

**COMMONWEALTH OF MASSACHUSETTS**

**TOWN OF WEST BOYLSTON**

**SEMI-ANNUAL TOWN MEETING WARRANT**

**MAY 19, 2014**

Worcester ss.

To the Constables of the Town of West Boylston.

GREETINGS:

In the name of the Commonwealth of Massachusetts, you are directed to notify and warn the inhabitants of the Town of West Boylston qualified to vote in elections and Town affairs, to meet in the Auditorium of the Middle/High School in said Town (at 125 Crescent Street) on Monday, May 19, 2014 at 7:00 p.m. in the evening, then and there to act on the following articles.

**ARTICLE 1 - AUTHORIZATION TO HEAR THE REPORTS OF OFFICERS  
AND COMMITTEES OF THE TOWN**

To see if the Town will vote to hear the reports of the officers and standing committees of the Town; or take any other action relative thereto.

**ARTICLE 2 - AUTHORIZATION TO BORROW IN ANTICIPATION OF  
REVENUE AND TO ENTER INTO A COMPENSATING BALANCE  
AGREEMENT WITH A BANK**

To see if the Town will vote to authorize the Town Treasurer/Tax Collector, with the approval of the Board of Selectmen, to borrow money from time to time in anticipation of the revenue of the Fiscal Year 2015, the period from July 1, 2014 through June 30, 2015, in conformity with the provisions of the Massachusetts General Laws, Chapter 44, Section 4, and to issue a note or notes as may be given for a period of less than one year in accordance with Massachusetts General Laws, Chapter 44, Section 17, and to authorize the Treasurer/Tax Collector to enter into a compensating balance agreement or agreements for Fiscal Year 2015 pursuant to Massachusetts General Laws, Chapter 44, Section 53F, or take any other action relative thereto.

**ARTICLE 3 – DEPARTMENTAL REVOLVING FUNDS AUTHORIZATION**

To see if the town will vote to authorize revolving funds for certain town departments under Massachusetts General Law Chapter 44, § 53E½ for the fiscal year beginning July 1, 2014, or take any other action relative thereto.

<b>REVOLVING FUND</b>	<b>AUTHORIZED TO SPEND FUND</b>	<b>REVENUE SOURCE</b>	<b>USE OF FUND</b>	<b>FY14 SPENDING LIMIT</b>	<b>SPENDING RESTRICTIONS OR COMMENTS</b>
WBPA-TV	Board of Directors of WBPA-TV	Receipts submitted to WBPA-TV for the operation of WBPA-TV that have been authorized by the Board of Directors of WBPA-TV as well as the franchise license fee paid by Charter Communications to the town	Purchase equipment to enhance cable-casting abilities of the town and to purchase expendable material as needed such as videotape, batteries, gaffer's tape, lights, etc.	\$5,000	Not to be used for wages or salaries since WBPA-TV is a volunteer organization
Board of Health	Board of Health	Fees derived from permits issued to licensed sewage haulers in the Town of West Boylston, said fees shall cover the cost of dumping at the Upper Blackstone Water Pollution Abatement District, plus an administrative charge and fees derived from plan reviews, inspections, administrative charges and other fees for services rendered by the Board of Health	To pay Upper Blackstone Water Pollution Abatement District for sewage dumped at its facility in Millbury by sewage haulers licensed in the Town and to pay Board of Health inspectors and/or agents for services provided for food service, sanitary code compliance, public nuisance, noisome trade inspections; and for percolation and soil testing, septic system design review, septic system installation review, final septic inspection and engineering services, and to fund administrative expenses of the Board of Health, including wage and salary expenses of part-time employees of the Board of Health	\$50,000	
Cemetery Trustees	Cemetery Trustees	All fees collected by the Cemetery Department exclusive of perpetual case and sale of lots receipts	Ordinary operating costs of the Cemetery Dpt. including, but not limited to, part-time wages and	\$60,000	Not to be used for any full-time salaries and wages

			grave opening costs		or elected official stipends
Council on Aging	Council on Aging	Fees and donations derived from various fund raising activities collected by the COA and for revenue and reimbursements from the Worcester Regional Transit Authority and user fees and donations for transportation services provided by the COA	Activities related to COA programs not provided for in the FY15 budget, and to fund administrative expenses of the COA including, but not limited to, wages of part-time employees of the COA.	\$60,000	
Planning Board	Planning Board	Fees derived from plan review filing fees and all other fees charged by the Planning Board	Pay agents, attorneys, planners, and engineers of the Planning Board for services provided for permit application, plan review and consultant services	\$50,000	
Zoning Board of Appeals	Zoning Board of Appeals	Fees derived from variance, special permit, comprehensive permit filing fees and all other fees charged by the ZBA	Pay agents, attorneys, planners, and engineers of the ZBA for services provided for permit application, plan review and consultant services and to fund administrative and wage expenses of the ZBA, including wage and salary expenses of part-time employees of the ZBA.	\$25,000	
Conservation Commission	Conservation Commission	Fees derived from all Wetland Protection Act filing fees and all other fees charged by the Conservation Commission	Pay agents, attorneys, planners and engineers of the Cmsn. for services provided for permit application and plan review and consultant services and to fund administrative and wage expenses of the Cmsn. including, but not limited to, wage and salary expenses of part-time employees of the Cmsn.	\$25,000	
Parks, Playground & Fields	Parks Commission	Field user fees and donations collected by the Parks Commission	To fund costs of maintaining and operating the playgrounds, fields and facilities under the jurisdiction of the Parks Commission, including	\$50,000	

			the purchase of supplies and services, to fund the repair and maintenance of playgrounds, fields, parks and park facilities including, but not limited to, the tennis and basketball courts and playing fields; said activities to be undertaken in coordination with the DPW and in conformity with all applicable laws and permit requirements and to fund administrative and wage expenses associated with the administration of programs of the Parks Cmsn., including wage and salary expenses of the part-time employees of the Cmsn.		
Fire Alarm	Fire Chief	Fees charged to private property owners for use of the municipal fire alarm system by the Fire Dept.	To fund the cost of purchasing and installing equipment as well as the operation and maintenance associated with the municipal fire alarm system service and to fund administrative and wage expenses associated with the operation and maintenance of the municipal fire alarm system, including wage and salary expenses of part-time employees of the Fire Dept.	\$15,000	
Hazmat	Fire Chief	Fees and payments for services related to the mitigation of hazardous materials and other incidents as paid from traffic companies, insurance companies and the like for billable services	Fund costs of purchasing equipment, supplies and services related to hazardous material and other emergencies, and administrative and wage expenses associated with the operation and response to hazardous material and other incidents	\$10,000	
Recycling	DPW Director	Any revenues derived from the collection of funds for the receipt of electronic components or the sale of compost bins, kitchen scrap pails, recycling bins and scrap metal.	Pay expenses associated with the responsible recycling of electronic components that are banned from the waste stream, environmentally responsible recycling of yard waste	\$10,000	

			by the distribution of compost bins, the environmentally responsible recycling of kitchen waste by the distribution of kitchen scrap pails, environmentally responsible recycling of newsprint and commingled plastics by the distribution of recycling bins and the environmentally responsible recycling of scrap metal		
Celebrations	Municipal Assistant or Celebrations Cmte.	All gifts, donations and fees collected by the town for the sole purpose of financing the costs of the Memorial Day observance and the depository for all gifts, donations and fees collected by the town for the purpose of financing the costs of other Celebrations & Observances as deemed by the Board of Selectmen	Pay for expenses and costs necessary for the annual Memorial Day Observance and other Celebrations and Observances as deemed by the Board of Selectmen, including, but not limited to, purchase of supplies and services.	\$10,000	Excludes full and part-time employee salary or wage costs
Beaman Memorial Library	Library Trustees	Donations received in support of the library	Any Board of Trustees approved operational expenses of the library	\$15,000	
Economic Development Task Force	Municipal Assistant	Donations received in support of economic development and The Gateway Improvement Project	Any Town Administrator approved operational expenses of the Economic Development Task Force as well as The Gateway Improvement Project	\$15,000	
Recreation Program	Parks Commission	Recreation program user fees and donations collected by the Park Commission	Costs of operating the recreation program including wage and salary expenses of the part-time employees	\$50,000	

**ARTICLE 4 – AUTHORIZATION TO EXPEND FUNDS IN ANTICIPATION OF REIMBURSEMENT OF STATE HIGHWAY ASSISTANCE AID**

To see if the Town will vote to accept any and all state highway assistance funds authorized by the state legislature and approved by the Massachusetts Highway Department under the so-called Chapter 90 Highway Assistance Program to be expended for the maintenance, repair and construction of Town roads in anticipation of reimbursement under the direction of the Board of Selectmen and the Town Administrator for work on roads located on the State Aid Primary System as approved by the Massachusetts Highway Department, and further to authorize the Town Treasurer/Tax Collector, with the approval of the Board of Selectmen, to borrow money from time to time during Fiscal Year 2015, for the period from July 1, 2014 through June 30, 2015, in anticipation of reimbursement of said highway assistance in conformity with the provisions of Massachusetts General Laws, Chapter 44, Section 6A, or take any other action relative thereto.

**ARTICLE 5 – AUTHORIZATION TO AMEND THE PERSONNEL BYLAW AND TO REVIEW THE CLASSIFICATION AND COMPENSATION PLAN SO AS TO PROVIDE EMPLOYEES A COST –OF-LIVING PAY INCREASE (2.0%)**

To see if the Town will vote to amend Section 5, Part AA. Classification and Compensation Plan of the Personnel Bylaw by deleting the current language and inserting the following:

**Non-Exempt Employees – Wage Earning Employees**

<b>Grade</b>	<b>Step 1</b>	<b>Step 2</b>	<b>Step 3</b>	<b>Step 4</b>	<b>Step 5</b>
1	\$11.62	\$12.78	\$13.91	\$15.13	\$16.26
2	\$12.74	\$14.04	\$15.29	\$16.55	\$17.03
3	\$13.87	\$15.24	\$16.66	\$18.05	\$19.46
4	\$15.00	\$16.53	\$18.01	\$19.53	\$21.04
5	\$16.17	\$17.80	\$19.41	\$21.71	\$22.64

  

<b>Grade</b>	<b>Step 1</b>	<b>Step 2</b>	<b>Step 3</b>	<b>Step 4</b>	<b>Step 5</b>
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6

<b>Cemetery Superintendent</b>	\$33,753.57	\$37,138.37	\$40,498.45	\$45,284.41	\$47,277.06
<b>COA Director</b>	\$33,749.01	\$37,139.45	\$40,498.60	\$45,285.57	\$47,277.17

7

<b>Children's Librarian</b>	\$31,286.52	\$34,363.77	\$37,536.15	\$40,656.33	\$43,782.33
<b>Town Clerk</b>	\$31,286.52	\$34,363.77	\$37,536.15	\$40,656.33	\$43,782.33
<b>Assistant Library Director</b>	\$33,738.24	\$37,006.07	\$40,419.71	\$43,785.80	\$47,149.57
<b>8</b>					
<b>Building Inspector</b>	\$25,542.60	\$28,106.02	\$30,649.70	\$33,217.78	\$35,757.99
<b>9</b>					
<b>Principal Assessor</b>	\$41,072.75	\$45,185.84	\$49,296.59	\$53,087.20	\$57,496.04
<b>Town Accountant</b>	\$41,072.75	\$45,185.84	\$49,296.59	\$53,087.20	\$57,496.04
<b>10</b>					
<b>Library Director</b>	\$42,881.07	\$48,497.41	\$51,870.45	\$57,228.10	\$61,725.12
<b>Treasurer/Tax Collector</b>	\$47,861.77	\$52,653.38	\$57,439.21	\$62,229.69	\$67,020.15

**Non- Exempt Emergency Fire and Medical Services Employees**

<b>Grade</b>	<b>Step 1</b>	<b>Step 2</b>	<b>Step 3</b>	<b>Step 4</b>	<b>Step 5</b>
<b>1F</b>	\$9.30	\$10.21	\$11.17	\$12.09	\$13.06
<b>2F</b>	\$13.42	\$14.75	\$16.12	\$17.45	\$18.81
<b>3F</b>	\$14.79	\$16.16	\$17.50	\$18.86	\$20.35
<b>4F</b>	\$18.49	\$20.21	\$21.89	\$23.60	\$25.42

Or take any other action in relation thereto.

**ARTICLE 6- AUTHORIZATION TO SET THE SALARY OF ELECTED OFFICIALS**

To see if the Town will vote to determine and fix what salaries elective officers of the town shall receive for Fiscal Year 2015 in conformity with the provisions of Massachusetts General Laws, Chapter 41 Section 108:

Moderator	\$ 1.00;
Selectmen	\$ 1.00 each (5 members);
Town Clerk	\$43,782.33 in conformity with Section 5, Part AA

	of the Classification & Compensation Plan of the Personnel Bylaw;
Planning Board	\$ 1.00 each (5 members);
Cemetery Trustees	\$ 1.00 each (3 members); and
Municipal Light Board	\$300.00 each (3 members);

or take any other action relative thereto.

**ARTICLE 7 – AUTHORIZATION TO TRANSFER UNEXPENDED FUNDS FROM  
FISCAL YEAR 2014 APPROPRIATIONS**

To see if the Town will vote to transfer from available funds from Overlay Surplus, or Fiscal Year 2014 appropriations, hitherto made, to Fiscal Year 2014 appropriation accounts; or take any other action relative thereto.

**ARTICLE 8 – AUTHORIZATION TO PAY BILLS FROM A PREVIOUS  
FISCAL YEAR**

To see if the Town will vote to appropriate a sum of money to pay bills from a previous fiscal year being held by the Finance Director in his capacity as Town Accountant for which no encumbered funds are available, or take any other action relative thereto.

**ARTICLE 9 – AUTHORIZATION TO APPROPRIATE MONEY TO THE SEWER  
ENTERPRISE ACCOUNT FOR FISCAL YEAR 2015**

To see if the town will vote to raise and appropriate or transfer from available funds the sum of One Million Six Hundred Sixty-Five Thousand Three Hundred Seventy-Three Dollars and No Cents (\$1,665,373.00) to the West Boylston Sewer Enterprise Account to be expended by the Board of Selectmen, acting as the Board of Sewer Commissioners, for sewer development, administration, assessment, operation, and maintenance expenses in Fiscal Year 2015 as follows:

**Fiscal Year 2015 West Boylston Sewer Department Budget**

Administration	-	\$ 134,735.00
Operations and Maintenance	-	\$1,150,765.00
Reserve Fund	-	\$ 20,000.00
Debt and Interest Payments	-	\$ 356,873.00
Capital Reserve	-	<u>\$ 3,000.00</u>



Total Budget Appropriation - \$1,665,373.00

and to meet said appropriation through:

- (1) the appropriation of One Million, Two Hundred Thousand Dollars and No Cents (\$1,200,000) from Fiscal Year 2015 Sewer Enterprise Fund User Revenue, and
- (2) the appropriation of Three Hundred Fifty-Six Thousand, Eight Hundred and Seventy-Three Dollars and No Cents (\$356,873.00) from the Fund Balance Reserved For Sewer Betterment Debt Service, and
- (3) the appropriation of One Hundred and Eight Thousand Five Hundred Dollars and No Cents from Sewer Enterprise Retained Earnings (\$108,500.00)

or take any other action relative thereto.

**ARTICLE 10 - FISCAL YEAR 2015 OMNIBUS BUDGET APPROPRIATION ARTICLE**

To see if the Town will vote to raise and appropriate, or transfer from available funds, such sums of money as may be necessary to defray the expenses and charges of the Town of West Boylston in Fiscal Year 2015, the period of July 1, 2014 through June 30, 2015, including the costs of public education, debt and interest payments, and providing municipal services; or take any other action relative thereto.

*(The proposed draft of the Fiscal Year 2015 Operating Budget can be found after the text of the Annual Town Meeting Warrant. The budget format contains the budget figures for Fiscal Year 2014, and the Town Administrator's recommendations for Fiscal Year 2015.)*

**ARTICLE 11 – AUTHORIZATION TO APPROPRIATE FUNDS FROM THE COMMUNITY PRESERVATION REVENUES**

To see if the Town will vote to appropriate or reserve from the Community Preservation annual revenues in the amounts recommended by the Community Preservation Committee for committee administrative expenses, community preservation projects and other expenses in fiscal year 2015, and to transfer supplemental funds to fiscal year 2014 Reserves, with each item to be considered a separate appropriation:

**Appropriations:**

From FY 2015 estimated revenues for Committee Administrative Expenses \$ 7,500

**Reserves:**

From FY 2015 estimated revenues for Historic Resources Reserve \$ 21,500

From FY 2015 estimated revenues for Community Housing Reserve \$ 21,500

From FY 2015 estimated revenues for Open Space Reserve \$ 21,500

From FY 2015 estimated revenues for Budgeted Reserve \$ 143,000

From FY 2014 Budgeted Reserve to FY 14 Historic Resources Reserve \$ 4,900

From FY 2014 Budgeted Reserve to FY 14 Community Housing Reserve     \$   4,900  
 From FY 2014 Budgeted Reserve to FY 14 Open Space Reserve             \$   4,900

Or take any other action relative thereto.

**ARTICLE 12 – VOTE TO RESCIND A PREVIOUS VOTE AND VOTE  
 TO APPROPRIATE FUNDS FOR COMMUNITY PRESERVATION FUND PROJECTS AS  
 RECOMMENDED BY THE COMMUNITY PRESERVATION COMMITTEE**

To see if the Town will vote that the following amount (item A) approved at the Spring 2012 Town Meeting be rescinded and vote that the following amounts (items B, C and D) shall be appropriated from Community Preservation Fund revenues, or transferred from prior year reserves for Community Preservation purposes with each appropriation being treated as a separate item:

	<b>Project</b>	<b>Total Appropriation</b>	<b>Source of Appropriation</b>
	<b>Rescind:</b>		
A	To Fund for Historical Preservation Purposes (subject to an historic preservation restriction):  To preserve and protect the historic stained glass windows in the Masonic Lodge located at 12 Church Street. Submitted by and to be expended under the direction of West Boylston Masonic Charity and Education Association, Inc.	\$79,950	\$45,651.23 from the fund balance designated for historic preservation  \$34,298.77 from the undesignated fund balance.
	<b>Appropriations:</b>		
B	To Fund for Historical Preservation Purposes:  A Grant for the preservation and/or rehabilitation of Section H of the Mount Vernon Cemetery submitted by the West Boylston Historical Commission and to be expended under the direction of the Mount Vernon Cemetery Trustees	\$ 42,900	\$42,900 from the fund balance designated for historic preservation
C	To Fund for Historical Preservation Purposes:  A grant for the purchase of a modern management system to preserve and manage the historic records of graves, owners, deeds and occupants of Mount Vernon Cemetery. Submitted by and to be expended under the direction of the Mount Vernon Cemetery Trustees.	\$11,000	\$11,000 from the fund balance designated for historic preservation

D	To Fund for Recreation Rehabilitation Purposes:  A grant for the purchase of a fencing and safety netting at the high school baseball field, girls softball field and Woodland Park. Submitted by and to be expended under the direction of the West Boylston Parks Commission.	\$26,740	\$26,740 from the undesignated fund balance.
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or take any other action relative thereto.

**ARTICLE 13 – VOTE TO APPROPRIATE FUNDS FOR CAPITAL IMPROVEMENT PURCHASES**

To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money to purchase capital items, with each appropriation being treated as a separate item, or take any other action relative thereto.

**ARTICLE 14 – AUTHORIZATION TO APPROPRIATE FUNDS FOR REAL ESTATE ANNUAL INSPECTIONS**

To see if the Town will vote to raise and appropriate or transfer from available funds a sum of Ten Thousand Dollars and No Cents (\$10,000.00) for the purpose of maintaining property assessment data through an annual inspection program as required by the Department or Revenue, or take any other action relative thereto.

**ARTICLE 15 – APPROPRIATION TO FUND AN ELDERLY COMMUNITY SERVICES PROGRAM**

To see if the Town will vote to raise and appropriate or transfer from available funds, the sum of Twelve Thousand Dollars and No Cents (\$12,000.00) to fund an Elderly Community Services Program for the purpose of providing a payment voucher for services rendered for the departments, boards, and committees of the municipality to resident property owners who have attained the age of sixty (60) years, to be used to reduce the real estate property taxes for the property in which the elderly owner resides. Said program shall be subject to the following conditions in addition to any and all eligibility requirements promulgated by the Board of Selectmen:

1. participation in the program shall be limited to elderly residents of the Town who own property and are willing and able to provide services to the Town;
2. program participants shall receive compensation at the basic minimum wage rate for the Commonwealth of Massachusetts as promulgated by the Department of Labor and Workforce Development, Division of Occupational Safety for each hour of service

rendered for a total not to exceed One Thousand Three Hundred Dollars and No Cents (\$1,300) in any calendar year;

3. the Treasurer/Tax Collector shall comply with the wage, tax, and payroll deduction requirements of the state Department of Revenue and the Federal Internal Revenue Service, prior to compensating program participants; and
4. program participants who meet the eligibility guidelines established by the Board of Selectmen shall be selected for participation on a first come, first served basis,

or take any other action relative thereto.

**ARTICLE 16 – AUTHORIZATION TO AMEND THE ZONING MAP AND ZONING BYLAWS BY AMENDING SECTIONS 3.2F- BUSINESS USES, 3.2G- INDUSTRIAL USES, AND 3.12- MEDICAL MARIJUANA TREATMENT CENTER**

To see if the Town will vote to amend the Town’s Zoning Map to include a Medical Marijuana Overlay District in the Business and Industrial Zones,

AND

To amend Section 3.2.F Business Uses, by adding:

<b>3.2 F Business Uses</b>						
	<b>SR</b>	<b>GR</b>	<b>B</b>	<b>I</b>	<b>C</b>	<b>CLI</b>
<b>22</b> Medical Marijuana Treatment Center	N	N	SPR	SPR	N	N

AND

To amend Section 3.2.G Industrial Uses, by adding:

<b>3.2 G Industrial Uses</b>						
	<b>SR</b>	<b>GR</b>	<b>B</b>	<b>I</b>	<b>C</b>	<b>CLI</b>
<b>12</b> Medical Marijuana Treatment Center	N	N	SPR	SPR	N	N

AND

By deleting and replacing the current Zoning Bylaw Section 3.12 “Medical Marijuana Treatment Center” with the text that follows:

Section 3.12- Medical Marijuana Treatment Center

1. Establishment: The Medical Marijuana Overlay District (“MMOD”) is established as an overlay district. The boundaries of the MMOD coincide with the boundaries of the Business and Industrial Districts as shown on the Zoning Map on file with the Town Clerk. Within the MMOD, all requirements of the underlying district remains in effect, except where these regulations provide an alternative to such requirements. Land within the MMOD may be used either for (1) a Registered Marijuana Dispensary (“RMD”), in which case the requirements set forth in this section shall apply; or (2) a use allowed in the underlying district, in which case the requirements of the underlying district shall apply. If the provisions of the MMOD are silent on a zoning regulation, the requirements of the underlying district shall apply. If the provisions of the MMOD conflict with the requirements of the underlying district, the requirements of the MMOD shall control.
2. Purpose: To provide for the placement of RMDs, 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, security, and removal of RMDs.
3. Definitions: where not expressly defined in the Zoning Bylaws, terms used in the MMOD Bylaw 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.
4. Location
  - a. RMDs may be permitted in the MMOD pursuant to a Special Permit.
  - b. RMDs may not be located within five hundred (500) feet of the following:
    - (1) School, including a public or private elementary, vocational, or secondary school or a public or private college, junior college, or university;
    - (2) Child Care Facility;

- (3) Library;
  - (4) Playground;
  - (5) Public Park;
  - (6) Youth center;
  - (7) Public swimming pool;
  - (8) Video arcade facility; or
  - (9) Similar facility in which minors commonly congregate.
- c. 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 Section 4.b. to the nearest point of the property line of the proposed RMD.
- d. The distance requirement may be reduced by twenty-five percent or less, but only if:
- (1) The applicant demonstrates that the RMD would otherwise be effectively prohibited within the municipality;
  - (2) 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. Procedure: The Planning Board shall be the Special Permit Granting Authority (SPGA) for a RMD Special Permit.
- a. Application: In addition to the materials required under Section 3.6 Site Plan Review, the applicant shall include:
- (1) A copy of its registration as an RMD from the Massachusetts Department of Public Health (“DPH”);
  - (2) a detailed floor plan of the premises of the proposed RMD that
  - (3) identifies the square footage available and describes the functional areas of the RMD, including areas for any preparation of MIPs;
  - (4) detailed site plans that include the following information:

- (a) 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;
  - (b) Convenience and safety of vehicular and pedestrian movement on the site and for the location of driveway openings in relation to street traffic;
  - (c) Convenience and safety of vehicular and pedestrian movement off the site, if vehicular and pedestrian traffic off-site can reasonably be expected be substantially affected by on-site changes;
  - (d) 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;
  - (e) Design and appearance of proposed buildings, structures, freestanding signs, screening and landscaping; and
  - (f) Adequacy of water supply, surface and subsurface drainage and light.
- (5) a description of the security measures, including employee security policies, approved by DPH for the RMD;
  - (6) a copy of the emergency procedures approved by DPH for the RMD;
  - (7) a copy of the policies and procedures for patient or personal caregiver home-delivery approved by DPH for the RMD;
  - (8) a copy of the policies and procedures for the transfer, acquisition, or sale of marijuana between RMDs approved by DPH;
  - (9) a copy of proposed waste disposal procedures; and
  - (10) a description of any waivers from DPH regulations issued for the RMD.
- b. The SPGA shall refer copies of the application to the Building Department, Fire Department, Police Department, Board of Health, the Conservation Commission, the Department of Public Works, Board of Water Commissioners, and the Zoning Board of Appeals. 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.

- c. 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 permit.
6. Special Permit Conditions on RMDs: 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 purpose 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 Zoning Enforcement Officer 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, 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 Zoning Enforcement Officer and SPGA within 48 hours of receipt by the RMD.
    - d. The permit holder shall provide to the Zoning Enforcement Officer 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 (5) 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 Zoning Enforcement Officer 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.



7. Exemption from RMD Special Permit Requirement: 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 3.6 Site Plan Review of the Zoning Bylaw.
8. Prohibition Against Nuisances: No use shall be allowed in the MMOD 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.
9. Severability: 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 action relative thereto.

**ARTICLE 17 – VOTE TO CONSIDER ACCEPT CHAPTER 73, SECTION 4,  
OF THE ACTS OF 1986 AS AMENDED BY CHAPTER 126 OF THE ACTS OF 1988**

To see if the Town will vote to accept Chapter 73, Section 4, of the Acts of 1986 as amended by Chapter 126 of the Acts of 1988, for the purpose of increasing the real estate tax exemption under Massachusetts General Laws Chapter 59, Section 5 Clause 41C (also known as the Elderly Exemption) from \$500 to \$1,000 annually, or take any other action relative thereto.

**ARTICLE 18 – BORREGO PILOT AGREEMENT**

To see if the Town will vote to authorize the Board of Selectmen to negotiate and enter into an agreement for payments-in-lieu-of-taxes ("PILOT") pursuant to Massachusetts General Laws Chapter 59, Section 38H(b), and Chapter 164, Section 1, or any other enabling authority, for both real property and personal property associated with a privately owned and operated solar photovoltaic facility to be located on the Town-owned property located on Tivnan Drive, shown on Assessor's Map 177 as Parcel 2 for a term of up to twenty (20) years on such terms and conditions as the Board of Selectmen deems to be in the best interest of the Town; and to take all actions as may be necessary on behalf of the Town of West Boylston to undertake the purpose of this article; or take any other action thereon.

**ARTICLE 19 - VOTE TO EXTEND THE SUNSET CLAUSE ON PREVIOUSLY  
REAUTHORIZED APPROPRIATIONS**

To see if the Town will vote to extend the sunset clause on the following previously approved authorizations

<b>Town Meeting</b>	<b>Article Number</b>	<b>Amount</b>	<b>Project</b>
May 16, 2011	Article 31	\$130,000	Communications Equipment
May 21, 2012	Article 16	\$ 70,000	Ventilation System (DPW)

from June 30, 2014 to June 30, 2016, or take any other action relative thereto

**ARTICLE 20 – APPROPRIATE FUNDS TO THE UNEMPLOYMENT TRUST**

To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money to the Unemployment Trust, or take any other action relative thereto.

**ARTICLE 21 – APPROPRIATE FUNDS FOR NEW ACCOUNTING  
SOFTWARE PACKAGE**

To see if the Town will vote to raise and appropriate or transfer from available funds the sum of Eighty Thousand Dollars and No Cents (\$80,000) to purchase new financial software, or take any other action relative thereto.

**ARTICLE 22 – AUTHORIZATION TO APPROPRIATE FUNDS TO THE  
STABILIZATION FUND**

To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money to the Stabilization Fund, or take any other action relative thereto.

**ARTICLE 23 – AUTHORIZATION TO APPROPRIATE FUNDS TO THE CAPITAL  
INVESTMENT FUND**

To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money to the Capital Investment Fund, or take any other action relative thereto.

And you are directed to serve this Warrant by posting an attested copy thereof at the place of said meeting as aforesaid and at the Post Office in said Town seven (7) days at least before the time of said meeting.

Hereof, fail not, make do return of this Warrant with your doings thereon to the Town Clerk at the time and place of said meeting as aforesaid.

Given under our hands this 23<sup>th</sup> day of April in the year of our Lord, Two Thousand and Fourteen.

\_\_\_\_\_  
Kevin M. McCormick, Chairman

\_\_\_\_\_  
Christopher A. Rucho, Vice Chairman

\_\_\_\_\_  
John W. Hadley, Clerk

\_\_\_\_\_  
Michael J. Kittredge, Jr., Selectman

\_\_\_\_\_  
Siobhan M. Bohnson, Selectman  
Board of Selectmen  
Town of West Boylston

A true copy attest:

\_\_\_\_\_  
Kim D. Hopewell, Town Clerk

Honorable Board of Selectmen:

I have served this Warrant by posting duly attested copies thereof at the following places:

- Municipal Office Building\_\_\_\_\_
- West Boylston Middle/High School\_\_\_\_\_
- West Boylston Post Office\_\_\_\_\_
- Pruneau’s Barber Shop\_\_\_\_\_
- Municipal Lighting Plant\_\_\_\_\_
- Beaman Memorial Library\_\_\_\_\_

\_\_\_\_\_  
Constable

\_\_\_\_\_  
Date

Any resident seeking assistance in participating at town meeting due to any disability are encouraged to contact the Town Clerk’s Office at 508.835.6240 in advance of town meeting.