

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 Fourth day of May, 2010 at 8:00 A.M. for the following purposes:

ARTICLE 1. Annual Town Election (Board of Selectmen)

To bring in their votes for:

- Two (2) Selectmen (3 years)
- One (1) Planning Board member (5 years)
- Two (2) School Committee members (3 years)
- Three (3) Trustees of Public Library (3 years)
- One (1) Westborough Housing Authority Member (5 years)

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

- Precinct 1 - Gibbons Middle School Gym, 20 Fisher Street
- Precinct 2 - Hastings Elementary School Gym, 111 East Main Street
- Precinct 3 - Gibbons Middle School Gym, 20 Fisher Street
- Precinct 4 - Mill Pond Intermediate School Gym, 6 Olde Hickory Path
- Precinct 5 - Mill Pond Intermediate School Gym, 6 Olde Hickory Path

And to act on the following articles at the adjourned session of said meeting on May 15, 2010, at 1:00 P.M. in the Westborough High School Auditorium and Gymnasium on West Main Street.

ARTICLE 2. Rule of the Meeting (Town Manager)

To see if the Town will vote to adopt a Rule of the Meeting, applicable to this Town Meeting only, such that after all other votes and reconsideration from the floor are complete, and if the size of the appropriations voted appear to make necessary a ballot override vote (either levy, capital outlay or debt exclusion) under MGL Ch 59 s. 21C ("Proposition 2½"), then the conditions for reconsideration shall be deemed to have been met, and the moderator shall accept motions for reconsideration on any appropriation but from the Finance Committee only, for the purpose of reducing certain appropriations or all appropriations to meet the limits of Proposition 2½, or for the purpose of making certain appropriations contingent upon an override vote, or to take any other action thereon.

ARTICLE 3. 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 to take any other action thereon.

ARTICLE 4. Prior Year's Bills (Town Manager)

To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money to pay prior year's bills, including but not limited to the following:

\$70.80	Selectman
\$23,025.23	Veolia Water

or to take any other action thereon.

ARTICLE 5. Facilities Study (Town Manager)

To see if the Town will vote to transfer from free cash and appropriate the sum of One Hundred Thousand Dollars (\$100,000.00) for the purpose of conducting a facilities study relating to the needs of the Fire Station, Forbes Municipal Building (Police and other Departments), and Town Hall;

or take any other action thereon.

ARTICLE 6. Fiscal Year 2011 Operating Budgets (Advisory Finance Committee)

To see what sums the Town will vote to raise and appropriate or transfer from available funds for the support of the several offices, departments, boards and commissions of the Town of Westborough for Fiscal Year 2011 beginning July 1, 2010, and ending June 30, 2011, or to take any other action thereon.

ARTICLE 7. Regularly Recurring Articles (Town Manager)

To see what action the Town may take on the following items, **A** through **I**, which may be voted as a block, or singly, or in any combination, but however voted, will be treated for accounting purposes as if each item were voted as a separate article:

A. (Fire Department) To see if the Town will vote to reauthorize a revolving fund, pursuant to MGL, Chapter 44, Section 53E ½, for the purpose of receiving and expending funds for public CPR and First Aid Training by the Fire Department. Receipts from materials, fees and tuition shall be deposited into this revolving fund, and expenditures not to exceed the sum of One Thousand Dollars (\$1,000) for fiscal year 2011 may be made by the Fire Department,

B. (Youth and Family Services) To see if the Town will vote to reauthorize a revolving fund pursuant to Chapter 44, Section 53E ½ of the Massachusetts General Laws for the purpose of receiving and expending funds for youth activities by the Youth and Family Services Department. Receipts from deposits for youth activities will be deposited into this account, and expenditures not to exceed the sum of Fifteen Thousand Dollars(\$15,000) for the fiscal year 2011 may be made by the Youth and Family Services Department,

C. (Board of Assessors) To see if the Town will vote to accept the provisions of Section 4 of Chapter 73 of the Acts of 1986 as amended by Chapter 126 of the Acts of 1988 granting increased real estate tax exemptions to certain qualified persons,

D. (Finance Committee) To see if the Town will vote to raise and appropriate the sum of Three Hundred Thousand Dollars (\$300,000) for the Finance Committee General Reserve Fund, transfer Fifty Thousand Dollars (\$50,000) from Water retained earnings for the Water Enterprise Reserve Fund, transfer Fifty Thousand Dollars (\$50,000) from Sewer retained earnings for the Sewer Enterprise Reserve Fund, and transfer Twenty Thousand Dollars (\$20,000) from Country Club retained earnings for the Country Club Enterprise Reserve Fund, or such other amounts as the Town Meeting may approve, in accordance with Section 6 of Chapter 40 of the Massachusetts General Laws,

E. (Recreation Department) To see if the Town will vote to raise and appropriate or transfer from available funds the sum of Two Thousand Five Hundred Dollars (\$2,500), or such other amount as the Town Meeting may approve, for the annual July 4th celebration to be expended by the Westborough July 4th Committee under the direction of the Board of Selectmen,

F. (Board of Health) To see if the Town will vote to raise and appropriate or transfer from available funds, the sum of Seventeen Thousand Dollars (\$17,000), or such other amount as the Town Meeting may approve, for the purpose of holding a Household Hazardous Waste Collection Day, including the distribution of informational leaflets and arrangements for contractor provided reception and disposition of said waste,

G. (Board of Health) To see if the Town will vote to raise and appropriate or transfer from available funds, the sum of Five Thousand Dollars (\$5,000) or such other amount as Town Meeting may approve, for the purpose of additional Mosquito Control activities,

H. (Local Emergency Planning Committee) To see if the Town will vote to reauthorize a revolving fund, pursuant to MGL Chapter 44, Section 53 E ½, for the purpose of receiving and expending funds as a result of reimbursable incidents allowed under MGL Chapter 21E involving hazardous materials releases. Receipts generated shall be deposited into this revolving fund and expenditures, not to exceed One Hundred Thousand Dollars (\$100,000) for the fiscal year 2011 may be made by the Local Emergency Planning Committee to the respective responding departments,

or to take any other action thereon.

I. Reconstruction and Improvement of Town Roads (Chapter 90) (DPW)

To see if the Town will vote to transfer from available funds the sum of Six Hundred Thirty-Two Thousand Eight Hundred Eighty-Four Dollars (\$632,884), or such other amount as the Town Meeting may approve, to construct, reconstruct, or improve the town roads, and further, to authorize the Board of Selectmen to apply for and accept a grant in this full amount, more or less, which is to be the State's contribution and/or reimbursement under Section 34 (2A) of

chapter 90 of the Massachusetts Laws for work done under this article, or to take any other action thereon.

ARTICLE 8. Capital Improvement Plan (Town Manager/Capital Expenditure Planning Committee)

To see what action the Town may take on the following items, **A** through **D**, which may be voted as a block, or singly, or in any combination, but however voted, will be treated for accounting purposes as if each item were voted as a separate article:

A. Defibrillator/Monitor Purchase (Fire Department) To see if the Town will vote to raise and appropriate, borrow pursuant to any applicable statute or transfer from available funds, the sum of Thirty-Thousand Dollars (\$30,000) to purchase one 12 lead defibrillator/monitor for the fire department,

B. Police Cruisers (3) (Police Department) To see if the Town will vote to raise and appropriate or transfer from available funds the sum of One Hundred Nineteen Thousand Five Hundred Ninety-Five Dollars (\$119,595), or such other amount as the Town Meeting may approve, to purchase three police vehicles and related equipment; the Town's vehicle fleet will not increase because of this purchase,

C. New Ambulance and Related Equipment Purchase (Fire Department) To see if the Town will vote to raise and appropriate, borrow pursuant to any applicable statute or transfer from available funds, the sum of One Hundred and Ninety-Thousand Dollars (\$190,000) to purchase one new ambulance and related equipment for the department,

D. DPW Dump/Sander (DPW) To see if the Town will vote to raise and appropriate, transfer from available funds, or borrow under the provisions of chapter 44 of the General Laws, the sum of Sixty Thousand Dollars, (\$60,000.), or such other amount as the Town Meeting may approve, for the purpose of purchasing a six wheel, single axle, dump/sander truck,

or take any other action thereon

ARTICLE 9. Improvements to the Country Club Golf Course (Country Club Operating Committee)

To see if the Town will vote to transfer from the Country Club retained earnings the sum of Fifty-Three Thousand Dollars (\$53,000), or such other amount as Town Meeting may approve, for the design and reconstruction/improvement, including but not limited to the greens on the second and third holes, at the Westborough Country Club, and that any unexpended balance be returned to said account, or take any other action thereon.

ARTICLE 10. Water – Capital Equipment & Projects (DPW Manager)

To see what action the Town may take on the following items, **A** through **F**, which may be voted as a block, or singly, or in any combination, but however voted, will be treated for accounting purposes as if each item were voted as a separate article:

- A. To see if the Town will vote to raise and appropriate, transfer from available funds, or borrow under the provisions of Chapter 44 of the General Laws, the sum of Fifty Thousand Dollars (\$50,000.), or such other amount as the Town Meeting may approve, for the purpose of purchasing DPW equipment including, but not limited to two service vans or to take any other action thereon.
- B. To see if the Town will vote to raise and appropriate, borrow pursuant to any applicable statute or transfer from available funds the sum of Nine Hundred Thousand Dollars (\$900,000.00), or such other amount as the Town Meeting may approve, for the design, construction, installation, upgrading and/or replacement of water mains in the remaining areas of town which are currently serviced by the low pressure water system which include but are not limited to South Street, Cottage Street, Upton Road, and portions of all streets and ways abutting the South Street/Upton Road corridor.
- C. To see if the Town will vote to raise and appropriate, borrow pursuant to any applicable statute or transfer from available funds, the sum of Sixty Thousand Dollars (\$60,000.00), or such other amount as the Town Meeting may approve, for the repair, replacement, upgrade and installation of various facilities within the water system including but not limited to tank rehabilitation, variable frequency drive replacement, and generator replacement,
- D. To see if the Town will vote to raise and appropriate, borrow pursuant to any applicable statute or transfer from available funds the sum of Thirty Thousand Dollars (\$30,000.00), or such other amount as the Town Meeting may approve, to update the Town's digital mapping which shall include but is not limited to updating the ESRI (GIS Software) surface, re-rectifying imagery, updating planimetric features, including any related incidental tasks,
- E. To see if the Town will vote to raise and appropriate, borrow pursuant to any applicable statute or transfer from available funds, the sum of Seventy Thousand Dollars (\$70,000.00), or such other amount as the Town Meeting may approve, for conducting an extended pump test at the Smith Street location for a potential future well,
- F. To see if the Town will vote to raise and appropriate, borrow pursuant to any applicable statute or transfer from available funds the sum of Six Hundred Thousand Dollars (\$600,000.00), or such other amount as the Town Meeting may approve, to provide for the installation, upgrading and/or replacement including engineering services of water mains in the areas of town which include but are not limited to Whitney Street, Weld Street, Irving Street, Folly Lane, Hopkinton Road, Belknap Street, Maynard Street, Mohawk Circle, Mohawk Drive, and Adams Street,

or to take any other action thereon.

ARTICLE 11. Sewer – Capital Equipment & Projects (DPW Manager)

To see what action the Town may take on the following items, **A** through **E**, which may be voted as a block, or singly, or in any combination, but however voted, will be treated for accounting purposes as if each item were voted as a separate article:

- A. To see if the Town will vote to raise and appropriate, borrow pursuant to any applicable statute or transfer from available funds, the sum of Fifty-Five Thousand Dollars (\$55,000.00), or such other amount as the Town Meeting may approve, for the repair, replacement, upgrade, design and installation of various facilities within the sewer system,
- B. To see if the Town will vote to raise and appropriate, borrow pursuant to any applicable statute or transfer from available funds the sum of Fifty-Thousand Dollars (\$50,000.00), or such other amount as the Town Meeting may approve, for the engineering services to extend the municipal sewer system to the areas of Town which includes, but is not limited to Belknap Street Cross Country to Fox Lane and Fox Lane to Crownridge Circle and to purchase, accept as a gift, or take by eminent domain under the provisions of the General Laws, Chapter 79, as amended, or otherwise acquire parcels of land and/or easements for said sewer system,
- C. To see if the Town will vote to raise and appropriate, borrow pursuant to any applicable statute or transfer from available funds the sum of Thirty Thousand Dollars (\$30,000.00), or such other amount as the Town Meeting may approve, to update the Town's digital mapping includes, but is not limited to updating the ESRI surface (GIS Software), re-rectifying imagery, updating planimetric features, including any related incidental tasks,
- D. To see if the Town will vote to raise and appropriate, borrow pursuant to any applicable statute or transfer from available funds the sum of One Million Six Hundred Thousand Dollars (\$1,600,000.00), or such other amount as the Town Meeting may approve, to extend the municipal sewer system to the areas of Town which includes, but is not limited to Summer Street Extension, Weld Street, Whitney Street, Irving Street, Folly Lane, Cross Country from Whitney Street to Armstrong School, Belknap Street, Hopkinton Road, Maynard Street, Mohawk Circle, Mohawk Drive, and Adams Street including construction and engineering services associated with the project and to purchase, accept as a gift, or take by eminent domain under the provisions of the General Laws, Chapter 79, as amended, or otherwise acquire parcels of land and/or easements for said sewer system, and further that the Treasurer with the approval of the Board of Selectmen is authorized to borrow all or a portion of such amount from the Massachusetts Water pollution Abatement Trust established pursuant to MGL Ch 29C and in connection therewith to enter into a loan agreement and/or security agreement with the Trust and otherwise to contract with the Trust and the Department of Environmental Protection with respect to such loan and for any federal or state aid

available for the project or for the financing thereof; that the Manager of the Department of Public Works is authorized to enter into a project regulatory agreement with the Department of Environmental Protection to expend all funds available for the project pursuant to any necessary contracts approved by the Board of Selectmen and to take any action necessary to carry out the project,

- E. To see if the Town will vote to raise and appropriate, transfer from available funds or borrow pursuant to any applicable statute, the sum of Fifty Three Thousand Seven Hundred Fifty One Dollars (\$53,751), or such other amount as the Town Meeting may approve for the fourth of five yearly lease/purchase payments for a sewer/water vacuum truck for the DPW,

or to take any other action thereon.

ARTICLE 12. Massachusetts School Building Authority (School Committee)

To see if the Town will vote to transfer from available funds, raise and appropriate or borrow the sum of One Hundred Seventy-Five Thousand Dollars (\$175,000) for the purpose of hiring an Owner's Project Manager for overseeing the design for renovations of the Sarah Gibbons Middle School; or take any other action thereon.

ARTICLE 13. Assessment of the Consolidation of Administrative Functions with City or Town (School Department)

To see if the Town will vote to raise and appropriate, borrow pursuant to any applicable statute or transfer from available funds, the sum of Six Thousand Dollars (\$6,000) or such other amount as Town Meeting may approve, to conduct a study of the consolidation of administrative functions between school and town; or take any other action thereon.

ARTICLE 14. Amend Actions Taken at Previous Town Meetings Relative to Sewer Station Alarm System (DPW Manager)

To see if the Town will vote to raise and appropriate, transfer from available funds, or borrow under the provisions of Chapter 44 of the General Laws, a sum of money, for the purpose of amending the action taken under Article 22A of the 2006 Annual Town Meeting and Article 19B of the 2007 Annual Town Meeting to have adequate funding to purchase a sewer station alarm system contingent on bid results opened on May 07, 2010; or to take any other action thereon.

ARTICLE 15. Cemetery Development (DPW Manager)

To see if the Town will vote to amend the action taken under Article 22 of the 2008 Annual Town Meeting, by transferring from the Sale of Lots/Graves Account the sum of Twenty Thousand Dollars (\$20,000.00) and by transferring from Free Cash the sum of Ten Thousand Dollars (\$10,000.00), or such other amount as the Town Meeting may approve, so that the total authorization will be increased from Twenty Thousand Dollars (\$20,000.00) to Fifty Thousand (\$50,000.00) Dollars, or take any other action thereon.

ARTICLE 16. Local Option Meal Excise Tax Increase (Board of Selectmen)

To see if the Town will vote to impose a .75% meals tax on the sales of restaurant meals by accepting Massachusetts General Laws, Chapter 64L, Section 2(a); or take any other action thereon.

ARTICLE 17. Dispose of Town Property (Board of Selectmen)

To see if the Town will vote to authorize the Board of Selectmen to sell, subject to any preservation restrictions and in accordance with all applicable Commonwealth of Massachusetts bidding laws, that property shown on Assessors' Map 33 as parcels E and L, and more commonly known as the "Nathan Fisher House Property", including any and all improvements, or to take any other action thereon.

ARTICLE 18. Nathan Fisher House Rezoning – (Planning Board)

To see if the Town will vote to amend the Zoning Bylaws and Zoning Map by changing Map 33, Parcels 26, 44, 53 and 53A from Town Owned (M-1) to Highway Business (BA),

or take any action thereon.

A copy of the entire proposed zoning amendment is on file with and can be viewed at the offices of the Westborough Planning Board and Westborough Town Clerk during their business hours.

ARTICLE 19. Bertis Adams Way Taking (Town Counsel)

To see if the Town will vote to authorize the Board of Selectmen to accept or take by eminent domain a street and any associated easements known as Bertis Adams Way in the Town of Westborough, as laid out on a plan, on file in the office of the Town Clerk, entitled "Acceptance Plan of Bertis Adams Way in Westborough, Massachusetts," dated January 16, 1998, updated July 27, 1999; or to take any other action thereon.

ARTICLE 20. Brigham Street and Cottage Street Alteration (Town Counsel)

To see if the Town will vote to authorize the Board of Selectmen to accept or take by eminent domain two streets and any associated easements known as Brigham Street and Cottage Street in the Town of Westborough, as laid out on two plans, on file in the office of the Town Clerk, entitled "Street Alteration – Brigham Street & Cottage Street – Westborough, MA (Worcester County);" or to take any other action thereon.

ARTICLE 21. Gable Ridge Road Taking (Town Counsel)

To see if the Town will vote to authorize the Board of Selectmen to accept or take by eminent domain a street and any associated easements known as Gable Ridge Road in the Town of Westborough, as laid out on a plan, on file in the office of the Town Clerk, entitled "Acceptance Plan of Gable Ridge Road in Westborough, Massachusetts," dated January 16, 1998, updated July 27, 1999; or to take any other action thereon.

ARTICLE 22. Olde Connecticut Path Taking (Town Counsel)

To see if the Town will vote to authorize the Board of Selectmen to accept or take by eminent domain a street and any associated easements known as Olde Connecticut Path in the Town of Westborough, as laid out on a plan, on file in the office of the Town Clerk, entitled “Acceptance Plan of Olde Connecticut Path in Westborough, Massachusetts,” dated January 16, 1998, updated July 27, 1999; or to take any other action thereon.

ARTICLE 23. Union Street Abandonment (Town Counsel)

To see if the Town will vote to authorize the Board of Selectmen to abandon a portion of a street known as Union Street and any associated easements in the Town of Westborough, as laid out on a plan, on file in the office of the Town Clerk, entitled “Street Abandonment Plan – Union Street – Westborough, MA;” or to take any other action thereon.

ARTICLE 24. Article 13 Bylaw Change (Town Manager)

To see if the Town will vote to amend the General Bylaws by deleting the existing Article 13 Personnel Bylaws and replacing it with the following new Article 13:

Section 1. Personnel Board

The Personnel Board shall be appointed by the Town Manager, confirmed by the Board of Selectmen. The Personnel Board will consist of five residents who are not Town employees. Members serve without compensation. All appointments are for a term of three years with no more than two terms to expire in any one year.

Section 2. Duties of the Personnel Board

The Personnel Board shall be responsible for the following:

- (a) Reviewing and approving Personnel Policies and Employee Handbook drafted by the Assistant Town Manager/Human Resources Director for approval by the Board of Selectmen upon the Town Manager’s recommendation.
- (b) Developing a pay classification system and salary schedule, for approval by the Board of Selectmen upon the Town Manager’s recommendation. This shall include recommendations for the annual Wage Adjustment to the Wage and Salary Schedule.
- (c) Reviewing and approving job descriptions for town positions as drafted by the Assistant Town Manager/Human Resources Director for approval by the Board of Selectmen upon the Town Manager’s recommendation.
- (d) Educational Benefits and budget
- (e) Sick Leave Buy Back

Section 3. Other Duties

The Personnel Board shall be responsible for conducting other studies or reviews related to personnel administration as requested by the Board of Selectmen or Town Manager;

or to take any other action thereon.

ARTICLE 25. Article 12 Bylaw Amendment (Westborough Cultural Council)

To see if the Town will vote to amend Article 12 of the General Bylaws by deleting said Article 12 and replacing it with the following Article 12: The display for sale to the general public, of merchandise or goods from a temporary or portable location shall be prohibited except by permit from the Chief of Police. Said permit shall require a fee not inconsistent with Chapter 101 of the Massachusetts General Laws. Religious, charitable or non-profit organizations and persons servicing a parade or an event sponsored by a Department of the Town within the Town shall be exempt from this Bylaw. A violation shall be \$100 (see Article 37);

or to take any other action thereon.

ARTICLE 26. Establish a Post-Employment Benefit Trust Fund (Treasurer/Collector)

To see if the Town will vote to establish an account called “Other Post-Employment Benefits Trust Fund” or “OPEB Trust Fund” as defined in Governmental Accounting Standards Board, Statement 45, “Accounting and Financial Reporting by Employers for Post-Employment Benefits Other than Pensions”, (otherwise known as GASB 45), which shall be under the supervision and management of the Town Manager, with the Town Treasurer as custodian of the Trust. The OPEB Trust Fund shall be credited with all amounts appropriated or otherwise made available by the Town, including any earnings or interest accruing from the investment of these funds, to offset the anticipated cost of health and life insurance contributions or other benefits for retired employees, their spouses and eligible dependents, and the surviving spouses and eligible dependents of deceased employees. Amounts in the OPEB Trust Fund shall be expended in accordance with Massachusetts General Laws, Chapter 203C, sections 1-11, and only for the payment of costs payable by the Town for OPEB. The Town Treasurer shall invest and reinvest the funds prudently and follow the guidelines of the Town of Westborough’s Investment Policy, as adopted July 1, 2008 and amended from time to time.

or to take any other action thereon.

ARTICLE 27. Acceptance of Massachusetts General Laws Chapter 40, §22F (Town Manager)

To see if the Town will accept the provisions of Massachusetts General Laws, Chapter 40, Section 22F to permit the town to set fees in addition to those provided by the General Laws;

or to take any other action thereon.

ARTICLE 28. Acceptance of Massachusetts General Laws Chapter 59, §59A (Town Manager)

To see if the Town will vote to accept MGL Ch. 59, §59A to allow the Town to grant property tax abatements for the purpose of environmental cleanup of sites zoned for commercial or industrial uses; or to take any other action thereon.

ARTICLE 29. Contaminated Property Redevelopment Incentive Bylaw (Town Manager)
To see if the Town will amend the General Bylaws to add a new Article 45 as follows:

Section 1. Purpose

It is the intent of the Town to offer tax abatements to encourage the continued environmental cleanup and redevelopment of sites that are zoned for industrial and/or commercial use that are contaminated with oil and/or other hazardous materials.

Section 2. Authority

The Town Manager is hereby authorized to work to negotiate agreements regarding the payment of outstanding real estate taxes, interest and penalties, including abatement of those amounts needed to make a cleanup and redevelopment project economically feasible. Said agreement may also contain additional incentives, financial and otherwise as may be deemed appropriate.

Section 3. Scope of Authority

Agreements may cover property contaminated with oil or other hazardous materials and must be zoned for commercial or industrial use. Agreements may be entered into only with new, innocent purchasers who did not own the site at the time the oil or hazardous material was released and did not cause or contribute to its release. Agreements must specify the details agreed to regarding payment of any outstanding obligations, including the amount owed, rate of interest to accrue, if any, amount of monthly payments, payment schedule, late penalties and other terms. These obligations may consist of outstanding real estate taxes or other financing packages negotiated with the Town.

Agreements must be signed by the Board of Selectmen and property owner and must be notarized and attested to by the Town Clerk. Copies must be provided to the Massachusetts Commissioner of Revenue, Massachusetts department of Environmental Protection, United States Environmental Protection Agency, Board of Assessors and the property owner.

Section 4. Approval of Agreements

All agreements must be approved by a majority vote of the Board of Selectmen.

or take any other action thereon.

ARTICLE 30. Zoning Bylaw Industrial D (ID) Overlay District Amendment (Planning Board)

To see whether the Town will vote to amend the Zoning Bylaws and Zoning Map of the Town Westborough to create a new **Industrial D (ID) Overlay District** as described below and provided certain criteria are satisfied, in accordance with the following amended sections of the Bylaw:

To amend Article 1, Administration and Procedure, Section 1300 by amending Footnote (1) to add a new designation **ID**. The new Footnote (1) shall read as follows:

(1) Except that a Highway Business District BA, BA (f) and **ID**, Special Permits and Appeals shall be heard by the Planning Board unless stated elsewhere in the Zoning Bylaws.

To amend Article 2, District Regulations, Section 2300, Use Regulation Schedule by creating a new category “**Industrial D (ID)**” to read as follows: (see Use Regulation Schedule below).

And by amending Article 2, District Regulations, Subsection 2620, by adding a new District (**ID**) as follows:

2620: Non-Residential building in Non-Residential Districts (BA, BB, IA, IB, DPOD, IC, **ID** and G2): (See 2610 for residential buildings).

The final Section 2620 shall read as follows:

DISTRICT

	BA(f)	BB	G2(f)	IA,IB	ID(j)	DPOD(g)
Minimum lot area (sf):	15,000	10,000	15,000	15,000	15,000	10,000
Minimum lot frontage (ft) (a):	125	100	125	125	125	100
Minimum lot front yard (ft) (a,b,c,e):	25	25	25	25	25	10
Minimum side yard (ft) (d):	25	0	25	25	25	0
Minimum rear yard (ft) (d):	25	0	25	25	25	0
Maximum building height (ft):	60	35	45	60	95	60
Maximum building stories:	4	2 ½	2 ½	4	6	4
Maximum lot coverage (%):	40	100	40	40	60	--(h)
Min. distance between edge of curb cut & nearest side lot line or corner (ft):	20	--	20	--	----	--(h)
Minimum open space (%):	60	--	60	60	40	--(h)
Max. square foot floor area	---	---	(i)	---	----	---

And by adding a new footnote (**j**) to read as follows:

(j) The Industrial D District (ID) is an overlay district. The maximum dimensional schedule shall be allowed only by Special Permit by the Planning Board. Otherwise, the underlying requirements of the Industrial B District (IB) are applicable.

And by creating a new Section **5400** under Article 4, Special Regulations as follows:

5400. INDUSTRIAL D (ID) OVERLAY DISTRICT.

5410. Purpose. The Industrial D (ID) Overlay District encompasses the majority of land fronting on Route 9 lying east of Connector Road including, Flanders Road (east of Connector Road), Old Flanders Road, Fruit Street, Gilmore Road, Washington Street, Friberg Parkway, West Park Drive, Computer Drive, and Technology Drive. This area is highlighted by a series of industrial and office parks and individual general industrial uses encompassed by the General Industrial (IB) District. The purpose of the ID Overlay District is to allow increased land use intensity through increased dimensional standards more permissive than those provided by the underlying IB District.
5420. Scope and Authority. The Industrial D (ID) Special Permit is an optional increase in use through expanded dimensional standards, and does not replace, but rather supplements, the uses allowed in the IB district. The Planning Board shall be the Special Permit Granting Authority for any project submitted in accordance with this Section and shall have the authority to approve a project upon grant of a Special Permit in accordance with Section 1300, Site Plan Review in accordance with Section 1240 and further upon a finding that the intent of Sections 1100 and 5400 have been met. This authority continues subsequent to occupancy.
5430. Establishment of District. The Industrial D (ID) Overlay District Special Permit applies to all property within the Industrial D Overlay (ID) zoning district as an optional, alternate form of development where certain criteria specified within this Section 5400 can be satisfied.
5440. Permitted Uses. Uses shall be permitted as indicated in Section 2300 Use Schedule under the column ID, in accordance with this Section 5400.
5450. Rules and Regulations. The Planning Board may from time to time establish Rules and Regulations governing Special Permits under this section. The Planning Board shall require a filing fee as a part of the Special Permit application, the amount of which shall be established by the Planning Board.
5451. Public Hearing and Approval. The Planning Board shall hold a public hearing on any proposal alleging compliance with Section 5450 in accordance with the public hearing and notice requirements of Massachusetts General Laws c. 40A §9 and §11. In considering the grant of a Special Permit for the application, the Planning Board shall make a finding that the provisions of this Section 5400 are satisfied.
5452. Findings. The Planning Board shall specifically consider the following in determining whether the development will contribute to the orderly and harmonious development of the ID Overlay and underlying IB district.
- 5452.1 Project design maximizes the opportunities for walking and bicycling
- 5452.2 Project incorporates best practices in energy efficient design, environmental

protection, stormwater management, LEED (Leadership in Energy and Environmental Design) criteria and low impact development (LID) techniques wherever practicable.

- 5452.3 Existing mature vegetation is retained wherever possible, including winding of sidewalks and creative siting of structures.
- 5452.4 Landscape materials used as buffers are native, non-invasive, hardy for New England weather conditions and disease resistant.
- 5452.5 A mix of trees, shrubs, and perennial or annual flower beds are integrated as appropriate to the proposed use of the site.

5460. Special Permit Requirements.

5461. Application for any use requiring a Special Permit: the applicant shall submit the number of copies of the application and plans in such form as the Planning Board may require by its Rules and Regulations. In addition, the following shall be provided

5461.1 Application Form and Fee.

5461.2 Development Statement. A development statement shall consist of a petition, a list of the parties in interest with respect to the land, a list of the development team and a written statement describing the major aspects of the proposed development.

5461.3 Development Plans shall bear the seal of a Massachusetts Registered Architect, Registered Civil Engineer or similar professional as appropriate. One set of reduced size plans shall be submitted measuring 11 x 17 inches. The following plans shall be submitted, unless waived by the Planning Board.

- (a) Site plans and specifications showing all site improvements and circulation.
- (b) Site perspective, sections, and elevations at a scale of 1/8 inch = 1 foot.
- (c) Detailed plans illustrating connection to public or private utilities and surface drainage; and
- (d) Detailed landscaping plans.

5461.4 Additional information as the Board may determine necessary to evaluate the proposal.

5462. Parking. Parking shall be provided in accordance with Section 3100 and bicycle parking shall be provided in close proximity to structures where determined by the Planning Board. The Planning Board shall have the authority to waive parking requirements to allow a lower or higher number of spaces as it deems appropriate to support the permitted use(s) and/or the opportunity for shared parking. Parking structures and surface parking lots shall be appropriately landscaped to promote pedestrian flow within and between the various uses on the site and ways; or to take any other action thereon.

2300. USE REGULATION SCHEDULE																
DISTRICT																
	C	R	AA AB	BA	G2	BB	IA	IB	IC	ID	M	AE	M-1	DPOD	All Other	
RESIDENTIAL USES: (1)																
Single Family Dwelling:	N	Y	Y	SP	Y	Y	N	Y	Y	Y	N	SP	N	SP	Y	
Two-Family Dwelling:	N	S	Y	SP	SP	Y	N	Y	Y	Y	N	SP	N	SP	S	
Conversion of existing structure to more than two-family dwellings:	N	N	S	SP	SP	S	N	S	SP	S	N	SP	N	SP	N	
Boardinghouse:	N	S	S	SP	SP	S	N	S	SP	S	N	SP	N	SP	N	
Multi-family dwelling (See Section 4200)	N	N	Y	SP(5)	SP	N	N	N	N	N	N	N	N	SP	N	
Open Space Communities (Section 4300)	N	SP	N	N	N	N	N	N	N	N	N	N	N	SP	N	
Mobile Home:	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	
Campground, mobile home park:	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	
Mixed Use Residential/Commercial with Industrial Components (See Section 5000)	N	N	N	N	N	N	N	N	SP	N	N	N	N	N	N	
OPEN USES:																
Farm: With pigs, animals raised for pelts: (2)	N	N	S	SP	SP	S	N	S	S	S	N	SP	N	N	N	
Other (4):																
Nursery, greenhouses (commercial):	S	N	Y	SP	SP	Y	N	Y	Y	Y	N	SP	N	SP	N	
Supervised camping:	S	N	N	SP	SP	Y	N	S	S	S	N	SP	N	N	N	
Cemetery:	N	Y	Y	Y	Y	Y	N	Y	Y	Y	N	Y	N	N	Y	
Drive-in theater, amusement park, race track or similar commercial outdoor recreation: (3)	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	
Outdoor recreation other than the above operated by a governmental agency:	S	Y	Y	Y	Y	Y	N	Y	Y	Y	N	Y	N	Y	Y	
Other (4):																
Sale of Christmas trees:	S	Y	Y	Y	Y	Y	N	Y	Y	Y	N	Y	N	Y	Y	

(1) Animal keeping may be subject to permit from Board of Health.

(2) But no animals kept closer than 500 feet to any lot line.

(3) Temporary carnival sponsored by a non-profit organization permitted upon approval by the Board of Selectmen.

(4) As determined by the Zoning Enforcement Officer.

(5) Multi-family dwellings are allowed in the Highway Business (BA) District upon grant of a Special Permit by the Planning Board in accordance with Section 5200.

2300. USE REGULATION SCHEDULE															
DISTRICT															
	C	R	AA AB	BA	G2	BB	IA	IB	IC	ID	M	AE	M-1	DPOD	All Other
INSTITIONAL USES:															
Religious , sectarian, denominational; or public educational uses, religious purposes:	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Other educational uses: (3)	S	N	N	Y	Y	S	N	S	S	S	Y	Y	Y	SP	N
Municipal use voted at Town Meeting (not more specifically cited in Section 2300):	S	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Hospital, sanitarium, convalescent, nursing or rest home, congregate housing:	N	S	Y	SP	SP	S	N	S	Y	S	Y	SP	Y	SP	S
Patriotic, fraternal or social clubs, if not conducted for profit; other philanthropic institution or club:	N	N	S	SP	SP	S	N	S	S	S	Y	SP	Y	SP	N
COMMERCIAL USES:															
Motor vehicle service station (See Section 3300):	N	N	N	S(1)	N	S(1)	N	S(1)	S	S(1)	N	S(1)	N	N	N
Animal kennel or hospital as Licensed under Chapter 140, Section 137a. General Laws:	N	N	S	SP	SP	Y	N	Y	N	Y	N	SP	N	N	N
Indoor recreation:	N	N	N	SP	SP	Y	N	Y	SP	Y	N	SP	N	SP	N
Banks, office space:	N	N	N	SP	SP(4)	Y	Y	Y	SP	Y	N	SP	N	SP	N
Restaurants:	N	N	N	SP	N	Y(2)	N	Y(2)	SP	Y(2)	N	SP	N	SP	N
Hotel, motel, motor court:	N	N	N	SP	SP	Y	N	Y	SP	Y	N	SP	N	SP	N
Other retail sales & services:	N	N	N	SP	SP(5)	Y	N	Y	SP	Y	N	SP	N	SP	N
Display & sale of natural products, a portion of which are raised by the proprietor in Westborough.	N	S	S	Y	Y	Y	Y	Y	SP	Y	N	Y	N	SP	S

(1) Special Permits to be issued by Board of Selectmen rather than Board of Appeals.

(2) Except "S", if food is to be consumed on premises outside of a building, or to be sold packaged for take-out is incidental to service for on-premises consumption.

- (3) Shall not apply to land or structures for religious or educational purposes on land owned or leased by Commonwealth or any of its agencies subdivisions or bodies, politic or by a religious sect of denomination or by a non-profit educational corporation.
- (4) Small professional offices in residential style structure limited to a maximum of 4,000 square feet of gross floor area.
- (5) Limited to a maximum of 5,000 square feet of gross floor area.

2300. USE REGULATION SCHEDULE															
DISTRICT															
	C	R	AA AB	BA	G2	BB	IA	IB	IC	ID	M	AE	M-1	DPOD	All Other
INDUSTRIAL UTILITY USES:															
Airport, heliport:	N	N	N	N	N	N	S	S	S	S	N	N	N	N	N
Public utility with outside equipment or storage:	S	N	N	Y	Y	Y	Y	Y	Y	Y	N	Y	N	N	N
With none of above:	S	S	S	Y	Y	Y	Y	Y	Y	Y	N	Y	N	SP	S
Earth Removal (See Section 4100) (1):	S	S	S	S	S	S	S	S	SP	S	N	S	N	SP	S
Trucking terminal, bulk storage, Contractor's yard:	N	N	N	N	N	N	Y	Y	SP	Y	N	N	N	Y	N
Manufacturing, Processing and Warehouse:	N	N	N	SP	N	N	Y	Y	Y	Y	N	SP	N	N	N
ADULT ENTERTAINMENT USES:	N	N	N	SP	N	N	N	N	N	N	N	SP	N	N	N
OTHER PRINCIPAL USES:															
Other use having externally observable attributes similar to one of the above:	-- as regulated above --														
All other uses:	N	N	N	N	N	N	N	N	N	N	--	N	N	N	N
ACCESSORY USES:															
Home occupations:	N	Y	Y	Y	S	Y	S	Y	Y	Y	N	Y	N	SP	Y
Customary accessory uses & structures (See Section 4400):	Shall incur the same regulations as the principal use listed in this Section.														
Agriculture, Horticulture or Floriculture:	Insofar as it can be established that the primary purpose of the use the land falls within the above mentioned categories, the regulations herein shall not apply, if same is deemed unreasonable, nor shall such use require a Special Permit. Expansion or reconstruction of existing structures upland primarily being used for agriculture, horticulture or floriculture, shall not be prohibited or unreasonably regulated except that all such activities may be limited to parcels of more than five (5) acres of areas not zoned for agriculture, horticulture, or floriculture. Land divided by a public or private way or a waterway shall be construed as one parcel.														

(1) Special Permits to be issued by Planning rather than the Board of Appeals

ARTICLE 31. Senior Housing Overlay District – (Planning Board)

To see if the Town will vote to amend the Zoning Bylaws of the Town of Westborough by amending Article 1, Administration and Procedure, Section 1300 by amending Footnote (1) to add a new designation **SLO**. The new Footnote (1) shall read as follows:

- (1) Except that a Highway Business District BA, BA (f) and **SLO**, Special Permits and Appeals shall be heard by the Planning Board unless stated elsewhere in the Zoning Bylaws.

And by creating a new District under Article 2, District Regulations; Subsection 2110 entitled **Senior Housing Overlay district (SLO)** and, by adding a new footnote (7) in this subsection as follows:

- (7) In accordance with Section 5300, Special Permits for the Senior Housing Overlay district shall be issued by the Planning Board.

And by amending Article 2, District Regulations, by amending Section 2300, Use Regulation Schedule by adding a new use category “Senior Living Overlay” to read as follows:

Senior Living Overlay (see Section 5300) (6)	N	SP	SP	N	SP	SP	SP	SP	N	N	N	N	SP	SP
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And by adding a new footnote (6) for this section as follows:

- (6) In accordance with the requirements and restrictions of Section 5300.

And by amending Article 2, District Regulations, by amending Section 2600, Dimensional Schedule by revising Section 2610 so that it reads as follows:

2610. All buildings in Residential and Conservation Districts (R, AA, AB, C), and Residential buildings in Other Districts, and Senior Housing in the Senior Living Overlay, shall comply with the following dimensional regulations.

And by adding a new use category column “**Senior Living Overlay** with the following dimensional requirements:

- Min. lot area: **2 acres**
- Min. lot frontage: **(n)**
- Min. front yard – **25 feet (n)**
- Min. side yard – **25 feet (n) (o)**
- Min. rear yard – **25 feet (n) (o)**

Min. bldg. separation on same lot: ---
Max. bldg. height – **45 feet**
Max. bldg. stories: **3**
Max. Lot coverage (%): ---
Min. open space per d.u. ---
Min. habitable floor area
per d.u. **600 feet**
Min. Lot width: ---
Min. open space (%): **(n)**
Max. lots permitted on
a common driveway: **(5 for independent living, no requirement otherwise, or PB determines
via special permit...)**
Min. number of affordable units (%)..... 20% (p)

And by amending footnote (d) to insert after the current text, the following:
“Footnote **(d)** shall not apply in the Senior Living Overlay”.

And by adding new footnotes for this section as follows:

(n) For these yard requirements, in all residential districts, SLO shall be required to conform to Section 2610 of this Bylaw. SLO uses in all non-residential districts shall be required to conform to Section 2620. Except, where abutting a residential district it shall conform to Section 2610.

(o) Except 50 feet if adjacent to residentially zoned land. In the G2 District, a fifty (50) foot buffer strip shall be maintained where abutting a residential district, forty (40) feet of this to remain undisturbed, except for the planting of additional natural vegetative screening.

(p) The minimum of 20% of the units that are to be designated affordable must comply with the requirements of the Massachusetts Department of Housing and Community Development or a successor agency. Such units shall have deed restrictions regarding affordability which will continue in perpetuity and will allow the units to “count” as State recognized affordable units. All such affordable units shall be priced at levels affordable to individuals or families earning no more than 80% of Area Median Income (AMI) as published by the State/US Department of Housing and Urban Development (HUD).

And further, by creating a new Section 5300 as follows:

5300. SENIOR LIVING OVERLAY

5310. Purpose. The purpose of the Senior Living Overlay (SLO) is to provide the opportunity to diversify the Town of Westborough’s housing stock by specifically addressing the needs of its aging population and, to provide an additional level of affordability for these housing units which meet the official Massachusetts definition of affordability.

5320. Scope and Authority. The Senior Living Overlay provides for optional additional uses and does not replace, but rather supplements, the uses allowed in the designated overlay areas by grant of a Special Permit. The Planning Board shall be the Special Permit Granting Authority (SPGA) for any project submitted in accordance with this Section and shall have the authority to approve a project upon grant of a Special Permit in accordance with Section 1330, Site Plan Review in accordance with Section 1240 and further upon a finding that the intent of Sections 1100 (Purpose) and 5300 have been met.

The Planning Board may modify the density, parking and open space requirements of this Section or Section 2610 or 2620, where applicable, if, in its opinion, such change will result in a more desirable design of the development than could otherwise be developed without variation of the dimensional or parking requirement. This authority continues subsequent to occupancy. This bylaw does not specifically set density standards; however, it is expected that each site, housing type and project design will influence the appropriate number of residential units for any particular site. The density of units allowed shall be appropriate to the zone, neighborhood and development capacity of the site.

5330. Applicability. The Senior Living Overlay applies to all property within the Senior Living Overlay district as an optional, alternate form of development where certain criteria specified within this Section 5300 can be satisfied.

5340. Establishment of District. The Senior Living Overlay district shall include all property located within five thousand (5,000) feet of the intersection of the centerlines of Milk, Main, Brigham and South Streets, except that the district shall extend to six thousand five hundred (6,500) feet along East Main Street, provided that the land has frontage located within the SLO on one of said streets and further complies with the dimensional standards of section 5360. The provisions of Section 2140 (split lots) shall not apply. The SLO shall not apply to any parcel of land located within a Highway Business (BA) district.

5350. Permitted Uses. Independent Senior Housing, Senior Living Facility, and Continuing Care Retirement Communities shall be permitted in accordance with this Section 5300. In addition, accessory uses typically associated with these uses may be permitted by the Board, upon a finding that the accessory use is appropriate to the proposed development and not more detrimental to the neighborhood than the senior living use without such accessory uses.

5360. Dimensional Requirements

All minimum standards in the Senior Housing Overlay district (SLO) shall be consistent with those requirements of the applicable underlying district found in Section 2610 or 2620.

5370. Rules and Regulations. The Planning Board may from time to time establish Rules and Regulations governing Special Permits under this section. The Planning Board shall require a filing fee as a part of the Special Permit application, the amount of which shall be established by the Planning Board.

5371. Public Hearing and Approval. The Planning Board shall hold a public hearing on any proposal alleging compliance with Section 5300 in accordance with the public hearing and notice requirements of Massachusetts General Laws c. 40A §9 and §11. In considering the grant of a Special Permit for the application, the Planning Board shall make a finding that the provisions of this Section 5300 are satisfied.

5372. Findings. The Planning Board shall specifically consider whether the development will contribute to the orderly and harmonious development of the neighborhood and the Town that is consistent with the character of the neighborhood and satisfies community demand for the proposed uses, while responding to the performance standards of Section 5390.

The Planning Board shall make findings related to the Town's current goals for the proposed type of senior housing. These findings might include, but are not limited to the following:

- Compatibility with the surrounding neighborhood;
- Consistency with any current planning documents or studies;
- Ability for public infrastructure such as water, roads, drainage or sewer system or any other municipal system to support the proposed development without causing impacts that would adversely affect health, safety or the general welfare;
- Appropriate design and layout of streets and driveways;
- Appropriate project mitigation or enhancement of services typically associated with senior housing. This mitigation may be provided on site, or at the SPGA's discretion be in the form of a contribution elsewhere in Town. Strong preference is given to mitigation providing public access and /or that is integrated with other Town services;
- Appropriateness of building architecture, orientation and site design;
- Incorporation of energy efficient and environmentally friendly design criteria;
- Incorporation of pedestrian amenities, appropriate accessory uses, and integration of community benefits (for larger projects);
- Preservation of open space, existing vegetation, natural, historical or archeologically significant features or resources.

5380. Special Permit Requirements.

5381. Permit Application

For any use requiring a Special Permit, the applicant shall submit the number of copies of the application and plans in such form as the Planning Board may require by its Rules and Regulations. In addition, the following shall be provided:

- 5381.1 Application Form and Fee.
- 5381.2 Development Statement.
- 5381.3 Development Plans.
- 5381.4 Additional information as the Board may determine necessary to evaluate the proposal.

5382. Decisions

5382.1. The findings, including the basis of such findings, of the SPGA shall be stated in the written decision of approval, conditional approval, or denial of the application for Special Permit, and shall require a super-majority vote for approval.

5382.2. The SPGA may also require, in addition to any applicable conditions specified in this Bylaw, such conditions as it finds reasonably appropriate to safeguard the neighborhood, or otherwise serve the purposes of this Bylaw, including, but not limited to the following: front, side, or rear yards greater than the minimum required by this Bylaw; screening buffers or planting strips, fences, or walls, modification of the architectural design and exterior appearance of the structures; lighting, regulation of the number and location of driveways, or other traffic features; off-street parking or loading or any other special features beyond the minimum required by this bylaw.

5382.3. The SPGA shall specifically require project mitigation and/or enhancement of services, including possible integration with other Town services, as appropriate for the type and scale of development proposed.

5382.4. Such conditions shall be provided in writing, and the applicant may be required to post a performance guaranty for compliance with said conditions in an amount satisfactory to the SPGA.

5382.5. The Special Permit is granted for a period of two years and shall lapse if substantial use or construction has not commenced by such date, except for good cause shown as determined by the SPGA. Once construction has begun, it shall be actively and continuously pursued to completion within a reasonable time.

5383. Parking Requirements

Parking shall be provided in accordance with Section 3100 except as modified or amended by the following:

- Independent senior housing: one and one-half (1.5) spaces per dwelling unit.
- Assisted living: one-half (0.5) space per bedroom unit plus the number of employees expected on the premises at the peak hour of operation.
- Continuing Care Residence Community: 0.75 spaces per bedroom unit.
- Accessory Uses: As the board deems necessary taking into consideration Section 3100 and the potential for shared parking with other proposed uses on site.

Parking structures and surface parking lots shall be appropriately designed and landscaped to promote pedestrian flow within and between the various uses on the site and public ways.

5390. Performance Standards

Projects in the Downtown Business district (BB) shall require a positive recommendation of the Design Review Board in accordance with Section 1245. Projects in the SLO, but outside of the Downtown Business district shall comply with sub-sections 1245. D. 2-5.

Subdivision Rules & Regulations shall be used as a guideline; however, the Board may waive any of these standards based on a persuasive argument by the applicant that such compliance does not serve the best interests of the project or the public good.

In addition to other minimum requirements stated elsewhere in this bylaw, the following improvements, performance standards and/or conditions are required (insofar as they are applicable to the proposal) to support a grant of a Special Permit in the SLO.

- Natural resources are preserved or improved and cutting of mature and specimen trees is avoided wherever feasible.
- Landscaping and vegetated buffer strips are appropriate for the neighborhood.
- Soil removal is minimized and cuts and fills are balanced to the maximum extent reasonable.
- Pedestrian walks, patios and other amenities support intra- and inter-site access and gathering places for residents.
- Roads and driveways maximize the convenience and safety of vehicular and pedestrian movement within the site and in relation to adjacent ways.
- Architectural details are varied to avoid monotonous or repetitive styles.
- Architectural style shall be in harmony with the prevailing character and scale of buildings in the neighborhood and the Town through the use of appropriate building materials, screening, breaks in roof and wall lines and other architectural techniques.
- Shade trees are provided along internal roadways and pedestrian walks.
- Site lighting is designed to avoid unnecessary glare to abutting properties or the sky. Reflectors and shields provide total cut-off of light at the property boundaries.
- US Green Building Council Leadership in Energy and Environmental Design (LEED) criteria shall be incorporated into project buildings and site design.
- Stormwater Management incorporates Low Impact Design (LID) wherever feasible and appropriate for the context.
- Utilities shall be located underground.

And by amending **ARTICLE 5 DEFINITIONS** to insert the following **new definitions:**

INDEPENDENT SENIOR HOUSING shall mean a building or series of buildings containing independent dwelling units intended to provide housing for persons not requiring health or other services, and designed and occupied by individuals or families in which at least one household member is 60 years of age or older.

SENIOR LIVING FACILITY shall mean an assisted living residence as defined by the Massachusetts Executive Office of Elder Affairs pursuant to M.G.L. c. 19D and which provides assistance with activities of daily living, such as assistance with bathing, dressing, eating, toileting and medication reminders and which provides room and board for three or more adult residents. Senior living facilities shall also include senior congregate housing that includes room and board, but without necessity for assistance with activities of daily living.

CONTINUING CARE RETIREMENT COMMUNITY (CCRC) shall mean a senior housing development that is planned, designed and operated to provide a full range of accommodations for older persons, including independent living, congregate care and assisted living facilities, and which shall also include a nursing home or skilled-care facility. Residents of a CCRC have the ability to move from one level of housing/care to another as their needs change.

DENSITY shall mean the number of dwelling units, households or housing structures per unit of land (minimum lot area as defined herein);

or take any other action thereon.

2300. USE REGULATION SCHEDULE														
DISTRICT														
	C	R	AA AB	BA	G2	BB	IA	IB	IC	M	AE	M-1	All Othr	DPOD
RESIDENTIAL USES: (1)														
Single Family Dwelling:	N	Y	Y	SP	Y	Y	N	Y	Y	N	SP	N	Y	SP
Two-Family Dwelling:	N	S	Y	SP	SP	Y	N	Y	Y	N	SP	N	S	SP
Conversion of existing structure to more than two-family dwellings:	N	N	S	SP	SP	S	N	S	SP	N	SP	N	N	SP
Boardinghouse:	N	S	S	SP	SP	S	N	S	SP	N	SP	N	S	SP
Multi-family dwelling (See Section 4200):	N	N	Y	N	SP	N	N	N	N	N	N	N	N	SP
Open Space Communities (See Section 4300):	N	SP	N	N	N	N	N	N	N	N	N	N	N	SP
Mobile Home:	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Campground, mobile home park:	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Mixed Use Residential/Commercial with Industrial Components (See Section 5000)	N	N	N	N	N	N	N	N	SP	N	N	N	N	N
Senior Living Overlay District (SLO) (See Section 5300)(6)	N	SP	SP	N	SP	SP	SP	SP	N	SP	N	SP	SP	SP
OPEN USES:														
Farm: With pigs, animals raised for pelts: (2)	N	N	S	SP	SP	S	N	S	S	N	SP	N	N	N
Other (4):														
Nursery, greenhouses (commercial):	S	N	Y	SP	SP	Y	N	Y	Y	N	SP	N	N	SP
Supervised camping:	S	N	N	SP	SP	Y	N	S	S	N	SP	N	N	N
Cemetery:	N	Y	Y	Y	Y	Y	N	Y	Y	N	Y	N	Y	N
Drive-in theater, amusement park, race track or similar commercial outdoor recreation: (3)	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Outdoor recreation other than the above operated by a governmental agency:	S	Y	Y	Y	Y	Y	N	Y	Y	N	Y	N	Y	Y
Other (4):														
Sale of Christmas trees:	S	Y	Y	Y	Y	Y	N	Y	Y	N	Y	N	Y	Y

- (1) Animal keeping may be subject to permit from the Board of Health.
- (2) But no animals kept closer than 500 feet to any lot line.
- (3) Temporary carnival sponsored by a non-profit organization permitted upon approval by the Board of Selectmen.
- (4) As determined by the Zoning Enforcement Officer.
- (5) Multi-family dwellings are allowed in the Highway Business (BA) District upon grant of a Special Permit by the Planning Board in accordance with Section 5200.
- (6) In accordance with the requirements and restrictions of Section 5300.

2300. USE REGULATION SCHEDULE														
DISTRICT														
	C	R	AA AB	BA	G2	BB	IA	IB	IC	M	AE	M-1	All Othr	DPOD
INSTITUTIONAL USES:														
Religious, sectarian, denominational; or public educational uses, religious purposes:	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Other educational uses: (3)	S	N	N	Y	Y	S	N	S	S	Y	Y	Y	N	SP
Municipal use voted at Town Meeting (not more specifically cited in Section 2300):	S	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Hospital, sanitarium, convalescent, nursing or rest home, congregate housing:	N	S	Y	SP	SP	S	N	S	Y	Y	SP	Y	S	SP
Patriotic, fraternal or social clubs, if not conducted for profit; other philanthropic institution or club:	N	N	S	SP	SP	S	N	S	S	Y	SP	Y	N	SP
COMMERCIAL USES:														
Motor vehicle service station (See Section 3300):	N	N	N	S(1)	N	S(1)	N	S(1)	S	N	S(1)	N	N	N
Animal kennel or hospital as Licensed under Chapter 140, Section 137a. General Laws:	N	N	S	SP	SP	Y	N	Y	N	N	SP	N	N	N
Indoor recreation:	N	N	N	SP	SP	Y	N	Y	SP	N	SP	N	N	SP
Banks, office space:	N	N	N	SP	SP(4)	Y	Y	Y	SP	N	SP	N	N	SP
Restaurants:	N	N	N	SP	N	Y(2)	N	Y(2)	SP	N	SP	N	N	SP
Hotel, motel, motor court:	N	N	N	SP	SP	Y	N	Y	SP	N	SP	N	N	SP

Other retail sales & services:	N	N	N	SP	SP(5)	Y	N	Y	SP	N	SP	N	N	SP
Display & sale of natural products, a portion of which are raised by the proprietor in Westborough:	N	S	S	Y	Y	Y	Y	Y	SP	N	Y	N	S	SP

- (1) Special Permits to be issued by Board of Selectmen rather than the Board of Appeals.
- (2) Except "S", if food is to be consumed on premises outside of a building, or to be sold packaged for take-out is incidental to service for on-premises consumption.
- (3) Shall not apply to land or structures for religious or educational purposes on land owned or leased by Commonwealth or any of its agencies subdivisions or bodies, politic or by a religious sect of denomination or by a non-profit educational corporation.
- (4) Small professional offices in residential style structure limited to a maximum of 4,000 square feet of gross floor area.
- (5) Limited to a maximum of 5,000 square feet of gross floor area.

2300. USE REGULATION SCHEDULE															
DISTRICT															
	C	R	AA AB	BA	G2	BB	IA	IB	IC	M	AE	M-1	All Othr	DPOD	
INDUSTRIAL UTILITY USES:															
Airport, heliport:	N	N	N	N	N	N	S	S	S	N	N	N	N	N	
Public utility with outside equipment or storage:	S	N	N	Y	Y	Y	Y	Y	Y	N	Y	N	N	N	
With none of above:	S	S	S	Y	Y	Y	Y	Y	Y	N	Y	N	S	SP	
Earth Removal (See Section 4100) (1):	S	S	S	S	S	S	S	S	SP	N	S	N	S	SP	
Trucking terminal, bulk storage, Contractor's yard:	N	N	N	N	N	N	Y	Y	SP	N	N	N	N	Y	
Manufacturing, Processing and Warehouse:	N	N	N	SP	N	N	Y	Y	Y	N	SP	N	N	N	
ADULT ENTERTAINMENT USES:															
	N	N	N	SP	N	N	N	N	N	N	SP	N	N	N	
OTHER PRINCIPAL USES:															
Other use having externally observable attributes similar to one of above:	--- as regulated above ---														
All other uses:	N	N	N	N	N	N	N	N	N	---	N	N	N	N	
ACCESSORY USES:															
Home occupations:	N	Y	Y	Y	S	Y	S	Y	Y	N	Y	N	Y	SP	

Customary accessory uses & structures (See Section 4400):	Shall incur the same regulations as the principal use listed in this Section.
Agriculture, Horticulture or Floriculture:	Insofar as it can be established that the primary purpose of the use the land falls within the above mentioned categories, the regulations herein shall not apply, if same is deemed unreasonable, nor shall such use require a Special Permit. Expansion or reconstruction of existing structures up land primarily being used for agriculture, horticulture or floriculture, shall not be prohibited or unreasonably regulated except that all such activities may be limited to parcels of more than five (5) acres in areas not zoned for agriculture, horticulture, or floriculture. Land divided by a public or private way or a waterway shall be construed as one parcel.

(1) Special Permits to be issued by Planning Board rather than the Board of Appeals.

ARTICLE 32. Mixed Used District Bylaw Amendment- (Planning Board)

To see if the Town will vote to amend the Town of Westborough Zoning Bylaws by amending Article 1, Administration and Procedure, Section 1300 by amending Footnote (1) to add a new designation **MUD**. The new Footnote (1) shall read as follows:

- (1) Except that a Highway Business District BA, BA (f) and **MUD**, Special Permits and Appeals shall be heard by the Planning Board unless stated elsewhere in the Zoning Bylaws.

And by amending Article 2, District Regulations, Section 2100, Establishment of Districts, subsection 2110 by adding a new Zoning District at the end of the subsection as follows:

“Mixed Use District..... MUD (8)”

and by adding a new footnote **(8)** for this section as follows:

“(8) In accordance with Section 5500 Special Permits for Mixed Use District”.

and by amending Section 2300, Use Regulation Schedule by adding a new District Column, **MUD** as shown on the following three pages:

2300. USE REGULATION SCHEDULE															
DISTRICT															
	C	R	AA AB	BA	G2	BB	IA	IB	IC	M	AE	M-1	All Othr	DPOD	MUD
RESIDENTIAL USES: (1)															
Single Family Dwelling:	N	Y	Y	SP	Y	Y	N	Y	Y	N	SP	N	Y	SP	SP
Two-Family Dwelling:	N	S	Y	SP	SP	Y	N	Y	Y	N	SP	N	S	SP	SP
Conversion of existing structure to more than two-family dwellings:	N	N	S	SP	SP	S	N	S	SP	N	SP	N	N	SP	SP
Boardinghouse:	N	S	S	SP	SP	S	N	S	SP	N	SP	N	S	SP	SP
Multi-family dwelling (See Section 4200)	N	N	Y	SP ⁽⁵⁾	SP	N	N	N	N	N	N	N	N	SP	SP
Open Space Communities (See Section 4300)	N	SP	N	N	N	N	N	N	N	N	N	N	N	SP	SP
Mobile Home:	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Campground, mobile home park:	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Mixed Use Residential/Commercial with Industrial Components (See Section 5000)	N	N	N	N	N	N	N	N	SP	N	N	N	N	N	N
OPEN USES:															
Farm: With pigs, animals raised for pelts: (2)	N	N	S	SP	SP	S	N	S	S	N	SP	N	N	N	N
Other: (4)															
Nursery, greenhouses (commercial):	S	N	Y	SP	SP	Y	N	Y	Y	N	SP	N	N	SP	SP
Supervised camping:	S	N	N	SP	SP	Y	N	S	S	N	SP	N	N	N	N
Cemetery:	N	Y	Y	Y	Y	Y	N	Y	Y	N	Y	N	Y	N	N
Drive-in theater, amusement park, race track or similar commercial outdoor recreation: (3)	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Outdoor recreation other than the above operated by a governmental agency:	S	Y	Y	Y	Y	Y	N	Y	Y	N	Y	N	Y	Y	Y
Other: (4)															
Sale of Christmas Trees:	S	Y	Y	Y	Y	Y	N	Y	Y	N	Y	N	Y	Y	Y

(1) Animal keeping may be subject to permit from the Board of Health.

(2) But no animals kept closer than 500 feet to any lot line.

(3) Temporary carnival sponsored by a non-profit organization permitted upon approval by the Board of Selectmen.

(4) As determined by the Zoning Enforcement Officer.

(5) Multi-family dwellings are allowed in the Highway Business (BA) District upon grant of a Special Permit by the Planning Board in accordance with Section 5200.

2300. USE REGULATION SCHEDULE																
DISTRICT																
	C	R	AA AB	BA	G2	BB	IA	IB	IC	M	AE	M-1	All Other	DPOD	MUD	
INSTITUTIONAL USES:																
Religious, sectarian, denominational; or public educational uses, religious purposes:	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	
Other educational uses: (3)	S	N	N	Y	Y	S	N	S	S	Y	Y	Y	N	SP	SP	
Municipal use voted at Town Meeting (not more specifically cited in Section 2300):	S	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	
Hospital, sanitarium, convalescent, nursing or rest home, congregate housing:	N	S	Y	SP	SP	S	N	S	Y	Y	SP	Y	S	SP	SP	
Patriotic, fraternal or social clubs, if not conducted for profit; other philanthropic institution or club:	N	N	S	SP	SP	S	N	S	S	Y	SP	Y	N	SP	SP	
COMMERCIAL USES:																
Motor vehicle service station (See Section 3300):	N	N	N	S(1)	N	S(1)	N	S(1)	S	N	S(1)	N	N	N	N	
Animal kennel or hospital as Licensed under Chapter 140, Section 137a. General Laws:	N	N	S	SP	SP	Y	N	Y	N	N	SP	N	N	N	N	
Indoor recreation:	N	N	N	SP	SP	Y	N	Y	SP	N	SP	N	N	SP	SP	
Banks, office space:	N	N	N	SP	SP(4)	Y	Y	Y	SP	N	SP	N	N	SP	SP	
Restaurants:	N	N	N	SP	N	Y(2)	N	Y(2)	SP	N	SP	N	N	SP	SP	
Hotel, motel, motor court:	N	N	N	SP	SP	Y	N	Y	SP	N	SP	N	N	SP	SP	
Other retail sales and services:	N	N	N	SP	SP(5)	Y	N	Y	SP	N	SP	N	N	SP	SP	
Display & sale of natural products, a portion of which are raised by the proprietor in Westborough:	N	S	S	Y	Y	Y	Y	Y	SP	N	Y	N	S	SP	SP	

- (1) Special Permits to be issued by Board of Selectmen rather than the Board of Appeals.
- (2) Except "S", if food is to be consumed on premises outside of a building, or to be sold packaged for take-out is incidental to service for on-premises consumption.
- (3) Shall not apply to land or structures for religious or educational purposes on land owned or leased by Commonwealth or any of its agencies subdivisions or bodies, politic or by a religious sect of denomination or by a non-profit educational corporation.
- (4) Small professional offices in residential style structure limited to a maximum of 4,000 square feet of gross floor area.
- (5) Limited to a maximum of 5,000 square feet of gross floor area.

2300. USE REGULATION SCHEDULE															
DISTRICT															
	C	R	AA AB	BA	G2	BB	IA	IB	1C	M	AE	M-1	All Other	DPOD	MUD
INDUSTRIAL USES:															
Airport, heliport:	N	N	N	N	N	N	S	S	S	N	N	N	N	N	N
Public utility with outside equipment or storage:	S	N	N	Y	Y	Y	Y	Y	Y	N	Y	N	N	N	N
With none of above:	S	S	S	Y	Y	Y	Y	Y	Y	N	Y	N	S	SP	SP
Earth Removal (See Section 4100) (1):	S	S	S	S	S	S	S	S	SP	N	S	N	S	SP	SP
Trucking terminal, bulk storage, Contractor's yard:	N	N	N	N	N	N	Y	Y	SP	N	N	N	N	SP	SP
Manufacturing, Processing and Warehouse:	N	N	N	SP	N	N	Y	Y	Y	N	SP	N	N	N	N
ADULT ENTERTAINMENT USES:	N	N	N	SP	N	N	N	N	N	N	SP	N	N	N	N
OTHER PRINCIPAL USES:															
Other use having externally observable attributes similar to one of above:	---as regulated above ---														
All other uses:	N	N	N	N	N	N	N	N	N	--	N	N	N	N	N
ACCESSORY USES:															
Home occupations:	N	Y	Y	Y	S	Y	S	Y	Y	N	Y	N	Y	SP	SP
Customary accessory uses & structures (See Section 4400):	Shall incur the same regulations as the principal use listed in this Section.														
Agriculture, Horticulture or Floriculture:	Insofar as it can be established that the primary purpose of the use the land falls within the above mentioned categories, the regulations herein shall not apply, if same is deemed unreasonable, nor shall such use require a Special Permit. Expansion or reconstruction of existing structures up land primarily being used for agriculture, horticulture or floriculture, shall not be prohibited or unreasonably regulated except that all such activities may be limited to parcels of more than five (5) acres in areas not zoned for agriculture, horticulture, or floriculture. Land divided by a public or private way or a waterway shall be construed as one parcel.														

(1) Special Permits to be issued by Planning Board rather than Board of Appeals.

and by amending Section 2620 Non-Residential Buildings in Non-Residential Districts (BA, BB, IA, IB) by adding a new District Column **MUD** as shown below.

	DISTRICT						MUD(g)
	BA	BA (f)	BB	IA,	IB	DPOD(g)	
Min. lot area (sf):	30,000	15,000		10,000	15,000	10,000	10,000
Min. lot frontage (ft) (a):	250	125		100	125	100	100
Min. lot front yard (ft) (a,b,c,e):	50	25		25	25	10	(i) 25
Min. side yard (ft) (d):		25		25	0	25	0 (i) 15
Min. rear yard (ft) (d):	50	25		0	25	0	(i) 25
Max. bldg. height (ft):	45	45		35	60	60	60
Max. bldg. stories:	3	2 ½		2 ½	4	4	4
Max. lot coverage (%):	20	40		100	40	--(h)	--(h)
Min. distance between edge of curb cut & nearest side lot line or corner (ft):	80	20		--	--	--(h)	--(h)
Min. open space (%):	60	60		--	60	--(h)	--(h)
(a)	Corner and through lots shall observe frontage and front yard requirements for each portion of a lot that adjoins a public way.						
(b)	Increase to 75 feet abutting Turnpike Road.						
(c)	But not less than 50 feet measured from the street centerline.						
(d)	(1) Decrease to zero (0) feet where abutting a railroad right-of-way. (2) A one hundred (100) foot buffer strip shall be maintained where abutting a Residential District; seventy-five (75) feet of this to remain undisturbed, except for the planting of additional natural vegetative screening.						
(e)	No building need provide a yard greater than that existing on any abutting parcel on the same street.						
(f)	With Special Permit issued by the Special Permit Granting Authority.						
(g)	With Special Permit issued by the Special Permit Granting Authority.						
(h)	Determined by the sole discretion of the Special Permit Granting Authority during Special Permit process.						
(i)	Decrease to zero (0) feet with Special Permit for non-residential or mixed uses.						

and by creating a new **Section 5500 in Article 4, Special Regulations** as follows:

5500. MIXED USE DISTRICT (MUD)

5510. Purpose. The intent of this Mixed Use District, which hereafter may be referred to as MUD, is to permit greater flexibility and more creative and imaginative design for the development of retail, office, restaurant, residential and open space than is generally possible under conventional zoning provisions. It is further intended to promote and facilitate redevelopment of certain portions of the former Westborough State Hospital and other State owned properties while providing a harmonious variety of uses, a higher level of amenities, a stimulus to the economic development of the community and vitality to the district.

5520. Scope and Authority. This Mixed Use District shall apply to all new construction, reconstruction or expansion of existing buildings and new or expanded uses. Any activities or uses permitted in the District shall be permitted, subject to the provisions of this District, unless expressly prohibited. New uses shall only be permitted through the granting a Special Permit from the Planning Board.

5530. Establishment and Delineation of Mixed Use District. For the purposes of this District, there is hereby established a Mixed Use District area as shown on the Westborough Zoning Map.

5531. Mixed Use Zoning Map. The boundaries of properties within the Mixed Use District shall be delineated on a Zoning Map approved at Town Meeting.

5540. Permitted Uses. In any Mixed Use development, no building or other structure shall be erected, altered or used and no land shall be used or occupied for any purpose except under a Special Permit issued by the Planning Board in accordance with the provisions and requirements of this Section and the rules and regulations of the Planning Board.

5550. Rules and Regulations. The Planning Board shall establish, after a Public Hearing, Rules and Regulations concerning the procedure for and content of an application for new building use or change of use in the Mixed Use District. The Planning Board shall require a filing fee as part of the application, the amount of which shall be prescribed in the Mixed Use District Rules and Regulations. The MUD Rules and Regulations shall be effective on the date the Planning Board files them with the Town Clerk.

5551. Public Hearing and Approval. A public hearing shall be required on any Mixed Use District Building or Change of Use before any final action can be taken by the Planning Board on the application. The timing of and form of notice of the hearing shall be as prescribed in Massachusetts General Laws, c. 40A, §11 for Special Permits. After the Public Hearing, the Planning Board shall consider the development for a Special Permit. In its consideration the Planning Board shall determine whether the application meets the purpose of Section 1100, and of the Mixed Use District regulations. The Planning Board shall specifically determine whether the development will contribute to the orderly and harmonious development of the Mixed Use District Area and is consistent with the character of the neighborhood. The Board may recommend that the applicant modify, alter, adjust or amend the proposed development and may recommend such reasonable additional conditions as the Planning Board deems necessary.

5552. Density Requirements. Within the Mixed Use District, building lots shall be established by the applicants subject to approval of the Planning Board.

5553. Multiple Buildings. Notwithstanding §2540 of this Bylaw, multiple buildings may be allowed on a lot in a Mixed Use Project by Special Permit issued by the Planning Board.

5554. Signage. Notwithstanding Section 3300 of this Bylaw, multiple signs may be allowed on a lot or building in a Mixed Use Project by Special Permit issued by the Planning Board. The number, size and locations of signs shall be based on the nature, size, architecture and location of each building or portion thereof.

5560. Site Plan Approval of a Mixed Use District. A Mixed Use District Development, as herein permitted, shall be made only pursuant to a Site Plan Submission. Within a MUD, the Board of Selectmen shall approve the Site Plan. All requirements as outlined in the Westborough Zoning Bylaws, Sections 1240 through 1245, shall apply. The Site Plan Submission documentation shall be appropriate to the proposed project to show and convey the level of detail required for review by the Board of Selectmen and shall show at a minimum:

1. Topography and grades both existing and proposed for the site and its relation to surrounding areas.
2. Proposed plan and cross sections of all street systems and pedestrian walkways and their relationship to the overall project.
3. Proposed preliminary layout and routing of storm and sanitary sewer systems, water supply, fire protection and power and communications services.
4. Proposed lot(s), their layout and areas.
5. Proposed areas of the site reserved for parks, parkways, playgrounds and other private or public open spaces and their location, use, areas and access.
6. Proposed location of all buildings, their proposed use, size and height and related parking facilities.
7. Tabulation of the total number of acres in the proposed project and, if applicable, the percentage thereof designated for each proposed building and use and related off-street parking, streets, parks and other uses.
8. Tabulation of all buildings and uses and the over-all and per lot, coverage and density (Floor Area Ratio).
9. Preliminary plans and elevations of the major buildings, their use, location and floor areas.
10. Environmental issues and mitigation measures if any.
11. Any other items that may be required by the Board of Selectmen.

or take any other action thereon.

ARTICLE 33. Request for an Additional License for the Sale of All Alcoholic Beverages Not To Be Drunk on the Premises (Package Store License – Citizens’ Petition)

To see if the Town will vote to authorize the Board of Selectmen to petition the legislature for one (1) additional license for the sale of all alcoholic beverages not to be drunk on the premises substantially as follows:

Notwithstanding Section 17 of Chapter 138 of the General Laws, the licensing authority of the Town of Westborough may grant an additional license for the sale of all alcoholic beverages not to be drunk on the premises under Section 15 of said Chapter 138 to Sunshine Convenience Food

Store, Inc., located at 65 East Main Street, Westborough, MA. The license shall be subject to all of said Chapter 138 except said Section 17. The applicant holds a Wine and Malt license which shall be surrendered upon licensing authority approval of the Package Store license.

The licensing authority shall not approve the transfer of the license to any other location. The license may be reissued by the licensing authority to a new applicant at the same location if the applicant files with the licensing authority a letter from the Department of Revenue indicating that the license is in good standing with the department and that all applicable taxes have been paid.

If the license granted under this act is cancelled, revoked or no longer in use, it shall be returned physically, with all of the legal rights, privileges and restrictions pertaining thereto, to the licensing authority which may then grant the license to a new applicant.
or to take any other action thereon.

And you are directed to serve this Warrant by posting up attested copies thereof at the Town Library Bulletin Board and Town Hall Bulletin Board in said Town fourteen days, at least, before the day of holding said meeting. Hereof fail not and make return of this Warrant, with your doings thereon, to the Town Clerk of said Westborough on or before the time of holding said meeting.

Given under our hands the 13th day of April in the year of our Lord Two Thousand and Ten.

Leigh Emery, Chairman

Rod Jane', Vice Chairman

Lydia Goldblatt

Timothy Dodd

George Thompson

SELECTMEN OF WESTBOROUGH

Worcester, ss

I have this day served the within Warrant by posting up attested copies thereof at the Town Library Bulletin Board and Town Hall Bulletin Board in said Westborough and by mailing a copy thereof to the residence of the Town Moderator all on April , 2010.

Constable of Westborough