

**WARRANT FOR THE ANNUAL TOWN MEETING
MAY 19, 2014
SALISBURY ELEMENTARY SCHOOL**

A quorum (125) being present, Moderator Jerry Klima called the Town Meeting to order at 8:37 p.m. with the checklist showing 126 registered voters. There were 18 non-voters present: Donald Levesque, Terry Kyrios, Neil Harrington, Andrew Gould, Angeljean Chiaramida, Elizabeth Pettis, Thomas McEnaney, John W. Morris, Cheryl Gorniewicz, Brian Forget, Christopher Farmer, Joanne Ratcliffe, Barb Cronin, Joyce Tomaselli, Bob LaRochelle, Kara Kosmes, Jane Noyes, John Feehan

Anne Jones, Catherine Clinch and Susan Tatro were checkers at the door with Assistant Town Clerk Lynne Karpenko assisting. Reggie Santos and Brud Janvrin served as counters throughout the meeting.

The first order of business, as per the Town Charter, was to elect a Deputy Moderator. Moderator Klima asked for a motion to ratify his selection of Reginald Santos to serve as Deputy Moderator until the May 2015 Annual Town Meeting. A Motion was made by Henry Richenburg to appoint Reginald Santos Deputy Moderator until May 2015. The motion was seconded & carried by unanimous vote.

In accordance with Salisbury Town Bylaws §233-10 there was a motion made to adopt a vote that the moderator can declare a 2/3 majority vote without a count unless seven voters immediately oppose; then there must be a hand count. The motion was seconded and carried.

After article four was passed a motion was made by Ray Pike to waive the reading of articles 5-13. The motion was seconded and carried.

After article 24 was passed there was a question presented by voter, David Charles Colburn, of whether or not there was a quorum. Moderator Klima stopped the meeting and ordered a count and at that point there were only 105 voters present and the quorum number is 125. On advice of town counsel a 15 minute break was taken to see if more voters would come out to meet the quorum. After the 15 minute break a count was taken and at that point there were only 97 voters present. Town Counsel stated that, according to Salisbury's town charter, that a town meeting cannot be dissolved unless every article is acted upon. A motion was made by Selectman Beaulieu to adjourn the meeting and reconvene on Tuesday, June 10, 2014 at 7:00 pm at Salisbury Elementary School; the motion was seconded and carried. Moderator Klima declared the meeting adjourned at 9:55pm, reconvening on June 10, 2014 at 7pm. There were no notices received by the Town Clerk for reconsiderations of votes.

June 10, 2014: A quorum (125) being present, Moderator Jerry Klima called the Town Meeting to order at 7:07 p.m. with a checklist of 167 registered voters. There were 6 non-voters present: Elizabeth Pettis, Angeljean Chiaramida, Thomas McEnaney, Kathy McMurray, Jack McMurray, Terry Kyrios.

Anne Jones, Susan Tatro, and Josephine Kohan were checkers at the door with Assistant Town Clerk, Lynne Karpenko, assisting.

Under Section 233-8 of the Salisbury Town By-laws, the first order of business at each adjourned meeting must be the reading of the records of the previous meeting by the Town Clerk, unless dispensed with by vote. Don Beaulieu made a motion to dispense with the reading of the records of the previous meeting by the Town Clerk. The motion was seconded & carried.

After article twenty-five passed a motion was made by Robert Straubel to waive the reading of article twenty-six; the motion was seconded and carried.

Action was taken on the remaining articles of the warrant and Moderator Klima declared the meeting adjourned at 7:20 pm.

ARTICLE ONE

Election of Officers – Tuesday, May 13, 2014

ONE SELECTMAN FOR A THREE-YEAR TERM

TRITON REGIONAL SCHOOL COMMITTEE MEMBERS – THREE MEMBERS FOR A THREE YEAR TERM – ONE MEMBER FROM EACH TOWN

ARTICLE TWO

To hear reports of the Boards, Committees and Commissions as may be presented. Fred Knowles gave an update for the Redesign Committee for the Veteran Memorial for the town common.

ARTICLE THREE

To hear the report of the Warrant Advisory Committee and to raise and appropriate \$20,898,109.00 to fund the FY2015 annual operating budget of the Town, which includes \$9,716,786.00 to pay the Town's anticipated share of the Triton Regional School District's operating budget for FY2015, calculated in accordance with Mass. General Law Chapter 70, Section 6, and in accordance with the attached departmental breakdown of the budget; to appropriate \$1,956,667.00 to fund the FY2015 Sewer Enterprise Fund budget; to appropriate \$2,325,538.00 to fund the FY2015 Water Enterprise Fund budget; to transfer the sums of \$324,952.00 from the FY2015 Sewer Enterprise Fund budget and \$127,545.00 from the FY2015 Water Enterprise Fund budget to the General Fund; and to transfer the sum of \$29,265.00 from the Waterways Permit Fees Fund to the General Fund; or to take any other action relative thereto.

ON PETITION OF THE TOWN MANAGER

Warrant Advisory Committee unanimously voted to recommend approval

Motion: Wilma McDonald I move that Article Three be approved as herein stated

Seconded & Carried

ARTICLE FOUR

To see if the Town will vote to re-authorize a revolving fund for the Planning Board as described in Chapter 44, Section 53E ½ of the Massachusetts General Laws, for FY2015. This revolving fund would be to accept receipts from fees charged to applicants specifically to pay outside consultants. The receipts would be expended, not to exceed \$100,000 in FY2015, by the Planning Board for: engineers, lawyers, designers, or other appropriate professionals who can assist the Board in analyzing a project to ensure compliance with all relevant laws, ordinances, bylaws and regulations; or to take any other action relative thereto.

ON PETITION OF THE TOWN MANAGER

Warrant Advisory Committee unanimously voted to recommend approval

Motion: Freeman Condon I move that Article Four be approved as herein stated

Seconded & Carried

Motion: Ray Pike

I move to waive the readings of articles five through 13

Seconded & Carried

ARTICLE FIVE

To see if the Town will vote to re-authorize a revolving fund for the Conservation Commission as described in Chapter 44, Section 53E ½ of the Massachusetts General Laws, for FY2015. This revolving fund would be to accept receipts from filing fees paid pursuant to the Wetlands Protection Act. The

receipts would be expended, not to exceed \$100,000 in FY2015, by the Conservation Commission for the payment of consultant fees, expenses of, and a portion of the salary and benefits of the Town's Conservation Agent for administration and enforcement of the Wetlands Protection Act; or to take any other action relative thereto.

ON PETITION OF THE TOWN MANAGER

Warrant Advisory Committee unanimously voted to recommend approval

Motion: Don Beaulieu I move that Article Five be approved as herein stated

Seconded & Carried

ARTICLE SIX

To see if the Town will vote to re-authorize a revolving fund for the Parks and Recreation Commission as described in Chapter 44, Section 53E1/2 of the Massachusetts General Laws, for FY2015. The revolving fund would be to accept receipts from fund raising, grants, donations, and charges for activities. The receipts would be expended, not to exceed \$25,000.00 in FY2015 by the Parks and Recreation Commission for activities sponsored by the Parks and Recreation Commission; or to take any other action relative thereto.

ON PETITION OF THE TOWN MANAGER

Warrant Advisory Committee unanimously voted to recommend approval

Motion: Henry Richenburg I move that Article Six be approved as herein stated

Seconded & Carried

ARTICLE SEVEN

To see if the Town will vote to re-authorize a revolving fund for the Building Inspector's Department as described in Chapter 44, Section 53 E1/2 of the Mass. General Laws for FY2015. This revolving fund would be to accept receipts from fees charged by the Department for electrical, plumbing and gas inspections. The receipts would be expended, not to exceed \$50,000 in FY2015, by the Building Inspector's Department to pay for the services of the Town's electrical, plumbing and gas inspectors; or to take any other action relative thereto.

ON PETITION OF THE TOWN MANAGER

Warrant Advisory Committee unanimously voted to recommend approval

Motion: Edwin Hunt I move that Article Seven be approved as herein stated

Seconded & Carried

ARTICLE EIGHT

To see if the Town will vote to re-authorize a revolving fund for the Earth Filling Bylaw as described in Chapter 44, Section 53 E1/2 of the Mass. General Laws for FY2015. This revolving fund would be to accept payments made by applicants under the Town's Earth Filling Bylaw for borings and test pits, inspections, monitoring, certifications, reports and tests that are required by the permit granting authority while considering an application for an earth filling permit and/or as a condition of issuing a permit and/or to monitor performance under a permit and/or to establish compliance with the conditions of a permit and the bylaw. The receipts would be expended, not to exceed \$50,000 in FY2015, by the Board of Selectmen and/or the Town Manager for such services as either of them as a permit granting authority deems to be needed to evaluate an application and/or to monitor performance under a permit and/or to establish compliance with the conditions of a permit and the bylaw; or to take any other action relative thereto.

ON PETITION OF THE TOWN MANAGER

Warrant Advisory Committee unanimously voted to recommend approval

Motion: Wilma McDonald I move that Article Eight be approved as herein stated

Seconded & Carried

ARTICLE NINE

To see if the Town will vote to re-authorize a revolving fund for the Council on Aging as described in Chapter 44, Section 53 E1/2 of the Mass. General Laws, for FY2015. This revolving fund would be to accept donations to the Council on Aging from individuals, businesses, corporations or non-profit

agencies. The receipts would be expended, not to exceed \$50,000 in FY2015, by the Director of the Council on Aging, with the approval of the Board of Directors of the Council on Aging, to pay for general improvements to the Hilton Center and other expenses consistent with the mission of the Council on Aging; or to take any other action relative thereto.

ON PETITION OF THE TOWN MANAGER

Warrant Advisory Committee unanimously voted to recommend approval

**Motion: Freeman Condon I move that Article Nine be approved as herein stated
Seconded & Carried**

ARTICLE TEN

To see if the Town will vote to re-authorize a revolving fund for the Planning Board as described in Chapter 44, Section 53E ½ of the Massachusetts General Laws, for FY2015. The revolving fund would be to accept receipts from developers, landowners and other applicants seeking subdivision or site plan approval from the Planning Board, except for those receipts specifically to pay outside consultants. The receipts would be expended, not to exceed \$40,000.00 in FY2015, by the Planning Board, in conjunction with the Town's Department of Public Works for: design, engineering and construction costs of sidewalks required pursuant to the Town's subdivision control bylaw; or to take any other action relative thereto.

ON PETITION OF THE TOWN MANAGER

Warrant Advisory Committee unanimously voted to recommend approval

**Motion: Don Beaulieu I move that Article Ten be approved as herein stated
Seconded & Carried**

ARTICLE ELEVEN

To see if the Town will vote to re-authorize a revolving fund for the Harbor Commission, as described in Chapter 44, Section 53E ½ of the Mass. General Laws, for FY2015. This revolving fund would be to accept receipts from: mooring fees, waterways permit fees, dinghy fees, and sewerage pump-out fees. The receipts would be expended, not to exceed \$75,000 in FY2015, by the Harbor Commission for: maintenance and development of riverfront recreational activities, equipment maintenance or replacement, Harbormaster's operating expense, water safety, education and expenses of complying with the Clean Waters Act; or to take any other action relative thereto.

ON PETITION OF THE TOWN MANAGER

Warrant Advisory Committee unanimously voted to recommend approval

**Motion: Henry Richenburg I move that Article Eleven be approved as herein stated
Seconded & Carried**

ARTICLE TWELVE

To see if the Town will vote to re-authorize a revolving fund for the Town Manager as described in Chapter 44, Section 53E ½ of the Massachusetts General Laws, for FY2015. The revolving fund would be to accept receipts from fees paid to park at Town-owned parking lots at Salisbury Beach. The receipts would be expended, not to exceed \$10,000 in FY2015, by the Town Manager for the purpose of funding public improvements at Salisbury Beach, including, but not limited to, public infrastructure, upkeep of the Town's comfort station and/or public amenities; or to take any other action relative thereto.

ON PETITION OF THE TOWN MANAGER

Warrant Advisory Committee unanimously voted to recommend approval

**Motion: Edwin Hunt I move that Article Twelve be approved as herein stated
Seconded & Carried**

ARTICLE THIRTEEN

To see if the Town will vote to re-authorize a revolving fund for the Health Department as described in Chapter 44, Section 53E ½ of the Massachusetts General Laws, for FY2015. This revolving fund would be to accept receipts from fees charged to property owners and/or other applicants for inspections by the Town's Department of Health. The receipts would be expended, not to exceed \$100,000 in FY2015, by the Director of Public Health, with the approval of the Town Manager, to pay for the services of qualified

individuals to conduct health inspections, including but not limited to inspections of restaurant and food establishments, housing, septic systems and Title 5, as required by law, bylaw or Board of Health regulation, and the enforcement thereof, at the direction of the Director of Public Health; or to take any other action relative thereto.

ON PETITION OF THE TOWN MANAGER

Warrant Advisory Committee unanimously voted to recommend approval

**Motion: Wilma McDonald I move that Article Thirteen be approved as herein stated
Seconded & Carried**

ARTICLE FOURTEEN

To see if the Town will vote to authorize a revolving fund for the Department of Public Works as described in Chapter 44, Section 53E ½ of the Massachusetts General Laws, for FY2015. This revolving fund would be to accept receipts from rental and other fees charged to tenants of the former Memorial School. The receipts would be expended, not to exceed \$75,000 in FY2015, by the Director of Public Works, to pay for capital repairs and improvements to the former Memorial School; or to take any other action relative thereto.

ON PETITION OF THE TOWN MANAGER

Warrant Advisory Committee unanimously voted to recommend approval

**Motion: Freeman Condon I move that Article Fourteen be approved as herein stated
Seconded & Carried**

ARTICLE FIFTEEN

To see if the Town will vote to accept as Town ways the roadways known as 10th Street West, 11th Street West, 12th Street West, Lewis Avenue, Florence Avenue, Carter Avenue, and Humphrey Avenue, as heretofore laid out by the Board of Selectmen and shown on a plan entitled "Street Acceptance Plan Salisbury, MA," dated March 12, 2014, prepared by Millennium Engineering, Inc. (7 sheets), and on file with the Town Clerk, and to authorize the Board of Selectmen to acquire on behalf of the Town by gift, purchase, or eminent domain the fee to and/or easements in 10th Street West, 11th Street West, 12th Street West, Lewis Avenue, Florence Avenue, Carter Avenue, and Humphrey Avenue for all purposes for which public ways are used in the Town of Salisbury, and any drainage, utility, access, and/or other easements related thereto; or take any other action relative thereto.

ON PETITION OF THE TOWN MANAGER

Warrant Advisory Committee unanimously voted to recommend approval

**Motion: Don Beaulieu I move that Article Fifteen be approved as herein stated
Seconded & Carried by unanimous vote (2/3 vote required)**

ARTICLE SIXTEEN

To see if the Town will vote to accept as a Town way the roadway known as Ocean Front South, as heretofore laid out by the Board of Selectmen and shown on a plan entitled "Street Acceptance Plan in Salisbury, MA Showing Ocean Front South," dated March 12, 2014, prepared by Millennium Engineering, Inc., and on file with the Town Clerk, and to authorize the Board of Selectmen to acquire on behalf of the Town by gift, purchase, or eminent domain the fee to and/or easements in Ocean Front South for all purposes for which public ways are used in the Town of Salisbury, and drainage, utility, access, and/or other easements related thereto; or take any other action relative thereto.

ON PETITION OF THE TOWN MANAGER

Warrant Advisory Committee unanimously voted to recommend approval

**Motion: Henry Richenburg I move that Article Sixteen be approved as herein stated
Seconded & Carried by unanimous vote (2/3 vote required)**

ARTICLE SEVENTEEN

To see if the Town will vote to (1) authorize the Board of Selectman to accept a gift of the land shown as "Proposed Lot X" and "Proposed Lot Y" on a plan of land dated August 20, 2013 on file in the office of the Town Clerk, said lots to be held in the care, custody and control of the Board of Selectmen for the

purpose of conveyance; (2) transfer the care, custody control and management of the property located at 29 Elm Street (shown on Assessors Map #2, Lot #45) from the tax custodian for tax title purposes to the Board of Selectmen for the purpose of conveyance; (3) transfer the care, custody, control and management of the former Spalding School property located at 18 Maple Street (shown on Assessors Map #6, Lot #38) from the board or officer and for the purpose for which it is currently held to said board for such purposes and also to the Board of Selectmen for the purpose of conveying such portion or portions as the Board of Selectmen deems appropriate; and further, (4) authorize the Board of Selectmen to convey the fee to or any lesser interest in Proposed Lot X, Proposed Lot Y, 29 Elm Street, and a portion or portions of the Spalding School property, all on such terms and for such consideration as the Board of Selectmen deems appropriate; or to take any other action relative thereto.

ON PETITION OF THE TOWN MANAGER

Warrant Advisory Committee voted 4-1 to recommend approval

Motion: Edwin Hunt I move that Article Seventeen be approved as herein stated

Seconded & Carried by declaration of a 2/3 majority vote

ARTICLE EIGHTEEN

To see if the Town will vote to authorize the Treasurer to borrow the sum of \$246,000.00 in accordance with General Laws Chapter 44, Section 7 or any other enabling authority, which sum shall be added to the \$200,000.00 previously authorized under Article 19 of the May 16, 2011 Annual Town Meeting, for the purpose of funding the environmental remediation of the property at 29 School Street and the parcels of land shown as "Proposed Lot X" and "Proposed Lot Y" on a plan of land dated August 20, 2013, on file with the Town Clerk; and further to authorize the Board of Selectmen to apply for, accept and expend any grants or gifts available for said purposes, including a grant from the Merrimack Valley Planning Commission, and to authorize the Board of Selectmen to execute any instruments and take any other action necessary to effectuate the vote taken hereunder; or to take any other action relative thereto.

ON PETITION OF THE TOWN MANAGER

Warrant Advisory Committee voted 4-1 to recommend approval

Motion: Don Beaulieu I move that Article Eighteen be approved as herein stated
Seconded

Motion: Don Beaulieu I move to amend Article Eighteen by deleting the word "school"
Seconded & Carried and insert in place thereof the word "Elm".

Main Motion as amended was seconded and carried by declaration of a 2/3 majority vote.

ARTICLE NINETEEN

To see if the Town will vote to authorize the Treasurer to borrow the sum of \$182,213.00 for the purpose of making certain energy conservation and energy related improvements to public buildings owned by the Town of Salisbury, as identified in an Investment Grade Audit prepared for the Town by Ameresco, Inc., an Executive Summary of which is on file in the office of the Town Clerk, said funds to supplement the sum of \$1,026,372.00 previously authorized for this purpose under Article 21 of the May 20, 2013 Annual Town Meeting; or to take any other action relative thereto.

ON PETITION OF THE TOWN MANAGER

Warrant Advisory Committee unanimously voted to recommend approval

Motion: Wilma McDonald I move that Article Nineteen be approved as herein stated

Seconded & Carried by unanimous vote (2/3 vote required)

ARTICLE TWENTY

To see if the Town will vote, pursuant to M.G.L. Chapter 41, §110A, to close all municipal offices in Town Hall for the transaction of business on Saturdays; or to take any other action relative thereto.

ON PETITION OF THE TOWN MANAGER

Warrant Advisory Committee unanimously voted to recommend approval

**Motion: Freeman Condon I move that Article Twenty be approved as herein stated
Seconded & Carried**

ARTICLE TWENTY-ONE

To see if the Town will vote to amend the Assessor's Map references in the vote taken under Article 11 of the May 19, 2008 Annual Town Meeting from "Assessor's Map #19, Lot #128" to "Assessor's Map #19, Lot #178", respectively; or to take any other action relative thereto.

ON PETITION OF THE TOWN MANAGER

Warrant Advisory Committee unanimously voted to recommend approval

**Motion: Don Beaulieu I move that Article Twenty One be approved as herein stated
Seconded & Carried**

ARTICLE TWENTY- TWO

To see if the Town will vote to (1) transfer the parcels of land shown on Assessors Map 22 as Parcels 20 & 21 from the board or officer having thereof for the purposes for which such parcels are currently held to the Parks and Recreation Commission for park purposes, which parcels shall be held and designated for and dedicated to park purposes under the provisions of M.G.L. Chapter 45, Section 3; (2) raise and appropriate, transfer from available funds, and/or borrow the sum of \$863,000 for the purpose of rehabilitating, improving, and/or restoring said parcels of land and the structures and facilities thereon, and authorize the Treasurer, with approval of the Board of Selectmen, to borrow said sum under the provisions of M.G.L. Chapter 44, Sections 7, 8C on municipal indebtedness or any other enabling authority, a portion of which sum is to be reimbursed by the Executive Office of Energy and Environmental Affairs, Division of Conservation Services; (3) authorize the Board of Selectmen and/or the Parks and Recreation Commission to file, on behalf of the Town of Salisbury, any and all applications deemed necessary for grants and/or reimbursements from the Commonwealth of Massachusetts under the Urban Self Help Act (301 CMR 5.00) and/or any others in any way connected with the scope of this article; and further (4) to authorize the Board of Selectmen to enter into all agreements and contracts and execute any and all instruments as may be necessary or convenient on behalf of the Town of Salisbury to effectuate said project; or to take any other action relative thereto.

ON PETITION OF THE TOWN MANAGER

Warrant Advisory Committee unanimously voted to recommend approval

**Motion: Henry Richenburg
Seconded**

I move that Article Twenty-Two be approved as herein stated.

**Motion: Don Beaulieu
Seconded & Carried**

I move to amend the motion as follows: Insert the word "custody" after the word "having" in Line 2

**Motion: Henry Richenburg
Seconded & Carried**

I move to amend the motion as follows: In lines 4 and 5 delete the following: "raise and appropriate, transfer From available funds, and/or".

Main motion as amended was seconded and carried by unanimous vote (2/3 vote required)

ARTICLE TWENTY-THREE

To see if the Town will vote to authorize the Board of Selectmen to acquire, by purchase, gift, and/or eminent domain, the fee to or a lesser interest in a portion or portions of the property known as 14th

Street West; and, further, to transfer the sum of \$30,000.00 from Sewer Enterprise Fund Free Cash to FY2014 Sewer Enterprise Fund line item number 6000.0440.5302 (Purchase of Services – Legal) to fund the foregoing acquisition; or take any other action relative thereto.

ON PETITION OF THE TOWN MANAGER

Warrant Advisory Committee unanimously voted to recommend approval

**Motion: Edwin Hunt I move that Article Twenty-Three be approved as herein stated
Seconded & Carried by unanimous vote (2/3 vote required)**

**Motion: Jerry Klima To waive the reading of the rest of Article Twenty-Four
Seconded & carried**

ARTICLE TWENTY- FOUR

To see if the Town will vote to amend Chapter 170, §170-4 (Excessive and Obtrusive Noise) of the General Bylaws of the Town as follows:

1. In the third line, replace the sum of "\$50.00" with "\$100.00."
2. Add the following paragraphs:

Unnecessary Noise Prohibited

No person shall make any loud, obtrusive or unnecessary noise from a motor vehicle, in a public space or in a residential neighborhood as defined within this section.

Definitions:

- Vehicle: shall mean and include the following: any antique motor vehicle, motorcycle, bus, truck, construction equipment, private passenger vehicle, recreational vehicle, snowmobile, ATV, dirt bike, or any other motor vehicle as defined by Chapter 90, §1 of the Massachusetts General Laws.
- Public Space: shall mean any area which the public has right to access, that is open and accessible to all citizens, including most streets, the pavement, Town squares or parks, government buildings, including but not limited to public libraries and schools, and any public restroom.
- Residential Neighborhood: shall mean any area of the Town of Salisbury as defined in the Town of Salisbury Zoning Bylaw as a residential neighborhood.
- Loud, Obtrusive or other Unnecessary Noise: shall include any noise occasioned by one or more of the following actions of any individual:
 - Loudspeakers, jukeboxes or public address systems: It is unlawful to use, operate or permit the operation of any loudspeaker, jukebox, public address system, or other similar device amplifying sound there from on a public right-of-way or way to which the public has right of access for any commercial purpose if said amplified sound can be heard from a distance of further than two hundred (200) feet or if said sound crosses a real property boundary.
 - The playing of radios, television sets, musical instruments, cassette tapes, discs or other similar devices at any time of the day or night in such a manner as to create an objectionable noise disturbance across a real property boundary.
 - Misuse of power exceeding the tire traction limits in acceleration, sometimes known as "peeling rubber"; or
 - Misuse of braking power exceeding tire traction limits in deceleration where there is no emergency; or

- Racing engines by manipulation of the accelerator, gas pedal or carburetor or gear selection, whether the vehicle is in motion or standing still; or
- The excessive blowing of any horn except as a warning signal, or the use of any other noise-making device, whether the vehicle is in motion or standing still, in such a manner as to create a continuing noise disturbance at one hundred (100) feet from such device when operated in or on a motor vehicle on a public right-of-way or public space or on any space whatsoever.

Penalty

Violations of this bylaw may be enforced through any means available in law or in equity, including noncriminal disposition in accordance with G.L. c.40, §21D, in accordance with Sections 1-5 (Violations and penalties) and 1-6 (Noncriminal Disposition) of the Town Bylaws. For purposes of Section 1-5, the fine for each violation shall be \$200.00. For purposes of Section 1-6, the fine for the first violation shall be \$100.00 and the fine for the second and subsequent violations shall be \$200.00. When acting under Section 1-6, the enforcing person shall be the police chief or any police officer of the Town of Salisbury; or to take any other action relative thereto.

ON PETITION OF THE TOWN MANAGER

Warrant Advisory Committee unanimously voted to recommend approval

**Motion: Wilma McDonald I move that Article Twenty-Four be approved as herein stated
Seconded**

**Motion: Brud Janvrin I move to indefinitely postpone Article Twenty-Four
Seconded and defeated by a hand count of 46 in favor and 49 opposed.**

Main motion was carried by a hand count of 58 in favor and 44 opposed

ARTICLE TWENTY- FIVE

To see if the Town will vote to authorize the Treasurer to borrow the sum of \$700,000.00 for the purpose of funding the construction of Well #8, said funds to supplement the sum of \$800,000.00 previously authorized for this purpose under Article 21 of the May 14, 2012 Special Town Meeting; or to take any other action relative thereto.

ON PETITION OF THE TOWN MANAGER

Warrant Advisory Committee unanimously voted to recommend approval

**Motion: Don Beaulieu I move that Article Twenty-Five be approved as herein stated
Seconded & Carried by unanimous vote (2/3 vote required)**

**Motion: Robert Straubel To waive the reading of Article Twenty-Six
Seconded & Carried**

TWENTY- SIX

To see if the Town will vote to amend the Town’s Zoning Bylaw by adding a new section entitled “Medical Marijuana Overlay District,” to be numbered as appropriate in the Zoning Bylaw, and that would provide as follows, and further to amend the Table of Contents to add “Medical Marijuana Overlay District.”

Section _____ Purpose

1. 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. The MMOD is established in only the following zoning districts of the Town of Salisbury: all land of the Commercial 3, Commercial 4 and Light Industrial Zoning Districts and portions of the

Commercial and Commercial 2 Zoning Districts. The Medical Marijuana Overlay District does not include any portion of any parcel as follows: Assessor's Map-Lot 36-32, 36-34, 36-36, 36-37, 36-38, 36-40, 36-42, 36-185, 36-186, and 36-187, nor any portion of any parcel located on Joy Road in the Commercial 2 Zoning District. 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.

2. Purpose: To provide for the placement of 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.
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.
 - a. 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.
4. Location
 - a. RMDs may be permitted in the MMOD pursuant to a Special Permit.
 - b. RMDs may not be located within 500 feet of the following, whether within the municipal borders of the Town of Salisbury or adjoining municipality:
 - (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) Dwelling Unit

- (10) Any 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 4.b. to the nearest point of the property line of the proposed RMD.
- 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 municipality;
 - (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: Regardless of the applicability of the requirements for site plan review found in §300-111 of the Salisbury Zoning Bylaw, the applicant shall supply all materials required under §300-112 and in addition, the applicant shall include:
 - (1) A 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 MIPs;
 - (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, distance in linear feet from nearest point of property line of the proposed RMD to the nearest point of property line of the protected uses identified in Section 4.b, and all other provisions of this Bylaw;
 - (b) Convenience and safety of vehicular and pedestrian movement on the site and for the location of driveway openings in relation to street traffic;
 - (c) 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;
 - (d) 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;

- (e) Design and appearance of proposed buildings, structures, freestanding signs, screening and landscaping; and
 - (f) 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 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 SPGA shall refer copies of the application to the Building Department, Fire Department, Police Department, Board of Health, the Conservation Commission, Assessor's Department and the Department of Public Works. 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 SPGA may act upon such a permit.
6. Special Permit Conditions on RMDs: The SPGA shall impose conditions reasonably appropriate to improve site design, traffic flow, 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. The SPGA's actions shall be based upon the considerations and procedures in §300-35 of this Bylaw and the degree to which the proposed development: addresses the purposes of the MMOD and appropriately addresses site-specific attributes or site-specific concerns. In addition to any specific conditions applicable to the applicant's RMD, the SPGA 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 SPGA 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 SPGA 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 expire within two 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 SPGA in writing within 48 hours of the cessation of operation of the RMD or the expiration or termination of the permit holder's registration with DPH.
7. Exemption from Special Permit Requirement: A RMD that demonstrates it is protected pursuant to the agricultural exemption under G.L. c.40A §3 is not required to obtain a special permit, but shall apply for Site Plan Approval pursuant to Article XVIII of the Zoning 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; or to take any other action relative thereto.

ON PETITION OF THE TOWN MANAGER

Warrant Advisory Committee unanimously voted to recommend approval
Planning Board unanimously recommended approval

Motion: Freeman Condon I move that Article Twenty-Six be approved as herein stated
Seconded & Carried by unanimous vote (2/3 vote required)

ARTICLE TWENTY- SEVEN

To see if the Town will vote to amend Chapter 102 (Harbor Regulations) of the General Bylaws of the Town as follows:

1) Delete §102-6(B) in its entirety and insert in place thereof the following:

B. Advise the Harbormaster on operational policy, the assignment of moorings, the placement of floats or rafts held by bottom moorings, the management of mooring and anchorage areas, and the collection of fees; or to take any other action relative thereto.

ON PETITION OF THE TOWN MANAGER

Warrant Advisory Committee unanimously voted to recommend approval

Motion: Edwin Hunt I move that Article Twenty-Seven be approved as herein stated

**Motion: Robert Straubel I move to indefinitely postpone Article Twenty-Seven
Seconded & Carried by unanimous vote**

ARTICLE TWENTY- EIGHT

To take any other action that may be lawfully taken at this meeting.

**Motion: Don Beaulieu I motion to adjourn
Seconded & carried**

Moderator Klima declared the special town meeting adjourned at 7:20 pm

Respectfully Submitted,

Melinda J. Morrison
Town Clerk
June 11, 2014