

**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:

**Monday, October 16, 2017**

*(voter registration deadline, Friday, October 5, 2017 at 8:00pm)*

at 7:30 in the evening, then and there to act upon the following articles:

**FINANCIAL**

**ARTICLE 1: Approve Unpaid Bills from Previous Fiscal Year(s)** *Town Manager*

To see if the Town will vote to raise and appropriate, borrow, or transfer from available funds, or any combination thereof; 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.

**ARTICLE 2: Fiscal Year 2018 Budget Adjustments** *Town Manager*

To see if the Town will vote to raise and appropriate, borrow, or transfer from available funds sums of money in order to adjust the Fiscal Year 2018 Operating Budgets;

Or act in relation thereto.

**ARTICLE 3: Fiscal Year 2018 Budget Transfers** *Town Manager*

To see if the Town will vote to transfer various sums of money between and among various accounts for the Fiscal Year ending June 30, 2018;

Or act in relation thereto.

**ARTICLE 4: Fiscal Year 2018 Capital Appropriations** *Capital Planning Committee*

To see if the Town will vote to raise and appropriate, borrow, or transfer from available funds, or any combination thereof; the sum of \$97,865 (NINETY SEVEN THOUSAND EIGHT HUNDRED SIXTY FIVE DOLLARS) to provide for the following capital requests:

<i>DEPARTMENT</i>	<i>AMOUNT</i>	<i>PURPOSE</i>
Fire Department	\$44,540	Fire Prevention Officer vehicle and other related costs
Emergency Management	\$11,950	Radio repeater and other related costs
Schools	\$19,375	To complete the design and bid documents for the Westford Academy track, perimeter fence and any other related costs
Highway Department	\$22,000	Replacement of a dump truck body and any other related costs

Or act in relation thereto.

**ARTICLE 5: Amend the Wage and Classification Plan** *Town Manager*

To see if the Town will vote to amend the Pay Classification Plan for non-unionized municipal employees, effective July 1, 2017;

Or act in relation thereto.

**ARTICLE 6: Amend Revolving Bylaw – Chapter 138.1***Recycling Commission*

To see if the Town will vote to amend the General Bylaws chapter 138.1, Revolving Fund, by amending the Recycling Revolving Fund as follows:

Revolving Fund	Spending Authority	Revenue Source	Allowed Expenses
Recycling Revolving	Recycling Commission	Sale of composters and toters and from other recycling programs	Purchase of composters and toters and; recycling education costs

And further to continue the spending limit for the Recycling Revolving Fund in the amount of \$20,000 for Fiscal Year 2018;

Or act in relation thereto.

**ARTICLE 7: Reduce Amount Raised by Taxes in Fiscal Year 2018***Board of Selectmen*

To see if the Town will vote to take specific amounts from available funds and to direct the Assessors to reduce the net amount to be raised by taxation for Fiscal Year 2018;

Or act in relation thereto.

**ARTICLE 8: Accept Massachusetts General Laws Chapter 59, Section 5(41C) to Increase the Property Tax Exemption Amount for Qualified Residents***Board of Selectmen*

To see if the Town will vote to accept the provisions of Massachusetts General Laws Chapter 59, Section 5(41C) to increase the statutory exemption amount of \$500 by 100% for the fiscal year starting July 1, 2017.

(The Town accepted MGL Chapter 59, Section 5C1/2 related to property tax exemption increase by 100% for the blind, elderly and disabled veterans at the March 25, 2017 Annual Town Meeting. Therefore, the current standard deduction is \$1,000 and acceptance of this article will double the amount to \$2,000).

Or act in relation thereto.

**ARTICLE 9: Accept Massachusetts General Laws Chapter 33, Section 59, Effect of Military Service on Salary, Seniority and Leave Allowances of Public Employees***Board of Selectmen*

To see if the Town will vote to accept Massachusetts General Laws Chapter 33, Section 59, effect of military service on salary, seniority and leave allowance of public employees;

Or act in relation thereto.

**GENERAL BYLAW AMENDMENTS****ARTICLE 10: Amend Chapter 124 to Change the Title from “Public Consumption of Marijuana” to “Marijuana,” and add a section to prohibit the Sale of Recreational Marijuana***Board of Selectmen*

To see if the Town will vote to amend the Town’s General Bylaw by amending Chapter 124 Public Consumption of Marijuana

Change the Title of the Chapter from “Public Consumption of Marijuana” to “Marijuana”

AND add the following Section:

**Section 124.7**

Consistent with G.L. c.94G, § 3(a)(2), all types of non-medical “marijuana establishments” as defined in G.L. c.94G, §1, including marijuana cultivators, independent testing laboratory, marijuana product manufacturers, marijuana retailers or any other types of licensed marijuana-related businesses, shall be prohibited within the Town of Westford.

Or take any action relative thereto.

**ZONING BYLAW AMENDMENTS**

**ARTICLE 11: Add a new Section 8.7 of the Town’s Zoning Bylaw to prohibit the sale of Recreational Marijuana, amend Section 10.2 General Definitions, and Amend Appendix A Table of Principal Use Regulations** *Planning Board*

To see if the Town will vote to amend the Town’s Zoning Bylaw by adding a new Section 8.7, MARIJUANA ESTABLISHMENTS, that would provide as follows, to amend the Table of Contents to add Section 8.7, “Marijuana Establishments,” amend section 10.2 to add a definition of Recreational Marijuana Establishments, and further to amend Appendix A – table of Principal Use Regulations to add Recreational Marijuana Establishment and prohibit it in all zoning districts:

Section 8.7 MARIJUANA ESTABLISHMENTS

Consistent with G.L. c.94G, § 3(a)(2), all types of non-medical “marijuana establishments” as defined in G.L. c.94G, §1, including marijuana cultivators, independent testing laboratory, marijuana product manufacturers, marijuana retailers or any other types of licensed marijuana-related businesses, shall be prohibited within the Town of Westford.

AND,

Amend Appendix A – Table of Principal Use Regulations to add “Recreational Marijuana Establishment and prohibit in each zoning district:

**Appendix A:  
Table of Principal Use Regulations**

PRINCIPAL USE	DISTRICTS									
	RA	RB	B	BL	CH	IH	IA	IB	IC	ID
<b>D. Commercial Uses</b>										
<b><u>25. Recreational Marijuana Establishment</u></b>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>

AND,

**Add the following term in Section 10.2 Definitions**

**Marijuana, Recreational Establishment** shall mean a “marijuana cultivator, independent testing laboratory, marijuana product manufacturer, marijuana retailer or any other type of licensed marijuana-related business.”

Or take any action relative thereto.

**ARTICLE 12: Add a new Section 8.7 of the Town’s Zoning Bylaw to Create a Temporary Moratorium on Recreational Marijuana Establishments and amend Section 10.2 General Definitions** *Planning Board*

To see if the Town will vote to amend the Town’s Zoning Bylaw by adding a new Section 8.7 **TEMPORARY MORATORIUM ON RECREATIONAL MARIJUANA ESTABLISHMENTS**, that would provide as follows, amend the Table of Contents to add Section 8.7, “Temporary Moratorium on Recreational Marijuana Establishments, and further to amend Section 10.2 Definitions to add related terms:”

**Section 8.7.1**

**Purpose**

On November 8, 2016, the voters of the Commonwealth approved a law regulating the cultivation, processing, distribution, possession and use of marijuana for recreational purposes (new G.L. c. 94G, Regulation of the Use and Distribution of Marijuana Not Medically Prescribed). The law, which allows certain personal use and possession of marijuana, took effect on December 15, 2016 and (as amended on December 30, 2016 by Chapter 351 of the Acts of 2016 and thereafter, on July 28, 2017 by Chapter 55 of the Acts of 2017) requires a Cannabis Control Commission to issue regulations regarding the licensing of commercial activities by March 15, 2018 and to begin accepting applications for licenses no later than April 1, 2018. Currently under the Zoning Bylaw, a non-medical Marijuana Establishment (hereinafter, a "Recreational Marijuana Establishment"), as defined in G.L. c. 94G, §1, is not specifically addressed in the Zoning Bylaw. Regulations to be promulgated by the Cannabis Control Commission may provide guidance on certain aspects of local regulation of Recreational Marijuana Establishments. The regulation of recreational marijuana raises novel legal, planning, and public safety issues, and the Town needs time to study and consider the regulation of Recreational Marijuana Establishments and address such issues, as well as to address the potential impact of the State regulations on local zoning and to undertake a planning process to consider amending the Zoning Bylaw regarding regulation of Recreational Marijuana Establishments. The Town intends to adopt a temporary moratorium on the use of land and structures in the Town for Recreational Marijuana Establishments so as to allow sufficient time to address the effects of such structures and uses in the Town and to enact bylaws in a consistent manner.

**Section 8.7.2 Temporary Moratorium**

For the reasons set forth above and notwithstanding any other provision of the Zoning Bylaw to the contrary, the Town hereby adopts a temporary moratorium on the use of land or structures for a Recreational Marijuana Establishment and other uses related to recreational marijuana. **The moratorium shall be in effect through December 31, 2018.** During the moratorium period, the Town shall undertake a planning process to address the potential impacts of recreational marijuana in the Town, and to consider the Cannabis Control Commission regulations regarding Recreational Marijuana Establishments, and shall consider adopting new Zoning Bylaws in response to these new issues.

**Add the following term in Section 10.2 Definitions**

**Marijuana, Recreational Establishment** shall mean a "marijuana cultivator, independent testing laboratory, marijuana product manufacturer, marijuana retailer or any other type of licensed marijuana-related business."

Or take any action relative thereto.

**ARTICLE 13: Amend Section 9.4 Site Plan Review, Section 10.2 General Definitions and Appendix A to include a Limited Site Plan Review for Solar Fields / Large Solar Facilities** *Planning Board*

To see if the Town will vote to amend the Town's Zoning Bylaw Section 9.4.2 Site Plan Review of Exempt Religious, Educational, and Child Care Uses, Section 9.4.7.2. Review Standards for Exempt Religious, Educational, and Child Care Uses to add Large Scale Solar facilities, amend Appendix A - Table of Principal Use Regulations, and further to amend Section 10.2 -- Definitions to add related definition(s):

Additional text shown in underline text to be removed shown in ~~strikethrough~~.

**9.4.2 Site Plan Review of Exempt Religious, Educational, ~~and Child Care, and Large-Scale Solar Energy System~~ Uses.**

[Amended 3-28-11 Adj. ATM Art. 33, with exception per AG]

1. Applicability. Religious and educational uses, Day Care Centers, ~~and school age child care programs, and Large-Scale Solar Energy Systems,~~ 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, with specific review criteria specified in sub section 9.4.7.2.

#### 9.4.7 Site Plan Approvals

2. Review Standards for Religious, Educational ~~and Child Care~~, and Large-Scale Solar Energy System 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, 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. The following additional standards shall apply to Large-Scale Solar Energy Systems:
    - i. Land Clearing, Soil Erosion and Habitat Impacts - Clearing of natural vegetation shall be limited to what is necessary for the construction, operation and maintenance of solar energy system or otherwise prescribed by applicable laws, regulations, and bylaws/ordinances;
    - ii. Visual Impact – Reasonable efforts, as determined by the Site Plan Review Authority, shall be made to minimize visual impacts by preserving natural vegetation, screening abutting properties and public ways, or other appropriate measures;
    - iii. Historic Consideration – To the greatest extent practicable, Large-Scale Solar Energy Systems within local, state or national historic districts shall not be visible from public areas or ways.
    - iv. Lighting - Lighting of large-scale ground-mounted solar energy systems shall be consistent with local, state and federal law. Lighting of other parts of the installation, such as appurtenant structures, shall be limited to that required for safety and operational purposes, and shall be reasonably shielded from abutting properties. Where feasible, lighting of the solar energy system shall be directed downward and shall incorporate full cut-off fixtures to reduce light pollution;
    - v. Abandonment or Decommissioning. Any Large-Scale Solar Energy System which has reached the end of its useful life or has been abandoned shall be removed. The owner or operator shall physically remove the installation no more than 150 days after the date of discontinued operations. The owner or operator shall notify the Site Plan Review Authority by certified mail of the proposed date of discontinued operations and plans for removal. Decommissioning shall consist of:
      - (a) Physical removal of all solar energy systems, structures, equipment, security barriers and transmission lines from the site.
      - (b) Disposal of all solid and hazardous waste in accordance with local, state, and federal waste disposal regulations.
      - (c) Stabilization or re-vegetation of the site as necessary to minimize erosion. The Site Plan Review Authority may allow the owner or operator to leave landscaping or designated below-grade foundations in order to minimize erosion and disruption to vegetation.

AND, amend Section 10.2 General Definitions by adding the following definitions:

#### Section 10.2 – GENERAL DEFINITIONS

**Photovoltaic System** (also referred to as Photovoltaic Installation): An active solar energy system that converts solar energy directly into electricity.

**Rated Nameplate Capacity:** The maximum rated output of electric power production of the photovoltaic system in watts of Direct Current (DC).

**Solar Access:** The access of a solar energy system to direct sunlight.

**Solar Collector:** A device, structure or a part of a device or structure for which the primary purpose is to transform solar radiant energy into thermal, mechanical, chemical, or electrical energy.

**Solar Energy:** Radiant energy received from the sun that can be collected in the form of heat or light by a solar collector.

**Solar Energy System:** A device or structural design feature, a substantial purpose of which is to provide daylight for interior lighting or provide for the collection, storage and distribution of solar energy for space heating or cooling, electricity generation, or water heating.

**Solar Energy System, Large-Scale:** An Active Solar Energy System that occupies more than 20,000 square feet of surface area (equivalent to a rated nameplate capacity of about 125kW DC or greater).

AND, add the following to Appendix A:

**Appendix A:  
Table of Principal Use Regulations**

PRINCIPAL USE	DISTRICTS									
	RA	RB	B	BL	CH	IH	IA	IB	IC	ID
<b>B. Exempt and Institutional Uses</b>										
<u>10. Large-Scale Solar Energy System</u>	<u>SPB</u>	<u>N</u>	<u>SPB</u>	<u>SPB</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>

Or act in relation thereto.

<b>ARTICLE 14: Amend Section 3.1 to allow for Multiple Principal Uses on a Single Lot and amend Section 10.2 Definitions</b>	<i>Planning Board</i>
--	-----------------------

To see if the Town will vote to amend the Zoning Bylaws, Section 3.1, Principal Uses, as follows:

Additional text shown in <u>underline</u> text to be removed shown in <del>strikethrough</del> .
--

**3.1.1 General.**

No land shall be used and no structure shall be erected or used except as set forth in the following Table of Use Regulations, including the notes thereto, or as otherwise set forth herein, or as exempted by General Laws. Any building or use of premises not herein expressly permitted is hereby prohibited. Uses authorized in the Table of Principal Use Regulations shall be in conformity with all dimensional regulations and any other pertinent requirements of this Zoning Bylaw. ~~Not more than one principal use or structure shall be allowed on any lot, except as otherwise may be provided herein.~~

**3.1.2 Table of Principal Use Regulations.**

See Appendix A. Within said Table, the following symbols shall have the meaning set forth below:

Y = Permitted use.

SPA = Use allowed under a special permit by the Board of Appeals as provided hereafter.

SPB = Use allowed under a special permit by the Planning Board as provided hereafter.

N = Prohibited use.

*APS*

**3.1.3 If Classified Under More than One Use.**

Where an activity may be classified as more than one of the principal uses listed in the Table of Use Regulations, the more specific classification shall determine permissibility; if equally specific, the more restrictive shall govern.

- 1. Where a use or combination of uses is classified as a Major Commercial Project or Major Retail Project, that classification shall govern and the Planning Board shall be the Special Permit Granting Authority.

AND amending the following definitions in **Section 10.2 Definitions** as follows:

**Accessory Use:** A use incidental and subordinate to the principal use(s) of a structure or lot, or a use not the principal use(s) which is located on the same lot as the principal structure or use(s). Unless otherwise provided herein "Accessory use" by area of the structure shall be interpreted not to exceed thirty percent (30%) of the gross floor area of the structure, excluding attic, garage and basement, or of the lot on which the structure is located.

**Major Commercial Project:** Any industrial or commercial use or combination of uses which, alone or in combination, has one or more of the following characteristics:

- a. 15,000 square feet or more of gross floor area in any building or combination of buildings;
- b. More than 100 required parking spaces;
- c. Generation of more than 250 vehicle trips per day, as determined by the ITE's Trip Generation Manual.

**Major Retail Project:** Any retail use or combination of uses of property which, alone or in combination, has 15,000 square feet or more of gross floor area in any building or combination of buildings, but less than 60,000 square feet of gross floor area. No retail use shall be conducted in a facility with 60,000 or more square feet of gross floor area.

**Use, Principal:** The main or primary purpose for which a structure or lot is designed, arranged or intended or for which it may be used, occupied or maintained under this chapter. More than one principal use is allowed on one lot, provided that all other applicable provisions of this Bylaw are satisfied.

...

Or act in relation thereto.

**CARE AND CUSTODY OF TOWN LAND**

**ARTICLE 15: Transfer Custody of a Parcel on Acton Road from the Tax Possession Sales Committee to the Conservation Commission** *Tax Possession Sale Committee*

To see if the Town will vote to transfer the care, custody, and management of the following parcels from the Tax Possession Sales Committee presently held for the purpose of tax title sale to the Conservation Commission for general conservation purposes:

Parcel ID	Acres	Street Address
013 0038 0000	0.81	Acton Road

Or act in relation thereto.

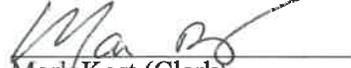
And you, Constable, are directed to serve this warrant by posting a true and attested copy thereof at the Town Hall, Library and at each Post Office in said Town of Westford at least fourteen (14) days prior to the time of holding said meeting.

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 26th day of September in the Year of our Lord 2017.

  
Andrea Peraner-Sweet (Chair)

  
Scott Hazelton (Vice-Chair)

  
Mark Kost (Clerk)

G. Thomas Clay  
  
Elizabeth Almeida

**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.**

