

Commonwealth of Massachusetts
Special Town Meeting

Middlesex, ss:

To: Constable of the Town of Ashby in said County:

Greeting:

In the name of the Commonwealth, you are hereby directed to notify and warn the inhabitants of the Town of Ashby, qualified to vote in elections and town affairs, to meet at the Ashby Elementary School, 911 Main Street in said Ashby, Saturday, May 5, 2018 at 9:30 a.m. to act on the following articles:

SPECIAL TOWN MEETING ARTICLES

Article 1. To see what sum of money the Town will vote to appropriate from Free Cash, to extinguish the deficit incurred in the Winter Operations budget in the current fiscal year; or take any other action relative thereto.

Finance Committee action: **Approved** **Disapproved** **No Action**

Article 2. To see if the Town will vote to transfer from available funds a sum of money for the acquisition of a parcel of vacant land located on Harris Road, being a portion of Tax Map 6, Block 18, and a portion of that land described in a deed recorded with the Middlesex South Registry of Deeds in Book 60980, Page 334, for conservation and/or passive recreation purposes under the provisions of G.L. Ch. 40, Section 8C, with the care, custody, management and control of such parcel to be vested with the Conservation Commission; to authorize the Board of Selectmen and/or the Conservation Commission to apply for, accept and expend any funds that may be provided by the Commonwealth or other public or private sources to defray all or a portion of the costs of said acquisition, including, but not limited to, grants and/or reimbursement from the Commonwealth under the Self-Help Act, G.L. Ch. 132A, Section 11 (now, so-called LAND grants), which grants and/or funds so received shall be used to repay all or a portion of the sum appropriated hereunder; with the understanding that a portion of this purchase may be funded through use of gift funds available for such purpose; and further, to authorize the Board of Selectmen and/or Conservation Commission to enter into all agreements and execute any and all instruments as may be necessary or convenient to effectuate the foregoing purposes; or take any other action relative thereto.

Finance Committee action: **Approved** **Disapproved** **No Action**

Article 3. To see if the Town will vote to transfer from available funds the sum of \$12,000 for the purpose of post-winter sweeping of Town roads; or take any other action relative thereto.

Finance Committee action: **Approved** **Disapproved** **No Action**

And you are hereby directed to serve this warrant by posting an attested copy in at least three (3) public places in said Ashby fourteen (14) days at least before holding of said meeting. Hereof, fail not, and make due return of this warrant with your doings thereon, to the Town Clerk at the time and place of meeting aforesaid.

Given under our hands this 18th day of April, 2018.

Michael McCallum, Chair

Mark Haines, Member

Janet Flinkstrom, Clerk

ASHBY BOARD OF SELECTMEN

By virtue of this precept, I have posted three (3) attested copies of the foregoing warrant in three (3) public places in said Ashby at least fourteen days before the time of said Special Town Meeting.

Date: _____

Fred Alden, Police Chief

**Commonwealth of Massachusetts
Annual Town Meeting**

Middlesex, ss:

To: Constable of the Town of Ashby in said County:

Greeting:

In the name of the Commonwealth, you are hereby directed to notify and warn the inhabitants of the Town of Ashby, qualified to vote in elections and town affairs, to meet at the Ashby Elementary School, 911 Main Street in said Ashby, Saturday, May 5, 2018 at 9:30 a.m. to act on the following articles:

ANNUAL TOWN MEETING ARTICLES

Article 1. To see if the Town will vote to elect all other town officers not required to be on the official ballot.

Finance Committee action: ___ **Approved** ___ **Disapproved** ✓ **No Action**

Article 2. To see if the Town will vote to hear the reports of the various town officials and committees.

Finance Committee action: ___ **Approved** ___ **Disapproved** ✓ **No Action**

Article 3. To see if the Town will vote to authorize the Treasurer to borrow funds as necessary in anticipation of revenue, in accordance with Chapter 44, Sections 23 to 27 of the Massachusetts General Laws; or take any other action relative thereto.

Finance Committee action: ___ **Approved** ___ **Disapproved** ✓ **No Action**

Article 4. To see if the Town will vote to accept the following sums in trust, the income therefrom to be expended for the perpetual care of cemetery lots, as follows:

Amount	Name	<i>Glenwood Cemetery</i>		
		Ave.Lot	Section	
\$1200.00	Mark Lapham	C	31	Lyman I
\$200.00	Dianne I. Amadon	E	10	Lyman II
\$200.00	Pirkko Ammesmaki	E	19	Lyman II
\$400.00	Sonya Sanborn	E	1	Lyman II

or take any other action relative thereto.

Finance Committee action: ___ **Approved** ___ **Disapproved** ✓ **No Action**

Article 5. To see if the Town will vote to approve the following spending limits for the revolving funds authorized by Article XXV of the Town By-laws:

- Library Books Revolving Fund \$ 3,000
- Cemetery Burial and Foundations Revolving Fund \$15,000

or take any other action relative thereto.

Finance Committee action: ___ **Approved** ___ **Disapproved** ✓ **No Action**

Article 6. To see if the Town will vote to appropriate all funds received from the State under the “Chapter 90” program to provide eligible resurfacing and/or other improvement projects benefiting Town roads, said sum to be 100% reimbursable by the Commonwealth; or take any other action relative thereto.

Finance Committee action: **Approved** **Disapproved** **No Action**

Article 7. To see what sum of money the Town will vote to appropriate from available funds for the purpose of operating the Ashby Recycling Center & Transfer station for FY2019; or take any other action relative thereto.

Finance Committee action: **Approved** **Disapproved** **No Action**

Article 8. To see what sum of money the Town will vote to appropriate from available funds for the purpose of operating the Ashby PEG Access Department for FY2019; or take any other action relative thereto.

Finance Committee action: **Approved** **Disapproved** **No Action**

Article 9. To see what sum of money the Town will vote to raise and appropriate or transfer from available funds to defray the expenses of the Town for the fiscal year commencing July 1, 2018, and to set the salaries of elected officials; or take any other action relative thereto.

Finance Committee action: **Approved** **Disapproved** **No Action**

Amounts shown for prior fiscal years may include funds received through warrant articles, reserve fund transfers, etc. as well as transfers out and do not necessarily reflect budget amounts voted initially by Town Meeting.				
TOWN OF ASHBY				
		FY17	FY18	FY19
	LINES	SPENT	BUDGET	FINCOM RECOMMEND
Administration				
<u>1</u>	Salaries & Wages	\$ 53,481.78	\$ 54,284.01	\$ 55,098.27
<u>2</u>	Expenses	\$ 5,400.48	\$ 6,550.00	\$ 6,550.00
-		\$ 58,882.26	\$ 60,834.01	\$ 61,648.27
Town Administrator				
<u>3</u>	Salaries & Wages	\$ 39,727.10	\$ 40,323.01	\$ 40,927.86
-		\$ 39,727.10	\$ 40,323.01	\$ 40,927.86
Finance Committee				
<u>4</u>	Expense Budget	\$ 155.00	\$ 250.00	\$ 250.00
<u>5</u>	Reserve Fund	\$ 2,500.00	\$ 30,000.00	\$ 30,000.00
-		\$ 2,655.00	\$ 30,250.00	\$ 30,250.00
Town Accountant				
<u>6</u>	Salaries & Wages	\$ 34,292.00	\$ 34,956.22	\$ 35,465.56
<u>7</u>	Clerical	\$ 2,159.73	\$ 4,100.00	\$ 4,100.00
-	Expenses	\$ 10,760.68	\$ 24,567.00	\$ 24,644.90
-		\$ 63,954.69	\$ 63,623.22	\$ 64,210.46
Board of Assessors				
<u>10</u>	Wages	\$ 16,322.81	\$ 21,291.40	\$ 21,616.70
<u>11</u>	Assessing Services	\$ 22,500.00	\$ 23,200.00	\$ 23,900.00
-	Expenses	\$ 9,320.07	\$ 9,845.00	\$ 7,220.00

-		\$ 48,142.88	\$ 54,336.40	\$ 52,736.70
<u>Treasurer</u>				
15	Treasurer Salary	\$ 26,763.10	\$ 27,149.55	\$ 27,541.79
-	Expenses	\$ 13,278.35	\$ 19,525.00	\$ 19,558.00
-		\$ 40,041.45	\$ 46,674.55	\$ 47,099.79
<u>Tax Collector</u>				
18	Tax Collector Salary	\$ 40,519.44	\$ 40,612.23	\$ 41,206.41
18a	Wages	\$ 3,031.95	\$ 3,075.56	\$ 3,130.77
-	Expenses	\$ 12,892.32	\$ 13,153.44	\$ 13,228.84
-		\$ 56,564.18	\$ 56,841.23	\$ 57,566.02
<u>Legal Services</u>				
21	Expenses	\$ 26,218.58	\$ 32,000.00	\$ 32,000.00
-		\$ 26,218.58	\$ 32,000.00	\$ 32,000.00
<u>Technology and Systems</u>				
22	Expenses	\$ 38,978.74	\$ 43,000.00	\$ 43,000.00
-		\$ 38,978.74	\$ 43,000.00	\$ 43,000.00
<u>Town Clerk</u>				
23	Town Clerk Salary	\$ 32,557.78	\$ 33,046.94	\$ 33,542.64
24	Clerical	\$ 7,762.06	\$ 11,500.70	\$ 11,516.16
25	Election and Registrar Stipend	\$ 6,111.38	\$ 6,127.13	\$ 5,127.13
-	Expenses	\$ 4,633.88	\$ 10,837.00	\$ 11,837.00
-		\$ 51,065.10	\$ 61,511.77	\$ 62,022.93
<u>Town Reports</u>				
30	Expenses	\$ 1,536.40	\$ 1,600.00	\$ 1,600.00
-		\$ 1,536.40	\$ 1,600.00	\$ 1,600.00
<u>Conservation Commission</u>				
31	Expenses	\$ 1,173.90	\$ 1,700.00	\$ 1,700.00
-		\$ 1,173.90	\$ 1,700.00	\$ 1,700.00
<u>Planning</u>				
32	Expenses	\$ 961.78	\$ 1,075.00	\$ 1,075.00
-		\$ 961.78	\$ 1,075.00	\$ 1,075.00
<u>Zoning</u>				
33	Zoning Bd Expense	\$ -	\$ 580.00	\$ 580.00
-		\$ 132.82	\$ 580.00	\$ 580.00
<u>Land Use</u>				
34	Agent Budget	\$ 9,668.75	\$ 10,000.00	\$ 10,000.00
-	Expenses	\$ 1,522.18	\$ 1,724.76	\$ 1,750.38
-		\$ 11,190.93	\$ 11,724.76	\$ 11,750.38
<u>Town Office</u>				
-	Expenses	\$ 34,109.66	\$ 60,020.00	\$ 60,020.00
-		\$ 34,201.27	\$ 60,020.00	\$ 60,020.00
<u>Town Clock</u>				
40	Stipend	\$ -	\$ 500.00	\$ 500.00
-		\$ -	\$ 500.00	\$ 500.00
<u>Municipal Buildings/Grounds</u>				
47	Wages/Stipend	\$ 4,003.60	\$ 4,060.46	\$ 4,114.48
-	Expenses	\$ 13,082.31	\$ 31,100.00	\$ 101,100.00
-		\$ 22,085.91	\$ 35,160.46	\$ 105,214.48

Police					
49	Police Chief Salary	\$ 90,701.46	\$ 92,515.49	\$ 93,903.22	
50	Wages - Coverage	\$ 415,937.85	\$ 588,887.64	\$ 607,244.02	
-	Expenses	\$ 175,046.20	\$ 195,234.81	\$ 206,162.20	
-		\$ 686,554.87	\$ 876,637.94	\$ 907,309.44	
Fire					
54	Chief Salary	\$ 30,380.84	\$ 30,914.83	\$ 31,378.55	
55	Firefighters Wages	\$ 14,291.86	\$ 15,935.00	\$ 16,174.03	
56	FF/ EMT Wages	\$ 40,716.00	\$ 41,345.73	\$ 51,636.00	
58	FF/EMT Overtime	\$ 6,610.50	\$ 8,000.00	\$ 2,000.00	
-	Expenses	\$ 73,950.74	\$ 92,595.00	\$ 102,975.00	
-		\$ 165,949.94	\$ 188,790.56	\$ 204,163.58	
EMS					
64	Wages - Coverage	\$ 44,612.30	\$ 33,000.00	\$ 45,000.00	
65	Stipend - training	\$ 8,192.00	\$ 8,760.00	\$ 45,850.00	
-	Expenses	\$ 43,154.86	\$ 45,882.00	\$ 55,950.00	
-		\$ 96,559.16	\$ 87,642.00	\$ 146,800.00	
Emergency Management					
67(2)	Stipend	\$ 654.66	\$ 654.66	\$ 654.66	
68	Expenses	\$ 1,300.00	\$ 1,800.00	\$ 2,250.00	
-		\$ 1,954.66	\$ 2,454.66	\$ 2,904.66	
E-911					
69	Expenses	\$ 100.00	\$ 100.00	\$ 100.00	
-		\$ 100.00	\$ 100.00	\$ 100.00	
Building Inspector					
70	Salaries & Wages	\$ 11,112.66	\$ 11,279.35	\$ 11,448.54	
71	Expenses	\$ 150.00	\$ 907.74	\$ 907.74	
-		\$ 11,262.66	\$ 12,187.09	\$ 12,356.28	
Plumbing Inspector					
72	Salaries & Wages	\$ 6,573.00	\$ 6,671.60	\$ 6,771.67	
73	Expenses	\$ 110.00	\$ 165.00	\$ 150.00	
-		\$ 6,683.00	\$ 6,836.60	\$ 6,921.67	
Electrical Inspector					
74	Salaries & Wages	\$ 10,892.95	\$ 22,000.00	\$ 6,771.67	
75	Expenses	\$ 880.93	\$ 1,200.00	\$ 1,200.00	
-		\$ 11,773.88	\$ 23,200.00	\$ 7,971.67	
Dog Officer					
76	Salaries & Wages	\$ 14,932.92	\$ 15,156.97	\$ 15,384.32	
77	Expenses	\$ 983.17	\$ 1,500.00	\$ 1,500.00	
-		\$ 15,916.09	\$ 16,656.97	\$ 16,884.32	
Emergency Dispatch					
78	Salaries & Wages	\$ 203,256.54	\$ 222,550.86	\$ 232,243.13	
79	Expenses	\$ 2,734.49	\$ 9,460.10	\$ 9,460.10	
-		\$ 205,991.03	\$ 232,010.96	\$ 241,703.23	
Monty Tech					
80	Assessment	\$ 333,264.00	\$ 307,788.00	\$ 294,578.00	
-		\$ 333,264.00	\$ 307,788.00	\$ 294,578.00	

<u>NMRSD</u>				
-	Assessment	\$3,344,664.49	\$3,610,086.00	\$3,769,659.00
		\$3,344,664.49	\$3,610,086.00	\$3,769,659.00
<u>Highway</u>				
83	Superintendent Salary	\$ 41,325.07	\$ 64,729.04	\$ 63,437.50
84	Wages - Regular	\$ 187,187.68	\$ 165,077.28	\$ 166,920.00
85	Wages -Overtime	\$ 3,588.11	\$ 5,000.00	\$ 5,000.00
-	Expenses	\$ 122,750.47	\$ 184,171.00	\$ 218,480.00
		\$ 364,317.51	\$ 418,977.32	\$ 453,837.50
<u>Snow & Ice</u>				
92	Winter Overtime	\$ 33,756.45	\$ 13,000.00	\$ 13,000.00
93	Winter Expenses	\$ 176,324.99	\$ 87,000.00	\$ 87,000.00
		\$ 210,081.44	\$ 100,000.00	\$ 100,000.00
<u>Street Lights</u>				
94	Expense	\$ 785.70	\$ 1,080.00	\$ 1,080.00
		\$ 785.70	\$ 1,080.00	\$ 1,080.00
<u>Tree Warden</u>				
95	Expenses	\$ -	\$ 2,000.00	\$ 2,000.00
		\$ -	\$ 2,000.00	\$ 2,000.00
<u>Cemetery</u>				
96	Wages - Coverage	\$ 6,358.47	\$ 9,200.58	\$ 9,338.59
97	Expense	\$ 1,406.51	\$ 2,000.00	\$ 2,000.00
		\$ 7,789.12	\$ 11,200.58	\$ 11,338.59
<u>Board of Health</u>				
-	Expenses	\$ 15,022.10	\$ 18,877.99	\$ 19,426.34
		\$ 15,070.28	\$ 18,877.99	\$ 19,426.34
<u>Animal Inspector</u>				
102	Stipend	\$ 420.24	\$ 420.24	\$ 420.24
		\$ 420.24	\$ 420.24	\$ 420.24
<u>Council on Aging</u>				
103	Wages	\$ 2,359.88	\$ 2,396.30	\$ 2,431.95
103A	Expense	\$ 2,355.38	\$ 1,775.00	\$ 1,525.00
		\$ 4,715.26	\$ 4,171.30	\$ 3,956.95
<u>Veterans' Services</u>				
104	Salaries & Wages	\$ 1,828.54	\$ 1,855.97	\$ 1,883.81
-	Expenses	\$ 36,656.52	\$ 42,000.00	\$ 42,000.00
		\$ 38,485.06	\$ 43,855.97	\$ 43,883.81
<u>Library</u>				
107	Librarian Salary	\$ 25,980.00	\$ 27,300.00	\$ 27,300.00
108	Library Wages	\$ 19,592.91	\$ 24,039.50	\$ 24,400.09
-	Expenses	\$ 44,658.90	\$ 46,817.00	\$ 51,011.00
		\$ 90,321.66	\$ 98,156.50	\$ 102,711.09
<u>Band Concerts</u>				
113	Expenses	\$ 7,500.00	\$ 7,500.00	\$ 7,500.00
113A	Police Detail Wages	\$ 675.36	\$ 1,157.52	\$ 1,180.56
		\$ 8,175.36	\$ 8,657.52	\$ 8,680.56

July 3rd				
114	Expenses	\$ 1,200.00	\$ 1,200.00	\$ 1,200.00
-		\$ 1,200.00	\$ 1,200.00	\$ 1,200.00
Allen Field				
115	Expenses	\$ 2,775.82	\$ 1,900.00	\$ 1,900.00
-		\$ 2,775.82	\$ 1,900.00	\$ 1,900.00
Town Common				
116	Expenses	\$ 3,128.47	\$ 4,650.00	\$ 4,650.00
-		\$ 3,128.47	\$ 4,650.00	\$ 4,650.00
Debt Service				
118	Temporary Loan Interest	\$ -	\$ 1,000.00	\$ 1,000.00
-		\$ -	\$ 1,000.00	\$ 1,000.00
Middlesex Retirement				
123	Middlesex Retirement System	\$ 173,361.00	\$ 147,365.00	\$ 155,917.00
-		\$ 173,361.00	\$ 147,365.00	\$ 155,917.00
Unemployment				
124	Unemployment Compensation	\$ -	\$ 10,000.00	\$ 10,000.00
-		\$ -	\$ 10,000.00	\$ 10,000.00
Employee Ins. Benefits				
125	Employee Benefits Expense	\$ 406,258.51	\$ 571,686.14	\$ 645,086.21
-		\$ 406,536.14	\$ 571,686.14	\$ 645,086.21
Workers Compensation				
126	Insurance Not Health	\$ 7,204.80	\$ 11,000.00	\$ 11,000.00
-		\$ 7,204.80	\$ 11,000.00	\$ 11,000.00
Insurance P & C				
127	Liability P&C, E,F&P	\$ 69,162.45	\$ 80,000.00	\$ 80,000.00
-		\$ 69,162.45	\$ 80,000.00	\$ 80,000.00
FICA				
128	Employee Costs	\$ 22,492.17	\$ 25,510.20	\$ 26,433.00
-		\$ 22,492.17	\$ 25,510.20	\$ 26,433.00
	Total	\$6,804,209.25	\$7,527,853.95	\$7,969,775.03

Setting Elective Salaries:

- a) Town Clerk \$33,542.64
- b) Town Collector \$41,206.41 (includes \$1,000 certification stipend)
- c) Town Treasurer \$27,541.79 (includes \$1,000 certification stipend)

Article 10. To see if the Town will vote to amend Article XX of the Town By-laws ("Municipal Dog Control Law") as follows:

- In Section 1 ("Licensing of Dogs"), revise the heading to read "Section 1 A. Licensing of Dogs" and add to the fees listed the following new categories and amounts:
 - For a Kennel (one to four dogs) \$25.00
 - For a Kennel (five to ten dogs) \$50.00
 - For a Kennel (over ten dogs) \$75.00

- Insert a new Section 1B. “Late Registration Fee” as follows:
Any person or entity who fails, prior to March 31 annually, to license and register each and every dog which they own or permanently shelter and support within the boundaries of the Town of Ashby, and pay all associated fees and charges due under any applicable statute or ordinance, will be required to pay to the Town a late fee of \$10.00. Anyone acquiring a dog six months of age or older after March 31 in any given year, shall have 30 days from the date of acquisition (which shall be presumed to be the date of issuance of the associated rabies certificate), to register and license the dog, or be subject to a late fee of \$10.00.
- Delete Section 11 (regarding kennel licenses) in its entirety, and re-number Section 12 as Section 11; or take any other action relative thereto.

Finance Committee action: **Approved** **Disapproved** **No Action**

Article 11. To see if the Town will vote to amend the By-Laws of the Town of Ashby by deleting Article XIV (“Earth Removal”) in its entirety, and re-numbering all following articles accordingly; or take any other action relative thereto.

Finance Committee action: **Approved** **Disapproved** **No Action**

Article 12. To see if the Town will vote to raise and appropriate the sum of \$220,000 for the purpose of procuring and equipping a new Ambulance for the Fire Department, with all appropriate accessories and any related expenses, said appropriation to be contingent upon a positive Capital Outlay Expenditure Exclusion vote under MGL, Ch. 59, s. 21C(i1/2); or take any other action relative thereto.

Finance Committee action: **Approved** **Disapproved** **No Action**

Article 13. To see if the Town will vote to raise and appropriate the sum of \$100,000 for the purpose of performing painting, maintenance, repairs, and improvements to the Town Hall, including any incidental and related costs and expenses; said appropriation to be contingent upon a positive Capital Outlay Expenditure Exclusion vote under MGL, Ch. 59, s. 21C(i1/2); or take any other action relative thereto.

Finance Committee action: **Approved** **Disapproved** **No Action**

Article 14. To see if the Town will vote to transfer the care, custody, and control of the Town-owned property located on Foster Road, as shown on the Assessor’s map 5 as Parcel 45, recorded at the at the South Middlesex Registry of Deeds, Book 49726, page 228, and containing 49.8 acres, from the Board of Selectmen for the purposes for which it is currently held, to the Board of Selectmen for those purposes and for the purposes of leasing and granting easements on, over, or under such parcel for the installation of renewable energy facilities; and to authorize the Board of Selectmen to lease, through one or more lease agreements, all or part of said property for the installation of one or more renewable energy facilities for terms of up to 25 years, and to grant such easements on, over, and/or under such property as necessary or convenient to serve the facilities, and to 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 interest of the Town; or take any other action relative thereto.

Finance Committee action: **Approved** **Disapproved** **No Action**

Article 15. To see if the Town will vote to raise and appropriate or transfer from available funds the sum of \$39,000 for the purpose of procuring and equipping a new Ford Explorer as a Command Vehicle for the Fire Department, with appropriate accessories and any related expenses; or take any other action relative thereto.

Finance Committee action: ✓ **Approved** **Disapproved** **No Action**

Article 16. To see if the Town should amend its Zoning Bylaw to regulate uses related to the cultivation, manufacture and retail sale of marijuana for adult use as follows:

- 1) **By adding the following new terms to Section 3: Definitions, to be listed in alphabetical order with the other definitions with all definitions numbered or renumbered in the order in which they now occur. All of the terms below except for "School" are defined in accordance with G.L. c.94G, S.1, and the Cannabis Control Commission Regulations, 935 CMR 500.002.**

CANOPY. An area to be calculated in square feet and measured using clearly identifiable boundaries of all areas(s) that will contain mature plants at any point in time, including all of the space(s) within the boundaries, canopy may be noncontiguous, but each unique area included in the total canopy calculations shall be separated by an identifiable boundary which include, but are not limited to: interior walls, shelves, greenhouse walls, hoop house walls, garden benches, hedge rows, fencing, garden beds, or garden plots. If mature plants are being cultivated using a shelving system, the surface area of each level shall be included in the total canopy calculation.

HEMP. The plant of the genus Cannabis or any part of the plant, whether growing or not, with a delta-9-tetrahydrocannabinol concentration that does not exceed 0.3 per cent on a dry weight basis of any part of the plant of the genus Cannabis, or per volume or weight of marijuana product, or the combined per cent of delta-9-tetrahydrocannabinol and tetrahydrocannabinolic acid in any part of the plant of the genus Cannabis regardless of moisture content.

MANUFACTURE. To compound, blend, extract, infuse or otherwise make or prepare a cannabis or marijuana product.

MARIJUANA OR MARIHUANA. All parts of any plant of the genus Cannabis, not excepted below and whether growing or not; the seeds thereof; and resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture or preparation of the plant, its seeds or resin including tetrahydrocannabinol as defined in section 1 of chapter 94C; provided, however, that "marijuana" shall not include: (i) the mature stalks of the plant, fiber produced from the stalks, oil, or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture or preparation of the mature stalks, fiber, oil or cake made from the seeds of the plant or the sterilized seed of the plant that is incapable of germination; (ii) hemp; or (iii) the weight of any other ingredient combined with marijuana to prepare topical or oral administrations, food, drink or other products.

MARIJUANA ESTABLISHMENT. A Marijuana Cultivator, Craft Marijuana Cooperative, Marijuana Product Manufacturer, Marijuana Retailer, Independent Testing Laboratory, Marijuana Research Facility, Marijuana Transporter, or any other type of licensed marijuana-related business, except a medical marijuana treatment center.

MARIJUANA RETAILER. An entity licensed to purchase and transport cannabis or marijuana product from Marijuana Establishments and to sell or otherwise transfer this product to Marijuana Establishments and to consumers. Retailers are prohibited from delivering cannabis or marijuana products to consumers; and from offering cannabis or marijuana products for the purposes of on-site social consumption on the premises of a Marijuana Establishment.

PROCESS OR PROCESSING. To harvest, dry, cure, trim and separate parts of the cannabis or marijuana plant by manual or mechanical means, except it shall not include manufacture as defined in 935 CMR 500.002.

SCHOOL. An institution for the purpose of learning and study, such as preschools, nursery schools, charter schools, public and private schools, and colleges and universities, but not including schools of dance, riding academies, martial arts studios, art studios, or other entities offering instruction in a single area.

- 2) By amending existing Section 6.4 Residential/Commercial District A, Paragraph 6.4.2 Special Permits by adding the following new Subparagraph 6.4.2.6 Marijuana Retailer:

6.4.2.6 Marijuana Retailer. A maximum of two (2) Marijuana Retailers may be located in the Residential/Commercial A District, subject to approval of a special permit by the Zoning Board of Appeals. All special permits shall be subject to Section 12.3 Special Permits, Paragraph 12.3.3 Requirements, Marijuana Establishments. A Marijuana Retailer may be located in an existing or new retail store. Marijuana Social Consumption Operations shall not be permitted.

6.4.2.6.1 All Marijuana Retailers shall be located a minimum of 500 (five hundred) feet from any existing or proposed school or Marijuana Establishment. All Marijuana Retailers shall be licensed by the State, meet all applicable State regulations and State permit conditions, and conform to all provisions of this section.

- 3) By amending existing Section 7: Residential/Agricultural District, Paragraph 7.2 Special Permits by adding the following new Subparagraph 7.2.12 Marijuana Cultivation of Limited Area:

7.2.12 Marijuana Cultivation of Limited Area.

7.2.12.1 Cultivation within a building or buildings with a combined footprint not to exceed 2,500 square feet. A maximum of two (2) sites for licensed marijuana cultivation within a building or buildings may be located in the Residential / Agricultural Zoning District, subject to approval of a special permit by the Zoning Board of Appeals. Total building footprint area shall not exceed 2,500 square feet per site. Total Canopy area for each site shall not exceed 5,000 square feet. No retail product sales to the general public shall be permitted on the site. Marijuana product manufacturing in whole or in part is not permitted.

In order to maintain the residential character of the Residential/ Agricultural Zoning District, existing buildings such as barns or greenhouses shall be used for indoor cultivation where possible. Any new construction that requires a building permit shall harmonize with nearby architectural styles to the greatest possible extent.

7.2.12.2 Outdoor cultivation not to exceed 5,000 square feet of Canopy. A maximum of two (2) sites for licensed marijuana cultivation with a maximum Canopy not to exceed 5,000 square feet per site may be located in the Residential/ Agricultural Zoning District subject to approval of a special permit by the Zoning Board of Appeals. No product manufacture or retail product sales to the general public shall be permitted on the site. Marijuana product manufacturing in whole or in part is not permitted.

No more than one (1) licensed cultivation operation shall be permitted per site.

Security fencing shall be as inconspicuous as possible and compatible with the surrounding neighborhood. In no case shall barbed wire topped fence or similar style be permitted. All lighting shall be shielded and downward directed so as not to shed light onto adjacent properties.

7.2.12.3 Where Marijuana Cultivation of Limited Area would abut an existing Residential use, a landscape buffer up to a maximum of twenty (20) feet in width, designed to visually shield the Establishment from the existing Residential use may be required. All landscape buffers shall comply with State Cannabis Control Commission security requirements.

7.2.12.4 All Marijuana Cultivation of Limited Area shall be located a minimum of 500 (five hundred) feet from any existing or proposed public or private school. All Marijuana Cultivation of Limited Area shall be licensed by the State, meet all applicable State regulations and State permit conditions, and conform to all provisions of this section.

7.2.12.5 All special permits for Marijuana Cultivation of Limited Area shall be subject to Section 12.3 Special Permits, Paragraph 12.3.3 Requirements, Marijuana Establishments.

- 4) By amending existing Section 8: Industrial, Paragraph 8.2 Special Permits by adding the following new Subparagraph 8.2.5 Marijuana Cultivator and Marijuana Product Manufacturer:

8.2.5 Marijuana Establishment except for Marijuana Retailer. A maximum of one (1) location in the Industrial Zoning District may be used as the site of a Marijuana Establishment except for a Marijuana Retailer, subject to approval of a special permit by the Zoning Board of Appeals.

All special permits shall be subject to Section 12.3 Special Permits, Paragraph 12.3.3 Requirements, Marijuana Establishments.

All Marijuana Establishments shall be located a minimum of 500 (five hundred) feet from any existing or proposed public or private school. All Marijuana Establishments shall be licensed by the State, meet all applicable State regulations and State permit conditions, and conform to all provisions of this section.

- 5) By amending Section 12.3 Special Permits by adding a new Paragraph 12.3.3 Requirements, Marijuana Establishments, as follows:

12.3.3 Requirements, Marijuana Establishments. Prior to the start of site work, construction activities, or start of operation, the special permit issued by the Zoning Board of Appeals must be recorded at the Middlesex County Registry of Deeds and proof of recording provided to the Building Inspector.

Applications. All applications for special permits shall include the following, with the number of copies sufficient for Zoning Board of Appeals members and Town departments:

- a. A completed special permit application form and associated check;
- b. A complete copy of the submitted application for a license from the State of Massachusetts as a Marijuana Establishment under 935 CMR 500;
- c. An executed Host Community Agreement as required under 935 CMR 500.101;
- d. A site plan showing new construction, if any, and all paved areas such as driveways and parking, lighting and fencing; intended screening/landscape buffers; the boundaries of any proposed outdoor growing area(s) and how they will be identified on the ground;
- e. A narrative describing the management and general operation of the facility, including: the proposed hours of operation; the amounts and types of fertilizers, pesticides and herbicides to be used and maintained on the site and how they will be stored and disposed of; the method of water recycling; the method of waste material disposal; the type and intensity of noise generated, and a description of anticipated odors;
- f. A lighting plan including photometrics;
- g. A security plan;
- h. A fire protection plan, and
- i. A list of other federal, state and local approvals required for the Marijuana Establishment.

At the discretion of the Zoning Board of Appeals, the following may also be required:

- j. Elevations of proposed buildings;
- k. A plan or diagram of proposed signage, and
- l. The Zoning Board of Appeals may have additional requirements for material to be submitted with special permit applications.

Granting of Special Permits. The Zoning Board of Appeals shall be the special permit granting authority for special permits for Marijuana Establishments.

- a. Prior to approval of the special permit, the Zoning Board of Appeals shall make a finding that the proposed use is not offensive nor detrimental to the area, and does not adversely affect the natural

or human environment, including wetlands, water resources, stormwater, soils, noise, odors, lighting, visual aesthetics, traffic, or the safety and welfare of the residents of the Town.

- b. The following condition shall be included in all special permits for Marijuana Establishments, where retail sales to the general public are not permitted under this Bylaw, or are prohibited by State law:
Sales, gifts or delivery of marijuana or marijuana products to the general public shall be prohibited.
- c. Upon conclusion of the work, the applicant shall provide an as-built plan with certification from a Massachusetts Licensed Professional Engineer that all work is in conformance with the approved plan and setting forth deviations, if any exist.
- d. The Zoning Board of Appeals may add other conditions to the special permit as deemed appropriate to protect the natural and human environment.

6.) By deleting the "Temporary Moratorium on Recreational Marijuana Establishments" under Section 13: Changing the Zoning Bylaw.

Or take any other action relative thereto.

Finance Committee action: **Approved** **Disapproved** **No Action**

Article 17. To see if the Town will vote to amend the Ashby Zoning Bylaw to regulate uses related to registered marijuana dispensaries as follows:

- 1) By adding the following new terms defined in 105 CMR 725.004, Implementation of an Act for the Humanitarian Medical Use of Marijuana to Section 3: Definitions, to be listed in alphabetical order with the other definitions with all definitions numbered or renumbered in the order in which they now occur:

REGISTERED MARIJUANA DISPENSARY (RMD) or Medical Marijuana Treatment Center. A not-for-profit entity registered under 105 CMR 725.100 that acquires, cultivates, possesses, processes (including development of related products such as edible marijuana infused products, tinctures, aerosols, oils or ointments), transfers, transports, sells, distributes, dispenses, or administers marijuana, products containing marijuana, related supplies or educational materials to registered qualifying patients or their personal caregivers. Unless otherwise specified, RMD refers to the site(s) of dispensing, cultivation and preparation of marijuana.

- 2) By renaming Section 12.3 Special Permits, Paragraph 12.3.3 as Requirements, Marijuana Establishments and Registered Marijuana Dispensaries.

- 3) By amending Section 8.0, Industrial District, Paragraph 8.2 Special Permits, by adding the following new Subparagraph 8.2.6 Registered Marijuana Dispensaries:

8.2.6 Registered Marijuana Dispensaries. A Registered Marijuana Dispensary may be located in the Industrial Zoning District subject to approval of a special permit by the Zoning Board of Appeals. All special permits shall be subject to Paragraph 12.3.3 Requirements, Marijuana Establishments and Registered Marijuana Dispensaries. Or take any other action relative thereto.

Finance Committee action: **Approved** **Disapproved** **No Action**

Article 18. To see if the Town will vote to amend the Ashby Zoning By-law by deleting in Section 4.2.6 the phrase "CMR33" and substituting therefor the phrase "310 CMR 10.00, et seq."; or take any other action relative thereto.

Finance Committee action: **Approved** **Disapproved** **No Action**

Article 19. To see if the Town will vote to accept the provisions of MGL, Ch. 64N, s. 3, and impose a local sales tax upon the sale or transfer of marijuana or marijuana products by a marijuana retailer operating within the Town to anyone other than a marijuana establishment, at a rate of 3% of the total sales price received by the marijuana retailer as consideration for the sale of marijuana or marijuana products, said excise to take effect on the first day of the calendar quarter commencing at least thirty days after such vote of Town Meeting; or take any other action relative thereto.

Finance Committee action: **Approved** **Disapproved** **No Action**

Article 20. To see if the Town will vote to amend the By-laws of the Town of Ashby by adding a new Article, to be numbered consecutively, as follows:

Public Consumption of Marijuana or Tetrahydrocannabinol (THC)

No person shall inhale, ingest, or otherwise use or consume marijuana or THC (as defined in MGL c. 94C, s.1, as amended) while in or upon any street, sidewalk, public way, footway, passageway, stairs, bridge, park, playground, beach, recreation area, boat landing, public building, schoolhouse, school grounds, cemetery, parking lot, or any area owned by or under the control of the Town; or in or upon any bus or other passenger conveyance operated by a common carrier, or in any place accessible to the public. Whoever is found in violation of this by-law shall, when requested by an official authorized to enforce this by-law, state their true name and address to such official. This by-law may be enforced through any lawful means in law or equity, including, but not limited to, enforcement by criminal indictment or complaint pursuant to MGL ch.40, s. 21, or by non-criminal disposition pursuant to MGL Ch. 40, s. 21D by the Town Administrator, Board of Selectmen, or their duly authorized agents, or by any police officer. The fine for violation of this by-law shall be three hundred Dollars (\$300) for each offense. Any penalty imposed under this by-law shall be in addition to any civil penalty imposed under MGL Ch. 94C, s. 32L.

Finance Committee action: **Approved** **Disapproved** **No Action**

Article 21. To see if the Town will vote to raise and appropriate the sum of \$540,000 for the purpose of providing final planning, final design, construction plans, and bid services for the development of a Public Safety Building, to be connected to the existing Main Street Fire station; said appropriation to be expressly contingent upon a Capital Outlay Expenditure Exclusion ballot question pursuant to the provisions of MGL, Ch. 59, s. 21C(i 1/2); or take any other action relative thereto.

Finance Committee action: **Approved** **Disapproved** **No Action**

Article 22. To see what sum of money the Town will vote to transfer from available funds for deposit into the Stabilization Fund; or take any other action relative thereto.

Finance Committee action: **Approved** **Disapproved** **No Action**

And you are hereby directed to serve this warrant by posting an attested copy in at least three (3) public places in said Ashby seven (7) days at least before holding of said meeting. Hereof, fail not, and make due return of this warrant with your doings thereon, to the Town Clerk at the time and place of meeting aforesaid.

Given under our hands this 11th day of April, 2018.

Michael McCallum, Chair

Mark Haines, Member

Janet Flinkstrom, Clerk

ASHBY BOARD OF SELECTMEN

By virtue of this precept, I have posted three (3) attested copies of the foregoing warrant in three (3) public places in said Ashby at least seven days before the time of said Annual Town Meeting.

Date: _____

Fred Alden, Police Chief