

**WEST TISBURY
COMMONWEALTH OF MASSACHUSETTS**

**WARRANT FOR
SPECIAL TOWN MEETING**

County of Dukes County, SS
To Either of the Constables of the Town of West Tisbury,

GREETINGS:

In the name of the Commonwealth of Massachusetts you are hereby directed to notify and warn the inhabitants of West Tisbury qualified to vote in elections and in Town affairs to meet in the **West Tisbury Elementary School**, Old County Road, in said Town on **Tuesday** the **twenty-first day of May, two thousand and thirteen**, at **seven o'clock** in the evening; then and there to act on the articles of this Warrant.

ARTICLE 1: To see if the Town will vote to appropriate the sum of Ten Thousand Eight Hundred Eight Dollars (\$10,808) to replace windows in the historic County Courthouse, contingent upon proportional support from all other Island towns, with \$10,000 to be appropriated from the Community Preservation Act Historic Resources reserve fund and \$808 to be appropriated from the Community Preservation Act Undesignated reserve.
(RECOMMENDED 4-1)

ARTICLE 2: To see if the Town will vote to extend the period of time for expenditure of funds appropriated, in the amount of \$250,000, for the Sepiessa Point apartments project approved by vote at the 2008 Annual Town Meeting, (Warrant Article #32), through the fiscal year ending June 30, 2014.
(RECOMMENDED 3-2)

ARTICLE 3: To see if the Town will vote to create a "Roads Maintenance" Stabilization Fund.
(2/3 VOTE REQUIRED, RECOMMENDED 5-0)

ARTICLE 4: To see if the Town will vote to create a "Buildings Maintenance" Stabilization Fund.
(2/3 VOTE REQUIRED, RECOMMENDED 5-0)

ARTICLE 5: To see if the Town will vote to Raise and appropriate the sum of Nine Thousand Nine Hundred Forty Five Dollars and Ninety-Two Cents (\$9,945.92) to provide an Integrated Pest Management Program in the manner determined by the Board of Selectmen, in consultation with the Board of Health, to be in the best interests of the Town.
(RECOMMENDED 5-0)

ARTICLE 6: To see if the Town will vote to amend the zoning bylaw to add a new section establishing a temporary moratorium for Medical Marijuana Dispensaries and related uses in all zoning districts as follows:

12.1-1 INTERIM REGULATIONS FOR MEDICAL MARIJUANA USES

- A. Purpose.** This section is intended to establish a temporary restriction in order to allow the Town adequate time to consider whether to allow facilities associated with the medical use of marijuana, to the extent those facilities are permitted under state law and regulations and, if so, in which areas of the Town and under what conditions the facilities should be allowed. Given that a law permitting the medical use of marijuana within the Commonwealth of Massachusetts became effective on January 1, 2013, and given that the Department of Public Health has yet to promulgate regulations by which facilities that produce, dispense, or cultivate medical marijuana shall be registered and administered, a time-limited restriction, or moratorium, on the establishment of those facilities in West Tisbury will provide the opportunity to the Town to study and

consider the impact they will have on adjacent uses and on the general public health, safety, and welfare, and to develop zoning and other applicable by-laws or regulations to address these considerations, consistent with statewide regulations and permitting procedures.

- B. Definition.** A Medical Marijuana Treatment Center shall mean a not-for-profit entity, as defined by Massachusetts law only, 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 qualified patients or their personal caregivers, and which is properly licensed and registered by the Massachusetts Department of Public Health under all applicable state laws and regulations.
- C. Exclusion of Other Marijuana Uses.** The acquisition, cultivation, possession, processing, transfer, transportation, sale, distribution, dispensing, or administration of marijuana, products containing or derived from marijuana, or any related product, shall in no case be considered an accessory use to any other use.
- D. Interim Restriction/Temporary Moratorium.** Medical Marijuana Treatment Centers shall not be permitted in any zoning district while this Section 12.1-1 is in effect, as set forth in Section 12.1-1(E). Use variances for a Medical Marijuana Treatment Center are prohibited.
- E. Expiration.** This Section 12.1-1 shall be effective for a period of one year beginning on April 22, 2013, or until such time as the Town enacts superseding zoning amendments governing Medical Marijuana Treatment Centers and any requirements applicable to medical marijuana uses. **(2/3 VOTE REQUIRED, RECOMMENDED 5-0)**

ARTICLE 7: To see if the Town will vote the following by-law. “No person shall smoke, ingest, or otherwise use or consume marijuana or tetrahydrocannabinol (as defined in G. L. c. 94C §1, as amended) while in or upon any street, sidewalk, public way, footway, passageway, stairs, bridge, park, playground, beach, recreation area, boat landing, public building, schoolhouse, school grounds, cemetery, parking lot, or any are owned by or under the control of the Town; or in or upon any bus or other passenger conveyance operated by a common carrier; or in any place accessible to the public.

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 G.L. c. 40 §21, or by noncriminal disposition under G. L. c. 40, §21D, by the Board of Selectmen, the Town Administrator, or their duly authorized agents, or any police officer. The fine for violation of this by-law shall be three hundred dollars (\$300) for each offense. Any penalty imposed under this by-law shall be in addition to any civil penalty imposed under G. L. c. 94C, §32L. **(NO ACTION 3-2)**

And you are directed to serve this Warrant by posting attested copies thereof in not less than six (6) public places in West Tisbury fourteen days at least before the holding of such meeting.

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

Given under our hands this 2nd Day of May in the Year Two Thousand Thirteen.

Richard R. Knabel, Chairman

Jeffrey S. Manter

Cynthia E. Mitchell

WEST TISBURY SELECTMEN

DATE:

I have posted attested copies of the above Warrant in not less than six (6) public places in West Tisbury fourteen (14) days before such meeting.

Timothy Barnett
Constable

A true copy, attest:

Tara J. Whiting
Town Clerk