



**TOWN OF RICHMOND
WARRANT FOR A SPECIAL TOWN MEETING**

Commonwealth of Massachusetts
Berkshire, ss

To any of the Constables of the Town of Richmond in said County, Greetings:

In the name of said Commonwealth, you are hereby directed to notify and warn the inhabitants of the Town of Richmond qualified to vote in Town affairs to meet in the Town Hall of said Richmond on **October 30, 2018, at 6:00 PM** and then and there to act upon the following articles:

Article 1- To see if the Town will vote to raise and appropriate the sum of **\$11,000** to fund an Infiltration and Inflow engineering study for our Richmond Pond Wastewater Collection System.

(Recommended by the Finance Committee)

Majority vote required

Article 2- Article 2- To see if the Town will vote to transfer the sum of **\$8,000** from account #194222.000, Ambulance Receipts Reserved, to #015231.002, Ambulance Expenses, for the purpose of funding Emergency Medical Technician (EMT) training and equipment.

(Recommended by the Finance Committee)

Majority vote required

Article 3- To see if the Town will vote to accept for all boards, committees, and commissions holding adjudicatory hearings for the Town, the provisions of M.G. L. c 39, § 23D, which provides that a member of a board, committee, or commission holding an adjudicatory hearing shall not be disqualified from voting in the matter solely due to the member's absence from one session of such hearing, provided that certain conditions as established by said statute are met such as certifying examination of all evidence received at the missed session, including reviewing an audio or video recording of the missed session or a transcript thereof.

(Recommended by the Finance Committee)

Majority vote required

Article 4- Zoning Bylaw and Zoning Map Amendment

To see if the Town will vote to amend the Town of Richmond's Zoning By-Laws by replacing existing Sections 3.1, amending other sections of the Zoning By-Laws and amending the Town of Richmond's Zoning Map, as follows:

1. Replace existing Section 3.1 with the following (text in bold type below is new):

3.1 Number and Type of Districts

For the purpose of this By-Law, the Town of Richmond is divided into the following districts:

RA-A Residential-Agricultural District A

RA-C Residential-Agricultural District C

SR Shore-Residence Districts

COMM1 Commercial District

COMM2 Commercial District

FWL Flood-Prone Areas and Wetlands

WTOD Wireless Telecommunications Overlay District

LSPOD Large-scale ground-mounted Solar Photovoltaic Installation
Overlay District

2. Replace existing section 3.2 with the following:

3.2 The basic zoning districts (not including overlay districts) are hereby established as shown, located, defined and bounded on a map entitled "Zoning Map of Richmond, Massachusetts, dated October 3, 2018 which is available for public view on the Town website and a paper copy of which is on file with the Town Clerk. The Zoning Map, together with all explanatory matter thereon, is hereby incorporated in and made a part of this By-law.

Explanation. The "Zoning Map of Richmond" is revised to show the commercial district as having two locations, one designated COMM1 and located at the post office and fire station, and the second designated COMM2 located in the Richmond Furnace area. The change shall be only to the color-coding of the map and the legend of the map, and not the size, scope or configuration of the district areas or the boundaries shown on the map itself.

Also, the SR District boundaries are changed by adding a .72 acre parcel that was previously part of the Boys and Girls Club property. The new boundaries for this district change are shown on the subdivision plan for the Boys and Girls Club of the Berkshires, Inc. approved by the Planning Board on September 6, 2018 and on file with the Town Clerk. A copy is provided for review at the Town meeting.

3. Change all DISTRICT headers wherever located in the Zoning Bylaw to replace COMM with COMM1 and COMM2 as shown in the example below:

SECTION 4.8	TABLE OF USE REGULATIONS	<u>DISTRICTS</u>
Section 4.8	A. PERMITTED PRINCIPAL USES	RA-A COMM1 <u>RA-C SR COMM2</u>

(Recommended by the Planning Board)
2/3 Majority vote required

Article 5- Farm Function Zoning Bylaw Amendment

To see if the Town will vote to amend the Town of Richmond’s Zoning By-Laws by adding a new definition in Section 2.2, by adding a new section 4.8B, (16) as set forth below.

Add definition in Section 2.2 as follows:

FARM FUNCTION: Any event or concert held on a farm (see definition of a farm, in the Right to Farm By-Law, Chapter XIII, Section 2 of the Richmond Town Bylaws), including but not limited to, weddings and family celebrations for which a fee is paid, concerts, promotional events, and other activities held for a fee on farms of sufficient size. Farm functions supplement farm income in order to promote the sustainability of farming, enhance our community and preserve open space.

Add paragraph 16 to Section 4.8.B as follows:

Section 4.8 B. PERMITTED ACCESSORY USES	RA-A COMM1
<u>Continued:</u>	<u>RA-C SR COMM2</u>
	SPS NO NO

16. The use of a farm, as defined in the Right to Farm By-Law, Chapter XIII, Section 2 of the Richmond Town Bylaws, including, but not limited to, land, buildings, or other Structures, for the purpose of holding Farm Functions, provided that:

- a) The farm shall have 15 acres of land at the site. The land total shall include all adjoining and adjacent lots and the lot used for a dwelling, if any.
- b) The side, front and rear setbacks for the function shall be a minimum of 100 feet.
- c) There shall be no electronically amplified sound except between the hours of 10:00 a.m. and 11:00 p.m.

- d) The Board of Selectmen shall issue a special permit under this section with a consideration as to the duration of the permit. The permit issued may include conditions relating to hours of operation, attendance, public safety, traffic control, parking, noise, exterior amplified sound, odor, lighting, impact on the neighborhood and on municipal facilities, and a requirement that the applicant post a bond and have a certificate of insurance. Any person or organization granted a permit under this section shall comply with all other local, state, federal licensing or permitting requirements for said farm function.
- e) There shall be no events having motorized vehicles racing or competing in active competitions. Passive events such classic car shows shall be permitted.

(Recommended by the Planning Board)

2/3 Majority vote required

Article 6- Marijuana Zoning Bylaw Amendment

To see if the Town will vote to amend the Town of Richmond’s Zoning By-Laws by adding a new Section 4.8A by adding a new section 4.8B, (16) and a new Section 12 and revised Section 3.1 as set forth below.

Add a new section as follows:

SECTION 4.8	TABLE OF USE REGULATIONS		
		<u>DISTRICTS</u>	
Section 4.8	A. PERMITTED PRINCIPAL USES	RA-A	COMM1
Continued:		RA-C	SR COMM2

16. Medical Marijuana Treatment Center and Marijuana Establishments.

		<u>DISTRICTS</u>	
Section 4.8	A. PERMITTED PRINCIPAL USES	RA-A	COMM1

<u>Continued:</u>	RA-C	SR	COMM2
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a) One (1) Medical Marijuana Treatment Center provided that:	No	No	SPS*
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1. The Board of Selectmen finds that the lot area is adequate for the proposed use, and the buildings, structures, off-street parking and other facilities and equipment are so designed and located as not to be detrimental to the neighborhood.

2. The requirements of Section 12 of this By-Law are met.

b) One (1) Marijuana Establishment, Marijuana Retailer, provided that:	No	No	SPS*
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1. The Board of Selectmen finds that the lot area is adequate for the proposed use, and the buildings, structures, off-street parking and other facilities and equipment are so designed and located as not to be detrimental to the neighborhood.

2. The requirements of Section 12 of this By-Law are met.

c) Marijuana Establishment, Marijuana Cultivator using Indoor Cultivation, or Craft Cultivator Cooperative using Indoor Cultivation provided that:	No	No	SPS*
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1. The total cumulative area of enclosed building or buildings, greenhouses or other structures for cultivation shall not exceed 10,000 square feet.

			<u>DISTRICTS</u>
Section 4.8	A.	PERMITTED PRINCIPAL USES	RA-A COMM1
<u>Continued:</u>			RA-C SR COMM2

2. The total number of permits issued for all types of cultivation shall not exceed five (5) and shall only be issued to separate owners.

3. The Board of selectmen finds that the lot area is adequate for the proposed use, and the buildings, structures, off-street parking and other facilities and equipment are so designed and located as not to be detrimental to the neighborhood.

4. The requirements of Section 12 of this By-Law are met.

d) Marijuana Establishment, Marijuana Cultivator using Outdoor Cultivation, or Craft Marijuana Cultivator Cooperative using Outdoor Cultivation.

NO NO NO

e) Marijuana Establishment, Marijuana Independent Testing Laboratory, Marijuana Research Facility, Marijuana Product Manufacturer, Marijuana Transporter, or Marijuana Microbusiness, as defined in 935 CMR 500.02.

NO NO NO

*** Only permitted in the COMM1 district.**

Add a new Section 12 as follows:

Section 12: MEDICAL MARIJUANA TREATMENT CENTERS AND MARIJUANA ESTABLISHMENTS

12.1 Purpose

To provide for the placement and regulation of Medical Marijuana Treatment Centers in suitable locations in Richmond in accordance with Chapter 369 of the Acts of 2012 (Humanitarian Medical Use of Marijuana Act), G.L. c.94I (Medical Use Of Marijuana), and in compliance with regulations 105 CMR 725.000, et seq. This bylaw also provides for the placement and regulation of other Marijuana Establishments under G.L. c.94G (Regulation of the Use and Distribution of Marijuana Not Medically Prescribed) and in compliance with the regulations promulgated by the Massachusetts Cannabis Control Commission (CCC) found at 935 CMR 500.00 et seq.

12.2 Definitions

MEDICAL MARIJUANA TREATMENT CENTER: An not-for-profit entity registered under 105 CMR 725.100, also known as a registered marijuana dispensary (RMD), that meets the definition set forth in 935 CMR 500 (Medical Marijuana Treatment Center).

MARIJUANA ESTABLISHMENT: A marijuana cultivator, craft marijuana cultivator cooperative, independent testing laboratory, marijuana transporter, marijuana product manufacturer, marijuana retailer, or any other type of licensed marijuana-related business registered, approved, and regulated in accordance with the regulations of the CCC.

MARIJUANA CULTIVATOR: An entity licensed to cultivate, process and package marijuana, to deliver marijuana to Marijuana Establishments and to transfer marijuana to other Marijuana Establishments, but not to consumers.

MARIJUANA RETAILER: An entity licensed 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.

CRAFT MARIJUANA CULTIVATOR COOPERATIVE: A Marijuana Cultivator comprised of residents of the Commonwealth organized as a limited liability company or limited liability partnership under the laws of the Commonwealth, or an appropriate business structure as determined by the commission, and that is licensed to cultivate, obtain, manufacture, process, package and brand marijuana and marijuana products to deliver marijuana to Marijuana Establishments but not to consumers.

FULLY ENCLOSED AND SECURE STRUCTURE: A space within a building, greenhouse or other legal structure which has a complete roof enclosure supported by connecting walls extending from the ground to the roof, which is secure against unauthorized entry, provides complete visual screening, and which is accessible only through one or more lockable doors and is inaccessible to minors.

INDOOR CULTIVATION: Any cultivation of marijuana within the Town of Richmond that is within a Fully Enclosed and Secure Structure as defined in this section.

OUTDOOR CULTIVATION: Any cultivation of marijuana within the Town of Richmond that is not within a Fully Enclosed and Secure Structure.

All additional terms used, but not defined in this Bylaw, shall have the same meaning as defined in the applicable governing statutes and regulations, including said chapters 94I and 94G of the General Laws and the regulations of the CCC.

12.3 Site Plan Review Required

All proposed Medical Marijuana Treatment Centers, and Marijuana Establishments shall be subject to Planning Board Site Plan Review.

12.4 Location Requirements

Medical Marijuana Treatment Centers and Marijuana Establishments may be located in accordance with Section 4.8 A Permitted Principal Uses, Table of Use Regulations, except as follows:

1. A Medical Marijuana Treatment Centers or Marijuana Establishment shall not be sited within a radius of five hundred (500) feet of a school, daycare center, or any facility in which children commonly congregate.
2. The distance in paragraph 1 is to be measured in a straight line from the nearest point of the property line of the proposed Medical Marijuana Treatment Center or Marijuana Establishment to the nearest point of the property line of the protected school, public library or playground.

12.5 Physical Requirements

In addition to meeting the requirements of the CCC, both Medical Marijuana Treatment Centers and other Marijuana Establishments in Richmond shall comply with the following:

1. Cultivation of marijuana shall take place at a fixed secure location within a Fully Enclosed and Secure Structure.
2. Acquisition, processing, sales, distribution, dispensing, or administration of marijuana shall take place at a fixed location within a Fully Enclosed and Secure Structure and shall not be visible from the exterior of the business. This provision applies also to the sale and distribution of products containing marijuana, marijuana accessories and related supplies, and marijuana educational materials.

3. All finished marijuana or marijuana products shall be stored in a secure, locked safe or vault and in such a manner as to prevent diversion, theft and loss.

4. Any marijuana cultivation area regulated under this section shall not result in a nuisance or adversely affect the health, welfare, or safety of the nearby residents by creating dust, glare, heat, noise, noxious gases, odors, smoke, traffic, vibration, or other impacts, or be hazardous due to use or storage of materials, processes, products or wastes.

12.6 Use Regulations

In addition to pertinent requirements of implementing regulations of the CCC, Medical Marijuana Treatment Centers, and Marijuana Establishments shall comply with the following:

1. Uses under this Section may only consist of the uses and activities permitted by their definition as limited by state law.

2. No marijuana shall be smoked, eaten or otherwise consumed or ingested on the premises.

3. Retail sales of marijuana products and opening of the premises to the public shall not occur earlier than 10:00 AM or later than 8:00 PM.

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

12.7 Submittal Requirements

In addition to a standard application for Site Plan Review and Special Permit, an application under this section shall include the following:

1. Copies of all required Marijuana Establishment or Medical Marijuana Treatment Center licenses or registrations issued to the applicant by the Commonwealth of Massachusetts and any of its agencies for the facility;

2. Evidence that the applicant has site control and the right to use the site for a facility in the form of a deed, valid lease, or purchase and sale agreement, and a signed statement from the property owner;

3. A plan showing all signage, exterior proposed security measures for the premises, including cameras, lighting, fencing, gates, alarms, and other devices intended to ensure the safety of employees and patrons and to protect the premises from theft or other criminal activity.

12.8 Approval Process

Applicants should plan to obtain licenses, approvals and permits in the following sequence unless the Planning Board and Board of Selectmen approve an alternate sequence:

1. Host community agreement.

2. Licenses or registrations issued to the applicant by the Commonwealth of Massachusetts and any of its agencies for the facility;

3. Site plan approval.

4. Special permit.

12.9 Discontinuance of Use

Any Marijuana Establishment or Medical Marijuana Treatment Center permitted under this section shall be required to remove all material, plants, equipment and other paraphernalia in compliance

with implementing regulations of the CCC prior to expiration of its operating license or permit issued by the Commonwealth of Massachusetts or immediately following revocation or voiding of such license or permit. The host community agreement shall include provisions for recovery of any cost incurred by the Town of Richmond resulting from the discontinuance of use.

(Recommended by the Planning Board)

2/3 Majority vote required

And you will serve the warrant by posting up true and attested copies hereof, one at the Richmond Town Hall, one at the Richmond Post Office, one at Bartlett's Orchard Building, one at the Richmond Library, and one at the Richmond Shores Association bulletin board fourteen days at least before the time of said meeting.

Given under our hands this **10th day of October 2018**

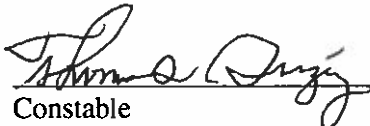
NEAL PILSON, CHAIRMAN

ALAN HANSON

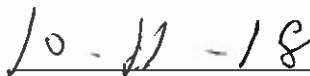
ROGER MANZOLINI

BOARD OF SELECTMEN

I have posted up true and attested copies hereof, one at the Richmond Town Hall, one at the Richmond Post Office, one at the Bartlett's Orchard Building, and one at the Richmond Shores Civic Association bulletin board, fourteen days, at least, before said meeting.



Constable



Date