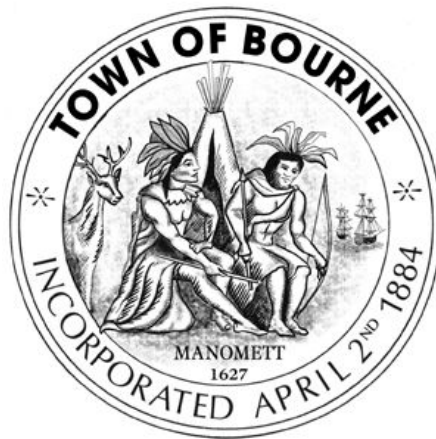


Articles of the Warrant
For the Bourne
Special Town Meeting
Monday, October 1, 2018
7:00 p.m.
Bourne High School Auditorium



VOTER HANDBOOK

ARTICLE INDEX

Special Town Meeting

1. Unpaid Bills
2. Supplementing/Reducing FY 19 Budget
3. Amend Article 4 (Sewer Budget) 2018 ATM
4. Amend Article 7 (ISWM Budget) 2018 ATM
5. Update & Completion of Local Comprehensive Plan
6. Other Post-Employment Benefits (OPEB)
7. Replacement of Roofs Bourne High School
8. Amend Article 9 (Item #26 Phase VI Liner Construction & Appurtenances) 2017 ATM
9. Capital Outlay – Holiday Lighting/Main Street Fire Department Doors
10. Bike Path
11. Bourne Zoning Bylaw – Section 2842 – Performance Standards for Residential Uses
12. Bourne Zoning Bylaw – Section V- Definitions
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14. Prohibition on Marijuana Establishments – General Bylaws
15. Bourne Zoning Bylaw – Section 2250 Medical Marijuana and Marijuana Establishments

**Special Town Meeting
October 1, 2018**

RESOLUTION – BOURNE RULE

Mr. Moderator, on behalf of the Board of Selectmen, I move the following Resolution:

RESOLUTION: Be It Resolved that, at the commencement of this special town meeting, the Moderator shall ask the Finance Committee and the Board of Selectmen to certify whether or not the total of all Finance Committee funding recommendations on all matters voted at the May 7, 2018 annual town meeting, and contained in the warrant for this special town meeting if voted are equal to the maximum property tax levy limit for the Town of Bourne established by law for FY 2019. If the answer is in the negative, the Finance Committee and the Board of Selectmen shall certify the dollar amount which exceeds the Finance Committee dollar recommendations on all of the articles in the warrant, but is less than the maximum tax levy limit, which certified dollar amount shall be available for appropriation by this special town meeting. If the answer is in the affirmative, then during this special town meeting any motion to raise and appropriate funds in order to increase any appropriation recommended by the Finance Committee must state an equal dollar reduction in another recommended appropriation or appropriations then on the floor for discussion. A recommendation of indefinite postponement by the Finance Committee shall be construed as a zero dollar funding recommendation.

Voted: Ayes have, Declared a unanimous vote, Motion passes

ARTICLE 1: To see if the Town will vote to appropriate a sum of money for the purpose of the payment of **unpaid bills** from a previous fiscal year that are legally unenforceable due to the insufficiency of appropriation or take any action in relation thereto. *Sponsor – Board of Selectmen*

UNPAID BILLS		
Department	Vendor	Amount
Energy-Electricity	Cape & Vineyard Electric Cooperative	\$ 2771.94
Planning Board	W. B. Mason	\$ 6.99
Inspections	Ed Eacobacci travel	\$ 143.88
Selectmen Wages	Carole Ellis	\$ 287.22
Fire Department	First Advantage	\$ 139.10
Fire Department	Motorola Solutions	\$ 414.25
Fire Department	Freightliner of Hartford, Inc.	\$ 590.47
Fire Department	Jonathan Simmons	\$ 150.00
Fire Department	Commonwealth of Massachusetts HR Div.	\$ 150.00
Fire Department	Stryker Medical Division	\$ 1600.00
Historic Commission	Community Newspaper Company	\$ 17.92
Planning Board	Community Newspaper Company	\$ 102.40
SWOP	Judy Shorrocks	\$ 457.98
Total		\$ 6832.15

MOTION: We move that the town vote to appropriate the sum of \$6,832.15 to pay bills of the prior fiscal year as printed in Article 1 of the warrant except – Fire Department Commonwealth of Massachusetts HR Div. should be printed as Fire Department Nicholas Robbins and to meet this appropriation to transfer the sum of \$6,832.15 from Free Cash.

Voted: Ayes have it, Declared a unanimous vote, Motion passes

ARTICLE 2: To see if the Town will vote to appropriate, borrow or transfer from available funds the sum of **\$100,162.00** for the purpose of supplementing and/or **reducing the FY2019 Regular Annual Expenses** of the departmental expenses as voted under Article 3 (Annual Budget) of the 2018 Annual Town Meeting, or take any other action in relation thereto. *Sponsor – Town Administrator*

FY2019 BUDGET AMENDMENTS		
Department	Salaries	Expenses
Commission on Disabilities		\$ 3,750.00
Depart of Natural Resources	\$ 53,600.00	\$ 7,000.00
Town Administrator Salaries	\$-3,188.00	
Town Clerk	\$4,000.00	
Planning Department		\$20,000.00
Board of Selectmen		\$15,000.00
Total	\$54,412.00	\$45,750.00

MOTION: We move that the town vote to appropriate the sum of \$100,162.00 as printed in Article 2 of the Voter Handbook for the purpose of supplementing and amending the vote taken under Article 3 (Annual Budget) of the May 2018 Annual Town Meeting, and to meet this appropriation to transfer the sum of \$100,162.00 from Free Cash.

Voted: Ayes have it, Declared a unanimous vote, Motion Passes

ARTICLE 3: To see if the Town will vote to amend the vote taken under **Article 4 (Sewer Budget)** of the 2018 Annual Town Meeting or take any action in relation thereto.
Sponsor – Board of Sewer Commissioners

Motion: We move the town indefinitely postpone this article.

Voted: Ayes have it, Declared a unanimous vote, Motion passes

ARTICLE 4: To see if the Town will vote to amend action taken under **Article 7 (ISWM Budget) of the 2018 Annual Town Meeting** and vote to appropriate, borrow or transfer from available funds the sum of \$900,000.00 for the purpose of supplementing the funds to operate the Integrated Solid Waste Management Program, or take any other action in relation thereto.
Sponsor – Board of Selectmen

MOTION: We move that the Town vote to amend the action taken under Article 7 (ISWM Budget) of the 2018 Annual Town Meeting by appropriating the sum of \$900,000.00 to supplement the funds to operate the Integrated Solid Waste Management Program by increasing Expenses by \$400,000.00, increasing Reserve Fund by \$400,000.00 and increasing Host Community Fee by \$100,000.00 and in order to meet this appropriation, we move that the sum \$900,000.00 be transferred from ISWM Retained Earnings.

Voted: Ayes have it, Motion passes

ARTICLE 5: To see if the Town will vote to appropriate, borrow or transfer from available funds a sum of money to continue with the update and completion of the **Local Comprehensive Plan**, or take any other action in relation thereto.
Sponsor – Board of Selectmen

MOTION: We move that the town vote to appropriate the sum of \$25,000.00 for the purposes of this article and to meet this appropriation to transfer the sum of \$25,000.00 from free cash.

Voted: Ayes have it, Declared a unanimous vote, Motion passes

ARTICLE 6: To see if the Town will vote to appropriate a sum of money for the purpose of funding the Town's **Other Post-Employment Benefits liability (OPEB)**, or take any other action in relation thereto.

Sponsor - Board of Selectmen

MOTION: We move that the Town Transfer \$541,601.00 from Free Cash to the OPEB Trust Fund for the purpose of funding the Town's Other Post Employment Benefits (OPEB) Liability.

Voted: Ayes have it, Motion passes

ARTICLE 7: To see if the Town will vote to appropriate, borrow or transfer from available funds, an amount of money to be expended under the direction of the **Bourne Public Schools for a Feasibility Study and Schematic Design** for the replacement of roofs located at Bourne High School, 75 Waterhouse Rd., Bourne MA 02532, for which feasibility study and schematic design the Town may be eligible for a grant from the Massachusetts School Building Authority. The MSBA's grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and any costs the Town incurs in connection with the feasibility study and schematic design in excess of any grant approved by and received from the MSBA shall be the sole responsibility of the Town.

Sponsor – Capital Outlay Committee

MOTION: Moved that the Town appropriate the amount of One Hundred Fifty Thousand Dollars (\$150,000.00) for the purposes of this Article and to meet this Appropriation, to transfer the sum of One Hundred Fifty Thousand Dollars (\$150,000.00) from Free Cash for the purpose of paying costs of a Feasibility Study and Schematic Design for the replacement of roofs located at

Voted: Ayes have it, Declared a unanimous vote, Motion Passes

ARTICLE 8: To see if the Town will vote to transfer from available funds, or borrow a sum of money for the purpose of funding an amendment to **Article 9: Item #26, Phase VI Liner Construction & Appurtenances**, voted at the May 2017 Annual Town Meeting, or take any action in relation thereto.

Sponsor: Capital Outlay Committee

MOTION: We move that the Town Transfer \$475,000.00 from ISWM Retained Earnings for the purposes of this Article.

Voted: Ayes have it, Motion passes

ARTICLE 9: To see if the Town will vote to appropriate, transfer from available funds, or borrow a sum of money for the purpose of funding **Capital Improvements**, or take any other action in relation thereto.

Sponsor: Capital Outlay Committee

	DEPART.	PROJECT/DESCRIPTION	AMOUNT	FUNDING SOURCE
1	DPW	Holiday Lighting	\$30,000.00	Free Cash
2	Fire Dept.	Fire Dept. Doors – Main St. Station	\$ 16,000.00	Free Cash

MOTION: We move that the Town vote to appropriate the sum of \$46,000.00 to pay costs of the capital outlay projects listed in Article 9 and to meet this appropriation to transfer the sum of \$46,000.00 from Free Cash.

Voted: Ayes have it, Motion Passes

ARTICLE 10: To see if the Town will vote, upon recommendation of the Community Preservation Committee, to appropriate, borrow, or transfer from available funds, a sum of money to fund a ground survey of the property and a ten (10) percent design plan of a **Bike Path** (technically called a Shared-Use-Path), including costs incidental and related thereto, or take any other action in relation thereto.

Sponsor: Community Preservation Committee

MOTION: We move that the Town vote, upon the recommendation of the Community Preservation Committee, to appropriate the sum of \$50,000 to fund a ground survey of the property and a ten (10) per cent design plan of a Bike Path (technically called a Shared -Use Path) including costs related and incidental thereto and to meet this appropriation to transfer the sum of \$50,000 from the Open Space Reserves, and the Town Administrator's Advisory Committee on Pedestrian and Bicycle Pathways, the Open Space Committee and the Community Preservation Committee are hereby directed and authorized to take any and all action necessary to implement this vote.

Voted: Ayes have it, Motion passes

ARTICLE 11: To see if the Town will vote to amend the **Bourne Zoning Bylaw Section 2842, Performance Standards for Residential Uses**, by deleting Section 2842 - Affordable Housing 3) b, c & e 1 – 5) , and substitute in its place the following language or take any other action in relation thereto:

Sponsor: Bourne Planning Board

- b. Residential or mixed-use developments (rental or ownership) with 55 or more total units are required to meet all standards set forth by the Department of Housing and Community Development (DHCD) to ensure all affordable units are placed on the Commonwealths Subsidized Housing Inventory. The Developer is responsible for incurring all costs and is also responsible for administering the process associated with attaining the affordable units on the Commonwealths Subsidized Housing Inventory.
- c. Affordable rentals are to be rented at pricing not to exceed HUD fair market rent levels including utilities. Affordable homeownership units shall be sold initially at pricing not more than the amount allowed under DHCD's Local Initiative Program Guidelines for Barnstable County and be deed restricted in perpetuity with an affordable deed restriction approved by the Bourne Housing Partnership.

MOTION: We move that the Town vote to amend the Bourne Zoning Bylaw by deleting Section 2842 “Affordable Housing 3 b, c, & e and substituting in its place paragraphs (b) and (c) as printed in the Voter Handbook.

Voted: Ayes 616, Nays 1, Ayes have it, motion passes

ARTICLE 12: To see if the Town will vote to amend the **Bourne Zoning Bylaw Section V, Definitions**, by striking the word “that” and substitute in its place with “the” in the first paragraph and by deleting b) in the definition of “Bourne Affordable Housing Unit” as follows or take any other action in relation thereto:

Sponsor: Bourne Planning Board

Bourne Affordable Housing Unit

A dwelling unit for which the Bourne Housing Partnership certifies the following, based upon procedural regulations for implementation of this provision, such regulations to be adopted and from time to time amended following public hearings by the Partnership.

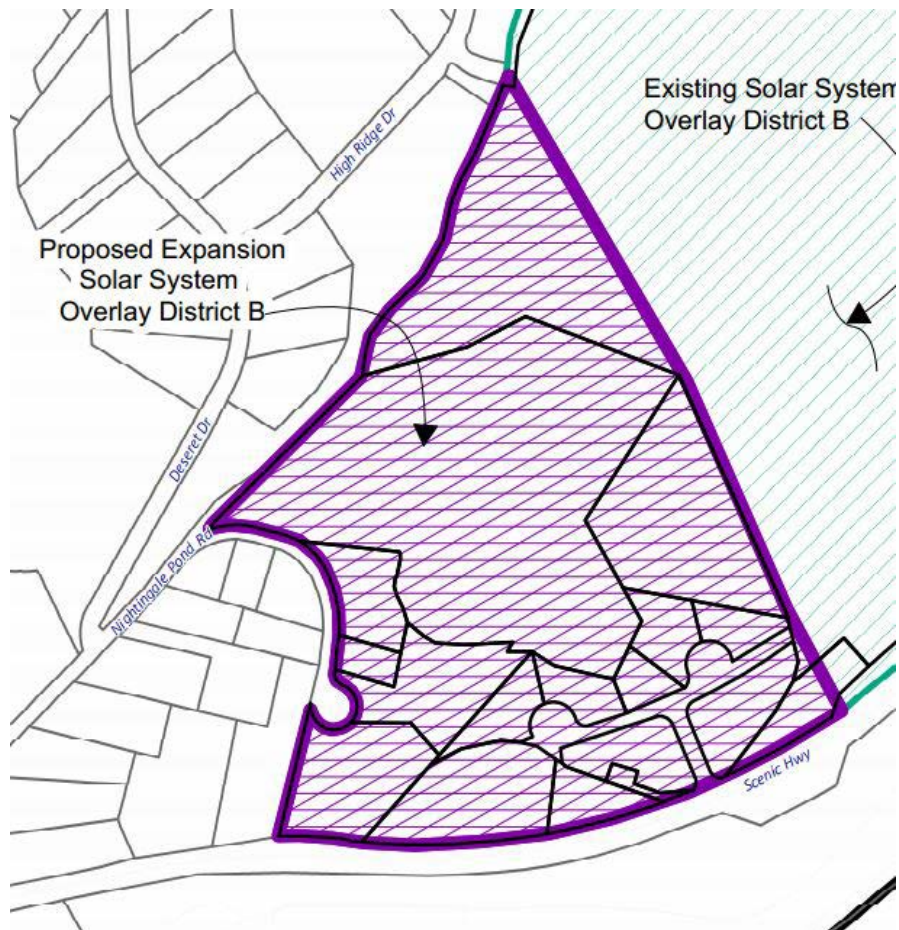
- a) There is assurance through shared equity, repurchase agreement, or other means enforceable by the Town that the unit will be limited as permanently as legally permissible to sale, resale, or rental to households having income at or below 80% of the Barnstable County median household income, with adjustments for household size, as reported by the U.S. Department of Housing and Urban Development.
- b) There is assurance that a good faith effort will be made to give occupancy preference to persons resident in the Town year-round or employed by the Town.

MOTION: We move that the Town vote to amend the Bourne Zoning Bylaw, Section V, “Definitions” by deleting the word “that” in the first paragraph of the definition of “Bourne Affordable Housing Unit” and substituting in its place the word “the” and by deleting paragraph (b) in the definition of “Bourne Affordable Housing Unit” and substituting in its place paragraph (b) as printed in the Voter Handbook

Voted: Ayes 642, Nays 29, Declared a 2/3rd vote, Motion passes

ARTICLE 13: To see if the Town will vote to amend Section 3470 of the **Bourne Zoning Bylaw** by revising the Ground Mounted Overlay District “B” and the Bourne Zoning Map as follows or take any other action in relation thereto.

Sponsor: Bourne Planning Board



MOTION: We move the Town vote to amend Section 3470 of the Bourne Zoning Bylaw by revising the Ground Mounted Overlay District “B” and the Bourne Zoning Map by adding the area identified as “Proposed Expansion Solar System Overlay District B” in the Voter

Voted: Ayes 556, Nays 68, Declared 2/3rd vote, Motion Passes

ARTICLE 14: PROHIBITION ON MARIJUANA ESTABLISHMENTS – GENERAL BYLAWS

In accordance with Massachusetts General Laws Chapter 94G, Section 3(a)(2), all types of marijuana establishments, as defined in Massachusetts General Laws Chapter 94G, Section 1 as may otherwise be defined by Massachusetts law or regulation, to include, without limitation, all marijuana cultivators, marijuana testing facilities, marijuana product manufactures, marijuana retailers, on-site consumption of marijuana at a marijuana retailer location, any other types of licensed marijuana-related businesses, and the conducting of any such activity for commercial purposes by whichever name used, shall be prohibited within the Town of Bourne. This prohibition shall not be construed to affect the medical use of marijuana as expressly authorized by provisions of Chapter 369 of the Acts of 2012 and 105 CMR 725.00, as may be amended from time to time, or take any other action relative thereto.

Sponsor: Linda M. Zuern and others

Motion: We move that the Town vote to amend Section 3.1, Public Safety and Good Order, of the Town of Bourne General By-laws by adding the following new section 3.1.45:

Section 3.1.45

Prohibition of Commercialized Recreational Marijuana Establishments

In accordance with Massachusetts General Laws Chapter 94G, Section 3(a)(2), all types of marijuana establishments, as defined in Massachusetts General Laws Chapter 94G, Section 1 and as may otherwise be defined by Massachusetts law or regulation, to include, without limitation, all marijuana cultivators, marijuana testing facilities, marijuana product manufacturers, marijuana retailers, on-site consumption of marijuana at a marijuana retailer location, any other types of licensed marijuana-related businesses, and the conducting of any such activity for commercial purposes by whichever name used, shall be prohibited within the Town of Bourne. This probation shall not be construed to affect the medical use of marijuana as expressly authorized by provisions of Chapter 369 of the Acts of 2012 and 105 CMR 725.00 as may be amended from time to time.

Submitted: Linda M. Zuern

Voted : Ayes 415, Nays 321, Ayes have motion passes

ARTICLE 15: "To see if the Town will vote to amend the Bourne Zoning Bylaw by adding a new section titled 2250 "Medical Marijuana and Marijuana Establishments" after Section 2240 titled "Accessory Scientific Uses" and containing Sections 2251, 2252, 2253, 2254, 2255, 2256, 2257, and 2258, all as printed in the Warrant and further to amend Section 2220 "Use Regulation Schedule" by adding a new Section as printed in the Warrant and further by adding Footnote 14 as printed in the Warrant and further by inserting a new Section in Section 2821 Downtown District titled "Marijuana Uses" as printed in the Warrant and further by amending Section 5 titled "Definitions" by adding the definition of "Marijuana or Marihuana" and amending the definition of "Fraternal or Social Organization Lodge" as printed in the Warrant

and all of which is on file at the Office of the Town Clerk, or to act on anything in relation thereto."

Sponsor: Bourne Planning Board

2250. Medical Marijuana and Marijuana Establishments

2251. Purpose, Authority, and Intent

- a) These provisions are enacted pursuant to General Laws, Chapter 40A, Section 9, and pursuant to the Town's authority under the Home Rule Amendment to the Massachusetts Constitution. It is recognized that the nature of the substance cultivated, processed, and/or sold by Medical Marijuana and/or Marijuana Establishments may have objectionable operational characteristics and should be located in such a way as to ensure the health, safety, and general well-being of the Bourne residents, the general public, patients seeking treatment, and customers seeking to purchase marijuana for adult use. This bylaw is intended to be used in conjunction with other regulations adopted by the Town of Bourne designed to encourage appropriate land use and reasonable safeguards to govern the time, place, and manner of Marijuana Establishments. The Medical Marijuana and Marijuana Establishments bylaw is therefore necessary to advance these purposes.
- b) Subject to the provisions of this Zoning Bylaw, Chapter 40A of the Massachusetts General Laws, 105 CMR 725.000, and M.G.L. Chapter 94G, in acknowledgment of the passage of Chapter 334 of the Acts of 2016 - An Act for the Regulation and Taxation of Marijuana Act, as amended by Chapter 55 of the Acts of 2017, and codified as Massachusetts General Laws Chapter 94G, and any and all regulations established by the Massachusetts Cannabis Control Commission (hereinafter referred to as "State CCC"), Medical Marijuana and/or a Marijuana Establishment shall provide medical support, security, and physician oversight that meet or exceed state regulation as established by the Massachusetts Department of Public Health (DPH), and to provide retail sales of marijuana for non-medical use in a manner that meets or exceeds state regulations.

2252. Applicability

- a) Medical Marijuana and Marijuana Establishments shall be permitted when in compliance with the provisions of this section, all other Town of Bourne permits and license requirements, and with the proper Licensing of Medical Marijuana and/or Marijuana Establishments pursuant to MGL c. 94G, and regulations promulgated by the State CCC.
- b) The cultivation, production, processing, manufacturing, assembly, packaging, retail or wholesale sale, trade, distribution or dispensing of marijuana is prohibited unless licensed by the Massachusetts licensing agent and permitted as a Medical Marijuana and/or a Marijuana Establishment under this section.
- c) Medical Marijuana and Marijuana Establishments shall only be allowed by Special Permit from the Special Permit Granting Authority in accordance with the Use Regulation Schedule in Section 2220 and the Table of Allowable Uses in the

Downtown District in Section 2821 provided the facility meets the requirements of this bylaw.

- d) Nothing in this bylaw is intended to regulate or prohibit uses or activities related to personal use of marijuana in accordance with MGL c. 94G.
- e) Adult use marijuana retailers may operate between the hours of 8:00 a.m. – 11:00 p.m. Monday through Saturday, and 10:00 a.m. – 9:00 p.m. on Sunday. Sales, distribution, and deliveries to and from the premises of marijuana shall not occur outside the hours of operation.
- f) Consumption of medical marijuana and adult use marijuana products at licensed marijuana establishments is prohibited.
- g) Social consumption of adult use marijuana is prohibited at patriotic, fraternal or social organization lodges or clubs, and properties used for general lodging or boarding, but not operating as a licensed marijuana social consumption operator.
- h) Patriotic, fraternal or social organization lodges or clubs, and general lodging or boarding properties shall not offer marijuana for social consumption.

2253. Application Requirements

- a) Marijuana Establishments shall conform to 935 CMR 500.000 “Adult-Use of Marijuana”, in addition to any requirements herein as adopted, et. seq., including any subsequent updates.
- b) The Special Permit Granting Authority (SPGA) is the Planning Board in accordance with section 1230 of this Bylaw. In addition to the submittal requirements and review standards provided in this Bylaw, each applicant for a special permit under this section shall submit:
 - 1. Copy of a fully executed Host Community Agreement.
 - 2. Proof of a valid Massachusetts issued Marijuana Establishment provisional license.
 - 3. Evidence of site control and right to use the site for a Medical Marijuana and/or a Marijuana Establishment in the form of a deed or valid purchase and sales agreement, or in the case of a lease, a notarized statement from the property owner and a copy of the lease agreement.
 - 4. A commitment letter from the Board of Water Commissioners in the appropriate district where the Medical Marijuana and/or a Marijuana Establishment would be sited.
 - 5. A wastewater allocation commitment letter from the Board of Sewer Commissioners for proposed developments in the Downtown District.
 - 6. A map depicting all properties and land uses within the distance requirements set forth in section 2254 of the project site, whether such uses are located in Bourne.

2254. Location Requirements

- a) No Medical Marijuana and/or Marijuana Establishment shall be located within 500 feet from any public or private school serving grades K through 12, or any state

licensed pre-school, or state licensed child care facility.

- b) No Medical Marijuana or Marijuana Retailer shall be located within 250 feet of any library, public park, playground, athletic field, or public recreational facility in existence on the date of a complete application submission to the SPGA for a Special Permit.
- c) No Medical Marijuana and/or Marijuana Establishment shall be located in the Scenic Development District.
- d) The following departures from the dimensional regulations in section 2500 of the underlying districts shall apply to this section:
 - 1. A minimum separation of 150 feet is required for a Registered Marijuana Dispensary and/or a Marijuana Retailer from Residential Districts R-40, R-80, and the Downtown Neighborhood. Distances shall be measured in a straight line from the nearest residential district line to the nearest point of any principle building housing the Registered Marijuana Dispensary and/or Marijuana Retailer.
- e) A minimum separation of 150 feet is required between Marijuana Retailers, but not including Medical Marijuana Dispensaries. Distances shall be measured in a straight line between the nearest points of the Marijuana Retailer buildings.
- f) No use variance for medical marijuana, marijuana establishments, marijuana social consumption operation, medical marijuana dispensary, or sale of marijuana accessories is permitted.
- g) Special Permit Compliance: A Special Permit issued to the owner/operator of Medical Marijuana and/or Marijuana Establishment may transfer with a change in ownership of the business and/or property. The Planning Board, Planning Office, and Building Inspector shall be notified in writing within 14 calendar days of the permit holder business change, property change, discontinuance of use, or if the permit holder's CCC Licensures expires, is not renewed or is terminated. Any failure to meet the requirement of this bylaw or conditions of the Special Permit shall be grounds for revocation and will result in the immediate issuance of a cease and desist order by the Building Inspector ordering that all activities cease immediately.

2255. Site Development Standards

- a) Medical Marijuana and/or Marijuana Establishments are subject to section 1230 and shall conform to the zoning bylaw, and any other any requirements herein as adopted, and any amendments thereto.
- b) All aspects of a Marijuana Establishment, Registered Marijuana Dispensary, or Off-Site Medical Marijuana Dispensary, relative to the acquisition, cultivation, possession, processing, sales, distribution, dispensing, or administration of marijuana, products containing marijuana, related supplies, or educational materials shall take place at a fixed location within a fully enclosed building.
- c) No Marijuana Establishment, Registered Marijuana Dispensary, or Off-Site

Medical Marijuana Dispensary shall be located inside a building containing any other uses or tenants, except a Marijuana Establishment may be located in the same building as properly licensed and permitted RMD.

- d) No Marijuana Establishment, Registered Marijuana Dispensary, or Off-Site Medical Marijuana Dispensary shall be located within a mobile facility.
- e) Drive-through windows are prohibited on any building.
- f) If green houses are used for cultivation curtains shall be utilized to prevent light pollution and illumination outside the greenhouse from dusk to dawn and no outside air exchange shall occur.
- g) If provided, fencing and gates shall be a maximum of 8' high, and shall be decorative style wherever viewed from a public way or abutting property. Style of fencing and gates shall be approved by the SPGA. Chain link fencing is prohibited wherever visible from the public way or abutting property.
- h) Medical Marijuana and/or a Marijuana Establishment shall comply with the Parking and Loading requirements in Section 3300. Retail Establishment are categorized under "Office, Stores" use. Marijuana Cultivator, Marijuana Manufacturer, Marijuana Product Testing Facility are categorized under "Industrial, Wholesale, or Warehouse" use.
- i) All security measures for the building shall comply with State CCC regulations and deemed appropriate to ensure patron and community safety and deter unauthorized access to the premises.
- j) No products shall be displayed in the Marijuana Establishment's window or visible from any street or parking lot.
- k) All signage for Medical Marijuana and Marijuana Establishments must meet the requirements of section 2800 and section 3200 of this Bylaw. Any exterior sign may identify the Establishment, but shall not contain any other advertisement. The SPGA may impose additional restrictions on signage as appropriate for the site, provided such regulations and restrictions do not conflict with State law or any State CCC regulation.

2256. Limitation on Special Permits

- a) The total number of Marijuana Retailer special permits issued in the Town of Bourne shall be limited to three (3).
- b) Any other type of licensed Marijuana Establishment not expressly defined as a Marijuana Cultivator, Craft Marijuana Cooperative, Marijuana Product, Manufacturer, Marijuana Retailer, Independent Testing Laboratory, Marijuana Research Facility, and Marijuana Transporter are prohibited.

2257. Marijuana Definitions

For the purpose of this bylaw, the following definitions shall apply:

Craft Marijuana Cooperative:

A Marijuana Cultivator comprised of residents of the Commonwealth and organized as a limited liability company, limited liability partnership, or cooperative corporation under the laws of the Commonwealth. A cooperative is licensed to cultivate, obtain, manufacture, process, package and brand cannabis or marijuana products to transport marijuana to Marijuana Establishments, but not to consumers.

Independent Testing Laboratory:

A laboratory that is licensed by the Commission and is:

- (a) accredited to the International Organization for Standardization 17025 (ISO/IEC 17025: 2017) by a third-party accrediting body that is a signatory to the International Laboratory Accreditation Accrediting Cooperation mutual recognition arrangement or that is otherwise approved by the Commission;
- (b) independent financially from any Medical Marijuana Treatment Center (RMD), Marijuana Establishment or licensee for which it conducts a test; and
- (c) qualified to test cannabis or marijuana in compliance with 935 CMR 500.160 and M.G.L. c. 94C, § 34.

Manufacture:

To compound, blend, extract, infuse or otherwise make or prepare a 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 of the General Laws; provided 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 Cultivator:

An entity licensed to cultivate, process and package marijuana, and to transfer marijuana to other Marijuana Establishments, but not to consumers. A Craft Marijuana Cooperative is a type of Marijuana Cultivator.

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 Product Manufacturer:

An entity licensed to obtain, manufacture, process and package cannabis or marijuana products and to transfer these products to other Marijuana Establishments, but not to consumers.

Marijuana products:

Products that have been manufactured and contain marijuana or an extract from marijuana, including concentrated forms of marijuana and products composed of marijuana and other ingredients that are intended for use or consumption, including edible products, beverages, topical products, ointments, oils and tinctures.

Marijuana testing facility:

An entity licensed to test marijuana and marijuana products, including certification for potency and the presence of contaminants.

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.

Medical Marijuana Treatment Center:

Also known as Registered Marijuana Dispensary as defined by 105 CMR 725.000.

Registered Marijuana Dispensary (RMD):

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

Off-Site Medical Marijuana Dispensary (OMMD):

A Registered Marijuana Dispensary that is located off-site from the cultivation/processing facility (and controlled and operated by the same registered and approved not-for-profit entity which operates an affiliated RMD) but which serves only to dispense the processed marijuana, related supplies and educational materials to registered qualifying patients or their personal caregivers in accordance with the provisions of 105 CMR 725.00.

Where not expressly defined in the Bourne Zoning Bylaw, the terms used shall be interpreted as defined in G.L. c.94G, Section 1 and the regulations of the Massachusetts Cannabis Control Commission at 935 CMR 500, and otherwise by their plain language.

2258. Severability

If any provision of this bylaw or the application of any such provision to any person or circumstance, shall be held invalid, 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 bylaw are severable. If any provision of this bylaw is invalidated by subsequent legislation or regulation, or held to be invalid by a court of competent jurisdiction, then such provision shall be considered separately and apart from the remaining provisions, which shall remain in full force and effect.

SECTION 2220 USE REGULATION SCHEDULE

DISTRICT	R-40 R-80	V-B B-1	B-2 B-4	B-3	GD
COMMERCIAL USES					
Marijuana Cultivation	No	No	SPR/SP ¹⁴	SPR/SP	No
Independent Marijuana Testing Laboratory	No	No	SPR/SP ¹⁴	SPR/SP	No
Marijuana Product Manufacturing	No	No	SPR/SP ¹⁴	SPR/SP	No
Marijuana Retailer (marijuana product sales and related paraphernalia)	No	No	SPR/SP ¹⁴	SPR/SP	No
RMD or OMMD	No	No	SPR/SP ¹⁴	SPR/SP	No
Social consumption of adult use marijuana at patriotic, fraternal or social organization lodges and clubs; and properties used for general lodging or boarding	No	No	No	No	No

Insert the following footnote to section 2220 Use Regulations Schedule:

14. Except “NO” in B-2 district on Mashnee Island

SECTION 2821 DOWNTOWN DISTRICT

MARIJUANA USES		
Land Use Classification	Permitted by:	Functional Standards and Special Permit Criteria
Marijuana Cultivation	SP	Shall not be permitted on frontage lots on Main Street. Shall not be located inside a building

		containing any non-marijuana uses or tenants.
Independent Marijuana Testing Laboratory	SP	Shall not be located inside a building containing any non-marijuana uses or tenants.
Marijuana Product Manufacturing	SP	Shall not be permitted on frontage lots on Main Street. Shall not be located inside a building containing any non-marijuana uses or tenants.
Marijuana Retailer (marijuana product sales and related paraphernalia)	SP	A minimum separation of 150 feet is required from Residential Districts R-40, R-80 and the Downtown Neighborhood, and between Marijuana Retailers. Shall not be located inside a building containing non-marijuana uses or tenants.
RMD or OMMD	SP	Shall not be permitted on frontage lots on Main Street. Shall not be located inside a building containing any non-marijuana uses or tenants.
Social consumption of adult use marijuana at patriotic, fraternal or social organization lodges and clubs; and properties used for general lodging or boarding	N	

For Reference Only

Legend:

SP = Special Permit

N = Not Allowed

P = Permitted

“SPR/SP”= Planning Board, a use authorized after review under Site Plan Review/Special Permit as provided in section 1230.

Residential 40 (R-40); Residential 80 (R-80); Village Business (V-B); Business 1 (B-1); Business 2 (B-2); Business 3 (B-3); Business 4 (B-4); and Government District (GD).

SECTION V DEFINITIONS

Marijuana or Marihuana: “See section 2257 for all applicable definitions”.

Fraternal or Social Organization Lodge definition - delete: “applies only to the Downtown Bylaw-section 2800”.

MOTION: We move that the Town vote to amend the Bourne Zoning Bylaw by adding Sections 2250 through 2258 as printed in the Voter Handbook and by inserting these Sections after Section 2240, titled “Accessory Scientific Uses.” We further move to Amend Section 2220, titled “Use Regulation Schedule” by adding the Uses printed in the Voter Handbook to the “Commercial Uses” Table of the Use Regulation Schedule table and by adding Footnote 14, as printed in the Voter Handbook to Section 2220 Use Regulation Schedule Table. We further move to amend Section 2821 titled, “Table DTD-1: Allowable Uses in the Downtown District” by adding the Marijuana Uses Section to the end of the Table as printed in the Voter Handbook. We further move to amend the “Definitions” Section V of the Bourne Zoning Bylaw by adding a new definition “Marijuana or Marihuana” and by amending the Definition of “Fraternal or Social Organization Lodge” by deleting the words “applies only to the Downtown Bylaw- Section 2800” as printed in the Voter Handbook.

Voted: Ayes 289, Nays 163, Required a 2/3rd vote, Motion fails

Explanation

This zoning bylaw will regulate zoning for both medical and retail marijuana establishments. This has proven to be the appropriate approach to zoning, for the zoning bylaw to cover both types of establishments. It limits the locations in town where there may be establishments, defines their hours of operation, and bans consumption in various businesses. It defines the process to obtain a special permit and limits the number of retail special permits to a total of 3 for the entire town. This zoning bylaw, combined with the Board of Health's regulations, provides a comprehensive set of regulations for medical and retail marijuana in the town.

A YES or AYE vote in favor of the article would establish zoning rules and restrictions for both Medical Marijuana and Non-Medical Marijuana Establishments in the Town of Bourne.

A NO or NAY vote opposed to the article would mean that there would be no local zoning rules for Medical Marijuana Establishments or Non-Medical Marijuana Establishments after the Moratorium ends on 11/30/18. Only the Massachusetts state rules and regulations and Bourne Board of Health rules and regulations would apply.

Finance Committee Recommendation

The Finance Committee voted unanimously (11-0-0) to recommend approval of this article with an "AYE" vote in favor of the motion.

Board of Selectmen Recommendation

The Board of Selectmen voted unanimously 5-0-0 to recommend approval of this article.

See Appendix Page - Page Supporting Information – Pages 53-58

APPENDIX

FISCAL YEAR 2018

Supporting Information

- A. Article 10 – Bourne Rail Trail**
- B. Article 11 – Bourne Zoning Bylaw 2842 – Affordable Housing**
- C. Article 12 – Bourne Zoning Bylaw Section 5 Definitions**
- D. Article 13 - Bourne Zoning Bylaw – Section 3470**
- E. Article 14 – Retail Marijuana Revenue Discussion**
- F. Article 15 – Marijuana Maps**
 - i. Marijuana Zoning Map dated 9.12.18**
 - ii. Marijuana Existing Zoning District Map 9.12.18**

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Voted : Ayes 289, Nays 163, Nays have it motion, Motion fails