

**2014 Spring Annual Town Meeting  
Fine and Performing Arts Center  
Natick High School  
April 8, 2014  
First Session**

The First Session of the 2014 Spring Annual Town Meeting was called to order at 7:37 PM by the Town Moderator, Frank W. Foss, who declared a quorum present. The Moderator welcomed residents, taxpayers, town officials, Town Meeting Members and interested parties to the First Session of 2014 Spring Annual Town Meeting. Mr. Foss presented the official, duly posted warrant signed by the Board of Selectmen with the officer's return thereon to the Town Clerk to be entered into the official record of the town. The Moderator asked that all recently elected or appointed members of Town Meeting stand to take the oath of office. The oath was given to all new Town Meeting Members. All members and the audience stood for the Pledge of Allegiance and a moment of silence in recognition of all the men and women serving on our behalf throughout the world and for Michael McDaniel, a Natick employee who died in the line of duty.

The Moderator introduced the officials present on the stage and in the well of the auditorium. The following people were present: Diane Packer, Town Clerk; Jonathan Freedman, Finance Committee Chair; James Everett, Finance Committee Secretary; Martha White, Town Administrator; John Flynn, Town Counsel; and Joshua Ostroff, Chair of the Board of Selectmen.

The Moderator reviewed the general rules and procedures of Town Meeting. He indicated that all residents and taxpayers of the town and town officers and employees, whether or not residents, have the same right to speak as Town Meeting Members; however they do not have the right to submit motions for consideration at Town Meeting, nor vote on any matter before Town Meeting. Non-residents may only speak at Town Meeting after approval by Town Meeting Members. The proceedings of Town Meetings shall be governed by ***Town Meeting Time***, the Town of Natick Home Rule Charter, the Natick By-Laws and the General Laws of the Commonwealth of Massachusetts.

All motions offered for consideration by Town Meeting shall be in writing if required by the Moderator; and all motions involving the expenditure of money shall be in writing when required by any Town Meeting Member. No person shall speak upon any article more than once when any other person desires to be heard, nor more than twice on the same question without permission of Town Meeting; and no person shall speak more than ten (10) minutes at one time without permission of Town Meeting. Consistent with the Natick By-Laws, once a member is recognized, it is the practice of Town Meeting to first ask questions, then propose a motion and/or debate the highest ranking motion. This practice is unchanged. Once a speaker is called upon by the Moderator the speaker's time will begin. Time expended asking questions will be considered part of the speaker's time, pursuant to the Natick By-Laws. Responses to the speaker's question will not be considered part of the speaker's requisite time. Each speaker will be limited to three questions, whether or not they are stated singularly or in a compound question and divided by the Moderator. When a question on an article is before Town Meeting, motions shall be received and have precedence as listed in the table entitled "Precedence of Motions," found in the Natick By-Laws, the Town Meeting Member Handbook and ***Town Meeting Time***. Any person having a monetary or equitable interest in any matter under discussion at a Town Meeting, and any person employed by another having such an interest, shall disclose the fact of his/her interest or employment before speaking on the matter. The motion for the previous question shall not be entertained by the Moderator if three or more persons, who have not previously spoken to the question, are seeking recognition. By rule, indefinite postponement shall be considered a negative main motion and may be entered by the Moderator whenever any main motion or subsidiary motion is in order. This shall not change the order of precedence of motions as specified in Article 3, Section 6 of our By-Laws or any other practice regarding indefinite postponement as specified in our Charter, the Natick By-Laws or ***Town Meeting Time***. Without objection, the preceding statements were accepted as rules of 2014 Spring Annual Town Meeting.

The Moderator suggested a motion to waive the reading of articles and motions. Moved by Mr. Freeman, seconded by Mr. Gath to waive reading the text of all 2014 Spring Annual Town Meeting warrant articles and move to waive reading the text of motions, excluding the amounts

to be appropriated and sources of said amounts to be appropriated when motions are provided in the text of Recommendations of the Natick Finance Committee publications. ***The motion passed unanimously.***

The Moderator made several announcements regarding upcoming community wide events and volunteer opportunities.

Mr. Ostroff rose to offer a procedural motion. Mr. Ostroff moved, seconded by Mr. Glater that when Town Meeting adjourn on Thursday, April 10 that it next convene on Tuesday, April 29. Mr. Ostroff recognized that Tuesday, April 15 is the second night of Passover and Thursday, April 17 is Holy Thursday and that members may not be able to attend. In addition, the following week is school vacation week and the body does not usually meet. ***The motion passed unanimously.***

Mr. Conaway rose to offer a resolution honoring the Natick High School Earth Club. Mr. Conaway moved the following resolution be accepted and entered into the record:

WHEREAS, Since 2009 the Natick High School Earth Club has participated in innumerable clean-up projects in Natick parks, open spaces and other areas throughout the community in collaboration with community groups including Big Heart Little Feet, led by B. Patrick Conaway, to whom the 2010 Annual Town Report was dedicated, and

WHEREAS, under the direction of faculty advisor Susan Haverstick, the Earth Club such clean-up projects included the upper Charles River, several Dug Pond efforts including the shoreline, the notorious "Mud Lot" and Campus Drive, and the hard and tedious work of sweeping broken glass from the summit of Coolidge Hill, and

WHEREAS, In the past three year years, under the direction of faculty advisor Doug Milch, the Earth Club has distinguished itself through the development of formidable student leaders, including past President Samantha Prim, current President Raghu Bhardwaj, and Vice President Linda Nguyen, among many others, and

WHEREAS, One could not overestimate the contributions of these young residents and many others, some of whom have participated in over two dozen efforts since their freshman year, and

WHEREAS, Members of the Earth Club have led eight additional clean-ups of Dug Pond and "Blueberry Island," four more "big sweeps" of the Coolidge Hill Summit, three times raked leaves and picked up trash for the Natick Housing Authority at West Hill Park and Cedar Gardens, twice helped build the Recycle Buddy Bins located at parks and open spaces throughout the community, twice worked for a full day with Town Trails Committees on Natick Trails Day, and

WHEREAS, Members of the Earth Club have been key players in promoting and reviving the Natick Earth Day Festival and have coordinated children's activities and sold earth-friendly items to raise funds for their initiatives, and

WHEREAS, the NHS Earth Club has established itself as the authentic "Steward of Dug Pond," and

WHEREAS, with community donations, the Earth Club purchased two canoes, paddles, and life vests to better facilitate their clean-up efforts in the Town's waterways.

NOW, THEREFORE, The Town of Natick recognizes and expresses its great appreciation to the Natick High School Earth Club for its many efforts to heal the earth and continuously give back to the community.

Mr. Conaway introduced the current President of NHS Earth Club, Raghu Bhardwaj, and Mr. Doug Milch, the current faculty advisor.

Ms. Salamoff moved, seconded by Mr. Freedman, to waive the reading of the motion. ***The motion to waive the reading passed unanimously. The motion to accept the resolution as presented by Mr. Conaway passed unanimously.***

Mr. Golden rose to offer a Resolution in Remembrance of Ronald V. Ordway,  
A Citizen of the Town Of Natick.

Moved by Mr. Golden, seconded by Mr. Glater: Let it be resolved that we, the members of Natick Town Meeting, deeply mourn the loss of our dear friend and fellow member Ronald V. (Ron) Ordway, whose dedication to his community, state and country was profound in both duration and extent. A native of the town and a decorated veteran of World War II, he received the Bronze Star for bravery under fire. Having wed his beloved wife Nora, who survives him, before leaving for the war, he returned to begin a family that eventually numbered nine children. In their mature years, like their father, they too contributed generously to the life of the town.

From his tenure as a town meeting member, inclusive of more terms than anyone can seem to remember, to his role in producing the Fourth of July Parade in the 1960s and '70s, to over 50 years of service in elected positions, Ron gave and gave and gave. In particular, Ron's lengthy tenure on the Parks & Recreation Commission, where he has been succeeded by one of his sons, is notable.

To recite the list of elected, appointed and voluntary positions that Ron assumed, or to recite his honors and commendations, would take up a fair portion of an evening, but one affiliation of his stands out. Ron was a founder and for decades a board member of "The Open Door." This community supper, held once a week through much of the year, was Ron's delight. To feed the hungry, to foster friendship and happy times, surely these can be counted as blessed duties. That Ron fulfilled them with the keenest pleasure virtually to the end of his life speaks to a heart the equal of his soul.

Thousands have been nourished and supported in so many ways through the unstinting generosity and spirit of Ronald V. Ordway, who having passed on at the age of 90 was a great American and the patriarch of a family and town that will remember him always as the soul of the community.

Rest in peace, friend; your life was a gift to us all.

Ms. Sidney moved, seconded by Mr. Gath, to waive the reading of the motion. *The motion to waive the reading of the motion passed unanimously. The motion to accept the resolution as presented by Mr. Golden passed unanimously.*

**ARTICLE 1: Appropriate Funds for the Family of Michael McDaniel, Jr.  
(Town Administrator)**

To see if the Town will vote to appropriate the sum of \$100,000 to be given to the widow of Michael McDaniel Jr., long time employee of the Town of Natick Department of Public Works, killed in the line of duty on February 4, 2014; or otherwise act thereon.

**Finance Committee Recommendation:** *By a vote of 10-0-0 on February 18, 2014, the Finance Committee recommends **Favorable Action** with regard to the subject of Article 1.*

**MOTION (requires majority vote):**

Moved by Mr. Everett, seconded by Mr. Kiggen that the Town vote to appropriate from Free Cash the sum of \$100,000 to be deposited in a "529 Educational Savings Plan" said Plan to be held in the name of The Kathleen McDaniel, Educational Trust, Kathleen McDaniel being the widow of Michael McDaniel Jr., long time employee of the Town of Natick Department of Public Works, killed in the line of duty on February 4, 2014; said fund to be administered by co-trustees Kathleen McDaniel and the Treasurer of the Town of Natick, MA; and said funds, including interest, to be used for the sole purpose of funding post-secondary educational costs for Caroline McDaniel, daughter of Kathleen McDaniel and the late Michael McDaniel Jr.; provided, however, that in the event that Caroline McDaniel does not commence post -secondary education by her 25th birthday, all funds in said 529 Educational Savings Plan, including interest, shall revert to the Town of Natick.

Ms. White spoke to the article. *The main motion under Article 1 passed unanimously.* Ms. White recognized Mr. Spurling, who was injured during the same accident at this time and announced that there would be a benefit for him on Friday, April 19, 2014.

**ARTICLE 2: Authorize Board of Selectmen to Accept, Obtain, Abandon, Relocate Utility Easements (Board of Selectmen)**

To see if the Town will vote to authorize the Board of Selectmen, during Fiscal Year 2015, to acquire on behalf of the Town any and all easements for any of the following purposes: roads, sidewalks, vehicular and/or pedestrian access or passage, drainage and utilities; and to abandon or relocate easements acquired for any of the foregoing purposes; or otherwise act thereon.

**Finance Committee Recommendation:** *By a vote of 8-0-4 on February 27, 2014, the Finance Committee recommends **Favorable Action** with regard to the subject of Article 2.*

**MOTION (requires two-thirds vote):**

Moved by Mr. Everett, seconded by Mr. Freedman that the Town vote to authorize the Board of Selectmen, during Fiscal Year 2015, to acquire on behalf of the Town any and all easements for any of the following purposes: roads, sidewalks, vehicular and/or pedestrian access or passage, drainage and utilities, provided however that such authorization pertains only to easements acquired at no cost to the Town; and further, to authorize the Board of Selectmen, during Fiscal Year 2015, to abandon or relocate easements acquired for any of the foregoing purposes, provided however that such authorization shall not pertain to easements acquired by eminent domain.

Ms. White spoke to this article. Mr. Munnich moved, seconded by Ms. Coughlin to insert in line five (5) after the word 'Selectmen', the words "subsequent to a Public Hearing". ***The amendment passed by majority vote. The amended main motion passed by a two-thirds vote.***

Mr. Ostroff moved, seconded by Mr. Jennett to move postponement of Article 3 until the first order of business on Thursday, April 10. ***The motion to postpone Article 3 until the first order of business on Thursday, April 10 passed unanimously.***

**ARTICLE 4: Street Acceptance: Portion of Highland Street (Board of Selectmen)**

To see if the Town will vote to accept a portion of Highland Street as a public way, and any appurtenant easements thereto, as laid out by the Board of Selectmen and as shown on a plan or plans, a copy of which is on file in the office of the Town Clerk; to see if the Town will vote to authorize the Board of Selectmen to acquire by gift, purchase, eminent domain or otherwise, easements in any land necessary for laying out and acceptance of a portion of Highland Street, and any appurtenant drainage, utility or other easements related to said Highland Street, and/or to accept grants thereof; and, further, to authorize the Board of Selectmen and other applicable Town of Natick boards and personnel to take all related actions necessary or appropriate to accomplish the purposes of this Article; or otherwise act thereon.

**Finance Committee Recommendation:** *By a vote of 14-0-0 on March 4, 2014, the Finance Committee recommends **Favorable Action** with regard to the subject of Article 4.*

**MOTION (requires two-thirds vote):**

Moved by Mr. Everett, seconded by Mr. Freedman that the Town vote to accept a portion of Highland Street, extending easterly approximately 492 feet from its intersection with Middle Street, as a public way, and any appurtenant easements thereto, as laid out by the Board of Selectmen and as shown on a plan or plans, a copy of which is on file in the office of the Town Clerk; to authorize the Board of Selectmen to acquire by gift, purchase, eminent domain or otherwise, easements in any land necessary for laying out and acceptance of said portion of Highland Street, and any appurtenant drainage, utility or other easements related to said portion of Highland Street, and/or to accept grants thereof; and, further, to authorize the Board of Selectmen and other applicable Town of Natick boards and personnel to take all related actions necessary or appropriate to accomplish the purposes of this Article.

Mr. Coviello spoke to Articles 4 and 5 together. ***The main motion under Article 4 passed by a two-thirds vote.***

**ARTICLE 5: Street Acceptance: Walnut Hill Drive (Board of Selectmen)**

To see if the Town will vote to accept Walnut Hill Drive as a public way, and any appurtenant easements thereto, as laid out by the Board of Selectmen and as shown on a plan or plans, a copy of which is on file in the office of the Town Clerk; to see if the Town will vote to authorize the Board of Selectmen to acquire by gift, purchase, eminent domain or otherwise, easements in any land necessary for laying out and acceptance of Walnut Hill Drive, and any appurtenant

drainage, utility or other easements related to said Walnut Hill Drive, and/or to accept grants thereof; and, further, to authorize the Board of Selectmen and other applicable Town of Natick boards and personnel to take all related actions necessary or appropriate to accomplish the purposes of this Article; or otherwise act thereon.

**Finance Committee Recommendation:** *By a vote of 14-0-0 on March 4, 2014, the Finance Committee recommends **Favorable Action** with regard to the subject of Article 5.*

**MOTION (requires two-thirds vote):**

Moved by Mr. Everett, seconded by Mr. Freedman that the Town vote to accept Walnut Hill Drive as a public way, and any appurtenant easements thereto, as laid out by the Board of Selectmen and as shown on a plan or plans, a copy of which is on file in the office of the Town Clerk; to authorize the Board of Selectmen to acquire by gift, purchase, eminent domain or otherwise, easements in any land necessary for laying out and acceptance of Walnut Hill Drive, and any appurtenant drainage, utility or other easements related to said Walnut Hill Drive, and/or to accept grants thereof; and, further, to authorize the Board of Selectmen and other applicable Town of Natick boards and personnel to take all related actions necessary or appropriate to accomplish the purposes of this Article.

*The main motion under Article 5 passed unanimously.*

**ARTICLE 6: Shaw Park – Taking by Eminent Domain (Board of Selectmen)**

To see if the Town will vote to authorize the Board of Selectmen to acquire on behalf of the Town by eminent domain, pursuant to Chapter 79 of the Massachusetts General Laws or other applicable law, a fee interest in the property known as Shaw Park, located at 53 Eliot Street, Natick, MA, said property being shown as Parcel 61 on Town of Natick Assessors' Map No. 63, and containing approximately 34,228 square feet; the purpose of said eminent domain taking is to acquire clear title to said property, given that there appears to be no deed or other instrument on record conveying title to the Town of Natick, notwithstanding the vote of the March, 1934 Town Meeting under Article 33 to accept said property as a gift from Isabella P. Shaw; provided that no damages shall be awarded for said eminent domain taking; or otherwise act thereon.

**Finance Committee Recommendation:** *By a vote of 12-0-1 on March 11, 2014, the Finance Committee recommends **Favorable Action** with regard to the subject of Article 6.*

**MOTION (requires two-thirds vote):**

Moved by Mr. Everett, seconded by Mr. Freedman that the Town vote to authorize the Board of Selectmen to acquire on behalf of the Town by eminent domain, pursuant to Chapter 79 of the Massachusetts General Laws or other applicable law, a fee interest in the property known as Shaw Park, located at 53 Eliot Street, Natick, MA, said property being shown as Parcel 61 on Town of Natick Assessors' Map No. 63, and shown on a plan entitled Plan of Land in Natick, Mass, Owned by Inhabitants of the Town of Natick, dated March 13, 2014, prepared by Sullivan Surveying Company LLC, 209 West Central Street Natick, Mass; the purpose of said eminent domain taking is to acquire clear title to said property, which property was accepted as a gift from Isabella P. Shaw by the March, 1934 Town Meeting under Article 33 provided that, consistent with the 1934 Town Meeting action, the taking of the property shall be for park purposes and provided further that no damages shall be awarded for said eminent domain taking.

Ms. White spoke to the article. Moved by Mr. Munnich, seconded by Mr. Pierce to amend Article 6 by inserting in line ten (10) after the words "park purposes" the following ",as subject to Article 97 of the Amendments of the Constitution of the Commonwealth of Massachusetts," Discussion ensued on the amendment. *A vote was taken and the Moderator announced that the vote would be counted. The amendment prevailed 88 to 37.*

Mr. Griesmer moved, seconded by Mr. Munnich to delete the words "shown as Parcel 61 on the Town of Natick Assessors' Map No. 63, and". *The amendment to the amended motion failed.*

*The amended main motion under Article 6 passed unanimously.*

**ARTICLE 7: Adopt MGL Chapter 147, Section 10F: Appointment of Parking Control Officers (Board of Selectmen)**

To see if the Town will vote to accept the provisions of Massachusetts General Law Chapter 147, Section 10F, to authorize the Board of Selectmen to appoint parking control officers who shall have only those powers and duties conferred or imposed on police officers by MGL Chapter 90, Section 20A or 20A½; or otherwise act thereon.

**Finance Committee Recommendation:** *By a vote of 12-0-0 on March 6, 2014, the Finance Committee recommends **Favorable Action** with regard to the subject of Article 7.*

**MOTION (requires majority vote):**

Moved by Mr. Everett, seconded by Mr. Freedman that the Town vote to accept the provisions of Massachusetts General Law Chapter 147, Section 10F, to authorize the Board of Selectmen to appoint parking control officers who shall have only those powers and duties conferred or imposed on police officers by MGL Chapter 90, Section 20A or 20A½.

Chief Hicks spoke to this article. *The main motion under Article 7 passed by majority vote.*

**ARTICLE 8: Amend Town By-Laws: Contracts (Town Administrator)**

To see if the Town will vote to amend the first paragraph of Article 41, Section 1 of the Town By-Laws as follows.

1. In the first sentence, delete “Chapter 7” and insert in its place “Chapter 7C”.
2. In the second sentence, delete the word “consulting”.

As amended, the first paragraph of Chapter 41, Section 1 would read:

“The award of all contracts for the purchase of services, equipment, supplies or materials for all departments of the Town of Natick shall be made in accordance with Mass. Gen. Laws Chapter 30B; Chapter 30 Section 39M; Chapter 7C, Chapter 149; or other applicable law, as may be amended. Administrative policies and/or procedures shall be established by the Town Administrator and the Superintendent of Schools as appropriate. Such policies and/or procedures shall, at a minimum, identify the municipal officials having the authority to legally bind the Town in a contract. Such policies shall prescribe procurement procedures for architectural and engineering services for which no procurement process is required by applicable Massachusetts law.”; or otherwise act thereon.

**Finance Committee Recommendation:** *By a vote of 10-0-0 on February 18, 2014, the Finance Committee recommends **Favorable Action** with regard to the subject of Article 8.*

**MOTION (requires majority vote):**

Moved by Mr. Everett, seconded by Mr. Freedman that the Town vote to amend the first paragraph of Article 41, Section 1 of the Town By-Laws as follows.

1. In the first sentence, delete “Chapter 7” and insert in its place “Chapter 7C”.
2. In the fourth sentence, delete the word “consulting”

such that, as amended, the first paragraph of Chapter 41, Section 1 would read:

“The award of all contracts for the purchase of services, equipment, supplies or materials for all departments of the Town of Natick shall be made in accordance with Mass. Gen. Laws Chapter 30B; Chapter 30 Section 39M; Chapter 7C; Chapter 149; or other applicable law, as may be amended. Administrative policies and/or procedures shall be established by the Town Administrator and the Superintendent of Schools as appropriate. Such policies and/or procedures shall, at a minimum, identify the municipal officials having the authority to legally bind the Town in a contract. Such policies shall prescribe procurement procedures for architectural and engineering services for which no procurement process is required by applicable Massachusetts law.”

*The main motion under Article 8 passed unanimously.*

**ARTICLE 9: Amend Town By-Laws: Renumber Article 54 (Civil Fingerprinting) to Article 55 (Town Administrator)**

To see if the Town will vote to amend the Town of Natick By-Laws by renumbering the Civil Fingerprinting By-Law to be Article 55; this By-Law was voted at the 2013 Spring Annual Town Meeting under Article 40 to be inserted into the Town By-Laws as Article 54 whereas it should have been voted as By-Law Article 55; or otherwise act thereon.

**Finance Committee Recommendation:** *By a vote of 10-0-0 on February 18, 2014, the Finance Committee recommends **Favorable Action** with regard to the subject of Article 9.*

**MOTION (requires majority vote):**

Moved by Mr. Everett, seconded by Mr. Freedman that the Town vote to amend the Town of Natick By-Laws by renumbering the Civil Fingerprinting By-Law to be Article 55; this By-Law was voted at the 2013 Spring Annual Town Meeting under Article 40 to be inserted into the Town By-Laws as Article 54 whereas it should have been voted as By-Law Article 55.

Ms. White spoke to this article. *The main motion under Article 9 passed unanimously.*

**ARTICLE 10: Amend Town By-Laws: Ban of Marijuana Cultivation, Treatment Centers (Bruce A. Snow, et al)**

To see if the Town will vote to amend Article 50 of the Town of Natick By-Laws as follows:

1. Insert the following new section between Sections 14b and 15:

Section 14c Medical marijuana Treatment Center(s) and Marijuana Cultivation Regulated by a Complete Ban

1. Notwithstanding the passage of Chapter 369 of the Acts of 2012, “An Act for the Humanitarian Medical Use of Marijuana” (question 3 on the November 2012 Massachusetts ballot), medical marijuana treatment center(s) and marijuana cultivation are both regulated in the town of Natick by a complete ban.
  - a. “Medical Marijuana Treatment Center(s)” (per 105 C.M.R. 725.004) shall be defined as a not-for-profit business engaged in the acquisition, cultivation, distribution, possession, processing, sale, transference, or transportation of marijuana or tetrahydrocannabinol to the general public, patients, or their caregivers for an implied or stated medical purpose.
  - b. “Marijuana Cultivation” shall be defined as the improvement and preparation of soil, or use of aquiculture or other method, for the raising of a marijuana plant or crop

**Finance Committee Recommendation:** *By a vote of 12-0-0 on March 6, 2014, the Finance Committee recommends **No Action** with regard to the subject of Article 10.*

**MOTION (requires majority vote):**

Moved by Mr. Snow, seconded by Ms. Foss that the Town vote to amend Article 50 of the Town of Natick By-Laws as follows:

1. Insert the following new section between Sections 14b and 15:

Section 14c Medical Marijuana Treatment Center(s) and Marijuana Cultivation Regulated by a Complete Ban

1. Notwithstanding the passage of Chapter 369 of the Acts of 2012, “An Act for the Humanitarian Medical Use of Marijuana” (question 3 on the November 2012 Massachusetts ballot), medical marijuana treatment center(s) and marijuana cultivation are both regulated in the town of Natick by a complete ban.
  - a. “Medical Marijuana Treatment Center(s)” (per 105 C.M.R. 725.004) shall be defined as a not-for-profit business engaged in the acquisition, cultivation, distribution, possession, processing, sale, transference, or transportation of marijuana or tetrahydrocannabinol to the general public, patients, or their caregivers for an implied or stated medical purpose.
  - b. “Marijuana Cultivation” shall be defined as the improvement and preparation of soil, or use of aquiculture or other method, for the raising of a marijuana plant or crop.

Mr. Snow spoke to this article. Moved by Mr. Sidney, seconded by Mr. Coffey that Town Meeting vote indefinite postponement on this article. Discussion continued on both the positive

main motion as well as indefinite postponement. *The motion to indefinitely postpone action on this article prevailed.*

**ARTICLE 11: Amend Zoning By-Laws: Extend Medical Marijuana Moratorium to 12/31/2014 or Date of Approval of Local By-Law, Whichever is Earlier (Town Administrator)**

To see if the Town will vote to amend Section III-J of the Natick Zoning By-Laws, entitled Temporary Moratorium on Medical Marijuana Treatment Centers, added by vote of the 2013 Natick Spring Annual Town Meeting under Article 39, by adding a reference to the regulations issued by the Massachusetts Department of Public Health effective January 1, 2013, by adding a reference to registered marijuana dispensaries, and by extending the expiration date of the temporary moratorium from June 30, 2014 to December 31, 2014, or until the effective date of approval by the Massachusetts Attorney General of a Zoning By-Law amendment to regulate registered marijuana dispensaries voted by Natick Town Meeting, whichever is earlier; or otherwise act thereon.

**Finance Committee Recommendation:** *By a vote of 12-0-0 on March 6, 2014, the Finance Committee recommends **Favorable Action** with regard to the subject of Article 11.*

**MOTION (requires two-thirds vote):**

Moved by Mr. Everett, seconded by Mr. Freedman that the Town vote to amend Section III-J of the Natick Zoning By-Laws, entitled TEMPORARY MORATORIUM ON MEDICAL MARIJUANA TREATMENT CENTERS, added by vote of the 2013 Spring Annual Town Meeting under Article 39, as follows:

1. In Section 1, second sentence, delete “is required to issue regulations regarding implementation within 120 days of the law’s effective date” and insert in its place “subsequently issued final regulations regarding implementation of the law, which the Town is currently considering as part of addressing related zoning issues”.
2. In Section 1, fourth sentence, delete “are expected to”.
3. In Section 2, insert the current definition of Medical Marijuana Treatment Center, set forth in 105 CMR 725.004.
4. In Section 3, second sentence, delete “June 30, 2014” and insert in its place “December 31, 2014, or the date of final approval by the Massachusetts Attorney General of an amendment to the Natick Zoning By-Laws which regulates Medical Marijuana Treatment Centers, whichever date occurs earlier”.

As amended, Section III-J would read:

“SECTION III-J       TEMPORARY MORATORIUM ON MEDICAL MARIJUANA  
                                  TREATMENT CENTERS

1.       PURPOSE

By vote at the State election on November 6, 2012, the voters of the Commonwealth approved a law regulating the cultivation, distribution, possession and use of marijuana for medical purposes. The law became effective on January 1, 2013 and the Massachusetts Department of Public Health subsequently issued final regulations regarding implementation of the law, which the Town is currently considering as part of addressing related zoning issues. Currently under the Zoning By-Laws, a medical marijuana treatment center is not defined and is not a permitted use in the Town. Any regulations promulgated by the Massachusetts Department of Public Health provide guidance to the Town in regulating medical marijuana, including medical marijuana treatment centers. The regulation of medical marijuana raises novel and complex legal, planning, public safety and public health issues. The Town needs time to study and consider the regulation of medical marijuana treatment centers and to address such novel and complex issues, as well as to address the potential impact of the State regulations on local zoning and to undertake a planning process to consider amending the Zoning By-Laws regarding regulation of medical marijuana treatment centers and other uses related to the regulation of medical marijuana. A temporary moratorium on the use of land and structures in the Town for medical marijuana treatment centers will allow sufficient time for the Town to conduct a comprehensive planning process to address zoning issues related to this use and to enact bylaws in a manner consistent with sound land use planning goals and objectives.

2.       DEFINITION

“Medical marijuana treatment center” shall mean a “not-for-profit entity registered under 105 CMR 725.100, to be known as a registered marijuana dispensary (RMD), that acquires, cultivates, possesses, processes (including development of related products such as edible MIP’s, tinctures, aerosols, oils or ointments), transfers, transports, sells, distributes, dispenses, or administers marijuana, products containing marijuana, related supplies, or educational materials



to qualifying patients or their personal caregivers. Unless otherwise specified, RMD refers to the site(s) of dispensing, cultivation, and preparation of marijuana”.

### 3. TEMPORARY MORATORIUM

For the reasons set forth above and notwithstanding any other provision of the Zoning By-Laws to the contrary, the Town hereby adopts a temporary moratorium on the use of land or structures for a medical marijuana treatment center. The moratorium shall be in effect through December 31, 2014, or the date of final approval by the Massachusetts Attorney General of an amendment to the Natick Zoning By-Laws which regulates Medical Marijuana Treatment Centers, whichever date occurs earlier. During the moratorium period, the Town shall undertake a planning process to address the potential impacts of medical marijuana and of medical marijuana treatment facilities in the Town, shall consider the Massachusetts Department of Public Health regulations regarding medical marijuana treatment centers and related uses, and shall consider adopting new zoning by-laws to address the impact and operation of medical marijuana treatment centers and related uses.”

Mr. Reffett spoke to this article. *The main motion under Article 11 passed by a two-thirds vote.*

## **ARTICLE 12: Amend Zoning By-Laws: Medical Marijuana Treatment Centers (Town Administrator)**

To see if the Town will vote to amend the Zoning By-Laws by adding a new Section 323.8, Registered Marijuana Dispensaries, as follows.

### **“323.8 Registered Marijuana Dispensaries.**

#### 323.8.1 *Purposes*

To provide for the establishment of registered marijuana dispensaries in appropriate places and under conditions in accordance with the passage of Chapter 369 of the Acts of 2012, an Act for the Humanitarian Medical Use of Marijuana. See also Appendix Sections 1-1, et seq., to Chapter 94C of the Massachusetts General Laws.

To minimize the adverse impacts of registered marijuana dispensaries on adjacent properties, residential neighborhoods, schools and other places where children congregate, local historic districts, and other land uses potentially incompatible with said dispensaries.

To regulate the siting, design, placement, security, safety, monitoring, modification, and removal of registered marijuana dispensaries.

#### 323.8.2 *Applicability*

The commercial cultivation (unless it meets the requirements for an agricultural exemption under Chapter 40A, Section 3 of the Massachusetts General Laws), production, processing, assembly, packaging, retail or wholesale sale, trade, distribution or dispensing of marijuana for medical use is prohibited unless allowed by special permit as a registered marijuana dispensary under Chapter 40A, Section 9 of the Massachusetts General Laws and this Section 323.8.

No registered marijuana dispensary shall be established except in compliance with the provisions of this Section 323.8.

Nothing in this By-Law shall be construed to supersede federal and state laws governing the sale and distribution of narcotic drugs.

#### 323.8.3 *Definitions*

*“Debilitating medical condition” shall mean cancer, glaucoma, positive status for human immunodeficiency virus, acquired immune deficiency syndrome (AIDS), hepatitis C, amyotrophic lateral sclerosis (ALS), Crohn’s disease, Parkinson’s disease, multiple sclerosis and other conditions as determined in writing by a qualifying patient’s physician.*

*“Marijuana” shall have the same meaning given as “marihuana” in Chapter 94C of the Massachusetts General Laws.*

*“Marijuana for medical use” shall mean marijuana that is designated and restricted for use by, and for the benefit of, qualifying patients in the treatment of debilitating medical conditions.*

*Registered marijuana dispensary” shall mean a not-for-profit entity, as defined by Massachusetts law only, registered under Chapter 369 of the Acts of 2012, that acquires, cultivates, possesses, processes (including development of related products such as food, tinctures, aerosols, oils, or ointments), transfers, transports, sells, distributes, dispenses, or administers marijuana, products containing marijuana, related supplies, or educational materials to qualifying patients or their personal caregivers.*

323.8.4 *General Requirements and Conditions*

323.8.4.1 Registered marijuana dispensaries, other than agricultural operations meeting the requirements for an exemption under Chapter 40A, Section 3 of the Massachusetts General Laws, may be allowed in the RC District by special permit issued by the Planning Board provided that the registered marijuana dispensary meets the requirements of this Section 323.8.

323.8.4.2 No registered marijuana dispensary shall be located on land in the RC District in which the underlying zoning is Highway Mixed Use III (HM III).

323.8.4.3 No registered marijuana dispensary shall be located within five hundred (500) feet of any other premises containing a registered marijuana dispensary.

323.8.4.4 No registered marijuana dispensary shall be located in any premises for which an alcoholic beverages license has been issued.

323.8.4.5 No registered marijuana dispensary shall be located inside a building containing residential units, including single family housing, multi-family housing, and transient housing such as motels and dormitories, or inside a movable or mobile structure such as a van or truck.

323.8.4.6 No registered marijuana dispensary shall be located in a building that contains the office of any medical doctor or the office of any other professional practitioner authorized to prescribe the medical use of marijuana.

323.8.4.7 All registered marijuana dispensaries shall be contained within a building or structure.

323.8.4.8 No registered marijuana dispensary shall be located on a lot which is located within three hundred (300) feet of a Town of Natick boundary line, or a residential zoning district boundary line, or a house of worship, or a school, playground or day care facility.

323.8.4.9 No registered marijuana dispensary shall have a gross floor area of less than two thousand five hundred (2,500) square feet or in excess of twenty thousand (20,000) square feet.

323.8.4.10 The hours of operation of registered marijuana dispensaries shall be set by the Planning Board, but in any event no registered marijuana dispensary shall be open and/or operating between the hours of 8:00 PM and 8:00 AM.

323.8.4.11 No smoking, burning or consumption of any product containing marijuana or marijuana-related products shall be permitted on the premises of a registered marijuana dispensary.

323.8.4.12 Signage for the registered marijuana dispensary shall include the following language: "Registration card issued by the MA Department of Public Health required". The required text shall be a minimum of two (2) inches in height.

323.8.4.13 Registered marijuana dispensaries shall provide the Natick Police Department, Natick Board of Health, Natick Building Commissioner, and Natick Planning Board with the names, phone numbers and email addresses of all management staff and keyholders to whom the Town of Natick can provide notice if there are emergencies or operating problems associated with the registered marijuana dispensary.

323.8.5 *Special Permit Requirements*

323.8.5.1 A special permit for a registered marijuana dispensary shall be limited to one (1) or more of the following uses:

- a) cultivation of marijuana for medical use;
- b) processing and packaging of marijuana for medical use, including marijuana that is in the form of smoking materials, food products, oils, aerosols, ointments, and other products;  
or
- c) retail sale or distribution of marijuana for medical use to qualifying patients.

323.8.5.2 An application for a special permit for a registered marijuana dispensary shall include

the following:

- a) the location of the proposed registered marijuana dispensary, including the street address, and the floors(s) and unit number(s) to be occupied;
- b) the proposed use of the subject registered marijuana dispensary;
- c) the name and address of each owner of the registered marijuana dispensary;
- d) copies of all required licenses and permits issued to the applicant by the Commonwealth of Massachusetts and any of its agencies for the registered marijuana dispensary;
- e) evidence of the applicant's right to use the proposed site for the registered marijuana dispensary, such as a lease or consent of the property owner;
- f) if the applicant is a business organization, a statement under oath disclosing all of its owners, shareholders, partners, members, managers, directors, and officers, and their addresses. If any of the above are entities rather than persons, the applicant must disclose the identity of the owners of such entities;
- g) a certified list of all parties in interest entitled to notice of the hearing for the special permit application, taken from the most recent Town of Natick tax list and certified by the Town of Natick Assessor; and
- h) Proposed security measures for the registered marijuana dispensary, including lighting, fencing, gates, surveillance equipment, alarms, etc., to ensure the safety of persons and to protect the premises from theft.

#### 323.8.5.3 Mandatory Findings

In addition to the findings otherwise required by law for issuance of a special permit, the Planning Board shall not issue a special permit for a registered marijuana dispensary unless it finds that:

- a) the registered marijuana dispensary demonstrates that it shall meet all the permitting requirements of all applicable agencies within the Commonwealth of Massachusetts and shall be in compliance with all applicable state laws and regulations; and
- b) the applicant has satisfied all of the conditions and requirements of this Section 323.8.

#### 323.8.5.4 Term

A special permit granted under this Section 323.8 shall have a term limited to the duration of the applicant's ownership of, or leasehold interest in, the premises as a registered marijuana dispensary. A special permit may be transferred only with the approval of the Planning Board in the form of an amendment to the special permit with all information required in this Section

323.8.5.5 Annual Reporting. Each registered marijuana dispensary permitted under this By-Law shall as a condition of its special permit file an annual report with the Natick Board of Health, the Natick Community Development Department, and the Natick Town Clerk no later than January 31st, providing a copy of all current applicable state licenses for the registered marijuana dispensary and/or its owners and demonstrating continued compliance with the conditions of the special permit.

#### 323.8.5.6 Abandonment or Discontinuance of Use

323.8.5.6.1 A special permit issued under this Section 323.8 shall lapse if not exercised within one (1) year of issuance.

323.8.5.6.2 A registered marijuana dispensary shall be required to remove all plants, equipment, supplies and materials related to the registered marijuana dispensary:

- a) prior to surrendering its state issued licenses or permits; or
- b) within three (3) months of ceasing operations; whichever comes first.

#### 323.8.6 Invalidity

If any provision of this Section 323.8 or the application of any such provision to any person or circumstance shall be determined to be invalid or enforceable by final judgment or order of a court of competent jurisdiction, the remainder of this Section 323.8 shall continue in effect, to the extent permitted by law.”; or otherwise act thereon.

**Finance Committee Recommendation:** *By a vote of 8-1-1 on March 18, 2014, the Finance Committee recommends **Favorable Action** with regard to the subject of Article 12.*

#### **MOTION (requires two-thirds vote):**

Moved by Mr. Everett, seconded by Mr. Freedman that the Town vote to amend the Zoning By-Laws by adding a new Section 323.8, Registered Marijuana Dispensaries, as follows.

## **“323.8 Registered Marijuana Dispensaries.**

### *323.8.1 Purposes*

To provide for the establishment of Registered Marijuana Dispensaries in appropriate places and under conditions in accordance with the passage of Chapter 369 of the Acts of 2012, an Act for the Humanitarian Medical Use of Marijuana. See also Appendix Sections 1-1, et seq., to Chapter 94C of the Massachusetts General Laws.

To minimize the adverse impacts of Registered Marijuana Dispensaries on adjacent properties, residential neighborhoods, schools and other places where children congregate, local historic districts, and other land uses potentially incompatible with said dispensaries.

To regulate the siting, design, placement, security, safety, monitoring, modification, and removal of Registered Marijuana Dispensaries.

### *323.8.2 Applicability*

The commercial cultivation (unless it meets the requirements for an agricultural exemption under Chapter 40A, Section 3 of the Massachusetts General Laws), production, processing, assembly, packaging, retail or wholesale sale, trade, distribution or dispensing of marijuana for medical use is prohibited unless allowed by special permit as a Registered Marijuana Dispensary under Chapter 40A, Section 9 of the Massachusetts General Laws and this Section 323.8.

No Registered Marijuana Dispensary shall be established except in compliance with the provisions of this Section 323.8.

Nothing in this By-Law shall be construed to supersede federal and state laws governing the sale and distribution of narcotic drugs.

### *323.8.3 Definitions*

*“Debilitating medical condition” shall mean cancer, glaucoma, positive status for human immunodeficiency virus, acquired immune deficiency syndrome (AIDS), hepatitis C, amyotrophic lateral sclerosis (ALS), Crohn’s disease, Parkinson’s disease, multiple sclerosis and other conditions as determined in writing by a qualifying patient’s physician.*

*“Marijuana” shall have the same meaning given as “marihuana” in Chapter 94C of the Massachusetts General Laws.*

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*“Registered Marijuana Dispensary” shall mean a not-for-profit entity, as defined by Massachusetts law only, registered under Chapter 369 of the Acts of 2012, that acquires, cultivates, possesses, processes (including development of related products such as food, tinctures, aerosols, oils, or ointments), transfers, transports, sells, distributes, dispenses, or administers marijuana or products containing marijuana to qualifying patients or their personal caregivers.*

### *323.8.4 General Requirements and Conditions*

323.8.4.1 Registered Marijuana Dispensaries, other than agricultural operations meeting the requirements for an exemption under Chapter 40A, Section 3 of the Massachusetts General Laws, may be allowed in the RC District by special permit issued by the Planning Board provided that the Registered Marijuana Dispensary meets the requirements of this Section 323.8.

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323.8.4.3 No Registered Marijuana Dispensary shall be located within five hundred (500) feet of any other premises containing a Registered Marijuana Dispensary.

323.8.4.4 No Registered Marijuana Dispensary shall be located in any premises for which an alcoholic beverages license has been issued.

323.8.4.5 No Registered Marijuana Dispensary shall be located inside a building containing residential units, including single family housing, multi-family housing, and transient housing such as motels and dormitories, or inside a movable or mobile structure such as a van or truck.

323.8.4.6 No Registered Marijuana Dispensary shall be located in a building that contains the office of any medical doctor or the office of any other professional practitioner authorized to prescribe the medical use of marijuana.

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323.8.4.9 No Registered Marijuana Dispensary shall have a gross floor area of less than two thousand five hundred (2,500) square feet or in excess of twenty thousand (20,000) square feet.

323.8.4.10 The hours of operation of Registered Marijuana Dispensaries shall be set by the Planning Board, but in any event no Registered Marijuana Dispensary shall be open and/or operating between the hours of 8:00 PM and 8:00 AM.

323.8.4.11 No smoking, burning, or consumption by any means of any product containing marijuana shall be permitted on the premises of a Registered Marijuana Dispensary.

323.8.4.12 Signage for the Registered Marijuana Dispensary shall include the following language: "Registration card issued by the MA Department of Public Health required". The required text shall be a minimum of two (2) inches in height.

323.8.4.13 Registered Marijuana Dispensaries shall provide the Natick Police Department, Natick Board of Health, Natick Building Commissioner, and Natick Planning Board with the names, phone numbers and email addresses of all management staff and key holders to whom the Town of Natick can provide notice if there are emergencies or operating problems associated with the Registered Marijuana Dispensary.

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- c) retail sale or distribution of marijuana for medical use to qualifying patients.

323.8.5.2 An application for a special permit for a Registered Marijuana Dispensary shall include the following:

- a) the location of the proposed Registered Marijuana Dispensary, including the street address, and the floors(s) and unit number(s) to be occupied;
- b) the proposed use of the subject Registered Marijuana Dispensary;
- c) the name and address of each owner of the Registered Marijuana Dispensary;
- d) copies of all required licenses and permits issued to the applicant by the Commonwealth of Massachusetts and any of its agencies for the Registered Marijuana Dispensary;
- e) evidence of the applicant's right to use the proposed site for the Registered Marijuana Dispensary, such as a lease or consent of the property owner;
- f) if the applicant is a business organization, a statement under oath disclosing all of its owners, shareholders, partners, members, managers, directors, and officers, and their addresses. If any of the above are entities rather than persons, the applicant must disclose the identity of the owners of such entities;
- g) a certified list of all parties in interest entitled to notice of the hearing for the special permit application, taken from the most recent Town of Natick tax list and certified by the Town of Natick Assessor; and
- h) Proposed security measures for the Registered Marijuana Dispensary, including lighting, fencing, gates, surveillance equipment, alarms, etc., to ensure the safety of persons, deliveries and transfers and to protect the premises from theft.

#### 323.8.5.3 *Mandatory Findings*

In addition to the findings otherwise required by law for issuance of a special permit, the

Planning Board shall not issue a special permit for a Registered Marijuana Dispensary unless it finds that:

- a) the Registered Marijuana Dispensary demonstrates that it shall meet all the permitting requirements of all applicable agencies within the Commonwealth of Massachusetts and shall be in compliance with all applicable state laws and regulations; and
- b) the applicant has satisfied all of the conditions and requirements of this Section 323.8.

#### 323.8.5.4 Term

A special permit granted under this Section 323.8 shall have a term limited to the duration of the applicant's ownership of, or leasehold interest in, the premises as a Registered Marijuana Dispensary. A special permit may be transferred only with the approval of the Planning Board in the form of an amendment to the special permit with all information required in this Section

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- a) prior to surrendering its state issued licenses or permits; or
- b) within three (3) months of ceasing operations; whichever comes first.

#### 323.8.6 Invalidity

If any provision of this Section 323.8 or the application of any such provision to any person or circumstance shall be determined to be invalid or unenforceable by final judgment or order of a court of competent jurisdiction, the remainder of this Section 323.8 shall continue in effect, to the extent permitted by law."

Mr. Reffett spoke to this article. Discussion ensued on the article. The map regarding this by-law was inadvertently left out of the Finance Committee book of Recommendations. The map will be provided at the next session of Town Meeting. Mr. Snow, seconded by Mr. Lista requested a roll call vote on this article. The Moderator announced that a roll call vote requires a one-third vote. ***The motion to have a roll call vote on Article 12 failed.***

Mr. Connolly moved, seconded by Mr. Griesmer to postpone further consideration of Article 12 until Thursday, April 10. ***The motion for postponement of further consideration of Article 12 until Thursday April 10 prevailed.***

Mr. Sidney moved, seconded by Mr. Griesmer to adjourn. ***The motion to adjourn passed by a majority vote. The meeting adjourned at 10:00 PM until Thursday, April 10<sup>th</sup> at 7:30 PM.***

A record of the First Session of  
2014 Spring Annual Town Meeting  
April 8, 2014

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Diane Packer, Town Clerk