

**MINUTES FOR THE  
NORFOLK SPECIAL TOWN MEETING  
November 18, 2014**

On Tuesday, the 18th day of November, 2014, at 7:02 p.m. Moderator Jason Talerma called the Fall Special Town Meeting to order. This meeting was held at the King Philip Middle School, 18 King Street, Norfolk, MA 02056. 96 registered voters of the town and 14 visitors were in attendance. Moderator Talerma declared the warrant duly posted and published, and waived the reading of the warrant. Mr. Moderator then led the audience in the Pledge of Allegiance, introductions of the Town Clerk, Assistant Town Clerk, Selectmen, Town Administrator, Town Counsel, and the Advisory Board, and instructed the citizens in attendance, on the rules of Town Meeting.

A progress update on the new Regional Communications Dispatch Center was given by George Cronin on behalf of the Public Safety Building Committee.

**ARTICLE 1 - passed unanimously**

**Submitted by the Board of Selectmen**

To see if the Town will vote to raise and appropriate or transfer from any available source of funds, a sum of money to be added to departmental budgets and appropriations for the fiscal year ending on June 30, 2015; or take any other action relative thereto.

**ADVISORY BOARD RECOMMENDATION:**

***MOVE TO TRANSFER THE AMOUNTS FROM THE FOLLOWING ACCOUNTS LISTED ON THE HANDOUT PROVIDED AT THIS SPECIAL TOWN MEETING TO THE FOLLOWING AMOUNTS AND ACCOUNTS LISTED ON THE HANDOUT.***

TO:	Article 1 - Departmental Transfers for Fiscal Year 2015		
	011922	Employee Benefits	\$125,253
	011222	Selectmen-Out of State Travel	\$846
	011551	Info Technology Salary	\$8,000
	012252	Regional Dispatch Services	\$16,000
	015432	Veterans Expense	\$10,000
	017133	Debt Service	\$42,900
	012202	Fire Dept Expenses	\$48,200
	016302	Recreation-Paint Tennis Courts	\$9,480
	016102	Library - RFID Self Checkout System	\$3,500
			\$264,179

FROM:	013012	Education - King Philip	\$97,729
FROM:	2108	Fire fines Revolving	\$1,200
FROM:		Free Cash	\$165,250
			\$264,179

TO:	017112	Debt Service	\$10,695
FROM:	014332	Transfer Station Debt	\$10,695
TO:	012412	Building Dept Expenses	\$800
FROM:	012411	Building Dept Salaries	\$800
TO:	012102	Police Dept Expenses	\$44,189
FROM:	012101	Police Salaries	\$44,189

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OTHER FUNDS - Capital Projects

TO:	3133	Freeman/Kennedy Construction	\$3,705
FROM:	3130	School Feasibility Study	\$3,705

**ARTICLE 2 - passed unanimously** **Submitted by the Board of Selectmen**

To see if the Town will vote to raise and appropriate or transfer from any available source of funds, a sum of money to pay unpaid bills of a prior year pursuant to Massachusetts General Laws Chapter 44, Section 64; or take any other action relative thereto.

**ADVISORY BOARD RECOMMENDATION:**

**MOVE THE TOWN VOTE TO TRANSFER FROM FREE CASH THE SUM OF \$1,300.00 AND APPROVE THE PAYMENT OF AN UNPAID BILL FROM FISCAL YEAR 2014 FOR JANITORIAL SERVICES.**

**ARTICLE 3 - no committee reports** **Submitted by the Board of Selectmen**

To see if the Town will vote to appoint any committee, or hear or act on the report of any committee or town officer, or instruct any committee or town officer; or take any other action relative thereto.

**ARTICLE 4 - passed unanimously** **Submitted by the Board of Selectmen**

To see if the Town will vote to transfer from Free Cash, \$100,000 to the Stabilization Fund; or take any other action relative thereto.

**ADVISORY BOARD RECOMMENDATION:**

**MOVE TO APPROVE ARTICLE 4 AS PRINTED IN THE WARRANT.**

**ARTICLE 5 - motion to IP passed unanimously** **Submitted by the Board of Selectmen**

To see if the Town will vote to raise and appropriate or transfer from any available source of funds, borrow or bond pursuant to any applicable statute to fund capital and other expense items; or take any other action relative thereto. (Capital Budget)

**ADVISORY BOARD RECOMMENDATION:**

**MOVE TO INDEFINITELY POSTPONE ARTICLE 5.**

**ARTICLE 6 – passed with majority vote**

**Submitted by the Board of Selectmen**

To see if the Town will vote to authorize the Board of Selectmen to acquire by gift, purchase, eminent domain or otherwise ownership of the Waste Water Treatment Facility located on property at 51 Meetinghouse Road and shown on Assessors' Map 13, Block 41, Lot 10, and to authorize the Board of Selectmen to operate the Waste Water Treatment Facility as a municipal utility facility, whether pursuant to a professional services contract or otherwise, and to collect revenue and expend funds related to the operation of the facility; or take any other action relative thereto.

**ADVISORY BOARD RECOMMENDATION:**

***MOVE TO APPROVE ARTICLE 6 AS PRINTED IN THE WARRANT, WITH THE FOLLOWING ADDITION: "AND TO FURTHER AUTHORIZE THE BOARD OF SELECTMEN, UPON SUCH TERMS AND CONDITIONS AS THEY DEEM TO BE IN THE BEST INTERESTS OF THE TOWN, TO ACQUIRE ANY EASEMENTS OR OTHER INTERESTS IN THE PREMISES OR PROPERTY TO EFFECTUATE THE TOWN'S ACCESS TO AND OPERATION OF THE WASTE WATER TREATMENT FACILITY".***

**ARTICLE 7 – passed unanimously**

**Submitted by the Board of Selectmen**

To see if the Town will vote to accept the provisions of Massachusetts General Laws Chapter 44, Section 53F1/2 and establish an enterprise fund for the purpose of operating the waste water treatment facility located on property at 51 Meetinghouse Road and shown on Assessors' Map 13, Block 41, Lot 10, which facility is to be acquired by the Town; or take any other action relative thereto.

**ADVISORY BOARD RECOMMENDATION:**

***MOVE TO APPROVE ARTICLE 7 AS PRINTED IN THE WARRANT.***

**ARTICLE 8 – passed unanimously**

**Submitted by the Board of Selectmen**

To see if the Town will vote to raise and appropriate or transfer from any available source of funds, a sum of money to create a budget and appropriations within the Waste Water Treatment Facility enterprise fund for the fiscal year ending on June 30, 2015; or take any other action relative thereto.

**ADVISORY BOARD RECOMMENDATION:**

***MOVE THAT THE TOWN VOTE TO APPROVE A BUDGET FOR THE WASTE WATER TREATMENT FACILITY, AND RAISE AND APPROPRIATE AND TRANSFER FROM REVENUE AVAILABLE FUNDS THE SUM OF \$50,000.00 THEREFOR, AS SHOWN ON THE BUDGET OUTLINE PRESENTED TO THIS TOWN MEETING.***

**ARTICLE 9 – passed unanimously**

**Submitted by the Board of Selectmen**

To see if the Town will vote to authorize the Board of Selectmen to petition the General Court for special legislation as set forth below, provided, however, that the General Court may make clerical or editorial changes of form only to the bill, unless the Board of Selectmen approves amendments to the bill before enactment by the General Court, and provided further that the Board of Selectmen is hereby authorized to approve amendment which shall be within the scope of the general public objectives of this petition.

**AN ACT AUTHORIZING THE TOWN OF NORFOLK TO CONTINUE THE EMPLOYMENT OF FIRE CHIEF  
COLEMAN BUSHNELL**

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same as follows:*

SECTION 1. Notwithstanding any general or special law to the contrary, Coleman Bushnell, Chief of the Fire Department of the Town of Norfolk, may continue to serve in such position until March 28, 2022, until the date of his retirement, or until the date he is relieved of his duties by the Board of Selectmen, whichever occurs first; provided, however, that he is mentally and physically capable of performing the duties of his office. The Board of Selectmen may, at its own expense, require that Coleman Bushnell be examined by an impartial physician designated by them to determine such capability. No further deductions shall be made from the regular compensation of Coleman Bushnell under Chapter 32 of the General Laws for any service subsequent to the Chief reaching age 65, and upon retirement, he shall receive a superannuation retirement allowance equal to that which he would have been entitled had he retired on his date.

**SECTION 2.** This act shall take effect upon its passage.

**ADVISORY BOARD RECOMMENDATION:**

**MOVE TO APPROVE ARTICLE 9 AS PRINTED IN THE WARRANT.**

**ARTICLE 10 – passed unanimously Submitted by the Board of Selectmen**

To see if the Town will vote to authorize the Board of Selectmen to petition the General Court for special legislation as set forth below, provided, however, that the General Court may make clerical or editorial changes of form only to the bill, unless the Board of Selectmen approves amendments to the bill before enactment by the General Court, and provided further that the Board of Selectmen is hereby authorized to approve amendment which shall be within the scope of the general public objectives of this petition.

AN ACT AUTHORIZING THE TOWN OF NORFOLK TO CONTINUE THE EMPLOYMENT OF POLICE CHIEF CHARLES H. STONE, JR.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same as follows:*

SECTION 1. Notwithstanding any general or special law to the contrary, Charles H. Stone, Jr., Chief of the Police Department of the Town of Norfolk, may continue to serve in such position until September 10, 2022, until the date of his retirement, or until the date he is relieved of his duties by the Board of Selectmen, whichever occurs first; provided, however, that he is mentally and physically capable of performing the duties of his office. The Board of Selectmen may, at its own expense, require that Charles H. Stone, Jr. be examined by an impartial physician designated by them to determine such capability. No further deductions shall be made from the regular compensation of Charles H. Stone, Jr. under Chapter 32 of the General Laws for any service subsequent to Charles H. Stone, Jr. reaching age 65, and upon retirement, he shall receive a superannuation retirement allowance equal to that which he would have been entitled had he retired on his date.

**SECTION 2.** This act shall take effect upon its passage.

**ADVISORY BOARD RECOMMENDATION:**

**MOVE TO APPROVE ARTICLE 10 AS PRINTED IN THE WARRANT.**

**ARTICLE 11 – passed unanimously Submitted by the Town Clerk**

To see if the Town will vote to accept the second sentence of Massachusetts General Law Chapter 140, Section 139(c) which states: “No fee shall be charged for a license for a dog owned by a person aged 70 years or over in a city or town that accepts this provision.”; or take any other action relative thereto.

**ADVISORY BOARD RECOMMENDATION:**

**MOVE TO APPROVE ARTICLE 11 AS PRINTED IN THE WARRANT.**

**ARTICLE 12 – passed unanimously Submitted by the Board of Selectmen**

To see if the Town will vote to amend the Norfolk Zoning Bylaws, by deleting the text of I.7.b.1 Special Permit Uses by the Planning Board and inserting the text in I.7.a.1 Special Permit by Planning Board and by deleting section I.7.b.1 Special Permit Uses by the Planning Board; or take any other action relative thereto.

**ADVISORY BOARD RECOMMENDATION:**

**MOVE TO APPROVE ARTICLE 12 AS PRINTED IN THE WARRANT.**

**WALTER BYRON FROM THE PLANNING BOARD STATED PLANNING BOARD RECOMMENDS APPROVAL**

**ARTICLE 13 – passed unanimously**

**Submitted by the Board of Selectmen**

To see if the Town will vote to amend the Norfolk Zoning Bylaws, by deleting the title I.7.a.1 Special Permit by Planning Board and inserting in its place Special Permit Uses by the Planning Board; or take any other action relative thereto:

**ADVISORY BOARD RECOMMENDATION:**

**MOVE TO APPROVE ARTICLE 13 AS PRINTED IN THE WARRANT.**

**WALTER BYRON FROM THE PLANNING BOARD STATED PLANNING BOARD RECOMMENDS APPROVAL**

**ARTICLE 14 – passed with a declared 2/3**

**Submitted by the Board of Selectmen**

To see if the Town will vote to amend the Norfolk Zoning Bylaws, by adding to section D.2.b Residential Uses the text shown below in underline type; or take any other action relative thereto.

Proposed Uses

	DISTRICTS						
	R	B1*	B2-B4	C1**	C2/C3/C5	C4***	C6**
<b>D.2.b. Transportation and utility uses</b>							
<u>D.2.b.6. Roof Mounted Solar Photovoltaic System</u>	<u>Yes</u>						
<u>D.2.b.7. Ground Mounted Solar Photovoltaic System</u>	<u>SP</u>						
<u>D.2.b.8. Wind Energy System</u>	<u>SP</u>						

**ADVISORY BOARD RECOMMENDATION:**

**MOVE TO APPROVE ARTICLE 14 AS PRINTED IN THE WARRANT, TO AMEND ZONING BYLAW SECTION D.2.B. (PHOTOVOLTAIC USES).**

**WALTER BYRON FROM THE PLANNING BOARD STATED PLANNING BOARD RECOMMENDS APPROVAL**

**ARTICLE 15 – passed unanimously**

**Submitted by the Board of Selectmen**

To see if the Town will vote to amend the Norfolk Zoning Bylaws, by deleting portions of the following Sections D.2.b.4, J.7.a.3, I.7.c, K.7.c and L.7.c as shown below in ~~strikethrough~~ type

	DISTRICTS						
	R	B1*	B2-B4	C1**	C2/C3/C5	C4***	C6**
<del>D.2.b.4. Power generating plant generating more than 1500 kilowatts of electricity</del>	<del>No</del>		<del>No</del>		<del>No</del>		

**J.7.a.3. Prohibited Uses in the C-1 District** - except as expressly exempted from restriction by statute.

~~Power Generating Plant Generating More than 1500 Kilowatts of Electricity;~~

**I.7.c. Prohibited Uses** - except as expressly exempted from restriction by statute.

~~Power Generating Plant Generating More than 1500 Kilowatts of Electricity;~~

**K.7.c. Prohibited Uses** in the C-4 District except as expressly exempt from restriction by Statute.

~~Power Generating Plant Generating More than 1500 Kilowatts of Electricity;~~

**L.7.c. Prohibited Uses** in the C-6 District except as expressly exempt from restriction by Statute.

~~Power Generating Plant Generating More than 1500 Kilowatts of Electricity;~~

or take any other action relative thereto.

**ADVISORY BOARD RECOMMENDATION:**

**MOVE TO APPROVE ARTICLE 15 AS PRINTED IN THE WARRANT.**

**WALTER BYRON FROM THE PLANNING BOARD STATED PLANNING BOARD RECOMMENDS APPROVAL**

**ARTICLE 16 – passed unanimously**

**Submitted by the Board of Selectmen**

To see if the Town will vote to amend the Norfolk Zoning Bylaws, by deleting the Adoption Date of June, 1968 and inserting in its place to **March 16, 1953, so that the date is corrected**; or take any other action relative thereto.

**ADVISORY BOARD RECOMMENDATION:**

**MOVE TO APPROVE ARTICLE 16 AS PRINTED IN THE WARRANT.**

**WALTER BYRON FROM THE PLANNING BOARD STATED PLANNING BOARD RECOMMENDS APPROVAL**

**ARTICLE 17 – passed 2/3 declared**

**Submitted by the Board of Selectmen**

To see if the Town will vote to amend Section B Definitions of the Norfolk Zoning Bylaws, by inserting the following new definitions in the correct alphabetical order, with underline type indicating additions.

**KENNEL:** A pack or collection of dogs on a single premise, including a commercial boarding or training kennel, commercial breeder kennel, domestic charitable corporation kennel, personal kennel or veterinary kennel.

**KENNEL, COMMERCIAL BOARDING OR TRAINING:** An establishment used for boarding, holding, daycare, overnight stays or training of animals that are not the property of the owner of the establishment at which such services are rendered in exchange for consideration and in the absence of the owner of any such animal; provided however that “commercial boarding or training kennel” shall not include an animal shelter or animal control facility, a pet shop licensed under section 39A of chapter 129 of the Massachusetts General Laws, a grooming facility operated solely for the purpose of grooming and not for overnight boarding, or an individual who temporarily and not in the normal course of business boards or cares for animals owned by others.

**KENNEL, COMMERCIAL BREEDER:** An establishment, other than a personal kennel, engaged in the business of breeding animals for sale or exchange to wholesalers, brokers or pet shops in return for consideration.

**KENNEL ENCLOSURE:** Indoor or outdoor areas where dogs are held including cages, fenced in runs, dog houses, buildings or other structures where dogs are contained temporarily or for extended periods of time.

**KENNEL, PERSONAL:** A pack or collection of more than 4 dogs, 3 months old or older, owned or kept under single ownership, for private personal use; provided however, that breeding of personally owned dogs may take place for the



D.2.e. Commercial Uses							
D.2.e.26. <u>Kennel, Commercial Boarding or Training; Kennel, Commercial Breeder</u> <i>Minimum requirements: 5 acres of land, kennel enclosures must be at least 100 feet to property line and 500 feet to neighboring dwellings.</i> <u>Subject to Site Plan Approval</u>	<u>SP*</u>	<u>No</u>	<u>SP</u>	<u>SP</u>	<u>No</u>	<u>No</u>	<u>No</u>

**ADVISORY BOARD RECOMMENDATION:**

**MOVE TO APPROVE ARTICLE 18 AS PRINTED IN THE WARRANT.**

**WALTER BYRON FROM THE PLANNING BOARD STATED PLANNING BOARD RECOMMENDS APPROVAL**

**MOTION TO AMEND ARTICLE 18 LINE ITEM D.2.E BY CINDY EIDEL – 117 SEEKONK ST. TO DELETE:**

**5 ACRES OF LAND, 100 FEET TO PROPERTY LINE, 500 FEET TO NEIGHBORING DWELLINGS AND REPLACE IT WITH:**

**4 ACRES OF LAND, 50 FEET TO PROPERTY LINE, 50 FEET TO NEIGHBORING DWELLINGS**

**MOTION CHALLENGED AND A FRIENDLY AMENDMENT WAS MADE TO CHANGE 50 FEET TO NEIGHBORING DWELLINGS TO 300 FEET TO NEIGHBORING DWELLINGS**

**MOTION SECONDED**

**MOTION FAILED BY MAJORITY VOTE**

**ARTICLE 19 – passed 2/3 declared**

**Submitted by the Board of Selectmen**

To see if the Town will vote to amend Section J.7.a.1.B., Special Permit Uses by Zoning Board of Appeals, of the Norfolk Zoning Bylaws, as follows, with underline type indicating additions and ~~strike through~~ type indicating deletions; or take any other action relative thereto:

**J.7.a.1.B. Special Permit Uses by Zoning Board of Appeals**

- Automobile and Light Truck Class 1 Sales;
- FAST-FOOD RESTAURANTS;
- GARAGE REPAIR SHOPS;
- Gasoline and Diesel Fuel Filling Stations;
- Home Heating Fuel Sales and Service;
- Kennels, Commercial Boarding or Training;
- Kennels, Commercial Breeder;
- MOBILE HOME and Recreational Vehicle Sales;
- OUTDOOR STORAGE of More Than One Commercial Vehicle, Limited to the Rear YARD of a Minimum 30,000 square foot land area;
- Parking Lots as a Principal Use, as part of a PLANNED MULTI-LOT DEVELOPMENT, except on Corner LOTS;
- Research and Laboratory Facilities;
- Sales (Retail or Wholesale) of Beer, Wine and Alcoholic Beverages for Off-Premises Consumption;
- TAKE-OUT RESTAURANTS;
- TEMPORARY FAMILY APARTMENTS.

**ADVISORY BOARD RECOMMENDATION:**

**MOVE TO APPROVE ARTICLE 19 AS PRINTED IN THE WARRANT.**

**WALTER BYRON FROM THE PLANNING BOARD STATED PLANNING BOARD RECOMMENDS APPROVAL**

**ARTICLE 20 – passed 2/3 declared**

**Submitted by the Board of Selectmen**

To see if the Town will vote to amend Section J.7.a.2.A., For Buildings, Structures and Uses Located Within the Off-Highway area, Allowed Uses, of the Norfolk Zoning Bylaws, as follows, with underline type indicating additions and ~~striketrough~~ type indicating deletions; or take any other action relative thereto.

**J.7.a.2. For Buildings, Structures and Uses Located Within the Off-Highway area:**

**J.7.a.2.A. Allowed Uses.**

All Uses Allowed in the On-Highway Area

- AGRICULTURAL, Horticultural and Floricultural Growing Facilities, other than GREENHOUSES;
- Commercial Riding Stable;
- FARMER'S MARKETS;
- GREENHOUSES;
- Home Heating Fuel Sales and Service;
- Kennels, Personal;
- Landscaping Businesses;
- Lumber and Building Supply Storage and Sales yard, Accessory to BUILDING with FOOTPRINT in excess of 10,000 square feet;
- Museum-type Storage Facilities;
- OUTDOOR COMMERCIAL RECREATION;
- Parking Lots as a Principal Use, as part of a PLANNED MULTI-LOT DEVELOPMENT, except on Corner LOTS;
- Self-Storage Facilities;
- Small Wastewater Treatment Facilities, as regulated by the Town Board of Health;
- Theaters, movie cinemas;
- WAREHOUSES;

**ADVISORY BOARD RECOMMENDATION:**

**MOVE TO APPROVE ARTICLE 20 AS PRINTED IN THE WARRANT.**

**WALTER BYRON FROM THE PLANNING BOARD STATED PLANNING BOARD RECOMMENDS APPROVAL**

**ARTICLE 21 – passed unanimously**

**Submitted by the Board of Selectmen**

To see if the Town will vote to amend Section F.14 of the Norfolk Zoning Bylaws, as shown below, with underlined type indicating additions and ~~striketrough~~ type indicating deletions

**~~F.14 TEMPORARY MORATORIUM ON MEDICAL MARIJUANA TREATMENT CENTERS~~**

**~~F.14.a. —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 provides that it is effective on January 1, 2013 and the State Department of Public Health is required to issue regulations regarding implementation within 120 days of the law's effective date. Currently under the Zoning Bylaw, a Medical Marijuana Treatment Center is not a permitted use in the Town and any regulations promulgated by the State Department of Public Health are expected to 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, and public safety issues and the Town needs time to study and consider the regulation of Medical Marijuana Treatment Centers and 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 Bylaw regarding regulation of medical marijuana treatment centers and other uses related to the regulation of medical marijuana. The Town intends~~

to adopt a temporary moratorium on the use of land and structures in the Town for Medical Marijuana Treatment Centers so as to allow the Town sufficient time to engage in a planning process to address the effects of such structures and uses in the Town and to enact bylaws in a manner consistent with sound land use planning goals and objectives.

**F.14.b. DEFINITION**

“Medical Marijuana Treatment Center” shall mean a “not for profit entity, as defined by Massachusetts law only, registered by the Department of Public Health, 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.”

**F.14.c. TEMPORARY MORATORIUM**

For the reasons set forth above and notwithstanding any other provision of the Zoning Bylaw 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 June 30, 2014. During the moratorium period, the Town shall undertake a planning process to address the potential impacts of medical marijuana in the Town, consider the Department of Public Health regulations regarding Medical Marijuana Treatment Facilities and related uses, and shall consider adopting new Zoning Bylaws to address the impact and operation of Medical Marijuana Treatment Centers and related uses.

**F.14. REGISTERED MARIJUANA DISPENSARIES**

F.14.a. Purpose. The purpose of this section is to provide for the limited establishment of registered marijuana dispensaries ("RMDs") within the Town of Norfolk as they are authorized pursuant to state regulations set forth in 105 CMR 725.000. Since RMDs are strictly regulated and will be limited in number by the Massachusetts Department of Public Health, the intent of this section is to permit RMDs where there is access to regional roadways and/or public transportation, where they may be readily monitored by law enforcement for health and public safety purposes, and where they will not adversely impact the character of residential neighborhoods and business districts.

F.14.b Definition Medical Marijuana Treatment Center means 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 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.

F.14.c. RMDs are not allowed as of right. RMDs are not included within the definition of retail sales or services, agriculture, or any other lawful business permitted as of right or by special permit.

F.14.d. RMDs are allowed by special permit. Use of land, buildings or structures for RMDs shall be allowed only by special permit pursuant to Section G and located in the Adult Business and Marijuana Overlay District of the C-1.c district as specified in Section J.3, subject to the requirements and criteria of Sections G and F.14.

F.14.e. Special permit application and procedure. The procedural and application requirements of Section G shall apply. In addition to the procedural and application requirements of Section G, an application for special permit shall include for a RMD, at a minimum, the following information:

F.14.e.1. Description of Activities: A narrative providing information about the type and scale of all activities that will take place on the proposed site, including but not limited to cultivating and processing of marijuana or marijuana infused products (MIP's), on-site sales, off-site deliveries, and other programs or activities.

F.14.e.2. Service Area: A map and narrative describing the area proposed to be served by the RMD and the anticipated number of clients that will be served within that area. This description shall indicate where any other RMDs exist or have been proposed within the expected service area.

F.14.e.3. Transportation Analysis: A quantitative analysis, prepared by a qualified transportation specialist acceptable to the Town Planner, modeling the expected origin and frequency of client and employee trips to the site, the expected modes of transportation used by clients and employees, and the frequency and scale of deliveries to and from the site.

F.14.e.4. Context Map: A map depicting all properties and land uses within a minimum one thousand (1,000) foot radius of the proposed site, whether such uses are located in Norfolk or within surrounding communities, including but not limited to all educational uses, daycare, preschool and afterschool programs. The context map shall include the measured distance to all property and land used for education, daycare, preschool or afterschool programs and to all houses of worship or religious use.

F.14.e.5. Registration Materials: Copies of registration materials issued by the Massachusetts Department of Public Health and any materials submitted to that department for the purpose of seeking registration, to confirm that all information provided to the Board of Appeals is consistent with that provided to the Massachusetts Department of Public Health.

F.14.f. Special Permit Criteria. In granting a special permit for a Registered Marijuana Dispensary, the Board of Appeals shall find that the following criteria are met:

F.14.f.1. An RMD shall not be located within a radius of five hundred (500) feet from a school, daycare center, preschool or afterschool facility or any facility in which minors commonly congregate, or from a house of worship or religious use, but may be located within a lesser distance if the Board of Appeals finds that the RMD is sufficiently buffered such that these facilities or uses will not be adversely impacted by the RMD's operation. Such distance shall be measured in a straight line from the nearest property line of the proposed RMD to the nearest property line of the facility.

F.14.f.2. An RMD shall be properly registered with the Massachusetts Department of Public Health pursuant to 105 CMR 725.000 and shall comply with all applicable state and local public health regulations, public safety code regulations and all other applicable state and local laws, ordinances, rules and regulations. No building permit or certificate of occupancy shall be issued for an RMD that is not properly registered with the Massachusetts Department of Public Health. The RMD shall file copies of its initial certificate of registration and each annual renewal certificate with the clerk of the Board of Appeals within one week of issuance, and shall immediately notify said clerk if its registration is not renewed or is revoked. The RMD shall provide the Norfolk police department with the names and contact information for all management staff and shall immediately notify the police department of any changes.

F.14.f.3. A special permit granted by the Board of Appeals authorizing the establishment of an RMD shall be valid only for the registered entity to which the special permit was issued, and only for the site on which the RMD has been authorized by the special permit. If the registration for the RMD is revoked, transferred to another controlling entity, or relocated to a different site, a new special permit shall be required prior to the issuance of a certificate of occupancy.

F.14.f.4. An RMD shall be located only in a permanent building and not within any mobile facility. All sales shall be conducted either within the building or by home delivery to qualified clients pursuant to applicable state regulations.

F.14.f.5. An RMD shall conform to the dimensional requirements applicable to the zoning district in which it is located.

F.14.f.6. An RMD shall be subject to the number of parking spaces required in Section F.7 unless a lesser or greater number of spaces is required as a result of site plan review (Section F.11.)

F.14.f.7. All signage shall conform to the requirements of 105 CMR 725.000 and to the requirements of Section F.9 of the Town of Norfolk Zoning Bylaws. No graphics, symbols or images of marijuana or related paraphernalia shall be displayed or clearly visible from the exterior of an RMD.

F.14.f.8. An RMD's hours of operation shall not adversely impact nearby uses. The Board of Appeals may, as a special permit condition, limit the hours of operation of an RMD to mitigate any adverse impact on nearby uses.

F.14.f.9. The site is designed such that it provides convenient, safe and secure access and egress for clients and employees arriving to and leaving from the site, whether driving, bicycling, walking or using public transportation.

F.14.f.10. Traffic generated by client trips, employee trips, and deliveries to and from the RMD shall not create a significant adverse impact on nearby uses.

F.14.f.11. Loading, refuse and service areas are designed to be secure and shielded from abutting uses.

F.14.f.12. The building and site have been designed to be compatible with other buildings in the area and to mitigate any negative aesthetic impacts that might result from required security measures and restrictions on visibility into the building's interior.

F.14.f.13. The building and site are accessible to persons with disabilities.

F.14.f.14. The site is accessible to regional roadways and/or public transportation.

F.14.f.15. The site is located where it may be readily monitored by law enforcement and other code enforcement personnel.

F.14.g. Severability: If any portion of this Section F.14 is ruled invalid, such ruling will not affect the validity of the remainder of the section.

and to amend section D.2. of the Norfolk Zoning Bylaws, as shown below, with underlined type indicating additions

	R	B1*	B2-B4	C1**	C2/C3/C5	C4***	C6**
D.2.e.26 Registered Marijuana Dispensary	No	No	No	SP	No	No	No

or take any other action relative thereto.

**ADVISORY BOARD RECOMMENDATION:**

**MOVE TO APPROVE ARTICLE 21 AS PRINTED IN THE WARRANT.**

**WALTER BYRON FROM THE PLANNING BOARD STATED PLANNING BOARD RECOMMENDS APPROVAL**

Motion made, seconded, and so voted unanimously to dissolve Special Town Meeting of November 18, 2014 at 8:39 PM