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TOWN OF WESTBOROUGH

**COMMONWEALTH OF MASSACHUSETTS**  
**WORCESTER, SS**

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 5th day of March, 2019 at 8:00 A.M. for the following purposes:

**ARTICLE 1: Annual Town Election (Board of Selectmen)**

To bring in their votes for:

- Two (2) Selectman (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 (5 years)

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

Precincts 1 – 5 Westborough High School, 90 West Main Street

And to act on the following articles at the adjourned session of said meeting on March 16, 2019, at 1:00 P.M. in the Westborough High School Auditorium and Gymnasium on West Main Street.

The Town Manager's 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 is a simple majority vote.*

**ARTICLE 3: Fiscal Year 2020 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 2020 beginning July 1, 2019, and ending June 30, 2020, or take any other action thereon.

*Town Manager's Statement – The Town budgets, including all expenses are estimated to*

*increase/decrease. The motion for this article is a simple majority vote.*

**ARTICLE 4: Regularly Recurring Articles (Town Manager)**

To see what action the Town may take on the following items, **A** through **D**, 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 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.

*Town Manager's Statement – These accounts provide funding for unforeseen expenses during the year through various reserve funds. The motion for this article is a simple majority vote.*

**B. Reconstruction and Improvement of Town Roads (Chapter 90) (DPW)** To see if the Town will vote to transfer from available funds the sum of Seven Hundred Eighty Nine Thousand Six Hundred and Thirty Four Dollars \$789,634 or such other amount as the Town Meeting may approve, to construct, reconstruct, or improve the town roads, and further, to authorize the Board of Selectmen to apply for and accept a grant in this full amount, more or less, which is to be the State's contribution and/or reimbursement under chapter 90 of the Massachusetts General Laws for work done under this article, or to take any other action thereon.

*Town Manager's Statement – The purpose of this article is to apply for and receive Chapter 90 funds (which is a reimbursable program) from Mass DOT for the purpose of repairing town roads. The motion for this article is a simple majority vote.*

**C. 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.

*Town Manager's Statement – This article funds the fish re-stocking at Sandra Pond as the Town has done in the past. For the past several years, this has been done with outside funds which no longer are able to fund the re-stocking. The motion for this article is a simple majority vote.*

**D. Tuition Reimbursement (Town Manager)** To see if the Town will vote to raise and appropriate the sum of Thirty Thousand Dollars (\$30,000) or such other amount as the Town Meeting may approve, for the purpose of funding employee tuition reimbursement, or take any other action thereon.

*Town Manager's Statement – This article funds tuition reimbursement to allow the Town to meet its*

*obligation to the Collective Bargaining Units and Personnel Policies. The Town funds the amount that is estimated to be used during the upcoming fiscal year. This was previously funded through the Town Manager/Board of Selectmen budget. The motion for this article is a simple majority vote.*

#### **ARTICLE 5: Chapter 90 Increase (Board of Selectmen)**

To see if the Town will vote to increase the appropriation for Chapter 90 from Article 4B of the March 2018 Annual Town Meeting from the sum of Seven Hundred Eighty Nine Thousand Six Hundred and Thirty Four Dollars (\$789,634) to Nine Hundred Forty Seven Thousand Five Hundred and Sixty One Dollars (\$947,561), or take any action in relation thereto.

*Town Manager's Statement – The past few years has seen minor increases/decreases in Chapter 90. This article brings the appropriation in line with the amount approved by the Legislature and released by the Governor in the FY18 Supplemental Budget. The motion for this Article requires a simple majority vote.*

#### **ARTICLE 6: Capital Improvement Plan (Town Manager/Capital Expenditure Planning Committee)**

To see what action the Town may take on the following items, A through K, 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. Integrated Financial Software and Associated Training (Town Finance Departments)**

To see if the Town will vote to transfer from Free Cash and appropriate the sum of One Hundred Seventy Five Thousand Dollars (\$175,000) or such other amount as Town Meeting may approve, for the purpose of purchasing integrated financial software and associated training or take any other action thereon.

*Town Manager's Statement – This article would fund the integration of the software packages for Assessing, Collections and General Ledger. The current Treasurer/Collector's software is outdated and inadequate. Maintaining the current software (CollectPro) results in duplication of effort, inefficiency, and creates an increased likelihood of errors. This proposal also covers the cost of the upgrade to the Assessing software. The software we currently use is outdated and insufficient for the complexity of the property, both personal and real, in Westborough. The current Collection software (same company) will not work with the Assessing software once the upgrade is complete. Current Collection software is also completely independent of General Ledger requiring thousands of transactions to be manually entered between the two offices. The motion for this article is a simple majority vote.*

##### **B. Ambulance Equipment (Fire Chief)**

To see if the Town will vote to transfer from Free Cash and appropriate the sum of One Hundred Thirty Eight Thousand Dollars (\$138,000) or such other amount as Town Meeting may approve, for the purpose of replace and purchasing Ambulance Equipment, including all costs incidental and related thereto, or take any other action thereon.

*Town Manager's Statement – This article would fund the purchase of ambulance equipment including*

*four cardiac monitors which are capable of monitoring heart rhythm, performing 12 lead EKG's, monitoring pulse oximetry, end tidal CO<sub>2</sub> monitoring, pace maker, and cardioversion. Current equipment does not meet the technological demands that the department of public health desires and the current equipment is beginning to deteriorate. Newer equipment will permit Bluetooth transmission of data into electronic charting and facilitate transmission of EKG's to awaiting physicians thus reducing time to critical interventions. Also, this article would fund the purchase of three portable ventilators and three intravenous pumps. The motion for this article is a simple majority vote.*

#### **C. Cruiser Replacement/Purchase (Police Chief)**

To see if the Town will vote to transfer from Free Cash and appropriate the sum of Two Hundred Sixty Five Thousand Dollars (\$265,000) or such other amount as Town Meeting may approve, for the purpose of replace and purchasing police cruisers, including all costs incidental and related thereto, or take any other action thereon.

*Town Manager's Statement – This article would fund the replacement of two of the oldest cruisers including related equipment; add two vehicles to the fleet; and buy out the lease on the Chief's cruiser. The department is on a regular replacement schedule which includes the mobile data terminals and radar units. The life expectancy of a police cruiser is five years; this article would replace the Town's two oldest cruisers. The motion for this article is a simple majority vote.*

#### **D. Mobile Radio Replacement (Police Chief)**

To see if the Town will vote to transfer from Free Cash and appropriate the sum of One Hundred Three Thousand Five Hundred Sixty Four Dollars (\$103,564) or such other amount as Town Meeting may approve, for the purpose of replacing mobile radios, including all costs incidental and related thereto, or take any other action thereon.

*Town Manager's Statement – This article would fund the replacement of police mobile radios. The mobile radios they currently have are approaching 16 years old or older and are quickly nearing their end of life. The model of the existing radios is no longer manufactured and replacement parts are becoming difficult to purchase. The new radios would have the capability to utilize every radio frequency that is currently being used by local law enforcement agencies. The motion for this article is a simple majority vote.*

#### **E. F450 Truck with Plow (Public Works Director)**

To see if the Town will vote to transfer from Free Cash and appropriate the sum of Eighty Thousand Dollars (\$80,000) or such other amount as Town Meeting may approve, for the purpose of replacing an F350 Dump Truck, including all costs incidental and related thereto, or take any other action thereon.

*Town Manager's Statement – This article would fund the replacement of a 2002 F350 Dump Truck with a F-450 w/plow. Currently this vehicle is becoming unreliable, downtime for repairs is more frequent, parts are more difficult to obtain, there is excessive body rot and safety inspections are becoming more difficult to obtain. This vehicle's estimated useful is five years. The motion for this article is a simple majority vote.*

**F. Sewer Grinder Installation at Pump Station (Public Works Director)**

To see if the Town will vote to transfer from Sewer Retained Earnings and appropriate the sum of Sixty Thousand Dollars (\$60,000) or such other amount as Town Meeting may approve, for the purpose of installing a grinder pump at the Willy's Pump Station, including all costs incidental and related thereto, or take any other action thereon.

*Town Manager's Statement – This article would fund the second of a multi-year plan to install grinder pumps at various pump stations. Specifically, this appropriation would fund the installation of a grinder pump at the Willy's Pump Station. Wastewater Grinder Pumps can effectively precondition solids, including non-dispersible solids into smaller pieces that can pass through pumps without clogging or damaging the pumps. The motion for this article is a simple majority vote.*

**G. Replace Fire Hydrants (Public Works Director)**

To see if the Town will vote to transfer from Water Retained Earnings and appropriate the sum of Thirty Thousand Dollars (\$30,000) or such other amount as Town Meeting may approve, for the purpose of replacing ten (10) fire hydrants, including all costs incidental and related thereto, or take any other action thereon.

*Town Manager's Statement – This article would fund the second year of a recurring program to replace fire hydrants to replace antiquated hydrants in need of replacement. Parts for the older hydrants are difficult to obtain, newer hydrants open more easily and are more efficient. The motion for this article is a simple majority vote.*

**H. Purchase F350 Utility Truck (Public Works Director)**

To see if the Town will vote to transfer from Water Retained Earnings and appropriate the sum of Seventy-Four Thousand Dollars (\$74,000) or such other amount as Town Meeting may approve, for the purpose of purchasing a utility truck, including all costs incidental and related thereto, or take any other action thereon.

*Town Manager's Statement – This article would fund the purchase of an F350 Utility Truck with plow for the Water Department. This vehicle is used by the Water Division for monitoring water stations, transporting equipment, water service calls & emergency repair calls. Purchasing a vehicle with a plow would allow for the vehicle to perform snow duties as well. The motion for this article is a simple majority vote.*

**I. Accessibility Improvements at Haskell Park (Recreation Director)**

To see if the Town will vote to transfer from Free Cash and appropriate the sum of Fifty Three Thousand Seven Hundred Sixty Five Dollars (\$53,765) or such other amount as Town Meeting may approve, for the purpose of funding accessibility improvements at Haskell Park, including all costs incidental and related thereto, or take any other action thereon.

*Town Manager's Statement – This article would fund the accessibility improvements at Haskell Park. There is a proposed change to 521 CMR that would deem wood chips unacceptable access routes within playgrounds for persons with disabilities. Funding of this article would purchase the appropriate "firm,*

*stable and slip resistant, permanent” materials “such as rubber resilient surfacing, urethane rubber composites or similar surfacing” to make it handicapped accessible. The motion for this article is a simple majority vote.*

**J. Fire Alarm Panel at Mill Pond School (School Department)**

To see if the Town will vote to transfer from Free Cash and appropriate the sum of Thirty Two Thousand Dollars (\$32,000) or such other amount as Town Meeting may approve, for the purpose of replacing the fire alarm panel at Mill Pond School, including all costs incidental and related thereto, or take any other action thereon.

*Town Manager’s Statement – This article would fund the replacement of the fire alarm panel at Mill Pond. The school’s existing Main Fire Alarm Panel is obsolete and parts are no longer manufactured or available from the Manufacturer. The Fire Alarm Panel must be replaced. The motion for this article is a simple majority vote.*

**K. Fire Alarm Panel at the High School (School Department)**

To see if the Town will vote to transfer from Free Cash and appropriate the sum of Forty Five Thousand Dollars (\$45,000) or such other amount as Town Meeting may approve, for the purpose of replacing the fire alarm panel at the High School, including all costs incidental and related thereto, or take any other action thereon.

*Town Manager’s Statement – This article would fund the replacement of the fire alarm panel at the High School. During the recent repair operations to remedy the deficiencies identified during the annual Fire Alarm Inspections, the repair company was unable to clear 5 “Trouble Alerts” because parts are no longer manufactured or available from the Manufacturer. The Fire Alarm Panel must be replaced. The motion for this article is a simple majority vote.*

**ARTICLE 7: Generator at Piccadilly Sewer Pump Station (DPW Director)**

To see if the Town will vote to reallocate a portion of the funds authorized for various Public Works projects at prior Town Meetings as shown below for a total of Thirty Two Thousand Six Hundred Thirty Four Dollars and Ninety Two Cents (\$32,634.92) for the purpose of purchasing a new generator at Piccadilly Pump Station, including all costs incidental and related thereto, or take any other action thereon.

Article	Town Meeting	Original Article Use	Balance to Transfer
11B	2010 ATM	EXTENTION OF MUNICIPAL SEWERS	\$4,500.00
8C	2013 ATM	SEWER BACKHOE	\$6,232.57
14	2014 ATM	SEWER SYSTEM IMPROVEMENTS	\$1,783.87
120	2015 ATM	SEWER UTILITY CRANE	\$6,863.00
14	2015 STM	BAKER WAY PUMP STATION	\$9,855.48
10	2016 STM	BOSTON HILL SEWER PU&P APPRAISAL	<u>\$3,400.00</u>
			\$32,634.92

*Town Manager's Statement – This article would reallocate funds remaining from previous DPW articles in order to purchase a new generator for the Piccadilly Sewer Pump Station. This will close out all of the articles shown above. The motion for this article is a simple majority vote.*

**ARTICLE 8: Cemetery Fence (DPW Director)**

To see if the Town will vote to transfer from Free Cash and appropriate the sum of Thirty Five Thousand Four Hundred Ninety Four Dollars (\$35,494) or such other amount as Town Meeting may approve, for the purpose of removing and replacing the fence at Pine Grove Cemetery, including all costs incidental and related thereto, or take any other action thereon.

*Town Manager's Statement – This article would fund the removal and replacement of fence located on the front side of Pine Grove Cemetery. The motion for this article is a simple majority vote.*

**ARTICLE 9: Ladder Truck (Fire Chief)**

To see if the Town will vote to transfer from Overlay Surplus or available funds, and appropriate the sum of One Million Four Hundred Nineteen Thousand Dollars (\$1,419,000) or such other amount as Town Meeting may approve, for the purpose of purchasing a Ladder Truck, including all costs incidental and related thereto, or take any other action thereon.

*Town Manager's Statement – The Ladder Truck is almost 20 years old and if approved for replacement the delivery time of the apparatus will be approximately 24 months making the truck nearly 22 years old by the time it is in service time. The current Ladder Truck is a low profile (constructed to fit in the old station). With additional building (of significant height) in this community it is imperative to have a reliable aerial device. The motion for this article is a simple majority vote.*

**ARTICLE 10: Staffing Study (Board of Selectmen)**

To see if the Town will vote to transfer from Free Cash and appropriate the sum of One Hundred Thousand dollars (\$100,000) or such other amount as Town Meeting may approve for the purpose of undertaking a staffing study for all non-public safety departments, including all costs incidental and related thereto, or take any other action thereon.

*Town Manager's Statement – This article seeks funding to undertake an independent staffing study for all non-public safety town departments. The Police and Fire Departments underwent staffing studies over the last two years. The need for a staffing study of all other departments was an initiative that came out of the Strategic Planning Process the town underwent in the fall. The motion for this Article requires a simple majority vote.*

**ARTICLE 11: Police Department Promotional Assessments (Police Chief)**

To see if the Town will vote to expand Article 8 of the October 2018 Town Meeting to include Police Department professional assessment center services for the purpose of undertaking promotional exams and assessments, or take any other action thereon.

*Town Manager's Statement – The October Town Meeting funded a staffing study for Police Department. There is \$15,495 dollars remaining in that article. The Police Department is seeking to expand the*

*scope of that article to include funding of the assessment centers and promotional exams needed to fill new or existing positions. The motion for this Article requires a simple majority vote.*

#### **ARTICLE 12: BWALT Trail Feasibility and Design (Board of Selectmen)**

To see if the Town will vote to expand the scope of Article 17 of the October 2018 Town Meeting to include feasibility and design of the Boston Worcester Air Line Trail, or take any other action thereon.

*Town Manager's Statement – The October Town Meeting funded a \$56,994 for matching funds required by a Mass Trails Grant the town was applying for to fund construction of the trail. Through meetings with members of the Bike and Pedestrian Advisory Committee, Open Space Committee, Planning Board, Conservation Commission and Town Staff it was decided that at this time, there is a need for a comprehensive feasibility and design plan before additional construction occurs. Therefore, the grant money is being redirected to fund this study. This article requests that the matching funds previously voted to fund construction be allowed to also be used as matching funds for this feasibility study.*

#### **ARTICLE 13: Modification to Trail Easements (Citizens' Petition)**

To see if the Town will vote to amend Article 19 on the Warrant for the Special Town Meeting held on October 15, 2018, as approved, to remove the parcel identified as "29-78 29-81 Prentiss Forest Preservation Trust".

Or take any other action thereon.

*Town Manager's Statement – This article would revoke the authority of the Board of Selectmen to acquire trail easements on the parcels of land identified as Map 29 Lot 78 and Map 29 Lot 81, owned by Prentiss Forest Preservation Trust, which authority was previously granted to the Selectmen in the October 15, 2018 Town Meeting.*

#### **ARTICLE 14: Fiscal Year 2019 Debt Budget (Treasurer/Collector)**

To see if the Town will vote to transfer from Free Cash the sum of Two Hundred Thirty Thousand Seven Hundred Fifty Seven Dollars (\$230,757) or such other amount as the Town Meeting may approve, transfer One Thousand Five Hundred Fifteen Dollars (\$1,515), or such other amount as the Town Meeting may approve, from Water Retained Earnings, transfer One Hundred Ninety Eight Dollars (\$198), or such other amount as the Town Meeting may approve, from Sewer Retained Earnings for the purpose of paying FY19 debt service, or take any other action thereon.

*Town Manager's Statement – The Debt budget approved at the March 2018 Town Meeting anticipated projects and borrowing costs at 2.5% based on information provided by the Town's Financial Advisor. In June 2018, when the Town borrowed, the actual interest costs were 3%. Since the FY19 tax rate has already been set, Town Meeting is being asked to fund the difference in this article from free cash.*

#### **ARTICLE 15: Adjusted Asset Limit for Tax Exemption Under MGL Chapter 59, Section 5, Clause 17E (Board of Assessors)**

To see if the Town will vote to accept General Laws Chapter 59, Section 5, Clause 17E, which authorizes an annual increase in the asset (whole estate) limit for exemptions granted to senior citizens,

surviving spouses and surviving minors under General Laws Chapter 59, Section 5, Clause 17D, by the percentage increase in the U.S. Department of Labor, Bureau of Labor Statistics, Consumer Price Index for the previous year as determined by the Commissioner of Revenue, to be effective for exemptions granted for any fiscal year beginning on or after July 1, 2019 or take any other action thereto.

*Town Manager's Statement – This article would automatically increase each year the amount of assets (whole estate) certain senior citizens and surviving spouses and minors may have and qualify for an exemption under G.L. c. 59, § 5, Clause 17, 17C, 17C½ or 17D by the COLA determined by the Commissioner of Revenue. G.L. c. 59, § 5, Clause 17E. The current asset limit is \$40,000.*

**ARTICLE 16: Adjusted Asset Limit for Tax Exemption Under MGL Chapter 59, Section 5, Clause 41D (Board of Assessors)**

To see if the Town will vote to accept General Laws Chapter 59, Section 5, Clause 41D, which authorizes an annual increase in the income (gross receipts) and asset (whole estate) limits for exemptions granted to senior citizens under General Laws Chapter 59, Section 5, Clause 41C, by the percentage increase in the U.S. Department of Labor, Bureau of Labor Statistics, Consumer Price Index for the previous year as determined by the Commissioner of Revenue, to be effective for exemptions granted for any fiscal year beginning on or after July 1, 2019.

*Town Manager's Statement – This article would automatically increase each year the amount of the income (gross receipts) and assets (whole estate) certain senior citizens may have to qualify for an exemption under G.L. c. 59, § 5, Clause 41, 41B and 41C by the COLA determined by the Commissioner of Revenue. G.L. c. 59, § 5, Clause 41D. The current income limit is \$20,000 for a single person and \$40,000 asset limit and \$40,000 for a married couple and \$55,000 asset limit.*

**ARTICLE 17: Request and Approve a Cable TV Enterprise Fund (Finance Director)**

To see if the Town will accept the provisions of Chapter 44, Section 53F ½ of the Massachusetts General Laws, and establish a Cable TV Enterprise Fund effective fiscal year 2020, or to take any other action thereon.

*Town Manager's Statement – The Massachusetts Department of Revenue is requiring the Town to account for funds provided by Verizon and Charter Franchise Agreements to WestboroughTV on behalf of the Town. Cable TV Enterprise fund will provide a mechanism to account for these monies without impacting the tax payer.*

**ARTICLE 18: Request and Approve a Cable TV Budget (Finance Director)**

To see if the Town will vote to raise and appropriate through the Cable TV Enterprise Fund Three Hundred Ninety Five Thousand Dollars (\$395,000) for the purpose of funding the FY2020 Cable TV budget or take any other actions thereto.

*Town Manager's Statement – This will allow the Town to fund Westborough TV's Fiscal Year 2020 Cable TV budget without impacting the tax payer*

**ARTICLE 19: Request to Fund Internship Opportunities (Board of Selectmen)**

To see if the Town will vote to transfer and appropriate from the FY19 Board of Selectmen Salary and Wages Elected Budget line the amount of \$500 for the purpose of funding internship opportunities or take any other actions thereto.

*Town Manager's Statement – This article would create a funding source to create a government services internship opportunity.*

**ARTICLE 20: Request to Disband Gibbons School Building Committee (School Building Committee)**

To see if the town will vote to disband the Gibbons School Building Committee or take any action thereon.

*Town Manager's Statement – This article seeks to disband the Gibbons School Building Committee that was created by the 2012 Fall Town meeting as the committee's work is complete. The motion for this Article requires a simple majority vote.*

**ARTICLE 21: Demolish and Replace the Fales Elementary School (PreK-3 School Building Committee)**

To see if the Town will vote to appropriate, borrow or transfer from available funds, an amount of money to be expended under the direction of Prek-3 School Building Committee for the Demolition and Reconstruction of the Fales Elementary School, located at 50 Eli Whitney Street, The scope of which will replace the existing School with a 70,242 square foot two story school building, which school facility shall have an anticipated useful life as an educational facility for the instruction of school children of at least 50 years, and for which the Town may be eligible for a school construction grant from the Massachusetts School Building Authority ("MSBA"). The Town acknowledges that the MSBA's grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and any project costs the Town incurs in excess of any grant approved by and received from the MSBA shall be the sole responsibility of the Town. Any grant that the Town may receive from the MSBA for the Project shall not exceed the lesser of (1) 48.32 percent (48.32 %) of eligible, approved project costs, as determined by the MSBA, or (2) the total maximum grant amount determined by the MSBA.

*Town Manager's Statement – This article seeks to fund the demolition and replacement of the Fales Elementary School. Based on documents provided by the MSBA, the Town will be reimbursed at the rate of 48.32 % for all eligible costs. The motion for this Article requires a 2/3 vote.*

**ARTICLE 22: Hastings School Sprinkler and Fire Alarm (School Building Committee)**

To see if the Town will vote to transfer from Overlay Surplus or available funds and appropriate, the sum of Six Hundred Twenty Seven Thousand (\$627,000) to upgrade the Fire Alarm System and install Sprinklers system in the Hastings School or some other amount as may be voted by the Town Meeting or take any action thereon.

*Town Manager's Statement – This article seeks to fund the installation of a Fire Alarm System at the Hastings Elementary School. The system would include sprinklers and fire alarm. The expected motion*

*for this Article requires a simple majority vote.*

**ARTICLE 23: Boiler Safety Shutoff Switches High School, Gibbons Middle School, Mill Pond School, Fales Elementary School, and Armstrong Elementary School (School Department)**

To see if the Town will vote to transfer from Free Cash and appropriate the sum of Forty Five Thousand Nine Hundred Eighty Dollars (\$45,980) or such other amount as Town Meeting may approve, for the purpose of installing emergency boiler disconnects at each of the five schools, or take any other action thereon.

*Town Manager's Statement — This Article would fund the Commonwealth of Massachusetts mandated '522 CMR 4.00: HEATING OF BOILERS AND OTHER HEAT STORAGE SOURCE' code regulation with installation of emergency boiler disconnects at five schools. The emergency disconnects are for the safety of first responders and other personnel that would respond to any emergency situation requiring access to the boiler rooms. The Motion for this Article requires a simple majority vote.*

**ARTICLE 24: Grant of Utility Easement (Board of Selectmen)**

To see if the Town will vote to transfer the care, custody and control of a portion of the Town-owned property located on Upton Road, which property is described in a deed recorded in the Worcester Registry of Deeds in Book 4333, Page 48, and which portion is approximately shown on a sketch plan on file with the Town Clerk entitled, "NationalGrid; Town of Westboro, Upton Rd, Westborough, MA 01581," from the board or officer having custody thereof for the purposes for which it is held to the Board of Selectmen for the purpose of conveying a utility easement allowing the installation of a new guy wire and related appurtenances, and to authorize the Board of Selectmen to grant the easement on such terms and conditions as the Board of Selectmen deem appropriate, and, further, to submit petitions to the General Court, if applicable, to permit the foregoing, or to take any other action thereon.

*Town Manager's Statement — This Article grants an easement to Massachusetts Electric Company and Verizon New England, Inc. for the installation of a new guy wire pole near the Morse Street Well so that the existing guy wire is no longer being anchored into an adjacent tree. The motion for this Article requires a two-thirds vote.*

**ARTICLE 25: Water—Capital Equipment and Projects (DPW Director & Conservation Officer)**

To see if the Town will vote to transfer from Water Retained Earnings and appropriate the sum of Two Hundred Twenty Three Thousand Dollars (\$223,000) or such other amount as Town Meeting may approve, for the purpose of armoring approximately 1400 linear feet of the Upper Reservoir shoreline, removing approximately 1200 linear feet of the old Upton Road layout pavement and repaving a new access roadway/pedestrian walkway with handicap access to Upton Road, other improvements within Minuteman Park, improvements to the Lower Reservoir spillway, survey and installing signage at the Ruggles Street Water Tank, Fay Mountain Water Tank, and the Route 9/Newton Hill Water Tank and performing other related maintenance such as but not limited to, the removal of dead, dying and invasive vegetation, and performing other improvements to the water supply system, or take any other action thereon.

*Town Manager's Statement — This Article provides much needed maintenance along the shoreline of the*

*Upper Reservoir within Minuteman Park. The shoreline is severely eroded and the erosion has now encroached upon the old Upton Road paved layout. The intent is to armor the shoreline, remove the old Upton Road paved layout and re-pave a new access roadway/pedestrian walkway with handicap access to Upton Road and regrade the area. The entire work area will be elevated to prevent future erosion. The Lower Reservoir spillway will also be regraded and additional armoring installed to comply with the Office of Dam Safety regulations. All three of the Town's water distribution tanks will have their properties surveyed, signage installed and vegetation maintenance performed to reduce damage to the tanks and surrounding infrastructure. The Motion for this Article requires a simple majority vote.*

**ARTICLE 26: Town Water Mains (DPW Director/Town Engineer)**

To see if the Town will vote to transfer from Water Retained Earnings and appropriate the sum of Thirty Thousand Dollars (\$30,000) or such other amount as Town Meeting may approve to pay additional costs for the extension, repair, replacement, lining, cleaning, upgrade and installation of various mains and appurtenant work, including all incidental and related costs, which amount shall be expended in addition to the \$100,000 previously appropriated from water retained earnings for this purpose, or take any other action thereon.

*Town Manager's Statement – The requested funding supplements a previous funding request to allow the Department of Public Works to replace various gate valves, risers and appurtenant piping at the Route 9 and Lyman Street intersection. The additional funding is needed to comply with special requirements to work within Route 9 at night and to work safely within close proximity to other utilities*  
*The Motion for this Article requires a simple majority vote.*

**ARTICLE 27: Town Water System (DPW Director/Town Engineer)**

To see if the Town will vote to transfer from Water Retained Earnings and appropriate the sum of One Hundred Sixty Thousand Dollars (\$160,000) or such other amount as Town Meeting may approve to pay additional costs for various improvements to the water system including but not specifically limited to equipment purchases, cross connection program, and pump station upgrade/design, which amount shall be expended in addition to the Two Hundred Seventy Five Thousand Dollars (\$275,000) previously appropriated from water retained earnings for this purpose; or take any other action thereon.

*Town Manager's Statement – The requested supplemental funding will allow the development of the Wilkeson Replacement Well to continue by preparing specifications and bid documents for the installation of a 12-inch by 24-inch gravel packed well to an anticipated depth of 62 feet. Once the well is installed and tested permitting and bidding documents will be prepared to provide a construction contract to provide all the appurtenant controls, submersible pump, vaults piping and other equipment necessary to bring this well on line and to achieve the permitted water with drawl at this site. The Motion for this Article requires a simple majority vote.*

**ARTICLE 28: General Bylaw Amendment – Animal Control Bylaw (Board of Selectmen)**

To see if the Town will vote to amend the General Bylaws by deleting Article 38 in its entirety and replacing it with the following, or take any other action thereon.

## **Section 1 ADMINISTRATION**

In addition to the requirements set forth in this Bylaw, the licensing, keeping and control of animals shall be in accordance with all applicable provisions of the Massachusetts General Laws, including but not limited-to the provisions of M.G.L. c. 140, §§136A to 174F, inclusive, as may be amended from time-to-time.

The Town Manager shall annually appoint an Animal Control Officer who shall be sworn in by the Town Clerk. The Animal Control Officer and/or his assistants are not required to be a resident of the Town.

For purposes of this Bylaw and M.G.L. c. 140, §157, the Board of Selectmen shall be the Hearing Authority.

## **Section 2 DEFINITIONS**

Where not expressly defined herein, terms used in this Bylaw shall be interpreted as defined in M.G.L. c. 140, §§136A to 174F, inclusive, as may be amended from time-to-time, and otherwise by their plain language.

- (A) "At Large" – Any dog shall be deemed to be at large when it is off the premises of its owner or keeper and not under the care and control of its owner or keeper.
- (B) "Animal Control Officer" – Shall be that person or persons appointed by the Selectmen to enforce this Bylaw and the General Laws relating to the regulation of animals.
- (C) "Care and Control" – A dog shall be considered to be under care and control if it is on the premises of its owner or keeper or if the dog is accompanied by its owner or other person responsible for the dog, who is in full control and such dog is securely restrained with a collar and leash or such dog has a functioning electronic collar while in range and in sight of the owner/keeper.
- (D) "Dangerous dog", a dog that either: (i) without justification, attacks a person or domestic animal causing physical injury or death; or (ii) behaves in a manner that a reasonable person would believe poses an unjustified imminent threat of physical injury or death to a person or to a domestic or owned animal.
- (E) "Dog" – Shall mean all members of the species canis familiaris, both male and female.
- (F) "Nuisance Dog" – a dog that: (i) by excessive barking or other disturbance, is a source of annoyance to a sick person residing in the vicinity; or (ii) by excessive barking, causing damage or other interference, a reasonable person would find such behavior disruptive to one's quiet and peaceful enjoyment; or (iii) has threatened or attacked livestock, a domestic animal or a person, but such threat or attack was not a grossly disproportionate reaction under all the circumstances.
- (G) "Owner or Keeper" – Shall mean any person or persons, firm, association or corporation owning,

keeping or harboring a dog.

- (H) "Restrain" – To limit, restrict and keep in control by means of a leash, collar, or harness, or by confinement within a building or a fenced barrier from which the dog cannot escape or is under control by use of a collar and leash or a functioning electronic collar while in range and in sight of the owner or keeper.

### **Section 3 LICENSE AND TAGS**

- (A) Any owner or keeper of a dog six (6) months of age or older shall by January 1 cause the dog to be registered, numbered, described and licensed with the Town Clerk in accordance with the laws of the Commonwealth of Massachusetts. Dogs under six (6) months of age may be licensed as soon as they are vaccinated against rabies. Dogs shall also wear identification tags that identify the owner of such dog.
- (B) The license shall be valid for a licensing period of January 1 through December 31 of the year the license is issued. As a prerequisite to the issuance of such license, the owner or keeper of the dog must present the Town Clerk with a veterinarian's certification that the dog has been vaccinated in accordance with M.G.L. c. 140, §145B, as may be amended from time-to-time, certification that such dog is exempt from the vaccination requirement under said section or a notarized letter from a veterinarian that either of these certifications was issued relative to such dog. Exemptions to vaccinations must be renewed annually.
- (C) The fee for such a License shall be established by the Board of Selectmen.
- (D) Should any owner of a dog required to be licensed under M.G.L. c. 140 § 137 or section 3 of this Bylaw in the Town of Westborough fail to license his dog by January 1, the owner shall pay a late fee of five dollars plus an additional fee of five dollars per month beginning April 1 before obtaining said license.

### **Section 4 RESTRAINT**

No person shall permit any dog, whether licensed or unlicensed, to be on private property without permission of the owner thereof. With permission of the owner, a person may permit any dog, whether licensed or unlicensed, to be unrestrained on private property.

No person shall permit any dog, licensed or unlicensed, on any public property within the Town, including but not limited-to public ways, recreation areas, parks, public water supply properties and cemeteries, unless the dog properly restrained. A dog is under restraint for purposes of this Bylaw if it is accompanied by its owner or other person responsible for the dog, who is in full control of such dog through use of a leash or functioning electronic collar while in range and in sight of the owner or keeper.

No dog shall be allowed on Town athletic fields or courts. This provision shall not apply to a dog specially trained to lead or serve a blind, deaf, or handicapped person or a dog specially trained for police work and actively serving in law enforcement.

No dog shall be allowed to defecate on the private property of another person. No person shall fail to promptly remove and properly dispose of any feces, as designated by the Board of Health, left by any dog owned, kept or controlled by them on any public property within the Town.

## **Section 5      IMPOUNDMENT/NOTICE TO OWNER**

- (A) Unrestrained or unlicensed dogs may be sought out, caught and confined by the Animal Control Officer or any police officer of the Town, and impounded pursuant to M.G.L. c. 140, §§151A and 167, as may be amended from time-to-time.
- (B) The owner or keeper of any dog so impounded, may claim such dog, provided he or she first procures from the Town Clerk a license and tag for any such dog that is not licensed and pays for the care of the dog during the period of impoundment.
- (C) Any dog not claimed by the owner or keeper within seven (7) days may be subject to euthanasia or adoption as set forth in M.G.L. c. 140, §151A and 167, as may be amended from time-to-time, provided that the Animal Control Officer determines that all reasonable efforts have been made to locate the owner and/or keeper and there are no reasonable alternatives to such action.
- (D) The Board of Selectmen, or its authorized agent, may order any dog which a reasonable person would believe is affected with a contagious disease, to be quarantined or isolated for at least ten (10) days upon the premises of the owner or of the person in whose charge it is found, or in such other place as the Board of Selectman or agent may designate. Animals in quarantine shall not be released without the Animal Inspector's approval.
- (E) Nothing in this Bylaw shall be deemed to prohibit the use of dogs for hunting, sporting or working purposes as long as said dogs are properly restrained.

## **Section 6      FINES AND FEES**

In addition to the remedy of impoundment as set forth herein, this Bylaw may be enforced by the Animal Control Officer or any police officer of the Town through any means available in law or equity, including but not limited to criminal indictment in accordance with M.G.L. c.40, §21, and noncriminal disposition in accordance with M.G.L. c. 40, §21D.

## **Section 7      DISPOSITION OF FUNDS**

Any funds collected pursuant to the provisions of M.G.L. c.140 and this Bylaw relating to dogs by the Animal Control Officer or Town Clerk shall be accounted for and shall be deposited with the Town Treasurer for the general fund, unless a separate fund has been established and authorized by town meeting.

## **Section 8        NUISANCE DOGS AND DANGEROUS DOGS**

- (A) No owner or keeper of any dog shall at any time permit his dog, licensed or unlicensed to become a public nuisance within the Town of Westborough.
- (B) The Animal Control Officer may investigate all complaints to the Animal Control Officer of the Town, the Town of Westborough Police Department, or the Board of Selectmen that any dog owned or kept within the Town of Westborough is a Nuisance Dog or Dangerous Dog, as those terms are defined in M.G.L. c.140, §§136A and 157, as may be amended from time-to-time.
- (C) The Animal Control Officer may require that said complaints be in writing and is hereby empowered to make whatever inquiry is deemed necessary to determine the accuracy of said complaint and may make such orders as he or she deems necessary to ensure the protection of public safety and/or to eliminate said nuisance, as provided in M.G.L. c.140, §157, as may be amended from time-to-time. The Animal Control Officer will make an effort to notify the owner of said complaint.
- (D) Any person aggrieved by an order of the Animal Control Officer, may request a hearing before the Board of Selectmen. Said request shall be in writing and received by the Board of Selectmen within seven (7) days after issuance of such an order. A copy of the hearing request shall also be delivered to the Animal Control Officer. If no such request is filed within the time specified herein, the order of the Animal Control Officer shall be final.
- (E) Upon receipt of a timely request, the Board of Selectmen shall convene a public hearing, which shall include an examination of the complainant under oath, to determine whether the dog is a Nuisance Dog or Dangerous Dog. Based on the credible evidence and testimony presented at said public hearing, the Board of Selectmen may affirm the Animal Control Officer's order, reverse and nullify the Animal Control Officer's order, or issue any such order as it deems necessary to ensure the protection of public safety and/or eliminate a nuisance, as provided in M.G.L. c.140, §157, as may be amended from time-to-time.
- (F) Nothing in this By-law is intended to limit or restrict the authority of the Board of Selectmen to act in accordance with M.G.L. c. 140, §157, as may be amended from time-to-time.

## **Section 9        CATS**

- (A) All cats over the age of six (6) months shall be vaccinated against rabies, in accordance with M.G.L. c.140, §145B. The owner shall keep a record of such vaccine and show proof of vaccination upon request by a Police Officer, a Health Inspector, the Animal Inspector, or the Animal Control Officer.

- (B) All cats shall wear some form of identification that identifies the owner and address or phone number of said cat owner when they are not on the property of owner. Identification may be by a tag attached to a collar or a harness which states the name of its owner and keeper or, a microchip if the microchip has been registered and can be traced back to the owner.
- (C) Any cat that has bitten or scratched any person or domestic animal and is not wearing identification may be sought out, caught and confined by the Animal Control Officer or any police officer of the Town, and impounded. Any domestic cat that is wearing identification and has bitten or scratched any person or domestic animal, and the owner cannot be immediately reached, may be sought out, caught and confined by the Animal Control Officer or any police officer of the Town, and impounded. Fees and fines shall be as established by the Board of Selectmen.
- (D) After a period of not less than seven (7) days, any such impounded cat may be subject to euthanasia or adoption in the same manner as dogs, as outlined in M.G.L. c. 140, §151A and 167, provided that the Animal Control Officer determines that all reasonable efforts have been made to locate the owner and/or keeper and there are no reasonable alternatives to such action and provided further that animals subject to quarantine shall be first confined for no less than ten (10) days.
- (E) Any cat that is not identified and cannot be confined due to wildness of behavior may be captured, euthanized, and tested for rabies, provided that said animal has bitten or scratched a person or domestic animal in the preceding fourteen (14) days and further, provided that the Animal Control Officer determines that all reasonable efforts have been made to locate the owner and/or keeper and there are no reasonable alternatives to such action. The Animal Inspector shall be notified of such cases.

## **Section 10      KENNELS**

- (A) Any resident or business that maintains more than three (3) dogs that are six (6) months old or older that are not individually licensed shall obtain an annual kennel license from the Town.
- (B) Applicants for a kennel license shall first obtain a business certificate from the Town, to the extent applicable and provide the business certificate number on the kennel license application.
- (C) Prior to the issuance of a kennel license, the kennel shall be inspected and approved by the Town's Animal Control Officer and Board of Health. The Animal Control Officer and Board of Health may conduct interim inspections of licensed kennels.
- (D) The kennel licensee shall maintain a log of all animals kept at said kennel that are not owned by the person maintaining the kennel and shall provide access to the log to the Animal Control Officer or Board of Health upon request.
- (E) Any person maintaining a kennel shall include in their records, rabies vaccinations for all dogs six (6) months old and older.

- (F) If, in the judgment the Animal Control Officer or Board of Health, the kennel is not being maintained in a sanitary and humane manner or if records are not properly kept as required by law, the Animal Control Officer or Board of Health shall, by order, revoke or suspend the license for the kennel.

*Town Manager's Summary – This article seeks to update the Animal Control bylaw consistent with State Laws and to update rules related to the restraint of dogs. If approved, this bylaw would require owners to leash their dogs or have their dogs under control of a functioning electronic collar. The motion for this Article requires a simple majority vote.*

#### **ARTICLE 29: Amend General Bylaws (Historical Commission)**

To see if the Town will vote to amend Article 64 entitled Demolition of Historical or Architecturally Significant Buildings in the Town of Westborough of the General Bylaws as set follows; or to take any other action thereon.

#### **SECTION 2 DEFINITIONS**

*By adding the following underlined language and deleting the strikethrough language:*

“Inspector Commissioner” – Building Commissioner.

“Demolition” - Any act of pulling down, destroying, removing or razing more than 25% of the gross floor area of a building, as defined in the Zoning Code, or commencing the work of total or substantial destruction with the intent of completing the same.

#### **SECTION 3 PROCEDURE**

*By adding the following underlined language and deleting the strikethrough language to section 3(A):*

- (A) Within seven (7) days of receipt of an application for a demolition permit for a structure built prior to 1950, the Inspector Commissioner shall forward a copy thereof to the Commissioner Inspector. No demolition permit should be issued at that time

*Replacing the wording of this Section with the following (new text underlined):*

(B)

Within fifteen (15) days from the receipt of a demolition permit application, the Commission shall either declare that the building is of no historical or architectural interest or set the date for a public hearing to determine whether such building is of historical or architectural significance. The notice of such public hearing shall be sent to the applicant and posted on the Town’s website. Further, the applicant for such permit, at its own cost and expense, shall send a copy of the notice, by registered or certified mail, to any and all property owners within 300 feet of the subject property. A copy of such notice shall also be delivered to all Town Boards and Commissions. The applicant shall provide evidence of the above to the Historical Commission at least seven (7) days prior to the date of the scheduled Public Hearing.

If the Commission determines the structure is not a significant building the Commission shall notify the

Commissioner in writing and the Commissioner may issue a demolition permit.

If the building is determined to be of historical or architectural significance, then the Commission shall so advise the applicant and the Commissioner, in writing. The Commissioner, shall then not issue a demolition permit for a period of two- hundred and seventy (270) days from the date of the Commission's decision, unless the Commission informs the Commissioner prior to the expiration of such two-hundred and seventy (270) days that, in its opinion, the Commission has found that the applicant has made a diligent effort to save the subject building and has been unsuccessful, or the applicant has agreed to accept a demolition permit on specified conditions approved by the Commission and the Commissioner.

## SECTION 5 ENFORCEMENT AND REMEDIES

*By adding the following underlined language and deleting the strikethrough language to section 5(B):*

(B) No building permit shall be issued with respect to any premises upon which a building built prior to 1950 has been voluntarily demolished with disregard for the provisions of the Bylaw, for a period of two years after the date of the completion of such demolition unless otherwise agreed to by the Commission. As used herein "premises" refers to the parcel of land upon which the building was located and all adjoining parcels of land under common ownership or control.

*Town Manager's Summary – This would amend the current demolition delay bylaw by adding a public hearing and abutter notice requirement to the process for determining whether or not a property is historically significant. It also extends the demolition delay time period from six months (180 days) to nine months (270 days). The motion for this Article requires a simple majority vote.*

## ARTICLE 30: Amend Zoning Bylaw: Article 2, DISTRICT REGULATIONS, Section 2300 USE REGULATION SCHEDULE (Planning Board)

To see if the Town will vote to amend its Zoning Bylaws Article 2 DISTRICT REGULATIONS, Section 2300 USE REGULATION SCHEDULE by inserting a new designation shown in **bold** under Commercial Uses for “**Outside display of retail merchandise**”.

Section 2300 USE REGULATION SCHEDULE

COMMERCIAL USES	C	R	AA AB	BA	G2	BB	IA	IB	IC	ID	M	M-1	AE	All Others	DPOD	MUD	
Motor vehicle service station (See Section 3300):	N	N	N	S <sup>(1)</sup>	N	S <sup>(1)</sup>	N	S <sup>(1)</sup>	S	S <sup>(1)</sup>	N	N	S <sup>(1)</sup>	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	N	N	SP	N	N	N	
Indoor Recreation:	N	N	N	Y	SP	Y	N	Y	SP	Y	N	N	SP	N	SP	SP	
Banks, office space:	N	N	N	Y	SP <sup>(4)</sup>	Y	Y	SP	Y	N	N	SP	N	SP	SP		
Restaurants:	N	N	N	Y <sup>(2)</sup>	N	Y <sup>(2)</sup>	N	Y <sup>(2)</sup>	SP	Y <sup>(2)</sup>	N	N	SP	N	SP	SP	
Hotel, motel, motor court:	N	N	N	SP	SP	Y	N	Y	SP	Y	N	N	SP	N	SP	SP	
Other retail sales & services:	N	N	N	Y	SP <sup>(5)</sup>	Y	N	Y	SP	Y	N	N	SP	N	SP	N <sup>(6)</sup>	
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	N	N	Y	S	SP	SP	
Micro/Nano Brewery or Distillery	N	N	N	SP	N	Y	N	Y	SP	Y	N	N	SP	N	SP	SP	
Other outside display of retail merchandise	N	N	N	Y	SP	Y	N	Y	SP	Y	N	N	SP	N	SP	N(6)	

(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

(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

Amended  
3/5/1990, Article  
52F

Or take any action thereon.

*Town Manager's Statement - The intent of this Amendment is to provide one new use under Commercial Uses identified as "Outdoor Display of retail merchandise". A 2/3 vote is required to approve this Article.*

## ARTICLE 31: Amend Zoning Bylaws: Article 2 DISTRICT REGULATIONS, Section 2100 ESTABLISHMENT OF DISTRICTS (Planning Board)

To see if the Town will vote to amend its Zoning Bylaws Article 2 DISTRICT REGULATIONS, Section 2100 ESTABLISHMENT OF DISTRICTS by adding a new Subsection 2154 as follows:

### 2154: AFFORDABLE HOUSING REQUIREMENTS

**2154.1 General:** It is the intent of this bylaw to increase the range of housing options for people of different income levels and at different life stages while providing for a variety of housing needs. All residential subdivisions creating lots or dwelling units shall meet the requirements of this Section regarding affordable housing.

**2154.2** Except as otherwise provided herein, when applying for a residential subdivision consisting of five (5) or more lots or units, the proposed project shall include 10% of the total units as affordable units under the Massachusetts Department Housing and Community Development G.L.c.40B Regulations and Guidelines.

For the purpose of determining the appropriate number of affordable units actually constructed, fractional units shall be rounded up to the nearest whole number.

**2154.3 Segmentation:** In determining whether a subdivision contains at least five (5) lots and is therefore subject to this affordable requirement the Planning Board shall consider the entirety of the project, including any likely future expansion, and not separate phases or segments thereof. During or prior to Preliminary Subdivision review, in conformance with the Rules and Regulations Governing the Subdivision of Land in Westborough, the proponent shall submit a

sketch plan showing all adjacent parcels of land, in their entirety, labeled with their current ownership and the owner as of the adoption of this regulation (March, 2019), and showing a conceptual layout which utilizes available adjacent land to maximize the number of lots. If the Board determines that the proposed subdivision is part of a larger potential development that could contain five (5) or more lots, then the proposed subdivision will be subject to above affordable housing requirements.

Or take any action thereon.

*Town Manager's Statement - It is the intent of this bylaw to increase the range of housing options for people of different income levels and at different life stages while providing for a variety of housing needs. The Article will add to the Town's affordable housing inventory and allow the Town to provide affordable housing in proportion with the Town's growing market rate residential development. It will also help the Town to continue to comply with the Commonwealth's requirement that all towns shall provide at least 10% of its total housing stock as affordable. A 2/3 vote is required to approve this Article.*

#### **ARTICLE 32: Amend Zoning Bylaws, Article 3 GENERAL REGULATIONS, Section 3300 SIGN REGULATIONS, Subsection 3311 and Article 5 Definitions (Planning Board)**

To see if the Town will vote to amend its Zoning Bylaws, Article 3 GENERAL REGULATIONS, by amending Section 3300 SIGN REGULATIONS, Subsection 3311 by deleting the language shown in strikethrough and by inserting in its place the language shown in bold as follows:

3311. Signs, any part of which moves or flashes, or of the traveling light or animated type, and all beacons and flashing devices whether a part of, attached to, or apart from a sign, are prohibited. ~~Signs shall be prohibited from being internally lit in the Downtown Business District (BB), Downtown Planning Overlay District (DPOD), and the Gateway 2 District (G2).~~

So that the final Section 3311 reads as follows:

3311. Signs, any part of which moves or flashes, or of the traveling light or animated type, and all beacons and flashing devices whether a part of, attached to, or apart from a sign, are prohibited. **Within the Downtown Business District (BB), Downtown Planning Overlay District (DPOD), Gateway 2 District (G2), Historic District and the Senior Living Overlay District (SLO) only externally illuminated signs or opaque signs that are not illuminated, shall be allowed. Automated Variable Message signage shall be prohibited in the aforementioned Districts.**

And by adding the following new definitions in Article 5 DEFINITIONS:

**Sign, Automated Variable Message shall mean a variable message sign that changes its message by programmable electronic or mechanical processes, automatically or by remote control.**

**Sign, Externally Illuminated shall mean any sign which is composed of an opaque material and is illuminated only by a static white light source that is located in front of and shines on the face of**

the sign to be viewed.

Or take any action thereon.

*Town Manager's Statement -The purpose of this amendment is to clarify illumination of signs and to create new definitions that reflect and describe changing technology and design components associated with signage and its regulation in the Downtown Business District, Downtown Planning Overlay District, Gateway 2 District, Historic Districts, and Senior Living Districts. A 2/3 vote is required to approve this Article.*

**ARTICLE 33: Amend Zoning Bylaws, Article 1 ADMINISTRATION AND PROCEDURES, Section 1200 ADMINISTRATION, Subsection 1240 SITE PLAN REVIEW, Subsections 1240, 1241, 1243, 1244; and Article 3 GENERAL REGULATIONS, Section 3100 PARKING AND LOADING REQUIREMENTS, Subsection 3120 SCHEDULE OF PARKING AREA REQUIREMENTS and Subsection 3133 (Planning Board)**

To see if the Town will vote to amend its Zoning Bylaws by amending Article 1 ADMINISTRATION AND PROCEDURES, Section 1200 ADMINISTRATION, Subsection 1240 SITE PLAN REVIEW, Subsections 1240, 1241, 1243, 1244; and Article 3 GENERAL REGULATIONS, Section 3100 PARKING AND LOADING REQUIREMENTS, Subsection 3120 SCHEDULE OF PARKING AREA REQUIREMENTS and Subsection 3133, by replacing the references to the "Board of Selectmen" in Subsections 1240, 1241, 1243, 1244, 3120, and 3133 with the following language:

**The Special Permit Granting Authority (SPGA), or where there is no special permit required, the Planning Board.**

And by amending Section 1244 by adding the following new language at the end of the first paragraph of Section 1244 as follows:

**The applicant for a Site Plan Review shall make a presentation to the Board of Selectmen, prior to the public hearing with the Special Permit Granting Authority (SPGA), or where there is no Special Permit required, the Planning Board. Following the presentation to the Board of Selectmen, the Selectmen shall submit their report to the Special Permit Granting Authority (SPGA), or where there is no Special Permit required, to the Planning Board. The report shall be included in the final determination of Site Plan Review.**

Or take any action thereon.

*Town Manager's Statement - This article transfers the Site Plan Review authority to the Special Permit Granting Authority (SPGA), or where there is no special permit required, to the Planning Board. The purpose of this transfer of authority is to improve the Town's permit review process and to reduce time for overall permitting by reducing redundant reviews by multiple Town Boards. This change is more efficient for both the Town and the permit applicant. It is also a business friendly change that is supported by the Economic Development Committee, Planning Board and the Board of Selectmen. A 2/3 vote is required to approve this Article.*

**ARTICLE 34: Amend Zoning Bylaws, Article 4 SPECIAL REGULATIONS, Section 5400, INDUSTRIAL D (ID) OVERLAY DISTRICT (Planning Board)**

To see if the Town will vote to amend its Zoning Bylaws by amending Article 4 SPECIAL REGULATIONS, Section 5400, INDUSTRIAL D (ID) OVERLAY DISTRICT by deleting the language shown in strikethrough and adding the language shown in **bold** as follows:

**5410. PURPOSE.** The Industrial D (ID) Overlay District encompasses the majority of land fronting on Route 9 lying east of Connector Road including, Flanders Road (east of Connector Road), Old Flanders Road, Fruit Street, Gilmore Road, Washington Street, Friberg Parkway, West Park Drive, Computer Drive, and Technology Drive. This area is highlighted by a series of industrial and office parks and individual general industrial uses encompassed by the General Industrial (IB) District. The purpose of the ID Overlay District is to allow increased land use intensity through increased dimensional standards more permissive than those provided by the underlying IB District.

**5420. SCOPE AND AUTHORITY.** The Industrial D (ID) **Overlay District shall allow for Special Permit** is an 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 IB district. ~~The Planning Board shall be the Special Permit Granting Authority for any project submitted in accordance with this Section and shall have the authority to approve a p~~rojects in the Industrial D (ID) **Overlay District shall undergo upon grant of a Special Permit in accordance with Section 1300, Site Plan Review in accordance with Section 1240 and further upon a finding that shall be consistent with the intent of Sections 1100 and 5400. have been met. This authority requirement continues subsequent to occupancy. Proposed changes in the use of the site shall require a new Site Plan Review.**

**5430. ESTABLISHMENT OF DISTRICT.** The Industrial D (ID) Overlay District ~~Special Permit applies to includes~~ all property within the Industrial D Overlay (ID) zoning district as an optional, alternate form of development where certain criteria specified within this Section 5400 can be satisfied.

**5440. PERMITTED USES.** Uses shall be permitted as indicated in Section 2300 Use Schedule under the column ID, in accordance with this Section 5400.

**5450. RULES AND REGULATIONS.** The ~~Planning Board Site Plan Review Authority~~ may from time to time establish Rules and Regulations governing ~~Special Permits~~ under this section. The ~~Planning Board Site Plan Review Authority~~ shall require a filing fee as a part of the ~~Special Permit Site Plan Review~~ application, the amount of which shall be established by the ~~Planning Board Site Plan Review Authority~~.

**5451. PUBLIC HEARING AND APPROVAL.** The ~~Planning Board Site Plan Review Authority~~ shall hold a public hearing on any proposal alleging compliance with Section 5450 in accordance with

~~the public hearing and notice requirements of Massachusetts General Laws c. 40A §9 and §11 Section 1244. In considering the grant of a Special Permit for Site Plan Review approval the application, the Planning Board Site Plan Review Authority shall make a finding that the provisions of this Section 5400 are satisfied.~~

5452. FINDINGS. The ~~Planning Board 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 ID Overlay and underlying IB district.

5452.1 Project design maximizes the opportunities for walking and bicycling

5452.2 Project incorporates best practices in energy efficient design, environmental protection, stormwater management, LEED (Leadership in Energy and Environmental Design) criteria and low impact development (LID) techniques wherever practicable.

5452.3 Existing mature vegetation is retained wherever possible, including winding of sidewalks and creative siting of structures.

5452.4 Landscape materials used as buffers are native, non-invasive, hardy for New England weather conditions and disease resistant.

5452.5 A mix of trees, shrubs, and perennial or annual flower beds are integrated as appropriate to the proposed use of the site.

## **5460. SPECIAL PERMIT SITE PLAN REVIEW REQUIREMENTS.**

5461. Application for any use requiring a Special Permit: the applicant shall submit the number of copies of the application and plans in such form as the ~~Planning Board~~ may require by its Rules and Regulations. In addition, the following shall be provided in this District shall be governed by the Town Site Plan Review process in conformance with Section 1240 of these Bylaws.

### **5461.1 APPLICATION FORM AND FEE.**

5461.2 ~~DEVELOPMENT STATEMENT.~~ A development statement shall consist of a petition, a list of the parties in interest with respect to the land, a list of the development team and a written statement describing the major aspects of the proposed development.

5461.3 Development Plans shall bear the seal of a Massachusetts Registered Architect, Registered Civil Engineer or similar professional as appropriate. One set of reduced size plans shall be submitted measuring 11 x 17 inches. The following plans shall be submitted, unless waived by the Planning Board.

(a) Site plans and specifications showing all site improvements and circulation.

- (b) Site perspective, sections, and elevations at a scale of 1/8 inch=1 foot.
- (c) Detailed plans illustrating connection to public or private utilities and surface drainage; and
- (d) Detailed landscaping plans.

~~5461.4 Additional information as the Board may determine necessary to evaluate the proposal.~~

5462. 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 ~~Planning Board Site Plan Review Authority~~. The ~~Planning Board 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.

or take any action thereon.

*Town Manager's Statement -The purpose of this Article is to change the requirement for a special permit to site plan review in the Industrial D (ID) Overlay. Currently, in the ID District, buildings with maximum height proposals of four to six stories and a reduction of the open space requirement from 60% to 40% require a special permit. Buildings of one to four stories with 60% open space are allowed by-right with site plan review required. The amendment would allow proposals for buildings from one to six stories and 40% open space by-right with site plan review required, not a special permit. Buildings above four stories would be required to employ low impact development techniques and increased landscaping, improving drainage and groundwater recharge. Such building proposals would also be required to provide walking and biking opportunities connecting to existing trails and bike paths or creating new provisions for such activities.*

*The Article is supported by the Planning Board, Economic Development Committee and the Board of Selectmen. A 2/3 vote is required to approve this Article.*

**ARTICLE 35 Amend Zoning Bylaw: Article 2, DISTRICT REGULATIONS, Section 2100.  
ESTABLISHMENT OF DISTRICTS, Subsection 2110 (Planning Board)**

To see if the Town will vote to amend the its Zoning Bylaws by amending Article 2, DISTRICT REGULATIONS, Section 2100, ESTABLISHMENT OF DISTRICTS, Subsection 2110 by deleting Subsection 2110 in its entirety and replacing it with the following corrected new Section 2110:

2110. For the purposes of this Bylaw, the Town of Westborough is hereby divided into the following zoning districts:

<u>Residential</u>	
Single Residential	R
Garden Apartment	AA

Business

Highway Business	BA
Downtown Business	BB (1)
Gateway 2	G2 (6)
Mixed Use District	MUD (8)
Adult Entertainment	AE (3)

Industrial, Governmental

Exclusive Industrial	IA
General Industrial	IB
Mixed Use Industrial	IC (5)
Industrial D Overlay	ID (9)
Conservation	C (2)
State, MDC and Municipal	M
Town-owned Property	M-1

Overlay Districts

Downtown Planning Overlay	DPOD (4)
Senior Living Overlay	SLO (7)

- (1) All areas zoned Business lying within 2,500 feet of the intersection of the center lines of Milk, Main and South Streets.
- (2) To be established by vote of Town Meeting only on land owned by the Commonwealth of Massachusetts, the Town of Westborough, one of their agencies, or land on which the Conservation Commission hold a Conservation Restriction under Section 31-33, Chapter 184, General Laws.
- (3) Adult uses in accordance with Section 4800 Special Permits for Adult Uses:
- (4) In accordance with Section 4900, Special Permits for Downtown Planning Overlay Districts shall be issued by the Planning Board.
- (5) In accordance with Section 5000, Transit Oriented Village by Special Permit in Industrial C District shall be issued by the Planning Board.
- (6) In accordance with Section 5100 Special Permits in the Gateway 2 District.
- (7) In accordance with Section 5300, Special Permits for the Senior Housing Overlay district shall be issued by the Planning Board.
- (8) In accordance with Section 5500 Special Permits for Mixed Use District.
- (9) In accordance with Section 5400 Industrial D Overlay District.

Or take any action thereon.

*Town Manager's Statement - The intent of this Amendment is to remove zoning district designations that no longer exist and to clarify new districts that have been added over the years. There are no new zoning districts, uses, regulations or requirements proposed or created by this amendment. A 2/3 vote is required to approve this Article.*

**ARTICLE 36 Amend Zoning Bylaw: Article 2, DISTRICT REGULATIONS, Section 2600 DIMENSIONAL SCHEDULE, Subsection 2610 All buildings in Residential and Conservation Districts (R, AA, AB, C) and Residential buildings in Other Districts, and Senior Housing in the Senior Living Overlay; (Planning Board)**

To see if the Town will vote to amend its Zoning Bylaws by amending Article 2, DISTRICT REGULATIONS, Section 2600 DIMENSIONAL SCHEDULE, Subsection 2610 All buildings in Residential and Conservation Districts (R, AA, AB, C) and Residential buildings in Other Districts, and Senior Housing in the Senior Living Overlay, by deleting the entire Subsection 2610 and replacing it with the following corrected new Subsection 2610:

2610. All building in Residential and Conservation Districts (R, AA, C) and Residential buildings in Other Districts, and Senior Housing in the Senior Living Overlay (SLO), shall comply with the following dimensional regulations.

	USE CATEGORY		
	Garden Apartment (AA)	Senior Living Overlay (SLO)	All Other
Min. lot area:	2 acres (a)	5 acres	50,000 sf (h) (l)
Min. lot frontage (d):	140 ft	(n)	200 ft (h)
Min. front yard (d):	100 ft	25 feet (n)	50 ft (f) (i)
Min. side yard:	50 ft	25 feet (n) (o)	15 ft (g) (l)
Min. rear yard:	50 ft	25 feet (n) (o)	30 (g) (l)
Min. bldg. separation on same lot:	50 ft	--	--
Max. bldg. height:	35 ft	45 feet	35 ft (l)
Max. bldg. stories:	3	3	2 1/2 (l)
Max. lot coverage (%):	30	--	30
Min. open space per d.u.:	1,500 sf	--	--
Min. habitable floor area per d.u.:	600 sf	600 sf	720 sf (j) (l)
Min. lot width:	--	--	as required (k) (l)
Min. open space (%):	--	(n)	40 (q)
Max. lots permitted on a common driveway (m):	--	(5 for independent living, no requirement otherwise, or PB determines via special permit	5
Number of affordable unit (%):	20% (p) (r)	10% - 20% (p)	

- (a) But not less than 2,500 square feet (sf) per dwelling unit (d.u.) plus 500 square feet per bedroom.
- (b) *(Footnote deleted Annual Town Meeting 2019)*
- (c) *(Footnote deleted Annual Town Meeting 2019)*
- (d) Corner and through lots shall observe frontage and front yard requirements for each portion of a lot that adjoins a public way. Footnote (d) shall not apply in the Senior Living Overlay.
- (e) *(Footnote deleted Annual Town Meeting 2019)*
- (f) Increase to 75 feet abutting Turnpike Road.
- (g) Reduce to 5 feet for one-story accessory structure not occupying more than 25% of either required or actual yard.
- (h) For two-family dwelling 250 feet; 55,000 square feet area per lot.
- (i) *(Footnote deleted 10/21/2013, Article 23)*
- (j) Shall not apply to single family dwellings.
- (k) Minimum Width of Lot – The required minimum lot frontage extending from the front lot line to the rear building line of the main building. *(Amended 3/12/1996, Article 64)*
- (l) For congregate housing, the minimum lot area is six (6) acres; the minimum side and rear yards and lot width may be reduced or eliminated by Special Permit to allow the construction of congregate housing and a nursing home on contiguous parcels with minimal separation between buildings, the maximum building height is thirty-eight (38) feet; the maximum building stories is four (4); and the minimum habitable floor area per dwelling unit shall not apply. Separate buildings for congregate housing and a nursing home may be erected on the same lot.
- (m) In all districts in the Town of Westborough, Common Driveways serving more than two (2) detached single family dwellings shall be required to receive a Special Permit from the Planning Board. In no case will a common driveway serve more than five (5) detached single family dwellings. In granting a Special Permit for a common driveway, the Planning Board shall require that the common driveway meet the standards defined in the Rules and Regulations Governing the Subdivision of Land in the Town of Westborough.
- (n) For these yard requirements, in all residential districts, SLO shall be required to conform to Section 2610 of this Bylaw. SLO uses in all non-residential districts shall be required to conform to Section 2620. Except, where abutting a residential district it shall conform to Section 2610.
- (o) Except 50 feet if adjacent to residentially zoned land. In the G2 District, a fifty (50) foot buffer strip shall be maintained where abutting a residential district, forty (40) feet of this to remain undisturbed, except for the planting of additional natural vegetative screening.
- (p) A range of 10% to 20% of the units, as determined by the Special Permit Granting Authority, that are to be designated affordable must comply with the requirements of the Massachusetts Department of Housing and Community Development or a successor agency. Such units shall have deed restrictions regarding affordability which will continue in perpetuity and will allow the units to “count” as State recognized affordable units. All such affordable units shall be priced at levels affordable to individuals or families earning no more than 80% of Area Median Income (AMI) as published by the State/US Department of Housing and Urban Development (HUD).
- (q) Man-made retention and detention areas shall not be considered open space.
- (r) Applicants for affordable housing projects shall be expected to meet the 20% minimum number of affordable units provided herein. The Special Permit Granting Authority may, however, in its discretion decrease the minimum 20% affordable housing requirement to no less than 10%

provided that other affordable housing contributions are made to the Town which the Special Permit Granting Authority deems sufficient to meet affordable housing needs. Such alternative contributions may include, contributions to the Town's Senior/Disabled Tax Relief Fund, creation of affordable housing units elsewhere in Town, or other alternatives deemed suitable to the Special Permit Granting Authority.

Or take any action thereon.

*Town Manager's Statement - The intent of this Amendment is to clarify residential zoning requirements while eliminating regulations for the High-Rise Apartment (AB) residential district which is no longer in existence. There are no new uses, regulations or requirements proposed or created by this amendment. A 2/3 vote is required to approve this Article.*

**ARTICLE 37 Amend Zoning Bylaw: Article 2, DISTRICT REGULATIONS, Section 2600 DIMENSIONAL SCHEDULE, Subsection 2620 NON-RESIDENTIAL BUILDINGS IN NON-RESIDENTIAL DISTRICTS (Planning Board)**

To see if the Town will vote to amend its Zoning Bylaws by amending Article 2, DISTRICT REGULATIONS, Section 2600 DIMENSIONAL SCHEDULE, Subsection 2620 NON-RESIDENTIAL BUILDINGS IN NON-RESIDENTIAL DISTRICTS (BB, IA, IB, IC, ID and G2) by deleting the entire Subsection 2620 and replacing it with the following corrected new Subsection 2620:

**2620. NON-RESIDENTIAL BUILDINGS IN NON-RESIDENTIAL DISTRICTS**  
(See Section 2610 for residential buildings)

## DISTRICTS

	<b>BA</b>	<b>BB</b>	<b>G2</b>	<b>IA,IB</b>	<b>ID(j)</b>	<b>DPOD(g)</b>	<b>MUD (g)</b>
Minimum lot area (sf):	15,000	10,000	15,000	15,000	15,000	10,000	10,000
Minimum lot frontage (ft):	125	100	125	125	125	100	100
(a):							
Minimum front yard (ft):	25	25	25	25	25	10	10
(a,b,c,e):							
Minimum side yard (ft):	25	0	25	25	25	0	0
(d):							
Minimum rear yard (ft):	25	0	25	25	25	0	0
(d):							
Maximum building height (ft):	60	35	45	60	95	60	60
Maximum building stories:	4	2 ½	2 ½	4	6	4	4
Maximum lot coverage (%):	40	100	40	40	60	--(h)	--(h)
Min. distance between edge of curb cut & nearest side lot line or corner (ft):	20	--	20	--	----	--(h)	--(h)
Minimum open space (%):	60	--	60	60	40	--(h)	--(h)
Max. square foot floor	---	---	(i)	---	----	---	--(h)

- (a) Corner and through lots shall observe frontage and front yard requirements for each portion of a lot that adjoins a public way.
- (b) Increase to 75 feet abutting Turnpike Road.
- (c) But not less than 50 feet measured from the street centerline.
- (d)
  - (1) Decrease to zero (0) feet where abutting a railroad right-of-way.
  - (2) A one hundred (100) foot buffer strip shall be maintained where abutting a Residential District; seventy-five (75) feet of this to remain undisturbed, except for the planting of additional

natural vegetative screening.

(3) In the G2 District, a fifty (50) foot buffer strip shall be maintained where abutting a Residential District, forty (40) feet of this to remain undisturbed, except for the planting of additional natural vegetative screening.

(e) No building need provide a yard greater than that existing on any abutting parcel on the same street.

(f) *(Footnote deleted Annual Town Meeting 2019).*

(g) With Special Permit issued by the Special Permit Granting Authority.

(h) Determined by the sole discretion of the Special Permit Granting Authority during Special Permit process.

(i) Newly constructed professional offices shall be in a residential style structure and be limited to a maximum of 4,000 sq. ft. gross floor area; Newly constructed retail sales and services shall be limited to a maximum of 5,000 sq. ft. gross floor area.

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

Or take any action thereon.

*Town Manager's Statement -The intent of this Amendment is to correct clerical errors and omissions and to clarify requirements while eliminating redundancies in the regulations that have occurred over the years. There are no new uses, regulations or requirements proposed or created by this amendment. A 2/3 vote is required to approve this Article.*

#### **ARTICLE 38: Property Disposition – 231 Turnpike Road (Board of Selectmen)**

To see if the Town will vote to supplement the vote taken under Article 18 of the March 6, 2018 Annual Town Meeting, which authorized the Board of Selectmen to take the property located at 231 Turnpike Road by eminent domain for economic revitalization purposes, to authorize the Board of Selectmen to convey said property in compliance with G.L. c.30B on such terms and conditions as the Board of Selectmen deems appropriate, or take any other action thereon.

*Town Manager's Statement –At the March 2018 ATM, Town Meeting authorized the Board of Selectmen to acquire the property located at 231 Turnpike Road (Regal Cinema. The Town has now entered into a purchase and sales agreement to sell the property subject to Town Meeting approval to authorize the Board of Selectmen to sell it. A majority vote is required.*

#### **ARTICLE 39: Polystyrene Reduction Bylaw (Citizens' Petition)**

To see if the Town will vote to adopt a Polystyrene Reduction bylaw, or take any other action in relation thereto.

#### **Article 34: Polystyrene Reduction Bylaw**

#### **SECTION 1**

“Director”, the Director of Public Health Services or the Town Manager/Board of Selectman designee.

“Disposable Food Service Container” means single-use disposable products for serving or transporting prepared, ready-to-consume food or beverages, including without limitation, take-out foods and/or leftovers from partially consumed meals prepared by a food establishment. This includes but is not limited to, plates, cups, bowls, trays, hinged or lidded containers, straws, cup lids, or utensils. It does not include single-use disposable packaging for unprepared foods.

“Food establishment” means any operation that stores, prepares, packages, serves, vends, or otherwise provides food for human consumption, as further defined in 105 CMR 590.002. Any establishment requiring a permit to operate in accordance with the State Food Code, 105 CMR 590.000, et seq., shall be considered a food establishment for this ordinance.

“Expanded polystyrene” means blown polystyrene (polystyrene that has been expanded or “blown” using a gaseous blowing agent into a solid foam) and expanded and extruded forms, which are thermoplastic petrochemical materials utilizing a styrene monomer and processed by any number of techniques including, but not limited to, fusion of polymer spheres (expandable bead polystyrene), injection molding, form molding, and extrusion blow molding (extruded foam polystyrene).

“Prepared Food” means any food or beverage prepared on the food establishment’s premises, using any cooking or food preparation technique. Prepared food does not include any raw uncooked meat, fish or eggs unless provided for consumption without further food preparation. Prepared food may be eaten on or off the food establishment’s premises.

## **SECTION 2**

Food establishments are prohibited from dispensing prepared food to customers in disposable food service containers made from expanded polystyrene.

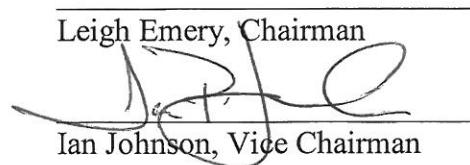
## **SECTION 3.**

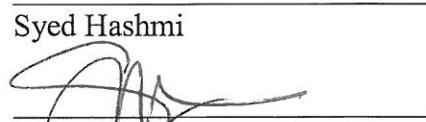
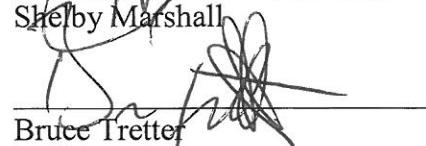
- (a) The Director may promulgate rules and regulations to implement this section.
- (b) Each Food Establishment as defined in Section 1, above, located in the Town of Westborough shall comply with this by-law.
  - (1) If it is determined that a violation has occurred the Director shall issue a warning notice to the Food Establishment for the initial violation.
  - (2) If an additional violation of this by-law has occurred within one year after a warning notice has been issued for an initial violation, the Director shall issue a notice of violation and shall impose a penalty against the Food Establishment.
  - (3) The penalty for each violation that occurs after the issuance of the warning notice shall be no more than:
    - A) \$50 for the SECOND offense paid with 21 days to the Department of Health

- B) \$100 for the THIRD offense and all subsequent offenses.
- (4) No more than one (1) penalty shall be imposed upon a Food Establishment within a seven (7) calendar day period.
- (5) A Food Establishment shall have fifteen (15) calendar days after the date that a notice of violation is issued to pay the penalty.
- (6) All subsequent offenses may be penalized by a non-criminal disposition as provided in the General Laws, Chapter 40, Section 21D.

All of the requirements set forth in this by-law shall take effect January 1, 2020. In the event that compliance with the effective date of this by-law is not feasible for a Food Establishment because of either unavailability of alternative food service containers or economic hardship, the Director may grant a waiver of not more than six months upon application of the owner or the owner's representative. The waiver may be extended for one (1) additional six month period upon showing of continued infeasibility as set forth above.

Given under our hands the 21<sup>st</sup> day of February in the year Two Thousand and Nineteen.

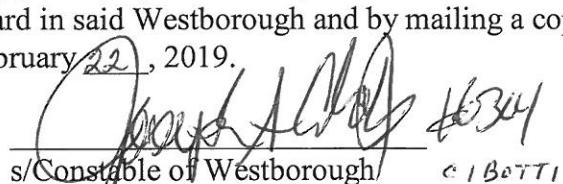
Leigh Emery, Chairman  
  
Ian Johnson, Vice Chairman

Syed Hashmi  
  
Shelby Marshall  
  
Bruce Tretter

SELECTMEN 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, 2019.

  
s/Constable of Westborough 46341  
CIBOTTI

\Worcester, ss

Attest:

  
Syedy R. Hashmi  
Town Clerk

658358/WBOR/0275