

ANNUAL TOWN MEETING WARRANT

WORCESTER, SS.

To either of the Constables of the TOWN OF WESTMINSTER in the County of Worcester, GREETINGS:

In the name of the Commonwealth of Massachusetts, you are hereby directed to notify and warn the inhabitants of said Town qualified to vote in elections and in Town affairs, to meet at the

**WESTMINSTER ELEMENTARY SCHOOL
9 ACADEMY HILL ROAD
WESTMINSTER, MASSACHUSETTS
on
SATURDAY, MAY 6, 2017
AT 1:00 P.M.**

then and there to vote on the following articles:

CUSTOMARY ARTICLES

ARTICLE 1. To see if the Town will vote to authorize the Board of Selectmen to enter into a contract with the Massachusetts Department of Transportation or other appropriate state agency for the construction and maintenance of public highways for the ensuing fiscal year, or act in relation thereto.

ARTICLE 2. To see if the Town will vote pursuant to Chapter 40, section 4 of the General Laws to authorize the Board of Selectmen to enter into any and all contracts on behalf of the Town for the ensuing fiscal year unless otherwise provided by law, on such terms and conditions as it deems to be in the best interests of the Town, or act in relation thereto.

ARTICLE 3. To hear reports of any committees appointed to act on Town affairs or in its behalf.

ARTICLE 4. To see if the Town will vote to:

- 1.) Establish Revolving Funds and amend the Code of the Town of Westminster by inserting a new Section 28-9 entitled "Revolving Funds" as follows, or act in relation thereto:

§28-9. Revolving Funds.

- A. Pursuant to G.L. c. 44, §53E ½, as amended, there are hereby established the following Revolving Funds for the departments listed below which shall be credited with the receipts collected in connection with the stated programs and activities and which shall be expended by the authorized Town board, department or officer for the purposes of such programs and activities listed below:

DATED 4/13/2017

Worcester, s.s.

PURSUANT TO THE WITHIN WARRANT, I HAVE NOTIFIED AND WARNED THE
INHABITANTS OF THE TOWN OF WESTMINSTER BY POSTING ATTESTED COPIES OF THE
SAME AT:

TOWN HALL, 11 SOUTH STREET
U.S. POST OFFICE, NICHOLS STREET

14 DAYS BEFORE THE DATE OF THE TOWN MEETING, AS WITHIN DIRECTED.


CONSTABLE

	Revolving Fund	Authority to Spend	Revenue Source	Use of Fund
1	Hazardous Materials Recovery	Fire Chief	Charges paid by responsible parties for disposal of hazardous materials	Pay expenses incurred for recovery and disposal of hazardous materials
2	Agricultural Commission Programs	Agricultural Commission	Receipts received as payment for participation in programs and activities	Pay expenses reasonably related to programs and activities
3	Public Health Clinic and Emergency Response	Board of Health	Payments received for the purchase and administering of flu and other vaccines and medications	Pay expenses reasonably related to the administering of such programs

B. Expenditures from each revolving fund set forth herein shall be subject to the limitation established annually by Town Meeting or any increase therein as may be authorized in accordance with G.L. c.44, §53E½.

2). And further, to see if the Town will set the following spending limits for each authorized Revolving Fund for FY2018, or act in relation thereto:

A. Hazardous Materials Recovery - \$12,000

B. Agricultural Commission Programs - \$10,000

C. Public Health Clinic and Emergency Response - \$25,000

OPERATING BUDGETS

ARTICLE 5. To see if the Town will vote to establish one additional full-time Firefighter/EMT position, or act in relation thereto.

ARTICLE 6. To see if the Town will vote to fix the compensation of appointed and elected officers, provide for a Reserve Fund, and determine what sums of money the Town will raise and appropriate, including appropriations from available funds, to defray charges and expenses of the Town, including debt and interest, for the ensuing fiscal year, or act in relation thereto.

(Amount requested: tbd)

ARTICLE 7. To see if the Town will vote to raise and appropriate a supplemental sum of money for the Town's proportional share of the operating budget of the Ashburnham-Westminster Regional School District, in addition to the sum voted under Article 6 for said operating budget, provided that approval of this supplemental appropriation shall be contingent upon the Town of Ashburnham also appropriating its proportional share of the Fiscal Year 2018 District operating budget; and further provided that such appropriation shall be expressly contingent upon passage of a Proposition 2½ (so-called) override ballot question, permitting the Town to raise such additional amount outside the limits imposed by said Proposition 2½, all in accordance with Chapter 59, Section 21C(g) of the Massachusetts General Laws, or act in relation thereto.

(Amount requested: tbd)

ARTICLE 8. To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money to operate the Sewer Enterprise, or act in relation thereto.

(Amount requested: \$1,122,998)

ARTICLE 9. To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money to operate the Water Enterprise, or act in relation thereto.

(Amount requested: \$798,160))

ARTICLE 10. To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money to operate the Solid Waste Transfer Facility Enterprise, or act in relation thereto.

(Amount requested: \$273,300)

CUSTOMARY MONEY ARTICLES

ARTICLE 11. To see if the Town will vote to raise and appropriate, or transfer from available funds, sums of money for the following purposes:

Westminster Cultural Council

Conservation Fund, as provided for in Section 8C of Chapter 40 of the General Laws

(Amounts requested: \$3,000 for Cultural Council; \$1,000 for Conservation Fund)

ARTICLE 12. To see if the Town will vote to raise and appropriate, or transfer from available funds, a sum of money to fund a portion of the cost of retaining a professional consultant to perform the revaluation of real and personal property in the Town as required under Massachusetts General Laws, or act in relation thereto.

(Amount requested: \$50,000)

ARTICLE 13. To see if the Town will vote to transfer a sum of money from Free Cash to reduce the Fiscal Year 2018 tax rate, or act in relation thereto.

(Amount requested: \$230,000)

ARTICLE 14. To see if the Town will vote to raise and appropriate a sum of money for the OPEB Stabilization Account, or act in relation thereto.

(Amount requested: tbd)

NON-CAPITAL MONEY ARTICLES

ARTICLE 15. To see if the Town will vote to raise and appropriate or transfer from available funds, a sum of money to pay for legal fees, filing fees, court costs, advertising and other related costs of tax titles through foreclosure, including but not limited to the process of foreclosure through the land of low value method, or act in relation thereto.

(Amount requested: \$25,000)

ARTICLE 16. To see if the Town will vote to raise and appropriate or transfer from available funds, a sum of money to hire a consultant to assist the Town Government Study Committee in evaluating the need for and, if deemed appropriate, drafting a Home Rule Charter, or act in relation thereto.

(Amount requested: \$22,000)

CAPITAL ARTICLES

ARTICLE 17. To see if the Town will vote to raise and appropriate, transfer from available funds, or borrow a sum of money to be spent under the direction of the Public Works Commission for oiling, sealing, resurfacing, installing drainage and guardrail, removing trees/brush, or other such activities related to the reconstruction of town roads, or act in relation thereto.

(Amount requested: \$250,000)

ARTICLE 18. To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money to be spent under the direction of the Public Works Director for the purchase of a vibratory asphalt roller, or act in relation thereto.

(Amount requested: \$25,000)

ARTICLE 19. To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money to be spent under the direction of the Public Works Director for consultant services to assist with Year 1 Compliance with the new Massachusetts Municipal Separate Storm Sewer System (MS4) General Five-Year Permit (effective July 1, 2017), or act in relation thereto.

(Amount requested: \$50,000)

ARTICLE 20. To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money to be spent under the direction of the Police Chief for the following capital equipment and/or projects, including related incidental costs, or act in relation thereto.

ITEM/PROJECT	AMOUNT REQUESTED	PROPOSED FUNDING SOURCE
Police vehicle and related equipment (including trade-in)	\$45,000	Capital Stabilization
Police vehicle and related equipment (including trade-in)	\$35,000	Capital Stabilization
Portable message board	\$18,000	Capital Stabilization
Radar trailer	\$20,000	Capital Stabilization
Portable radios	\$70,000	Capital Stabilization

ARTICLE 21. To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money to be spent under the direction of the Fire Chief for the following capital equipment and/or projects, including related incidental costs, or act in relation thereto.

ITEM/PROJECT	AMOUNT REQUESTED	PROPOSED FUNDING SOURCE
Refurbish Engine 2 (2001 KME fire engine)	\$65,000	Raise and appropriate
Portable radios	\$75,000	Technology Stabilization
Two cardiac monitors	\$30,000	Ambulance Receipts Reserved

ARTICLE 22. To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money to be spent under the direction of the Town Administrator for improvements to the public safety communications system (South Ashburnham Road tower), or act in relation thereto.

(Amount requested: \$150,000)

ARTICLE 23. To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money to be spent under the direction of the Police Chief to hire a consultant to conduct a feasibility study relative to the building and space needs of the public safety facility, or act in relation thereto.

(Amount requested: \$25,000)

ARTICLE 24. To see if the Town will vote to raise and appropriate, or transfer from available funds a sum of money to be spent under the direction of the Town Administrator for the following capital equipment and/or projects, including related incidental costs, or act in relation thereto.

ITEM/PROJECT	AMOUNT REQUESTED	PROPOSED FUNDING SOURCE
Scheduled computer system updates and technology-related items for the various town departments	\$33,000	Raise and appropriate
Replace AC condenser units at Town Hall	\$78,000	Building Repair and Maintenance Stabilization
Upgrade telephone system at Town Hall	\$35,000	Technology Stabilization

ARTICLE 25. To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money to be spent under the direction of the Ashburnham-Westminster Regional School District for the following districtwide capital projects; further, that said appropriation is subject to the Town of Ashburnham also voting to fund its share of the cost of this article, or act in relation thereto:

- 14,686 Phone system replacement (Administration)
- 19,859 Fire safety panel (Oakmont)
- 4,256 Auditorium lights (Oakmont)
- 4,569 Walk-behind floor scrubber (Oakmont)
- 11,192 Exterior board replacement (Oakmont)
- 31,008 Network cabling (Overlook)
- 18,088 Wireless upgrade (Overlook)
- 5,168 Floor replacement (Overlook)

(Amount requested: \$108,826)

ARTICLE 26. To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money to be spent under the direction of the Ashburnham-Westminster Regional School District for the following capital projects, or act in relation thereto.

- 13,800 Replace windows (Meetinghouse)
- 12,000 Re-pave playground (Meetinghouse)
- 30,000 Wireless upgrade (Westminster Elementary)

(Amount requested: \$55,800)

MISCELLANEOUS ARTICLES

ARTICLE 27. To see if the Town will vote to authorize the establishment of a Special Education Stabilization Fund for the Ashburnham-Westminster Regional School District, or act in relation thereto.

ARTICLE 28. To see if the Town will vote to amend the Westminster General Bylaws at Chapter 131, "Licenses and Permits," by amending Article I, "Delinquent Taxpayers," Section 131-2, "List of delinquent taxpayers," as follows, or act in relation thereto. (Newly proposed language signified in *italics and underlined*; text to be deleted signified by ~~strikethrough~~)

§131-2. List of delinquent taxpayers.

The Town Collector or other municipal official responsible for records of all municipal taxes, assessments, betterments and other municipal charges, hereinafter referred to as "the Town Collector," shall annually, *and may periodically*, furnish to each department, board, commission or division, hereinafter referred to as "the licensing authority," that issues licenses or permits, including renewals and transfers, a list of any person, corporation or business enterprise, hereinafter referred to as "the party," that has neglected or refused to pay any local taxes, fees, assessments, betterments or other municipal charges ~~for not less than a twelve-month period~~ and that such party has not filed, in good faith, a pending application for an abatement of such tax or a pending petition before the Appellate Tax Board.

ARTICLE 29. To see if the Town will vote to accept MGL Chapter 200A, "Disposition of unclaimed property," §9A, "Disposition of abandoned funds by city or town; notice of period during which funds may be claimed; city treasurer authorized to hear claims; appeal; disbursement; or act in relation thereto.

ARTICLE 30. To see if the Town will vote to accept MGL Chapter 44, §53F3/4, which establishes a special revenue fund known as the PEG Access and Cable Related Fund, to reserve cable franchise fees and other cable-related revenues for appropriation to support PEG access services and oversight and renewal of the cable franchise agreement, the fund to begin operation for fiscal year 2018, which begins on July 1, 2017; further, that the balance in the existing fund for cable-related fees be transferred to this new fund, or act in relation thereto.

ARTICLE 31. To see if the Town will vote to amend the Westminster Zoning Bylaw (Chapter 205 of the Code of the Town of Westminster, Massachusetts) by amending Article II (Definitions) Section 205.4 – Terms Defined, as follows (new language appears in *italics* and deleted language appears as ~~strikethrough~~), or act in relation thereto.

ACCESSORY

- A. *ACCESSORY DWELLING UNIT - An accessory dwelling unit shall mean a self-contained, separate housekeeping unit, complete with its own sleeping, cooking and sanitary facilities and a separate means of egress that is substantially contained within a single-family structure and is clearly subordinate to the primary single-family dwelling unit.*

APARTMENT

- A. UNIT – Any room or suite of rooms forming a habitable unit for one family with its own cooking and food storage equipment and its own bathing and toilet facilities and its own living, sleeping and eating areas wholly within such room or suite of rooms.
- B. APARTMENT BUILDING – A building containing four or more apartment units, with no portion of the building below the first story or above the second story used for dwelling purposes.
- C. TOWNHOUSE APARTMENT - *An attached dwelling occupied by not more than one family in each unit between sidewalls, provided that no row of such units shall consist of less than three (3) and no more than eight (8) such units. Townhouse apartments are subject to the dimensional requirements set forth in Section 205-37 (Apartments and Attached Dwellings).*

ARTICLE 32. To see if the Town will vote to amend the Westminster Zoning Bylaw (Chapter 205 of the Code of the Town of Westminster, Massachusetts), to amend Article IX (Special Provisions), to add a new section governing the conversion of single family structures to multi-family structures:

§ 205-37.4 Conversion of Single Family Structures to Multi-Family Structures

Conversion of a dwelling existing at the time of adoption of this chapter to accommodate not more than 2 families is allowed by right in all zoning districts provided that there is no external structural evidence of occupancy by more than 1 family other than a second exit for fire purposes for each unit, and further provided that each dwelling unit resulting from such conversion shall have not less than 450 square feet of habitable floor space.

Conversion of a dwelling existing at the time of adoption of this chapter to accommodate more than 2 families is allowed by Special Permit from the Zoning Board.

ARTICLE 33. To see if the Town will vote to amend the Westminster Zoning Bylaw (Chapter 205 of the Code of the Town of Westminster, Massachusetts), to amend Article IX (Special Provisions), to add a new section governing temporary residential structures:

§ 205-37.5 Temporary Residential Structures

Residential use of a camper or trailer properly connected to an approved on-site water and sewerage system for a period of not more than 24 months is allowed by right in all zoning districts if the user is in the continuing process of building a home after the issuance of a temporary Building Permit from the Building Inspector. Nothing in this subsection shall be interpreted to allow the residential use of a lot where forbidden by other sections of this bylaw.

Mobile homes, camping trailers, utility trailers, horse trailers, trailers, boats or pickup campers not connected to permanent sewage and water installation may be occupied for occasional short-term use not to exceed 28 days in a calendar year, excluding designated camping grounds.

ARTICLE 34. To see if the Town will vote to amend the Westminster Zoning Bylaw (Chapter 205 of the Code of the Town of Westminster, Massachusetts), to amend Article VII (Land Space Requirements), Section 205.25 – Distance Between Buildings, to add a new section governing dimensional standards for accessory structures:

§ 205-25.1 Accessory Structures - Dimensional Requirements for Residential Lots

Small accessory structures (120 square feet in size or less) can be located no closer than five (5) feet from a side or rear lot line in all zoning districts that allow residential development.

Accessory structures that are larger than 120 square feet but smaller than the principal structure (building used as a dwelling or domicile) can be located no closer than fifteen (15) feet from a side or rear lot line in all zoning districts that allow residential development.

In no cases shall an accessory structure of any size be located within the minimum required front yard setback.

Accessory structures that are used to house livestock shall not be located closer than 50 feet from any lot line.

ARTICLE 35. To see if the Town will vote to amend the Westminster Zoning Bylaw (Chapter 205 of the Code of the Town of Westminster, Massachusetts) by amending Article IV (Application of Regulations, Modifications and Exceptions), Section 205.13 – Minimum building requirements; subdivision, as follows, (new language appears in *italics* and deleted language appears as ~~strikethrough~~), or act in relation thereto.

§ 205-13. Minimum Building Requirements; ~~Subdivision.~~

- A. No building shall be erected, except on a lot fronting on a street, and there shall be not more than one principal building on any lot, except as allowed under this chapter. [Amended ATM 5-3-2005 by Art. 40]
- B. *Flag Lots:* In addition, any parcel larger than five acres may be further divided without process through the Subdivision Control Law, provided that each created lot either conforms with the appropriate land space requirements for that zoning district or the following:
- (1) Each parcel shall have a minimum of 54 feet of frontage for an access to a Town road, this width to be maintained to the circumference of the radius described in Subsection ~~B(4)~~ C-1 below;
 - (2) Each parcel shall contain a minimum of two and one-half (2 1/2) times the land area it would normally require in each zoning district; *and*
 - (3) There shall be no more than two such accesses adjacent to each other.
- C. *Design Standards for Newly Created Lots: Whether created through the subdivision process or Approval Not Required (ANR) process, all lots created after March 13, 2017 shall be designed as follows:*
- (1) There shall be a point on each lot from which a circle having a radius of ~~100~~ 50 feet can be drawn without touching any of the opposing lot lines.
 - (2) *At no point shall the width of a lot from side lot line to side lot line be less than fifty four (54) feet.*

ARTICLE 36. To see if the Town will vote to amend the Westminster Zoning Bylaw (Chapter 205 of the Code of the Town of Westminster, Massachusetts) by revising the Land Space Requirements (Section 205, Attachment 2) as follows (new language appears in *italics* and deleted language appears in ~~strike through~~), or act in relation thereto:

205 Attachment 2

**Town of Westminster
Land Space Requirements
Chapter 205, Zoning**

Zoning District	Minimum Lot Size (square feet)	Minimum Lot Frontage ¹ (feet)	Minimum Yard Depth ²			Maximum Building Height ³		Maximum Percentage of Lot Coverage ¹⁰
			Front ^{1,4,5} (feet)	Rear ^{1,4} (feet)	Side ^{1,4} (feet)	Stories	Feet	
Residence Districts								
R-I	50,000 ¹⁰	150 ^{4,10}	25	20	15	2½	35	20% ⁴
R-II	60,000 ¹²	175 ^{4,12}	30	20	15	2½	35	20% ⁴
R-III	86,000	200	30	20	15	2½	35	20%
Commercial Districts								
C-I	40,000	150	40	40	20 ⁶	2	30	--
C-II	10,000	100	25	20	20 ⁶	2	30	--
VC ⁷	--	--	15	20	10 ⁶	2	30	80%
Industrial Districts								
I-I	40,000	150	25	50	25 ⁸	4	50	65%
I-II ¹¹	40,000	100	20	30	25 ⁸	4	50	65%
Floodplain and/or Wetland Protection Districts ⁹								

NOTES:

¹ ~~Not less than the lot frontage requirements shall be maintained throughout the front yard depth.~~ *Lots that are zoned for industry shall maintain a twenty-foot non-disturbed vegetated buffer along any lot line that abuts a property used for residential purposes.*

ARTICLE 37. To see if the Town will vote to amend the Westminster Zoning Bylaw (Chapter 205 of the Code of the Town of Westminster, Massachusetts) by revising the Table of Use Regulations (Section 205, Attachment 1) as follows (new language appears in *italics* and deleted language appears in strikethrough), or act in relation thereto:

**Table of Use Regulations
Chapter 205, Zoning
(Part 1)**

Use	Residential			Commercial		Industrial	
	R-I	R-II	R-III	C-I	C-II	I-I	I-II
A. Residential Uses							
(1) Detached dwelling on a separate lot occupied by not more than 1 family	Y	Y	Y	N	N	N	N
(2) 1 2-family or 1 duplex dwelling on a separate lot							
(3) <i>Townhouse Apartments Attached dwelling occupied by not more than 1 family in each unit between side walls, provided that no row of such units shall consist of fewer than 3 or more than 8 such units (See Article IX.) (For dimensional requirements, see Section 205-37 "Apartments and Attached Dwellings").</i>	SP Y	N SP	N	N	N	N	N
(4) Apartments (For dimensional requirements, see Section 205-37 "Apartments and Attached Dwellings"). Article IX.)	SP	N	N	N	N	N	N
(5) Motels and hotels (See Section 205-36 "Motels". Article IX.)	N	N	N	Y	Y	SP	SP
(6) Bed-and-Breakfast	SP	SP	SP	Y	Y	N	N
(7) Renting rooms in a dwelling existing at the time of adoption of this chapter to not more than 4 persons, provided that there are no separate cooking facilities	Y	Y	Y	Y	Y	Y	Y
(8) Renting of rooms in an existing dwelling to more than 4 persons	N	N	N	N	SP	N	N
(9) Conversion of a dwelling existing at the time of adoption of this chapter to accommodate not more than 2 families, provided that there is no external structural evidence of occupancy by more than 1 family other than a second exit for fire purposes for each unit, and further provided that each dwelling unit resulting from such conversion shall have not less than 450 square feet of habitable floor space.	Y	Y	Y	Y	Y	N Y	N Y
(10) Conversion of a dwelling existing at the time of adoption of this chapter to accommodate more than 2 families. For dimensional requirements, space standards, see Section 205-37 ("Apartments and Attached Dwellings").	SP	SP	SP	SP	SP	N Y	N Y
(11) Trailer or Mobile Home	N	N	N	N	N	N	N
(12) Temporary Residential use of a Camper or Trailer properly connected to an approved on-site water and sewerage system for a period of not more than 24 months if the user is in the continuing process of building a home after the issuance of a temporary building permit from the Building Inspector. Nothing in this subsection shall be interpreted to allow the residential use of a lot where forbidden by other sections of this chapter.	Y	Y	Y	Y	Y	Y	Y

Use	Residential			Commercial			Industrial	
	R-I	R-II	R-III	C-I	C-II	VC	I-I	I-II
(13) <i>Temporary</i> Mobile homes, camping trailers, utility trailers, horse trailers, trailers, boats or pickup campers not connected to permanent sewage and water installation may be occupied for occasional short-term use, not to exceed 28 days in a calendar year, excluding designated camping grounds	Y	Y	Y	Y	Y	Y	Y	Y
(14) Trailer park or mobile home park	N	N	N	N	N	N	N	N
(15) Dish antenna conforming to the building setbacks (front, side, rear) required in the zoning district in which it is located.	Y	Y	Y	Y	Y	Y	Y	Y

I. Accessory uses and off-street parking

	Residential			Commercial			Industrial	
	R-I	R-II	R-III	C-I	C-II	VC	I-I	I-II
(1) Private garage for residents of a dwelling on the same premises	Y	Y	Y	Y	Y	Y	Y	Y
(2) Private greenhouse, toolsheds, tennis courts, swimming pools or other similar building or structure for domestic use	Y	Y	Y	Y	Y	Y	Y	Y
(3) The raising or keeping of animals, livestock or poultry as pets or for use by residents of the premises, provided that no sty, paddock, building or similar enclosure for any animal may be less than 50 feet from any lot line	Y	Y	Y	Y	Y	Y	Y	Y
(4) Customary home occupation - office of the office of a resident physician, dentist, attorney-at-law, architect, engineer or member of other recognized profession similar to the aforementioned, provided not more than 3 persons shall practice or be employed on the premises at any one time, and further provided that there is no external change which alters the residential appearance of the buildings, and further provided there is no exterior storage	Y	Y	Y	Y	Y	Y	Y	Y
(5) <i>Customary home occupation - contractor</i> The use of a portion of a dwelling or accessory building thereto by a resident builder, carpenter, painter, plumber, mason, electrician or other artisan or by a resident tree surgeon or landscape gardener for incidental work and storage in connection with their off-premises occupation, provided that there is no external change which alters the residential appearance of the buildings, and further provided there is no exterior storage of goods or materials	Y	Y	Y	Y	Y	Y	Y	Y
(6) Restaurants inside a building for the use of the primary occupants of the building, provided that there is no exterior evidence of the same	N	N	N	Y	Y	Y	Y	Y
(7) Restaurants primarily for the use of residents of an apartment building or group of apartment buildings, provided that there is no exterior evidence of the same	SP	N	N	Y	Y	Y	N	N
(8) Beauty shop, barbershop or newsstand for the resident under the same conditions as set forth in Subsection I(7) above	SP	N	N	Y	Y	Y	N	N
(9) <i>Customary home occupation - sales</i> The use of a portion of a dwelling or accessory building thereto by the residents of the dwelling for an office or for the sale of antiques or like merchandise, provided that there is no exterior storage, that all work or sale of goods is carried on inside a building and that not more than 1 person shall be employed on the premises at any 1 time exclusive of the residents, and further provided there is no external change which alters the residential appearance of the buildings	Y	Y	Y	Y	Y	Y	Y	Y

(10) <i>Customary home occupation - personal services</i> Personal services such as barbershops, beauty shops and like services, provided that there are no nonresidential employees, and further provided there are no external change which alter the residential appearance of the buildings	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
(11) Uses accessory to activities permitted as a matter of right, which activities are necessary in connection with scientific research or scientific development or related production, provided that the proposed accessory use does not substantially derogate from the public good	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP
(12) Family day-care service with no more than 6 children under 16 and no children sleeping overnight	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
(13) Retail use accessory to the principal manufacturing use	N	N	N	N	N	N	N	N	N	N	N	SP
(14) Personal kennel	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
(15) Dish antenna conforming to the building setbacks for primary structures (front, side, rear) required in the zoning district in which it is located.	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
(16) Accessory dwelling unit	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y

ARTICLE 38. To see if the Town will vote to amend the Westminster Zoning Bylaw (Chapter 205 of the Code of the Town of Westminster, Massachusetts), to amend Article IX (Special Provisions), to add a new section governing home occupations:

§ 205-39.5 Home Occupations

A. Purpose and Intent:

Conducting limited business activity from home has become more feasible and more widespread with modern technology and telecommunications. Residents of Westminster should have the ability to conduct reasonable business activities from home that are ancillary to the residential use and that will not be visible to the neighborhood or result in a negative impact.

The purpose of this bylaw is to set forth reasonable performance standards for home occupations that will ensure that such uses are compatible with surrounding permitted uses, do not adversely affect property values, and do not create any significant adverse impact on the quiet enjoyment of a residential neighborhood by others residing in the vicinity.

B. Home Occupations - Types:

(1) Contractors - Home-Based: The use of a portion of a dwelling or accessory building thereto by a resident builder, carpenter, painter, plumber, mason, electrician or other artisan or by a resident tree surgeon or landscape gardener for incidental work and storage in connection with their off-premises occupation, provided that there is no external change which alters the residential appearance of the buildings, and further provided there is no exterior storage of goods or materials.

(2) Home Office: The use of a portion of a dwelling or accessory building as an office for a resident physician, dentist, attorney-at-law, architect, engineer or member of other recognized profession similar to the aforementioned, provided that there is no external change which alters the residential appearance of the buildings, and further provided there is no exterior storage.

(3) Home Sales: The use of a portion of a dwelling or accessory building thereto by the residents of the dwelling for an office or for the sale of antiques or like merchandise, provided that there is no exterior storage, that all work or sale of goods is carried on inside a building and further provided there is no external change which alters the residential appearance of the buildings.

(4) Home Personal Services: The use of a portion of a dwelling or accessory building thereto by a resident service provider for personal services such as barbershops, beauty shops and like services provided there are no external changes which alter the residential appearance of the buildings.

C. Performance Standards:

All home occupations must register with the Building Commissioner who will verify that the occupation is in compliance with the following performance standards:

(1) The home occupation shall be conducted within a detached single-family dwelling or in an accessory building on the same property. If within the single-family dwelling, the total area devoted to the home occupation shall not exceed one third (33%) of the dwelling's gross floor areas.

(2) The home occupation must be operated by the resident occupant of the dwelling and may not employ more than three (3) full-time equivalent persons on site who are not residents therein.

- (3) *There shall be no evidence of the occupation through persistent or excessive sound, or through vibration, smell, or sight discernable at the boundaries of the premises.*
- (4) *Not more than one (1) commercial vehicle shall be regularly parked outdoors on the premises. Such vehicles shall not weigh more than 15,000 pounds or have more than two (2) axles.*
- (5) *Traffic and parking generated by the home occupation shall not be more disruptive to the neighborhood than traffic normally resulting from residential development considering volume, type, hours and other traffic characteristics.*
- (6) *The portion of any structure utilized for the home occupation shall conform to all applicable fire, building, electrical, plumbing and health codes.*

ARTICLE 39. To see if the Town will vote to amend the Westminster Zoning Bylaw (Chapter 205 of the Code of the Town of Westminster, Massachusetts), to amend Article IX (Special Provisions), to revise Section 205.37.1 – Accessory dwelling unit, as follows, (new language appears in *italics* and deleted language appears as strikethrough), or act in relation thereto.

§ 205-37.1. Accessory Dwelling Unit.

Accessory dwelling units *are allowed by right* ~~in the Residential III Zoning District may be allowed by special permit~~ in accordance with this section.

- A. Purpose: The purposes of the accessory dwelling unit section are to:
 - (1) Provide an opportunity for older homeowners who can no longer physically or financially maintain their single-family home to remain in the homes they might otherwise be forced to leave;
 - (2) Make housing units available to moderate income households who might otherwise have difficulty finding homes within the Town;
 - (3) Provide a variety of types of housing to meet the needs of its residents; and
 - (4) Protect stability, property values, and the single-family character of a neighborhood.
- B. *Performance Standards: The Building Commissioner shall issue a Building Permit and Certificate of Occupancy for an accessory dwelling unit upon verification* ~~Special permit procedures and conditions. The Zoning Board of Appeals shall be the special permit granting authority for the issuance of accessory dwelling unit permits. The Zoning Board of Appeals may authorize an accessory dwelling unit by special permit in any residential district, provided that the following standards and criteria are met:~~
 - (1) The accessory dwelling unit will be a complete, separate housekeeping unit that functions as a separate unit from the principal single-family unit.
 - (2) *The owners of the principal structure shall occupy, as their primary residence, either the principal dwelling unit or the accessory dwelling unit.*
 - (3) Only one accessory dwelling unit shall be created within a single-family structure.
 - (4) The lot in which the single-family unit is created must have a determination from the Board of Health that there is adequate septic capacity or that the system may be expanded to provide adequate capacity. *No such verification is required if the lot is served by municipal sewer.*
 - (5) The accessory dwelling unit shall be designed so that the appearance of the building remains that of a one-family residence as much as feasibly possible. ~~In general, any new entrances should be located on the side or rear of the building.~~
 - (6) The accessory dwelling unit shall be clearly a subordinate part of the single-family dwelling. It shall be no greater than 700 square feet nor have more than two bedrooms.

- (7) At least three off-street parking spaces *are must be* available for use by the owner occupants and tenants.
- (8) The construction of the accessory dwelling unit shall be in conformity with the State Building Code.

C. ~~Application Procedures~~

- (1) ~~An application for an accessory dwelling unit special permit shall be filed with the Zoning Board of Appeals accompanied by three copies of the plan accompanied by a notarized letter from the owner(s) stating that he/they will occupy one of the dwelling units on the premises.~~
- (2) ~~Upon receiving a special permit, the owner must file a declaration of covenants on the subject property at the Worcester County Registry of Deeds. The declaration shall state that the right to rent a temporary accessory dwelling unit ceases upon transfer of title. A time stamped copy of the recorded declaration shall be provided to the Zoning Board of Appeals and the Inspector of Buildings.~~

D. ~~Transfer of ownership of a dwelling with an accessory dwelling unit.~~

- (1) ~~The special permit for an accessory dwelling unit in a single family dwelling shall terminate upon the sale or transfer of title of the dwelling.~~
- (2) ~~The new owner must apply for reapproval of a special permit for an accessory dwelling unit and shall submit a written request to the Zoning Board of Appeals, stating that conditions at the time of the original application remain unchanged. Minor changes may be approved without a hearing by the Zoning Board of Appeals. The Zoning Board of Appeals, in its sole discretion, at the reapplication of the new owner, may require compliance with all the procedures set forth herein.~~
- (3) ~~Upon receiving a special permit, the new owner must file a declaration of covenants on the subject property at the Worcester County Registry of Deeds. The declaration shall state that the right to rent a temporary accessory dwelling unit ceases upon transfer of title. A time stamped copy of the recorded declaration shall be provided to the Zoning Board of Appeals and the Inspector of Buildings.~~
- (4) ~~A filing fee as determined by the most recent Zoning Board of Appeals Fee Schedule shall be included with the application. The applicant shall also be responsible for the cost of legal notices and mailings.~~

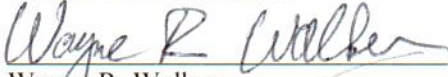
ARTICLE 40. To see if the Town will vote authorize the Board of Selectmen to negotiate and execute Tax Agreements pursuant to M.G.L. Chapter 59, Section 38H(b), and Chapter 164, Section 1, and/or any other enabling authority and related regulations, for personal property taxes associated with the following proposed solar facility projects, each to be located on privately owned land, upon such terms and conditions as the Board of Selectmen deems to be in the best interest of the Town, and to take all actions necessary to implement and administer such agreements, or act in relation thereto:

Entity	Location	Size	Term	Rate
Ellis Road Development, LLC	Off Ellis Road	7.5 MW	20 yrs.	tbd
Nexamp	Livermore Hill Road	1.3 MW	20 yrs.	tbd

ARTICLE 41. To see if the Town will vote to accept for passive recreation, conservation and/or forestry purposes and by gift, a parcel of land located off Worcester Road, containing 17 acres, more or less, and being a portion of the parcel of land shown on Assessors' Map 149, Parcel 3, which is shown more particularly as the "Raymond Property" on a plan of land dated March 20, 2017, prepared by Trowbridge Engineering, LLC, a copy of which is on file with the Town Clerk, with the Hager Park Commission to have care, custody and control of said property, or act in relation thereto.

AND YOU ARE DIRECTED to serve this warrant by posting attested copies thereof at the Town Hall and the U.S. Post Office in said Town, seven days at least before the time of holding said meeting.

HEREOF FAIL NOT, and make due return of this warrant, with your doings thereon, to the Town Clerk, at the time and place of meeting, as aforesaid. Given under our hands this 10th day of April in the year of our Lord two thousand and seventeen.



Wayne R. Walker



Heather M. Billings



James A. DeLisle

BOARD OF SELECTMEN