

**SPECIAL TOWN MEETING
TOWN OF MONTAGUE
COMMONWEALTH OF MASSACHUSETTS
January 30, 2014**

MOTIONS

ARTICLE 1. MOVED: That the town vote to amend Sections 2, and 5.2, and add a new section 7.10 to the Zoning Bylaws, as follows:

- A. **Under SECTION 2 (Definitions), add the following new definition in alphabetical order** REGISTERED MARIJUANA DISPENSARY (RMD): A Medical Marijuana Treatment Center as defined in 105 CMR 725.004 and regulated in 105 CMR 725.100.
- B. **Under SECTION 5.2 (Permitted Uses and Special Permits) add a new land use to the list of uses to be permitted by Special Permit from the Zoning Board of Appeals in the following four zoning districts:**

- (General Business) Section 5.2.5 (b) Uses allowed on Special Permit from Board of Appeals, after "Public Utility" insert: "Registered Marijuana Dispensary, in accordance with Section 7.10"
- (Industrial) Section 5.2.6(b) Uses allowed on Special Permit from Board of Appeals, after "Public Utility" insert: "Registered Marijuana Dispensary, in accordance with Section 7.10"
- (Central Business) Section 5.2.11(b) Uses allowed on Special Permit from Board of Appeals, after "Drive-through or loading dock" insert: "Registered Marijuana Dispensary, in accordance with Section 7.10"
- (Historic Industrial) Section 5.2.12(b) Uses allowed on Special Permit from Board of Appeals, after "Demolition of an Existing Structure" insert: "Registered Marijuana Dispensary, in accordance with Section 7.10"

- C. **Under Section 7 (Special Uses), add a new section 7.10 as follows:**

7.10 Registered Marijuana Dispensaries

7.10.1 Purpose

The purpose of this Section is to provide for the orderly placement of Registered Marijuana Dispensaries (RMDs) in areas where such a facility is not inconsistent with the neighborhood character.

7.10.2 General

RMDs may be allowed by special permit and site plan review from the Board of Appeals pursuant to Section 5.2, Section 7.10, and Section 8.

7.10.3 Standards

A) The special permit may be limited to the current applicant and to provide that the permit shall lapse if the applicant ceases operating the RMD or if the applicant's registration with the Massachusetts Department of Public Health expires or is terminated;

B) The Board shall consider the design of buildings, setbacks, visual impacts, lighting, security issues, hours of operation, traffic circulation, and consistency with current and abutting land uses;

C) The Board may require additional conditions and set standards for performance and maintenance upon finding that such action is reasonably necessary to meet the purpose and intent of the Zoning Bylaws;

Board of Selectmen Recommends (3-0)

AMENDED ARTICLE: That the town vote to amend Sections 2, and 5.2, and add a new section 7.10 to the Zoning Bylaws, as follows:

A. Under SECTION 2 (Definitions), add the following new definition in alphabetical order REGISTERED MARIJUANA DISPENSARY (RMD): A Medical Marijuana Treatment Center as defined in 105 CMR 725.004 and regulated in 105 CMR 725.100.

B. Under SECTION 5.2 (Permitted Uses and Special Permits) add a new land use to the list of uses to be permitted by Special Permit from the Zoning Board of Appeals in the following four zoning districts:

- (General Business) Section 5.2.5 (b) Uses allowed on Special Permit from Board of Appeals, after "Public Utility" insert: "Registered Marijuana Dispensary, in accordance with Section 7.10"
- (Industrial) Section 5.2.6(b) Uses allowed on Special Permit from Board of Appeals, after "Public Utility" insert: "Registered Marijuana Dispensary, in accordance with Section 7.10"
- (Central Business) Section 5.2.11(b) Uses allowed on Special Permit from Board of Appeals, after "Drive-through or loading dock" insert: "Registered Marijuana Dispensary, in accordance with Section 7.10"
- (Historic Industrial) Section 5.2.12(b) Uses allowed on Special Permit from Board of Appeals, after "Demolition of an Existing Structure" insert: "Registered Marijuana Dispensary, in accordance with Section 7.10"

C. Under Section 7 (Special Uses), add a new section 7.10 as follows:

7.10 Registered Marijuana Dispensaries

7.10.1 Purpose

The purpose of this Section is to provide for the orderly placement of Registered Marijuana Dispensaries (RMDs) in areas where such a facility is not inconsistent with the neighborhood character.

7.10.2 General

RMDs may be allowed by special permit and site plan review from the Board of Appeals pursuant to Section 5.2, Section 7.10, and Section 8.

7.10.3 Standards

(a) The special permit may be limited to the current applicant and to provide that the permit shall lapse if the applicant ceases operating the RMD or if the applicant's registration with the Massachusetts Department of Public Health expires or is terminated.

(b) The Board shall consider the design of buildings, setbacks, visual impacts, lighting, security issues, hours of operation, traffic circulation, and consistency with current and abutting land uses.

(c) The Board may require additional conditions and set standards for performance and maintenance upon finding that such action is reasonably necessary to meet the purpose and intent of the Zoning Bylaws.

Board of Selectmen Recommends (3-0)
Amendments in Red Print

PASSED/DECLARED TWO-THIRDS MAJORITY AS AMENDED

ARTICLE 2. MOVED: That the town vote to expand the scope of Article 1 of the Special Town Meeting of May 5, 2012 to allow the existing appropriation to be used for the purpose of demolishing the building at 38 Avenue A.

Board of Selectmen Recommends (3-0)
DEFEATED/MAJORITY VOTE

ARTICLE 3. MOVED: That the town vote to appropriate the sum of \$5,000 for the purpose of funding legal expenses associated with the negotiation of the town's cable contract with Comcast, said sum to be raised from Free Cash.

Finance Committee Recommends (6-0) *Board of Selectmen Recommends (3-0)*
PASSED/UNANIMOUS VOTE

ARTICLE 4. MOVED: That the town vote to appropriate the sum of \$15,000 for the purpose of refurbishing and making handicap accessible the Unity Park Field House rest rooms, said sum to be raised from Stabilization.

Finance Committee did not vote on this *Board of Selectmen Recommends (3-0)*
PASSED/ DECLARED TWO-THIRDS MAJORITY VOTE

ARTICLE 5. MOVED: That the town vote to appropriate the sum of \$20,000 for the purpose of supplementing the Fiscal Year 2014 Police Department budget, said sum to be raised from Free Cash.

Finance Committee recommends (4-1-1) *Board of Selectmen Recommends (3-0)*
PASSED/DECLARED MAJORITY VOTE

8:44 PM Meeting adjourned without day.