

2014 Annual Town Meeting May 5, 6 and 7

IN MEMORIAM RESOLUTION

Unanimously resolved that the Town of Sudbury extend its heartfelt sympathy to the families of these persons and recognize their service and dedication to the community: Doris L. Bergen, Amy Butler, Parker Coddington, Marianne D'Angelo, Winifred C. Grinnell, Richard Hawes, Thomas B. Hooper, Ethel Iannarelli, Joanne Kogan, Berthe L. Lessard, Mary-Lee Mahoney-Emerson, Earl D. Midgley, Derek O. Oram, Virginia Perkins, John S. Sklenak, William Waldsmith Jr., John W.P. Young Jr.

Article 1. HEAR REPORTS

Unanimously voted to accept the reports of the Town boards, commissions, officers, and committees as printed in the 2013 Town Report or as otherwise presented, subject to the correction of errors, if any, where found.

Article 2. FY13 BUDGET ADJUSTMENTS

Unanimously voted to amend the vote taken under Article 4, FY14 Budget, of the 2013 Annual Town Meeting by transfer from 900: Employee Benefits to 400: Public Works, \$235,000; 900: Employee Benefits to 300: Sudbury Public Schools, Net, \$253,165; 200: Public Safety to Ambulance Receipts Reserve for Appropriation Fund, \$40,000.

Article 3. STABILIZATION FUND

Unanimously voted to indefinitely postpone

Article 4. FY14 BUDGET LIMITING

Unanimously voted that the amount appropriated under the FY15 No Override budget not exceed the sum of \$85,083,102.

Article 4. FY14 BUDGET

Voted that the Town appropriate the following sums of money: from Ambulance Reserve for Appropriation Acct. to (200) Public Safety, \$830,072; the sum of \$5,704,418 set forth as Sudbury Public Schools Employee Benefits to be immediately transferred and added to item 900: Town Employee Benefits, so that the Employee Benefits total will be \$10,083,029, to be expended under the Town Manager; and to authorize the Town Manager to transfer \$1,069,290 of the funds from Item 900 to the OPEB Trust established to meet expenses for post employment health and life insurance benefits for eligible retirees and to expend such funds for that purpose; and to authorize the purchase of equipment funded under this budget by entering into lease purchase agreements;

EXPENDITURES	FY14	FY15	FY15	Diff
	Appropriated	Warrant	Town Meeting	
300: Sudbury Public Schools: Net	31,920,098	32,688,171	32,816,882	128,711
300: SPS Employee Benefits (1)	5,661,658	5,704,418	5,704,418	-
Sub-total SPS Net	37,581,756	38,392,589	38,521,300	128,711
300: LS Operating Assessment: Net	19,791,903	20,726,735	20,726,735	-
300: LS Operating Debt Service Assessment	1,946,994	688,613	688,613	-
Sub-total LS Assessments Net	21,738,897	21,415,348	21,415,348	-
300: Minuteman Regional Assessment	444,837	549,340	549,340	-
Total: Schools	59,765,490	60,357,278	60,485,989	128,711
100: General Government	2,549,815	2,629,972	2,629,972	-
200: Public Safety (2)	6,948,250	7,125,079	7,125,079	-
400: Public Works	4,892,309	4,956,982	4,956,982	-
500: Human Services	598,570	656,715	656,715	-
600: Culture & Recreation	1,116,228	1,175,691	1,175,691	-
900: Town Employee Benefits	4,308,537	4,378,611	4,378,611	-
900: Town-wide Operating & Transfer	397,699	417,112	456,902	39,790
Total: Town Departments	20,811,408	21,340,162	21,379,952	39,790
700: Town Debt Service	3,143,019	3,060,663	3,060,663	-
TOTAL: OPERATING BUDGET	83,719,917	84,758,102	84,926,603	168,501

(not including Capital or Enterprise Funds)

Article 5. FY14 TRANSFER STATION ENTERPRISE FUND BUDGET

Unanimously voted to appropriate the sum of \$312,186 for the Transfer Station Enterprise Fund for FY15, and further to authorize use of an additional \$16,255 of Enterprise Fund receipts for indirect costs; such sums to be raised by \$328,441 in receipts of the Enterprise.

Article 6. FY14 POOL ENTERPRISE FUND BUDGET

Unanimously voted to appropriate the sum of \$547,891 for the Pool Enterprise Fund for FY15; such sum to be raised from \$525,000 in receipts of the Enterprise and use of retained earnings of \$22,891 of the Enterprise.

Article 7. FY14 RECREATION FIELD MAINTENANCE ENTERPRISE FUND AND BUDGET

Unanimously voted to appropriate the sum of \$221,128 for the Recreation Field Maintenance Enterprise Fund for FY15; and to authorize use of an additional \$20,879 of Enterprise Fund receipts for indirect costs; such sums to be raised from \$206,000 in receipts of the Enterprise and use of retained earnings of \$36,007 of the Enterprise.

Article 8. UNPAID BILLS

Indefinitely postponed.

Article 9. CHAPTER 90 HIGHWAY FUNDING

Unanimously voted to authorize the Town Manager to accept and to enter into a contract for the expenditure of any funds allotted or to be allotted by the Commonwealth for the construction, reconstruction and maintenance projects of Town ways pursuant to Chapter 90 funding; and to authorize the Treasurer to borrow such amounts in anticipation of reimbursement by the Commonwealth.

Article 10. REAL ESTATE EXEMPTION

Unanimously voted pursuant to Chapter 73, Section 4, of the Acts of 1986, as amended by Chapter 126 of the Acts of 1988, to allow for an increase of up to 100% of the current exemption amounts under Clauses 17D (E), 22, 37A, and 41C (D) of Chapter 59, Section 5, for fiscal year 2015.

Article 11. TOWN/SCHOOL REVOLVING FUNDS

Unanimously voted to authorize for FY15 the use of revolving funds under M.G.L. c.44, s. 53E ½, by the following Departments of the Town in accordance with the description for each fund placed on file with the Town Clerk, said funds to be maintained as separate accounts set forth as follows:

<u>Fund</u>	<u>Department</u>	<u>Maximum Amount</u>
Plumbing & Gas Inspectional Services	Building Inspector	\$ 50,000
Portable Sign Administration & Inspectional Services	Building Inspector	\$ 10,000
Conservation (Trail Maintenance)	Conservation Commission	\$ 5,000
Conservation (Wetlands)	Conservation Commission	\$ 35,000
Council on Aging Activities	Council on Aging	\$ 35,000
Council on Aging Van Transportation (MWRTA)	Council on Aging	\$ 100,000
Cemetery Revolving Fund	DPW Director	\$ 20,000
Fire Department Permits	Fire Chief	\$ 45,000
Goodnow Library Meeting Rooms	Goodnow Library	\$ 10,500
Recreation Programs	Park and Recreation Commission	\$ 542,000
Teen Center	Park and Recreation Commission	\$ 20,000
Youth Programs	Park and Recreation	\$ 110,000
Bus	Sudbury Schools	\$ 450,000
Instrumental Music	Sudbury Schools	\$ 100,000
Cable Television	Town Manager	\$ 30,000
Regional Housing Services	Town Manager	\$ 5,000
Rental Property	Town Manager	\$ 40,000
Dog	Treasurer/Collector	\$ 60,000
Zoning Board of Appeals	Zoning Board of Appeals	\$ 25,000

and to confirm that said funds have been established in accordance with M.G.L. c.44 s. 53E ½;

Article 12. RECIND/AMEND BORROWINGS

Unanimously voted to amend (reduce) the votes authorizing borrowings taken under various Annual and Special Town Meetings under the following articles:

1. Article 33 of the 2008 Annual Town Meeting, by reducing the amount authorized thereunder by the sum of \$500,000
2. Article 34 of the 2008 Annual Town Meeting, by reducing the amount authorized thereunder by the sum of \$10,000
3. Article 1 of the 2001 Special Town Meeting, by reducing the amount authorized thereunder by the sum of \$1,060,000
4. Article 1 of the 2012 Special Town Meeting, by reducing the amount authorized thereunder by the sum of \$378,000

Article 13. FY14 CAPITAL BUDGET

Unanimously voted to appropriate the sum of \$296,000 for the purchase or acquisition of capital items including but not limited to capital equipment, lease-purchases, construction, engineering, design and renovation to buildings; said sum to be raised by taxation; to allow the purchase of equipment hereunder by entering into lease-purchase agreements; and to authorize the Town Manager to allocate funds between the underlying departments as needed.

<u>Fund</u>	<u>Department</u>	<u>Maximum Amount</u>
Plumbing & Gas Inspectional Services	Building Inspector	\$ 50,000
Portable Sign Administration & Inspectional Services	Building Inspector	\$ 10,000
Conservation (Trail Maintenance)	Conservation Commission	\$ 5,000
Conservation (Wetlands)	Conservation Commission	\$ 35,000
Council on Aging Activities	Council on Aging	\$ 35,000
Council on Aging Van Transportation (MWRTA)	Council on Aging	\$ 100,000
Cemetery Revolving Fund	DPW Director	\$ 20,000
Fire Department Permits	Fire Chief	\$ 45,000
Goodnow Library Meeting Rooms	Goodnow Library	\$ 10,500
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Bus	Sudbury Schools	\$ 450,000
Instrumental Music	Sudbury Schools	\$ 100,000
Cable Television	Town Manager	\$ 30,000
Regional Housing Services	Town Manager	\$ 5,000
Rental Property	Town Manager	\$ 40,000
Dog	Treasurer/Collector	\$ 60,000
Zoning Board of Appeals	Zoning Board of Appeals	\$ 25,000

Article 14. CONSTRUCT POLICE HEADQUARTERS

Voted by more than two-thirds to appropriate the sum of \$7,200,000, to be expended under the direction of the Permanent Building Committee for the purpose of constructing a new Police Department Headquarters and appurtenant structures on Town-owned land adjacent to the existing Fire Headquarters, site development, purchasing additional equipment, technology, furniture, landscaping, and all expenses connected therewith, including professional, engineering, and architectural services and preparation of plans, specifications and bidding documents, supervision of work, relocation and borrowing costs including bond and note issue expense, and to raise this appropriation the Treasurer with the approval of the Selectmen is authorized to borrow \$7,200,000 under G.L. c.44 § 7.

Article 15. PURCHASE OF FIRE DEPARTMENT AMBULANCE AND FIRE ENGINE-FY15 CAPITAL EXCLUSION

Unanimously voted to appropriate the sum of \$685,000 for the Fiscal Year 2015 purchase or acquisition of a Type I or III Ambulance or equivalent and associated equipment and the purchase or acquisition of one Fire Engine and associated equipment; said sum to be raised by taxation; all appropriations hereunder to be contingent upon the approval of a Proposition 2 ½ Capital Expenditure Exclusion for FY15 in accordance with G.L. c.59, §.21C(i1/2).

Article 16. DPW ROLLING STOCK REPLACEMENT

Voted to appropriate the sum of \$558,300 for purchase of rolling stock/vehicles/equipment for the Department of Public Works; said sum to be raised by transfer from Free Cash.

Article 17. TECHNOLOGY INFRASTRUCTURE IMPROVEMENT -LINCOLN-SUDBURY REGIONAL HIGH SCHOOL

Voted to appropriate the sum of \$620,000 to be expended under the direction of the Lincoln-Sudbury Regional District's School Committee, for the purpose of purchasing technology infrastructure equipment, installing, constructing, reconstructing, or making extraordinary repairs to the facility for the purposes of installation and all expenses therewith including professional and engineering, the preparation of plans, specification and bidding documents, supervision of work; said sum to be raised by transfer from Free Cash.

Article 18. PURCHASE OF NEW PHONE SYSTEM - ISRAEL LORING ELEMENTARY SCHOOL

Voted to appropriate the sum of \$40,000 to be expended under the direction of the Sudbury Public Schools School Committee for the purchase of a new phone system and any expenses in connection therewith for the Israel Loring Elementary School, said sum to be raised by transfer from Free Cash.

Article 19. SCHOOL DRIVEWAYS PARKING LOT AND SIDEWALKS IMPROVEMENTS

Voted to appropriate the sum of \$330,000, to be expended under the direction of the Facilities Director, for the purpose of construction, reconstructing, or making extraordinary repairs to the Sudbury Public Schools driveways, parking lots and sidewalks and any expenses in connection therewith; said sum to be raised by transfer from Free Cash.

Article 20. PURCHASE OF TECHNOLOGY DEVICES – EPHRAIM CURTIS MIDDLE SCHOOL

Voted to appropriate the sum of \$70,000 to be expended under the direction of the Sudbury Public Schools School Committee for the purchase of technology devices, Google *Chromebook* laptops, and any expenses in connection therewith for the sixth and seventh grade students at the Ephraim Curtis Middle School, said sum to be raised by transfer from Free Cash.

Article 21. FAIRBANK COMMUNITY CENTER ROOF PROJECT

Voted to appropriate the sum of \$100,000 to be expended for the purpose of making repairs to selected portions of the flat roof areas labeled 3, 4 and 6 on the Russo Barr Roof Plan at the Fairbank Community Center and all expenses connected therewith including professional and engineering, the preparation of plans, specifications and bidding documents; said sum to be raised by transfer of \$100,000 from Article 18 of the 2012 Annual Town Meeting.

Article 22. ENERGY SERVICES COMPANY ENERGY IMPROVEMENT PROGRAM

Voted by more than two-thirds to authorize the amount of \$1,093,073 for the purpose of energy conservation and energy related improvements to public buildings owned by the Town of Sudbury; and further, the Town Manager with the approval of the Board of Selectmen is authorized to enter into a lease financing agreement with respect to such improvements with a principal amount of \$1,093,073, said funding to be expended under the direction of the Town Manager; and further to authorize a so-called performance based energy contract pursuant to M.G.L. c. 25A, s.11C for a term of not more than 15 years for the purpose of making said energy conservation and energy related improvements and guaranteeing the projected financial savings from those improvements and upon such other terms and conditions as the Town Manager with the approval of the Board of Selectmen may determine; payments under the lease financing will be made from energy savings from individual budgets.

Article 23. NIXON SCHOOL – PARTIAL ROOF, WINDOW AND DOOR REPLACEMENTS

Unanimously voted to indefinitely postpone

Article 24. DPW ROLLING STOCK STABILIZATION FUND

Voted by more than two-thirds to appropriate the sum of \$100 to be placed in a special Stabilization Fund established under this article for the purpose of replacing or adding to existing Department of Public Works' rolling

stock equipment; towards the purchase, lease or debt service payments for said items classified as such; said sum to be raised by transfer from Free Cash.

Article 25. ENERGY SAVING PROGRAMS STABILIZATION FUND

Voted by more than two-thirds to appropriate the sum of \$20,000 to be placed in a special Stabilization Fund established under this article for the purpose of acquiring, installing or otherwise implementing energy saving capital projects; towards the purchase, lease or debt service payments for said items or programs classified as such; said sum to be raised by transfer from Article 4, FY14 Budget 300: Sudbury Public Schools: Net \$10,000 and from Article 4, FY14 Budget 400: Public Works, \$10,000.

Article 26. CONDUCT FEASIBILITY STUDY FOR WASTEWATER DISPOSAL OPTIONS FOR RTE. 20 BUSINESS DISTRICT

Unanimously voted to indefinitely postpone

Article 27. AMENDMENTS TO THE DISTRICT AGREEMENT OF THE MINUTEMAN REGIONAL VOCATIONAL SCHOOL DISTRICT

Unanimously voted to indefinitely postpone

Article 28. CHAPTER 110, SECTION 110 of the Acts of 1993, DISABLED VETERANS' EXEMPTION RESIDENCY REQUIREMENT

Unanimously voted, pursuant to Chapter 110 Section 110 of the Acts of 1993, to accept the following paragraph inserted after Clause 22E Section 5 of Chapter 59 of the Massachusetts General Laws:

Notwithstanding the provisions of this section, in any city or town which accepts the provisions of this paragraph, said exemptions available under clauses twenty-second, twenty-second A, twenty-second B, twenty-second C, twenty-second D and twenty-second E may be granted to otherwise eligible persons who have resided in the commonwealth for one year prior to the date of filing for exemptions under the applicable clause.

Article 29. COMMUNITY PRESERVATION FUND – TOWN-WIDE WALKWAYS

Unanimously voted to appropriate \$50,000 from the Community Preservation Act funds, as recommended by the Community Preservation Committee, for the purpose of constructing new walkways within the Town, such design and construction to be guided by the spirit and intent of the Town of Sudbury 2001 Master Plan, the February 2000 Report of the Walkway Committee, the July 2005 Sudbury Board of Selectmen directive regarding public works projects on Scenic Roads, and by recommendation of the Town of Sudbury Planning Board, the Director of Planning and Community Development, and the Director of the Department of Public Works. All appropriations will be allocated to the Recreation category and funded from FY15 Revenue.

Article 30. COMMUNITY PRESERVATION FUND – SUDBURY HOUSING TRUST 10% ALLOCATION

Voted to appropriate \$100,000 of Community Preservation Act Funds from FY15 Revenue, as recommended by the Community Preservation Committee, for the purpose of providing funds to the Sudbury Housing Trust in support of its efforts to provide for the preservation and creation of affordable housing. All appropriations will be allocated to the Community Housing category and funded from FY15 Revenue.

Article 31. COMMUNITY PRESERVATION FUND – HISTORIC PROJECTS

Voted to appropriate \$162,500 from the Community Preservation Act Funds, as recommended by the Community Preservation Committee, for the purpose of completing the following projects as proposed and recommended by the Sudbury Historical Commission: restoration of approximately 150 gravestones in Sudbury cemeteries and restoration and preservation of the historic war monuments in Sudbury. All appropriations will be allocated to the Historic category and funded from Historic Reserves or FY15 Revenue.

Article 32. COMMUNITY PRESERVATION FUND – BRUCE FREEMAN RAIL TRAIL DESIGN

Voted to appropriate the sum of \$150,000 of Community Preservation Act funds from FY15 Revenue, as recommended by the Community Preservation Committee, for the purpose of preparing the 25% design plan for the full 4.4 mile Bruce Freeman Rail Trail in Sudbury to MA DOT standards, and to redirect remaining funds in the amount of \$27,684.65 from Article 24 of the 2007 Annual Town Meeting (BFRT Base Map) and \$24,807.50 from Article 27 of the 2009 Annual Town Meeting (BFRT Concept Plan) to be used for this purpose. All appropriations will be allocated to the Recreation category.

Article 33. COMMUNITY PRESERVATION FUND – MELONE PROPERTY ENGINEERING

Voted to appropriate \$150,000 of Community Preservation Act funds from FY15 Revenue, as recommended by the Community Preservation Committee, to complete a Master Plan for the Melone property for development of rental housing which counts towards the Town’s 10% affordable housing goal, as well as complementary and/or accessory open space and recreation uses. All appropriations will be allocated to the Community Housing category and funded from FY15 Revenue.

Article 34. COMMUNITY PRESERVATION FUND – SHA PRESERVATION PROJECT

Unanimously voted to appropriate \$200,000 of Community Preservation Act funds from FY15 Revenue, as recommended by the Community Preservation Committee, for the purpose of replacing the ceramic tile tub surrounds in 62 units of housing at Musketahquid Village which is necessary to preserve the structural integrity of the building. All appropriations will be allocated to the Community Housing category and funded from FY15 Revenue.

Article 35. COMMUNITY PRESERVATION FUND – AMEND ARTICLE 43 OF THE 2006 ANNUAL TOWN MEETING, SUDBURY HOUSING AUTHORITY UNIT BUY-DOWN

Unanimously voted to amend Article 43 of the 2006 Annual Town Meeting by removing the deadline for completion of the project, as recommended by the Community Preservation Committee.

Article 36. COMMUNITY PRESERVATION FUND – REVERSION OF FUNDS

Unanimously voted to return the unused balances from prior article authorizations voted at prior Town Meetings, which projects have been completed, or otherwise, into the CPA unrestricted reserves account:

2006 ATM Article 41	Hearse House Relocation and Restoration	\$ 2,213.57
2008 ATM Article 27	Hosmer Painting Appraisal	\$ 2,800.00
2008 ATM Article 34	Nobscot Preservation Phase 2	\$ 3,224.83
2009 ATM Article 22	Land Preservation, 79 Lincoln Lane	\$25,000.00
2009 ATM Article 25	Historic Preservation Projects	\$ 390.00
2010 ATM Article 30	Tomb Door Restoration	<u>\$21,125.00</u>
		\$54,753.40

Article 37. COMMUNITY PRESERVATION FUND – GENERAL BUDGET AND APPROPRIATIONS

Unanimously voted to appropriate the sums as recommended by the Community Preservation Committee, in the following Community Preservation budget for FY15 Community Preservation Surtaxes:

\$ 80,000	Administrative and Operating Cost
\$1,217,635	Debt Service

and further to reserve the following funds:

\$ 115,408	for Historic Reserves
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Article 38. AMEND ZONING BYLAW, ARTICLE IX – MEDICAL MARIJUANA TREATMENT CENTERS

Voted by more than two-thirds to amend Article IX (the Zoning Bylaw), as follows:

- A.** To amend the Zoning Bylaw by repealing the “Section 8000. Temporary Moratorium on Medical Marijuana Treatment Centers” adopted at the 2013 Annual Town Meeting.
- B.** Amend Zoning Bylaw Section 7000, Definitions, to add the following new definition:

“Medical Marijuana Treatment Center” shall mean a “not-for-profit entity, as defined by Massachusetts law only, registered by the MA Department of Public Health, that acquires, cultivates, possesses, processes (including development of related products such as food, tinctures, aerosols, oils or ointments), transfers, transports, sells, distributes, dispenses, or administers marijuana, products containing marijuana, related supplies, or educational materials to qualifying patients or their personal caregivers.”

C. Amend the Zoning Bylaw Section 2230, Table of Principal Use Regulations as follows:

Add a new use in C. Commercial, Medical Marijuana Treatment Center, which is allowed in the following zoning districts

Principal Use	A-Res	C-Res	WI	BD	LBD	VBD	ID	LID	IP	RD
Medical Marijuana Treatment Center	N	N	N	N	N	N	SP*	SP*	N	N

*Medical Marijuana Treatment Centers shall only be allowed in ID-2, ID-4, ID-6 and LID-1.

D. Amend the Zoning Bylaw by adding the following new section 4600, Medical Marijuana Treatment Centers:

4600. Medical Marijuana Treatment Centers.

4610. Purpose: To provide for the placement of Medical Marijuana Treatment Centers, in accordance with the Humanitarian Medical Use of Marijuana Act, G.L. c.94C, App. §1-1, et seq., in locations suitable for lawful medical marijuana facilities and to minimize adverse impacts of Medical Marijuana Treatment Centers on adjacent properties, residential neighborhoods, schools, playgrounds and other locations where minors congregate by regulating the siting, design, placement, security, and removal of Medical Marijuana Treatment Centers.

4620. General Regulations: Medical Marijuana Treatment Centers may be permitted in the Industrial District 2 (ID-2), Industrial District 4 (ID-4), Industrial District 6 (ID-6) and Limited Industrial District 1 (LID-1) pursuant to a Special Permit issued by the Planning Board.

4621. Location: Medical Marijuana Treatment Centers may not be located within 500 feet of the following protected uses which are lawfully existing at the time of application for a Special Permit under this section 4600:

- a. schools, including a public or private elementary, vocational, or secondary school or a public or private college, junior college, or university;
- b. licensed child care facilities;
- c. public libraries;
- d. public playgrounds and public parks;
- e. public or private youth centers, recreational fields or recreational facilities;
- f. public swimming pools; or
- g. similar facilities which provide services exclusively or predominantly to minors (dance studio, tutoring establishments, etc.), but not including restaurants, retail establishments or other commercial uses which are frequented by the general public, as identified by the Planning Board.

4622. The distance under this section is measured in a straight line from the nearest point of the property line of the protected uses identified in this section to the nearest point of the property line of the proposed Medical Marijuana Treatment Center.

4623. Location waiver: The distance requirement may be reduced by up to twenty-five percent (25%), but only if:

- a. The applicant demonstrates that the Medical Marijuana Treatment Center would otherwise be effectively prohibited within the municipality;
- b. The applicant demonstrates that the Medical Marijuana Treatment Center will employ adequate security measures to prevent diversion of medical marijuana to minors who are not qualifying patients pursuant to 105 CMR 725.004.

4624. Other restrictions:

- a. No Medical Marijuana Treatment Center may remain open for business past 9:00 P.M.
- b. There shall be no use of products or sampling of products at a Medical Marijuana Treatment Center.
- c. No marijuana or marijuana-based product shall be made, sold, grown or cultivated, interior or exterior, of a residential dwelling unit. Sale, processing, growing and related cultivation activities shall occur only in districts as permitted in this Bylaw, except as allowed under Massachusetts law.

4630. Procedure:

4631. Application: In submitting an application to the Planning Board, the applicant shall include:

- a. A copy of its registration as a Medical Marijuana Treatment Center from the Massachusetts Department of Public Health (DPH);
- b. Detailed floor plan of the premises of the proposed Medical Marijuana Treatment Center that identifies the square footage available and describes the functional areas of the Medical Marijuana Treatment Center, including areas for cultivating, any preparation or processing of products and retail sales area;
- c. Detailed site plans that include the following information:
 - (1) Compliance with the requirements for parking and loading spaces calculated separately for each area of use identified in the floor plans
 - (2) Compliance with all dimensional requirements of section 2600, and all other provisions of this Bylaw;
 - (3) Design and appearance of proposed buildings, structures, signs, screening and landscaping; and
 - (4) Compliance with the Special Permit Criteria set forth in section 6220 of the Zoning Bylaw.
- d. A description of the security measures, including employee security policies, approved by DPH for the Medical Marijuana Treatment Center;
- e. A copy of the emergency procedures approved by DPH for the Medical Marijuana Treatment Center;
- f. A copy of the policies and procedures for patient or personal caregiver home-delivery approved by DPH for the Medical Marijuana Treatment Center;
- g. A copy of the policies and procedures for the transfer, acquisition, or sale of marijuana between Medical Marijuana Treatment Centers approved by DPH;
- h. A copy of proposed waste disposal procedures; and
- i. A description of any waivers from DPH regulations issued for the Medical Marijuana Treatment Center.

4632. The Planning Board shall refer copies of the application to the Board of Selectmen, Town Counsel, Building Department, Fire Department, Police Department, Board of Health, Conservation Commission, Town Engineer and any other boards, departments or committees as it may deem necessary or appropriate. The

boards/departments shall review the application and shall submit their written recommendations. Failure to make recommendations within 35 days of referral of the application shall be deemed lack of opposition.

4633. After notice and public hearing and consideration of application materials, consultant reviews, public comments, and the recommendations of other town boards and departments, the Planning Board may act upon such a permit.

4640. Special Permit Conditions on Medical Marijuana Treatment Centers: The Planning Board shall impose conditions reasonably appropriate to improve site design, traffic flow, protect ground and surface water quality, air quality, and significant environmental resources, ensure public safety and otherwise serve the purpose of this section. In addition to any specific conditions applicable to the applicant's Medical Marijuana Treatment Center, the Planning Board shall include the following conditions in any special permit granted under this Bylaw:

4641. Hours of Operation, including dispatch of home deliveries;

4642. The permit holder shall file a copy of any Incident Report required under 105 CMR 725.110(F) with the Zoning Enforcement Officer and the Sudbury Police Department within 24 hours of creation by the Medical Marijuana Treatment Center. Such reports may be redacted as necessary to comply with any applicable state or federal laws and regulations;

4643. The permit holder shall file a copy of any summary cease and desist order, cease and desist order, quarantine order, summary suspension order, order limiting sales, notice of a hearing, or final action issued by DPH or the Division of Administrative Law Appeals, as applicable, regarding the Medical Marijuana Treatment Center with the Zoning Enforcement Officer and Sudbury Police Department within 48 hours of receipt by the Medical Marijuana Treatment Center.

4644. The permit holder shall provide to the Zoning Enforcement Officer and Sudbury Police Department, the name, telephone number and electronic mail address of a contact person in the event that such person needs to be contacted after regular business hours to address an urgent issue. Such contact information shall be kept updated by the permit holder.

4645. The special permit shall terminate within five years of its issuance. If the permit holder wishes to renew the special permit, an application to renew the special permit must be submitted at least 120 days prior to the expiration of the special permit.

4646. The special permit shall be limited to the current applicant and shall lapse if the permit holder ceases operating the Medical Marijuana Treatment Center.

4647. The special permit shall lapse upon the expiration or termination of the applicant's registration by DPH.

4648. The permit holder shall notify the Zoning Enforcement Officer and Planning Board in writing within 48 hours of the cessation of operation of the Medical Marijuana Treatment Center or the expiration or termination of the permit holder's registration with DPH.

4650. Exemption from Medical Marijuana Treatment Center Special Permit Requirement: Medical Marijuana Treatment Centers that demonstrate that they are protected pursuant to the agricultural exemption under G.L. c.40A Section 3 are not required to obtain a special permit, but shall obtain Site Plan Approval pursuant to Section 6300 of the Zoning Bylaw.

4660. Prohibition Against Nuisances: No Medical Marijuana Treatment Center shall be permitted to create a nuisance to abutters or to the surrounding area, or create any hazard, including but not limited to fire, explosion, fumes, gas, smoke, odors, obnoxious dust, vapors, offensive noise 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.

4670. Severability: The provisions of this Bylaw are severable. If any provision, paragraph, sentence, or clause of this Bylaw or the application thereof to any person, establishment, or circumstances shall be held invalid, such invalidity shall not affect the other provisions or application of this Bylaw;

Article 39. AMEND ZONING BYLAW, ARTICLE IX, SECTION 2326, ACCESSORY STRUCTURES

Voted by more than two-thirds to amend Article IX (the Zoning Bylaw), as follows:

Amend Section 2326 to replace the words “12 feet in length on any side, or with a maximum gross floor area of one hundred twenty square feet, whichever is less” with the words “16 feet in length on any side, or with a maximum gross floor area of two hundred (200) square feet, whichever is less”.

Article 40. AMEND ZONING BYLAW, ARTICLE IX, SECTION 4100, FLOOD PLAIN OVERLAY DISTRICT

Voted by more than two-thirds to amend Article IX (the Zoning Bylaw), section 4100 (Flood Plain Overlay District) as follows:

1) Delete section 4130 and replace with the following:

4130. Location. The Flood Plain Overlay District shall consist of the several areas shown as flood plains on the following described maps or as otherwise described:

Flood Plain Boundaries

The Flood Plain District is herein established as an overlay district. The District includes all “special flood hazard areas inundated by 100-year flood” within the Town of Sudbury designated as Zones A and AE and “floodway areas in Zone AE” on the Middlesex County Flood Insurance Rate Map (FIRM), issued by the Federal Emergency Management Agency (FEMA) for the administration of the National Flood Insurance Program. The map panels of the Middlesex County FIRM that are wholly or partially within the Town of Sudbury are panel numbers 25017C0362F, 25017C0363F, 25017C0364F, 25017C0366F, 25017C0367F, 25017C0368F, 25017C0369F, 25017C0386F, 25017C0388F, 25017C0501F, 25017C0502F, 25017C0506F, 25017C0507F, 25017C0508F and 25017C0509F dated July 7, 2014. The exact boundaries of the District may be defined by the 100-year base flood elevations shown on the FIRM and further defined by the Flood Insurance Study booklet dated July 7, 2014. The FIRM and Flood Insurance Study booklet are incorporated herein by reference and are on file with the Town Clerk, Planning Board, Building Official, Conservation Commission and Engineering Department.

Floodway Data

In Zones A and AE along watercourses that have not had a regulatory floodway designated, the best available Federal, State, local, or other floodway data shall be used to prohibit encroachments in floodways which would result in any increase in flood levels within the community during the occurrence of the base flood discharge.

The areas in the Flood Plain Overlay District are hereby deemed to be subject to seasonal or periodic flooding, and the use of land in any such area is hereby declared to be dangerous to the health and safety of occupancy thereof, and each said area shall be known as a Flood Plan.

2) Delete section 4143 and replace with the following:

4143. Encroachments, including fill, new construction, substantial improvements and other development

within any floodway shown on the Middlesex County Flood Insurance Rate Map for the Town of Sudbury Community No. 250217, dated July 7, 2014, prepared by the Federal Emergency Management Agency under the National Flood Insurance Program (on file with the Town Clerk and incorporated herein by reference), which would result in any increase in the 100- year flood level are prohibited, and no special permit shall be issued to allow such encroachments.

3) Delete section 4181 and 4183 and replace with the following:

4181. Massachusetts State Building Code as to floodplain and coastal high hazard areas (currently 780 CMR);

4183. Inland Wetlands Restriction, DEP (currently 310 CMR 13.00);

Article 41. AMEND ZONING BYLAW, ARTICLE IX, SECTION 4500 (WASTEWATER FACILITIES BYLAW) TO DELETE THIS BYLAW IN IN ITS ENTIRETY

Voted by more than two-thirds to amend Article IX (the Zoning Bylaw) as follows: Delete section 4500 in its entirety.

Article 42. SALE OF LAND – LAFAYETTE DRIVE

Defeated

Article 43. RESOLUTION: ADOPT CHAPTER 61 LANDS POLICY

Defeated

Article 44. RESOLUTION ON FOSSIL FUEL DIVESTMENT

Voted to request the Board of Selectmen to endorse proposed state legislation requiring divestment of statewide retirement funds (Pension Reserve Investment Trust (PRIT)) from fossil fuel companies as set forth in the following Resolution.

Article 45. UTILIZE A PORTION OF CURRENT CPA FUNDS TO FUND THE CONSERVATION FUND

Moderator declared article invalid.

Article 46. WETLANDS ADMINISTRATIVE BYLAWS: PROJECTS FUNDED WITH COMMUNITY PRESERVATION FUNDS

Defeated

Article 47. AMEND TOWN BYLAWS, ART. IV, FINANCE COMMITTEE, SECTION 5 – EXPANDED REPORTING

Defeated