



OFFICE OF THE TOWN CLERK

WEST BOYLSTON, MASSACHUSETTS

SPECIAL TOWN MEETING  
JUNE 23, 1986

Massachusetts General Laws, Chapter 40, Section 32 as amended requires that the foregoing publication include the following information:

Claims of invalidity of the foregoing amendments to the Zoning Bylaws, by reason of any defects in the procedure of adoption, may only be made within ninety days after publication of Zoning Bylaw changes - said date being January 15, 1987.

Copies of Amendments to the Bylaws may be examined and obtained at the office of the Town Clerk, 120 Prescott Street, West Boylston, Massachusetts.

Reference is further made to Massachusetts General Laws, Chapter 40A, Section 5, as amended, which provides that no claim of invalidity of a Zoning Bylaw arising out of any possible defect in the procedure of adoption shall be made in any legal proceeding unless within one hundred and twenty days after adoption of said Bylaws, legal action is commenced and a notice specifying the identity of the Court, the parties, the invalidity claimed, the date of filing, together with a copy of the petition or complaint is filed with the Town Clerk, said notice to be filed within seven days after the commencement of the action or actions.

ARTICLE 2. Upon motion of Mrs. Foreman, by a vote of 178 - 15, it was voted to amend the Zoning By-laws to add the following:

"Section 2.6 Aquifer and Watershed Protection District"

2.61 Purpose. The purpose of this Section 2.6 is to promote the public health, safety, convenience, and welfare by protecting from contamination existing and potential public and private water supplies and by conserving the sources of such supplies.

2.62 Definitions. In this Section 2.6 the following terms shall have the meanings stated below.

"Aquifer" means a geologic formation which contains potable water which yields or could yield a significant quantity of water.

"Discharge" means pouring, dumping, spilling, leaking, pumping, depositing, or injecting of any hazardous substance upon or into any land or water within the Town.

"District" means the Aquifer and Watershed Protection District established by this Section 2.6.

"Groundwater" means all water beneath the surface of the ground.

"Hazardous Substance" means any material the presence of which in drinking water poses a significant, actual, or potential risk of injury to the health of persons, animals, or plants, including (without implied limitation) any material which constitutes "hazardous waste" for the purpose of G.L. Chapter 21C. The Town Clerk shall maintain a list of the substances so designated under G.L. Chapter 21C.

"Impervious" means impenetrable by water.

"Map" means the Aquifer and Watershed Protection Overlay District Map identified below.

"Mining" means the removal or relocation of geological materials, including (without implied limitation) topsoil, sand, gravel, ores, and rock.

"Recharge Area" means (1) a geologic formation of permeable, porous material which allows the infiltration and/or collection of precipitation or surface water and the transmission of such water to an aquifer, (2) any wetland, stream, or body of water surrounded by, or adjacent to such an area, and (3) the watershed of any such area, wetland, stream, or body of water.

"Solid Waste" means useless, unwanted, or discarded materials with insufficient liquid content to be free-flowing, including (without implied limitation) scrap, junk, garbage, rubbish, inert fill material, and landscape refuse.

"Septic Waste" means wastewater from normal domestic use containing normal kinds and concentrations of hazardous substances.

#### 2.6.3 Establishment and delineation of district

2.6.3 (a) Establishment. There is hereby established within the Town of West Boylston a zoning district to be known as the "Aquifer and Watershed Protection District".

2.6.3 (b) Delineation. The district is the area within the boundaries shown as the boundaries of the Aquifer Protection District on the official zoning map of the Town of West Boylston, Massachusetts, adopted by Town Meeting on June 2, 1975. Where the bounds are delineated are in doubt or in dispute, the burden of proof shall be on the owner of the land in question, to show where the bounds should be properly located.

2.6.3 (c) Overlay. The District is superimposed upon other zoning districts established by the Town.

#### 2.6.4 Use Regulations

2.6.4 (a) Correlation with other districts. Within the District both the regulations of this Section 2.6 and the regulations of the underlying district shall apply, except that in case of a conflict or inconsistency between such regulations, the more restrictive regulations shall apply.

2.6.4 (b) Permitted Uses. Each of the following uses is permitted in the District, provided all other permits and approvals required by local, state, or federal law have been duly obtained and remain in force for such use:

(i) Outdoor recreation not involving the use of motorized vehicles or motor boats, including boating, fishing, nature study, and hunting;

(ii) Maintenance of paths and bridges for pedestrians, bicycles, and horses;

(iii) Normal operation and maintenance of existing water bodies and devices including dams, splash boards, and other water control, supply, and conservation devices;

The following section was unanimously voted to be amended as:  
(iv) Residential, Business, or Industrial development which does not involve the manufacture, storage use, or discharge of any hazardous substance and which does not render impervious more than 15 percent of a building lot.

(v) Farming, gardening, nursery, conservation, forestry, park, and golf course maintenance, harvesting and grazing provided that no hazardous substance, including (without implied limitation) fertilizers, herbicides, or pesticides is stored outdoors.

(vi) Storage of heating fuel in a free-standing container on an impervious surface within a building for use upon the premises.

(vii) Discharge of septic waste to a lawful subsurface sewage disposal system in accordance with regulations promulgated by the Massachusetts Department of Environmental Quality Engineering;

(viii) Storage and use, for domestic purposes, of such quantities of such hazardous substances as are normally stored and used in a household, provided that the discharge of such substances creates no appreciable risk of contamination of an aquifer or recharge area;

(ix) Application of road salt by or for the Commonwealth of Massachusetts or the Town;

(x) Removal of sand, gravel, or loam under a permit issued pursuant to Section 5.4.

2.6.4 (c) Prohibited Uses. Every use of land within the District is prohibited unless specifically permitted in this Section 2.6. Without limiting the generality of the preceding sentence, each of the following uses is prohibited in the District:

(i) Manufacture, storage, use or discharge of any hazardous substance;

(ii) Truck terminal;

(iii) Storage or use of ice control chemicals except as expressly provided in Section 2.6.4 (b).

(iv) Dumping of snow or ice off the lot upon which the same naturally accumulates;

(v) Commercial sale, service, repair, or painting of motor vehicles or farm implements;

(vi) Commercial or industrial use involving any discharge;

(vii) Sanitary or industrial landfill.

2.6.5 Construction. This Section 2.6 shall not be construed implicitly to repeal or impair any other by-law or ordinance of the Town. Without this Section 2.6 of uses which are permitted by right shall not be construed to repeal or impair any restrictions upon such uses in other portions of this by-law or in other by-laws or ordinances of the Town.

2.6.6 Partial Invalidity. If any portion of this Section 2.6 is found by a court of competent jurisdiction to be invalid or unenforceable, the balance of this Section 2.6 shall remain in full force and effect.

ARTICLE 3. Upon motion of Mr. Cusanello, by a vote of 163-25, it was voted to amend the Zoning By-law to add the following to Section 4.2:

| District           | Min Lot<br>Size(Sq. Ft.) | Min Lot<br>Frontage (Ft) | Min Yards |      |      |
|--------------------|--------------------------|--------------------------|-----------|------|------|
|                    |                          |                          | Front     | Side | Rear |
| Aquifer Protection | 50,000                   | 150                      | 25        | 10   | 10   |

A true copy:

ATTEST

*Barbara M. Deschenes*  
Barbara M. Deschenes  
Town Clerk

Date: 10-7-86

On the date above written, I have posted copies of the bylaw amendments passed at the June 23, 1986 Special Town Meeting and approved by the Attorney General of Massachusetts on September 29, 1986 at the following public places.

Posted Premiums Barber Shop 10-7-86 @ 9:00 PM  
Posted West Boylston Post Office 10-7-86 @ 9:12 AM  
Posted West Boylston J. H. High School 10-7-86 @ 9:17 AM  
Posted Middle Post Office 10-7-86 @ 9:31 AM  
Posted Town Office Building 10-7-86 @ 9:40 PM

*John P. [Signature]*  
Constable