

**COMMONWEALTH OF MASSACHUSETTS
TOWN OF NORTHBRIDGE
WARRANT FOR SPRING ANNUAL TOWN MEETING
TRANSACTION OF TOWN BUSINESS
TUESDAY, MAY 6, 2014 - 7:00 P.M.**

WORCESTER, ss:

To any Constable of the Town of Northbridge in said County,

GREETINGS:

In the name of the Commonwealth of Massachusetts, you are hereby directed to notify the Inhabitants of the Town of Northbridge, qualified to vote in Town elections and Town affairs, to meet in the Northbridge High School Field House on Linwood Avenue, in Whitinsville, in said Northbridge, Massachusetts, on Tuesday, May 6, 2014 at 7:00 o'clock P.M., then and there to act on the following articles:

ARTICLE 1: (Board of Selectmen)

To see if the Town will vote to raise and appropriate and/or transfer from available funds in the Treasury and/or transfer from the unexpended appropriated funds of one or more of the departments of the Town the following sums of money and authorize the payment of prior year bills:

or take any other action relative thereto.

ARTICLE 2: (Board of Selectmen)

To see if the Town will vote to amend the votes taken under Article 3 of the 2013 Spring Session of the Annual Town Meeting (May 7, 2013), and under Article 2 of the 2013 Fall Session of the Annual Town Meeting (October 22, 2013), appropriations and transfers under the Omnibus Budget Article; or take any other action relative thereto.

ARTICLE 3: (Finance Committee)

To see if the Town will vote to raise and appropriate and/or transfer from available funds in the Treasury and/or transfer from the Health Insurance Stabilization Fund such sums of money not to exceed \$39,060,000 to defray the necessary and usual expenses of the several departments of the Town for FY 2015, beginning July 1, 2014 and ending June 30, 2015; or take any other action relative thereto.

ARTICLE 4: (Finance Committee)

To see if the Town will vote to raise and appropriate an additional sum of money to defray the necessary and usual expenses of the several departments of the Town for FY 2015, beginning July 1, 2014 and ending June 30, 2015, subject to the condition that the Town shall have first voted, at an election, to allow the Town to assess said additional sum in real estate and personal property taxes pursuant to MGL Chapter 59, Section 21C(g) (Proposition 2 ½ so-called); or take any other action relative thereto.

ARTICLE 5: (Board of Selectmen)

To see if the Town will vote to raise and appropriate and/or transfer from the Retained Earnings Account of the Sewer Enterprise Fund a sum of money to operate the Sewer Enterprise Operation of the Department of Public Works for FY 2015; or take any other action relative thereto.

ARTICLE 6: (Board of Selectmen)

To see if the Town will vote to raise and appropriate and/or transfer from the Retained Earnings Account of the Water Enterprise Fund a sum of money to operate the Water Enterprise Operation of the Department of Public Works for FY 2015; or take any other action relative thereto.

ARTICLE 7: (Board of Selectmen)

To see if the Town will vote to appropriate a sum of money and such additional funds as may become available from the Commonwealth's Department of Transportation, Chapter 90 Bond Issue proceeds, to be used by the Department of Public Works for the repair and maintenance of Town roads in conformance with MGL and further to see if the Town will vote to meet said appropriation by borrowing and to authorize the Treasurer/Collector, with approval of the Board of Selectmen, to issue bonds or notes of the Town therefor in anticipation of the receipt of said State Aid; or take any other action relative thereto.

ARTICLE 8: (Board of Selectmen)

To see if the Town will vote to authorize the Treasurer/Collector to enter into a compensating balance agreement or agreements for FY 2015, pursuant to Chapter 44, Section 53F of the M.G.L.; or take any other action relative thereto.

ARTICLE 9: (Playground & Recreation Commission)

To see if the Town will vote to reauthorize a revolving account pursuant to M.G.L. Chapter 44, Section 53E 1/2 for the Playground & Recreation Commission, to credit to such account any grants, donations,

program user fees and fund raising proceeds received by said Commission and to authorize said Commission to expend from such account amounts required to maintain the Town's playgrounds and recreation fields, to make improvements thereto and to purchase, lease or rent equipment and support facilities for programs and activities taking place thereon provided, however, that the total amount which may be expended from the account in FY 2015 is \$20,000; or take any other action relative thereto.

ARTICLE 10: (Board of Selectmen)

To see if the Town will vote to transfer a sum of money from one or more Expendable Cemetery Trust accounts for the purpose of funding cemetery operations of Pine Grove Cemetery, said sum to be expended under the direction of the Department of Public Works; or take any other action relative thereto.

ARTICLE 11: (Board of Selectmen)

To see if the Town will vote to appropriate and/or transfer a sum of money from the Town Building Maintenance Fund established pursuant to Chapter 438 of the Acts of 2012 for maintenance of Town-owned buildings and facilities in FY 2015; or take any other action relative thereto.

ARTICLE 12: (Board of Selectmen)

To see if the Town will vote to raise and appropriate and/or transfer from the Retained Earnings Account of the Sewer Enterprise Fund the sum of \$250,000.00 (TWO HUNDRED FIFTY THOUSAND AND 00/100 DOLLARS), to be expended under the direction of the Director of Public Works, for the purpose of financing work recommended in the Northbridge Comprehensive Wastewater Management Plan, which was prepared as outlined in the Massachusetts Department of Environmental Protection's "Guide to Comprehensive Wastewater Management Planning," for maintenance, repair and expansion of the Town's sanitary sewer system and wastewater treatment plant, said work to include commencement of a sewer system evaluation study (SSES) program with system flow isolation studies, CCTV inspections, manhole inspections, smoke testing, and other means of evaluation, with GIS updates as needed, and additional sewer modeling as required, plus additional work to assist in the evaluation of alternatives for the Northbridge Wastewater Treatment Plant to meet new EPA issued permit limits for the discharge of nitrogen effluent to the receiving water; or take any other action relative thereto.

ARTICLE 13: (Board of Selectmen)

To see if the Town will vote to raise and appropriate and/or transfer from the Retained Earnings Account of the Sewer Enterprise Fund, the sum of \$250,000.00 (TWO HUNDRED FIFTY THOUSAND AND 00/100 DOLLARS), to be expended under the direction of the Director of Public Works, for the purpose of design, construction and engineering services during construction of improvements to the existing sludge gravity thickeners at the Northbridge Wastewater Treatment Plant including replacement of the complete internal mechanism feed wells, tubes, arms, bridges, drives and motors, plus any associated electrical and instrumentation and control work, including without limitation all costs thereof as defined in Section 1 of Chapter 29C of the General Laws; that to meet this appropriation the Treasurer, with the approval of the Board of Selectmen, be authorized to borrow said sum of money and issue bonds or notes of the Town therefor under Chapter 44 of the General Laws and/or chapter 29C of the General Laws or any other enabling authority, including a borrowing from the Massachusetts Water Pollution Abatement Trust established pursuant to Chapter 29C and in connection therewith to enter into a loan agreement and/or security agreement with the Trust and otherwise to contract with the Trust and the Department of Environmental Protection with respect to such loan and for any federal or state aid available for the project or for the financing thereof; that the Board of Selectmen be authorized to enter into a project regulatory agreement with the Department of Environmental Protection, to expend all funds available for the project and to take any other action necessary to carry out the project; or take any other action relative thereto.

ARTICLE 14: (Board of Selectmen)

To see if the Town will vote to raise and appropriate and/or transfer from available funds a sum of money for the purpose of financing the purchase of an Asphalt Hot-Box and Accessories for use by the Highway Division of the Department of Public Works; or take any other action relative thereto.

ARTICLE 15: (Blackstone Valley Vocational Regional District School Committee)

To see if the Town will vote to approve the total \$2.9 million debt authorized by the Blackstone Valley Vocational Regional District School Committee on April 17, 2014 for costs of adding to, equipping, reconstructing and making extraordinary repairs to the regional school, including all costs incidental and related thereto, with the Town's apportioned share of debt payments computed in accordance with the Regional Agreement and commencing in fiscal year 2016; or take any other action relative thereto.

ARTICLE 16: (Board of Assessors)

To see if the Town will vote to raise and appropriate or transfer from available funds in the Treasury a sum of money not to exceed \$ 24,000 for temporary assistance to the Board of Assessors to fulfill the Massachusetts Department of Revenue's requirement for a measure and listing of properties, interim year revaluation, and system software upgrades; or take any other action relative thereto.

ARTICLE 17: (Board of Assessors)

To see if the Town vote to adjust the age limit under Clause 41C Section 5, of Chapter 59 of the Massachusetts General Laws, providing tax exemptions to persons 70 years of age or older occupying property as their domicile, by decreasing the age requirement to persons 65 or older and/or to raise the exemption amount; or take any other action relative thereto.

ARTICLE 18: (Planning Board)

To see if the Town will vote to amend the Northbridge Zoning Bylaw, Chapter 173 of the Code of Northbridge, by DELETING IN ITS ENTIRETY Section 173-18.4 [Temporary Moratorium on Medical Marijuana Treatment Centers] and REPLACING IT WITH Section 173-18.4 [Registered Marijuana Dispensary] described as follows:

REGISTERED MARIJUANA DISPENSARY

§173-18.4 Registered Marijuana Dispensary

A. Purpose

- (1) To provide for the placement of Registered Marijuana Dispensaries (RMD), in accordance with the Humanitarian Medical Use of Marijuana Act, G.L. c.94C, App. §1-1, et seq., in locations suitable for lawful medical marijuana facilities and to minimize adverse impacts of RMDs on adjacent properties, residential neighborhoods, historic districts, schools, playgrounds and other locations where minors congregate by regulating the siting, design, placement and security of RMDs within the Town of Northridge.

B. Definitions

- (1) Where not expressly defined in the Zoning Bylaw, terms used in this section shall be interpreted as defined in the Humanitarian Medical Use of Marijuana Act, G.L. c.94C, App. §1-1, et seq. and the Department of Public Health Regulations promulgated thereunder, 105 CMR 725.001, et seq., and otherwise by their plain language.
 - a. REGISTERED MARIJUANA DISPENSARY: also known as a Medical Marijuana Treatment Center, means a not-for-profit entity registered under 105 CMR 725.100, that acquires, cultivates, possesses, processes (including development of related products such as edible marijuana-infused products (“MIPs”), tinctures, aerosols, oils, or ointments), transfers, transports, sells, distributes, dispenses, or administers marijuana, products containing marijuana, related supplies, or educational materials to registered qualifying patients or their personal caregivers. Unless otherwise specified, RMD refers to the site(s) of dispensing, cultivation, and preparation of marijuana.

C. Location

- (1) RMDs may be permitted by Special Permit within the Industrial-Two (I-2) Zoning District of the Town of Northbridge.
- (2) RMDs may not be located within 500-feet of the following:
 - a. School, including a public or private elementary, vocational, or secondary school or a public or private college, junior college, or university;
 - b. Child Care Facility;
 - c. Library;
 - d. Playground;
 - e. Public Park;
 - f. Youth center; or
 - g. House of Worship
- (3) The distance under this section is measured in a straight line from the nearest point of the property line of the protected uses identified in Subsection C (2) to the nearest point of the property line of the proposed RMD.
- (4) The distance requirement may be reduced by twenty-five percent or less, but only if:
 - a. The applicant demonstrates that the RMD would otherwise be effectively prohibited within the Town;
 - b. The applicant demonstrates that the RMD will employ adequate security measures to prevent diversion of medical marijuana to minors who are not qualifying patients pursuant to 105 CMR 725.004.

- (5) RMDs shall have a minimum lot size of 40,000 square-feet with a minimum frontage of 150-feet. Structures shall be set back a minimum of 50-feet (front), 50-feet (side) and 50-feet (rear); where RMD sites abut a Residential Zoning District the rear and side setbacks shall be 100-feet.

D. Procedure

- (1) The Planning Board shall be the Special Permit Granting Authority (SPGA) for a RMD special permit.
- (2) In addition to the materials to be submitted required under Section 173-49.1 [Site Plan Review by Planning Board] of the Zoning Bylaw, the applicant shall provide the following:
 - a. A copy of its registration as an RMD from the Massachusetts Department of Public Health (“DPH”);
 - b. A detailed floor plan of the premises of the proposed RMD that identifies the square footage available and describes the functional areas of the RMD, including areas for any preparation of MIPs;
 - c. A detailed site plan that includes the following information:
 - i. Compliance with the requirements for parking and loading spaces, for lot size, frontage, yards and heights and coverage of buildings, and all other provisions of this Bylaw;
 - ii. Convenience and safety of vehicular and pedestrian movement on the site and for the location of driveway openings in relation to street traffic;
 - iii. Convenience and safety of vehicular and pedestrian movement off the site, if vehicular and pedestrian traffic off-site can reasonably be expected to be substantially affected by on-site changes;
 - iv. Adequacy as to the arrangement and the number of parking and loading spaces in relation to the proposed use of the premises, including designated parking for home delivery vehicle(s), as applicable;
 - v. Design and appearance of proposed buildings, structures, freestanding signs, screening and landscaping; and
 - vi. Adequacy of water supply, surface and subsurface drainage and light.
 - d. A description of the security measures, including employee security policies, approved by DPH for the RMD;
 - e. A copy of the emergency procedures approved by DPH for the RMD;
 - f. A copy of the policies and procedures for patient or personal caregiver home-delivery approved by DPH for the RMD;
 - g. A copy of the policies and procedures for the transfer, acquisition, or sale of marijuana between RMDs approved by DPH;
 - h. A copy of proposed waste disposal procedures; and
 - i. A description of any waivers from DPH regulations issued for the RMD.
- (3) The SPGA shall refer copies of the application to the Building Department, Fire Department, Police Department, Board of Health, the Conservation Commission, the Highway Department, Board of Water Commissioners (Board of Selectmen), and the Planning Board. These boards/departments shall review the application and shall submit their written recommendations. Failure to make recommendations within 35 days of referral of the application shall be deemed lack of opposition.
- (4) After notice and public hearing and consideration of application materials, consultant reviews, public comments, and the recommendations of other Town boards and departments, the SPGA may act upon such a special permit application.

E. Special Permit Conditions on RMDs

- (1) The SPGA shall impose conditions reasonably appropriate to improve site design, traffic flow, public safety, protect water quality, air quality, and significant environmental resources, preserve the character of the surrounding area and otherwise serve the purposes of this section. In addition to any specific conditions applicable to the applicant’s RMD, the SPGA shall include the following conditions in any special permit granted under this Bylaw:
 - a. Hours of Operation, including dispatch of home deliveries.

- b. The permit holder shall file a copy of any Incident Report required under 105 CMR 725.110(F) with the Building Inspector, local Law Enforcement, Board of Health and the SPGA within 24 hours of creation by the RMD. Such reports may be redacted as necessary to comply with any applicable state or federal laws and regulations.
- c. The permit holder shall file a copy of any summary cease and desist order, quarantine order, summary suspension order, order limiting sales, notice of a hearing, or final action issued by DPH or the Division of Administrative Law Appeals, as applicable, regarding the RMD with the Building Inspector and SPGA within 48 hours of receipt by the RMD.
- d. The permit holder shall provide to the Building Inspector and Chief of the Police Department, the name, telephone number and electronic mail address of a contact person in the event that such person needs to be contacted after regular business hours to address an urgent issue. Such contact information shall be kept updated by the permit holder.
- e. The special permit shall lapse within five years of its issuance. If the permit holder wishes to renew the special permit, an application to renew the special permit must be submitted at least 120 days prior to the expiration of the special permit.
- f. The special permit shall be limited to the current applicant and shall lapse if the permit holder ceases operating the RMD.
- g. The special permit shall lapse upon the expiration or termination of the applicant's registration by DPH.
- h. The permit holder shall notify the Building Inspector and SPGA in writing within 48 hours of the cessation of operation of the RMD or the expiration or termination of the permit holder's registration with DPH.

F. Exemption from RMD Special Permit Requirement:

- (1) RMDs that demonstrate that they are protected pursuant to the agricultural exemption under G.L. c.40A, §3 are not required to obtain a special permit, but shall apply for Site Plan Approval pursuant to Section 173-49.1 of the Zoning Bylaw.

G. Prohibition Against Nuisances:

- (1) No RMD use shall be allowed which creates a nuisance to abutters or to the surrounding area, or which creates 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.

H. Severability

- (1) The provisions of this Bylaw are severable. If any provision, paragraph, sentence, or clause of this Bylaw or the application thereof to any person, establishment, or circumstances shall be held invalid, such invalidity shall not affect the other provisions or application of this Bylaw;

Or take any other action relative thereto.

ARTICLE 19: (Planning Board)

To see if the Town will vote to amend the Northbridge Zoning Bylaw, Chapter 173 of the Code of Northbridge, Section 173-12 [Table of Use Regulations] by ADDING "Registered Marijuana Dispensary" to be permitted by Special Permit in the Industrial-Two [I-2] Zoning District as follows:

Section 173-12 [Table of Use Regulations – Wholesale and Manufacturing]

USE	ZONING DISTRICT											
	R-1	R-2	R-3	R-4	R-5	R-6	B-1	B-2	B-3 (1)	I-1	I-2	H
Wholesale and Manufacturing:												
Mining and Quarrying	--	--	--	--	--	--	--	--	--	S	S	--
Construction activities or suppliers	--	--	--	--	--	--	--	--	--	S	S	--
Manufacturing and light industries	--	--	--	--	--	--	S	S	--	P	P	--
Railroads and railway express service	--	--	--	--	--	--	S	S	--	P	P	--
Trucking service and warehousing	--	--	--	--	--	--	--	S	--	P	P	--
Other transportation services (taxicabs)	--	--	--	--	--	--	--	S	--	P	P	--
Wholesale trade	--	--	--	--	--	--	--	S	S	P	P	--
Registered Marijuana Dispensary	--	--	--	--	--	--	--	--	--	--	S	--

Or take any other action relative thereto.

ARTICLE 20: (Board of Selectmen)

To see if the Town will vote to authorize the Board of Selectmen to execute a deed or other instrument releasing any right or rights of the Town in or to any gravel or gravel banks in or on the land on Lasell Road described in a deed recorded with the Worcester District Registry of Deeds in Book 3220, Page 161 and known as Oakhurst Farm; or take any other action relative thereto.

ARTICLE 21: (Board of Selectmen)

To see if the Town will vote to approve an Agreement for Payment in Lieu of Taxes (PILOT) pursuant to the provisions of MGL Chapter 59, Section 38H(b), and Chapter 164, Section 1, or any other enabling authority, for a certain sum and a certain term of years, between the Town and the property owner for real property and personal property relating to a Renewable Energy Generation Facility on the land located on Lasell Road known as Oakhurst Farm and shown on Assessors' Map 1, as Parcel 97 [11.19 acres] and Assessors' Map 1, as Parcel 98 [9.40 acres]; or take any other action relative thereto.

ARTICLE 22: (Petition)

To see if the Town will vote to amend its general by-laws by adding thereto the following new by-law: "9-408 Residential Waste Collection and Disposal Contracts: The provisions of M.G.L. Chapter 30B, Section 1(30) to the contrary notwithstanding, any contract for the collection, transportation, receipt, processing or disposal of residential solid waste shall be subject to, and awarded pursuant to, the remaining provisions of Chapter 30B as applicable."; or take any action relative thereto.

And you are directed to serve this warrant by posting attested copies thereof at the Whitinsville Post Office in Whitinsville and Brian's Restaurant in Linwood, in Precinct 1; Office of Polyfoam Corp., Gary's Variety and the Northbridge Post Office in Northbridge, all in Precinct 2; Town Clerk's Office and 1Quickstop in Whitinsville in Precinct 3; and the VFW Hall [875 Hill Street] and Town Hall Annex in Whitinsville in Precinct 4; twenty-eight (28) days at least before the time and place of meeting aforesaid.

WHEREOF FAIL NOT, and make due return of the warrant, with your doings thereon, to the Town Clerk at the time and place of said meeting. GIVEN under our hand this 17th day of March in the year Two Thousand Fourteen.

SELECTMEN OF NORTHBRIDGE

Charles Ampagoomian, Jr., Chairman

Daniel J. Nolan

James R. Marzec

Thomas J. Melia

James J. Athanas

WORCESTER, SS Northbridge

Date:

By virtue of this warrant I have this day notified the inhabitant of the Town of Northbridge qualified to vote in town elections and town affairs to meet at the time and place and for the purpose stated in said warrant by posting attested copies thereof as within directed.

Constable, Town of Northbridge