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 28, 2017 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 6 of the May 6, 2017 Annual Town Meeting (department operating budgets) for the fiscal year beginning July 1, 2017, or act in relation thereto.

ARTICLE 2. To see if the Town will vote to raise and appropriate, transfer from available funds, and/or appropriate by borrowing, a sum of money for the purchase of a new fire engine and related equipment, said appropriation to include the trade-in of a fire engine, or act in relation thereto.

(Requesting \$600,000)

ARTICLE 3. To see if the Town will vote to transfer a sum of money from available funds to provide paramedic training for Fire/EMS personnel, or act in relation thereto.

(Requesting \$30,000)

<u>ARTICLE 4.</u> To see if the Town will vote to transfer a sum of money from available funds for the purchase of a new street sweeper and related equipment for the Highway Department, said appropriation to include the trade-in of a 2010 street sweeper, or act in relation thereto.

(Requesting \$250,000)

ARTICLE 5. To see if the Town will vote to authorize the Board of Selectmen to enter into a lease or contract for a period of five years to install, operate and maintain communication equipment on that certain telecommunication tower owned currently or formerly by Crown

DATED Novieb 14, 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

Castle and located on property leased currently or formerly to Crown Castle by the City of Fitchburg, being a portion of the property described on a deed recorded with the Worcester Northern District Registry of Deeds at Book 904, Page 206, for the purpose of supporting the Town of Westminster's Police and Fire Department's Emergency Communication Systems, or for such other purpose as is deemed necessary by the Board of Selectmen, upon such terms as the Board of Selectmen deems in the best interest of the Town, and further to see if the Town will raise and appropriate or transfer from available funds a sum of money to fund the first year of this lease or contract, and further to authorize the Board of Selectmen to execute any documents or agreements necessary to effectuate the purposes of this article, or act in relation thereto.

ARTICLE 6. To see if the Town will vote to accept Sipila Road as a public way, as heretofore laid out by the Public Works Commission, which roadway is located on Town-owned land and shown as "Proposed Road" on a plan of land entitled "Proposed Road Layout Plan in Westminster, Mass. Prepared for Westminster Council on Aging", dated November 3, 2017, prepared by Whitman & Bingham Associates, LLC, on file with the Town Clerk, or act in relation thereto.

ARTICLE 7. To see if the Town will vote to authorize the Board of Selectmen to acquire from the Commonwealth, by gift and for the purpose of conveyance, certain parcels of land within or near the Leominster State Forest, and to authorize the Board of Selectmen to convey said parcels to Resource Control Inc. and/or any affiliate thereof for the purpose of continuing the operation of the current landfill located off Fitchburg Road in Westminster and extending the permitted capacity of said landfill, on such terms and conditions and for such consideration. which may be nominal consideration, as the Board of Selectmen deems appropriate, and, further, to authorize the Board of Selectmen to petition the General Court for special legislation to authorize the Commonwealth to convey said Leominster State Forest parcels to the Town and to authorize the Town to convey said Leominster State Forest parcels to Resource Control Inc. and/or any affiliate notwithstanding the provisions of G.L. c. 30B, provided, however, that the General Court may make clerical or editorial changes of form only to the bill, unless the Board of Selectmen approves amendments to the bill before enactment by the General Court that are within the scope of the general public objectives of the petition, and to authorize the Board of Selectmen to approve such amendments and take any and all steps, and to execute any and all instruments, to effectuate the foregoing transactions; or take any other action in relation thereto.

ARTICLE 8. To see if the Town will vote to transfer the care, custody and control of the parcel of land located at Fitchburg Road, identified by the Assessors on Map 115 as Parcel 2, containing 14.3 acres, more or less, and acquired by the Town by instrument recorded with the Worcester North Registry of Deeds in Book 2080, Page 145, from the tax custodian for tax title purposes to the Board of Selectmen for the purpose of conveyance, and further to authorize the Board of Selectmen to convey said parcel to the Commonwealth, as partial consideration for the Leominster State Forest parcels to be conveyed to the Town by the Commonwealth, on such terms and conditions and for such consideration, which may be nominal consideration, as the Board of Selectmen deems appropriate; or take any other action in relation thereto.

ARTICLE 9. To see if the Town will vote to authorize the Board of Selectmen to acquire, by gift and for the purpose of conveyance, such parcels of land and/or interests therein as may be donated to the Town by Resource Control Inc. and/or any affiliate thereof, and to authorize the Board of Selectmen to convey said parcels of land and/or interests therein to the

Commonwealth on such terms and conditions and for such consideration, which may be nominal consideration, as the Board of Selectmen deems appropriate; or take any other action in relation thereto.

ARTICLE 10. To see if the Town will vote to amend the Zoning Map of the Town of Westminster to establish a new zoning district entitled "Solid Waste Management District", in the location depicted on the plan entitled "Westminster, MA: Fitchburg/Westminster Landfill Proposed Facilities" prepared by the Montachusett Regional Planning Commission, a copy of which has been placed on file with the Town Clerk, the bounds of said district being more particularly described as follows:

The Solid Waste Management District is located within the Town of Westminster, County of Worcester, State of Massachusetts and consists of the following Town of Westminster Assessor's Parcels (as of 2017) in their entirety: assessor's map 142 lot 1; assessor's map 141 lot 3; assessor's map 141 lot 4; assessor's map 118 lot 2; the southerly portion of assessor's map 115 lot 2; and the easterly portion of assessor's map 144 lot 1. The portioned areas being included in the Solid Waste Management District are described as follows:

The first portion of land, the southerly portion of assessor's map 115 lot 2, being described as follows:

Beginning at the southwesterly corner of assessor's map 115 lot 2, said corner being also the northwesterly corner of assessor's map 118 lot 1 and on the easterly right of way line of Fitchburg Road, thence;

Northerly along Fitchburg Road a distance of one hundred thirty-five feet (135') to a point; thence,

Turning easterly and running parallel to the southerly lot line of assessor's map 115 lot 2 five hundred feet (500') to a point; thence,

Turning and running southerly in a direction perpendicular to the previously described line one hundred twenty-five feet (125') more or less to a point on the aforementioned southerly lot line of assessor's map 115 lot 2; thence,

Turning and running westerly along the southerly lot line of assessor's map 115 lot 2 five hundred fifty feet (550') more or less to the point of beginning.

The second portion of land, the easterly portion of assessor's map 144 lot 1, being described as follows:

Beginning at the southeasterly corner of assessor's map 144 lot 1, said corner also being the north-easterly corner of assessor's map 166 lot 1 and on the Town Line between Westminster and Leominster; thence,

Westerly along the southerly line of assessor's map 144 lot 1 two thousand seven hundred twenty feet (2720') to a point along the southern boundary of assessor's map 144 lot 1; thence,

Northerly in a straight line to the southeasterly corner of assessor's map 141 lot 4 one thousand nine hundred eighty feet (1980') more or less to the southeast corner of assessor's map 141 lot 4; thence,

North, north-easterly along assessor's map 141 lot 4 and assessor's map 141 lot 3 to a point where the border of assessor's map 141 lot 3 turns easterly; thence,

Easterly along the southern line of assessor's map 141 lot 3 to the intersection with assessor's map 144 lot 1; thence,

Southerly along the border between assessor's map 144 lot 1 and assessor's map 142 lot 1; thence

Easterly along the border between assessor's map 144 lot 1 and assessor's map 142 lot 1 to the southeast corner of assessor's map 142 lot 1 and a point on the Town Line between Westminster and Leominster; thence,

Southerly along the Town Line between Westminster and Leominster to the point of beginning. Said areas described to be included with the Solid Waste Management District Zone.

and further to amend Section 205-5 of the Westminster Zoning Bylaw to add the district to the list of zoning districts in the Town, as follows:

Solid Waste Management District

or act in relation thereto.

<u>ARTICLE 11.</u> To see if the Town will vote to amend the Westminster Zoning Bylaw to add a new Section 205-8 establishing requirements for the use of land within the Solid Waste Management District (SWMD), as set forth below, or act in relation thereto.

§205-8: Solid Waste Management District (SWMD)

- A. Purpose. The purpose of the SWMD is to provide a suitable location for Solid Waste Management and Recycling Facility uses within the Town of Westminster that will protect the health and safety of the residents of the Town while allowing the Town to meet its Solid Waste Management and Recycling Facility needs.
- B. Permitted Uses. The following uses shall be allowed as of right within the SWMD:
 - Solid Waste Management;
 - Recycling Facility;
 - Federal, state and municipal park, playground or recreational facility; and
 - 4. All uses or structures accessory to permitted uses listed above.
- C. Prohibited Uses.
 - Solid Waste Management and Recycling Facility uses which are subject to Board of Health site assignment, and which are not in compliance with the terms and conditions of said site assignment.
 - 2. Solid Waste Management and Recycling Facility uses which are subject

to permitting by the Massachusetts Department of Environmental Protection, and which are not in compliance with the terms and conditions of said permits.

All uses not expressly permitted in Section B, above.

D. Dimensional Standards.

- 1. Lots within the SWMD shall be at least five acres in size.
- 2. No waste disposal shall take place within 1,000 feet of a dwelling.
- 3. No waste disposal shall take place within 50 feet of a front, rear or side lot line.

The dimensional standards set forth above are the only such standards applicable within the Solid Waste Management District. The Parking and Loading requirements set forth in Article VIII of the Zoning Bylaws are inapplicable within the Solid Waste Management District.

<u>ARTICLE 12.</u> To see if the Town will vote to amend Article II (Definitions), Section 205-4 – Terms Defined, of the Westminster Zoning Bylaw to add a new definition for Solid Waste Management as follows:

SOLID WASTE MANAGEMENT – any activity, together with associated buildings, structures and facilities, concerning the handling, movement, transfer, composting, reuse, sorting, storage, gas-to- energy conversion, and disposal of solid waste as regulated or permitted by the Massachusetts Department of Environmental Protection pursuant to 310 Code of Massachusetts Regulations Part 19.000, including any such activities and associated facilities as they may be regulated or permitted by amendments of such regulations or by successor state agencies.

or act in relation thereto.

ARTICLE 13. To see if the Town will vote to amend the Town's Zoning Bylaw by adding a new Section 205-42, TEMPORARY MORATORIUM ON THE SALE AND DISTRIBUTION OF RECREATIONAL MARIJUANA, that would provide as follows, and further to amend the Table of Contents to add Section 205-42, "Temporary Moratorium on the Sale and Distribution of Recreational Marijuana."

Section 205-42 Temporary Moratorium on the Sale and Distribution of Recreational Marijuana

42.1 Purpose: By vote at the State election on November 8, 2016, the voters of the Commonwealth approved a law regulating the cultivation, distribution, possession and use of marijuana for recreational purposes. The law took effect on December 15, 2016 and (as amended by Chapter 351 of the Acts of 2016) requires the Cannabis Control Commission to issue regulations regarding the licensing of commercial activities by March 15, 2018 and begin accepting applications for licenses on April 1, 2018.

Currently under the Zoning Bylaw, non-medical Marijuana Establishments (hereinafter "Recreational Marijuana Establishments") as defined in G.L. c.94G, §1 are not a permitted use in the Town of Westminster. Any regulations promulgated by the State Cannabis Control Commission are expected to provide guidance to the Massachusetts municipalities in regulating Recreational Marijuana Establishments. Further, the Act establishes a provision that involves ballot action by the Town whereby the Town may, by ballot, determine whether it will prohibit Recreational Marijuana Establishments within the Town.

The regulation of Recreational Marijuana Establishments raises novel and complex issues in terms of legality, planning, and public safety, and the Town needs time to study how best to address these issues. Further, the Town needs time to assess the potential impact of the State regulations on local zoning and to undertake a planning process that will consider amending the Zoning Bylaw regarding regulation of Recreational Marijuana Establishments and other uses related to the regulation of recreational marijuana.

The Town intends to adopt a temporary moratorium on the use of land and structures in Westminster for Recreational Marijuana Establishments so as to allow the Town sufficient time to engage in a planning process to address the effects of such structures and uses and to adopt zoning provisions in a manner consistent with State law, sound land use planning goals and objectives.

42.2 Definitions.

"Manufacture": to compound, blend, extract, infuse or otherwise make or prepare a marijuana product.

"Marijuana accessories": equipment, products, devices or materials of any kind that are intended or designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, ingesting, inhaling or otherwise introducing marijuana into the human body.

"Marijuana cultivator": an entity licensed to cultivate process and package marijuana, to deliver marijuana to marijuana establishments and to transfer marijuana to other marijuana establishments, but not to consumers.

"Marijuana establishment": a marijuana cultivator, marijuana testing facility, marijuana product manufacturer, marijuana retailer or any other type of licensed marijuana-related business. "Marijuana product manufacturer": an entity licensed to obtain, manufacture, process and package marijuana and marijuana products, to deliver marijuana and marijuana products to marijuana establishments and to transfer marijuana and marijuana products to other marijuana establishments, but not to consumers.

"Marijuana products": products that have been manufactured and contain marijuana or an extract from marijuana, including concentrated forms of marijuana and products composed of marijuana and other ingredients that are intended for use or consumption, including edible products, beverages, topical products, ointments, oils and tinctures.

"Marijuana testing facility": an entity licensed to test marijuana and marijuana products, including certification for potency and the presence of contaminants.

"Marijuana retailer": an entity licensed to purchase and deliver marijuana and marijuana products from marijuana establishments and to deliver, sell or otherwise transfer marijuana and marijuana products to marijuana establishments and to consumers.

42.3 Temporary Moratorium.

For the reasons set forth above and notwithstanding any other provision of the Zoning Bylaw to the contrary, the Town hereby adopts a temporary moratorium on the use of land or structures for Recreational Marijuana Establishments. The moratorium shall be in effect through December 31, 2018. During the moratorium period, the Town shall undertake a planning process to address the potential impacts of recreational marijuana in the Town, consider the Cannabis Control Commission regulations regarding Recreational Marijuana Establishments and related uses, determine whether the town shall, by ballot measure, restrict any, or all, Recreational Marijuana Establishments, and shall consider adopting new provisions of the Zoning Bylaw to address the impact and operation of Recreational Marijuana Establishments and related uses.

42.4. Severability.

The provisions of this by-law are severable. If any provision, paragraph, sentence, or clause of this Bylaw or the application thereof to any person, establishment, or circumstances shall be held invalid, such invalidity shall not affect the other provisions or application of this bylaw.

ARTICLE 14. To see if the Town will vote to delete Article XI (Floodplain and/or Wetland Protection Districts) as the subject of floodplain protection is already covered under Article III (Zoning Districts), Section 205-9 (Floodplain District).

Delete the following language:

§ 205-46 - Use regulations.

Any land falling in a Floodplain District shall be subject to the following:

- A. No building or structure shall be erected in a Floodplain District. No land shall be used for any purpose, except as permitted in the Table of Use Regulations, Subsection G, of this chapter.
- B. Any land included in a Floodplain and/or Wetland Protection District which is proven to the satisfaction of the Board of Appeals, after consultation with the Conservation Commission, as being in fact not subject to flooding or not unsuitable because of drainage conditions for any use which would otherwise be permitted if such land were not, by operation of this section in the Floodplain and/or Wetland District, and that the use of such land for any such use will not interfere with the general purposes for which Floodplain and/or Wetland Districts have been established, and will not be detrimental to the public health, safety or welfare, the Board of Appeals may, after a public hearing with due notice and after the question has been referred to and reported on by the Board of Health, issue a special permit for any permitted use which meets the requirements and restrictions applicable to such land.
- C. No land fill or dumping shall be permitted in any part of the Floodplain District, except such as may be expressly included as part of any special permit issued under the provisions above.

ARTICLE 15. To see if the Town will vote to revise the Table of Use Regulations, Section 205, Attachment 1, as follows:

Use	Residential	tial		Commercial	ercial		Industrial	rial
	R-I	R-II	R-III	C-I	C-II	VC	Ξ	II:I
A. Residential Uses								
(1) Detached dwelling on a separate lot occupied by not more than 1 family	Y	Y	Y	z	z	Y	z	z
(2) 1 2-family or 1 duplex dwelling on a separate lot	Y	Y	z	z	z	Y	z	z
(3) 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 205-33 "Apartments and Attached Dwellings").	SP	z	z	z	z	SP	z	z
(4) Apartments (For dimensional requirements, see Section 205-33 "Apartments and Attached Dwellings"). Article IX.)	SP	z	z	z	z	SP	z	z
(5) Motels and hotels (See Section 205-32 "Motels". Article IX.)	Z	z	z	Y	Y	Y	SP	SP
(6) Bed-and-Breakfast	SP	SP	SP	٨	Y	Y	z	z
(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	7	Y	Y	Y
(8) Renting of rooms in an existing dwelling to more than 4 persons	Z	Z	Z	z	SP	SP	Z	Z
(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.	X	7	>	Y	Y	>	<u>></u> ≵	<u>^</u> ≉
(10) Conversion of a dwelling existing at the time of adoption of this chapter to accommodate more than 2 families. For <i>dimensional requirements</i> , space standards, see Section 205-33 ("Apartments and Attached Dwellings").	SP	SP	SP	SP	SP	SP	NS ₩	₩.SP
(11) Trailer or Mobile Home	z	z	z	z	z	z	z	Z
(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
(13) Temporary 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	>	>
(14) Trailer park or mobile home park	z	z	z	z	z	z	z	z

Use	Residential	ntial		Commercial	ercial		Industrial	rial
	R-I	R-II	R-II R-III C-I	C-I	C-II VC	VC	I-I	I-II
(15) Dish antenna conforming to the building setbacks (front, side, rear) required in the zoning district in which it is located.	*	*	*	*	*	*	*	*

I. Accessory uses and off-street parking								
	R-I	R-II	R-III	C-I	C-II	VC	I-I	II-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	7	>	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
(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	>	>	>-	>	>	>	>-	>
(5) Customary home occupation - contractor 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	>	>	>	>	>	>	>
(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	z	Z	z	Y	Y	Y	X	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	Z	Z	Y	Y	Y	Z	Z
(8) Beauty shop, barbershop or newsstand for the resident under the same conditions as set forth in Subsection I(7) above	SP	Z	Z	Y	Y	Y	Z	Z
(9) Customary home occupation - 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 that not more than I person shall be employed on the premises at any I time exclusive of the residents, and further provided there is no external change which alters the residential appearance of the buildings	Y	>	>	>	>	>	>	>

(10) Customary home occupation - personal services 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	>	>	>	>-	>	>	>	>
(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
(12) Family day-care service with no more than 6 children under 16 and no children sleeping overnight	Y	Y	7	>	7	Y	٨	Y
(13) Retail use accessory to the principal manufacturing use	Z	Z	z	z	z	z	SP	SP
(14) Personal kennel	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	γ	Y	Y	Y
(16) Accessory dwelling unit	Y	Y	У	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.

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.

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. ARTICLE 18.

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.

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.

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. 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 13th day of November in the year of our Lord two thousand and seventeen.

Heather M. Billings

James A. DeLisle

Wayne R. Walker

BOARD OF SELECTMEN