

SPECIAL TOWN MEETING
OCTOBER 28, 2013
VOTED

FRANKLIN SS

I, Mary A. Stokarski, duly appointed and qualified Clerk of the Town of Deerfield, hereby certify that the following votes were taken at the Special Town Meeting held on Monday, October 28, 2013 in the Auditorium at Frontier Regional School on North Main Street in the Village of South Deerfield

Town Meeting convened at 7:15 p.m. on October 28, 2013.

Moderator's Motions:

Voted that the reading of all articles be waived and that prior to the reading of a motion under the article, the Moderator briefly summarize the content of the article to be considered and further that unless objection is raised the reading of detailed motions be waived where the article as printed can, in the opinion of the Moderator, be incorporated by reference in any motion presented.

Motion Carried,
So Declared the Moderator

Voted to have the following people be allowed to address the audience during the Town Meeting:

Lisa Mead, Town Counsel
Adam Costa, Town Counsel
Wendy Foxmyn, Interim Town Administrator
Sara Woodbury, Director, Tilton Library
Patricia Smith, Consulting Town Planner
Joyce Pervere, Landowner
Donald Dubendorf, Attorney for Pervere Family
Martha Barrett, Superintendent of Schools

Motion Carried,
So Declared the Moderator

ARTICLE 1:

Vote to authorize the Board of Selectmen to enter into an inter-municipal agreement with the towns of Sunderland and Whately pursuant to Massachusetts General Laws Chapter 40, Section 4A, contingent on approval by all three towns, to establish and operate a regional emergency medical service effective January 1, 2014 for a term of one year, renewable for successive three-year terms subject to appropriation in each fiscal year, and upon such terms and conditions as the Board of Selectmen deem appropriate: and to authorize the Board of Selectmen to take all actions necessary to implement such agreement.

Motion Carried,
So Declared the Moderator

ARTICLE 2:

Vote to take from Free Cash the sum of \$255,488.68 and to add such sum to the Ambulance Revolving Account, to meet the towns allocable share of the Fiscal Year 2014 net operating cost of \$438,241 and capital cost of \$55,350, for the regional emergency medical service described in Article 1, contingent on approval by all three towns.

Motion Carried,
So Declared the Moderator

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ARTICLE 3:
No further action.

So Declared the Moderator

ARTICLE 4:
No further action.

So Declared the Moderator

ARTICLE 5:
No further action.

So Declared the Moderator

ARTICLE 6:
Article withdrawn by the Personnel Committee.

So Declared the Moderator

ARTICLE 7:
Article withdrawn by the Personnel Committee.

So Declared the Moderator

ARTICLE 8:
Motion to table Article 8.

Did not pass by 2/3 vote
So Declared the Moderator

Vote to take from Free Cash, the sum of \$7900.00 to fund the first year of the Collective Bargaining Agreement between the Town of Deerfield and the Deerfield Police Union, Local 981, Massachusetts Coalition of Police, I.U.P.A., AFL-CIO (Police Officers Unit).

Motion Carried,
So Declared the Moderator

ARTICLE 9:
Vote to take from Free Cash, the sum of \$10,554.00 for Animal Control Officer services.

Motion Carried,
So Declared the Moderator

ARTICLE 10:
Vote to transfer \$1030.40 from the County Dog Fund to the Library Expense Account.

Motion Carried,
So Declared the Moderator

ARTICLE 11:
Vote to take from Free Cash, the sum of \$42,500.00 for the purchase of an unmarked police cruiser.

Motion Carried,
So Declared the Moderator

ARTICLE 12:
Vote to take from Free Cash, the sum of \$21,850.00 for 800MHZ radios for the Police Department.

Motion Carried,
So Declared the Moderator

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ARTICLE 13:

Vote to take from Free Cash, the sum of \$40,000.00 for the purchase of a pickup truck for the Highway Department.

Motion Carried,
So Declared the Moderator

ARTICLE 14:

Vote to take from Free Cash, the sum of \$4,629.00 for software for the Town Clerk/Treasurer/Collector's Office.

Motion Carried,
So Declared the Moderator

ARTICLE 15:

Vote to take from Free Cash, the sum of \$52,456.00 for unemployment compensation charges due the Commonwealth of Massachusetts.

Motion Carried,
So Declared the Moderator

ARTICLE 16:

Vote to take from Free Cash, the sum of \$8,000.00 for GASB 45 actuarial services.

Motion Carried,
So Declared the Moderator

ARTICLE 17:

Vote to take from Free Cash, the sum of \$85,000.00 for the Transfer Station Account, for engineering and monitoring well installation, drilling, testing and related services.

Motion Carried,
So Declared the Moderator

ARTICLE 18:

Vote to take from Free Cash, the sum of \$50,000.00 for the Deerfield Elementary School Roof.

Motion Carried,
So Declared the Moderator

ARTICLE 19:

Vote to transfer \$100,000.00 from Free Cash to the Stabilization Account.

Motion Carried in excess of 2/3 of voters,
So Declared the Moderator

ARTICLE 20: (Moved after Article 8)

Vote to rezone the parcel of land identified by the Deerfield Assessor's as Map 151, Lot 1, currently split between the Central Village Residential District (CVRD) and the Industrial District (I), by placing the entirety of said lot in the Industrial District (I). Joyce Prevere and Don Dubendorf spoke to the motion, Planning Board voted no to the change.

Motion Carried in excess of 2/3 of voters,
So Declared the Moderator

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ARTICLE 21:

Vote to amend the Zoning By-laws of the Town of Deerfield by the following:
Presentation was given by John Waite, Planning Board Chairman

I. AMEND ARTICLE II, SECTION 2100, DISTRICTS, AS FOLLOWS:

2100. DISTRICTS.

2110. Establishment. For the purposes of this By-Law, the Town of Deerfield is hereby divided into the following districts: [**Amended 4-26-2010 ATM, Art. 1**]

RESIDENTIAL-AGRICULTURAL	RA
CENTER VILLAGE RESIDENTIAL	CVRD
SMALL BUSINESS	C-I
COMMERCIAL	C-II
INDUSTRIAL	I
PLANNED INDUSTRIAL	PI
EXPEDITED PERMITTING DISTRICT	EPD

"Overlay" districts are also hereby created: (1) the Watershed Protection District (see Section 4200); (2) the Flood Plain District (see Section 4300); (3) the Wireless Communications District (see Section 4400); (4) the Adult Use District (see Section 4600); and (5) the Medical Marijuana Overlay District (See Section 4650).

II. INSERT THE FOLLOWING NEW DEFINITIONS INTO ARTICLE VI, DEFINITIONS:

Marijuana-Infused Product (MIP) means a product infused with marijuana that is intended for use or consumption, including but not limited to edible products, ointments, aerosols, oils, and tinctures. These products, when created or sold by a registered marijuana dispensary (RMD), as defined by Massachusetts law, shall not be considered a food or a drug as defined in G.L. c. 94, s. 1.

Medical Marijuana Treatment Center (MMTC) means a not-for-profit entity registered under 105 CMR 725.100, to be known as a registered marijuana dispensary (RMD), that acquires, cultivates, possesses, processes (including development of related products such as edible MIPs, 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.

III. AMEND ARTICLE II, SECTION 2300, DIMENSIONAL REQUIREMENTS, AS FOLLOWS:

2300. DIMENSIONAL REQUIREMENTS.

2310. General. No structure shall be erected or used, premises used, or lot changed in size or shape except in conformity with the requirements of this section, unless exempted by this By-Law or by statute (see G.L. c. 40A, s.6).

2320. Table of Dimensional Requirements. [**Amended 4-26-2004 ATM, Art. 32; 4-26-2010 ATM, Art 1**]

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Principal Use	RA	CVRD	C-I	C-II	I	PI	EPD
MINIMUM LOT SIZE (x 1000 square feet) ^{1,7}	60	12 ²	15	30	80	80	-
FRONTAGE (feet)	200	100 ²	125	200	200	200	-
FRONT SETBACK (feet) ^{3,8}	30	30	20	50	40	50 ⁴	-
REAR YARD (feet) ⁸	10	10	10	25	25	25 ⁵	
SIDE YARD (feet) ⁸	10	10	10	25	25	25 ⁵	-
PERIMETER SETBACK							25
MINIMUM LOT WIDTH (feet) ⁶	100	50	62.5	100	100	100	-
MAX. BUILDING HEIGHT (feet)	35	35	35	35	35	35	48
MAXIMUM LOT COVERAGE BY IMPERVIOUS SURFACES (%) Buildings, Parking Areas, Walkways, and other impervious surfaces - Low Impact Development (LID) techniques such as pervious pavers do not count as an impervious surface	30	75	70	60	60	70	80

NOTES:

¹ A minimum of 80% of the area of the lot shall be uplands, and shall not be .wetland resource areas as set forth 310 CMR 10.54, 10.55, 10.56, and 10.57. "Riverfront areas," defined in 310 CMR 10.58, which do not also include other wetland resource areas, may be calculated in their entirety (100%) toward the minimum lot size requirement.

² Increase by 25 % for two-family dwellings; by 50% for multi-family dwellings.

³ Provided, however, that no building need be set back more than the average of the setbacks of the buildings on the next lots on either side if any such building is within one hundred feet of the proposed building.

⁴ 75 feet if the street providing frontage is a state highway.

⁵ 75 feet if the property abutting the rear yard is in the RA District.

⁶ Lot width shall be measured by a line drawn between all non-intersecting lot lines, and having a minimum distance as specified in this Table 2320 for the zoning district. All lines projected for purposes of measuring minimum lot width shall be drawn perpendicular to the property line of origin. In cases of all curved lot lines, minimum lot width shall be measured by a line drawn perpendicular to a chord drawn from the end points of each curved line segment (arc) which is tangent to the arc and parallel to the chord, having a minimum distance designated in this Table 2320 for the zoning district (see illustrations 3³).

The minimum angle between a front line and any adjoining lot line shall be 60 degrees.

In the case of lots located in more than one zoning district, the requirements of the more restrictive zoning districts shall apply to the entire lot.

⁷ Any part of a lot which does not meet the minimum criteria for LOT WIDTH, shall not be considered toward the calculation of MINIMUM LOT SIZE.

⁸ No Medical Marijuana Treatment Center shall be sited within a radius of five hundred feet of a school, daycare center, or any facility in which children commonly congregate, as provided for in 105 CMR 725.110(A)(14).

IV. AMEND ARTICLE IV, SPECIAL REGULATIONS, TO ADD A NEW SECTION 4650, MEDICAL MARIJUANA OVERLAY DISTRICT, AS FOLLOWS:

4650. MEDICAL MARIJUANA OVERLAY DISTRICT.

The following regulations shall apply to Medical Marijuana Treatment Centers as defined in ARTICLE VI of this bylaw.

4651. Purpose and Intent. It is the purpose of this Medical Marijuana Overlay District bylaw to address and mitigate the secondary effects of Medical Marijuana Treatment Centers.

4652. Establishment of District. The Medical Marijuana Overlay District shall consist of the entire Planned Industrial District and the southern portion of the Industrial District located south of Elm Street and bordering the railroad to the east, Route 5/Greenfield Road to the west, and the Whately Town Line to the south, and more specifically identified on the map shown in Appendix A to this Zoning Bylaw.

4653. Use Regulations. The Medical Marijuana Overlay District is an overlay district superimposed over the underlying districts set forth in this Zoning Bylaw. Within the Medical Marijuana Overlay District, the requirements of the underlying district continue to apply, subject to the additional provisions set forth in subsections 4651 through 4658. For purposes of Section 2200 of the Zoning Bylaw, Medical Marijuana Treatment Centers shall not be construed as constituting an agricultural use, a retail sales use, a medical/dental center use, a general industrial use or any other principal use, nor shall it be allowed as a home occupation or other accessory use under Section 2240.

4654. Applicability. Medical Marijuana Treatment Centers shall be allowed only within the Medical Marijuana Overlay District, with a Special Permit issued by the Board of Selectmen, according to the requirements of G.L. c. 40A, s. 9, and Section 5300 of this bylaw, including application of the standard and consideration of the factors referenced in Section 5320.

4655. Special Permit Requirements. In addition to the application requirements of Section 5300, the following shall apply to all applications for a MMTC special permit:

- a. To qualify as the recipient of a special permit, a Medical Marijuana Treatment Center must be duly certified as a registered marijuana dispensary (RMD) by the Massachusetts Department of Public Health pursuant to 105 CMR 725.100. An applicant for a special permit hereunder shall provide evidence that it is so certified, and shall submit to the Board of Selectmen all materials associated with its application to the Department of Public Health for such certification.
- b. No Medical Marijuana Treatment Center shall be sited within a radius of five hundred feet of a school, daycare center, or any facility in which children commonly congregate, as provided for in 105 CMR 725.110(A)(14). Sad radius shall be measured in a straight line from the nearest point of the facility in question to the nearest point of the MMTC.

4656. Lapse. Notwithstanding the provisions of Section 5360 of this bylaw, any Medical Marijuana Treatment Center special permit issued hereunder shall lapse within one (1) year following the filing of the special permit approval with the Town Clerk (plus such time required to pursue or await the determination of an appeal referred to in G.L. c. 40A, s. 17, from the grant thereof) if substantial use thereof has not sooner commenced except for good cause or, in the case of a permit for construction, if construction has not begun by such date except for good cause.

Vote was unanimous,
So Declared the Moderator

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ARTICLE 22: (Moved after Article 20)

Vote to direct the Board of Assessors to use the Chapter 61, 61A Land value rates recommended by the state (by the Farmland Valuation Advisory Commission) for assessing the agricultural and open space lands in the Town of Deerfield.

Unanimous Vote to Instruct the Assessors,
So Declared the Moderator

Voted to adjourn the meeting at 10:17 p.m.

So Declared the Moderator

A true copy,
Attest:

Mary A. Stokarski, Town Clerk