

SPECIAL TOWN MEETING-OCTOBER 7, 2008-proceedings

The Moderator Kevin G. Rudden opened the meeting at 7:00pm. The Moderator noted that the warrant had been duly posted and properly served. The rules of the meeting were gone over, along with the emergency exits being pointed out.

Non-Residents were allowed into the meeting:

Steve Lanava-Worcester Telegram & Gazette
Aaron Nicoderms, Telegram & Gazette
Krista Perry, Milford Daily News
Brandon Moss, Town Counsel
Marion Coffey, Non Resident
Michelle Sanford, Town Crier Reporter

ARTICLE 1 - (By Citizen Petition)

Motion to amend Section XVI of the Zoning By-Laws, entitled "Adult Entertainment Overlay District" by renumbering the existing section 9 as section 10 and adding the following as a new section 9:

The following provisions apply to all Adult Entertainment or Use establishments located within the Town of Mendon:

1. No Adult Entertainment or Use facility shall exceed 2,000 square feet in footprint in keeping with the historically rural atmosphere of the town and in consideration of traffic safety.
2. No Adult Entertainment or Use facility shall exceed one story in height (14 feet). Basements areas shall not be accessed by patrons for any purpose and shall not be furnished for retail or entertainment purposes.
3. Any pre-existing Adult Entertainment or Use facility exceeding 2,000 square feet must comply with Items #1 and #2, above, upon re-issuance of the annual adult entertainment license to operate in accordance with Section 5(G) of the Town of Mendon Regulations Governing Adult Entertainment Establishments Pursuant to M.G.L. Chapter 140, Section 183A. In order to comply, the pre-existing Adult Entertainment or Use facility shall either erect fully opaque interior partitioning walls to reduce the size of the Adult Entertainment or Use facility (including ancillary supporting areas such as storage, kitchens, restrooms, meeting rooms, office rooms, and dressing rooms) to an area measuring below 2,000 square feet or shall demolish any portion of the facility exceeding 2,000 square feet in area. In determining compliance, the Building Department of the Town of Mendon shall conduct an inspection of the premises to determine that the Adult Entertainment and Use area does not exceed 2,000 square feet prior to the re-issuance of the adult entertainment license.
4. No Adult Entertainment or Use facility shall open for business prior to 4:30pm in on days in which school is in session in order to provide an opportunity for all elementary school buses to finish student bus routes.

ARTICLE 1 Motion to amend Article 1 as follows:

- a). Item #2 Delete the parenthetical expression (14 feet).
- b). Item #3 Change "below 2000 square feet" to "not to exceed 2000 square feet"

MAJORITY VOICE VOTE

ARTICLE 1-Motion to amend the amendment as follows:

Item #2-Any Adult Entertainment or Use facility shall not exceed 14' in structural height.

MAJORITY VOICE VOTE

ARTICLE 1 Motion to amend Article 1 to include the following changes :

Item #2 Any Adult Entertainment or Use facility shall not exceed 14' in structural height.

Item #3 Change "below 2000 square feet" to "not to exceed 2000 square feet"

UNANIMOUS VOICE VOTE

ARTICLE 1 Voted to amend Section XVI of the Zoning By-Laws, entitled "Adult Entertainment Overlay District" by renumbering the existing section 9 as section 10 and adding the following as a new section 9: with the underlined text being added and the strike through text being deleted:

The following provisions apply to all Adult Entertainment or Use establishments located within the Town of Mendon:

5. No Adult Entertainment or Use facility shall exceed 2,000 square feet in footprint in keeping with the historically rural atmosphere of the town and in consideration of traffic safety.
6. No Adult Entertainment or Use facility shall not exceed ~~one story in height (14 feet)~~ 14' in structural height. Basements areas shall not be accessed by patrons for any purpose and shall not be furnished for retail or entertainment purposes.
7. Any pre-existing Adult Entertainment or Use facility exceeding 2,000 square feet must comply with Items #1 and #2, above, upon re-issuance of the annual adult entertainment license to operate in accordance with Section 5(G) of the Town of Mendon Regulations Governing Adult

Entertainment Establishments Pursuant to M.G.L. Chapter 140, Section 183A. In order to comply, the pre-existing Adult Entertainment or Use facility shall either erect fully opaque interior partitioning walls to reduce the size of the Adult Entertainment or Use facility (including ancillary supporting areas such as storage, kitchens, restrooms, meeting rooms, office rooms, and dressing rooms) to an area measuring ~~below~~ not to exceed 2,000 square feet or shall demolish any portion of the facility exceeding 2,000 square feet in area. In determining compliance, the Building Department of the Town of Mendon shall conduct an inspection of the premises to determine that the Adult Entertainment and Use area does not exceed 2,000 square feet prior to the re-issuance of the adult entertainment license.

8. No Adult Entertainment or Use facility shall open for business prior to 4:30pm in on days in which school is in session in order to provide an opportunity for all elementary school buses to finish student bus routes.

UNANIMOUS VOICE VOTE

ARTICLE 2 - (By Citizen Petition)

Motion to amend the Town of Mendon By-Laws by the adding the following new section:

The following provisions apply to all Adult Entertainment or Use establishments consisting of an “adult bookstore”, “adult motion picture theater”, adult paraphernalia store”, “adult video store”, and an “establishment which displays live nudity for its patrons” as defined by M.G.L. Ch. 40a, Section 9A located within the layout lines of the Adult Entertainment Overlay District created by the voters of the Town of Mendon on May 2nd, 2008 and defined by the Town of Mendon Regulations Governing Adult Entertainment Establishments pursuant to M.G.L. Chapter 140, Section 183A:

1. The Town of Mendon shall not grant any license for the sale of alcohol for consumption in accordance with the provisions of M.G.L. Ch. 138 Section 12 to any Adult Entertainment or Use establishment, as defined by M.G.L. Ch. 40a, Section 9A as the presence of alcohol is documented to exacerbate negative secondary crime effects at sexually-oriented businesses.
2. The Town of Mendon shall not grant any special licenses for the sale of alcohol for consumption in accordance with M.G.L. Ch. 138, Section 14 to any establishment as defined as an Adult Entertainment or Use per Chapter 40a, Section 9A as the presence of alcohol is documented to exacerbate negative secondary crime effects at sexually-oriented businesses.
3. The Town of Mendon shall not allow patrons of Adult Entertainment or Use establishments to consume alcoholic beverages within any Adult Entertainment or Use establishment, even if such beverages are brought to the premises by the patrons as a presence of alcohol is documented to exacerbate negative secondary crime effects at sexually-oriented businesses.
4. In the event that an establishment already in possession of a license in accordance with M.G.L. Ch. 138, Section 12 or Section 14 applies for a license to operate an Adult Entertainment or Use, such establishment shall only be granted a license to coincide with the expiration of its M.G.L. Ch. 138, Section 12 and/or Section 14 license(s) and this license will not be renewed.
5. No Adult Entertainment or Use establishment situated outside of the Adult Entertainment Overlay District may be located within seven hundred fifty (750) feet of a lot line of any parcel containing an establishment licensed under the provisions of M.G.L. Ch. 138 Section 12 or Section 14.

ARTICLE 2 Voted to amend Section 5 from “M.G.L. Ch. 138 Section 12 or Section 14” to “M.G.L. Ch. 138 Section 12 and/or Section 14.”

MAJORITY VOICE VOTE

ARTICLE 2 Voted to amend the introductory paragraph of Article 2 by deleting “and defined by the Town of Mendon Regulations Governing Adult Entertainment Establishments pursuant to M.G.L. Chapter 140, Section 183A” adding the words “as set forth in the Mendon Zoning Bylaws.”

UNANIMOUS VOICE VOTE

ARTICLE 2 Voted to change “M.G.L. Ch. 138, Section 12 or Section 14” appearing in lines 1 and 2 of Item 4 to “M.G.L. Ch. 138, Section 12 and/or Section 14.”

UNANIMOUS VOICE VOTE

ARTICLE 2 Voted to amend the Town of Mendon Bylaws by adding the following new section: **the underlined text being added and the deleted text being stike through.**

The following provisions apply to all Adult Entertainment or Use establishments consisting of an “adult bookstore”, “adult motion picture theater”, adult paraphernalia store”, “adult video store”, and an “establishment which displays live nudity for its patrons” as defined by M.G.L. Ch. 40a, Section 9A located within the layout lines of the Adult Entertainment Overlay District created by the voters of the Town of Mendon on May 2nd, 2008 and ~~defined by the Town of Mendon Regulations Governing Adult Entertainment Establishments pursuant to M.G.L. Chapter 140, Section 183A:~~ as forth in the Mendon Zoning Bylaws:

1. The Town of Mendon shall not grant any license for the sale of alcohol for consumption in accordance with the provisions of M.G.L. Ch. 138 Section 12 to any Adult Entertainment or Use establishment, as defined by M.G.L. Ch. 40a, Section 9A as the presence of alcohol is documented to exacerbate negative secondary crime effects at sexually-oriented businesses.
2. The Town of Mendon shall not grant any special licenses for the sale of alcohol for consumption in accordance with M.G.L. Ch. 138, Section 14 to any establishment as defined as an Adult Entertainment or Use per Chapter 40a, Section 9A as the presence of alcohol is documented to exacerbate negative secondary crime effects at sexually-oriented businesses.
3. The Town of Mendon shall not allow patrons of Adult Entertainment or Use establishments to consume alcoholic beverages within any Adult Entertainment or Use establishment, even if such beverages are brought to the premises by the patrons as a presence of alcohol is documented to exacerbate negative secondary crime effects at sexually-oriented businesses.
4. In the event that an establishment already in possession of a license in accordance with M.G.L. Ch. 138, Section 12 and/or Section 14 applies for a license to operate an Adult Entertainment or Use, such establishment shall only be granted a license to coincide with the expiration of its M.G.L. Ch. 138, Section 12 and/or Section 14 license(s) and this license will not be renewed.
5. No Adult Entertainment or Use establishment situated outside of the Adult Entertainment Overlay District may be located within seven hundred fifty (750) feet of a lot line of any parcel containing an establishment licensed under the provisions of M.G.L. Ch. 138 Section 12 and/or Section 14.

MAJORITY VOICE VOTE

The warrant was dissolved at 8:33pm. There were 197 voters in attendance. The tellers were Kathryn Rich, Nancy Fleury and Patricia Ghelli. The officer on duty was Bruce Poirier.

A true copy. Attest:

Margaret Bonderenko
Town Clerk