



**TOWN OF MENDON**  
**SPECIAL TOWN MEETING WARRANT**  
**NOVEMBER 21<sup>ST</sup>, 2017**

**THE COMMONWEALTH OF MASSACHUSETTS WORCESTER, SS**

**TO EITHER OF THE CONSTABLES OF THE TOWN OF MENDON**, in the county of **WORCESTER**, 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 at the **Miscoe Hill School** in said **MENDON** on the twenty first day of November next, at 7:00 o'clock in the evening, then and there to act on the following articles:

- ARTICLE 1 (Fin Com)** To see if the Town will vote to raise and appropriate and/or transfer a sum of money from available funds to Bills of a Prior Year; or act or do anything in relation thereto.
- ARTICLE 2 (Fin Com)** To see if the Town will vote to raise and appropriate and/or transfer a sum of money from available funds to Highway Construction and Maintenance Department; or act or do anything in relation thereto.
- ARTICLE 3 (Fin Com)** To see if the Town will raise and appropriate and/or transfer a sum of money into the Stabilization Account; or take any action in relation thereto.
- ARTICLE 4 (Fin Com)** To see if the Town will raise and appropriate and/or transfer a sum of money into the Capital Expenditure Account; or act or do anything in relation thereto.
- ARTICLE 5 (Fin Com)** To see if the Town will vote to raise and appropriate, transfer from available funds, and/or otherwise provide a sum of money to the Finance Committee Reserve; or act or do anything in relation thereto.
- ARTICLE 6 (Fin Com)** To see if the Town will vote to raise and appropriate, transfer from available funds, and/or otherwise provide a sum of money to be added to the Other Post-Employment Benefits ("OPEB") Liability Trust Fund; or take any action in relation thereto.
- ARTICLE 7 (CPC)** To see if the Town will set aside for later spending from the FY18 Community Preservation Revenues (10%) for open space; (10%) for historic preservation; (10%) for affordable housing, (5%) for administration and (65%) to the Community Preservation Budgeted Reserve or act or do anything in relation thereto.
- ARTICLE 8 (BOS)** To see if the Town will vote to amend the Town's Zoning Bylaws by adding a new section 2.08, **MARIJUANA ESTABLISHMENTS**, to take advantage of recent changes to State law that allows municipalities to put a temporary moratorium on marijuana establishments to expire December 31, 2018, which would provide as follows:

A. Purpose.

This moratorium is intended to provide restrictions that will allow the Town of Mendon ("Town") adequate time to consider whether to allow or prohibit marijuana establishments and related uses, in accordance with applicable state laws and regulations, and to undertake a planning process as described herein. By vote at the Massachusetts state election on November 8, 2016, the voters of the Commonwealth approved "The Regulation and Taxation of Marijuana Act," which was subsequently codified as Chapter 334 of the Acts of 2016 ("Act"), and subsequently amended, in part, by Chapter 351 of the Acts of 2016, entitled "An Act Further Regulating the Cultivation of Marijuana and Marihuana." Among other requirements, pursuant to the Act, as amended, the Cannabis Control Commission is charged with promulgating future regulations regarding administration and implementation of the Act, as amended. Regulations to be promulgated by the Cannabis Control Commission are expected to provide guidance in the licensing and regulation of marijuana establishments.

The regulation of marijuana establishments raises novel and complex legal, planning, and public safety issues, among others. In turn, the Town needs time to study and consider the regulation of

marijuana establishments and other related uses, so that it will have the opportunity: to address such novel and complex issues; to study and consider the potential impacts of such establishments and other related uses on adjacent uses and on the general public health, safety and welfare; to consider and address the potential impact of the Act, as amended, and any future regulations on local zoning; and to undertake a planning process to appropriately address these considerations through zoning bylaws and other applicable bylaws and regulations, consistent with state laws and future regulations. A temporary moratorium on the use of land and structures in the Town for marijuana establishments and related uses will allow the Town sufficient time to engage in a planning process to address zoning issues and the effects of such establishments and uses in the Town, and to enact bylaws in a manner consistent with sound land use planning goals and objectives, the Act, as amended, and future regulations.

#### B. Temporary Moratorium

The use of land and/or structures for marijuana establishments as defined in Massachusetts General Laws Chapter 94G, Section 1 and as may otherwise be defined by Massachusetts law or regulation, to include, without limitation, all marijuana cultivators, marijuana testing facilities, marijuana product manufacturers, marijuana retailers, on-site consumption of marijuana at a marijuana retailer location, any other types of licensed marijuana-related businesses, and the conducting of any such activity for commercial purposes by whichever name used, and any related use, shall not be permitted in any zoning district in the Town so long as this moratorium is effective, as set forth in Section C below. Use variances shall be strictly prohibited. During this moratorium, the Town shall undertake a planning process consistent with the purposes set forth herein.

#### C. Expiration

For the reasons set forth above and notwithstanding any other provision of the Mendon Zoning By-Laws to the contrary, the temporary moratorium set forth in Section B above shall be in effect through December 31, 2018 or six (6) months from the adoption of regulations to implement the Act by the Cannabis Control Commission, whichever is later, unless extended, modified or rescinded by a subsequent action of Town Meeting.

#### D. Conflict of Laws

In the event of any conflict between the provisions of this By-Law and any other applicable state or local law, regulation or by-law, the stricter provisions shall control.

#### E. Severability.

The provisions of this By-Law are severable. If any provision, paragraph, sentence, or clause of this By-Law is found to be invalid, such invalidity shall not affect the other provisions or application of this By-Law, to the extent permitted by law.

### **ARTICLE 9 (BOS)**

To see if the Town will vote to amend the Town's General Bylaws, by adding the new Chapter XXXI, Fire Department, to modify the duties and authority of the Fire Chief, which would provide as follows:

#### **CHAPTER XXXI: FIRE DEPARTMENT**

**SECTION 1.** The Fire Department shall be established under the direction of the Board of Selectmen, who shall appoint a Chief of the Fire Department ("Fire Chief") and such other officers and firemen as such Board deems necessary and fix their compensation in an amount not in the aggregate exceeding the annual appropriation therefor.

**SECTION 2.** The appointment of the Fire Chief shall be made annually or for a term of years not exceeding three years, as the Board of Selectmen shall determine. Any member of the Fire Department, including the Fire Chief, may be removed or suspended or otherwise disciplined by the Board of Selectmen, as provided by law.

**SECTION 3.** The Fire Chief shall be in immediate control of all town property used by the Fire Department, and of the officers and firemen, whom he or she shall assign to their respective duties and who shall obey his or her orders.



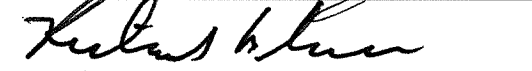
**SECTION 4.** The Fire Chief shall from time to time make suitable regulations governing the Fire Department, and the officers thereof, subject to the approval of the Board of Selectmen; provided, that such regulations shall become effective without such approval upon the failure of the Board of Selectmen to take action thereon within thirty days after they have been submitted to them by the Fire Chief. The Fire Chief shall be governed by the rules and regulations of the Board of Selectmen and shall perform such additional duties as are prescribed by the Board of Selectmen and by the By-Laws of the Town.

- ARTICLE 10 (FinCom)** To see if the Town will transfer a sum of money from available sources into the CPA Admin account; or take any action in relation thereto.
- ARTICLE 11 (FinCom)** To see if the Town will raise and appropriate and/or transfer a sum of money into Engineering-Highway; or take any action in relation thereto.
- ARTICLE 12 (FinCom)** To see if the Town will vote to transfer a sum of money from the Taft Library Renovation project to the Mendon Police Station Project; or take any action in relation thereto.
- ARTICLE 13 (FinCom)** To see if the Town will vote to transfer a sum of money from the Assessors Update Valuation Account to the Assessors Supplies Account; or take any action in relation thereto.
- ARTICLE 14 (BOS)** To see if the Town will vote to raise and appropriate and/or transfer a sum of money from available funds to pay the arbitration award of the Joint Labor Management Committee for pay raises and benefit increases for the Mendon Firefighters Association; or take any action in relation thereto.

And you are directed to serve this Warrant, by posting up attested copies thereof at three or more public places in said Town, 14 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, as aforesaid.**

Given under our hands this 16th day of October, in the year of our lord two thousand seventeen.

  
\_\_\_\_\_  
  
\_\_\_\_\_  
  
\_\_\_\_\_ **Selectmen of Mendon**

A True copy. Attest:

\_\_\_\_\_ **Constable**

Worcester, ss.

**PURSUANT TO THE WITHIN WARRANT, I have notified and warned the inhabitants of the Town of Mendon by posting up attested copies of the same at:**

**Town Hall; Town Hall Website; \_\_\_\_\_**

\_\_\_\_\_ days before the date of the meeting, as within directed.

\_\_\_\_\_, Constable