

**ANNUAL TOWN MEETING
TOWN OF WESTPORT
COMMONWEALTH OF MASSACHUSETTS
ANNUAL TOWN MEETING
MAY 1, 2012**

BRISTOL, SS.

To either of the constables of the Town of Westport in said County:

GREETINGS:

In the name of the Commonwealth of Massachusetts you are hereby directed to notify and warn the inhabitants of the Town of Westport qualified to vote in elections and Town affairs, to assemble at the Westport High School on Tuesday, May 1, 2012 at 7:00 p.m., and then and there to act on the following articles, viz:

ARTICLE 1

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

FINANCE COMMITTEE/BOARD OF SELECTMEN

ARTICLE 2

To see if the Town will vote to transfer from available funds and/or transfer from various line items within the current appropriations such sums of money necessary to supplement the budgets of various departments for the fiscal year beginning July 1, 2011, and/or take any other action relative thereto.

BOARD OF SELECTMEN

ARTICLE 3

To see if the Town will vote to raise and appropriate and/or transfer from available funds such sums of money necessary for the purpose of paying outstanding bills from prior fiscal years, and/or take any other action relative thereto.

BOARD OF SELECTMEN

ARTICLE 4

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

Moderator	\$ 745.00
Selectmen - Chairman	6,020.00
Board Members (4)	23,678.00
Assessors - Board Members (3)	15,857.00
Board of Health - Members (3)	8,418.00
Highway Surveyor	68,496.00
Tax Collector	57,627.00
Town Clerk	57,627.00
Treasurer	57,627.00
Total	296,095.00

FINANCE COMMITTEE/BOARD OF SELECTMEN

ARTICLE 5

To see if the Town will vote to raise and appropriate and/or transfer from available funds such sums of money considered necessary to defray the Town's expenses for a twelve month period beginning July 1, 2012, and appropriate the same to the several departments as shown, and/or take any other action relative thereto.

FINANCE COMMITTEE/BOARD OF SELECTMEN

ARTICLE 6

To see if the Town will vote to raise and appropriate and/or transfer from available funds such sums of money considered necessary to defray the Town's expenses for a twelve month period beginning July 1, 2012, and appropriate the same to several departments, and/or take any other action relative thereto; provided, however, that the appropriation of such additional sums shall be expressly contingent upon approval by the voters of the Town of a Proposition 2 1/2, so called, override question pursuant to the provisions of G.L. c.59, §21C(g), and/or take any other action relative thereto.

BOARD OF SELECTMEN

ARTICLE 7

To see if the Town will vote to raise and appropriate the additional sum of \$297,000.00 and/or transfer from available funds such sums of money considered necessary to defray the expenses necessary to provide special education services and for supervision & evaluation support to comply with state regulations at the Westport Public Schools for a twelve month period beginning July 1, 2012; provided, however, that the appropriation of such additional sums shall be expressly contingent upon approval by the voters of the Town of a proposition 2 1/2, so called, override question pursuant to the provisions of G.L. c. 59, section 21C(g), and/or take any other action relative thereto.

SCHOOL COMMITTEE

ARTICLE 8

To see if the Town will vote to raise and appropriate the additional sum of \$165,000.00 and/or

transfer from available funds such sums of money considered necessary to defray the expenses necessary to reduce class sizes at the Westport Public Schools for a twelve month period beginning July 1, 2012; provided, however, that the appropriation of such additional sums shall be expressly contingent upon approval by the voters of the Town of a proposition 2 1/2, so called, override question pursuant to the provisions of G.L. c. 59, section 21C(g), and/or take any other action relative thereto.

SCHOOL COMMITTEE

ARTICLE 9

To see if the Town will vote to raise and appropriate or transfer from available funds \$172,000.00 to upgrade the Town's data processing functions, to include phone systems, servers, desktop terminals, printers, and all related hardware and software, as well as all costs incidental and related thereto, including services needed in connection therewith; provided, however, that the vote taken hereunder shall be expressly contingent upon approval by the voters of the Town of a Proposition 2 ½, so called, debt exclusion question pursuant to the provisions of G.L. c.59, §21C(k), and/or take any other action relative thereto.

BOARD OF SELECTMEN

ARTICLE 10

To see if the Town will vote to fund the special purpose stabilization fund known as the "Capital Stabilization Fund", created under Article 16 of the December 7, 2010 Special Town Meeting, in the amount of \$500,000.00, to be used for capital equipment, projects and improvements (tangible assets or projects that cost at least \$10,000.00 and have a useful life of at least five years) and all costs incidental and related thereto, including but not limited to: purchase, rental, or lease/purchase of vehicles and other departmental equipment; building and road reconstruction and renovation projects; and debt service related to such equipment, projects and improvements, including previously authorized debt service; provided, however, that the vote taken hereunder shall be expressly contingent upon approval by the voters of the Town of a Proposition 2 ½, so-called, override question in accordance with G.L. c.59, §21C(g), and/or take any other action relative thereto.

BOARD OF SELECTMEN

ARTICLE 11

To see if the Town will vote to authorize the Town Treasurer, with the approval of the Selectmen to borrow from time to time in anticipation of revenue of the fiscal year beginning July 1, 2012 in accordance with the provisions of the General Laws, Chapter 44, Section 4, and to issue a note or notes, payable within one year, and to renew any note or notes therefore, payable within one year, and to renew any note or notes as may be given for a period of less than one year in accordance with the General Laws, Chapter 44, Section 17, and/or take any other action relative thereto.

BOARD OF SELECTMEN

ARTICLE 12

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

BOARD OF SELECTMEN

ARTICLE 13

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

BOARD OF SELECTMEN

ARTICLE 14

To see if the Town will vote, pursuant to the provisions of Massachusetts General Laws, Chapter 44, Section 53E ½, to establish and reauthorize revolving funds for certain Town departments and officers for the fiscal year beginning July 1, 2012 for the purposes defined from which costs not to exceed the amounts listed for these same services may be expended without further appropriation, and/or take any other action relative thereto.

VARIOUS DEPARTMENTS

<u>Revolving Fund</u>	<u>Authority To Spend</u>	<u>Revenue Source</u>	<u>Use Of Fund</u>	<u>Maximum Expenditure</u>
Council on Aging - Programs	Council on Aging & Board of Selectmen	Receipts from health care promotion, recreational and social programs for seniors	Health care promotion, recreational and social programs for seniors	\$20,000
Council on Aging- Social Day Care	Council on Aging & Board of Selectmen	Receipts from the Social Day Care Program	Social Day Care Program	\$80,000
Council on Aging – Other Income Generating Activities	Council on Aging & Board of Selectmen	Receipts from income generating activities other than those from health care promotion, recreational and social programs for seniors, the Social Day Care Program and	Building operating and maintenance expenses, excluding salaries and wages of all full and part time employees employed at the Senior Center	\$5,000

		transportation for seniors		
Council on Aging - Transportation	Council on Aging & Board of Selectmen	Receipts from transportation for seniors	Transportation for seniors	\$65,000
Fire Department - Ambulance	Fire Department	Receipts from Ambulance fees	Purchase of an ambulance, ambulance equipment and/or any incurred ambulance related expense, not to include salaries	\$110,000
Fire Department - Haz Mat	Fire Department	Receipts from Haz-Mat fees	Purchase of Haz-Mat equipment and/or any incurred Haz-Mat related expense, not to include salaries	\$50,000
Electrical, Plumbing and Gas Inspectors	Electrical, Plumbing and Gas Departments	Receipts from fees and fines paid for electrical, plumbing and gas permits	Fees for inspections performed and mileage, schooling, supplies, clerical wages, equipment and other miscellaneous expenses; any fund balance in excess of \$40,000.00 at the end of the fiscal year will be transferred into the General Fund.	\$85,000
Board of Selectmen	Board of Selectmen	Receipts from the yearly "Additional Cable License Fee"	Cable services, equipment and/or supplies	\$100,000
Planning Board/Zoning Board of Appeals	Planning Board	Receipts from subdivision and comprehensive permit filing fees	Maintaining the Assessor's parcel GIS database	\$20,000
Police Department	Police Department and Board of Selectmen	Receipts from Police Cruiser fees associated with private details	Purchase of cruisers, associated equipment and/or any incurred police cruiser related	\$50,000

			expense, not to include salaries	
Board of Health	Board of Health	Receipts from vaccine purchases and administration reimbursements	Vaccine purchases	\$6,000
Conservation Commission	Conservation Commission	Wetland delineation and review related fees	Wetland delineation and review	\$40,000

ARTICLE 15

To see if the Town will vote to raise and appropriate or transfer from available funds \$125,000.00 to operate the Harbor Enterprise, and/or take any other action relative thereto.

Salaries	\$ 50,036.00
Expenses	\$ 63,964.00
Capital Outlay	<u>\$ 11,000.00</u>
Total	\$125,000.00

and that \$125,000.00 be raised as follows:

User Charges	\$125,000.00	
BOARD OF SELECTMEN/HARBORMASTER/WHARFINGER		

ARTICLE 16

To see if the Town will vote to raise and appropriate or transfer from available funds \$145,000.00 to operate the Waterline Enterprise, and/or take any other action relative thereto.

Salaries	\$ 5,000.00
Capital Outlay	\$ 5,000.00
Expenses	<u>\$135,000.00</u>
Total	\$145,000.00

and that \$145,000.00 be raised as follows:

User Charges	\$145,000.00	
BOARD OF SELECTMEN		

ARTICLE 17

To see if the Town will vote to raise and appropriate or transfer from available funds \$35,000.00 to operate the Town Beaches Enterprise, and/or take any other action relative thereto.

Salaries	\$ 30,000.00
Expenses	\$ 5,000.00

Total \$ 35,000.00

and that \$35,000.00 be raised as follows:

User Charges \$ 35,000.00
BEACH COMMITTEE/BOARD OF SELECTMEN

ARTICLE 18

To see if the Town will vote to raise and appropriate and/or transfer from available funds, a sum of \$40,000.00 to be used by the Board of Assessors to fund fees and expenses to update the Revaluation program mandated by Chapter 797 of the Acts of 1979 to place the Town on a 100% valuation assessment basis, and/or take any other action relative thereto.

BOARD OF ASSESSORS

ARTICLE 19

To see if the Town will vote to raise and appropriate and/or transfer from available funds a sum of \$5,000.00 for follow-up environmental maintenance work at the Westport Town Hall as required by the Department of Environmental Protection, and/or take any other action relative thereto.

BOARD OF SELECTMEN

ARTICLE 20

To see if the Town will vote to appropriate and/or transfer from available fund a sum of \$10,000.00 for the purpose of updating the Town's Post Retirement Benefit Analysis, which was last completed as of July 1, 2007 and of which is a Governmental Accounting Standards Board (GASB) 45 reporting requirement, and/or take any other action relative thereto.

TOWN ACCOUNTANT

ARTICLE 21

To see if the Town will vote to appropriate a sum of \$15,000.00 from receipts reserve for the purpose of post closure costs and environmental monitoring expenses at the Landfill Site, and/or take any other action relative thereto.

BOARD OF HEALTH

ARTICLE 22

To see if the Town will vote to raise and appropriate \$34,000.00 for the purpose of continuing repairs and upgrades to the Highway Department building, and/or take any other action relative thereto.

HIGHWAY SURVEYOR

ARTICLE 23

To see if the Town will vote to hear and act on the report of the Community Preservation Committee on the Fiscal Year 2013 Community Preservation budget and to appropriate from the Fiscal Year 2013 Community Preservation Fund's estimated revenue a sum of money to meet the administrative expenses and all other necessary and proper expenses of the Community Preservation Committee for the Fiscal Year 2013; and further to reserve for future appropriation a sum of money for the acquisition, creation, and preservation of open space excluding land for recreational use; a sum of money for the acquisition, preservation, restoration and rehabilitation of historic resources; and a sum of money for the acquisition, creation, preservation and support of community housing; and further to appropriate from the Community Preservation Fund a sum or sums of money for Community Preservation projects or purposes, all as recommended by the Community Preservation Committee, and/or take any other action relative thereto.

COMMUNITY PRESERVATION COMMITTEE

ARTICLE 24

To see if the Town will vote to raise and appropriate and/or transfer from available funds a sum of \$15,000.00 for Phase 1 of the 10 year update of the 2004 Master Plan; and/or take any other action relative thereto.

PLANNING BOARD

ARTICLE 25

To see if the Town will vote to appropriate \$500,000.00 for the purpose of financing the following water pollution facility projects: repair, replacement and/or upgrade of septic systems, pursuant to agreements with Board of Health and residential property owners, including without limitation all costs thereof as defined in Section 1 of Chapter 29C of the General Laws; to determine whether this appropriation shall be raised by borrowing from the Massachusetts Water Pollution Abatement Trust or otherwise, or to take any other action relative thereto.

BOARD OF SELECTMEN/BOARD OF HEALTH

ARTICLE 26

To see if the Town will vote to raise and appropriate and/or transfer from available funds \$50,000.00 for the purpose of funding expenses related to the preparation of plans and estimated costs of capital projects in order to complete an evaluation of the capital needs of the Town, and/or to take any other action relative thereto.

CAPITAL IMPROVEMENT PLANNING COMMITTEE

ARTICLE 27

To see if the Town will vote to accept the alteration of the layout of Main Road, a public way in the Town, to remove from the layout land depicted as "Main Road Layout Revision, 597 SF±" on a plan entitled: "Main Road, Pedestrian, Bicycle and Traffic Improvements Project", dated March, 2012, which plan is on file with the Town Clerk, and further to transfer the care, custody, management and control of such land from the Board of Selectmen for such purposes as the land

is currently held to the Board of Selectmen for general municipal purposes, which shall include the purpose of conveyance, and to authorize the Board of Selectmen to convey such land or interests in such land upon such terms and conditions as it may determine, and/or take any other action relative thereto.

CENTRAL VILLAGE PUBLIC IMPROVEMENTS COMMITTEE/BOARD OF SELECTMEN

ARTICLE 28

To see if the Town will vote to authorize the demand fees assessed by the Collector, which fee is added to and collected as part of the tax as authorized by G.L. c.60, §15, to be raised from \$10.00 to an amount not more than \$30.00 to be effective July 1, 2012, and/or take any other action relative thereto.

TAX COLLECTOR

ARTICLE 29

To see if the Town will vote to raise and appropriate and/or transfer from available funds the sum of \$7,500.00 to provide for economic planning and coordination services and/or take any other action relative thereto.

WESTPORT ECONOMIC DEVELOPMENT TASK FORCE

ARTICLE 30

To see if the Town will vote to transfer from the board or officer with custody of the land for the purposes for which it is currently held to the Board of Selectmen for general municipal purposes, including sanitary landfill and transfer station purposes, and also for the purpose of leasing, the parcel of land located at 72 Hix Bridge Road, as shown on Assessors Map 54, Lot 40A and described in the deed recorded with the Bristol County (New Bedford) Registry of Deeds in Book 28, Page 358 and Book 547, Page 443, and to authorize the Board of Selectmen to lease a portion or portions of said land for the installation of a solar energy facility for a term or terms of up to 30 years on such terms and conditions, and for such consideration, as the Board of Selectmen deems to be in the best interest of the Town, and to authorize the Board of Selectmen to enter into a power purchase contract or contracts for the same term or terms with the owner or lessee of such solar energy facility, and further, to authorize the Board of Selectmen to grant such easements under, on, over and across such land for utility, access and ingress purposes as necessary or convenient to construct, operate and maintain such solar energy facility, and enter into such related contracts or agreements as the Board may deem necessary or prudent in order to carry out the project, and/or take any other action relative thereto.

BOARD OF HEALTH/BOARD OF SELECTMEN

ARTICLE 31

To see if the Town will vote to authorize the disposition of surplus tangible property by deleting the provisions of **Article V, Section 0503.** of the Town Bylaws:

0503. No personal property of the Town will be sold by any officer or board unless by vote of the Town, except as herein provided: (a) if its current value is one thousand (\$1,000.00) dollars or less, it may be sold by the joint authorization of the Board of Selectmen and Chairman of the Finance Committee; (b) if five hundred (\$500.00) dollars or less, by authorization of the Board of Selectmen.

and inserting in place thereof the following:

0503. The Town Administrator shall have authority to dispose of all tangible supply of the Town determined by relevant boards, committees, officers or departments to be surplus but having resale or salvage value in excess of \$5,000.00 in accordance with the provisions of G.L. c.30B, §15; and further that the Town Administrator may dispose of surplus tangible supply of less than \$5,000.00 in accordance with written procedures approved by the Board of Selectmen.

and/or take any other action relative thereto.

BOARD OF SELECTMEN

ARTICLE 32

To see if the Town will vote to amend its By-Laws and Regulations, by revising “**ARTICLE III, FINANCE COMMITTEE**” by deleting the strikethrough text and inserting the bold, underlined text as follows:

0303.1 The Selectmen and all Boards, Committees, Heads of Departments and all other officers of the Town authorized to expend money shall furnish to the Finance Committee not later than ~~January 20~~ **February 20** a detailed estimate of the amounts necessary for maintenance and operation of the department under their jurisdiction for the ensuing year.

0303.2 The Selectmen shall furnish to the Finance Committee no later than ~~February 10~~ **March 10** a completed warrant for the Annual Town Meeting showing the sums of money required for each article except the article on budgets as referred to in 0303.1. Information necessary for recommendations by the Finance Committee for Special Town Meetings shall be furnished to the Finance Committee not later than four (4) weeks prior to the Meeting.

and/or take any other action relative thereto.

BOARD OF SELECTMEN

ARTICLE 33

To see if the Town will vote to amend the General By-Laws by deleting **ARTICLE XVII, Vehicles** in its entirety and replacing it with:

ARTICLE XVII

VEHICLES:

1701. UNREGISTERED MOTOR VEHICLES:

It is the intent and purpose of the By-law to promote the health, safety, welfare and convenience of the community by regulating outside storage or maintenance of unregistered motor vehicles for personal use. No person shall place, keep or maintain upon his land, more than one unregistered motor vehicle, for storage or other purposes, except when authorized by a written permit from the Board of Selectmen as set forth herein.

1701.1 Exceptions

This By-Law shall not apply to the following:

- A.** Agricultural vehicles in use on an operating farm.
- B.** Motor vehicles within a garage or other building.
- C.** Any premises licensed under the provisions of M.G.L. Chapter 140, Sections 54 through 59A.
- D.** Any premises licensed under the provisions of the Westport By-Laws Article XXVI - Garage and Service Station Regulations.
- E.** Contractor's equipment.

1701.2 Original Annual Permit

The original annual permit shall be issued only after written application has been filed with the Board of Selectmen and after the Board of Selectmen hold a public hearing. Notice of the public hearing shall be published by the Board of Selectmen once in a newspaper of general circulation in the Town at least seven (7) days, excluding Saturdays and Sundays, prior to the public hearing; and written notice to the abutters and owners of land lying directly across the street from the property on which the permit is applied for. The cost of the newspaper notice and abutter notification of the hearing shall be borne by the applicant. The notice shall contain the name and address of the applicant, the address of the premises to be licensed, a description of the activity to be licensed, and the time, date and place of the hearing.

1701.3 Permit Fee, Term and Renewals

The permit fee for each location shall be ten dollars (\$10.00) per year or any portion thereof. All permits issued under this By-Law shall expire annually on the 31st day of December. Permits may be renewed annually in November and/or December upon written application therefore, but without notice to abutters or a hearing.

1701.4 Temporary Permits

Temporary permits may be issued by the Board of Selectmen to any person for any reason, without notice to abutters or a public hearing, for a period not to exceed (30) days.

1701.5 Transfers of Permits

Whereas the permits issued hereunder are issued to a specific person for a particular location, any change of ownership or location shall require permitting in accordance with Section 1701.2.

1701.6 Standards and Conditions

The applicant for an original annual permit must show that the proposed activity is not detrimental to the neighborhood. In this regard the Selectmen may impose conditions applicable to each original annual and renewal permit.

1701.7 Penalty and Enforcement

Any violation of this By-Law or a permit issued hereunder shall be subject to a penalty of fifty dollars (\$50.00) per day. Each day the offense continues shall be considered a separate violation. The Board of Selectmen or any police officer may enforce this By-law through non-criminal disposition, civil mandate action or criminal penalty procedures.

1702. MOTOR VEHICLE DEALERS

Any person licensed by the Board of Selectmen under the provisions of M.G.L. Chapter 140, Sections 57 through 69, inclusive, may in the sole discretion of the Board of Selectmen be licensed as set forth herein.

1702.1 Definition- Motor Vehicle

For purposes of this By-Law, the term “motor vehicle” shall mean “motor vehicle” as defined by the Massachusetts General Laws, including, but not limited to, automobiles, trucks, recreational vehicles, motor homes, trailers, mobile homes, snowmobiles, motorcycles, trail bikes, mini-bikes, and other forms of motorized or self-powered vehicles.

1702.2 **Original Annual License**

The original annual license shall be issued only after written application has been filed with the Board of Selectmen and after the Board of Selectmen holds a public hearing. Notice of the public hearing shall be published by the Board of Selectmen once in a newspaper of general circulation in the Town at least seven (7) days, excluding Saturdays and Sundays, prior to the public hearing; and written notice to the abutters and owners of land lying directly across the street from the property on which the permit is applied for. The cost of the newspaper notice and abutter notification of the hearing shall be borne by the applicant. The notice shall contain the name and address of the applicant, the address of the premises to be licensed, a description of the activity to be licensed, and the time, date and place of the hearing.

1702.3 **Permit Fee, Term and Renewals**

The license fee for each location shall be two hundred dollars (\$100.00) per year or any portion thereof. All permits issued under this By-Law, shall expire annually on the 31st day of December. Permits may be renewed annually in November or December upon written application therefore, but without notice to abutters or hearing.

1702.4 **Transfers of Permits**

Whereas the permits issued hereunder are issued to a specific person for a specific location, any change of ownership or location will require permitting in accordance with Section 1702.2.

1702.5 **Standards**

The applicant for an original annual license must show that the proposed activity is not detrimental to the neighborhood. In this regard the Selectmen may impose conditions applicable to an original annual or renewal permit.

1702.6 **Penalty and Enforcement**

Any person who shall violate any of the provisions of this By-Law or a permit issued hereunder shall be subject to a penalty of fifty dollars (\$50.00) per day. Each day the offense continues shall be considered a separate violation. The Board of Selectmen or any police officer may enforce this By-Law through non-criminal disposition, civil mandate action or criminal penalty procedures.

1703. TAXI –LIVERY SERVICES

Any person licensed by the Board of Selectmen under the provisions of M.G.L. Chapter 40, Section 22, inclusive, may in the sole discretion of the Board of Selectmen be licensed as set forth herein.

1703.1 **Definitions**

Driver/Operator - Any person who operates a public or private livery or taxi.

Private Livery - A private passenger motor vehicle rented only from a garage or residence of the owner with use restricted to social functions, major airport service, business or visitor touring and similar purposes.

Public Livery - A private passenger motor vehicle that is hired for general passenger-carrying use with or without a taximeter. This type of vehicle may only be requested by call to a dispatcher.

Taxi - A private passenger motor vehicle that is hired for general passenger-carrying use with or without a taximeter. This type of vehicle may be requested by a call to a dispatcher or “hailed” on public ways for securing a ride.

1703.2 **Hearing**

The original annual license for a private or public livery service or taxi business shall be issued only after written application has been filed with the Board of Selectmen and after the Board of Selectmen holds a public hearing. Notice of the public hearing shall be published by the Board of Selectmen once in a newspaper of general circulation in the Town at least seven (7) days, excluding Saturdays and Sundays, prior to the public hearing; and written notice to the abutters and owners of land lying directly across the street from the property on which the permit is applied for. The cost of the newspaper notice and abutter notification of the hearing shall be borne by the applicant. The notice shall contain the name and address of the applicant, the address of the premises to be licensed, a description of the activity to be licensed, and the time, date and place of the hearing.

In addition to the licensing of taxi businesses or livery services, each driver of a taxi or public or private livery shall be individually licensed by the Board of Selectmen after being approved by the Police Chief.

All license applications shall be reviewed by the Town’s Zoning Enforcement Officer before being acted upon by the Board of Selectmen.

1703.3 **Permit Fee, Term and Renewals**

The license fee for each public or private livery service or taxi business primary business location shall be one hundred dollars (\$100.00) per year or any portion thereof. All licenses issued under these regulations shall expire annually on the 31st day of December. Permits may be renewed annually in November or December upon written application but without abutter notification or hearing.

The license fee for each driver employed by a public or private livery service or taxi business shall be twenty dollars (\$20.00) per year or any portion thereof. All driver licenses issued under these regulations shall expire in two (2) years from date of issuance.

1703.4 **Transfers of Licenses**

Whereas the license issued hereunder are issued to a specific person for a specific location, any change of ownership or change of location shall require licensing under Section 1703.2.

1703.5 **Vehicles**

All public and private livery services and taxis shall be properly registered, inspected and insured in accordance with the laws and regulations of the Commonwealth of Massachusetts. The taxi business/livery service owner shall provide the Board of Selectmen with a Certificate of Insurance for each vehicle used in such service or business, which shall include a statement from the insurance company issuing the policy indicating that the policy shall not be canceled without a minimum of five (5) days notice to the Board of Selectmen.

All taxis and public livery vehicles shall have the business name as set forth in the application for the original annual license indicated on both sides of the vehicle in easy readable text. The interior and exterior of said vehicles shall be clean and sanitary at all times.

All taxis are subject to inspection by the Board of Health, Police Department, Board of Selectmen, or duly appointed inspector for compliance with this By-law.

1703.6 **Fares**

All taxi businesses, which choose to operate through a metered system, shall have approved metering devices installed and shall have these devices sealed annually by the Inspector of Weights and Measures in accordance with MGL Chapter 98, Section 45 and such meters shall conform to National Institute of Standards and Technology standards. All taxi businesses which choose to operate through a zoned system shall

include with the license application a map or listing of such zones and the charges thereof and have the same on display in each taxi vehicle.

1703.7 Daily Log

A daily log shall be maintained by each taxi driver and shall contain the driver's name, vehicle identification, date and time of fare pickup, destination, and the date and time of drop off. Said log shall be kept in an orderly manner and be readily available for inspection by the Board of Selectmen or any officer of the Police Department, acting as agents for said board. The Licensee shall maintain a file of said logs for a term of two (2) years.

1703.8 Standards

The applicant for an original annual license must show that the proposed activity is not detrimental to the neighborhood. In this regard the Selectmen may impose conditions applicable to an original annual or renewal permit.

1703.9 Penalty and Enforcement

Any person who shall violate any of the provisions of these By-laws or of a license issued hereunder shall be subject to a penalty of fifty dollars (\$50.00) per day. Each day the offense continues shall be considered a separate violation. The Board of Selectmen or any police officer may enforce this By-law through non-criminal disposition, civil mandate action or criminal penalty procedures.

1703.10 Invalidity

The invalidity of any section shall not affect the validity of any other section of these regulations.

1704. REMOVAL OF VEHICLES

The Selectmen, Chief of Police or other ranking officer of the Police Department is authorized to remove to some convenient place through an agency of a person either public or private, if private chosen on the basis of competitive bids, any vehicles parked on a public way or standing any way under the control of a municipality in such manner as to impede in any way the removal or plowing of snow and ice, or in violation of any rule or regulation regulating parking or standing. The reasonable cost thereof shall be borne by the owner not to exceed the amount set by the Massachusetts Department of Public Utilities, and storage charges not to exceed five dollars (\$5.00) shall be imposed for each twenty-four hour period.

BOARD OF SELECTMEN

ARTICLE 34

To see if the Town will vote to amend its By-Laws and Regulations by inserting the following article:

ARTICLE LX

TENANT FARMS BY-LAW

6001. TENANT FARM

Any property or parcel of land that is divided, subdivided, sublet, rented or otherwise more than one tenant at any given time for the purpose of keeping any animals and/or livestock is prohibited within the Town of Westport, excluding legal residences with properly licensed dog(s) or for the purpose of growing crops.

6002. The keeping of animals and livestock is prohibited in the Town of Westport on any property or parcel of land where there is no full-time resident unless approved by the Board of Health. The name, address and phone number of both the property owner and the animal/livestock owner must be provided to the Animal Control for emergency purposes.

6003. Any and all properties where animals and livestock are kept shall be made available for inspections at the request of the Board of Health, Animal Inspector, or Animal Control Officer.

6004. ENFORCEMENT

Any person who shall violate any of the provisions of the By-Law shall be subject to a penalty of \$100 for each offense. Each day shall constitute a separate offense. This By-Law may be enforced through the Non-Criminal Disposition Provision, the Criminal Procedures for enforcement of By-Laws, through restraining orders and other Court Procedures or any combination thereof. The enforcement of this By-Law shall be through the Board of Health, Animal Control and Police Department.

BOARD OF HEALTH

ARTICLE 35

To see if the Town will vote to amend the Town of Westport Zoning By-laws by adding **ARTICLE 22, SCIENCE AND TECHNOLOGY OVERLAY DISTRICT (STOD):**

ARTICLE 22

SCIENCE AND TECHNOLOGY OVERLAY DISTRICT

22.1 PURPOSE AND INTENT

The purpose of the Science and Technology Overlay District (STOD) special permit is to: allow better utilization of land adjacent to the Route 6 and 88 interchange, assure attractive and efficient arrangement of office and research buildings and the harmonious integration of the uses allowed in this district into the surrounding neighborhood and the community at large. The intent of the STOD By-law is to:

- A.** Promote professional and technically skilled employment;
- B.** Promote a maximum number of jobs to built-floor space ratio;
- C.** Promote high value buildings and equipment that maximize tax revenues;
- D.** Promote growth where investments have been made in infrastructure;
- E.** Encourage the permanent preservation of open space, forestry lands, wildlife habitat, aquifers, wetlands and water bodies;
- F.** Minimize the total amount of disturbance on the site by sensitive siting of buildings and parking;
- G.** Protect drinking water and surface water resources and quality;
- H.** Protect adjacent residential property values through effective and year round screening and buffering of the commercial uses from the residential uses;
- I.** Minimize traffic impacts in residential areas;
- J.** Mitigate impacts to the transportation infrastructure;
- K.** Maximize energy conservation and on-site harvesting of energy; and
- L.** Encourage net-zero impact development within each development.

22.2 APPLICABILITY

The STOD is hereby established as a district that overlays the Business and Residential/Agricultural Districts shown on the supplemental zoning map entitled Town of Westport Science and Technology Overlay District (STOD), dated February 1, 2012.

22.3 ADMINISTRATION

The Planning Board shall be the Special Permit Granting Authority (SPGA) for a Science and Technology Overlay District special permit. The SPGA shall follow the procedural requirements for special permits as set forth in Section 9 of MGL Chapter 40A. After

notice and public hearing and consideration of application materials, consultant reviews, public comments, and the recommendations of other town boards and/or departments, the SPGA may grant such a permit. The SPGA shall impose conditions reasonably appropriate to improve site design, traffic flow and safety, and protect water quality, air quality, and significant environmental resources, and/or otherwise serve the purpose of this section.

22.4 PROCEDURES

An applicant for a Science and Technology Overlay District special permit shall submit an application to the Planning Board. Where applicable, and to the extent permitted by law, the Planning Board shall coordinate the review procedures and public hearing required for any application for a STOD special permit with the review procedures and public hearing required for Site Plan approval (Article 15), Low Impact Development Site Plan Approval (Article 20) or if necessary a definitive subdivision plan.

22.5 USES ALLOWED BY SPECIAL PERMIT

No use shall be allowed which creates a nuisance to abutters or to the surrounding area, or which creates any hazard, including but not limited to, fire, explosion, fumes, gas, smoke, odors, obnoxious dust, vapors, offensive noise or vibration, flashes, glare, objectionable effluent or electrical interference, which may impair the normal use and peaceful enjoyment of any property, structure or dwelling in the area.

No building or premises shall be used and no building shall be erected in the STOD, other than as is already allowed in the underlying district, except for the following additional uses, which shall be allowed by special permit:

- A.** Professional or Corporate Office building for business and professional services, which shall include insurance, banking and other financial business uses and businesses with similar purposes in connection with such uses;
- B.** Scientific, Technical, and Management Service uses, as defined hereunder;
- C.** Software and Communication Service uses, as defined hereunder;
- D.** Clinics for outpatient care, as well as outpatient medical offices and services including, but not limited to, imaging, physical therapy, laboratory and diagnostics;
- E.** Telemarketing and telephone based services;
- F.** Electronic data processing areas;
- G.** Light industry, as defined hereunder;

- H. Light manufacturing, as defined hereunder;
- I. Assembly line operations, as defined hereunder, for any use allowed in the Table of Uses;
- J. Publishing and printing uses;
- K. Research and Development Laboratories and Facilities, as defined hereunder;
- L. Private athletic and/or health club and day spa uses, provided that no overnight accommodations are provided;
- M. Municipal buildings and uses, including, but not limited to town offices, police stations, fire stations, ambulance stations, public works buildings and storage areas and such garages and other outbuildings that are incidental thereto;
- N. Advanced Materials Operations, as defined hereunder;
- O. Multiple uses that are otherwise allowed individually in the underlying district or by special permit hereunder may be allowed under an STOD special permit, provided that specific findings are made that the site contains sufficient area, setbacks, stormwater controls, parking and buffers to manage the combined uses;
- P. Accessory Uses shall be allowed by special permit, including the following uses that are accessory to a principal use on the premises, provided that the uses are not open to the general public and are available only to on site employees and their guests and there is no external evidence of the use (unless the use is itself separately allowed as a principal use under a special permit that has issued):
 - 1. Day care center;
 - 2. Health club;
 - 3. Branch bank;
 - 4. Newsstand; and
 - 5. Food Service for on premise employees and their guests.
- Q Any other uses not listed above in Section 22.4 or in the Table of Uses shall be expressly prohibited.

22.6 LOT REQUIREMENTS FOR ISSUANCE OF A STOD SPECIAL PERMIT

Minimum Lot Size	10 acres; If a commercial subdivision is proposed, the lots may be of varying size, with a minimum of 5 acres
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	per lot, providing that an average lot size of 10 acres is maintained for the subdivision as a whole. Lots so created that are larger than 10 acres shall not be further subdivided.
Minimum Lot Frontage	150 feet on a way in existence when this provision is adopted and, 50 feet on a subdivision way approved and constructed as part of a new subdivision way that is created in the STOD, provided that an STOD special permit is granted at the same time that definitive subdivision approval is granted.
Minimum Lot Width (at front building line)	400 feet
Minimum Front Setback	150 feet from a way in existence, as defined under G.L. c.41, §81L, when this provision is adopted and 40 feet from a new subdivision way that is created in the STOD, provided that an STOD special permit is granted at the same time that definitive subdivision approval is granted.
Minimum Side Setback	50 feet, except 150 feet if abutting a Res/Ag district .
Minimum Rear Setback	50 feet, except 150 feet if abutting a Res/Ag district.t
Maximum % Lot Coverage	60% (includes buildings, parking lots, roadways and all impervious surfaces)
Maximum Height	3 stories or 45 feet, whichever is greater. Heights may be increased by 1 story or 15 feet for every additional 200 feet of setback provided, with a maximum height of 5 stories or 75 feet, whichever is greater.
Upland Requirement	50%

22.7 **PERFORMANCE STANDARDS**

In addition to the performance standards of Article 15 Site Plan Approval (15.4), development within the STOD shall conform to the following additional performance standards:

- A. Master Plan Approach to Development** – The use and buildings shall incorporate sustainable development techniques, using recognized principles such as Low Impact Development and Smart Growth. Each project shall follow the Four-Step Design Process, as described below. From the beginning of the submittal and review process, an applicant shall demonstrate to the Planning Board, through schematic drawings, that the four design steps were followed in determining the layout of proposed way, dwelling lots, business lots and open space.

1. Identify the Proposed Open Space. The proposed the open space shall be

clearly identified on the, with the square footage specifically identified and with the upland and non-upland areas separate quantified. The open space shall include, to the maximum extent feasible, the most sensitive and noteworthy natural, scenic, historic, and cultural resources on the property. Such resources shall include without limitation: specimen trees, rare species, stonewalls, archaeological features, unique habitats, plant communities, distinctive vistas, wetlands and riverine areas and other resources of special natural, cultural or recreational interest.

2. Identify the Proposed Building Site Locations. Potential building sites shall be shown on the plan and include the square footage of each footprint and overall square footage and the all applicable dimensional setbacks.
3. Identify the Proposed Street/Way and Lot Layout. The proposed street/way and lot layouts shall be shown on the plan. The proposed streets/way shall be aligned to as to provide vehicular access to each building in the most reasonable and economical way, in conformance with existing natural landforms. When lots and access streets are laid out, they shall be located in a way that avoids or at least minimizes adverse impacts on open space. Wetland crossings and ways traversing existing slopes with a grade in excess of 15% shall be strongly discouraged.
4. Identify Proposed Lot Lines. The Plan shall identify the proposed lot lines and the square footage of each proposed lot and its proposed use and the setbacks, including buffers.

- B. Interior Infrastructure** - All streets, ways and drainage facilities shall be designed and constructed in compliance with the Westport Rules and Regulations Governing the Subdivision of Land, except such as may be waived by the Planning Board upon request of an applicant, whether or not the proposed STOD use involves a subdivision of land. The stormwater drainage infrastructure for the project shall be designed and constructed and maintained so as to control all stormwater on site and so that it shall not result in any increase, post construction, in rate or volume of stormwater released, when compared to pre-construction conditions, based upon drainage calculations that take existing conditions on the site and the relevant area watersheds into account. All infrastructure improvements shall be private, under the ownership and control of a single property owner or a property owner's association shall be established and recorded before any conveyance of land is made.

Any and all streets and ways shall be designed and located in such a manner so as to maintain and preserve natural topography, significant landmarks, and trees and so as to minimize cut and fill and so as to preserve and enhance views and vistas on or off the subject parcel. Any and all proposed grade changes shall be in keeping with the general appearance of the neighboring developed areas.

- C. Utilities** - Developers in the STOD shall ensure that buildings constructed within its

boundaries are served by underground utilities. Universal Utility Planning (UUP) ensures that all essential utility infrastructure is placed as part of the construction project to each building. Sewer, water, gas, electric, and telecommunications infrastructure must be viewed as a single process of infrastructure development. Design and installation of water, sewer, stormwater and gas lines and other utilities shall be consistent with Westport's Rules and Regulations Governing the Subdivision of Land, Title V, the regulations of the Board of Health and any other applicable requirements.

High speed competitively priced fiber optic connectivity to the Internet with redundant and diverse paths is an essential service within the STOD and is strongly encouraged. Companies that seek to locate in the STOD often require multiple paths to the Internet for the exchange of high volumes of data via high capacity fiber optics. Several telecommunications conduits with inner-ducts should be placed within the STOD roadway right of ways and utility easements, and each building within the STOD should have conduit with inner-duct installed to permit multiple providers access to the building to deliver metering and communications services.

Developers in the STOD should consider providing aggregation services to future STOD businesses. The Developer may seek to own and maintain the conduit and lease it to telecommunications providers or own and maintain both the conduit and fiber that is leased to telecommunications providers and utilities. Developers in the STOD should also ensure that there is out-facing fiber optic connectivity.

- D. **Lighting** - Exterior area lighting, including but not limited to lighting for parking lots, recreational areas, walks, drives and outside building walls, shall be designed and installed and maintained so as to direct light away from abutting property and abutting ways. Exterior, standalone lighting fixtures shall have a maximum height of 30 feet above the ground. Exterior lighting fixtures located on a building shall also not exceed a maximum height of 30 feet.
- E. **Buffer Area** - There shall be a 100' Buffer Area adjacent to residence/agriculture uses within or abutting the STOD district boundary. The purpose of this Buffer Area shall be to eliminate or mitigate negative impacts on existing abutters. The Buffer Area shall consist of existing natural vegetation and /or new plantings or combinations of vegetation and earthen berms and /or sound barriers, which shall form a year-round dense screen that reach at least six feet in height within three years of issuance of the first building permit.

There shall be a minimum natural buffer of 100 feet between wetlands and areas altered for development. There shall be no parking or buildings or impervious surfaces within the 100' buffer zone.

- F. **Access Roadways** – Access streets/roadways may be constructed within the minimum buffer and, furthermore, mitigation measures may be required for light and sound impacts from access roadways, particularly if residential uses exist nearby.

General access from a STOD development over the following existing residential streets, which are public ways, shall be strongly discouraged: Heritage Drive, J Drive, B Drive, O Drive, R Drive, D Drive, Summer Ave, Conserve Ave, Register Ave, Banner Ave, Milk Ave, Velvet Ave, Sunset Ave East. Access over the following existing private ways shall also be strongly discouraged: Lepire Avenue and Franklin Avenue.

Gated emergency access shall be allowed provided that a Knox box is used to which emergency personnel shall have access.

- G. Landscaping** – All landscaping shall be consistent with Article 15 Site Plan Approval.

The landscape shall be preserved in its natural state, insofar as practicable, by minimizing tree and soil removal. Any grade changes shall be in keeping with the general appearance of the neighboring developed areas. Individual building sites shall be designed to maintain existing topography and cover. Topography, tree cover, and natural drainage ways shall be treated as fixed determinants of road and lot configuration rather than as malleable elements that can be changed to follow a preferred development scheme.

- H. Open Land** - Adequate pedestrian access shall be provided to undisturbed land which may be used for outdoor active or passive recreational purposes for use by owners and employees of the premises and, if granted, to the public.

- I. Queue** - As determined by the Traffic Study required in Section 22.9, adequate infrastructure shall be designed and constructed to avoid unsafe queuing and idling of vehicles during hours of peak traffic demand.

- J. Parking** - No parking shall be placed within the minimum front yard setback. Shared parking on the sides and rear of buildings is encouraged.

- K. Off-Street Parking** - Within the STOD, off-street parking shall be provided sufficient to serve the needs of the various uses, based upon the nature of the use and the number of persons occupying and using the facilities. To that end the maximum number of off-street parking spaces shall be determined as follows:

At the choice of the applicant, either

1. One and one half (1.5) spaces for each 1,000 gross square feet of building floor area devoted to manufacturing uses and two (2) spaces for each 1,000 gross square feet of building used for research and development uses shall be provided; or
2. One space for each two persons included in the offices, staff and employees within the STOD of each organization conducting such use, plus visitor spaces

of one additional space for each twenty-five (25) spaces so determined shall be provided. Staff shall be calculated based on building use and type as well as occupancy limitations.

L. Loading Areas - Within the STOD, any building which has one or more uses which will require delivery of materials in trucks of gross vehicle weight of 60,000 pounds or more shall have at least one loading area for each 75,000 square feet of net floor area for which such delivery is required. Buildings or portions of buildings having functions which will require delivery of materials in small size trucks, in smaller quantities or on infrequent occasions shall be served by appropriate smaller loading areas or facilities which are adapted to the particular need and consistent with pedestrian and vehicular traffic and safety.

M. Outside Storage – Designated temporary storage of registered vehicles is permitted. All outdoor storage of materials and equipment shall be screened from public view, from public ways and abutting residential districts.

Provision shall be made for storage, collection and removal of all trash and other solid waste. All necessary facilities for utilities and trash, including but not limited to boxes, equipment sheds and dumpsters, shall be screened appropriately.

N. Signage - Within the STOD signs shall be allowed as follows:

1. At each public street entrance to the STOD a sign shall be permitted to identify the STOD development as a whole. No such sign shall be located closer than twenty (20) feet from the street line.
2. At an appropriate location within the STOD, signage shall be permitted to identify each individual organization and enterprise. With the approval of the Planning Board additional directory signs may be permitted. No such sign shall exceed three hundred (300) square feet in size, nor twelve (12) feet in height, nor shall any lettering thereon exceed eight (8) inches in height. If such sign includes a locator map, at least two adjacent parking spaces shall be provided.
3. Each principal building shall be permitted to have one identifying sign designating the names and/or logos of the organizations or enterprises occupying the same. No such sign shall exceed sixty (60) square feet in size.
4. Traffic direction and control signs as required or authorized by state and municipal officials having jurisdiction with respect thereto are permitted.
5. Temporary signs to identify construction, financing, sale, leasing, pending tenancy and the like, with respect to buildings, or the occurrence of a special event, a hazard or a restriction or limitation of access or use.

6. No sign shall be moving or flashing, but a sign may be illuminated by non-flashing, non-blinking, fully-shielded and downward-facing lights.
- O. **Noise** - Noise levels emanating from air conditioning equipment, fans, vents, loading areas, machinery, or normal operations and other noise causing operations on the premises (including persons) shall not exceed the thresholds described in Article XL (Noise Pollution Control) in the Town of Westport Town Bylaws and the Massachusetts Department of Environmental Protection noise regulation (310 CMR 7.10).
- P. **Hours of Operations** - The Planning Board may limit the allowed hours of operation based on type of use proposed within the special permit conditions.

22.8 **ARCHITECTURAL STANDARDS**

The building design and construction drawings and documents shall be prepared by a registered architect. It is strongly encouraged that the building design and construction be LEED certified or be LEED certifiable for the purpose of energy efficiency, material durability, healthy interior and exterior building environment.

- A. **Buildings** – It is strongly encouraged that the exterior walls of structures and buildings shall be constructed of brick, stone, concrete or other similar durable materials so as to have an attractive appearance and maintain architectural integrity.

Buildings with a footprint larger than 2,000 square feet constructed in the STOD shall meet the following requirements:

1. In order to avoid long blank outside walls, walls shall not be longer than thirty (30) feet without an articulation such as, but not limited to: a window, a footprint offset, a siding change, a pilaster. Whatever articulation is chosen, the same articulation shall not be repeated for more than 1/3 the length of the wall.
2. No outside wall longer than one hundred (100) feet shall meet the roof without a change in height, which is significant enough to visually break the long straight line.
3. All roof units, such as, but not limited to HVAC units, elevator overruns, vent pipes, or other such paraphernalia shall not be visible when standing at ground level at the same elevation as the building.
4. Covered entryways/porches shall be provided for public entrances into the building before entry doors.

22.9 **TRAFFIC STUDY**

The Board may require the applicant to do a traffic impact study, at the applicant's expense. The traffic study shall evaluate and provide projected traffic generation from the development onto state highways and local roads; traffic service for the development; capacity of the road network, including roads and intersections; and, safety issues using egress and ingress of the development. Mitigation may be required of the applicant/developer.

- A.** An initial traffic impact assessment report should include the projected a.m. and p.m. peak traffic, the average daily traffic and the hourly distribution of vehicles, including with respect to gross vehicle weight, and future no-build conditions on adjacent state or local roads for the proposed project. This report shall also include a review of any existing master plans relating to traffic in the vicinity of the proposed project, an assessment of the impact of that project upon the implementation of the master plan, and an analysis of that project's impact on proposed takings for roadway improvements. Finally, this report shall include a designation and review of the possible locations of curb cuts on nearby parcels, demonstrating consistency with the master plan.
- B.** The Planning Board may engage the services of a consultant, paid for by the applicant under G.L. c.44, §53A or §53G, to conduct an independent analysis of the factual assertions and conclusions of the traffic impact assessment report.
- C.** If either the initial traffic impact assessment report or the independent analysis thereof, using recent traffic counts and the latest edition of the ITE Trip Generation Handbook, indicate that the proposed facility would increase the traffic volume of nearby roads and intersections by at least 10% over the future no-build scenario, a Level of Service ("LOS") analysis for pre and post-development conditions is required.
- D.** The LOS analysis shall be provided by the applicant. It shall then be reviewed by a consultant again chosen by the Planning Board, and again paid for by the applicant. If either this analysis, or the review thereof, indicates that the proposed facility will result in either:
 - 1.** A reduction in service of two or more levels (e.g. from level A to level C); or
 - 2.** A reduction in service to level D or lower (i.e. intersection failure), then the proposed facility is subject to subsection E below. If the analysis, and the review thereof, indicate that the proposed facility will result only in a reduction in service by one level, so long as the reduction is not to level D or lower (e.g. from level B to level C), then a permit may be issued.
- E.** The applicant of any proposed facility whose anticipated traffic impact subjects it to this subsection shall be required to submit a traffic mitigation plan to the Planning Board, who shall engage the services of a consultant, again paid for by

the applicant, in reviewing it. The Planning Board shall also consult with the Highway Department and Massachusetts Department of Transportation in reviewing this plan. The mitigation plan shall be sufficient to create the following conditions:

1. Prevent a reduction in service of more than one level; and
2. Prevent a reduction in service to level D or lower.

Only if the above requirements and criteria are satisfied shall a special permit be issued.

22.10 CONSULTANT REVIEW

The Board may engage a professional engineer and/or other technical consultant to advise the Planning Board, and to review application plans and documents in application phase and the construction phase. The applicant shall pay for the cost of the consultant review pursuant to the procedures specified in M.G.L. c. 44, §53G or §53A. Further, the Building Inspector may engage to inspect to confirm compliance with special permit requirements. Refusal to pay the necessary fees shall be a basis to deny the special permit relief.

22.11 REVIEW CRITERIA

A STOD special permit may be granted by the SPGA only if it makes a written determination that the benefits of the proposed development will outweigh the detrimental impacts on the neighborhood and the town, after using the review criteria set forth below. The SPGA shall review and make all required determinations for each special permit application and, to approve a special permit, the SPGA shall first make a positive finding on each of the following criteria:

- A. The development complies with the town's currently approved plans or reports;
- B. The development provides water, wastewater and stormwater infrastructure that satisfies the criteria identified in this by-law and DEP standards including low impact development methods, Title V, board of health and planning board drainage requirements for subdivisions;
- C. The development provides permanent preservation of open space, forestry lands, wildlife habitat, aquifers, wetlands and water bodies as required in this by-law;
- D. The design and construction of the development minimizes the total amount of disturbance on the site by sensitive siting of buildings, parking, roadway and other impervious surfaces;
- E. The design and construction of the development protect drinking water and

surface water quality and quantity;

- F. The design and construction of the development protects the quiet enjoyment of adjacent residential properties and protects the property values of such land by completely buffering the high quality office and research uses from adjacent residential properties;
- G. The development minimizes traffic impacts in residential areas and mitigates impacts to the road network;
- H. The development maximizes energy conservation to a satisfactory and allowable extent.

22.12 SEVERABILITY

The provisions of this Bylaw are severable from each other and the invalidity of any provisions or section shall not invalidate any other provision or section thereof;

and/or take any other action relative thereto.

PLANNING BOARD

ARTICLE 36

To see if the Town will vote to amend the Westport Zoning By-Laws, **ARTICLE 1, PURPOSE AND DEFINITIONS, Section 1.1, Definitions**, by adding additional the following definitions, in appropriate alphabetical order.

Advanced Materials – An emerging new category of operations generally described as: All new materials and modifications to existing materials to obtain superior performance in one or more characteristics that are critical for the application under consideration.

Analytical Laboratory Instrument Manufacturing – (NAICS 334516) This group covers establishments primarily engaged in manufacturing laboratory instruments and instrumentation systems for chemical or physical analysis of the composition or concentration of samples of solid, fluid, gaseous, or composite material.

Animal (except Poultry) Slaughtering – (NAICS 311611) This U.S. industry comprises establishments primarily engaged in slaughtering animals (except poultry and small game). Establishments that slaughter and prepare meats are included in this industry.

Assembly Line Operations - Fabrication of raw materials or assembly of parts or materials fabricated offsite.

Bank - A financial institution that is open to the public and engaged in deposit banking, and that performs closely related functions such as making loans, investments, and fiduciary activities.

Bank Branch – A banking service(s) office, which may or may not include automated teller machines, that does not include drive-through services of any kind.

Big Box Retail – A singular retail or wholesale user who occupies no less than 75,000 square feet of gross floor area, typically requires high parking to building area ratios, and has a regional sales market. Regional retail/wholesale sales can include but are not limited to membership warehouse clubs that emphasize bulk sales, discount stores, and department stores

Biotechnology – The fusion of biology and technology. Biotechnology is the application of biological techniques to product research and development. In particular, biotechnology involves the use by industry of recombinant DNA, cell fusion, and new bioprocessing techniques. Biotechnology uses are subject to all federal, state and local regulations.

Buffer Area – An area of land, including landscaping, berms, walls, fences, and building setbacks, that is located between land uses of different character and is intended to mitigate negative impacts of the more intense use on a residential or vacant parcel.

Building Height – The vertical dimension from the lowest point of the building, structure, or wall exposed above the ground surface to the highest point of the roof, parapet wall, or uppermost part. Chimneys, vents, or utility service structures shall not be included in the measurement of vertical dimensions.

Business and Secretarial Schools – (NAICS 611410) This category includes establishments offering courses in business machine operation, office procedures, and secretarial and stenographic skills.

Corporate Offices - The business offices of local, national or international companies.

Cutting Tool and Machine Tool Accessory Manufacturing – (NAICS 333515) This category covers establishments primarily engaged in manufacturing cutting tools, machinists' precision measuring tools, and attachments and accessories for machine tools and for other metalworking machinery, not elsewhere classified. Establishments primarily engaged in manufacturing hand tools, except power-driven types, are classified in the cutlery, hand tools, and general hardware industries.

Data Processing, Hosting, and Related Services – (NAICS 518210) This industry comprises establishments primarily engaged in providing infrastructure for hosting or data processing services. These establishments may provide specialized hosting activities, such as web hosting, streaming services or application hosting, provide application service provisioning, or may provide general time-share mainframe facilities to clients. Data processing establishments provide complete processing and specialized reports from data supplied by clients or provide automated data processing and data entry services

Dental Equipment and Supplies Manufacturing – (NAICS 339114) This classification comprises of establishments primarily engaged in manufacturing artificial teeth, dental metals, alloys, and amalgams, as well as a wide variety of equipment, instruments, and supplies used by

dentists, dental laboratories, and dental colleges.

Dental Laboratories – (NAICS 339116) This classification comprises establishments primarily engaged in making dentures, artificial teeth, and orthodontic appliances to order for the dental profession.

Day Care Center - Any facility operated for the purpose of providing care, protection and guidance to individuals during only part of a 24-hour day. This term includes nursery schools, preschools, day care centers for children or adults, and other similar uses but excludes public and private educational facilities or any facility offering care to individuals for a full 24- hour period.

Distribution Center - (See also warehouse) A use where goods are received and/or stored for delivery to the ultimate customer at remote locations.

Electromedical and Electrotherapeutic Apparatus Manufacturing – (NAICS 334510) This classification covers establishments primarily engaged in manufacturing orthopedic, prosthetic, and surgical appliances and supplies; arch supports and other foot appliances; fracture appliances, elastic hosiery, abdominal supporters, braces, and trusses; bandages; surgical gauze and dressings; sutures; adhesive tapes and medicated plasters; and personal safety appliances and equipment.

Electronic Connector Manufacturing – (NAICS 334417) This industry is comprised of manufacturers of electronic connectors, such as coaxial, cylindrical, rack and panel, and printed circuit connectors. Establishments primarily engaged in manufacturing electrical connectors are classified in SIC 3643: Current-Carrying Wiring Devices, those manufacturing electronic capacitors are classified in SIC 3675: Electronic Capacitors, and those manufacturing electronic coils, transformers, and other inductors are classified in SIC 3677: Electronic Coils, Transformers, and Other Inductors.

Electronic Data Processing (EDP) – The use of automated methods to process commercial data. Typically, this uses relatively simple, repetitive activities to process large volumes of similar information. For example: stock updates applied to an inventory, banking transactions applied to account and customer master files, booking and ticketing transactions to an airline's reservation system, billing for utility services.

Engineering Services – (NAICS 541330) This category covers establishments engaged primarily in providing professional engineering services. Civil, mechanical, electrical and electronic, chemical, sanitary, industrial, petroleum, mining, aeronautical, and marine engineering are among the disciplines included. Establishments primarily providing and supervising their own engineering staff on temporary contract to other firms are included in this industry.

Facility - A structure or place, which is built, installed, or established to serve a particular purpose.

Farm Management Services – (NAICS 115116) This category describes establishments

primarily engaged in providing farm management and maintenance services for farms, citrus groves, orchards, and vineyards. Such activities may include supplying contract labor for agricultural production and harvesting, inspecting crops and fields to estimate yield, determining crop transportation and storage requirements, and hiring and assigning workers to tasks involved in the harvesting and cultivating of crops; but establishments primarily engaged in performing such services without farm management services are classified in the appropriate specific industry within Industry Group 072. Workers with similar functions include agricultural engineers, animal breeders, animal scientists, county agricultural agents, dairy scientists, extension service specialists, feed and farm management advisors, horticulturists, plant breeders, and poultry scientists

Finfish Farming and Fish Hatcheries – (NAICS 112511), **Shellfish Farming** – (NAICS 334516), **Other Aquaculture** – (NAICS 112519) This industry classification includes establishments engaged in the production of finfish and shellfish within a confined space and under controlled growing and harvesting procedures. It includes farmed aquatic animals intended as human food (catfish, trout, and oysters), bait (minnows), and pets (goldfish and tropical aquarium fish).

Glass Product Manufacturing Made of Purchased Glass – (NAICS 327215) This category covers establishments primarily engaged in manufacturing glass products from purchased glass.

Height – The height is described as the vertical distance between the highest point of the roof and the average elevation of the naturally existing mean grade (the measurements taken at the corners of the lot) prior to any excavation, leveling, grading, or filling at the building foundation, exclusive of chimneys, air shafts, ventilators, vents, lightning rods, or similar items which may be of the height required for proper operation or use. Building height applies to all buildings and/or structures. The building shall remain in compliance with the height requirement after final grading.

Health Club - A facility where members or nonmembers use equipment or space for the purpose of physical exercise.

Instruments and Related Products Manufacturing for Measuring, Displaying, and Controlling Industrial Process Variables – (NAICS 334513) This U.S. industry comprises establishments primarily engaged in manufacturing instruments and related devices for measuring, displaying, indicating, recording, transmitting, and controlling industrial process variables. These instruments measure, display or control (monitor, analyze, and so forth) industrial process variables, such as temperature, humidity, pressure, vacuum, combustion, flow, level, viscosity, density, acidity, concentration, and rotation.

Instrument Manufacturing for Measuring and Testing Electricity and Electrical Signals – (NAICS 334515) This industry is made up of companies that manufacture a multitude of analytical devices. Examples of industry output include voltmeters, ammeters, wattmeters, watt-hour meters, semiconductor test equipment, and circuit testers.

Industry, Heavy - The production, assembly, processing, finishing or manufacture of any object

or material which results in or would result in noise, dust, odor, vibration, gases, or any objectionable feature that can or could be detected at any time off the premises upon which located.

Industry, Light - Fabrication, assembly, processing, finishing work or packaging in such a manner that noise, dust, odor, vibration, or similar objectionable features are confined to the premises and are in no way objectionable to abutting property.

Lot Coverage - A measure of intensity of land use that represents the portion of a site that is impervious (i.e., does not absorb water). This portion includes but is not limited to all areas covered by buildings, parked structures, driveways, roads, sidewalks, and any area of concrete asphalt

Manufacturing – To bring something into being by forming, shaping, combining, or altering materials.

Manufacturing, Heavy – The manufacture or compounding process of raw materials. These activities or processes would necessitate the storage of large volumes of highly flammable, toxic matter or explosive materials needed for the manufacturing process. These activities may involve outdoor operations as part of their manufacturing process.

Manufacturing, Light – The manufacture, predominantly from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment and packaging of such products, and incidental storage, sales, and distribution of such products, but excluding basic industrial processing and custom manufacturing.

Manufacture of Medical and Electronic Products – A use, which produces from raw materials or assembles from pre-made parts, medical or electronic products, where such production or assemblage requires the employment of skilled technicians. Any such manufacturing process is to take place within a building.

Medical Offices - A business that provides physical or mental health care or medical services, including, but not limited to, general practitioner's offices, dentists, optometrists, and medical clinics. Veterinarian offices are also allowed as medical offices.

Medical Laboratories And Diagnostic Facilities – Uses, which provide an opportunity for experimentation, observation, testing, and analysis concerning the practice of medicine.

Musical Instrument Manufacturing – (NAICS 339992) This category covers establishments primarily engaged in manufacturing musical instruments and parts and accessories for musical instruments. The primary products in this category are pianos, with or without player attachments, and organs. This industry also includes string, fretted, wind, percussion, and electronic instruments.

NAICS – The North American Industry Classification System or NAICS is used by business and government to classify business establishments according to type of economic activity (process of production) in Canada, Mexico and the United States.

Natural Gas Distribution – (NAICS 221210) This industry comprises: (1) establishments primarily engaged in operating gas distribution systems (e.g., mains, meters); (2) establishments known as gas marketers that buy gas from the well and sell it to a distribution system; (3) establishments known as gas brokers or agents that arrange the sale of gas over gas distribution systems operated by others; and (4) establishments primarily engaged in transmitting and distributing gas to final consumers.

Net-Zero Impact Development – A building with zero net energy consumption and zero carbon emissions annually.

North American Industry Classification System (NAICS) -The North American Industry Classification System (NAICS) is the standard used by Federal statistical agencies in classifying business establishments for the purpose of collecting, analyzing, and publishing statistical data related to the U.S. business economy.

Newsstand – A temporary structure, manned by a vendor, which sells newspapers, magazines, and other periodicals

Office Park (a.k.a Business Park) - A large tract of land that has been planned, developed, and operated as an integrated facility for a number of separate office buildings and supporting ancillary uses with special attention to circulation, parking, utility needs, aesthetics, and compatibility.

Other Marine Fishing – (NAICS 114119) This industry classification covers establishments primarily engaged in miscellaneous fishing activities, such as catching or taking of miscellaneous marine plants and animals. Plants and animals covered under this code include seaweed, sponges, sea urchins, terrapins, turtles, and frogs. Cultured pearl production also falls under this classification

Overlay Districts – Zoning districts in which additional regulatory standards are superimposed on existing zoning. Overlay districts provide a method of placing special restrictions in addition to those required by basic zoning ordinances.

Performance Zoning – Establishes minimum criteria to be used when assessing whether a particular project is appropriate for a certain area; ensures that the end result adheres to an acceptable level of performance or compatibility. This type of zoning provides flexibility with the well-defined goals and rules found in conventional zoning.

Professional Offices - A business that provides predominantly professional, administrative, or clerical services to a consumer, including, but not limited to, accounting, legal and real estate offices. Such services can be provided on or from the property.

Recreation - The refreshment of body and mind through forms of play, amusement, or relaxation. The recreational experience may be active, such as boating, fishing, and swimming, or may be passive, such as enjoying the natural beauty of the shoreline or nature trails.

Renewable Energy – Generation of power from naturally replenished resources such as sunlight, wind, and tides. Renewable energy technologies include solar power, wind power, hydroelectric power, geothermal, and biomass.

Research and Development Business - A business that engages in research, or research and development, of innovative ideas in technology-intensive fields. Examples include research and development of computer software, information systems, communication systems, transportation, geographic information systems, multimedia and video technology. Development and construction of prototypes may be associated with this use.

Research and Development Laboratories and Facilities - Uses which provide an opportunity for safe scientific experimentation, observation, testing and analysis, including, but not limited to, biotechnology uses.

Restaurant - An establishment or part of an establishment devoted primarily to the service and consumption of food and beverages on the premises. Any such establishment shall be considered a restaurant if the service of food is its primary activity and the service of alcoholic beverages, if any, is incidental to the sale, service and consumption of food and non-alcoholic beverages.

Retail Operations - The selling of goods, wares, or merchandise directly to the ultimate consumer.

Roadway or Street - That portion of any way, right-of-way or street layout, which has been designed and constructed to serve vehicular traffic for more than one lot. This term shall not include a driveway or common driveway or any other way that is not a public way or a way has not been approved under the Subdivision Control Law.

Roadway or Street Categories:

Commercial or Industrial Street - A street, which is being used or will be used to serve as access to a business or industrial subdivision.

Dead-End Street - A street or a combination of streets with only one means of through ingress or egress to a public way or through intersecting way and shall have a maximum length of not more than 1,200 feet as measured from the centerline of the intersection of the nearest through public way to the furthest edge of pavement, except in the case of a cul de sac, to the center point of the cul de sac.

Private or Unaccepted Way - A street, which has not been accepted as a public way.

Residential Street - A street, which is being used or will be used to serve a residential

subdivision.

Scenic Roads - Any road designated as a “Scenic Road,” under G.L. c.40, §15C.

Scientific, Technical, and Management Services - Industries in the Professional, Scientific, and Technical Services subsector group establishments engaged in processes where human capital is the major input. These establishments make available the knowledge and skills of their employees, often on an assignment basis, where an individual or team is responsible for the delivery of services to the client. The individual industries of this subsector are defined on the basis of the particular expertise and training of the services provider. The distinguishing feature of the Professional, Scientific, and Technical Services subsector is the fact that most of the industries grouped in it have production processes that are almost wholly dependent on worker skills. In most of these industries, equipment and materials are not of major importance, unlike health care, for example, where "high tech" machines and materials are important collaborating inputs to labor skills in the production of health care. Thus, the establishments classified in this subsector sell expertise. Much of the expertise requires degrees, though not in every case. Software and Communication Services is a sub category of this group

Semiconductor and Related Device Manufacturing – (NAICS 334413) This category covers establishments primarily engaged in manufacturing semiconductors and related solid-state devices. Important products of this industry are semiconductor diodes and stacks, including rectifiers, integrated microcircuits (semiconductor networks), transistors, solar cells, and light sensing and emitting semiconductor (solid-state) devices.

Semiconductor Machinery Manufacturing – (NAICS 333295) This U.S. industry comprises establishments primarily engaged in manufacturing wafer processing equipment, semiconductor assembly and packaging equipment, and other semiconductor making machinery.

Software and Communication Services – See “Scientific, Technical, and Management Services”.

Story – That portion of a building included between the upper surface of any floor and the upper surface of the floor next above except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above. If the finished floor level directly above a usable or unused under-floor space is more than six feet above grade as defined herein for more than 50 percent of the total perimeter or is more than 12 feet above grade as defined herein at any point, such as usable or unused under-floor space shall be considered as a story.

Story, First – The lowest story in a building which qualifies as a story, as defined herein, except that a floor level in a building having only one floor level shall be classified as a first story, provided such floor level is not more than four feet below grade, as defined herein, at any point.

Surgical and Medical Instrument Manufacturing – (NAICS 339112) This industry is comprised of companies primarily engaged in manufacturing a multitude of miscellaneous monitoring instruments. Major industry product segments include aircraft engine instruments;

nuclear radiation detection and monitoring instruments; commercial, geophysical, meteorological, and general-purpose instruments and equipment; and physical properties testing and inspection equipment. This industry also encompasses companies that produce selected surveying and drafting supplies, such as transits, slide rules, and T-squares, as well as other measuring and controlling devices.

Turbine and Turbine Generator Set Units Manufacturing – (NAICS 333611) This industry covers establishments primarily engaged in manufacturing steam turbines; hydraulic turbines; gas turbines, except aircraft; and complete steam, gas, and hydraulic turbine generator set units. Also included in this industry are manufacturers of wind and solar powered turbine generators and windmills for generating electric power.

Warehouse - Facilities characterized by extensive warehousing, frequent heavy trucking activity, open storage of material, or nuisances such as dust, noise, and odors, but not involved in manufacturing or production.

Warehousing - The process of storing goods within a storage facility

Wholesale Operations - An establishment or place of business primarily engaged in selling and/or distributing merchandise to retailers; to industrial, commercial, institutional, or professional business users, or to other wholesalers; or acting as agents or brokers and buying merchandise for, or selling merchandise to, such individuals or companies. This is not considered a general commercial use.

and/or take any other action relative thereto.

PLANNING BOARD

ARTICLE 37

To see if the Town will vote to amend the Westport Zoning By-Laws **ARTICLE 2, ADMINISTRATION, Section 2.6 “Special Permit Granting Authority** by deleting:

2.6 The Planning Board is hereby designated as the Special Permit Granting Authority (SPGA) for Assisted and Independent Living Facilities (Article 11), for Inclusionary Housing (Article 13), for Drive-Through Facilities (Article 14), and for the Noquochoke Overlay District (Article 19). The Planning Board shall act on all special permit applications as provided by the Rules and Regulations of the Planning Board as Special Permit Granting Authority to be adopted hereunder.

and replacing it with:

2.6 The Planning Board is hereby designated as the Special Permit Granting Authority (SPGA) for Assisted and Independent Living Facilities (Article 11), for Inclusionary Housing (Article 13), for Drive-Through Facilities (Article 14), for the Noquochoke Overlay District (Article 19), and for the Science and Technology Overlay District (Article 22). The Planning Board shall act on all special permit applications as provided

by the Rules and Regulations of the Planning Board as Special Permit Granting Authority to be adopted hereunder.

and/or take any other action relative thereto.

PLANNING BOARD

ARTICLE 38

To see if the Town will vote to amend the Westport Zoning By-Laws **ARTICLE 3, ESTABLISHMENT OF DISTRICTS, Section 3.0 “Type of Districts”** by adding

- I. Science and technology Overlay District

and/or take any other action relative thereto.

PLANNING BOARD

ARTICLE 39

To see if the Town will vote to amend the Westport Zoning By-Laws **ARTICLE 3, ESTABLISHMENT OF DISTRICTS, Section 3.1 “Location of Districts”** by adding:

- I. Science and Technology Overlay District: The portion of the Town described as the following assessors’ parcels as of September, 2011 (Map-Lot #):

MAP - LOT	
14-29	23-38 A & B
14-25 & 26	23-78
14-30	23-4
14-30 A	23-3
14-34	17-243 & 249
14-31	17-440-444
14-33 C & D	17-634
14-25 A & 33 B	17-634 A
14-33	23-57
14-32, 33 A	23-46
14-20 E	23-5
14-20 A, 14-20 C & 20 D	23-39
14-20	23-40
23-2	23-22 A, B, C
14-29 B	3-44V
14-29 C & E	14-21
14-29 D	14-22
23-2 A	14-23
23-1	14-24A

17-42, 57, 84	14-24
17-43, 44	14-27
17-3	14-28
17-2	14-31A&31B
14-25 C	14-31C-31D
23-36	portion of layout of Franklin Ave as shown

And further described on the Science and Technology Overlay District zoning map detail, approved May 2012 on file with the Town Clerk; and/or take any other action relative thereto.

PLANNING BOARD

ARTICLE 40

To see if the Town will vote to amend the Westport Zoning By-Laws **ARTICLE 4, USE REGULATIONS**, by adding **Section 4.0.9**:

4.0.9 Science and Technology Overlay District (STOD) (See Article 22)

and/or take any other action relative thereto.

PLANNING BOARD

ARTICLE 41

To see if the Town will vote to amend the Town of Westport Zoning By-laws by adding **ARTICLE 23, FLEXIBLE FRONTAGE FOR REDUCED DENSITY**:

ARTICLE 23

FLEXIBLE FRONTAGE FOR REDUCED DENSITY

23.1 PURPOSE AND INTENT

The purpose and intent of this Article is to encourage reduction in potential residential development density, reduce future vehicular trips, road congestion, demand for public services and the number of curb cuts onto Town roadways; preserve the natural and cultural resources visible along these roadways; facilitate the movement of wildlife; protect traditional access to “backland” open space; and improve the design and site planning of smaller residential neighborhoods. To achieve this, the Planning Board may issue a special permit to allow a reduction in the otherwise applicable frontage requirements on a public way or a private way that the Planning Board votes to determine has been in existence since prior to the effective date of the Subdivision Control Law in the Town of Westport and has adequate, width, grade and construction within the meaning of G.L. c. 41, §81L for the proposed development, for one or more of the lots

proposed, in exchange for a corresponding reduction in development density and reliance upon common driveways, if applicable.

23.2 METHODS OF APPLICATION

In order to obtain a special permit under this by-law provision, an applicant first shall either: a) obtain a Special Permit under Article 21 for the common driveway or existing laneway meeting common driveway standards prior to seeking a special permit under this provision and prior to the creation of the subject lots under the "Approval Not Required" process; or b) file an application for a Definitive Subdivision Plan or modification thereof under the provisions of the Town's "Rules & Regulations Governing the Subdivision of Land" to determine the "yield" or basic number of lots on a parcel to be subdivided conforming to the requirements of the Rules and Regulations. Said application shall show the basic number of lots otherwise conforming to the Zoning Bylaw together with the proposed plan submitted for approval under this Article.

23.3 DESIGN STANDARDS

The Planning Board may grant a reduced frontage special permit if the Planning Board determines that that the design standards set forth below in Subsection 23.2 of this Article will be better achieved by the reduced frontage special permit than using standard frontage and the other dimensional requirements contained in Article 7.

23.3.1 Retain Existing Roads And Laneways

The project shall retain, reuse and/or enhance existing farm/woods roads and laneways rather than construct new roads or driveways, in order to minimize clearing and disruption of the landscape and shall take advantage of existing lanes and shall foster the use of low impact development techniques and shall minimize loss of significant large trees or stone walls and shall lessen the disturbance to existing topography.

23.3.2 Reduce Potential Number Of Driveways

The project shall reduce the number of individual driveways and shall wherever and whenever feasible use a common driveway.

23.3.3 Preserve Stone Walls And Edge-Of-Field Vegetation

The project shall preserve existing stonewalls and edge-of-field vegetation as these traditional landscape features define open space edges in a natural way and maintain corridors useful for wildlife. Using these features as property lines may also be appropriate to establish lot line boundaries, if this does not require constructing buildings in otherwise sensitive locations.

23.3.4 Site Buildings Carefully

The project shall site buildings either at the edges of fields or in a wooded area; however, septic systems and leach fields may be located in fields. Buildings and clearing of land shall be designed and performed so as to minimize tree canopy penetration and so as to avoid crest-lines of hills as seen from public places and public and private roads. Wherever practicable, the project shall open up views to serve a building only through the selective cutting of small trees and pruning lower branches of large trees, to create a filtered view and shall not use clear cutting involving the removal of large areas of growth or the removal of mature trees (e.g. exceeding 24" dbh).

23.3.5 Use Existing Vegetation And Topography To Buffer And Screen New Buildings

The project shall design and locate building envelopes in relation to the road or driveway in a manner historically or visually appropriate to the neighborhood. The project shall use vegetation as a backdrop to reduce the prominence of the structure. If vegetative buffers are used, a minimum depth of fifty (50) feet of mixed indigenous ground covers, shrubs, and trees shall be provided. The principal structure and any accessory structures shall be grouped on each lot in a cluster or they shall be placed behind tree lines or knolls rather than spreading them out across the open landscape in a "sprawl" pattern.

23.3.6 Minimize Clearing Of Vegetation

The project shall be designed so as to minimize clearing of vegetation particularly at the edge of the road that provides access or any other adjacent road and clearing shall be limited only to as much clearing as is necessary to create a driveway entrance with adequate sight distance and width to safely accommodate residential and emergency vehicles. For example, the project shall use curves in the driveway to increase the screening of buildings from the road.

23.3.7 Minimize Slope Disturbance

The project shall minimize crossing of slopes that exceed ten (10) percent with roads and driveways. If necessary to build on a slope, the project shall take advantage of the topography by building multi-level structures with entrances on more than one level (e.g., walk-out basements, garages under buildings), rather than grading the entire site flat and by using the flattest portions of the site for parking areas.

23.3.8 Keep Traditional Access Open

The project shall site buildings and develop other areas so as not to block trails or paths traditionally used as access to back land or that are established wildlife corridors. This provision shall not be construed to create any access rights.

23.4 FRONTAGE REDUCTION RATIOS IN PROPORTION TO DWELLING DENSITY REDUCTION

A special permit may be issued so that the required lot frontage is decreased as a function of average density decrease (average lot size and upland increase) in equal proportions, to a minimum of fifty (50) feet of frontage. By way of example, the required lot frontage for any lot shown on the plan being proposed to benefit from this Article may be decreased only by the proportionate increase in lot area and upland area for said lot(s). The standard lot frontage is 150 feet for a minimum 60,000 square foot lot containing a minimum of 30,000 square feet of contiguous upland ceteris paribus. To achieve a lot frontage reduction to 75 feet, the lot density of the benefitted lots shall be halved by increasing their average lot size to at least 120,000 square feet and their average contiguous upland to at least 60,000 square feet. To achieve the minimum lot frontage of fifty (50) feet under this Article, the lot size shown on the plan shall be at least 180,000 square feet and the contiguous upland area at least 90,000 square feet. These examples are illustrated in the table below:

Residential Lot Size (SF)	Minimum Upland (SF)	Frontage (Feet)
60,000 Std. Min.	30,000	150
120,000	60,000	75
180,000	90,000	50

The lots so benefiting from reduced frontage under this Article shall be indicated on the endorsed plan and the plan shall be recorded with the special permit decision which shall contain conditions that the lots shown on the plan shall not be further subdivided and that the clearing and building locations shall not be changed from what is shown on the plan without a modification and a permanent deed restriction shall be provided for approval and then recorded in favor of the Town before any clearing begins, with restriction reciting the restriction on further lot division and all restrictions on clearing and building locations. The following notes shall also be placed on the plan:

1. "Lots shown on this plan benefiting from reduced frontage under Zoning By-law Article 23 shall not be further subdivided and no modification of the clearing restrictions and building locations shall occur without a corresponding modification of the special permit and endorsed definitive plan."

and;

2. "No lot clearing shall begin and no building permit shall be issued for lots shown on this plan benefiting from reduced frontage under Zoning By-law Article 23 until the deed restriction has been duly approved, executed and recorded and

evidence of the recording of the restriction has been filed with the Inspector of Buildings.

and/or take any other action relative thereto.

PLANNING BOARD

ARTICLE 42

To see if the Town will vote to amend the Westport Zoning By-Laws by replacing in its entirety the existing **Sections 21.2 and 21.3 of ARTICLE 21, Driveways and Common Driveways**, and replacing them with the following:

21.2 PURPOSE

The purpose of allowing access to no more than ~~two (2)~~ **three (3)** lots in any zoning district, except in an Open Space Residential Development, over a common driveway is:

21.3 APPLICABILITY AND REQUIREMENTS

The Planning Board may grant a Special Permit for a Common Driveways that serves no more than ~~two (2)~~ **three (3)** lots, provided that each lot shall have the required frontage on a public way or a way approved by the Planning Board, **except for the greater benefits that may be provided for in Open Space Residential Development (Article 18 and Flexible Frontage (Article 23))**. An application for a special permit shall include a site plan prepared by a registered engineer and registered land surveyor that provides satisfactory evidence that such Driveway or Common Driveway meets the following requirements:

and/or take any other action relative thereto.

PLANNING BOARD

ARTICLE 43

To see if the Town will vote to amend the Zoning By-Laws, **Table of Use Regulations**, by adding the following lines for the permitted uses as described in Article 22, Science and Technology Overlay District:

USES:	RESIDENTIAL/ AGRICULTURAL	BUSINESS	UNRESTRICTED
Analytical Laboratory	N Except SPPB and SPA-PB in STOD	N Except SPPB and SPA-PB in STOD	N
Instrument Manufacturing			
Animal (except Poultry) Slaughtering			
Business and Secretarial Schools			

Cutting Tool and Machine Tool Accessory Manufacturing		
Data Processing, Hosting and Related Services		
Dental Equipment and Supplies Manufacturing		
Dental Laboratories		
Electromedical and Electrotherapeutic Apparatus Manufacturing		
Electronic Connector Manufacturing		
Engineering Services		
Farm Management Services		
Finfish Farming and Fish Hatcheries		
Glass Product Manufacturing Made of Purchased Glass		
Instrument Manufacturing for Measuring and Testing Electricity and Electrical Signals		
Instruments and Related Products Manufacturing for Measuring, Displaying, and Controlling Industrial Process Variables		
Management Consulting Services		
Musical Instrument Manufacturing		
Natural Gas Distribution		
Other Aquaculture		
Other Marine Fishing		
Semiconductor and Related Device Manufacturing		
Semiconductor Machinery Manufacturing		
Shellfish Farming		
Surgical and Medical Instrument Manufacturing		

Turbine and Turbine Generator Set Units Manufacturing			
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and/or take any other action relative thereto.

PLANNING BOARD

ARTICLE 44

To see if the Town will vote to raise and appropriate and/or transfer from available funds and/or borrow the sum of \$800,000.00 to pay extraordinary costs associated with the Town’s response to the flooding experienced by the Town in the Spring of 2010 and Tropical Storm Irene in late Summer 2011 and also to pay costs of constructing, reconstructing and making extraordinary repairs to roadways, drainage culverts and other elements of public infrastructure within the Town that are in need of repair as a result of such flooding and storm, and for the payment of all other costs incidental and related thereto, and/or take any other action relative thereto.

BOARD OF SELECTMEN

ARTICLE 45

To see if the Town will vote to amend the Personnel By-Laws Article XXI, Section 6 Fringe Benefits and Working Conditions, Sub-Section A.3 Holidays:

To insert: Good Friday as a paid holiday; and

To delete the following paragraph:

In addition, said employees shall also receive a half-day before Christmas Day, before New Year's Day and half day on Good Friday, if so declared by the Board of Selectmen. Regular employees shall receive holiday pay on a pro-rata basis.

and insert in place thereof:

In addition, said employees shall also receive one half-day before Thanksgiving, one half day before Christmas Day, and one half day before New Year's Day. All employees must have been paid for at least twenty (20) working days of employment prior to being eligible for holiday benefits.

PERSONNEL BOARD

ARTICLE 46

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

<u>Position</u>	<u>Group</u>	<u>Hours</u>	<u>Pay Basis</u>	<u>Type</u>
Animal Control Officer	6	R	Salary	PT

and inserting therein:

<u>Position</u>	<u>Group</u>	<u>Hours</u>	<u>Pay Basis</u>	<u>Type</u>
Animal Control Officer	7c	R	Annual	PT

PERSONNEL BOARD

ARTICLE 47

To see if the Town will vote to amend the Personnel By-Law by deleting under Schedule A – Council on Aging, the following:

<u>Position</u>	<u>Group</u>	<u>Hours</u>	<u>Pay Basis</u>	<u>Type</u>
Social Day Care Director	2	24	Hourly	PT

and inserting therein:

<u>Position</u>	<u>Group</u>	<u>Hours</u>	<u>Pay Basis</u>	<u>Type</u>
Social Day Care Director	2	35	Hourly	FT

PERSONNEL BOARD

ARTICLE 48

To see if the Town will vote to amend the Personnel By-Laws Article XXI, Section 6 Fringe Benefits and Working Conditions, Sub-Section B. General, by inserting the following section:

6. Non-Union Personnel

All full-time non-union personnel, without exception, may receive at least the same number of sick days, vacation days, personal days, bereavement days, holidays, longevity pay, educational pay, clothing allowance, health and life insurance and other benefits as do any of the full-time employees covered under the Agreement between the Town of Westport and Town Hall Departments, Library, Cemetery and Dispatchers.

BOARD OF SELECTMEN

ARTICLE 49

To see if the Town will vote to petition Congress to approve US HJ Res. 88 introduced by Hon. James McGovern, D-MA. This legislation begins the process of amending the constitution of the United States of America. If passed and ratified, the amendment would end the legal status of corporations as persons, and stop the current practice of unlimited independent congressional campaign funding with money that comes from undisclosed sources.

HJ RES. 88

Section 1. We the people who ordain and establish this constitution intend the rights protected by this Constitution to be the rights of natural persons.

Section 2. The words people, person, or citizen as used in this constitution do not include corporations, limited liability companies or other corporate entities established by the laws of any State, the United States, or any foreign state, and such corporate entities are subject to such regulation as the people, through their elected State and federal representatives, deem reasonable and are otherwise consistent with the powers of Congress and the States under this Constitution.

Section 3. Nothing contained herein shall be construed to limit the people's rights of freedom of speech, freedom of the press, free exercise of religion, freedom of association and all such other rights of the people, which rights are inalienable.

BY PETITION

ARTICLE 50

To see if the Town will vote to accept the layout, as a public way, of Meadowbrook Lane from the intersection at Longwood Drive to its southern most terminus, a copy of which is on file in the office of the Town Clerk, and authorize the Board of Selectmen to acquire by gift, purchase or eminent domain land or rights in land within said way as so laid out, for all purposes for which public ways are used in the Town of Westport, and/or take any other action relative thereto.

BY PETITION

ARTICLE 51

To see if the Town will vote to accept the layout, as a public way, of Granite Post Road, a copy of which is on file in the office of the Town Clerk, and authorize the Board of Selectmen to acquire by gift, purchase or eminent domain land or rights in land within said way as so laid out, for all purposes for which public ways are used in the Town of Westport, and/or take any other action relative thereto

BY PETITION

ARTICLE 52

To see if the Town will vote to accept the layout, as a public way, of Old Farm Road, a copy of which is on file in the office of the Town Clerk, and authorize the Board of Selectmen to acquire by gift, purchase or eminent domain land or rights in land within said way as so laid out, for all purposes for which public ways are used in the Town of Westport, and/or take any other action relative thereto.

BY PETITION

ARTICLE 53

To see if the Town will vote to accept the layout, as a public way, of Miss Rachel Trail, a copy of which is on file in the office of the Town Clerk, and authorize the Board of Selectmen to acquire by gift, purchase or eminent domain land or rights in land within said way as so laid out, for all purposes for which public ways are used in the Town of Westport, and/or take any other action relative thereto.

BY PETITION

ARTICLE 54

To see if the Town will vote to replace the current by-law pertaining to noise and to see if the Town will vote to adopt a by-law that reads as follows:

(1) No person owning, leasing or controlling a source of sound shall willfully, negligently, or through failure to provide necessary equipment, service, or maintenance or to take necessary precautions cause, suffer, allow or permit unnecessary emissions from said source of sound that may cause noise.

(2) This by-law shall pertain to, but shall not be limited to, prolonged unattended sounding of burglar alarms, construction and demolition equipment which characteristically emit sound but which may be fitted and accommodated with equipment such as enclosures to suppress sound or may be operated in a manner so as to suppress sound, suppressible and preventable industrial and commercial sources of sound, and other man made sounds that cause noise.

(3) This by-law shall not apply to sounds emitted during and associated with:

1. Parades, public gatherings, or sporting events, for which permits have been issued provided that said parades, public gatherings, or sporting events in one city or town do not cause noise in another city or town;
2. Emergency police, fire and ambulance vehicles;
3. Police, fire and civil defense activities;
4. Domestic equipment such as lawn mowers and power saws between the hours of 7:00 a.m. and 9:00 p.m.

A source of sound will be considered to be violating the town's noise regulation if the source:

1. Increases the broadband sound level by more than 10dB(A) above ambient; or
2. Produces a "pure tone" condition – when any octave band center frequency sound pressure level exceeds the two adjacent center frequency sound pressure levels by 3 decibels or more.

These criteria are measured both at the property line and at the nearest inhabited residence. Ambient is defined as the background A-weighted sound level that is exceeded 90% of the time measured during equipment operating hours.

Enforcement Provisions

This by-law shall be enforced by any member of the police department, fire department board of health officials or building inspector or his designee.

Violation of the by-law shall be punished by a fine of \$300.00 per offense with each individual

violation considered a separate offense.

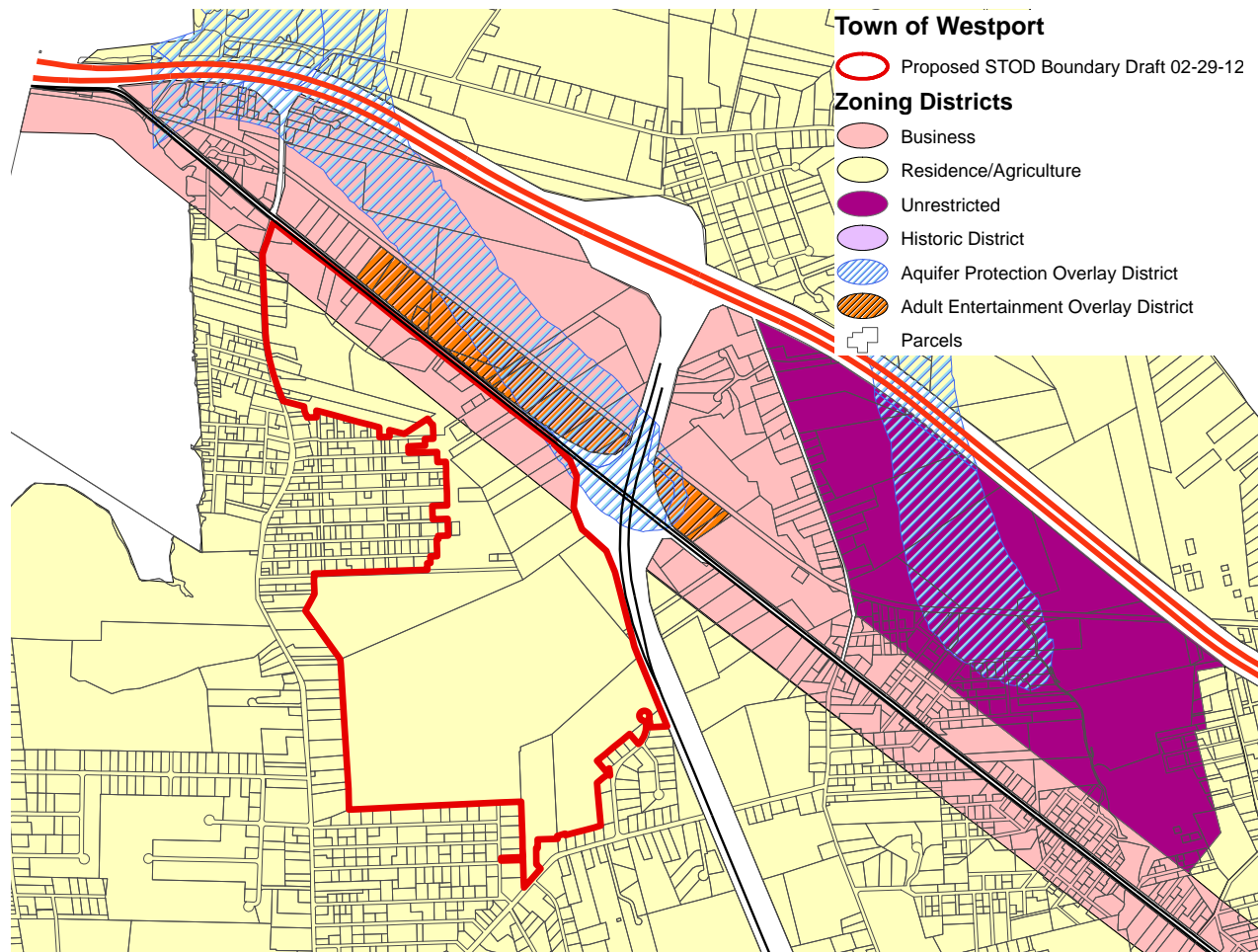
BY PETITION

ARTICLE 55

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

FINANCE COMMITTEE/BOARD OF SELECTMEN

**2012 ANNUAL TOWN MEETING
ARTICLE 39 SCIENCE AND TECHNOLOGY
OVERLAY DISTRICT**



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

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

Given under our hands at Westport this 23rd day of April in the year two thousand and twelve.

Richard M. Spirlet, Chairman

Antone C. Vieira Jr., Vice-Chairman

Steven J. Ouellette

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