

**TOWN CLERK MEETING MINUTES  
OCTOBER 15, 2007  
SEMI-ANNUAL TOWN MEETING**

Article 1, Section 3 of the Town of West Boylston General bylaws states that "One Hundred (100) legal voters, including the presiding officer and the clerk, shall constitute a quorum, provided that a number less than a quorum may vote an adjournment: and that not more than Seventy-five (75) shall be required to maintain a quorum once the meeting has been called to order by the Moderator and that a quorum of Seventy-five (75) be required to reconvene any adjourned session of any such meeting."

The Moderator was informed that 211 registered voters were in attendance and that the quorum requirement has been met.

Town meeting was called to order at 7:10 p.m.

The following people were sworn in as tellers by the Town Clerk;

Dennis Mulryan	Mindy Esteves
Margaret Farwell	Beverly Goodale
Bruce Peterson	Michael Kittredge
Jack McCormick	Pauline McCormick

West Boylston Cub Scouts Pack 151, Brendan Russell, Ryan Gordon, Casey Sarkisian, Kai Mayotte, John Amaral, Christopher Dunne, and Den Leaders Mr. Robert Dunne and Mr. Jim Amaral, as part of earning their Citizenship activity badge, led the town meeting in the Pledge of Allegiance.

A moment of silence was conducted for all the members of the community whom have passed and the service men and women whom have made the ultimate sacrifice serving in the armed forces in Iraq, Afghanistan and around the world.

Moderator David Sweetman asked for a motion to accept the provisions of Massachusetts General Law Chapter 39 Section 15 allowing the moderator to determine a 2/3<sup>rd</sup>'s majority vote.

Upon a motion by Kevin McCormick, and Second by Allen Phillips it was unanimously voted to accept the provisions of Massachusetts General Law Chapter 39 Section 15.

Upon a motion by Allen Phillips and second by Christopher Rucho is was unanimously voted to waive the reading of the Warrant and refer it as subject matter only.

**ARTICLE 1 –**

**AUTHORIZATION TO HEAR THE REPORTS OF OFFICERS AND COMMITTEES OF THE TOWN**

Motion- Christopher Rucho  
Second- Allen Phillips

It was unanimously voted to hear special reports of the officers and standing committees of the town. Reports were given by Library Director, Louise Howland, Finance Committee Chair and Capital Investment Board member, Raymond Bricault.

**ARTICLE 2 –**

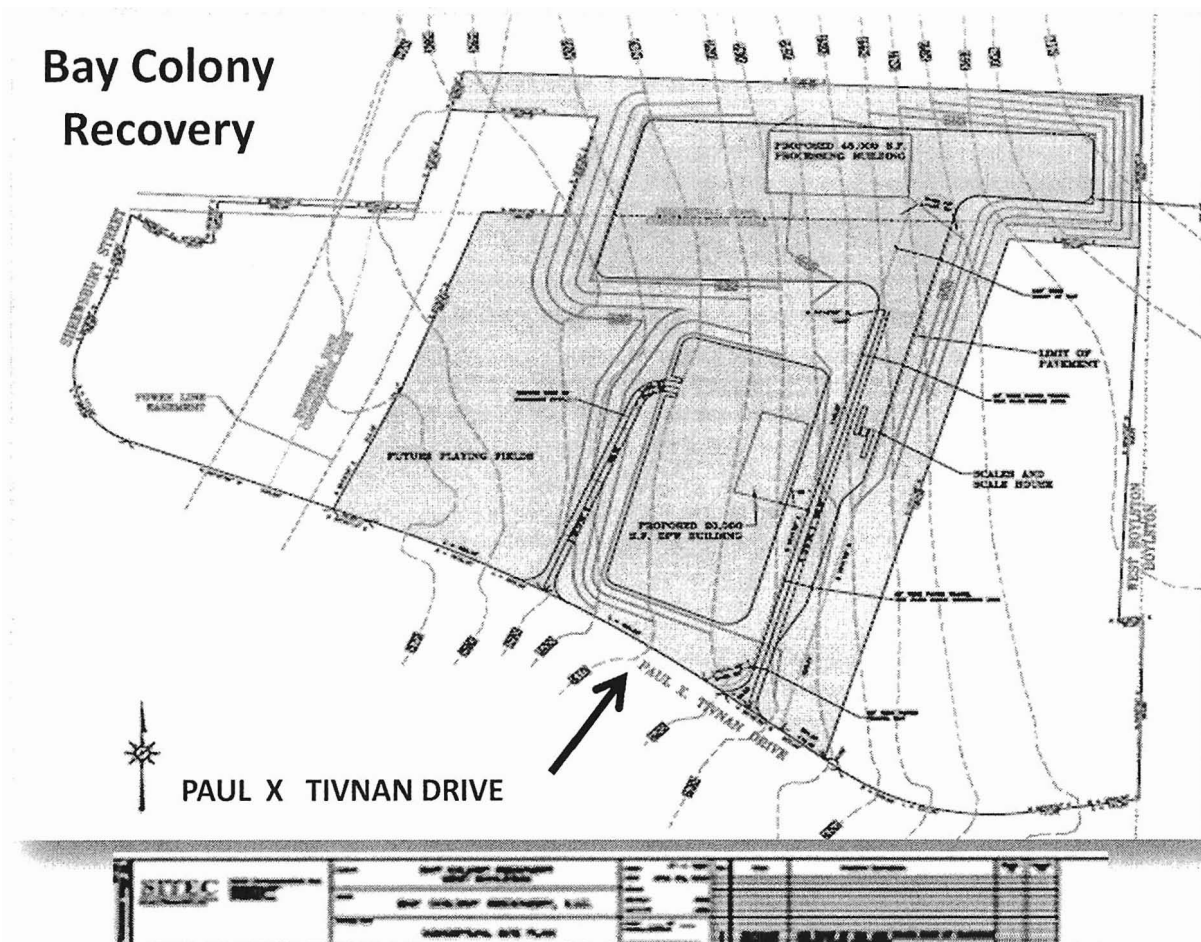
**AUTHORIZATION TO ENTER INTO A LONG-TERM TRANSFER STATION LEASE**

Motion- Allen Phillips  
Second- Kevin McCormick  
Finance Committee/Capital Investment Bd.- recommends approval  
DPW- recommends approval  
Economic Development Committee- recommends approval

**Motion to amend-**

Upon a motion by Allen Phillips and second by Kevin McCormick it was unanimously voted to amend this article by inserting the following; "and on file with the Town Clerk for a term of **up** to (40) years from the date on which the facility commences regular operations "

It was voted by a simple majority to, pursuant to G.L. c. 44 § 28C and G.L. c. 40 § 3, to authorize the Board of Selectmen to lease to Bay Colony Recovery, LLC (BCR), approximately 10-12 acres of the premises conveyed to the Town by the Commonwealth of Massachusetts by deed recorded with the Worcester South District Registry of Deeds in Book 32654, Page 314, which 10-12 acre portion lies on the northerly part of the premises and is the industrially-zoned land around the building shown as "Proposed 45,000 Sq./Ft. Building" on a sketch plan entitled "Conceptual Site Plan" dated April 24, 2007, revised through May 10, 2007, prepared by SITEC Environmental, and on file with the Town Clerk, for a term of forty (40) years from the date on which the facility commences regular operations and on such terms and conditions as approved by the Board of Selectmen, and to authorize the Board of Selectmen to enter into a lease and operating agreement and to execute such other documents as may be necessary or convenient for the foregoing purposes, and further to authorize the Selectmen to petition the Massachusetts legislature for approval of such lease under Article 97 of the Articles of Amendments to the Massachusetts Constitution, if such approval is determined to be necessary.



### ARTICLE 3 –

#### AUTHORIZATION TO ENTER INTO A LEASE OF THE DPW SITE ON TIVNAN DRIVE

Motion- Kevin McCormick

Second- Allen Phillips

It was voted by a simple majority to, pursuant to G.L. c. 40, § 3, to authorize the Board of Selectmen to lease to Bay Colony Recovery, LLC (BCR), approximately 6 acres of the premises conveyed to the Town by the Commonwealth of Massachusetts by deed recorded with the Worcester South District Registry of Deeds in Book 32654, Page 314, which 6 acre portion lies on the southeasterly part of the premises and is the land shown as +6 Acres around the building shown as "Proposed 20,000 Sq./Ft. DPW Building" on a sketch plan entitled "Conceptual Site Plan" dated April 24, 2007, revised through May 10, 2007, prepared by SITEC Environmental, and on file with the Town Clerk, for the purpose of constructing thereon, at BCR's sole cost and expense, a facility to be used by the Department of Public Works, which lease shall terminate upon the completion of said construction or sooner, and on such other terms and conditions as approved by the Board of Selectmen, and to authorize the Board of Selectmen to enter into a lease and to execute such other documents as may be necessary or convenient for the foregoing purposes, and further to authorize the Selectmen to petition the Massachusetts legislature for approval of such lease under Article 97 of the Articles of Amendments to the Massachusetts Constitution, if such approval is determined to be necessary.

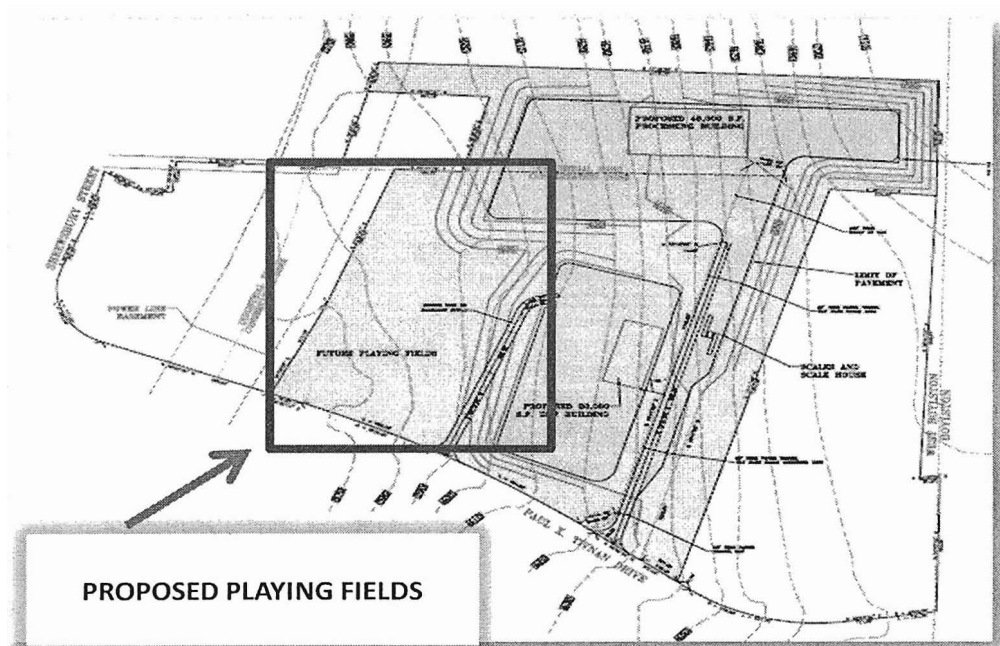
### ARTICLE 4 –

#### DEDICATION OF RECREATIONAL LAND ON TIVNAN DRIVE

Motion- Valmore Pruneau, Jr.

Second- Christopher Rucho

It was voted by a simple majority to dedicate to park and recreational use, under the care, custody, management and control of the Board of Selectmen, approximately 8 acres of the premises conveyed to the Town by the Commonwealth of Massachusetts by deed recorded with Worcester South District Registry of Deeds in Book 32654, Page 314, on file with the Town Clerk.



(\$10,000.00) from Overlay Surplus to the Board of Health Revolving Fund 026-05-11-05100.

**ARTICLE 7 –**

**AUTHORIZATION TO APPROPRIATE FUNDS SUBJECT TO RECEIVING A GRANT TO CONSTRUCT A PLAYING FIELD**

Motion- Allen Phillips  
Second- Christopher Rucho  
Finance Committee- recommends approval  
School Committee- recommends approval  
Parks Commission- recommends approval

It was voted by a simple majority to accept a grant offered by the Executive Office of Energy and Environmental Affairs Division of Conservation Services for construction of a playing field behind the Middle/High School.

**ARTICLE 8 –**

**AUTHORIZATION TO APPROPRIATE FUNDS FOR PARKS RELATED SAFETY AND REPAIR ITEMS**

Motion- Kevin McCormick  
Second- Christopher Rucho  
Finance Committee- recommends approval  
Parks Commission- recommends approval  
School Committee- recommends approval

It was voted by a simple majority to transfer the sum of Thirty Thousand Dollars and No Cents (\$30,000.00) from Overlay Surplus for Parks related safety and repair items to be expended by the Parks Commission prior to March 1, 2009.

**ARTICLE 9 –**

**APPROPRIATION OR TRANSFER OF FUNDS TO THE SCHOOL DEPARTMENT BUDGET**

Motion- Valmore Pruneau, Jr.  
Second- Christopher Rucho

It was voted by a simple majority that consideration of this matter be postponed until after Article 26 has been disposed of.

This article which would have allowed the sum of Sixty-Nine Thousand, Three Hundred Fifty-Five Dollars and No Cents (\$69,355.00) to be expended by the School Department.

**ARTICLE 10–**

**AUTHORIZATION TO APPROPRIATE FUNDS TO THE COMMUNITY PRESERVATION COMMITTEE**

Motion- John DiPietro, Sr.  
Second- Valmore Pruneau, Jr.  
Community Preservation Committee- recommends approval  
Finance Committee- recommends approval

It was voted by a simple majority to appropriate the sum \$2,500.00 from the Community Preservation Fund estimated annual revenues to meet the administrative expenses and all other necessary and

proper expenses of the Community Preservation Committee.

**ARTICLE 11 –**

**AUTHORIZATION TO EXPEND FUNDS FROM THE CAPITAL INVESTMENT FUND TO FUND CAPITAL EQUIPMENT**

Motion- Allen Phillips

Second- Christopher Rucho

Finance Committee / Capital Investment Bd.- recommend approval

It was unanimously voted to expend Twenty Six Thousand Seven Hundred Dollars and No Cents (\$26,700.00) from the Capital Investment Fund for use by the School Department to make improvements to the underground fuel tank monitoring system at the Middle/High School.

**ARTICLE 12 –**

**AUTHORIZATION TO APPROPRIATE FUNDS FOR THE REPLACEMENT OF AMBULANCE 2**

Motion- Kevin McCormick

Second- Christopher Rucho

Finance Committee- recommends approval

Fire Department- recommends approval

It was voted by a simple majority to transfer the sum of One Hundred Sixty-five Thousand Dollars and No Cents, (\$165,000.00) from Ambulance Receipts Reserved for Appropriation for the replacement of Ambulance 2.

**ARTICLE 13 –**

**AUTHORIZATION TO AMEND THE ZONING BYLAWS BY CREATING A NEW COMMERCIAL/LIMITED INDUSTRIAL ZONE**

Motion- John Baker

Second- Valmore Pruneau, Jr.

Planning Board- recommends approval

Economic Development Bd.- recommends approval

Bylaws Committee- recommends approval

Moderator David Sweetman declared a 2/3rds affirmative vote in accordance with the provisions set forth with the acceptance of Massachusetts General Law Chapter 39 § 15, to amend the Zoning Bylaws and create a new Zoning District called "Commercial/Limited Industrial". The following changes to the Zoning Bylaws, necessary to create this District, are proposed as follows:

1. To modify Section 2 Establishment of Classes by deleting the current Section 2.1 Classes of Districts and replacing it with:

"The Town of West Boylston is hereby divided into zones or districts as follows:

1. Single Residence Districts
2. General Residence Districts
3. Business Districts
4. Industrial Districts
5. Conservation Districts
6. Commercial/Limited Industrial Districts"

2. To modify Section 4 Dimensional Requirements by deleting the current Section 4.2 Schedule of Dimensional Requirements and replacing it with:

DISTRICT	Min. Lot Size	Min. Lot Frontage (In feet)	Min. Yards (In feet)		
			Front	Side	Rear
Single Residence	40,000 square feet	120	25	10	10
General Residence	40,000 square feet	120	25	10	10
Business	1 acre	150	10	10	10
Industrial	2 acres	150	50	10	10
Commercial/Limited Industrial	2 acres	150	50	20	20
Aquifer Protection	50,000 square feet	150	25	10	10

3. To modify Section 4 Dimension Requirements by modifying Section 4.3 Modifications to Dimensional Requirements F. Building Height by:

Deleting the words: "The maximum building height allowed within the Business District shall be fifty feet (50')."

And replacing it with the words: "The maximum building height allowed within the Business District and Commercial/Limited Industrial District shall be fifty feet (50')."

4. To modify Section 3 Use Regulations by deleting the current Section 3.2 Schedule of Use Regulations and replacing it with this Section 3.2 Schedule of Use Regulations:

A. Agricultural Uses		SR	GR	B	I	C	CLI
1	Farms, stockfarms, greenhouses, nurseries and truck garden	Y	Y	Y	Y	Y	Y
2	Sale of farm or garden produce the major part of which is raised on the premises	Y	Y	Y	Y	Y	Y
B. Residential Uses		SR	GR	B	I	C	CLI
1	Detached One-family dwelling	Y	Y	Y	N	N	Y
2	Multi-family (4 units or less)	N	Y	Y	N	N	N
3	Multi-family (more than 4 units)	N	SPR	SPR	N	N	N
4	Motels or hotels	N	N	SPR	SPR	N	SPR
5	Bed and Breakfast	SP	Y	Y	N	N	N
6	Accessory apartments subject of Special Condition 3.4	SP	SP	SP	N	N	SP

<b>C. Recreational Uses</b>		<b>SR</b>	<b>GR</b>	<b>B</b>	<b>I</b>	<b>C</b>	<b>CLI</b>
<b>1</b>	Riding stables, subject to Special Condition 3.3 E	SP	SP	N	N	Y	SP
<b>2</b>	Golf Courses	SPR	SPR	SPR	SPR	N	SPR
<b>3</b>	Indoor commercial recreation	N	N	Y	SP	N	SP
<b>4</b>	Outdoor commercial recreation	<b>N</b>	<b>N</b>	<b>SPR</b>	<b>SPR</b>	<b>N</b>	<b>SPR</b>
<b>D. Institutional Uses</b>		<b>SR</b>	<b>GR</b>	<b>B</b>	<b>I</b>	<b>C</b>	<b>CLI</b>
<b>1</b>	Municipal structure or use	Y	Y	Y	Y	Y	Y
<b>2</b>	Religious use	Y	Y	Y	Y	Y	Y
<b>3</b>	Cemetery	N	N	Y	Y	Y	Y
<b>4</b>	Educational use exempted by Section 3, Chapter 40A, M.G.L.	Y	Y	Y	Y	Y	Y
<b>5</b>	Other educational use	SP	SP	SP	SP	SP	SP
<b>6</b>	Museums or art galleries	SP	Y	Y	SP	N	SP
<b>7</b>	Philanthropic, historical or charitable organizations	N	N	Y	Y	N	N
<b>8</b>	Private clubs, business associations, professional membership organizations	N	N	Y	Y	N	N
<b>E. Transportation &amp; Utility Uses</b>		<b>SR</b>	<b>GR</b>	<b>B</b>	<b>I</b>	<b>C</b>	<b>CLI</b>
<b>1</b>	Carriers of passengers for hire	N	N	Y	Y	N	N
<b>2</b>	Public utility facility, except wireless *49 communications towers	SP	SP	SP	SP	SP	SP
<b>3</b>	*47 Wireless Communications Tower Districts	N	N	SPR	SPR	N	SPR
<b>F. Business Uses</b>		<b>SR</b>	<b>GR</b>	<b>B</b>	<b>I</b>	<b>C</b>	<b>CLI</b>
<b>1</b>	Retail business not involving in manufacture on the premises except of product, the major portion of which is to be sold at retail on the premises by the manufacturer to the consumer	N	N	Y	Y	N	Y
<b>2</b>	Offices, business or professional	N	N	Y	Y*15	N	Y
<b>3</b>	Eating places, except fast food and drive-in restaurants	N	N	Y	Y	N	Y
<b>4</b>	Fast foods and drive-in restaurants	N	N	SP	SP	N	SP
<b>5</b>	Animal Kennel or hospital	N	N	SP	SP	N	SP
<b>6</b>	Medical Clinic	N	N	SP	SP	N	SP

<b>7</b>	Bank or financial service	N	N	Y	Y	N	Y
<b>8</b>	Free standing automatic vending machine, such as soda, ATM, newspaper or photo developing	N	N	SP	SP	N	SP
<b>9</b>	Funeral Home	N	N	SPR	N	N	N
<b>10</b>	Wholesale Business	N	N	Y	Y	N	Y
<b>11</b>	Personal or business services such as barber shop, dry cleaning establishment or print shop	N	N	Y	Y	N	Y
<b>12</b>	Business centers (3 or more business uses which share a common parking area), up to a maximum of 100,000 sq. ft. of floor space	N	N	SPR	N	N	SPR
<b>13</b>	Automobile-fuel, services and repair	N	N	SP	N	N	N
<b>14</b>	Motion Picture Theaters	N	N	SP	N	N	SP
<b>15</b>	Building material stores	N	N	SP	SP	N	SP
<b>16</b>	Miscellaneous repair shops	N	N	SP	N	N	SP
<b>17</b>	Convalescent or nursing homes <b>*84</b>	N	SP	SP	SP	N	N
<b>18</b>	Outdoor sales, such as motor vehicles or recreational vehicles	N	SP	SP	N	N	N
<b>19</b>	Warehousing, accessory to retail or wholesale business	N	N	Y	Y	N	Y
<b>20</b>	Any business allowed under this section operating between the hours of 2:00 a.m. and 6:00 a.m.	N	N	SP	SP	N	SP
<b>21</b>	<b>*54</b> Adult Entertainment	N	N	N	SP	N	N

#### **G. Industrial Uses**

		<b>SR</b>	<b>GR</b>	<b>B</b>	<b>I</b>	<b>C</b>	<b>CLI</b>
<b>1</b>	Research laboratories	N	N	N	Y	N	SPR
<b>2</b>	Manufacturing or industrial use including processing, fabrication and assembly, employing unobjectionable motive power, utilizing hand labor or quiet machinery and process	N	N	N	Y	N	SPR
<b>3</b>	Retail and/or wholesale accessory to products manufactured or assembled on premises	N	N	N	Y	N	SPR
<b>4</b>	Warehousing or trucking company	N	N	N	Y	N	SPR
<b>5</b>	Removal of sand, gravel or loam subject to Section 5.4	Y	Y	Y	Y	N	SPR
<b>6</b>	Construction contractors	N	N	SP	SP	N	SP



<b>7</b>	Fuel suppliers	N	N	SPR	SPR	N	N
<b>8</b>	Rail freight yards	N	N	N	SP	N	N
<b>9</b>	Any industrial use allowed under this section which contains more than 10,000 sq. ft. as required by Section 3.6 B	N	N	N	SPR	N	SPR
<b>10</b>	Industrial Park (2 or more industrial uses which share a common parking area, common lot or contiguous lots under that same ownership)	N	N	N	SPR	N	SPR
<b>11</b>	Storage of dumpsters, trash containers *43 roll-off trash containers, portable toilets, not in enclosed buildings	N	N	N	SP	N	N
<b>H.</b>	<b>Cottage Uses</b>	<b>SR</b>	<b>GR</b>	<b>B</b>	<b>I</b>	<b>C</b>	<b>CLI</b>
<b>1</b>	Family day care home	Y	Y	Y	SP	N	Y
<b>2</b>	Home occupation, subject to * 31 Special Condition 3.5	SP	SP	Y	N	N	Y

*Quorum count questioned by Barry Esteves-*

*Tellers were called to conduct a hand-count of the auditorium, 129 registered voters were found to be in attendance. According to the provisions of Article 1 Section 3 of the Town of West Boylston's General Bylaws, Seventy-five (75) voters are required to maintain a quorum.*

#### **ARTICLE 14 –**

**AUTHORIZATION TO AMEND THE ZONING MAP TO CREATE A COMMERCIAL / LIMITED INDUSTRIAL DISTRICT NORTH OF INTERSTATE 190**

Motion- John Baker

Second- Valmore Pruneau, Jr.

Planning Board- recommends approval

Bylaws Committee- recommends approval

Economic Development Committee- recommends approval

It was voted by a 2/3<sup>rd</sup>'s majority count of 81 in favor and 21 opposed, to amend the Zoning Map to allow a change of the Single-Residence District northwest of Interstate Route 190 and north-west of Raymond Huntington Highway to Commercial/Limited Industrial Zoning District and to modify the Zoning Map as follows:

By changing the Zoning District designation of the following parcels noted on the current Assessors' Map from Single Residence to Commercial/Limited Industrial:

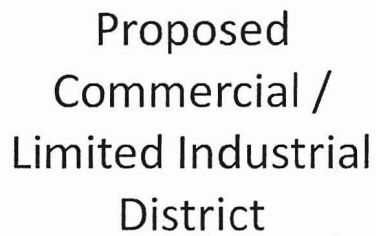
Map 104 Parcels 1, 2, 3

Map 105 Parcels 1, 2, 3, 4, 5

Map 106 Parcels 1, 2, 3, 4, 5, 6,

Map 107 Parcels 20, 21, 22

Consisting of an area of approximately 352 acres.



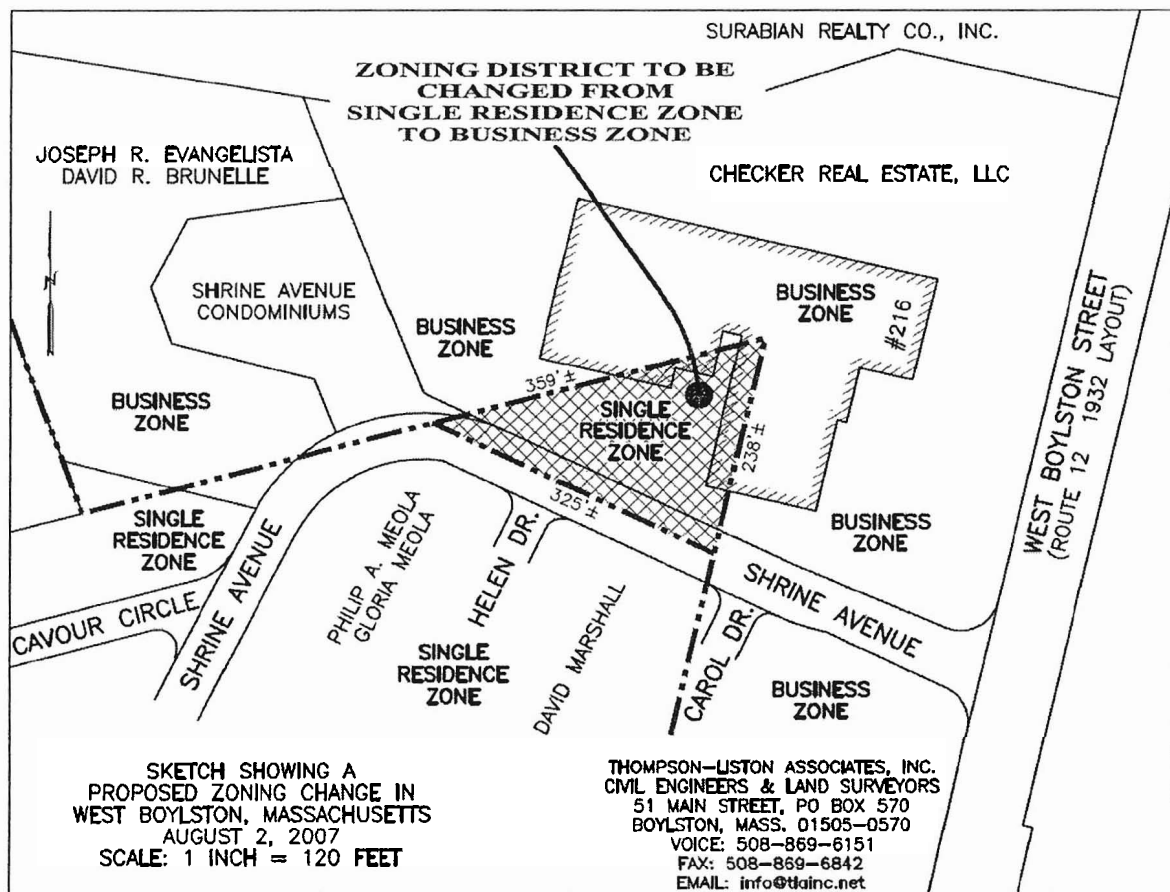
Motion- Patricia Halpin  
Second- Valmore Pruneau, Jr.  
Planning Board- recommends approval  
Bylaws Committee- recommends approval

By changing the Zoning District Designation of the following land from Single Residence to Business:

- BEGINNING** at a point in the centerline of Shrine Avenue at its intersection with the existing zoning district line between a Business Zone and a Single Residence Zone. Said point being about 300 feet northwesterly of the northwesterly line of West Boylston Street;
- THENCE** Northwesterly in a straight line by the centerline of Shrine Avenue and an extension thereof 325 feet more or less to the existing zoning district line between a Business Zone and a Single Residence Zone;
- THENCE** Easterly by the said existing zone district line 359 feet more or less to a point at an angle in said zoning district line;
- THENCE** Southerly by the said existing zoning district line 238 feet more or less to the point of beginning.

Consisting of an area of approximately 0.87 acre.

See "Sketch Showing Proposed Zoning Change in West Boylston, Massachusetts, August 2, 2007, Scale 1 inch = 120 feet," prepared by Thompson-Liston Associates, Inc.



**ARTICLE 16 –**  
**AUTHORIZATION TO AMEND THE ZONING BYLAWS**

Motion- Kevin McCormick  
Second- Christopher Rucho

It was unanimously voted to **pass over** this article. This Article would have allowed the town to amend the Zoning Bylaws, Section 6.2.A regarding the appointment and terms of the Zoning Board of Appeals Members.

**ARTICLE 17 –**  
**AUTHORIZATION TO AMEND THE GENERAL BYLAWS OF THE TOWN OF WEST BOYLSTON**

Motion- Kevin McCormick  
Second- Allen Phillips  
Bylaws Committee- recommends approval

It was unanimously voted to amend the General Bylaws of the town by deleting the following section, and to re-number the subsequent sections:

**ARTICLE XII PUBLIC WAYS AND PROPERTIES Section 2**

Coasting on any public streets of the Town is prohibited, except upon such streets and for such periods as the Selectmen may designate each year by public notice. It shall be the duty of the Selectmen on or before the first day of November each year to designate, by public notice, the streets, if any, upon which coasting may be permitted.

**ARTICLE 18 –**  
**AUTHORIZATION TO AMEND THE GENERAL BYLAWS OF THE TOWN OF WEST BOYLSTON TO INCLUDE ARTICLE XXXII - FIRE SAFETY BYLAW**

Motion- Valmore Pruneau, Jr.  
Second- Christopher Rucho  
Bylaws Committee- recommends approval  
Fire Department- recommends approval

It was voted by a simple majority to amend the General Bylaws of the Town by adding the following:

**ARTICLE XXXII FIRE SAFETY BYLAW**

**Section 1 Alarm System Registration**

All owners or users of an alarm system shall register said alarm system with the Town on a form prescribed by the Fire and Police Chiefs. This registration shall be renewed annually in the month of January. An alarm registration fee shall be established by the Board of Selectmen upon recommendation of the Fire Chief.

For the purpose of these bylaws an alarm system shall be defined as an assembly of equipment and devices to include a control panel arranged to signal the presence of an emergency situation requiring urgent attention by the Town, its employees or agents. The term alarm system shall not mean

individual battery operated smoke or carbon monoxide detectors or household fire warning systems as required in 780 CMR The Massachusetts State Building Code, Section 3603.16.

## **Section 2      Access for Firefighting Key box**

Where access to or within a structure or an area is unduly difficult because of secured openings or where immediate access is necessary for life-saving or fire-fighting purposes, as determined by the Fire Chief or his duly authorized agent, the Fire Chief may require a key box be installed in an accessible location. The key box shall be an approved type and shall contain keys to gain access as required by the Fire Chief

For the purpose of this section a key box(s) shall not be required for private dwelling units or spaces

## **Section 3      False Alarms**

The alarm user of any fire alarm system shall be assessed a false alarm charge of \$300.00 for each false fire alarm transmitted by such system after three (3) false alarms in a consecutive twelve (12) month period where such false alarms result in a response by the Fire Department. This shall include false alarms that are transmitted as a result of failure of a responsible party on site to inform the Fire Department of ongoing work within the building, occupancy or space; maintenance, repair, of the alarm system itself which results in the false alarm; and/or lack of proper maintenance of the fire alarm system.

## **Section 4      Emergency Adoption**

The Fire Chief, with the approval of the Board of Selectmen, may enact emergency regulations where deemed necessary for public safety, fire prevention or life safety. Prior to its enactment, an emergency regulation shall be posted in three (3) public places, require a public hearing, comply with the other requirements of Article XXIII of the General Bylaws, and be approved by the Board of Selectmen.

Any emergency regulation enacted under the authority of this section shall be acted upon for ratification at the next scheduled Semi-Annual Town Meeting.

## **ARTICLE 19 –**

**AUTHORIZATION TO AMEND THE GENERAL BYLAWS OF THE TOWN OF WEST BOYLSTON TO INCLUDE ARTICLE XXXIII - STORMWATER BYLAW**

Motion- Allen Phillips

Second- Christopher Rucho

DPW- recommends approval

Bylaws Committee- recommends approval

It was unanimously voted to move Article 19 as printed in the warrant deleting the words "see Appendix B" from Section 4C, to amend the General Bylaws of the Town by adding the following:

## **ARTICLE XXXIII STORMWATER BYLAW**

### **1.0 PURPOSE**

A.) The purpose of this Bylaw is to protect the public health, safety, environment and general welfare by establishing requirements and procedures to manage stormwater runoff, promote groundwater recharge and to prevent water pollution from new development and redevelopment.

This Bylaw seeks to meet that purpose through the following objectives:

1. Establish regulations for land development activities that preserve the health of water resources;
2. Require that the quantity and quality of stormwater discharging from new development both during and after construction maintains or improves these characteristics compared to pre-development conditions in order to reduce flooding, stream erosion, pollution, property damage and harm to aquatic life;
3. Establish stormwater management standards and design criteria to control the quantity and quality of stormwater runoff;
4. Encourage the use of "low impact development practices", such as reducing impervious cover and preserving greenspace and other natural areas;
5. Establish maintenance provisions to ensure that stormwater treatment practices will continue to function as designed and pose no threat to public safety;
6. Establish procedures for the Town's review and enforcement of stormwater management plans and for the Town's inspection of approved stormwater treatment practices.

B) Nothing in this Bylaw is intended to replace the existing regulations or bylaws of the Town of West Boylston. All activities are subject to all of the existing provisions of the Town of West Boylston and must comply with the specifications of each regulation or bylaw.

## **2.0 DEFINITIONS**

Definitions are in Appendix A of this Bylaw and shall apply in the interpretation and implementation of the Bylaw. Terms not defined in this Appendix shall be understood according to their customary and usual meaning. Additional definitions may be adopted by separate regulation.

## **3.0 AUTHORITY**

This Bylaw is adopted under authority granted by the Home Rule Amendment of the Massachusetts Constitution, and pursuant to the regulations of the Federal Clean Water Act, and as authorized by the residents of the Town of West Boylston at Town Meeting, dated [insert date of adoption here].

## **4.0 ADMINISTRATION**

A) The Stormwater Authority shall be the West Boylston Director of Public Works. The Stormwater Authority shall administer, implement and enforce this Bylaw. All powers granted to or duties imposed upon the Stormwater Authority are extended to the Stormwater Authority's designees. The Stormwater Authority's designees for various projects that disturb more than 10,000 square feet are as follows:

<b>DESIGNEE</b>	<b>PROJECTS DISTURBING MORE THAN 10,000 SQUARE FEET</b>
<b>Planning Board</b>	Subdivisions, Site Plans
<b>Zoning Board of Appeals</b>	Special Permits, Variances, 40B
<b>Earth Removal Board</b>	Earth Removal Permits
<b>Conservation Commission</b>	Projects requiring an Order of Conditions that do not fall within the categories listed above
<b>Building Inspector</b>	Projects requiring a Building Permit that do not fall within the categories listed above

B) Stormwater Regulations. The Stormwater Authority may adopt, and 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 Stormwater Bylaw by majority vote of the Stormwater Authority, after conducting a public hearing to receive comments on any proposed revisions. Such hearing dates shall be advertised in a newspaper of general local circulation, at least fourteen (14) days prior to the hearing date. After public notice and public hearing, the

Stormwater Authority may issue rules and regulations to fulfill the purposes of this Bylaw. Failure by the Stormwater Authority to issue such rules and regulations or a legal declaration of their invalidity by a court shall not act to suspend or invalidate the effect of this Bylaw.

C) Stormwater Management Manual. The Stormwater Authority will utilize the policy, criteria and information including specifications and standards of the latest edition of the Massachusetts Stormwater Management Policy, to execute the provisions of this Bylaw. This Policy includes a list of acceptable stormwater treatment practices, including the specific design criteria for each. The Policy 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 to the extent authorized.

D) Actions by the Stormwater Authority. The Stormwater Authority may take any of the following actions as a result of an application for a Stormwater Management Permit: Approval, Approval with Conditions, Disapproval, or Disapproval without Prejudice.

E) Appeals of Action by the Stormwater Authority. A decision of the Stormwater Authority shall be final. Further relief of a decision by the Stormwater Authority made under this Bylaw shall be reviewable in the Superior Court in an action filed within sixty (60) days thereof, in accordance with M.G.L. Ch. 249 § 4.

F) Right of Entry. Filing and application for stormwater management permit grants the Stormwater Authority or its designee permission to enter the site to verify the information in the application and to inspect for compliance with permit conditions.

## **5.0 APPLICABILITY**

A) This bylaw shall be applicable to all new development and redevelopment; including, but not limited to, site plan applications and subdivision applications. The Bylaw shall apply to any activities that will result in an increased amount of stormwater runoff or pollutants from a parcel of land, or that will alter the drainage characteristics of a parcel of land, unless exempt under Section 5.C of this Bylaw. All new development and redevelopment under the jurisdiction of this Bylaw shall be required to obtain a Stormwater Management Permit.

B) An alteration, redevelopment, or conversion of land use to a hotspot (as determined by the Stormwater Authority in conformance with Standard 5 of the Massachusetts Stormwater Management Policy) including, but not limited to, auto salvage yards, auto fueling facilities, fleet storage yards, commercial parking lots with high intensity use, road salt storage areas, commercial nurseries and landscaping, outdoor storage and loading areas of hazardous substances, or marinas, shall require a Stormwater Management Permit.

## **C) EXEMPTIONS**

No person shall alter land within the Town of West Boylston without having obtained a Stormwater Management Permit (SMP) for the property with the following exceptions:

1. Any activity that will disturb an area less than 10,000 (gross) square feet of all contiguous properties.
2. Normal maintenance and improvement of land in agricultural use as defined by the Wetlands Protection Act regulation 310 CMR 10.04 and MGL Chapter 40A Section 3;
3. Maintenance of existing landscaping, gardens or lawn areas associated with a single, two, or three family dwelling;
4. Repair or replacement of an existing roof;

5. Construction of a single-family dwelling, where approval is not required as defined in the Subdivision Control Law, unless the associated land disturbance activity exceeds 10,000 (gross) square feet. Prior to land disturbance activities, persons constructing single-family dwellings are strongly encouraged to consult with the town's Stormwater Authority about actions to reduce stormwater impacts during and after construction. It is also recommended that individuals constructing single-family dwellings prepare and grade lots in such a manner that development of the lot does not cause detrimental drainage on another lot or onto streets either during construction or upon completion.

6. Repair or replacement of an existing septic system when approved by the Board of Health. Persons repairing or replacing septic systems are strongly encouraged to consult with the Town of West Boylston Board of Health or Conservation Commission about actions to reduce stormwater impacts during and after construction.

7. The construction of any fence that will not alter existing terrain or drainage patterns;

8. Construction of a deck, patio, retaining wall, expansion of an existing driveway, construction of a shed, garage, swimming pool, tennis or basketball court associated with a single, two, or three family dwelling that does not disturb more than 10,000 square feet.

9. Construction of utilities (gas, water, electric, telephone, etc.) other than drainage, which will not alter terrain, ground cover, or drainage patterns and for which the total area to be disturbed (even if linear in nature) does not exceed 10,000 s.f. at one time, defined as more than one week of exposed surface area;

10. Emergency repairs to any stormwater management facility or drainage structure or practice that poses a threat to public health or safety, or as deemed necessary by the Stormwater Authority; and

11. Any work or projects for which all necessary approvals and permits have been issued before the effective date of this Bylaw.

12. Normal maintenance of Town owned public land, ways, and appurtenances.

## **6.0 PROCEDURES**

Permit Procedures and Requirements shall be defined and included as part of any rules and regulations issued as permitted under Section 4 of this Bylaw.

## **7.0 ENFORCEMENT**

The Stormwater Authority or its designee shall enforce this Bylaw, regulations, orders, violation notices, and enforcement orders, and may pursue all civil and criminal remedies for such violations. Enforcement shall be further defined and included as part of any Stormwater regulations issued as permitted under Section 4 of this Bylaw.

## **8.0 SEVERABILITY**

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

## **9.0 APPLICATION FEES**

The Stormwater Authority shall receive with each submission an Application Fee ESTABLISHED BY THE Stormwater Authority to cover expenses connected with the review of the Stormwater Management Permit and a technical review fee sufficient to cover professional review services for the project. The Stormwater Authority is authorized to retain a Registered Professional Engineer or other professional consultants to advise the Stormwater Authority on any or all aspects of these plans. Applicants must pay review fees before the review process may begin.



## **10.0 WAIVERS**

A) The Stormwater Authority may waive strict compliance with any requirement of this bylaw or the rules and regulations promulgated hereunder, where:

- 1) Such action is allowed by federal, state, and local statutes and/or regulations
- 2) Is in overriding public interest, and
- 3) Is not inconsistent with the purpose and intent of this bylaw.

B) Any applicant may submit a written request to be granted such a waiver. Such a request shall be accompanied by an explanation or documentation supporting the waiver request and demonstrating that strict application of the bylaw does not further the purposes or objectives of this bylaw.

## **APPENDIX A: DEFINITIONS**

**ALTER:** Any activity, which will measurably change the ability of a ground surface area to absorb water or will temporarily or permanently change existing surface drainage patterns. Alter may be similarly represented as "alteration," "alteration of drainage characteristics," and "conducting land disturbance activities."

**BEST MANAGEMENT PRACTICE (BMP):** Structural, non-structural and managerial techniques that are recognized to be the most effective and practical means to prevent and/or reduce increases in stormwater volumes and flows, reduce point source and nonpoint source pollution, and promote stormwater quality and protection of the environment. "Structural" BMPs are devices that are engineered and constructed to provide temporary storage and treatment of stormwater runoff. "Non-structural" BMPs are measures to reduce pollution levels through managerial measures that reduce impacts through sound planning, design, or operational standards. Non-structural BMPs do not require extensive construction efforts, but they do promote pollutant reduction by eliminating or reducing the pollutant source.

**BETTER SITE DESIGN:** Approaches and techniques used as non-structural BMPs that can reduce a site's impact on the watershed through the use of nonstructural stormwater management practices. Better site design includes conserving and protecting natural areas and greenspace, reducing impervious cover, and using natural features for stormwater management.

**HOTSPOT:** Land uses or activities with higher potential pollutant loadings, such as, but not limited to, auto salvage yards, auto fueling facilities, fleet storage yards, commercial parking lots with high intensity use, road salt storage areas, commercial nurseries and landscaping, outdoor storage and loading areas of hazardous substances, or marinas.

**MASSACHUSETTS STORMWATER MANAGEMENT POLICY:** The Policy issued by the Department of Environmental Protection, as amended, that coordinates the requirements prescribed by state regulations promulgated under the authority of the Massachusetts Wetlands Protection Act M.G.L. c. 131 § 40 and Massachusetts Clean Waters Act M.G.L. c. 21, §. 23-56. The Policy addresses stormwater impacts through implementation of performance standards to reduce or prevent pollutants from reaching water bodies and control the quantity and quality of runoff from a site.

**NEW DEVELOPMENT:** Any construction or land disturbance of a parcel of land that is currently in a natural vegetated state and does not contain alteration by man-made activities.

**NONPOINT SOURCE POLLUTION:** Pollution from many diffuse sources caused by rainfall or snowmelt moving over and through the ground. As the runoff moves, it transports natural and human-made pollutants, finally depositing them into wetland and/or water resource areas.

**PERSON:** Any individual, group of individuals, association, partnership, corporation, company, business organization, trust, estate, the Commonwealth or political subdivision thereof to the extent

subject town Bylaws, administrative agency, public or quasi-public corporation or body, the Town of West Boylston, and any other legal entity, its legal representatives, agents, or assigns.

**PRE-DEVELOPMENT:** The conditions that exist prior to clearing or grading of a site at the time that plans for the land development of a tract of land are submitted to the town. Where phased development or plan approval occurs (preliminary grading, roads and utilities, etc.), the existing conditions at the time prior to the first plan submission shall establish pre-development conditions.

**POST-DEVELOPMENT:** The conditions that reasonably may be expected or anticipated to exist after completion of the land development activity on a specific site or tract of land. Postdevelopment refers to the phase of a new development or redevelopment project after completion, and does not refer to the construction phase of a project.

**RECHARGE:** The replenishment of underground water reserves.

**REDEVELOPMENT:** Any construction, alteration, or improvement exceeding land disturbance of 10,000 (gross) square feet, where the existing land use is commercial or industrial.

A) **STORMWATER AUTHORITY:** The Town of West Boylston Stormwater Authority or its authorized designees. The Stormwater Authority or its designee is responsible for coordinating the review, approval and permit process as defined in this Bylaw. The Stormwater Authority shall be the West Boylston Director of Public Works. All powers granted to or duties imposed upon the Stormwater Authority are extended to the Stormwater Authority's designees. The Stormwater Authority's designees for various projects that disturb more than 10,000 square feet are as follows:

DESIGNEE	PROJECTS DISTURBING MORE THAN 10,000 SQUARE FEET
Planning Board	Subdivisions, Site Plans
Zoning Board of Appeals	Special Permits, Variances, 40B
Earth Removal Board	Earth Removal Permits
Conservation Commission	Projects requiring an Order of Conditions that do not fall within the categories listed above
Building Inspector	Projects requiring a Building Permit that do not fall within the categories listed above

**STORMWATER MANAGEMENT PERMIT (SMP):** A permit issued by the Stormwater Authority, after review of an application, plans, calculations, and other supporting documents, which is designed to protect the environment of the Town from the deleterious affects of uncontrolled and untreated stormwater runoff.

## ARTICLE 20 –

PETITIONED ARTICLE TO AUTHORIZATION TO STUDY ALTERNATIVE METHODS OF FUNDING AND/OR ORGANIZING OUR SCHOOL SYSTEM

Motion- Stephen Paige

Second- Luke Demers

This article was defeated by a simple majority vote. This Article would have: (1) authorized the Board of Selectmen to undertake a study to determine whether or not there are appropriate and advantageous alternative methods of funding or organizing our school system including, but not limited to regional agreements, collaborative agreements, tuition based plans and other alternatives as appropriate. (2) and to direct the Board of Selectmen to make a report on this study at the May 2008 Semi-Annual town Meeting.

**ARTICLE 21 –**  
**AUTHORIZATION TO PAY BILLS FROM A PREVIOUS FISCAL YEAR**

Motion- John DiPietro, Sr.  
Second- Valmore Pruneau, Jr.  
Finance Committee- recommends approval

It was unanimously voted to appropriate the sum of Eight Hundred Four Dollars and Seventy-Eight Cents (\$804.78) to pay a Fiscal Year 2007 bill from Waste Management for services rendered during the month of June of 2007 in the amount of Eight Hundred Four Dollars and Seventy-Eight Cents (\$804.78) being held by the Finance Director in his capacity as Town Accountant from a prior fiscal year for which no encumbered funds are available.

**ARTICLE 22 –**  
**AUTHORIZATION TO REVOTE THE FY08 SEWER BUDGET**

Motion- Christopher Rucho  
Second- Kevin McCormick  
Finance Committee- recommends approval

It was unanimously voted to amend the towns vote under Article 20 of the May 21, 2007 Semi-Annual Town Meeting and to adopt the revised FY08 sewer budget as follows:

Fiscal Year 2008 West Boylston Sewer Department Budget-

Administration	\$186,410
Operations and Maintenance	\$699,505
Reserve Fund	\$100,000
Debt & Interest payments	\$360,683
<b>Total Budget Appropriation</b>	<b>\$1,346,598</b>

and to meet said appropriation through:

- (1) allocating Nine Hundred Eighty-One Thousand Dollars and No Cents (\$981,000.00) from Fiscal Year 2008 Sewer Enterprise Fund User Revenue, and
- (2) Transferring \$4,915 from Certified Retained Earnings, and
- (3) Transferring \$65,199 from the Fund Balance Reserved for Connection Debt, and
- (4) Transferring \$295,484 from the Fund Balance Reserved for Construction Debt .

**ARTICLE 23 –**  
**AUTHORIZATION TO MODIFY FISCAL YEAR 2008 APPROPRIATIONS AND OTHER NECESSARY**

## ADJUSTMENTS TO THE FISCAL YEAR 2008 BUDGET

Motion- Kevin McCormick

Second- Allen Phillips

Finance Committee recommends approval

It was voted by a simple majority to transfer from available funds \$79,355.00 unexpended balances of Fiscal Year 2008 appropriations, hitherto made, to Fiscal Year 2008 appropriation accounts as follows:

TRANSFER TO			TRANSFER FROM		
ACCT. #	DESCRIPTION	AMOUNT REQUIRED	ACCT. #	DESCRIPTION	AMOUNT REQUIRED
310 00-00 01601.010	Education	69,355	010 09-11 05170.000	County Retirement	5,000
			010 09-12 05170.000	Workers Compensation Insurance	5,000
			010 09-45 06740.000	General Insurance	40,000
			010 09-14 05170.000	Group Health Insurance	19,355
010 01-23 05100.000	Town Administrator Salaries	10,000	010 09-11 05170.000	County Retirement	10,000
Total Required		79,355	Total Required		79,355

## ARTICLE 24 –

### AUTHORIZATION TO RESCIND PREVIOUSLY VOTED DEBT AUTHORITIES

Motion- Allen Phillips

Second- Kevin McCormick

Finance Committee- recommends approval

It was unanimously voted to rescind the following unissued debt;

TM Article	Town Meeting Date	Purpose	Remaining Authority
22	May 16, 2005	School Renovations (2 roofs)	\$ 610,000.00
23	May 16, 2005	School Renovations (gym floor)	\$ 14,000.00
28	May 16, 2005	Equipment (fire truck)	\$ 9,000.00

## ARTICLE 25 –

### AUTHORIZATION TO TRANSFER MONEY FROM THE SEWER ENTERPRISE

Motion- Valmore Pruneau, Jr.

Second- Christopher Rucho

Finance Committee- recommends approval

It was unanimously voted to transfer the sum of Forty-One Thousand One Hundred Fifty Dollars and No Cents (\$41,150.00) from the Sewer Enterprise Fund to repay the General Fund and/or Stabilization

Fund for start-up betterment costs.

**ARTICLE 26 –**

**AUTHORIZATION TO ENTER INTO A LONG-TERM LEASE FOR TRASH DISPOSAL SERVICES**

Motion- Allen Phillips

Second- Christopher Rucho

It was unanimously voted to **pass over** this article. This Article would have allowed the Board of Selectmen to enter into a long-term contract, for a term in excess of three years, for the disposal of the town's solid waste.

**Reconsideration-**

**ARTICLE 9-**

**APPROPRIATION OR TRANSFER OF FUNDS TO THE SCHOOL DEPARTMENT BUDGET**

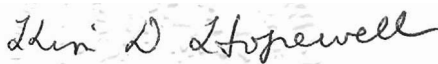
Motion- Kevin McCormick

Second- Christopher Rucho

It was unanimously voted to **pass over** this article, as it was funded through the passage of Article 23.

Motion to adjourn by Valmore Pruneau, Jr. second by Kevin McCormick, unanimously voted.  
Town Meeting adjourned at 11:15 p.m.

Attest



Kim D. Hopewell  
Town Clerk