

Amendments

GENERAL BY-LAW AMENDMENTS
(Since Dec. 3, 2005)

Amendment #	Date of Meeting	Article #	Regarding
1.	Annual Town Meeting 5/15/ & 5/16/2006	Art #23	Time of Annual Town Meeting
2.	Annual Town Meeting 5/15/ & 5/16/2006	Art. #24	Establish a CPA Committee; Appt. of members; membership; terms of office
3.	Special Town Meeting 10/16/2006	Art. #1	Date of Annual Town Election
4.	Special Town Meeting 10/29/2007	Art. #9	Citizens Emergency Repsonse Committee
5.	Special Town Meeting 10/29/2007	Art.#15	Storm Drain System Bylaw
6.	Special Town Meeting 10/27/2008	Art. #3	Council on Aging By-law
7.	Special Town Meeting 10/27/2008	Art. #6	Finance Committee Ch. 2, Sec. 1 and 2
8.	Special Town Meeting 10/27/2008	Art #10	Capital Planning Committee Ch. 13, Sec. 2
9.	Special Town Meeting 5/19/2009	Art. #5	Ch. 25 M.G. L. Ch 40
10.	Special Town Meeting 5/19/2009	Art. #10	Storm water Management & Land Disturbance
11.	Special Town Meeting 5/19/2009	Art. #11	Post-Construction Storm water Management New Developments & Re-Developments
12.	Special Town Meeting 10/26/2009	Art. #8	Storm water Management Bylaw Revision
13.	Special Town Meeting 10/26/2009	Art. #9	Chapter XXV Non-Criminal Disposition of Bylaw Violations
14.	Special Town Meeting 10/26/2009	Art. #13	Reduce Town Meeting Quorum
15.	Special Town Meeting 10/26/2011	Art. #4	Massachusetts Building Code Appendix 120.AA "Stretch Code"
16.	Annual Town Meeting 5/21/2012	Art. #5	Solid Waste By-Law
17.	Special Town Meeting 11/4/2013	Art. #2	Dog By-Law Amendment Section 8 <u>(SEE DISAPPROVAL IN SEC. 1 B (iii))</u>

18.	Special Town Meeting 11/4/2013	Art. #3	Dog By-Law Amendment Section 1
19.	Special Town Meeting 11/4/2013	Art. #4	Dog By-Laws Amendment Section 7
20.	Special Town Meeting 11/4/2013	Art. #5	Dog By-Law Amendment Section 9

***Not yet approved/disapproved by Attorney General**

ARTICLE 23: AMEND TOWN BYLAWS RE: TIME OF ANNUAL
TOWN MEETING

To see if the Town will vote to amend Chapter 1. Town Meeting, Section 5. by deleting "7:30 P.M." and substituting therefor "7:00 P.M.", so that it reads as follows: "The Annual Town Meeting...shall be held on the third Monday of May of each year not earlier than 7:00 P.M.", or to take any other action relative thereto.

To do or act thereon.

SPONSORED BY: By-Law Committee
APPROPRIATION: None
FINCOM RECOMMENDATION: No Recommendation

FinCom Comments: Historically, the Finance Committee makes recommendations only on articles that have a direct financial impact on the Town.

The following action was taken:

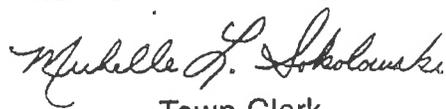
The Deputy Moderator, Patricia Chambers substituted for the Moderator, Jim Coleman for this one article as the Moderator wished to speak on it.

Voted: that the Town accept the article as printed in the warrant except for the words "or to take any other action relative thereto".

The Finance Committee made no recommendation.

Annual Town Meeting, May 15 and 16, 2006, held at the Fowler Middle School,
3 Tiger Drive.

Attest: A True Copy


Town Clerk

ARTICLE 24:

AMEND GENERAL TOWN BYLAWS RE: ESTABLISHING
CPA COMMITTEE

SUMMARY

The Town approved adoption of the Community Preservation Act at the Special Town Meeting on October 24, 2005. The required second step of approval at a regular town election is scheduled for May 1, 2006. Upon approval by election, the legislation (Mass. General Laws Ch. 44B) requires that the Town establish a Community Preservation Committee. This article amends the By-laws of the Town to establish such a committee.

This By-law would create a nine-person committee to study the needs, resources and opportunities of the Town regarding community preservation. It has the responsibility to consult with town boards and it must hold at least one public hearing each year. The Committee would be responsible for making recommendations to Town Meeting for the expenditure of monies from the Community Preservation Fund in accordance with Mass. General Laws Ch. 44B, and it may recommend that funds be set aside for later spending. In making its recommendations, the Committee must provide information on the anticipated costs of any Community Preservation project and a description of each project. }

To see if the Town will vote, pursuant to the provisions of G.L. c.44B, s5, to amend the Town By-laws by adopting a new general by-law, Chapter XXIX, creating a Community Preservation Committee to read as follows:

Chapter XXIX

Community Preservation Committee General By-Law

Section 1: Establishment; Appointment of Members; Membership; Terms of Office

- 1.1.1 There is hereby established, pursuant to the Community Preservation Act, a Community Preservation Committee ("Committee") consisting of nine (9) voting members. The composition of the Committee, the appointing authority and the terms of office for the Committee members shall be as follows:
- One member of the Conservation Commission as designated by the Conservation Commission for a term of three years;
 - One member of the Historical Commission as designated by the Historical Commission for an initial term of one year and thereafter for a term of three years;
 - One member of the Planning Board as designated by the Planning Board for an initial term of two years and thereafter for a term of three years;
 - One member of the Recreation Commission as designated by the Recreation Commission for an initial term of two years and thereafter a term of three years;
 - One member of the Housing Authority as designated by the Housing Authority for a term of three years;
 - One member of the Capital Planning Committee as designated by the Capital Planning Committee for an initial term of two years and thereafter for a term of three years;
 - Three members to be appointed by the Board of Selectmen who are citizens of the Town of Maynard; one member to be appointed for three years, one member to be appointed for two years and thereafter for a term of three years and one member to be appointed for one year and thereafter for three years.

- 1.2 The Commissions, Boards, Committees or authorities who have appointment authority under this chapter shall appoint such representatives within 45 days of the effective date of this By-law.
- 1.3 Should there be a vacancy or resignation in any of the Community Preservation Committee positions, the Commissions, Boards, Committees or authorities who have appointment authority under this chapter shall appoint a new representative within 45 days of the of the first date of vacancy or resignation.
- 1.4 Should any of the Commissions, Boards, Committees or authorities listed in this section no longer be in existence for whatever reason, the Board of Selectmen shall appoint a person with similar experience and responsibilities to serve in his or her place.
- 1.5 Any member of the Committee may be removed for cause by their respective appointing authority after hearing.

Section 2: Meetings, Quorum, Chair:

- 2.1 The Committee shall comply with the provisions of the Open Meeting Law (MGL c.39, §23B). The Committee shall not meet or conduct business without the presence of a quorum, which shall be a majority of members of the Committee. The Committee shall approve its actions by a majority vote of the members present, except as otherwise required by law.
- 2.2 At the first meeting of each fiscal year, the Committee shall elect a chairperson and a clerk by a majority vote.

Section 3: Powers and Duties

- 3.1 The Committee shall study the needs, possibilities and resources of the town regarding community preservation. The Committee shall consult with existing municipal boards, including, but not limited to, the Conservation Commission, Historical Commission, Planning Board, Recreation Commission, Housing Authority, Finance Committee and Board of Selectmen in conducting such study. The Committee may consult with other town boards, committees, commissions and community organizations as it sees fit. The Committee shall hold at least one (1) public informational hearing each year on the needs, possibilities and resources of the town regarding community preservation for which it shall publicly post notice by the Town Clerk, such notice to be published in a newspaper of general circulation in the town for each of the two weeks preceding the hearing.
- 3.2 The Committee shall make recommendations in proper form to the Town Meeting for:
 - The acquisition, creation, and preservation of open space;
 - The acquisition and preservation of historic resources;
 - The creation, preservation, and support of community housing,
 - The acquisition, creation, and preservation of land for recreational use; and
 - The rehabilitation or restoration of such open space, historic resources, land for recreational use, and community housing that is acquired or created with funds received in accordance with the Community Preservation Act, MGL Chapter 44B, Sections 3 to 7.

With respect to community housing, the Committee shall recommend, whenever possible, the reuse of existing buildings or construction of new buildings on previously developed sites.

- 3.3 The Committee shall hold at least one public hearing to discuss any proposed acquisition prior to making any recommendation to Town Meeting.
- 3.4 In each fiscal year, the Committee shall recommend spending, or setting aside for later spending, not less than 10% of the annual revenues in the Community Preservation Fund for

each of open space (not including land for active recreation purposes), historic resources, and community housing. The Committee may also recommend an appropriation of not more than 5% of the annual revenues of the Community Preservation Fund for the Committee's administrative and operating expenses. The Committee shall report each year to the Town Meeting on its actual expenditures and anticipated expenditures for administration and operating costs.

3.5 The Committee may recommend to Town Meeting that funds be set aside for later spending for specific purposes consistent with the Community Preservation Act, when sufficient revenues are not then available in the Community Preservation Fund, or for general purposes that are consistent with Community Preservation.

3.6 Recommendations to Town Meeting shall include the anticipated costs of the proposed appropriation consistent with the Community Preservation Act and a description of the project.

3.7 The Committee shall keep a full and accurate account of all of its actions including its recommendations and the action taken on them, and records of all appropriations or expenditures made from the Community Preservation Fund. The records of the Committee shall be public records, to the full extent provided by law.

Section 4: Amendments

This Chapter may be amended from time to time by a majority vote of the Town Meeting, provided that such amendments would not cause a conflict to occur with the Community Preservation Act.

Section 5: Severability

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

Section 6: Effective Date

This by-law shall take effect upon approval by the Attorney General of the Commonwealth, and after all requirements of G.L. c.40, s32 have been met. Each appointing authority shall have 45 days after approval by Town Meeting to make its initial appointments.

SPONSORED BY: Selectmen
APPROPRIATION: None
FINCOM RECOMMENDATION: Recommends

FinCom Comments: Must be established according Mass. Law prior to approval by town election votes. It will only be formed contingent upon adoption of the CPA at town meeting and regular town election.

The following action was taken:

Voted: that pursuant to the provisions of MGL Chapter 44B, Section 5, the Town amend the By-Laws by adopting a new general By-Law, Chapter XXIX, as printed in the warrant.

The Finance Committee recommended.

Attest: A True Copy

M. J. Skolowski
Town Clerk

Annual Town Meeting, May 15 and 16, 2006, held at the Fowler Middle School,
3 Tiger Drive.

ARTICLE 1: AMEND TOWN BY-LAWS REGARDING DATE OF ANNUAL TOWN ELECTION

To see if the Town will vote to amend Chapter 1, Section 5, of the Town of Maynard By-Laws by replacing “An Annual Town Election for the election of town officers (refer to Section 3-1(a) of the Town Charter for a listing of elected Town Officers) and for voting on all other matters to be determined by ballot shall be held on the first **Monday** of May of each year.” with “An Annual Town Election for the election of town officers (refer to Section 3-1(a) of the Town Charter for a listing of elected Town Officers) and for voting on all other matters to be determined by ballot shall be held on the first **Tuesday** of May of each year.”;

To do or act thereon.

SPONSORED BY: Board of Selectmen
APPROPRIATION: None
FINCOM RECOMMENDATION: No Recommendation

FinCom Comments: Historically, the Finance Committee makes recommendations only on articles that have a direct financial impact on the Town.

Sponsor Comments: The intent of this article is to increase voter turn out in local elections by moving the election day of the week to coincide with state and federal elections.

The following action was taken:

Voted: to accept the article as printed in the warrant except the words, “To do or act thereon”.

The Finance Committee made no recommendation.

Attest: A True Copy


Town Clerk

ARTICLE 9: CITIZENS EMERGENCY RESPONSE COMMITTEE

To see if the Town will vote to amend the Town of Maynard Town By-laws Chapter XIII, Section 2 by approving an additional Town Committee which will be named the Maynard Citizen's Corps (MCC) and will meet the Federal designation of the Citizens Emergency Response Team (CERT), the latter designation requiring certification from FEMA. Said Committee to function as a citizen's support group in all Town emergencies as deemed necessary by other Town Departments including but not limited to the Board of Health, Town Administrator's Office, Fire Department, Police Department, Department of Public Works and the School Administration and;

The Committee shall be governed and administered by a 7-member Executive Board to be appointed for one-year terms. The Board of Health shall appoint 3 members. The Board of Selectmen, the School Committee, the Fire Chief and the Police Chief shall each appoint one member. The appointments are not required to be from the respective boards or departments but are intended to represent the interest of that board or department;

Additionally, this Committee shall also consist of an unlimited number of member "volunteers" that are appointed and approved by the Executive Board;

And further that the second and third paragraphs of this article be incorporated in the comments of the Town of Maynard Town By-laws Chapter XIII, Section 2;

To do or act thereon.

SPONSORED BY:	Board of Health
APPROPRIATION:	None
FINCOM RECOMMENDATION:	Recommended

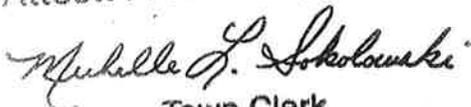
The following action was taken:

Voted to accept the article as printed in the warrant except for the words, "To do or act thereon".

The Finance Committee recommended.

Special Town Meeting – October 29, 2007 at Fowler Middle School, 3 Tiger Drive

Attest: A True Copy


Town Clerk

ARTICLE 15:

STORM DRAIN SYSTEM BY-LAW

To see if the Town will vote to Amend the Town By-Law and Town By-Law Table of Contents by relabeling the existing Chapter XXVIII as XXIX and adding a new Chapter XXVIII as follows;

Town of Maynard Storm Drain System By-Law

Section 1: Purpose

- (a) 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.
- (b) Regulation of illicit connections and discharges to the municipal storm drain system is necessary for the protection of the Town of Maynard water bodies and groundwater, and to safeguard the public health, safety, welfare and the environment.
- (c) The objectives of this by-law are:
 - (1) to prevent pollutants from entering the Town of Maynard municipal separate storm sewer system (MS4);
 - (2) to prohibit illicit connections and unauthorized discharges to the MS4;
 - (3) to require the removal of all such illicit connections;
 - (4) to comply with state and federal statutes and regulations relating to stormwater discharges; and
 - (5) to establish the legal authority to ensure compliance with the provisions of this by-law through inspection, monitoring, and enforcement.

Section 2: Definitions

- (a) For the purposes of this by-law, the following shall mean:
 - (1) **AUTHORIZED ENFORCEMENT AGENCY:** The Department of Public Works (hereafter DPW), its employees or agents designated to enforce this by-law.
 - (2) **BEST MANAGEMENT PRACTICE (BMP):** An activity, procedure, restraint, or structural improvement that helps to reduce the quantity or improve the quality of stormwater runoff.
 - (3) **CLEAN WATER ACT:** The Federal Water Pollution Control Act (33 U.S.C. § 1251 et seq.) as hereafter amended.
 - (4) **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.
 - (5) **GROUNDWATER:** Water beneath the surface of the ground.
 - (6) **ILLICIT 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.

- (7) **ILLICIT DISCHARGE:** Direct or indirect discharge to the municipal storm drain system that is not composed entirely of stormwater, except as exempted in Section 8. The term does not include a discharge in compliance with an NPDES Storm Water Discharge Permit or a Surface Water Discharge Permit, or resulting from fire fighting activities exempted pursuant to Section 8, subsection 4, of this by-law.
- (8) **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.
- (9) **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 Maynard.
- (10) **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.
- (11) **NON-STORMWATER DISCHARGE:** Discharge to the municipal storm drain system not composed entirely of stormwater.
- (12) **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.
- (13) **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:
- (A) paints, varnishes, and solvents;
 - (B) oil and other automotive fluids;
 - (C) non-hazardous liquid and solid wastes and yard wastes;
 - (D) refuse, rubbish, garbage, litter, or other discarded or abandoned objects, ordnances, accumulations and floatables;
 - (E) pesticides, herbicides, and fertilizers;
 - (F) hazardous materials and wastes; sewage, fecal coliform and pathogens;
 - (G) dissolved and particulate metals;
 - (H) animal wastes;
 - (I) rock, sand, salt, soils;
 - (J) construction wastes and residues; and
 - (K) any noxious or offensive matter of any kind.
- (14) **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.
- (15) **RECHARGE:** The process by which groundwater is replenished by precipitation through the percolation of runoff and surface water through the soil.

- (16) **STORMWATER:** Storm water runoff, snow melt runoff, and surface water runoff and drainage.
- (17) **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.
- (18) **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.
- (19) **WATERCOURSE:** A natural or man-made channel through which water flows or a stream of water, including a river, brook or underground stream.
- (20) **WATERS OF THE COMMONWEALTH:** All waters within the jurisdiction of the Commonwealth, including, without limitation, rivers, streams, lakes, ponds, springs, impoundments, estuaries, wetlands, costal waters, and groundwater.
- (21) **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

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

Section 4: Authority

- (a) 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

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

Section 6: Regulations

- (a) DPW may promulgate rules and regulations to effectuate the purposes of this by-Law. Failure by the DPW to promulgate such rules and regulations shall not have the effect of suspending or invalidating this by-law.

Section 7: Prohibited Activities

- (a) **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.
- (b) **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.
- (c) **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 DPW.

Section 8: Exemptions

- (a) Discharge or flow resulting from fire fighting activities.
- (b) 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 done by the Board of Health or their designee or with prior consent of the DPW prior to the time of the test;
 - (14) Non-stormwater discharge permitted under an 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 DPW as necessary to protect public health, safety, welfare or the environment.

Section 9: Emergency Suspension of Storm Drainage System Access

- (a) DPW 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, DPW or the Board of Health may take all reasonable steps to prevent or minimize harm to the public health, safety, welfare or the environment.

Section 10: Notification of Spills

- (a) 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 and the DPW. In the event of a release of non-hazardous material, the reporting person shall notify the DPW no later than the next business day. The reporting person shall provide to the DPW 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

- (a) DPW or an authorized agent of DPW shall enforce this by-law, regulations, orders, violation notices, and enforcement orders, and may pursue all civil and criminal remedies for such violations.
- (b) Civil Relief. If a person violates the provisions of this by-law, regulations, permit, notice, or order issued thereunder, the DPW 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.
- (c) Orders. DPW or an authorized agent of DPW may issue a written order to enforce the provisions of this by-law or the regulations thereunder, which may include:
 - (1) elimination of illicit connections or discharges to the MS4;
 - (2) performance of monitoring, analyses, and reporting;
 - (3) that unlawful discharges, practices, or operations shall cease and desist; and
 - (4) remediation of contamination in connection therewith.
- (d) 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 of Maynard may, at its option, undertake such work, and expenses thereof shall be charged to the violator.

- (e) 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 of Maynard, including administrative costs. The violator or property owner may file a written protest objecting to the amount or basis of costs with DPW 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 DPW 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.
- (f) 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 \$ 300. Each day or part thereof that such violation occurs or continues shall constitute a separate offense.
- (g) Non-Criminal Disposition. As an alternative to criminal prosecution or civil action, the Town of Maynard may elect to utilize the non-criminal disposition procedure set forth in G.L. Ch. 40, §21D and Ch. XXV, §5 of the Town of Maynard General Bylaw, in which case the DPW and the town administrator shall be the enforcing authority. The penalty for the 1st violation shall be a written warning and/or \$100. The penalty for the 2nd violation shall be \$200. The penalty for the 3rd and subsequent violations shall be \$300. Each day or part thereof that such violation occurs or continues shall constitute a separate offense.
- (h) 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 DPW, 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 DPW deems reasonably necessary.
- (i) Appeals. The decisions or orders of DPW shall be final. Further relief shall be to a court of competent jurisdiction.
- (j) 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

- (a) 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

(a) Residential property owners shall have 180 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 by-law during that period.;

And, further, that the Town vote to amend Chapter XXV, Section 5 of the Town By-Laws, by adding the following to said Section 5:

Chapter XXVIII Storm Drain System By-Law

Penalty:	First Offense	Written warning and/or \$100
	Second Offense	\$200
	Third and subsequent offenses	\$300

Each day or part thereof that such offense occurs or continues shall constitute a separate offense. The enforcing officer shall be the DPW Superintendent;

or to do or act thereon.

SPONSORED BY: Department of Public Works
 APPROPRIATION: None
 FINCOM RECOMMENDATION: At Town Meeting

Finance Committee Comments:

The federal Clean Water Act authorizes the United States EPA to regulate the discharge of pollutants into waters of the United States through the National Pollutant Discharge Elimination System (NPDES) permit program. The NPDES stormwater permit program regulates discharges from municipal separate storm sewer systems (MS4s). Maynard operates an MS4 and is therefore required to obtain NPDES storm water permit coverage. The Town’s storm sewer system, along with others of similar size in the Commonwealth, currently operates under a general or temporary permit that will expire in May 2008. The terms of the general permit require the Town to develop, implement and enforce a program to reduce the discharge of pollutants from the MS4, to the maximum extent practicable. The program must include development of a storm water management plan that includes six minimum measures:

- Public Education & Outreach
- Public Involvement & Participation
- Illicit Discharge Detection & Elimination (Including regulatory enforcement measures)
- Construction Site Storm Water Runoff Control (Including regulatory enforcement measures and sanctions)
- Post Construction Storm Water Management in New Development & Redevelopment (Including regulatory enforcement measures)
- Pollution Prevention & Good Housekeeping in Municipal Operations

All elements of the storm water management program must be implemented by the expiration date of the general permit.

The proposed by-law would address several of the requirements referenced above. Under federal and state regulations the Town has some flexibility in how it meets the minimum requirements of which the proposed by-law is one option. Whether this is the most effective course of action is an administrative decision outside the purview of the Finance Committee. Additional information on the US EPA general permit and storm water management is available at the following web sites: http://www.epa.gov/region1/npdes/permits/permit_final_ms4.pdf and <http://www.mass.gov/dep/water/wastewater/stormwat.htm>

The following action was taken:

Voted: Yes 96, No 4 (67 needed for a 2/3 vote) to accept the article as printed in the warrant except that the words, "Subsection 4" in Section 2 Definitions subsection (a) (7) be deleted and replaced with "(a)" and the words, "To do or act thereon"

The Finance Committee made no recommendation.

The Department of Public Works recommended.

Special Town Meeting – October 29, 2007 at Fowler Middle School, 3 Tiger Drive

Attest: A True Copy

M. Michelle J. Skolowski
Town Clerk

ARTICLE 3: COUNCIL ON AGING BYLAW AMENDMENT

To see if the Town will vote to amend the Town of Maynard Bylaws as amended by further amending Chapter XX, Section 1. by adding the following language at the end of this section:

“1A. The Council shall annually review the Executive Director’s Performance consistent with the Town Personnel Policies.

1B. The Council shall approve all programs offered to meet the problems of the aging.”

To do or act thereon.

SPONSORED BY: Board of Selectmen
APPROPRIATION: None
FINCOM RECOMMENDATION: None

The following action was taken:

Voted: To accept the article as printed in the warrant except the words, “To do or act thereon”.

The Finance Committee made no recommendation.

Special Town Meeting – October 27, 2008 – Fowler Middle School

Attest: A True Copy

Michelle J. Sokolowski
Town Clerk

**ARTICLE 6: AMEND TOWN OF MAYNARD BYLAWS – FINANCE
COMMITTEE CHAPTER 2, SECTION 1 and 2**

To see if the Town will vote to amend the Town of Maynard Bylaws “Finance Committee”, Chapter 2, Section 1 by changing the number of members of the Finance Committee from eleven (11) to seven (7) ; and

To amend the Town of Maynard Bylaws “Finance Committee”, Chapter 2, Section 2 by deleting the words,

“4, 4, 3, starting with the calendar year of 1979, e.g., if the last two (2) digits of the year can be divided by three, then three (3) are appointed, all other years appoint four (4)”

And replacing them with the words,

“2,2,3 with the following initial appointments: that the two expiring terms in Fiscal Year 2009 are appointed for three year terms, and that the following fiscal year – the term expiring in Fiscal year 2010 and a term of a member expiring in fiscal year 2011 (chosen by the moderator) be appointed for three year terms and that the remaining terms expiring in fiscal year 2011 be appointed for three year terms the next following year.”;

To do or act thereon.

SPONSORED BY: Finance Committee
APPROPRIATION: None

The following action was taken:

Voted: To accept the article as printed in the warrant except the words “To do or act thereon”.

The Finance Committee recommended.

Special Town Meeting – October 27, 2008 – Fowler Middle School

Attest: A True Copy

Michelle L. Sokolowski
Town Clerk

**ARTICLE 10: AMEND TOWN OF MAYNARD BYLAWS – CHAPTER 13,
SECTION 2**

To see if the Town will vote to amend the Town of Maynard Bylaws, Chapter 13, Section 2 by changing the number of members of the Capital Planning Committee from three to five and the number of Capital Planning Committee members appointed per year from 1/1/1 to 2/2/1 with the following initial appointments: that the two new members are appointed in Fiscal Year 2009 for a three year term including the current year, the next two members expiring will be appointed for three year terms in fiscal year 2010 and the longest existing term will be appointed for a three year term in fiscal year 2011.

To do or act thereon.

SPONSORED BY: Board of Selectmen
APPROPRIATION: None
FINCOM RECOMMENDATION: None

The following action was taken:

Voted: To accept the article as printed in the warrant except the words “To do or act thereon”

The Finance Committee made no recommendation.

The Planning Board recommended.

Special Town Meeting – October 27, 2008 – Fowler Middle School

Attest: A True Copy

Michelle L. Scholowski
Town Clerk

ARTICLE 5:

AMEND BY-LAW CHAPTER 25, M.G.L. CH. 40

To see if the Town will vote to amend Chapter XXV of the Town's bylaws (Non-Criminal Disposition of Bylaw Violations under an pursuant to M.G.L. Chapter 40, Section 21 D) to include the Wetlands Administration Bylaw and the Conservation Commission's Land Use Regulations (duly adopted 6 August 2002) by adding or inserting the following:

Chapter XXVII: Wetlands Administration

Penalty	First Offense	- Written warning
	Each subsequent offense	- \$100
Each day that such violation continues shall constitute a separate offense.		
Enforcing Person:	Conservation Agent	
	Conservation Commissioner	
	Police Officer	

Conservation Land Use Regulations

Penalty	First Offense	- Written warning
	Second offense	- \$25
	Each subsequent offense	- \$50
Each day that such violation continues shall constitute a separate offense.		
Enforcing Person:	Conservation Agent	
	Conservation Commissioner	
	Police Officer	

SPONSORED BY:	Conservation Commission
APPROPRIATION:	None
FINCOM RECOMMENDATION:	At Town Meeting

The following action was taken:

Voted: To accept the article as printed in the warrant except the words, "To do or act thereon".

The Finance Committee made no recommendation.

ARTICLE 10:

STORMWATER MANAGEMENT AND LAND DISTURBANCE BYLAW

To see if the Town will vote to Amend the Town By-Law and Town By-Law Table of Contents by relabeling the existing Chapter XXIX as XXXI and adding a new Chapter XXIX as follows;

STORMWATER MANAGEMENT AND LAND DISTURBANCE BYLAW

SECTION 1. PURPOSE

A. The harmful impacts of soil erosion and sedimentation are;

1. impairment of water quality and flow in lakes, ponds, streams, rivers, wetlands and groundwater;
2. contamination of drinking water supplies;
3. alteration or destruction of aquatic and wildlife habitat;
4. flooding; and
5. overloading or clogging of municipal catch basins and storm drainage systems.

B. The objectives of this bylaw are to:

1. protect water resources;
2. require practices that eliminate soil erosion and sedimentation and control the volume and rate of stormwater runoff resulting from land disturbance activities;
3. promote infiltration and the recharge of groundwater;
4. ensure that soil erosion and sedimentation control measures and stormwater runoff control practices are incorporated into the site planning and design process and are implemented and maintained;
5. require practices to control waste such as discarded building materials, concrete truck washout, chemicals, litter, and sanitary waste at the construction site that may cause adverse impacts to water quality;
6. comply with state and federal statutes and regulations relating to stormwater discharges; and
7. establish the town's legal authority to ensure compliance with the provisions of this by-law through inspection, monitoring, and enforcement.

SECTION 2. DEFINITIONS

ABUTTER: The owner(s) of land abutting the activity.

AGRICULTURE: The normal maintenance or improvement of land in agricultural or aquacultural use, as defined by the Massachusetts Wetlands Protection Act and its implementing regulations.

APPLICANT: Any person, individual, partnership, association, firm, company, corporation, trust, authority, agency, department, or political subdivision, of the Commonwealth or the Federal government to the extent permitted by law requesting a soil erosion and sediment control permit for proposed land-disturbance activity.

AUTHORIZED ENFORCEMENT AGENCY: The Conservation Commission, its employees or agents designated to enforce this by-law.

CERTIFIED PROFESSIONAL IN EROSION AND SEDIMENT CONTROL (CPESC): A certified specialist in soil erosion and sediment control. This certification program, sponsored by the Soil and Water Conservation Society in cooperation with the American Society of Agronomy, provides the public with evidence of professional qualifications.

CONSTRUCTION AND WASTE MATERIALS: Excess or discarded building or site materials, including but not limited to concrete truck washout, chemicals, litter and sanitary waste at a construction site that may adversely impact water quality.

CLEARING: Any activity that removes the vegetative surface cover.

EROSION: The wearing away of the land surface by natural or artificial forces such as wind, water, ice, gravity, or vehicle traffic and the subsequent detachment and transportation of soil particles.

EROSION AND SEDIMENTATION CONTROL PLAN: A document containing narrative, drawings and details developed by a qualified professional engineer (PE) or a Certified Professional in Erosion and Sedimentation Control (CPESC), which includes best management practices, or equivalent measures designed to control surface runoff, erosion and sedimentation during pre-construction and construction related land disturbance activities.

ESTIMATED HABITAT OF RARE WILDLIFE AND CERTIFIED VERNAL POOLS: Habitats delineated for state-protected rare wildlife and certified vernal pools for use with the Wetlands Protection Act Regulations (310 CMR 10.00) and the Forest Cutting Practices Act Regulations (304 CMR 11.00).

LAND-DISTURBING ACTIVITY: Any activity that causes a change in the position or location of soil, sand, rock, gravel, or similar earth material.

MASSACHUSETTS ENDANGERED SPECIES ACT: (G.L. c. 131A) and its implementing regulations at (321 CMR 10.00) which prohibit the "taking" of any rare plant or animal species listed as Endangered, Threatened, or of Special Concern.

MASSACHUSETTS STORMWATER MANAGEMENT POLICY: The Policy issued by the Department of Environmental Protection, and as amended, that coordinates the requirements prescribed by state regulations promulgated under the authority of the Massachusetts Wetlands Protection Act G.L. c. 131 §. 40 and Massachusetts Clean Waters Act 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 of runoff from a site. **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 Maynard.

OWNER: A person with a legal or equitable interest in property.

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.

PRE-CONSTRUCTION: All activity in preparation for construction.

PRIORITY HABITAT OF RARE SPECIES: Habitats delineated for rare plant and animal populations protected pursuant to the Massachusetts Endangered Species Act and its regulations.

RUNOFF: Rainfall, snowmelt, or irrigation water flowing over the ground surface.

SEDIMENT: Mineral or organic soil material that is transported by wind or water, from its origin to another location; the product of erosion processes.

SEDIMENTATION: The process or act of deposition of sediment.

SITE: Any lot or parcel of land or area of property where land-disturbing activities are, were, or will be performed.

SLOPE: The incline of a ground surface expressed as a ratio of horizontal distance to vertical distance.

SOIL: Any earth, sand, rock, gravel, or similar material.

STABILIZATION: The use, singly or in combination, of mechanical, structural, or vegetative methods, to prevent or retard erosion.

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

STRIP: Any activity which removes the vegetative ground surface cover, including tree removal, clearing, grubbing, and storage or removal of topsoil.

VERNAL POOLS: Temporary bodies of freshwater which provide critical habitat for a number of vertebrate and invertebrate wildlife species.

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

WETLAND RESOURCE AREA: Areas specified in the Massachusetts Wetlands Protection Act G.L. c. 131, § 40 and in the town's wetland bylaw.

WETLANDS: Tidal and non-tidal areas characterized by saturated or nearly saturated soils most of the year that are located between terrestrial (land-based) and aquatic (water-based) environments, including freshwater marshes around ponds and channels (rivers and streams), brackish and salt marshes; common names include marshes, swamps and bogs.

SECTION 3. AUTHORITY

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

SECTION 4. APPLICABILITY

This bylaw shall apply to all activities that result in disturbance of one or more acres of land that drains to the municipal separate storm sewer system (records of this system are maintained in the Department of Public Works). Except as authorized by the Conservation Commission hereafter known as "The Commission" in a Land Disturbance Permit or as otherwise provided in this bylaw, no person shall perform any activity that results in disturbance of an acre or more of land. Normal maintenance and improvement of land in agricultural or aquacultural use, as defined by the Wetlands Protection Act regulation 310 CMR 10.4, are exempt. In addition, as authorized in the Phase II Small MS4 General Permit for Massachusetts, storm water discharges resulting from the above activities that are subject to jurisdiction under the Wetlands Protection Act and demonstrate compliance with the Massachusetts Storm Water Management Policy as reflected in an Order of Conditions issued by the Conservation Commission are exempt from compliance with this bylaw.

SECTION 5. RESPONSIBILITY FOR ADMINISTRATION

- A. The Conservation Commission shall administer, implement and enforce this bylaw. Any powers granted to or duties imposed upon the Commission may be delegated in writing to the Superintendent of Public Works or the Town Administrator or their employees or agents.
- B. Waiver. The Commission may waive strict compliance with any requirement of this by-law 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 the public interest, and
 - (3) is not inconsistent with the purpose and intent of this by-law.
- C. Rules and Regulations. The Commission, in consultation with the Department of Public Works, may adopt, and periodically amend rules and regulations to effectuate the purposes of this by-law. Failure by the Commission to promulgate such rules and regulations shall not have the effect of suspending or invalidating this by-law.

SECTION 6. PERMITS and PROCEDURE

- A. Application. A completed application for a Land Disturbance Permit shall be filed with the Commission. A permit must be obtained prior to the commencement of land disturbing activity that may result in the disturbance of an area of one acre or more. The Land Disturbance Permit Application package shall include:
 - 1. a completed Application Form with original signatures of all owners;
 - 2. a list of abutters, certified by the Assessors Office;
 - 3. Seven (7) copies of the Erosion and Sediment Control Plan as specified in Section VI of this bylaw;
 - 4. payment of the application and review fees; and,
 - 5. one (1) copy each of the Application Form and the list of abutters filed with the Town Clerk.
- B. Entry. Filing an application for a permit grants the Conservation Commission or its agent, permission to enter the site to verify the information in the application and to inspect for compliance with permit conditions.
- C. Other Boards. The Conservation Commission shall notify the Town Clerk of receipt of the application, and shall give one copy of the application package to the Planning Board and Department of Public Works.
- D. Public Hearing. The Commission shall hold a public hearing within twenty-one (21) days of the receipt of a complete application and shall take final action within twenty-one (21) days from the time of the close of the hearing unless such time is extended by agreement between the applicant and the Commission. Notice of the public hearing shall be given by publication and posting and by first-class mailings to abutters at least seven (7) days prior to the hearing. The Commission shall make the application available for inspection by the public during regular Conservation Commission business hours at the Town Building.
- E. Information requests. The applicant shall submit all additional information requested by the Commission to

issue a decision on the application.

F. Action by the Commission.

The Commission may:

1. Approve the Land Disturbance Permit Application and issue a permit if it finds that the proposed plan will protect water resources and meets the objectives and requirements of this by-law;
2. Approve the Land Disturbance Permit Application and issue a permit with conditions, modifications or restrictions that the Commission determines are required to ensure that the project will protect water resources and meets the objectives and requirements of this by-law;
3. Disapprove the Land Disturbance Permit Application and deny the permit if it finds that the proposed plan will not protect water resources or fails to meet the objectives and requirements of this by-law.

G. Failure of the Commission to take final action. Failure of the Commission to take final action upon an Application within the time specified above shall be deemed to be approval of said Application. Upon certification by the Town Clerk that the allowed time has passed without the Commission's action, the Land Disturbance Permit shall be issued by the Commission.

H. Fee Structure. Each application must be accompanied by the appropriate application fee as established by the Conservation Commission. Applicants shall pay review fees as determined by the Conservation Commission sufficient to cover any expenses connected with the public hearing and review of the Land Disturbance Permit Application before the review process commences. The Conservation Commission is authorized to retain, at the expense of the applicant, a Registered Professional Engineer or other professional consultant to advise the Conservation Commission on any or all aspects of the Application.

I. Project Changes. The permittee, or their agent, must notify the Commission in writing of any change or alteration of a land-disturbing activity authorized in a Land Disturbance Permit before any change or alteration occurs. If the Conservation Commission determines that the change or alteration is significant, based on the design requirements listed in Section 7.B. and accepted construction practices, the Conservation Commission may require that an amended Land Disturbance Permit application be filed and a public hearing held. If any change or alteration from the Land Disturbance Permit occurs during any land disturbing activities, the Commission may require the installation of interim erosion and sedimentation control measures before approving the change or alteration.

SECTION 7. EROSION AND SEDIMENT CONTROL PLAN

A. The Erosion and Sediment Control Plan shall contain sufficient information to describe the nature and purpose of the proposed development, pertinent conditions of the site and the adjacent areas, and proposed erosion and sedimentation controls. The applicant shall submit such material as is necessary to show that the proposed development will comply with the design requirements listed in Section 7.B. below.

B. The design requirements of the Erosion and Sediment Control Plan are:

1. Minimize total area of disturbance;
2. Sequence activities to minimize simultaneous areas of disturbance;
3. Minimize peak rate of runoff in accordance with the Massachusetts Stormwater Policy;
4. Minimize soil erosion and control sedimentation during construction, provided that prevention of erosion is preferred over sedimentation control;
5. Divert uncontaminated water around disturbed areas;
6. Maximize groundwater recharge;
7. Install and maintain all Erosion and Sediment Control measures in accordance with the manufacturers specifications and good engineering practices;
8. Prevent off-site transport of sediment;
9. Protect and manage on and off-site material storage areas (overburden and stockpiles of dirt, borrow areas, or other areas used solely by the permitted project are considered a part of the project);
10. Comply with applicable Federal, State and local laws and regulations including waste disposal, sanitary sewer or septic system regulations, and air quality requirements, including dust control;
11. Prevent significant alteration of habitats mapped by the Massachusetts Natural Heritage & Endangered Species Program as Endangered, Threatened or Of Special Concern, Estimated Habitats of Rare Wildlife and Certified Vernal Pools, and Priority Habitats of Rare Species from the proposed activities;
12. Institute interim and permanent stabilization measures, which shall be instituted on a disturbed area as soon as practicable but no more than 14 days after construction activity has temporarily or permanently ceased

- on that portion of the site;
13. Properly manage on-site construction and waste materials; and
 14. Prevent off-site vehicle tracking of sediments.

C. Erosion and Sedimentation Control Plan Content. The Plan shall contain the following information:

1. Names, addresses, and telephone numbers of the owner, applicant, and person(s) or firm(s) preparing the plan;
2. Title, date, north arrow, names of abutters, scale, legend, and locus map;
3. Location and description of natural features including:
 - (a) Watercourses and water bodies, wetland resource areas and all floodplain information, including the 100-year flood elevation based upon the most recent Flood Insurance Rate Map, or as calculated by a professional engineer for areas not assessed on these maps;
 - (b) Existing vegetation including tree lines, canopy layer, shrub layer, and ground cover, and trees with a caliper twelve (12) inches or larger, noting specimen trees and forest communities; and
 - (c) Habitats mapped by the Massachusetts Natural Heritage & Endangered Species Program as Endangered, Threatened or of Special Concern, Estimated Habitats of Rare Wildlife and Certified Vernal Pools, and Priority Habitats of Rare Species within five hundred (500) feet of any construction activity.
4. Lines of existing abutting streets showing drainage and driveway locations and curb cuts;
5. Existing soils, volume and nature of imported soil materials;
6. Topographical features including existing and proposed contours at intervals no greater than two (2) feet with spot elevations provided when needed;
7. Surveyed property lines showing distances and monument locations, all existing and proposed easements, rights-of-way, and other encumbrances, the size of the entire parcel, and the delineation and number of square feet of the land area to be disturbed;
8. Drainage patterns and approximate slopes anticipated after major grading activities (Construction Phase Grading Plans);
9. Location and details of erosion and sediment control measures with a narrative of the construction sequence/phasing of the project, including both operation and maintenance for structural and non-structural measures, interim grading, and material stockpiling areas;
10. Path and mechanism to divert uncontaminated water around disturbed areas, to the maximum extent practicable;
11. Location and description of industrial discharges, including stormwater discharges from dedicated asphalt plants and dedicated concrete plants, which are covered by this permit;
12. Stormwater runoff calculations in accordance with the Department of Environmental Protection's Stormwater Management Policy;
13. Location and description of and implementation schedule for temporary and permanent seeding, vegetative controls, and other stabilization measures;
14. A description of construction and waste materials expected to be stored on-site. The Plan shall include a description of controls to reduce pollutants from these materials, including storage practices to minimize exposure of the materials to stormwater, and spill prevention and response;
15. A description of provisions for phasing the project where one acre of area or greater is to be altered or disturbed;
16. Plans must be stamped and certified by a qualified Professional Engineer registered in Massachusetts or a Certified Professional in Erosion and Sediment Control; and
17. Such other information as is required by the Commission by written request and majority vote.

SECTION 8. INSPECTION AND SITE SUPERVISION

- A. Pre-construction Meeting. Prior to starting clearing, excavation, construction, or land disturbing activity the applicant, the applicant's technical representative, the general contractor or any other person with authority to make changes to the project, shall meet with the DPW and any other agent delegated by the Commission, to review the permitted plans and their implementation.
- B. Board Inspection. the Commission or its designated agent shall make inspections as hereinafter required and shall either approve that portion of the work completed or shall notify the permittee wherein the work fails to comply with the land disturbance permit as approved. The Permit and associated plans for grading, stripping, excavating, and filling work, bearing the signature of approval of the Commission or its' designee, shall be maintained at the site during the progress of the work. In order to obtain inspections, the permittee shall notify

the Commission at least two (2) working days before each of the following events:

1. Erosion and sediment control measures are in place and stabilized;
 2. Site Clearing has been substantially completed;
 3. Rough Grading has been substantially completed;
 4. Final Grading has been substantially completed;
 5. Close of the Construction Season; and
 6. Final Landscaping (permanent stabilization) and project final completion.
- C. Permittee Inspections. The permittee or his/her agent shall conduct and document inspections of all control measures) no less than weekly or as specified in the permit, and prior to and following anticipated storm events. The purpose of such inspections will be to determine the overall effectiveness of the control plan, and the need for maintenance or additional control measures. The permittee or his/her agent shall submit monthly reports to the DPW and the Commission or its' agent in a format approved by the Commission
- D. Access Permission. To the extent permitted by state law, or if authorized by the owner or other party in control of the property, the Commission and the DPW, its agents, officers, and employees may enter upon privately owned property for the purpose of performing their duties under this by-law and may make or cause to be made such examinations, surveys or sampling as the Commission or the DPW deems reasonably necessary to determine compliance with the permit.

SECTION 9. SURETY

The Commission may require the permittee to post before the start of land disturbance activity, a surety bond, irrevocable letter of credit, cash, or other acceptable security. The form of the bond shall be approved by town counsel, and be in an amount deemed sufficient by the Commission or its' agent to ensure that the work will be completed in accordance with the permit. If the project is phased, the Commission may release part of the bond as each phase is completed in compliance with the permit but the bond may not be fully released until the Commission has received the final report as required by Section 10 and issued a certificate of completion.

SECTION 10. FINAL REPORTS

Upon completion of the work, the permittee shall submit a report (including certified as-built construction plans) from a Professional Engineer (P.E.), surveyor, or Certified Professional in Erosion and Sediment Control (CPESC), certifying that all erosion and sediment control devices, and approved changes and modifications, have been completed in accordance with the conditions of the approved permit. Any discrepancies should be noted in the cover letter.

SECTION 11. ENFORCEMENT

- A. The Commission, or an authorized agent of the Commission shall enforce this by-law, regulations, orders, violation notices, and enforcement orders, and may pursue all civil and criminal remedies for such violations.
- B. Orders
1. The Commission, or an authorized agent of the Commission may issue a written order to enforce the provisions of this by-law or the regulations there under, which may include:
 - (a) a requirement to cease and desist from the land-disturbing activity until there is compliance with the bylaw and provisions of the land-disturbance permit;
 - (b) maintenance, installation or performance of additional erosion and sediment control measures;
 - (c) monitoring, analyses, and reporting
 - (d) remediation of erosion and sedimentation resulting directly or indirectly from the land-disturbing activity.
 2. If the enforcing person determines that abatement or remediation of erosion and sedimentation 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 the property owner shall reimburse the town's expenses.

3. Within thirty (30) days after completing all measures necessary to abate the violation or to perform remediation, the violator and the property owner shall 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 Conservation Commission 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 Commission 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, as provided in G.L. Ch. 59, § 57, after the thirty-first day following the day on which the costs were due.

- C. Criminal Penalty. Any person who violates any provision of this by-law, regulation, order or permit issued there under, shall 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.
- D. Non-Criminal Disposition. As an alternative to criminal prosecution or civil action, the town may elect to utilize the non-criminal disposition procedure set forth in G.L. Ch. 40, §21D and Chapter XXV of the Town of Maynard By-Laws, in which case the Conservation Commission, a Conservation Agent and a Police Officer of the Town of Maynard shall be the enforcing persons. The penalty for the 1st violation shall be a written warning. The penalty for the 2nd violation shall be \$100. Each subsequent violation shall be \$100. Each day or part thereof that such violation occurs or continues shall constitute a separate offense.
- E. Appeals. The decisions or orders of the Commission shall be final. Further relief shall be to a court of competent jurisdiction.
- F. 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. CERTIFICATE OF COMPLETION

The issuing authority will issue a letter certifying completion upon receipt and approval of the final reports and/or upon otherwise determining that all work of the permit has been satisfactorily completed in conformance with this bylaw.

SECTION 13. SEVERABILITY

If any provision, paragraph, sentence, or clause of this by-law shall be held invalid for any reason, all other provisions shall continue in full force and effect.

To do or act thereon.

SPONSORED BY:	Board of Selectmen
APPROPRIATION:	None
FINCOM RECOMMENDATION:	At Town Meeting

The following action was taken:

Voted: To accept the article as printed in the warrant except the words "To do or act thereon".

The Finance committee made no recommendation.

The Planning Board recommended.

**ARTICLE 11: BY-LAW GOVERNING POST-CONSTRUCTION STORMWATER MANAGEMENT
NEW DEVELOPMENTS & REDEVELOPMENTS**

To see if the Town will vote to Amend the Town By-Law and Town By-Law Table of Contents by adding a new Chapter XXX as follows;

SECTION 1. PURPOSE

Regulation of discharges to the municipal separate storm sewer system (MS4) is necessary for the protection of the town's water bodies and groundwater, and to safeguard the public health, safety, welfare and the environment. Increased and contaminated stormwater runoff associated with developed land uses and the accompanying increase in impervious surface are major causes of impairment of water quality and flow in lakes, ponds, streams, rivers, wetlands and groundwater;

- 1) impairment of water quality and flow in lakes, ponds, streams, rivers, wetlands and groundwater,
- 2) contamination of drinking water supplies,
- 3) erosion of stream channels;
- 4) alteration or destruction of aquatic and wildlife habitat; and
- 5) flooding.

Therefore, 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 born by abutters, townspeople and the general public.

The objectives of this by-law are:

1. To require practices to control the flow of stormwater from new and redeveloped sites into the town storm drainage system in order to prevent flooding and erosion;
2. To protect groundwater and surface water from degradation;
3. To promote groundwater recharge;
4. To prevent pollutants from entering the town's municipal separate storm sewer system (MS4) and to minimize discharge of pollutants from the MS4;
5. To ensure adequate long-term operation and maintenance of structural stormwater best management practices so that they work as designed;
6. To comply with state and federal statutes and regulations relating to stormwater discharges; and
7. To establish the town's legal authority to ensure compliance with the provisions of this by-law through inspection, monitoring, and enforcement.

SECTION 2. DEFINITIONS

ALTERATION OF DRAINAGE CHARACTERISTICS: Any activity on an area of land that changes the water quality, force, direction, timing or location of runoff flowing from the area. Such changes include: change from distributed runoff to confined, discrete discharge, change in the volume of runoff from the area; change in the peak rate of runoff from the area; and change in the recharge to groundwater on the area.

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

THE COMMISSION – Town of Maynard Conservation Commission or its authorized agent(s).

CLEARING: Any activity that removes the vegetative surface cover.

DEVELOPMENT: The modification of land to accommodate a new use or expansion of use, usually involving construction.

DISTURBANCE OF LAND: Any action that causes a change in the position, location, or arrangement of soil, sand rock, gravel of similar earth material.

GRADING: Changing the level or shape of the ground surface.

GRUBBING: The act of clearing land surface by digging up roots and stumps.

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 roof tops.

MASSACHUSETTS STORMWATER MANAGEMENT POLICY: The Policy issued by the Department of Environmental Protection, and as amended, that coordinates the requirements prescribed by state regulations

promulgated under the authority of the Massachusetts Wetlands Protection Act G.L. c. 131 § 40 and Massachusetts Clean Waters Act 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 of runoff from a site.

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 Maynard.

OPERATION AND MAINTENANCE PLAN: A plan setting up the functional, financial and organizational mechanisms for the ongoing operation and maintenance of a stormwater management system to insure that it continues to function as designed.

OUTFALL: The point at which stormwater flows out from a point source discernible, confined and discrete conveyance into waters of the Commonwealth.

OUTSTANDING RESOURCE WATERS (ORWs): Waters designated by Massachusetts Department of Environmental Protection as ORWs. These waters have exceptional sociologic, recreational, ecological and/or aesthetic values and are subject to more stringent requirements under both the Massachusetts Water Quality Standards (314 CMR 4.00) and the Massachusetts Stormwater Management Standards. ORWs include vernal pools certified by the Natural Heritage Program of the Massachusetts Department of Fisheries and Wildlife and Environmental Law Enforcement, all Class A designated public water supplies with their bordering vegetated wetlands, and other waters specifically designated.

OWNER: A person with a legal or equitable interest in property.

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.

POINT SOURCE: Any discernible, confined, and discrete conveyance, including but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, or container from which pollutants are or may be discharged.

REDEVELOPMENT: Development, rehabilitation, expansion, demolition or phased projects that disturb the ground surface or increase the impervious area on previously developed sites.

RUNOFF: Rainfall, snowmelt, or irrigation water flowing over the ground surface.

STORMWATER MANAGEMENT PLAN: A plan required as part of the application for a Stormwater Management Permit. See Section 7.

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

TSS: Total Suspended Solids.

SECTION 3. AUTHORITY

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

SECTION 4. APPLICABILITY

- A. No person may undertake a construction activity, including clearing, grading and excavation that results in a land disturbance that will disturb equal to or greater than one acre of land or will disturb less than one acre of land but is part of a larger common plan of development or sale that will ultimately disturb equal to or greater than one acre of land draining to the Maynard municipal separate storm sewer system without a permit from the Conservation Commission. Construction activity does not include routine maintenance that is performed to maintain the original line and grade, hydraulic capacity or the original purpose of the site

B. Exemptions

Normal maintenance and improvement of land in agricultural use as defined by the Wetlands Protection Act regulation 310 CMR 10.04;

Maintenance of existing landscaping, gardens or lawn areas associated with a single family dwelling;

The construction of fencing that will not substantially alter existing terrain or drainage patterns;

Construction of utilities other than drainage (gas, water, electric, telephone, etc.) which will not alter terrain or drainage patterns;

As authorized in the Phase II Small MS4 General Permit for Massachusetts, storm water discharges resulting from the activities identified in Section 4 that are wholly subject to jurisdiction under the Wetlands Protection Act and demonstrate compliance with the Massachusetts Storm Water Management Policy as reflected in an Order of Conditions issued by the Conservation Commission are exempt from compliance with this bylaw.

SECTION 5. ADMINISTRATION

- A. The Conservation Commission, shall administer, implement and enforce this bylaw. Any powers granted to or duties imposed upon the Conservation Commission may be delegated in writing by the Conservation Commission to its employees or agents.
- B. Rules and Regulations. The Conservation Commission may adopt, and periodically amend, rules and regulations relating to the procedures and administration of this Stormwater Management By-law, by majority vote of the Conservation Commission, 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 seven (7) days prior to the hearing date.

SECTION 6. PERMITS and PROCEDURE

- A. Filing Application. The site owner or his agent shall file with the Conservation Commission hereinafter the Commission, three (3) copies of a completed application package for a Stormwater Management Permit (SMP). Permit issuance is required prior to any site altering activity. While the applicant can be a representative, the permittee must be the owner of the site. The SMP Application package shall include:
 - 1. a completed Application Form with original signatures of all owners;
 - 2. a list of abutters, certified by the Assessors Office;
 - 3. three (3) copies of the Stormwater Management Plan and project description as specified in Section 7.A.;
 - 4. three (3) copies of the Operation and Maintenance Plan as required by Section 8 of this bylaw;
 - 5. one (1) copy of the application form, the Stormwater Management Plan, the Operation & Maintenance Plan, and the list of abutters filed with the Town Clerk; and
 - 6. payment of the application and review fees.
- B. Entry. Filing an application for a permit grants the Conservation Commission, or its agent, permission to enter the site to verify the information in the application and to inspect for compliance with the resulting permit
- C. Other Boards. The Conservation Commission shall notify the Town Clerk of receipt of the application, and shall give one copy of the application package to the Planning Board and the Department of Public Works.
- D. Fee Structure. The Conservation Commission shall obtain with each submission an Application Fee established by the Conservation Commission to cover expenses connected with the public hearing and application review of the Stormwater Management Permit and a technical Review Fee sufficient to cover professional review. The Conservation Commission is authorized to retain a Registered Professional Engineer or other professional consultant to advise the Conservation Commission on any or all aspects of these plans. Applicants must pay review fees before the review process may begin.
- E. Public Hearing. The Conservation Commission shall hold a public hearing within twenty-one (21) days of the receipt of a complete application and shall take final action within twenty-one (21) days from the close of the hearing unless such time is extended by agreement between the applicant and the Conservation Commission. Notice of the public hearing shall be given by publication in a local paper of general circulation, by posting and by first-class mailings to abutters at least seven (7) days prior to the hearing.
- F. Actions. The Commission's action, rendered in writing, shall consist of either:
 - 1. Approval of the Stormwater Management Permit Application based upon determination that the proposed plan meets the Standards in Section 7 and will adequately protect the water resources of the community and is in compliance with the requirements set forth in this by-law;
 - 2. Approval of the Stormwater Management Permit Application subject to any conditions, modifications or restrictions required by the Conservation Commission which will ensure that the project meets the Standards in Section 7 and adequately protect water resources, set forth in this by-law;
 - 3. Disapproval of the Stormwater Management Permit Application based upon a determination that the proposed plan, as submitted, does not meet the Standards in Section 7 or adequately protect water resources, as set forth in this by-law.

- G. Failure of the Conservation Commission to take final action upon an Application within the time specified above shall be deemed to be approval of said Application. Upon certification by the Town Clerk that the allowed time has passed without Board action, the Conservation Commission must issue a Stormwater Management Permit.
- H. Plan Changes. The permittee, must notify the Conservation Commission in writing of any drainage change or alteration in the system authorized in a Stormwater Management Permit before any change or alteration is made. If the Conservation Commission determines that the change or alteration is significant, based on the Stormwater Management Standards in Section 7.B. and accepted construction practices, the Conservation Commission may require that an amended application be filed and a public hearing held.
- I. Project Completion. At completion of the project the permittee shall submit as-built record drawings of all structural stormwater controls and treatment best management practices required for the site. The as-built drawing shall show deviations from the approved plans, if any, and be certified by a Registered Professional Engineer.

SECTION 7. STORMWATER MANAGEMENT PLAN

- A. The application for a stormwater management permit shall consist of submittal of a Stormwater Management Plan to the Conservation Commission. This Stormwater Management Plan shall contain sufficient information for the Conservation Commission to evaluate the environmental impact, effectiveness, and acceptability of the measures proposed by the applicant for reducing adverse impacts from stormwater. The Plan shall be designed to meet the Massachusetts Stormwater Management Standards as set forth in Part B of this section and DEP Stormwater Management Handbook Volumes I and II. The Stormwater Management Plan shall fully describe the project in drawings, and narrative. It shall include:
 - 1. A locus map,
 - 2. The existing zoning, and land use at the site,
 - 3. The proposed land use,
 - 4. The location(s) of existing and proposed easements,
 - 5. The location of existing and proposed utilities,
 - 6. The site's existing & proposed topography with contours at 2 foot intervals,
 - 7. The existing site hydrology,
 - 8. A description & delineation of existing stormwater conveyances, impoundments, and wetlands on or adjacent to the site or into which stormwater flows,
 - 9. A delineation of 100-year flood plains, if applicable,
 - 10. Estimated seasonal high groundwater elevation (November to April) in areas to be used for stormwater retention, detention, or infiltration,
 - 11. The existing and proposed vegetation and ground surfaces with runoff coefficients for each,
 - 12. A drainage area map showing pre and post construction watershed boundaries, drainage area and stormwater flow paths,
 - 13. A description and drawings of all components of the proposed drainage system including:
 - a. locations, cross sections, and profiles of all brooks, streams, drainage swales and their method of stabilization,
 - b) all measures for the detention, retention or infiltration of water,
 - c) all measures for the protection of water quality,
 - d) the structural details for all components of the proposed drainage systems and stormwater management facilities,
 - e) notes on drawings specifying materials to be used, construction specifications, and typicals, and
 - f) expected hydrology with supporting calculations.
 - 14. Proposed improvements including location of buildings or other structures, impervious surfaces, and drainage facilities, if applicable,
 - 15. Timing, schedules, and sequence of development including clearing, stripping, rough grading, construction, final grading, and vegetative stabilization,
 - 16. A maintenance schedule for the period of construction, and
 - 17. Any other information requested by the Commission.

B. Standards

Projects shall meet the Standards of the Massachusetts Stormwater Management Policy, which are as follows:

- 1) No new stormwater conveyances (e.g. outfalls) may discharge untreated stormwater directly to or cause erosion in wetlands or water of the Commonwealth.
- 2) Stormwater management systems must be designed so that post-development peak discharge rates do not

exceed pre-development peak discharge rates.

- 3) Loss of annual recharge to groundwater should be minimized through the use of infiltration measures to the maximum extent practicable. The annual recharge from the post-development site should approximate the annual recharge rate from the pre-development or existing site conditions, based on soil types.
- 4) For new development, stormwater management systems must be designed to remove 80% of the average annual load (post development conditions) of Total Suspended Solids (TSS). It is presumed that this standard is met when:
 - (a) Suitable nonstructural practices for source control and pollution prevention and implemented;
 - (b) Stormwater management best management practices (BMPs) are sized to capture the prescribed runoff volume; and
 - (c) Stormwater management BMPs are maintained as designed.
- 5) Stormwater discharges from areas with higher potential pollutant loads require the use of specific stormwater management BMPs (see Stormwater Management Volume I: Stormwater Policy Handbook). The use of infiltration practices without pretreatment is prohibited.
- 6) Stormwater discharges to critical areas must utilize certain stormwater management BMPs approved for critical areas (see Stormwater Management Volume I: Stormwater Policy Handbook). Critical areas are Outstanding Resource Waters (ORWs), shellfish beds, swimming beaches, cold water fisheries and recharge areas for public water supplies.
- 7) Redevelopment of previously developed sites must meet the Stormwater Management Standards to the maximum extent practicable. However, if it is not practicable to meet all the Standards, new (retrofitted or expanded) stormwater management systems must be designed to improve existing conditions.
- 8) Erosion and sediment controls must be implemented to prevent impacts during disturbance and construction activities.
- 9) All stormwater management systems must have an operation and maintenance plan to ensure that systems function as designed.

When one or more of the Standards cannot be met, an applicant may demonstrate that an equivalent level of environmental protection will be provided.

C. Project Changes

The permittee, or their agent, shall notify the Conservation Commission in writing of any change or alteration of a land-disturbing activity authorized in a Stormwater Management Permit before any change or alteration occurs. If the Conservation Commission determines that the change or alteration is significant, based on the design requirements listed in the By-Laws of the Town of Maynard, Chapter XXX and accepted construction practices, the Conservation Commission may require that an amended Stormwater Management Permit application be filed and a public hearing held. If any change or deviation from the Stormwater Management Permit occurs during a project, the Conservation Commission may require the installation of interim measures before approving the change.

SECTION 8. OPERATION AND MAINTENANCE PLANS

Operation and Maintenance plan (O&M Plan) is required at the time of application for all projects. The maintenance plan shall be designed to ensure compliance with the Permit, this Bylaw and that the Massachusetts Surface Water Quality Standards, 314, CMR 4.00 are met in all seasons and throughout the life of the system. The Conservation Commission shall make the final decision of what maintenance option is appropriate in a given situation. The Conservation Commission will consider natural features, proximity of site to water bodies and wetlands, extent of impervious surfaces, size of the site, the types of stormwater management structures, and potential need for ongoing maintenance activities when making this decision. The Operation and Maintenance Plan shall remain on file with the Conservation Commission and shall be an ongoing requirement. The O&M Plan shall include:

- A. The name(s) of the owner(s) for all components of the system
- B. Maintenance agreements that specify:

1. The names and addresses of the person(s) responsible for operation and maintenance
2. The person(s) responsible for financing maintenance and emergency repairs.
3. A Maintenance Schedule for all drainage structures, including swales and ponds.
4. A list of easements with the purpose and location of each.
5. The signature(s) of the owner(s).

C. Stormwater Management Easement(s).

1. Stormwater management easements shall be provided by the property owner(s) as necessary for:
 - a. access for facility inspections and maintenance,
 - b. preservation of stormwater runoff conveyance, infiltration, and detention areas and facilities, including flood routes for the 100-year storm event.
 - c. direct maintenance access by heavy equipment to structures requiring regular cleanout.
2. The purpose of each easement shall be specified in the maintenance agreement signed by the property owner.
3. Stormwater management easements are required for all areas used for off-site stormwater control, unless a waiver is granted by the Conservation Commission.
4. Easements shall be recorded with the Middlesex County Registry of Deeds prior to issuance of a Certificate of Completion by the Commission.

D. Changes to Operation and Maintenance Plans

1. The owner(s) of the stormwater management system must notify the Conservation Commission of changes in ownership or assignment of financial responsibility.
2. The maintenance schedule in the Maintenance Agreement may be amended to achieve the purposes of this by-law by mutual agreement of the Conservation Commission and the Responsible Parties. Amendments must be in writing and signed by all Responsible Parties. Responsible Parties shall include owner(s), persons with financial responsibility, and persons with operational responsibility.

SECTION 9. SURETY

The Conservation Commission may require the permittee to post before the start of land disturbance or construction activity, a surety bond, irrevocable letter of credit, cash, or other acceptable security. The form of the bond shall be approved by town counsel, and be in an amount deemed sufficient by the Conservation Commission to ensure that the work will be completed in accordance with the permit. If the project is phased, the Conservation Commission may release part of the bond as each phase is completed in compliance with the permit but the bond may not be fully released until the Commission has received the final inspection report as required by Section 10 and issued a Certificate of Completion.

SECTION 10. INSPECTIONS

The Conservation Commission shall inspect the project site at the following stages:

- A. Initial Site Inspection: prior to approval of any plan.
- B. Erosion Control Inspection: to ensure erosion control practices are in accord with the filed plan.
- C. Bury Inspection: prior to backfilling of any underground drainage or stormwater conveyance structures.
- D. Final Inspection. After the stormwater management system has been constructed and before the surety has been released, the applicant must submit a record plan detailing the actual stormwater management system as installed. The Conservation Commission shall inspect the system to confirm its "as-built" features. This inspector shall also evaluate the effectiveness of the system in an actual storm. If the inspector finds the system to be adequate he shall so report to the Conservation Commission which will issue a Certificate of Completion.

If the system is found to be inadequate by virtue of physical evidence of operational failure, even though it was built as called for in the Stormwater Management Plan, it shall be corrected by the permittee before the performance guarantee is released. If the permittee fails to act the Town of Maynard may use the surety bond to complete the work. Examples of inadequacy shall be limited to: errors in the infiltrative capability, errors in the maximum groundwater elevation, failure to properly define or construct flow paths, or erosive discharges from basins.

SECTION 11. WAIVERS

Special Town Meeting, May 19, 2009 - Fowler Middle School

- A. The Conservation Commission may waive strict compliance with any requirement of this by-law 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 the public interest, and
 - 3) is not inconsistent with the purpose and intent of this by-law.
- 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 by-law does not further the purposes or objectives of this bylaw.
- C. All waiver requests shall be discussed and voted on at the public hearing for the project.
- D. If in the Commission's opinion, additional time or information is required for review of a waiver request, the Conservation Commission may continue a hearing to a date certain announced at the meeting. In the event the applicant objects to a continuance, or fails to provide requested information, the waiver request shall be denied.

SECTION 12. CERTIFICATE OF COMPLETION

The Conservation Commission will issue a letter certifying completion upon receipt and approval of the final inspection reports and/or upon otherwise determining that all work of the permit has been satisfactorily completed in conformance with this bylaw.

SECTION 13. ENFORCEMENT

- A. The Conservation Commission or an authorized agent of the Conservation Commission shall enforce this by-law, regulations, orders, violation notices, and enforcement orders, and may pursue all civil and criminal remedies for such violations.
- B. Orders
1. The Conservation Commission or an authorized agent of the Conservation Commission may issue a written order to enforce the provisions of this by-law or the regulations there under, which may include requirements to:
 - a. cease and desist from construction or land disturbing activity until there is compliance with the by-law and the stormwater management permit;
 - b. repair, maintain; or replace the stormwater management system or portions thereof in accordance with the operation and maintenance plan.
 - c. perform monitoring, analyses, and reporting;
 - d. remediate adverse impact resulting directly or indirectly from malfunction of the stormwater management system.
 2. If the enforcing person determines that abatement or remediation of adverse impacts 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 the property owner shall reimburse the Town's expenses.
 3. Within thirty (30) days after completing all measures necessary to abate the violation or to perform remediation, the violator and the property owner shall 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 Conservation Commission 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 Conservation Commission 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.
- C. Criminal Penalty. Any person who violates any provision of this by-law, or regulation, order or permit issued thereunder, shall be punished by a fine of not more than \$300. Each day or part thereof that such violation occurs or continues shall constitute a separate offense.

D. Non-Criminal Disposition. As an alternative to criminal prosecution or civil action, the town may elect to utilize the non-criminal disposition procedure set forth in G.L. Ch. 40, §21D and Chapter XXV of the Town of Maynard By-laws, in which case the Conservation Commission, a Conservation Agent and a Police Officer of the Town of Maynard shall be the enforcing person. The penalty for the 1st violation shall be . The penalty for the 1st violation shall be a written warning. The penalty for the 2nd violation shall be \$100. Each subsequent violation shall be \$100. Each day or part thereof that such violation occurs or continues shall constitute a separate offense.

E. Appeals

The decisions or orders of the Conservation Commission shall be final. Further relief shall be to a court of competent jurisdiction.

F. 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 14. SEVERABILITY

If any provision, paragraph, sentence, or clause of this by-law shall be held invalid for any reason, all other provisions shall continue in full force and effect.

To do or act thereon.

SPONSORED BY:	Board of Selectmen
APPROPRIATION:	None
FINCOM RECOMMENDATION:	At Town Meeting

The following action was taken:

Voted: To accept the article as printed in the warrant except the words "To do or act thereon".

The Finance Committee made no recommendation

The Planning Board recommended.

ARTICLE 8: STORMWATER MANAGEMENT BYLAW REVISION

To see if the Town will vote to repeal Chapter XXIX: Stormwater Management and Land Disturbance Bylaw, repeal Chapter XXX: By-Law Governing Post-Construction Stormwater Management of New Developments and Redevelopments, and add Chapter XXIX: Stormwater Management By-Law, as follows:

Stormwater Management Bylaw

§ 1. General Provisions

A. Purpose.

The purpose of this Stormwater Management Bylaw is to:

- (1) Protect, maintain and improve the public safety, environment, health, and general welfare by preventing or diminishing stormwater impacts resulting from site development and land disturbance; and
- (2) Establish a mechanism by which the Town can meet the requirements of its National Pollutant Discharge Elimination System (NPDES) general permit.

B. Authority

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

C. Compatibility with other permit and bylaw requirements.

This bylaw is not intended to interfere with, abrogate or annul the Maynard Storm Drain System Bylaw or any other bylaw, rule or regulation, statute, or other provision of law. The requirements of this bylaw should be considered minimum requirements, and where any provision of this bylaw imposes restrictions different from those imposed by any other bylaw, rule or regulation, or other provision of law, whichever provisions are more restrictive or impose higher protective standards for human health or the environment shall be considered to take precedence.

§ 2 Scope and applicability

A. Applicability.

This bylaw shall be applicable to any of the following activities:

- (1) Any activity that results in a land disturbance greater than one acre.
- (2) Any development project that:
 - (a) Requires a special permit or a special permit with site plan review under the Maynard Zoning Bylaw; or
 - (b) Requires approval of a definitive plan under the Massachusetts Subdivision Control Law.
- (3) Any activity that disturbs less than one acre if:
 - (a) The activity is part of a larger common plan of alteration or development that will disturb more than one acre; or
 - (b) The new activity will result in a cumulative disturbance of more than one acre since the effective date of this bylaw, to land that is part of a larger parcel held in common ownership or control at any time since said date. For purposes of this Section, ownership by related or jointly controlled persons or entities shall be considered common ownership. In such cases, the new activity is prohibited until either:
 1. All activities that previously disturbed land as described in this Section 2.A.(3)(b) are brought into full compliance with the requirements and standards of this bylaw, or
 2. The application for permit under this bylaw for the new activity includes bringing the land previously disturbed into full compliance with requirements and standards of

system owned and operated by the Town of Maynard.

NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM (NPDES) — As authorized by the Federal Clean Water Act, the NPDES permit program controls water pollution by regulating point sources that discharge pollutants into waters of the United States.

PERSON – The term PERSON as used in this bylaw shall include any individual, group of individuals, association, partnership, corporation, company, business organization, trust, estate, the Town of Maynard or agencies thereof, or any other legal entity or its legal representatives, agents or assigns.

RUNOFF — A term used to describe the water from rain, snowmelt or irrigation that flows over the land surface and is not absorbed into the ground, instead flowing into streams or other surface waters or land depressions.

SITE — The parcel of land being developed or a designated planning area in which the land development project is located.

STORMWATER — Water that accumulates on land because of storms, and can include runoff from urban areas such as roads and roofs.

STORMWATER AUTHORITY — The Town of Maynard Conservation Commission acting pursuant to this bylaw to administer, implement and enforce this bylaw and to adopt regulations pursuant to it. Also referred in this bylaw as the Commission.

STORMWATER MANAGEMENT — The use of structural or nonstructural practices that are designed to reduce and control stormwater runoff pollutant loads, discharge volumes and/or peak flow discharge rates.

STORMWATER MANAGEMENT PERMIT — A permit issued by the Stormwater Authority, after review of an application, plans, calculations, and other supporting documents, approving a system that is designed to protect the environment of the Town from the deleterious effects of uncontrolled and untreated stormwater runoff.

§ 4. Administration.

- A. The Stormwater Authority.
The Conservation Commission shall be the permit granting authority for the issuance of a stormwater management permit and shall administer, implement and enforce this bylaw. Such permit applications shall be submitted, considered and issued only in accordance with the provisions of this bylaw and regulations adopted pursuant to this bylaw. Any powers granted to or duties imposed on the Commission may be delegated in writing by the Commission to its employees or agents or other municipal employees as appropriate.
- B. Stormwater Management Regulations.
The Stormwater Authority may adopt and periodically amend rules and regulations relating to the terms, conditions, definitions, enforcement, fees (including application, clerical, inspection, or consultant fees), procedures and administration of this bylaw 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 14 days before the hearing date. After public notice and public hearing, the commission may promulgate rules and regulations to effectuate the purposes of this bylaw. Failure of the Stormwater Authority to promulgate 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 Handbook and Massachusetts Stormwater Management Regulations.
Unless specifically altered by this bylaw or its regulations, the Stormwater Authority will use the latest accepted version of the Massachusetts Stormwater Management Regulations as contained in the Massachusetts Wetlands Protection Act Regulations at 310 CMR 10.05 (6)(k) and the Massachusetts Stormwater Handbook as issued by the Massachusetts Department of Environmental Protection, as these regulations and handbook may be amended from time to time, for criteria, policy, standards, stormwater systems design and engineering, compliance documentation requirements and general information for the execution of the provisions of this bylaw. Unless specifically altered in this bylaw and its regulations, the Stormwater Authority shall presume that stormwater management practices designed, constructed and maintained in accordance with the Massachusetts Stormwater Regulations and Stormwater Management

this bylaw. If the involved land is not currently in common ownership, all owners of the involved land must jointly apply for the permit.

- (4) A development or alteration of land shall not be segmented or phased in a manner to avoid compliance with this bylaw.
- (5) Alteration of the municipal separate storm sewer system (MS4): No person shall modify or remove any part of the MS4 including surface drainage or piping that crosses private property if it serves the public as part of the drainage system without prior approval of the Stormwater Authority and the Maynard Department of Public Works.

B. Permits and Exemptions.

No person shall alter land within the Town of Maynard meeting the applicability of this bylaw without having obtained a stormwater management permit, except as follows:

- (1) Any work or projects for which all necessary approvals and permits have been issued before the effective date of this bylaw;
- (2) Normal maintenance and improvement of land in agricultural use as defined by the Wetlands Protection Act, MGL c. 131, § 40, and its implementing regulations at 310 CMR 10.04;
- (3) Normal maintenance of existing landscaping, gardens, or lawn areas;
- (4) Stormwater discharges that are wholly subject to jurisdiction under the Wetlands Protection Act or the Maynard Wetland Administration Bylaw and demonstrate compliance with the Massachusetts Storm Water Management Standards for the entire project as reflected in an Order of Conditions or in a Determination of Applicability issued by the Conservation Commission.
- (5) The construction, reconstruction, or repair of any fence or wall that will not alter the existing terrain or drainage patterns;
- (6) Emergency repairs to any stormwater management facility or practice that poses a threat to public safety or health, or as deemed necessary by the Stormwater Authority.
- (7) Repair or replacement of an existing septic system.
- (8) Construction of utilities (gas, water, electric, telephone, etc.) other than stormwater facilities, which will not alter terrain, ground cover, or drainage patterns, provided the work is performed in compliance with the Federal Clean Water Act, NPDES requirements and other applicable federal, state and local laws.
- (9) Customary cemetery management within the limits of the existing improved cemetery grounds. This does not include cemetery expansion into undeveloped area.

§ 3. Definitions.

The definitions contained herein apply to the interpretation and implementation of this bylaw. Terms not defined in this section shall be as contained in the Massachusetts Stormwater Management Regulations and Stormwater Management Handbook. Any other terms not defined in the foregoing described documents shall be construed according to their customary and usual meaning unless the context indicates a special or technical meaning. Additional definitions may be adopted by separate regulation.

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

DEVELOPMENT — Any alteration, construction, disturbance, improvement or modification of land or structures to accommodate a use, expansion of use or redevelopment on a site.

DISTURB – See ALTER.

MASSACHUSETTS STORMWATER MANAGEMENT STANDARDS shall mean the requirements described in the Massachusetts Stormwater Handbook, as they may be amended from time to time, that address water quality (pollutants) and quantity by requiring the implementation of a wide variety of stormwater management strategies.

MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4) – A conveyance or system of conveyances designed or used for collecting, recharging, treating and / or conveying stormwater, including any road with a drainage system, street, gutter, curb, inlet, catch basin, piped storm drain, pumping facility, retention or detention basin, natural or man-made or altered drainage channel, reservoir or other drainage structures that comprise the storm drain

Handbook meet the performance standards of this bylaw.

D. Application for Permit

To file for a permit, an applicant shall submit an application to the Stormwater Authority conforming to the application requirements set forth in the regulations adopted pursuant to this bylaw. In the event that no regulations have been adopted, the application shall consist of the following:

- (1) A written request for a permit with a narrative describing the project and how the proposed project will meet the requirements of the bylaw and applicable regulations.
- (2) Plans and documentation as necessary per the Massachusetts Stormwater Management Regulations and Massachusetts Stormwater Management Handbook as applicable for the scope of the project. These may include but are not limited to Existing Conditions Topographic Plan, Grading and Drainage Plan, Landscape Plan, Erosion and Sediment Control Plan, Stormwater Pollution Prevention Plan, Long Term Pollution Prevention Plan, Stormwater Systems Operation and Maintenance Plan, Stormwater Hydrologic Calculations, Soils Information and Testing Information, Stormwater System Design Calculations.
- (3) Plans and Documentation shall be prepared, stamped and signed by Massachusetts registered professionals in compliance with applicable Massachusetts registration laws and regulations or, where such registration is not required for the scope and discipline relative to the project, the plans and documentation may be prepared by person(s) who can demonstrate to the satisfaction of the Stormwater Authority proficiency in the field of stormwater management as appropriate to the scope of the project.
- (4) Application fee as required by the Regulations adopted under this bylaw.

E. Actions by the Stormwater Authority.

Upon receipt of a complete application for a stormwater management permit, the Stormwater Authority shall review the application at a scheduled and duly posted public meeting within 21 days of receipt, and shall take final action within 21 days from the date of the meeting unless such time is extended by written agreement between the applicant and the Authority. The Stormwater Authority may take any of the following actions on an application for a stormwater management permit:

- (1) Approve the application;
- (2) Approve the application with conditions; and / or waivers.
- (3) Disapprove the application.

F. Waivers.

The Stormwater Authority may waive strict compliance with the requirements of this bylaw or rules and regulations promulgated hereunder, if it determines that a particular requirement or requirements are unwarranted because of the size or character of the project and / or the natural conditions of the site, and where such action:

- (1) Is allowed by federal, state and local laws and regulations;
- (2) Is in the overriding public interest; and
- (3) Is not inconsistent with the purpose and intent of this bylaw.

Any request for a waiver of any provision(s) of this bylaw or rules and regulations shall be submitted in writing to the Stormwater Authority at the time of Application. Such requests shall clearly identify the provision(s) from which relief is sought and shall include information setting forth the reasons why, in the Applicant's opinion, the granting of such a waiver would meet the waiver criteria contained in this section.

G. Appeals.

The decisions or orders of the Stormwater Authority shall be final. Further relief of a decision by the Stormwater Authority made under this bylaw shall be review able in the Superior Court in an action filed within 60 days thereof, in accordance with MGL c. 249, § 4.

H. Fees.

The Stormwater Authority shall establish fees to cover expenses incurred by the Town in reviewing the application and monitoring permit compliance. As provided by GL Ch. 44 §53G, the Stormwater Authority may impose upon the applicant reasonable fees for the employment of outside consultants, engaged by the Stormwater Authority, for specific expert services.

§ 5. Enforcement

- A. Enforcement authority.
The Stormwater Authority shall enforce this bylaw and resulting regulations, orders, violation notices, and enforcement orders, and may pursue all civil and criminal remedies for such violations. As an alternative to criminal prosecution or civil action, the Stormwater Authority may elect to utilize the non-criminal disposition procedure set forth in G.L. Ch. 40 §21D and Ch. XXV Non-Criminal Disposition of Bylaw Violations of the Town of Maynard General Bylaws.
- B. Penalties.
Any person violating this bylaw is subject to any applicable penalties or other legal enforcement action by the Town.
- C. Remedies not exclusive.
The remedies listed in this bylaw are not exclusive of any other remedies available under any applicable federal, state or local law.

§ 6. Severability.

If any court of competent jurisdiction declares that any section, provision, paragraph, sentence, or clause of this bylaw, or any rule or regulation promulgated hereunder, is invalid or unconstitutional, any other section, provision, sentence or clause thereof, or other rule or regulation promulgated hereunder, shall remain in full force and effect;

To do or act thereon.

SPONSORED BY:	Conservation Commission
APPROPRIATION:	None
FINCOM RECOMMENDATION:	No Recommendation

The following action was taken:

Voted: To accept the article as printed in the warrant except the words "To do or act thereon".

The Finance Committee made no recommendation.

The Conservation Commission recommended.

ARTICLE 13: REDUCE TOWN MEETING QUORUM

To see if the Town will vote to amend Chapter 1, Section 2 of the Maynard Town By-Laws by deleting the words "One Hundred (100)" in the first line of the paragraph and replacing them with the words "Zero (0)";

To do or act thereon.

SPONSORED BY: Board of Selectmen
APPROPRIATION: None
FINCOM RECOMMENDATION: At Town Meeting

The Finance Committee did not recommend.

The following action was taken:

Mr. Jack McKeen took over as Assistant Town Moderator for Article 13.

Voted: Motion made to amend Article 13 by replacing the number "0" with the number "75."

Motion carried.

Article 13 carried.

**ARTICLE: 4 MASSACHUSETTS BUILDING CODE APPENDIX 120.AA,
“STRETCH CODE”.**

TO DETERMINE WHETHER THE TOWN OF MAYNARD WILL VOTE TO ADOPT, OR AUTHORIZE THE BOARD OF SELECTMEN TO ADOPT, THAT PORTION OF THE STATE BUILDING CODE, 780 CMR APPENDIX 120AA, KNOWN AS THE MASSACHUSETTS STRETCH ENERGY CODE (“STRETCH CODE”), AS REQUIRED BY STATE REGULATION. THE KEY PROVISIONS OF THE STRETCH CODE ARE SUMMARIZED BELOW.

Summary of the Massachusetts Building Code Appendix 120.AA, “Stretch Code”

1. History. Appendix 120.AA of the State Building Code, known as the “Stretch Code” was adopted by the Massachusetts Board of Building Regulations and Standards in May 2009, as an optional appendix.

2. Purpose. The optional Stretch Code was developed in response to the call for improved building energy efficiency in Massachusetts. Towns and cities in the Commonwealth may adopt Appendix 120.AA in place of the energy efficiency requirements of the “base” building code. The Stretch Code mandates approximately 20% greater building energy efficiency.

3. Green Communities Act. In 2008, Massachusetts adopted the Green Communities Act, Chapter 169 of the Acts of 2008, the purpose of which is to provide for renewable and alternative energy and energy efficiency in the Commonwealth. The Green Communities Act requires that Massachusetts adopt each new IECC within one year of its release. The IECC is updated on a three (3) year cycle. The next version will be IECC 2012, which is expected to be similar to the Stretch Code and required by the Commonwealth..

4. Effect. The Stretch Code, 780 CMR 120 AA, may be adopted or rescinded by any municipality in the Commonwealth in the manner prescribed by law. When adopted by a municipality the Stretch Code, rather than 780 CMR 13, 34, 61, or 93, as applicable, shall govern.

5. Residential - New Construction. New residential buildings three (3) stories or less will be required to meet an energy performance standard using the Home Energy Rating System (HERS).⁵ The HERS index scores a home on a scale where 0 is a zero-net-energy home, and 100 is a code compliant new home (currently based on the IECC 2006 code). The HERS index has been in use for many years by programs such as Energy Star Homes, LEED for Homes, and by the Federal IRS for tax credits and energy efficient mortgages. HERS ratings are performed by an independent HERS rater, working with the home builder, and then submitted to the local building code official. The Stretch Code requires a HERS index of 65 or less for new homes of 3,000 square feet or above, and 70 or less for new homes below 3,000 square feet (this includes multi-family units in buildings of 3 stories or less). A HERS index of 65 means that the home is estimated to use 65% as much energy as the same home built to the 2006 energy code, or a 35% annual energy savings.

⁵For a summary of the HERS index see: http://www.energystar.gov/index.cfm?c=bldrs_lenders_raters.nh_HERS

6. Residential – Home Renovations. Home additions and renovations have two options to meet the stretch code:

- * The same “performance” approach as new construction but requiring a HERS of 80 or less for significant changes to homes over 2,000 square feet, or 85 or less for homes below 2,000 square feet.
- * A “prescriptive” approach, where specific efficiency measures are required rather than HERS index number. This utilizes the Energy Star for Homes program prescriptive requirements, and insulation at least equal to IECC 2009.

7. Commercial –New Construction. The Stretch Code also applies a performance-based code to commercial buildings, with the option of a prescriptive code for small and medium-sized commercial buildings. Buildings smaller than 5,000 square feet are exempt, as are building renovations, and “specialty” buildings – supermarkets, laboratories, and warehouses – below 40,000 square feet in size, due to their widely differing energy needs. These exempt buildings remain subject to the “base” Massachusetts energy code (IECC 2009 and ASHRAE 90.1-2007), and all applicable Massachusetts amendments.

- * Large buildings of any type over 100,000 square feet, and “specialty” buildings over 40,000 square feet are required to meet a performance standard set at 20% below the energy usage of the commonly used ASHRAE 90.1-2007 code, demonstrated through modeling by methods and software approved by the Commonwealth.
- * Medium-sized commercial buildings, which include residential buildings of 4 stories or more, but that are less than 100,000 square feet, have the option of meeting the same 20% better than ASHRAE 90.1-2007 performance standard, or using a simplified, prescriptive energy code.

OR WHAT IT WILL DO IN RELATION THERETO.

To do or act thereon.

SPONSORED BY:	Green Communities
APPROPRIATION:	None
FINCOM RECOMMENDATION:	No Recommendation

The following action was taken:

Voted: That the Town adopt the Stretch Code as a new Chapter XXIX entitled the Stretch Energy Code, in the Town of Maynard General Bylaws as follows:

Section 1. Definitions

- A. International Energy Conservation Code (IECC) 2009 – The International Energy Conservation Code (IECC) is a building code created by the International Code Council. It is a model code adopted by many state and municipal governments in the United States for the establishment of minimum design and construction requirements for energy efficiency.**

Commencing July 1, 2010, the baseline energy conservation requirements of the MA State Building Code will default to IECC 2009 and MA amendments.

- B. Stretch Energy Code – Codified by the Board of Building Regulations and Standards as 780 CMR Appendix 115 AA, the Stretch Energy Code is the International Energy Conservation Code (IECC) 2009 with amendments contained herein.**

Section 2. Purpose

The purpose of 780 CMR 115.AA is to provide a more energy efficient alternative to the base energy code applicable to the relevant sections of the building code for both new construction and existing buildings.

Section 3. Applicability

This code applies to residential and commercial buildings. Buildings not included in this scope shall comply with 780 CMR 13, 34, 61, or 93 as applicable.

Section 4.

The Town of Maynard, seeking to ensure that construction within its boundaries is designed and built above the energy efficiency requirements of 780 CMR, mandates adherence to Appendix 115 AA.

Section 5. Stretch Code

The Stretch Code, as codified by the Board of Building Regulations and Standards as 780 CMR Appendix 115 AA, including any amendments or modifications, is herein incorporated by reference into the Town of Maynard General Bylaws, Chapter XXIX.

Section 6. Enforcement

The Stretch Code is enforceable by the building inspector official.

The Finance Committee made no recommendation

Special Town Meeting – October 26, 2011 – Fowler Middle School

ARTICLE: 5

SOLID WASTE BY-LAW

To see if the town will vote to amend Chapter VI of the General Bylaws by adding new sections 3 as follows:

Section 3: Solid Waste Collection, Management and Enforcement

A. Overall Authority: The Board of Health shall be responsible for providing overall direction and enforcement of those areas of any of the solid waste programs that are assigned to it by state law, local bylaw, the Board of Selectmen or the Town Administrator. In furtherance hereof, and in accordance with G.L. c. 111 §31B the Board of Health shall make rules and regulations, including the establishment of fees, for the control of the removal, transportation or disposal of garbage, offal or other offensive substances. Additionally, the Board of Health shall make rules and regulations for the control of recycling and leaf and yard waste collections and disposal. The Board of Health shall hold a public hearing in accordance with G.L. c. 111 §31 prior to the adoption of said regulations.

B. Day to Day Management: The Department of Public Works, shall be responsible for the establishment and overall management of the Town of Maynard collection, management and disposal of residential solid waste, including but not limited to curbside collection of trash, residential refuse, recycling, leaf collection, drop off collection, and shall conduct said management consistent with the Rules and Regulations established by the Board of Health. Notwithstanding the foregoing, the licensing of contractors and dumpsters shall remain under the management of the Board of Health.

C. Violations and Penalties: Any person who violates any prohibition contained in the Regulations adopted by the Board of Health shall be subject to a fine of \$300.00 for each offense; where each day the offense occurs being deemed a separate offense and each improperly disposed of item shall constitute a separate offense. The fines noted hereunder shall be in addition to and not in place of any fine or penalty provided for by the General Laws of the Commonwealth of Massachusetts.

D. Enforcement: The Public Health Agent, Director of Public Works or designee, the Maynard Police Department, shall each have authority to enforce the provisions and issue citations as necessary of this bylaw.

To do or act thereon.

SPONSORED BY:	Board of Selectmen
APPROPRIATION:	None
FINCOM RECOMMENDATION:	At Town Meeting

The following action was taken:

Voted: To accept the article as printed in the warrant except the words "To do or act thereon."

The Finance Committee recommended.

Annual Town Meeting – May 21, 2012 – Fowler Middle School

ARTICLE: 2 Dog By-Laws Amendment Section 8

To see if the Town will vote to amend Section 8 of Chapter XIX, Dog Owner’s Responsibility Law, of the Town of Maynard By-laws as follows: (~~Strikeout~~ text represents deleted language of the proposed amendment.)

Section 8:

No person shall permit a dog ~~by~~ under their direct control to be off the premises of the owner or person responsible ~~between the hours of 7:00 a.m. and 8:00 p.m.~~ unless the dog is under the full and direct control of the owner or responsible person and kept on a safe and adequate leash. The owner of the dog or person responsible who violates this By-law shall, after receiving a written warning to a violation of this section can be punished for a subsequent offense by a penalty of ten dollars (\$10) for the first offense, twenty-five dollars (\$25) for the second offense, and fifty dollars (\$50) for each subsequent offense. The person responsible for the control of any dog shall be deemed to be a person who has willingly assumed control of the dog from its owner or, in the alternative, the licensed owner of the dog.

To do or act thereon.

SPONSORED BY: Town Clerk
APPROPRIATION: None
FINCOM RECOMMENDATION:

The following action was taken:

Voted: To accept the article as printed in the warrant except the words “To do or act thereon.”

The Finance Committee recommended.

ARTICLE: 3 Dog By-Laws Amendment Section 1

To see if the Town will vote to delete Section 1 of Chapter XIX, Dog Owner's Responsibility, of the Town of Maynard By-Laws and replace with a new Section 1 as follows:

Section 1 which currently reads:

The annual fee for every dog license, except as otherwise provided by law, shall be ten dollars (\$10) for each dog license issued by the Town.

No fee shall be charged for a license for a dog specially trained to lead or serve a blind person; provided that the Division of the Blind certifies that such dog is so trained and actual lint he service of a blind person. No license fee or part thereof shall be refunded because of the subsequent death, loss, spaying or removal from the Commonwealth or other disposal of the dog, no shall any license fee or part thereof paid by mistake be paid or recovered back after it has been paid over to the County under Ch. 140, Section 147 of the Massachusetts General Laws.

To read instead:

Section 1: Licensing

A. Three or fewer dogs.

- (i) Every dog (6) months old or older kept in the Town of Maynard shall be duly registered, numbered, described and licensed on an annual basis. The annual licensing period runs from January 1 through December 31.
- (ii) Every person who becomes owner or keeper of such a dog shall, within thirty (30) days of its becoming six (6) months old or thirty (30) days of becoming its owner or keeper, whichever shall last occur, shall obtain such license from the Town Clerk. The Owner or Keeper shall submit an application on the form proscribed along with proof of rabies vaccination, notarized letter from a licensed veterinarian stating that the dog has been vaccinated, or Board of Health Declaration that the dog is exempt from the vaccination requirement to the Licensing.
- (iii) The registering, numbering, describing and licensing of a dog shall be done by the Town Clerk, and shall be subject to the conditions expressed therein that the dog which is the subject of the license shall be controlled and restrained from killing, chasing or harassing livestock, fowls or wildlife.
- (iv) The owner of a licensed dog shall cause it to wear around its neck or body a collar or harness of leather or other suitable materials, to which shall be securely attached a tag on a form proscribed and distributed by the Town Clerk when a license is issued. Such tag shall state "Town of Maynard," the year of issue and tag number. The Town Clerk shall maintain a record of the identifying numbers.
- (v) If any such tag is lost the owner shall secure a substitute tag issued by the Town Clerk.

(vi) The Town Clerk shall not grant any license until and unless a current rabies vaccination certificate or Board of Health Declaration that the dog is exempt from the vaccination requirement for the animal has been presented.

(vii) A transfer license from another location in Massachusetts shall be granted upon application provided that adequate proof is presented to the Town Clerk at the time of application. Such application shall occur within thirty (30) days of establishing residency within Maynard.

(viii) The annual fee for every dog license, except as otherwise provided by law, shall be ten dollars (\$10.00) for neutered/spayed, fifteen dollars (\$15.00) for intact.

(B) Four or more Dogs:

Any person maintaining a Commercial Boarding or Training Kennel, Commercial Breeder Kennel, Domestic Charitable Corporation Kennel, Personal Kennel, or Veterinary Kennel, upon application shall be issued a kennel license. Prior to the issuance of a kennel license, the Animal Control Officer or Animal Inspector may inspect the proposed facilities to insure they comply with any rules and regulations as they may relate to Kennels.

(i) An owner or keeper of less than four (4) dogs, three (3) months old or older, who does not maintain a Kennel may elect to secure a Kennel license in lieu of licensing each dog individually, provided however that such owner or keeper shall be subject to all provisions of this bylaw relating to the maintenance, operation and licensing of Kennels as if he or she were maintaining a Kennel.

(ii) The Animal Control Officer may at any time inspect any Kennel located in the Town of Maynard.

(iii) Petitions or complaints against any such Kennel shall be filed with the Board of Selectmen. The Board, as well as the Town Administrator, shall have investigatory powers over any such petitions or complaints. Said investigation shall be conducted by the Town Administrator who, within seven days after the filing of such petition or complaint, shall give notice to all parties of interest of a public hearing to be held before the Board of Selectmen ^{*}within twenty-one (21) days after the date of such notice. After such public hearing the Board may make an order either revoking or suspending such kennel license or otherwise regulating such Kennel, or dismissing said petition. Within ten days after receipt of such order, the holder of such license may bring a petition in the district court as outlined in G.L. c. 140, § 137C. Any person maintaining a Kennel after the license has been revoked, or while such license is suspended shall be punished as set forth in the penalty provision of this bylaw.

(iv) A kennel license shall be in lieu of any other license for a dog kept at a Kennel during any portion of the period for which the kennel license is valid. A kennel licensee shall cause each dog kept in its Kennel to wear, while it is at large, a collar or harness of leather or other suitable material, to which a tag shall be securely attached. Such tags shall be provided to the kennel licensee by the Town Clerk and shall state "Town of Maynard," the year of issue and kennel license number.

** Disapproved by A.G.'s office. Remains at 14 days.*

To do or act thereon.

SPONSORED BY: Town Clerk
APPROPRIATION: None
FINCOM RECOMMENDATION:

The following action was taken:

Voted: To accept the article as printed in the warrant except the words "To do or act thereon."

The Finance Committee recommended.

ARTICLE: 5 Dog By-Laws Amendment Section 9

To see if the Town will vote to amend Section 9 of Chapter XIX of the Town of Maynard By-laws regarding the "Leash Law", as follows:

Which currently reads:

Section 9: Leash Law

No owner of any dog shall permit such dog to run at large at any time. The provisions of this section shall not be intended to apply to dogs participating in any dog show, nor to "seeing-eye" dogs properly trained to assist blind persons for the purpose of aiding them in going from place to place, nor to any dogs properly trained and under the control of and aiding the deaf, nor to any dogs being trained or actually being used for hunting purposes while such dogs are actively engaged in hunting activity on property permitting such activity.

Nothing contained in the foregoing paragraph shall prevent the Board of Selectmen from passing any orders authorized by the Massachusetts General Law at such times as they shall deem necessary to safeguard the public.

Every owner of a dog shall exercise proper care and control of their dog so as to prevent said dog from becoming a public nuisance.

To read instead: (~~Strikeout~~ test represents deleted language and **bold** font represents proposed amendment. The last two paragraphs have been rearranged.)

No owner of any dog shall permit such dog to run at large at any time. The provisions of this section **shall not apply to the following:**

~~be intended to apply to~~

- a. dogs participating in any dog show,
- b. ~~nor to~~ "seeing-eye" dogs properly trained to assist blind persons for the purpose of aiding them in going from place to place,
- c. ~~nor to~~ any dogs properly trained and under the control of and aiding the deaf,
- d. ~~nor to~~ any dogs being trained or actually being used for hunting purposes while such dogs are actively engaged in hunting activity on property permitting such activity.
- e. **so long as the owner or keeper of a dog(s) is present and attentive to the dog(s) while said dog(s) is running or occupying a "Dog Park", "Dog Run" or "Dog Exercise Area" which has been so designated by the Board of Selectmen.**

Every owner of a dog shall exercise proper care and control of their dog so as to prevent said dog from becoming a public nuisance.

Nothing contained in the foregoing paragraphs shall prevent the Board of Selectmen from passing any orders authorized by the Massachusetts General Law at such times as they shall deem necessary to safeguard the public.

To do or act thereon.

SPONSORED BY: Board of Selectmen
APPROPRIATION: None
FINCOM RECOMMENDATION:

The following action was taken:

Voted: To accept the article as printed in the warrant except the words "To do or act thereon."

The Finance Committee recommended.