



BRIDGEWATER TOWN COUNCIL

Tuesday, November 19, 2013

7:30 PM

BTV Studios

80 Spring Street, Bridgewater MA

AGENDA

A. APPROVAL OF MINUTES FROM PREVIOUS MEETINGS

a) November 5, 2013

B. ANNOUNCEMENTS FROM THE PRESIDENT

C. PROCLAMATIONS

a) Debra-Lee Rogers (Bridgewater State University)

D. CITIZEN OPEN FORUM

E. APPOINTMENTS - NONE

F. HEARINGS - NONE

G. LICENSE TRANSACTIONS

H. PRESENTATIONS

a) Bridgewater Local Gaming Policy Advisory Taskforce – Joe Gillis, Jr.

I. TOWN MANAGER'S REPORT

J. DISCUSSIONS

a) Follow Up: Gaming Mitigation Ad Hoc Committee (*President Fitzgibbons*)

K. SUBCOMMITTEE REPORTS

L. LEGISLATION FOR ACTION

a) Ordinance #D-2013-014: Zoning Ordinance – Medical Marijuana Treatment Facilities

At a duly advertised, posted joint public hearing held on October 21, 2013, the Planning Board and Community and Economic Development Committee voted to recommend the Ordinance with proposed amendments. At their meeting held 11/5/13, the Town Council voted to accept the proposed amendments. This measure has been duly advertised, therefore may be finally considered at this evening's meeting

b) Order #O-2013-037: Ratification of Town Accountant Contract

At their meeting held 11/13/13, the Finance Committee voted to approve this measure 6-0. This measure was also referred to the Council's Budget & Finance Committee. They will provide their disposition to the full Council after their meeting on 11/19/13.

M. OLD BUSINESS

a) Order #O-2013-035: Healthcare Audit Creation

This measure was referred to the Council's Audit Committee. They are scheduled to meet 11/19/13 and will provide their disposition to the full Council that evening. This measure does not require advertising, therefore may be finally considered pending any amendments offered and accepted by the Council..

N. NEW BUSINESS

O. CITIZEN COMMENTS

P. COUNCIL COMMENTS

Q. EXECUTIVE SESSION

R. ADJOURNMENT



Bridgewater Town Council

In Town Council, Tuesday, November 19, 2013

Council Ordinance: D-2013-014

Introduced By:	Councilors Timothy Fitzgibbons and William Wood
Date Introduced:	October 1, 2013
First Reading:	October 1, 2013
Second Reading:	November 5, 2013
Third Reading:	November 19, 2013
Amendments Adopted:	November 5, 2013
Date Adopted:	
Date Effective:	

Proposed Ordinance D-2013-014

ZONING ORDINANCE – MEDICAL MARIJUANA TREATMENT CENTER(S)

ORDERED that pursuant to M.G.L., Chapter 40A, Section 5; the Town Council of the Town of Bridgewater, Massachusetts, in Town Council, assembled to vote to amend the Bridgewater Zoning Bylaws as follows:

Article A: To add a new section to the by-law.

19.0. Medical Marijuana Treatment Center

19.01 Purpose and Intent

A Medical Marijuana Treatment Center is hereby allowed by special permit in the Industrial E district of the town. The intent of this section is to:

- establish specific zoning standards and regulations for medical marijuana treatment centers, and medical marijuana growing and cultivation operations;
- protect the public health, safety and welfare of Bridgewater residents;
- regulate the siting, design, placement, safety, monitoring, modification, and removal of a Medical Marijuana Treatment Center (RMD); and marijuana cultivation; and
- to minimize the adverse impacts of a RMD on adjacent properties, residential neighborhoods, schools and other places where children congregate, local historic districts, and other land uses potentially incompatible with said facilities.

19.2 Special Permit Granting Authority:

For all purposes pursuant to this bylaw of the Medical Marijuana Treatment Center the Planning Board is hereby designated as the Special Permit Granting Authority (SPGA). All Special Permit applications made pursuant to this bylaw shall conform to the standards and criteria and procedural provisions as required by the rules and regulations of the Planning Board.

19.3 Standards and Criteria

In addition to the specific criteria contained within this section the SPGA shall consider the following criteria, where relevant before issuing a special permit for development within the Medical Marijuana Treatment Center:

1. Must comply with all requirements of 105 CMR 725.000;
2. Adequacy of the site in terms of the size of the proposed use(s);
3. Suitability of the site for the proposed use(s), a RMD shall not be sited within a radius of five hundred feet of a school, daycare center, or any facility in which children commonly congregate. The 500 foot distance under this section is measured in a straight line from the nearest point of the facility in question to the nearest point of the proposed RMD;

NOT FOR ACTION – REQUIRES ADVERTISING PENDING AMENDMENTS ACCEPTED BY COUNCIL

4. Suitability of security for the proposed use(s);
5. Impact on traffic and safety;
6. Impact on the visual character and security the surrounding neighborhood;
7. Adequacy of parking; a RMD shall provide 1 space for each 400 gross square feet of floor area used for treatment, dispensing and processing and 1 space for each 2,000 gross square feet of floor area used for cultivation;
8. Adequacy of utilities, including sewage disposal, water supply and storm water drainage;
9. Shall provide free home delivery qualifying patients within the Town of Bridgewater.
- 10 Provide proof of an agreement with the Town Council on payment in lieu of taxes.

19.4 Cultivation Activities

Cultivation, as defined in this bylaw, by any qualifying patient, personal care-giver, or Medical Marijuana Treatment Center in any location other than where specifically permitted shall be disallowed. This disallowance shall include cultivation, even where proposed as an accessory use, by any qualified patient, personal caregiver, or Medical Marijuana Treatment Center.

19.5 Conformance to Zoning Requirements

A Medical Marijuana Treatment Center shall be designed and constructed in accordance with the underlying zoning district and the requirements of all applicable provisions of the Bridgewater Zoning Bylaw including Section 8 Land Space Requirements.

19.6 Compliance:

An as built, certified by a registered professional land surveyor or engineer shall be submitted to the SPGA and Building Inspector before the issuance of a permanent occupancy permit. The as-built plan shall attest to a development's conformity to its approved site plan by indicating landscaping, buildings, drainage flow, number of parking stalls, and limits of parking areas and drives.

Any changes in the approved special permit shall be submitted to the Planning Board for review and approval prior to issuance of permanent occupancy permit. The special permit is granted for a period of two years and shall lapse if substantial use or construction has not been commenced by such date, except for good cause shown and provided that said construction once begun shall be actively and continuously pursued to completion within a reasonable time. Good cause and reasonable time shall be determined by a vote of the SPGA.

19.7 Appeals:

Any person aggrieved by a decision of the Planning Board under this section may appeal to the Superior Court, the Land Court or the District Court pursuant to Chapter 40A of the Massachusetts General Laws.

Article B: To be added to Section II Definitions of the Zoning By-Law

Definitions:

Dispensary Agent: means a board member, director, employee, executive, manager, or volunteer of a RMD, who is at least 21 years of age. Employee includes a consultant or contractor who provides on-site services to a RMD related to the cultivation, harvesting, preparation, packaging, storage, testing, or dispensing of marijuana.

Duress Alarm: means a silent security alarm system signal generated by the entry of a designated code into an arming station in order to signal that the alarm user is being forced to turn off the system.

Edible Marijuana-Infused Products: (edible MIPs) means a Marijuana-Infused Product (MIP) that is to be consumed by eating or drinking.

Enclosed, Locked Area: means a closet, room, greenhouse, or other indoor or outdoor area equipped with locks or other security devices, accessible only to dispensary agents, registered qualifying patients, or personal caregivers.

Limited Access Area: means a building, room, or other indoor or outdoor area on the registered premises of a RMD where marijuana, MIPs, or marijuana by-products are cultivated, stored, weighed, packaged, processed, or disposed, under control of a RMD, with access limited to only those dispensary agents designated by the RMD.

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 there from, fiber, oil, or cake or the sterilized seed of the plant which is incapable of germination. The term also includes MIPs except where the context clearly indicates otherwise.

Marijuana Agricultural: Marijuana agricultural any uses or activities associated with Medical Marijuana Treatment and Dispensing Facilities or Marijuana Cultivation.

Marijuana Cultivation: The process of propagation, including germination, using soil, hydroponics, or other mediums to generate growth and maturity. The intended process of bringing a plant or other grown product to maturity for harvesting, sale, refining or use as an ingredient in further manufacturing or processing. This definition encompasses marijuana cultivation related to medical marijuana treatment centers, personal cultivation by qualifying patients or cultivation by personal caregivers on behalf of qualifying patients.

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 a RMD, shall not be considered a food or a drug as defined in M.G.L. c. 94, s. 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. Unless otherwise specified, RMD refers to the site(s) of dispensing, cultivation, and preparation of marijuana.

Production Area: means any limited access area within the RMD where marijuana is handled or produced in preparation for sale.

Qualifying Patient: means a Massachusetts resident 18 years of age or older who has been diagnosed by a Massachusetts licensed certifying physician as having a debilitating medical condition, or a Massachusetts resident under 18 years of age who has been diagnosed by two Massachusetts licensed certifying physicians, at least one of whom is a board-certified pediatrician or board-certified pediatric subspecialist, as having a debilitating medical condition that is also a life-limiting illness, subject to 105 CMR 725.010(J).

Registration Card: means an identification card issued by the Department to a registered qualifying patient, personal caregiver, or dispensary agent. The registration card verifies either that a certifying physician has provided a written certification to the qualifying patient and the patient has been registered with the Department: that a patient has designated the individual as a personal caregiver; that a patient has been granted a hardship cultivation registration; or that a dispensary agent has been registered with the Department and is authorized to work at a RMD. The registration card allows access into appropriate elements of a Department-supported, interoperable database in which detailed information regarding certifications and possession criteria are stored. The registration card identifies for the Department and law enforcement authorities, those individuals who are exempt from Massachusetts criminal and civil penalties for the medical use of marijuana in compliance with 105 CMR 725.000 and the Act.

Registered Marijuana Dispensary (RMD) means a not-for-profit entity registered under 105 CMR 725.100, to be known as a Medical Marijuana Treatment Center 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. Unless otherwise specified, RMD refers to the site(s) of dispensing, cultivation, and preparation of marijuana.

Sixty-Day Supply: means that amount of marijuana, or equivalent amount of marijuana in MIPs, that a registered qualifying patient would reasonably be expected to need over a period of 60 calendar days for his or her personal medical use, which is ten ounces, subject to 105 CMR 725.010(I).

Article C: To Be added to Section Six Use Regulations of the Zoning By-laws

E. Retail, Business and Consumer Service Establishments

		RA/B	RC	RD	CBD	SBD	BusB	Gate-way	E. Gate-way	IA	IB	IE	PD	MHEC	
16.	Registered Marijuana Dispensary (RMD)	N	N	N	N	N	N	N	N	N	N	SP	N	N	

Committee Referrals and Dispositions:

Referral(s)	Disposition(s)
- Referred to Planning Board - Referred to Community and Economic Development Committee 10/21/13 A joint public hearing was duly advertised and held by the Planning Board and Community and Economic Development Committee - This measure was duly advertised in the Enterprise on 11/9/13, therefore may be finally considered this evening..	10/21/13 Recommend with modifications 10/21/13: vote recommend with amendments.



Bridgewater Town Council

In Town Council, Tuesday, November 19, 2013

Council Order: #O-2013-037

Introduced By:	Town Manager
Date Introduced:	November 5, 2013
First Reading:	November 5, 2013
Second Reading:	November 19, 2013
Amendments Adopted:	
Date Adopted:	
Date Effective:	

Proposed Order #O-2013-037

RATIFICATION OF TOWN ACCOUNTANT CONTRACT

ORDERED, in accordance with section 6-4 (a) of the Bridgewater Home Rule Charter, that the Town Council assembled vote to approve the negotiated agreement with the Town Accountant.

Explanation:

The Town Manager negotiated a three year agreement with the Town Accountant whose appointment was ratified by the Town Council on March 19, 2013. An affirmative vote of the Council will approve the contract as presented and the congruent appropriation thereof.

Committee Referrals and Dispositions:

Referral(s)	Disposition(s)
• Referred to the Council's Budget & Finance Committee • Referred to Finance Committee. • 14 day requirement (per Council Rules & Procedures XVIII - Readings) has elapsed.	• Meeting 11/19/13. Will provide disposition to full Council. • 11/13/13: Vote approve (6-0).

ROLL CALL VOTE: PASSAGE REQUIRES MAJORITY VOTE OF THOSE PRESENT AND VOTING.



Bridgewater Town Council

In Town Council, Tuesday, November 19, 2013

Council Order: #O-2013-035

Introduced By:	Councilor John Norris
Date Introduced	October 15, 2013
First Reading:	October 15, 2013
Second Reading:	November 19, 2013
Amendments Adopted:	
Date Adopted:	
Date Effective:	

Proposed Order #O-2013-035

HEALTHCARE AUDIT CREATION

WHERE AS the Town of Bridgewater had an auditor assess the financial status of The Town and made specific recommendations on our lack of a system to determine ongoing eligibility of those who are enrolled in the Town's healthcare insurance.

Ordered that The Town creates and implements an auditing system of those who are enrolled in the Town's healthcare insurance to be finished and enforced by the end of FY15. The audit will be repeated every five years. The audit will consist of no less than determining eligibility and assessing proper coverage of each person and their dependants.

Committee Referrals and Dispositions:

Referral(s)	Disposition(s)
• Referred to the Council's Audit Committee. • 14 day requirement (per Council Rules & Procedures XVIII - Readings) has elapsed.	• Committee meets 11/19/13 and will provide disposition to full Council.

ROLL CALL VOTE: PASSAGE REQUIRES MAJORITY OF THOSE PRESENT AND VOTING.