**TOWN WARRANT**

**SPECIAL TOWN MEETING**

**2020**

**THE COMMONWEALTH OF MASSACHUSETTS**

**FRANKLIN SS.**

**To either of the Constables of the Town of Shelburne in the County of Franklin**

**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 **Buckland-Shelburne Elementary School, 75 Mechanic Street** in said **Shelburne on Saturday, September 26, 2020 at 1:00 o’clock in the afternoon**, then and there to act on the following articles:

**ARTICLE 1**. To see if the Town will vote to **raise by taxation, the sum of $41,781 and transfer said sum to Account # 310 5400** **to supplement the Mohawk Trail Regional School District’s Operating Budget** ($2,300,000 was previously voted in June, 2020) for fiscal year 2021, or take any other votes relative thereto.

**ARTICLE 2**. To see if the Town will vote to **raise by taxation the sum of $4,500.00** and **transfer said sum to the Elections Expense Account #162 5400 for unforeseen Election-related expenses** resulting from the Covid pandemic (postage, secure ballot collection box, etc,.), or take any other votes relative thereto.

*A portion of the expenses may be reimbursed by the State.*

**ARTICLE 3**. To see if the Town will **raise by taxation the sum of $2,880.00** and **transfer said sum to the Board of Health Expense Account #512 5400**  to pay for **rental of portable bathroom and handwashing station located near the Visitor’s Information Center**, or take any other votes relative thereto.

*A portion of said expenses may be eligible for reimbursement*

**ARTICLE 4**. To see if the Town will **vote to amend Article 13 as voted at the June 13, 2020 annual town meeting** as follows:

To see if the Town will **vote to raise, appropriate or otherwise provide,** the sum of **$150,000 for the purchase of a used 2018 Western Star 4700 six-wheel truck with an all season (sander/dump) body, plow & wing plow with 20,000 miles for the Highway Department.** To meet this obligation, authorize the Town to borrow $120,000 over a four-year period *(omit the words: “short-term”)* and allocate $30,000 in Chapter 90 funds, or take any other action relative thereto.

**ARTICLE 5.** To see if the Town will **vote to amend the General Bylaws** to **rename the Board of Selectmen as the Select Board**, and, for such purposes, to replace the words “Board of Selectmen” or “Selectmen” with “Select Board” and “Selectman” with “Select Board Member”, and authorize the Town Administrator to make non-substantive ministerial revisions to ensure that gender and number issues in related text is revised to properly reflect such change in title; and, further to amend the General Bylaws by inserting the following new Sections therein, with the remaining sections of said Chapter to be renumbered accordingly:

Select Board

Sec. 1. For purposes of these bylaws and otherwise, the Board of Selectmen shall be referred to as the Select Board. Members of the Board shall be termed “Select Board Members”, and each year the Select Board shall select a chair from among its members.

Sec. 2. The Select Board shall have all the powers and duties of a Board of Selectmen under the general laws and any special laws applicable to the Town of Shelburne, as well as such other powers and duties as are provided in these bylaws Or, take any other action relative thereto.

**ARTICLE 6.** To see if the Town will vote to amend the General Bylaws to replace “Article 17 Dog By-Law” in its entirety and replace with the following, or take any other action relative thereto.

Administration

1. Severability: If any provision of this By-Law should be found invalid, the remainder of this By-Law shall remain in force.
2. Definitions for this by-law shall be adopted and defined by MGL c. 140 §136A.

Dog Licensing

1. In accordance with MGL c. 140 § 137, the owner or keeper of a dog over the age of (6) six months shall annually obtain a license for the dog from the licensing authority, who shall issue dog licenses and tags.

Spayed/Neutered Non-Spayed/Neutered

$5.00 One Year $10.00 One Year

$10.00 Two Year $20.00 Two Year

$15.00 Three Year $25.00 Three Year

1. Annual dog licenses must be obtained by March 31st for a licensing period of April 1 through March 31 of the following calendar year. The open licensing period shall be from February 1st through March 31st of each year.
2. In accordance with MGL c. 140 § 138, any person who during any licensing period becomes the owner or keeper of a dog which is duly licensed in the town or city where it is to be kept shall forthwith give notice, in writing, to the Town Clerk that they have become such owner or keeper. The Town Clerk shall change the record of such license to show the name and address of the new owner or keeper.
3. In accordance with MGL c. 140 § 138, any person bringing or causing to be brought from another state or country any dog licensed under the laws thereof which is 6 months old or over or will be 6 months old before the expiration of (30) thirty days shall, on or before the expiration of thirty days following the arrival of such dog within the commonwealth license the dog with the Town Clerk.
4. No License fee shall be charged for a license issued under MGL c. 140 § 139, for a service dog as defined by the Americans with Disabilities Act and MGL c. 272 §98a.
	1. Application shall be made for a dog license as provided in this bylaw, and license tags issued must be worn by any such service dog.
5. No License fee or portion thereof shall be refunded because of subsequent death, loss, spaying, neutering, removal from town or other disposal of the dog for which the license has been issued, nor shall any fee for a license issued to a new resident be prorated.
6. Any person (70) seventy years of age or older, upon proof of age, shall be exempt from the annual fee for one dog, per household, per licensing year.
	1. The owner of a kennel license, age (70) seventy years of age or older, shall be excluded from this exemption.
7. Any residence attempting to license (5) five or more dogs shall be required to secure a kennel license as defined in Kennel Licensing.
8. All license fees collected shall deposited as defined in MGL c140 § 147.
9. Violations of this section are subject to the fine schedule as set forth in MGL c. 141 § 173A.

Kennel Licensing

1. Annual kennel licenses must be obtained by March 31st for a licensing period of April 1 through March 31 of the following calendar year. The open licensing period shall be from February 1st through March 31st of each year.
2. A Kennel license shall be in lieu of individually licensing the dogs kept on the subject premises.
3. The fee for Kennel licensure shall be set by the Select Board and may be adjusted at their discretion during an open meeting. Any adjustments shall not become effective until the start of the next licensing period.
4. Issuance: Upon receipt of the completed application packet and appropriate fee, the Town Clerk shall issue the kennel license valid through March 31st of the following calendar year.
5. Renewals: A kennel license shall be renewed by March 31st annually, upon completion of an annual inspection and payment of the appropriate fee, provided that the license holder has not been in violation of this by-law or Massachusetts General laws pertaining to dogs in the past (12) twelve months as determined by the Animal Control Officer or Hearing Authority.
6. Inspections: In accordance with MGL c. 140 §137C, an Animal Control Officer or Police Officer may at any time inspect, or cause to be inspected any licensed kennel. If, in the judgement of the Animal Control Officer or Police Officer, the kennel is not being maintained in a sanitary or humane manner, or if records are not being properly kept as required by law, the inspecting authority shall, by order, revoke or suspend the license for the kennel.
7. In accordance with MGL c. 140 § 137A, an owner or keeper of less than 5 dogs, 3 months old or older, who does not maintain a kennel may elect to secure a kennel license in lieu of licensing the dogs under section 137 and shall be subject to this section, sections 137B and 137C and so much of section 141 as it relates to violations of this section to the same extent as though the owner or keeper were maintaining a kennel.
8. All license fees collected shall deposited as defined in MGL c140 § 147.
9. Violations of this section are subject to the fine schedule as set forth in MGL c. 140 § 137A.

Dogs Running-At-Large

1. No owner or keeper of any dog within the town limits shall allow any dog, whether licensed or unlicensed, to wander on private property without permission of the owner thereof, or on any public property within the Town, including but not limited to public ways, school grounds, recreation areas and cemeteries.
	1. Exception: This section shall in no way preclude the use of certain specially trained dogs as set forth in MGL c. 140 §139.
2. The owner or keeper of any dog which is not on the premises of the owner or keeper or is upon the premises of another with the permission of said person shall restrain said dog with a chain or leash of sufficient material and strength as necessary to restrain the dog and shall be held by a person capable of controlling the movements of the dog. The chain or leash shall be a length which prohibits the dog from being a nuisance to persons nearby or causing damage to public or personal property.
3. Any dog being used for lawful hunting, training, sporting, working purposes or accompanied by its master, who must accept full responsibility for the dog’s behavior, shall not be considered running unrestrained.
4. Any dog found to be in violation of this bylaw, and not under the immediate control of the owner or keeper, may be picked up by any law enforcement officer and either returned to the owner or keeper or deposited in a dog pound or similar facility. The owner or keeper shall be responsible for paying all costs of maintaining and keeping the animal at the dog pound or similar facility. Except as otherwise permitted by this bylaw, unrestrained or unlicensed dogs may be sought out, caught and confined by the Animal Control Officer or any police officer of the Town and impounded pursuant to MGL c. 140, §§ 151A and 167.
	1. Any dog that is deposited in a dog pound or similar facility shall be assessed a **$15** (fifteen dollars) pick up fee, that shall be paid prior to release of the dog.
5. This by-law shall remain in force year-round.
6. Violations of this section are subject to the fine schedule as set forth in MGL c. 140 § 173A.

Removal of Waste

1. No person owning or keeping a dog shall suffer, permit, or allow such a dog to leave feces in any public or private property of someone other than that of the dog’s owner or keeper within the Town of Shelburne, without the approval of said property owner. Any person having custody and control of a dog in any such area shall carry with him or her proper equipment for the removal of feces. For purposes of this section, the means of removal shall be any tool, implement, or other device carried for the purpose of picking up and containing such feces. No person shall leave or dispose of said feces in any catch basin, drainage structure, waterway, or on any public property or street except in an approved trash receptacle.
	1. This section shall not apply to a dog licensed under MGL c.140 § 139 and/or accompanying a person whom is handicapped as defined in MGL c272 §98A. If by reason of their handicap they are physically unable to comply with the requirements of this section.

Complaint of Nuisance and Dangerous Dogs

1. Any person may make a written complaint to the Animal Control Officer that any dog owned or kept within the Town is a nuisance dog or a dangerous dog, as those terms are defined in MGL c. 140, § 136A.
2. The provisions of MGL c. 140, §§ 161 and 161A shall apply to whoever suffers the loss of livestock or fowl in a manner described in said § 161.
3. The Animal Control Officer shall investigate or cause to be investigated such complaint, which may include an examination under oath of the complainant at a public hearing in Town to determine whether the dog is a nuisance dog or a dangerous dog, and shall submit a written report of his/her findings and recommendations to the Select Board concerning the restraint or disposal of such dog as provided in MGL c. 140, § 157.
4. The Animal Control Officer, after his investigation, may issue an interim order that such dog be restrained or muzzled for a period not to exceed 14 days to enable the Select Board to issue their order following receipt of the report of the Animal Control Officer. If the Select Board fails to act during the period of the interim order, upon expiration of the interim period, the order shall automatically be vacated.
5. The Select Board, after credible evidence and testimony is presented at the public hearing, shall (A) dismiss the complaint; (B) deem the dog a nuisance dog and order that the owner or keeper of the dog take remedial action to ameliorate the cause of the nuisance behavior; or (C) deem the dog a dangerous dog and make such order concerning the restraint, muzzling, or euthanization of such dog, or such other action as may be deemed necessary. No order shall provide that a dog deemed dangerous be chained, tethered, or otherwise tied to an inanimate object including, but not limited to, a tree, post, or building.
6. Violations of such orders shall be subject to the enforcement provisions of MGL c. 140, §§ 157 and 157A.

Humane Treatment

1. Any person owning, possessing or controlling a domesticated animal shall provide his or her animal with sufficient potable water and wholesome food, proper shelter and protection from the weather, including extremes of heat and cold, veterinary care sufficient to prevent suffering and the spread of disease and shall provide humane care and treatment for the animal.
2. Any person owning, possessing or controlling a dog in the town shall not allow or permit said dog to be harbored, confined, chained or tethered in violation of MGL c. 140 § 174E.
	1. Violations of this section are subject to the fine schedule as set forth in MGL c. 140 § 174E.
3. In accordance with MGL c. 140, § 174F, it shall be a violation of this bylaw to confine an animal in a motor vehicle in a manner that could reasonably be expected to threaten the health of the animal due to exposure to extreme heat or cold.
	1. Violations of this section are subject to the fine schedule as set forth in MGL c. 140 § 174F.
4. No owner or keeper shall abandon any animal. For the purpose of this section, "abandonment" shall be defined as the willful desertion of an animal, which shall include but not be limited to the failure to claim an impounded animal upon receipt of notice that said animal was impounded.

Impoundment and Kenneling

1. Impoundment:
	1. The Animal Control Officer or Police Officer shall immediately notify the owner or keeper of any animal impounded by him/her under the provisions of this bylaw, if such owner is known by him/her.
	2. If the animal is not licensed or the owner or keeper is not known by the Animal Control Officer or Police Officer, no notice shall be necessary.
	3. The animal shall be secured in the town kennel or other such approved holding facility.
2. Kenneling:
	1. The Kenneling period shall start at the time of impoundment and shall accrue until the owner presents the required documentation, signs a release form and removes the animal from the facility.
		1. Required Documentation, shall be considered: Proof of Ownership, Valid Rabies Certificate, Valid Town License.
	2. The Town shall contract with the Franklin County Regional Dog Shelter to provide care and kenneling services to dogs impounded by the Animal Control Officer, Police Officer, or turned in by a citizen.
		1. All associated fees and costs related to the kenneling of a dog shall be set and collected by the Franklin County Regional Dog Shelter.

c. In the event that the Kennel Facility is not adequate for the animals, is overpopulated, or is not adequate for the conditions, animals may be boarded at an approved boarding facility.

* + 1. If an animal is required to be boarded at another facility, payment to the facility shall be made by the Town upon receipt of bill or invoice. The Town may then seek restitution for the costs from the owner of the animal.
1. Disposition of Animals:
	1. Animal Surrenders shall be done at the discretion of the Animal Control Officer.
	2. Unclaimed Animals: In accordance with MGL c. 140 § 151A, any dog unclaimed after (7) seven days from pickup/confinement shall be come property of the town and shall be handled at the discretion of the animal control officer.
		1. In the case of dogs. Dogs shall become property of the Regional Dog Shelter.
		2. This bylaw shall be extended to cover all animals taken into custody by the Animal Control Officer, with the exception of livestock which shall be handled on a case-by-case basis.

Rabies Control

1. All dogs, cats and ferrets owned by a resident of the town shall be properly vaccinated against rabies in accordance with MGL c. 140 § 145B.
2. The town shall annually nominate a minimum of (1) Animal Inspector as defined in MGL c. 129 § 15.
3. All bites by dogs, cats or other domestic animals or wild or exotic animals shall be reported to the Animal Inspector and the Animal Control Officer as soon as possible by the person bitten or by the owner or keeper of the animal, or both.

Cats

1. Stray Cats:
Any rescue group, humane society or other person or organization picking up stray cats shall notify the Animal Control Officer with all relevant information of each cat and the location found.
2. Feral Cats:
Any person or organization that traps and releases feral cats shall report such activity to the Animal Control Officer including information of description and numbers of cats trapped and name and contact information of the caretaker. The caretaker is expected to take full responsibility for the duration of the cat’s life. All feral cats shall be ear tipped. All feral cats shall be spayed or neutered.

Livestock

1. Any owner or person having care of any sheep, swine, horses, oxen, cows, or other grazing animals or fowls, shall construct and maintain a suitable barrier, that a reasonable person would find sufficient, to prevent said animals or fowl from becoming a nuisance by way of trespass upon public ways; public lands; and the lands of another person.
2. No owner or person having care of any sheep, swine, horses, oxen, cows, or other grazing animals or fowls, shall permit or suffer any such animal or animals to go at large unattended upon any public way or lands in the town.
3. No owner or person having care of any sheep, swine, horses, oxen, cows, or other grazing animals or fowls, shall permit or suffer any such animal or animals to trespass upon the premises of another person without the permission of said person.
4. The owner or person having care of said animals shall immediately cause said animals to be restrained following notification that said animals are at large upon a public way or lands or upon the property of another person without permission.
	1. For the purpose of this bylaw section, the term notification shall include: In writing and duly posted in a conspicuous location at the last known residence of the owner or person having care of the animals; In person; By phone conversation with the owner or person having care of the animals; by phone with a voicemail left at the last known number for the owner or person having care of the animals; By other means not defined here that a reasonable person would find acceptable.
5. If said animals remain at-large twelve (12) hours after notification, the owner or person having care of said animal shall be subject to a violation punishable by a fine.
6. Each twelve (12) hour period that the animals remain at-large shall constitute another offense. An offense shall be limited to a period of twelve (12) months.
7. In the event of multiple occurrences within a period of time, in which any sheep, swine, horses, oxen, cows, or other grazing animals or fowls trespass upon any public way or lands in the town; or the premises of another person without the permission. The owner or person having care of said animals, shall be deemed in violation of paragraph A of this section. Such violation shall result in notification of and referral to the Town Hearing Authority for remediation.
8. If the owner or person having care of the animals, is making efforts that a reasonable person would find acceptable to restrain said animals, and this is not a subsequent offense, the enforcing agent based on their assessment of the situation may forgo issuing a monetary fine, however, the occurrence shall still count as a first offense.
9. Nothing in this section shall preclude prosecution under section 118 of chapter 266.

Fees; Enforcement, Violations and Penalties

1. In addition to police officers, who shall in all cases be considered enforcement personnel for the purposes of non-criminal enforcement, a duly appointed Animal Control Officer shall be the enforcement officer with respect to the provision set forth in this bylaw.
2. A violation of any provision of this article may be dealt with as a non-criminal offense in accordance with the provision of General law, Chapter 40, Section 21D, and shall be subject to the specific fine or penalty listed in each provision.
3. **Violation of Dog Control Laws:**
Shall utilize the following schedule of fines as defined in MGL c.140 §173A .
	1. First Offense: $50 (Fifty dollars)
	2. Second Offense: $100 (One hundred dollars)
	3. Third Offense: $300 (Three hundred dollars)
	4. Fourth/Subsequent Offense: $500 (Five hundred dollars)
		1. The town may require a dog to be spayed/neutered if applicable.
4. **Chaining/Tethering; Housing:**Shall utilize the following schedule of fines as defined in MGL c.140 §174E.
	1. First Offense: $50 (Fifty dollars)
	2. Second Offense: $200 (Two hundred dollars)
	3. Third/Subsequent Offense: $500 (Five hundred dollars)
5. **Confinement in a Motor Vehicle:**
Shall utilize the following schedule of fines as defined in MGL c.140 § 174F.
	1. First Offense: $150 (One hundred fifty dollars)
	2. Second Offense: $300 (Three hundred fifty dollars)
	3. Third/Subsequent Offense: $500 (Five hundred dollars)
6. **Livestock – Failure to recover animals at large:**Violations of the Livestock provision will utilize the following schedule of fines.
	1. First Offense: $20 (Twenty dollars)
	2. Second Offense: $40 (Forty dollars)
	3. Third/Subsequent Offense: $50 (Fifty dollars)
7. **Other violations:**If no specific fine is listed for a specific provision, the following fine schedule shall apply:
	1. First Offense: Verbal Warning
	2. Second Offense: $25 (Twenty-five dollars)
	3. Third Offense: $50 (Fifty dollars)
	4. Fourth Offense/Subsequent: $100 (One hundred dollars)
8. Each day or portion thereof shall constitute a separate offense. If more than one, each condition violated may constitute a separate offense.
9. Unless specified within a specific provision, a separate offense is not limited to an offense within a calendar year from the first offense.
10. Except where otherwise required by law, all fines collected pursuant to the enforcement of this bylaw shall be deposited into the Animal Control/Dog Fund revolving account.

**ARTICLE 7.** To see if the Town willvote to adopt the following changes to the Town of Shelburne, Massachusetts, Zoning Bylaws that include revisions to: (1) Section 22 Temporary Moratorium Recreational Marijuana Establishments; and (2) organizational revisions to Section 2 Definitions, as described below or take any other action relative thereto:

**(1) Section 22 Temporary Moratorium Recreational Marijuana Establishments –**

Delete Section 22 as written:

***Section 22 Temporary Moratorium Recreational Marijuana Establishments***

*22.1 Purpose*

*On November 8, 2016, the voters of the Commonwealth approved a law regulating, the cultivation, processing, distribution, possession and use of marijuana for recreational purposes (new G.L. c. 94G, Regulation of the Use and Distribution of Marijuana Not Medically Prescribed). The law, which allows certain personal use and possession of marijuana, took effect on December 15, 2016 and (as-amended on December 30, 2016; Chapter 351 of the Acts of 2016) requires a Cannabis Control Commission to issue regulations regarding the licensing of commercial activities by March 15, 2018 and to begin accepting applications for licenses on April 1, 2018. Currently under the Zoning Bylaw, a non-medical Marijuana Establishment (hereinafter, a "Recreational Marijuana Establishment"), as defined, in G.L. c. 94Gi §1, is not specifically addressed in the Zoning Bylaw. Regulations to be promulgated, by the Cannabis Control Commission may provide guidance on certain aspects of local regulation of Recreational Marijuana Establishments. The regulation of recreationalmarijuana raises novel legal, planning, and public safety issues, and the Town of Shelburne needs time to study and consider the regulation of Recreational Marijuana Establishments and address such issues, as well as to address the potential impact of the State's regulations on local zoning and to undertake a planning process to consider amending the Zoning Bylaw regarding regulation of Recreational Marijuana. Shelburne intends to adopt a temporary moratorium on the use of land and structures in Shelburne for Recreational Marijuana Establishments so as to allow sufficient time to address the effects of such structures and uses in Shelburne and to enact bylaws in a consistent manner.*

*22.2 Definition*

*"Recreational Marijuana Establishment" shall mean a "marijuana cultivator, marijuana testing facility, marijuana product manufacturer, marijuana retailer or any other type of licensed marijuana-related business."*

*22.3 Temporary Moratorium*

*For the reasons set forth above and notwithstanding any other provision of the Zoning Bylaw to the contrary, Shelburne hereby adopts a temporary moratorium on the use of land or structures for a Recreational Marijuana Establishment and other uses related to recreational marijuana. The moratorium shall be in effect through June 30, 2018 or until such time as Shelburne adopts Zoning Bylaw amendments that regulate Recreational Marijuana Establishments, whichever occurs earlier. During the moratorium period, the Town shall undertake a planning process to address the potential impacts of recreational marijuana in Shelburne, and to consider the Cannabis Control Commission’s regulations regarding Recreational Marijuana Establishments, and shall consider adopting new Zoning Bylaws in response to these new issues.*

**(2)** **Section 2 Definitions –**

Delete the numbering within Section 2 Definitions to allow for ordering the definitions by subject and alphabetically.

**ARTICLE 8.** To see if the Town willvote to adopt the following changes to the Town of Shelburne, Massachusetts Zoning Bylaws that include revisions to:

(1) Section 2.3 Adult Use Marijuana Definitions and Section 4.3 Table of Use regulations: Adult Use Marijuana;

(2) Section 2.2 Frontage;

(3) Section 2.41 Small-Scale Ground-Mounted Solar Energy Generating Facility; and

(4) Section 4.3 Table of Use Regulations: Agricultural & Recreational Uses;

 as described below or take any other action relative thereto:

**(1)** **Adult Use Marijuana Final Regulation**

Delete the current definitions relative to Marijuana Establishments in the Shelburne Zoning Bylaw, Sections 2.3 through 2.3.10 and replace with the final definitions used in 935 CMR 502 Adult Use of Marijuana, and insert a new related line in Section 4.3 Table of Use Regulations as follows, [Note: new text is in ***bold italic*** typeface];

**Craft Marijuana Cooperative:** means a Marijuana Cultivator comprised of residents of the Commonwealth and organized as a limited liability company, limited liability partnership, or cooperative corporation under the laws of the Commonwealth. A cooperative is licensed to cultivate, obtain, Manufacture, Process, package, ***brand and Transfer Marijuana or Marijuana Products to Marijuana Establishments, but not to Consumers.***

***Delivery-only Licensee:******means an entity that is authorized to deliver directly to Consumers from a Marijuana Retailer or Registered Qualifying Patients or Caregivers from an MTC and that does not provide a retail location accessible to the public.***

**Independent Testing Laboratory**: means a laboratory that is licensed **or registered** by the Commission and is:

(a**) *currently and validly licensed under 935 CMR 500.101, or formerly and validly registered by the Commission; 935 CMR: CANNABIS CONTROL COMMISSION 500.002: continued***

*(b****) accredited to ISO 17025:2017 or the International Organization for Standardization 17025 by a third-party accrediting body that is a signatory to the International Laboratory Accreditation Accrediting Cooperation mutual recognition arrangement or that is otherwise approved by the Commission;***

(c) independent financially from any ***MTC Marijuana Establishment or Licensee; and***

***(d) qualified to test Marijuana and Marijuana Products, including MIPs, in compliance with M.G.L. c. 94C, § 34; M.G.L c. 94G, § 15; 935 CMR 500.000; and 935 CMR 501.000: Medical Use of Marijuana; and Commission protocol(s).***

**Marijuana Cultivator:** means an entity licensed to cultivate, Process and package Marijuana, and to Transfer Marijuana to other Marijuana Establishments, but not to Consumers. A Craft Marijuana Cooperative is a type of Marijuana Cultivator.

**Marijuana Establishment:** means a Marijuana Cultivator *(****Indoor or Outdoor*),** Craft Marijuana Cooperative, Marijuana Product Manufacturer, ***Marijuana Microbusiness****,* Independent Testing Laboratory, Marijuana Retailer, Marijuana Transporter***, Delivery-only Licensee***, Marijuana Research Facility**, *Social Consumption Establishment* o**r any other type of licensed Marijuana-related business, except a Medical Marijuana Treatment Center (MTC)

**Marijuana Product Manufacturer:** means an entity licensed to obtain, Manufacture, Process and package ***Marijuana*** or Marijuana Products and to Transfer these products to other Marijuana Establishments, but not to Consumers.

**Marijuana Retailer:** means an entity licensed to purchase and transport Cannabis or Marijuana Product from Marijuana Establishments and *to* ***Transfer*** or otherwise Transfer this product to Marijuana Establishments and to ***sell to*** Consumers. ***Unless licensed,*** retailers are prohibited from ***offering Marijuana*** or Marijuana Products for the purposes of on-site social consumption on the Premises of a Marijuana Establishment.

***Marijuana Transporter: means an entity, not otherwise licensed by the Commission that is licensed to possess Cannabis or Marijuana Products solely for the purpose of transporting, temporary storage, sale and distribution to Marijuana Establishments or MTCs, but not to Consumers. Marijuana Transporters may be an Existing Licensee Transporter or Third-party Transporter****.*

**Medical Marijuana Treatment Center (MTC):** ***formerly*** known as a Registered Marijuana Dispensary (RMD**) *means an entity licensed under 935 CMR 501.101: Application Requirements for Medical Marijuana Treatment Centers***, that acquires, cultivates, possesses, Processes (including development of related products such as Edible Marijuana or Marijuana Products, ***MIPs,*** Tinctures, aerosols, oils, or ointments), transports, sells, distributes, ***delivers,*** dispenses, or administers Marijuana, products containing Cannabis or Marijuana, related supplies, or educational materials to Registered Qualifying Patients or their Personal Caregivers for medical use. Unless otherwise specified, ***MTC***refers to the site(s) of dispensing, cultivation, and preparation of Cannabis or Marijuana for medical use.

**Microbusiness:** means a Collocated Marijuana ***Operation***that can be either a Tier 1 Marijuana Cultivator or ***Marijuana*** Product Manufacturer or both, in compliance with the operating procedures for each ***license and, if in receipt of a Delivery Endorsement issued by the Commission, may deliver Marijuana or Marijuana Products produced at the licensed location directly to Consumers in compliance with established regulatory requirements for retail sale as it relates to delivery.*** A Microbusiness that is a Marijuana Product Manufacturer may purchase no more than 2,000 pounds of Marijuana per year from other Marijuana Establishments ***for the purpose of Marijuana Product manufacturing by the Licensee.***

**Research Facility:** means an entity licensed to engage in research projects by the Commission.

**Social Consumption Establishment:** means an entity licensed to ***sell Marijuana or Marijuana Products and allow Consumers to consume Marijuana or Marijuana Products solely on its Premises.***

Insert the following line into Section 4.3 Use Table

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| **Marijuana Establishments**  | **RA** | **VR** | **VC** | **C** | **I** |  |
| Social Consumption Establishment | N | N | SP | SP | N |  |

**(2) Section 2.20 Frontage**: adopt a revised definition of Frontage as listed below (revised text is in ***bold italic***):

**Section 2.20 Frontage:** that boundary from which primary access to the lot is gained.Access shall be gained only from a public way or way accepted under the Town of Shelburne Subdivision Regulations, ***unless a Special Permit is granted for access via a Common Driveway***. The portion of a lot fronting on a discontinued road, or a road which is not continuously constructed to a point beyond the border of the subject lot, does not constitute frontage for purposes of Approval-Not-Required (ANR)Plans**.**

**(3) Small-Scale Ground-Mounted Solar Energy Generating Facility –**

**Revise Section 2.4.1 as follows** (revised text is in ***bold italics***):

**2.41 Small-Scale Ground Mounted Solar Energy Generating Facility:** A ground-mounted solar electric system ***that covers no more than*** one acre **(*43,560 square feet) of land*** and designed for residential/industrial/commercial use.

**(4) ) Agricultural Greenhouses** – delete the following lines from Section 4.3Table of Use Regulations, Agricultural & Recreational Uses :

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| **Agricultural & Recreational Uses** | **RA** | **VR** | **VC** | **C** | **I** | **See** |
| Commercial Greenhouse on a lot 5 acres or greater | Y | SP | Y | Y | Y |  |
| Commercial Greenhouse on a lot 2 to 5 acres | Y | SP | SP | Y | SP |  |
| Commercial Greenhouse on a lot less than 2 acres | Y | SP | SP | Y | SP |  |

Replace those lines with the following:

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| **Agricultural**\*\*\* **& Recreational Uses** | **RA** | **VR** | **VC** | **C** | **I** | **See** |
| ***Agricultural*** Commercial Greenhouse on a lot 5 acres or greater | Y | ***Y*** | Y | Y | Y | ***40A Sec. 3*** |
| ***Agricultural Commercial Greenhouse on a lot less than 5 acres*** | Y | SP | SP | Y | SP | ***40A Sec.3*** |
|  |  |  |  |  |  |  |

***\*\*\* Agriculture as defined in M.G.L. Chapter 128 Sec. 1A and Chapter 40A Sec.3 does not include the cultivation of cannabis which is regulated by the MA Cannabis Control Commission.***

**ARTICLE 9.** To see if the Town will **vote to raise and appropriate or otherwise provide the sum of $5,000, said sum is to be added to the Wastewater Treatment Expense Account # 610-440-5400, for Shelburne’s share of the revised FY’2021 budget for the Operation and Maintenance of the Shelburne Falls Wastewater Treatment Facility,** which will be raised by anticipated revenue from the Shelburne User Assessment, or take any other action relative thereto.