

**SPECIAL TOWN MEETING WARRANT  
COMMONWEALTH OF MASSACHUSETTS**

Plymouth, ss.

To the Constable(s) of the Town of Rochester in the County of Plymouth, Greetings.

In the name of the Commonwealth of Massachusetts, you are hereby directed to notify and warn the inhabitants of said Town qualified to vote in Town affairs to meet at the Rochester Memorial School, 16 Pine Street in said Town on Monday, November 25, 2013 at seven p.m. (7:00 p.m.) then and there to act on the following articles:

**ARTICLE 1: SUPPLEMENTAL APPROPRIATIONS**

To see if the Town will vote to transfer from available funds increases to the line items voted at the May 20, 2013 Annual Meeting.

**ARTICLE 2: USED LADDER TRUCK**

To see if the Town will vote to raise and appropriate by taxation, by transfer from available funds, by borrowing or any combination thereof, the sum of \$75,000 more or less, for the costs of purchasing a ladder truck and any related equipment, and also including all costs incidental and related thereto, and to see whether to meet said appropriation the Treasurer, with the approval of the Selectmen, shall be authorized to borrow the full amount of such appropriation under General Laws Chapter 44 or any other general or special law, and to issue bonds or notes of the Town in connection therewith, or take any other action relative thereto.

**ARTICLE 3: FLOOD PLAIN DISTRICT AMENDMENT**

To see if the Town will vote to amend the Rochester Zoning By-laws, Section VII - Flood Plain District as follows:

**INSERT** the following after the first paragraph of Section 3:

**a. Permitted Uses**

The following uses of low flood damage potential and causing no obstructions to flood flows shall be allowed provided they are permitted in the underlying district and they do not require structures, fill, or storage of materials and equipment:

1. Agricultural uses such as farming, grazing, truck farming, horticulture and including normally accepted cranberry bog maintenance procedure.
2. Forestry and nursery uses.
3. Outdoor recreational uses, including fishing, boating, play areas, etc.
4. Conservation of water, plants, wildlife.
5. Wildlife management areas, foot, bicycle and/or horse paths.
6. Appropriate nonresidential structures used in conjunction with fishing, growing, harvesting storage/sale of crops raised on the premises.
7. Buildings lawfully existing prior to the adoption of these provisions.

**b. Special Permits**

No structure or buildings, other than permitted above, shall be erected, constructed, substantially improved, or otherwise created or moved unless a special permit is granted by the

board of appeals. Said board may issue a special permit hereunder (subject to other applicable provisions of this By-Law) if the application is compliant with the following provisions:

1. The proposed use shall comply in all respects with the provisions of the underlying district, and
2. Within ten days of receipt of the application, the board shall transmit one copy of the development plan to the Conservation Commission, Planning Board, Board of Health, Town Engineer and Building Inspector. Final action shall not be taken until reports have been received from the above Boards or until thirty-five days have elapsed, and
3. All encroachments, including fill, new construction, substantial improvements to existing structures, and other development are prohibited unless certification by a registered professional engineer is provided by the applicant demonstrating that such encroachment shall not result in any increase in flood levels during the occurrence of the 100-year flood, and
4. The board may specify such additional requirements and conditions it finds necessary to protect the health, safety and welfare of the public and the occupants of the proposed use.

#### **ARTICLE 4: ROADSIDE STAND & FARM STAND DEFINITIONS**

To see if the Town will vote to amend Section III of the Zoning By-Law by amending the existing definition of "Roadside Stand" and adding a new definition of "Farm Stand", as follows:

##### **"Roadside Stand**

An accessory structure for the sale of articles grown or produced in the Town of Rochester."

##### **"Farm Stand (also referred to as an Accessory Structure)**

Any accessory structure more than 80 square feet in floor area used for the sale of produce, wine and dairy products provided that a minimum of 25% of such product(s) for sale, based on gross sales dollars, were produced on land within the Town of Rochester and at least an additional 50% of such product(s) for sale, based upon gross sales dollars, were produced in Massachusetts."

#### **ARTICLE 5: ACCESSORY STRUCTURE DIMENSIONAL REGULATIONS**

To see if the Town will vote to amend Section VIII.C.2 of the Zoning By-Law as follows:

"2. Accessory structures:

Table of Accessory Structure Dimensional Regulations  
(All distances are measured from the respective property line)

<u>Type of Accessory Structure</u>	<u>Max. GFA*</u>	<u>Min. Front Setback</u>	<u>Min. Side Setback</u>	<u>Min. Rear Setback</u>	<u>Min. Bldg. Setback</u>
1. Major Farm Structure	No Limit	100 ft	100 ft	100 ft	10 ft
2. Minor Farm Structure	675 SF	40 ft	40 ft	40 ft	10 ft
3. Roadside Stand	80 SF	15 ft	10 ft	10 ft	10 ft
4. Accessory Structure > 150 SF	1,000 SF	40 ft	40 ft	40 ft	10 ft
5. Accessory Structure ≤ 150 SF**	150 SF	40 ft	10 ft	10 ft	10 ft
6. Garage	1,000 SF	40 ft	40 ft	40 ft	10 ft
7. Guest House	300 SF	40 ft	40 ft	40 ft	10 ft
8. Swimming Pools	N/A	40 ft	40 ft	40 ft	10 ft

\* The total gross floor area (GFA) by an accessory building shall include the horizontal projections of roof and floor areas above the ground floor.

\*\* Not to be used to house animals

No accessory structure other than roadside stand shall be located within the front yard area or a minimum of 40 feet, whichever is greater.

Height shall not exceed the height of the principal structure except where permitted below.

(Amended: Article XXI, June 4, 2007 Annual Town Meeting)

3. Religious, educational or municipal use except cemeteries.”

**ARTICLE 6: MEDICAL MARIJUANA TREATMENT CENTER**

To see if the Town will vote to add a definition to Section III for a Medical Marijuana Treatment Center and add regulatory language to Section IV as follows:

**“Section III  
Definitions**

**Medical Marijuana Treatment Center**

A not-for-profit entity, as defined by Massachusetts law only, registered under Massachusetts law [Chapter 369 of the Acts of 2012], 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.”

**PERMITTED USE IN INDUSTRIAL DISTRICT**

**“Section IV: Industrial District**

E. Uses Permitted by Special Permit

8. Medical Marijuana Treatment Centers

The Medical Marijuana District is an overlay district superimposed over the Industrial district as defined in these Zoning By-Laws as of June 9, 2003. Future changes in the boundary of this district shall require specific reference to the Medical Marijuana District. The Zoning Board of appeals shall act as the special permit granting authority and may grant a special permit for any

of the uses listed in the definition of Medical Marijuana Treatment Center in Section III.

- a. Purpose and Intent  
To provide for the limited establishment of Medical Marijuana Treatment Centers in appropriate places and to minimize the adverse impacts of Medical Marijuana Treatment Facilities on residential neighborhoods, schools and other places where children congregate, and other land uses potentially incompatible with said facilities.
- b. Location  
No Medical Marijuana Treatment Center may be located within 1,000 feet of a school, church or other religious use, child care facility, family child care home, park, playground, drug or alcohol rehabilitation facility, or other Medical Marijuana Treatment Center. Distance shall be measured as the shortest between buildings, or as the shortest distance between the building of the Medical Marijuana Treatment Center and the lot line of a church, child care facility, school, park, playground or other recreational area."

#### **ARTICLE 7: SITE PLAN REVIEW APPLICATION AND SITE PLAN REVIEW FEE**

To see if the Town will vote to amend Section XVI.1.13 of the Zoning By-Laws regarding Site Plan Review Application and Site Plan Review Fee as follows:

##### 1.13 Application Fee

The application fee is specified in Section 6 of the Rules & Regulations Governing the Subdivision of Land. The application fee shall be submitted in check form and made payable to the Town of Rochester. Other related fees shall also be submitted in check form and made payable to the appropriate entities, as directed by Planning Board staff.

##### 1.14 Site Plan Review Fee

###### 1. Minimum Review Fee Deposit

The minimum review fee shall be the sum of estimates from the professional services described in Subparagraph 2, below. The Planning Board will use these services in its Site Plan review and evaluation process as established during the Pre-Submission Conference described in paragraph 1.5 above. The Site Plan Review fee system is intended to encourage the applicants to submit complete, accurate and thorough applications and supporting materials.

The minimum Site Plan Review fee shall be submitted by the applicant at the same time the application and site plan are submitted to the Planning Board. The minimum review fee deposit shall be submitted in check form and made payable to the Town of Rochester. If the Planning Board finds that the amount of the deposit is not sufficient to cover the actual costs incurred during the Site Plan Review process, the applicant shall be required to submit additional funds to cover said costs. Failure to submit such additional funds shall be deemed a violation of these regulations and shall be deemed reason to deny approval of the application. Once final review of the project is complete, based on the conditions of the Site Plan Review Decision, any remaining funds in the account shall be returned to the applicant upon a majority vote of the Planning Board.

## 2. Costs Covered by the Review Fee

The review fee shall be applied to all costs associated with the complete review of the Site Plan application and supporting materials as well as any post-approval inspection and reports, as determined by the Planning Board. This shall include, but not be limited to the use of engineering or other land-use consultants, professional planners, registered professional engineers, architects or landscape architects, attorneys or other professional consultants to advise the Board on information presented by the applicant or the applicant's representatives on any and all aspects of the site plan.

Retention by the Board of outside consultants in connection with review under this by-law shall be in accordance with the provisions of Massachusetts General Laws, Chapter 44, Section 53C.

## 3. Planning Board Regulations

The Planning Board, following a public hearing, may adopt and from time to time amend procedures for establishing fees including costs for in-house processing and review and the engagement of outside consultants.

### **ARTICLE 8: SITE PLAN REVIEW BY-LAW AMENDMENT**

To see if the Town will vote to amend Section XVI of the Zoning By-Laws as follows:

#### Section XVI: Site Plan Review

##### 1.6 Site Plan Approval Application Filing

“An Applicant for Site Plan Approval shall file an application and site plan with the Planning Board accompanied by 15 copies of the Plan and any supporting documents, the application fee and minimum Site Plan Review fee as required by the Planning Board. On the same day, the applicant shall file a copy of the application and site plan with the Town Clerk. The Town Planner or Agent of the Planning Board shall then review the submitted materials to confirm that the application is complete pursuant to the submission requirements in this section. The date of submission to the Town Clerk shall be considered the date of receipt by the Planning Board. Such application and site plan shall include the elements on which the Planning Board is to make findings and determinations as provided in this section, and shall also include information as to the nature and extent of the proposed use structures, and such further information as the Planning Board shall reasonably require by rule or regulation in a Site Plan Review Manual.”

### **ARTICLE 9: INCREASE FEE FOR MARRIAGE INTENTION**

To see if the Town will vote to increase the Fee for Marriage Intentions from \$5.00 to \$20.00, effective December 1, 2013, or take any other action thereto.

### **ARTICLE 10: COUNCIL ON AGING BY-LAW AMENDMENTS**

To see if the Town will vote to amend Section 3 of the Rochester Council on Aging By-laws by inserting the following as the second paragraph of that Section:

“A Member absent at three consecutive meetings of the Council without reasonable cause shall be declared to have vacated his or her seat. After two such absences, the Council President shall notify the member by certified letter that that such member will be declared to have vacated the seat in the event the member is absent without reasonable cause at the next scheduled meeting. “Reasonable cause” includes absences for illness, severe weather conditions, family emergencies, a death in the family, child care issues, or an unexpected change in work schedule. In the event that the member is absent for a third consecutive meeting, without presenting a reasonable cause for such absence, the President shall as soon as possible thereafter notify the Board of Selectmen that the seat held by the member has been vacated.

The Board of Selectmen shall fill the vacancy in accordance with this Section upon the recommendation of the remaining Council Board.”

, or take any action relative thereto.

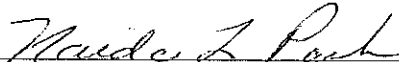
#### **ARTICLE 11: COMMUNITY PRESERVATION ACT**

To see if the Town will accept Sections 3 to 7, inclusive, of Chapter 44B of the General Laws, otherwise known as the Community Preservation Act, by approving a surcharge on real property for the purposes permitted under said Act, including acquisition, creation and preservation of open space, the acquisition and preservation of historic resources, the acquisition, creation and preservation of land for recreational use, the creation, preservation and support of community housing, and the rehabilitation and restoration of such open space, historic resources, land for recreational use and community housing that is acquired or created as provided under said Act: that the amount of such surcharge on real property shall be 1.5% of the annual real estate tax levy against real property that such surcharge on real property shall commence in fiscal year 2015; and that the Town hereby accepts the following exemption(s) from such surcharge permitted under Section 3(e) of said Act: property owned and occupied as a domicile by any person who qualifies for low income housing or low or moderate income senior housing in the Town as defined in G.L. c.59, paragraph 2A and \$100,000 of the value of each taxable parcel of real property or to take any other action relative thereto.


#### **ARTICLE 12: COMMUNITY PRESERVATION COMMITTEE**

To see if the Town will vote to establish a Rochester Community Preservation Committee as described in the Community Preservation Act Chapter 44B to study the needs, possibilities and resources of the Town and make recommendations to Town Meeting regarding community preservation in the areas of open space, historic resources, community housing and public recreation; said committee shall consist of five members serving two year terms; one member designated by the Conservation Commission, one member designated by the Historic Commission, one member designated by the Planning Board, one member designated by the Park Commission and one member designated by the Housing Authority or by persons acting in those capacities or performing those duties of the authority if it has not been established in the Town; the three members from Conservation Commission, Historic Commission and Planning Board shall serve two years and the two members from Park Commission and Housing Authority shall serve one year terms and two years thereafter.

Given under our hands this 4<sup>th</sup> day of November 2013.

  
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Naida L. Parker, Chairman

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Bradford N. Morse, Vice Chairman

  
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Richard D. Nunes, Clerk

By virtue of this Warrant I have this day notified and warned the inhabitants of the Town of Rochester, qualified to vote in elections and town affairs, to meet at the Rochester Memorial School, 16 Pine Street at the time and place for the purpose herein named by posting up attested copies thereon in the following places:

Outside Rochester Town Hall  
Rochester Post Office  
Plumb Library  
Council on Aging  
Rochester Web Site

Method of service:

*posting*

*11-6-2013*

\_\_\_\_\_  
Date

Constable

  
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