



# ***Town of Westminster***

## **ZONING BYLAWS APPROVED AT SPECIAL TOWN MEETING NOVEMBER 16, 2021**

**Changes approved by Attorney General on April 14, 2022**

**Ellen M. Sheehan, CMMC  
Westminster Town Clerk**

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


Ellen M. Sheehan, CMMC  
Town Hall, 11 South Street  
Westminister, MA 01473  
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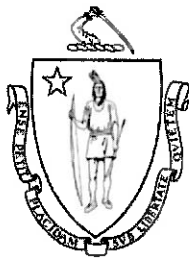
May 6, 2022

On the date written above, I have posted copies of the Zoning Bylaw Amendments passed at the Special Town Meeting on November 16, 2021 and approved by the Attorney General of Massachusetts on April 14, 2022 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

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April 14, 2022

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

**Re: Westminster Special Town Meeting of November 16, 2021 -- Case # 10442  
Warrant Articles # 4 and 5 (Zoning)**

Dear Ms. Sheehan:

**Articles 4 and 5** - We approve Articles 4 and 5 from the November 16, 2021 Westminster Special Town Meeting.<sup>1</sup>

**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

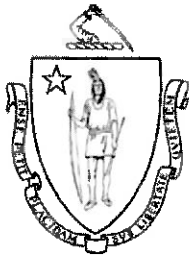
*Nicole B. Caprioli*

By: Nicole B. Caprioli  
Assistant Attorney General  
Municipal Law Unit  
10 Mechanic Street, Suite 301  
Worcester, MA 01608

cc: Town Counsel Brian W. Riley

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<sup>1</sup> On March 7, 2022, we elected to proceed under the defect waiver provisions of Chapter 299 of the Acts of 2000 for Articles 4 and 5. In a certification received April 11, 2022, the Town Clerk affirmed that the notice was posted and published in accordance with the provisions of Chapter 299, and that no claims were filed with the Office of the Town Clerk within 21 days of publication. For this reason, the Attorney General is authorized by Chapter 299 to waive (and does so waive) the defects.



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March 7, 2022

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

**Re: Westminster Special Town Meeting of November 16, 2021 -- Case # 10442  
Warrant Articles # 4 and 5 (Zoning)**

Dear Ms. Sheehan:

**Articles 4 and 5** - Because of a procedural defect in the adoption of Articles 4 and 5, the Attorney General has elected to proceed under the authority conferred by G.L. c. 40, § 32, as amended by Chapter 299 of the Acts of 2000, and place these Articles on "hold."

In the materials submitted to us the Town certified the following information pursuant to G.L. c. 40, § 32 and c. 40A, § 5: the Planning Board hearing notice was first published on September 29, 2021 for a hearing to take place on October 12, 2021. Therefore, the notice was published thirteen days prior to the Planning Board hearing, not at least fourteen days prior to the Planning Board hearing, as required by G.L. c. 40A, § 5. Apart from this defect the notice appears to satisfy the requirements of the statute.

Therefore, the 90-day period prescribed for the Attorney General's review of Articles 4 and 5 is suspended in accordance with G.L. c. 40, § 32.

A signed copy of Form 299 is enclosed. Once the procedures outlined in Form 299 are completed, and after the expiration of the 21-day period required by Chapter 299 of the Acts of 2000, please return a copy of Form 299 to us along with your certification that a true copy has been posted and published as required by Chapter 299. Please feel free to contact this Office with any questions about this procedure.

**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 W. Riley



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**VOTE TAKEN AT THE SPECIAL TOWN MEETING, NOVEMBER 16, 2021**

*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 5.** Voted to amend the Westminister Zoning Bylaw (Chapter 205 of the Code of the Town of Westminister, Massachusetts) to revise the Applicability section of the bylaw (Section 205-40.1) for large-scale solar photovoltaic installations as follows:

**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), *industrial zoning districts (I-1 & I-II)* 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-1 & I-II)~~ or in the village center zoning district (VC).

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

A True Copy, Attest:

Ellen M. Sheehan, CMMC  
Westminister Town Clerk



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**ARTICLE 4.** Voted to amend the Westminister Zoning Bylaw (Chapter 205 of the Code of the Town of Westminister, Massachusetts) and the rest of the Town Code to change all references to the "Board of Selectmen" or "Selectmen" wherever they appear to "Select Board".

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

A True Copy, Attest:



Ellen M. Sheehan, CMMC  
Westminister Town Clerk