

**Town of Whately**  
**Special Town Meeting Warrant**  
**December 11, 2017**

**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 Town Offices, 4 Sandy Lane, Whately, MA on the eleventh (11) day of December 2017, next, at seven (7:00) in the evening**, then and there to act on the following articles:

**Article 1:** To see if the Town will vote to transfer the sum of \$58.00 from Fiscal Year 2017 Free Cash to Account #630-5444-000 (Tri-Town Beach) to pay unpaid bills of a prior fiscal year, or take any other action relative thereto.

*9/10ths Vote Required*

**Selectboard Recommends**  
**Finance Committee Recommends**

**Article 2:** To see if the Town will vote to transfer the sum of \$1,300 from the Water Department Enterprise Fund: 2017 Retained Earnings to Account #450-5400-000 (Water Department - General Expenses) to pay unpaid bills of a prior fiscal year, or take any other action relative thereto.

*9/10ths Vote Required*

**Selectboard Recommends**  
**Finance Committee Recommends**

**Article 3:** To see if the Town will vote to transfer the sum of \$15,000 from the Water Department Enterprise Fund: 2017 Retained Earnings to Account #450-5400-000 (Water Department - General Expenses) to pay for unanticipated expenses of the current fiscal year, or take any other action relative thereto.

*Majority Vote Required*

**Selectboard Recommends**  
**Finance Committee Recommends**

**Article 4:** To see if the Town will vote to transfer the sum of \$7,500 from Fiscal Year 2017 Free Cash to pay for the design and construction of improvements to the veterans monument and surrounding land located immediately adjacent to the Town Hall, or take any other action relative thereto.

*Majority Vote Required*

**Selectboard Recommends**  
**Finance Committee Recommends**

**Article 5:** To see if the Town will vote to transfer the sum of \$5,000 from Fiscal Year 2017 Free Cash to Account #300-5809-000 (Sprinkler System Whately Elementary) to pay for additional testing and repairs to or the replacement of the existing sprinkler system, or take any other action relative thereto.

*Majority Vote Required*

**Selectboard Recommends  
Finance Committee Recommends**

**Article 6:** To see if the Town will vote to rescind the appropriation of \$23,600 of Community Preservation Act funds under Article 18 of the April 28, 2015 Annual Town Meeting, as it relates to an appropriation for the Hutkoski Agricultural Preservation Restriction, and to return said amount (\$23,600) back to the Open Space Reserve, or take any other action relative thereto.

*Majority Vote Required*

**Selectboard Recommends  
Finance Committee Recommends  
Community Preservation Committee Recommends**

**Article 7:** To see if the Town will vote to return the sum of \$14,376 of Community Preservation Act funds, being the amount of funds remaining from an appropriation of \$18,000 under Article 13 of the October 15, 2013 Special Town Meeting for the addition and rehabilitation of baseball and softball fields at Herlihy Field and 219 Christian Lane, back to the unreserved Fund Balance, or take any other action relative thereto.

*Majority Vote Required*

**Selectboard Recommends  
Finance Committee Recommends  
Community Preservation Committee Recommends**

**Article 8:** To see if the Town will vote pursuant to G.L. c. 44B to transfer the sum of \$6,000 of Community Preservation Act funds from the unreserved Fund Balance to the Housing Reserve, or take any other action relative thereto.

*Majority Vote Required*

**Selectboard Recommends  
Finance Committee Recommends  
Community Preservation Committee Recommends**

**Article 9:** To see if the Town will vote to amend the Whately Zoning Bylaws by amending Sections 171-8 A. "Table of Use Regulations" and 171-28.6 "Registered Marijuana Dispensary and Off-site Marijuana Dispensary" as indicated below, with additions shown in ***bold underline italics*** font and deletions shown in ~~strikeout~~ font, or take any other action relative thereto.

171-8 A: Table of Use Regulations

The following shall apply:

Y = Yes, the use is permitted by right in that zoning district

N = No, the use is not permitted in that zoning district

SP = The use is allowed in that zoning district only after a special permit has been granted

\* = site plan review required (see §171-17 for other uses requiring site plan review)

[Added 4-27-2010, ATM by Art. 11]

Principal Use	Agricultural/ Residential 1	Agricultural/ Residential 2	Commercial	Commercial / Industrial	Industrial
<b>Agricultural Uses</b>					
<del>Farm</del> <b><i>Consistent with the provisions of G.L. c. 40A § 3, farm</i></b> , orchard, nursery, market garden, forestry, sugarhouse, greenhouse or other use of land for agricultural, horticultural, floricultural, aquacultural, silvicultural, or viticultural production. The use may include retail sale of agricultural products, consistent with the provisions of G.L. c. 40A § 3, and the retail space is less than 300 square feet. [Amended ATM 4-29-2014, Art.29A]	Y	Y	Y	Y	Y



171-28.6: Registered Marijuana Dispensary and Off-site Marijuana Dispensary

A. Use

- a. RMD and ORMD facilities may only be involved in the uses permitted as approved by DPH and consistently with this Bylaw and may not include or engage in other businesses or services. For the purposes of the Table of Use, § 171-8 A, marijuana is not agriculture.

B. Physical Requirements

- a. All aspects of the use/facility relative to the acquisition, cultivation, possession, processing, sales, distribution, dispensing or administration of marijuana, products containing marijuana, related supplies, or educational materials must take place at a fixed location within a fully enclosed permanent building and shall not be visible from the exterior of the business.

2/3rds Vote Required

Selectboard Recommends  
 Planning Board Recommends

And you are directed to serve this Warrant by posting up attested copies thereof at the Town Hall, Town Office Building, 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 20<sup>th</sup> day of November in the year two thousand and seventeen.

  
 Frederick P. Orloski, Chair

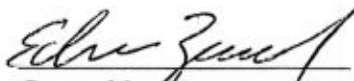
Selectboard  
of  
Whately

  
 Jonathan Edwards, Vice Chair

  
 Joyce Palmer Fortune, Clerk

A true copy.

Attest:

  
 Constable