



TOWN OF WESTFORD
Office of the Town Clerk

PUBLIC NOTICE

The attached General Town Bylaw Amendments for the Town of Westford adopted under Articles 11, 12, 13 and 14 of the Warrant for the Special Town Meeting of October 15, 2012 have been approved by the Office of the Attorney General and on February 21, 2013, Articles 11, 12, 13 and 14 will be in effect.

Claims of invalidity by reason of any defect in the procedure of adoption or amendment may only be made within ninety days of such posting.

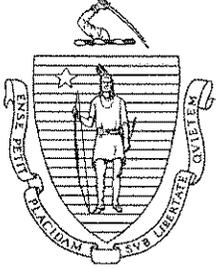
Copies of the attached bylaw amendments may be obtained from the Town Clerk's Office at Town Hall - 55 Main Street.

Kaari Mai Tari
Town Clerk

Posted this 13 day of February 2013 at the following locations:

- (Precinct 1) Town Hall - 55 Main Street
- (Precinct 2) Forge Village Post Office - 5 West Prescott Street
- (Precinct 3) Nabnasset Post Office - 62 Brookside Road
- (Precinct 4) Main Post Office - 301 Littleton Road
- (Precinct 5) J.V. Fletcher Library - 50 Main Street
- (Precinct 6) Nabnasset Fire Station - 14 Oak Hill Road

Patricia L. Dubey
Constable of Westford



MARTHA COAKLEY
ATTORNEY GENERAL

THE COMMONWEALTH OF MASSACHUSETTS
OFFICE OF THE ATTORNEY GENERAL

CENTRAL MASSACHUSETTS DIVISION
10 MECHANIC STREET, SUITE 301
WORCESTER, MA 01608

(508) 792-7600
(508) 795-1991 fax
www.mass.gov/ago

February 1, 2013

Kaari Mai Tari, Town Clerk
Town of Westford
55 Main Street
Westford, MA 01886

**RE: Westford Special Town Meeting of October 15, 2012 --- Case # 6537
Warrant Articles # 11, 12, 13, and 14 (General)**

Dear Ms. Tari:

Articles 11, 12, 13, and 14 -- We approve the amendments to the Town by-laws adopted under these Articles on the warrant for the Special Town Meeting which convened on October 15, 2012.

Note: Pursuant to G.L. c. 40, § 32, neither general nor zoning by-laws take effect unless the Town has first satisfied the posting/publishing requirements of that statute. Once this statutory duty is fulfilled, (1) general by-laws and amendments take effect on the date these posting and publishing requirements are satisfied unless a later effective date is prescribed in the by-law, and (2) zoning by-laws and amendments are deemed to have taken effect from the date they were approved by the Town Meeting, unless a later effective date is prescribed in the by-law.

Very truly yours,

MARTHA COAKLEY
ATTORNEY GENERAL

Margaret J. Hurley

by: Margaret J. Hurley, Assistant Attorney General
Chief, Central Massachusetts Division
Director, Municipal Law Unit
Ten Mechanic Street, Suite 301
Worcester, MA 01608
(508) 792-7600 x 4402

cc: Town Counsel John W. Giorgio (via electronic mail)



TOWN OF WESTFORD
Office of the Town Clerk

2012 SPECIAL TOWN MEETING
October 15, 2012

Amend Chapter 33: Legal Affairs

ARTICLE 11. Upon a motion duly made and seconded, it was

VOTED: That the Town amend Section 33.2 of the Town's General Bylaws as follows (added words are shown in bold and underlined, deleted words are shown in strikethrough):

Chapter 33: Legal Affairs

§ 33.1. Actions against the Town.

The Selectmen shall, with the assistance of Town Counsel, institute, prosecute and defend any and all claims, actions and proceedings to which the Town is a party or in which the interests of the Town are or may be involved.

§ 33.2. Authority to settle certain claims.

The Selectmen may, subject to the approval of the Town, settle or compromise any claim, action, suit or other proceeding made or instituted by them in behalf of the Town. They may settle or compromise, without such approval, any such claim, action, suit or proceedings which does not involve more than \$1,000 ~~\$100,000~~. Subject to appropriation therefor, they may settle any claim, action, suit or other proceeding against the Town.

Majority vote
October 15, 2012

A True Copy Attest:

Kaari Mai Tari
Town Clerk



TOWN OF WESTFORD
Office of the Town Clerk

2012 SPECIAL TOWN MEETING
October 15, 2012

**Amend Chapter 148: Streets and Sidewalks by Adding a New Section
to Restrict Discharge of Water into Public Ways**

ARTICLE 12. Upon a motion duly made and seconded, it was

VOTED: That the Town amend Chapter 148 of the General Bylaws by adding the following new section 148.6 and renumbering subsequent sections:

Chapter 148.6. Discharging Water into Public Ways

No water shall be intentionally discharged onto or into any public ways or sidewalks of the town so as to cause a dangerous and/or defective condition.

Majority vote
October 15, 2012

A True Copy Attest:

Kaari Mai Tari
Town Clerk



TOWN OF WESTFORD
Office of the Town Clerk

2012 SPECIAL TOWN MEETING
October 15, 2012

**New Bylaw Authorizing Town to Make
Temporary Repairs to Private Ways**

ARTICLE 13. Upon a motion duly made and seconded, it was

VOTED: That the Town amend the General Bylaws by adding a new Chapter as recommended in the Unaccepted Roads Committee Report as follows:

Chapter 149 Temporary Repairs to Private Ways

§ 149.1 Purpose and applicability.

- A. Pursuant to Massachusetts General Laws Chapter 40, Section 6N, the Board of Selectmen is hereby is authorized to make temporary repairs to private ways, constructed prior to 1955, which have been open to the public for a period of at least six (6) years, out of funds appropriated for said purpose by Town Meeting. In all cases, the entire cost shall be assessed as betterment on those properties which benefit from the repairs. Repair does not mean new construction.
- B. The repairs shall be those required by public necessity, including but not limited to
 1. The necessity of providing adequately drained ways so as to reduce ecologically harmful runoff into the Town's brooks and ponds; and
 2. The necessity of providing adequate passable ways for public safety vehicles from public ways to residences, Town facilities and resources including access to Town conservation land.
- C. The Board of Selectmen shall make the determination of public necessity.

§149.2 Types of Repairs.

- A. The repairs must be temporary in nature, such as filling, grading, patching and surface coating, and may include such repairs to drainage swales, conduits and structures as are necessary to preserve the integrity of surface repairs to the roadway, and shall not be such as to constitute a reconstruction of the roadway.
- B. The temporary repair shall have a minimum expected life equal to twenty (20) years.
- C. Temporary repairs may be undertaken on a way subject to this bylaw, or to a continuous portion of such way, which portion begins and ends at an intersection or conjunction with another way.

§ 149.3 Petition.

A minimum of seventy five percent (75%) of the owners of property abutting the portion of the way proposed to be repaired must petition for the repair, with each ownership entity counting as one. The Board of Selectmen are authorized to waive this requirement.

§ 149.4 Betterment charges.

- A. The owners of land abutting such way who derive benefit from said repairs shall be assessed betterment charges by the Board of Selectmen. Betterment charges, in an amount of one hundred (100%) of the aggregate cost to plan, prepare and repair the private way shall be assessed on a per lot basis or on the proportion of the lot frontage on the way or portion of the way to be repaired to the frontage of said repaired way or other proportional method as may be required by the Board of Selectmen.
- B. The Town may be considered an abutter if property under the care, custody and control of the Town abuts said way to be repaired.
- C. A cash deposit shall not be required.

§149.5 Status of way.

- A. This bylaw does not confer any obligation or duty on the Town or its agents to either initially place or to thereafter maintain and repair said private ways so that they are reasonably safe and convenient for travel by being free from defects or want of repair.
- B. The making of such temporary repairs to private ways, no matter how often or to what extent, does not constitute an acceptance by the Town of such private ways as public ways, nor does it constitute a way being "maintained and used as a public way" under the Massachusetts Subdivision Control Law.
- C. Any private way repaired under the provisions of this bylaw need not be brought up to full Town standards and may continue to remain a private way. Repaired private ways may be brought to Town Meeting for acceptance as a public way by completing the steps outlined in the Town's Street Acceptance procedure, if any, adopted by the Board of Selectmen which may be amended from time to time, or otherwise as allowed by law.

§149.6 Liability.

The Town, in making repairs under this section shall not be liable for any damages to persons or property caused by negligent repair or maintenance of the private way.

§ 149.7 Indemnity Agreement.

No repair of a private way shall be undertaken until the Board of Selectmen has in its possession agreements executed by at least eighty five percent (85%) of abutting owners on the portion of the way to be repaired holding the Town harmless from any additional damage arising from any negligent repair, and which includes the following provisions:

- A. that the Town assumes no liability to such owners by making the repairs;

- B. jointly and severally, to indemnify and hold harmless the Town with respect to such statutory liability and any and all other liability for claims of injury, death or property damage to such owners or third parties caused by alleged defects in the way, including attorneys' fees and other costs of defense;
- C. that should the Town decide not to continue to provide temporary repairs to such way, the owners will themselves keep such way in good repair so as to minimize the liability of the Town for having undertaken such repairs;
- D. that such repair shall not constitute "maintenance" of such way, so as to give the way the status of a way "maintained and used as a public way" under the Massachusetts Subdivision Control Law; and
- E. that if assessed for repairs, the owners will not appeal the amount of the assessment and agree that the assessment may be apportioned over the number of years of the expected lifetime of the repair to be determined by the Board of Selectmen.

§ 149.8 Continually Open to Public Use.

Repairs or maintenance under this section shall not be performed on private ways that do not remain open to public use for at least twenty years.

Majority vote
October 15, 2012

A True Copy Attest:



Kaari Mai Tari
Town Clerk



TOWN OF WESTFORD
Office of the Town Clerk

2012 SPECIAL TOWN MEETING
October 15, 2012

Amend Chapter 48: Tax Possession Sale Committee

ARTICLE 14. Upon a motion duly made and seconded, it was

VOTED: That the Town amend Section 48.1 of the General Bylaws which currently reads: "There shall be a Tax Possession Sale Committee of 3 members, to be appointed by the Board of Selectmen." by changing the number 3 to the number 7 so that the bylaw will read: "There shall be a Tax Possession Sale Committee of 7 members, to be appointed by the Board of Selectmen."

Majority vote
October 15, 2012

A True Copy Attest:

Kaari Mai Tari
Town Clerk