

**TOWN OF WESTPORT
COMMONWEALTH OF MASSACHUSETTS
SPECIAL TOWN MEETING WARRANT
FEBRUARY 11, 2020**

BRISTOL, SS.

To either of the constables of the Town of Westport in said County:

GREETINGS:

In the name of the Commonwealth of Massachusetts you are hereby directed to notify and warn the inhabitants of the Town of Westport qualified to vote in elections and Town affairs, to assemble at the Westport Junior/Senior High School on Tuesday, February 11, 2020 at 7:00 p.m., and then and there to act on the following articles, viz:

Agreeable to the warrant calling said meeting, the voters of the Town of Westport assembled at the Westport High School on the above date. The meeting was called to order at 7:14 p.m. by Moderator Steven W. Fors. who appointed Robert McCarthy, Hugh Morton, Kevin Rioux, Thomas Schmitt and Charles Baron to act as tellers for the meeting and they were duly sworn by the Town Clerk. Bernadette Oliver acted as timekeeper for the meeting in accordance with a by-law adopted under Article 45 of the Annual Town Meeting of 1963. All in attendance stood to salute the flag of our nation.

Motion and second to dispense with the reading of the warrant and the Constable's return of service.

Voted: unanimously.

Motion and second to authorize the Moderator to declare that a two-thirds vote has been achieved according to Mass General Law Chapter 39 § 15. Voted: unanimously.

ARTICLE 1

To see if the Town will vote to raise and appropriate and/or transfer from available funds such sums of money necessary for the purpose of paying outstanding bills from prior fiscal years, and/or take any other action relative thereto.

BOARD OF SELECTMEN

Southcoast Electric & Refrigeration Service	\$	956.25
East Bay Media Group	\$	330.75
Total	\$	1,287.00

and/or take any other action relative thereto.

Motion and second that the town appropriate from Free Cash, the sum of \$1,287.00 to pay the outstanding bills from prior fiscal years listed in the warrant under Article 1.

ARTICLE 2

To see if the Town will vote to amend the vote taken under Article 4 of the 2019 Annual Town Meeting by transferring from available funds and/or various line items within the current appropriations such sums of money necessary to supplement the budgets of various departments for the fiscal year beginning July 1, 2019, and/or take any other action relative thereto.

BOARD OF SELECTMEN

FROM:	TO:	AMOUNT
Assessors Personnel Expenses	Assessors Expenses	\$21,000
Health Insurance	Board of Appeals Personnel Services	\$ 3,000
Health Insurance	Board of Appeals Expenses	\$ 1,000

Health Insurance	Town Hall Personnel Services	\$ 1,750
Health Insurance	Town Hall Expenses	\$40,000
Beech Grove Cemetery Expansion	Cemetery Department Personnel Services	\$12,500
Beech Grove Cemetery Expansion	Cemetery Department Expenses	\$ 2,500
Health Insurance	LED Streetlight Project	<u>\$ 5,000</u>
	TOTAL	\$86,750

Motion and second to amend the vote taken under Article 4 of the 2019 Annual Town Meeting by making the transfers between line items of the FY 2019 budget listed in the warrant under Article 2. Voted: unanimously.

ARTICLE 3

To see if the Town will vote to amend the **TOWN OF WESTPORT BY-LAWS AND REGULATIONS “ARTICLE LIV, RIGHT TO FARM BY-LAW”** by:

Item 1:

Adding the following three paragraphs to the existing Right to Farm By-Law:

There shall be no requirement to register, license, permit and/or pre-approve the keeping of livestock or agricultural activities with any Town agency and/or department in the Town of Westport except for the existing regulations for Tenant Farms.

The Town may require a livestock census to provide estimates on animal types and locations within town. This livestock census will be developed and managed by the Town of Westport’s Agricultural Commission. The livestock census will serve two purposes only, to help facilitate the Massachusetts Department of Agriculture’s barnbook inspections and to improve local police and fire emergency preparedness. There will be no fees or fines associated with this livestock census. The livestock census may be shared on a confidential basis with local animal inspectors appointed by the Massachusetts Department of Agriculture to perform barnbook inspections and the Town of Westport’s Police and Fire departments. The livestock census will not be shared with any other person or agency unless so ordered by a court of competent jurisdiction.

Furthermore, there shall be no Town inspection procedures, regulations, guidelines, penalties, fines, fees, punishments and/or restrictions of any kind with respect to farming and agriculture within the Town of Westport that deviate in any way from existing Massachusetts General Laws.

Item 2:

Deleting the following paragraph 3 in its entirety:

The word "farm" shall include any parcel or contiguous parcels of land used for the primary purpose of agriculture as defined by the Commonwealth. The Commonwealth definition is at present that of Chapter 61A: a farm must contain at least five acres and have annual revenues of at least \$500.

and replacing it with the following new paragraph 3:

The word “farm” shall include any parcel or contiguous parcels of land of any size used for the purpose of agriculture.

and/or take any other action relative thereto.

BY PETITION

Motion and second to amend Article LIV of the Westport By-Laws as follows:

By inserting the following 4 paragraphs between existing paragraphs 2 and 3:

There shall be no requirement to register, license, permit, and/or preapprove the keeping of livestock with any town agency and/or department in the Town of Westport except for the existing regulations for Tenant Farms.

The Town may require a livestock census to provide estimates on animal types and locations within town. This livestock census will be developed and managed by the Town of Westport's Agricultural Commission. The livestock census will serve two purposes only, to help facilitate the Massachusetts Department of Agriculture's barnbook inspections and to improve local police and fire emergency preparedness. There will be no fees or fines associated with this livestock census. The livestock census may be shared on a confidential basis with local animal inspectors appointed by the Massachusetts Department of Agriculture to perform barnbook inspections, and the Town of Westport's police and fire departments. The livestock census will not be shared with any other person or agency unless so ordered by a court of competent jurisdiction.

Furthermore, there shall be no town inspection procedures, regulations, guidelines, penalties, fines, fees, punishments and/or restrictions of any kind with respect to the keeping of livestock within the Town of Westport that deviate in any way from existing Massachusetts General Laws.

This Bylaw shall not limit the authority of the Town's Zoning Enforcement Officer, who pursuant to G.L.c.40A and the Zoning Bylaws has particular authority or the Board of Health to exercise its authority to protect the public health under the provisions of G.L. c111, §§125A, 128G, 128H, and its express authority to promulgate regulations under G.L. c.111, §31.

And by deleting the existing paragraph 3 and replacing it with:

The word "farm" shall include any parcel or contiguous parcels of land of any size used for the primary purpose of agriculture.

Motion and second to call the question. Voted: carried.

Motion and second to adopt Article 3 as amended. Voted: carried.

ARTICLE 4

To see if the Town will vote to amend its By-Laws and Regulations by inserting and adding the following language to By-Law ARTICLE LXIX "**PROHIBITION OF NON-MEDICAL MARIJUANA ESTABLISHMENTS**"

6901.

as follows:

All so called Medical Marijuana Establishments subject of a Provisional Certificate of Registration by the Commonwealth of Massachusetts, and a so called letter of Non Opposition by the Town of Westport, on or before January 1, 2020, for a location within the Town of Westport shall be exempt from the provisions of Article LXIX and be allowed to operate as a recreational Marijuana Establishment in addition to a Medical Marijuana Establishment.

and/or take any other action relative thereto.

BY PETITION

Motion and second to adopt the provision of Article 4 as printed in the warrant.

Motion and second to call the question. Voted: the Moderator declared the vote carried by 2/3.

Motion and second to adopt the provision of Article 4. Voted: carried.

ARTICLE 5

To see if the Town will vote to amend its By-Laws and Regulations known as:

ARTICLE LXIX

PROHIBITION OF NON-MEDICAL MARIJUANA ESTABLISHMENTS

6901.

by striking and or deleting "PROHIBITION OF NON-MEDICAL" and replacing with "REGULATION OF"

By striking and or deleting as follows:

"Consistent with M.G.L Chapter 94G, Section 3(a)(2), all types of "Non-Medical marijuana establishments", defined for purposes of this By-Law as the term "marijuana establishments" is defined in M.G.L. Chapter 94G, Section 1, to include marijuana cultivators, independent testing laboratories, marijuana product manufacturers, marijuana retailers or any type of licensed marijuana-related businesses, shall be prohibited within the Town of Westport."

and replacing with:

Consistent with M.G.L. Chapter 94 G, all types of Non-Medical Marijuana establishments shall be regulated by the Town of Westport in the same manner as the Town regulates Medical Marijuana facilities, or in any other manner prescribed by the Zoning By-Laws of the Town of Westport, and shall be subject to the same limitations and requirements established by the Zoning By-Laws of the Town of Westport.

and/or take any other action relative thereto.

BY PETITION

Motion and second to adopt the provision of Article 5 as printed in the warrant.

Motion and second to call the question. Voted: unanimously.

Motion and second to adopt the provision of Article 5. Voted: carried.

ARTICLE 6

To see if the Town will vote to Repeal its By-Laws and Regulation identified as:

ARTICLE LXIX

PROHIBITION OF NON-MEDICAL MARIJUANA ESTABLISHMENTS

6901.

and/or take any other action relative thereto.

BY PETITION

Motion and second to pass over Article 6. Voted: unanimously.

ARTICLE 7

To see if the Town will vote to amend the **TOWN OF WESTPORT ZONING BY-LAWS, ARTICLE 1, PURPOSE AND DEFINITIONS, SECTION 1.1 DEFINITIONS** by making the following changes:

Item 1. By **inserting** the following definitions in alphabetical order:

Marijuana – All parts of any plant of the genus *Cannabis*, not excepted below and whether growing or not; the seeds thereof; and resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture or preparation of the plant, its seeds or resin including tetrahydrocannabinol as defined in Section 1 of M.G.L. Chapter 94C; provided, that “marijuana” shall not include: (i) the mature stalks of the plant, fiber produced from the stalks, oil, or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture or preparation of the mature stalks, fiber, oil or cake made from seeds of the plant or the sterilized seed of the plant that is incapable of germination; (ii) hemp; or (iii) the weight of any other ingredient combined with marijuana to prepare topical or oral administrations, food, drink or other products. Marijuana also includes marijuana products except where the context clearly indicates otherwise.

Marijuana Establishment - A marijuana cultivator, independent testing laboratory, marijuana product manufacturer, marijuana retailer or any other type of licensed marijuana-related business as defined in MGL Chapter 94G, Section 1 or the Cannabis Control Commission regulations at 935 CMR 500.00.

Independent Testing Laboratory – a laboratory that is licensed by the Cannabis Control Commission and is: (i) accredited to the most current International Organization for Standardization 17025 by a third-party accrediting body that is a signatory to the International Laboratory Accreditation Accrediting Cooperation mutual recognition arrangement or that is otherwise approved by the commission; (ii) independent financially from any medical marijuana treatment center or any licensee or marijuana establishment for which it conducts a test; and (iii) qualified to test marijuana in compliance with 935 CMR 500.160 and M.G.L. Chapter 94C, Section 34.

Marijuana Cultivator – an entity licensed to cultivate, process and package marijuana, to deliver marijuana to Marijuana Establishments and to transfer marijuana to other Marijuana Establishments, but not to consumers.

Marijuana Product Manufacturer – an entity licensed to obtain, manufacture, process and package marijuana and marijuana products, to deliver marijuana and marijuana products to Marijuana Establishments and to transfer marijuana and marijuana products to other Marijuana Establishments, but not to consumers.

Marijuana Retailer – an entity licensed to purchase and deliver marijuana and marijuana products from Marijuana Establishments and to deliver, sell or otherwise transfer marijuana and marijuana products to Marijuana Establishments and to consumers.

Marijuana Accessories – equipment, products, devices or materials of any kind that are intended or designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, ingesting, inhaling or otherwise introducing marijuana into the human body.

Marijuana Products - products that have been manufactured and contain marijuana or an extract from marijuana, including concentrated forms of marijuana and products composed of marijuana and other ingredients that are intended for use or consumption, including edible products, beverages, topical products, ointments, oils and tinctures.

Craft Marijuana Cooperative – means a marijuana Cultivator comprised of residents of the Commonwealth and organized as a limited liability company, limited partnership, or cooperative corporation under the laws of the Commonwealth. A cooperatives license to Cultivate, Manufacture and Transfer marijuana to Marijuana Establishments, but not to consumers.

and/or take any other action relative thereto.

BY PETITION

Motion and second to pass over Article 7. Voted: the motion was defeated.

Motion and second to adopt the provision of Article 7 as printed in the warrant.
James Whitin, Planning Board Chairman, gave a report on Articles 7 - 10 and stated the Planning Board recommends passage of each article.

Motion and second to call the question. Voted: carried.

Voted: the Moderator declared Article 7 carried by 2/3.

ARTICLE 8

*To see if the Town will vote to amend the **TOWN OF WESTPORT ZONING BY-LAWS** by adding **ARTICLE 27, NON-MEDICAL MARIJUANA FACILITIES AND USES:***

ARTICLE 27

NON-MEDICAL MARIJUANA FACILITIES AND USES

27.1 PURPOSE

The purpose and intent of this Article is to regulate the siting of Non-Medical Marijuana Establishments by minimizing the adverse impacts on adjacent properties, residential neighborhoods, schools and other places where children congregate, and other land uses potentially incompatible with said Centers.

27.2 AUTHORITY

Non-Medical Marijuana Establishments may be allowed by Special Permit from the Westport Planning Board provided the Planning Board finds that:

- 1. The Establishment is designed to minimize any adverse visual or economic impacts on abutters and other parties in interest, as defined in M.G.L. Chapter 40A, Section 11.*
- 2. The Establishment is designed to maximize security measures including but not limited to lighting, fencing, visibility and gates. Alarms shall connect to the Police Station for security.*
- 3. The Establishment demonstrates that it will meet all the permitting requirements of all applicable agencies within the Commonwealth of Massachusetts and will be in compliance with all applicable state laws and regulations.*
- 4. The applicant has satisfied all of the conditions and requirements of this Section.*
- 5. The Establishment will be designed and operated to minimize noise and odors.*
- 6. The applicant has demonstrated that there is sufficient water supply and that all waste will be properly disposed.*

27.3 REQUIREMENTS

- 1. Non-Retail Marijuana Establishments shall be located in the Science and Technology Overlay District, Business District and Unrestricted District.*
- 2. Retail Marijuana Establishments shall only be located in the Business District or the Science and Technology Overlay District.*
- 3. No other use shall be permitted on a lot containing a Marijuana Establishment.*

4. *Craft cultivators shall be allowed in the Agricultural District, Business District, Unrestricted District and the Science and Technology Overlay District.*
5. *Buildings and parking areas shall be clearly visible from the street.*
6. *Cultivation within the Business District and Unrestricted District shall be located entirely within one or more fully enclosed buildings with conventional or post framed opaque, rigid walls and roof covering. Cultivation within the Science and Technology Overlay District shall be located within one or more fully enclosed buildings with conventional or post framed walls, rigid walls or properly secured greenhouse structures. Hoop houses are specifically prohibited.*
7. *Craft cultivators within the Business District and Unrestricted District shall be located entirely within one or more fully enclosed buildings with conventional or post framed opaque, rigid walls and roof covering. Craft cultivators within the Agricultural District and Science and Technology Overlay District shall be located within one or more fully enclosed buildings with conventional or post framed walls, rigid walls and roof covering or properly secured greenhouse structures. Hoop houses are specifically prohibited. Craft cultivation within the Agricultural District must be located no less than 500 feet from any residential structure and may only occur upon a lot of 5 acres or more.*
8. *The hours of operation of a Retail Marijuana Establishment shall be set by the Special Permit Granting Authority, but in no event shall said establishment be open between the hours of 9:00 PM and 8:00 AM for sales to consumers.*
9. *Site Plan Approval under Article 15 is required for all Non-Medical Marijuana Establishments.*
10. *The total number of Marijuana Retailers shall not exceed 20 percent of the number of licenses issued within the Town for the retail sale of alcoholic beverages not to be drunk on the premises where sold under Section 15 of M.G.L. Chapter 138.*

27.4 WAIVER OF COMPLIANCE

The Planning Board acting as the Special Permit Granting Authority, under this Section, may waive strict compliance with the requirements of Section 27 et seq., provided the Board finds that the waivers are in the public interest and not inconsistent with the purpose and intent of this Section.

27.5 TERM LIMIT

A special permit granted under this Section shall have a term limited to the duration of the applicant's ownership of the premises as a Marijuana Establishment. A special permit may be transferred only with the approval of the Planning Board in the form of an amendment to the special permit.

27.6 LAPSE

A special permit shall lapse if not exercised within two years of issuance.

and/or take any other action relative thereto.

BY PETITION

Motion and second to adopt the provision of Article 8 as printed in the warrant.

Motion and second to amend Article 8 by deleting in section 27.3 - 1 and 6 "and Unrestricted District". and add the word "or" in 27.3 - 1 after Technology Overlay District. Voted: carried.

Voted: to adopt the provisions of Article 8 as amended. The Moderator declared the vote carried by 2/3.

ARTICLE 9

To see if the Town will amend the **TOWN OF WESTPORT ZONING BY-LAWS** by inserting into **ARTICLE 4, USE REGULATIONS, SECTION 4.0.1 RESIDENCE/AGRICULTURE DISTRICTS, SUBPARAGRAPH B.1.** the bold and underlined text as follows:

- B.** *Accessory use on the same premises, including, but not limited to the following:*
 - 1.** *Use of room or rooms in a dwelling for customary home occupations conducted by resident occupants, such as dressmaking, candy making, or for the practice, by a resident, of a recognized profession. **Non-Medical and Medical Marijuana Establishments are not permitted as home occupations.***

and/or take any other action relative thereto.

BY PETITION

Motion and second to adopt the provision of Article 9 as printed in the warrant. Voted: the Moderator declared the vote carried by 2/3.

ARTICLE 10

To see if the Town will vote to amend the **TABLE OF USE REGULATIONS** in the **TOWN OF WESTPORT ZONING BY-LAWS** by adding the Non-Medical Marijuana Establishments use in proper alphabetical order as follows:

TABLE OF USE REGULATIONS

X = Prohibited unless allowed in Underlying District
Y = Allowed By Right
N = Prohibited

SPBA = Special Permit Board of Appeals
SPPB = Special Permit Planning Board
SPA-PB = Site Plan Approval Planning Board

<u>USES</u>	<u>RESIDENTIAL/ AGRICULTURAL</u>	<u>BUSINESS</u>	<u>UNRESTRICTED</u>	<u>STOD (Art. 22)</u>
MARIJUANA ESTABLISHMENTS				
INDEPENDENT TESTING LABORATORY	N PB	SPPB/SPA-PB	SPPB/SPA-PB	SPPB/SPA-
MARIJUANA CULTIVATOR	N PB	SPPB/SPA-PB	SPPB/SPA-PB	SPPB/SPA-
MARIJUANA PRODUCT MANUFACTURER	N PB	SPPB/SPA-PB	SPPB/SPA-PB	SPPB/SPA-
MARIJUANA RETAILER	N PB	SPPB/SPA-PB	N	SPPB/SPA-
CRAFT CULTIVATOR	SPPB/SPA-PB PB	SPPB/SPA-PB	SPPB/SPA-PB	SPPB/SPA-

and/or take any other action relative thereto.

BY PETITION

Motion and second to adopt the provision of Article 10 as printed in the warrant.

Motion and second to amend the Table of Use Regulations by removing under "Unrestricted" SPPB/SPA-PB in all areas other than "Craft Cultivator" and replace with "N". Voted: carried.

Motion and second to call the question. Voted: unanimously.

Voted: To adopt the provisions of Article 10 as amended. The Moderator declared the vote carried by 2/3.

Motion and second to adjourn and dissolve the Special Town Meeting at 10:14 p.m. Voted: unanimously.
There were 652 registered voters and 11 visitors and press in attendance.

A true record,
Attest:

Marlene M. Samson
Westport Town Clerk

And you are hereby directed to serve this warrant by positing five or more copies in as many places within said Town at least seven days before the time of 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.

Given under out hands at Westport this 21st day of January in the year two thousand and twenty.

Shana M. Shufelt

Steven J. Ouellette

Brian T. Valcourt

Ann M. Boxler

Richard W. Brewer
WESTPORT BOARD OF SELECTMEN

Marlene Samson
Town Clerk
Westport, MA 02790
January 22, 2020

On this 22nd day of January, 2020, I posted 5 true attested copies of the forgoing warrant in the following named places:

Briggs Road Fire Station

State Road Package Store

Briere's Inc. a.k.a. Country Liquor & Variety

Town Hall

Lees Supermarket

Robert Reed

Westport Police Officer