

WARRANT

ANNUAL TOWN ELECTION, APRIL 25, 2017
ANNUAL TOWN MEETING, MAY 01, 2017

MIDDLESEX COUNTY, SS

TO ANY OF THE CONSTABLES OF THE TOWN OF WAKEFIELD IN THE COUNTY OF MIDDLESEX,

Greetings:

In the name of the Commonwealth of Massachusetts you are hereby required to notify and warn the inhabitants of the Town of Wakefield qualified to vote in elections and in Town affairs to meet at **Masonic Building, 372 Salem Street (Precincts One and Seven); Crystal Community Club, 71 Preston Street (Precincts Two and Three); Most Blessed Sacrament Church Hall, 1155 Main Street (Precinct Four); West Side Social Club, 4 Harrington Court (Precincts Five and Six)** in said Wakefield on **Tuesday, the 25th day of April, 2017 when the polls will be open between the hours of 7:00 AM and 8:00 PM**, then and there to act on the following:

To give their votes to the election of officers on one ballot for the following Town Officers: two Selectmen for three years; one Town Clerk for three years; one Moderator for one year; one Municipal Gas & Light Commissioner for three years; two School Committee members for three years; three Library Trustees for three years; one Planning Board member for five years; one Board of Health member for three years; one Board of Assessor member for three years; one Constable for three years.

Referendum Question:

Shall the Town of Wakefield adopt, and shall the Wakefield Town Meeting be authorized to adopt, the following bylaw amendments:

A. An amendment to the Zoning Bylaws adding as § 190-23.E the following:

"The operation of any marijuana establishment, as defined in G.L. c. 94G,

§ 1, including, without limitation, a marijuana cultivator, marijuana testing facility, marijuana product manufacturer, marijuana retailer or any other type of licensed marijuana-related business, is prohibited in all zoning districts of the Town. This prohibition shall not apply to the sale, distribution or cultivation of marijuana for medical purposes licensed under Chapter 369 of the Acts of 2012.",

and

B. An amendment to the Table of Use Regulations in § 190-23 of the Zoning Bylaws, adding the following at the end of the section of Business Uses:

"SSR	SR	GR	MR	NB	LB	B	LI	I
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Marijuana establishment,

as defined in G.L. c.

94G, § 1	N	N	N	N	N	N	N	N	N"
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and

C. An amendment to the General Bylaws adding as § 154-9, the following:

"154-9. Marijuana Establishments Forbidden

"The operation of any marijuana establishment, as defined in G.L. c. 94G, § 1, including, without limitation, a marijuana cultivator, marijuana testing facility, marijuana product manufacturer, marijuana retailer or any other type of licensed marijuana-related business, within the Town is prohibited. This prohibition shall not apply to the sale, distribution or cultivation of marijuana for medical purposes licensed under Chapter 369 of the Acts of 2012."

provided that the Wakefield Town Meeting may reasonably vary the form of the said bylaws within the scope of the general public objectives of this authorization?

Annual Town Meeting May 1, 2017

All business of said meeting, except the election of such officers and the determination of such matters as by law are required to be elected or determined by ballot, shall be considered at **7:00 PM, on Monday, the 1st day of May, 2017 at the Galvin Middle School Auditorium, 525 Main Street**, in said Town, then and there to act on the following articles:

Subsequent Evenings. If there is business remaining, the Moderator will consider a motion to adjourn to a subsequent session.

ARTICLE 1. To determine how much money the Town will raise and appropriate for General Government, Protection of Persons and Property, Human Services, Public Works, Public Service Enterprises, Education, Unclassified, Benefits & Administration and Light Department specifying what appropriation shall be taken from the receipts of a department; or to see what the Town will do about it.

Board of Selectmen

ARTICLE 2. To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money for Capital Outlay as follows, or to see what the Town will do about it.

Capital Outlay Committee

ARTICLE 3. To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money to the Capital Projects/Debt Service Fund, also known as the Debt Service Fund, or to see what the Town will do about it.

Board of Selectmen

ARTICLE 4. To see if the Town will vote to authorize the Board of Assessors to use such sum of the balance of the operating fund of the Municipal Gas and Light Department as of June 30, 2017 as the Board of Light Commissioners may vote in computing the tax rate for the fiscal period July 1, 2017 to June 30, 2018, or to see what the Town will do about it.

Municipal Light Commissioners

ARTICLE 5. To see if the Town will vote to implement collective bargaining agreements between the Town of Wakefield and the Wakefield Municipal Administrative, Supervisory and Professional Employees' Association for the period of July 1, 2017 to June 30, 2020 and to provide therefore that the Town raise and appropriate or transfer from available funds a sufficient sum of money to carry out the purpose of this Article, or to see what the Town will do about it.

Board of Selectmen

ARTICLE 6. To see if the Town will vote to implement collective bargaining agreements between the Town of Wakefield and the Massachusetts Coalition of Police, Wakefield Division for the period of July 1, 2017 to June 30, 2020 and to provide therefore that the Town raise and appropriate or transfer from available funds a sufficient sum of money to carry out the purposes of this Article, or to see what the Town will do about it.

Board of Selectmen

ARTICLE 7. To see if the town will vote to implement collective bargaining agreements between the Town of Wakefield and the Wakefield Police Superior Officers Association for the period of July 1, 2017 to June 30, 2020 and to provide therefore that the Town raise and appropriate or transfer from available funds a sufficient sum of money to carry out the purposes of this Article, or to see what the Town will do about it.

Board of Selectmen

ARTICLE 8. To see if the Town will vote to implement collective bargaining agreements between the Town of Wakefield and the Wakefield Firefighter's Union Local 1478 International Association of Firefighters, AFL-CIO for the period of July 1, 2017 to June 30, 2020 and to provide therefore that the Town raise and appropriate or transfer from available funds a sufficient sum of money to carry out the purpose of this Article, or to see what the Town will do about it.

Board of Selectmen

ARTICLE 9. To see if the Town will vote to raise and appropriate from free cash or transfer from available funds a sum of money to indemnify certain police officers and firefighters of the Town for medical, surgical and hospitalization expenses as a result of injuries received by the officers/firefighters in the performance of their duties, as provided for under Section 100, Chapter 41 of Massachusetts General Laws in such amount and to such extent as may be recommended by the Board of Selectmen, or to see what the Town will do about it.

Board of Selectmen

ARTICLE 10. To see if the Town will raise and appropriate or transfer from available funds including the excess and deficiency account a sum of money to supplement the Fire Department budget for the period of July 1, 2016 to June 30, 2017, or to see what the town will do about it.

Board of Selectmen

ARTICLE 11. To see if the Town will vote to raise and appropriate from tax levy or transfer from available funds a sum of money to improve and/or replace elements of the radio system and related infrastructure used by the Police and Fire Departments, including the upgrading of radio receivers, repeaters, comparators and associated equipment as well as the addition of a radio receiver at the Northeast Regional Metropolitan Vocational School to improve the radio signal in that area of Town, or to see what the Town will do about it.

Board of Selectmen

ARTICLE 12. To see if the Town will vote to appropriate a sum of money for remodeling, reconstructing or making extraordinary repairs to, and for constructing additions to, the Walton School on Davidson Road, including the costs of originally equipping, furnishing, landscaping, paving and performing other site improvements incidental or directly related to such remodeling, reconstruction, repair, additions and new construction, and including architectural, surveying and engineering fees and other costs incidental or related thereto, and to determine whether to raise this appropriation by borrowing or otherwise, or to take any other action related thereto, or to see what the Town will do about it.

School Committee

ARTICLE 13. To see if the Town will vote to authorize the Board of Selectmen to accept, or take by eminent domain proceedings, conveyances or easement from time to time, giving the Town the right to construct and maintain drains, sewers, water lines, retaining walls and streets and to raise and appropriate a sufficient sum of money to carry out the purpose of this Article, or to see what the Town will do about it.

Board of Selectmen

ARTICLE 14. To see if the Town will vote to raise and appropriate from tax levy or transfer from available funds a sufficient sum of money for the collection, disposal, recycling and composting of refuse, or to see what the Town will do about it.

Board of Selectmen

ARTICLE 15. To see if the Town will vote to raise and appropriate from tax levy or transfer from available funds a sum of money for the implementation of the Town's NPDES Storm Water Program, or to see what the Town will do about it.

Board of Selectmen

ARTICLE 16. To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money for roadway improvements, or to see what the Town will do about it.

Board of Selectmen

ARTICLE 17. To see if the Town will vote to raise and appropriate or transfer from available funds a sufficient sum of money for construction of new sidewalks, or to see what the Town will do about.

Board of Selectmen

ARTICLE 18. To see if the Town will vote to raise and appropriate from tax levy, by transfer from available funds, or by borrowing a sufficient sum of money to make repairs to the Town's drainage system located on and near New Salem Street, including the design, renovation, upgrading and reconstruction of the culvert located there, or to see what the Town will do about it.

Board of Selectmen

ARTICLE 19. To see if the Town will vote to raise and appropriate from tax levy or transfer from available funds a sufficient sum of money for purchasing and installing flow gauge meters at various locations in the drainage system, or to see what the Town will do about it.

Board of Selectmen

ARTICLE 20. To see if the Town will vote to authorize the Board of Selectmen to apply for, receive and expend without further appropriation a grant from the Massachusetts Water Resources Authority for the purpose of funding the town's infiltration / inflow removal program, and further to appropriate a sufficient sum of money to fund the Town's portion of the costs of the program, and to determine whether to raise this appropriation by borrowing or otherwise, or to see what the Town will do about it.

Board of Selectmen

ARTICLE 21. To see if the Town will vote to transfer from the Sewer Surplus Revenue Account a sufficient sum of money for the design, renovation, upgrade and construction of two (2) sewer pumping stations, or to see what the Town will do about it.

Board of Selectmen

ARTICLE 22. To see if the Town will vote to transfer from the Water Surplus Reserve Account a sufficient sum of money for the replacement of water mains at various locations throughout the Town, or to see what the Town will do about it.

Board of Selectmen

ARTICLE 23. To see if the Town will vote to transfer from the Water Surplus Reserve Account a sufficient sum of money for upgrading the Broadway Water Treatment Plant or to see what the Town will do about it.

Board of Selectmen

ARTICLE 24. To see if the Town will vote to transfer from the Water Surplus Reserve Account a sufficient sum of money for maintenance of the Town's water pressure tank located on Sydney Street or to see what the Town will do about it.

Board of Selectmen

ARTICLE 25. To see if the Town will vote to amend the Zoning Bylaws by

A. adding as § 190-23.E the following:

“The operation of any marijuana establishment, as defined in G.L. c. 94G,

§ 1, including, without limitation, a marijuana cultivator, marijuana testing facility, marijuana product manufacturer, marijuana retailer or any other type of licensed marijuana-related business, is prohibited in all zoning districts of the Town. This prohibition shall not apply to the sale, distribution or cultivation of marijuana for medical purposes licensed under Chapter 369 of the Acts of 2012.”, and

B. amending the Table of Use Regulations in § 190-23 of the Zoning Bylaws, adding the following at the end of the section on Business Uses:

“SSR SR GR MR NB LB B LI I

Marijuana establishment,
as defined in G.L. c.

94G, § 1 N N N N N N N N N”

or to see what the Town will do about it.

Board of Selectmen

ARTICLE 26. To see if the Town will vote to amend the General Bylaws by adding as § 154-9 the following:

“154-9. Marijuana Establishments Forbidden

“The operation of any marijuana establishment, as defined in G.L. c. 94G, § 1, including, without limitation, a marijuana cultivator, marijuana testing facility, marijuana product manufacturer, marijuana retailer or any other type of licensed marijuana-related business, within the Town is prohibited. This prohibition shall not apply to the sale, distribution or cultivation of marijuana for medical purposes licensed under Chapter 369 of the Acts of 2012.”, or to see what the Town will do about it

Board of Selectmen

ARTICLE 27. To see if the Town will vote to amend the Zoning Bylaws by adding the following new article:

“ARTICLE XIX Temporary Moratorium on Marijuana Establishments

“§ 190-111. Purpose

“At the Massachusetts election held on November 8, 2016, the voters of the Commonwealth approved a new law which, among other things, established G.L. c. 94G, entitled ‘Regulation of the Use and Distribution of Marijuana Not Medically Prescribed.’ That statute permits ‘marijuana establishments’ to be licensed by a new Cannabis Control Commission (the ‘Commission’) throughout Massachusetts for the cultivation, testing, manufacture and sale of marijuana products. The Commission was initially to promulgate regulations concerning marijuana establishments by September 15, 2017, which date has been extended to March 15, 2018 by Chapter 351 of the Acts of 2016. The regulation of recreational marijuana raises many complex questions concerning law, planning and public safety. The Town cannot adequately address those questions until the Commission issues its regulations. The purpose of this temporary moratorium is to provide the Town time for study, reflection and decision concerning the said regulations and the challenges posed by recreational marijuana.

“§ 190-112. Temporary Moratorium

“For the reasons set forth above and notwithstanding any other provision of the Zoning Bylaws to the contrary, the Town hereby adopts a temporary moratorium on the use of land or structures for a ‘marijuana establishment’ as defined in G.L. c. 94G, § 1. This moratorium shall not apply to the sale, distribution or cultivation of marijuana for medical purposes licensed under Chapter 369 of the Acts of 2012. The moratorium shall be in effect through June 30, 2018. During the moratorium period, the Town shall undertake a planning process to address the potential impacts of recreational marijuana on the Town, consider the regulations to be issued by the Commission, determine whether the Town should ban any or all types of marijuana establishments within the Town, decide whether to prohibit on-site consumption of marijuana products at marijuana establishments, and otherwise weigh its options in addressing the issues raised by recreational marijuana.

“§ 190-113. Severability

“The provisions of this Section are severable. If any provision, paragraph, sub-section, sentence or clause hereof, or the application thereof to any person, establishment or circumstance, shall be held invalid or illegal, such invalidity or illegality shall not affect the other provisions hereof, or the application hereof to other persons, establishments or circumstances.”, or to see what the Town will do about it.

Board of Selectmen

ARTICLE 28. To see if the Town will vote to amend the General Bylaws by adding as § 154-10 the following:

“154-10. Plastic Bag Reduction Bylaw

1. Purpose and Intent

The purpose of this bylaw is to limit the amount of greenhouse gas emissions, preserve the oceans, protect wildlife, and reduce the amount of trash that ends up on the streets and in landfills by using recyclable, reusable, or compostable bags instead of thin-film single-use plastic checkout bags.

2. Definitions

2.1 *Checkout bag:* A carryout bag provided by a store to a customer at the point of sale. Checkout bags shall not include bags, whether plastic or not, in which loose produce or products are placed by the consumer to deliver such items to the point of sale or checkout area of the store.

2.2 *Grocery store:* A retail establishment where more than fifty percent of the gross floor area is devoted to the sale of food products for home preparations and consumption, which typically also offers home care and personal care products.

2.3 *Retail store:* An establishment that offers the sale and display of merchandise within a building.

2.4 *Reusable checkout bag:* A bag, with handles, that is specifically designed for multiple use and is made of thick plastic, cloth, fabric or other durable materials.

2.5 *Thin-film single-use plastic bags:* Typically with plastic handles, these are bags with a thickness of 2.5 mils or less and are intended for single-use transport of purchased products.

3. Use Regulations

3.1 Thin-film single-use plastic bags shall not be distributed, used, or sold for checkout or other purposes at any retail or grocery store within the Town of Wakefield.

3.2 Customers are encouraged to bring their own reusable or biodegradable shopping bags to stores. Retail or grocery stores are strongly encouraged to make reusable checkout bags available for sale to customers at a reasonable price.

3.3 Thin-film plastic bags used to contain dry cleaning, newspapers, produce, meat, bulk foods, wet items, and other similar merchandise, typically without handles, are still permissible.

4. Enforcement process

Enforcement of this bylaw shall be the responsibility of the Town Administrator or his/her designee. The Town Administrator shall determine the inspection process to be followed, incorporating the process into other Town duties as appropriate. Any retail or grocery store distributing plastic grocery bags in violation of this bylaw shall be subject to a non-criminal disposition fine, in accordance with § 1-7 of these Bylaws. Any fines shall be paid to the Town of Wakefield.”

and by amending § 1-7 of the General Bylaws by adding as subsection E thereof the following:

“E. Any alleged violation of the Plastic Bag Reduction Bylaw, § 154.10 of these Bylaws, shall be made the subject of noncriminal disposition proceedings by the Town Administrator or his or her designee under G.L. c. 40, § 21D. The penalty for such violation shall be a written warning for the first offense, a fine of \$25 for a second offense and a fine of \$50 for the third and any subsequent offense.”, or to see what the Town will do about it.

Citizen Petition

ARTICLE 29. To see if the Town will vote to amend the Zoning Bylaws of the Town of Wakefield by:

a. amending §190-4. Definitions by adding ART/CRAFT STUDIO and the definition set forth below after AFFORDABLE DWELLING UNIT:

“ART/CRAFT STUDIO. A room or group of rooms used by artists and craftspeople for the creation of any visual art or craft, including but not limited to: painting, drawing, graphic design, photography, sculpture, ceramics, jewelry, leatherwork and other related arts and crafts; of written works of fiction and non-fiction; or of any performing art.”
and

b. amending §190-22A(1). Accessory Uses by adding a new sub-section (g) as follows:

(g) Art/Craft studio.

[1] Purpose and intent. It is the specific purpose and intent that an art/craft studio, whether attached or detached from the principal building, will be compatible with other permitted uses, particularly in residential neighborhoods.

[2] The space will be principally used as a studio for independent arts/crafts people in the creation of their own work. Mass production and assembly line techniques are prohibited.

- [3] The type of studio use shall be appropriate to the particular building and its location:
 - (a) the building shall be structurally sound.
 - (b) the proposed studio use will not generate traffic in volume or type in excess of that normally occurring in the adjacent neighborhood.
- (c) no bulk storage of toxic or highly flammable materials shall occur.
- (d) the proposed studio use shall satisfy all applicable building, fire safety, and health codes.
- (e) noise shall be restricted to levels customarily permitted in the districts.
- (f) noxious odors, dust, and/or fumes shall be effectively disposed of and confined to the premises to avoid air pollution and nuisance to the adjacent neighborhood.
- (g) the building will conform to Dimensional Regulations regulated in §190-31C(5)
- [4] Storage of materials must be carried out within the building.
- [5] All activities conducted in an accessory structure are limited in size by the provisions governing an accessory building type outlined in §190-22A(1)(e).
- [6] Such activity shall be carried on only by the person residing on the premises and no more than one (1) person, not a member of the household, shall practice or be employed at one time per studio.
- [7] There shall be no retail sales except as may occur as an activity incidental to the exhibition permitted in §190-22A(1)(g)[11] below.
- [8] No display of advertising sign except for a small announcement sign having an area of not more than three (3) square feet.
- [9] Shipping and delivery is restricted to parcel and small freight carriers.
- [10] No more than one (1) off-street parking space is permitted for the art/craft accessory use.
- [11] Public exhibitions and their advertisement shall not be permitted except as specifically authorized in the special permit. The number and duration of any such exhibitions shall be specifically stated, shall be for arts/crafts created on the premises, and shall only be permitted upon finding that the residential or other prevailing neighborhood character will not be significantly, negatively affected.
- [12] The special permit for an art/craft studio accessory use shall terminate upon the death of the owner and the spouse of the owner or upon transfer of title to said premises.
- [13] In issuing a special permit under this section §190-22A(1)(g) the Zoning Board of Appeals shall state the specific arts and crafts uses or range of uses being authorized for each studio granted a permit.”

and
 c. amending the Use Table, §190-23 by adding ART/CRAFT STUDIO after Accessory Apartments in Special Single Residence uses... to the list of uses as follows:

	SSR	SR	GR	MR ¹	NB	LB	B	LI	I		
ART/CRAFT STUDIO	SP	SP	SP	SP	SP	N	SP	N	N		

or to see what the Town will do about it.
Citizen Petition

And to transact such other business as may properly come before this meeting,

And you are directed to serve this warrant by causing the same to be published in two issues of the Wakefield Daily Item, and by posting attested copies thereof at the official polling places and at the Police and Fire Stations in said Town, two consecutive Sabbaths, at least, the first time being not less than seven days at least before the time of holding said meeting.

Hereof fail not, and make due return of this Warrant, with your doings thereon, to the Town Clerk, at the time and place of meeting, as aforesaid. Given under our hands this thirteenth day of March, two thousand and seventeen.

Patrick S. Glynn, Chairman
 Paul R. DiNocco, Vice Chairman
 Brian E. Falvey
 Phyllis J. Hull
 Anthony Longo
 Peter J. May
 Ann McGonigle Santos
BOARD OF SELECTMEN

A true copy attest:
 Gerard S. Alterio, Jr.
 Constable

