

ANNUAL TOWN MEETING
TOWN OF WESTPORT
COMMONWEALTH OF MASSACHUSETTS
JUNE 8, 2004

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 High School on Tuesday, June 8, 2004 at 7:30 p.m., and then and there to act on the following articles, viz:

Agreeable to the warrant calling said meeting, the voters of the Town of Westport assembled at the Westport High School on the above date. The meeting was called to order at

7:34 p.m. by Moderator Steven Fors who appointed Representative Michael Rodrigues, Ben Prentice and Colin Boyle to act as tellers and they were duly sworn before the Town Clerk. Beverly Kut acted as timekeeper for the meeting in accordance with a by-law adopted under Article 45 of the Annual Town Meeting of 1963.

Selectmen Chairman, Elizabeth Collins asked Finance Committee Chairman, Chester Adams and Finance Committee member Veronica Beaulieu to step forward as she presented each with a citation from the Town for their years of service to the Town of Westport.

Voted: (Unanimously) that we advance the eleven articles of the consent calendar

(Articles 7, 8, 9, 11, 12, 42, 43, 44, 45, 46 and 47) and that these articles be adopted as recommended by the Finance Committee.

ARTICLE 7

To see if the Town will vote to authorize the Town Treasurer, with the approval of the Selectmen to borrow from time to time in anticipation of revenue of the fiscal year beginning July 1, 2004 in accordance with the provisions of the General Laws, Chapter 44, Section 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 General Laws, Chapter 44, Section 17.

BOARD OF SELECTMEN

Voted: (Unanimously)

ARTICLE 8

To see if the Town will vote to raise and appropriate and/or transfer from other available funds and/or borrow a sum of money to be used in conjunction with, and/or in addition to any funds allocated by the Commonwealth and/or County for the engineering services, construction, reconstruction, and/or improvements of Town roads, and/or take any other action relative thereto.

HIGHWAY DEPARTMENT

Voted: (Unanimously)

ARTICLE 9

To see if the Town will vote to raise and appropriate and/or transfer from available funds and/or transfer from within existing appropriations a sum of \$20,000 to be used for the engineering services, repair, resurfacing, reconstruction, drainage, and maintenance of Town roads, and/or take any other action relative thereto.

HIGHWAY DEPARTMENT

Voted: (Unanimously) from Taxation.

ARTICLE 11

To see if the Town will vote to raise and appropriate and/or transfer from available funds a sum of \$1.00 for the purpose of maintaining during the ensuing year the mosquito control work as estimated and certified by the State Reclamation Board in accordance with the provisions of Chapter 112 of the Acts of 1931 and/or to take any other action relative thereto.

BOARD OF SELECTMEN

Voted: (Unanimously) from Taxation.

ARTICLE 12

To see if the Town will vote to raise and appropriate and/or transfer from available funds the sum of \$770.00 to contract for environmental services directly related to Buzzards Bay, and/or take any other action relative thereto.

BOARD OF SELECTMEN

Voted: (Unanimously) from Taxation.

ARTICLE 42

To see if the Town will vote to establish and reauthorize pursuant to the provisions of G. L. Chapter 44 Section 53E-1/2 for Fiscal Year 2005, a revolving fund for the Council on Aging into which will be paid all receipts from health care promotion, recreational and social programs for seniors, except for receipts from the social day care program, from which costs not to exceed the sum of \$30,000.00 for these same services may be expended without further appropriation by the Council on Aging and Board of Selectmen, and/or take any other action relative thereto.

COUNCIL ON AGING

Voted: (Unanimously)

ARTICLE 43

To see if the Town will vote to establish and reauthorize pursuant to the provisions of G. L. Chapter 44 Section 53E-1/2 for Fiscal Year 2005, a revolving fund for the Council on Aging into which will be paid all receipts from the Social Day Care Program, from which costs not to exceed the sum of \$60,000.00 for these same services may be expended without further appropriation by the Council on Aging and Board of Selectmen, and/or take any other action relative thereto.

COUNCIL ON AGING

Voted: (Unanimously)

ARTICLE 44

To see if the Town will vote to establish and reauthorize pursuant to the provisions of G. L. Chapter 44 Section 53E-1/2 for Fiscal Year 2005, a revolving fund for the Council on Aging into which will be paid all receipts from income-generating activities, except receipts from health care promotion, recreational and social programs, transportation activities, and the social day care program which are the source of receipts for other revolving funds, to support the Westport Senior Center from which costs not to exceed the sum of \$10,000, for building operating/maintenance expenses, excluding salaries and wages of all full-time and part-time employees who are employed at said Senior Center, may be expended without further appropriation by the Council on Aging and Board of Selectmen, and/or take any other action relative thereto.

COUNCIL ON AGING

Voted: (Unanimously)

ARTICLE 45

To see if the Town will vote to establish and reauthorize pursuant to the provisions of G. L. Chapter 44 Section 53E-1/2 for Fiscal Year 2005, a revolving fund for the Council on Aging into which will be paid all receipts from transportation for seniors, from which costs not to exceed the sum of \$20,000.00 for these same services may be expended without further appropriation by the Council on Aging and Board of Selectmen and/or take any other action relative thereto.

COUNCIL ON AGING

Voted: (Unanimously)

ARTICLE 46

To see if the Town will vote to establish and reauthorize pursuant to the provisions of G. L. Chapter 44 Section 53E-1/2 for Fiscal Year 2005, a revolving fund for the Westport Fire Department into which will be paid all receipts from Ambulance Fees, from which costs not to exceed \$50,000 for the purchase of an ambulance, ambulance equipment and/or any incurred ambulance-related expense, not to include salaries, which may be expended without further appropriation by the Fire Department, and/or take any other action relative thereto.

FIRE CHIEF

Voted: (Unanimously)

ARTICLE 47

To see if the Town will vote to establish and reauthorize pursuant to the provisions of M.G.L. Chapter 44 Section 53E-1/2 for Fiscal Year 2005, a revolving fund for the Westport Cable Advisory Committee into which will be paid receipts from the additional

License Fee, from which costs not to exceed \$100,000.00 for cable services, equipment and/or supplies may be expended without further appropriation by the Cable Advisory Committee and Board of Selectmen, and/or take any other action relative thereto.

CABLE ADVISORY COMMITTEE

Voted: (Unanimously)

ARTICLE 1

To see if the Town will vote to transfer to reduce taxation certain sums of money from various articles approved by Town Meeting, when there is a balance remaining that is no longer required to accomplish the purpose for which the articles were originally passed, and/or take any other action relative thereto.

FINANCE COMMITTEE/BOARD OF SELECTMEN

Voted: (Unanimously) \$5,000. from the Fiscal Year 2003 appropriation. (Article 7 of the 2002 Annual Town Meeting - Library Roof Repair)

ARTICLE 2

To see if the Town will vote to fix the salary and compensation of all elected Town Officers, and/or take any other action relative thereto.

FINANCE COMMITTEE/BOARD OF SELECTMEN

Moderator	\$	682
Selectmen - Chairman		6,279
Board Members (4)		24,712

Assessors - Board Members (3)	14,831
Board of Health - Members (3)	6,487
Highway Surveyor	60,857
Tax Collector	51,200
Town Clerk	51,200
Treasurer	<u>51,200</u>
Total	\$267,448

Voted: (Unanimously)

Voted: (Unanimously) to dispense with the reading of the warrant and the Constables return of the warrant.

ARTICLE 3

To see if the Town will vote to establish and authorize pursuant to the provisions of M.G.L. Chapter 44 Section 53E-1/2 for Fiscal Year 2005, a revolving fund for the electrical, plumbing and gas inspectors into which will be paid all receipts from fees and fines paid for electrical, plumbing and gas permits, from which costs not to exceed \$40,000.00 for inspections performed, mileage, schooling, supplies, part-time clerical wages and other miscellaneous expenses may be expended without further appropriation by the Electrical, Plumbing and Gas departments. A start-up fund of \$9,176 is to be established for the first year, and/or take any other action relative thereto.

BUILDING DEPARTMENT

Voted: (Unanimously)

Voted: (Unanimously) to recess the Annual Town Meeting at 7:58 p.m. and open the Special Town Meeting.

TOWN OF WESTPORT
SPECIAL TOWN MEETING WARRANT
COMMONWEALTH OF MASSACHUSETTS
JUNE 8, 2004

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 High School on Tuesday, June 8, 2004 at 8:00 p.m., and then and there to act on the following articles, viz:

Voted: (Unanimously) to dispense with the reading of the warrant.

ARTICLE 1

To see if the Town will vote to raise and appropriate and/or transfer from available funds and/or transfer from various line items within the current appropriations such sums of money necessary to supplement the budgets of various departments for the fiscal year beginning July 1, 2003, and/or to take any other action relative thereto.

BOARD OF SELECTMEN

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FROM TO AMOUNT

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Highway Pers. Services	Highway Expenses	\$11,600
Veterans Encumb. Funds	Veterans Benefits	1,175
Data Proc. Pers. Serv.	Data Processing Expenses	4,500
Town Hall Pers. Services	Town Hall Expenses	1,500
Selectmen Pers. Services	Selectmen Expenses	7,500
Civil Defense Pers. Serv.	Civil Defense Expenses	800
Receipts Reserve/Insurance	Police Expenses	23,886

Voted: (Unanimously)

ARTICLE 2

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.

BOARD OF SELECTMEN

Kopelman & Paige	\$2,938.00
Postmaster	<u>150.00</u>
	\$3,088.00

Voted: (Unanimously) from Free Cash.

Voted: (Unanimously) to adjourn and dissolve the Special Town Meeting and reconvene the Annual Town Meeting at 8:02 p.m.

Hereof and fail not and make due return of this warrant with your doings thereon to the Town Clerk at the time and place of meeting.

Given under our hands at Westport this 17th day of May in the year two thousand four.

Elizabeth A. Collins, Chair

Stewart Kirkaldy

Steven J. Ouellette

Richard M. Tongue

David P. Dionne

SELECTMEN

WESTPORT BOARD OF

Marlene Samson

Town Clerk

Westport, MA 02790

I this 20th day of May 2004, I posted 6 true attested copies of the forgoing warrant in the following named places:

Briggs Road Fire Station

State Road Package Store

Senior Center

Central Village Fire Station

Briere's Inc. a.k.a. Country Liquor & Variety

Town Hall

Daniel P. Sullivan

Constable of Westport

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, 2004 and appropriate the same to several departments and/or take any other action relative thereto.

FINANCE COMMITTEE/BOARD OF SELECTMEN

ACCOUNTANT	SALARIES	81,884
	EXPENSES	<u>12,097</u>
		93,981
APPEALS	SALARIES	3,584
	EXPENSES	<u>2,825</u>
		6,409
ASSESSORS	SALARIES	123,935
	EXPENSES	<u>3,402</u>
		127,337

BOARD OF HEALTH	SALARIES	174,106
	EXPENSES	<u>11,220</u>
		185,326
BUILDING	SALARIES	93,821
	EXPENSES	<u>6,432</u>
		100,253
CEMETERY	SALARIES	111,193
	EXPENSES	<u>7,043</u>
		118,236
COLLECTOR	SALARIES	99,308
	EXPENSES	<u>16,555</u>
		115,863
CONSERVATION	SALARIES	62,400
	EXPENSES	<u>4,588</u>
		66,988
COA	SALARIES	91,913
	EXPENSES	<u>13,700</u>
		105,613

DATA PROCESSING	SALARIES	8,500
	EXPENSES	<u>42,400</u>
		50,900

DOG OFFICER	SALARIES	23,114
	EXPENSES	<u>5,263</u>
		28,377

EL & REGRIST	SALARIES	41,920
	EXPENSES	<u>19,693</u>
		61,613

EMERGENCY MANAGEMENT		
	EXPENSES	2,564
		2,564

EMPLOYEES BENEFITS		
	HEALTH INSURANCE	1,700,000
	LIFE INSURANCE	5,000
	FICA/MEDICARE	150,000
	UNEMPLOYMENT	35,000
	WORKERS' COMP	110,394
		2,000,394

FINANCE COMMITTEE	SALARIES	1,055
	EXPENSES	2,200
		3,255
RESERVE FUND		100,000

Mr. Chet Adams, Finance Committee Chairman, made a motion to hold the Reserve Fund line item until the end of the Annual Town Meeting.

FIRE	SALARIES	1,170,956
	EXPENSES	<u>98,870</u>
		1,269,826

GAS INSPECTORS	SALARIES	
	EXPENSES	

HIGHWAY	SALARIES	486,364
	EXPENSES	<u>88,102</u>
		574,466

HWY SNOW & ICE	SALARIES	38,202
	EXPENSES	<u>30,000</u>
		68,202

HISTORICAL COMMISSION		<u>575</u>
		575
LANDFILL	SALARIES	72,772
	EXPENSES	<u>191,439</u>
		264,211
LEGAL	EXPENSES	<u>105,000</u>
		105,000
LIBRARY	SALARIES	148,302
	EXPENSES	<u>21,924</u>
		170,226
MODERATOR	SALARIES	665
	EXPENSES	<u>101</u>
		766
NURSING	SALARIES	26,211
	EXPENSES	<u>3,843</u>
		30,054
PARKING TICKETS		<u>3,285</u>
		3,285

PERSONNEL	SALARIES	484
	EXPENSES	<u>80</u>
		564

PLANNING BOARD	SALARIES	64,537
	EXPENSES	<u>2,675</u>
		67,212

PLUMBING INSP	SALARIES	
	EXPENSES	

POLICE	SALARIES	1,863,101
	EXPENSES	<u>195,215</u>
		2,058,316

PROPERTY INSURANCE		<u>203,100</u>
		203,100

RECREATION/COMMUNITY CTR		
	SALARIES	
	EXPENSES	

REGIONAL SCHOOLS

DIMAN	444,381
BRISTOL AGGIE	<u>20,299</u>
	464,680

RETIREMENT	<u>1,064,311</u>
	1,064,311

SEALER OF W & M	SALARIES	1,563
	EXPENSES	<u>267</u>
		1,830

SELECTMEN	SALARIES	174,448
	EXPENSES	<u>23,191</u>
		197,639

SHELLFISH	SALARIES	60,601
	EXPENSES	<u>15,205</u>
		75,806

STREET LIGHTING	<u>18,771</u>
	18,771

TOWN BEACH	SALARIES	17,640
	EXPENSES	<u>3,875</u>
		21,515
TOWN BUILDING COMM	SALARIES	484
	EXPENSES	<u>97</u>
		581
TOWN CLERK	SALARIES	72,999
	EXPENSES	<u>1,325</u>
		74,324
TOWN FARM		<u>2,816</u>
		2,816
TOWN HALL	SALARIES	59,980
	EXPENSES	<u>40,800</u>
		100,780
TOWN REPORTS		<u>4,223</u>
		4,223
TREASURER	SALARIES	102,570

EXPENSES 26,525

129,095

UNCLASSIFIED

VETERANS GRAVES SALARIES 820

EXPENSES 1,937

2,757

VETERANS SERVICES SALARIES 30,048

EXPENSES 66,744

96,792

WIRE INSPECTORS SALARIES

EXPENSES

SCHOOL SALARIES/EXPENSES 11,786,930

11,786,930

SCHOOL TRANSPORTATION 1,107,090

1,107,090

SRPEDD 2,291

	2,291
LONG TERM INTEREST	
SCHOOL BOND	103,050
LANDFILL BOND	15,400
AGRICULTURAL OPEN SPACE	<u>5,259</u>
	123,709
SHORT TERM INTEREST	<u>15,000</u>
	15,000
DEBT RETIREMENT	
SCHOOL BOND	300,000
LANDFILL BOND	200,000
AGRICULTURAL OPEN SPACE	<u>130,000</u>
	630,000
TOTAL BUDGETS	23,905,351

Voted: (Unanimously) all line items except the Reserve Fund for a total of \$23,805,351.

Free Cash	9,400
Taxation	23,485,951
Retirement Interest	200,000

Perpetual Care	90,000
Wetlands	<u>20,000</u>
	23,805,351

ARTICLE 5

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

Salaries	\$98,655
Expenses	25,000
Capital Outlay	<u>29,000</u>
Total	\$152,655

And that \$152,655.00 be raised as follows:

User Charges	\$98,655
Dredge Surcharge	25,000
Waterways	<u>29,000</u>
Total	\$152,655

BOARD OF SELECTMEN/HARBORMASTER/WHARFINGER

Voted: (Unanimously) to amend Article 5 as follows:

Salaries	\$ 44,387
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Expenses	29,351
Capital Outlay	<u>89,000</u>
Total	\$162,738

And that \$162,738.00 be raised as follows:

User Charges	\$108,738
Dredge Surcharge	25,000
Waterways	<u>29,000</u>
Total	\$162,738

Voted: (Unanimously) \$133,738.00 from Harbor Enterprise and \$29,000 from Waterways.

A motion to lay Article 5 on the Table was lost.

Voted: (Unanimously) Article 5 as amended.

ARTICLE 6

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

Expenses \$50,000.00

Total **\$50,000.00**

And that \$50,000.00 be raised as follows: Department Receipts \$50,000.00

BOARD OF SELECTMEN

Voted: (Unanimously) \$50,000. from Water Enterprise.

ARTICLE 10

To see if the Town will vote to raise and appropriate the sum of \$533,700 for the purposes of funding capital items listed below as recommended by the Capital Improvement Planning Committee for the Fiscal Year beginning July 1, 2004, contingent on the passage of a capital exclusion Proposition 2 ½ ballot question.

<u>DEPARTMENT N.COM.</u>	<u>ITEM(S)</u>	<u>FI</u>
Police	3 Cruisers/Unmarked Cars	\$100,000
Fire	Replacement of 1974 Tanker Truck	275,000
School	Smoke/Heat Alarm System	73,700
School	Refrigerator/Freezer – Elementary School	45,000
Highway	Dump Truck	<u>40,000</u>
		\$ 533,700

CAPITAL IMPROVEMENT PLANNING COMMITTEE

A motion to amend Article 10 by removing the cruisers and fund them through articles 13, 27 and 33 was ruled out of order by Town Counsel. The amendment would exceed the scope of the article.

Voted: Carried.

ARTICLE 13

To see if the Town will vote to raise and appropriate and or transfer from available funds a sum of money not to exceed \$12,000 for the purpose of conducting a municipal management study of the Town of Westport together with recommendations pursuant to the management structure and functional responsibilities of existing town departments, and/or take any other action relative thereto.

BOARD OF SELECTMEN

Voted: to amend Article 13 by deleting "and or transfer from available funds" and insert after \$12,000., "contingent upon the passage of a Proposition 2 1/2 override". Defeated.

Voted: \$12,000. from Taxation. Carried.

Voted: to adjourn the Annual Town Meeting at 10:08 p.m. until tomorrow at 7:30 p.m.

There were 438 registered voters and 11 guests and visitors in attendance.

A true record,

Attest:

Marlene M. Samson

Town Clerk

June 9, 2004

The adjourned Annual Town Meeting was called to order at 7:32 p.m. by Moderator

Steven Fors who appointed Representative Michael Rodrigues, Ben Prentice and Colin Boyle

to act as tellers for the meeting and they were duly sworn by the Town Clerk. Beverly Kut

acted as timekeeper for the meeting.

A moment of silence was held due to the passing of former President Ronald Reagan.

ARTICLE 14

To see if the Town will vote to authorize the Board of Selectmen to petition the General Court for a special act providing that legislation be adopted, in the form as on file with the Town Clerk, for the purpose of establishing a program whereby the Town would provide exemptions from the property taxes in exchange for complying deed restrictions ensuring that future sales of the subject homes would be restricted to prices deemed affordable to households of low and moderate income and authorizing the Board of Selectmen to adopt regulations to implement the program; provided, however, that the General Court may make clerical or editorial changes of form only to the bill, unless the Board of Selectmen approve amendments to bill before enactment by the General Court; and provided further that the Board of Selectmen is hereby authorized to approve amendments which shall be within the scope of the general public objectives of this petition, or take any other action relative thereto.

BOARD OF SELECTMEN

Voted: Carried.

ARTICLE 15

To see if the Town will vote to amend the Westport Zoning By-Law, to add Article 11 Assisted and Independent Living Facilities By-Law as a use allowed by Special Permit of the Planning Board as follows:

11.0 ASSISTED AND INDEPENDENT LIVING FACILITIES

11.1. Purpose. The purpose of this Assisted and Independent Living Facility By-law is to provide a mechanism for the approval of:

11.1.1 assisted living facilities (ALFs) within a residential environment that offers supportive services to individuals who are unable to live independently in the community by offering supervision and/or assistance with basic activities of daily life, such as, but not limited to, dressing, bathing, toileting, and nutrition; and

11.1.2 independent living facilities (ILFs) that offer congregate living arrangements to persons over the age of fifty-five;

11.1.3 the development of ALFs and ILFs in a manner that conserves environmental features, woodlands, wet areas, open space, areas of scenic beauty, views and vistas as well as encouraging the renovation and rehabilitation of older, existing buildings; and

11.1.4 the development of ALFs and ILFs in a manner that is harmonious with the surrounding land uses while protecting natural resources and open space.

11.2. Definitions. Within this Section, the following terms shall have the following meanings:

Bedroom: A separate room intended for, or which customarily could be used for sleeping.

Dwelling unit: A residence, including studio units. Each residence shall contain a living area, bathroom and, except in studio units, one or more bedrooms, and may contain a kitchen area or combination kitchen/living area.

Land: Land, including areas covered by water.

Subdivision Regulations: The rules and regulations of the Planning Board relative to subdivisions.

Wetlands: Lands subject to the provisions of M.G.L. c. 131, ss.40 and 40A

11.3. Use Restrictions. An ALF and/or an ILF may be constructed, subject to the requirements set forth herein, upon the issuance of a special permit by the Planning Board.

11.3.1 Area, setback, height, frontage, and density requirements for ALF's and ILF's are set forth in Section 7.2.1.

11.3.2 No other use or structures shall be permitted, except as specifically provided herein.

11.3.3 An ALF or an ILF may consist of a single building or multiple buildings.

11.3.4 Structures and uses accessory to the ALF or ILF may also be provided within the same building, including, but not limited to, the following: beauty and barber salons; recreational, physical fitness and therapy services; nondenominational chapel; library; bank automated teller machine; management offices; adult day care or adult health care facility; hospice

residence; food service; laundry and covered parking areas; provided, however, that such accessory uses and structures shall be designed for the primary use of the residents and staff of the ALF or ILF. Such accessory uses may not be designed for or used as a general business by the general public. Such accessory uses shall be wholly within a structure containing residential units, and shall have no exterior advertising display.

11.3.5 The facility shall be served by municipal water and/or sewer systems unless the applicant can provide on-site water supply and sewage treatment.

11.4 An application for special permit shall be on forms furnished by the Planning Board and accompanied by a special permit-filing fee determined by the Planning Board. 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. Unless so waived, an application for a special permit shall consist of the following:

11.4.1 The following plans:

11.4.1.1 a plan at a scale of 1" = 40' , or other scale acceptable to the Planning Board, showing existing conditions, including: the topography of the site at a minimum of two foot intervals; vegetation and unique features, including wetlands, perennial streams and ponds, trees of more than 8" caliper, stonewalls, and rock outcroppings; slopes in excess of 15%; existing trails, paths and ways; open vistas; structures of historical importance; wildlife habitats, and existing easements and restricted areas;

11.4.1.2 a plan depicting the horizontal layout of the site, including types, location and layout of buildings, parking areas, vehicular and pedestrian circulation, stormwater facilities, lighting, signage, trash disposal areas, loading areas, etc.

11.4.1.3 elevation drawings of buildings and other major structures;

11.4.1.4 a grading plan depicting stormwater management provisions;

11.4.1.5 a landscape plan with planting schedule showing types, number and characteristics of proposed plantings;

11.4.1.6 detail drawings of drainage structures, signage, lighting, tree plantings, and other site features, as necessary.

11.4.1.7 Perspective drawings or 3-D models may be subsequently required by the Planning Board;

11.4.1.8 The Planning Board may describe the required content of the above plans in greater detail in regulations promulgated under this by-law.

11.4.2 The following narrative reports or data:

11.4.2.1 a proposed development schedule showing the beginning of construction, the rate of construction and development, including stages, if applicable, and the estimated date of completion;

11.4.2.2 a development impact statement prepared by qualified professionals, detailing the impact of the development on the Town's capacity to furnish services including, but not limited to, roads, police, fire, emergency services , water and sewage treatment;

11.4.2.3 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;

11.4.2.4 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;

11.4.2.5 a stormwater management plan complying with all local, state, and federal requirements, including drainage calculations, erosion and sedimentation control provisions during and after construction, and on-going maintenance plan.

11.4.2.6 any and all other information that the Planning Board may reasonably require in an acceptable form to assist in determining whether the Applicant's proposed development plan meets the objectives of this Section.

11.4.2.7 The Planning Board may describe the required content of the above plans in greater detail in regulations promulgated under this by-law.

11.4.3 Each such application shall be accompanied, if applicable, by a definitive plan of land pursuant to the provisions of Massachusetts General Law Chapter 41, sections 81-0 and 81-T, as the same may be from time to time amended and the Subdivision Regulations as well as a filing fee determined in accordance with the Subdivision Regulations. Approval of a special permit under this section shall not substitute for compliance with Subdivision Control Law, G. L. c. 41, ss81k et seq. A definitive subdivision plan submitted in connection with an approved special permit for an ALF or ILF shall substantially conform with plans upon which the special permit approval was based.

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

11.5.1 AFFORDABILITY: At least fifteen percent (15%) of the total number of dwelling units in an Independent Living Facility (ILF) which proposes more than ten units shall

meet the definition of Affordable Units as defined in Article 1, Section 1.1 of the Westport Zoning By-Law. These affordable units shall be marketed and administered through the Westport Housing Authority with resale restrictions to assure continued affordability. Dwelling units reserved for occupancy by persons or families of low to moderate income, or for occupancy by a single individual, shall not be segregated from market rate or larger dwelling units in the development.

11.5.2 Open Space Requirement for ALFs and ILFs :

In the Residence/Agriculture districts a minimum of fifty (50) percent of the parcel shown on the Development Plan shall be contiguous open space. In the Business districts a minimum of thirty (30) percent of the parcel shown on the Development Plan shall be contiguous open space. Such open space may be separated by road(s) constructed within the development. Said contiguous open space shall have at any point the minimum width of 125 ft.

The required open space shall be used for conservation, historic preservation and education, outdoor education, park purposes, existing agriculture, existing horticulture, forestry, or for a combination of these uses, and shall be served by suitable access for such purposes.

The required open space shall remain unbuilt upon, provided that five percent (5%) of such open space may be paved or built upon for structures accessory to the dedicated use or uses of such open space, community center, pedestrian walks, bike paths, and existing agriculture.

The required open space shall be conveyed in conformance to the requirements provided in the Subdivision Regulations.

Any proposed open space, unless conveyed to the Town or its Conservation Commission, shall be subject to a recorded restriction enforceable by the Town, providing that such land shall be perpetually kept in an open state, that it shall be preserved for exclusively existing agricultural, horticultural, educational or recreational purposes, and that it shall be maintained in a manner which will ensure its suitability for its intended purposes.

11.5.3 Buffer Areas and Building Setbacks.

All dwellings and structures shall be located a minimum of sixty (60) feet from adjacent properties, and eighty (80) feet from adjacent surface waters or wetlands. All buildings shall be set back a minimum of 100 feet from the street except that, in the Business District this setback requirement may be modified at the discretion of the Planning Board. Buffer areas shall be retained in their natural vegetative state to the maximum extent feasible, where the 60 foot buffer of natural vegetation is not adequate (in the Planning Board's opinion) to screen the development from adjacent properties the Board may require additional plantings, earthen berms and/or fencing.

The Planning Board may waive the buffer requirement (i) where the land abutting the site is the subject of a permanent restriction for conservation or recreation so long as a buffer is established of at least fifty (50') feet in depth which may include such restricted land area within such buffer area calculation; or (ii) where the land abutting the site is held by the Town for conservation or recreation purposes; or (iii) the site is a mixed-use area or a downtown area where providing a buffer is infeasible or is inconsistent with the Town's planning goals for the area; or (iv) the Planning Board determines that a smaller buffer will suffice to accomplish the objectives set forth herein.

11.5.4 Removal and Replacement of Vegetation: Within the site, no clear cutting shall be permitted, except incidental to construction of buildings, roads, trails and parking areas.

11.5.5 Roadways: The principal roadway(s) serving the site shall be designed to conform with the standards of the Subdivision Regulations as they apply to Residential Streets, or the roadways may be designed to comply with the Town's Secondary Road construction standards, but must be paved with asphalt. Gravel paving or any other non-asphaltic material may not be used as a finished pavement.

11.5.6 Parking: Notwithstanding any other provisions in this By-law to the contrary, the applicant shall provide adequate parking to serve all anticipated uses on the property, and shall provide information detailing the method of computation of parking spaces. The minimum number of parking spaces provided on the site shall be 0.3 parking space per dwelling unit in an ALF and 1.0 parking space per dwelling unit in an ILF. For both ALFs and ILFs one (1) additional parking space shall be provided for every three (3) employees during the largest shift. The Planning Board may increase the required parking by up to 10% to serve the needs of employees, visitors and service vehicles. All parking areas shall be screened from view from adjacent residentially zoned or occupied premises located outside the site, including public ways, by a landscaped border at least ten (10) feet in width. Parking lots in front setbacks in residential zones, and in buffer areas in all zones, with the exception of necessary access driveways, are prohibited. Parking areas in residential districts shall be located to the side or rear of all buildings. Parking lot layout shall be planned to permit landscaping, buffering, or screening to prevent direct views of parked vehicles from adjacent streets. The use of traditional picket fencing, hedges, walls, or landscape berms to define parking areas is encouraged. In parking areas of eleven or more parking stalls, at least one tree of three inch or greater caliper shall be planted for every six parking places. Adequate tree wells and irrigation shall be provided for all parking lot landscaping. Pedestrian access is to be taken into consideration in parking lot design. The use of separate walkways is encouraged.

11.5.7 Loading: Loading areas, if required, must be at least 20 X 9 feet, and have a minimum overhead clearance of 10 feet. Screening and landscaping shall be provided to block all views of loading areas (except those specifically designated for emergency vehicles) from the public right-of-way and adjacent properties.

11.5.8 Stormwater Management: Drainage provisions shall be provided to ensure compliance with all local, state and federal requirements regarding stormwater

management and shall be subject to review by the Planning Board's engineering consultant at the expense of the applicant. Drainage shall be designed so that the rate of run-off shall not be increased, groundwater recharge is maximized, surface and ground water quality is maintained or improved, and neighboring properties will not be adversely affected. The Board may require that existing drainage problems on/or adjacent to the site be mitigated as a condition of approval of the special permit under this section. Drainage facilities are not allowed in the required open space areas.

11.5.9 Utilities: All electric, gas, telephone, water distribution lines, and other utilities shall be placed underground except upon a demonstration of exceptional circumstances.

11.5.10 Paths: Paths for the use of residents shall be attractively designed with proper regard for convenience, separation of vehicular, bicycle and pedestrian traffic, adequate connectivity, completeness of access to the various amenities and facilities on the site and to pathways on adjacent sites.

11.5.11 Paving and Curbing: Curbing is to be sloped or cut to provide a barrier free transition at road crossings and building entrances. Paving should be textured or of different materials at pedestrian crossings and walkways. The use of stone, brick or cultured stone pavers for entrance walkway borders is encouraged. The use of textured materials for walkway borders is encouraged.

11.5.12 Design and Architectural Character: Architectural style shall be in harmony with the historical design elements that are contextually consistent with regional New England architecture.

11.5.13 The ALF or ILF shall have an integrated emergency call, telephone and other communications system to provide monitoring for its residents. There shall be sufficient site access for public safety vehicles. A plan shall be approved by the Fire Department for the emergency evacuation of the residents with emphasis on ensuring the safety of residents with physical impairments.

11.5.14 No building/structure shall be floodlit. Drives, walkways, entryways, and parking areas shall not be illuminated by lights higher than fifteen (15) feet, which shall be shielded to have a total cutoff of all light at less than ninety (90) degrees and a beam cutoff less than seventy-five (75) degrees. The total cutoff of all light shall occur within the property lines of the parcel to be developed.

11.6. Incentives for Conversion of Structures: It is the intent of this subsection to encourage the appropriate reuse of land and buildings that are no longer needed or suitable for their original use. Such building conversions shall:

11.6.1 be compatible with the character of the neighborhood; and

11.6.2 minimize removal or disruption of historic existing building features or architectural elements, whether these exist on the site or on adjacent properties.

11.6.3 Notwithstanding other sections of this bylaw, the buffer requirements, minimum open space requirements, and building height requirements for the ALF or ILF shall be those physically existing on the ground as of the date of enactment of this bylaw.

11.6.4 The Planning Board may permit expansion of the structure to the degree reasonably necessary to construct entryways and features to comply with A.D.A. requirements and fire escape and fire protection features.

11.7. Action by the Planning Board.

The Planning Board may approve, approve with conditions, or deny an application for an ALF or an application for an ILF, after assessing whether the proposed development complies with the requirements of this by-law and serves the purpose of the by-law as expressed in section 11.1.

11.8. Relation to Other Requirements: The submittals and permits of this section shall be in addition to any other requirements of the Subdivision Control Law or any other provisions of this Zoning By-Law.

11.9 Severability: A determination that any portion or provision of this Assisted and Independent Living Facilities By-Law is invalid shall not invalidate any other portion or provision thereof.

And/or take any other action relative thereto.

PLANNING BOARD

The following changes and additions were made to the main motion of Article 15.

Add a new Subsection 11.4.3. to read:

11.4.3 Each such application shall be accompanied, if applicable, by a definitive plan of land pursuant to the provisions of Massachusetts General Law Chapter 41, sections 81-O and 81-T, as the same may be from time to time amended and the Subdivision Regulations as well as a filing fee determined in accordance with the Subdivision Regulations. Approval of a special permit under this section shall not substitute for compliance with Subdivision Control Law, G.L. c. 41, ss 81K et seq. A definitive subdivision plan submitted in connection with an approved special permit for an ALF or ILF shall substantially conform with plans upon which the special permit approval was based.

Add a new Subsection 11.5.15 to read:

11.5.15 In order to be eligible for consideration for a Special Permit pursuant to this section, the AFLF or ILF shall comply with all Federal and State access requirements.

Change Subsection 11.5.5 to read:

11.5.5 Roadways: The principal roadway(s) serving the site shall be designed to conform with the standards of the Subdivision Regulations as they apply

to Residential Streets, or the roadways may be designed to comply with the Town's Secondary Road construction standards, but must be paved with asphalt. Gravel paving or any other non-asphaltic material may not be used as a finished pavement.

Change Subsection 11.6.4 by replacing the phrase "A.D.A. requirements" with the phrase

"Federal and state access requirements"

Voted: Article 15 with the new main motion, Carried. Yes: 254 No: 49

Voted: (Unanimously) to advance Article 28 at this time.

ARTICLE 28

To see if the Town will vote to raise and appropriate a sum of money for cost of engineering services for plans and specifications for the development of a water system and a sewer system for the Town, including the preparation of required environmental impact reports, required permitting, and facilities required to connect such systems to the water and sewer systems of the City of Fall River or any other municipality; to determine whether this appropriation shall be raised by borrowing from the Massachusetts Water Pollution Abatement Trust or otherwise; to determine whether any such borrowing shall be made contingent upon a Proposition 2 ½ exemption vote; and to take any other action relative thereto.

WATER AND SEWER COMMITTEE/BOARD OF SELECTMEN

The main motion of Article 28 was changed to read as follows:

ARTICLE 28

To see if the Town will vote to appropriate a sum of money for the cost of engineering services

for plans and specifications for the development of **Phase 1**, of a water system and a sewer

system for the Town, including the preparation of required environmental impact reports,

required permitting, and facilities required to connect such systems to be water and sewer system

of the City of Fall River or any other municipality; to determine whether this appropriation shall

be raised by borrowing from the Massachusetts Water Pollution Abatement Trust or otherwise;

and to take any other action relative thereto.

Voted: (Unanimously) to adjourn the Annual Town Meeting at 10:00 p.m. until tomorrow night at 7:30 p.m. and to continue the debate on article 28 at that time.

There were 350 registered voters and 13 guests and visitors in attendance.

A true record,

Attest:

Marlene M. Samson

Town Clerk

June 10, 2004

The adjourned Annual Town Meeting was called to order at 7:35 p.m. by
Moderator

Steven Fors who appointed Representative Michael Rodrigues, Ben Prentice and Craig
Souza

to act as tellers and they were duly sworn by the Town Clerk. Beverly Kut acted as
timekeeper

for the meeting.

The Moderator introduced Boy Scouts from Troop 63 who were in attendance.

ARTICLE 28

(continued from last night)

The main motion of Article 28 was changed to read as follows:

That \$2,300,000 is appropriated for the purpose of financing the cost of engineering
services

for plans and specifications for the development of Phase 1, of a water system and a
sewer

system for the Town, including the preparation of required environmental impact
reports,

required permitting, and facilities required to connect such systems to the water and

sewer systems of the City of Fall River or any other municipality, and including without

limitation all costs thereof as defined in Section 1 of Chapter 29C of the General Laws;

that to meet this appropriation the Treasurer with the approval of the Board of Selectmen

is authorized to borrow \$2,300,000 and issue bonds or notes therefore under Chapter 44

of the General Laws and/or Chapter 29C of the General Laws; that the Treasurer with the

approval of the Board of Selectmen is authorized to borrow all or a portion of such amount

from the Massachusetts Water Pollution Abatement Trust established pursuant to Chapter

29C and in connection therewith to enter into a loan agreement and/or security agreement

with the Trust and otherwise to contract with the Trust and the Department of Environmental

Protection with respect to such loan and for any federal or state aid available for the project

or for the financing thereof; and that the Board of Selectmen is authorized to enter into a

project regulatory agreement with the Department of Environmental Protection, to expend

all funds available for the project and to take any other action necessary to carry out the project.

Voted: to amend Article 28 by deleting "**of Phase 1**" and by adding at the end, "provided,

however, that this vote shall not take effect until the Town votes to exempt from the limitation

on total taxes imposed by G.L. c. 59, §21C (Proposition 2 1/2) amounts required to pay the

principal of and interest on the borrowing authorized by this vote." Lost. Yes: 161 No: 165

Voted: the main motion of Article 28 was lost. Yes: 201 No: 112 (2/3 vote needed)

Voted: to adjourn the Annual Town Meeting until next Tuesday at 7:30 p.m. Carried.

There were 354 registered voters and 17 guests and visitors in attendance.

A true record,

Attest:

Marlene M. Samson

Town Clerk

June 15, 2004

The adjourned Annual Town Meeting was called to order at 7:35 p.m. by
Moderator

Steven Fors who appointed Gerald Souza, Betty Slade and Angie Lombardi as Tellers and

they were duly sworn by the Town Clerk. Beverly Kut acted as timekeeper for the meeting.

ARTICLE 16

To see if the Town will vote to amend the Westport Zoning By-Law, to add Article 12 Townhouse Development By-Law as a use allowed by Special Permit of the Planning Board as follows:

12.0 TOWNHOUSE DEVELOPMENT

12.1 Purpose

The purpose of this Townhouse Development By-law is to provide for townhouse development in a campus style or infill setting, and to promote the development of varied housing opportunities including housing affordable to low and moderate income families and provide accompanying conveniences, recreational areas and community center facilities, to encourage the preservation of open land for its scenic beauty particularly frontage along public ways, ponds, rivers, wetlands and to enhance open space, forestry, and recreational use; to preserve existing agricultural, historical and archeological resources; to protect the natural environment; to protect the value of real property; to promote more sensitive siting of buildings and better overall site planning; to perpetuate the appearance of Westport's traditional New England landscape; and to facilitate the construction and maintenance of streets, utilities, and public services in a more economical and efficient manner.

12.2. Definitions. Within this section the following terms shall have these definitions:

Townhouse: a freestanding building, exclusively for residential use, containing more than 2 dwelling units, each of which has its own front and rear ground floor access to the outside, and each is which is separated from adjacent units by a fire-resistant party wall.

Dwelling unit: - One (1) or more living and sleeping rooms providing complete living facilities for the use of one (1) or more individuals constituting a single housekeeping unit,

with permanent provisions for living, sleeping, eating, cooking and sanitation.

Bedroom: A separate room intended for, or which customarily could be used for sleeping.

Land: Land including areas covered by water.

Subdivision Regulations: The rules and regulations of the Westport Planning Board relative to subdivisions.

Wetlands: Lands subject to the provisions of M.G.L. c. 131, ss.40 and 40A.

12.3. Use Restrictions. Townhouse Developments may be constructed, subject to the requirements set forth herein, upon the issuance of a special permit by the Planning Board.

12.3.1 Notwithstanding any other provision in this By-law to the contrary, the number of dwelling units shall be established by having a Net Useable Land Area (NULA) site plan for the overall property submitted to the Planning Board. The NULA acreage is established by subtracting all water bodies, wetlands, marshes, bogs and land within a eighty (80) foot wetland buffer area to these regulated lands. The remaining upland area is the NULA for the purposes of establishing the number of dwelling units allowed in a townhouse development. In the residence/agricultural district, the total number of proposed dwelling units within the development shall not exceed two (2) units per NULA acre. In the Business districts, the total number of proposed dwelling units within the development shall not exceed

three (3) units per NULA acre. For projects proposing more than 10 dwelling units with more than 50% of these being rental units, the Planning Board may grant a density bonus of 0.5 additional units per NULA acre. At least 50% of the bonus units must be maintained as affordable units as defined in Article 1, Sec. 1.1.

12.3.2 No individual structure within a Townhouse Development shall contain more than four (4) dwelling units.

12.3.3 At least fifteen percent (15%) of the total number of dwelling units in a Townhouse Development which proposes more than ten units shall meet the definition of Affordable Units as defined in Article 1, Section 1.1 of the Westport Zoning By-Law. These affordable units shall be marketed and administered through the Westport Housing Authority with resale restrictions to assure continued affordability. Dwelling units reserved for occupancy by persons or families of low to moderate income, or for occupancy by a single individual, shall not be segregated from market rate or larger dwelling units in the Townhouse Development.

12.3.4 Dwelling units shall be varied as to the number of bedrooms. The maximum number of bedrooms allowed in a dwelling unit shall be three (3). No more than twenty percent (20%) of the total number of dwelling units shall have 3 bedrooms.

12.3.5 Maximum building height shall not exceed 40 feet.

12.3.6 The facility shall be served by municipal water and/or sewer systems, unless the applicant can provide on-site public water supply and sewage treatment.

12.4. Application. An application for special permit shall be on forms furnished by the Planning Board and accompanied by a special permit filing fee determined by the Planning Board. 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. Unless so waived, an application for a special permit shall consist of the following:

12.4.1. The following plans:

12.4.1.1. a plan at a scale of 1"=40', or other scale acceptable to the Planning Board, showing existing conditions, including: the topography of the site at a minimum of two foot intervals, vegetation and unique features, including wetlands, perennial streams and ponds, trees of more than 8" caliper, stonewalls and rock outcroppings; slopes in excess of 15%; existing trails, paths, and ways; open vistas, structures of historical importance; wildlife habitats, and existing easements and restricted areas;

12.4.2.2. a plan depicting the horizontal layout of the site, including types, location and layout of buildings, parking areas, vehicular and pedestrian circulation, stormwater facilities, lighting, signage, trash disposal areas, loading areas, etc.

12.4.1.3. elevation drawings of buildings and other major structures;

12.4.1.4. a grading plan depicting stormwater management provisions;

12.4.1.5. a landscape plan with planting schedule showing types, number and characteristics of proposed plantings;

12.4.1.6. detail drawings of drainage structures, signage, lighting, tree plantings, and other site features, as necessary.

12.4.1.7. Perspective drawings or 3-D models may be subsequently required by the Planning Board;

12.4.1.8. The Planning Board may describe the required content of the above plans in greater detail in regulations promulgated under this by-law.

12.4.2. The following narrative reports or data:

12.4.2.1. a proposed development schedule showing the beginning of construction, the rate of construction and development, including stages, if applicable, and the estimated date of completion;

12.4.2.2. a development impact statement prepared by qualified professionals, detailing the impact of the development on the Town's capacity to furnish services including, but not limited to, roads, police, fire, emergency services, and water and sewer.

12.4.2.3. 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;

12.4.2.4. 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;

12.4.2.5. a stormwater management plan complying with all local, state, and federal requirements, including drainage calculations, erosion and sedimentation control provisions during and after construction, and on-going maintenance plan.

12.4.2.6. any and all other information that the Planning Board may reasonably require in an acceptable form to assist in determining whether the Applicant's proposed development plan meets the objectives of this Section.

12.4.2.7. The Planning Board may describe the required content of the above plans in greater detail in regulations promulgated under this by-law.

12.4.3 Each such application shall be accompanied, if applicable, by a definitive plan of land pursuant to the provisions of Massachusetts General Law Chapter 41, sections 81-0 and 81-T, as the same may be from time to time amended and the Subdivision Regulations as well as a filing fee determined in accordance with the Subdivision Regulations. Approval of a special permit under this section shall not substitute for compliance with Subdivision Control Law, G. L. c. 41, ss81k et seq. A definitive subdivision plan submitted in connection with an approved special permit for a Townhouse development shall substantially conform with all plans upon which the special permit approval was based.

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

12.5.1. Open Space Requirements:

In the Residential/Agricultural districts a minimum of fifty (50) percent of the parcel shown on the Development Plan shall be contiguous open space.

In the Business districts a minimum of thirty (30) percent of the parcel shown on the Development Plan shall be contiguous open space. Such open space may be separated by road(s) constructed within the Townhouse Development. Said contiguous open space shall have at any point the minimum width of 125 ft.

The required open space shall be used for conservation, historic preservation and education, outdoor education, park purposes, existing agriculture, existing horticulture, forestry, or for a combination of these uses, and shall be served by suitable access for such purposes.

The required open space shall remain unbuilt upon, provided that five percent (5%) of such open space may be paved or built upon for structures accessory to the dedicated use or uses of such open space, community center, pedestrian walks, bike paths, and existing agriculture.

The required open space shall be conveyed in conformance to the requirements provided in the Subdivision Regulations.

Any proposed open space, unless conveyed to the Town or its Conservation Commission, shall be subject to a recorded restriction enforceable by the Town, providing that such land shall be perpetually kept in an open state, that it shall be preserved for exclusively existing agricultural, horticultural, educational or recreational purposes, and that it shall be maintained in a manner which will ensure its suitability for its intended purposes.

12.5.2. Buffer Areas and Building Setbacks:

All dwellings and structures shall be located a minimum of sixty (60) feet from adjacent properties, and eighty (80) feet from adjacent surface waters or wetlands. All buildings shall be set back a minimum of 100 feet from the street except that, in the Business District this setback requirement may be modified at the discretion of the Planning Board. Buffer areas shall be retained in their natural vegetative state to the maximum extent feasible, where the 60 foot buffer of natural vegetation is not adequate (in the Planning Board's opinion) to screen the development from adjacent properties the Board may require additional plantings, earthen berms and/or fencing.

12.5.3. Building Envelope: All site plans shall locate a building envelope radius of forty (40) feet from the outside edge of a townhouse building. Building envelopes shall be clearly shown on all sheets of the development plans. Contiguous open space, ways, lanes and collectors may not be located within the building envelope. Parking, sidewalks, individual unit gardens/lawns etc. may be developed within the building envelope. Building envelopes of adjacent buildings may overlap.

12.5.4. Removal and Replacement of Vegetation: Within the site, no clear cutting shall be permitted, except incidental to construction of buildings, roads, trails and parking areas.

12.5.5. Design and Architectural Character:

12.5.6. Architectural style shall be in harmony with the historical design elements that are contextually consistent with regional New England architecture.

12.5.7. Parking: Notwithstanding any other provisions in this By-law to the contrary, the development shall provide two (2) spaces per each unit, plus one (1) additional visitor parking space for every five (5) units, plus one (1) additional parking space for every two hundred (200) square feet of non-residential building area. In cases where the units are provided with a garage and two spaces for each unit on a driveway, the visitor spaces shall not be required. Parking areas shall be screened from public ways and adjacent or abutting properties by building location, fencing and/or dense plantings. Parking areas, including maneuvering space for parking and loading areas, shall not be located within the required buffer areas. No parking shall be allowed on interior roadways.

12.5.8. Roadways: The principal roadway(s) serving the site shall be designed to conform with the standards of the Subdivision Regulations as they apply to Residential Streets. Roadways intended to remain private shall be maintained by an association of unit owners or by the Applicant.

12.5.9. Stormwater Management: Drainage provisions shall be provided to ensure compliance with all local, state and federal requirements regarding stormwater management and shall be subject to review by the Planning Board's engineering consultant at the expense of the applicant. Drainage shall be designed so that the rate of run-off shall not be increased, groundwater recharge is maximized, surface and ground water quality is maintained or improved, and neighboring properties will not be adversely affected. The Board may require that existing drainage problems on/or adjacent to the site be mitigated as a condition of approval of the special permit under this section. Drainage facilities are not allowed in the required open space areas.

12.5.10. Walkways.

Connecting tree-lined walkways shall be provided between structures, parking areas and abutting public ways. One shade trees of 2 1/2" caliper shall be planted for every forty (40) feet of walkway, as even intervals or as specified by the Planning Board. The Planning Board shall approve the tree species proposed by the applicant for suitability.

12.5.11. Services.

Exposed storage areas, machinery, service areas, truck loading areas, adequate solid waste disposal facilities, utility buildings and structures and other unsightly uses shall be visually screened both internally, and from neighboring properties. Electric, telephone, cable TV, and other such utilities shall be underground.

12.5.12. No building/structure shall be floodlit. Drives, walkways, entryways, and parking areas shall not be illuminated by lights higher than fifteen (15) feet, which shall be shielded to have a total cutoff of all light at less than ninety (90) degrees and a beam cutoff less than seventy-five (75) degrees. The total cutoff of all light shall occur within the property lines of the parcel to be developed.

12.6. Action by the Planning Board:

The Planning Board may approve, approve with conditions, or deny an application for a Townhouse Development, after assessing whether the proposed development complies with the requirements of this by-law and serves the purpose of the by-law as expressed in section 12.1.

12.7. Relation to Other Requirements.

The submittals and permits of this section shall be in addition to those of any other Federal, state, or local statute, by-law or regulation.

12.8 Severability

A determination that any portion or provision of this Townhouse Development By-Law is invalid shall not invalidate any other portion or provision thereof.

and/or take any other action relative thereto.

PLANNING BOARD

Voted: (Unanimously) to pass over Article 16.

At 7:55 p.m. the Moderator called for a five minute recess in order to listen to the

tape recorded votes taken at the June 10, 2004 Annual Town Meeting concerning Article 28

and the motions to adjourn and reconsider the Article.

The Moderator, after listening to the tape, determined that the motion to adjourn had been accepted before the motion to reconsider Article 28, therefore, the motion to reconsider was out of order and Article 28 can not be brought back during this Annual Town Meeting.

ARTICLE 17

To see if the Town will vote to amend the Westport Zoning By-Law, Article 1, Section 1.1 Definitions to insert in the appropriate order:

Affordable Units: Residential Units for which the rent (including utilities) shall not exceed 30% of the income of the renting eligible household; or, for which the annual debt service on a mortgage plus taxes, insurance, and condominium fees (assuming a 10% down payment) shall not exceed 30% of the income of the purchasing eligible household. Sales prices, rents, and rent increases shall be restricted to ensure long-term affordability to eligible households, to the extent legally possible.

Applicant: The person or persons, including a corporation or other legal entity, applying for a special permit hereunder. The Applicant must own, or be the beneficial owner of, all the land included in the proposed site, or have authority from the owner(s) to act for him/her/it/them or hold an option or contract duly executed by the owner(s) and the Applicant giving the latter the right to acquire the land to be included in the site.

Assisted Living Facility (ALF): A facility as defined in 651 CMR 12.02.

Eligible Household A household whose total income does not exceed 80% of the Median Income of households in the Providence-Warwick-Fall River Standard Metropolitan Statistical Area, adjusted for household size.

Independent Living Facility (ILF): A facility reserved by deed for occupancy by persons over the age of fifty-five who are able to care for themselves, but with some common facilities as described in Article 11, Section 11.3.

Median Income: The income set forth in or calculated based on U.S. Department of Housing and Urban Development regulations, as amended, and/or take any other action relative thereto.

PLANNING BOARD

Voted: to amend Article 17 by deleting the paragraph titled "Affordable Units" and inserting the following:

Affordable Units: As defined by Massachusetts General Laws, Chapter 40B and enabling regulations as from time to time amended.

Carried.

Voted: to accept Article 17 as amended. (NOTE: see vote after Article 18)

ARTICLE 18

To see if the Town will vote to amend Article 7 Intensity Regulations of the Westport Zoning By-Law, to add Section 7.2.1 Assisted and Independent Living Facilities as follows:

7.2.1 Notwithstanding any contrary provisions in the foregoing requirements of Sections 7.1 and 7.2, or in the requirements of Section 7.6, the following dimensional and density requirements shall be applicable to Assisted Living Facilities and Independent Living Facilities authorized under Article 11 of this By-law.

	Residence/Agricultural	Business
Minimum land area per unit*	5,500 sq. ft.	5,500 sq. ft.
Minimum front setback	100 ft.	100 ft.
Minimum side and back yard setback/buffer	60 ft.	60 ft.
Minimum setback from surface water or wetlands	80 ft.	80 ft.
Minimum open space	50%	30%
Maximum height	40 ft.	40 ft.
Minimum frontage	200 ft.	200 ft.

* Exclusive of wetland resource areas, water bodies, and required open space.

For projects proposing more than 10 dwelling units, either assisted or independent living units, with more than 50% of these being rental units, the Planning Board may increase the total number of units allowed by 10%. At least 50% of the bonus units must be maintained as affordable units, and/or take any other action relative thereto.

PLANNING BOARD

Voted: Yes: 217 No: 40. Carried.

Voted: to reconsider Article 17 in order to record the 2/3 's required vote.

ARTICLE 17.

Voted: The Moderator declared Article 17 carried by a 2/3 vote.

ARTICLE 19

To see if the Town will vote to amend Article 2 Administration of the Westport Zoning By-Law, to add Section 2.6 Special Permits - Planning Board as follows:

The Planning Board is hereby designated as the Special Permit Granting Authority (SPGA) for Assisted and Independent Living Facilities (Article 11.0) and Townhouse Developments (Article 12.0). The Planning Board shall act on all special permit applications as provided by the Rules and Regulations of the Planning Board as Special Permit Granting Authority to be adopted hereunder.

PLANNING BOARD

The main motion of Article 19 was changed to delete the words "and Townhouse Developments (Article 12.0)."

Voted: Yes: 230 No: 56. Carried.

ARTICLE 20

To see if the Town will vote to amend Article 4 Use Regulations of the Westport Zoning By-Law, to add Section 4.0.1.E as follows:

4.0.1.E Uses, which may be, permitted by the Planning Board in accordance with Section 2.6 Special Permits - Planning Board

1. Assisted and Independent Living Facilities (Article 11.0)
2. Townhouse Developments (Article 12.0)

and/or take any other action relative thereto.

PLANNING BOARD

The main motion of Article 20 was changed to delete the words "2. Townhouse Developments (Article 12.0)"

Voted: The Moderator declared Article 20 carried by a 2/3 vote.

ARTICLE 21

To see if the Town will vote to amend Table of Use Regulations of the Westport Zoning By-Law, to allow for Assisted and Independent Living Facilities and Townhouse Developments by Special Permit of the Planning Board as follows:

1. To insert after "**SPBA = Special Permit Board of Appeals**", "**SPPB = Special Permit Planning Board**".
2. To insert after "AMUSEMENT OR ASSEMBLY" "ASSISTED AND INDEPENDENT LIVING FACILITIES" with the designation "SPPB" under **Residential**, **Business**, and **Unrestricted** Districts.
3. To insert after "TIRE STORAGE YARDS" "TOWNHOUSE DEVELOPMENT" with the designation "SPPB" under **Residential**, **Business**, and **Unrestricted** Districts.

PLANNING BOARD

The main motion of Article 21 was changed to delete in the first paragraph the words "and Townhouse Developments" and to delete sentence #3 in its entirety.

Voted: The Moderator declared Article 21 carried by 2/3 vote.

ARTICLE 22

To see if the town of Westport will vote to amend the Westport Zoning By-Law, Article 10, as follows:

1. Revise the current chart only of section 10.3 which states:

Year of endorsement of plan	Greater of 2 lots or 20% of total lots on plan
2 ND year after endorsement	Greater of 4 lots or 40% of total lots on plan
3 RD year after endorsement	Greater of 6 lots or 60% of total lots on plan
4 TH year after endorsement	Greater of 8 lots or 80% of total lots on plan
5 th year after endorsement	No limit

and insert therein:

Year of endorsement of plan	Greater of 4 lots or 40% of total lots on plan
2 nd year after endorsement	Greater of 6 lots or 60% of total lots on plan
3 rd year after endorsement	Greater of 8 lots or 80% of total lots on plan
4 th year after endorsement	Remainder of lots on plan

2. Delete current section 10.4 which states:

“The building inspector may, for purpose of calculations under this by-law, aggregate lots created from two or more plans of land that have been endorsed “approval not required” under M.G.L. c. 41, section 81p, if all the land shown on such plans was divided from a single, contiguous parcel that was in one ownership on the date of enactment thereof”,

and insert therein the following:

“The building inspector will, for the purpose of calculations under this by-law, aggregate all lots created from two or more plans of land if all the lots shown on such plans were divided from a single contiguous parcel of land.”

3. Add an additional section, 10.6 as follows:

Affordable Units, and units in Assisted and/or Independent Living Facilities as defined in Article 1.1, shall be exempt from the phased development schedule, and/or take any other action relative thereto.

BUILDING DEPARTMENT/PLANNING BOARD

Voted: the provisions of Article 22 were lost. Yes: 129 No: 111

ARTICLE 23

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 fees and expenses to update the Revaluation program mandated by M.G.L. Chapter 797 of the Acts of 1979 to place the Town on a 100% valuation assessment basis, and /or take any other action relative thereto.

BOARD OF ASSESSORS

Voted: \$20,000. from Overlay Surplus. Carried.

ARTICLE 24

To see if the Town will vote to raise and appropriate and or transfer from available funds the sum of \$90,000.00 for the purpose of complying with mandated Massachusetts Department of Environmental Protection Administrative Consent Orders to clean up the Town Hall contamination site and/or take any other action relative thereto.

BOARD OF SELECTMEN

Voted: \$90,000. from Overlay Surplus. Carried.

ARTICLE 25

To see if the Town will vote to hear and act on the report of the Community Preservation Committee on the FY05 Community Preservation budget and to appropriate from the Community Preservation Fund a sum of money to meet the administrative expenses and all other necessary and proper expenses of the Community Preservation Committee for Fiscal Year 2005; and further to reserve for future appropriation

amounts as recommended by the Community Preservation Committee: a sum of money for the acquisition, creation and preservation of open space excluding land for recreational use, a sum of money for acquisition and preservation of historic resources, and a sum of money for the creation, preservation and support of community housing, and/or take any other action relative thereto.

<u>APROPRIATION PURPOSE</u>	<u>AMOUNT</u>	<u>FUNDING SOURCE</u>
Administrative Costs	\$ 14,000	FY05 CPC Fund Revenues
Acquisition of Leonard Santos Farm	500,000	\$400,000 from FY05 CPA
74.8 Acres south of American Legion Hwy. & west of Old County Road		Fund Revenues in Open Space, and \$100,000 from
Fund Revenues		FY04 CPA Previously earmarked for Oscar Palmer Farm
Westport Pont Historic Waterways Restoration	50,000	\$40,000 from FY05CPA
Restoration		Fund Revenues in Open Space, and \$10,000 from FY05 CPA Fund Revenues In Historic Preservation
Town Farm Restoration	10,850	FY05 CPA Fund Revenues in Historic Preservation
Town Farm Research Preservation	3,500	FY05 CPA Fund Revenues In Historic Revenues
Town Records Preservation	10,000	FY05 CPA Fund Revenues In Historic Preservation
Friends Meeting House Restoration	22,500	FY05 CPA Fund Revenues in Historic Preservation
Town Hall Restoration	35,000	FY04 CPA Revenues in Historic Preservation

		Previously earmarked for
		Oscar Palmer Farm
Hicks/Handy Historic Preservation	3,075	FY05 CPA Revenues in
		Historic Preservation
Westport Corners Preservation	1,200	FY05 CPA Revenues in
		Historic Preservation
Westport Historic Signs	5,000	FY05 CPA Revenues in
		Historic Preservation
Affordable Housing Plan, Strategy, and Implementation	60,000	FY05 CPA Revenues in
		Community Housing
Open Space Reserve	20,000	FY05 CPA Fund Revenues
Historic Preservation Reserve	12,500	FY05 CPA Fund Revenues
<hr/>		
Community Housing Reserve	20,353	FY05 CPA Fund Revenues

\$610,478 from

Y05 CPA

Total Budget Requests	\$745,478	Fund Revenues & \$135,000
		from FY04 CPA Fund
		Revenues

COMMUNITY PRESERVATION COMMITTEE

Voted: (Unanimously) to amend the last three line amounts in Article 25 to read:

Open Space Reserve	10,000.
Historic Preservation Reserve	10,000.
Community Housing Reserve	10,353.

Voted: (Unanimously) all amounts within Article 25 except those listed as follows:

Friends Meeting House Restoration	22,500.	Carried.
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Voted: (Unanimously) to adjourn the Annual Town Meeting until tomorrow at 7:30 p.m. and to continue with Article 25 at that time.

There were 380 registered voters and 10 guests and visitors in attendance.

A true record,

Attest:

Marlene M. Samson

Town Clerk

June 16, 2004

The adjourned Annual Town Meeting was called to order at 7:33 p.m. by Moderator

Steven Fors who appointed Keith MacDonald to act as a teller and he was duly sworn by the

Town Clerk. Beverly Kut acted as timekeeper for the meeting.

ARTICLE 25 - continued from the June 15, 2004 meeting.

Voted: Affordable Housing Plan, Strategy,

and Implementation

60,000.

Carried.

ARTICLE 26

To see if the Town will vote to raise and appropriate and or transfer from available funds a sum of \$30,000 from receipts reserve for the purpose of closure costs and environmental monitoring expenses at the landfill site in FY2005, and/or take any other action relative thereto.

BOARD OF HEALTH

Voted: (Unanimously) \$30,000. from Landfill Receipts Reserved.

ARTICLE 27

To see if the Town will vote to raise and appropriate and or transfer from available funds the sum of \$62,000 necessary for the purchase, installation and maintenance of start-up equipment relative to networking town buildings and providing internet access, and/or take any other action relative thereto.

BOARD OF SELECTMEN

Voted: \$62,000. from Overlay Surplus. Carried.

ARTICLE 29

To see if the Town will vote to raise and appropriate and or transfer from available funds a sum of \$12,000.00 for the purpose of conducting one or more Household Hazardous Waste Collection events for residents of Westport and properly disposing of the hazardous materials, and/or take any other action relative thereto.

BOARD OF SELECTMEN

Voted: (Unanimously) \$12,000. from Overlay Surplus.

ARTICLE 30

To see if the Town will vote to raise and appropriate and/or transfer from the waterways account or available funds the sum of \$5,000.00 for a new outboard motor for shellfish law enforcement and shellfish bed enhancement through the Shellfish Department, and/or take any other action relative thereto.

SHELLFISH CONSTABLE

Voted: \$5,000. from Waterways. Carried.

ARTICLE 31

To see if the Town will vote to raise and appropriate and or transfer from available funds the sum of \$12,000.00 for environmental work (PhaseV) at the Head of Westport Landing, and/or take any other action relative thereto.

LANDING COMMISSION

Voted: (Unanimously) \$12,000. from Overlay Surplus.

ARTICLE 32

To see if the Town will vote to dedicate and transfer under the care, custody and control of the Board of Selectmen for the purposes of constructing a Public Safety Complex, all or a portion of the Town Land five (5) acres of the so-called Town Forest Land located on the north side of Hix Bridge Road and westerly of Route 88 as shown on Assessors' Plan 54, Lot 40, presently under the jurisdiction of the Conservation Commission and to authorize the Board of Selectmen to petition the Massachusetts Legislature for approval of such change in use under Article 97 of the Amendments to the Massachusetts Constitution, if such approval is determined to be necessary, or take any other action relative thereto.

FINANCE COMMITTEE/BOARD OF SELECTMEN

Voted: Carried. (NOTE: see vote after Article 33)

ARTICLE 33

To see if the Town will vote to raise and appropriate and or transfer from available funds the sum of \$10,000.00 for the purpose of funding consulting fees, secretarial services and other related expenses in conjunction with the construction of a Public Safety Complex, and/or take any other action relative thereto.

FINANCE COMMITTEE

\$10,000. with \$5,000. from Taxation and \$5,000. from Art. 7 of the 2003 Annual Town Meeting.

Voted: to reconsider Article 32. Carried.

ARTICLE 32.

Voted: Carried by a 2/3 vote.

ARTICLE 33.

Voted: (Unanimously) the sum of \$10,000. (\$5,000. from Taxation and \$5,000. from Article 7 of the 2003 Annual Town Meeting).

ARTICLE 34

To see if the Town will vote to transfer the sum of \$10,000.00 from the sale of cemetery lots account for the maintenance and upkeep of the cemeteries, avenues, paths, and structures situated therein, and/or take any other action relative thereto.

CEMETERY DEPARTMENT

Voted: (Unanimously) \$10,000. from Sale of Cemetery Lots.

ARTICLE 35

To see if the Town will vote to transfer the sum of \$20,000.00 from the perpetual care account for the purchase of a pickup truck and associated equipment for the Cemetery Department,

and/or take any other action relative thereto.

CEMETERY DEPARTMENT

Voted: (Unanimously) \$20,000. from Perpetual Care Account.

ARTICLE 36

To see if the Town will vote to raise and appropriate and or transfer from available funds \$25,000.00 to be used in conjunction with, and/or in addition to any funds allocated by the Commonwealth for the purpose of funding transportation services for Westport residents who are handicapped and/or are elderly, and/or take any other action relative thereto.

COUNCIL ON AGING

Voted: (Unanimously) \$25,000. (\$10,000. from Taxation and \$15,000. from Overlay Surplus)

Voted: (Unanimously) to adjourn the Annual Town Meeting until next Tuesday, June 22, 2004 at 7:30 p.m.

There were 184 registered voters and 7 visitors and guests in attendance.

A true record,

Attest:

Marlene M. Samson

Town Clerk

June 22, 2004

The adjourned Annual Town Meeting was called to order at 7:30 p.m. by Moderator Steven Fors who appointed Ken DeCosta, Edward Carey and James Whitin to serve as tellers and they were duly sworn by the Town Clerk. Beverly Kut acted as timekeeper for the meeting.

ARTICLE 37

To see if the Town will vote to raise and appropriate and or transfer from available funds a sum of money sufficient to fully fund the cost items contained in the collective bargaining agreement between the Town of Westport and Police Officers of Westport Alliance, and/or take any other action relative thereto.

BOARD OF SELECTMEN

Voted: to amend the amount of Article 37 to \$40,626.00. Carried.

Voted: (Unanimously) \$40,626.00 from Taxation.

ARTICLE 38

To see if the Town will vote to raise and appropriate and or transfer from available funds a sum of money sufficient to fully fund the cost items contained in the collective bargaining agreement between the Town of Westport and Westport Permanent Firefighters Association, Local 1802, International Association of Firefighters, AFL-CIO, and/or take any other action relative thereto.

BOARD OF SELECTMEN

Voted: (Unanimously) \$15,324.00 from Free Cash and \$9,283.00 from Taxation.

ARTICLE 39

To see if the Town will vote to raise and appropriate and or transfer from available funds a sum of money sufficient to fully fund the cost items contained in the collective bargaining agreement between the Town of Westport and Town Hall Departments, Library and Cemetery and LAW, Local 254, and/or take any other action relative thereto.

BOARD OF SELECTMEN

Voted: (Unanimously) \$31,466.00 from Free Cash.

ARTICLE 40

To see if the Town will vote to raise and appropriate and or transfer from available funds a sum of money sufficient to fully fund the cost items contained in the collective bargaining agreement between the Town of Westport and Highway Department and LAW, Local 254 and/or take any other action relative thereto.

BOARD OF SELECTMEN

Voted: (Unanimously) \$15,435.00 from Free Cash.

ARTICLE 41

To see if the Town will vote to raise and appropriate and or transfer from available funds a sum of money sufficient to fully fund salary increases for non-union employees, and/or take any other action relative thereto.

BOARD OF SELECTMEN

Voted: (Unanimously) \$34,473.00 from Free Cash.

ARTICLE 48

To see if the Town will vote to establish and reauthorize pursuant to the provisions of M.G.L. Chapter 44 Section 53E-1/2 for Fiscal Year 2005, a revolving fund for the Planning Board into which will be paid all portions of subdivision filing fee receipts collected for the purpose of maintaining the assessors parcel GIS database, as provided in the *Rules & Regulations Governing the Subdivision of Land*, as they may be amended from time to time. These funds may be expended for costs not to exceed \$10,000, and solely for purposes related to maintaining the GIS database, and may be

expended without further appropriation by the Planning Board, and/or take any other action relative thereto.

BOARD OF ASSESSORS/PLANNING BOARD

Voted: Carried.

ARTICLE 49

To see if the Town will vote to accept the provisions of Section 1 of Chapter 137 of the Acts of 2003, the Military Pay Act, that authorizes counties, cities, and towns to pay any employee who has been granted a military leave of absence because the employee is a member of the army nation guard, the air national guard or a reserve component of the armed forces of the United States after September 22, 2001 his or her base salary less any amount received for his or her military service, and/or take any other action relative thereto.

BOARD OF SELECTMEN

Voted: (Unanimously) with the date changed to Sept. 11, 2001.

ARTICLE 50

To see if the Town will vote to amend the Personnel By-Law by deleting under Schedule A—Building Department, the following:

<u>Position</u>		<u>Group</u>	<u>Hours</u>	<u>Pay</u>
<u>Basis</u>	<u>Type</u>			
Clerk 20	hourly	PT	2	-

and inserting therein:

<u>Position</u>		<u>Group</u>	<u>Hours</u>	<u>Pay</u>
<u>Basis</u>	<u>Type</u>			

Clerk 2 +20 K-A PT

And if necessary to raise and appropriate and/or transfer from available funds the sum of \$3,895.00 to the Building Department Budget therefor, and/or take any other action relative thereto.

BUILDING DEPARTMENT

Voted: (Unanimously) \$3,895.00 from Taxation.

ARTICLE 51

To see if the Town will vote to amend the Personnel By-Law by adding under Schedule A—Cable Advisory, the following:

<u>Position</u>	<u>Group</u>		<u>Hours</u>	<u>Pay</u>
<u>Basis</u>	<u>Type</u>			
Public 20	Access Salary	Staff Assistant PT	2	-

and/or take any other action relative thereto.

CABLE ADVISORY COMMITTEE

Voted: (Unanimously)

ARTICLE 52

To see if the Town will vote to amend the Personnel By-Law by adding under Schedule A—Cable Advisory, the following:

<u>Position</u>	<u>Group</u>	<u>Hours</u>	<u>Pay</u>
<u>Basis</u>	<u>Type</u>		
Public Access Staff Assistant	2	-20	Hourly PT

and/or take any other action relative thereto.

CABLE ADVISORY COMMITTEE

Voted: (Unanimously)

ARTICLE 53

To see if the Town will vote to amend the Personnel By-Law by adding under Schedule A—Board of Health, the following:

<u>Position</u>	<u>Group</u>	<u>Hours</u>	<u>Pay</u>
<u>Basis</u>	<u>Type</u>		
Recording 20	Clerk Hourly	PT	2 -

and/or take any other action relative thereto.

BOARD OF HEALTH

Voted: (Unanimously)

ARTICLE 54

To see if the Town will vote to amend the Personnel By-Laws XXI Section 6. Fringe Benefits and Working Conditions Section A Leave #4 Vacations, by deleting the by-law as it currently exists and inserting therein the following:

Vacations shall be calculated and available on July 1st, based on the prior years employment.

All salary, full time annual and regular employees shall earn vacation time as follows:

If hired July or August	6 days
September/October	5 days
November/December	4 days
January/February	3 days
March/April	2 days
May/June	1 day

Employees with 1 year but not more than 2 years shall be granted 12 days annually;

Employees with 2 years but not more than 5 years shall be granted 18 days annually;

Employees with 5 years but not more than 18 years shall be granted 21 days annually;

Employees with more than 18 years shall be granted 27 days annually.

Vacations must be used annually, unless approved by the Department Supervisor to carry over. The Department Supervisor may approve up to two (2) weeks of vacation carry over. Any unused vacation must be accrued or forfeited. Under no circumstances shall vacation time be carried more than one (1) fiscal year.

Whenever the employment of any person covered by this by-law is terminated during a year by dismissal through no fault or delinquency on his or her part or by resignation, retirement or death, without his having been granted the vacation to which he/she was entitled, he/she, or in case of death, his estate shall be paid, at the regular rate of compensation payable to him at the termination of his employment, an amount in lieu of such vacation; provided that no monetary or other allowance has already been made therefor. The official head of the department in which the person was last employed shall enter on the departmental payroll all amounts payable under this section.

PERSONNEL BOARD

Voted: (Unanimously)

ARTICLE 55

To see if the Town will vote to amend the Personnel By-Law XXI Section 6. Fringe Benefits and Working Conditions, Section B General by inserting therein #5, which reads:

The Chief and Deputy Chief of Police and Fire may receive at least the same number of sick days, vacation days, personal days, bereavement days, holiday pay, longevity pay, educational pay (c41, s108L), uniform and cleaning allowance, health and life insurance and other benefits as do any of the regular employees of their department.

BOARD OF SELECTMEN/PERSONNEL BOARD

Voted: (Unanimously)

ARTICLE 56

To see if the Town will vote to amend the Personnel By-Law XXI Schedule "A" as shown as **Appendix A** on Page , and/or take any other action relative thereto.

PERSONNEL BOARD

Voted: (Unanimously)

ARTICLE 57

To see if the Town will vote to reestablish the Recreation Commission by reducing the number of members from seven (7) to five (5); two members for three years, two members for two years, and one member for one year and their successors shall be appointed by the Board of Selectmen for terms of three years each, and/or take any other action relative thereto.

BOARD OF SELECTMEN

Voted: Carried.

ARTICLE 58

To see if the Town will vote to amend Article 1, Section 0101 of the Town By-Laws as follows:

Delete the words "**Monday**" and "**March**".

The article to read as follows:

The annual meeting for the election of officers and the determination of such matters as shall properly be placed upon the official ballot shall be held on the second **Tuesday** of **April** in the several precincts, and/or take any other action relative thereto.

TOWN CLERK/BOARD OF SELECTMEN

Voted: (Unanimously)

ARTICLE 59

To see if the Town will vote to amend the Town By-Law by deleting in Article 1, Section 0102. the word "April".

The article to read as follows:

The annual meeting for consideration of all matters not covered by Section 0101. shall be held the first Tuesday in May, and/or take any other action relative thereto.

TOWN CLERK/BOARD OF SELECTMEN

Voted: (Unanimously)

ARTICLE 60

To see if the Town will vote to amend Town By-Law Article XXX BEACH COMMITTEE 3002. that reads as follows: "The Board of Selectmen shall appoint said committee consisting of five members, one member to be selected from each of the five (5) voting precincts."

by deleting the words "one member to be selected from each of the five (5) voting precincts." and/or take any other action relative thereto.

BEACH COMMITTEE/BOARD OF SELECTMEN

Voted: Carried.

(NOTE: see vote after Article 61)

ARTICLE 61

To see if the Town will vote to amend Town By-Law Article V by deleting in Section 0504.1 the word "ten" and the figure "\$10,000.00" and inserting therein the word "twenty-five" and the figure "\$25,000.00" to correspond with M.G.L. Chapter 30B pertaining to bidding requirements, and/or take any other action relative thereto.

BOARD OF SELECTMEN

Voted: Carried. (NOTE: see vote after Article 62)

Motion made to reconsider Article 60. Carried. (Article 60 requires 2/3 vote)

ARTICLE 60:

VOTED: the provisions of Article 60 were lost. Yes: 81 No: 68

ARTICLE 62

To see if Town will vote to amend Town By-Law Article XXXV by deleting the current language of section 3502.2 that reads: **The penalty for violation of section 3502.1 shall be as follows: for the first offense, fifteen (\$15.00) dollars, for the second offense, twenty-five (\$25.00) dollars, and for each subsequent offense, the vehicle may be removed according to the provisions of M.G.L. Chapter 266, Section 120D** and insert therein the following: **The penalty for violation of section 3502.1 shall be as follows: for each and every offense, one hundred (\$100.00) dollars and/or vehicle may be removed in accordance with the provisions of M.G.L. c. 40, section 22D, and or take any other action relative thereto.**

BOARD OF SELECTMEN

Voted: (Unanimously)

Motion made to reconsider Article 61. Carried. (Article 61 requires a 2/3 vote)

ARTICLE 61.

VOTED: The Moderator declared Article 61 carried by a 2/3 vote.

ARTICLE 63

To see if the Town will vote to amend the Town By-Laws by adding the following Article LIV RIGHT TO FARM as follows:

ARTICLE LIV RIGHT TO FARM BY-LAW

Article 97 of the Massachusetts Constitution ensures "the protection of the people in their right to the conservation, development and utilization of the agricultural... and other natural resources." Massachusetts General Laws Chapter 40A, Section 3, Paragraph 1 furthers this goal by stating that no local zoning bylaw may prohibit, unreasonably regulate, or require a special permit for the use of land for the primary purpose of agriculture. Other state laws such as Chapter 111, Section 125A provide additional protection and incentives for agriculture. This By-law does not seek to change these State laws, but to bring them together into one local By-law to enhance local understanding of "the right to farm."

This General By-law section encourages the pursuit of agriculture, promotes agriculture-based economic opportunities, and protects farmlands within the Town of Westport by allowing agricultural uses to function with minimal conflict with abutters and Town agencies. This section shall apply in all areas in the Town.

The word "farm" shall include any parcel or contiguous parcels of land used for the primary purpose of agriculture as defined by the Commonwealth. The Commonwealth definition is at present that of Chapter 61A: a farm must contain at least five acres and have annual revenues of at least \$500.

The words "farming" or "agriculture" or their derivatives shall include:

- farming in all its branches and the cultivation and tillage of the soil,
- dairying,
- the production, cultivation, growing, and harvesting of any agricultural, aquacultural, floricultural, viticultural, or horticultural commodities,
- the growing and harvesting of forest products upon forest land,
- the raising of livestock including horses,
- the keeping of horses as a commercial enterprise,
- the keeping and raising of poultry, swine, cattle, ratites (e.g. emu) and camelids (e.g. llama) and other domesticated animals for food and other agricultural purposes, bees, fur-bearing animals, and
- any other forestry or lumbering operations.

Farming shall encompass activities including, but not limited to:

- the operation and transportation of large, slow-moving equipment over roads within the Town;
- the control of pests, including, but not limited to; insects and weeds, predators and diseases of plants and animals;
- the application of manure, fertilizers and pesticides;
- conducting agriculture-related educational and farm-based recreational activities provided that the activities are related to marketing the agricultural output or services of the farm;

- the processing and packaging of the agricultural output of the farm and the operation of a farmer's market or farm stand.
- the on-farm relocation of earth and the clearing of ground for farming operations, provided that the movement of soils that are rated as "prime" by the Natural Resources Conservation Service shall not adversely affect agriculture in the Commonwealth.

The right to farm is hereby recognized to exist within the Town of Westport. The foregoing agricultural activities may occur on holidays, weekdays, and weekends by night or day and shall include the attendant incidental noise, odors, dust and fumes associated with these practices. It is hereby determined that whatever impact may be caused to others through the normal practice of agriculture is more than offset by the benefits of farming to the neighborhood, community, and society in general.

The foregoing agricultural activities must be in conformance with applicable Federal, State laws, and local rules and regulations, to which reference is made as to more specific rights and obligations of the agricultural community and the Town.

The provisions of this By-law shall not apply whenever an impact results from willful negligence or reckless misconduct in the operation of any such agricultural or farming operation, place, establishment or facility, or any of its appurtenances.

The following procedure is hereby encouraged to enhance early and effective resolution of farm-related issues:

Any person who seeks to complain about the operation of a farm is encouraged to, prior to filing a formal complaint, file an informal complaint (grievance) with the Select Board, Zoning Enforcement Officer (ZEO), Board of Health, or Conservation Commission, depending upon the nature of the grievance. The filing of the grievance does not suspend the time within which to pursue any other remedies that the aggrieved may have.

The ZEO or Select Board shall forward a copy of the grievance to the Agricultural Commission or its agent, which/who shall review and mediate the grievance and report its findings and recommendations to the appropriate Town authority for further action. The Board of Health, except in cases of imminent danger or public health risk, and the Conservation Commission shall forward a copy of the grievance to the Agricultural Commission or its agent, which/who shall review and mediate the grievance within an agreed upon timeframe, mediate the grievance and report its findings and recommendations to the Board.

WESTPORT AGRICULTURAL COMMISSION

A motion to amend Article 63 by changing the word "shall" to "may" and deleting the phrase "mediate the grievance" which appears twice in the last paragraph was lost..

Voted: (Unanimously) to amend Article 63 to delete in the last paragraph, the phrase, "mediate the grievance".

Voted: (Unanimously) Article 63 as amended.

ARTICLE 64

To amend section 3101.

To delete the words "regular police officer or" and "or any other permanent officer of either department

To accept Massachusetts General Law c41 s99A which states, "any member of the regular police...shall reside within fifteen miles of the limits of said city or town. Said distance shall be measured from the closest border limits of said city or town in which said member is employed to the closest border limits of the city or town in which said member lives.

BY PETITION

Voted: to postpone Article 64 indefinitely. Carried.

ARTICLE 65

The petitioners are requesting the renewal of the Ambulance Revolving Fund at the next Annual Town Meeting.

This allows the Fire Department to deposit into this fund receipts from Ambulance Fees from which costs not to exceed \$80,000 for the purchase of an ambulance, ambulance equipment, supplies and/or any incurred ambulance related expense, not to include salaries, which may be expended without further appropriation by the Fire Department.

BY PETITION

Voted: (Unanimously) to pass over Article 65.

ARTICLE 66

To see if the Town will vote to accept the layout of Jillian Way at its next annual Town Meeting, and/or take any other action relative thereto.

BY PETITION

Voted: (Unanimously) to pass over Article 66.

ARTICLE 67

To see if the Town will vote to accept the layout of Courtlyn Lane at its next annual Town Meeting, and/or take any other action relative thereto.

BY PETITION

Voted: (Unanimously) to pass over Article 67.

ARTICLE 68

To see if the Town will vote to accept the layout of Shannon Drive at its next annual Town Meeting, and/or take any other action relative thereto.

BY PETITION

No action was taken on Article 68. No motion made.

ARTICLE 69

To see if the Town will vote to accept Gabriela Drive as a Town Road in Westport, MA.

BY PETITION

Voted: to accept Article 69 as "Gabriala Lane". Carried.

ARTICLE 70

To see if the Town will vote to accept the Layout of Hunter's Way on file in the Office of the Town Clerk and/or take any other action relative thereto.

BY PETITION

No action was taken on Article 70. No motion made.

ARTICLE 71

To see if the Town will vote to accept the Layout of Field Stone Drive, on file in the Office of the Town Clerk, and/or take any other action relative thereto.

BY PETITION

Voted: Carried.

ARTICLE 72

To see if the Town will vote to accept the Layout of Winterberry Lane, on file in the Office of the Town Clerk, and/or take any other action relative thereto.

BY PETITION

Voted: Carried.

ARTICLE 73

To see if the Town will vote to accept the Layout of Longwood Drive, on file in the Office of the Town Clerk, and/or take any other action relative thereto.

BY PETITION

Voted: (Unanimously) to pass over Article 73.

ARTICLE 74

To see if the Town will vote to accept the Layout of Meadowbrook Lane, on file in the Office of the Town Clerk, and/or take any other action relative thereto.

BY PETITION

Voted: (Unanimously) to pass over Article 74.

ARTICLE 75

To see if the Town will vote to accept the Layout of Indian Trail Road, on file in the Office of the Town Clerk, and/or take any other action relative thereto.

BY PETITION

Voted: (Unanimously) to pass over Article 75.

ARTICLE 76

To see if the Town will vote to accept the Layout of Miss Rachel Trail and or take any other action relative thereto.

BY PETITION

No action was taken on Article 76. No motion made.

ARTICLE 77

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.

BOARD OF SELECTMEN/FINANCE COMMITTEE

Voted: (Unanimously) to pass over Article 77.

ARTICLE 4.

VOTED: (Unanimously) Reserve Fund - \$143,902.00 with \$43,902. from Free Cash and \$100,000. from Taxation.

Voted: (Unanimously) to adjourn and dissolve the Annual Town Meeting at 9:05 p.m.

There were 165 registered voters and 8 guests and visitors in attendance.