



TOWN OF WESTWOOD
COMMONWEALTH OF MASSACHUSETTS
OFFICE OF THE TOWN CLERK

Dorothy A. Powers, CMC, CMMC

Town Clerk
Justice of the Peace
Notary Public

POSTING DATE: June 19, 2017
NORFOLK, SS.

TO EITHER OF THE CONSTABLES IN THE TOWN OF WESTWOOD IN SAID COUNTY:

GREETING:

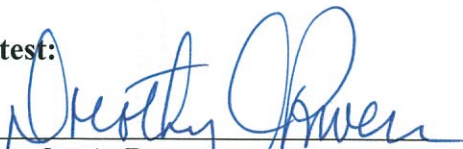
In the name of the Commonwealth of Massachusetts you are hereby directed to post in at least four public places in the Town in each of the four precincts, copies of the attached Amendments to the Town Zoning and General By-laws.

These amendments were voted under **Articles 19 and 20** of the Warrant for the 2017 Annual Town Meeting, which meeting was held on May 1-2, 2017.

Any claim of invalidity by reason of any defect in the procedure of adoption or amendment of the aforementioned bylaws may only be made within ninety days of the date of the posting of this notice. Copies of the bylaws are available in the office of the Town Clerk, Town Hall, 580 High Street, Westwood, Massachusetts.

Hereof fail not and make due return upon this warrant with your action thereon to the Town Clerk.

Attest:



Dorothy A. Powers, CMC, CMMC
Town Clerk

By virtue of this warrant, I have this day posted attested copies of the amendment to the Bylaws of the Town of Westwood voted under the aforementioned articles of the 2017 Annual Town Meeting on four bulletin boards erected by the town in public places in each of the four precincts of the Town.



Sgt. Paul Sicard, Constable



MAURA HEALEY
ATTORNEY GENERAL

THE COMMONWEALTH OF MASSACHUSETTS
OFFICE OF THE ATTORNEY GENERAL

CENTRAL MASSACHUSETTS DIVISION
10 MECHANIC STREET, SUITE 301
WORCESTER, MA 01608

(508) 792-7600
(508) 795-1991 fax
www.mass.gov/ago

June 14, 2017

Dorothy A. Powers, Town Clerk
Town of Westwood
580 High Street
Westwood, MA 02090

Re: Westwood Annual Town Meeting of May 1, 2017 - Case # 8321
Warrant Articles # 20, 24, 25, 26, 27, 28, 29, 30, 31 and 32 (Zoning)
Warrant Articles # 19, 35, 36, 37, 38, and 39 (General)

Dear Ms. Powers:

Articles 19 and 20 – We approve the amendments adopted under Articles 19 and 20 at the Westwood Annual Town Meeting of May 1, 2017.

Articles 24, 25, 26, 27, 28, 29, 30, 31, 32, 35, 36, 37, 38 and 39 – We retain these Articles for further review and will issue our decision on or before our deadline of August 7, 2017.

Note: Pursuant to G.L. c. 40, § 32, neither general nor zoning by-laws take effect unless the Town has first satisfied the posting/publishing requirements of that statute. Once this statutory duty is fulfilled, (1) **general** by-laws and amendments take effect on the date these posting and publishing requirements are satisfied unless a later effective date is prescribed in the by-law, and (2) **zoning** by-laws and amendments are deemed to have taken effect from the date they were approved by the Town Meeting, unless a later effective date is prescribed in the by-law.

Very truly yours,

MAURA HEALEY
ATTORNEY GENERAL

Margaret J. Hurley

By: Margaret J. Hurley
Chief, Central Massachusetts Division
Director, Municipal Law Unit
10 Mechanic Street, Suite 301

Worcester, MA 01608
(508) 792-7600 ext. 4402

cc: Town Counsel Thomas P. McCusker



TOWN OF WESTWOOD
COMMONWEALTH OF MASSACHUSETTS
OFFICE OF THE TOWN CLERK

Dorothy A. Powers, CMC, CMMC

Town Clerk
Justice of the Peace
Notary Public

To Whom It May Concern:

I hereby certify the following action taken under Article 19 of the Warrant for the Annual Town Meeting held on May 1, 2017 and adjourned on May 2, 2017

Annual Town Meeting, Article 19. The Finance and Warrant Commission recommended and the Town voted by a 2/3 voice vote in favor declared by the Moderator to amend the General Bylaws of the Town of Westwood by inserting a new chapter:

CHAPTER 284: MARIJUANA

§284-1 Public consumption regulated

No person shall smoke, ingest, or otherwise use or consume marijuana or tetrahydrocannabinol (as defined by M.G.L. c 94C § 1, as amended) for non-medical purposes (i.e.: for other than medical use of marijuana as defined in Chapter 369 of the Acts of 2012 as it may be amended from time to time) while in or upon any street, sidewalk, public way, footway, passageway, stairs, bridge, park, playground, trail, beach, recreation area, boat landing, public building, schoolhouse, school grounds, cemetery, parking lot or any area or structure owned by or under the care, custody and control of any board, committee or commission of the Town of Westwood; or in a vehicle or upon any bus or other passenger conveyance operated by a common carrier; or in any place accessible by the public; or on any private land, building structure or place without the consent of the owner or person in control thereof. In addition, no person shall smoke marijuana or tetrahydrocannabinol (as defined by M.G.L. c 94C § 1, as amended) for medical purposes in the areas noted above.

§284-2 Enforcement; violations and penalties

This by-law may be enforced through any lawful means in law or in equity including, but not limited to, enforcement by criminal indictment or complaint pursuant to M.G.L. c.40, §21, or by noncriminal disposition pursuant to M.G.L. c. 40, §21D, by any police officer. The fine for violation of this by-law shall be one hundred dollars (\$100.00) for the first offense, two hundred dollars (\$200.00) for the second offense and three hundred dollars (\$300.00) for each subsequent offense. Any penalty imposed under this by-law shall be in addition to any civil penalty imposed under M.G.L. c. 94C, § 32L or other section of the General Laws that is or may be applicable upon its passage.

§284-3 Appeals, hearing

Appeals must be filed with the Town Administrator's Office, 580 High Street, Westwood, MA 02090 within 21 days after the date of the violation after which time the Town Administrator will schedule and conduct a hearing date for said appeal, otherwise payment must be received within that time (21 days) or be subject to interest and demand notice charges to be set by the Board of Selectmen. The hearing will be presided over by the Town Administrator and both the Appellant and the Police Department shall be entitled to present evidence on their behalf, after which the Town Administrator will render a decision.

Witness my hand and seal of the Town of Westwood this 14th day of June, 2017

Attest:

Dorothy A. Powers, CMC, CMMC
Westwood Town Clerk



TOWN OF WESTWOOD
COMMONWEALTH OF MASSACHUSETTS

OFFICE OF THE TOWN CLERK

Dorothy A. Powers, CM&EMC

Town Clerk
Justice of the Peace
Notary Public

To Whom It May Concern:

I hereby certify the following action taken under Article 20 of the Warrant for the Annual Town Meeting held on May 1, 2017 and adjourned on May 2, 2017

Annual Town Meeting, Article 20. The Finance and Warrant Commission recommended and the Town voted by a 2/3 voice vote in favor declared by the Moderator to approve certain amendments to the Westwood Zoning Bylaw related to marijuana establishments, including amendments to Section 2.0 [Definitions], Section 4.1.2 [Table of Principal Uses], and any necessary amendments to Section 7.4 [Registered Marijuana Dispensary]: Amend Section 2.0 [Definitions] to delete the terms "Other Marijuana Facility" and "Registered Marijuana Dispensary" and to add new definitions for "Medical Marijuana Establishment" and "Non-Medical Marijuana Establishment" to read as follows:

Medical Marijuana Establishment A facility registered pursuant to 105 CMR 725 as a Registered Marijuana Dispensary (RMD).

Non-Medical Marijuana Establishment A facility defined in M.G.L. Ch.94G, Section I, including all marijuana cultivators, marijuana testing facilities, marijuana product manufacturers, marijuana retailers or any other type of marijuana-related businesses, other than a licensed Registered Marijuana Dispensary (RMD) lawfully permitted and licensed pursuant to 105 CMR 725.

1) Amend Section 4.1.5.39 and Section 4.1.5.40 to read as follows:

	SRA	SRB	SRC	SRD	SRE	GR	SR	LBA	LBB	HB	I	IO	ARO
4.1.5.39 <i>Medical Marijuana Establishment</i> per Section 7.4	N	N	N	N	N	N	N	N	N	N	N	N	BA
4.1.5.40 <i>Non-Medical Marijuana Establishment</i>		N	N	N	N	N	N	N	N	N	N	N	N

2) Amend Section 7.4 to read as follows:

SECTION 7.4 MEDICAL MARIJUANA ESTABLISHMENT

7.4.1 **Purpose.** The purpose of this Section is to assure that *Medical Marijuana Establishments, which shall be limited to* Registered Marijuana Dispensaries (RMDs) *which are lawfully permitted and licensed pursuant to 105 CMR 725,* are carefully designed, located and operated in accordance with applicable state and local laws, rules and regulations, and to assure that adequate provisions are made for impacts of such facilities upon the character of the Town and upon traffic, utilities and property values therein, thereby affecting the public health, safety and general welfare thereof.

7.4.2 **Special Permit Required.** No *Medical Marijuana Establishment* shall be constructed or operated except pursuant to a special permit therefor granted by the Board of Appeals in accordance with Section 7.4

- 7.4.3 **Application Requirements.** An application for a special permit for a **Medical Marijuana Establishment** shall be accompanied by a **certified** site plan, **building and elevation plans** and all other application materials **and plan information as** required by the rules and regulations of the Board of Appeals.
- 7.4.4 **Referral of Application to Board of Health.** Within ten (10) days after receipt of the application, the Board of Appeals shall transmit a copy thereof to the Board of Health, whereupon **the Board of Health** may, at its discretion, review the proposed **Medical Marijuana Establishment** project and report in writing its recommendations to the Board of Appeals. The Board of Appeals shall not take final action on such application until it has received a report thereon from the Board of Health, or until said Planning Board has allowed sixty-five (65) days to elapse after receipt of such application without submission of a report.
- 7.4.5 **Referral of Application to Police Chief.** Within ten (10) days after receipt of the application, the Board of Appeals shall transmit a copy thereof to the Police Chief, whereupon said Police Chief may, at his or her discretion, review the proposed **Medical Marijuana Establishment** project and report in writing recommendations to the Board of Appeals. The Board of Appeals shall not take final action on such application until it has received a report thereon from the Police Chief, or until said Police Chief has allowed sixty-five (65) days to elapse after receipt of such application without submission of a report.
- 7.4.6 **Referral of Application to Planning Board.** Within ten (10) days after receipt of the application, the Board of Appeals shall transmit a copy thereof to the Planning Board, whereupon said Board may, at its discretion, review the proposed **Medical Marijuana Establishment** project and report in writing its recommendations to the Board of Appeals. The Board of Appeals shall not take final action on such application until it has received a report thereon from the Planning Board, or until said Planning Board has allowed sixty-five (65) days to elapse after receipt of such application without submission of a report. Said Planning Board report **shall** indicate the status of the proposed **Medical Marijuana Establishment's** Environmental Impact and Design Review (EIDR) application which is required pursuant to Section 7.3 of this Bylaw. If the Board of Appeals shall vote to grant a **Medical Marijuana Establishment** Special Permit prior to the Planning Board's issuance of an EIDR Approval for the **Medical Marijuana Establishment** project, the Board of Appeals decision shall be conditional upon the granting of such EIDR Approval by the Planning Board and subject to any conditions thereof.
- 7.4.7 **Findings.** No **Medical Marijuana Establishment** Special Permit shall be granted unless the Board of Appeals finds that operations conducted under such special permit, subject to the conditions imposed thereby, will not be contrary to the best interests of the Town.

Witness my hand and seal of the Town of Westwood this 14th day of June, 2017

Attest:



Dorothy A. Powers, OMC, CMMC
Westwood Town Clerk

* Approval by the Attorney General on 6/14/2017