

**SPECIAL TOWN MEETING
MINUTES
October 15, 2013**

Town Moderator, Robert J. Long, called the Special Town Meeting to order on October 15, 2013 at 7:31 p.m. at the Town Hall Auditorium, 298 Central Street, Saugus, MA with 31 members, plus the moderator present.

Joyce Rodenhiser and Edward S. W. Boesel were appointed and sworn as tellers.

Joseph Palczynski will, as a courtesy to the Town Manager, be making motions this evening.

Town Moderator Robert J. Long led the meeting in the Pledge of Allegiance.

Town Clerk, Joanne Rappa, called the roll.

Town Meeting Member name	Present /Absent	Town Meeting Member name	Present /Absent	Town Meeting Member name	Present /Absent
ALLAN, P.	P	FALASCA, T.	P	CHRISTOPHER, R.	A
ATTUBATO, J	A	FOWLER, J.	P	MOSCHELLA, D.	A
BARTOLO, J.	P	GILLIS, J.	A	MOSES, J.	P
BILLINGLSEY, S.	P	GOODWIN, P.	P	PALCZYNSKI, J.	P
BOESEL, E.	P	GROARK, L.	P	PETKEWICH, P.	P
BROOKS, W.	P	HAWKES, T.	A	POLITANO, K.	P
CARLSON, E.	P	JOHNSON, P.	P	RING, D. S.	A
CICOLINI, J.	P	JONES, W.	P	RODENHISER, J.	P
CONNORS, A.	A	KRAMICH, W.	P	ROSSETTI, P.	P
COTTAM, D.	A	LEUCI, J.	A	SERINO, A.	A
D'ANNA, S.	P	LONG, R.	P	SPENCER, B.	P
DEVER, M.	P	LOPRESTI, A.	A	STEWART, W.	A
DEVLIN, F.	A	MALONE, B.	A	SULLIVAN, B.	P
DINARDO, A.	P	MALTAIS, S.	P	SWEEZEY, S.	P
DOCKERY, M.	P	MANOOGIAN, P.	P	VADALA, P.	A
DOHERTY, S.	A	MCCARTHY, S.	A	VECCHIO, M.	A
FAIELLA, E.	P	MCLAUGHLIN, P.	P	Quorum count=	32

32 members present, a quorum is met.

Moderator Long asked the members to stand in a moment of silence in honor of Peter Bogdan and Herb Upton, who were both very involved citizens in the community. Mr. Bogdan served on many committees, Town meeting, Veteran's organizations, as well as worked at the lobster landing and always articulated his concerns, speaking up when he felt it was necessary. Mr. Upton also served on many committees, he was a man that loved the arts, and was very active in theatrical productions. Both men will be missed.

Article 1. Reports of Committees

Mr. Manoogian, Chairman of the Side Walk Committee, gave a report and thanked members for their hard work.

Moderator Long read Town Counsel's approval letter to the Town Clerk, which states that Town Meeting is within its authority to act on the article in the warrant as written. Mr. Long also read the Planning Board recommendations, which was voted to recommend.

Mr. Palczynski moves Article 2, as a courtesy to the Town Manager.

Seconded at 7:45 p.m.

Article as written:

Article 2. To see if the Town will vote to amend the Town's Zoning By-Laws by adding a new Article 16 entitled "Temporary Moratorium on Medical Marijuana Treatment Centers," that would provide as follows:

That the Town of Saugus Zoning By-Law be amended as follows:

- A. Amend Article III-Definitions by adding:

Medical Marijuana Treatment Centers - A “not-for-profit entity, as defined by Massachusetts law only, registered by the Department of Public Health, that acquires, cultivates, possesses, processes (including development of related products such as food, tinctures, aerosols, oil 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.”

B. Amend the Zoning By-Law text by adding the following Article 16

Article 16

Temporary Moratorium on Medical Marijuana Treatment Centers

16.1. Purpose

The Massachusetts Medical Marijuana Initiative, also known as Ballot Question Three, was approved by voters at the Massachusetts State election on November 6, 2012. The law regulates the cultivation, distribution, possession, and use of marijuana for medical purposes. The law is effective on January 1, 2013 and the State Department of Public Health issued final regulations regarding implementation of the law on May 24, 2013.

Under the current Zoning By-Law, a Medical Marijuana Treatment Center is not defined and is not a permitted use in the Town. The Department of Public Health regulations provide guidance to communities regulating medical marijuana treatment centers at the local level. As these regulations have been recently released, the Town needs time to study and interpret them and apply them to the unique circumstances of the Town. As this is a new type of land use in the state, there will be unique and new aspects to the use that could require oversight and regulations. These local impacts, which raises novel and complex issues, including legal, land use, public safety, and public health, should be evaluated and addressed in a comprehensive manner in the Zoning By-Law prior to the permitting of a Medical Marijuana Treatment Center. The Town needs time to study and consider the regulation of Medical Marijuana Treatment Centers and address these novel and complex issues, as well as address the potential impact of the State regulations on local zoning and to undertake a planning process to consider amending the Zoning By-Law regarding regulation of Medical Marijuana Treatment Centers and other uses related to the regulation of medical marijuana. The Town intends to adopt a temporary moratorium, of a finite duration, on the use of land and structures in the Town for Medical Marijuana Treatment Centers so as to allow the Town sufficient time to engage in a careful study and planning process to address the potential impacts, both primary and secondary, of such structures and uses in the Town and to enact By-Laws in a manner consistent with sound land use and planning goals and objectives.

16.2. Definition

“Medical Marijuana Treatment Center” shall mean a “not-for-profit entity, as defined by Massachusetts law only, registered by the Department of Public Health, that acquires, cultivates, possesses, processes (including development of related products such as food, tinctures, aerosols, oil 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.”

16.3. Establishment of Temporary Moratorium and Duration

16.3.1. For the reasons set forth above and notwithstanding any other provision of the Zoning By-Law to the contrary, the Town hereby adopts a temporary moratorium on the use of land or structures for Medical Marijuana Treatment Centers. No building permit, special permit, variance, site plan or other permit may be issued under this zoning ordinance, and no use of land or structures shall be allowed for the purpose of establishing a Medical Marijuana Treatment Center or associated activities.

16.3.2. The moratorium shall be in effect through and including September 30th 2014, or until such time as zoning by-laws are adopted that address medical marijuana treatment centers and associated activities, whichever shall be sooner. During the moratorium period, the Town shall undertake a planning process to address the potential impacts of medical marijuana in the Town, consider the Department of Public Health regulations regarding Medical Marijuana Treatment Centers and related uses,

and consider adopting new Zoning By-Laws to address the impact and operation of Medical Marijuana Treatment Centers and related uses.

16.4. Applicability

This By-Law shall be effective in all zoning districts in the town, including overlay districts.
(Town Manager)

Town Manager, Scott Crabtree, asked for support of the article and introduced Robert Luongo, the Town's new Economic Development Specialist.

Mr. Luongo proceeded to make a power point presentation on how a temporary moratorium on the Medical Marijuana Treatment Centers would benefit the town.

Mr. Moses, Selectman Horlick, and Selectman Panetta all spoke on the article.

A vote came on the Article as written:

Yeas: 30 Nays: 0 at 8:17 p.m.

Article 2 passed, as written, by unanimous voice vote.

Mr. Edward S. W. Boesel moves to adjourn sine die.

Seconded at 8:19 p.m.

Unanimous voice vote to adjourn sine die at 8:20 p.m.

Respectfully submitted,

Joanne D. Rappa, Town Clerk