

**SPECIAL TOWN MEETING
TOWN OF WHATELY
December 11, 2017**

Pursuant to the recorded warrant a special town meeting of the Town of Whately held at the Whately Town Offices, 4 Sandy Lane was called to order Monday, December 11, 2017 at 7:00 p.m. by Moderator Richard Smith. Town Clerk, Lynn Sibley, read the return of the warrant. 18 voters were checked in and given blue placards.

Prior to the start of the meeting Susan Baron from the 250th Celebration Committee asked those present to consider filling out a survey on what types of events people would like to see for the 250th celebration and if they would be interested in helping with any of the events.

Peter Williams was asked by the Moderator to serve as a Counter.

ARTICLE 1: Upon motion made and seconded, it was

Voted that the town 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.
9/10ths Vote Required

Moderator asked for a count of placards which was 17-0 which resulted in the article passing.

ARTICLE 2. Upon motion made and seconded, it was

Voted that the Town 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.
9/10ths Vote Required

Moderator asked for a count of placards which was 17-0 which resulted in the article passing.

ARTICLE 3. Upon motion made and seconded, it was

Voted that the town 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.
Majority Vote Required

Moderator declared article passed in the affirmative.

ARTICLE 4. Upon motion made and seconded, it was

Voted that the town 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.
Majority Vote Required

Moderator declared article passed in the affirmative.

Clerk's note: There was some discussion about what the "land located immediately adjacent to the Town Hall" meant. It was clarified that this article pertained to the park area and nothing related to the ongoing Town Hall project.

Article 5. Upon motion made and seconded, it was

Voted that the town 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.

Majority Vote Required

Moderator declared article passed in the affirmative.

Clerk's note: There was some discussion about whether there would be additional costs in the future for the sprinkler system. It was stated that this was only for additional testing and some repairs and there would likely be additional costs in the future because it is known that all the sprinkler heads need to be replaced and there may be additional repairs required after the testing is complete.

Article 6. Upon motion made and seconded, it was

Voted that the town 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.

Majority Vote Required

Moderator declared article passed in the affirmative.

Article 7. Upon motion made and seconded, it was

Voted that the town 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.

Majority Vote Required

Moderator declared article passed in the affirmative.

Clerk's Note: The Recreation Commission approved of this article but did caution that they may ask for CPA funds in the future once they evaluate the fields and the needs of the town.

Article 8. Upon motion made and seconded, it was

Voted that the town pursuant to G.L. c. 44B transfer the sum of **\$6,000** of Community Preservation Act funds from the unreserved Fund Balance to the Housing Reserve.

Majority Vote Required

Moderator declared article passed in the affirmative.

Article 9. Upon motion made and seconded, it was

Voted that the Town 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.

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	Agriculture/ Residential 1	Agriculture/ Residential	Commercial	Commercial - Industrial	Industrial
Agricultural Uses					
Farm <i>Consistent with the provisions of G.L. c. 40A §3 farm,</i> 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 Regulations, § 171-8 A, marijuana cultivation 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

Moderator asked for a count of placards which was 16-0 which resulted in the article passing.

Motion was made to adjourn without date at 7:15 p.m. – Vote was unanimous.

A true copy,

Attest:

Lynn M. Sibley, MMC, CMMC
Town Clerk of Whately