

**COMMONWEALTH OF MASSACHUSETTS
TOWN OF WESTFORD
WARRANT**

Middlesex, ss.

To the Constable of the Town of Westford, in said County,
Middlesex, ss.

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 27, 2010

(voter registration deadline, Friday, March 5, 2010 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

Town Manager

To accept the Reports of Town Officers, Boards and Committees for the calendar year 2009;

Or act in relation thereto.

FINANCIAL - FISCAL YEAR 2010

ARTICLE 2: Fiscal Year 2010 Supplemental Appropriations

Town Manager

To see if the Town will vote to appropriate by transfer from available funds or otherwise in order to supplement operating budgets for the Fiscal Year ending June 30, 2010;

Or act in relation thereto.

ARTICLE 3: Fiscal Year 2010 Budget Transfers

Town Manager

To see if the Town will vote to transfer various sums between and among various accounts for the Fiscal Year ending June 30, 2010;

Or act in relation thereto.

FINANCIAL - FISCAL YEAR 2011

| | | |
|-------------------|---|---------------------|
| ARTICLE 4: | Amendments to the Wage and Classification Plan | <i>Town Manager</i> |
|-------------------|---|---------------------|

To see if the Town will vote to amend the Pay Classification Plan for non-unionized municipal employees, effective July 1, 2010;

Or act in relation thereto.

| | | |
|-------------------|--|---------------------|
| ARTICLE 5: | Fiscal Year 2011 Operating Budget | <i>Town Manager</i> |
|-------------------|--|---------------------|

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, 2010 through June 30, 2011, 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 6: | Property Tax Exemption Increase by 100% for the Blind, Elderly and for Disabled Veterans | <i>Board of Assessors</i> |
|-------------------|---|---------------------------|

To see if the Town will vote to 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 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 7: | Revolving Funds | <i>Town Manager</i> |
|-------------------|------------------------|---------------------|

To see if the Town will vote to re-authorize revolving funds for the Fiscal Year July 1, 2010 - June 30, 2011, under the provisions of MGL Chapter 44, Section 53 E ½ for the following:

| 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 expenses, hiring of seasonal 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 |

Or act in relation thereto.

ARTICLE 8: Highway Department Chapter 90 Funds *Town Manager*

To see if the Town will vote to appropriate a sum of money from the proceeds due to the Town under the provisions of MGL Chapter 90;

Or act in relation thereto.

ARTICLE 9: Requesting Authorization for Refuse and Recyclables Collection, Transportation, and Disposal Contracts in Excess of Three Years. *Town Manager*

To see if the Town will vote to authorize the Board of Selectmen to enter into separate contracts for refuse and recyclables collection, and transportation, and disposal for a period up to five (5) years.

Or act in relation thereto.

ARTICLE 10: Authorize Lease and Solar Power Purchase Agreement at Westford Academy *School Committee*

To see if the Town will vote 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,

Or act in relation thereto.

ARTICLE 11: Perchlorate Expenses *Town Manager*

To see if the Town will vote to appropriate by taxation, by transfer from available funds, by borrowing, or any combination thereof, the sum of \$100,000 (ONE HUNDRED THOUSAND DOLLARS) for the purpose of providing funds to address associated issues regarding perchlorate contamination;

Or act in relation thereto.

ARTICLE 12: Establish Perchlorate Stabilization Fund *Town Manager*

To see if the Town will vote to appropriate by taxation, by transfer from available funds, by borrowing, or any combination thereof, a sum of money 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;

Or act in relation thereto.

CAPITAL APPROPRIATIONS

ARTICLE 13: Capital Appropriations

Capital Planning Committee

To see if the Town will appropriate by taxation, by transfer from available funds, by borrowing, or any combination thereof the sum of \$1,975,000.00 (ONE MILLION NINE HUNDRED SEVENTY FIVE THOUSAND 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 |
| School Department | \$600,000 | Replace Nabnasset Elementary School roof and any other related costs |
| Water Department | \$ 50,000 | Purchase of Utility Truck and accessories and any other related costs |

and further;

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

Or act in relation thereto.

CPA FUNDS

| | | |
|--------------------|---|---|
| ARTICLE 14: | Community Preservation Committee Recommendations | <i>Community Preservation Committee</i> |
|--------------------|---|---|

To see if the Town will vote to hear and act on the report of the Community Preservation Committee on the Fiscal Year 2011 Community Preservation budget and to appropriate from the Community Preservation Fund a sum of money not exceeding 5% of the FY2011 estimated annual revenues to meet the administrative expenses and all other necessary and proper expenses of the Community Preservation Committee for Fiscal Year 2011; 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.

LAND TRANSFER

| | | |
|--------------------|--|---------------------------|
| ARTICLE 15: | Transfer Care, Custody, and Control, Authorize to Enter into Lease and Grant Easement of the Frances Hill Water Tower | <i>Board of Selectmen</i> |
|--------------------|--|---------------------------|

To see if the Town will vote pursuant to 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.

Or act in relation thereto.

CHARTER

| | |
|--|-------------------------------------|
| ARTICLE 16: Amend the Westford Town Charter | <i>Board of Water Commissioners</i> |
|--|-------------------------------------|

To see if the Town will vote to 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;

Or act in relation thereto.

| | |
|--|---------------------------|
| ARTICLE 17: Amend the Westford Town Charter | <i>Citizen's Petition</i> |
|--|---------------------------|

To see if the Town will vote to 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;

Or act in relation thereto.

GENERAL BYLAW AMENDMENTS

ARTICLE 18: Chapter 9 – Building Department (9.4)

Building Commissioner

To see if the Town will vote to 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.

Or act in relation thereto.

ARTICLE 19: Chapter 20 Sealer of Weights and Measures Fees (20.2)

Building Commissioner

To see if the Town will vote to 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~~

Or act in relation thereto.

ARTICLE 20: Chapter 136 Swimming Pools (136.4) *Building Commissioner*

To see if the Town will vote to 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.~~

Or act in relation thereto.

ARTICLE 21: Chapter 90 Earth Removal *Citizen's Petition*

To see if the Town will amend Chapter 90 of the General Bylaws relating to Earth Removal, limiting business operations to the hours between 7am and 7pm and mitigating noise, light and dust pollution in high-impact industrial areas

GENERAL BYLAWS OF THE TOWN OF WESTFORD, MASSACHUSETTS

**AN AMENDMENT TO THE GENERAL BYLAWS OF THE TOWN OF WESTFORD,
MASSACHUSETTS, CHAPTER 90, EARTH REMOVAL, LIMITING BUSINESS OPERATIONS TO
THE HOURS BETWEEN 7 AM AND 7 PM AND MITIGATING NOISE, LIGHT AND DUST
POLLUTION IN HIGH-IMPACT INDUSTRIAL AREAS**

Chapter 90: Earth Removal - General Conditions and Restrictions

WHEREAS, the citizens of the Town of Westford desire to protect its citizens and maintain safe and clean neighborhoods; and

WHEREAS, high-impact industrial businesses are known to contribute to both increased noise and light pollution; and

WHEREAS, these high-impact industries are a patent threat and increase a risk of exposure to toxins, dust, light and noise pollution; and

WHEREAS, the licensing of businesses is a ministerial act subject to reasonable restrictions;

NOW, THEREFORE, THE TOWN OF WESTFORD ORDAINS AS FOLLOWS

That Chapter 90, Section 7. A (3) of the Westford General Bylaws be amended to change the hours of operation that 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 and Section 7. A (3), and adding "Section 7. A (3) (a), Section 7. A (11), Section 7. A (12) and Section 7. A (13)", as well as adding and/or amending Definitions, Applicability and Severability.

DEFINITIONS. For the purposes of this Amendment, 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. A. General Conditions and Restrictions. In accordance with the previous sections, and as part of any permit application, and operation of any high-impact industrial earth-removal business, the following restrictions shall be imposed, as they deem to be in the public interest.

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).

APPLICABILITY.

The requirements of this Amendment shall apply to all properties within the Town of Westford zoned for industrial or heavy industrial use, including, but not limited to:

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

SEVERANCE - If any part of this Amendment is found not to be legal, the rest shall remain intact.

Or act in relation thereto.

| | |
|---|---------------------------|
| ARTICLE 22: Chapter 51 Town Meetings | <i>Citizen's Petition</i> |
|---|---------------------------|

To see if the Town will amend Chapter 51.6 of the General Bylaws relating to Secret Ballots that upon any motion or amendment to a motion, the moderator, at the request of the majority of town meeting, shall direct that the vote be by secret written ballot (replaces request of any 20 voters)

Or act in relation thereto.

ZONING BYLAW AMENDMENTS

| | |
|---|---|
| ARTICLE 23: Section 3.2 Accessory Uses | <i>Planning Board / Building Commissioner</i> |
|---|---|

To see if the Town will 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.

Or act in relation thereto.

ARTICLE 24: Section 3.5 Accessory Structures

Planning Board / Building
Commissioner

To see if the Town will vote to amend Chapter 173 section 3.5.1, 3.5.2, 3.5.3 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.

Or act in relation thereto.

ARTICLE 25: Section 4.3 – Special Dimensional Regulations

Planning Board / Building
Commissioner

To see if the Town will vote to amend 4.3.6 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.

Or act in relation thereto.

ARTICLE 26: 8.2 Floodplain Overlay District (FOD)

Planning Board / Building
Commissioner

To see if the Town will vote to 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 data 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

Or act in relation thereto.

| | | |
|-------------|--|--------------------|
| ARTICLE 27: | 6.2 Wireless Communications Facility (WCF) | Citizen's Petition |
|-------------|--|--------------------|

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."

Or act in relation thereto.

STREET ACCEPTANCES

| | | |
|--------------------|--|---------------------------|
| ARTICLE 28: | Accept Vose Hill Road as a Public Way | <i>Board of Selectmen</i> |
|--------------------|--|---------------------------|

To see if the Town will vote to accept the layout of the following streets as Town public ways pursuant to Massachusetts General Laws Chapter 82:
Vose Hill Road

Or act in relation thereto.

| | | |
|--------------------|---|---------------------------|
| ARTICLE 29: | Accept Pond Road as a Public Way | <i>Board of Selectmen</i> |
|--------------------|---|---------------------------|

To see if the Town will vote to accept the layout of the following streets as Town public ways pursuant to Massachusetts General Laws Chapter 82:
Pond Road

Or act in relation thereto.

ARTICLE 30: Accept Orion Way (off Tadmuck Road) as a Public Way *Citizen's Petition*

To see if the Town will vote to accept Orion Way (off Tadmuck Road) as a public road. In so doing, take responsibility for the snow plowing and general maintenance of the road.

- Planning board has previously (in 2008) done the same for other town roads.
- Orion Way has been built and maintained to town standards.
- Mail, garbage and recycling currently manage to service the road with no problem.
- Street residents are tax-paying members of the community forced to pay extra for this service.

Or act in relation thereto.

LAND USE & LAND AOUISITIONS

ARTICLE 31: Authority to Lease East Boston Camps *Conservation Commission*

To see if the Town will vote to 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.

Or act in relation thereto.

ARTICLE 32: Conservation Restriction on Rolling Meadows Lane *Conservation Commission*

To see if the Town will vote to 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)

Or act in relation thereto.

ARTICLE 33: Conservation Restriction Lots 2 & 3 on Cowdry Hill Rd *Conservation Commission*

To see if the Town will vote to 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.

Or act in relation thereto.

ARTICLE 34: Easement at Town Hall *Town Manager*

To see if the Town will vote to 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 distributions 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 Assessor's Map 59 and shown on a plan entitled Exhibit A on file in the Town Clerks Office;

Or act in relation thereto.

ARTICLE 35: Pole Easement at Cameron Senior Center *Town Manager*

To see if the Town will vote to 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 distributions system in, through, under, over, across and upon a parcel of land situated on the southerly side of Pleasant Street, being more particularly shown as Parcel 53 on Assessor's Map 91 and shown on a plan entitled Exhibit A on file in the Town Clerks Office;

Or act in relation thereto.

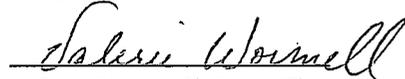
And you Constable, are directed to serve this warrant by posting a true and attested copy thereof at the Town Hall, Library and at each Post Office in said Town of Westford at least fourteen (14) days prior to the time of holding said meeting.

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.

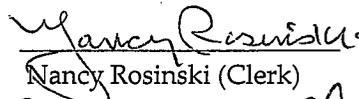
Given under our hands this 1st day of March in the Year of our Lord 2010.



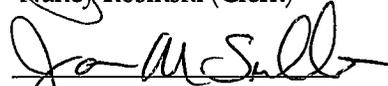
Kelly Ross (Chair)



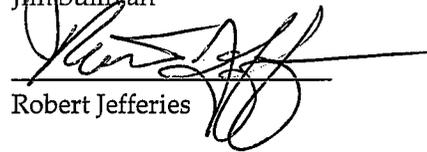
Valerie Wormell (Vice-Chair)



Nancy Rosinski (Clerk)



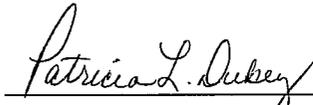
Jim Sullivan



Robert Jefferies

A TRUE COPY

ATTEST:



Constable of Westford

DATE: March 1, 2010

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.