

VOTE TAKEN AT ANNUAL TOWN MEETING HELD JUNE 20, 2020

The meeting was officially called to order by Moderator John Bowen at 1:05 p.m. with 71 people in attendance. The Constable's Return of the Warrant was read by Town Clerk Ellen Sheehan. Salvatore Albert and John Fairbanks were sworn in as tellers.

The following non-residents were given permission to address the town meeting when appropriate: Town Administrator Mark Hawke, Town Counsel, Brian Riley, Cemetery Superintendent Alan Mayo, Police Chief Michael McDonald, Town Planner Stephen Wallace, School Superintendent Sandra Rehler, School Business Manager Julie Suprenant, and incoming new School Superintendent Todd Steward.

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.

The votes taken were as follows:

CUSTOMARY ARTICLES

ARTICLE 1. Voted 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.

ARTICLE 2. Voted 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.

ARTICLE 3. Heard the reports of the following committees appointed to act on Town affairs or in its behalf:

- Advisory Board financial report
- Public Safety Building Feasibility Study Committee

ARTICLE 4. Voted to set the following spending limits for each Revolving Fund authorized under Chapter 28-9 of the Town Bylaws for FY2021:

Hazardous Materials Recovery - \$12,000
Agricultural Commission Programs - \$10,000
Public Health Clinic and Emergency Response - \$25,000
Private Road Maintenance - \$10,000

OPERATING BUDGETS

ARTICLE 5. Voted 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.

AMOUNT APPROPRIATED

Selectmen	Temporary Labor	4,000
	Expenses	5,250
	Lease Copiers	12,000
	Johnny Appleseed	10,000
Town Administration	Salaries	164,472
	Expenses	6,675
Advisory Board Expenses		650
Reserve Fund	Expenses	60,000
Accountant	Salaries	96,319
	Expenses	36,900
Assessors	Salaries	67,363
	Expenses	17,480
Treasurer/Collector	Stipend	1,000
	Salaries	154,862
	Expenses	9,816
Legal	Expenses	75,000
Personnel Admin	Salaries	47,170
	Expenses	17,130
Data Processing	Salaries	62,275
	Expenses	115,055
Town Clerk	Stipend	1,175
	Salaries	86,569
	Expenses	10,530
Elections	Stipend	600
	Salaries	11,880
	Expenses	17,205
Conservation	Salary	39,295
	Expenses	1,550

Town Planner	Salary	76,524
	Expenses	4,300
Planning Board	Salary	2,000
	Expenses	1,150
Board of Appeals	Salary	1,500
	Expenses	300
Agricultural Comm	Expenses	500
Economic Developmt	Expenses	1,300
Public Bldgs & Prop	Salaries	111,444
	Expenses	248,000
Town Report	Expenses	2,250
Crocker Pond	Salaries	21,033
	Expenses	7,655
Police/Dispatch	Salaries	1,851,694
	Expenses	298,800
Fire	Salaries	967,509
	Expenses	132,317
Ambulance	Salaries	156,756
	Expenses	123,806
Emergency Mgmt	Expenses	11,985
Building Dept.	Salaries	226,742
	Expenses	20,000
Animal Control	Expenses	40,000
Tree Warden	Salary	2,000
	Expenses	33,200
K-12 Schools	Contribution to Fndn Budget	7,466,737
	Additional Funds	2,631,815
	Transportation	506,466
	Comm Serv.	4,358
	WES Bond	258,753
	Oakmont Bond	253,515

Monty Tech	Foundation State Minimum	655,169
	Transportation	43,615
	Capital	15,812
	Bonds	0
Highway Admin	Salaries	307,841
Highway Dept	Salaries	607,642
	Expenses	261,350
Snow & Ice Control	Salaries	52,000
	Expenses	298,100
Street Lighting	Expenses	25,000
Cemetery Dept.	Salaries	117,198
	Expenses	15,680
Health Department	Salaries	123,785
	Expenses	16,000
Council on Aging	Salaries	57,085
	Expenses	15,700
Veteran's Services	Salaries	26,155
	Expenses	1,635
Veteran's Assistance	Expenses	90,000
MART	Salaries	84,680
	Expenses	12,250
Library	Salaries	296,741
	Expenses	135,990
Recreation Dept.	Salaries	18,540
	Expenses	14,040
Concerts	Expenses	3,000
Hager Park Comm	Expenses	250
Historical Comm	Expenses	1,280
Memorial Day	Expenses	1,300
Care of Town Clock	Expenses	300
Town Debt Retirement	Total Expenses	407,000

Town Debt Interest	Total Expenses	72,370
Reg Plan Council	Expenses	2,613
Other Emp Benefits	Expenses	40,000
Retiremt & Pensions	Expenses	981,818
Group Health Ins	Expenses	1,298,300
Group Life Ins	Expenses	4,000
Other Insurance	Expenses	325,500

Voted to appropriate the total sum of \$23,026,369 and to meet that appropriation as follows:

- Raise and appropriate \$22,635,967
- Transfer \$280,562 from the Ambulance Receipts Reserved Account, with any unused balance from this transfer reverting to that account at the end of the fiscal year.
- Transfer \$3,000 from the Wetlands Filing Fees Account, with any unused balance from this transfer reverting to that account at the end of the fiscal year.
- Transfer \$15,000 from Septic Loan Program receipts
- Transfer \$91,840 from Roads Stabilization Account (**Unanimous**)

ARTICLE 6. Voted the following sums be approved for the operation of the Sewer Enterprise for fiscal year 2021:

Salaries	110,424
Expenses	1,023,600
Debt Principal	62,650
(USDA Loan)	
Debt Interest	63,461
(USDA Loan)	
Reserve Fund	10,000
SUBTOTAL	1,270,135
Shared Costs	212,003
TOTAL	1,482,138

Further, that of said sums, an appropriation of \$1,270,135 be raised as follows:

\$ 150,000	Retained Earnings
\$ 107,194	General Fund Subsidy
\$1,012,941	From available departmental receipts, investment earnings, and other revenues of the Sewer Enterprise Fund.

(Note: Shared costs have been appropriated in the general fund)

ARTICLE 7. Voted the following sums be approved for the operation of the Water Enterprise for fiscal year 2021.

Salaries	131,130
Expenses	366,300
Debt Principal (Ellis Rd water tank)	0
Debt Interest (Ellis Rd water tank)	3,000
Capital Outlay	102,328
Reserve Fund	10,000
SUBTOTAL	612,758
Shared Costs	188,352
TOTAL	801,110

Further, that of said sums, an appropriation of \$612,758 be raised as follows:

\$ 20,466	General Fund Subsidy (Tax Levy)
\$592,292	From available departmental receipts, investment earnings, and other revenues of the Water Enterprise Fund.

(Note: Shared costs have been appropriated in the general fund.)

ARTICLE 8. Voted the following sums be approved for the operation of the Solid Waste Transfer Facility Enterprise for fiscal year 2021.

Salaries	
Expenses	263,300
Reserve Fund	10,000
SUBTOTAL	273,300
Shared Costs	58,726
TOTAL	332,026

Further, that of said sums, an appropriation of \$273,300 be raised as follows:

\$273,300 from available departmental receipts, investment earnings,
and other revenues of the Solid Waste Transfer Facility
Enterprise.

(Note: Shared costs have been appropriated in the general fund.)

CUSTOMARY MONEY ARTICLES

ARTICLE 9. Voted to raise the sum of \$5,000, said sum to be appropriated as follows:

\$4,000 for the Westminster Cultural Council
\$1,000 for the Conservation Fund as provided for in Section 8C of Chapter 40 of
the General Laws.

ARTICLE 10. Voted to raise and appropriate \$25,000 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.

ARTICLE 11. Voted to transfer \$230,000 from Free Cash to reduce the Fiscal Year 2021 tax rate.

ARTICLE 12. Voted to raise and appropriate \$300,000 for the OPEB Stabilization Account.

NON-CAPITAL MONEY ARTICLES

ARTICLE 13. Voted to raise and appropriate \$3,000 to hire a preservationist to assist the Historical Commission in documenting historically architecturally significant homes in Westminster.

ARTICLE 14. Voted to transfer \$4,000 from free cash for confined space safety equipment for the Cemetery Department.

ARTICLE 15. Voted to transfer \$1,500 from free cash for the installation of a concrete pad to hold a trash dumpster at the Senior Center.

ARTICLE 16. Voted to pass over the transfer of \$7,700 from free cash for the crack sealing and painting of the basketball court next to Town Hall.

ARTICLE 17. Voted to transfer \$7,000 from free cash for a commercial grade lawn mower for the ball fields under the care of the Recreation Department.

ARTICLE 18. Voted to transfer \$8,000 from free cash for tree trimming and pruning work to be done at Crocker Pond.

ARTICLE 19. Voted to transfer \$3,000 from free cash to be spent under the direction of the Town Planner for the re-printing of updated economic development brochures for the Town of Westminster.

ARTICLE 20. Voted to transfer \$4,000 from free cash to be spent under the direction of the Conservation Commission for the purpose of planning and implementing a forestry management project of approximately 150 acres in the area of Old Turnpike Road.

ARTICLE 21. Voted to transfer \$5,900 from free cash to be spent under the direction of the Town Clerk to purchase one new voting tabulator, to include related equipment and training.

CAPITAL EXPENDITURE ARTICLES

ARTICLE 22. Voted to appropriate \$1,360,000 to be spent under the direction of the Public Works Director for the following capital equipment and projects, including related incidental costs, as follows:

ITEM/PROJECT	AMOUNT	FUNDING SOURCE
Maintenance of Town roads (including oiling, sealing, re-surfacing, drainage, guardrails, removing trees/brush, and other such activities.	\$300,000	Raise and appropriate
Reconstruction and improvement of Town roads.	\$500,000	Raise and appropriate
MS4 Storm Water Permit Compliance	\$50,000	Free Cash
Loader – Public Works	\$275,000	Capital Stabilization
Pick-up truck – Public Works	\$45,000	Capital Stabilization
Sander Dump Body – Public Works	\$60,000	Capital Stabilization
Upper Reservoir Dam – Public Works	\$80,000	Road Maintenance Stabilization
Water ERP Update-Water/Sewer Dept.	\$50,000	Water Enterprise Fund

**(2/3 vote required)
UNANIMOUS**

ARTICLE 23. Voted to appropriate \$179,000, to be spent under the direction of the Police Chief for the following capital equipment, including related incidental costs:

ITEM/PROJECT	AMOUNT	FUNDING SOURCE
One Police vehicle and related equipment, including trade-ins	\$49,000	Raise and appropriate
Police / Fire Radio Building	\$75,000	Building Stabilization
Police – Mobile Radios	\$55,000	Capital Stabilization

(2/3 vote required)
UNANIMOUS

ARTICLE 24. Voted to appropriate \$74,000 to be spent under the direction of the Town Administrator for the following capital equipment projects, including related incidental costs, as follows:

ITEM/PROJECT	AMOUNT	FUNDING SOURCE
Scheduled computer replacement, systems updates and technology-related items for the various town departments	\$39,000	Raise and Appropriate
Replace virtualized server	\$35,000	Technology Stabilization

(2/3 vote required)
UNANIMOUS

ARTICLE 25. Voted to transfer \$85,000 from the Building Maintenance & Repairs Stabilization Fund to be spent under the direction of the Library Director for the installation of a new exterior chiller for the Forbush Memorial Library.

(2/3 vote required)
UNANIMOUS

ARTICLE 26. Voted to transfer \$35,000 from the Building Maintenance & Repairs Stabilization Fund to be spent under the direction of the Public Works Director in order to purchase and plant trees around the Town Common on Academy Hill.

(2/3 vote required)
2/3 Vote Recognized

ARTICLE 27. Voted to transfer \$100,000 from the Capital Equipment Stabilization Fund to be spent under the direction of the Cemetery Commission to purchase a tractor-backhoe-mower-loader for the Cemetery Department.

(2/3 vote required and recognized)

ARTICLE 28. Voted to transfer \$124,790 from the Building Maintenance & Repairs Stabilization Fund to be spent under the direction of the Ashburnham-Westminster Regional School District for the following capital projects, subject to the Town of Ashburnham also voting to fund its share of the cost of this article.

\$10,984	Exterior board replacement (Oakmont)
\$14,055	Floor replacement (Overlook)
\$27,510	Truck with plow (District)
\$32,952	Network cabling upgrade (District)
\$2,746	Exterior door thresholds (Oakmont)
\$33,732	Bleachers in gym (Overlook)
\$2,811	Exterior door thresholds (Overlook)

(2/3 vote required)
UNANIMOUS

ARTICLE 29. Voted to transfer \$258,500 from the Building Maintenance & Repairs Stabilization Fund to be spent under the direction of the Ashburnham-Westminster Regional School District for the following capital projects:

\$5,000	Exterior door thresholds (Westminster Elementary)
\$10,000	Building Management System (Westminster Elementary)
\$15,000	Sidewalk repair/replacement (Westminster Elementary)
\$215,000	New Playground (Westminster Elementary)
\$7,500	Exterior door thresholds (Meetinghouse)
\$6,000	Cafeteria tables (Meetinghouse)

(2/3 vote required)
UNANIMOUS

MISCELLANEOUS AND ZONING ARTICLES

ARTICLE 30. Voted to accept the alteration and relocation of the layout of a portion of the public way Worcester Road (Route 140), as heretofore laid out by the Public Works Commission and shown on plan of land entitled: "Layout Plan of Land, Route 140 (Worcester Road), Westminster, Massachusetts, Prepared for the Town of Westminster, MA", dated January 27, 2020, prepared by Green International Affiliates, Inc., a copy of which has been placed on file with the Town Clerk, and further 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 way for all purposes for which public ways are used in the Town of Westminster.

UNANIMOUS

ARTICLE 31. Voted to amend the Westminster General Bylaws by adding a new general bylaw Chapter 137 regulating Stormwater Management as follows:

Chapter 137 - Stormwater Management

137-1. Purpose and Objectives

A. The purpose of this Bylaw is to establish minimum stormwater management requirements and procedures in order to minimize damage to public and private property and infrastructure; safeguard the public health, safety, environment and general welfare; protect aquatic resources and wildlife habitat; protect the quality and health of water resources; conserve groundwater supplies; and, foster climate change resiliency. This Bylaw seeks to meet that purpose through the following objectives:

(1) Establish the Planning Board and/or Conservation Commission of the Town of Westminster, or its designated agent, as the legal authority to ensure compliance with the provisions of this Stormwater Management Bylaw and its accompanying Rules and Regulations through a review process, inspection, monitoring, and enforcement.

(2) Establish administrative procedures for: the submission, review, and approval or disapproval of Stormwater Management Permits; the inspection of approved active projects; and post construction follow up.

(3) Establish decision-making processes surrounding new development and re-development that protects watershed integrity and preserves and/or restores the health of local water resources such as lakes, ponds, streams, rivers, wetlands, and groundwater.

(4) Ensure compliance with requirements of the National Pollutant Discharge Elimination System (NPDES) General Permit for Stormwater Discharges from Small Municipal Separate Storm Sewer Systems (MS4) and other applicable State and Federal mandates in order to minimize or eliminate erosion and maintain sediment onsite so that it is not transported to a water of the Commonwealth and to reduce the discharge of pollutants found in stormwater through the retention and treatment of stormwater during and after construction.

137-2. Authority

This Bylaw is adopted under authority granted by the Home Rule Amendment of the Massachusetts Constitution, the Home Rule statutes, pursuant to the Regulations of the federal Clean Water Act found at 40 CFR 122.34, and as authorized by the residents of the Town of Westminster at the Town Meeting.

Nothing in this Bylaw or the regulations adopted hereunder is intended to replace or be in derogation of the requirements of the Town of Westminster Zoning Bylaw, the Westminster Wetlands Protection Bylaw, or the Westminster Subdivision Control Rules and Regulations.

137-3. Definitions

For the purposes of this Bylaw, the following shall mean:

AGRICULTURAL USE: The normal maintenance or improvement of land in agricultural or aquacultural use, as defined by the Massachusetts Wetlands Protection Act, M.G.L. c. 131, § 40, and its implementing regulations.

APPLICANT: Any person, individual, partnership, association, firm, company, corporation, trust, authority, agency, department, or political subdivision, of the Commonwealth or the Federal government to the extent permitted by law requesting a soil erosion and sediment control permit for proposed land-disturbance activity.

BEST MANAGEMENT PRACTICE (BMP): An activity, procedure, restraint, or structural improvement that helps reduce the quantity or improve the quality of stormwater runoff. Some examples of BMPs are described in a stormwater design manual, Stormwater Management, Volume Two: Stormwater Technical Handbook (March, 1997, MA Department of Environmental Protection and MA Office of Coastal Zone Management, as updated or amended).

CERTIFIED PROFESSIONAL IN EROSION AND SEDIMENT CONTROL (CPESC): A certified specialist in soil erosion and sediment control. This certification program, sponsored by the Soil and Water Conservation Society in cooperation with the American Society of Agronomy, provides the public with evidence of professional qualifications.

CONSERVATION COMMISSION: Town of Westminster Conservation Commission including its employees or authorized agents designated to enforce this Bylaw.

CONSTRUCTION ACTIVITY: The disturbance of the ground by removal of vegetative surface cover or topsoil, grading, excavation, clearing or filling.

DISCHARGE OF POLLUTANTS: The addition from any source of any pollutant or combination of pollutants into the municipal storm drain system or into waters of the United States of America or the Commonwealth of Massachusetts from any source.

DISTURBANCE: Any activity which changes the volume or peak flow discharge rate of rainfall runoff from the land surface. This may include the clearing, grading, digging, scraping, or excavating of soil, placement of fill materials, paving, construction, substantial removal of vegetation, or any activity which bares soil or rock or involves the diversion or piping of any natural man-made watercourse.

ENFORCEMENT ORDER: A written order issued by the Planning Board and/or Conservation Commission in order to enforce the provisions of this Bylaw as issued in accordance with Section 7.0 of this Bylaw.

MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4) or MUNICIPAL STORM DRAIN SYSTEM: The system of conveyances designed or used for collecting or conveying stormwater, including any road with a drainage system, street, gutter, curb, inlet, piped storm drain, pumping facility, retention or detention basin, natural or man-made or altered drainage channel, reservoir, and other drainage structure that together comprise the storm drainage system owned or operated by the Town of Westminster, MA.

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) STORMWATER DISCHARGE PERMIT: A permit issued by the United States Environmental Protection Agency (EPA) or jointly with the State that authorizes the discharge of pollutants to waters of the United States.

NEW DEVELOPMENT: Any modification of land that disturbs the ground surface or increases the impervious area on previously undeveloped sites. Any construction, land alteration, or addition of impervious surfaces resulting in total earth disturbances equal to or greater than 1 acre or activities that are part of a larger common plan of development disturbing greater than 1 acre that does not meet the definition of Redevelopment.

OWNER: A person with a legal or equitable interest in property.

PERSON: An individual, partnership, association, firm, company, trust, corporation, agency, authority, department or political subdivision of the Commonwealth or the federal government, to the extent permitted by law, and any officer, employee, or agent of such person.

PLANNING BOARD: Town of Westminster Planning Board including its employees or authorized agents designated to enforce this Bylaw.

PROFESSIONAL ENGINEER (P.E.): A registered Professional Engineer within the State of Massachusetts in good standing.

REDEVELOPMENT: Development, rehabilitation, expansion, demolition or phase projects that disturb the ground surface or increase the impervious area on previously developed sites. Any construction, land alteration, or improvement of impervious surfaces resulting in total earth disturbances equal to or greater than 1 acre (or activities that are part of a larger common plan of redevelopment disturbing greater than 1 acre) that does not meet the definition of New Development.

STORMWATER: Stormwater runoff, snow melt runoff, and surface water runoff and drainage.

STORMWATER MANAGEMENT PERMIT: The written approval granted by the Planning Board to undertake a construction activity pursuant to a Stormwater Management Permit Application. A valid Stormwater Management Permit must be signed by a majority of the Planning Board participating at a duly noted public hearing, and such permit must be recorded at the Worcester Registry of Deeds, prior to the start of any work.

WATERS OF THE COMMONWEALTH: All waters within the jurisdiction of the Commonwealth of Massachusetts, including, without limitation, rivers, streams, lakes, ponds, springs, impoundments, estuaries, wetlands, coastal waters, groundwaters, and vernal pools.

WETLAND RESOURCE AREAS: Areas specified in the Massachusetts Wetlands Protection Regulations, 310 CMR 10.00, et seq., as amended, and in the Town of Westminster Chapter 202 Wetlands Bylaw, as amended.

137-4. Administration

A. The Planning Board shall be the permit granting authority for this Bylaw except when a project subject to review under this Bylaw falls under the jurisdiction of the Conservation Commission in which case the Conservation Commission shall be the permit granting authority hereunder. Any powers granted to or duties imposed upon the Planning Board may be delegated in writing by the Planning Board to any Town employee, board, commission, committee or agent, hereby known as the "Reviewing Agent."

B. The Planning Board shall not have jurisdiction over stormwater issues within areas where the Conservation Commission has jurisdiction under the Wetlands Protection Act and/or any local regulations.

C. The Planning Board or its Reviewing Agent shall take any of the following actions as a result of an application for a Stormwater Management Permit as specifically defined within the Stormwater Management Rules and Regulations promulgated as a result of this Bylaw: Approval, Approval with Conditions, or Disapproval.

D. A decision of the Planning Board or its Reviewing Agent shall be final. Further relief from a decision by the Planning Board or its Reviewing Agent made under this Bylaw shall be appealable to the Superior Court, in accordance with M.G.L. c. 249, §4.

137-5. Amendments and Regulations

The Planning Board may adopt, and periodically amend, the Stormwater Management Rules and Regulations relating to the terms, conditions, definitions, enforcement, fees (including application, inspection, and/or consultant fees), procedures and administration of this Stormwater Management Bylaw by majority vote of the Planning Board, after conducting an advertised public hearing to receive comments on any proposed revisions. The hearings shall be duly advertised in a paper of general circulation in the Town of Westminster no less than fourteen (14) days prior to the date of the public hearing.

137-6. Applicability and Exemptions

A. No person may undertake a construction activity, including clearing, grading, and excavation that results in a land disturbance to an area equal to or greater than one (1) acre of land or will disturb less than one acres of land but is part of a larger common plan of development or sale that will ultimately disturb an area equal to or greater than one (1) acre of land within the Town of Westminster without first obtaining a Stormwater Management Permit issued by the Planning Board.

B. Exemptions:

(1) Normal maintenance and improvement of land in agricultural use as defined by the Wetlands Protection act regulation 310 CMR 10.04, as amended;

(2) Maintenance of existing landscaping, gardens, or lawn areas associated with a single-family dwelling;

(3) The construction of fencing that will not substantially alter existing terrain or drainage patterns;

(4) Normal maintenance and improvements of the Town of Westminster's publicly owned roadways and associated drainage infrastructure; and

(5) Emergency repairs to any stormwater management system or feature that poses a threat to public health or safety, or other action as deemed necessary by a Town department or board to abate such a threat to public health or safety.

137-7. Enforcement

A. The Planning Board and/or the Conservation Commission, or an authorized agent of the Planning Board and/or Conservation Commission, shall enforce this Bylaw, and any associated regulations, orders, violations notices, and enforcement orders, and may pursue all civil and criminal remedies for such violations.

B. The Planning Board and/or Conservation Commission may issue a written order to enforce the provisions of this Bylaw, which may include requirements to:

- (1) Cease and desist from construction or land disturbing activity until there is compliance with this Bylaw and the stormwater management permit;
- (2) Repair, maintain, or replace the stormwater management system or portions thereof in accordance with the operation and maintenance plan;
- (3) Maintain, install, or perform additional erosion and sediment control measures;
- (4) Perform monitoring, analyses, and reporting;
- (5) Remediate adverse impact resulting directly or indirectly from malfunction of the stormwater management system or erosion and sediment control system;
- (6) Cease and desist from unlawful discharges, practices, or operations; and/or,
- (7) Remediate contamination in connection therewith.

C. If the Planning Board and/or Conservation Commission determines that abatement or remediation of adverse impacts is required, the Enforcement Order shall set forth a deadline by which such abatement or remediation must be completed. Said order shall further advise that, should the violator or property owner fail to abate or perform remediation within the specified deadline, the Town of Westminster may, at its option, undertake such work, and the property owner shall reimburse the Town's expense.

D. Within thirty (30) days after completing all measures necessary to abate the violation, the violator and the property owner shall be notified of the costs incurred by the Town of Westminster, including administrative costs. The violator or property owner may file a written protest objecting to the amount or basis of costs with the Planning Board within thirty (30) days of receipt of the notification of the costs incurred. If the amount due is not received by the expiration of the time in which to file a protest or within thirty (30) days following a decision of the Planning Board affirming or reducing the costs, or from a final decision of a court of competent jurisdiction, the costs shall become a special assessment against the property owner and shall constitute a lien on the owner's property for the amount of said costs. Interest shall begin to accrue on any unpaid costs at the statutory rate provided in G.L. Ch. 59, § 57, after the thirty-first day at which the costs first become due.

137-8. Entry to perform duties under this Bylaw

To the extent permitted by state law, or if authorized by the owner or other party in control of the property, the Planning Board and/or Conservation Commission or its Reviewing Agent, may enter upon privately owned property for the purpose of performing their duties under this Bylaw and Regulations and may make or cause to be made such examinations, surveys or sampling as the Planning Board and/or Conservation Commission or Reviewing Agent deems reasonably necessary.

137-9. Waivers and Provisions for Relief

A. Planning Board may waive strict compliance with any requirement of this Bylaw promulgated hereunder, where:

- (1) Such action is allowed by federal, state & local statutes and/or regulations,
- (2) Is in the public interest,
- (3) A public safety issue exists, or
- (4) Is not inconsistent with the purpose and intent of this Bylaw.

B. Any applicant may submit a written request to be granted such a waiver. Such a request shall be accompanied by an explanation or documentation supporting the waiver request and demonstrating that strict application of this Bylaw does not further the purposes or objectives of this Bylaw. The Planning Board may require documentation to be submitted and stamped by a qualified P.E. registered in Massachusetts or a Certified Professional in Erosion and Sediment Control (CPESC).

137-10. Civil Relief

If a person violates the provisions of this Bylaw, permit, notices, or order issued thereunder, the Planning Board and/or Conservation Commission may seek injunctive relief in a court of competent jurisdiction restraining the person from activities which would create further violations or compelling the person to perform abatement or remediation of the violation.

137-11. Criminal Penalty

Any person who violates any provision of this Bylaw, order or permit issued thereunder, shall be punished by a fine of not more than \$300. Each day or part thereof that such violation occurs or continues shall constitute a separate offense.

137-12. Remedies Not Exclusive

The remedies listed in this bylaw are not exclusive of any other remedies available under any applicable federal, state or local law. In addition to the provisions of enforcement listed above, the Building Commissioner may, in his discretion, enforce the provisions of the Zoning Bylaw by noncriminal disposition pursuant to MGL c. 40, § 21D. Each day on which a violation exists shall be deemed to be a separate offense. Noncriminal citations may be appealed to Gardner District Court or Worcester County Housing Court in accordance with MGL c. 40, § 21D. The penalty for violation of any provision of the

Zoning Bylaw pursuant to this section shall be \$50 for the first offense; \$75 for the second offense; \$100 for the third offense; and \$125 for the fourth and each subsequent offense.

137-13. Surety

The Planning Board and/or Conservation Commission may require the permittee to post before the start of land disturbance or construction activity, a surety bond, irrevocable letter of credit, cash, or other acceptable security. The form of the bond shall be approved by Town counsel, and be in an amount deemed sufficient by the Planning Board and/or Conservation Commission to ensure that the work will be completed in accordance with the permit. If the project is phased, the Planning Board and/or Conservation Commission may release part of the bond as each phase is completed in compliance with the Stormwater Management Permit but the bond may not be fully released until the Planning Board and/or Conservation Commission has received the final inspection report as required by the Stormwater Management Rules and Regulations and issued a Certificate of Completion.

137-14. Severability

If any provision, paragraph, sentence, or clause of this Bylaw shall be held invalid for any reason, all other provisions shall continue in full force and effect.

UNANIMOUS

ARTICLE 32. Voted to amend the Westminster General Bylaws at Chapter 136, “Low Impact Development,” (new language appears in *italics*) as follows:

LOW IMPACT DEVELOPMENT (LID) BYLAW FOR THE TOWN OF WESTMINSTER

136-4. SCOPE AND APPLICABILITY

A.) This Bylaw shall be applicable to all new development and redevelopment, *including but not limited to approval-not-required (ANR) plans, site plans, definitive subdivision, reduced road subdivision, earth removal/placement of fill permit, special permit applications and any project within jurisdiction of the Westminster Conservation Commission. Any project with land disturbance equal to or greater than ten-thousand (10,000) square feet shall meet the provisions of this bylaw.* The bylaw shall apply to any activities that will result in an increased amount of stormwater runoff or pollutants from a parcel of land, or that will alter the drainage characteristics of a parcel of land, unless exempt under Section 3B of this Bylaw. All new development and redevelopment, under the jurisdiction of this Bylaw, shall be required to obtain a LID Permit. The LID permit process shall be coordinated with existing permitting, where applicable.

UNANIMOUS

MOTION TO TABLE ARTICLE 33: Motion was made to Table Article 33. **Motion did not pass.**

(2/3 Vote Required)
18 Yes Votes
13 No Votes

MOTION TO AMEND ARTICLE 33: Voted to amend Section 97-8 Exemptions from Permit Requirements, to delete: (i) the earth removal and/or fill operation is limited to no more than three contiguous lots and does not exceed a total area of ~~six~~*five* acres. **Motion did not pass.**

ARTICLE 33. Voted to amend the Westminster General Bylaws at Chapter 97, “Earth Removal,” of the Westminster General Bylaws (Earth Removal & Placement of Fill) by amending Items B and C under Section 97.7 (Applicability) and Section 97.8 (Exemptions From Permitting Requirements) (deleted text appears as strikethrough and new language appears in *italics*), as follows:

Chapter 97, Article III: EARTH REMOVAL AND PLACEMENT OF FILL

§ 97-7. Applicability

- A. All earth removal and earth filling operations in the Town shall provide the following information, in writing, to the Building Inspector within six months of the effective date of this Bylaw:
1. The map and parcel number of the subject property;
 2. An estimate of the amount of material left to be removed (if earth removal);
 3. An estimate of the amount of fill material remaining to be placed (if fill);
 4. An estimate of the anticipated annual volume of activity;
 5. A description of completed and planned reclamation of the property;
 6. The date the operation began; and
 7. The anticipated date of completion or cessation of the operations.
- B. Except as provided in Sections 97-8 or 97-14, a Permit shall be required for any of the following activities:
1. Earth removal that involves ~~2,000~~ *1,000* cubic yards or more of material per calendar year (January through December).
 2. The filling of land that involves ~~2,000~~ *1,000* cubic yards or more of material per calendar year (January through December), provided that it involves either:
 - i. The disturbance of ~~two~~ *one* or more acres of land, or
 - ii. The filling of land in excess of eighteen inches in depth above the existing grade.
- C. An earth removal or filling operation that does not exceed any of the above thresholds shall not require a Permit, but is subject to the following requirements (unless otherwise agreed to, in writing, by the abutting property owner):
1. The operation shall not encroach closer than ~~ten~~ *fifty (50)* feet to a property line,
 2. *An undisturbed fifty (50) foot buffer strip shall be maintained along all property boundaries.*

3. No greater than a 1:1 slope shall exist between the operation and the ten-foot buffer.

§ 97-8. Exemptions from Permit Requirements

The following earth removal or fill operations are exempted from the requirement to obtain a Permit under this Bylaw, provided that (i) the earth removal and/or fill ~~operation is limited to no more than three contiguous lots and~~ does not exceed a total area of ~~six~~ five acres, and (ii) the operation is not conducted, maintained, and/or left in a condition so as to alter the natural drainage flow beyond the property; or to cause dust, silt, soil, or other materials to be deposited on adjacent properties; or to otherwise cause nuisances, hazards, or other objectionable conditions detrimental to health, safety, or property values in adjacent areas. ~~The PGA shall, upon petition by an abutter or by any Town Official or Town Board, review an operation that would be exempt from the Permit requirement pursuant to this Section 97-8, and may determine that, because of the nature and scope of the earth removal or fill operation, a Permit is nonetheless required. (Deleted text moved to the end of this section)~~

A: Earth removal or the placement of fill associated with the installation of septic systems, which shall be governed by the Commonwealth of Massachusetts Environmental Code (Title 5, 310 CMR 15.00).

B Earth removal or the placement of fill associated with the installation of foundations for new buildings and/or building additions, which shall be governed by MGL Chapter 143 and the Commonwealth of Massachusetts Building Code (780 CMR).

C: Earth removal or the placement of fill proposed for land falling within the Town's Floodplain Protection District, which shall be governed by Sections 205-9 and 205-46 of the Westminster Zoning Bylaw and require a Special Permit from the Zoning Board of Appeals

D: Earth removal or the placement of fill proposed for land falling within the Town's Wetland Protection District and associated buffer zones, which shall be governed by the Wetland chapter within the Town's General Bylaws (Chapter 202) which is administered by the Conservation Commission, and the Massachusetts Wetlands Protection Act.

E: Earth removal or the placement of fill that involves less than ~~2,000~~ 1,000 cubic yards on a single lot.

F: Earth removal or the placement of fill, where the operation occurs entirely within an individual parcel and where a town-accepted public way is not used for the transportation of the material.

G: Earth removal or the placement of fill within the right-of-way for a new subdivision road that has been approved by the Planning Board or Zoning Board where there is already a bond in place with the Town to ensure performance. *For earth removal outside of a new subdivision road right-of-way, a permit will be required if the amount of earth removed exceeds the thresholds specified in Section 97.7.*

H. The PGA shall, upon petition by an abutter or by any Town Official or Town Board, review an operation that would be exempt from the Permit requirement pursuant to this Section 97-8,

and may determine that, because of the nature and scope of the earth removal or fill operation, a Permit is nonetheless required.

ARTICLE 34. Voted to amend the Westminster Zoning Bylaw (Chapter 205 of the Code of the Town of Westminster, Massachusetts) by amending Article II (Definitions) Section 205.13 (Minimum Building Requirements) to prohibit flag lots from using cul-de-sacs for their required frontage (new language appears in italics), as follows:

§ 205-13 **Minimum building requirements.**

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, or act in relation thereto.

B. Flag lots. In addition, any parcel larger than five acres may be further divided without process through the Subdivision Control Law,^[1] 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 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.
- (4) *Flag lots cannot use cul-de-sac turnarounds for their required road frontage.*

(2/3 vote required)
UNANIMOUS

ARTICLE 35. Voted to amend the Westminster General Bylaws at Chapter 141, “Peddling and Soliciting,” as follows:

CIVIL FINGERPRINTING BYLAW

SECTION ONE: Purpose and Scope

This Bylaw authorizes the Police Department to conduct state and national fingerprint based criminal history checks for individuals applying for specific licenses in Town to enhance public safety, as authorized by Massachusetts General Laws Chapter 6, Section 172B½. To carry out the criminal history checks authorized by this bylaw, the Police Department shall be authorized to use state and Federal Bureau of Investigation (“FBI”) records, provided, however, that such records shall not be disseminated to unauthorized entities and shall be maintained and disclosed in accordance with all applicable law.

The Bylaw further authorizes the Board of Selectmen, in consultation with the Chief of Police, to promulgate regulations to implement this bylaw, which may include, but shall not be limited to, establishment of submission deadlines, procedures for making recommendations to the licensing authority or making a licensing as a result of the criminal history check, procedures for assessing, correcting or amending any such record, criteria for fitness determinations, security of information obtained and penalties for failure to comply with this bylaw.

SECTION TWO: Criminal History Check Authorization

The Police Department shall, as authorized by Massachusetts General Laws Chapter 6, Section 172B½, conduct State and Federal Fingerprint Based Criminal History checks for individuals and entities for the following licenses:

- Hawking and Peddling or other Door-to-Door Salespeople

At the time of fingerprinting, the Police Department shall notify the individual being fingerprinted that the fingerprints will be used to check the individual's criminal history records and obtain the individual's consent. After the applicant completes a consent form, provides his/her fingerprints and the appropriate fee, the Police Department shall transmit the fingerprints it has obtained pursuant to this bylaw to the Identification Section of the Massachusetts State Police, the Massachusetts Department of Criminal Justice Information Services ("DCJIS"), and/or the FBI or the successors of such agencies as may be necessary for the purpose of conducting fingerprint-based state and national criminal records background checks for the license applicants specified in this bylaw.

The Town authorizes the Massachusetts State Police, the DCIS and the FBI and their successors, as may be applicable, to conduct fingerprint-based state and national criminal record background checks, including of FBI records, consistent with this bylaw. The Town authorizes the Police Department to receive and utilize State and FBI records in connection with such background checks, consistent with this bylaw and its implementing regulations. In accordance with its implementing regulations, the Police Department shall communicate the results of fingerprint-based criminal record background checks to the appropriate governmental licensing authority within the Town.

SECTION THREE: Use of Criminal Record by Licensing Authorities

Licensing authorities of the Town shall utilize the results of fingerprint-based criminal record background checks for the sole purpose of determining the suitability of the subjects of the checks in connection with the license applications specified in this bylaw. A Town licensing authority may deny an application for a license on the basis of the results of a fingerprint-based criminal record background check if it determines that the results of the check render the subject unsuitable for the proposed licensed activity. The licensing authority shall consider all applicable laws, regulations and Town policies bearing on an applicant's suitability in making this determination.

Licensing authorities of the Town are hereby authorized to deny an application for any license specified herein and in the implementing regulations, including renewals and transfers of said

licenses, from any person who is determined unfit for the license due to information obtained pursuant to this bylaw. Factors that shall be considered in making a determination of fitness shall include, but not be limited to, whether the record subject has been convicted of, or is under pending indictment for a crime, that bears upon the subject's ability or fitness to serve in that capacity, including any felony or a misdemeanor that involved force or threat of force, possession of a controlled substance, or sex-related offense.

SECTION FOUR: Fees

The fee charged by the Police Department for the purpose of conducting fingerprint-based criminal record background checks shall be one hundred dollars (\$100) for each fingerprinting and criminal history check. A portion of the fee, as specified in Massachusetts General Laws Chapter 6, Section 172B½, shall be deposited into the Firearms Fingerprint Identity Verification Trust Fund, and the remainder of the fee may be retained by the Town for costs associated with the administration of the fingerprinting system.

SECTION FIVE: Effective Date

This bylaw shall take effect after compliance with Massachusetts General Laws Chapter 40, Section 32 have been met.

Yes – 18

No – 13

MOTION TO PASSEVER ARTICLE 36: Voted on a motion to passover Article 36. **Motion did not pass.**

14 Yes Votes

20 No Votes

MOTION TO AMEND ARTICLE 36: Voted on a motion to amend Article 36 by removing "of demolishing the building thereon, and/or for the purpose". **Amendment did not pass.**

16 Yes Votes

18 No Votes

ARTICLE 36. Voted to amend the vote taken under Article 4 of the November 29, 2016 Town Meeting, which transferred the custody of the property located at 3 Bacon Street (former Town Hall) to the Board of Selectmen for the purpose of conveyance subject to a historic preservation restriction, to transfer the custody of said property to the Selectmen for general municipal purposes, including, without limitation, for the purpose of demolishing the building thereon, and/or for the purpose of conveyance, and to authorize the Board of Selectmen to convey said property upon such terms and conditions as the Selectmen may determine, and further to authorize the Board of Selectmen to execute any and all documents and take any and all action as may be necessary or convenient to effectuate the foregoing purposes.

18 Yes Votes
15 No Votes

ARTICLE 37. Voted to authorize the Board of Selectmen to enter into a Tax Agreement 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 project, 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 agreement.

Entity	Location	Size	Term	Rate
TES Rowtier Solar 23, LLC	Fitchburg Road	4.00 MW	20 yrs.	\$7,000/MW with 2% escalator
TES Overlook Road LLC	Overlook Road	5.9 MW	20 yrs.	\$7,000/MW with 2% escalator

Town meeting adjourned at 5:06 p.m.

Respectfully submitted,



Ellen M. Sheehan, CMMC
Westminster Town Clerk