

**TOWN OF WESTPORT
COMMONWEALTH OF MASSACHUSETTS
ANNUAL TOWN MEETING WARRANT
MAY 7, 2024**

BRISTOL, SS.

To either of the constables of the Town of Westport in said County:

GREETINGS:

In the name of the Commonwealth of Massachusetts you are hereby directed to notify and warn the inhabitants of the Town of Westport qualified to vote in elections and Town affairs, to assemble at the Westport Middle High School, 400 Old County Road, on Tuesday, May 7, 2024 at 7:00 p.m., and then and there to act on the following articles, viz:

ARTICLE 1

To see if the Town will vote to raise and appropriate and/or transfer from available funds such sums of money necessary for the purpose of paying outstanding bills from prior fiscal years, and/or take any other action relative thereto.

SELECT BOARD

*****	\$
TOTAL	\$

ARTICLE 2

To see if the Town will vote to transfer certain sums of money, from various sources, to the fund listed below, and/or take any other action relative thereto.

SELECT BOARD

FROM:	TO:	AMOUNT
Employee Benefits	Police Personnel Services	\$ 15,560.78
Town Clerk Personnel Services	Town Clerk Expenses	\$ 2,700.00
Animal Control Personnel Services	Transfer Station Expenses	\$ 18,000.00
Beach Enterprise Retained Earnings	Beach Enterprise Personnel Services	\$ 25,000.00
Beach Enterprise Retained Earnings	Beach Enterprise Expenses	\$ 15,000.00
Highway Department Personnel Services	Highway Department Expenses	\$
Free Cash	Opioid Settlement Account	\$124,310.29
Employee Benefits	Legal Expenses	\$ 25,000.00
	TOTAL	\$

TOWN ACCOUNTANT/SELECT BOARD

ARTICLE 3

To see if the Town will vote to fix the salary and compensation of all elected Town Officers for the fiscal year beginning July 1, 2024, and/or take any other action relative thereto.

FINANCE COMMITTEE/SELECT BOARD

Moderator	\$ 945
Select Board – Chair	\$ 7,488
Board Members (4)	\$ 29,443
Assessors - Board Members (3)	\$ 20,516
Board of Health - Members (3)	\$ 10,676
Town Clerk	\$ 77,433
TOTAL	\$ 146,501

ARTICLE 4

To see if the Town will vote to raise and appropriate and/or transfer from available funds such sums of money considered necessary to defray the Town's expenses for a twelve month period beginning July 1, 2024 and appropriate the same to several departments and/or take any other action relative thereto.

FINANCE COMMITTEE/SELECT BOARD

\$	<i>Taxation – Raise & Appropriate</i>
\$ 15,888	<i>Waterways Fund</i>
\$ 63,092	<i>Septic Program – Monies Reserved for Debt Payments</i>
\$ 90,000	<i>Enterprise Indirect Cost Transfer</i>
\$ 25,000	<i>Wetlands Fund</i>
\$ 15,000	<i>Cemetery Sale of Lots Account</i>
\$ 40,000	<i>Cemetery Perpetual Care Interest Account</i>
\$ 15,000	<i>Transfer Station Receipts Reserved</i>
\$ 14,500	<i>Community TV Reserved</i>
\$ 761,543	<i>Free Cash</i>
\$	<i>TOTAL</i>

ARTICLE 5

To see if the Town will vote to appropriate and/or transfer from available funds a sum of money for the cost of various capital expenditures including equipping vehicles, site clearing and demolition required for projects, and all other incidental and related costs, in accordance with the Town's Capital Improvement Planning Program, with each item to be considered a separate appropriation, as follows, to determine whether this appropriation shall be raised by borrowing or otherwise, and/or take any other action relative thereto.

CAPITAL IMPROVEMENT PLANNING COMMITTEE

<u>Department</u>	<u>Project Description</u>	<u>Cost</u>	<u>Funding Source(s)</u>
Information Technology	Replace Network Firewall	\$ 65,000	Free Cash
Police	2 Cruisers	\$164,000	Free Cash
Fire	Forestry/Brush Truck	\$275,000	Free Cash
Highway	Pickup Truck	\$ 74,000	Free Cash
Highway	Trailer	\$ 21,500	Free Cash

School	Westport Elementary & Macomber		
	School Bathroom Upgrades	\$322,500	Free Cash
School	Maintenance Truck	\$ 77,500	Free Cash
	Total	\$1,000,000	Free Cash

ARTICLE 6

To see if the Town will vote to authorize the Town Treasurer, with the approval of the Board of Selectmen to borrow from time to time in anticipation of revenue of the fiscal year beginning July 1, 2024 in accordance with the provisions of the Massachusetts General Laws, Chapter 44, § 4, and to issue a note or notes, payable within one year, and to renew any note or notes therefore, payable within one year, and to renew any note or notes as may be given for a period of less than one year in accordance with the Massachusetts General Laws, Chapter 44, § 17, and/or take any other action relative thereto.

SELECT BOARD

ARTICLE 7

To see if the Town will vote to raise and appropriate and/or transfer from available funds the sum of \$183,632 to operate the Marine Services Enterprise for the fiscal year beginning July 1, 2024 as follows, and/or take any other action relative thereto.

Salaries	\$ 80,837
Expenses	\$ 45,795
Capital Outlay	\$ 2,000
Total	\$128,632
 Indirect Costs	 \$ 55,000

and that \$183,632 be raised as follows:

User Charges	\$183,632
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SELECT BOARD/DIRECTOR OF MARINE SERVICES

ARTICLE 8

To see if the Town will vote to raise and appropriate and/or transfer from available funds the sum of \$288,050 to operate the Waterline Enterprise for the fiscal year beginning July 1, 2024 as follows, and/or take any other action relative thereto.

Salaries	\$ 2,500
Expenses	\$270,550
Total	\$273,050
 Indirect Costs	 \$ 15,000

and that \$288,050 be raised as follows:

User Charges	\$288,050
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SELECT BOARD

ARTICLE 9

To see if the Town will vote to raise and appropriate and/or transfer from available funds the sum of \$143,750 to operate the Town Beaches Enterprise for the fiscal year beginning July 1, 2024 as follows, and/or take any other action relative thereto.

Salaries	\$ 78,000
Expenses	\$ <u>45,750</u>
Total	\$123,750

Indirect Costs	\$ 20,000
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and that \$143,750 be raised as follows:

User Charges	\$143,750
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BEACH COMMITTEE/SELECT BOARD

ARTICLE 10

To see if the Town will vote to raise and appropriate and/or transfer from the Cable Television Special Revenue Fund the sum of \$177,134 to fund the Community Television budget for the fiscal year beginning July 1, 2024 as follows, and/or take any other action relative thereto.

Salaries	\$140,119
Expenses	\$ 22,515
Indirect Costs	\$ <u>14,500</u>
Total	\$177,134

ARTICLE 11

To see if the Town will vote, pursuant to the provisions of G.L. c.44, §53E½ and **ARTICLE LXVII, REVOLVING FUNDS, Section 6704** to establish new annual spending limits for the revolving funds set forth below, with such limits to apply from fiscal year to fiscal year unless revised by Town Meeting prior to July 1 in any fiscal year as follows.

<u>Revolving Fund</u>	<u>Maximum Expenditure</u>
Fire Department - Ambulance, Ambulance Equipment or Ambulance Expenses	\$190,000.00

and/or take any other action relative thereto.

FIRE DEPARTMENT

ARTICLE 12

To see if the Town will vote pursuant to the provisions of Massachusetts General Laws, Chapter 44, §53E½, to establish FY2025 expenditure limits for the Revolving Funds set forth in Section 6706 of the

Town By-Laws and, further, to authorize such expenditure limits to apply from fiscal year to fiscal year unless otherwise revised by Town Meeting prior to July 1 in any fiscal year, as follows, and/or take any other action relative thereto.

VARIOUS DEPARTMENTS

<u>Revolving Fund</u>	<u>Maximum Expenditure</u>
Council on Aging - Programs	\$ 55,000.00
Council on Aging- Social Day Care	\$155,000.00
Council on Aging - Outreach	\$ 10,000.00
Council on Aging - Transportation	\$ 55,000.00
Fire Department - Ambulance, Ambulance Equipment or Ambulance Expenses	\$190,000.00
Fire Department - Haz Mat Equipment or Related Expenses	\$ 40,000.00
Electrical, Plumbing and Gas Inspectors & Assistant Building Inspector - Fees for Inspections Performed, Mileage, Schooling, Clerical, Assistant Building Inspector Wages & Equipment	\$ 85,000.00
Planning Board/Zoning Board of Appeals - GIS Database Maintenance	\$ 20,000.00
Police Department - Cruisers, Associated Equipment or Cruiser Related Expenses	\$ 50,000.00
Westport Economic Development Task Force - Farmer's Market Expense & App	\$ 6,000.00
Board of Health - Vaccine Purchases, Supplies & Expenses	\$ 20,000.00
Library - Programs & Operations, Purchasing & Maintaining Books & Tech	\$ 5,000.00
Energy Conservation - Energy Conservation Projects & Services including Consultants	\$200,000.00

ARTICLE 13

To see if the Town will vote to hear and act on the report of the Community Preservation Committee on the Community Preservation budget for the fiscal year beginning July 1, 2024, and to appropriate from the Community Preservation Fund a sum or sums of money to meet the administrative expenses and all other necessary and proper expenses of the Community Preservation Committee for the fiscal year beginning July 1, 2024; and further to reserve for future appropriation a sum or sums of money for the acquisition, creation and preservation of open space including land for recreational use; and in connection with such recreational land, for the restoration and rehabilitation of the same: a sum or sums of money for acquisition, preservation, restoration and rehabilitation of historic resources; and a sum or sums of money for the acquisition, creation, and preservation of community housing; and further, to appropriate from the Community Preservation Fund a sum or sums of money for Community Preservation projects or purposes, all as recommended by the Community Preservation Committee, and/or take any other action relative thereto.

COMMUNITY PRESERVATION COMMITTEE

CPA Funding Sources for FY'25 Annual Town Meeting

OPEN SPACE/RECREATION

Town Bicentennial Park Playground	\$350,000
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Source of Funding:	
FY25 Estimated Fund Revenues	\$350,000

COMMUNITY HOUSING

Affordable Housing Trust	\$300,000
Source of Funding:	
Community Housing Reserves	\$ 34,000
FY25 Estimated Fund Revenues	\$266,000

HISTORIC PRESERVATION

Bell Schoolhouse Rehabilitation	\$110,000
Source of Funding:	
Historic Preservation Reserves	\$ 92,000
Undesignated Reserves	\$ 18,000
Historic Cemetery Website	\$ 30,000
Source of Funding:	
Undesignated Reserves	\$ 30,000

HISTORIC PRESERVATION RESERVES	\$ 90,000
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ADMINISTRATIVE FUNDS

Source of Funding:	
FY23 Estimated Fund Revenues	\$ 40,000

BUDGETED RESERVES	\$110,000
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ARTICLE 14

To see if the Town will vote to appropriate a sum of \$35,000,000.00 to pay the costs of engineering, designing, and constructing a water system and a system of sewers and associated treatment facilities, pumps, and equipment in the greater Route 6 area, including the payment of all other costs incidental and related thereto; and to meet this appropriation authorize the Treasurer, with the approval of the Select Board, to borrow such amount pursuant to the provisions of G.L. c.44 or any other enabling legislation and to issue bonds or notes of the Town therefor, provided, however, that any such borrowing shall be contingent upon passage of a Proposition 2½ debt exclusion ballot question pursuant to G.L. c.59, §21C(k), and to determine whether all or a portion of such sum may be borrowed from the Massachusetts Clean Water Trust established pursuant to G.L. c.29C; and/or take any other action relative thereto.

INFRASTRUCTURE OVERSIGHT COMMITTEE/SELECT BOARD

ARTICLE 15

To see if the Town will vote to authorize the Select Board or Sewer Commission to assess sewer betterment assessments pursuant to G.L. c.83, §14, in connection with the greater Route 6 area sewer project, by a rate based upon the uniform unit method, as provided by G.L. c.83, §15, to assess twenty (20) percent of the cost of said sewer project upon those who benefit from the project, to establish a rate of interest to be assessed on payments not made within thirty (30) days of billing at five (5) percent, to delegate the apportionment of assessments to the Select Board or Sewer Commission, and to elect the deferred recording procedure pursuant to G.L. c.80, §12; to adopt G.L. c.80, §13B, providing for the deferral of betterment assessments for qualifying seniors eligible for an exemption under G.L. c.59, §5, cl.41A; to adopt G.L. c.83, §15D, providing for apportionment of betterment assessments over a period not to exceed 30 years and collection thereof on quarterly tax bills; and/or take any other action relative thereto.

INFRASTRUCTURE OVERSIGHT COMMITTEE/SELECT BOARD

ARTICLE 16

To see if the Town will vote to accept the provisions of G.L. c.44, §53F½ establishing sewerage service as an enterprise fund effective fiscal year 2025; to create a Sewer Commission pursuant to G.L. c.41, §63; to convert the Sewer Commission from elected to appointed pursuant to G.L. c.41, §1B; and/or take any other action relative thereto.

SELECT BOARD

ARTICLE 17

To see if the Town of Westport will accept the provisions of G.L. c.59, §57A, which makes property tax bills of \$100 or less payable in a single installment, beginning in Fiscal Year 2025, or take any other action relative thereto.

TREASURER

ARTICLE 18

To see if the Town will vote to accept the provisions of G.L. c.44, §54(b) to allow Town trust funds to be invested in accordance with G.L. c.203C, the so-called "Prudent Investment Rule", or take any other action relative thereto.

TREASURER

ARTICLE 19

To see if the Town of Westport will vote to rescind the amount of \$211,000 approved under Article 38 of the June 5, 2021 Annual Town Meeting for the purpose of acquiring a conservation restriction.

TREASURER

ARTICLE 20

To see if the Town will vote to raise and appropriate and/or transfer from available funds the sum of \$20,000 to be used by the Board of Assessors to fund the fees and expenses necessary to update the Revaluation Program mandated by Massachusetts General Laws, Chapter 797 of the Acts of 1979 to place the Town on a 100% valuation basis, and/or take any other action relative thereto.

BOARD OF ASSESSORS

ARTICLE 21

To see if the Town will vote to appropriate from the “Fund 20 Account” \$141,620.21, for the purpose of financing the repair, replacement and/or upgrade of septic systems with qualified nitrogen reducing systems, pursuant to agreements with the Board of Health and residential property owners, including without limitation, all costs thereof as defined in Section 1 of Chapter 29C of the General Laws [at an interest rate of 1%]. Said appropriation to be raised/expended from the revenues/funds accumulated from the repayment of residential septic repair loans previously disbursed by the Board of Health in accordance with the terms of a grant to the Town pursuant to Chapter 85 of the Acts of 1994 and/or take any other action relative thereto.

BOARD OF HEALTH

ARTICLE 22

To see if the Town will vote to amend Article 28 from the June 5, 2021 Annual Town Meeting Warrant by deleting “with qualified nitrogen reducing systems”, and/or take any other action relative thereto.

BOARD OF HEALTH

ARTICLE 23

To see if the Town will vote to appropriate a sum of \$29,000 from receipts reserve for the purpose of purchasing two (2) replacement roll-off containers and light duty equipment at the Transfer Station, and/or take any other action relative thereto.

BOARD OF HEALTH

ARTICLE 24

To see if the Town will vote to rescind the vote taken under Annual Town Meeting Article #3 dated May 2, 2023 transferring to Capital Stabilization the amount of \$93, 497.85, which represents the balance of Special Town Meeting Article #7 dated December 6, 2011 for Environmental Remediation of the Westport Middle School, and the amount of \$9,175, which represents the balance of Annual Town Meeting Article #4 dated May 7, 2013 for Mold Remediation of the Westport Police Station, and/or take any other action relative thereto.

TOWN ACCOUNTANT SELECT BOARD

ARTICLE 25

To see if the Town will vote to transfer to Westport Community Schools capital article the amount of \$93,497.85, which represents the balance of Special Town Meeting Article #7 dated December 6, 2011 for Environmental Remediation of the Westport Middle School, to be used for building repairs and/or take any other action relative thereto.

TOWN ACCOUNTANT/SELECT BOARD

ARTICLE 26 To see if the Town will vote to transfer to Westport Police capital article the amount of \$9,175, which represents the balance of Annual Town Meeting Article #4 dated May 7, 2013 for Mold Remediation of the Westport Police Station, to be used for building repairs and/or take any other action relative thereto

TOWN ACCOUNTANT/SELECT BOARD

ARTICLE 27

To see if the Town will vote to close out Article #5 of the Annual Town Meeting dated May 2, 2017 for Westport Elementary Gym Floor in the amount of \$41,605.10 and repurpose said sum of money for paving of the Westport Elementary parking lot, and/or take any other action relative thereto.

SCHOOL DEPARTMENT

ARTICLE 28

To see if the Town will vote to transfer the sum of \$15,000 from the Beach Enterprise Fund for the purpose of purchasing land at Cherry & Webb Beach, including acquisition costs and related expenses, and/or take any other action relative thereto.

BEACH COMMITTEE

ARTICLE 29

To see if the Town will vote to transfer the sum of \$49,000 from the Beach Enterprise Fund for the purpose of replacing the existing fence at Cherry & Webb Beach and purchasing a vehicle for beach use, and/or take any other action relative thereto.

BEACH COMMITTEE

ARTICLE 30

To see if the Town will vote to raise and appropriate or transfer from the Municipal Waterways Fund a sum of \$30,000.00 for the purpose of buying outboard motors for the Marine Services Department, and/or take any other action relative thereto.

MARINE SERVICES

ARTICLE 31

To see if the Town will vote, under the provisions of M.G.L. c. 40, § 15A and all other applicable laws, to transfer the care, custody, management and control of those parcels of land known as Town of Westport Assessor Map 79, Lot 4 (Final Decree recorded at the Bristol County S.D. Registry of Deeds in Book 5070, Page 305) and Map 79, Lot 5 (Final Decree recorded at the Bristol County S.D. Registry of Deeds in Book 1900, Page 1162) from the Town of Westport Select Board, which presently holds said parcels of land as general municipal corporate property acquired by tax title, to the Town of Westport Conservation Commission to be held by said Conservation Commission for conservation and passive recreation purposes under the provisions of M.G.L. c. 40, § 8C and Article 97 of the Amendments to the Massachusetts Constitution, and/or take any other action relative thereto.

CONSERVATION COMMISSION/SELECT BOARD

ARTICLE 32

To see if the Town will vote, pursuant to M.G.L. c.164, sec.55, to elect a municipal light board consisting of five citizens of the Town, each for a term of three years, with the first election being held in Westport. Pursuant to the provisions of the Massachusetts General Laws, of the five-member board, initially one shall be chosen for one year, two for two years, and two for three years, and thereafter the terms shall be

for three years. The municipal light board shall have the authority to construct, purchase or lease the municipal light plant in accordance with the vote of the Town and to maintain and operate the same, and/or take any other action relative thereto.

INTERNET ADVISORY COMMITTEE/SELECT BOARD

ARTICLE 33

To see if the Town will vote to amend the Town of Westport **ZONING BY-LAWS** by adding a new zoning article, Short-Term Rentals (STR), and making other appurtenant amendments as follows:

Item 1.

Amend **SECTION 3 DEFINITIONS** by inserting the following definition in alphabetical order:

Short-Term Rental: A short-term rental is a dwelling that is not a hotel, motel, lodging house or bed and breakfast, where at least one room or unit is rented out through the use of advance reservations not to exceed 31 consecutive days. A short-term rental includes an apartment, house, cottage, and condominium. It does not include property that is rented out through tenancies at will or month-to-month leases. It also does not include time-share property or bed and breakfast (see definition of bed and breakfast).

Item 2.

Amend **SECTION 5.1 TABLE OF USE REGULATIONS** by inserting the following use under the BUSINESS / COMMERCIAL section in alphabetical order:

X = Prohibited unless allowed in Underlying District

Y = Allowed By-Right

N = Prohibited

SPBA = Special Permit Board of Appeals

SPPB = Special Permit Planning Board

SPA-PB = Site Plan Approval Planning Board

USES	RESIDENTIAL/AGRICULTURAL	BUSINESS	UNRESTRICTED
Short-Term Rental (9.10)	Y	Y	Y

Item 3.

Add a new **SECTION 9.10 SHORT-TERM RENTAL** to read as follows:

“9.10 SHORT-TERM RENTAL

9.10.1 Purpose

The short-term rental zoning bylaw provides for administration and enforcement of Westport short-term rentals in order to protect the health, safety, and welfare of both the occupant(s) of those rental units and the general public, and to maintain the quality of life in residential neighborhoods. This bylaw provides for the orderly operation of short-term rentals, recognizing their historic role in Westport’s economy.

9.10.2. Registration

No owner(s) shall operate a short-term rental without first registering annually with the Building Department.

9.10.3 General Requirements

A short-term rental is permitted in accordance with Section 5.1 Table of Use Regulations and subject to the following requirements:

- A. Guestroom(s) must be provided within a legal dwelling unit.
- B. No tenant or lessee shall let or sub-let a short-term rental.
- C. The owner shall adhere to applicable rules, regulations, and codes of the Commonwealth of Massachusetts and Town of Westport.
- D. Contact information for a responsible local entity or individual with authority to act on behalf of the owner must be provided to the Building Inspector and be kept current at all times.
- E. Dwelling units designated as affordable or otherwise income-restricted that are subject to affordability covenants or are otherwise subject to housing or rental assistance under local, state, or federal programs or law may not be used as short-term rentals.
- F. Short-term rentals are for residential uses only. Commercial uses, including but not limited to event spaces or beverage promotion, are not permitted.
- G. Short-term rentals shall be for a period of at least seven (7) days in the Residential/Agriculture District.
- H. Sufficient parking shall be provided on the property or strictly along the property frontage if parking is allowed on the street.
- I. The Zoning Board of Appeals may waive standards G and H by special permit provided the applicant demonstrates that the waiver will be not create adverse impacts upon the surrounding area.
- J. The short-term rental must be registered with the Massachusetts Department of Revenue.

9.10.4 Violation Provisions

- A. Violations of Section 9.8 of this bylaw will be subject to the provisions of MGL Ch. 40, sec. 21D, regarding Non-Criminal disposition, as adopted by the Town of Westport. Any owner who fails to comply with any provision of this section shall be subject to the actions identified in Section 2.1 for each offense, where each day of noncompliance is considered a separate offense.
- B. Short-term rentals that are the subject of three or more negative findings, as issued by the Inspector of Buildings, of violations of this section within a six month period, or three or more violations of any municipal ordinance or state law or code relating to zoning requirements, excessive noise, improper disposal of trash, disorderly conduct, or other similar conduct within a

six month period shall be ineligible for short-term rental use for a six month period immediately following the third violation.

and/or take any other action relative thereto.

PLANNING BOARD

ARTICLE 34

To see if the Town will vote to amend the Town of Westport **ZONING BY-LAWS, SECTION 6.6 SCIENCE AND TECHNOLOGY OVERLAY DISTRICT** as follows:

Item 1.

Amend **SECTION 6 OVERLAY DISTRICTS** by deleting the words “F. Science and Technology Overlay District” and inserting the words “F. Mixed Use Science and Technology Overlay District” in its place.

Item 2.

Amend **SECTION 2.7 PLANNING BOARD** by Deleting the words “Science and Technology Overlay District” and inserting the words “Mixed Use Science and Technology Overlay District” in its place.

Item 3.

Amend **SECTION 6.6 SCIENCE AND TECHNOLOGY OVERLAY DISTRICT** by deleting the words “Science and Technology Overlay District” and acronym “STOD” and inserting the words “Mixed Use Science and Technology Overlay District” and “MUSTOD” in its place.

Item 4.

Amend **SECTION 6.6.1 PURPOSE AND INTENT** by inserting the **highlighted text**, re-numerating as necessary, and deleting the ~~strike through text~~ as follows:

“The purpose of the Mixed Use Science and Technology Overlay District (MUSTOD) special permit is to: allow better utilization of land adjacent to the Route 6 and 88 interchange, assure attractive and efficient arrangement of office and research buildings and the harmonious integration of **residential** uses allowed in this district into the surrounding neighborhood and the community at large. The intent of the MUSTOD By-law is to:

- A. Promote a live/work mixed use environment that offers employment and housing opportunities.
- D. Promote the creation of housing in proximity to services and employment opportunities.
- J. Protect adjacent residential property values through effective year-round screening ~~and buffering of the commercial uses to residential uses.~~

Item 5.

Amend **SECTION 6.6.4 PROCEDURES** by inserting the **highlighted text** as follows:

An applicant for a Mixed Use Science and Technology Overlay District special permit shall submit an application to the Planning Board. Where applicable, and to the extent permitted by law, the Planning Board shall coordinate the review procedures and public hearing required for any application for a MUSTOD special permit with the review procedures, application requirements, and public hearing required for Site Plan approval (Section 2.8), Low Impact Development (Section 8.2) or if necessary, a definitive subdivision plan.

Item 6.

Amend **SECTION 6.6.5, USES ALLOWED BY SPECIAL PERMIT** by inserting the highlighted text, re-numerating as necessary, and deleting the strike through text as follows:

6.6.5 USES ALLOWED BY SPECIAL PERMIT ~~SITE PLAN~~

- A. Professional or Corporate Office building for business and professional services and uses, which shall include, but not limited to, insurance, banking and other financial uses businesses with similar purposes in connection with such uses;
- B. Scientific, Technical, and Management Service uses, as defined hereunder;
- C. ~~Software and Communication Service uses, as defined hereunder~~ Multi-Family Uses (3 or more dwelling units) and Inclusionary Housing (10 or more dwelling units);
- D. Clinics for outpatient care, as well as outpatient medical offices and services including, but not limited to, imaging, physical therapy, laboratory and diagnostics;
- E. ~~Telemarketing and telephone based services~~ Data Center in a building or dedicated space within a building(s) used to house computer systems and associated components such as telecommunications and storage systems;
- F. ~~Electronic data processing areas, as defined hereunder~~ Warehouse Distribution and Fulfillment Centers;
- G. Light industry, as defined hereunder;
- H. ~~Light manufacturing, as defined hereunder~~ Mixed-Use comprised of uses permitted in the MUSTOD;
- I. ~~Assembly line operations, as defined hereunder, for any use allowed in the Table of Uses;~~
- J. Publishing and printing uses;
- K. Research and Development Laboratories and Facilities, as defined hereunder
- L. Private athletic and/or health club and day spa uses, provided that no overnight accommodations are provided;
- M. Municipal buildings and uses, including, but not limited to town offices, police stations, fire stations, ambulance stations, public works buildings and storage areas and such garages and other outbuildings that are incidental thereto;
- N. ~~Advanced Materials Operations, as defined hereunder~~ Where a use might be classified under more than one of the categories in Section 6.6.5, the more specific category shall determine permissibility. If equally specific, the more restrictive category shall govern. A use not classifiable under any listed category may be allowed only by Special Permit from the Planning Board, upon the Board's determination that the use is similar in its nature and its impacts on the neighborhood, the environs and the Town to a use which is permitted or allowed on Special Permit, and also that the test of Sections 2.6 and 6.6.11 Special Permit Criteria, is met.
- O. Multiple uses that are otherwise allowed individually in the underlying district or by

special permit hereunder may be allowed under an STOD special permit, provided that specific findings are made that the site contains sufficient area, setbacks, stormwater controls, parking and buffers to manage the combined uses;

P. Marijuana Establishments (pursuant to Section 9.9 of this By-Law)

Q. Accessory Uses shall be allowed by special permit, including the following uses that are accessory to a principal use on the premises, provided that the uses are not open to the general public and are available only to on site employees and their guests and there is no external evidence of the use (unless the use is itself separately allowed as a principal use under a special permit that has issued):

1. Day care center;
2. Health club;
3. Branch bank;
4. Newsstand; and
5. Food Service for on premise employees and their guests.

R. Any other uses not listed above in Section 6.6.5 or in the Table of Uses, **determined to be permissible pursuant to Section 6.6.5.N**, shall be expressly prohibited.

Item 7.

Amend **SECTION 6.6.6, LOT REQUIREMENTS FOR ISSUANCE OF A SPECIAL PERMIT** by deleting the ~~strike through text~~ and inserting the **highlighted text** as follows:

6.6.6 LOT REQUIREMENTS FOR ISSUANCE OF A MUSTOD **APPROVAL SPECIAL PERMIT**

Minimum Lot Size	10 5 acres, of which 50% must be comprised of upland; If a commercial subdivision is proposed, the lots may be of varying size, with a minimum of 5 acres per lot, providing that an average lot size of 10 acres is maintained for the subdivision as a whole. Lots so created that are larger than 10 acres shall not be further subdivided.
Minimum Lot Frontage	150 feet on a way in existence when this provision is adopted and 50 100 feet on a subdivision way approved and constructed as part of a new subdivision way that is created in the MUSTOD, provided that an MUSTOD special permit is granted at the same time that definitive subdivision approval is granted.
Minimum Lot Width (at front building line)	400 feet
Maximum Residential Density	15 Dwelling Units per acre
Minimum Front Setback	150 feet from a way in existence, as defined under G.L. c.41, §81L, when this provision is adopted and 40 25 feet from a new subdivision way that is created in the MUSTOD, provided that an MUSTOD approval special permit is granted at the same time that definitive subdivision approval is granted.

Minimum Side Setback	50 25 feet, except 450 100 feet if abutting a non-MUSTOD or Westport Gateway District (WGD) residential use Res/Ag district.
Minimum Rear Setback	50 30 feet, except 450 100 feet if abutting a non-MUSTOD or WGD residential use Res/Ag district.
Maximum % Lot Coverage	60 65% (includes buildings, parking lots, roadways and all impervious surfaces)
Maximum Height	3 stories or 45 feet, whichever is greater. Heights may be increased by 1 story or 15 feet for every additional 200 feet of setback provided, with a maximum height of 5 stories or 75 feet, whichever is greater.
Upland Requirement	50% of the minimum required lot area shall be comprised of upland.

Item 8.

Amend **SECTION 6.6.7, PERFORMANCE STANDARDS** by deleting the ~~strike through text~~ and inserting the **highlighted text**:

6.6.7 PERFORMANCE STANDARDS

In addition to the performance standards of Site Plan Approval (Section 2.8), development within the MUSTOD shall conform to the following additional performance standards:

- B. Interior Infrastructure** - All streets, ways and drainage facilities shall be designed and constructed in compliance with the Westport Rules and Regulations Governing the Subdivision of Land, except such as may be waived by the Planning Board upon request of an applicant, whether or not the proposed MUSTOD use involves a subdivision of land. The stormwater drainage infrastructure for the project shall be designed and constructed and maintained **in accordance with the most recent Massachusetts Department of Environmental Protection Stormwater Standards** ~~so as to control all stormwater on site and so that it shall not result in any increase, post construction, in rate or volume of stormwater released, when compared to pre construction conditions, based upon drainage calculations that take existing conditions on the site and the relevant area watersheds into account.~~ All infrastructure improvements shall be private, under the ownership and control of a single property owner or a property owner's association shall be established and recorded before any conveyance of land is made.

Any and all streets and ways shall be designed and located in such a manner to maintain and preserve natural topography, significant landmarks, and trees and to minimize cut and fill and to preserve and enhance views and vistas on or off the subject parcel. Any and all proposed grade changes shall be in keeping with the general appearance of the neighboring developed areas.

D. **Lighting** - The applicant shall provide a photometric plan with the proposed site plan. Exterior area lighting, including but not limited to lighting for parking lots, recreational areas, walks, drives and outside building walls, shall be designed and installed in accordance with dark sky standards and maintained to direct light away from abutting property and abutting ways. Exterior, standalone lighting fixtures shall have a maximum height of 30 20 feet above the ground. Exterior lighting fixtures located on a building shall also not exceed a maximum height of 30 20 feet.

E. **Buffer Area** - There shall be a 100' Buffer Area adjacent to residence/agriculture uses within or abutting the MUSTOD district boundary. The purpose of this Buffer Area shall be to eliminate or mitigate negative impacts on existing abutters. The Buffer Area shall consist of existing natural vegetation and /or new plantings or combinations of vegetation and earthen berms and /or sound barriers, which shall form a year-round dense screen that reach at least six feet in height within three years of issuance of the first building permit. The Planning Board may reduce the required buffer area when it determines such reduction will not cause adverse impact to the abutting use(s)

There shall be a minimum natural buffer of 100 feet between wetlands and areas altered for development. There shall be no parking or buildings or impervious surfaces within the 100' buffer zone. The Planning Board may reduce the required buffer area when it determines such reduction will not cause adverse impact to the abutting uses.

K. **Off-Street Parking** - Within the MUSTOD, off-street parking shall be provided sufficient to serve the needs of the various uses, based upon the nature of the use and the number of persons occupying and using the facilities. The Planning Board may reduce the required number of parking spaces when it determines such reduction will not cause adverse impact to the abutting uses. To that end, the maximum number of off-street parking spaces shall be determined as follows:

1. Commercial/industrial uses: At the choice of the applicant, either

- 1a. One and one half (1.5) spaces for each 1,000 gross square feet of building floor area devoted to manufacturing uses and two (2) spaces for each 1,000 gross square feet of building used for research and development uses shall be provided; or
- 2b. One space for each two persons included in the offices, staff and employees within the STMUOD of each organization conducting such use, plus visitor spaces of one additional space for each twenty-five

(25) spaces so determined shall be provided. The number of staff and employees shall be calculated based on building use and type as well as occupancy limitations.

2. Residential uses: 1 space per dwelling unit

3. Mixed/multiple uses: The Planning Board shall establish the required number of parking spaces, not to exceed the combined total of required parking under 6.6.7.K.1-2. The applicant shall provide shared parking for uses with offset peak hours, in addition to shared access between abutting uses as applicable and where feasible.

- P. **Hours of Operations** - The Planning Board may limit the allowed hours of operation based on type of use proposed within the ~~special permit~~ **approval** conditions.

Item 9.

Amend **SECTION 6.6.9, TRAFFIC STUDY** by deleting the ~~strike-through-text~~ and inserting the **highlighted text**:

- E. The applicant of any proposed facility whose anticipated traffic impact subjects it to this subsection shall be required to submit a traffic mitigation plan to the Planning Board, who shall engage the services of a consultant, again paid for by the applicant, in reviewing it. The Planning Board shall also consult with the Highway Department and Massachusetts Department of Transportation in reviewing this plan. The mitigation plan shall be sufficient to create the following conditions:

1. Prevent a reduction in service of more than one level; and
2. Prevent a reduction in service to level D or lower.

Only if the above requirements and criteria are satisfied shall an **approval** ~~special permit~~ be issued.

Item 10.

Amend **SECTION 6.6.10, CONSULTANT REVIEW** by deleting the ~~strike-through-text~~ and inserting the **highlighted text**:

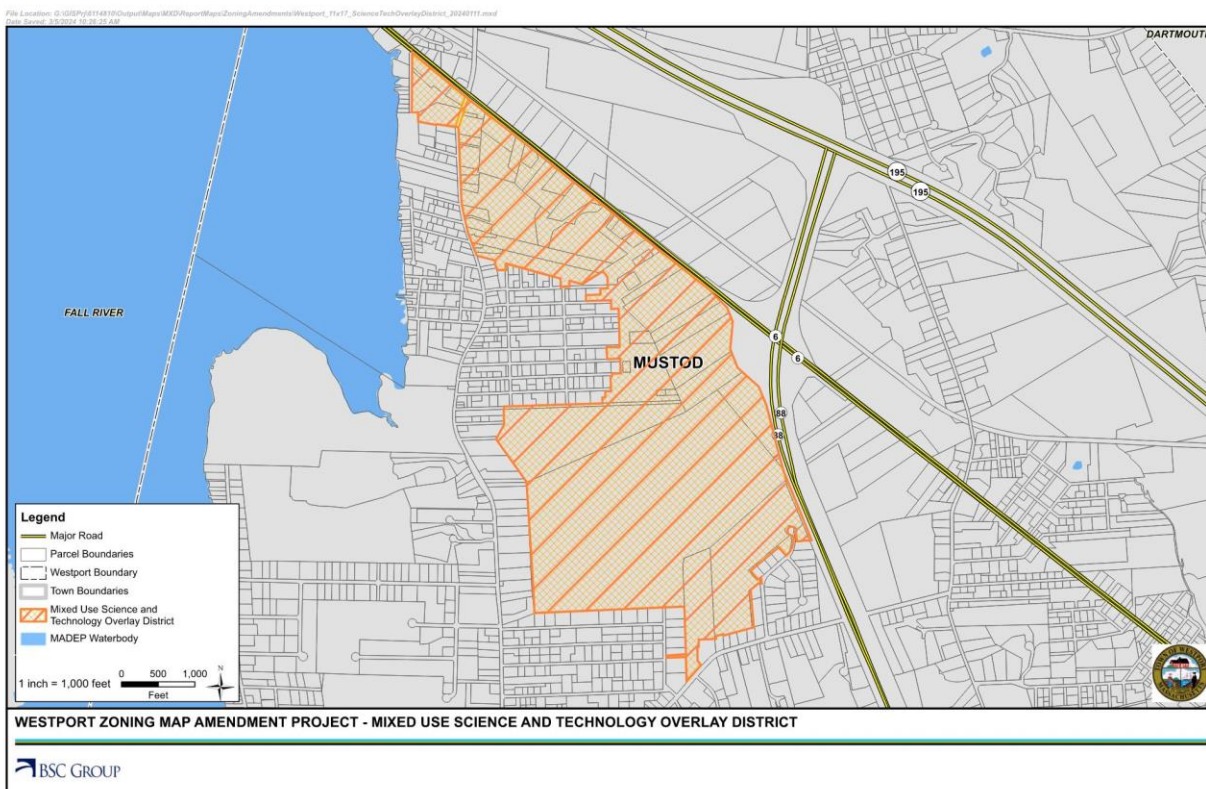
6.6.10 CONSULTANT REVIEW

The Board may engage a professional engineer and/or other technical consultant to advise the Planning Board, and to review application plans and documents in application phase and the construction phase. The applicant shall pay for the cost of

the consultant review pursuant to the procedures specified in M.G.L. c. 44, §53G or §53A. Further, the Building Inspector may engage to inspect to confirm compliance with special permit requirements. Refusal to pay the necessary fees shall be a basis to deny the a site plan and special permit request relief.

Item 11.

Amend the **ZONING MAP** of Westport by establishing the Mixed Use Science and Technology Overlay District (MUSTOD); the zoning map of the Town of Westport is hereby amended by amending the Overlay Zoning from “Science and Technology Overlay District” to “Mixed Use Science and Technology Overlay District”, the properties currently designated as the Science and Technology Overlay District to the Mixed Use Science and Technology Overlay District located south of State Highway Route 6 and west of State Highway Route 88 as shown on the attached Plan Exhibit.



and/or take any other action relative thereto.

PLANNING BOARD

ARTICLE 35

To see if the Town will vote to amend the **ZONING BY-LAWS, SECTION 3** entitled “**DEFINITIONS**” by inserting the following new definition in appropriate alphabetical order:

Congregate Living: A shared living environment that combines housing and supportive services where residents share one or more common facilities including, but not limited to, kitchens, dining areas, bathrooms, and recreational, cultural, personal care, or social service facilities. Examples of

supportive services include, but are not limited to, transportation, healthcare provision, and laundry and meal services. Residents must have their own bedroom.

and/or take any other action relative thereto.

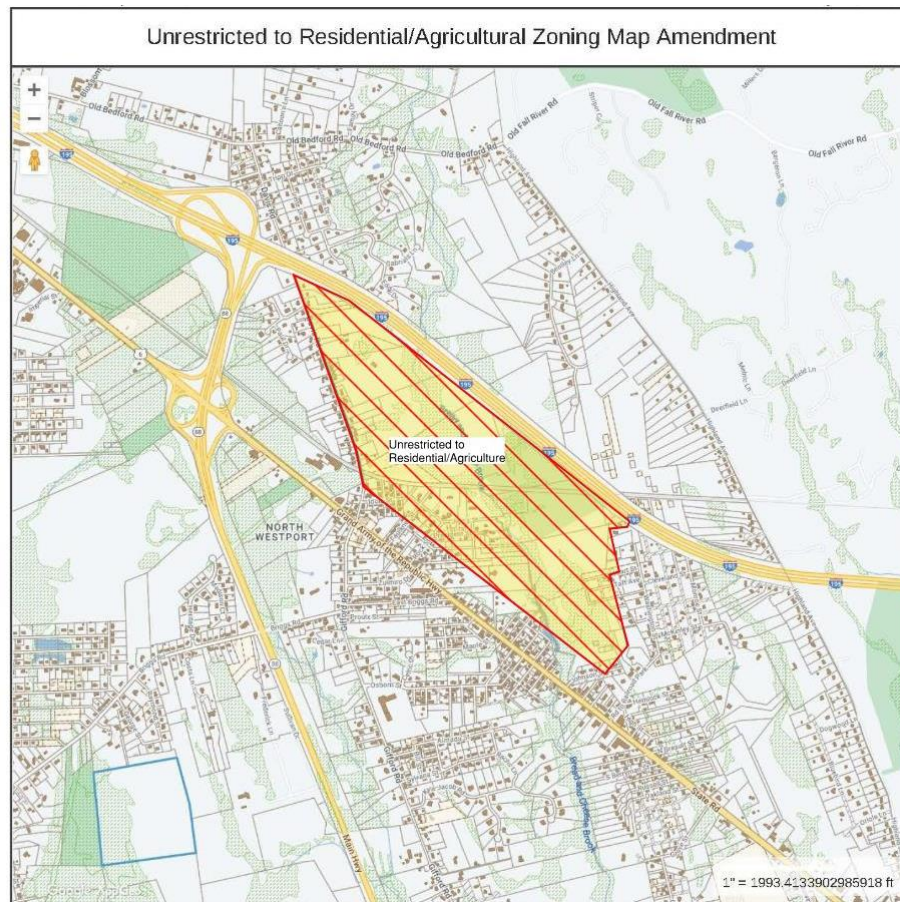
PLANNING BOARD

ARTICLE 36

To see if the Town will vote to amend the **ZONING MAP** of Westport by:

Item 1.

Amending the zoning designation of the properties and portions of the properties zoned Unrestricted (U) by changing the zoning designation to Residential/Agricultural District (RA) as shown on the attached Plan Exhibit and removing the Unrestricted District from the legend of the Zoning Map of Westport;



Item 2.

Amend **SECTION 4.1 ZONING DISTRICTS** by deleting the words "C. Unrestricted" in its entirety;

Item 3.

Amend **SECTION 5.1 TABLE OF USE REGULATIONS** by deleting the column titled “UNRESTRICTED” and all associated entries in said column; and

Item 4.

Amend the **ZONING BY-LAWS** of the Town of Westport by deleting the words “Unrestricted District” wherever they appear in the text of the Zoning By-Law.

and/or take any other action relative thereto.

PLANNING BOARD

ARTICLE 37

To see if the Town will vote to amend the Town of Westport **ZONING BY-LAWS** by adding a new zoning article, Westport Gateway District (WGD), and making other appurtenant amendments as follows:

Item 1.

Amend **SECTION 3 DEFINITIONS** by inserting the following words in alphabetical order.

Westport Gateway Project (WGP): shall mean the development or redevelopment of property to a use or uses in some combination determined by the Planning Board to be consistent with the intent of the Westport Gateway District and does not cause significant detriment to the surrounding area pursuant to Section 8.7.5.

Item 2.

Amend **SECTION 4.1 DISTRICTS** by inserting after the words “B. Residence/Agriculture” the words “C. Westport Gateway District” and assign subsequent entries in alphabetical order.

Item 3.

Amend **SECTION 2.7 PLANNING BOARD** by inserting after the words “Science and Technology Overlay District (Section 6.6)” the following words “Westport Gateway District (Section 5.4)”.

Item 4.

Add a new **SECTION 5.4 WESTPORT GATEWAY DISTRICT** to read as follows:

“5.4 WESTPORT GATEWAY DISTRICT (WGD)

The Westport Gateway District is intended to provide a regulatory pathway reflective of the Town’s vision for the Route 6 corridor between the Fall River municipal line and Route 88. The Westport Gateway District considers existing and planned infrastructure and is mindful of compatibility with surrounding uses. Many of the properties preceded the adoption of zoning, and therefore the area features regulatory anomalies. The Westport Gateway District is intended to address these regulatory challenges, incorporate the contemporary uses envisioned for the area, and offer a permitting pathway to enhance quality of life and economic development while

protecting the public health, safety, convenience, and welfare consistent with Section 1.1 Purpose of this By-law.

5.4.1 Purpose.

- To create a district that promotes flexible and creative development and redevelopment of the Route 6 corridor while balancing the character of the nearby residential and commercial neighborhoods.
- To offer a regulatory pathway that promotes creative use/reuse of properties.
- Whenever possible, to promote a sense of place and pedestrian experience.
- To promote diversified economic development opportunities and cultural, recreational, open space, and other uses appropriate for the area and compatible with its surroundings.

5.4.2 Westport Gateway District.

The Westport Gateway District (WGD) is hereby established, the boundaries of which are shown on the Town of Westport Zoning Map.

5.4.3 Special Permit Granting Authority.

The Planning Board shall serve as the special permit granting authority pursuant to this section. The Planning Board may waive the submittal of technical information or documents otherwise required hereunder where the applicant demonstrates that, due to the simplicity of the proposal, such information is not necessary for or applicable to the Planning Board's decision pursuant to this section. An application for a special permit shall be governed by the Planning Board's regulations and Section 2.6. In addition, the applicant shall submit:

- A. Information pertaining to any organization which the Applicant proposes to form where the development is to be a condominium development, including forms and plans to be used to organize and manage the same, for approval as to form by Town Counsel; and
- B. Copies of all proposed covenants, easements, and other restrictions which the Applicant proposes to grant to the Town, the Conservation Commission, utility companies, any condominium organization, and the owners thereof, including plans of land to which they are intended to apply, for approval as to form by Town Counsel.

5.4.4 Permitted Uses in the WGD

The following uses are allowed in accordance with the provisions of this section.

- | | |
|-------------------------|--------------------------------------|
| A. General Requirements | SPA-PB – Use allowed by Site Plan |
| Y – Allowed as of Right | SPPB – Use allowed by Special Permit |

All Uses may be subject to Site Plan Review by the Planning Board as provided in Section 8.7

B. Interpretation

Where a use might be classified under more than one of the following categories, the more specific category shall determine permissibility. If equally specific, the more restrictive category shall govern. A use not classifiable under any listed category may be allowed only by Special Permit from the Zoning Board of Appeals upon the Board's

determination that the use is similar in its impacts on the neighborhood, the environs, and the Town to a use which is permitted or allowed by Special Permit in compliance with the provisions of Sections 2.6 and 5.4.5.

USES	WGD
A. Residential Uses	
1. Open Space Residential Development (OSRD (see Section 8.1)	Y
2. Multi-Family Housing (3+ dwelling units)	SPA-PB
3. Inclusionary Housing (10+ dwelling units; see Section 9.2)	SPA-PB
4. Assisted Living and Independent Living Facilities (see Section 9.1)	SPPB
5. Convalescent/Nursing Home Facilities	SPPB
B. Commercial Uses	
1. Bakery Retail	Y
2. Child and Adult Day Care Facilities	Y
3. Commercial and Non-Commercial Kennels	Y
4. Financial Institutions	Y
5. Funeral Home	Y
6. Personal Service Establishment	Y
7. Professional Medical, and Corporate Office	Y
8. Retail (less than 5,000 gross square feet floor area)	Y
9. Auto Sales and Services	SPA-PB
10. Food Service Establishment	SPA-PB
11. For-Profit Education Uses	SPA-PB
12. Indoor Amusement	SPA-PB
13. Lodging and Hospitality	SPA-PB
14. Hospital, Medical Outpatient Clinic	SPA-PB
15. Retail (greater than 5,000 gross square feet floor area)	SPA-PB
16. Theater/Entertainment Venue	SPA-PB
17. Drive-Through Facilities	SPPB
C. Manufacturing Uses	
1. Artisanal Manufacturing	SPA-PB
2. Butcher	SPA-PB
3. Light Manufacturing	SPA-PB
4. Research and Development	SPA-PB
5. Research and Development Laboratories and Facilities	SPA-PB
6. Wholesale Bakery	SPA-PB
7. Bio Manufacturing Facilities	SPPB

D. Exempt and Public Uses	
1. Agriculture	Y
2. Non-Profit Education	Y
3. Religious Uses	Y
E. Accessory Uses	
1. Electric Vehicle Charging Stations	Y
2. Raised Solar Panels and Accessory Battery Storage in Parking Areas	Y
E. Mixed Uses	
1. Any combination of permissible uses provided the aggregation of the mixed uses complies with the provisions of this Section	SPA-PB

5.4.5. Standards.

In order to be eligible for consideration for a special permit pursuant to this Section, the proposed development shall meet all the following standards:

A. Roadways. The principal roadway(s) within the site shall be adequate for the intended use and vehicular traffic and shall be maintained by an association of tenant(s), unit owners or by the Applicant.

B. Parking. The applicant shall provide adequate parking to serve all anticipated uses on the property, with information detailing the method of computation of parking spaces. The minimum number of parking spaces shall be computed using the requirements set forth herein or other applicable provisions acceptable to the Planning Board. For uses that are not specified or mixed uses the Planning Board shall establish the required parking. No parking shall be placed within the minimum front yard setback, and parking must be sited to the side or rear of the principal structure. The applicant shall provide shared parking for uses with offset peak hours, in addition to shared access as applicable and where feasible. The Planning Board may waive parking to a number reasonably necessary to accommodate the proposed use(s) if the Board determines there will be no adverse impact to abutting uses.

Land Use Type

1. Residential

Assisted/independent living facilities	1 per dwelling unit
Multi-family/inclusionary housing	1 per dwelling unit
Single-family or two-family dwellings with more than 1 bedroom	1.5 per dwelling unit

2. Commercial

Adult and child day-care center and preschools	1 per 8 client capacity
Hotels, motels and lodger accommodations without or with function rooms and/or eating establishments	1 per each sleeping room accommodation; plus 1 per every 5 seats in the function hall; plus 1 per every 3 seats in an eating establishment
Restaurant, sit-down	5 plus 1 for every 3 seats

Restaurant, take-out	5 per 1,000 GFA
Retail (freestanding, supermarket, shopping center, bank, personal service, office, health care office)	3.5 per 1,000 GFA

3. Manufacturing/Industrial

Uses pursuant to 5.4.4.C	1 per 1,000 GFA
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4. Public/Institutional

Hospitals, residential rehabilitation facilities, nursing homes and elder care facilities	1 for every 2 beds, plus 4 per 1,000 GFA of in-patient treatment area, and 5 for every 1,000 GFA of out-patient treatment area
Libraries and museums	1 per 1,000 GFA
Out-patient clinics	3.5 per treatment area
Places of public assembly	1 per 5 seats
Public and private schools	1.5 per classroom, plus 1 per 5 seats in an auditorium

C. Loading. Loading areas may be required by the Planning Board where deemed necessary for the efficient operation of the proposed Use. Loading shall be located to the side or rear of building unless otherwise determined by the Planning Board

D. Utilities. All electric, gas, telephone, and water distribution lines shall be placed underground, except upon a demonstration of exceptional circumstances. The facility shall be served by the municipal water and sewer system or must demonstrate adequate provision of on-site water/sewer where municipal services are not available

E. New Buildings. Within the Westport Gateway District, new buildings may be constructed in accordance with the following requirements:

- a. The type, architectural style, and uses within such new buildings shall be subject to Planning Board approval.
- b. The Building(s) shall comply with the Architectural Standards in Section 5.4.6.

F. Buffer Area - There shall be a Buffer Area of sufficient distance to be determined by the Planning Board adjacent to residential/agriculture uses abutting the property. The purpose of this Buffer Area shall be to eliminate or mitigate negative impacts on existing abutters. The Buffer Area shall consist of existing natural vegetation and /or new plantings or combinations of vegetation and earthen berms and /or sound barriers, which shall form a year-round dense screen that reach at least six feet in height within three years of issuance of the first building permit.

H. Noise - Noise levels emanating from air conditioning equipment, fans, vents, loading areas, machinery, or normal operations and other noise causing operations on the premises (including persons) shall not exceed the thresholds described in Article XL (Noise Pollution Control) in the Town of Westport Town Bylaws and the Massachusetts Department of Environmental Protection noise regulation (310 CMR 7.10).

I. Lighting Exterior – The applicant shall provide a photometric plan with the proposed site plan. Area lighting, including but not limited to lighting for parking lots, recreational areas, walks, drives and outside building walls, shall be designed and installed in accordance with Dark Sky Requirements and maintained to direct light away from abutting property and abutting ways. Exterior, standalone lighting fixtures shall have a maximum height of 20 feet above the ground unless a waiver is granted by the Planning Board. Exterior lighting fixtures located on a building shall also not exceed a maximum height of 20 feet.

J. Intensity Requirements

Minimum Lot Size	40,000 square feet with a contiguous upland area of 25,000 square feet of greater
Minimum Frontage	100 feet
Minimum Lot Width	75 feet to the front line of the structure
Front Yard Setback	20 Feet (Maximum)
Side yard Setback	10 feet
Rear yard Setback	6 feet however the setback is increased to 10 feet if it abuts a Residential /Agricultural District
Maximum Floor Area Ratio (FAR)	.4
Maximum Lot Coverage	65%
Maximum Building Height	3 stories not to exceed 45 feet

K.

Landscaping – All landscaping shall be consistent with Section 8.7 Site Plan Review. The landscape shall be preserved in its natural state, as far as practicable, by minimizing tree and soil removal. Any grade changes shall be in keeping with the general appearance of the neighboring developed areas. Individual building sites shall be designed to maintain existing topography and cover. Topography, tree cover, and natural drainage ways shall be treated as fixed determinants of road and lot configuration rather than as malleable elements that can be changed to follow a preferred development scheme. Buffer Areas shall contain:

1. A continuous screen of planting of vertical habitat in the center of the strip not less than six feet in height at the time of occupancy so as to maintain a dense screen year-round. At least 50% of the plantings shall consist of evergreens and shall be evenly spaced along the length of the buffer strip. In lieu of continuous planting, a solid brick, stone, or wood fence not less than six feet nor more than eight feet may be established and maintained with plantings in an amount no more than 20% of the amount required above
2. A landscaped area containing a mixture of shade trees, a deciduous shrubs and evergreens with a minimum of one shade tree at least 2" caliper at a point 6" above the finished grade within each 35 linear feet and well-maintained grass,

bark mulch or other ground cover to the depth of the developed portions of the lot. Where the Planning Board determines that the planting of trees is impractical, the permit applicant may substitute shrubbery for trees.

3. Shrubs and hedges shall be at least 2.5 feet in height at the time of planting and have a spread of at least 18 inches.
4. Grass is preferable to mulch where practical.
5. Existing trees with a caliper of six inches or more shall be preserved wherever feasible.
6. Deciduous trees shall be at least two inches in caliper as measured six inches above the root ball at time of planting. Deciduous trees shall be expected to reach a height of 20 feet within 10 years after planting.
7. Evergreens shall be a minimum of eight feet in height at the time of planting and shall be spaced five feet on center when planted in a single row. When planted in a double row, each row of evergreens shall be spaced 10 feet on center. These minimum standards may be reduced by the Planning Board, subject to the recommendation of an arborist, landscape architect, or other competent individual.

5.4.6 Architectural Standards

The building design and construction drawings and documents shall be prepared by a registered architect. It is strongly encouraged that the building design and construction be LEED certified or be LEED certifiable for the purpose of energy efficiency, material durability, and healthy interior and exterior building environment.

Buildings – It is strongly encouraged that the exterior walls of structures and buildings shall be constructed of brick, stone, concrete, or other similar durable materials to have an attractive appearance and maintain architectural integrity. The architectural style of residential and mixed-use residential buildings shall be in harmony with the historical design elements that are contextually consistent with regional New England architectures.

A. Buildings with a footprint larger than 2,000 square feet constructed in the WGD shall meet the following requirements:

B. In order to avoid long blank outside walls, walls shall not be longer than thirty (30) feet without an articulation such as, but not limited to: a window, a footprint offset, a siding change, a pilaster. Whatever articulation is chosen, the same articulation shall not be repeated for more than 1/3 the length of the wall.

C. No outside wall longer than one hundred (100) feet shall meet the roof without a change in height, which is significant enough to visually break the long straight line.

D. All roof units, such as, but not limited to HVAC units, elevator overruns, vent pipes, or other such paraphernalia shall not be visible when standing at ground level at the same elevation as the building. Roofs shall be designed to accommodate solar panels.

- E. Covered entryways/porches shall be provided for public entrances into the building before entry doors.

5.4.7. Traffic Study

A. The Planning Board may require the applicant to do a traffic impact study, at the applicant's expense. The traffic study shall evaluate and provide projected traffic generation from the development onto state highways and local roads; traffic service for the development; capacity of the road network, including roads and intersections, and, safety issues using egress and ingress of the development. An initial traffic impact assessment report should include the projected a.m. and p.m. peak traffic, the average daily traffic, and the hourly distribution of vehicles, including with respect to gross vehicle weight, and future no-build conditions on adjacent state or local roads for the proposed project. This report shall also include a review of any existing master plans relating to traffic in the vicinity of the proposed project, an assessment of the impact of that project upon the implementation of the master plan, and an analysis of that project's impact on proposed takings for roadway improvements. Finally, this report shall include a designation and review of the possible locations of curb cuts on nearby parcels, demonstrating consistency with the master plan. Mitigation may be required of the applicant/developer.

B. The Planning Board may engage the services of a consultant, paid for by the applicant under G.L. c.44, §53A or §53G, to conduct an independent analysis of the factual assertions and conclusions of the traffic impact assessment report.

C. If the Traffic Impact Study indicates a reduction in the Level of Service (LOS) of two or more levels (e.g., from Level A to Level C) or a Level D or lower, the applicant shall submit a mitigation plan to the Planning Board demonstrating the mitigation is sufficient to prevent a reduction in LOS below Level C. The Planning Board may not issue an approval unless the mitigation achieves a LOS of C or greater unless there are extraordinary circumstances as determined and described by the by the Planning Board.

5.4.8 Action by the Planning Board.

The Planning Board may grant approval for the proposed use where it makes the following findings:

- A. The proposed use complies with the requirements of this section;
- B. The proposed use does not cause substantial detriment to the neighborhood after considering the following factors:
1. noise, during the construction and operational phases.
 2. pedestrian and vehicular traffic.
 3. environmental degradation or harm.
 4. visual impact caused by the character and scale of the proposed structure(s);
 5. other consequences as may be set forth in this Section.
- C. The Planning Board may impose conditions, including, but not limited to, the following:
1. that all construction or infrastructure and improvements shall be completed within a specific time period.

2. that all aspects of the proposed use, including authorized uses, building occupancy, and intensity of use, shall remain in substantial conformance with the plans and other documents submitted to the Planning Board as part of the special permit proceeding unless modification of the special permit is authorized, after public hearing, by the Planning Board.
3. that a performance guarantee suitable to the Planning Board may be required

5.4.9. Consultant Review

The Board may engage a professional engineer and/or other technical consultant to advise the Planning Board, and to review application plans and documents in application phase and the construction phase. The applicant shall pay for the cost of the consultant review pursuant to the procedures specified in M.G.L. c. 44, §53G or §53A. Further, the Building Inspector may engage to inspect to confirm compliance with approval requirements. Refusal to pay the necessary fees shall be a basis to deny the site plan and/or special permit.”

Item 5.

Amend **SECTION 8.7 SITE PLAN REVIEW** by inserting a new subsection (e) under Section 8.7.3

Applicability to

read as follows:

“6. Applicable activities pursuant to Section 5.4 Westport Gateway District”

Item 6.

Amend **Section 2.7 Planning Board** by Inserting the in the first sentence after the words, “ Schedule of Use Regulations (Section 6.1)”, the following words, “for the Westport Gateway District (Section 5.4)”.

Item 7.

Amend **the ZONING MAP** of Westport by establishing the Westport Gateway District (WGD)

The zoning map of the Town of Westport is hereby amended by amending the underlying Zoning from Business to Westport Gateway, the properties located north of State Highway Route 6 and five hundred (500) feet south of State Highway Route 6, west of State Highway 88 and south of Interstate Highway I-195 as shown on the attached Plan Exhibit.

By adding under Schedule A – Town Beach, the following:

<u>Position</u>	<u>Group</u>	<u>Hours</u>	<u>Pay Basis</u>	<u>Type</u>
Beach Manager	8	40	Hourly	S

BEACH COMMITTEE/PERSONNEL BOARD

Item 2.

By adding under Schedule A – Town Beach, the following:

<u>Position</u>	<u>Group</u>	<u>Hours</u>	<u>Pay Basis</u>	<u>Type</u>
Assistant Head Lifeguard	8	40	Hourly	S

BEACH COMMITTEE/PERSONNEL BOARD

Item 3.

By deleting under Schedule A – Recreation, the following:

<u>Position</u>	<u>Group</u>	<u>Hours</u>	<u>Pay Basis</u>	<u>Type</u>
Director	8	-20	Salary	PT

and by adding under Schedule A – Recreation, the following:

<u>Position</u>	<u>Group</u>	<u>Hours</u>	<u>Pay Basis</u>	<u>Type</u>
Director	8	32	Salary	FT

SELECT BOARD

Item 4.

By adding under Schedule A – Information Technology, the following:

<u>Position</u>	<u>Group</u>	<u>Hours</u>	<u>Pay Basis</u>	<u>Type</u>
IT Technician	2	-20	Hourly	PT

SELECT BOARD

Item 5.

By adding under Schedule A – , Highway, the following:

<u>Position</u>	<u>Group</u>	<u>Hours</u>	<u>Pay Basis</u>	<u>Type</u>
Town Engineer	1	R	Salary	FT

SELECT BOARD

ARTICLE 40

To see if the Town will vote to authorize the Select Board to petition the General Court for the passage of legislation authorizing the issuance of an All Alcohol Beverages License Not To Be Drunk On Premises (Package Store) to Gulf Resources, Inc., 634 American Legion Highway, Westport, notwithstanding any

limitations on the number of licenses issued under the provisions of Chapter 138 of the Massachusetts General Laws as amended. This license is non-transferable to another location, but the licensing authority may grant the license to a new applicant as the same location; and/or take any other action relative thereto.

SELECT BOARD

ARTICLE 41

To see if the Town will vote to authorize the Town of Westport Select Board to acquire by gift and accept the donation from F. L. Tripp and Sons, Inc. of the following parcels of land identified as follows: Westport Assessor Map 54, Parcel 33 (36,000 sq. ft.) and Westport Assessors Map 54, Parcel 33A (204,732 sq. ft.), and/or take any other action relative thereto.

SELECT BOARD

ARTICLE 42

To see if the Town will vote to accept the layout, as a public way, of Rita Lane, a copy of which is on file in the office of the Town Clerk, and authorize the Board of Selectmen to acquire by gift, purchase or eminent domain land or rights in land within said way as so laid out, for all purposes for which public ways are used in the Town of Westport, and/or take any other action relative thereto.

BY PETITION

ARTICLE 43

To see if the Town will vote to establish a new Special Education Stabilization Fund in accordance with M.G.L. c.40, sec.5B, the purpose of which will be for unanticipated or unbudgeted costs of special education, out-of-district tuition, transportation and recovery of high school tuition; and/or take any other action relative thereto.

SELECT BOARD

ARTICLE 44

To see if the Town will vote to close out Article 7 of the Annual Town Meeting dated May 2, 2023, for the Westport Elementary Master Clock Paging System in the amount of \$55,496.42, and repurpose said sum of money to the Special Education Stabilization Fund, and/or take any other action relative thereto.

SELECT BOARD

ARTICLE 45

To see if the Town will vote to raise and appropriate and/or transfer from available funds a sum of money to the Capital Stabilization Fund and/or take any other action relative thereto.

FINANCE COMMITTEE/SELECT BOARD

ARTICLE 46

To see if the Town will vote to raise and appropriate and/or transfer from available funds a sum of money to the Stabilization Fund and/or take any other action relative thereto.

FINANCE COMMITTEE/SELECT BOARD

