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TOWN OF WESTFORD  
TOWN CLERK'S OFFICE

**Town of Westford**  
 Departments of Permitting, Planning, Zoning,  
 Conservation and Building  
 55 Main Street  
 Westford, Massachusetts 01886  
 TEL (978) 692-5524 FAX (978) 399-2732

February 28, 2014

Annamarie Kersten, Director, Economic Development Incentive Program  
 c/o Economic Assistance Coordinating Council  
 Massachusetts Office of Business Development  
 State Transportation Building  
 10 Park Plaza, Suite 3720  
 Boston, Massachusetts 02116

Dear Ms. Kersten:

The Town of Westford is pleased to submit an application to the Economic Development Incentive Program (EDIP) for a "Local Incentive - Only" project which is at 3-5 Carlisle Road in Westford for Cynosure, Inc. We have worked closely with Peter Milano of your staff and Tim Baker of Cynosure to put these applications together. This TIF is Article 18 on the Warrant for our Annual Town Meeting (ATM) scheduled for March 22, 2014. If approved by ATM, the Board of Selectmen (BOS) are scheduled to pass a resolution at their March 25, 2014 meeting. We are applying to be heard at the March 26, 2014 Economic Assistance Coordinating Council (EACC) meeting on March 26, 2014. Here is a summary of the applications included:

## EDIP Local Incentive Only Application

- **Attachment A** Economic Opportunity Area Designation Application
- **Attachment B** Local Incentive Agreement (Article 18 of Warrant for Annual Town Meeting 3/22/14)
- **Attachment C** Local Incentive Zone and Plan
- **Attachment D** Municipal Vote by Authoritative Body Approving Incentive (Article 18 of Warrant for Annual Town Meeting 3/22/14 and BOS resolution 3/25/14)
- **Attachment E** Municipal Vote by Authoritative Body Approving submission of application to the EACC (Actions Taken and Minutes from 1/28/14 BOS meeting)
- **Exhibit 1** Local Incentive Valuation
- **Other Information** Copy of the Letter of Intent and DOR Certificate of Good Standing

If you have any questions, please give me a call at 978-692-5524 or by email at [ckluchman@westfordma.gov](mailto:ckluchman@westfordma.gov). We look forward to discussing at the EACC meeting in March.

Sincerely,

Chris Kluchman, AICP  
 Director of Land Use Management

February 28, 2014  
Annamarie Kersten  
Cynosure Inc. EDIP Local Only Application  
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cc: Jodi Ross, Town Manager  
Peter Milano, Senior Regional Director, Massachusetts Office of Business Development  
Jay Donovan, Assistant Director, Northern Middlesex Council of Governments  
Tim Baker, Cynosure Inc.  
Mark Roopenian, Normandy Real Estate Partners



COMMONWEALTH OF MASSACHUSETTS  
 ECONOMIC ASSISTANCE COORDINATING COUNCIL  
 MASSACHUSETTS OFFICE OF BUSINESS DEVELOPMENT

**Economic Development Incentive Program (EDIP)  
 LOCAL INCENTIVE-ONLY APPLICATION**

A complete application with all required attachments must be submitted in electronic form to your MOBD Regional Director by 5:00 P.M. on the application deadline date. A hardcopy with original signatures and attachments must be postmarked no later than 1 day after the submission deadline and mailed to: EDIP Manager, MOBD, 10 Park Plaza, Suite 3730, Boston, MA 02116. **Applications that are incomplete or submitted after the deadline will not be considered at the scheduled EACC meeting, without exception.**

For assistance with this application please work with your MOBD Regional Director, local municipal officials and refer to the EDIP Guidelines and 402 CMR 2.00.

**PART I. COMPANY OVERVIEW**

**1. COMPANY INFORMATION**

Company Name:	Cynosure Inc.				
Project Location Address:	Street Address:	5 Carlisle Road			
	City:	Westford	MA	Zip Code:	01886
FEIN # (Federal Employer Identification Number):	#04-3125110				
DUA # (Dept. of Unemployment Assistance Number):	#82-029-780				

**2. COMPANY CONTACT**

Executive Officer/ Company Designee:	Full Name:	Timothy W. Baker	Title:	Executive Vice President	
Contact (if different from above)	Full Name:		Title:		
Contact Address:	Street Address:	5 Carlisle Road			
	City:	Westford	State:	MA	Zip Code: 01886
Telephone Number:	978-367-2337				
Email Address:	tbaker@cynosure.com				

**3. COMPANY DESCRIPTION & HISTORY**

**Please provide a brief description and history of the company.**

Cynosure develops and markets aesthetic treatment systems that enable plastic surgeons, dermatologists and other medical practitioners to perform non-invasive and minimally invasive procedures to remove hair, treat vascular and benign pigmented lesions, remove multi-colored tattoos, revitalize the skin, liquefy and remove unwanted fat through laser lipolysis, reduce cellulite, treat toe fungus and ablate sweat glands. Cynosure's product portfolio is composed of a broad range of energy sources including Alexandrite, diode, Nd: YAG, picosecond, pulse dye, and Q-switched lasers and intense pulsed light. Cynosure sells its products globally under the Cynosure, Palomar and ConBio brand names through a direct sales force in the United States, Canada, Mexico, France, Germany, Spain, the United Kingdom, Australia, China, Japan and Korea, and through international distributors in approximately 100 other countries.

Cynosure recently acquired Palomar Medical Technologies located in Burlington Massachusetts and will be integrating the company into one facility located in Westford Massachusetts. The acquisition has created the need for facility expansion.

**PART II. ECONOMIC DEVELOPMENT PROJECT**

**1. NATURE & PURPOSE OF PROPOSED PROJECT**

**Please provide a description of the proposed expansion project. Additionally, please explain why the local incentives are necessary for this project to move forward.**

Cynosure recently acquired Palomar Medical Technologies located in Burlington Massachusetts and will be integrating the company into one facility located in Westford Massachusetts. The acquisition has created the need for facility expansion. The project entails building out office, research and manufacturing space and the creation of a connector between the two buildings.

**2. PROJECT TIMELINE**

(a) Please indicate the date a Letter of Intent was sent to the municipality and cc: MOBD Regional Director:	(b) Date the applicant expects to begin the project:	(c) Date the applicant expects to complete the project:	(d) Date the applicant expects to open the facility:
9/27/2013	11/1/2013	6/30/2014	6/30/2014

**Additional Information (if necessary) on Project Timeline:** attached

**3. PRIVATE INVESTMENT**

Total Projected Private Investment: \$6.7 million

**Additional Information (if necessary) on Investment:** see attached

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**4. MASSACHUSETTS EMPLOYMENT**

<b>(a)</b> Is the applicant new to Massachusetts?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
<b>(i)</b> If no, where are the existing Massachusetts facilities?	Westford MA	N/A <input type="checkbox"/>
<b>(b)</b> Will the proposed economic development project require and/or trigger the closing or consolidation of any Massachusetts facilities or the elimination of any other jobs currently in Massachusetts? If yes, please give location of facility and explain.	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>  If yes, please explain: relocating workforce from Burlington Ma to Westford MA	

**5. EMPLOYMENT & JOB CREATION**

**(a) CYNOSURE EXISTING EMPLOYMENT AT PROJECT LOCATION**

Please indicate the number of Permanent Full-Time Jobs to be created in total and by year. If job creation timeline exceeds five years, please complete the "Extended Job Creation Schedule" and attach as an addendum.

(i) Permanent Full-Time Employment at Project Location at Date of Application:	(ii) Permanent Full-Time Employees to be Transferred from other Massachusetts Site to Project Location:	(iii) Total Permanent Full-Time Existing Jobs to be Retained at Project Location (sum of questions 5 (a) i. & ii.):
175	130	305

Notes (if necessary) on Current Project Location Employment:

**(b) CYNOSURE JOB CREATION SCHEDULE AT PROJECT LOCATION**

Permanent Full-Time Jobs to be Created (net new to facility and Massachusetts):	2014	2015	2016	2017	2018
55	20	15	10	5	5

Notes (if necessary) on Job Creation:

**6. FACILITY**

<b>(a)</b> Will the applicant own or lease/rent the facility where the business expansion/relocation will occur?	Lease <input checked="" type="checkbox"/> Own <input type="checkbox"/>	
<b>(i)</b> If leasing/renting, identify the developer/landlord and state who will be the taxpayer of record for purpose of paying local real estate taxes?	Glenborough Westford Center LLC (Normandy Real Estate Partners)	N/A <input type="checkbox"/>
<b>(b)</b> Is the site of the facility a 43D Preferred Development Site?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>  If yes, name site:	N/A <input type="checkbox"/>

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<p><b>(c) Does the applicant intend to utilize the Commonwealth's Abandoned Building Deduction? Please note: To be eligible for the deduction the applicant the building the applicant plans to inhabit must have been at least 75% vacant or unused for 24 months or more.</b></p>	<p>Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p> <p><b>If yes, name vacancy percentage and duration:</b> % Vacant for _____ months</p>	<p>N/A <input type="checkbox"/></p>
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**PART III. LOCAL INCENTIVE AGREEMENT INFORMATION**

**Please work with the local municipality and your MOBD Regional Director in completing the below section.**

**1. MUNICIPAL CONTACT**

Municipal Contact:	Full Name:	Chris Kluchman, AICP	Title:	Director of Land Use Management
Contact Address:	Street Address:	Town Hall, 55 Main Street		
	City:	Westford	MA	Zip Code: 01886
Telephone Number:	978-692-5524			
Email Address:	ckluchman@westfordma.gov			

**2. LOCAL INCENTIVE AGREEMENT**

(a) Name of Economic Target Area (ETA) Project is Located in:	495 Technology Corridor		
(b) Economic Opportunity Area (EOA):	Name of EOA: Cynosure/3-5 Carlisle Road		
	Is this a newly designated EOA? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>		
	(i) If yes, what is the duration of the designation?	5 Years	N/A <input type="checkbox"/>
	(ii) If no, how many years are remaining on the designation?	Years	N/A <input type="checkbox"/>
(c) Type of Local Incentive:	<input checked="" type="checkbox"/> <b>Tax Increment Financing (TIF) Agreement</b> <input type="checkbox"/> <b>Special Tax Assessment (STA)</b>		
i) Duration of Local Incentive:	5 Year Local Incentive		
ii) Exemption Schedule of Local Incentive:	25-25-25-25-25%		
iii) Start & Expiration Date of Local Incentive:	<b>Start Date:</b> 7/1/2014  <b>Expiration Date:</b> 6/30/2019		
If Agreement commences upon certificate of occupancy please check box:	<input type="checkbox"/> Local Incentive Agreement commences upon certificate of occupancy and the dates represent best projections of the start & expiration of the local incentive based on the project timeline.		

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iv) Date Municipality Approved Local Tax Incentive or Date of Scheduled Vote:	3/22/2014
<b>(d) Attachment A: Economic Opportunity Area (EOA) Designation Application (for newly designated EOA's only)</b> Please attached a signed copy of the EOA Designation Application.	Attached <input checked="" type="checkbox"/> N/A <input type="checkbox"/>
<b>(e) Attachment B: Local Incentive Agreement</b> Please attach a signed copy of the TIF or STA Agreement.	Attached <input checked="" type="checkbox"/>
<b>(f) Attachment C: Local Incentive Zone &amp; Plan</b> Please attach the municipal TIF/STA Zone & Plan.	Attached <input checked="" type="checkbox"/>
<b>(g) Attachment D: Municipal Vote by Authoritative Body Approving Incentive</b> Please attach a copy of the vote approving the local incentive.	Attached <input checked="" type="checkbox"/>
<b>(h) Attachment E: Municipal Vote by Authoritative Body Approving submission of application of the Economic Assistance Coordinating Council (EACC)</b>	Attached <input checked="" type="checkbox"/>
<b>(i) Exhibit 1: Local Incentive Valuation</b> Please complete the attached exhibit detailing the estimated property tax exemption over the life of the agreement.	Complete <input checked="" type="checkbox"/>

**PART IV. LABOR AFFIRMATION & DISCLOSURES**

**I. CERTIFICATION OF STATE & FEDERAL EMPLOYMENT LAWS**

- As an applicant requesting Certified Project approval, CYNOSURE, affirms (check box) that this business will not unlawfully misclassify workers as self-employed or as independent contractors, and certifies compliance with applicable state and federal employment laws and regulations, including but not limited to minimum wages, unemployment insurance, workers' compensation, child labor, and the Massachusetts Health Care Reform Law, Chapter 58 of the Acts of 2006, as amended.
- As an applicant requesting Certified Project approval, CYNOSURE, affirms (check box) that this business will not knowingly employ developers, subcontractors, or other third parties that unlawfully misclassify workers as self-employed or as independent contractors, or that fail to comply with applicable state and federal employment laws and regulations, including but not limited to minimum wages, unemployment insurance, workers' compensation, child labor, and the Massachusetts Health Care Reform Law, Chapter 58 of the Acts of 2006, as amended.

**2. COMPANY DISCLOSURE**

Within the past five years, has the applicant or any of its officers, directors, employees, agents, or subcontractors of which the applicant has knowledge, been the subject of (if yes, please provide details):

(a) an indictment, judgment, conviction, or grant of immunity, including pending actions, for any business-related conduct constituting a crime under state or federal law;	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>  Details:
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<p><b>(b)</b> a government suspension or debarment, rejection of any bid or disapproval of any proposed contract subcontract, including pending actions, for lack of responsibility, denial or revocation of prequalification or a voluntary exclusion agreement; or</p>	<p>Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p> <p><b>Details:</b></p>
<p><b>(c)</b> any governmental determination of a violation of any public works law or regulation, or labor law or regulation or any OSHA violation deemed "serious or willful?"</p>	<p>Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p> <p><b>Details:</b></p>

<b>V. AUTHORIZATION &amp; CERTIFICATIONS</b>	
<b>1. CERTIFICATE OF GOOD STANDING</b>	
<p><b>Provide proof of good tax standing in the Commonwealth of Massachusetts via a <u>Massachusetts Department of Revenue</u> Certificate of Good Standing for <u>each of the businesses</u> intending to take advantage of the state tax incentives.</b></p> <p><small>*Applications will not be reviewed by the Economic Assistance Coordinating Council until a Certificate of Good Standing has been received.</small></p> <p>To obtain a Certificate of Good Standing visit: <a href="https://wfb.dor.state.ma.us/webfile/Certificate/Public/WebForms/Welcome.aspx">https://wfb.dor.state.ma.us/webfile/Certificate/Public/WebForms/Welcome.aspx</a></p>	<p>Attached <input checked="" type="checkbox"/></p> <p><b>Date of DOR Application for Certificate of Good Standing: <i>Select mm/dd/yyyy</i></b></p> <p><b>Notes:</b></p>

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ECONOMIC ASSISTANCE COORDINATING COUNCIL  
MASSACHUSETTS OFFICE OF BUSINESS DEVELOPMENT

**2. AUTHORIZATION & CERTIFICATION**

*I/We, Timothy W. Baker, Executive VP CYNOSURE INC. (names and titles) of the applicant business applying for "Certified Project" status from the Commonwealth of Massachusetts, Economic Assistance Coordinating Council hereby certify that I/we have been authorized to file this application and to provide the information within and accompanying this application and that the information provided herein is true and complete and that it reflects the applicant's intentions for investment and job creation. I/we agree to submit a Calendar Year Annual Report to the Massachusetts Office of Business Development to give updates on the progress of the project. I/we understand that the information provided with this application will be relied upon by the Commonwealth in deciding whether to approve "Certified Project" status and that the Commonwealth reserves the right to take action against the applicant or any other beneficiary of the Certified Project if the Commonwealth discovers that the applicant intentionally provided misleading, inaccurate, or false information. I/we make this certification under the pains and penalties of perjury.*

**Signed:**

  
\_\_\_\_\_  
Name Executive VP February 20, 2014  
Title Date

\_\_\_\_\_  
Name Title *Select mm/dd/yyyy*  
Date

**3. CERTIFICATION AS TO ACCURACY AND PUBLIC RECORDS LAW ACKNOWLEDGEMENT**

*The signatories hereby certify that the answers in this application and the documents submitted in support thereof are accurate and complete representations of the applicant. They also hereby acknowledge that, under the Public Records law of the Commonwealth of Massachusetts, this application and all documents submitted in support thereof are public records under the provisions of Massachusetts G. L., Ch. 4, sec. 7 (26).*

**Signed:**

  
\_\_\_\_\_  
Name Sup. February 26, 2014  
Title Date

\_\_\_\_\_  
Name Title *Select mm/dd/yyyy*  
Date

**4. DEPARTMENT OF UNEMPLOYMENT ASSISTANCE CONSENT FOR DISCLOSURE OF WAGE REPORTING INFORMATION**

**Consent for the Disclosure of Wage Reporting Information for Federal Employment  
Identification Number (FEIN): # 04-3125110**

**Division of Unemployment Assistance (DUA) Number: # 82-029-780**

*I/We, Timothy W Baker, a duly authorized representative of Cynosure Inc and of all the other businesses listed in this Local Incentive Only Application (hereinafter "Employer"), hereby releases and gives authority to the Massachusetts Department of Unemployment Assistance, pursuant to G.L. c. 151A, §46(1), to provide the Economic Assistance Coordinating Council, upon its request, with the Employer's information, including but not limited to, wage reporting information, that is (a) necessary to verify the amount and tax year in which the Employer claims any of the Tax Incentives awarded in the Economic Development Incentive Program or Employer's fulfillment of job creation and job retention commitments as indicated in the supplemental application and job chart, or (b) otherwise necessary to ensure the proper operation or enforcement of this Agreement or the Program. This authorization is effective upon date of signature and will be valid until superseded by a subsequent application or revoked in writing.*

**Signed:**

	Executive VP	February 26, 2014
Name	Title	Date
<i>Select mm/dd/yyyy</i>		
_____	_____	_____
Name	Title	Date

# **Attachment A**

## **Economic Opportunity Area Application**



COMMONWEALTH OF MASSACHUSETTS  
 ECONOMIC ASSISTANCE COORDINATING COUNCIL  
 MASSACHUSETTS OFFICE OF BUSINESS DEVELOPMENT

**Economic Development Incentive Program (EDIP)  
 ECONOMIC OPPORTUNITY AREA (EOA) DESIGNATION APPLICATION**

A complete application with all required attachments must be submitted in electronic form to your MOBD Regional Director by 5:00 P.M. on the application deadline date. A hardcopy with original signatures and attachments must be postmarked no later than 1 day after the submission deadline and mailed to: EDIP Manager, MOBD, 10 Park Plaza, Suite 3730, Boston, MA 02116. **Applications that are incomplete or submitted after the deadline will not be considered at the scheduled Economic Assistance Coordinating Council (EACC) meeting, without exception.**

**PART I. PROPOSED EOA**

**1. DESIGNATION OVERVIEW**

<b>Name of Proposed EOA:</b>	Cynosure, 3-5 Carlisle Road
<b>Municipality:</b>	Town of Westford
<b>EOA Designation is for:</b>	<input checked="" type="checkbox"/> New EOA within a previously approved Economic Target Area <input type="checkbox"/> Amendment to a previously approved EOA
The area is being proposed for designation as the applicable parcels meet the eligibility criteria (see definitions as defined in M.G.L. Chapter 121A, §1 and M.G.L. Chapter 23A §3E):	<input type="checkbox"/> Blighted Open Area <input checked="" type="checkbox"/> Decadent Area <input type="checkbox"/> Substandard Area <input type="checkbox"/> Cumulative Job Loss
<b>Effective Time Period for EOA Designation</b> (Designation must remain in effect for a minimum of 5 Years and Maximum of 20 Years)	<b>5 Years</b>

**2. EOA BOUNDARIES**

<b>(a) Attachment A: Map of Proposed EOA</b> Please attach a detailed map of the proposed EOA, indicating the existing streets, highways, waterways, natural boundaries and other physical features.	<input checked="" type="checkbox"/> <b>Attached</b>
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**(i)** Please provide a detailed description of the EOA boundaries including parcel numbers and how said area conforms to the definition of either "Blighted Open Area", "Decadent Area", "Substandard Area and/or "Cumulative Job Loss" as marked in section 1.

3-5 Carlisle Road has been considered a "high vacancy" since Fiscal Year 2012 by the Town's Assessor and therefore has had reduced property taxes. The establishment of the EOA for this tax lot and the two buildings on it, and the subsequent TIF Agreement will support a private investment of over \$3,000,000 in tenant fit out and a new building "connector." This will be a significant improvement for this property.

**3. REASON FOR DESIGNATION**

**(a) Please describe the reason for the proposed EOA Designation. Please include:**

- (i) A brief narrative of why the EOA designation is important to the community.
- (ii) If a business has indicated an intention to locate or expand within the proposed EOA, please provide the name and brief description of the company. If applicable, attach the letter of intent.

The TIF Zone will create new economic development opportunities within the Town. This project is a significant economic development project both in terms of retained, direct and indirect jobs and tax base creation. The Town sees this action as a most positive step towards encouraging more business development to occur in the Town, particularly in the two office buildings where the property is located. The EDIP benefits offered to the Applicant reward their commitment to the Town in a long term lease extension almost doubling the number of employees in Westford, spending an additional \$4 million for construction and other improvements to the facility.

**(b) Please describe the economic development goals for the proposed EOA during the first five years of EOA designation.**

The immediate net economic benefit the Town will receive from the project is the retention of the existing 175 high paying research and development and administrative jobs, the addition of 130 jobs relocated from Burlington, MA and the creation of at least 55 new full time positions over five years. Local businesses will benefit from the increased number of employees who will shop and eat locally. Additional property taxes, hotels and meals tax revenues in the Town will be generated and the State will see increased sales and employment taxes.

The land and existing building have had high vacancy rates in the last 5 years. The consolidation of jobs for Cynosure at this location assures the long term use of these two buildings and land for use as Class A office space. The uses for this parcel of land are consistent with the allowed uses within the zoning designation of Commercial Highway (CH).

**PART II MUNICIPAL DESIGNATION PROCESS**

**1. MUNICIPAL AUTHORITATIVE REVIEW**

EOA Authoritative Review Municipal Official or Board/Council/Etc.	Andrea Peraner Sweet, Chair Board of Selectmen				
Municipal Contact:	Full Name:	Chris Kluchman, AICP	Title:	Director of Land Use Management	
Contact Address:	Street Address:	55 Main Street, Town Hall			
	City:	Westford	MA	Zip Code:	01886
Telephone Number:	978-692-5524				
Email Address:	ckluchman@westfordma.gov				

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**(a) Indicate the local standards and procedures for review of project proposals including:**

- (i) the application procedures,
- (ii) the timeframe for review and determination
- (iii) and the criteria and process for approval of project proposals
- (iv) Attachments of any additional documentation required (if applicable)

Applicant has applied for building permits for the tenant improvements, building permis were granted within 30 days. The Applicant needed a Special Permit for construction within a Flood Plain which was submitted and approved by the Planning Board. No other permits are needed and the improvements are underway.

**2. LOCAL APPROVAL STREAMLINING**

- (a)** Provide a proposal and plan (or attach existing plan) to increase the ease of doing business by streamlining delivery of local services within the EOA such as the municipality's permit, approval and license procedures. See: "Best Practice Model for Streamlined Local Permitting"

Westford established the Director of Land Use Management (DLUM) as the single point of contact for applicants seeking extensive permits. Town Planner and DLUM met with applicant to review the relevant approvals for the proposed construction. Attached is the Town's Small Business Permitting Guide which is available to all applicants on the Town's web site. Because a portion of the site affected by the development of the "connector" between two buildings was in the flood plain, a Special Permit was required from the Planning board as was a finding by the Conservation Commission was obtained as well. Town Planning staff coordinated a review prior to site work to insure that there were no outstanding issues. Consturction has commenced on the tenant improvements.

- (b) Compliance with Community Reinvestment Act:** Include a copy of a municipal plan or policy, if any exists, which links the municipality's choice of banking institutions to the bank's compliance with the requirements of the Community Reinvestment Act.

- Attached
- N/A

**PART III. SPECIAL REQUIREMENTS FOR LARGE MUNICIPALITIES**

**This section must be completed by any municipality or member of a regional ETA with a population that exceeds fifty thousand (50,000) people. The population threshold should be calculated based on the most recent statistics available from the U.S. Bureau of the Census.**

**Please check appropriate selection:**

- Municipality or regional ETA population exceeds 50,000 people (if checked, please complete the below Part III).
- Municipality or regional ETA population is less than 50,000 people (if checked, Part III. is not required, please skip to Part IV.)

**1. MUNICIPAL INFRASTRUCTURE SUPPORT**

Provide an analysis of the existing infrastructure support and municipal services, including transportation access, water and sewer hook-ups, lighting, and fire and police protection to and for certified projects within the proposed EOA(s). Indicate if the existing level of services and infrastructure is adequate to support the anticipated development in the proposed EOA(s).

Provide a proposal for meeting additional demand for municipal services and infrastructure improvement, including costs and funding sources available for these improvements.

No additional demand for municipal services and infrastructure improvements are anticipated.

**2. JOB TRAINING PROGRAMS**

Describe the municipality's plans to secure access to publicly or privately sponsored training programs for employees of certified projects and for residents of the municipality/ETA.

Westford publishes a quarterly business newsletter, (see attached) where it promotes state training programs such as those offered by the Greater Lowell Workforce Investment Board.

**3. LOCAL COMMUNITY INVOLVEMENT**

Describe the municipality's plans to increase the level of private sector involvement and the level of involvement by community development organizations in the economic revitalization of the area proposed for designation. For example, local involvement could include commitments from private persons to provide jobs and job training to residents or to employees who for certified projects in the proposed EOA(s).

See the attached Work Plan for the Town's Economic Development Committee which includes the formation of a private Westford Business Association which will, in part, assist the Town to coordinate with local businesses.

**PART IV. MUNICIPAL BINDING WRITTEN OFFER**

The municipality completing this application must provide a **binding written offer** to provide either tax increment financing or a special tax assessment to each certified project located within the proposed EOA(s).

Please attach a copy of the municipality's binding written offer:

- (i) **In cities**, this shall be in the form of a City Council Order or Resolution, along with a Certified Vote by the City Clerk.
- (ii) **In towns with Town Meeting form of government**, this shall be in the form of a Town Meeting Motion, along with a Certified Vote by the Town Clerk.
- (iii) **In towns with Town Council form of government**, this shall be in the form of a Town Council Order or Resolution, along with a Certified Vote by the Town Clerk.

Attached

COMMONWEALTH OF MASSACHUSETTS  
 ECONOMIC ASSISTANCE COORDINATING COUNCIL  
 MASSACHUSETTS OFFICE OF BUSINESS DEVELOPMENT

**PART V. APPLICATION AUTHORIZATION, CERTIFICATION & ACKNOWLEDGEMENT**

*I/We Andrea Peraner Sweet, Chair of the Board of Selectmen (fill in name and title) of the applicant municipality applying for "Economic Opportunity Area" Designation from the Commonwealth of Massachusetts, Economic Assistance Coordinating Council hereby certify that I/we have been authorized to file this application and to provide the information within and accompanying this application and that the information provided herein is true and complete. I/we understand that the information provided with this application will be relied upon by the Commonwealth in deciding whether to approve "Economic Opportunity Area" Designation and that the Commonwealth reserves the right to take action against the applicant or any other beneficiary of the Economic Opportunity Area if the Commonwealth discovers that the applicant intentionally provided misleading, inaccurate, or false information. I/we make this certification under the pains and penalties of perjury.*

*The signatories also hereby acknowledge that, under the Public Records law of the Commonwealth of Massachusetts, this application and all documents submitted in support thereof are public records under the provisions of Massachusetts G. L., Ch. 4, sec. 7 (26).*

**Signed:**



Chair, Board of Selectmen

February 25, 2014

Name

Title

Date

*Select mm/dd/yyyy*

Name

Title

Date



Town of Westford, MA

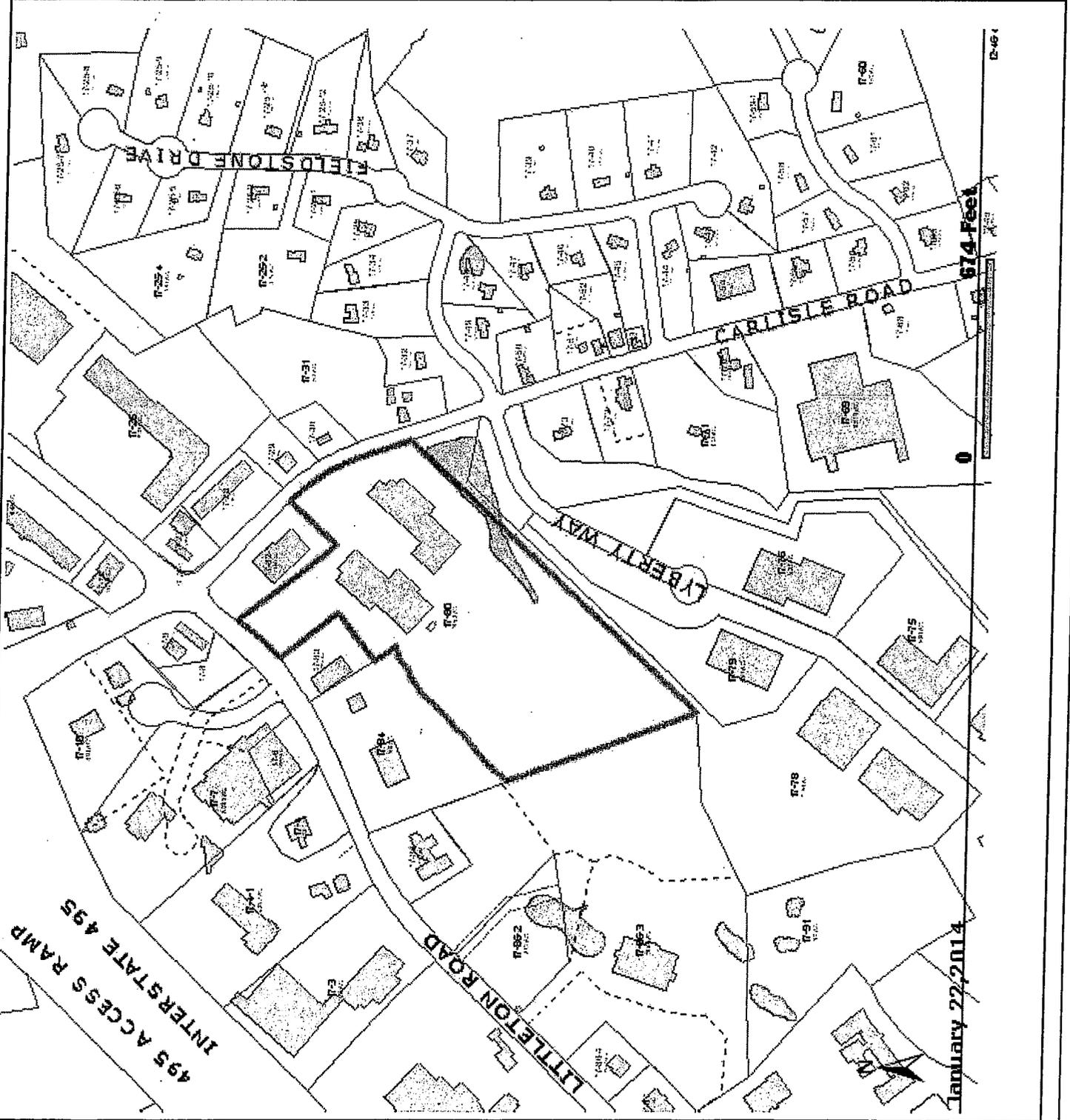
### 3-5 Carlisle Road

Cynosure TIF and EOA

Overview Map



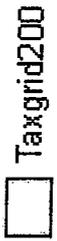
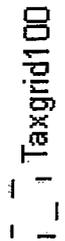
**Disclaimer**  
Town of Westford, MA makes no warranty or representation as to the accuracy, timeliness or completeness of any of the data. The Town of Westford, MA, shall have no liability for the data or lack thereof, or any decision made or action taken or not



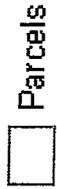
January 22, 2014

# Legend

StreetNames



Easements



Former Parcel Lines

Parcels Clear

Parcels Buffer

Main Buildings

Out Buildings

Ponds

Parcels Background



Town of Westford, MA

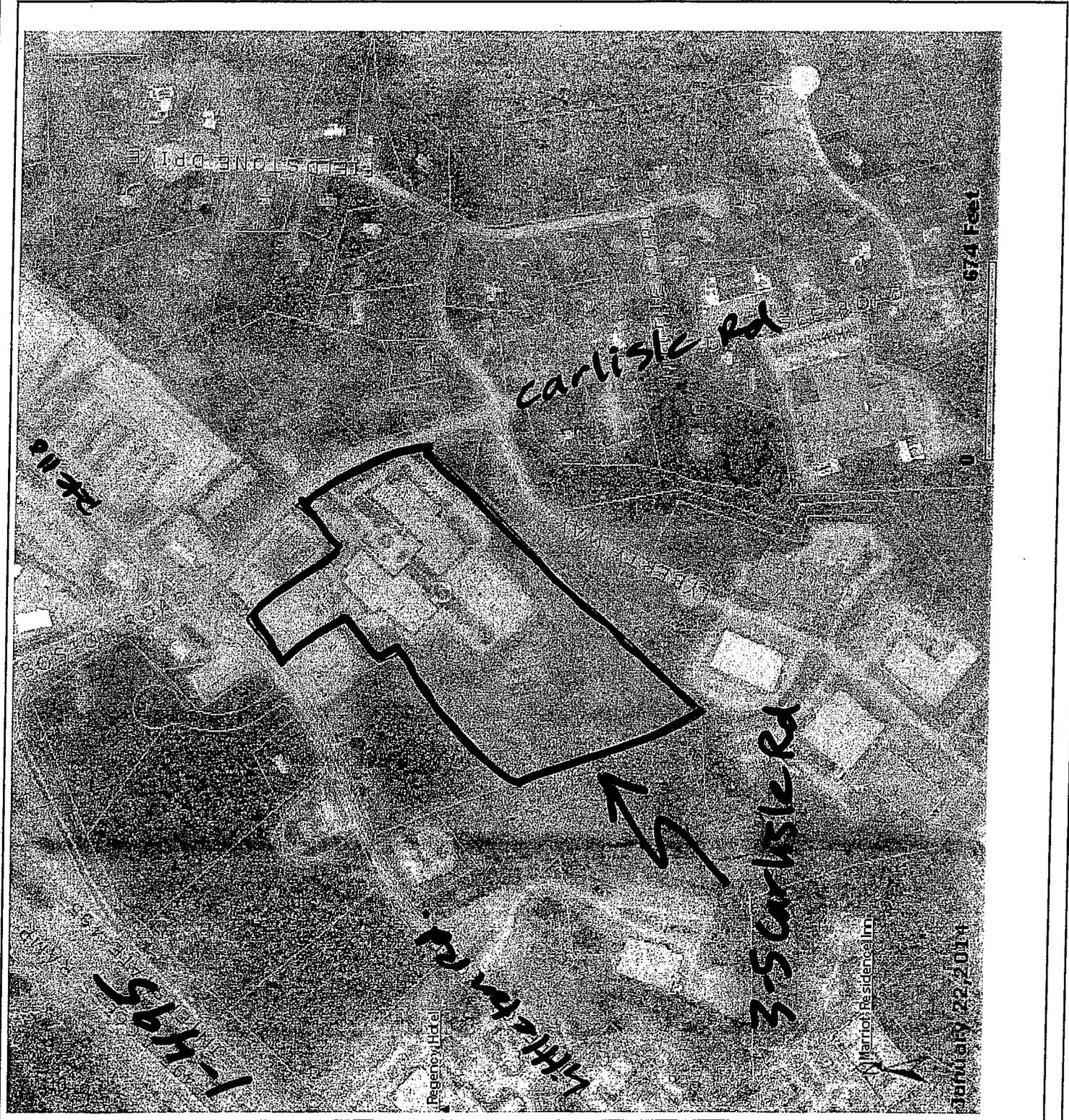
### 3-5 Carlisle Road

Cynsure TIF and EOA

Overview Map



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# WESTFORD BUSINESS CONNECTION

Town of Westford



## TRAINING GRANTS AVAILABLE

The following summary of grants is from the Greater Lowell Workforce Investment Board:

**Express Program Training Grant:** Designed for small employers (100 employees or fewer) and labor unions to quickly and simply provide training for employees using off-the-shelf training. Total grant request cannot exceed \$30,000 per company for a two-year period; \$3,000 per course, per trainee.

**General Program Grant:** Companies of any size may apply, grants are awarded to employers, employer organizations, labor organizations and training providers. Applicants can choose trainer(s) of their choice. Grants up to \$250,000 may be awarded. Priority is given to applications focused on employee skills attainment and achievement of transferable skills.

**Hiring Incentive Training Grant:** Companies of any size are eligible to apply. Assists companies in paying for training new employees that meet certain criteria: Massachusetts residents who have been unemployed for 6 months or more; the period of unemployment is waived for Veterans. Total grant request cannot exceed \$30,000 per company; \$2,000 per new hire. Note: application must be submitted within 30 days of new hire's start date.

[Continued on Page 2]

FALL 2013

### Follow up from June 2013

#### Breakfast meeting

On June 6, 2013, Juniper Networks hosted a Business Breakfast for the Town's major employers. This newsletter provides follow up on many of the items discussed at that meeting:

- Minot's Corner Intersection Construction
- Transportation Management
- Workforce and Affordable Housing

## TRANSPORTATION MANAGEMENT

Westford is participating in a planning process related to establishing a regional Transportation Management Association called CrossTown Connect. The potential benefits of this organization are ride-matching services, guaranteed rides home, and technical assistance for local employers related to pre-tax transit benefits. The town has new website dedicated to transportation resources: <http://www.westfordma.gov/transportation>.

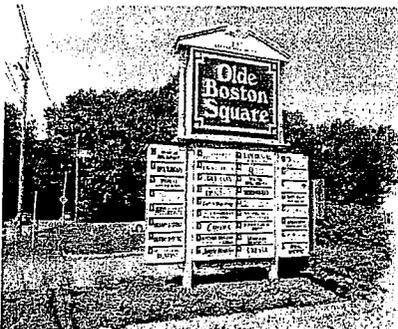
### Special Town Meeting

Monday, October 21, 2013

7:30 p.m. at

Abbot School Gymnasium,

25 Depot Street



## PUBLIC POLICY FOCUS: SIGNS

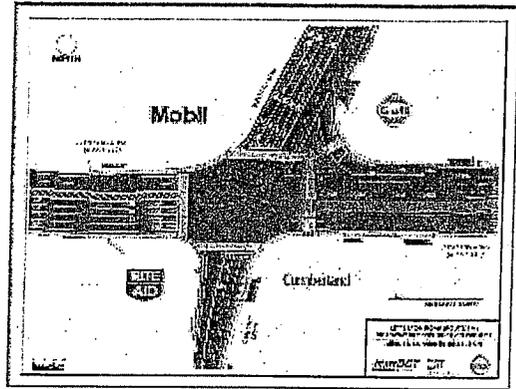
The current sign bylaw in Westford is proposed to be replaced in its entirety with a new bylaw. Special Town Meeting will consider the proposal on October 21, 2013. Planning Board hearings on the proposed bylaw start September 16, 2013 at 7:35 p.m. Find a copy of the proposed text on the Town's website: [www.westfordma.gov/signbylaw](http://www.westfordma.gov/signbylaw)

## TRANSPORTATION IMPROVEMENTS AT MINOT'S CORNER

The Minot's Corner project broke ground this summer. The reconstruction and widening of the Littleton Road (Route 110) / Boston Road / Carlisle Road intersection will improve capacity and safety. An additional lane is being added to each approach of the intersection. Sidewalks and pedestrian facilities will be added and improved throughout the intersection. Overall intersection operations and safety will be improved. The intersection will also be connected to the recently signalized Route 495/Boston Road ramps.

Follow the project on Twitter at @westfordtraffic

If you have questions contact [pstarratt@westfordma.gov](mailto:pstarratt@westfordma.gov) or call the Engineering Department at 978-692-5520.



Portion of Minot's Corner re-design

## WORKFORCE HOUSING

There are several projects in Westford featuring multi-family units and affordable units that are available for rent or for sale at prices less than some of the larger single family homes.

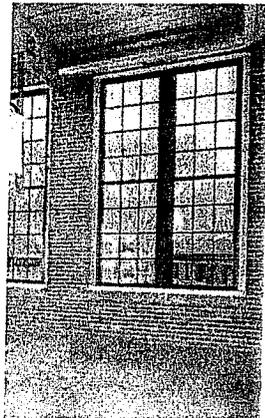
**Abbot Mill**—129 rental apartments in Forge Village, 7 Pleasant Street, [www.abbotmill.com](http://www.abbotmill.com)

**Cottages in the Woods**—20 single family homes for sale to buyers meeting qualifications for an affordable home (4 left). [www.cottagesinthewoods.com](http://www.cottagesinthewoods.com)

**Graniteville Woods**—186 units of attached and detached single family homes for sale. Mixed income (some for qualified affordable buyers, some are market rate). [www.granitevillewoods.com](http://www.granitevillewoods.com)

**Princeton Westford Apartment Homes**—200 units of rental apartments under construction at 16 Littleton Road. Expected completion of first units, fall 2014.

**Tadmuck Meadows**—37 for sale Townhomes, including a mix of market rate and affordable units. [www.tadmuckmeadowswestford.com](http://www.tadmuckmeadowswestford.com)



## TRAINING GRANTS (CONTINUED)

For details and requirements for all grants go to: <http://www.mass.gov/lwd/employment-services/business-training-support/wtfp/>

Employers and organizations interested in applying for any of the WTFP grants are encouraged to attend information sessions. Information sessions give an overview of all of the Workforce Training Fund Grant programs including features and benefits, amount of available funding, and how to apply for each grant using the online application process. Upcoming sessions:

**Wed., Sep 18, 8:00-10:00 AM; Middlesex Community College, Bedford Campus, Trustees House, 591 Springs Road, Bedford.**

**Thur., Oct 17, 8:00-10:00 AM; Middlesex Community College, Lowell Campus, Federal Building, Rm. 310, 50 Kearney Square, Lowell.**

To register contact: Cherie Comeau; 978-656-3174; [comeauc@middlesex.mass.edu](mailto:comeauc@middlesex.mass.edu)



# Westford Economic Development Committee

## 2013-2014 work Plan

- 1. WESTFORD VILLAGES**
  - a. Examine zoning in various villages
  - b. Roundtable discussions with residents in Village Associations
    - i. Solicit residents input on convenience businesses desired in their neighborhoods
  - c. Selectmen and other officials welcome to join in Village meetings
- 2. WESTFORD BUSINESS AND COMMUNITY GUIDE**
  - a. Complete production by 2/28/2014
- 3. BUSINESS OUTREACH**
  - a. Update database of 950+ businesses
  - b. Improve communications
    - i. Quarterly Newsletter
    - ii. Conduct surveys
    - iii. Conduct periodic meetings and breakfasts
    - iv. Support Rotary membership for the town of Westford
- 4. WESTFORD BUSINESS ASSOCIATION**
  - a. Would:
    - i. Give local voice in town of Westford
    - ii. Be a vehicle for recruiting new businesses into our town
    - iii. Forum for communication between the town and businesses
    - iv. Social interaction to promote goodwill between businesses
  - b. Find business leaders willing to serve on the Board of Directors
- 5. TRANSPORTATION MANAGEMENT ASSOCIATION**
  - a. Collaborating with the establishment of a TMA with other towns to form a non-profit public/private partnership with board of equal representation by all partners
  - b. TMA would address:
    - i. Daily needs trips for area residents
    - ii. Traditional commuting from area city, suburb to suburb, reverse commuting
    - iii. Offer programs of alternatives to driving alone to work
    - iv. Increase membership and participation in program
- 6. NEW BUSINESS RECRUITMENT**
  - a. Define preferred target industries, technology clusters, and business types for business promotion
  - b. Analyze motivations and benefits by target group for locating in Westford
  - c. Consider needs and requirements of each target group

- d. Propose possible town actions to increase Westford's appeal
- e. Create long-term marketing plan
- f. Identify companies, investors, industry associations for contact and engagement
- g. Develop action plan for ongoing, active new business recruitment process
- h. Expand business database and analyze to characterize current distribution (type, size, location, etc.) of businesses in Westford

**7. ENVIRONMENTAL REMEDIATION PROJECTS**

- a. Be available to assist with the Brownfield grant for 12 North Main Street to help with the cleanup of contamination
- b. Assist in investigating possibilities for productive reuse of the site
- c. Perchlorate Remediation: Assist with DEP requests

**8. 495 METROWEST PARTNERSHIP**

- a. Works with local communities to help create an environment that prepares for and cultivates sustainable growth
- b. Helps to develop collaborative responses to our regional constraints
- c. 495 MetroWest Partnership management could be beneficial to the town of Westford in dealings with the DEP on Perchlorate remediation issues
- d. Based on meeting with Jessica Strunkin, Deputy Director, to discuss activities of the Partnership and benefits to town of Westford in becoming a member, EDC to make recommendation to Town Manager and Board of Selectmen that Westford formally join the 495 MetroWest Partnership

**9. Investigate Potential of Applying for Chapter 43D**

- a. Determine if previous Verifine site is a candidate for Chapter 43D designation
- b. Research other Westford areas for potential Chapter 43D designation



# PERMITTING GUIDE TO DOING BUSINESS IN WESTFORD



*A Guide to Assist You in Starting, Buying, or Growing Your Business!*



Jodi Ross  
Town Manager  
Town of Westford, Massachusetts



TOWN OF WESTFORD  
OFFICE OF THE TOWN MANAGER

TOWN HALL  
55 Main Street  
WESTFORD, MA 01886  
Telephone (978) 692-5501 Fax (978) 399-2557

**WELCOME FROM THE TOWN MANAGER**

Dear Entrepreneur:

Preparing for the start-up, purchase, or growth of a business generally presents the potential business owner with challenges along the way. The town of Westford has created this Small Business Permitting Guide to help you navigate the sometimes complex process of applying for and obtaining the required permits to get your business opened and operating. Our staff hopes to make this process as simple as possible for you, so that you may focus on the important aspects of growing your business.



Westford is a very unique community for many reasons: our engaged citizenry, our extensive conservation land, our excellent school system, to name a few - all of which contribute to an exceptional quality of life for our residents. These attributes, coupled with our proximity to Boston, have resulted in numerous international companies locating along Route 110. We have been successful in attracting a diverse mix of both small and large companies, and most have developed their facilities in a manner that is consistent with the character of our community. Route 40 is an area of town that still reflects the quarrying industry that was a foundation of our town's early development, and also is home to the Massachusetts Institute of Technology Haystack Observatory. Westford has five historic "villages" in different parts of town, each representing additional areas for commerce. No matter how small or large your business may be, we are interested in exploring your desire in joining our growing community, and we look forward to helping you achieve your dreams of business ownership in Westford, Massachusetts.

As Town Manager, I welcome your interest in our town, and hope this permitting guide helps you as you move forward with your business endeavors in the town of Westford. Should you have any questions or need assistance maneuvering through the permitting process, please feel free to contact our Town Planner at 978-692-5524. Also, please visit our website at [www.westfordma.gov](http://www.westfordma.gov) for up-to-date information on our town.

I wish you much success in developing your business in Westford.

Sincerely,

Jodi Ross  
Town Manager

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## INTRODUCTION

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Whether you are starting your own business, purchasing one, opening a franchise, or expanding an existing business, one of your first steps is to review this Guide and to obtain the necessary local approvals, permits and licenses for your business. Obviously, this process can be quite simple or can be more complex, depending on the type of business, the proposed location, and other factors. The purpose of this Guide is to make the process as simple and easy as possible. Westford wants your business and we want to simplify the steps necessary for you to obtain the necessary permits, licenses and approvals so you can spend your time building a successful business.

One very good way to get started is to meet with the Westford Tech Review group which has been established as a highly recommended method to gain some guidance in the initial stages of your process. Under the coordination of the Town Planner, the Tech Review group meets on the 4<sup>th</sup> Thursday of each month to coordinate the various Town Departments on Permitting and Inspection/enforcement issues, and public construction projects. This process affords an excellent opportunity for pre-application meetings to assist potential business applicants where multi-departmental permits may be required. The guidance from this group could save potential applicants considerable time navigating through the permitting process. To get on the schedule for the next Tech Review group meeting, contact the Westford Town Planner at 978-692-5524.

This Guide will outline the steps necessary to obtain the various licenses, permits and approvals you will need along with the costs of each, the estimated time for approval, and whether or not a town department, board or commission requires an approval or a permit. We have attempted to provide a "fast track" approach so you won't have to wait unnecessarily for such approvals or permitting. We understand that the old adage that time is money is accurate when going into business.

We hope this Guide will answer most of the questions you might have by providing simple flow charts along with explanations of what you may need for compliance. Our town officials stand ready to assist you in any way possible, whether it's just to answer a simple question, or help you address a problem. The Guide will explain each step you need to follow and identify each department you need to contact during the process.

If you have a problem or situation that seems to be holding up this process, check with someone in the town planning office, as they are there in part to ensure permitting coordination among the various local authorities. Westford wants to make your path to a successful business as painless as possible.

### ***The Application***

In order to get things started, we need to know a bit about the business you want to open or start in Westford. This will not only help the various town departments follow up on your applications, etc., but will provide a path for you to obtain the necessary licenses, permits and approvals.

First, you need to answer some general questions to provide some background information, and then answer a few other questions that will help us direct you to the proper departments or boards.

We have divided this section into the various methods to start your business. These questions for the most part are answered Yes or No. This will help to determine what your next step will be, and will also provide the information for us to move you through the process as quickly and easily as possible.

For further assistance, please contact the Town Planner at (978) 692-5524.

1

First, on the form at the end of this Guide, please provide your name, address, daytime telephone, your email address or your business email address and the business's current web site, if available. Also, please provide the name of the business and the owner of the property or property management company, unless you are also the property owner.

### **General Questions**

1. Are you a sole proprietor, LLC, S or C corporation?
2. Is your business name different from the name above?
3. Will your business sell alcoholic beverages or alcohol in any form?
4. Will your business offer entertainment in any form?
5. Will your business involve tattoos, tanning, body art or piercing of any kind?
6. Will your business be offering or selling meals of any kind or be involved in food preparation?
7. Will your business involve chemicals, solvents, etc., such as a dry cleaner?
8. Will your business involve medical, dental or related laboratory services of any kind?

### **Starting Your Business in Westford**

1. Are you buying an existing business? If Yes, go to A below and answer a few questions so we can direct you to the proper town departments.
2. Are you starting or opening a home-based business? If Yes, go to B below and answer a few questions so we can direct you to the proper town departments.
3. Are you starting or opening a new business in rented or leased space? If Yes, go to C below and answer a few questions so we can direct you to the proper town departments.
4. Are you starting or opening a new business in new or planned construction owned by you or others? If Yes, go to D below and answer a few questions so we can direct you to the proper town departments.
5. Do you own an existing business and are moving it to a new location in Westford? If Yes, go to E below and answer a few questions so we can direct you to the proper town departments.

#### **A. Are you buying an existing business?**

1. What is the name of the business and where is it located?
2. What type of business is it?
3. Is it a franchise?
4. Who is the lessor?
5. Are you planning any exterior alterations? i.e. parking, vegetation, regrading, etc.?
6. Will you be working within 100 feet of wetlands or in a riverfront area?
7. Will you be changing or altering any signage?
8. Do you have a tentative closing date for the sale?
9. Will you be changing or altering the existing business?

#### **B. Are you starting or opening a home-based business?**

1. Are you planning on an exterior sign?
2. Will you be hiring employees?
3. Will you be having clients or customers coming to your home-based office?
4. What will the business be doing?
5. What is the tentative or current space in approximate square footage?
6. Do you have a tentative opening date or, if already opened, when did you begin operations?

- C. Are you starting or opening a new business in rented or leased space?
1. What will the business be doing?
  2. How much space will you be utilizing?
  3. Have you rented the space yet?
  4. What interior and exterior renovations are anticipated?
  5. Is the business a franchise?
  6. What will be your signage requirements, if any?
  7. Is there an existing business in the space you will be utilizing?
  8. Is your business the same as what's in there now or will you be doing something different?
  9. Do you have a tentative opening date or when did you begin operations?
- D. Are you starting or opening a new business in new or planned construction owned by you or others?
1. What will the business be doing?
  2. Do you or the others have a building permit from the town?
  3. How much space will you be utilizing?
  4. Have you rented the space yet if you don't own it?
  5. Is the business a franchise?
  6. What will be your signage requirements, if any?
  7. Do you have a tentative opening date or, if already opened, when did you begin operations?
  8. Does the development site include, or is it located within the buffer zones of, regulated environmental resources such as wetlands, vernal pools, streams or water bodies?
  9. Is the development site located within area designated as Estimated or Priority Habitat by the Massachusetts Natural Heritage and Endangered Species Office? (An online map viewer is available at [http://www.mass.gov/dfwele/dfw/nhesp/regulatory\\_review/priority\\_habitat/online\\_viewer.htm](http://www.mass.gov/dfwele/dfw/nhesp/regulatory_review/priority_habitat/online_viewer.htm)).
- E. Do you own an existing business and are moving it to a new location in Westford?
1. What is the business doing now?
  2. Is the location in existing, new or planned construction?
  3. How much space will you be utilizing?
  4. Do you have a tentative moving date or when do you plan on resuming operations?
  5. Have you rented the space yet?
  6. Is the business a franchise?
  7. What will be your signage requirements, if any?
  8. Is there an existing business in the space you will be utilizing?

Some businesses, such as those mentioned above, require a separate permit. Fees often vary based on type of business, size, usage, products served, etc. These permits are issued by the appropriate department, board or commission and are independent of the other licenses, permits and approvals. A list of these and the fees are in Appendix B at the end of this permitting guide.

## GETTING STARTED

---

Often, the most difficult part of opening or expanding a new business is getting started. The Town of Westford is committed to your success and we are here to help you get started and assist you as you work through your licensing and permitting. We encourage you to ask as many questions as needed as you make your way through the process. Your initial contact for business development is the Town Planner located in Town Hall at (978) 692-5524. Once your objectives are understood, you may be referred to other departments for information regarding permit requirements specific to your business. To help get you started, here are a few specific things every business owner should consider:

**Building Permit** – If you will be undertaking any construction, you will likely require a Building Permit.

**Business Certificate** – Most business owners need a Business Certificate, or Doing Business As (d/b/a) from the Town Clerk. This certificate allows you to open a commercial bank account and helps prevent others from using your business name.

**General Bylaws** – The General Bylaws include requirements relevant to some types of businesses, such as regarding the sale of alcoholic beverages; development projects including earth removal; hazardous materials storage; plumbing standards; farming; transient merchants; and fees.

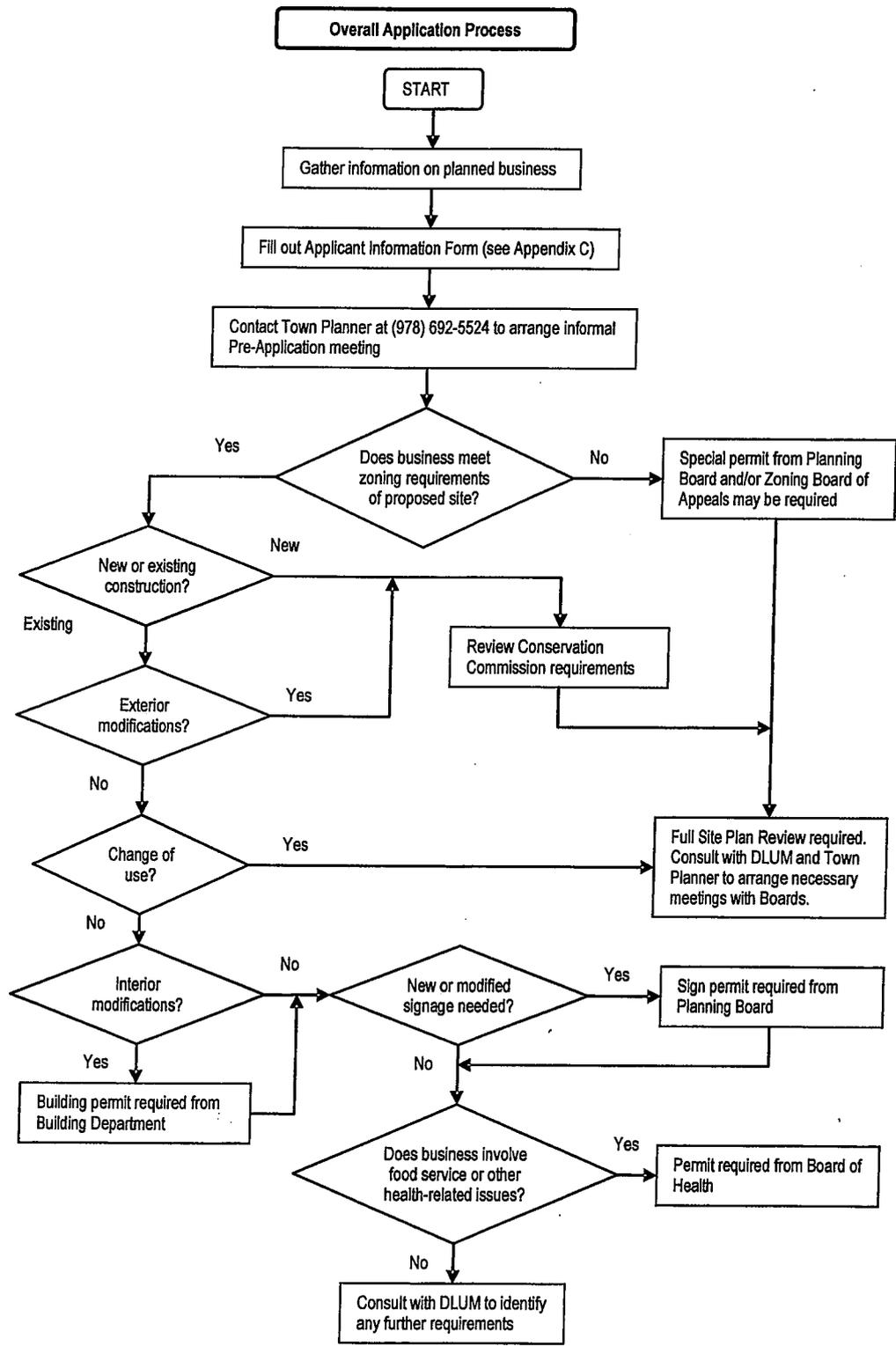
**Handicapped Accessibility Requirements** – If you are starting or operating any business in Westford, you will need to consider the needs of the disabled (blind, deaf, mobility impaired, etc.). The Building Department can provide you with free advice/consultation regarding compliance with the American Disabilities Act and the Regulations of the Massachusetts Architectural Access Board, and help you support the disabled consumer or employee.

**Home Based Businesses** – If you are running a business out of your home that involves seeing clients and/or the general public, has any display of a sign, and/or utilizes employees, you are required to obtain a Special Permit from the Zoning Board of Appeals, a sign permit from the Planning Board, and you will need to talk to the Building Inspector to determine any handicapped accessibility requirements.

**Legal Structure** – Whether incorporating or forming a limited partnership, the Massachusetts Corporations Division requires an excise tax and filing fee. Sole proprietors do not require registration, but you should conduct a name check with the Massachusetts Secretary of the Commonwealth.

**Signage** – If your business needs a sign, you will need to apply for a Sign Permit from the Westford Planning Board if your project also requires Site Plan Approval or, if your business is locating in an existing space, from the Board of Selectmen. The Building Department cannot issue a Sign Permit prior to review by the appropriate Board. Start to finish, this process can take up to 3 months if a Special Permit is required, so inquire early to ensure that you can get your sign installed by the time of your opening.

**Zoning Bylaws** – Consult the Westford Zoning Bylaws to make sure that your business/property meets the zoning requirements for the site. You may need a permit from the Planning Board and/or the Zoning Board of Appeals.



For further assistance, please contact the Town Planner at (978) 692-5524.

## LICENSING AND PERMITTING STEPS

---

This section describes the steps for basic permitting and licensing.

### ***Town of Westford Town Clerk***

The Town Clerk's Office is responsible for issuing "Business Certificates" to small businesses categorized as DBAs (Doing Business As). If you are an S Corp or a C Corp no business certificate is necessary. Should you need to contact the Town Clerk's office, you can find the appropriate contact listed in Appendix A at the end of this Permitting Guide. Fees for the appropriate business certificate can be found in Appendix B at the end of this Permitting Guide. If you require a Common Victualler and/or Alcohol license, please discuss this requirement with the Town Clerk.

### ***Director of Land Use Management***

The Director of Land Use Management (DLUM) is a primary contact for business development, including businesses seeking to locate, expand or stay in Westford, and has responsibility for oversight of the town's Conservation, Building, Planning and Zoning Departments.

Several factors have a bearing on the type of permits required. The DLUM will assist you through a pre-application process intended to determine what permits you will need for your business. At the end of this Permitting Guide is an informational form which will assist the DLUM in making sure you fill out the proper applications, and acquaint you with whatever permit fees are applicable to your particular project. An approximate timeline will be discussed, which will allow you to make decisions on sequencing of multiple approvals, if necessary, and when you might expect to be in operation in the Town of Westford.

Once your business objectives are understood initially, the DLUM will refer you to the appropriate department or departments with direct oversight of relevant permitting processes. Upon request, an informal meeting may be scheduled with those Town Departments that would be involved in your application.

### ***Town Planner / Planning Board***

Anyone interested in establishing a small business in the Town of Westford should initially contact the Town Planner for guidance. The Town Planner provides primary staff support to the Planning Board and the Board of Appeals.

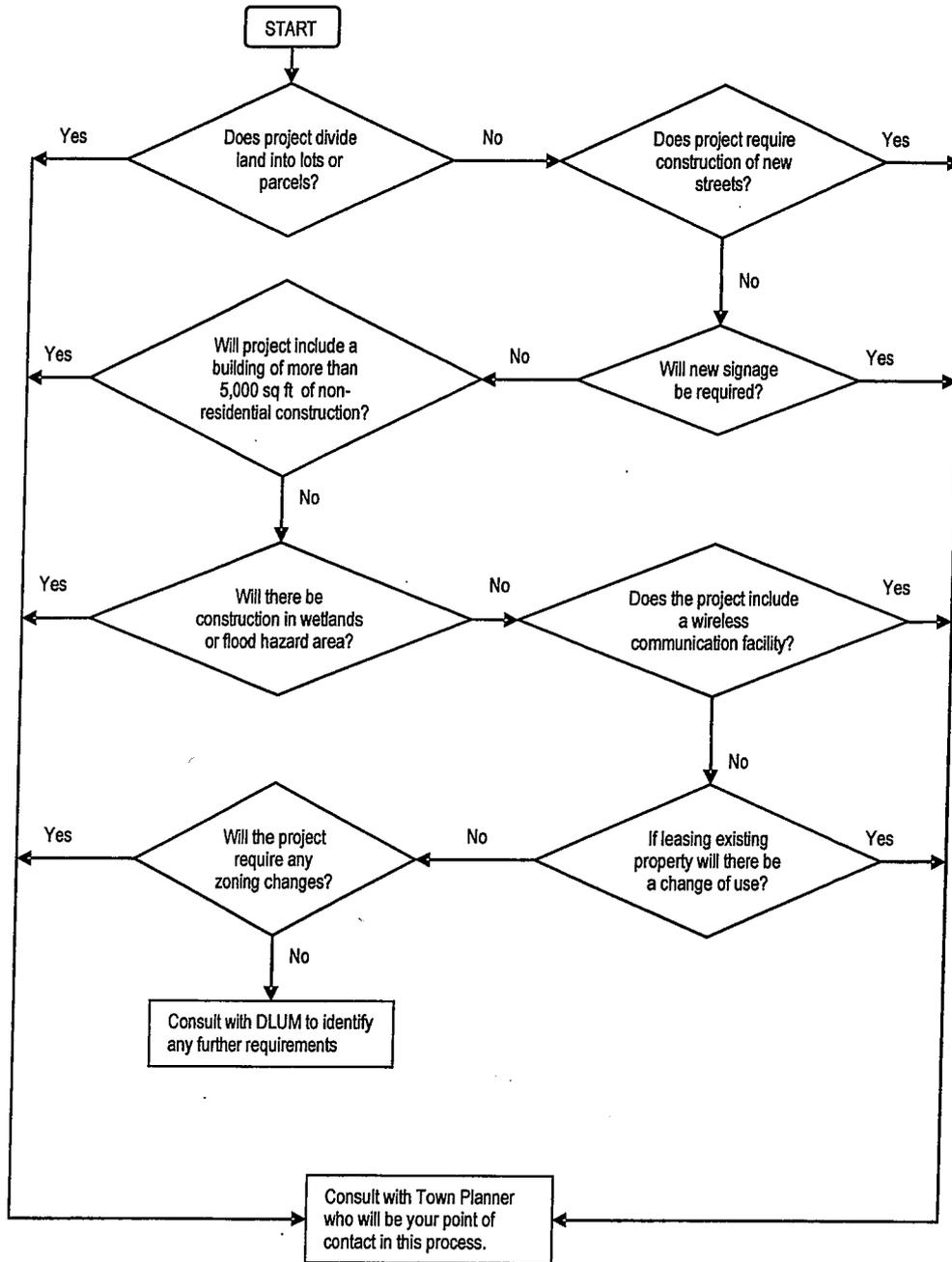
The Planning Board evaluates a variety of development proposals intended to enhance community planning goals. The various permits and approvals granted by the Planning Board that apply to small business would include site plan approval, signage, petitions for zoning changes, some special permits, and parcel/lot divisions and subdivisions.

If a site plan is required (generally, for a building that requires exterior modifications, and/or has a business change of use), a review will include adequacy of parking, access to and from the site, external lighting, landscaping, fire protection, drainage systems and architectural design. The Zoning Bylaw provides that the Planning Board will make a decision regarding your site plan within sixty days from filing except upon extension of this timeline by mutual agreement.

For further assistance, please contact the Town Planner at (978) 692-5524.

6

Planning Board Process



For further assistance, please contact the Town Planner at (978) 692-5524.

## ***Town of Westford Building Department***

The Building Department is responsible for building issues, conducting inspections on construction projects and zoning enforcement actions. These regulations and inspections insure that building construction and improvements are done in accordance with the Massachusetts building code and protect the public safety.

The Building Department processes all Building, Plumbing, Electric and Gas Permit applications, reviews all plans and application packages for compliance with applicable standards, and grants or denies permit requests. Further, it conducts all required inspections pertaining to building permits, and grants Certificates of Inspection and/or Certificates of Occupancy.

**All building permit applications must be filed online at <https://permits.westfordma.gov/>**

This online system offers efficiency and transparency, as applicants are notified via email when permits are issued, and applicants can check the status of their pending permit application online.

If you are considering opening a small business in the Town of Westford, and are developing, building or re-fitting a facility, it will require a permit from the Building Department.

As soon as the decision is made to undertake a project and the parameters of the project have been formulated (e.g. size, location), an appointment should be made with the Building Commissioner. The Building Department will verify the correct zoning category to insure the project is allowed in that zone. The Applicant will then be instructed on the permitting procedure.

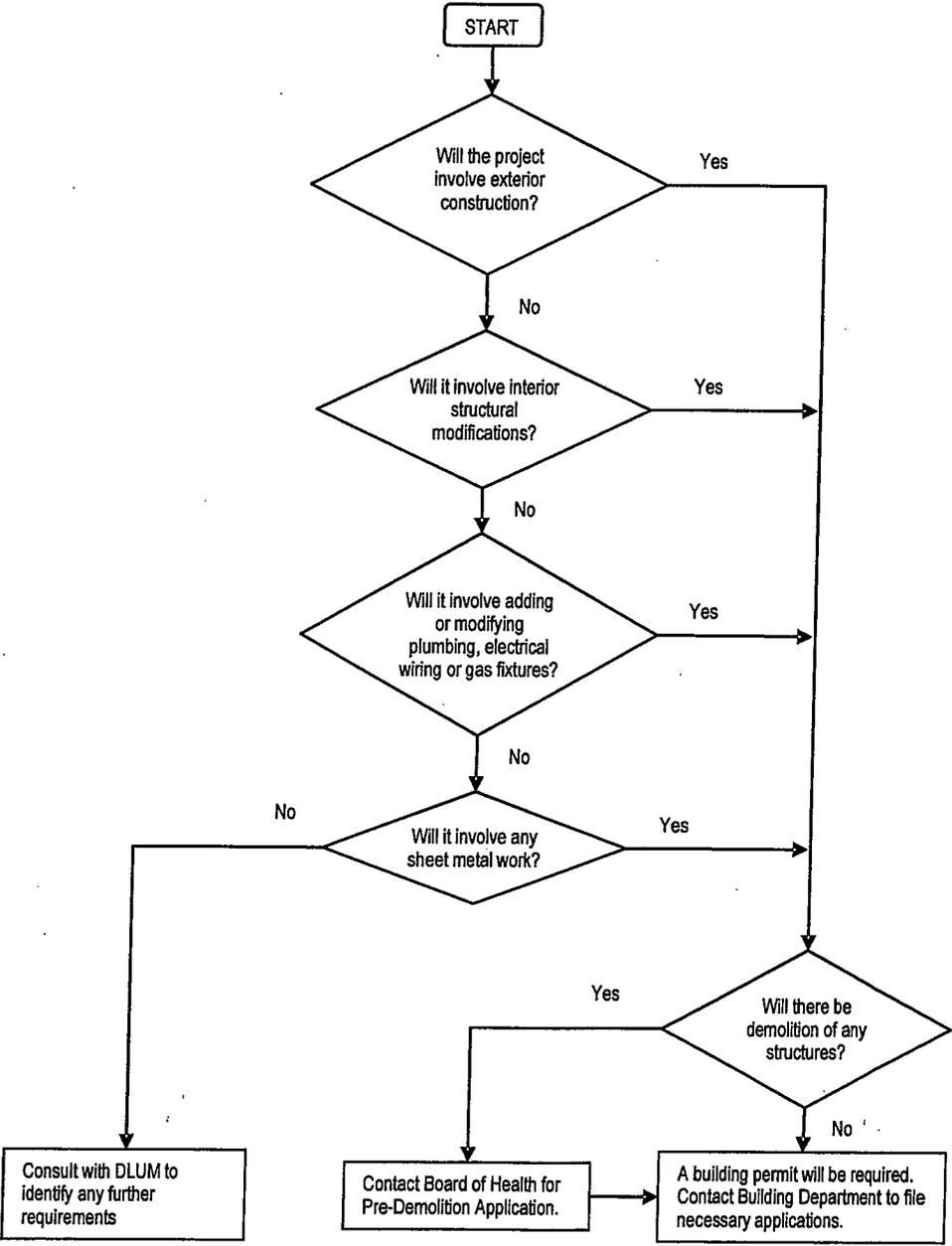
Should you need to contact the Building Department, you can find the appropriate contact listed on Appendix A at the end of this Permitting Guide.

The various major permits issued by the Building Department include Building, Plumbing, Gas, Electrical and Sheet Metal.

All permits from the Building Department require the applicant to pay a permit fee. Fees for the appropriate permits can be found on Appendix B at the end of this Permitting Guide.

The typical timeline for obtaining a permit from the Building Department, if no public hearings are necessary, is up to thirty days. In other words, this portion of the application process can take up to 30 days after all other processes are completed.

**Building Department Process**



For further assistance, please contact the Town Planner at (978) 692-5524.

## ***Town of Westford Board of Health***

If you are considering opening a small business in the Town of Westford, you should assume that you will need to obtain a permit from the Board of Health.

The Board of Health is responsible for protecting the public health of the community by adopting relevant local health regulations and by carrying out preventative programs. The Board oversees the activities of the Director of Environmental Services, the Director of Health Care Services, and has responsibility for enforcing the State health, sanitary and environmental codes. The Board is made up of five elected Board members who serve for three year terms. Generally the Board of Health meets once per month on the second Monday at 7:00 PM (unless holidays, workload or schedule conflicts require additional and/or different meeting dates) in the upstairs Meeting Room at Town Hall located at 55 Main Street.

Should you need to contact the Board of Health, you can find the appropriate contact listed on Appendix A at the end of this Permitting Guide.

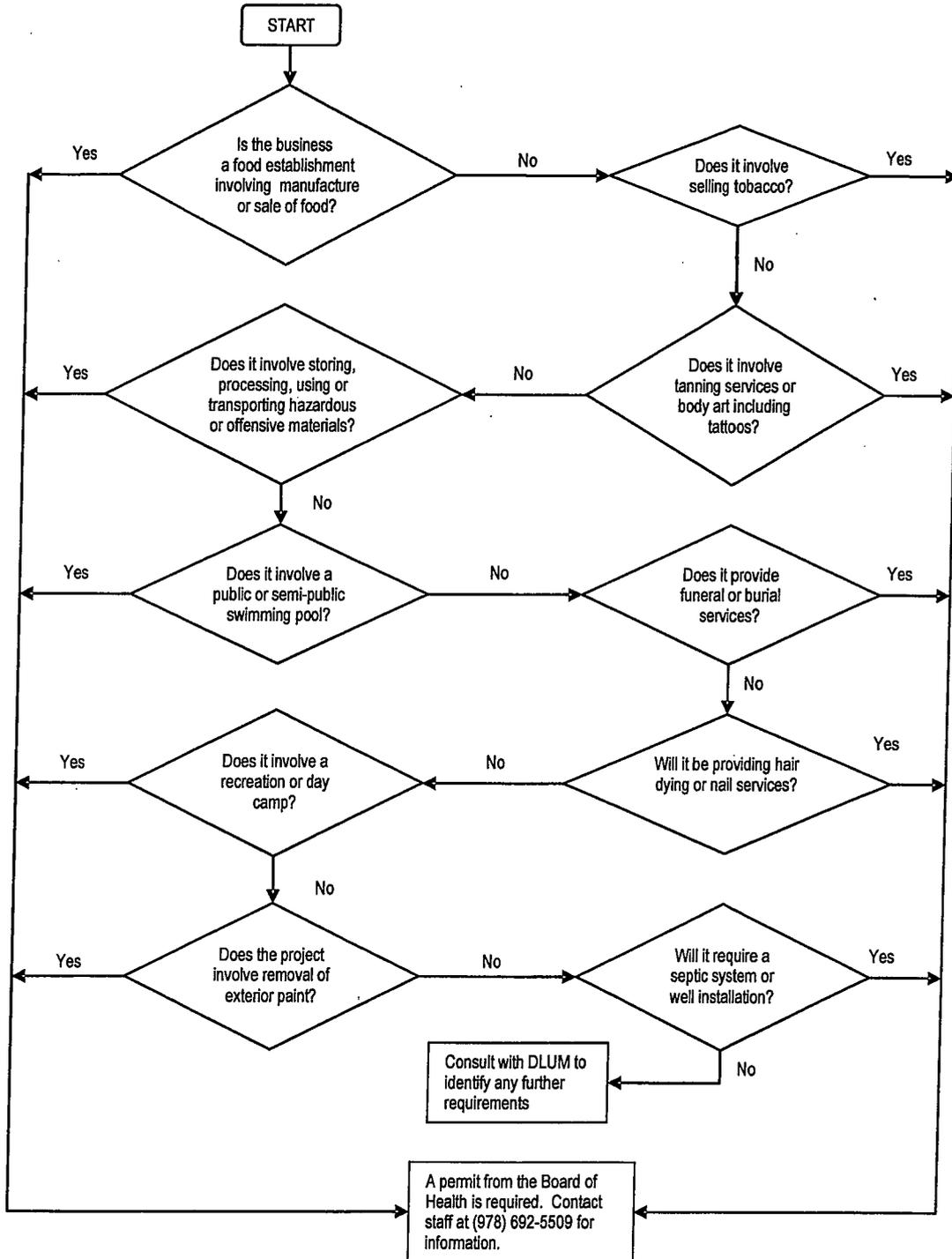
The various major permits issued by the Board of Health include food service establishments, subsurface sewage disposal systems, lot testing, swimming pools, water systems, wells, septage haulers, tobacco licenses, tanning facilities, farmers market, temporary food permits for events, and body art establishments. All permits from the Board of Health require the applicant to pay a fee for the permit. Fees for the appropriate permits can be found on Appendix B at the end of this Permitting Guide.

The typical timeline for obtaining a permit from the Board of Health is approximately 45 days. If the permit includes a variance, then a public hearing would be required which could add up to an additional 30 days to the permitting process.

**All Board of Health permit applications may be filed online at <https://permits.westfordma.gov/>**

This online system offers efficiency and transparency, as applicants are notified via email when permits are issued, and applicants can check the status of their pending permit application online.

Board of Health Process



For further assistance, please contact the Town Planner at (978) 692-5524.

## ***Town of Westford Water Department***

The Westford Water Department is charged, by the town, with providing safe, high quality, uninterrupted water at a reasonable pressure, to meet the health and fire protection needs of that portion of the town served by the public water system service while meeting various state and federal requirements.

While the Water Department does not issue permits, it typically has approval responsibility for projects as they relate to water issues. The Department generally receives a copy of the Site Plan from the Planning Board and is asked to review and comment on the plan. If the projected water usage rate is greater than 5,000 gallons per day, a System Impact Study is required. This study is conducted by an outside engineering firm contracted by the Water Department and is paid by the applicant.

If and when appropriate during construction, inspectors visit the site. At completion they also inspect to make sure all regulations have been met and to give final approval. The inspection cost is at an hourly rate and is paid for by the applicant. Fees for the appropriate inspections can be found on Appendix B at the end of this Permitting Guide.

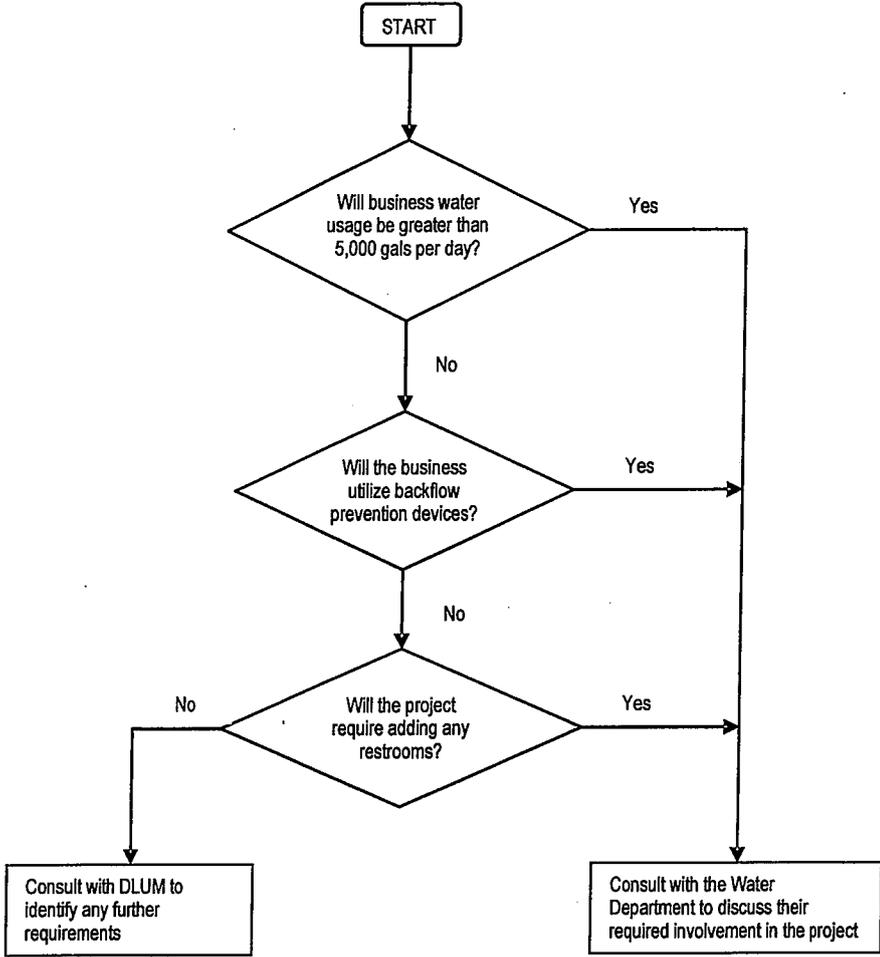
Backflow prevention devices of the double check valve type must be tested annually by the Water Department inspectors. All other backflow prevention devices are tested twice per year. The cost of the test is paid by the business owner. Fees for the appropriate testing can be found on Appendix B at the end of this Permitting Guide.

Water Commissioner meetings are regularly held on the first and third Wednesday of each month. To present an issue to the Commissioners at a meeting you need to have a time scheduled on the agenda.

Should you need to contact the Water Department, you can find the appropriate contact listed on Appendix A at the end of this Permitting Guide.

The typical timeline for approval of water-related site plans is 1-2 weeks following receipt of a hydrology report.

Water Department Process



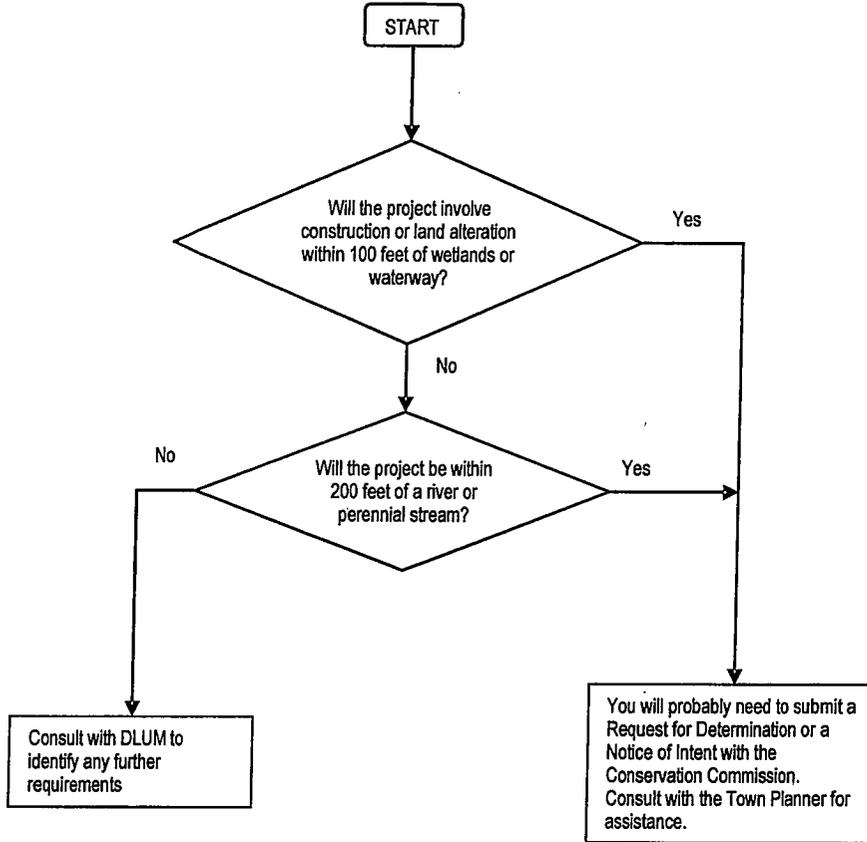
## ***Town of Westford Conservation Commission***

The Conservation Commission has the responsibility to administer and enforce the Massachusetts Wetlands Protection Act and local non-zoning wetlands bylaw. The Commission has jurisdiction relative to areas that contain rivers, streams, floodplain, wet meadows, bogs, vernal pools, or bordering vegetated wetlands, and on land that is within 100 feet of any such wetland resource. Projects within 200 feet of a river or stream are also subject to permitting. Wetland jurisdiction extends across property lines.

The Conservation/Resource Planner for the Town of Westford will help you evaluate whether or not your project falls within the Commission's jurisdiction. Applicants seeking official confirmation as to whether they fall under the above guidelines must file an application with the Commission, which is termed a Request for Determination. If you intend to build a structure, or do any type of work in a wetland, or within 100 feet of a wetlands or 200 feet of a river, the applicant is required to file for a permit with the Commission. This application is called a Notice of Intent, and will require a public hearing before the Conservation Commission.

The application process is generally completed within four to six weeks, depending on the complexity of the project. The fee schedules for the appropriate permits required are available at Appendix B at the end of the permitting guide.

Conservation Commission Process



### ***Town of Westford Engineering Department***

The Engineering Department serves as an in-house consultant to the town permitting boards which primarily includes the Planning Board, Zoning Board of Appeals, and Conservation Commission. The Department does not directly oversee the Permitting process, but its review and comments on project applications informs the Boards' decisions.

Stormwater management is a primary focus of the Engineering Department, as well as handling the Commonwealth of Massachusetts interfacing with highway/road construction and any changes with the roadway system in the Town of Westford. Street approvals, as well as review of any changes on land over an acre, ordinarily are reviewed by the Engineering Department.

**APPENDIX A: DIRECTORY OF DEPARTMENTS INVOLVED WITH PERMITTING**

Building	Building Commissioner	Town Hall, 55 Main Street	978-692-5527	Building Department
Conservation	Conservation/ Resource Planner	Town Hall, 55 Main Street	978-692-5524	Conservation Department
Engineering	Town Engineer	Highway Facility 28 North Street	978-692-5520	Engineering Department
Fire	Fire Chief	51 Main Street	978-692-5542	Fire Department
Health	Director	Town Hall, 55 Main Street	978-692-5509	Board of Health
Highway	Highway Superintendent	Highway Facility 28 North Street	978-692-5520	Highway Department
Permitting	Director of Land Use Management	Town Hall, 55 Main Street	978-692-5524	
Planning Board & Board of Appeals	Town Planner	Town Hall, 55 Main Street	978-692-5524	Planning Board Zoning Board of Appeals
Police	Police Chief	53 Main Street	978-692-2161	Police Department
Town Clerk	Town Clerk	Town Hall, 55 Main Street	978-692-5515	Town Clerk
Town Manager	Town Manager	Town Hall, 55 Main Street	978-692-5500	Town Manager
Water	Water Superintendent	60 Forge Village Rd	978-692-5529	Water Department

For further assistance, please contact the Town Planner at (978) 692-5524.

APPENDIX B

**PERMITTING FEES**

Fee schedules are based on a 2011 schedule and are subject to change. Follow hyperlink at the top of each department's fee schedule. Most permit fees are payable at the time of permit issuance and are **not refundable**.

<b>PLANNING BOARD</b>		<a href="#">Click here Town Planner/Planning Board for more information</a>
<b>PERMIT/APPLICATION TYPE</b>	<b>FEES</b>	
<b>Site Plan Review</b>		
Filing fee: Up to 1,000 sq. ft.	\$3,000	
1,001-20,000 sq. ft.	\$3000 + \$100 each additional 1,000 sq. ft.	
20,001-75,001 sq. ft.	\$4,900 + \$50 each additional 1,000 sq. ft over 20,000	
75,001 or more	\$7,650 + \$25 each additional 1,000 sq. ft over 75,000	
<b>Site Plan Review - Without Structures</b>	\$1,000 + \$300 each additional 40,000 sq. ft.	
<b>Special Permits</b>		
Planned Commercial/Industrial developments	\$5,000	
<b>Water Resource Protection District</b>	\$300	
<b>Other Commercial/Industrial Special Permits</b>	\$500	

<b>BUILDING DEPARTMENT</b>		<a href="#">Click here Town of Westford Building Department for more information</a>
<b>PERMIT/APPLICATION TYPE</b>	<b>FEES</b>	
<b>Building Permit</b>		
Demolition	\$100	
All Commercial (Fit-up's, etc.)	\$15/\$1,000	
Stop work Order	\$100	
Occupancy Permits	\$100	
Permit renewal (older than 6 mos with no inspection)	\$50	
Sheet Metal	\$15/M Minimum \$50	

For further assistance, please contact the Town Planner at (978) 692-5524.

<b>Plumbing Permit</b>	
Commercial Permits (Commercial job permit fees shall be at the discretion of the Plumbing Inspector, i.e. over 10,000 sq. ft.)	\$250 (up to 10 fixtures), +\$25 (each additional fixture)
<b>Gas Permit</b>	
Commercial Permits (Commercial job permit fees shall be at the discretion of the Gas Inspector, i.e. over 10,000 ft. sq.)	\$250 (2 inspections), +\$25 (each additional inspection)
<b>Electric Permit</b>	
Commercial Permits (per inspection) (New Construction) (Large Commercial job permit fees shall be at the discretion of the Electrical Inspector, - 1% of cost of electrical job - Minimum \$80)	\$80
Commercial Permits (per inspection) (Additions & Renovations & Tenant Fit-ups)	\$80
Commercial Permits (Service Change) - 600 amp	\$240
Commercial Permits (Service Change) - 800 amp	\$400
Commercial Permits (Service Change) - 1000 amp	\$800
Commercial Permits (Service Change) - 1200 amp	\$1,000
Commercial Permits (Service Change) - 1600 amp	\$1,200
Commercial Permits (Service Change) - 2000 amp	\$1,400

<b>BOARD OF HEALTH</b>	
<a href="#">Click here Town of Westford Board of Health for more information</a>	
<b>PERMIT/APPLICATION TYPE</b>	<b>FEES</b>
<b>Body Art Establishment</b>	
Establishment Plan Review	\$500
License	\$500
Practitioners License	\$300
<b>Family Camp Grounds</b>	
Application Fee	\$160
<b>Food Service/Retail Food Permit</b>	
Food Service Establishment / Restaurant / 0 - 50 seats	\$210
Food Service Establishment / Restaurant / 51 - 200 seats	\$225
Food Service Establishment / Restaurant / 201 - 300 seats	\$300
Food Service Establishment / Restaurant / 300 - + seats	\$400
Residential Kitchen	\$130
Seasonal Food Service	\$130
Mobile Food Service	\$110

For further assistance, please contact the Town Planner at (978) 692-5524.

Catering	\$100
Supermarket	\$400
Retail Food Establishment w/out PHF's	\$150
Retail Food Establishment with PHF's	\$110
HACCP Plan Inspection	\$75
Frozen Dessert Manufacturer	\$160
Frozen Dessert- Soft Serve Only	\$50
Milk and Cream	\$10
Food Service Plan Review	\$215
Retail Food Plan Review	\$200
Existing Food Establishment Minor Plan Review	\$155
Temporary Food Service Without PHF's	\$30
Temporary Food Service With PHF's	\$50
First Year Farmers Market w/out PHF's	\$65
First Year Farmers Market with PHF's	\$80
Repeat Vendors Farmers Market w/out PHF's	\$45
Repeat Vendors Farmers Market with PHF's	\$65
Mfg Frozen Desserts	\$50
<b>Swimming/Wading Pool</b>	
Plan Review	\$100
Annual	\$125
Seasonal	\$115
Special Purpose Pool (Annual & Seasonal)	\$80
Wading Pool	\$80
<b>Animals</b>	
Piggery	\$65
Stabling Horses	\$65
Beaver Kill	\$50
Beaver Dam Breaching	\$75
<b>Miscellaneous (Annual as Noted)</b>	
Tobacco Sales	\$125
Garbage, Offal or Refuse Removal/Transportation	\$50
Bathing Beach	\$190
Motels	\$100
Existing Recreational Camps	\$150
New Recreational Camps	\$200
Tanning Establishment License	\$75

For further assistance, please contact the Town Planner at (978) 692-5524.

<b>TOWN CLERK</b>	
<a href="#">Click here to view the Town Clerk for more information</a>	
<b>PERMIT/APPLICATION TYPE</b>	<b>FEES</b>
Business Certificate	\$30

<b>BOARD OF SELECTMEN</b>	
<b>PERMIT/APPLICATION TYPE</b>	<b>FEES</b>
All Alcohol Package Store	\$2000
Wine & Malt Package Store	\$1500
All Alcohol Common Victualler	\$2500
Wine & Malt Common Victualler	\$1500
All Alcohol Club	\$1500
Inn Holder, All Alcohol	\$5000
One Day license	\$25
Inn Holder	\$25
Common Victualler	\$25
Automatic Amusement	\$50
Class II Used Car	\$100
Class III Junk Car	\$100
BoS License Application fee	\$50

*Please note that the fee schedules here are current as of the date of this publication. Each Department maintains their fee schedules. Applications will be subject to the fees in effect as of the date of application.*

## APPENDIX C

### *Typical Board/Committee Meeting Times*

Board of Health	2nd & 4th Monday	7:00PM	Town Hall
Conservation Commission	2nd & 4th Wednesday	7:30PM	Town Hall
Planning Board	1st & 3rd Monday	7:30PM	Town Hall
Water Commission	1st & 3rd Wednesday	5:30PM	Water Department 60 Forge Village Road
Board of Appeals	3rd Wednesday	7:00PM	Town Hall
Board of Selectmen	2nd and 4th Tuesday	7:30PM	Town Hall

*Please note that specific meeting dates and locations may vary from the standard times and locations above due to holidays, Board members' availability, the occasional need for special meetings etc. The Town Clerk's office maintains an up-to-date calendar of public meetings, online at [www.westfordma.gov](http://www.westfordma.gov).*



## APPLICANT INFORMATION FORM

Please fill out as completely as possible, checking all boxes that apply.  
Return completed form to the Town Planner

**Business Name:**

**Contact Information:**

Name:

Title:

Address:

Phone:

Fax:

email:

**Type of Business:**

- |  |  |  |
|--|--|--|
| <input type="checkbox"/> Home Based            | <input type="checkbox"/> Retail                    | <input type="checkbox"/> Wholesale       |
| <input type="checkbox"/> Industrial            | <input type="checkbox"/> Manufacturing             | <input type="checkbox"/> Health Services |
| <input type="checkbox"/> Professional Services | <input type="checkbox"/> Food Establishment        | <input type="checkbox"/> Restaurants     |
| <input type="checkbox"/> Franchise             | <input type="checkbox"/> Other: Brief Description: |  |

On-Site Storage of Chemicals or Hazardous Materials?  Yes  No  
If Yes, Provide Brief Description:

**Proposed Location:**

Address (if known):

- |                                    |                                    |
|------------------------------------|------------------------------------|
| New Construction?                  | <input type="checkbox"/>           |
| Existing Building?                 | <input type="checkbox"/>           |
| Own? <input type="checkbox"/>      | Leasing? <input type="checkbox"/>  |
| Previously Used As:                |                                    |
| Change of Use?                     | <input type="checkbox"/>           |
| Building Renovations Planned?      | <input type="checkbox"/>           |
| Interior? <input type="checkbox"/> | Exterior? <input type="checkbox"/> |
| New Signage Required?              | <input type="checkbox"/>           |

Additional Relevant Information:

For further assistance, please contact the Town Planner at (978) 692-5524.

## **Attachment B**

# Tax Increment Financing Agreement

(to be executed following 3/22/14 Annual Town Meeting)

**TAX INCREMENT FINANCING AGREEMENT**

**BY AND BETWEEN**

**THE TOWN OF WESTFORD,**

**AND**

**CYNOSURE, INC.**

**THIS AGREEMENT** is made this day of \_\_\_\_\_, 2014, by and between the Town of Westford, a municipal corporation duly organized under the laws of the Commonwealth of Massachusetts, having a principal place of business at Town Hall, 55 Main Street, Westford, MA 01886 (hereinafter referred to as the "TOWN"), and Cynosure, Inc., a corporation organized under the laws of Delaware, having a business address at 5 Carlisle Road, Westford, MA Attention: Timothy Baker (hereinafter referred to as the "COMPANY").

**WITNESSETH**

**WHEREAS**, Pursuant to M.G.L. c.23A §3D, c. 40, §59 and 760 CMR 22.04 and 402CMR 2.00, the Massachusetts Economic Assistance Coordinating Council ("EACC") has designated the TOWN as part of the 495 Technology Corridor Economic Target Area (ETA), thereby permitting the TOWN to designate a TAX INCREMENT FINANCING ("TIF") Zone within such area.

**WHEREAS**, the COMPANY is expanding to occupy approximately 90% of the office buildings located at 3-5 Carlisle Road, entering into a long term lease and is making tenant improvements, furniture, fixtures and equipment investments in these buildings (collectively, the "FACILITY"), and more particularly as shown on the plan attached hereto as Exhibit A;

**WHEREAS**, the COMPANY has entered into a long term lease with the "OWNER" (hereafter defined) of the FACILITY;

**WHEREAS**, the COMPANY, over time, will be making tenant improvements, equipping and operating the FACILITY for its use in the COMPANY'S research and development and related activities (the "CERTIFIED PROJECT");

**WHEREAS**, the CERTIFIED PROJECT, when complete and at full operational capacity, will bring approximately one hundred and thirty (130) permanent, full-time jobs to Westford and another fifty-five (55) new jobs will be created, and the improvements represent an investment of approximately Three million dollars (\$3,000,000) in tenant improvements, equipment, furniture and fixture and other improvement costs.

**WHEREAS**, the COMPANY anticipates that such jobs will be created and investments made within five years from the date of initial occupancy of the CERTIFIED PROJECT.

**WHEREAS**, the COMPANY is seeking a Tax Increment Financing Exemption from the TOWN (the "EXEMPTION") in order to enhance the financial viability of the CERTIFIED

PROJECT to be established at the FACILITY, in accordance with the Massachusetts Economic Development Incentive Program and Chapter 23A of the Massachusetts General Laws;

**WHEREAS**, the assessed valuation of the FACILITY for fiscal year 2014 is \$9,655,100.

**WHEREAS**, the TOWN strongly supports increased economic development to provide additional jobs for residents of the TOWN, to expand commercial, retail and industrial activity within the TOWN, and to develop a healthy economic and strong tax base; and

**WHEREAS**, the CERTIFIED PROJECT will further the economic development goals and the criteria established for the ETA and the TIF ZONE;

**NOW, THEREFORE**, in consideration of the mutual promises of the parties' contained herein and other good and valuable consideration each to the other paid, receipt of which is hereby acknowledged, the parties hereby agree as follows:

**A. TAX INCREMENT FINANCING EXEMPTION**

1. The TOWN, acting by and through its Board of Selectmen, subject to approval by the Town Meeting, hereby enters into this Tax Increment Financing Agreement (the "AGREEMENT") with the COMPANY for the CERTIFIED PROJECT.
2. Subject to Town Meeting approval of the AGREEMENT, the EXEMPTION is hereby granted by the TOWN to the COMPANY in accordance with Chapter 23A, Section 3D; Chapter 40, Section 59; Chapter 240, Acts of 2010 and Chapter 59, Section 5 of the Massachusetts General Laws. The EXEMPTION shall be for the period of five (5) years (the "EXEMPTION PERIOD"), commencing with Fiscal Year 2015 (which begins July 1, 2014) and ending with Fiscal Year 2019 (which ends June 30, 2019) and shall provide a percentage EXEMPTION from taxation, as described in the table below, on the increased value of the FACILITY resulting from the CERTIFIED PROJECT. The EXEMPTION shall be calculated and remain unchallenged for each fiscal year as follows:

YEAR	FISCAL YEAR	REAL PROPERTY TAX EXEMPTION
1	<i>2015 (7/1/2014-6/30/2015)</i>	<i>25% of the increase in valuation</i>
2	<i>2016 (7/1/2015-6/30/2016)</i>	<i>25% of the increase in valuation</i>
3	<i>2017 (7/1/2016-6/30/2017)</i>	<i>25% of the increase in valuation</i>
4	<i>2018 (7/1/2017-6/30/2018)</i>	<i>25% of the increase in valuation</i>
5	<i>2019 (7/1/2018-6/30/2019)</i>	<i>25% of the increase in valuation</i>

3. The EXEMPTION formula for the CERTIFIED PROJECT will be calculated as prescribed by the Massachusetts General Laws Chapter 40, Section 59 and in 760 CMR 22.00. The EXEMPTION formula shall apply to the incremental difference in the assessed valuation of the FACILITY between the base valuation

in the base year, which shall be fiscal year 2014, and the annual increase in assessed valuation of the FACILITY for the five (5) years.

4. The agreed base valuation of \$9,655,100. for FY 2014 is the assessed value of the FACILITY in the fiscal year immediately prior to the fiscal year in which the property becomes eligible for the EXEMPTION.

## **B. CONDITIONS**

The EXEMPTION granted to the COMPANY by the TOWN hereby is in consideration of the COMPANY'S commitments stated hereafter as follows:

1. To transfer one hundred thirty (130), permanent full-time jobs within twenty-four (24) months from the state incentive award under the Massachusetts Economic Development Incentive Program and to create an additional fifty-five (55) new, permanent full-time jobs over a five year period from the date of occupancy as outlined in the "Certified Project Application," dated as of February 25, 2014, ("CERTIFIED PROJECT APPLICATION") submitted to the TOWN by the COMPANY in connection with OWNER and the COMPANY'S request for the EXEMPTION. Such new jobs shall be in addition to existing jobs at the FACILITY, currently numbering one hundred and seventy five (175);
2. To invest approximately Three Million Dollars (\$3,000,000.00) in tenant improvements, furniture, fixtures and new equipment at the FACILITY, as described in the CERTIFIED PROJECT APPLICATION which investments shall be placed in use by the date which is five years from the date of initial occupancy of the CERTIFIED PROJECT;
3. To cooperate with the local Office of the Massachusetts Department of Employment and Training and other agencies, as appropriate, in seeking to fill job vacancies with the COMPANY as they develop, and operate a job outreach program whereby Westford residents are made aware of job opportunities with the COMPANY, including advertising in the local newspapers encouraging such residents to apply for employment with the COMPANY any time advertisements are otherwise placed by the COMPANY for employment at the FACILITY;
4. To submit annual reports on job creation, job retention and new investments at the FACILITY to the TOWN, and the EACC by March 31 of each year during the EXEMPTION PERIOD, on the form adopted by EACC for such purpose; and
5. To pay all real estate taxes owed the TOWN relating to the FACILITY in a timely fashion.

## **C. ADDITIONAL PROVISIONS**

1. The COMPANY agrees that the TOWN has the right to petition the EACC to decertify the project and revoke this AGREEMENT if the TOWN, acting through its Board of Selectmen, determines that the COMPANY has failed in any material

way to meet any of the obligations as set forth in this AGREEMENT, subject to the provisions of Section C5. Upon de-certification by the EACC, the TOWN shall discontinue the EXEMPTION benefits described above, commencing with the fiscal year immediately following the year for which the COMPANY has so failed to meet its obligations. Prior to filing any such petition for de-certification, however, the TOWN shall give the COMPANY written notice of the alleged defaults and an opportunity to be heard at a public hearing on the matter. If the TOWN is satisfied that the COMPANY has made a good faith effort to meet its obligations under this AGREEMENT, the parties will attempt to negotiate a mutually acceptable and reasonable resolution, which may result in amendments to the terms of the AGREEMENT, prior to the TOWN filing a de-certification petition.

2. The COMPANY shall give the TOWN two (2) month's written notice prior to any proposed change in the use of, or proposed disposition of the FACILITY. Said notice shall be given to the Town Manager, 55 Main Street, Westford, MA 01886. The TOWN shall not, except as required by law, disclose any information provided by the COMPANY regarding the proposed change in the use of, or proposed disposition of the FACILITY.
3. Pursuant to the 760 CMR 22.05 (8)(d), this AGREEMENT shall be binding upon all parties to it, and be binding upon the COMPANY and its successors and assigns and shall inure to the benefit of affiliates of the COMPANY so long as the CERTIFIED PROJECT has not been de-certified by the EACC. Notwithstanding the existing tenant lease on the FACILITY, if the COMPANY decides to sell or sublease the FACILITY or assign its leasehold interest, the COMPANY shall give the TOWN at least two (2) month's written notice of said sale, sublease or assignment. Said notice shall be given to the Town Manager at the above address.
4. The CERTIFIED PROJECT becomes eligible for the EXEMPTION on the July 1st following the date on which the EACC approves the TIF Plan pursuant to which this AGREEMENT is executed, as provided in 760 CMR 22.05 (4)(d).
5. If any provision of this AGREEMENT shall be found invalid for any reason, such invalidity shall be construed as narrowly as possible and the balance of this AGREEMENT shall be deemed to be amended to the minimum extent necessary to provide to the TOWN, and the COMPANY substantially the benefits set forth in this AGREEMENT.
6. All notices permitted or required under the provisions of the AGREEMENT shall be in writing, and shall be sent by registered or certified mail, postage prepaid, or shall be delivered by private express carrier to the addresses listed above or at such other address as may be specified by a party in writing and served upon the other in accordance with this section. Such notices shall be deemed given when delivered or when delivery is refused.

7. Francis X. Wentworth, as Manager of Normandy Fund Submanagement Co., LLC for GLENBOROUGH WESTFORD CENTER LLC is the fee OWNER of the land on which the FACILITY will be located. The COMPANY, as "tenant", currently has a lease for portions of 3 and 5 Carlisle Road, through a lease most recently amended November 18, 2013. The OWNER hereby assents to this Tax Increment Financing Agreement by and between The Town of Westford and Cynosure, Inc. by executing the Assent attached hereto as Exhibit B, and agrees that all of the benefits of this Tax Increment Financing Agreement shall enure to the COMPANY.

**WITNESSETH** the execution and delivery of this AGREEMENT by the TOWN OF WESTFORD, and CYNOSURE, INC. as an instrument under seal as of the date first above written.

The **TOWN OF WESTFORD**, by its Board of Selectmen, duly authorized pursuant to Town Meeting vote under Article \_\_ of the 2014 Annual Town Meeting, duly called and held on March 22, 2014

**CYNOSURE, INC.**

\_\_\_\_\_  
By: Authorized Officer

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
By:

BOARD OF SELECTMEN

**Exhibit A - Map of FACILITY and EOA**



Town of Westford, MA

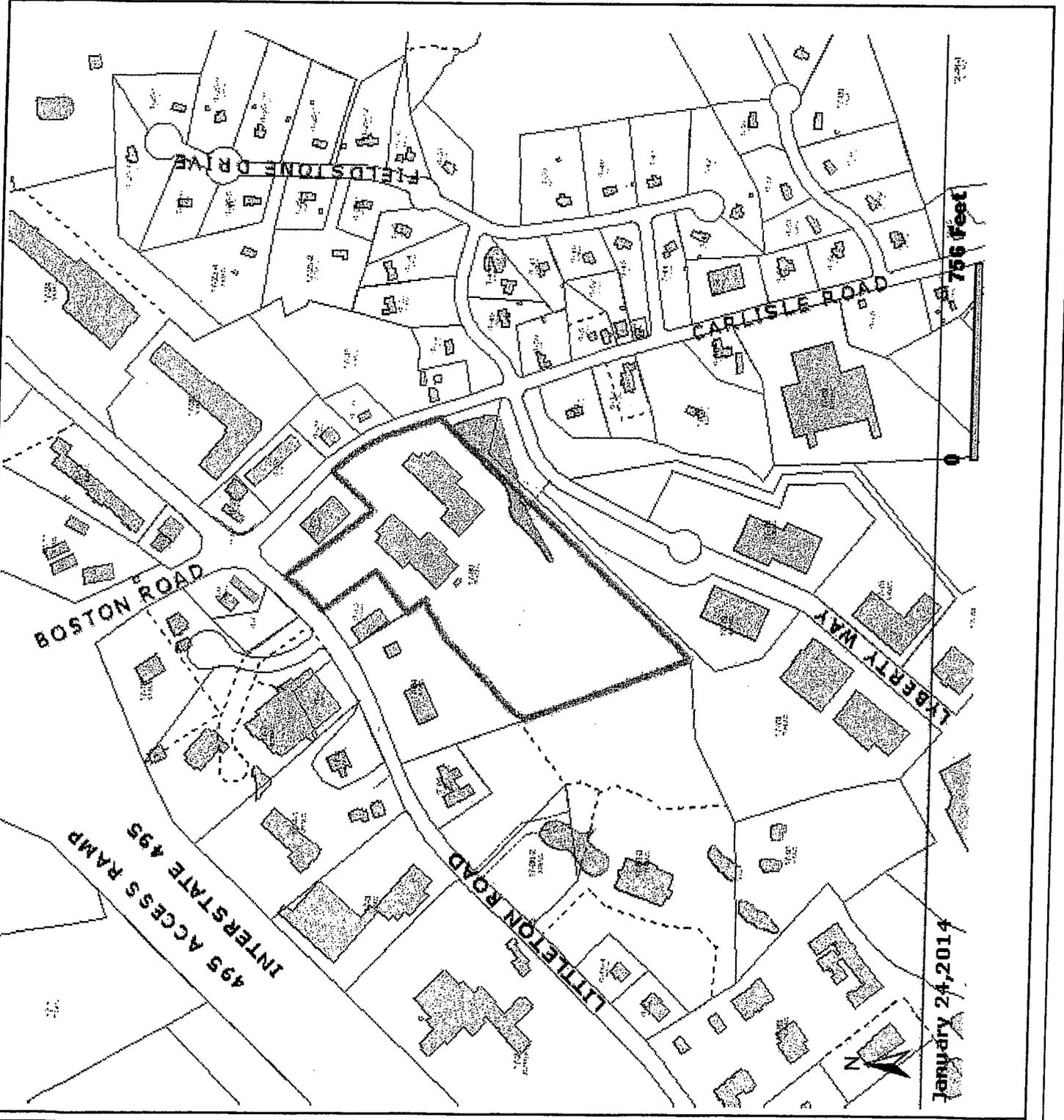
**3-5 Carlisle Road**

TIF Zone

Overview Map



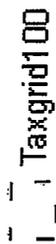
**Disclaimer**  
Town of Westford, MA makes no warranty or representation as to the accuracy, timeliness or completeness of any of the data. The Town of Westford, MA, shall have no liability for the data or lack thereof, or any decision made or action taken or not



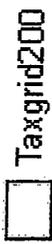
January 24, 2014

# Legend

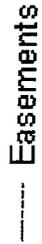
StreetNames



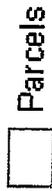
Taxgrid100



Taxgrid200



Easements



Parcels



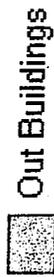
Former Parcel Lines

Parcels Clear

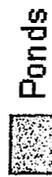
Parcels Buffer



Main Buildings



Out Buildings



Ponds



Parcels Background

**EXHIBIT B**

**OWNER'S ASSENT**

Owner hereby assents to the foregoing Tax Increment Financing Agreement by and between the Town of Westford (the "Town") and Cynosure, Inc. ("Cynosure") dated \_\_\_\_\_, 2014 (the "Agreement"), provided that (i) Cynosure is solely responsible for any and all commitments and obligations of Cynosure set forth in the Agreement; (ii) any information furnished by Cynosure to the Town is furnished solely by Cynosure and the Owner does not represent or warrant the accuracy of any of such information contained in the Agreement, projections made, or expectations assumed; (iii) the Owner hereby disclaims any and all representations and warranties, express or implied, with respect thereto, and the Town and Cynosure hereby acknowledge and agree no such representations or warranties have been, or are hereby, made on behalf of Owner; (iv) nothing contained in the Agreement will be deemed to impose any duty on Owner; (v) Owner will not incur any liability whatsoever for any act, omission to act, or breach of any kind by Cynosure of any term, provision, commitment, representation or warranty contained in the Agreement; and (vi) Owner is hereby released from any claims by either Cynosure and/or the Town against the Owner which are in any way related to or arise out of the Agreement. Notwithstanding the above terms, the Owner acknowledges that any and all rights, remedies and recourse of the Town under the provisions of General Laws Chapter 60 relative to the collection of real estate taxes assessed with respect to the subject property are excluded from the scope hereof and are expressly reserved by the Town as against Cynosure and/or the Owner, as the respective tenant and owner of said property, but as aforesaid, in no event shall Owner be responsible for any tax relief granted to Cynosure under the Agreement (i.e. no "claw-back").

IN WITNESS, WHEREOF, executed this \_\_\_\_ day of \_\_\_\_\_ 2014.

OWNER:

GLENBOROUGH WESTFORD CENTER LLC:

By: Normandy Fund Submanagement Co., LLC

By: \_\_\_\_\_  
Name: Francis X. Wentworth  
Title: Manager

# **Attachment C**

## **Local Incentive Zone and Plan**

**Town of Westford  
3 – 5 Carlisle Road  
Tax Increment Financing Plan and Zone**

**I. Location:**

- A. *The 3-5 Carlisle Road Economic Opportunity Area (EOA) is located within the 495 Corridor Technology Center Economic Target Area (ETA), which was approved by the Economic Assistance Coordinating Council (EACC) in June 2013. The 3-5 Carlisle Road EOA is being submitted to the EACC for approval at its March 26, 2014 meeting.*
- B. *The Town of Westford (the "Town") is located in Middlesex County and has a population of approximately 21,951. The town is bordered by Chelmsford to the east, Tyngsboro to the north, Groton to the west, Littleton to the southwest, Acton to the south, and Carlisle to the southeast. The Town is 31.3 square miles and is served by Routes 3 and I-495. Westford's agricultural past has given way to rapidly expanding high technology industries, suburban retail, and upper-middle class residential areas. Although the Town has a substantial business base, it is able to offer its residents and business community many conveniences with all of the tranquility and charm of a pleasant, suburban community.*

**C. TIF Zone:**

1. Map

*Please refer to the map of the TIF Zone in **Appendix I**. The maps show that the TIF Zone for 3-5 Carlisle Road and the EOA are coterminous.*

2. Description (Common and Legal)

*The TIF Zone is one tax lot, shown on Assessors' Map 17 Parcel 80 as shown in Appendix I and is zoned Commercial Highway (CH) which allows the Applicant's business as a matter of right.*

*The legal description of the TIF Zone is included in **Appendix II**.*

3. Narrative Description of TIF Zone, needs, problems and opportunities

*The TIF Zone is created to respond to an expression of intent by the Applicant to expand its existing 68,000 square foot facility situated on the property by approximately 100,000 square feet by increasing their leased area in 5 Carlisle Road, connecting to the adjacent 3 Carlisle Road commercial building and improving that building as well. The completed leased area will be approximately 165,500 square feet, and the subject tax lot is approximately 18.5 acres constitutes the entire TIF Zone and Economic Opportunity Area.*

*The tenant improvements and new construction are estimated to represent an investment of approximately Three Million Dollars (\$3,000,000) for in construction and tenant fit-out. The creation of the TIF Zone will benefit business in the Town by increasing the workforce and adding to the property tax valuation of the Town. The expanded facility will allow the*

*Applicant to achieve its growth plans by consolidating 130 employees from a location in Burlington, MA and adding at least 110 new jobs within five years from the date of occupancy of the new facility. The proposed capital investment and job creation are an economic opportunity for the Town and the Commonwealth of Massachusetts.*

**4. Property Owners within the Proposed Zone.**

*The current property owner is Glenborough Westford Center LLC, which is managed by Normandy Fund Submanagement Co., LLC). The Applicant, Cynosure Inc., is a tenant.*

**II. Time:**

*The duration of the TIF Plan and the TIF Zone is 5 years, commencing July 1, 2014, which is the start of Fiscal Year 2015.*

**III. TIF Zone and Economic Development:**

**A. Discuss how the TIF Zone is poised to create new economic development opportunities.**

*This TIF Zone will create new economic development opportunities within the Town. This project is a significant economic development project both in terms of retained, direct and indirect jobs and tax base creation. The Town sees this action as a most positive step towards encouraging more business development to occur in the Town, particularly in the two office buildings where the property is located. The EDIP benefits offered to the Applicant have induced the Applicant to move forward with the leasing, construction and improvements to the facility.*

**B. Discuss how the TIF Zone will result in a net economic benefit to the local municipality.**

*The immediate net economic benefit the Town will receive from the project is the retention of the existing 175 high paying research and development and administrative jobs, the addition of 130 jobs relocated from Burlington, MA and the creation of at least 55 new full time positions over five years. Other local businesses should benefit from the business generated by the Applicant as it grows its existing business. The Town Assessor has reduced taxes on this property in the past years due to high vacancy as shown in his memorandum included as **Appendix III**. The expanded occupancy and new long term lease keep the property as a Class A office instead of continued high vacancy. New property tax revenues in the Town will be generated and the State will see increased sales and employment taxes.*

**C. Analysis of proposed and potential land uses**

*The land and existing building have had high vacancy rates in the last several years as demonstrated in the memorandum from the Town Assessor, attached as Appendix III. The consolidation of jobs for Cynosure at this location assures the long term use of these two buildings and lands for use as Class A office space.*

*The uses for this parcel of land are consistent with the allowed uses within the zoning designation of Commercial Highway (CH).*

**D. Zoning in TIF Zone**

*The zoning designation within the TIF Zone is CH. The project location is already permitted by the Town.*

**E. Hazardous Waste Sites**

*The parcel of land included in the TIF Zone is not confirmed as a hazardous waste site, as per the provisions of Massachusetts General Laws, Chapter 21E.*

**IV. TIF Zone Projects:**

*For a complete description, please refer to the EDIP Application and Supplement Project Applications of the Applicant and the Owner.*

**V. Financing for the TIF Zone Projects:**

*No public expenditures are necessary; instead the applicant is making private investments in the lease, and in new equipment. Public infrastructure to support the project is in place. The Applicant has executed a long term lease agreement for the expansion and renovations for necessary tenant improvements to meet its research and development requirements. The new construction (tenant improvements valued at \$3 million) will be financed by the Owner and the improvements, furniture, fixtures and equipment will be financed through the existing financial resources of the Applicant and estimated to be an additional \$3.9 million investment. The TIF is necessary in order to reduce operational costs and increase the project's viability and, most importantly, allow the Applicant to reinvest in its business to expand and grow employment.*

**VI. Tax Increment Financing:**

**A. Authorization to use TIF**

*The Town shall grant a tax increment financing exemption to the Applicant in accordance with Massachusetts General Laws, Chapter 40, Section 59; and Chapter 59, Section 5. Approval of the TIF Agreement was provided at Annual Town Meeting on March 22, 2014 and at the Selectmen's meeting on March 25, 2014. Final approval is being sought at the EACC March 26, 2014 meeting.*

**B. Amount of proposed tax increment exemption from property taxes and applicable criteria.**

*The exemption shall be granted and only apply to the increased value on the facility with the improvements in place. The local property tax benefits are required to be passed on to the Applicant. The exemption shall be valid for a period of 5 years beginning with the fiscal year 2015 and ending at the conclusion of fiscal year 2019. The exemption shall be calculated and remain unchallenged for each fiscal year as follows:*

YEAR	FISCAL YEAR	REAL PROPERTY TAX EXEMPTION
1	2015 (7/1/2014-6/30/2015)	25% of the increase in valuation
2	2016 (7/1/2015-6/30/2016)	25% of the increase in valuation
3	2017 (7/1/2016-6/30/2017)	25% of the increase in valuation
4	2018 (7/1/2017-6/30/2018)	25% of the increase in valuation
5	2019 (7/1/2018-6/30/2019)	25% of the increase in valuation

C. Maximum percentage of public project costs that can be recovered through betterment or special assessments in lieu of the incremental real estate taxes.  
*Not applicable.*

D. TIF Exemption from property taxes.

1. Term of exemption  
*The term of the TIF exemption is five (5) years.*
2. Calculation
  - i. Exemption Percentage  
*The exemption percentage is 25% in all five (5) years.*
  - ii. Base Valuation  
*The base valuation for the property within the TIF zone was estimated to be \$9,600,000 in Fiscal Year 2014. No base valuations for FY 2015 have been established as of this date.*

**VII. Approval of Project:**

*On January 28, 2014, the Board of Selectman approved the TIF Agreement and recommended it to the Westford Town Meeting. On March 22, 2014, Annual Town Meeting is scheduled to vote on the TIF. On March 25, 2017, the Board of Selectmen is scheduled to execute the TIF Agreement if approved at Annual Town Meeting.*

*Copies of the approvals are attached as Appendix IV. A copy of the TIF Agreement is attached as Appendix V.*

## ***APPENDICES***

- I Map of 3-5 Carlisle Road TIF Zone*
- II Legal Description of TIF Zone*
- III Assessor Memorandum*
- IV Approvals*
- V TIF Agreement*



Town of Westford, MA

### 3-5 Carlisle Road

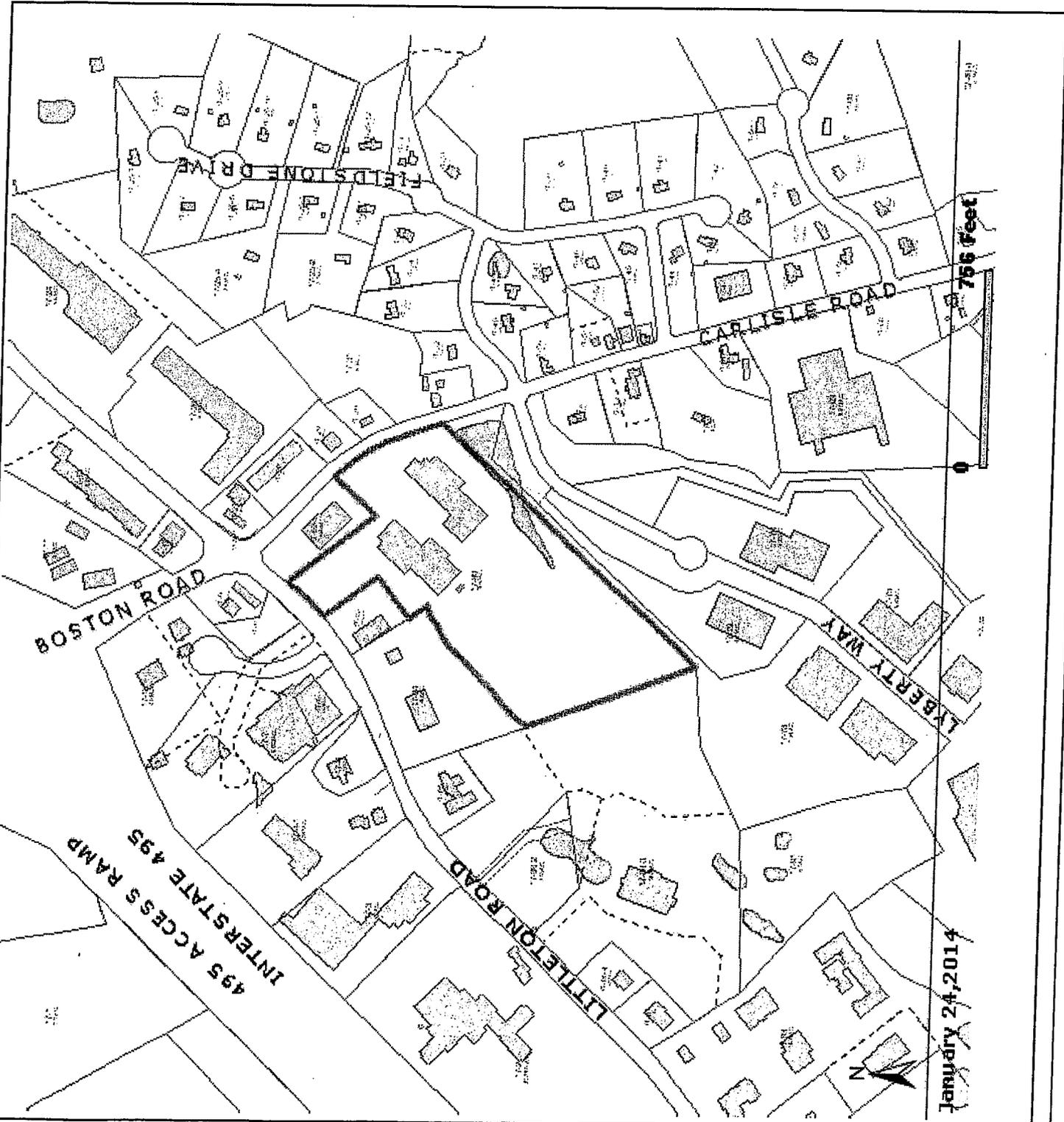
TIF Zone

Overview Map



#### Disclaimer

Town of Westford, MA makes no warranty or representation as to the accuracy, timeliness or completeness of any of the data. The Town of Westford, MA, shall have no liability for the data or lack thereof, or any decision made or action taken or not



January 24, 2014

# Legend

StreetNames



Taxgrid100



Taxgrid200

Easements



Parcels

Former Parcel Lines

Parcels Clear

Parcels Buffer



Main Buildings



Out Buildings



Ponds



Parcels Background



Town of Westford, MA

### 3-5 Carlisle Road

Cynsure TIF and EOA

Overview Map



#### Disclaimer

Town of Westford, MA makes no warranty or representation as to the accuracy, timeliness or completeness of any of the data. The Town of Westford, MA, shall have no liability for the data or lack thereof, or any decision made or action taken or not

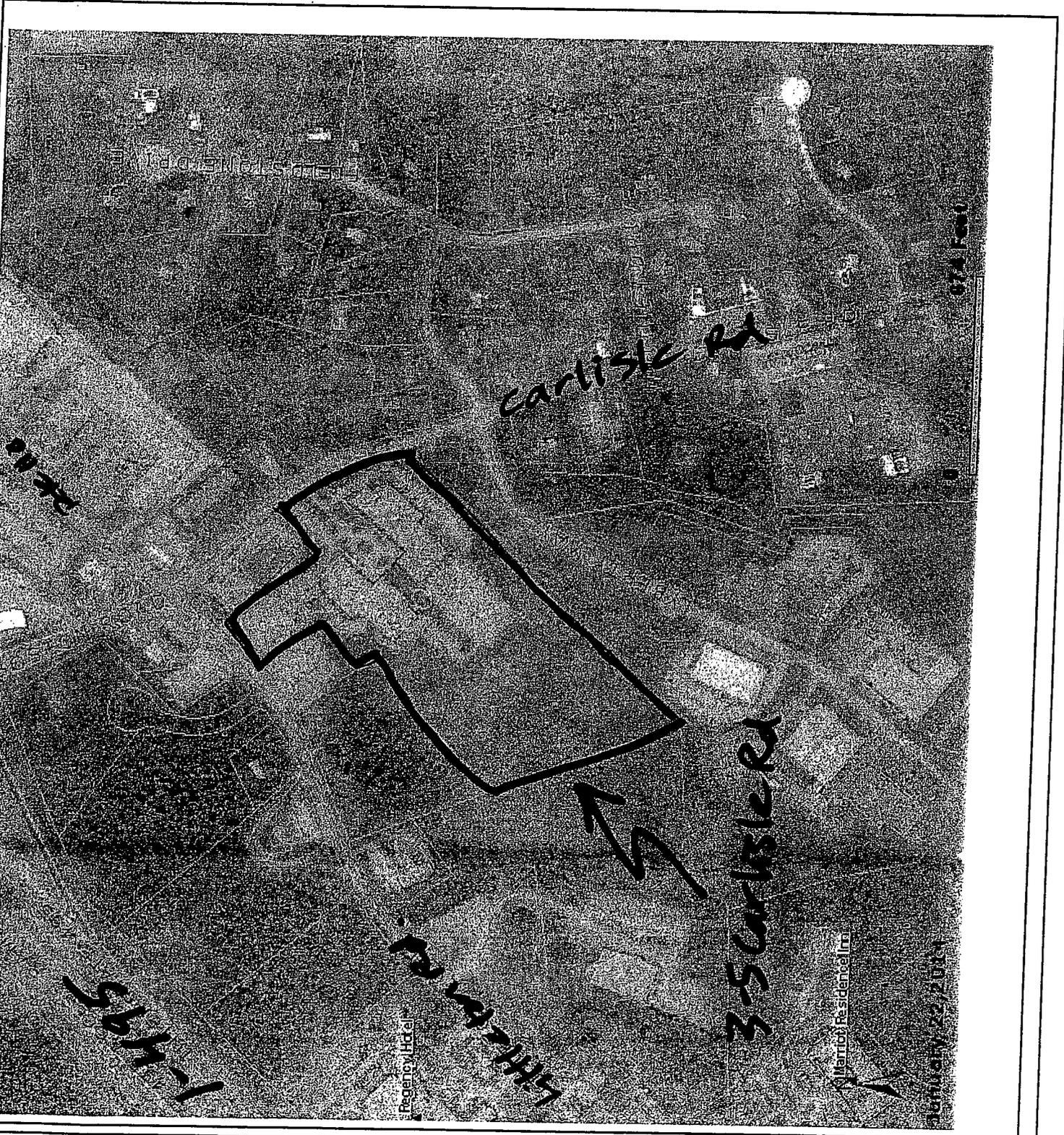


Exhibit A  
Legal Description

A certain parcel of land in Westford, Massachusetts shown as Lot 7 on a plan entitled "Plan of Land in Westford, Mass." dated February 15, 1977 made by Dana F. Perkins & Sons, Inc., recorded with Middlesex North District Registry of Deeds in Book of Plans 140, Page 60 being bounded and described as follows:

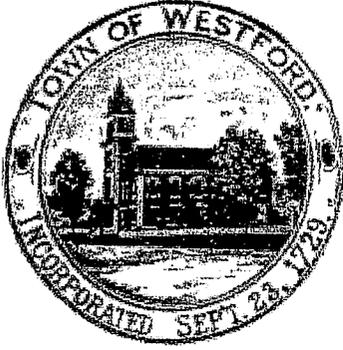
- NORTHEASTERLY by Carlisle Road by two lines respectively 302.36 and 157.64 feet;
- SOUTHERLY & SOUTHEASTERLY by Lot 3 as shown on said Plan, 1371.55 feet;
- WESTERLY by land now or formerly of Clarence and Dorothy Garlick as shown on said Plan 691.53 feet;
- NORTHWESTERLY by land now or formerly of Costa Polly and Norma Polly according to said Plan, by five lines; respectively 50.92 feet, 100.34 feet, 303.50 feet, 73.15 feet and 81.86 feet;
- WESTERLY by said land now or formerly of said Costa and Norma Polly, 83.43 feet;
- NORTHWESTERLY by land now or formerly of Daniel P. Eliopoulos, George P. Eliopoulos and Philip Kimmel, Trustees of Elkay Real Estate Trust, according to said Plan 200.30 feet;
- WESTERLY by said land now or formerly of Elkay Real Estate Trust, 268.91 feet;
- NORTHWESTERLY by Littleton Road by two lines, respectively 30.76 feet and 169.24 feet;
- NORTHEASTERLY by Lot 5 and Lot 6 as shown on said Plan 426.93 feet; and
- NORTHWESTERLY by said Lot 6, 223.42 feet.

Excepting said certain portion of land taken by the Order of Taking by the Commonwealth of Massachusetts Department of Public Works for the alteration of a state highway known as Littleton Road dated February 8, 1989 and recorded in Book 4818, Page 348.

Together with the right and privilege with respect to the Retention Area Easement reserved to Daniel P. Eliopoulos and George P. Eliopoulos, Trustees of Westford Development Trust, in their deed to Carlisle Road Development Associates, a limited partnership, recorded with said Registry of Deeds in Book 2423, Page 708, and as referred to and granted by the deed of Daniel P. Eliopoulos and George P. Eliopoulos, Trustees of Westford Development Trust, recorded with said Registry of Deeds in Book 2815, Page 324.

END OF DOCUMENT





TOWN OF WESTFORD  
OFFICE OF THE ASSESSORS  
Town Hall  
55 Main Street  
WESTFORD, MA 01886  
(978) 692-5504 FAX (978) 399-2556

January 24, 2014

**PERMITTING**

**JAN 24 2014**

To: Chris Klutchman  
From: Paul Plouffe

RE: 3-5 Carlisle Road

This property has had lower values since FY 2012. In FY 2012, there was a settlement with the owners of this property prior to Appellate Tax Board filing. The owners provided significant data at this time to show that this property had high vacancy. This resulted in a settlement which lowered their assessment for FY 2012. The FY 2013 assessment continued to reflect that high vacancy. The FY 2014 assessment still reflected this high vacancy within the building value. This high vacancy was due primarily to 3 Carlisle Road. This building was originally designed for a single use tenant and was not adaptable to other tenants. This would require the owner to retrofit the building for multi-tenants or update the area for a new and different single use tenant.

The proposed FY 2015 assessment will reflect that both buildings will be 100% occupied, with Cynosure occupying 90-90% of the site.



**TOWN OF WESTFORD  
BOARD OF SELECTMEN**

TOWN HALL  
55 Main Street  
WESTFORD, MA 01886  
Telephone (978) 692-5501 Fax (978) 399-2557

**ACTION TAKEN**

Tuesday, January 28, 2014

7:30PM

Town Hall, Meeting Room, 55 Main Street  
*(Please be advised all times are approximate)*

1. 7:30PM **Call to Order**
2. 7:31PM **Pledge of Allegiance**
3. 7:32PM **Open Forum/FAQ/Announcements**
  - 1) Recognition of Tony Vacca for his 7 years of service on the Communications Advisory Committee
  - 2) Recognize Fire Department assisting Animal Control in rescuing a Sharp Shinned Hawk that was trapped in the window alcove above Starbucks entrance
4. 7:35PM **Review Cynosure Application for Economic Development Incentive Program (EDIP) Local Only - Tax Increment Financing (TIF) – Tim Baker, CFO and Chris Kluchman, Director of Land Use Management**

BoS support going forward with application, placing on the ATM warrant, and finalizing TIF agreement 5-0
5. 7:45PM **Public Hearing – Transfer of All Alcohol Package Store License from BSM, Inc d/b/a The Wine Cellar to Busa Wine & Spirits of Westford, Inc. d/b/a Busa Wine – 160 Littleton Road – Daniel Busa Jr, Andrew Busa, and Attorney Ann Sobolewski**

Approved 5-0
6. 7:50PM **Review NMCOG Town Center Parking Recommendations – Beverly Woods, Executive Director**

BoS removed \$75K placeholder for improvements in FY15 capital budget 5-0
7. 8:10PM **Discussion of Proposed Hazardous Material Storage Bylaw – Zac Cataldo – Chairman, Board of Health**
8. 8:25PM **March 22, 2014 Annual Town Meeting**

Removed NMCOG Town Center Study warrant article 5-0

  - 1) Review placeholder warrant articles
  - 2) Vote to close warrant

Warrant closed with article numbers subject to change 5-0

9. 8:40PM

**Consent Agenda**

Approved 5-0

Town Common Request – (not attending)

- 2<sup>nd</sup> SEALOEarth Earth Day Festival – *Chaitanya Hiremath*  
April 26, 2014  
10:00am – 4:00pm

10. 8:45PM

**Minutes for Approval and Release:**

Approved 5-0

- May 21, 2013 - Regular Session

11. 8:50PM

**Old/New Business**

Increased at-large appointments to 11 and added 2 alternates  
5-0

- 1) Discussion regarding the proposed amended Chapter 124: Marijuana Bylaw – *Chris Kluchman*
- 2) Appoint a BoS representative, 7 citizens and 2 alternates to the Hunting Policy Committee
  - Kelly Ross as Selectmen representative (3-2)
  - Al Prescott and Al Rosinski as at-large members (5-0)
  - Mariclare O’Neal, Corinne Ryan, Ellen Spahr, Carol Sammarco, and Brendon Redmond as at-large members (5-0)
  - Doug Deschenes as at-large member (4-1)
  - Shawn Girard, Henry LeDuc, and Mark Lewis as at-large members (5-0)
  - Wayne Wagner and James Kearns as alternate members (5-0)
  - Jim Gozzo as Conservation Commission representative (5-0)

Approved 5-0 → 3) Dissolve Budget Solutions Task Force

12. 9:10PM

**Board Reports/Updates**

Scott Hazelton announced residents may have more than 1 vote per household as long as the voter is over 18 years of age - EBCSPNS committee will meet again on 2/5/14

- Update on East Boston Camps and Stepinski Parcel’s Naming Study Committee – *Scott Hazelton*

13. 9:20PM

**Town Manager’s Report**

Approved 5-0 →

- 1) Update on the request for a “Slow Children” sign to be placed on Elm Road near the intersection of Plain Road and Elm Road
- 2) Request to award contract to TEC, Inc. for the Groton Road Intersection Designs in the amount of \$216,400
- 3) Announce receipt of FY14 Risk Management Grant Award in the amount of \$4500

14. 9:30PM

**Correspondence**

15. 9:35PM

**Adjournment**

**Board of Selectmen  
Correspondence  
January 28, 2014**

**Outgoing Correspondence:**

14.01      1/16/14      Letter to MetroWest Corridor Partnership, Inc.

**Incoming Correspondence:**

(Listed by date sent/date received)

14.02	1/7/14	Federal Emergency Management Agency – FIRM
14.03	1/10/14	NGRID – We are committed to your safety
14.04	1/13/14	Department of Environmental Protection – Workshop Announcement
14.05	1/15/14	Letter regarding Out of the Darkness Overnight walk
14.06	1/16/14	Building Department letter to 114 Dunstable Road
14.07	1/17/14	Fire Safety Commission regarding Fire Chief Targ
14.08	1/21/14	Lowell Regional Transit Authority Agenda 1/23/14

*If any member of the public wishing to attend this meeting seeks special accommodations in accordance with the Americans with Disabilities Act, please contact Tina Landry 978-692-5501 extension 1 or email to [tlandry@westfordma.gov](mailto:tlandry@westfordma.gov).*

Approved 2/25/14

**TOWN OF WESTFORD**  
**BOARD OF SELECTMEN**  
**MINUTES**

**DATE:** January 28, 2014

**TIME:** 7:30 PM

**PLACE:** Town Hall Meeting Room

**PRESENT:** Kelly Ross, Jim Sullivan, Andrea Peraner-Sweet, Valerie Wormell,  
Scott Hazelton

**OTHERS**

**PRESENT:** Jodi Ross, Town Manager, John Mangiaratti, Asst Town Manager,  
Audience Members

**CALL TO ORDER**

Chairman Peraner-Sweet called the meeting to order at 7:31 pm.

**PLEDGE OF ALLEGIANCE**

Selectman Sullivan led the Pledge of Allegiance.

**OPEN FORUM/FAO/ANNOUNCEMENTS**

Chairman Peraner-Sweet recognized Tony Vacca for his seven years of service on the Communications Advisory Committee, the last two as chairman. He has decided to step down due to family obligations and increased time commitments. Chairman Peraner-Sweet said he served the town incredibly well, holding Verizon's feet to the fire and was dedicated to giving Westford the very best in communications. Mr. Vacca thanked her, the selectmen, the members of the Communications Advisory Committee and his wife. He said he would like to complete a few unfinished items before he departed the committee entirely.

Chairman Peraner-Sweet recognized the Fire Department and Animal Control for rescuing a Sharp Shinned Hawk that had gotten trapped in the window alcove above the entrance to Starbucks on Littleton Road. The hawk was not injured and released back to its habitat.

**REVIEW CYNOSURE APPLICATION FOR ECONOMIC DEVELOPMENT  
INCENTIVE PROGRAM (EDIP) LOCAL ONLY – TAX INCREMENT FINANCING  
(TIF)**

Land Use Director Chris Kluchman and Tim Baker, Chief Financial Officer of Cynosure, Inc gave a brief summary and details of a proposed Tax Increment Financing Agreement. Cynosure

would like to expand their facility at 5 Carlisle Road to include the building at 3 Carlisle Rd and add approximately 135 new jobs. They are asking the town to support a TIF agreement and the related applications to the Economic Assistance Coordinating Council. Selectman Wormell asked if the new hires would give Westford residents preference and if the addition at 3 Carlisle Road had been approved by the Planning Board. Mr. Baker said the new hires had not been discussed. Ms. Kluchman reported that the Planning Board had approved the addition. Selectman Wormell expressed concern with traffic, as the location is in close proximity to Minot's Corner. Ms. Kluchman said that the new design of Minot's Corner supports increased traffic. Selectman Sullivan said he supported the idea and had questions as to the process of the TIF financing at the state level. Ms. Kluchman said the board would be kept apprised of the entire process, at both the state and local levels.

**It was moved by Selectman Ross, seconded by Selectman Sullivan and VOTED 5 IN FAVOR TO SUPPORT the Tax Increment Financing agreement application, to place it on the Annual Town Meeting warrant, and to direct staff to finalize the TIF agreement and application process with the applicant and property owner.**

Chairman Peraner-Sweet will continue to serve as the Board's representative.

**PUBLIC HEARING – TRANSFER OF ALL ALCOHOL PACKAGE STORE LICENSE FROM BSM, INC d/b/a THE WINE CELLAR TO BUSA WINE & SPIRITS OF WESTFORD, INC d/b/a BUSA WINE & SPIRITS**

**It was moved by Selectman Wormell, seconded by Selectman Ross and VOTED 5 IN FAVOR TO OPEN the Public Hearing.**

**It was moved by Selectman Wormell, seconded by Selectman Ross and VOTED 5 IN FAVOR TO WAIVE the reading of the license transfer documents.**

Busa Wine & Spirits of Westford Inc. has submitted a request that the all alcohol package store license be transferred to them from BSM, Inc d/b/a The Wine Cellar. Attorney Michael Rubin spoke on their behalf, stating that his clients operate a similar establishment in Burlington and have operated it for many years. Attorney Paul Alphen, representing The Wine Cellar, also requested the transfer for his client, Donna Zouzas, personal representative to the estate of her brother William Zouzas.

Selectman Ross said that the Police Department pointed out that an incorrect social security number had been indicated for the proposed manager and asked that it be corrected.

**It was moved by Selectman Ross, seconded by Selectman Wormell and VOTED 5 IN FAVOR TO APPROVE the transfer application of an all alcohol retail package store license from BSM, Inc. to Busa Wine & Spirits of Westford, Inc., contingent on the correction of the proposed manager Andrew C. Busa, social security number and TO CLOSE the Public Hearing.**

### **REVIEW NMCOG TOWN CENTER PARKING RECOMMENDATIONS**

The Executive Director of the Northern Middlesex Council of Governments (NMCOG) and the Transportation Program Manager, Doug Pollard, were present to review and answer any questions pertaining to the draft town center traffic and parking study.

Resident feedback to the study focused on the increase of traffic with a change of traffic pattern, safely crossing the street, and bike safety. Chairman Peraner-Sweet said that the board needed to identify their goals. Selectman Wormell asked if the Pedestrian Safety Committee could offer suggestions. Chairman Peraner-Sweet asked Ms. Woods if the next step was to finalize the report. Ms. Woods said yes and asked if the board felt that a consultant would be helpful. She said she thought the consultant fee would be approximately \$25,000 to \$30,000. Town Manager Ross pointed out that a placeholder of \$75,000 was on the Annual Town Meeting warrant for the Town Center Study. Selectman Sullivan said he thought it was premature. Chairman Peraner-Sweet agreed. The board felt that more time was needed for study, review and recommendations. Selectman Wormell felt that \$75,000 was too much but that some funds should be allocated. Selectman Sullivan said thinks minor items pertaining to this study can be funded from other budgets.

**It was moved by Selectman Ross, seconded by Selectman Sullivan and VOTED 5 IN FAVOR TO REMOVE the \$75K placeholder for improvements in FY15 capital budget for the Town Center Study.**

Ellen Harde, 39 Main Street, and member of the Common Restoration Project, asked if Ms. Woods could define what she referred to as a stakeholder group. Ms. Woods said it would be identified by town staff and was comprised of municipal staff. Mrs. Harde asked that residents be included. She also noted that the Parish Center for the Arts has offered to pay for some improvements and expressed disappointment that the study was not being addressed in a speedier manner. She was particularly concerned with sidewalks and felt it was not being given enough attention. Karen Hudson, chairman of the Pedestrian Safety Committee, said this was their top priority and would be addressed at their next meeting, February 12<sup>th</sup>. Elizabeth Fletcher Glenn of 2 Hildreth Street also voiced her concerns with crosswalk and pedestrian safety in the center, submitting a letter/petition from four families in the Center voicing their concerns, requests and suggestions to the center study.

### **DISCUSSION OF PROPOSED HAZARDOUS MATERIAL STORAGE BYLAW**

Board of Health Chair Zac Cataldo, Environmental Services Director Darren McCaughey and consultant Anne Marie Desmarais gave a presentation of the proposed hazardous material storage bylaw. This proposed bylaw is essentially the same as presented and then withdrawn from the Fall Special Town Meeting. There are some minor tweaks, one being that owners must register tanks and containers greater than 50 gallons and some changes to the regulations of the underground tanks as well. Chairman Peraner-Sweet noted that this proposed bylaw depends on Board of Health inspection and enforcement and she questioned whether the town had the resources to do this. She asked if this was a burden to the Health Department and what the qualifications was to be an inspector. Mr. Cataldo said the Board of Health would be able to fulfill the requirements. Mr. McCaughey said there was certification required and that he would obtain it. Selectman Ross asked how many towns in the state had this bylaw. Anne Marie said there was several, including Acton. He asked if this were modeled after another town and was

told it was modeled after Acton and Department of Environmental Protection, taking elements from both. Selectman Wormell felt the bylaw was extremely complex and that public education would be necessary. She also mentioned that this was a general bylaw and there were zoning bylaws that might be at odds with those in this proposal. Selectman Wormell stated she had many reservations

Chief Targ also answered questions and was generally in support of the bylaw. He said some of its elements were beyond the Fire Department scope. Chairman Peraner-Sweet suggested this proposed bylaw be circulated to the Planning Board to see if it fits with current zoning bylaws and the storm water bylaws. Resident Al Prescott, a chemical engineer, said he agreed with the presentation to an extent, but asked if this new bylaw would require permitting of 55 gallon drums. If the drums contained a hazardous substance, they would have to be permitted. He suggested a change of wording might be made in the bylaw, as 55 gallon drums are moveable.

### **OLD/NEW BUSINESS**

*Discussion regarding the proposed amended Chapter 124: Marijuana Bylaw* – Chairman Peraner-Sweet took this out of order and asked Ms. Kluchman to report on the Registered Marijuana Dispensary bylaw. Ms Kluchman reported that the committee will be presenting to town meeting an amendment to Chapter 124 by adding a sentence (124.5) which applies to the consumption of marijuana on the premises of the RMD, registered and regulated by the State Department of Public Health, except as provided in 105 CMR 725. She said the proposed amendment will be presented to the Planning Board at their February 3<sup>rd</sup> meeting. There is also an informational meeting for the public that will be held at 7:00 pm on February 13<sup>th</sup> at the Millennium Building.

### **MARCH 22, 2014 ANNUAL TOWN MEETING**

*Review placeholder warrant articles* – Chairman Peraner-Sweet read through the list of articles. The Nashoba Tech and NMCOC town Center Study warrant articles were removed.

*Vote to close the warrant* - There was some discussion on the article order and it was agreed that the order could be changed if need be.

It was moved by Selectmen Ross, seconded by Selectman Sullivan and VOTED 5 IN FAVOR TO CLOSE the March 22, 2014 Annual Town Meeting warrant.

### **CONSENT AGENDA**

#### **Town Common request**

Dr Chaitanya Hiremath requested the use of the Common to celebrate the 2<sup>nd</sup> SEALOEarth Earth Day Festival on April 26, 2014 from 10:00 am – 4:00 pm.

**It was moved by Selectman Wormell, seconded by Selectman Ross and VOTED 5 IN FAVOR TO APPROVE the Consent Agenda.**

## MINUTES FOR APPROVAL

It was moved by Selectman Ross, seconded by Selectman Sullivan and VOTED 5 IN FAVOR TO APPROVE the Regular Session minutes of May 21, 2013.

### OLD/NEW BUSINESS continued:

Dissolve Budget Solutions Taskforce - Chairman Peraner-Sweet stated that the Budget Solutions taskforce had not met in over a year and needed to be formally dissolved.

It was moved by Selectman Ross, seconded by Selectman Wormell and VOTED 5 IN FAVOR TO DISSOLVE the Budget Solutions Taskforce.

Appoint a BoS representative, 7 citizens and 2 alternates to the Hunting Policy Committee -- Selectman Wormell suggested that the committee be increased to 11 citizens and 2 alternates due to the amount of applications received. She felt that it was important to get a proper balance of hunters and non-hunters on the committee.

It was moved by Selectman Wormell, seconded by Selectman Hazelton and VOTED 5 IN FAVOR TO INCREASE the committee to 11 citizens, a BoS representative, a Conservation Commission representative and 2 alternates.

Both Selectman Wormell and Selectman Ross expressed strong interest in being the BoS representative. Selectman Hazelton nominated Selectman Wormell. Selectman Sullivan nominated Selectman Ross. Selectman Ross was chosen by a 3-2 vote.

It was moved by Selectman Sullivan, seconded by Selectman Ross and VOTED 5 IN FAVOR TO APPOINT Jim Gozzo as the Conservation Commission representative to the Hunting Policy Committee.

Eighteen applications to serve on the Hunting Policy Committee were received by the Town Manager's office. The following votes were taken:

It was moved by Selectman Sullivan, seconded by Selectman Hazelton and VOTED 5 IN FAVOR TO APPOINT Al Prescott and Al Rosinski as at-large members to the Hunting Policy Committee.

It was moved by Selectman Sullivan, seconded by Selectman Hazelton and VOTED 4 IN FAVOR, 1 OPPOSED (Wormell) TO APPOINT Douglas Deschenes as an at-large member to the Hunting Policy Committee.

It was moved by Selectman Wormell, seconded by Selectman Sullivan and VOTED 5 IN FAVOR TO APPOINT Mariclare O'Neal, Corinne Ryan, Ellen Spahr, Carol Sammarco and Brendon Redmond as at-large members to the Hunting Policy Committee.

It was moved by Selectman Ross, seconded by Selectman Wormell and VOTED 5 IN FAVOR TO APPOINT Shawn Girard as an at-large member of the Hunting Policy Committee.

It was moved by Selectman Wormell, seconded by Selectman Hazelton and VOTED 5 IN FAVOR TO APPOINT Henry LeDuc as an at-large member of the Hunting Policy Committee.

It was moved by Selectman Hazelton, seconded by Selectman Ross and VOTED 5 IN FAVOR TO APPOINT Mark Lewis as an at-large member of the Hunting Policy Committee.

It was moved by Selectman Wormell, seconded by Selectman Hazelton and VOTED 5 IN FAVOR TO APPOINT Wayne Wagner as an alternate member of the Hunting Policy Committee.

It was moved by Chairman Peraner-Sweet, seconded by Selectman Sullivan and VOTED 5 IN FAVOR TO APPOINT James Kearns as an alternate member of the Hunting Policy Committee.

Chairman Peraner-Sweet thanked everyone who applied and reminded everyone that the meetings were public and all were invited to attend.

#### **BOARD REPORTS/UPDATES**

Selectman Hazelton updated the board on the ongoing East Boston Camps/Stepinski survey. He reported that there had been more than 1000 responses as of this date and he clarified that residents may have more than one vote per household as long as the respondent is at least 18 years of age. Selectman Hazelton said that the next meeting of the committee would be February 5<sup>th</sup> at 7:00 at the Town Hall. He also mentioned that a group who is campaigning for a particular name has sent postcards to residents. He stated this correspondence was not sent on from the committee and did not necessarily express their point of view.

#### **TOWN MANAGER'S REPORT**

Update on the request for a "Slow Children" sign to be placed on Elm Road near the intersection of Plain Road and Elm Road – Town Manager Ross reported that the resident who had made the request has been contacted and provided with an alternative to the "Slow Children" sign. Captain Chambers and Highway Superintendent Chip Barrett are working with the resident to help answer questions and help to install a homemade sign provided by a local group.

Request to award contract to TEC, Inc. for the Groton Road Intersection Designs in the amount of \$216,400 – Town Manager Ross made the request on behalf of the Designer Selection Committee who unanimously recommended TEC, Inc.

It was moved by Selectman Ross, seconded by Selectman Sullivan and VOTED 5 IN FAVOR TO AWARD the contract for the Groton Road intersections to TEC, INC of Lawrence, MA in the amount of \$216,400.

Announce receipt of FY14 Risk Manager Grant Award in the amount of \$4500 – Town Manager Ross made the announcement.

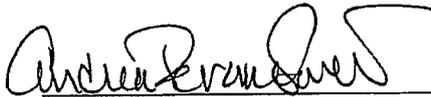
**CORRESPONDENCE**

It was moved by Selectman Ross, seconded by Selectman Sullivan and VOTED 5 IN FAVOR TO WAIVE the reading of the correspondence.

**ADJOURNMENT**

It was moved by Selectman Hazelton, seconded by Selectman Sullivan and VOTED 5 IN FAVOR TO ADJOURN at 9:53 pm.

 2/25/14  
\_\_\_\_\_  
Jodi Ross, Town Manager      date

 \_\_\_\_\_  
Andrea Peraner-Sweet, Chairman      date

Submitted by Patricia Dubey, Recording Secretary

RECEIVED

**TAX INCREMENT FINANCING AGREEMENT**

2014 MAR -7 AM 11:08

**BY AND BETWEEN**

TOWN OF WESTFORD  
TOWN CLERK'S OFFICE

**THE TOWN OF WESTFORD,**

**AND**

**CYNOSURE, INC.**

**THIS AGREEMENT** is made this day of \_\_\_\_\_, 2014, by and between the Town of Westford, a municipal corporation duly organized under the laws of the Commonwealth of Massachusetts, having a principal place of business at Town Hall, 55 Main Street, Westford, MA 01886 (hereinafter referred to as the "TOWN"), and Cynosure, Inc., a corporation organized under the laws of Delaware, having a business address at 5 Carlisle Road, Westford, MA Attention: Timothy Baker (hereinafter referred to as the "COMPANY").

**WITNESSETH**

**WHEREAS**, Pursuant to M.G.L. c.23A §3D, c. 40, §59 and 760 CMR 22.04 and 402CMR 2.00, the Massachusetts Economic Assistance Coordinating Council ("EACC") has designated the TOWN as part of the 495 Technology Corridor Economic Target Area (ETA), thereby permitting the TOWN to designate a TAX INCREMENT FINANCING ("TIF") Zone within such area.

**WHEREAS**, the COMPANY is expanding to occupy approximately 90% of the office buildings located at 3-5 Carlisle Road, entering into a long term lease and is making tenant improvements, furniture, fixtures and equipment investments in these buildings (collectively, the "FACILITY"), and more particularly as shown on the plan attached hereto as Exhibit A;

**WHEREAS**, the COMPANY has entered into a long term lease with the "OWNER" (hereafter defined) of the FACILITY;

**WHEREAS**, the COMPANY, over time, will be making tenant improvements, equipping and operating the FACILITY for its use in the COMPANY'S research and development and related activities (the "CERTIFIED PROJECT");

**WHEREAS**, the CERTIFIED PROJECT, when complete and at full operational capacity, will bring approximately one hundred and thirty (130) permanent, full-time jobs to Westford and another fifty-five (55) new jobs will be created, and the improvements represent an investment of approximately Three million dollars (\$3,000,000) in tenant improvements, equipment, furniture and fixture and other improvement costs.

**WHEREAS**, the COMPANY anticipates that such jobs will be created and investments made within five years from the date of initial occupancy of the CERTIFIED PROJECT.

**WHEREAS**, the COMPANY is seeking a Tax Increment Financing Exemption from the TOWN (the "EXEMPTION") in order to enhance the financial viability of the CERTIFIED

PROJECT to be established at the FACILITY, in accordance with the Massachusetts Economic Development Incentive Program and Chapter 23A of the Massachusetts General Laws;

WHEREAS, the assessed valuation of the FACILITY for fiscal year 2014 is \$9,655,100.

WHEREAS, the TOWN strongly supports increased economic development to provide additional jobs for residents of the TOWN, to expand commercial, retail and industrial activity within the TOWN, and to develop a healthy economic and strong tax base; and

WHEREAS, the CERTIFIED PROJECT will further the economic development goals and the criteria established for the ETA and the TIF ZONE;

NOW, THEREFORE, in consideration of the mutual promises of the parties' contained herein and other good and valuable consideration each to the other paid, receipt of which is hereby acknowledged, the parties hereby agree as follows:

**A. TAX INCREMENT FINANCING EXEMPTION**

1. The TOWN, acting by and through its Board of Selectmen, subject to approval by the Town Meeting, hereby enters into this Tax Increment Financing Agreement (the "AGREEMENT") with the COMPANY for the CERTIFIED PROJECT.
2. Subject to Town Meeting approval of the AGREEMENT, the EXEMPTION is hereby granted by the TOWN to the COMPANY in accordance with Chapter 23A, Section 3D; Chapter 40, Section 59; Chapter 240, Acts of 2010 and Chapter 59, Section 5 of the Massachusetts General Laws. The EXEMPTION shall be for the period of five (5) years (the "EXEMPTION PERIOD"), commencing with Fiscal Year 2015 (which begins July 1, 2014) and ending with Fiscal Year 2019 (which ends June 30, 2019) and shall provide a percentage EXEMPTION from taxation, as described in the table below, on the increased value of the FACILITY resulting from the CERTIFIED PROJECT. The EXEMPTION shall be calculated and remain unchallenged for each fiscal year as follows:

YEAR	FISCAL YEAR	REAL PROPERTY TAX EXEMPTION
1	2015 (7/1/2014-6/30/2015)	25% of the increase in valuation
2	2016 (7/1/2015-6/30/2016)	25% of the increase in valuation
3	2017 (7/1/2016-6/30/2017)	25% of the increase in valuation
4	2018 (7/1/2017-6/30/2018)	25% of the increase in valuation
5	2019 (7/1/2018-6/30/2019)	25% of the increase in valuation

3. The EXEMPTION formula for the CERTIFIED PROJECT will be calculated as prescribed by the Massachusetts General Laws Chapter 40, Section 59 and in 760 CMR 22.00. The EXEMPTION formula shall apply to the incremental difference in the assessed valuation of the FACILITY between the base valuation

80 (replaced 9/10/14)

in the base year, which shall be fiscal year 2014, and the annual increase in assessed valuation of the FACILITY for the five (5) years.

4. The agreed base valuation of \$9,655,100. for FY 2014 is the assessed value of the FACILITY in the fiscal year immediately prior to the fiscal year in which the property becomes eligible for the EXEMPTION.

## **B. CONDITIONS**

The EXEMPTION granted to the COMPANY by the TOWN hereby is in consideration of the COMPANY'S commitments stated hereafter as follows:

1. To transfer one hundred thirty (130), permanent full-time jobs within twenty-four (24) months from the state incentive award under the Massachusetts Economic Development Incentive Program and to create an additional fifty-five (55) new, permanent full-time jobs over a five year period from the date of occupancy as outlined in the "Certified Project Application," dated as of February 25, 2014, ("CERTIFIED PROJECT APPLICATION") submitted to the TOWN by the COMPANY in connection with OWNER and the COMPANY'S request for the EXEMPTION. Such new jobs shall be in addition to existing jobs at the FACILITY, currently numbering one hundred and seventy five (175);
2. To invest approximately Three Million Dollars (\$3,000,000.00) in tenant improvements, furniture, fixtures and new equipment at the FACILITY, as described in the CERTIFIED PROJECT APPLICATION which investments shall be placed in use by the date which is five years from the date of initial occupancy of the CERTIFIED PROJECT;
3. To cooperate with the local Office of the Massachusetts Department of Employment and Training and other agencies, as appropriate, in seeking to fill job vacancies with the COMPANY as they develop, and operate a job outreach program whereby Westford residents are made aware of job opportunities with the COMPANY, including advertising in the local newspapers encouraging such residents to apply for employment with the COMPANY any time advertisements are otherwise placed by the COMPANY for employment at the FACILITY;
4. To submit annual reports on job creation, job retention and new investments at the FACILITY to the TOWN, and the EACC by March 31 of each year during the EXEMPTION PERIOD, on the form adopted by EACC for such purpose; and
5. To pay all real estate taxes owed the TOWN relating to the FACILITY in a timely fashion.

## **C. ADDITIONAL PROVISIONS**

1. The COMPANY agrees that the TOWN has the right to petition the EACC to decertify the project and revoke this AGREEMENT if the TOWN, acting through its Board of Selectmen, determines that the COMPANY has failed in any material

way to meet any of the obligations as set forth in this AGREEMENT, subject to the provisions of Section C5. Upon de-certification by the EACC, the TOWN shall discontinue the EXEMPTION benefits described above, commencing with the fiscal year immediately following the year for which the COMPANY has so failed to meet its obligations. Prior to filing any such petition for de-certification, however, the TOWN shall give the COMPANY written notice of the alleged defaults and an opportunity to be heard at a public hearing on the matter. If the TOWN is satisfied that the COMPANY has made a good faith effort to meet its obligations under this AGREEMENT, the parties will attempt to negotiate a mutually acceptable and reasonable resolution, which may result in amendments to the terms of the AGREEMENT, prior to the TOWN filing a de-certification petition.

2. The COMPANY shall give the TOWN two (2) month's written notice prior to any proposed change in the use of, or proposed disposition of the FACILITY. Said notice shall be given to the Town Manager, 55 Main Street, Westford, MA 01886. The TOWN shall not, except as required by law, disclose any information provided by the COMPANY regarding the proposed change in the use of, or proposed disposition of the FACILITY.
3. Pursuant to the 760 CMR 22.05 (8)(d), this AGREEMENT shall be binding upon all parties to it, and be binding upon the COMPANY and its successors and assigns and shall inure to the benefit of affiliates of the COMPANY so long as the CERTIFIED PROJECT has not been de-certified by the EACC. Notwithstanding the existing tenant lease on the FACILITY, if the COMPANY decides to sell or sublease the FACILITY or assign its leasehold interest, the COMPANY shall give the TOWN at least two (2) month's written notice of said sale, sublease or assignment. Said notice shall be given to the Town Manager at the above address.
4. The CERTIFIED PROJECT becomes eligible for the EXEMPTION on the July 1st following the date on which the EACC approves the TIF Plan pursuant to which this AGREEMENT is executed, as provided in 760 CMR 22.05 (4)(d).
5. If any provision of this AGREEMENT shall be found invalid for any reason, such invalidity shall be construed as narrowly as possible and the balance of this AGREEMENT shall be deemed to be amended to the minimum extent necessary to provide to the TOWN, and the COMPANY substantially the benefits set forth in this AGREEMENT.
6. All notices permitted or required under the provisions of the AGREEMENT shall be in writing, and shall be sent by registered or certified mail, postage prepaid, or shall be delivered by private express carrier to the addresses listed above or at such other address as may be specified by a party in writing and served upon the other in accordance with this section. Such notices shall be deemed given when delivered or when delivery is refused.

7. Francis X. Wentworth, as Manager of Normandy Fund Submanagement Co., LLC for GLENBOROUGH WESTFORD CENTER LLC is the fee OWNER of the land on which the FACILITY will be located. The COMPANY, as "tenant", currently has a lease for portions of 3 and 5 Carlisle Road, through a lease most recently amended November 18, 2013. The OWNER hereby assents to this Tax Increment Financing Agreement by and between The Town of Westford and Cynosure, Inc. by executing the Assent attached hereto as Exhibit B, and agrees that all of the benefits of this Tax Increment Financing Agreement shall enure to the COMPANY.

**WITNESSETH** the execution and delivery of this AGREEMENT by the TOWN OF WESTFORD, and CYNOSURE, INC. as an instrument under seal as of the date first above written.

The **TOWN OF WESTFORD**, by its Board of Selectmen, duly authorized pursuant to Town Meeting vote under Article \_\_\_ of the 2014 Annual Town Meeting, duly called and held on March 22, 2014

**CYNOSURE, INC.**

\_\_\_\_\_  
By: Authorized Officer

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
By:

BOARD OF SELECTMEN

**Exhibit A - Map of FACILITY and EOA**



Town of Westford, MA

### 3-5 Carlisle Road

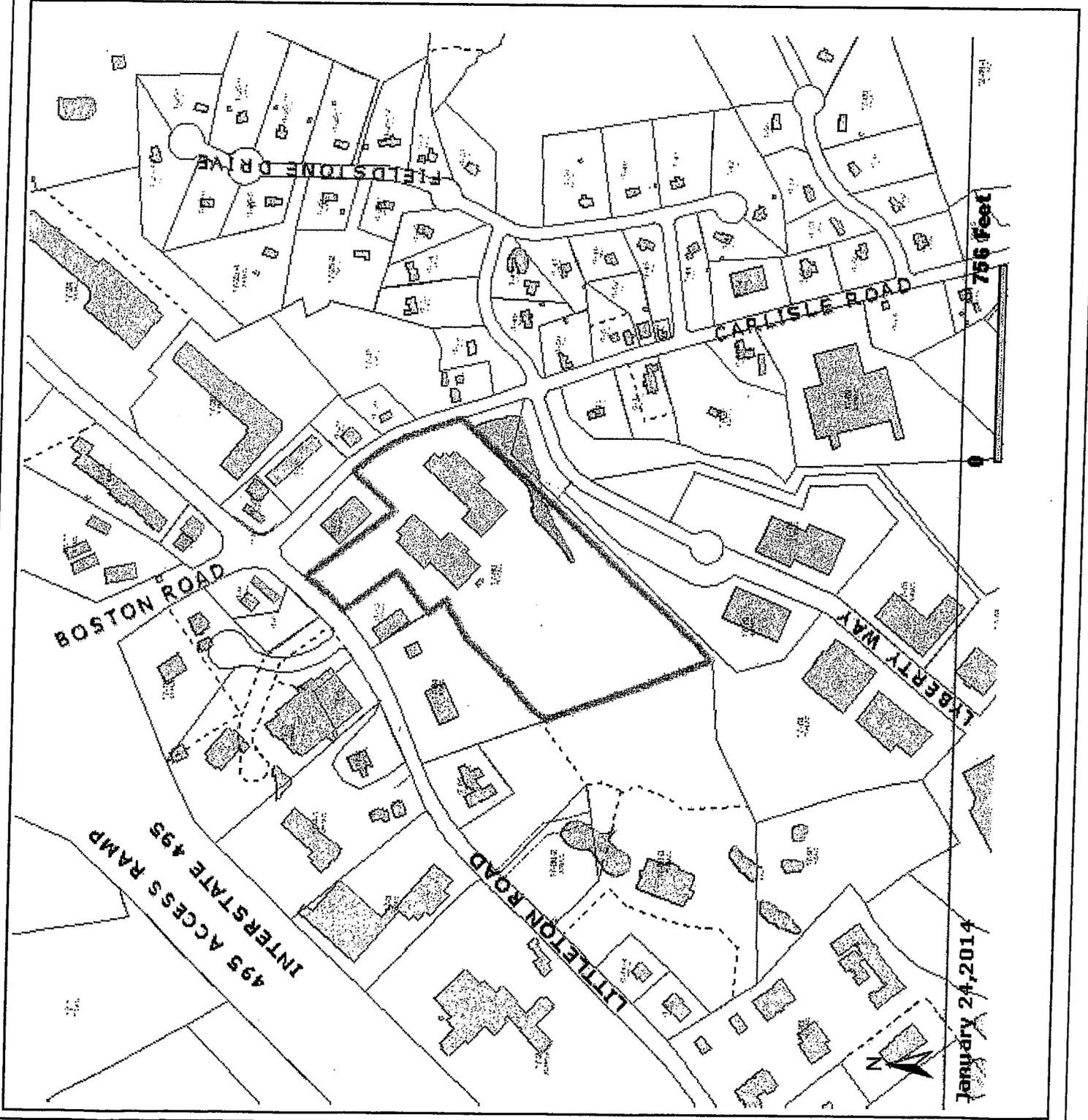
TIF Zone

Overview Map



#### Disclaimer

Town of Westford, MA makes no warranty or representation as to the accuracy, timeliness or completeness of any of the data. The Town of Westford, MA, shall have no liability for the data or lack thereof, or any decision made or action taken or not



January 24, 2014

# Legend

- StreetNames
- Taxgrid100
- Taxgrid200
- Easements
- Parcels
- Former Parcel Lines
- Parcels Clear
- Parcels Buffer
- Main Buildings
- Out Buildings
- Ponds
- Parcels Background

**EXHIBIT B**

**OWNER'S ASSENT**

Owner hereby assents to the foregoing Tax Increment Financing Agreement by and between the Town of Westford (the "Town") and Cynosure, Inc. ("Cynosure") dated \_\_\_\_\_, 2014 (the "Agreement"), provided that (i) Cynosure is solely responsible for any and all commitments and obligations of Cynosure set forth in the Agreement; (ii) any information furnished by Cynosure to the Town is furnished solely by Cynosure and the Owner does not represent or warrant the accuracy of any of such information contained in the Agreement, projections made, or expectations assumed; (iii) the Owner hereby disclaims any and all representations and warranties, express or implied, with respect thereto, and the Town and Cynosure hereby acknowledge and agree no such representations or warranties have been, or are hereby, made on behalf of Owner; (iv) nothing contained in the Agreement will be deemed to impose any duty on Owner; (v) Owner will not incur any liability whatsoever for any act, omission to act, or breach of any kind by Cynosure of any term, provision, commitment, representation or warranty contained in the Agreement; and (vi) Owner is hereby released from any claims by either Cynosure and/or the Town against the Owner which are in any way related to or arise out of the Agreement. Notwithstanding the above terms, the Owner acknowledges that any and all rights, remedies and recourse of the Town under the provisions of General Laws Chapter 60 relative to the collection of real estate taxes assessed with respect to the subject property are excluded from the scope hereof and are expressly reserved by the Town as against Cynosure and/or the Owner, as the respective tenant and owner of said property, but as aforesaid, in no event shall Owner be responsible for any tax relief granted to Cynosure under the Agreement (i.e. no "claw-back").

IN WITNESS, WHEREOF, executed this \_\_\_\_ day of \_\_\_\_\_ 2014.

OWNER:

GLENBOROUGH WESTFORD CENTER LLC:

By: Normandy Fund Submanagement Co., LLC

By: \_\_\_\_\_  
 Name: Francis X. Wentworth  
 Title: Manager

94 (replaced 3/10/14)

## **Attachment D**

### **Municipal Vote by Authoritative Body Approving Incentive**

- 1) Warrant for Annual Town Meeting See Article 18 Approve Economic Development Incentive Project – Cynosure, Inc.
  
- 2) DRAFT resolution for Board of Selectmen action on 3/25/14

COMMONWEALTH OF MASSACHUSETTS  
TOWN OF WESTFORD  
WARRANT

Middlesex, ss.

To the Constable of the Town of Westford, in said County,

GREETINGS:

You are required in the name of the Commonwealth aforesaid, to notify and warn all inhabitants of said Town qualified to vote in elections, and also in Town affairs, to meet at the Abbot School Gymnasium at Depot Street on the following date:

Saturday, March 22, 2014

(voter registration deadline, Friday, February 28, 2014 at 8:00pm)

at 10:00 o'clock in the morning, then and there to act upon the following articles:

REPORTS

<b>ARTICLE 1:</b>	<b>Accept Town Reports</b>	<i>Town Manager</i>
	To see if the town will vote to accept the Reports of Town Officers, Boards and Committees for the Fiscal Year 2013;	
	Or act in relation thereto.	

FINANCIAL - FISCAL YEAR 2014

<b>ARTICLE 2:</b>	<b>Approve Unpaid Bills from Previous Fiscal Year(s)</b>	<i>Town Manager</i>
	To see if the Town will vote to raise and appropriate, borrow, or transfer from available funds, or any combination thereof; a sum of money to pay for unpaid bills of prior fiscal years for various Town departments in accordance with the provisions of <u>Massachusetts General Laws Chapter 44, Section 64</u> ;	
	Or act in relation thereto.	

<b>ARTICLE 3:</b>	<b>Approve Fiscal Year 2014 Supplemental Appropriations</b>	<i>Town Manager</i>
	To see if the Town will vote to appropriate various sums in order to supplement operating budgets for the Fiscal Year ending June 30, 2014;	
	Or act in relation thereto.	

<b>ARTICLE 4:</b>	<b>Approve Fiscal Year 2014 Budget Transfers</b>	<i>Town Manager</i>
	To see if the Town will vote to transfer various sums between and among various accounts for the Fiscal Year ending June 30, 2014;	
	Or act in relation thereto.	

<b>ARTICLE 5:</b>	<b>Appropriate for Perchlorate Expenses</b>	<i>Town Manager</i>
	To see if the Town will vote to raise and appropriate, borrow, or transfer from available funds, or any combination thereof; the sum of \$250,000 (TWO HUNDRED FIFTY THOUSAND DOLLARS) for the purpose of providing funds to address associated issues regarding perchlorate contamination;	
	Or act in relation thereto.	

**ARTICLE 6: Establish Health Insurance Stabilization Fund** *Town Manager*

To see if the Town will vote to accept the provisions of Massachusetts General Laws Chapter 40 Section 5B in order to establish a Health Insurance Stabilization Fund and to see if the Town will vote to raise and appropriate, borrow, or transfer from available funds, or any combination thereof; the sum of \$500,000 to be deposited into said stabilization fund;

Or act in relation thereto.

**ARTICLE 7: Appropriate from Insurance Receipts Reserved for Repairs to the Roudenbush Buildings Located at 65 Main Street, 73 Main Street, and 170 Plain Road** *Board of Selectmen*

To see if the Town will vote to appropriate from insurance receipts reserved in accordance with Massachusetts General Laws Chapter 44, Section 53 the sum of \$45,194 (FORTY FIVE THOUSAND ONE HUNDRED NINETY FOUR) for repairs to the Roudenbush buildings located at 65 Main Street, 73 Main Street, and 170 Plain Road;

Or act in relation thereto.

**ARTICLE 8: Appropriate from Sale of Cemetery Lots Receipts Reserved for Cemetery Improvements** *Cemetery Commission*

To see if the Town will vote to appropriate from sale of cemetery lots receipts reserved in accordance with Massachusetts General Law Chapter 114, Section 15 the sum of \$75,000 (SEVENTY FIVE THOUSANDS DOLLARS) for care, improvements and embellishments, or the enlargement of the cemetery at Fairview and Pine Grove Cemeteries;

Or act in relation thereto.

**CAPITAL APPROPRIATIONS - FISCAL YEAR 2014**

**ARTICLE 9: Approve Capital Appropriations** *Capital Planning Committee*

To see if the Town will appropriate by taxation, by transfer from available funds, by borrowing, or any combination thereof, the sum of \$4,135,665 (FOUR MILLION ONE HUNDRED THIRTY FIVE THOUSAND SIX HUNDRED SIXTY FIVE DOLLARS) to provide for the following capital requests:

<i>DEPARTMENT</i>	<i>AMOUNT</i>	<i>PURPOSE</i>
Town Manager	\$99,005	Town building security improvements
Technology	\$325,000	School computer replacement
Technology	\$34,000	Town computer replacement
Technology	\$40,000	Network upgrades
Technology	\$25,000	Server & storage replacements
Police	\$15,500	Five (5) portable radios
Fire	\$50,000	Four (4) thermal imaging units
Fire	\$13,160	Hose replacement
Schools	\$30,000	Courier van replacement
Schools	\$42,000	1-Ton truck replacement
Schools	\$75,000	Abbot intercom system
Schools	\$30,000	Blanchard intercom system
Schools	\$35,000	Robinson intercom system
Highway	\$70,000	Two (2) pickup trucks
Highway	\$110,000	Bobcat with trailer
Highway	\$220,000	4x4 Six-wheel plow truck

*JSK*

Highway	\$85,000	Swaploader Asphalt Patch Body
Highway	\$225,000	Main Street Road Design
Highway	\$250,000	Road Maintenance
Wastewater Management	\$100,000	Wastewater Treatment Plant Upgrades
Cemetery	\$13,000	Mower
Parks & Grounds	\$16,000	John Deere Tractor with loader
Parks & Grounds	\$13,000	Infield groomer
Water Enterprise	\$150,000	Standby generators at the Nutting Rd. pump station
Water Enterprise	\$70,000	Disinfection equipment at the Nutting Rd. and Forge Village Rd. pump stations
Water Enterprise	\$75,000	Main Street road design
Water Enterprise	\$15,000	Water building security upgrades
Water Enterprise	\$660,000	Water system improvements on Pleasant Street from Abbot Street to Pine Street, including all costs incidental and related thereto
Stabilization	\$850,000	Capital Stabilization

Or act in relation thereto.

**ARTICLE 10:** Nashoba Valley Technical High School MSBA Roof Project *Nashoba Valley Technical High School Committee*

To see if the Town will approve the sum of \$2,802,362 (TWO MILLION EIGHT HUNDRED TWO THOUSAND THREE SIXTY TWO DOLLARS) borrowing authorized by the Nashoba Valley Technical School District, for the purpose of paying costs of the Accelerated Roof Repair Project at the Nashoba Valley Technical High School, located at 100 Littleton Road, Westford Massachusetts, including the payment of all costs incidental or related thereto (the "Project"), which proposed repair project would materially extend the useful life of the school and preserve an asset that otherwise is capable of supporting the required educational program], and for which the District may be eligible for a school construction grant from the Massachusetts School Building Authority ("MSBA"), said amount to be expended at the direction of the Nashoba Valley Technical School Committee. The MSBA's grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and any Project costs the District incurs in excess of any grant approved by and received from the MSBA shall be the sole responsibility of the District and its member municipalities. Any grant that the District may receive from the MSBA for the Project shall not exceed the lesser of (1) fifty-two point twenty six percent (52.26%) of eligible, approved project costs, as determined by the MSBA, or (2) the total maximum grant amount determined by the MSBA;

Or act in relation thereto.

**ARTICLE 11:** Robinson School and Day School MSBA Project *School Committee*

To see if the Town will vote to raise and appropriate, borrow, or transfer from available funds, or any combination thereof; the sum of \$4,101,750 (FOUR MILLION ONE HUNDRED ONE THOUSAND SEVEN HUNDRED FIFTY DOLLARS) to be expended under the direction of the School Committee, in conjunction with management oversight by the Permanent Town Building Committee, for additional funds for completing the design, bidding and construction phases of two window and door replacement projects, including associated cost which consists of, but is not limited to, hazardous material removal/abatement/encapsulation as well as requirements as stipulated by the Massachusetts Energy Code, Architectural Access Board (ADA) and Massachusetts Building Code at

*JSK*

the Colonel John Robinson School located at 60 Concord Road and the Norman E. Day School located at 75 East Prescott Street, and any related costs, which proposed repair projects would materially extend the useful life of the school and preserve an asset that otherwise is capable of supporting the required educational program and for which the Town has applied for a school construction grant from the Massachusetts School Building Authority ("MSBA"). The Town acknowledges that the MSBA's grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, any project costs the Town incurs in excess of any grant that may be approved by and received from the MSBA shall be the sole responsibility of the Town;

Or act in relation thereto.

<b>ARTICLE 12:</b>	<b>Approve Fire Department Study to Determine Space and Functional Needs and Develop Plan to Optimize Service Delivery</b>	<i>Board Selectmen</i>
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To see if the Town will vote to raise and appropriate, borrow, or transfer from available funds, or any combination thereof; the sum of \$50,000 (FIFTY THOUSAND DOLLARS) for professional services to conduct a study to determine the space and functional needs of the Fire Department; recommend concepts for reconfiguration or reconstruction of the center station; develop and evaluate alternatives to the current three fire station service model, including an examination of the need for, and recommended suitable locations of, a potential fourth fire station; recommend staffing and equipment utilization plans; and examine the feasibility of consolidating emergency communications operations. The study shall focus on improving response times and identifying the most beneficial and cost effective long-term solutions for both the current and future requirements of the Fire Department;

Or act in relation thereto.

### COMMUNITY PRESERVATION FUNDS

<b>ARTICLE 13:</b>	<b>Community Preservation Committee Recommendations</b>	<i>Community Preservation Committee</i>
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To see if the Town will vote to hear and act on the report of the Community Preservation Committee on the Fiscal Year 2014 Community Preservation budget and to appropriate from the Community Preservation Fund a sum of money not exceeding 5% of the FY2014 estimated annual revenues to meet the administrative expenses and all other necessary and proper expenses of the Community Preservation Committee for Fiscal Year 2014; and further to reserve for future appropriation a sum of money from the Community Preservation Fund for open space, historic resources, and community housing purposes, and further to appropriate from the Community Preservation Fund or borrow pursuant to Massachusetts General Laws Chapter 44B, Section 11, or any other enabling authority, a sum or sums of money for Community Preservation projects or purposes, including acquisition of interests in land, all as recommended by the Community Preservation Committee;

Or act in relation thereto.

### FINANCIAL-FISCAL YEAR 2015

<b>ARTICLE 14:</b>	<b>Amend the Wage and Classification Plan</b>	<i>Town Manager</i>
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To see if the Town will vote to amend the Pay Classification Plan for non-unionized municipal employees, effective July 1, 2014;

Or act in relation thereto.

<b>ARTICLE 15:</b>	<b>Authorize Revolving Funds</b>	<i>Town Manager</i>
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To see if the Town will vote to authorize revolving funds for the Fiscal Year July 1, 2014 - June 30, 2015, under the provisions of Massachusetts General Laws Chapter 44, Section 53E 1/2 for the following:

gsk

Revolving Account	Spending Authority	Revenue Source	Allowed Expenses	Expenditure Limits	Year End Balance
Lease of Town Buildings: 65 & 73 Main St & 170 Plain Rd	Board of Selectmen	Lease payment and other revenues from leased properties	Costs associated with maintenance, repairs and improvements to the leased properties	\$550,000	Available for expenditure next year
Recycling Revolving	Recycling Commission	Sale of bins	Purchase of recycling supplies	\$20,000	Available for expenditure next year
Recreation Field Maintenance	Recreation Commission	Field user fees/permits	Field maintenance, hiring of necessary personnel and consulting services	\$150,000	Available for expenditure next year
Senior Center Fitness Room	Council on Aging	Fees and gifts received for the Fitness Room	Fitness room maintenance supplies, equipment warranties, training, monitoring and purchase of replacement fitness equipment	\$75,000	Available for expenditure next year
Senior Center Programs	Council on Aging	Program fees	Costs associated for the operation of activities for Cameron to include supplies and wages	\$50,000	Available for expenditure next year
School Parking	School Department	Parking fees	Maintenance and expansion of parking facilities	\$30,000	Available for expenditure next year
School Bus/Transportation	School Department	User bus fees	Student transportation costs	\$618,723	Available for expenditure next year
East Boston Camps Maintenance	Conservation Commission	Revenue received for the lease, rental or licensing of camp facilities and donations received for the support of the East Boston Camps property	Costs associated for the operation and maintenance of the East Boston Camps property	\$50,000	Available for expenditure next year
Stormwater Revolving Fund	Planning Board	Peer review fees from applicants for stormwater management permits	Third party consultant review of stormwater management permits and/or construction inspection	\$20,000	Available for expenditure next year
Immunizations and Clinical Services	Board of Health	Fees received for immunizations and clinical services for the purpose of	costs of supplies and technical services for immunization and clinical programs	\$25,000	Available for expenditure next year

Or act in relation thereto.

*JSK*

**ARTICLE 16: Approve Fiscal Year 2015 Operating Budget** *Town Manager*

To see if the Town will vote to appropriate a sum of money by taxation, by transfer from available funds, by borrowing, or any combination thereof, for the operation and maintenance of Town Departments for the Fiscal Year July 1, 2014 through June 30, 2015, and that such sums be expended for such purposes under the direction of the respective Town Officers, Boards and Committees;

Or act in relation thereto.

**ARTICLE 17: Appropriate Chapter 90 Local Transportation Funds for Roadway Maintenance** *Board of Selectmen*

To see if the Town will vote to appropriate a sum of money from the proceeds due to the Town under the provisions of Massachusetts General Laws Chapter 90;

Or act in relation thereto.

**ARTICLE 18: Approve Economic Development Incentive Program Project – Cynosure, Inc.** *Board of Selectmen*

To see if the Town will vote to approve the application for the Economic Development Incentive Program (EDIP) Local Incentive Program, and approve the Tax Increment Financing (TIF) Agreement between the Town and Cynosure, Inc. to be included in said application, substantially in the form as is on file with the Town Clerk and posted on the Town web site at least 14 days before Town Meeting as required by Chapter 51 of the General Bylaws (the "TIF Agreement"), pursuant to Massachusetts General Laws Chapter 23A and Chapter 40 Section 59; and to authorize the Board of Selectmen to submit a TIF Plan, designate a TIF Zone and an Economic Opportunity Area at 3-5 Carlisle Road (Map 17 Parcel 80), and make applications to the Massachusetts Economic Assistance Coordinating Council relating to the project as described in the TIF Agreement and to take such other actions as may be necessary to obtain approval of the TIF Plan, TIF Zone, the Economic Opportunity Area and to implement the TIF Agreement;

Or act in relation thereto.

**ARTICLE 19: Accept Massachusetts General Laws Chapter 73, Section 4 of the Acts of 1986, as Amended by Chapter 126 of the Acts of 1988 Related to Property Tax Exemption Increase by 100% for the Blind, Elderly and Disabled Veterans** *Board of Assessors*

To see if the Town will vote to accept the provisions of Massachusetts General Laws Chapter 73, Section 4 of the Acts of 1986, as amended by Chapter 126 of the Acts of 1988, by providing for additional property exemptions for qualified residents who may be blind, elderly, surviving spouses or minors, or who are disabled veterans, and to continue the present percentage increase of 100%;

Or act in relation thereto.

**ADMINISTRATIVE**

**ARTICLE 20: Authorize Library Trustees to Pursue and Accept State Grants** *Board of Library Trustees*

To see if the Town will vote to grant the Trustees of the J. V. Fletcher Public Library the authority to apply for, accept, and expend any state grants which may be available for a feasibility study for the current and future needs of the J. V. Fletcher Public Library;

Or act in relation thereto.

*JSK*

**ARTICLE 21: Authorize Amendment to Contract for Solid Waste Collection and Transportation** *Board of Selectmen*

To see if the Town will vote to authorize the Board of Selectmen to enter an Amendment to the Service Agreement between the Town of Westford and Acme Waste Services Inc. with an effective date of July 1, 2010, for the collection and transportation of solid waste, said amendment extends the term of the Service Agreement from five years to eight years so that the Service Agreement will expire on June 30, 2018, on such terms and conditions as the Board of Selectmen determine to be in the best interests of the Town;

Or act in relation thereto.

**ARTICLE 22: Authorize Board of Selectmen to Accept Easements** *Board of Selectmen*

To see if the Town will vote to authorize the Board of Selectmen, during Fiscal Year 2015, to accept any and all easements for sidewalk, drainage, or other utility purposes, as they may deem in the Town's best interests;

Or act in relation thereto.

**ARTICLE 23: Establish Annual Fee for the Licensing of Dogs** *Board of Selectmen*

To see if the Town will vote to establish the annual fee for the licensing of dogs in the following amounts: \$15 for each spayed or neutered dog and \$20 for each intact dog;

Or act in relation thereto.

**ARTICLE 24: World Flag Resolution** *Citizen Petition*

WHEREAS:

The World Flag is intended to heighten awareness of the responsibility of all people to manage global resources in a sustainable way, regardless of an individual's country of origin, cultural background, spoken language, or religion and,

WHEREAS:

The world's ecosystem knows no sovereignty; we share the resources of the Earth with other living things that rely on us to preserve these resources; when we care for the world's land, water and air in responsible ways, we take steps to preserving our beautiful planet and,

WHEREAS:

The World flag has been designed and patented by a Westford resident Dr. Chaitanya Hiremath to represent two unique characteristics about planet Earth, the environment and the richness of life, which are interconnected in an intricate and a fragile way; the universal symbol serves as a reminder of our individual and our collective responsibilities and,

WHEREAS:

The World Flag was born in Westford, first released on April 14, 2011 during the World Fest Event at the Crisafulli School and,

WHEREAS:

SEALOEARTH (pronounced as, seal-o-earth), which stands for "Serene Environment And Life On Earth", is a Westford-grown 501c3 non-profit organization now with a global presence and its vision is a world in which all people participate in the stewardship of planet Earth,

**THEREFORE BE IT RESOLVED:**

That the voters of Westford adopt this World Flag and show their support for the flying of the World Flag at the Crisafulli School and on Earth Day on the Westford Common.

Or act in relation thereto.

**ARTICLE 25: Authorize Board of Selectmen and Historical Commission to Grant Preservation Restriction on the Town Museum and Cottage Buildings Located at 2-4 Boston Road** *Board of Selectmen*

To see if the Town will vote to authorize the Board of Selectmen and the Westford Historic Commission to grant a perpetual historic preservation restriction, pursuant to the provisions of G.L. Chapter 184, Sections 31-32, encumbering certain property and the buildings thereon, located at 2-4

*JSK*

Boston Road, shown on Assessor's Map 55 as Lot 13, and described in a deed recorded with the Middlesex North Registry of Deeds in Book 558, Page 227, Westford, said restriction to be upon the land, the exterior and interior of the building known as the Westford Museum and on the exterior only of the building known as the Fire Department Cottage, to the Commonwealth of Massachusetts, by and through the Massachusetts Historical Commission, on such terms and conditions, and for such consideration, as the Board of Selectmen deems appropriate;  
Or act in relation thereto.

### GENERAL BYLAW AMENDMENTS

**ARTICLE 26:** **Amend Chapter 61: Hazardous Materials Storage Bylaw** *Board of Health*

To see if the Town will vote to amend General Bylaw Chapter 61: Hazardous Materials Storage, as set forth in the hand-out on file at the office of the Town Clerk and also available in the Health Department office;

Or act in relation thereto.

**ARTICLE 27:** **Amend Chapter 22: Finance Committee** *Finance Committee*

To see if the Town will vote to amend General Bylaw Chapter 22 to allow 60 days for the Town Manager to produce financial reports after the close of the fiscal year;

Or act in relation thereto.

**ARTICLE 28:** **Amend Chapter 124: Marijuana Bylaw** *Board of Selectmen*

To see if the Town will vote to amend General Bylaw Chapter 124 to include a reference to the Humanitarian Medical Use of Marijuana Act;

Or act in relation thereto.

**ARTICLE 29:** **Adopt New General Bylaw Chapter 170: TBD** *Board of Selectmen*

That the Town adopt a new General Bylaw Chapter 170 to rename the town owned parcels of land now known as Stepinski and East Boston Camps with new names reflecting the Town of Westford ownership of this property;

Or act in relation thereto.

### ZONING BYLAW AMENDMENTS

**ARTICLE 30:** **Amend Zoning Bylaw Sections 2, 6, 8 and 10 to Establish a Medical Marijuana Overlay District** *Planning Board*

To see if the Town will vote to amend subsection 2.1.1 to include a reference to the Medical Marijuana Overlay District (MMOD), to delete Section 6.6 in its entirety - Temporary Moratorium on Medical Marijuana Treatment Centers, to create a new subsection 8.6, Medical Marijuana Overlay District and to amend Section 10.2, Definitions, to add definitions related to MMOD;

Or act in relation thereto.

**ARTICLE 31:** **Amend Zoning Bylaw Section 8.2, the Floodplain Overlay District** *Planning Board*

To see if the Town will vote to amend Section 8.2, to update references to the State Building Code, to update map references to the Middlesex County Flood Insurance Rate Maps (FIRM), and to correctly reference a requirement of the Code of Federal Regulations;

Or act in relation thereto.

*gsk*

**STREET ACCEPTANCES**

<b>ARTICLE 32:</b>	Accept Hidden Valley Road, Musket Lane, and Sawmill Road as Public Ways	<i>Board of Selectmen</i>
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To see if the Town will vote to accept the layout of Hidden Valley Road, Musket Lane, and Sawmill Road as Town public ways pursuant to Massachusetts General Laws Chapter 82:

Or act in relation thereto.

**CARE AND CUSTODY OF TOWN LAND**

<b>ARTICLE 33:</b>	Transfer Custody of Parcel on Briarwood Drive from the Tax Possession Sale Committee to the Board of Selectmen	<i>Board of Selectmen</i>
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To see if the Town will vote to transfer the care, custody, control and management of the following parcels of Assessors' Map 45, Parcel 83.20, located on Briarwood Drive from the Tax Possession Sale Committee presently held for the purpose of tax title sale to the Board of Selectmen for general municipal purposes;

Or act in relation thereto.

<b>ARTICLE 34:</b>	Transfer Custody of Parcel on Flagg Road from the Tax Possession Sale Committee to the Conservation Commission	<i>Conservation Commission</i>
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To see if the Town will vote to transfer the care, custody, control and management of the following parcels of Assessors' Map 21, Parcel 14, located on Flagg Road from the Tax Possession Sale Committee presently held for the purpose of tax title sale to the Conservation Commission to be held for conservation purposes;

Or act in relation thereto.

<b>ARTICLE 35:</b>	PLACEHOLDER - Transfer Custody of Parcel on Hildreth Street from the Tax Possession Sale Committee to the Conservation Commission	<i>Conservation Commission</i>
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To see if the Town will vote to transfer the care, custody, control and management of the following parcels of Assessors' Map 21, Parcel 103, located on Hildreth Street from the Tax Possession Sale Committee presently held for the purpose of tax title sale to the Conservation Commission to be held for conservation purposes;

Or act in relation thereto.

*JSK*

And you, Constable, are directed to serve this warrant by posting a true and attested copy thereof at the Town Hall, Library and at each Post Office in said Town of Westford at least fourteen (14) days prior to the time of holding said meeting.

THEREOF FAIL NOT and make return of this warrant, with your doings thereon, to the Town Clerk, at the time and place of holding the meeting aforesaid.

Given under our hands this 25<sup>th</sup> day of February in the Year of our Lord 2014.

\_\_\_\_\_  
Andrea Peraner-Sweet (Chair)

\_\_\_\_\_  
Jim Sullivan (Vice-Chair)

Scott Hazelton  
Scott Hazelton (Clerk)

Kelly Ross  
Kelly Ross

Valerie Wormell  
Valerie Wormell

A TRUE COPY  
ATTEST:

\_\_\_\_\_  
Constable of Westford

DATE:

I HEREBY CERTIFY THAT I HAVE SERVED THE FOREGOING WARRANT BY POSTING A TRUE AND ATTESTED COPY THEREOF AT THE TOWN HALL, LIBRARY AND AT EACH POST OFFICE IN THE SAID TOWN OF WESTFORD AT LEAST FOURTEEN DAYS PRIOR TO THE TIME OF HOLDING SAID MEETING.

RESOLUTION AUTHORIZING THE DESIGNATION OF A  
CERTIFIED PROJECT

WHEREAS, the Westford Selectmen have approved the creation of the 3-5 Carlisle Road Economic Opportunity Area (EOA), as defined in Exhibit A; and

WHEREAS, the Westford Selectmen support the expansion of Cynosure Inc., (Cynosure) at the 3-5 Carlisle Road EOA and the proposed designation of Cynosure project as a Certified Project; and

WHEREAS, the Westford Selectmen have determined that the proposal by Cynosure to expand within the 3-5 Carlisle Road EOA as a designated Certified Project is consistent with the economic development goals of the EOA; and

WHEREAS, the Westford Selectmen find that the designation of this Certified Project will not overburden the Town's municipal services, existing infrastructure, or current utility services; and

WHEREAS, the Westford Selectmen determine that the designation of this Certified Project will have a reasonable chance of increasing employment opportunities for residents of the 495 Technology Corridor Economic Target Area (ETA), thereby improving economic conditions within this area; and

WHEREAS, the Westford Selectmen support the use of tax increment financing as a tool to encourage economic development within the EOA;

NOW THEREFORE BE IT RESOLVED by the Westford Selectmen that:

1. The Selectmen hereby authorize the submission of the Cynosure Certified Project application to the Massachusetts Economic Assistance Coordinating Council; and
2. The Town Manager is hereby authorized to execute and implement a Tax Increment Financing (TIF) Agreement to be attached to the proposed Certified Project application.

Adopted this 22nd day of March, 2014, by the Westford Selectmen.

Selectmen of Westford

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**DRAFT**

## **Attachment E**

# **Municipal Vote Authorizing Application to EACC**

**(January 28, 2014 Board of Selectmen)**



**TOWN OF WESTFORD  
BOARD OF SELECTMEN**

TOWN HALL  
55 Main Street  
WESTFORD, MA 01886  
Telephone (978) 692-5501 Fax (978) 399-2557

**ACTION TAKEN**

Tuesday, January 28, 2014  
7:30PM

Town Hall, Meeting Room, 55 Main Street  
*(Please be advised all times are approximate)*

1. 7:30PM **Call to Order**
2. 7:31PM **Pledge of Allegiance**
3. 7:32PM **Open Forum/FAQ/Announcements**
  - 1) Recognition of Tony Vacca for his 7 years of service on the Communications Advisory Committee
  - 2) Recognize Fire Department assisting Animal Control in rescuing a Sharp Shinned Hawk that was trapped in the window alcove above Starbucks entrance
4. 7:35PM **Review Cynosure Application for Economic Development Incentive Program (EDIP) Local Only - Tax Increment Financing (TIF) – Tim Baker, CFO and Chris Kluchman, Director of Land Use Management**

BoS support going forward with application, placing on the ATM warrant, and finalizing TIF agreement 5-0
5. 7:45PM **Public Hearing – Transfer of All Alcohol Package Store License from BSM, Inc d/b/a The Wine Cellar to Busa Wine & Spirits of Westford, Inc. d/b/a Busa Wine – 160 Littleton Road – Daniel Busa Jr, Andrew Busa, and Attorney Ann Sobolewski**

Approved 5-0
6. 7:50PM **Review NMCOCG Town Center Parking Recommendations – Beverly Woods, Executive Director**

BoS removed \$75K placeholder for improvements in FY15 capital budget 5-0
7. 8:10PM **Discussion of Proposed Hazardous Material Storage Bylaw – Zac Cataldo – Chairman, Board of Health**
8. 8:25PM **March 22, 2014 Annual Town Meeting**

Removed NMCOCG Town Center Study warrant article 5-0

  - 1) Review placeholder warrant articles
  - 2) Vote to close warrant

Warrant closed with article numbers subject to change 5-0

9. 8:40PM

**Consent Agenda**

Approved 5-0

Town Common Request – (not attending)

- 2<sup>nd</sup> SEALOEarth Earth Day Festival – *Chaitanya Hiremath*  
April 26, 2014  
10:00am – 4:00pm

10. 8:45PM

**Minutes for Approval and Release:**

Approved 5-0

- May 21, 2013 - Regular Session

11. 8:50PM

**Old/New Business**

Increased at-large  
appointments to 11 and  
added 2 alternates  
5-0

- 1) Discussion regarding the proposed amended Chapter 124:  
Marijuana Bylaw – *Chris Kluchman*
- 2) Appoint a BoS representative, 7 citizens and 2 alternates to the  
Hunting Policy Committee
  - Kelly Ross as Selectmen representative (3-2)
  - Al Prescott and Al Rosinski as at-large members (5-0)
  - Mariclare O’Neal, Corinne Ryan, Ellen Spahr, Carol Sammarco, and  
Brendon Redmond as at-large members (5-0)
  - Doug Deschenes as at-large member (4-1)
  - Shawn Girard, Henry LeDuc, and Mark Lewis as at-large members (5-0)
  - Wayne Wagner and James Kearns as alternate members (5-0)
  - Jim Gozzo as Conservation Commission representative (5-0)

Approved 5-0 → 3) Dissolve Budget Solutions Task Force

12. 9:10PM

**Board Reports/Updates**

Scott Hazelton announced residents  
may have more than 1 vote per  
household as long as the voter is over  
18 years of age - EBCSPNS  
committee will meet again on 2/5/14

- Update on East Boston Camps and Stepinski Parcel’s Naming  
Study Committee – *Scott Hazelton*

13. 9:20PM

**Town Manager’s Report**

Approved 5-0

- 1) Update on the request for a “Slow Children” sign to be placed on  
Elm Road near the intersection of Plain Road and Elm Road
- 2) Request to award contract to TEC, Inc. for the Groton Road  
Intersection Designs in the amount of \$216,400
- 3) Announce receipt of FY14 Risk Management Grant Award in the  
amount of \$4500

14. 9:30PM

**Correspondence**

15. 9:35PM

**Adjournment**



Approved 2/25/14

**TOWN OF WESTFORD**  
**BOARD OF SELECTMEN**  
**MINUTES**

**DATE:** January 28, 2014

**TIME:** 7:30 PM

**PLACE:** Town Hall Meeting Room

**PRESENT:** Kelly Ross, Jim Sullivan, Andrea Peraner-Sweet, Valerie Wormell,  
Scott Hazelton

**OTHERS**

**PRESENT:** Jodi Ross, Town Manager, John Mangiaratti, Asst Town Manager,  
Audience Members

**CALL TO ORDER**

Chairman Peraner-Sweet called the meeting to order at 7:31 pm.

**PLEDGE OF ALLEGIANCE**

Selectman Sullivan led the Pledge of Allegiance.

**OPEN FORUM/FAO/ANNOUNCEMENTS**

Chairman Peraner-Sweet recognized Tony Vacca for his seven years of service on the Communications Advisory Committee, the last two as chairman. He has decided to step down due to family obligations and increased time commitments. Chairman Peraner-Sweet said he served the town incredibly well, holding Verizon's feet to the fire and was dedicated to giving Westford the very best in communications. Mr. Vacca thanked her, the selectmen, the members of the Communications Advisory Committee and his wife. He said he would like to complete a few unfinished items before he departed the committee entirely.

Chairman Peraner-Sweet recognized the Fire Department and Animal Control for rescuing a Sharp Shinned Hawk that had gotten trapped in the window alcove above the entrance to Starbucks on Littleton Road. The hawk was not injured and released back to its habitat.

**REVIEW CYNOSURE APPLICATION FOR ECONOMIC DEVELOPMENT  
INCENTIVE PROGRAM (EDIP) LOCAL ONLY – TAX INCREMENT FINANCING  
(TIF)**

Land Use Director Chris Kluchman and Tim Baker, Chief Financial Officer of Cynosure, Inc gave a brief summary and details of a proposed Tax Increment Financing Agreement. Cynosure

would like to expand their facility at 5 Carlisle Road to include the building at 3 Carlisle Rd and add approximately 135 new jobs. They are asking the town to support a TIF agreement and the related applications to the Economic Assistance Coordinating Council. Selectman Wormell asked if the new hires would give Westford residents preference and if the addition at 3 Carlisle Road had been approved by the Planning Board. Mr. Baker said the new hires had not been discussed. Ms. Kluchman reported that the Planning Board had approved the addition. Selectman Wormell expressed concern with traffic, as the location is in close proximity to Minot's Corner. Ms. Kluchman said that the new design of Minot's Corner supports increased traffic. Selectman Sullivan said he supported the idea and had questions as to the process of the TIF financing at the state level. Ms. Kluchman said the board would be kept apprised of the entire process, at both the state and local levels.

**It was moved by Selectman Ross, seconded by Selectman Sullivan and VOTED 5 IN FAVOR TO SUPPORT the Tax Increment Financing agreement application, to place it on the Annual Town Meeting warrant, and to direct staff to finalize the TIF agreement and application process with the applicant and property owner.**

Chairman Peraner-Sweet will continue to serve as the Board's representative.

**PUBLIC HEARING – TRANSFER OF ALL ALCOHOL PACKAGE STORE LICENSE FROM BSM, INC d/b/a THE WINE CELLAR TO BUSA WINE & SPIRITS OF WESTFORD, INC d/b/a BUSA WINE & SPIRITS**

**It was moved by Selectman Wormell, seconded by Selectman Ross and VOTED 5 IN FAVOR TO OPEN the Public Hearing.**

**It was moved by Selectman Wormell, seconded by Selectman Ross and VOTED 5 IN FAVOR TO WAIVE the reading of the license transfer documents.**

Busa Wine & Spirits of Westford Inc. has submitted a request that the all alcohol package store license be transferred to them from BSM, Inc d/b/a The Wine Cellar. Attorney Michael Rubin spoke on their behalf, stating that his clients operate a similar establishment in Burlington and have operated it for many years. Attorney Paul Alphen, representing The Wine Cellar, also requested the transfer for his client, Donna Zouzas, personal representative to the estate of her brother William Zouzas.

Selectman Ross said that the Police Department pointed out that an incorrect social security number had been indicated for the proposed manager and asked that it be corrected.

**It was moved by Selectman Ross, seconded by Selectman Wormell and VOTED 5 IN FAVOR TO APPROVE the transfer application of an all alcohol retail package store license from BSM, Inc. to Busa Wine & Spirits of Westford, Inc., contingent on the correction of the proposed manager Andrew C. Busa, social security number and TO CLOSE the Public Hearing.**

### **REVIEW NMCOG TOWN CENTER PARKING RECOMMENDATIONS**

The Executive Director of the Northern Middlesex Council of Governments (NMCOG) and the Transportation Program Manager, Doug Pollard, were present to review and answer any questions pertaining to the draft town center traffic and parking study.

Resident feedback to the study focused on the increase of traffic with a change of traffic pattern, safely crossing the street, and bike safety. Chairman Peraner-Sweet said that the board needed to identify their goals. Selectman Wormell asked if the Pedestrian Safety Committee could offer suggestions. Chairman Peraner-Sweet asked Ms. Woods if the next step was to finalize the report. Ms. Woods said yes and asked if the board felt that a consultant would be helpful. She said she thought the consultant fee would be approximately \$25,000 to \$30,000. Town Manager Ross pointed out that a placeholder of \$75,000 was on the Annual Town Meeting warrant for the Town Center Study. Selectman Sullivan said he thought it was premature. Chairman Peraner-Sweet agreed. The board felt that more time was needed for study, review and recommendations. Selectman Wormell felt that \$75,000 was too much but that some funds should be allocated. Selectman Sullivan said thinks minor items pertaining to this study can be funded from other budgets.

**It was moved by Selectman Ross, seconded by Selectman Sullivan and VOTED 5 IN FAVOR TO REMOVE the \$75K placeholder for improvements in FY15 capital budget for the Town Center Study.**

Ellen Harde, 39 Main Street, and member of the Common Restoration Project, asked if Ms. Woods could define what she referred to as a stakeholder group. Ms. Woods said it would be identified by town staff and was comprised of municipal staff. Mrs. Harde asked that residents be included. She also noted that the Parish Center for the Arts has offered to pay for some improvements and expressed disappointment that the study was not being addressed in a speedier manner. She was particularly concerned with sidewalks and felt it was not being given enough attention. Karen Hudson, chairman of the Pedestrian Safety Committee, said this was their top priority and would be addressed at their next meeting, February 12<sup>th</sup>. Elizabeth Fletcher Glenn of 2 Hildreth Street also voiced her concerns with crosswalk and pedestrian safety in the center, submitting a letter/petition from four families in the Center voicing their concerns, requests and suggestions to the center study.

### **DISCUSSION OF PROPOSED HAZARDOUS MATERIAL STORAGE BYLAW**

Board of Health Chair Zac Cataldo, Environmental Services Director Darren McCaughey and consultant Anne Marie Desmarais gave a presentation of the proposed hazardous material storage bylaw. This proposed bylaw is essentially the same as presented and then withdrawn from the Fall Special Town Meeting. There are some minor tweaks, one being that owners must register tanks and containers greater than 50 gallons and some changes to the regulations of the underground tanks as well. Chairman Peraner-Sweet noted that this proposed bylaw depends on Board of Health inspection and enforcement and she questioned whether the town had the resources to do this. She asked if this was a burden to the Health Department and what the qualifications was to be an inspector. Mr. Cataldo said the Board of Health would be able to fulfill the requirements. Mr. McCaughey said there was certification required and that he would obtain it. Selectman Ross asked how many towns in the state had this bylaw. Anne Marie said there was several, including Acton. He asked if this were modeled after another town and was

told it was modeled after Acton and Department of Environmental Protection, taking elements from both. Selectman Wormell felt the bylaw was extremely complex and that public education would be necessary. She also mentioned that this was a general bylaw and there were zoning bylaws that might be at odds with those in this proposal. Selectman Wormell stated she had many reservations

Chief Targ also answered questions and was generally in support of the bylaw. He said some of its elements were beyond the Fire Department scope. Chairman Peraner-Sweet suggested this proposed bylaw be circulated to the Planning Board to see if it fits with current zoning bylaws and the storm water bylaws. Resident Al Prescott, a chemical engineer, said he agreed with the presentation to an extent, but asked if this new bylaw would require permitting of 55 gallon drums. If the drums contained a hazardous substance, they would have to be permitted. He suggested a change of wording might be made in the bylaw, as 55 gallon drums are moveable.

### **OLD/NEW BUSINESS**

*Discussion regarding the proposed amended Chapter 124: Marijuana Bylaw* – Chairman Peraner-Sweet took this out of order and asked Ms. Kluchman to report on the Registered Marijuana Dispensary bylaw. Ms Kluchman reported that the committee will be presenting to town meeting an amendment to Chapter 124 by adding a sentence (124.5) which applies to the consumption of marijuana on the premises of the RMD, registered and regulated by the State Department of Public Health, except as provided in 105 CMR 725. She said the proposed amendment will be presented to the Planning Board at their February 3<sup>rd</sup> meeting. There is also an informational meeting for the public that will be held at 7:00 pm on February 13<sup>th</sup> at the Millennium Building.

### **MARCH 22, 2014 ANNUAL TOWN MEETING**

*Review placeholder warrant articles* – Chairman Peraner-Sweet read through the list of articles. The Nashoba Tech and NMCOG town Center Study warrant articles were removed.

*Vote to close the warrant* - There was some discussion on the article order and it was agreed that the order could be changed if need be.

It was moved by Selectmen Ross, seconded by Selectman Sullivan and VOTED 5 IN FAVOR TO CLOSE the March 22, 2014 Annual Town Meeting warrant.

### **CONSENT AGENDA**

#### **Town Common request**

Dr Chaitanya Hiremath requested the use of the Common to celebrate the 2<sup>nd</sup> SEALOEarth Earth Day Festival on April 26, 2014 from 10:00 am – 4:00 pm.

It was moved by Selectman Wormell, seconded by Selectman Ross and VOTED 5 IN FAVOR TO APPROVE the Consent Agenda.

**MINUTES FOR APPROVAL**

It was moved by Selectman Ross, seconded by Selectman Sullivan and VOTED 5 IN FAVOR TO APPROVE the Regular Session minutes of May 21, 2013.

**OLD/NEW BUSINESS continued:**

Dissolve Budget Solutions Taskforce - Chairman Peraner-Sweet stated that the Budget Solutions taskforce had not met in over a year and needed to be formally dissolved.

It was moved by Selectman Ross, seconded by Selectman Wormell and VOTED 5 IN FAVOR TO DISSOLVE the Budget Solutions Taskforce.

Appoint a BoS representative, 7 citizens and 2 alternates to the Hunting Policy Committee - Selectman Wormell suggested that the committee be increased to 11 citizens and 2 alternates due to the amount of applications received. She felt that it was important to get a proper balance of hunters and non-hunters on the committee.

It was moved by Selectman Wormell, seconded by Selectman Hazelton and VOTED 5 IN FAVOR TO INCREASE the committee to 11 citizens, a BoS representative, a Conservation Commission representative and 2 alternates.

Both Selectman Wormell and Selectman Ross expressed strong interest in being the BoS representative. Selectman Hazelton nominated Selectman Wormell. Selectman Sullivan nominated Selectman Ross. Selectman Ross was chosen by a 3-2 vote.

It was moved by Selectman Sullivan, seconded by Selectman Ross and VOTED 5 IN FAVOR TO APPOINT Jim Gozzo as the Conservation Commission representative to the Hunting Policy Committee.

Eighteen applications to serve on the Hunting Policy Committee were received by the Town Manager's office. The following votes were taken:

It was moved by Selectman Sullivan, seconded by Selectman Hazelton and VOTED 5 IN FAVOR TO APPOINT Al Prescott and Al Rosinski as at-large members to the Hunting Policy Committee.

It was moved by Selectman Sullivan, seconded by Selectman Hazelton and VOTED 4 IN FAVOR, 1 OPPOSED (Wormell) TO APPOINT Douglas Deschenes as an at-large member to the Hunting Policy Committee.

It was moved by Selectman Wormell, seconded by Selectman Sullivan and VOTED 5 IN FAVOR TO APPOINT Mariclare O'Neal, Corinne Ryan, Ellen Spahr, Carol Sammarco and Brendon Redmond as at-large members to the Hunting Policy Committee.

It was moved by Selectman Ross, seconded by Selectman Wormell and VOTED 5 IN FAVOR TO APPOINT Shawn Girard as an at-large member of the Hunting Policy Committee.

It was moved by Selectman Wormell, seconded by Selectman Hazelton and VOTED 5 IN FAVOR TO APPOINT Henry LeDuc as an at-large member of the Hunting Policy Committee.

It was moved by Selectman Hazelton, seconded by Selectman Ross and VOTED 5 IN FAVOR TO APPOINT Mark Lewis as an at-large member of the Hunting Policy Committee.

It was moved by Selectman Wormell, seconded by Selectman Hazelton and VOTED 5 IN FAVOR TO APPOINT Wayne Wagner as an alternate member of the Hunting Policy Committee.

It was moved by Chairman Peraner-Sweet, seconded by Selectman Sullivan and VOTED 5 IN FAVOR TO APPOINT James Kearns as an alternate member of the Hunting Policy Committee.

Chairman Peraner-Sweet thanked everyone who applied and reminded everyone that the meetings were public and all were invited to attend.

#### **BOARD REPORTS/UPDATES**

Selectman Hazelton updated the board on the ongoing East Boston Camps/Stepinski survey. He reported that there had been more than 1000 responses as of this date and he clarified that residents may have more than one vote per household as long as the respondent is at least 18 years of age. Selectman Hazelton said that the next meeting of the committee would be February 5<sup>th</sup> at 7:00 at the Town Hall. He also mentioned that a group who is campaigning for a particular name has sent postcards to residents. He stated this correspondence was not sent on from the committee and did not necessarily express their point of view.

#### **TOWN MANAGER'S REPORT**

Update on the request for a "Slow Children" sign to be placed on Elm Road near the intersection of Plain Road and Elm Road – Town Manager Ross reported that the resident who had made the request has been contacted and provided with an alternative to the "Slow Children" sign. Captain Chambers and Highway Superintendent Chip Barrett are working with the resident to help answer questions and help to install a homemade sign provided by a local group.

Request to award contract to TEC, Inc. for the Groton Road Intersection Designs in the amount of \$216,400 – Town Manager Ross made the request on behalf of the Designer Selection Committee who unanimously recommended TEC, Inc.

It was moved by Selectman Ross, seconded by Selectman Sullivan and VOTED 5 IN FAVOR TO AWARD the contract for the Groton Road intersections to TEC, INC of Lawrence, MA in the amount of \$216,400.

Announce receipt of FY14 Risk Manager Grant Award in the amount of \$4500 – Town Manager Ross made the announcement.

**CORRESPONDENCE**

It was moved by Selectman Ross, seconded by Selectman Sullivan and VOTED 5 IN FAVOR TO WAIVE the reading of the correspondence.

**ADJOURNMENT**

It was moved by Selectman Hazelton, seconded by Selectman Sullivan and VOTED 5 IN FAVOR TO ADJOURN at 9:53 pm.

 2/5/14  
\_\_\_\_\_  
Jodi Ross, Town Manager      date

\_\_\_\_\_  
Andrea Peraner-Sweet, Chairman      date

Submitted by Patricia Dubey, Recording Secretary



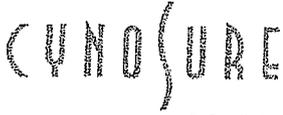
# **Exhibit 1**

## **Local Incentive Valuation**



## **Other information**

- Notice of Intent from Cynosure Inc.
- DOR Certificate of Good Standing
- Plans of tenant improvements at 3 -5 Carlisle Road



5 Carlisle Road  
Westford, MA 01886  
www.cynosure.com

t 978 256 4200  
t 800 886 2966  
f 978 256 655

September 27, 2013

Ms. Jodi Ross  
Town Manager  
55 Main Street  
Westford, Ma 01886

***RE: Intent to Apply For Massachusetts Economic Development Program (EDIP) in Westford***

Dear Ms. Ross,

This letter is Cynosure's letter of intent as required pursuant to the Economic Development Incentive Program, (EDIP).

On September 26, 2013, I met on behalf of Cynosure, with you to discuss the EDIP Program and the various incentives available.

As we previously discussed, we are planning to lease an additional approximately 75,000 sq ft at 3 and 5 Carlisle Road in Westford bringing our total footprint to approximately 140,000 sq ft. We will be relocating the employees of a company which we recently acquired to this new space. We will be relocating approximately 200 employees to Westford bringing our total work force in located in Westford to approximately 400 people. We will be incurring approximately \$3 million in new construction and build out costs.

Cynosure is therefore requesting that you accept this letter as the formal letter of intent required under the Economic Development Incentive Program, (EDIP).

Sincerely yours,

Timothy W. Baker  
Executive Vice President  
Chief Operating and Financial Officer

cc: Annamarie Kersten, EDIP Director  
Peter Milano, Senior Regional Director, MOBD



MASSACHUSETTS DEPT. OF REVENUE  
PO BOX 7088  
BOSTON, MA 02204



AMY A. PITTER, COMMISSIONER  
ROBERT P. O'NEILL, BUREAU CHIEF



CYNOSURE INC  
5 CARLISLE RD  
WESTFORD MA 01886-3601

243C

Notice 80619 OP  
T/P ID 043 125 110  
Date 06/10/13  
Bureau CERTIFICATE

**CERTIFICATE OF GOOD STANDING AND/OR TAX COMPLIANCE**

The Commissioner of Revenue certifies as of the above date, that the above named individual or entity is in compliance with its tax obligations payable under M.G.L. c. 62C, including corporation excise, sales and use taxes, sales tax on meals, sales and use tax on Boats/RV, withholding taxes, room occupancy excise and personal income taxes, with the following exceptions.

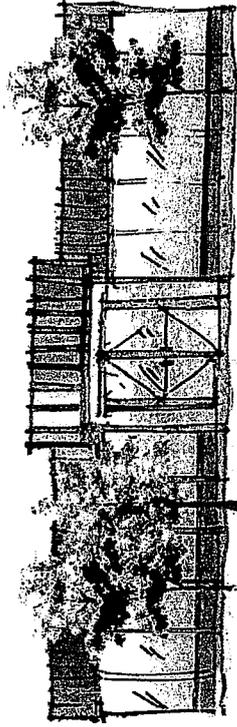
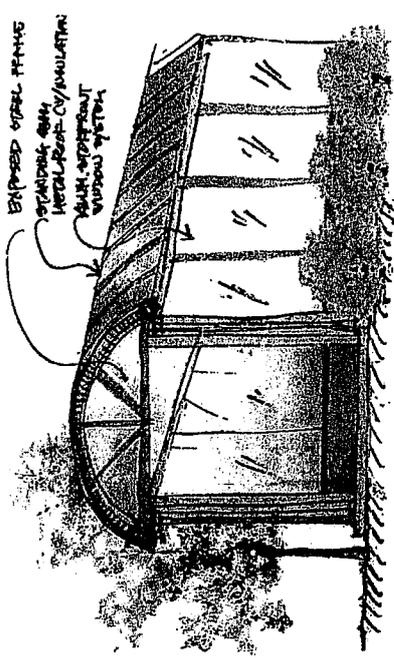
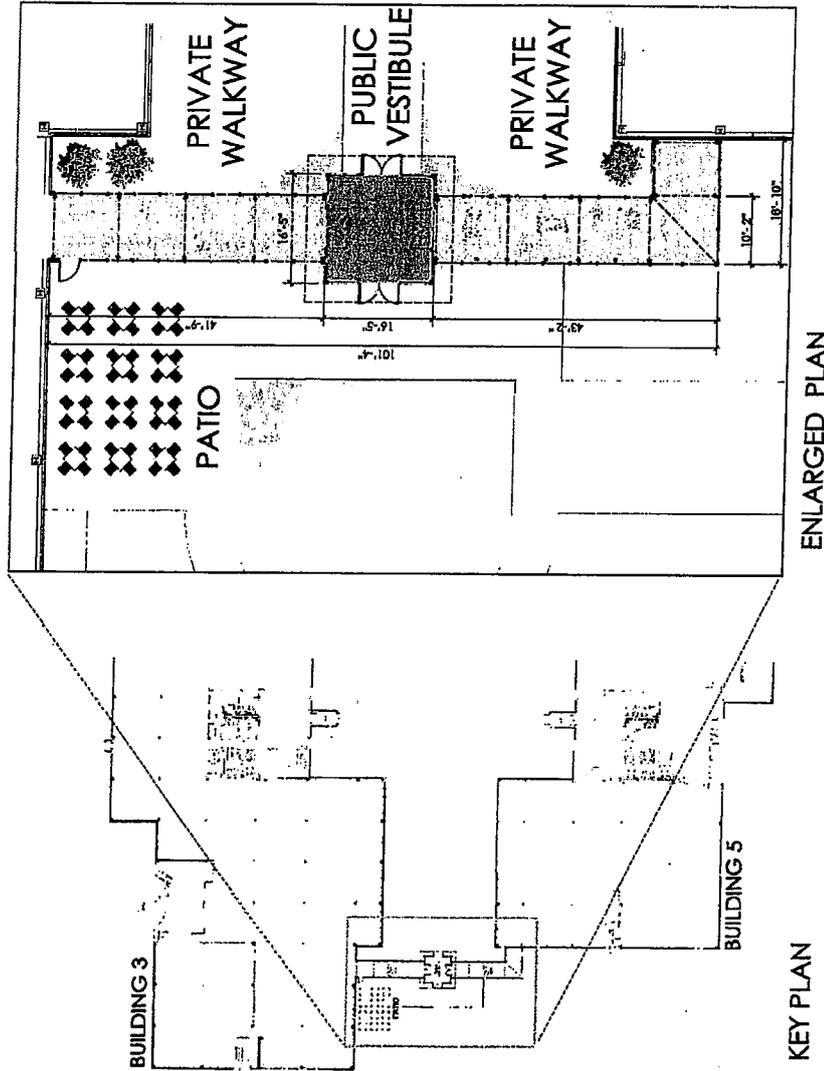
This Certificate certifies that individual taxpayers are in compliance with income tax obligations and any sales and use taxes, sales tax on meals, withholding taxes, and/or room occupancy taxes related to a sole proprietorship. Persons deemed responsible for the payment of these taxes on behalf of a corporation, partnership or other business entity may not use our automated process to obtain a Certificate.

This Certificate does not certify that the entity's standing as to taxes such as unemployment insurance administered by agencies other than the Department of Revenue, or taxes under any other provisions of law. Taxpayers required to collect or remit the following taxes must submit a separate request to certify compliance: Alcoholic Beverage Excise, Cigarette Excise, International Fuels Tax Agreement, Smokeless Tobacco or Ferry Embarkation.

THIS IS NOT A WAIVER OF LIEN ISSUED UNDER GENERAL LAWS, CHAPTER 62C, SECTION 52.

Very truly yours,

Robert O'Neill, Bureau Chief

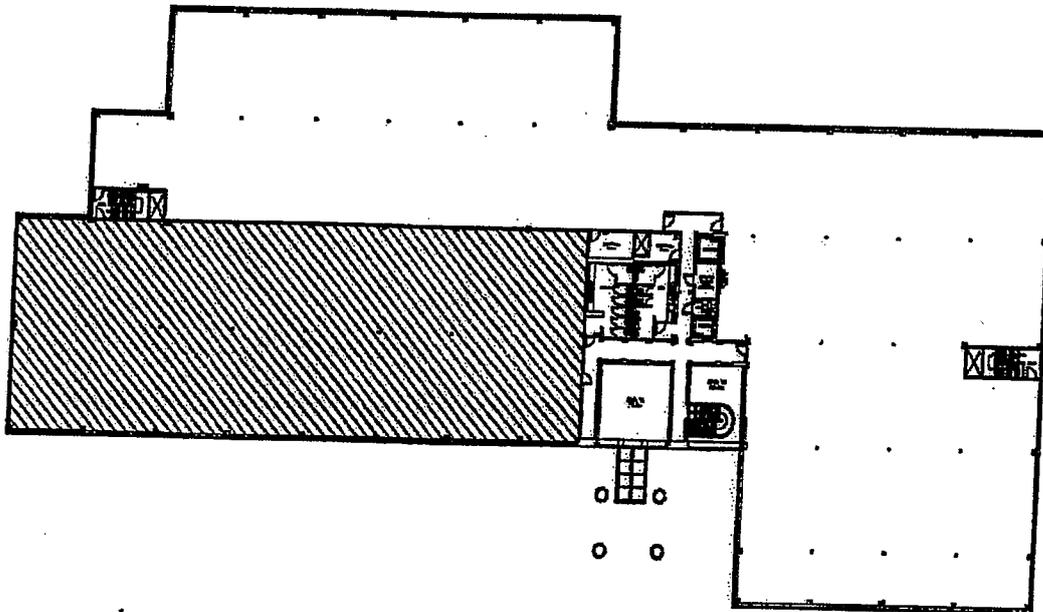


RENDERINGS

## PROPOSED BUILDING CONNECTOR

**EXHIBIT A, FIFTH AMENDMENT, SHEET 1**  
**OUTLINE AND LOCATION OF 5 CARLISLE EXPANSION SPACE**

Exhibit A, Fifth Amendment, Sheet 1



5 Carlisle Street

Floor 2

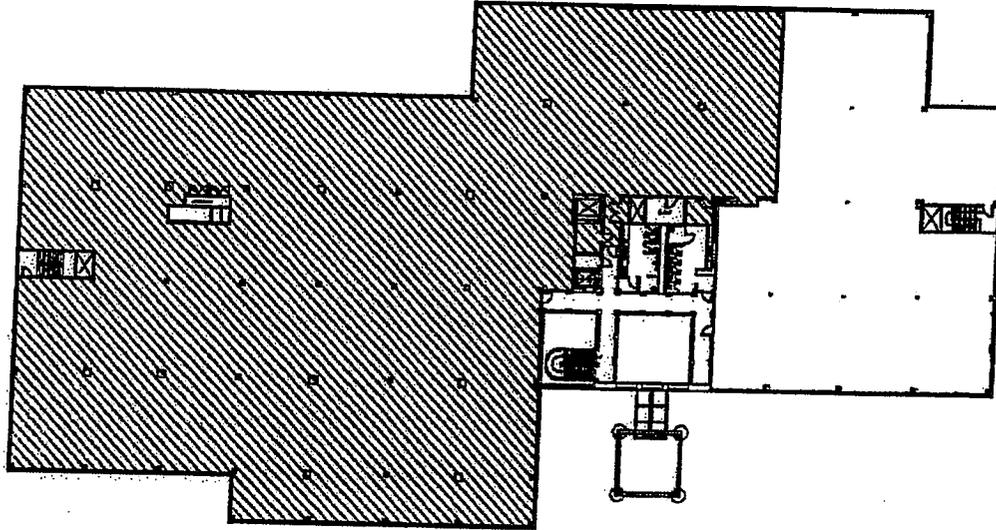
**NORMANDY**  
REAL ESTATE PARTNERS

Westford Corporate Park

**CUSHMAN & WAKEFIELD**  
James J. Conroy  
Tara Taylor  
817-224-4715  
atl@cw.com

**EXHIBIT A, FIFTH AMENDMENT, SHEET 2**  
**OUTLINE AND LOCATION OF 2<sup>ND</sup> FLOOR-3 CARLISLE EXPANSION SPACE**

Exhibit A, Fifth Amendment, Sheet 2



3 Carlisle Street

**NORMANDY**  
REAL ESTATE PARTNERS  
Approved by Planning Systems Dept.

Westford Corporate Park

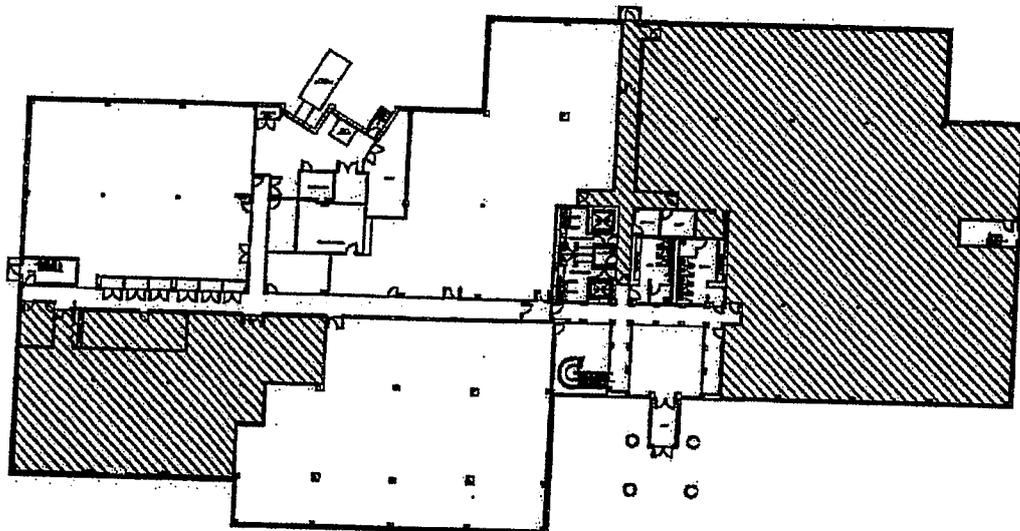
Floor 2

**CUSHMAN & WAKEFIELD**  
Leasing Consultant: Tom Taylor 877-228-4140  
taylor@cw.com

**EXHIBIT A, FIFTH AMENDMENT, SHEET 3**

**OUTLINE AND LOCATION OF 1<sup>ST</sup> FLOOR-3 CARLISLE EXPANSION SPACE**

**Exhibit A, Fifth Amendment, Sheet 3 - A-3**



3 Carlisle Street

Floor 1

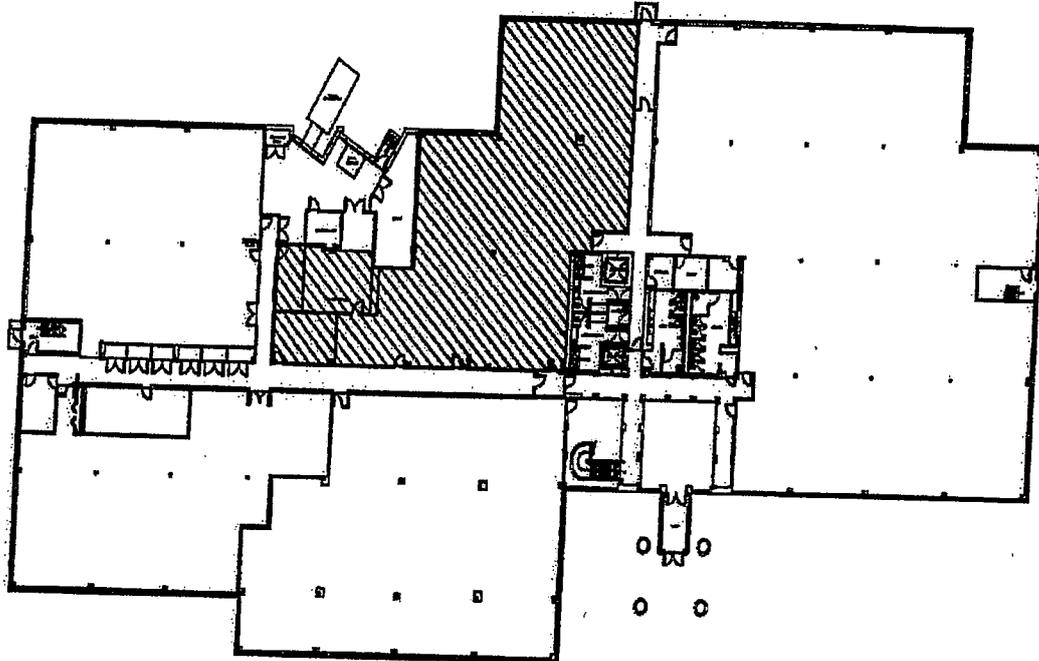
**NORMANDY**  
REAL ESTATE PARTNERS  
Powered by Proforma Systems Corp.

Westford Corporate Park

**CUSHMAMA**  
**WAKEFIELD**  
Wakefield, MA 01886  
Tel: 978-238-1234  
Fax: 978-238-1234  
www.cushmama.com

**EXHIBIT A, FIFTH AMENDMENT, SHEET 3 - B-3**  
**OUTLINE AND LOCATION OF 1<sup>ST</sup> FLOOR-3 CARLISLE EXPANSION SPACE**

Exhibit A, Fifth Amendment, Sheet 3 - B-3



3 Carlisle Street

Floor 1

**NORMANDY**  
REAL ESTATE PARTNERS  
Division of Prudential Systems Corp.

Westford Corporate Park

**CUSHMAN WAKEFIELD**  
Leasing Information:  
Tara Taylor  
817-324-8115  
tara.taylor@cushwake.com

## EXHIBIT B, FIFTH AMENDMENT

### WORK LETTER

As used in this Workletter, the "Premises" shall be deemed to mean the Original Premises and the Expansion Space, as defined in the attached Amendment.

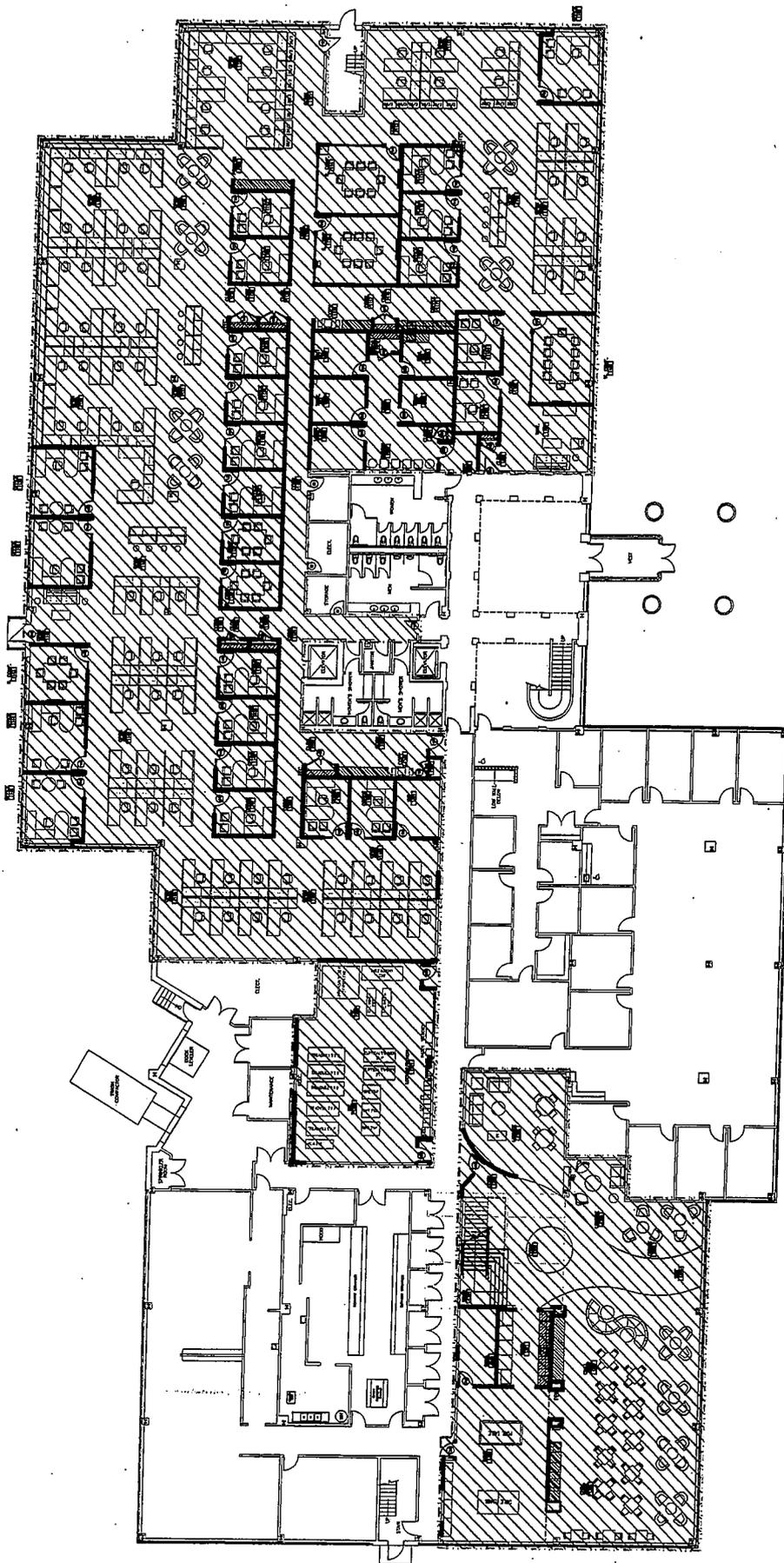
#### Alterations and Allowance.

- A. Tenant, following the delivery of the Premises by Landlord and the full and final execution and delivery of the Amendment to which this Exhibit is attached, shall have the right to perform alterations and improvements in the Premises (the "Initial Alterations"). In connection with Tenant's performance of the Initial Alterations, Tenant shall comply with the applicable provisions of Section 9 of the Lease. Prior to commencing construction, Tenant shall obtain Landlord's approval, such approval not to be unreasonably withheld or delayed, of the final plans for the Initial Alterations and the contractors to be retained by Tenant to perform such Initial Alterations. Landlord hereby approves Tenant's design plans attached hereto as Schedule B-1. Landlord's consent is solely for the benefit of Landlord, and neither Tenant nor any third party shall have the right to rely on Landlord's consent, or its approval of Tenant's plans, for any purpose whatsoever. Tenant shall be responsible for all elements of the design of Tenant's plans (including, without limitation, compliance with law, functionality of design, the structural integrity of the design, the configuration of the Premises and the placement of Tenant's furniture, appliances and equipment), and Landlord's approval of Tenant's plans shall in no event relieve Tenant of the responsibility for such design. Landlord's approval of the contractors to perform the Initial Alterations shall not be unreasonably withheld. The parties agree that Landlord's approval of the general contractor to perform the Initial Alterations shall not be considered to be unreasonably withheld if any such general contractor (i) does not have trade references reasonably acceptable to Landlord, (ii) does not maintain insurance as required pursuant to the terms of this Lease, (iii) does not provide current financial statements reasonably acceptable to Landlord, or (iv) is not licensed as a contractor in the state/municipality in which the Premises is located. Tenant acknowledges the foregoing is not intended to be an exclusive list of the reasons why Landlord may reasonably withhold its consent to a general contractor.

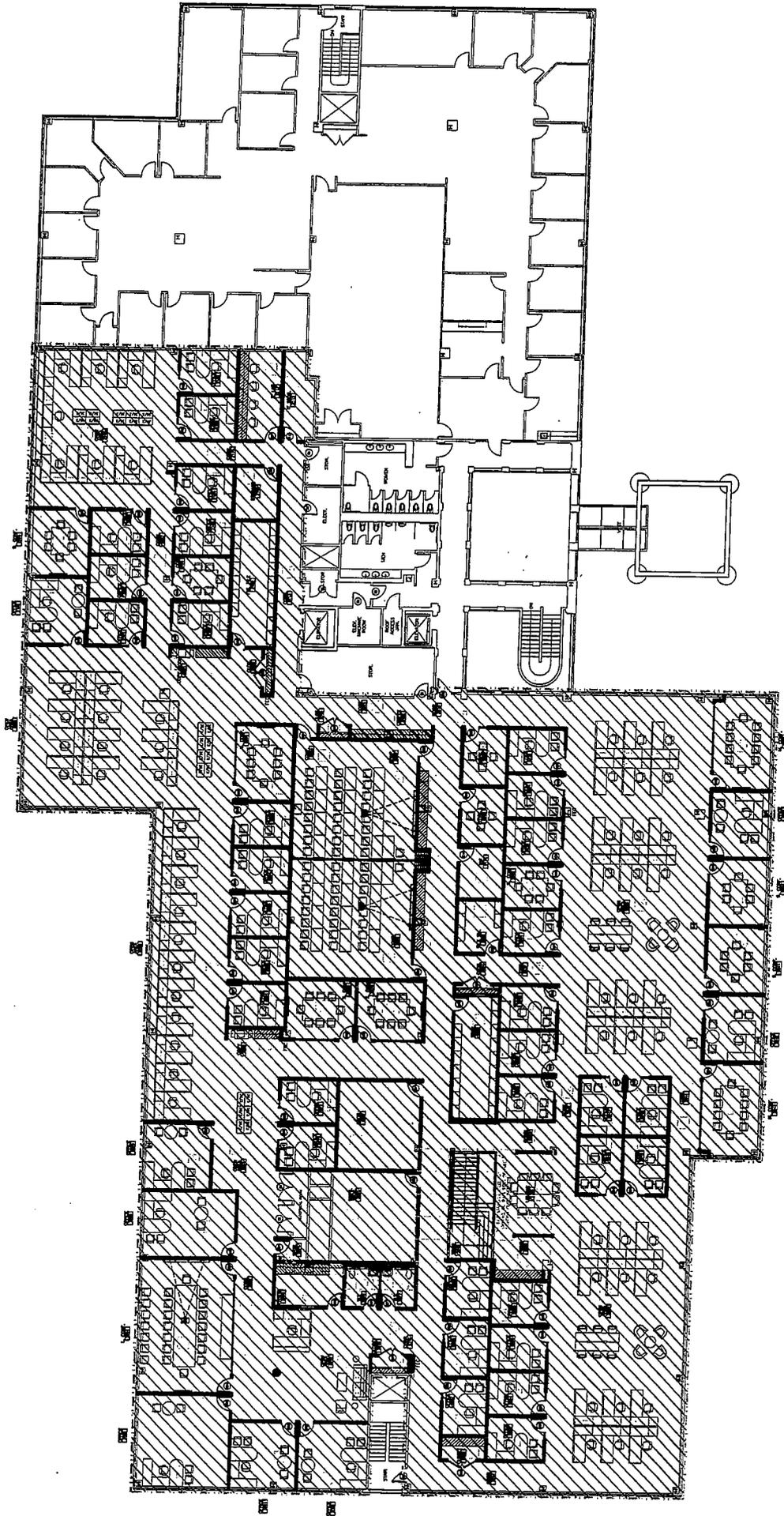
Notwithstanding the foregoing, Landlord hereby approves J. Calnan & Associates and Erland Construction, Inc. as the general contractor to perform the Initial Alterations.

- B. Subject to the provisions of this Work Letter, Landlord agrees to contribute the sum of \$2,890,820.00 (i.e., \$20.00 per rentable square foot of floor area in the Premises (the "Allowance") toward the cost of performing the Initial Alterations in preparation of Tenant's occupancy of the Premises. The Allowance may only be used for hard costs in connection with the Initial Alterations and the costs set forth in Section C below. The Allowance, less a 10% retainage (which retainage shall be payable as part of the final draw), shall be paid to Tenant or, at Landlord's option, to the order of the general contractor that performs the Initial Alterations, in periodic disbursements within 30 days after receipt of the following

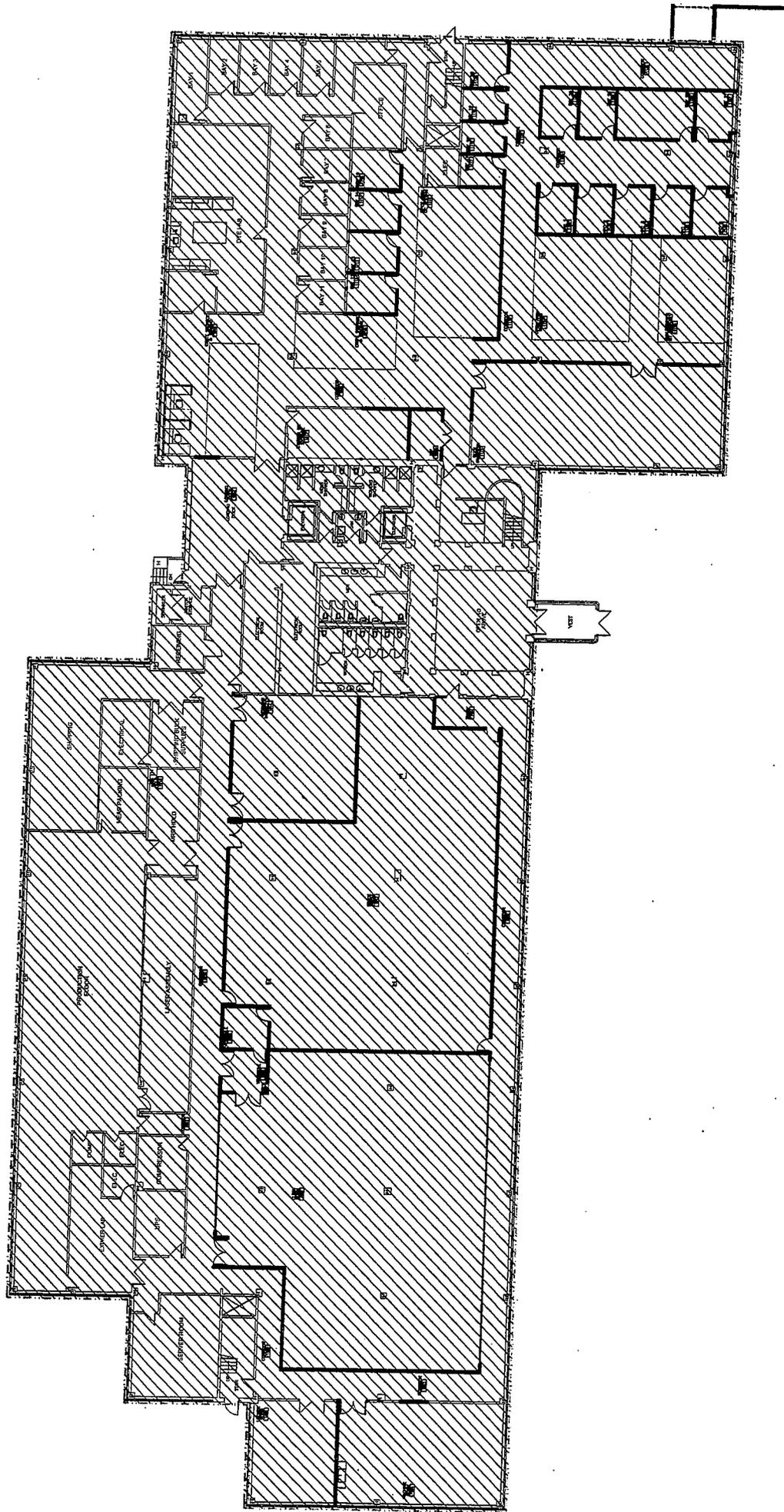
BUILDING 3-FLOOR 1



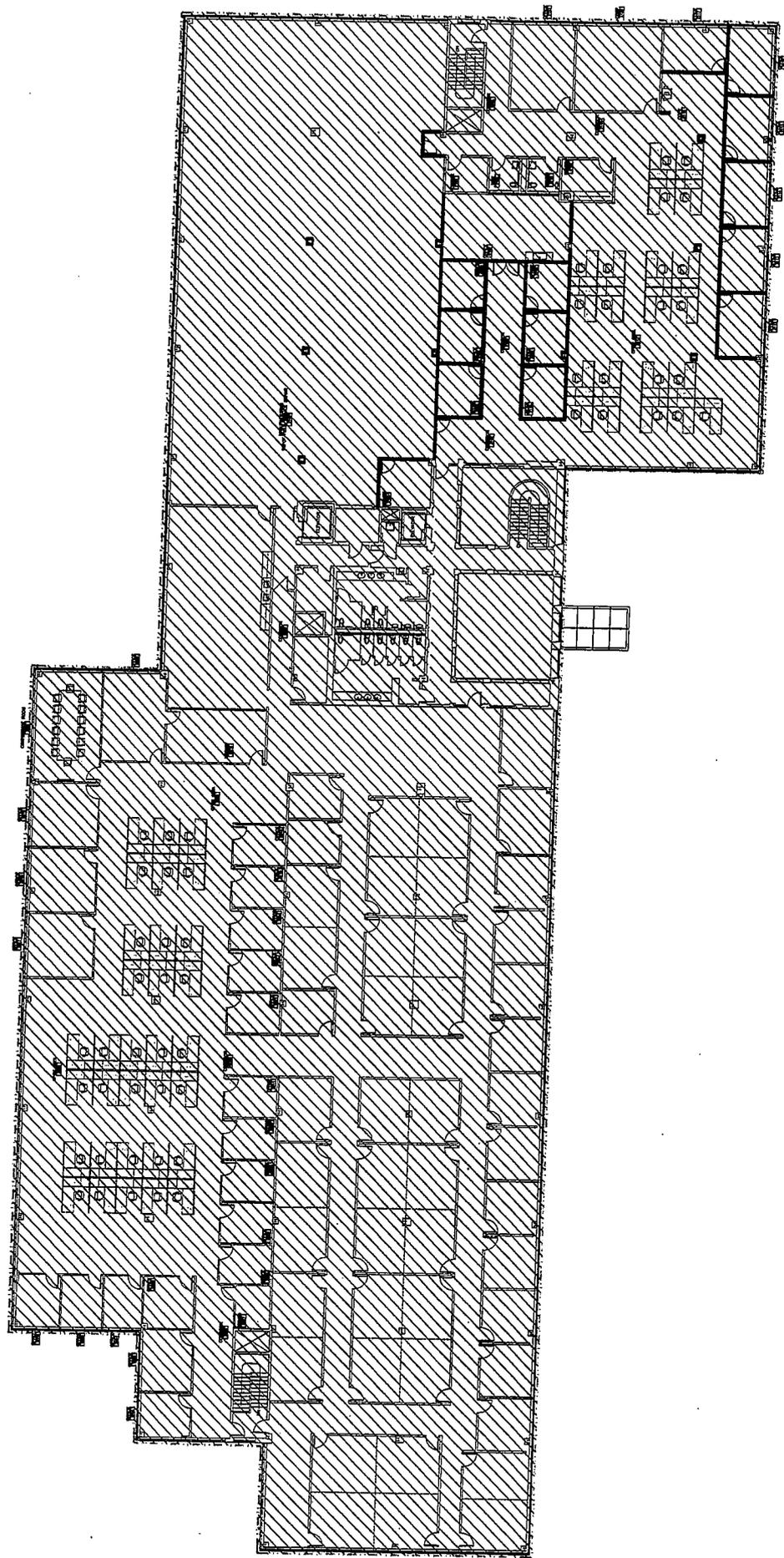
BUILDING 3-FLOOR 2



BUILDING 5-FLOOR 1



BUILDING 5-FLOOR 2



Project: Cynosure  
 Address: 3 & 5 Carlise Rd.  
 Westford, MA  
 Project #: 13-237

December 9, 2013

65,378 SF

**SCHEDULE of VALUES**

Trade Division		Phase 1	Cost / SF
01000	Project Requirements	72,018	1.10
02070	Demolition	144,395	2.21
05500	Miscellaneous Metals	40,800	0.62
06200	Finish Carpentry & Millwork	134,720	2.06
07900	Caulking & Sealants	9,807	0.15
08050	Doors, Frames and Hardware	142,824	2.18
08800	Glass & Glazing	121,445	1.86
09250	Gypsum Drywall	470,487	7.20
09300	Ceramic Tile	6,307	0.10
09500	Acoustical Ceilings	214,927	3.29
09650	Resilient Flooring	110,407	1.69
09680	Carpeting	181,414	2.77
09900	Painting & Wall Covering	94,985	1.45
10250	Miscellaneous Specialties	21,670	0.33
11450	Residential Appliances	5,800	0.09
12500	Window Treatment	95,982	1.47
15300	Fire Protection	78,000	1.19
15400	Plumbing	102,335	1.57
15500	HVAC	591,943	9.05
16000	Electrical	587,340	8.98
16400	Tel/ Data	155,017	2.37
16700	Security	NIC	
<b>Subtotal</b>		<b>\$3,382,623</b>	<b>\$51.74</b>
	Building Permlt	50,739	0.78
	General Conditions	178,960	2.74
	Preconstruction	10,900	0.17
	Design Contingency	NIC	
	Construction Contingency	181,161	2.77
	Insurance General Liability	45,653	0.70
	Construction Management Fee	96,251	1.47
<b>Total</b>		<b>\$3,946,287</b>	<b>\$60.36</b>



**J. CALNAN & ASSOCIATES**  
CONSTRUCTION MANAGERS

3 Batterymarch Park, Fifth Floor, Quincy, MA 02169

P: 617.801.0200 \ F: 617.801.0201 \ WWW.JCALNAN.COM

## Pending Change Order

J. Calnan & Associates, Inc.  
3 Batterymarch Park, 5th Floor  
Quincy, MA 02169

Distribution:  Owner  ACO#: \_\_\_\_\_  
 Architect  
 Office  Field  
 Other

**Job #:** 13237. **PCO #:** 99001  
**Project:** Cynosure **Re:** Phase II - Connector  
**Owner:** Cynosure **Date:** 1/8/2014  
5 Carlise Road  
Westford, MA

### DESCRIPTION:

Work as described in below item(s):

#### DESCRIPTION OF COSTS:

Item #	Phase II - Connector	Scope Description	Amount
Phase	Phase Description		
99001.001	Project Requirements Phase II		21,606.00
99001.002	Demolition Phase II		6,700.00
99001.003	Earthwork Phase II		108,550.00
99001.004	Landscaping Phase II		31,348.00
99001.005	Concrete Phase II		95,217.00
99001.006	Structural Steel Phase II		75,000.00
99001.007	Roofing Phase II		47,400.00
99001.008	Gypsum Drywall Phase II		35,155.00
99001.009	Glass & Glazing Phase II		143,720.00
99001.010	Acoustical Ceilings Phase II		2,000.00
99001.011	Carpeting Phase II		6,368.00
99001.012	Painting & Wallcovering Phase II		2,550.00
99001.013	Fire Protection Phase II		8,400.00
99001.014	HVAC Phase II		77,800.00
99001.015	Electrical Phase II		26,200.00
99001.016	Building Permit Phase II		10,305.00
99001.017	General Conditions Phase II		26,844.00
99001.018	Construction Contingency Phase II		36,208.00
99001.019	Insurance General Liability Phase II		9,124.00
99001.020	Construction Management Fee Phase II		19,237.00

**Subtotal: 788,732.00**

**PCO Total: \$788,732.00**



J. CALNAN & ASSOCIATES  
A PROFESSIONAL CORPORATION

3 Baiterment Park, Fifth Floor, Quincy, MA 02269

P. 617.601.0200 F. 617.601.0201 WWW.JCALNAN.COM

**Project:** Cynosure - Phase 1B  
**Address:** 3-5 Carlisle Road  
Westford, MA  
**Project #:** 13-237

January 13, 2014

SF: 10,400

### SCHEDULE of VALUES

Trade Division		
01000	Project Requirements	11,592
02070	Demolition	6,530
07900	Caulking & Sealants	NIC
08050	Doors, Frames and Hardware	NIC
08800	Glass & Glazing	NIC
09250	Gypsum Drywall	2,775
09500	Acoustical Ceilings	1,625
09650	Resilient Flooring	12,654
09680	Carpeting	49,615
09900	Painting & Wall Covering	13,250
12690	Moving / Crates	25,000
15300	Fire Protection	1,800
15400	Plumbing	NIC
15500	HVAC	1,360
16000	Electrical	17,412
16400	Tel/ Data	52,000
16700	Security	NIC
<b>Subtotal</b>		<b>\$195,613</b>
	Building Permit	NIC
	General Conditions	15,228
	Construction Contingency	10,542
	Insurance General Liability	2,657
	Construction Management Fee	5,601
<b>Total</b>		<b>\$229,641</b>



**Town of Westford**  
**Departments of Permitting, Planning, Zoning,**  
**Conservation and Building**  
55 Main Street  
Westford, Massachusetts 01886  
TEL (978) 692-5524 FAX (978) 399-2732

February 28, 2014

Annamarie Kersten, Director, Economic Development Incentive Program  
c/o Economic Assistance Coordinating Council  
Massachusetts Office of Business Development  
State Transportation Building  
10 Park Plaza, Suite 3720  
Boston, Massachusetts 02116

Dear Ms. Kersten:

The Town of Westford is pleased to submit an application to the Economic Development Incentive Program (EDIP) for a "Local Incentive - Only" project which is at 3-5 Carlisle Road in Westford for Cynosure, Inc. We have worked closely with Peter Milano of your staff and Tim Baker of Cynosure to put these applications together. This TIF is Article 18 on the Warrant for our Annual Town Meeting (ATM) scheduled for March 22, 2014. If approved by ATM, the Board of Selectmen (BOS) are scheduled to pass a resolution at their March 25, 2014 meeting. We are applying to be heard at the March 26, 2014 Economic Assistance Coordinating Council (EACC) meeting on March 26, 2014. Here is a summary of the applications included:

**EDIP Local Incentive Only Application**

- Attachment A Economic Opportunity Area Designation Application
- Attachment B Local Incentive Agreement (Article 18 of Warrant for Annual Town Meeting 3/22/14)
- Attachment C Local Incentive Zone and Plan
- Attachment D Municipal Vote by Authoritative Body Approving Incentive (Article 18 of Warrant for Annual Town Meeting 3/22/14 and BOS resolution 3/25/14)
- Attachment E Municipal Vote by Authoritative Body Approving submission of application to the EACC (Actions Taken and Minutes from 1/28/14 BOS meeting)
- Exhibit 1 Local Incentive Valuation
- Other Information Copy of the Letter of Intent and DOR Certificate of Good Standing

If you have any questions, please give me a call at 978-692-5524 or by email at [ckluchman@westfordma.gov](mailto:ckluchman@westfordma.gov). We look forward to discussing at the EACC meeting in March.

Sincerely,

Chris Kluchman, AICP  
Director of Land Use Management

February 28, 2014  
Annamarie Kersten  
Cynosure Inc. EDIP Local Only Application  
Page 2

cc: Jodi Ross, Town Manager  
Peter Milano, Senior Regional Director, Massachusetts Office of Business Development  
Jay Donovan, Assistant Director, Northern Middlesex Council of Governments  
Tim Baker, Cynosure Inc.  
Mark Roopenian, Normandy Real Estate Partners