

TOWN OF MEDWAY
WARRANT FOR MAY 12, 2014
ANNUAL TOWN MEETING

NORFOLK ss:

To either of the Constables of the Town of Medway

GREETINGS:

In the name of the Commonwealth of Massachusetts, you are hereby required to notify and warn the inhabitants of said Town who are qualified to vote in Town affairs to meet at the **Medway High School, 88 Summer Street, on Monday, May 12, 2014** at 7:30 PM, then and there to act on the following articles:

ARTICLE 1: (ESCO Stabilization Reserve Transfer)

To see if the Town will vote to transfer the sum of \$48,846 from the ESCO Stabilization Fund to the Fiscal Year 2014 Debt Service expense account for the purpose of funding ESCO related debt service, or act in any manner relating thereto.

BOARD OF SELECTMEN

BOARD OF SELECTMEN RECOMMENDATION: Approve

FINANCE COMMITTEE RECOMMENDATION: Approve

ARTICLE 2: (Appropriation: FY15 Operating Budget)

To see if the Town will vote to fix the salary and compensation of all elected officers of the Town, provide for a Reserve Fund, and determine what sums of money the Town will raise and appropriate, including appropriation from available funds, to defray charges and expenses of the Town including debt and interest, for the Fiscal Year ending June 30, 2015, or to act in any manner relating thereto.

BOARD OF SELECTMEN

BOARD OF SELECTMEN RECOMMENDATION: Approve

FINANCE COMMITTEE RECOMMENDATION: Approve

ARTICLE 3: (Appropriation: FY15 Water Enterprise Fund)

To see if the Town will vote to raise and appropriate or transfer from available funds the sum of \$2,112,301 for the maintenance of the Water Department Enterprise Fund as follows, or to act in any manner relating thereto:

Direct Costs

	Amount
Salaries	\$ 557,313
Expenses	\$ 543,700
Long Term Debt – Principal	\$ 561,999
Long Term Debt – Interest	\$ 188,982
Short Term Debt – Interest	\$ 50,000
Direct Costs Total	\$1,901,994

Indirect Costs

And further to raise and appropriate or transfer from available funds the sum of \$210,307 for indirect costs consisting of health insurance, workers' compensation, Medicare, liability insurance, administrative and operational services.

Indirect Costs Total	\$210,307
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Total	\$2,112,301
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And further that the above listed appropriations be funded as follows:

Fees for Service [User Fees]	\$2,112,301
	\$2,112,301

WATER SEWER COMMISSION

BOARD OF SELECTMEN RECOMMENDATION: Approve

FINANCE COMMITTEE RECOMMENDATION: Approve

ARTICLE 4: (Appropriation: FY15 Sewer Enterprise Fund)

To see if the Town will vote to raise and appropriate or transfer from available funds the sum of \$1,285,587 for the maintenance of the Sewer Department Enterprise Fund as follows, or to act in any manner relating thereto:

Direct Costs

	Amount
Salaries	\$ 154,694
Expenses	\$ 770,930
Long Term Debt – Principal	\$ 201,100
Long Term Debt - Interest	\$ 79,785
Short Term Debt – Interest	\$ 5,000
Direct Costs Total	\$1,211,509

Indirect Costs

And further to raise and appropriate or transfer from available funds the sum of \$74,078 for indirect costs consisting of health insurance, workers' compensation, Medicare, liability insurance, administrative and operational services.

Indirect Costs Total	\$74,078
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Total	\$1,285,587
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And further that the above listed appropriations be funded as follows:

Fees for Service [User Fees]	\$1,216,776
Sewer Retained Earnings	\$ 68,811
Total	\$1,285,587

WATER SEWER COMMISSION

BOARD OF SELECTMEN RECOMMENDATION: Approve

FINANCE COMMITTEE RECOMMENDATION: Approve

ARTICLE 5: (Appropriation: FY15 Solid Waste Enterprise Fund)

To see if the Town will vote to raise and appropriate or transfer from available funds a sum of \$1,340,422 to operate the Solid Waste/Recycling Department Enterprise Fund as follows, or to act in any manner relating thereto.

Direct Costs

	Amount
Salaries	\$ 298,957
Expenses	\$ 936,200
Direct Costs Total	\$1,235,157

Indirect Costs

And further to raise and appropriate or transfer from available funds the sum of \$105,265 for indirect costs consisting of health insurance, workers' compensation, Medicare, liability insurance, administrative and operational services.

Indirect Costs Total	\$105,265
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Total	\$1,340,422
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And further that the above listed appropriations be funded as follows:

Trash Recycling Fees/Bag Revenues	\$1,340,422
Total	\$1,340,422

PUBLIC SERVICES DEPT.

BOARD OF SELECTMEN RECOMMENDATION: Approve

FINANCE COMMITTEE RECOMMENDATION: Approve

ARTICLE 6: (Appropriation: FY15 Ambulance Enterprise Fund)
To see if the Town will vote to raise and appropriate or transfer from available funds the sum of \$636,863 to operate the Ambulance Enterprise Fund as follows, or act in any manner relating thereto.

Direct Costs

	Amount
Salaries	\$371,473
Expenses	\$153,500
Long Term Debt – Principal	\$ 30,000
Long Term Debt – Interest	\$ 5,100
Direct Costs Total	\$560,073

Indirect Costs

And further to raise and appropriate or transfer from available funds the sum of \$76,790 for indirect costs consisting of health insurance, workers' compensation, Medicare, liability insurance, administrative and operational services.

Indirect Costs Total	\$76,790
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Total	\$636,863
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And further that the above listed appropriations be funded as follows:

General Fund Appropriation	\$176,381
Ambulance Retained Earnings	\$ 20,000
Insurance and Fees for Service	\$440,482
Total	\$636,863

FIRE DEPARTMENT

BOARD OF SELECTMEN RECOMMENDATION: Approve

FINANCE COMMITTEE RECOMMENDATION: Approve

ARTICLE 7: (Free Cash Appropriation: Capital Items)
To see if the Town will vote to appropriate the sum of \$1,414,000 for Fiscal Year 2015 from Certified Free Cash for the purpose of funding the following capital items, including associated engineering, personnel, maintenance and legal service costs; said appropriations to be expended

by June 30, 2015, with unexpended funds as of June 30, 2015 being returned to the General Fund, or act in any manner relating thereto:

Project	Department	Cost
VARIOUS ROAD/SIDEWALK IMPROVEMENTS	DPS	\$ 650,000
JAWS OF LIFE	FIRE	50,000
UPGRADE POLICE SERVER SOFTWARE	POLICE	13,500
REPLACEMENT DESKTOPS AND LAPTOPS	IS	110,000
REFURBISH FIRE TRUCK - BRUSH 2	FIRE	18,000
LIBRARY DEHUMIDIFIER	LIBRARY	12,400
ENGINEERING STUDY FOR MCGOVERN LOBBY REDESIGN	SCHOOLS	10,000
REPLACE TOWN SEDANS	TOWN	34,000
MEMORIAL SIDEWALK REPAIR (COURTYARD & TRAFFIC LOOP)	SCHOOLS	12,000
REPLACE FIRE ALARM PANEL	LIBRARY	6,100
SUPERVISOR PICK-UP TRUCK	DPS	38,000
TOWN WIDE ENERGY IMPROVEMENTS	TOWN	50,000
BASEBALL INFIELD GROOMER	PARKS	19,000
SHAW STREET BRIDGE ENGINEERING & REPAIR	DPS	40,000
REFURBISH CHOATE PARK TENNIS COURTS & MAINTENANCE REPAIRS TO CHOATE PARK BUILDING	PARKS	62,000
SCHOOL-WIDE TECHNOLOGY ENHANCEMENTS	SCHOOLS	183,000
CASSIDY FIELD BATHROOM PROJECT	PARKS	28,000
TOWN-WIDE FACILITY IMPROVEMENTS	TOWN	50,000
FIRE DEPARTMENT BREATHING AIR COMPRESSOR	FIRE	10,000
PALM PRINT SCANNER	POLICE	18,000
Free Cash Total		<u>\$1,414,000</u>

**CAPITAL IMPROVEMENT
PLANNING COMMITTEE**

BOARD OF SELECTMEN RECOMMENDATION: **Approve**

FINANCE COMMITTEE RECOMMENDATION: **Approve**

ARTICLE 8: (Free Cash Appropriation: Assessors' Revaluation Article)
To see if the Town will vote to appropriate the sum of \$40,000 in Certified Free Cash to the Assessors' Revaluation Article, or act in any manner relating thereto.

BOARD OF SELECTMEN RECOMMENDATION: **Approve**

FINANCE COMMITTEE RECOMMENDATION: **Approve**

ARTICLE 9: (Free Cash Appropriation: Zoning Bylaw Review and Revision)
To see if the Town will vote to appropriate the sum of \$20,250 from Certified Free Cash for a review and revision of the Town’s Zoning Bylaws, or to act in any manner relating thereto.

BOARD OF SELECTMEN

BOARD OF SELECTMEN RECOMMENDATION: Approve

FINANCE COMMITTEE RECOMMENDATION: Approve

ARTICLE 10: (Free Cash Appropriation: Library)
To see if the Town will vote to appropriate the sum of \$20,000 from Certified Free Cash for the purpose of funding after hours night staff and books for the library, or act in any manner relating thereto.

BOARD OF SELECTMEN

BOARD OF SELECTMEN RECOMMENDATION: Approve

FINANCE COMMITTEE RECOMMENDATION: Approve

ARTICLE 11: (Establish DPS Facility Stabilization Fund; Transfer from Operational Stabilization Fund)
To see if the Town will vote to establish a DPS Facility Stabilization Fund in accordance with Mass. General Laws Chapter 40, Section 5B for the purpose of funding a new DPS Facility, and to transfer to said fund the sum of \$500,000 from the Operational Stabilization Fund, or act in any manner relating thereto.

BOARD OF SELECTMEN

BOARD OF SELECTMEN RECOMMENDATION: Approve

FINANCE COMMITTEE RECOMMENDATION: Approve

ARTICLE 12: (Transfer to General Stabilization Fund)
To see if the Town will vote to transfer the sum of \$100,000 from the Operational Stabilization Fund to the General Stabilization Fund, or act in any manner relating thereto.

BOARD OF SELECTMEN

BOARD OF SELECTMEN RECOMMENDATION: Approve

FINANCE COMMITTEE RECOMMENDATION: Approve

ARTICLE 13: (Capital Project: Construct Athletic Fields – CPC Funds)
To see if the Town will vote to raise and appropriate, borrow, or transfer from Community Preservation Funds a sum of money for the purpose of funding the construction of athletic

fields at Medway High School (Medway Assessor's parcel #38-339, 84-R Summer St), and on town land adjacent to Medway High School (Medway Assessor's parcel #29-020, 0 Adams St) and for the payment of all other costs incidental and related thereto, and to authorize the Board of Selectmen and Town officers to take all related actions necessary or appropriate to carry out this article, or act in any manner relating thereto.

BOARD OF SELECTMEN

BOARD OF SELECTMEN RECOMMENDATION: To Be Determined

FINANCE COMMITTEE RECOMMENDATION: To Be Determined

ARTICLE 14: (Capital Project: Construct Athletic Fields/Turf – General Funds)
To see if the Town will vote to raise and appropriate, borrow, or transfer from available funds a sum of money for the purpose of funding the purchase of synthetic turf for athletic fields at Medway High School (Medway Assessor's parcel #38-339, 84-R Summer St), and on town land adjacent to Medway High School (Medway Assessor's parcel #29-020, 0 Adams St) and for the payment of all other costs incidental and related thereto, and to authorize the Board of Selectmen and Town officers to take all related actions necessary or appropriate to carry out this article, or act in any manner relating thereto.

BOARD OF SELECTMEN

BOARD OF SELECTMEN RECOMMENDATION: To Be Determined

FINANCE COMMITTEE RECOMMENDATION: To Be Determined

ARTICLE 15: (Capital Project: Replace Turf – Hanlon Field)
To see if the Town will vote to raise and appropriate, borrow, or transfer from available funds a sum of money for the purpose of funding the purchase of synthetic turf and structural improvements at Hanlon Field, Medway High School and for the payment of all other costs incidental and related thereto, and to authorize the Board of Selectmen and Town officers to take all related actions necessary or appropriate to carry out this article, or act in any manner relating thereto.

BOARD OF SELECTMEN

BOARD OF SELECTMEN RECOMMENDATION: To Be Determined

FINANCE COMMITTEE RECOMMENDATION: To Be Determined

ARTICLE 16: (Appropriation - Water Enterprise)
To see if the Town will vote to raise and appropriate, borrow or transfer from available funds the sum of \$15,411 for Fiscal Year 2015 for the purpose of funding the purchase of a gate valve vacuum box, including associated engineering, personnel, maintenance, and legal services costs, or act in any manner relating thereto.

PUBLIC SERVICES DEPT.

BOARD OF SELECTMEN RECOMMENDATION: Approve

FINANCE COMMITTEE RECOMMENDATION: Approve

ARTICLE 17: (Appropriation: Sewer Enterprise)

To see if the Town will vote to raise and appropriate, borrow or transfer from available funds the sum of \$240,000 for Fiscal Year 2015 from the Sewer Enterprise Fund for the purpose of funding sewer collection improvements, including associated engineering, personnel, maintenance, and legal services costs, or act in any manner relating thereto.

PUBLIC SERVICES DEPT.

BOARD OF SELECTMEN RECOMMENDATION: Approve

FINANCE COMMITTEE RECOMMENDATION: Approve

ARTICLE 18: (Repurpose Capital Funds: Middle School Improvements)

To see if the Town will vote to re-allocate funds in the amount of \$575,000, originally authorized to be borrowed under Article 8 of the Warrant at the Fall Town Meeting held on November 15, 2010, to pay costs of making various repairs to the Middle School, which funds are no longer needed to pay costs of the project for which they were initially borrowed, to apply such funds to pay costs of making various site improvements to the Middle School property, including re-paving, drainage improvements, exterior lighting improvements and other associated work, or act in any manner related thereto.

SCHOOL BUILDING COMMITTEE

BOARD OF SELECTMEN RECOMMENDATION: Approve

FINANCE COMMITTEE RECOMMENDATION: Approve

ARTICLE 19: (Repurpose Monetary Articles: DPS Facility)

To see if the Town will vote to transfer the sum of \$29,335.28, the remaining balance of an appropriation authorized by vote for excavator equipment under Article 3 of the May 2012 Annual Town Meeting, and the sum of \$8,781.28, the remaining balance of an appropriation authorized by vote for a wing mower under Article 8 of the May 2013 Annual Town Meeting, for the purpose of providing engineering services to the Department of Public Services and the appointed advisory committee to advance a new DPS facility, or act in any manner relating thereto.

PUBLIC SERVICES DEPT.

BOARD OF SELECTMEN RECOMMENDATION: Approve

FINANCE COMMITTEE RECOMMENDATION: Approve

ARTICLE 20: (Repurpose Monetary Article and Free Cash Approp.: Town Hall Renovation)
To see if the Town will vote to appropriate \$12,174, the unexpended balance of an appropriation authorized by vote of the Town for a legal judgment under Article 8 of the February 24, 2009 Special Town Meeting, and to appropriate \$8,000 from Certified Free Cash, for the purpose of funding the renovation of a portion of the first floor of Town Hall; said appropriation to be expended by June 30, 2015, with unexpended funds as of June 30, 2015 being returned to the General Fund, or to act in any manner relating thereto.

BOARD OF SELECTMEN

BOARD OF SELECTMEN RECOMMENDATION: Approve

FINANCE COMMITTEE RECOMMENDATION: Approve

ARTICLE 21: (Repurpose Monetary Article: Fire Apparatus)
To see if the Town will vote to appropriate \$31,974.04, the unexpended balance of the amount authorized by vote of the Town for casino impact research under Article #8 of the May 13, 2013 Special Town Meeting, for the purpose of funding a self-contained breathing apparatus compressor; said appropriation to be expended by June 30, 2015, with unexpended funds as of June 30, 2015 being returned to the General Fund, or to act in any manner relating thereto.

BOARD OF SELECTMEN

BOARD OF SELECTMEN RECOMMENDATION: Approve

FINANCE COMMITTEE RECOMMENDATION: Approve

ARTICLE 22: (Appropriation: GATRA Revolving Fund)
To see if the Town will vote to raise and appropriate the sum of \$4,000 to be added to the Council on Aging GATRA revolving account, or to act in any manner relating thereto.

COUNCIL ON AGING

BOARD OF SELECTMEN RECOMMENDATION: Approve

FINANCE COMMITTEE RECOMMENDATION: Approve

ARTICLE 23: (Appropriation: Thayer Property Operations)
To see if the Town will vote to raise and appropriate the sum of \$20,000 to be added to the Thayer Homestead Revolving Account, or act in any manner relating thereto.

BOARD OF SELECTMEN

BOARD OF SELECTMEN RECOMMENDATION: Approve

FINANCE COMMITTEE RECOMMENDATION: Approve

ARTICLE 24: (Revolving Accounts: Annual Authorization)

To see if the Town will vote to authorize the following revolving funds pursuant to Chapter 44, section 53E½ of the Massachusetts General Laws for Fiscal Year 2015 as follows:

FUND	REVENUE SOURCE	AUTHORITY TO SPEND	USE OF FUND	SPENDING LIMIT
Parks and Recreation	Permit Fees	Board of Parks Commissioners	Self-supporting recreation and parks services	\$100,000
Council on Aging	Donations/fees paid by riders and GATRA reimbursement	Council on Aging	Pay for dial-a-ride van service for seniors and disabled; shuttle service to Norfolk commuter rail station, and other necessary transportation services	\$96,000
Library Printer/Copier/Fax	Public printer use and copier and fax machine revenues	Board of Library Trustees	Printer, copier and fax machine expenses.	\$1,000
Library Meeting Room	Meeting room use fees	Board of Library Trustees	Meeting room maintenance, repairs and upgrades	\$1,000
Thayer Homestead	Facility use fees	Town Administrator	Partial self-support of property	\$50,000

**BOARD OF SELECTMEN
(For the Various Departments Indicated)**

BOARD OF SELECTMEN RECOMMENDATION: Approve

FINANCE COMMITTEE RECOMMENDATION: Approve

ARTICLE 25: (Appropriation: Community Preservation Committee)

To see if the Town will vote to act on the report of the Community Preservation Committee for the Fiscal Year 2015 Community Preservation budget and to appropriate, or reserve for later appropriations, monies from the Community Preservation Fund annual revenues or available funds for the administrative expenses of the Community Preservation Committee, the transfer to the Affordable Housing Trust, the undertaking of community preservation projects and all other necessary and proper expenses for the Fiscal Year 2015, as follows:

Appropriation

	Amount
CPC Administrative Expenses	\$ 15,000
CPC Salaries	5,000
Long Term Debt – Principal	140,000
Long Term Debt – Interest	61,650
Subtotal	221,650
Open Space Committee	

Informational Kiosks	25,000
Affordable Housing Trust Administrative Expenses	32,500
Direct Costs Total	\$279,150

Reserves

	<u>10% of Estimated Fund Revenues</u>
Open Space	\$68,135
Community Housing	\$60,635
Historical Preservation	\$93,135

Or act in any manner relating thereto.

COMMUNITY PRESERVATION COMMITTEE

BOARD OF SELECTMEN RECOMMENDATION: Approve

FINANCE COMMITTEE RECOMMENDATION: Approve

ARTICLE 26: (Rescind Unissued Balance Art. 14 of 2009 Annual Town Mtg.)
To see if the Town will vote to rescind \$60,000 unissued balance of the \$1,300,000 authorized by vote of the Town under Article 14 of the June 15, 2009 Town Meeting to pay costs for water meter installation or New Water Meters project, which amount is no longer needed to pay costs of completing the project for which it was approved, or to act in any manner relating thereto.

TREASURER

BOARD OF SELECTMEN RECOMMENDATION: Approve

FINANCE COMMITTEE RECOMMENDATION: Approve

ARTICLE 27: (Rescind Unissued Balance Art. 19 of 1996 Special Town Mtg.)
To see if the Town will vote to rescind the \$40,000 unissued balance of the \$50,000 authorized by vote of the Town under Article 19 of the December 2, 1996 Town Meeting to pay costs for Sewer Master Plan, which amount is no longer needed to pay costs of completing the project for which it was approved, or to act in any manner relating thereto.

TREASURER

BOARD OF SELECTMEN RECOMMENDATION: Approve

FINANCE COMMITTEE RECOMMENDATION: Approve

ARTICLE 28: (Rescind Unissued Balance Art. 11 of 2007 Fall Town Mtg.)
To see if the Town will vote to rescind \$1,550,000 unissued balance of the \$3,844,884 authorized by vote of the Town under Article 10 of the November 19, 2007 and under Article 11 of the

November 10, 2008 Town Meetings to pay costs for new well installation projects, which amount is no longer needed to pay costs of completing the project for which it was approved, or to act in any manner relating thereto.

TREASURER

BOARD OF SELECTMEN RECOMMENDATION: Approve

FINANCE COMMITTEE RECOMMENDATION: Approve

ARTICLE 29: (Eminent Domain: Rt 109 Reconstruction Project)

To see if the Town will vote to authorize the Board of Selectmen to acquire by gift, purchase, or take by eminent domain pursuant to General Laws, Chapter 40, §14, and Chapter 79, and any other lawful authority, the fee or other interest in real property necessary for the Route 109 Reconstruction Project located in the area bounded by and adjacent to Main Street from Holliston Street to Highland Street; on such terms and conditions as the Board of Selectmen shall determine to be appropriate, and further to authorize the Board of Selectmen and town officers to take all actions to carry out the purposes of this article, and to raise and appropriate, borrow, or transfer from available funds a sum of money for the purposes of this article, or to act in any manner relating thereto.

BOARD OF SELECTMEN

BOARD OF SELECTMEN RECOMMENDATION: Approve

FINANCE COMMITTEE RECOMMENDATION: Approve

ARTICLE 30: (Amend Wetlands Bylaw: Fees)

To see if the Town will vote to amend the General By-laws Article XXI General Wetlands Protection by deleting Section 21.5 in its entirety and replacing it with the following language to allow for a change in application fees to be adopted under the Rules and Regulations of the Town of Medway Conservation Commission promulgated under the authority of Article XXI.

Section 21.5 Fees

(a) Application Fees

The Commission shall establish fees for applications, notices of intent and other requests filed with the Commission in the rules and regulations of the Conservation Commission in accordance with Section 21.10 of this By-law. Such fees shall be paid by the applicant at the time the application, notice of intent or request is filed. Fees established by the Commission pursuant to this By-law are in addition to any fees required by the Massachusetts Wetlands Protection Act, M.G.L. Chapter 131, Section 40. The Commission may waive or reduce the filing fee and costs and expenses for an application or request filed by a government agency or otherwise as the Commission may determine by its rules and regulations.

or to act in any manner relating thereto.

CONSERVATION COMMISSION

BOARD OF SELECTMEN RECOMMENDATION: Approve

FINANCE COMMITTEE RECOMMENDATION: Approve

ARTICLE 31: (Amend Dog Bylaw)

To see if the Town will vote to amend Section 12.16 (4) of the General By-laws to read as follows (new wording is underlined and wording that is being deleted is stricken through):

Section 12.16

(4) The license period for dog licenses shall begin January 1 of each year until December 31 of the ~~following~~ same year.

or to act in any manner relating thereto.

ANIMAL CONTROL OFFICER

BOARD OF SELECTMEN RECOMMENDATION: Approve

FINANCE COMMITTEE RECOMMENDATION: Approve

ARTICLE 32: (Amend Zoning By-law: Registered Marijuana Dispensary)

To see if the Town of Medway will vote to amend the Medway Zoning Bylaw, SECTION V. USE REGULATIONS by deleting Sub-Section BB. Temporary Moratorium on Medical Marijuana Treatment Centers and replacing it as follows:

BB. REGISTERED MARIJUANA DISPENSARY

1. Purposes

- a) To address possible adverse public health and safety consequences and impacts on the quality of life of the Town of Medway related to the passage of Question 3 on the November 6, 2012 State Referendum.
- b) To provide for the limited establishment of a Registered Marijuana Dispensary (RMD) in an appropriate place and under strict conditions in accordance with Chapter 369 of the Acts of 2012, and 105 CMR 725.000.
- c) To minimize the adverse impacts of a RMD on adjacent properties, residential neighborhoods, schools, playgrounds and other land uses potentially incompatible with such a facility.
- d) To regulate the siting, design, placement, security, safety, monitoring, modification, and removal of RMD's.
- e) To limit the overall number of RMD's in the community to what is essential to serve the public necessity.

2. Applicability

- a) The commercial cultivation [unless it meets the requirements for an agricultural exemption under Chapter 40A Section 3], production, processing, assembly, packaging, retail or wholesale sale, trade, distribution or dispensing of Marijuana for Medical Use is prohibited unless permitted as a RMD under this Sub-Section.
- b) No RMD shall be established except in compliance with the provisions of this Sub-

Section.

- c) Nothing in this Bylaw shall be construed to supersede federal and state laws governing the sale and distribution of narcotic drugs.
- d) If any provision of this Sub-Section or the application of any such provision to any person or circumstance shall be held invalid, the remainder of this Sub-Section, to the extent it can be given effect, or the application of those provisions to persons or circumstances other than those to which it is held invalid, shall not be affected thereby, and to this end the provisions of this Sub-Section are severable.

3. ***Definitions***

Marijuana – The same substance defined as “marijuana” under 105 CMR 725.004.

Marijuana for Medical Use – Marijuana that is designated and restricted for use by, and for the benefit of, Qualifying Patients as defined in 105 CMR 725.004.

Registered Marijuana Dispensary (RMD)– Shall mean a not-for-profit entity, as defined by Massachusetts law only, registered by the Massachusetts Department of Public Health under 105 CMR 725.000 that acquires, cultivates, possesses, processes (including development of related products such as food, tinctures, aerosols, oils, or ointments), transfers, transports, sells, distributes, dispenses, or administers marijuana, products containing marijuana, related supplies, or educational materials to registered qualifying patients or their registered personal caregiver as determined by 105 CMR 725.000.

4. ***Eligible Locations for Registered Marijuana Dispensaries*** – Registered Marijuana Dispensaries, other than agricultural operations meeting exemption standards under Chapter 40A Section 3, may be allowed by special permit from the Planning and Economic Development Board in the following zoning districts, provided the facility meets the requirements of this Sub-Section:

- a) Industrial I
- b) Industrial II
- c) Industrial III
- d) Business/Industrial
- e) Commercial I

5. ***General Requirements and Conditions for all Registered Marijuana Dispensaries***

- a) All non-exempt RMD’s shall be contained within a permanent building or structure. No RMD shall be located inside a building containing residential units or inside a movable or mobile structure such as a van, trailer, cargo container or truck.
- b) Size standards:
 - 1) A standalone dispensary shall not exceed 3,500 sq. ft. for product display, client dispensary, and patient consultation area.
 - 2) A standalone cultivation facility shall not exceed 25,000 sq. ft.
 - 3) A facility to manufacture/process marijuana infused products shall not exceed 5,000 sq. ft.
 - 4) Any combination of the above three facilities shall not exceed 30,000 sq. ft.

- 5) The RMD shall be of adequate interior space to accommodate all activities inside the building so as not to have outside patient queuing on sidewalks, in parking areas, or in other areas outside the RMD.
- c) A RMD shall not be located in a building that contains any medical doctors' offices or the offices of any other professional practitioner authorized to prescribe the use of medical marijuana.
- d) The hours of operation of RMD's shall be set by the Special Permit Granting Authority, but in no event shall any RMD be open and/or operating between the hours of 8:00 PM and 8:00 AM.
- e) No RMD shall be located on a lot within 500 linear feet of any lot with the following:
 1. residence
 2. public school
 3. private educational entity that provides instruction to children and youth in an ongoing organized basis
 4. licensed registered childcare facility
 5. library
 6. religious facility
 7. playground, public park, or ball field
 8. recreation center
 9. Registered Marijuana Dispensary
 10. halfway house or similar facility
 11. drug or alcohol rehabilitation facility.

The distance requirement may be reduced by the SPGA if the applicant demonstrates that the RMD would otherwise be effectively prohibited from locating within the municipality and that adequate security measures will be employed to prevent the diversion of medical marijuana to minors who are not qualifying patients.

Distances shall be calculated by direct measurement in a straight line without regard for intervening structures from the nearest property line of the land used as noted above to the nearest portion of the building in which the RMD is located.

- f) No smoking, burning or consumption of any product containing marijuana or marijuana-infused products shall be permitted on the premises of a RMD.
- g) A RMD may not have a drive-thru service.
- h) Signage
 - 1) Signage for the RMD shall include the following language: "Registration card issued by the MA Department of Public Health required."
The required text shall be a minimum of two inches in height.
 - 2) No permitted RMD shall use any advertising material or graphics that are is misleading, deceptive, or false, or that is designed to appeal to minors.
 - 3) A RMD shall not display on the exterior of the facility any advertisement for medical marijuana or any brand name.
 - 4) Off-site signage or advertising in any form, including billboards shall not be allowed.
- i) The RMD shall provide the Medway Police Department, Building Commissioner and the Special Permit Granting Authority with the names, phone numbers and email addresses of all management staff and key holders to whom the Town can provide notice if there are operating problems associated with the establishment.
- j) Prohibition Against Nuisances – No RMD shall create a nuisance to abutters or to the surrounding area, or create any hazard, including but not limited to fire,

explosion, fumes, gas, smoke, odors, obnoxious dust, vapors, offensive noise or vibration, flashes, glare, objectionable effluent or electrical interference, which may impair the normal use and peaceful enjoyment of any property, structure or dwelling in the area.

- k) Openness of Premises
 - 1) Any and all cultivation, distribution, possession, storage, display, sales or other distribution of medical marijuana shall occur only within the restricted interior area of the RMD.
 - 2) The RMD shall be designed and constructed such that no area or portion where marijuana is processed or stored is visible from the exterior of the building.
 - 3) The front of the building which shall include the public entrance to the RMD shall be fully visible from the public street or building frontage.
 - 4) Marijuana, marijuana infused products, and products that facilitate the use of medical marijuana shall not be displayed or clearly visible to a person from the exterior of the RMD.
- l) No marijuana or marijuana based products shall be sold, grown or cultivated, interior or exterior to a residential dwelling unit except if a Hardship Cultivation Registration is granted by the Mass Department of Public Health according to 105 CMF 725.035.

6. ***Special Permit Requirements***

- a) A RMD shall only be allowed by special permit from the Medway Planning and Economic Development Board in accordance with G.L. c. 40A, §9, subject to the following statements, regulations, requirements, conditions and limitations.
- b) A RMD is subject to site plan review and approval by the Planning and Economic Development Board pursuant to SECTION V. C. of the Medway Zoning Bylaw which shall be coordinated with the special permit application process.
- c) A special permit for a RMD shall be limited to one or more of the following uses that shall be prescribed by the Special Permit Granting Authority:
 - 1) cultivation of Marijuana for Medical Use (horticulture) except that sites protected under Chapter 40A Section 3 shall not require a special permit;
 - 2) processing and packaging of Marijuana for Medical Use, including marijuana that is in the form of smoking materials, food products, tinctures, oils, aerosols, ointments, and other marijuana infused products;
 - 3) retail sale or distribution of Marijuana for Medical Use to Qualifying Patients;
 - 4) retail sale of products that facilitate the use of marijuana for medical purposes and of patient educational materials.
- d) A special permit application for a RMD shall include the following:
 - 1) the name and address of each owner of the facility;
 - 2) copies of all required licenses and permits issued for the RMD to the applicant by the Commonwealth of Massachusetts and any of its agencies;
 - 3) evidence of the Applicant's right to use the site of the RMD for the RMD, such as a deed, or lease;
 - 4) a statement under oath disclosing all of the Applicant's owners, shareholders, partners, members, managers, directors, officers, or other similarly-situated individuals and entities and their addresses. If any of the above are entities rather than persons, the Applicant must disclose the

- identity of the owners of such entities until the disclosure contains the names of individuals;
- 5) a certified list of all parties in interest entitled to receive notice of the hearing for the special permit application, taken from the most recent tax list of the town and certified by the Town Assessor;
- 6) a detailed site plan that includes the following information:
 - a. a detailed floor plan of the premises of the proposed RMD that identifies the square footage available and describes the functional areas of the facility including but not limited to sales, storage, cultivation, processing, food preparation, etc.
 - b. proposed security measures for the RMD, including lighting, fencing, gates and alarms, etc., to ensure the safety of qualifying patients, their caregivers, and facility employees and to protect the premises from theft.
- 7) a copy of the policies/procedures for the transfer, acquisition, or sale of medical marijuana between approved RMD's in compliance with 105 CMR 725.105(B)(2).
- 8) a copy of the policies/procedures for patient or personal caregiver home-delivery.

7. ***Special Permit Procedure***

- a) The special permit application and public hearing procedure for a RMD shall be that as provided in G.L. c. 40A.

8. ***Mandatory Findings*** - The Special Permit Granting Authority shall not issue a special permit for a RMD unless it finds that:

- a) the RMD is designed to minimize any adverse visual or economic impacts on abutters and other parties in interest, as defined in G.L. c. 40A, §11;
- b) the RMD demonstrates that it will meet all the permitting requirements of all applicable agencies within the Commonwealth of Massachusetts and will be in compliance with all applicable state laws and regulations; and the applicant has satisfied all of the conditions and requirements of this Sub-Section and SECTION III. Sub-Section J. Special Permit Criteria.

9. ***Conditions*** – In issuing its decision, the Special Permit Granting Authority shall impose conditions, limitations and safeguards that are reasonably appropriate to:

- a) improve site design, traffic flow, and public safety;
 - b) protect water quality, air quality and significant environmental resources;
 - c) preserve the character of the surrounding area.
- These conditions, limitations and safeguards may address but are not limited to:
- d) hours of operation
 - e) landscaping and site amenities

10. ***Annual Reporting*** - Each RMD permitted under this Bylaw shall as a condition of its special permit file an annual report with the Special Permit Granting Authority, the Building Inspector, the Health Agent, and the Police Chief no later than January 31st of each year, providing a copy of all current applicable state licenses for the RMD and/or its owners and demonstrate continued compliance with the conditions of the special permit.

11. ***Duration of Special Permit***

- a) A special permit shall lapse if not exercised within two years from the grant thereof if a substantial use has not sooner commenced except for good cause or, in the case of a permit for construction, if construction has not begun by such date except for good cause.
 - b) A special permit granted under this Sub-Section shall remain exclusively with the applicant which shall be the owner or lessee of the premises described in the application. The special permit shall terminate automatically on the date the applicant alienates that title or leasehold interest in the premises.
12. ***Abandonment or Discontinuance of Use*** - A RMD shall be required to remove all material, plants, equipment and other paraphernalia:
- a) prior to surrendering its state issued licenses or permits; or
 - b) within six months of ceasing operations; whichever comes first.
13. Receipt of a special use permit from the Medway Planning and Economic Development Board for a RMD does not preclude an applicant from having to secure other required local permits from other Town boards/departments including but not limited to the Board of Health, Conservation Commission or the Department of Public Services.

or to act in any manner relating thereto.

PLANNING AND ECONOMIC DEVELOPMENT BOARD

BOARD OF SELECTMEN RECOMMENDATION: Approve

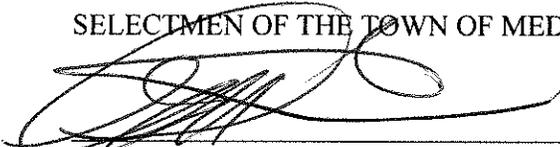
FINANCE COMMITTEE RECOMMENDATION: Approve

And you are hereby directed to serve this warrant by posting printed attested copies thereof at two (2) locations in each precinct at least SEVEN (7) days before the day of said meeting. Hereof fail not and make due return of this warrant with your doings thereon to the Clerk of said Town at or before the time of said meeting.

Given under our hands in Medway, this 22nd day of April 2014.

A TRUE COPY:

SELECTMEN OF THE TOWN OF MEDWAY



Glenn Trindade, Chairman



Dennis Crowley, Vice Chairman

Richard D'Innocenzo, Clerk



John Foresto, Member

Maryjane White, Member

ATTEST: 

Paul Trufant, Constable