

COMMONWEALTH OF MASSACHUSETTS

WORCESTER, SS

TO ANY CONSTABLE IN THE TOWN OF WESTBOROUGH, IN THE COUNTY OF WORCESTER, GREETINGS:

In the name of the Commonwealth of Massachusetts, you are directed to notify and warn the inhabitants of the Town of Westborough, qualified to vote in elections and town affairs, to meet in various precincts in Westborough on Tuesday, the 7th day of March, 2017 at 7:00 A.M. for the following purposes:

ARTICLE 1: Annual Town Election (Board of Selectmen)

To bring in their votes for:

- One (1) Selectman (3 years)
- One (1) Town Moderator (3 years)
- One (1) Town Clerk (3 years)
- One (1) Planning Board member (5 years)
- One (1) Planning Board member (1 year)
- Two (2) School Committee members (3 years)
- Three (3) Trustees of Public Library (3 years)

Polls will be open from 7 A.M. to 8 P.M. in the following places:

Precincts 1 – 5 Westborough High School, 90 West Main Street

And to act on the following articles at the adjourned session of said meeting on March 18, 2016, at 1:00 P.M. in the Westborough High School Auditorium and Gymnasium on West Main Street.

The Town Manager's Statements printed in italics are not part of the formal articles of the warrant. They constitute additional information offered for the benefit of the voters, true and correct as of the time of posting of the warrant, but subject to change as called for. They are not to be construed so as to broaden or limit the scope of the formal articles.

ARTICLE 2: Town Reports (Advisory Finance Committee)

To see if the Town will vote to hear the reports of the several town officers and committees, and to dissolve any committees established by Town Meeting that have fulfilled their mission, or take any other action thereon.

ARTICLE 3: Prior Years Bills (Country Club Operating Committee)

To see if the Town will vote to transfer from the Country Club Reserve Account the sum of Five Hundred Ninety Three and 90/100 Dollars (\$593.90) for the purpose of paying outstanding balances in the Superintendent's contracts in FY14; FY15; and FY16, or take any other action thereon.

Town Manager's Statement – The Superintendent's contract is subject to an annual increase based on the Consumer Price Index (CPI). An incorrect percentage was used in FY14 and the error compounded in FY15 and FY16. The motion for this article is a simple majority vote.

ARTICLE 4: Clerical Union Contract Appropriation (Town Manager)

To see if the Town will vote to raise and appropriate the sum of Fifty Eight Thousand Five Hundred Ninety Seven Dollars (\$58,597) or such other sum as Town Meeting may appropriate to Various Town Departments FY17 Salary & Wage Accounts for the purpose of funding the Clerical Union's Collective Bargaining Agreement as follows:

Assessors	\$2,802
Treasurer/Collector	\$4,377
MIS/GIS	\$2,192
Town Clerk	\$3,582
Conservation Commission	\$2,358
Planning Board	\$1,782
Building & Grounds	\$2,811
Building Commissioner	\$5,824
Dept of Public Works	\$2,113
Board of Health	\$5,635
Council on Aging	\$3,843
Library	\$18,116
Sewer Enterprise	\$1,581
Water Enterprise	\$1,581

Or take any other action thereon.

Town Manager's Statement – This article would fund the first year of the recently settled labor negotiations with the Clerical Union for FY17 – FY19. The contract was settled at 3.0% - 2.0% - 1.0% over a three year period. The motion for this article is a simple majority vote.

ARTICLE 5: Fiscal Year 2017 Budget Transfers (Town Manager)

To see if the Town will vote to transfer from free cash and appropriate Two Hundred Thousand Dollars to fund the Insurance Expense Account, or such other sum as Town Meeting may appropriate to fund additional insurance costs in FY2017, or take any other action thereon.

Town Manager's Statement – For the second year, there have been several factors that have affected the insurance budget this year causing a shortage in funding in this account. The health insurance budget is estimated to be approximately \$200,000 short this year. There are two main reasons this occurred, again, there was an unusually high number of new enrollees in the Town's health insurance plan as well as a large increase in the number of retirees on the Town's health insurance plan. Additionally, the senior plan experienced an 11% increase and is a January 1-December 31 plan which is not possible to budget for in advance. The motion for this article is a simple majority vote.

ARTICLE 6: Fiscal Year 2018 Operating Budgets (Advisory Finance Committee)

To see what sums the Town will vote to raise and appropriate for the support of the several offices, departments, boards and commissions of the Town of Westborough for Fiscal Year 2018 beginning July 1, 2017, and ending June 30, 2018, or take any other action thereon.

Town Manager's Statement – The Town budgets, including all expenses are estimated to increase/decrease as follows:

<u>Fund</u>	<u>FY17</u>	<u>FY18</u>	<u>\$ Increase</u>	<u>%Increase</u>
General Fund	\$ 84,475,616	\$ 88,028,017	\$ 3,552,401	4.2%
Water Fund	\$ 3,903,616	\$ 3,884,912	\$ (18,704)	-0.5%
Sewer Fund	\$ 2,054,849	\$ 1,937,050	\$ (117,799)	-5.7%
Wastewater Treatment Fund	\$ 4,208,018	\$ 4,150,382	\$ (57,636)	-1.4%
Country Club	\$ 404,487	\$ 415,000	\$ 10,513	2.6%
Total:	\$ 95,046,586	\$ 98,415,361	\$ 3,368,775	3.5%

The motion for this article is a simple majority vote.

ARTICLE 7: Regularly Recurring Articles (Town Manager)

To see what action the Town may take on the following items, A through E, which may be voted as a block, or singly, or in any combination, but however voted, will be treated for accounting purposes as if each item were voted as a separate article:

A. Revolving Funds (Fire, Youth & Family Services, LEPC, COA)

To see if the Town will vote to re-establish the following Revolving Funds as provided for in Massachusetts General Laws, Chapter 44, Section 53E½:

	<u>Revolving Fund</u>	<u>Purpose</u>	<u>Funds to be Deposited From</u>	<u>Authorized to Expend Funds</u>	<u>Maximum Expenditure</u>
A1	Fire Department	EMS Training	Program Fees	Fire Chief	\$4,000
A2	Youth and Family Services	To Provide Youth Activities such as Hot Summer Nights and Babysitter training	Program Fees	Youth Commission	\$15,000
A3	Local Emergency Planning Committee	To address hazardous materials spills and provide the Fire Department the means to bill insurance companies and refurbish supplies used in HazMat spills	Insurance and other Proceeds for Services	Local Emergency Planning Committee	\$100,000
A4	Council on Aging	To Provide Programs for Seniors	Program Fees	Council on Aging	\$15,000

Or take any other action thereon.

Town Manager's Statement – This article is set up to provide the authorization for all revolving funds for the purposes as stated above. The motion for this article is a simple majority vote.

B. Reserve Funds (Advisory Finance Committee) To see if the Town will vote to raise and appropriate the sum of Two Hundred Fifty Thousand Dollars (\$250,000) or such other amount as the Town Meeting may approve, for the Finance Committee General Reserve Fund, transfer Fifty Thousand Dollars (\$50,000), or such other amount as the Town Meeting may approve, from Water retained earnings for the Water Enterprise Reserve Fund, transfer Fifty Thousand Dollars (\$50,000), or such other amount as the Town Meeting may approve, from Sewer retained earnings for the Sewer Enterprise Reserve Fund, and transfer Twenty Thousand Dollars (\$20,000) from Country Club retained earnings for the Country Club Enterprise Reserve Fund, or such other amounts as the Town Meeting may approve, in accordance with Section 6 of Chapter 40 of the Massachusetts General Laws, or take any other action thereon.

*Town Manager's Statement – These accounts provide funding for unforeseen expenses during the year through various reserve funds. The motion for this article is a simple majority vote.
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C. July 4th Celebration (Recreation Department) To see if the Town will vote to raise and appropriate the sum of Two Thousand Five Hundred Dollars (\$2,500) or such other amount as the Town Meeting may approve, for the annual July 4th celebration to be expended by the Westborough July 4th Committee under the direction of the Board of Selectmen, or take any other action thereon.

Town Manager's Statement – This article pays part of the cost for the annual July 4th celebration. The motion for this article is a simple majority vote.

D. Reconstruction and Improvement of Town Roads (Chapter 90) (DPW) To see if the Town will vote to transfer from available funds the sum of Seven Hundred Ninety Thousand One Hundred and Ninety Dollars (\$790,190) or such other amount as the Town Meeting may approve, to construct, reconstruct, or improve the town roads, and further, to authorize the Board of Selectmen to apply for and accept a grant in this full amount, more or less, which is to be the State's contribution and/or reimbursement under chapter 90 of the Massachusetts General Laws for work done under this article, or to take any other action thereon.

Town Manager's Statement – This article allows the Town to borrow from itself thus avoiding interest costs to pay the upfront costs under the Chapter 90 funds (which is a reimbursable program) from Mass DOT for the purpose of repairing town roads. The Town undertakes an annual study that establishes the Town needs to be spending \$1.1 million to maintain streets in Town. This means the Town is approximately \$300,000 short of funding necessary maintenance on town streets. The motion for this article is a simple majority vote.

E. Healthcare Reimbursement Account (Town Manager) To see if the Town will vote to raise and appropriate the sum of Twenty Thousand Dollars (\$20,000) or such other amount as the Town Meeting may approve, to fund the Healthcare Reimbursement Account as agreed with the Town's Collective Bargaining Units, or take any other action thereon.

Town Manager's Statement – This article funds the Town's Healthcare Reimbursement Account by setting aside an estimated amount (based on use through January) to allow the Town to meet its obligation to the Collective Bargaining Units in exchange for various health insurance plan design changes. The Town funds the amount that was estimated to be used during the current fiscal year to replenish the fund. The motion for this article is a simple majority vote.

ARTICLE 8: Capital Improvement Plan (Town Manager/Capital Expenditure Planning Committee)

To see what action the Town may take on the following items, **A** through **I**, which may be voted as a block, or singly, or in any combination, but however voted, will be treated for accounting purposes as if each item were voted as a separate article:

A. Side Mower (Public Works)

To see if the Town will vote to transfer from Free Cash and appropriate the sum of One Hundred Twenty Thousand Dollars (\$120,000) or such other amount as the Town Meeting may approve, for the purpose of replacing a 1996 New Holland Side Mower, or take any other action thereon.

Town Manager's Statement – This article would fund the replacement of a 1996 Side Mower at \$120,000. The 1996 is unreliable and replacement parts have become difficult to obtain and the cost of maintenance and down time has increased. This piece of equipment has an estimated useful life of 7-10 years. The motion for this article is a simple majority vote.

B. Sewer Grinder Installation at Pump Station (Public Works)

To see if the Town will vote to transfer from Sewer Retained Earnings and appropriate the sum of Fifty Thousand Dollars (\$50,000) or such other amount as Town Meeting may approve, for the purpose of installing a grinder pump at the Maynard Street Pump Station, or take any other action thereon.

Town Manager's Statement – This article would fund the first of a multi-year plan to install grinder pumps at various pump stations. Specifically, this appropriation would fund the installation of a grinder pump at the Maynard Street Pump Station. Wastewater Grinder Pumps can effectively precondition solids, including non-dispersible solids into smaller pieces that can pass through pumps without clogging or damaging the pumps. The motion for this article is a simple majority vote.

C. Replace Fire Hydrants (Public Works)

To see if the Town will vote to transfer from Water Retained Earnings and appropriate the sum of Thirty Thousand Dollars (\$30,000) or such other amount as Town Meeting may approve, for the purpose of replacing ten (10) fire hydrants in FY18, or take any other action thereon.

Town Manager's Statement – This article would fund the planned implementation of a recurring program to replace fire hydrants to replace antiquated hydrants in need of replacement. Parts for the older hydrants are difficult to obtain, newer hydrants open easier and are more efficient. The motion for this article is a simple majority vote.

D. Cruiser Replacement (Police)

To see if the Town will vote to transfer from Free Cash and appropriate the sum of One Hundred Fifteen Thousand Dollars (\$115,000) or such other amount as Town Meeting may approve, for the purpose of replacing two police cruisers, or take any other action thereon.

Town Manager's Statement – This article would fund the replacement of two police cruisers. Those being replaced have high mileage, many idling hours and those costing the department the most to maintain. The department is on a regular replacement schedule which includes the mobile data terminals and radar units. The motion for this article is a simple majority vote.

E. Portable Radio Replacement (Police Department)

To see if the Town will vote to transfer from Free Cash and appropriate the sum of Two Hundred Eighty Six Thousand Five Hundred Seventy Eight Dollars (\$286,578) or such other amount as Town Meeting may approve, for the purpose of replacing the portable radios used by the Police Department, or take any other action thereon.

Town Manager's Statement – This article would fund the replacement of the portable radios that have been used by the Police Department since 2002. For emergency purposes, using 15 year old radios is not an ideal situation and as parts to these older radios have become difficult to obtain, the Police Department has stripped other radios to keep enough working to cover shifts. The motion for this article is a simple majority vote.

F. Portable Radio Replacement (Fire Department)

To see if the Town will vote to transfer from Free Cash and appropriate the sum of One Hundred Twenty Thousand Dollars (\$120,000) or such other amount as Town Meeting may approve, for the purpose of replacing the portable radios used by the Fire Department, or take any other action thereon.

Town Manager's Statement – The Fire Department has also been using the same radios since 2002 however, in 2016 the Fire Officers' radios were replaced so fewer units are needed to replace the Fire Department radios. The motion for this article is a simple majority vote.

G. Fire Department Four Wheel Drive Vehicle (Fire Department)

To see if the Town will vote to transfer from Free Cash and appropriate the sum of Fifty One Thousand Dollars (\$51,000) or such other amount as Town Meeting may approve, for the purpose of replacing a 2008 Ford Expedition, or take any other action thereon.

Town Manager's Statement – This article would fund the replacement of a 2008 vehicle that has 123,000 miles which has ongoing electrical issues that results in failure to start, it locks/unlocks on its own and has major rot throughout. This vehicle is used by the Deputy Chief to respond to emergencies. The motion for this article is a simple majority vote.

H. Rescue 1 Replacement (Fire Department)

To see if the Town will vote to transfer from the Capital Stabilization Fund the sum of Two Hundred Ten Thousand Dollars (\$210,000) from the Capital Stabilization Fund and transfer from free cash and appropriate the sum of Four Hundred Seventy Five Thousand Dollars (\$475,000) or such other amount

as Town Meeting may approve, for the purpose of replacing the 1996 Rescue Truck, or take any other action thereon.

Town Manager's Statement – This article would fund the replacement of the 1996 Rescue Vehicle which has significant corrosion and maintenance issues which has resulted in it being out of service for several weeks during the past year and has cost \$70,000 in repairs in the past few years to keep it in service. The Town was aware that over the next several years that there were large purchases that would be needed in the Fire Department and to offset a portion of the one-time expenses, the Town has set aside funds in the Capital Stabilization Fund. This article would fund approximately one-third from Capital Stabilization and two-thirds from free cash. The motion for this article requires a 2/3rd majority vote.

I. Capital Stabilization Fund

To see if the Town will vote to transfer from Free Cash and appropriate the sum of One Hundred Thousand Dollars (\$100,000) or such other amount as Town Meeting may approve, to the Capital Stabilization Fund, or take any other action thereon.

Town Manager's Statement – This request is to fund the capital stabilization fund which currently has a balance of \$278,250. Of this amount, \$210,000 has been allocated for the replacement of Rescue 1 as stated in the previous article. This request would add \$100,000 to the Capital Stabilization Fund toward the purchase of the replacement of future large purchases. The motion for this article requires a 2/3rd majority vote.

ARTICLE 9: Senior Center User Software (Assistant Town Manager/COA Director)

To see if the Town will vote to transfer from Free Cash and appropriate the sum of Seven Thousand Eight Hundred Dollars (\$7,800) or such other amount as Town Meeting may approve, for the purpose of purchasing software that will track program use at the Senior Center, or take any other action thereon.

Town Manager's Statement – As the Town's senior population increases and there is increased use of the Senior Center, the Town wants to track the use to measure which programs are successful and which are not for future planning purposes. This will also give the Town a good conceptual understanding whether the Senior Center is sufficient or whether it may require some future capital improvements to meet the needs of seniors. This article will fund the initial purchase of the software and there is an \$1,800 annual licensing fee. The motion for this article is a simple majority vote.

ARTICLE 10: Smith Valve Parkway Lighting (Town Manager)

To see if the Town will vote to transfer from Free Cash and appropriate the sum of Twenty Five Thousand Dollars (\$25,000) or such other amount as Town Meeting may approve, for the purpose of installing solar powered sidewalk lights on Smith Valve Parkway from the MBTA Station to the intersection of Smith Valve Parkway and Gleason/Fisher Streets, or take any other action thereon.

Town Manager's Statement – The Transit Oriented Village (TOV) that has been developed on Gleason Street added 275 residential units that are geared to people that would use the MBTA trains to commute to work. Many of these residents walk from the TOV to the MBTA Station and for the months of November through March, the evening walk is in the dark as there are no street lights. There are

sidewalks, but no lighting. The Town installed a single solar powered light to gauge its effectiveness and reviewed the cost of solar vs. traditional lighting through National Grid and found the payback to be between 6—7 years with the lights at 40 foot intervals. The motion for this article is a simple majority vote.

ARTICLE 11: Purchase of Rectangular Rapid Flash Beacon Crosswalk Safety Signs (Bicycle and Pedestrian Advisory Committee)

To see if the Town will vote to transfer from free cash and appropriate the sum of Twenty Five Thousand Two Hundred Dollars (\$25,200) or such other amount as Town Meeting may approve for the purpose of purchasing four (4) sets of rectangular rapid flashing beacon crosswalk safety signs to be installed at high traffic pedestrian street crossings in Town, or take any other action thereon.

Town Manager's Statement – This article would continue the program started a few years ago of installing pedestrian activated crosswalk signs at high traffic and dangerous crossings in Town. This article would allow four additional locations in Town to have these types of signs. This article is a simple majority vote.

ARTICLE 12: Downtown Street Lighting (DPW Director)

To see if the Town will vote to transfer from Free Cash and appropriate the sum of Two Hundred Thousand Dollars (\$200,000) or such other amount as Town Meeting may approve, for the purpose of installing period style street lights the Town purchased from the rotary to the E. Main Street Railroad Bridge, or take any other action thereon.

Town Manager's Statement – The Town has purchased period style street lighting for the downtown area and installed them on W. Main Street and South Street. The Town has the poles and bases and will begin installing them this Spring on E. Main Street. The initial plan was to use the existing underground electric line. However, National Grid has informed the Town the conduit that carries the low voltage power lines also carries high voltage lines and National Grid made the determination this Fall that the Town cannot use the existing low voltage electric lines. The motion for this article is a simple majority vote.

ARTICLE 13: Recreation Parking Lot at former State Hospital Property (Recreation Commission)

To see if the Town will vote to transfer from Free Cash and appropriate the sum of Two Hundred Forty Four Thousand Five Hundred Dollars (\$244,500) or such other amount as Town Meeting may approve, for the purpose of constructing a parking lot near the soccer fields at the former Westborough State Hospital property, or take any other action thereon.

Town Manager's Statement – The Town will continue to own and use approximately 60 acres of the property at the former State Hospital and has used the property for youth soccer for many years. Parking has been an issue and should be addressed. Consistent with the master plan for the recreation property at this location, the Recreation Commission is seeking to construct a parking lot to address this issue. The motion for this article is a simple majority vote.

ARTICLE 14: Water – Capital Equipment and Projects (DPW Director & Conservation Officer)

To see if the Town will vote to transfer from Water Retained Earnings and appropriate the sum of Thirty Six Thousand Eight Hundred Dollars (\$36,800) or such other amount as Town Meeting may approve, for the purpose of survey and installing signage at the boundaries of the Morse Street, Hopkinton Road and Otis Street Wells and to maintain the water line easement at the Otis Street Well, or take any other action thereon.

Town Manager's Statement – This Article would fund necessary maintenance and the installation of surveying the water supply boundaries and installing signage indicating the boundary area. The maintenance will include cleaning debris from tributaries to reduce flooding and the removal of dead, dying and invasive species. The motion for this article is a simple majority vote.

ARTICLE 15: Drainage Maintenance (Conservation Officer)

To see if the Town will vote to transfer from Free Cash and appropriate the sum of Twenty Three Thousand Fifty Dollars (\$23,050) or such other amount as Town Meeting may approve, for the purpose of undertaking maintenance projects including the E. Main Street/Lyman Street outfall and at Wayside Estates, including survey work, or take any other action thereon.

Town Manager's Statement – This Article would fund necessary maintenance at E. Main Street and Lyman Street stormwater outfall which includes removing all the vegetation that is growing into the traffic lights and building an access drive to this critical drainage outfall. This Article also funds maintaining the detention basin and sewer easement area at the Wayside Estates Subdivision and to survey an access drive to the detention basin to allow for future maintenance. The motion for this article is a simple majority vote.

ARTICLE 16: Seal Bricks at the Senior Center (Buildings and Ground)

To see if the Town will vote to transfer from Free Cash and appropriate the sum of Five Thousand Five Hundred Dollars (\$5,500) or such other amount as Town Meeting may approve, for the purpose of pressure washing and sealing the bricks at the Senior Center, or take any other action thereon.

Town Manager's Statement – This Article would fund a maintenance project at the Senior Center that would include pressure washing the bricks to remove mildew and clean the bricks and then add one coat of sealant on the bricks. The motion for this article is a simple majority vote.

ARTICLE 17: Authorization to Accept Grant Funds & Easements – Fisher Street Over Assabet River – MassDot Small Bridge Program (DPW Director)

To see if the Town will authorize the Board of Selectmen to appropriate in anticipation of reimbursement and to accept up to and including five hundred thousand dollars (\$500,000) and to expend such funds which may be received from the MassDot Small Bridge program grant for the Fisher Street bridge over the Assabet River W-024-12 (6XJ) and further to acquire any associated easements and rights in or adjacent to Fisher Street as a gift, purchase, or take by eminent domain, under the provisions of the General Laws Chapter 79, as amended, provided said takings are obtained in a mutually agreed manner between the Town and the landowner(s), or take any other action relative thereto.

Town Manager's Statement – This article will authorize the Selectmen to accept grant funds for this project should the Town be selected as a candidate for the Small Bridge Program. This bridge is currently limited with posted weight limits. Portions of the bridge are very old. The Town Engineer prepared the application which was filed in late October. The project has not yet been designed, however, we have included the authorization to accept easements should they be necessary so that the project is not held up. Currently easements are not anticipated. The motion for this article is a simple majority vote.

ARTICLE 18: Forbes Municipal Building Increased Debt Authorization (Municipal Building Committee)

To see if the Town will vote to appropriate a sum of money for the renovation of the Forbes Municipal Building; to determine whether this appropriation shall be raised by borrowing or otherwise; or to take any other action relative thereto.

Town Manager Statement – This Article would authorize additional debt issuance for the purpose of the renovation of Forbes Municipal Building. Town Meeting approved \$15,000,000 for the renovation at the Annual Town Meeting in 2016. Due to changing market conditions and additional work that needs to be done, the estimated cost of the project has increased above earlier estimates. The project is out to bid and the final construction figure will be available for Town Meeting. At the time of developing the Town Meeting warrant, this project is estimated to be approximately \$1.2 million over the appropriation. The motion for this article requires a 2/3 majority vote.

ARTICLE 19: Hastings Elementary School Geothermal Heating/Cooling System (School Department)

To see if the Town will vote to appropriate the sum of Two Million Two Hundred Thousand Dollars (\$2,200,000) for the purpose of repairing and improving the Hastings Elementary School geothermal heating/cooling system, to determine whether this appropriation shall be raised by borrowing or otherwise, or take any other action thereon.

Town Manager's Statement – This article seeks to borrow the sum of \$2.2 million to repair and improve the geothermal heating system at Hastings Elementary School. The School Department has funded and received two preliminary assessment studies to review the geothermal system and to provide guidance on the scope of anticipated repairs. Town Meeting in October 2016 appropriated funds for hiring a HVAC design engineer for the purpose of developing construction bids for this project. The School Department has hired consulting engineers through the Pre-K to 3rd Grade School Building Committee and bids for this project went out to bid on 1/12/17. The motion for this article requires a 2/3 majority vote.

ARTICLE 20: Armstrong Modular Project (School Department)

To see if the Town will vote to appropriate One Million Five Hundred Thousand Dollars (\$1,500,000) for the purpose of demolishing and removing the 4 existing modular classrooms at Armstrong Elementary and purchasing 4 new modular classrooms, to determine whether this appropriation shall be raised by borrowing or otherwise, or to take any other action relative thereto.

Town Manager Statement – This Article would authorize debt issuance to remove 4 existing modular classrooms and replacing these with 4 new modular classrooms intended for permanent use. The current modular units are over 20 years old and past their usable life. Issues include roof leaks, exterior delamination around the bases and foundation deterioration. The Gibbons School Building Committee has rented modular units for the Gibbons renovation project and the intent of the Pre-K to 3rd Grade School Building is to negotiate the purchase of the rented units. The motion for this article requires a 2/3 majority vote.

ARTICLE 21: High School Drainage Swale Evaluation (School Department/Conservation Commission)

To see if the Town will vote to transfer from Free Cash and appropriate the sum of Twenty Nine Thousand Dollars (\$29,000) or such other amount as Town Meeting may approve, for the purpose of evaluating the drainage swale that runs through the high school property, or take any other action thereon.

Town Manager's Statement – This article would fund a study to develop costs and a proposal to install pipes to carry the water that currently runs through an open drainage swale on the high school property. The actual project costs would be sought at a future Town Meeting if there was a decision to move this project forward. The motion for this article is a simple majority vote.

ARTICLE 22: Lease Agreement Authorization (School Department)

To see if the Town will vote to authorize the Board of Selectmen, with approval of the School Committee, to lease property to be held under the care, custody and control of the School Committee for school purposes, including but not limited to providing services for 18-22 year-olds as required by law and to authorize the Board of Selectmen to enter into a lease agreement for a term not to exceed thirty (30) years and take such other actions as may be necessary to effectuate the purposes of this Article, or to take any other action thereon.

Town Manager's Statement – The School Committee is requesting this approval because leasing property requires procurement under MGL Ch. 30B. The School Committee is seeking space for programing for students that require sustained school support from ages 18-22 before transitioning to adult services. Any costs associated with the lease will be paid through the School Department's budget. The motion for this article is a simple majority vote.

ARTICLE 23: Town Sewer System (DPW Director)

To see if the Town will vote to transfer from Sewer Retained Earnings, the sum of Four Hundred Thousand Dollars (\$400,000), or such other amount as the Town Meeting may approve for consulting services to design the rehabilitation of the Town's sewer interceptor and improvements to various wastewater pumping stations including preparing bidding documents and providing construction services, or take any other action relative thereto.

Town Manager's Statement – This article requests funds to prepare design and bidding documents to rehabilitate the sewer "interceptor" which is the main line that brings waste water to the Waste Water

Treatment Plant (WWTP). An evaluation study has ranked this a top priority as nearly 50 years of service has caused this pipe to deteriorate from the inside out. Funds are also sought to continue to design updates to the wastewater pump stations as various improvements are needed at the Maynard, Denny Brook, Birchwood, Piccadilly, and Great Way pump stations. The motion for this article is a simple majority vote.

ARTICLE 24: Town Water System (DPW Manager)

To see if the Town will vote to transfer from Water Retained Earnings, the sum of Three Hundred Five Thousand Dollars (\$305,000), or such other amount as the Town Meeting may approve for various improvements to the water system including but not specifically limited to equipment purchases, ice pigging, hydrant replacement, cross connection program, pump station update/design or take any other action relative thereto.

Town Manager's Statement – The requested funds provide a wide range of ongoing maintenance and design within the water system which include preparing of bid documents for a replacement well at the Wilkeson Well, routine replacement of aging fire hydrants, implementing a cross connection program, and the purchase and set up of a water valve exercise trailer. The funds enable the DPW to continue to meet water supply needs by cleaning pipes, operating valves and replacing hydrants. The cross connection program is requirement of DEP and is being reinforced so that we meet targets to account for the water we pump and distribute. The motion for this article is a simple majority vote.

ARTICLE 25: Town Water Mains (DPW Manager)

To see if the Town will vote to transfer from Water Retained Earnings or borrow pursuant to any applicable statute the sum of Eight Hundred Seventy Thousand Dollars (\$870,000), or such other amount as the Town Meeting may approve, for the extension, repair, replacement, lining, upgrade and installation of various mains and appurtenant work, or take any other action relative thereto.

Town Manager's Statement – The requested funding would allow the Department of Public Works to continue its "Transite" pipe replacement program in the Fairview Road area where multiple breaks have occurred. The funding also includes extending water main on Hundreds Road about 900' to Route 9 so that this area is "looped". This extension will provide this area with water when future replacement occurs on Flanders Road. The request also includes funds to continue cleaning water mains utilizing the ice pigging process in the Maynard/Fisher Street area. The motion for this article is a simple majority vote.

ARTICLE 26: Glen/Nourse Street Cemetery Construction Phase I (DPW Director)

To see if the Town will vote to raise and appropriate, borrow pursuant to any applicable statute or transfer from available funds, the sum of One Million Seven Hundred Thousand Dollars (\$1,700,000), or such other amount as Town Meeting may approve for the construction of the new cemetery on Glen Street/Nourse Street including any incidental or related support items, or take any other action relative thereto.

Town Manager's Statement – This funding would be used to furnish all activities required to construct and make the first Phase of this cemetery expansion project available for use. This would include considerable earthwork, materials processing, construction of roads, water system, paths, landscaping and walls to meet the Town's needs for years to come. The expansion is required as the current cemetery nears capacity. The motion for this article requires a 2/3rd majority vote.

ARTICLE 27: Adopt Chapter 218 of the Acts of 2016

To see if the Town will vote to adopt Chapter 218 of the Acts of 2016 amending MGL Ch. 59, §5K to adjust the maximum reduction amount of real property taxes allowed by the Statute to \$1,500, or take any other action thereon.

Town Manager's Statement – This article would increase the reduction that senior citizens are allowed to work off a portion of their property taxes from the current \$1,250 the Town has adopted to \$1,500 to reflect changes in the minimum wage. The rate seniors earn by working for the Town is tied to the minimum wage. The motion for this article is a simple majority vote.

ARTICLE 28: Relocation and Acceptance of Washington Street (DPW Director)

To see if the Town will vote to relocate (and discontinue) Washington Street in its current location and establish as a Town way under Massachusetts General Law, Chapter 82, a private way known as Washington Street from the Southborough town line a distance of 835 feet, more or less west southwest to the current location of Washington Street, together with associated easements, as relocated by the Board of Selectmen and as shown on a plan titled “Relocation Plan Washington Street Westborough, Ma (Worcester County)” dated January 4, 2017 (latest revision) and prepared by Beals + Thomas Inc., further to acquire and convey any associated easements and rights in the way or in the former location as a gift, purchase, or take by eminent domain, under the provisions of the General Laws Chapter 79, as amended, provided said takings are obtained in a mutually agreed manner between the Town and the landowner and subject to a \$10,000.00 maintenance bond being established and held under the supervision of the Planning Board.

Town Manager's Statement – This action is required to make the “new” location of Washington Street in Westborough a public way and to discontinue the former location. The new roadway has been constructed by EMC Corporation in accordance with subdivision plans approved by the Planning Board in 2008. This configuration routes Washington Street into Coslin Drive in Southborough to align with future traffic improvements which will be constructed as the EMC land is built out. The motion for this article is a simple majority vote.

ARTICLE 29: Alteration of Washington Street (DPW Director)

To see if the Town will vote to alter the Washington Street in two areas and establish these locations as a Town way under Massachusetts General Law, Chapter 82, both locations lying adjacent to the current easterly sideline of Washington Street and about 500' and 1400' southerly of the Westborough/Southborough town line, as altered and laid out by the Board of Selectmen and as shown on a plan titled “Alteration Plan Washington St. Westborough, Ma (Worcester County)” dated January 4, 2017 (latest revision) and prepared by Beals + Thomas Inc., further to acquire any associated easements and rights in the way as a gift, purchase, or take by eminent domain, under the provisions of the General Laws Chapter

79, as amended, provided said takings are obtained in a mutually agreed manner between the Town and the landowner.

Town Manager's Statement – This action is required to make two areas which are now private property part of the public way. These areas are portions of widening's to accommodate a sidewalk (approved in the 2008 subdivision) as well as improvements to a curve that had poor visibility and a sharp turn (also required in the 2008 subdivision approval). All improvements were constructed by EMC Corporation. The motion for this article is a simple majority vote.

ARTICLE 30: Amend General Bylaws – Revolving Funds (Town Manager)

To see if the Town will vote to amend the General Bylaws, to create a new Article 48 as follows:

The Town of Westborough shall authorize the following Revolving Funds:

<u>Revolving Fund</u>	<u>Purpose</u>	<u>Funds to be Deposited From</u>	<u>Authorized to Expend Funds</u>
Fire Department	EMS Training	Program Fees	Fire Chief
Youth and Family Services	To Provide Youth Activities such as Hot Summer Nights and Babysitter training	Program Fees	Youth Commission
Local Emergency Planning Committee	To address hazardous materials spills and provide the Fire Department the means to bill insurance companies and refurbish supplies used in HazMat spills	Insurance and other Proceeds for Services	Local Emergency Planning Committee
Council on Aging	To Provide Programs for Seniors	Program Fees	Council on Aging

Or take any other action thereon.

Town Manager's Statement – This article creates a General Bylaw consistent with the Municipal Modernization Act which requires both a General Bylaw establishing the revolving accounts and then an Annual Town Meeting authorization establishing a cap on spending. The motion for this article requires a simple majority vote.

ARTICLE 31: Amend General Bylaws – Renumbering, Sections, Articles and Correcting Titles (Town Manager)

To see if the Town will vote to amend the General Bylaws as follows:

(A) By adding titles to the following Sections of the General Bylaws:

Article 1 – General Provisions

Section 1 – General Bylaws

Section 2 – Repeal of Bylaws

Section 3 – Violation of Bylaws

Section 4 – Severance Provision

Article 2 – Town Meeting

Section 1(A) – Annual Town Meeting

Section 1(B) – Fall & Special Town Meetings

Section 2 – Posting of Warrant

Section 3 – Moderator Determination on Signs & Visitors at Town Meeting

Section 3(A) – Town Meeting Quorum

Section 4 – Town Meeting Motions Second Requirement

Section 5 – Motions in Writing

Section 6 – Frivolous Motions

Section 7 – Deputy Moderator

Section 8 – Order of Motions

Section 9 – Precedence of Motions

Section 10 – Reconsideration

Section 11 – Speakers at Town Meeting

Section 12 – Number of Times Speakers May Address a Question

Section 13 – Non-Voters at Town Meeting

Section 14 – Articles Taken Out of Order

Section 15 – Dissolving Town Meeting

Section 16 – Town Meeting Committees

Section 18 – Vote Counting Methods

Section 19 – Town Meeting Recordation

Article 3 – Advisory Finance Committee

Section 1 – Membership

Section 2 – Term of Office

Section 3 – Vacancies

Section 4 – Access to Information

Article 4 – Board of Selectmen

Section 1 – Powers & Duties

Section 2 – Acquisition and Disposition of Real Property

Section 3 – Bonds, Disposition of Public Property

Section 4 – Authority as Chief Executive Officer

Section 5 – Tax Title Property

Section 6 – Annual Town Report

Section 7 – Council on Aging

Article 5 – Accounting Department

Section 1 – Audit
Section 2 – Purchase Orders
Section 3 – Revenue Turnover

Article 6 – Town Treasurer/Collector

Section 1 – Powers & Duties
Section 2 – Collection of Water & Sewer Fees

Article 7 – Extension of Water Mains

Section 1 – Water Connection & Extensions
Section 2 – Privilege Fee
Section 3 – Connection Payment
Section 4 – Water Main Extension Standards
Section 5 – Private Ways

Article 8 – Cemeteries

Section 1 – Management
Section 2 – Perpetual Care
Section 3 – Segregation of Perpetual Care Funds
Section 4 – Regulations

Article 9 – Use of Public Ways and Places

Section 1 – Construction, Fire Hydrants & Driveways
Section 2 – Prohibited Activities in Public Ways
Section 3 – Firearm Discharge Prohibited
Section 4 – Coasting Prohibited
Section 7 – Signs & Structures Over Public Ways
Section 8 – Merchandise Sale on Sidewalks
Section 11 – Building Numbering
Section 12 – Dance Hall Licensing Required
Section 14 – Littering Prohibited
Section 15 – Obstructing Public Ways Prohibited
Section 16 – Recreational Vehicles on Public Property Prohibited

Article 10 – Junk Dealers and Collectors

Section 1 – Junk Dealers

Article 11 – Dumps

Section 1 – Refuse Dumps Prohibited
Section 2 – Refuse in Public Ways Prohibited

Article 13B – Department Head Employment Contract

Section 1 – Contracts for Certain Department Heads Authorized
Section 2 – Employment Contract Prevails Over Personnel Policies
Section 3 – Contract Obligation
Section 4 – Removal
Section 5 – Adoption of Rules & Regulations
Section 6 – Department Head Contracts

Article 14 – Building Department

Change Section A to Section 1 – Appointing Authority
Change Section B to Section 2 – Authority
Change Section C to Section 3 – Compensation
Change Section D to Section 4 – Fees

Article 16 – Building Code

Change Part 1 to Section 1 – Building Code
Change Part 2 to Section 2 – Electrical Service

Article 18 – Licensing of Solicitors and Canvassers

To Insert Section Numbers as follows:

After the word, “thereto:” add “Section 1 – Definitions”
Change (3.2) to Section 2 – Certificate of Registration
Change (3.3) to Section 3 – Application for Certificate of Registration
Change (3.4) to Section 4 – Application
Change (3.5) to Section 5 – Registration Prohibited
Change (3.6) to Section 6 – Seven (7) Day Waiting Period
Change (3.7) to Section 7 – Permanent Record
Change (3.8) to Section 8 – Revocation of Certificate
Change (3.9) to a sub-heading under Section 8 as 8 (A)
Change (3.10) to a sub-heading under Section 8 as 8 (B)
Change (3.11) to Section 9 – Notice of Regulating Soliciting
Change (3.12) to Section 10 – Soliciting Prohibited
Change (3.13) to a sub-heading under Section 10 as 10 (A)
Change (3.14) to a sub-heading under Section 10 as 10 (B)
Change (3.15) to a sub-heading under Section 10 as 10 (C)
Change (3.16) to Section 11 – Duty of Solicitors

Change (3.17) to a sub-heading under Section 11 as 11 (A)
Change (3.18) to Section 12 – Uninvited Solicitors Prohibited
Change (3.19) to Section 13 – Fee for Solicitation.
Change (3.20) to Section 14 – Time Limit for Soliciting
Change (3.21) to Section 15 – Permits
Change (3.22) to Section 16 – Penalty

Article 20 – Alcoholic Beverages

Change (A) to Section 1 – Prohibition in Town Buildings or Town Property
Change (B) to Section 2 – Prohibition in Property Leased by the Town
Change (C) to Section 3 – Prohibition in Public Ways
Change (D) to Section 4 – Prohibition in Public Places, Exemptions
Change (E) to Section 5 – use in Public Parks, Exemptions
Change (F) to Section 6 – Violation

Article 21 – Alarm Systems

Section 1 – Rules and Regulations
Section 2 – Approval by Selectmen

Article 22 – Hunting

Section 1 – Hunting Prohibited Without Permission, Exclusion for Bow Hunting
Section 2 – Written Permission Required

Article 25 – Emergency Access

Section 1 – Prohibition to Obstruct Access on Private Ways
Section 2 – Fire Lane Prohibition
Section 3 – Fire Lane Pavement Markings
Section 4 – Violation

Article 27 – Sewer Regulations

Section 1 – Collection System Rules & Regulations
Section 2 – Treatment Plant Board Rules & Regulations
Section 3 – Rules & Regulations – Approval by Board of Selectmen
Section 4 – Penalties for Violation
Section 5 – Enforcement
Change Section 10 to Section 6 – Fixtures Installed in Basements

Article 29 – Alternative Methods of Dealing with MGL Chapters 61, 61A and 61B

Add “Section 1” before the word “Definitions”

Change (1) to Section 2 – Acceptance

Change (2) to Section 3 – Cooperating Entities

Change (3) to Section 4 – Land to be Acquired by the Town

Article 30 – Rules and Regulations for Lake Chauncy

Change Rule 1 to Section 1 – Powerboats

Change Rule 2 to Section 2 – Operator Responsibility

Change Rule 3 to Section 3 – Public Boat Ramp Use Required

Change Rule 4 to Section 4 – Vessel Lighting

Change Rule 5 to Section 5 – Headway Speed

Change Rule 6 to Section 6 – Indecent Acts

Change Rule 7 to Section 7 – Pollution

Change Rule 8 to Section 8 – Ice Fishing, Snowmobiling & Scuba Diving

Change Rule 9 to Section 9 – Aircraft

Change Rule 10 to Section 10 – Safe Use of Boats, Flow of Traffic

Change Rule 11 to Section 11 – Moorings

Change Rule 12 to Section 12 – Boat Rentals

Change Rule 13 to Section 13 – Speed

Change Rule 14 to Section 14 – Water Skiing

Change Rule 15 to Section 15 – Parking Lot Limitations

Change Rule 16 to Section 16 – Swimming Areas Limited

Change Rule 17 to Section 17 – Abandonment of Boats Prohibited

Change Rule 18 to Section 18 – Signs Prohibited

Change Rule 19 to Section 19 – Enforcement

Change Rule 20 to Section 20 – Prohibited Watercraft (and delete the first words “Prohibited Watercraft” from the paragraph)

Change Rule 21 to Section 21 – Penalties (and delete the first word “PENALTIES” from the paragraph)

Article 31 – Termination of Water Services

Section 1 – Termination

Section 2 – Notice Provisions

Section 3 – Notice of Hearing

Section 4 – Appeal to Selectmen

Article 33 – Recycling

Before the first paragraph insert “Section 1 – Board of Health Authorized to Adopt Regulations”

Before the second paragraph insert “Section 2 – Definitions”

Before the third paragraph insert “Section 3 – Prior Bylaws, Rules, Regulations, Etc. Repealed”

Article 37 – Noncriminal Disposition of Certain Violations of Bylaws, Rules and Regulations

Before the first paragraph insert “Section 1 – Non Criminal Disposition”

Change “Article 37, Appendix A Traffic Rules and Orders” to “Section 2 – Noncriminal Enforcement” under Article 37

Add a sub-section (A) before the words, “Article III”

Add a sub-section (B) before the words, “Westborough Zoning Bylaws”

Add a sub-section (C) before the words, “Town Bylaws” and change “Town Bylaws” to “General Bylaws”

Add a sub-section (D) before the words, “Westborough Board of Health”

Add a sub-section (E) before the words, “Westborough Conservation Commission”

Article 39 – Sandra Pond Reservoir Regulations

Section 1 – Alcohol Prohibited

Section 2 – Fires

Section 3 – Hunting and Trapping

Section 4 – Conservation Area

Section 5 – Discharge of Firearms

Section 6 – Tampering with Town Property

Section 7 – Curfew

Add “Section 8” before “Prohibited Activities at/on Sandra Pond”

Add “Section 9” before “Penalties”

Add “Section 10” before “Sandra Pond Reservoir Fishing Regulations”

Change Section 1 to (A) under new Section 10

Change Section 2 to (B) under new Section 10

Change Section 3 to (C) under new Section 10

Change Section 4 to (D) under new Section 10

Change Section 5 to (E) under new Section 10

Change Section 6 to (F) under new Section 10

Add “Section 11” before “Penalties”

Article 41 – Committee for Soldiers Memorials

Section 1 – Purpose

Section 2 – Membership

Section 3 – Rules and Regulations

Article 43 – Construction Activity

Section 1 – Day & Time Limits

Section 2 – Permit Required

Article 45 – Non-Zoning Wetlands Protection

Change I. Purpose to Section 1 – Purpose
 Change II. Jurisdiction to Section 2 – Jurisdiction
 Change III. Exemptions and Exceptions to Section 3 – Exemptions and Exceptions
 Change IV. Applications and Fees to Section 4 – Application and Fees
 Change V. Notice and Hearings to Section 5 – Notice and Hearings
 Change VI. Coordination with Other Boards to Section 6 – Coordination with Other Boards
 Change VII. Permits and Conditions to Section 7 – Permits and Conditions
 Change VIII. Regulations to Section 8 – Regulations
 Change IX. Definitions to Section 9 Definitions
 Change X. Security to Section 10 – Security
 Change XI. Enforcement to Section 11 – Enforcement
 Change XII. Burden of Proof to Section 12 – Burden of Proof
 Change XIII. Appeals to Section 13 – Appeals
 Change XIV. Relation to the Wetlands Protection Act to Section 14 – Relation to the Wetlands Protection Act
 Change XV. Severability to Section 15 – Severability

Article 46 – Public Shade Trees

Section 1 – Conservation of Public Shade Trees

- (B) **To change all references of a “Public Works Manager” to “Director of the Department of Public Works (DPW Director)” and all references to “Building Inspector” to “Building Commissioner”.**
- (C) **To Reorganize and Renumber the Articles into major categories as follows:**

Organizational

Current Article Number	Proposed Article Number
1	1
2	2
3	3
4	4
4A	5
13	6
5	7
6	8
13B	9
15	10
29	11
35	12
36	13
41	14

And to reserve Articles 16-20 for future use

Activity Regulations

Current Article Number	Proposed Article Number
10	21
11	22
12	23
18	24
20	25
21	26
26	27
30	28
39	29
33	30
37	31
45	32

And to reserve Articles 33-37 for future use

Public Safety

Current Article Number	Proposed Article Number
19	38
23	39
25	40

And to reserve Articles 41-45 for future use

Public Works

Current Article Number	Proposed Article Number
9	46
8	47
7	48
31	49
38	50
40	51
27	52

17	53
44	54
27A	55
46	56

And to reserve Articles 57-61 for future use

Building/Construction

Current Article Number	Proposed Article Number
14	62
16	63
28	64
32	65
43	66
47	67

And to reserve Articles 68-72 for future use

Or take any other action thereon.

Town Manager's Statement – The changes above are to better organize the Town's General Bylaws, they do not change a single item substantively. This article seeks to achieve three goals as follows:

- (A) *The sections within each article in most cases do not have headings that would allow for a meaningful Table of Contents. The changes under (A) include the provision of headers that allows for easier use of the General Bylaws. Additionally, the numbering system is haphazard jumping from cardinal numbers to roman numerals to letters; under (A) the numbering system is made to be uniform using cardinal numbers.*
- (B) *The current General Bylaws refer to the positions of DPW Manager and Building Inspector which are incorrect references. Under (B) the correct titles of "Building Commissioner" and "Director of the Department of Public Works are used to ensure the General Bylaws are consistent with the Town Charter.*
- (C) *The General Bylaws are in no particular order. A good example of this are the articles related to the Water Department, which are Articles 7, 31, 38 & 40. Under (C) Articles have been rearranged so that they appear in a consistent order under five major categories of "Organizational", "Regulatory", "Public Safety", "Public Works" & "Building/Construction". In this manner, those same articles related to the Water Department become Articles 48, 49, 50 & 51 under the Public Works category. There are five reserved articles for future use to ensure the current numbering system will be sustainable for a long period of time.*

To reiterate, there are no new laws being added to the General Bylaws, simply a reorganization of how they appear so that they are better organized to make them easier to use. The motion for this article is a simple majority vote.

ARTICLE 32: Amend General Bylaws – Marijuana Not Medically Prescribed (Board of Selectmen)

To see if the Town will vote to amend the General Bylaws of the Town of Westborough by adding a new General Bylaw Article 48 as follows:

Article 48 – Marijuana Not Medically Prescribed

Consistent with MGL Ch. 94G, Section 3(a)(2), all types of marijuana establishments as defined in MGL Ch. 94G, Section 1(j), to include all marijuana cultivators, marijuana testing facilities, marijuana product manufacturers, marijuana retailers or any other types of licensed marijuana-related businesses, shall be prohibited within the Town of Westborough.

Or take any other action thereon.

Town Manager's Statement – This Article would amend the Town's General Bylaws to prohibit all types of commercial marijuana establishments as allowed by the petitioned ballot question approved in November 2016. Due to the manner in which the petitioned ballot question was worded, this question appeared on the Town Election ballot as well and is being voted on as both a General and Zoning Bylaw. The motion for this article is a simple majority vote.

ARTICLE 33: Amend Zoning Bylaws – Marijuana Not Medically Prescribed (Board of Selectmen)

To see if the Town will vote to amend the General Bylaws of the Town of Westborough by adding a new General Bylaw Article 48 as follows:

Article 4, Section 5800 – Marijuana Not Medically Prescribed

Consistent with MGL Ch. 94G, Section 3(a)(2), all types of marijuana establishments as defined in MGL Ch. 94G, Section 1(j), to include all marijuana cultivators, marijuana testing facilities, marijuana product manufacturers, marijuana retailers or any other types of licensed marijuana-related businesses, shall be prohibited within the Town of Westborough.

Or take any other action thereon.

Town Manager's Statement – This Article would amend the Town's General Bylaws to prohibit all types of commercial marijuana establishments as allowed by the petitioned ballot question approved in November 2016. Due to the manner in which the petitioned ballot question was worded, this question appeared on the Town Election ballot as well and is being voted on as both a General and Zoning Bylaw. The motion for this article requires a 2/3 majority vote.

ARTICLE 34: Amend Zoning Bylaws – Accessory Dwelling Units (Planning Board)

To see if the Town will vote to amend the Town of Westborough's Zoning Bylaws by amending Article 4, Special Regulations, Section 4400, Accessory Uses and Structures, by adding a new Subsection 4460, Accessory Dwelling Units, as shown below:

4460. ACCESSORY DWELLING UNITS

Introduction:

Accessory dwelling units (also known as 'accessory apartments', 'in-law apartments', 'family apartments' or 'secondary units') provide units that can be integrated into existing single family neighborhoods to provide alternatives that have little or no negative impact on the character of the neighborhood. For two-family or multi-family uses refer to section 2300.

4461. Purpose and Intent: The intent of permitting accessory dwelling units is to:

1. Provide older or disabled homeowners with a means of obtaining individual caregiver services, thereby enabling them to stay more independently in homes and neighborhoods they might otherwise be forced to leave;
2. Develop housing units in single-family neighborhoods that are appropriate for households at a variety of stages in their life cycle.
3. Protect stability, property values, and preserve the residential character of a neighborhood.

4462. Definitions:

1. Accessory Dwelling Unit: An Accessory Dwelling Unit (ADU) is a self-contained housing unit incorporated within a single-family dwelling (not within accessory structures, except with a Special Permit) that is clearly a subordinate part of the single-family dwelling and complies with each of the criteria stated below.
2. Building, Attached: A building having any portion of one or more walls with more than five feet in common with another building and which contains a common passage between the buildings.
3. Building, Detached: A building having less than five feet of common walls.
4. Dwelling, Single-Family: A building designed or used exclusively as a residence and including only one dwelling unit.
5. Primary Residence: A building in which is conducted the principal use of the lot on which it is located. For residentially zoned lots, such a building would be a dwelling.

4463. Procedural Requirements:

Review procedure: (Refer to section 1200 of this Bylaw)

4464. Use and Dimensional Regulations:

1. The Building Commissioner may issue a Building Permit authorizing the installation and use of

an attached accessory dwelling unit within an existing or new owner-occupied, single-family dwelling only when the following conditions are met:

- (a) The unit will be a complete, separate housekeeping unit containing both kitchen and bath.
 - (b) Only one accessory dwelling unit may be created within a single-family dwelling or residential lot.
 - (c) The owner(s) of the residence in which the accessory dwelling unit is created must continue to occupy at least one of the dwelling units as their primary residence, except for bona fide temporary absences.
 - (d) Any new separate outside entrance serving an accessory dwelling unit shall not be allowed, unless a Special Permit is issued by the Zoning Board of Appeals.
 - (e) The gross floor area of an accessory dwelling unit (including any additions) shall not be greater than 50% of the primary dwelling unit or one thousand (1000) square feet, whichever is smaller unless a special permit is issued by the Zoning Board of Appeals allowing a larger gross floor area.
 - (f) Once an accessory dwelling unit has been added to a single-family residence or lot, the accessory dwelling unit shall never be enlarged beyond the one thousand (1000) square feet allowed by this bylaw/ordinance.
 - (g) An accessory dwelling unit structure may be detached from the primary dwelling only by special permit issued by the Zoning Board of Appeals.
 - (h) An accessory dwelling unit may not be occupied by more than two (2) people nor have more than two (2) bedrooms, unless a special permit is issued by the Zoning Board of Appeals.
 - (i) The construction of any accessory dwelling unit must be in conformity with the State Building Code, Title V of the State Sanitary Code and other local bylaws/ordinances and regulations.
 - (j) Off-street parking spaces shall be available for use by the occupant(s).
 - (k) An accessory dwelling unit and its primary dwelling unit shall share utility metering.
 - (l) An accessory dwelling unit shall be designed to preserve the appearance of the single family dwelling.
 - (m) An accessory dwelling unit shall not be held or transferred into a separate ownership from the primary residence either through deed or 'condo' association documents.
 - (n) All stairways associated with an accessory dwelling unit leading to an above ground floor shall be enclosed and not visible to the outside.
2. Approval for an ADU requires that the owner must occupy one of the dwelling units. The zoning approval and the notarized letters required in 4464.3 and 4464.4 below must be recorded in the County Registrar of Deeds or Land Court, as appropriate, in the chain of title to the property, with documentation of the recording provided to the Building Commissioner, prior to the occupancy of the accessory dwelling unit.
3. Prior to issuance of a permit, the owner(s) must send a notarized letter stating that the owner will occupy one of the dwelling units on the premises as the owner's primary residence, except for bona fide temporary absences.

4. When a structure, which has received a permit for an accessory dwelling unit, is sold, the new owner(s), if they wish to continue to exercise the Permit, must submit a notarized letter to the Building Commissioner stating that they will occupy one of the dwelling units on the premises as their primary residence, except for bona fide temporary absences.
5. Prior to issuance of a permit, a floor plan must be submitted showing the proposed interior and exterior changes to the building.

4465. Administration and Enforcement

1. It shall be the duty of the Building Commissioner to administer and enforce the provisions of this Bylaw.
2. The property owner of the dwelling containing the accessory unit shall allow the Building Commissioner to inspect the unit for compliance with this bylaw.

Or take any action thereon.

Town Manager's Statement – This Article would establish parameters for which an Accessory Dwelling Unit (in-law and other non-income generating secondary type apartments) would be allowed in an otherwise single family property. This accessory use is designed to provide housing for multi-generational families living, with supplemental privacy for the parent, adult children or care-giver. These structures shall remain as single-family dwellings in appearance and functionality. These are separate and distinct from two family and multi-family structures. The motion on this article requires a 2/3 vote majority.

ARTICLE 35: Amend Zoning Bylaw: Highway Business District (BA) (Planning Board)

To see if the Town will vote to amend the Town of Westborough's Bylaws by amending Article 2, District Regulations, Section 2300, Use Regulation Schedule, by amending the uses identified under the District Column for the BA District as shown on the amended Section 2300, Use Regulation Schedule, below:

And by deleting, in its entirety, footnote (2) referring to Restaurant uses on the second page of Section 2300, Use Regulation Schedule, as shown:

~~(2) Except "S", if food is to be consumed on premises outside of a building, or to be sold packaged for take-out is incidental to service for on-premises consumption.~~

And by replacing it with a new footnote (2) regarding Restaurant uses on the second page of Section 2300, Use Regulation Schedule, as follows:

- (2) **Except "SP" where a restaurant involves any drive-up or walk-up window service.**

Or take any action thereon.

2300: USE REGULATION SCHEDULE																
DISTRICT																
	C	R	AA AB	BA	G2	BB	IA	IB	IC	ID	M	AE	M-1	All Other	DPOD	MUD
RESIDENTIAL USES: (1)																
Single Family Dwelling:	N	Y	Y	SP	Y	Y	N	N	Y	N	N	SP	N	Y	SP	N(7)
Two Family Dwelling:	N	S	Y	SP	SP	Y	N	N	Y	N	N	SP	N	S	SP	N(7)
Conversion of existing structure to more than two-family dwellings:	N	N	S	SP	SP	S	N	N	SP	N	N	SP	N	N	SP	N(7)
Boardinghouse:	N	S	S	SP	SP	S	N	S	SP	S	N	SP	N	S	SP	N
Multi-family dwelling (See Section 4200)	N	N	Y	SP(5)	SP	N	N	N	N	N	N	N	N	N	SP	N(7)
Open Space Communities (See Section 4300)	N	SP	N	N	N	N	N	N	N	N	N	N	N	N	SP	N(7)
Mobile Home:	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Campground, mobile home park:	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Mixed Use Residential/Commercial with Industrial Components (See Section 5000)	N	N	N	N	N	N	N	N	SP	N	N	N	N	N	N	N
Senior Living Overlay District (SLO) (See Section 5300)(6)	N	SP	SP	N	SP	SP	SP	SP	N	N	SP	N	SP	SP	SP	SP
OPEN USES:																
Farm: With pigs, animals raised for pelts (2)	N	N	S	SP	SP	S	N	S	S	S	N	SP	N	N	N	N
Other (4):																
Nursery, green houses (commercial):	S	N	Y	SP-Y	SP	Y	N	Y	Y	Y	N	SP	N	N	SP	N
Supervised camping:	S	N	N	SP	SP	Y	N	S	S	S	N	SP	N	N	N	N
Cemetery:	N	Y	Y	Y	Y	Y	N	Y	Y	Y	N	Y	N	Y	N	N
Drive-in theater, amusement park, race track or similar commercial outdoor recreation (3):	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Outdoor recreation other than the above operated by a governmental agency:	S	Y	Y	Y	Y	Y	N	Y	Y	Y	N	Y	N	Y	Y	Y
Other: (4)																
Sale of Christmas Trees:	S	Y	Y	Y	Y	Y	N	Y	Y	Y	N	Y	N	Y	Y	Y

- (1) Animal keeping may be subject to permit from the Board of Health
- (2) But no animals kept closer than 500 feet to any lot line.
- (3) Temporary carnival sponsored by a non-profit organization permitted upon approval by the Board of Selectmen.
- (4) As determined by the Zoning Enforcement Officer.
- (5) Multi-family dwellings are allowed in the Highway Business (BA) District upon grant of a Special Permit by the Planning Board in accordance with Section 5200.
- (6) In accordance with the requirements and restrictions of Section 5300.
- (7) These uses are prohibited except when proposed as part of a Senior Living Overlay Project in conformance with Section 5300.

Town Manager's Statement – This Article would change the requirement for certain commercial uses in the Highway Business District (BA) that currently require a special permit to be allowed “by-right” (retail sales and service, office, banks, restaurants without drive-up windows). The proposed amendment would permit these uses through the site plan review process, not a the special permit process. The BA District is Route 9 from the Northborough Town Line to Connector Road. This change does not include restaurants that would have a drive-thru or walk up window service. These restaurants would still require a special permit. The motion on this article requires a 2/3 majority.

ARTICLE 36: Petitioned Article for Wine and Malt Package Store (By Petition)

To see if the Town will vote to authorize the Board of Selectmen to petition the State Legislature for one over quota off premise wine and malt liquor license for 2 South Street, or take any other action thereon.

Town Manager's Statement – This article was submitted by petition to allow for an over quota off-premise license for wine and malt at the 7-11 store located at 2 South Street. The motion for this article is a simple majority vote.

ARTICLE 37: Property Acquisition (Board of Selectmen)

To see if the Town will vote to authorize the Board of Selectmen to acquire, by purchase, gift, and/or eminent domain, for general municipal purposes, a portion of a parcel of land located at 7 Parkman Street and described in a deed recorded with the Worcester South District Registry of Deeds in Book 2580, Page 582 for an amount not to exceed one dollar (\$1.00) and further to transfer from free cash and appropriate the sum of one dollar (\$1.00) for the purpose of acquiring said property, or take any other action thereon.

Town Manager's Statement – Town Meeting had previously authorized the Board of Selectmen to sell the 7 Parkman Street (the “Spurr House”) and as part of this sale and the renovation project at the Forbes Municipal Building and proposed building project at the library, the Town had a survey completed of all three properties which found that the parking lot of the Forbes Municipal Building was legally part of the 7 Parkman Street property. The RFP for the sale of the property was immediately withdrawn and then re-issued with a requirement that the bidder agree to a friendly eminent domain land taking that included both the back parking lot and the area around the electric transformer for the Forbes Municipal Building (which is also on the 7 Parkman Street property). This article is required to authorize the Board of Selectmen to acquire the property back through eminent domain. Additionally, under the Town's Zoning Bylaws, eminent domain is the only method that would allow this lot to continue to be a legally non-conforming lot. The motion on this article requires a 2/3 majority vote.

ARTICLE 38: Property Disposition (Board of Selectmen)

To see if the Town will vote to authorize the Board of Selectmen to sell, in accordance with all applicable Commonwealth of Massachusetts bidding laws, that property shown as “Parcel C” on a plan entitled “Proposed Spurr House Disposition Parcel C” dated January 25, 2017, prepared by Westborough GIS, on file with the Town Clerk, said property being approximately ____ square feet, including any improvements, or take any other action thereon.

Town Manager's Statement – As the Town moves to sell the 7 Parkman Street property (the “Spurr

House”) another issue that arose as a result of the survey was that the abutting property owner had fenced/landscaped land that was part of the 7 Parkman Street property a number of years ago. While the Town owned the property this was not an issue, however, with the Town disposing of the 7 Parkman Street property, this issue needs to be addressed either by the neighbor moving the fence/landscaping back onto their own property or the Town being authorized to sell (through a competitive bidding process) the property described in the article, which would leave the fencing and landscaping intact. The motion of this article requires a 2/3 majority vote.

Given under our hands the 21st day of February in the year Two Thousand and Seventeen.

Ian Johnson, Chairman

Denzil Drewry, Vice Chairman

George Barrette

Leigh Emery

Bruce Tretter

SELECTMEN OF WESTBOROUGH

\Worcester, ss

I have this day served the within Warrant by posting up attested copies thereof at the Town Library Bulletin Board and Town Hall Bulletin Board in said Westborough and by mailing a copy thereof to the residence of the Town Moderator all on February ____, 2017.

s/Constable of Westborough

\Worcester, ss