



TOWN OF STOW

SPECIAL TOWN MEETING

MONDAY, OCTOBER 28, 2013

7:00 P.M.

HALE MIDDLE SCHOOL AUDITORIUM

55 HARTLEY ROAD

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WARRANT FOR OCTOBER 28, 2013 SPECIAL TOWN MEETING

To either of the Constables of the Town of Stow, in the County of Middlesex, GREETINGS:

In the name of the Commonwealth of Massachusetts, you are directed to notify and warn the inhabitants of the Town of Stow, qualified to vote in Elections and Town Affairs, to assemble in

HUGH MILL AUDITORIUM AT THE HALE MIDDLE SCHOOL

In said Town on

MONDAY, THE TWENTY-EIGHTH DAY OF OCTOBER 2013

AT 7:00 P.M.

Then and there to act on the following Articles, namely:

ARTICLE 1: TOWN BUILDING WATER SYSTEM UPGRADE

To see if the Town will vote to appropriate from Free Cash the sum of fifty - eight thousand dollars (\$58,000), or any other sum, and to transfer this sum to the Town Building Water System Upgrade Account, the same being established by an affirmative vote on Article 33-1 at the Annual Town Meeting in May 2013, for the purpose of improving the Town Building water filtration system, or take any other action relative thereto.

(Building Commissioner)

The Finance Committee will make a recommendation at Town Meeting.

ARTICLE 2: PLANNING BOARD ENGINEERING/CONSULTING FOR LOWER VILLAGE TRAFFIC PLANNING

To see if the Town will vote to raise and appropriate, or appropriate and transfer from available funds, the sum of one hundred twenty-five thousand dollars (\$125,000), or any other sum, to be expended by the Planning Board for the purpose of hiring a professional consulting firm to provide final design and construction plans for Lower Village Great Road (Route 117) traffic and drainage improvements, or take any other action relative thereto.

(Planning Board)

The Finance Committee will make a recommendation at Town Meeting.

Planning Board Summary

The purpose of this request is to improve vehicular, pedestrian and bicycle traffic safety and circulation in Lower Village. The Town has invested funds and studied this area since 2006. Based on reports and plans from professional traffic engineers, and public feedback on concept plans, we are now seeking funds for final design and construction plans to address various safety and circulation issues, including permanent pedestrian refuge and traffic calming islands, redesigned turning lanes, and crosswalks and pedestrian walkways. A final design and construction plan will allow the Town to be eligible for state infrastructure grants. Funders look favorably on projects when a Town has invested in a project to “shovel ready” status. Having design and construction plans will allow the Town to leverage the right kind of private investment to be sure that upgrades to the streetscape are in keeping with the overall vision.

ARTICLE 3: CEMETERY LAND PURCHASE

To see if the Town will vote to modify the affirmative vote taken on article 37-2 at the Annual Town Meeting in May 2011 to appropriate and transfer two hundred thousand dollars (\$200,000) from Free Cash to purchase land for cemetery expansion, by reducing the previously voted amount of Free Cash from two hundred thousand dollars (\$200,000) to one hundred sixty-five thousand dollars (\$165,000) for the purpose of acquiring 9.7 +/- acres of land located at 36 Box Mill Road abutting Brookside Cemetery, or take any other action relative thereto.

(Cemetery)

The Finance Committee will make a recommendation at Town Meeting.

ARTICLE 4: CEMETERY SITE IMPROVEMENTS

To see if the Town will vote to appropriate and transfer the sum of fifty thousand dollars (\$50,000), or any other sum, from the Cemetery Sale of Lots Account, for the purposes of

making roadway, water and other site improvements to Brookside Cemetery, or take any other action relative thereto.

(Cemetery)

The Finance Committee will make a recommendation at Town Meeting.

ARTICLE 5: REGIONAL TRANSPORTATION AGREEMENT

To see if the Town will vote to authorize the Selectmen, pursuant to MGL chapter 40, Section 4A, to execute an Inter-Municipal Agreement (IMA) with the Towns of Acton, Boxborough, Concord, Littleton, Maynard and Westford, or any subset of the same, for the purpose of providing transportation management services, and for the establishment of the Cross Town Connect Transportation Management Association (TMA) and to raise and appropriate twenty-five hundred dollars (\$2,500), or any other sum, as the fee for joining the TMA, or take any other action relative thereto.

The Finance Committee will make a recommendation at Town Meeting.

ARTICLE 6: TRANSFER CONTROL OF TOWN LAND

To see if the Town will vote to transfer the care, custody, and control of a .74 acre parcel of Town-owned land abutting the Police Station on Great Road identified as Map U10, Parcel 40 from the Selectmen to the Conservation Commission pursuant to MGL Chapter 40, Section 8C, for the purpose of meeting EOEEA mitigation requirements related to a portion of Heritage Lane and/or Deerfield Lane being reserved as a potential water supply source, or take any other action relative thereto.

(Conservation Commission)

The Finance Committee will make a recommendation at Town Meeting.

ARTICLE 7: AMEND ANIMAL CONTROL BYLAW

To see if the Town will vote to amend the Town of Stow Animal Control Bylaw, Article 6, Section 7 of the Stow General Bylaws in accordance with Mass General Laws, Chapter 140 Sections 136A-174E, enacted by the State of Massachusetts on October 31, 2012 as follows, or take any other action relative thereto:

These Bylaws supersede the Town of Stow Animal Control Bylaw; therefore the Town of Stow is required to present this article for a Town Meeting vote to amend Stow's Bylaw.

(Board of Health)

The Finance Committee will make a recommendation at Town Meeting.

[deletions in ~~(parentheses, italics, and strikethrough)~~ and additions are underlined].

ARTICLE 6. POLICE REGULATIONS

SECTION 7. Animal Control

a. Definitions

Adoption: The delivery of a cat, dog, or other animal to any person eighteen (18) years of age or older for the purpose of harboring the animal as a pet.

~~(Animal: Every non human species of animal, both domestic and wild, living or deceased.)~~

Animal Control Officer: Any officer appointed by the Board of Health to enforce this bylaw and sections 136A to 174E, inclusive.

Animal Shelter: Any facility or kennel operated by a humane society, the town, or its authorized agents for the purpose of impounding animals under the authority of this bylaw or state law for care, confinement, return to owner, adoption, or euthanasia.

At Large: Any dog shall be deemed to be at large when it is off the premises of its owner or keeper, and not under the direct control of a person demonstrating the ability to properly control the dog.

Attack: Aggressive physical contact initiated by an animal.

Commercial Boarding or Training Kennel: ~~(A kennel maintained as a business established for, or to include the boarding, grooming, breeding, or sale of dogs.)~~ An establishment used for boarding, holding, day care, overnight stays or training of animals that are not the property of the owner of the establishment, at which such services are rendered in exchange for consideration and in the absence of the owner of any such animal; provided, however, that “commercial boarding or training kennel” shall not include an animal shelter or animal control facility, a pet shop licensed under section 39A of chapter 129, a grooming facility operated solely for the purpose of grooming and not for overnight boarding or an individual who temporarily, and not in the normal course of business, boards or cares for animals owned by others. G.L. c.140 ss136A

Commercial Breeder Kennel: An establishment, other than a personal kennel, engaged in the business of breeding animals for sale or exchange to wholesalers, brokers or pet shops in return for consideration.

~~(**Dangerous/Vicious Dog:** Any dog that attacks, bites, injures, or kills humans or domestic animals without provocation; or which, because of temperament, conditioning or training, has a known propensity to attack, bite, injure or kill humans or domestic animals. The term "dangerous/vicious dog" shall mean and include, but is not limited to, any dog that:~~

- ~~1. Molests and/or intimidates pedestrians or passersby;~~
- ~~2. Has bitten and/or attacked any person;~~
- ~~3. Has bitten, attacked or killed other domestic animals;~~
- ~~4. Has been found by the Board of Health, after notice to its owner or keeper and a public hearing to be a dangerous/vicious dog by virtue of being a menace to public health, safety or welfare.)~~

Dangerous Dog: A dog that either;

without justification, attacks a person or domestic animal causing physical injury or death

OR

behaves in a manner that a reasonable person would believe poses an unjustified imminent threat of physical injury or death to a person or to a domestic or owned animal.

Hearing Authority: The person(s) charged with the responsibility of handling dog complaints in a town or city.

Keeper: Any person, corporation or society, other than the owner, harboring or having in his possession any dog.

Kennel: ~~(More than three (3) dogs six (6) months of age or older on a single private premise.)~~ One pack or collection of dogs on a single premises, whether maintained overnight for breeding, boarding, sale, training, hunting or other purposes and including any shop where dogs are on sale, and also including every pack or collection of more than three dogs three months old or over owned or kept by a person on a single premises irrespective of the purpose for which they are maintained overnight, but excluding daytime only services such as dog grooming, dog training, supervised playtime and dog walking with no more than twelve dogs on a single premises.

License Period: ~~(The time between)~~ January first (1st) ~~(any year)~~ to December thirty-first (31st) of the same year ~~(,both dates inclusive).~~

Livestock or Fowl: Animals or fowl kept or propagated by the owner for food or as means of livelihood; also deer, elk, cottontail rabbits, northern hares, pheasants, quail, partridge and other birds, and quadrupeds determined by the Department of Fisheries and Wildlife and Environmental Law Enforcement to be wild, and kept by or under a permit from said department(s) in proper housing and/or suitably enclosed yards. Such definition shall not include dogs, cats or other pets.

(Public) Nuisance Dog: A~~(ny)~~ dog that:

~~(unreasonably annoys humans, endangers the life or health of other animals or person(s), or substantially interferes with the rights of citizens, other than its owner(s), to the enjoyment of life or property. The term "public nuisance" shall mean and include, but is not limited to any dog that:~~

- ~~1. Is found at large;~~
- ~~2. Damages the property of anyone other than its owner or keeper;~~
- ~~3. Excessively makes disturbing noises, including but not limited to continued and repeated howling, barking, whining or other utterances causing unreasonable annoyance, disturbances or discomfort to neighbors or others in close proximity to the premises where the dog is kept or harbored;~~
- ~~4. Is found off the owner's property and not wearing a current tag.)~~
by excessive barking or other disturbance, is a source of annoyance to a sick person residing in the vicinity;

OR

by excessive barking, causing damage or other interference, a reasonable person would find such behavior disruptive to one's quiet and peaceful enjoyment;

OR

has threatened or attacked livestock, a domestic animal or a person, but such threat or attack was not a grossly disproportionate reaction under all the circumstances.

Owner: Any person, partnership or corporation having dominion or title of one or more animals.

Personal Kennel: a pack or collection of more than 4 dogs, 3 months or older, owned or kept under single ownership, for private personal use; provided however, that breeding of personally owned dogs may take place for the purpose of improving, exhibiting or showing the breed or for use in legal sporting activity or for other personal reasons; provided further, that selling, trading, bartering or distributing such breeding from a personal kennel shall be to other breeders or individuals by private sale only and not to wholesalers, brokers or pet shops; provided further, that a personal kennel shall not sell, trade, barter or distribute a dog not bred from its personally-owned dog; and provided further, that dogs temporarily housed at a personal kennel, in conjunction with an animal shelter or rescue registered with the department, may be sold, traded, bartered or distributed if the transfer is not for profit.

Shelter: a public animal control facility operated by an organization or individual for the purpose of protecting animals from cruelty, neglect or abuse.

Veterinary Kennel: a veterinary hospital or clinic that boards dogs for reasons in addition to medical treatment or care; provided, however, that "veterinary kennel" shall not include a hospital or clinic used solely to house dogs that have undergone veterinary treatment or observation or will do so only for the period of time necessary to accomplish that veterinary care.

b. 1. Individual Licenses and Tags

~~(A person residing in the town of Stow who at the beginning of the license period is, or who during a license period becomes, the owner or keeper of a dog six (6) months old or over, will cause the dog to be licensed within thirty (30) days. The Town Clerk shall issue dog licenses and tags on a form. The Town shall permit licensing through the mail.~~

~~Any owner or keeper of a dog who moves into the town of Stow, and has a valid current dog license from another municipality in the Commonwealth of Massachusetts shall within thirty (30) days obtain a dog license upon the forfeiture of the old license and a fee of one dollar (\$1.00).~~

~~On the license form the Town Clerk shall record the name, address and telephone number of the owner or keeper of the dog and the name, breed, color, gender and age of the dog. Each tag issued will be valid for the specific animal described on the form and is not transferable. The tag will include the license number, the phrase "Town of Stow" and the year of issue.~~

~~The owner or keeper of a dog shall cause each dog, when off the premises of such owner or keeper, to wear around its neck or body a collar or harness to which he/she shall securely attach the license tag. In the event of loss of tag, a substitute tag will be issued by the Town Clerk for a fee of two dollars (\$2.00).~~

~~The Town Clerk shall not issue a license for any dog unless the owner or keeper provides the Town Clerk with a veterinarian's certificate verifying the dog is currently vaccinated against rabies.~~

~~The fee for each dog licensed shall be ten dollars (\$10.00), either male or female, neutered or spayed. The Town Clerk shall charge a late fee of twenty five dollars (\$25.00) for every dog license issued after the fifteenth of April as defined in the General Bylaws Article 3, Section 10.~~

~~Upon presentation to the Town Clerk of a certificate of training, no fee shall be charged for a dog specially trained and used to assist, lead or serve a physically or mentally challenged person.)~~

A. License for dog over 6 months

The owner or keeper of a dog over the age of 6 months shall obtain a license for the dog.

The Stow Town Clerk shall register, number, describe and license the dog.

Penalty: A violation of G.L.sections 137, 137A, 137B or 138 shall be assessed a penalty of not less than \$50.00 which shall be paid to the town wherein the violation occurs. G.L.c. 140 & 137

The licensing authority, Stow Town Clerk, shall not grant a license for a dog unless the owner of the dog provides a veterinarian's certificate proving the dog has been vaccinated according to section 145B.

Penalty: A violation of G.L. sections 137, 137A, 137B or 138 shall be assessed a penalty of not less than \$50.00. A violation of sections 137, 137A, 137B, or 138 shall be assessed a penalty of not less than \$50.00 which shall be paid to the town wherein the violation occurs.

The owner or keeper of a licensed dog shall keep affixed around the dog's neck or body, a collar or harness of leather or other suitable material to which a tag shall be securely attached. The tag shall have inscribed upon it the dog's license number, the name of the city or town issuing the license and the year of issue. If said tag becomes lost, the owner or keeper of the dog shall immediately secure a substitute tag from the licensing authority at a cost to be determined by the city or town and the fee shall be retained by the clerk unless otherwise provided by law. **This section shall not apply to a person to whom a valid kennel license has been issued.**

B. G.L.c.140, s. & 139 License Fees

The license fee for a spayed or neutered dog shall be LESS than the license fee for an intact dog. The fee shall be determined by a city or town; provided however, that no fee shall be increased without a majority vote of the voters present at a Town Meeting.

The Town Clerk shall require a certificate from the veterinarian who spayed or neutered the dog as proof that the dog is spayed or neutered.

No fee shall be charged for a license issued under this section for a service animal as defined by the Americans with Disabilities Act or regulations promulgated thereunder.

b. 2. Commercial Kennel License

A kennel maintained as a business for the boarding, grooming, breeding or sale of dogs shall be subject to the provisions of the Zoning Bylaw, Section 3.2.2.5. Upon approval of the Zoning Board of Appeals, a commercial kennel license may then be obtained upon written application to the Town Clerk. The fee for such kennel license shall be thirty-five dollars (\$35.00) for no more than four (4) dogs, sixty dollars (\$60.00) for five (5) to ten (10) dogs, and one hundred dollars (\$100.00) for more than ten (10) dogs. Each kennel shall be available for inspection by the Animal Control Officer, a police officer or the Stow Board of Health at any time to ascertain compliance with all state, county and local laws and bylaws. The late fee for a kennel license is 2.5 times the license fee.

The Town Clerk shall issue a kennel license without charge to any charitable corporation incorporated exclusively for the purpose of protecting animals from cruelty, neglect or abuse and for the relief of suffering animals.

A veterinary clinic within the Town of Stow shall not be considered a commercial kennel unless it contains an area for grooming or selling of dogs or for boarding of dogs for other than medical purpose.

Any person or corporation maintaining a kennel for thirty (30) days without a proper license shall be in violation of this provision.

b. 3. Kennel License

Every person maintaining a kennel shall have a kennel license. (Chapter 140, Section 137A Kennel Licenses, Mass. General Laws) The late fee for a kennel license is 2.5 times the license fee. The fee for such kennel license shall be thirty-five dollars (\$35.00) for no more than four (4) dogs, sixty dollars (\$60.00) for five (5) to ten (10) dogs, and one hundred dollars (\$100.00) for more than ten (10) dogs.

c. Vaccination of Dogs, Cats, and Ferrets Against Rabies

Pursuant to Section 145B of Chapter ~~(150)~~140 of the Massachusetts General Laws, the owner or keeper of a dog, ~~cat,~~ or ferret six (6) months of age or older shall cause the dog, ~~cat,~~ or ferret to be properly vaccinated against rabies by a licensed veterinarian. Upon vaccination, the veterinarian shall issue a vaccination certificate, which shall show the name of the owner, the animal that received the vaccination, the date the vaccination was given, when the next vaccination is due, a rabies tag number, and the name of the veterinary clinic or hospital. The owner/keeper of unvaccinated dogs, ~~cats,~~ or ferrets living in or brought into the Town of Stow shall be punished by a fine to be determined by the Animal Control Officer of not more than ~~(fifty)~~ one-hundred dollars ~~(\$50.00)~~ (\$100.00), which shall be paid to the Town of Stow.

d. Enforcement/Impoundment

It shall be the duty of the Animal Control Officer, or any other person appointed by the Board of Health, to cite and/or impound any dog found running at large ~~(or any dog that is a public nuisance)~~. Such animal shall be held at an authorized animal shelter and ~~(-)~~ returned to owner, adopted, or euthanized as described in Chapter 140, Section 151A of the Massachusetts General Laws. The Officer that so impounds any animal shall keep a record of each animal so impounded which shall contain the following information: breed, color and sex of the animal, distinctive markings or characteristics of the animal; name and address of the owner (if known) along with the license number; the final disposition of the animal, the name, address, phone number of any person adopting such dog; and if destroyed, method and name of technician who administered euthanasia. Such records shall be kept by the Animal Control Officer for a period of twelve (12) months from date of impoundment. A copy shall be forwarded to the Board of Health upon disposition of the animal, and the Board of Health shall retain copies as provided by law.

e. Violations/Penalties

The Animal Control Officer, any police officer of the Town of Stow, or any other person so appointed by the Board of Health, may impose a fine upon the owner or keeper of a dog so found to be at large, unlicensed, or unvaccinated against rabies. ~~(Such fines shall not be more than twenty five dollars (\$25.00) for the first offense, nor more than fifty dollars (\$50.00) for the second offense, and not more than the maximum allowed by law for subsequent offense(s).)~~

f. Boarding Fees

An owner or keeper of any dog so impounded for violation of this bylaw shall ~~(, in addition to any applicable fees and penalties,)~~ pay to the Town of Stow a pick up fee ~~(of ten dollars (\$10.00) per dog and fifteen dollars (\$15.00) per day while such dog is impounded, nor more than the actual cost to the Town of Stow for the boarding and care of such animal in any commercial kennel or animal hospital)~~ and boarding fees while such dog is impounded.

g. Redemption of Dogs

The owner or keeper of a dog so impounded may claim the dog as provided by law upon the occurrence of the following:

1. The owner or keeper presents a valid dog license and certificate of rabies vaccination;
2. The owner or keeper pays all boarding and other fees;
3. The owner or keeper gives his/her name and address;
4. If the dog does not have a current rabies vaccination, the owner or keeper must present a receipt from a licensed veterinarian showing prepayment of a rabies vaccination;
5. If the dog is unlicensed, the owner must secure or pay for a license before redemption.

h. ~~(Vicious or "Barking Dogs")~~ Nuisance or Dangerous; Other Applicable Sections of General Laws

The provisions of Massachusetts General Laws Chapter 140, Sections 157 and 158 shall be applicable to ~~(vicious or barking)~~ nuisance or dangerous dogs and all other applicable sections of Chapter 140 or other sections of the General Laws or rules and regulations adopted thereunder pertaining to dogs, or to any animals as may be regulated by law, shall apply and be enforceable by the Town, as if said sections were fully set forth herein.

i. Emergency Fees for Dogs and Cats Injured on Public Ways

Any veterinarian who renders emergency care or treatment to, or disposes of any dog or cat injured on any public way in the Town of Stow shall receive payment of costs from the

owner of such dog or cat, if known or, if not known, shall receive the sum of ~~(sixty (\$60.00))~~ two-hundred and fifty dollars (\$250.00) from the Town of Stow for such care, treatment and/or disposal.

Care, treatment and/or disposal shall be for the purpose of maintaining life, stabilizing the animal or alleviating pain or suffering until the owner of such dog or cat is identified, or for a period of twenty-four (24) hours ~~(, whichever is sooner)~~. Any veterinarian who renders such emergency care or treatment to, or euthanizes or disposes of such dog or cat shall notify the Animal Control Officer of Stow and, upon notification, the Animal Control Officer shall assume control of such dog or cat.

(Section 7 adopted 6/12/96; amended 5/6/2008; amended _____/2013)

ARTICLE 8: TEMPORARY MORATORIUM ON MEDICAL MARIJUANA TREATMENT CENTERS

To see if the Town will vote to amend the Zoning Bylaw by adding a new Section 10 (Temporary Moratorium on MEDICAL MARIJUANA TREATMENT CENTERS) to read in its entirety as stated below; and further that non-substantive changes to the numbering of this Bylaw be permitted in order that it be in compliance with the numbering format of the Zoning Bylaw; or take any other action relative thereto.

(Planning Board)

The Finance Committee will make a recommendation at Town Meeting.

Section 10

Temporary Moratorium on MEDICAL MARIJUANA TREATMENT CENTERS

10.1 Purpose

By vote at the State election of November 6, 2012, the voters of the Commonwealth approved a law regulating the cultivation, distribution, possession and use of marijuana for medical purposes. The law, Chapter 369 of the Acts of 2012, became effective January 1, 2013, and required the Department of Public Health (DPH) to issue regulations governing its implementation within 120 days of the law's effective date. DPH approved regulations on May 8, 2013. Section 9C of the law requires that at least one MEDICAL MARIJUANA TREATMENT CENTER be located with each County of the Commonwealth. Currently under the Zoning Bylaw, a MEDICAL MARIJUANA TREATMENT CENTER is not a permitted use in the Town and any regulations promulgated by the State DPH are expected to provide guidance to the Town in regulating medical marijuana, including MEDICAL MARIJUANA TREATMENT CENTERS.

The regulation of MEDICAL MARIJUANA TREATMENT CENTERS raises complex legal, planning and public safety issues, and the Town of Stow needs time to consider and address these issues, as well as the potential impact of the DPH regulations, by means of a planning process to consider amending its Zoning bylaws to regulate MEDICAL MARIJUANA TREATMENT CENTERS and other land uses and structures related to the use of marijuana for medical purposes, so as to address potential effects of such land uses and structures in the Town. The temporary moratorium provided in this Article is intended to allow sufficient time for the Town to engage in such a planning process and to adopt suitable Bylaws and Regulations in a manner consistent with sound land-use planning objectives.

10.2 Definition

As used in this Article, the following term shall have the meaning indicated:

MEDICAL MARIJUANA TREATMENT CENTER - A not-for-profit entity, as defined by Massachusetts law only, registered under the provision of Chapter 369 of the Acts of 2012, 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.

10.3 Temporary Moratorium

There is hereby established a temporary moratorium on the use of land or structures for a MEDICAL MARIJUANA TREATMENT CENTER, the moratorium shall be in effect through November 30, 2014. During the moratorium period, the use of land or structures for a MEDICAL MARIJUANA TREATMENT CENTER shall be prohibited.

Nothing contained in this Article shall be construed to permit, or authorize to be permitted, the use of land or structures for any activity involving marijuana, other than as a MEDICAL MARIJUANA TREATMENT CENTER.

10.4 Planning Process

During the temporary moratorium established in section 10.3, the Town shall undertake a planning process to address the potential effects of MEDICAL MARIJUANA TREATMENT CENTERS and other land uses and structures related to the use of marijuana for medical purposes, shall consider the DPH regulations, and shall make recommendations to subsequent Town Meeting(s) regarding the adoption of new Zoning Bylaw provisions governing the location, operation and effects of MEDICAL MARIJUANA TREATMENT CENTERS and other land uses and structures related to the use of marijuana for medical purposes.

Planning Board Summary

By vote at the state election on November 6, 2013, the voters of the Commonwealth approved a law regulating the cultivating, distribution, possession and use of marijuana for medical purposes. In 2013, the Department of Public Health (DPH) adopted regulations. A Registered Marijuana Dispensary (RMD) will require an industrial/warehouse space for cultivation, rather than a typical outdoor agricultural setting. Due to the range of operations and activities allowed

under the new law, the Planning Board recommends a temporary moratorium to allow the Town to undertake a planning process to address the potential impacts, which may include consideration of the DPH regulations, as well as potential updates to the Zoning and General Bylaws and Board of Health Regulations.

ARTICLE 9: ZONING BYLAW AMENDMENT (Section 8.9.4)

To see if the Town will vote to amend the Zoning Bylaw, section 8.9.4 subsection D to read as follows; and further that non-substantive changes to the numbering of this bylaw be permitted in order that it be in compliance with the numbering format of the Zoning Bylaw; or to take any other action relative thereto.

(Planning Board)

The Finance Committee will make a recommendation at Town Meeting.

D. For fractional AFFORDABLE DWELLING UNITS, the applicant shall round up to the next whole number of units or choose to pay equivalent fees-in-lieu of units (see Section 8.9.6) proportionate to the percentage of the unit required:

ANNOTATED VERSION – *Additions underlined and deletions strikethrough.*

D. For fractional AFFORDABLE DWELLING UNITS, the applicant ~~may~~ shall round up to the next whole number of units or choose to pay equivalent fees-in-lieu of units (see Section 8.9.7-8.9.6) proportionate to the percentage of the unit required:

Planning Board Summary

This amendment is housekeeping in nature to correct a typographical error by changing the reference to Section 8.9.7 to Section 8.9.6 and changing the word “may” to “shall” to clarify the intent of determining required number of affordable dwelling units.

ARTICLE 10: ACCEPTANCE OF SIDEWALK EASEMENT FROM GENRAD, LLC

To see if the Town will vote to authorize the Board of Selectmen to accept without charge or cost from the GENRAD, LLC, a Delaware limited liability company, or its successors or assigns, a 10 foot wide easement along the northern side of Delaney Street that represents the edge of the Town of Stow’s public right of way, along the entire length of the Delaney Street frontage shown as Lot 28-1 on a plan entitled: “Plan of Land ins Stow Mass Owned by Anthony L. Colosi”, dated November 28, 1994, prepared by Raymond Engineering Services, recorded with the Middlesex South District Registry of Deeds in Book 27273, page 146, as more particularly described as Grantor’s property consisting approximately 20.1 +/- acres of real property located on the north side of Delaney St., Stow MA 01775 delineated in Town of Stow Assessor map R-4 as Parcel #28-1 and Shown on a plan entitled: “David E Ross Associates, Inc. entitled

“Syncarpha Stow, LLC ATLA Survey dated: 03-21-13,” with the right and easement shown on said plan. The exact measurements and boundaries of said easement are set forth on Exhibit A “10’ Wide Sidewalk Easement Delaney Street, Stow MA for the future installation of a sidewalk by the Town or its assigns, it being understood that the Town or its assigns shall have the sole responsibility to fund, construct and maintain a sidewalk within the easement, should the Board of Selectmen in their exclusive judgment and in the best interests of the Town choose to construct the same; or take any other action relative thereto.

(Planning Board)

The Finance Committee will make a recommendation at Town Meeting.

Planning Board Summary

This sidewalk easement was a condition of the Delaney Street Commercial Solar Photovoltaic Renewable Energy Installation Special Permit granted by the Planning Board and will allow the Town the right to install a sidewalk in the future.

ARTICLE 11: ACCEPTANCE OF SIDEWALK EASEMENT FROM STOW VILLAGES, LLC

To see if the Town will vote to authorize the Board of Selectmen to accept without charge or cost from Stow Villages, LLC, a Massachusetts limited liability company, or its successors or assigns, the perpetual right and easement, in common with the Grantor, its successors and assigns, to construct, maintain and reconstruct a paved sidewalk over and upon those certain strips of land adjacent to Great Road 9Rte. 117) being shown as “Proposed 10’ Wide Sidewalk Easement – 4,305 s.f.”, (Easement Area”), on a plan entitled , “location: Great Road – Route 117, Town of Stow Massachusetts, prepared for the Town of Stow”, Scale: 1”=20’, Date: May 31, 2011, by Places Associates Inc., Planning Landscape Architecture, Civil Engineering, Surveying, 510 King Street Suite 9, Littleton MA 01460 to be recorded herewith and to which plan reference may be had for a more particular description of said Easement Area, and to pass and repass overt the Easement Area, by foot only, for all purposes which sidewalks are commonly used in the Town of Stow, or take any other action relative thereto.

(Planning Board)

The Finance Committee will make a recommendation at Town Meeting.

Planning Board Summary

This sidewalk easement was granted by Stow Villages LLC, in lieu of a requirement to make a donation to the sidewalk fund, to allow the Town to construct a sidewalk on the western end of the property thereby providing a sidewalk connection along route 117 from Hudson Road to Old Bolton Road.

And you are directed to serve this warrant by posting copies attested by you calling same at the Town Building and at each of at least seven (7) other public places at least fourteen (14) days before the time of holding said meeting.

Hereof, fail not and make due return of the warrant with your doings thereon to the Town Clerk or Selectmen on or before the time of said meeting.

Given under our hands this 24th of September in the year 2013.

BOARD OF SELECTMEN

Donald P. Hawkes, Chairman
Gary M. Bernklow
Charles Kern
Thomas E. Ryan, III
James H. Salvie