

**TOWN OF SCITUATE  
SPECIAL TOWN MEETING  
APRIL 11, 2022  
WARRANT**

**COMMONWEALTH OF MASSACHUSETTS, PLYMOUTH SS**

To either of the constables of the Town of Scituate, in said County

**GREETINGS:** In the name of the Commonwealth of Massachusetts, you are hereby required to notify and warn the inhabitants of said Town qualified to vote in Elections and Town Affairs therein, to meet at the Scituate High School Gymnasium, 606 Chief Justice Cushing Highway on

**MONDAY, THE ELEVENTH DAY OF APRIL 2022 NEXT**

**At seven o'clock in the evening, then and there to act on the following articles:**

**ARTICLE 1. Unpaid Bills**

To see if the Town will vote to transfer the sum of **\$6,798.24**, or a greater or lesser sum, for the purpose of paying prior fiscal year unpaid bills, or take any other action relative thereto.

*Sponsored By: Select Board*

**ARTICLE 2. FY 22 Budget Reconciliations**

To see if the Town will vote to transfer from available funds in the Treasury the sum of **\$425,205.00** or a greater or lesser sum, for the purpose of fully funding the following accounts established under Articles 4, 6, 7, 8 and 9 of the April 12, 2021 Annual Town Meeting as follows:

Department	Line Item	To Amount	From Amount	Comment
Information Technology	Capital Outlay 1155580.585100	\$ 20,738.00		Replace batteries in uninterrupted power supplies (UPS) at Public Safety Building
Fire Department	Technical Services 1220520.530900	\$ 11,000.00		Consultant services to codify Standard Operating Procedures and Standard Operating Guidelines
Fire Department	Repair & Maintenance 1220520.524200	\$ 6,000.00		Repairs to Engine 3
Police & Fire Departments	Capital Outlay 1210580.585100	\$ 11,160.00		Installation of communication infrastructure improvements; CARES funds supported equipment of \$46,228; installation could not be scheduled by 12/31/21

Department	Line Item	To Amount	From Amount	Comment
Police Department	Capital Outlay 1210580.585100	\$ 41,102.00		Equipment replacement
School Department	School Budget	\$ 90,000.00		Capital facility projects
Contributory Insurance			\$ 180,000.00	Active plan premium holiday given by insurance carrier in July 2021
Library	Capital Outlay 1210580.585100	\$ 7,543.00		Energy efficient LED lights in book sale room
Library	Capital Outlay 1210580.585100	\$ 37,730.00		Replace public computers, server and add digital displays to meeting rooms which were not approved for CARES funding
Library	Regular Salaries 1610510.511000		\$ 45,273.00	Vacancies
Board of Health	Part-time Salaries 1510510.518000	\$ 3,500.00		Additional hours for public health nurse due to pandemic not covered by CARES funds
Conservation	Regular Salaries 1171510.511000		\$ 3,500.00	Coastal Resources Manager vacancy
Water Department	Technical Services 65450520.530900	\$ 25,000.00		Consultant services for Water Offset Policy
Water Department	Vehicle Service 65450520.524500	\$ 24,432.00		Unexpected repair to dump truck
Water Department	Chemicals & Lab Supplies 65450540.550100	\$ 25,000.00		Rising chemical costs
Water Department	Fuels & Lubricants 65450540.548100	\$ 5,000.00		Rising fuel costs
Water Enterprise Retained Earnings			\$ 79,432.00	
Widows Walk Golf Course	Capital Outlay 61661580.585100	\$ 40,000.00		Additional site work and paving
Widows Walk Retained Earnings			\$ 40,000.00	
Transfer Station	Capital Outlay 63433580.585100	\$ 25,000.00		Repairs to scale
Transfer Station Retained Earnings			\$ 25,000.00	
Sewer Department	Chemicals & Lab Supplies 64440540.550100	\$ 50,000.00		Rising chemical costs
Sewer Department	Fuels & Lubricants 64440540.548100	\$ 2,000.00		Rising fuel costs
Sewer Enterprise Retained Earnings			\$ 52,000.00	
	<b>Total</b>	<b>\$ 425,205.00</b>	<b>\$ 425,205.00</b>	

or take any other action relative thereto.

*Sponsored By: Select Board*

### **ARTICLE 3. Emergency Storm/ Snow and Ice Removal Related Costs**

To see if the Town will vote to transfer the sum of \$50,000.00, or a greater or lesser sum, for the purpose of paying emergency storm related and/or snow and ice removal costs, or take any other action relative thereto.

*Sponsored By: Select Board*

### **ARTICLE 4. Community Preservation Act**

To see if the Town will vote to hear and act on recommendations from the Community Preservation Committee (CPC) to appropriate the sums of money as indicated below. Appropriations for the items below are to be expended from Community Preservation Undesignated Funds unless otherwise indicated. All such sums appropriated are further to be expended subject to all terms and conditions of the applications regarding such projects filed with the CPC and the votes of the CPC regarding approval of such items.

1.   \$31,159      From Community Preservation fund balance, to be reserved for the creation and support of Community Housing consistent with the Act; FY22 previously voted set-asides were insufficient to meet the 10% requirement due to additional state match being received;
2.   \$31,159      From Community Preservation fund balance, to be reserved for the acquisition and preservation of Historic Resources consistent with the Act; FY22 previously voted set-aside was insufficient to meet the 10% requirement due to additional state match being received;
3.   \$5,000       From Historic Reserve, Historic survey and planning;
4. \$100,000      From Community Preservation fund balance, for the restoration of the historic Scituate Lighthouse;

Or take any other action relative thereto.

*Sponsored by: Community Preservation Committee*

### **ARTICLE 5: Construction of New Water Treatment Plant Facility and Supervisory Control and Data Acquisition (SCADA) System**

To see if the Town will vote to appropriate the sum of \$50,000,000.00, to demolish the existing water treatment plant facility, and design, construct and equip a new water treatment plant facility and supervisory control and data acquisition (SCADA) system, including the payment of costs incidental or related thereto; that to meet such appropriation authorize the Treasurer, with the approval of the Select Board, to borrow up to \$50,000,000.00 under M.G.L. Chapter 44, Section 8(4) or any other enabling authority; and further that the Select Board are authorized to apply for American Rescue Plan Act (ARPA) funds through Plymouth County and The Commonwealth of Massachusetts, grants, gifts, or donations for the purposes of this vote from federal, state, or private sources, and the said Select Board were hereby authorized to accept such American Rescue Plan Act (ARPA)

funds through Plymouth County and The Commonwealth of Massachusetts, grants, gifts or donations on behalf of the Town and that the amount of the authorized borrowing shall be reduced by the amount of American Rescue Plan Act (ARPA) funds through Plymouth County and The Commonwealth of Massachusetts, grants, gifts and donations received prior to any such borrowing; or take any other action relative thereto.

*Sponsored By: Select Board*

And you are further directed to serve this warrant by posting up attested copies thereof, one at each of the Post Offices in said Town and one at the Town Hall, fourteen days at least before the time of holding said meeting.

Hereof, fail not, and make due return of this warrant with your doings thereon, to the Town Clerk at the time and place of the meeting as aforesaid.

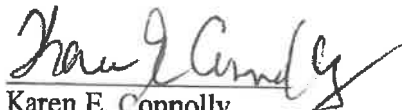
Given under our hands this 15th day of March, in the year two thousand twenty two.

**SELECT BOARD  
TOWN OF SCITUATE**

And you are directed to serve this Warrant by posting attested copies thereof, one at each of the Post Offices in Town and one at Town Hall fourteen (14) days at least before holding said meeting.

HEREOF fail not and make due return of the Warrant with your doings thereon, to the Town Clerk, on or before the time of holding said meeting.

Given under our hands this 1<sup>st</sup> day of March 2022.



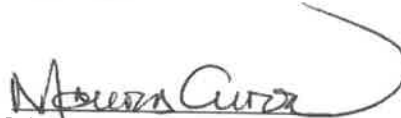
Karen E. Connolly  
Chair



Karen B. Canfield  
Vice-Chair



Andrew W. Goodrich  
Clerk



Maula C. Curran  
Member



Anthony V. Vegnani  
Member

**SELECT BOARD  
TOWN OF SCITUATE**

**TOWN OF SCITUATE  
ANNUAL TOWN MEETING  
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**COMMONWEALTH OF MASSACHUSETTS, PLYMOUTH SS**

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**GREETINGS:** In the name of the Commonwealth of Massachusetts, you are hereby required to notify and warn the inhabitants of said Town qualified to vote in Elections and Town Affairs therein, to meet at the Scituate High School Gymnasium, 606 Chief Justice Cushing Highway on

**MONDAY, THE ELEVENTH DAY OF APRIL 2022 NEXT**

**At seven o'clock in the evening, then and there to act on the following articles:**

**ARTICLE 1.            Compensation of Elected Officials**

To see if the Town will vote to establish the salaries and compensation of all elected Town officials as follows for a sum totaling **\$88,487.00**, or a greater or lesser sum; or take any other action relative thereto:

SELECT BOARD:	Chair & Legitimate Expenses	\$ 1,500.00
SELECT BOARD:	Members & Legitimate Expenses	\$ 2,000.00
		(4@\$500)
ASSESSORS:	Chair & Legitimate Expenses	\$ 1,200.00
ASSESSORS:	Members & Legitimate Expenses	\$ 800.00
		(2@\$400)
TOWN CLERK:	Personal Services	\$82,987.00

*Sponsored By: Select Board*

**ARTICLE 2.            Reports of Boards and Committees**

To see if the Town will vote to hear or act upon any reports from the Town officers or committees; or take any other action relative thereto.

*Sponsored By: Select Board*

**ARTICLE 3.            Capital Improvement Plan**

To see if the Town will vote to raise and appropriate, borrow, or transfer from available funds in the Treasury, in accordance with M.G.L. c. 44, §§ 7 and 8 and any other enabling authority, the following sums of money totaling **\$27,299,989.00** or any greater or lesser sums as may be necessary, for the purpose of funding the costs of the Fiscal Year 2023 Capital Improvement Plan submitted in accordance with Section 6-6 of the Scituate Town Charter and outlined as follows; or take any other action relative thereto:

	Project	Department	Amount	Funding Source
A	Beach Improvements	Foreshore Protection	\$ 100,000	Free Cash
B	Foreshore Repairs-Seawall Turner Rd/Oceanside	Foreshore Protection	\$ 4,000,000	Borrowing
C	Road & Sidewalk Improvements	DPW - Highway	\$ 300,000	Free Cash, Tax Levy, Other Articles, Premiums
D	Foreshore Protection	Foreshore Protection	\$ 200,000	Free Cash
E	Foreshore Repairs - FEMA - 3rd Cliff	Foreshore Protection	\$ 2,500,000	Borrowing
F	Foreshore Repairs - FEMA - 2nd Cliff	Foreshore Protection	\$ 715,000	Borrowing
G	Foreshore Repairs - FEMA - 1st Cliff	Foreshore Protection	\$ 635,000	Borrowing
H	Foreshore Repairs - FEMA - Minot	Foreshore Protection	\$ 717,500	Borrowing
I	Foreshore Repairs - FEMA - Glades (PW361/821/1171)	Foreshore Protection	\$ 724,147	Borrowing
J	Foreshore Repairs - FEMA - Seaside (PW379)	Foreshore Protection	\$ 121,439	Capital Stabilization
K	Foreshore Repairs -FEMA-Surfside (PW1171/383)	Foreshore Protection	\$ 163,513	Capital Stabilization
L	Foreshore Repairs-FEMA-Cole Pkwy (PW357)	Foreshore Protection	\$ 66,983	Capital Stabilization
M	Harbor Resiliency Design & Engineering	Foreshore Protection	\$ 250,000	Free Cash
N	Replace Zoll monitors (2)	Fire	\$ 50,000	Free Cash
O	Truck 1-9, Diesel Pick-up Truck	DPW - Highway	\$ 65,000	Free Cash
P	Replace ADA Ramp to Maritime Center	Facilities	\$ 108,500	Free Cash
Q	Ballistic Vests	Police	\$ 92,767	Free Cash
R	Town Wide Facilities Plan - Year Two Projects	Facilities Town Wide Plan	\$ 1,166,069	Free Cash
S	MS4 Compliance	DPW-Engineering	\$ 100,000	Free Cash
T	Replace 2001 Trash Truck	DPW - Grounds	\$ 170,000	Free Cash
U	Cemetery Maintenance Database Program	DPW - Grounds	\$ 45,000	Free Cash
V	SHS Floor Replacement	School	\$ 300,000	Free Cash
W	Truck 101 Medium Duty Truck	DPW - Highway	\$ 65,000	Free Cash
X	Replace Forklift	DPW - Highway	\$ 67,300	Free Cash
Y	High School Roof Replacement	School	\$ 1,045,000	Borrowing
Z	School Technology	School	\$ 200,000	Free Cash
AA	Network Switches	Information Technology	\$ 112,000	Free Cash
BB	Replace #2-0 1999 Ford 250 Pick-up	DPW - Grounds	\$ 65,000	Free Cash
CC	Replace HVAC at 68 Capt Peirce (DPW)	Facilities	\$ 67,000	Free Cash
DD	Replace #2-2 2013 Pick-up	DPW - Grounds	\$ 65,000	Free Cash
EE	Automated License Plate Reader & Parking Management System	Police	\$ 82,500	Free Cash
FF	Replace 2010 Command Vehicle	Fire	\$ 65,000	Free Cash
GG	Center for Performing Arts Rigging	School	\$ 26,000	Free Cash
HH	Vehicle for Facilities Director	Facilities	\$ 37,000	Free Cash
II	Inflow & Infiltration Recommended 2021 Priority Areas	Sewer	\$ 4,043,285	Borrowing
JJ	SCADA Phase 5	Sewer	\$ 286,950	Borrowing
KK	Inflow & Infiltration	Sewer	\$ 220,000	Sewer Retained Earnings
LL	Automated Aeration Valves	Sewer	\$ 85,000	Sewer Retained Earnings
MM	Replace #5-1 2005 Ranger with 4x4	Sewer	\$ 71,036	Sewer Retained Earnings, Other Articles
NN	Humarock Water Mains-Construction	Water	\$ 6,300,000	Borrowing
OO	Well #19 & 22 Upgrades	Water	\$ 325,000	Water Retained Earnings, Other Articles
PP	Well #10 & 11 Upgrades	Water	\$ 564,000	Water Retained Earnings
QQ	West End Well Investigation	Water	\$ 250,000	Water Retained Earnings
RR	Redevelopment of Public Wells	Water	\$ 125,000	Water Retained Earnings, Other Articles, Premiums
SS	10 Yr Meter replacement cycle program	Water	\$ 220,000	Water Retained Earnings
TT	Maintenance and Improvement Dredging	Waterways	\$ 250,000	Waterways Retained Earnings
UU	Pump Out Station Jericho Boat Ramp	Waterways	\$ 72,000	Waterways Retained Earnings, Other Articles, Premiums
		<b>Grand Total</b>	<b>\$ 27,299,989.00</b>	



**ARTICLE 4. Fiscal Year 2023 Operating Budget**

To see if the Town will vote to raise and appropriate, and/or transfer from available funds in the Treasury, the sum of **\$89,557,298.00** or a greater or lesser sum, for the purpose of funding personal services and expenses for Town operations as may be necessary for the ensuing Fiscal Year commencing July 1, 2022; or take any other action relative thereto.

<b>Article 4</b>						
<b>Fiscal Year 2023 Operating Budget</b>						
			<b>FY 2022 Appropriated</b>	<b>FY 2023 Select Board</b>	<b>FY 2023 Advisory Com</b>	<b>% of total</b>
<b>Select Board</b>						
<b>Town Administrator</b>						
123	510	Personal Services	\$ 341,500	\$ 356,035	\$ 356,035	
	520	Purchase of Services	\$ 171,160	\$ 171,160	\$ 171,160	
	530	Town Counsel	\$ 145,000	\$ 145,000	\$ 145,000	
	532	Contract Bargaining	\$ 85,201	\$ 180,331	\$ 180,331	
	540	Materials & Supplies	\$ 7,400	\$ 7,400	\$ 7,400	
	599	Salary Adjustments	\$ 10,000	\$ 10,000	\$ 10,000	
			\$ 760,261	\$ 869,926	\$ 869,926	0.97%
<b>Advisory Committee</b>						
131	510	Personal Services	\$ 2,225	\$ 2,298	\$ 2,298	
	520	Purchase of Services	\$ 250	\$ 250	\$ 250	
	540	Materials & Supplies	\$ 4,300	\$ 4,300	\$ 4,300	
			\$ 6,775	\$ 6,848	\$ 6,848	0.01%
132	<b>Reserve Fund</b>					
	570	Transfers	\$ 75,000	\$ 75,000	\$ 75,000	0.08%
135	<b>Finance Director/Town Accountant</b>					
	510	Personal Services	\$ 354,629	\$ 365,145	\$ 365,145	
	520	Purchase of Services	\$ 67,880	\$ 64,700	\$ 64,700	
	540	Materials & Supplies	\$ 1,300	\$ 1,300	\$ 1,300	
			\$ 423,809	\$ 431,145	\$ 431,145	0.48%
<b>Assessors</b>						
141	510	Personal Services	\$ 211,756	\$ 224,507	\$ 224,507	
	520	Purchase of Services	\$ 38,850	\$ 39,050	\$ 39,050	
	540	Materials & Supplies	\$ 500	\$ 500	\$ 500	
			\$ 251,106	\$ 264,057	\$ 264,057	0.29%
<b>Treasurer/Collector</b>						
145	510	Personal Services	\$ 319,964	\$ 331,394	\$ 331,394	
	520	Purchase of Services	\$ 100,025	\$ 101,025	\$ 101,025	
	540	Materials & Supplies	\$ 9,000	\$ 9,000	\$ 9,000	
			\$ 428,989	\$ 441,419	\$ 441,419	0.49%

			FY 2022 Appropriated	FY 2023 Select Board	FY 2023 Advisory Com	% of total
155	<b>Information Technology</b>					
	510	Personal Services	\$ 209,331	\$ 275,126	\$ 275,126	
	520	Purchase of Services	\$ 384,395	\$ 385,595	\$ 385,595	
	540	Materials & Supplies	\$ 500	\$ 500	\$ 500	
	580	Capital Outlay	\$ 30,000	\$ 30,000	\$ 30,000	
			\$ 624,226	\$ 691,221	\$ 691,221	0.77%
	<b>Tax Foreclosures</b>					
158	521	Tax Foreclosures	\$ 39,000	\$ 39,000	\$ 39,000	
			\$ 39,000	\$ 39,000	\$ 39,000	0.04%
159	<b>Cable TV</b>					
	510	Personal Services	\$ 112,646	\$ 113,732	\$ 113,732	
	520	Purchase of Services	\$ 6,500	\$ 6,500	\$ 6,500	
	540	Materials & Supplies	\$ 2,000	\$ 2,000	\$ 2,000	
	580	Capital Outlay	\$ 150,000	\$ 150,000	\$ 150,000	
			\$ 271,146	\$ 272,232	\$ 272,232	0.30%
161	<b>Town Clerk</b>					
	510	Personal Services	\$ 177,128	\$ 211,681	\$ 211,681	
	520	Purchase of Services	\$ 26,815	\$ 44,122	\$ 44,122	
	540	Materials & Supplies	\$ 4,530	\$ 4,130	\$ 4,130	
			\$ 208,473	\$ 259,933	\$ 259,933	0.29%
171	<b>Planning &amp; Community Development</b>					
175	510	Personal Services	\$ 836,842	\$ 877,477	\$ 877,477	
176	520	Purchase of Services	\$ 54,600	\$ 63,600	\$ 63,600	
182	540	Materials & Supplies	\$ 4,100	\$ 4,600	\$ 4,600	
241			\$ 895,542	\$ 945,677	\$ 945,677	1.06%
192	<b>Property/Liability Insurance</b>					
	570	Expenses	\$ 819,214	\$ 999,983	\$ 999,983	1.12%
	<b>Total General Government</b>		\$ 4,803,541	\$ 5,296,441	\$ 5,296,441	5.91%
210	<b>Police</b>					
	510	Personal Services	\$ 3,767,772	\$ 3,943,033	\$ 3,943,033	
	520	Purchase of Services	\$ 128,991	\$ 137,145	\$ 137,145	
	540	Materials & Supplies	\$ 108,220	\$ 134,020	\$ 134,020	
	580	Capital Outlay	\$ 184,820	\$ 203,820	\$ 203,820	
			\$ 4,189,803	\$ 4,418,018	\$ 4,418,018	4.93%
220	<b>Fire</b>					
	510	Personal Services	\$ 5,083,636	\$ 5,294,042	\$ 5,294,042	
	520	Purchase of Services	\$ 57,987	\$ 71,987	\$ 71,987	
	540	Materials & Supplies	\$ 166,991	\$ 166,991	\$ 166,991	
			\$ 5,308,614	\$ 5,533,020	\$ 5,533,020	6.18%

			FY 2022 Appropriated	FY 2023 Select Board	FY 2023 Advisory Com	% of total
230	<b>Combined Public Safety Dispatch</b>					
	510	Personal Services	\$ 630,636	\$ 677,891	\$ 677,891	
	520	Purchase of Services	\$ -	\$ -	\$ -	
	540	Materials & Supplies	\$ 200	\$ 400	\$ 400	
			\$ 630,836	\$ 678,291	\$ 678,291	0.76%
295	<b>Shellfish</b>					
	510	Personal Services	\$ 8,000	\$ 8,000	\$ 8,000	
	520	Purchase of Services	\$ 200	\$ 200	\$ 200	
	540	Materials & Supplies	\$ 600	\$ 600	\$ 600	
			\$ 8,800	\$ 8,800	\$ 8,800	0.01%
	<b>Total Public Safety</b>		\$ 10,138,053	\$ 10,638,129	\$ 10,638,129	11.88%
300	<b>School Committee</b>					
	505	School Expenses	\$ 41,523,689	\$ 43,356,872	\$ 43,356,872	48.41%
310	<b>South Shore Regional School</b>					
	560	Intergovernmental	\$ 627,785	\$ 614,185	\$ 614,185	0.69%
	<b>Total Schools</b>		\$ 42,151,474	\$ 43,971,057	\$ 43,971,057	49.10%
	<b>Public Works</b>					
400	510	Personal Services	\$ 1,820,620	\$ 1,857,258	\$ 1,857,258	
	520	Purchase of Services	\$ 557,503	\$ 575,320	\$ 575,320	
	540	Materials & Supplies	\$ 280,033	\$ 265,389	\$ 265,389	
	580	Capital Outlay	\$ 435,360	\$ 412,260	\$ 412,260	
			\$ 3,093,516	\$ 3,110,227	\$ 3,110,227	3.47%
410	<b>Facilities</b>					
	510	Personal Services	\$ 417,883	\$ 513,910	\$ 513,910	
	520	Purchase of Services	\$ 523,753	\$ 506,818	\$ 506,818	
	540	Materials & Supplies	\$ 235,955	\$ 249,300	\$ 249,300	
	580	Capital Outlay	\$ 63,000	\$ 83,000	\$ 83,000	
			\$ 1,240,591	\$ 1,353,028	\$ 1,353,028	1.51%
423	<b>Snow &amp; Ice</b>					
	510	Personal Services	\$ 107,906	\$ 101,401	\$ 101,401	
	520	Purchase of Services	\$ 176,909	\$ 150,000	\$ 150,000	
	540	Materials & Supplies	\$ 212,299	\$ 245,714	\$ 245,714	
			\$ 497,114	\$ 497,115	\$ 497,115	0.56%
424	<b>Street Lights &amp; Beacons</b>					
	520	Purchase of Services	\$ 125,000	\$ 125,000	\$ 125,000	0.14%
	<b>Total Public Works</b>		\$ 4,956,221	\$ 5,085,370	\$ 5,085,370	5.68%

			FY 2022 Appropriated	FY 2023 Select Board	FY 2023 Advisory Com	% of total
<b>510</b>	<b>Board of Health</b>					
	510	Personal Services	\$ 292,084	\$ 301,882	\$ 301,882	
	520	Purchase of Services	\$ 12,575	\$ 12,575	\$ 12,575	
	540	Materials & Supplies	\$ 1,735	\$ 1,735	\$ 1,735	
	580	Capital Outlay	\$ 125	\$ 125	\$ 125	
			\$ 306,519	\$ 316,317	\$ 316,317	0.35%
<b>541</b>	<b>Council on Aging</b>					
	510	Personal Services	\$ 238,186	\$ 247,832	\$ 247,832	
	520	Purchase of Services	\$ 5,540	\$ 5,440	\$ 5,440	
	540	Materials & Supplies	\$ 27,500	\$ 28,000	\$ 28,000	
	580	Capital Outlay	\$ 5,200	\$ 5,200	\$ 5,200	
			\$ 276,426	\$ 286,472	\$ 286,472	0.32%
<b>543</b>	<b>Veterans Agent</b>					
	510	Personal Services	\$ 86,803	\$ 89,590	\$ 89,590	
	520	Purchase of Services	\$ 126,160	\$ 120,915	\$ 120,915	
	540	Materials & Supplies	\$ 2,150	\$ 2,150	\$ 2,150	
			\$ 215,113	\$ 212,655	\$ 212,655	0.24%
<b>549</b>	<b>Commission on Disabilities</b>					
	520	Purchase of Services	\$ 5,000	\$ 5,000	\$ 5,000	
	540	Materials & Supplies	\$ -	\$ -	\$ -	
			\$ 5,000	\$ 5,000	\$ 5,000	0.01%
	<b>Total Health &amp; Human Services</b>		\$ 803,058	\$ 820,444	\$ 820,444	0.92%
<b>610</b>	<b>Library</b>					
	510	Personal Services	\$ 827,399	\$ 828,278	\$ 828,278	
	520	Purchase of Services	\$ 141,414	\$ 148,183	\$ 148,183	
	540	Materials & Supplies	\$ 136,250	\$ 139,000	\$ 139,000	
	580	Capital Outlay	\$ 2,000	\$ 5,000	\$ 5,000	
			\$ 1,107,063	\$ 1,120,461	\$ 1,120,461	1.25%
<b>630</b>	<b>Recreation</b>					
	510	Personal Services	\$ 158,717	\$ 164,521	\$ 164,521	
	520	Purchase of Services	\$ 1,420	\$ 1,710	\$ 1,710	
	540	Materials & Supplies	\$ 150	\$ 150	\$ 150	
	580	Capital Outlay	\$ -	\$ -	\$ -	
			\$ 160,287	\$ 166,381	\$ 166,381	0.19%
<b>650</b>	<b>Beautification</b>					
	540	Materials & Supplies	\$ 29,586	\$ 30,000	\$ 30,000	
			\$ 29,586	\$ 30,000	\$ 30,000	0.03%



			FY 2022 Appropriated	FY 2023 Select Board	FY 2023 Advisory Com	% of total
691	<b>Historical Buildings</b>					
	520	Purchase of Services	\$ 23,200	\$ 23,200	\$ 23,200	
			\$ 23,200	\$ 23,200	\$ 23,200	0.03%
	<b>Total Recreation &amp; Resources</b>		\$ 1,320,136	\$ 1,340,042	\$ 1,340,042	1.50%
720	<b>Debt &amp; Interest</b>					
	590	Debt Service	\$ 8,417,125	\$ 8,111,167	\$ 8,111,167	9.06%
			\$ 8,417,125	\$ 8,111,167	\$ 8,111,167	9.06%
911	<b>Plymouth County Retirement</b>					
	512	Other Personal Services	\$ 5,875,196	\$ 6,338,175	\$ 6,338,175	7.08%
912	<b>Workers' Compensation</b>					
	515	Employee Benefits	\$ 523,715	\$ 210,000	\$ 210,000	0.23%
913	<b>Unemployment Insurance</b>					
	515	Employee Benefits	\$ 130,000	\$ 65,000	\$ 65,000	0.07%
914	<b>Contributory Group Insurance</b>					
	515	Employee Benefits	\$ 6,461,034	\$ 6,833,077	\$ 6,833,077	7.63%
916	<b>Federal Taxes</b>					
	515	Employee Benefits	\$ 811,862	\$ 848,396	\$ 848,396	0.95%
	<b>Total Employee Benefits</b>		\$ 13,801,807	\$ 14,294,648	\$ 14,294,648	15.96%
	<b>Total General Fund</b>		\$ 86,391,415	\$ 89,557,298	\$ 89,557,298	100.00%

*Sponsored By: Select Board*

## **ARTICLE 5. Waterways Enterprise Fund**

To see if the Town will vote to raise and appropriate, borrow and/or transfer from available funds in the Treasury, the sum of **\$1,063,001.00**, or a greater or lesser sum, for the purpose of funding the Waterways Enterprise operations and expenses for the ensuing fiscal year commencing July 1, 2022; or take any other action relative thereto.

Personal Services	\$ 443,756
Other Expenses	\$ 619,245
<b>Total</b>	<b>\$ 1,063,001</b>

*Sponsored By: Select Board*

**ARTICLE 6.            Golf Course Enterprise Fund**

To see if the Town will vote to raise and appropriate, borrow and/or transfer from available funds in the Treasury the sum of **\$1,423,498.00**, or a greater or lesser sum, for the purpose of funding the Widow's Walk Golf Course operations and expenses for the ensuing fiscal year commencing July 1, 2022; or take any other action relative thereto.

Personal Services	\$        242,644
Other Expenses	\$    1,180,854
Total	\$    1,423,498

*Sponsored By: Select Board*

**ARTICLE 7.            Wastewater Enterprise Fund**

To see if the Town will vote to raise and appropriate, borrow and/or transfer from available funds in the Treasury the sum of **\$3,574,773.00**, or a greater or lesser sum, for the purpose of funding Wastewater Treatment Plant operations and expenses, for the ensuing fiscal year commencing July 1, 2022; or take any other action relative thereto.

Personal Services	\$        619,933
Other Expenses	\$    2,954,840
Total	\$    3,574,773

*Sponsored By: Select Board*

**ARTICLE 8.            Transfer Station Enterprise Fund**

To see if the Town will vote to raise and appropriate, borrow and/or transfer from available funds in the Treasury the sum of **\$1,480,924.00**, or a greater or lesser sum, for the purpose of funding the Landfill and Transfer Station operations and expenses for the ensuing fiscal year commencing July 1, 2022; or take any other action relative thereto.

Personal Services	\$        288,138
Other Expenses	\$    1,192,786
Total	\$    1,480,924

*Sponsored By: Select Board*

**ARTICLE 9.            Water Enterprise Fund**

To see if the Town will vote to raise and appropriate, borrow and/or transfer from available funds in the Treasury, the sum of **\$6,198,546.00**, or a greater or lesser sum, for the purpose of funding Water Division operations and expenses for the ensuing fiscal year commencing July 1, 2022; or take any other action relative thereto.

Personal Services	\$ 1,231,669
Other Expenses	\$ 4,966,877
Total	\$ 6,198,546

*Sponsored By: Select Board*

#### **ARTICLE 10. Stabilization Fund Excess Levy**

To see if the Town will vote to raise and appropriate the difference between the levy net and the levy limit to the Stabilization Fund, in accordance with M.G.L. c. 40, § 5B; or take any other action relative thereto.

*Sponsored By: Select Board*

#### **ARTICLE 11. Revolving Fund Limits**

To see if the Town will vote to set the annual spending limits for the revolving funds authorized under General Bylaw Section 10260 for Fiscal Year 2023, in accordance with M.G. L., c. 44, § 53E1/2 as follows; or take any other action relative thereto.

<b>Revolving Fund</b>	<b>FY23 Expenditure Limit</b>
Senior Program Revolving	\$70,000
Senior Center Food Service	\$40,000
Planning Board Application	\$15,000
Food Establishment Inspection	\$40,000
School Transportation	\$400,000
Beach Sticker	\$500,000
Public Health Vaccinations	\$50,000
Wind Turbine	\$750,000
Maintenance of Public Ways	\$10,000
GATRA Transport	\$130,000
Solar Array	\$485,000
Recreation Program	\$485,000
Athletic Fields	\$50,000
Maritime Center Rental	\$40,000
Scituate Harbor Community Building Rental	\$10,000
Aquaculture	\$5,000
Perc Witness Fees	\$50,000

*Sponsored By: Select Board*

#### **ARTICLE 12. Community Preservation**

To see if the Town will vote to hear and act on recommendations from the Community Preservation Committee (the “CPC”) on the Fiscal Year 2023 Community Preservation budget and pursuant to M.G.L. c. 44B (the “Act”) to appropriate and/or reserve the sums of money as indicated below (i) to

meet the administrative expenses and all other necessary and proper expenses of the CPC for Fiscal Year 2023; (ii) for the acquisition, creation, and preservation of open Space; (iii) for the acquisition, creation, preservation, rehabilitation, and restoration of land for recreational use; (iv) for the acquisition, preservation, rehabilitation, and restoration of historic resources; and (v) for the creation, acquisition, preservation and support of community housing. Appropriations for the items below are to be expended first from any existing reserves for the purposes of such item, then appropriated from Community Preservation FY 2023 estimated revenues, with any excess to be appropriated from Community Preservation unreserved funds unless otherwise specified below. All such sums appropriated are further to be expended subject to all of the terms and conditions of the applications regarding such projects filed with the CPC and the votes of the CPC regarding approval of such items; or take any other action relative thereto.

1. \$251,417 From Community Preservation FY 2023 estimated revenues, to be reserved for the creation and support of Community Housing consistent with the Act;
2. \$251,417 From Community Preservation FY 2023 estimated revenues, to be reserved for the acquisition and preservation of Historic Resources consistent with the Act;
3. \$251,417 From Community Preservation FY 2023 estimated revenues, to be reserved for acquisition and preservation of Open Space consistent with the Act;
4. \$62,854 From Community Preservation FY 2023 estimated revenues, for Administrative Expense of the Community Preservation Committee;
5. \$281,800 From Community Preservation FY 2023 estimated revenues and premiums reserved for payment of debt relevant to the Athletic Field Renovation Project voted as Article 12 ATM 04/2019;
6. \$1,900,000 For Historic Resources – Scituate Lighthouse restoration;
7. \$41,000 For Open Space – Land Acquisition Hollett Street – Parcel 20-4-38;
8. \$1,200 For Historic Resources – Town Archives, digitization of WPA project documents;
9. \$13,560 For Recreation Purposes – Feasibility study for restoration of High School Tennis Courts;
10. \$29,833 For Recreation Purposes – Small Dog Park;
11. \$400,000 For Open Space – Land Acquisition Mordecai Lincoln property;

*Sponsored By: Community Preservation Committee*



### **ARTICLE 13. Community Preservation Act Reconciliations**

To see if the Town will vote to hear and act on recommendations from the Community Preservation Committee to rescind the balance of funds authorized but unexpended totaling **\$123,130.04**, or a greater or lesser sum, and to transfer said funds into the Reserve or General Fund Balance from which they were originally appropriated, in accordance with the provisions of the Community Preservation Act; or take any other action relative thereto.

<u>Project</u>	<u>Authorization</u>	<u>Amount</u>
Preservation of Bailey Ellis House	Art 13-06, ATM 04/2014	\$1,251.94
Preservation Documents & Photos	Art 11-07, ATM 04/2017	\$1,139.80
Roach Baseball Field Parking	Art 11-15, ATM 04/2015	\$15,738.30
WW I Plaque Restoration	Art 12-06, ATM 04/2018	\$5,000.00
Emergency Rental Assistance	Art 12-6, ATM 04/2021	\$100,000.00

*Sponsored By: Community Preservation Committee*

### **ARTICLE 14. Wind Turbine Partial Curtailment**

To see if the Town will vote to authorize the Select Board to enter into a curtailment agreement with Scituate Wind, LLC, so-called, for the cessation of operation of the wind turbine located at 161 Driftway year round from the hours of 11:00 pm – 6:00 am; or take any other action relative thereto.

*Sponsored By: Select Board*

### **ARTICLE 15. Affordable Housing Trust - Small Grant Non Deed Restricted Program**

To see if the Town will vote to create a Small Grant Non Deed Restricted Program to be administered by the Affordable Housing Trust and to fund such program appropriate the sum of **\$25,000**; or take any other action relative thereto.

*Sponsored By: Select Board*

### **ARTICLE 16. Massachusetts General Laws Chapter 91 Liability**

To see if the Town will vote to assume liability in the manner provided by M.G.L. c. 91, § 29, as amended, for all damages that may be incurred by work to be performed by the Massachusetts Department of Environmental Protection for the improvement, development, maintenance and protection of tidal and non-tidal rivers and streams, great ponds, harbors, tidewaters, foreshores and shores along a public beach in accordance with M.G.L. c. 91, §11 and to authorize the Select Board to execute and deliver a bond on indemnity therefor to the Commonwealth; or take any other action relative thereto.

*Sponsored By: Select Board*

## **ARTICLE 17. Zoning Bylaw Amendment – Section 440.5 Business Districts**

To see if the Town will vote to amend the Zoning Bylaws Section 440.5 Business Districts by inserting the words “and/or VCN (Village Center & Neighborhood)” as shown below; or take any other action relative thereto.

### **440.5 BUSINESS DISTRICTS**

In a B **and/or VCN (Village Center & Neighborhood)** District, all uses permitted as of right or by special permit and all uses accessory thereto shall be conducted wholly within an enclosed building, except for the following:

1. Uses permitted as of right in R-1, R-2 and R-3 Districts.
2. Outdoor dining areas accessory to a restaurant, hotel *or* microbrewery on the same premises, and serving only persons seated at tables.
3. Parking lots for passenger automobiles.
4. Exterior signs, as hereinafter permitted.
5. Plants growing in the soil.

*Sponsored by: Planning Board*

## **ARTICLE 18. Zoning Bylaw Amendment – Section 610.1 Lot Area and Width Requirements**

To see if the Town will vote to amend the Zoning Bylaws Section 610.1 B as indicated below or take any other action relative thereto.

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## **SECTION 600 - DIMENSIONAL REGULATIONS**

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**610**

### **LOT SIZE REGULATIONS FOR DWELLINGS**

#### **610.1 LOT AREA AND WIDTH REQUIREMENTS**

- A. In all districts, except as herein provided, no dwelling shall hereafter be erected on a lot having less area, exclusive of any part of said lot within the line of a street or way or below mean high water, than the "Required Lot Area," or having less width measured through that part of the dwelling erected, or to be erected, thereon, where said lot is the narrowest, than the "Required Lot Width," specified in the following table for the district in which said lot is located. Lot width shall be measured between side lot lines and parallel to the lot frontage, or as close to parallel to lot frontage as is practicable on irregularly shaped lots.

District	Required Lot Area	Required Lot Width
"R 1"	40,000 sq. ft.	175 feet

"R 2"	20,000 sq. ft.	125 feet
"R 3"	10,000 sq. ft.	100 feet
"B"	10,000 sq. ft.*	100 feet

\*for each family occupying the dwelling, except in the case of accessory dwellings

The Required Lot Areas specified above shall be exclusive of any land under water bodies, bogs, swamps, wet meadows or marshes, as defined in Massachusetts General Laws Chapter 131, Section 40.

- B. Any lot, created after April 11, 2022, shall have dimensions sufficient that a circle of 30 feet diameter can be drawn tangent to the exterior of any property line at all points without the boundaries of said circle passing over the opposite property line.

Any portion of any lot created after 4/11/2022 that does not meet the above criteria shall not be counted toward the buildable lot area. All buildable lot area must be contiguous.

*Sponsored by: Planning Board*

## **ARTICLE 19. Zoning Bylaw Amendment – Section 800 Nonconforming Structures and Uses**

To see if the Town will vote to amend the Zoning Bylaws as indicated below or take any other action relative thereto.

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## **SECTION 800 - NON CONFORMING STRUCTURES AND USES**

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### **810 STRUCTURES AND USES ALREADY IN EXISTENCE**

#### **810.1 EXISTING USES AND STRUCTURES**

Any lawful structure or any lawful use of land or structure, existing in whole or in substantial part at as of the effective date of this bylaw or any amendment thereto, subject to the limitations established in Massachusetts General Laws, Chapter 40A, Section 6, as amended, or any construction or operation for which a building or other permit has been issued prior to the effective date of this bylaw or any amendment thereto may be continued, although not in conformity with the provisions thereof, unless or until abandoned or not used for a period of ~~two~~ four years or more, except that this time limit may be waived by the Zoning Board of Appeals by means of a special permit and/or finding. Modifications to structures or uses of land or structure lawfully existing as of the effective date of this bylaw, April 11, 2022, shall be governed by the following subsections with the further provisions that no nonconforming use, once abandoned or not used for a period of four years or more, shall be allowed to be restored as a nonconforming use and ~~N~~no nonconforming use shall, if changed to a conforming use, revert to a nonconforming use.

#### **810.2 ALTERATION OF ~~SINGLE AND TWO FAMILY~~ NONCONFORMING STRUCTURES**

The Building Commissioner may permit the repair, alteration, reconstruction, extension or structural change of a lawful, dimensionally nonconforming ~~single or two-family dwelling~~ structure, or a portion thereof, or accessory structures thereto, provided the proposed repair, alteration, reconstruction, extension or structural change meets the following conditions:

- A. In the case of a ~~building or~~ structure which is nonconforming solely because of insufficient lot frontage or lot area, or both, the proposed repair, alteration, reconstruction, extension or structural change shall meet all dimensional requirements for front, side and rear yard setbacks, and maximum height; provided, that any repair, alteration, reconstruction, extension or structural change which by itself or in the aggregate with other repairs, alterations, reconstructions, extensions or structural changes would increase the gross floor area of the nonconforming ~~single or two family home~~ structure which existed on the date that the ~~single or two family home~~ structure became nonconforming by more than 20% may not be permitted by the Building Commissioner pursuant to this paragraph.
- B. In the case of a dimensionally nonconforming ~~building or~~ structure with sufficient lot frontage and lot area, where said ~~building structure or a portion thereof~~ is nonconforming as to one or more of the dimensional requirements for front, side or rear yard setbacks or maximum height, the proposed repair, alteration, reconstruction, extension or structural change shall meet all dimensional requirements for front, side, or rear yard setbacks or maximum height; provided, that any repair, alteration, reconstruction, extension or structural change which by itself or in the aggregate with other repairs, alterations, reconstructions, extensions or structural changes would increase the gross floor area of the nonconforming ~~single or two family home~~ structure which existed on the date that the ~~single or two family home~~ structure became nonconforming by more than 20% may not be permitted by the Building Commissioner pursuant to this paragraph.
- C. In all other instances of alteration, reconstruction, extension or structural change to ~~single or two family dwellings~~ structures governed by this bylaw, the applicant may petition the Board of Appeals for a finding under General Laws Chapter 40A, Section 6 to allow the proposed repair, alteration, reconstruction, extension or structural change, which the Board may grant if the Board finds the proposed repair, alteration, reconstruction, extension or structural change will not be substantially more detrimental to the neighborhood than the existing nonconforming structure. The repair, alteration, reconstruction, extension or structural change of such nonconforming structure so as to increase an existing nonconformity, or create a new nonconformity, including the extension of an exterior wall at or along the same nonconforming distance within a required yard setback, shall require the issuance of a variance from the Board of Appeals.

#### **~~810.3 NONCONFORMING STRUCTURES OTHER THAN SINGLE AND TWO FAMILY~~**

~~The Board of Appeals may allow the repair, alteration, reconstruction, extension or structural change of a nonconforming structure other than a single or two family dwelling (or structures accessory thereto) if the board makes a finding that such repair, alteration, reconstruction, extension or structural change will not be substantially more detrimental to the neighborhood than the existing nonconforming structure. The repair, alteration, reconstruction, extension or structural change of such nonconforming structure so as to increase an existing nonconformity, or create a new nonconformity, including the extension of an exterior wall at or along the same nonconforming distance within a required yard setback, shall require the issuance of a variance from the board of appeals.~~

The Board of Appeals may by a finding under General Laws Chapter 40A Section 6 authorize a nonconforming use to be changed to a specified use not substantially different in character, or not substantially more detrimental or injurious to the neighborhood than the existing nonconforming use, subject to the following limitations:

1. If the pre-existing, nonconforming use is located within the Water Resources Protection District, such use may not be changed to a use specifically prohibited by the Use Regulations of the Water Resources Protection District enumerated in Section 510.4.
2. If the pre-existing, nonconforming use is located within the Water Resources Protection District, such use may not be changed to another nonconforming use if the changed use would result in a greater average daily sewage discharge, as determined by Title V, the State Environmental Code, than average daily sewage discharge of the pre-existing use or greater storage, usage or disposal of toxic or hazardous material.

Pre-existing nonconforming uses may be extended or altered provided that there is a finding by the Board of Appeals that the extension or alteration shall not be substantially more detrimental to the neighborhood.

~~A non-conforming structure or use damaged or destroyed by accidental causes may be repaired, reconstructed or restored either within the same portion of the lot or within a different portion of the lot provided that doing so renders the structure less non-conforming than previously and used as before, provided that such repair, reconstruction or restoration shall be completed within four years of said accidental damage or destruction; and further if an application for a finding under General Laws Chapter 40A, Section 6 special permit or building permit necessary for the repair, reconstruction or restoration of the nonconforming building, structure or use has been filed by the third anniversary of such accidental damage or destruction, and if, in the opinion of the Building Commissioner the issuance of said permits is faithfully and continuously pursued, the four year time limit may be extended by the Building Commissioner by the period of time between application for and issuance of all such permits (including all periods of time attributable to litigation involving such permits) or as necessary to allow sufficient time to complete the permitted repair, reconstruction or restoration work in accordance with the Massachusetts Building Code, (provided said building or structure existed or had the right to exist at the time of application in accordance with Section 800 of the bylaw.)~~

*Sponsored by: Zoning Board of Appeals*

**ARTICLE 20. Zoning Bylaw Amendment – Section 440.2 – Replace existing Section 440.2 – Registered Marijuana Dispensaries with a new Section 440.2 Medical Marijuana Treatment Centers**

To see if the Town will vote to delete the definition of Registered Marijuana Dispensary in Section 200, to delete EE. Registered Marijuana Dispensary in Section 420 Table of Uses and to delete the existing Section 440.2 Registered Marijuana Dispensaries and replace with a new definition Medical Marijuana Treatment Center (MTC) in Section 200, replace with EE. Medical Marijuana Treatment Center (MTC) in Section 420 and replace with a new Section 440.2 with updated language and requirements as



indicated below.

### **REGISTERED MARIJUANA DISPENSARY—**

~~Any registered marijuana dispensary, defined under state law as a not-for-profit entity (as defined by Massachusetts law only), that acquires, cultivates, possesses, processes (including development of related products such as food, tinctures, aerosols, oils, or ointments), transfers, transports, sells, distributes, dispenses, or administers marijuana, products containing marijuana, related supplies, or educational materials to registered qualifying patients or their personal caregivers, which is properly licensed and registered by the Massachusetts Department of Public Health pursuant to all applicable state laws and regulations.~~

### **MEDICAL MARIJUANA TREATMENT CENTER (MTC) (FORMERLY KNOWN AS REGISTERED MARIJUANA DISPENSARY OR RMD)**

An entity licensed under 935 CMR 501.000 that acquires, cultivates, possesses, processes (including development of related products such as Edibles, MIP's, Tinctures, aerosols, oils, or ointments), repackages, transports, sells, distributes, delivers, dispenses, or administers Marijuana, products containing Marijuana, related supplies, or educational materials to Registered Qualifying Patients or their Personal Caregivers for medical use. Unless otherwise specified, MTC refers to the site(s) of dispensing, cultivation, and preparation of Marijuana for medical use.

USE CATEGORY		RESIDENTIAL DISTRICTS			COMMERCIAL DISTRICT	VILLAGE CENTER & NEIGHBORHOOD DISTRICTS¹										
		R-1	R-2	R-3	B	GREENBUSH-DRIFTWAY								NORTH SCITUATE		
						GVC	GWB	NDTV	NRN	DBP	NRCR	DCR	VC	OV		
3. Commercial Uses																
EE.	Registered-marijuana-dispensary Medical Marijuana Treatment Center (MTC)	N	N	N	N	N	N	N	N	N	SP	N	N	N	N	

### **440.2 REGISTERED MARIJUANA DISPENSARIES**

~~The zoning of Registered Marijuana Dispensaries in the Town of Scituate shall be governed in accordance with this section.~~

- A. ~~Purpose. The purpose of this section is to regulate the locations for Registered Marijuana Dispensaries which serve a legitimate need for human health, in order to minimize any potential adverse impacts on residents of the Town, including impacts on residential neighborhoods and incompatible land uses, children and vulnerable populations.~~
- B. ~~Applicability. The cultivation, production, processing, assembly, packaging, retail or wholesale sale, trade, distribution or dispensing of marijuana for medical use is prohibited except as permitted under this Section, except for personal cultivation by registered qualifying patients or cultivation by personal caregivers on behalf of qualifying patients or others as provided by 105 CMR 725.000: Implementation of an Act for the Humanitarian Medical Use of Marijuana, adopted May 8, 2013.~~

Any establishment that acquires, cultivates, possesses, processes (including development of related products such as food, tinctures, aerosols, oils, or ointments), transfers, transports, sells, distributes, dispenses, or administers marijuana, products containing marijuana, related supplies,

~~or educational materials to registered qualifying patients or their personal caregivers shall not be permitted if such establishment has not been properly registered and licensed in accordance with applicable state and local laws and regulations, or is not operated as a not for profit entity, or otherwise fails to meet the definition of a Registered Marijuana Dispensary.~~

~~In no case shall the acquisition, cultivation, possession, processing, transference, transportation, sale, distribution, dispensing, or administration of marijuana, products containing or derived from marijuana, or related products be considered accessory to any other use, other than personal cultivation by registered qualifying patients or cultivation by personal caregivers on behalf of qualifying patients or others as provided by 105 CMR 725.000.~~

C. ~~Procedures.~~

- ~~1. Applications. Applicants for special permits under this section shall include the following information with the application:~~
  - ~~a. All requirements for a Major Site Plan Review, as described in Section 770.5;~~
  - ~~b. A deed, purchase and sale agreement or lease as evidence of the Applicant's right to use the site;~~
  - ~~c. A copy of the license from the Mass. Dept. of Public Health (MDPH) for the Registered Marijuana Dispensary, including the detailed written operating procedures submitted to MDPH and any conditions of operation specific to the proposed operation;~~
  - ~~d. A labeled, dimensioned floor plan by a licensed architect showing the different functions within the building in which the Registered Marijuana Dispensary will be located, and the area to be occupied by the Registered Marijuana Dispensary, with square footage;~~
  - ~~e. The proposed hours of operation, number of employees and number of vehicles used for regular operations;~~
  - ~~f. A description of the proposed system of fire protection;~~
  - ~~g. A detailed description of proposed security measures to ensure the safety of customers, employees and property, and to protect the premises from theft including lighting, fencing, gates and alarms, etc. as required to meet the standards of 105 CMR 125.000.~~
  - ~~h. Identification of any of the following facilities within five hundred (500') linear feet of the proposed location, with stated distance to any of the following as applicable:~~
    - ~~i. Any school, library, park, ballfield or other recreation facility typically used by children;~~
    - ~~ii. Any other Registered Marijuana Dispensary or related activity including but not limited to an independent testing laboratory;~~
    - ~~iii. Any drug or alcohol rehabilitation facility;~~
    - ~~iv. Any correctional facility, half way house or similar facility.~~
- ~~2. Distribution. Applications for special permits for Registered Marijuana Dispensaries shall be distributed to the Superintendent of Schools and Police Chief, in addition to the departments and boards listed in Section 940, referrals.~~
- ~~3. Process. The Planning Board shall be the special permit granting authority for Registered Marijuana Dispensaries. The process for application shall be governed by MGL Ch 40A, § 9 and this section.~~

~~4. Standard of Review.~~

- ~~a. In reviewing a special permit application under this section, the Planning Board shall insure the proposal meets the Standard of Review contained in Section 770.6 Site Plan Review, Standards of Review.~~
- ~~b. The Special Permit Granting Authority must also find all the following:~~
  - ~~i. That the Registered Marijuana Dispensary including its site plan is designed to minimize any adverse visual or economic impacts on abutters and other parties in interest;~~
  - ~~ii. That the Registered Marijuana Dispensary demonstrates that it will meet all the permitting requirements of all applicable agencies within the Commonwealth of Massachusetts and will be in compliance with all applicable state laws and regulations; and~~
  - ~~iii. That the applicant has satisfied all of the conditions and requirements of this Section and other applicable Sections of this Bylaw/Ordinance;~~
  - ~~iv. That the site plan for the Registered Marijuana Dispensary adequately addresses issues of traffic demand, circulation flow, parking and queuing, particularly at peak periods at the facility, and its impact on neighboring uses.~~
- ~~c. The special permit review shall also be subject to the procedure and conditions of approval set forth in Section 950.2 and 950.3 of the Zoning Bylaw, and the Planning Board may issue further conditions to the special permit, in addition to those stated herein.~~

~~5. Any Registered Marijuana Dispensary permitted under this Section shall be located only in a zoning district that is designated for its use within this Zoning Bylaw.~~

~~6. Location. No Registered Marijuana Dispensary shall be located within five hundred (500) linear feet of the nearest point of the property line where the following activities or uses occur:~~

- ~~a. Any school, library, park, ballfield or other recreation facility typically used by children;~~
- ~~b. Any other Registered Marijuana Dispensary or related activity including but not limited to an independent testing laboratory;~~
- ~~c. Any drug or alcohol rehabilitation facility;~~
- ~~d. Any correctional facility, half-way house or similar facility.~~

~~The five hundred (500) linear foot distance under this section is measured in a straight line from the nearest point of the property line to the proposed Registered Marijuana Dispensary.~~

~~7. As a condition of its special permit, off site signage or advertising for a Registered Marijuana Dispensary shall not be permitted.~~

~~8. As a condition of its special permit, the appearance and/or aroma of marijuana products or treatment, or of associated activities shall not be detectable from the exterior of a Registered Marijuana Dispensary.~~



- ~~9. As a condition of its special permit, a Registered Marijuana Dispensary shall provide the Scituate Police Department, Building Commissioner, and the Planning Board with the names, phone numbers, and e-mail addresses of all management staff and key holders to whom one can provide notice if there are operating problems associated with the Registered Marijuana Dispensary.~~
- ~~10. A special permit granted to an applicant under this Section is non-transferable and shall have a term limited to the earlier of the duration of the applicant's ownership or control of the premises as a Registered Marijuana Dispensary.~~
- ~~11. In the event the Massachusetts Department of Public Health license for cultivation of marijuana, manufacture of marijuana products, or operation of a Registered Marijuana Dispensary is not renewed, is cancelled, or is otherwise terminated for any reason, its special permit shall immediately become void.~~
- ~~12. As a condition of its special permit, the holder shall file an annual report to the Planning Board no later than January 31<sup>st</sup> of each year, providing a copy of all current applicable state licenses for the Registered Marijuana Dispensary and its owners and demonstrate continued compliance with all conditions of the special permit.~~

## **440.2 MEDICAL MARIJUANA TREATMENT CENTERS (MTC)**

### **A. PURPOSE**

1. To provide for placement of Medical Marijuana Treatment Centers (MTC) in appropriate places and under strict conditions in accordance with the passage of this bylaw and M.G.L. c. 94I and 935 CMR 501.000.
2. To minimize the adverse effects on adjacent properties, residential neighborhoods, schools, local historic districts, and other land uses potentially incompatible with said facilities.
3. To regulate the siting, design, placement, security, safety, monitoring, modification and removal of Medical Marijuana Treatment Centers (MTC).

### **B. APPLICABILITY**

1. The commercial cultivation (unless it meets the requirements for an agricultural exemption under M.G.L. c. 40A § 3), production, processing, assembly, packaging, retail or wholesale trade, distribution or dispensing of Marijuana for Medical use is prohibited unless granted a special permit in accordance with this bylaw.
2. Nothing in this bylaw shall be construed to supersede any state or federal laws or regulations governing the sale and distribution of narcotic drugs.

### **C. SEVERABILITY**

1. 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. GENERAL REQUIREMENTS AND CONDITIONS FOR ALL MEDICAL MARIJUANA TREATMENT CENTERS (MTC)**

1. MTCs shall be contained within a building or structure.
2. The hours of operation shall be set by the Special Permit Granting Authority.
3. No MTC shall be located within 500 feet of the nearest point of the property line where the following activities or uses occur: a public or private school providing education in kindergarten or any grades 1 through 12, or any daycare or preschool facility licensed by the Massachusetts Department of Early Education and Care, religious educational facilities, addiction treatment or recovery center, playgrounds, libraries or ballfields, provided that such a school, daycare, preschool, religious educational facility, addiction treatment or recovery center, playgrounds, libraries or ballfields pre-exists the MTC's date of application submittal. The 500-foot distance under this section is measured in a straight line from the nearest point of the property line to the nearest point of the proposed Medical Marijuana Treatment Center.
4. No smoking, burning or consumption of any product containing THC or marijuana-related products is permissible on the premises of an MTC.
5. MTCs shall not be located inside a building containing residential units.
6. Signage shall be in accordance with Section 710 of this bylaw.
  - a. MTCs may develop a logo to be used in labeling, signage, and other materials.
  - b. Signs shall identify the building by its registered name, or authorized business name.
  - c. Signs shall not utilize graphics related to marijuana or paraphernalia on the exterior of the building in which the MTC is located.
7. MTCs shall not display on the exterior of the facility advertisements for marijuana.
8. MTCs shall provide the Scituate Police Department, Building Commissioner/Zoning Enforcement Officer, and Planning Board with the names, phone numbers and email addresses of the appropriate management staff and key holders to whom one can provide notice if there are operating problems associated with the establishment and update that list whenever there is any change in management staff or key holders.

## E. PROCEDURES

1. Applications: Applicants for special permits under this section shall include the following information with the application:
  - a. All requirements for a Major Site Plan Review, as described in Section 770.5;
  - b. A deed, purchase and sale agreement; binding LOI, or lease as evidence of the Applicant's right to use the site;
  - c. A copy of the MTC's application materials to the Cannabis Control Commission, available at the time of submittal to the town, which may include the MTC's detailed written operation procedures (some of these operating materials may constitute intellectual property of the MTC or provide internal security information, in which case the Special Permit Granting Authority or other municipal department shall receive such materials under seal and not disclose them to the general public). The Applicant shall not be required to submit a copy of any security plan directly to the Planning Board, but shall submit such plan to the Scituate Police Chief;
  - d. A labeled, dimensioned floor plan by a licensed architect showing the different functions within the building in which the MTC will be located, and the area to be occupied by the MTC with square footage;
  - e. The proposed hours of operation, number of employees and number of vehicles used for regular operations;
  - f. A description of the proposed system of fire protection, if any.
  - g. A letter from the Scituate Police Chief, or designee, acknowledging review and approval of the MTC's security plan. To extent allowed by law, all such documents submitted by the applicant to the Scituate Police Chief shall be confidential. Such security measures shall include the ability for law enforcement to access the MTC's security cameras from a remote computer of device operated by the Scituate Police Department. MTCs shall maintain compliance with any Town Police Department approved security and public safety plans as the Police Department may require, which plan may include measures relating to alarms, fencing, gates, limited access areas, delivery procedures, police details, specification of video and lighting locations. A MTC shall notify the Police Department in the event of a reportable incident in accordance with 935 CMR 501.110(9).
  - h. Access to Limited Access Areas within a MTC shall be in accordance with 935 CMR 501.110(4).
  - i. MTCs shall file an emergency response plan with the Town's Fire, Police and Health Departments and any updates to them in the event they are modified.

j. A MTC shall identify any pre-existing public or private schools providing education in grades kindergarten through 12 within 500 feet of the MTC and any daycare and preschool facility licensed by the Massachusetts Department of Early Education and Care, religious facility, addiction treatment or recovery center, playgrounds, library and ballfield that pre-exists the date of the MTC's application submittal. The Special Permit Granting Authority may reduce the buffer zone to less than 500 feet but no less than 400 feet upon a showing by the applicant that it is unreasonably impracticable to gain site control over a site that complies with the 500-foot distance stipulated in the section above.

2. Distribution. Applications for special permits for MTCs shall be distributed in accordance with § 940, Referrals, under these bylaws.

3. Process. The Planning Board shall be the Special Permit Granting Authority for MTCs. The process for application shall be governed by MGL ch. 40A, § 9, this section, and other relevant portions of this bylaw.

4. Standard of Review.

a. In reviewing a special permit application under this section, the Special Permit Granting Authority shall ensure the proposal meets the Standards of Review contained in § 770.6 Site Plan Review, Standards of Review.

b. The Special Permit Granting Authority must also find all the following:

- i. That the MTC, including consideration of the proposed site plan, is designed to minimize any adverse visual or economic impacts on abutters and other parties in interest;
- ii. That the MTC demonstrates that it will meet all the permitting requirements of all the applicable agencies within the Commonwealth of Massachusetts and will be in compliance with all applicable state laws and regulations; and
- iii. That the application has satisfied all the conditions and requirements of this Section and other applicable Sections of this Bylaw/Ordinance;
- iv. That the site plan for the MTC adequately addresses issues of traffic demand, circulation flow, parking and queuing, particularly at peak periods at the facility and its impact on neighboring uses.

c. The special permit review shall also be subject to the procedure and conditions of approval set forth in § 970 of the Zoning Bylaw, and the Planning Board

may issue further conditions to the special permit in addition to those stated herein.

- d. Any MTC permitted under this section shall be located only in a zoning district in accordance with the Table of Use under this bylaw.
  - e. Size of MTC Activities. The dispensing facility of an MTC shall be limited to a maximum of 3,000 square feet. The cultivation of cannabis for medical use shall be limited to 5,000 square foot of Canopy as defined in this Bylaw. The square footage allowed for Product Manufacturing activity of a MTC shall be limited to 2,500 square feet unless contained within a cultivation facility then the square footage shall be limited to the amount reasonably required to meet its scale of operations.
  - f. All marijuana establishments shall be ventilated in such a manner that no:
    - i. Pesticides, insecticides, or other chemicals or products used in cultivation or processing are dispersed into the outside atmosphere.
    - ii. Odor from marijuana cannot be detected by a person with a normal sense of smell at the property line of the establishment.
- 5. A special permit granted under this section shall have a term limited to the duration of the applicant's ownership of the MTC. A special permit may be transferred only by the approval of the Special Permit Granting Authority after a public hearing and supported by all updated information required herein.
  - 6. In the event the Massachusetts Cannabis Control Commission license for cultivation of marijuana, manufacture of marijuana products, or operation of a MTC is not renewed, is cancelled or is otherwise terminated for any reason, its special permit shall immediately become void. A special permit shall lapse if not exercised within one year of issuance. A MTC shall be required to remove all materials, plants, equipment, and other paraphernalia within three months of ceasing operations.
  - 7. A special permit granted under this section shall have a term limited to the duration of the applicant's ownership of the marijuana establishment. A special permit may be transferred only by the approval of the Special Permit Granting Authority after a public hearing and supported by all updated information required herein.
  - 8. As a condition of its special permit, the holder shall file an annual report to the Planning Board no later than January 31<sup>st</sup> of each year, providing a copy of all current applicable state licenses for the MTC and its owners and demonstrate continued compliance with all conditions of the special permit.

*Sponsored By: Planning Board*

## **ARTICLE 21 – Zoning Bylaw Amendment – Add a new Section 440.3 – Marijuana Establishments (Adult Use Marijuana Establishments)**

To see if the Town will vote to add a new Section 440.3 Marijuana Establishments (Adult Use Marijuana Establishments) to include definitions found in Section 200, a Table of Uses found in Section 420 and a new Section 440.3 with language and requirements as indicated below and to renumber the remaining sections in Section 440 to follow 440.3.

### **CANOPY (FOR MEDICAL MARIJUANA TREATMENT CENTERS AND MARIJUANA ESTABLISHMENTS)**

An area to be calculated in square feet and measured using clearly identifiable boundaries of all area(s) that will contain Flowering and/or Vegetative plants larger than eight inches tall and eight inches wide at any point in time, including all of the spaces(s) within the boundaries. Canopy may be noncontiguous, but each unique area included in the total Canopy calculations shall be separated by an identifiable boundary which includes, but is not limited to; interior walls, shelves, Greenhouse walls, hoop house walls, garden benches, hedge rows, fencing, garden beds, or garden plots. If Flowering and/or Vegetative plants larger than eight inches tall and eight inches wide are being cultivated using a shelving system, the surface area of each level shall be included in the total Canopy calculation.

### **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, brand and Transfer Marijuana or Marijuana Products to Marijuana Establishments, but not to Consumers.

### **MANUFACTURE MARIJUANA**

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

### **MARIJUANA ACCESSORIES**

Equipment, products, devices or materials of any kind that are intended or designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, ingesting, inhaling or otherwise introducing marijuana into the human body.

### **MARIJUANA CULTIVATOR**

An entity licensed to cultivate, process and package marijuana, to deliver marijuana to marijuana establishments and to transfer marijuana to other marijuana establishments, but not to consumers.

### **MARIJUANA COURIER**

An entity licensed to deliver Finished Marijuana Products, Marijuana Accessories and Branded Goods directly to Consumers from a Marijuana Retailer, or directly to Registered Qualifying Patients or Caregivers from an MTC, but is not authorized to sell Marijuana or Marijuana Products directly to Consumers, Registered Qualifying Patients or Caregivers and is not authorized to Wholesale, Warehouse, Process, Repackage, or White Label. A Marijuana Courier is an additional license type under M.G.L. c. 94G, § 4(b)(1) that allows for limited delivery of Marijuana or Marijuana Products to Consumers; and shall not be considered to be a Marijuana Retailer under 935 CMR 500.002 or 500.050 and shall be subject to 935 CMR 500.050(1)(b).

### **MARIJUANA DELIVERY OPERATOR OR DELIVERY OPERATOR**

An entity licensed to purchase at Wholesale and Warehouse Finished Marijuana Products acquired from a Marijuana Cultivator, Marijuana Product Manufacturer, Microbusiness or Craft Marijuana Cooperative, and White Label, sell and deliver Finished Marijuana Products, Marijuana Accessories and Marijuana Branded Goods directly to Consumers, but is not authorized to repackage Marijuana or Marijuana Products or operate a storefront under this license. A Delivery Operator is an additional license type under M.G.L. c. 94G, S4(b)(1) that allows for limited delivery of Marijuana or Marijuana Products to Consumers; and shall not be considered to be a Marijuana Retailer under 935 CMR 500.002 or 500.050 and shall be subject to 935 CMR 500.050(1)(b)

### **MARIJUANA ESTABLISHMENT**

A marijuana cultivator, marijuana testing facility, marijuana product manufacturer, marijuana delivery courier, marijuana delivery operator, marijuana retailer, marijuana transporter or any other type of licensed marijuana-related business, except a Medical Marijuana Treatment Center (MTC).

### **(MARIJUANA) INDEPENDENT TESTING LABORATORY**

A laboratory that is licensed or registered by the Commission and is:

- a) Currently and validly licensed under 935 CMR 500.101, or formerly and validly registered by the Commission;
- b) Accredited to ISO 174025: 2017 or the International Organization for Standardization 17025 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;
- c) Independent financially from an MTC Marijuana Establishment or Licensee; and
- d) Qualified to test Marijuana and Marijuana Products, including MIP's, in compliance with M.G.L. c. 94C, §34; M.G.L. c. 94G §15; 935 CMR 500.000; 935 CMR 501.0000: Medical Use of Marijuana; and Commission protocol (s).

### **(MARIJUANA) MICROBUSINESS**

An entity that can be either a Tier 1 Marijuana Cultivator or Marijuana Product Manufacturer or both, in compliance with the operating procedures for each License and, if in receipt of a Delivery Endorsement issued by the Commission, may deliver Marijuana or Marijuana Products produced at the licensed location directly to Consumers in compliance with established regulatory requirements for retail sale as it relates to delivery. A Microbusiness that is a Marijuana Product Manufacturer may purchase no more than 2,000 pounds of Marijuana per year from other Marijuana Establishments for the purpose of Marijuana Product manufacturing by the Licensee.

### **MARIJUANA PRODUCT MANUFACTURER**

An entity licensed to obtain, manufacture, process and package marijuana and marijuana products, to deliver marijuana and marijuana products to marijuana establishments and to transfer marijuana and marijuana 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 RETAILER**

Means an entity licensed to purchase, repackage, White Label, and transport Marijuana or Marijuana Product from Marijuana Establishments and to Transfer or otherwise Transfer this product to Marijuana Establishments and to sell to Consumers. Unless licensed, retailers are prohibited from offering Marijuana or Marijuana Products for the purposes of on-site social consumption on the Premises of a Marijuana Establishment.

#### **MARIJUANA RESEARCH FACILITY**

An academic institution, nonprofit corporation or domestic corporation or entity authorized to do business in the Commonwealth, including a licensed Marijuana Establishment or MTC, that is licensed to conduct research.

#### **(MARIJUANA) RESEARCH PERMIT**

A certificate indicating Commission approval to conduct a specified research project over a specified and finite period. To the extent that a Research License is subject to other IRB, institutional, industry or professional standards, they shall demonstrate compliance with those standards.

#### **MARIJUANA TESTING FACILITY**

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

#### **MARIJUANA TRANSPORTER**

An entity, not otherwise licensed by the Cannabis Control Commission, that is licensed to possess Marijuana Products solely for the purpose of transporting, temporary storage, sale and distribution to Marijuana Establishments or MTCs, but not to Consumers. Marijuana Transporters may be an Existing Licensee Transporter or Third-party Transporter.

#### **(MARIJUANA) SOCIAL CONSUMPTION ESTABLISHMENT**

An entity licensed to sell Marijuana or Marijuana Products and allow Consumers to consume Marijuana or Marijuana Products solely on its premises.



USE CATEGORY		RESIDENTIAL DISTRICTS			COMMERCIAL DISTRICT	VILLAGE CENTER & NEIGHBORHOOD DISTRICTS <sup>1</sup>									
		R-1	R-2	R-3		GREENBUSH-DRIFTWAY								NORTH SCITUATE	
					B	GVC	GWB	NDTV	NRN	DBP	NRCR	DCR	VC	OV	
2. Agricultural, Horticultural, Floricultural Uses															
F.	Marijuana Cultivator	N	N	N	N	N	N	N	N	N	SP	N	N	N	N
G.	Marijuana Product Manufacturer	N	N	N	N	N	N	N	N	N	SP	N	N	N	N
3. Commercial Uses															
EE.	Medical Marijuana Treatment Center (MTC)	N	N	N	N	N	N	N	N	N	SP	N	N	N	N
GG.	Marijuana Retailer	N	N	N	SP	SP	SP	SP	N	SP	N	N	SP	SP	SP
HH.	Marijuana Delivery Operator or Marijuana Courier	N	N	N	N	SP	SP	SP	N	SP	N	N	SP	SP	SP
II.	Marijuana Transporter	N	N	N	N	SP	SP	SP	N	SP	N	N	SP	SP	SP
JJ.	Craft Marijuana Cooperative	N	N	N	N	N	N	N	N	SP	N	N	N	N	N
KK.	(Marijuana) Social Consumption Establishment	N	N	N	N	N	N	N	N	N	N	N	N	N	N
LL.	(Marijuana) Microbusiness	N	N	N	N	N	N	N	N	SP	N	N	N	N	N
4. Industrial Uses															
M.	(Marijuana) Independent Testing Facility	N	N	N	N	N	N	N	N	SP	N	N	N	N	N
N.	Marijuana Testing Facility	N	N	N	N	N	N	N	N	SP	N	N	N	N	N
O.	Marijuana Research Facility	N	N	N	N	N	N	N	N	SP	N	N	N	N	N
P.	(Marijuana) Research Permit	N	N	N	N	N	N	N	N	SP	N	N	N	N	N

#### 440.3 MARIJUANA ESTABLISHMENTS (ADULT USE MARIJUANA ESTABLISHMENTS)

##### A. Purpose.

1. To provide for the placement of marijuana establishments in appropriate places under conditions in accordance with the provisions of M.G.L. ch. 94G and in compliance with any state regulations issued thereunder.
2. To minimize the adverse impacts of marijuana establishments on adjacent properties, residential neighborhoods, schools, and other sensitive land uses.
3. To regulate the siting, design, placement, security, safety, monitoring, modification, and discontinuance of marijuana establishments.

##### B. Applicability.

1. Marijuana establishments shall not be established except in compliance with the provisions of this § 440.3.
2. Nothing in this section shall be construed to supersede federal or state laws governing the sale and distribution of narcotic drugs.
3. **No Marijuana Establishment shall be sited or allowed unless and until such time as Section 492 of the Zoning Bylaw and Section 32060 of the General Bylaw are removed.**

C. Severability. If any provision of this section or the application of any such provision to any person or circumstances 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 held invalid, shall not be affected thereby, and to this end the provisions of this section are severable.

##### D. General requirements.

1. Consistent with M.G.L. c. 94G, §3(a)(2)(ii), the number of Marijuana Retailers shall not exceed twenty percent (20%) of the number of alcohol licenses issued pursuant to M.G.L. c. 138, §15 for retail sale of alcohol not to be drunk on the premises in the Town of Scituate, said 20% figure to be rounded up to the next whole number.
2. All marijuana establishments shall be contained within a secure building or structure.
3. The hours of operation of marijuana establishments shall be set by the Special Permit Granting Authority.
4. No Marijuana Establishment shall be located within 500 feet of the property line of the nearest point of the property line where the following activities or uses occur: a public or private school providing education in grades kindergarten 12, or any daycare or preschool facility licensed by the Massachusetts Department of Early Education and Care, any religious educational facility, addiction treatment or recovery center, playgrounds, libraries or ballfields, provided that such a school, daycare, preschool, religious educational facility, addiction treatment or recovery center, playgrounds, libraries or ballfields pre-exists the marijuana establishment's date of application submittal. The 500-foot distance under this section is measured in a straight line from the nearest point of the property line to the nearest point of the marijuana establishment. The Special Permit Granting Authority may reduce that buffer zone to less than 500 feet but not less than 400 feet should the applicant make a showing, satisfactory to the Special Permit Granting Authority, that it is unreasonably impracticable to gain site control or lease as evidence of the Applicant's right to use the site over a site that complies with the 500-foot distance stipulated above.
5. No smoking, burning or consumption of any product containing THC or marijuana-related products shall be permitted on the premises.
6. Marijuana establishments shall not be located inside a building containing residential units, including transient housing such as motels and dormitories, or inside a movable or mobile structure such as a car, van, truck, trailer cargo container. This section shall not prohibit the approval of a delivery business that otherwise complies with this Bylaw and the laws and regulations of the Commonwealth of Massachusetts.
7. Marijuana establishments shall not have drive-through service.
8. No signage shall be permitted that contains designs or symbols that depict or display in any way marijuana products, equipment or plants, or other similar materials.
9. No outside displays or storage of marijuana-related supplies or promotional materials are allowed.
10. All marijuana establishments shall be ventilated in such a manner that no:
  - a. Pesticides, insecticides, or other chemicals or products used in cultivation or processing are dispersed into the outside atmosphere.
  - b. Odor from marijuana cannot be detected by a person with a normal sense of smell at the property line of the establishment.
11. Square Foot Limitations
  - a. A Marijuana Retailer shall be limited to a maximum of 3,000 square feet.
  - b. A Marijuana Cultivator shall be limited to a maximum of 5,000 square feet of Canopy as defined in this Bylaw.
  - c. A Marijuana Product Manufacturer shall be limited to 2,500 square feet unless contained within a cultivation facility then the square footage shall be limited to the amount reasonably required to meet its scale of operations.

- d. A Marijuana Cultivator cannot be within 1,000 ft. of another Marijuana Cultivator the distance shall be measured in a straight line from the geometric center of the marijuana cultivator entrance to the geometric center of the next marijuana cultivator unless there is an Impassable Barrier within those 1,000 feet; in these cases, the buffer zone distance shall be measured along the center of the shortest publicly-accessible pedestrian travel path from the geometric center of the marijuana cultivator entrance to the geometric center of the next marijuana cultivator center entrance.

E. Special permit requirements.

1. The Planning Board shall be the Special Permit Granting Authority for Marijuana Establishments.
2. A marijuana establishment shall only be allowed by special permit from the Special Permit Granting Authority in accordance with M.G.L. c. 40A, § 9, these Zoning Bylaws, including § 970, and subject to the requirements of this Section E.
3. No special permit shall be issued without a site plan approval by the Planning Board under § 770.
4. Any applicant for a special permit shall have first executed a **host community agreement** with the Town governing the responsibilities of the Town and the marijuana establishment and may include a community impact fee of up to 3% of gross sales to be paid to the Town.
5. The special permit shall limit marijuana establishments to one or more of the following uses:
  - i. Marijuana Courier
  - ii. Marijuana Cultivator
  - iii. Marijuana Delivery Operator
  - iv. Marijuana Product Manufacturer
  - v. Marijuana Retailer
  - vi. Marijuana Testing Facility
  - vii. Marijuana Transporter
  - viii. Craft Marijuana Cooperative
  - ix. (Marijuana) Microbusiness
  - x. (Marijuana) Independent Testing Facility
  - xi. (Marijuana) Research Permit
  - xii. Marijuana Research Facility

6. In addition, an application for a marijuana establishment shall include the following:

- a. Name and address with contact phone number and email of owner/applicant of the facility.
    - b. Copies of all required approvals and permits (to said same owner of the facility) by the Commonwealth of Massachusetts Cannabis Control Commission and any of its other agencies for the facility available at the time of submission.
    - c. Evidence of the applicant's right to use the site as a marijuana establishment by means of a purchase and sale agreement, deed, owner's authorization, binding letter of intent or lease.
    - d. A letter from the Scituate Police Chief, or designee, acknowledging review and approval of the Marijuana Establishment's security plan. To extent allowed by law, all such documents submitted by the applicant to the Scituate Police Chief shall be confidential. Such security measures shall include the ability for law enforcement to access the Marijuana Establishment's security cameras from a remote computer or device operated by the Scituate Police Department. Marijuana Establishments shall maintain compliance with any Town Police Department approved security and public safety plans as the Police Department may require, which plan may include measures relating to alarms, fencing, gates, limited access areas, delivery procedures, police details, specification of video and lighting locations. A Marijuana Establishment shall notify the Police Department in the event of a reportable incident. in accordance with 935 CMR 500.110(9).
    - e. Provide the Police Department with the names, phone numbers and email addresses of the appropriate management staff and keyholders to whom one can provide notice if there are operating problems associated with the establishment and update that list whenever there is any change in management staff or keyholders.
  7. As a condition to any Special Permit prior to commencing operations, a marijuana establishment must submit to the Special Permit Granting Authority evidence of licensure from the Cannabis Control Commission. The marijuana establishment must maintain compliance with all state licensure requirements during its operations and is operated in compliance with all state laws and regulations, including without limitation, 935 CMR 500 et seq., which are incorporated herein by reference to the extent that the same do not conflict with permissible local regulations.
- F. Findings. The Special Permit Granting Authority shall not issue a special permit to/for a recreational marijuana establishment unless it finds the following:
1. The establishment is designed to minimize and mitigate any adverse impacts on abutters and other parties of interest, as defined in M.G.L. c. 40A, § 11.
  2. The marijuana establishment demonstrates that it will meet all the permitting requirements of all applicable agencies within the Commonwealth of Massachusetts and will comply with all applicable state and local laws and regulations. This will require that the Marijuana Establishment provide the draft or the final license application information consistent with 935 CMR 500.

3. The applicant has satisfied all the requirements set forth in this Bylaw.
- G. Transfer of special permit. A special permit granted under this section shall have a term limited to the duration of the applicant's ownership of the marijuana establishment. A special permit may be transferred only by the approval of the Special Permit Granting Authority after a public hearing and supported by all updated information required herein.
- H. Abandonment or discontinuance of use. In the event the Massachusetts Cannabis Control Commission license for a Marijuana Establishment is not renewed, is cancelled or is otherwise terminated for any reason, its special permit shall immediately become void.
- I. A special permit shall lapse if not exercised within one year of issuance.
- J. A Marijuana Establishment shall be required to remove all materials, plants, equipment, and other paraphernalia within three months of ceasing operations.

**440.3— 440.4GARAGE FOR COMMERCIAL VEHICLES**

A private, fully enclosed one-story garage for housing not more than two commercial vehicles used in conjunction with the principal occupation of the occupant of the residence, provided that:

1. The residence and the garage shall be on one parcel of land or contiguous parcels held by the same owner, and that the common ownership shall be a continuing requirement and in the event that said ownership conditions cease, the permitted use shall terminate forthwith.
2. The architecture of the building shall be compatible in appearance with dwellings in the vicinity.
3. A plan, with architectural elevations of the building and its location on the lot, shall be submitted to the Board of Appeals.
4. The garage shall be suitably screened from view of the abutters and/or the public. Screening shall be by natural vegetation, landscaping, or other means approved by the Board of Appeals.
5. The building shall not exceed one thousand square feet in floor area.
6. The building shall not exceed eighteen feet in height.
7. The height of the doors of said garage shall not exceed eleven feet.
8. Said garage shall not be less than forty feet from side and rear lot lines and sixty feet from any street line.
9. There shall be no exterior signs, except as otherwise permitted herein.
10. No stock in trade shall be regularly maintained on the premises.
11. That there is no outside storage of material or equipment.

12. That the hours of normal operation, except for school buses and emergency vehicles, shall not commence before 6:00 A.M. and shall cease by 7:00 P.M. No Sunday or holiday operation permitted.
13. No offensive noise, dust, smoke, odor, glare, or heat is produced.

**440.4 440.5 BUSINESS ACCESSORY USE**

Such industry or light manufacturing (including processing, assembly and repairs) as is usual in connection with a permitted principal business use, provided that it does not occupy an area exceeding fifty percent of the total floor area occupied by the principal use, that the major portion of all products manufactured are to be sold at retail on the premises, and that no more than five persons are regularly employed therein.

**440.5 440.6 BUSINESS DISTRICTS**

In a B District, all uses permitted as of right or by special permit and all uses accessory thereto shall be conducted wholly within an enclosed building, except for the following:

1. Uses permitted as of right in R-1, R-2 and R-3 Districts.
2. Outdoor dining areas accessory to a restaurant, hotel or microbrewery on the same premises, and serving only persons seated at tables.
3. Parking lots for passenger automobiles.
4. Exterior signs, as hereinafter permitted.
5. Plants growing in the soil.

*Sponsored By: Planning Board*

**ARTICLE 22 – Zoning Bylaw Amendment – Section 491. Temporary Moratoria**

To see if the Town will vote to delete the Temporary Moratorium on the Sale and Distribution of Recreational Marijuana as the time period for it has expired and add the existing definitions in the Section to Section 200 Definitions.

*Sponsored By: Planning Board*

**ARTICLE 23 – Zoning Bylaw Amendment – Section 492. Prohibition of Marijuana Establishments**

To see if the Town will vote to remove the prohibition of marijuana establishments.

*Sponsored By: Planning Board*

**ARTICLE 24 – Local Option Recreational Marijuana Excise Tax**

To accept M.G.L. c.64N, Section 3(a) as amended by Section 13 of Chapter 55 of the Acts of 2017, and impose a sales tax upon sale or transfer of marijuana or marijuana products by a marijuana retailer operating within the Town to anyone other than a marijuana establishment, at the rate of 3% of the total sales price received by the marijuana retailer as a consideration for the sale of marijuana or marijuana products.

*Sponsored by: Planning Board*

**ARTICLE 25 – General Bylaw Amendment - Section 32060: Prohibition on Marijuana Establishments**

To see if the Town will vote to remove the prohibition of marijuana establishments; or take any other action relative thereto.

*Sponsored By: Planning Board*

**ARTICLE 26. General Bylaw Amendment – New Section 30125 – Tenting, Camping and Sleeping in Public**

To see if the Town will vote to amend the Town of Scituate General By-Laws, Section 30100 Miscellaneous, by adding the following new section:

**Section 30125 – Tenting, Camping, Sleeping in Public.**

No person shall between the hours of 8:00 P.M. and 8:00 A.M. on private property without the written permission of the landowner or on Town-owned property without the permission of the Select Board set up a tent, camp, sleep in a vehicle, or sleep in the open within the limits of the Town of Scituate. Any person violating this bylaw shall be punished by a fine of not more than two hundred (\$200.00) dollars; or take any other action relative thereto.

*Sponsored By: Select Board*

**ARTICLE 27. Acceptance of Land Donation – Deer Common Drive**

To see if the Town will vote to accept Parcel 37-02-18 located near Deer Common Drive; or take any other action relative thereto.

*Sponsored By: Select Board*

**ARTICLE 28. Petition – Shut Down of Wind Turbine**

To see if the Town will vote to adopt the following resolution or take any other action relative thereto:

Given that protecting public health is one of the highest priorities of our government, we, the residents of the Town of Scituate, direct the Town to shut down the wind turbine operations to remedy the nuisance conditions which have been consistently experienced by neighbors in the form of noise of varying types and frequencies, vibrations and light strobing.

*By Petition*

And you are further directed to serve this warrant by posting up attested copies thereof, one at each of the Post Offices in said Town and one at the Town Hall, seven (7) days at least before the time of holding said meeting.

HEREOF, fail not, and make due return of this warrant with your doings thereon, to the Town Clerk at the time and place of the meeting as aforesaid.

Given under our hands this 1st day of March 2022.



Karen E. Connolly  
Chair

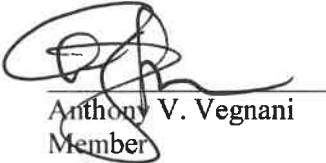
Karen B. Canfield  
Vice-Chair



Andrew W. Goodrich  
Clerk



Maura C. Curran  
Member



Anthony V. Vegnani  
Member

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TOWN OF SCITUATE**