

TOWN OF WILMINGTON, MASSACHUSETTS



WARRANT  
SPECIAL TOWN MEETING  
DECEMBER 16, 2017

TO: THE CONSTABLE OF THE TOWN OF WILMINGTON:

**GREETINGS:**

In the name of the Commonwealth of Massachusetts and in the manner prescribed in the By-Laws of said Town, you are hereby directed to notify and warn the inhabitants of the Town qualified to vote in Town affairs to meet and assemble at the Wilmington High School Auditorium, 159 Church Street, in said Town of Wilmington, on Saturday, the sixteenth day of December 2017 at 10:30 a.m., then and there to act on the following articles:

**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\*\*"

**As Petitioned for by Michael V. McCoy and others**

**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/O-No; Site Plan Review-R; GWPD\*\*"

**As Petitioned for by Michael V. McCoy and others**

**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   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.

**Board of Selectmen**

**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.

**Board of Selectmen**

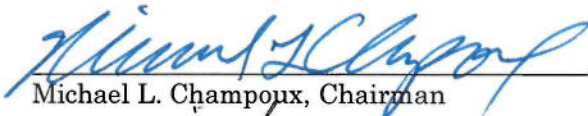
**ARTICLE 5.** To see if the Town will vote to amend Section 3.9.4 of the Town of Wilmington Zoning Bylaw to extend the temporary moratorium on marijuana establishments by six months through December 31, 2018 to allow the Town time to study, reflect and decide on how to govern the time, place and manner 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:

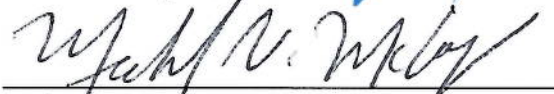
3.9.4 Expiration. This Section 3.9 shall be in effect through the end of December 31, 2018.


Or to take any action related thereto

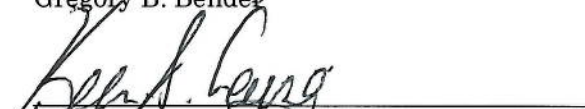
**Board of Selectmen**


Hereof fail not and make due return of this Warrant, or a certified copy thereof with your doings thereon to the Town Clerk as soon as may be and before said meeting, GIVEN OUR HAND AND SEAL OF SAID TOWN THIS 13th day of November, A.D., Two Thousand Seventeen.

  
Michael L. Champoux, Chairman

  
Michael V. McCoy

  
Gregory B. Bendel

  
Kevin A. Cairra

  
Edward P. Loud, Sr.

# TABLE 1 PRINCIPAL USE REGULATIONS

NOTE: All principal uses are subject to definitions and conditions in corresponding classification of uses contained in Section 3 of this Bylaw. Further, special permits allowed by this bylaw may be subject to minimum special permit; see Section 3.8.

PRINCIPAL USES		RESIDENTIAL DISTRICTS				NEIGHBORHOOD MIXED USE	BUSINESS DISTRICTS				INDUSTRIAL DISTRICTS			SITE PLAN REV	GW PD
		R10	R20	R60	O55	NM	NB	GB	CB	GI	HI	L/I/O			
3.2	<b>EXTENSIVE USES</b>														
3.2.1	Agriculture	Yes	Yes	Yes		Yes	Yes	Yes	No	Yes	Yes	Yes	NR	*	
3.2.2	Greenhouses	No	SP	SP		Yes	SP	Yes	No	Yes	Yes	Yes	R	*	
3.2.3	Conservation	Yes	Yes	Yes		Yes	Yes	Yes	No	Yes	Yes	Yes	NR	*	
3.2.4	Recreation	SP	SP	SP		Yes	SP	Yes	No	Yes	Yes	Yes	R	*	
3.2.5	Earth Removal	Yes	Yes	Yes		Yes	Yes	Yes	No	Yes	Yes	No	NR	*	
3.3	<b>RESIDENTIAL USES</b>														
3.3.1	Single Family Dwelling	Yes	Yes	Yes		No	Yes	No	No	No	No	No	NR	*	
3.3.2	Accessory Apartments	Yes	Yes	Yes		No	Yes	No	No	No	No	No	N	*	
3.3.3	Community Housing Facility	SP	SP	SP		SP	SP	SP	SP	No	No	No	NR	*	
3.3.4	Municipal Building Reuse	SP	SP	SP		SP	SP	SP	SP	No	No	No	NR	*	
3.3.5	Multi-Family Housing	No	No	No		SP	No	No	SP	No	No	No	R	*	
3.3.6	Over 55 Housing	No	No	No	SP	No	No	No	No	No	No	No	R	*	
3.4	<b>GOVERNMENTAL, INSTITUTIONAL AND PUBLIC SERVICE USES</b>														
3.4.1	Municipal Use	Yes	Yes	Yes		Yes	Yes	Yes	Yes	Yes	Yes	Yes	NR	*	
3.4.2	Educational	Yes	Yes	Yes		Yes	Yes	Yes	Yes	Yes	Yes	Yes	NR	*	
3.4.3	Religious	Yes	Yes	Yes		Yes	Yes	Yes	Yes	Yes	Yes	Yes	NR	*	
3.4.4	Philanthropic	SP	SP	SP		Yes	Yes	Yes	Yes	Yes	Yes	Yes	R	*	
3.4.5	Nursery School	SP	SP	SP		Yes	Yes	Yes	Yes	No	No	No	R	*	
3.4.6	Hospital & Nursing Home	SP	SP	SP		SP	SP	SP	SP	No	No	No	R	*	
3.4.7	Public Service Utility	SP	SP	SP		Yes	Yes	Yes	Yes	Yes	Yes	Yes	R	*	
3.4.8	Wireless Communications **	No	No	No		No	No	SP	No	SP	SP	SP	R	*	
3.5	<b>BUSINESS USES</b>														
3.5.1.1	Retail Store under 30,000 sf	No	No	No		Yes	Yes	Yes	Yes	SP	SP	SP	R	*	
3.5.1.2	Retail Store over 30,000 sf	No	No	No		No	No	No	No	No	SP	SP	R	*	
3.5.2	Business/Professional Office	No	No	No		Yes	Yes	Yes	Yes	Yes	Yes	Yes	R	*	
3.5.3	Bank	No	No	No		Yes	Yes	Yes	Yes	Yes	Yes	Yes	R	*	
3.5.4	Limited Service Restaurant	No	No	No		SP	No	SP	Yes	SP	Yes	SP	R	*	
3.5.5	General Service Restaurant	No	No	No		SP	No	SP	SP	No	SP	No	R	*	
3.5.6	Hotel or Motel	No	No	No		SP	No	SP	SP	SP	SP	SP	R	*	
3.5.7	Lodge and Club	No	No	No		Yes	SP	Yes	Yes	Yes	Yes	Yes	R	*	
3.5.8	Funeral Home	No	No	No		Yes	No	Yes	No	No	No	No	R	*	
3.5.9	Veterinary Care	No	No	No		SP	No	SP	SP	SP	SP	SP	R	*	
3.5.10	Personal Service Shop	No	No	No		Yes	Yes	Yes	Yes	No	Yes	No	R	*	
3.5.11	Craft Shop/Bldg Trade	No	No	No		Yes	Yes	Yes	Yes	Yes	Yes	Yes	R	*	
3.5.12	Commercial/Trade School	No	No	No		Yes	SP	Yes	SP	Yes	Yes	Yes	R	*	
3.5.13	Amusement Facility	No	No	No		No	No	Yes	SP	Yes	Yes	Yes	R	*	
3.5.14	Auto Service /Car Wash	No	No	No		No	No	SP	No	No	No	No	R	*	
3.5.15	Auto Repair/Body Shop/Rental	No	No	No		No	No	SP	No	SP	SP	No	R	*	
3.5.16	Vehicular Dealership	No	No	No		No	No	SP	No	No	No	No	R	*	
3.5.17	Parking Facility	No	No	No		Yes	No	Yes	Yes	Yes	Yes	Yes	R	*	
3.5.18	Adult Uses***														
3.5.19	Pet Care Facility	No	No	No		SP	No	SP	No	SP	No	No	R	*	
3.5.20	Reg. Marijuana Dispensary	No	No	No		No	No	No	No	SP	SP	No	R	*	
3.6	<b>INDUSTRIAL USES</b>														
3.6.1	Warehouse	No	No	No		No	No	No	No	Yes	Yes	Yes	R	*	
3.6.2	Bulk Material Storage/Sales	No	No	No		No	No	No	No	Yes	Yes	No	R	*	
3.6.3	Hvy Vehicular Dealer/Repair/Rental	No	No	No		No	No	No	No	SP	SP	No	R	*	
3.6.4	Light Industrial	No	No	No		No	No	No	No	Yes	Yes	Yes	R	*	
3.6.5	Limited Manufacturing	No	No	No		No	No	No	No	SP	SP	SP	R	*	
3.6.6	General Manufacturing	No	No	No		No	No	No	No	SP	SP	No	R	*	
3.6.7	Research and Development	No	No	No		No	No	No	No	SP	Yes	No	R	*	
3.7	<b>PROHIBITED USES</b>														
3.7.1	Prohibited Uses	No	No	No		No	No	No	No	No	No	No	NR	*	
3.7.2	Marijuana Establishments	No	No	No		No	No	No	No	No	No	No	NR	*	

\*Uses within the Ground Water Protection Districts may be subject to additional regulation. See Section 6.6 Ground Water Protection Districts.

\*\*Monopolies allowed by SP on Town-owned land; and attachments allowed by SP on existing structures in all zoning districts.

\*\*\*Overlay District. See Section 6.7