

Town of Millbury
Board of Selectmen Minutes
Special Meeting
Selectmen Meeting Room

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MILLBURY, MASS.
6:00 PM

December 20, 2016

Selectmen Present: Selectman Francis B. King, Sandy Cristo, Mary Krumsiek, Scott Despres, Jon Adams & Jayne Marie Davolio, Town Clerk

Chairman King stated that this special meeting was for the purpose of closing the warrant and approving it for the Special Town Meeting being held on January 3, 2017 and then the board will go into executive session only to convene the meeting when they come out of the session.

The meeting began with the pledge of allegiance. Jayne Marie Davolio then went over the four warrant articles;

Article 1: acceptance of a prior year bill for the printing of the annual town report, \$1,692.01.

Article 2: acceptance of a prior year bill for Ambulance Services \$15,000.00.

Article 3: vote to amend Zoning Bylaws to add a new Section 53, Temporary Moratorium on Marijuana Establishments and the Sale or Distribution of Marijuana Products.

Article 4: Citizens petition concerning Methadone Centers.

Chairman King then took a vote to close and approve the warrant for the special town meeting. Jon Adams motioned to approve, Sandy Cristo seconded the motion and all were in favor. The board then signed the warrant.

Chairman King then had Sandy Cristo give the reason for convening into executive session at 6:12 p.m. under Chapter 30A, Section 21A, ¶3 to discuss strategy with respect to collective bargaining or litigation if an open meeting may have a detrimental effect on the bargaining or litigation position of the public body and the chair so declares re: Town Manager contract negotiations. All in Favor and a roll call vote was taken:

Selectman Cristo	-Yes
Selectmen Despres	- Yes
Selectmen Adams	- Yes
Selectmen Krumsiek	- Yes
Chairman King	- Yes

Respectfully submitted:
Jayne Marie Davolio, Town Clerk

Francis B. King

Sandy J. Cristo

Mary Krumsiek

Scott Despres

Jon A. Adams

Francis B. King
Sandy J. Cristo
Mary Krumsiek
Scott Despres
Jon A. Adams

WARRANT
SPECIAL TOWN MEETING

Tuesday, January 3, 2017
Millbury Memorial High School
7:00 p.m.

WORCESTER, S.S.

To either of the Constables of the Town of Millbury, in the County of Worcester,

GREETINGS:

In the name of the Commonwealth of Massachusetts, you are hereby directed to notify and warn the inhabitants of the Town of Millbury qualified to vote in Elections and Town affairs to meet at their respective voting places to wit: Precinct No. 1 at the Millbury Memorial High School, Precinct No. 2 at the Millbury Memorial High School; Precinct No. 3 at the Millbury Memorial High School; Precinct No. 4 at the Millbury Memorial High School, 12 Martin Street in said Millbury on Tuesday, the 3rd day of January, Two Thousand and Seventeen at 7:00 P.M. to act on the following article to wit:

ARTICLE 1: To see if the Town will vote to authorize payment of a prior year bill in the amount of One Thousand Six Hundred Ninety Two Dollars and One Cent (\$1,692.01) for printing of the annual town report said sum to be transferred from 01.123.5780.00000.0000.500, or take any action thereon.
(Board of Selectmen)

ARTICLE 2: To see if the Town will vote to authorize payment of a prior year bill in the amount of Fifteen Thousand and No Cents (\$15,000.00) for Ambulance Services said sum to be transferred from 01.230.5210.00000.0000.510, or take any action thereon. (Board of Selectmen)

ARTICLE 3: To see if the Town will vote to amend the Zoning Bylaws, Article 4, Special Regulations, by adding a new Section 53, Temporary Moratorium on Marijuana Establishments and the Sale or Distribution of Marijuana and Marijuana Products, as follows; or take any action thereon.

Section 53. Temporary Moratorium on Marijuana Establishments and the Sale or Distribution of Marijuana and Marijuana Products

Section 53.1. Purpose

By vote at the State election on November 8, 2016, the voters of the Commonwealth approved a law entitled the "Regulation and Taxation of Marijuana Act" (the "Act"), regulating the control, production and distribution of marijuana under a system of licenses and regulations. Currently under the Zoning Bylaws, a "marijuana establishment", as defined in the Act, and other types of marijuana related businesses and operations allowed under the Act are not permitted uses in the Town. Any regulations promulgated by the Cannabis Control Commission under the Act are expected to provide guidance to the Town in regulating marijuana sales and distribution. The regulation of marijuana raises novel and complex legal, planning, and public safety issues. The Town needs time to study and to consider the regulation of marijuana establishments and to address such novel and complex issues. The Town needs time to address the potential impact of the Act and the Cannabis Control Commission's regulations on local zoning, and to undertake a planning process to consider amending the Zoning Bylaws regarding the regulation of marijuana sales and distribution, and other uses related to marijuana under the Act.

The Town intends to adopt a temporary moratorium (the "Temporary Moratorium") on the use of land and structures in the Town for marijuana sales and distribution, to allow the Town sufficient time to engage in a planning process to address the effects of such structures and uses in the Town, and to enact Zoning Bylaws in a manner consistent with sound land use planning goals and objectives.

Section 53.2. Definitions

As used in this Section 53, the terms "Marijuana", "Marijuana Establishment", "Marijuana Product", "Marijuana Retailer", "Marijuana Cultivator", "Marijuana Testing Facility", and "Marijuana Product Manufacturer" shall have the same meanings as set forth in the Act.

Section 53.3. Temporary Moratorium

For the reasons set forth above and notwithstanding any other provision of the Zoning Bylaws to the contrary, the Town hereby adopts a Temporary Moratorium on the use of land or structures, as a primary or accessory use, as a marijuana establishment, marijuana retailer, marijuana cultivator, marijuana testing facility, marijuana product manufacturer, or any other type of marijuana related business or operation allowed under the Act. The Temporary Moratorium shall be in effect through December 31, 2017. During the time that the Temporary Moratorium is in effect, the Town shall undertake a planning process to address the potential impacts of marijuana in the Town, consider the Cannabis Control Commission regulations, and shall consider adopting new Zoning Bylaws to address the impact of marijuana establishments and any other type of marijuana related business or operation allowed under the Act.

Section 53.4. Effect on Registered Marijuana Dispensaries

This Section 53 shall have no effect on the dispensing of marijuana and marijuana products to registered qualifying patients by a Registered Marijuana Dispensary, as defined in Article 5 of the Zoning Bylaw and governed by Article 4, Section 52 of the Zoning Bylaw. (Planning Board)

ARTICLE 4: To see if the Town will vote to:

Zoning By-Law:

Any Methadone Treatment Center, Facility, Clinic, Service Center and/or, any similar type program (hereinafter Methadone Clinic) that dispenses, prescribes, administers, allocates, delivers, hands out, or uses in any way, Methadone, or any synthetic version of the same or similar type drug form, may not operate and/or locate within one thousand (1,000) feet of a public school, private school, parochial school, Town or Commonwealth of Massachusetts approved charter school, a public or privately accredited preschool, accredited headstart facility, vocational school, college or university, or a Town and/or state public park or playground which is located within the Town of Millbury's boundaries. The distance between any school, park or playground, as herein described, and a proposed Methadone Clinic, will be determined by a straight line drawn between the closest boundary of the Methadone Clinic to the closest boundary of the school and/or park/playground as herein described. (Citizens Petition)

Given under our Hands this 20th day of December Two Thousand Sixteen.

And you are directed to serve this Warrant by posting up an attested copy thereof at the Post Office, Library, and Senior Center in said Town and in addition at available public places in West Millbury, Bramanville, Dorothy Pond and East Millbury fourteen days at least before the time of holding said meeting.

A TRUE COPY ATTEST:

TOWN CLERK

Jayne Marie Dawolis

CONSTABLE OF MILLBURY

John S. [Signature]

BOARD OF SELECTMEN

Francis B. [Signature]
Sandra J. Cresto
May [Signature]
Scott Deynes
[Signature]