

VOTE TAKEN AT SPECIAL TOWN MEETING HELD NOVEMBER 19, 2019

Before Town Meeting was called to order, Wayne Walker, Chairman of the Board of Selectmen, once again thanked Karen Murphy, retiring Town Administrator, for her 19 years of service to the Town of Westminster. He then introduced Mark Hawke, our new incoming Town Administrator.

The meeting was officially called to order by Town Moderator John Bowen at 7:34 p.m. with 101 people in attendance. The Constable's Return of the Warrant was read by Town Clerk Ellen Sheehan. Two Tellers were sworn in: Betsy Haley-Cormier and Cindie Hastings-Brutvan. Doneen Durling, Gardner News Reporter, informed our Moderator that she would be recording tonight's special town meeting.

The following non-residents were given permission to address the town meeting when appropriate: Town Administrator Karen Murphy, Town Counsel, Brian Riley, Cemetery Superintendent Alan Mayo, and Town Planner Stephen Wallace.

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 Special Town Meeting.

ARTICLE 1. Voted to transfer \$23,131.68 from Sewer Enterprise Retained Earnings to pay the following unpaid bills of the Sewer Department from fiscal year 2019:

KP Law, P.C.	\$589.00
City of Fitchburg	\$22,542.68

(9/10 vote required)
UNANIMOUS

ARTICLE 2. Voted to amend the vote on Article 5 of the May 4, 2019 Annual Town Meeting (department operating budgets) for the fiscal year beginning July 1, 2019, as follows:

- Transfer \$8,000 from Dept. 910—Other Employee Benefits to Dept. 129—Town Administrator Salaries
- Transfer \$30,000 from Dept. 945—Other Insurance to Dept. 132—Reserve Fund (*for Fire truck repairs*)
- Transfer \$4,715 from Dept. 945--Other Insurance to Dept. 152 - Personnel Administration Expenses (*for Time & Attendance software*)
- Transfer \$1,772 from Dept. 910—Other Employee Benefits to Dept. 172—Town Planner Personnel Salaries (*Town Planner merit increase not included in budget in May*)
- Transfer \$24,823 from Dept. 910—Other Employee Benefits to Dept. 220—Fire Department Salaries (*contractual increases; contract settled after May Town Meeting*)
- Transfer \$50 from Dept. 910—Other Employee Benefits to Dept. 699—Town Clock

UNANIMOUS

ARTICLE 3. Voted to transfer \$8,000 from free cash for the purchase of a new swing set at the Crocker Pond Recreational Area.

UNANIMOUS

ARTICLE 4. **Voted to Passover** the transfer of \$1,500 from free cash to complete an insulation project at the Forbush Memorial Library; said sum to be spent under the direction of the Energy Advisory Committee.

UNANIMOUS

ARTICLE 5. Voted to transfer \$26,400 from free cash to increase the amount appropriated under Article 24 of the May 6, 2017 Annual Town Meeting to replace the AC condenser units at the Town Hall.

UNANIMOUS

ARTICLE 6. Voted to accept as a gift a c. 1840 (estimated) Chickering quarter grand piano (serial #2159), donated by Peter and Gwen Frohn for use in the Forbush Library.

UNANIMOUS

ARTICLE 7. Voted to accept as a gift four (4) pairs of antique brass curtain tiebacks from the Coolidge family for use in the Forbush Library.

UNANIMOUS

ARTICLE 8. Voted to accept as gifts two framed oil portraits of Phineas Reed and wife Sally P.B.S. Reed painted by Robert Peckham, a red-beaded cape belonging to Sally Reed, and a small framed photo of Reed descendants dated April 14, 1897, all donated by Susan C. Hoople.

UNANIMOUS

ARTICLE 9. Voted to transfer the care, custody and control of the parcel described below from the board having custody thereof for the purposes for which it is currently held to the Board of Selectmen for the purpose of conveyance, and to authorize the Board of Selectmen to convey all or a portion of the Town-owned parcel of land located at the intersection of Minott Road and Ellis Road and identified on Assessors' Map 128, Parcel 24 on such terms and conditions and for such consideration as the Board deems appropriate.

(2/3 vote required)

UNANIMOUS

ARTICLE 10. Voted to transfer from the tax custodian for the purpose of sale at public auction to the Board of Selectmen for general municipal purposes and/or for the purpose of conveyance, the property located at 21 Harrington Road (Assessors Map 159, Parcel 4) and acquired by the

town by Judgment in Tax Foreclosure Case recorded with the Worcester Northern District Registry of Deeds in Book 9353, Page 147, and to authorize the Board of Selectmen to convey said property on such terms and conditions and for such consideration as the Board of Selectmen deem appropriate.

(2/3 vote required)

UNANIMOUS

ARTICLE 11. Voted to authorize the Board of Selectmen to acquire, by purchase, gift and/or eminent domain, the fee to and/or permanent and/or temporary easements, for the construction, alteration, installation, maintenance, improvement, repair, replacement and/or relocation of rights of way, bridges, sidewalks, drainage, utilities, driveways, slopes, grading, landscaping, and other appurtenances and/or facilities, to enable the Town to undertake the Whitmanville Road and Bridge Project, and for any and all uses and purposes incidental or related thereto, in, on and under parcels of land located on or near Whitmanville Road and approximately shown on plans entitled "Plan of Land Showing Permanent and Temporary Easements in the Town of Westminster, MA Worcester County," dated October 4, 2019, prepared by Chappell Engineering Associates, on file with the Town Clerk, as said plans may be amended, and land within 200 feet of said parcels, and, further, to authorize the Board of Selectmen to enter into all agreements and take any and all actions as may be necessary or appropriate to effectuate the foregoing purposes.

UNANIMOUS

ARTICLE 12. Voted to accept as a public way the roadway known as Rock Maple Lane, as heretofore laid out by the Public Works Commission and shown on a plan of land entitled: "Rock Maple Lane Acceptance Plan of Land in Westminster, MA, Prepared for The Woods of Westminster Golf Course", dated August 30, 2019, prepared by Whitman & Bingham Associates LLC, Registered Professional Engineers & Land Surveyors, 510 Mechanic Street, Leominster, Massachusetts 01453, 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 way for all purposes for which public ways are used in the town of Westminster.

UNANIMOUS

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

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

ARTICLE 15. Voted to **pass over** this article. (Demolition Delay Bylaw as follows :)

Demolition Delay (List Based)

Section 1. Intent and Purpose

The purpose of this bylaw is to protect historical structures within the Town that reflect or constitute distinctive features of the architectural, cultural, economic, political or social history of Westminster.

The intent of this bylaw is not to permanently prevent demolition, but rather to provide an opportunity to develop preservation solutions and to provide owners with time to consider alternatives to preserve, rehabilitate, or restore such structures.

To achieve these purposes, the Westminster Historical Commission (WHC) is authorized to prepare and update on an ongoing basis, a List of Historic Structures within the Town and work together with the Building Commissioner to implement the provisions of the bylaw with respect to the issuance of permits for demolition of structures that are included on the List of Historic Structures.

Upon passage of the Demolition Delay Bylaw, owners who question the inclusion of their structures on the List of Historic Structures will have 60 days to request a review by the WHC. The 60 day request for review will also apply to any future additions to the List of Historic Structures.

Section 2. Definitions

Building Commissioner

The Building Commissioner of the Town of Westminster, or other person authorized by state law or local bylaw to issue demolition permits in Westminster.

Commission

"WHC" – the Westminster Historical Commission

Demolition

Any act of pulling down, destroying, removing, dismantling or razing a building or substantial part thereof, or commencing the work of total or substantial destruction with the intent of completion of the same. Substantial part is defined as one half of the volume or half the value of the building or structure or greater as determined by the Building Commissioner or the assessor. For purposes of this section, the term "demolition" shall not include the ordinary maintenance or repair of any building or structure, interior renovations, removal, or demolition of any ancillary portion of a structure, including, but not limited to porches and windows.

Demolition Delay Period

The 12 month delay period begins when the Building Commissioner receives the application for a demolition.

Demolition Permit

Any permit issued by the Building Commissioner which authorizes the demolition of a building as defined herein, excluding a building permit issued solely for the demolition of the interior of a building.

Demolition Permit Application

An official application form provided by the Building Commissioner for an application for a Demolition Permit.

Historic Structure

A historically significant structure that is included on the WHC List of Historic Structures due to the manner in which it reflects distinctive features of age, rarity, integrity, style and historical association.

Section 3. Commission to Establish a List of Historic Structures

The WHC will provide a List of Historic Structures to the Building Commissioner. The list will be posted on the Town's website. Owners will be notified of any additions to the list and the appeal process.

Section 4. Procedure

4.1 When the Building Commissioner receives a demolition permit application for a structure, s/he will determine if the structure is listed on the List of Historic Structures.

- A. If the structure is listed, the 12 month delay will begin when the Building Commissioner receives the demolition permit application. The Building Commissioner shall, within fifteen (15) business days, inform the WHC in writing and email and will forward a copy of the application to the WHC.
- B. If the structure is not listed, the Building Commissioner shall follow established Building Department demolition permit application procedures.

4.2 The WHC shall within fifteen (15) business days after receipt from the Building Commissioner of the application, reconfirm whether or not the structure is or is not historically or architecturally significant. If the structure is significant, the applicant may appeal to the WHC for a demolition delay waiver and submit a demolition plan. (Emergency and Hardship requests are excluded from this process. See Sections 5 and 6 on page 4).

- A. The applicant for the demolition permit may submit to the WHC a demolition plan which shall include the following information: (i) a lot plan showing the location of the building or structure to be demolished on the property and with reference to neighboring properties; (ii) a brief description of the type of building or structure and the reason for the proposed demolition with supporting data; (iii) and may include a brief description of the proposed reuse of the premises upon which the building or structure is located.
- B. The WHC shall hold a public hearing within 30 days from receipt of the demolition plan. At the close of this hearing a vote of the majority the WHC members shall determine whether to issue a waiver. Within 15 days from the date of the public hearing the WHC shall file a written report of its decision with the Building Commissioner, which shall include the following: (i) a description of the age, architectural style, historical associations and importance of the building or other structure to be demolished; (ii) a determination as to whether the building or structure should be preserved and remain subject to the demolition delay.

Upon a determination by the WHC that any building or structure which is the subject of an application for demolition is a significant building or structure which should be preserved, the WHC shall advise the applicant and the Building Commissioner that the 12 Month Delay period

remains in force, and no demolition permit shall be issued until 12 Months after the date of the original application to the Building Commissioner.

4.3 During the twelve (12) month delay period, the applicant, the WHC and any other interested parties are encouraged to seek alternatives to the proposed demolition.

4.4 Within the 12 month period, the Building Commissioner may issue a demolition permit for a historic structure after receipt of written opinion from the WHC that either:

- A. The historic structure is determined not to warrant preservation, or
- B. The WHC is satisfied that there is no reasonable likelihood that either the owner or some other person or group is willing to purchase, preserve, rehabilitate, or restore such structure.

Section 5. Emergency Demolition

Nothing in this bylaw shall restrict the Building Commissioner from immediately ordering the demolition of a historic structure in the event of an imminent danger to the safety of the public.

Section 6. Waiver for Hardship

The applicant may request that the WHC waive the demolition delay based on grounds that keeping this historic structure for another twelve (12) months will create an undue economic hardship. This request must include evidence to support the applicant's case.

Section 7. Enforcement and Remedies

If a historic structure subject to this bylaw is demolished without first obtaining a demolition permit, no building permit shall be issued for a period of two (2) years from the date of the demolition on the subject parcel of land or any adjoining parcels of land under common ownership and control.

Section 8. Severability

In case any section, paragraph or part of this bylaw is for any reason declared invalid or unconstitutional by any court, every other section, paragraph and part shall continue in full force and effect.

UNANIMOUS

MOTION TO AMEND ARTICLE 16: Voted to take out the words whole or part in Chapter 205.39, Section B, in the first sentence as follows:

205.39 – Village Center District Regulations

B. Applicability and Severability

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.

ARTICLE 16. Voted to amend the Westminster 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

ARTICLE 17. Voted to amend the Westminster Zoning Bylaws Section 205 Attachment 2 (Land Space Requirements) to establish a minimum lot size and frontage requirement for the Village Center, as follows:

205 Attachment 2

Town of Westminster Land Space Requirements Chapter 205, Zoning

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%

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

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)

ARTICLE 19. 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
Ellis Road Solar, LLC	Ellis Road	6.46 MW	20 yrs.	\$7,000/MW with 2% escalator

UNANIMOUS

ARTICLE 20. Voted to transfer \$2,500,000 from free cash to the General Stabilization Fund.

UNANIMOUS

ARTICLE 21. Voted to transfer \$200,000 from free cash to the Information Technology and Telecommunications Stabilization Fund.

UNANIMOUS

ARTICLE 22. Voted to transfer \$300,000 from free cash to the Capital Equipment and Improvements Stabilization Fund.

UNANIMOUS

ARTICLE 23. Voted to transfer \$300,000 from free cash to the Building Maintenance and Repairs Stabilization Fund.

UNANIMOUS

ARTICLE 24. Voted to transfer \$100,000 from free cash to the Other Post-Employment Benefits (OPEB) Stabilization Fund.

UNANIMOUS

ARTICLE 25. Voted to transfer \$200,000 from free cash to the Road Maintenance Stabilization Fund.

UNANIMOUS

Town Meeting adjourned at 8:32 p.m.

Respectfully submitted,



Ellen M. Sheehan
Westminster Town Clerk