

**COMMONWEALTH OF MASSACHUSETTS**

**TOWN OF GRAFTON**

**ANNUAL TOWN MEETING**

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**COMMONWEALTH OF MASSACHUSETTS**

**TOWN OF GRAFTON**

**ANNUAL TOWN MEETING**

**WARRANT**

**Worcester, ss:**

**To Any of the Constables of the Town of Grafton, in the County of Worcester**

**GREETING:**

In the name of the Commonwealth of Massachusetts, you are directed to notify and warn the Inhabitants of the Town of Grafton, qualified to vote in elections and Town affairs, to meet in the John Fitzgerald Kennedy Memorial Auditorium at the Grafton Memorial Senior High School on Monday, the Eleventh Day of May AD, 2009 at Seven Thirty O'clock PM and to act on the following articles, to wit:

**ARTICLE 1. HEAR REPORTS OF OFFICES, BOARDS AND COMMITTEES**

To hear the reports of the several Town Officers, Boards and Committees, or to take any other action relative thereto.

Submitted by: Board of Selectmen

**Finance Committee recommends acceptance of these reports.**

**ARTICLE 2. APPOINT TRUSTEE OF NELSON PARK AND LIBRARY**

To see if the Town will vote to appoint a Trustee of the Nelson Park and Memorial Library and Building Fund for a term of three years, or to take any other action relative thereto.

Submitted by: Trustees Nelson Park & Memorial Library

**Finance Committee recommends passage of Article 2.  
Finance Committee supports the appointment of the nominees  
for the positions of the Nelson Park and Memorial Library  
Trustees.**

**ARTICLE 3. TOWN'S SHARE OF NET OPERATING COSTS –  
BLACKSTONE VALLEY VOCATIONAL REGIONAL  
SCHOOL DISTRICT**

To see if the Town will vote to raise and appropriate or transfer from available funds, the sum of Nine Hundred Sixty-seven Thousand Nine Hundred Twelve Dollars (\$967,912), or any other sum, for the purpose of paying the Town's share of the net operating costs of the Blackstone Valley Vocational Regional School District (the "District") for the Fiscal Year commencing July 1, 2009, or to take any other action relative thereto.

Submitted by: Blackstone Valley Vocational Regional School District  
Committee

**Finance Committee recommends passage of this article.**

**This article provides Grafton's share of the net operating cost  
for Blackstone Valley Vocational Regional School. This amount  
reflects the cost for the 97 Grafton students who will be  
attending.**

**ARTICLE 4. BLACKSTONE VALLEY VOCATIONAL SCHOOL –  
PRINCIPAL AND INTEREST**

To see if the Town will vote to appropriate from the Blackstone Valley Vocational School Stabilization Fund the sum of Seventy-two Thousand Five Hundred Twenty-eight Dollars (\$72,528), or any other sum, to fund the principal and interest costs for FY10 to be incurred by the Blackstone Valley Vocational Regional School District for its capital expansion project, or to take any other action relative thereto.

Submitted by: Blackstone Valley Vocation Regional School  
District Committee

**Finance Committee recommends passage of this article.  
This amount represents Grafton's continuing obligation for the  
Blackstone Valley Vocational capital expansion project.**

**ARTICLE 5. CITIZEN PETITION – TRASH COLLECTION**

“To see if the Town will vote to keep the trash collection as it is now or change to a “pay as you throw system.”

“To see if the Town will vote to raise and appropriate or transfer from available funds in the Treasury in the Excess and Deficiency Account the sum of Five HHundred Thousand Dollars (\$500,000) to fund trash collection in its' present form for fiscal year 2010” as petitioned for by more than ten (10) registered voters of the Town, or to take any other action relative thereto.

Submitted by: Citizen Petition

**Finance Committee opposes passage of Article 5.**

**The Committee considers the language in this article, as it is currently written, to be unclear. There are two distinct statements and the impact of the outcome of Section 1 on Section 2 is not defined.**

**The Finance Committee recognizes the right of the townspeople to publicly express an opinion on the options of continuing the practice of tax funded trash collection or implementing a revenue generating PAYT (pay as you throw) program. However, the vote suggested in this article is non-binding. The Finance Committee has been informed that the final legislative authority for implementation of a pay as you throw program resides with the Board of Selectmen.**

**The Finance Committee supports PAYT. PAYT is expected to encourage increased recycling, an important environmental benefit that will reduce tipping tonnage and, as a result, the Town's tipping fee expense.**

**Implementing PAYT will also create a new revenue source for the Town. The budget to be considered in Article 6 includes \$400,000.00 of PAYT revenue. The budget also fully funds, in the same manner as previous years, the expense of both trash collection and trash tipping fees – each at \$500,000.00.**

**Eliminating \$400,000.00 of PAYT revenue will result in a significant revenue shortfall that cannot easily be cured by raising and appropriating funds or transferring funds from existing accounts. Neither approach is a sustainable funding source at the present time. We do not have the capacity to raise this amount through existing revenue sources. Eliminating PAYT will require a reduction in operating budgets, affecting town employment, services and schools. Reducing existing reserves by this amount, while conceivable in the short-term, exposes the Town to rating agency risk and is clearly not sustainable over time. In contrast, PAYT generates sustainable revenue and serves as an important element for balancing the FY10 operating budget.**

**If PAYT is not implemented, the consequence will be a delay in approving the FY10 budget to give the Town Administrator, Board of Selectmen, Finance Committee, Department Heads and Committees the opportunity to resolve any budget imbalance regardless of the source (eliminating PAYT, current state house local aid, etc.) Implementing these changes may result in a significant delay in finalizing the Town's FY10 operating budget and place the town in a less than ideal situation affecting on going business operations.**

**We are in difficult economic times, and further reductions in state funding are more than a possibility. By not utilizing a PAYT program, we limit our ability to raise the revenue that allows the Town to provide vital services. Implementation**

**provides the Town with an opportunity to generate revenue, continue a non-mandated service, enhance recycling efforts and likely reduce the Town's overall trash disposal fees.**

#### **ARTICLE 6. FY10 BUDGETS**

To see if the Town will vote to raise and appropriate or transfer from available funds in the Treasury the sum of money recommended by the Town Administrator as shown in the Finance Committee's printed report for the several Town Departments for the Fiscal Year beginning July 1, 2009, or to take any other action relative thereto.

Submitted by: Town Administrator

**Finance Committee recommends passage of Article 6 in the amount of \$39,338,241.00.**

**The FY10 proposed budget is \$1.2 million or 3.2% higher than the FY09 budget. Although expected revenues are difficult to predict in this challenging economic climate, the amounts reflected in the budget represent the best information available at this time. Expenses have been carefully established with the increased cost of employee contractual obligations, including health insurance and retirement benefit costs, driving the majority of the FY10 increase. Revenues include PAYT fees of \$400,000.00 – these fees are a key factor in avoiding significant reductions to Town services.**

#### **ARTICLE 7. FY10 SALARY INCREASES**

To see if the Town will vote to amend the Town's General Bylaws, Article 20, Section 4-25, Classification Plan and to raise and appropriate or transfer a sum of money to various departmental accounts as distributed by the Town Accountant to fund FY10 Salary increases for personnel, or to take any other action relative thereto.

Submitted by: Personnel Board

**Finance Committee opposes passage of Article 7.**

**At this time, further clarification is needed in order for the Finance Committee to recommend this article. The Finance Committee will reconsider this article when more information becomes available.**

**ARTICLE 8. FUND FY10 CAPITAL EXPENDITURE BUDGET**

To see if the Town will vote to raise and appropriate, borrow, or transfer from available funds in the Treasury a sum of money for the purposes of funding the FY10 Capital Expenditure Budget, and said sum to be spent under the direction of the Board of Selectmen, Town Administrator and various other departments, or to take any other action relative thereto.

Submitted by: Town Administrator

**The Finance Committee recommends passage of Article 8 in the amount of \$485,691.00.**

**The items to be purchased have, with the exception of Chimney Re-pointing, been listed in the Town's Capital Plan. The list represents a reasonable compromise among priority, individual cost and the limited funds available in these challenging economic conditions.**

**ARTICLE 9. UNEMPLOYMENT COMPENSATION**

To see if the Town will vote to raise and appropriate or transfer from available funds the sum of Fifty Thousand Dollars (\$50,000), or any other sum, said sum to be added to Account #84-145-623, or to take any other action relative thereto.

Submitted by: Town Administrator

**Finance Committee recommends passage of Article 9 in the amount of \$50,000.**

**This article will allow the Town to fulfill its obligation of continuing anticipated unemployment compensation.**

**ARTICLE 10 \$10/HALF DAY; \$20/WHOLE DAY ATTENDANCE AT HEARINGS OR MEETINGS – BOARD MEMBERS**

To see if the Town will vote that any persons, except full-time employees of the Town who are being paid a salary or hourly compensation, and anyone else collecting from the Town on an hourly rate at the time of attendance, all as determined by the Town of Grafton personnel policies who have been authorized by a vote of the multiple member body so requesting their presence, who is subsequently approved by the Board of Selectmen to attend any meeting or hearing in the interest of the Town, to be paid out of the budget of the multiple member body so requesting their presence at the rate of not less than Ten Dollars (\$10) for half day and not more than Twenty Dollars (\$20) for a whole day of attendance plus expenses for such attendance, or to take any other action relative thereto.

Submitted by: Board of Selectmen

**Finance Committee recommends passage of Article 10.**

**This article is routine annual business. There is no change in the rate from last year.**

**ARTICLE 11 AUTHORIZE BOARD TO ACCEPT & ENTER INTO CONTRACTS**

To see if the Town will vote to authorize the Board of Selectmen to accept, and enter into contracts for the expenditure of any funds

allotted by the Commonwealth of Massachusetts for the construction, reconstruction or improvements of public roads, or to take any other action relative thereto.

Submitted by: Board of Selectmen

**Finance Committee recommends passage of Article 11.**

**This article allows the Board of Selectmen to conduct routine Town business.**

**ARTICLE 12. \$1,000 FIRE DEPARTMENT INSURANCE SUPPLEMENT**

To see if the Town will vote to raise and appropriate or transfer from available funds the sum of One Thousand Dollars (\$1,000) or any other sum, to Account #1-800-6220-5861 Fire Department Insurance Supplement established under Article 15 of the March 16, 1987 Special Town Meeting, which is used for the purposes of paying not more than 75.00% of a firefighter's gross pay in case of injury while on duty as specified in Article 15 of the March 16, 1987 Special Town Meeting, or to take any other action relative thereto.

Submitted by: Board of Selectmen

**Finance Committee recommends passage of Article 12.**

**Since we are so fortunate as to have a Call Fire Department, it is important that the Town protect the wages of our fire fighters in case of injury while in service to the Town by paying them, while disabled, 75% of their regular wages. The Finance Committee concurs with the Board of Selectmen that this article not exceed \$1,000.00.**

**ARTICLE 13. FUNDING FOR TRANSPORTATION SERVICES FROM WRTA**

To see if the Town will vote to authorize the Board of Selectmen to request funding of transportation services from the WRTA, and to

contract for and provide elderly bus services for the Town of Grafton for the period of July 1, 2009 through June 30, 2010, or to take any other action relative thereto.

Submitted by: Board of Selectmen

**Finance Committee recommends passage of Article 13.**

**This article is an annual expense that provides our seniors with vital transportation that they would otherwise be unable to secure on their own.**

**ARTICLE 14. AUTHORIZE TREASURER/COLLECTOR TO BORROW MONEY**

To see if the Town will vote to authorize the Town Treasurer/Collector, with the approval of the Board of Selectmen to borrow money from time to time in anticipation of the revenue of the financial year beginning July 1, 2009, in accordance with the provisions of the General Laws, Chapter 44, Section 4, and amendments thereto, and to issue a note or notes as may be given for a period of less than one year in accordance with General Laws, Chapter 44, Section 17, and amendments thereto, or to take any other action relative thereto.

Submitted by: Board of Selectmen

**Finance Committee recommends passage of Article 14.**

**This article allows the Treasurer/Collector to conduct routine Town business in Fiscal Year 2010.**

**ARTICLE 15. BOARD OF SELECTMEN – OPEN SPACE EASEMENT**

To see if the Town will vote to accept an open space easement for the purpose of providing access to and use of the area shown on the plan as the Easement Area "A" and Easement Area "B" on a Plan of

Land Entitled "Easement Plan for 377 Providence Road in Grafton, Mass., October 28 2009" prepared by Guerriere & Halnon, Inc., or to take any other action relative thereto.

Submitted by: Board of Selectmen

**Finance Committee recommends passage of Article 15.**

**This article will allow improved public access to the athletic fields located behind the Millbury Credit Union on Providence Road.**

**ARTICLE 16. ONE GRAFTON COMMON**

To see if the Town will reauthorize the Town Accountant to continue the revolving account pursuant to MGL c44 s53E1/2 entitled "One Grafton Common" for the purposes of receiving rents from the Old Town Hall at One Grafton Common and to expend the same for the maintenance and upkeep of the building under the supervision of the Town Administrator and that expenditures from same shall not exceed Two Hundred Thousand Dollars (\$200,000) or to take any other action relative thereto.

Submitted by: Board of Selectmen

**Finance Committee recommends passage of Article 16.**

**This article reauthorizes the revolving fund that will allow the Town to receive rents and pay expenses connected with managing the "Old Town Hall".**

**ARTICLE 17. \$2,700 TOWN COMMON REPAIRS AND MAINTENANCE**

To see if the town will vote to raise and appropriate or transfer from available funds in the Treasury the sum of Two Thousand Seven Hundred Dollars (\$2,700) to a continuing appropriation account

entitled "Town Common Repairs and Maintenance" to be expended by the Parks and Cemetery Department, or to take any other action relative thereto.

Submitted by: Board of Selectmen

**Finance Committee recommends passage of Article 17 in the amount of \$2,700.00.**

**These funds will be used to maintain the Common in the future. Since maintenance is an ongoing project on the Town's Common, placing the funds in a warrant article is a fiscally prudent manner to handle these projects.**

#### **ARTICLE 18. NON CRIMINAL DISPOSITION BYLAW**

To see if the Town will vote amend the Town By-Laws, ARTICLE 1, GENERAL PROVISIONS, by adding thereto the following:

**SECTION 6E.** Any By-Law of the Town of Grafton, or Rule or Regulation of its officers, boards, committees or departments, the violation of which is subject to a specific penalty may, in the discretion of the Town official who is the appropriate enforcing person, be enforced in the method provided for in Massachusetts General Laws, Chapter 40, Section 21D, including the right to review in the District Court as set forth therein. The non-criminal penalty for each such violation, if not otherwise specified below, shall be \$100.00.

As used herein the term "enforcing person" shall mean any Police Officer of the Town of Grafton with respect to any offense, and the Building Inspector, Wiring Inspector, Plumbing and Gas Piping Inspector, the Fire Chief or Firefighters under his direction, the Board of Health or its designees, the Conservation Commission or its designees, the Tree Warden or his designees, and such other officials as the Board of Selectmen may from time to time designate, each with respect to violations of any By-Laws and/or rules and regulations within their respective jurisdictions. If more than one

official has jurisdiction in any specific case, any such official may be an enforcing person with respect thereto.

The specific penalties listed below shall apply in appropriate cases and in addition to police officers, who shall in all cases be considered an enforcing person for the purposes hereof, the municipal officials listed for each section, if any, shall also be enforcing persons for such sections. Each day on which any violation exists shall be deemed to be a separate offense.

1. Inspector of Wires, Article 11:

Enforcing person: Wiring Inspector, Police Officers

Fine schedule: \$20.00

2. Safety and Order, Article 12:

Enforcing person: Police Officers

Fine schedule:

Sections 8A and 8B (Towing of Obstructing Vehicles) - \$25.00 first offense, \$50.00 second offense, \$100.00 third and subsequent offenses

Section 8C (Depositing Snow on Town Roadways) - \$150.00;

Section 13B (Skateboarding etc. on Posted Public Property) - \$25.00;

Section 16 (Licensing of Junk Dealers) - \$25.00;

Section 19 (Unlawful Soliciting or Canvassing) - \$50.00;

Sections 20A, 20B and 20C (Alcoholic Beverages) - \$50.00;

Section 21-2 (Unlawful Parking in Handicapped Designated Areas) - \$100.00; all others - \$20.00.

3. Earth Removal, Article 13:

Enforcing person: Board of Selectmen, Police Officers

Fine schedule: \$50.00 first offense, \$100.00 second offense, \$200.00 third and subsequent offenses.

4. Inspector of Gas Piping and Gas Appliances, Article 14:

Enforcing person: Gas Inspector, Police Officers

Fine schedule: \$50.00

5. Unregistered Motor Vehicles, Article 15:

Enforcing person: Police Officers

Fine schedule: \$20.00

6. Dogs Running at Large, Article 16:

Enforcing person: Dog Officer, Police Officers

Fine schedule: \$10.00 first offense, \$25.00 second offense, \$50.00 third and subsequent offenses.

7. House Numbering, Article 18:

Enforcing person: Building Inspector, Fire Chief, Police Officers

Fine schedule: \$1.00

8. Use of Silver Lake, Article 22:

Enforcing person: Police Officers

Fine schedule: \$50.00

9. Sewers, Article 23:

Enforcing person: Board of Health, Health Agent, Police Officers

Fine schedule: \$50.00

10. General Wetlands Protection, Article 25:

Enforcing person: Conservation Commission, Conservation Agent,  
Police Officers

Fine schedule: \$300.00

11. Regulations Relative to Biomedical Research, Article 27:

Enforcing person: Board of Health, Health Agent, Police Officers

Fine schedule: \$300.00

12. Use of Lake Ripple, Article 29:

Enforcing person: Police Officers

Fine schedule: \$50.00

13. Alarm By-Law, Article 30:

Enforcing person: Administrator for Alarm Devices, Fire Chief, Police  
Officers

Fine schedule: Sections 7 and 8 (False Alarms) – \$25.00 fourth  
occurrence in calendar year, \$50.00 fifth occurrence in calendar year,  
\$100 sixth and subsequent occurrences in calendar year; Section  
13a (Intentional Causing of False Alarm) - \$100.00; Section 13b  
(Failure to Register Alarm Device) - \$25.00

14. Open Burning, Article 31:

Enforcing person: Fire Chief, Police Officers

Fine schedule: Burning without a permit - \$100.00; Burning after  
4:00 p.m. - \$25.00; Fire out of control - \$100.00

15. Shade Trees, Article 33:

Enforcing person: Tree Warden, Police Officers

Fine schedule: \$300.00

16. Zoning By-Law:

Enforcing person: Building Inspector, Police Officers

Fine schedule: \$100.00

15. Body Art Rules and Regulations:

Enforcing person: Board of Health, Health Agent, Police Officers

Fine schedule: \$50.00

16. Floor Drain Regulations:

Enforcing person: Board of Health, Health Agent, Police Officers

Fine schedule: \$300.00

17. Massage Therapy Regulations:

Enforcing person: Board of Health, Health Agent, Police Officers

Fine schedule: \$100.00

18. Mercury Disposal Regulations:

Enforcing person: Board of Health, Health Agent, Police Officers

Fine schedule: \$100.00

19. Smoking Regulations Prohibiting Smoking in Membership Organizations:

Enforcing person: Board of Health, Health Agent, Police Officers

Fine schedule: \$100 first offense, \$200 second offense within 24 months of first offense, \$300.00 third and subsequent offense within 24 months of second or most previous offense.

20. Tobacco Control Regulations:

Enforcing person: Board of Health, Health Agent, Police Officers

Fine schedule: \$100.00 first offense, \$200.00 second offense within 12 months, \$300.00 third and subsequent offense within 12 months.

21. Well Regulations:

Enforcing person: Board of Health, Health Agent, Police Officers

Fine Schedule: \$300.00,

or to take any other action relative thereto.

Submitted by: Board of Selectmen

**Finance Committee recommends passage of Article 18 in a 4-3 vote.**

**By-Laws are in place to protect all the citizens of Grafton. These By-Laws are already in place. This article does not change any By-Laws. The purpose of the article is to allow more effective enforcement of the current By-Laws.**

**ARTICLE 19. CREATE AN AFFORDABLE HOUSING TRUST BY-LAW**

To see if the Town will, pursuant to General Laws Chapter 44 Section 55C as adopted at the May 8, 2006 Annual Town Meeting in Article

52 thereof and in furtherance of the Declaration of Trust of the Town of Grafton Affordable Housing Trust, create an Affordable Housing Trust By-Law as follows:

#### **CHAPTER ONE: Purposes**

The purpose of the Affordable Housing Trust Fund (hereinafter "Trust") shall be to provide for the creation and preservation of affordable housing in the Town of Grafton ("the Town") for the benefit of low and moderate income households and in furtherance of this purpose, to acquire by gift, purchase, or otherwise, real estate and personal property, both tangible and intangible, of every sort and description; to use such property, both real and personal, in such manner as the Trustees shall deem most appropriate to carry out such purpose; provided however, that all property comprising this Trust and the net earnings thereof shall be used only in the Town exclusively for the benefit of all of the inhabitants of the Town for the creation and preservation of affordable housing therein.

#### **CHAPTER TWO: Tenure of Trustees and Appointment**

The trustees hereunder shall be appointed by the Board of Selectmen. Trustees shall serve for a term not to exceed two years and may be reappointed at the discretion of the Board of Selectmen. Only persons who are residents of the Town of Grafton shall be eligible to hold the office of Trustee. Any Trustee who ceases to be a resident of the Town shall cease to be a Trustee hereunder provided that a written notification of the change in residence has been filed with the Town Clerk.

Any Trustee may resign by written instrument signed and acknowledged by such Trustee and duly filed with the Town Clerk and recorded with the Registry of Deeds and filed with the Land Registration Office. Any Trustee may be removed or suspended by the Board of Selectmen pursuant to the Town Charter, Section 7-8.

If a Trustee shall die, resign, be removed or suspended, or for any other reason cease to be a Trustee hereunder before his/her term of office expires, a successor shall be appointed by the Board of

Selectmen to fill such vacancy provided that in each case the said appointment and acceptance in writing by the Trustee so appointed is filed with the Town Clerk and recorded with the Registry of Deeds and filed with the Land Registration Office. Upon the appointment of any succeeding Trustee and the filing of such appointment the title to the Trust estate shall thereupon and without the necessity of any conveyance be vested in such succeeding Trustee jointly with the remaining Trustees.

Reference to the Trustee shall mean the Trustee or Trustees for the time being hereunder. There shall be no more than six nor less than five Trustees of the Trust.

### **CHAPTER THREE: Meetings of the Trust**

There shall be monthly meetings of the Trust at such time and at such place as the Trustees shall determine. A written notice stating the place, day, hour, and agenda of each Meeting of the Trust shall be posted at Town Hall at least 48 hours before the date of such meeting in accordance with G.L. c. 39 § 23B. A quorum at any meeting shall be a majority of the Trustees qualified and present in person.

### **CHAPTER FOUR: Powers of Trustees**

The powers of the Trustees, all of which shall be carried on in furtherance of the purposes set forth in General Laws Chapter 44 Section 55C, shall include the following:

1. With respect to all real and personal estate at any time held by them as if they were absolute owners thereof, and without limiting the foregoing generality:
  - a. to solicit and accept grants, gifts, devises and bequest or otherwise acquire real or personal property;
  - b. to invest any of the trust property in such manner as they may deem advisable without being limited as to the kind or amount of any investment;

- c. to sell and exchange any or real personal property or any interest therein for such consideration and upon such terms and conditions as they deem advisable;
  - d. to join with others in the acquisition of real property or any interest therein;
  - e. to borrow money and mortgage or pledge any part of the trust estate assets and issue notes or other indebtedness;
  - f. to join with others in borrowings, mortgages and pledges and to guarantee and become surety on obligations of others in transactions in which the Trust has an interest;
  - g. to execute, as lessor or lessee leases, including for terms expiring after the possible expiration of the Trust;
  - h. to restore, construct, repair and maintain buildings and make other improvements and establish such reserves as they deem necessary therefore;
  - i. to pay, compromise, or adjust all obligations incurred and rights acquired in the administration of the Trust;
  - j. to obtain advice of counsel and to rely thereon;
  - k. to employ such other persons, agents, brokers, managers, accountants or advisors as they may deem advisable and to pay reasonable compensation and expenses, apportioning same between income and principal as the board deems advisable; and
  - l. to execute, acknowledge and deliver all such contracts, deeds, mortgages, leases, discharges, and partial releases of mortgages, or other instruments as they may deem advisable in the course of the administration of the Trust.
2. In accordance with G.L. c. 44 § 55C (16) (d), all moneys paid to the Trust shall be paid directly into the Trust and need not be appropriated or accepted and approved into the Trust. General revenues appropriated into the trust become Trust property, and to be expended, these funds need not be further appropriated. All moneys remaining in the trust at the end of any fiscal year, whether or not expended by the Trustees within one (1) year of the date that they were appropriated into the trust, remain trust property.

The Trustees shall have these and all powers set forth in G.L. c. 44 § 55C, and shall refrain from exercising any powers in such manner as to violate the provisions of said statute.

#### **CHAPTER FIVE: Acts of Trustee**

A majority of Trustees may exercise any or all of the powers of the Trustees hereunder and may execute on behalf of the Trustees any and all instruments with the same effects as though executed by all the Trustees. The Trustees may, by instrument executed by all the Trustees, delegate to any attorney, agent, or employee such other powers and duties as they deem advisable, including power to execute, acknowledge or deliver instruments as fully as the Trustees might themselves and to sign and endorse checks for the account of the Trustees of the Trust. The Trustees shall not delegate the authority to amend the Trust and no such delegation shall be effective. No Trustee shall be required to give bond. No license of court shall be required to confirm the validity of any transaction entered into by the Trustees with respect to the Trust Estate. No one dealing with the Trustees need inquire concerning the validity of anything the Trustees purport to do or see to the application of anything paid to or upon the order of the Trustees. No Trustee shall be liable for the acts, negligence or defaults of any other Trustee or any employee, agent, or representative of the Trustees selected with reasonable care, not for errors in judgment, nor mistakes of law or fact made in good faith nor in reliance in good faith on advice of counsel nor for other acts or omissions in good faith.

#### **CHAPTER SIX: Liability**

Neither the Trustees nor any agent or officer of the Trust shall have the authority to bind the Town. The Trust is a public employer and the Trustees are public employees for purposes of G.L. c. 268A. The Trust shall be deemed a municipal agency and the Trustees special municipal employees for the purposes of G.L. c. 258.

#### **CHAPTER SEVEN: Accounts**

The books and records of the Trust shall be audited by an independent auditor in accordance with accepted accounting practices. The results of the audit shall be provided to the Town. The Trust will give an annual report of its activities to the Town, or to take any action relative thereto.

Submitted by: The Grafton Affordable Housing Trust

**Finance Committee recommends passage of Article 19.**

**This is a legal omission that needs to be corrected. The Affordable Housing Trust already exists and the By-Law needs to be added to the Town's By Laws.**

**ARTICLE 20. TRANSFER TOWN-OWNED TAX TITLE PROPERTY TO  
THE AFFORDABLE HOUSING TRUST**

To see if the Town will authorize the Board of Selectmen to transfer town-owned tax title property at 395 Providence Road Unit #4, Map 131, Lot 27, for a fee to the Grafton Affordable Housing Trust for the purposes of developing and selling it as an affordable housing unit, or to take any other action relative thereto.

Submitted by: Affordable Housing Trust

**Finance Committee recommends passage of Article 20.**

**The Affordable Housing Trust will purchase the property from the Town in the amount of \$12,800.00, which represents the amount of back taxes owed on this property. The Affordable Housing Trust will then renovate the condo unit and sell it through a lottery as affordable housing. The Town of Grafton will then receive credit for having an additional affordable housing unit.**

**ARTICLE 21. SCHOOL DEPARTMENT – REVOLVING ACCOUNT –  
STAFF DEVELOPMENT**

To see if the Town will vote to reauthorize the Town Accountant to continue the School Department revolving account pursuant to MGL c. 44, 53E ½ entitled “Staff Development” for the purposes of receiving payments from outside sources for cooperative training workshops and to be used to pay all expenses related to said workshops including but not limited to consultant, material supply, and meal expenses with a limit of this account to be no more than Ten Thousand Dollars (\$10,000), or to take any other action relative thereto.

Submitted by: School Committee

**Finance Committee recommends passage of Article 21.**

**This article allows the School Department to maintain a revolving account for the purpose of receiving payment from other school districts interested in attending our Staff Training Workshops.**

**ARTICLE 22. SCHOOL DEPARTMENT – REVOLVING ACCOUNT –  
EARLY CHILDHOOD**

To see if the Town will vote to reauthorize the Town Accountant to continue the School Department revolving account pursuant to MGL c. 44, 53E ½ entitled “Early Childhood” for the purposes of receiving payments for tuition and to be used to pay expenses related to early childhood programs, including but not limited to personnel costs, materials, books, and supplies with a Ninety Thousand Dollars (\$90,000) limit that may be spent from such account in the ensuing fiscal year, or to take any other action relative thereto.

Submitted by: School Committee

**Finance Committee recommends passage of Article 22.**

**This article allows the School Department to maintain a revolving account for the purpose of receiving payment for tuition collected from participants in the Early Childhood Program.**

**ARTICLE 23. SCHOOL DEPARTMENT – REVOLVING ACCOUNT –  
OUT-OF-DISTRICT STUDENT TRANSPORTATION**

To see if the Town will vote to reauthorize the Town Accountant to continue the School Department revolving account pursuant to MGL c. 44, 53E ½ entitled “Out-of-District Student Transportation” for the purposes of receiving payments for out-of-district student transportation, with a Thirty Thousand Dollar (\$30,000) limit or any other sum. Said funds to be expended by the School Committee, or to take any other action relative thereto.

Submitted by: School Committee

**Finance Committee recommends passage of Article 23.**

**This article reauthorizes a revolving fund to receive payments for out of district student transportation.**

**ARTICLE 24. COUNCIL ON AGING REVOLVING FUND – ELDER BUS  
TRANSPORTATION**

To see if the Town will vote to reauthorize the Town Accountant to continue the Council on Aging revolving fund pursuant to MGL c44, 53E ½ entitled “Elder Bus Transportation” for the purposes of receiving outside payments for elder bus transportation with a limit that may be spent from such account in the ensuring year of Thirty-five Thousand Dollars (\$35,000), or to take any other action relative thereto.

Submitted by: Council on Aging

**Finance Committee recommends passage of Article 24.**

**This article is a routine authorization that allows the Council on Aging to meet the transportation requirement of our seniors.**

**ARTICLE 25. CONSERVATION COMMISSION – AMEND WETLANDS PROTECTION BY-LAW**

To see if the Town will vote to amend the Town's General Wetlands Protection By-Law, Article 25 of the General By-Laws, by making the following changes thereto:

Item 1. At the end of the second paragraph of Section 4, add the following wording:

Notwithstanding the aforesaid, such applications and plans shall be filed concurrently with any application for a special permit and/or site plan review for any project located on a priority development site designated as such by vote of Town Meeting under the provisions of GL c. 43D

Item 2. At the end of the sixth paragraph of section 5.b, add the following wording:

Notwithstanding the aforesaid, any public hearing on a permit application for work proposed on a priority development site designated as such by vote of town Meeting under the provisions of GL c. 43D, shall normally be closed within 120 days.

Item 3. Amend the first sentence of the third paragraph of Section 7 so that it now reads:

A permit shall expire three years from the date of issuance, except that, if not sooner exercised, a permit issued for activities to be undertaken on a priority development site designated as such by vote of Town Meeting under the provisions of GL c. 43D, shall expire five

years from the date of the expiration of the appeal period set forth in Section 13 hereof.  
or to take any other action relative thereto.

Submitted by: Conservation Commission

**Finance Committee recommends passage of this article.**

**These changes to the Grafton Wetlands Protection By-Law implement the requirements for expedited permitting under Chapter 43D.**

**ARTICLE 26. CONSERVATION COMMISSION – REVOLVING ACCOUNT – FILING FEES**

To see if the Town will vote to reauthorize the Town Accountant to continue the revolving account pursuant to MGL Ch. 44 s53E ½ entitled “Conservation Revolving Fund” for the purposes of administering the filing fee provision of the Wetlands Protection Bylaw, and further that the Conservation Commission may expend same without appropriation for expenses reasonably related to its duties and responsibilities as provided therein and that expenditure from same shall not exceed Twenty-five Thousand Dollars (\$25,000) in the fiscal year, or to take any other action relative thereto.

Submitted by: Conservation Commission

**Finance Committee recommends passage of Article 26.**

**This article allows the reauthorization of a revolving fund necessary for the Conservation Commission to conduct routine business.**

**ARTICLE 27. CONSERVATION COMMISSION – STORMWATER MANAGEMENT BYLAW**

To see if the Town will vote to amend the Town By-Laws by adding a new by-law STORMWATER MANAGEMENT BYLAW as follows:

### **STORMWATER MANAGEMENT BY-LAW**

**SECTION 1. Purpose.** The purpose of this By-law is to protect, maintain and enhance the public health, safety, environment and general welfare by establishing minimum requirements and procedures to control the adverse effects of increased post-development stormwater runoff and non-point source pollution associated with new development and redevelopment construction activity.

The Town of Grafton requires the use of Low Impact Development (LID) stormwater management practices whenever possible and better site design to minimize stormwater related impacts within the Town. The LID practices promoted in the Massachusetts Stormwater Management Regulations should be considered for use on development and redevelopment projects in the Town.

**SECTION 2. Applicability.** This By-law applies to any land-disturbing activity in the Town of Grafton as defined here in §2.

All other land disturbing activities below the thresholds established below do not require an administrative review but shall employ best management practices to ensure that erosion is controlled and that disturbed soil is contained on site.

a. Stormwater Management Permit. The following land-disturbing activities, whether new development or redevelopment, shall require a Stormwater Management Permit:

1. Excavating, grading, or other activity which disturbs an area of 40,000 or more square feet or a volume of earth resulting in a total quantity equal to or greater than 1,000 cubic yards.

The application for a Stormwater Management Permit shall include the submittal of a Stormwater Management Plan to the Conservation Commission. This Stormwater Management Plan shall contain sufficient information for the 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, at a minimum, the Massachusetts Stormwater Management Standards as set forth in the DEP Stormwater Management Regulations, Volumes I and II and as amended from time to time. The Town of Grafton requires the use of nonstructural stormwater management practices, better site design practices or Low Impact Development (LID) practices, such as reducing impervious cover and the preservation of Open Space and other natural areas, to the maximum extent practicable.

**SECTION 3. Exceptions.** The provisions of this By-law shall not apply to:

- a. Work performed for normal maintenance or improvement of land in agricultural or forestry use;
- b. The removal of hazardous and/or dead trees;
- c. Routine maintenance of vegetation and removal of dead or diseased limbs or trees necessary to maintain the health of cultivated plants, to control noxious weeds or vines in accordance with a Department of Conservation and Recreation (DCR) approved Forest Management Plan, or to remedy a potential fire or health hazard or threat to public safety;
- d. Repair or replacement of individual sewage disposal systems serving a single- or two-family dwelling when required by the Board of Health for the protection of public health;
- e. Normal maintenance of existing landscaping, gardens or lawn areas associated with a single-family dwelling, provided that such maintenance does not include the following:
  - construction of any walls more than four feet in height;
  - alteration of existing grades by more than two feet in elevation; or
  - alteration of drainage patterns.

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

g. Routine maintenance and upgrade of existing municipal drainage system/stormwater system that will not significantly alter existing terrain or drainage system.

h. Routine maintenance and upgrading of existing public ways including reclamation and paving, and other routine maintenance activities that apply to roadway maintenance that will not significantly alter the existing terrain or drainage system.

**SECTION 4. Waivers.** The Commission may waive strict compliance with any requirement of this By-law or the rules and regulations promulgated hereunder, where such action:

- a. Is allowed by federal, state and local statutes and/or regulations;
- b. Is in the public interest; and
- c. Is not inconsistent with the purpose and intent of this Bylaw.

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

All waiver requests shall be discussed by the Commission and a decision will be made by the Commission within 30 days of receiving the waiver request.

If, in the Commission's opinion, additional time or information is required for review of a waiver request, the Commission may continue consideration of the waiver request to a date certain announced at the meeting. In the event the applicant refuses a continuance, or fails to provide the requested information, the waiver request shall be denied.

**SECTION 5. Administration - Permits, Determination, and Conditions.** The Grafton Conservation Commission, as established

under M.G.L. C. 40, § 8C shall have authority to administer this Bylaw. 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.

a... Review. The Commission and its agents shall review all applications for Stormwater Management Permits, conduct inspections, issue a final permit and conduct any necessary enforcement action. The applicant shall submit all additional information requested by the Commission to issue a decision on the application.

b... Standards. Projects shall meet the standards of the Massachusetts Stormwater Management Regulations.

c. Action. The Commission may:

1. Approve the Stormwater Management Permit application and issue an objectives and requirements of this Bylaw;

2. Approve the Stormwater Management 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 meet the objectives and requirements of this Bylaw;

3. Disapprove the Stormwater Management 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.

d. Extensions. A Stormwater Management Permit shall be valid for three years from the date the permit is issued. The Commission may grant extensions for additional 1 year periods, upon written request for renewal no later than 30 days prior to expiration of the permit.

**SECTION 6. Coordination with other Boards**. Following receipt of a completed application, the Commission shall seek review and comments from the Planning Board, Board of Health, Building

Inspector, and Department of Public Works. The Commission shall not make a decision on the Stormwater Management Permit until it has received comments from these entities or until 14 days have elapsed after receipt of the application materials without submission of comments thereon.

**SECTION 7. Notice and Hearings.**

a. Application. A completed application for a Stormwater Management Permit shall be filed with the Commission. A permit, or a determination that a permit is not required, must be obtained prior to the commencement of land disturbing activity. The permit application requirements are specified in regulations adopted by the Commission.

In an appropriate case, the Commission may accept as the application and plans under this By-law any application and plans filed under the Wetlands Protection Act (G.L. Ch. 131 §40) and regulations (310 CMR 10.00), but the Commission is not obliged to do so.

b. Public Hearing. The Commission shall hold a public hearing within 30 days of the receipt of a complete application, with written notice given at the expense of the applicant five days prior to the hearing. The applicant shall also notify abutters by certified mail at least five days prior to the hearing. The Commission shall make the application available for inspection by the public during business hours at the Town Hall. The Commission shall take final action within 21 days from the time of the close of the hearing unless such time is extended by agreement between the applicant and the Commission.

In an appropriate case, the Commission may combine its hearing under this and regulations (310 CMR 10.00).

**SECTION 8. Operation and Maintenance Plans.** An operation and maintenance plan (O&M Plan) is required at the time of application for all projects subject to a Stormwater Management Permit. The maintenance plan shall be designed to ensure compliance with the permit, this By-law 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 Commission shall make the final decision on what maintenance option is appropriate in a given situation. The Commission will consider natural features, proximity of site to water bodies and wetland resource areas, 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 Commission and shall be an ongoing requirement.

Requirements for the content of the O&M Plan and its implementation are specified in Stormwater Management Rules and Regulations associated with this Bylaw.

**SECTION 9. Certificate of Completion.** Upon the completion of the activities allowed under a Stormwater Management Permit, the applicant shall notify the Commission and request a final inspection and certificate of completion. The applicant shall submit an as-built plan prepared by a professional land surveyor or registered professional engineer along with certification from a registered professional engineer that all construction has been done in accordance with the approved stormwater management plan.

**SECTION 10. Stormwater Management Regulations.** The Conservation Commission may adopt, and periodically amend, rules and regulations relating to the terms, conditions, definitions, enforcement, fees, procedures and administration of this By-law after conducting a public hearing to receive comments on any revisions. After public notice and public hearing, the Commission shall have authority to promulgate rules and regulations to implement this By-law, to review permit applications, to perform monitoring and inspections, to grant or deny permits, and to enforce the provisions of this By-law, and to take any other actions reasonable and appropriate to implement this By-law.

**SECTION 11. Definitions.** The following definitions shall apply in the interpretation and implementation of this By-law:

“Abutter” — The owner(s) of land sharing a common property line with the owner of land that is the subject of an application and the owners of land directly opposite on any public or private street or

way, and abutters to the abutters within 300 feet of the property line of land that is the subject of the application as they appear on the most recent applicable tax list, notwithstanding that the land of any such owner is located in another city or town.

“Agriculture” — The normal maintenance or improvement of land in agricultural or aquacultural use, as defined by the Massachusetts Wetlands Protection Act (M.G.L. C. 131, § 40) and its implementing regulations (310 CMR 10.00) and any agricultural activity which is consistent with an approved soil conservation plan prepared or approved by the United States Department of Agriculture (USDA) Natural Resources Conservation Service.

“Alteration” — Any activity that will measurably change the ability of a ground surface area to absorb water or will change existing surface drainage patterns. Alteration may be similarly represented as “alteration of drainage characteristics,” and “conducting land-disturbing activities.” Such changes include, but are not limited to: 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.

“Applicant” — Any “person,” as defined below, requesting a Stormwater Management Permit for a proposed land-disturbing activity.

“Best Management Practice (BMP)” — Structural, nonstructural and managerial techniques that are recognized to be the most effective and practical means to prevent and/or reduce increases in stormwater volumes and flows, reduce point source and non-point source pollution, and promote stormwater quality and protection of the environment. “Structural” BMPs are devices that are engineered and constructed to provide temporary storage and treatment of stormwater runoff. “Nonstructural” BMPs use natural measures to reduce pollution levels, do not require extensive construction efforts, and/or promote pollutant reduction by eliminating the pollutant source.

“Clearing” — Any activity that removes the vegetative surface cover. Clearing activities generally include disturbance or grubbing activity as defined below.

“Cold Water Fishery” – Environmental resources defined by Massachusetts Division of Fisheries & Wildlife as meeting at least one of three criteria:

1. Brook, brown or rainbow trout has been determined;
2. Slimy sculpin or longnose sucker are present; or
3. The water is part of the Atlantic salmon restoration effort or is stocked with Atlantic salmon fry or parr.

“Development” — The modification of land to accommodate a new use or expansion of use, usually involving construction.

“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), a professional land surveyor (PLS), a registered landscape architect (RLA), 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.

“Grubbing” — The act of clearing land surface by digging up roots and stumps.

“Land-Disturbing Activity or Land Disturbance” — Any activity, including clearing and grubbing, that causes a change in the position or location of soil, sand, rock, gravel, or similar earth material.

“Low-Impact Development (LID)” — Development that results in minimized alterations of the land for a more sustainable land development pattern. The site planning process first identifies critical

natural resources and then determines appropriate building envelopes to preserve resources. LID also incorporates a range of best management practices (BMPs) that preserve the natural hydrology of the land, minimize impervious areas and preserve vegetation.

“Massachusetts Stormwater Management Policy” — The policy issued by the Department of Environmental Protection, as amended from time to time, that coordinates the requirements prescribed by state regulations promulgated under the authority of the Massachusetts Wetlands Protection Act, M.G.L. C. 131, § 40, and the Massachusetts Clean Waters Act, M.G.L. C. 21, § 23-56. The policy addresses stormwater impacts through implementation of performance standards to reduce or prevent pollutants from reaching water bodies and control the quantity of runoff from a site.

“Municipal Storm Drain System or Municipal Separate Storm Sewer System (MS4)” — 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 Grafton.

“Non-Point Source Pollution” — Pollution from diffuse sources, as opposed to discrete conveyances, caused by water, including rainfall or snowmelt, moving over or through the ground.

“Operation and Maintenance Plan” — A plan describing the functional, financial, and organizational mechanisms for the ongoing operation and maintenance of a stormwater management system to ensure that it continues to function as designed.

“Outstanding Resource Waters (ORW)” — Waters designated by the 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 Surface 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.

“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.

“Pre-Development” — Those conditions that exist at the time that plans for the land development of a site or parcel of land are submitted to the Committee. When phased development or plan approval occurs (preliminary grading, roads and utilities, etc.), the existing conditions at the time prior to the first plan submission shall establish pre-development conditions.

“Post-Development” — Those conditions that reasonably may be expected or anticipated to exist after completion of the land development activity on a specific site or parcel of land. Post-development also refers to the phase of a new development or redevelopment project after completion, and does not refer to the construction phase of a project.

“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.

“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.

“Soil” — Earth materials, including decomposed organic material, humic materials, sand, rock and gravel.

“Stabilization” — The use, singly or in combination, of mechanical, structural, or vegetative methods, to prevent or retard erosion.

“Stormwater” — Stormwater runoff, snow melt runoff, and surface water runoff and drainage.

“Stormwater Management Permit (SMP)” — A permit issued by the Commission, which is designed to protect the environment of the Town of Grafton from the deleterious effects of uncontrolled and untreated stormwater runoff.

“Stormwater Management Plan” — A document containing narrative, drawings and details prepared by a qualified professional engineer (PE), a professional land surveyor (PLS), or a certified professional in erosion and sedimentation control (CPESC), which includes structural and nonstructural best management practices to manage and treat stormwater runoff generated from regulated development activity. A Stormwater Management Plan also includes an Operation and Maintenance Plan describing the maintenance requirements for structural best management practices.

“Wetland Resource Area” — Areas specified in the Massachusetts Wetlands Protection Act, M.G.L. C. 131, § 40, and in Article 25, General Wetlands Protection Bylaw, of the Town of Grafton.

**SECTION 12. Security.** The Commission may require the applicant to post a surety bond, cash, or other acceptable security before the start of any land-disturbing activity. The form of the bond/surety shall be approved by Town Counsel and the Town Treasurer, and be in an

amount deemed sufficient by the Commission to insure that the work will be completed in accordance with the permit. Any performance bond or certificate of guarantee shall be executed and maintained by a financial institution, surety, or guaranty company qualified to do business in the Commonwealth.

**SECTION 13. Enforcement and Penalties.** The Commission or its authorized agent shall enforce this By-law, its regulations, orders, violation notices, and enforcement orders, and may pursue all civil and criminal remedies for such violations.

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 thereunder that such violation occurs or continues shall constitute a separate offense.

As an alternative to criminal prosecution or civil action, the Town may elect to utilize the non-criminal disposition procedure set forth in M.G.L. C. 40, § 21D, in which case the Commission or authorized agent shall be the enforcing person. The non-criminal penalty for violations shall be \$50 for the first violation, \$100 for the second violation, and \$300 for the third violation and each subsequent violation. Each day or part thereof that such violation occurs or continues shall constitute a separate offense.

**SECTION 14. Inspection.** Filing an application for a Stormwater Management Permit grants the Commission, or its agent, permission to enter the site of the land-disturbing activity, as permitted by law, to verify the information in the application and to inspect for compliance with permit conditions.

**SECTION 15. Fees.** The Commission by regulation shall promulgate an application fee schedule for stormwater management permit applications and completion certificates. The fee schedule shall be reasonably related to the costs of processing, reviewing and acting upon the application. The fee specified in such a fee schedule shall be made payable to the Town of Grafton and shall accompany the permit application or request for certificate of completion. The Commission may require an additional fee for review of any change in or alteration from an approved permit. Said fee shall be paid into a

special account set up by the Town Treasurer and may be expended by the Commission for the purpose allocated without further appropriation in accordance with the provisions of M.G.L C. 44, § 55E 1/2.

Pursuant to G.L. Ch. 44 §53G and regulations promulgated by the Commission, securing outside consultants, including engineers or other experts, in order to aid in the review of proposed projects. Such funds shall be deposited with the town treasurer, who shall create an account specifically for this purpose. Additional consultant fees may be requested where the requisite review is more expensive than originally calculated or where new information requires additional consultant services.

**SECTION 16. Appeals.** A decision by the Conservation Commission made under this By-law shall be reviewable in the Superior Court in an action filed within 60 days thereof, in accordance with M.G.L. C. 249 § 4.

**SECTION 17. Relation to the Clean Water Act.** This By-law is adopted under authority granted by the Home Rule Amendment of the Massachusetts Constitution, the Home Rule Statutes, and the regulations of the Federal Clean Water Act found at 40 CFR 122.34.

**SECTION 18. Severability.** If any provision, paragraph, sentence, or clause of this By-law is held invalid for any reason by a court of competent jurisdiction, all other provisions shall continue in full force and effect.

Submitted by: Conservation Commission

**Finance Committee recommends passage of Article 27.**

**The provisions of the new By-Law are consistent with those required by the Massachusetts Stormwater Management Standards as set forth in the DEP Stormwater Management Regulations. Failure to adopt a By-Law exposes the Town to the risk of EPA fines.**

**ARTICLE 28. FIRE DEPARTMENT REVOLVING FUND – FIRE  
SPRINKLER SYSTEM REVIEW**

To see if the Town will vote to reauthorize the Town Accountant to continue the revolving fund pursuant to MGL c44, Section 53E1/2 entitled “Fire Sprinkler System Review” for the purpose of receiving outside payments for fire sprinkler system review with a Ten Thousand Dollar (\$10,000) limit, or any other sum said funds to be expended by the Grafton Fire Department, or to take any other action relative thereto.

Submitted by: Fire Department

**Finance Committee recommends passage of Article 28.**

**This article reauthorizes a revolving fund to receive outside payments for Fire Sprinkler System Review.**

**ARTICLE 29. BOARD OF HEALTH REVOLVING ACCOUNT –  
MEDICARE REIMBURSEMENT**

To see if the Town will vote to reauthorize the Town Accountant to continue the Board of Health revolving account pursuant to MGL c44, s53E1/2 entitled “Vaccine Administration Reimbursement” for the purposes of receiving payments from Medicare Part 855B and other 3<sup>rd</sup> party providers for the distribution of influenza and pneumococcal vaccines with a Three Thousand Dollar (\$3,000) limit that may be spent from such account for immunization administration in the ensuing fiscal year, or to take any other action relative thereto.

Submitted by: Board of Health

**Finance Committee recommends passage of Article 29.**

**This article allows the Board of Health to establish a revolving account to receive payment from Medicare or a third party**

**provider for the distribution of influenza and pneumococcal vaccines not to exceed \$3,000.00.**

**ARTICLE 30. BOARD OF HEALTH – WATER POLLUTION  
ABATEMENT FACILITY PROJECTS**

To see if the Town will vote to appropriate Two Hundred Thousand Dollars (\$200,000) for the purpose of financing the following water pollution abatement facility projects: repair, replacement and/or upgrade of septic systems, pursuant to agreements with the Board of Health and residential property owners, including without limitation all costs thereof as defined in Section 1 of Chapter 29C of the General Laws; that to meet this appropriation the Treasurer with the approval of the Board of Selectmen is authorized to borrow Two Hundred Thousand Dollars (\$200,000) and issue bonds or notes therefore under G.L. c111, Section 127B1/2 and/or Chapter 29C of the General Laws that project and financing costs shall be repaid by the property owners, in accordance with those agreements, but such bonds or notes shall be general obligations of the Town, that the Treasurer with the approval of the Board of Selectmen is authorized to borrow all or a portion of such amount from the Massachusetts Water Pollution Abatement Trust established pursuant to Chapter 29C and in connection therewith to enter into a loan agreement and/or security agreement with the Trust and otherwise contract with the Trust and the Department of Environmental Protection with respect to such loan and for any federal or state aid available for the projects or for the financing thereof, and that the Board of Selectmen is authorized to enter into a project regulatory agreement with the Department of Environmental Protection, to expend all funds available for the projects, and to take any other action necessary to carry out the projects.

Submitted by: Board of Health

**The Finance Committee recommends passage of Article 30.**

**After the \$200,000.00 is appropriated, the Town will apply for a state grant in the same amount. This grant will be the source of funds for this article. The grant will provide loans to assist Town residents with failed septic systems or who have decided to hook up to existing sewer lines.**

**ARTICLE 31. LONG RANGE SIDEWALK**

To see if the Town will vote to raise and appropriate or transfer from available funds in the Treasury the sum of Twenty Thousand Dollars (\$20,000) to Account #1-800-6420-5865 Long Range Sidewalk Account or to take any other action relative thereto.

Submitted by: DPW Advisory Committee

**Finance Committee recommends passage of Article 31.**

**Long range planning involves setting aside minimal amounts every year to insure there will be funds available when a project comes due.**

**ARTICLE 32. LONG RANGE DRAINAGE**

To see if the Town will vote to raise and appropriate or transfer from available funds in the Treasury the sum of Twenty thousand Dollars (\$20,000) to Account #1-800-640-5863 Long Range Drainage Account, or to take any other action relative thereto.

Submitted by: DPW Advisory Committee

**Finance Committee recommends passage of Article 32.**

**Long range planning involves setting aside minimal amounts every year to insure there will be funds available when a project comes due.**

**ARTICLE 33. DPW ADVISORY COMMITTEE – TRANSPORTATION  
BOND BILL**

To see if the Town will vote to raise and appropriate or transfer from available funds in the Treasury Three Hundred Seventy-two Thousand Thirty-nine Dollars (\$372,039) for State-Aid Highway purposes as requested by the Board of Selectmen to be reimbursed from the Commonwealth under the provisions of the Transportation Bond Bill so-called and amendments thereto for construction, reconstruction and improvements including surface treatments and other work incidental to the above, or to take any other action relative thereto.

Submitted by: Board of Selectmen

**The Finance Committee recommends passage of Article 33.**

**This article allows the Town to receive Chapter 90 funds as a reimbursement for projects accepted by the provisions of the Transportation Bond Bill.**

**ARTICLE 34. DPW – ILLICIT DISCHARGE BY-LAW**

To see if the Town will vote to adopt a new By-law – ILLICIT DISCHARGE BY-LAW as follows:

**SECTION 1. PURPOSE**

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

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

The objectives of this by-law are:

1. to prevent pollutants from entering the town's 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**

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

**AUTHORITY:** Board of Selectmen.

**AUTHORIZED ADMINISTRATIVE AGENCY:** The Department of Public Works hereafter the DPW its employees or agents designated to enforce this by-law.

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

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

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

**GROUNDWATER:** Water beneath the surface of the ground.

**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.

**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.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

### **SECTION 3. APPLICABILITY**

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

### **SECTION 4. AUTHORITY**

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

## **SECTION 5. RESPONSIBILITY FOR ADMINISTRATION**

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

## **SECTION 6. REGULATIONS**

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

## **SECTION 7. PROHIBITED ACTIVITIES**

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

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

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

## **SECTION 8. EXEMPTIONS**

Discharge or flow resulting from fire fighting activities.

**The following non-stormwater discharges or flows are exempt from the prohibition of non-stormwater 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.
- (9) Discharge from landscape irrigation or lawn watering or air conditioning condensation;
- (10) Water from individual residential car washing;
- (11) Discharge from dechlorinated swimming pool water (less than one ppm chlorine) provided the water is allowed to stand for one week prior to draining and the pool is drained in such a way as not to cause a nuisance;
- (12) Discharge from street sweeping;
- (13) Dye testing, provided writing notification is given to 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,

(15) Discharge for which advanced written approval is received from the Board of Selectmen as necessary to protect public health, safety, welfare or the environment,

(16) For discharges pertaining to items defined in section 7 and 8 the Town shall require testing of currently conveyed or to be conveyed flow at the expense of the property owner. The town may also require a hydraulic capacity analysis of its drainage system to accommodate the flow conveyed or to be conveyed.

#### **SECTION 9. EMERGENCY SUSPENSION OF STORM DRAINAGE SYSTEM ACCESS**

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

**SECTION 10. NOTIFICATION OF SPILLS** Notwithstanding other requirements of local, state or federal law, as soon as a person responsible for a facility or operation, or responsible for emergency response for a facility or operation has information of or suspects a release of materials at that facility or operation resulting in or which may result in discharge of pollutants to the municipal drainage system or waters of the Commonwealth, the person shall take all necessary steps to ensure containment, and cleanup of the release. In the event of a release of oil or hazardous materials, the person shall immediately notify the municipal fire and police departments and

[insert other appropriate departments]. In the event of a release of non-hazardous material, the reporting person shall notify the Authorized Enforcement Agency no later than the next business day. The reporting person shall provide to the Authorized Enforcement Agency written confirmation of all telephone, facsimile or in-person notifications within three business days thereafter. If the discharge of prohibited materials is from a commercial or industrial facility, the facility owner or operator of the facility shall retain on-site a written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least three years.

## **SECTION 11. ENFORCEMENT**

The Board of Selectmen through the DPW shall enforce this by-law, regulations, orders, violation notices, and enforcement orders, and may pursue all civil and criminal remedies for such violations.

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

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

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

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

**Criminal Penalty:** Any person who violates any provision of this by-law, regulation, order or permit issued thereunder, shall be punished by a fine of not more than \$ 250.00. Each day or part thereof that such violation occurs or continues shall constitute a separate offense.

**Non-Criminal Disposition:** As an alternative to criminal prosecution or civil action, the Board of Selectmen may elect to utilize the non-criminal disposition procedure set forth in G.L. Ch. 40, §21D in which case the DPW shall be the enforcing town department. The penalty for the 1st violation shall be \$100.00. The penalty for the 2nd violation shall be \$250.00. The penalty for the 3rd and subsequent violations shall be \$300.00. Each day or part thereof that such violation occurs or continues shall constitute a separate offense.

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

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

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

## **SECTION 12. SEVERABILITY**

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

## **SECTION 13. TRANSITIONAL PROVISIONS**

Residential property owners shall have (90) ninety 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.

Submitted by: Board of Selectmen

**The Finance Committee recommends passage of Article 34 with a 3-2 vote.**

**The provisions of this new by-law are consistent with those required by the Federal Environmental Protection Agency. Failure to adopt a by-law including these provisions exposes the Town to the risk of EPA fines.**

## **ARTICLE 35. COMMUNITY PRESERVATION COMMITTEE – OPERATING BUDGET**

To see if the Town will vote to authorize the use of Nineteen Thousand Five Hundred Dollars (\$19,500) in the fiscal year 2010

Community Preservation revenues for the purpose of funding the operating budget of the Community Preservation Committee (CPC), or to take any other action relative thereto.

Submitted by: Community Preservation Committee

**Finance Committee recommends passage of Article 35.**

**This article is a routine procedural article necessary to set aside Community Preservation funds for current operating and administrative budgets.**

**ARTICLE 36. COMMUNITY PRESERVATION COMMITTEE – SOUTH GRAFTON COMMUNITY HOUSE**

To see if the Town will vote to appropriate Fifty-one Thousand Seven Hundred Dollars (\$51,700) from the Undesignated Fund Balance to complete interior historical restoration work at the South Grafton Community House, as requested by the Trustees of the South Grafton Community House, with such approval to expire on June 30, 2011, or to take any other action relative thereto.

Submitted by: Community Preservation Committee

**The Finance Committee recommends passage of article 36.**

**The South Grafton Community House is an important asset of the Town and is in need of interior historical restoration. This expenditure is in keeping with the intentions of the Community Preservation Act.**

**ARTICLE 37. COMMUNITY PRESERVATION COMMITTEE – LIBRARY TRUSTEES**

To see if the Town will vote to appropriate Seven Thousand Five Hundred Dollars (\$7,500) from the Undesignated Fund Balance to hire a consultant to perform a historic preservation feasibility study of

the Grafton Public Library to determine the best means for making the building handicap accessible as requested by the Board of Library Trustees with such approval to expire on June 30, 2011, or to take any other action relative thereto.

Submitted by: Community Preservation Committee

**Finance Committee recommends passage of Article 37.**

**This article provides funding to hire a consultant to determine the best means of constructing handicap accessibility to the Town's Center Library. A consultant would be necessary to ensure the protection and preservation of one of the Town's major historical assets.**

**ARTICLE 38. COMMUNITY PRESERVATION COMMITTEE –  
AFFORDABLE HOUSING TRUST**

To see if the Town will vote to transfer Eighty-four Thousand Fifty Dollars (\$84,050) from the CPA Affordable Housing Reserve account to the Grafton Affordable Housing Trust such funds to be used in accordance with the CPA guidelines for community housing, or to take any other action relative thereto.

Submitted by: Community Preservation Committee

**Finance Committee recommends passage of Article 38.**

**These funds are being added to an existing fund so that the Community Preservation Committee can act quickly when affordable housing becomes available. This article satisfies the minimum affordable housing component of the Community Preservation Act program.**

**ARTICLE 39. COMMUNITY PRESERVATION COMMITTEE –NIPMUC  
HOMESTEAD**

To see if the Town will vote to appropriate Thirty-one Thousand Five Hundred Dollars (\$31,500) from the Undesignated Fund Balance to fund the second phase of the restoration of the Hassanamisco Homestead located on the Hassanamisco Reservation as requested by the Nipmuc Tribal Leaders, with such funds to be appropriated only upon execution of Historical Preservation Agreement between the Grafton Board of Selectmen and the Nipmuc Nation. Funds are to be expended by June 30, 2011, or to take any other action relative thereto.

Submitted by: Community Preservation Committee

**Finance Committee recommends passage of Article 39.**

**This article provides funding for the second phase of the restoration (structural stabilization) of the Hassanamisco Homestead located on the Hassanamisco Reservation.**

**ARTICLE 40. COMMUNITY PRESERVATION COMMITTEE –  
HASSANAMESIT WOODS**

To see if the Town will vote to appropriate Eight Thousand Dollars (\$8,000) from the Undesignated Fund Balance to partially fund the 2009 archaeology field school located at Hassanamesit Woods, as requested by the Hassanamesit Woods Management Committee, such funds to be expended before June 30, 2010, or to take any other action relative thereto.

Submitted by: Community Preservation Committee

**Finance Committee recommends passage of Article 40.**

**The \$8,000.00 represents 17% of the total project cost. The anticipated endowment is down this year and CPC is willing to pay the difference of \$8,000.00. This amount will cover the costs for the Summer 2009 field school. For more information on this project, you can visit the website at [www.hassanamesit.org](http://www.hassanamesit.org).**

**ARTICLE 41. COMMUNITY PRESERVATION COMMITTEE - LAKE  
RIPPLE DREDGING OPEN SPACE PROJECT**

To see if the Town will vote to extend the sunset provision, set to expire on June 30, 2009 for the previously approved One Hundred Fifty Thousand Dollars (\$150,000) in Community Preservation Act funds for the Lake Ripple Dredging Open Space Project, with such funds as previously authorized now to be expended before June 30, 2012, or to take any other action relative thereto.

Submitted by: Community Preservation Committee

**Finance Committee recommends passage of Article 41.**

**There is no new money being spent. This will allow the Town more time to complete the project.**

**ARTICLE 42. AMEND ZONING BY-LAW - REPLACE WORDING  
SECTION 3.4.2.4**

To see if the Town will vote to amend its Zoning By-Law by replacing the existing wording in Section 3.4.2.4 with the following:

3.4.2.4 Nonconforming single family or two-family residential structures may be reconstructed, extended, altered, or structurally changed upon a determination by the Inspector of Buildings that such proposed reconstruction, extension, alteration, or change does not increase the nonconforming nature of such structure. The following circumstances shall not be deemed to increase the nonconforming nature of such structure:

(i) alteration to a structure located on a lot with insufficient area provided that the alteration complies with all current setback, yard, building coverage, and building height requirements.

(ii) alteration to a structure located on a lot with insufficient frontage provided that the alteration complies with all current setback, yard, building coverage, and building height requirements.

(iii) alteration to a structure which encroaches upon one or more required yard or setback areas, provided that the alteration will comply with all current setback, yard, building coverage and building height requirements.

or to take any other action relative thereto.

Submitted by: Board of Selectmen

**Finance Committee recommends passage of this article.**

**These changes streamline the process for alterations to a non-conforming single- or two-family home, clarifying the conditions under which approval by the Building Inspector is sufficient, eliminating the need to get approval from the ZBA and the Planning Board under those conditions.**

#### **ARTICLE 43. PLANNING BOARD – DIGITIZE ZONING MAP**

To see if the Town will vote to convert the Zoning Map to a digitized and colorized version with no boundary changes and to amend Section 3.1.2 – Zoning Map by deleting “Zoning Districts – Grafton Town Map dated May 12, 1986 and last revised March 9, 1992, on file with the Town Clerk” and substituting in its place “Town of Grafton – Zoning Map, on file with the Town Clerk.”, or to take any other action relative thereto.

Submitted by: Planning Board

**Finance committee recommends passage of Article 43.**

**This article is to make the new digitized zoning map the legal map for the Town. There is no new money involved with this article.**

**ARTICLE 44. BOARD OF SELECTMEN – ZONING AMENDMENTS**

To see if the Town will vote to make the following minor substantive changes to Sections 2.3 and 4.4.4.2(2) of the Zoning By-law to remove internal inconsistencies therein as follows:

Section 2.3: Delete the words “erected and maintained by the Town” from the definition of Institutional Directory Sign, which currently states “A freestanding outdoor sign erected and maintained by the Town that directs the public to civic educational, cultural and/or religious facilities for reasons of public safety, convenience and improved traffic flow,” so that it now reads “A freestanding outdoor sign that directs the public to civic, educational, cultural and/or religious facilities for reasons of public safety, convenience and improved traffic flow.”

Section 4.4.4.2(2), Change the title from “Alternative Location for a Directory Sign” to “Alternative Location for a Directional or Institutional Sign;” and likewise replace the words “directory sign” in the first sentence of said section with the words “directional or institutional sign.”, or to take any other action relative thereto.

Submitted by: Board of Selectmen

**Finance Committee opposes passage of Article 44.**

**Finance Committee understands that this article will be passed over at Town Meeting.**

**ARTICLE 45. GRAFTON WATER DISTRICT – AQUIFER PROTECTION DISTRICT**

To see if the Town will vote to amend the Aquifer Protection District Zoning by-law by adding the following after paragraph 7.4.C.16:

“7.4.C.17 The use, storage and manufacture of perchlorate as it applies to:

a. Fireworks      b. Blasting agents      c. Other materials containing perchlorate”

or to take any other action relative thereto.

Submitted by: Grafton Water District

**Finance Committee recommends passage of Article 45.**

**The Finance Committee understands that perchlorate, if allowed to enter the Town’s aquifer in sufficient amounts, represents a serious health risk.**

**ARTICLE 46. CITIZEN PETITION – CHANGEABLE ELECTRONIC VARIABLE MESSAGE SIGNS**

To see if the Town will vote to change and add to the Grafton Zoning By-Law as follows:

**Add the following to the Definition section**

**CHANGEABLE ELECTRONIC VARIABLE MESSAGE SIGNS (CEVMS)**

Changeable electronic variable message sign is a sign which permits lights to be turned on or off intermittently, including any illuminated sign on which such illumination is not kept stationary or constant in intensity and color at all times when such sign is in use, including a

light emitting diode (LED) or digital sign, and which varies in color or intensity.

**Amend Section 4.4.2.1 by adding:**

Notwithstanding the prohibitions set forth herein, CHANGEABLE ELECTRONIC VARIABLE MESSAGE SIGNS (CEVMS) shall be permitted in all districts where any illuminated sign (s) as otherwise defined in this By-Law are allowed. Said CEVMS shall be subject to all of the size, shape and placement standards as are set forth in this ByOpLaw and shall in addition to any other regulation affecting signs shall be further regulated as follows:

(a) Duration of message: Any message, advertisement, announcement or display (except time and temperature) shall remain fixed on the CEVMS for a period of no less than five (5) minutes.

(b) Transition Time: When changing the message, advertisement, announcement or display, there shall be a minimum of 10 seconds delay between changes.

(c) Brightness: All CEVMS shall be equipped with a light detector/photocell, a scheduled dimming timer, or a manual control by which the sign's brightness can be dimmed when ambient light conditions darken. The Inspector of Buildings shall have the authority to enforce reasonable standards upon any owner of a CEVMS regarding the brightness of the CEVMS. The authority granted herein shall be deemed to be in addition to and not exclusive of the Building Inspector's enforcement authority as set forth in Section 4.4.3.1.

(d) Flashing and Scrolling: No CEVMS shall have any message advertisement, announcement or display; flash, scroll or otherwise move across the surface of the sign.

(e) Temperature and Time: All CEVMS shall be allowed to display, the time and temperature. In that regard, the time and temperature shall be fixed for a period of one minute, and the change may be made without regard to the 10 second delay set forth in Section 4.4.2.1 (b).

as petitioned for by more than ten (10) registered voters of the Town, or to take any other action relative thereto.

Submitted by: Citizen Petition

**Finance Committee recommends passage of Article 46.**

**The Finance Committee concurs with the report of the Planning Board.**

**ARTICLE 47. CITIZEN PETITION – EXTENSION OF SEWER LINE**

“To see if the Town will vote to raise and appropriate, borrow, or transfer from available funds and appropriate Four Hundred Fifty Thousand Dollars (\$450,000) to fund the extension of sewer lines from Grafton Middle School on North Street down to Stonegate Circle; and to further authorize the Board of Sewer Commissioners to enter into contracts to design, build, administer, and construct said extension and to accept and expend any state an/or federal funds that may be made available for the purposes of this vote”, as petitioned for by more than ten (10) registered voters of the Town, or to take any other action relative thereto.

Submitted by: Citizen Petition

**Finance Committee opposes passage of Article 47.**

**The Town does not have sufficient funds to pay for these costs. The homeowners may elect to apply for a loan under the Provisions of Massachusetts General Laws C111, Section 127B ½ as stated in Article 30.**

**ARTICLE 48. CITIZEN PETITION – ACCEPT NANTUCKET PLACE AS PUBLIC WAY**

“To see if the Town will vote to accept the roadways and associated utilities and easements known as Nantucket Place located in Mazza Farm subdivision,” as petitioned for by more than ten (10) registered voters of the Town, or to take any other action relative thereto.

Submitted by: Citizen Petition

**Finance Committee recommends passage of Article 48.**

**This article was approved by the Planning Board as “Complete” and accepted by the DPW and the Board of Selectmen.**

**ARTICLE 49. CITIZEN PETITION – ACCEPT CHISWELL ROAD & COACH HOUSE ROAD**

“To see if the Town will vote to accept the roadways and associated utilities and easements known as Chiswell Road & Coach House Road located in Glenwood Estates II subdivision,” as petitioned for by more than ten (10) registered voters of the Town, or to take any other action relative thereto.

Submitted by: Citizen Petition

**Finance Committee opposes passage of Article 49.**

**Finance Committee understands that this article will be passed over at Town Meeting.**

**ARTICLE 50. ACQUIRE DRAINAGE EASEMENT OVER PRIVATE LAND NEAR WILLARD STREET**

To see if the Town will vote to authorize the Board of Selectmen to acquire by purchase, gift, eminent domain or otherwise, and to accept deeds of easement interests for a permanent drainage easement on such terms and conditions as the Selectmen may determine, and in a final location or location as the Selectmen may determine, on, across,

over and or under the following land: A certain tract of land of Willard House & Clock Museum, Inc. located in the Town of Grafton, County of Worcester, Commonwealth of Massachusetts, and shown on a plan entitled: Drainage Easement Off Willard Street, prepared by: Town of Grafton Engineering Department, dated: March 6, 2008, land located at 63 Wesson Road, Assessor's Map 22, Lot 5 and bounded and described as follows:

Beginning at a drill hole in a wall on the westerly sideline of Willard Street, aid point being the most northeasterly corner of the drainage easement, as shown on the aforementioned plan,

Thence S 05° 56' 09" W a distance of 30.00 feet along the westerly line of Willard Street to a point at land N/F of the Willard House & Clock Museum, Inc.

Thence N 84° 30' 00" W a distance of 253.31 feet along land N/F of the Willard House & Clock, Inc.,

Thence N 31° 21' 09" E a distance of 33.34 feet along other land of the Willard House & Clock Museum, Inc., to a point,

Thence S 84° 30' 00" e A DISTANCE OF 239.00 feet along other land of the Willard House & Clock Museum, Inc., to the point of beginning.

Said easement contains 7,385 square feet more or less.

The scope of said permanent drainage easement is for the benefit of the Town of Grafton and is to allow the Town of Grafton, its agents, servants, employees, successors and assigns, to access, install, construct, reconstruct, maintain, replace, and repair, a storm drainage system together with manholes, drainage pipes, headwalls, ditches, and any other appurtenances deemed necessary to ensure the adequate discharge of storm water from said Willard Street,

And further to see if the Town will raise and appropriate, or transfer from available funds, a sum of money, or accept gifts of easement interests for this purpose, or to take any other action relative thereto.

Submitted by: Board of Selectmen

**The Finance Committee opposes passage of Article 50.**

**As it is currently written, this article could accomplish its goal through the use of eminent domain. The Finance Committee would prefer that a less onerous approach be employed. The Committee further understands that there are continuing discussions between the Town and the Willard House and Clock Museum focused on finding a better solution.**

And you are directed to serve this Warrant by posting up an attested copy thereof in some conspicuous place in each of the precincts of the town at least fourteen day before said meeting.

Hereof fail not, and make due return of this Warrant with your doings thereon, to the Town Clerk, at the time and place of meeting as aforesaid.

Given under our hands this        day of April in the year of our Lord Two Thousand Nine.

GRAFTON BOARD

\_\_\_\_\_  
Brook A. Padgett, Chairman

OF

\_\_\_\_\_  
Craig V. Dauphinais, Vice Chairman

SELECTMEN

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Mary Ann Cotton, Clerk

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Peter J. Adams

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Christopher R. LeMay