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TOWN OF WESTMINSTER

Town of Westminster

GENERAL AND ZONING BYLAWS APPROVED AT SPECIAL TOWN MEETING NOVEMBER 19, 2019

Changes approved by Attorney General on February 27, 2020

Ellen M. Sheehan, CMMC
Westminster Town Clerk



**TOWN OF WESTMINSTER
OFFICE OF THE TOWN CLERK**

Ellen M. Sheehan, CMMC
Town Hall, 11 South Street
Westminister, MA 01473
(978) 874-7406
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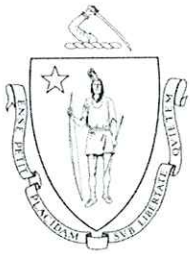
March 9, 2020

On the date written above, I have posted copies of the General and Zoning Bylaw Amendments passed at the Special Town Meeting on November 19, 2019 and approved by the Attorney General of Massachusetts on February 27, 2020, at the following public places in the Town of Westminister:

Community/Senior Center
Town Hall
US Post Office
Forbush Memorial Library
Public Safety Building

The above amendments were also posted on our Town of Westminister website on the same day.

Ellen M. Sheehan, CMMC
Town Clerk



THE COMMONWEALTH OF MASSACHUSETTS
OFFICE OF THE ATTORNEY GENERAL

CENTRAL MASSACHUSETTS DIVISION
10 MECHANIC STREET, SUITE 301
WORCESTER, MA 01608

MAURA HEALEY
ATTORNEY GENERAL

(508) 792-7600
(508) 795-1991 fax
www.mass.gov/ago

February 27, 2020

Ellen M. Sheehan, Town Clerk
Town of Westminster
11 South Street
Westminster, MA 01473

Re: Westminster Special Town Meeting of November 19, 2019 -- Case # 9724
Warrant Articles # 16, 17 and 18 (Zoning)
Warrant Articles # 13 and 14 (General)

Dear Ms. Sheehan:

Articles 16, 17 and 18 - We approve Articles 16, 17 and 18 from the November 19, 2019 Westminster Special Town Meeting. Our comments regarding Article 16 are provided below.

Articles 13 and 14 - We take no action on Articles 13 and 14 because they are not by-law amendments and thus do not require the approval of the Attorney General in accordance with G.L. c. 40, § 32. Article 13 is a vote to accept the provisions of G.L. c. 41, § 110, that allows a public office of the Town to remain closed on Saturdays and allows that where the last day of performance of any act falls on a Saturday when the office is closed, the act may be performed on the next succeeding business day. Article 14 is a vote to accept the provisions of G.L. c. 147, § 13A, establishing a reserve police force. Votes to accept local option statutes are not by-law amendments and are not subject to review and approval by the Attorney General pursuant to G.L. c. 40, § 32. However, we note that such votes to accept statutes must be filed with the Secretary of State pursuant to G.L. c. 4, § 5. The Town should consult with Town Counsel with any questions on this issue.

Article 16 - Article 16 amends the zoning by-laws, Chapter 205-39 (B), pertaining to Village Center District Regulations, "Applicability and Severability," as follows: (new text in underline and deleted text in strikethrough):

The regulations within this section shall apply to those lots located completely ~~whole or part~~ within the Village Center Zoning district as of the date of the Village Center Bylaw's adoption at Town Meeting (May 7, 2016). The regulations established herein shall be considered controlling wherein they should be found in conflict with other sections of this bylaw. The invalidity of any section or provision of this bylaw, or its application to any development

proposal, shall not invalidate any other section, provision or application of this bylaw.

In light of the protections in G.L. c. 40A, § 6 for existing uses and structures, the Town should consult closely with Town Counsel regarding the proper application of Section 205-39 to structures or uses that were lawfully in existence or lawfully begun, or to a building or special permit issued prior to September 24, 2019.

Note: Pursuant to G.L. c. 40, § 32, neither general nor zoning by-laws take effect unless the Town has first satisfied the posting/publishing requirements of that statute. Once this statutory duty is fulfilled, (1) general by-laws and amendments take effect on the date these posting and publishing requirements are satisfied unless a later effective date is prescribed in the by-law, and (2) zoning by-laws and amendments are deemed to have taken effect from the date they were approved by the Town Meeting, unless a later effective date is prescribed in the by-law.

Very truly yours,

MAURA HEALEY
ATTORNEY GENERAL

Nicole B. Caprioli

By: Nicole B. Caprioli
Assistant Attorney General
Municipal Law Unit
10 Mechanic Street, Suite 301
Worcester, MA 01608
(508) 792-7600 ext. 4418

cc: Town Counsel Brian Riley



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VOTE TAKEN AT THE SPECIAL TOWN MEETING
NOVEMBER 19, 2019

An affirmative vote was taken at this time to accept the provisions of MGL Chapter 39, Section 15, which allows the Moderator to dispense with a count in matters requiring a two-thirds vote by statute, where the vote is unanimous or clearly overwhelming at this Annual Town Meeting.

ARTICLE 13. Voted pursuant to Massachusetts General Laws Chapter 41, Section 110A, that any public office of the Town may remain closed on any or all Saturdays, and where the last day for performance of any act in any such office falls on a Saturday when said office is closed, the act may be performed on the next succeeding business day.

UNANIMOUS

A True Copy, Attest:

Ellen M. Sheehan, CMMC
Westminster Town Clerk



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NOVEMBER 19, 2019

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ARTICLE 14. Voted to accept the provisions of Massachusetts General Laws Chapter 147, Section 13A, establishing a reserve police force consisting of up to twelve (12) members.

UNANIMOUS

A True Copy, Attest:


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Westminister Town Clerk



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VOTE TAKEN AT THE SPECIAL TOWN MEETING
NOVEMBER 19, 2019

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ARTICLE 16. Voted to amend the Westminister Zoning Bylaws Item B (Applicability) of Section 205-39 (Village Center Regulations) as follows, to make clear that only those lots wholly located within the Village Center can utilize the Village Center Regulations.


205.39 – Village Center District Regulations

B. Applicability and Severability

The regulations within this section shall apply to those lots located *completely* within the Village Center Zoning District *as of the date of the Village Center Bylaw's adoption at Town Meeting (May 7, 2016)*. The regulations established herein shall be considered controlling wherein they should be found in conflict with other sections of this bylaw. The invalidity of any section or provision of this bylaw, or its application to any development proposal, shall not invalidate any other section, provision or application of this bylaw.

(2/3 vote required)
UNANIMOUS

A True Copy, Attest:


Ellen M. Sheehan, CMMC
Westminister Town Clerk

Zoning District	Minimum Lot Size (square feet)	Minimum Frontage ¹ (feet)	Lot	Minimum Yard Depth ²			Maximum Building Height ³		Maximum Percentage of Lot Coverage ¹⁰
				Front ^{4,5} (feet)	Rear ⁴ (feet)	Side 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	7,500	50		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									

(2/3 vote required)
MODERATOR RECOGNIZED 2/3 VOTE

A True Copy, Attest:



Ellen M. Sheehan, CMMC
Westminster Town Clerk



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VOTE TAKEN AT THE SPECIAL TOWN MEETING
NOVEMBER 19, 2019

An affirmative vote was taken at this time to accept the provisions of MGL Chapter 39, Section 15, which allows the Moderator to dispense with a count in matters requiring a two-thirds vote by statute, where the vote is unanimous or clearly overwhelming at this Annual Town Meeting.

ARTICLE 18. Voted to amend the Westminster Zoning Bylaws Section 205-40.1 (Large-Scale Solar Photovoltaic Installations), Item B (Applicability), to clarify where such installations are allowed in Town, as follows:

§ 205-40.1 Large-Scale Solar Photovoltaic Installations.

B. Applicability.

Subject to the requirements below, large-scale ground-mounted solar photovoltaic installations are permitted by Special Permit in the residential zoning districts (R-I, R-II & R-III) and commercial zoning districts (C-I & C-II) and upon Site Plan Approval from the Planning Board. For this use, the Planning Board shall be the Special Permit Granting Authority (SPGA). Large-scale ground-mounted solar photovoltaic installations are not allowed in the industrial zoning districts (I-I & I-II) or in the village center zoning district (VC).

MODERATOR RECOGNIZED 2/3 VOTE
(2/3 vote required)

A True Copy, Attest:

Ellen M. Sheehan, CMMC
Westminster Town Clerk