

COMMONWEALTH OF MASSACHUSETTS
WORCESTER, SS

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TOWN OF WESTBOROUGH

TO ANY CONSTABLE IN THE TOWN OF WESTBOROUGH, IN THE COUNTY OF
WORCESTER, GREETINGS:

In the name of the Commonwealth of Massachusetts, you are directed to notify and warn the inhabitants of the Town of Westborough, qualified to vote in elections and town affairs, to meet in various precincts in Westborough on Tuesday, the 8th day of March, 2022 at 8:00 A.M. for the following purposes:

ARTICLE 1: Annual Town Election (Select Board)

To bring in their votes for:

- Two (2) Select Board Members (3 years)
- Two (2) School Committee members (3 years)
- One (1) Planning Board member (5 years)
- Three (3) Trustees of Public Library (3 years)
- One (1) Westborough Housing Authority (2 Year Partial Term)
- One (1) Trustees of Soldiers' Memorials – Veteran (3 Year Term)
- One (1) Trustees of Soldiers' Memorials – Non-Veteran (3 Year Term)
- One (1) Trustees of Soldiers' Memorials – Veteran (2 Year Partial Term)
- One (1) Trustees of Soldiers' Memorials – Non-Veteran (2 Year Partial Term)
- One (1) Trustees of Soldiers' Memorials – Veteran (1 Year Partial Term)

Polls will be open from 8 A.M. to 8 P.M. in the following places:

Precincts 1 – 6 Westborough High School, 90 West Main Street

And to act on the following articles at the adjourned session of said meeting on March 19, 2022, at 9:00 A.M. in the Westborough High School at 90 West Main Street.

The Article Information statements printed in italics are not part of the formal articles of the warrant. They constitute additional information offered for the benefit of the voters, true and correct as of the time of posting of the warrant, but subject to change as called for. They are not to be construed so as to broaden or limit the scope of the formal articles.

ARTICLE 2: Town Reports (Advisory Finance Committee)

To see if the Town will vote to hear the reports of the several town officers and committees, and to dissolve any committees established by Town Meeting that have fulfilled their mission, or take any other action thereon.

The motion for this article requires a simple majority vote.

ARTICLE 3: Prior Years Bills (Select Board)

To see if the Town will vote to transfer from Free Cash the sum of Five Hundred Fifty-Five Dollars and Seventy-Eight Cents (\$555.78) for the purpose of paying an outstanding balance in the Town Clerk Department in FY2021, and transfer from Country Club Retained Earnings the sum of Three Hundred Eighty Five Dollars (\$385) for the purpose of paying an outstanding balance in the Recreation Department FY2021, or take any other action thereon.

Article Information – The Town Clerk has an outstanding bill from December 2020 for dog tags. Payment of this bill requires a Town Meeting vote because it was billed in FY 2021. The Recreation Department has a bill from June 2021 for the pump service on the irrigation system. The motion for this article requires a four-fifths vote.

ARTICLE 4: Fiscal Year 2023 Operating Budgets (Advisory Finance Committee)

To see what sums the Town will vote to raise and appropriate or transfer from available funds for the support of the several offices, departments, boards and commissions of the Town of Westborough for Fiscal Year 2023 beginning July 1, 2022, and ending June 30, 2023, or take any other action thereon.

Article Information – The Town budgets, including all expenses, are estimated to increase/decrease. The motion for this article requires a simple majority vote.

ARTICLE 5: Regularly Recurring Articles (Town Manager)

To see what action the Town may take on the following items, **A** through **E**, which may be voted as a block, or singly, or in any combination, but, however voted, will be treated for accounting purposes as if each item were voted as a separate article:

A. Reserve Funds (Advisory Finance Committee) To see if the Town will vote to transfer the sum of Two Hundred Fifty Thousand Dollars (\$250,000) or such other amount as the Town Meeting may approve, from Free Cash for the Finance Committee General Reserve Fund, transfer Twenty Thousand Dollars (\$20,000) or such other amount as the Town Meeting may approve, from Country Club Retained Earnings for the Country Club Reserve Fund, transfer Fifty Thousand Dollars (\$50,000) or such other amount as the Town Meeting may approve, from Water Retained Earnings for the Water Enterprise Reserve Fund, transfer Fifty Thousand Dollars (\$50,000) or such other amount as the Town Meeting may approve, from Sewer Retained Earnings for the Sewer Enterprise Reserve Fund, or such other amounts as the Town Meeting may approve, in accordance with Section 6 of Chapter 40 of the Massachusetts General Laws, or take any other action thereon.

Article Information – These accounts provide funding for unforeseen expenses during the year through various reserve funds. The motion for this article requires a simple majority vote.

B. Re-Stocking Sandra Pond (Sandra Pond Wardens/Recreation Department) To see if the Town will vote to transfer from Free Cash the sum of Four Thousand Dollars (\$4,000), or such other amount as the Town Meeting may approve, to re-stock Sandra Pond, or take any other action thereon.

Article Information – This article funds the fish re-stocking at Sandra Pond as the Town has done in the past. The motion for this article requires a simple majority vote.

C: Request and Approve a Cable TV Budget (Finance Director)

To see if the Town will vote to appropriate and transfer from the Cable TV Enterprise Fund the sum of Two Hundred Fifty Thousand Dollars (\$250,000) for the purpose of funding the FY2023 Cable TV budget, or take any other action thereon.

Article Information – This will allow the Town to fund Westborough TV's Fiscal Year 2023 Cable TV budget without impacting the tax payer. The motion for this article requires a simple majority vote.

D: July 4th Block Party (Recreation)

To see if the Town will vote to transfer from Free Cash the sum of Two Thousand Five Hundred Dollars (\$2,500), or such other amount as the Town Meeting may approve, for the annual July 4th celebration to be expended by the Westborough July 4th Committee under the direction of the Select Board, or take any other action thereon.

Article Information – This article pays part of the cost for the annual July 4th celebration. The motion for this article requires a simple majority vote.

E. Healthcare Reimbursement Account (Town Manager)

To see if the Town will vote to raise and appropriate the sum of Twenty Four Thousand Five Hundred Twenty Nine Dollars (\$24,529), or such other amount as the Town Meeting may approve, to fund the Healthcare Reimbursement Account as agreed with the Town's Collective Bargaining Units, or take any other action thereon.

Article Information – This article funds the Town's Healthcare Reimbursement Account by setting aside an estimated amount to allow the Town to meet its obligation to the Collective Bargaining Units in exchange for various health insurance plan design changes. The Town funds the amount that was estimated to be used during the current fiscal year to replenish the fund. The motion for this article is a simple majority vote.

ARTICLE 6: Advisory Finance Committee Reserve Fund Transfer (Advisory Finance Committee)

To see if the Town will vote to transfer from Free Cash the sum of Eighty Five Thousand Two Hundred Ninety-Seven Dollars (\$85,297) to the FY2022 Advisory Finance Committee Reserve Fund for the purpose of replenishing the Reserve Fund, or take any other action thereon.

Article Information – This article seeks to replenish the monies allocated from the AFC Reserve Fund in FY2022. The motion for this article requires a simple majority vote.

ARTICLE 7: Hazardous Waste Day (Board of Health)

To see if the Town will vote to raise and appropriate the sum of Thirty One Thousand One Hundred Fourteen Dollars (\$31,114), or such other amount as the Town Meeting may approve, for the annual Hazardous Waste Day, or take any other action thereon.

Article Information – This article would fund the annual Hazardous Waste Day. This item was removed from the budget in FY2021 due to budget reductions related to COVID-19. This event was not restored in the FY2022 or FY2023 budgets. The motion for this article requires a simple majority vote.

ARTICLE 8: Bowman Bridge Replacement (Conservation Director)

To see if the Town will vote to transfer from Free Cash the sum of Fourteen Thousand Dollars (\$14,000), or such other amount as Town Meeting may approve, for the purpose of purchasing, building, and installing a replacement bridge at the Bowman Conservation area.

Article Information – The current bridge over the tributary to the Reservoir (Sandra Pond) is over 40 years old, has no railings, and is falling into the stream. The current condition is unsafe for the public, and is not compliant with the Americans with Disabilities Act (ADA). The Conservation Department will be buying a bridge kit made out of treated white pine, with railings. The new bridge's design and installation will meet the ADA standards. The motion for this article is a simple majority vote.

ARTICLE 9: Capital Improvement Plan (Town Manager/Capital Expenditure Planning Committee)

To see what action the Town may take on the following items, A through N which may be voted as a block, or singly, or in any combination, but however voted, will be treated for accounting purposes as if each item were voted as a separate article:

A. Vehicle Replacement (Building Department)

To see if the Town will vote to transfer from Overlay Surplus the sum of Forty Two Thousand Dollars (\$42,000), or such other amount as Town Meeting may approve, for the purpose of purchasing a vehicle for the Building Department, including all costs incidental and related thereto, or take any other action thereon.

Article Information - This request seeks to fund the replacement of a vehicle used by Building Department Inspectional staff who are regularly required to conduct off-site inspections and perform field work. Purchasing an all- or four-wheel drive vehicles is important because department staff use them during inclement weather and access to many job sites requires that the vehicle be driven on unpaved surfaces and/or rough terrain. The vehicle being replaced (originally handed down from the Police Department) has exceeded its expected useful life and does not meet present-day fuel efficiency standards adopted by the Town. Replacement of the vehicle is necessary to maintain departmental operations and is expected to result in better fuel economy and lower repair costs. The motion for this article requires a simple majority vote.

B. 4-Wheel Drive SUV Replacement (Fire Department)

To see if the Town will vote to transfer from Overlay Surplus the sum of Seventy Five Thousand Dollars (\$75,000), or such other amount as Town Meeting may approve, for the purpose of purchasing and equipping a vehicle for the Fire Department, including all costs incidental and related thereto, or take any other action thereon.

Article Information – This request seeks to replace a 2012 Ford Expedition utilized by the Bureau of Fire Prevention to perform inspections and by line personnel to respond to emergency incidents. The replacement is expected to be a four-wheel drive SUV equipped with radios, emergency lights, and appropriate storage/shelving situated in the rear. The motion for this article requires a simple majority vote.

C. Engine 3 Replacement (Fire Department)

To see if the Town will vote to transfer from Overlay Surplus the sum of Seven Hundred Ninety Thousand Dollars (\$790,000), or such other amount as Town Meeting may approve, for the purpose of purchasing and equipping an Engine for the Fire Department, including all costs incidental and related thereto, or take any other action thereon.

Article Information – This request seeks to replace Engine 3, a 2005 EOne Typhoon Pumper truck. The apparatus has reached the end of its expected useful life and increasingly requires significant and expensive repair and maintenance work (approximately \$20,000 was invested in this apparatus in 2018). Engine 3 was a front line pumper for 11 years and has since been rotated back to be the second pumper responsible for water supply. The motion for this article requires a simple majority vote.

D. Server Room Cooling Equipment Replacement (Information Technology)

To see if the Town will vote to transfer from Overlay Surplus the sum of Thirty Three Thousand Dollars (\$33,000), or such other amount as Town Meeting may approve, for the purpose of purchasing server room cooling equipment, including all costs incidental and related thereto, or take any other action thereon.

Article Information - This request seeks to replace server room cooling equipment at the DPW and upgrade server room cooling equipment at the Fire Station. During recent repairs on the DPW's split system it was noted the 15 year old unit is no longer supported and replacement parts aren't readily available. The Dispatch Center at the Fire Department now has thermal loads that have exceeded the capacity of the original system because of changes in technology and equipment. An additional larger unit would provide the needed capacity while the older system would provide redundancy in case of failure. The motion for this article requires a simple majority vote.

E. Purchase of Three Cruisers (Police Department)

To see if the Town will vote to transfer from Overlay Surplus the sum of One Hundred Eighty Five Thousand Dollars (\$185,000), or such other amount as Town Meeting may approve, for the purpose of purchasing three cruisers and associated equipment, including all costs incidental and related thereto, or take any other action thereon.

Article Information – The request seeks to replace three (3) police vehicles. Police vehicles are often used 24 hours a day and 7 days a week. In order to properly manage the fleet and enhance officer safety, a regular replacement schedule is needed to ensure the fleet does not become unreliable, potentially unsafe or require excessive maintenance expenditures. The department will, when possible, purchase hybrid vehicles. Although hybrid models are more expensive to purchase, Ford estimates the hybrid vehicle will save 1,276 gallons of fuel per year resulting in an estimated \$3,509 in fuel savings and avoid 22,560 lbs. of CO2 emissions per year. The motion for this article requires a simple majority vote.

F. Municipal Parking Lot Paving (DPW)

To see if the Town will vote to transfer from Overlay Surplus the sum of Sixty Five Thousand Dollars (\$65,000), or such other amount as Town Meeting may approve, for the purpose of

repairing municipal parking lots, including all costs incidental and related thereto, or take any other action thereon.

Article Information - This request seeks to re-surface two municipal parking lots in the downtown, including the lot adjacent to Town Hall and the municipal lot located off of South and Cottage Streets. The two parking lots share common drives with abutting properties. The owners of the abutting properties are interested in paving their portions of the lots. It is efficient to complete all paving at the same time. The motion for this article requires a simple majority vote.

G. Multi-Purpose Mower/Plow Replacement (DPW)

To see if the Town will vote to transfer from Free Cash the sum of Two Hundred Thousand Dollars (\$200,000), or such other amount as Town Meeting may approve, for the purpose of purchasing and equipping a multipurpose mower/plow, including all costs incidental and related thereto, or take any other action thereon.

Article Information - This request seeks to replace a 2008 sidewalk snow plow with a multi-purpose mower/plow. The purchased vehicle will enable year-round use to support winter and summer maintenance operations. The motion for this article requires a simple majority vote.

H. Water/Sewer Truck Replacement (DPW)

To see if the Town will vote to transfer from Sewer Retained Earnings the sum of One Hundred Twelve Thousand Five Hundred Dollars (\$112,500), transfer from Water Retained Earnings the sum of One Hundred Twelve Thousand Five Hundred Dollars (\$112,500), or such other amount as Town Meeting may approve, for the purpose of purchasing and equipping a water/sewer vehicle, including all costs incidental and related thereto, or take any other action thereon.

Article Information - This request seeks to replace a 2007 International truck used to support water and sewer division operations with a similar model vehicle. The motion for this article requires a simple majority vote.

I. Street Sweeper Replacement (DPW)

To see if the Town will vote to transfer from Overlay Surplus the sum of Two Hundred Twenty Thousand Five Hundred Dollars (\$220,500), transfer from Sewer Retained Earnings the sum of Twelve Thousand Two Hundred Fifty Dollars (\$12,250), transfer from Water Retained Earnings the sum of Twelve Thousand Two Hundred Fifty Dollars (\$12,250), or such other amount as Town Meeting may approve, for the purpose of purchasing and equipping a street sweeper, including all costs incidental and related thereto, or take any other action thereon.

Article Information - This request seeks to replace a 2002 Sweeper with a similar model. This piece of equipment supports daily and seasonal roadway maintenance operations along with clean-up operations after emergency repairs. The motion for this article requires a simple majority vote.

J. Six Wheel Dump Truck (DPW)

To see if the Town will vote to transfer from Free Cash the sum of One Hundred Thousand Dollars (\$100,000) and further transfer from Sewer Retained Earnings the sum of Ninety

Thousand Dollars (\$90,000), transfer from Water Retained Earnings the sum of Ninety Thousand Dollars (\$90,000), or such other amount as Town Meeting may approve, for the purpose of purchasing and equipping a six wheel dump truck, including all costs incidental and related thereto, or take any other action thereon.

Article Information - This request seeks to replace a 1999 six-wheel dump truck and a 1988 catch basin cleaner with a single multi-use vehicle that will support roadway repairs, snow operations, the treating of roads and catch basin cleaning. The motion for this article requires a simple majority vote.

K. Greens Mower Replacement (Recreation)

To see if the Town will vote to transfer from Country Club Retained Earnings the sum of Forty Nine Thousand Dollars (\$49,000), or such other amount as Town Meeting may approve, for the purpose of purchasing a greens mower, including all costs incidental and related thereto, or take any other action thereon.

Article Information – This request seeks to replace the Golf Club's existing Toro Greensmaster 3150, a triplex greens mower used for mowing greens, tees, collars, approaches, fairways and other fine turf areas. The golf course's current greens mower is 12 years old, with 3,620 engine hours and, at replacement it will be 13 years old and is expected to have over 4,000 engine hours. Specialized mowers such as this are essential to maintaining the Town's nine-hole golf course. The right mowing practices minimize risks to the turf posed by weather and disease while still providing golfers with the playing conditions they have come to expect in Westborough. The motion for this article requires a simple majority vote.

L. Armstrong Freezer Replacement (School Department)

To see if the Town will vote to transfer from Overlay Surplus the sum of Forty Thousand Dollars (\$40,000), or such other amount as Town Meeting may approve, for the purpose of replacing a freezer, including all costs incidental and related thereto, or take any other action thereon.

Article Information - The School Department seeks to replace the Armstrong School's walk-in freezer and cooler. Wear and tear over the years has taken its toll and removing and replacing will avoid a potential larger problem in the event the walk-in freezer and cooler fails during the school year. The motion for this article requires a simple majority vote.

M. Armstrong Playground Replacement (School Department)

To see if the Town will vote to transfer from Free Cash the sum of Three Hundred Fifty Thousand Dollars (\$350,000), or such other amount as Town Meeting may approve, for the purpose of replacing a playground at the Armstrong Elementary School, including all costs incidental and related thereto, or take any other action thereon.

Article Information - The School Department seeks to upgrade and replace playground equipment and perform site grading at Armstrong Elementary School. The motion for this article requires a simple majority vote.

N. High School Rooftop Chiller Replacement (School Department)

To see if the Town will vote to raise and appropriate, borrow, or transfer from available funds, the sum of One Million Five Hundred Thousand Dollars (\$1,500,000), or such other amount as Town Meeting may approve, for the design, construction, installation, upgrading, and/or replacement of the high school rooftop chillers and all associated work, and costs incidental or related thereto, and to authorize the Town Treasurer, with the approval of the Select Board, to borrow said sum under M.G.L. Chapter 44, Section 7 or any other enabling authority and to issue bonds or notes of the Town therefor, and further to authorize the Select Board and appropriate Town officers to enter into all agreements and execute any and all instruments and to take all related actions necessary or appropriate to effect the foregoing, or take any other action thereon.

Article Information - The School Department seeks to replace two rooftop chiller units at the High School. The units are older and beginning to exhibit signs that will eventually lead to failure. This project is being considered for the Town's American Rescue Plan Act (ARPA) funding but the article has been put forward in order to complete the project if the ARPA funding is not awarded. The motion for this article requires a 2/3 vote.

ARTICLE 10: Hastings School HVAC System (School Department)

To see if the Town will vote to appropriate the sum of One Million Eight Hundred Thirty-Five Thousand Three Hundred Twenty-Seven Dollars (\$1,835,327), or any other sum as Town Meeting may approve, for the design, construction, installation, upgrading, and/or replacement of the Hastings School HVAC system and all associated work, and costs incidental or related thereto, and to meet such appropriation, to see if the Town will vote to (i) reallocate surplus funds from the Armstrong Modular Project, Article 20 of the 2018 Annual Town Meeting, in the amount of One Hundred Forty-Five Thousand Nine Hundred Twenty-Four Dollars (\$145,924), which project is complete and for which no liability remains, (ii) reallocate surplus funds from the Hastings School Pre-K Article to Authorize Construction of Pre-K School Addition, Article 5 of the 2017 Special Town Meeting, in the amount of Three Hundred Sixty Thousand One Hundred Forty-Five Dollars (\$360,145), which project is complete and for which no liability remains, and (iii) borrow or transfer from available funds the amount of One Million Three Hundred Twenty Nine Thousand Two Hundred Fifty Eight Dollars (\$1,329,258), or such other amount as the Town Meeting may approve, and to authorize the Town Treasurer, with the approval of the Select Board, to borrow said sum under M.G.L. Chapter 44, Section 7 or any other enabling authority and to issue bonds or notes of the Town therefor, and further to authorize the Select Board and appropriate Town officers to enter into all agreements, execute any and all instruments and take all actions necessary or appropriate to effect the foregoing; or take any other action thereon.

Article Information - Town Meeting previously approved funding to upgrade/replace the HVAC systems at Hastings. However, there is a gap in the funding available for the project and the estimated cost. This article will cover the gap in funding estimates and allow for the completion of proper upgraded air ventilation systems at the Hastings School. The Engineer, GGD, has submitted preliminary engineering costs of \$3,843,377 for the HVAC work. This estimate exceeds the available funds approved at previous town meetings for a total available of \$2,144,000. The school committee is proposing the use of monies previously borrowed for other projects that must be reallocated to a new project. This project is being considered for the Town's American Rescue Plan Act (ARPA) funding but the article has been put forward in order to complete the project if the ARPA funding is not awarded. The motion for this article requires a 2/3 vote.

ARTICLE 11: Senior Needs Assessment (Select Board)

To see if the Town will vote to transfer from Free Cash the sum of Fifty Thousand Dollars (\$50,000), or such other amount as Town Meeting may approve, for the purpose of completing an assessment of the needs of senior citizens in the community, including all costs incidental and related thereto, or take any other action thereon.

Article Information – One initiative of the Strategic Plan was to complete a senior needs assessment. This assessment would become a planning document for the Town to address the needs of senior citizens in Westborough. The motion for this article requires a simple majority vote.

ARTICLE 12: Master Plan Implementation (Planning Board)

To see if the Town will vote to transfer from Free Cash the sum of Sixteen Thousand Dollars (\$16,000), or such other amount as Town Meeting may approve, for the purpose of implementation of the Master Plan, including all costs incidental and related thereto, or take any other action thereon.

Article Information – This request seeks to fund the implementation of the Town's Master Plan. The Master Plan was updated in 2021 and the Planning Board intends to hire a consultant to help with implementation and prioritization. The plan was intended to be a five year planning document for the community. The motion for this article requires a simple majority vote.

ARTICLE 13: Local Rapid Recovery Planning (LRRP) Phase 1 Projects (Community Development)

To see what action the Town may take on the following items, A through B, which may be voted as a block, or singly, or in any combination, but however voted, will be treated for accounting purposes as if each item was voted as a separate article:

A. Shop Local Marketing Campaign for Local Businesses

To see if the Town will vote to transfer from the Economic Development Revolving Account or from other available funds the sum of Four Thousand Five Hundred Dollars (\$4,500), or such other amount as Town Meeting may approve, for the purpose of funding a program to incentivize customers to visit our retail storefronts and shop local, including all costs incidental and related thereto, or take any other action thereon.

Article Information: This project was recommended by the Local Rapid Recovery Planning (LRRP) effort, a technical assistance program offered by the Massachusetts Department of Housing and Community Development (DHCD). The LRRP produced 10 projects to address the negative effects that the COVID-19 pandemic continues to have on our local economy, with particular emphasis on the downtown area. This request will fund a "Buy Local, Westborough" campaign that will incentivize more on-site customer foot traffic to our local businesses. The program will offer customers who make a purchase at ten or more participating businesses (within a specific timeframe) a chance at a \$150.00 gift certificate to the participating business of their choice. This project was assigned first phase priority. The project is being considered for the Town's American Rescue Plan Act (ARPA) funding but the article has been put forward in order to complete the project if the ARPA funding is not awarded. The motion for this article requires a simple majority vote.

B. Minority and Women Owned Business Outreach and Support

To see if the Town will vote to transfer from the Economic Development Revolving Account or from other available funds the sum of Thirty Thousand Dollars (\$30,000), or such other amount as Town Meeting may approve, for the purpose completing an assessment of the needs and opportunities for support of women and minority-owned small businesses, including all costs incidental and related thereto, or take any other action thereon.

Article Information: This project was recommended by the Local Rapid Recovery Planning (LRRP) effort, a technical assistance program offered by the Massachusetts Department of Housing and Community Development (DHCD). The LRRP produced 10 projects to address the negative effects that the COVID-19 pandemic continues to have on our local economy, with particular emphasis on the downtown area. The final deliverable of this project will be a plan to better support women and minority owned businesses in our community. This plan will assess Westborough's current capabilities and effectiveness in reaching and supporting women and minority-owned small businesses. The plan will provide guidance on addressing identified barriers and will include vision and objectives for outreach and support, a baseline assessment, internal analysis, recommendations for engagement and support and roles and responsibilities. The baseline assessment and internal analysis will entail an in-depth comparison of existing Town resources and the barriers preventing business owners from accessing them. The information for this analysis will be obtained through surveys, interviews, discussions, and other data collection tools as needed. This project was assigned first phase priority. The project is being considered for the Town's American Rescue Plan Act (ARPA) funding but the article has been put forward in order to complete the project if the ARPA funding is not awarded. The motion for this article requires a simple majority vote.

ARTICLE 14: Town Water System Improvements (DPW)

To see if the Town will vote to raise and appropriate, borrow or transfer from available funds, the sum of Eight Hundred Ten Thousand Dollars (\$810,000), or such other amount as the Town Meeting may approve, for the design, construction, installation, upgrading, and/or replacement of water infrastructure and all associated work, and costs incidental or related thereto, and to authorize the Town Treasurer, with the approval of the Select Board, to borrow said sum under M.G.L. Chapter 44, Section 7 or any other enabling authority and to issue bonds or notes of the Town therefor, and further to authorize the Select Board and appropriate Town officers to enter into all agreements, execute any and all instruments, and take all actions necessary or appropriate to effectuate the foregoing, or take any other action thereon.

Article Information - This project involves the construction of two pre-cast concrete buildings, one at the Fay Mountain water tank and one at the Ruggles water tank that will each house a chlorine booster system in order to address periodic low chlorine residuals in the water system. Reduced chlorine residuals may leave the water system vulnerable to bacterial contamination and enable biofilm growth. The low chlorine residual is currently being addressed through a temporary system. However, the Massachusetts Department of Environmental Protection (DEP) requires a permanent solution to manage the feed of the chemical into the water system. The DEP noted the temporary system as a deficiency during its most recent Sanitary Survey. This project is being considered for the Town's

American Rescue Plan (ARPA) funding but the article has been put forward in order to complete the project if the ARPA funding is not awarded. The motion for this article requires a 2/3 vote.

ARTICLE 15: Town Water Infrastructure Improvements (DPW)

To see if the Town will vote to raise and appropriate, borrow or transfer from available funds the sum of One Million Four Hundred Eighty Two Thousand Dollars (\$1,482,000), or such other amount as the Town Meeting may approve, for the design, construction, installation, upgrading, and/or replacement of water infrastructure and all associated work, and costs incidental or related thereto, and to authorize the Town Treasurer, with the approval of the Select Board, to borrow said sum under M.G.L. Chapter 44, Section 7 or any other enabling authority and to issue bonds or notes of the Town therefor, and, further, to authorize the Select Board and appropriate Town officers to enter into all agreements, execute any and all instruments, and take all actions necessary or appropriate to effectuate the foregoing, or take any other action thereon.

Article Information - The potassium hydroxide (KOH) storage systems at the Morse and Hopkinton well sites lack chemical containment should a spill occur and manipulation of individual 500 pound storage drums poses a safety risk to staff. This project will provide proper KOH storage and chemical feed systems at both sites. Lower cost temporary chemical containment systems that were introduced have proven impractical, including making the handling and movement of storage drums more difficult, and have not satisfied Massachusetts Department of Environmental Protection (DEP) requirements for a permanent solution. This project is being considered for the Town's American Rescue Plan (ARPA) funding but the article has been put forward in order to complete the project if the ARPA funding is not awarded. The motion for this article requires a 2/3 vote.

ARTICLE 16: Town Water Main Design and Construction (DPW)

To see if the Town will vote to transfer from Water Retained Earnings the sum of Two Hundred Fifty Thousand Dollars (\$250,000) or such other amount as the Town Meeting may approve, for design, extension, repair, replacement, lining, cleaning, upgrade and installation of various water mains and associated work, including all incidental and related costs.

Article Information - This project involves the completion of engineering design work to structurally line or replace segments of the water main along and under Route 9 as well as the preparation of all bid documents. The project is identified as a necessary water system improvement in the town's Water System Update (2020) and is listed on the water infrastructure capital improvement plan. This project is being considered for the Town's American Rescue Plan (ARPA) funding but the article has been put forward in order to complete the project if the ARPA funding is not awarded. The motion for this article requires a simple majority vote.

ARTICLE 17: Town Water Infrastructure Enhancements (DPW)

To see if the Town will vote to transfer from Water Retained Earnings the sum of Seventy Five Thousand Dollars (\$75,000) or such other amount as the Town Meeting may approve for repair, replacement, upgrade or installation of various water infrastructure and associated work, including all incidental and related costs.

Article Information – The Environmental Protection Agency (EPA) mandated a risk and resilience

assessment of all town water infrastructure be completed in 2021. The report provides several recommendations to improve physical security at water infrastructure sites throughout the town. Funds requested will enable the necessary improvements. The motion for this article requires a simple majority vote.

ARTICLE 18: Mitigation Stabilization Fund Transfer - Water and Sewer System Improvements (DPW)

To see if the Town will vote to transfer Fifteen Thousand Dollars (\$15,000) from the Mitigation Stabilization Fund, or such other amount as Town Meeting may approve, to assist the Town with water and sewer improvements, or take any other action thereon.

Article Information – The 4400 Computer Drive site plan conditions of approval included a contribution of funds from the project applicant to the Town in order to support the assessment of impacts on Town infrastructure as a result of the project. The requested funds will be allocated to the ongoing update of the Town's Comprehensive Wastewater Management Plan. The motion under this article requires a two-thirds vote.

ARTICLE 19: 231 Turnpike Road (Former Regal Cinema) (Select Board)

To see if the Town will vote to transfer from Free Cash the sum of Two Hundred Thousand Dollars (\$200,000), or such other amount as Town Meeting may approve, for the management and maintenance of the property at 231 Turnpike Road, including all costs incidental or related thereto, or take any other action thereon.

Article Information – This request seeks to appropriate money for the costs of the Town owning the property at 231 Turnpike Road. The Town was awarded ownership of this property by foreclosure on January 6, 2022. This money would cover costs associated with managing and maintaining this property, including, but not limited to, costs associated with the reciprocal management agreement, insurance and legal fees. The motion for this article requires a simple majority vote.

ARTICLE 20: 231 Turnpike Road (Former Regal Cinema) Transfer and Disposition (Select Board)

To see if the Town will vote to transfer the care, custody and control of the parcel of land with the improvements and personal property thereon located at 231 Turnpike Road, acquired by the Town by Foreclosure in a Tax Lien Case recorded with the Worcester South District Registry of Deeds, from the Tax Title Custodian for tax-title purposes to the Select Board for the purpose of conveyance, and, further, to authorize the Select Board to dispose of said parcel on such term and conditions as the Select Board deems appropriate, or take any other action thereon.

Article Information – The Town was awarded ownership of this property on January 6, 2022 through foreclosure. This article would transfer the property from the Tax Title Custodian to the Select Board for the purpose of disposition. The motion for this article requires a 2/3 vote.

ARTICLE 21: Westborough Affordable Housing Trust Funding (Affordable Housing Trust)

To see if the Town will vote to transfer funds in the amount of One Million Two Hundred Thousand Dollars (\$1,200,000) from the Stabilization Fund (Del Webb Chauncy Lake) to the Westborough Affordable Housing Trust, or take any other action thereon.

Article Information – The Westborough Affordable Housing Trust is working in partnership with the Westborough Housing Authority (WHA) to develop additional senior (62+) and accessible Affordable Housing units on the WHA's Rogers Road property. Our intent is to create at least 40 new units. The Massachusetts Housing Partnership (MHP) has provided a technical assistance grant that will provide an engineering and feasibility study that will guide the scope and design of the project. The Trust expects to support the project by assisting with pre-permit financing and development subsidies. The requested funds will provide the Trust with the necessary capital to support this project. Providing the funding at this time provides the Trust with the flexibility needed to move forward with the project in timely and efficient manner. The work of the Trust is subject to on-going oversight. Per Article 17 of our Town General By-Laws, the Select Board must approve any individual action of the Trust that commits more than 50% of the Trust's assets, and any action of the Trust if the Trust's cumulative spending and commitment exceed 80% of the Trust's assets. This transfer of funds has no impact on the tax levy. The motion under this article requires a 2/3 vote.

ARTICLE 22: Transfer of Property to the Westborough Affordable Housing Trust (Affordable Housing Trust)

To see if the Town will vote to transfer the care, custody and control of the parcel of land with the improvements and personal property thereon located at 3 Baylor Road, identified by the Assessor as Lot 0 on Map 34, Block 92, containing 0.201 acres, more or less, and acquired by the Town by Foreclosure in Tax Lien Case recorded with the Worcester South District Registry of Deeds in Book 66552, Page 337, from the tax custodian for tax title purposes to the Select Board for the purpose of conveyance, and, further, to authorize the Select Board to convey said parcel to the Westborough Affordable Housing Trust for affordable housing purposes in exchange for compensation in the amount of Forty Eight Thousand Dollars (\$48,000), or take any other action thereon.

Article Information – The Town has possession of the property, as noted, through a tax taking for unpaid property taxes. The Town has historically auctioned tax taken properties, which can provide the Town revenue greater than the amount of the tax lien. The Westborough Affordable Housing Trust is looking to acquire and renovate the property. The Trust intends to offer the property for sale as a family and/or disabled access Affordable Housing Unit, in perpetuity and in compliance with Department of Housing and Community Development (DHCD) regulations. The impact on Town services should be no different than if the home was auctioned, renovated, and sold as a market-rate property. While most towns forgo the revenue when transferring properties to affordable housing trusts, the Westborough Affordable Housing Trust will pay the Town an amount equal to the existing lien. Future property taxes will be based on the property's affordable housing value, as set by DHCD. The motion for this article requires a 2/3 vote.

ARTICLE 23: Community Preservation Article (Select Board)

To see if the Town will vote to accept Sections 3 to 7, inclusive, of Chapter 44B of the General Laws, otherwise known as the Massachusetts Community Preservation Act, by approving a surcharge on real property for the purposes permitted by said Act, including the acquisition, creation and preservation of open space, the acquisition, preservation, rehabilitation and restoration of historic resources, the acquisition, creation, preservation, rehabilitation and restoration of land for recreational use, the acquisition, creation, preservation and support of community housing, and the rehabilitation and restoration of such open space and community housing that is acquired or created as provided under said

Act; to determine the amount of such surcharge on real property as a percentage of the annual real estate tax levy against real property and the fiscal year in which such surcharge shall commence; to determine whether the Town will accept any of the exemptions from such surcharge permitted under Section 3(e) of said Act; or to take any other action relative thereto.

Article Information: Acceptance of this statute allows communities to raise funds for three dedicated categories – open space and recreation, historic preservation, and affordable housing (referred to as “community housing” in the legislation and the warrant article). Funds are raised locally through a surcharge of up to 3% calculated on the amount property owners pay in real estate taxes. This is partially matched with funds from the state’s Community Preservation Trust Fund. Funds are managed locally and Town Meeting must approve all expenditures, which must meet CPA criteria. Westborough’s CPA Exploratory Committee has recommended that Westborough adopt CPA with a 0.5% surcharge and three exemptions: a complete exemption for low-income property owners and low- and moderate-income senior (60+) property owners; an exemption of the first \$100,000 of valuation for residential property owners; and an exemption for the first \$100,000 of valuation for commercial and industrial property owners. If this question passes at Town Meeting, it will then be added to the November, 2022 ballot and, if approved, the surcharge will begin in FY2024. The motion for this article requires a simple majority vote.

ARTICLE 24: Wastewater Treatment Plant Intermunicipal Agreement Amendment (Wastewater Treatment Plant Board)

To see if the Town will vote to authorize the Select Board to enter into an amendment to a certain intermunicipal agreement entered into by the Town and the Town of Shrewsbury, dated September 11, 1979, entitled “Agreement for the Construction and Operation of the Westborough Treatment Plant”, to revise Article XII of the agreement as follows (deletions shown with ~~striketrough~~ and new text underlined):

Article XII – Amendment

These articles may be amended by the Towns by mutual agreement. Action to adopt an amendment shall be ~~in the same manner as action to place these articles in full force and effect.~~ in accordance with the provisions of Chapter 40, Section 4A of the General Laws.

or take any other action thereon.

Article Information –The motion for this article requires a simple majority vote.

ARTICLE 25: Hometown Hero Banner Program Revolving Account (Veterans Advisory Board)

To see if the Town will vote to authorize a Revolving Fund under Chapter 44 Section 53E ½ to provide for any amounts collected for the Hometown Hero Banner Program to be credited to a separate account to be expended without further appropriation by the board, committee or department head administering the Hometown Hero Banner program,

And further to amend Article 15 of the General Bylaws to add the following revolving fund in the table:

Revolving Fund	Purpose	Funds to be Deposited From	Authorized to Expend Funds	Maximum Expenditure
Hometown Hero Banner Program	Hometown Hero Banner Program	Hometown Hero Banner Program	Veterans Advisory Board	\$25,000

or take any other action thereon.

Article Information – This article seeks to create a Hometown Hero Banner Program Revolving Account. This account will collect revenues for the newly created Hometown Hero Banner program. The motion for this article requires a simple majority vote.

ARTICLE 26: Amend General Bylaws: Article 18 Community Development Department (Sustainable Westborough)

To see if the Town will vote to amend Article 18, Section 1, of the General Bylaws by adding the bold italicized text, as follows, or take any other action thereon:

Article 18 – Community Development Department

Section 1 Community Development Department and Community Development Director

There shall be a Community Development Department, to include the functions and departments of the Building, Economic Development, ***Sustainability***, and Conservation, to be headed by and under the supervision of a Community Development Director. The office of Community Development Director shall be filled by appointment of the Town Manager. The Community Development Director is responsible for overseeing and coordinating the Town's development activities in cooperation with the Town Planner and the Planning Board. The Community Development Director supervises the Building Commissioner, Conservation Director, and Economic Development Coordinator, or other such title as may be given to the heads of these departments, and may also perform the functions of a Building Commissioner, as set forth and pursuant to their respective job descriptions.

Article Information – This article seeks to clarify the scope of responsivity for the Community Development Department as the focal point for sustainability and climate projects, including activities discussed in the Climate Action Plan and the Master Plan. The motion for this article requires a simple majority vote.

ARTICLE 27: Amend Town Charter: Section 3-5 Planning Board: Composition, Term of Office, Powers and Duties (Select Board)

To see if the Town will vote to authorize the Select Board to petition the General Court for special legislation as set forth below to amend the Town Charter as follows:

To see if the Town will vote to amend Section 3-5 of the Westborough Town Charter by adding the bold italicized text and deleting the stricken text, as follows, or take any other action thereon:

(a) COMPOSITION, TERM OF OFFICE - There shall be a Planning Board consisting of 5 members elected by the voters for 5-year terms so arranged that the terms of office of as nearly an equal number of members as is possible shall expire each year.

(b) POWERS AND DUTIES - The Planning Board shall have all of the powers and duties a Planning Board has under the law. The board may also exercise additional powers and duties that may from time to time be assigned to the board by the Charter, Bylaw or vote of the Town Meeting.

(c) APPOINTMENTS - In accordance with its planning function, the Planning Board shall be the appointing authority for the Design Review Board. ~~The Planning Board~~ **Town Manager** shall appoint its ~~department head who shall be the Town Planner~~ **with the concurrence of the Planning Board**. ~~The Planning Board may, in writing, appoint other employees of the Planning Department or, with express written consent, delegate such an appointment to the Town Planner.~~

provided, however, that the General Court may make clerical or editorial changes of form only to the bill, unless the Select Board approves amendments to the bill before enactment by the General Court, and that the Select Board is authorized to approve amendments which shall be within the scope of the general public objectives of the petition, or take any other action relative thereto.

Article Information – This article seeks to change the appointing authority of the Town Planner from the Planning Board to the Town Manager with concurrence of the Planning Board. This article would authorize the Select Board to petition the legislature to make this change throughout the Town Charter. The motion for this article requires a simple majority vote.

ARTICLE 28: Amend Town Charter: Section 5-3 (C) Town-wide Management Team (Select Board)

To see if the Town will vote to authorize the Select Board to petition the General Court for special legislation as set forth below to amend the Town Charter as follows:

To see if the Town will vote to amend Section 5-3 (C) of the Westborough Town Charter by deleting the stricken text, as follows, or take any other action thereon:

The Town Manager shall be responsible for leading and directing the Town-Wide Management Team. The Team shall consist of the Town's key personnel and the heads of town departments. The Team shall specifically consist of the Chief of Police, the Fire Chief, the Director of the Department of Public Works the Town Counsel, and other department heads or officials that may be designated by the Town Manager from time to time.

Notwithstanding the manner of their appointment or who their respective appointing authority may be, the Chief of Police, the Fire Chief, the Director of the Department of Public Works, the Town Counsel and the other department heads, except for the Library Director, ~~and the Town Planner~~ shall report directly to the Town Manager, who shall be responsible for the day-to-day oversight, coordination and supervision of the administration and operation of each Town department other than the public library ~~or the Planning Board~~.

Each department head shall be responsible for the delivery of service and the manner and method of delivery within the department head's respective department to the residents of the Town.

provided, however, that the General Court may make clerical or editorial changes of form only to the bill, unless the Select Board approves amendments to the bill before enactment by the General Court, and that the Select Board is authorized to approve amendments which shall be within the scope of the general public objectives of the petition, or take any other action relative thereto.

Article Information – This article would change the reporting authority of the Town Planner and the administration and operation of the Planning Department to the Town Manager from the Planning Board. This article would authorize the Select Board to petition the legislature to make this change throughout the Town Charter. The motion for this article requires a simple majority vote.

ARTICLE 29: Amend General Bylaws: Article 18 Community Development Department and Community Development Director (Select Board)

To see if the Town will vote to amend Article 18, Section 1, of the General Bylaws by adding the bold italicized text and deleting the stricken text, as follows, or take any other action thereon:

There shall be a Community Development Department, to include the functions and departments of the Building, Economic Development, ***Planning***, and Conservation, to be headed by and under the supervision of a Community Development Director. The office of Community Development Director shall be filled by appointment of the Town Manager.

The Community Development Director is responsible for overseeing and coordinating the Town's development activities in cooperation with ~~the Town Planner and the Planning Board~~. The Community Development Director supervises the Building Commissioner, Conservation Director, ***Town Planner*** and Economic Development Coordinator, or other such title as may be given to the heads of these departments, and may also perform the functions of ~~a Building Commissioner~~ ***the heads of these departments***, as set forth and pursuant to their respective job descriptions.

Article Information – This article would incorporate the Planning Department into the Community Development Department with the Community Development Director having overseeing and coordinating the activities of the Planning Department with supervision over the Town Planner. This article further broadens the job description of the Community Development Director to allow that position to perform the functions of the head of any department that falls within the Community Development Department. The motion for this article requires a simple majority vote.

ARTICLE 30: Establish Dimensional Zoning Regulations for Building in M-1 District - Ruggles Water Tank Chlorine Booster. (Department of Public Works)

To see if the Town will vote to establish the dimensional regulations, as required under Article 2, District Regulations, Section 2600, Dimensional Schedule, Subsection 2630, Building in M-1 District (M-1), of the Westborough Zoning Bylaws for the Town-owned property located at 143 Ruggles Street, Ruggles Water Tank, further identified on the Westborough Assessor's Map 9, Parcel 131, for that portion of the property containing the existing site shown on a plan entitled "Ruggles Water Tank Site,

Dimensional Zoning Regulation”, sheet SK-R-1, dated January 2022 and on file with the Town Clerk. The purpose of establishing these regulations is to create a building and site work envelope to allow the construction of the Chlorine Booster Building and associated site elements within this envelope as shown on the plan noted above. The dimensional regulations for the buildings and structures shown on the plan noted above shall be as follows:

Minimum Front Yard = 0; Minimum Side Yard = 0; Minimum Rear Yard = 0; Maximum Structure Height = 35 feet.

Or take any other action thereon.

Article Information: The Town’s Zoning Bylaws require that Town Meeting set the dimensional regulations (such as setbacks, structure height, etc.) for Town projects on all Town-owned property zoned as M-1. This article seeks to establish zoning dimensional requirements for the work and structures associated with the installation of equipment to benefit the municipal water supply tanks at the existing Ruggles Street water tank location. The motion for this article requires a 2/3 vote.

ARTICLE 31: Establish Dimensional Zoning Regulation for Building in M-1 District - Fay Mountain Water Tank Chlorine Booster Building (Department of Public Works)

To see if the Town will vote to establish the dimensional regulations, as required under Article 2, District Regulations, Section 2600, Dimensional Schedule, Subsection 2630, Building in M-1 District (M-1), of the Westborough Zoning Bylaws for the Town-owned property located off Adams Street, Fay Mountain Water Tank, further identified on the Westborough Assessor’s Map 4, Parcel 20, for that portion of the property containing the existing site as shown on a plan entitled “Fay Mountain Water Tank Site, Dimensional Zoning Regulation”, sheet SK-FM-1, dated January 2022 and on file with the Town Clerk. The purpose of establishing these regulations is to create a building and site work envelope to allow the construction of the Chlorine Booster Building and associated site elements within this envelope as shown on the plan noted above. The dimensional regulations for the buildings and structures shown on the plan noted above shall be as follows:

Minimum Front Yard = 0; Minimum Side Yard = 0; Minimum Rear Yard = 0; Maximum Structure Height = 35 feet.

Or take any other action thereon.

Article Information: The Town’s Zoning Bylaws require that Town Meeting set the dimensional regulations (such as setbacks, structure height, etc.) for Town projects on all Town-owned property zoned as M-1. This article seeks to establish zoning dimensional requirements for the work and structures associated with the installation of equipment to benefit the municipal water supply tanks at the existing Fay Mountain water tank location. The motion for this article requires a 2/3 vote.

ARTICLE 32: Amend Zoning Bylaws (Planning Board)

To see if the Town will vote to amend its Zoning Bylaws, Article 2 District Regulations, Section 2300 Use Regulation Schedule for Open Uses in the M and M-1 Districts.

Section 2300 Use Regulation Schedule: Open Uses

OPEN USES	C	R	AA	AB	BA	G2	BB	IA	IB	IC	ID	M	M-1	AE	All Others	DPOD	MUD	
Farm: With pigs, animals raised for pelts: (2)	N	N	S	SP	SP	S	N	S	S	S	N	N	N	SP	N	N	N	
Nursery, greenhouses (commercial):	S	N	Y	Y	SP	Y	N	Y	Y	Y	N	N	N	SP	N	SP	N	
Recreational Camps	S	N	N	SP	SP	Y	N	S	S	S	Y	Y	SP	N	N	N	N	Amended 3/15/2014, Article 21
Cemetery:	N	Y	Y	Y	Y	Y	N	Y	Y	Y	N	N	Y	Y	Y	N	N	
Drive-in Theaters, Amusement Park or similar commercial outdoor recreation: (3)	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	
Outdoor recreation other than the above operated by a governmental agency:	S	Y	Y	Y	Y	Y	N	Y	Y	Y	N	N	Y	Y	Y	Y	Y	
Other: (4)																		
Sale of Christmas Trees:	S	Y	Y	Y	Y	Y	N	Y	Y	Y	N	N	Y	Y	Y	Y	Y	

Or take any other action thereon.

Article Information: The purpose of this amendment is to allow outdoor recreational uses and cemeteries in M (State, MDC and Municipal District) and M-1 (Town-owned Property) Districts.

ARTICLE 33: Amend Zoning Bylaws (Planning Board)

To see if the Town will amend its zoning bylaws, Article 4 Special Regulations, by creating a new Section 5900 Industrial E (IE) Overlay District as follows:

5900. INDUSTRIAL E (IE) OVERLAY

5910. PURPOSE. The Industrial E (IE) Overlay District encompasses properties on the west side of Town along Otis Street, Sassacus Drive, Valente Drive and Smith Valve Parkway as designated on the Town Zoning Map. This area is highlighted by a series of industrial and commercial uses encompassed by the General Industrial (IB) District. The purpose of the IE Overlay District is to allow increased land use intensity through increased dimensional standards more permissive than those provided by the underlying IB District.

5920. SCOPE AND AUTHORITY. The Industrial E (IE) Overlay District shall allow for optional increase in use through expanded dimensional standards subject to Site Plan Review, and does not replace, but rather supplements, the uses allowed in the underlying IB district. Projects in the Industrial E (IE) Overlay District shall undergo Site Plan Review in accordance with Section 1240 and shall be consistent with the intent of Sections 1100 and 5900.

5921. Consistent with Section 1240 of this bylaw, the Site Plan Review Authority may grant waivers from some or all of the dimensional, parking and sign requirements contained in this Bylaw and applicable to any property subject to this Overlay District upon a finding that: (i) such waivers will result in an improved project, (ii) such project will otherwise meet the performance and design standards set forth in this Bylaw (iii) such waivers will pose no substantial detriment to any adjacent property or proximate neighborhood, and (iv) such project will not nullify or substantially derogate from the intent or purposes of the Bylaw governing this Overlay District.

5930. ESTABLISHMENT OF DISTRICT. The Industrial E (IE) Overlay District includes all property within the Industrial E Overlay (IE) zoning district as an optional, alternate form of development where certain criteria specified within this Section 5900 can be satisfied.

5940. PERMITTED USES. Uses shall be permitted as indicated in Section 2300 Use Schedule under the column IE, in accordance with this Section 5900.

5950. RULES AND REGULATIONS. The Site Plan Review Authority may from time to time establish Rules and Regulations governing this section. The Site Plan Review Authority shall require a filing fee as a part of the Site Plan Review application, the amount of which shall be established by the Site Plan Review Authority.

5951. PUBLIC HEARING AND APPROVAL. The Site Plan Review Authority shall hold a public hearing on any proposal alleging compliance with Section 5950 in accordance with Section 1244 and in accordance with the requirements of Massachusetts General Laws Chapter 40A Section 9 and Section 11. In considering the grant of a Site Plan Review approval, the Site Plan Review Authority shall make a finding that the provisions of this Section 5900 are satisfied.

5952. FINDINGS. The Site Plan Review Authority, pursuant to Section 1200, shall specifically consider the following in determining whether the development will contribute to the orderly and harmonious development of the IE Overlay and underlying IB district.

5952.1 Project design maximizes the opportunities for walking and bicycling

5952.2 Project incorporates best practices in energy efficient design, environmental protection, stormwater management, and low impact development (LID) techniques, wherever practicable. Proposed new buildings shall be designed to be compliant with requirements of the LEED (Leadership in Energy and Environmental Design) Platinum Level Certification using the current LEED version for Building Design and Construction: Core and Shell checklist as defined by the United States Green Building Council.

5952.3 Existing mature vegetation is retained wherever possible. Provisions for winding of sidewalks and creative siting of structures shall be considered.

5952.4 Landscape materials used as buffers are native, non-invasive, hardy for New England weather conditions and disease resistant.

5952.5 A mix of trees, shrubs, and perennial or annual flower beds are integrated as appropriate to the proposed use of the site.

5952.6 Project provides for electric vehicle readiness for charging stations serving 5% of the total parking spaces for a proposed project.

5952.7 Project provides for photovoltaic energy generation or installation of on-site renewable energy generation, i.e. solar thermal, solar lot canopies, free standing and rooftop solar panels and battery

storage.

5952.8 If a property in this IE Overlay District is within 300 feet of a residential use any development of such IE parcels shall be required to screen its residential abutters from any light and sound coming from the parcel proposing the development in the IE District. Such screening shall be achieved by eliminating lighting on the side of the proposed development facing abutting residential use; and adding landscaping, fencing, or other visual or sound buffer.

5960. SITE PLAN REVIEW REQUIREMENTS.

5961. Application for any use in this District shall be governed by the Town Site Plan Review process in conformance with Section 1240 of these Bylaws.

5962. PARKING. Parking shall be provided in accordance with Section 3100 and bicycle parking shall be provided in close proximity to structures where determined by the Site Plan Review Authority. The Site Plan Review Authority shall have the authority to waive parking requirements to allow a lower or higher number of spaces as it deems appropriate to support the permitted use(s) and/or the opportunity for shared parking. Parking structures and surface parking lots shall be appropriately designed and landscaped to promote pedestrian flow within and between the various uses on the site and ways. Parking garages shall conform to the requirements of Section 3135.

5963. Building Height for purposes of this IE Overlay District shall mean the vertical distance from the mean elevation of the lowest occupied finished floor to the highest point of the roof or parapet. Occupied floor shall not include basements, structured parking, mechanical and storage rooms or other areas not used for human occupancy. Structures erected on a building and not used for human occupancy, such as, but not limited to, air and exhaust equipment, chimneys, heating-ventilating or air-conditioning equipment, solar or photovoltaic panels, elevator housings, antennas, skylights, cupolas, spires, mechanical and acoustical screening and the like (collectively, the "rooftop structures") may exceed the maximum height of a building in feet provided no part of the rooftop structures is more than thirty-five (35) feet higher than the maximum permitted height of the building and the total horizontal coverage of such rooftop structures on the building does not exceed seventy (70) percent.

And by amending Section 2300 Use Regulation Schedule by creating a new column for IE as shown,

RESIDENTIAL USES (1,8)	C	R	AA AB	BA	G2	BB	IA	IB	IC	ID	IE	M	M-1	AE	All Others	DPOD	MUD	
Single Family dwelling:	N	Y	Y	SP	Y	Y	N	N	Y	N	N	N	N	SP	Y	SP	N(7)	
Two-family dwelling:	N	S	Y	SP	SP	Y	N	N	Y	N	N	N	N	SP	S	SP	N(7)	
Conversion of existing structure to more than two-family dwelling:	N	N	S	SP	SP	S	N	N	SP	N	N	N	N	SP	N	SP	N(7)	
Boardinghouse:	N	S	S	SP	SP	S	N	S	SP	S	S	N	N	SP	S	SP	N	
Multi-family dwelling (See Section 4200):	N	N	Y	SP (5)	SP	N	N	N	N	N	N	N	N	N	N	SP	N(7)	Amended 5/13/2006, Article 30
Open Space Communities (See Section 4300):	N	SP	N	N	N	N	N	N	N	N	N	N	N	N	N	SP	N(7)	Amended 3/5/1990, Article 52A
Mobile Home:	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	
Campground, mobile home park:	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	
Mixed Use Residential/Commercial with Industrial Components (see Section 5000)	N	N	N	N	N	N	N	N	SP	N	N	N	N	N	N	N	N	Added 10/18/2004, Article 10
Senior Living Overlay (see Section 5300) (6)	N	SP	SP	N	SP	SP	SP	SP	N	N	N	N	N	N	SP	SP	SP	Added 5/15/2010, Article 31

OPEN USES	C	R	AA AB	BA	G2	BB	IA	IB	IC	ID	IE	M	M-1	AE	All Others	DPOD	MUD	
Farm: With pigs, animals raised for pelts: (2)	N	N	S	SP	SP	S	N	S	S	S	S	N	N	SP	N	N	N	
Nursery, greenhouses (commercial):	S	N	Y	Y	SP	Y	N	Y	Y	Y	Y	N	N	SP	N	SP	N	
Recreational Camps	S	N	N	SP	SP	Y	N	S	S	S	S	Y	Y	SP	N	N	N	Amended 3/15/2014, Article 21
Cemetery:	N	Y	Y	Y	Y	Y	N	Y	Y	Y	Y	N	N	Y	Y	N	N	
Drive-in Theaters, Amusement Park or similar commercial outdoor recreation: (3)	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	
Outdoor recreation other than the above operated by a governmental agency.	S	Y	Y	Y	Y	Y	N	Y	Y	Y	Y	N	N	Y	Y	Y	Y	
Other: (4)																		
Sale of Christmas Trees:	S	Y	Y	Y	Y	Y	N	Y	Y	Y	Y	N	N	Y	Y	Y	Y	

(1) Animal keeping may be subject to permit from the Board of Health.

(2) But no animals kept closer than 500 feet to any lot line.

(3) Temporary carnival sponsored by a non-profit organization permitted upon approval by the Board of Selectmen. (Added 3/2/1992, Article 23)

(4) As determined by the zoning enforcement officer.

(5) Multi-Family dwellings are allowed in the Highway Business (BA) District upon grant of a Special Permit by the Planning Board in accordance with Section 5200 (Added 5/13/2006, Article 30)

(6) In accordance with the requirements and restrictions of Section 5300

(7) These uses are prohibited except when proposed as part of a Senior Living Overlay Project in conformance with Section 5300

(8) Only one dwelling shall be allowed per residential lot unless otherwise specifically allowed in this bylaw

INSTITUTIONAL USES	C	R	AA AB	BA	G2	BB	IA	IB	IC	ID	IE	M	M-1	AE	All Others	DPOD	MUD	
Religious, sectarian, denominational or public educational uses, religious purposes:	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	
Other educational uses: (3)	S	N	N	Y	Y	S	N	S	S	S	S	Y	Y	Y	N	SP	SP	
Municipal use voted at Town Meeting (not more specifically cited in Section 2300):	S	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	SP	
Hospital, sanitarium, convalescent, nursing or rest home, congregate housing:	N	S	Y	SP	SP	Y	N	S	Y	S	S	Y	Y	SP	S	SP	SP	
Patriotic, fraternal or social clubs if not conducted for profit; other philanthropic institution or club:	N	N	S	Y	SP	S	N	S	S	S	S	Y	Y	SP	N	SP	SP	
COMMERCIAL USES	C	R	AA AB	BA	G2	BB	IA	IB	IC	ID	IE	M	M-1	AE	All Others	DPOD	MUD	
Motor vehicle service station (See Section 1300):	N	N	N	S (1)	N	S (1)	N	S (1)	S	S (1)	S (1)	N	N	S (1)	N	N	N	
Animal kennel or hospital as licensed under Chapter 140, Sec. 137a, General Laws:	N	N	S	SP	SP	Y	N	Y	N	Y	Y	N	N	SP	N	N	N	
Indoor Recreation:	N	N	N	Y	SP	Y	N	Y	SP	Y	Y	N	N	SP	N	SP	SP	
Banks, office space:	N	N	N	Y	SP (4)	Y	Y	Y	SP	Y	Y	N	N	SP	N	SP	SP	
Restaurants, Brew Pubs:	N	N	N	Y (2)	N	Y (2)	N	Y (2)	SP	Y (2)	Y (2)	N	N	SP	N	SP	SP	
Hotel, motel, motor court:	N	N	N	SP	SP	Y	N	Y	SP	Y	Y	N	N	SP	N	SP	SP	
Other retail sales & services:	N	N	N	Y	SP (5)	Y	N	Y	SP	Y	Y	N	N	SP	N	SP	N (6)	
Display and sale of natural products, a significant portion of which are raised by the proprietor in Westborough:	N	S	S	Y	Y	Y	Y	Y	SP	Y	Y	N	N	Y	S	SP	N	Amended 3/5/1990, Article 52F
Micro/Nano Brewery or Distillery:	N	N	N	SP	N	Y	N	Y	SP	Y	Y	N	N	SP	N	SP	SP	
Multiple Uses Allowed: All uses shall comply with the underlying zoning	N	N	N	Y	SP	Y	Y	Y	SP	Y	Y	N	N	SP	N	SP	SP	

(1) Special Permits to be issued by Selectmen rather than the Board of Appeals.

(2) Except "SP" where a restaurant involves any drive-up or walk-up window service.

(3) Shall not apply to land or structures for religious or educational purposes on land owned or leased by Commonwealth or any of its agencies, subdivisions or bodies, politic or by a religious sect or denomination or by a non-profit educational corporation.

(4) Small professional offices in residential style structure limited to a maximum of 4,000 square feet of gross floor area

(5) Limited to a maximum of 5,000 square feet of gross floor area

(6) Except as an accessory use to a permitted use, and then only by Special Permit

	C	R	AA AB	BA	G2	BB	IA	IB	IC	ID	IE	M	M-1	AE	All Others	DPOD	MUD	
INDUSTRIAL, UTILITY USES																		
Airport, heliport:	N	N	N	N	N	N	S	S	S	S	S	N	N	Y	N	N	N	
Public/Private utility with outside equipment or storage (2)																		
With outside equipment or storage:	N	N	N	Y	N	N	Y	Y	Y	Y	Y	N	N	Y	N	N	N	
With none of above:	S	S	S	Y	Y	Y	Y	Y	Y	Y	Y	N	N	Y	S	SP	SP	
Earth removal (See Sec. 4100): (1)	S	S	S	S	S	S	S	S	SP	S	S	N	N	S	S	SP	SP	
Research laboratory:	N	N	S	Y	N	Y	Y	Y	Y	Y	Y	N	N	Y	N	SP	SP	
Trucking terminal, bulk storage contractor's yard:	N	N	N	N	N	N	Y	Y	SP	Y	Y	N	N	N	N	N	N	
Manufacturing, Processing and Warehouse:	N	N	N	SP	N	N	Y	Y	Y	Y	Y	N	N	SP	N	N	N	
Adult Entertainment Uses	N	N	N	N	N	N	N	N	N	N	N	N	N	SP	N	N	N	Added 3/12/1996, Article 66
Brewery, Distillery	N	N	N	N	N	N	Y	Y	Y	Y	Y	N	N	N	N	N	N	
Multiple Uses Allowed: All uses shall comply with the underlying zoning	N	N	N	Y	Y	Y	Y	Y	Y	Y	Y	N	N	Y	N	SP	SP	
OTHER PRINCIPAL USES	C	R	AA AB	BA	G2	BB	IA	IB	IC	ID	IE	M	M-1	AE	All Others	DPOD	MUD	
Other use having externally observable attributes similar to one of above:																		as regulated above
All other uses:	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	
ACCESSORY USES	C	R	AA AB	BA	G2	BB	IA	IB	IC	ID	IE	M	M-1	AE	All Others	DPOD	MUD	
Home occupations (See Sec. 4410):	N	Y	Y	Y	S	Y	S	Y	Y	Y	Y	N	N	Y	Y	SP	N	
Customary uses & structures (See. 4400):																		Shall incur the same use regulations as the principal use listed in this Section
Agriculture, Horticulture or Floriculture.																		Insofar as it can be established that the primary purpose of the use of the land falls within the above-mentioned categories, the regulations herein shall not apply, if same is deemed unreasonable, nor shall such use require a Special Permit. Expansion or reconstruction of existing structures upon land primarily being used for agriculture, horticulture or floriculture, shall not be prohibited or unreasonably regulated except that all such activities may be limited to parcels of more than five (5) acres in areas not zoned for agriculture, horticulture, or floriculture. Land divided by a public or private way or a waterway shall be construed as one parcel.
Large-Scale Ground-Mounted Solar Photovoltaic Installations	N	N	N	N	N	N	Y	Y	Y	Y	Y	Y	Y	N	N	N	N	(Added 10/15/2012, Article 16)
Marijuana Establishment, Medical Marijuana Treatment and Dispensing Facilities & Marijuana Cultivation	N	N	N	N	N	N	N	N	N	N	N	N	N	SP(3)	N	N	N	(Added 3/16/2013, Article 16)

(1) Special Permits to be issued by Selectmen rather than the Board of Appeals.

(2) Except for Large Scale Ground-Mounted Solar Photovoltaic Installation as defined and in accordance with Section 5800

(3) Allowed by Special Permit issued by the Planning Board.

And by amending Section 2620 Non-Residential Buildings in Non-Residential Districts by creating a new column for IE as shown:

	<u>BA</u>	<u>BB</u>	<u>G2</u>	<u>IA, IB</u>	<u>ID (i)</u>	<u>IE (j)</u>	<u>DPOD(g)</u>	<u>MUD</u>
Minimum lot area (sf):	15,000	10,000	15,000	15,000	15,000	15,000	10,000	10,000
Minimum lot frontage (ft) (a):	125	100	125	125	125	125	100	100
Minimum front yard (ft) (a,b,c,e):	25	25	25	25	25	25	10	10
Minimum side yard (ft) (d):	25	0	25	25	25	25	0	0
Minimum rear yard (ft) (d):	25	0	25	25	25	25	0	0
Maximum building height (ft):	60	35	45	60	95	85	60	60
Maximum building stories:	4	2 1/2	2 1/2	4	6	5	4	4
Maximum lot coverage (%):	40	100	40	40	60	50	~(h)	~(h)
Minimum distance between edge of curb cut & nearest side lot line or corner (ft):	20	~	20	~	~	~	~(h)	~(h)
Minimum open space (%):	60	~	60	60	40	50	~(h)	~(h)
Max. square foot floor area	~	~	(i)	~	~	~	~	~(h)

And by amending Section 2620 Non-Residential Buildings in Non-Residential Districts, footnote (j) as shown:

(j) The Industrial D District (ID) **and Industrial E District (IE)** ~~is an~~ **are** overlay districts. The maximum dimensional schedule shall be allowed in accordance with Section 5400 and **Section 5900, respectively**, of this Zoning Bylaw. Otherwise, the underlying requirements of the Industrial B District (IB) are applicable.

And by amending the Zoning Map designation for those portions of the properties designated as Industrial B (IB) located at 50, 54, 60, 64, 55, 53, 49, 35, 27, 25, 9, Otis Street, and as further identified on the Westborough's Assessor's Maps as Parcels 26-34-0; 25-1-0; 25-3-0; 25-3A-0; 26-31-0; 26-57-0; 26-32A-0; 26-32-0; 26-59-0; 19-107-0; 26-53-0 respectively, to be included within the Industrial E Overlay (IE) District;

And by amending the Zoning Map designation for those portions of the properties designated as Industrial B (IB) located at 1-5 and 2 Sassacus Drive, and as further identified on the Westborough's Assessor's Maps as Parcels 26-32B-0; and 26-32C-0 respectively, to be included within the Industrial E Overlay (IE) District;

And by amending the Zoning Map designation for those portions of the property designated as Industrial B (IB) located at 10 Smith Valve Parkway, and as further identified on the Westborough's Assessor's Maps as Parcels 19-87-0 to be included within the Industrial E Overlay (IE) District;

And by amending the Zoning Map designation for those portions of the properties designated as

Industrial B (IB) located at 9 Valente Drive, and as further identified on the Westborough's Assessor's Maps as Parcel 25-23-0; and those portions of properties identified on the Westborough's Assessor's Maps as 25-16A-0 and 25-17-0 to be included within the Industrial E Overlay (IE) District;

Or take any action thereon.

Article Information: The Industrial E (IE) Overlay District encompasses properties on the west side of Town along Otis Street, Sassacus Drive, Valente Drive and Smith Valve Parkway as designated on the Town Zoning Map. This area is highlighted by a series of industrial and commercial uses encompassed by the General Industrial (IB) District. The purpose of the IE Overlay District is to allow increased land use intensity through increased dimensional standards more permissive than those provided by the underlying IB District while adding increased protections for residential uses in surrounding neighborhoods and by adding increased ground water recharge requirements.

ARTICLE 34: Amend Zoning Bylaws (Planning Board)

To see if the Town will amend its zoning bylaws Section 3340. OFF-PREMISES SIGNS, by adding the **bold** language

3340. OFF-PREMISES SIGNS. Billboards or signs, whose content does not relate exclusively to the premises on which they are located, or to products, accommodations, services or activities on those premises, shall not be permitted, **except as provided below.**

- a. Off-Premises Signage may be allowed by the Building Commissioner if the Off-Premises Signage serves to reduce traffic congestion, improve public safety or serves a similar public benefit;
- b. The Building Commissioner may also allow Off-Premises Signage to announce temporary events. The location and duration of the display of such Off-Premises Signage shall be determined by the Building Commissioner;

And by adding new Sections 3341 through 3347 as follows:

3341. OFF-PREMISES DIGITAL BILLBOARDS.

Purpose:

The purpose of this section is to make provision for Off-Premises Digital Billboards along interstate highways that pass within the Town of Westborough and further:

- 1. To responsibly address the changing technology of digital displays and the Town's desires to regulate this technology as applied in the use of off-premises signage.**
- 2. To allow new technologies in a designated area while working through a special permit process.**
- 3. To regulate the quality, scale, and impact of off-premises commercial billboards in designated receiving areas in order to maintain both a competitive business market and an aesthetically attractive residential community.**
- 4. To encourage the siting of commercial billboards and electronic/digital billboards in such locations that will not cause driver distraction but can provide public service announcements in emergency situations for the safety**

and welfare of the general public.

5. To preserve the residential character of the Town and protect the environmental, historic and open space resources of the community by designating defined locations that minimize potential adverse impacts to the Town.

3342. Applicability:

- a. Off-Premises Digital Billboard signs may be allowed on commercial or industrially zoned land, specifically including: Exclusive Industrial (IA); General Industrial (IB); Mixed Use Industrial (IC); Industrial D Overlay (ID) and Highway Business (BA) property. Any such site shall directly abut Interstate Route 90 (the Massachusetts Turnpike), or Interstate 495.
- b. Any installation of an Off-Premises Digital Billboard shall require a special permit from the Special Permit Granting Authority (SPGA) and an off-premises billboard development agreement with the Westborough Select Board. The Board of Appeals shall be the SPGA. All special permit applications shall be submitted in accordance with the administrative procedures specified under section 1240 of the Bylaw and outlined in MGL Chapter 40A.
- c. For the purposes of this Section 3340, an Off-Premises Digital Billboard shall mean an Off-Premises Sign utilizing digital message technology, capable of changing the static message or copy on the sign electronically. A Digital Billboard may be internally or externally illuminated. Digital Billboards shall contain static messages only, and shall not have animation, movement, or the appearance or optical illusion of movement, on any part of the sign structure. Each static message shall not include flashing or the varying of light intensity.
- d. Existing off-premises non-digital or non-electronic billboards in other districts wishing to convert to digital format shall comply with the requirements of Section 3340.

3343. Special Permit Criteria:

The SPGA shall not render a decision on an application for a special permit until it has made its findings. Said findings shall include but not be limited to the following:

1. Demonstrate that nuisance or hazard or congestion shall not be created.
2. Demonstrate that no residentially zoned property or pre-existing nonconforming property or other property used for residential purposes, excluding hotels or motels, is within a five hundred (500) foot radius of the proposed location.
For pre-existing Billboards along Route 9, the SPGA may waive requirements through the Special Permit process if they feel waiving the requirement does not cause undue nuisance and still meets the requirements of this Section of the Bylaw.
3. Demonstrate that the proposed location does not adversely interfere with the use of adjacent properties, including, but not limited to, increasing noise or

- vibration, casting a shadow on or causing a flicker on adjacent properties.
4. Demonstrate that the proposed billboard is in harmony with or suitable for the surrounding area and would not do significant damage to the visual environment. In making the determination, the special permit granting authority may consider, among other factors, health, safety, general welfare of the public, the scenic beauty of the area, the physical, environmental, cultural, historical or architectural characteristics of the location and area, proximity of the proposed billboard to schools, or places of worship or open space, architectural characteristics of the location area, the structure, height, and size of the sign, and the number of signs on the premises and in the area where the billboard is to be located.
 5. Proposed billboard signs shall not be permitted within 1250 feet of another permitted Off-Premises Digital Billboard sign on the same side of the traveled way regardless of which direction the sign is intended to face and shall not be permitted within 1250 feet of another permitted Off-Premises Digital Billboard sign on the opposite side of the traveled way regardless of which direction the sign is intended to face.
For pre-existing Billboards along Route 9, the SPGA may waive requirements through the Special Permit process if they feel waiving the requirement does not cause undue nuisance and still meets the requirements of this Section of the Bylaw.
 6. No flashing lighting shall be allowed.
 7. No sexually oriented, sexually provocative or adult-oriented businesses as defined in section 4800 of this Bylaw shall be advertised on a billboard.
 8. There shall be no advertising of marijuana related products as defined and regulated in section 5700 and 5800 of this Bylaw.
 9. The Westborough Select Board and the owner/operator of an Off-Premises Digital Billboard permitted under this Section shall mutually agree on a schedule pursuant to which the Digital Billboard may advertise the Town, Town-sponsored events, or other public service announcements ("Town Messaging"). The parties' mutual agreement regarding Town Messaging shall be memorialized in the Development Agreement or other agreement between the parties.
 10. In order to mitigate the impact of the proposed billboard on the Town, the applicant may be requested to provide mitigation to the Town, including but not limited to removal of existing nonconforming billboards, to mitigate the impact of the proposed billboard on the Town, in a form identified in an agreement approved by the Westborough Select Board.
 11. Any special permit issued under this Section shall be conditioned upon continued good standing in conformance with Section 3345 below.
3344. **Digital Billboard Requirements.** Digital Billboards are permitted subject to the following:
1. **Operational Limitations.** Digital Billboard displays shall contain static

messages only, and shall not have movement, or the appearance or optical illusion of movement during the static display period, of any part of the sign structure. Each static message shall not include flashing lighting or the varying of light intensity.

2. Owners of Digital Billboard sign faces have the sole option to remove the digital units from the outdoor advertising structure at any time, for any reason. During all periods where there are no digital units on the sign structure, the sign owner shall be permitted to operate the sign faces as traditional non-digital, printed type.
3. The owner/operator of a Digital Billboard sign(s) from time to time, may operate the sign face(s) as digital or printed/non-digital, at their sole discretion.
4. Minimum display time. Each message on the sign must be displayed for a minimum of (10) ten seconds.
5. Digital Billboards shall not operate at brightness levels of more than 0.3 (zero point three) foot candles above ambient light, as measured using a foot candle meter at a pre-set distance.
6. Pre-set distances to measure the foot candles impact vary with the expected viewing distances of each size sign. Measurement distance criteria:

Nominal Face Size	Distance to be measured from:
12' x 25'	150'
10'6" x 36'	200'
14' x 48'	250'

7. Each display must have a light sensing device that will adjust the brightness as ambient light conditions change.
8. The technology currently being deployed for Digital Billboards is LED (light emitting diode), but there may be alternate, preferred and superior technology available in the future. Any other technology that operates under the maximum brightness stated in #s 5 & 6 above shall not require a bylaw change for approval, unless the Town of Westborough finds it in the best interest of the public to do so.
9. The maximum face size of each Digital Billboard sign face shall not exceed 680 (six hundred and eighty) square feet, including framing or trim.
10. The maximum height of any off-site digital billboard shall not exceed seventy-five (75) feet as measured from the elevation of the roadway upon which it is intended to face, to the top of the sign.
11. Owners of Digital Billboards shall coordinate with law enforcement, emergency management authorities and/or the Westborough Select Board to display, when appropriate, regional emergency information important to the traveling public including, but not limited to Amber Alerts, emergency management information or public service announcements.
12. The Digital Billboard will be permitted if in compliance with other applicable

local, state and federal regulations.

13. The presence of other forms of signage as regulated elsewhere in this bylaw shall not preclude off-premises billboards that are in compliance with this bylaw.

3345. Off-Premises Billboard Development Agreement with the Westborough Select Board:

Off-Premises Billboard signs shall be permitted if the Select Board determines the Billboard sign serves to provide a public benefit to the Town of Westborough.

1. In addition to the provision of Town Messaging as defined and described in Section 3343(9), the owner/operator of an Off-Premises Digital Billboard shall utilize the Off-Premises Digital Billboard for emergency public safety announcements including, but not limited to those associated with law enforcement, emergency management authorities and provide for the Westborough Select Board to display, when appropriate, regional emergency information important to the traveling public including, but not limited to Amber Alerts, emergency management information or public service announcements.
2. The Select Board shall determine any terms in the interest of the Town associated with the billboard's operation.
3. Such terms shall be memorialized in the Development Agreement.

- 3346. Following the approval of the required special permit from the SPGA and completion of the Off-Premises Billboard Development Agreement with the Westborough Select Board and following the approval and issuance of a permit in accordance with 700 CMR 3.00, the Building Commissioner shall, after review of application, issue a building permit for the Off-Premises Digital Billboard sign.**

3347. Severability:

The invalidity of any section or provision of this article shall not invalidate any other section or provision hereof.

Or take any action thereon.

Article Information - The purpose of this section is to make provision for Off-Premises Digital Billboards along interstate highways that pass within the Town of Westborough and to responsibly address the changing technology of digital displays. The Town desires to regulate this technology as applied in the use of off-premises signage. The motion for this article requires a 2/3 vote.

ARTICLE 35: Petitioned Warrant Article – Indigenous Peoples’ Day (By Petition)

To see if the Town will vote to from this day forward, recognize and refer to the second Monday in October as Indigenous Peoples’ Day or take any other action thereon.

Article Information: The article is a non-binding resolution regarding the second Monday in October. It does not alter or change Columbus Day in any way, nor does it take the Columbus Day Holiday away as a state or national holiday. Additionally, it does not require any action by the Town but may be considered as the town updates documents that reference the 2nd Monday in October holiday. The motion for this article requires a simple majority vote.

ARTICLE 36: Petitioned Warrant Article – Elected Positions (By Petition)

To see if the Town will vote to: consider making any elected positions for for the Town that have no compensation or benefit whatsoever be considered voluntary positions for the purpose of community service. This community service should be credited toward tax (property) abatement

Article Information: The motion for this article requires a simple majority vote.

ARTICLE 37: Petitioned Warrant Article – Amend General Bylaws Article 33 – Plastic Bag Reduction (By Petition)

To see if the Town will vote to

Article 33 – PLASTIC BAG REDUCTION

This bylaw shall be known as the Plastic Bag Reduction Bylaw.

SECTION 1 PURPOSE AND INTENT

The production and use of thin-film single-use plastic checkout bags have significant impacts on the environment, including, but not limited to contributing to the potential death of aquatic and land animals through ingestion and entanglement; contributing to pollution of the natural environment; creating a burden to solid waste collection and recycling facilities; clogging storm drainage systems; and requiring the use of millions of barrels of crude oil nationally for their manufacture. The purpose of this bylaw is to protect the Town’s unique natural beauty and its water and natural resources by eliminating single-use plastic checkout bags that are distributed in the Town of Westborough and to promote the use of reusable bags.

SECTION 2 DEFINITIONS

“Checkout bag” – means a carryout bag provided by a store to a customer at the point of sale. Checkout bags shall not include bags, whether plastic or not, in which loose produce or products are placed by the consumer to deliver such items to the point of sale or checkout area of the store.

“Grocery Store” – means a retail establishment where more than fifty percent (50%) of the gross floor area is devoted to the sale of food products for home preparation and consumption, which typically also offers home care and personal care products.

“Retail Store” – means any business facility that sells goods directly to the consumer whether for or not for profit, including, but not limited to, retail stores, restaurants, pharmacies, convenience and grocery stores, liquor stores, seasonal and temporary businesses.

“Reusable checkout bag” – means a bag with handles that is specifically designed and manufactured for multiple reuse and is ~~either polyester, polypropylene, cotton or other durable material, or durable plastic that is at least 4.0 Mils in thickness.~~ **100% post-consumer material or biodegradable.**

“Biodegradable” – toxin free and capable of being decomposed by bacteria or other living organisms.

“Thin-film single -use plastic bags” – are those bags typically with handles, constructed of high-density polyethylene (HDPE), low density polyethylene (LDPE), linear low density polyethylene (LLDPE), polyvinyl chloride (PVC), polyethylene terephthalate (PET), or polypropylene (other than woven and non -woven polypropylene fabric), if said film is less than 4.0 mils in thickness.

“Recyclable paper bag” – means a paper bag that is 100 percent recyclable and contains at least 40% post-consumer recycled content, and displays the words “recyclable” and “made from 40% post-consumer recycled content” in a visible manner on the outside of the bag.

SECTION 3 USE REGULATIONS

- (A) Thin-film single-use plastic bags shall not be distributed, used, or sold for checkout or other purposes at any retail store or grocery store within the Town of Westborough.
- (B) If a grocery or retail store provides or sells checkout bags to customers, the bags must be one of the following (1) recyclable paper bags, or (2) reusable checkout bags. ~~The grocery or retail store may charge for said bags.~~
- (C) Thin-film plastic bags used to contain dry cleaning, newspapers, produce, meat, bulk foods, wet items and other similar merchandise, typically without handles, are still permissible.
- (D) **All checkout bags offered at retail and grocery stores must have a charge of at least ten cents. No checkout bags, whether reusable or paper, are allowed to be given out for free.**

SECTION 4 EFFECTIVE DATE

This bylaw shall take effect six (6) months following Town Meeting approval of the bylaw. Upon application of the owner or the owner's representative, the Board of Selectmen or their designee may exempt a grocery retail store from the requirements of this section for a period of up to six (6) months upon a finding by the Board of Selectmen or their designee that (1) the requirements of this section

would cause undue hardship; or (2) a grocery or retail store requires additional time in order to draw down an existing inventory of checkout bags.

SECTION 5 ENFORCEMENT

Enforcement of this bylaw shall be the responsibility of the Board of Selectmen or their designee. The Board of Selectmen or their designee shall determine the monitoring process to be followed, which may be limited to responding to citizen reports, incorporating the process into other town duties as appropriate.

Any grocery or retail store distributing plastic checkout bags in violation of this bylaw shall be subject to a noncriminal disposition fine as specified in Article 31 of the General Bylaws, Noncriminal Disposition of Certain Violations of Bylaws and Rules and Regulations. Any such fines shall be paid to the Town of Westborough. No licenses shall be renewed for any establishment with outstanding violations under this section.

SECTION 6 SEVERABILITY If any provision of this bylaw is declared invalid or unenforceable the other provisions shall not be affected thereby.

Or take any other action thereon.

Article Information: The motion for this article requires a simple majority vote.

ARTICLE 38: Petitioned Warrant Article – Amend General Bylaws Article 33 – Plastic Reduction (By Petition)

To see if the Town will vote to

ARTICLE 33 – PLASTIC BAG REDUCTION

This bylaw shall be known as the Plastic Bag Reduction Bylaw.

SECTION 1 PURPOSE AND INTENT

The production and use of ~~thin-film~~ single-use plastics ~~checkout bags~~ have significant impacts on the environment, including, but not limited to contributing to the potential death of aquatic and land animals through ingestion and entanglement; contributing to pollution of the natural environment; creating a burden to solid waste collection and recycling facilities; clogging storm drainage systems; and requiring the use of millions of barrels of crude oil nationally for their manufacture. The purpose of this bylaw is to protect the Town's unique natural beauty and its water and natural resources by eliminating single-use plastics ~~checkout bags~~ that are distributed in the Town of Westborough and to promote the use of reusable bags.

SECTION 2 DEFINITIONS

“Checkout bag” – means a carryout bag provided by a store to a customer at the point of sale. Checkout bags shall not include bags, whether plastic or not, in which loose produce or products are placed by the consumer to deliver such items to the point of sale or checkout area of the store.

“Grocery Store” – means a retail establishment where more than fifty percent (50%) of the gross floor area is devoted to the sale of food products for home preparation and consumption, which typically also offers home care and personal care products.

“Retail Store” – means any business facility that sells goods directly to the consumer whether for or not for profit, including, but not limited to, retail stores, ~~restaurants~~, pharmacies, convenience and grocery stores, liquor stores, seasonal and temporary businesses.

“Restaurant” – an entity that prepares and sells food directly to consumers for immediate consumption, as defined by Food and Drugs Administration¹.

“Biodegradable” – toxin free and capable of being decomposed by bacteria or other living organisms.

“Reusable checkout bag” – means a bag with handles that is specifically designed and manufactured for multiple reuse and is either polyester, polypropylene, cotton or other durable material, or durable plastic that is at least 4.0 Mils in thickness.

“Thin-film single -use plastic bags” – are those bags typically with handles, constructed of high-density polyethylene (HDPE), low density polyethylene (LDPE), linear low density polyethylene (LLDPE), polyvinyl chloride (PVC), polyethylene terephthalate (PET), or polypropylene (other than woven and non -woven polypropylene fabric), if said film is less than 4.0 mils in thickness.

“Recyclable paper bag” – means a paper bag that is 100 percent recyclable and contains at least 40% post-consumer recycled content, and displays the words “recyclable” and “made from 40% post-consumer recycled content” in a visible manner on the outside of the bag.

SECTION 3 USE REGULATIONS

- (A) Thin-film single-use plastic bags shall not be distributed, used, or sold for checkout or other purposes at any retail store or grocery store within the Town of Westborough.
 - (B) If a grocery or retail store ***or restaurant*** provides or sells checkout bags to customers, the bags must be one of the following (1) recyclable paper bags, or (2) reusable checkout bags. The grocery or retail store may charge for said bags.
 - (C) Thin-film plastic bags used to contain dry cleaning, newspapers, produce, meat, bulk foods, wet items and other similar merchandise, typically without handles, are still permissible.
-

- (D) *Restaurants must use biodegradable material for dine-out services when such an alternative exists. Examples include, but are not limited to, takeout-container, utensils, sauce containers.,*

SECTION 4 EFFECTIVE DATE

This bylaw shall take effect six (6) months following Town Meeting approval of the bylaw. Upon application of the owner or the owner's representative, the Board of Selectmen or their designee may exempt a grocery retail store, *or restaurant* from the requirements of this section for a period of up to six (6) months upon a finding by the Board of Selectmen or their designee that (1) the requirements of this section would cause undue hardship; or (2) a grocery, *restaurant*, or retail store requires additional time in order to draw down an existing inventory ~~of checkout bags~~.

SECTION 5 ENFORCEMENT

Enforcement of this bylaw shall be the responsibility of the Board of Selectmen or their designee. The Board of Selectmen or their designee shall determine the monitoring process to be followed, which may be limited to responding to citizen reports, incorporating the process into other town duties as appropriate.

Any grocery or retail store distributing plastic checkout bags in violation of this bylaw shall be subject to a noncriminal disposition fine as specified in Article 31 of the General Bylaws, Noncriminal Disposition of Certain Violations of Bylaws and Rules and Regulations. Any such fines shall be paid to the Town of Westborough. No licenses shall be renewed for any establishment with outstanding violations under this section.

SECTION 6 SEVERABILITY

If any provision of this bylaw is declared invalid or unenforceable the other provisions shall not be affected thereby.

¹ *Pursuant to 21 CFR 1.328 [Title 21 – Food and Drugs; Chapter I – Food and Drug Administration, Department of Health and Human Services] by 21 CFR 1.328 [Title 21 – Food and Drugs; Chapter I.*

Or take any other action thereon.

Article Information: The motion for this article requires a simple majority vote.

Given under our hands the 22nd day of February in the year Two Thousand and Twenty Two.


Allen Edinberg, Chair


Ian Johnson, Vice Chair


Sean Keogh


Shelby Marshall


Patrick Welch

SELECT BOARD OF WESTBOROUGH

\Worcester, ss

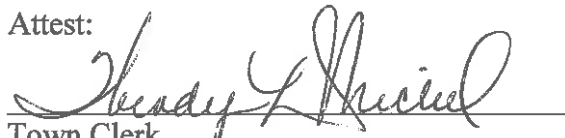
I have this day served the within Warrant by posting up attested copies thereof at the Town Library Bulletin Board and Town Hall Bulletin Board in said Westborough and by mailing a copy thereof to the residence of the Town Moderator all on February 22, 2022.


s/Constable of Westborough

TRAYNOR

\Worcester, ss

Attest:


Town Clerk

712238.1A/WBOR/0275