

# **TOWN OF TOWNSEND ANNUAL TOWN MEETING MINUTES**

**MAY 7, 2019 at 7:00**

Before the meeting began Shirley Coit spoke about being prepared for emergencies and spoke of the apartment fire and the need to have a go bag ready. She thanked all the town people for helping with the emergency and gave a special thanks to Kym Craven who helped to organize services provided for the victims of the fire.

The meeting was called to order by the Moderator, John Barrett, at 7:04 p.m. There were 250 voters present and 20 visitors. The moderator went over all the rules of the Town Meeting which is based on Town Meeting Time. Robert Rebholz was appointed as the Deputy moderator and sworn in by the Town Clerk. The Town Clerk also swore in the counters for the meeting: John Stonefield, David Schuttler, David Funaiole, and Stephen Baldwin.

The pledge of Allegiance was led by Adam Waite and Stephen Boggess of Townsend Boy Scout Troup 81.

Introduced by the Moderator: Finance Committee members: Lynn Pinkerton, Jerrilyn Bozicas, Sam Grant, Joseph Sciacca, Gene Dilda and Andrea Wood. Town Clerk: Kathleen Spofford. Board of Selectmen: Sue Lisio and Wayne Miller. Town Counsel: Adam Costa, Town Administrator: Jim Kreidler.

Motion was made and seconded to adjourn the Annual Town Meeting and open the Special Town Meeting. Passed by majority.

## **SPECIAL TOWN MEETING MINUTES**

The Special Town Meeting was called to order at 7:14 p.m.

### **ARTICLE 1**

I move that the Town vote to transfer from free cash the sum of **\$120,000.00** for the purpose of offsetting FY19 Snow and Ice Deficits under the provisions of Massachusetts General Laws Chapter 44, Section 31D.

READ BY: Wayne Miller

VOTED: Passed Unanimously

### **ARTICLE 2**

I move that the Town vote to transfer from free cash the sum of **\$50,000.00** for the purpose of supplementing FY19 Legal Budget.

READ BY: Sue Lisio

VOTED: Passed by Majority

### **ARTICLE 3**

I move that the Town vote to transfer from free cash the sum of **\$9,500.00** to perform line painting on public ways for public safety purposes.

READ BY: Wayne Miller

VOTED: Passed Unanimously

**ARTICLE 4**

I move that the Town vote to transfer from free cash the sum of **\$9,500.00** for the purpose of purchasing office equipment and furnishings for the Council on Aging.

READ BY: Sue Lisio

VOTED: Passed Unanimously

**ARTICLE 5**

I move that the Town vote to transfer from free cash the sum of **\$10,000.00** for the purpose of woody debris from the recycling center.

READ BY: Wayne Miller

VOTED: Passed Unanimously

Motion was made and seconded to dissolve the Special Town Meeting and return to the Annual Town Meeting. Motion passed unanimously. The Special Town Meeting was dissolved at 7:26 p.m.

**The Annual Town Meeting reconvened at 7:26 p.m.**

**ARTICLE 1**

I move that the Town vote to authorize the Board of Selectmen to appoint all Town Officers unless other provisions are made by Massachusetts General Law, by Town Charter, or by vote of the Town.

READ BY: Sue Lisio

VOTED: Passed by Majority

**ARTICLE 2**

I move that the Town vote to hear reports of any Committees, Boards, Commissions, etc.

READ BY: Wayne Miller

VOTED: Passed Unanimously

**ARTICLE 3**

I move that the Town vote to choose a committee of three (3) West Townsend residents to serve as members of the James H. Tucker Fund in accordance with the bequest, for the sole purpose to keep the curbing, grave stones, and monuments in good order.

READ BY: Sue Lisio

Motion was amended to nominate Ken Gerken, Lisa Lewand and Pam Haman.

VOTED: Amended motion Passed Unanimously

**ARTICLE 4**

I move that the Town vote pursuant to the provisions of G.L. c.44, §53E½, as most recently amended, to: (1) establish the following revolving funds for Fiscal Year 2020 specifying the departmental receipts to be credited to each fund, the departmental purposes or programs for which each fund may be expended, and the entity authorized to expend each fund, fiscal year spending limits such bylaw to provide as follows:

	FUND	AUTHORITY TO SPEND	REVENUE SOURCES	USE OF FUNDS	SPENDING LIMITS
1	Recycling	Board of Health	Collection of Recyclables	Operating costs associated with recycling	\$20,000
2	Recreation Programs	Recreation Commission	Recreation Programs	Operating and capital costs associated with recreation programs	\$85,000
3	Facilities Maintenance	Facilities Coordinator	Fees from Meeting Hall rental	Operating costs of the Meeting Hall	\$4,000
4	Cemetery	Cemetery and Parks Commission	Fees from burials	Operating and capital costs for cemeteries	\$28,000
5	Fire Alarm	Fire Chief	Fire alarm fees	Operating and Capital costs-fire alarm system	\$4,000
6	Animal Care Program	Animal Control Officer	Fees for emergency care of animal	For injured or abandoned animals	\$1,000
7	Fire/EMS	Fire Chief	Fees from community events/fire watch	Expenses associated with Fire/EMS services	\$5,000
8	Police	Police Chief	NMRSD Receipts	School Resource Officer	\$80,000
9	Conservation	Conservation Commission	Forest Cutting Proceeds	Conservation Purposes	\$20,000
10	Fire/EMS	Fire/EMS Chief	Hazardous Materials Supplies Reimbursement	Hazardous Materials Supplies Replacement	\$10,000

READ BY: Wayne Miller

VOTED: Passed by Majority

### **ARTICLE 5**

I move that the Town vote to raise and appropriate and transfer from available funds\* in the treasury, such sums that may be necessary to defray the charges and expenses of the Town for Fiscal Year 2020 pursuant to a detailed budget totaling \$23,275,121.00, or take any other action in relation thereto.

<b>*FUND:</b>	<b>PURPOSE:</b>	<b>AMOUNT:</b>
Comcast Government Access	Operating and Capital-Cable Access Program	\$ 175,000.00
Title 5 MWPAT	Supplement to MWPAT Debt Repayment	\$ 27,538.00
West Townsend Reading Room	Supplemental Funding to Operate the WTRR	\$ 2,900.00
Ambulance Receipts Reserved	Supplemental Funding to Operate the EMS	\$ 475,000.00
Recreation Receipts	Supplemental Funding to Operate Recreation	\$ 40,000.00
Water Enterprise Fund	Supplemental Funding to Cover Water Overhead	\$ 280,935.20

<b>FUNCTIONAL SEGMENTS</b>	
*General Government-	1,686,600
*Public Safety-	3,387,593
*Education-	13,401,926
*Streets and Highways-	746,365
*Solid Waste-	701,400
*Human Services	445,222
*Culture and Recreation	425,796
*Debt Service-	483,438
*Insurances-	1,991,967
and	
<b>*Grand Total-</b>	<b>23,270,307</b>

READ BY: Sue Lisio

Motion to amend line item 703, Library Director Salary, to decrease by \$4813 to a total of \$68097.

READ BY: Valerie Goodrich

VOTED: Amendment Passed by Majority.

Amended Budget:

VOTED: Passed by Majority

**ARTICLE 6**

I move that the Town vote to fix the salaries and compensation of all elected Officers of the Town as provided by Massachusetts General Laws Chapter 41, Section 108, as amended, and as appropriated in this warrant.

READ BY: Wayne Miller

VOTED: Passed Unanimously

**ARTICLE 7**

I move that the Town vote to appropriate the sum of \$1,087,583 from Water Enterprise Fund revenues to operate the Water Department for Fiscal Year 2020, and in order to fund the cost of inter-municipal expenses that \$280,935.20 of this sum be appropriated in the general fund.

READ BY: Todd Melanson

Motion was made to amend inter-municipal expenses to: \$233,829,30.

READ BY: Todd Melanson

VOTED ON AMENDMENT: Motion did not Pass.

VOTED ON ORIGINAL MOTION: Passed by Majority.

**ARTICLE 8:**

There was an error in numbering of article and there was no Article 8.

**ARTICLE 9**

I move that the Town vote to raise and appropriate, borrow or transfer from available funds in the treasury the sum or sums of **\$690,000.00** for the purpose of funding the FY20 Capital Plan as voted by the Capital Planning Committee as detailed below.

<b>DEPARTMENT</b>	<b>PROJECT/EQUIPMENT TITLE</b>	<b>COST 'FY20</b>	<b><u>DESCRIPTION OF ANTICIPATED FUNDING</u></b>
Recreation	Recreation Building Roof Replacement (274 Main)	50,000	Capital Stabilization Fund
Highway	Roadway Paving/Maintenance	250,000	Free Cash
Highway	Roadway Paving/Maintenance	50,000	Excise Tax Revenue

Police	Year 2-Marked Cruisers Vehicle Lease(s)	60,000	Operating Budget (Tax Levy)
Police	HVAC Upgrade/Replacement	25,000	Capital Stabilization Fund
Police	Replace Lobby Door/Key Control Upgrade	30,000	Capital Stabilization Fund
Fire-Police	Joint Fire/Police Radio Upgrade/Replacement	175,000	Capital Stabilization Fund
Water Department	1 Ton Dump Truck w/plow	50,000	Water Dept. Retained Earnings
<b>Total, All Department</b>		690,000	

READ BY: Sue Lisio

VOTED: Passed by Majority

**ARTICLE 10**

I move that the Town vote to enact a General Bylaw entitled “Pavement Management Plan” as follows-

**Pavement Management Plan**

SECTION 1: There shall be in the Town of Townsend a Pavement Management Plan (PMP) that shall be as follows:

SECTION 2: Each fiscal year the Board of Selectmen, the Finance Committee and the Town Administrator shall submit to Town Meeting a proposal to fund the annual PMP.

SECTION 3: Beginning in fiscal year 2020, the funding shall include:

- All pavement funding received from the Commonwealth under Chapter 90, or any successor program,
- \$250,000 from free cash, and
- \$ 50,000 from Local Receipts (Excise Tax revenue

SECTION 4: In each fiscal year thereafter, the funding shall include:

- All pavement funding received from the Commonwealth under Chapter 90, or any successor program,
- \$250,000 from free cash, and
- The prior year’s amount of funding from Excise Tax revenue increased by \$50,000 each year until such time as the total from Excise Tax revenue equals \$250,000 per year.

SECTION 5: All funding in the PMP shall be utilized for the purpose of maintaining and repairing the town’s roadway infrastructure.

SECTION 6: Except in the case of emergency requirements, as determined by the Highway Superintendent, the priority listing of road projects shall be detailed in a Capital Pavement Management Plan (CPMP) developed by an independent Pavement Management consultant with said plan to be updated every five (5) years.

SECTION 7: PMP funds may be carried from one year to the next.

READ BY: Wayne Miller

Motion was made to amend and add Section 8: “ Subject to the availability of funds.”

READ BY: Lynn Pinkerton

VOTED: Passed by Majority

### **ARTICLE 11**

I move that the Town vote to raise and appropriate from Local Receipts (e.g. Automobile Excise Tax Funds), the sum of **\$50,000.00**, to further supplement the Town’s FY20 allocation of Ch. 90 paving funds from the Commonwealth in the amount of **\$415,176.00** and the sum of **\$250,000.00** as previously voted as a part of the FY20 Capital Plan, all to fund the Town’s FY20 Pavement Management Plan (PMP).

READ BY: Sue Lisio

VOTED: Passed by Majority

### **ARTICLE 12**

I move that the Town vote to borrow the sum of **\$5,100,000.00** to fund a Town-wide Pavement Management Plan (PMP) and for the payment of all other costs incidental and related thereto, and that to meet this appropriation, the Treasurer, with the approval of the Selectmen, is authorized to borrow said amount under and pursuant to Chapter 44, Section 7(3) of the General Law, or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefor, given that no amounts shall be borrowed or expended hereunder unless and until the Town shall have voted to exclude the amounts required to repay any borrowing hereunder from the limitations on total property taxes imposed by Chapter 59, Section 21C of the General Laws (Debt Exclusion).

READ BY: Wayne Miller

VOTED: Passed by 2/3 vote, declared by Moderator

### **ARTICLE 13**

I move that the Town vote to borrow the sum of **\$200,000.00** for the purpose of funding the redesign, reconstruction and all other associated costs related to the Greenville Road Bridge (at Walker Brook) replacement.

READ BY: Sue Lisio

VOTED: Passed Unanimously

### **ARTICLE 14**

I move that the Town hereby approves the Three Million, Seven Hundred Four Thousand, Six Hundred and Sixteen Dollars (\$3,704,616) borrowing authorized by the Nashoba Valley Technical High School District, for the purpose of paying costs of the Replacement of Roofs, Windows, and Doors at Nashoba Valley Technical High School, 100 Littleton Road, Westford, MA 01886, including the payment of all costs incidental or related thereto (the “Project”), which proposed repair project would materially extend the useful life of the school and preserve an asset that otherwise is capable of supporting the required educational program, and for which the District may be eligible for a school construction grant from the Massachusetts School Building Authority (“MSBA”), said amount to be expended at the direction of the School Committee; that the Town acknowledges that the MSBA’s grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and any Project costs the District incurs in excess of any grant approved by and received from the MSBA shall be the sole responsibility of the District and its member municipalities; provided further that any grant that District may receive from the MSBA for the Project shall not exceed the lesser of (1) fifty-five percent (55%) of eligible, approved project costs, as determined by the MSBA, or (2) the total maximum grant amount determined by the MSBA; and that the amount of borrowing authorized by the

District shall be reduced by any grant amount set forth in the Project Funding Agreement that may be executed between the District and the MSBA.

READ BY: Karen Chapman  
VOTED: Passed Unanimously

**ARTICLE 15**

I move that the Town vote to transfer from Water Enterprise Funds- retained earnings, the sum of **\$100,000.00** to pay down a Bond Anticipation Note (BAN) for the Main Street Water main replacement project.

READ BY: Todd Melanson  
VOTED: Passed Unanimously

**ARTICLE 16**

I move that the Town vote to transfer from Cemetery receipts- Sale of Lots, the sum of **\$9,500.00** for the purpose of purchasing cemetery equipment.

READ BY: Sue Lisio  
VOTED: Passed by Majority

**ARTICLE 17**

I move that the Town vote to authorize the Board of Assessors to negotiate and enter into a Payment in Lieu of Taxes (PILOT) Agreement between Locke Brook Solar, LLC, a Delaware limited liability company, or its assign, and the Town of Townsend for Personal Property tax purposes related to a 1.4MW ground mounted solar array to be located at 22 West Meadow Road, Townsend, MA.

READ BY: Wayne Miller  
VOTED: Passed by Majority

**ARTICLE 18**

I move that the Town vote to transfer from free cash the sum of **\$35,000.00** for the purpose of funding a feasibility study to create affordable housing on Dudley Road.

READ BY: Chaz Sexton-Diranian  
VOTED: Passed by Majority

**ARTICLE 19**

I move that the Town vote to transfer from free cash the sum of **\$5,000.00** to defray the charges and expenses for the planning and execution of the Town's 300<sup>th</sup> Anniversary Celebration to be held in the year 2032.

READ BY: Wayne Miller  
VOTED: Passed by Majority

**ARTICLE 20**

I move that the Town vote to transfer from Overlay Surplus funds the sum of **\$20,000.00** for the purpose of funding the Assessors' Periodic Inspections and Property Data Verification Program as mandated by the Massachusetts Department of Revenue, Bureau of Local Assessments.

READ BY: Sue Lisio

VOTED: Passed by Majority

**ARTICLE 21**

I move that the Town vote to transfer from free cash the sum of **\$3,600.00** for the purpose of providing emergency management related equipment for Townsend Emergency Management Agency (TEMA).

READ BY: Wayne Miller

VOTED: Passed Unanimously

**ARTICLE 22**

I move that the Town vote to transfer from free cash, the sum of **\$105,000** for the purpose of supplementing the stabilization fund, as allowed under MGL Chapter 40, Section 5B; or take any other action in relation thereto.

READ BY: Sue Lisio

VOTED: Passed unanimously

**ARTICLE 23**

I move that the Town vote to delete current General Bylaw:

**§ 90-1 Adoption of noncontractual personnel policies and procedures.**

Any noncontractual personnel policy and/or procedure of the Town as affirmatively voted and signed off by the majority of elected boards and commissions shall be applicable to all noncontractual Town employees.

and replace it with the following:

**§ 90-1 Adoption and application of personnel policies and procedures.**

Personnel policies and/or procedures of the Town, **as may be adopted by the Board of Selectmen from time to time with a review and approval of a majority of those elected Boards and Commissions with paid personnel**, shall be applicable to all Town employees, except where a particular topic is specifically referenced in a union or personal services contract, in which case the union or personal services contract term(s) shall prevail , or take any other action in relation thereto.

READ BY: Wayne Miller

VOTED: Passed by Majority

**ARTICLE 24**

I move that the Town vote to repeal Chapter 102, Recycling, in its entirety, or take any other action relative thereto.

READ BY: Linda Johansen

VOTED: Motion did not Pass.

## **ARTICLE 25**

I move that the Town vote to amend § 145 of the Town's Zoning Bylaw as follows:

Add to:

### § 145-5 Word Usage and Definitions

- A. Accessory Apartment: A distinct portion of a single-family dwelling or a unit in an accessory structure on a single-family lot, having its own kitchen, sleeping, and bathroom facilities, and subordinate in size to the principal part of the dwelling or structure.
- B. Affordable Accessory Apartment: An Accessory Apartment that is affordable to low- and moderate-income households as defined by the Massachusetts Department of Housing and Community Development (DHCD) and that meets DHCD requirements for accessory apartments under the Local Initiative Program (LIP) and for inclusion in Townsend's Subsidized Housing Inventory (SHI).
- C. Floor Area: The sum of the finished area of above grade floors or portions of floors in a single family residence, excluding finished areas with ceiling heights less than seven (7) feet and unfinished areas of attached or detached garages with access (doors, driveways) for motor vehicles. As used in these bylaws, the term "finished area" shall mean the heated enclosed area within a single family residence that is suitable for year-round use, embodying walls, floors, and ceilings that are similar to the rest of the area within the single family residence.
- D. Pre-existing outbuilding: A building detached from a single family residence, e.g. garage, barn, that has been in existence for at least ten years [at the time of permit application] as evidenced by a deed from the MA Registry of Deeds or a building permit issued by the Town of Townsend showing that the building was completed ten years prior.

### § 145-36 **Accessory apartments in residential district.**

**[Added 1-17-1989 STM by Art. 38]**

- A. Purpose. Recognizing the need to provide alternative affordable housing for family members and affordable housing for the town, the following regulations are established for accessory apartments in a residential district. It is expressly understood that this section does not provide for "two-family" or "duplex" type housing. **(Added 12- 4-1990 STM by Art. 9)**
- B. An owner or owners of a single-family dwelling or of a single-family dwelling with a pre-existing out-building on the same lot in an RA or RB District may apply to the Board of Appeals for a special permit for the construction and occupancy of an accessory dwelling unit, hereinafter "accessory apartment" in such single-family dwelling or pre-existing out building. In no case shall there be more than one accessory apartment in any single-family dwelling established on a lot.
- C. In accordance with the provisions of Article **XI** of this bylaw, and after due consideration of the report and recommendation of the Board of Health (see Subsection D), the Board of Appeals may grant a special permit as follows: [Amended 12-4-1990 STM by Arts. 10 and 11; 4-27-1991 STM by Art. 7]

1. Procedures

(a) The applicant shall obtain and submit to the Board of Appeals a written report of the Board of Health, certifying that the conditions of 145-36.D have been met.

(b) The Board of Appeals shall hold a public hearing on the application, in accordance with the procedures specified in MGL Chapter 40A and 145-65.

(c) The Board of Appeals shall give due consideration to the mandatory referral report of the Planning Board and where its decision differs from the recommendation of the Planning Board, shall state the reasons therefor in writing.

## 2. Requirements for an Accessory Apartment

(a) i) The accessory apartment in a single-family dwelling is accessory to the principal residence. The floor area of the apartment shall be the lesser of: (1) 800 square feet or (2) 35% of the floor area of the principal residence and the apartment combined. The residence shall retain the appearance of a single-family structure. ~~not exceed 35% of the floor area of the principal residence and the apartment combined, and~~ It shall be further required that the owner of the property shall occupy either the apartment or the principal residence as his/her primary residence either the apartment or the principal residence is occupied by the owner of the lot on which the apartment is to be located, except for bona fide temporary absences.

ii) The accessory apartment in a pre-existing outbuilding shall not exceed 800 square feet, shall not cause the external appearance of the structure in which the accessory apartment is located to be significantly altered from the appearance of the existing structure and shall not increase the footprint of the structure in which the accessory apartment is located. It shall be further required that the owner of the property shall occupy either the apartment or the principal residence as his/her primary residence, except for bona fide temporary absences.

(b) Adequate provision has been made for the disposal of sewage, waste and drainage of such accessory apartment in accordance with the requirements of the Board of Health.

(c) Adequate provision has been made for ingress and egress to the outside from such accessory apartment.

(d) The construction and occupancy of the accessory apartment will not be detrimental to the neighborhood in which the lot is located.

(e) The lot on which the accessory apartment and principal residence are located contains at least three quarters of an acre ~~one acre~~.

(f) Adequate provisions have been made for off-street parking of motor vehicles in such a fashion as is consistent with the character of a single-family residence.

(g) There is no other apartment on the lot on which the accessory apartment is to be located.

(h) Any accessory apartment intended for occupancy by a person with a disability shall be subject to the provisions of MGL C. 40A. § 3.

D. In order to ensure compliance with Subsection C.1(a) ~~Subsection B(2)~~ above, the applicant shall obtain and submit to the Board of Appeals prior to the hearing a written report of the Board of Health certifying that the conditions of Subsection C.2(b) ~~Subsection B(2)~~ have been met. ~~The Board of Health may supplement its report within five days after the hearing.~~

E. Affordable Accessory Apartment Program

The intent of this section of the bylaw is to document the availability of low to moderately priced housing that qualifies for inclusion on the Town's Subsidized Housing Inventory, thus allowing for access to a variety of housing to meet the needs of low- and moderate-income families, town employees, the young and the elderly.

The Affordable Accessory Apartment Program is a public/private partnership to maintain local control over housing development and to increase the town's supply of low- and moderate-income housing.

The Board of Appeals may approve a Special Permit for an Affordable Accessory Apartment, according to the same procedures as in Subsection C(1), above. An Affordable Accessory Apartment shall meet the requirements set forth in Subsection C(2) above, with the following conditions:

- (1) The Affordable Accessory Apartment shall be approved by the Local Initiative Program (LIP) and comply with LIP requirements, including but not limited to those contained within the Comprehensive Permit Guidelines: M.G.L. Chapter 40B Comprehensive Permit Projects - Subsidized Housing Inventory, in effect on the date of application for a Special Permit and as may be amended from time to time thereafter;
- (2) Before the Affordable Accessory Apartment may be occupied, the owner(s) of the property shall execute a Regulatory Agreement and Declaration of Restrictive Covenants for Affordable Accessory Apartment Rental ("Regulatory Agreement"), enforceable by DHCD and the Town, or other form of affordable housing restriction as may then be in effect under the Local Initiative Program. The Regulatory Agreement shall be recorded with the Middlesex South Registry of Deeds;
  - (a) The Regulatory Agreement shall have a minimum term of 15 years;
    - (1) The Agreement shall terminate upon sale of the property, which, for purposes of this subsection, shall not include:
      - (i) A mortgage deed to secure repayment of a loan; or
      - (ii) An inter-spousal transfer for nominal consideration where the transferor retains at least a fifty-percent ownership interest in the property; or
      - (iii) A transfer to a trust for minimal consideration where the owner holds at least a fifty-percent beneficial interest in the property.

(2) An owner may voluntarily terminate the Regulatory Agreement prior to its expiration with 60 days' notice, in accordance with the restrictions in such agreement. The owner shall notify the Town and DHCD and record a notice of cancellation of the Special Permit at the Registry of Deeds. The termination of the Regulatory Agreement shall not take effect until the expiration of the current lease between the owner and the tenant occupying the Affordable Accessory Apartment.

- (b) Upon termination of the Agreement, additional restrictions shall apply regarding repayment to the Town of any funds received from the Town pursuant to a grant or loan agreement.
- (c) An Affordable Accessory Apartment may not be rented to an owner's family member (currently defined in DHCD regulations and guidelines as a parent, grandparent, son, daughter, uncle, aunt, niece, nephew, or sibling);
- (d) The Affordable Accessory Apartment shall be subject to DHCD regulatory requirements, including requirements relative to pricing, tenant income eligibility, affirmative fair housing marketing and tenant selection plan, and maintenance. In particular, the Affordable Accessory Apartment shall be rented to income-qualified tenants selected through an open process established in accordance with the affirmative fair housing marketing plan, and the monthly rent shall not exceed the maximum affordable rent for a household of the appropriate size, as prescribed in the LIP affordable accessory apartment program guidelines and other applicable state regulations and requirements.

F. Any owner or owners of a single-family dwelling or a single-family dwelling with a pre-existing out-building in RA and RB Districts seeking a new or a renewal of an accessory apartment permit shall agree to abide by the terms of the Affordable Accessory Apartment Program defined in Subsection E above ~~a local housing agency or partnership program~~ to ensure moderate income occupancy of the apartment thus created for a period of fifteen ~~not less than five~~ years. The local housing agency or partnership shall permit deferral of the program if the homeowner wishes to accommodate initially a family member or members. For the purpose of this section, family member shall be defined as one of the blood, step or adopted relatives of the homeowner or spouse as follows: mother, father, sister, brother, son, daughter, uncle, aunt, grandmother, grandfather and/or their spouses. Should the family member "vacate" the accessory apartment, the agreement with the local housing agency or partnership ~~shall~~ may be voided, providing the accessory apartment is discontinued and the dwelling reverts back to compliance with § 145-26A(1). Otherwise, an application shall be made under the Affordable Accessory Apartment Program defined in Subsection E above. Any apartment proposed hereunder shall comply with all applicable provisions of this § 145-36. ~~Any permit granted pursuant to this section shall be of five years' duration revocable upon sale of the property unless the buyer, by written notice to the Board of Appeals, agrees to the local housing agency or partnership program for the balance of the term.~~ Fines may be imposed by the town for violation of this clause. [Amended 12-4-1990 STM by Art. 12]

READ BY: Veronica Kell

VOTED: Passed by 2/3 vote declared by Moderator.

**ARTICLE 26**

I move that the Town vote: (i) to amend the Town's Zoning Bylaw by adding a new § 145-89A(A) as follows:

§ 145-89A

A. Recreational Marijuana Cultivators as defined in M.G.L. c. 94G, 935 C.M.R. 500, and § 145-89 of this Bylaw shall be prohibited in all districts of the Town of Townsend;

and (ii) further, to amend the Town of Townsend Zoning Bylaw, § 145-90, Subsection A, Schedule of Use Regulations, by deleting "Marijuana cultivator" therefrom; or take any other action in relation thereto.

I move that the Town vote: (i) to amend the Town's Zoning Bylaw by adding a new § 145-89A(A) as follows:

READ BY: Lance McNally

VOTED: Motion did not pass by 2/3. Count: Yes: 59 No: 68

**ARTICLE 27**

I move that the Town vote: (i) to amend the Town's Zoning Bylaw by adding a new § 145-89A(B) as follows:

§ 145-89A

B. Recreational Marijuana Product Manufacturers as defined in M.G.L. c. 94G, 935 C.M.R. 500, and § 145-89 of this Bylaw shall be prohibited in all districts of the Town of Townsend;

and (ii) further, to amend the Town of Townsend Zoning Bylaw, § 145-90, Subsection A, Schedule of Use Regulations, by deleting "Marijuana product manufacturer" therefrom.

READ BY: Lance McNally

VOTED: Motion did not pass by 2/3 vote, declared by Moderator.

**ARTICLE 28**

I move that the Town vote: (i) to amend the Town's Zoning Bylaw by adding a new § 145-89A(C) as follows:

§ 145-89A

C. Recreational Marijuana Retailers as defined in M.G.L. c. 94G, 935 C.M.R. 500, and § 145-89 of this Bylaw shall be prohibited in all districts of the Town of Townsend;

and (ii) further, to amend the Town of Townsend Zoning Bylaw, § 145-90, Subsection A, Schedule of Use Regulations, by deleting "Marijuana retailer" therefrom.

READ BY: Lance McNally

VOTED: Motion did not pass by 2/3 vote, declared by Moderator.

Motion was made to adjourn the meeting to Thursday, May 9, 2019 at 7:00 p.m.

READ BY: Joseph Shank

VOTED: Motion did not pass. Count: Yes: 61 No: 62

Request for quorum was made by Todd Melanson.

Counters counted the remaining members which were 85, quorum is 75. Moderator declared a quorum was present.

**ARTICLE 29**

Motion was made and seconded that the Town take no action.

Article 29 read as follows:

To see if the Town will vote: (i) to amend the Town’s Zoning Bylaw by adding a new § 145-89A(D) as follows:

§ 145-89A

D. Recreational Marijuana Testing Facilities as defined in M.G.L. c. 94G, 935 C.M.R. 500, and § 145-89 of this Bylaw shall be prohibited in all districts of the Town of Townsend;

and (ii) further, to amend the Town of Townsend Zoning Bylaw, § 145-90, Subsection A, Schedule of Use Regulations, by deleting “Marijuana testing... facility” therefrom (so that the use only includes “Marijuana... research facility”).

VOTED: Passed to take no action on Article 29.

**ARTICLE 30**

Motion was made and seconded that the Town take no action.

Article 30 read as follows:

To see if the Town will vote: (i) to amend the Town’s Zoning Bylaw by adding a new § 145-89A(E) as follows:

§ 145-89A

E. Recreational Marijuana Research Facilities as defined in 935 C.M.R. 500, and § 145-89 of this Bylaw shall be prohibited in all districts of the Town of Townsend;

and (ii) further, to amend the Town of Townsend Zoning Bylaw, § 145-90, Subsection A, Schedule of Use Regulations, by deleting “Marijuana... research facility” therefrom (so that the use only includes “Marijuana testing... facility” unless heretofore prohibited).

VOTED: Passed to take no action on Article 30.

**ARTICLE 31**

Motion was made and seconded to take no action.

Article 31 read as follows:

To see if the Town will vote: (i) to amend the Town’s Zoning Bylaw by adding a new § 145-89A(F) as follows:

§ 145-89A

F. Recreational Marijuana Transportation or Distribution Facilities as defined in 935 C.M.R. 500, and § 145-89 of this Bylaw shall be prohibited in all districts of the Town of Townsend;

and (ii) further, to amend the Town of Townsend Zoning Bylaw, § 145-90, Subsection A, Schedule of Use Regulations, by deleting “Marijuana transportation or distribution facility” therefrom.

VOTED: Passed to take no action on article 31.\

## **ARTICLE 32**

Motion was made and seconded to take no action.

Article 32 read as follows:

To see if the Town will vote: (i) to amend the Town's Zoning Bylaw by adding a new § 145-89A(G) as follows:

§ 145-89A

G. Other types of licensed recreational marijuana-related facilities, not expressly defined as a Marijuana Cultivator, Marijuana Product Manufacturer, Marijuana Retailer, Marijuana Testing Facility, Marijuana Research Facility, Marijuana Transportation Facility, or Marijuana Distribution Facility, shall be prohibited in all districts of the Town of Townsend;

and (ii) further, to amend the Town of Townsend Zoning Bylaw, § 145-90, Subsection A, Schedule of Use Regulations, by deleting "Any other type of licensed marijuana-related business" therefrom.

VOTED: Passed to take no action on Article 32.

## **ARTICLE 33**

Motion was made to take no action.

Article 33 read as follows:

To see if the Town will vote to amend the Town's Zoning Bylaw, § 145-90, entitled "Recreational Marijuana Establishment Zoning," under the Subsection further entitled "Marijuana Establishments," as follows, with additions to the Bylaw underlined and deletions from the Bylaw stricken-through:

### **Marijuana Establishments**

#### **A. Purpose**

- (1) To provide for the placement of Marijuana Establishments, excluding those Marijuana Establishments prohibited by § 145-89A, in appropriate places and under conditions in accordance with the provisions of M.G.L. c. 94G.
- (2) To minimize the adverse impacts of Marijuana Establishments on residential neighborhoods, schools, and other places where children commonly congregate.
- (3) To regulate the siting, design, placement, security, safety, monitoring, and modification of Marijuana Establishments.

#### **B. Location**

- (1) Marijuana Establishments, excluding those Marijuana Establishments prohibited by § 145-89A, will only be located in the following Zoning Districts: Downtown Commercial, Outlying Commercial and Industrial.

#### **C. Applicability**

- (1) No Marijuana Establishment shall be established except in compliance with the provisions of Article XVIII.
- (2) Where not expressly defined in section 145 -89, all terms used herein shall be as defined in M.G.L. c. 94G and 935 CMR 500 *et seq.*
- (3) If any provision of this section, or the application of any such provision to any person or circumstance, shall be held invalid, the remainder of this section, to the extent it can be given effect, or the application of those provisions to persons or circumstances other than those to

which it is held invalid, shall not be affected thereby, and to this end the provisions of this section are severable.

**D. Special Permit Approval Criteria**

- (1) All Marijuana Establishments shall be contained within a building or structure.
- (2) The hours of operation of Marijuana Establishments shall be set by the Special Permit Granting Authority, which shall be the Planning Board.
- (3) Marijuana Establishments shall not be located within a five hundred (500') foot radius from:
  - a) Any Residential District;
  - b) Any school pre-k through 12,
  - c) Any daycare center, or any facility where children commonly congregate. A facility is not, however, limited to a building. A "facility where children commonly congregate" includes, but is not limited to facilities in which children gather for a particular purposes in a structured and scheduled manner, or which are dedicated to the use by children, such as playgrounds, youth service programs, day care centers, youth sports facilities, dance schools, and gymnastic schools;
  - d) Any other Marijuana Establishment;
  - e) Any drug or alcohol rehabilitation facility;
  - f) Any correctional facility, half-way house or similar facility; or
  - g) Any establishment licensed under the provisions of General Law, Chapter 138, Section 12 (Licenses for on premise alcoholic beverages).

Distances calculated pursuant to section C.(3)(a) –(b) will be measured from property line to property line. Distances calculated pursuant to sections C.(3)(c) – (f) will be measured in a straight line from the nearest point of the facility in question to the nearest point of the proposed Marijuana Establishment. For example, a playground outside a school would be considered a facility where children congregate, so the line would be measured from the edge of the playground to the nearest point of the building that would house the potential Marijuana Establishment.

- (4) The onsite consumption of marijuana at all Marijuana Establishments is prohibited in the Town of Townsend.
- (5) Consistent with M.G.L. c. 94G, § 3(b)(2), the maximum number of Marijuana Establishments in the Town of Townsend shall be limited as follows:
  - a) Shall not prohibit one or more types of Those Marijuana Establishments identified in § 145-89A shall be prohibited.
  - b) The Unless prohibited by § 145-89A, the number of Marijuana Retailers shall not exceed twenty (20%) percent of liquor licenses issued pursuant to M.G.L. c. 138, § 15 for retail sale of alcohol not consumed on the premises in the Town of Townsend. Said number to be rounded up to the next whole number.
  - c) The number of non-retail Marijuana Establishments shall be limited to 1 (one) unless all such Marijuana Establishments are prohibited by § 145-89A.
- (6) No smoking or consumption of any product containing marijuana or marijuana-related products shall be permitted on the premises of a Marijuana Establishment. No burning of any product containing marijuana or marijuana-related products shall be permitted on the premises of a Marijuana Establishment with the exception of product testing performed at a Marijuana Testing Facility or Marijuana Research Facility.
- (7) No Marijuana Establishment shall be located inside a building containing residential units, including transient housing such as motels and dormitories.
- (8) Marijuana Establishments shall be located within a permanent building and may not be located in a trailer, cargo container, motor vehicle or other similar nonpermanent enclosure.
- (9) Marijuana Establishments shall not have drive-through service.
- (10) No outside storage of marijuana, related supplies or promotional materials is permitted.

- (11) All Marijuana Establishments shall be ventilated in such a manner that
  - a) if pesticides, insecticides, or other chemicals or products are used in cultivation or processing, they must be vented and dispersed into the outside atmosphere so as not to be detectible at any adjoining use or property.
  - b) no odor from marijuana can be detected by a person with a normal sense of smell at the exterior of the Marijuana Establishment or at any adjoining use or property.

E. **Special Permit Conditions**

- (1) In addition to compliance with M.G.L. c. 94G and 935 CMR 500 *et seq.*, the Special Permit Granting Authority may impose reasonable conditions to improve site design, traffic flow, and public safety, and to preserve water quality, significant environmental resources and community character of surrounding area including, without limitation, the following:
  - a) Minimization of the impacts of increased noise and traffic.
  - b) Imposition of security precautions to protect personnel, consumers, residents and property.
  - c) Deterring the presence of unauthorized or ineligible persons at, or near the Marijuana Establishment.
  - d) Imposition of measures to prevent diversion of marijuana and Marijuana Products.
  - e) Conditions related to the design and construction of the facility to improve safety, security and conformance with community character.
  - f) Conditions relating to energy efficiency and conservation.
- (2) A Marijuana Establishment shall only be allowed by special permit from the Planning Board, the Special Permit Granting Authority, in accordance with MGL c. 40A, § 9 and section 216-32.1 (Special Permits) of this chapter.
- (3) No special permit for any Marijuana Establishment shall be issued without major site plan approval having been obtained from the Planning Board pursuant to § 145-42, Site Plan review, of this chapter. In addition to the standards set forth therein, the site plan must meet all dimensional, parking, landscaping, and signage requirements within this chapter.
- (4) A Unless prohibited by § 145-89A, a special permit for a Marijuana Establishment shall be limited to one or more of the following uses that shall be prescribed by the special permit granting authority:
  - a) Marijuana Cultivator
  - b) Craft Marijuana Cooperative
  - c) Marijuana Product Manufacturer
  - d) Marijuana Research Facility
  - e) Marijuana Testing Facility
  - f) Marijuana Transportation or Distribution Facility
  - g) Marijuana Retailer.
- (5) In addition to the application requirements set forth above, a special permit application for a Marijuana Establishment shall include the following:
  - a) The name and address of owner(s) of the establishment;
  - b) Copies of all required licenses and permits issued to the applicant by the Commonwealth of Massachusetts Cannabis Control Commission and any of its other agencies for the establishment; provided that approval may be conditioned upon receipt of a final license from the CCC;
  - c) Evidence of the applicant's right to use the site of the establishment for the establishment, such as a purchase and sale agreement, deed, owner's authorization, or lease;
  - d) A letter from the Town of Townsend Police Chief, or designee, acknowledging review and approval of the Marijuana Establishment security plan.

- e) All application requirements for Major Site Plan Review as specified in Section 145-57 - 145-61 of this Chapter unless certain non-applicable requirements are waived by the Planning Board.
- (6) The SPGA shall include conditions concerning the following in any special permit granted pursuant to this Article:
  - a) Hours of operation.
  - b) Compliance with Host Community Agreement.
  - c) The submission of a copy of the license from the CCC with the SPGA and the Building Commissioner prior to commencement of operation.
- (7) The issuance of a special permit shall lapse two years from the date of the issue if not acted upon.
- (8) Mandatory findings. The special permit granting authority shall not issue a special permit for a Marijuana Establishment unless it finds that:
  - a) The facility is designed to minimize any adverse impacts on abutters and other parties in interest, as defined in MGL c. 40A, § 11.
  - b) The applicant demonstrates to the satisfaction of the special permit granting authority that it will meet all the permitting requirements of all applicable agencies within the Commonwealth of Massachusetts and will comply with all applicable state laws and regulations; and
  - c) The applicant has satisfied all of the conditions and requirements set forth herein.
- (6) A special permit granted under this section shall have a term limited to the duration of the applicant's ownership or lease of the premises as a Marijuana Establishment. A special permit may be transferred only with the approval of the special permit granting authority in the form of an amendment to the special permit with all information required by the special permit granting authority.

**F. Abandonment or Discontinuance of Use**

- (1) A special permit shall lapse if a final license has not been issued by the CCC pursuant to CMR 500.103 within one year of issuance. The Planning Board may grant an extension if the applicant demonstrates that, despite diligent effort, circumstances beyond their control have prevented the issuance of a final license and further demonstrates to the satisfaction of the Planning Board that issuance of a Final License is forthcoming.
- (2) A Marijuana Establishment shall be required to remove all material, plants, products, equipment and other paraphernalia within six months of ceasing operations. All security measures and precautions, and all components of the Marijuana Establishment security plan, shall be observed until removal is completed;

or take any other action in relation thereto.

SUBMITTED BY: Planning Board

DESCRIPTION: This would amend Section 145-90 of the Town's Zoning Bylaw, adopted at the December 20, 2018 Special Town Meeting and which regulates recreational marijuana establishments, by excluding from its provisions any type of marijuana establishment that is otherwise prohibited through the passage of any or all of Articles 25 through 31, above, and by accompanying ballot vote(s).

VOTED: Motion Passed to take no action.

## ARTICLE 34

I move that the Town vote to authorize the Board of Selectmen and the Town Administrator to petition the General Court for special legislation in the form set forth below; and provided further that the General Court may make clerical or editorial changes of form only to the bill, unless the Board of Selectmen and the Town Administrator approve amendments to the bill before enactment by the General Court, and that the Board of Selectmen and the Town Administrator are authorized to approve amendments which shall be within the scope of the general public objectives of the petition.

### **AN ACT AUTHORIZING THE TOWN OF TOWNSEND TO CONTINUE THE EMPLOYMENT OF RICHARD BAILEY AS POLICE CHIEF.**

Be it enacted by the Senate and House of Representatives in General Court assembled and by the authority of the same, as follows:

SECTION 1. Notwithstanding the provisions of any general or special law to the contrary, Richard Bailey, chief of the police department of the town of Townsend, may continue in such position, or lesser position in the Townsend police department, until and including June 30, 2025; provided, however, that said Richard Bailey is mentally and physically capable of performing the duties of such position. If requested said Richard Bailey shall, at his own expense, be examined by an impartial physician designated by said town to determine such capacity. No further deductions shall be made from the regular compensation of said employee under the provisions of Chapter 32 of the General Laws for service subsequent to February 28, 2020 and upon retirement said employee shall receive a superannuation retirement allowance equal to that which he would have been entitled had he retired on said date.

SECTION 2. This act shall take effect upon its passage.

READ BY: Kathleen Spofford

VOTED: Passed by Majority

## ARTICLE 35

Motion was made and seconded to take no action.

Article 35 read as follows:

To see if the Town will vote to amend Article 3 Section 3-8, Water Commissioners of the Town Charter to correspond with pervious Town Meetings on September 16, 1933, May 9, 2017, and on May 1, 2018 to read: Section 3-8, Water Commissioners

(a) Composition and Term of Office

A Board of Water Commissioners consisting of three members elected for a three year term each, arranged so that the term of one member expires each year.

(b) Powers and Duties

- (1) Defined by special agreement voted on September 16, 1933, pursuant to Chapter 391 of the Acts of 1920.
- (2) Defined by the powers and authority set forth in M.G.L. c. 41, Section 69B, accepted by the Town by vote at the Town Meeting on May 9, 2017.
- (3) In addition to the powers annunciated in Chapter 381 of the Acts 1920, and those conferred upon the Water Commissioners by M.G.L. c. 41 Section 69B, and notwithstanding language within other provisions of the Town Charter to the contrary, the Water Commissioners shall be the sole governing body having full charge and control of the operation and management of the Water Department, including the authority to hire a Water Superintendent and all necessary staff to properly operate the Water Department, negotiate and enter into collective bargaining agreements with Water Department personnel as necessary and appropriate, employ attorneys,

agents and servants, hire outside consultants and contractors to facilitate the operation of the Water Department, and enter into, execute, and approve contracts for the purchase of supplies, materials, and all other matters necessary, including construction contracts, to operate the Water Department.

READ BY: Todd Melanson

VOTED: Passed to take no action

### **ARTICLE 36**

Article was ruled out of order by the Moderator.

Article 36 read as follows:

Move to amend the Town Charter by deleting the existing language of Article 3, section 3-1 (g) and replacing it with the following, upon the approval of the General Court of Massachusetts:

SECTION 1. Any person who holds an elected office in the Town of Townsend and who has held that office for four months and has more than six months remaining in the term of such office on the date of filing of the affidavit, referred to in section two, may be recalled from office by the registered voters of said town.

SECTION 2. One hundred and twenty-five or more registered voters from each precinct of the town of Townsend for a total of at least four hundred registered voters or ten percent, whichever is greater, as certified by the registrar of voters as of the date of submission of petition to the town clerk may file with the town clerk of said town an affidavit containing the name of the officer whose recall is sought and a statement that said voters, having no confidence in the officer(s) so named, seek to remove them from their elected position. No specific grounds are required by the affidavit, merely the statement of no confidence and the desire of the voters to no longer have the officer serve in their elected capacity.

The town clerk shall deliver to the said voters petition blanks demanding said recall, printed forms of which the clerk shall keep available. Said blanks may be completed by writing or typewriting; they shall be addressed to the board of selectmen; they shall contain the names of the persons who filed the affidavit and the statement of no confidence in the officer and; they shall demand the election of a successor to the office; and they shall be dated and signed by the town clerk. A copy of the petition shall be kept on file in the office of the town clerk in a record book maintained for that purpose. The recall petitions shall be returned and filed in the office of the town clerk within twenty-one days following the date that the petitions were issued, signed by at least ten percent of the total number of registered voters duly recorded on the registration list of the town clerk as of the preceding town election. The town clerk shall within twenty-five hours following such filing submit said petitions to the registrars of voters who shall, within seven days certify, thereon the number of signatures which are the names of registered voters of the town, and certify the total number of registered voters in the town as of the date filing the petition with the town clerk. The registrar shall determine whether a sufficient number of registered voters have signed the petition.

SECTION 3. If the petition shall be certified by the registrars of voters to be sufficient, the town clerk shall forthwith submit the same to the board of selectmen. Upon its receipt of the certified petition, the board of selectmen shall within forty-eight hours give written notice of said petition and certificate to the person whose recall is sought. If said officer(s) does not resign his/her office within five days following delivery of the said notice, the board of selectmen shall order an election to be held not less than sixty or no more than ninety days after the date the registrars' certificate of the sufficiency of the petition. If, however, another town election is to occur within one hundred days after the date of the certificate, the board of selectmen shall hold the recall election on the date of said other town election. If a vacancy occurs in the office after a recall

election has been ordered, the election shall nevertheless proceed as provided in this section, but only the ballots for candidates need he counted.

SECTION 4. An officer whose recall is sought may be a candidate to succeed himself/herself at the recall election. The nomination of candidates, the publication of the warrant for the recall election, and the conduct of the same shall all be in accordance with the provisions of laws relating to elections, unless otherwise provided in this act.

SECTION 5. The incumbent shall continue to perform the duties of his/her office until the recall election. If he/she is not recalled in the election he/she shall continue in office for the remainder of his/her unexpired term, subject to recall as before, except that he/she cannot be recalled thereby until at least six months after the election at which his/her recall was submitted to the voters.

If the officer is recalled in the election, he/she shall be deemed removed upon the qualification of his/her successor who shall hold office during the unexpired term. If the successor fails to qualify within five days after receiving notification of his election, the incumbent shall thereupon be deemed removed and the office vacant.

SECTION 6. Ballots used at a recall election shall contain the following propositions in the order indicated:

For the recall of (name of officer); and  
Against the recall of (name of officer).

Adjacent to each proposition, there shall be a place to mark a vote. After the propositions shall appear the word "Candidates" followed by the names of candidates arranged alphabetically by surname.

If a majority of the votes cast upon the question of recall is in the affirmative, and provided that at least twenty-five percent of the total number of registered voters as of the date of the most recent town election have participated in such recall election, the officer shall be deemed to have been recalled.

The ballots for candidates shall then be counted, and the candidate receiving the highest number of votes shall be declared elected. If a majority of the vote on the question is in the negative, the ballots for candidates need not be counted except as provided in section three above.

SECTION 7. This act shall take effect upon its passage.

VOTED: No vote taken

## **ARTICLE 37**

I move that the Town vote to amend the Town Bylaws by adding a Bylaw for the reduction of plastic bags as follows:

### **Section I. Purpose and Intent**

The production and use of thin-film single-use plastic checkout bags have significant impacts on the environment, including, but not limited to: contributing to the potential death of marine animals through ingestion and entanglement; contributing to pollution of the land environment; creating a burden to solid waste collection-and recycling facilities; clogging storm drainage systems; and requiring the use of millions of barrels of crude oil nationally for their manufacture. The purpose of this bylaw is to eliminate the usage of thin-film single-use plastic bags by all retail and grocery stores in the Town of Townsend, by August 1, 2019.

### **Section 2. Definitions**

2.1 *Checkout bag*: A carryout bag provided by a store to a consumer at the point of sale. Checkout bags shall not include bags, whether plastic or not, in which loose produce or products are placed by the consumer to deliver such items to the point of sale or checkout area of the store.

2.2 *Grocery Store*: A retail establishment where more than fifty percent (50%) of the gross floor area is devoted to the sale of food products for home preparation and consumption, which typically also offers home care and personal care products.

2.3 *Retail Store*: An establishment that offers the sale and display of merchandise within a building.

2.1 *Reusable checkout bag*: A bag, with handles, that is specifically designed for multiple use and is made of thick plastic, cloth, fabric or other durable materials.

2.2 *Thin-film single-use plastic bags*: Typically with plastic handles, these are bags with a thickness of 2.5 mils or less and are intended for single-use transport of purchased products.

### Section 3. Use Regulations

3.1 Thin-film single-use plastic bags shall not be distributed, used, or sold for checkout or other purposes at any retail or grocery store within the Town of Townsend.

3.2 Customers are encouraged to bring their own reusable or biodegradable shopping bags to stores. Retail or grocery stores are strongly encouraged to make reusable checkout bags available for sale to customers at a reasonable price.

3.3 Thin-filmed plastic bags used to contain dry cleaning, newspapers, produce, meat, bulk foods, wet items and other similar merchandise, typically without handles, are still permissible.

### Section 4. Enforcement Process

Enforcement of this bylaw shall be the responsibility of the Town Administrator or his/her designee. The Town Administrator shall determine the inspection process to be followed, incorporating the process into other town duties as appropriate. Any retail or grocery store distributing plastic grocery bags in violation of this bylaw shall be subject to a non-criminal disposition fine as specified in Appendix A of the Regulations for Enforcement of Town Bylaws under M.G.L.

Chapter 40, 21D and the Bylaw for Non-Criminal Disposition of Violations. Any such fines shall be paid to the Town of Townsend.

And to amend Appendix A of the Non-Criminal Disposition Bylaw by adding the following:

Bylaw	Fine Schedule	Fine Allowed	Enforcement Agency
Plastic Bag Reduction Bylaw	1 <sup>st</sup> Offense	Warning	Town Administrator or Designee
	2 <sup>nd</sup> Offense	\$25.00	
	3 <sup>rd</sup> Offense	\$50.00	

READ BY: Andrew Shepherd

VOTED: Passed by Majority

Motion was made and seconded to dissolve the Town Meeting.

VOTED: Passed Unanimously.

Meeting Adjourned at: 12:43 a.m.