

**COMMONWEALTH OF MASSACHUSETTS
TOWN OF WEBSTER
ANNUAL TOWN MEETING WARRANT
May 12, 2014**

Worcester, ss

To either of the Constables in the County aforesaid:

In the name of the Commonwealth of Massachusetts you are hereby required and directed to notify and warn the inhabitants of the Town of Webster aforesaid who are qualified to vote in elections and Town affairs to meet in the Bartlett High School Auditorium, 52 Lake Parkway, in said Webster on **Monday, May 12, 2014 at 7:00 PM** then and there to act on the following Articles to wit:

ARTICLE 1: To hear and act upon the report and recommendations of the Board of Selectmen and the Finance Committee.

Sponsored by the Board of Selectmen – Selectmen recommend approval

ARTICLE 2: To see if the Town will vote to fix the compensation of elected officials, provide for a reserve fund, and determine what sum of money the Town will raise and appropriate including appropriations from any available funds to defray the charges and expenses of the Town including debt and interest for the fiscal year beginning July 1, 2014 and ending June 30, 2015; or take any action thereon.

Sponsored by the Board of Selectmen – Selectmen recommend approval

ARTICLE 3: To see if the Town will vote to raise and appropriate or transfer from any available funds a sum sufficient to operate the Sewer Enterprise Fund for the fiscal year beginning July 1, 2014 and ending June 30, 2015; or take any action thereon.

Sponsored by the Board of Selectmen – Selectmen recommend approval

ARTICLE 4: To see if the Town will vote to raise and appropriate or transfer from any available funds a sum sufficient to operate the Water Enterprise Fund for the fiscal year beginning July 1, 2014 and ending June 30, 2015; or take any action thereon.

Sponsored by the Board of Selectmen – Selectmen recommend approval

ARTICLE 5: To see if the Town will vote to authorize the Treasurer, with the consent of the Board of Selectmen, to temporarily borrow a note or notes, or make an interfund advance from available funds in anticipation of revenue from taxation, bonds, or grants, and to repay said sums within the current fiscal cycle; or take any action thereon.

Sponsored by the Board of Selectmen – Selectmen recommend approval

ARTICLE 6:**DEPARTMENTAL REVOLVING FUNDS**

To see if the Town will vote to create and/or continue revolving funds for certain town departments pursuant to the provisions of M.G.L. Chapter 44, Section 53E1/2 for the fiscal year beginning July 1, 2014:

Revolving Fund	Authority to Spend	Revenue Source	Use of Fund	FY2015 Budget
Animal Control	Board of Health/ Health Agent	Program Fees	Program expenses	\$2,000.00
Auditorium Rentals	Town Administrator	Rental Fees	Facility maintenance	\$5,000.00
Graphic Arts	School Committee	Program Fees	Program supplies	\$5,000.00
Recycling	Recycling Commission	Program Fees	Program expenses	\$1,000.00
Firearms Licensing	Chief of Police	Program Fees	Program expenses	\$10,000.00
Board of Health Training	Board of Health/ Health Agent	Program Fees	Program expenses	\$3,000.00
Board of Health Inspections	Board of Health/ Health Agent	Inspection Fees	Outside Consultant	\$5,000.00
Senior Center	Senior Center Director	Program Fees	Program expenses	\$10,000.00
Library	Library Director	Photocopier/Printer Fees	Equipment supplies	\$2,000.00
Board of Health Nuisance Properties	Town Administrator	Program Fees	Program expenses	\$100,000.00

; or take any action thereon.

Sponsored by the Town Accountant – Selectmen recommend approval

ARTICLE 7: To see if the Town will vote to accept the provisions of M.G.L. Chapter 32B, § 20 relative to establishing an Other Post-Employment Benefits Liability Trust Fund; or take any action thereon.

Sponsored by the Town Accountant – Selectmen recommend approval

ARTICLE 8: To see if the Town will vote to authorize the Board of Selectmen to accept by donation a parcel located at 0 Sutton Road, Parcel ID 95-A-4-0-R, consisting of 3.44 Acres. The subject parcel is currently identified on a plan packet entitled "0 Sutton Road – Land Donation" dated April 07, 2014, a copy of which is on file in the Town Clerk's Office.

Sponsored by the Board of Selectmen – Selectmen recommend approval

ARTICLE 9: To see if the Town will vote to amend Article IX Section 15(k) Sick Leave of the Municipal Employee Benefits Personnel By-Laws, as adopted in March 1969, including all amendments from 1970-1984 by replacing "Upon retirement or voluntary termination of service." with "Upon retirement or voluntary termination after twenty years of full-time service."

; or take any action thereon.

Sponsored by the Town Administrator – Selectmen recommend approval

ARTICLE 10: To see if the Town will vote to amend Webster Bylaw Chapter 253, Section 1, "Notice of Meeting", by deleting the strike-through language and inserting the underlined language as follows:

"Notice of every Town Meeting shall be given by publishing notice of the warrant in newspaper of general circulation within the Town at least seven days preceding the meeting in the case of Annual Town Meeting, and at least 14 days preceding the meeting in the case of Special Town Meetings, and posting attested copies of the complete warrant in the Office of the Town Clerk and at the Town Library, and at the number of other locations as required by General Laws on the Town web site and public access channel."

; or take any action thereon.

Sponsored by the Town Clerk – Selectmen recommend approval

ARTICLE 11: To see if the Town will vote to amend the Town's Zoning Bylaw by deleting the text of Article 650-90, which currently provides for a Temporary Medical Marijuana Moratorium in its entirety and inserting in place thereof the following text and title:

ARTICLE X
Medical Marijuana Facilities

650-90. Special Requirements for Medical Marijuana Facilities

650-90. Special Requirements for Medical Marijuana Facilities

A. Purpose.

(1) To provide for the establishment of Medical Marijuana Facilities in appropriate places and under strict conditions in accordance with the Humanitarian Medical Use of Marijuana Act, G.L. c.94C, App. 1-1, as approved by the voters by the passage of Initiative Petition 11-11 on the November, 2012 state ballot, and the Department of Public Health Regulations, 105 CMR 725.00.

(2) To minimize the adverse impacts of Medical Marijuana Facilities on adjacent properties, residential neighborhoods, schools and other places where children congregate, local historic districts, and other land uses potentially incompatible with said Facilities.

(3) To regulate the siting, design, placement, security, safety, monitoring, modification, and removal of Medical Marijuana Facilities.

B. Applicability.

(1) The commercial cultivation, [unless it meets the requirements for an agricultural exemption under G.L. c. 40A, § 3, production, processing, assembly, packaging, retail or wholesale sale, trade, distribution or dispensing of Marijuana for Medical Use is prohibited unless permitted as a Medical Marijuana Facility under this Section 650-90.

(2) Nothing in this Bylaw shall be construed to supersede federal and state laws governing the sale and distribution of narcotic drugs.

(3) If any provision of this Section or the application of any such provision 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 this end the provisions of this Section are severable.

C. Definitions.

(1) Medical Marijuana Facility - Shall mean a "Medical marijuana treatment center" to mean a not-for-profit entity, as defined by Massachusetts law only, registered under this law, 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 qualifying patients or their personal caregivers. These facilities shall be located inside a structure or building.

(2) Marijuana for Medical Use – Marijuana that is designated and restricted for use by, and for the benefit of, Qualifying Patients in the treatment of Debilitating Medical Conditions as set forth in Citizens Petition 11-11.

(3) Marijuana – The same substance defined as “marihuana” under Chapter 94C of the Massachusetts General Laws.

D. Eligible Locations for Medical Marijuana Facilities.

(1) Medical Marijuana Facilities, other than agricultural operations meeting exemption standards under Chapter 40A Section 3, may be allowed by Special Permit from the Webster Board of Selectmen in those areas defined in Article VI, Section 650-48, Article B of these Zoning Bylaws provided the facility meets the requirements of this Section 650-90.

E. General Requirements and Conditions for all Medical Marijuana Facilities.

(1) All non-exempt Medical Marijuana Facilities shall be contained within a building or structure.

(2) No Medical Marijuana Facility shall have a gross floor area of less than 2,500 square feet or in excess of 50,000 square feet.

(3) A Medical Marijuana Facility shall not be located in buildings that contain any medical doctor’s offices or the offices of any other professional practitioner authorized to prescribe the use of medical marijuana.

(4) The hours of operation of Medical Marijuana Facilities shall be set by the Special Permit Granting Authority, but in no event shall said Facilities be open between the hours of 8:00 PM and 8:00 AM .

(5) No Medical Marijuana Facility shall be located on a lot which abuts a residential zoning district.

(6) No smoking, burning or consumption of any product containing marijuana or marijuana-related products shall be permitted on the premises of a Medical Marijuana Facility.

(7) Medical Marijuana Facility shall be located inside a building containing residential units, including transient housing such as motels and dormitories, or inside a movable or mobile structure such as a van or truck.

(8) Signage for the Medical Marijuana Facility 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.

(9) Medical Marijuana Facilities shall provide the Police Department, Building Inspector and the Special Permit Granting Authority 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.

F. Special Permit Requirements.

(1) A Medical Marijuana Facility shall only be allowed by special permit from the Planning Board in accordance with G.L. c. 40A, §9, subject to the following statements, regulations, requirements, conditions and limitations.

(2) A special permit for a Medical Marijuana Facility shall be limited to one or more of the following uses that shall be prescribed by the Special Permit Granting Authority:

(a) cultivation of Marijuana for Medical Use (horticulture) except that sites protected under G.L. c.40A, § 3 shall not require a special permit;

(b) processing and packaging of Marijuana for Medical Use, including Marijuana that is in the form of smoking materials, food products, oils, aerosols, ointments, and other products;

(c) retail sale or distribution of Marijuana for Medical Use to Qualifying Patients;

(3) In addition to the application requirements set forth in this Bylaw, a special permit application for a Medical Marijuana Facility shall include the following:

- (a) the name and address of each owner of the facility;
- (b) copies of all required licenses and permits issued to the applicant by the Commonwealth of Massachusetts and any of its agencies for the Facility;
- (c) evidence of the Applicant's right to use the site of the Facility for the Facility, such as a deed, or lease;
- (d) if the Applicant is a business organization, a statement under oath disclosing all of its 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;
- (e) a certified list of all parties in interest entitled to 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;
- (f) Proposed security measures for the Medical Marijuana Facility, including lighting, fencing, gates and alarms, etc., to ensure the safety of persons and to protect the premises from theft.

G. Mandatory Findings. The Special Permit Granting Authority shall not issue a special permit for a Medical Marijuana Facility unless it finds that:

- (1) the Facility 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;
- (2) the Facility 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

(3) The applicant has satisfied all of the conditions and requirements set forth herein.

- H. Annual Reporting. Each Medical Marijuana Facility permitted under this Bylaw shall as a condition of its special permit file an annual report to and appear before the Special Permit Granting Authority and no later than January 31st, providing a copy of all current applicable state licenses for the Facility and/or its owners and demonstrate continued compliance with the conditions of the Special Permit.
- I. A special permit granted under this Section shall have a term limited to the duration of the applicant's ownership of the premises as a Medical Marijuana Facility. A special permit may be transferred only with the approval of the Special Permit Granting Authority in the form of an amendment to the special permit with all information required in this Section.
- J. The Board shall require the Property Owner to post a bond or other form of security at the time of construction to cover costs for the removal of the Medical Marijuana Facility in the event the Town must remove the facility. The value of the bond or other form of security shall be based upon the ability to completely remove all the items listed in K.(2) and properly clean the Facility at prevailing wages. The value of the bond shall be developed based upon the applicant providing the Planning Board with three (3) written bids to meet the noted requirements. An incentive factor of 1.5 shall be applied to all bonds to ensure compliance and adequate funds for the Town to remove the Facility at prevailing wages.
- K. Abandonment or Discontinuance of Use.
 - (1) A Special Permit shall lapse if not exercised within one year of issuance.
 - (2) Medical Marijuana Facility 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.

; or take any action thereto.; or take any action thereto.

Sponsored by the Town Engineer/Planner – Selectmen recommend approval

ARTICLE 12: To see if the Town will vote to amend the Town’s Zoning Bylaw 350-17E, 350-18 E and 350-40 as follows:

650-17 E. Adult uses bylaw

Move this entire article from 650.17 E. to 650.18 E.

The area described therein is located within District 5 on the currently adopted Zoning Map dated February 26, 2014.

650-18 E. (3) [formerly 650-17 E. (3)]

Currently states “Adult Entertainment Enterprises may be allowed in District 4 Business District (within sewer) only by special permit granted by the special permit granting authority as provided under Article III of the Webster Zoning Bylaws in conformance with the following controls: No adult entertainment enterprises shall be located less than 500 feet from the property boundary lines on any lots in residential use.”

Revise to state “Adult Entertainment Enterprises may be allowed in District 4 Business District (within sewer) only by special permit granted by the special permit granting authority as provided under Article III of the Webster Zoning Bylaws in conformance with the following controls: No adult entertainment enterprises shall be located less than 300 feet from the boundary of any residential zoning district or the property line of any lot in residential use.”

ARTICLE VI – Adult Uses

650-48. Criteria for evaluation

Currently states “The Board of Selectmen shall not grant a special permit for adult use if it is determined that:

- B. The parcel on which the adult use is proposed is located less than 800 feet from the boundary of any residential zoning district...”

Revise to state “The Board of Selectmen shall not grant a special permit for adult use if it is determined that:

- B. The parcel on which the adult use is proposed is located less than 300 feet from the boundary of any residential zoning district or the property line of any lot in residential use...”

;or take any action thereon.

Sponsored by the Town Engineer/Planner – Selectmen recommend approval

ARTICLE 13: To see if the Town will vote to amend Chapter 650, the Webster Zoning Bylaw, by deleting and replacing Section 650-14.A.(1) with the following:

- (1) Detached single-family dwelling which shall have "family" defined as "An individual, two, or more persons related by blood or marriage, or a group of not more than 1.33 persons per number of bedrooms in said dwelling who need not be so related, living as a single housekeeping unit.

; or take any action thereon.

Sponsored by the Town Engineer/Planner – Selectmen recommend approval

ARTICLE 14: To see if the Town will vote to amend Chapter 650, the Webster Zoning Bylaw, by adding Section 650-39.7.0 as follows:

7.0 Exceptions. Exceptions may be granted only to the Required Off-Street Parking Spaces, Design, Construction, and Landscaping requirements which are established in the Webster Zoning Bylaw Sections 650-39.2.0, 650-39.3.0, 650-39.4.0, and 650-39.5.0 respectively. These exceptions shall be allowed through the Special Permit process with the Planning Board acting as the Special Permit Granting Authority (SPGA). In granting a Special Permit, the SPGA must determine that:

1. The granting of such Special Permit does not derogate substantially from the intent of the Bylaw.

; or take any action thereon.

Sponsored by the Town Engineer/Planner – Selectmen recommend approval

ARTICLE 15: To see if the Town will vote to amend Chapter 650, the Webster Zoning Bylaw, by adding Section 650-55.D. as follows:

- D. Upon written request by the applicant, the Planning Board may waive any of the submittal requirements listed in Section 650-55.B in such cases where, in the opinion of the Planning Board, the required information is not necessary to the Planning Board's review of the project and strict conformity with the requirement would pose an unnecessary hardship to the applicant, and provided that such waiver would not be contrary to the spirit and intent of Site Plan Review. The Planning Board shall issue waiver request approvals, and likewise, waiver request denials, in writing.

; or take any action thereon.

Sponsored by the Town Engineer/Planner – Selectmen recommend approval

ARTICLE 16: To see if the Town will vote to raise and appropriate, or transfer from any available funds in the Treasury a sum sufficient for the purpose of replacing the gymnasium curtain at the Bartlett Jr Sr High School including but

not limited to costs for purchase and installation as well as all other costs incidental or related thereto; or take any action thereto.

Sponsored by the School Department – Refer to Sponsor

ARTICLE 17: To see if the Town will vote to raise and appropriate, transfer or borrow from any available funds in the Treasury a sum sufficient for the purpose of renovating, construction improvements, remodeling, reconstructing, making extraordinary repairs to the Bartlett Jr Sr High School for the use as School Administration Offices, including but not limited to costs for planning, design, construction, finishing, equipment, as well as all other costs incidental or related thereto; or take any other action thereto.

Sponsored by the School Department – Refer to Sponsor

And you are directed to serve this warrant by publishing attested copies thereof in a newspaper published within the Town of Webster at least seven (7) days preceding the meeting and by posting attested copies thereof with the Town Clerk and filing in the Public Library.

Thereof fail not and make due return of your doings thereon to the Town Clerk at the time and place of holding said meeting. Given under our hands this Fourteenth Day of April in the year of our Lord Two Thousand and Fourteen.

WEBSTER BOARD OF SELECTMEN

Deborah A. Keefe, Chairman
Robert J. Miller, Vice Chairman
William Starzec
Mark G. Dowgiewicz
Jeffrey P. Duggan