



**2010
ANNUAL TOWN
MEETING
MOTIONS**

TABLE OF CONTENTS

Article 1:	Acceptance of Town Reports	Page 4
Article 2:	Fiscal Year 2010 Supplemental Appropriations	Page 4
* Article 3:	Fiscal Year 2010 Budget Transfers	Page 4
Article 4:	Amendments to the Wage Classification Plan	Page 4
Article 5:	Fiscal Year 2011 Operating Budget	Page 5
* Article 6:	Property Tax Exemption Increase by 100% for the Blind, Elderly & Disabled Veterans	Page 6
Article 7:	Revolving Funds	Page 6
* Article 8:	Highway Department Chapter 90 Funds	Page 7
Article 9:	Requesting Authorization for Refuse and Recyclables Collection, Transportation, and Disposal Contracts in Excess of Three Years	Page 7
Article 10:	Authorize Lease and Solar Power Purchase Agreement at Westford Academy	Page 7
Article 11:	Perchlorate Expenses	Page 7
Article 12:	Establish Perchlorate Stabilization Fund	Page 8
Article 13:	Capital Appropriations	Page 8
Article 14:	Community Preservation Committee Recommendations	Page 10
Article 15:	Transfer Care, Custody, and Control Authorize to Enter into Lease and Grant Easement of the Francis Hill Water Tower	Page 11
Article 16:	Amend the Westford Town Charter	Page 11
Article 17:	Amend the Westford Town Charter	Page 12
Article 18:	General Bylaw Amendment Chapter 9 – Building Department (9.4)	Page 13
Article 19:	General Bylaw Amendment Chapter 20 – Sealer of Weights and Measures Fees (20.2)	Page 13
Article 20:	General Bylaw Amendment Chapter 136 – Swimming Pools (136.4)	Page 14
Article 21:	General Bylaw Amendment Chapter 90 Earth Removal	Page 15
Article 22:	General Bylaw Amendment Chapter 51 Town Meetings	Page 17
Article 23:	Zoning Bylaw Amendment Section 3.2 Accessory	Page 17
Article 24:	Zoning Bylaw Amendment Section 3.5 Accessory Structures	Page 17
Article 25:	Zoning Bylaw Amendment Section 4.3 Special Dimensional Regulations	Page 18
Article 26:	Zoning Bylaw Amendment 8.2 Floodplain Overlay District (FOD)	Page 19
Article 27:	Zoning Bylaw Amendment 6.2 Wireless Communications Facility (WCF)	Page 21
Article 28:	Accept Vose Hill Road as a Public Way	Page 22
Article 29:	Accept Pond Road as a Public Way	Page 22
Article 30:	Accept Orion Way (off Tadmuck Rd) as a Public Way	Page 22
Article 31:	Authority to Lease East Boston Camps	Page 22

Article 32:	Conservation Restriction on Rolling Meadows Lane	Page 23
Article 33:	Conservation Restriction Lots 2 & 3 on Cowdry Hill Rd	Page 23
* Article 34:	Easement at Town Hall	Page 24
* Article 35:	Pole Easement at Cameron Senior Center	Page 24

*** Note: Articles 3, 6, 8, 34 and 35 will be proposed to go on the Consent Agenda to be voted under one umbrella motion.**

2010 ANNUAL TOWN MEETING MOTIONS

REPORTS

ARTICLE 1:	Acceptance of Town Reports	<i>Majority Vote Required</i>
-------------------	-----------------------------------	-------------------------------

Motion: That the Town accept the reports of town officers, boards and committees for the calendar year 2009.

Selectmen recommend

FINANCIAL - FISCAL YEAR 2010

ARTICLE 2:	Fiscal Year 2010 Supplemental Appropriations	<i>Majority Vote Required</i>
-------------------	---	-------------------------------

Motion: That the Town transfer the sum of \$115,000 (ONE HUNDRED FIFTEEN THOUSAND DOLLARS) from Fund 270 Receipts Reserved for appropriation- Maine Drilling & Blasting settlement for perchlorate remediation to replenish the following account for transfers made for perchlorate related expenses in Fiscal Year 2010:

131 Finance Committee, Reserve Fund

Selectmen recommend and Finance Committee recommends

ARTICLE 3:	Fiscal Year 2010 Budget Transfers	<i>Majority Vote Required</i>
-------------------	--	-------------------------------

Motion: That the Town dismiss Article 3.

Selectmen and Finance Committee to make recommendation at Town Meeting

FINANCIAL - FISCAL YEAR 2011

ARTICLE 4:	Amendments to the Wage and Classification Plan	<i>Majority Vote Required</i>
-------------------	---	-------------------------------

Motion: That the Town vote to amend the Pay Classification Plan for non-unionized municipal employees, effective July 1, 2010

Band Change:								
Position Title	Current Class/ Band	Min	Mid	Max	New Band	Min	Mid	Max
Elder Outreach Coordinator	Hourly Class	\$13.25 p/hr		\$17.66 p/hr				
					<i>Band 1</i>	\$34,511	\$41,940	\$49,370
Position is 20 hours per week					<i>Hourly equivalent</i>	\$17.63	\$21.42	\$25.22

Selectmen recommend, Personnel Advisory Committee and Finance Committee to make recommendation at Town Meeting

ARTICLE 5: Fiscal Year 2011 Operating Budget *Majority Vote Required*

Motion: That the Town appropriate the sum of \$89,462,637 (EIGHTY NINE MILLION FOUR HUNDRED SIXTY TWO THOUSAND SIX HUNDRED THIRTY SEVEN DOLLARS) for the operation and maintenance of Town Departments for the Fiscal Year July 1, 2010 through June 30, 2011, such sums to be expended for such purposes under the direction of the respective town officers, boards and committees and further that all items be raised and appropriated except for the following:

Fund 100 General Fund: \$122,600 shall be appropriated from Overlay Surplus;

Fund 240 Community Preservation Fund: \$887,819 shall be appropriated from Community Preservation Fund Fiscal 2011 Revenue;

Fund 270 Receipts Reserved for Appropriation: \$15,000 shall be appropriated from Conservation Wetlands Fees;

Fund 270 Receipts Reserved for Appropriation: \$49,696 shall be appropriated from Maine Drilling & Blasting Settlement for perchlorate remediation for the costs of debt service for perchlorate remediation;

Fund 600 Water Enterprise Fund: \$3,318,179 shall be appropriated from Water Enterprise Revenue and \$69,726 shall be appropriated from Water Enterprise Free Cash;

Fund 630 Recreation Enterprise Fund: \$1,212,366 shall be appropriated from Recreation Enterprise Revenue;

Fund 640 Ambulance Enterprise Fund: \$549,793 shall be appropriated from Ambulance Enterprise Revenue.

Selectmen recommend and Finance Committee recommends

ARTICLE 6: Property Tax Exemption Increase by 100% for the Blind, Elderly and for Disabled Veterans *Majority Vote Required*

Motion: That the Town accept the provisions of Chapter 73, Section 4 of the Acts of 1986, as amended by Chapter 126 of the Acts of 1988, by providing for additional property tax 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%.

Selectmen recommend and Finance Committee recommends

ARTICLE 7: Revolving Funds *Majority Vote Required*

Motion: That the Town re-authorize revolving funds under the provisions of Massachusetts General Laws Chapter 44, Section 53 E ½ for the fiscal year beginning July 1, 2010 as follows:

Revolving Account	Spending Authority	Revenue Source	Allowed Expenses	Expenditure Limits	Year End Balance
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
School Parking	School Department	Parking fees	Maintenance and expansion of parking facilities	\$30,000	Available for expenditure next year
School Bus/Transportation	School Department	User bus fees	Student transportation costs	\$529,276	Available for expenditure next year

Selectmen recommend and Finance Committee recommends

ARTICLE 8:	Highway Department Chapter 90 Funds	<i>Majority Vote Required</i>
-------------------	--	-------------------------------

Motion: That the Town appropriate any amount received by the Town under the provisions of Massachusetts General Laws Chapter 90 for the purposes of repair, construction, maintenance and preservation of the town roads and bridges and other related costs which qualify under the State Aid to Highways Guidelines adopted by the Massachusetts Highway Authority.

Selectmen recommend and Finance Committee recommends

ARTICLE 9:	Requesting Authorization for Refuse and Recyclables Collection, Transportation, and Disposal Contracts in Excess of Three Years	<i>Majority Vote Required</i>
-------------------	--	-------------------------------

Motion: That the Town authorize the Board of Selectmen to enter into contracts for refuse and recyclables collection and transportation, and disposal for a period up to five (5) years.

Selectmen recommend and Finance Committee recommends

ARTICLE 10:	Authorize Lease and Solar Power Purchase Agreement at Westford Academy	<i>2/3 Vote Required</i>
--------------------	---	--------------------------

Motion: In order to allow the School Committee to lease the Westford Academy roof for solar power use, that the Town transfer the Westford Academy building to the School Committee to continue to be held for school purposes and for the additional purpose of leasing a portion of the roof, and to authorize the School Committee to enter into a Solar Power Purchase Agreement with a private party and a related lease of space on the roof of Westford Academy for the purpose of installing thereon a solar energy system to provide electricity to the Academy, said Agreement and lease to be for a term up to 20 years and on such terms and conditions as the School Committee deems to be in the best interests of the Town.

Selectmen recommend and Finance Committee recommends

ARTICLE 11:	Perchlorate Expenses	<i>Majority Vote Required</i>
--------------------	-----------------------------	-------------------------------

Motion: That the Town transfer the sum of \$100,000 (ONE HUNDRED THOUSAND DOLLARS) from Fund 270 Receipts Reserved for Appropriation - Maine Drilling & Blasting Settlement for perchlorate remediation for the purpose of

providing funds to address associated issues regarding perchlorate contamination or any other related costs.

Selectmen recommend and Finance Committee recommends

ARTICLE 12: Establish Perchlorate Stabilization Fund *2/3 Vote Required*

Motion: That the Town transfer the sum of \$170,928 (ONE HUNDRED SEVENTY THOUSAND NINE HUNDRED TWENTY EIGHT DOLLARS) from Fund 270 Receipts Reserved for Appropriation – Maine Drilling & Blasting Settlement, for the purpose of establishing a Perchlorate Stabilization Fund in accordance with the provisions of Massachusetts General Laws Chapter 40 Section 5B for the specific purpose of providing available funds for future perchlorate contamination remediation and any other related costs.

Selectmen recommend and Finance Committee recommends

ARTICLE 13: Capital Appropriations

Motion 1: *(Majority Vote Required)*

That the Town raise and appropriate the sum of \$889,272 (EIGHT HUNDRED EIGHTY NINE THOUSAND TWO HUNDRED SEVENTY TWO DOLLARS) to provide for the following capital requests:

<i>DEPARTMENT</i>	<i>AMOUNT</i>	<i>PURPOSE</i>
Technology	\$193,000	Virtualization project and any other related costs
Police Department	\$ 54,132	Portable radios and any other related costs
Police Department	\$ 109,820	Three cruisers and accessories and any other related costs
Fire Department	\$ 33,000	Replace one service pickup with plow and any other related costs
Fire Department	\$ 8,640	Nabnasset Fire Station drainage and tight tank and any other related costs
School Department	\$ 75,000	Replace Westford Academy Boiler #2 and any other related costs
School Department	\$ 40,000	Abbot Elementary School elevator-design/ADA compliance study and any other related costs
School Department	\$ 90,000	Blanchard Middle School-replace 3 boilers and any other related costs

School Department	\$ 75,000	Replace Robinson Elementary School Boiler and any other related costs
Highway Department	\$ 150,000	Replacement of retaining wall at Main Street and Flagg Road and any other related costs
Library	\$ 17,680	Aggregate building/lot/vehicle improvements and any other related costs
Historical Commission	\$ 18,000	Miscellaneous repairs at Cottage and Museum and any other related costs
Engineering Department	\$ 25,000	Storm Water Management study and any other related costs

and further;

That the Town transfer the following amounts from the following accounts:

Nabnasset School Construction	\$ 20,646.10
Elementary Schools Construction Account	160,705.43
Westford Academy Construction Account	37,457.26
Stony Brook Middle School Construction Account	102,528.35
Highway Garage Construction Account	278,662.86

for the purpose of funding the following capital appropriation:

School Department	\$600,000	Replace Nabnasset Elementary School roof and any other related costs
-------------------	-----------	--

and further;

That the Town appropriate from Water Enterprise Free Cash the following amount for the following purpose:

Water Department	\$50,000	Purchase of Utility Truck, accessories and any other related costs
------------------	----------	--

Motion 2: (2/3 Vote Required)

That the Town raise and appropriate the following amount for the following purpose:

<i>DEPARTMENT</i>	<i>AMOUNT</i>	<i>PURPOSE</i>
Capital Stabilization Fund	\$435,728	Appropriation to the Capital Stabilization Fund

Selectmen recommend and Finance Committee recommends

CPA FUNDS

ARTICLE 14:	Community Preservation Committee Recommendations	<i>Majority Vote Required</i>
--------------------	---	-----------------------------------

Motion: That the Town, pursuant to Massachusetts General Laws, Chapter 44B, in accordance with the recommendations of the Westford Community Preservation Committee, appropriate from Community Preservation Funds the sum of \$1,505,712.00 (ONE MILLION FIVE HUNDRED FIVE THOUSAND SEVEN HUNDRED TWELVE DOLLARS) as follows:

\$236,612	From Undesignated Fund Balance To the Community Housing Reserve This allocation more than covers the required 10% for Community Housing	<i>Community Housing Reserve</i>
\$295,100	From Undesignated Fund Balance For the 2010 Town Records Preservation Project and any other related costs	<i>Records & Archives Management Committee</i>
\$ 15,000	From Undesignated Fund Balance For Phase 2A of the Bruce Freeman Rail Trail design and any other related costs.	<i>Westford Parks & Recreation Commission, Friends of the Bruce Freeman Trail</i>
\$400,000	From Community Housing Fund Reserve To provide a grant to CHOICE for the purchase of the land, building, renovation and any other related costs in order to convert the property at 173 Carlisle Road into affordable housing units with preference given to Westford veterans and Westford homeless families.	<i>CHOICE – Chelmsford Housing Opportunities for Intergenerational and Community Endeavors, Inc. Sponsored by Westford and Chelmsford Housing Authority</i>
\$354,000	From Undesignated Fund Balance For the handicap access connector to the Historical Meeting House, First Parish Church United, 48 Main Street, handicap accessible bathroom on the 2 nd floor, and historical document & artifact archival room.	<i>First Parish Church United</i>
\$190,000	From Undesignated Fund Balance To the Conservation Trust Fund for future land purchases	<i>Conservation Commission</i>
\$15,000	From FY11 Community Preservation Revenue For administrative expenses for the Community Preservation Committee	<i>Community Preservation Committee</i>

<i>Selectmen recommend without First Parish Church United and Finance Committee recommends without First Parish Church United</i>

LAND TRANSFER

ARTICLE 15:	Transfer Care, Custody, and Control, Authorize to Enter into Lease and Grant Easement of the Frances Hill Water Tower	<i>2/3 Vote Required</i>
--------------------	--	--------------------------

Motion: To see if the Town will vote pursuant to Massachusetts General Laws Chapter 40, §15A to transfer the care, custody, management and control of the property off of Hunt Road shown on Westford Assessor’s Map 33, Lot 17, from the Board of Selectmen to the Board of Water Commissioners for purposes of a standpipe site and for purposes of leasing to a telecommunications service provider to construct, operate and maintain a telecommunications facility on the existing water storage tank on said property and for access to and from said property and to construct, operate and maintain utilities necessary for the operation of the telecommunication facilities; and further to authorize the Board of Water Commissioners to enter in said lease upon such terms and conditions as the Board of Water Commissioners deem appropriate; and further to authorize the Board of Water Commissioners to convey to a telecommunications service provider and its successors and assigns, on such terms and conditions as the Board of Water Commissioners may determine, a non-exclusive easement over a portion of the property for the purposes of installing, maintaining and operating the utilities, including electric and telephone utilities necessary for the operation of the telecommunications facilities on the property and access thereto for said purposes; or take any action relative thereto.

Selectmen do not recommend and Finance Committee does not recommend

CHARTER

ARTICLE 16:	Amend the Westford Town Charter	<i>Majority Vote Required</i>
--------------------	--	-------------------------------

Motion: That the Town authorize and approve the filing of a petition with the General Court of the Commonwealth to enact the following to amend the Westford Town Charter as established by the Westford Home Rule Charter Act:

1. Add a new fourth paragraph in Section 9:

The water department shall be administered by a board of three water commissioners appointed by the town manager. The water commissioners shall have exclusive charge and control of the water department and water systems. The water commissioners

shall appoint a superintendent of the water department and all employees of the water department.

2. Change Section 10(c) to add a sentence after the second sentence:

The terms, duration and conditions of employment of the superintendent of the water department shall be negotiated by the water commissioners.

3. Change Section 11(d) to read:

to be responsible for the purchase of all supplies, materials, and equipment, except for the school department, water department and for books and other media material for libraries. The town manager shall approve the award of all contracts for all town departments (with the exception of the school department, library and water department), subject to approval of the board of selectmen;

4. Change Section 12(g) to read:

to be responsible for the efficient use, maintenance and repair of all town facilities, except those under the jurisdiction of the school committee, the library trustees and the water commissioners;

5. This amendment to the Town of Westford Charter shall be submitted to the voters of the Town of Westford for approval at the first annual election held after the passage of this Act. The question shall comply with the requirements of Massachusetts General Laws Chapter 43B, Section. 11.

Selectmen do not recommend and Finance Committee does not recommend

ARTICLE 17: Amend the Westford Town Charter

Majority Vote Required

Motion: From Petitioners

Selectmen do not recommend and Finance Committee does not recommend

GENERAL BYLAW AMENDMENTS

ARTICLE 18: Chapter 9 – Building Department (9.4) *Majority Vote Required*

Motion: That the Town amend Chapter 9 section 9.4 of the Westford General By-Laws relating to Appeals as follows: **(added words in bold and underlined, deleted words in strikeout)**

§ 9.4. Appeals.

Whoever is aggrieved by any order, decision, or interpretation of any official of the Town charged with the administration or enforcement of ~~the State Building Code, or any of its rules or regulations,~~ may appeal to the local Board of Appeals, ~~as authorized by section 126.7 of the State Building Code.~~ The entry fee for any such appeals shall be established by said board.

Selectmen recommend

ARTICLE 19: Chapter 20 Sealer of Weights and Measures Fees (20.2) *Majority Vote Required*

Motion: That the Town amend Chapter 20, Section 20.2 of the Westford General By-Laws relating to Sealer of Weights and Measures fees by deleting the current text in its entirety and replace it with the following text: **(added words in bold and underlined, deleted words in strikeout)**

Fees for the Sealer of Weights and Measures within the Town of Westford are hereby established by the Board of Selectmen, through notification and a public hearing on the matter, to cover the costs incurred for the service.

~~Fees for the sealing of weighing and measuring devices within the Town of Westford are hereby established as set forth below:~~

~~A. Each scale with a weighing capacity equal to or greater than 10,000 lbs.~~

\$100

~~B. Each scale with a weighing capacity of 5,000 lbs. to 9,999 lbs. \$50~~

~~C. Each scale with a weighing capacity of 1,000 lbs. to 4,999 lbs. \$25~~

~~D. Each scale with a weighing capacity of 100 lbs. to 999 lbs. \$15~~

~~E. Each scale or balance with a weighing capacity of 10 lbs. to 99 lbs. \$10~~

~~F. Each scale or balance with a weighing capacity of less than 10 lbs. \$5~~

G. ~~Each liquid capacity measure, except vehicle tanks, of the capacity of more than 1 gallon and measures on pumps~~

\$5

H. ~~Each liquid measuring meter, except water meters, the diameter of the inlet pipe of which is:~~

1. ~~one half inch or less~~

2. ~~more than one half inch but less than one inch~~

3. ~~for each such type of liquid measuring meter the diameter of which is more than one inch, the following shall apply:~~

\$5

\$10

a. ~~vehicle tank pump~~

b. ~~vehicle tank gravity~~

c. ~~bulk storage~~

d. ~~bulk storage user furnished certified prover~~

\$15

\$30

\$50

\$20

I. ~~Each taximeter or measuring device used upon vehicles to determine the cost of transportation~~

\$10

J. ~~Each machine or other mechanical device used upon vehicles to determine~~

~~the cost of transportation~~

\$10

K. ~~Milk bottle or jars \$4 per gross~~

L. ~~Vehicle tanks used in the sale of commodities by liquid measures charged by each hundred gallons or fraction thereof~~

\$1. ~~An additional fee~~

~~of \$2 per sealed indicator~~

~~shall be received.~~

M. ~~All weights and other measures \$1 each~~

Selectmen recommend and Finance Committee recommends

ARTICLE 20: Chapter 136 Swimming Pools (136.4)

Majority Vote Required

Motion:

That the Town amend Chapter 136 section 136.4 of the Westford General By-Laws relating to Swimming Pools by deleting the current text in its entirety.

(added words in bold and underlined, deleted words in strikeout)

~~§ 136.4. Swimming pools [Added 3-6-71 ATM Art. 38]~~

~~Private and commercial pools having a depth of 2 feet or more will require building permits and must comply with the building, sideline and setback regulations set forth in the Zoning Bylaw of the Town.~~

~~They must be enclosed by a protective fence at least 4 feet in height with a lockable gate. Gates shall lock on closing. Gate locks must be placed on the inside of the fence. Both fence and gate lock must meet with the approval of the Inspector. Inspection will be made at excavation and after completion. Vertical stays in the fence must be not more than 2 inches apart.~~

Selectmen recommend

ARTICLE 21: Chapter 90 Earth Removal

Majority Vote Required

Motion (received from Petitioners):

To see if the Town will amend Chapter 90, Section 7 of the Westford General Bylaws to change the hours of operation that any high-impact industrial use, including removal of soil, loam, sand, gravel or other earth material from any land within the Town of Westford is authorized, by amending Section 7.A.3, and adding Section 7.A.3.a, Section 7.A.11, Section 7.A.12, Section 7.A.13, Section 7.C, and Section 7.D, so that the amended sections would read as follows:

Section 7.A.3. Hours of Operation

In order to maintain the safety and protect the people and environment of Westford, the following stipulations must be met and adhered to in all areas of industrial usage for high-impact business operations. No high-impact use of a parcel or parcels of land shall be permitted, constructed, operated, or maintained except in accordance with the following standards:

a. Hours of Operation. All high-impact businesses must operate between the normal business hours of 7 o'clock AM and 7 o'clock PM. No after-hours operations of any high-impact business shall be allowed.

Section 7.A.11. Light Mitigation. No high-impact use shall commence operations prior to submitting a Light Mitigation Plan which demonstrates that the methods for reducing or containing light generated by the use meet commonly recognized industry standards for that particular use.

Section 7.A.12. Noise Mitigation. No high-impact use shall commence operations prior to submitting a Noise Mitigation Plan which demonstrates that the methods for reducing or containing noise generated by the use meet commonly recognized industry standards for that particular use.

Section 7.A.13. Dust Mitigation. Permanent roads used continuously (for vehicular traffic once per any 72 hour period of time excluding Saturdays, Sundays, or holidays) in excess of 6 months within the property site shall be surfaced with a dust-free material (i.e. soil cement, portland cement, bituminous concrete).

Section 7.C. Definitions

For the purposes of this chapter, certain words shall be interpreted as follows:

High-Impact Use – Any and each of the uses of land to which the provisions of this Chapter are applied and as are specifically defined in this section.

Hours of Operation – The times of day during which an establishment may conduct its principal operations. For purposes of this initiative, normal business hours are between 7 o'clock AM and 7 o'clock PM.

Light Mitigation – A good faith effort to reduce the emission of light or diminish the effects that emitted light has on adjacent parcels or the neighborhood.

Noise Mitigation – A good faith effort to reduce the emission of noise or diminish the effects that emitted noise has on adjacent parcels or the neighborhood.

Dust Mitigation – A good faith effort to reduce the emission of dust or diminish the effects that emitted dust and dust particles have on adjacent parcels or the neighborhood.

Section 7.D. Applicability

The requirements of this Section shall apply to all properties within the Town of Westford zoned for any type of industrial use, including, but not limited to:

- (1) Concrete Suppliers
- (2) Mining and Extraction Operations and Quarries
- (3) Asphalt Processing Operations
- (4) Blasting Operations

Selectmen do not recommend and Planning Board does not recommend

ARTICLE 22: Chapter 51 Town Meetings	<i>Majority Vote Required</i>
---	-------------------------------

Motion (received from Petitioners):

I move to change Sec. 51.6 of the Westford General Bylaws relating to town meetings. I move to delete *at the request of any 20 voters attending the meeting* and replace it with *by the vote of a majority of town meeting*.

The amended bylaw would then read:

Upon any motion or amendment to a motion, the Moderator, *by the vote of a majority of town meeting*, shall direct that the vote be by secret written ballot.

<i>Selectmen recommend</i>

ZONING BYLAW AMENDMENTS

ARTICLE 23: Section 3.2 Accessory Uses	<i>2/3 Vote Required</i>
---	--------------------------

Motion: That the Town amend Chapter 173 section 3.2.1 of the Westford Zoning By-Law to: **(added words in bold and underlined, deleted words in strikeout)**

3.2.1 Residential Accessory Uses.

4. *Temporary Trailer.* A trailer may be used for temporary dwelling purposes during the construction, reconstruction, alteration, or repair of a permanent dwelling (not including trailer), for a period not to exceed six (6) months **by the issuance of a building permit**, or **extended** ~~additional~~ period or periods in hardship cases, but no such **extended** ~~period~~ of use of such trailer shall be ~~commenced~~, continued or extended without the grant of a special permit by the Board of Appeals and after the approval of the Board of Health.

<i>Selectmen recommend and Planning Board recommends</i>
--

ARTICLE 24: Section 3.5 Accessory Structures	<i>2/3 Vote Required</i>
---	--------------------------

Motion: To see if the Town will vote to amend Chapter 173 section 3.5.1 and 3.5.2 of the Westford Zoning By-Law to: **(added words in bold and underlined, deleted words in strikeout)**

3.5.1 Permit Required. An accessory structure with ~~less than~~ 120 square feet **or less** of gross floor area may be erected without a building permit.

An accessory structure with more than 120 ~~or more~~ square feet of gross floor area shall require a building permit.

3.5.2 Dimensional Requirements. Accessory structures shall be allowed subject to the following conditions:

3. ~~Less than~~ 120 Square Feet or less. An accessory structure with ~~less than~~ 120 square feet or less of gross floor area shall be located at least ten (10) feet from any side or rear lot line.

4. More than 120 ~~or more~~ Square Feet. An accessory structure with more than 120 ~~or more~~ square feet of gross floor area shall be located in the side or rear yard in accordance with the Table of Dimensional and Density Regulations, Appendix C.

3.5.3 Permitted Accessory Structures. The following accessory structures are permitted in all districts:

1. *Fences; Flagpoles* Walls-as defined in 780CMR. Fences of a height not to exceed six (6) feet ~~and~~, flagpoles of a height not to exceed 20 feet and walls less than 4 feet in height, shall be exempt from the setback requirements of this Section. Any fence ~~or~~, flagpole or wall erected prior to enactment of this Bylaw may be repaired or replaced to original configuration and location.

Planning Board recommends with amendment to delete 3.5.3 and Selectmen recommend with Planning Board amendment to delete 3.5.3

ARTICLE 25: Section 4.3 – Special Dimensional Regulations *2/3 Vote Required*

Motion: That the Town amend Section 4.3.6 of the Town of Westford Zoning Bylaws; Exemptions for Substandard Lots: **(added words in bold and underlined, deleted words in strikeout)**

4.3.6 Exemptions for Substandard Lots: One (1) building and its accessory buildings may be erected on any lot which, at the time this Zoning Bylaw was adopted, cannot be made to conform to the area and frontage requirements in the Table of Dimensional and Density Regulations for Residence Districts as long as the lot meets minimum standards set by Chapter 40A§6 of the Zoning Act for one and two family use, Business and Industrial A Districts.

Selectmen to make recommendation at Town Meeting and Planning Board recommends dismissal

ARTICLE 26:	8.2 Floodplain Overlay District (FOD)	<i>2/3 Vote Required</i>
--------------------	--	--------------------------

Motion: That the Town amend Chapter 173 section 8.2.1, 8.2.2, 8.2.6 and add section 8.2.7 of the Westford Zoning By-Law to: **(added words in bold and underlined, deleted words in strikeout)**

8.2.1 Purpose. The Floodplain Overlay District (FOD) is established: **as an overlay district to all other districts:**

1. to protect public health, safety and general welfare;
2. to protect human life and property from hazards of periodic flooding;
3. to preserve natural flood control characteristics and the flood storage capacity of the floodplain; and
4. to preserve and maintain the groundwater table and water recharge areas within the floodplain.

All development in the district, including structural and non-structural activities, whether Massachusetts General Laws and with the following:

- **Section of the Massachusetts State Building Code which addresses floodplain and coastal high hazard areas (currently 780 CMR 120.G, "Flood Resistant Construction and Construction in Coastal Dunes");**
- **Wetlands Protection Regulations, Department of Environmental Protection (DEP) (currently 310 CMR 10.00);**
- **Inland Wetlands Restriction, DEP (currently 310 CMR 13.00);**
- **Minimum Requirements for the Subsurface Disposal of Sanitary Sewage, DEP (currently 310 CMR 15, Title 5);**

Any variances from the provisions and requirements of the above referenced state regulations may only be granted in accordance with the required variance procedures of these state regulations.

8.2.2 District Boundaries. ~~The boundaries of the FOD are shown on the Flood Insurance Rate Map (FIRM), dated June 15, 1983, prepared by the Federal Emergency Management Agency, which represent the one hundred year flood elevations designated at Zone A and Zones A1 through A30. The boundaries of the floodway are shown on the Flood Boundary and Floodway Map, dated June 15, 1983, and further defined by the floodway date tables contained in the Flood Insurance Study. These two (2) maps, as well as the accompanying study, are incorporated herein by reference and are on file with the Town Clerk, the Planning Board and the Building Inspector.~~ **The FOD includes all special flood hazard areas within the Town of Westford designated as Zone A and AE on the Middlesex County Flood Insurance Rate Map (FIRM) issued by the Federal Emergency Management Agency (FEMA) for the administration of the National Flood Insurance Program.**

The map panels of the Middlesex County FIRM that are wholly or partially within the Town of Westford are panel numbers 25017C0113E, 25017C0114E, 25017C0118E, 25017C0226E, 25017C0227E, 25017C0228E, 25017C0229E, 25017C0231E, 25017C0232E, 25017C0233E, 25017C0234E, 25017C0236E, 25017C0237E, 25017C0241E, 25017C0242E and 25017C0243E anticipated to be dated June 4, 2010. The exact boundaries of the District may be defined by the 100-year base flood elevations shown on the FIRM and further defined by the floodway data tables in Middlesex County Flood Insurance Study (FIS) report anticipated to be dated June 4, 2010. The FIRM and FIS report are incorporated herein by reference and are on file with the Town Clerk, Planning Board and Building Inspector.

8.2.6 Special Permit Procedures.

3. Floodway Data. In Zones A, A1-30, and AE, along watercourses that have not had a regulatory floodway designated, the best available Federal, State, local, or other floodway data shall be used to prohibit encroachments in floodways which would result in any increase in flood levels within the community during the occurrence of the base flood discharge.

4. Base Flood Elevation Data. Base flood elevation data is required for subdivision proposals or other developments greater than 5 acres, within A zones.

8.2.7 Notification of Watercourse Alteration. In a riverine situation, Westford shall notify the following of any alteration or relocation of a watercourse:

1. Adjacent Communities

2. NFIP State Coordinator

Massachusetts Department of Conservation and Recreation
251 Causeway Street, Suite 600-700
Boston, MA 02114-2104

3. NFIP Program Specialist

Federal Emergency Management Agency, Region I
99 High Street, 6th Floor
Boston, MA 02110

Selectmen recommend and Planning Board recommends

ARTICLE 27: 6.2 Wireless Communications Facility (WCF)

2/3 Vote Required

Motion (received from Petitioners):

To see if the Town will vote to amend Chapter 6, section 2 of the Westford Zoning Bylaw dated August 20, 2008 relating to the siting of Wireless Communications Facilities (WCF) as follows:

- A. Section 6.2.3, first paragraph: Replace “Applicants shall demonstrate that they have thoroughly investigated all locations ranked higher in priority than the one they are proposing, and have selected the highest priority location possible” with “Applicants shall provide substantial written evidence that they have thoroughly investigated all locations ranked higher in priority than the one they are proposing, and have selected the highest priority location possible.
- B. Section 6.2.3, second paragraph: Add a line after “A new WCF with Tower will not be located within 900 feet of an existing dwelling, school, day-care center, nursing home, or an assisted or independent living facility” that says, “A new WCF on an existing structure or co-located on an existing WCF will not be located within 300 feet of an existing dwelling, school, day-care center, nursing home, or an assisted or independent living facility”
- C. Section 6.2.3 subsection 2a: Replace “On an existing utility structure such as an electric transmission tower or water tower, in either case camouflaged through location, design, color, or other means to resemble a compatible architectural feature or other element of the primary structure” with “on an existing utility structure such as an electric transmission tower or water tower which is not located within 300 feet from an existing dwelling, school, day-care center, nursing home, or an assisted or independent living facility, in either case camouflaged through location, design, color, or other means to resemble a compatible architectural feature or other element of the primary structure.
- D. Section 6.2.9, subsection 12: Replace “The base of all towers shall be no closer than three hundred (300) feet to a residential zoning district boundary and/or dwelling” with “Any new WCF shall be no closer than three hundred (300) feet to a residential zoning district and/or existing dwelling, school, day-care center, nursing home, or an assisted or independent living facility.”

*Petitioners to amend at Town Meeting. Planning Board recommends with Petitioners' amendment and
Selectmen recommend with amendment*

STREET ACCEPTANCES

ARTICLE 28:	Accept Vose Hill Road as a Public Way	<i>Majority Vote Required</i>
--------------------	--	-----------------------------------

Motion: That the Town, pursuant to MGL Chapter 82, Section 21, accept Vose Hill Road (approximately 5,466 feet), as shown on a Street Acceptance Plan for Rail Tree Hill Estates as prepared by Marchionda & Associates and dated December 3, 2009 and to authorize the Board of Selectmen to accept and or take the deed and or easement to the Town of the said way.

Selectmen recommend and Finance Committee recommends

ARTICLE 29:	Accept Pond Road as a Public Way	<i>2/3 Vote Required</i>
--------------------	---	--------------------------

Motion: That the Town, pursuant to MGL Chapter 82, Section 21, accept Pond Road (approximately 610 feet), as shown on a Street Acceptance Plan for Pond Road as prepared by LandTech Consultants and dated December 21, 2009 and to authorize the Board of Selectmen to accept and or take the deed and or easement to the Town of the said way.

Selectmen recommend and Finance Committee recommends

ARTICLE 30:	Accept Orion Way (off Tadmuck Road) as a Public Way	<i>2/3 Vote Required</i>
--------------------	--	--------------------------

Motion: Petitioners do not anticipate making a motion under this Article.

Selectmen do not recommend and Finance Committee does not recommend

LAND USE & LAND AQUISITIONS

ARTICLE 31:	Authority to Lease East Boston Camps	<i>Majority Vote Required</i>
--------------------	---	-------------------------------

Motion: That the Town authorize the Conservation Commission to lease, license or rent use of facilities at the East Boston Camps Property (located on Parcel 37 of Assessors' Map 31) for periods up to ten years and to authorize the Selectmen to file special legislation with the General Court, pursuant to Article 97, authorizing the Conservation Commission to lease, license or rent use of facilities at the East Boston Camps Property for periods up to ten years.

Selectmen recommend and Finance Committee recommends

ARTICLE 32: Conservation Restriction on Rolling Meadows Lane	<i>Majority Vote Required</i>
---	-----------------------------------

Motion: That the Town authorize the Conservation Commission to grant a permanent conservation restriction pursuant to Massachusetts General Laws, Ch. 184, Sections 31, 32 and 33 to a suitable, qualified organization on land under its care and custody located off Rolling Meadow Lane (Parcel 31.9 on Assessors' Map 46 and further identified as being shown as "Open Space" on a plan of land entitled "Rolling Meadows Subdivision Definitive Subdivision Open Space Development Plan of Land in Westford, Massachusetts" dated June, 1996, which plan is recorded at Middlesex North District Registry of Deeds at Plan Book 193, Plan 59), and to authorize the Selectmen to file special legislation with the General Court, pursuant to Article 97, authorizing the Conservation Commission to grant a permanent conservation restriction pursuant to Massachusetts General Laws, Ch. 184, Sections 31, 32 and 33 to a suitable, qualified organization on land under its care and custody located off Rolling Meadow Lane (Parcel 31.9 on Assessors' Map 46 and further identified as being shown as "Open Space" on a plan of land entitled "Rolling Meadows Subdivision Definitive Subdivision Open Space Development Plan of Land in Westford, Massachusetts" dated June, 1996, which plan is recorded at Middlesex North District Registry of Deeds at Plan Book 193, Plan 59)

Selectmen recommend

ARTICLE 33: Conservation Restriction Lots 2 & 3 on Cowdry Hill Rd	<i>Majority Vote Required</i>
--	-----------------------------------

Motion: That the Town authorize the Conservation Commission to grant a permanent conservation Restriction pursuant to Massachusetts General Laws, Ch. 184, Sections 31, 32 and 33 to a suitable, qualified organization on land under its care and custody located off Cowdry Hill Road being portions of Parcels 70 and 84 on Assessors' Map 29 and a portion of Parcel 12 on Assessors' Map 30 and further identified as being shown as Lots 2 and 3 on a Plan of Land entitled "Plan of Land in Westford, MA " Site address: West Street & North Main Street, Westford, Massachusetts, 01886 dated 1/30/09 and recorded at the Middlesex North District Registry of Deeds at Plan Book 229, Plan 102, and to authorize the Selectmen to file special legislation with the General Court, pursuant to Article 97 of the Amendments to the Constitution of Massachusetts , authorizing the Conservation Commission to grant a permanent conservation restriction pursuant to Massachusetts General Laws,

Ch. 184, Sections 31, 32 and 33 to a suitable, qualified organization on land under its care and custody located off Cowdry Hill Road being portions of Parcels 70 and 84 on Assessors' Map 29 and a portion of Parcel 12 on Assessors' Map 30 and further identified as being shown as Lots 2 and 3 on a Plan of Land entitled "Plan of Land in Westford, MA " Site address: West Street & North Main Street, Westford, Massachusetts, 01886 dated 1/30/09 and recorded at the Middlesex North District Registry of Deeds at Plan Book 229, Plan 102.

Selectmen recommend

ARTICLE 34: Easement at Town Hall	<i>Majority Vote Required</i>
--	-------------------------------

Motion: That the Town authorize the Board of Selectmen to grant to Massachusetts Electric Company a perpetual right and easement for the purpose of providing service for the transmission of intelligence and the furnishing of electric service by an underground electric distribution system in, through, under, over, across and upon a parcel of land situated on the southerly side of Main Street, being more particularly shown as Parcel 46 on Assessors Map 59 and shown on a plan entitled Exhibit A on file in the Town Clerk's Office.

Selectmen recommend

ARTICLE 35: Pole Easement at Cameron Senior Center	<i>Majority Vote Required</i>
---	-------------------------------

Motion: That the Town authorize the Council on Aging to grant to Massachusetts Electric Company a perpetual right and easement for the purpose of providing service for the transmission of intelligence and the furnishing of electric service by an underground electric distribution system in, through, under, over, across and upon a parcel of land situated on the northerly side of Pleasant Street, being more particularly shown as Parcel 53 on Assessors Map 91 and shown on a plan entitled Exhibit A on file in the Town Clerk's Office.

Selectmen recommend