



BOARD OF SELECTMEN

The Finnerty House

One South Main Street, Post Office Box 670

Belchertown, Massachusetts 01007-0670

Telephone: (413) 323-0403 • Facsimile: (413) 323-0494

WARRANT FOR ANNUAL TOWN MEETING

May 14 and 21, 2018

Commonwealth of Massachusetts
Hampshire, ss.

GREETING:

In the name of the Commonwealth of Massachusetts, you are hereby required to notify and warn all the Inhabitants of the Town of Belchertown, qualified to vote in elections of Town officers, to meet at the polling places in said Belchertown, designated by the Selectmen, to wit:

IN PRECINCTS A, B, C AND D at Belchertown High School gymnasium, 142 Springfield Road, Belchertown, Massachusetts,

on Monday, the 21st day of May A.D. 2018, at eight o'clock in the forenoon, then and there to give in their votes on one ballot to precinct officers of the several polling precincts of said Town for the following officers, to wit:

One Assessor for three years; one Board of Health member for three years; one Planning Board member for five years; three School Committee members - two for three years and one for one year; three Selectmen - two for three years and one for one year; and, One Town Clerk for three years.

The polls will open at eight o'clock in the forenoon and close at eight o'clock in the evening.

And you are further required to notify and warn all the Inhabitants of said Belchertown, qualified to vote in Town affairs to meet at the Belchertown High School auditorium at 142 Springfield Road in said Belchertown, on Monday, the 14th day of May, A.D. 2018, at 7:30 p.m., then and there to act on the following articles, viz:

Article 1 To choose the following named officers by nomination: Two (2) Almoners of the Whiting Street and Mrs. Susan M.D. Bridgman Funds, each for one (1) year; and one (1) Trustee of the Calvin Bridgman Fund for three (3) years.

Article 2 To hear reports of the Officers of the Town and any Committees that may have been appointed by the Town and act thereon.

Article 3 To see if the Town will vote to authorize the Board of Assessors and the Board of Health members to appoint themselves to work in their various departments for the ensuing fiscal year, at hourly rates not exceeding the following:

- Board of Assessors: \$17.50
- Board of Health: \$7.25

or take any other action relative thereto.

Article 4 To see if the Town will vote to raise and appropriate or appropriate from available funds in the treasury a sum of money to be used by the Board of Assessors for legal counsel in resolving court tax cases,

or take any other action relative thereto.

Article 5 To see if the Town will vote to raise and appropriate or appropriate from available funds in the treasury a sum of money to the Reserve Fund for use by the Finance Committee,

or take any other action relative thereto.

Article 6 To see if the Town will vote to authorize the Board of Selectmen to apply for and accept funds from the Commonwealth of Massachusetts Highway Improvement Program for use on approved town ways,

or take any other action relative thereto.

Article 7 To see if the Town will vote to appropriate from the Sale of Cemetery Lots Account a sum of money to the Cemetery Lot Development Account,

or take any other action relative thereto.

Article 8 To see if the Town will vote to authorize the Board of Selectmen to apply for Massachusetts Small Cities Program or other Federal or State monies and to expend any monies received as set forth in the application following a public hearing,

or take any other action relative thereto.

Article 9 To see if the Town will vote to raise and appropriate or appropriate from available funds in the treasury sums of money as may be deemed necessary to defray expenses estimated for the ensuing fiscal year commencing July 1, 2018,

or take any other action relative thereto.

Article 10 To see if the Town will vote to approve the spending limits set forth below for each of the Town’s revolving funds pursuant to M.G.L. Chapter 44, Section 53E½ and Chapter 94 - Revolving Funds (94-1 Establishment/94-2 Expenditures) of the Town’s General By-laws, which funds may be expended without further appropriation for the purposes defined therein, with such expenditure limits to be applicable for each fiscal year until such time as Town Meeting votes, prior to July 1 for the ensuing fiscal year, to increase the same; provided, however, that in accordance with state law, the Board of Selectmen, with the approval of the Finance Committee, may increase the limit for that fiscal year only,

Program or Purpose	Spending Limit
Senior Center Transportation Program	\$10,000
Council on Aging Programs	\$10,000
Firefighters’ Protection Clothing & Equipment Purchase	\$10,000
Town Beach Concession	\$15,000
Operating Town Beach	\$50,000
Pool Programs	\$25,000
Tween and up Programs	\$125,000
Witnessing and Document Percolation Tests	\$15,000
Police Department Technology Fund	\$15,000
Transportation of Pupils in Grades 7-12	\$150,000

or take any other action relative thereto.

Article 11 To see if the Town will vote to amend the Code of the Town of Belchertown, Chapter 91, Personnel, as previously amended, in the following prescribed manner:

- **In Section 91-5. Hours of Work; Overtime in subsection B (1) and (3):**
 - **Change the words “Thursday through Wednesday” to “Friday through Thursday”.**
- **In Chapter 91, Attachment 1, Appendix A, Town Classification-Compensation Plan:**
 - **Replace Management, Administrative or Professional Exempt chart with new chart as follows:**

Director of Public Works	\$89,076-\$113,710
Fire Chief	\$89,076-\$113,710
Police Lieutenant	\$78,030-\$90,246
Director of Information Technology	\$74,230-\$94,758
Town Planner	\$74,230-\$94,758
Town Treasurer-Collector	\$70,695-\$90,246
Town Accountant	\$70,695-\$90,246
Building Commissioner	\$70,695-\$90,246
Director of Assessments	\$70,695-\$90,246
Conservation Administrator	\$67,976-\$86,775
Council on Aging Executive Director	\$67,976-\$86,775
Director of Parks & Recreation	\$67,976-\$86,775
Veterans’ Agent	\$65,362-\$83,438

➤ **Under Classified Nonexempt Employees:**

Remove: Administrative Secretary to Chief of Police/Dispatch Supervisor, Grade 6;

Add: Administrative Assistant to the Chief of Police/Communications Center Director, Grade 7;

Insert: “Part-Time” in front of the Firefighter/Paramedic title.

➤ **In Chapter 91, Attachment 2, Appendix B – Weekly Salary Schedule for Classified Employees:**

Remove the compensation chart effective July 1, 2017 to end June 30, 2018 and insert the following chart:

Effective July 1, 2018 to end June 30, 2019

Grade	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7	Step 8	Step 9	Step 10
1	11.64	11.96	12.28	12.61	12.96	13.33	13.69	14.06	14.45	14.85
2	15.12	15.54	15.97	16.41	16.86	17.32	17.80	18.28	18.79	19.31
3	17.39	17.87	18.36	18.87	19.39	19.92	20.47	21.03	21.61	22.20
4	19.99	20.54	21.11	21.69	22.29	22.91	23.55	24.18	24.85	25.52
5	22.01	22.60	23.23	23.87	24.51	25.20	25.89	26.59	27.35	28.09
6	24.21	24.86	25.54	26.26	26.98	27.71	28.48	29.26	30.06	30.89
7	26.62	27.36	28.10	28.88	29.67	30.48	31.33	32.18	33.07	33.99
8	27.69	28.45	29.23	30.02	30.86	31.71	32.58	33.48	34.39	35.34
9	28.79	29.60	30.39	31.24	32.09	32.98	33.88	34.81	35.77	36.76
10	30.81	31.65	32.53	33.43	34.33	35.29	36.26	37.25	38.28	39.33

or take any other action relative thereto.

Article 12 To see if the Town will raise and appropriate or appropriate from available funds in the treasury a sum of money to the Other Post Employment Benefits (OPEB) Liability Trust Fund,

or take any other action relative thereto.

Article 13 To see if the Town of Belchertown will vote to withdraw from the Hampshire Council of Governments, the effective date of said withdrawal to be July 1, 2019, and to acknowledge, pursuant to the Administrative Code of the Legislative, Charter & Code Committee of the Hampshire Council of Governments, that all obligations of the Town of Belchertown to the Hampshire Council of Governments will be met up until said effective date, and that the Town of Belchertown’s allocable share of the fiscal obligations of said Council will remain the responsibility of the Town,

or take any other action relative thereto.

Article 14 To see if the Town will vote to raise and appropriate or appropriate from available funds in the treasury the sums of money specified below, or any other sums, to fund the following capital projects, including all costs incidental or related thereto; and to determine whether to meet this appropriation, the Treasurer, with the approval of the Board of Selectmen, shall be authorized to borrow such sums under G.L. c. 44 §7, or any other enabling authority, and to issue bonds and notes therefor, provided that any premium received by the Town upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved hereunder in accordance with G.L. c. 44 §20, thereby reducing by a like amount the amount authorized to be borrowed to pay such costs; and further to authorize the Board to enter into any agreements and execute all documents necessary to effectuate the purposes of this vote.

<u>Item #</u>		<u>Amount</u>
	<u>Vehicles – purchase and equip</u>	
1.	Fire Dept. Truck	\$545,000
2.	DPW Truck	\$225,000
	<u>Equipment</u>	
3.	Fire Dept. Breathing Apparatus	\$250,000
4.	DPW Tractor/Mower	\$100,000
	<u>Buildings/Grounds</u>	
5.	School Dept. Boiler (Swift River), purchase and install	\$82,000
6.	School Dept. Boiler (BHS), purchase and install	\$110,000
7.	School Dept. Cooling Tower (CHCS), purchase and install	\$100,000
8.	DPW – Town Hall Parking Lot Reconstruction	\$290,000
9.	DPW – Town Beach Parking Lot Reconstruction	\$50,000
10.	School Dept. Oil Tank Removal and Disposal	\$263,000
11.	School Dept. Gym Track Resurfacing	\$110,000
12.	Police Dept. Roof Repair	<u>\$35,000</u>
	Total:	\$2,160,000

or take any other action relative thereto.

Article 15 To see if the Town will vote to raise and appropriate, appropriate from available funds in the treasury and/or borrow a sum of money to be used by the School Department for Underground Storage Tank removal, disposal and replacement at Chestnut Hill Community School, including all costs incidental and related thereto,

or take any other action relative thereto.

Article 16 To see if the Town will vote to raise and appropriate or appropriate from available funds in the treasury a sum of money to fund the replacement of the roof at the Belchertown Police Department building, including but not limited to removal and disposal of the existing roof, the installation of a new roof and anything incidental and related thereto,

or take any other action relative thereto.

Article 17 To see if the Town will vote to authorize the Board of Selectmen to enter into an agreement to lease/purchase and equip Department of Public Works vehicles pursuant to the provisions of G.L. c.44, §21C for a period in excess of three years, and to raise and appropriate or appropriate from available funds in the treasury a sum of money for the first year payment of such agreement,

or take any other action relative thereto.

Article 18 To see if the Town will vote to authorize the Board of Selectmen to enter into an agreement to lease/purchase and equip Fire-Rescue vehicles pursuant to the provisions of G.L. c.44, §21C for a period in excess of three years, and to raise and appropriate or appropriate from available funds in the treasury a sum of money for the first year payment of such agreement,

or take any other action relative thereto.

Article 19 To see if the Town will vote to authorize the Board of Selectmen to enter into an agreement to lease/purchase and equip a Police Cruiser pursuant to the provisions of G.L. c.44, §21C for a period in excess of three years, and to raise and appropriate or appropriate from available funds in the treasury a sum of money for the first year payment of such agreement,

or take any other action relative thereto.

Article 20 To see if the Town will vote to appropriate from the PEG Access and Cable Related Fund a sum of money to be used for operations of the Belchertown Community Channel for the ensuing fiscal year commencing July 1, 2018,

or take any other action relative thereto.

Article 21 To see if the Town will vote to amend Section 145-5 of the Zoning By-Law, Zoning Map, by changing the parcel identified on the Town Assessors' Map as Map 205 Parcel 62 from B2, General Business, to B1, Limited Business, entirely,

or take any other action relative thereto.

Article 22 To see if the Town will vote to amend Section 145-29.1 of the Zoning By-Law relative to Accessory Apartments:

by deleting the existing definition of Accessory Apartments within Chapter 145, Section 145-2 and substituting the following new definition of Accessory Apartments:

Proposed changes are in italics.

Definition of Accessory Apartments within chapter 145, §145-2:

Accessory Apartments

An accessory apartment is an ancillary dwelling unit complete with its own sleeping, cooking and sanitary facilities that is smaller than the principal dwelling unit and presents itself in a manner such that the primary residential structure appears to be the sole dwelling unit on the lot.

Replace §145-29.1

Accessory Apartments

A. GENERAL OBJECTIVES

The provision of accessory apartments is intended to:

- (1) Provide housing options for residents who cannot afford, or who do not desire, a single-unit house with land, for example, young adults and senior citizens; and
- (2) Provide older owners with a means of obtaining rental income, companionship, security and services, and thereby enable them to stay more comfortably in houses and neighborhoods they might otherwise be forced to leave;
- (3) Encourage a more economic and energy-efficient use of the town's housing supply while maintaining the appearance and character of the town's residential neighborhoods;
- (4) Protect the stability, property values, and the single-unit residential character of a neighborhood by ensuring that accessory apartments are installed only *on owner-occupied lots* and are properly permitted and inspected;
- (5) Add moderately-priced rental units to the housing stock to meet the needs of smaller households and make housing units available to moderate income households who might otherwise have difficulty finding housing;
- (6) To provide housing units for persons with disabilities.

B. PROCEDURE

The Planning Board may issue a special permit for one apartment accessory to the use of a single-unit dwelling, provided each of the following conditions is met:

- (1) There shall be no more than one accessory apartment on an individual parcel of land, regardless of the parcel's area;
- (2) The owner of the residence in which the accessory unit is created must continue to occupy at least one of the dwelling units as his or her primary residence. The special permit for the accessory apartment may be revoked by the Planning Board if the owner no longer occupies one of the dwelling units;
- (3) Up to 33 percent of the gross floor area of the main dwelling, not to exceed 600 square feet maximum gross floor area, may be permitted for the accessory apartment; to provide for development of housing units for disabled individuals, the Planning Board may allow reasonable deviation from the stated conditions when necessary to install features that facilitate access and mobility for disabled persons.

- (4) The accessory apartment shall have only one bedroom;
- (5) There is no outward evidence that the premises are being used for more than one residential unit. That is:
 - (a) All stairways to apartments should be enclosed within the exterior walls of the dwelling. Otherwise, they must not be apparent from the street.
 - (b) Any new entrance shall be located on the side or in the rear of the dwelling *or accessory building*.
 - (c) Where there are two or more existing entrances on the front facade of a dwelling, if modifications are made to any entrance, the result shall be that one entrance appears more prominent than the others.
 - (d) The accessory apartment must use the same driveway as the main dwelling unit;
- (6) The accessory apartment must have the same street address as the main dwelling unit, but with the designation “A” for the apartment, for example, if the house is #123, the accessory apartment would be number 123A.
- (7) Accessory apartments are allowed only in the AG-A, AG-B, LR, and VR zones, and only with a special permit from the Planning Board.
- (8) Special permits issued under this section shall specify that the owner must occupy one of the dwelling units. Prior to the occupancy of the accessory apartment, the special permit must be recorded in the Hampshire Registry of Deeds or Land Court, as appropriate, in the chain of title to the property, with documentation of the recording provided to the Building Inspector/Zoning Enforcement Officer. *This special permit requires the applicant to demonstrate to the special permit granting authority that §145-69 is satisfied.*
- (9) When there is a transfer of ownership of a property with a permitted accessory apartment, the new owner may apply for transfer of the accessory apartment special permit by submitting a notarized letter of application stating that the new owner shall occupy one of the dwelling units on the premises. In extenuating circumstances of transfer, such as, but not limited to, inheritance, bankruptcy, or foreclosure, the owner may request the Planning Board modify the owner-occupancy requirement to allow reasonable time to establish occupancy. The period of owner non-residency will not exceed one year. During the non-residency period, the owner shall not be allowed to rent both units.
- (10) Prior to issuance of an accessory apartment special permit, a floor plan must be submitted showing the building, including proposed interior and exterior changes to the building.
- (11) *The applicant must demonstrate in writing that the Special Permit requirements of 145-69, with specific emphasis on A (1) (a, b, c), have been met.*

C. APARTMENTS CREATED BEFORE THE ADOPTION OF THIS BYLAW

To ensure that accessory apartments in existence before the adoption of this bylaw comply with the Massachusetts building code:

- (1) Apartments that lawfully existed before the adoption of this bylaw, but do not strictly conform to the terms of this bylaw, are exempt from the terms of this bylaw for the life of the current special permit.
- (2) The Planning Board may authorize, under a special permit and in conjunction with the building inspector, an accessory apartment in an owner-occupied single-unit dwelling. The board shall review each existing apartment on its individual merits to determine if the dwelling conforms to the Massachusetts building code. The applicant must follow the same procedure described in this bylaw, including the submission of a notarized letter declaring owner-occupancy.
- (3) *If an accessory apartment special permit expires, a new application for a special permit is required and shall conform to the bylaw as exists at the time of new application.*
- (4) *The Planning Board may authorize a special permit for an apartment that existed prior to May 12, 2014, which may or may not conform to this standard, upon a finding that it is the best interests of the community to recognize the current use.*

D. ACCESSORY APARTMENT IN ACCESSORY STRUCTURE

Consistent with the definition of accessory structure in §145-2 of this by-law, the planning board may grant a special permit to allow the construction of an accessory apartment in an existing accessory structure which is on the same lot as an existing single-unit dwelling provided:

- (1) *the lot has an area of at least 20,000 square feet in the VR district and at least 40,000 square feet in the AG-A, AG-B, and LR districts;*
- (2) *the setbacks of the accessory structure meet the setback requirements of a primary dwelling in the subject zone;*
- (3) *the accessory structure is no more than 75 feet from the primary dwelling with clear line of sight between the primary dwelling and the accessory structure;*
- (4) *the accessory apartment must meet all requirements of §145-29.1B(4) except the percentage of gross floor area;*
- (5) *the accessory apartment has not more than 600, square feet of gross floor area; to provide for development of housing units for disabled individuals, the Planning Board may allow reasonable deviation from the stated conditions when necessary to install features that facilitate access and mobility for disabled persons. The gross floor area for the accessory apartment shall not include floor area used for any other permitted accessory use or floor area designed, intended, or used for required off-street parking to serve the principal dwelling;*
- (6) *not more than one accessory structure on the lot may have a accessory apartment. There shall be not more than two dwelling units, one of which is the accessory apartment and the other is the principal dwelling, on the lot;*
- (7) *the accessory apartment complies with all applicable building, health, and safety codes for a dwelling; and*
- (8) *the exterior appearance of the accessory structure maintains the essential character of the purpose for which it was originally constructed, which must be for something other than an accessory apartment, and is visually compatible with the principal dwelling unit on the same lot and with the character of the neighborhood.*

or take any other action relative thereto.

Article 23 To see if the Town will vote to amend the Zoning By-Law by adding a new Section 145-29.2 and by amending Section 145-11, Schedule of Use Regulations, relative to Marijuana Establishments as follows:

Insert new:

§145-29.2 Marijuana Establishments

MEDICAL

See §145-2, Definitions “Medical Marijuana Off-Site Dispensary (MMOD)” and “Medical Marijuana Treatment Center (MMTC)” and §145-1 Attachment 1 - Schedule of Use Regulations.

NON-MEDICAL

1. Purpose

The purpose of this is to:

- a. Allow state-licensed non-medical marijuana establishments to locate in the Town of Belchertown in accordance with applicable state laws and regulations, specifically M.G.L. Chapter 94G (Regulation of the Use and Distribution of Marijuana Not Medically Prescribed) and 935 CMR 500.00 “Adult-Use of Marijuana”.
- b. Provide safe and effective access to recreational marijuana in the Town of Belchertown.
- c. Impose reasonable protections to govern the time, place, and manner of non-medical marijuana establishment operations to ensure public health, safety, well-being, and to limit undue damage 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.

2. Definitions

Any term not specifically defined in the Zoning Bylaws shall have the meaning as defined 935 CMR 500.00, as such regulations may from time to time be amended.

3. Applicability

- a. *Independent testing laboratories* shall be permitted by Special Permit and Site Plan Approval in the Business Neighborhood Center (BNC), General Business (B2), and Light Industrial (LI) zones, and by Site Plan Approval in the Industrial (I) zone.
- b. *Marijuana research facilities* shall be permitted by Special Permit and Site Plan Approval in the Business Neighborhood Center (BNC), General Business (B2), and Light Industrial (LI) zones, and by Site Plan Approval in the Industrial (I) zone.
- c. *Indoor marijuana cultivators* shall be permitted by Special Permit and Site Plan Approval in the Business Neighborhood Center (BNC), General Business (B2), and Light Industrial (LI) zones, and by Site Plan Approval in the Industrial (I) zone.

- d. *Marijuana transporters* shall be permitted by Special Permit and Site Plan Approval in the Business Neighborhood Center (BNC), General Business (B2), and Light Industrial (LI) zones, and by Site Plan Approval in the Industrial (I) zone.
- e. *Marijuana product manufacturers* shall be permitted by Special Permit and Site Plan Approval in the Business Neighborhood Center (BNC) and in the Light Industrial (LI) zones, and by Site Plan Approval in the Industrial (I) zone.
- f. *Outdoor marijuana cultivators*, including greenhouses as referred to in 935 CMR 500.110(E)(1), shall be permitted only in the Primary Agriculture (Ag-A) zone by Special Permit and Site Plan Approval.
- g. *Marijuana retailers* shall be permitted by Special Permit in General Business (B2), Limited Business (B1) and Business Neighborhood Center (BNC) zones.
- h. *Social consumption* shall be permitted by Special Permit in General Business (B2), Limited Business (B1) and Business Neighborhood Center (BNC) zones, provided however that on-site social consumption of marijuana or marijuana products, as either a primary or accessory use, must first be approved by a local ballot initiative process pursuant to M.G.L 94G §3(b).
- i. The Planning Board is the Special Permit Granting Authority for any marijuana establishment.

4. Application Requirements

Pursuant to G.L. c.44, §53G, the Planning Board may impose on all applicants, when it determines that it is necessary, reasonable fees for the employment of outside consultants, to review applications submitted in accordance with this Section of the Bylaw, and to assist the Planning Board with its review of such plans and applications.

a. Security Plan

- i. The applicant shall submit a copy of its security plan, approved by the Cannabis Control Commission as part of the issuance of a Provisional License, to the Belchertown Police Department for its review and approval.
- ii. The security plan shall meet all security requirements of 935 CMR 500.110.

b. Resource Use Plan

- i. All marijuana cultivators and marijuana product manufacturers shall submit a resource use plan to the Planning Board to demonstrate best practices for use of energy, water, waste disposal, and other common resources, and to ensure there will be no undue damage to the natural environment.
- ii. The plan shall include an electrical system overview, proposed energy demand and proposed electrical demand off-sets, ventilation system and air quality, proposed water system and utility demand.

c. Traffic Study and Circulation Plan

- i. The applicant shall submit traffic circulation plan for the site to ensure the safe movement of pedestrian and/or vehicular traffic on the site.

ii. A traffic impact and access study shall be required for all marijuana establishments that generate 25 or more peak hour vehicle trips or 250 or more daily vehicle trips at the marijuana establishments' access to existing roadway networks. The study shall be based on standard traffic engineering guidelines developed by the Massachusetts Environmental Protection Act (MEPA). The Planning Board may require a traffic study if in their determination one is warranted because of public safety concerns.

5. Standards and Conditions

In addition to the requirements of §145-69 governing Special Permits, marijuana establishments shall be subject to the following additional standards and criteria.

- a. No marijuana establishment shall be located within five hundred feet (500') of any building housing a licensed day care center, a public or private school providing education any of grades K through 12, a public library, a public playground, or an existing place of worship such as a church, temple, mosque, or synagogue.
- b. In determining for this purpose the distance between these uses and premises licensed or to be licensed as a marijuana establishment, the distance shall be measured in a straight line from the nearest point of the daycare center, church, school, or library building, or in the case of a public playground the nearest fixed swing, slide, climbing bars, or similar equipment to the nearest point of the marijuana establishment's building, or in the case of outdoor cultivation the nearest marijuana plant.
- c. Marijuana plants, products, and paraphernalia shall not be clearly visible to a person from the exterior of a marijuana establishment. No outside storage of marijuana or marijuana products shall be permitted.
- d. All types of non-medical marijuana establishments shall be located within a fully enclosed building, except for outdoor or greenhouse cultivation in the Ag-A zone by special permit.
- e. No odor from marijuana cultivation, processing, manufacturing, or retail may be noxious or cause a nuisance, a danger to public health, or impair public comfort and convenience. Marijuana establishments shall incorporate odor control technology and safeguards to ensure that emissions do not violate Board of Health regulations adopted pursuant to MGL Chapter 111, Section 31C, including but not limited to those specified for odors.
- f. All business signage, marketing, advertising and branding shall be subject to the requirements promulgated by the Cannabis Control Commission and the requirements of §145-22 of the Belchertown Zoning Bylaw.
- g. No marijuana establishment shall be managed by any person other than the licensee or a designated manager, approved by the Cannabis Control Commission as a "registered marijuana establishment agent." Such licensee or designated manager shall be on the premise during regular hours of operation and responsible for all activities within the licensed business and shall provide emergency contact information for the Belchertown Police Department to have on file.
- h. Marijuana retailers shall be open to the public no earlier than 8:00 a.m. or later than 8:00 p.m.

- i. Marijuana establishments shall not be permitted as a Home Occupation, as defined per §145-25 in the Belchertown Zoning Bylaw.
- j. The Belchertown Fire Department shall review each application.
- k. Applications for special permits must demonstrate specifically how they meet the requirements of §145-69 of this chapter.

6. Severability

If any provision of this §145-29.2 is found to be invalid by a court of competent jurisdiction, the remainder of §145-29.2 shall not be affected but shall remain in full force. The invalidity of any provision of §145-29.2 shall not affect the validity of the remainder of the Town's Zoning Bylaw.

Under “Business Uses” in Section 145.11, Schedule of Use Regulations, add the following items where PA means Site Plan Approval and SPP means Special Permit by the Planning Board:

Zone District	VR	AG-B	LR	MDR	AG-A	B-2	B-1	I	MHP	LI	BNC*
<i>48. Marijuana establishments (non-medical)</i>											
48.1 Independent testing lab	N	N	N	N	N	SPP/PA	N	PA	N	SPP/PA	SPP/PA
48.2 Indoor cultivator	N	N	N	N	N	SPP/PA	N	PA	N	SPP/PA	SPP/PA
48.3 Manufacturer	N	N	N	N	N	N	N	PA	N	SPP/PA	SPP/PA
48.4 Marijuana research facilities	N	N	N	N	N	SPP/PA	N	PA	N	SPP/PA	SPP/PA
48.5 Marijuana transporters	N	N	N	N	N	SPP/PA	N	PA	N	SPP/PA	SPP/PA
48.6 Outdoor cultivator, greenhouse	N	N	N	N	SPP/PA	N	N	N	N	N	N
48.6 Retail, social consumption	N	N	N	N	N	SPP/PA	SPP/PA	N	N	N	SPP/PA

or take any other action relative thereto.

Article 24 To see if the Town will vote to accept G.L. c.64N, s.3 to impose an excise on the retail sale of marijuana for adult use at a rate of 3%,

or take any other action relative thereto.

Article 25 To see if the Town will vote to amend the Zoning By-Law by adding to Section 145-2, Definitions, and by amending Section 145-11, Schedule of Use Regulations, relative to Alcohol Production as follows:

Add to 145-2 the definition of Alcohol Production as follows:

Alcohol Production

Brew Pub: A plant or premise licensed under MGL c. 138 §§ 12 and 19D to produce and sell malt beverages and hard cider at the location and whose primary business is the sale and preparation of food to be consumed on the premises. Malt beverages including beer, ales, and hard ciders produced on the premises may be sold to other establishments but shall not to exceed 50 percent of the establishment’s production capacity.

Brewery: Any plant or premise where malt beverages are produced from the fermentation of malt with or without cereal grains or fermentable sugars, or of hops.

Farmer-brewery: Any plant or premise where malt beverages are produced from the fermentation of malt with or without cereal grains or fermentable sugars, or of hops pursuant to M.G.L. ch. 138, §19C.

Distillery: A plant or premise where distilled spirits are produced, manufactured, or distilled.

Farmer-distillery: A plant or premise where distilled spirits are produced, manufactured, or distilled with fruits, flowers, herbs, vegetables, cereal grains, or hops primarily grown on the premises for the purpose of producing alcoholic beverages and is licensed to operate as a farmer-distillery under MGL c. 139 §19E on a lot of 5 acres or more.

Winery: A plant or premise where wine is produced, rectified, blended, or fortified from fruits, flowers, herbs or vegetables.

Farmer-winery: A plant or premise where wine is produced, rectified, blended, or fortified from fruits, flowers, herbs, or vegetables primarily grown on the premises on a lot of 5 acres or more, pursuant to M.G.L. ch. 138, §19B.

Pouring Area: An area of a brewery, distillery, or winery, or a farmer-brewery, farmer-distillery, or farmer-winery, not to exceed 40 percent of the building’s gross square footage. A pouring area is permitted as an accessory use. Any such facility may provide samples at no charge or sell drinks as set forth in M.G.L c. 138 and shall have an appropriate license from the Commonwealth of Massachusetts. The facility may host marketing events, special events, and/or factory tours. The facility may sell beverages produced by other facilities, and commercial goods branded by the brewery, distillery, or winery. The facility may sell permitted beverages to consumers for consumption off the brewery premises. A seasonal tasting area is permissible, e.g. patio or deck, but shall not be included in calculating the tasting room's square footage for purposes of zoning compliance; however, the square footage of a seasonal tasting area is applicable to building, plumbing and other relevant codes.

Add to 145-11 “Business Uses” in the Schedule of Use Regulations:

Zone District	VR	AG-B	LR	MDR	AG-A	B-2	B-1	I	MHP	LI	BNC*
<i>49. Alcohol Production</i>											
<i>49.1 Brew Pub</i>	N	N	N	N	N	PA	SPP/PA	N	N	N	PA
<i>49.2 Brewery, Distillery, or Winery</i>	N	N	N	N	N	PA	SPP/PA	PA	N	N	PA
<i>49.3 Farmer Brewery, Farmer Distillery, or Farmer Winery</i>	N	SPP/PA	N	N	SPP/PA	PA	SPP/PA	PA	N	N	PA

Note: SPP is Special Permit by Planning Board; PA is Site Plan Approval by Planning Board; N is Not Permitted.

or take any other action relative thereto.

Article 26 To see if the Town will vote in accordance with G.L. c. 59, § 38H to authorize the Board of Selectmen to enter into Real and Personal Property Tax Agreements with Syncarpha Solar, LLC or its affiliated entity, located at 250 W 57th Street, Suite 701, New York, NY 10107, for a period of up to twenty-five (25) years, and to approve said agreements under which Syncarpha Solar, LLC or its affiliated entity, will pay the Town a sum of money per year relative to a one hundred and one (101) acre +/- tract of land consisting of six (6) parcels located at 38 North Street, Belchertown, MA related to the proposed construction and operation of a Large-Scale Ground Mounted Solar Photovoltaic Installation(s) with an expected aggregate nameplate capacity of approximately 7.5 MW AC, and further to allow the Board of Selectmen to negotiate any amendments necessary to said Tax Agreements,

or take any other action relative thereto.

Article 27 To see if the Town will vote to authorize the Board of Selectmen to enter into an agreement for payments in lieu of taxes pursuant to G.L. c. 38H or any other enabling legislation for a solar energy project(s) located or to be located on property shown on Assessor's Map 244 as Parcel 60, on such terms and conditions and for such term of years as the Board of Selectmen deem in the best interests of the Town, and to take such other actions as may be necessary or appropriate to implement and administer such agreement,

or take any other action relative thereto.

Article 28 To see if the Town will vote specific to a parcel of land located on Hamilton Street and known as the Belchertown Landfill, as shown on Assessor's Map 230 as Parcel 35, to authorize the Board of Selectmen to (i) lease, through one or more agreements, all or a portion of said parcel of land for the installation of one or more renewable energy facilities for terms of up to 30 years; (ii) grant such easements on, over and/or under such parcel of land as necessary or convenient to serve the facilities; and (iii) take any actions and execute any other documents or ancillary agreements necessary, convenient, or appropriate to accomplish the foregoing and to implement and administer the lease agreements and easements, all of which agreements, easements and documents shall be on such terms and conditions and for such consideration as the Board of Selectmen deems in the best interests of the Town,

or take any other action relative thereto.

Article 29 To see if the Town will vote to authorize the Board of Selectmen to enter into an agreement for payments in lieu of taxes pursuant to G.L. c. 38H or any other enabling legislation for a solar energy project(s) located or to be located on property shown on Assessor's Map 230 as Parcel 35, Belchertown, MA, on such

terms and conditions and for such term of years as the Board of Selectmen deem in the best interests of the Town, and to take such other actions as may be necessary or appropriate to implement and administer such agreement,

or take any other action relative thereto.

Article 30 To see if the Town will vote specific to a parcel of land located on Federal Street and known as the Daigle Well Location, as shown on Assessor's Map 218, Parcel 2 to authorize the Board of Selectmen to (i) lease, through one or more agreements, all or a portion of said parcel of land for the installation of one or more renewable energy facilities for terms of up to 30 years; (ii) grant such easements on, over and/or under such parcel of land as necessary or convenient to serve the facilities; and (iii) take any actions and execute any other documents or ancillary agreements necessary, convenient, or appropriate to accomplish the foregoing and to implement and administer the lease agreements and easements, all of which agreements, easements and documents shall be on such terms and conditions and for such consideration as the Board of Selectmen deems in the best interests of the Town,

or take any other action relative thereto.

Article 31 To see if the Town will vote to authorize the Board of Selectmen to enter into an agreement for payments in lieu of taxes pursuant to G.L. c. 38H or any other enabling legislation for a solar energy project(s) located or to be located on property shown on Assessor's Map 218 as Parcel 2, Belchertown, MA, on such terms and conditions and for such term of years as the Board of Selectmen deem in the best interests of the Town, and to take such other actions as may be necessary or appropriate to implement and administer such agreement,

or take any other action relative thereto.

Article 32 To see if the Town will vote to accept as a public way the roadway known as Front Street, Belchertown, MA, as heretofore laid out by the Board of Selectmen and shown as "Front Street" on a plan entitled "Plan of Land in Belchertown, MA. Prepared for Town of Belchertown", dated March 2, 2018 prepared by Sherman & Frydryk, LLC Land Surveying and Engineers, recorded with the Hampshire Registry of Deeds in Plan Book 241 Page 77, a copy of which is on file with the Town Clerk, and to authorize the Board of Selectmen to acquire, by gift, purchase, and/or eminent domain, the fee to and/or easements in Front Street for all purposes for which public ways are used in the Town of Belchertown and any drainage, utility, access and/or other easements related thereto.

or take any other action relative thereto.

Article 33 To see if the Town will vote to (a) authorize the Board of Selectmen to acquire, by purchase, gift and/or eminent domain, the fee to and/or permanent and/or temporary easements for public way purposes, including without limitation, for the construction, alteration, installation, maintenance, improvement, repair, replacement and/or relocation of rights of way, sidewalks, drainage, utilities, driveways, guardrails, slope, grading, rounding, landscaping, and other appurtenances and/or facilities, to enable the Town to undertake the Route 202 Project and for any and all purposes incidental or related thereto, in, on and under certain parcels of land located on State Street, Maple Street, Turkey Hill Road, Stadler Street, Front Street, and Whitlock Way and shown more particularly on plans entitled “Massachusetts Department of Transportation Highway Division, Plan and Profile of State Street / Maple Street (Route 202 / Route 21) in the Town of Belchertown Hampshire County”, dated April 27, 2018, prepared by VHB, Inc., on file with the Town Clerk, as said plans may be amended and/or incorporated into an easement plan, and land within 100 feet of said parcels, and to authorize the Board of Selectmen to submit a petition the General Court for a special act authorizing the conveyance to the Town of land and/or interests therein for the foregoing purposes in parcels of land shown on said plans and owned by the Commonwealth of Massachusetts and/or other public agencies; (b) permanently dedicate to, and/or transfer to the Board of Selectmen for, the foregoing purposes, custody of the portions of the Town-owned parcels of land shown on said plans and identified on Assessors Map 243 as Parcels: 71, 72, 73, and 139, and on Assessors Map 250 as Parcels: 11, 11.2, 12, 13, 14, 17, 46, 55, 55.02, 57, 58, 66, 67, 139, and 199 which parcels will continue be held by the boards and/or officers currently having custody thereof for the purposes for which they are held; (c) raise and appropriate, transfer from available funds, and/or borrow a sum of money to fund the foregoing and any and all costs incidental or related thereto, including, without limitation, the cost of any land/easement acquisitions; and, further, (d) authorize the Board of Selectmen to enter into all agreements and take any and all actions as may be necessary or appropriate to effectuate the foregoing purposes,

or take any other action relative thereto.

Article 34 To see if the Town will act on the report of the Community Preservation Committee on the Fiscal Year 2019 Community Preservation Budget and to appropriate from the Community Preservation Fund, pursuant to G.L. Ch. 44B §6, a sum of money to meet the administrative expenses and all other necessary and proper expenses of the Community Preservation Committee for Fiscal Year 2019; and to reserve for later appropriation monies from the Community Preservation Fund annual revenues or available funds for open space, historic resources, and community housing purposes, as well as a sum of money to be placed in the Fiscal Year 2019 budgeted reserve for general Community Preservation Act purposes; to transfer and appropriate money to pay for debt service on the bond issued under Article 23 at the May 9, 2016 Annual Town Meeting; and further to appropriate from the Community Preservation Fund a sum or sums of money for Community

Preservation Act projects or purposes as recommended by the Community Preservation Committee,

or take any other action relative thereto.

Article 35 To see if the Town will vote to appropriate and transfer a sum of money from the Community Preservation Fund for the grave stone preservation and restoration project at the historic Lake Vale/Hillcrest/South/Rural Cemetery, with said funds to be expended under the direction of the Veterans Graves Officer,

or take any other action relative thereto.

Article 36 To see if the Town will vote to appropriate and transfer a sum of money from the Community Preservation Fund for the rehabilitation of the South Cemetery and Lake Vale Cemeteries by conducting a field survey of said cemeteries, installing bounds and pins, and ascertaining the exact location of burial spaces, with said funds to be expended under the direction of the Department of Public Works,

or take any other action relative thereto.

Article 37 To see if the Town will vote to appropriate and transfer from the Community Preservation Fund a sum of money to preserve, rehabilitate and restore the Town gazebo, including, without limitation, making the roof/ceiling weather-tight, upgrading the electric system, insulating the gazebo, among other alterations and/or improvements to the gazebo, with said funds to be expended under the direction of the Board of Selectmen,

or take any other action relative thereto.

Article 38 To see if the Town will vote to appropriate and transfer from the Community Preservation Fund a sum of money to create an 18-hole disc golf course at the Piper Farm Recreation Area located between Route 202 and Springfield Street, with said funds to be expended under the direction of the Recreation Department,

or take any other action relative thereto.

Article 39 To see if the Town will vote to appropriate and transfer from the Community Preservation Fund a sum of money to improve Foley field by leveling an area near the trails towards Lake Wallace, allowing the current baseball field to be moved, and creating additional open field space for a variety of recreational sports and

programs, with said funds to be expended under the direction of the Recreation Department,

or take any other action relative thereto.

Article 40 To see if the Town will vote to appropriate and transfer from the Community Preservation Fund a sum of money to create 2 outdoor pickle ball courts at the Jabish Brook Middle School, with said funds to be expended under the direction of the Recreation Department,

or take any other action relative thereto.

Article 41 To see if the Town will vote to appropriate and transfer from the Community Preservation Fund a sum of money to preserve and/or rehabilitate the CHCS Field area by installing fencing to prevent vehicles from damaging the field and improve public safety, with said funds to be expended under the direction of the Recreation Department,

or take any other action relative thereto.

Article 42 To see if the Town will vote to appropriate and transfer from the Community Preservation Fund a sum of money to rehabilitate and improve the Town Common by installing a public address system on the Town gazebo, with said funds to be expended under the direction of the Board of Selectmen,

or take any other action relative thereto.

Article 43 To see if the Town will vote to appropriate and transfer from the Community Preservation Fund a sum of money to preserve and rehabilitate the historic Washington District Schoolhouse and the Sentinel Building, both located on the Stone House Museum property owned by the Belchertown Historical Association, by painting and adding long-lasting UV protectant 25-year coating to said building, and to authorize the Board of Selectmen to enter into a grant agreement with the Belchertown Historical Association to set forth the terms of the grant,

or take any other action relative thereto.

Article 44 To see if the Town will vote to appropriate and transfer from the Community Preservation Fund a sum of money to preserve and rehabilitate the Washington District Historic Schoolhouse on property owned by the Belchertown Historical Association by installing a new roof, shingles, windows, door, and replacing any

trim, siding, and/or casings, among other alterations and/or improvements, and to authorize the Board of Selectmen to enter into a grant agreement with said Belchertown Historical Association to set forth the terms of the grant,

or take any other action relative thereto.

Article 45 To see if the Town will vote to appropriate and transfer from the Community Preservation Fund a sum of money to create a recreational trail on the Town-owned property at Foley Field, said funds to be used for the initial design, engineering, and construction costs and expenses related thereto, with said funds to be expended under the direction of the Town Planner,

or take any other action relative thereto.

Article 46 To see if the Town will vote to authorize the Board of Selectmen to acquire by purchase, gift and/or eminent domain, for conservation and passive recreation purposes under the provisions of Massachusetts Laws, Chapter 40, Section 8C and other statutes related to conservation, the parcels of land known collectively as the Mader Town Forest, consisting of a total of 86 acres, more or less, together with all flowage and other rights and easements, and shown on Assessors Maps 107 as Lot #27.01, on Map 226 as Lot #37.00, and on Map 231 as Lot #45.00, which parcels shall be managed and controlled by the Conservation Commission under said Chapter 40, Section 8C; and to appropriate and transfer from available funds and/or borrow a sum of money to fund said acquisition and costs related thereto, and to authorize the Treasurer, with the approval of the Selectmen, to borrow said funds under the provisions of G.L. c.44B, G.L. c.44 and/or any other enabling authority and to issue bonds or notes of the Town therefor, provided that no such funds shall be expended until the Town shall have received gifts and/or grants as set forth below; and, further, to authorize the Board of Selectmen and/or the Conservation Commission to file applications for grants for reimbursement on behalf of the Town under the Land & Water Conservation Fund Grant (P.L. 188-578, 78 Stat 897) and/or any other state and/or federal programs, including those in aid of conservation land acquisition, to accept said funds for the purposes set forth herein, to grant a restriction on said property meeting the requirements of G.L. c. 184, §§31-33 in compliance with G.L. c.44B, §12(a), and to enter into any and all agreements and execute any and all instruments on behalf of the Town as may be necessary or convenient to effectuate the foregoing acquisition,

or take any other action relative thereto.

Article 47 **CITIZEN PETITION**: To see if the Town will vote to provide matching funds not to exceed \$4,000 annually for the Belchertown Cultural Council (BCC) for the purpose of providing engaging arts & cultural programming for the Belchertown community. In 2017, the BCC received \$5,500 from the state to be allocated according to the guidelines put forth by the Massachusetts Cultural Council and has used these funds towards programming offered by the town schools, library, family & senior center among others. The BCC would like to provide additional opportunities for the community among these our now annual Food Truck Fridays on the common, town wide Art Walk and other culturally diverse events designed to help drive the economic engine of our town,

or take any other action relative thereto.

Article 48 **CITIZEN PETITION**: To see if the Town will vote “Kopec Avenue” to be the legally recognized street name as has been used and posted for over 50 years,

or take any other action relative thereto.

And you are directed to serve this warrant by posting attested copies thereof, one on the official bulletin board at Lawrence Memorial Hall; one at the Old Town Hall on Park Street; one at the intersection of Gulf Road and Amherst Road; one at the intersection of Metacomet Street and Bay Road; one at the intersection of Rockrimmon Street and Turkey Hill Road; one at the intersection of South Street and South Liberty Street; and one at the intersection of Depot Street and Keyes Street, seven days before the time of holding said meeting.

Hereof fail not and make due return of this warrant with your doings thereon to the Town Clerk, at or before the time of holding said meeting.

GIVEN UNDER OUR HANDS this ____ day of May A.D. 2018.

BOARD OF SELECTMEN

Brenda Q. Aldrich, Chairman

Nicholas O’Connor

Ronald E. Aponte

George D. Archible

TO THE TOWN CLERK: The Town Meeting Warrant is returned herewith, in compliance with the instructions contained in both the Town By-Laws and this warrant.

Constable or Police Officer: _____ Date: _____