

**COMMONWEALTH OF MASSACHUSETTS
WORCESTER, SS**

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

SPECIAL TOWN MEETING – October 20, 2014

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 the Westborough High School Auditorium and Gymnasium, 90 West Main Street, Westborough, Massachusetts on Monday, the Twentieth day of October, 2014 at 7:00 p.m. then and there to act on the following articles:

ARTICLE 1: MIS/GIS Department Staffing (MIS/GIS Director)

To see if the Town will vote to raise and appropriate the sum of Seven Thousand Five Hundred Sixty Four Dollars (\$7,564) to the MIS/GIS Salaries and Wages Account for the purpose of funding a 10 hour per week GIS Administrator in the MIS/GIS Department, or to take any other action thereon.

Town Manager's Statement – The Town's MIS/GIS Department has accepted more responsibility in the past few years related to alarm systems, telephone systems, electronic gasoline dispensing system the Town's website and an increasingly complicated computer system for all town departments. As a result, some management functions of the department have been sacrificed to meet every day demands. These include data security which is extremely important. In reviewing the department's needs, both the current full time staff can handle network administration and the Director can manage the overall needs of the department and most of the GIS, but the Network Administrator does not do GIS, leaving a gap in completing work requested by other departments. The MIS/GIS Director believes that filling this gap with a part-time GIS Administrator will assist the department in keeping up with current workload demands. This position has already been approved by Town Meeting for 10 hours per week, but is not funded in the current budget (it hasn't been in the budget for several years).

ARTICLE 2: Firefighters Contract Appropriation (Town Manager)

To see if the Town will vote to raise and appropriate the sum of Sixty Eight Thousand Six Hundred Fifty Five Dollars (\$68,655) to the FY2015 Fire Department's Salary & Wage Account for the purpose of funding the Firefighter's Collective Bargaining Agreement, 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 Firefighters Union for FY15 – 17. The contract was settled at 2% per year for the next three years.

ARTICLE 3: DPW Manager Contract Appropriation (Board of Selectmen)

To see if the Town will vote to raise and appropriate the sum of One Thousand Three Hundred Seventy Five Dollars (\$1,375) to the General Fund Public Works Salaries and Wages Account; One Thousand Three Hundred Thirty Five Dollars (\$1,335) to the Water Fund Salaries and

Wages Account; and One Thousand Three Hundred Thirty Five Dollars (\$1,335) to the Sewer Fund Salaries and Wages Account for the purpose of paying the DPW Manager's contract, or take any action in relation thereto.

Town Manager's Statement – The Police Chief, Fire Chief and DPW Manager's contracts were due this year and have been renegotiated. The Police Chief's was included in the original budget approved at the Annual Town Meeting; the Fire Chief's is included in the Fire Department budget amendment in Article 2 above. This article funds the increase in the DPW Manager's contract for FY15.

ARTICLE 4: Library HVAC Repairs (Library Director/Board of Library Trustees)

To see if the Town will vote to transfer from free cash and appropriate the sum of Twenty Three Thousand Dollars (\$23,000) for the purpose of funding library expenses that were otherwise spent on extraordinary repairs in the Library's HVAC system, or to take any other action thereon.

Town Manager Statement – The Library's Heating, Ventilation and Air Conditioning (HVAC) System was replaced and the new system went live in 2013. The Library began experiencing problems shortly thereafter and the system failed to cool the building on certain days over the past year. The Town has initiated legal action against the architect, general contractor and sub-contractors for failures in the installation. Any settlement will go into the General Fund as a revenue source upon settlement, but at this time, the Library has already expended its full annual budget of \$8,000 on repairs since July 1, 2014 and has expended \$2,000 of its general building maintenance to ensure the system is repaired and operable. In addition, during FY14 the library had expenses for repairs on the HVAC system and had to use funds that were intended to replace computers and install a self-checkout unit. The intention of this warrant article is to supplement the original expense account of the Library by the amount of the repairs on the HVAC system to ensure other issues are addressed in a timely manner.

ARTICLE 5: Digitizing Historic Town Records (Library Director/Board of Library Trustees)

To see if the Town will vote to transfer from free cash and appropriate the sum of Ten Thousand Six Hundred Dollars (\$10,600) to organize and preserve the Town's historic documents including those from the American Revolution, War of 1812, Tax Lists and others from the 1700s to 1900s. Funds would also include working with the Digital Commonwealth Project at the Boston Public Library to select and digitize key documents from the collection; set up an online Archival Information Management system to catalog historic documents across town organizations and make digital copies of the archived documents accessible to the public; and pay for necessary supplies; or take any other action thereon.

Town Manager's Statement – When the Town reviewed the archives in the Town Hall many old records were identified. These are records the public would not have access to given their delicate condition. Digitizing these records would organize the records and make them accessible to the public for research and other projects.

ARTICLE 6: Restoring Historic Frames for Re-Use (Library Director/Board of Library Trustees)

To see if the Town will vote to transfer from free cash and appropriate the sum of Nine Thousand Dollars (\$9,000) to restore and re-use valuable antique wood frames and prints formerly in storage at the Westborough Fire Department, or take any other action thereon.

Town Manager's Statement - These frames and prints were found in the attic of the Fire Station and would be cleaned, repaired, and restored, in order to be hung at the Westborough Town Hall and Westborough Public Library.

ARTICLE 7: Window Replacement and Restroom Repairs (Town Manager/Library Director)

To see if the Town will vote to combine funds from FY2014 ATM Article 8F (Library Window Replacement) and FY2015 ATM Article 9F (Library Restroom Repairs and Renovation), or take any other action thereon.

Town Manager's Statement – These two separate projects are being combined into one for facilitating the management of the two projects under one architect and one general contractor. No additional funds are being sought at this time.

ARTICLE 8: Chapter 90 Reduction (Town Manager)

To see if the Town will vote to reduce the appropriation from Article 8E of the 2014 Annual Town Meeting from \$797,253 to \$776,115, or take any other action thereon.

Town Manager's Statement – Chapter 90 funding has been increased by the Legislature but the allocation from the Governor was reduced in both FY13 and FY14 (approximately \$50,000 less since FY12). This article reduces the appropriation to match the allocation for Westborough for FY15.

ARTICLE 9: Co-Star Real Estate Market Data (Economic Development Committee and Board of Assessors)

To see if the Town will vote to raise and appropriate the sum of Ten Thousand Dollars (\$10,000) to the Board of Assessors Expenses Account for the purpose of funding an annual real estate market data subscription, or to take any other action thereon.

Town Manager's Statement – The Economic Development Committee (EDC) reviewed firms that provide market data on the real estate market and determined the Co-Star provided the best market data for our area. The EDC is seeking this information to assist them in identifying vacant properties and properties that have leases that are nearing expiration in an effort to work with businesses and property owners in retaining businesses. The same information is also valuable to the Board of Assessors in determining the value of commercial properties and ensuring accuracy and provided backup detailed for appeals. Therefore, this expense would have a dual purpose of assisting the Economic Development Committee and Board of Assessors.

ARTICLE 10: Sick Leave Buy Back (Town Manager)

To see if the Town will vote to transfer from free cash and appropriate the sum of Three Thousand Dollars (\$3,000) to the Personnel Board Expenses Account for the purpose of funding the sick leave buy back for a retiring DPW Employee, as per the collective bargaining agreement, or take any other action thereon.

Town Manager's Statement – After the start of the fiscal year, one of the long-term DPW employees notified the Town of his intention to retire in September 2014. The Collective Bargaining Agreement provides for a sick leave buy back option with a maximum of \$3,000. This is a contractual obligation of the Town.

ARTICLE 11: Fingerprint Scanner (Chief of Police)

To see if the Town will vote to transfer from free cash and appropriate the sum of Fifteen Thousand Seven Hundred Thirty One Dollars (\$15,731) to the Police Expenses Account for the purpose of funding a replacement fingerprint scanner, or take any other action thereon.

Town Manager's Statement – The Police Department is using an outdated fingerprint scanner that is no longer covered under a maintenance contract. The State Police have asked all police departments to upgrade to a fingerprint and palm scanner. The total cost is \$20,646.80 and there is a trade in on the existing equipment of \$4,915.80 for a net cost of \$15,731.

ARTICLE 12: Recreation Salaries and Wages (Town Manager)

To see if the Town will vote to reduce the Recreation Department Salaries and Wages Account by Thirty Four Thousand Nine Hundred Dollars (\$34,900), or take any other action thereon.

Town Manager's Statement – This account was originally budgeted to account for the previous staff's wage rates, with two retirements and one resignation, the amount actually needed is \$34,900 less than appropriated at the Annual Town Meeting.

ARTICLE 13: DPW Furnace Replacement in the Piggery (DPW Manager)

To see if the Town will vote to transfer from free cash and appropriate the sum of Ten Thousand Dollars (\$10,000) for the purpose of replacing the furnace in the "Piggery" building at the DPW on Oak Street, or take any other action thereon.

Town Manager's Statement - The Piggery building is used for vehicle repairs and for storage for the DPW and all other departments. The building has water service and the furnace dates to 1970 and has been maintained using parts from two similar furnaces. At this time, the parts are no longer available and the company that has maintained it has recommended that it be replaced immediately. The DPW has obtained a quote to undertake the replacement for \$9,990.

ARTICLE 14: Baker Way Pump Station Upgrade (DPW Manager)

To see if the Town will vote to transfer from Sewer Retained Earnings the sum of Fifty Thousand Dollars (\$50,000) for the purpose of upgrading the Baker Way Pump Station, or take any other action thereon.

Town Manager's Statement –Several of the Town's sewer pump stations have "muffin monster" sewage grinders to grind up any large objects in the sewer system to ensure pumps do not get

blocked. The Town has been experiencing some issues in the Baker Way Pump Station and is seeking to install a muffin monster to ensure the reliability of this pump station. The cost is coming from the Sewer Fund Reserve Account.

ARTICLE 15: Water Department Water Line Maintenance (DPW Manager)

To see if the Town will vote to transfer from Water Retained Earnings and appropriate the sum of Fifty Thousand Dollars (\$50,000) for the purpose of funding ongoing water line maintenance, or take any other action thereon.

Town Manager's Statement – The Town is seeking to continue cleaning water lines through a pigging process whereby an “ice pig” is inserted into the water lines cleaning any accrued buildup in the water lines. This article would fund approximately 4,500 linear feet of water line. The cost is coming from the Water Fund Reserve Account

ARTICLE 16: Sandra Pond Water Line (DPW Manager)

To see if the Town will vote to transfer from Water Retained Earnings and appropriate the sum of Eighty Thousand Dollars (\$80,000) for the purpose of funding a replacement raw water main from the Sandra Pond Pumping Station to Bowman Street, or take any other action thereon.

Town Manager's Statement – The raw water main from the pumping station at Sandra Pond to where it intercepts with the main in Bowman Street is an original cross country water line dating to the 1950's. The Town has had some major breaks in the line over the past two years and is seeking to replace the line with modern materials to ensure a reliable flow from Sandra Pond to the Water Treatment Plant. The cost will come from the Water Fund.

ARTICLE 17: School Budget Appropriation (School Committee)

To see if the Town will vote to raise and appropriate a sum of money, in addition to the \$43,890,311 previously appropriated to the Fiscal Year 2014-2015 School Department General Fund Appropriation under Article 7 of the warrant for the March 15, 2014 Town Meeting, for the purpose of paying the ratified union contract stipulated increases, or take any other action thereon.

Town Manager's Statement - At the time the School Department's appropriation request went before the Town on March 15, 2014 the union contract negotiations had not started. There was no way to estimate increases to salaries and other financial compensation contract increases. At the March 15, 2014, the School Committee made a budget proposal presentation and acknowledged that they would be coming back to the Fall 2014 Town Meeting to request additional funding to support the School Department's 2014-2015 budget appropriation.

ARTICLE 18: Mill Pond Test Drilling and Well Installation (School Committee)

To see if the Town will vote to transfer from free cash and appropriate the sum of Fifty Thousand Dollars (\$50,000) for the purpose of drilling test wells and installing a well for the new irrigation system at the Mill Pond School, or take any other action thereon.

Town Manager's Statement - The Mill Pond Athletic Field was upgraded with an irrigation system installation this past summer. The School Department has two options for water sources,

to irrigate with Town water or irrigate with well water. There is no guarantee that the test drilling will tap a viable water source. However, if water is a resource then it would be environmentally and economically beneficial to the Town. The cost will cover drilling, purchasing of the pump, and electrical installation of the pump system.

ARTICLE 19: Web-Based Interfaced Direct Digital Control System at the High School and Mill Pond Schools (School Committee)

To see if the Town will vote to transfer from free cash and appropriate the sum of Fifty-Five Thousand Dollars (\$55,000) for the purpose of installing controls for the HVAC systems at the High School and Mill Pond Schools, or take any other action thereon.

Town Manager's Statement – The School Department is seeking to install this DDC system to better control the HVAC systems at the High School and Mill Pond Schools. By installing this DDC system the district will realize a cost savings on utilities, the environment within the school will be better regulated, and remote access to monitor and control the system. Having remote access to the system would reduce overtime cost of maintenance staff that would otherwise be called on site on weekends and holidays. It also allows monitoring the system remotely to bring temperatures up or down, systems on and off which creates efficiencies and cost savings. The cost of the project will cover the purchase, installation, and training of the DDC system.

ARTICLE 20: Wireless Access Points (School Committee)

To see if the Town will vote to transfer from free cash and appropriate the sum of Ninety Thousand Dollars (\$90,000) for the purpose of installing additional Wireless Access Points at the High School to improve Wi-Fi service, or take any other action thereon.

Town Manager's Statement – The High School currently has approximately 44 Aerohive Wireless Access Points (WAPs) installed in a configuration designed to maximize coverage throughout the building. This results in many areas where a few mobile devices can get adequate service, some areas where service is spotty and/or inadequate for even a few devices, and very few areas where a whole class can get adequate service. The School Department estimates that an additional 80-90 WAPs will need to be installed in order for all classrooms, common areas, and administrative offices to provide adequate service.

ARTICLE 21: Amend Salary Administration Plan (Personnel Board)

To see if the Town will vote to amend the Salary Administration Plan by replacing the rates for the M-1, M-2 and M-3 grades of the Miscellaneous Rate Schedule with the following rates effective January 1, 2015:

MISCELLANEOUS RATE SCHEDULE			
Grade	MIN	2	MAX
M-3	9.50	9.75	10.00
M-2	9.25	9.50	9.75
M-1	9.00	9.25	9.50

Or take any other action thereon.

Town Manager's Statement – These positions were affected by the minimum wage increase and cover part time employees in the Library (Library Pages). At this time there is no budget impact.

ARTICLE 22: Amend Classification Plan (Personnel Board)

To see if the Town will vote to amend the Classification Plan (Appendix 1 of the Personnel Policies and Employee Handbook) by making the following change:

Minibus Driver – Increase Number of Personnel to 4

Or take any other action thereon.

Town Manager's Statement – This would increase the number of part-time bus drivers from 3 to 4 that are approved for 19 hours per week.

ARTICLE 23: Council on Aging Staffing (COA Director)

To see if the Town will vote to raise and appropriate the sum of Eleven Thousand Eight Hundred Four Dollars (\$11,804) to the Council on Aging Salaries and Wages Account for the purpose of funding a 19 hour per week Minibus driver in the Council on Aging Department contingent on the Council on Aging filing a three-year strategic plan for the mini-bus services with the Board of Selectmen by February 1, 2015. The report shall include measureable goals and a funding plan, including an evaluation of routes and opportunities to regionalize services, or to take any other action thereon.

Town Manager's Statement – This would fund the part-time bus driver position created in Article 22 once this report has been filed with the Board of Selectmen.

ARTICLE 24: Acceptance of MGL Ch. 32B, §20 (Treasurer/Collector)

To see if the Town will vote to accept Massachusetts General Law, Chapter 32B, Section 20 in relation to establishing an “Other Post Employment Benefit” (OPEB) Trust Fund, or take any other action thereon.

Town Manager's Statement – The Town established an OPEB Trust Fund in 2010 but has not funded it yet. However, as part of the health insurance plan design changes in 2014, the FY15 budget includes a \$1.2 million funding for OPEB. Before funds can be transferred into the OPEB Trust Fund, the Town Meeting needs to accept this statute. The establishment and funding of an OPEB Trust Fund in the current budget was one of the reasons the Town's bond rating was upgraded to AAA.

ARTICLE 25: Exemption from MGL Ch. 138, Sections 17A-17C (Board of Selectmen)

To see if the Town will vote to authorize the Board of Selectmen to petition the Legislature for special legislation allowing the Town to consider adoption of MGL Ch. 138, §§17A-17C notwithstanding said sections' sunset provisions. It is the intent of this home rule petition to authorize the Westborough Town Meeting to legally adopt MGL Ch. 138, Sections 17A – 17C, or take any other action thereon.

Town Manager's Statement – The existing state law in regard to the number of liquor licenses that can be issued in any town can be overridden by a vote of Town Meeting, however, the section that allows this override had a sunset clause that required cities and towns to adopt these sections prior to 6/30/94 and 1/1/85. The intent is to allow Town Meeting to consider adopting these sections which would make it so that the Town would not need to go to the legislature for additional licenses in the future. The Town Meeting approved this same article in 2012 and earlier this year, the bill was killed in a legislative sub-committee. The Governor introduced similar legislation as part of his economic development bill that would have accomplished the same thing, but was removed by the House, put back in by the Senate and then eventually removed by a joint House/Senate Committee. Approval of this article would force this issue back onto the agenda of the legislature.

ARTICLE 26: Accept Gift of Easement East Main Street (Board of Selectmen)

To see if the Town will vote to accept as a gift a certain utility easement over land of Harper Enterprises, Inc and identified as “Proposed Utility Easement Area = 25 S.F.” consisting of approximately 25 square feet of land, on an plan, a copy of which is on file in the office of the Town Clerk, entitled “Exhibit ‘A’ Plan Showing Easement on Property Of: Harper Enterprises, Inc. 50 East Main Street, Westborough, M. A.”, dated July 25, 2014 and Revised August 25, 2014 prepared by The Town of Westborough Engineering Department 131 Oak Street, Westborough, MA; and to authorize the Board of Selectmen to execute and accept any documents necessary for such acquisition, under such terms and conditions as the Selectmen deem in the interests of the Town, or to take any other action thereon.

Managers Statement – This article and the following article allow the Town to formally receive an easement to locate a pole on private property just behind the sidewalk on each side of East Main Street which provides the tripping mechanism (over-height bridge sensor) to activate a flashing early warning sign intended to prevent tall tractor trailers from wedging themselves under the railroad bridge.

ARTICLE 27: Accept Gift of Easement East Main Street (Board of Selectmen)

To see if the Town will vote to accept as a gift a certain utility easement over land of Fawaz El Khoury and identified as “Proposed Utility Easement Area = 25 S.F.” consisting of approximately 25 square feet of land, on a plan, a copy of which is on file in the office of the Town Clerk, entitled “Exhibit ‘A’ Plan Showing Easement on Property Of: Fawaz El Khoury 55 East Main Street, Westborough, M. A.”, dated July 25, 2014 and Revised August 25, 2014 prepared by The Town of Westborough Engineering Department 131 Oak Street, Westborough, MA; and to authorize the Board of Selectmen to execute and accept any documents necessary for such acquisition, under such terms and conditions as the Selectmen deem in the interests of the Town, or to take any other action thereon.

Town Manager's Statement – This article is the same as the previous article but across the street.

ARTICLE 28: Accept Gift of Easement Oak Street (Board of Selectmen)

To see if the Town will vote to accept as a gift a certain access easement over land of Spectrum Health Systems, Inc. and identified as “Proposed Access Easement Area = 13,180+/- S.F.”

consisting of approximately 13,180 square feet of land, on a plan, a copy of which is on file in the office of the Town Clerk, entitled “Access Easement Plan - Oak Street Easement To Be Conveyed To The Town of Westborough, Westborough, MA (Worcester County)”, prepared by Waterman Design Associates, Inc.; and to authorize the Board of Selectmen to execute and accept any documents necessary for such acquisition, under such terms and conditions as the Selectmen deem in the interests of the Town, or to take any other action thereon.

Managers Statement; This article allows the Town to formally receive an easement over a driveway on private land (formerly State land) which provides vital and safe circulation for the movement of the school buses which transport the Town’s students into the parking lot where the buses are stored. Providing this easement was a requirement of the Site Plan Approval by the Board of Selectmen for this property in April for the ongoing construction of the new 40,000 s.f. residential facility.

ARTICLE 29: Acceptance of Various Roads (DPW Manager/Planning Board)

To see what action the Town may take on the following items **A** and **B**, which may be voted as a block, or singly or in any combination:

- A. To see if the Town will vote to accept and establish as a Town way under Massachusetts General Law, Chapter 82, a private way known as Orchard Hill Drive from the sideline of Adams Street a distance of 2,262 feet, more or less to its end at the sideline of Quick Farm Road, together with associated easements, as laid out by the Board of Selectmen and as shown on plans titled “ Acceptance Plan of Orchard Hill Drive in Westborough, Massachusetts To Be Conveyed To: The Town of Westborough” dated February 28, 2014 (latest revision) and prepared by Thompson-Liston Associates Inc., further to acquire the 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 and subject to a \$10,000.00 maintenance bond established under the supervision of the Planning Board,
- B. To see if the Town will vote to accept and establish as a Town way under Massachusetts General Law, Chapter 82, a private way known as Quick Farm Road from the sideline of Adams Street a distance of 1,380 feet, more or less to the remaining private way known as Quick Farm Road, together with associated easements, as laid out by the Board of Selectmen and as shown on plans titled “ Acceptance Plan of Quick Farm Road in Westborough, Massachusetts To Be Conveyed To: The Town of Westborough” dated February 28, 2014 (latest revision) and prepared by Thompson-Liston Associates Inc., further to acquire the 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 and subject to a \$10,000.00 maintenance bond established under the supervision of the Planning Board,

Or take any other action thereon.

Town Manager’s Statement – As part of the original approval of “The Orchards” subdivision, the Planning Board required the roads to be built to town standards so that the Town would

accept them in the future once the roads were built and approved by the DPW Manager and Town Engineer. The roads have been built and the DPW Manager and Town Engineer have approved of the construction. The developer has requested the Planning Board bring this matter to the Town Meeting for acceptance.

ARTICLE 30: Economic Development Committee Membership (Board of Selectmen)

To see if the town will vote to amend Article 4 of the October 20, 2008 Town Meeting creating the Economic Development Committee by deleting the reference to membership by the Town Counsel and replacing this membership by increasing the membership of the business community from “a minimum of 2 and a maximum of 4 of the business community” to “a minimum of 3 and a maximum of 5 of the business community”, or take any other action thereon.

Town Manager’s Statement – This Committee was established 8 years ago and the original article created a Committee made up of representatives of various Town boards and departments. Over the years, it has become apparent that some departments are very involved in the Committee’s discussions and others are not. Upon review, it would be beneficial to have Town Counsel available to meet with the Economic Development Committee when necessary and to increase the membership of the business community. The new membership of the Committee would be: the Town Manager, Town Planner, Town Assessor, Town Building Commissioner, DPW Manager, a member of the Board of Selectmen and 3 to 5 members of the business community.

ARTICLE 31: Establish Dimensional Zoning Regulations for Building in (M-1) District (Planning Board)

To see if the Town will vote to establish the dimensional regulations, as required under Article 2, Section 2600, Dimensional Schedule, Subsection 2630 of the Westborough Zoning Bylaws for the Town-owned property located at 100 Friberg Parkway further identified on the Westborough Assessor’s Map 35, Parcel 146 to allow the erection of a Public Safety Communications Tower. The dimensional regulations for this property shall be as follows: Minimum Front Yard = 0; Minimum Side Yard = 0; Minimum Rear Yard = 0; Maximum Structure Height = 180 feet;

Or take any other action thereon.

Town Manager’s Statement – This Article sets the dimensional regulations for the public safety radio tower approved last year by Town Meeting. The Town’s Zoning Bylaws does not set any dimensional regulations (setbacks, etc.) for town owned land so that all uses on town properties have to come before Town Meeting to establish dimensional regulations.

ARTICLE 32: Amend Zoning Bylaw, Article 2, Section 2630, Building in M-1 District (M-1) (Planning Board)

To see if the Town will vote to amend its Zoning Bylaws, Section 2630 Building in M-1 District (M-1) by deleting this following Section in its entirety:

~~**2630 Building in M-1 District (M-1)** Dimensional regulations for municipal or institutional buildings or structures on land zoned M-1 shall be established for each building or structure by~~

~~two-thirds vote of the Town Meeting. Notwithstanding the foregoing, no vote to establish such dimensional requirements shall be taken until a public hearing has been held by the Planning Board and a report with recommendations by the Planning Board has been submitted to the Town Meeting pursuant to the provisions of Massachusetts General Laws, Chapter 40A, Section 5, as amended, and that the Site Plan Review process as defined by Westborough Zoning Bylaws shall apply to any such buildings or structures approved by the Town Meeting.~~

And by replacing it with the following language:

“2630 Building in M-1 District (M-1) The dimensional regulations applicable to buildings or structures on land in the M-1 District, shall be the same as the dimensional regulations applicable to the zoning district surrounding such land as set forth in Section 2600, Dimensional Schedule, of the Zoning Bylaws. In the case where land in the M-1 District is adjacent to two or more zoning districts, the dimensional regulations applicable to such land shall be the same as those applicable to the least restrictive adjacent zoning district.

On municipally owned land in an M-1 District any proposed new use or change in use shall be approved by a two-thirds vote of Town Meeting. The dimensional standards for such use or structure shall be as described above consistent with those applicable for an existing use.”
Or take any other action thereon.

Town Manager Statement – The purpose of this zoning amendment is to create uniformity for existing municipal uses or a change in existing uses. The amendment will create consistency between M-1 District projects, on Town properties, and properties in surrounding zoning districts. It will require the same dimensional regulations for municipal projects as for private properties in their neighborhood. M-1 uses would no longer require a vote of Town Meeting merely to establish dimensional requirements. However, where municipal property in an M-1 District contains no existing use, any proposed new use shall be approved by Town Meeting vote, as currently required, and the dimensional requirements shall be the same as the surrounding zoning district.

ARTICLE 33: Amend Zoning Bylaw, Article 2, Section 2300: Use Regulation Schedule, Institutional Uses (Planning Board)

To see if the Town will vote to amend its Zoning Bylaws, Section 2300 Use Regulation Schedule, Institutional Uses by deleting the language shown:

“Municipal use voted at Town Meeting (~~not more specifically cited in Section 2300~~)”

So that the final language reads:

“Municipal use voted at Town Meeting”

Or take any other action thereon.

Town Manager’s Statement - This Article is relevant to Article 32, Building in M-1 District (M-1), and is necessary for clarity and consistency in M-1 projects.

ARTICLE 34: Amend Zoning Bylaw, Article 5, Definitions (Planning Board)

To see if the Town will vote to amend its Zoning Bylaws under Article 5, Definitions, by deleting the following definition in its entirety:

~~**Accessory Building** a building is subordinate and customarily incidental to the principal building and is located on the same lot.~~

And by replacing it with the following new definition:

“Building, Accessory shall mean a building that is subordinate and customarily incidental to the principal building and is located on the same lot as the principal building”.

And by adding the following new definition:

“Building, Principal shall mean that a building’s primary purpose is for the furtherance of the functioning of the principal use and is located on the same lot as the principal use”.

Or take any other action thereon.

Town Manager Statement – This Article improves the clarity of the definition for an Accessory Building and provides a previously lacking definition for a Principal Building. The new definitions are part of the Town’s continuing effort to improve our Zoning Bylaws.

ARTICLE 35: Amend Zoning Bylaw, extension of Downtown Planning Overlay District (DPOD) (Planning Board)

To see if the Town will vote to amend its Zoning Bylaws and Zoning Map by approving an Overlay Map in accordance with Sections 4900 through 4960 of the Westborough Zoning Bylaws and to include the following parcels in such overlay from Assessors’ Map 21: Parcels 224, 212, 223, 55, 55A, 56, 53;

And from Assessor’s Map 28, Parcels 1, 4, 5, 6, 7, 8, 9, 182, 181, 180, 178, 177, 176, 15A, 15.

The purpose of this Zoning Article is to increase economic development opportunities, enhance commercial property values and induce creative land use development scenarios through mixed-use zoning tools.

Or take any other action thereon.

Town Manager Statement – The purpose of this Zoning Article is to increase economic development opportunities, enhance commercial property values and encourage creative land use development through mixed-use zoning tools. The Article proposes to extend the DPOD along East Main Street between the Railroad Bridge and Water Street. This Overlay District is an added zoning option for the properties listed in the article. The current underlying zoning district with all its existing privileges remains in place.

ARTICLE 36: Amend Zoning Bylaw, amendment of Zoning Classification (Planning Board)

To see if the Town will vote to amend its Zoning Bylaws and Zoning Map by amending the Zoning Classification for the portions of the Parcels listed below currently zoned Industrial from General Industrial (IB) to Single Residential (R):

As shown on Assessors' Map 18: Parcels 37A, 37, 36, 35, 14, 22, 23, 13, 13A, 38, 39, 40, 41, 42, 43, 44, 11A, 48, 47, 46, 45, 12, 49, 1, 33, 34, 30, 31, 32, 32A, and 32B;

And as shown on Assessor's Map 19: Parcels 91, 92, 93, 46, 48, 88, 49, 50, 51, 52, 53, 54, 55, 62, 56, 57, 61;

And as shown on Assessor's Map 20: Parcels 88, 89, 89A, 90, 91, 675 and 675A;

And as shown on Assessor's Map 17: Parcels 23, 24;

And by amending the Zoning Classification for the portions of the Parcels listed below currently zoned Residential from Single Residential (R) to General Industrial (IB):

As shown on Assessor's Map 17: Parcels 16 and 111; Map 18, Parcel 27; Map 22: Parcel 24; Map 29: Parcels 105 and 119; and Map 24: Parcels 7, 8 and 24;

The purpose of this zoning amendment is to establish uniformity, eliminate inconsistencies and clarify the Town's designated zoning districts.

Or take any other action thereon.

Town Manager's Statement – The purpose of this zoning amendment is to correct historical inconsistencies in the Town's zoning designation of numerous residential and industrial properties. Previous zoning districts have divided properties into multiple zoning classifications. This division often causes hardship for the affected property owners. The proposed Article relieves these inconsistencies and designates one zoning classification for the properties listed in the warrant.

ARTICLE 37: Home Rule Petition – Selectmen Emery Retirement (Board of Selectmen)

To see if the Town will vote to authorize the Selectmen to petition the Legislature for special legislation authorizing Selectperson Leigh Emery to apply for and receive superannuation retirement benefits from the Massachusetts Teachers Retirement System without resigning her position as Selectperson for the Town of Westborough in any form that the Legislature deems appropriate; or take any other action thereon.

Town Manager's Statement – Selectmen Leigh Emery has retired from the Worcester School Department after 30+ years working for Schools and the University of MA. Through the last series of retirement reforms aimed at ending "double dipping" from two different retirement systems, Selectperson Emery has become an unintended consequence because she also has money taken out of her stipend as Selectmen that is deposited in the Worcester Retirement

System. Selectperson Emery has been informed that in order to retire in the Mass Teachers Retirement System she must retire from her position as a Selectman. At \$500 per year, Selectmen Emery deposits approximately \$45 per year into the Retirement System that will be worth a pension of \$12.50 per month upon retirement. This is not the level of “double dipping” the legislature was concerned with when they passed retirement reform and the Town is seeking special legislation that would allow Selectperson Emery to forego the Worcester Retirement (as a Selectman) and continue to hold her seat until her term ends.

ARTICLE 38: Easement Funding – Open Space Reserve Account (Bicycle and Pedestrian Advisory Committee)

To see if the Town will vote to transfer and appropriate from the Open Space Reserve Account the sum of Thirty Two Thousand Dollars (\$32,000), or such other amount as Town Meeting may approve for the purpose of securing easements for a proposed multi-use trail through Westborough with any unexpended monies returning to the Open Space Reserve Account, or take any other action thereon.

Town Manager’s Statement – The Bicycle and Pedestrian Advisory Committee has been working to secure easements as part of a regional trail system that would connect Framingham to Worcester and this is an ongoing part of effort. The funding for this comes from the Open Space Reserve Account which was funded by Town Meeting for the purpose of protecting open space. The balance in the account is \$770,000.