

2017 SPECIAL TOWN MEETING MOTIONS



**Monday, October 16, 2017
Abbot School Gymnasium**

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FINANCIAL

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

Motion: *(9/10 Majority Vote Required)*

That the Town appropriate from Free Cash the sum of \$6,141.62 (SIX THOUSAND ONE HUNDRED FORTY ONE DOLLARS SIXTY TWO CENTS) to pay for unpaid bills of prior fiscal years from DG Solar Lessee, LLC for services incurred by the following departments in accordance with the provisions of Massachusetts General Laws Chapter 44, Section 64.

155 Technology Department	\$319.03
210 Police Department	\$414.77
300 Westford Public Schools	\$5,407.82

And further

That the Town appropriate from Free Cash the sum of \$3,500.00 (THREE THOUSAND FIVE HUNDRED DOLLARS) to pay for unpaid bills of prior fiscal years from PeopleGIS for services incurred by the Technology Department in accordance with the provisions of Massachusetts General Laws Chapter 44, Section 64.

And further

That the Town appropriate from Water Enterprise Retained Earnings the sum of \$925.23 (NINE HUNDRED TWENTY FIVE DOLLARS TWENTY THREE CENTS) to pay for the following unpaid bills of prior fiscal years from DG Solar Lessee, LLC for services incurred by the Water Enterprise in accordance with the provisions of Massachusetts General Laws Chapter 44, Section 64.

Selectmen recommend 5-0 and Finance Committee recommend 7-0

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

Motion: *(Majority Vote Required)*

That the Town appropriate from Free Cash the sum of \$24,743 (TWENTY FOUR THOUSAND SEVEN HUNDRED FORTY THREE DOLLARS) in order to supplement the following Fiscal Year 2018 Operating Budgets:

176 Zoning Board of Appeals Expenses	\$370
241 Building Personal Services	\$21,413
543 Veterans Personal Services	\$2,960

And further

That the Town reduce the following Fiscal Year 2018 Operating Budgets by \$1,060,000 (ONE MILLION SIXTY THOUSAND DOLLARS) as follows:

300 Westford Public Schools	(\$1,060,000)
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Selectmen recommend 5-0 and Finance Committee recommend 7-0

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

Motion: (Majority Vote Required)

That the Town transfer the following sums between and among various accounts for the Fiscal Year ending June 30, 2018:

<i>FROM</i>	<i>TO</i>	<i>AMOUNT</i>
161 Town Clerk Personal Services	122 Board of Selectmen Expenses	\$2,000.00

Selectmen recommend 5-0 and Finance Committee recommend 7-0

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

Motion: (Majority Vote Required)

That the Town appropriate from Free Cash the sum of \$97,865 (NINETY SEVEN THOUSAND EIGHT HUNDRED SIXTY FIVE DOLLARS) to provide for the following capital requests and costs incidental and related thereto:

<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
Westford Public 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

Selectmen recommend 5-0, Finance Committee recommend 7-0, and Capital Planning Committee recommend 8-0

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

Motion: (Majority Vote Required)

That the Town amend the Pay Classification Plan for non-unionized municipal employees, effective July 1, 2017 as follows:

Position	Current Band	Min	Mid	Max	New Band	Min	Mid	Max
Deputy Police Chief	WSO Position	\$110,540	\$116,099	\$121,893	Band 9	\$99,000	\$115,500	\$132,000
Parks & Recreation Director	Band 7	\$84,000	\$98,000	\$112,000	Band 6	\$78,750	\$91,875	\$105,000

Selectmen recommend 5-0, Personnel Advisory Committee recommend 2-0, and Finance Committee recommend 7-0

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

Motion: (Majority Vote Required)

That the Town 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	Funds from the sale of bins composters and toters and revenue from other recycling programs	Purchase of recycling supplies composters, toters and for other recycling program expenses

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

Selectmen recommend 5-0 and Finance Committee recommend 7-0

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

Motion: *(Majority Vote Required)*

That the Town transfer the following available funds to reduce the net amount to be raised by taxes for Fiscal Year 2018;

\$ 23,000.84	From Fund Balance Designated for Debt Exclusion Reduction
\$ 200,000.00	From Overlay Surplus
\$ 241,143.00	From Free Cash

Selectmen recommend 5-0 and Finance Committee recommendation at Town Meeting

ARTICLE 8: Accept Massachusetts General Laws Chapter 59, Section 5(41C) to Increase the Property Tax Exemption Amount for Qualified Senior Residents Aged 70 and Older *Board of Assessors*

Motion: *(Majority Vote Required)*

That the Town accept the provisions of Massachusetts General Laws Chapter 59, Section 5(41C) for the fiscal year starting July 1, 2017.

Selectmen recommend 5-0 and Finance Committee recommend 7-0

Explanation: At the March 25, 2017 Annual Town Meeting, the Town voted to accept MGL c. 59, s. 5C ½ to authorize an increase in the statutory exemption for the blind, elderly, and disabled veterans of \$500 by 100%. This vote resulted in a total exemption of \$1,000. By now accepting the provisions of MGL c. 59, s. 5, Clause 41C under Article 8, the Town will be authorized to increase the statutory exemption of \$1,000 by an additional 100%, so that the total available exemption would be \$2,000 for qualified residents age 70 and older.

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

Motion: *(Majority Vote Required)*

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

Selectmen recommend 5-0 and Finance Committee recommend 7-0

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 Recreational Marijuana Establishments *Board of Selectmen*

Motion: *(Majority Vote Required)*

That the Town 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.

Selectmen recommend 5-0, Finance Committee recommend 3-0-4 (abstained), Planning Board recommend 5-0, and Board of Health recommend 4-1

ZONING BYLAW AMENDMENTS

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

Motion: (2/3 Majority Vote Required)

That the Town 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
D. Commercial Uses										
<u>25. Recreational Marijuana Establishment</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>	<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 non-medical marijuana-related business.

Selectmen recommend 5-0, Finance Committee recommend 3-0-4 (abstained), Planning Board recommend 5-0, and Board of Health recommend 4-1

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

Motion: (2/3 Majority Vote Required)

That the Town 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 hereby adopts 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. Because of the statutory requirement to have the state Attorney General’s Office approve all zoning changes approved at a Town Meeting, and the time that it takes to prepare such submission and for the Attorney General’s Office to conduct their review and respond, **the moratorium shall be in effect through December 31, 2018 or 120 days from the date of a 2018 Town Meeting action, whichever occurs later.** During the moratorium period, the Town shall undertake a planning process to address the potential impacts of recreational marijuana on 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.

AND, add the following term in Section 10.2 General Definitions

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

If Articles 10 and 11 both pass:

The following boards recommend dismissal: Selectmen 5-0, Board of Health 4-1 and Planning Board 5-0

If either Article 10 and/or 11 do not pass:

The following boards recommend: Selectmen 5-0, Board of Health 4-1, and Planning Board 5-0

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

Motion: (2/3 Majority Vote Required)

That the Town 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 ~~striketrough~~.

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;

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- 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. 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 that has not generated electricity for two (2) years shall be considered abandoned and 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 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. Exempt and Institutional Uses										
<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>

Selectmen recommend 5-0 and Planning Board recommend 5-0

ARTICLE 14: Amend Section 3.1 to allow for Multiple Principal Uses on a Single Lot in the Commercial Highway and Industrial Highway Zoning Districts and amend Section 10.2 Definitions *Planning Board*

Motion: (2/3 Majority Vote Required)

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

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

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 within the CH and IH Districts ~~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.

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, within the CH or IH Districts, 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

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(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, within the CH or IH Districts, a combination of uses which, alone or 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, within the CH or IH Districts, a 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 within the CH and IH Districts, provided that all other applicable provisions of this Bylaw are satisfied.

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Selectmen recommend 5-0 and Planning Board recommend 5-0

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	<i>Tax Possession Sale Committee</i>
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Motion: (2/3 Majority Vote Required)

That the Town vote to transfer the care, custody, control and management of the following 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

Selectmen recommend 5-0 and Finance Committee recommend 7-0