

The TOWN OF WILLIAMSBURG
Annual Town Meeting
June 4, 2018

Hampshire SS:

To the Constable of the Town of Williamsburg
Greetings:

In the name of the Commonwealth of Massachusetts, you are hereby directed to notify and warn the inhabitants of said town, qualified to vote in elections and in town affairs, **to meet at the Anne T. Dunphy School, 1 Petticoat Hill Road**, in said town on Monday, the fourth of June next, Two Thousand Eighteen, at seven o'clock in the evening, then and there, to act on the following articles.

Article 1 **To see if the Town** will vote to petition the Massachusetts General Court to enact legislation to allow Robert Lapointe, a member of the Williamsburg Fire Department, to continue in his position until he reaches 70 years of age or the date of his retirement or until his non-reappointment, whichever occurs first, and to direct that no further deduction shall be made from the regular compensation of Robert Lapointe in connection with his service to the town for retirement or pension purposes under Chapter 32 of the General Laws for any service subsequent to his reaching the age of 65, or take any other action relative thereto.

Article 2 **To see if the Town** will vote to petition the Massachusetts General Court to enact legislation to allow Alan Everett, a member of the Williamsburg Fire Department, to continue in his position until he reaches 70 years of age or the date of his retirement or until his non-reappointment, whichever occurs first, and to direct that no further deduction shall be made from the regular compensation of Alan Everett in connection with his service to the town for retirement or pension purposes under Chapter 32 of the General Laws for any service subsequent to his reaching the age of 65, or take any other action relative thereto.

Article 3 **To see if the Town will vote** to raise and appropriate or transfer from available funds the sum of \$21.52 to pay Lawson Products for items purchased for the Highway Department in **Fiscal Year 2017 (FY17)**, or take any other action relative thereto.
(Four-fifths Vote Required)

Article 4 **To see if the Town will vote** to raise and appropriate or transfer from available funds the sum of \$500 to Unibank for financial reporting done in **Fiscal Year 2017 (FY17)**, or take any other action relative thereto.
(Four-fifths Vote Required)

Article 5 **To see if the Town will vote** to raise and appropriate or transfer from available funds the sum of \$300.20 to pay Hugh Parker, member of the Fire Department, for work in **Fiscal Year 2017 (FY17)**, or take any other action relative thereto.

(Four-fifths Vote Required)

Article 6 **To see if the Town will vote** to raise and appropriate or transfer from available funds the sum of \$1,200, the amount received by the Town in Fiscal Year 2015 and put in the General Fund in error, to a Recycling Dividend Program account for use by the Board of Health, or take any other action relative thereto.

Article 7 **To see if the Town will vote** pursuant to M.G.L. c.268A, §21A to authorize the Board of Selectmen, Board of Water/Sewer Commissioners, Board of Assessors, Board of Health, Board of Appeals, Finance Committee, and the Trustees of Libraries to appoint their own members to positions under their respective jurisdictions at such salaries or wage rates to be established by the Board of Selectmen, or take any other action relative thereto.

Article 8 **To see if the Town will vote** to authorize the Moderator to choose a committee to expend the income from the Whiting Street Fund, or take any other action relative thereto.

Article 9 **To see if the Town will vote** to approve a Capital Improvement Plan, as prepared by the Capital Planning Committee and approved by the Finance Committee, including recommended capital improvements for the following five fiscal years, or take any other action relative thereto.

Article 10 **To see if the Town will vote** to raise and appropriate or transfer from available funds the sum of \$17,843, an amount equal to one-half of the amount received by the Town as Medicaid reimbursements, to the Williamsburg School Department, or take any other action relative thereto.

Article 11 **To see if the Town will vote** to fix the salary and compensation of all elected and appointed officers of the Town for the twelve month period ending June 30, 2019, as provided in M.G.L. c.41, §108, as amended, and to see if the Town will vote to raise and appropriate such sums of money as shall be deemed necessary to defray the expenses of the Town for that same period, or take any other action relative thereto.

Article 12 **To see if the Town will vote** to accept monies from the Massachusetts Department of Transportation, including but not limited to Chapter 90 funds, for the maintenance and reconstruction of Town roads and bridges, and to authorize expenditure of the same without further appropriation, or take any other action relative thereto.

Article 13 **To see if the Town will vote** pursuant to M.G.L. c.44, §54E½, as most recently amended, to set Fiscal Year 2019 spending limits for the Revolving Funds as follows, or take any other action relative thereto.

Revolving Fund	FY19 Spending Limit
Gas Inspector Revolving Fund	\$ 1,500
Electrical Inspector Revolving Fund	\$ 7,500
Plumbing Inspector Revolving Fund	\$ 3,500
Transfer Station Open Box Revolving Fund	\$18,000
Planning Board Revolving Fund	\$30,000
Animal Control Officer Revolving Fund	\$ 5,000
Recreation Commission Revolving Fund	\$30,000
Council on Aging Revolving Fund	\$ 2,000
Conservation Commission Revolving Fund	\$ 5,000
Board of Appeals Revolving Fund	\$ 6,000
Fire Dept. Revolving Fund	\$ 3,000
Total Spending	\$111,500

Article 14 **To see if the Town will vote** to raise and appropriate the sum of \$198,287.50 composed of the amounts listed below, for the purpose of operating and maintaining and constructing the Town water system, including the laying of mains, for Fiscal Year 2019, and take said sum from Water Enterprise Revenue, or take any other action relative thereto.

Stipends	\$ 2,800.00
<u>Expenses</u>	<u>\$195,487.50</u>
Total	\$198,287.50

Article 15 **To see if the Town will vote** to raise and appropriate the sum of \$152,187.50 composed of the amounts listed below, for the purpose of operating, maintaining and constructing the Town sewer system for Fiscal Year 2019, and take said sum from Sewer Enterprise Revenue, or take any other action relative thereto.

Stipends	\$ 2,800.00
<u>Operation & Maintenance</u>	<u>\$149,387.50</u>
Total	\$152,187.50

Article 16 **To see if the Town will vote** to transfer the sum of \$57,243 from Sewer Retained Earnings to Sewer Expenses to conduct an assessment of the Town sewer system, or take any other action relative thereto.

Article 17 **To see if the Town will vote** to transfer the sum of \$10,000 from Sewer Retained Earnings to Sewer Expenses to conduct infiltration and inflow work and repair on the Town sewer system, or take any other action relative thereto.

Article 18 **To see if the Town will vote** to raise and appropriate or transfer from available funds the sum of \$7,000 for the purpose of upgrading and installing a new server for the Police Department, and any other incidental and related expenses, or take any other action relative thereto.

Article 19 **To see if the Town will vote** to raise and appropriate or transfer from available funds the sum of \$3,000 for planning and coordinating the Town's 250th Anniversary celebration to take place in the year 2021, and any other incidental and related expenses, or take any other action relative thereto.

Article 20 **To see if the Town will vote** to raise and appropriate or transfer from available funds the sum of \$500 for producing the town flag, and any other incidental and related expenses, or take any other action relative thereto.

Article 21 **To see if the Town will vote** to accept M.G.L. c.64L, §2(a) to establish a local meals excise, or take any other action relative thereto.

- Article 22** **To see if the Town will vote** to raise and appropriate or transfer from available funds the sum of \$7,500 to purchase an optical scan tabulator and any other incidental and related expenses for the Town Clerk's Office, or take any other action relative thereto.
- Article 23** **To see if the Town will vote** to authorize the Board of Selectmen to acquire, by gift, purchase, eminent domain or otherwise, for park land associated with the Mill River Greenway, certain property, consisting of the lower 4 acres, more or less, being a portion of that property identified as Assessors Map 7G, Parcel 66, described in a deed recorded with the Hampshire Registry of Deeds in Book 1922, Page 117, as approximately shown on a sketch plan entitled "Proposed River Park", on file with the Town Clerk and, further, to raise and appropriate, transfer from available funds, borrow, or otherwise, the sum of \$4,800, for the purpose of acquiring said property, and the Board of Selectmen and the Mill River Greenway Committee be authorized to enter into all agreements and execute any and all instruments as may be necessary on behalf of the Town of Williamsburg to effect said acquisition on such terms and conditions as they deem appropriate and further be authorized to apply for, accept and expend any grant funds, or take any other action relative thereto.
- Article 24** **To see if the Town will vote** to raise and appropriate or transfer from available funds the sum of \$7,500 for the purchase and installation of two pedestrian flashing beacon crosswalk lights, and any other incidental and related expenses, or take any other action relative thereto.
- Article 25** **To see if the Town will vote** to raise and appropriate, transfer from available funds or borrow the sum of \$155,915 for the purchase of a rubber-tire excavator, and to equip the same, or take any other action relative thereto.
- Article 26** **To see if the Town will vote** to raise and appropriate or transfer from available funds the sum of \$22,650 for the purchase of a tractor, and to equip the same, to maintain the school grounds and other Town property, or take any other action relative thereto.
- Article 27** **To see if the Town will vote** to raise and appropriate or transfer from available funds the sum of \$24,450 for carpentry and painting repairs to the Old Town Hall, and other incidental and related expenses, or take any other action relative thereto.
- Article 28** **To see if the Town will vote** to cease assessing the excise imposed under M.G.L. c.59, §8A on farm animals, machinery and equipment owned by individuals and non-corporate entities principally engaged in agriculture, or take any other action relative thereto.

(Two-thirds vote required)

Article 29 **To see if the Town will vote** to authorize the Board of Selectmen (i) to enter into an agreement for payments-in-lieu-of-taxes pursuant to M.G.L. Chapter 59, Section 38H(b), and Chapter 164, Section 1, or any other enabling authority, in the amount of \$14,000 per megawatt (DC), which amount shall escalate at a rate of 1% percent each year, for personal property attributable to a solar photovoltaic facility located (or to be located) on privately land owned by Hull Forestlands, LP and accessed from East Street off of Goshen Road and located within Williamsburg on Assessors Map A, Lot 4, and (ii) to take all other actions necessary or convenient to implement and administrate such agreement, or take any other action relative thereto.

Article 30 **To see if the Town will vote** to transfer the care, custody, management and control of the parcels of land known as 21, 23, and 25 Mountain Street, and shown, respectively, on Assessors' Map 011.K as Lot 0046.0, and Map 008.H, as Lots 0015.0 and 0020.0, commonly referred to as the Capped Wood Waste Landfill, to the Board of Selectmen for such landfill purposes and also for the purpose of leasing the same to a solar energy electricity production entity for the installation of a solar energy facility or facilities, and to authorize the Board of Selectmen to enter into a lease or leases for all or portions of such parcels for a term of at least 20 years from the date of commencement of commercial operations of the solar energy facility or facilities and such additional term as the Board of Selectmen shall deem appropriate, all on such terms and conditions, and for such consideration, as the Board of Selectmen deems appropriate; and to authorize the Board of Selectmen to grant such access, utility, and other easements in, on, and under said parcels as may be necessary or convenient to construct, operate and maintain such solar energy facility or facilities; to authorize the Board of Selectmen and the Board of Health to take all actions necessary in connection therewith; and to authorize the Board of Selectmen, pursuant to the provisions of Massachusetts General Laws Chapter 59, Section 38H or any other enabling authority, to enter into agreements for payment in lieu of taxes (PILOT Agreements) on account of such facility or facilities for a term of 20 years and such additional term as the Board of Selectmen shall deem appropriate, upon such terms as the Board of Selectmen shall deem to be in the best interest of the Town, and further, to authorize the Board of Selectmen to take such actions as may be necessary to implement such agreements, or take any other action relative thereto.

Article 31 **To see if the Town will vote** to transfer the care, custody, management and control of the parcels of land known as 51R, 53, and 55 South Street, and shown, respectively, on Assessors' Map 007.G as Lots 0032.0, 0010.0, and 0010.1, to the Board of Water and Sewer Commissioners and the Board of Selectmen for Water Department purposes and also for the purpose of leasing the same to a solar energy electricity production entity for the installation of a solar energy facility or facilities, and to authorize the Board of Selectmen to enter into a lease or leases for all or portions of such parcels for a term of at least 20 years from the date of commencement of commercial operations of the solar energy

facility or facilities and such additional term as the Board of Selectmen and Board of Water and Sewer Commissioners shall deem appropriate, all on such terms and conditions, and for such consideration, as the Board of Selectmen and Board of Water and Sewer Commissioners deem appropriate; and to authorize the Board of Selectmen and Board of Water and Sewer Commissioners to grant such access, utility, and other easements in, on, and under said parcels as may be necessary or convenient to construct, operate and maintain such solar energy facility or facilities; to authorize the Board of Selectmen and the Board of Water and Sewer Commissioners to take all actions necessary in connection therewith; and to authorize the Board of Selectmen, pursuant to the provisions of Massachusetts General Laws Chapter 59, Section 38H or any other enabling authority, to enter into agreements for payment in lieu of taxes (PILOT Agreements) on account of such facility or facilities for a term of 20 years and such additional term as the Board of Selectmen shall deem appropriate, upon such terms as the Board of Selectmen shall deem to be in the best interest of the Town, and further, to authorize the Board of Selectmen to take such actions as may be necessary to implement such agreements, or take any other action relative thereto.

Article 32 **To see if the Town will vote** to amend the Town of Williamsburg Zoning Bylaw by revising Section 9.0 b. by adding at the end of the existing text the following new text: "From the front line of the lot, to any point fifty (50) feet back from the front line, the width of the lot should be no less than two hundred (200) feet," or take any other action relative thereto.

(Two-thirds Vote Required)

Article 33 **To see if the Town will vote** to amend the Town of Williamsburg Zoning Bylaw as follows by designating the existing sentence contained in Section 5.10 as subparagraph (a) and by adding new subparagraphs (b) and (c), such that the Section, as amended, will read as follows, or take any other action relative thereto:

- a. Any substantial change, alteration, or expansion of a use allowed by Special Permit shall require a new Special Permit from the Zoning Board of Appeals.
- b. If a use allowed under the terms of a Special Permit ceases or is inactive for twenty-four consecutive months, the Special Permit shall expire.
- c. If a new use is allowed by a new Special Permit, and a previous use allowed by a previous Special Permit is not included under the new Special Permit, the previous Special Permit shall expire.

(Two-thirds Vote Required)

Article 34 **To see if the Town will vote** to amend the Town of Williamsburg Zoning Bylaw to add a new section 9.21, entitled “More Than Four Dwelling Units in a Multi-Family Dwelling or Mixed-use Building,” as printed below; by amending Section 3.0 of the Zoning Bylaw, the Schedule of Use Regulations, by inserting under Section 3.1, Residential Uses, Multi-family dwelling (up to four dwelling units) the following new use: More than four dwelling units in a multi-family dwelling or mixed-use building allowed by special permit, or take any other action relative thereto.

(Two-thirds vote Required)

9.21 9.21 More Than Four Dwelling Units in a Multi-Family Dwelling or Mixed-use Building

1. Purpose

- a. To allow reuse and redevelopment of existing structures that make a significant positive contribution to the character of the Town of Williamsburg’s village centers
- b. To increase the number and diversity of dwelling units available in Williamsburg

2. Applicability

- a. More than four dwelling units in a multi-family dwelling or mixed-use building may be allowed per Section 3, Schedule of Use Regulations, subject to both of the following criteria:
 1. The existing structure is equal to or greater than 3,500 square feet of floor space.
 2. The existing structure was constructed prior to 1925, or the structure is listed on an existing historic register maintained by the Town of Williamsburg, the Commonwealth of Massachusetts or the federal government.
- b. A Special Permit may be granted that modifies or waives otherwise applicable on-site parking requirements if the applicant demonstrates that the project would not otherwise be feasible and the Special Permit Granting Authority determines that the project would have substantial public benefit. On-site parking requirements may only be waived if, as a condition of the Special Permit, adequate, new, additional off-site public parking is created within five hundred (500) feet of the development. The applicant shall provide proof of control of the off-site parking through ownership or other form acceptable to the Zoning Board of Appeals. If the off-site parking location shares parking with other parties, the parking spaces dedicated to applicant’s use shall be subject to a covenant, which shall be recorded at the appropriate registry of deeds.
- c. A Special Permit may be granted even if the lot on which the existing structure is located does not satisfy applicable lot size requirements if the Special Permit Granting Authority determines that the proposed alteration is not substantially more detrimental to the neighborhood than the existing structure or use. If a proposed alteration would require more than one Special Permit under these Zoning Bylaws, the Special Permit hearing and decision shall be combined into one Special Permit.
- d. Examples of substantial public benefits include, but are not limited to, one or more of the following:
 1. Increasing the availability or diversity of housing
 2. Contributing to the vibrancy of the village centers by means of improved design

- or maintenance of building facades, sidewalks, or public or private frontages
3. The creation of new public space, improved pedestrian or bicycle amenities, or new or protected access to the Mill River.

3. Approval Criteria

- The special permit granting authority must find that the proposed reuse and development is consistent with one or more of the purposes of this section 9.21.
- The Special Permit granting authority must find that the proposed reuse and - development can be reasonably accommodated on the property.

Further, that Section 3.0 of the Zoning Bylaw, the Schedule of Use Regulations, be amended by inserting under Section 3.1, Residential Uses, Multi-family dwelling (up to four dwelling units) the following new use: More than four dwelling units in a multi-family dwelling or mixed-use building.

Section	Use	VR	VM	RU	Notes
3.1	Residential Uses				
	Single-family dwelling	P	P	P	
	Two-family dwelling	P	P	P	
	Multi-family dwelling (up to 4 dwelling units)	SP	SP	SP	
	<i>More than four dwelling units in multi-family dwelling or mixed-use building</i>	<i>SP/SPR</i>	<i>SP/SPR</i>	<i>N</i>	<i>See section 9.21</i>
	Accessory apartment	SP	SP	SP	See Section 9.0
	Upper-floor apartments in Mixed Use buildings	P	P	SP	See Section 9. Limited to a maximum of 3 residential dwelling units per structure

Article 35 To see if the Town will vote to amend the Town of Williamsburg Zoning Bylaw by adding the following new definitions to Section 18; to amend Section 9.11 by deleting the language in the existing Section 9.11 Home Occupations in its entirety and replacing with the following language; and to amend Section 3.0 of the Zoning Bylaw, the Schedule of Use Regulations, by inserting under Section 3.2, Business Uses, the following new use, in alphabetical order: Home Occupation, Major , or take any other action relative thereto.

(Two-thirds Vote Required)

Section 18, Definitions:

Home Occupation: The production and/or sale of goods and services conducted within a dwelling or in a structure that is accessory to a dwelling, by a resident of the dwelling, with not more than one (1) full time non-resident employee; such business activity being clearly secondary to the residential use of the dwelling, and not infringing upon the residential character of the neighborhood in which the dwelling unit is located.

Home Occupation, Major: A home occupation with not more than two (2) full time non-resident employees and/or a home occupation that is located in a detached accessory structure. The floor space occupied by the Major Home Occupation shall not exceed 1,000 square feet.

9.11 Home Occupations

9.11.1 Home Occupations must be secondary to a permitted primary residential use of a dwelling unit. Examples may include:

- a. Artist, hair dresser, or real estate broker.
- b. Building trades.
- c. Professional offices of a resident doctor, lawyer, accountant, engineer, or writer.
- d. Cultivation for off-premises sale of fruits, vegetables, and flowers.

9.11.2 A Home Occupation shall be permitted by right in compliance with the following:

- a. The use shall not change the character of the dwelling unit and shall not be characterized by outward manifestations, such as traffic generation, noise, public services and utility demand, etc., unlike those of dwelling units in the particular neighborhood in which the dwelling is located.
- b. All operations, including incidental storage, shall be carried on within the dwelling unit except as permitted by Section 9.11.1.d and no more than 1,000 sq. ft. of floor space shall be used for the home occupation.
- c. The use shall not constitute a nuisance by reason of increased traffic, hours of operation and/or delivery, an unacceptable level of air or water pollution, odor, excessive noise or visually flagrant structures and accessories, and the use shall not pose a hazard to abutters, vehicles or pedestrians.
- d. Adequate off-street parking shall be provided to prevent interference with traffic flow.
- e. Any signs shall comply with Section 9.8, Signs.
- f. The occupation shall be owned, operated, or managed by at least one (1) member of the family residing in the dwelling unit with not more than the equivalent of one (1) full time employee.
- g. The home occupation shall not be in violation of any other provision of this Bylaw.

9.11.3 The Zoning Board of Appeals may issue a special permit for a Major Home Occupation. All parts of 9.11.2 apply except that a Major Home Occupation may include up to two (2) full-time equivalent non-resident employees; and/or may use an existing detached structure, such as a garage or barn, for the home occupation provided that: the total floor area occupied by the home occupation does not exceed 1,000 square feet. The home occupation may not include a use that is not similar to those illustrated in Section 9.11.1. The home occupation must be in compliance with 9.11.2 a., c., d., e., and g. The occupation shall be owned, operated, or managed by at least one (1) member of the family residing in the dwelling unit.

Changes to Section 3.0, Schedule of Use Regulations Use Table
Table Rows that relate to Home Occupations

Section	Use	VR	VM	RU	Notes
3.2	Business Uses				
	...				
	Home Occupation	P	P	P	See Section 9.11
	Home Occupation, Major	SP	SP	SP	See Section 9.11

Article 36 **To see if the Town will vote** to amend the Town of Williamsburg Zoning Bylaw by amending the following definition in Section 18; ; to amend Section 9.1 by deleting the language in the existing Section 9.1 Accessory Apartments in its entirety and replacing with the following new language; and to amend Section 3.0 of the Zoning Bylaw, the Schedule of Use Regulations Section 3.1, Residential Uses, by making Accessory Apartment a permitted use in the Village Residential District, Village Mixed District and Rural District and to correct the reference note from 9.0 to 9.1, or take any other action relative thereto.

(Two-thirds Vote Required)

Definitions

Definitions

Accessory Apartment — An accessory apartment is a second dwelling unit, complete with its own means of egress, sleeping, cooking and sanitary facilities, that is accessory to and contained within a single-family dwelling. An owner of the single-family dwelling shall occupy either the single-family dwelling or the accessory apartment as his or her primary residence.

9.1 Accessory Apartments

- a. An Accessory Apartment shall be defined as a second dwelling unit, complete with its own means of egress, sleeping, cooking and sanitary facilities, that is accessory to a single-family dwelling.
- b. Either the single-family dwelling or the accessory apartment shall be the primary residence of an owner of the property.
- c. Total floor space of the Accessory Apartment shall not exceed 1,000 square feet or one-third of the total livable square footage of the dwelling, whichever is less. Habitable floor area does not include, for example, unfinished attic space, unfinished basement space, unfinished garage space, porch, or patio.
- d. New residential space may be created in association with an Accessory Apartment through addition to an existing dwelling.
- e. The Accessory Apartment shall have no more than two bedrooms and shall not be occupied by more than five persons.
- f. For the purposes of calculating required lot area, an Accessory Apartment shall not be subject to Section 9.0.d.

- g. When an Accessory Apartment is added to an existing dwelling which is non-conforming due to lot area, frontage, setbacks, or lot coverage, the creation of the accessory apartment shall not be considered an expansion of a non-conforming use, provided that any structural enlargement or expansion shall comply with the minimum setback and lot coverage standards of this Bylaw.
- h. The Accessory Apartment must comply with the parking requirements and all other sections of this Bylaw.
- i. An applicant must demonstrate that an Accessory Apartment will be adequately served by municipal sewer or an on-site septic system before a Building Permit can be obtained for an Accessory Apartment.
- j. An Accessory Apartment shall be designed to maintain the architectural design, style, appearance, and character of the principal dwelling. If an attached accessory dwelling unit extends beyond the current footprint or existing height of the principal dwelling, such an addition must be compatible with the existing facade, roof pitch, siding materials, and windows.
- k. The procedure for the submission and approval of a Building Permit for an Accessory Apartment shall be the same as prescribed elsewhere in this Bylaw except the application shall include a notarized letter of application from the owner(s) stating that the owner(s) will occupy one of the dwelling units on the premises. Such notarized letter shall be renewed and submitted annually to the Building Inspector for as long as the Accessory Apartment is used as such.
- l. The Inspector of Buildings shall not issue a Certificate of Occupancy for an Accessory Apartment until the owner(s) of the property presents a time-stamped copy of a Declaration of Covenants for the subject property that has been filed at the County Registry of Deeds. The Declaration shall state that the right to occupy an Accessory Apartment ceases if the property is not the primary residence of one or more of its owners, or upon transfer of title unless the new owner takes the action described in paragraph 9.1.m. below.
- m. Transfer of ownership of a dwelling with an Accessory Apartment. If a structure that has received approval for an Accessory Apartment is sold, and if the new owner wishes to continue to exercise the use, the new owner must, within 30 days of the sale, submit a notarized letter to the Zoning Enforcement Officer stating that the owner will occupy one of the dwelling units in the structure as the owner's permanent/primary residence and shall conform to all of the criteria and conditions for Accessory Apartments. .
- n. A second driveway and curb cut leading to an Accessory Apartment is not permitted.

Changes to Section 3.1, Schedule of Use Regulations Use Table

Section	Use	VR	VM	RU	Notes
3.1	Residential Uses				
	Single-family dwelling	P	P	P	
	Two-family dwelling	P	P	P	
	Multi-family dwelling (up to 4 dwelling units)	SP	SP	SP	
	More than four dwelling units in multi-family dwelling or mixed-use building	SP/SPR	SP/SPR	N	See section 9.21
	Accessory Apartment	P	P	P	See Section 9.1
	Upper-floor apartments in Mixed Use buildings	P	P	SP	See Section 9. Limited to a maximum of 3 residential dwelling units per structure

Article 37 **To see if the Town will vote** to amend the Town of Williamsburg Zoning Bylaw by adding the following new definitions to Section 18; by adding the following new Section entitled Marijuana for Adult Use; to amend the Table of Uses by inserting uses for Marijuana Retailer, Marijuana Transporter, Independent Testing Laboratory, Marijuana Cultivator, and Marijuana Product Manufacturer as uses allowed by Special Permit/Site Plan Review in certain designated zoning districts; to amend the Table of Contents to add this section, and further, to authorize the Town Clerk to assign an appropriate Section number consistent with the current Zoning Bylaw, or take any other action relative thereto:

(Two-thirds Vote Required)

Section 18 – Definitions of the Zoning Bylaw is amended by adding the following new definitions in alphabetical order:

- a. Independent Testing Laboratory: a laboratory that is licensed by the Massachusetts Cannabis Control Commission ("Commission") and is (i) accredited to the most current International Organization for Standardization 17025, by a third-party accrediting body that is signatory to the International Laboratory Accreditation Accrediting Cooperation mutual recognition arrangement, or that is otherwise approved by the Commission; (ii) independent financially from any medical marijuana treatment center or any licensee or marijuana establishment for which it conducts a test; and (iii) qualified to test cannabis or marijuana in compliance with regulations promulgated by the Commission.
- b. Marijuana Cultivator: an entity licensed by the Massachusetts Cannabis Control Commission to cultivate, process, and package marijuana, and to transfer marijuana to other marijuana establishments but not to consumers.
- c. Marijuana Establishment: a marijuana cultivator, Craft Marijuana Cooperative, independent testing laboratory, marijuana product manufacturer, marijuana retailer, or any other type of licensed marijuana-related businesses, except a medical marijuana treatment center, which is also referred to as a Registered Marijuana Dispensary under these Zoning Bylaws.
- d. Marijuana Product Manufacturer: an entity licensed by the Massachusetts Cannabis Control Commission to obtain, manufacture, process, and package cannabis or marijuana products, and to transfer these products to other marijuana establishments, but not to consumers.
- e. Marijuana Products: products that have been manufactured and that contain marijuana or an extract of marijuana, including concentrated forms of marijuana and products composed of marijuana and other ingredients that are intended for use or consumption, including edible products, beverages, topical products, ointments, oils, and tinctures.
- f. Marijuana Retailer: an entity licensed by the Massachusetts Cannabis Control Commission to purchase and deliver marijuana and marijuana products from marijuana establishments and to deliver, sell, or otherwise transfer marijuana and marijuana products to marijuana establishments and to consumers.
- g. Marijuana Transporter: an entity not otherwise licensed by the Massachusetts Cannabis Control Commission, that is licensed to purchase, obtain, and possess cannabis or marijuana

products solely for the purpose of transporting, temporary storage, sale and distribution to Marijuana Establishments, but not to consumers.

Marijuana for Adult Use

A. Purpose

The purpose of this bylaw is to:

- a. Allow state-licensed marijuana establishments to exist in the Town of Williamsburg in accordance with applicable state laws and regulations issued by the Massachusetts Cannabis Control Commission ("Commission") including but not limited to M.G.L. Chapter 94G.
- b. Provide safe and effective access to recreational cannabis in the Town of Williamsburg.
- c. Impose reasonable safeguards to govern the time, place, and manner of marijuana establishment operations to ensure public health, safety, and well-being, and to avoid impacts on the natural environment as it relates to cultivation, processing and manufacturing, subject to the provisions of this Zoning Bylaw, M.G.L. Chapter 40A (State Zoning Act), and M.G.L. Chapter 94G.

B. Definitions

Any term not specifically defined in these Zoning Bylaws shall have the meaning as defined in M.G.L. c. 94G. Section 1 and the Cannabis Control Commission regulations, 935 CMR 500.00 governing Adult Use Marijuana, as such statutes and regulations may from time to time be amended.

C. Applicability

- a. Independent testing laboratory, marijuana cultivator, and marijuana product manufacturer may be allowed by Special Permit and Site Plan Review in the Village Mixed and Rural Use Districts.
- b. Marijuana retailer may be allowed by Special Permit and Site Plan Review in the Village Mixed Use District.
- c. On-site consumption of marijuana products at any Marijuana Establishment, either as a primary or accessory use, shall be prohibited unless permitted by local ballot initiative, as allowed by M.G.L. c. 94G. Section 3(b).

D. Application Requirements

a. Security Plan

- i. The applicant shall submit a security plan to the Town of Williamsburg Police and Fire Departments to demonstrate that there is limited undue burden on the Town public safety officials as a result of the operation of the proposed marijuana establishment. The Williamsburg Police and Fire Departments shall provide comments to the Planning Board regarding the sufficiency of such plan or plans.
- ii. The security plan shall include all security measures for the site and transportation of marijuana and marijuana products to and from off-site premises to ensure the safety of employees and the public and to protect the property from theft or other criminal activity.

b. Energy and Water Use Plans

- i. All marijuana cultivators shall submit energy use and water use plans to the Planning Board to demonstrate best practices for energy and water conservation and ensure there are no undue impacts on the natural environment. The plans shall include an electrical system overview, proposed energy demand and proposed electrical demand off-sets, ventilation system and air quality, and proposed water system use and conservation.

E. General requirements and conditions for all marijuana establishments.

- (1) All marijuana establishments, except for a Marijuana Cultivator, shall be located within a permanent building or structure and may not be located in a trailer, cargo container, motor vehicle or other similar non-permanent enclosure. Marijuana Establishments shall not have drive-through service. If authorized under M.G.L Chap. 94G, a Marijuana Cultivator may conduct its cultivation of marijuana outside of a building or structure.
- (2) The hours of operation of Marijuana Establishments shall be set by the Zoning Board of Appeals.
- (3) No Marijuana Establishment shall be located within 500 feet of the property boundary line of any lot in use as a public or private school, grades kindergarten through 12. Distance shall be measured in a straight line from property boundary line to property boundary line.
- (4) No smoking, burning or consumption of any product containing marijuana or marijuana-related products shall be permitted on the premises of a marijuana establishment, except as authorized by G.L. c. 94G or regulations issued by the Cannabis Control Commission, or as authorized under this Bylaw.
- (5) No Marijuana Establishment shall be located inside a building containing residential units, including transient housing such as motels and dormitories, or inside a movable or mobile structure such as a van or a truck.
- (6) No outside storage of marijuana, related supplies or promotional materials is permitted.
- (7) All marijuana establishments shall be ventilated in such a manner that:
 - (a) pesticides, insecticides, or other chemicals or products used in cultivation or processing are not dispersed into the outside atmosphere.
 - (b) odor from marijuana cannot be detected by a person with a normal sense of smell at the exterior of the marijuana establishment or at any adjoining property.
- (8) All marijuana establishments must negotiate a Host Community Agreement with the Williamsburg Board of Selectmen, or its designated representative.

F. Special Permit requirements.

- (1) A marijuana establishment shall only be allowed by Special Permit from the Zoning Board of Appeals and Site Plan Review by the Planning Board in accordance with MGL c. 40A, § 9 and Sections 5 and 6 of the Town of Williamsburg Zoning Bylaw subject to the following statements, regulations, requirements, conditions and limitations.
- (2) In addition to the standards set forth herein, the required site plan must meet all dimensional, parking, landscaping, and signage requirements of the Zoning Bylaw.
- (3) A special permit for a marijuana establishment shall be limited to one or more of the following uses approved by the Zoning Board of Appeals:

- (a) Marijuana Cultivator,
 - (b) Marijuana Product Manufacturer,
 - (c) Independent Testing Laboratory (Marijuana), and
 - (d) Marijuana Transporter and
 - (e) Marijuana Retailer
- (4) In addition to the application requirements set forth above, a Special Permit application for a marijuana establishment shall include the following:
- (a) The name and address of owner(s) of the establishment;
 - (b) Copies of all required licenses and permits issued to the applicant by the Commonwealth of Massachusetts Cannabis Control Commission and any other related Massachusetts agencies, or if a license(s) has not yet been issued, the applicant shall provide a copy of its application to the Cannabis Control Commission, excluding those portions related to the applicant's finances. If any portion of the materials submitted to the Zoning Board of Appeals and/or Planning Board contain records that are not public records as defined under G.L. c. 4, §7, cl. 26, or any other statutory provision, the non-public information shall be redacted and shall be submitted to the Boards in a separately labeled packet clearly indicating that the contents are not public records.
 - (c) Evidence of the applicant's right to use the site of the establishment for the establishment, such as a purchase and sale agreement, deed, owner's authorization, or lease;
 - (d) Proposed security measures for the Marijuana Establishment, including lighting, fencing, gates and alarms, etc., to ensure the safety of persons and to protect the premises from theft. A letter from the Town of Williamsburg Police Chief, or designee, acknowledging review and approval of the marijuana establishment security plan is required. To the extent allowed by law, all such documents shall be confidential.
 - (e) All application requirements for Site Plan Review as specified in Section 6 of the Zoning Bylaw unless waived by the Planning Board

(5) Mandatory findings:

The Zoning Board of Appeals shall not issue a Special Permit for a marijuana establishment unless it finds that:

- (a) The establishment is designed to minimize any adverse impacts on abutters and other parties in interest, as defined in MGL c. 40A, § 11.
- (b) The establishment demonstrates that it will meet all the permitting requirements of all applicable agencies within the Commonwealth of Massachusetts and will comply with all applicable state laws and regulations; and
- (c) The applicant has satisfied all of the conditions and requirements set forth herein.
- (d) A special permit and/or site plan approval authorizing the location of a Marijuana Establishment under this bylaw shall be valid only for the licensed entity to which the special permit and/or site plan approval was issued, and only for the site at which the Marijuana Establishment has been authorized by special permit and/or site plan approval.
- (e) No more than two (2) retail marijuana retailers shall be allowed within the Town of Williamsburg.

G. Reporting Requirements

The owner of a marijuana establishment shall submit an Annual Report to the Williamsburg Board of Selectmen no later than January 31st of each year, which certifies compliance with the requirements of this bylaw and M.G.L. Chapter 94G.

H. Abandonment or discontinuance of use.

A marijuana establishment shall be required to remove all material, plants equipment and other paraphernalia within six months of ceasing operations. The project proponent of a Marijuana Establishment shall provide to the Town of Williamsburg a surety bond to cover the cost of such removal in the event the Town of Williamsburg becomes responsible for such removal. The amount of surety required shall be determined by the permitting authority.

All other applicable provisions of the Town of Williamsburg Zoning Bylaw shall also apply.

If any section or portion of this Bylaw is ruled invalid by a court of competent jurisdiction, such ruling will not affect the validity of the remainder of this Bylaw.

Further, that Section 3.0 of the Zoning Bylaw, the Schedule of Use Regulations, be amended by inserting under Section 3.2, Business Uses, the following new uses, in alphabetical order: Marijuana Retailer as a use allowed by Special Permit/Site Plan Review in the Village Mixed Use District, and Independent Testing Facility, Marijuana Cultivator, Marijuana Product Manufacturer, and Marijuana Transporter as uses allowed by Special permit/Site Plan Review in the Village Mixed and Rural Use Districts as follows:

Changes to Section 3.2, Schedule of Use Regulations Use Table

Section	Use	VR	VM	RU	Notes
3.2	Business Uses				
	Independent Testing Facility, Marijuana Cultivator, Marijuana Cultivator, Marijuana Product Manufacturer, and Marijuana Transporter	N	SP/SPR	SP/SPR	
	Marijuana Retailer	N	SP/SPR	N	

Article 38 To see if the town will vote to accept the provisions of General Laws Chapter 64N, Section 3(a), as amended by Section 13 of Chapter 55 of the Acts of 2017 for the purpose of imposing a local sales tax upon the sale or transfer of marijuana or marijuana products by a marijuana retailer operating within the Town of Williamsburg to anyone other than a marijuana establishment at the rate of three percent (3%), or take any other action relative thereto.

(Majority Vote Required)

Article 39 To see if the Town will vote to amend the Town of Williamsburg Zoning Bylaw by deleting in its entirety Section 20 entitled "Temporary Moratoria on the Sale and Distribution of Marijuana Not Medically Prescribed), and further, to amend the Table of Contents to the Zoning Bylaw by deleting the reference to Section 20, "Temporary Moratoria on Marijuana Sales (Not Medical), or take any other action relative thereto.

(Two-thirds Vote Required)

PETITION

Article 40

To see if the Town will vote to raise and appropriate or transfer from available funds the sum of \$20,000 for the purpose of purchasing a four hundred (400) seat automated vote tabulation system, and any other incidental and related expenses, or take any other action relative thereto.

PETITION

Article 41

To see if the Town will vote to adopt the following resolution:

We call on the United States to lead a global effort to prevent nuclear war by:

Renouncing the option of using nuclear weapons first;

Ending the president's sole, unchecked authority to launch a nuclear attack;

Taking U.S. nuclear weapons off hair-trigger alert;

Cancelling the plan to replace its entire arsenal with enhanced weapons;

Actively pursuing a verifiable agreement among nuclear armed states to eliminate their nuclear arsenals;

or take any other action relative thereto.

And you are hereby directed to serve this warrant by posting up attested copies hereof in at least five places in said town seven days before the date thereof, as within directed.

Hereof, fail not, and make due return of this warrant, with your doings thereon, to the Town Clerk, at the time and place of meeting as aforesaid.

Given under our hand this 10 day of May, Two Thousand Eighteen.

Wm. B. Sayre
Denise A. Benetto
James E. Mathes

Board of Selectmen

Hampshire SS:

Pursuant to the within warrant, I have notified and warned the inhabitants of the Town of Williamsburg by posting up attested copies of the same in at least five places in said town seven days before the date thereof, as within directed.

Date: 5/21/18

James E. Mathes
Constable of Williamsburg
Robert H. Samuels