



Town of Webster



Town Meeting Guide

October 16, 2023



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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, residents 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.

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.

ANNUAL TOWN MEETING

Moderator's Motions to begin the meeting:

1. The Moderator moves the Town votes to dispense with the reading of the warrant.
2. The Moderator moves that the Moderator may extend the floor to Town Management and staff and other non-voters provided that they must be recognized by the Moderator.

ARTICLE 1. WATER METER REPLACEMENT AND ADVANCED METER INFRASTRUCTURE (AMI) PROJECT

To see if the Town will vote to appropriate \$3,800,000 for the purpose of the Water Meter Replacement and AMI Project, and all related and incidental costs, and that to meet said appropriation the Treasurer, with the approval of the Board of Selectmen, is authorized to borrow said sum under M.G.L. Chapter 44, Sections 7 and 8 and/or any other enabling authority and to issue bonds and notes therefor; or to take any action thereon.

Sponsored by the Water/Sewer Commission

Recommendation: The Water Sewer Commission and Board of Selectmen recommend favorable action on this article.

Recommended Motion: I move that the Town appropriate \$3,800,000 for the purpose of the Water Meter Replacement and Advanced Meter Infrastructure (AMI) Project, and all related and incidental costs, and that to meet said appropriation the Treasurer, with the approval of the Board of Selectmen, be authorized to borrow said sum under M.G.L. Chapter 44, Sections 7 and 8 and/or any other enabling authority and to issue bonds and notes therefor.

Background: The Webster Water Department continues to have high unaccounted for Water (UAW) at approximately 26% even after repairs from regular (annual) leak detection testing. Existing water meters have surpassed their useful life and are in need of replacement.

A Water Meter Replacement and Advanced Meter Infrastructure project is currently being developed. The proposed project includes the installation of advanced metering infrastructure (AMI) and replacement of all water meters (approximately 5,400). The AMI system includes installation of gateways or collectors that transmit real-time data from the meters to the water utility. This will assist the water utility to detect leaks and system issues faster. In addition to AMI, customers will be able to monitor their own water usage data through a customer web portal.

The proposed project is expected to be bid over the winter with meter replacement beginning by the Summer 2024. The Opinion of Probable Construction Cost ("OPC") is estimated at \$3,800,000.

ARTICLE 2: ROUTE 16 WATER MAIN CONSTRUCTION

To see if the Town will vote to appropriate \$1,500,000 for the purpose of the Route 16 Water Main project, and all related and incidental costs, and that to meet said appropriation the Treasurer, with the approval of the Board of Selectmen, is authorized to borrow said sum under M.G.L. Chapter 44,

Sections 7 and 8 and/or any other enabling authority and to issue bonds and notes therefor; or to take any action thereon.

Sponsored by the Water/Sewer Commission

Recommendation: The Water Sewer Commission and Board of Selectmen recommend favorable action on this article.

Recommended Motion: I move that the Town appropriate \$1,500,000 for the purpose of the Route 16 Water Main Construction Project, and all related and incidental costs, and that to meet said appropriation the Treasurer, with the approval of the Board of Selectmen, be authorized to borrow said sum under M.G.L. Chapter 44, Sections 7 and 8 and/or any other enabling authority and to issue bonds and notes therefor.

Background: The Town is currently designing a water main replacement on Route 16 (East Main Street and Gore Road) from near the Price Chopper Plaza to near MAPFRE Insurance and a few hundred feet on Sutton Road.

The design and construction of this work is a non-participatory portion of the MassDOT Route 16 highway improvements project titled “Webster Intersection Improvements at I-395 Ramps (Exit 3) at Route 16”.

The existing 20-inch diameter cast iron water main is approaching the end of its useful life and is proposed to be replaced in advance of the highway improvements with approximately 2,000 linear feet of 16-inch diameter ductile iron water main, connecting at the easterly project limits to the 16-inch water main replaced in 2015. An additional 300 linear feet of 10-inch water main will be replaced with 12-inch ductile iron water main on Sutton Road. The project includes a crossing of the culvert to be replaced with the highway improvements. The project would be expected to be bid via the MassDOT in Summer 2024.

The Water Department would like to take advantage of getting the water main replaced prior to the newly constructed roadway. The Opinion of Probable Construction Cost (“OPC”) is estimated at \$1,500,000.

ARTICLE 3: NORTH MAIN STREET AND UPLAND AVENUE WATER MAIN CONSTRUCTION

To see if the Town will vote to appropriate \$3,000,000 for the purpose of the North Main Street and Upland Avenue Water Main project, and all related and incidental costs, and that to meet said appropriation the Treasurer, with the approval of the Board of Selectmen, is authorized to borrow said sum under M.G.L. Chapter 44, Sections 7 and 8 and/or any other enabling authority and to issue bonds and notes therefor; or to take any action thereon.

Sponsored by the Water/Sewer Commission

Recommendation: The Water Sewer Commission and Board of Selectmen recommend favorable action on this article.

Recommended Motion: I move that the Town appropriate \$3,000,000 for the purpose of the North Main Street and Upland Avenue Water Main Construction Project, and all related and incidental costs, and that to meet said appropriation the Treasurer, with the approval of the Board

of Selectmen, be authorized to borrow said sum under M.G.L. Chapter 44, Sections 7 and 8 and/or any other enabling authority and to issue bonds and notes therefor.

Background: The Town has completed preliminary design and is beginning the final design phase for the North Main Street/Upland Avenue Water Main Replacement Project. This work includes replacement of approximately 4,150 linear feet of water main on North Main Street from East Main Street to Bigelow Road and a section of Upland Avenue near North Main Street.

Due to recent water main breaks and ongoing issues with inoperable valves, the existing 8-inch water main on North Main Street has been included in the Water Department's Capital Improvement Plan and is proposed to be replaced with approximately 3,850 linear feet of 12-inch diameter ductile iron water main. The new water main will connect to the proposed replacement water main on Bigelow Road that will connect to the proposed Bigelow Road Water Treatment Plant once it is constructed. Approximately 300 linear feet of existing 6-inch water main will also be replaced with 8-inch diameter ductile iron water main at the western end of Upland Avenue near North Main Street.

The project would include full width mill and overlay to re-pave the road, along with some sidewalk ramp improvements to comply with ADA requirements. The project would be expected to begin construction Spring 2024. The Opinion of Probable Construction Cost ("OPC") is estimated at \$3,000,000.

ARTICLE 4: SECURITY CAMERAS – WEBSTER ANIMAL SHELTER

To see if the town will vote to raise and appropriate, borrow, or transfer a sum sufficient to purchase and install security cameras and associated networking and computer equipment, and any other costs incidental or related thereto, at the Webster Animal Shelter located at Memorial Beach or take any other action thereon

Sponsored by the Police Department

Recommendation: The Board of Selectmen recommend favorable action on this article.

Recommended Motion: I move that the Town vote to transfer from free cash \$16,000 for purposes stated in Article 4.

Background: The Webster Animal Shelter currently contains no functional security cameras or computer/networking equipment. Existing cameras present are of residential grade and no longer functional. The Police Department now oversees the animal control program and has determined proper monitoring of the facility is essential along with the ability for the Animal Control Officer to effectively conduct business in the building. This article would purchase a commercial grade camera system, networking and computer equipment in order to allow the cameras and computers to be tied into the Police Department's main systems.

ARTICLE 5. PUBLIC SAFETY BOAT DOCKS – MEMORIAL BEACH

To see if the town will vote to raise and appropriate, borrow, or transfer a sum sufficient to purchase and install public safety boat docks at Memorial Beach to include docks, fencing, security cameras, equipment storage container, and associated networking equipment, and any other costs incidental or related thereto, or take any other action thereon

Sponsored by the Police Department and Fire Department

Recommendation: The Board of Selectmen recommend favorable action on this article.

Recommended Motion: I move that the Town vote to transfer from free cash \$4,017.30 and from bond premium receipts reserved for appropriation (fund 3605) \$55,982.70 for purposes stated in Article 5.

Background: The Public Safety Departments have long relied upon the use of private docks for docking the public safety boats. Due to the necessity to be able to quickly respond to emergencies throughout the boating season whether the boats are actively staffed or not, docking the boats is critically necessary versus trailering and launching as needed. Webster Lake is the Town’s greatest asset and the Town shouldn’t need to rely upon private docks for the public safety boats. This article would purchase a floating dock system with room to dock 3 public safety boats and would be located in Nipmuc Cove. The type of docks to be utilized would be able to remain through the winter without concern for damage from the ice. This would allow use of the docks as late and early in the season as practical without the need to contract removal or installation each and every year. Additionally, this article would procure commercial grade cameras for the area of the dock as well as the general beach property to ensure safety and security of the area. As no climate controlled location is available, the necessary networking equipment for the cameras must be “hardened” to sustain cold temperatures which costs substantially more than equipment located in a climate controlled facility. Lastly, the article would procure fencing for the dock area to prohibit unauthorized access. A storage container would also be obtained for water rescue equipment. Note: This dock would not replace or impact the current public use dock at the boat ramp.

ARTICLE 6. AMEND GENERAL BY-LAWS – CHAPTER 488, SECTION 3

To see if the town will vote to amend the Town of Webster General Bylaws Chapter 488, Parks and Public Lands by adding a new Section 488-3 Memorial Beach Rules and Regulations, as follows:

The Board of Selectmen, in consultation with the Town Administrator and Police Chief or their designees, may establish rules and regulations pertaining to the use of all facilities at Memorial Beach, including, but not limited to, the Boat Launch, Swimming Area, Parks and Fields, Walking Tracks, Playgrounds and Bath House. These rules and regulations may be amended from time to time by the Board of Selectmen upon consultation with the Recreation Director and Police Chief or their designees.

And to further amend the Town of Webster General Bylaws Chapter 260 Enforcement, Noncriminal disposition, Section 260-2 Noncriminal disposition by replacing the following row

Chapters 308 and 488	Parks and Public Lands	\$50.00
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With new language as follows

Chapters 308 and 488	Parks and Public Lands	
	1 st offense	\$150.00
	2 nd and subsequent offenses	\$300.00

And to further amend the Town of Webster General Bylaws Chapter 308 Alcoholic Beverages, Section 308-2 Violations and penalties by replacing the struck-through language with the new underlined language as follows

Anyone violating this bylaw shall be subject to a fine of fifty dollars (\$50) as defined in Chapter 260 of these bylaws and may be subject to arrest without a warrant by a Police Officer.

Or take any action thereon

Sponsored by the Police Department

Recommendation: The Board of Selectmen recommend favorable action on this article.

Recommended Motion: I move that the Town vote to approve Article 6 as presented.

Background: Currently, no process exists for determining how Memorial Beach rules and regulations are developed. Over time, the list of rules and regulations has been modified for various reasons with no formal documentation or process. This would establish a process for developing and modifying formal rules and regulations for use of the beach to be approved by the Board of Selectmen as the Town's policy making body. Additionally, this would increase the fine for violations from \$50, a value that in today's day and age likely does not deter actions. In fact, the current fine is the same amount that non-resident customers currently pay regularly for entry to the beach with a boat.

Additionally, the current fine structure in the bylaws groups together Alcoholic Beverages in Public with Parks and Public Lands. The fine for an alcoholic beverage in public was also set at \$50, an amount not likely to deter most. The article would refer the Alcoholic Beverages chapter to simply reference the fine structure rather than be duplicative.

ARTICLE 7. AMEND GENERAL BY-LAWS – CHAPTER 302, SECTION 2

To see if the town will vote to amend the Town of Webster General Bylaws Chapter 302 Alarm Systems by deleting section 302-5 Connection Fee and to further amend section 302-3 by removing the struck-through language and replacing it with the underlined language

D. The user of any alarm system that causes a false alarm will be issued a warning for a first offense and subject to the following fee schedule for all subsequent offenses: twenty dollars (\$20) three hundred dollars (\$300) for each and every occurrence. No warnings shall be issued. All bills must be paid within 30 days of the date of the bill. A five-dollar (\$5) assessment fee will be applied to all overdue bills.

And to further amend the Town of Webster General Bylaws Chapter 260 Enforcement, Noncriminal disposition, Section 260-2 Noncriminal disposition by amending the following row by removing the struck-through language

Chapters 302 , 372 , 530 , 571 and 607	Public Safety Regulation	\$50.00
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(except Chapter [320](#))

and further by adding the following row

Chapters 302	Alarm Systems	
	1 st offense	Warning
	2 nd and subsequent offense	\$300.00

Or take any action thereon

Sponsored by the Police Department and Fire Department

Recommendation: To be announced.

Recommended Motion: I move that the town vote to amend the Town of Webster General Bylaws Chapter 302 Alarm Systems by deleting section 302-5 Connection Fee and to further amend section 302-3 by removing the struck through language and replacing with the underlined language

D. The user of any alarm system which causes a false alarm will be issued a warning for a first offense and subject to the following fee schedule in Section 260-2 of the General bylaws for subsequent offenses. ~~twenty dollars (\$20) for each and every occurrence. No warnings shall be issued.~~ All bills must be paid within 30 days of date of bill. A five-dollar (\$5) assessment fee will be applied to all overdue bills. The user of any alarm system must be provided a reasonable time by the police chief or fire chief to repair system malfunctions before being subject to subsequent offenses. Subsequent offenses shall apply within one year of any false alarm, resetting if no other false alarms occur within one year.

And to further amend the Town of Webster General Bylaws Chapter 260 Enforcement, Noncriminal disposition, Section 260-2 Noncriminal disposition by amending the following row by removing the struck through language

Chapters 302 , 372 , 530 , 571 and 607	Public Safety Regulation (except Chapter 320)	\$50.00
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and further by adding the following row

Chapters 302	Alarm Systems	
	1 st offense	Warning
	2 nd offense	\$50.00
	3 rd offense	\$100.00
	4 th offense	150.00
	5 th and subsequent offense	300.00

Background: This article would update the town’s Alarm Bylaw which is significantly outdated. It would remove language pertaining to a connection fee for monitoring as the Police and Fire Departments no longer have municipal alarm systems. Additionally, it would add a warning for a first offense of violation. Currently, no warning exists and the first offense calls for a fine. Similarly, the current fine is an amount that is unlikely to generate a swift response to repair an issue as the cost to pay a fine several times is likely far less than a service call would be. This article would seek to increase the fine to encourage prompt repair of nuisance alarms that the Fire and Police Departments respond to all too often.

ARTICLE 8. AMEND GENERAL BY-LAWS – CHAPTER 260, SECTION 2

To see if the town will vote to amend the Town of Webster General Bylaws Chapter 260, Enforcement, Noncriminal disposition, Section 260-2 Noncriminal disposition by replacing the following rows

Chapters <u>459</u> and <u>635</u>	Lake Rules and Regulations (Harbormaster)	
	1st offense	\$50.00
	2nd offense	\$75.00
	3rd offense	\$100.00
	4th and subsequent offenses	\$200.00

With new language, as follows

Chapters <u>459</u> and <u>635</u>	Lake Rules and Regulations (Harbormaster)	
	1st offense	\$150.00
	2 nd and subsequent offenses	\$300.00

Or take any action thereon.

Sponsored by the Police Department

Recommendation: The Board of Selectmen recommend favorable action on this article.

Recommended Motion: I move that the Town vote to approve Article 8 as presented.

Background: This article would seek to update the fines for violations of the Boating bylaws pertaining to operation on Webster Lake. Again, the current fine structure is outdated and would take numerous offenses to reach a find amount that would potentially act to deter future violations.

ARTICLE 9. PARC GRANT APPLICATION AND APPROPRIATION

To see if the Town will vote to (a) raise and appropriate and/or transfer from available funds and/or borrow the sum of \$610,000 and to meet that appropriation, to authorize the Treasurer, with approval of the Selectmen, per M.G.L. Chapter 44, section 7 and/or any enabling authority, to borrow said sum for the purpose of planning, designing, improving, renovating May St. Park, including, without limitation all costs incidental or related thereto; provided, however, that no funds shall be expended

until the Town of Webster has received a grant commitment or allocation for a portion of such costs under so-called PARC Grant Program (301 CMR 5.00) and/or under any federal and/or other state program for the foregoing project; and further, to (b) authorize the Board of Selectmen and/or its designee to apply for and accept on behalf of the Town funds granted under the PARC Grant Program and/or any other funds, gifts, grants, under federal and/or other state program in any way connected with the scope of this Article, and to enter into all agreements and execute any and all instruments as may be necessary or convenient to effectuate the said project on behalf of the Town of Webster; or take any action thereon.

Sponsored by the Town Administrator

Recommendation: The Board of Selectmen recommend favorable action on this article.

Recommended Motion: I move that the Town transfer the funds approved at the Special Town Meeting May 9, 2023, article 13 in the amount of \$105,000 and appropriate \$495,000 for the purpose of the PARC Grant Project, and all related and incidental costs, and that to meet said appropriation the Treasurer, with the approval of the Board of Selectmen, be authorized to borrow said sum under M.G.L. Chapter 44, Sections 7 and 8 and/or any other enabling authority and to issue bonds and notes therefor.

Background: This project will make improvements to the May Street Park. The plan includes replacing both playgrounds, purchasing outdoor exercise equipment, resurfacing the basketball court and adding a walking track around the field. Benches and lighting will also be added. Total cost of the project is \$610,000. An application for a Parc Grant with the State has been submitted with the hopes of having approximately 70% of the cost covered by that grant. If the grant is denied no appropriation will be made. Voters approved \$105,000 towards this project at the Special Town Meeting on May 9, 2023.

ARTICLE 10: AMEND GENERAL BY-LAWS – CHAPTER 329, SECTION 2

To see if the Town will vote to amend Chapter 329 Building Construction and Demolition of the Town of Webster General Bylaws by adding to Chapter 329-2 the following text:

Town of Webster

The Preservation of Historically Significant Buildings and Structures

Section 1 - Intent and Purpose

This by-law is enacted for the purpose of preserving and protecting significant buildings, structures and neighborhoods within the Town which constitute or reflect distinctive features of the architectural, cultural, economic, political or social history of the town and to limit the detrimental effect of demolition on the character of the town. Through this bylaw, owners of preferably preserved buildings or structures are encouraged to seek out alternative options that will preserve, rehabilitate or restore such buildings or structures and residents of the town are alerted to impending demolitions of significant buildings or structures. By preserving and protecting significant buildings, structures and neighborhoods, this bylaw promotes the public welfare by making the town a more attractive and desirable place in which to live and work. To achieve these purposes the Webster Historical

Commission is authorized to advise the Webster Building Commissioner with respect to demolition permit applications. The issuance of demolition permits is regulated as provided by this by-law.

Section 2 – Definitions

For purposes of this Bylaw, the following words and phrases shall have the following meaning.

2.1 APPLICANT - Any person or entity who files an application for a demolition permit. If the applicant is not the owner of the premises upon which the building is situated, the owner must indicate on or with the application his/her assent to the filing of the application.

2.2 APPLICATION - An application for the demolition of a building.

2.3 BUILDING - Any structure having a roof intended for shelter, housing, or enclosure of any person, process, equipment, animal or goods.

2.4 BUILDING COMMISSIONER - The person occupying the office of Webster Building Commissioner or otherwise authorized to issue demolition permits.

2.5 COMMISSION – The Webster Historical Commission or its designee.

2.6 DEMOLITION - Any act of pulling down, destroying, removing, dismantling or razing a structure or commencing the work of total or substantial destruction with the intent of completing the same. Substantial destruction shall constitute any alteration of a Significant Historic Building or structure that (a) Requires a building permit for demolition of 50% or more of the building or (b) Materially compromises the historic or architectural significance of the Building. Percentage shall be calculated by applicant.

2.7 DEMOLITION/ALTERATION PERMIT - The permit issued by the Building Inspector as required by the State Building Code for a demolition, or partial demolition or removal of a building or structure from its lot, or the moving of the building or structure on its lot.

2.8 PREFERABLY PRESERVED - Any significant building or structure for which the Commission determines, following a public hearing, that it is in the public interest to be preserved rather than to be demolished. A preferably preserved building or structure is subject to the eighteen-month demolition delay period of this bylaw.

2.9 HISTORICALLY SIGNIFICANT BUILDING or STRUCTURE – Any building or structure within the town which is in whole or in part at least fifty years old (or less than 50 if judged significant) and which has been determined by the Commission or its designee to be significant based on any of the following criteria:

2.9.1 The building or structure is the subject of a pending application for the National Register of Historic Places.

2.9.2 The building or structure is importantly associated with one or more historic/prominent persons or events, or with the broad architectural, cultural, political, economic or social history of the Town or the Commonwealth.

2.9.3 The building or structure is historically or architecturally important (in terms of period, style, method of building construction or association with a recognized architect or builder) either by itself or in the context of a group of buildings.

Section 3 - Procedure

3.1 No demolition permit for a building or structure which is in whole or in part fifty years or more old shall be issued without following the provisions of this bylaw. If a building or structure is of unknown age, it shall be assumed that the building or structure is over 50 years old for the purposes of this bylaw. The Town of Webster Assessor's records are to be the determinant of the building's or structure's age. An applicant proposing to demolish a building/structure subject to this bylaw shall file with the Building Commissioner an application containing the following information:

(a) The address of the building or structure to be demolished.

(b) The owner's name, address and telephone number.

(c) A description of the building or structure.

(d) The reason for requesting a demolition permit.

(e) A brief description of the proposed reuse, reconstruction or replacement. (f) A photograph or photograph(s) of the building or structure.

3.2 The Building Commissioner shall within seven days forward a copy of the application to the Commission. The Commission shall within thirty days after receipt of the application, make a written determination of whether the building or structure is significant.

3.3 Upon determination by the Commission that the building or structure is not significant, the Commission shall so advise the Building Commissioner and applicant in writing. The Building Commissioner may then issue the demolition permit.

3.4 Upon determination by the Commission that the building or structure is significant, the Commission shall so notify the Building Commissioner and the applicant in writing. No demolition permit may be issued at this time. If the Commission does not notify the Building Commissioner within forty-five days of receipt of the application, the Building Commissioner may proceed to issue the demolition permit.

3.5 If the Commission finds that the building or structure is significant, it shall hold a public hearing within thirty days of the written notification to the Building Commissioner. Public notice of the time, place and purpose of the hearing shall be properly posted according to local and state law by the

municipality and shall be for a period of not less than seven days prior to the date of said hearing. The applicant, the owners of all adjoining property, the building inspector and the planning board shall be sent a copy of the notice.

The Commission shall decide at the public hearing or within fourteen (14) days after the public hearing whether the building or structure should be preferably preserved. If agreed to in writing by the applicant, the determination of the Commission may be postponed.

3.6 If the Commission determines that the building or structure is not preferably preserved, the Commission shall so notify the Building Inspector and applicant in writing. The Building Commissioner may then issue the demolition permit.

If the Commission determines that the building or structure is preferably preserved, the Commission shall notify the Building Commissioner and applicant in writing. No demolition permit may then be issued for a period of eighteen (18) months from the date of the determination unless otherwise agreed to by the Commission.

If the Commission does not so notify the Building Commissioner in writing within thirty days of the public hearing, the Building Commissioner may issue the demolition permit.

Upon a determination by the Commission that a building or structure is preferably preserved, no building permit for new construction or alterations to the subject building or structure shall be issued for a period of eighteen months from the date of the determination unless otherwise agreed to by the Commission.

During this period, the applicant shall make an effort to locate a purchaser for the Building(s) or Structures(s) who is willing to preserve, rehabilitate or restore the Building(s) or Structure(s).

No permit for demolition of a building or structure determined to be a preferably preserved building shall be granted until all plans for future use and development of the site have been filed with the Building Commissioner and have been found to comply with all laws pertaining to the issuance of a building permit or, if for a parking lot, a certificate of occupancy for that site. All approvals necessary for the issuance of such building permit or certificate of occupancy including, without limitation, any necessary zoning variances or special permits, must be granted and all appeals from the granting of such approvals must be concluded, prior to the issuance of a demolition permit under this section.

The Building Commissioner may issue a demolition permit or a building permit for a preferably preserved building within the delay period if the Commission notifies the Building Commissioner in writing that the Commission finds that the intent and purpose of this bylaw is served even with the issuance of the demolition permit or the building permit. Following the delay period, the Building Commissioner may issue the demolition permit.

Section 4 - Administration

4.1 The Commission may adopt such rules and regulations as are necessary to administer the terms of this bylaw.

4.2 The Commission is authorized to adopt a schedule of reasonable fees to cover the costs associated with the administration of this bylaw.

4.3 The Commission may delegate authority to make initial determinations of significance to one or more members of the Commission or to a municipal employee.

4.4 The Commission may proactively develop a list of significant buildings or structures that will be subject to this bylaw.

4.5 Buildings proposed for the significant building list shall be added following a public hearing.

Section 5 - Emergency Demolition

If after an inspection, the Building Commissioner finds that a building or structure subject to this bylaw is found to pose an immediate threat to public health or safety due to its deteriorated condition and that there is no reasonable alternative to the immediate demolition of the building or structure, then the Building Inspector may issue an emergency demolition permit to the owner of the building or structure. The Building Inspector shall then prepare a report explaining the condition of the building or structure and the basis for his decision which shall be forwarded to the Commission.

Section 6 - Enforcement and Remedies

The Commission and/or the Building Commissioner are each specifically authorized to institute any and all actions and proceedings, in law or equity, as they may deem necessary and appropriate to obtain compliance with the requirements of this by-law or to prevent a threatened violation thereof.

Any owner of a building or structure subject to this bylaw that demolished the building or structure without first obtaining a demolition permit in accordance with the provisions of this bylaw shall be subject to a fine of not more than Three Hundred Dollars (\$300.00) as limited by Chapter 40A, MGL. Each day the violation exists shall constitute a separate offense until a faithful recreation of the demolished building or structure is completed or unless otherwise agreed to by the Commission.

If a building or structure subject to this bylaw is demolished without first obtaining a demolition permit in accordance with the provisions of this bylaw, no building permit shall be issued for a period of two years from the date of the demolition on the subject parcel of land or any adjoining parcels of land under common ownership and control unless the building permit is for the faithful recreation referred to above or unless otherwise agreed to by the Commission.

Section 7 - Historic District Act

Following a determination that the building or structure is significant and preferably preserved, the Commission may recommend to town meeting that the building or structure be protected through the

provisions of Massachusetts General Law, Chapter 40C, the Historic Districts Act. The steps required under M.G.L. Chapter 40C shall be followed prior to the establishment of a local historic district. Nothing in this by-law shall be deemed to conflict with the provisions of the Historic District Act, Massachusetts General Laws Chapter 40C. If any of the provisions of this by-law do so conflict, that act shall prevail. Apart from any provisions of this bylaw which may so conflict, all remaining provisions of this bylaw shall stay in full force and effect. Buildings or structures included within the boundaries of a local historic district established under M.G.L Chapter 40C shall not be subject to this bylaw so long as the proposed demolition is regulated by the local historic district bylaw.

Section 8 - Severability

In case any section, paragraph or part of this by-law is for any reason declared invalid or unconstitutional by any court, every other section, paragraph, and part shall continue in full force and effect.

Sponsored by the Webster Historical Commission

Recommendation: The Board of Selectmen recommend favorable action on this article.

Recommended Motion: I move that the Town vote to approve Article 10 as presented.

Background: A preservation bylaw (also known as a demolition delay bylaw) can be a very effective tool in helping to protect historically significant resources in the community. While a preservation bylaw, alone, cannot prevent demolitions indefinitely, the opportunity of delaying the demolition of a significant resource can often have a positive outcome.

Generally, in a town with a preservation bylaw, a property owner requesting a demolition permit from the Building Department must first receive approval from the Historical Commission. If the Historical Commission determines that the building is preferably preserved, a delay period is imposed. The delay period provides a window of opportunity to consider other alternatives to the demolition of the building. There are many success stories in Massachusetts where a better solution is found. Nevertheless, after the delay period has expired, the Building Inspector can sign the demolition permit and demolition can proceed. A preservation bylaw cannot indefinitely prevent a demolition from occurring.

There are over 150 communities in Massachusetts that have a bylaw delaying demolition for historical structures.

ARTICLE 11. BEER AND WINE LICENSE

Beer and Wine License

Citizens Petition

Recommendation: The Board of Selectmen refers to Sponsor.

Background: This article was submitted as a Citizens Petition.