

Minutes of Annual Town Meeting Session1 May 3, 2005

ANNUAL TOWN MEETING

TOWN OF WESTPORT

COMMONWEALTH OF MASSACHUSETTS

MAY 3, 2005

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, May 3, 2005 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 7:33 p.m. by Moderator Steven Fors who appointed Doug Houde and Michael Rodrigues 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. All in attendance stood to salute the flag of our nation.

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) to pass over Article 1.

VOTED: (Unanimously) to dispense with the reading of the warrant and with the reading of the Constable's return of service of the warrant and that the Moderator not be required to read articles of the warrant verbatim, but be allowed to refer to articles by number and by subject matter.

VOTED: To allow the moderator to declare that a two-thirds vote has

been achieved according to General Law, Chapter 39, § 15. Carried.

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 Unan.

Selectmen - Chairman 6,519 (hold)

Board Members (4) 25,457 (hold)

Assessors - Board Members (3) 14,276 Unan.

Board of Health - Members (3) 6,519 Unan.

Highway Surveyor 62,683 Unan.

Tax Collector 52,736

Unan.

Town Clerk 52,736 Unan.

Treasurer

52,736 Unan.

\$274,344

VOTED: to amend the Selectmen's salaries to \$1.00 for the next fiscal year was defeated.

VOTED: Selectmen - Chairman, \$6,519.00 - Carried

Board Members (4) - \$25,457.00 - Carried.

ARTICLE 3

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, 2005 and appropriate the same to several departments and/or take any other action relative thereto.

FINANCE COMMITTEE/BOARD OF SELECTMEN

ACCOUNTANT

SALARIES \$ 81,070

EXPENSES 11,587

92,657

APPEALS

SALARIES 3,784

EXPENSES 7,715

11,499

ASSESSORS

SALARIES 130,696

EXPENSES 3,402

134,098

BOARD OF HEALTH

SALARIES 189,060

EXPENSES 11,370

200,430

BUILDING

SALARIES 92,451

EXPENSES 5,901

98,352

CEMETERY

SALARIES 117,266

EXPENSES 7,193

124,459

COLLECTOR

SALARIES 110,112

EXPENSES 17,660

127,772

CONSERVATION

SALARIES 63,623

EXPENSES 5,338

68,961

COA

SALARIES 122,086

EXPENSES 35,725

157,811

DATA PROCESSING

SALARIES 8,755

EXPENSES 66,640

75,395

DOG OFFICER

SALARIES 24,771

EXPENSES 4,686

29,457

EL & REGRIST

SALARIES 40,025

EXPENSES 12,123

52,148

EMERGENCY MGRMT

SALARIES 2,707

EXPENSES 1,421

4,128

EMPLOYEES BENEFITS

HEALTH INSURANCE 1,925,000

LIFE INSURANCE 4,500

MEDICARE 160,000

UNEMPLOYMENT 35,000

WORKERS' COMP 111,500

2,236,000

FINANCE COMMITTEE

SALARIES 1,100

EXPENSES 2,200

3,300

RESERVE FUND 125,000

FIRE

SALARIES 1,207,099

EXPENSES 104,970

1,312,069

GAS INSPECTORS

SALARIES

EXPENSES

HIGHWAY

SALARIES 514,104

EXPENSES 104,481

618,585

HWY SNOW & ICE

SALARIES 39,635

EXPENSES 30,000

69,635

HISTORICAL COMMISSION 539

LANDFILL

SALARIES 76,546

EXPENSES 217,039

293,585

LEGAL

EXPENSES 105,000

LIBRARY

SALARIES 161,299

EXPENSES 23,395

184,694

MODERATOR

SALARIES 682

EXPENSES 162

844

NURSING

SALARIES 29,835

EXPENSES 3,843

33,678

PARKING TICKETS 3,285

PERSONNEL

SALARIES 484

EXPENSES 80

564

PLANNING BOARD

SALARIES 71,405

EXPENSES 5,450

76,855

PLUMBING INSP

SALARIES

EXPENSES

POLICE

SALARIES 1,966,719

EXPENSES 318,550

2,285,269

PROPERTY INSURANCE 204,972

RECREATION/COMMUNITY CTR

SALARIES

EXPENSES

REGIONAL SCHOOLS

DIMAN 455,000

BRISTOL AGGIE 25,000

480,000

RETIREMENT 1,080,549

SEALER OF W & M

SALARIES 1,705

EXPENSES 217

1,922

SELECTMEN

SALARIES 203,953

EXPENSES 16,032

219,985

SHELLFISH

SALARIES 63,949

EXPENSES 13,372

77,321

STREET LIGHTING 18,500

TOWN BEACH

SALARIES 18,623

EXPENSES 3,333

21,956

HOUSING PARTNERSHIP COM (Town Bldg)

EXPENSES 200

TOWN CLERK

SALARIES 77,174

EXPENSES 4,825

81,999

TOWN FARM 2,816

TOWN HALL/ANNEX

SALARIES 67,943

EXPENSES 49,600

117,543

TOWN REPORTS 4,223

TREASURER

SALARIES 112,440

EXPENSES 22,525

134,965

VETERANS GRAVES

SALARIES 845

EXPENSES 2,049

2,894

VETERANS SERVICES

SALARIES 30,950

EXPENSES 77,699

108,649

WIRE INSPECTORS

SALARIES

EXPENSES

SCHOOL

SALARIES/EXPENSES 12,164,991

SCHOOL TRANSPORTATION 1,136,040

SERPD 2,300

LONG TERM INTEREST

SCHOOL BOND 94,050

LANDFILL BOND 7,800

AGRICULTURAL OPEN SPACE 18,142

119,992

SHORT TERM INTEREST 12,500

DEBT INTEREST

SCHOOL BOND 300,000

LANDFILL BOND 200,000

AGRICULTURAL OPEN SPACE 100,000

600,000

TOTAL EXPENDITURES \$25,120,386

VOTED: (Unanimously) the following sums:

\$ 399,176.00 Free Cash

24,626,210.00 Taxation

95,000.00 Overlay Surplus

\$25,120,386.00

ARTICLE 4

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 Unit: A dwelling unit that can be purchased or rented at an annual cost that is deemed affordable for a household that is earning no more than 70% of the area median income as reported by the U.S.

Department of Housing and Urban Development and/or DHCD. Sales prices, rents, and rent increases shall be restricted to ensure long-term affordability to eligible households, to the extent legally possible.

All affordable units are intended to be eligible for inclusion in the Town's Subsidized Housing Inventory pursuant to Chapter 40B of the General Laws, and shall meet all requirements of DHCD, as they may be amended from time to time.

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 area median income, adjusted for household size, as reported by the most recent information from the United States Department of Housing and Urban Development and/or DHCD.

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 herein.

Median Income: The area median income, adjusted by household size, reported by the most recent information from the U.S. Department of Housing and Urban Development and/or DHCD.

PLANNING BOARD

VOTED: (Unanimously) Approved by Atty. Gen. 6/7/05.

VOTED: (Unanimously) to recess the Annual Town Meeting at 8:05 p.m. and to open the Special Town Meeting.

Minutes of Special Town Meeting May 3, 2005

TOWN OF WESTPORT

COMMONWEALTH OF MASSACHUSETTS

SPECIAL TOWN MEETING WARRANT

May 3, 2005

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, May 3, 2005 at 8:00 p.m., and then and there to act on the following articles, viz:

ARTICLE 1

To see if the Town will vote to raise and appropriate and/or transfer from available funds 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, 2004, and/or to take any other action relative thereto.

BOARD OF SELECTMEN

FROM: TO; AMOUNT

BOH Personal Services Landfill Expenses \$5,000.00

BOH Personal Services BOH Expenses 4,100.00

Cemetery Dept. Personal Cemetery Department Expenses 6,000.00

Services

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

Container Recycle Alliance 1,303.80

Nextel 391.54

1,695.34

VOTED: (Unanimously)

VOTED: (Unanimously) to adjourn the Special Town Meeting at 8:08 p.m.

and reconvene the Annual Town Meeting.

And you are hereby directed to serve this warrant by posting five or more copies in as many places within said Town at least fourteen days before the time of said meeting.

Hereof 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 11th day of April in the year two thousand and five.

Elizabeth A. Collins, Chair

Stewart Kirkaldy

Steven J. Ouellette

Richard M. Tongue

David P. Dionne

WESTPORT BOARD OF SELECTMEN

Marlene Samson

Town Clerk

Westport, MA 02790

April 12, 2005

On this 12th of April 2005, 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

VOTED: (Unanimously) to reopen the Special Town Meeting in order to provide the funding source for Article 2.

ARTICLE 2. VOTED: (Unanimously) the sum of \$1,695.34 from Free Cash.

VOTED: (Unanimously) to dissolve the Special Town Meeting at 8:11 p.m.

and reconvene the Annual Town Meeting.

ARTICLE 5

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)

and/or take any other action relative thereto.

PLANNING BOARD

VOTED: (Unanimously) Approved by Atty. Gen. 6/7/05.

ARTICLE 6

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 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.

PLANNING BOARD

VOTED: (Unanimously) Approved by Atty. Gen. 6/7/05.

VOTED: (Unanimously) that we advance the 12 articles of the consent calendar (Articles 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17 and 19) 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, 2005 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)

ARTICLE 10

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)

ARTICLE 11

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)

ARTICLE 12

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 2006, 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 13

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 2006, 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 \$70,000.00 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 14

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 2006, 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 15

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 2006, 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 16

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 2006, a revolving fund for the Westport Fire Department into which will be paid all receipts from Ambulance Fees, from which costs not to exceed \$80,000 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 17

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 2006, a revolving fund for the Electrical, Plumbing & Gas Inspectors, into which will be deposited all receipts from fees and fines paid for electrical, plumbing and gas permits, from which costs not to exceed \$70,000.00 for inspections performed, mileage, schooling, equipment and supplies, clerical wages and other miscellaneous expenses may be expended without further appropriation by the Electrical, Plumbing and Gas departments, Any fund balance in excess of \$70,000 at the end of the fiscal year will be transferred into the general fund, and/or take any other action relative thereto.

BUILDING DEPARTMENT

VOTED: (Unanimously)

ARTICLE 19

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.

PLANNING BOARD

VOTED: (Unanimously)

An intention was made to reconsider Articles 9, 10 and 11.

ARTICLE 18

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 2006, 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 20

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 \$ 45,716.00

Expenses 101,371.00

Capital Outlay 9,000.00

Total \$ 156,087.00

And that \$156,087.00 be raised as follows:

User Charges \$ 95,687.00

Dredge Surcharge 45,000.00

Waterways 15,400.00

Total \$ 156,087.00

BOARD OF SELECTMEN/HARBORMASTER/

WHARFINGER

VOTED: (Unanimously)

ARTICLE 21

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 \$51,000.00

Total \$51,000.00

And that \$51,000.00 be raised as follows: Department Receipts \$51,000.00

BOARD OF SELECTMEN

VOTED: (Unanimously)

ARTICLE 22

To see if the Town will vote to amend its By-Laws by adopting the following, or take any action relative thereto:

PREFACE (not part of the bylaw)

The citizens of Westport wish to protect the water quality of the Town's aquifers and waterways and acknowledge that these resources are shared community assets, which are important to all residents. Recognizing that activities on the land near wetlands, lakes, ponds, rivers, streams, vernal pools, estuaries and other resource areas have consequences to the long and short term health, quantity and quality of these water resources, therefore the citizens of Westport do hereby adopt this bylaw to help regulate activities in or near these water resources as stipulated below.

WETLANDS PROTECTION BYLAW

1. Introduction.

The purpose of this bylaw is to protect the wetlands, water resources, and adjoining land areas in the Town of Westport by regulating activities that would have a significant or cumulative effect upon Resource Area values deemed important to the Town (collectively, the "Resource Area values protected by this bylaw"), including but not limited to the following:

- * public or private water supply,
- * groundwater quantity and quality,

- * flood control,
- * storm damage prevention including coastal storm flowage, * * water quality,
- * water pollution control,
- * erosion and sedimentation control,
- * fisheries and shellfish, wildlife habitat, and rare species habitat including rare plant species,
- * agriculture, aquaculture, and recreation.

2.1 Jurisdiction.

No person shall alter the following areas unless permitted by the Conservation Commission or as otherwise provided in this bylaw:

- * any freshwater or coastal wetlands; whether vegetated or unvegetated;
- * marshes; flats; wet meadows; bogs; swamps; Vernal Pools (as defined in Section 9.1.j);
- * banks; reservoirs; lakes; ponds;
- * rivers; streams; creeks;
- * beaches; dunes; estuaries, including Estuary Area (as defined in Section 9.1.d);
- * lands under water bodies; lands subject to flooding or inundation by groundwater or surface water; lands subject to tidal action, coastal storm flowage, or flooding; and
- * the Buffer Protection Zone (as defined in Section 9.1.c) to any of the aforementioned Resource Areas, except the 200-foot riverfront area and Estuary Area (which have no buffer zone).

These Resource Areas shall be protected whether or not they border surface waters.

2.2 Commission Review.

The Commission shall have the right to review all work proposed that may alter Resource Areas, as follows:

- * in riverfront and Estuary Areas;
- * within 200 feet of a pond, lake, Vernal Pool or intermittent stream that is connected by surface flow to a perennial stream or river; and
- * within 100 feet of all other Resource Areas.

The purpose of this review is to ensure that proposed work is appropriately permitted and conditioned to protect the Resource Areas.

2.3. Presumed Importance of Buffer Protection Zones.

Activities undertaken in proximity to wetlands and other Resource Areas have a high likelihood of adverse impact either immediately, as a consequence of construction, or over time, as a consequence of daily operation or existence of the activities. These adverse impacts from construction and use can include, erosion, siltation, loss of groundwater recharge, poor water quality, and loss of wildlife habitat.

Therefore, Buffer Protection Zones are presumed important to the protection of the adjacent Resource Areas. Unless the applicant convinces the Commission that the area or part of it may be disturbed without harm to the values protected by the bylaw, the Commission may require that the applicant limit any activities within the Buffer Protection Zone.

2.4 Undisturbed Zone and Limited Activity Zone.

To adequately protect Resource Areas, the Commission shall require, unless a variance pursuant to section 7.10 is granted, two contiguous areas within the Buffer Protection Zone as follows:

* an Undisturbed Zone, forming a strip of continuous, undisturbed vegetative cover, extending 50 feet from the bank of a pond, lake or intermittent stream that is directly connected by surface flow to a perennial stream or river; 50 feet from the border of a Vernal Pool; and

25 feet from the border or bank or any other Resource Area.

* a Limited Activity Zone, extending 50 feet from the outer edge of the Undisturbed Zone of any Resource Area in which no driveways or parking areas may be placed and the placement of impervious materials or structures is limited to 2000 sq. ft. or 20% of the zone, whichever is less. The maximum disturbed area in the Limited Activity Zone is not to exceed 5,000 sq. ft.

Riverfront and Estuary Areas do not have a Buffer Protection Zone.

3. Exceptions.

3.1. Public Utility Facilities.

The application and permit required by this bylaw shall not be required for maintaining, repairing, or replacing, but not substantially changing or enlarging, an existing and lawfully located structure or facility used in the service of the public to provide electric, gas, telephone, telegraph, or other telecommunication services, provided that written notice has been given to the Commission prior to commencement of work, and provided that the work conforms to performance standards and design specifications in regulations adopted by the Commission.

3.2. Agricultural Uses.

Work performed for normal maintenance or improvement of land in agricultural use, as defined in 310 CMR 10.00, is exempt from this bylaw.

3.3. Emergency Projects.

The application and permit required by this bylaw shall not be required for emergency projects necessary for the protection of the health and safety of the public, provided that the work is to be performed or has been authorized by a federal, state, county or local government agency, and that oral or written notice has been given to the Commission in advance or within 24 hours of commencement and that the work is performed only for the limited purposes necessary to abate the emergency. The Commission or its agent must certify the work as an emergency project and may impose conditions to ensure no work beyond that necessary to abate the emergency is performed.

3.4. Exceptions Contained in the Act.

Other than stated in this section, the exceptions provided in the Wetlands Protection Act (MGL Ch. 131 s.40) and Regulations (310 CRM

10.00) shall not apply under this bylaw.

4. Applications and Fees.

4.1. Request for Determination.

Any person desiring to know whether or not a proposed activity or an area is subject to this bylaw may request, in writing, a determination from the Commission. Such a Request for Determination (RFD) shall include information and plans necessary to make a determination.

4.2. Application.

Written application shall be filed with the Commission to perform activities affecting Resource Areas protected by this bylaw. The permit application shall include such information and plans necessary to describe proposed activities and their effects on the Resource Areas protected by this bylaw. No activities, unless exempt under Section 3 or 4.3, shall begin without receiving and complying with a permit issued under this bylaw. The Commission may accept as the application and plans under this bylaw any application and plans filed under the Wetlands Protection Act and Regulations.

4.3. Minor Activities.

Certain minor activities in the Buffer Protection Zone may be exempt from the formal application requirements under this bylaw, providing that the activity complies with all other provisions of this bylaw and the Commission or its Agent approves the exception. Minor activities include, but are not limited to:

- * vista pruning,
- * unpaved pedestrian walkways,
- * repair of stone walls, and
- * planting of non-invasive native species.

The Commission shall establish the scope and procedures for exempt minor activities in its regulations.

4.4. Filing Fee.

At the time of a permit application, a RFD, or a Certificate of Compliance, the applicant shall pay a filing fee specified in regulations of the Commission. The fee is in addition to that required by the Wetlands Protection Act and Regulations. The fee shall be deposited in a dedicated account, for use only for administration of this bylaw, from which the Commission may withdraw funds without further appropriation.

4.5. Waiver of Fee.

The Commission may waive the filing fee, consultant fee, and costs and expenses for an application or RFD filed by a government agency.

5. Notice and Hearings.

5.1. Notice by Applicant.

Any person filing a permit application with the Commission at the same time shall give written notice of the filing by certified mail (return receipt requested) or hand delivered, to all abutters at their mailing addresses shown on the most recent applicable tax list of the assessors, including owners of land directly opposite on any public or private street or way, and abutters to the abutters within 200 feet of the property line of the applicant, including any in another municipality or across a body of water if the distance is less than 200 feet. The notice to abutters shall have enclosed a copy of the permit application or request, with plans, or shall state where copies may be examined and obtained by abutters. An affidavit of the person providing such notice, with a copy of the notice mailed or delivered, shall be filed with the Commission. When a person requesting a determination is other than the owner, the request, the notice of the hearing, and the determination itself shall be sent by the applicant to the owner.

5.2. Public Hearing.

The Commission shall commence a public hearing on any permit application or RFD within 21 days from receipt of a completed permit application or RFD unless the applicant authorizes an extension in writing. Written notice (at the applicant's expense) must appear in a newspaper of general circulation in the Town not less than five days prior to the hearing. The Commission shall issue its permit or determination in writing within 21 days of the close of the public hearing unless the applicant authorizes an extension in writing. The Commission may combine its hearing under this bylaw with the hearing conducted under the Wetlands Protection Act and Regulations.

6. Coordination with Other Boards.

The Commission shall provide notice at the time the application is made, to the Board of Selectman, Planning Board, Board of Appeals, Board of Health, Highway Surveyor, Building Inspector and the Historical Commission. The Commission shall not close the hearing until the boards and officials have had 10 days from receipt of notice to file written comments and recommendations with the Commission. The applicant shall have the right to receive any comments and recommendations, and to respond to them at a hearing of the Commission, prior to final action.

7. Permits and Conditions.

7.1. Issuance of Permit.

Within 21 days of the close of the hearing, the Commission will determine whether the activities that are subject to the permit application are likely to have a significant individual or cumulative effect upon the Resource Area Values protected by this bylaw and shall issue or deny a permit. If it issues a permit, the Commission shall impose conditions necessary to protect those values, and all activities shall be done in accordance with those conditions. In its review, the Commission shall take into account the cumulative adverse effects of past activities and foreseeable future activities, resulting in the loss, degradation, and/or isolation of protected Resource Areas throughout the community and the watershed.

7.2. Denial of Permit.

The Commission is empowered to deny a permit for failure to meet the requirements of this bylaw; for failure to submit necessary information and plans requested by the Commission; for failure to meet the design specifications, performance standards, or other requirements in regulations of the Commission; for failure to avoid or prevent

unacceptable adverse effects upon the Resource Area values protected by this bylaw; and where no conditions are adequate to protect those values.

7.3. Practicable Alternatives for Resource Areas and Buffer Protection Zones.

In the review of projects within Resource Areas and Buffer Protection Zones under the jurisdiction of the Commission, no permit issued by the Commission shall allow any activities unless the applicant, in addition to meeting the other requirements of this bylaw, has proved by a preponderance of the evidence that:

* there is no practicable alternative to the proposed project with less adverse effects and

* that such activities, including proposed mitigation measures, will have no net significant adverse impact on the areas or values protected by this bylaw.

The Commission shall regard as practicable an alternative which is reasonably available and capable of being done after taking into consideration the proposed property use, pre-existing conditions, overall project purpose, logistics, mitigation, existing technology, costs of the alternatives, and potential hardship.

7.4. Avoidance of Wetlands Loss or Alteration.

To prevent wetlands loss, the Commission shall require applicants to avoid wetlands alteration wherever feasible; shall minimize wetlands alteration; and, where alteration is unavoidable, shall require full mitigation. The Commission may authorize or require replication or restoration of wetlands as a form of mitigation with adequate security, professional design, and monitoring to assure success, because of the high likelihood of failure of replication and of restoration.

7.5. Expiration of Permit.

A permit shall expire three years from the date of issuance. However, the Commission at its discretion may allow a permit extension due to unavoidable delays or for recurring or continuous maintenance work, provided that annual notification of time and location of work is given to the Commission. Notwithstanding the above, a permit may contain requirements which shall be enforceable for a stated number of years, permanently, or until permanent protection is in place, and shall apply to all owners of the land.

7.6. Revocation of Permit.

For reasons of new violations, incomplete information or the discovery of new pertinent information or evidence of adverse impact on a Resource Area, the Commission may revoke or modify a permit or determination issued under this bylaw after notice to the holder, the public, abutters, and town boards, as described in sections 5 and 6, and a public hearing.

7.7. Coordination of Permit with Order of Conditions.

The Commission may combine the permit or determination issued under this bylaw with the Order of Conditions or Determination of Applicability issued under the Wetlands Protection Act and Regulations.

7.8. Recording of Permit.

No work proposed in any permit application shall be undertaken until the permit has been recorded in the registry of deeds or, if the land affected is registered land, in the registry section of the appropriate land court and the holder of the permit provides the Commission with written certification or proof that the permit has been recorded.

7.9. Reconsideration.

An applicant may request reconsideration of an RFD or permit application after a decision of the Commission has been reached, without re-filing, or additional fees, if the applicant submits a written request and the reasons for reconsideration to the Commission within 14 days of the decision.

7.10. Variance.

The Commission may waive strict compliance with the Undisturbed Zone and Limited Activity Zone requirements when it finds, after notice and a public hearing that:

* there are no reasonable conditions or alternatives that would allow the project to proceed in full compliance with section 2.4; and

* that mitigating measures are proposed that will allow the project to be conditioned so as to protect the Resource Area values.

8. Regulations.

After public notice and public hearing, the Commission shall make rules and regulations to effect the purposes of this bylaw but not to exceed the scope of this bylaw that will become effective when voted and filed with the town clerk. Failure by the Commission to make such rules and regulations shall not act to suspend or invalidate the effect of this bylaw. At a minimum these regulations shall define key terms in this bylaw not inconsistent with the bylaw and procedures governing the amount and filing of fees.

9. Definitions.

9.1. Defined Terms.

The following definitions shall apply in the interpretation and implementation of this bylaw.

9.1.a. Alter.

“Alter” shall include the following activities when undertaken to, upon, within or directly affecting the Resource Areas or Buffer Protection Zones protected by this bylaw:

i. Removal, excavation, or dredging of soil, sand, gravel, or aggregate materials of any kind; ii. Pumping, piping, channeling, or addition or removal of water that changes pre-existing drainage or flushing characteristics or flow patterns, lowers water levels, or the water table; iii. Discharge or addition of any material that results in changes in salinity distribution, temperature, biochemical oxygen demand, or other physical, biological, or chemical characteristics of any receiving waters, or that may degrade water quality; iv. Driving of piles, erection, demolition or enlargement of buildings, or structures of any kind; v. Placement of fill; vi. Placing of obstructions or objects in water; vii. Destruction of plant life; viii. Any activity that changes patterns of sedimentation or causes pollution to any body of water or groundwater; and/or ix. Any activity that has been shown to have a cumulative adverse impact on the Resource Areas protected by this bylaw.

9.1.b. Bank.

“Bank” shall include the land area which normally abuts and confines a water body; the lower boundary being the mean annual low flow level, and the upper boundary being the first observable break in the slope or the mean annual flood level, whichever is higher.

9.1.c. Buffer Protection Zone.

The area extending 100 feet from the border or bank of any Resource Area listed in Section 2 under the jurisdiction of the Commission, except the Buffer Protection Zone shall extend 200 feet in the case of a pond, lake, Vernal Pool or intermittent stream that is directly connected by surface flow to a perennial stream or river. Riverfront areas and the Estuary Area do not have a Buffer Protection Zone.

9.1.d. Estuary Area

The area, extending 200 feet horizontally from the bank of land extending south from the mouth of the Westport River, as defined in 310 CMR 10.00, to a line drawn due northward of the Westport Light (Knubble) to the opposite shore is to be considered Estuary Area under this bylaw and is protected in the same manner as riverfront area specified in the Rivers Protection Act (MGL Ch. 131 s. 40) and in 310 CMR 10.00.

9.1.e. Isolated Wetland.

Isolated wetland is any area where surface or ground water is at or near the surface of the ground and greater than 2,500 square ft. in area, which, under normal conditions, supports a plant community (cover) comprised of 50% or greater of wetland species, or evidence of wetland hydrology or wetland soils sufficient to support the growth of a significant community of wetland vegetation.

9-1.f. Limited Activity Zone.

An area within the Buffer Protection Zone in which the amount of disturbance is limited. This area extends 50 feet from the outer edge of the Undisturbed Zone of a Resource Area. The Limited Activity Zone does not apply to Riverfront Area or Estuary Area.

9.1.g. Rare Species.

“Rare Species” shall include, without limitation, all vertebrate and invertebrate animal and plant species listed as endangered, threatened, or of special concern by the Massachusetts Division of Fisheries and Wildlife, regardless of whether the site in which they occur has been previously identified by the Division.

9.1.h. Resource Area.

A Resource Area is any of the following that are under the jurisdiction of this bylaw: any freshwater or coastal wetlands, whether vegetated or unvegetated; marshes; flats; wet meadows; bogs; swamps; Vernal Pools (as defined in Section 9.1.j); banks; reservoirs; lakes; ponds; rivers; streams; creeks; beaches; dunes; estuaries, lands under water bodies; lands subject to flooding or inundation by groundwater or surface water; lands subject to tidal action, coastal storm flowage, or flooding; Estuary Area (as defined in section 9.1.d) and riverfront areas.

9.1.i. Undisturbed Zone.

An area within the Buffer Protection Zone extending 50 feet from the bank of a pond, lake or intermittent stream that is directly connected by surface flow to a perennial stream or river; 50 feet from the border of a Vernal Pool; and 25 feet from the border or bank or any other Resource Area. The Undisturbed Zone does not apply to riverfront and Estuary Areas.

9.1.j. Vernal Pool.

“Vernal Pool” is a confined basin depression, which, at least in most years, holds water for a minimum of two continuous months during the spring and/or summer, whether or not it is located within any other Resource Area and

which otherwise meets the certification criteria of the Massachusetts Natural Heritage and Endangered Species Program.

Vernal pools shall include those mapped and certified by the Massachusetts Natural Heritage and Endangered Species Program as well as those areas identified in the field as eligible for certification by a professional wetland biologist or other expert.

9.2. Consistency with Wetlands Protection Act.

Except as otherwise provided in this bylaw the definitions of terms in this bylaw shall be as set forth in the Wetlands Protection Act (M.G.L.

Ch. 131 §40) and Regulations (310 CMR 10.00).

10. Enforcement.

10.1. Prohibition.

No person shall alter Resource Areas or Buffer Protection Zones protected by this bylaw, or cause, suffer, or allow such activity, or leave in place unauthorized fill, or otherwise fail to restore illegally altered land to its original condition, or fail to comply with a permit, emergency project certification or an enforcement order issued under this bylaw.

10.2. Entry on Property.

The Commission, its agents, officers, and employees shall have authority to enter upon privately owned land for the purpose of performing their duties under this bylaw subject to the constitutions and laws of the United States and the Commonwealth.

10.3. Enforcement Alternatives.

The Commission shall have authority to enforce this bylaw, its regulations, and permits by violation notices, enforcement orders, under the Town's non-criminal disposition section of its general bylaws, pursuant to M.G.L. c. 40, §21D, and civil and criminal court actions.

Any police officer or the Conservation Agent shall have authority to enforce this bylaw. Any person who violates provisions of this bylaw may be ordered to restore the property to its original condition and take other action deemed necessary to remedy such violations, or may be fined, or both.

10.4. Fine.

Any person who violates any provision of this bylaw, or regulations, permits, or administrative orders issued by the Commission shall be punished by a fine of \$150. After an Enforcement Order has been issued by the Commission or by its agent and then ratified by the Commission each day or portion thereof during which a violation continues or unauthorized alteration remains in place, shall constitute a separate offense, and each provision of the bylaw, regulations, permits, or administrative orders violated shall constitute a separate offense.

11. Burden of Proof.

The applicant for a permit shall have the burden of proving by a preponderance of the credible evidence that the work proposed in the permit application will not have unacceptable significant or cumulative effect upon the Resource Area values protected by this bylaw. Failure to provide adequate evidence to the Commission supporting this burden shall be sufficient cause for the Commission to deny a permit or grant a permit with conditions.

12. Appeals.

A decision of the Commission shall be reviewable in the Superior Court in accordance with M.G.L. Ch. 249 §4.

13. Home Rule Authority.

This bylaw is adopted under the Home Rule Amendment of the Massachusetts Constitution and the Home Rule statutes, independent of the Wetlands Protection Act (M.G.L. Ch. 131 §40) and Regulations (310 CMR 10.00) there under.

14. Severability

The invalidity of any section or provision of this bylaw shall not invalidate any other section or provision thereof.

CONSERVATION COMMISSION

MOVED: that we add a comma (,) in section 2.2 after the words "Vernal Pool".

VOTED: the provisions of Article 22 were lost.

ARTICLE 23

To see if the town will vote to amend the Westport Zoning By-laws by adding the new Article 12, Building Permit Limitations to read as follows:

12.0 BUILDING PERMIT LIMITATIONS

12.1 Purpose: The purpose of this section is to allow the Town further time to analyze the remaining unbuilt areas of the Town, the speed of residential growth, and the capacity of the commercial, public and private infrastructure and services to provide for a growing population. This will enable the Town to prepare comprehensive fiscal, government, and land-use planning and to prepare by-law changes as necessary to regulate the speed of growth in proportion to such infrastructure and service while preserving and maintaining its existing community character.

12.2 Definitions: As used in this section, the following words shall have the meanings specified herein:

Affordable Housing: Dwelling Units available at a cost of no more than 30% of the gross household income to households at or below 80% of the county median income as reported by the U.S. Department of Housing and Urban Development.

Applicant: Individuals, partnerships, corporations, trusts and other legal entities in which the applicant of record holds a legal or beneficial ownership of greater than 1 %.

Year: The twelve month period beginning July 1 and ending June 30.

Residential Dwelling Unit: A residential dwelling unit shall include a one-family dwelling, or an individual unit within a dwelling containing multiple units, without regard to ownership or tenure, which unit is used or available to be used as a primary dwelling or a guest house.

12.3 Applicability: This by-law applies to the issuance of building permits for construction of all residential dwelling units between July 1, 2005 and June30,2009 and the total limits hereunder shall apply notwithstanding any contrary provisions in Article 10.

12.4 Residential Development Limitation: For each of the five years commencing July 1, 2005, the total number of building permits issued for construction of new residential dwelling units, including new residential dwelling units developed through conversion of non-residential buildings for dwelling use, shall not exceed sixty(60) per year and shall be issued only in accordance with the following procedures and limitations.

12.5 Issuance of Building Permits: Building permits for new residential dwelling units shall be issued in accordance with the procedures set out below:

12.5.1 The building inspector shall keep a chronological record of the filing of the completed building permit applications for construction of new residential dwelling units in each year, and assign each application a sequential number. Permits shall be issued on a first in time basis subject to section 12.5.2, below.

12.5.2 Within any one month, building permits may be issued for no more than ten percent (10%) of the total number of new residential dwelling units for the year; provided, however, that any unused permit allotments are to be carried forward for issuance in the subsequent month in addition to the allotted ten percent (10%) for that month, until all sixty permits have been issued or until the expiration of the year.

12.5.3 All permits shall be site specific and non-transferable for use in connection with an alternate site or building.

12.5.4 An applicant whose permit has lapsed by reason of non-exercise may re-apply for a new permit. A permit shall be deemed lapsed if not exercised within 90 days of issuance. A lapsed permit shall be added to the available permits remaining in the same year the lapse occurred.

12.5.5 When building permits have been issued for (60) new Residential Dwelling Units within a year, as certified by the Building Inspector, the Building Inspector shall cease to issue building permits for any additional new Residential Dwelling Units until the next year commences.

12.5.6 Each applicant or set of applicants involving one or more of the same principals shall be limited to no more than three(3) permits, within any given year. Multifamily residential developments and independent living facilities shall be phased to comply with this requirement.

12.6 Exemptions: The following exemptions outside of the building limitation will be permitted:

12.6.1 New single family residential dwelling units to be built under any local, state or federal programs for the construction of affordable housing.

12.6.2 Any new residential dwelling unit to be built or rebuilt to replace or restore a dwelling damaged by fire, flood or other casualty;

12.6.3 Independent Living Facilities

12.6.4 Any new residential dwelling to be built by the Westport Housing Authority.

12.6.5 Any new residential dwelling to be built pursuant to the Westport Affordable Housing Production Plan in conjunction with an approved Massachusetts Department of Housing and Community Development certification.

12.7 Severability: If any provision of this bylaw is held invalid by the court of competent jurisdiction, the remainder of the bylaw shall not be affected thereby. The invalidity of any section or sections or parts of any section or sections of this bylaw shall not affect the validity of the remainder of the Westport's zoning bylaw.

12.8 Time Limitation: This section shall expire on June 30, 2009.

BOARD OF SELECTMEN

Motion: amend Article 23 by deleting in section 12.5.6 the words "and independent living facilities" and amend section 12.8 to read June 30, 2010.

The amendment to change section 12.8 to read June 30, 2010 was found to exceed the scope of the original article.

VOTED: to amend the amendment by deleting in section 12.5.6 the words "and independent living facilities", to change in section 12.4 the word "five" to "four" and in section 12.8, keep the original date of June 30, 2009. Carried.

VOTED: the provisions of Article 23 were lost.

A motion to Table Article 24 until tomorrow evening was made and rescinded.

VOTED: to adjourn the Annual Town Meeting at 10:16 p.m. until tomorrow night at 7:30 p.m.

There were 757 registered voters and 17 visitors and press in attendance.

A true record,

Attest:

Marlene M. Samson
Town Clerk

Minutes of Annual Town Meeting Session 2 May 4, 2005

May 4, 2005

The adjourned Annual Town Meeting was called to order at 7:35 p.m. by Moderator Steven Fors who appointed Doug Houde and Ken DeCosta to act as Tellers and they were duly sworn by the Town Clerk. Beverly Kut acted as timekeeper for the meeting. All stood to salute the flag of our nation.

ARTICLE 24

1. To see if the Town will vote to amend the "Table of Use Regulations" of the Westport Zoning By-Law, to allow for Inclusionary Housing by Special Permit of the Planning Board as follows:

To insert after "HOTEL", "INCLUSIONARY HOUSING" with the designation "SPPB" under Residential, Business, and Unrestricted Districts. and

2. To see if the Town will vote to amend Article 2 of the Westport Zoning By-Laws by adding Section 2.7 as follows: "The Planning Board is hereby designated as the Special Permit Granting Authority (SPGA) for Inclusionary Housing." and

3. To see if the Town will vote to amend the Westport Zoning By-Laws by adding the new Article 13, Inclusionary Housing to read as follows:

13.0 Inclusionary Housing

13.1 Purpose and Intent

The purpose of this By-Law is to outline and implement a coherent set of policies and objectives for the development of affordable housing in tandem with on-going Town of Westport programs to promote a reasonable percentage of housing that is affordable to moderate-income buyers. It is intended that the affordable housing units that result from special permits issued under this By-Law be included on the Town's subsidized housing inventory, as kept by the Massachusetts Department of Housing and Community Development ("DHCD"). It is intended that this by-law provide a mechanism to compensate for those decreases in the town's percentage of affordable housing that are directly caused by increases in the Town's overall housing stock.

13.2 Definitions

13.2.1 Affordable Housing Unit: A dwelling unit that can be purchased at an annual cost that is deemed affordable for a household that is earning no more than 70% of the area median income as reported by the U.S. Department of Housing and Urban Development and/or DHCD.

13.2.2 Qualified affordable housing unit purchaser: An individual or family with a household income that does not exceed 80% of the area median income, with adjustments for household size, as reported by the most recent information from the United States Department of Housing and Urban Development and/or DHCD.

13.3 Applicability

13.3.1. Division of Land

This By-Law shall apply to the division of land held in single ownership as of June 1, 2005 or anytime thereafter into six (6) or more lots, whether said six (6) or more lots are created at one time or are the accumulation of six (6) or more lots created from said land held in single ownership as of June 1, 2005, and shall require a special permit under Article 2 of the Zoning By-Law and G.L. c. 40A, §9. A special permit shall be required for “conventional” or “grid” divisions allowed by M.G.L. Chapter 41, Section 81-L and Section 81-U, as well as those divisions of land that do not require subdivision approval per G.L. c. 41, §81P.

13.3.2 Multi-Family Dwelling Units and Duplexes

This By-Law shall apply to the construction of six (6) or more multi-family dwelling units or duplexes, whether on one or more contiguous parcels in existence as of June 1, 2005, and shall require a special permit under Article 2 of the Zoning By-Law and G.L. c. 40A, §9.

13.3.3. Exemption

The provisions of Article 13.3.1 hereof shall not apply to the construction of six (6) or more single-family dwelling units on individual lots, if said six (6) or more lots were in existence as of June 1, 2005.

13.3.4. Administration

The Planning Board shall be the Special Permit Granting Authority for all special permits under this By-Law.

13.4 Mandatory Provision of Affordable Units

The Special Permit Granting Authority shall, as a condition of approval of any development referred to in Article 13.3, require that the applicant for special permit approval comply with the obligation to provide affordable housing pursuant to this By-Law and more fully described in Article 13.5. Any special permit granted hereunder shall contain a condition that no construction of any of the proposed development may commence until the affordable units created thereby are eligible for inclusion on the Town’s subsidized housing inventory.

13.5 Provision of Affordable Units

The Special Permit Granting Authority shall deny any application for a special permit for development if the applicant for special permit approval does not comply, at a minimum, with the following requirements for affordable units:

13.5.1 At least 10% of the lots in a division of land or units in a multi-family or duplex unit development subject to this By-Law shall be established as affordable housing units in any one or combination of methods provided for below. Fractions of a lot or dwelling unit shall be

rounded up to the nearest whole number, such that a development proposing six (6) dwelling units shall require one affordable unit, a development proposing eleven (11) dwelling units shall require two (2) affordable units, and so on.

13.5.2. The affordable unit(s) shall be constructed or rehabilitated on:

(i) the locus property; or

(ii) a locus different from the one subject to the special permit (see Article 13.9); or

The applicant may offer and the Special Permit Granting Authority may accept any combination of the Article 13.5 requirements provided that in no event shall the total number of units or land area provided be less than ten (10%) percent of the total number of units/lots approved under the permit.

13.6 Provisions Applicable to Affordable Housing Units On- or Off-Site

13.6.1 Siting of affordable units: All affordable units constructed or rehabilitated under this By-Law shall be situated so as not to be in less desirable locations than market-rate units in the development and shall, on average, be no less accessible to public amenities, such as open space, as the market-rate units.

13.6.2 Minimum design and construction standards for affordable units: Affordable housing units within market-rate developments shall be integrated with the rest of the development and shall be compatible in design, appearance, construction and quality of materials with other units.

(i) the locus property; or

(ii) a locus different from the one subject to the special permit (see Article 13.9); or

The applicant may offer and the Special Permit Granting Authority may accept any combination of the Article 13.5 requirements provided that in no event shall the total number of units or land area provided be less than ten (10%) percent of the total number of units/lots approved under the permit.

13.6 Provisions Applicable to Affordable Housing Units On- or Off-Site

13.6.1 Siting of affordable units: All affordable units constructed or rehabilitated under this By-Law shall be situated so as not to be in less desirable locations than market-rate units in the development and shall, on average, be no less accessible to public amenities, such as open space, as the market-rate units.

13.6.2 Minimum design and construction standards for affordable units: Affordable housing units within market-rate developments shall be integrated with the rest of the development and shall be compatible in design, appearance, construction and quality of materials with other units.

13.6.3 Timing of construction or provision of affordable units or lots: The Special Permit Granting Authority may impose conditions on the special permit requiring construction of affordable housing according to a specified time table, so that affordable housing units shall be provided coincident to the development of market-rate units, but in no event shall the development of affordable units be delayed beyond the schedule noted below:

Market-Rate Unit %	Affordable Housing Unit %
Up to 30%	None required
30% plus 1 unit	At least 10%
Up to 50%	At least 30%
Up to 75%	At least 50%
75% plus 1 unit	At least 70%
UP to 90%	100%

Any fractions of an affordable unit shall be rounded up to a whole unit.

13.7 Local Preference

To the extent permitted by law, the Special Permit Granting Authority may require the applicant to comply with local preference requirements, if any, as may be established by regulations promulgated hereunder.

13.8 Marketing Plan for Affordable Units

Applicants under this By-Law shall submit a marketing plan or other method approved by the Special Permit Granting Authority, which describes how the affordable units will be marketed to potential homebuyers. If applicable, this plan shall include a description of the lottery or other process to be used for selecting buyers. The plan shall be in conformance to DHCD rules and regulations, and shall be subject to the prior review and approval of Town Counsel at the applicant's expense.

13.9 Provision of Affordable Housing Units Off-Site

Subject to the approval of the Special Permit Granting Authority, an applicant subject to this By-Law may develop, construct or otherwise provide affordable units equivalent to those required by Article 13.5 off-site. All requirements of this By-Law that apply to on-site provision of affordable units, shall apply to provision of off-site affordable units. In addition, the location and design of the off-site units to be provided shall be approved by the Special Permit Granting Authority as an integral element of the special permit review and approval process.

13.10 Preservation of Affordability; Restrictions on Resale

Each affordable unit created in accordance with this By-Law shall have the following limitations governing its resale. The purpose of these limitations is to preserve the long-term affordability of the unit and to ensure its continued availability for affordable income households. The deed restriction must be deemed acceptable to DHCD and Town Counsel prior to the issuance of any building or occupancy permits and shall be recorded at the Bristol County (S.D.) Registry of Deeds or the Land Court and shall be in force for the longest period allowed by law, unless the Planning Board determines that a shorter period of affordability will facilitate the development of affordable housing.

13.10.1 The Special Permit Granting Authority shall require, as a condition for special permit approval under this By-Law, that the deeds to the affordable housing unit contain a restriction requiring that any subsequent renting or leasing of said affordable housing unit shall not exceed an amount that is deemed affordable for a household earning no more than 70% of the area median income, as determined by the DHCD.

13.11 Regulations

The Special Permit Granting Authority may adopt regulations for the orderly administration of this by-law.

PLANNING BOARD

The main motion of Article 24 was accepted with the following modifications:

Section 13.3.1, - change "six (6) or more" to "eight (8) or more", Section 13.3.2 - change "six (6) or more" to "eight (8) or more", Section 13.3.3 - change "six (6) or more" to "eight or more" and Section 13.5.1 - change "six (6) or more" to "eight (8) or more".

VOTED: to amend Article 24, Section 13.5.1 to delete the word "lots" and insert the word "units" in the first sentence Carried.

VOTED: to accept Article 24 as amended. Carried. Approved by Atty. Gen. 6/7/05.

ARTICLE 25

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

1. 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 inserting 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 that was in one ownership or under the control of one entity on the date of enactment of this by-law.”

2. Add an additional section, 10.6 as follows:

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

PLANNING BOARD

VOTED: (Unanimously) Approved by Atty. Gen. 6/7/05.

ARTICLE 26

To see if the Town will vote to amend Article 7 Intensity Regulations of the Westport Zoning

by-Law, Section 7.2.1 to add the following paragraph to the end of Section 7.2.1:
All age-qualified Assisted and Independent Living developments for the elderly must comply with the provisions of M.G.L. Chapter 151B, Section 4, including but not limited to the requirement that such development be built on one parcel or on contiguous parcels of land totaling at least five (5) acres in size.

PLANNING BOARD

VOTED: (Unanimously) Approved by Atty. Gen. 6/7/05.

ARTICLE 27

To see if the Town will vote to amend Article 5 Parking and Sign Regulations of the Westport By-Law, Section 5.2 to add the following Section 5.2.2:

Signs with flashing lights or moving parts are prohibited. Signs that create the appearance of movement including, but not limited to scrolling messages and/or video are prohibited. A sign display or message whether temporary or permanent shall not be changed more than once in a 24-hour period, and/or take any other action relative thereto.

BOARD OF SELECTMEN

VOTED: (Unanimously) to amend Article 27 by adding the following section:

Section 5.2.2 shall not apply to non-commercial signs, including, but not limited to, any sign erected by the town, county, state or federal government for traffic control, traffic direction, and/or other public safety purposes.

VOTED: A motion to amend Article 27, Section 5.2.2 by adding the following sentence was lost.

“This section shall also not apply to signs erected prior to the adoption of this by-law or existing signs repaired after the adoption of this by-law”.

VOTED: to amend Article 27 by deleting the last sentence of paragraph one which reads:

“A sign display or message whether temporary or permanent shall not be changed more than one in a 24-hour period”. Carried.

VOTED: A motion to Table Article 27 indefinitely was lost.

VOTED: to postpone Article 27 indefinitely. Carried.

There was a question on the voice count, therefore, a hand count was taken to postpone Article 27 Indefinitely.

Yes: 178 No: 68 Carried.

ARTICLE 28

To see if the Town will vote to amend the “Table of Use Regulations” of the Westport Zoning By-Law, to prohibit flashing and moving signs in all districts as follows:

1. To insert after ‘SIGNS (ACCESSARY) [sic] “SIGNS, FLASHING AND/OR MOVING” with the designation “N” under Residential, Business, and Unrestricted Districts, and/or take any other action relative thereto.

BOARD OF SELECTMEN

VOTED: (Unanimously) to pass over Article 28.

ARTICLE 29

To see if the Town will vote to amend the "Table of Use Regulations" of the Westport Zoning By-Law, to correct the entry under SIGNS (ACCESSARY) to SIGNS (ACCESSORY), and/or take any other action relative thereto.

BOARD OF SELECTMEN

VOTED: a motion to pass over Article 29 was lost.

Yes: 103 No: 114

VOTED: (Unanimously) Approved by Atty. Gen. 6/7/05.

VOTED: to adjourn the Annual Town Meeting at 9:54 p.m. until tomorrow night at 7:30 p.m. Carried.

There were 309 registered voters and 9 visitors and press in attendance.

A true record,

Attest:

Marlene M. Samson

Town Clerk

Minutes of Annual Town Meeting Session3 May 5, 2005

May 5, 2005

The adjourned Annual Town Meeting was called to order at 7:32 p.m. by Moderator Steven Fors who appointed Ken DeCosta, Gerry Souza and Tara Fernandes to act as tellers and they were duly sworn by the Town Clerk. Beverly Kut acted as timekeeper for the meeting. All stood to salute the flag of our nation.

ARTICLE 30

1. To see if the Town will vote to amend the "Table of Use Regulations" of the Westport Zoning By-Laws, to allow for Drive-Through Facilities by Special Permit of the Planning Board as follows:

To insert after "DOGS: MAXIMUM 6" "DRIVE-THROUGH FACILITIES" with the

designation "SPPB" under Business, and Unrestricted Districts. and

2. To see if the Town will vote to amend Section 2.6 of the Westport Zoning By-Laws "SPECIAL PERMITS" as follows:

by adding after the words "(Article 11)", the words "and for Drive-Through Facilities."

3. To see if the Town will vote to amend the Westport Zoning by-Laws by adding the new Article 14 DRIVE-THROUGH FACILITIES as follows:

3. To see if the Town will vote to amend the Westport Zoning by-Laws by adding the new Article 14 DRIVE-THROUGH FACILITIES as follows:

ARTICLE 14 DRIVE-THROUGH FACILITIES

14.0 DRIVE-THROUGH FACILITIES

14.1 Purpose: The purpose of this by-law is to enhance the public health, safety, convenience and welfare by providing detailed review of the design and layout of drive-through facilities, which have a substantial impact upon the character and environment of the Town and upon traffic, utilities and services therein.

14.2 Powers and Administration: The Planning Board is hereby designated the Special Permit Granting Authority (SPGA) for Drive-Through Facilities. The SPGA shall, after a public hearing, adopt regulations relative to the issuance of special permits for Drive-Through Facilities, including submission requirements, design standards and BMP's. After holding a public hearing, the SPGA may establish administrative and review fees.

After notice and public hearing as required by M.G.L. Chapter 40A, Section 9, and review of the site plan and accompanying submissions required by its regulations (to be adopted hereunder), the SPGA may grant the special permit, deny the special permit, or grant the special permit with conditions appropriate to serving the purposes of this section. The SPGA may require the applicant to post a performance guarantee in an amount satisfactory to the SPGA to ensure compliance with all conditions of approval.

14.3 Definitions: As used in this by-law section and any regulations adopted by the Planning Board under this by-law, the following words shall have the meanings specified herein as follows:

Access: A way or means of approach to provide vehicular or pedestrian access to a property.

Access Connection: Any driveway, street, curb cut, turnout or other means of providing for the movement of vehicles to or from the public/private roadway network.

Best Management Practice (BMP): For the purposes of stormwater management, structural or nonstructural and managerial techniques that are recognized to be the most effective and

practical means to prevent or reduce non-point source pollution from entering receiving waters.

Cross Access: A service drive providing vehicular access between two or more contiguous sites so that the driver need not enter the public street system.

Drive-Through Facility: A commercial facility that provides a service directly to a motor vehicle (including, but not limited to, quick lube facilities and drive-through car washes); or to the occupants of the vehicle, without requiring them to leave the vehicle (including, but not limited to fast food restaurants and drive-through automatic teller machines). This definition does not include the selling of fuel at a gasoline filling station or the accessory functions of a carwash facility such as vacuum cleaning stations.

Driveway/Curb Cut Spacing: The distance between access connections, as measured from the closest edge of pavement along the public/private roadway.

Fast Food Restaurant: Any restaurant serving the majority of its food in disposable containers, packages, or other similar wrapping, for consumption on or off the premises.

Joint Access (or Shared Access): A driveway or other Access Connection connecting two or more contiguous sites to the public/private street system.

Lot, Corner: Any lot having at least two (2) contiguous sides abutting upon one or more streets, provided that the interior angle at the intersection of such two sides is less than one hundred thirty-five (135) degrees.

14.4 **Applicability:** The provisions of this by-law shall apply to all new drive-through facilities, whether such drive-through is the principal use on the site or a use that is accessory to another use on the site and to any existing drive-through facility undergoing reconstruction which substantially changes its location, footprint, access connection, or service capacity.

14.5 Exemptions

The provisions of this by-law do not apply to businesses such as take-out restaurants that require the vehicle occupant(s) to leave their vehicle and to walk to a take-out window or counter for service.

14.6 Dimensional and Intensity Regulations:

14.6.1 **Drive-Through Facilities** shall only be permitted on lots which meet the minimum standards for non-residential lots pertaining to lot area and contiguous upland area contained in Section 7.4 of these By-Laws and which have a minimum lot frontage of 250 feet, and a minimum lot depth of 200 feet.

14.6.2 **Driveway/Curb Cut Spacing:** Separation between access connections on all collectors and arterials shall be based on the posted speed limit in accordance with the following table:

Lot, Corner: Any lot having at least two (2) contiguous sides abutting upon one or more streets,

provided that the interior angle at the intersection of such two sides is less than one hundred thirty-five (135) degrees.

14.4 Applicability: The provisions of this by-law shall apply to all new drive-through facilities, whether such drive-through is the principal use on the site or a use that is accessory to another use on the site and to any existing drive-through facility undergoing reconstruction which substantially changes its location, footprint, access connection, or service capacity.

14.5 Exemptions

The provisions of this by-law do not apply to businesses such as take-out restaurants that require the vehicle occupant(s) to leave their vehicle and to walk to a take-out window or counter for service.

14.6 Dimensional and Intensity Regulations:

14.6.1 Drive-Through Facilities shall only be permitted on lots which meet the minimum standards for non-residential lots pertaining to lot area and contiguous upland area contained in Section 7.4 of these By-Laws and which have a minimum lot frontage of 250 feet, and a minimum lot depth of 200 feet.

14.6.2. Driveway/Curb Cut Spacing: Separation between access connections on all collectors and arterials shall be based on the posted speed limit in accordance with the following table:

Posted Speed Limit (MPH)	Access Connection Spacing(Feet)
20	85
25	105
30	125
35	150
40	185
45	230
50	275

14.7 Parking Space Requirements:

Developments that provide joint (shared) access or cross access drives between properties may be allowed a 10% reduction in the required number of parking spaces. If the applicant demonstrates to the satisfaction of the Special Permit Granting Authority (SPGA) that the periods of peak parking demand for developments with shared parking and joint or cross access are not simultaneous, the SPGA may reduce the number of required parking spaces by 20%.

14.8 Severability: Should any section or provision of this by-law be held invalid, it shall not affect the validity of the remainder of the Westport Zoning By-Laws.

PLANNING BOARD

VOTED: Carried. The main motion of Article 30 was accepted with the following modifications:

Part one, paragraph 2 to read: “To insert after ‘DOGS: MAXIMUM 6’ ‘DRIVE-THROUGH FACILITIES’ with the designation ‘SPPB’ under the columns for Business, and Unrestricted Districts and the designation ‘N’ under the column for the Residential District.”

Part three, Section 14.3 Definition of Drive-Through Facility to read: “A commercial facility that provides a service or delivers a product directly to a motor vehicle (including, but not limited to, quick lube facilities and drive-through car washes), or to the occupants of the vehicle, without requiring them to leave the vehicle (including, but not limited to fast food restaurants and drive-through automatic teller machines).”

Part three, Section 14.3 Definition of Joint Access to read: “A driveway or other Access Connection connecting two or more contiguous lots to the public/private street system.”

Section 14.4 Applicability to read: “The provisions of this by-law shall apply to all new drive-through facilities, whether such drive-through is the principal use on the lot or a use that is accessory to another use on the lot and to any existing drive-through facility undergoing alteration or reconstruction which substantially changes its location, footprint, access connection, or service capacity.”

Section 14.2, second paragraph, by deleting the following sentence: “The SPGA may require the applicant to post a performance guarantee in an amount satisfactory to the SPGA to ensure compliance with all conditions of approval”.

Approved by Atty. Gen. 6/7/05.

ARTICLE 31

To see if the Town will vote to raise and appropriate and or transfer from available funds a sum of \$60,0000 for the purpose of hiring a technical consultant to support the Water & Sewer Committee in its efforts to: define areas and scope of water and wastewater problems, evaluate alternative technologies, consider zoning options for service areas, determine policies for tie-in and user fees, and/or take any other action relative thereto.

WATER & SEWER COMMITTEE

VOTED: The provisions of Article 31 were lost. Yes: 95 No: 113

ARTICLE 32

To see if the Town will vote to raise and appropriate a sum of money for all costs of design and construction of a Public Safety Complex Building for Fire, Police, Emergency Management Services and related uses; to determine the method of funding; to determine whether such appropriation shall be contingent upon a Proposition 2 ½ exemption vote; and/or take any other action relative thereto.

PUBLIC SAFETY BUILDING COMPLEX COMMITTEE

VOTED: (Unanimously) to pass over Article 32.

ARTICLE 33

To see if the Town will vote to raise and appropriate and/or transfer from available funds the sum of \$9,000.00 and to authorize the Board of Selectmen to contract for consulting services to improve energy efficiency in all town buildings and to aggregate the purchase of energy for the Town of Westport, and/or take any other action relative thereto.

ALTERNATE ENERGY COMMITTEE

VOTED: The provisions of Article 33 were lost. Yes: 77 No: 106

ARTICLE 34

To see if the Town will vote to raise and appropriate the sum of \$177,000 for the purposes of funding capital items listed below as recommended by the Capital Improvement Planning Committee for the Fiscal Year beginning July 1, 2005, contingent on the passage of a capital exclusion Proposition 2 1/2 ballot question.

	DEPARTMENT	ITEM(S)	
	Board of Health	New Transfer Truck	\$125,000
	Highway	Dump Truck	40,000
Selectmen	Copiers	12,000	
		\$177,000	

CAPITAL IMPROVEMENT PLANNING COMMITTEE

VOTED: (Unanimously) to pass over Article 34.

ARTICLE 35

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 to place the Town on a 100% valuation assessment basis, and /or take any other action relative thereto.

BOARD OF ASSESSORS

VOTED: (Unanimously) \$20,000. From the Overlay Surplus Account.

ARTICLE 36

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 2006; 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.

COMMUNITY PRESERVATION COMMITTEE

Purpose	Amount	Fund Source
Forge Pond Land Acquisition	\$240,000	FY 06 CPA Fund Revenues
Historic Map Collection	2,500	FY 06 CPA Fund Revenues
Town Hall Restoration II	30,000	FY 06 CPA Fund Revenues
Historic Signs	4,156	FY 05 HP Reserve Account
Wolf Pit School Restoration	57,590	FY 06 CPC Fund Reserves
Community Housing Development	55,000	FY 05 CH Project Account
Community Housing Reserve Fund	260,510	FY 06 CPA Fund Revenues
Administrative Account	14,000	FY 06 CPC Fund Revenues

VOTED: (Unanimously)

ARTICLE 37

To see if the Town will vote to raise and appropriate and/or transfer from available funds the sum of \$34,000 to maintain the current Firefighter/Paramedic staffing levels within the Fire Department, and/or take any other action relative thereto.

FIRE CHIEF

VOTED: \$34,000. From Free Cash. Carried.

ARTICLE 38

To see if the Town will vote to accept the provisions of M.G.L., as amended, Chapter 41, Section 108P that provides in part: "a collector or a treasurer who has completed the necessary courses of study and training and has been awarded a certificate by the Massachusetts Collectors and Treasurers Association as a certified Massachusetts municipal collector or a certified Massachusetts municipal treasurer, shall receive as compensation from such city, town or district, in addition to the regular annual compensation paid by such city or town or district for services in such office, an amount equal to 10% of such regular annual compensation, but not more than \$1,000 per year" and if necessary, to raise and appropriate and/or transfer from available funds the sum of \$1,000 to the Tax Collector's Budget, and/or take any other action relative thereto.

COLLECTOR OF TAXES

VOTED: (Unanimously) \$1,000. From Free Cash.

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 Police Officers of Westport Alliance, and/or take any other action relative thereto.

BOARD OF SELECTMEN

VOTED: (Unanimously) to pass over Article 39.

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 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) \$52,278.73 from Free Cash.

VOTED: (Unanimously) to adjourn the Annual Town Meeting at 10:19 p.m. until next Tuesday evening at 7:30 p.m.

There were 227 registered voter and 8 visitors and press in attendance.

A true record,
Attest:

Marlene M. Samson
Town Clerk

**Minutes of Annual Town Meeting
Session4 May 10, 2005**

May 10, 2005

The adjourned Annual Town Meeting was called to order at 7:32 p.m. by Moderator Steven Fors. Beverly Kut acted as timekeeper for the meeting. All stood to salute the flag of our nation. The Moderator gave special recognition to Kitty Benoit, Town Accountant, for her years of service to the Town Of Westport and to Charles Goldberg and Patricia Sieminski for their service as members of the Finance Committee.

ARTICLE 41

To see if the Town will vote to transfer the care, custody, maintenance and control of the land described below, owned by the Town and currently under the care, custody, maintenance and control of the Board of Selectmen for general municipal purposes, to the Board of Selectmen for general municipal purposes, and purposes of disposition by lease for athletic and recreational purposes, including the social, charitable, and special events undertaken for the purpose of fundraising; and to authorize the Board of Selectmen to enter into such a lease or leases for said purposes, for all or a portion of the land shown on Assessor's Map 66, Lots 21 and 17C, and containing 74.8 acres more or less of the parcel know as the Leonard Santos Farm, located south

of American Legion Highway and west of Old County Road, upon such terms and conditions as the Board of Selectmen shall determine to be appropriate, such leases to exceed three years, and further to take all actions necessary to effectuate the purposes of this article, and/or take any other action relative thereto.

BOARD OF SELECTMEN

VOTED: (Unanimously)

ARTICLE 42

To see if the Town will vote to transfer the care, custody, maintenance and control of the land described below, owned by the Town and currently under the care, custody, maintenance and control of the Board of Selectmen for general municipal purposes, to the Board of Selectmen for general municipal purposes, and purposes of disposition by lease for the purposes of disposition by lease for the installation and maintenance of telecommunication antennae, facilities, and related equipment; and to authorize the Board of Selectmen to enter into such a lease or leases for said purposes, for all or a portion of the land shown on Assessor's Map 54, Lots 13 and 14, and containing 13.9 acres more or less, located 816-820 Main Road, upon such terms and conditions as the Board of Selectmen shall determine to be appropriate, such leases to exceed three years; and to authorize the Selectmen to grant such non-exclusive easements to utility companies as the Selectmen deem appropriate under such leases to provide utility service to such facilities, and further to take all actions necessary to effectuate the purposes of this article, and/or take any other action relative thereto.

BOARD OF SELECTMEN

VOTED: (Unanimously) to pass over Article 42.

ARTICLE 43

To see if the Town will vote to transfer the care, custody, maintenance and control of the Town – owned land described below to the Board of Selectmen for the purpose of developing affordable housing or for the purpose of disposition by sale or lease, and further to authorize the Board of Selectmen to sell or lease for a period in excess of three years all or a portion of the land shown on Assessors Map 33, as Lots 45 and 47, being all or a portion of the land described in instruments of taking of the Office of the Collector of Taxes of the Town recorded with the Bristol Registry of Deeds at Book 1962, page 1112 and Book 1962, Page 1113, upon such terms and conditions as the Board of Selectmen shall determine to be appropriate, or take any other action relative thereto.

BOARD OF SELECTMEN

VOTED: (Unanimously) with the following amendment: in the second line, insert “from the Treasurer for the purpose of sale or auction” after the word “below” and before the words “to the Board of Selectmen”

.

ARTICLE 44

To see if the Town will vote to authorize the Board of Selectmen to negotiate and enter into an inter-municipal agreement pursuant to the provisions of G.L. c.40, section 4A with the Town of Dartmouth for the extension of a waterline from the Town of Dartmouth to the Town of Westport and for the provision of water service to a portion of the Town, and/or take any other action relative thereto.

BOARD OF SELECTMEN

VOTED: (Unanimously)

ARTICLE 45

To see if the Town will vote to authorize the Board of Selectmen to enter into a contract for networking services upon such terms and conditions which are deemed by the Board of Selectmen to be in the best interest of the Town, with the term of such contract to exceed three years, and/or take any other action relative thereto.

BOARD OF SELECTMEN

VOTED: the provisions of Article 45 were lost.

ARTICLE 46

To see if the Town will vote to authorize the Board of Selectmen to enter into contracts for goods and services upon such terms and conditions as are deemed by the Board of Selectmen to be in the best interest of the Town, the term of which may exceed three years, and/or take any other action relative thereto.

BOARD OF SELECTMEN

VOTED: the provisions of Article 46 were lost.

ARTICLE 47

To see if the Town will vote to disband the School Building Committee established under the provisions of Article 7 of the 2000 Annual Town Meeting to oversee the improvements and renovations to the Westport Community Schools, including equipping and furnishing the schools and site improvements, and/or take any other action relative thereto.

BOARD OF SELECTMEN

VOTED: (Unanimously) to pass over Article 47.

ARTICLE 48

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.

TOWN BEACH COMMITTEE

VOTED: The main motion of Article 49 was modified to delete the last sentence in section 3003 which reads: "Such vacancy to be filled by a member of the same voting precinct as the member whose seat was vacated." Carried.

Approved by Atty. Gen. 6/7/05.

ARTICLE 49

To see if the town will vote to amend Article V Contracts – Bids by adding the following section 0504.10 as follows:

The Board of Selectmen as awarding authority may enter into contracts for goods and services upon such terms and conditions as are deemed by the Board of Selectmen to be in the best

interest of the Town, the term of which may exceed three years.
And/or take any other action relative thereto.

BOARD OF SELECTMEN

VOTED: to pass over Article 49. Carried.

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 Basis</u>	<u>Type</u>
Clerk	2	+20	K-A	PT

and inserting therein:

<u>Position</u>	<u>Group</u>	<u>Hours</u>	<u>Pay Basis</u>	<u>Type</u>
Sr. Clerk	2	30	K-A	PT

And if necessary to raise and appropriate and/or transfer from available funds the sum of \$822.00
to the Building Department Budget therefore, and/or take any other action relative
thereto.

BUILDING DEPARTMENT/BOARD OF SELECTMEN

VOTED: (Unanimously) \$822.00 from Taxation.

ARTICLE 51

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 Basis</u>	<u>Type</u>
Inspector	7C	R	Annual	PT

and inserting therein:

<u>Position</u>	<u>Group</u>	<u>Hours</u>	<u>Pay Basis</u>	<u>Type</u>
Inspector/ Zoning Enforcement Officer	7C	40	Salary	FT

and, if necessary, to raise and appropriate and/or transfer from available funds the sum of
\$24,063.00 to the Building Department Budget therefore, and/or take any other action relative
thereto.

BUILDING DEPARTMENT/BOARD OF SELECTMEN

VOTED: (Unanimously) \$24,063.00 from Taxation and to delete “and, if necessary”.

ARTICLE 52

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

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

and inserting therein:

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

and/or take any other action relative thereto.

CABLE ADVISORY COMMITTEE/PERSONNEL BOARD/BOARD OF SELECTMEN

VOTED: (Unanimously)

ARTICLE 52

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

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

and inserting therein:

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

and/or take any other action relative thereto.

CABLE ADVISORY COMMITTEE/PERSONNEL BOARD/BOARD OF SELECTMEN

VOTED: (Unanimously)

ARTICLE 53

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

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

and inserting therein:

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

and/or take any other action relative thereto.

CABLE ADVISORY COMMITTEE/PERSONNEL BOARD/BOARD OF SELECTMEN

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.5 Sick Leave by deleting the following paragraph:

The Town agrees to pay the employee or beneficiaries twenty-five (25) percent of such accumulated leave upon death, retirement, or upon resignation or dismissal through no fault or delinquency on the employee's part of an employee who has at least ten (10) years continuous service with the town." In the case of job-related death, the beneficiaries shall receive fifty (50) percent of such accumulated leave.
and inserting therein:

The Town agrees to pay the employee or beneficiaries up to fifty (50%) percent of such accumulated sick leave upon death, retirement, or upon resignation or dismissal through no fault or delinquency on the employee's part of an employee who has at least ten (10) years continuous service with the town as follows:

10 years	25%
11 years	30%
12 years	35%
13 years	40%
14 years	45%
15 years	50%

In the case of job-related death, the beneficiaries shall receive one hundred (100%) percent of such accumulated leave, and/or take any other action relative thereto.

PERSONNEL BOARD/BOARD OF SELECTMEN

VOTED: Carried.

ARTICLE 55

To see if the Town will vote to amend the Personnel By-Laws XXI Section 6. Fringe Benefits and Working Conditions, Section A.12 Longevity Pay by deleting the following schedule:

Longevity bonus payments shall be made to all regular employees on a pro-rata basis, each year on the anniversary date of their commencement of consecutive employment, in a lump sum payment, according to the following schedule that shall become effective after July 1, 1995:

After 10 years.....	\$200.00
After 15 years.....	\$300.00
After 20 years.....	\$400.00
After 25 years.....	\$500.00

and inserting therein the following:

Longevity bonus payments shall be made to all regular and salary employees on a pro-rata basis, each year on the anniversary date of their commencement of consecutive employment, in a lump sum payment, according to the following schedule which shall become effective after July 1, 2005:

After 10 years.....\$300.00
After 15 years.....\$400.00
After 20 years.....\$550.00
After 25 years.....\$650.00

And, if necessary, to raise and appropriate and/or transfer from available funds the sum of \$2,150.00 to various Departmental Budgets therefore, and/or take any other action relative thereto.

PERSONNEL BOARD/BOARD OF SELECTMEN

VOTED: \$2,150.00 from Taxation. Carried.

ARTICLE 56

To see if the Town will vote to amend the Personnel By-Laws XXI Section 6. Fringe Benefits and Working Conditions, Section A.7. Bereavement Leave by adding the words “domestic partner” after the word “sibling”, and, further, to amend Section 1.B. Definitions by adding the following:

Domestic Partner shall mean two persons who meet all of the following requirements:

- 1) They reside together and intend to do so indefinitely.
- 2) They share basic living expenses.
- 3) They are at least eighteen (18) years of age.
- 4) They are each other’s sole domestic partner; and
- 5) They are not married to anyone or related to each other by blood closer than would bar marriage in the Commonwealth of Massachusetts.

Basic Living Expenses shall mean the cost of food, shelter, utilities and essential household goods. The individuals need not contribute equally to the cost of these expenses. Labor or services in kind shall be recognized as contributions to basic living expenses, and/or take any other action relative thereto.

PERSONNEL BOARD/BOARD OF SELECTMEN

VOTED: Carried.

ARTICLE 57

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

BY PETITION

VOTED: Carried.

ARTICLE 58

To see if the Town will vote to accept the layout of Autumn Drive and or take any other action relative thereto.

BY PETITION

VOTED: Carried.

ARTICLE 59

To see if the Town will vote to accept the layout of Stagecoach Road and or take any other action relative thereto.

BY PETITION

VOTED: Carried.

ARTICLE 60

To see if the Town will vote to accept the layout of Jordan's Way and or take any other action relative thereto.

BY PETITION

VOTED: (Unanimously) to pass over Article 60.

ARTICLE 61

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 61.

ARTICLE 62

To see if the Town will vote to accept the Layout of Meadowbrook Lane from its beginning at Charlotte White Road to its intersection with 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 62.

VOTED: (Unanimously) to reconsider Article 9.

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) \$20,000. From Overlay Surplus Account.

VOTED: (Unanimously) to reconsider Article 10.

ARTICLE 10

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) \$1.00 from Free Cash.

VOTED: (Unanimously) to reconsider Article 11.

ARTICLE 11

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) \$770.00 from Free Cash.

ARTICLE 63

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) \$14,997.66 from Free Cash.

VOTED: (Unanimously) to adjourn and dissolve the Annual Town Meeting at 9:42 p.m. There were 162 registered voters and 7 visitors and press in attendance.

A true record,
Attest:

Marlene M. Samson
Town Clerk

And you are hereby directed to serve this warrant by posting five or more copies in as many places within said Town at least seven days before the time of said meeting.

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 11th day of April in the year two thousand five.

Elizabeth A. Collins, Chair

Stewart Kirkaldy

Steven J. Ouellette

Richard M. Tongue

David P. Dionne

WESTPORT BOARD OF SELECTMEN

Marlene Samson
Town Clerk
Westport, MA 02790
April 12, 2005

On this 12th of April 2005, 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

Minutes of Special Town Meeting May 24, 2005

TOWN OF WESTPORT
SPECIAL TOWN MEETING WARRANT
COMMONWEALTH OF MASSACHUSETTS
May 24, 2005

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, May 24, 2005 at 7:00 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 7:08 p.m. by Moderator Steven Fors. Beverly Kut acted as timekeeper for the meeting in accordance with a by-law adopted under Article 45 of the the Annual Town Meeting of 1963. All in attendance stood to salute the flag of our nation.

VOTED: (Unanimously) to dispense with the reading of the warrant and the officers return 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, 2004,

BOARD OF SELECTMEN

VOTED: (Unanimously) to transfer \$15,000. From Short Term Interest to Fire Department Salaries.

ARTICLE 2

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: (Unanimously) \$52,086. From Taxation.

ARTICLE 3

To see if the Town will vote to petition the General Court for a Special Act for recall election procedures in the Town of Westport for the Board of Selectmen.

BY PETITION

VOTED: That Article 3 be voted by paper ballot. Carried.

VOTED: (Unanimously) to dispense with the reading of the modified main motion to Article 3.

ARTICLE 3

To see if the Town will vote to petition the General Court for a special act for Recall election procedures in the town of Westport, in accordance with the proposed act entitled "Ann Act Relative to Recall Elections for the Selectmen in the town of Westport.

AN ACT RELATIVE TO RECALL ELECTIONS FOR THE SELECTMEN IN THE TOWN OF WESTPORT

Be it enacted, etc, as follows:

SECTION 1: Any or all Selectmen in the Town of Westport may be recalled therefrom by the registered voters of the town as herein provided, except, the maximum number of members of a board that may be recalled is a majority.

SECTION 2. Any 200 registered voters of the town may initiate a recall petition by filing with the Town Clerk an affidavit containing the name of the selectman sought to be recalled and a statement of the grounds for recall. The Town Clerk shall thereupon deliver to said voters making the affidavit copies of petition blanks demanding such recall, copies of which printed forms he shall keep available. Such blanks shall be issued by the Town Clerk, with his/her signature and official seal attached thereto. They shall be dated, shall be addressed to the Selectman and shall contain the names of all persons to whom they are issued, to name of the Selectman or Selectmen whose recall is sought, the grounds of recall as stated in the affidavit, and shall demand the election of a successor in the said office. A copy of the petition shall be entered in a record book to be kept in the office of the Town Clerk. Said recall petition shall be returned and filed with the Town Clerk within twenty days after the filing of the affidavit, and shall have been signed by at least 200 of the registered voters of the Town, who shall add to their signatures the street and number, if any, of their residences.

The Town Clerk shall within twenty-four hours of receipt submit the petition to the Registrars of Voters in the Town, and the registrars shall within five working days certify thereon the number of signatures which are names of registered voters of the Town.

SECTION 3: If the petition shall be found and certified by the Town Clerk to be sufficient, he/she shall submit the same with his/her certificate to the selectmen with five working days, and the selectmen shall within five working days give written notice of the receipt of the certificate to the officer sought to be recalled and shall, if the officer does not resign within five days thereafter, order an election to be held on a date fixed by them not less than sixty and not more than ninety days after the date of the Town Clerk's certificate that a sufficient petition has been filed; provided however, that if an other town election is to occur within ninety days after the date of the certificate the selectmen shall postpone the holding of the recall election to the date of

such other election. No Selectman shall be subject to recall if his/her term of office expires within ninety days of the certificate. If a vacancy occurs in said office after a recall election has been ordered, the election shall nevertheless proceed as provided in this section.

SECTION 4: Any Selectman sought to be removed may be candidate to succeed himself, and unless he requests otherwise in writing, the town Clerk shall place his/her name on the ballot, without nomination. The nomination of other candidates, the publication of the warrant for the removal election, and the conduct of the same, shall all be in accordance with the provisions of law relating to election, unless otherwise provided in this act.

SECTION 5: The incumbent shall continue to perform the duties of his office until the recall election. If then reelected, he shall continue in office for the remainder of his unexpired term subject to recall as before, except as provided in this section. If not reelected in the recall election, he/she shall be deemed removed upon the qualification of his successor, who shall hold office during the unexpired term. If the successor fails to qualify within five days after receiving notification of his election, the incumbent shall thereupon be deemed removed and the office vacant.

SECTION 6: Ballots used in a recall election shall submit the following propositions in the order indicated:

For the recall of (name of Selectman)

Against the recall of (name of Selectman)

Immediately at the right of each proposition, there shall be a square in which the voter, by making a cross mark (X) may vote for either of the said propositions. Under the propositions shall appear the word "Candidates", the directions to the voters required by section forty-two chapter fifty-four of the General laws, and beneath this, the name of candidates nominated in accordance with the provisions of law relating to elections. If a majority of the votes cast upon the question of recall is in the affirmative, the candidate receiving the highest number of votes shall be declared elected. If more than a majority of the votes on the question are in the negative, the ballots for candidates need not be counted.

SECTION 8: No selectman who has been recalled from an office or who has resigned from office while recall proceedings were pending against him shall be appointed or elected to any town office within one year after such recall or such resignation.

VOTED: (Unanimously) to amend Article 3 by changing in the second line, the word "Ann" to "An" and in Section 2, change "ands" to "and".

VOTED: the provisions of Article 3 as amended were lost. Yes: 198 No: 476 (Paper Ballot)

VOTED: (Unanimously) to dissolve the Special Town Meeting at 9:10 p.m. There were 676

registered voters and 15 visitors and press in attendance.

A true record,
Attest:

Marlene M. Samson
Town Clerk

And you are hereby directed to serve this warrant by posting five or more copies in as many places within said Town at least fourteen days before the time of said meeting.

Hereof 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 9th day of May in the year two thousand and five.

Elizabeth A. Collins, Chair.
Richard M. Tongue, Vice-Chair.
David P. Dionne
Steven J. Ouellette
Veronica F. Beaulieu
WESTPORT BOARD OF SELECTMEN

Marlene Samson
Town Clerk
Westport, MA 02790
May 10, 2005

On this 10th day of May 2005, 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

Daniel P. Sullivan
Constable of Westport

Minutes of Special Town Meeting November 8, 2005

TOWN OF WESTPORT

SPECIAL TOWN MEETING WARRANT

COMMONWEALTH OF MASSACHUSETTS

November 8, 2005

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, November 8, 2005 at 7:00 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 7:05 p.m. by Moderator Steven Fors.

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. All in attendance stood to salute the flag of our nation.

VOTED: to dispense with the reading of the warrant and the Constable's return of the warrant. Carried.

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) to pass over Article 1.

ARTICLE 2

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, 2005, and/or to take any other action relative thereto.

BOARD OF SELECTMEN

VOTED: (Unanimously) to pass over Article 2.

ARTICLE 3

To see if the Town will vote to raise and appropriate and/or transfer from available funds a sum of \$16,000 for the purchase of operating equipment at the landfill site in FY2006, and/or take any other action relative thereto.

BOARD OF HEALTH

VOTED: (Unanimously) \$16,000. from Receipts Reserve.

ARTICLE 4

To see if the Town will vote to raise and appropriate and/or transfer from available funds a sum of \$112,000 for the purpose of purchasing a transfer truck for the transfer station in FY2006, and/or take any other action relative thereto.

BOARD OF HEALTH

VOTED: (Unanimously) \$112,000. from Receipts Reserve.

ARTICLE 5

To see if the town will vote to appropriate from the Community Preservation's available CPA fund revenues the amount recommended by the Community Preservation Committee for the purchase of a conservation restriction on the land known as the Gonet property located at the corner of Horseneck and Division Roads as shown on Assessor's Map 49, Lot 14. The recommendation is as follows:

Together with the Westport Land Trust, the CPC recommends the Gonet Farm Conservation Restriction acquisition with \$100,000 coming from FY06 CPA available fund revenues and \$100,000 coming from FY2007 available fund revenues. The remainder of the acquisition costs will be the responsibility of the Westport Land Trust, and/or take any other action relative thereto.

COMMUNITY PRESERVATION COMMITTEE

The main motion of Article 5 was amended to read as follows:

That the Town vote to authorize the Board of Selectmen to acquire by purchase or otherwise, for open space and conservation purposes under G.L. c. 44B, a conservation restriction on the Gonet property located at the corner of Horseneck and Division Roads as shown on Assessor's Map 49, Lot 14, and as funding therefore to transfer from the Community Preservation Fund FY06 available fund revenues the sum of \$200,000.00 with the remainder of the acquisition costs (\$200,000.00) to be provided by the Westport Land Trust, and further to authorize the Board of Selectmen to accept and expend all gifts for such purposes and to enter into all agreements and execute any and all instruments as may be necessary on behalf of the Town to effect said acquisition.

VOTED: (Unanimously)

ARTICLE 6

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

BY PETITION

VOTED: (Unanimously) to accept the layout as a public way of Hunters Way, on file in the office of the Town Clerk, and authorize the Board of Selectmen to acquire by gift, purchase or eminent domain land or rights in land within said way as so laid out, for all purposes for which public ways are used in the Town of Westport, and the utilities within said way.

ARTICLE 7

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

BY PETITION

VOTED: (Unanimously) to accept the layout as a public way of Benjamin Tripp Road, on file in the office of the Town Clerk, and authorize the Board of Selectmen to acquire by gift, purchase or eminent domain land or rights in land within said way as so laid out, for all purposes for which public ways are used in the Town of Westport, and the utilities within said way.

VOTED: (Unanimously) to dissolve the Special Town Meeting at 7:20 p.m.

There were 171 registered voters and 5 visitors and press in attendance.

A true record,

Attest:

Marlene M. Samson

Town Clerk