

COMMONWEALTH OF MASSACHUSETTS
TOWN OF WEBSTER
ANNUAL TOWN MEETING WARRANT
October 15, 2018

Worcester, ss

To either of the Constables in the County aforesaid:

In the name of the Commonwealth of Massachusetts you are hereby required and directed to notify and warn the inhabitants of the Town of Webster aforesaid who are qualified to vote in elections and Town affairs to meet in the Bartlett High School Auditorium, 52 Lake Parkway, in said Webster on Monday, October 15, 2018 at 7:00 PM then and there to act on the following Articles to wit:

ARTICLE 1. REPORTS FROM THE FINANCE COMMITTEE OR BOARD OF SELECTMEN

To hear and act upon the report and recommendations of the Board of Selectmen and the Finance Committee; or take any action thereon.

Sponsored by the Town Administrator

ARTICLE 2. GENERAL FUND PRIOR YEAR BILLS

To see if the Town will vote to transfer from any available funds in the Treasury, a sum sufficient to the Town Administrator Unpaid Bills account for the purpose of funding the payment of prior years' unpaid invoices; or take any action thereon.

Sponsored by the Town Administrator

ARTICLE 3. SEWER ENTERPRISE FUND PRIOR YEAR BILLS

To see if the Town will vote to transfer from any available funds in the Treasury, a sum sufficient to the Sewer Unpaid Bills account for the purpose of funding the payment of prior years' unpaid invoices; or take any action thereon.

Sponsored by the Town Administrator

ARTICLE 4. WATER ENTERPRISE FUND PRIOR YEAR BILLS

To see if the Town will vote to transfer from any available funds in the Treasury, a sum sufficient to the Water Unpaid Bills account for the purpose of funding the payment of prior years' unpaid invoices; or take any action thereon.

Sponsored by the Town Administrator

ARTICLE 5. ADJUST THE FY19 OPERATING BUDGET

To see if the Town will vote to raise and appropriate or transfer from any available funds in the Treasury, sums sufficient to adjust the FY19 Operating Budget; or take any action thereon.

Sponsored by the Town Administrator

ARTICLE 6. BOND PREMIUMS MAY BE APPLIED TO PROJECT COSTS

To see if the Town will vote to supplement each prior vote of the Town that authorizes the borrowing of money to pay costs of capital projects to provide that, in accordance with Chapter 44, Section 20 of the General Laws, the premium received by the Town upon the sale of any bonds or notes thereunder, less any such premium applied to the payment of the costs of issuance of such bond or notes, may be applied to pay project costs and the amount authorized to be borrowed for each such project shall be reduced by the amount of any such premium so applied; or take any action thereon.

Sponsored by the Town Administrator

ARTICLE 7. AMEND RETIREMENT BOARD COMPENSATION

To see if the Town will vote to accept the provisions of MGL, Chapter 32, section 20 (6) relative to retirement board members compensation; or take any action thereon.

Sponsored by the Town Accountant

ARTICLE 8. FUND HIGHWAY ROOF IMPROVEMENTS

To see if the Town will vote to raise and appropriate or transfer from any available funds in the Treasury, sums sufficient to the Highway Roof Improvements capital account (0142058-5825000); or take any action thereon.

Sponsored by the Town Administrator

ARTICLE 9. CREATE BUDGET FOR CABLE ACCESS

To see if the Town will vote to appropriate the following Cable Access Budget in accordance with General Laws Chapter 44, Section 53F $\frac{3}{4}$; or take any action thereon.

| Account | Description | Budget |
|-------------|---------------|----------|
| 3702-510000 | Salaries | \$14,000 |
| 3702-570000 | Other Charges | \$29,500 |

Sponsored by the Town Administrator

ARTICLE 10. AUTHORIZE SELECTMEN TO CONVEY PUBLIC UTILITY EASEMENTS

To see if the Town will vote to authorize the Board of Selectmen to convey to public utilities such easements in Town property presently held in the care, custody and control of the Board of Selectmen for general municipal purposes, as in the Board's opinion are deemed necessary or appropriate in the best interest of the town, and upon such terms as the Board deems appropriate, and to sign any deeds or other instruments required to make such conveyances; or take any action thereon.

Sponsored by the Town Administrator

ARTICLE 11. MARIJUANA RETAILERS PROHIBITED ~ GENERAL BYLAW

To see if the Town will vote to amend the Town of Webster General By-laws to amend Part II, Regulatory By-laws, by adding a new Chapter, Chapter 445 – Marijuana, which would prohibit Marijuana Retailers, as defined the Massachusetts General Laws, Chapter 94G, § 1, in the Town of Webster, or take any other action relative thereto, as follows:

Chapter 445 – Marijuana

§ 445 -1 Recreational Marijuana Retailers Prohibited

Consistent with G.L. c. 94G, § 3(a)(2), “marijuana retailers” as defined in G.L. c. 94G, § 1 shall be prohibited within the Town of Webster.

This section shall be effective only upon passage by the voters at the Town Election on May 6, 2019.

Sponsored by the Town Administrator

ARTICLE 12. MARIJUANA ESTABLISHMENTS LICENSED ~ GENERAL BYLAW

To see if the Town will vote to amend the Town of Webster General By-laws to amend Part II, Regulatory By-laws, by adding a new Chapter, Chapter 445 – Marijuana, which require the licensure of all other Marijuana Establishments, namely Craft Marijuana Cultivator Cooperatives, Marijuana Cultivators, Marijuana Product Manufacturers, and Marijuana Testing Facilities, or take any other action relative thereto, as follows:

Chapter 445 – Marijuana

§ 445-2. Marijuana License Required.

A. No person shall operate as a Craft Marijuana Cultivator Cooperatives, Marijuana Cultivators, Marijuana Product Manufacturers, Marijuana Testing Facilities, or other type of Marijuana Establishment as defined by Massachusetts General Laws Chapter 94G within the Town unless first duly licensed thereof by the Board of Selectmen annually.

§ 445-3. Regulations.

A. The Board may adopt reasonable rules and regulations related to the issuance of such licenses, including the fees to be paid therefore and the conditions to be satisfied by any applicant for such a license.

§ 445-4. Applications.

Applicants for a license annually shall file an application on a form by the Board of Selectmen, signed under the penalties of perjury by the applicant, containing such information as the Board of Selectmen may reasonably require from time to time. Each applicant annually shall pay an application fee as may be reasonably determined from time to time by the Board of Selectmen.

§ 445-5. Hearing.

A. The Board of Selectmen must act upon the application at one of their next three regularly scheduled meetings with due written notice provided to the applicant of the time, date and location where such appeal will be heard.

§ 445-6. Decision.

A. The Board of Selectmen may approve, deny or approve the application with conditions. Such decision shall be based on the evidence taken at the public hearing, consistent with the protection of the health, safety and welfare of the public, and consistent with the regulations promulgated by such board.

§ 445-7. Orders and Fines for Licensed Premises.

The Board of Selectmen may issue orders as appropriate to aid in the enforcement of this regulation and may enforce these provisions in equity, including the request for injunctive relief, in a court of competent jurisdiction. Any failure to comply with any Order issued hereunder shall result in the issuance of a formal warning. Any failure to comply with such a warning shall result in a fine of \$100.00. Any failure to comply after the issuance of said initial fine may be punishable by a subsequent fine of \$300.00. Each day of a continued non-compliance shall constitute a separate violation. Further, the Board of Selectmen may hold a hearing, with notice to the licensee, to determine if such license should be modified, suspended or revoked.

§ 445-8. Enforcement.

This By-law may be enforced through any lawful means in law or in equity including, but not limited to, enforcement by criminal indictment or complaint pursuant to Massachusetts General Laws Chapter 40, section 21, as amended, or by noncriminal disposition pursuant to Massachusetts General Laws Chapter 40, section 21D, as amended, by the Board of Selectmen, the Town Administrator, or their duly authorized agents, or any police officer.

§ 445-9. Authority.

A. Home Rule Amendment [art. 89 of the Amendments to the Massachusetts Constitution]; Massachusetts General Laws, Chapter 94G, § 3, 935 CMR 500.000.

and further to amend the Table of Contents to add Chapter 445.

Sponsored by the Town Administrator

ARTICLE 13. TEMPORARY MORATORIUM ON RECREATIONAL MARIJUANA RETAILERS

To see if the Town will vote to amend the Zoning By-law by replacing Chapter §650:92 - Temporary Moratorium on Recreational Marijuana Establishments to extend the same for Marijuana Retailers only, or take any other action relative thereto, as follows:

SECTION VIII. TEMPORARY MORATORIUM ON MARIJUANA RETAILERS

VIII-A 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, Regulation of the Use and Distribution of Marijuana Not Medically Prescribed, as amended by Chapter 351 of the Acts of 2016 and Chapter 55 of the Acts of 2017, codified in G.L. c. 94G (the "Act"), regulating the control, production and distribution of marijuana under a system of licenses and regulations. The Town has proposed general and zoning by-law amendments to prohibit Marijuana Retailers in the Town of Webster. These by-laws, and a companion by-law allowing other types of Marijuana Establishments, including Cultivators, Product Manufacturers, and Testing Facilities, is being presented to Town Meeting concurrently with this moratorium. The prohibitive by-laws require a ballot measure to be valid. Consequently, the Town intends to adopt a temporary moratorium on the use of land and structures in the Town for Marijuana Retailers to permit the Town to ratify its prohibitive by-law through a local ballot measure as required by Chapter 94G.

VIII-B DEFINITIONS

1. All terms herein shall have the meanings set forth in the Act.

VIII-C TEMPORARY MORATORIUM

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 Marijuana Retailers as defined by the Act, which shall not include Medical Marijuana Treatment Centers, Marijuana Cultivators, Marijuana Product Manufacturers, or Marijuana Testing Facilities. No building permit, special permit, variance, site plan or other permit may be issued under this zoning by-law for the purpose of establishing Marijuana Retailers. The moratorium shall remain in effect through June 15, 2019. During the moratorium period, the Town shall prepare a ballot question for approval of the voters at the Annual Town Election on May 6, 2019.

Sponsored by the Town Administrator

ARTICLE 14. MARIJUANA RETAILERS PROHIBITED ~ ZONING BY-LAW

To see if the Town will vote to amend the Town of Webster Zoning By-laws by amending Chapter 650, Attachment 1, Table of Use Regulations, which would prohibit recreational Marijuana Retailers as defined in G.L. c. 94G § 1 in the Town of Webster, and to amend the definitions section or take any other action relative thereto, as follows:

| Principal Use | District | | | | | | | | | | | |
|--------------------|----------|-----------|----------|----------|----------|------------|----------|---------|---------|---------|----------|-----------|
| | 1 SFR | 2 ASFR | 3 MFR | 4 B-4 | 5 B-5 | 5A B-5A | 6 IND | 7 LR | 8 FP | 9 CD | 10 WP | 11 ROD |
| Marijuana Retailer | N | N | N | N | N | N | N | N | N | N | N | N |

This section shall be effective only upon passage by the voters at the Town Election on May 6, 2019.

Sponsored by the Town Administrator

ARTICLE 15. MARIJUANA ESTABLISHMENTS ~ ZONING BY-LAW

To see if the Town will vote to amend the Town of Webster Zoning By-laws by amending Chapter 650, Attachment 1, Table of Use Regulations, which would allow Marijuana Establishments, excluding Marijuana Retailers, as defined in G.L. c. 94G § 1 in the Town of Webster by special permit or take any other action relative thereto, as follows:

| Principal Use | District | | | | | | | | | | | |
|---|----------|------|-----|-----|-----|------|-----|----|----|----|----|-----|
| | 1 | 2 | 3 | 4 | 5 | 5A | 6 | 7 | 8 | 9 | 10 | 11 |
| | SFR | ASFR | MFR | B-4 | B-5 | B-5A | IND | LR | FP | CD | WP | ROD |
| Marijuana Cultivators*** | N | - | N | N | N | N | SP | N | * | N | * | * |
| Craft Marijuana Cooperative | N | N | N | N | N | N | SP | N | * | N | * | * |
| Marijuana Product Manufacturer*** | N | N | N | N | N | N | SP | N | * | N | * | * |
| Marijuana Independent Testing Laboratory*** | N | N | N | N | N | N | SP | N | * | N | * | * |
| Marijuana Establishments as an Accessory Use*** | N | N | N | N | N | N | N | N | N | N | N | N |

ARTICLE 16. DEFINITIONS ~ ZONING BY-LAW

To see if the Town will vote to amend the Town of Webster Zoning By-laws by amending the footnotes in Chapter 650, Attachment 1, Table of Use Regulations, to define marijuana related terms or take any other action relative thereto, as follows:

*** = Term(s) shall have the definitions established by M.G.L. c. 94G, § 1.

Sponsored by the Town Administrator

ARTICLE 17. DISTRICT USES UPDATED ~ ZONING BY-LAW

To see if the Town will vote to amend the Town of Webster Zoning By-laws by amending Chapter §650-20B., by adding new subsections to permit Marijuana Cultivators, Product Manufacturers, Testing Laboratories and Craft Marijuana Cooperatives, except Marijuana Retailers, by special permit in the industrial zone, and to impose additional special conditions to said Marijuana Establishments in Sections E. and F. or take any other action relative thereto, as follows:

(3) Marijuana Cultivator

- (4) Craft Cultivator Cooperative
- (5) Marijuana Product Manufacturer
- (6) Marijuana Independent Testing Laboratory

E. All Marijuana Establishments shall be equipped with a heating, ventilation, air conditioning, filtration system or other accepted system which is designed to minimize attendant odors and noise escaping the structure which are associated with said use. It is the Applicant's burden to establish that such system is sufficient to mitigate odor and noise impacts to the surrounding neighborhood so that such impacts do not constitute a health hazard or nuisance, as may be reasonably determined by the Planning Board.

F. All Marijuana Establishments shall operate within a fully enclosed building that is monitored by surveillance cameras, alarm systems, and all other security measures in accordance with CCC Regulations deemed appropriate to ensure community safety and deter unauthorized access to the premises.

Sponsored by the Town Administrator

ARTICLE 18. AUTHORIZATION TO PURCHASE 46 AND 38 MAIN STREET

To see if the Town will vote to authorize the Board of Selectmen to acquire by gift, purchase, or otherwise, two certain parcels of land, located at 46 Main Street and 38 Main Street, being shown on Assessor's Map 1, Block X, Parcels 10 and 9, and described in a deed recorded with the Worcester Registry of Deeds in Book 53968, Page 77 (46 Main Street) and in a deed recorded with said Registry in Book 9043, Page 11 (38 Main Street); or take any action thereon.

Sponsored by the Town Administrator

ARTICLE 19. REZONE 100 AND 104 THOMPSON ROAD TO BUSINESS WITH SEWER

To see if the Town will vote to amend the Town of Webster Zoning Map referenced in Section 650-13 of the code of the Town of Webster to re-zone two parcels of land totaling 54,249 square feet (1.25 acres) from the current zoning of Multi-Family Residential (MR) to a zone of Business with Sewer (B-4) District as said Real Estate in the Town of Webster located on Thompson Road in the County of Worcester Massachusetts as shown on the map entitled "Proposed 100 & 104 Thompson Road Zoning Map Amendment" dated August 20, 2018, and as shown on the Plan entitled "Plan of Land 104 Thompson Rd, Webster, MA" dated August 1, 2018, prepared by HS&T Group, Inc., 75 Hammond Street — 2nd Floor, Worcester, Massachusetts, 01610, and on file with the Board of Selectmen; or take any action thereon.

Sponsored by the Planning Board

ARTICLE 20. AMEND SOLAR USE FACILITIES BY-LAW

To see if the Town will vote to amend the Town of Webster Solar Use Facilities By-laws, Chapter 650 by amending section 91(c)(3), or take any other action relative thereto, as follows:

Current text: Large-scale solar photovoltaic installations shall be allowed in all zones by special permit by the Planning Board, acting in their capacity as the Special Permit Granting Authority. The Planning Board shall review the special permit application for conformance with the Special Permit Criteria under these bylaws as well as Massachusetts General Law.

Proposed text: Large-scale solar photovoltaic installations shall be allowed ~~in all zones~~ by special permit by the Planning Board, acting in their capacity as the Special Permit Granting Authority, in zones designated as District 4-General Business (within Sewer), District 5-General Business (Without Sewer), District 5A-Gore Business District, or District 6-Industrial. Large-scale solar photovoltaic installations shall not be allowed in zones designated as District 1-Single-Family Residential, District 2-Agricultural-Single Family Residential, District 3-Multiple-Family Residential, District 7-Lake Residential, or District 9-Conservation. The Planning Board shall review the special permit application for conformance with the Special Permit Criteria under these by-laws as well as Massachusetts General Law.

Citizen's Petition

ARTICLE 21. SPECIAL ACT FOR ADDITIONAL ALL ALCOHOL LICENSE FOR WATERFRONT MARYS

To see if the Town will vote to have the Board of Selectmen petition the State Legislature for a special act, or take any other action relative thereto, as follows:

"An Act Authorizing the town of Webster to grant an additional license for the sale of all alcoholic beverages to be drunk on the premises.

Section 1. Notwithstanding section 17 of chapter 138 of the general laws or any other general or special law to the contrary, the licensing authority of the town of Webster may grant a license for the sale of all alcoholic beverages to be drunk on the premises under section 12 of said chapter 138 to Waterfront Mary's LLC, at 103 Birch Island Road in Webster, Massachusetts. The license shall be subject to all of said chapter 138, except said section 17. The licensing authority shall not approve the transfer of the license to any other person, organization or location but it may grant the license to a new applicant at the same location if the applicant files a letter from the department of revenue indicating that the license is in good standing with the department and all applicable taxes have been paid. Upon the issuance of the license authorized in this act, Waterfront Mary's, LLC, shall return to the licensing authority the license it currently holds for the sale of wines and malt beverages to be drunk on the premises.

If the license granted under this act is cancelled, revoked or no longer in use it shall be returned physically with all of the legal rights, privileges and restrictions pertaining thereto to the licensing authority and the licensing authority may then grant the license to a new applicant at the same location under the same terms and conditions as specified in this act.

Citizen's Petition

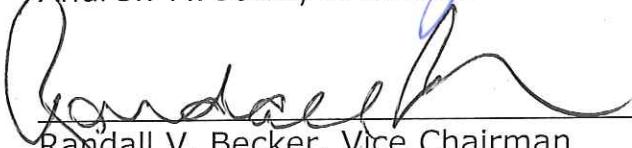
And you are directed to serve this warrant by publishing attested copies thereof in a newspaper published within the Town of Webster at least seven (7) days preceding the meeting and by posting attested copies thereof with the Town Clerk and filing in the Public Library.

Thereof fail not and make due return of your doings thereon to the Town Clerk at the time and place of holding said meeting. Given under our hands this Seventeenth Day of September in the year of our Lord Two Thousand and Eighteen.

TOWN OF WEBSTER BOARD OF SELECTMEN:



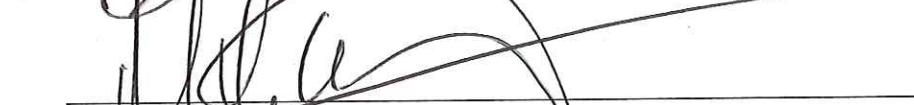
Andrew M. Jolda, Chairman



Randall V. Becker, Vice Chairman




Donald D. Bourque, Clerk




Mark G. Dowgiewicz, Selectman




Robert J. Miller, Selectman