

# **LYNNFIELD TOWN WARRANT**

**THE COMMONWEALTH OF MASSACHUSETTS**

**ANNUAL TOWN ELECTION - APRIL 14, 2014**

**ANNUAL TOWN MEETING - APRIL 28, 2014**

Essex, ss.

To the Constable of the Town of Lynnfield in the County of Essex, 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 in their respective polling places in said Lynnfield, on Monday, April 14, 2014 at 7:00 a.m., then and there to bring in their votes on one ballot for the choice of all necessary Town Officers for the ensuing year, chosen in this manner, viz.: one Assessor for three years; one Assessor for an unexpired term of two years; one Library Trustee for three years; one Library Trustee for an unexpired term of two years; one Moderator for one year; one Planning Board member for five years; one Housing Authority member for five years; one Housing Authority member for an unexpired term of two years; one School Committee member for three years; one Selectman for three years.

The Polls in each precinct will open at 7:00 a.m., and will be closed at 8:00 p.m., on said April 14, 2014. The polling places for voters in Precincts 1, 2, 3 and 4 will be at Lynnfield High School, Essex Street, all in said Lynnfield.

And you are further directed to notify and warn the inhabitants of the Town of Lynnfield qualified to vote in elections and Town affairs, to meet in the Middle School Auditorium, Cafeteria, and the Gymnasium, if necessary, on Monday, April 28, 2014 at 7:30 p.m., then and there to act on the following articles:

**ARTICLE 1.** To act on reports of town officers and special committees as published.

**Submitted by BOARD OF SELECTMEN**

**ARTICLE 2.** To choose all Town officers not required to be chosen by ballot: viz.; three field drivers, one pound keeper and three wood measurers.

**Submitted by BOARD OF SELECTMEN**

**ARTICLE 3.** To see if the Town will vote to FIX THE COMPENSATION of each of the Elective Officers of the Town as required by General Laws, Chapter 41, Section 108, as amended.

**Submitted by BOARD OF SELECTMEN**

**ARTICLE 4.** To see if the Town will vote to raise and appropriate or transfer from available funds, sums of money to supplement certain accounts in the current 2014 Fiscal Year where balances are below projected expenditures for various reasons; or what action it will take thereon.

**Submitted by BOARD OF SELECTMEN**

**ARTICLE 5.** To see if the Town will vote to appropriate a sum of money for the construction of municipal outdoor recreational and athletic facilities, including the development of land and the construction and reconstruction of facilities, and to determine whether to raise this appropriation by borrowing or otherwise, or to take any other action related thereto.

**Submitted by BOARD OF SELECTMEN**

**ARTICLE 6.** To see if the Town will vote to raise and appropriate, appropriate by transfer from available funds, or otherwise, a sum of money for the necessary Town charges and expenses; or what action it will take thereon.

**Submitted by BOARD OF SELECTMEN**

**ARTICLE 7.** To see if the Town will vote to raise and appropriate, appropriate by transfer from available funds or by borrowing, or from any or all such sources, sums of money for the purchase of various equipment and items in the nature of capital expenditure and to give authority to credit the value of the various old equipment to be turned in toward the purchase price of said items, said sums of money to be expended under the direction of various Town boards, committees, or officers; or what action it will take thereon.

**Submitted by BOARD OF SELECTMEN**

**ARTICLE 8.** To see if the Town will vote to raise and appropriate and/or appropriate by transfer from available funds a sum of money for the town's Stabilization Fund, or what action the Town will take thereon.

**Submitted by BOARD OF SELECTMEN**

**ARTICLE 9.** To see if the Town will vote to raise and appropriate and/or appropriate by transfer from available funds a sum of money for the town's Capital Facilities Fund, or what action it will take thereon.

**Submitted by BOARD OF SELECTMEN**

**ARTICLE 10.** To see if the Town will vote to reauthorize the establishment of a Revolving Fund under the provisions of Chapter 44, Section 53 E-1/2, to be spent by the Council on Aging, limited to a certain amount, without further appropriation during Fiscal Year 2015, to pay expenses and contractual services required to operate Senior Center Activities and field trips; said fund to be credited with all fees and charges received during Fiscal Year 2015 from persons taking part in said activities and field trips; or what action it will take thereon.

**Submitted by BOARD OF SELECTMEN**

**ARTICLE 11.** To see if the Town will vote to reauthorize the establishment of a Revolving Fund under the provisions of Chapter 44, Section 53 E-1/2, to be spent by the Board of Health, limited to a certain amount, without further appropriation during Fiscal Year 2015, to pay expenses and contractual services required to operate the Flu Clinic; said fund to be credited with all fees and charges received, and with recovery through third party billing received, during Fiscal Year 2015 from or in connection with persons taking part in said activities; or what action it will take thereon.

**Submitted by BOARD OF HEALTH**

**ARTICLE 12.** To see if the Town will vote to reauthorize the establishment of a Revolving Fund under the provisions of Chapter 44, Section 53 E-1/2, to be spent by the Board of Library Trustees, limited to a certain amount, without further appropriation during Fiscal Year 2015, to pay expenses related to book replacement and new book acquisitions, said fund to be credited with all fines collected for the loss of library books received during Fiscal Year 2015 from persons paying such fines; or what action it will take thereon.

**Submitted by BOARD OF LIBRARY TRUSTEES**

**ARTICLE 13.** To see if the Town will vote to reauthorize the establishment of a Revolving Fund under the provisions of Chapter 44, Section 53 E-1/2, to be spent by the Recreation Commission, limited to a certain amount, without further appropriation during Fiscal Year 2015, to pay part time salaries, expenses and contractual services required to operate Recreation Activities, field administration and field trips; said fund to be credited with all fees and charges received during Fiscal Year 2015 from persons taking part in said activities and field trips; or what action it will take thereon.

**Submitted by BOARD OF SELECTMEN**

**ARTICLE 14.** To see if the Town will vote to appropriate a sum of money from Emergency Medical Service Enterprise receipts to pay expenses and contractual services required to operate the emergency medical service in the Town of Lynnfield, said Enterprise Fund to be credited with all fees and charges received during Fiscal Year 2015 from persons using said service; or what action it will take thereon.

**Submitted by BOARD OF SELECTMEN**

**ARTICLE 15.** To see if the Town will vote to appropriate a sum of money from Golf Enterprise receipts and or Golf Enterprise Retained Earnings to pay expenses and contractual services required to operate the Reedy Meadow Golf Course and King Rail Golf Course, said Enterprise Fund to be credited with all fees and charges received during Fiscal Year 2015 from persons using the golf course; or what action it will take thereon.

**Submitted by BOARD OF SELECTMEN**

**ARTICLE 16.** To see if the Town will vote to amend the Town's Zoning Bylaws Section 7.7. Temporary Moratorium on Medical Marijuana Treatment Centers under subsection 7.7.3 Temporary Moratorium by replacing the current date of June 30, 2014 with the date of December 31, 2014, or what action it will take thereon

**Submitted by PLANNING BOARD**

**ARTICLE 17.** To see if the Town will vote to amend the Zoning Bylaws by adding Section 8.7 entitled Medical Marijuana

#### 8.7 MEDICAL MARIJUANA

This bylaw applies to Registered Marijuana in Dispensaries within the Town of Lynnfield including all like or related businesses and facilities.

##### 8.7.1 PURPOSE and INTENT

The Town adopts this bylaw to apply to all Registered Marijuana Dispensaries and like or related operations in the Town as permitted under the laws of the Commonwealth of Massachusetts. The purpose of this bylaw is to protect the health, safety, and welfare of the residents, businesses, and property owners in the Town. Further, the purpose of this bylaw is to provide areas within the Town for the cultivation, production, and distribution of marijuana so that persons permitted to obtain, possess, and use marijuana for medical purposes may do so. Nothing in this bylaw is intended to promote or condone the production, distribution, or possession of marijuana in violation of any applicable law.

##### 8.7.2 LOCATION

8.7.2.1 By Special Permit, a Registered Marijuana Dispensary may be located within the Commercial District within the Town, and only within the Commercial District.

8.7.2.2 A separate Special Permit shall be required for each premises from which a Registered Marijuana Dispensary is operated. No two or more different Registered Marijuana Dispensaries may be treated as one premises nor may they be co-located on a single premises.

8.7.2.3 A Registered Marijuana Dispensary shall not be located within 1000 yards of any school, church, licensed childcare center, playground, place of worship, or any other Registered Marijuana Dispensary.

8.7.2.4 No Registered Marijuana Dispensary shall be located within the same premises as any medical doctor's office or the offices of any other professional practitioner authorized to prescribe the use of medical marijuana.

8.7.2.5 Any and all cultivation, production, storage, display, sales, or other distribution of marijuana shall be located so as to occur only within the Restricted Area of a Registered Marijuana Dispensary and shall not be visible from the exterior of the business.

8.7.2.6 Any and all signs related to the Registered Marijuana Dispensary must be located on the same building in which the Registered Marijuana Dispensary is located and must comply with all Sign Regulations of the Town of Lynnfield. No sign, advertisement, display, or other promotional material which utilizes graphics related to marijuana or marijuana paraphernalia, or figures or symbols related to marijuana shall be visible to the public from any public way, including but not limited to, sidewalks, pedestrian walkways, or highways.

### 8.7.3 DEFINITIONS

8.7.3.1 "Marijuana" or "Marihuana", means all parts of the plant *Cannabis sativa* L., whether growing or not; the seeds thereof; and resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds or resin. It does not include the mature stalks of the plant, fiber produced from the stalks, oil, or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks, except the resin extracted therefrom, fiber, oil, or cake or the sterilized seed of the plant which is incapable of germination.

8.7.3.2 Marijuana - infused Product (MIP) means a product infused with marijuana that is intended for use or consumption, including but not limited to edible products, ointments, aerosols, oils, and tinctures.

8.7.3.3 Medical Marijuana means any marijuana intended for medical use which meets all requirements for medical marijuana contained in this bylaw, the general laws of the Commonwealth of Massachusetts, and the Code of Massachusetts Regulations (CMR).

8.7.3.4 Person means any individual, any entity, or any combination of individuals, entities, or both individuals and entities.

8.7.3.5 Premises means a single lot as well as a single building.

8.7.3.6 Registered Marijuana Dispensary (RMD) means a not - for - profit entity registered under the Code of Massachusetts Regulations, that acquires, cultivates, possesses, processes (including development of related products such as edible 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.

8.7.3.7 Special Permit Granting Authority means the town of Lynnfield Planning Board.

8.7.3.8 Violation of any Law or Violated any Law means a plea or finding of a violation of any law in a criminal, civil, or administrative proceeding, whether part of a plea agreement, settlement agreement or determination by an arbitrator, board, hearing officer, court, or jury.

8.7.3.9 References in this bylaw to any other bylaw, regulation, or law shall be construed to refer to such bylaw, regulation, or law as in effect at the date of adoption of this bylaw.

#### 8.7.4 SPECIAL PERMIT

##### 8.7.4.1 Authority

No operation of a Registered Marijuana Dispensary within the Town shall be allowed without a Special Permit granted by the Planning Board.

#### 8.7.5 APPROVAL REQUIREMENTS

8.7.5.1 The Planning Board may issue a Special Permit for a Registered Marijuana Dispensary if the information available to the Planning Board verifies that the applicant has submitted a full and complete application, has planned improvements to the business location consistent with the application, is prepared to operate the business as set forth in the application and in accordance with Town Bylaws and has submitted the required fees as required. The Planning Board shall deny any application for a Special Permit where the applicant does not meet the requirements of Town Bylaws or any other applicable law, rule, or regulation or in the event that such application contains any false or incomplete information. The Planning Board may impose such conditions as it deems appropriate for the protection of public health, safety, and welfare in any district permitting such use. Said Special permit shall only be issued following a public hearing within sixty-five (65) days after the filing of an application and payment of the filing fees with the Planning Board, a copy of such application shall forthwith be given to the Town Clerk by the applicant.

8.7.5.2 A Special Permit for a Registered Marijuana Dispensary is not transferable or assignable, including, without limitation, not transferable or assignable to a different premises, to a different type of business (including another RMD), or to a different owner or licensee. A Registered Marijuana Dispensary Special Permit is valid only for the owner(s) named thereon, the type of business disclosed on the application for the license, and the location for which the license is issued.

#### 8.7.6 APPLICATION

8.7.6.1 An application for a Special Permit for a Registered Marijuana Dispensary shall be made to the Planning Board with an application fee of One Thousand Five Hundred (\$1,500.00) Dollars. The Board may provide forms to applicants for that purpose. The application shall provide such information relative to the public health, safety, and welfare as may be required by the Planning Board including, but not limited to such matters as:

- (a) the identity of all investors, owners, officers, and employees of the applicant;
- (b) the applicant's past history and experience operating Registered Marijuana Dispensaries, including history of license or permit denials;
- (c) a description of all products and services to be provided;
- (d) an operating plan and a site plan for the proposed facility, including building layout, lighting, and security;
- (e) a ventilation plan for the elimination of marijuana odors off premises;
- (f) a written plan for wastewater disposal accompanied by a site plan describing the treatment of wastewater so as to prevent environmental harm;
- (g) a plan for the storage and disposal of all toxic substances on the premises;
- (h) a plan for the exclusion of minors from the premises if unaccompanied by an adult;
- (i) a statement as to the amount of the projected daily average and peak electric load anticipated and certification by a qualified engineer that the premises are equipped to provide such electric loads.
- (j) a plan by a Registered Land Surveyor to show within a radius of one thousand (1,000) feet from the boundaries of the property upon which the Registered Marijuana Dispensary is located, the proximity of the property to any school, church, licensed child care center, playground, place of worship, every other Registered Marijuana Dispensary, every residential zone district, and other facility identified in this bylaw, or to a mixed - use development containing one or more residences.

(k) a copy of the applicant's completed state RMD registration application in its entirety and a copy of the applicant's state RMD registration.

(l) proof of ownership or legal possession of the restricted area for a Registered Marijuana Dispensary for the term of the proposed license. If the Registered Marijuana Dispensary is not the owner of the premises of the business, the applicant shall provide on a form approved by the Town, written authorization to the Town from the owner to enter the property for inspection of the premises.

#### 8.7.7 EXCLUSIONS

8.7.7.1 The permitting requirement set forth in this bylaw shall be in addition to, and not in lieu of, any other licensing and permitting requirements imposed by any other federal, state, or local law, including, by way of example, a retail sales and use tax license, a retail food establishment license, or any applicable zoning or building permit.

8.7.7.2 A Special Permit granted under this bylaw Does Not Provide any Exception, Defense, or Immunity from Other Laws. The issuance of any Special Permit pursuant to this bylaw does not create an exception, defense, or immunity to any person in regard to any potential criminal liability the person may have for the production, distribution, or possession of marijuana.

8.7.7.3 Compliance with the requirements of this bylaw shall not provide an exception, immunity, or defense to criminal prosecution under any applicable law, except for a violation of this bylaw.

#### 8.7.8 ANNUAL RENEWAL

8.7.8.1 A Registered Marijuana Dispensary Special Permit shall be valid for one year. The Special Permit shall expire on the date stated on the license unless otherwise provided by the Planning Board. The Planning Board may extend the term of the license for no more than six months to facilitate the administration by the Planning Board of renewals and coordinate with the date for renewal of the state license of such licensee.

8.7.8.2 The Special Permit must be renewed annually by application on a form provided by the Planning Board requiring the Special Permit holder to confirm the status of information provided in its original application and all renewals thereof.

8.7.8.3 The application for renewal need not be considered unless the renewal application fee of Two Thousand Five Hundred (\$2500.00) Dollars has been paid in full.

8.7.8.4 The licensee shall apply for renewal of the medical marijuana business license at least ninety (90) days before the expiration of the license. The licensee shall apply for renewal using forms provided by the Planning Board.

8.7.8.5 In the event there has been a change to any information provided in the immediately prior application and if there has been any change to any of the plans identified in the license application which were submitted to and approved by the Planning Board with the application or an earlier renewal, the renewal application shall include specifics of such changes or proposed changes.

8.7.8.6 The renewal application shall include a copy of the applicant's current and valid state registration, a summary report for the previous twelve months showing the amount of marijuana purchased; the amount of marijuana sold, the forms in which marijuana was sold; the police report numbers or case numbers of all police calls to the RMD and its related facilities; and, for calls resulting in a charge of a violation of any law, the charge, case number, and disposition of any of the charges.

8.7.8.7 In the event there have been allegations of violations of this bylaw or any other law on the part of the Special Permit holder or the person submitting a renewal application, the Planning Board may hold a hearing prior to approving the renewal application. The hearing shall be to determine whether the application complies with this bylaw and whether the operation of the business has been in compliance with law. If the Planning Board does not hold a hearing and the application and the applicant(s) does not meet the requirements of all applicable rules, regulations, bylaws, and laws, or the business has been operated in the past in violation of any applicable rules, regulations, bylaws and laws, the renewal application may be denied or issued with conditions.

#### 8.7.9 SEVERABILITY

The provisions of this bylaw are severable. If a court of competent jurisdiction declares any section, subsection, paragraph, or provision unconstitutional or invalid, the validity of the remaining provisions shall not be affected.

or what action it will take thereon

**Submitted by PLANNING BOARD**

**ARTICLE 18.** To see if the Town will vote to authorize the Board of Trustees of the Lynnfield Public Library to proceed with a feasibility study as part of the Planning & Design Grant Application submitted to the Massachusetts Board of Library Commissioners on January 14, 2014 to examine the options for expanding and renovating its current library building, or building a new facility and; to ratify the filing of said application and; to authorize the Trustees of the Lynnfield Public Library to apply for, accept, and expend any state grants which may be available for a feasibility study for the current and future needs of the Lynnfield Public Library; or what action it will take thereon.

**Submitted by BOARD OF LIBRARY TRUSTEES**

**ARTICLE 19.** To see if the Town will vote to accept as a public way, as laid out and reported by the Board of Selectmen, Market Street as shown on a plan of land entitled "Street Layout Plan, Market Street, Lynnfield, Massachusetts," prepared by Nitsch Engineering, dated December 23, 2013 and revised through February 11, 2014, a copy of which plan is on file at the office of the Town Clerk and available for inspection, and to authorize the Board of Selectmen to acquire by gift, purchase or eminent domain such interests in land as may be necessary or appropriate to create such public way, or what action it will take thereon.

**Submitted by BOARD OF SELECTMEN**

**ARTICLE 20.** To see if the Town will vote to amend the Zoning Map of the Town so that the following-described areas, previously shown as lying within the Single Residence A District, shall be shown instead as lying within the Limited Business District:

Assessors' Map 52, Parcels 816, 825 and 823 also known and numbered as 624, 628 Salem Street and also known as Rear Salem Street respectively.

or what action it will take thereon.

**Submitted by PLANNING BOARD**

**ARTICLE 21.** To see if the Town will amend the Zoning By-Law to add the following:

To:	9.4	Wireless Communications District
	9.4.1	Purpose
Add:	9.4.1.8	"To lessen the impact upon residents, property values, public safety, and Town character."
To:	9:4	Wireless Communications District
	9.4.6	Application Process
Add:	9.4.6. 2 (b)	"That the proposed monopole with its antenna and/or panels can not be replaced through the use of other technology and shall be documented to show that such technology would not be sufficient to meet Federal and State standards."

or what action it will take thereon.

**Submitted by PETITION**

**ARTICLE 22.** To see if the Town will vote to adopt the following bylaw:

"No person shall be allowed to Bow Hunt in the Town of Lynnfield, whether on public or private land. The ban includes, but is not limited to, bear, turkey, waterfowl and deer, during all four hunting seasons."

or what action it will take thereon.

**Submitted by PETITION**

**ARTICLE 23.** To see if the Town will vote to adopt the following:

“The Town Meeting hereby advises the Lynnfield Board of Selectmen that for future Town Meetings, the omnibus expense/capital budget for the forthcoming fiscal year(s) be prepared and presented with two alternatives as follows:

Alternative 1: Without incorporating the voluntary 2 ½ % increase permitted by Proposition 2 ½.

Alternative 2: Incorporating the full voluntary 2 ½ % increase permitted by Proposition 2 ½.

or what action it will take thereon.

**Submitted by PETITION**

And you are further directed to serve this warrant, by posting up attested copies thereof, in at least six public places in said Town of Lynnfield, seven 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, or before hand as aforesaid.

Given under our hands this 24th day of March in the year of our Lord two thousand and fourteen.

Philip B. Crawford, Chairman

David M. Nelson, Selectman

Thomas Terranova, Jr., Selectman

A true copy

ATTEST: \_\_\_\_\_, Constable