Commonwealth of Massachusetts
Town of Northbridge
PROCEEDINGS OF THE ADJOURNED SESSION
OF THE MAY 6, 2014 SPRING ANNUAL TOWN MEETING
TUESDAY, MAY 13, 2014
Northbridge High School
Linwood Avenue

The adjourned session of the Spring Annual Town Meeting was called to order at 7:04 P.M. by the Moderator, Harold D. Gould, Jr., at the Northbridge High School Auditorium on Linwood Avenue, in Whitinsville, in said Northbridge, Massachusetts. The Moderator declared the Town Quorum of 50 present (at 6:55 p.m., there were 67 registered voters in attendance). The pledge of allegiance to the American Flag followed.

The following tellers were appointed by the Moderator and duly sworn in by the Town Clerk: Sharon Susienka, Denis LaTour, Timothy Doiron, Philip Cyr, George Murray, and Richard Sasseville.

ARTICLE 13: Voted **APPROVED** Unanimous
Moved and seconded that the Town vote to 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.

ARTICLE 14: Voted **APPROVED** Unanimous
Moved and seconded that the Town vote to transfer from available funds the sum of $26,606 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 as follows:

Fund 01020606-585002 [Two DPW Sander bodies] the total unexpended balance of	$ 6,920.44
Fund 01020917-585002 [Two Medium Duty vehicles and One Dump Truck] the total unexpended balance of	$13,240.50
Fund 01021217-585007 [Municipal Tractor] the total unexpended balance of	$ 4,144.50
Fund 01021218-585002 [Heavy Duty Dump Truck] the sum of	$ 2,300.56
TOTAL:	**$26,606.00**

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Attendance at 7:05 p.m.: 80 registered voters

ARTICLE 15: Voted **APPROVED** Majority
Moved and seconded that the Town 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.

ARTICLE 16: Voted **APPROVED** Unanimous
Moved and seconded that the Town vote to transfer from Overlay Surplus 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.

ARTICLE 17: Voted **APPROVED** Unanimous
Moved and seconded that 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.

ARTICLE 18: Voted **APPROVED** Unanimous
Moved and seconded that the Town 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:

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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.

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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.

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ARTICLE 19: Voted **APPROVED** Unanimous
Moved and seconded that the Town 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											
Wholesale and Manufacturing:	**R-1**	**R-2**	**R-3**	**R-4**	**R-5**	**R-6**	**B-1**	**B-2**	**B-3 (1)**	**I-1**	**I-2**	**H**
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	--

ARTICLE 20: Voted **APPROVED** Unanimous

Moved and seconded that the Town 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.

ARTICLE 21: Voted **APPROVED** Unanimous

Moved and seconded that the Town vote to pass over 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 Chapter164, 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: Voted **DEFEATED** **STANDING VOTE**
YES 16 **NO** 45

Moved and seconded that the Town 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."

Action having been completed on all of the Articles on the Warrant for the **Spring Annual Town Meeting of May 6, 2014**, a motion was made and seconded to dissolve the Warrant and adjourn the Spring Annual Town Meeting.

Voted unanimously at 8:33 p.m. to dissolve the Warrant and adjourn the Spring Annual Town Meeting.

A TRUE COPY ATTEST: Doreen A. Cedrone
Doreen A. Cedrone, CMC/CMMC
Town Clerk

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