Registration.

ARTICLE 19:

To see if the Town will vote to authorize the Board of Selectmen to petition the General Court for a special act to amend the Town Charter by replacing the existing charter, as set forth in Chapter 184 of the Acts of 1992, with a new charter in the form set forth in the report of the Charter Review Committee, a copy of which is on file in the office of the Town Clerk, or to take any other action relative thereto.

ARTICLE 20:

To see if the Town will vote to amend Chapter 4, Article III of the Town Bylaws, in order to reduce the membership of the Great Barrington Conservation Commission from seven members to five members, as follows:

Proposed additions are underlined.
Proposed deletions are ~~struck through~~.

§4-5. Appointment.

The Board of Selectmen is hereby directed, within 30 days of the acceptance of this Article by vote of Town Meeting, to appoint a Conservation Commission composed of ~~seven~~ five members.

ARTICLE 21:

To see if the Town will vote to authorize the Board of Selectmen to enter into renewable energy purchase and/or net metering credit purchase agreements, including solar energy and related net metering credits, for terms of more than three years, and to take all actions necessary to implement and administer such agreements, or to take any other action relative thereto.

ARTICLE 22:

To see if the Town will vote to amend Chapter 35 of the Town Bylaws, Section 35-6, second sentence, in order to increase the membership of the Parks and Recreation Commission from up to seven members to up to nine members, as follows, or to take any other action relative thereto:

Proposed additions are underlined.
Proposed deletions are ~~struck through~~.

§35-6. Establishment of Cemetery Commission and Recreation Commission.

. . . The Parks and Recreation Commission shall consist of up to ~~seven~~ nine members and the Cemetery Commission shall consist of up to four members appointed by the Town Manager for terms of from one year to three years, with staggered terms.

ARTICLE 23: (by petition)

To the Great Barrington Town Clerk and the Board of Selectmen:

We, the undersigned citizens of the town of Great Barrington, request that the following article be placed on the Warrant for the Annual Town meeting on May 5, 2014:
That the Town of Great Barrington develop a scope for the study of feasibility and impact of converting the present flat fee billing system for Great Barrington sewer users to a

system based primarily on actual metered water consumption; also, to include funds in the fiscal 2015 budget to implement such study and invite qualified consultants to submit proposals (RFP) addressing said scope.

ARTICLE 24: (by petition)

Petition to the Town of Great Barrington is hereby made to accept a portion of the way known as Kalliste Hill Road and the way known as Omega Road as described on the attached legal descriptions and more particularly described in a plan entitled Definitive Subdivision Plan of Land surveyed for John H. & Christina Wellencamp and recorded in the Southern Berkshire Registry of Deeds in Plat File J-104, pursuant Massachusetts General Laws ch. 82, § 23.

The undersigned also hereby requests that the Board of Selectmen layout Kalliste Hill Road and Omega Road and place the question on the Warrant for Town Meeting.

Pursuant to a deed recorded in the Southern Berkshire Registry of Deeds in Book 1146 at Page 167, the Kalliste Hill Acres Lot Owners' Trust is the owner of Kalliste Hill Road and Omega Road. The address of the Trust is:

Kalliste Hill Acres Lot Owners' Trust
c/o John H. Wellencamp
21 Kalliste Hill Rd
Great Barrington, MA 01230
(413) 644-9710

Filed herewith and incorporated by reference are: Abutter's list certified by the Board of Assessors; Legal Description of a portion of Kalliste Hill Road; Legal Description of Omega Road; Definitive Subdivision Plan of Land surveyed for John H. & Christina Wellencamp recorded in the Southern Berkshire Registry of Deeds in Plat File J-104; and Proposed Easement.

ARTICLE 25: (by petition)

We, the undersigned, respectfully request that future Great Barrington Annual Town Meetings be held at the Monument Mountain Regional High School Auditorium.

We make this request for the following reasons- see below.

1. Parking Ease and Space: However desirable the motives to encourage voters to walk to the Mahaiwe Theater, the practical reality is that a majority of attendees drive to the meeting. Finding in-town parking is neither easy nor convenient, especially for older citizens. With its abundance of spaces and close proximity to Monument Mountain High School Auditorium, parking is effortless and straightforward.

2. Capacity to Accommodate Town Meeting Amenities/Functions: While the historic Mahaiwe Theater is a stunningly beautiful venue to enjoy performances, its intimate, tight-knit spaces make it cumbersome for speakers to make their way to the front, voters to

access ballot boxes and attendees to reach the restrooms, located on the lower level. The High School Auditorium allows comfort and ease of movement, not to mention the large anteroom where individuals committed to one side or the other can plan their statements or even select spokespersons, rather than do it all on the fly.

3. No Cost to Town: While there is no cost to use the High School, the Mahaiwe Theater charges a use fee.
4. The Goal of this Petition has Already Been Approved by a Town Survey: In a town-sponsored, post-2013 meeting survey, taken at the election polls, respondents overwhelmingly favored the High School over the Mahaiwe Theater.

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 25th day of April, 2014.

Sean Stanton

Deborah Phillips

Andrew D. Blechman

Daniel Bailly

Stephen C. Bannon

Board of Selectmen 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 25th day of April, 2014.

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