

**COMMONWEALTH OF MASSACHUSETTS  
WORCESTER, SS**

TO ANY CONSTABLE IN THE TOWN OF WESTBOROUGH, IN THE COUNTY OF  
WORCESTER, GREETINGS:

In the name of the Commonwealth of Massachusetts, you are directed to notify and warn the inhabitants of the Town of Westborough, qualified to vote in elections and town affairs, to meet in various precincts in Westborough on Tuesday, the 14th day of March, 2023 at 8:00 A.M. for the following purposes:

**ARTICLE 1: Annual Town Election (Select Board)**

To bring in their votes for:

- |       |     |   |
|-------|-----|---|
| One   | (1) | Select Board Member (3 years)                               |
| Two   | (2) | School Committee members (3 years)                          |
| One   | (1) | Moderator (3 years)   |
| One   | (1) | Town Clerk (3 years)  |
| One   | (1) | Planning Board member (5 years)                             |
| One   | (1) | Planning Board member (2 years)                             |
| Three | (3) | Trustees of Public Library (3 years)                        |
| One   | (1) | Trustees of Public Library (1 year)                         |
| One   | (1) | Trustees of Soldiers' Memorials – Veteran (3 Year Term)     |
| One   | (1) | Trustees of Soldiers' Memorials – Non-Veteran (1 Year Term) |

RECEIVED  
TOWN CLERK'S OFFICE  
2023 MAR - 1 PM 4:19  
TOWN OF WESTBOROUGH

Polls will be open from 8 A.M. to 8 P.M. in the following places:

Precincts 1 – 6 Westborough High School, 90 West Main Street

And to act on the following articles at the adjourned session of said meeting on March 25, 2023, at 9:00 A.M. in the Westborough High School at 90 West Main Street.

The Article Information statements printed in *italics* are not part of the formal articles of the warrant. They constitute additional information offered for the benefit of the voters, true and correct as of the time of posting of the warrant, but subject to change as called for. They are not to be construed so as to broaden or limit the scope of the formal articles.

**ARTICLE 2: Town Reports (Advisory Finance Committee)**

To see if the Town will vote to hear the reports of the several town officers and committees, and to dissolve any committees established by Town Meeting that have fulfilled their mission, or take any other action thereon.

*The motion for this article requires a simple majority vote.*

**ARTICLE 3: Prior Years Bills (Recreation Director)**

To see if the Town will vote to transfer from Country Club Retained Earnings the sum of One Hundred Ninety Dollars and Nine Cents (\$190.09) for the purpose of paying a prior year bill for costs incurred in

of Westborough through its Department of Public Works in the amounts listed below:

- 1) First violation: Warning
- 2) Second violation: \$150
- 3) Third and subsequent violations: \$300

Each day of violation shall constitute a separate offense. Fines shall be recovered by complaint before the District Court, or by non-criminal disposition in accordance with Section 21D of Chapter 40 of the general laws. For purposes of non-criminal disposition, the enforcing person shall be any police officer of the Town or employee of the Department of Public Works or the Department of Public Works' designee.

This by-law may be enforced through any lawful means at law or in equity, including but not limited to the termination of water service for users of the Town's public water supply in accordance with M.G.L. c. 40, § 41A.

## SECTION 7 SEVERABILITY

The invalidity of any portion or provision of this Bylaw shall not invalidate any other portion or provision thereof, or take any other action thereon

*Article Information - This article proposes amendments to the town's water restrictions bylaw. The motion for this article requires a simple majority vote.*

### **ARTICLE 30: Acceptance of MGL Chapter 41, Section 110A**

To see if the Town will vote to accept MGL Chapter 41, Section 110A and authorize the Town Clerk's office to remain closed on all Saturdays and to treat Saturdays as a legal holiday for purposes of calculating the time frame for filing matters in that office; or take any other action relative thereto.

*Article Information: Accepting of this section of law will allow the Town Clerk to not open their office on a holiday or weekend to hold voter registration sessions, acceptance of nomination papers, etc. The motion for this article requires a simple majority vote.*

### **ARTICLE 31: Establish Article 18 - Community Preservation Committee in Westborough General Bylaws (Select Board)**

To see if the Town will vote to create a new bylaw Article 18 – Community Preservation Committee as follows:

## **ARTICLE 18 – COMMUNITY PRESERVATION COMMITTEE**

### **SECTION 1 Establishment**

There is hereby established a Community Preservation Committee, consisting of nine (9) voting members pursuant to M.G.L. Chapter 44B (the "Act"). The composition of the Committee, the appointment authority and the term of office for the committee members shall be as follows:

- One member of the Westborough Conservation Commission as designated by that Commission.
- One member of the Westborough Historical Commission as designated by that Commission.

- One member of the Westborough Planning Board as designated by that Board.
- One member of the Westborough Recreation Commission as designated by that Commission.
- One member of the Open Space Preservation Committee as designated by that Committee.
- One member of the Westborough Housing Authority as designated by the Authority.
- One member of the Westborough Affordable Housing Trust as designated by that Trust.
- Two (2) members to be appointed at large by the Westborough Select Board. At large members must be residents of Westborough.

Each appointment of a member to the Community Preservation Committee shall be by majority vote of the appointing body, a certified copy of which vote shall be sent by the clerk of the appointing body to the Town Clerk. The members appointed by the Conservation Commission, the Historical Commission, the Planning Board, the Recreation Commission, the Open Space Preservation Committee, the Housing Authority and the Affordable Housing Trust shall be appointed annually for a term of 1 year and shall serve no more than 5 consecutive terms. The two (2) at large members appointed by the Select Board are appointed as follows: The at large members shall first be appointed in staggered terms (one (1) appointee for a 2-year term; one (1) appointee for a 1-year term) and subsequently be appointed for a term of 3 years. After the initial appointment of the members of the Committee, any vacancy occurring in the Committee from any cause may be filled for the remainder of the unexpired term by the Commission, Board or Authority, as the case may be, which made the initial appointment, for the remainder of the unexpired term. Such appointment shall be made not less than seven days following notice of intent to fill such vacancy.

Should any of the Commissions, Boards, Councils, Authorities, or Committees who have appointment authority under this Chapter be no longer in existence for whatever reason, the appointment authority for that Commission, Board, Council, Authority, or Committee shall become the responsibility of the Select Board.

The Committee shall elect a Chairman and Vice Chairman from among its members and shall elect a Secretary who need not be a member of the Committee. After having a public hearing and requesting recommendations from Town boards and committees, the Committee shall adopt policies, rules and regulations for conducting its affairs and for carrying out its responsibilities. Any member of the Committee may, after a public hearing before the Commission, Board or Authority which appointed the said member, be removed for cause by majority vote of such Commission, Board or Authority.

## **SECTION 2            DUTIES**

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- (A) The Community Preservation Committee shall study the needs, possibilities, and resources of the Town regarding community preservation. The Committee shall consult with existing municipal boards, including the appointing bodies identified in Section 1 of this bylaw, or persons acting in those capacities or performing like duties, in conducting such studies. As part of its study, the Committee shall hold at least one annual public informational hearing on the needs, possibilities and resources of the Town regarding community preservation, notice of which shall be posted publicly and published for each of two weeks preceding a hearing in a newspaper of general circulation in the Town.

- (B) The Community Preservation Committee shall make recommendations to the Town Meeting for the acquisition, creation and preservation of open space; for the acquisition, preservation, rehabilitation and restoration of historic resources; for the acquisition, creation and preservation of land for recreational use; for the creation, preservation and support of community housing; and for the rehabilitation or restoration of open space, land for recreational use and community housing that is acquired or created as provided in this section.
- (C) The Community Preservation Committee may include, in its recommendation to the Town Meeting, a recommendation to set aside for later spending funds for specific purposes that are consistent with community preservation but for which sufficient revenues are not then available in the Community Preservation Fund to accomplish that specific purpose or to set aside for later spending for general purposes that are consistent with community preservation. The Community Preservation Committee may recommend the issuance of general obligation bonds or notes in anticipation of revenues to be raised pursuant to Section 3 of the Act.

In every fiscal year, the Community Preservation Committee shall recommend either that the legislative body spend, or set aside for later spending, not less than 10% of the annual revenues in the Community Preservation Fund in each of the following areas for (a) open space and recreation; (b) historic resources; and (c) community housing. As provided in the Act, no expenditures shall be made from the Community Preservation Fund without the approval of Town Meeting. The Select Board shall insert an article in the warrant for each Annual Town Meeting, and for any Special Town Meeting upon the written request of the Community Preservation Committee, to enable Town Meeting to make appropriations for community preservation purposes recommended by the Community Preservation Committee for the current or next fiscal year. The community preservation purposes recommended by the Community Preservation Committee to be funded from the Community Preservation Fund shall be in addition to and coordinated with the annual report of recommended capital expenditures prepared by the Capital Expenditures Committee, and the Capital Expenditures Committee shall state at Town Meeting whether it endorses each recommendation of the Community Preservation Committee.

### **SECTION 3                      REQUIREMENT FOR A QUORUM AND COST ESTIMATES**

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The Community Preservation Committee shall comply with the provisions of the Open Meeting Law, M.G.L. Chapter 30A, §§18-25. The Community Preservation Committee shall not meet or conduct business without the presence of a quorum. A majority of the members of the Community Preservation Committee shall constitute a quorum. The Community Preservation Committee shall approve its actions by majority vote of the quorum present. Recommendations to the Town Meeting shall include the Community Preservation Committee's anticipated costs.

### **SECTION 4                      AMENDMENTS**

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This bylaw may be amended from time to time by a majority vote of the Town Meeting, provided that the amendments would not cause a conflict to occur with M.G.L. Chapter 44B.

## **SECTION 5 SEVERABILITY**

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In case any section, paragraph or part of this bylaw be for any reason declared invalid or unconstitutional by any court of last resort, every other section, paragraph or part shall continue in full force and effect.

## **SECTION 6 EFFECTIVE DATE**

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This bylaw shall take effect after all requirements of M.G.L. Chapter 40, §32 have been met, including approval by the Attorney General of the Commonwealth, and the Town has accepted Chapter 44B, Section 3-7 inclusive. Each appointing authority shall have 30 days after approval by the Attorney General to make its initial appointments.

or take any other action thereon

*Article Information - This article establishes a bylaw for the Community Preservation Committee which will be responsible for making recommendations to Town Meeting for the use of Community Preservation Act Funds. The motion for this article requires a simple majority vote.*

### **ARTICLE 32: Replace Zoning Bylaws (Planning Board)**

To see if the Town will vote to adopt the reorganizing and renumbering of the Zoning Bylaw of the Town as set forth in the Final Draft of the Zoning Bylaw dated January 2023 on file with the Westborough Planning Board and Town Clerk, said reorganizing and renumbering of the Zoning Bylaw having been done under the direction of the Planning Board. All Zoning Bylaws, as amended, heretofore in force shall be repealed, except that such repeal shall not affect any suit or proceeding pending as the result of an existing law; or what it will do in relation thereto.

Or take any action thereon.

*Article Information – This is a recodification of the Town's Zoning Bylaws. The Town has been working with General Code to review the existing zoning bylaw. This article recommends reorganization and reformatting improvement to the existing bylaws. The motion for this article requires a two-thirds majority vote.*

### **ARTICLE 33: Amend Zoning Bylaws (Planning Board)**

To see if the Town will vote to adopt the general and specific revisions to the Zoning Bylaw as set forth in the Final Draft dated January 2023, including amending the following sections of the Bylaw: Article 1 General Provisions and Definitions; Article 2 Administration and Enforcement; Article 3 Site Plan Review and Design Review; Article 4 Zoning Districts; Article 5 Use and Dimensional Regulations; Article 6 Special Use and Development Regulations; Article 7 Accessory Uses and Structures; Article 8 General Regulations on file with the Westborough Planning Board and Town Clerk. A complete list of all revisions are listed below.

**General Revisions:** These revisions are not substantive in that the meaning or intent of the terminology is not altered. These revisions update the bylaw to be consistent with state law and statute or make terminology consistent with contemporary language.