

Town of Carlisle



2019 TOWN MEETING MOTIONS BOOKLET

Motions, Summaries and Recommendations

Annual Town Meeting
Monday, April 29, 2019
Corey Auditorium, 7:00 p.m.

Town Election
Tuesday, May 7, 2019
Town Hall
Polls Open 7:00 a.m. to 8:00 p.m.

Please bring this report with you to Town Meeting

Town of Carlisle

TABLE OF CONTENTS

ARTICLE 1 – Consent Agenda 2

ARTICLE 2 - Town Reports 2

ARTICLE 3 - Salaries of Elected Officials..... 2

ARTICLE 4 – Actuarial Valuation of Post-Employment Benefits 3

ARTICLE 5 – Real Estate Tax Exemption..... 3

ARTICLE 6 - FY 2020 Chapter 90 Authorization 3

ARTICLE 7 - Department Revolving Funds Authorization 3

ARTICLE 8 – PEG (Public, Educational, Government) Local Access Appropriation 4

ARTICLE 9 – Fiscal Year 2019 Budget Transfers 4

ARTICLE 10 – FY20 Operating Budget..... 5

ARTICLE 11 – Special Appropriations 7

ARTICLE 12 – Funding for Town Master Plan 7

ARTICLE 13 – Town of Carlisle Complete Streets and Crosswalk Safety Enhancements 8

ARTICLE 14 – Capital Equipment..... 998

ARTICLE 15 – Municipal Facilities 10

ARTICLE 16 – Fund Fuel Spill Remediation..... 11

ARTICLE 17 – Police Station Renovation Project..... 12

ARTICLE 18 – Amend the Carlisle Zoning Bylaws re: Ban Commercial Marijuana Sales 12

ARTICLE 19 – Amend Zoning Bylaws re: recreational marijuana facilities 131312

ARTICLE 20 – Amend the Carlisle Zoning Bylaws re: 191913

ARTICLE 21 - Public Safety Communications Equipment Tower Lease..... 222213

ARTICLE 22 – CPA Annual Recommendations..... 222213

ARTICLE 23 – Amend Zoning Bylaws re: Section 5.12, Residential Open Space Community..... 242415

ARTICLE 24 – Amend Zoning Bylaws re: Section 5.8, Revisions to Solar District..... 252516

ARTICLE 25 – Authorize solar facility lease(s), PILOT Agreements, easements 262616

ARTICLE 26 – School Parking Lot Resurfacing Project 272716

ARTICLE 27 – Amend General Bylaws re: Right to Farm bylaw 282817

ARTICLE 28 – Accept MGL Ch. 140, s. 139, no dog license fee for residents over age 70..... 313120

ARTICLE 29 – Amend General Bylaws – Section 12.1, add to list of scenic roads 313120

ARTICLE 30 – Funding for Spalding Field Study..... 323221

ARTICLE 31 – Concord-Carlisle Regional School District Capital Project..... 323221

ARTICLE 32 – Vote to dissolve Carlisle Housing Authority 323221

ARTICLE 33 - Amend General Bylaws – Section 3.26, Housing Authority..... 333322

ARTICLE 34 – Citizen Petition re: Easement from Town for nitrogen loading credits 333322

ARTICLE 35 – Citizens’ Petition to Amend General Bylaws Section 10.1 343422

CARLISLE ANNUAL TOWN MEETING

APRIL 29, 2019

ARTICLES, MOTIONS, SUMMARIES AND RECOMMENDATIONS

ARTICLE 1 – Consent Agenda:

MOTION (NATHAN BROWN): *I move that Articles 2 through 8 be considered in one motion, and that the motions for Articles 2 through 8 be hereby adopted as printed in the Town Meeting Motions booklet.*

Summary: The Consent agenda procedure speeds the passage of Articles that the Selectmen anticipate, in consultation with the Moderator and Finance Committee, are likely to generate no controversy and can be properly voted on without debate. The purpose of the Consent Agenda is to allow these Articles to be acted upon pursuant to a single motion, and to be passed without debate.

Board of Selectmen Recommendation: *The Selectmen have voted unanimously to support Article 1, the Consent Calendar procedure, inclusive of the main motions under Articles 2 through 8.*

Finance Committee Recommendation: *The Finance Committee has voted unanimously to recommend approval of Article 1, the Consent Calendar procedure, inclusive of the main motions under Articles 2 through 8.*

ARTICLE 2 - Town Reports**:

MOTION (NATHAN BROWN): *I move that the reports of the Town Officers, Boards, Committees, Commissioners and Trustees as published in the Annual Town Report for the Year 2018 be accepted and placed in the permanent records of the Town, it being understood that such acceptance does not constitute a ratification of the contents of those reports.*

Summary: M.G.L. c. 40, § 49 requires that the Board of Selectmen publish an Annual Town Report containing reports and information from all Town Departments. Town Meeting is asked to accept the annual report as a routine matter.

ARTICLE 3 - Salaries of Elected Officials **::

MOTION (NATHAN BROWN): *I move that the salaries of the elected officers of the town be established as provided by Chapter 41, Section 108 of the General Laws, as amended, for the Fiscal Year 2020, beginning July 1, 2019, as printed in the Town Meeting Motions booklet.*

04/29/2019

Summary: M.G.L. c. 41, § 108 requires that the salaries of all elected officials be set by Town Meeting. The Moderator and the members of the Board of Assessors receive a stipend; the Town Clerk is the only elected official that is paid a salary.

ARTICLE 4 – Actuarial Valuation of Post-Employment Benefits:**

MOTION (NATHAN BROWN): *I move that Three Thousand Dollars (\$3,000) be raised and appropriated from the FY 2020 tax levy and other general revenues of the Town to be spent by the Board of Selectmen for the purpose of professional services in connection with GASB 75 actuarial valuation of post-employment benefits obligations for the Town.*

Summary: This Article plans for and budgets a percentage of the cost of the actuarial valuation that the Treasurer must do every two years. Historically, we have appropriated \$3,000 annually. The Finance Committee recommends an appropriation of \$3,000 for FY2020.

ARTICLE 5 – Real Estate Tax Exemption **:

MOTION (NATHAN BROWN): *I move that the Town vote to accept the provisions of M.G.L. Chapter 59, Section 5C 1/2 to provide an additional real estate tax exemption of one hundred (100%) percent of the exemption provided under M.G.L. Chapter 59, Section 5, Clause 41C, in the fiscal year beginning July 1, 2019.*

Summary: Town Meeting is asked to annually reauthorize the Board of Assessors to grant the maximum real estate tax exemption allowable under statute to qualified applicants, e.g., seniors, veterans and the disabled.

ARTICLE 6 - FY 2020 Chapter 90 Authorization:**

MOTION (NATHAN BROWN): *I move that the Treasurer of the Town, with the approval of the Selectmen, be authorized to borrow Two Hundred Fifty-Two Thousand Seven Hundred Thirty-Eight Dollars (\$252,738) to be expended by the Board of Selectmen for the reconstruction and improvement of public ways in the town as provided for pursuant to the provisions of Section 34(2) (a) of Chapter 90 of the General Laws, such borrowing to be in anticipation of, and conditioned upon, reimbursement by the Commonwealth pursuant to said Chapter 90.*

Summary: The Commonwealth of Massachusetts funds roadway repairs pursuant to M.G.L. c. 90. The DPW will expend FY20 Chapter 90 funds for milling and paving the Town Center and for roadway improvements including paving on North Road, Patch Meadow Lane, and Pine Brook Road.

ARTICLE 7 - Department Revolving Funds Authorization:**

MOTION (NATHAN BROWN): *I move that the Town vote to amend the Town of Carlisle General Bylaws by renumbering and renaming the Town Bylaw entitled “Establish Departmental Revolving Funds” by changing the number to Article XVII and by changing the title to “Revolving Funds”, and to vote to set the limit on the total amount that may be spent from each revolving fund for Fiscal Year 2020, as follows:*

04/29/2019

- a. *School Bus Revolving Fund: \$60,000.00*
- b. *Board of Health Inspections Revolving Fund: \$60,000.00*
- c. *Hazardous Waste Revolving Fund: \$70,000.00*
- d. *Trails Committee Revolving Fund: \$10,000.00*
- e. *Foss Farm Revolving Fund: \$3,000.00*
- f. *Conservation Building Maintenance Revolving Fund: \$30,000.00*
- g. *Historical Commission Revolving Fund: \$3,000.00*
- h. *Youth Commission Revolving Fund: \$10,000.00*
- i. *Building Department Revolving Fund: \$165,000.00*
- j. *Council on Aging Events Revolving Fund: \$30,000.00*
- k. *Council on Aging Transportation Revolving Fund: \$15,000.00;*

and to create a new Deer Hunting revolving fund with a spending limit of \$1,000.00 annually.

Summary: M.G.L. c. 44, § 53 E1/2 requires annual reauthorization of departmental revolving funds which are self-supporting and pay for departmental expenses from user fees and charges.

ARTICLE 8 – PEG (Public, Educational, Government) Local Access Appropriation:**

MOTION (NATHAN BROWN): I move that the Town vote to appropriate the sum of \$125,000.00 from the PEG Local Access Receipts reserved for appropriation special revenue account for the purpose of providing local cable access services, equipment and programming for the Town of Carlisle.

Summary: The General Laws require us to deposit all revenue we receive under the subscriber provisions of our license agreement with Comcast into a special revenue fund for PEG Local Access and then withdraw funds as necessary at a Town Meeting. Since October 2018, the Town has contracted with the Town of Concord for local cable access programming.

ARTICLE 9 - Fiscal Year 2019 Budget Transfers:

MOTION (NATHAN BROWN): I move that the Town vote to transfer sums of money into various line items of the Fiscal Year 2019 operating budget from other line items of said budget, from unexpended funds in various accounts as follows:

Transfer From:

<i>01129 Regional Housing Expense</i>	<i>\$10,000</i>
<i>01913 Unemployment Expense</i>	<i>\$35,000</i>
<i>Ambulance Receipts</i>	<i>\$6,000</i>
<i>Free Cash</i>	<i>\$160,000</i>
<hr/>	

04/29/2019

TOTAL \$211,000

Transfer To:

01423 Snow and Ice	\$50,000
01220 Fire Additional Equipment	\$6,000
01210 Police Salaries	\$50,000
01919 Blanket Insurance	\$85,000
01129 DEP Testing Services	\$20,000
TOTAL	\$211,000

Summary: This Article would permit the Town to transfer funds from line items running a surplus this fiscal year to other line items currently running a deficit in order to balance the operating budget at Fiscal 2019 year end.

Board of Selectmen: The Selectmen voted unanimously to support Article 9.

Finance Committee Recommendation: The Finance Committee voted unanimously to support Article 9.

ARTICLE 10 – FY20 Operating Budget:

MOTION (VICTOR LIANG): I move that a total of Thirty Million Eight Hundred Seventy-One Thousand Nine Hundred Eighteen Dollars (\$30,871,918) be appropriated for FY2020, as set forth in the column entitled “FY2020 Recommended Budget” in the chart accompanying this motion; and to meet this appropriation Fifty Three Thousand Dollars (\$53,000) be transferred from the Ambulance Fund, that Fourteen Thousand Nine Hundred Forty Five Dollars (\$14,945) be transferred from the Stabilization Fund, that Thirty Two Thousand Five Hundred Dollars (\$32,500) be transferred from the Reserve for Bond Premiums Account and that the balance be raised from the FY2020 tax levy and other general revenues of the Town.

	FY2019	FY2020
Department	Budget	Recommended
General Government		
General Expense & Town Hall	819,515	825,079
Citizen Recognition	275	275
Treasurer	237,805	247,749
Town Clerk	101,295	104,928
Assessors	146,749	150,559
Planning Board	112,100	113,985
Energy Task Force	3,500	3,500
sub-total	1,421,239	1,446,075
Protection of Persons & Property		

Police	1,607,315	1,696,035
Fire	547,152	620,345
Communications	399,983	394,036
Conservation	133,168	144,147
Dog & animal control	15,274	15,274
Inspection services	37,114	38,183
Street Lighting	<u>7,500</u>	<u>4,000</u>
sub-total	2,747,506	2,912,020
Public Works		
DPW	776,872	795,312
Snow & Ice	65,785	65,785
Transfer Station	264,684	264,852
Road maintenance	<u>88,416</u>	<u>88,416</u>
sub-total	1,195,757	1,214,365
Health & Human Services		
Youth Commission	3,783	3,859
Board of Health	108,030	111,619
Council on Aging	218,867	224,939
Veteran's Agent	<u>11,600</u>	<u>11,600</u>
sub-total	342,280	352,017
Education		
Carlisle public school	11,209,266	11,559,266
CCRSB (w/o debt)	6,226,667	6,577,045
CCRSB debt service	1,140,546	1,101,207
Vocational	<u>104,568</u>	<u>129,249</u>
sub-total	18,681,047	19,366,767
Culture & Recreation		
Library	626,269	637,231
Recreation	189,023	193,828
sub-total	815,292	831,059
Insurance & Fringe		
Blanket Insurance	220,000	240,000
Group Insurance & Medicare	1,232,000	1,373,864
OPEB Trust	375,000	425,000
County Retirement	932,452	991,823
Unemployment insurance	<u>50,000</u>	<u>50,000</u>
sub-total	2,809,452	3,080,687

Unclassified		
Interest, fees, & costs	1,000	1,000
Public Celebrations	1,000	1,000
Reserve fund balance	<u>150,000</u>	<u>150,000</u>
sub-total	152,000	152,000
Debt		
Debt Service	<u>1,645,816</u>	<u>1,516,928</u>
sub-total	1,645,816	1,516,928
Total Operating Budget	29,810,389	30,871,918

Board of Selectmen: *The Selectmen voted unanimously to support Article 10 with an \$8,021 amendment to increase the Town Clerk appropriation to \$112,949 for a total FY20 operating budget of \$30,879,939.*

Finance Committee: *Recommends approval*

ARTICLE 11 – Special Appropriations:

MOTION (KATE REID): *I move that Town vote to raise and appropriate the sum of \$22,000 to be expended by the Board of Selectmen to conduct studies, provide services and facilitate projects for the following:*

<u>Department</u>	<u>Amount</u>	<u>Purpose</u>
Council on Aging	\$8,500	Social Worker
Assessors	\$10,000	Assessors’ Maps updates
Treasurer/Accountant	\$3,500	Financial Consulting

Summary: *This Article would permit special appropriations outside of the Town operating budget for consultants’ services and other unanticipated expenses.*

Board of Selectmen: *The Selectmen voted unanimously to support Article 11.*

Finance Committee Recommendation: *The Finance Committee voted unanimously to support Article 11.*

ARTICLE 12 – Funding for Town Master Plan - \$160,000:

MOTION (PETER GAMBINO): *I move that Town vote to raise and appropriate the sum of \$160,000 to be expended by the Master Plan Steering Committee for the costs associated with the preparation of a Master Plan, including consultant services and ancillary Town costs associated with the preparation and presentation of the plan and the management of the planning process.*

Summary: *Approval of this article will allow the Town to move forward with hiring a professional planning consultant to carry out a Master Planning process, including broad community engagement and the measurement of success through data and metrics. The consultant will be guided by the Master Plan Steering Committee of 7 residents, appointed by the Planning Board in 2017, who are assisted by a 40-member Advisory Committee representing diverse Carlisle stakeholder interests. The consultant contract will be limited to no more than \$135,000, with \$25,000 reserved to support in-house efforts to gather and convert data to GIS format, hold community meetings and public educational events, and to meet other ancillary expenses.*

Planning Board: *The Planning Board voted unanimously 6-0 to support Article 12.*

Board of Selectmen: *The Selectmen voted unanimously to support Article 12.*

Finance Committee: *Recommendation deferred until Town Meeting.*

School Committee: *The School Committee voted unanimously to support Article 12.*

Historical Commission: *The Historical Commission voted unanimously to support Article 12.*

Energy Task Force: *Energy Task Force voted to support Article 12.*

Conservation Commission: *The Conservation Commission voted to support Article 12.*

Carlisle Trails Committee: *The Carlisle Trails Committee voted to support Article 12.*

ARTICLE 13 – Town of Carlisle Complete Streets and Crosswalk Safety Enhancements:

MOTION (LUKE ASCOLILLO): *I move that Town vote to raise and appropriate the sum of \$50,000 for the purpose of supplementing the funding for the “Complete Streets Project” and implementing crosswalk safety recommendations such as those outlined in the Stamski & McNary engineering report titled “Crosswalk Safety Enhancements” report dated November 26, 2018.*

Summary: *The Town of Carlisle has received a grant award of \$250,000 from the Massachusetts Complete Streets program to fund \$300,000 in pedestrian safety and access improvements in and around town center. These include crosswalk safety enhancements at Banta Davis and 142 Bedford Rd., completion of the East Street pathway to town center, and redesign of the rotary to improve traffic flow and safety. This \$50,000 warrant article will provide the necessary funding to complete the projects.*

Board of Selectmen: *The Selectmen voted unanimously to support Article 13.*

Finance Committee: *The Finance Committee voted unanimously to support Article 13.*

Planning Board: *The Planning Board voted 5-1 to support Article 13.*

ARTICLE 14 – CAPITAL EQUIPMENT:

MOTION (SCOTT TRIOLA): I move that Three Hundred Seventy Two Thousand Four Hundred Thirteen Dollars (\$372,413) be appropriated for FY 2020, and to meet this appropriation that Two Hundred Fifty Thousand Dollars (\$250,000) be transferred from Free Cash, that \$93,000 be borrowed and that the balance of Twenty-Nine Thousand Four Hundred Thirteen Dollars (\$29,413) be raised from the FY2020 tax levy and other general revenues of the Town, to be spent by the Board of Selectmen, except for the items for the Carlisle Public School which sums are to be spent by the Carlisle School Committee, for the designated capital purposes, and further, that after June 30, 2022, any residual unexpended portion of any listed appropriation shall be returned to the General Fund, any premium received upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with M.G.L. c. 44, § 20, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount.

Long Term Capital Requirements

FY2020

Department	Project/Program	Amount	Appropriation Expires
A. Town Hall	Technology Upgrades	\$5,000	June 30, 2022
B. Carlisle Public School	Technology Replacements	\$80,000	June 30, 2022
C. Carlisle Public School	Simplex Fire Alarm System Upgrades	\$46,250	June 30, 2022
D. Carlisle Public School	Painting and Interior Finishes-Wilkins	\$15,778	June 30, 2022
E. Carlisle Public School	Ceiling replacement – Grant Building	\$10,610	June 30, 2022
F. Gleason Library	Technology	\$4,000	June 30, 2022
G. Gleason Library	Repairs and Service	\$5,000	June 30, 2022
H. Police	Computer replacement	\$8,000	June 30, 2022

I. Police	Cruiser	\$55,000	June 30, 2022
J. Police	Ballistic Vests	\$20,000	June 30, 2022
K. Fire	Computer replacements (3)	\$2,000	June 30, 2022
L. Fire	Protective clothing washer/dryer	\$20,275	June 30, 2022
M. Fire	Fire Gear locker	\$7,500	June 30, 2022
N. DPW	One-Ton Pick up Truck	\$45,000	June 30, 2022
O. DPW	Wood Chipper	\$48,000	June 30, 2022
	Totals:	372,413	

Board of Selectmen: The Selectmen voted 4-1 to support Article 14.

Finance Committee: The Finance Committee voted unanimously to support Article 14.

ARTICLE 15 - MUNICIPAL FACILITIES:

MOTION (JERRY LERMAN): I move that the Town appropriate the following sums, with such appropriations to be raised or borrowed as described; said sums to be expended by the Board of Selectmen for the purpose of facilities maintenance and improvement projects to the Fire Station, Police Station, and Department of Public Works facilities, such projects may include but shall not be limited to those shown in the following table, and further, that after June 30, 2022, any residual unexpended portion of any listed appropriation shall be returned to the General Fund, any premium received upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with M.G.L. c. 44, § 20, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount.

Motion 1: I move that the Town raise and appropriate the sum of \$1,610 for Item A., Domestic hot water mixing valves; and borrow the sum of \$57,500 for Item B., Remove underground fuel tank.

Motion 2: I move that the Town borrow the sum of \$138,000 for Item C., New Salt shed.

Motion 3: I move that the Town borrow the sum of \$195,500 for Item D., DPW office trailer and Item E., new septic system.

Project	Estimated	Site	Note
A. Domestic hot water mixing valves	\$1,400	Police	Improve performance and energy efficiency.
B. Remove underground fuel tank for generator	\$50,000	Fire	Mandated by State law.
C. Replace DPW salt shed	\$120,000	DPW	New bow shed with 50% more storage capacity.
D. Trailer for office/accessibility/break needs	\$120,000	DPW	More space and meets access and safety codes.
E. New Septic system	\$50,000	DPW	Current system in failure. New trailer will connect to new septic system.
Total for all projects:	\$341,400		
F. Contingency (15%) for all projects:	\$51,210		
Grand total with contingency:	\$392,610		

Board of Selectmen: The Selectmen voted unanimously to support Items A and B (hot water mixing valves, generator fuel tank); 3-2 **not** to support Item C (new salt shed); and 3-2 to support Items D and E (DPW trailer, new septic system).

Finance Committee: Recommendation deferred until Town Meeting.

ARTICLE 16 – Fund Fuel Spill Remediation:

MOTION (JERRY LERMAN): I move that Town vote to raise and appropriate the sum of \$70,000 to be expended by the Board of Selectmen for remediation related to a fuel tank removal at 80 Westford Street.

Summary: To comply with DEP regulations the Town removed fuel tanks at the Fire Station at 80 Westford Street in December 2018. Testing revealed a documented petroleum release at the site which resulted in mandatory environmental testing which has all proved favorable to the Town. The Town’s Licensed Site Professional (LSP) believes that the range of additional costs for environmental assessment and other response actions should be \$20,000 - \$70,000, with the lower end of that range the most likely. However, to be prudent and cautious the Town is requesting the higher figure in the less likely event that those additional funds are needed.

Board of Selectmen: The Selectmen voted unanimously to support Article 16.

Finance Committee: The Finance Committee voted unanimously to support Article 16.

ARTICLE 17 – Police Station Renovation Project:

MOTION (NATHAN BROWN): *I move that the Town vote to raise and appropriate the sum of \$864,742 to be expended by the Board of Selectmen to design, construct, remodel, rehabilitate and/or modernize the Carlisle Police Station, provided, however, that this appropriation shall be contingent upon passage of a Proposition 2½, debt exclusion referendum under M.G.L. c.59, §21C(k) to exempt the amounts required for the payment of interest and principal on said borrowing, any premium received upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with M.G.L. c. 44, § 20, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount.*

Board of Selectmen: The Selectmen voted 4-1 not to support Article 17. If Article 12 (Master Plan) passes, the Selectmen will not move Article 17.

Finance Committee: Recommendation deferred until Town Meeting.

ARTICLE 18 – Amend the Carlisle Zoning Bylaws re: Ban Commercial Marijuana Sales:

MOTION (PETER GAMBINO):

I move that the Town will vote to amend the Zoning Bylaw as follows; provided, however, that the amendment shall be contingent on a majority vote pursuant to M.G.L. c.94G, §3(e), to accept the amendment set forth herein at the upcoming Town election:

1. By deleting Section 5.11 of the Zoning Bylaw in its entirety and inserting, in place thereof, a new Section 5.11 as follows:

5.11 Marijuana Establishments

5.11.1 Definitions

Marijuana Establishment: A marijuana cultivator, marijuana testing facility, marijuana product manufacturer, marijuana retailer, or any other type of marijuana-related business, whether as a principal use, or as an accessory use, subject to regulation under Chapter 94G of the Massachusetts General Laws; provided, however, that a Medical Marijuana Treatment Center shall not be deemed to be a Marijuana Establishment.

5.11.2 Prohibition

All types of Marijuana Establishments, including Marijuana Establishments collocated with a Medical Marijuana Treatment Center, shall be prohibited in the Town of Carlisle.

***Summary:** Approval of this article by a 2/3 vote will prohibit all types of commercial recreational marijuana establishments from being located in the town. It will not prevent Medical Marijuana Treatment Centers from operating in the town, nor will it prevent the personal use of marijuana for medical or adult recreational purposes. However, this Bylaw amendment will only take effect if Carlisle voters approve **Question 3** by majority vote at the 2019 Town Election.*

***Planning Board:** The Planning Board voted unanimously 6-0 to support Article 18.*

***Board of Selectmen:** The Selectmen voted 3-2 to support Article 18.*

ARTICLE 19 – Amend the Carlisle Zoning Bylaws re: Establish requirements and restrictions on siting and operating recreational marijuana facilities

MOTION (PETER GAMBINO):

I move that Town vote to amend the Zoning Bylaw as follows:

1. The amendments set forth in this subpart shall be contingent on Town Meeting or the majority of voters at the upcoming Town election, or both, disapproving the Zoning Bylaw amendment appearing as Article 18 on the Warrant for the 2019 Annual Town Meeting that would have prohibited the operation of all Marijuana Establishments within Town:
 - A. By adding a new Section 3.3.2.10 to Section 3.3.2, Uses Permissible on Special Permit in Business District other than Carlisle Center Business District, as follows:

Permitted Marijuana Establishment (PME), as defined in Section 5.11.
 - B. By deleting Section 5.11 of the Zoning Bylaw in its entirety and inserting, in place thereof, a new Section 5.11 as follows:

5.11 Permitted Marijuana Establishments

5.11.1 Purpose

- 5.11.1.1 To prohibit the siting of certain types of Marijuana Establishments that would have adverse impacts in the Town;
- 5.11.1.2 To provide for the establishment of Permitted Marijuana Establishments (PMEs) in appropriate locations within the Town;

- 5.11.1.3 To minimize the adverse impacts associated with PME's on adjacent properties, residential neighborhoods, schools and other places where children congregate, and other land uses potentially incompatible with PME's; and
- 5.11.1.4 To regulate the siting, design, placement, security, safety, monitoring, and discontinuance of PME's.

5.11.2 Definitions

In addition to the definitions provided below, the definitions in Section 5.10.1 shall apply equally to this Section 5.11.

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, and licensed pursuant to M.G.L. c.94G and 935 CMR 500, *et seq.*, to cultivate, obtain, manufacture, process, package or brand cannabis or Marijuana products or to transport Marijuana to Marijuana Establishments, but not to consumers.

Marijuana Cultivator: An entity licensed pursuant to M.G.L. c.94G and 935 CMR 500, *et seq.*, to cultivate, process and package Marijuana, and to transfer Marijuana to other Marijuana Establishments, but not to consumers.

Marijuana Establishment: A marijuana cultivator, marijuana testing facility, marijuana product manufacturer, marijuana retailer, or any other type of marijuana-related business, whether as a principal use, or as an accessory or incidental use thereto, subject to regulation under Chapter 94G of the Massachusetts General Laws; provided, however, that a Medical Marijuana Treatment Center (RMD) shall not be deemed to be a Marijuana Establishment.

Special Permit Granting Authority: The Town board charged with the responsibility for granting special permits for PME's shall be the Carlisle Planning Board ("Planning Board"). The Planning Board may convene an ad hoc committee to assist it in reviewing an application for a PME.

5.11.3 Applicability

- 5.11.3.1 All types of Marijuana Establishments and the commercial cultivation, production, processing, assembly, packaging, retail or wholesale sale, trade, distribution or dispensing of Marijuana is prohibited, unless permitted as an RMD in accordance with Section 5.10 or as a PME in accordance with this Section 5.11.
- 5.11.3.2 No PME shall be established except in compliance with the provisions of this Section 5.11. An RMD seeking to operate as a PME or collocate with a PME shall obtain a new special permit prior to operating as a PME.
- 5.11.3.3 Nothing in this Section 5.11 shall be construed to supersede federal and state laws governing the sale and distribution of narcotic drugs.

- 5.11.3.4 If any provision of this Section 5.11 or the application of such provisions 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 thus the provisions of this Section are severable.
- 5.11.3.5 PME's are allowed only in a Business District other than the Carlisle Center Business District, by a special permit granted by the Planning Board, provided the PME's meets the requirements of this Section 5.11.
- 5.11.3.6 The granting of a special permit under this Section does not supersede federal, state or local laws or exempt an applicant from complying with all relevant federal, state and local requirements.

5.11.4 General Requirements and Conditions for all PME's

- 5.11.4.1 No PME's shall be located within a building or structure having a gross floor area of more than 20,000 s.f.
- 5.11.4.2 A PME shall not be located within 1,000 feet of any: (i) school or licensed child care facility; (ii) drug or alcohol rehabilitation facility; (iii) correctional facility, half-way house, or similar facility; (iv) public playground, public athletic field or other public recreational land or facility; (v) religious facility; or (vi) any other PME. Distances shall be calculated by direct measurement from the nearest property line of the land used for school or child care establishment or places where minors frequent to the nearest point of the building in which the PME is located.
- 5.11.4.3 Cultivation and storage of Marijuana shall be in a secure, locked area. There shall be no visibility of activities, products or treatment occurring within or on the premises of a PME from the exterior of such facility or premises.
- 5.11.4.4 PME's shall have a designated contact for purposes of communicating with the Town, and shall provide the Carlisle Police Department and the Building Commissioner with the name, phone numbers and email address of said contact, along with the names, phone numbers and email addresses of all management staff and key holders to whom one can provide notice if there are operating problems associated with the establishment. The special permit shall require as a condition that a designated contact person for the PME shall be required to respond by phone or email within twenty-four hours of the time of contact and inquiry by a town official regarding operation of the PME.
- 5.11.4.5 The PME shall annually file an affidavit with the Building Commissioner demonstrating that it is in good standing with respect to all applicable state licenses and all conditions contained in the special permit.

- 5.11.4.6 The applicant shall hold a Community Outreach Meeting in accordance with the Cannabis Control Commission’s regulations and guidance, prior to submission of its application for a special permit.
- 5.11.4.7 All PME’s shall execute a Host Community Agreement with the Town, pursuant to M.G.L. c.94G, §3. An RMD seeking to operate or collocate with a PME shall demonstrate that its existing or amended Host Community Agreement permits operation as a PME, otherwise a new Host Community Agreement shall be executed. All special permits granted pursuant to this Section shall include a condition requiring the PME to comply with the terms of the Host Community Agreement and establish that any violation of the Host Community Agreement shall constitute a violation of the special permit.
- 5.11.4.8 All special permits granted pursuant to this Section shall include a condition requiring the PME to maintain its State issued license or registration in good standing at all times and establish that any suspension or revocation of such license or permit by the Massachusetts Cannabis Control Commission shall constitute a violation of the special permit.
- 5.11.4.9 The term of the special permit shall be determined by the Planning Board but shall be limited to the duration of the applicant’s ownership of, or tenancy at, the premises and shall not be transferable. The special permit shall lapse if not exercised within one year of issuance.
- 5.11.4.10 The hours of operation of PME’s shall be set by the Planning Board. In no event shall a PME be open and/or operating between the hours of 8:00 p.m. and 8:00 a.m.
- 5.11.4.11 No smoking, burning or consumption of any product containing Marijuana or Marijuana-related products shall be permitted on the premises of a PME.

5.11.5 Special Permit Procedures

- 5.11.5.1 Pre-Application Conference. Applicants are strongly encouraged to meet with the Planning Board at a public meeting to discuss the proposed application for a new PME and to discuss in general terms the proposed PME prior to the formal submission of an application.
- 5.11.5.2 Application, Review and Recommendations. An Applicant seeking a special permit under this section shall file a written application and submit a site plan to the Planning Board, furnishing a copy to the Town Clerk. The Planning Board shall promulgate or amend Rules and Regulations Regarding Special Permits for Permitted Marijuana Establishments (“Rules and Regulations”), which shall be consistent with this Section 5.11 of the Zoning Bylaw. The Rules and Regulations shall further detail the required contents of the application and the process for review

of the special permit application. The application shall be submitted in accordance with the requirements of said Rules and Regulations. The applicant shall be required to pay such fees, as determined by the Planning Board, as are necessary to cover any expenses connected with a public hearing and review of the application, including but not limited to the costs of all notices and the employment of outside consultants. Copies of the application shall also be submitted to the Board of Selectmen, the Board of Health, Police Department, and contingent upon their respective jurisdictions over the site, to the Conservation Commission and /or Historical Commission. The foregoing agencies may make recommendations as they deem appropriate and shall send copies thereof to the Planning Board and the applicant; provided that failure of any such agency to make recommendations within thirty five (35) days of receipt by said agency of the application shall be deemed lack of opposition thereto.

- 5.11.5.3 The application and each copy shall meet the application requirements for a special permit per Section 7.2 and as may be adopted by the Planning Board, and should include, at a minimum, the following information:
 - 5.11.5.3.1 The name and address of each owner of the PME;
 - 5.11.5.3.2 A copy of the Community Outreach Meeting Attestation Form;
 - 5.11.5.3.3 Copy of a Host Community Agreement executed pursuant to M.G.L. c.94G, §3;
 - 5.11.5.4.4 Copies of any licenses and permits for the PME issued to the applicant by the Commonwealth of Massachusetts and any of its agencies, as well as a letter explaining the status of any pending license applications with the Cannabis Control Commission;
 - 5.11.5.4.5 Evidence that the applicant has site control and the right to use the site for a PME in the form of a deed or valid purchase and sale agreement, or, in the case of a lease, a notarized statement from the property owner and a copy of the lease agreement;
 - 5.11.5.3.6 In addition to what is normally required in a site plan, details showing all exterior proposed security measures for the premises, including, but not limited to lighting, fencing, gates and alarms to ensure the safety of employees and patrons and to protect the premises from theft or other criminal activity;
 - 5.11.5.3.7 A Management Plan including a description of all activities to occur on site, including all provisions for the delivery of Marijuana and related products;

- 5.11.5.3.8 Detailed information on the proposed water use and impacts on ground water;
- 5.11.5.3.9 An Odor Mitigation Plan;
- 5.11.5.3.10 A traffic impact statement; and
- 5.11.5.3.11 A Parking Plan.

5.11.6 Notice and Hearing

The Planning Board shall give notice, in a manner provided by Chapter 40A of the General Laws, as amended, of a public hearing to be held within sixty-five (65) days after filing of the application and shall act within ninety (90) days following the public hearing. Failure of the Planning Board to take action within said 90 days shall be deemed to be a grant of the permit applied for.

5.11.7 Approval and Findings

A special permit may be issued under this section only if the Planning Board finds that the project is in harmony with the general purpose and intent of this Section. Prior to the issuance of a special permit, the Planning Board shall make the following findings:

- 5.11.7.1 The PME satisfies the requirements of the zoning bylaw;
- 5.11.7.2 The PME meets all of the permitting requirements of all applicable agencies within the Commonwealth of Massachusetts and will be in compliance with all applicable state laws and regulations;
- 5.11.7.3 The PME is designed to minimize any adverse impacts on the residents of the Town with regard to the general safety, welfare, and quality of life in the community (such as, but not limited to, attractive nuisance and noise);
- 5.11.7.4 All Marijuana stored, processed, or cultivated shall be adequately secured in locked areas within the PME; and
- 5.11.7.5 The PME adequately addresses issues of vehicular and pedestrian traffic, circulation, parking and queuing, especially during peak periods at the facility, and adequately mitigates the impacts of vehicular and pedestrian traffic on neighboring uses.

5.11.8 Abandonment or Discontinuance of Use

A PME shall be required to remove all material, plants equipment and other paraphernalia prior to surrendering its state issued licenses or permits or within six months of ceasing operations, whichever comes first.

- C. By inserting the words “Section #5.11 (Permitted Marijuana Establishments),” to the second paragraph in Section 7.2, in the appropriate numerical order.
2. The amendment outlined in this subpart shall be contingent on: (1) Town Meeting or the majority of voters at the upcoming Town election, or both, disapproving the Zoning Bylaw amendment appearing as Article 18 on the Warrant for the 2019 Annual Town Meeting that would have prohibited the operation of all Marijuana Establishments within Town and (2) pursuant to M.G.L. c.94G, §3(e), a majority vote to approve the amendment outlined in this subpart at the upcoming Town election:
 - A. By inserting a new definition into Section 5.11.2, as proposed in subpart 2, above, in appropriate alphabetical order as follows:

Permitted Marijuana Establishment (PME): A Craft Marijuana Cooperative or a Marijuana Cultivator.

*Summary: Approval of this article by a 2/3 vote will allow “Permitted Marijuana Establishments” only by a special permit issued by the Planning Board within the Business Zoning District, will limit them to only “Craft Marijuana Cooperatives” and “Marijuana Cultivators.” and will exclude all other forms of adult use Marijuana Establishments (such as marijuana retailers and manufacturers). It will not prevent medical or personal use of marijuana in town. It will be effective only if Carlisle voters approve **Question 4** by majority vote at the 2019 Town Election, but will not take effect if Town Meeting approves Article 18 and voters also approve **Question 3**.*

Planning Board: The Planning Board voted unanimously 6-0 to support Article 19.

Board of Selectmen: The Selectmen voted unanimously to support Article 19.

**ARTICLE 20 – Amend the Carlisle Zoning Bylaws re: Medical Marijuana
Medical Marijuana Bylaw Amendments:**

MOTION (PETER GAMBINO): *I move that* the Town vote to amend the Zoning Bylaw as follows:

1. By deleting the definition of “Medical Marijuana Treatment Center” and “RMD” from Section 5.10.1 in its entirety and inserting, in place thereof, a new definition as following:
“Medical Marijuana Treatment Center,” “Registered Marijuana Dispensary,” or “RMD”:
An entity formerly and validly registered under 105 CMR 725.000: *Implementation of an Act for the Humanitarian Medical Use of Marijuana* or currently and validly registered under 935 CMR 501.100, that acquires, cultivates, possesses, processes (including development of related products such as edible Marijuana-infused products, 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.

2. By deleting from the definition of “Marijuana for Medical Use” in Section 5.10.1, the numbers and phrase “105 CMR” in its entirety and inserting, in place thereof, the numbers “935 CMR 501”, so that the section will read as follows:

Marijuana that is designated and restricted for use, by and for the benefit of, Qualifying Patients in the treatment of Debilitating Medical Conditions as defined by 935 CMR 501.

3. By deleting the definition of “Marijuana” in Section 5.10.1 in its entirety and inserting, in place thereof, a new definition as follows:

“Marijuana”: The substance as defined as “marijuana or cannabis” by 935 CMR 501.003, a product infused with marijuana (“Marijuana-Infused Products” (MIPs)) that is intended for use or consumption including, but not limited to, edible products, ointments, aerosols, oils, and tinctures, except where context clearly indicates otherwise.

4. By deleting Section 5.10.4.9 in its entirety and inserting, in place thereof, a new Section 5.10.4.9 as follows:

Section 5.10.4.9 All special permits granted pursuant to this Section shall include a condition requiring the RMD to maintain its State issued license or registration in good standing at all times, and establish that any suspension or revocation of a license by the Massachusetts Cannabis Control Commission shall constitute a violation of the special permit.

5. By inserting after the words “MA Department of Public Health” in Section 5.10.4.13, the words “or Cannabis Control Commission”, so that the section will read as follows:

In addition to signage required by law and/or as a condition of the special permit, a sign with the following language shall be posted at a conspicuous location at the public entrance to the RMD: “Registration card issued by the MA Department of Public Health or Cannabis Control Commission required.” The required text shall be a minimum of two inches in height.

6. By adding a new Section 5.10.4.15, as follows:

All RMDs shall execute a Host Community Agreement with the Town, pursuant to M.G.L. c.94G, §3. If a Marijuana Establishment permitted to operate pursuant to M.G.L. c.94G, seeks to collocate with an RMD, the applicant shall demonstrate that its existing or amended Host Community Agreement permits operation as an RMD, otherwise a

new Host Community Agreement must be executed. All special permits granted pursuant to this Section shall include a condition requiring the RMD to comply with the terms of the Host Community Agreement and establish that any violation of the Host Community Agreement shall constitute a violation of the special permit.

7. By deleting Section 5.10.5.3.2 in its entirety and inserting, in place thereof, a new section 5.10.5.3.2 as follows:

5.10.5.3.2 Copies of any licenses and permits for the RMD issued to the applicant by the Commonwealth of Massachusetts and any of its agencies, as well as a letter explaining the status of any pending license applications with the Cannabis Control Commission;

8. By adding after Section 5.10.5.3.5, three new sections as follows:

5.10.5.3.6 Copy of a Host Community Agreement executed pursuant to M.G.L. c.94G, §3;

5.10.5.3.7 Detailed information on the proposed water use and impacts on ground water;

5.10.5.3.8 An Odor Mitigation Plan;

5.10.5.3.9 A traffic impact statement; and

5.10.5.3.10 Parking plan.

9. By deleting the word “shall” after the words “special permit” in Section 5.10.7, Approval and Findings, and inserting, in place thereof, the word “may”, so that Section 5.10.7 will read as follows:

A special permit may be issued under this section only if the Planning Board finds that the project is in harmony with the general purpose and intent of this Section. Prior to the issuance of a special permit, the Planning Board shall make the following findings:

Permitted Marijuana Establishment (PME): A Craft Marijuana Cooperative or a Marijuana Cultivator.
Summary: Approval of this article by a 2/3 vote will update the current Section 5.10 of the Carlisle Zoning Bylaws, adopting revised definitions and terms to make it consistent with current regulations of the MA Dept. of Public Health and the State Cannabis Control Commission, and to coordinate with the Town's zoning control of commercial recreational marijuana if Article 19 is also adopted. It will also require applicants to provide additional information about Host Community Agreements, proposed water use and impacts on ground water, an odor mitigation plan, parking plan, and traffic impacts. It will not fundamentally change the manner in which Medical Marijuana Treatment Centers are now controlled in Carlisle.

Planning Board: The Planning Board voted unanimously 6-0 to support Article 20.

Board of Selectmen: The Selectmen voted unanimously to support Article 20.

ARTICLE 21 - Public Safety Communications Equipment Tower Lease:

MOTION (ALAN LEWIS): *I move that Town vote to authorize the Board of Selectmen to execute one or more leases for space on wireless communication towers and associated ground space to permit the Town to install, maintain, and operate thereon public safety communication equipment, to be leased to the Town for periods for up to thirty years upon such terms and conditions as determined the Board of Selectmen.*

Summary: As part of the ongoing Public Safety Communications System project the Town will need to enter into new leases on existing, privately-owned telecommunications towers at 871 Westford Street and 1022 Bedford Road. This article authorizes the Board of Selectmen to enter into these new agreements.

Board of Selectmen: The Selectmen voted unanimously to support Article 21.

ARTICLE 22 – CPA Annual Recommendations:

MOTION (LUKE ASCOLILLO): *I move that the Community Preservation Committee recommendations for transfers and expenditures for Fiscal Year 2020 be approved as follows:*

Motion 1 – FY '20 CPA APPROPRIATIONS:

That the following amounts be appropriated from the Fiscal Year 2020 Community Preservation Fund estimated revenues to the Community Preservation Fund accounts as follows:

- a. Fifty-Four Thousand Five Hundred Dollars (\$54,500) be appropriated to the Community Housing Reserve Fund.
- b. Fifty-Four Thousand Five Hundred Dollars (\$54,500) be appropriated to the Historic Reserve Fund.

- c. Fifty-Four Thousand Five Hundred Dollars (\$54,500) be appropriated to the Open Space Reserve Fund.
- d. Twenty Thousand Dollars (\$20,000) be appropriated for Administrative Expenses.
- e. Three Hundred Sixty-one Thousand Five Hundred Dollars (\$361,500) be appropriated to the fiscal year 2020 Community Preservation Budget Reserve account.

Motion 2 – (FY '19)

That Sixteen Thousand Five Hundred Seventy-One Dollars (\$16,571) be appropriated effective immediately after Town Meeting vote from the Historic Reserve Fund to the Carlisle Town Clerk for the restoration and preservation of certain Town of Carlisle records and documents dating between 1754 and 1935 and determined by the Carlisle Historical Commission to be significant in the history of the town, and that such sums may be expended by the Carlisle Town Clerk pursuant to the terms of the Town of Carlisle Community Preservation Grant Agreement #2019-001, and further that any portion of such sums not expended by June 30, 2022 shall be returned to the Community Preservation Historic Reserve Fund.

Motion 3 – (FY '19)

That Fifteen Thousand Dollars (\$15,000) be appropriated effective immediately after Town Meeting vote from the Open Space Reserve Fund to the Carlisle Trails Committee for the restoration and construction of trails throughout the Carlisle, and that such sums may be expended by the Carlisle Trails Committee pursuant to the terms of the Town of Carlisle Community Preservation Grant Agreement #2019-002, and further that any portion of such sums not expended by June 30, 2024 shall be returned to the Community Preservation Open Space Reserve Fund.

Motion 4 – (FY '19)

That Nine Thousand Dollars (\$9,000) be appropriated effective immediately after Town Meeting vote from the Community Preservation Committee Administrative Expenses to the Carlisle Community Preservation Committee and the Carlisle Conservation Commission for the creation of the 2020 Open Space and Recreation Plan, and that such sums may be expended by the Carlisle Community Preservation Committee and the Carlisle Conservation Commission pursuant to the terms of the Town of Carlisle Community Preservation Grant Agreement #2019-003, and further that any portion of such sums not expended by June 30, 2021 shall be returned to the Community Preservation Committee Administrative Expenses.

Motion 5 – (FY '19)

That Three Hundred Thousand Dollars (\$300,000) be appropriated effective immediately after Town Meeting vote from the Historic Reserve Fund and/or Undesignated Funds to the Carlisle Conservation Commission for the restoration of the Greenough Dam, and that such sums may be expended by the Carlisle Conservation Commission pursuant to the terms of the Town of Carlisle

04/29/2019

Community Preservation Grant Agreement #2019-004, and further that any portion of such sums not expended by June 30, 2022 shall be returned to the Community Preservation Historic Reserve Fund and/or Undesignated Funds, as appropriate.

Board of Selectmen: *The Selectmen voted unanimously to support Motions 1-5 for Article 22.*

Planning Board: *The Planning Board voted unanimously 6-0 to support Motions 4-5 for Article 22.*

Historical Commission: *The Commission voted unanimously to support Motions 4-5 for Article 22.*

Recreation Commission: *The Recreation Commission voted to support Motions 1-5 for Article 22.*

Conservation Commission: *Conservation Commission voted to support Motions 3 and 4 for Article 22.*

Carlisle Trails Committee: *The Carlisle Trails Committee voted unanimously to support Motions 3, 4 and 5 for Article 22.*

ARTICLE 23 – Amend the Carlisle Zoning Bylaws re: Section 5.12, Residential Open Space Community

MOTION (PETER GAMBINO): *I move that Town vote to amend Section 5.12 of the Carlisle Zoning Bylaws, Residential Open Space Community, as follows (underlining added, strikethroughs removed).*

By amending Section 5.12.4.8 to read as follows:

That the Open Space does not include any residential structures or any appurtenant structures such as carports, septic systems, driveways or parking, other than those which the Planning Board may allow under #5.12.4.7 above; provided ~~providing~~, however, that the Open Space may include drinking water wells and ~~appurtenant~~ appurtenant piping and electrical service appurtenant to the Residential Open Space Community, and any piping, electrical service, access, and/or other infrastructure related to a public water supply of the Town of Carlisle, which may have a source located on another lot or lots and serve other property within the Town.

2. By amending Section 5.12.4.9 to read as follows:

That the Open Space shall be conveyed to the Town of Carlisle for the park or open space use or conveyed to a non-profit organization the principal purpose of which is the conservation of open space, or conveyed to a corporation or trust composed of the owners of units within the Residential Open Space Community. In the case where such land is not conveyed to the Town, the Board must find that beneficial rights in said Open Space shall be deeded to the owners, and a permanent restriction enforceable by the Town pursuant to M.G.L. Ch. 184, Section 32, providing that such land shall be kept in open or natural state, subject to the exceptions provided for in Section 5.12.4.8, shall be recorded at the Middlesex

North District Registry of Deeds. Nothing contained in this section shall be construed to prohibit the installation and maintenance of the private and/or public utilities and infrastructure allowed under Section 5.12.4.8, and all instruments of conveyance or conservation restriction, regardless of the recipient or holder, shall specifically authorize said utilities and infrastructure within the Open Space.

3. By amending Section 5.12.6.3 to read as follows:

Upon receipt of an application, the Board shall provide notice of same to the Carlisle Affordable Housing Trust ~~Housing Authority~~ and provide them with the opportunity within the public hearing to propose to the applicant affordability options for a unit or units. The Board shall also provide notice to the Council on Aging and provide them the opportunity within the public hearing to propose to the applicant senior-friendly modifications to a unit or units.

***Summary:** The proposed amendment to Section 5.12 of the Zoning Bylaws regarding the Residential Open Space Development (ROSC) is to allow the placement of piping and related infrastructure for a possible future public water supply through an Open Space parcel deeded to the Town as part of the permitting for an ROSC. The amendment also would require that any documents conveying such an Open Space parcel to the Town explicitly allow for such piping and related infrastructure. The third part of the proposed amendment changes from the Carlisle Housing Authority to the Carlisle Affordable Housing Trust the Town entity to be provided notice that the Planning Board is required to give upon receipt of any ROSC application to alert them to the opportunity to provide input during the hearing related to affordability of units within any proposed ROSC development.*

***Planning Board:** The Planning Board voted unanimously 6-0 to support Article 23.*

***Board of Selectmen:** The Selectmen voted unanimously to support Article 23.*

***Conservation Commission:** The Conservation Commission voted to support Article 23.*

ARTICLE 24 – Amend the Carlisle Zoning Bylaws – Section 5.8, Revisions to Solar District:

MOTION (PETER GAMBINO): I move that Town vote to amend Section 5.8 of the Carlisle Zoning Bylaws, as follows (underlining added, strikethroughs removed).

1. By amending Section 5.8.7 to read as follows:

5.8.7 Large Scale Ground-Mounted Solar Photovoltaic Facility. The Solar Photovoltaic Facility Overlay District shall consist of an area of (1) approximately 7 acres comprised of Assessor’s Map 21 Parcels 10 & 11 and a 200 ft x 200 ft portion of Map 20 Parcel 1 along its boundaries with Map 21 Parcels 10 & 9, and (2) Assessor’s Map 14 Parcels 29, 30, 31, and the portion of Parcel 28 that is within 800 feet of School Street, which shall be shown on a map entitled “Property Maps, Carlisle, Massachusetts.” The location of the renewable energy generation facilities in the form of a Large-Scale Ground-Mounted Solar Photovoltaic Facility shall be permitted as of right in this district.

2. By amending Section 5.8.10 to read as follows:

5.8.10 Dimensional and Other Requirements. The height of all structures comprising a Ground-Mounted Solar Photovoltaic Facility shall not exceed 12 feet above the pre-existing natural grade; provided, however, that the height of a canopy-style Large-Scale Ground-Mounted Solar Photovoltaic Facility located within the Solar Photovoltaic Facility Overlay District shall not exceed 25 feet.

3. By amending Section 5.8.10.1 to read as follows:

5.8.10.1 For an Accessory or Intermediate Ground-Mounted Solar Photovoltaic Facility, all setbacks from lots lines shall be at least 40 feet, unless the abutting lot is owned by the same entity. The Planning Board may require, as a condition of a site plan approval, larger setbacks where appropriate for screening provided, however, that such larger setbacks shall not have the effect of rendering an Accessory Ground-Mounted Solar Photovoltaic Facility infeasible.

4. By amending Section 5.8.10.2 to read as follows:

5.8.10.2 For a Large-Scale Ground-Mounted Solar Photovoltaic Facility, all setbacks from lots lines shall be at least 40 feet, unless the abutting lot is owned by the same entity. As part of Site Plan Review, the Planning Board may require larger setbacks if appropriate for screening, provided, however, that such larger setbacks shall not have the effect of rendering a Large-Scale Ground-Mounted Solar Photovoltaic Facility infeasible.

***Summary:** Passage of this article would extend the Solar Overlay district to cover a portion of the Carlisle Public School property to permit the installation of solar photovoltaic panels on canopies. As the presentation will explain this article and the next two are linked and dependent upon one another.*

***Planning Board:** The Planning Board voted unanimously 6-0 to support Article 24.*

***Board of Selectmen:** The Selectmen voted unanimously to support Article 24.*

***School Committee:** The School Committee voted unanimously to support Article 24.*

***Conservation Comm.:** The Conservation Commission voted to support Article 24.*

***Energy Task Force:** The Energy Task Force voted to support Article 24.*

ARTICLE 25 – Authorize solar facility lease(s), PILOT Agreements, easements for Transfer Station and CPS parking lot:

MOTION (JONATHAN DeKOCK): I move that Town vote to

authorize the Board of Selectmen and the School Committee to take the following actions, with respect to parking lot solar canopy facility projects on parcels of land under their control:

1. *To authorize the Board of Selectmen to lease approximately 35,000 square feet, plus or minus, of a portion of Town land located at 59 Morse Road, for a maximum of twenty (20) years, upon such terms and conditions as are acceptable to the Board of Selectmen, to a solar energy provider for the purposes of constructing, maintaining, and operating a parking lot solar canopy facility on the property, and further to enter into a Solar Power Purchase Agreement and to authorize the Board of Selectmen and Board of Assessors to negotiate and execute a structured tax agreement pursuant to Chapter 59, Section 38H of the General Laws with the owner of the parking lot solar canopy facility.*
2. *To authorize the Board of Selectmen to grant an easement to Eversource to install, maintain, operate, repair, reinstall, or replace utility pole lines and a substation for three phase power for a parking lot solar canopy facility installation at the Carlisle Transfer Station located at 59 Morse Road.*
3. *To authorize the School Committee to lease approximately 35,000 square feet, plus or minus, of a portion of Town land located at 83 School Street, for a maximum of twenty (20) years, upon such terms and conditions as are acceptable to the Board of Selectmen, to a solar energy provider for the purposes of constructing, maintaining, and operating a parking lot solar canopy facility on the property, and further to enter into a Solar Power Purchase Agreement, and to authorize the Board of Selectmen and Board of Assessors to negotiate and execute a structured tax agreement pursuant to Chapter 59, Section 38H of the General Laws with the owner of the parking lot solar canopy facility.*
4. *To authorize the School Committee to grant an easement to Eversource to install, maintain, operate, repair, reinstall, or replace utility pole lines and a substation for three phase power for a parking lot solar canopy facility installation at the Carlisle Public School located at 83 School Street.*

Summary: This article would authorize the Selectmen and School Committee to negotiate a lease, payment in lieu of taxes, and power purchase agreement for the Transfer Station and CPS parking lot, respectively, and also allow the granting of necessary easements. It is predicated on the preceding Article 24 which would rezone a portion of the School property to permit a solar array.

Board of Selectmen: The Selectmen voted unanimously to support Article 25.

School Committee: The School Committee voted unanimously to support Article 25.

Conservation Comm.: The Conservation Commission voted to support Article 25.

Energy Task Force: The Energy Task Force voted to support Article 25.

ARTICLE 26 – SCHOOL PARKING LOT RESURFACING PROJECT:

MOTION (ALAN LEWIS): *I move that Town vote to borrow the sum of \$250,000 to resurface the Carlisle Public School parking lot, and further, to authorize the Board of Selectmen to enter into a contract or contracts, for said purpose.*

Summary: *The CPS parking lot has long been in need of resurfacing. If the Solar project moves forward with the passage of Articles 24 and 25 then the timing of the parking lot reconstruction becomes critical in that the Town would be missing an opportunity to coordinate the repaving with the installation of the solar canopies. To wait until a later date would mean a more complicated and costly paving project. The CPS parking lot project would more than likely occur within the next few years on its own but it makes a great deal of sense to advance the project if the solar canopies are approved.*

Board of Selectmen: *The Selectmen voted unanimously to support Article 26.*

Finance Committee: *Recommendation deferred until Town Meeting.*

School Committee: *The School Committee voted unanimously to support Article 26.*

Conservation Comm.: *The Conservation Commission voted unanimously to support Article 26.*

Energy Task Force: *The Energy Task Force voted to support Article 26.*

ARTICLE 27 – Amend General Bylaws - new section re: Right to Farm bylaw:

MOTION (KATE REID): *I move that Town vote to amend the General Bylaws by adding a new “Right to Farm” bylaw as follows:*

Article ____RIGHT TO FARM

___.1 Legislative Purpose and Intent

The purpose and intent of this By-law is to state with emphasis the Right to Farm accorded to all citizens of the Commonwealth under Article 97 of the Constitution, and all state statutes and regulations thereunder including, but not limited to, Massachusetts General Laws Chapter 40A, Section 3, Paragraph 1; Chapter 90, Section 9; Chapter 111, Section 125A; and Chapter 128 Section 1A. We the citizens of Carlisle restate and republish these rights pursuant to the Town’s authority conferred by Article 89 of the Articles of Amendment of the Massachusetts Constitution (“Home Rule Amendment”).

This General By-law encourages the pursuit of agriculture, promotes agriculture- based economic opportunities and the natural and ecological value of the land, and protects farmlands within the Town of Carlisle by allowing agricultural uses and related activities to function with minimal conflict with abutters and Town agencies. This By-law shall apply to all jurisdictional areas within the Town.

The benefits and protections affirmed by this By-law are intended to apply exclusively to those agricultural operations and activities conducted in accordance with generally accepted agricultural practices. No benefits and protections are conferred to agricultural activities whenever

adverse impact results from negligence or willful or reckless misconduct in the operation of any such agricultural or farming operation, place, establishment or facility or any of its appurtenances.

.2 Definitions

The word "farm" shall include any parcel or contiguous parcels of land or water bodies used for the primary purpose of commercial agriculture, or accessory thereto.

The words "farming" or "agriculture" or their derivatives shall include, but not be limited to, the following:

- farming in all its branches and the cultivation and tillage of the soil;
- dairying;
- production, cultivation, growing, and harvesting of any agricultural, aquacultural, floricultural, viticultural, or horticultural commodities;
- growing and harvesting of forest products upon forest land, and any other forestry or lumbering operations;
- raising of livestock, including horses, and keeping of horses as a commercial enterprise; and
- keeping and raising of poultry, swine, cattle, goats, sheep, ratites (such as emus, ostriches and rheas) and camelids (such as llamas and camels), and other domesticated animals for food and other agricultural purposes, including bees and fur-bearing animals.

"Farming" shall encompass activities including, but not limited to, the following:

- operation and transportation of slow-moving farm equipment over roads within the Town;
- control of pests, including, but not limited to, insects, weeds, predators, and disease organism of plants and animals;
- application of manure, fertilizers, and pesticides;
- conducting agriculture-related educational and farm-based recreational activities, including agri-tourism, provided that the activities are related to marketing the agricultural output or services of the farm;
- processing and packaging of the agricultural output of the farm and the operation of a farmer's market or farm stand including signage thereto;
- maintenance, repair, or storage of seasonal equipment or apparatus owned or leased by the farm owner or manager used expressly for the purpose of propagation, processing, management, or sale of the agricultural products; and
- on-farm relocation of earth and the clearing of ground for farming operations.

.3 Right To Farm Declaration

The Right to Farm is hereby recognized to exist within the Town of Carlisle. The above-described agricultural activities may occur on holidays, weekdays, and weekends by night or day and shall include the attendant incidental noise, odors, dust, and fumes associated with normally accepted agricultural practices. It is hereby determined that whatever impact may be caused to others through the normal practice of agriculture is more than offset by the benefits of farming to the

neighborhood, community, and society in general. The benefits and protections of this By-law are intended to apply to agricultural and farming operations as described in the Massachusetts Constitution and General Laws noted in Section 1 of this document. Furthermore, nothing in this Right to Farm By-law shall be deemed as acquiring any interest in land or as imposing any land use regulation, which is properly the subject of state statute, regulation, or local zoning law.

____.4 Disclosure Notification

Within 30 days after this By-law becomes effective, the Board of Selectmen shall post the following disclosure on the official bulletin board and website of the Town, at any other location at its discretion, and make such disclosure available for distribution upon request in the offices of the Board of Selectmen, Board of Assessors, and the Town Clerk.

“It is the policy of Town of Carlisle to conserve, protect and encourage the maintenance and improvement of agricultural land for the production of food, and other agricultural products, and also for its natural and ecological value. This disclosure notification is to inform buyers or occupants that the property they are about to acquire or occupy lays within a town where farming activities occur. Such farming activities may include, but are not limited to, activities that cause noise, dust and odors. Buyers or occupants are also informed that the location of property within the Town may be impacted by commercial agricultural operations including the ability to access water services for such property under certain circumstances.”

____.5 Resolution of Disputes

Any person having a complaint about a farm or farming activity or practice is encouraged to seek an amicable solution through resolution directly with the owner or operator of the farm at issue. Such person may also, notwithstanding the pursuit of other available remedies, file such a complaint with the Board of Selectmen. The Board of Selectmen may, at its sole discretion and to the extent the Board believes resolution of the matter may be facilitated by involvement of the Town, forward the complaint to the Agriculture Commission, or other appropriate board or officer, and request that recommendations for resolution be provided within an agreed upon timeframe. Notwithstanding any other provision of this section, however, the Board of Selectmen shall not be required to forward a complaint filed in accordance herewith or to take any other action.

____.6 Severability Clause

If any part of this By-law is for any reason held to be unconstitutional or invalid, such decision shall not affect the remainder of this By-law. The Town of Carlisle hereby declares the provisions of this By-law to be severable.

Summary: *This General Bylaw is a restatement of the Right to Farm accorded to all citizens of the Commonwealth under Article 97 of the Constitution and other various State laws.*

04/29/2019

This General By-law encourages the pursuit of agriculture, promotes agriculture- based economic opportunities, and protects farmlands within the Town of Carlisle by allowing agricultural uses and related activities to function with minimal conflict with abutters and Town agencies. This By-law shall apply to all jurisdictional areas within the Town. This General By-Law does not take the place of other by-laws nor does it affect any other by-laws already in existence. It merely restates current law already in place.

The Agricultural Commission feels that it is important to bring this up now so that current residents of Carlisle will know that it is the policy of Town of Carlisle to conserve, protect and encourage the maintenance and improvement of agricultural land for the production of food, and other agricultural products, and also for its natural and ecological value. Many residents enjoy and treasure Carlisle's agricultural culture and heritage. This By-Law seeks to reaffirm Carlisle's commitment to current and future agriculture.

The Agricultural Commission recommends that the Town adopt the Right to Farm Bylaw at Town meeting.

Board of Selectmen: *The Selectmen voted unanimously to support Article 27.*

Conservation Commission: *The Conservation Commission voted to support Article 27.*

Planning Board: *The Planning Board voted unanimously 5-0 to recommend that Article 27 be withdrawn for further study and consideration.*

ARTICLE 28 – Accept MGL Ch. 140, s. 139, no dog license fee for residents over age 70:

MOTION (ALAN LEWIS): *I move that Town vote to accept the provisions of Chapter 140, Section 139 of the Massachusetts General Laws to permit the Town to waive dog license fees for residents over the age of 70,*

Summary: *If passed at Town Meeting, Article 28 would provide for dog licenses to be offered to Town residents age 70 and over at no charge.*

Board of Selectmen: *The Selectmen voted unanimously to support Article 28.*

ARTICLE 29 – Amend General Bylaws – Section 12.1, Scenic Roads:

MOTION (LUKE ASCOLILLO): *I move that Town vote to amend the General Bylaws by adding the following streets and roads to the list of scenic roads provided in Section 12.1:*

***Rockland Road
Stearns Street***

Summary: *Approval of this article will designate these two streets as Scenic Roads, as provided in Mass General Laws Chapter 40, Section 15C. This will bring the number of Scenic Roads in Carlisle to 22, and will then include almost all of the roadways in Carlisle existing before the 1930's. A portion of Stearns Street dates from the 1700's,*

04/29/2019

while Rockland Road would be the third dead-end roadway to be so designated. Scenic Road designation requires Planning Board consent, after a hearing, before stone walls and trees within the roadway right-of way can be removed, but it has no effect upon any landscape or buildings on private property abutting the roadway.

Planning Board: The Planning Board voted unanimously 6-0 to support Article 29.

Board of Selectmen: The Selectmen voted unanimously to support Article 29.

ARTICLE 30 – Funding for Spalding Field Study - \$20K:

MOTION (DREW MCMORROW): I move that Town vote to raise and appropriate the sum of \$20,000 for an architectural and engineering study of Spalding field for the purpose of planning future recreational use for the School and Town. The study would conduct soil cores and test pits to test issues related to drainage; architect an undersurface drainage system; assess the risk of finding hazardous materials left from prior use of the site; scope any needs for variances or other permitting issues related to new field construction; make recommendations related to field configuration, solar orientation, use, and maintenance plans; make recommendations for tree and foliage setbacks for solar coverage; recommend variations of grass, clay, or other materials; and assess the suitability of the site, or some portion thereof, for artificial turf,

Summary: Spalding field has had significant issues with sinkholes and drainage that are affecting its safety and utility as an athletic complex for the school. The warrant article seeks funding for an architectural and engineering study to guide a future renovation or rehabilitation of the complex. The study would also scope whether the site is a suitable location for an artificial turf field.

Recreation Commission: The Recreation Commission voted unanimously to support Article 30.

Board of Selectmen: The Selectmen voted unanimously to support Article 30.

Finance Committee: The Finance Committee voted unanimously to support Article 30.

ARTICLE 31 – Concord-Carlisle Regional School District Capital Project:

MOTION: I move that Town Meeting take no action on Article 31.

ARTICLE 32 – Vote to dissolve Carlisle Housing Authority

MOTION (KATE REID): I move that Town vote dissolve the Carlisle Housing Authority in accordance with M.G.L. c. 121B, §3

Summary: This article asks Town Meeting to agree to the dissolution of the Carlisle Housing Authority. As required by statute, prior to this vote the CHA has determined that there is no further need for its existence, has transferred all its legal obligations to the Carlisle Affordable Housing Trust—an entity with full authority and power to carry

04/29/2019

forward affordable housing initiatives from conception to completion for the Town of Carlisle—and is submitting the question of its dissolution to Town Meeting.

Planning Board: *The Planning Board voted unanimously 6-0 to support Article 32.*

Board of Selectmen: *The Selectmen voted unanimously to support Article 32.*

ARTICLE 33 - Amend General Bylaws – Section 3.26, change designation from Housing Authority to Affordable Housing Trust:

MOTION (LUKE ASCOLILLO): *I move that Town vote to vote to amend Section 3.26.2 of the General Bylaws as follows (underlining added, strikethroughs removed):*

The Community Preservation Committee shall be appointed by the Board of Selectmen and consist of one member each from the:

Conservation Commission as designated by the Commission, Historical Commission as designated by the Commission, and Planning Board as designated by the Planning Board for an initial term of three years,

Recreation Commission as designated by the Commission, and Affordable Housing Authority Trust as designated by the Authority Trust (provided that this appointee shall be a Trustee not also serving on the board of Selectmen), for an initial term of two years and thereafter for a term of three years.

Board of Selectmen is designated by the Board, and one community member, appointed for an initial term of one year and thereafter for a term of three years.

Summary: *The amendment to Section 3.26.2 of the General Bylaws changes the housing representative to be appointed by the Board of Selectmen to the Community Preservation Committee from a member of the Carlisle Housing Authority to a non-Selectman member of the Carlisle Affordable Housing Trust.*

Planning Board: *The Planning Board voted unanimously 6-0 to support Article 33.*

Board of Selectmen: *The Selectmen voted unanimously to support Article 33.*

ARTICLE 34 – Citizen Petition re: Easement from Town for Nitrogen Loading credits

MOTION: *Petitioner has indicated that no motion will be made at Town Meeting.*

Board of Selectmen: *No position.*

ARTICLE 35 – Citizens’ Petition to Amend General Bylaws Section 10.1:

MOTION: *I move that Town vote to amend Section 10.1 of the General Bylaws of the Town of Carlisle by deleting said Section in its entirety and inserting in its place the following:*

10.1 Firearms, Explosives and Hunting

10.1.1 No person shall fire or discharge any firearms or explosives of any kind within the limits of any highway, park or other public property, except with the written permission of the Board of Selectmen, or such other town officer or officers as they may designate from time to time.

10.1.2 No person shall hunt within the limits of any highway, park, or other town-owned land.

10.1.3 No person shall hunt, fire or discharge any firearm or explosive on any private property except with the written consent of the owner or legal occupant thereof, said written permission must be carried upon the person.

10.1.4 This bylaw shall not apply to the lawful defense of life or property, or to any law enforcement officer acting in the discharge of the officer's duties.

10.1.5 The word "hunt" shall have the meaning and rule of construction as defined in Massachusetts General Laws Chapter 131 Section 1.

10.1.6 Any provision of this bylaw, and any order of the Board of Selectmen, the violation of which is subject to a specific monetary fine or penalty, may, in the discretion of the town official who is the enforcing person and as an alternative to criminal proceedings, be enforced in the manner provided in Section 21D of Chapter 40 of the Massachusetts General Laws. The term "enforcing person" shall mean any police officer of the Town.

Summary: The proposed article would amend the existing bylaw regulating hunting on town-owned land. It simply removes the word “hunt” from existing subsection 10.1.1, leaving it otherwise completely the same. It then creates a new subsection addressing the issue of hunting on town-owned land. This new subsection bans all hunting on town-owned land, rather than allowing the Board of Selectmen to grant permission for hunting. Going forward, any changes concerning hunting on town-owned land would require a further amendment of this bylaw at Town Meeting. This new bylaw subsection does not change any other condition of hunting in Carlisle. The laws concerning hunting on private property, on state lands, and on federal lands all remain the same.

A “Yes” vote changes the bylaw. A “No” vote leaves it as is.

Board of Selectmen Recommendation: *The Selectmen voted unanimously not to support Article 35.*

Conservation Commission: *The Conservation Commission voted not to support Article 35.*

Carlisle Trails Committee: *The Carlisle Trails voted unanimously not to support Article 35.*