

SPECIAL TOWN MEETING WARRANT

WORCESTER, SS.

To either of the Constables of the TOWN OF WESTMINSTER 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 said Town qualified to vote in elections and in Town affairs, to meet at the

**WESTMINSTER ELEMENTARY SCHOOL
9 ACADEMY HILL ROAD
WESTMINSTER, MASSACHUSETTS
on
TUESDAY, NOVEMBER 27, 2018
AT 7:30 P.M.**

then and there to vote on the following articles:

ARTICLE 1. To see if the Town will vote to raise and appropriate or transfer a sum of money from available funds to pay any unpaid bills (or portions thereof) from a prior fiscal year, or act in relation thereto. (9/10 vote required)

ARTICLE 2. To see if the Town will vote to amend the vote on Article 6 of the May 5, 2018 Annual Town Meeting (department operating budgets) for the fiscal year beginning July 1, 2018, or act in relation thereto.

ARTICLE 3. To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money to secure and/or demolish vacant properties, as deemed necessary by the Board of Health or Building Commissioner, or act in relation thereto.

(Requesting \$30,000)

ARTICLE 4. To see if the Town will vote to authorize the Board of Selectmen to acquire by purchase, gift, and/or eminent domain, the parcel of land located on Ellis Road, shown as "Lot # 1" on a plan recorded with the Worcester Northern District Registry of Deeds in Plan Book 515, Page 18, and containing 17.79 acres, more or less, for general municipal purposes, including, without limitation, for cemetery purposes, for no consideration and on such other terms and conditions as the Board of Selectmen deem appropriate, or act in relation thereto.

ARTICLE 5. To see if the Town will vote to authorize the Board of Selectmen to enter into a Tax Agreement pursuant to M.G.L. Chapter 59, Section 38H(b), and Chapter 164, Section 1, and/or any other enabling authority and related regulations, for personal property taxes associated with the following proposed solar facility project, to be located on privately owned land, upon such terms and conditions as the Board of Selectmen deems to be in the best interest of the Town, and to take all actions necessary to implement and administer such agreement, or act in relation thereto:

Entity	Location	Size	Term	Rate
LSDP 14, LLC	State Road East	2.54 MW	20 yrs.	\$5,000/MW with 2% escalator

ARTICLE 6. To see if the Town will vote to transfer the care, custody and control of the parcel of land located off Worcester Road and described in a deed recorded with the Worcester North District Registry of Deeds in Book 8984, Page 217, from the Conservation Commission for the purposes set forth in the vote taken under Article 41 of the May 6, 2017 Town Meeting to the Hager Park Commission for the foregoing purposes, or act in relation thereto.

(For Reference Only: Article 41 of the May 6, 2017 Town Meeting was voted as follows:

“to accept for passive recreation, conservation and/or forestry purposes and by gift, a parcel of land located off of Worcester Road, containing 17 acres, more or less, and being a portion of Assessors’ Map 149, Parcel 3 and shown more particularly as the “Raymond Property” on a plan dated 20 March 2017, prepared by Trowbridge Engineering, LLC, a copy of which is on file with the Town Clerk, with the Hager Park Commission to have care, custody and control of said property”

and was amended on the floor of that Town Meeting by removing the words “Hager Park Commission” and inserting the words “Conservation Commission”.)

ARTICLE 7. To see if the Town will vote to authorize the Board of Selectmen to convey a portion of the Town-owned Crocker Pond property, which property is described in a deed recorded with the Worcester North District Registry of Deeds in Book 5719, Page 283 and which portion contains 2.5 acres, more or less, and is approximately shown as “Parcel C” on a sketch plan of file with the Town Clerk, on such terms and conditions and for such consideration as the Board of Selectmen deem appropriate, or act in relation thereto.

ARTICLE 8. To see if the Town will vote to transfer from the tax custodian for the purpose of sale at public auction to the Board of Selectmen for general municipal purposes and/or for the purpose of conveyance, the parcel of land located off Miles Avenue (Assessors Map 104, Parcel 14) and acquired by the town by Judgment in Tax Foreclosure Case recorded with the Worcester Northern District Registry of Deeds in Book 7683, Page 363, and to authorize the Board of Selectmen to convey said property on such terms and conditions and for such consideration as the Board of Selectmen deem appropriate, or act in relation thereto.

ARTICLE 9. To see if the Town will vote to amend Section 205-37 (Exception for Cluster Developments) to delete the strikethrough language and add the language in italics, as follows:

§ 205-37. Cluster Housing Projects ~~Exception for cluster developments.~~

A. Purpose: For the purpose of encouraging the preservation of open space and promoting the more efficient use of land and to protect and promote the health, safety, convenience and general welfare of the inhabitants of the Town, an owner or owners of a tract of land containing five (5) acres or more located in a residential district, or a duly authorized agent thereof, may, *pursuant to the requirements of this bylaw and upon the review and approval by the Planning Board of a Definitive Subdivision plan for such purpose, utilize such property for a cluster housing project.*

B. *Applicability: Cluster housing projects shall be allowed By Right in all residential zoning districts.*

~~, in connection with the submission of a subdivision plan for Planning Board approval under the Subdivision Control Law, concurrently submit a Special Permit request to the Planning Board excepting his plan from the lot area and frontage requirements of Article VII of this chapter.~~

~~B. After notice and public hearing by the Planning Board and after due circulation of the report and recommendations of the Board of Health, the Conservation Commission, and the Zoning Board of Appeals, said report to be submitted to the Planning Board within 45 days of the date of plan filing, the Planning Board may grant such permit, provided that:~~

~~(1) It finds that the proposed plan will promote the purposes of this section; and~~

~~(2) It finds that the number of lots on the plan does not exceed the larger of:~~

~~(a) Ninety percent of the number derived from dividing the total land area of the tract which is usable for residential construction by the minimum lot size otherwise permitted in the zoning district or districts in which the tract lies; or~~

~~(b) The number of lots upon which a dwelling could be constructed, without regard to this section, under the applicable laws and regulations of the Town and the commonwealth.~~

C. *Dimensional Standards:*

(1) Every lot shall contain not less than 15,000 square feet, except that a lot abutting common open space may contain not less than 10,000 square feet.

(2) Every lot shall have a minimum frontage of 50 feet on a way created by the ~~concurrently approved~~ subdivision plan. No lot approved hereunder shall front on an existing public or private way.

(3) Provision shall be made so that each dwelling shall be set back from the ~~concurrently approved~~ subdivision way on which its lot is located at least to a point ~~on its lots~~ where the lot width is a minimum of 100 feet but in no event less than 30 feet; and

(4) Provisions shall be made so that each dwelling shall have two side yards, each at least 15 feet, and a rear yard of at least 20 feet.

(5) *The number of lots allowed within a cluster housing subdivision shall not exceed the number of lots that could be created through a traditional subdivision plan.*

D. *Provision of Open Space:*

1. Provision shall be made so that open land shall be owned:

(a) In common by the owners of the lots in the tract; or

(b) By membership corporation, trust or association whose members are all the owners of

the lots in the tract; or

- (c) By the Town; or
 - (d) Otherwise as the Planning Board may approve.
- (2) Provision shall be made so that open land shall be:
- (a) Restricted to any one or more of the following uses: recreational, agricultural, conservation or park.
 - ~~(b) Open to such uses by at least the owners and occupants of the lots in the tract.~~
 - (b) Restricted so that no structure shall be erected thereon, except as an incident to the above uses.

E. Design standards:

- (1) All land not utilized for lots and roads shall be set aside as open space.
- (2) The open space shall be designed as large contiguous areas whenever possible. Long, thin, narrow strips or narrow areas of open space shall occur only when necessary for access, as vegetated buffers along wetlands or the perimeter of the site, or as connections between open spaces.
- (3) Open space shall be arranged to protect valuable natural and cultural resources such as stream valleys, wetlands and buffers, un-fragmented forestland and significant trees, wildlife habitat, open fields, scenic vistas, trails and archeological sites.
- (4) The areas of the site to be developed shall be outside of the floodplain, steep slopes (*grades of 25% or more*), *perennial streams*, wetlands and buffer zones.
- (5) The development shall be designed to conform to the existing topography and natural features of the land, and minimize the total amount of disturbance to a site.

~~D. The Planning Board may, in appropriate cases, impose further restrictions upon the tract, or parts thereof, as a condition to granting the Special Permit.~~

E. In connection with an application for approval of a *Definitive Subdivision* plan ~~Special Permit~~ from the Planning Board under this section, the Applicant shall provide the following information:

- (1) A determination of the area of the tract usable for residential construction;
- (2) A general description of the neighborhood in which the tract lies and the effect of the plan on the area;
- (3) The relation of the plan to the long-range plan of the Town;
- (4) The extent to which the plan is designed to take advantage of the natural terrain of the tract; and
- ~~(5) The applicant's opinion and reasons why the overall design and road layout of the cluster plan is superior to that of a conventional development plan.~~

~~F. For the purposes of this section, the following definitions are adopted:~~

~~FRONTAGE—Distance measured in a continuous straight line between the intersection of the lot boundaries on the way.~~

~~LAND USABLE FOR RESIDENTIAL CONSTRUCTION — Land found by the Planning Board, assuming compliance with this chapter, to be suitable for the construction thereon of residential dwelling units under the rules and regulations of the Town thereto and shall not include any area subject to seasonal or periodic flooding nor any water body.~~

ARTICLE 10. To see if the Town will vote to amend the Zoning Bylaw to delete the strikethrough language and add the language in italics in Section 205-30.3 (Off-Street Parking and Loading Requirements), as follows:

§ 205-30.3. Location of spaces

~~With the exception of approved shared parking arrangements for uses within the commercial zoning districts, required off-street parking facilities~~ Required off-street parking facilities *for residential uses* shall be provided on the same lot as the principal use they are designed to serve.

And further, to add “parking lots for commercial and/or industrial uses” as a new Item 17 and under Section I (Accessory Uses and Off-Street Parking) within the Table of Use Regulations, as follows:

	R-1	R-2	R-III	C-I	C-II	VC	I-I	I-II
(17) Parking lots for commercial and/or industrial uses	N	N	N	Y	Y	N	Y	Y

ARTICLE 11. To see if the Town will vote to amend the Zoning Map of the Town, as it is established and referenced in Article III, Section 205-6 (Zoning Map) to change the zoning for three parcels with frontage on Overlook Road (Tax Map 89, Parcels 8, 8.1 & 8.2) from Industrial-I to Residential-I.

ARTICLE 12. To see if the Town will vote to amend the Zoning Bylaw to regulate the installation of large-scale solar photovoltaic installations, as follows:

Zoning Amendment #1: Add the following definitions to Section 205-4 of the Zoning Bylaw (Definitions):

Large-Scale Solar Photovoltaic Installation: A solar photovoltaic system that has a minimum nameplate capacity of 250 kW DC. Such installations may be either ground-mounted or installed upon a rooftop.

Residential-Scale Solar Photovoltaic Installation: A solar photovoltaic system that has a maximum nameplate capacity of 25 kW DC. Such installations may be either ground-mounted or installed upon a rooftop.

Solar Photovoltaic Installation: An active solar energy collection device that converts solar energy directly into electricity whose primary purpose is to harvest energy by transforming solar energy into another form of energy or transferring heat from a collector to another medium using mechanical, electrical, or chemical means.

Zoning Amendment #2:

Add a new Section 205-40.1 to regulate large-scale solar facilities, as follows:

§ 205-40.1 Large-Scale Solar Photovoltaic Installations.

A. Purpose.

The purpose of this section is to facilitate the creation of new large-scale solar photovoltaic installations by providing standards for the placement, design, construction, operation, monitoring, modification and removal of such installations that address public safety, minimize impacts on environmental, scenic, natural and historic resources, and to provide adequate financial assurance for the eventual decommissioning of such installations.

B. Applicability.

Subject to the requirements below, large-scale ground-mounted solar photovoltaic installations are permitted by Special Permit in the residential zoning districts (R-I, R-II & R-III) and commercial zoning districts (C-I & C-II) and upon Site Plan Approval from the Planning Board. For this use, the Planning Board shall be the Special Permit Granting Authority (SPGA). Large-scale ground-mounted solar photovoltaic installations are not allowed in the industrial zoning districts (I-I & I-II) or in the village center zoning district (VC). Further, such installations shall not be allowed on:

(1) Properties that are currently undergoing active remediation for hazardous waste contamination. Formerly contaminated sites that have obtained "Permanent Solution" status from the MA Department of Environmental Protection may be considered suitable for ground-mounted large-scale solar installations depending upon the stipulations attached to said status.

(2) Properties where in order to construct the large-scale ground-mounted solar facility, it will be necessary to disturb an amount of land (either earth removal or placement of fill) that will trigger the need to obtain an Earth Removal and/or Placement of Fill Permit under the Town's Earth Removal & Placement of Fill Bylaw (Chapter 97, Article 3).

Large-scale roof-mounted solar photovoltaic installations are allowed by right in all zoning districts upon Site Plan Approval from the Planning Board, and upon receipt of a report by a qualified structural engineer that documents the roof is capable of supporting the solar array.

Residential-Scale solar photovoltaic installations are allowed by right in all zoning districts upon obtaining a Building Permit from the Building Commissioner.

C. Special Permit Criteria:

The SPGA must make all of the following Findings in order to grant a Special Permit for a large-scale ground mounted solar installation:

(1) The proposed use is appropriate on the site in question.

(2) The proposed use will not be unduly detrimental to the health, safety or welfare of the community or neighborhood by reason of noise, traffic, pollution, visual impact, or demand on community services.

D. Reasonable Conditions:

The SPGA may impose any conditions upon its granting of a Special Permit deemed necessary to achieve the purpose of this bylaw, such as, but not limited to, the following:

- (1) Greater than minimum setback requirements;
- (2) Modification of exterior appearance;
- (3) Limitation of size or extent of facilities;
- (4) Regulation of traffic and site plan features;
- (5) Screening of premises from view by use of appropriate walls, fencing or buffer strips;
- (6) Limitation of sound levels;
- (7) Additional design and siting modifications where appropriate.

E. Utility Notification.

When submitting a Site Plan to the Planning Board for a large-scale solar installation, the applicant shall submit evidence at the time of the application that the utility company operating the electrical grid where the installation is to be located has been informed of the applicant's intent to construct a solar photovoltaic installation and that approval to connect to the grid has been granted or appropriate application(s) have or will be made to such utilities for interconnection.

F. Buffers and Setbacks.

(1) Buffer strips. All large-scale ground-mounted installations shall be surrounded by a buffer strip which shall be one hundred (100) feet from all abutting properties zoned for residential use. For large-scale ground-mounted solar installations that abut Commercial and/or Industrial zoning districts, this setback shall be reduced to fifty (50) feet. Buffer strips shall not be disturbed and left in their natural state. The Planning Board may require the Applicant to plant additional vegetation within the buffer strips to better screen the use from abutters.

(2) Setbacks. All large-scale ground-mounted installations (including all panels, inverters, transformers and all other associated equipment) shall be set back a minimum of fifty (50) feet from all lot lines (front, rear and sides). The setbacks shall be measured from the lot lines to the fence enclosing the solar array.

(3) Lot Coverage Limitation: Large-scale ground-mounted installations shall not cover more than fifty (50%) percent of the lot on which it is situated. Lot coverage includes the land covered by solar panels and all associated equipment.

G. Design Standards.

- (1) Lighting and Security.

Lighting of solar photovoltaic installations shall be consistent with local, state and federal law. Lighting of other parts of the installation, such as any appurtenant structures, shall be limited to that required for safety and operational purposes and shall be reasonably shielded from abutting properties. Where feasible, any required lighting shall be directed downward and shall incorporate full cutoff fixtures to reduce light pollution. Surveillance and security cameras shall be shielded from viewing abutting private property or invading the privacy of any abutting residential property owner.

(2) Signage.

All signs shall comply with the Zoning Bylaw and shall not be used for displaying any advertising except to identify the owner and/or operator of the solar installation and a twenty-four-hour emergency contact telephone number.

(3) Land Clearing.

Clearing of natural vegetation shall be limited to what is necessary for construction, operation and maintenance of the installation. Any land disturbance shall be subject to stormwater management criteria and by applicable laws, regulations and bylaws.

(4) Visual Impact.

Any large -scale ground-mounted solar photovoltaic installation shall be designed to minimize visual impacts, including preserving natural vegetation to the maximum extent possible, blending in equipment with the surroundings, and adding vegetative buffers to screen abutting residential properties whether developed or not. Siting shall be such that the view of the solar electric generating installation from other areas of Town shall be as minimal as possible. Buffer strips shall surround the proposed project. A screening plan, that assures the facility is shielded to the greatest extent possible from public view, shall be required to be reviewed under the site plan review.

(5) Access Roads.

All access roads and interior roads shall be constructed to minimize grading, removal of stone wall or trees, and to minimize impacts to environmental or historic resources.

(6) Hazardous Materials.

Hazardous materials that are stored, used or generated on site shall not exceed the amount for a "Very Small Quantity Generator of Hazardous Waste" as defined by the Department of Environmental Protection (DEP) pursuant to 310 CMR 30.000. Any applications of herbicides or pesticides shall be conducted in accordance with the MA Department of Agriculture Regulations.

H. Additional Site Plan Requirements.

In addition to the provisions set forth above, Special Permit applicants for large-scale ground-mounted solar projects shall comply with all provisions of the Planning Board's Site Plan Approval Regulations, unless specifically waived by the Planning Board.

I. Discontinuance and Removal.

Removal Requirements: Any large-scale solar photovoltaic installation, or any substantial part thereof, not used for a period of one continuous year or more without written permission from the SPGA, or that has reached the end of its useful life, shall be considered discontinued, and shall be removed. Upon written request from the Zoning Enforcement Officer addressed to the contact address provided and maintained by the owner or operator as part of the Special Permit application, the owner or operator shall provide evidence to the Zoning Enforcement Officer demonstrating continued use of the solar facility. Failure to provide such evidence within thirty days of such written request shall be conclusive evidence that the installation has been discontinued. Anyone intending to decommission and/or remove such an installation shall notify the SPGA and Zoning Enforcement Officer by certified mail of the proposed date of discontinued operations and plans for removal.

The owner or operator shall physically remove the installation no more than 150 days after the date of discontinued operations. Removal shall consist of:

- (a) Physical removal of all parts of and appurtenances to the solar photovoltaic installation, including structures, equipment, security barriers and transmission lines from the site.
- (b) Disposal of all solid and hazardous waste in accordance with local, state, and federal waste disposal regulations.
- (c) Stabilization or re-vegetation of the site as necessary to minimize erosion. The Planning Board may allow the owner or operator to leave landscaping or designated below-grade foundations in order to minimize erosion and disruption to vegetation.
- (d) Gravel or ground cover consistent with landscape.

If the owner or operator of the solar photovoltaic installation fails to remove the installation in accordance with the requirements of this section, the town shall have the right, to the extent it is authorized by law, to enter the property and remove the installation at the expense of the owner of the installation and the owner(s) of the site on which the facility is located.

J. Financial Surety.

Proponents seeking to construct and operate a large-scale ground-mounted solar photovoltaic installation shall provide, prior to construction, surety in form and amount satisfactory to the SPGA, which may be an escrow account, bond or otherwise, to cover the cost of removal in the event the town must remove the solar array and remediate the landscape. Such surety will not be required for municipally- or state-owned facilities. The project proponent shall submit a fully inclusive estimate of the costs associated with removal (minus salvage value), prepared by a qualified engineer. The amount shall include a mechanism for calculating increased removal costs due to inflation. The SPGA may require that the amount of surety be increased as required during the life of the installation.

Zoning Amendment #3:

Add "Large-Scale Ground-Mounted Solar Photovoltaic Installations", "Large-Scale Roof-Mounted Solar Photovoltaic Installations" and "Residential-Scale Solar Photovoltaic Installations" as new Items 10, 11 & 12 under Section H (Other Principal Uses) within the Table of Use Regulations.

	R-1	R-2	R-III	C-I	C-II	VC	I-I	I-II
(10) Large-Scale Ground-Mounted Solar Photovoltaic Installations (See Section 205.40.1)	SP	SP	SP	SP	SP	N	SP	SP
(11) Large-Scale Roof-Mounted Solar Photovoltaic Installations	Y	Y	Y	Y	Y	Y	Y	Y
(12) Residential-Scale Solar Photovoltaic Installations	Y	Y	Y	Y	Y	Y	Y	Y

ARTICLE 13. To see if the Town will vote to amend the Town's Zoning Bylaw by adding a new Section 205-41.2, **Marijuana Retailer Prohibited**, that would provide as follows, and further to amend the Table of Contents to add Section 205-41.2, "**Marijuana Retailer Prohibited**":
 205-41.2 Marijuana Retailer Prohibited.

Consistent with G.L. c.94G, §3(a)(2), a non-medical "marijuana retailer" as defined in 935 CMR 500.002, shall be prohibited within the Town of Westminster.

And further, to amend the Table of Use Regulations by adding "Recreational Marijuana Retail Establishments" as a new Item 13 under Section H (Other Principal Uses) within the Table of Use Regulations.

	R-1	R-2	R-III	C-I	C-II	VC	I-I	I-II
13) Recreational Marijuana Retail Establishments	N	N	N	N	N	N	N	N

ARTICLE 14. To see if the Town will vote to amend Section 205-41.1 of the Zoning Bylaw (**TEMPORARY MORATORIUM ON THE SALE AND DISTRIBUTION OF RECREATIONAL MARIJUANA**), to extend the current moratorium for recreational marijuana establishments until the end of May 2019, by deleting the strikethrough language and inserting the language in italics, as follows:

Section 205-41.1 Temporary Moratorium on the Sale and Distribution of Recreational Marijuana

42.1 Purpose: By vote at the State election on November 8, 2016, the voters of the Commonwealth approved a law regulating the cultivation, distribution, possession and use of marijuana for recreational purposes. The law took effect on December 15, 2016 and (as amended by Chapter 351 of the Acts of 2016) requires the Cannabis Control Commission to issue regulations regarding the licensing of commercial activities by March 15, 2018 and begin accepting applications for licenses on April 1, 2018.

Currently under the Zoning Bylaw, non-medical Marijuana Establishments (hereinafter "Recreational Marijuana Establishments") as defined in G.L. c.94G, §1 are not a permitted use in

the Town of Westminster. ~~Any~~ The regulations promulgated by the State Cannabis Control Commission ~~are expected to~~ provide guidance to the Massachusetts municipalities in regulating Recreational Marijuana Establishments, *as well as details on how the Town may further restrict or prohibit commercial sales of recreational marijuana by local ballot questions.* ~~Further, the Act establishes a provision that involves ballot action by the Town whereby the Town may, by ballot, determine whether it will prohibit Recreational Marijuana Establishments within the Town.~~

The regulation of Recreational Marijuana Establishments raises novel and complex issues in terms of legality, planning, and public safety, and the Town needs time to study how best to address these issues. Further, the Town needs time to assess the potential impact of the State regulations on local zoning and to ~~undertake~~ *complete* a planning process ~~that will~~ *considering* amending the Zoning Bylaw regarding regulation of Recreational Marijuana Establishments and other uses related to the regulation of recreational marijuana. *Since a temporary moratorium on Recreational Marijuana Establishments was adopted November 28, 2017, the Town has been consistently engaged in a planning process involving consideration of options for regulation, including study of proposed bylaws by the Planning Board, Board of Health, Agricultural Commission, and Board of Selectmen, and placement of non-binding questions on the 2018 Town election warrant,. The planning process remains ongoing, and further time is needed to review these matters and make recommendations concerning the local regulation of Recreational Marijuana Establishments.*

The Town intends to ~~adopt~~ *extend its* a temporary moratorium on the use of land and structures in Westminster for Recreational Marijuana Establishments so as to allow the Town sufficient time to engage in a planning process to address the effects of such structures and uses and to adopt zoning provisions in a manner consistent with State law, sound land use planning goals and objectives.

42.2 Definitions.

"Manufacture": to compound, blend, extract, infuse or otherwise make or prepare a marijuana product.

"Marijuana accessories": equipment, products, devices or materials of any kind that are intended or designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, ingesting, inhaling or otherwise introducing marijuana into the human body.

"Marijuana cultivator": an entity licensed to cultivate, process and package marijuana, to deliver marijuana to marijuana establishments and to transfer marijuana to other marijuana establishments, but not to consumers.

"Marijuana establishment": a marijuana cultivator, marijuana testing facility, marijuana product manufacturer, marijuana retailer or any other type of licensed marijuana-related business.

"Marijuana product manufacturer": an entity licensed to obtain, manufacture, process and package marijuana and marijuana products, to deliver marijuana and marijuana products to marijuana establishments and to transfer marijuana and marijuana products to other marijuana establishments, but not to consumers.

"Marijuana products": products that have been manufactured and contain marijuana or an extract from marijuana, including concentrated forms of marijuana and products composed of marijuana and other ingredients that are intended for use or consumption, including edible products, beverages, topical products, ointments, oils and tinctures.

"Marijuana testing facility": an entity licensed to test marijuana and marijuana products, including certification for potency and the presence of contaminants.

"Marijuana retailer": an entity licensed to purchase and deliver marijuana and marijuana products from marijuana establishments and to deliver, sell or otherwise transfer marijuana and marijuana products to marijuana establishments and to consumers.

42.3 Temporary Moratorium.

For the reasons set forth above and notwithstanding any other provision of the Zoning Bylaw to the contrary, the Town hereby ~~adopts a~~ *extends its* temporary moratorium on the use of land or structures for Recreational Marijuana Establishments. The moratorium shall be in effect through ~~December 31, 2018~~ *May 31, 2019 or until the Town adopts zoning bylaws regulating or prohibiting Recreational Marijuana Establishments, whichever occurs sooner.* During the moratorium period, the Town shall undertake a planning process to address the potential impacts of recreational marijuana in the Town, consider the Cannabis Control Commission regulations regarding Recreational Marijuana Establishments and related uses, determine whether the town shall, by ballot measure, restrict any, or all, Recreational Marijuana Establishments, and shall consider adopting new provisions of the Zoning Bylaw to address the impact and operation of Recreational Marijuana Establishments and related uses.

42.4. Severability.

The provisions of this by-law 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.

ARTICLE 15. To see if the Town will vote to transfer a sum of money from available funds to the General Stabilization Fund, or act in relation thereto.

ARTICLE 16. To see if the Town will vote to transfer a sum of money from available funds to the Information Technology and Telecommunications Stabilization Fund, or act in relation thereto.

ARTICLE 17. To see if the Town will vote to transfer a sum of money from available funds to the Capital Equipment and Improvements Stabilization Fund, or act in relation thereto.

ARTICLE 18. To see if the Town will vote to transfer a sum of money from available funds to the Building Maintenance and Repair Stabilization Fund, or act in relation thereto.


ARTICLE 19. To see if the Town will vote to transfer a sum of money from available funds to the Other Post-Employment Benefits (OPEB) Stabilization Fund, or act in relation thereto.

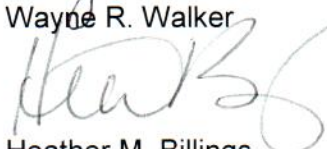
ARTICLE 20. To see if the Town will vote to transfer a sum of money from available funds to the Road Maintenance Stabilization Fund, or act in relation thereto.

AND YOU ARE DIRECTED to serve this warrant, by posting attested copies thereof at the Town Hall and the U.S. Post Office in said Town, fourteen days at least before the time of holding said meeting.

HEREOF FAIL NOT, and make due return of this warrant, with your doings thereon, to the Town Clerk, at the time and place of meeting, as aforesaid. Given under our hands this 5th day of November in the year of our Lord two thousand and eighteen.


James A. DeLisle


Wayne R. Walker


Heather M. Billings

BOARD OF SELECTMEN