

TOWN OF HOPEDALE
ANNUAL TOWN MEETING WARRANT

Saturday, May 22, 2021

10:05 am

Or Immediately following Special Town Meeting
on the lawn of The Community House

Worcester SS: To the Constables in the Town of Hopedale in the County of Worcester.

Greetings: In the name of the Commonwealth of Massachusetts you are hereby required to notify and warn the inhabitants of the Town of Hopedale qualified to vote in town affairs to meet on the lawn of the Community House located at 43 Hopedale Street, Hopedale, MA 01747, on Saturday, May 22, 2021, at 10:05 am, or immediately following the Special Town Meeting, or on Saturday, June 12, 2021, if event is postponed and notice provided; then and there to act on the following articles:

ARTICLE 1: To see if the Town will vote to amend the *Code of the Town of Hopedale*, by replacing the terms "Board of Selectmen" and "Selectmen" with the term "Select Board" wherever the terms occur, or take any other action related thereto.

Submitted by: Board of Selectmen

Commentary: This article will replace the term Board of Selectmen and Selectmen, with the term Select Board throughout the Town's official code and on May 22, 2021 forward, the Board of Selectmen will be then known as the Select Board for all official communication of the Town of Hopedale.

ARTICLE 2: To see if the Town will vote to amend the Hopedale Zoning By-Laws as follows, or take any other action related thereto.

I. Amend Section 2, Definitions, by inserting the following defined terms in alphabetical sequence:

"Independent testing laboratory", a laboratory that is licensed by the Cannabis Control Commission and is: (i) accredited to the most current International Organization for Standardization 17025 by a third-party accrediting body that is a signatory to the International Laboratory Accreditation Cooperation mutual recognition arrangement or that is otherwise approved by the commission; (ii) independent financially from any medical marijuana treatment center or any licensee or marijuana establishment for which it conducts a test; and (iii) qualified to test marijuana in compliance with regulations promulgated by the Commission pursuant to M.G.L. Chapter 94G.

"Marijuana cultivator", an entity licensed to cultivate, process and package marijuana, to deliver marijuana to marijuana establishments and to transfer marijuana to other marijuana establishments, but not to consumers.

"Marijuana establishment", a marijuana cultivator, independent testing laboratory, marijuana product manufacturer, marijuana retailer or any other type of licensed marijuana-related business.

"Marijuana product manufacturer", an entity licensed to obtain, manufacture, process and package marijuana and marijuana products, to deliver marijuana and marijuana products to marijuana establishments and to transfer marijuana and marijuana products to other marijuana establishments, but not to consumers.

"Marijuana retailer", an entity licensed to purchase and deliver marijuana and marijuana products from marijuana establishments and to deliver, sell or otherwise transfer marijuana and marijuana products to marijuana establishments and to consumers.

II. Amend Section 11.3, Table of Uses for Commercial Uses, by inserting the following:

	RA	RA-1	RA-2	RB	RC	HMF	RP-1	GB	GB-A	C	I	LI	REC	T	CEM
Marijuana establishments, as defined in this bylaw	N	N	N	N	N	N	N	N	N	SP	SP	SP	N	N	N

Submitted by: Planning Board

Commentary: This will change land use zoning allowing marijuana establishments identified and as prescribed within the Table of Uses for Commercial Uses to the Town's Zoning Bylaws. This article requires a 2/3 vote.

ARTICLE 3: To see if the Town will vote to hear and act upon the report of the Selectmen and other offices, departments, or committees of said town, or take any other action related thereto.

Submitted by: Board of Selectmen

Commentary: This article allows the Board of Selectmen and other officers of the Town to present a report of their activities to the Town Meeting.

ARTICLE 4: To see if the Town will vote to fix the salaries and compensation of all elected officers (Town Clerk) as provided by M.G.L. Chapter 41, §108, and to raise and appropriate or transfer from the Ambulance Receipts Reserved for Appropriation and/or other available funds, such sums as may be necessary to defray expenses of the Town Departments for FY 2022, as presented; or take any other action related thereto.

Submitted by: Board of Selectmen

*Commentary: This article will fix the annual compensation per MGL for elected officials, currently only the Town Clerk, and fund the **Town's FY22 Annual Operating Budget** through appropriations and transfers.*

ARTICLE 5: To see if the Town will vote to transfer from available funds such sums of money to fund equipment and capital costs, or take any other related action thereto.

Submitted by: Finance Committee/Capital Program Committee

Commentary: It is anticipated this article will transfer from Free Cash for various sums for equipment and/or capital items. Free Cash has been traditionally used to fund capital items of a non-recurring nature. This article will require a majority vote.

ARTICLE 6: To see if the Town will vote a sum of money to be authorized to fund the Water Department Budget for fiscal year 2022 from Water Enterprise receipts, or take any other action related thereto.

Submitted by: Water and Sewer Commissioners

Commentary: This is the principal money article which will fund the fiscal year 2022 operations of the Water Department completely from Water Enterprise receipts.

ARTICLE 7: To see if the Town will vote a sum of money to be authorized to fund the Sewer Department Budget for fiscal year 2022 by Sewer Enterprise receipts, or take any other action related thereto.

Submitted by: Water and Sewer Commissioners

Commentary: This is the principal money article which will fund the fiscal year 2022 operations of the Sewer Department completely from Sewer Enterprise receipts.

ARTICLE 8: To see if the Town will vote to amend the Code of the Town of Hopedale, Part I, Administration Legislation, Chapter 137, Personnel, to update the Classification and Compensation plan for non-union, non-contractual Town employees, excluding employees of the School Department, by increasing 1.8% the annual salary assigned to each position as adopted in Article 9 of the May 20, 2014 Annual Town Meeting, or take any other action related thereto.

Submitted by: Board of Selectmen

Commentary: This article will adjust by 1.8% the salary grade levels for all non-union, non-contractual employees of the Town, excluding employees of the School Department in the Classification and Compensation plan as voted at the May 20, 2014 Annual Town Meeting.

ARTICLE 9: To see if the Town will vote to approve the cost items of the collective bargaining agreement between the Town and The Massachusetts Coalition of Police, AFL-CIO, Local #164 covering the period of July 1, 2021 through June 30, 2024, the funds for which were previously appropriated in Article 2, or take any other action relative thereto.

Submitted by: Board of Selectmen

Commentary: Required by MGL, 150E, §7, this article is necessary to approve the cost items within a newly signed collective bargaining agreement.

ARTICLE 10: To see if the Town will vote to raise and appropriate, or transfer from available funds, a sum of monies into and/or out of the Stabilization Fund as provided under M.G.L. c. 40, §5B, or take any other action related thereto.

Submitted by: Finance Committee

Commentary: The Stabilization Fund is the Town's "rainy day" fund. Any action taken under this article to appropriate monies into the Stabilization Fund requires a majority vote, to take monies from the Stabilization Fund will require a 2/3 vote.

ARTICLE 11: To see if the Town will vote pursuant to M.G.L. c.44, §53E ½, to amend the Town of Hopedale General Bylaws entitled "Revolving Funds", to include fund entitled, *School Computer Repairs*, to allow for the collection of fees to fund computer repairs, with annual spending limit to be designated in annual article (below), or take any other action relative thereto.

Submitted by: School Administration

Commentary: Pursuant to MGL, c 44, s53E ½, this authorizes a revolving fund with annual spending limits for computer repairs at the schools.

ARTICLE 12: To see if the Town will vote to approve annual spending limits for FY22 for revolving funds established in the Town Bylaws, in accordance with M.G.L. c.44, s.53E½, for the fiscal year beginning July 1, 2021:

<u>Revolving Fund</u>	<u>FY22 Spending Limit</u>
Recycling Center	\$ 8,000
Animal Control	\$ 23,500
School Transportation	\$ 100,000
Inspectional Services	\$ 25,000
Senior Van Program	\$ 10,000
COA Programs	\$ 10,000
Library Revolving	\$ 3,000
School Computer Repair	\$ 10,000

or take any other action relative thereto.

Submitted by: Board of Selectmen

Commentary: Pursuant to MGL, c 44, s53E ½, this authorizes annual spending limits for the Town's revolving funds.

ARTICLE 13: To see if the Town will vote to authorize the Treasurer to borrow a sum of money in anticipation of Chapter 90 State reimbursement funds, or such additional amount as is anticipated to be so provided, for the purpose of providing road paving/improvement projects, and further authorize the Board of Selectmen to accept and expend such sum or any other sum that is or may be provided to the Town in accordance with M.G.L. c. 90 or any other state or

federal road program for road repairs, or take any other action related thereto.

Submitted by: Road Commissioners

Commentary: This article will allow the Treasurer to borrow up to the total amount certified by the state for Hopedale Chapter 90 funds for fiscal 2022.

ARTICLE 14: To see if the Town of Hopedale will vote to increase the availability of tax exemptions to senior citizens owning real property pursuant to G. L. Ch. 59 § 5, Clause 41C, as authorized under Section 51 of Chapter 184 of the Acts of 2002 of the General Court, by approving an increase in the value of the tax exemption, from \$775.77 to **\$786.63**, or take any other action related thereto.

Submitted by: Board of Assessors

Commentary: This will increase the amount qualifying seniors receive toward their fiscal year 2022 tax bill. The increase in COLA is 1.4% as found in Informational Guideline Release (IGR) No. 21-8.

ARTICLE 15: To see if the Town of Hopedale will vote to increase the availability of tax exemptions to surviving spouse, minor child, elderly person owning real property pursuant to G. L. Ch. 59 § 5, Clause 17D, by approving an increase in the value of the tax exemption, from \$260.13 to **\$263.77**, or take any other action relative thereto.

Submitted by: Board of Assessors

Commentary: This will increase the amount qualifying persons receive toward their fiscal year 2022 tax bill. The increase in COLA is 1.4% as found in Informational Guideline Release (IGR) No. 21-8.

ARTICLE 16: To see if the Town of Hopedale will vote to approve to allow members of the Massachusetts National Guard or military reservists who are on active duty (outside of the United States) to obtain a reduction on all or part of their real property taxes for any fiscal year they are serving in a foreign country, owning real property pursuant to Clause 56 of G.L. c59 §5, or take any other action relative thereto.

Submitted by: Board of Assessors

Commentary: The exemption amount would be the same amount approved each year for Clause 41C (elderly exemption) and would be in effect for two fiscal years, 2022 and 2023.

ARTICLE 17: To see if the Town will vote to: (a) authorize the Board of Selectmen to acquire, by purchase, gift and/or eminent domain, the fee to and/or permanent and/or temporary easements, for public way purposes, including without limitation, for the construction, installation, maintenance, improvement, repair, replacement and/or relocation of rights of way, sidewalks, drainage, utilities, driveways, retaining ways, guardrails, slopes, grading, rounding, construction, landscaping, and other appurtenances and/or facilities, to enable the Town to

undertake the Mendon Street Intersection Project and for any and all purposes incidental or related thereto, in, on and under certain parcels of land located on or near Mendon Street (Route 16) and Hopedale Street and approximately shown on plans entitled "Hopedale - Mendon Street (Rte. 16) at Hopedale Street Easement Plan," prepared by BSC Group, said plans on file with the Town Clerk, as said plans may be amended and/or incorporated into an easement plan, and land within 200 feet of said parcels; (b) transfer the care, custody, and control of a portion or portions of the Town-owned property or properties shown on the aforesaid plans from the board or officer having custody of the same for the purposes for which such properties are currently held to the Board of Selectmen for public way and utility purposes and further to dedicate said portions of the Town-owned properties to the foregoing purposes, and, if applicable, authorize the Board of Selectmen to submit petitions to the General Court to allow the foregoing under Article 97 of the Massachusetts Constitution or otherwise; (c) raise and appropriate, transfer from available funds, and/or borrow a sum of money to fund the foregoing project and any and all costs incidental or related thereto, including, without limitation, the cost of any land/easement acquisitions, appraisals, and surveys; and, further (d) authorize the Board of Selectmen to enter into all agreements and take any and all actions as may be necessary or appropriate to effectuate the foregoing purposes, or take any other action related thereto.

Submitted by: Board of Selectmen

Commentary: This article allows the Town to acquire easements needed to implement construction of improvements at the intersection of Mendon Street (Rte. 16) and Hopedale Street.

ARTICLE 18: To see if the Town will vote to transfer the care, custody and control of a certain parcel of land, located at 3 Cook Street, being Assessor's Map 14, Parcel 154, containing 0.14 acres, more or less, and being the premises described in an Instrument of Taking recorded with the Worcester South Registry of Deeds in Book 11987, Page 190, from the Board of Selectmen, currently held for tax title purposes, to the Conservation Commission, to be held pursuant to G.L. c. 40, Section 8C, and for purposes of wetlands replication and flood storage, or take any other action related thereto.

Submitted by: Conservation Commission

Commentary: This article allows the Board to transfer care and custody of this property to the Conservation Commission so it can be used for wetlands replication and flood storage. This article requires a 2/3 vote.

ARTICLE 19: To see if the Town will vote to amend the Code of the Town of Hopedale, Part I, Administration Legislation, pursuant to M.G.L. c 44B, §5(a) through 5(c), by adding Chapter 35, titled, "Community Preservation Committee", language, attached as **Appendix A**, or take any other action related thereto.

Submitted by: Board of Selectmen

Commentary: Each community that adopts the Community Preservation Act is required to establish a Community Preservation Committee (CPC) to administer the program. This requirement is found in Sections 5(a) through 5(c) of the CPA statute. This Committee assists to gather community input and recommend to Town Meeting projects that are eligible for the

Community Preservation Act (CPA) surcharge for open space preservation, preservation of historic resources, development of affordable housing, and the acquisition and development of outdoor recreational facilities, which is matched with available state funding, and voted at ATM 2020.

ARTICLE 20: To see if the Town will vote to amend the Code of the Town of Hopedale, Part II, Regulatory Legislation, Chapter 207, Part II, section 7, by amending language in **BOLD** below, or take any other action related thereto.

§207-7 License Fees & Procedures

- A. The annual fee for every dog license shall be **\$25** for a male dog and **\$25** for a female dog unless a certificate of a registered veterinarian who performed the operation certified that such female dog has been spayed, or male dog has been neutered, in which case the fee shall be **\$20**. A certified copy of such certificate on file in the office of any Town Clerk within the commonwealth may be accepted as evidence that such operation has been performed. If the Town Clerk is satisfied that a certificate of the veterinarian who spayed or neutered the dog cannot be obtained, he may accept in lieu thereof a statement signed under the penalties of perjury by a registered veterinarian doing business in this commonwealth stating that he has examined said dog and that it appears in his opinion to have been spayed or neutered. No fee shall be charged for a license for a dog specially trained to lead or serve blind persons, provided a certificate attesting to same is provided by the Division of the Blind. May 31 is established as the deadline date for procurement of a dog license. After that date, a penalty charge of **\$5** will be added to the license fee. The Town Clerk is allowed to retain \$1 per license for his/her service in processing said license.
- B. No person or household shall keep more than three dogs over the age of three months. This provision shall not apply to the **Animal Control Officer**, who may keep dogs in accordance with his duties.

Submitted by: Board of Health

Commentary: This article raises the annual licensing and late fees for dog owners. Funds collected are deposited into Revolving Fund to pay costs directly related to the licensing and the Animal Control program.

ARTICLE 21: To see if the Town will vote to amend the Code of the Town of Hopedale, Part I, Administrative Legislation, Chapter 49, Contracts; Procurement, Section 5, by inserting language in **BOLD** below, or take any other action relative thereto.

§49-5 Competitive Bids Required

No contract shall be awarded for any work or service to be performed for the Town, other than professional service or service performed by a person regularly employed by the Town as part of the duties of such employment, the estimated cost of which is **\$50,000** or more, and no purchase of materials, supplies or equipment shall be made which is estimated to cost **\$50,000** or more, unless competitive bids for such contract or purchase have first been obtained.

Submitted by: Board of Selectmen

Commentary: This will increase the minimum required for competitive bids, from \$25K to 50K, to align with M.G.L. Chapter 30B; Uniform Procurement Act.

ARTICLE 22: To see if the Town will vote to amend its Zoning Bylaws as follows: To add a Chapter, numbered in sequential order and titled *Stormwater*, which will contain the following sections: Stormwater Management By-Law and IDDE By-Law, attached as **Appendix B**, or take any other relative thereto.

Submitted by: Planning Board

Commentary: This will change land use zoning adding Stormwater Management regulations to the Town's Zoning Bylaws. This article requires a 2/3 vote.

You are hereby directed to serve this Warrant by posting attested copies thereof at three public places in different parts of the Town not less than seven days before the holding of said meeting. Here of fail not to make the due return of the meeting aforesaid.

Given under our hands, this 13th day of May 2021.

HOPEDALE BOARD OF SELECTMEN

Brian R Keyes

Brian R. Keyes, Chair


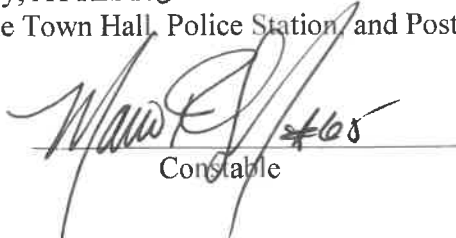
Louis J Arcudi III

Louis J. Arcudi, III

Glenda Hazard

A True Copy, ATTEST:

Posted in the Town Hall, Police Station, and Post Office Lobby.



Constable

05/14/21
Date

ARTICLE 18
Community Preservation Committee

§ 35-1. Membership of the Committee.

- A. There is hereby established a Community Preservation Committee, consisting of nine voting members pursuant to the provisions of M.G.L., c. 44B, Section 5. The composition of the committee, the appointing authority and the term of office for the committee members shall be as follows:
- (1) One member of the Conservation Commission as designated by said Commission;
 - (2) One member of the Historical Commission as designated by said Commission;
 - (3) One member of the Parks Commission as designated by the Commission;
 - (4) One member of the Housing Authority, as designated by said Authority;
 - (5) One member of the Open Space Committee as designated by said Committee; and
 - (6) Four members of the general public, who are not Town employees or currently holding elected or appointed positions, as designated by the Select Board. Two members will be appointed for an initial term of one year, and thereafter, for a term of three years. The other two members will be appointed for an initial term of two years, and thereafter, for a term of three years.
- B. Each member of the committee shall serve for a term of three years or until the person no longer serves in the position or on the board or committee as set forth above, whichever is earlier. Should any of the officers and commissions, boards, or committees who have appointing authority under this bylaw be no longer in existence for whatever reason the Selectboard shall appoint a suitable person to serve in their place.

§ 35-2. Duties.

The Community Preservation Committee shall study the needs, possibilities and resources of the Town regarding community preservation. The committee shall consult with existing municipal boards, including the Conservation Commission, the Historical Commission, the Planning Board, the Park Commissioners and the Housing Authority, or persons acting in those capacities or performing like duties, in conducting such studies. As part of its study, the committee shall hold one or more public informational hearings on the needs, possibilities and resources of the Town regarding community preservation possibilities and resources, notice of which shall be posted publicly and published for each of two weeks preceding a hearing in a newspaper of general circulation in the city or town.

§ 35-3. Recommendations to the Town.

The Community Preservation Committee shall make recommendations to the Town Meeting for the acquisition, creation and preservation of open space; for the acquisition, preservation, rehabilitation and restoration of historic resources; for the acquisition, creation, preservation, rehabilitation and restoration of land for recreational use; for the acquisition, creation, preservation and support of community housing; and for the rehabilitation or restoration of open space, and community housing that is acquired or created as provided in this section. With respect to community housing, the Community Preservation Committee shall recommend, wherever possible, the reuse of existing buildings or construction of new buildings on previously developed sites.

§ 35-4. Set aside recommendations.

The Community Preservation Committee may include in its recommendation to the Town Meeting a recommendation to set aside for later spending funds for specific purposes that are consistent with community preservation but for which sufficient revenues are not then available in the Community Preservation Fund to accomplish that specific purpose or to set aside for later spending funds for general purposes that are consistent with community preservation.

§ 35-5. Annual revenues; open space, historic resources and community housing.

In every fiscal year, the Community Preservation Committee must recommend either that the Town Meeting spend, or set aside for later

spending, not less than 10% of the annual revenues in the Community Preservation Fund for open space and land for recreational use, not less than 10% of the annual revenues in the Community Preservation Fund for historic resources; and not less than 10% of the annual revenues in the Community Preservation Fund for communityhousing.

§ 35-6. Requirement for a quorum and cost estimates.

The Community Preservation Committee shall not meet or conduct business without the presence of a quorum. A majority of the members of the Community Preservation Committee shall constitute a quorum. The Community Preservation Committee shall approve its actions by majority vote of the quorum. Recommendations to the Town Meeting shall include their anticipated costs.

§ 35-7. Amendments.

- A. The Community Preservation Committee shall, from time to time, review the administration of this bylaw, making recommendations, as needed, for changes in the bylaw and in administrative practice to improve the operations of the Community Preservation Committee. The first review shall be completed no later than January 1, 2024, and subsequent reviews shall be completed in no more than five-year intervals.
- B. This bylaw may be amended from time to time by a majority vote of the Town Meeting, consistent with the provisions of M.G.L. c.44B.

§ 35-8. Severability.

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

§ 35-9. Effective date.

This bylaw shall take effect upon approval by the Attorney General of the Commonwealth and after all requirements of M.G.L. c. 40, section 32 have been met. Each appointing authority shall have 60 days after the effective date to make its appointments.



Town of Hopedale
Stormwater Management Bylaw

SECTION 1. PURPOSE

- A. Increased volumes of stormwater, contaminated stormwater runoff from impervious surfaces, and soil erosion and sedimentation are major causes of:
1. impairment of water quality;
 2. decreased flow in lakes, ponds, streams, rivers, wetlands and groundwater;
 3. contamination of drinking water supplies;
 4. erosion of stream channels;
 5. alteration or destruction of aquatic and wildlife habitat;
 6. flooding;
 7. overloading or clogging of municipal catch basins and storm drainage systems; and
 8. flooding and erosion on abutting properties.

The United States Environmental Protection Agency (EPA) has identified sedimentation from land disturbance activities and polluted stormwater runoff from land development and redevelopment as major sources of water pollution, impacting drinking water supplies, natural habitats, and recreational resources. Regulation of activities that result in the disturbance of land and the creation of stormwater runoff is necessary for the protection of the Town of Hopedale's water bodies and groundwater resources, to safeguard the health, safety, and welfare of the general public and protect the natural resources of the Town.

In addition, this bylaw establishes stormwater management standards for the final conditions that result from development and redevelopment projects to minimize adverse impacts offsite and downstream which would be borne by abutters, townspeople and the general public.

- B. The objectives of this bylaw are to:
1. protect water resources;
 2. require practices that eliminate soil erosion and sedimentation;
 3. control the volume and rate of stormwater runoff resulting from land disturbance activities in order to minimize potential impacts of flooding;
 4. require practices to manage and treat stormwater runoff generated from new development and redevelopment;
 5. protect groundwater and surface water from degradation or depletion;
 6. promote infiltration and the recharge of groundwater;
 7. prevent pollutants from entering the municipal storm drain system;
 8. prevent flooding and erosion to abutting properties;

9. ensure that soil erosion and sedimentation control measures and stormwater runoff management practices are incorporated into the site planning and design process and are implemented and maintained;
10. ensure adequate long-term operation and maintenance of stormwater best management practices so that they work as designed;
11. require practices to control waste such as discarded building materials, concrete truck washout, chemicals, litter, and sanitary waste at construction sites that may cause adverse impacts to water quality;
12. comply with state and federal statutes and regulations relating to stormwater discharges; and
13. establish the Town of Hopedale's legal authority to ensure compliance with the provisions of this bylaw through inspection, monitoring and enforcement.

SECTION 2. APPLICABILITY

- A. This Stormwater Bylaw applies to all activities which require a Stormwater Management Permit (SMP) in accordance with Section 5 - Applicability, of the Regulations. No activities which require a SMP may commence until a SMP is issued by the Planning Board, regardless of whether other local permits have been received.

SECTION 3. ADMINISTRATION

- A. The Planning Board shall be the permit granting authority for the issuance of Stormwater Management Permits and shall administer, implement and enforce this Section. Any powers granted to or duties imposed upon the Planning Board may be delegated to its employees or agents or other municipal employees as appropriate. Permit applications shall be submitted, considered and issued only in accordance with the provisions of this Section and the Regulations adopted pursuant to this Section.
- B. Stormwater Regulations. The Planning Board shall adopt, and may periodically amend, rules and regulations relating to the terms, conditions, definitions, enforcement, fees (including application, inspection and/or consultant fees), procedures and administration of this Chapter. The Regulations shall be adopted by majority vote after conducting a public hearing. Such hearing date shall be advertised once in a newspaper of general local circulation, at least fourteen (14) days prior to the hearing date. Failure of the Planning Board to adopt such Regulations or a legal declaration of their invalidity by a court shall not act to suspend or invalidate the effect of this Chapter.

Stormwater Management Permit procedures and submission requirements shall be defined and included as part of the Stormwater Regulations. Such Regulations shall include, but shall not be limited to:

1. A requirement that Stormwater Management Permits be issued within 60 days of the date of filing a complete application, unless an extension of time has been granted.
2. A procedure for distribution to and review of permit applications by the Town of Hopedale Public Health Administrator and the Director of the Highway Department.
3. A requirement for applicants to submit an Operation and Maintenance Plan for the stormwater management system.
4. Performance standards which require that projects must meet the Stormwater Management Standards of the Massachusetts Stormwater Management Handbook. The Planning Board will utilize the criteria and information, including specifications and standards, of the latest edition of the Massachusetts Stormwater Management Handbook for execution of the provisions of

this Section. This Handbook includes a list of acceptable stormwater treatment practices, including the specific design criteria for each stormwater practice. The Handbook may be updated and expanded periodically, based on improvements in engineering, science, monitoring, and local maintenance experience. Unless specifically altered in the Stormwater Regulations, stormwater management practices that are designed, constructed, and maintained in accordance with these design and sizing criteria will be presumed to be protective of Massachusetts water quality standards.

- C. **Waivers.** Strict compliance with this Section or the Stormwater Regulations may be waived by the Planning Board when, in the judgment of the Board, such action is not inconsistent with the purposes of this Section or the Regulations.
- D. **Actions by the Planning Board.** The Planning Board may take any of the following actions on an application for a Stormwater Management Permit: Approval, Approval with Conditions, or Disapproval. A Permit may be disapproved if the Planning Board determines that the requirements of this Section or the Regulations are not met.
- E. **Appeals.** A decision of the Planning Board shall be final. Further relief of a decision by the Planning Board made under this Section shall be reviewable in the Superior Court in an action filed within 60 days thereof, in accordance with M.G.L. Ch 249 § 4.

SECTION 4. ENFORCEMENT

- A. When the Planning Board or its agent determines that an activity is not being carried out in accordance with the requirements of this Section, Stormwater Regulations or SMP, it shall issue a written notice of violation to the owner of the property. Persons receiving a notice of violation may be required to:
 1. **Halt all construction activities until there is compliance.** A “stop work order” will be in effect until the Planning Board or its agent confirms that the activity is in compliance and the violation has been satisfactorily addressed.
 2. Maintain, install or perform additional erosion and sedimentation control measures;
 3. Monitor, analyze and report to the Planning Board;
 4. Remediate erosion and sedimentation resulting directly or indirectly from the activity.

Failure to address a notice of violation in the time specified therein may result in penalties in accordance with the enforcement measures authorized in this Section.

- B. **Penalty.** Any person who violates any provision of this Section, Regulations, or SMP issued thereunder, may be punished by a fine of not more than \$300.00. Each day or part thereof that such violation occurs or continues shall constitute a separate offense, and each provision of the Section, Regulations or SMP violated, shall constitute a separate offense.
- C. **Non-Criminal Disposition.** As an alternative to the penalty identified in Section 4.B of this bylaw, the Town of Hopedale may elect to utilize the non-criminal disposition procedure of the Bylaws of the Town of Hopedale. Each day or part thereof that such violation occurs or continues shall constitute a separate offense, and each provision of this Chapter, Regulation or permit violated shall constitute a separate offense.

SECTION 5. SEVERABILITY

The invalidity of any section, provision, paragraph, sentence, or clause of this Chapter shall not invalidate any section, provision, paragraph, sentence or clause thereof, nor shall it invalidate any permit or determination that previously has been issued.



**Town of Hopedale
Bylaw Governing Discharges To
The Municipal Storm Drain System**

SECTION 1. PURPOSE

Increased and contaminated stormwater runoff is a major cause of impairment of water quality and flow in lakes, ponds, streams, rivers, wetlands and groundwater; contamination of drinking water supplies; alteration or destruction of aquatic and wildlife habitat; and flooding.

Regulation of illicit connections and discharges to the municipal storm drain system is necessary for the protection of the Town's water bodies and groundwater, and to safeguard the public health, safety, welfare and the environment.

The objectives of this by-law are:

- to prevent pollutants from entering the Town's municipal separate storm sewer system (MS4);
- to prohibit illicit connections and unauthorized discharges to the MS4;
- to require the removal of all such illicit connections;
- to comply with state and federal statutes and regulations relating to stormwater discharges; and
- to establish the legal authority to ensure compliance with the provisions of this by-law through inspection, monitoring, and enforcement.

SECTION 2. DEFINITIONS

For the purposes of this by-law, the following shall mean:

AUTHORIZED ENFORCEMENT AGENCY: The Planning Board (hereafter the Board), its employees or agents designated to enforce this by-law.

BEST MANAGEMENT PRACTICE (BMP): An activity, procedure, restraint, or structural improvement that helps to reduce the quantity or improve the quality of stormwater runoff.

CLEAN WATER ACT: The Federal Water Pollution Control Act (33 U.S.C. § 1251 et seq.) as hereafter amended.

DISCHARGE OF POLLUTANTS: The addition from any source of any pollutant or combination of pollutants into the municipal storm drain system or into the waters of the United States or Commonwealth from any source.

GROUNDWATER: Water beneath the surface of the ground.

ILLCIT CONNECTION: A surface or subsurface drain or conveyance, which allows an illicit discharge into the municipal storm drain system, including without limitation sewage, process wastewater, or wash water and any connections from indoor drains, sinks, or toilets, regardless of whether said connection was previously allowed, permitted, or approved before the effective date of this by-law.

ILLCIT DISCHARGE: Direct or indirect discharge to the municipal storm drain system that is not composed entirely of stormwater, except as exempted in Section 7. The term does not include a discharge in compliance with a NPDES Storm Water Discharge Permit or a Surface Water Discharge Permit, or resulting from fire-fighting activities exempted pursuant to Section 7, subsection 4, of this by-law.

IMPERVIOUS SURFACE: Any material or structure on or above the ground that prevents water infiltrating the underlying soil. Impervious surface includes without limitation roads, paved parking lots, sidewalks, and rooftops.

MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4) or MUNICIPAL STORM DRAIN SYSTEM: The system of conveyances designed or used for collecting or conveying stormwater, including any road with a drainage system, street, gutter, curb, inlet, piped storm drain, pumping facility, retention or detention basin, natural or man-made or altered drainage channel, reservoir, and other drainage structure that together comprise the storm drainage system owned or operated by the Town of Hopedale.

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) STORM WATER DISCHARGE PERMIT: A permit issued by United States Environmental Protection Agency or jointly with the State that authorizes the discharge of pollutants to waters of the United States.

NON-STORMWATER DISCHARGE: Discharge to the municipal storm drain system not composed entirely of stormwater.

PERSON: An individual, partnership, association, firm, company, trust, corporation, agency, authority, department or political subdivision of the Commonwealth or the federal government, to the extent permitted by law, and any officer, employee, or agent of such person.

POLLUTANT: Any element or property of sewage, agricultural, industrial or commercial waste, runoff, leachate, heated effluent, or other matter whether originating at a point or nonpoint source, that is or may be introduced into any sewage treatment works or waters of the Commonwealth. Pollutants shall include without limitation:

1. paints, varnishes, and solvents;
2. oil and other automotive fluids;
3. non-hazardous liquid and solid wastes and yard wastes;
4. refuse, rubbish, garbage, litter, or other discarded or abandoned objects, ordnances, accumulations and floatables;
5. pesticides, herbicides, and fertilizers;
6. hazardous materials and wastes; sewage, fecal coliform and pathogens;
7. dissolved and particulate metals;
8. animal wastes;
9. rock, sand, salt, soils;
10. construction wastes and residues; and
11. noxious or offensive matter of any kind.

PROCESS WASTEWATER: Water which, during manufacturing or processing, comes into direct contact with or results from the production or use of any material, intermediate product, finished product, or waste product.

RECHARGE: The process by which groundwater is replenished by precipitation through the percolation of runoff and surface water through the soil.

STORMWATER: Storm water runoff, snow melt runoff, and surface water runoff and drainage.

SURFACE WATER DISCHARGE PERMIT. A permit issued by the Department of Environmental Protection (DEP) pursuant to 314 CMR 3.00 that authorizes the discharge of pollutants to waters of the Commonwealth of Massachusetts.

TOXIC OR HAZARDOUS MATERIAL or WASTE: Any material, which because of its quantity, concentration, chemical, corrosive, flammable, reactive, toxic, infectious or radioactive characteristics, either separately or in combination with any substance or substances, constitutes a present or potential threat to human health, safety, welfare, or to the environment. Toxic or hazardous materials include any synthetic organic chemical, petroleum product, heavy metal, radioactive or infectious waste, acid and alkali, and any substance defined as Toxic or Hazardous under G.L. Ch.21C and Ch.21E, and the regulations at 310 CMR 30.000 and 310 CMR 40.0000.

WATERCOURSE: A natural or man-made channel through which water flows or a stream of water, including a river, brook or underground stream.

WATERS OF THE COMMONWEALTH: All waters within the jurisdiction of the Commonwealth, including, without limitation, rivers, streams, lakes, ponds, springs, impoundments, estuaries, wetlands, coastal waters, and groundwater.

WASTEWATER: Any sanitary waste, sludge, or septic tank or cesspool overflow, and water that during manufacturing, cleaning or processing, comes into direct contact with or results from the production or use of any raw material, intermediate product, finished product, byproduct or waste product.

SECTION 3. APPLICABILITY

This by-law shall apply to flows entering the municipally owned storm drainage system.

SECTION 4. AUTHORITY

This bylaw is adopted under the authority granted by the Home Rule Amendment of the Massachusetts Constitution and the Home Rule Procedures Act, and pursuant to the regulations of the federal Clean Water Act found at 40 CFR 122.34.

SECTION 5. RESPONSIBILITY FOR ADMINISTRATION

The Board shall administer, implement and enforce this by-law. Any powers granted to or duties imposed upon the Board may be delegated in writing by the Board to employees or agents of the Board.

SECTION 6. REGULATIONS

The Board may promulgate rules and regulations to effectuate the purposes of this by-law. Failure by the Board to promulgate such rules and regulations shall not have the effect of suspending or invalidating this by-law.

SECTION 7. PROHIBITED ACTIVITIES

Illicit Discharges. No person shall dump, discharge, cause or allow to be discharged any pollutant or non-stormwater discharge into the municipal separate storm sewer system (MS4), into a watercourse, or into the waters of the Commonwealth.

Illicit Connections. No person shall construct, use, allow, maintain or continue any illicit connection to the municipal storm drain system, regardless of whether the connection was permissible under applicable law, regulation or custom at the time of connection.

Obstruction of Municipal Storm Drain System. No person shall obstruct or interfere with the normal flow of stormwater into or out of the municipal storm drain system without prior written approval from the Board.

SECTION 8. EXEMPTIONS

Discharge or flow resulting from fire-fighting activities.

The following non-stormwater discharges or flows are exempt from the prohibition of non-stormwaters provided that the source is not a significant contributor of a pollutant to the municipal storm drain system:

1. Waterline flushing;
2. Flow from potable water sources;
3. Springs;
4. Natural flow from riparian habitats and wetlands;
5. Diverted stream flow;
6. Rising groundwater;
7. Uncontaminated groundwater infiltration as defined in 40 CFR 35.2005(20), or uncontaminated pumped groundwater;
8. Water from exterior foundation drains, footing drains (not including active groundwater dewatering systems), crawl space pumps, or air conditioning condensation;
9. Discharge from landscape irrigation or lawn watering;
10. Water from individual residential car washing;
11. Discharge from dechlorinated swimming pool water (less than one ppm chlorine) provided the water is allowed to stand for one week prior to draining and the pool is drained in such a way as not to cause a nuisance;
12. Discharge from street sweeping;
13. Dye testing, provided verbal notification is given to the Board prior to the time of the test;
14. Non-stormwater discharge permitted under a NPDES permit or a Surface Water Discharge Permit, waiver, or waste discharge order administered under the authority of the United States Environmental Protection Agency or the Department of Environmental Protection, provided that the discharge is in full compliance with the requirements of the permit, waiver, or order and applicable laws and regulations; and
15. Discharge for which advanced written approval is received from the Board as necessary to protect public health, safety, welfare or the environment.

SECTION 9. EMERGENCY SUSPENSION OF STORM DRAINAGE SYSTEM ACCESS

The Board may suspend municipal storm drain system access to any person or property without prior written notice when such suspension is necessary to stop an actual or threatened discharge of pollutants that presents imminent risk of harm to the public health, safety, welfare or the environment. In the event any person fails to comply with an emergency suspension order, the Authorized Enforcement Agency may take all reasonable steps to prevent or minimize harm to the public health, safety, welfare or the environment.

SECTION 10. NOTIFICATION OF SPILLS

Notwithstanding other requirements of local, state or federal law, as soon as a person responsible for a facility or operation, or responsible for emergency response for a facility or operation has information of or suspects a release of materials at that facility or operation resulting in or which may result in discharge of pollutants to the municipal drainage system or waters of the Commonwealth, the person shall take all necessary steps to ensure containment, and cleanup of the release. In the event of a release of oil or hazardous materials, the person shall immediately notify the municipal fire and police departments as well as the Highway Department and Conservation Commission. In the event of a release of non-hazardous material, the reporting person shall notify the Authorized Enforcement Agency no later than the next business day. The reporting person shall provide to the Authorized Enforcement Agency written confirmation of all telephone, facsimile or in person notifications within three business days thereafter. If the discharge of prohibited materials is from a commercial or industrial facility, the facility owner or operator of the facility shall retain on-site a written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least three years.

SECTION 11. ENFORCEMENT

The Board or an authorized agent of the Board shall enforce this by-law, regulations, orders, violation notices, and enforcement orders, and may pursue all civil and criminal remedies for such violations.

Civil Relief. If a person violates the provisions of this by-law, regulations, permit, notice, or order issued thereunder, the Board may seek injunctive relief in a court of competent jurisdiction restraining the person from activities which would create further violations or compelling the person to perform abatement or remediation of the violation.

Orders. The Board or an authorized agent of the Board may issue a written order to enforce the provisions of this by-law or the regulations thereunder, which may include: (a) elimination of illicit connections or discharges to the MS4; (b) performance of monitoring, analyses, and reporting; (c) that unlawful discharges, practices, or operations shall cease and desist; and (d) remediation of contamination in connection therewith.

If the enforcing person determines that abatement or remediation of contamination is required, the order shall set forth a deadline by which such abatement or remediation must be completed. Said order shall further advise that, should the violator or property owner fail to abate or perform remediation within the specified deadline, the Town may, at its option, undertake such work, and expenses thereof shall be charged to the violator.

Within thirty (30) days after completing all measures necessary to abate the violation or to perform remediation, the violator and the property owner will be notified of the costs incurred by the Town, including administrative costs. The violator or property owner may file a written protest objecting to the amount or basis of costs with the Board within thirty (30) days of receipt of the notification of the costs incurred. If the amount due is not received by the expiration of the time in which to file a protest or within thirty (30) days following a decision of the Board affirming or reducing the costs, or from a final decision of a court of competent jurisdiction, the costs shall become a special assessment against the property owner and shall constitute a lien on the owner's property for the amount of said costs. Interest shall begin to accrue on any unpaid costs at the statutory rate provided in G.L. Ch. 59, § 57 after the thirty-first day at which the costs first become due.

Criminal Penalty. Any person who violates any provision of this by-law, regulation, order or permit issued thereunder, shall be punished by a fine of not more than \$250. Each day or part thereof that such violation occurs or continues shall constitute a separate offense.

Non-Criminal Disposition. As an alternative to criminal prosecution or civil action, the Planning Board may elect to utilize the non-criminal disposition procedure set forth in G.L. Ch. 40, §21D, pursuant to the provisions of MGL chapter 40, paragraph 21D, and the Town's Noncriminal Disposition Bylaw (Chapter1, General Provisions, Article II, Penalties; Noncriminal Disposition), , in which case the Planning Board or its designated agent shall be the enforcing person. The penalty for the 1st violation shall be \$100. The penalty for each subsequent violation shall be \$300.00. Each day or part thereof that such violation occurs or continues shall constitute a separate offense.

Entry to Perform Duties Under this By-Law. To the extent permitted by state law, or if authorized by the owner or other party in control of the property, *the Board*, its agents, officers, and employees may enter upon privately owned property for the purpose of performing their duties under this by-law and regulations and may make or cause to be made such examinations, surveys or sampling as *the Board* deems reasonably necessary.

Appeals. The decisions or orders of *the Board* shall be final. Further relief shall be to a court of competent jurisdiction.


Remedies Not Exclusive The remedies listed in this by-law are not exclusive of any other remedies available under any applicable federal, state or local law.

SECTION 12. SEVERABILITY

The provisions of this by-law are hereby declared to be severable. If any provision, paragraph, sentence, or clause, of this by-law or the application thereof to any person, establishment, or circumstances shall be held invalid, such invalidity shall not affect the other provisions or application of this by-law.

SECTION 13. TRANSITIONAL PROVISIONS

Residential property owners shall have 60 days from the effective date of the by-law to comply with its provisions provided good cause is shown for the failure to comply with the bylaw during that period.

Signature: 
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Signature: 
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