

SPECIAL TOWN MEETING
November 9, 2016

The Moderator called the Town Meeting to order. The Special Town Meeting convened at 7:35 p.m. in the Bedford High School Auditorium. A quorum of one hundred and five registered voters was present. The Town Clerk read the return of service. The Moderator thanked the audience for attending the Town Meeting. She said the Town Meeting would not happen without a quorum. The Moderator asked the attendees to read the rules of civil discourse in the back of the warrant. The Moderator stated that the Town Meeting is the business meeting of the Town. Proper decorum must be maintained at all times. The Moderator reviewed the rules of Town Meeting. A voter may not speak unless the Moderator recognizes them. Stand at a numbered microphone in the aisles to be recognized. Name and address are required to speak. A voter may not speak more than twice in debate unless they have a question. Questions do not fall within the debate rules. Respect the time limits. Questions must be directed through the Moderator. Discussions must be kept within the scope of the motion. Amendments must be in writing for the Town Clerk and Moderator. There is no clapping or booing on any article. Local cable is taping the meeting. Local cable will not tape during the voting. Turn off the ringer on cell phones. Leave the hall if you need to speak on the cell phone. You will need a peach slip for hand counts. The Moderator stated she is happy to hear any comments or suggestions.

The tellers for the evening are: Kelly Craven, Peter Donahue, Nancy Daugherty and Mike Rosen.

Article 1
Debate Rules

Mike Rosenberg made the following motion and the motion was seconded.

Voted, that the Town adopt the following procedure for the current Special Town Meeting:

- A. A speaker presenting an article or amendment to an article shall be limited to ten (10) minutes;
- B. Other speakers shall be limited to five (5) minutes;
- C. No article shall be presented after 10:45 p.m.;
- D. Town Meeting by majority vote may waive A, B, or C;

Recommendations:

Selectmen:	Recommended approval
Finance Committee:	Recommended approval

Moderator declared the motion passes by two-thirds vote.

Article 2 – Establish Special Revenue Account for PEG Access and Cable Related Funds

William Moonan made the following motion and the motion was seconded.

Voted, that the Town accept General Laws Chapter 44, Section 53F³/₄, which establishes a special revenue fund known as the PEG Access and Cable Related Fund, to reserve cable franchise fees and other cable-related revenues for appropriation to support PEG access services and oversight and renewal of the cable franchise agreement, the fund to begin operation for fiscal year 2018, which begins on July 1, 2017.

Recommendations:

Selectmen:	Recommended approval
Finance Committee:	Recommended approval

Moderator declared motion passes.

Article 3 – Zoning Bylaw Amendment – Temporary Moratorium, Medical Marijuana Treatment Centers

Lisa Mustapich made the following motion and the motion was seconded.

Voted, that the Town amend the Zoning Bylaws by adding a new Section 20.0 as follows, to establish a temporary moratorium for Medical Marijuana Treatment Centers:

20. Medical Marijuana Treatment Centers

20.1 Definition

A Medical Marijuana Treatment Center is defined under Section 2(H) of Chapter 369 of the Acts of 2012 and 105 CMR 725.004 (or their successor provisions).

20.2 Temporary Moratorium

20.2.1 Purpose

This moratorium is intended to provide restrictions that will allow the Town of Bedford (“Town”) adequate time to consider whether to allow facilities associated with the medical use of marijuana (including Medical Marijuana Treatment Centers as defined herein), to the extent that such facilities are permitted under state laws and regulations, and, if so, where and under what conditions. A law permitting the cultivation, distribution, possession and use of marijuana for medical purposes in the Commonwealth of Massachusetts was approved by vote at the Massachusetts state election on November 6, 2012 and codified as Chapter 369 of the Acts of 2012 (“Act”), with an effective date of January 1, 2013. In or about May 2013, the Massachusetts Department of Public Health (“DPH”) promulgated final regulations regarding implementation of the Act. In or about June 2015, DPH enacted a new application process for the registration of Registered Marijuana Dispensaries. Currently, under the Bedford Zoning Bylaws, a Medical Marijuana Treatment Center is not an expressly permitted use in the Town.

The regulation of medical marijuana raises novel and complex legal, planning and public safety issues, among others. Accordingly, the Town hereby seeks to adopt a temporary restriction on the establishment of such facilities and other uses related to the regulation of medical marijuana in the Town, so that it shall have the opportunity: to study and consider the potential impacts of such facilities and other related uses on adjacent uses and on general public health, safety and welfare; to study and consider the related novel and complex legal, planning and public safety issues; to consider the potential impact of state laws and regulations on local zoning; and to undertake a planning process to consider adopting zoning bylaws and other applicable regulations to appropriately address these considerations, consistent with statewide regulations and permitting procedures. The Town intends that this temporary moratorium on the use of land and structures in the Town for such facilities and uses (including Medical Marijuana Treatment Centers) will allow the Town sufficient time to engage in a planning process to address the effects of such facilities and uses in the Town and to enact bylaws in a manner consistent with sound land use planning goals and objectives.

20.2.2 Exclusion of Other Marijuana Uses

Any establishment 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 shall not be permitted if such establishment has not been properly registered and licensed in accordance with applicable state and local laws and regulations, or is not operated as a not-for-profit entity, or otherwise fails to meet the definition of a Medical Marijuana Treatment Center.

20.2.3 Exclusion of Accessory Uses

In no case shall the acquisition, cultivation, possession, processing, transference, transportation, sale, distribution, dispensing, or administration of marijuana, products containing or derived from marijuana, or related products be considered accessory to any use.

20.2.4 Temporary Moratorium

The use of land and/or structures for Medical Marijuana Treatment Centers and related uses shall not be permitted in any zoning district in the Town so long as this moratorium is effective, as set forth in subsection 20.2.5 below. Use variances shall be strictly prohibited. During this moratorium, the Town shall undertake a planning process consistent with the purposes set forth herein, including but not limited to, addressing the potential impacts of medical marijuana in the Town, considering DPH regulations regarding Medical Marijuana Treatment Centers and related uses, and considering new zoning bylaws to address the impact and operation of Medical Marijuana Treatment Centers and related uses.

20.2.5 Expiration

For the reasons set forth above and notwithstanding any other provision of the Bedford Zoning Bylaws to the contrary, the Town hereby adopts a temporary moratorium on the use of land and/or structures for a Medical Marijuana Treatment Center and related uses. This moratorium shall be in effect through November 9, 2017.

Recommendations:

- Selectmen: Recommended approval
- Finance Committee: No position
- Planning Board: Unanimously Recommended approval

Moderator declared two-thirds vote met and motion passes.

Article 4 – Zoning Bylaw Amendment – Zoning Map

Jeffrey Cohen made the following motion and the motion was seconded.

Voted, that the Town amend the Bedford Zoning Map to add the former MassDOT Salt Shed site at Crosby Drive/Route 3, described as follows, to the Industrial C District:

Parcel of land described in Exhibit A of Release Deed from Massachusetts Department of Transportation to DIV Bedford, LLC, recorded in Book 65663, Page 90 of the Middlesex South Registry of Deeds and shown as Parcel 4-LS-1 on a plan entitled “Massachusetts Department of Transportation Plan of Road in the Town of Bedford Middlesex County Altered and Laid Out as a State Highway by the Massachusetts Department of Transportation, Highway Division, June 23, 2015, Layout No. 8402”, prepared by BSC Group, Inc., recorded as Plan No. 512 of 2015 of the Middlesex South Registry of Deeds, together with the area of the former Crosby Road Right of Way’.

Recommendations:

- Selectmen: Recommended approval
- Finance Committee: Recommended approval
- Planning Board: Unanimously recommended approval

Moderator declared motion passes unanimously.

Article 5 – Zoning Bylaw Amendment - Industrial and Industrial Mixed Uses

Jeffrey Cohen made the following motion and the motion was seconded.

Voted, that the Town amend the Bedford Zoning Bylaws as follows:

> Amend Section 15.4 (first paragraph) to delete text, as follows:

Current text to remain, with text to be deleted shown in strikethrough:

15.4 Permitted Uses

The following uses shall be allowed by special permit in Industrial Mixed Use developments; ~~including a modification to Table I under the Commercial district column, to change the allowed status of industrial mixed uses from “No” (not permitted) to “SP” (allowed by special permit):~~

> Amend Section 15.7.2 by adding text, to insert the word “Planning” before “Board” in two instances as follows:

Current text to remain, with text to be added shown in bold:

15.7.2 Dimensional minima and maxima for the full development parcel:

. . . Minimum Front Setback: As in existing zoning district, but may be reduced by the **Planning Board**.
 Minimum Side and Rear Yards: As in existing zoning district, but may be reduced by the **Planning Board**.

> Amend Section 3.2.3 by adding text and deleting text, to update the nomenclature for the Industrial districts and reorder them, and to delete reference to use for Heavy Vehicular Dealership and Repair Garage, as follows:

Current text to remain, with text to be added shown in bold and text to be deleted shown in strikethrough:

3.2.3 Use within buildings only

A principal use listed in Table I, Subsections 4.5 and 4.6 and permitted in either the Limited Business, General Business, ~~Industrial, or Industrial Park~~ **Industrial A, Industrial B or Industrial C** District shall be conducted entirely within building(s), except where the Bylaw expressly allows all or part of such uses to be conducted outside buildings: 4.5.11 Auto Service Station; 4.5.12 Auto Body Shop; 4.4.14 Parking Facility; **and** 4.6.2 Storage Yard, Open-air Sales; ~~and 4.6.4 Heavy Vehicular Dealership and Repair Garage.~~

> Amend Table I, Use Regulations, by deleting line 4.5.17 under Business Uses and adding a new line 4.6.6 under Industrial Uses as follows:

Text to be added shown in bold and text to be deleted shown in strikethrough:

PRINCIPAL USES	RESIDENTIAL DISTRICTS					BUSINESS DISTRICTS			INDUSTRIAL DISTRICTS			SITE PLAN APPROVAL
	R	A	B	C	D	LB	GB	C	IA	IB	IC	
	4.5.17 Industrial Mixed Use	No	No	No	No	No	No	No	SP	SPM	SPM	
4.6.6 Industrial Mixed Use	No	No	No	No	No	No	No	SPM	SPM	SPM	SPM	NR

> Amend Table I, Use Regulations, by adding a new line 4.6.4 under Industrial Uses as follows:

Text to be added shown in bold:

PRINCIPAL USES	RESIDENTIAL DISTRICTS					BUSINESS DISTRICTS			INDUSTRIAL DISTRICTS			SITE PLAN APPROVAL
	R	A	B	C	D	LB	GB	C	IA	IB	IC	
	4.6.4 IT, Life and Materials Science & Engineering	No	No	No	No	No	No	No	SPM	Yes	Yes	

Recommendations:

- Selectmen: Recommended approval
- Finance Committee: Recommended approval
- Planning Board: Unanimously recommended approval

Moderator declared motion passes unanimously.

Article 6 – Zoning Bylaw Amendment - Planned Residential Developments

Jeffrey Cohen made the following motion and the motion was seconded.

Voted, that the Town amend the Bedford Zoning Bylaws to revise the height and density requirements for Planned Residential Developments as follows:

> Amend Section 9.2.6 to add and to delete text, as follows:

Current text to remain, with text to be deleted shown in strikethrough and text to be added shown in bold:

9.2.6 Height

The maximum permitted height of any ~~structure~~ **building** within a PRD shall be ~~37~~**35** feet.

> Amend Section 9.2.3 to delete the last sentence, to read as follows:

Current text to remain, with text to be deleted shown in strikethrough:

9.2.3 Maximum Allowable Density

A number of units in excess of these provisions may be authorized by the Planning Board after approval by Town Meeting of such PRD in accordance with Section 14.8, up to the following maximum densities for the zoning district(s) within which the tract is located: Residence C – five units per acres; Residence B – four units per acre; Residence A – three units per acre; Residence R – two units per acre. ~~Not less than 20% of all units authorized in excess of 25% obtained by the application of Subsection 9.2.2.1 above shall be low and moderate income housing or affordable housing;~~

Recommendations:

- Selectmen: Recommended approval
- Finance Committee: Recommended approval
- Planning Board: Unanimously recommended approval

Moderator declared this motion passes unanimously.

Article 7 – Zoning Bylaw Amendment - Site Plans

Jeffrey Cohen made the following motion and the motion was seconded.

Voted, that the Town amend the Bedford Zoning Bylaw, by amending certain provisions within Section 7.5, relating to Site Plans, as follows:

> Amend Section 7.5.2.1 to add a new sentence after “Middlesex County Registry of Deeds.” at the end of the third paragraph as follows:

Text to be added shown in bold:

7.5.2.1 Application for Site Plan Approval

. . .Plan sheets of the site and of any proposed engineering, landscaping and other works associated with the site shall bear the stamp of a registered design professional.

> Amend the last sentence of Section 7.5.3, to add and delete text as follows:

Current text to remain, with text to be deleted shown in strikethrough and text to be added shown in bold:

7.5.3 Approval by the Inspector of Buildings

. . .The applicant shall provide proof, in the form of **an affidavit from a registered professional who is familiar with the original site plan**~~statement duly certified~~, that all conditions of the Site Plan Approval have been met before an Occupancy Permit shall be issued.

Recommendations:

- Selectmen: Recommended approval
- Finance Committee: Recommended approval
- Planning Board: Unanimously recommended approval

Moderator declared it passes unanimously.

Article 8 – Compensation for Employees Serving in Armed Forces or Reserves

Mark Daly made the following motion and the motion was seconded.

Voted, that the Town accept the provisions of MGL Chapter 33, Section 59 so as to not reduce compensation to Town employees serving in the armed forces of the commonwealth or in a reserve component of the armed forces of the United States as specified in said MGL Chapter 33, Section 59.

Recommendations:

- Selectmen: Recommended approval
- Finance Committee: Recommended approval

Moderator declared motion passes with the majority.

Article 9 – Lift for Access to Sabourin Field Press Box

Michael McAllister made the following motion and the motion was seconded.

Voted, that the Town appropriate the sum of \$32,801 for purchasing and installing a lift to provide persons with physical disabilities access to the Sabourin Field press box.

Recommendations:

- Selectmen: Recommended approval
- Finance Committee: Recommended approval
- Capital Expenditure Committee: No position
- School Committee: Recommended approval

Moderator declared motion passes on majority voice vote.

Article 10 – Plank Street Acquisition and Acceptance

Margot Fleischman made the following motion and the motion was seconded.

Voted, that the Town accept Plank Street as a public way within the Town of Bedford and authorize the Selectmen to acquire by gift, purchase, taking or otherwise, any fee, easement or other interest in and any easement related to, the said Plank Street; said land being shown as Parcel No. 20 and the portion of Parcel No. 21 south of Station 446 + 25.43 consisting of 0.9 acres, more or less, as shown on a plan recorded with Land Court Cert. 128858 and shown as Parcel 8B on Bedford Assessors Map 21, consisting of .45 acres, more or less, and being a portion of land previously or currently owned by Esquire Development Corp. as referenced in a deed dated October 9, 1973 and recorded in Book 841, Page 177 at the Middlesex South Registry of Deeds.

Recommendations:

- Selectmen: Recommended approval
- Finance Committee: Recommended approval
- Planning Board: Unanimously supports this article

Moderator declared motion passes unanimously.

Mr. Steele of the Finance Committee made the following motion and the motion was seconded.

I move that the Town amend Article 11 the current property tax surcharge of three percent (3%) of the tax assessed annually on real property which shall be dedicated to the CPA so as to propose a reduction in the surcharge to two percent (2%). Such surcharge to be imposed on years assessed for FY18 or after July 1, 2017.

Moderator declared the amendment failed.

Article 11 - Community Preservation Surcharge Effective July 1, 2017

Margot Fleischman made the following motion and the motion was seconded.

Voted, that the Town reconfirm a property tax surcharge of three percent (3%) of the taxes assessed annually on real property which shall be dedicated to the Community Preservation Fund, such surcharge to be imposed on taxes assessed for fiscal years beginning on or after July 1, 2017.

Recommendations:

- Selectmen: Recommended approval
- Finance Committee: Disapproval recommended
- Community Preservation: Recommended favorable vote
- Planning Board: Unanimously recommended approval

Moderator declared that motion passes.

Point of order on Article 12:

A voter asked if the motion needed to be amended for the Finance Committee recommendation.

The Moderator stated the motion was presented as a whole. The motion would need to be voted up or down or to be amended by being broken up separately.

Article 12 - Amend FY 2017 Community Preservation Budget

Margot Fleischman made the following motion and the motion was seconded.

Voted, that the Town amend the Fiscal Year 2017 Community Preservation appropriations voted in Article 20 of the 2016 Annual Town Meeting utilizing FY17 Community Preservation Funds by making the following adjustments:

- Decrease Item 6 - Liljegren Way/Mudge Way Athletic Fields Bond payment appropriation by \$38,000.00 for a revised total appropriation of \$0.
- Add Item 14 - Bedford Housing Authority Life Management Collaborative with a new appropriation of \$40,000

Recommendations:

Selectmen:	Recommended approval
Finance Committee:	Recommended approval Item 6 and disapproval of Item 14
Community Preservation:	Recommended approval

Moderator declared motion passes by majority.

The Moderator stated if you have a question on a line item for the operating budget, say hold. Vote on the unheld items would occur first. Each held item would be discussed and voted on separately.

Article 13 - Amend FY 2017 Operating Budgets

Stephen Steele made the following motion and the motion was seconded.

Voted, that the Town amend the sums appropriated under Article 24 of the 2016 Annual Town Meeting, Operating Budget - Fiscal Year 2017, beginning July 1, 2016, to be raised in the tax levy unless otherwise specified, by amending the following specified accounts with the following revised amounts:

Account #1300 – Finance/Administrative Services

- Amend so as to increase the total appropriation by \$500,000, for a revised total appropriation amount of \$1,541,151.
- Further amend so as to increase the Abatement Interest segregation by \$500,000 for a revised total of \$550,000.
- Further amend as to fund such appropriation by transferring the amount of \$500,000 from overlay surplus.

Account #1301 – Insurance & Benefits

- Amend so as to decrease the total appropriation by \$157,573 for a revised total appropriation of \$11,199,216.

Account #1303 – Principal & Interest

- Amend so as to decrease the total appropriation by \$196,258, for a revised total appropriation amount of \$7,453,607.

- Further amend so as to decrease the non-exempt interest segregation by \$158,257 for a revised total of \$701,480.
- Further amend so as to decrease the Community Preservation segregation by \$38,001 for a revised total of \$750,901.
- Further amend so as to decrease the amount to be transferred from the Community Preservation fund by \$38,001 for a revised amount of \$750,901

Account #3000 – School Department

- Amend so as to increase the total appropriation by \$30,000 for a revised total appropriation of \$37,740,703.

Account #4000 – Public Works

- Amend so as to increase the total appropriation by \$104,040 for a revised total appropriation amount of \$11,649,370.
- Further amend so as to decrease the MWRA segregation by \$18,652 for a revised total of \$3,368,500.
- Further amend so as to decrease the water purchase segregation by \$37,695 for a revised total of \$1,922,416.
- Further amend so as to increase the Refuse/Recycling segregation by \$160,387 for a revised total of \$1,133,796.
- Amend so as to decrease the amount to be transferred from the sewer fund by \$18,652 for a revised total of \$4,227,348.

Account #5420 – Youth & Family

- Amend so as to increase the total appropriation by \$100,000 for a revised total appropriation of \$571,196.

Recommendations:

Selectmen: Recommended approval
 Finance Committee: Recommended approval

Moderator declared motion passes unanimously.

Article 14 – Appropriate Funds for Emergency Communications Officers Collective Bargaining Agreement – FY 2017

William Moonan made the following motion and the motion was seconded.

Voted, that the Town appropriate the sum of \$35,586.65 to be added to Article 24, Operating Budget Fiscal Year 2017, Account #2010, Police Department, as voted at the 2016 Annual Town Meeting with \$35,586.65 to be added to the Salaries segregation therein to fund the provisions of a Collective Bargaining Agreement between the Town of Bedford and the Emergency Communication Officers Association, Local 2310-B, IAFF commencing July 1, 2015 for the Emergency Communications Officers; by transferring \$35,586.65 from said Article 24, Operating Budget Fiscal Year 2017, Account Number

1220, Selectmen.

Recommendations:

Selectmen: Recommended approval
Finance Committee: Recommended approval

Moderator declared motion passes unanimously.

Article 15 – Appropriate Funds for AFSCME, AFL-CIO, State Council 93, Local 1703 Collective Bargaining Agreement –FY 2017

William Moonan made the following motion and the motion was seconded.

Voted, that the Town appropriate the sum of \$32,436.39 to be added to Article 24, Operating Budget Fiscal Year 2017, Account #4000, Department of Public Works, as voted at the 2016 Annual Town Meeting with \$30,338.39 to be added to the Salaries segregation and \$2,098.00 to be added to the Equipment & Materials segregation therein to fund the provisions of a Collective Bargaining Agreement between the Town of Bedford and the AFSCME, AFL-CIO, State Council 93, Local 1703 Association commencing July 1, 2016 for the Department of Public Works Union Employees; by transferring \$32,436.39 from said Article 24, Operating Budget Fiscal Year 2017, Account Number 1220, Selectmen.

Recommendations:

Selectmen: Recommended approval
Finance Committee: Recommended approval

Moderator declared motion unanimously passes.

Article 16 - Stabilization Fund Appropriation

Stephen Steele made the following motion and the motion was seconded.

Voted, indefinite postponement of Article 16.

RECOMMENDATIONS

Selectmen: No position
Finance Committee: Recommended indefinite postponement

Moderator stated the motion is not debatable. Moderator declared motion postponed indefinitely.

Michael Rosenberg made a motion to adjourn Annual Town Meeting sine die. The motion was seconded the Town Meeting adjourned at 10:10 PM.

