

**THE COMMONWEALTH OF MASSACHUSETTS
ANNUAL TOWN MEETING WARRANT
FRIDAY, JUNE 6, 2014**

WORCESTER, SS:

TO EITHER OF THE CONSTABLES OF THE TOWN OF BROOKFIELD 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 **ELEMENTARY SCHOOL**, 37 CENTRAL STREET, BROOKFIELD, MA ON **FRIDAY THE SIXTH DAY OF JUNE IN THE YEAR 2014 AT 7:00 P.M.** THEN AND THERE TO ACT ON THE FOLLOWING ARTICLES:

At the opening of the meeting Moderator Mr. Donald Faugno asked for a moment of silence to acknowledge the 70th anniversary of D-Day June 6, 1944 Normandy France.

ARTICLE 1: To see if the Town will vote to accept the annual report of the Town officials, as printed, or take any action relative thereto.

The Town unanimously voted to accept the Annual Report of the Town officials as printed.

ARTICLE 2: To see if the Town will vote to raise and appropriate such sums of money as may be necessary to defray the expenses of the Town for the ensuing year, or take any action relative thereto.

The Town unanimously voted to raise and appropriate such sums of money as may be necessary to defray the expenses of the Town for the ensuing year.

Articles shown in the box below are on the Annual Town Meeting Warrant every year and are often voted as a block. The Board of Selectmen and the Advisory Committee unanimously support these articles.

ARTICLE 3: To see if the Town will vote to authorize the Town Treasurer, with the approval of the Selectmen, to borrow money from time to time in anticipation of the revenue of the fiscal year beginning July 1, 2014 in accordance with the provisions of 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, or take any action relative thereto.

ARTICLE 4: To see if the Town will vote to authorize the Town Treasurer, with the approval of the Selectmen, to foreclose on certain Tax Titles held by the Treasurer, or take any action relative thereto.

ARTICLE 5: To see if the Town will vote to instruct the Selectmen or their agent to sell for the Town any land or building acquired by the Town by Tax Title foreclosure after first giving notice of said sale, by posting a notice at the Town Hall and the Post Office, 14 days at least before said sale stating what parcels are to be sold or offered for sale and the time and place of holding said sale, or take any action relative thereto.

ARTICLE 6: To see if the Town will vote to authorize the Selectmen to sell any old and obsolete equipment or personal property by sealed bids; at public auction after first giving notice of the time and place of sale by posting such notice of sale in some convenient and public place in Town, and by advertising once in a local newspaper,

fourteen days at least before the sale, any old and obsolete equipment or personal property, provided that the Selectmen or whomsoever they may authorize to hold such auction or sale may reject any bid which they deem inadequate; or at an established market, or take any action relative thereto.

ARTICLE 7: To see if the Town will vote to authorize the Board of Selectmen to apply for any and to expend any State, Federal or other grants that may become available to the Town of Brookfield, or take any action relative thereto.

ARTICLE 8: To see if the Town will vote to authorize the Board of Health to appoint one of its members to hold the position of Health Agent, Title V Administrator, and Transfer Station Administrator and to provide compensation therefore, or take any action relative thereto.

ARTICLE 9: To see if the Town will vote to authorize a revolving fund for the Brookfield Local Public Access under M.G.L. Chapter 44, section 53E ½ or any successor committee and to authorize the license fee paid by Charter Cable and all monies raised through advertising and fundraising to be deposited in said revolving fund, provided that no monies shall be expended in excess of \$15,000.00 per year, or take any action relative thereto.

ARTICLE 10: To see if the Town will vote to authorize a revolving fund for the Board of Health under M.G.L. Chapter 44, Section 53E ½ and to receive monies derived from engineering, inspection, and review fees charged in relation to witnessing of percolation test, septic plan review, site inspections, and resolution of variances, and to expend these monies to pay all costs associated with the Inspector's/Professional Engineer's review of said activities provided that no monies shall be expended in excess of \$20,000.00 per year, or take any action relative thereto.

ARTICLE 11: To see if the Town will vote to authorize a Revolving Fund for the Regional Highway Equipment Cooperative under M. G. L., Chapter 44, Section 53E ½, and to be administered and expended in accordance with the Regional Highway Equipment Cooperative Agreement, and to receive monies from fees, grants, donations and other sources to purchase, repair, or replace equipment owned in common by the member communities provided that no monies shall be expended in excess of \$20,000 per year, or take any action thereon.

The purpose of the article is to maintain a capital fund for the repair, replacement and purchase of equipment owned in common with the other member communities of the Regional Highway Equipment Cooperative. Brookfield is the lead community in the program and manages the account. Funds could accrue through equipment fees, grants, donations or other sources. The Board of Directors of the Cooperative would authorize expenditures and request the Board of Selectmen to ratify the payment through the regular expense warrant.

ARTICLE 12: To see if the Town will vote to authorize the Board of Health to fund additional betterment projects through the existing Community Septic Management Program account, or take any action relative thereto.

The Board of Health already has money in an account which may be used for septic loans to qualified residents. An annual re-authorization by Town Meeting is required to loan these funds.

(The Board of Selectmen unanimously supports Articles 1-12)

The Town voted unanimously to approve articles 3-12.

ARTICLE 13: To see if the Town will vote to transfer a sum of money from the General Fund to the Cemetery Preservation Fund, or take any action relative thereto.

This dollar amount is the annual interest earned from the money raised and deposited for the Cemetery Preservation Fund.

The Town unanimously voted to transfer the sum of \$1,043.00 from Free Cash to the Cemetery Preservation Fund.

(The Board of Selectmen unanimously supports Article 13.)

ARTICLE 14: To see if the Town will vote to transfer a sum of money from the Ambulance Billing Receipts Account which was established according to Chapter 40, section 5F to the Fiscal Year 2015 Ambulance Expense Account, or take any action relative thereto.

The Town unanimously voted to transfer the sum of \$75,250.00 from the Ambulance Receipts Reserve established according to Chapter 40, Section 5F to the Fiscal Year 2015 Ambulance Expense Account.

ARTICLE 15: To see if the Town will vote to transfer a sum of money from the Ambulance Billing Receipts Account which was established according to Chapter 40, section 5F to fund the Ambulance Wages Account for Fiscal Year 2015, or take any action relative thereto.

The two above Articles are presented to the ATM every year and they are transfers within the EMS Department. They make the ambulance services virtually self-supporting.

The Town unanimously voted to transfer the sum of \$146,626.00 from the Ambulance Receipts Reserve established according to Chapter 40, Section 5F to the Fiscal Year 2015 Ambulance Wages Account.

(The Board of Selectmen unanimously supports Articles 14 & 15.)

ARTICLE 16: To see if the town will vote to raise and appropriate a sum of money to fund the Road Construction and Reconstruction Account or take any action relative thereto.

These are funds that we allocate on a yearly basis for roadwork.

The Town voted by a moderator declared voice majority to transfer from Free Cash the sum of \$14,000.00 for the Highway Construction, Reconstruction and Improvement of Town Roads, Bridges and Sidewalks Account.

(The Board of Selectmen unanimously supports Article 16.)

ARTICLE 17: To see if the Town will vote to raise and appropriate, transfer, or borrow a sum of money from the driveway permit account to the driveway repair account or take any action relative thereto.

Driveway permits are valid for 2 years from the date of application. Upon successful completion of the driveway, the fee minus the application fee of \$25 is returned to the applicant. Permit fees for driveways not completed to the satisfaction of the highway superintendent or driveways not completed, will be transferred to the driveway repair account to provide funds for the highway department to repair the edge of roads where these curb cuts may be causing the breakup of the roads surface.

The Town unanimously voted to transfer from the Driveway Permit Account the sum of \$2,325.00 to the Driveway Repair Account.

(The Board of Selectmen unanimously supports Article 17.)

ARTICLE 18: To see if the Town will vote to raise and appropriate, transfer, or borrow a sum of money for the Library Building Maintenance Account or take any action relative thereto.

The Trustee and staff continue to prioritize upgrades, maintenance to the building. Based on funds available we will pursue replacing our second oil furnace with natural gas and complete soffit work from the installation of new corbels in FY14.

We are also reviewing and getting estimates on ADA access hardware for our ramp door. Other options, if the furnace replacement cannot be done within the appropriated funds are continuing re-pointing project on north side of the building.

The Town voted to transfer from Free Cash the sum of \$7,500.00 to the Library Building Maintenance Account.

(The Board of Selectmen unanimously supports Article 18.)

ARTICLE 19: To see if the Town will vote to raise and appropriate, transfer or borrow a sum of money to be used as a 25% match for a Renewable Thermal and District Energy grant, or take any action relative thereto.

A feasibility study for a renewable heating and cooling system to serve the new Police Station, Town Hall and Fire/EMS buildings has been applied for. The Town has been in contact with the funding agency and they are in support of the project. This next phase would cover the design and possibly construction of the project.

The Town voted by a moderator declared voice majority to transfer from Free Cash the sum of \$7,500.00 to be used as a 25% match for a Renewable Thermal and District Energy Grant

(The Board of Selectmen unanimously supports Article 19.)

ARTICLE 20: To see if the Town will vote to raise and appropriate, transfer or borrow a sum of money from the Ambulance Billing Receipts Account to Line 216 of the FY15 budget (Group Insurance) or take any action relative thereto.

This is a pilot program article to begin to increase the Total Cost Visibility of Departments throughout the town. As a largely self-sustaining department, the Emergency Squad can be used as a model for developing true cost department budgeting for the Town of Brookfield.

The Town voted to Pass Over Article 20 by a 37 to 22 standing majority.

(The Board of Selectmen unanimously supports Article 20.)

ARTICLE 21: To see if the Town will vote to raise and appropriate, transfer or borrow the sum of \$5920.00 to pay for removal and disposal costs of the “Old Salt Shed” located behind the Town Hall, 4 Central St., or take any action relative thereto.

This is a Citizen’s Petition. This money was removed from the account which was established for building the new salt shed and taking down the old salt shed on the recommendation of the Selectmen at the Special Town Meeting June 7, 2013.

The Town unanimously voted to Pass Over Article 21.

(The Board of Selectmen unanimously opposes Article 21.)

ARTICLE 22: To see if the Town will vote to raise and appropriate, transfer or borrow a sum of money from the Fire Station Roof Account to Stabilization, or take any action relative thereto.

The Town voted unanimously to transfer the sum of \$2,208.85 from the Fire Station Roof Account to Stabilization.

(The Board of Selectmen unanimously supports Article 22.)

ARTICLE 23: To see if the Town will vote to amend the Town’s General By-laws, Chapter III – Town Officers, by adding a new Section 5, as follows:

Section 5. Unless removal is otherwise prohibited or restricted by law, the Board of Selectmen may remove any member of an appointed board or committee, after a meeting held in accordance with the Open Meeting Law, for reasons consistent with the progressive discipline policy for paid employees of the town.

Or take any other action relative thereto.

(The Board of Selectmen unanimously supports Article 23.)

The Town voted to Pass Over Article 23 by a standing majority of 44-19.

ARTICLE 24: To see if the town will vote to amend the Town's General By-Laws, as follows:

By replacing the existing Chapter IV, Sections 1-4 with the following language (new or revised language noted in bold):

CHAPTER IV **Finance** Committee

SECTION 1.

There shall be a **Finance** Committee for the Town to which shall be referred all articles **of a financial nature contained in and** any warrant hereafter issued for Town Meeting. The Selectmen, after drawing a warrant for a Town Meeting, shall immediately forward a copy thereof to the Chair of said Committee, which shall consider all articles **of a financial nature** in the warrant and make such report, in print or otherwise, to the Town Meeting as it deems for the best interest of the Town. The Committee will also make reports and issue recommendations for all articles, questions or other matters referring to Proposition 2 ½ so called. **The said Committee is responsible for developing a town budget proposal to be submitted to the Selectmen no less than thirty (30) days prior to the date scheduled for the Annual Town Meeting, as set forth in Chapter II, Section 1 of the Town's By-Laws. After consideration of the Finance Committee's budget proposal, the Selectmen shall present a final town budget to Town Meeting. The Board of Selectmen shall be responsible for preparation of final budget information for distribution at or before Town Meeting.** The said Committee shall consist of nine **registered** voters of the Town to be appointed as provided in **Section 3.**

Elected or appointed town officers or employees shall be eligible to serve; however, they must abstain from voting on articles affecting their department. If any member is absent from five (5) consecutive meetings of said Committee, except in case of illness, their position shall be deemed to be vacant and shall be filled as provided in **Section 4.**

The said Committee shall consist of nine **registered** voters of the Town to be appointed as provided in **Section 3.** Elected or appointed town officers or employees shall be eligible to serve, however, they must abstain from voting on articles affecting their department. If any member is absent from five (5) consecutive meetings of said Committee, except in case of illness, their position shall be deemed to be vacant and shall be filled as provided in **Section 4.**

The said Committee shall have the ability to appoint such uncompensated subcommittees or ad hoc committees as it deems necessary to perform its duties under this bylaw, and any such subcommittee or ad hoc committee will be governed by the same provisions of law as are applicable to the Finance Committee.

SECTION 2.

The Committee shall study proposed capital outlays involving major non-recurring tangible assets and projects which:

1. Are purchased or undertaken at intervals of not less than five (5) years, or
2. Have a useful life of at least five (5) years, or
3. Cost over \$5,000.

The Committee shall prepare and submit to the Selectmen in February of each year an annual report recommending a Capital Improvement budget for the next fiscal year and shall annually prepare a five (5) year inventory report and financial projection.

SECTION 3.

The Selectmen in office when this By-Law is adopted shall, within thirty (30) days after such By-Law becomes effective, appoint from the citizens of the Town three (3) persons whose term of office shall expire at the adjournment of the first Annual Town Meeting following the time when this By-Law becomes effective; three (3) whose term of office shall expire at the adjournment of the second Annual Town Meeting following the time when this By-Law becomes effective, and three (3) whose term of office shall expire at the adjournment of the third Annual Town Meeting following the time when this By-Law becomes effective. Annually, thereafter, the Selectmen in office at the close of the Annual Town Meeting shall, within thirty (30) days, appoint three (3) members whose

term of office shall expire at the close of the third Annual Town Meeting after their appointment. Said committee shall choose its own officers and shall, with the exception of its secretary, serve without pay. **The Selectmen may remove any member of the Finance Committee, for cause, after a meeting of the Selectmen to consider said removal. Any such meeting shall comply with any applicable requirements of the Open Meeting Law.**

SECTION 4.

Whenever a vacancy occurs in said Committee, said vacancy shall be filled by said Committee by the appointment of a person to serve until the close of the next Annual Town Meeting, when the Selectmen in office shall appoint, in the same manner as the original appointment, a successor to fill out the unexpired term of the person whose office has been vacated.

SECTION 5.

In the discharge of its duty, said Committee shall have free access to all books or records and accounts **having to do with the financial affairs of the Town, including** bills and vouchers on which money has been or may be paid from the Town treasury.

And to delete from the Town's General By-laws, Chapter V, Section 7, which authorizes a separate Capital Improvement Planning Committee;

And amending Chapter III, Section 4 by replacing the word "Advisory" with the word "Finance", throughout said section,

Or take any other action relative thereto.

The intent of this article is to combine the Capital Improvement Planning Committee and Advisory Committee into a new Finance Committee. The combination will lead to a more efficient and productive financial team for the Town of Brookfield.

(The Board of Selectmen unanimously supports Article 24.)

The Town voted by a moderator declared voice majority to Pass Over Article 24.

ARTICLE 25: To see if the Town will vote to amend the Town's Zoning Bylaw to add Registered Marijuana Dispensary as a permitted use, subject to Special Permit by the Planning Board, through the establishment of a Medical Marijuana Overlay District, as follows:

To Section 3, Establishment of Districts, subsection A, add the following:

7. Medical Marijuana Overlay District (MMOD)

- a. Purpose: the purpose of the Medical Marijuana Overlay District (MMOD) is to provide suitable locations for the placement of Registered Marijuana Dispensaries (RMDs).
- b. Intent: the intent of the MMOD is to minimize any adverse impacts of RMDs on public safety and general welfare.

To Section 4.D., Use Regulation Table, add the following, under subsection 6, Commercial and Manufacturing Use:

- k. Registered Marijuana Dispensary SP in MMOD

To Section 8, Special Regulations, add the following:

G. Registered Marijuana Dispensaries

1. Purpose: To provide for the placement of Registered Marijuana Dispensaries (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.
2. Establishment: The Medical Marijuana Overlay District (MMOD) is established as an overlay district. The boundaries of the MMOD are shown on the Zoning Map on file with the Town Clerk. Within the MMOD, all requirements of the underlying district(s) remain 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.

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.

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 for medical use.

4. Location

a. RMDs may be permitted in the MMOD pursuant to a Special Permit.

b. RMD buildings may not be located within 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 8.G.4.b. to the nearest point of the proposed RMD building.

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 Town;

(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 and fees required under Article V of the Town of Brookfield Rules and Regulations for the Planning Board and Section 12.C.8. of this Bylaw, the applicant shall include:

(1) a notarized 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 identifies the square footage available and describes the functional areas of the RMD, including areas for any preparation of Marijuana Infused Products as defined by the DPH;

(3) 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) Location of all RMD buildings in relation to any protected use properties, as described in Sections 8.G.4.b. and 8.G.4.c.;

(c) Convenience and safety of vehicular and pedestrian movement on the site and for the location of driveway openings in relation to street traffic;

- (d) 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;
 - (e) 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;
 - (f) Design and appearance of proposed buildings, structures, freestanding and other signs, screening and landscaping; and
 - (g) Adequacy of water supply, surface and subsurface drainage and light.
 - (4) a description of the security measures, including employee security policies, approved by DPH for the RMD;
 - (5) a copy of the emergency procedures approved by DPH for the RMD;
 - (6) a copy of the policies and procedures for Qualifying Patient or Personal Caregiver home delivery approved by DPH for the RMD;
 - (7) a copy of the policies and procedures for the transfer, acquisition, or sale of marijuana between RMDs approved by DPH;
 - (8) a copy of proposed waste disposal procedures; and
 - (9) a description of any waivers from DPH regulations issued for the RMD.
- b. The Planning Board shall refer copies of the application to the Building Department, Fire Department, Police Department, Board of Health, the Conservation Commission, the Highway Department, Board of Water Commissioners, and the Planning Board. 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 Planning Board may act upon such a permit.

6. Special Permit Conditions on RMDs: The Planning Board shall impose conditions reasonably appropriate to improve site design, traffic flow, and 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 Planning Board 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 Planning Board 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 Planning Board 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 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 Planning Board in writing within 48 hours of the cessation of operation of the RMD by the permit holder 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 8.C. of this 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.

And by approving changes to the Zoning Map, Town of Brookfield, that identifies areas in the Medical Marijuana Overlay District, or takes any action relative thereto.

This article would add Registered Marijuana Dispensary as a permitted use under the Zoning Bylaw, subject to Special Permit by the Planning Board, through the establishment of a Medical Marijuana Overlay District.

(The Board of Selectmen unanimously supports Article 25.)

The Town voted by a standing 2/3rds majority 48 in favor to 1 opposed majority to amend the Town's Zoning Bylaw to add Registered Marijuana Dispensary as permitted use, subject to Special Permit by the Planning Board, through the establishment of a Medical Marijuana Overlay District, as follows:

To Section 4.D., Use Regulation Table, add the following, under subsection 6, Commercial and Manufacturing Use:

k. Registered Marijuana Dispensary SP in MMOD To Section 3, Establishment of Districts, subsection A, add the following:

7. Medical Marijuana Overlay District (MMOD)

a. Purpose: the purpose of the Medical Marijuana Overlay District (MMOD) is to provide suitable locations for the placement of Registered Marijuana Dispensaries (RMDs).

b. Intent: the intent of the MMOD is to minimize any adverse impacts of RMDs on public safety and general welfare.

To Section 8, Special Regulations, add the following:

G. Registered Marijuana Dispensaries

1. Purpose: To provide for the placement of Registered Marijuana Dispensaries (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.

2. Establishment: The Medical Marijuana Overlay District (MMOD) is established as an overlay district. The boundaries of the MMOD are shown on the Zoning Map on file with the Town Clerk. Within the MMOD, all requirements of the underlying district(s) remain 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.

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.

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 for medical use.

4. Location

a. RMDs may be permitted in the MMOD pursuant to a Special Permit.

b. RMD buildings may not be located within 2,500 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 8.G.4.b. to the nearest point of the proposed RMD building.

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 Town;

(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 and fees required under Article V of the Town of Brookfield Rules and Regulations for the Planning Board and Section 12.C.8. of this Bylaw, the applicant shall include:

(1) a notarized 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 identifies the square footage available and describes the functional areas of the RMD, including areas for any preparation of Marijuana Infused Products as defined by the DPH;

(3) 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) Location of all RMD buildings in relation to any protected use properties, as described in Sections 8.G.4.b. and 8.G.4.c.;

(c) Convenience and safety of vehicular and pedestrian movement on the site and for the location of driveway openings in relation to street traffic;

(d) 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;

(e) 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;

(f) Design and appearance of proposed buildings, structures, freestanding and other signs, screening and landscaping; and

(g) Adequacy of water supply, surface and subsurface drainage and light.

(4) a description of the security measures, including employee security policies, approved by DPH for the RMD;

(5) a copy of the emergency procedures approved by DPH for the RMD;

(6) a copy of the policies and procedures for Qualifying Patient or Personal Caregiver home delivery approved by DPH for the RMD;

(7) a copy of the policies and procedures for the transfer, acquisition, or sale of marijuana between RMDs approved by DPH;

(8) a copy of proposed waste disposal procedures; and

(9) a description of any waivers from DPH regulations issued for the RMD.

b. The Planning Board shall refer copies of the application to the Building Department, Fire Department, Police Department, Board of Health, the Conservation Commission, the Highway Department, Board of Water Commissioners, and the Planning Board. 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 Planning Board may act upon such a permit.

6. Special Permit Conditions on RMDs: *The Planning Board shall impose conditions reasonably appropriate to improve site design, traffic flow, and 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 Planning Board 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 Planning Board 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 Planning Board 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 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 Planning Board in writing within 48 hours of the cessation of operation of the RMD by the permit holder 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 8.C. of this 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.

And by approving changes to the Zoning Map, Town of Brookfield, that identifies areas in the Medical Marijuana Overlay District

Note: The Town voted by a standing majority 34 to 21 to change the distance from 500 to 2,500 feet in Location 4b.

ARTICLE 26: To see if the Town will vote to transfer a sum of money from Free Cash to the Stabilization Account or take any action thereto.

The Town must transfer available FY14 Free Cash into the Stabilization Account or it will “fall” to next year’s free cash. The amount to be transferred, if any, depends on whether articles recommended to be funded from free cash receive favorable votes.

The Town voted to transfer the sum of \$221,073.00 from Free Cash to the Stabilization Account by a standing 2/3rds majority of 45 to 4.

(The Board of Selectmen unanimously supports Article 26.)

THIS WARRANT HAS TOTAL OF 26 ARTICLES.

The Meeting adjourned at 9:10 p.m. 69 registered voters attended the meeting.

And you are directed to serve this warrant, by posting up attested copies thereof, at the Town Hall and Post Office and on-line at www.mytowngovernment.org in said Town, seven days at least before the time of the holding of 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 the meeting, as aforesaid. Given under our hands this 22nd day of May, in the year Two Thousand and Fourteen.

Respectfully Submitted,

SELECTMEN OF BROOKFIELD

Stephen J. Comtois II, Chairman

Nicholas M. Thomo, Vice Chairman

Linda M. Lincoln, Clerk

A True Copy, Attest:

Constable of Brookfield

Worcester, SS:
Brookfield, Massachusetts

Pursuant to the within warrant, I have notified and warned the inhabitants of the Town of Brookfield by posting up attested copies of same at the U.S. Post Office on May 22, 2014 at ____ p.m. and at the Brookfield Town Hall at _____ p.m. on the same day.

Seven days before the date of the meeting, as within directed.

Constable of Brookfield

A TRUE COPY ATTEST:

Michael P. Seery, Town Clerk

