

**Town of Whately
Special Town Meeting Warrant
February 11, 2014**

COMMONWEALTH OF MASSACHUSETTS

Franklin, SS.

To either of the Constables of the Town of Whately in the County of Franklin, GREETING:

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 **Whately Elementary School, 273 Long Plain Road, Whately on the eleventh day of February** next, at **seven in the evening**, then and there to act on the following articles:

ARTICLE 1: To see if the Town will vote to amend the Town's Zoning Bylaw by adding a new Section 171-8E, **TEMPORARY MORATORIUM ON MEDICAL MARIJUANA TREATMENT CENTERS**, that would provide as follows, and further to amend the Table of Contents to add Section 171-8 E, "Temporary Moratorium on Medical Marijuana Treatment Centers:"

Section 171-8 E.

(1) PURPOSE

By vote at the State election on November 6, 2012, the voters of the Commonwealth approved a law regulating the cultivation, distribution, possession and use of marijuana for medical purposes. The law provides that it is effective on January 1, 2013. On May 8, 2013 the State Department of Public Health promulgated Regulations that became effective on May 24, 2013. Currently under the Zoning Bylaw, a Medical Marijuana Treatment Center is not a permitted use in the Town of Whately and the regulations recently promulgated by the State Department of Public Health provide guidance to the Town in regulating medical marijuana, including Medical Marijuana Treatment Centers. The regulation of medical marijuana raises novel and complex legal, planning, and public safety issues and the Town needs time to study and consider the regulation of Medical Marijuana Treatment Centers and address such novel and complex issues, as well as to address the potential impact of the State regulations on local zoning and to undertake a planning process to consider amending the Zoning Bylaw regarding regulation of medical marijuana treatment centers and other uses related to the regulation of medical marijuana. The Town intends to adopt a temporary moratorium on the use of land and structures in the Town for Medical Marijuana Treatment Centers so as to allow the Town sufficient time to engage in a planning process to address the effects of such structures and uses in the Town and to enact bylaws in a manner consistent with sound land use planning goals and objectives.

(2) DEFINITION

“Medical Marijuana Treatment Center” shall mean a “not-for-profit entity, as defined by Massachusetts law only, registered by the Department of Public Health, that acquires, cultivates, possesses, processes (including development of related products such as food, tinctures, aerosols, oils or ointments), transfers, transports, sells, distributes, dispenses, or administers marijuana, products containing marijuana, related supplies, or educational materials to qualifying patients or their personal caregivers.”

(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 temporary moratorium on the use of land or structures for a Medical Marijuana Treatment Center. The moratorium shall be in effect through September 30, 2014. During the moratorium period, the Town shall undertake a planning process to address the potential impacts of medical marijuana in the Town, consider the Department of Public Health regulations Regarding Medical Marijuana Treatment Facilities and related uses, and shall consider adopting new Zoning Bylaws to address the impact and operation of Medical Marijuana Treatment Centers and related uses or take any action relative thereto.

2/3rd's vote required

*Recommended by the Planning Board
Recommended by Selectmen (2-1 vote)*

ARTICLE 2: To see if the town will vote to amend the Town of Whately Zoning Map dated March 31, 2010 and amended on May 9, 2013 by (1), removing from the A/R1 zone Interstate 91 and a number of driveways that were shown as town roads, (2) Adding five lots to the Commercial District that had been omitted from the current zoning map; namely lots Map 32, Lots 7, 10, 11, 12, and 13, or take any other action relative thereto. A similar vote was disapproved by the Attorney General's office due to a posting technicality.

2/3rd's vote required

*Recommended by the Planning Board
Recommended by Selectmen*

Article 3. To see if the town will vote to transfer from Water Department Retained Earnings the sum of **\$10,000** for a billing software package that is compatible with the new meter system or take any other action relative thereto.

*Recommended by the Water Commissioners
Recommended by the Finance Committee*

Article 4. To see if the town will vote to transfer from Water Department Retained Earnings the sum of **\$4,756** to replace water meters or take any other action relative thereto.

*Recommended by the Water Commissioners
Recommended by the Finance Committee*

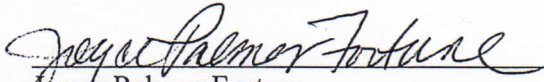
And you are directed to serve this Warrant by posting up attested copies thereof at the Town Hall, Center School Offices, Post Office, and the S. W. Dickinson Library in said Whately, fourteen days at least before the time of holding said meeting.

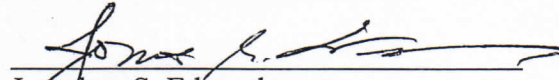
Hereof fail not, and make due return of this Warrant, with your doings thereon, to the Town Clerk, at the time and place of meeting as aforesaid.

Given under our hands this fourteenth day of January in the year two thousand and fourteen.

Selectmen
of
Whately

Paul K. Newlin, Chair


Joyce Palmer Fortune


Jonathan S. Edwards

A true copy.

Attest:

Constable