

**TOWN OF MARION
TOWN MEETING WARRANT**

*with
Recommendations of the
Finance Committee*



**ANNUAL TOWN MEETING
at Sippican School Auditorium
Spring Street
May 12, 2014
6:45 p.m.**

and to elect Officers on

**May 16, 2014
at the VFW Hall
465 Mill Street (Route 6)**

***BRING THIS COPY WITH YOU
TO TOWN MEETING***

FINANCE COMMITTEE REPORT

Annual Town Meeting May 12, 2014

FY 14 — Current Year Status

The Town of Marion is in excellent financial position. Local receipts and State Aid have exceeded, by a small amount, the estimates in the FY 14 Budget and our town departments have again conserved their budget funds. There is a shortfall in the snow and ice removal budget caused by repeated snowfall during the unusually heavy winter. In order to balance the FY 14 Budget we will need to authorize additional funds for snow and ice removal in the Special Town Meeting within this year's Annual Town Meeting. There are no other known shortfalls at this point and with the snow removal exception we should be able to finish the year within plan.

In the past several years we have saved enough in our Stabilization Fund to exceed the State's Department of Revenue goals and have made serious contributions to the OPEB Trust Fund as well. While preparing for the FY 15 Budget we made the decision to add two new stabilization funds; one for Capital Items and one to help smooth out variations in the school budgets. With your approval at the Town Meeting, we will begin to save money into these new funds.

The combination of consistent and conservative planning, a reduced reliance on Free Cash, and our willingness to put money away for the future were significant reasons that Standard and Poor's recently raised the Town's bond rating to AAA. Marion is one of only 30 towns to achieve this distinction out of 351 Massachusetts communities and the town will save thousands of dollars each time we have to borrow in the future.

FY 15 — Proposed Operating Budget

For the eighth year in a row all departments and committees were asked to present level-service budgets to help contain growth. Most departments were funded for level service with a few exceptions:

- The Fire Department budget expands to pay for a full year of the fully staffed EMS coverage.
- The Facilities Manager will begin a serious assault on deferred maintenance across the town's buildings and structures.
- The Board of Health is proposing that the Town Nurse position be increased to full time.

We also had several large increases that are outside the town's control – with Pension and Insurance costs amounting to 29% of the overall increase.

See the table below for the major increases and decreases in the proposed budget.

The FY 2015 budget is \$19,911,709 which is a 2.27% increase over last year's budget as augmented at the Fall Town Meeting. We were able to balance the budget with available Free Cash while staying well within our policy of using no more than 40% of free cash to support the operating budget. This year we used only 35%.

Operating Budget	FY09	FY10	FY11	FY12	FY13	FY14	FY 15
Total \$ Increase	\$332,870	\$96,979	\$526,837	\$379,626	\$773,515	\$425,364	\$441,686
% Increase	2.00%	0.57%	3.08%	2.15%	4.29%	2.26%	2.27%

The following table shows the increases and decreases larger than \$5,000 in the proposed budget.

Pension and Insurance	\$ 128,472	.....	Rate increases
Fire/EMS	113,886	.....	Full coverage EMS
ORR Operating	82,803		
Reserve Fund	52,853		
Town Facilities	37,792	.....	Part-time labor & materials
Board of Health	35,441	.....	Full-time Nurse
Sippican School	25,925		
Police Department	10,585	.....	Steps and contract increases
Computers	8,500	.....	Replace aging units
Council on Aging	8,345	.....	Van Driver hours
Principal Payments	8,300	.....	Refinance
Public Works	5,000	.....	Snow Supplies
ORR Debt	(6,614)		
Upper Cape School	(21,784)	.....	Fewer students
Interest Payments	(64,183)	.....	Refinance existing debt
			\$ 425,321
All other changes (net)	16,365		
Total Change			\$ 441,686 2.27%

Last year we elected to raise the tax levy at a rate lower than Proposition 2½ permitted. This strategy preserves the ability for the Town to raise tax revenue in the future but leaves the money in taxpayer's hands until it is needed. This budget incorporates a modest increase in the Excess Levy Capacity available for future years.

Respectfully submitted,

Alan Minard

Finance Committee Chair

**TOWN OF MARION
TOWN MEETING WARRANT
For the Annual Town Meeting to be Held
May 12, 2014**



Plymouth, ss:

To either of the Constables of the Town of Marion in the Commonwealth of Massachusetts

GREETINGS:

In the name of the Commonwealth of Massachusetts, you are directed to notify and warn the inhabitants of the Town of Marion qualified to vote in Town election and Town affairs to meet at the Sippican School Auditorium in said Marion, on Monday, the 12th day of May, 2014, at 6:45 o'clock in the evening, then and there to act on the following Articles, to wit:

Article 1. To see what compensation the Town will pay its elected Town officials:

EFFECTIVE JULY 1, 2014

	FY14	FY15	
	<u>Approp</u>	<u>Recommend</u>	<u>% chg</u>
Board of Selectmen, each member, per annum	\$ 4,902	\$ 4,902	0.00%
Board of Assessors, each member, per annum	\$ 4,839	\$ 4,839	0.00%
Board of Health, each member, per annum	\$ 1,866	\$ 1,866	0.00%
Town Clerk, per annum	\$19,493	\$19,493	0.00%
Moderator, for Annual Meeting	\$ 245	\$ 245	0.00%
per Special Town Meeting	\$ 81	\$ 81	0.00%

or take any other action thereon.

Finance Committee recommends

Article 2. To see what sums of money the Town will raise and appropriate and/or transfer from available funds in the treasury in order to pay interest and maturing debt and for charges, expenses and outlays of the several Town departments and Reserve Fund for the ensuing year.

		FY14	FY15	14 to 15
GENERAL GOVERNMENT	Appropriation	FinCom	Recommend.	% chg Differ
113	Election and Town Meetings	\$9,550	\$9,650	1.05%
122	Selectmen	\$57,631	\$57,781	0.26%
123	Town Administrator	\$114,270	\$116,555	2.00%
131	Finance Committee	\$25,375	\$27,125	6.90%
132	Reserve Fund	\$97,147	\$150,000	54.41%
135	Finance Director/Town Acct	\$93,330	\$93,730	0.43%
141	Assessors	\$105,962	\$108,501	2.40%
145	Treasurer	\$49,267	\$49,991	1.47%
146	Collector	\$47,228	\$47,952	1.53%
151	Legal	\$93,000	\$89,500	-3.76%
155	Computer	\$85,700	\$94,200	9.92%
159	Administrative Services	\$664,860	\$669,300	0.67%
161	Town Clerk	\$21,593	\$21,293	-1.14%
163	Registrar of Voters	\$10,400	\$13,000	25.00%
171	Conservation	\$2,812	\$2,962	5.33%
175	Planning Board	\$14,400	\$14,400	0.00%
176	Zoning Board	\$2,119	\$2,119	0.00%
191	Town Facilities	\$156,850	\$194,642	24.09%
195	Town Report	\$7,825	\$6,525	-16.61%
199	Unclassified	\$1,300	\$1,300	0.00%
<i>Total General Government</i>		\$1,660,564	\$1,770,526	6.62%
PUBLIC SAFETY				
210	Police Department	\$1,530,976	\$1,541,561	0.69%
210	Police Cruiser	\$33,700	\$34,791	3.24%
220	Fire/EMS Department	\$832,042	\$945,928	13.69%
241	Building Department	\$95,295	\$97,653	2.47%
291	Emergency Management	\$883	\$0	-100.0%
292	Animal Control	\$50,555	\$50,555	0.00%
295	Marine Resources	\$213,932	\$216,073	1.00%
299	Tree Warden	\$10,700	\$10,700	0.00%
<i>Total Public Safety</i>		\$2,768,083	\$2,897,261	4.67%

SCHOOLS

300	Sippican School	\$5,724,993	\$5,750,918	0.45%
301	ORR Operating	\$3,699,390	\$3,782,193	2.24%
302	ORR Debt	\$264,127	\$257,513	-2.50%
302	Upper Cape Cod Oper.	\$197,549	\$175,765	-11.03%
302	Upper Cape Cod Debt	\$23,621	\$21,462	-9.14%
	<i>Total Education</i>	\$9,909,680	\$9,987,851	0.79%

PUBLIC WORKS ADMIN.

420	Public Works	\$842,715	\$847,715	0.59%
490	Utilities & Fuel	\$367,000	\$367,000	0.00%
	<i>Total Public Works</i>	\$1,209,715	\$1,214,715	0.41%

HUMAN SERVICES

511	Board of Health	\$98,257	\$133,698	36.07%
541	Council on Aging	\$104,098	\$112,443	8.02%
543	Veterans	\$11,034	\$11,034	0.00%
	<i>Total Human Services</i>	\$213,389	\$257,175	20.52%

CULTURE & RECREATION

610	Library	\$147,491	\$150,491	2.03%
630	Recreation	\$116,489	\$116,489	0.00%
670	Natural History Museum	\$6,600	\$6,600	0.00%
692	Celebrations-Parades & Band Concerts	\$17,900	\$17,900	0.00%
	<i>Total Culture & Recreation</i>	\$288,480	\$291,480	1.04%

DEBT SERVICE

710	Principal Payments	\$455,000	\$463,300	1.82%
711	Interest Payments	\$234,787	\$170,604	-27.34%
	<i>Total Debt Services</i>	\$689,787	\$633,904	-8.10%

PENSION & INSURANCE

911	Pension Assessment	\$734,233	\$812,603	10.67%
914	Group insurance	\$1,495,092	\$1,522,051	1.80%
940	Town Insurance	\$501,000	\$524,143	4.62%
	<i>Total Pension & Insurances</i>	\$2,730,325	\$2,858,797	4.71%

TOTAL OPERATING BUDGET **\$19,470,023** **\$19,911,709** **2.27%**

<i>Less Transfers</i>	\$353,500	\$356,708
<i>Less Indirect Costs</i>	\$470,379	\$572,351
<i>Less Transfers from Free Cash</i>	\$382,287	\$525,716
<i>Raise and Appropriate</i>	\$18,263,857	\$18,456,934

Finance Committee recommends

Article 3. To see if the Town will vote to raise and appropriate and/or transfer from available funds the sum of \$1,971,022 to be used to operate the water enterprise fund, the following sums to be appropriated to salaries and expenses, \$853,069; reserve fund, \$60,000; debt, \$762,394; and indirect costs, \$295,559; and the funds be raised from department receipts, \$1,675,463 and \$400,000 from water retained earnings; or take any other action thereon.

	FY14	FY15	% chg
WATER ENTERPRISE FUND	Appropriation	Recommend.	Differ
Salaries and Expenses	\$892,055	\$853,069	-4.37%
Reserve Fund	\$60,000	\$60,000	0.00%
Debt (principal, interest and charges)	\$811,219	\$762,394	-6.02%
Subtotal	\$1,763,274	\$1,675,463	-4.98%
Indirect Costs	\$280,138	\$295,559	5.50%
TOTAL WATER ENTERPRISE BUDGET	\$2,043,412	\$1,971,022	-3.54%
<i>Less Water Retained Earnings</i>	\$400,000	\$400,000	
<i>Water Revenues</i>	\$1,643,412	\$1,621,022	

Finance Committee recommends

Article 4. To see if the Town will vote to raise and appropriate and/or transfer from available funds the sum of \$2,410,000 to be used to operate the sewer enterprise fund, the following sums to be appropriated to salaries and expenses, \$849,028; reserve fund, \$60,000; debt, \$1,224,180; and indirect costs, \$276,792; and the funds be raised from departmental receipts, \$2,050,000 and \$400,000 from sewer retained earnings; or take any other action thereon.

	FY14	FY15	% chg
SEWER ENTERPRISE FUND	Appropriation	Recommend.	Differ
Salaries and Expenses	\$865,286	\$849,028	-1.88%
Reserve Fund	\$60,000	\$60,000	0.00%
Debt (principal, interest and charges)	\$1,217,653	\$1,224,180	0.54%
Subtotal	\$2,142,939	\$2,133,208	-0.45%
Indirect Costs	\$268,760	\$276,792	2.99%
TOTAL SEWER ENTERPRISE BUDGET	\$2,411,699	\$2,410,000	-0.07%
<i>Less Sewer Retained Earnings</i>	\$400,000	\$400,000	
<i>Sewer Revenues</i>	\$2,011,699	\$2,050,000	

Finance Committee recommends

Article 5. To see if the Town will vote to transfer from the Overlay Surplus Account the sum of \$25,000 to be used by the Board of Assessors for the revaluation of real and personal property as mandated by the Department of Revenue; or take any other action thereon.

Finance Committee recommends

Article 6. To see if the Town will vote to raise and appropriate or transfer from available funds in the Treasury (Free Cash) the sum of \$200,000 to the Other Post-Employment Benefit Liability Trust Fund as established at the Annual Town Meeting of 2010 under Article 14; or take any other action thereon.

Finance Committee recommends

Article 7. To see if the Town will vote to raise and appropriate or transfer from available funds in the Treasury (Free Cash) the sum of \$200,000 to establish a new Stabilization Fund in accordance with the provisions of Massachusetts General Laws, Chapter 40, Section 5B for the purpose of funding future cost increases in the School Dept. budget; or take any other action thereon.

Finance Committee recommends

Article 8. To see if the Town will vote to raise and appropriate or transfer from available funds in the Treasury (Free Cash) the sum of \$20,000 to the Stabilization Fund; or take any other action thereon.

Finance Committee recommends

Article 9. To see if the Town will vote to raise and appropriate or transfer from available funds in the Treasury (Free Cash) the sum of \$34,791 to be used by the Police Department for purchasing and equipping one (1) new police cruiser; or take any other action thereon.

Finance Committee recommends

Article 10. To see if the Town will vote to raise or appropriate or transfer from available funds in the Treasury (Free Cash) the sum of \$12,500 to be expended by the Conservation Commission for control of invasive species and required maintenance at Sprague's Cove and other Conservation Commission responsible parcels.

Finance Committee recommends

Article 11. To see if the Town will vote to raise and appropriate or transfer from available funds in the Treasury (Free Cash) the sum of \$49,000 to replace the emergency generator at the Spring Street Fire Department Headquarters; or take any other action thereon.

Finance Committee recommends

Article 12. To see if the Town will vote to raise and appropriate or transfer from available funds in the Treasury the sum of \$25,000 to be expended under the direction of the Harbormaster for the purpose of replacing two (2) motors (Pump Out Boat and Work Boat), and that to meet this appropriation the sum of \$25,000 be transferred from the Waterways Account; or take any other action thereon.

Finance Committee recommends

Article 13. To see if the Town will vote to raise and appropriate or transfer from available funds in the Treasury (Free Cash) the sum of \$37,500 to be expended by the Fire Dept. to continue with its program of air pack replacement; or take any other action thereon.

Finance Committee will make recommendation at Town Meeting

Article 14. To see if the Town will vote to raise and appropriate the sum of \$1,500,000 for the purpose of final design, construction and equipping, including costs incidental and related thereto, of a new water tower to be located at Great Hill; and to determine whether this appropriation shall be raised by authorizing the Treasurer, with the approval of the Board of Selectmen, to issue bonds or notes under the provisions of Chapter 44 of the General Laws, or other appropriate enabling authority and further to see if the Town will vote to acquire an easement or easements necessary to permit the construction of and access to, a new water tank at the property known as Great Hill bounded by Delano Road, South Great Hill Drive and Great Hill Drive AND vote to acquire a parcel of land on the same property for the purposes of construction of a new water tank AND vote to permit the conveyance in approximate equal area to that land being acquired, a parcel of land on which the current water tank is located; or take any other action thereon.

Finance Committee will make recommendation at Town Meeting

Article 15. To see if the Town will vote to raise and appropriate the sum of \$540,000 for the purpose of purchasing a new or used fire pumper engine for use by the Fire Department, including costs incidental and related thereto, and to determine whether this appropriation shall be raised by authorizing the Treasurer, with the approval of the Board of Selectmen, to issue bonds or notes under the provisions of Chapter 44 of the General Laws, or other appropriate enabling authority; subject to voters' approval of a debt exclusion under the provisions of Chapter 59, Section 21C of the General Laws; or to take any other action thereon.

Finance Committee will make recommendation at Town Meeting

Article 16. To see if the Town will vote to raise and appropriate or transfer from available funds in the Treasury (Free Cash) the sum of \$39,000 to be expended by the Police Dept. for a combined public safety radio network upgrade; or take any other action thereon.

Finance Committee recommends

Article 17. To see if the Town will vote to raise and appropriate or transfer from available funds in the Treasury (Free Cash) the sum of \$66,000 for the purpose of replacing the roof at the Marion Music Hall, including costs incidental and related thereto; or take any other action thereon.

Finance Committee recommends

Article 18. To see if the Town will vote to raise and appropriate or transfer from available funds in the Treasury (Free Cash) the sum of \$11,500 to be expended by the Fire Dept. to replace the Department's telephone system; or take any other action thereon.

Finance Committee recommends

Article 19. To see if the Town will vote to raise and appropriate or transfer from available funds in the Treasury (Free Cash) the sum of \$42,300 to be expended under the direction of the Facilities Manager for the purpose of re-pointing the exterior of the Marion Music Hall as necessary; or take any other action thereon.

Finance Committee recommends

Article 20. To see if the Town will vote to raise and appropriate or transfer from available funds in the Treasury (Free Cash) the sum of \$25,000 to be expended by the School Dept. to replace vinyl composition tile (VCT) in various areas of the Sippican School; or take any other action thereon.

Finance Committee recommends

Article 21. To see if the Town will vote to raise and appropriate or transfer from available funds in the Treasury (Free Cash) the sum of \$46,500 to be expended for the purpose of engaging engineering services necessary to begin the planning process for a new Department of Public Works complex; or take any other action thereon.

Finance Committee recommends

Article 22. To see if the Town will vote to raise and appropriate or transfer from available funds in the Treasury the sum of \$28,800 to be expended by the Sewer Department for the purpose of conducting an asset condition assessment; and that to meet this appropriation, the sum of \$28,800 be transferred from the Sewer Enterprise Retained Earnings; or take any other action thereon.

Finance Committee recommends

Article 23. To see if the Town will vote to raise and appropriate or transfer from available funds in the Treasury (Free Cash) the sum of \$45,000 to be expended under the direction of the Facilities Manager to prepare and paint the exterior of the Elizabeth Taber Library/Marion Natural History Museum; or take any other action thereon.

Finance Committee will make recommendation at Town Meeting

Article 24 To see if the Town will vote to raise and appropriate or transfer from available funds in the Treasury the sum of \$52,000 to purchase a mini excavator for use by the Department of Public Works, including the Water and Sewer Divisions, and the Recreation Dept., and that to meet this appropriation the sum of \$10,400 be transferred from the Sewer Enterprise Retained Earnings; \$10,400 be transferred from the Water Enterprise Retained Earnings; \$10,400 be transferred from Recreation Department Revolving Fund; \$10,400 be transferred from Cemetery Lots Funds; and \$10,400 be transferred from available funds (Free Cash); or take any other action thereon.

Finance Committee recommends

Article 25. To see if the Town will vote to raise and appropriate or transfer from available funds in the Treasury (Free Cash) the sum of \$200,000 to establish a new Stabilization Fund in accordance with the provisions of Massachusetts General Laws, Chapter 40, Section 5B for the purpose of funding future capital improvement projects or equipment; or take any other action thereon.

Finance Committee recommends

Article 26. To see if the Town will vote to act upon the recommendation of the Community Preservation Committee to appropriate, from Fiscal Year 2015 estimated annual revenues, \$2,000 to the Community Preservation Committee for administrative expenses; or take any other action thereon.

Finance Committee has no recommendation, as no financial impact

Article 27. To see if the Town will vote to act upon the recommendation of the Community Preservation Committee to appropriate \$88,562 from Historic Preservation reserves and \$5,998 from Undesignated Funds balance for a total of \$94,560 for the following preservation work at the Music Hall:

- a. Remove existing concrete floor, excavate and install drainage pipe, reinstall new concrete floor
- b. Stucco over approximately 1400 square feet of eroded brick interior
- c. Stucco over 12 existing brick piers;

Or take any other action thereon.

Finance Committee has no recommendation, as no financial impact

Article 28. To see if the Town will vote to act upon the recommendation of the Community Preservation Committee to appropriate \$33,710 from Open Space reserves and \$58,800 from Undesignated Funds balance for a total of \$92,510 for the following recreation improvements:

- a. Install playground equipment at Washburn Park

- b. Replace playground equipment at the Point Road playground
- c. Install wood guard rail adjacent to the new ball field at Washburn Park;

Or take any other action thereon.

Finance Committee has no recommendation, as no financial impact

Article 29. To see if the Town will vote to act upon the recommendation of the Community Preservation Committee to appropriate \$14,250 from Undesignated Funds balance to rebuild the viewing platform in Pierson Woods; or take any other action thereon.

Finance Committee has no recommendation, as no financial impact

Article 30. To see if the Town will vote to transfer the sum of \$2,000 from the Chester A. Vose Fund, said monies to be used by the Assessors for the reduction of taxes; or take any other action thereon.

Finance Committee recommends

Article 31. To see if the Town will vote to authorize the Board of Selectmen to enter into a lease, with terms and conditions favorable to the Town of Marion, on a parcel of land off Benson Brook Road, depicted on the Marion Assessors' Map 24, Lot 9 (the Town of Marion capped landfill) for the purpose of allowing said parcel to be used for a solar array; or take any other action thereon.

Finance Committee recommends

Article 32. To see if the Town will vote to authorize the Open Space Acquisition Commission to accept as a gift for conservation and passive recreation purposes, a Conservation Restriction consisting of 8 acres, more or less, on a portion of a certain property, as shown on Assessor's Maps Lot 23 Plan 5, that said Conservation Restriction be conveyed to the town under the provisions of Massachusetts General Laws Chapter 40, Section 8C and Chapter 187 of the Acts and Resolves of 1998, and authorize the Open Space Acquisition Commission, on behalf of the Town, to enter into all agreements and

execute any and all instruments as may be necessary on behalf of the Town to affect said gift. The proposed Conservation Restriction is shown on the plan "Proposed Bilentschuk Conservation Restriction, Lot 23, Map 5" dated March 20, 2014, on file with the Town Clerk; or take any other action thereon.

Finance Committee has no recommendation, as no financial impact

Article 33. To see if the Town will vote to approve the gift to the Town of Marion Open Space Acquisition Commission, to be held and managed as conservation lands pursuant to Massachusetts General Laws, Chapter 40, Section 8C, and Chapter 187 of the Acts of 1998 for conservation purposes, from DAVID E. NILSON and HOLLY M. NILSON, Trustees of the VILLAGE WAY REALTY TRUST, u/d/t dated February 25, 2000, and filed with the Registered Land Division in the Norfolk County Registry of Deeds as Document No. 853646 and noted on Certificate of Title No. 157003, of I7IB Great Neck Road, Wareham, MA 02571, vacant land in Marion, Massachusetts, more particularly described as Parcel 44A as shown on Approval Not Required Plan of Land, Known as Lot 44 on Assessor's Map 18, Situated on Holly Pond Road in the Town of Marion, County of Plymouth, MA Prepared for Village Way Realty Trust, dated November 27, 2012, and filed with the Plymouth County Registry of Deeds, Plan Book 58, Page 85.

Said premises are conveyed subject to and with the benefit of all rights, covenants, easements, rights of way, restrictions and reservations now inuring to the benefit of said premises insofar are still in force and effect.

Said premises are to be conveyed to the Open Space Acquisition Commission of the Town of Marion to be managed and controlled by the Open Space Acquisition Commission as permanently protected open space under Article 97 of the Constitution of the Commonwealth; or take any other action thereon.

Finance Committee does not recommend

Article 34. To see if the Town will vote to acquire an easement from the property owners now or formerly known as John and Mallory Waterman on the real property identified as Assessor’s Map 16, Lot 179 for the purposes of permitting the Town of Marion Department of Public Works and their agents to enter upon said real property and make, from time to time, necessary improvements to or conduct maintenance of, municipal drainage infrastructure on said real property, or take any other action thereon.

Finance Committee has no recommendation, as no financial impact

Article 35. To see if the Town will vote to amend the Zoning By-Laws of the Town to create a new Section 17, et seq. of the Zoning Bylaw entitled “Medical Marijuana Treatment Centers (also known as Marijuana Dispensaries)” said new Section 17, et seq. to limit the siting and operation of Medical Marijuana Treatment Centers to locations appropriate to such use, and to regulate such use through the issuance of a special permit and the imposition of conditions necessary to protect community safety while ensuring legitimate patient access throughout the Town of Marion substantially as follows:

**SECTION 17 REGULATION OF MEDICAL MARIJUANA
TREATMENT CENTERS OR REGISTERED
MARIJUANA DISPENSARIES**

17.1 Purpose

The purposes of this Bylaw are:

to exercise lawful oversight and regulation of Medical Marijuana Treatment Centers (also known as Registered Marijuana Dispensaries), consistent with Chapter 369 of the Acts of 2012, 105 CMR 725.00 et seq., and the Town’s regulatory powers; and

to limit the siting and operation of Medical Marijuana Treatment Centers to locations appropriate to such use, and to regulate such use through conditions necessary to protect community safety while ensuring legitimate patient access.

17.2 Applicability

1. The commercial cultivation, production, processing, assembly, packaging, retail or wholesale sale, trade, distribution or dispensing of marijuana for medical use is prohibited unless permitted as a Medical Marijuana Treatment Center under this Bylaw.
2. No Medical Marijuana Treatment Center shall be established except in conformity with this Bylaw; with all regulations promulgated by the Board of Health; and with the requirements of 105 CMR 725.00 et seq.
3. Nothing in this Bylaw shall be construed to supersede any state or federal laws or regulations governing the sale and distribution of narcotic drugs.

17.3 Definitions

Marijuana means all parts of the plant *Cannabis sativa* L., whether growing or not; the seeds thereof; and resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds or resin. It does not include the mature stalks of the plant, fiber produced from the stalks, oil, or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks, except the resin extracted therefrom, fiber, oil, or cake or the sterilized seed of the plant which is incapable of germination. Marijuana also includes Marijuana-infused Products (MIPs) except where the context clearly indicates otherwise.

Marijuana-infused Product (MIP) means a product infused with marijuana that is intended for use or consumption, including but not limited to edible products, ointments, aerosols, oils, and tinctures. These products, when created or sold by an RMD, shall not be considered a food or a drug as defined in M.G.L. c. 94, § 1.

Medical Marijuana Treatment Center means a not-for-profit entity registered under 105 CMR 725.100, to be known as a registered marijuana dispensary (RMD), that acquires, cultivates, possesses, processes (including development of related products such as edible MIPs, tinctures, aerosols, oils, or ointments), transfers, transports,

sells, distributes, dispenses, or administers marijuana, products containing marijuana, related supplies, or educational materials to registered qualifying patients or their personal caregivers, as those terms are defined under 105 CMR 725.004. Unless otherwise specified, RMD refers to the site(s) of dispensing, cultivation, and preparation of marijuana

Medical use of marijuana means the acquisition, cultivation, possession, processing (including development of related products such as tinctures, aerosols, or ointments), transfer, transportation, sale, distribution, dispensing, or administration of marijuana, for the benefit of qualifying patients in the treatment of debilitating medical conditions, or the symptoms thereof, as those terms are defined under 105 CMR 725.004.

Registered Marijuana Dispensary (RMD) has the same meaning as Medical Marijuana Treatment Center.

Special Permit Granting Authority (SPGA) pursuant to this Bylaw shall be the Planning Board.

17.4 Eligible Locations

1. Medical Marijuana Treatment Centers may be allowed by Special Permit in the Limited Industrial Zoning District, subject to all requirements of this Zoning Bylaw, the requirements of the Board of Health, and of 105 CMR 725.00 et seq.

17.5 General Requirements and Conditions

The following requirements and conditions shall apply to all Medical Marijuana Treatment Centers:

1. All Medical Marijuana Treatment Centers must obtain a Special Permit from the Special Permit Granting Authority, in compliance with all requirements of Section 7.2 of the Zoning Bylaw, in addition to the particular requirements of Section 17.6, below.

2. All Medical Marijuana Treatment Centers must obtain Site Plan Approval from the Planning Board in compliance with all requirements of Section 9 of the Zoning Bylaw, pursuant to Major Site Plan Review under Section 9.1.2 of the Bylaw and Section 17.7, below.
3. No Special Permit shall issue without demonstration by the applicant of compliance with all applicable state laws and regulations, and with all local regulations.
4. No Medical Marijuana Treatment Center shall be located within 300 feet of a residential zoning district, or within 500 feet of any lot containing a school, child care facility, or playground.
5. No smoking, burning or consumption of any product containing marijuana or marijuana-related products shall be permitted on the premises of a Medical Marijuana Treatment Center.
6. No products shall be displayed in the facilities windows or be visible from any street or parking lot.
7. Signs for all Medical Marijuana Treatment Centers must be approved by the Special Permit Granting Authority through Site Plan Review pursuant to Section 9 of the Zoning Bylaw, and consistent with the provisions of 105 CMR 725.105(L) (“Marketing and Advertising Requirements”)

17.6 Special Permit Requirements

A Medical Marijuana Treatment Center shall be allowed only by Special Permit in accordance with G.L. c. 40A, s. 9; with all requirements of Section 7.2 of the Zoning Bylaw; and with the additional requirements contained in this Section (17.6), below.

1. Uses. A Special Permit for a Medical Marijuana Treatment Center shall be limited to one or more of the following uses:

- A. cultivation of Marijuana for Medical Use
 - B. processing and packaging of Marijuana for Medical Use, including Marijuana that is in the form of smoking materials, food products, oils, aerosols, ointments, and other products; or
 - C. retail sale or distribution of Marijuana for Medical Use to Qualifying Patients, as that term is defined in 105 CMR 725.004.
2. Application. In addition to the application requirements set forth in the rules of the Special Permit Granting Authority, a Special Permit application for a Medical Marijuana Treatment Center shall include the following:
- A. the name and address of each owner of the establishment and property owner;
 - B. copies of all required licenses and permits issued to the applicant by the Commonwealth of Massachusetts and any of its agencies for the establishment;
 - C. evidence of the applicant's right to use the site for the establishment, such as a deed, or lease;
 - D. Proposed security measures for the Medical Marijuana Treatment Center demonstrating compliance with all requirements of 105 CMR 725.110, "Security Requirements for Registered Marijuana Dispensaries," including but not limited to secure storage areas, limited access areas, security and alarm systems compliant with 105 CMR 725.110(D) The security measures shall be reviewed and approved by the Police Department.

Pursuant to 105 CMR 725.200 (C), the above information is confidential and exempt from the provisions of G.L. c. 66; as such, it shall not be part of the public record.

- E. Proposed Operations and Maintenance Manual for the Medical Marijuana Treatment Center demonstrating compliance with all requirements of 105 CMR 725.110, "Security Requirements for Registered Marijuana Dispensaries," including but not limited to procedures for limiting access to the facility to persons authorized under 105 CMR 725.110(A); and procedures for transport of marijuana and/or MIPs as provided under 105 CMR 725.110(E).

Pursuant to 105 CMR 725.200 (C), the above information is confidential and exempt from the provisions of G.L. c. 66; as such, it shall not be part of the public record.

3. Hours of Operation. The hours of operation of a Medical Marijuana Treatment Center shall be established by the Special Permit Granting Authority.
4. Term of a Special Permit. Special Permits shall be valid for a period of two (2) years from the effective date of the special permit.
5. Transferability of a Special Permit. Special Permits may be transferred only with the approval by the Special Permit Granting Authority, in the form of an amendment to the Special Permit, conditioned upon satisfactory submission of all information required for an original Special Permit.
6. Renewals. A Special Permit may be renewed for successive two (2) year periods provided that a written request for renewal is made to the Special Permit Granting Authority not less than three (3) months prior to the expiration of the then-existing term. Any request for a renewal of a Special Permit shall be subject to publication notice requirements as required for an original application for a Special Permit. Such notice shall state that the renewal request will be granted

unless, prior to the expiration of the existing Special Permit, a written objection, stating reasons for such objection, is received by the Special Permit Granting Authority.

- 6.1. If any such objection is received, the Special Permit Granting Authority shall hold a public hearing on the renewal request and shall proceed in a manner consistent with the proceedings required for an original application.
- 6.2. The Special Permit shall remain in effect until the conclusion of the public hearing and decision of the Special Permit Granting Authority either granting or denying the Special Permit renewal request.
- 6.3. In granting any renewal, the Special Permit Granting Authority may alter or impose additional conditions, and/or may provide for revocation of the Special Permit if any identified violations of this Bylaw or any other applicable regulation are not corrected within a specified time period.

17.7 Site Plan Approval

A Medical Marijuana Treatment Center shall be allowed only upon Site Plan Review and Approval by the Planning Board in accordance with all requirements of Section 9 of the Zoning Bylaw. All applications for Medical Marijuana Treatment Centers shall be subject to Major Site Plan Review as provided in Section 9.1.2 of the Zoning Bylaw.

17.8 Severability

If any provision of this Section or the application of any such provision to any person or circumstance shall be held invalid, the remainder of this Section, to the extent it can be given effect, or the application of those provisions to persons or circumstances other

than those to which it is held invalid, shall not be affected thereby, and to this end the provisions of this Section are severable.

Finance Committee has no recommendation, as no financial impact

Article 36. To see if the Town will vote to amend Section 4.2 “N” of the Zoning Bylaw (Table of Principal Uses) by inserting the letter “PB” in Limited Industrial zoning district preceded by the words “Medical Marijuana Dispensary, Treatment Center” as follows:

Principal Uses	R	RE	GB	LB	MB	LI	CP	MSOD
Medical Marijuana Dispensary, Treatment Centers	N	N	N	N	N	PB	N	N

Finance Committee has no recommendation, as no financial impact

Article 37. To see if the Town will vote to amend Section 4.2 “N” of the Zoning Bylaw (Table of Principal Uses) by inserting the letter “Y” in all zoning districts preceded by the words “Solar Systems” as follows:

Principal Uses	R	RE	GB	LB	MB	LI	CP	MSOD
Solar Systems (1)	Y	Y	Y	Y	Y	Y	Y	Y

- (1) In certain circumstances, Solar Systems require a special permit from the Planning Board. See Section 16 of the Zoning Bylaw.

Finance Committee has no recommendation, as no financial impact

Article 38. To see if the Town will vote to amend Section 4.2 of the Zoning Bylaw (Table of Principal Uses) by inserting a new Section “P” as follows:

SECTION 4 USE REGULATIONS

Principal Use Regulations

	District						
Principal Use	R	RE	GB	LB	MB	LI	CP
P Solar Systems							
Roof Mounted Solar Systems	Y	Y	Y	Y	Y	Y	Y
Ground Mounted System for onsite electrical use limited in size to 600 s.f. or 1.5% of the lot size whichever is larger	Y	Y	Y	Y	Y	Y	Y
Ground Mounted System for onsite electrical use in Residential District Greater than 600 s.f. of 1.5% of the lot size, with a maximum System size of 1,500 s.f.	PB	PB	N	N	N	N	N
Ground Mounted System in Non-Residential Districts not classified as Solar Farms equal to or less than 900 s.f. or 1.5% of the lot size whichever is larger with a maximum of 1,500 s.f.	N	N	Y	Y	Y	Y	Y
Ground Mounted System in Non-Residential Districts not classified as Solar Farms greater than 900 s.f.	N	N	PB	PB	PB	PB	PB
Solar Farms	PB	PB	PB	PB	PB	PB	PB

Or take any other action thereon

Finance Committee has no recommendation, as no financial impact

Article 39. To see if the Town will vote to amend the Zoning Bylaw by DELETING Sections 3.1, 3.2.1, 3.2.2, 3.2.3 and 3.2.4 as currently written and SUBSTITUTING as noted below, AND, by DELETING the first paragraph of Section 8.2.1 as currently written and SUBSTITUTING that paragraph with that as noted below AND by DELETING Section 8.7.3 as currently written and SUBSTITUTING as noted below:

3.1 Types of Districts

For the purposes of this Bylaw, the Town of Marion is hereby divided into the following types of use districts:

Residence A

Residence B

Residence C

Residence D

Residence E

General Business

Marine Business

Limited Industrial

Limited Business

Flood Hazard District

Water Supply Protection District

Aquifer Protection District

Open Space Development District (See Section 12)

Surface Water District

Wireless Communications Facilities Overlay District

Sippican River Overlay District

Municipal Solar Overlay District

3.2 Zoning Map

1. Location of Districts

Said districts, with the exception of the Flood Hazard District, are located and bounded as shown on a map entitled "Zoning Map of the Town of Marion", dated May 12, 2014, and filed with the Town Clerk, together with amendments thereto. The zoning map, with all explanatory matter thereon, is hereby made a part of this bylaw. The boundaries of all land use zoning districts adjoining tidal waters shall extend to the low water mark as defined in Chapter 91 Regulations promulgated by the Massachusetts Department of Environmental Protection.

3. Water Supply Protection Area (See Section 8.2)

As delineated on the Zoning Map of the Town of Marion, dated May 12, 2014.

4. Wireless Communications Facilities Overlay District

As delineated on the Zoning Map of the Town of Marion, dated May 12, 2014.

8.2 Water Supply Protection

1. District Area (See Section III)

There is hereby established within the town an Aquifer Protection area which is delineated on the Zoning Map of the Town of Marion, dated May 12, 2014

8.7 Sippican River Protection Overlay District

3. District Delineation

The area covered by this Overlay District shall be all contiguous portions of the Sippican River in the Town of Marion, its shores and landward up to two hundred feet from the normal high water line. All distances shall be measured in horizontal feet. The upstream boundary of the District is the Rochester town line; the downstream boundary is a line drawn from the tip of Rose Point to the westerly line of the Town beach lot on River Road. This Overlay District is shown on the Zoning Map of the Town of Marion, dated May 12, 2014.

Or take any other action thereon

Finance Committee has no recommendation, as no financial impact

Article 40. To see if the Town will vote to authorize the Board of Selectmen or its designee to make application on behalf of the Town to the appropriate agency of the Federal or State Governments for grants in aid or other funds or to private foundations or other foundations to further carry out certain programs hereinafter listed and to expend such grants to the Town; said applications and expenditures may include, but not be limited to, the following:

- A. Emergency Management Funds
- B. Sewer system, planning and improvements
- C. Water system improvements and aquifer protection
- D. Recreation and conservation land planning, acquisition, and improvements of open space
- E. Open space acquisition

- F . Executive Office of Environmental Affairs self-help program
- G . Executive Office of Environmental Affairs urban self-help program
- H. Executive Office of Environmental Affairs land and water conservation funds
- I . Repairs and renovations to Town properties
- J . Coastal Zone funds for coastal-related activities
- K. Housing-related grants
- L . Public Safety
- M. Title V subsurface disposal of sanitary waste management
- N. Public or private grants deemed by the Selectmen to be in the best interest of the community
- O. State Road funds, Chapter 53B and Chapter 150 (commonly known as Chapter 90 funds)

Or take any other action thereon

Finance Committee has no recommendation, as no financial impact

Article 41. To see if the Town will vote to authorize the Board of Selectmen to institute, defend, or compromise suits of law; or take any other action thereon

Finance Committee has no recommendation, as no financial impact

Article 42. To see if the Town will vote to authorize the Board of Selectmen to sell any article belonging to the Town, provided the Town has no further use for the same; or take any other action thereon

Finance Committee recommends

Article 43. To see if the Town will vote to authorize the Board of Selectmen to sell or transfer any taxation possession property held by the Town, pursuant to General Laws, Chapter 60, Section 77, after the Board of Selectmen has notified the Planning Board, Open Space Acquisition Commission, Conservation Commission, and the Affordable Housing Trust of the availability of such land and said

agencies may report in writing within twenty (20) days to the Board of Selectmen any recommendations that they may have with regard to the disposition of said land; or take any other action thereon

Finance Committee has no recommendation, as no financial impact

Article 44. To consider the reports of the Town officers and committees and act thereon; or take any other action thereon

Finance Committee has no recommendation, as no financial impact

Article 45 To choose by ballot all necessary officers for the ensuing year, viz; One Selectman for three years; one Town Clerk for three years; one Assessor for three years; one Moderator for one year; one Board of Health member for three years; three Planning Board members for three years; two Marion School Committee members for three years; one Old Rochester Regional School Committee member for three years; two Open Space Acquisition Commission members for three years; one Tree Warden for three years; and to act on the following ballot question, commencing on Friday, the 16th of May, 2014, at 8:00 o'clock in the morning in the Veterans of Foreign Wars Hall, 465 Mill Street (Route 6), in said Marion:

Question 1. "Shall the town of Marion be allowed to exempt from the provisions of proposition two and one-half, so-called, the amounts required to pay for the bond issued in order to purchase a new or used fire pumper engine for use by the Fire Department, including costs incidental and related thereto?"

YES ___ NO ___

Finance Committee will make recommendation at Town Meeting

And you are directed to serve this Warrant by posting up attested copies thereof, one at the Elizabeth Taber Library, one at the Town House, and one at the Marion Post Office, all in said Marion, fourteen days at least before the time of holding said meeting aforesaid.

Hereof fail not to make due return of this Warrant with your doings thereon to the Town Clerk at the time and place of meeting aforesaid.

Given under our hands this 1st day of April in the Year Two Thousand and Fourteen.

Jonathan E. Dickerson, Chairman
Stephen M. Cushing
Jonathan F. Henry

BOARD OF SELECTMEN

A true copy, ATTEST:

I, Lincoln W. Miller, being a duly appointed constable of the Town of Marion, in the County of Plymouth, Commonwealth of Massachusetts, hereby make affidavit that legal notice of the meeting called under this Warrant has been served on the voters of said Town of Marion by posting up attested copies in not less than three public places within the said Town on April 11, 2014, said date being fourteen days, at least, before the date of the meeting, in accordance with Article 2, Section 3 of the By-laws of said Town.

Lincoln W. Miller
CONSTABLE

TOWN OF MARION
TOWN MEETING WARRANT
For the Special Town Meeting to be Held
May 12, 2014



Plymouth, ss:

To either of the Constables of the Town of Marion in the Commonwealth of Massachusetts

GREETINGS:

In the name of the Commonwealth of Massachusetts, you are directed to notify and warn the inhabitants of the Town of Marion qualified to vote in Town election and Town affairs to meet at the Sippican School Auditorium in said Marion, on Monday, the 12th day of May, 2014, at 8:00 o'clock in the evening, then and there to act on the following Articles, to wit:

Article S1 To see if the Town will vote to transfer from available funds in the Treasury (Free Cash) the sum of \$100,000 to supplement the Fiscal Year 2014 budget of the Department of Public Works to pay expenses associated with the removal of snow and ice from public ways during said Fiscal Year; or take any other action relative thereto.

Finance Committee recommends

And you are directed to serve this Warrant by posting up attested copies thereof, one at the Elizabeth Taber Library, one at the Town House, and one at the Marion Post Office, all in said Marion, fourteen days at least before the time of holding said meeting aforesaid.

Hereof fail not to make due return of this Warrant with your doings thereon to the Town Clerk at the time and place of meeting aforesaid.

Given under our hands this 1st day of April in the Year Two Thousand and Fourteen.

Jonathan E. Dickerson, Chairman
Stephen M. Cushing
Jonathan F. Henry
BOARD OF SELECTMEN

A true copy, ATTEST:

I, Lincoln W. Miller, being a duly appointed constable of the Town of Marion, in the County of Plymouth, Commonwealth of Massachusetts, hereby make affidavit that legal notice of the meeting called under this Warrant has been served on the voters of said Town of Marion by posting up attested copies in not less than three public places within the said Town on April 11, 2014, said date being fourteen days, at least, before the date of the meeting, in accordance with Article 2, Section 3 of the By-laws of said Town.

Lincoln W. Miller
CONSTABLE

**MARION TOWN HOUSE
Two Spring Street
Marion, MA 02738**

ECRWSS

**POSTAL PATRON
Marion, MA 02738**

**PRSRT STD
U. S. Postage
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Rochester, MA
Permit #115**