

Minutes of Westport Special Town Meeting October 27, 2009

TOWN OF WESTPORT
COMMONWEALTH OF MASSACHUSETTS
SPECIAL TOWN MEETING WARRANT
OCTOBER 27, 2009

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, October 27, 2009 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 7:15 p.m. by Moderator Steven Fors who appointed Robert McCarthy, Sean Leach, Lisa Arnold and Kenneth DeCosta to act as Tellers and they were duly sworn before the Town Clerk.

Bernadette Oliver 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. The Moderator asked for a moment of silence due to the passing of Town Planner, Gale Nigrelli.

Motion and second made to dispense with the reading of the warrant and the constables 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 subject matter. Voted: Unanimously.

Motion and second made to allow the Moderator to declare that a two-thirds vote has been achieved according to General Law, Chapter 39, §15. Voted: Unanimously.

ARTICLE 1

To see if the Town will vote to amend the vote taken under Article 3 of the May 26, 2009 Annual Town Meeting appropriating funds to various departments to defray the Town's expenses for a twelve month period beginning July 1, 2009, by reducing the amount raised and appropriated for the School Department by the sum of \$89,567.00, an amount equivalent to the reduction of Chapter 70 funds from the proposed level of funding in earlier versions of the State budget, and/or take any other action relative thereto.

BOARD OF SELECTMEN

Motion and second that the town reduce the fiscal year 2010 School Department appropriation from \$14,736,005 to \$14,646,438. Voted: Unanimously

ARTICLE 2

To see if the Town will vote to accept the provisions of M.G.L. Chapter 64L, Section 2A authorizing the imposition of a local excise in the statutory amount of .75% on the sale of restaurant meals originating

within the Town, or take any other action relative thereto.
SCHOOL COMMITTEE

Motion and second to vote by Paper Ballot on Article 2 was defeated.

Motion and second to accept the provisions of Article 2 was defeated.
Voted: Yes: 209 No: 249.

ARTICLE 3

To see if the Town will vote to amend the amount of the local excise imposed under M.G.L. Chapter 64G, Section 3A on the rental of rooms in hotels, motels, lodging houses and bed and breakfast establishments within the Town from 4% to an amount up to 6%, or take any other action relative thereto.

SCHOOL COMMITTEE

Motion and second to accept the provisions of Article 3 was defeated.

ARTICLE 4

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

NEB, Radiology, P.C. \$ 602.39
Kopelman and Paige, P.C. \$19,371.69
Interstate Battery \$ 109.95

Motion and second to pass over Article 4. Voted: Carried.

ARTICLE 5

To see if the Town will vote to hear and act on the report of the Community Preservation Committee on the FY10 Community Preservation budget and to appropriate from the Community Preservation Fund a sum of money for Community Housing projects or purposes, as recommended by the Community Preservation Committee, and/or take any other action relative thereto.

COMMUNITY PRESERVATION COMMITTEE

Purpose Amount Fund Source Community Housing
C.H. Support: Central Village Sidewalks \$23,000.00 Prior Year
undesignated CPA funds

Motion and second that the Town appropriate from prior year undesignated CPA funds, the sum of \$23,000 of Community Housing funds for the Central Village Community Housing Support Sidewalks Project. Voted: Carried.

ARTICLE 6

To see if the Town will vote to petition the General Court for special legislation authorizing the Town to lease a portion of the Town Farm to

the Trustees of Reservations.

AN ACT AUTHORIZING THE TOWN OF WESTPORT TO LEASE A PORTION OF THE WESTPORT TOWN FARM TO THE TRUSTEES OF RESERVATIONS

Be it enacted by the Senate and House of Representatives in General Court assembled and by the authority of the same as follows:

SECTION 1: Notwithstanding any general or special act to the contrary, the Town of Westport, acting by and through its Board of Selectmen, is hereby authorized to enter into an agreement with the Trustees of Reservations to lease for a term of ninety nine (99) years approximately thirty-nine (39) acres more or less being a portion of the Town Farm located at 830 Drift Road, Westport for agricultural, educational and preservation purposes. Said leasehold premises are shown on a sketch plan entitled "Westport Town Farm" prepared on behalf of the Trustees of Reservations filed with the Town Clerk.

SECTION 2. This act shall take effect upon its passage.

and/or take any other action relative thereto.

BOARD OF SELECTMEN

Motion to Table Article 6 until the next Annual Town Meeting. The Moderator ruled that the motion was not in order.

Motion and second that the Town petition the General Court to the end that legislation be adopted as printed in the warrant in Article 6 subject to Section 16 (a)(b)(g) of Chapter 30B. The General Court may make clerical or editorial changes of form only to the bill, unless the Selectmen approve amendments to the bill before enactment by the General Court. The Selectmen are hereby authorized to approve amendments which shall be within the scope of the general public objectives of this petition. Voted: Carried.

ARTICLE 7

To see if the Town will vote to transfer a sum of \$20,000.00 from the Planning Board Personnel Services budget to Planning Board Expenses – Professional Services to compensate for the extra help required to review the Zoning By-Laws and the Town's Master Plan as recommended by the Planning Board, and/or take any other action relative thereto.

PLANNING BOARD

Motion and second to accept the provisions of Article 7. Voted: Carried.

ARTICLE 8

To see if the Town will vote to amend Zoning By-Law Article 13, Inclusionary Housing, by deleting the following existing provisions:

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

13.3.1 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 eight (8) or more lots, whether said eight (8) or more lots are created at one time or are the accumulation of eight (8) 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.

13.3.3 Exemption: The provisions of Article 13.3.1 hereof shall not apply to the construction of eight (8) or more single-family dwelling units on individual lots, if said eight (8) or more lots were in existence as of June 1, 2005.

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.

13.5.1 At least 10% of the units 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 eight (8) dwelling units shall require one affordable unit, a development proposing eleven (11) dwelling units shall require two (2) affordable units, and so on.

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.

and substituting therefore the following :

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 80% 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.

13.3.1 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 fifteen (15) or more lots, whether said fifteen (15) or more lots are created at one time or are the accumulation of fifteen (15) 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.

13.3.3 Exemption: The provisions of Article 13.3.1 hereof shall not apply to the construction of fifteen (15) or more single-family dwelling units on individual lots, if said fifteen (15) or more lots were in existence as of June 1, 2005.

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 any property that is subject to the special permit including, any property designated by the developer for off-site development of affordable units under Article 13.9, shall contain a permanent deed restriction that shall be recorded prior to the special permit taking effect and shall provide that all affordable units that are required to be constructed or rehabilitated shall be eligible for inclusion on the Town of Westport’s Subsidized Housing Inventory as maintained by the Department of Housing and Community Development or any successor agency and as provided for under the applicable state regulations for inclusion upon completion of construction and occupancy.

13.5.1 At least 10% of the units 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 fifteen (15) dwelling units shall require two (2) affordable units.

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 80% of the area median income, as determined by the DHCD.

as recommended by the Planning Board, and/or take any other action

relative thereto.
PLANNING BOARD

Motion and second to accept the provisions of Article 8 was defeated.
Voted: Yes: 50 No: 49.

Motion and second to adjourn and dissolve the Special Town Meeting at
10:58 p.m.
Voted: Unanimously.

There were 522 registered voters and 13 press and visitors 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 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 5th day of October in the year
two thousand and nine.

Steven J. Ouellette, Chairman Brian T. Valcourt, Vice-Chairman

Craig J. Dutra, Clerk Paul A. Schmid, III

WESTPORT BOARD OF SELECTMEN

Marlene Samson
Town Clerk
Westport, MA 02790
October 6, 2009

On this 6th day of October, 2009, I posted 7 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