



Town of Wilmington

Finance Committee

Meeting Minutes

Thursday, November 30, 2017

Finance Committee Chairman, Theresa M. Manganello, called the Joint Public Hearing of the Finance Committee and Planning Board to order at 7:02pm in the Town Hall Auditorium. Members present were Neal Couture, Jonathan Eaton, Marianne Gallezzo, Michele Kincaid, Bernard P. Nally, and Kevin Stokes. Excused: John F. Doherty and Leigh Martinson.

Also present were Planning Board Chairman, Michael Sorrentino, Planning Board members Terrance Boland, Randi R. Holland, Sean Hennigan, and David Shedd, and Director of Planning & Conservation, Valerie Gingrich.

The purpose of the meeting was to review the articles to be presented Saturday, December 16, 2017 at the Special Town Meeting.

Planning Board Chairman Sorrentino read each article into the record and heard public comments.

Following the Joint Public Hearing, the Planning Board moved to Room 9 of Town Hall to discuss their recommendations, while the Finance Committee continued in the Town Hall Auditorium to discuss their recommendations.

ARTICLE 1

ARTICLE 1. To see if the town will vote to amend section 3.4 of the Wilmington zoning bylaws and associated table 1 principal use regulations as follows, or take any other action relevant thereto:

Amend section 3.4.6 under "classification of governmental, institutional and public services use" (zoning bylaw at page 13, Section 3.4.6) to insert at end of the existing text of 3.4.6 before the period punctuation mark the words "excluding any Detox Facility as defined in the bylaw"

Insert a new section 3.4.9 (zoning bylaw at page 13 under "classification of governmental, institutional and public services uses.") as follows:

"3.4.9 Detox Facility, use of any land, building or structures for the purpose of providing detoxification and treatment of alcoholism, drug addiction or substance abuse services."

Also amend table 1 principal use regulations, (Zoning bylaw at page 10 under "classification of governmental institutional and public services uses") by inserting a new line of text stating as follows:

"3.4.9 Detox Facility, R-10, No: R-20 No: R-60 No: 055-No: N/M-No: NB-No: GB-No: CB-No: GI-SP: HI-SP: LI/O-No: Site plan Review - R: GWPD**"

During the Public Hearing, Town Counsel, John Fosskett, stated that the Attorney General would likely not accept the article if passed at the Special Town Meeting. The Finance Committee expressed concern with this recommendation.

A motion was made by Ms. Gallezzo to disapprove Article 1, seconded by Ms. Kincaid, and by the affirmative vote of all it was

VOTED: that the Finance Committee recommend disapproval of Article 1.

ARTICLE 2

ARTICLE 2. To see if the town will vote to amend section 3.4 of the Wilmington Zoning Bylaws and associated Table 1 principal use regulations as follows, or take any other action relevant thereto:
Amend Section 3.4.6 under "Classification of Governmental, Institutional and Public Services Uses" (Zoning Bylaw at Page 13, Section 3.4.6) to insert at end of the existing text of 3.4.6 "Hospital and Nursing Homes" before the period punctuation mark the words "including any Detox Facility as defined as the use of any land, Building or Structures for the purpose of providing detoxification and treatment of alcoholism, drug addiction or substance abuse services".
Also amend Table 1 Principal Use Regulations, (Zoning Bylaw at page 10 Bylaw under "Classification of Governmental, Institutional and Public Services Uses") by amending the line of text for 3.4.6 "Hospital and Nursing Homes" to state as follows:
"3.4.6, R-10, No; R-20 No; R-60 No; 055-No; N/M-No; NB-No; GB-No; CB-No; GI-SP; HI-SP, LI/0-No; Site Plan Review-R; GWPD*"

The Committee discussed possible consequences of restricting establishments such as nursing homes to industrial areas. The Committee considered that in order to build such a large-scale institution, the only areas that might have adequate space and access to sewer would be industrial areas.

A motion was made by Mr. Nally to approve Article 2, seconded by Mr. Eaton, and by the affirmative vote of all it was

VOTED: that the Finance Committee recommend approval of Article 2.

ARTICLE 3

ARTICLE 3. To see if the Town will vote to amend the Wilmington Zoning Bylaw to prohibit marijuana establishments in all zoning districts by amending Table 1 Principal Use Regulation to include 3.7.2 Marijuana Establishments as follows:
3.7.2 Marijuana Establishments No No No No No No No No No
No NR *;
and by adding a new Section 3.7.2 as follows:
3.7.2 Marijuana Establishments Prohibited – Pursuant to Section 3 of Chapter 94G of Massachusetts General Laws, all types of marijuana establishments, as defined by Section 1 of Chapter 94G of Massachusetts General Laws and as may otherwise be defined by Massachusetts law or regulation, including without limitation all marijuana cultivators, marijuana testing facilities, marijuana product manufacturers, marijuana retailers, on-site consumption at a business location, all other types of licensed marijuana-related businesses, and the conducting of any such

activity for commercial purposes by whichever name used, shall be prohibited within the Town of Wilmington. This prohibition shall not be construed to affect the medical use of marijuana as expressly authorized by the provisions of Chapter 369 of the Acts of 2012 and 105 CMR 725.000; or to take any other action related thereto.

Following a brief discussion on potential revenue that recreational marijuana may generate, the Committee expressed concern that the state has not yet established laws regarding recreational use of marijuana.

A motion was made by Mr. Eaton to approve Article 3, seconded by Mr. Nally, and by the affirmative vote of all it was

VOTED: that the Finance Committee recommend approval of Article 3.

ARTICLE 4

ARTICLE 4. To see if the Town will vote to amend the Town of Wilmington Inhabitant Bylaws by adding a new Section 55 to Chapter 5 entitled Prohibition of Marijuana Establishments, as follows:

Section 55. Prohibition of Marijuana Establishments

Pursuant to Section 3 of Chapter 94G of Massachusetts General Laws, all types of marijuana establishments, as defined by Section 1 of Chapter 94G of Massachusetts General Laws and as may otherwise be defined by Massachusetts law or regulation, including without limitation all marijuana cultivators, marijuana testing facilities, marijuana product manufacturers, marijuana retailers, on-site consumption at a business location, all other types of licensed marijuana-related businesses, and the conducting of any such activity for commercial purposes by whichever name used, shall be prohibited within the Town of Wilmington. This prohibition shall not be construed to affect the medical use of marijuana as expressly authorized by the provisions of Chapter 369 of the Acts of 2012 and 105 CMR 725.000; or to take any other action related thereto.

Ms. Manganelli noted that even though this is a Planning article, the Committee can still discuss and make a recommendation. The Committee discussed concerns on where to locate recreational marijuana facilities and reasoned it would be preferable to not allow establishments, as voters in Wilmington did not vote in favor of recreational marijuana.

A motion was made by Mr. Couture to approve Article 4, seconded by Mr. Eaton, and by the affirmative vote of all it was

VOTED: that the Finance Committee recommend approval of Article 4.

ARTICLE 5

ARTICLE 5. To see if the Town will vote to amend Section 3.9.4 of the Town of Wilmington Zoning Bylaw to extend the temporary moratorium on marijuana establishments by six months through December 31, 2018 to allow the

Town time to study, reflect and decide on how to govern the time, place and manner of marijuana establishment operations and the number of marijuana establishments consistent with Chapter 94G of the General Laws and the regulations of the Cannabis Control Commission by replacing June 30, 2018 with December 31, 2018 so that Section 3.9.4 shall be amended to read as follows:

3.9.4 Expiration. This Section 3.9 shall be in effect through the end of December 31, 2018.

Or to take any action related thereto.

Having discussed medical marijuana for Articles three and four, the Committee was prepared to make a recommendation.

A motion was made by Ms. Kincaid to approve Article 5, seconded by Ms. Gallezzo, and by the affirmative vote of all it was

VOTED: that the Finance Committee recommend approval of Article 5.

Meeting adjourned at 9:10pm.

Respectfully submitted,

Recording Secretary