



# Town of Webster



## Town Meeting Guide

May 10, 2021

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# Town Meeting Information

Thank you for taking an interest in the Town of Webster's Town Meeting. Town Meeting is part of a great tradition of democracy which has been taking place in Webster ever since it's townspeople came together to found Webster in 1832. Town Meeting is the legislative body of the Town, acting much like our legislative counterparts at the State and Federal level, to fund a budget and to establish bylaws. One important difference is that in Webster's Open Town Meeting form of government, every registered voter of the Town is a Legislator and has the opportunity to participate in, and vote on, every issue.

## **Procedures**

Webster's Town Meeting is governed by State law, the Town's Bylaws, tradition, and the book "Town Meeting Time: A Handbook of Parliamentary Law". Voters don't need to read these documents in order to participate in Town Meeting as your elected Town Moderator is there to guide the Town through the meeting while adhering to all applicable rules and regulations. Always remember that if you are not clear on the issue being voted on or the topic being discussed, you can always step up to the nearest microphone and ask questions.

At the front of the room you will find:

- The Moderator: Elected to preside over Town Meeting
- The Town Administrator: Webster's Chief Administrative and Financial Officer
- Town Counsel: the Town's attorney
- The Town Clerk: Officially records the votes taken at Town Meeting

Sitting at tables, also at the front of the room, are the following Boards/Committees:

- The Board of Selectmen: The Governing Body of the Town
- The School Committee: Recommends the School Department Budget
- The Finance Committee: Makes recommendations on all articles involving Town finances

## **Town Meeting Warrant**

The Board of Selectmen post a Warrant before the Town Meeting. The Warrant lists the agenda for what topics will be discussed and voted on at the Town Meeting. Each item on the agenda is called an "Article". An Article may be specific or broad. The booklet distributed at the Town Meeting includes both the Warrant that was posted by the Board of Selectmen as well as the Motions expected to be presented following the reading of each Article. Keep in mind that these may change.

## **Motions**

While a Warrant Article generally describes what topics will be discussed, a Motion is a statement of a specific action that is proposed to be taken. For example, a Motion to appropriate (designate) funds would specify the dollar amount, the source of the funds, and what purpose the funds are for. The Motions that are expected to be presented are printed in this booklet, but the actual Motion that ends

up being presented may differ. It's important to realize the difference between the Warrant Article and the Motion: the Warrant Article is the agenda item describing the subject matter to be voted on, and the Motion outlines the specific action to be voted on.

### **Amendments to Motions**

A Motion may also be made to amend the original Motion, in which case that amendment will be discussed and voted on before the original Motion. If the amendment passes, then discussion will return to the original Motion as amended. If the amendment is defeated, then discussion will return to the original Motion.

### **Motions to Pass Over**

A Motion to "Pass Over" is a proposal to take no action on the Warrant Article at the Town Meeting. The Town's practice has been to either make a "Motion to Pass Over" or a "Motion to Pass Over for More Information". The Town of Webster's General Bylaw, 253-14, prohibits an Article that received a favorable vote on a "Motion to Pass Over" from being re-considered prior to the next Annual Town Meeting. If the Motion to Pass Over is approved, then no action will be taken and the Town Meeting will move on to the next Article. If the motion is defeated, then the Town Meeting would ask for a Motion to take action as it relates to the Article being discussed.

### **Discussion**

After a Motion is presented, the topic of the Article is then open for discussion, questions, and debate by everyone participating in the Town Meeting. In order to for this to take place, registered voters may line up behind microphones stationed in each aisle if they have questions or would like to make comments. When recognized by the Moderator, the individual clearly states their name and address so that others in attendance know who is speaking. All comments should focus on the specific topic of the Article being discussed and not address a particular person or group other than the Moderator. Pursuant to rules accepted by Town Meeting (Annual Town Meeting: October, 2015), speakers are limited to 7 individuals in favor of the Article and 7 individuals against the article. Each speaker's time limit is 2 minutes. The Sponsor of the Article will be allowed 5 minutes to speak and their presentation does not count toward the 7 speaker limit. Town Meeting can extend a speaker's time for an additional 2 minutes by taking a 2/3 majority vote.

### **Ending the Discussion**

If a voter has heard sufficient discussion and wants to end further debate, they can make a Motion to end the debate which is often referred to as "moving the question". A voter cannot both comment on an Article and then "move the question" during the same turn at the microphone: he/she can only do one or the other. A motion to "move the question" is not debatable and requires a 2/3 majority vote in order to pass. If the motion to "move the question" passes, then further debate on the Article ends and Town Meeting will vote on the Motion. If the Motion to "move the question" is defeated, then the debate of the Motion continues.

### **Reconsideration**

If substantial new information becomes available that could alter the outcome of a vote after it has

already been taken, a voter can make a “Motion to Reconsider” that earlier vote. The Moderator will not entertain a “Motion to Reconsider” on the basis of having different voters present in the room or because some voters are unhappy with the outcome of the original vote. If the “Motion to Reconsider” is accepted by the Moderator, it will be discussed by the Town Meeting. If the majority of the Town Meeting vote in favor of Reconsideration, then the original Motion that was previously voted upon will again be read to the voters. A “Motion to Reconsider” can only be made by an individual who earlier voted on the prevailing side. The Town of Webster General Bylaw 253-13 requires a 2/3 majority vote in order to Reconsider.

### **Voting**

Rather than a voice vote or raising hands, each voter will be assigned an electronic voting device when they register at the door. Voters simply need to press a designated button, as instructed by the Moderator, for their vote to be recorded. Not only will this system be more accurate, but it also allows each vote to remain confidential. Additionally, the use of the electronic voting system will eliminate the need for any ballot votes, thus potentially reducing the length of Town Meeting. The electronic voting system will be tested prior to the Town Meeting to ensure that all votes will be accurate.

# SPECIAL TOWN MEETING

## ARTICLE 1. GENERAL FUND PRIOR YEAR BILLS

To see if the Town will vote to transfer from any available funds in the Treasury, a sum sufficient to the Town Administrator Unpaid Bills account for the purpose of funding the payment of prior years' unpaid invoices; or take any action thereon.

### Sponsored by the Board of Selectmen

**Recommendation:** The Board of Selectmen and Finance Committee recommend favorable action on this article.

**Recommended Motion:** I move that the Town vote to transfer from the following funds \$1,909.29 to the Town Administrator Unpaid Bills account (0112352-579000) for the purpose of funding the payment of prior years' unpaid invoices.

Amount	Vendor	Account #	Account Description
\$46.99	WB Mason	0116152-542000	Clerk Office Supplies
\$1,862.30	CalAmp	0142052-524003	DPW Vehicle Maintenance
<b>\$1,909.29</b>	<b>TOTAL</b>		

**Background:** A 9/10ths vote is required. These bills came in well past the end of the fiscal year, but the services were performed in the prior fiscal year.

## ARTICLE 2. SEWER ENTERPRISE FUND PRIOR YEAR BILLS

To see if the Town will vote to transfer from any available funds in the Treasury, a sum sufficient to the Sewer Unpaid Bills account for the purpose of funding the payment of prior years' unpaid invoices; or take any action thereon.

### Sponsored by the Board of Selectmen

**Recommendation:** The Board of Selectmen and Finance Committee recommend favorable action on this article.

**Recommended Motion:** I move that the Town vote to transfer from the following funds \$897.41 to the Sewer Unpaid Bills (6046052-579000) account for the purpose of funding the payment of prior years' unpaid invoices.

Amount	Vendor	Account #	Account Description
\$51.60	Konica Minolta	6046052-542000	Sewer Office Supplies
\$845.81	CalAmp	6046052-524003	Sewer Vehicle Maintenance
<b>\$897.41</b>	<b>TOTAL</b>		

**Background:** A 9/10ths vote is required. These bills came in well past the end of the fiscal year, but the services were performed in the prior fiscal year.

### **ARTICLE 3. WATER ENTERPRISE FUND PRIOR YEAR BILLS**

To see if the Town will vote to transfer from any available funds in the Treasury, a sum sufficient to the Water Unpaid Bills account for the purpose of funding the payment of prior years' unpaid invoices; or take any action thereon.

#### **Sponsored by the Board of Selectmen**

**Recommendation:** The Board of Selectmen and Finance Committee recommend favorable action on this article.

**Recommended Motion:** I move that the Town vote to transfer from the following funds \$710.81 to the Water Unpaid Bills (6245052-579000) account for the purpose of funding the payment of prior years' unpaid invoices.

Amount	Vendor	Account #	Account Description
<b>\$710.81</b>	CalAmp	6245052-524003	Water Vehicle Maintenance
<b>\$710.81</b>	<b>TOTAL</b>		

**Background:** A 9/10ths vote is required. These bills came in well past the end of the fiscal year, but the services were performed in the prior fiscal year.

### **ARTICLE 4. FUND SNOW AND ICE DEFICIT**

To see if the Town will vote to raise and appropriate, or transfer from any available funds in the Treasury, a sum sufficient to the DPW Snow and Ice Supplies Account; or take any action thereon.

#### **Sponsored by the Board of Selectmen**

**Recommendation:** The Board of Selectmen and Finance Committee recommend passing over this article.

**Recommended Motion:** I move that the Town vote to pass over this article.

**Background:** The deficit in the snow and ice fund will be covered with savings in other line items within the operating budget.

### **ARTICLE 5. APPROPRIATION FOR TOWN CAPITAL PROJECTS**

To see if the Town will vote to transfer from any available funds in the treasury, a sum sufficient for the purpose of funding capital purchases/projects as listed in the table below, including all costs incidental and related thereto, or take any action thereon.

Department	Project	Amount
School	Middle School Parking Lot Paving	<b>\$50,000</b>

#### **Sponsored by the Board of Selectmen**

**Recommendation:** The Board of Selectmen and Finance Committee recommend passing over this article.

**Recommended Motion:** I move that the Town vote to pass over this article.

**Background:** This project will be completed with other available funds within the budget or with other available grant monies.

## **ARTICLE 6. ADJUSTMENT OF THE CABLE/PEG ACCESS BUDGET**

To see if the Town will vote to amend the Cable/PEG Access budget by transferring \$3,500 from 3702-570000 Other Charges & Expenses to 3702-510000 Salaries, or take any action thereon.

### **Sponsored by the Board of Selectmen**

**Recommendation:** The Board of Selectmen and Finance Committee recommend favorable action on this article.

**Recommended Motion:** I move that the Town vote to approve the article as presented.

**Background:** This will move money from the materials side of the budget to the salaries portion of the budget to cover a small deficit there.

## **ARTICLE 7. TRANSFER INSURANCE FUNDS TO OPEB FUND**

To see if the Town will vote to transfer the balance in Fund 8022 "Insurance" in the amount of \$38,929.85 to the OPEB Trust Fund 8039, or take any action thereon.

### **Sponsored by the Board of Selectmen**

**Recommendation:** The Board of Selectmen and Finance Committee recommend favorable action on this article.

**Recommended Motion:** I move that the Town vote to transfer the balance in Fund 8022 "Insurance" in the amount of \$39,211.58 to the OPEB Trust Fund 8039.

**Background:** At the Annual Town Meeting of March 7, 1972 Article 64 voted to raise and appropriate the sum of Five Thousand (\$5,000.00) dollars for the Insurance Fund. There has not been any expenditures charged to the Insurance Fund since 1999 and likely for some time before then. Town management in consultation with the Massachusetts Division of Local Services and the Town's auditor propose that the Insurance Fund (Fund 8022) balance of \$39,211.58 be moved to the Other Post Employment Benefit (OPEB) Trust Fund (retiree health insurance costs). Our OPEB liability far exceeds current funds and it will keep this money related to insurance which is the original intent.

# ANNUAL TOWN MEETING

## ARTICLE 1. REPORTS FROM THE FINANCE COMMITTEE OR BOARD OF SELECTMEN

To hear and act upon the report and recommendations of the Board of Selectmen and the Finance Committee; or take any action thereon.

### Sponsored by the Board of Selectmen

**Recommendation:** There is no report and this article will be passed over.

## ARTICLE 2: FY2022 GENERAL FUND ANNUAL BUDGET

To see if the Town will vote to fix the compensation of elected officials, provide for a reserve fund, and determine what sum of money the Town will raise and appropriate including appropriations from any available funds to defray the charges and expenses of the Town including debt and interest for the fiscal year beginning July 1, 2021 and ending June 30, 2022; or take any action thereon.

### Sponsored by the Board of Selectmen

**Recommendation:** The Board of Selectmen and Finance Committee recommend favorable action on this article.

**Recommended Motion:** I move that the Town vote to raise and appropriate an omnibus budget in the sum of \$48,954,909 an amount sufficient to fix the compensation of elected officials, provide for a reserve fund, and to defray the charges and expenses of the Town including debt and interest for the fiscal year beginning July 1, 2021 and ending June 30, 2022. Said sum to be raised as follows:

Transfer from Waterway Improvements Fund.....	\$15,000
Donation from Fels Foundation for Police Station .....	\$307,692
Donation from Friends of Library .....	\$50,000
Proceeds from Sale of Filmer Building.....	\$45,000
SWCCC Dudley Indirect Costs .....	\$117,118
Town Hall Stabilization.....	\$25,960
Water Indirect Costs .....	\$455,896
Sewer Indirect Costs .....	\$761,946
Property tax and other revenues.....	\$47,176,297

**Background:** The total FY22 Operational Budget is \$50,889,577; an increase of \$1,187,058 or 2.4%. Please see the separate budget packet for additional information.

## ARTICLE 3: FY2022 SEWER ANNUAL BUDGET

To see if the Town will vote to raise and appropriate or transfer from any available funds a sum sufficient to operate the Sewer Enterprise Fund for the fiscal year beginning July 1, 2021 and ending June 30, 2022; or take any action thereon.

### Sponsored by the Board of Selectmen

**Recommendation:** The Board of Selectmen and Finance Committee recommend favorable action on this article.

**Recommended Motion:** I move that the Town vote to raise and appropriate an omnibus budget in the sum of \$3,490,681, an amount sufficient to operate the Sewer Enterprise Fund for the fiscal year beginning July 1, 2021 and ending June 30, 2022.

**Background:** The FY22 Sewer Enterprise Fund Operating Budget decreased by an amount of \$189,432 (-5.1%), primarily due to a decrease in debt payments of \$211,002. Please see the separate budget packet for additional information.

#### **ARTICLE 4: FY2022 WATER ANNUAL BUDGET**

To see if the Town will vote to raise and appropriate or transfer from any available funds a sum sufficient to operate the Water Enterprise Fund for the fiscal year beginning July 1, 2021 and ending June 30, 2022; or take any action thereon.

##### **Sponsored by the Board of Selectmen**

**Recommendation:** The Board of Selectmen and Finance Committee recommend favorable action on this article.

**Recommended Motion:** I move that the Town vote to raise and appropriate an omnibus budget in the sum of \$2,634,761, an amount sufficient to operate the Water Enterprise Fund for the fiscal year beginning July 1, 2021 and ending June 30, 2022.

**Background:** The FY22 Water Enterprise Fund Operating Budget increased by \$48,801 (1.9%). The increase is due to debt service payment increases for water main replacement on Lincoln, Whitcomb and Nelson roads of \$71,004.

#### **ARTICLE 5: AUTHORIZE SHORT-TERM BORROWINGS**

To see if the Town will vote to authorize the Treasurer, with the consent of the Board of Selectmen, to temporarily borrow a note or notes, or make an inter-fund advance from available funds, in anticipation of revenue from taxation, bonds, or grants, and to repay said sums within the current fiscal cycle; or take any action thereon.

##### **Sponsored by the Board of Selectmen**

**Recommendation:** The Board of Selectmen and Finance Committee recommend favorable action on this article.

**Recommended Motion:** I move that the Town vote to approve the article as presented.

**Background:** This article allows the treasurer to borrow funds as needed throughout the fiscal year to meet cash flow needs in anticipation of future revenue. This requires a 2/3rds vote for passage.

#### **ARTICLE 6: DEPARTMENTAL REVOLVING FUNDS**

To see if the Town will vote pursuant to the provisions of G.L. c 44, §53E1/2, as most recently amended, to set FY 2022 spending limits for such Revolving Funds as follows:

REVOLVING FUND	FY 2022 SPENDING FUND
Board of Health Inspections (Fund 3531)	\$15,000.00
Senior Center (Fund 3516)	\$8,000.00
Nuisance Properties (Fund 3530)	\$100,000.00

Inspectional Services (Fund 3534)	\$50,000.00
Composting Facility (Fund 3525)	\$13,000.00
Recreation (Fund 3521)	\$105,000.00

; or take any action thereon.

**Sponsored by the Board of Selectmen**

**Recommendation:** The Board of Selectmen and Finance Committee recommend favorable action on this article.

**Recommended Motion:** I move that the Town vote to approve the article as presented.

**Background:** Each year the Town may authorize the use of one or more revolving funds which are accounted for separately from all other monies. The purpose of these funds is to pay for expenses directly from revenues received to provide the services or programs i.e. payments for inspectors upon payment from resident and completion of the inspection.

**ARTICLE 7. CREATE BUDGET FOR CABLE ACCESS**

To see if the Town will vote to appropriate the following Cable Access Budget in accordance with General Laws Chapter 44, Section 53F $\frac{3}{4}$ ; or take any action thereon.

Account	Description	Budget
3702-510000	Salaries	\$32,000
3702-570000	Other Charges	\$29,500

**Sponsored by the Board of Selectmen**

**Recommendation:** The Board of Selectmen and Finance Committee recommend favorable action on this article.

**Recommended Motion:** I move that the Town vote to approve the article as presented.

**Background:** This will adopt a budget from the Cable PEG Access account. The salaries will support two part-time positions. One, position will focus on the up keep of the equipment, software, and recording official meetings. The second position will focus on creating content for PEG channels as well as communicating town information to residents. The other charges has averaged expenditures of approximately \$30,000 over the last several years. This includes internet services, equipment, and recording services.

**ARTICLE 8. APPROPRIATION TO ECONOMIC DEVELOPMENT FUND**

To see if the town will vote to raise and appropriate \$20,000 to the Economic Development Fund (Fund 3536) for attracting and retaining businesses to the Town of Webster; or take an action thereon.

**Sponsored by the Board of Selectmen**

**Recommendation:** The Board of Selectmen and Finance Committee recommend passing over this article.

**Recommended Motion:** I move that the Town pass over this article.

**Background:** This fund has been used to improve public spaces and attract new businesses to town. One of the effective tools we have is participation in the state *Vacant Storefront Program*. This program provides \$10,000 in state tax incentives as well as a \$10,000 contribution from the Town

to a business that opens in a storefront that has been vacant for more than a year. We are allowed to award two of these grants as part of the program per year. Since this is an ongoing expense, we have budgeted this in the regular operating budget and do not need to act on this article.

#### **ARTICLE 9. DECLARE POLICE BOAT AND ACCOUNTREMENTS AS SURPLUS**

To see if the Town will vote to declare a 2019 17'0" Carolina Skiff with 2019 Evinrude 90 HP Outboard motor and 2019 Road King Boat Trailer, that are in the possession of the Webster Police Department as surplus, with proceeds from the sale being used to offset a replacement boat purchase; or take any action thereon.

##### **Sponsored by the Board of Selectmen**

**Recommendation:** The Board of Selectmen and Finance Committee recommend favorable action on this article.

**Recommended Motion:** I move that the Town vote to declare a 2019 17'0" Carolina Skiff with 2019 Evinrude 90 HP Outboard motor and 2019 Road King Boat Trailer, that are in the possession of the Webster Police Department as surplus supplies of the Town, and further to authorize the trade, sale or disposal of such surplus supplies towards the procurement of a replacement boat purchase and related equipment.

**Background:** The Police Department purchased the aforementioned items in July of 2019 for use in the Marine Patrol. Since placing them into service, it has been discovered that the boat was not suited particularly well for use on Webster Lake. In addition to that, we have also had several mechanical issues that required service at a location which was also an hour away. To further compound that, the motor is an Evinrude, and the only place that services Evinrude motors is approximately an hour away. The purpose for placing this boat on surplus is to auction it off and use the funds to go towards a boat which will be able serviced locally and more suitable for Marine Patrol on Webster Lake.

#### **ARTICLE 10. APPROPRIATION FOR BOAT PURCHASE**

To see if the Town will vote to transfer from any available funds, the sum of \$45,000 for the purpose of purchasing a rigid hull inflatable boat and any associated accessories for The Webster Police Department Marine Patrol; or take any action thereon.

##### **Sponsored by the Board of Selectmen**

**Recommendation:** The Board of Selectmen and Finance Committee recommend favorable action on this article.

**Recommended Motion:** I move that the Town vote to transfer from Free Cash the sum of \$45,000 for the purpose of purchasing and equipping a rigid hull inflatable boat, including all costs incidental and related thereto, for The Webster Police Department Marine Patrol.

**Background:** The proceeds of the sale of the 2019 Carolina Skiff, 2019 90 HP Evinrude Motor, and 2019 Road King Boat Trailer will be general fund revenue and will devolve to Free Cash at the end of the fiscal year. This appropriation is the rough estimate of what the proceeds will be from the sale of the boat and equipment. The remaining amount of the purchase price of the new boat, will be covered by the Police Department from the State Law Enforcement Trust.

## **ARTICLE 11. ACCEPT THE DONATION OF 10 ACRES OF REAL PROPERTY LOCATED AT 0 OXFORD AVENUE**

To see if the Town will vote to accept the donation, by gift, of approximately 10 acres of real property located at 0 Oxford Avenue Parcel ID 20\_A\_1-3\_0 described in a deed recorded with the Worcester South District Registry of Deeds in Book 8718, Page 373; or take any action thereon.

**Sponsored by the Board of Selectmen**

**Recommendation:** The Board of Selectmen and Finance Committee recommend favorable action on this article.

**Recommended Motion:** To see if the Town will vote to authorize the Town, acting by and through its Board of Selectmen, to accept the donation, by gift, of approximately 10 acres of real property located at 0 Oxford Avenue Parcel ID 20\_A\_1-3\_0 described in a deed recorded with the Worcester South District Registry of Deeds in Book 8718, Page 373 for general municipal purposes, and to authorize the Board of Selectmen to enter into all agreements and execute any and all instruments as may be necessary to accept said property.

**Background:** The owners of this parcel (see map below) near the borders with Oxford and Dudley have offered to donate this parcel to the Town of Webster. This location could potential be sued as an access point to the French River or a trail head for a French River trail connecting downtown Webster with the Mid-State Trail in Oxford. The annual taxes on this property are less than \$150. Acceptance is a simple majority vote.



## **ARTICLE 12. TO ALLOW SELF-STORAGE IN DISTRICT 5 BUSINESS DISTRICT BY SPECIAL PERMIT**

To see if the Town will vote to amend the Town of Webster Zoning By-Law, Article IV. §650-18 District 5, Business District (without sewer), by inserting a new section following Section D:

E. Uses which may be permitted by the Planning Board by Special Permit and Site Plan approval:

(1) Self-service storage facility, associated retail operations, and equipment rental accessory to use.

### **Sponsored by the Board of Selectmen**

**Recommendation:** The Board of Selectmen and Finance Committee recommend favorable action on this article.

The Planning Board voted unanimously 3-0 to recommend passage of the warrant article as written. The Board notes that adding this use to the B5 zoning district would allow for an expansion of opportunities for property owners in those zones, most of which are located along the Town's commercial corridors. The requirement of a Special Permit and Site Plan Approval for this use provides opportunities to mitigate impacts to abutters while taking site specific information into consideration through the Special Permit process.

**Recommended Motion:** I move that the Town vote to approve the article as presented.

**Background:** As mentioned in the Planning Board's report above, this would allow more opportunities for property areas in this zone, but would retain oversight through a special permit and site plan approval process. We hope this change generates interest in the shopping center with the closed Shaw's and Kmart. A 2/3rds vote is required to amend this zoning bylaw.

## **ARTICLE 13. TO ALLOW SELF-STORAGE IN DISTRICT 5 BUSINESS DISTRICT BY SPECIAL PERMIT**

To see if the Town will vote to amend the Town of Webster Zoning Bylaws by amending Chapter 650, Attachment 1, Table of Use Regulations, to amend the definitions section or take any other action relative thereto, as follows:

Principal Use	District											
	1	2	3	4	5	5A	6	7	8	9	10	11
	SFR	ASFR	MFR	B-4	B-5	B-5A	IND	LR	FP	CD	WP	ROD
Self-service storage facility	N	N	N	N	SP	N	N	N	N	N	N	N

### **Sponsored by the Board of Selectmen**

**Recommendation:** The Board of Selectmen and Finance Committee recommend favorable action on this article.

The Planning Board voted unanimously 3-0 to recommend passage of the warrant article as written.

**Recommended Motion:** I move that the Town vote to approve the article as presented.

**Background:** See article 12 above. This amends the zoning table to match the proposed change in article 12. A 2/3rds vote is required to amend this zoning bylaw.

## ARTICLE 14. PRE-EXISTING NON-CONFORMING BUILDINGS

To see if the Town will vote to amend Article V. Section 650-28 of the Town's Zoning Bylaws by replacing the first paragraph of such section with the following:

If any pre-existing non-conforming structure or use is discontinued or abandoned for a period of more than two years, the protection for pre-existing non-conforming uses and structures shall cease and it shall conform to the district in which it is located. A pre-existing non-conforming use may be changed to another non-conforming use with the benefit of a special permit from the Zoning Board of Appeals, provided that such other non-conforming use is not substantially different in its purpose and manner of application and no more harmful or objectionable. No pre-existing non-conforming use, if once changed to a use permitted in the district in which it is located, shall be changed back to a non-conforming structure or use. Subject to protections for single and two-family homes, pre-existing non-conforming uses or structures may only be changed, extended or altered upon approval of a special permit by the Zoning Board of Appeals.

### Sponsored by the Board of Selectmen

**Recommendation:** The Board of Selectmen and Finance Committee recommend favorable action on this article.

The Planning Board voted unanimously 3-0 to recommend passage of the warrant article as written. The Board notes this article resolves an ongoing problem with the previous language which specified a 25% expansion allowance by right for structures or uses. The problem with that language is that it frequently resulted in the requirement of multiple permits and has led to a major law suit against the Town due to the various interpretations of the language of the by-law. The Board further recognizes that the previous language did not allow for site specific flexibility which varies based on site conditions and zoning district requirements all of which can be taken into consideration by the Zoning Board of Appeals during the Special Permit process.

The Zoning Board of Appeals, after review and discussion, voted unanimously 5-0 by roll call vote to recommend passage of this warrant article to Town Meeting. The Board notes that the ambiguity of the current language has led to needless litigation for property owners and the Town alike. It is noted that the new language clarifies but does not change the intent of the Zoning By-law.

**Recommended Motion:** I move that the Town vote to approve the article as presented.

**Background:** See Planning Board's recommendation above. The redline version showing the exact changes is below. A 2/3rds vote is required to amend this zoning bylaw.

- Any nonconforming use, existing at the time of passage of these bylaws may be continued. Such nonconforming building or use may be altered or enlarged to an extent no greater than 25% of the original nonconforming building or use.
- If any pre-existing nonconforming structure, land or use is discontinued or abandoned for a period of more than two years, the protection for pre-existing non-conforming uses and structures shall cease and it shall conform to the district in which it is located.

- A pre-existing nonconforming use may be changed to another nonconforming use with the benefit of a special permit from the Zoning Board of Appeals, provided that such other nonconforming use is not substantially different in its purpose and manner of application and no more harmful or objectionable.
- No pre-existing nonconforming use, if once changed to a use permitted in the district in which it is located, shall be changed back to a nonconforming structure or use.
- Subject to protections for single and two-family homes, pre-existing nonconforming uses ~~or~~ structures ~~or lots~~ may only be changed, extended or altered upon approval of a special permit by the Zoning Board of Appeals.

## ARTICLE 15.

To see if the Town will vote to amend the Town of Webster Zoning By-Law to remove all references of District 4 Business Districts as "(within sewer)" and all references of District 5 Business Districts as "(without sewer)" to include, but not limited to, the following references:

- § 650-12 Establishment of districts.
- § 650-17. District 4. Business Districts (within sewer).
- § 650-18. District 5. Business Districts (without sewer).
- § 650-33 Height.
- § 650-91(c) (3) Solar Use Facilities.
- § DT-2 Derivation Table of 1967 Zoning Bylaw to Chapter 650.

### **Sponsored by the Board of Selectmen**

**Recommendation:** The Board of Selectmen and Finance Committee recommend favorable action on this article.

The Planning Board voted unanimously 3-0 to recommend passage of the warrant article as written. Articles 15 and 16 address outdated or unnecessary references to with or without sewer within the Zoning By-law and on the Zoning Map. The vast majority of the Town has access to sewer infrastructure. This was not the case when the original zoning code and map were developed and it was necessary to make that distinction to guide appropriate development. The current references are confusing and no longer serve a purpose. No changes to districts are proposed except for the removal of these references.

**Recommended Motion:** I move that the Town vote to approve the article as presented.

**Background:** A 2/3rds vote is required to amend this zoning bylaw.

## ARTICLE 16.

To see if the Town will vote to amend the "Zoning Map of the Town of Webster, Worcester County, Massachusetts, Updated December 10, 2018" by deleting the following language under the Section entitled Legend (strikethrough):

B-4 General Business (Within Sewer)  
B-5 General Business (without sewer)

**Sponsored by the Board of Selectmen**

**Recommendation:** The Board of Selectmen and Finance Committee recommend favorable action on this article.

The Planning Board voted unanimously 3-0 to recommend passage of the warrant article as written. See the Planning Board recommendation above in Article 15.

**Recommended Motion:** I move that the Town vote to approve the article as presented.

**Background:** A 2/3rds vote is required to amend this zoning bylaw.

**ARTICLE 17. GOLD STAR TAX EXEMPTION**

To see if the Town will vote to adopt Section 5 of Chapter 59, clause Twenty-second H of Massachusetts General Law. Said law allows surviving parents and guardians of members of the military who have died on active duty or whose death was related to an injury while on active duty or are missing in action with a presumption of death to receive a real estate exemption to the full amount of taxable valuation; or take any action thereon.

**Sponsored by the Board of Selectmen**

**Recommendation:** The Board of Selectmen and Finance Committee recommend favorable action on this article.

**Recommended Motion:** I move that the Town vote to accept the provisions of Section 5 of Chapter 59, clause Twenty-second H of Massachusetts General Law which provides a real estate tax exemption to qualifying surviving parents and guardians of members of soldiers and sailors, members of the National Guard and veterans who: (i) during active duty service, suffered an injury or illness documented by the United States Department of Veteran Affairs or a branch of the armed forces that was a proximate cause of their death; or (ii) are missing in action with a presumptive finding of death as a result of active duty service as members of the Armed Forces of the United States

**Background:** Approving this article would exempt surviving parents and guardians of veterans killed while on duty from Town property taxes. There are reportedly two families that this would affect in the Town of Webster.

**ARTICLE 18. PAVING A PORTION OF LOVELAND ROAD**

To see if the Town will vote to pave the private part of Loveland Road from 21 Loveland to 37 Loveland Road partially paid by up front payments affected property owners and by betterment for home owners; or take any action thereon.

**Citizens Petition**

**Recommendation:** This article will be ruled out of order as the necessary requirements to petition pavement of a roadway were not met.