

RESULTS
SPECIAL TOWN MEETING
Town of Sheffield
Commonwealth of Massachusetts
Monday, April 4, 2022

This Special Town Meeting of the Town of Sheffield was called to order at 6:05 PM by Moderator William F. Tighe. After reciting the Pledge of Allegiance, Moderator Tighe introduced Finance Members Kenneth Smith and Nadine Hawver, Town Counsel Jonathan Eichman, Town Administrator Rhonda LaBombard and Selectmen Rene Wood, Robert Kilmer, Jr. and Martin Mitsoff. Moderator Tighe then explained the procedure for addressing the meeting and how the voting would take place. He then motioned to dispense with the Town Clerk's reading of the Warrant, it was seconded. *The motion passed by substantial majority.*

ARTICLE 1: On a motion by Rene C. Wood, seconded by Martin C. Mitsoff, to recodify the General Bylaws by making substantive, and non-substantive and ministerial, amendments thereto as set forth in a document entitled, "Draft Town of Sheffield General Bylaw Recodification-March 2022", with text to be inserted shown as underlined and text to be deleted shown as struck through. *The motion passed unanimously.*

ARTICLE 2: On a motion by Martin C. Mitsoff, seconded by Robert C. Kilmer, Jr., to accept the provisions of G.L. c. 40, §22F pursuant to which any municipal board or officer empowered to issue a license, permit, certificate, or to render a service or perform work for a person or a class of persons, may, from time to time, fix reasonable fees for all such licenses, permits, or certificates issued pursuant to statutes or regulations wherein the entire proceeds of the fee remain with the Town (excepting the fees specifically exempted from the provisions of said statute), and may fix reasonable charges to be paid for any services rendered or work performed by the Town or any department thereof, for any person or class of persons; however, that in the case of a board or officer appointed by an elected board, the fixing of such fee shall be subject to the review and approval of such elected board; and further, any fees currently applicable shall remain so until revised pursuant to the authority granted hereunder. *The motion passed unanimously.*

ARTICLE 3: On a motion by Robert C. Kilmer, Jr. transfer \$50,000 from Free Cash to provide for Extraordinary or unforeseen expenditures under the provisions of Chapter 40, Section 6 of the general Laws, known as the Reserve Fund. *The motion passed unanimously.*

ARTICLE 4: On a motion by Rene C. Wood, seconded by Robert C. Kilmer, Jr., to accept the provisions of G.L. c. 44, § 53F¾ for the purpose of establishing a separate revenue account to be known as the PEG Access and Cable Related Special Revenue Fund into which shall be deposited funds received in connection with the cable television franchise agreements between the Town and Charter Communications (Spectrum), and/or any other cable operator, which funds shall be appropriated only for cable related purposes consistent with the franchise agreements and in accordance with law, including, but not limited to (1) support of public, educational, or governmental ("PEG") access cable television services; (2) monitoring compliance of the cable operator with the cable television license(s); and/or (3) preparing for the renewal of the cable license(s), with such action to take effect as of the first day of the fiscal year beginning July 1, 2022; and further, to transfer all cable television license proceeds and receipts held by the Town for such purposes to such new PEG Access and Cable Related Special Revenue Fund; and further to appropriate from said fund a sum of money to be expended under the direction of the Select Board for such PEG access services; and further to authorize the Select Board to enter into a grant agreement of up to ten years or such lesser term as the Select Board shall determine to be in the best interest of the Town for the expenditure of such funds for the provision of PEG community access television services up to \$1,700.00 per year. *The motion passed unanimously.*

ARTICLE 5: On a motion by Kenneth Smith, Planning Board, seconded by Robert C. Kilmer, Jr., to amend the Zoning Bylaw as follows, or take any action relative thereto:

Amend Section 7.4.2 Solar Photovoltaic Installations, Definitions by deleting the definitions for *Large Scale Solar Photovoltaic Installation (LSSPI)* and *Small Scale Solar Photovoltaic Installation (SSSPI)* in their entirety and inserting in place thereof the following new definitions:

Large Scale solar Photovoltaic Installation (LSSPI) – Any installation greater than 5445 square feet no matter how or where mounted.

Small Scale solar Photovoltaic Installation (SSSPI) – Any installation less than 5445 square feet no matter how or where mounted.

On a motion by George Oleen, seconded by Kenneth Smith, to amend the by-law as presented. The change to read: “Large Scale Photovoltaic Installation (LSSPI) Any Installation 5445 Square Feet or Greater, no matter how or where mounted.”

A vote to amend was taken by a show of hands. *The motion passed unanimously as declared by the Moderator.*

A vote on the amended version of the amendment was taken by show of hands. Moderator Tighe asked for a count by the checkers. (This article required a 2/3 vote for passage). *The motion passed unanimously as declared by the Moderator.*

ARTICLE 6: On a motion by Kenneth Smith, Planning Board, seconded by Robert C. Kilmer, Jr., to amend the Zoning By-Laws as follows, or take any other action relative thereto:

Insert in Section 7.5.4.1.6, Additional Requirements/Conditions for Adult Use Marijuana Establishment, Use, the language as shown in *italics* so that Section 7.5.4.1.6 shall read as follows:

“The number of Marijuana Retailers permitted to be located within the Town of Sheffield shall not exceed three (3) and the number of Marijuana Cultivator, Outdoor locations shall not exceed five (5).

(This Article required a 2/3 vote to passage) *On a show of hands, a 2/3 vote was achieved as declared by the Moderator.*

ARTICLE 7: (Citizen’s Petition) On a motion by Lauren Hyde, seconded, to see if the Town will vote to amend the Zoning By-Laws as follows, or take any other action relative thereto:

To modify the Table of Use Regulations, Sec. 3.1.3 of the said By-law, Section H. (Adult Use Marijuana Establishment) by replacing the designated lines under “District” in said Section with the following as noted in *italics*:

Table of Use Regulations - Town of Sheffield Zoning By-laws				
R = Rural District, VC = Village Center District, C = Commercial District, GB = General Business District				
Y = Permitted by right, N = Prohibited, PB = Special Permit / Planning Board, ZBA = Special Permit / Zoning Board of Appeals, SB = Special Permit / Board of Selectmen				
Any structure or use of premises not herein expressly permitted is hereby prohibited. All uses are subject to dimensional requirements established in Section 4.				

District

H. Adult Use Marijuana Establishment	R	VC	C	GB	
1. Marijuana Cultivator, Indoors	PB-N	PB-N	P-B	PB	Refer to Section 7.5.3 for definition. Refer to Sections 7.5, 8.2, 8.3, 9.4 and 9.5 for Special Permit requirements.
2. Marijuana Cultivator, Outdoors	PB-N	N	P-B	PB	Refer to Section 7.5.3 for definition. Refer to Sections 7.5, 8.2, 8.3, 9.4 and 9.5 for Special Permit requirements.
3. Craft Marijuana Cooperative	N	N	P-B	PB	Refer to Section 7.5.3 for definition. Refer to Sections 7.5, 8.2, 8.3, 9.4 and 9.5 for Special Permit requirements.
4. Marijuana Product Manufacturer	PB-N	N	P-B	PB	Refer to Section 7.5.3 for definition. Refer to Sections 7.5, 8.2, 8.3, 9.4 and 9.5 for Special

					Permit requirements.
5. Marijuana Retailer	N	PB N	P B	PB	Refer to Section 7.5.3 for definition. Refer to Sections 7.5, 8.2, 8.3, 9.4 and 9.5 for Special Permit requirements.
6. Marijuana Research Facility	N	N	P B	PB	Refer to Section 7.5.3 for definition. Refer to Sections 7.5, 8.2, 8.3, 9.4 and 9.5 for Special Permit requirements.
7. Marijuana Independent Testing Laboratory	N	N	P B	PB	Refer to Section 7.5.3 for definition. Refer to Sections 7.5, 8.2, 8.3, 9.4 and 9.5 for Special Permit requirements.
8. Marijuana Transporter	N	N	P B	PB	Refer to Section 7.5.3 for definition. Refer to Sections 7.5, 8.2, 8.3, 9.4 and 9.5 for Special Permit requirements.
9. Marijuana Microbusiness	N	PB N	P B	PB	Refer to Section 7.5.3 for definition. Refer to Sections 7.5, 8.2, 8.3, 9.4 and 9.5 for Special Permit requirements.
10. Any Other Type of Licensed Marijuana-Related Business	PB-N	PB N	P B	PB	Refer to Section 7.5.3 for definition. Refer to Sections 7.5, 8.2, 8.3, 9.4 and 9.5 for Special Permit requirements.
11. Non-Residential On-Premises Consumption, i.e. Marijuana Cafes	N	N	N	N	No use listed in Section 3.1.3.H allows for on-site consumption.

Discussion ensued, and the Planning Kenneth Smith from the Planning recommended this article. (This Article required a 2/3 vote for passage). Moderator Tighe requested a hand count by the clerks. The results: Yes: 72; No: 97. *The motion was defeated.*

ARTICLE 8: (Citizen's Petition) On a motion by Kenneth Smith, seconded, to see if the Town will vote to amend the Zoning By-Laws as follows, or take any other action relative thereto by inserting the italicized language:

A. In Section 7.5.5.2 (relating to additional application requirements) subsection 13 shall be rewritten as follows:

An odor control plan detailing the specific odor-emitting activities or processes to be conducted on-site; the source of those odors, the locations from which they are emitted from the facility; the frequency and duration of such odor-emitting activities; and the administration of odor control including maintenance of such controls. The odor control plan for a Marijuana Cultivator, Outdoors applicant will include plans to minimize, if not eliminate, odors from *indoor and* outdoor growth and cultivation, *and to use the Best Available Technology in all aspects.*

Plans for all applications shall include 100% complete engineering drawings showing the full odor control system including exact specifications and location of each piece of equipment with model number identified, together with the routine maintenance plan for each piece of equipment.

All plans shall provide that there will be no odors discernible off-site.

B. Replace Section 7.5.4.2.4 with the following:

4. All Marijuana Establishments shall be ventilated in such a manner so that:

1. No pesticides, insecticides or other chemicals or products used in the cultivation or processing are dispersed into the outside atmosphere, and
2. No odor from marijuana or its processing can be detected by a person with an unimpaired and otherwise normal sense of smell at the exterior of the Marijuana Establishment or at any adjoining use or property, *except as allowed under a Special Permit granted to a Marijuana Cultivator, outdoors.*

(The language presently in subsection 2 above "except as allowed under a Special Permit granted to a Marijuana Cultivator, outdoors" will be stricken.).

C. In Section 7.5.6 – Revise first paragraph to read as follows:

Independent Consultants: The SPGA shall engage such Independent Consultants (herein called "Independent Consultants"), as it shall reasonably deem necessary to assist in performing its duties hereunder. Independent Consultants shall each be qualified professionals with expertise in one or more of the following fields, including but not limited to: a) Adult Use Marijuana; b) water usage and / or water

systems; c) land surveying; d) odor; and e) if determined necessary by the SPGA, other relevant fields of expertise. Notwithstanding anything else in this section, the SPGA, shall be required to engage an odor expert for all applications for all Adult Use Marijuana Establishments, and the odor consultant shall be required to opine as to whether the odor control plan uses the best available technology and will effectively achieve the desired result. All expenses incurred by the SPGA for services of Independent Consultants in connection with an application hereunder shall be the responsibility of the Applicant. The SPGA shall require the applicant to pay such expenses as incurred, or shall require that an applicant deposit a sum of money, in an amount to be determined by the SPGA, to retain and utilize the services of such Independent Consultants. In the event that such sum is insufficient to fund the necessary consulting services, the SPGA shall require additional deposits. All expenses shall be paid prior to the issuance of a Special Permit. Failure of an applicant to pay a review fee shall be grounds for denial of the application.

D. Amend Section 7.5.7.2 (relating to Decision and Findings) by replacing it with the following required finding:

“2. The Marijuana Establishment is designed to minimize any adverse visual, sensory, or economic impacts on abutters and other parties in interest *and to assure that there will be no odors discernible off-site*”. [Italicized language is new.]

Discussion ensued, including Kenneth Smith, who represented the Planning Boards support of this amendment.

On a motion by Catherine Miller, seconded, to amend the verbiage as follows: “I move that section 7.5.5.2 paragraph 1 be amended as follows: to insert *recognizable* between eliminate and odors, strike “indoor and outdoor cultivation” between from and and, and insert *abutting properties*, and to delete “in all aspects” following Best Available Technology, *add the time of an application*.”

“An odor control plan detailing the specific odor-emitting activities or processes to be conducted on-site; the source of those odors, the locations from which they are emitted from the facility; the frequency and duration of such odor-emitting activities; and the administration of odor control including maintenance of such controls. The odor control plan for a Marijuana Cultivator, Outdoors applicant will include plans to minimize, if not eliminate recognizable odors from abutting properties and to use the Best Available Technology at the time of an application.”

“I move that in section 7.5.6 the “opine” in line 2 be changed to *determine*”. Continued discussion took place.

On a motion by Nadine Hawver, seconded, to move the question. (This Article requires 2/3 vote for passage). *The motion passed as declared by the Moderator.*

On a vote to amend the amended Article, *the motion passed as declared by the Moderator.*

The vote to amend the article was: The vote: Yes: 129; No: 47, as declared by the Moderator.

Respectfully Submitted,
Felecie Joyce, Town Clerk, CMMC