

**COMMONWEALTH OF MASSACHUSETTS
TOWN OF WESTFORD
WARRANT**

Middlesex, ss.

To the Constable of the Town of Westford, in said County,

GREETINGS:

You are required in the name of the Commonwealth aforesaid, to notify and warn all inhabitants of said Town qualified to vote in elections, and also in Town affairs, to meet at the Abbot School Gymnasium at Depot Street on the following date:

Saturday, March 26, 2011

(voter registration deadline, Friday, March 4, 2011 at 8:00pm)

At 10:00 o'clock in the morning, then and there to act upon the following articles:

REPORTS

ARTICLE 1:	Acceptance of Town Reports	<i>Town Manager</i>
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To accept the [reports of Town officers, boards and committees](#) for the calendar year 2010;

Or act in relation thereto.

FINANCIAL (FISCAL YEAR 2011)

ARTICLE 2:	Fiscal Year 2011 Supplemental Appropriations	<i>Town Manager</i>
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To see if the Town will vote to appropriate various sums in order to supplement operating budgets for the Fiscal Year ending June 30, 2011;

Or act in relation thereto.

ARTICLE 3:	Fiscal Year 2011 Budget Transfers	<i>Town Manager</i>
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To see if the Town will vote to transfer various sums between and among various accounts for the Fiscal Year ending June 30, 2011;

Or act in relation thereto.

ARTICLE 4:	Unpaid Bills from Previous Fiscal Year(s)	<i>Town Manager</i>
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To see if the Town will vote to appropriate a sum of money to pay for unpaid bills of prior fiscal years for various Town departments in accordance with the provisions of [Massachusetts General Laws Chapter 44, Section 64](#);

Or act in relation thereto.

FINANCIAL-FISCAL YEAR 2012

ARTICLE 5:	Amendments to the Wage and Classification Plan	<i>Town Manager</i>
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To see if the Town will vote to amend the Pay Classification Plan for non-unionized municipal employees, effective July 1, 2011;

Or act in relation thereto.

ARTICLE 6:	Local Option Meals Excise Acceptance	<i>Board of Selectmen</i>
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To see if the Town will accept the provisions of [Massachusetts General Laws Chapter 64L Section 2\(a\)](#) to impose a local meals excise;

Or act in relation thereto.

ARTICLE 7:	Local Option Room Occupancy Excise Acceptance	<i>Board of Selectmen</i>
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To see if the Town will accept the provisions of [Massachusetts General Laws Chapter 64G Section 3A](#) to impose a local room occupancy excise at the rate of 6 percent;

Or act in relation thereto.

ARTICLE 8:	Fiscal Year 2012 Operating Budget	<i>Town Manager</i>
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To see if the Town will vote to appropriate a sum of money by taxation, by transfer from available funds, by borrowing, or any combination thereof, for the operation and maintenance of Town Departments for the Fiscal Year July 1, 2011 through June 30, 2012, and that such sums be expended for such purposes under the direction of the respective Town Officers, Boards and Committees;

Or act in relation thereto.

ARTICLE 9:	Property Tax Exemption Increase by 100% for the Blind, Elderly and for Disabled Veterans	<i>Board of Assessors</i>
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To see if the Town will vote to accept the provisions of [Massachusetts General Laws Chapter 73, Section 4](#) of the Acts of 1986, as amended by [Chapter 126](#) of the Acts of 1988, by providing for additional property exemptions for qualified residents who may be blind, elderly, surviving spouses or minors, or who are disabled veterans, and to continue the present percentage increase of 100%;

Or act in relation thereto.

ARTICLE 10:	Deferral of Betterments and Special Assessments	<i>Board of Assessors</i>
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To see if the Town will vote to accept the provisions of [Massachusetts General Law Chapter 80 Section 13B](#), which allows for the deferral of Betterments and Special Assessments for elderly property owners. Qualifying factors are the same as the Real Estate Tax Deferral under [Massachusetts General Laws Chapter 59 Section 5 Clause 41A](#). Applicants must enter into a

Deferral and Recovery Agreement with the assessing board upon approval by said board.
Qualifying factors:

- 1) Age 65 year or older as of July 1
- 2) Meet income requirements as indicated and adopted from the "Circuit Breaker" law.
- 3) Must own and occupy the property.
- 4) Must apply annually.
- 5) Must enter into a Deferral and Recovery Agreement which is recorded once with the Registry of Deeds.
- 6) Applications are due by April 1.
- 7) Upon probate or sale of property, there would be 6 months to pay balance due. If not paid within this time, the interest is treated at the same interest as Tax Title at 16%.

Or act in relation thereto.

ARTICLE 11:	Revolving Funds	<i>Town Manager</i>
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To see if the Town will vote to authorize revolving funds for the Fiscal Year July 1, 2011 - June 30, 2012, under the provisions of [Massachusetts General Laws Chapter 44, Section 53E ½](#) for the following:

Revolving Account	Spending Authority	Revenue Source	Allowed Expenses	Expenditure Limits	Year End Balance
Lease of Town Buildings: 65 & 73 Main St 170 Plain Rd	Board of Selectmen	Lease payment and other revenues from leased properties	Costs associated with maintenance, repairs and improvements to the leased properties	\$550,000	Available for expenditure next year
Recycling Revolving	Recycling Commission	Sale of bins	Purchase of recycling supplies	\$20,000	Available for expenditure next year
Recreation Field Maintenance	Recreation Commission	Field user fees/permits	Field maintenance, hiring of necessary personnel and consulting services	\$150,000	Available for expenditure next year
Senior Center Fitness Room	Council on Aging	Fees and gifts received for the Fitness Room	Fitness room maintenance supplies, equipment warranties, training, monitoring and purchase of replacement fitness equipment	\$75,000	Available for expenditure next year
School Parking	School Department	Parking fees	Maintenance and expansion of parking facilities	\$35,000	Available for expenditure next year
School Bus/Transportation	School Department	User bus fees	Student transportation costs	\$537,477	Available for expenditure next year

And further

To see if the Town will vote to establish a revolving fund for the Conservation Commission pursuant to [Massachusetts General Laws Chapter 44, Section 53E ½](#) for the specific purposes outlined below for the Fiscal Year July 1, 2011- June 30, 2012:

Revolving Account	Spending Authority	Revenue Source	Allowed Expenses	Expenditure Limits	Year End Balance
East Boston Camps Maintenance	Conservation Commission	Revenue received for the lease, rental or licensing of camp facilities and donations received for the support of the East Boston Camps property	Costs associated for the operation and maintenance of the East Boston Camps property	\$50,000	Available for expenditure next year

Or act in relation thereto.

ARTICLE 12:	Highway Department Chapter 90 Funds	<i>Town Manager</i>
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To see if the Town will vote to appropriate a sum of money from the proceeds due to the Town under the provisions of [Massachusetts General Laws Chapter 90](#);

Or act in relation thereto.

ARTICLE 13:	Establishment of Other Post Employment Benefits Liability Trust Fund	<i>Town Manager</i>
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To see if the Town will vote to accept the provisions of [Massachusetts General Laws Chapter 32B Section 20](#) which establishes an Other Post Employment Benefits Liability Trust Fund and to raise and appropriate the sum of \$50,000 to be deposited into said trust fund;

Or act in relation thereto.

CAPITAL APPROPRIATIONS

ARTICLE 14:	Capital Appropriations	<i>Capital Planning Committee</i>
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To see if the Town will appropriate by taxation, by transfer from available funds, by borrowing, or any combination thereof, the sum of \$1,109,550 (ONE MILLION ONE HUNDRED AND NINE THOUSAND FIVE HUNDRED FIFTY DOLLARS) to provide for the following capital requests:

DEPARTMENT	AMOUNT	PURPOSE
Selectmen	\$17,000	Upgrades to crosswalks at town center and any other related costs
Technology	\$200,000	Infrastructure & computer plan project and any other related costs
Technology	\$50,000	Upgrade wiring/cabling at various buildings and any other related costs

Police Department	\$ 75,000	Two cruisers and accessories and any other related costs
Fire Department	\$ 35,350	Replace Fire Chief's vehicle and any other related costs
Fire Department	\$68,200	Positive pressure diesel exhaust removal systems at Nabnasset and Rogers Fire Stations and any other related costs
Fire Department	\$60,000	Rehab Engine 4 and any other related costs
School Department	\$89,000	Replace 16 foot multi-purpose tractor and any other related costs
School Department	\$45,000	Replace One Ton Truck and any other related costs
Town Manager	\$40,000	Modifications/repairs of various wastewater treatment facilities and any other related costs
Highway	\$125,000	Engineering of Rte 40 retaining wall and culvert at Keyes Brook and any other related costs
Highway	\$25,000	Replace/repair retaining wall at Main & Flag Streets and any other related costs
Cemeteries	\$10,000	Replace mower and any other related costs
Cemeteries	\$75,000	Purchase of a backhoe/loader and any other related costs
Water Department	\$75,000	Water Tank Repairs and any other related costs
Water Department	\$80,000	Replace Backhoe and any other related costs
Water Department	\$40,000	Replace Pick-up Truck and any other related costs

Or act in relation thereto.

ARTICLE 15:	Installation of Elevator at Abbot School	<i>Capital Planning Committee</i>
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To see if the Town will vote to appropriate the sum of \$500,000 (FIVE HUNDRED THOUSAND DOLLARS) to be raised by taxation, by transfer from available funds, by borrowing, or any combination thereof for the installation of an elevator at the Abbot School including costs incidental and related thereto;

Or act in relation thereto.

ARTICLE 16:	Purchase of Street Sweeper for Highway Department	<i>Capital Planning Committee</i>
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To see if the Town will vote to appropriate the sum of \$225,000 (TWO HUNDRED TWENTY FIVE THOUSAND DOLLARS) to be raised by taxation, by transfer from available funds, by borrowing, or any combination thereof for the purchase of a street sweeper for the Highway Department including costs incidental and related thereto;

Or act in relation thereto.

ARTICLE 17:	Purchase of Base Radio for Police Department	<i>Capital Planning Committee</i>
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To see if the Town will vote to appropriate the sum of \$200,000 (TWO HUNDRED THOUSAND DOLLARS) to be raised by taxation, by transfer from available funds, by borrowing, or any combination thereof for the purchase of a base radio for the Police Department including costs incidental and related thereto;

Or act in relation thereto.

ARTICLE 18:	Water Main Extension to 34 Lowell Road	<i>Water Commissioners</i>
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To see if the Town will vote to appropriate the sum of \$60,000 (SIXTY THREE THOUSAND DOLLARS) from Water Enterprise Free Cash to extend a water main to 34 Lowell Road, such amount to be repaid by the homeowner as a Water Special Assessment in accordance with the provisions of [Massachusetts General Laws, Chapter 40 Sections 42G, 42H, 42I and 42K](#) .

Or act in relation thereto.

ARTICLE 19:	Easement and Construction of Common Well for Perchlorate Remediation at 93, 95, and 97 Groton Road	<i>Town Manager</i>
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To see if the Town will vote to appropriate the sum of \$80,000 (EIGHTY THOUSAND DOLLARS), to be raised by taxation, by transfer from available funds, by borrowing or any combination thereof for the purpose of constructing a common well at 93, 95 & 97 Groton Road, including the payment of costs incidental and related thereto

And further

To see if the town will authorize the acceptance of funding through a loan program of the Massachusetts Water Pollution Abatement Trust

And further

To see if the Town will vote to authorize the Board of Selectmen to acquire by gift, purchase, or eminent domain certain rights in fee or by easement on properties located at 97 Groton Road (Map 35 Parcel 104), 95 Groton Road (Map 34 Parcel 25-5) and 93 Groton Road (Map 34 Parcel 25-3) for the purpose of obtaining secure permanent or temporary water easements, for the construction and maintenance of a common well service from an existing well at 93 Groton Road to residences at 95 Groton Road and 97 Groton Road.

Or act in relation thereto.

ARTICLE 20:	Funding Authorization for Minot's Corner - Non-Participating Costs	<i>Board of Selectmen</i>
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To see if the Town will vote to appropriate the sum of \$625,000 (SIX HUNDRED TWENTY FIVE THOUSAND DOLLARS), to be raised by taxation, by transfer from available funds, by borrowing, or any combination thereof for the purpose of funding Non-participating costs of construction at Minot's Corner including costs incidental and related thereto;

And further

To see if the Town will vote to authorize the Board of Selectmen to acquire by gift, purchase, or eminent domain any necessary rights on properties for the purpose of obtaining secure permanent or temporary easements.

And further

To see if the Town will vote to authorize the Board of Selectmen to assess betterments for the total costs to the Town of making said improvements.

ARTICLE 21:	Establish Stabilization Fund for Nashoba Valley Technical High School	<i>Nashoba Valley Technical School District Committee</i>
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To see if the Town will vote to approve the Nashoba Valley Technical School District Committee's vote on December 14, 2010 to establish a Stabilization Fund, pursuant to [Massachusetts General Laws Chapter 71 Section 16G½ of](#), said Stabilization Fund to be invested and to retain its own interest earnings as provided by law and further set up an operational line item to be created to transfer available monies into said Stabilization Fund or take any other action relative thereto.

Or act in relation thereto.

CPA FUNDS

ARTICLE 22:	Community Preservation Committee Recommendations	<i>Community Preservation Committee</i>
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To see if the Town will vote to hear and act on the report of the Community Preservation Committee on the Fiscal Year 2012 Community Preservation budget and to appropriate from the Community Preservation Fund a sum of money not exceeding 5% of the FY2012 estimated annual revenues to meet the administrative expenses and all other necessary and proper expenses of the Community Preservation Committee for Fiscal Year 2012; and further to reserve for future appropriation a sum of money from the Community Preservation Fund for open space, historic resources, and community housing purposes, and further to appropriate from the Community Preservation Fund or borrow pursuant to [Massachusetts General Laws Chapter 44B, Section 11](#), or any other enabling authority, a sum or sums of money for Community Preservation projects or purposes, including acquisition of interests in land, all as recommended by the Community Preservation Committee;

Or act in relation thereto.

GENERAL BYLAW AMENDMENTS

ARTICLE 23:	Chapter 1 Penalties for Violating Bylaws and Regulations	<i>Bylaw Review Committee</i>
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To see if the Town will vote to amend Chapter 1 the Westford General Bylaws relating to Penalties for Violating Bylaws and Regulations by deleting the current text in its entirety and replacing it with the following text:

Sec. 1.1. Violations

Any bylaw of the Town of Westford, or rule or regulation of its boards, commissions, and committees, the violation of which is subject to a specific penalty, may, in the discretion of the Town Official who is the appropriate enforcing person, be enforced in the method provided in Section 21D of Chapter 40 of the General Laws.

Sec. 1.2. Enforcement

A. "Enforcing person" shall mean the Board of Selectmen or any Police Officer of the Town of Westford, with respect to any offense; and the following boards and officials or any authorized agent for each of the boards or officials listed, each with respect to violation of bylaws and rules and regulations within their jurisdictions:

**Animal Control Officer
Board of Health
Building Commissioner
Bylaw Enforcement Officer
Conservation Commission
Conservation/Resource Planner
Fire Chief
Planning Board
Plumbing Inspector
Water Department Superintendent**

B. If more than one official has jurisdiction in a given case, any such official may be an enforcing person with respect thereto. The Town Manager shall compile a detailed statement of the actual jurisdictions assigned to the appropriate enforcing person. The statement shall be filed with the Selectmen and available for inspection.

Sec. 1.3. Penalties

A. When enforced through this noncriminal disposition procedure, the penalty for violation of any Town bylaw, rule, or regulation, unless otherwise specified therein, shall be as follows:

**First offense: \$100
Second offense: \$200
Third offense: \$300
Fourth and subsequent offenses: \$300**

B. Each day upon which a violation exists shall be deemed to be a separate offense.

Or act in relation thereto.

ARTICLE 24: Proposed Changes to Town Meetings – Chapter 51.1 C2 Bylaw – To Reduce Printing & Distribution Costs

Board of Selectmen

To see if the Town will vote to amend Chapter 51.1, Section C2 of the Westford General Bylaws to;

§ 51.1. Annual Town Meetings and Elections.

- A. **Date and time of Annual Town Elections.** The Annual Meeting for the election of Town officers and the determination of matters as by law or vote of the Town are required to be elected or determined by ballot shall be held on the first Tuesday of May each year. The polls shall be open at 7:00 A.M. and shall remain open until 8:00 P.M.
- B. **Date and time of Annual Town Business Meetings.** All other business of the Annual Town Meeting shall be considered at 10:00 A.M. on the fourth Saturday in March, except that if the Board of Selectmen determines that such date conflicts with the traditional observance of a religious holiday, the Board of Selectmen may delay the Annual Town Meeting to a subsequent Saturday that does not conflict with any religious holiday.
- C. **Notice of Annual Town Meetings.**
 - 1. The Board of Selectmen shall give notice of every Annual Town Meeting by posting an at-tested copy of the warrant at the Town Hall, the J.V. Fletcher Library, and each post office in Westford at least 14 days before the meeting.
 - 2. The Finance Committee shall ~~print and~~ **publish on the town website and make available to the public at Town Hall, J.V. Fletcher Library, and the Cameron Senior Center** the warrant* with the Finance Committee's recommendations and the Town Manager's proposed budget ~~to all residents of the Town~~ at least 10 days before the meeting.

Or act in relation thereto.

ARTICLE 25: Proposed Changes to Town Meetings – Chapter 51.2 C2-Bylaw – To Reduce Printing & Distributing Costs

Board of Selectmen

To see if the Town will vote to amend Chapter 51.2 Section C2 of the Westford General Bylaws to;

51.2. Special Town Meetings.

- A. **Date and time of Special Town Meetings.** Special Town Meetings may be called on any day not earlier than 7:30 P.M., except that on a Saturday a Special Town Meeting may be called at any time determined by the Board of Selectmen to be in the public interest and convenience.
- B. **Special Town Meeting quorum requirement.** A quorum of 200 registered voters shall be required to convene a Special Town Meeting. Once a Special Town Meeting has been opened, there shall be no requirement to maintain the quorum.
- C. **Notice of Special Town Meetings.** The Board of Selectmen shall give notice of every Special Town Meeting by:

1. Posting an attested copy of the warrant at the Town Hall, the J.V. Fletcher Library, and each post office in Westford at least 14 days before the meeting.
2. ~~Printing and distributing~~ **Publishing on the town website and making available to the public at Town Hall, J.V. Fletcher Library, and the Cameron Senior Center** the warrant* and the voter registration deadline ~~to all residents of the Town~~ at least 10 days before the meeting.

Or act in relation thereto.

ARTICLE 26:	Finance Committee – Chapter 22.6 A6 – To Reduce Printing & Distribution Costs	<i>Finance Committee</i>
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To see if the Town will vote to amend Chapter 22.6, Section A6 of the Westford General Bylaws to;

§ 22.6. Areas of responsibility.

A. Development of annual operating and capital improvement budgets.

6. The Finance Committee shall, after due consideration, recommend the amounts which, in its judgment, should be appropriated for the ensuing year, and shall accompany the same with such explanations and suggestions thereto as it may deem advisable for the proper information of the voters. The Finance Committee shall **publish on the town website and make available to the public at Town Hall, J.V. Fletcher Library, and the Cameron Senior Center** ~~print~~ these recommendations and information together with the Town Manager's proposed budget and the warrant*, ~~and shall distribute this document to all residents of the Town~~ at least 10 days prior to the Annual Town Meeting.

Or act in relation thereto.

ARTICLE 27:	Proposed Changes to Chapter 169 – Water Bylaw	<i>Board of Selectmen</i>
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To see if the Town will vote to amend Chapter 169 of the General Bylaws to;

§ 169.1. Appointment of Water Commissioners; authority.

The Water Department shall be administered by a Board of 3 Water Commissioners appointed by the Town Manager*. The Water Commissioners shall have ~~exclusive~~ charge and control of the Water Department and water system subject to the provisions of the Massachusetts General Laws, ~~and~~ and subject to these bylaws, as they may be amended, ~~and subject to the Town Manager's authority as defined in the Town Charter.~~

§ 169.2. Appointment of Water Department Superintendent.

The Water Commissioners shall appoint a Superintendent of the Water Department to administer the Water Department under their control, ~~subject to ratification by the Town Manager pursuant to the Town Charter.~~ subject to ratification by the Town Manager pursuant to the Town Charter. ~~The appointment shall be for the term of 1 year, but the person may be re-appointed for additional 1 year terms.~~

Or act in relation thereto.

ARTICLE 28:	Acceptance of Mass General Laws Chapter 32B Section 18A - Mandatory Transfer of Retirees to Medicare Health Supplemental Plan.	<i>Town Manager</i>
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To see if the Town will vote to accept the provisions of [Massachusetts General Laws Chapter 32B Section 18A](#):

Section 18A Medicare extension plans; mandatory transfer of retirees

In a governmental unit that has accepted section 10 and that accepts this section, all retirees, their spouses and dependents insured or eligible to be insured under this chapter, if enrolled in Medicare Part A at no cost to the retiree, spouse or dependents or eligible for coverage thereunder at no cost to the retiree, spouse or dependents, shall be required to transfer to a Medicare extension plan offered by the governmental unit under section 11C or section 16, provided, that the benefits under the plan and Medicare Part A and Part B together shall be of comparable actuarial value to those under the retiree's existing coverage; provided, however, that a retiree or spouse who has a dependent who is not enrolled or eligible to be enrolled in Medicare Part A at no cost shall not be required to transfer to a Medicare extension plan if a transfer requires the retiree or spouse to continue the existing family coverage for the dependent in a plan other than a Medicare extension plan offered by the governmental unit. Each retiree shall provide the governmental unit, in such form as the governmental unit shall prescribe, such information as is necessary to transfer to a Medicare extension plan. If a retiree does not submit the information required, he shall no longer be eligible for his existing health coverage. The governmental unit may from time to time request from a retiree, a retiree's spouse or a retiree's dependent, proof, certified by the federal government, of eligibility or ineligibility for Medicare Part A and Part B coverage. The governmental unit shall pay any Medicare Part B premium penalty assessed by the federal government on the retiree, spouse or dependent as a result of enrollment in Medicare Part B at the time of transfer. For the purpose of this paragraph, "retiree" shall mean a person who retires after the acceptance of this section by a governmental unit.

A retiree who retires prior to the acceptance of this section by a governmental unit, his spouse and dependent shall continue to be eligible for benefits provided under this chapter, but may opt to transfer to a Medicare extension plan offered by the governmental unit under section 11C or section 16, thereby becoming ineligible to participate in any other group health insurance benefits available to active employees under this chapter.

This section shall take effect in a county, except Worcester county, city, town or district upon its acceptance in the following manner: In a county, by vote of the county commissioners; in a city having a Plan D or Plan E charter, by a majority vote of its city council; in any other city, by vote of its city council and approval by the mayor; in a district, except as hereinafter provided, by vote of the registered voters of the district at a district meeting; in a regional school district, by vote of the regional district school committee; and in a town, either by vote of the town at a town meeting or, by a majority of affirmative votes cast in answer to the following question which shall be printed upon the official ballot to be used at an election of said town - "Shall the town require that all retirees, who retire after the acceptance of this section, their spouses and dependents who are enrolled in Medicare Part A at no cost to a retiree, their spouse or dependents, or eligible for coverage thereunder at no cost to a retiree, his spouse or dependents, be required to enroll in a Medicare health benefits supplement plan offered by the town?".

Or act in relation thereto.

ZONING BYLAW AMENDMENTS

ARTICLE 29:	Section 5.3 Signs – Replace Section 5.3 Signs With New Organization
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Planning Board

To see if the Town will delete Chapter 173 section 5.3 of the Westford Zoning Bylaw in its entirety and replace it with the following in order to reorganize existing content without changing current policy:

5.3 SIGNS

5.3.1 Purpose.

5.3.2 Applicability. No sign shall hereafter be erected or maintained except as provided by this Section and after a permit has been issued by the Board of Selectmen. All signs erected hereunder shall be erected in the exact location and manner described in the permit. The permit number shall be clearly visible on the sign.

5.3.3 Exemptions. No permit is required for the following types of signs:

1. A sign in a Residential A or Residential B District erected in accordance with the provisions of Section 5.3.7 herein.
2. Any sign legally erected before the date of the Town Meeting approving this Section shall be exempt from the requirements herein. The exemption herein granted shall terminate with respect to any sign which:
 - a. shall have been abandoned;
 - b. advertises or calls attention to any products, businesses or activities which are no longer carried on or sold, whether generally or at the particular premises;
 - c. shall not have been repaired or properly maintained within 60 days after notice to that effect has been given by the Building Commissioner; or
 - d. has been rebuilt or relocated without a permit hereunder subsequent to the date of the Town Meeting approval.
3. Any sign erected or required by the Town or by the Commonwealth of Massachusetts or by the United States, or any subdivision or agency thereof, or for any sign intended solely for the protection of life or property.
4. Temporary sign which does not exceed 12 square feet in area and which advertises the sale of services or products, which shall be allowed for a period not to exceed 14 days.

5.3.4 Definitions. See Section 10.2 of the Zoning Bylaw.

5.3.5 Signs Allowed in Business (B), Commercial Highway (CH) and Business, Limited (BL) Zoning Districts. The following signs are allowed in the Business and Commercial Districts with a permit:

1. No sign shall be allowed other than 1 wall sign, individual letter sign, roof sign or projecting sign affixed to a building for each store, except as provided in subsection 3, below, or as otherwise allowed in this section. No sign shall project above the highest line of the roof or building; provided, however, that if the sign is attached to a wall having a parapet extending above the highest line of such roof, then the sign may reach but may not project above the top of the parapet wall. A wall sign, individual letter sign or roof sign shall not exceed 6 feet overall in height. A wall sign or individual letter sign on the exterior wall of the first floor of a building shall not exceed an area of 1.5 square feet of each linear foot of the front store wall. No such sign shall exceed 40 feet overall in width or extend beyond the full width of the front store wall. The length of signs of stores occupying other than the first floor of a building shall not exceed 6 feet.
2. Projecting signs shall not project more than 6 feet and shall not contain more than 24 square feet of exposed area.
3. There shall be no more than 1 exterior sign for each business unit, except that if the business unit has a direct entrance into the store in a wall other than the storefront, there may be a secondary sign affixed to such wall, and if the store has a wall other than the storefront that faces upon a street or parking area, there may be a secondary sign affixed to such wall, whether or not such wall contains an entrance to the store; provided, however, that no store shall have more than 2 secondary signs in any event. The exposed area of each of the secondary signs shall not exceed 6 square feet. In addition to the foregoing sign or signs, there may be 1 directory of the occupants or tenants of the building affixed to the exterior wall of the building at each entrance to the building or freestanding elsewhere on the premises. Such directory shall not exceed an area determined on the basis of 2 square feet for each occupant or tenant of the building.
4. Any business may divide the 1 exterior sign affixed to the front wall of the building, to which it is entitled or hereinabove provided, into separate signs affixed to and parallel to such wall and indicating the separate operations or departments of the business; provided, however, that the total of the width of the separate signs shall not exceed the maximum width allowed under this Bylaw for a single exterior sign on such wall.
5. The Board of Selectmen may allow a single freestanding pole sign, provided that such sign shall not exceed an area of one-half the maximum area of the wall sign, individual letter sign or roof sign allowed for the applicant's store or business under Subsection 5.3.5.1 of this section nor 15 feet in overall height, if, in its discretion, unusual circumstances such as landscaping, land contours, building setback or building design preclude effective use of otherwise allowed signs.
6. Where a building contains more than 1 business or store where a building is a commercial multi-tenant structure, the Board of Selectmen may allow 1 single freestanding pole sign for such building or multi-tenant structure if, in the discretion of the Board of Selectmen, unusual circumstances such as landscaping, land contours, building setback or building design preclude effective use of otherwise allowed signs. If this provision is used, then Subsection 5.3.5.5, above, shall not apply.

Such sign shall not exceed an area of one-half the maximum area of the wall sign, individual letter sign or roof sign allowed for the applicant's building under subsection 1 of this section nor 15 feet in overall height.

In addition to the foregoing sign and in the discretion of the Board of Selectmen, there may be 1 directory of the occupants or tenants of the building integrated into and attached to the allowed freestanding pole sign, not to exceed an area determined on the basis of 2 square feet for each occupant or tenant of the building. The directory shall not cause the freestanding pole sign to exceed 15 feet in overall height.

7. The standard type of gasoline pump bearing thereon in unusual size and form the name and type of gasoline and the price thereof shall not be deemed to be a sign under this Bylaw.
 8. During construction of a new building, a freestanding pole or ground sign may be erected upon the premises to identify the building, the owner, the contractor, the architect or the engineers as well as advertise the rental, sale or lease of the premises, provided that such a sign shall not exceed 32 square feet in area or 10 feet in width or height. Each sign shall be removed within 7 days of issuance of an occupancy permit. If such a sign permit is sought and approved, then no such sign as described in Section 5.3.5.9 below shall be allowed.
 9. If no permit for a sign is sought under Subsection 5.3.5.8, above, then 1 wall sign, freestanding pole or ground sign or temporary sign not exceeding 12 square feet in area, advertising the rental, lease or sale of the premises, is allowed without a permit; provided, however, that such a sign shall be removed within 7 days of the rental, lease or sale of the premises.
 10. Freestanding pole signs allowed under Subsection 5.3.5.5 of this section shall be set back at least 20 feet extending back from the front lot line and at least 20 feet extending inward from the side lot lines.
- 5.3.6 Signs Allowed in Industrial Highway (IH), Industrial A (IA), Industrial B (IB), Industrial C (IC) and Industrial D (ID) Zoning Districts. The following signs are allowed in the Industrial Districts with a permit:
1. All signs allowed under Section 5.3.5 shall be allowed in an industrial district, subject to all the provisions and restrictions set forth therein; provided, however, that in any industrial district the sign shall not exceed 32 square feet.
 2. A projecting sign shall not project more than 6 feet and shall not have an exposed area of more than 4 square feet. One projecting sign shall be allowed per doorway.
 3. Freestanding pole signs allowed under this Section shall be set back at least 30 feet extending back from the front lot line and at least 35 feet extending inward from the side lot lines.
- 5.3.7 Signs Allowed in Residential A (RA) and Residential B (RB) Zoning Districts. The following signs are allowed in the Residential Districts without a permit:

1. One wall sign or freestanding pole or ground sign which does not exceed 2 square feet in area, having the name of the occupant or designation of any authorized occupation allowed in the district, or both, shall be allowed.
2. One wall sign, freestanding pole or ground sign or temporary sign which does not exceed 6 square feet in area, advertising the rental, lease or sale of the premises, shall be allowed; provided, however, that such sign shall be removed within 7 days of the rental, lease or sale of the premises.
3. Temporary signs not exceeding 6 square feet in area may be erected to warn against contagious diseases, to warn against danger or to ensure silence where serious illness exists.

5.3.8 General Standards.

1. Electric Signs.
 - a. Electric signs are not allowed within RA or RB Districts.
 - b. No red or green or other colored lights shall be used on any sign if, in the opinion of the Board of Selectmen, such light would create a driving hazard.
 - c. No sign may be illuminated more than 30 minutes after closing of any store or business or 30 minutes after working hours in an industrial building, except signs identifying public buildings; provided however, that the Selectmen, in granting a permit, may, for good cause shown, extend the time during which a sign may be illuminated.
2. Moving Signs. The following signs are prohibited:
 - a. swinging signs
 - b. flashing signs
 - c. revolving signs
 - d. signs consisting of pennants, ribbons, streamers, spinners, strings of light bulbs, revolving beacons
 - e. searchlights
 - f. animated signs
 - g. signs illuminated to create the illusion of motion.
3. No sign shall be erected so as to obstruct any fire escape, window, door, or other opening or so as to prevent free passage from one part of a roof to any other part thereof.
4. No sign shall be attached in any manner to a fire escape or shall be placed to interfere with an opening which is required for ventilation.
5. No exposed, uninsulated parts of an electrical sign shall be allowed.

6. No sign shall be erected that shall in any way create a traffic hazard nor in any way obscure or confuse traffic control.
7. No sign or sign structure shall project or extend over a public way, including sidewalks.
8. Letters, figures, characters or representations in cutout or irregular form, maintained in conjunction with, attached to or superimposed upon any sign, shall be safely and securely built or attached to the sign structure.
9. Signs shall be designed, constructed and erected in accordance with this Zoning Bylaw and the State Building Code.
10. No sign shall be posted on or attached to utility poles, trees nor attached to any parapet.
11. Maintenance. Every sign shall be maintained by the owner in a clean, sanitary condition and in good repair. In addition, every freestanding pole or ground sign shall be kept free and clear of all obnoxious substances, rubbish and weeds.

5.3.9 Permit Procedures.

1. *Application.* Application for a sign permit shall be made in writing upon forms furnished by the Board of Selectmen. Such application shall contain the location by street number of the proposed sign, the name and address of the owner of the sign, the name and address of the sign contractor or erector, if any, and a scale drawing showing the construction, the method of installation or support, colors, dimensions, and position of the sign, method of illumination and such other relevant information as may be requested.
2. *Fee.* A sign permit fee shall be paid to the town for each permit in accordance with the schedule established by the Board of Selectmen.
3. *Inspection.* The Building Commissioner shall inspect every sign within 30 days after it is erected and shall report to the Board of Selectmen that said sign has been erected properly and in accordance with the provisions of this Section and any other applicable law.
4. *Constructive Grant.* If no sign permit has been denied within 60 days after application therefor has been made, it shall be deemed to be approved.
5. *Lapse.* A sign permit shall become null and void if the work for which the permit was issued has not been completed within a period of 6 months from the date of the permit; provided, however, that the Board of Selectmen may, in its discretion, issue extensions covering a period not to exceed 1 year from the date of issue of the original permit. The applicant shall notify the Building Commissioner of completion of work under a permit within 10 days of completion.
6. *Special Permit.* Notwithstanding the provisions set forth in this Section 5.3, the Planning Board may authorize larger signs or a greater number of signs by the grant of a special permit, where such relief is not detrimental to the neighborhood or the town.
7. *Nonprofit Organizations.* The Board of Selectmen may waive any requirement or regulation pertaining to any sign for any nonprofit organization which it deems will not be detrimental to the neighborhood.

5.3.10 Enforcement. See section 9.1.3 of the Zoning Bylaw.

Or act in relation thereto.

ARTICLE 30: Amend Chapter 173 Section 5.3 Signs – Purpose, Permit Granting Authority, Temporary Signs, and LED Signs

Planning Board

To see if the Town will amend Chapter 173 section 5.3 of the Westford Zoning Bylaw as follows: (added words are shown in **bold and underlined**, deleted words are shown in ~~striketrough~~).

5.3 SIGNS

Purpose. To regulate the quantity, location and appearance of signs.

5.3.1 General. No sign shall hereafter be erected or maintained except as provided by this Section and after a permit has been issued by the **appropriate permit granting authority** ~~Board of Selectmen~~. All signs erected hereunder shall be erected in the exact location and manner described in the permit. The permit number shall be clearly visible on the sign.

5.3.2 Permit Procedures.

1. *Application.* Application for a sign permit shall be made in writing upon forms furnished by the **Building Department** ~~Board of Selectmen~~. Such application shall contain the location by street number of the proposed sign, the name and address of the owner of the sign, the name and address of the sign contractor or erector, if any, and a scale drawing showing the construction, the method of installation or support, colors, dimensions, and position of the sign, method of illumination and such other relevant information as may be requested.
2. *Fee.* A sign permit fee shall be paid to the town for each permit in accordance with the schedule established by the **Building Department** ~~Board of Selectmen~~.
3. *Reviewing Authority.* **When a sign permit is proposed within a project that is subject to site plan review by the Planning Board, the Planning Board shall be the permit granting authority for the sign permit(s) and shall process the site plan review application and the sign permit application concurrently to the maximum extent practicable. When a sign permit is proposed within a Comprehensive Permit project that is subject to review by the Board of Appeals, the Board of Appeals shall be the permit granting authority for the sign permit(s) and shall process the Comprehensive Permit application and the sign permit application concurrently to the maximum extent practicable. For all other sign permits required by this Bylaw, the Board of Selectmen shall be the permit granting authority.**
4. *Inspection.* The Building Inspector shall inspect every sign within thirty (30) days after it is erected and shall report to the **permit granting authority** ~~Board of Selectmen~~ that said sign has been erected properly and in accordance with the provisions of this Section and any other applicable law.
5. *Constructive Grant.* If no sign permit has been denied within sixty (60) days after application therefor has been made, it shall be deemed to be approved.

6. *Lapse.* A sign permit shall become null and void if the work for which the permit was issued has not been completed within a period of six (6) months from the date of the permit; provided, however, that the permit granting authority ~~Board of Selectmen~~ may, in its discretion, issue extensions covering a period not to exceed one (1) year from the date of issue of the original permit. The applicant shall notify the Building Inspector of completion of work under a permit within ten (10) days of completion.

5.3.3 Exemptions. No permit is required for the following types of signs:

1. A sign in a RA or RB District erected in accordance with the provisions of Section ~~C(4)~~ 5.3.8 herein.
2. Any sign legally erected before the date of the Town ~~meeting~~ Meeting approving this Section shall be exempt from the requirements herein. The exemption herein granted shall terminate with respect to any sign which:
 - a. shall have been abandoned;
 - b. advertises or calls attention to any products, businesses or activities which are no longer carried on or sold, whether generally or at the particular premises;
 - c. shall not have been repaired or properly maintained within sixty (60) days after notice to that effect has been given by the Building Inspector; or
 - d. has been rebuilt or relocated without a permit hereunder subsequent to the date of the Town Meeting approval.
3. Any sign erected or required by the Town or by the Commonwealth of Massachusetts or by the United States, or any subdivision or agency thereof, or for any sign intended solely for the protection of life or property.
4. *Nonprofit Organizations.* The permit granting authority ~~Board of Selectmen~~ may waive any requirement or regulation pertaining to any sign for any nonprofit organization which it deems will not be detrimental to the neighborhood.
5. Temporary sign which does not exceed twelve (12) square feet in area and which advertises the sale of services or products, which shall be permitted for a period not to exceed fourteen (14) days per quarter of the calendar year. Such quarter is defined as the periods from January 1st to March 31th, from April 1st to June 30th, from July 1st to September 30th and from October 1st until December 31st. There shall be at least fourteen (14) days between the display of temporary signs.

5.3.4 Electric Signs.

1. Electric signs are not permitted within RA or RB Districts.

2. No red or green or other colored lights shall be used on any sign if, in the opinion of the permit granting authority, ~~Board of Selectmen~~ such light would create a driving hazard.
3. No sign may be illuminated more than thirty (30) minutes after closing of any store or business or thirty (30) minutes after working hours in an industrial building, except signs identifying public buildings; provided however, that the permit granting authority ~~Selectmen~~, in granting a permit, may, for good cause shown, extend the time during which a sign may be illuminated.
4. No sign shall use exposed Light Emitting Diodes (LEDs) for direct illumination. LEDs may be used for internal illumination of backlit signs.

5.3.5 Moving Signs. Swinging signs, flashing signs, revolving signs, and signs consisting of pennants, ribbons, streamers, spinners, strings of light bulbs, revolving beacons, searchlights, animated signs, and signs illuminated to create the illusion of motion are prohibited.

5.3.6 General Standards.

1. No sign shall be erected so as to obstruct any fire escape, window, door, or other opening or so as to prevent free passage from one part of a roof to any other part thereof.
2. No sign shall be attached in any manner to a fire escape or shall be placed to interfere with an opening which is required for ventilation.
3. No exposed, uninsulated parts of an electrical sign shall be permitted.
4. No sign shall be erected that shall in any way create a traffic hazard nor in any way obscure or confuse traffic control.
5. No sign or sign structure shall project or extend over a public way, including sidewalks.
6. Letters, figures, characters or representations in cutout or irregular form, maintained in conjunction with, attached to or superimposed upon any sign, shall be safely and securely built or attached to the sign structure.
7. Signs shall be designed, constructed and erected in accordance with this Zoning By-Law and the State Building Code.
8. No sign shall be posted on or attached to utility poles, trees nor attached to any parapet.

5.3.7 Maintenance. Every sign shall be maintained by the owner in a clean, sanitary condition and in good repair. In addition, every freestanding pole or ground sign shall be kept free and clear of all obnoxious substances, rubbish and weeds.

5.3.8 Signs in the RA and RB Districts. The following signs are permitted in the Residential Districts:

1. One (1) wall sign or freestanding pole or ground sign which does not exceed two (2) square feet in area, having the name of the occupant or designation of any authorized occupation permitted in the district, or both, shall be permitted.
2. One (1) wall sign, freestanding pole or ground sign or temporary sign which does not exceed six square feet in area, advertising the rental, lease or sale of the premises, shall be permitted; provided, however, that such sign shall be removed within seven (7) days of the rental, lease or sale of the premises.
3. Temporary signs not exceeding six (6) square feet in area may be erected to warn against contagious diseases, to warn against danger or to ensure silence where serious illness exists.

5.3.9 Signs in the B, CH, and BL Districts. The following signs are permitted in the Commercial Districts:

1. No sign shall be allowed other than one (1) wall sign, individual letter sign, roof sign or projecting sign affixed to a building for each store, except as provided in subsection 3, below, or as otherwise permitted in this section. No sign shall project above the highest line of the roof or building; provided, however, that if the sign is attached to a wall having a parapet extending above the highest line of such roof, then the sign may reach but may not project above the top of the parapet wall. A wall sign, individual letter sign or roof sign shall not exceed six (6) feet overall in height. A wall sign or individual letter sign on the exterior wall of the first floor of a building shall not exceed an area of one and one-half (1.5) square feet of each linear foot of the front store wall. No such sign shall exceed forty (40) feet overall in width or extend beyond the full width of the front store wall. The length of signs of stores occupying other than the first floor of a building shall not exceed six (6) feet.
2. Projecting signs shall not project more than six feet and shall not contain more than twenty-four (24) square feet of exposed area.
3. There shall be no more than one (1) exterior sign for each business unit, except that if the business unit has a direct entrance into the store in a wall other than the storefront, there may be a secondary sign affixed to such wall, and if the store has a wall other than the storefront that faces upon a street or parking area, there may be a secondary sign affixed to such wall, whether or not such wall contains an entrance to the store; provided, however, that no store shall have more than two (2) secondary signs in any event. The exposed area of each of the secondary signs shall not exceed six (6) square feet. In addition to the foregoing sign or signs, there may be one (1) directory of the occupants or tenants of the building affixed to the exterior wall of the building at each entrance to the building or freestanding elsewhere on the premises. Such directory shall not exceed an area determined on the basis of two (2) square feet for each occupant or tenant of the building.

4. Any business may divide the one (1) exterior sign affixed to the front wall of the building, to which it is entitled or hereinabove provided, into separate signs affixed to and parallel to such wall and indicating the separate operations or departments of the business if the permit granting authority determines that the business includes separate operations or departments; provided, however, that the total of the width of the separate signs shall not exceed the maximum width permitted under this Bylaw for a single exterior sign on such wall.
5. The permit granting authority ~~Board of Selectmen~~ may permit a single freestanding pole or ground sign, provided that such sign shall not exceed an area of one-half (1/2) the maximum area of the wall sign, individual letter sign or roof sign permitted for the applicant's store or business under Subsection 5.3.9.1 of this section nor fifteen (15) feet in overall height, if, in the permit granting authority's ~~its~~ discretion, unusual circumstances such as landscaping, land contours, building setback or building design preclude effective use of otherwise permitted signs.
6. The standard type of gasoline pump bearing thereon in ~~un~~usual size and form the name and type of gasoline and the price thereof shall not be deemed to be a sign under this Bylaw.
7. During construction of a new building, a freestanding pole or ground sign may be erected upon the premises to identify the building, the owner, the contractor, the architect or the engineers as well as advertise the rental, sale or lease of the premises, provided that such a sign shall not exceed thirty-two (32) square feet in area or ten (10) feet in width or height. Each sign shall be removed within seven days of issuance of an occupancy permit. If such a sign permit is sought and approved, then no such sign as described in Section 5.3.9.8 below shall be allowed.
8. If no permit for a sign is sought under Subsection 5.3.9.7, above, then one (1) wall sign, freestanding pole or ground sign or temporary sign not exceeding twelve (12) square feet in area, advertising the rental, lease or sale of the premises, is allowed without a permit; provided, however, that such a sign shall be removed within seven (7) days of the rental, lease or sale of the premises.
9. Where a building contains more than one (1) business or store where a building is a commercial multi-tenant structure, and the permit granting authority determines that the building is a commercial multi-tenant structure with more than one business or store, the permit granting authority ~~Board of Selectmen~~ may permit one (1) single freestanding pole sign for such building or multi-tenant structure if, in the discretion of the permit granting authority, unusual circumstances such as landscaping, land contours, building setback or building design preclude effective use of otherwise permitted signs. If this provision is used, then Subsection 5.3.9.5, above, shall not be available apply.

Such sign shall not exceed an area of one-half (1/2) the maximum area of the wall sign, individual letter sign or roof sign permitted for the applicant's building under subsection

1 of this section nor fifteen feet in overall height, ~~if, in the discretion of the Board of Selectmen, usual circumstances such as landscaping, land contours, building setback or building design preclude effective use of otherwise permitted signs.~~

In addition to the foregoing sign and in the discretion of the permit granting authority ~~Board of Selectmen~~, there may be one (1) directory of the occupants or tenants of the building integrated into and attached to the permitted freestanding pole sign, not to exceed an area determined on the basis of two (2) square feet for each occupant or tenant of the building. The directory shall not cause the freestanding pole sign to exceed fifteen (15) feet in overall height.

10. Freestanding pole signs permitted under Subsection 5.3.9.5 of this section shall be set back at least twenty (20) feet extending back from the front lot line and at least twenty (20) feet extending inward from the side lot lines.

5.3.10 Signs in the IH, IA, IB, IC, and ID Districts. The following signs are permitted in the Industrial Districts.

1. All signs permitted under Section 5.3.9 shall be permitted in an industrial district, subject to all the provisions and restrictions set forth therein; provided, however, that in any industrial district the sign shall not exceed thirty-two (32) square feet.
2. A projecting sign shall not project more than six feet and shall not have an exposed area of more than four (4) square feet. One (1) projecting sign shall be allowed per doorway.
3. Freestanding pole signs permitted under this Section shall be set back at least thirty (30) feet extending back from the front lot line and at least thirty-five (35) feet extending inward from the side lot lines.

5.3.11 Special Permit. Notwithstanding the provisions set forth in this Section 5.3, the Planning Board may authorize larger signs or a greater number of signs by the grant of a special permit, where such relief is not detrimental to the neighborhood or the town.

Or act in relation thereto.

ARTICLE 31:	Combined Amendments to Section 5.3 Signs of the Zoning Bylaw Including Reorganization, Purpose, Permit Granting Authority, Temporary Signs, and LED Signs <i>Planning Board</i>
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To see if the Town will amend Chapter 173 section 5.3 of the Westford Zoning Bylaw to further amend the reorganized bylaw (if Article 29 is approved) with additional revisions shown in ~~striketrough~~ for deletions, and additions are in **bold underline**. The reorganized bylaw (if Article 29 is approved) is shown in normal text.

5.3 SIGNS

5.3.1 Purpose. **To regulate the quantity, location and appearance of signs.**

5.3.2 Applicability. No sign shall hereafter be erected or maintained except as provided by this Section and after a permit has been issued by the ~~Board of Selectmen~~ **appropriate permit granting authority**. All signs erected hereunder shall be erected in the exact location and manner described in the permit. The permit number shall be clearly visible on the sign.

5.3.3 Exemptions. No permit is required for the following types of signs:

1. A sign in a Residential A or Residential B District erected in accordance with the provisions of Section 5.3.7 herein.
2. Any sign legally erected before the date of the Town ~~meeting~~ **Meeting** approving this Section shall be exempt from the requirements herein. The exemption herein granted shall terminate with respect to any sign which:
 - a. shall have been abandoned;
 - b. advertises or calls attention to any products, businesses or activities which are no longer carried on or sold, whether generally or at the particular premises;
 - c. shall not have been repaired or properly maintained within 60 days after notice to that effect has been given by the Building Commissioner; or
 - d. has been rebuilt or relocated without a permit hereunder subsequent to the date of the Town Meeting approval.
3. Any sign erected or required by the Town or by the Commonwealth of Massachusetts or by the United States, or any subdivision or agency thereof, or for any sign intended solely for the protection of life or property.
4. Temporary sign which does not exceed 12 square feet in area and which advertises the sale of services or products, which shall be allowed for a period not to exceed 14 days: **per quarter of the calendar year. Such quarter is defined as the periods from January 1st to March 31th, from April 1st to June 30th, from July 1st to September 30th and from October 1st until December 31st. There shall be at least fourteen (14) days between the display of temporary signs.**

5.3.4 Definitions. See Section 10.2 of the Zoning Bylaw.

5.3.5 Signs Allowed in Business (B), Commercial Highway (CH) and Business, Limited (BL) Zoning Districts. The following signs are allowed in the Business and Commercial Districts with a permit:

1. No sign shall be allowed other than 1 wall sign, individual letter sign, roof sign or projecting sign affixed to a building for each store, except as provided in subsection 3, below, or as otherwise allowed in this section. No sign shall project above the highest line of the roof or building; provided, however, that if the sign is attached to a wall having a parapet extending above the highest line of such roof, then the sign may reach but may not project above the top of the parapet wall. A wall sign, individual letter sign or roof sign shall not exceed 6 feet overall in height. A wall sign or individual letter sign on the exterior wall of the first floor of a building shall not exceed an area of 1.5 square feet of each linear foot of the front store wall. No such sign shall exceed 40 feet overall in width or extend beyond the full width of the front store wall. The length of signs of stores occupying other than the first floor of a building shall not exceed 6 feet.
2. Projecting signs shall not project more than 6 feet and shall not contain more than 24 square feet of exposed area.
3. There shall be no more than 1 exterior sign for each business unit, except that if the business unit has a direct entrance into the store in a wall other than the storefront, there may be a secondary sign affixed to such wall, and if the store has a wall other than the storefront that faces upon a street or parking area, there may be a secondary sign affixed to such wall, whether or not such wall contains an entrance to the store; provided, however, that no store shall have more than 2 secondary signs in any event. The exposed area of each of the secondary signs shall not exceed 6 square feet. In addition to the foregoing sign or signs, there may be 1 directory of the occupants or tenants of the building affixed to the exterior wall of the building at each entrance to the building or freestanding elsewhere on the premises. Such directory shall not exceed an area determined on the basis of 2 square feet for each occupant or tenant of the building.
4. Any business may divide the 1 exterior sign affixed to the front wall of the building, to which it is entitled or hereinabove provided, into separate signs affixed to and parallel to such wall and indicating the separate operations or departments of the business **if the permit granting authority determines that the business includes separate operations or departments**; provided, however, that the total of the width of the separate signs shall not exceed the maximum width allowed under this Bylaw for a single exterior sign on such wall.
5. The ~~Board of Selectmen~~ **permit granting authority** may allow a single freestanding pole **or ground** sign, provided that such sign shall not exceed an area of one-half the maximum area of the wall sign, individual letter sign or roof sign allowed for the applicant's store or business under Subsection 5.3.5.1 of this section nor 15 feet in overall height, if, in ~~its~~ **the permit granting authority's** discretion, unusual circumstances such as landscaping, land contours, building setback or building design preclude effective use of otherwise allowed signs.
6. Where a building contains more than one (1) business or store where a building is a commercial multi-tenant structure, **and the permit granting authority determines that**

the building is a commercial multi-tenant structure with more than one business or store, the permit granting authority ~~Board of Selectmen~~ may permit one (1) single freestanding pole sign for such building or multi tenant structure if, in the discretion of the permit granting authority, unusual circumstances such as landscaping, land contours, building setback or building design preclude effective use of otherwise permitted signs. If this provision is used, then Subsection 5.3.9.5, above, shall not be available apply.

Such sign shall not exceed an area of one-half (1/2) the maximum area of the wall sign, individual letter sign or roof sign permitted for the applicant's building under subsection 1 of this section nor fifteen feet in overall height. ~~if, in the discretion of the Board of Selectmen, unusual circumstances such as landscaping, land contours, building setback or building design preclude effective use of otherwise permitted signs.~~

In addition to the foregoing sign and in the discretion of the permit granting authority ~~Board of Selectmen~~, there may be one (1) directory of the occupants or tenants of the building integrated into and attached to the permitted freestanding pole sign, not to exceed an area determined on the basis of two (2) square feet for each occupant or tenant of the building. The directory shall not cause the freestanding pole sign to exceed fifteen (15) feet in overall height.

7. The standard type of gasoline pump bearing thereon in ~~unusual~~ size and form the name and type of gasoline and the price thereof shall not be deemed to be a sign under this Bylaw.
 8. During construction of a new building, a freestanding pole or ground sign may be erected upon the premises to identify the building, the owner, the contractor, the architect or the engineers as well as advertise the rental, sale or lease of the premises, provided that such a sign shall not exceed 32 square feet in area or 10 feet in width or height. Each sign shall be removed within 7 days of issuance of an occupancy permit. If such a sign permit is sought and approved, then no such sign as described in Section 5.3.5.9 below shall be allowed.
 9. If no permit for a sign is sought under Subsection 5.3.5.8, above, then 1 wall sign, freestanding pole or ground sign or temporary sign not exceeding 12 square feet in area, advertising the rental, lease or sale of the premises, is allowed without a permit; provided, however, that such a sign shall be removed within 7 days of the rental, lease or sale of the premises.
 10. Freestanding pole signs allowed under Subsection 5.3.5.5 of this section shall be set back at least 20 feet extending back from the front lot line and at least 20 feet extending inward from the side lot lines.
- 5.3.6 Signs Allowed in Industrial Highway (IH), Industrial A (IA), Industrial B (IB), Industrial C (IC) and Industrial D (ID) Zoning Districts. The following signs are allowed in the Industrial Districts with a permit:
1. All signs allowed under Section 5.3.5 shall be allowed in an industrial district, subject to all the provisions and restrictions set forth therein; provided, however, that in any industrial district the sign shall not exceed 32 square feet.

2. Projecting sign shall not project more than 6 feet and shall not have an exposed area of more than 4 square feet. One projecting sign shall be allowed per doorway.
3. Freestanding pole signs allowed under this Section shall be set back at least 30 feet extending back from the front lot line and at least 35 feet extending inward from the side lot lines.

5.3.7 Signs Allowed in Residential A (RA) and Residential B (RB) Zoning Districts. The following signs are allowed in the Residential Districts without a permit:

1. One wall sign or freestanding pole or ground sign which does not exceed 2 square feet in area, having the name of the occupant or designation of any authorized occupation allowed in the district, or both, shall be allowed.
2. One wall sign, freestanding pole or ground sign or temporary sign which does not exceed 6 square feet in area, advertising the rental, lease or sale of the premises, shall be allowed; provided, however, that such sign shall be removed within 7 days of the rental, lease or sale of the premises.
3. Temporary signs not exceeding 6 square feet in area may be erected to warn against contagious diseases, to warn against danger or to ensure silence where serious illness exists.

5.3.8 General Standards.

1. Electric Signs.
 - a. Electric signs are not allowed within RA or RB Districts.
 - b. No red or green or other colored lights shall be used on any sign if, in the opinion of the ~~Board of Selectmen~~ **permit granting authority**, such light would create a driving hazard.
 - c. No sign may be illuminated more than 30 minutes after closing of any store or business or 30 minutes after working hours in an industrial building, except signs identifying public buildings; provided however, that the ~~Selectmen~~, **permit granting authority** in granting a permit, may, for good cause shown, extend the time during which a sign may be illuminated.
 - d. No sign shall use exposed Light Emitting Diodes (LEDs) for direct illumination. LEDs may be used for internal illumination of backlit signs**
2. Moving Signs. The following signs are prohibited:
 - a. swinging signs
 - b. flashing signs
 - c. revolving signs
 - d. signs consisting of pennants, ribbons, streamers, spinners, strings of light bulbs, revolving beacons
 - e. searchlights
 - f. animated signs

g. signs illuminated to create the illusion of motion.

3. No sign shall be erected so as to obstruct any fire escape, window, door, or other opening or so as to prevent free passage from one part of a roof to any other part thereof.
4. No sign shall be attached in any manner to a fire escape or shall be placed to interfere with an opening which is required for ventilation.
5. No exposed, uninsulated parts of an electrical sign shall be allowed.
6. No sign shall be erected that shall in any way create a traffic hazard nor in any way obscure or confuse traffic control.
7. No sign or sign structure shall project or extend over a public way, including sidewalks.
8. Letters, figures, characters or representations in cutout or irregular form, maintained in conjunction with, attached to or superimposed upon any sign, shall be safely and securely built or attached to the sign structure.
9. Signs shall be designed, constructed and erected in accordance with this Zoning Bylaw and the State Building Code.
10. No sign shall be posted on or attached to utility poles, trees nor attached to any parapet.
11. Maintenance. Every sign shall be maintained by the owner in a clean, sanitary condition and in good repair. In addition, every freestanding pole or ground sign shall be kept free and clear of all obnoxious substances, rubbish and weeds.

5.3.9 Permit Procedures.

1. *Application.* Application for a sign permit shall be made in writing upon forms furnished by the ~~Board of Selectmen~~ **Building Department**. Such application shall contain the location by street number of the proposed sign, the name and address of the owner of the sign, the name and address of the sign contractor or erector, if any, and a scale drawing showing the construction, the method of installation or support, colors, dimensions, and position of the sign, method of illumination and such other relevant information as may be requested.
2. *Fee.* A sign permit fee shall be paid to the town for each permit in accordance with the schedule established by the **Building Department** ~~Board of Selectmen~~.
3. *Reviewing Authority.* When a sign permit is proposed within a project that is subject to site plan review by the Planning Board, the Planning Board shall be the permit granting authority for the sign permit and shall process the site plan review application and the sign permit application concurrently to the maximum extent practicable. When a sign permit is proposed within a Comprehensive Permit project that is subject to review by the Board of Appeals, the Board of Appeals shall be the permit granting authority for the sign permit(s) and shall process the Comprehensive Permit application and the sign permit application concurrently to the maximum extent practicable. For all other sign permits required by this Bylaw, the Board of Selectmen shall be the permit granting authority.

~~4. 3.~~*Inspection.* The Building Commissioner shall inspect every sign within 30 days after it is erected and shall report to the ~~Board of Selectmen~~ **permit granting authority** that said sign has been erected properly and in accordance with the provisions of this Section and any other applicable law.

~~5. 4.~~*Constructive Grant.* If no sign permit has been denied within 60 days after application therefor has been made, it shall be deemed to be approved.

~~6. 5.~~*Lapse.* A sign permit shall become null and void if the work for which the permit was issued has not been completed within a period of 6 months from the date of the permit; provided, however, that the ~~Board of Selectmen~~ **permit granting authority** may, in its discretion, issue extensions covering a period not to exceed 1 year from the date of issue of the original permit. The applicant shall notify the Building Commissioner of completion of work under a permit within 10 days of completion.

~~7. 6.~~*Special Permit.* Notwithstanding the provisions set forth in this Section 5.3, the Planning Board may authorize larger signs or a greater number of signs by the grant of a special permit, where such relief is not detrimental to the neighborhood or the town.

~~8. 7.~~*Nonprofit Organizations.* The ~~Board of Selectmen~~ **permit granting authority** may waive any requirement or regulation pertaining to any sign for any nonprofit organization which it deems will not be detrimental to the neighborhood.

5.3.10 Enforcement. See section 9.1.3 of the Zoning Bylaw.

Or act in relation thereto.

ARTICLE 32:	Amend Sections 2.1.1, 3.6 and 4.1 and Amend Official Zoning Map– Route 110 Minot’s Corner Overlay District
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Planning Board

To see if the Town will amend the Official Zoning Map and amend Chapter 173 sections 2.1.1, 3.6 and 4.1 of the Westford Zoning Bylaw to: (added words are shown in **bold and underlined**, deleted words are shown in ~~striketrough~~). Only subsections that have proposed changes are included below. Subsections not listed below do not have changes proposed.

Add to 2.1.1:

Route 110 Minot’s Corner Overlay District

R110MCOD

Add to 3.6:

3.6.10. Public Acquisition creates nonconforming situation.

1. If, as a result of public acquisition, any building, structure, lot, parking space, loading bay, sign, landscaping no longer complies with this Bylaw, it shall be deemed to be nonconforming and entitled to the treatment afforded by this article provided it was in compliance at the time of the public acquisition.

2. Exemption for Route 110 Minot’s Corner Overlay District.

A set of properties along Route 110 will be affected by right of way acquisition from the Minot’s Corner intersection redesign in or after 2011. This section is intended to

preserve the development opportunities of these lots. These lots are designated as the Route 110 Minot's Corner Overlay District (R110MCOD).

If, as a result of public acquisition, any building, structure, lot, parking space, loading bay, sign, landscaping or other dimensional factor within the R110MCOD, no longer complies with the dimensional provision(s) of this Bylaw, it shall be deemed to conform to such dimensional provision(s) to the degree that such property conformed prior to the public acquisition or taking.

- a. Before this exemption takes effect for any property in the R110MCOD, the property owner or authorized representative shall submit to the Building Commissioner an affirmative finding of conformance for the property. The Building Commissioner may accept or reject said finding of conformance, provided that any rejection shall be in writing, shall occur within 30 days of submittal and shall include specific reason(s) for such rejection. The Building Commissioner's determination shall be appealable to the Board of Appeals. Upon acceptance by the Building Commissioner or, in the alternative, a vote by the Board to accept said affirmative finding, it shall be recorded with the Town Clerk.
- b. The date such affirmative finding is recorded with the Town Clerk is the date from which the legally conforming status shall apply.

Add the following subsection to 4.1:

4.1.4. Reduction of Lot. No lot shall be changed in size or shape so that the height, area, yard or off-street parking and loading requirements prescribed by this Bylaw are no longer satisfied. This provision shall not apply where a lot is reduced by public acquisition.

And further to amend the official zoning map to include the new Overlay District, R110MCOD defined on the map titled Littleton Road (Route 110) Minot's Corner Overlay District created in January 2011:



Map Created January, 2011.

Or act in relation thereto.

ARTICLE 33:	Section 9.4 Site Plan Review for Religious, Educational and Child Care Uses	<i>Planning Board</i>
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To see if the Town will amend Chapter 173 section 9.4 of the Westford Zoning Bylaw to: (added words are shown in **bold and underlined**, deleted words are shown in ~~striketrough~~). Only subsections of 9.4 that have proposed changes are included below. Subsections not listed below do not have changes proposed.

9.4 SITE PLAN REVIEW

9.4.1 Applicability. The following types of activities and uses are subject to site plan review by the Planning Board:

1. Construction, exterior alteration, exterior expansion of a nonresidential or multifamily structure or tower, or change in use;
2. Construction or expansion of a parking lot associated with a nonresidential or multifamily structure or use.

~~9.4.2 Exemptions. This section shall not be construed to apply to those uses otherwise exempt by the provisions of G.L. c. 40A, s. 3~~

9.4.2 Site Plan Review of Exempt Religious, Educational, and Child Care Uses

1. Applicability. Religious and educational uses, Day Care Centers, and school age child care programs, as those uses are defined in this Bylaw; which are partially excepted from local zoning regulation by M.G.L. Chapter 40A, Section 3, shall be subject to a modified Site Plan Review process as specified in sub section 9.4.7.2.

2. Procedures.

a. Demonstration of Qualification. In order to qualify for the modified Site Plan Review standards in 9.4.7.2, an applicant must satisfy the Town that the USE is exempt under M.G.L. Ch. 40A, Section 3.

b. General Review Procedure. Site Plan Review for these uses shall be reviewed by the Planning Board pursuant to the general review process in Section 9.4, with specific review criteria specified in sub section 9.4.7.2.

9.4.7 Site Plan Approvals

1. General Review Standards Approval. [Amended 5-7-2005 ATM Art. 17] Site Plan approval for uses listed in 9.4.1 shall be granted upon determination by the Planning Board that the following conditions have been satisfied. The Planning Board may impose reasonable conditions, at the expense of the applicant, to ensure that the following conditions have been satisfied. Any new building construction or other site alteration shall provide adequate access to each structure for fire

and service equipment and adequate provision for utilities and stormwater drainage consistent with the functional requirements of the Planning Board's Subdivision Rules and Regulations. New building construction or other site alteration shall be designed in the Site Plan, after considering the qualities of the specific location, the proposed land use, the design of building form, grading, egress points, and other aspects of the development, so as to:

- a.1. Minimize the volume of cut and fill, the number of removed trees 6" caliper or larger, the length of removed stone walls, the area of wetland vegetation displaced, the extent of stormwater flow increase from the site, soil erosion, and threat of air and water pollution;
- b.2. Maximize pedestrian and vehicular safety both on and offsite;
- c.3. Minimize obstruction of scenic views from publicly accessible locations;
- d.4. Minimize visual intrusion by controlling the visibility of parking, storage, or other outdoor service areas viewed from public ways or premises residentially used or zoned;
- e.5. Minimize glare from headlights through plantings or other screening;
- f.6. Minimize lighting intrusion through use of such devices as cutoff luminaries confining direct rays to the site, with fixture mounting not higher than 20 feet;
- g.7. Minimize unreasonable departure from the character and scale of building in the vicinity, as viewed from public ways;
- h.8. Minimize contamination of groundwater from onsite wastewater disposal systems or operations on the premises involving the use, storage, handling, or containment of hazardous substances.
- i.9. Maintain an acceptable level of traffic service, volume and infrastructure which meets the goals of the Master Plan, the Traffic and Pedestrian Safety Manual, and Route 110 Master Plan, the Sidewalk Master Plan, and other Town adopted Master Plans.
- j.10. Encourage alternative methods of transporting people, through public transportation, car pools and van pools, bicycling and walking, rather than near exclusive reliance on single-occupant vehicles.

2. Review Standards for Religious, Educational and Child Care Uses. The Planning Board may impose reasonable conditions, at the expense of the applicant, to ensure that the following conditions have been satisfied. In reviewing the site plan submittal for an exempt USE under 9.4.2, the Planning Board shall consider the following:

- a. Relationship of the bulk and height of structures and adequacy of open spaces to the natural landscape, existing buildings and other community assets in the area and compliance with other requirements of this Bylaw, which includes, but is not limited to, building coverage requirements, yard sizes, lot areas and setbacks;**

- b. Physical layout of the plan as it relates to convenience and safety of vehicular and pedestrian movement within the site, the location of driveway openings in relation to traffic or to adjacent streets and, when necessary, compliance with other regulations for the handicapped, minors and the elderly;
- c. Adequacy of the arrangement of parking and loading spaces and safety of proposed access and egress in relation to the proposed uses of the premises;
- d. Physical lighting of the site, especially the adequacy of the method of exterior lighting for convenience, safety and security within the site and for protection of neighboring properties, roadways and the night sky.

Or act in relation thereto.

LAND USE & LAND AQUISITIONS

ARTICLE 34:	Transfer Custody of Town Properties From Board of Selectmen to the Board of Water Commissioners	<i>Water Commissioners</i>
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To see if the town will vote pursuant to [Massachusetts General Laws Chapter 40 Section 15A](#) to transfer the care, custody management, and control of the following properties, including all works, buildings and other structures located, erected or constructed thereon, from the Board of Selectmen for the purposes for which the properties are now held, to the Board of Water Commissioners for water supply system purposes as set forth in Massachusetts General Laws Chapter 40, Section 39B:

COTE WELL SITE

Map/Parcel: 030 0047 0000

Street Address: Beacon Street

Title Reference: Middlesex North Registry of Deeds ("MNRD") Book 1835, Page 75

HOWARD ROAD WELL SITE

Map/Parcel: 015 0003 0000

Street Address: 0 Howard Road

Title Reference: MNRD Book 2206, Page 280

Map/Parcel: 015 0004 0000

Street Address: Howard Road

Title Reference: MNRD Book 2206, Page 280

Map/Parcel: 015 0098 0000

Street Address: Howard Road

Title Reference: MNRD Book 2206, Page 280

HILDRETH HILL TANK SITE

Map/Parcel: 016 0024 0000

Together with the perpetual right and easement over, in, along and under the area shown on a plan entitled "Plan of Land in Westford,

Mass. owned by Hildreth Realty Trust," Scale 1" + 100', dated April 5, 1983, prepared by Dana F. Perkins and Associates, Inc., and recorded in MNRD Plan Book 140, Plan 25, as such easement rights are more particularly set forth in an Instrument recorded with the MNRD in and Book 2640, Page 571.

Street Address: Hildreth Street

Title Reference: MNRD Book 2222, Page 4

HUNT ROAD (FRANCIS HILL TANK) SITE

Map/Parcel: 033 0017 0000

Together with all right, title and interest in and to that certain easement in, along, over and under that certain strip of land, twenty (20) feet in width, extending in a southerly direction from Hunt Road, delineated as "Proposed 20' Foot Right of Way" on a plan entitled "Plan of Land in Westford, Mass., belonging to Gustave L. & Nilma E. Anderson, to be conveyed to the Town of Westford, Surveyed in April, 1965, Richard L. McGlinchey, and recorded in MNRD Plan Book 111, Plan 122B, as such easement rights are more particularly set forth in the Order of Taking recorded with the MNRD in and Book 1943, Page 543.

Street Address: 25 Hunt Road

Title Reference: MNRD Book 1767, Page 372

FLETCHER WELL SITE

Map/Parcel: 020 0012 0000

Street Address: Concord Road

Title Reference: MNRD Book 1838, Page 240

Map/Parcel: 020 0009 0000

Street Address: Concord Road

Title Reference: MNRD Book 1838, Page 240

Map/Parcel: 020 0007 0000

Street Address: Concord Road

Title Reference: MNRD Book 1838, Page 240

DEPOT STREET WELL SITE

Map/Parcel: 065 0002 0000

Street Address: Depot Street

Title Reference: MNRD Book 1693, Page 24

Map/Parcel: 065 0003 0000

Street Address: Depot Street

Title Reference: MNRD Book 1693, Page 24

NUTTING ROAD SITE

Map/Parcel: 068 0001 0000

Street Address: 19 Nutting Road

Title Reference: MNRD Book 1546, Page 42

COUNTRY ROAD #2 SITE

Map/Parcel: 020 0034 0000

Street Address: 15 Country Road

Title Reference: MNRD Book 1678, Pages 590, 591, 592, and 593

Map/Parcel: 020 0090 0000

Street Address: 14 Country Road

Title Reference: MNRD Book 1614, Page 193

Or act in relation thereto.

ARTICLE 35:	Secure Easements at Flagg Road, Forge Village Road and Main Street	<i>Board of Selectmen</i>
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To see if the Town will vote to authorize the Board of Selectmen to acquire by gift, purchase, or eminent domain certain rights in fee or by easement on properties located at 1 Main Street (Map 21 Parcel 45) and 2 Main Street (Map 21 Parcel 35) for the purpose of obtaining secure permanent or temporary construction easements, related to the construction and maintenance of a retaining wall and for the realignment of the intersection at Flagg Road, Main Street and Forge Village Road;

Or an act in relation thereto.

ARTICLE 36:	Authority for Board of Selectmen to Accept Easements	<i>Board of Selectmen</i>
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To see if the Town will vote to authorize the Selectmen, during Fiscal Year 2012, to accept any and all easements for sidewalk, drainage, or other utility purposes, as they may deem in the Town's best interests;

Or act in relation thereto

ARTICLE 37:	Naming of Multi-purpose Field Within Alumni Stadium at Westford Academy	<i>School Committee</i>
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To see if the Town will vote to name the high school multi-purpose field within Alumni Stadium, "Westford Academy Trustees' Field" in recognition of the outstanding financial support the Westford Academy Board of Trustees have provided to the students and staff at Westford Academy;

Or act in relation thereto.

And you, Constable, are directed to serve this warrant by posting a true and attested copy thereof at the Town Hall, Library and at each Post Office in said Town of Westford at least fourteen (14) days prior to the time of holding said meeting.

THEREOF FAIL NOT and make return of this warrant, with your doings thereon, to the Town Clerk, at the time and place of holding the meeting aforesaid.

Given under our hands this ____ day of _____ in the Year of our Lord 2011.

Robert Jefferies (Chair)

Valerie Wormell (Vice-Chair)

Andrea Peraner-Sweet (Clerk)

Jim Sullivan

Kelly Ross

**A TRUE COPY
ATTEST:**

Constable of Westford

DATE:

I HEREBY CERTIFY THAT I HAVE SERVED THE FOREGOING WARRANT BY POSTING A TRUE AND ATTESTED COPY THEREOF AT THE TOWN HALL, LIBRARY AND AT EACH POST OFFICE IN THE SAID TOWN OF WESTFORD AT LEAST FOURTEEN DAYS PRIOR TO THE TIME OF HOLDING SAID MEETING.