

## **SPECIAL 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  
TUESDAY, NOVEMBER 18, 2014  
AT 7:30 P.M.**

then and there to vote on the following articles:

ARTICLE 1. To see if the Town will vote to amend the vote on Article 7 of the May 3, 2014 Annual Town Meeting (department operating budgets) for the fiscal year beginning July 1, 2014, or act in relation thereto.

ARTICLE 2. To see if the Town will vote to raise and appropriate or transfer a sum of money from available funds to pay any unpaid bills (or portions thereof) from a prior fiscal year, or act in relation thereto. (9/10 vote required)

ARTICLE 3. To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money to secure and/or demolish vacant properties, as deemed necessary by the Board of Health or Building Commissioner, or act in relation thereto.

ARTICLE 4. To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money to engage the services of an engineering consultant to prepare a USDA Rural Development loan/grant application for the Whitman River In-Line Sewer Storage System project, or act in relation thereto.

ARTICLE 5. To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money to repair the fire station vehicle exhaust system, or act in relation thereto.

ARTICLE 6. To see if the Town will vote to appropriate a sum of money for the purpose of replacing a police vehicle that was damaged in an accident; the money so appropriated to be transferred from the account, "Receipts Reserved for Appropriation, Insurance Reimbursement in Excess of \$20,000," or act in relation thereto.

ARTICLE 7. 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 review the Town's personnel policies, position classifications and compensation plan, or act in relation thereto.

ARTICLE 8. To see if the Town will vote to accept the 2014 Westminster Master Plan, or act in relation thereto.

ARTICLE 9. To see if the Town will vote to accept as a public way the roadway known as Rebanna Road, as heretofore laid out by the Public Works Commission and shown on a plan of land entitled: "Rebanna Road Definitive Subdivision Plan of Land in Westminster, Mass., Prepared for Kulju Group Realty Trust, June 28, 2004, Whitman & Bingham Associates, Registered Professional Engineers & Land Surveyors, LLC, 510 Mechanic Street, Leominster, Mass. 01453," and recorded with the Worcester Northern District Registry of Deeds, a copy of which is on file with the Town Clerk, and to authorize the Public Works Commission to acquire, on behalf of the Town, by purchase, gift, eminent domain or otherwise, rights sufficient to use said ways for all purposes for which public ways are used in the town of Westminster, or act in relation thereto.

ARTICLE 10. To see if the Town will vote to authorize the Board of Selectmen to negotiate and execute a tax agreement(s) pursuant to Massachusetts General Laws Chapter 59, Section 38H and related regulations, with one or more renewable energy generation companies operating solar generation facilities, or act in relation thereto.

ARTICLE 11. To see if the Town will vote to amend the general bylaws at Chapter 4: "Advisory Board," by making the following changes indicated by strikethrough and underlining in Section 4-1: "Membership appointment," or act in relation thereto:

"There shall be an Advisory Board consisting of seven (7) voters of the town to be appointed by the Moderator. The Moderator shall appoint, not later than November of each year, two (2) members of the Advisory Board for terms of three (3) years, except that every third year he shall appoint three (3) members. Each member of the Advisory Board shall be a registered voter and domiciled in the town, provided that no person who shall have the care, custody or disposal of town funds or the care, custody or disposal of town property, either as a town officer or member of any town committee, or an agent of such officer or town committee, shall be eligible to serve on said ~~committee~~Board. Advisory Board members shall not hold any other elected or appointed town position, but may serve in a non-voting capacity as Board liaisons to other town boards or committees. The Moderator shall notify the Town Clerk of the names and addresses of the persons so selected, and thereupon the Town Clerk shall notify each such person of such appointment and shall administer the proper oath of office to each of them."

ARTICLE 12. To see if the Town will vote to amend the general bylaws by adding an appropriately numbered chapter and section to "Part I: Administrative Legislation," as follows, or act in relation thereto:

#### Conservation Commission

Establishment: The Board of Selectmen shall appoint a Conservation Commission comprised of five members, pursuant to the provisions of MGL Chapter 40, Section 8C. Members shall serve three-year terms, so arranged that the terms of approximately one-third of the members shall expire each year.



**ARTICLE 13.** (2/3 vote required) To see if the Town will vote to amend Article VI (Use Regulations), Section 205-21, Item B of the Zoning Bylaw to add the Planning Board as one of the Boards authorized to act as a Special Permit Granting Authority (SPGA) for certain land uses as specified within the Zoning Bylaw, and amend Section 205-22 (Table of Uses) to note that the Planning Board is the Special Permit Granting Authority (SPGA) for adult uses and medical marijuana dispensaries by placing a "PB" next to those districts where such uses are allowed by Special Permit.

#### Article VI

#### Use Regulations

##### **§ 205-21. Explanation of Table of Use Regulations.**

B. A use listed in § 205-22 is permitted as of right in any district under which it is denoted by the letter "Y" subject to such requirements as may be specified elsewhere in this chapter. If designated in the Table by the letters "SP" the use may be permitted as a special exception only if the Board of Appeals so determines and grants a special permit therefore as provided in Article XII of this chapter and MGL C 40A subject to such restrictions as set forth elsewhere in this chapter and such further restrictions as said Board may establish. Those uses designated by the letters "SP-PB" may be permitted by Special Permit where the Planning Board is the Special Permit Granting Authority (SPGA). If designated by the letter "N" the use is not permitted. The designation of "SP" in the Table of Uses, § 205-22, in a given district does not constitute an authorization or an assurance that such use will be permitted. Rather, each special permit application shall be evaluated as to its probable effect on the adjacent property and the community welfare and may be approved or denied as the findings indicate appropriate.

##### **§ 205-22. Table of Uses**

#### E. Retail business and consumer service establishments

	R-1	R-2	R-III	C-I	C-II	C-III	I-I	I-II
(14) Adult bookstores, adult live entertainment, adult motion picture theater, adult mini-motion picture theater, adult video store, or adult paraphernalia store (See Section 205.37.2)	N	N	N	N	N	N	SP-PB	SP-PB

#### H. Other Principal Uses

	R-1	R-2	R-III	C-I	C-II	C-III	I-I	I-II
(9) Medical Marijuana Treatment Center/Registered Marijuana Dispensaries (See Section 205.39.4)	N	N	N	N	N	N	SP-PB	SP-PB

**ARTICLE 14.** (2/3 vote required) To see if the Town will vote to amend Article XIV (Enforcement, Violations and Penalties) of the Zoning Bylaw to add a new section 205-60 to Article XIV (Enforcement: Violations and Penalties) that will enable the Zoning Enforcement Officer to handle zoning violations through a non-criminal disposition process.

#### ARTICLE XIV

#### Enforcement; Violations and Penalties

##### **§ 205-60. Non-criminal disposition.**



In addition to the provisions of enforcement listed above, the Building Commissioner may, in his discretion, enforce the provisions of the Zoning Bylaw by non-criminal disposition pursuant to MGL Chapter 40, Section 21D. Each day on which a violation exists shall be deemed to be a separate offense. Non-criminal citations may be appealed to Gardner District Court or Worcester County Housing Court in accordance with MGL Chapter 40, Section 21D. The penalty for violation of any provision of the Zoning Bylaw pursuant to this section shall be fifty dollars [\$50] for the first offense; seventy-five dollars [\$75] for the second offense; one hundred dollars [\$100] for the third offense; and one hundred twenty-five dollars [\$125] for the fourth and each subsequent offense.

ARTICLE 15. (2/3 vote required) To see if the Town will vote to amend Article II (Definitions) of the Zoning Bylaw to add the State's definitions for the various types of kennels and amend Section 205-22 (Table of Uses) to delineate where such kennels are allowed in Town and under what circumstances.

## Article II **Definitions**

**COMMERCIAL BOARDING OR TRAINING KENNEL:** An establishment used for boarding, holding, day care, overnight stays or training of animals that are not the property of the owner of the establishment at which such services are rendered in exchange for consideration and in the absence of the owner of any animal; provided, however, that "commercial boarding or training kennel" shall not include an animal shelter or animal control facility, a pet shop licensed under MGL Chapter 129, Section 39A, a grooming facility operated solely for the purpose of grooming and not for overnight boarding or an individual who temporarily, and not in the normal course of business, boards or cares for animals owned by others.

**COMMERCIAL BREEDER KENNEL:** An establishment, other than a personal kennel, engaged in the business of breeding animals for sale or exchange to wholesalers, brokers or pet shops in return for consideration.

**DOMESTIC CHARITABLE CORPORATION KENNEL:** A facility operated, owned or maintained by a domestic charitable corporation registered with the Department of Agricultural Resources or an animal welfare society or other nonprofit organization incorporated for the purpose of providing for and promoting the welfare, protection and humane treatment of animals, including a veterinary hospital or clinic operated by a licensed veterinarian, which operates consistent with such purposes while providing veterinary treatment and care.

**KENNEL:** A pack or collection of dogs on a single premise, including a commercial boarding or training kennel, commercial breeder kennel, domestic charitable corporation kennel, personal kennel or veterinary kennel.

**PERSONAL KENNEL:** A pack or collection of more than 4 dogs, 3 months or older, owned or kept under single ownership for private personal use; provided, however, that breeding of personally owned dogs may take place for the purpose of improving, exhibiting or showing the breed for use in legal sporting activity or for other personal reasons; provided further, that selling, trading, bartering or distributing such breeding from a personal kennel shall be to other breeders or individuals by private sale only and not to wholesalers, brokers or pet shops; provided further, that a personal kennel shall not sell, trade, barter or distribute a dog not bred from its personally-owned dog; and provided further, that dogs temporarily housed at a personal kennel, in conjunction with an animal shelter or rescue registered with the Department of Agricultural Resources, may be sold, traded, bartered or distributed if the transfer is not for profit.



**VETERINARY KENNEL:** A veterinary hospital or clinic that boards dogs for reasons in addition to medical treatment or care; provided, however, that “veterinary kennel” shall not include a hospital or clinic used solely to house dogs that have undergone veterinary treatment or observation or will do so only for the period of time necessary to accomplish that veterinary care.

### 205a Table of Use Regulations

Use	Residential			Commercial			Industrial	
<b>B. Institutional, recreational and educational uses</b>	R-I	R-II	R-III	C-I	C-II	C-III	I-I	I-II
15) Domestic charitable corporation kennel	SP-PB	SP-PB	SP-PB	N	N	N	N	N

Use	Residential			Commercial			Industrial	
<b>E. Retail business and consumer service establishments</b>	R-I	R-II	R-III	C-I	C-II	C-III	I-I	I-II
10) Veterinary kennel	SP-PB	SP-PB	SP-PB	SP-PB	SP-PB	SP-PB	SP-PB	SP-PB
16) Commercial boarding or training kennel	SP-PB	SP-PB	SP-PB	SP-PB	SP-PB	SP-PB	SP-PB	SP-PB
17) Commercial breeder kennel	N	SP-PB	SP-PB	N	N	N	N	N

Use	Residential			Commercial			Industrial	
<b>I. Accessory uses and off-street parking</b>	R-I	R-II	R-III	C-I	C-II	C-III	I-I	I-II
14) Personal kennel	Y	Y	Y	Y	Y	Y	Y	Y

ARTICLE 16. To see if the Town will vote to transfer a sum of money from available funds to the General Stabilization Fund, or act in relation thereto. (2/3 vote required)

ARTICLE 17. To see if the Town will vote to transfer a sum of money from available funds to the Information Technology and Telecommunications Stabilization Fund, or act in relation thereto. (2/3 vote required)

ARTICLE 18. To see if the Town will vote to transfer a sum of money from available funds to the Capital Equipment and Improvements Stabilization Fund, or act in relation thereto. (2/3 vote required)

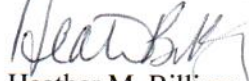
ARTICLE 19. To see if the Town will vote to transfer a sum of money from available funds to the Building Maintenance and Repair Stabilization Fund, or act in relation thereto. (2/3 vote required)

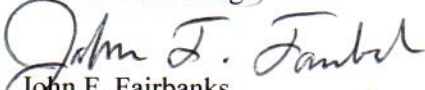
ARTICLE 20. To see if the Town will vote to transfer a sum of money from available funds to the Other Post-Employment Benefits (OPEB) Stabilization Fund, or act in relation thereto. (2/3 vote required)

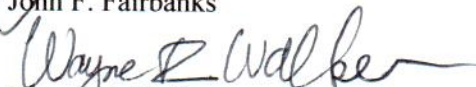
ARTICLE 21. To see if the Town will vote to transfer a sum of money from available funds to the Road Maintenance Stabilization Fund, or act in relation thereto. (2/3 vote required)

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, fourteen 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 27th day of October in the year of our Lord two thousand and fourteen.

  
Heather M. Billings

  
John F. Fairbanks

  
Wayne R. Walker

BOARD OF SELECTMEN