

Town Warrant
Commonwealth of Massachusetts
May 6, 2019

ESSEX, ss. To the Constables of the Town of Georgetown, in the County of Essex,
Greetings:

In the name of the Commonwealth of Massachusetts, you are hereby directed to notify and warn the inhabitants of the said Town, qualified to vote in the elections and in Town affairs to meet at the Georgetown Middle/High School, 11 Winter Street on the 6th day of May, 2019 (Monday) at 7 o'clock P.M. then and there to act on the articles of this warrant, and further, to meet at the Penn Brook School Gymnasium, 68 Elm Street in said Town, on the 13th day of May, 2019 (Monday), where the polls will be open from 8 o'clock A.M. until 8 o'clock P.M., to vote by ballot for the following officers and question: one Selectmen, one Assessor, one School Committee Member, one Light Commissioner, one Water Commissioner, two Peabody Library Trustees, one Highway Surveyor, one Moderator, and one Town Clerk for three years; and one Planning Board Member, for five years.

Question 1: Shall the Town of Georgetown adopt the following General Bylaw?

Town Counsel Summary: Massachusetts General Laws, Chapter 94G, Section 3, allows a town, through adoption of a bylaw, to limit the number of adult use (recreational) marijuana retail establishments within the Town to fewer than 20 per cent of the number of retail off-premises alcoholic beverage licenses issued by the municipality under G.L. c.138, §15 within that town. Because the Town of Georgetown voted "yes" on Question 4 at the November 8, 2016 State Election in favor of the legalization, regulation and taxation of marijuana, any such bylaw must also be approved at an election in order to have legal effect in the Town. The General Bylaw amendment set forth below, which is on the warrant for the May 6, 2019 Town Meeting, would limit the number of marijuana retail establishments in the Town to one. To give this bylaw continuing legal effect should the Town issue more than five off-premise alcoholic beverage licenses, it must be approved at an election. A majority vote in favor of this ballot question would complete the statutory requirements for limiting adult use retail marijuana establishments, as that term is defined in G.L. c.94G, §1 and 935 CMR 500.00, to one.

Chapter 91: MARIJUANA RETAILERS

§91-1. Limitation on Number of Adult Use Marijuana Retailers. The number of adult use marijuana retailers as defined in G.L. c.94G, §1 and 935 CMR 500.002 shall be limited to one (1).

_____ Yes _____ NO

Article 1: Town Officers and Committee Reports (ATM19-01)

To hear and act on the reports of the Town Officers and Committees.

Article 2: General Operating Budget/Reserve Fund (ATM19-02)

To see if the Town will raise and appropriate, or appropriate by transfer from available funds, a sum of money to defray charges and expenses of the Town, including debt and interest and including support of the schools, to fix salaries of the several elected offices of the Town, as provided by Section 108, Chapter 41, General Laws, as amended, and to provide for a reserve fund for the ensuing year, as set forth in the Finance and Advisory Board Proposed Budget and Town Meeting Warrant for the Fiscal Year beginning July 1, 2019, or take any other action in relation thereto.

Article 3: Stabilization Fund (ATM19-03)

To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money to be added to the Stabilization Fund, or take any other action in relation thereto.

Article 4: Capital Fund (ATM19-04)

To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money to be added to the Capital Fund, a special purpose stabilization fund created by vote of the May 4, 2009 Annual Town Meeting pursuant to the provisions of Massachusetts General Laws Chapter 40, Section 5B, said funds to be further appropriated by Town Meeting for improvements and/or repairs to municipal buildings and infrastructure, or take any other action related thereto.

Article 5: Other Post-Employment Benefits Trust Fund (ATM19-05)

To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money to be added to the Other Post-Employment Benefits Liability Trust Fund, created by vote of the May 7, 2012 Annual Town Meeting pursuant to the provisions of G.L. c.32B, §20, or take any other action in relation thereto.

Article 6: Water Department Operating Budget (ATM19-06)

To see if the Town will appropriate the receipts and available funds, of the Water Department Enterprise Fund for the operation of the Water Department under the direction of the Water Commissioners for the Fiscal Year beginning July 1, 2019, or take any other action in relation thereto.

Article 7: Fire Department Ambulance Operating Budget (ATM19-07)

To see if the Town will appropriate the receipts and available funds of the Fire Department Ambulance Enterprise Fund for the operation of the Town's ambulance service under the direction of the Selectmen and Fire Chief for the Fiscal Year beginning July 1, 2019, or take any other action in relation thereto.

Article 8: Local Access Programming (ATM19-08)

To see if the Town will appropriate the sum of \$75,000 for salaries and \$25,000 for expenses for the fiscal year beginning July 1, 2019 from the PEG Access and Cable Related Fund for the purpose of providing PEG access services and oversight and renewal of the cable franchise agreement, or take any other action in relation thereto.

{BEGIN CONSENT CALENDAR}

Article 9: Municipal Light Department Continuation of Operation (ATM19-09)

To see if the Town will appropriate receipts of the Municipal Light Department for the operation of said Department under the direction and control of the Municipal Light Board, as defined in Section 34, Chapter 164, General Laws, for the Fiscal Year beginning July 1, 2019, or take any other action in relation thereto.

Article 10: Chapter 90 Reimbursement, Transportation Bond (ATM19-10)

To see if the Town will appropriate the sum of \$303,295 (Three hundred three thousand two hundred and ninety five dollars) or any other sum to be reimbursed by the Commonwealth of Massachusetts under the Transportation Bond issue, to be spent by the Highway Surveyor, with approval of the Board of Selectmen, under the provisions of Chapter 90 of the General Laws, or take any other action in relation thereto.

{END CONSENT CALENDAR}

Article 11: Supplement prior borrowing votes to permit the application of sale premium to pay project costs (ATM19-12) (Treasurer)

To see if the Town will vote to supplement each prior vote of the Town that authorized the borrowing of money to pay costs of capital projects to provide that, in accordance with Chapter 44, Section 20 of the General Laws, the premium received by the Town upon the sale of any bonds or notes thereunder, less any such premium applied to the payment of the costs of issuance of such bond or notes, may be applied to pay project costs and the amount authorized to be borrowed for each such project shall be reduced by the amount of any such premium so applied, or take any other action in relation thereto.

Article 12: National Avenue (ATM19-14) (Selectmen)

To see if the Town will vote to transfer to the Board of Selectmen for general municipal purposes, including the purpose of sale, the care, custody, management and control of those certain parcels of land on National Avenue identified as Parcels 7 and 7A on Town Assessors' Map 14, and to authorize the Board of Selectmen to convey such parcels on such terms and conditions and for such consideration as the Board of Selectmen deems appropriate, or take any other action in relation thereto. **(2/3 vote required)**

Article 13: Light Department Water Department Merger (ATM19-15) (Light/Water Commissioners)

To see if the Town will vote to authorize the Board of Selectmen to petition the General Court for a special act in the form set forth below, establishing a consolidated Municipal Light and Water Department for the Town; provided, however, that the General Court may make clerical or editorial changes of form only to the bill, unless the Board of Selectmen approve amendments to the bill before enactment by the General Court; and, provided further that the Board of Selectmen is hereby authorized to approve amendments which shall be within the scope of the general public objectives of this petition:

AN ACT ESTABLISHING THE GEORGETOWN MUNICIPAL LIGHT AND WATER DEPARTMENT.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same as follows:

SECTION 1. Notwithstanding the provisions of any general or special law to the contrary, there is hereby established in the town of Georgetown, a consolidated light department and water department, both under the jurisdiction of the Georgetown municipal light department, managed by the municipal light department manager appointed by the municipal light board in accordance with the provisions of section 56 of chapter 164 of the General Laws.

SECTION 2. Upon the effective date of this act, the Georgetown municipal light department shall be known as the “Georgetown municipal light and water department,” and shall continue to have all powers of a municipal light department under chapter 164 of the General Laws. The water department shall continue to have all powers and duties vested by chapter 41 of the General Laws, as well as any special law and by-law in the water department of said town, and its finances and accounts shall be managed as an enterprise fund separately from those of the light department, but it shall be subject to the oversight of the board as established in Section 3 hereof. The manager of the Georgetown municipal light and water department shall exercise and perform such of the powers, rights and duties transferred under section 1 of this act and those contained in chapter 164 of the General Laws and otherwise as may from time to time be designated.

SECTION 3. Upon the effective date of this act, the water department under the jurisdiction of the board of selectmen shall be abolished, and the consolidated Georgetown municipal light and water department shall be governed a new five member board which shall henceforth be known as the “Georgetown municipal light and water department board” and shall fulfill the duties of the previous light board and water board. The office of board of water commissioners shall be abolished and the terms of such water commissioners then in office shall terminate. The duties and authority of the water commission, pursuant to the General Laws, town bylaws and regulations and any special acts then in force, shall henceforth be held by the Georgetown municipal light and water board.

SECTION 4. The Georgetown municipal light and water board as first constituted following the effective date of this act shall consist of five members and shall be comprised as follows: all of the then-elected and serving members of the former three-member municipal light board and two then-elected and serving members of the water board to be selected from the former three-member water board by the board of selectmen acting on recommendation from the water board. Members of the newly constituted five-person Georgetown municipal light and water board shall serve out the terms to which they were originally elected. Thereafter, Chapter 713 of the acts of 1989 shall be rescinded, and the town shall elect the Georgetown municipal light and water which shall consist of five citizens of the town, each for a term of three years.

SECTION 5. The Georgetown municipal light and water board shall assume the care, custody, and control of all property, personal or real, which as of that date resides in the care, custody, and control of the aforesaid board of light department and water commissions. All orders, rules, regulations and by-laws duly promulgated by the town or the aforesaid light department and water commissions shall remain in full force and effect, to the extent consistent with this act,

until superseded, revised or rescinded by the Georgetown municipal light and water board and/or town as applicable. All contracts, including collective bargaining agreements, leases, and agreements, including interdepartmental agreements, pertaining to the plant and operations of the light and water departments shall continue in full force and effect until their expiration dates. All benefits and obligations thereunder, and all other rights and benefits pertaining to the plant and operations of the light and water departments, including, without limiting the generality of the foregoing, all rights, benefits and obligations not inconsistent with the provisions of this act, which pertain to the plant and operations and which are vested in the aforesaid board of light department and water commissions by general or special law, shall be transferred to, assumed by and imposed upon the Georgetown municipal light and water board by operation of law.

SECTION 6. On the effective date of this act, employees in the existing Georgetown municipal light and water departments shall be transferred to the new Georgetown light and water department and become employees under control of the Georgetown light and water department, managed by the Georgetown light and water department manager pursuant to the provisions of Section 56 of Chapter 164 of the General Laws, subject to direction and control of the Georgetown municipal light and water board. Nothing in this act shall be construed as a limitation on the powers of the Georgetown light and water department to manage its employees and thereafter create, amend or abolish job positions in said department.

SECTION 7. The provisions of this act are severable, and if any provisions hereof shall be held invalid in any circumstances, such invalidity shall not affect any other provisions or circumstances. This act shall be construed in all respects so as to meet all constitutional requirements. In carrying out the purposes and provisions of this act, all steps shall be taken which are necessary to meet constitutional requirements, whether or not required by statute.

SECTION 8. This act shall take effect upon its passage.

Article 14: Community Preservation Committee (*ATM19-16*) (Submitted by CPC)

A: Community Preservation General Budget

To see if the Town will vote to hear and act on the report of the Community Preservation Committee on the Fiscal Year 2020 Community Preservation budget and to appropriate, pursuant to G.L. c. 44B, §6, from the Community Preservation Fund a sum of money to meet the administrative expenses and all other necessary and proper expenses of the Community Preservation Committee for Fiscal Year 2020; and further, pursuant to G.L. c. 44B, §6, to reserve for future appropriation from Community Preservation Fund estimated annual revenues the following amounts as recommended by the Community Preservation Committee: a sum of money for open space, including land for recreational use; a sum of money for historic resources; and a sum of money for community housing; as well as sum of money to be placed in the 2020 Budgeted Reserve for general Community Preservation Act projects or purposes recommended by the Community Preservation Committee, as follows:

Reservations:

\$76,000 (>10% of the estimated FY revenues) for open space, including land for recreational use; and

\$76,000 (>10% of the estimated FY revenues) for historic resources; and

\$76,000 (>10% of the estimated FY revenues) for community housing.

Appropriations:

\$21,000 (less than 5% of the estimated FY revenues) to meet the administrative expenses and all other necessary and proper expenses of the Community Preservation Committee for the Fiscal Year;

\$64,211.71 (Sixty Four Thousand Two Hundred Eleven Dollars and Seventy One Cents) from the Open Space / Recreational Land Reserve for the Debt Service, principal and interest payments and any and all costs associated with the borrowings approved at the 2013 Annual Town Meeting (Articles 27(H) ATM 5-6-13 and 27(I) ATM 5-6-13);

or take any other action in relation thereto.

B: Community Preservation Community Housing Category, “Affordable Housing Trust Grant”

To see if the Town will vote, pursuant to G.L. c. 44B, to appropriate the amount of \$71,869.80 (Seventy One Thousand Eight Hundred Sixty Nine Dollars and Eighty Cents) from Community Preservation Fund Community Housing Reserve Account and the amount of \$18,130.20 (Eighteen Thousand One Hundred Thirty Dollars and Twenty Cents) from the Community Preservation Undesignated Account for a total amount of \$90,000.00 (Ninety Thousand Dollars) as a Grant to the Georgetown Affordable Housing Trust for the purposes of Affordable Housing initiatives consistent with the Trust’s Articles of Incorporation and the most recently accepted Town of Georgetown Affordable Housing Production Plan and to authorize the Board of Selectmen to enter into a Grant Agreement with the Georgetown Affordable Housing Trust setting the terms for such grant, including a requirement that the owners of any dwellings subsequently receiving any of these appropriated monies from the Trust grant to the Town an Affordable Housing Restriction in said dwellings, and further, to authorize the Board of Selectmen to accept such restrictions;

or take any other action in relation thereto.

C: Community Preservation Community Housing Resources Category, “Housing Authority Lights”

To see if the Town will vote, pursuant to G.L. c.44B, to appropriate from Community Preservation Fund Community Housing Reserve Account, the amount of \$31,000.00 (Thirty-One Thousand Dollars) to fund the upgrade of the outdoor lighting and fixtures at the Trestle Way Housing Complex to 3K color LED lighting and any and all other incidental costs. Any funds from this appropriation remaining unspent after a period of 3 (Three) years from the date of the approval of this article will be returned to the Community Preservation fund only after a vote by the Community Preservation Committee determining that it is unlikely the remaining appropriated funds will need to be spent to this effect;

or take any other action in relation thereto.

D: Community Preservation Historic Resources Category, “ Digitization and Preservation of Historic Documents ”

To see if the Town will vote, pursuant to G.L. c.44B, to appropriate from the Community Preservation Fund Historic Reserve Account the amount of \$16,000.00 (Sixteen Thousand dollars) to be used for the ongoing preservation via digitization and microfiche creation of Georgetown's historical documents and records, scanning and archiving including any and all other incidental costs; and to authorize the Board of Selectmen, the Georgetown Historical Commission and the Peabody Library Trustees, to enter into all agreements and execute any and all instruments for any grants to defer the costs associated with this initiative; any funds from this appropriation remaining unspent after a period of 3 (Three) years from the date of the approval of this article will be returned to the Community Preservation Fund Historic Reserve only after a vote by the Community Preservation Committee determining that it is unlikely the remaining appropriated funds will need to be spent to this effect;

or take any other action in relation thereto.

E: Community Preservation Historic Resources Category, “Historic Brocklebank Museum Preservation”

To see if the Town will vote, pursuant to G.L. c.44B, to appropriate from Community Preservation Fund Historic Reserve Account, the amount of \$16,000.00 (Sixteen Thousand Dollars) for the interior and exterior restoration, inclusive of but not limited to, repairs of the roof on the Brocklebank Museum ell section located at 108 East Main Street using historically appropriate wood shingles; repairs of the flashing around the chimney; repairs of the shoe shop roof using historically appropriate wood shingles; and the replacement of the three rotting attic windows with historically appropriate windows; and any and all other incidental and related costs; and to authorize the Board of Selectmen, to enter into a Grant Agreement with the Georgetown Historical Society setting the terms for such grant, and further, any funds from this appropriation remaining unspent after a period of 3 (Three) years from the date of the approval of this article will be returned to the Community Preservation fund only after a vote by the Community Preservation Committee determining that it is unlikely the remaining appropriated funds will need to be spent to this effect;

or take any other action in relation thereto.

F: Community Preservation Historic Resources Category, “Historic Gravestones Preservation at Union Cemetery”

To see if the Town will vote, pursuant to G.L. c. 44B, to appropriate from Community Preservation Fund Historic Reserve Account, the amount of \$44,000.00 (Forty Four Thousand Dollars) for the restoration and conservation of gravestones and monuments at Union Cemetery requiring the most necessary conservation, as determined by the Georgetown Historical Commission; and any landscaping costs determined necessary by the Commission for gravestones' and monuments' preservation; any funds from this appropriation remaining unspent after a period of 3 (Three) years from the date of the approval of this article will be returned to the Community Preservation fund only after a vote by the Community Preservation

Committee determining that it is unlikely the remaining appropriated funds will need to be spent to this effect,

or take any other action related thereto.

G: Community Preservation Open Space/Recreational Land Category, “Outdoor Recreation at the Perley School”

To see if the Town will vote, pursuant to M.G.L. c.44B, to appropriate the amount of \$18,797.43 (Eighteen Thousand Seven Hundred Ninety Seven Dollars Forty Three Cents) from the Open Space / Recreational Land Reserve and \$8,859.57 (Eight Thousand Eight Hundred Fifty Nine Dollars Fifty Seven Cents) from the Community Preservation Fund Undesignated Account for a total amount of \$27,657.00 (Twenty Seven Thousand Six Hundred Fifty Seven Dollars) to fund the engineering, legal, permitting, and development costs, including all costs incidental and related thereto, for the creation of an Outdoor Recreational Area behind the Perley School, including but not be limited to, two Basketball Courts, a Shuffleboard Court, fencing and associated amenities for outdoor recreation; and further, to authorize the Board of Selectmen and Parks and Recreation Commission, and School Committee, to enter into all agreements and execute any and all instruments for any grants to defer the costs associated with the development of this Facility; any funds from this appropriation remaining unspent after a period of 3 (Three) years from the date of the approval of this article will be returned to the Community Preservation fund only after a vote by the Community Preservation Committee determining that it is unlikely the remaining appropriated funds will need to be spent to this effect;

or take any other action related thereto.

H: Community Preservation Open Space/Recreational Land Category, “East Main Street Active Recreational Land Access and Development”

To see if the Town will vote, pursuant to M.G.L. c.44B, to appropriate the amount of \$200,000.00 (Two Hundred Thousand Dollars) from the Community Preservation Fund Undesignated Account to fund the ongoing engineering, legal, permitting, and development costs, including all costs incidental and related thereto, for the creation of an Active Recreational Facility at the location of the Recreational land off of Main Street, purchased under Article 20(E) of the 2009 Annual Town Meeting; and further, to authorize the Board of Selectmen and Parks and Recreation Commission, to enter into all agreements and execute any and all instruments for any grants to defer the costs associated with the development of this Facility; any funds from this appropriation remaining unspent after a period of 2 (Two) years from the date of the approval of this article will be returned to the Community Preservation fund only after a vote by the Community Preservation Committee determining that it is unlikely the remaining appropriated funds will need to be spent to this effect;

or take any other action in relation thereto.

I: Community Preservation Open Space Recreational Land Category, “Conservation Lands Preservation and Restoration”.

To see if the Town will vote, pursuant to M.G.L. c.44B, to appropriate the amount of \$50,000.00 (Fifty Thousand Dollars) from the Community Preservation Undesignated Account to the Georgetown Conservation Commission to fund the following, including all incidental and related costs: engineering, legal, permitting, and implementation costs to improve and rehabilitate the parking area at the Community Gardens parcel; establish a trailhead to allow for access to the adjacent Lufkins Brook Conservation Area; and rehabilitate an old access point further west on Andover Street to establish a trailhead and parking area to facilitate additional access to the Conservation Area; and further, that the Board of Selectmen and the Conservation Commission be authorized to enter into all agreements and execute any and all instruments for any grants to defer the associated costs; any funds from this appropriation remaining unspent after a period of 3 (Three) years from the date of the approval of this article will be returned to the Community Preservation fund only after a vote by the Community Preservation Committee determining that it is unlikely the remaining appropriated funds will need to be spent to this effect;

or take any other action in relation thereto.

J: Community Preservation Open Space / Recreational Land Category, “Rowley Landing Preservation”.

To see if the Town will vote, pursuant to G.L. c.44B, to appropriate the amount of \$10,000.00 (Ten Thousand Dollars) from the Community Preservation Undesignated Account to fund the preservation of Rowley Landing, clam flats, and all related assets, as a historical and recreational asset to the Town of Georgetown, including all incidental and related costs; any funds from this appropriation remaining unspent after a period of 2 (Two) years from the date of the approval of this article will be returned to the Community Preservation fund only after a vote by the Community Preservation Committee determining that it is unlikely the remaining appropriated funds will need to be spent to this effect;

or take any other action in relation thereto.

Article 15: Chaplin Hills Road Street Acceptance (ATM19-17) (Highway/Planning Bd)

To see if the Town will vote to accept as a public way the roadway known as “Chaplin Hills Road” as heretofore laid out by the Board of Selectmen in accordance with a plan of land entitled: “Definitive Subdivision of ‘Chaplin Hills’ in Georgetown, Massachusetts,” recorded with the Essex South District Registry of Deeds in Plan Book 327, Plan 66, a copy of which layout has been placed on file with the Town Clerk as required by law, and to authorize the Board of Selectmen to acquire, by purchase, gift, eminent domain or otherwise, interests in land sufficient to provide for the use and maintenance of said Chaplin Hills Road for all purposes for which public ways are used in the Town of Georgetown, or to take any other action in relation thereto.

Article 16: Acceptance of MGL c.90, §17C Reducing Speed Limit to 25MPH in Thickly Settled or Business Districts (ATM19-21) (recommended by Selectmen)

To see if the Town will vote to accept the provisions of G.L. c.90, §17C, authorizing the Board of Selectmen to establish a speed limit of 25 miles per hour on any roadway in a thickly settled or business district in the Town that is not a state highway, or take any other action relative thereto.

Article 17: Amendment to Zoning Bylaws Article I. General Provisions §165-7. Definitions and word usage (ATM19-22) (recommended by Planning Board)

To see if the Town will vote to amend the present definitions of “Building” and “Building Height” in the Zoning Bylaws Article I. General Provisions §165-7. Definitions and word usage by deleting the strikethrough text and inserting the text in bold, as follows:

BUILDING:

A structure forming a shelter for persons, animals, property or activity and having a roof. Where appropriate in the context the word "building" shall include the principal accessory uses to which the building is put. ~~The limit of height of all buildings shall be 2 1/2 stories, not to exceed 35 feet. The limitation of height in feet shall not apply to chimneys, ventilators, skylights, bulkheads and other necessary features usually carried above roofs.~~

[Amended 5-2-1988 ATM, Art. 25 (Amdt. No. 73); 5-1-2006 ATM, Art. 35 (Amdt. No. 158)]

BUILDING HEIGHT:

The vertical distance from either: 1) the average undisturbed existing natural grade at the foundation of the building to the top of the roof ridge, or 2) the average finished grade at the foundation of the building to the top of the roof ridge, whichever is less. The average undisturbed existing natural grade or finished grade shall be established by averaging the grade six feet from the four main building corners and their midpoints. **The limitation of building height in feet, as provided in §165-3, Attachment 3 – Intensity of Use Schedule, shall not apply to chimneys, ventilators, skylights, bulkheads and other necessary features usually carried above roofs and specific to the building.**

[Added 5-8-2018 ATM, Art. 35 (Amdt. No. 158); amended 5-2-2011 ATM, Art. 37 (Amdt. No. 174)]

or take any other action in relation thereto.

Article 18: Amendments to Zoning Bylaws Article XVIII: Marijuana Businesses, Section 165-161 (I)(ATM19-23) (recommended by Planning Board)

To see if the Town will vote to amend the Zoning Bylaws Article XVIII: Marijuana Businesses, Section 165-161.I to delete the strikethrough text and insert the text in bold, as follows:

I. Separation:

Distances shall be calculated by direct measurement from the nearest property line of the land used for school or child care purposes or places where minors frequent or any other use listed above in Section 165-161(H) to the nearest point of the property line-of the proposed Marijuana Business parcel. The distance requirement may be reduced by **twenty-five percent or less a supermajority vote of the full Planning Board**, but only if:

- (1) The applicant demonstrates that the Marijuana Business would otherwise be effectively prohibited within the municipality, **and**
- (2) With regard to locations protected pursuant to Section 165-161.H.(1) – (15), the applicant demonstrates that the Marijuana Business will employ adequate security measures to prevent diversion of marijuana to unauthorized minors.

or take any other action in relation thereto.

Article 19: Limitation on Number of Adult Use Marijuana Retailers (ATM19-24)
(recommended by Selectmen)

To see if the Town will vote to amend the Town's General Bylaws to add the following as a new Chapter 91:

Chapter 91: MARIJUANA RETAILERS

§91-1. Limitation on Number of Adult Use Marijuana Retailers. The number of adult use marijuana retailers as defined in G.L. c.94G, §1 and 935 CMR 500.002 shall be limited to one (1).

or take any other action in relation thereto.

Article 20: Amendment to Chapter 29-Building Construction-“Stretch Energy Code”
(ATM19-25) (recommended by Planning Board)

To see if the Town will vote to amend Chapter 29 of the General Bylaws to add the following Section 29-15 for the purpose of regulating the design and construction of buildings for the effective use of energy, pursuant to Appendix 115.AA of the Massachusetts Building Code, 780 CMR, the Stretch Energy Code, including future editions, amendments, or modifications thereto, with the effective date of July 1, 2019:

§29-16 Stretch Energy Code

A. Purpose

The purpose of 780 CMR 115.AA is to provide a more energy efficient alternative to the Base Energy Code applicable to the relevant sections of the building code for new buildings.

B. Applicability

This code applies to residential and commercial buildings. Buildings not included in this scope shall comply with 780 CMR 115.AA, as indicated.

C. Stretch Code

The Stretch Code, as codified by the Board of Building Regulations and Standards as 780 CMR 115.AA, including any future additions, amendments or modifications, is herein incorporated by reference into the Town of Georgetown General Bylaws, Chapter 29 – Building Construction.

The Stretch Energy Code is enforceable by the Building Commissioner and has a concurrency effective date as of July 1st, 2019 during which period construction may comply with either the base code or the stretch energy code, and a sole effective date as of January 1, 2020.

D. Definitions

International Energy Conservation Code (IECC) - The International Energy Conservation Code (IECC) is a building energy code created by the International Code Council. It is a model code adopted by many state and municipal governments in the United States for the establishment of minimum design and construction requirements for energy efficiency, and is updated on a three-year cycle. The baseline energy conservation requirements of the MA State Building Code are the IECC with Massachusetts amendments, as approved by the Board of Building Regulations and Standards.

Stretch Energy Code - Codified by the Board of Building Regulations and Standards as 780 CMR Appendix 115.AA of the Massachusetts Building Code, the Stretch Energy Code is an appendix to the Massachusetts Building Code, based on further amendments to the International Energy Conservation Code (IECC) to improve the energy efficiency of buildings built to this code.

or take any other action in relation thereto.