

July 9, 2018

This is the required pamphlet - a public notice - of the approval by the Attorney General's Office of four bylaws, (Articles 18, 19, 21 and 22) passed by the voters at Shutesbury's Annual Town Meeting, May 5, 2018.

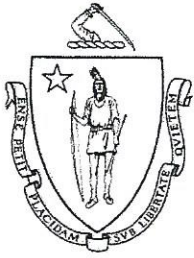
The text of the approved bylaws is included in this pamphlet. (1) Any claims that the zoning by-laws are invalid because of a defect in the procedure by which the by-laws were adopted or amended may only be made within 90 days of a posting and (2) copies of these bylaws may be examined in the Town Clerk's office and on line at www.shutesbury.org.

Posted by



Susie Mosher Town Clerk





THE COMMONWEALTH OF MASSACHUSETTS
OFFICE OF THE ATTORNEY GENERAL
CENTRAL MASSACHUSETTS DIVISION
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July 6, 2018

Susie Mosher, Town Clerk
Town of Shutesbury
P.O. Box 264
Shutesbury, MA 01072

JUL 9 '18 PM 2:00

**Re: Shutesbury Annual Town Meeting of May 5, 2018 – Case # 8965
Warrant Articles # 18, 19, and 21 (Zoning)
Warrant Article # 22 (General)**

Dear Ms. Mosher:

Articles 18, 19, 21, and 22 - We approve Articles 18, 19, 21, and 22 from the May 5, 2018 Shutesbury Annual Town Meeting.

Note: Pursuant to G.L. c. 40, § 32, neither general nor zoning by-laws take effect unless the Town has first satisfied the posting/publishing requirements of that statute. Once this statutory duty is fulfilled, (1) general by-laws and amendments take effect on the date these posting and publishing requirements are satisfied unless a later effective date is prescribed in the by-law, and (2) zoning by-laws and amendments are deemed to have taken effect from the date they were approved by the Town Meeting, unless a later effective date is prescribed in the by-law.

Very truly yours,

MAURA HEALEY
ATTORNEY GENERAL

Margaret J. Hurley

by: Margaret J. Hurley, Assistant Attorney General
Chief, Central Massachusetts Division
Director, Municipal Law Unit
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Town of Shutesbury, Massachusetts 01072

May 29, 2018

At a legal meeting of the inhabitants of the Town of Shutesbury qualified to vote in town affairs, held at the Shutesbury Elementary School, 23 West Pelham Road on the fifth of May, two thousand eighteen in the presence of a quorum the following business was conducted.

The Shutesbury Annual Town Meeting was called to order at 9:02 am by Moderator Penelope Kim.

ZONING BYLAW CHANGES

Article 18. A motion was made and seconded that the Town vote to amend the Town of Shutesbury's Zoning Bylaw by adding to Article VIII a new section 8.11 Temporary Moratorium on Recreational Marijuana Establishments, that would provide as follows, or take any other action relative thereto:

SECTION 8.11 TEMPORARY MORATORIUM ON RECREATIONAL MARIJUANA ESTABLISHMENTS

8.11-1 Purposes

On November 8, 2016, the voters of the Commonwealth of Massachusetts approved a law regulating the cultivation, processing, distribution and use of marijuana for recreational purposes (new G.L. c. 94G, Regulation of the Use and Distribution of Marijuana Not Medically Prescribed). The law, which allows certain personal use and possession of marijuana, took effect on December 15, 2016 and was amended on December 30, 2016 by Chapter 351 of the Acts of 2016 and thereafter, on July 28, 2017 by Chapter 55 of the Acts of 2017. The law requires the Cannabis Control Commission ("CCC") to issue regulations regarding the licensing of commercial activities by March 15, 2018 and to begin accepting applications for licenses no later than April 1, 2018. Currently the Town's zoning bylaw does not specifically marijuana establishments as that term is defined in G.L. c. 94G, §1. The final CCC regulations may provide guidance on certain aspects of local regulations of marijuana establishments. The regulation of non-medical marijuana raises novel legal, planning, and public safety issues, and the Town needs time study and consider these issues, as well as to address the potential impact of the CCC regulations on local zoning and, in connection therewith, to undertake a planning process to consider amending the zoning bylaw regarding regulation of marijuana establishments. The Town intends to adopt a temporary moratorium on the use of land and structures for marijuana establishments so as to allow sufficient time to address the effects of such structures and uses in the Town and to enact bylaws in a consistent manner.

8.11-2 Definition

“Marijuana Establishment” shall mean a marijuana cultivator, independent testing laboratory, marijuana product manufacturer, marijuana retailer, or any other type of licensed marijuana-related business, all as defined for the purposes of G.L. c. 94G, §1.

8.11-3 Temporary Moratorium

For the reasons set forth above and notwithstanding any other provisions of the zoning bylaw to the contrary, the town hereby adopts a temporary moratorium of the use of land or structures for a marijuana establishment and 5 other uses related to non-medical marijuana. The moratorium shall be in effect through December 31, 2018. During the moratorium period, the Town shall undertake a planning process to address the potential impacts of marijuana establishments, and shall consider adopting new zoning bylaws in response to these new issues.

An amendment was offered by Sanford Lewis for Article 18 to insert in Section 8.11-3 (bolded below)

8.11-3 Temporary Moratorium

For the reasons set forth above and notwithstanding any other provisions of the zoning bylaw to the contrary, the town hereby adopts a temporary moratorium of the use of land or structures for a marijuana establishment and 5 other uses related to non-medical marijuana **other than tier 1 or 2 cultivation, craft co-ops, micro-businesses and home-based production of marijuana products**. The moratorium shall be in effect through December 31, 2018. During the moratorium period, the Town shall undertake a planning process to address the potential impacts of marijuana **establishments with advice from a new town cannabis business development committee**, and shall consider adopting new zoning bylaws in response to these new issues.

Amendment passed with a majority vote.

Article 18 motion passed as amended with majority vote of greater than 2/3.

Article 19. A motion was made and seconded that the Town vote to amend Article VIII, Section 8.6-2(B)(1) of the Town of Shutesbury Zoning Bylaw by adding new text to the first sentence as follows, or take any other action relative thereto: “1. Common Driveways are allowed by Special Permit from the Planning Board”

Motion passed unanimously.

Article 21. A motion was made and seconded that the Town vote to amend Article IX, Section 9.1-3(G) of the Town of Shutesbury Zoning Bylaw by adding a new sentence as follows, or take any other action relative thereto: G. Any Site Plan approved under this bylaw shall lapse within two years if construction has not begun, and is not carried forward to completion as continuously and expeditiously as is reasonable. For Site Plans approved under Article V of this bylaw the period until lapse may be extended beyond two years if so authorized by the Planning Board in the approval document.

Motion passed unanimously.

GENERAL BYLAW

Article 22. A motion was made and seconded that the Town vote to adopt the following bylaw: “The Town Clerk shall be authorized to assign appropriate numbers and letters to section, subsections, paragraphs and sub-paragraphs of Town general bylaws and zoning bylaws, where none are approved by Town Meeting. Where Town Meeting has approved numbering and lettering of sections,

subsections, paragraphs and sub-paragraphs of Town general bylaws and zoning bylaws, the Town Clerk, after consultation with the Town Administrator, shall be authorized to make non-substantive editorial revisions to the numbering and lettering to ensure consistent and appropriate sequencing, organization and numbering and lettering of the bylaws."

Motion passed unanimously.

Respectfully submitted,



Susan Mosher
Town Clerk of Shutesbury

A TRUE COPY

5/30/18

ATTEST

