

There were 177 Town of Buckland voters in attendance at the Annual Town Meeting held on May 8, 2019 at the Mohawk Trail Regional School. The meeting was called to order at 7:00 pm. Phoebe Walker served in her capacity as Moderator working from a warrant dated April 24, 2019 and posted by Constable, Floyd W. Scott.

Select Board Chair, Zachary Turner read the dedication of the Annual Report which was dedicated to Kevin Fox, former Select Board member.

ARTICLE 1: REPORT OF THE TOWN CLERK

The Town voted and passed for the **Town Clerk to report** the results of the election. The results were as follows:

Moderator, Phoebe Walker, for one year
Select Board, Barry Del Castilho, for three years
Board of Assessors, Marion Scott, for three years
Board of Health, Martha Taft-Ferguson, for three years
Buckland Library Trustee, George Dole, for three years
Tree Warden, Jeffrey Purinton, for three years
Finance Committee, Karen Blom and Paula Consolo, both for three years
Constable, Arthur H. Phillips, for three years

ARTICLE 2: REPORTS OF TOWN OFFICERS

The Town voted and passed unanimously **to accept** the Reports of Town Officers as printed in the 2018 Annual Town Report.

The Moderator announced a five (5) minute break to read the materials regarding the articles on the warrant.

ARTICLE 3: SALARIES OF ELECTED OFFICIALS

The Town voted and passed to **raise and appropriate \$51,055** for elected officials' salaries for FY 2020, as line item appropriations, as recommended by the Finance Committee in the Town of Buckland Fiscal 2020 Budget Report, dated April 23, 2019.

The Selectboard recommends approval of Article 3
The Finance Committee recommends approval of Article 3.

ARTICLE 4: TOWN OPERATING BUDGET

The Town voted and passed unanimously to **raise and appropriate** the sum of **\$1,782,467** for the Town Operating Budget for FY 2020, as line item appropriations, as recommended by the Finance Committee in the Town of Buckland Fiscal 2020 Budget Report, dated April 23, 2019.

The Selectboard recommends approval of Article 4
The Finance Committee recommends approval of Article 4

ARTICLE 5: SPECIAL LINE ITEMS

The Town voted and passed unanimously to **raise and appropriate the sum of \$65,850** for several line items in the Town Operating Budget for Fiscal Year 2020 as line items appropriations, as recommended by the Finance Committee in the Town of Buckland Fiscal Year 2020 Budget Report dated April 25, 2019.

The Selectboard recommends approval of Article 5

The Finance Committee recommends approval of Article 5

ARTICLE 6: MOHAWK TRAIL SCHOOL DISTRICT ASSESSMENT

The Town voted and passed to **raise and appropriate \$2,365,567** for the Mohawk School District operating assessment for FY 2020, as a line item appropriation, as recommended by the Finance Committee in the Town of Buckland Fiscal 2020 Budget Report, dated April 23, 2019.

The Selectboard recommends approval of Article 6

The Finance Committee recommends approval of Article 6

ARTICLE 7: MOHAWK TRAIL SCHOOL DISTRICT CAPITAL ASSESSMENT

The Town voted and passed to **raise and appropriate \$79,160** for the Mohawk Regional School District Capital Assessment for FY 2020, as a line item appropriation, as recommended by the Finance Committee in the Town of Buckland Fiscal 2020 Budget Report, dated April 23, 2019.

The Selectboard recommends approval of Article 7

The Finance Committee recommends approval of Article 7

ARTICLE 8: TUITION AND TRANSPORTATION FOR SMITH VOCATIONAL SCHOOL

The Town voted and passed unanimously to **raise and appropriate \$56,000** for the tuition and transportation of students to the Smith Vocational School for FY 2020, as a line item appropriation, as recommended by the Finance Committee in the Town of Buckland Fiscal 2020 Budget Report, dated April 23, 2019.

The Selectboard recommends approval of Article 8

The Finance Committee recommends approval of Article 8

ARTICLE 9: FRANKLIN COUNTY TECHNICAL SCHOOL OPERATING ASSESSMENT

The Town voted and passed unanimously to **raise and appropriate \$110,782** for the Franklin County Technical School operating assessment for FY 2020, as a line item appropriation, as recommended by the Finance Committee in the Town of Buckland Fiscal 2020 Budget Report, dated April 23, 2019.

The Selectboard recommends approval of Article 9

The Finance Committee recommends approval of Article 9

ARTICLE 10: FRANKLIN COUNTY TECHNICAL SCHOOL CAPITAL ASSESSMENT

The Town voted and passed **to raise and appropriate the sum of \$7,029** for the Franklin County Technical School capital assessment for FY2020, as a line item appropriation, as recommended by the Finance Committee in the Town of Buckland Fiscal 2020 Budget Report, dated April 23, 2019.

The Selectboard recommends approval of Article 10

The Finance Committee recommends approval of Article 10

ARTICLE 11: SHELBURNE FALLS WASTEWATER TREATMENT FACILITY BUDGET

The Town voted and passed unanimously **to raise from anticipated receipts** from the Town of Shelburne (pursuant to the Operation Agreement) and revenue of the Buckland user assessment, the sum of **\$263,538** which is the estimated cost of operation and maintenance of the Shelburne Falls Wastewater Treatment Facility (enterprise fund), as a line item appropriation, as recommended by the Finance Committee in the Town of Buckland Fiscal 2020 Budget Report, dated April 23, 2019.

The Selectboard recommends approval of Article 11

The Finance Committee recommends approval of Article 11

ARTICLE 12: CAPITAL AND/OR DEBT EXPENSES FOR THE SHELBURNE FALLS WASTEWATER TREATMENT FACILITY ENTERPRISE FUND

The Town voted and passed unanimously **to raise from revenue** of the Buckland user assessment a total of **\$30,000** for capital projects for the Shelburne Falls Wastewater Treatment Facility (enterprise fund), as a line item appropriation, as recommended by the Finance Committee, in the Town of Buckland Fiscal 2020 Budget Report, dated April 23, 2019.

The Selectboard recommends approval of Article 12

The Finance Committee recommends approval of Article 12

ARTICLE 13: SPECIAL WASTEWATER TREATMENT FACILITY LINE ITEMS

The Town voted and passed unanimously **to raise and appropriate** the sum of **\$900** for the audit account in the Shelburne Falls Wastewater Treatment Facility Budget for FY 2020, as a line item appropriation, as recommended by the Finance Committee in the Shelburne Falls Wastewater Treatment Facility FY 2020 Budget Report, dated April 23, 2019.

The Selectboard recommends approval of Article 13

The Finance Committee recommends approval of Article 13

ARTICLE 14: TOWN DEBT SERVICE

The Town voted and passed unanimously to **raise and appropriate \$113,451** to pay principal and interest on long term debt and short-term borrowing in FY 2020, as line item appropriations, as recommended by the Finance Committee in the Town of Buckland Fiscal 2020 Budget Report, dated April 23, 2019.

Project	Amount	Source of Funds	Excluded Debt
Town Hall Renovation	\$29,451	Raise & Appropriate	Yes
Short Term Interest – Highway Garage	\$84,000	Raise & Appropriate	Yes
TOTAL	\$113, 451		

The Selectboard recommends approval of Article 14

The Finance Committee recommends approval of Article 14

ARTICLE 15: TOWN CAPITAL EXPENSES

The Town voted and passed unanimously to **raise and appropriate \$109,500; and transfer \$40,000** from the **Police Stabilization** account; and **transfer \$10,500 from Free Cash** for capital expenses for FY 2020, as line item appropriations, as recommended by the Finance Committee in the Town of Buckland Fiscal 2020 Budget Report, dated April 23, 2019.

Account	Purpose	Amount	Source of Funds
Town Hall Expenses	Rear entrance handicap accessibility	\$15,000	Raise & Appropriate
Police Department Expenses	Police Cruiser	\$50,000	\$10,000 – Raise & Appropriate \$40,000 – Police Stabilization
Highway Expenses	Road repairs	\$50,000	\$39,500 – Raise & Appropriate \$10,500 – Free Cash
Transfer Station Exp.	Compactor	\$16,000	Raise & Appropriate
Recreation Dept. Maintenance	Pavilion maintenance	\$5,000	Raise & Appropriate
Select Board Expenses	High Speed Internet Build Out	\$24,000	Raise & Appropriate
TOTAL		\$160,000	

The Selectboard recommends approval of Article 15

The Finance Committee recommends approval of Article 15

ARTICLE 16: FUNDING FOR STABILIZATION ACCOUNTS

The Town voted and passed unanimously to **raise and appropriate \$42,000** for deposit into the **General Stabilization account; and transfer \$76,000 from Free Cash to the respective stabilization accounts as listed in the chart in Article 14 for FY 2020**, as line item appropriations, as recommended by the Finance Committee in the Town of Buckland Fiscal 2020 Budget Report, dated April 23, 2019.

Stabilization Account	Amount	Source of Funds
Police Stabilization	\$10,000	Free Cash
Highway Stabilization	\$50,000	Free Cash
Technology Stabilization	\$1,000	Free Cash
General Stabilization	\$57,000	\$42,000 – Raise & Appropriate \$15,000 – Free Cash
TOTAL	\$118,000	

The Selectboard recommends approval of Article 16

The Finance Committee recommends approval of Article 16

ARTICLE 17: SHORT TERM RENTALS

A motion was made and passed to pass over this article.

This article was revisited and was amended to change the percent to five (5). The Town voted and passed to **accept** state enabling legislation, G.L. c. 64G, §3A, permitting taxation of short-term rentals and further, to establish an excise tax rate for short term rentals in the Town of Buckland of **five (5) percent**.

The Selectboard recommends approval of Article 17

The Finance Committee recommends approval of Article 17 by a vote of four in favor and two against.

ARTICLE 18: MARIJUANA ZONING BY-LAW

The Town voted and passed to **amend** its Zoning Bylaws of the Town by adding Chapter XV, Marijuana Zoning By-Law, as proposed by the Buckland Planning Board and presented in Article 18 of the Warrant for the May 8, 2019 Annual Town Meeting by:

- adding a new Section XV: Adult Use Recreational Marijuana Establishments;
- revising Section II: Definitions, to address Marijuana Establishments;
- revising Section 4-2 Limit on Principal Structures Per Lot, to allow a residential land use and licensed marijuana cultivation to occur on the same lot if a Special Permit is granted;
- revising Section 4-3 Table of Use Regulations, to address Marijuana Retail Stores, Marijuana Product Manufacturing, Marijuana Microbusinesses, Marijuana Cultivation and Marijuana Independent Testing Laboratory or Research Facility;
- adding a new Section 4-7 Performance Standards for Small Scale Marijuana Cultivation, in the Rural Residential, Village Residential and Village Commercial Districts; and
- adding Marijuana Establishments to the list of projects requiring site plan review in Section XII: Site Plan Review, subsection b); or take any other action related thereto.

ATTACHMENT A: The complete text of the proposed revisions is attached to these results.

1. Why do we need a bylaw, and what does the bylaw regulate?

This change to the Buckland zoning bylaw specifies where marijuana businesses can go in town and how big they can be. Zoning attempts to balance interests and address impacts. The planning board and this bylaw have nothing to do with personal growing and/or consumption. Anything more than 12 plants grown per household triggers licensing requirements through the Cannabis Control Commission (CCC)

2. Can the town make money on marijuana?

The only tax the town gets revenue from is on retail sales of marijuana (Buckland voted a 3% sales tax at annual town meeting in 2018). A marijuana establishment, like most types of commercial facilities, would provide a modest gain in the form of added income from property taxes.

3. Does the draft bylaw allow for marijuana retail stores?

Yes, up to 5,000 ft, by special permit in village commercial, commercial, industrial, and historic industrial zones, but not in village residential and rural residential zones.

4. Where can commercial marijuana cultivation happen in town?

As a result of public input, larger scale commercial cultivation is allowed in commercial (up to 5,000 ft.), industrial (up to 8,000 ft.), and historic industrial (up to 5,000 ft.) zoning districts. Small scale cultivation (up to 2,000 ft.) is allowed throughout the town, by special permit. The bylaw stipulates cultivation must be indoors.

5. Why is the Planning Board regulating marijuana cultivation?

Because residents have raised concerns about the impacts of odors, noise, lighting, security, and water use of cultivation establishments, and effects on property values in residential areas. The planning board crafted the proposed bylaws hoping to strike a balance between allowing a new business in town vs. negatively impacting neighbors. Recreational marijuana establishments are newly legal in Massachusetts, but marijuana is a controlled substance with its own set of security, surveillance, and fencing issues that no other potential industry in town would have.

6. Is marijuana cultivation "agriculture"?

Town residents have varying opinions about whether cultivating marijuana is "agriculture". Opinions aside, for the purposes of this bylaw, it is not. Agriculture is exempt from zoning under Mass General Law Chapter 40A, the Zoning Act. The Cannabis Control Commission (CCC) regulations and the law specifically did not extend that exemption to marijuana cultivation; and the Buckland Agricultural Commission has made a statement in support of that important distinction. That means that towns can zone marijuana, and this bylaw aims to do so, in order to both provide opportunity and minimize negative impacts to neighbors and the town. On the other hand, cultivation of hemp is exempted, and is not regulated by this bylaw.

7. Where can marijuana product manufacturing happen in town?

Marijuana product manufacturing is allowed by special permit in village commercial, industrial, and historic industrial zones. Product manufacturing is not allowed in residential districts because our existing bylaws do not allow for industrial manufacturing in those zones. As a controlled substance, marijuana triggers several security requirements that don't apply to other businesses.

8. Can the bylaw be changed if it passes at town meeting?

Yes, and the planning board will revisit the issue within two years. New types of licenses for social consumption and third-party transporters have yet to be finalized by the CCC. Commercial marijuana is an emerging industry, and we will be making adjustments as needed.

YES 111

NO 36

The Selectboard voted 2-1 to recommend approval of Article 18

ARTICLE 19: BAN ON SINGLE USE PLASTICS

The Town voted and passed unanimously to **amend** the General By-Laws of the Town of Buckland by adding Chapter XVI, Single Use Plastics, as presented in Article 19 of the Warrant for the May 8, 2019 Annual Town Meeting.

ATTACHMENT B: The complete text of the proposed revisions is attached to these results.

The Selectboard recommends approval of Article 19

ARTICLE 20: CITIZEN PETITION: SEAL AND MOTTO OF THE COMMONWEALTH

It was voted and passed that the Town of Buckland **adopt** the resolution in support of HD.2968 and SD.1495 as follows:

Whereas the history of the State of Massachusetts is replete with instances of conflict between the European Colonists and the Native Nations of the region, who first extended the hand of friendship to the Colonists on their shores in 1620, and helped them to survive starvation during the settlers' first winters on their land;

Whereas the Town of Buckland is situated on lands once home to Native People, including Mohicans and Pocumtuc, some of whom have moved far to the west, to Wisconsin or to northern New York, northern Vermont and Canada, yet some of whose descendants still live in our region;

Now, therefore, **BE IT RESOLVED** that the Town of Buckland hereby adopt this resolution in support of HD.2968 and SD.1495, a **"Resolve Providing for the creation of a Special Commission relative to the Seal and Motto of the Commonwealth,"** and request that Representative Natalie Blais and Senator Adam Hines continue their strong advocacy and support for the aforementioned Resolve (HD.2968 and SD.1495) in the General Court, and that the Joint Committee on State Administration and Regulatory Oversight, after holding a public hearing on the Resolve report it out favorably, and if the legislation shall pass that the governor shall sign it and work with members of the General Court to ensure its enactment.

The Selectboard recommends approval of Article 20

ARTICLE 21: CITIZEN PETITION: MARIJUANA OPERATIONS

The Town voted and passed unanimously to **Table this article**, to accept the following changes to the Buckland Zoning Bylaw relative to the use of land for licensed marijuana operations.

(A) Add the following definitions to Section II: Definitions, as follows:

935 CMR 500.00: Regulations promulgated by the Massachusetts Cannabis Control Commission for the licensing and control of marijuana establishments.

CCC: the Massachusetts Cannabis Control Commission

Greenhouse Marijuana Cultivation: The cultivation of marijuana in a greenhouse.

Independent Marijuana Testing Laboratory operations: The use of land or buildings by an Independent Testing Laboratory licensed by the CCC.

Indoor Marijuana Cultivation: The cultivation of marijuana in an enclosed structure, excluding greenhouses.

Licensed Marijuana Operations: The conduct of business by the holder of a marijuana establishment license from the CCC, and the exercise of all rights associated therewith, and subject to the duties and responsibilities imposed by state law, state regulation and local conditions of operation.

Marijuana Cultivation: Use of land and/or buildings for planting, tending, improving, harvesting, processing and packaging, the preparation and maintenance of soil and other media and other measures for promoting the growth of marijuana by a Marijuana Cultivator, Micro-Business, Research Facility, Craft Marijuana Cultivator Cooperative, Registered Marijuana Dispensary or other entity licensed by the CCC for marijuana cultivation.

Marijuana Product Manufacture: Use of Land and/or buildings to compound, blend, extract, infuse, or otherwise make or prepare marijuana-infused products by a Marijuana Product Manufacturer, Micro-Business, Craft Marijuana Cultivator Cooperative or other entity licensed by the CCC for marijuana product manufacture.

Marijuana Research Facility operations: The conduct of marijuana research in accordance with a Marijuana Research license issued by the CCC (935 CMR 500.050).

Marijuana Retailer: The holder of a Marijuana Retailer license issued by the CCC (935 CMR 500.050).

Marijuana Retail Sales: The conduct of a Marijuana Retailer providing a retail location accessible to the public.

Marijuana Transporter (3rd party) operations: Use of land or buildings as a base of operations for a CCC-licensed Marijuana Transporter (935 CMR 500.050).

Outdoor Marijuana Cultivation: The cultivation of marijuana in the natural elements, not in a greenhouse or enclosed structure.

(B) Insert the following sections into Section 4-3 Table of Use Regulations, as follows:**1. Under AGRICULTURAL & RECREATIONAL USES, the following lines are added:**

	V C	V R	R R	C	I	HI
Greenhouse Marijuana Cultivation up to 5,000 square feet of canopy	N	N	SP	SP	SP	SP
Outdoor Marijuana Cultivation up to 5,000 sq. ft. of canopy	N	N	SP	SP	SP	SP
Greenhouse or Outdoor Marijuana Cultivation exceeding 5,000 sq. ft. of canopy	N	N	N	N	SP	N

2. Under BUSINESS USES, the following lines are added:

	V C	V R	R R	C	I	HI
Marijuana Retail Sales	SP	N	N	SP	N	SP
Independent Testing Lab operations	SP	N	N	SP	SP	SP

3. Under INDUSTRIAL USES, the following lines are added:

	V C	V R	R R	C	I	HI
Indoor Marijuana Cultivation up to 5,000 sq. ft.	N	N	SP	SP	SP	SP
Indoor Marijuana Cultivation exceeding 5,000 sq. ft.	N	N	N	SP	SP	SP
Marijuana Product Manufacture	N	N	N	SP	SP	SP
Marijuana Transporter (3d party) operations	N	N	N	SP	SP	SP
Marijuana Research	SP	N	SP	SP	SP	SP

(C) Insert a new subsection in SECTION IV: USE REGULATIONS as follows:**4-7 LICENSED MARIJUANA OPERATIONS**

1. Proximity to Schools. No marijuana-related operations may occur within five hundred feet (500') of a pre-existing public or private primary or secondary school, as measured in a straight line from the nearest point of the school property to the nearest point of the property line of the Marijuana Establishment.
2. Controls. No land or buildings may be used for marijuana-related operations except
 - a) in accordance with a license in good standing from the CCC; and
 - b) in such zoning districts as designated in the Table of Use Regulations and subject to such conditions as reasonably may be imposed on time, place and manner by the Special Permit Granting Authority. Such conditions may include, but are not limited to, restrictions on the visibility of operations and goods or equipment associated therewith, outside storage, the emission of light, noise, odor or fumes, and times of operations.

3. Scope. The controls imposed by this ordinance on the uses of land and buildings for marijuana-related operations shall apply regardless of the class or type of license issued by the CCC for the site in question. For example, without limitation, cultivators will be subject to these rules whether they are licensed as a Marijuana Cultivator, Craft Marijuana Cultivator Cooperative, Micro-Business, or Research Facility as those terms are defined in 935 CMR 500.002.
4. Hemp. Nothing in this bylaw shall be construed to regulate the cultivation of industrial hemp, as same is regulated by the Massachusetts Department of Agricultural Resources pursuant to General Laws, Chapter 128, Sections 116-123. Use of land or buildings for hemp, processing and/or product manufacture shall be subject to such zoning controls as apply to other (non-marijuana) processing and product manufacture operations.

ARTICLE 22: CITIZEN PETITION: LIMITS ON ELIGIBILITY FOR SELECT BOARD

APPOINTMENTS TO MULTIMEMBER BOARDS

This article **FAILED**. The town **voted to not pass** the following:

For all boards appointed by the Select Board and consisting of more than two appointed members, the following restriction applies. Any person having served on said board for three or more consecutive three year terms, or two or more consecutive five year terms, is ineligible for reappointment to said board for a one year period following the expiration of their most recent term. For purposes of this section, a person shall be deemed to have served as a member of a multiple member body for a “term” if they are appointed to fill an unexpired term for a period equivalent to more than one-half of the original term of appointment. Members of state regulatory boards and boards requiring specialized training (e.g. Board of Registrars, Conservation Commission, Emergency Management Team) are exempt from this bylaw.

The Selectboard established a committee to review Article 22

The meeting dissolved at 11:34pm.

Attest: _____
Janice D. Purington, Town Clerk