



**TOWN OF WINCHENDON  
SPECIAL TOWN MEETING WARRANT  
ANNUAL TOWN MEETING WARRANT  
MAY 21, 2018**

## TOWN MEETING SUMMARY SHEET

ARTICLE	DESCRIPTION	COST	SOURCE
	<b>SPECIAL TOWN MEETING</b>		
1	Committee Report	N/A	N/A
2	Remove Abandoned Water Tank	\$80,000.00	Use of FY17 Free Cash
3	Remove Lead From School Water	\$63,000.00	Use of FY17 Free Cash
4	Rescind Article 4 of the November 13, 2017 Town Meeting	\$50,000.00	Use of FY17 Free Cash
	<b>ANNUAL TOWN MEETING</b>		
1	Committee Report	N/A	N/A
2	Establish/Discharge Committees	N/A	N/A
3	Senior Tax Work-Off Program	\$7,500	Raise and Appropriate
4	Community Action Committee Non-Profit Support	\$18,000	Raise and Appropriate
5	Transfer From Stabilization Fund	\$94,060.09	Stabilization Fund
6	FY18 General Government Budget	\$14,624,653	Raise/Appropriate and Transfer
7	Water Dept. Enterprise Budget	\$1,069,663	User Fees
8	Wastewater Enterprise Budget	\$1,398,748	User Fees/Retained Earnings/Betterment Rev.
9	Transfer Station Enterprise Budget	\$177,203.45	User Fees
10	FY18 School Budget	\$13,379,062.10	Raise/Appropriate and/or Transfer
11	FY18 Monty Tech's Assessment	\$929,176	Raise and Appropriate
12	PILOT Agreement for Solar Array on Lincoln Ave. Ext. Map 2 Lot 65	N/A	Authorize Board to Enter into PILOT Agreement
13	PILOT Agreement for Solar Array on Lincoln Ave. Ext. Map 2 Lot 15	N/A	Authorize Board to Enter into PILOT Agreement
14	PILOT Agreement for Solar Array off Ash and Spring Streets, Map 5c4 Lot 29	N/A	Authorize Board to Enter into PILOT Agreement
15	PILOT Agreement for Solar Array at 38 Happy Hollow Road, Map 13, Lot 61	N/A	Authorize Board to Enter into PILOT Agreement
16	PILOT Agreement for Solar Array at 135 Gardner Road, Map 12 Lot 49	N/A	Authorize Board to Enter into PILOT Agreement
17	Sale of Town Property On High Street	N/A	N/A
18	Amend Recreation Bylaw	N/A	N/A
19	Establish Earth Day Revolving Fund	\$2,500	Raise and Appropriate
20	Adopt Local Option for Recreational Marijuana Excise Tax	N/A	N/A
21	Limit 3 Adult Use retail establishments	N/A	N/A
22	Marijuana Bylaw	N/A	N/A
23	Amendment to the Official Zoning Map to include the Retail Overlay	N/A	N/A
24	Amendment to Article 5 Use Table to include cultivation	N/A	N/A

### FINANCE COMMITTEE PUBLIC HEARING

Tuesday, April 24, 2018 at 7:00 PM

Town Hall, 109 Front Street

**TOWN OF WINCHENDON  
SPECIAL TOWN MEETING  
May 21, 2018**

Worcester, ss:

To either of the Constables in the Town of Winchendon, 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 the Town of Winchendon qualified to vote in town elections and town affairs to meet at the MURDOCK MIDDLE/HIGH SCHOOL, 3 Memorial Drive, off Elmwood Road in said Winchendon on

**MONDAY, MAY 21, 2018**

**AT 7:00 P.M.**

then and there to act on the following articles:

*Met at Murdock Middle/High School at 7:00 p.m. Meeting was called to order by Moderator Richard Morin Sr. with a quorum present. Brian Riley was present representing Town Counsel Kopelman and Paige.*

**REPORTS AND COMMITTEES**  
(majority vote required)

**ARTICLE 1**

To see if the Town will vote to hear and act on the reports of the Finance Committee, or act in relation thereto.

(usual and customary article)

**BOARD OF SELECTMEN: 5-0 Recommend**

**FINANCE COMMITTEE: 6-0 Passover**

*It was moved, seconded and unanimously voted to pass over this article.*

**ARTICLE 2**

To see if the Town will vote to transfer from Free Cash the sum of \$80,000 to Water System Maintenance for cost related to the removal of the abandoned water tank on High Street, Tax Map 8A-0-10, or act in relation thereto.

(submitted by the Town Manager)

**BOARD OF SELECTMEN: 5-0 Recommend**

**FINANCE COMMITTEE: 6-0 Recommend**

***VOTE: Approved (unanimously) to transfer \$80,000 from free cash to Water System Maintenance to be used as printed in this article.***

### ARTICLE 3

To see if the Town will vote to transfer from Free Cash the sum of \$63,000 to the Winchendon School Department for cost related to the remediation of lead in the water lines of the Winchendon schools, or act in relation thereto.

(submitted by the Town Manager)

BOARD OF SELECTMEN: 5-0 Recommend

FINANCE COMMITTEE: 5-0-1 Recommend

***VOTE: Approved (unanimously) to transfer \$63,000 from free cash into the School Department Capital Account to be used as printed in this article.***

### ARTICLE 4

To see if the Town will vote to rescind the vote taken under Article 4 of the November 13, 2017 Town Meeting Warrant approving the use of available cash for the reconstruction of sidewalks on Central and Grove Streets in the amount of \$50,000.

(submitted by the Town Manager)

BOARD OF SELECTMEN: 5-0 Recommend

FINANCE COMMITTEE: 6-0 Recommend

***It was moved, seconded and unanimously voted to take Article 4 out of order after Article 2.***

***VOTED: Approved (majority) to rescind the vote on Article 4 of the November 13, 2017 Town meeting, that authorized a transfer from free cash into the School Department Capital Account.***

***It was moved, seconded and unanimously approved to close the Special Town Meeting at 7:18 p.m.***

***Attest:***

***Judy A. LaJoie  
Winchendon Town Clerk***

You are hereby directed to serve this warrant by posting attested copies thereof at the several places designated by the bylaws of the town of Winchendon fourteen days at least before the time of holding such meeting and by mailing a copy of this warrant to each household in Winchendon in which a registered voter resides or by publication of the same in a newspaper of local distribution as required by said bylaws.

Hereof, fail not and make due return of said warrant with your doings thereon at the time and place of the meeting aforesaid. Given under our hands and seal this 23<sup>rd</sup> day of April 2018.

### BOARD OF SELECTMEN:

\_\_\_\_\_  
Barbara Anderson, Chair

\_\_\_\_\_  
Audrey LaBrie, Vice Chair

\_\_\_\_\_  
Michael Barbaro

\_\_\_\_\_  
Austin Cyganiewicz

\_\_\_\_\_  
Charles Husselbee

I have this day posted the within warrant as therein directed:

\_\_\_\_\_  
PRINT CONSTABLE NAME

\_\_\_\_\_  
SIGN CONSTABLE NAME

\_\_\_\_\_  
DATE:

**TOWN OF WINCHENDON  
ANNUAL TOWN MEETING  
MAY 21, 2018**

Worcester, ss:

To either of the Constables in the Town of Winchendon, 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 the Town of Winchendon qualified to vote in town elections and town affairs to meet at the MURDOCK MIDDLE/HIGH SCHOOL, 3 Memorial Drive, off Elmwood Road in said Winchendon on

**MONDAY, MAY 21, 2018  
AT 7:00 P.M.**

then and there to act on the following articles:

*At 7:20 p.m. meeting was called to order by Moderator Richard Morin Sr. with a quorum present. Brian Riley was present representing Town Counsel Kopelman and Paige*

**REPORTS AND COMMITTEES**  
(majority vote required)

**ARTICLE 1**

To see if the Town will vote to hear and act on the report of the Finance Committee, the annual report of the Selectmen and of any other officers or committees required to report to the Town, or act in relation thereto. (usual and customary article)

**BOARD OF SELECTMEN: 5-0 Recommend**

**FINANCE COMMITTEE: 6-0 Recommend**

***VOTE: Approved (Unanimously) to hear the report of the Finance Committee***

**ARTICLE 2**

To see if the Town will vote to choose all other Town officers or committees that may be required or deemed necessary to the Town for the ensuing year and give any instructions to same, or to any other town officer or officers, and to discharge any committees which have completed their duties, or act in relation thereto. (usual and customary article)

BOARD OF SELECTMEN: 5-0 Recommend

FINANCE COMMITTEE: 6-0 Recommend

*It was moved, seconded and unanimously approved to pass over this article.*

## **USUAL AND CUSTOMARY FINANCIAL ARTICLES**

(majority vote required)

### **SENIOR TAX WORK-OFF ARTICLE**

#### **ARTICLE 3**

To see if the Town will vote to raise and appropriate or transfer from other available funds the sum of seven thousand five hundred dollars (\$7,500) for the Senior Tax Work-off Program, or act in relation thereto. (submitted by the Town Manager)

BOARD OF SELECTMEN: 5-0 Recommend

FINANCE COMMITTEE: 6-0 Recommend

***VOTED: Approved (Majority) to raise and appropriate \$7,500 for the Senior Tax Work-Off Program.***

### **NON-PROFIT ASSISTANCE ARTICLES**

#### **ARTICLE 4**

To see if the Town will vote to raise and appropriate or transfer from other available funds the sum of \$18,000 as a grant to the non-profit, Community Action Committee, Inc., 273 Central Street, Winchendon, in consideration of the numerous services provided to the Town, or act in relation thereto. (submitted by the Town Manager)

BOARD OF SELECTMEN: 5-0 Recommend

FINANCE COMMITTEE: 6-0 Recommend

***VOTED: Approved (Majority) to raise and appropriate \$18,000 as a grant to the Community Action Committee.***

### **USE OF STABILIZATION FUND**

(two-thirds vote required)

#### **ARTICLE 5**

To see if the Town will vote to transfer and appropriate from the Stabilization Fund the sum of \$94,060.09 for the purpose of funding the supplemental reserve that is mandated by the deficit legislation, or act in relation thereto. (Submitted by the Town Manager)

BOARD OF SELECTMEN: 5-0 Recommend

FINANCE COMMITTEE: 5-1 Recommend

***VOTED: Approved (2/3rds) to transfer and appropriate from the Stabilization Fund the sum of \$94,060.09 to be used as written in the article.***

**USUAL AND CUSTOMARY GENERAL GOVERNMENT BUDGET ARTICLE**  
**(majority vote required)**

**ARTICLE 6**

To see if the Town will vote to raise and appropriate and transfer from other available funds the sum of \$14,624,653 for the operating budget of the Town for the fiscal year beginning July 1, 2018, or act in relation thereto. (usual and customary article)  
(submitted by the Town Manager)

**BOARD OF SELECTMEN: 5-0 Recommend**

**FINANCE COMMITTEE: 5-1 Recommend**

<b>Town of Winchendon</b>	
<b>Summary of Other Available Funds</b>	
<b>FY19</b>	
Cemetery Trust	\$ 3,152
Title V Liens Redemption	\$ 16,254
Infrastructure Investment Fund	\$ 69,645
<b>TOTAL OTHER AVAILABLE FUNDS</b>	<b>\$ 89,051</b>

ARTICLE 6					
DETAIL OF APPROPRIATIONS					
	2018	2018	2019		
	APPROVED	EXPENDED	PROPOSED	INCREASE	PERCENTAGE
	BUDGET	BUDGET - DEC	BUDGET	(DECREASE)	CHANGE
SCHOOL TRANSPORTATION	\$ 1,529,193	\$ 612,219	\$ 1,451,197	\$ (77,996)	-5.10%
TOTAL SCHOOL TRANSPORTATION	\$ 1,529,193	\$ 612,219	\$ 1,451,197	\$ (77,996)	-5.10%
YMCA	\$ 10,000	\$ -	\$ 10,000	\$ -	0.00%
TOTAL TOWN ARTICLES	\$ 10,000	\$ -	\$ 10,000	\$ -	0.00%
SELECTMEN					
EXPENSES	\$ 14,740	\$ 3,639	\$ 14,740	\$ -	0.00%
TOTAL EXPENSES	\$ 14,740	\$ 3,639	\$ 14,740	\$ -	0.00%
TOWN MANAGER					
PERSONNEL	\$ 254,448	\$ 101,833	234737	\$ (19,711)	-7.75%
EXPENSES	\$ 32,400	\$ 11,576	32600	\$ 200	0.62%
TOTAL PERSONNEL & EXPENSES	\$ 286,848	\$ 113,409	\$ 267,337	\$ (19,511)	-6.80%
FINANCE COMMITTEE					
PERSONNEL	\$ 1,000	\$ 325	\$ 1,000	\$ -	0.00%
EXPENSES	\$ 253,852	\$ 274	\$ 179,860	\$ (73,992)	-29.15%
TOTAL PERSONNEL & EXPENSES	\$ 254,852	\$ 599	\$ 180,860	\$ (73,992)	-29.03%
ACCOUNTING					
PERSONNEL	\$ 138,188	\$ 63,185	\$ 148,404	\$ 10,216	7.39%
EXPENSES	\$ 8,000	\$ 7,500	\$ 500	\$ (7,500)	-93.75%
TOTAL PERSONNEL & EXPENSES	\$ 146,188	\$ 70,685	\$ 148,904	\$ 2,716	1.86%
ASSESSOR					
EXPENSES	\$ 91,122	\$ 50,939	\$ 93,647	\$ 2,525	2.77%
TOTAL EXPENSES	\$ 91,122	\$ 50,939	\$ 93,647	\$ 2,525	2.77%
COLLECTOR / TREASURER					
PERSONNEL	\$ 146,839	\$ 68,116	\$ 154,753	\$ 7,914	5.39%
EXPENSES	\$ 67,110	\$ 25,127	\$ 67,110	\$ -	0.00%
TOTAL PERSONNEL & EXPENSES	\$ 213,949	\$ 93,243	\$ 221,863	\$ 7,914	3.70%
LEGAL EXPENSE					
EXPENSES	\$ 45,000	\$ 13,917	\$ 45,000	\$ -	0.00%
TOTAL EXPENSE	\$ 45,000	\$ 13,917	\$ 45,000	\$ -	0.00%



ARTICLE 6					
DETAIL OF APPROPRIATIONS					
DATA PROCESSING					
EXPENSES	\$ 74,674	\$ 43,217	\$ 65,100	\$ (9,574)	-12.82%
TOTAL EXPENSES	\$ 74,674	\$ 43,217	\$ 65,100	\$ (9,574)	-12.82%
TECHNOLOGY					
PERSONNEL	\$ 68,000	\$ 31,412	\$ 69,421	\$ 1,421	2.09%
EXPENSES	\$ 37,126	\$ 30,223	\$ 20,500	\$ (16,626)	-44.78%
TOTAL PERSONNEL & EXPENSES	\$ 105,126	\$ 61,635	\$ 89,921	\$ (15,205)	-14.46%
COMMUNICATIONS COM					
EXPENSES	\$ 46,287	\$ 10,532	\$ 47,500	\$ 1,213	2.62%
TOTAL EXPENSES	\$ 46,287	\$ 10,532	\$ 47,500	\$ 1,213	2.62%
TOWN CLERK					
PERSONNEL	\$ 106,527	\$ 49,108	\$ 109,934	\$ 3,407	3.20%
EXPENSES	\$ 4,890	\$ 2,699	\$ 5,615	\$ 725	14.83%
TOTAL PERSONNEL & EXPENSES	\$ 111,417	\$ 51,807	\$ 115,549	\$ 4,132	3.71%
REGISTRAR OF VOTERS					
PERSONNEL	\$ 1,690	\$ 1,080	\$ 1,690	\$ -	0.00%
EXPENSES	\$ 16,155	\$ 1,861	\$ 32,655	\$ 16,500	102.14%
TOTAL PERSONNEL & EXPENSES	\$ 17,845	\$ 2,941	\$ 34,345	\$ 16,500	92.46%
CONSERVATION					
PERSONNEL	\$ 15,706	\$ 7,540	\$ 16,038	\$ 332	2.11%
EXPENSES	\$ 475	\$ 275	\$ 481	\$ 6	1.26%
TOTAL PERSONNEL & EXPENSES	\$ 16,181	\$ 7,815	\$ 16,519	\$ 338	2.09%
PLANNING BOARD					
PERSONNEL	\$ 2,750	\$ 450	\$ 2,750	\$ -	0.00%
EXPENSES	\$ 5,000	\$ 1,182	\$ 5,000	\$ -	0.00%
TOTAL PERSONNEL & EXPENSES	\$ 7,750	\$ 1,632	\$ 7,750	\$ -	0.00%
ZONING BOARD					
PERSONNEL	\$ 1,400	\$ -	\$ 1,400	\$ -	0.00%
EXPENSES	\$ 550	\$ 63	\$ 550	\$ -	0.00%
TOTAL PERSONNEL & EXPENSES	\$ 1,950	\$ 63	\$ 1,950	\$ -	0.00%
COMMUNITY DEVELOPMNT					
PERSONNEL	\$ 110,100	\$ 41,055	\$ 115,858	\$ 5,758	5.23%
EXPENSES	\$ 6,950	\$ 1,231	\$ 6,450	\$ (500)	-7.19%
TOTAL PERSONNEL & EXPENSES	\$ 117,050	\$ 42,286	\$ 122,308	\$ 5,258	4.49%
TOWN HALL					
PERSONNEL	\$ 31,226	\$ 13,903	\$ 32,285	\$ 1,059	3.39%
EXPENSES	\$ 85,492	\$ 23,922	\$ 82,056	\$ (3,436)	-4.02%
TOTAL PERSONNEL & EXPENSES	\$ 116,718	\$ 37,825	\$ 114,341	\$ (2,377)	-2.04%

ARTICLE 6					
DETAIL OF APPROPRIATIONS					
POLICE					
PERSONNEL	\$ 1,167,000	\$ 597,258	\$ 1,229,152	\$ 62,152	5.33%
EXPENSES	\$ 163,380	\$ 81,174	\$ 158,766	\$ (4,614)	-2.82%
TOTAL PERSONNEL & EXPENSES	\$ 1,330,380	\$ 678,432	\$ 1,387,918	\$ 57,538	4.32%
DISPATCH					
PERSONNEL	\$ 228,654	\$ 109,204	\$ 239,746	\$ 11,092	4.85%
EXPENSES	\$ 2,200	\$ 574	\$ 2,200	\$ -	0.00%
TOTAL PERSONNEL & EXPENSES	\$ 230,854	\$ 109,778	\$ 241,946	\$ 11,092	4.80%
FIRE					
PERSONNEL	\$ 768,711	\$ 375,218	\$ 870,520	\$ 101,809	13.24%
EXPENSES	\$ 119,681	\$ 38,043	\$ 133,746	\$ 14,065	11.75%
TOTAL PERSONNEL & EXPENSES	\$ 888,392	\$ 413,261	\$ 1,004,266	\$ 115,874	13.04%
AMBULANCE					
PERSONNEL	\$ 17,000	\$ 9,662	\$ 17,500	\$ 500	2.94%
EXPENSES	\$ 92,662	\$ 42,407	\$ 107,750	\$ 15,088	16.28%
TOTAL PERSONNEL & EXPENSES	\$ 109,662	\$ 52,069	\$ 125,250	\$ 15,588	14.21%
LAND USE					
PERSONNEL	\$ 100,960	\$ 44,441	\$ 105,981	\$ 5,021	4.97%
EXPENSES	\$ 4,650	\$ 1,196	\$ 6,115	\$ 1,465	31.51%
TOTAL PERSONNEL & EXPENSES	\$ 105,610	\$ 45,637	\$ 112,096	\$ 6,486	6.14%
EMERG MGMT					
PERSONNEL	\$ 2,548	\$ 91	\$ 2,548	\$ -	0.00%
EXPENSES	\$ 1,750	\$ 1,000	\$ 1,750	\$ -	0.00%
TOTAL PERSONNEL & EXPENSES	\$ 4,298	\$ 1,091	\$ 4,298	\$ -	0.00%
ANIMAL CONTROL					
PERSONNEL	\$ 800		\$ 2,400	\$ 1,600	200.00%
EXPENSES	\$ 50,158	\$ 22,508	\$ 50,653	\$ 495	0.99%
TOTAL PERSONNEL & EXPENSES	\$ 50,958	\$ 22,508	\$ 53,053	\$ 2,095	4.11%
DPW ADMIN					
PERSONNEL	\$ 145,753	\$ 70,435	\$ 148,532	\$ 2,779	1.91%
EXPENSES	\$ 11,000	\$ 200	\$ 21,100	\$ 10,100	91.82%
TOTAL PERSONNEL & EXPENSES	\$ 156,753	\$ 70,635	\$ 169,632	\$ 12,879	8.22%
DPW HIGHWAY					
PERSONNEL	\$ 213,734	\$ 81,734	\$ 250,605	\$ 36,871	17.25%
EXPENSES	\$ 176,489	\$ 78,719	\$ 148,800	\$ (27,689)	-15.69%
TOTAL PERSONNEL & EXPENSES	\$ 390,223	\$ 160,453	\$ 399,405	\$ 9,182	2.35%
DPW FLEET MAINT					
PERSONNEL	\$ 97,494	\$ 46,553	\$ 98,497	\$ 1,003	1.03%
EXPENSES	\$ 117,900	\$ 40,365	\$ 109,257	\$ (8,643)	-7.33%
TOTAL PERSONNEL & EXPENSES	\$ 215,394	\$ 86,918	\$ 207,754	\$ (7,640)	-3.55%
DPW SNOW & ICE					
PERSONNEL	\$ 60,000	\$ 11,915	\$ 60,000	\$ -	0.00%
EXPENSES	\$ 150,000	\$ 71,541	\$ 150,000	\$ -	0.00%
TOTAL PERSONNEL & EXPENSES	\$ 210,000	\$ 83,456	\$ 210,000	\$ -	0.00%

ARTICLE 6					
DETAIL OF APPROPRIATIONS					
DPW STREET LIGHTING					
EXPENSES	\$ 65,000	\$ 23,575	\$ 20,000	\$ (45,000)	-69.23%
TOTAL EXPENSES	\$ 65,000	\$ 23,575	\$ 20,000	\$ (45,000)	-69.23%
LANDFILL					
EXPENSES	\$ 16,500	\$ 1,320	\$ 22,000	\$ 5,500	33.33%
TOTAL EXPENSES	\$ 16,500	\$ 1,320	\$ 22,000	\$ 5,500	33.33%
DPW CEMETERY					
PERSONNEL	\$ 95,620	\$ 45,283	\$ 98,157	\$ 2,537	2.65%
EXPENSES	\$ 10,000	\$ 3,218	\$ 10,000	\$ -	0.00%
TOTAL PERSONNEL & EXPENSES	\$ 105,620	\$ 48,501	\$ 108,157	\$ 2,537	2.40%
DPW TREE TRIMMING					
EXPENSES	\$ 6,000	\$ 5,165	\$ 2,000	\$ (4,000)	-66.67%
TOTAL EXPENSES	\$ 6,000	\$ 5,165	\$ 2,000	\$ (4,000)	-66.67%
HEALTH DEPARTMENT					
PERSONNEL	\$ 45,664	\$ 21,605	\$ 47,028	\$ 1,364	2.99%
EXPENSES	\$ 7,555	\$ 1,759	\$ 4,805	\$ (2,750)	-36.40%
TOTAL PERSONNEL & EXPENSES	\$ 53,219	\$ 23,364	\$ 51,833	\$ (1,386)	-2.60%
BOARD OF HEALTH OUTSIDE SERVICE					
EXPENSES	\$ 1,450	\$ 60	\$ 2,150	\$ 700	48.28%
TOTAL EXPENSES	\$ 1,450	\$ 60	\$ 2,150	\$ 700	48.28%
BOARD OF HEALTH VISITING NURSE					
EXPENSES	\$ 8,500	\$ 2,125	\$ 8,500	\$ -	0.00%
TOTAL EXPENSES	\$ 8,500	\$ 2,125	\$ 8,500	\$ -	0.00%
COUNCIL ON AGING					
PERSONNEL	\$ 149,080	\$ 62,884	\$ 164,787	\$ 15,707	10.54%
EXPENSES	\$ 48,137	\$ 8,507	\$ 32,730	\$ (15,407)	-32.01%
TOTAL PERSONNEL & EXPENSES	\$ 197,217	\$ 71,391	\$ 197,517	\$ 300	0.15%
VETERANS SERVICES					
PERSONNEL	\$ 15,573	\$ 7,150	\$ 15,760	\$ 187	1.20%
EXPENSES	\$ 437,590	\$ 194,284	\$ 390,128	\$ (47,462)	-10.85%
TOTAL PERSONNEL & EXPENSES	\$ 453,163	\$ 201,434	\$ 405,888	\$ (47,275)	-10.43%
BEALS LIBRARY					
PERSONNEL	\$ 149,680	\$ 64,573	\$ 157,124	\$ 7,444	4.97%
EXPENSES	\$ 47,658	\$ 28,595	\$ 47,340	\$ (318)	-0.67%
TOTAL PERSONNEL & EXPENSES	\$ 197,338	\$ 93,168	\$ 204,464	\$ 7,126	3.61%
RECREATION COMMITTEE					
EXPENSES	\$ 2,900	\$ 1,500	\$ 2,900	\$ -	0.00%
TOTAL EXPENSES	\$ 2,900	\$ 1,500	\$ 2,900	\$ -	0.00%
HISTORIC COMMISSION					
EXPENSES	\$ 1,150	\$ 300	\$ 1,150	\$ -	0.00%
TOTAL EXPENSES	\$ 1,150	\$ 300	\$ 1,150	\$ -	0.00%
DEBT SERVICE PRINCIPAL					
EXPENSES	\$ 1,258,654	\$ 952,391	\$ 1,043,415	\$ (215,239)	-17.10%
TOTAL EXPENSES	\$ 1,258,654	\$ 952,391	\$ 1,043,415	\$ (215,239)	-17.10%
DEBT SERVICE INTEREST					
EXPENSES	\$ 182,803	\$ 59,391	\$ 167,834	\$ (14,969)	-8.19%
TOTAL EXPENSES	\$ 182,803	\$ 59,391	\$ 167,834	\$ (14,969)	-8.19%

ARTICLE 6					
DETAIL OF APPROPRIATIONS					
STATE ASSESSMENT EXPENSE					
EXPENSES	\$ 1,459,858	\$ 680,737	\$ 1,296,271	\$ (163,587)	-11.21%
TOTAL EXPENSES	\$ 1,459,858	\$ 680,737	\$ 1,296,271	\$ (163,587)	-11.21%
OTHER STATE ASSESSMENT EXPENSES					
EXPENSES	\$ 21,123	\$ 10,560	\$ 21,179	\$ 56	0.27%
TOTAL EXPENSES	\$ 21,123	\$ 10,560	\$ 21,179	\$ 56	0.27%
OTHER REGIONAL ASSESSMENT					
EXPENSES	\$ 28,195	\$ 15,773	\$ 20,691	\$ (7,504)	-26.61%
TOTAL EXPENSES	\$ 28,195	\$ 15,773	\$ 20,691	\$ (7,504)	-26.61%
PENSION					
EXPENSES	\$ 1,274,147	\$ 1,274,147	\$ 1,407,627	\$ 133,480	10.48%
TOTAL EXPENSES	\$ 1,274,147	\$ 1,274,147	\$ 1,407,627	\$ 133,480	10.48%
WORKERS COMPENSATION					
EXPENSES	\$ 157,746	\$ 144,892	\$ 148,702	\$ (9,044)	-5.73%
TOTAL EXPENSES	\$ 157,746	\$ 144,892	\$ 148,702	\$ (9,044)	-5.73%
UNEMPLOYMENT INSURANCE					
EXPENSES	\$ 95,000	\$ 18,308	\$ 80,000	\$ (15,000)	-15.79%
TOTAL EXPENSES	\$ 95,000	\$ 18,308	\$ 80,000	\$ (15,000)	-15.79%
HEALTH INSURANCE - EMPLOYER					
EXPENSES	\$ 1,936,993	\$ 883,034	\$ 1,847,237	\$ (89,756)	-4.63%
TOTAL EXPENSES	\$ 1,936,993	\$ 883,034	\$ 1,847,237	\$ (89,756)	-4.63%
LIFE INSURANCE - EMPLOYER					
EXPENSES	\$ 25,806	\$ 5,947	\$ 14,640	\$ (11,166)	-43.27%
TOTAL EXPENSES	\$ 25,806	\$ 5,947	\$ 14,640	\$ (11,166)	-43.27%
MEDICARE TAX					
EXPENSES	\$ 236,608	\$ 87,373	\$ 252,102	\$ 15,494	6.55%
TOTAL EXPENSES	\$ 236,608	\$ 87,373	\$ 252,102	\$ 15,494	6.55%
PROPERTY / LIABILITY INSURANCE					
EXPENSES	\$ 261,258	\$ 243,613	\$ 253,947	\$ (7,311)	-2.80%
TOTAL EXPENSES	\$ 261,258	\$ 243,613	\$ 253,947	\$ (7,311)	-2.80%
CAPITAL IMPROVEMENTS	\$ 577,287	\$ 507,287	\$ 80,000	\$ (497,287)	-86.14%
TOTAL CAPITAL IMPROVEMENTS	\$ 577,287	\$ 507,287	\$ 80,000	\$ (497,287)	-86.14%
<b>GRAND TOTAL</b>	<b>\$ 15,522,949</b>	<b>\$ 8,297,997</b>	<b>\$ 14,624,653</b>	<b>\$ (898,296)</b>	<b>-5.79%</b>

***VOTE: Approved (Majority) to raise and appropriate and transfer from available funds the sum of \$14,624,652.91 for the operating budget of the Town as written in this article.***

## **USUAL AND CUSTOMARY WATER ENTERPRISE ARTICLE**

(majority vote required)

**ARTICLE 7**

To see if the Town will vote to appropriate the sum of \$926,720 (Water Receipts of \$904,720 and Retained Earnings of \$22,000) for direct costs of the Water Department Enterprise Fund for the fiscal year beginning July 1, 2018, and that indirect costs of \$142,943 appropriated in the general government budget be funded by Water Receipts, or act in relation thereto.

(submitted by the Town Manager)

**BOARD OF SELECTMEN: 5-0 Recommend**

**FINANCE COMMITTEE: 6-0 Recommend**

***VOTE: Approved (Majority) as written in the article.***

**USUAL AND CUSTOMARY WASTEWATER ENTERPRISE ARTICLE**

(majority vote required)

**ARTICLE 8**

To see if the Town will vote to appropriate the sum of \$1,230,800 (Wastewater Receipts of \$858,600, Retained Earnings of \$100,000, and Betterment Revenues of \$272,200) for the direct costs of the Wastewater Treatment Department Enterprise Fund for the fiscal year beginning July 1, 2018, and that indirect costs of \$167,948 appropriated in the general government budget be funded by Wastewater Receipts, or act in relation thereto.

(submitted by the Town Manager)

**BOARD OF SELECTMEN: 5-0 Recommend**

**FINANCE COMMITTEE: 6-0 Recommend**

***VOTE: Approved (Majority) as written in the article.***

**USUAL AND CUSTOMARY TRANSFER STATION ENTERPRISE ARTICLES**

(majority vote required)

**ARTICLE 9**

To see if the Town will vote to appropriate the sum of \$155,208.76 from Transfer Station Receipts for direct costs of the Transfer Station Enterprise Fund for the fiscal year beginning July 1, 2018; and that indirect costs of \$21,994.69 appropriated in the general government budget be funded by Transfer Station Receipts, or act in relation thereto.

(submitted by the Town Manager)

**BOARD OF SELECTMEN: 5-0 Recommend**

**FINANCE COMMITTEE: 6-0 Recommend**

***VOTE: Approved (Majority) as written in the article.***

## **USUAL AND CUSTOMARY EDUCATION BUDGET ARTICLE**

**(majority vote required)**

### **ARTICLE 10**

To see if the Town will vote to raise and appropriate and/or transfer from available funds the sum of \$13,379,062.10 (Required Net School Spending of \$16,281,308 plus \$331,144.39 prior year override that includes a 2.5% escalator in increased funding less \$3,233,390.29 for net school spending and eligible indirect costs budgeted in the general government budget for School Expenses) for the operating budget of the Winchendon Public Schools for the fiscal year beginning July 1, 2018, act in relation thereto.

(Submitted by the School Department)

**BOARD OF SELECTMEN: 5-0 Recommend**

**FINANCE COMMITTEE: 4-2 Recommend**

***VOTE: Approved (majority) to raise and appropriate as written in the article for the operating budget of the Winchendon Public Schools.***

## **ANNUAL VOCATIONAL TECHNICAL SCHOOL ASSESSMENT ARTICLE**

### **ARTICLE 11**

To see if the Town will vote to raise and appropriate the sum of \$929,176 to fund the Town's assessment for its share of the Montachusett Regional Vocational Technical School budget for the fiscal year beginning July 1, 2018, or act in relation thereto.

(submitted by the Town Manager)

**BOARD OF SELECTMEN: 5-0 Recommend**

**FINANCE COMMITTEE: 6-0 Recommend**

***VOTE: Approved (majority) to raise and appropriate the sum of \$929,176 to fund the Town's assessment for Montachusett Regional Vocational Technical School.***

## **AUTHORIZATION TO ENTER INTO PILOT AGREEMENT FOR SOLAR ARRAY**

### **ARTICLE 12**

To see if the Town will vote to authorize the Board of Selectmen to enter into a Tax Agreement for payments-in-lieu-of-taxes ("PILOT") pursuant to M.G.L. Chapter 59, Section 38H(b), and Chapter 164, Section 1, or any other enabling authority, with an annual payment amount of \$11,000 per megawatt and an annual payment escalator of 2 ½ percent, and upon terms and conditions as the Board shall deem in the best interest of the Town, for personal property associated with a solar photovoltaic facility having a proposed nameplate capacity of approximately 3.15 megawatts on a parcel of privately-owned land (Map 2, Lot 65) located off of Lincoln Avenue Extension upon which such facility is to be located, and to take all actions necessary to implement such agreement; or act in relation thereto.

(Submitted by the Board of Selectmen)

**BOARD OF SELECTMEN: 5-0 Recommend**

**FINANCE COMMITTEE: 6-0 Recommend**

***VOTE: Approved (majority) as written in the article.***

### ARTICLE 13

To see if the Town will vote to authorize the Board of Selectmen to enter into a Tax Agreement for payments-in-lieu-of-taxes ("PILOT") pursuant to M.G.L. Chapter 59, Section 38H(b), and Chapter 164, Section 1, or any other enabling authority, with an annual payment amount of \$11,000 per megawatt and an annual payment escalator of 2 ½ percent, and upon terms and conditions as the Board shall deem in the best interest of the Town, for personal property associated with a solar photovoltaic facility having a proposed nameplate capacity of approximately 4.89 megawatts on a parcel of privately-owned land (Map 2, Lot 15) located off of Lincoln Avenue Extension upon which such facility is to be located, and to take all actions necessary to implement such agreement; or act in relation thereto.  
(Submitted by the Board of Selectmen)

**BOARD OF SELECTMEN: 5-0 Recommend**

**FINANCE COMMITTEE: 6-0 Recommend**

***VOTE: Approved (majority) as written in the article.***

### ARTICLE 14

To see if the Town will vote to authorize the Board of Selectmen to enter into a Tax Agreement for payments-in-lieu-of-taxes ("PILOT") pursuant to M.G.L. Chapter 59, Section 38H(b), and Chapter 164, Section 1, or any other enabling authority, in the amount of \$11,000 per megawatt, and upon terms and conditions as the Board shall deem in the best interest of the Town, for personal property associated with a solar photovoltaic facility having a proposed nameplate capacity of approximately 4.97 megawatts on a parcel of privately-owned land (Map 5C4, Lot 29) located off of Ash and Spring Streets (Winchendon School) upon which such facility is to be located, and to take all actions necessary to implement such agreement; or act in relation thereto.  
(Submitted by the Board of Selectmen)

**BOARD OF SELECTMEN: 5-0 Recommend**

**FINANCE COMMITTEE: 6-0 Recommend**

***VOTE: Approved (majority) as written in the article.***

### ARTICLE 15

To see if the Town will vote to authorize the Board of Selectmen to enter into a Tax Agreement for payments-in-lieu-of-taxes ("PILOT") pursuant to M.G.L. Chapter 59, Section 38H(b), and Chapter 164, Section 1, or any other enabling authority, with an annual payment amount of \$12,000 per megawatt and an annual payment escalator of 2 ½ percent, and upon terms and conditions as the Board shall deem in the best interest of the Town, for personal property associated with a solar photovoltaic facility having a proposed nameplate capacity of approximately 4.95 megawatts on a parcel of privately-owned land (Map 13, Lot 61) located at 38 Happy Hollow Road upon which such facility is to be located, and to take all actions necessary to implement such agreement; or act in relation thereto.  
(Submitted by the Board of Selectmen)

**BOARD OF SELECTMEN: 5-0 Recommend**

**FINANCE COMMITTEE: 6-0 Recommend**

***VOTE: Approved (majority) as written in the article.***

### ARTICLE 16

To see if the Town will vote to authorize the Board of Selectmen to enter into a Tax Agreement for payments-in-lieu-of-taxes ("PILOT") pursuant to M.G.L. Chapter 59, Section 38H(b), and Chapter 164, Section 1, or any other enabling authority, with an annual payment amount of \$12,000 per megawatt and an

annual payment escalator of 2 ½ percent, and upon terms and conditions as the Board shall deem in the best interest of the Town, for personal property associated with a solar photovoltaic facility having a proposed nameplate capacity of approximately 5 megawatts on a parcel of privately-owned land (Map 12, Lot 49) located at 135 Gardner Road upon which such facility is to be located, and to take all actions necessary to implement such agreement; or act in relation thereto.  
(Submitted by the Board of Selectmen)

**BOARD OF SELECTMEN: 4-0-1 Recommend**

**FINANCE COMMITTEE: 6-0 Recommend**

***VOTE: Approved (majority) as written in the article.***

## **REQUEST TO SELL/TRADE TOWN PROPERTY** **(majority vote required)**

### **ARTICLE 17**

To see if the Town will vote to authorize the Board of Selectmen to convey the Town-owned property located on High Street, and shown as Assessors Map 8A3 Parcel 10, for such consideration, including acquisition of other land in addition to or in lieu of a cash payment, and upon such other terms and conditions as the Board deems appropriate, and to authorize the Board to acquire any such land by purchase, gift, or eminent domain or in exchange for the Town-owned property, and for such purposes as the Board deems in the best interest of the Town and to take such additional action as may be needed to effectuate the purposes of this vote, including but not limited to execution of instruments and documents to convey and/or accept real property; and further, to raise and appropriate, transfer or borrow a sum of money for such purposes; or act in relation thereto.  
(submitted by the Town Manager)

**BOARD OF SELECTMEN: 5-0 Recommend**

**FINANCE COMMITTEE: 6-0 Recommend**

***VOTE: Approved (2/3rds) as written in the article.***

## **BOARD AND COMMISSION PETITIONS** **(majority vote required)**

### **ARTICLE 18**

To see if the Town will vote to approve changes to Article 24 of the Town Bylaws titled Recreation Commission, or act in relation thereto.

### **ARTICLE 24** **RECREATION COMMISSION (June 12, 2000)**

1. (A) There shall be a Recreation Commission [the Commission] consisting of seven (7) members appointed by the Board of Selectmen. One (1) member shall be a student in good standing from the Murdock Middle School, and one (1) member shall be a student in good standing from the Murdock High School.
- (B) The terms shall be for three years and so arranged that the term of as nearly an equal number as is possible shall expire each year.
- (C) Upon the completion of these original terms, each member shall serve for three years.
- (D) Student members shall be appointed annually.



2. The Commission acts in an advisory capacity in matters pertaining to public recreation, makes annual budget recommendations, and assists in planning a recreation program to stimulate public interest. ~~shall be responsible for the formulation of Town Recreation Policy which, at a minimum, shall address the following issues:~~

~~a. Facilities and Maintenance~~

~~b. Recreation Programs~~

~~c. Long Range Planning~~

3. The stated primary function of the Commission is to expand and enhance the recreation opportunities for the residents of Winchendon. ~~(A) The Commission shall have charge of all playgrounds, parks, and other recreation facilities owned by the Town of Winchendon, which are not under the control of the School Department.~~

~~(B) The Commission and the School Department shall cooperate so that the optimum use may be made of all of the Town's recreation facilities.~~

~~4. The Commission shall establish such reasonable fees for use of any recreation facilities and programs as~~

~~it deems to be consistent with established Recreation Policy.~~

~~The Commission shall submit to the Town Manager its recommendations for an annual budget.~~  
(submitted by the Recreation Committee)

BOARD OF SELECTMEN: 5-0 Recommend

FINANCE COMMITTEE: 6-0 Recommend

***VOTE: Approved (unanimously) to amend the Recreation Bylaw as written in the article.***

## CITIZEN PETITIONS

(majority vote required)

### ARTICLE 19

To see if the Town of Winchendon will fund an Earth Day Initiative: To set aside \$2,500 into a revolving account to fund Earth Day cleanup. To review every five (5) years and to transfer any unused funds to the Parks and Recreation Committee to be used for any upgrades to Parks or as maintenance of the Town bike paths or any other recreational needs. To begin with the Fiscal 2019 budget. To be implemented annually by the Board of Health.

(submitted by Citizen Petition)

BOARD OF SELECTMEN: 5-0 Recommend

FINANCE COMMITTEE: 5-1 Recommend

***VOTE: Approved (majority) to appropriate \$2,500 to establish an Earth Day Initiative Fund.***

**LOCAL OPTION RECREATIONAL MARIJUANA EXCISE TAX**  
**(majority vote required)**

**ARTICLE 20**

To see if the Town will vote to accept M.G.L. c. 64N Section 3 and impose a local sales tax upon the sale or transfer of marijuana or marijuana products by a marijuana retailer operating within the Town at a rate of 3% of the total sales price received by the marijuana retailer as consideration for the sale of marijuana or marijuana products, said excise to take effect on the first day of the calendar quarter commencing at least thirty days after such vote of Town Meeting.  
(submitted by the Board of Selectmen)

**BOARD OF SELECTMEN: 5-0 Recommend**

**FINANCE COMMITTEE: 4-2 Recommend**

***VOTE: Approved (majority) as written in the article.***

# **ADOPT ADDITION TO TOWN BYLAWS LIMITATION OF NUMBER OF RECREATIONAL MARIJUANA RETAIL ESTABLISHMENTS**

## **ARTICLE 21**

To see if the Town will amend the General Bylaws to limit the number of recreational marijuana retail establishments located within the Town by adding the following Bylaw:

### **ARTICLE 40 - Limitation on Number of Recreational Marijuana Retail Establishments Preamble**

M.G.L. c.94G does not require a vote of the voters to approve any limitation on the number of recreational marijuana establishments that is at or above the number of medical marijuana treatment centers registered to operate in the municipality or equal to or greater than 20% of the licenses issued for the retail sale of alcoholic beverages not to be drunk on the premises. Currently, there are seven (7) licenses issued for the retail sale of alcoholic beverages not to be drunk on the premises in Winchendon.

#### **Limitation**

No more than three (3) recreational marijuana retail establishments shall be permitted to be located in the Town of Winchendon. Licensing Authority shall be the Board of Selectmen.

(submitted by the Board of Selectmen)

**BOARD OF SELECTMEN: 4-0-1 Recommend    FINANCE COMMITTEE: 4-2 Recommend**

***VOTE: Approved (majority) to limit the number of recreational marijuana retail establishments to three (3) located within the Town as detailed in the warrant.***

## **ZONING BYLAW ARTICLES (two-thirds vote required)**

### **ARTICLE 22**

1. Delete section 6.12, TEMPORARY MORATORIUM ON RECREATIONAL MARIJUANA ESTABLISHMENTS, and replace with a new section 6.12 entitled MEDICAL/ ADULT USE MARIJUANA FACILITIES AND THE MEDICAL/ADULT USE MARIJUANA RETAIL OVERLAY DISTRICT and further to amend the Table of Contents to rename Section 6.12, "Medical/Adult Use Marijuana Facilities and the Medical/Adult Use Marijuana Retail Overlay District."

#### **Article 6.12 Medical/Adult Use Marijuana Facilities and the Medical/Adult Use Marijuana Retail Overlay District**

1. *Purpose.*

- 1.1. To provide for the limited establishment of Medical/Adult Use Marijuana Facilities (collectively, known hereafter as Marijuana Facilities) in appropriate places for such use and under conditions in accordance with Chapter 334 of the Acts of 2016, entitled, “Regulation and Taxation of Marijuana Act”, as amended by Chapter 55 of the Acts of 2017, “An Act to Ensure Safe Access to Marijuana”, and all regulations which have or may be issued by the Department of Public Health (“DPH”) and the Cannabis Control Commission (“CCC”), including, but not limited to 105 CMR 725.00, et seq. and 935 CMR 500.00, et seq.
- 1.2. To minimize the adverse impacts of Marijuana Facilities on adjacent properties, residential neighborhoods, schools and other places where children congregate, and other land uses potentially incompatible with Marijuana Facilities.
- 1.3. To regulate the siting, design, placement, safety, monitoring, modification, and removal of Marijuana Facilities.
- 1.4. To limit the overall number Marijuana Facilities in the Town of Winchendon to what is essential to serve the public convenience and necessity.

## 2. *Applicability.*

- 2.1 The commercial cultivation, production, processing, assembly, packaging, retail or wholesale sale, trade, distribution or dispensing of Marijuana for Medical Use or Adult Use is prohibited unless licensed by all applicable Massachusetts licensing authorities and permitted as a Marijuana Facility under this Bylaw.
- 2.2. No Marijuana Facility shall be established except in compliance with the provisions set forth herein.
- 2.3 If any provision of this Section or the application thereof to any person, establishment, or circumstance shall be held invalid, such invalidity shall not affect the other provisions or application of this Section and to this end the provisions of this Section are severable.

## 3. *Administration*

- 3.1 The Planning Board shall be the Special Permit Granting Authority (SPGA) and shall also conduct Site Plan Review for an applicant for a Marijuana Facility.
- 3.2 A special permit is required for all Marijuana Facilities.

## 4. *Definitions.*

Any term not specifically defined herein shall have the meaning as defined in 105 CMR 725.00 and 935 CMR 500.00 as such regulations may from time to time be amended.

*Designated contact persons* – Any and all persons whose names appear on the Special Permit and Formal Site Plan Approval Applications as the applicant’s designee.

*Independent Testing Laboratory* - An entity licensed to test marijuana and marijuana products.

*Locked Area* –An area equipped with locks or other security devices, which is accessible only to consumers 21 years of age or older, employees or owners of a Marijuana Facility or agents thereof, registered qualifying patients that are 18 years or older, or care givers.

*Marijuana* – The same substance defined as “marihuana” or “marijuana” under Chapter 94C and 94G of the Massachusetts General Laws.

*Marijuana cultivator* - An entity licensed to cultivate, process and package marijuana, and to transfer marijuana to other Marijuana Facilities, but not to consumers.

*Marijuana for Adult Use* – Marijuana that is regulated by 925 CMR 500.00 and cultivated, processed, manufactured, transported or sold for recreational purposes for individuals 21 years of age or older.

*Marijuana Facility* – A commercial marijuana cultivator, independent testing laboratory, product manufacturer, research facility, transporter, retailer, or any other type of licensed marijuana-related business, including a Marijuana Treatment Center.

*Marijuana for Medical Use* – Marijuana that is regulated by 105 CMR 725.00 and designated and restricted for use by, and for the benefit of, Qualifying Patients in the treatment of Debilitating Medical Conditions.

*Marijuana product manufacturer* - An entity licensed to obtain, manufacture, process and package marijuana and marijuana products and to transfer these products to other Marijuana Facilities, but not to consumers.

*Marijuana products* - Products that have been manufactured and contain marijuana or an extract from marijuana, including, but not limited to 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.

*Marijuana retailer* - An entity licensed to purchase and transport marijuana and marijuana products from Marijuana Facilities and to, sell or otherwise transfer marijuana and marijuana products to Marijuana Facilities and to consumers.

*Medical Marijuana Treatment Center* – An entity register under 105 CMR 725.100 that acquires, cultivates, possesses, processes, transfers, transports, sells distributes, dispenses, or administers marijuana, products containing marijuana for medical use, related supplies, or educational materials to registered qualifying patients or their personal caregivers.

*Non-Medical Marijuana*- Any marijuana that is NOT regulated by 105 CMR 725.00 and designated and restricted for use by, and for the benefit of, Qualifying Patients in the treatment of Debilitating Medical Conditions.

## *5. Eligible Locations for Marijuana Facilities.*

5.1 Non-Retail Marijuana Facilities which shall include marijuana cultivator, product manufacturer, independent testing laboratory, research facility, transporter of marijuana and Medical Marijuana Treatment Centers engaged in any of the above-listed non-retail uses may be permitted in certain zoning

districts pursuant to a Special Permit and Site Plan Approval as set forth in the Zoning Bylaw Article 5.2.8, Use Regulations.

## *5.2 Adult Use/Medical Marijuana Facilities Retail Overlay District*

### 5.2.1 Establishment

The Medical/Adult Use Marijuana Facilities Retail Overlay District (the “MFROD”) is hereby established and is identified on the Town of Winchendon Zoning Map. The boundaries of the MFROD are shown on the Zoning Map on file with the Town Clerk.

Within the MFROD, all requirements of the underlying zoning district remain in effect, except where these regulations provide an alternative to such requirements. Land within the MFROD may be used for adult use marijuana retailers and Medical Marijuana Treatment Centers engaged only in the dispensing of medical use-marijuana for retail sale, in which case the requirements set forth in this section shall apply; or a use allowed in the underlying district, in which case the requirements of the underlying district shall apply. If the provisions of the MFROD are silent on a zoning regulation, the requirements of the underlying district shall apply. If the provisions of the MFROD conflict with the requirements of the underlying district, the requirements of the MFROD shall control. A Medical Marijuana Treatment Center that is proposing to operate all of the uses permitted under its license in a single location will be permitted only on sites located within the MFROD.

## *6. Application Requirements for all Marijuana Facilities.*

6.1 All Marijuana Facilities shall be subject to the application requirements set forth in Rules and Regulations for the Review and Approval of Site Plans and Site Development in Winchendon, Ma. for Formal Site Plan Review.

6.1.2 In addition to the application requirements set forth in in the Regulations for Site Plan Review, a special permit/site plan application for a Marijuana Facility shall also include the following:

- (a) a statement from the Applicant, setting forth the following information:
  - (i) the name and address of each owner of the Facility.
  - (ii) the source of all marijuana that will be sold or distributed at the Marijuana Facility, if applicable;
  - (iii) the source of all marijuana that will be cultivated, processed, and/or packaged at the Marijuana Facility, if applicable;
  - (iv) the quantity of marijuana that will be cultivated, processed, packaged, sold and/or distributed at the Marijuana Facility; and

Plans must show all proposed security measures for the Marijuana Facility, including lighting and alarms, to ensure the safety of persons and to protect the premises from theft.

- (b) If the Applicant is a non-profit organization, a copy of its Articles of Organization, a current Certificate of Legal Existence from the Secretary of the Commonwealth, and the most recent annual report; if the Applicant is a for-profit corporate entity, a copy of its Articles of Incorporation or equivalent documents, a current Certificate of Legal Existence from the Secretary of the Commonwealth, and the most recent annual report; if the Applicant is a public agency:-

- (c) Copies of all licenses issued by the CCC or DPH, and any materials submitted to these entities by the Applicant for purposes of seeking licensing.
- (d) A detailed floor plan of the premises of the proposed Marijuana Facility that identifies the square footage available and describes the functional areas of the facility, along with a deed, lease, purchase and sale agreement or other legally-binding document for the site of the proposed Marijuana Facility;
- (e) The resume(s) of the Applicant, including company history, references, and relevant experience, where applicable;

## 6.2 *Additional Requirements*

### 6.2.1 Use Requirements

- (a) No marijuana shall be smoked, eaten, or otherwise consumed or ingested on the premises of any Marijuana Facility absent a positive vote by ballot question presented to the voters of the city or town at a biennial state election pursuant to G.L. c.94G, §3(b). The prohibition on on-site consumption shall also include private social clubs or any other establishment which allows for social consumption of marijuana or marijuana products on the premises, regardless of whether the product is sold to consumers on site.
- (b) Marijuana Facilities shall provide the Special Permit Granting Authority and all abutters located within 500 feet of the Marijuana Facility with the name, phone number and email address of an on-site community relations staff person to whom one can provide notice if there are operating problems associated with the establishment.
- (c) The hour of operation of Retail Marijuana Facilities shall be set by the Special Permit Granting Authority.

6.2.2 Limitation on number of Retail Marijuana Facilities – No more than three (3) Adult Use Marijuana Retailers and no more than one (1) Medical Marijuana Treatment Center retail dispensary shall be permitted to be located in the Town of Winchendon.

### 6.2.3 Locational and Physical Requirements

All aspects of a Marijuana Facility relative to the acquisition, cultivation, possession, processing, sales, distribution, dispensing, or administration of marijuana, products containing marijuana, related supplies, or educational materials must take place at a fixed location within a fully enclosed building and shall not be visible from the exterior of the business.

No outside storage of marijuana, related supplies, or educational materials is permitted.

- (a) No Retail Marijuana Facility shall have a gross floor area accessible to patients or customers which is in excess of 2,500 square feet. Space which is dedicated to administration or operations and is accessible only to employees of the Retail Marijuana Facility shall not be included in this limitation.
- (b) In the R80 District all Marijuana Facilities shall be subject to siting on a parcel no less than 5 acres. In addition, all Marijuana Facilities in the R80 district shall be subject to double the setback distance requirements to those outlined in Article 7.2 of the Winchendon Zoning Bylaws.

6.2.4 All Marijuana Facilities shall provide adequate ventilation such that the application of pesticides shall be performed in compliance with M.G.L. c. 132B and the regulations promulgated at 333 CMR 2.00 through 333 CMR 14.00.

No use shall be allowed at a Marijuana Facility which creates a nuisance to abutters or to the surrounding area, or which creates any hazard, including but not limited to, fire, explosion, fumes, gas, smoke, odors, obnoxious dust, vapors, offensive sound or vibration, flashes, glare, objectionable effluent or electrical interference, which may impair the normal use and peaceful enjoyment of any property, structure or dwelling in the area.

6.2.5 Buffer. No Marijuana Facility shall be located within 500 feet of any of the following pre-existing uses:

- (a) any public or private school providing education in kindergarten or grades 1 through 12;
- (b) any drug or alcohol rehabilitation facility;
- (c) any correctional facility, half-way house, or similar facility; or
- (d) any playground or athletic fields, recreational facilities, youth centers such as a YMCA, and parking areas for the bike path, or similar facility in which children commonly congregate.

6.2.6. The distance specified above shall be measured by a straight line from the point of the front door for which the proposed Marijuana facility is to be located to the property line of the facility in question.

6.2.7. No Marijuana Facility shall be located inside a building containing residential units, including transient housing such as motels and dormitories, or inside a movable or mobile structure such as a van or truck.

6.2.8 Signage for Marijuana Facilities will be subject to the Town of Winchendon Zoning Bylaw Article 9 and the provisions for marketing set forth in 935 CMR 500.105 (4).

## *7. Reporting Requirements*

7.1 All Special Permit holders for uses under this section shall provide the Police Department, Fire Department, Building Commissioner, Board of Health, and Special Permit Granting Authority with the names, phone numbers, mailing and email addresses of all management staff and key-holders, including a minimum of two (2) operators or managers of the facilities identified as designated contact persons to whom notice should be made if there are operating problems associated with any use under this section. All such contact information shall be updated as needed to keep it current and accurate.



7.2 The designated contact persons shall notify the Police Department, Fire Department, Building Commissioner, Board of Health and Special Permit Granting Authority in writing a minimum of thirty (30) days prior to any change in ownership or management of a facility regulated under this section.

7.3 All Marijuana Facilities shall file an annual report with the Special Permit Granting Authority and owner or operations manager for the Marijuana Facility shall appear before said Authority to present the report no later than January 31<sup>st</sup> of each year, providing a copy of all current applicable state licenses to demonstrate continued compliance with the conditions of the Special Permit.

7.4 Within twenty-four hours of contact by a municipal official concerning the operation of a Marijuana Facility, the designated contact persons shall be required to respond by phone or email to any such inquiry.

#### 8. *Transfer/Discontinuance of Use*

8.1 A Special Permit granted under this Section is non-transferable and shall have a term limited to the duration of the applicant's ownership or leasing of the premises as a Marijuana Facility.

8.2 Any Marijuana Facility permitted under this section shall be required to remove all material, plants, equipment and other paraphernalia upon registration or licensure revocation, expiration, termination, relocation to a new site or any other cessation of operation as regulated by the CCC or DHP in compliance with applicable state regulations.

#### 9. *Outside Consultants and Review Fees.*

9.1 An outside consultant review escrow deposit shall accompany the Application for special permit. The escrow for review fees is intended to cover the Planning Board's potential cost of hiring consultants to review the Applicant's compliance with the special permit requirements under this Bylaw to include provisions set forth in Section 6.2.2 of the Winchendon Planning Board Site Plan Rules and Regulations and may include legal counsel. The initial escrow deposit amount shall be set by the Special Permit Granting Authority on a case-by-case basis, when such consultants or counsel are deemed necessary. Any unexpended monies in the escrow account will be returned to the applicant only after all obligations are satisfied. Failure to fulfill escrow requirements may render an Application incomplete and be considered sufficient grounds for its denial.

9.2 The Applicant may appeal the selection of a consultant(s) whose fees are to be paid from the escrow deposit to the Board of Selectmen. The grounds for such an appeal shall be limited to claims that the consultant selected has a conflict of interest or does not possess the minimum required qualifications. The minimum qualifications shall consist of either an educational degree in or related to the field at issue or three or more years of practice in the field at issue or a related field. Pursuant to M.G.L. c. 44, § 53G, the required time limits for action upon the Application by the Special Permit Granting Authority shall be extended by the duration of the appeal. If no decision is made by the Board of Selectmen within one month following the filing of the appeal, the Special Permit Granting Authority's selection shall stand.

9.3 The escrow deposit shall be deposited in a special account established by the Town Treasurer pursuant to M.G.L. c. 44, § 53G. Funds from the special account shall be administered in accordance with M.G.L. c. 44, § 53G, and may be expended only for the purposes described above.

#### 10. *Findings.*

The Special Permit Authority shall not issue a special permit for a Marijuana Facility unless it finds that:

- (a) the Facility is designed to minimize any adverse visual impacts on abutters and other parties in interest, as defined in G.L. c. 40A, §11;
- (b) the Facility has received a provisional certificate of registration or provisional license from the appropriate licensing authority and is in compliance with all applicable state laws and regulations;
- (c) the applicant has provided a copy of a signed Host Agreement with the Town of Winchendon, in accordance with M.G.L. Chapter 94G;
- (d) the applicant has provided adequate security measures to protect the health and safety of the public, and that the storage and/or location of cultivation of marijuana is adequately secured in an enclosed, locked area;
- (e) the applicant has adequately addressed issues of vehicular and pedestrian traffic, circulation, parking and queuing, especially during peak periods at the facility.

11. *Waiver.*

The Planning Board may, in its discretion, may waive or modify any of the requirements set forth in this section, if the Board determines that such a waiver does not derogate from the purpose of this bylaw, and is in the public interest.

12. *Violations.*

Any violation of this Section shall be grounds for revocation of a special permit issued under this Section.

*Or act in relation thereto:*

(submitted by the Planning Board)

**BOARD OF SELECTMEN: 5-0 Recommend**

**FINANCE COMMITTEE: 5-1 Recommend**

**PLANNING BOARD: 3-0-1 Recommend**

***VOTE: Approved (2/3rds) to replace Section 6.12 of the zoning bylaws and replace it with a new Section 6.12 as printed in this warrant.***

**ARTICLE 23**

To amend the TOWN OF WINCHENDON ZONING MAP to include a new overlay titled: Medical/Adult Use Marijuana Facilities Retail Overlay District (the “MFROD”).

See Attached Zoning Map

*Or act in relation thereto:*

(submitted by the Planning Board)

**BOARD OF SELECTMEN: 5-0 Recommend**

**FINANCE COMMITTEE: 4-2 Recommend**

PLANNING BOARD: 4-0 Recommend

*VOTE: Approved (2/3rds) to update the zoning map to include the new Medical/Adult Use Marijuana Facilities Retail Overlay District as printed in this warrant.*

## ARTICLE 24

To amend ARTICLE 5 USE TABLE to add a new Section entitled *5.2.8 Principal Use Category – Special Uses*, providing new line item A with the following description: *A. Non-retail Marijuana Facilities. Non-retail Marijuana Facilities are subject to the provisions set forth in Art. 6.12.* The uses addressed above will be allowed by Special Permit in the following Zoning Districts: *Residential -80 (R80 with restrictions as defined in note 14), Commercial-1 (C1), Commercial-2 (C2), Industrial (I), and Planned Development (PD)*; and further prohibited in the following Zoning Districts: *Residential -40 (R40), and Residential-10 (R10).*

## Article 5 USE TABLE

Article 5.2.8

Special Uses	R80	R40	R10	C1 Hwy Comm.	C2 Nbhd Bus.	I	PD
A. Non-retail Marijuana Facilities. Non-retail Marijuana Facilities are subject to the provisions set forth in Art. 6.12.	SP*	N	N	SP	SP	SP	SP

*\* see note 14*

(submitted by the Planning Board)

**BOARD OF SELECTMEN: 5-0 Recommend**

**FINANCE COMMITTEE: 4-2 Recommend**

**PLANNING BOARD: 4-0 Recommend**

***VOTE: Approved (2/3rds) to amend Article 5 –***

***Use Table as outlined in the warrant, and further to add the following as Note 14 in Section 5.2.8***

***“R80 zone requires a minimum five (5) acre lot with double the setback distance as outlined in Art. 7.2.”.***

***It was moved, seconded and unanimously approved to close the Annual Town Meeting at 9:10 p.m.***

***Attest:***

***Judy A. LaJoie  
Town Clerk***

You are hereby directed to serve this warrant by posting attested copies thereof at the several places designated by the bylaws of the town of Winchendon seven days at least before the time of holding such meeting and by mailing a copy of this warrant to each household in Winchendon in which a registered voter resides or by publication of the same in a newspaper of local distribution as required by said bylaws.

Hereof, fail not and make due return of said warrant with your doings thereon at the time and place of the meeting aforesaid. Given under our hands and seal this 23<sup>rd</sup> day of April 2018.

**BOARD OF SELECTMEN:**

*Barbara Anderson*

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Barbara Anderson, Chair

*Audrey LaBrie*

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Audrey LaBrie, Vice Chair

*Michael Barbaro*

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Michael Barbaro

*Austin Cyganiewicz*

---

Austin Cyganiewicz

*Charles Husselbee*

---

Charles Husselbee

I have this day posted the within warrant as therein directed:

Frederick A. Cloutier  
PRINT CONSTABLE NAME

Frederick A. Cloutier  
SIGN CONSTABLE NAME

April 30, 2018  
DATE:

<p><b>FINANCE COMMITTEE PUBLIC HEARING</b> <b>Tuesday, April 24, 2018 at 7:00 PM</b> <b>Town Hall, 109 Front Street</b></p>
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This institution is an equal opportunity provider. To file a complaint of Discrimination write USDA, Director, Office of Civil Rights, Washington, DC 20250-9410.

# Winchendon Zoning Map

