

DIVISION 5

**MISCELLANEOUS
REGULATIONS**

Chapter 204
BOARD OF APPEALS RULES AND REGULATIONS

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[HISTORY: Adopted by the Zoning Board of Appeals of the Town of Northbridge as indicated in part histories. Amendments noted where applicable.]

GENERAL REFERENCES

Zoning — See Ch. 173.

Part 1
General Regulations
[Adopted 8-25-1988¹]

ARTICLE I
Rules and Regulations

§ 204-1. Officers.

- A. The Board shall elect annually, by a majority vote, one of its members as Chairperson during the calendar year.

¹ Editor's Note: These rules and regulations superseded former ones adopted 4-30-1969.

- B. The Board shall elect annually, by a majority vote, one of its members as Vice Chairperson during the calendar year.

§ 204-2. Duties.

- A. The Chairperson or, in his/her absence, the Vice Chairperson shall preside at all meetings and hearings of the Board, decide all points of order or procedure and perform any duties required by MGL C. 40A or these rules and regulations.
- B. The Secretary shall conduct, at the direction of the Board, all official correspondence of the Board, send out all notices required by law and these rules of procedure, keep a record of each examination or other official action of the Board and perform all other duties required by MGL C. 40A, these rules and regulations and the Board. In the absence of the Secretary, it shall be the duty of the Clerk to act in his/her stead.

§ 204-3. Meetings.

- A. All meetings of the Board shall be held on the second Thursday of each month at 7:00 p.m. in Memorial Town Hall, Town of Northbridge, Massachusetts. The first regular meeting of the year shall constitute the annual organization meeting of the Board.
- B. All meetings and hearings of the Board shall be open to the public.
- C. Special meetings may be held upon the call of the Chairperson at such other times as the Board may determine or as required by MGL C. 40A.
- D. A quorum shall consist of four members, and all actions of the Board shall have the concurrence of at least four members.
- E. The Secretary shall keep minutes of the Board's proceedings, showing the vote of each member upon each question or, if absent or failing to vote, indicating such fact. Minutes must be filed with the Town Clerk within 14 days of the meeting.

§ 204-4. Appeal and application procedures.

- A. Variances, special permits, appeals and any other matters stated in MGL C. 40A may be taken to the Board by any person or town officer aggrieved or affected by any decision of the Board.
- B. Such applications shall be made on forms available at the office of the Town Clerk.
- C. The applicant or appellant shall file his/her application with the Town Clerk, who shall conform to all requirements of MGL C. 40A, these rules and regulations and instructions to the applicant.
- D. Each application or appeal filed in the proper form with the required data shall be numbered serially and be placed on the calendar of the Board by the Secretary. Applications and appeals shall be assigned dates for hearing in the order in which they appear on the calendar, except that any application or appeal may be advanced for hearing by order of the Board.

- E. The Board shall give notice to the public of a hearing on any application or appeal in accordance with MGL C. 40A.
- F. At the time of the public hearing, the appellant or applicant may appear in his/her own behalf or be represented by an agent or attorney. The statement of the applicant or appellant shall be made first, followed by that of any person for the proposal, followed by persons in opposition. The applicant or appellant shall be given an opportunity for rebuttal. At any point in this sequence, Board members may inquire of any person.
- G. All witnesses may be required to testify under oath. The Chairperson or, in his/her absence, the Vice Chairperson shall administer all oaths.
- H. The Chairperson or, in his/her absence, the Vice Chairperson may compel the attendance of witnesses. However, upon the written, request of the applicant or appellant or of the Board, the Chairperson or, in his/her absence, the Vice Chairperson shall order the attendance of any witnesses.
- I. The Board, on its own motion, may provide for the recording of testimony. A copy of the report shall be made available, upon payment of a reasonable fee, to any person interested in the application or appeal. All requests for copies of the stenographic report shall be made to the Secretary no later than 48 hours after the date on which the hearing is held. A reasonable deposit shall accompany each request for a copy of the stenographic report. A copy of the report shall be made available to each person fulfilling the requirements of this rule, at which time any balance of the deposit shall be repaid to such person or any deficit shall be paid to the Secretary.
- J. The final decision of any application or appeal to the Board shall be by resolution and by a concurring vote as required in the General Laws of the Commonwealth of Massachusetts. Such resolution shall be in the form of a written decision, which shall include findings of fact and, in the absence of a stenographic report, a summary of the testimony presented at the public hearing. If, during the public hearing, opposing facts are presented, the Board shall include in its written decision its determination as to the facts which it relied upon.
- K. Whenever the Board imposes any condition with respect to the granting of the application or appeal, such condition shall be stated in the decision of the Board and in the permit issued pursuant thereto. Such permit shall remain valid only as long as the condition or conditions upon which it was granted or the conditions imposed by the Zoning Bylaw² are adhered to.
- L. The Board shall notify the parties in interest of its decision by complying with MGL C. 40A.

§ 204-5. Fees. [Amended 11-19-1990 by Board of Selectmen]

A fee of \$150 shall be paid, by check or money order, to the Town of Northbridge upon the filing of each application or appeal for the purpose of defraying the expenses incidental to the proceedings described in these rules and regulations.

² Editor's Note: See Ch. 173, Zoning.

§ 204-6. Records.

- A. A file of all examinations, materials, decisions and other official actions relating to each case shall be kept by the Secretary as part of the records of the Board.
- B. All records of the Board shall be a public record.

ARTICLE II
Amendments

§ 204-7. Procedure.

The Zoning Board of Appeals may from time to time amend any part or parts of these rules and regulations by an affirmative vote of not fewer than four members, provided that such amendment is presented in writing at a regular or special meeting preceding the meeting at which the vote is taken, and provided that such amendment shall not be in conflict with MGL C. 40A.

ARTICLE III
Miscellaneous

§ 204-8. Adoption of rules and regulations.

The foregoing rules and regulations, which are in accordance with the powers granted by MGL C. 40A enacted by the General Assembly of the Commonwealth of Massachusetts and in accordance with the authority granted by the Northbridge Zoning Bylaw,³ are hereby adopted by the Board of Appeals of the Town of Northbridge, Massachusetts, on August 25, 1988.

Part 2
Permit Regulations
[Adopted 8-12-2004]

ARTICLE IV
Comprehensive Permit Regulations

§ 204-9. Authorization.

These regulations are authorized by MGL c. 40B, § 21 and MGL c. 44, § 53G.

§ 204-10. Complete Application and Documentation.

It is the intent of the Board to have a complete application and full documentation provided with the application. The Board may deny a comprehensive permit if material information is missing. In addition, the Board may require additional information during the review process, as it deems appropriate.

³ Editor's Note: See Ch. 173, Zoning.

§ 204-11. Submittal Requirements.

The applicant shall be required to submit the following information.

- (a) Preliminary site development plans showing the locations and outlines of proposed buildings; the proposed locations, general dimension, and materials for streets, drives, parking areas, walks and paved areas; and proposed landscaping improvements and open areas within the site. The plans should also include actual topographical features at a minimum scale of 1" = 40', showing 2'-0" contour intervals; with the wetlands delineated by a botanist or certified soils scientist. All site development plans to be signed and stamped by a professional civil engineer registered in the State of Massachusetts;
- (b) Preliminary architectural scaled drawings for building plans including typical floor plans including typical elevations and sections (identifying construction type and exterior finish), along with preliminary architectural renderings. These drawings shall be signed and stamped by a licensed architect registered in the State of Massachusetts;
- (c) A report, together with a plan(s) if applicable, regarding existing site conditions and a summary of conditions in the surrounding areas, showing the location and nature of existing buildings, existing street elevations, traffic patterns and character of open areas, if any, in the neighborhood. The zoning district or districts, if more than one district is involved, shall also be shown on the plan. (If the abutting land is in another district or town; this shall also be shown);
- (d) Projects shall contain a report of the impacts of the project in terms of traffic, public safety, municipal services, school and public facilities, recreation, and the effect on open space and the natural environment, including endangered species.
- (e) A tabulation of proposed buildings by type, size, (number of bedrooms, floor area), and ground coverage, and summary showing the percentage of the tract to be occupied by buildings, by parking and other paved vehicular areas, and by parks and open space area;
- (f) Where a subdivision of land is involved, a preliminary or definitive subdivision plan shall be submitted, signed and stamped by a professional civil engineer registered in the State of Massachusetts. If a preliminary plan is submitted, the Board shall have the right to require the applicant to submit any and all information typically required on a definitive plan, if deemed necessary by the Board;
- (g) A preliminary plan showing the proposed location of all utilities, including, but not limited to, underground electrical, telephone, cable, gas, water, type of sewage, along with water and drainage facilities, including hydrants;
- (h) Documents specified in 760 CMR 31.01 to show the status of the applicant and the acceptability of the site;
- (i) Written Documentation:
 1. Appropriate documentation evidencing the applicant's control of the site.

2. A copy of the deed to the applicant's property showing the Registry of Deeds Book and Page number(s). If the property is under a purchase and sales agreement, a copy of said agreement shall also be provided.
 3. If the applicant is not the owner of the property, the owner(s) shall provide written authorization for the subject application by the applicant on the application, as well as for any applicant's successor in interest.
 4. If the individual signing the application is unable to attend any hearing on the application, the Board shall require written authorization from the applicant that the designated representative has consent to represent the applicant or to withdraw the application.
- (j) A list of requested exemptions to local requirements and regulations, including local codes, bylaws, and/or regulations;
 - (k) Certified plan of land prepared by a registered land surveyor and a registered professional civil engineer registered in the State of Massachusetts. The plan shall include abutter's information;
 - (l) Twenty-five copies of said application/petition with attachments and exhibits shall be submitted to the Town Clerk upon filing (to be distributed to the ZBA members, the ZBA recording secretary and to all of the Town departments). Up to 10 additional copies shall be provided to the ZBA upon request;
 - (m) An abutters list certified by the Town's Assessor's Office listing all "abutters" as defined in MGL c. 40A, § 11.
 - (n) If the proposed project exceeds four house lots, or dwelling units, or exceeds one acre of construction area, the project shall conform to the Massachusetts Stormwater Policy Manual.
 - (o) Stormwater structures shall be designed to accommodate the 100 year, 24 hour storm event. Design calculations for the 2-year, 10-year, 25-year, 50-year and 100-year (twenty-four-hour) storm events shall be provided. Calculations shall be performed by a Registered Professional Civil Engineer using the United States Soil Conservation Service Technical Release No. 55 for design of the stormwater infiltration, detention or retention structures. Pipe sizes shall be based upon the Rational Formula for the same storm events. All calculations shall be presented in a clear and concise manner and shall accompany the submittal. The design basis shall be that pre-developed stormwater flows shall be equal to or less than the post-developed stormwater flows with respect to flow and volume. No new point discharges shall be permitted. Routing hydrographs for the pre-developed and post-developed conditions shall also be provided.

§ 204-12. Filing Fee.

A filing fee based on a flat fee and the number of housing units proposed shall accompany the application: \$1,000 base fee, plus \$100 per housing unit proposed.

§ 204-13. Outside Consultants and Review Fees.

- (a) When reviewing an application for, or when conducting inspections in relation to, a comprehensive permit application, the Board may determine that the assistance of outside consultants is warranted due to the size, scale or complexity of a proposed project, because of a project's potential impacts. The Board may require that applicants pay a "project review fee" consisting of the reasonable costs incurred by the Board for the employment of outside consultants engaged by the Board to assist in the review of a proposed project;
- (b) In hiring outside consultants, the Board may engage engineers, planners, lawyers, urban designers or other appropriate professionals who can assist the Board in analyzing a project to ensure compliance with all relevant laws, bylaws, and regulations. Such assistance may include, but not be limited to, analyzing an application, monitoring or inspecting a project or site for compliance with the Board's decision or regulations, or inspecting a project during construction or implementation. The Board has the right to request the applicant to sign a disclosure regarding any common interest with any of the consultants;
- (c) Town Counsel or Special Counsel may be considered a consultant at the discretion of Zoning Board of Appeals.
- (d) Funds received by The Board pursuant to this section shall be deposited with the municipal treasurer who shall establish a special account for this purpose. Expenditures from this account may be made at the direction of the Board without further appropriation. Expenditures from this special account shall be made only for the services rendered in connection with a specific project or projects for which a project review fee has been collected from the applicant. Accrued interest may also be spent for this purpose. Failure of an applicant to pay a review fee shall be grounds for denial of the comprehensive permit application;
- (e) At the completion of the Board's review of a project, any excess amount in the account, including interest, attributable to a specific project shall be repaid to the applicant or the applicant's successor in interest. A final report of said account shall be made available to the applicant or applicant's successor in interest. For the purpose of this regulation, any person or entity claiming to be an applicant's successor in interest shall provide the Board with documentation establishing such succession in interest.
- (f) The applicant may make an administrative appeal from the selection of the outside consultant to the Board of Selectmen. Such appeal must be made in writing and may be taken only within 20 days after the Board has mailed or hand-delivered notice to the applicant of the selection. The grounds of such an appeal shall be limited to claims that the consultant selected has a conflict of interest or does not possess the minimum, required qualifications. The minimum qualifications shall consist of an educational degree in, or related to, the field at issue and three or more years of practice in the field at issue or a related field. The required time limit for action upon an application by the Board shall be extended by the duration of the administrative appeal. In the event that no decision is made by the Board of Selectmen within one month following the filing of the appeal, the selection by the Board shall stand.

Chapter 205

CONSERVATION COMMISSION

ARTICLE I

Wetlands Protection Regulations

§ 205-1. General provisions.

§ 205-2. Exemptions and exceptions.

§ 205-3. Permit applications and requests.

§ 205-4. Permits, Determinations and Conditions

§ 205-5. Definitions

§ 205-6. Compliance and Release

[HISTORY: Adopted by the Conservation Commission of the Town of Northbridge as indicated in article histories. Amendments noted where applicable.]

GENERAL REFERENCES

Wetlands protection bylaw — See Ch. 7, § 7-700.

ARTICLE I

Wetlands Protection Regulations

[Adopted 3-11-2009]

§ 205-1. General provisions.

- A. **Authority, jurisdiction and purpose.** These regulations, promulgated in accordance with the 2008 Northbridge Wetlands Protection Bylaw (hereafter called the 'Bylaw'),¹ having been voted by the Northbridge Conservation Commission on March 11, 2009 and having been filed with the Northbridge Town Clerk are effective as of March 13, 2009.

§ 205-2. Exemptions and exceptions.

- (a) **Single-family home lots.** In accordance with § 7-703D of the Bylaw, applications and permits required by the Bylaw are not required for single-family home lots in existence prior to the effective date of the Bylaw. Therefore, any single-family home lot duly recorded with the Worcester County Registry of Deeds on or before September 10, 2008 is exempt from the Bylaw. Lots created through subdivision after September 10, 2008 are subject to the provision of the Bylaw and these Regulations. This exemption in no way removes any requirement for applications and permits required by the Massachusetts Wetlands Protection Act.
- (b) **Waivers and variances.** Upon an appeal or a petition, with respect to a finding or decision on a submission, the Conservation Commission may grant a variance from the terms of the Wetlands Bylaw and these regulations where the Conservation Commission

1. Editor's Note: See Ch. 7, Regulations Governing the Use of Private Property, § 7-700.

specifically find that, owing to circumstances relating to the soil conditions, shape or topography of land and especially affecting such land, but not affecting, generally, the wetland interests protected by the Bylaw, a literal enforcement of the provisions of the Bylaw would involve substantial hardship, financial or otherwise, to the appellant or petitioner, and that desirable relief may be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose of the Bylaw. In authorizing such variance, the Conservation Commission may impose limitations of time, locus, and conditions of work such as, but not limited to those specified in § 7-707 of the Bylaw and § 205-5 of this Regulation.

§ 205-3. Permit applications and requests.

3.01 **Time Periods.** In order to insure adequate and proper review by the Conservation Commission, staff and the public, all permit applications and related documentation – including forms, narrative descriptions, plans, maps, tables, charts, reports, etc. – must be submitted to the Conservation Commission no later than fourteen (14) days prior to the scheduled public hearing, or its continuation. Documentation submitted by the Applicant thirteen (13) days or less before the public hearing may be excluded from said hearing or held for discussion at a subsequently scheduled hearing if, in the opinion of the Conservation Commission, the Conservation Commission staff or public will not have adequate or sufficient time to properly consider said material.

3.02 Fees.

(a) **General.** Section 7-704 of the Bylaw provides for two types of payments by applicants. Though both are called "fees," one is the filing fee payable at the time of submitting an application and the other is the "consultant" fee, paid in special cases when needed. In both cases, these fees are deposited into the Wetland Protection Revolver Account. The fees are set forth as follows:

(b) **Fee Definition and Schedule**

(1) **Filing Fee** – payable with application

Permit fees are payable at the time of application and are non-refundable. Fees shall be calculated by the Conservation Commission or its agent using the schedule below. These fees are in addition to and separate from those fees required by the Conservation Commonwealth of Massachusetts Department of Environmental Protection. Town of Northbridge projects are exempt from this fee.

Permit applications will not be considered complete unless all local and state fees are paid at the time of application submittal. The Conservation Commission shall notify, in writing, the applicant when the correct filing fee has not been paid to the town and the filing is therefore incomplete. Sais notification shall specify the correct fee amount. The fee will be based on the project design as proposed at the time of filing and based on any changes or amendments made during the public hearing process which increase the size of the project. Rebates will not be given for projects which decrease in size during the public hearing, due to an applicant's failure to consider alternatives and reasonable use prior to the initial filing.

At the time of a permit application, the applicant shall pay a filing fee according to the following schedule:

(a) Request for Determination of Applicability (RDA)

<3 acres	\$100
3+ acres	\$150

(b) Notice of Intent (NOI)

The Notice of Intent filing fee shall be 50% of that total fee which is applied under the State NOI filing fees as of October 8, 2004. This fee shall be in addition to that fee for the State filing.

For example, a proposed project which comes under Category 2 of the State fee schedule (\$500 State filing fee) shall be assessed a fee under the Town Bylaw of \$250, payable to the Town of Northbridge (i.e. State Fee x 0.50).

(c) Abbreviated Notice of Resource Area Delineation(ANRAD). The ANRAD filing fee shall be 50% of that total fee which is applied under the State ANRAD filing fees as of October 8, 2004. This fee shall be in addition to that fee for the State filing.

(d) Request for Extension to Order of Conditions \$100

(2) Consultant Fee

Upon receipt of a Notice of Intent, Abbreviated Notice of Resource Area Delineation, or Request for Determination of Applicability, or at any point in its deliberations, the Conservation Commission may deem it necessary to obtain expert engineering or other outside consultant services in order to reach a final decision on the application. The specific consultant services may include, but are not limited to, Resource Area survey and delineation, analysis of Resource Area values (including Wildlife Habitat evaluations), hydrogeologic and drainage analysis, and / or environmental or land use law.

In such instances, the Conservation Commission shall notify the Applicant of this need and shall provide the opportunity for the application to be amended or withdrawn. Should an Applicant choose to proceed, the Conservation Commission shall require the Applicant to pay the reasonable costs and expenses for these consulting services. This fee is called the consultant fee. The exercise of discretion by the Conservation Commission in making its determination to require the payment of a consultant fee shall be based upon its reasonable finding that additional information acquirable only through outside consultants would be necessary for the making of an objective decision.

The Conservation Commission may require the payment of the consultant fee at any point in its deliberations prior to a final decision.

- (c) **Fees for Advertising the Public Hearing.** The applicant is responsible for the cost of the legal advertisement of the public hearing. The advertisement will be placed by the Conservation Commission Office and the fee shall be paid by the applicant prior to the issuance of a decision by the Conservation Commission.

3.03 Request for Determination of Applicability (RDA)

A Request for Determination of Applicability (RDA) shall include sufficient information to enable the Commission to find and view the area and to determine whether the proposed Work will Alter resource areas protected by the Bylaw. The information shall be submitted using Form 1 of the Wetland Protection Act, M.G.L. Chapter 131, §40 (WPA or the Act) and shall include, at a minimum:

- (1) Such Plans as are needed to locate and inspect the area and to determine whether the proposed Work may Significantly Alter an Area Subject To Protection. These Plans shall show:
 - a) All Wetlands that are within 100 feet of the edge of Activity;
 - b) Riverfront Areas including inner and outer riparian zones
 - c) Wetland Protection Setbacks (See §5.03 (B) (2))
 - d) The 100 foot Buffer Zone;
 - e) Erosion and sedimentation control/prevention devices and method of maintenance;
 - f) The edge of disturbance, if different from the erosion control/prevention devices.
 - g) Location of stockpiled materials, if any.
- (2) If all data required by the Commission and/or its agent are not received, the filing shall not be considered complete, a public meeting shall not be scheduled and the Applicant shall be notified.

At the public meeting, the Commission will make a “positive” or a “negative” determination:

Positively: that the area or Activity is subject to the jurisdiction of the Bylaw and requires the filing of a Notice of Intent; or

Negatively: that the area or Activity is not subject to the jurisdiction of the Bylaw, or that the interests protected by the Bylaw are fully protected by the project as proposed.

3.04 Notices Of Intent (NOI)

Written application shall be filed with the Commission to perform Activities regulated by the Bylaw affecting Resource Areas protected under the Bylaw. The Applicant shall provide the Commission with two copies of the filing (WPA Form 3), and provide the Department of Environmental Protection with one copy. The application shall include such information and Plans as are deemed necessary by the Commission to describe proposed Activities and their effects on Areas Subject to Protection. No Activities shall commence without receiving, recording and complying with an Order of Conditions issued pursuant to the Bylaw, and receiving a file number from the Massachusetts Department of Environmental Protection.

- (a) The Commission may accept as the application and plans under the Bylaw the Notice of Intent and plans filed under the Act. The filing shall at a minimum include two copies of the following:
 - (1)
 - (2) Such Plans and specifications required of an Applicant under the Act and as specified in the regulations of the Act;
 - a) Limit of construction line shall be shown on plan.
 - b) Area (square footage) of all proposed disturbance within any jurisdictional area shall be called out on design plan.
 - c) The location and details of foundation and storm water management measures.
 - (3) A list of Abutters from the most recent tax list of the Town and certified by the Town Assessors;
 - (4) A detailed sequence of construction;
 - (5) A detailed plan of Wetland replacement or restoration if the project proposes a Wetland Alteration;
- (b) In order to clarify the review process for the Commission and/or its agent, all Wetlands within 100 feet of the edge of Activity shall be marked with numbered flagging tape, which will correspond to the edge of Wetlands numerically indicated on the Plans.
 - (1) The Commission may, at its discretion during review, request additional information be provided. This information may include, but is not limited to;
 - a) Field location (flagging) and indication on the design plan of all trees 6" or greater diameter at breast height (DBH) that are proposed to be cut or felled in the resource area and buffer zone.
- (c) When a Person filing an application is other than the owner, the applicant shall send a copy of the application and the notice of the hearing to the current owner. A copy of the findings themselves shall be sent by the Commission to the owner. The

Applicant shall supply the Commission with the name and current address of the owner.

- (d) Any Person filing a Notice of Intent under the Bylaw shall also notify, by certified mail or certificate of mailing, all Abutters of the filing of such Notice of Intent. Such Notice shall clearly identify the land on which the Work is to be done and describe the general nature of the Work. Notice shall include the date, place, and time of said public hearing, and where Plans may be reviewed. A list of Persons so notified and proof of such notification shall be filed with the Commission prior to the opening of the public hearing. If proof of said notification is not presented to the Commission, the public hearing shall not be opened. Said notification of Abutters should be sent not less than ten (10) days prior to the scheduled hearing. For example, when a hearing is scheduled for a regular Wednesday meeting, said notification shall be sent by Monday of the week before the meeting, at the latest.

3.05 Request for Extension to an Order of Conditions (OOC)

- (a) The Commission may extend an Order of Conditions once for a period of up to three years. Written requests for an Extension shall be made not less than thirty days prior to the expiration of said Order of Conditions.
- (b) The Commission may deny a request for Extension under the following circumstances:
 - (1) where no Work has begun on the project, except where such failure is due to unavoidable delay, such as appeals in obtaining other necessary permits;
 - (2) where new information, not available at the time of original permanent filing, has become available and indicates the Order of Conditions is insufficient to protect the Areas Subject to Protection;
 - (3) where incomplete Work is causing damage to the Areas Subject to Protection;
 - (4) where Work has been done in violation of the Order of Conditions;
 - (5) where an Extension has previously been granted for said project.
- (c) Said Extension (WPA Form 7) shall be recorded in the Worcester County Registry of Deeds. The applicant shall forward to the Conservation Commission proof of the recording within ten (10) days of issuance.

§ 205-4. Permits, Determinations and Conditions

4.01 Performance Standards, Conditions and Restrictions

- (a) Pre-construction Requirements
 - (1) Prior to commencement of site alteration, the petitioner shall provide to the Commission receipted proof that the permit has been recorded in the chain of title of the subject property at the Worcester County Registry of Deeds.

- (2) Prior to commencement of site alteration permitted under a Notice of Intent, the petitioner shall display at the entrance of the site a sign, at least 2' x 2' and no larger than 3' x 3', giving the Wetlands Permit file number assigned to the project as follows: Northbridge Wetlands Permit No. _____
- (3) The sign shall be displayed at all times and shall not be removed until a Final Release has been issued by the Commission. The sign, in appropriate cases, may be the same sign as that required by an Order of Conditions, provided that the words: "Northbridge Wetlands Permit No. _____" are displayed.

(b) Wetlands Setback Policy

(1) Basis of Policy

The Conservation Commission's experience in reviewing a wide variety of projects demonstrates that alteration or construction activities in the buffer zone close to the resource, consistently result in destructive effects on the wetlands themselves. These include, but are not limited to, disturbance of natural vegetation along the wetlands boundary, run-off of pollutants, fill materials, and other substances into the wetlands, stockpiling or dumping of materials or debris which migrate over time into the wetlands, encroachment by home owners into remaining buffer and disturbance of wildlife habitat, such a nesting sites and corridors which are important to wetland species. The Conservation Commission has also noted a tendency on the part of many project proponents to design the project so that it goes to the absolute limit of the wetland boundary. Particularly given the difficulty which often arises in defining that boundary, in most instances it is vital to protect an adjacent section of the buffer zone and prevent the inevitable destructive impacts on the wetlands which goes to the boundary.

In order to protect and preserve the public interests and values of the wetlands and waterways of the Town of Northbridge, activities in Wetland and Buffer Zone Resource Areas should be avoided to the full extent practicable. Where activity in the buffer zone is unavoidable, the following minimum distances (setbacks) from the edge of Wetlands or Vernal Pools apply to all activity. No activity shall be allowed within these setbacks except as provided below. These setbacks are the minimum and may be extended further if deemed necessary for the protection of the interests of the Bylaw by the Commission.

(2) Wetland Setbacks for New Activities

Required minimum setbacks from the edge of the wetland or vernal pool and the stated structure or activity shall be as follows:

- a) Crossings and structures necessary for upland access where reasonable alternative access is unavailable — 0 feet
- b) Wetland-dependent structures (drain outfalls and weirs) — 15 feet

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|----|---|----------|
| c) | Undisturbed natural vegetation except surrounding vernal pools — | 35 feet |
| d) | Undisturbed natural vegetation to the mean high water line for vernal pools — | 85 feet |
| e) | The edge of driveways, roadways, and structures except vernal pools (i.e. no-build) — | 50 feet |
| f) | The edge of driveways, roadways, and structures for vernal pools (i.e. no-build) — | 100 feet |
| g) | Underground storage of gasoline, oil or other fuels and hazardous materials — | 100 feet |

Applicants wishing to rebut the presumption set forth in this policy shall provide the Conservation Commission with the following information, together with any additional relevant information which the Conservation Commission may require:

- ° A cross-sectional profile of elevation change in any area of the buffer zone of a wetland which would be disturbed by the proposed activity.
- ° A list of all vascular plant species occurring in the buffer zone and adjacent wetland areas including data on relative abundance of each species.
- ° A wildlife habitat evaluation of the buffer zone and adjacent wetlands including data on observed wildlife utilization of such area, such as breeding bird use, occurrence of fish, reptiles, amphibians and mammals.
- ° A description of the nature of any public or ecological benefits which may arise from the proposed activities.
- ° Photographs of the area to be disturbed.

- (3) **Wetland Setbacks For Existing Structures.** Work associated with pre-existing structures or activities not presently in compliance with § 4.03(b)(2) may not increase the degree of "non-conformance" of those structures or activities. No new activity shall be commenced and no new structure shall be located closer to the edge of a Wetland Resource Area than existing non-conforming like Activities or structures, but the Commission may permit new like Activity or structures as close to the Wetland Resource Area as the existing like Activity or structure if it finds such Activity or structure will not affect the interests provided for in the Bylaw more adversely than the existing Activity or structure.

- (c) **Resource Flagging and Marking.** All Notice of Intent design plans submitted to the Conservation Commission shall note all numbered flags used to delineate the resource in the field. These plans should also show all locations used to test for hydric soils. At least two such locations, one upland and one wetland, shall be located for every three hundred feet (300') of linear bordering vegetative wetland. These locations shall be marked in the field for future observations by the conservation commission members.

(d) **Ground Water Recharge.**

All new construction (residential, commercial and industrial) shall provide a means to infiltrate water discharged from all roof drains. Infiltration chambers or equivalent devices are acceptable for this purpose. Should the applicant provide the Commission with evidence that soil characteristics in the vicinity of the proposed alterations are not conducive to infiltration, the Commission will explore alternative designs with the applicant.

Related regulations: Northbridge Bylaw Chapter 173 (Zoning), Article XIII, Aquifer Protection Districts

(e) **Erosion Control and Prevention.** All permitted activities shall comply with Northbridge Bylaw Chapter 173 (Zoning), § 18.2 Erosion control, and the following standards.

(1) Grading. Any cut or fill slope within thirty-five feet (35') of a Bordering Vegetated Wetland (BVW) or of a perennial or intermittent stream, shall be designed at no greater than a three foot horizontal to one foot vertical slope (3:1). In no case will a slope be allowed with a gradient steeper than two feet horizontal to one foot vertical (2:1) within the one-hundred foot (100') buffer zone of the resource.

(2) Barriers. Proposed location of the erosion controls shall be shown on the Plan submitted in the Wetland filing furnished by the Applicant for Commission review and approval. Erosion control devices shall be installed prior to the commencement of Activities on the site. The Commission requires the installation of silt fence in combination with weed-free straw bales. The commission may require or entertain the use of alternative erosion controls where appropriate.

(f) **Storage of Fill.** If any Fill is to be stored on site, it shall be stored outside of the resource area (including the buffer zone). It shall be surrounded by sufficient controls to prevent erosion of material into the resource area. The location of said Fill shall appear on any Plans submitted to the Commission pursuant to a filing. If the Commission determines that the proposed location of Fill threatens the Areas Subject to Protection it may require the Applicant to store said Fill in a different location or to remove it completely from the site.

(g) **Construction Debris.** There shall be no disposal or burial of construction debris (i.e. scrap lumber, metals, concrete, asphalt, piping, logs, stumps, etc.) within one hundred (100) feet of a Wetland or in the riverfront area unless approved by the Commission under the filing. Illegal disposal of said debris shall result in a stop work order, fine, required removal of said debris, or all of the above. The Commission may allow the creation of a spoils area, which would be required to be designated on the project PLANS, if it is proven that it will not harm Areas Subject to Protection. Compliance with these regulations shall not excuse the applicant from complying with any other pertinent federal, state or local regulation.

(h) Wetlands Replacement and Resource Area Restoration

Wetlands that are proposed to be Altered will, in all instances, require, at a minimum, 2 square feet replacement for each 1 square foot altered — a 2:1 replication standard. Wetlands replacement will be hydrologically connected to the wetlands proposed to be altered.

Projects involving Wetlands Filling and/or permanent Alterations shall meet the requirements of 310 CMR, 10:60 (3) and 10.55 (4) and the following Requirements of the Commission:

- (1) The proposed Replacement area design must be submitted to the Commission for approval as part of the submittal. Said design shall include:
 - a) A cross-section with indication of Groundwater level, soil profile and thickness of organic soil in the existing and proposed Wetlands;
 - b) Plant species detail, including species found in the area to be Altered, and number, types and locations of species to be introduced into the Replacement area;
 - c) Detail of stabilization Plans for Replacement area Banks;
 - d) Wildlife Habitat diversity plan;
 - e) An alternatives analysis.
- (2) The Replacement area must be shown to sufficiently duplicate the functions of the Wetland proposed to be Altered;
- (3) The Replacement area shall be constructed, to the extent possible, immediately after Alteration of the existing Wetland and during the same growing season;
- (4) The proposed Replacement area must be clearly flagged for Commission site inspection before the filing shall be considered complete, and said flagging shall be numerically coded and correspondingly shown on the Plans.
- (5) If, after two growing seasons, the Commission determines that the Replacement area has not satisfactorily developed into a Wetland the Applicant or owner may be required to submit new Plans to successfully Replace said Wetland. No Certificate of Compliance shall be issued until the Commission has determined that a satisfactory Replacement area has been completed at the end of the three year period.

Other resource areas (e.g. buffer zone) specified in the Order of Conditions that require restoration or replanting will comply with the following Requirements of the Commission:

- (6) A detailed replanting plan shall be included on the approved plans.

- (7) Trees 6" or greater (DBH) which were cut or felled in the resource area and buffer zone and designated for replacement in the Order, shall be replaced in kind with plantings of 2.5 inch caliper nursery stock or greater.

(i) **Post Construction Requirements**

- (1) If specified in the Order of Conditions, applicants shall provide, prior to issuance of a Certificate of Compliance, as-built plans signed and stamped by a professional engineer or land surveyor. The as-built plan shall include detail conditions (building and driveway location, grading, underground utility locations, outlet pipes with elevations, etc.) and all changes from the original plans with an explanation for these changes.
- (2) Applicant shall be responsible for installation of permanent, concrete bounds embedded no less than 2 feet below grade along the proposed limit of disturbance as approved. Spacing shall be determined at the time of permitting in consultation with the Conservation Commission.
- (3) Any application of fertilizer on any lawn, landscaping, garden, orchard or field within 100 feet of any resource area or 200 feet of river front area shall use 20-0-10 or other reasonable slow release zero phosphate fertilizer.

§ 205-5. Definitions

The following definitions shall apply in the interpretation and implementation of this chapter.

Except as otherwise provided in the Wetland Protection Bylaw and this regulation of the Conservation Commission, the definitions of terms and procedures shall be as set forth in the Wetlands Protection Act (G.L. Ch. 131 § 40) and Regulations (310 CMR 10.00).

The term "AGRICULTURE" shall refer to the definition provided by G.L. Ch. 128 § 1A.

The term "ALTER" shall include, without limitation, the following activities when undertaken to, upon, within or affecting resource areas protected by this chapter:

- (1) Removal, excavation, or dredging of soil, sand, gravel, or aggregate materials of any kind
- (2) Changing of preexisting drainage characteristics, flushing characteristics, salinity distribution, sedimentation patterns, flow patterns, or flood retention characteristics
- (3) Drainage or other disturbance of water level or water table
- (4) Dumping, discharging, or filling with any material which may degrade water quality
- (5) Placing of fill, or removal of material, which would alter elevation
- (6) Driving of piles or erection, expansion or repair of buildings, or structures of any kind
- (7) Placing of obstructions or objects in water
- (8) Destruction of plant life, including cutting or trimming of trees and shrubs

- (9) Changing temperature, biochemical oxygen demand or other physical, biological or chemical characteristics of any waters
- (10) Any activities, changes, or work which may cause or tend to contribute to pollution of any body of water or groundwater
- (11) Incremental activities which have, or may have, a cumulative adverse impact on the resource areas protected by this chapter

The term "BANK" shall include the land area which normally abuts and confines a water body; the lower boundary being the mean annual low flow level, and the upper boundary being the first observable break in the slope or the mean annual flood level, whichever is higher.

The term "BUFFER ZONE" shall mean that area of land extending 100 feet horizontally outward from the boundary of any freshwater wetland, marsh, wet meadow, bog, swamp, vernal pool, spring, bank, beach, reservoir, lake, pond, land under a water body and intermittent stream, brook and creek.

The term "BYLAW" shall mean the Town of Northbridge Wetland Protection Bylaw, Chapter 7-700.

The term "LAKE" shall mean any open body of fresh water with a surface area of 10 acres or more, and shall include great ponds.

The term "PERSON" shall include any individual, group of individuals, association, partnership, corporation, company, business organization, trust, estate, the Commonwealth or political subdivision thereof to the extent subject to town bylaws, administrative agency, public or quasi-public corporation or body, the Town of Northbridge and any other legal entity, its legal representatives, agents, or assigns.

The term "POND" shall follow the definition of 310 CMR 10.04 except that the size threshold of 10,000 square feet shall not apply.

The term "QUORUM" shall mean a simple majority of the sitting members of the Conservation Commission.

The term "RARE SPECIES" shall include, without limitation, all vertebrate and invertebrate animals and all plant species listed as endangered, threatened, or of special concern by the Massachusetts Division of Fisheries and Wildlife, regardless whether the site in which they occur has been previously identified by the Division.

The term "RESOURCE AREA" shall mean all of the following areas defined in § 7-702 of the Bylaw: freshwater wetlands, marshes, wet meadows, bogs, swamps, vernal pools, springs, banks, beaches, reservoirs, lakes, ponds of any size, lands under water bodies, intermittent streams, brooks and creeks and their associated buffer zones; perennial rivers, streams, brooks and creeks and their associated riverfront areas; and lands subject to flooding or inundation by groundwater or surface water.

The term "RIVERFRONT AREA" shall mean that area of land extending 200 feet horizontally outward from the boundary of any perennial river, stream, brook and creek.

The term "VERNAL POOL" shall include, in addition to scientific definitions found in the Regulations under the Wetlands Protection Act, any confined basin or depression not occurring in existing lawns, gardens, landscaped areas or driveways which, at least in most years, holds water for a minimum of two continuous months during the spring and/or summer, contains at least 200 cubic feet of water at some time during most years, is free of adult predatory fish populations, and provides essential breeding and rearing habitat functions for amphibian, reptile or other vernal pool community species, regardless of whether the site has been certified by the Massachusetts Division of Fisheries and Wildlife. The boundary of the resource area for vernal pools shall be the mean annual high-water line defining the depression.

§ 205-6. Compliance and Release

6.01 Certificates of Compliance (COC)

- (a) A request for a Certificate of Compliance shall be made in writing to the Commission using the WPA Form 8A.
- (b) Before issuing the Certificate of Compliance, a site inspection shall be made by the Commission and/or its agent. The Applicant shall be notified prior to the inspection and may be present at the inspection if that is desired.
- (c) If the Commission determines, after review and inspection, that the Work has not been done in compliance with the Order, it shall refuse to issue said Certificate of Compliance and specify the reasons for denial in writing to the Applicant.
- (d) If the Certificate of Compliance does not apply to all Work regulated by the Order of Conditions, it shall state to what portions of the Work it applies.
- (e) The Certificate of Compliance (WPA Form 8B), if issued, shall be recorded by the Applicant in the Worcester County Registry of Deeds. Applicants shall provide the Conservation Commission with proof of the recording within ten (10) days of issuance.

Chapter 207

FIRE DEPARTMENT RULES AND REGULATIONS

[The up-to-date rules and regulations of the Northbridge Fire Department are on file in the offices of the Fire Department.]

Chapter 217

PLANNING BOARD

ARTICLE I Fees

§ 217-1. Fees enumerated.

ARTICLE II Scenic Roadway Rules and Regulations

§ 217-2. Authority.

§ 217-3. Purpose.

§ 217-4. Definitions.

§ 217-5. Submission requirements.

§ 217-6. Site visit.

§ 217-7. Application fee.

§ 217-8. Referral to other boards and departments.

§ 217-9. Public hearings.

§ 217-10. Decision.

§ 217-11. Administration.

§ 217-12. Scenic roads.

[HISTORY: Adopted by the Planning Board of the Town of Northbridge as indicated in article histories. Amendments noted where applicable.]

ARTICLE I

Fees

[Adopted 4-5-1985]

§ 217-1. Fees enumerated.

The following fees shall be charged by the Planning Board:

- A. (Reserved)¹
- B. Site plan hearings: \$25.
- C. (Reserved)
- D. (Reserved)

1. Editor's Note: Former Subsection A, Approvals not required by Planning Board, Subsection C, Filing of subdivision definitive plans, and Subsection D, Filing of definitive plans for condominiums, townhouses and other engineering surveys, were repealed 8-15-1989.

ARTICLE II
Scenic Roadway Rules and Regulations
[Adopted 3-10-2009²]

§ 217-2. Authority.

These Rules & Regulations are adopted by the Northbridge Planning Board, hereinafter called the Board, as the Permit Granting Authority as provided for in M.G.L., c. 40, § 15C and Section 6-200 [Scenic Roads] of the Code of the Town of Northbridge, for the purpose of establishing uniform rules and procedures for the regulation of certain types of work within the public right-of-way of designated Scenic Roads.

§ 217-3. Purpose.

The purpose of these Rules & Regulations is to ensure that roads designated as Scenic Roads will not be altered without following proper procedures and without adherence to proper consideration.

§ 217-4. Definitions.

In the absence of contrary meaning established through legislative or judicial action pursuant to Massachusetts General Law Chapter 40, Section 15C, the following terms shall be defined as follows:

- 3.1 CUTTING OR REMOVAL OF TREES -shall mean the removal of one or more trees and/or the removal of tree limbs having a diameter greater than four inches.
- 3.2 REPAIR, MAINTENANCE, RECONSTRUCTION, OR PAVING WORK -shall mean any work done within the right-of-way of a road by any person, or public or private agency. This definition includes the construction of new driveways or alteration of existing driveways that takes place within the right-of-way.
- 3.3 ROAD -shall mean any way used and maintained as a public way including the vehicular traveled way plus necessary appurtenances within the right-of-way such as bridge structures, drainage systems, retaining walls, traffic control devices, and sidewalks. When the boundary of the road is in question, the trees and stone walls shall be presumed to be within the way until the contrary is shown.
- 3.4 TEARING DOWN OR DESTRUCTION OF STONE WALLS -shall mean the destruction of more than 15 linear feet of stone wall involving more than one cubic foot of wall material per linear foot above existing grade. Tearing down or destruction of stone walls shall not be construed to include temporary removal and replacement of walls at the same location with the same materials. Reconstructed portions of stone walls shall match the existing wall.
- 3.5 TREES -shall include any living tree whose trunk has a diameter of four inches or more as measured one foot above the ground level.

2. Editor's Note: Adopted pursuant to MGL c. 40, § 15C, Scenic Roads.1

§ 217-5. Submission requirements.

- 4.1 OFFICIAL APPLICATION FORM. Any person, organization, or municipal agency seeking a permit from the Planning Board pursuant to Section 6-200 [Scenic Roads] of the Code of the Town of Northbridge for the cutting or removal of trees or the tearing down or destruction of stone walls within a public right-of-way, or portions thereof, shall file a Scenic Road Application Form.
- 4.2 CERTIFIED ABUTTERS LIST. A list of owners of properties, as certified by the Assessors, located in whole or in part within one hundred (100) feet of proposed action.
- 4.3 LOCATION OF WORK. A locus map of the location of the proposed work within the right-of-way of the scenic road, a Town of Northbridge Assessor's Map may be sufficient for this purpose.
- 4.4 STATEMENT OF WORK. A written statement which describes in reasonable detail the proposed work within the right-of-way of the scenic road, including all proposed changes to trees and/or stone walls as defined in the Scenic Road bylaw. No stones are to be removed from work site. Stones shall be incorporated into the design of the opening created.
- 4.5 PHOTOGRAPHS. Color photographs clearing illustrating the proposed tree cutting/removal or tearing down and/or destruction of stone walls.
- 4.6 NUMBER OF COPIES. At the time of application, the applicant shall provide nine (9) copies of the Scenic Roads application Form, plans, exhibits, analyses and any other information and/or attachments with the Planning office. The Applicant shall also file one (1) full copy of the application with the Office of the Town Clerk.
- 4.7 ADDITIONAL INFORMATION. The applicant may submit additional information that they feel are relevant to properly inform the Planning Board about the proposed work within the right-of-way of the scenic road, which may include site plans, legal opinions, deeds, historical data, studies and reports. To a reasonable degree, the Board may also require additional information in addition to that specifically required by Massachusetts General Law or these Rules & Regulations.

§ 217-6. Site visit.

In some cases, the Planning Board may request a site visit to the site in which the work is proposed. The date and time for such visit shall be satisfactory to both the Planning Board and applicant. The Planning Board may request that any work subject to these Rules & Regulations be clearly flagged or otherwise delineated prior to the scheduled site visit.

§ 217-7. Application fee.

Application fee of \$100.00 shall be required. All expenses for advertising, publication of notices, engineering, professional planning review, legal review, plans, inspection of construction, recording and filing of documents required by the Planning Board or its agent shall be the responsibility of the applicant. The Board, at its discretion may waive certain fees.

§ 217-8. Referral to other boards and departments.

The Planning Board may transmit copies of the application, together with such information as the Board deems appropriate, to the Tree Warden, Highway Department, Police Department, Fire Department, Conservation Commission, Historical Commission and Board of Selectmen for their review and recommendation within twenty-one (21) days of the filing of the application.

The Planning Board may also transmit copies of the application to other Boards and Departments as it deems appropriate. Copies of such reviews and recommendations shall be sent to the Planning Board, provided however failure of any such Board or Department to make recommendations prior to/or at the public hearing shall be deemed a lack of opposition.

These Rules & Regulations do not preclude compliance with any other local, state or federal laws. Scenic Road applications may require engineering review, engineer to be specified by the Planning Board and fees to be borne by the applicant.

§ 217-9. Public hearings.**8.1 HEARING.**

A public hearing shall be held within thirty (30) days after the date of filing of an application for work within a Scenic Road with the Planning Board and Office of the Town Clerk. Notice of the public hearing, which shall include the size, type and location of the tree(s) and/or stone wall to be cut or removed shall be given by publication in a newspaper of general circulation in the Town of Northbridge once in each of two successive weeks, the last publication of said notice to occur at least seven (7) days before the day of such hearing.

Notice shall also be sent by mail, postage prepaid, to the applicant and abutters as described herein. In all cases, notice of such public hearing shall be given by the Board. The required time limits for a public hearing may be extended by written agreement between the applicant and Board, which shall be filed in the Office of the Town Clerk. The applicant shall be responsible for all expenses for hearing notice and abutter notifications.

8.2 RULES OF PROCEDURE FOR PUBLIC HEARINGS. An applicant may appear in his/her own behalf or may be represented by an authorized agent or attorney. In the absence of an appearance on behalf of an applicant, without cause, the Board may make a decision on the basis of available information otherwise received. The applicant or duly authorized representative shall present evidence, testimony and other information in support of the application. After the applicant's presentation, the Board may question the applicant regarding the evidence, testimony or other information presented. Any persons in attendance shall then be given the opportunity to speak or provide testimony.

8.3 PUBLIC SHADE TREE LAW CONSOLIDATED PUBLIC HEARING. Massachusetts General Law Chapter 87 Section 1 defines all trees within a public way or on the boundaries thereof as public shade trees. When a public hearing must be held pursuant to

the provisions of M.G.L., c.40, § 15C and M.G.L., c.87 § 3 (Public Shade Tree Law) prior to the cutting or removal of a tree, such hearings shall be consolidated into a single public hearing before the Tree Warden and Planning Board.

§ 217-10. Decision.

9.1 Considerations.

- A. The decision of the Planning Board on any application for proposed action affecting scenic roads shall be based on consideration of the following:
1. Preservation of natural resources;
 2. Environmental values;
 3. Historical values;
 4. Scenic and aesthetic characteristics;
 5. Public safety;
 6. Compensatory actions proposed, such as replacement of trees or stone walls;
 7. Other sound planning considerations.

9.2 VOTE. The affirmative vote of a minimum of three (3) members of the five (5) member Planning Board shall be required to issue a permit authorizing work within the right-of-way of a scenic road. The decision shall state clearly the specific findings for the action and may include conditions consistent with the considerations noted herein.

9.3 DECISION. The decision of the Board shall be made and filed with the Office of the Town Clerk within thirty (30) days following the close of the public hearing. The required time limits for a public hearing may be extended by written agreement between the Applicant and Board, which shall be filed in the Office of the Town Clerk.

9.4 NOTIFICATION OF DECISION. A notice of the decision shall be forwarded to the applicant and to persons present at the public hearing requesting such notice.

9.5 PROVISION OF SECURITY. The Planning Board may require that a performance guarantee be posted with the Town in such form and amount as is required by the Board to secure the satisfactory completion of all or any part of the work authorized by a permit issued by the Board pursuant to these Rules & Regulations.

§ 217-11. Administration.

10.1 WAIVER OF FULL COMPLIANCE. Full compliance with these Rules & Regulations may be waived by the Planning Board provided such waivers are deemed to serve the public interest.

10.2 ADOPTION AND AMENDMENT. These Rules & Regulations may be adopted and from time to time amended by majority vote of the Planning Board. Prior to the initial

adoption of these Rules & Regulations and any subsequent revisions or amendments, the Board shall hold a public hearing. Notice of the public hearing shall be given by publication in a newspaper of general circulation in the Town of Northbridge once in each of two successive weeks, the first publication being not less than fourteen (14) days before the day of such hearing.

10.3 SEVERABILITY. If any section, paragraph, sentence, clause or provisions of these Rules & Regulations shall be adjudged not valid, the adjudication shall apply to the material so adjudged and the remainder of these Rules & Regulations shall be deemed to remain valid and effective.

10.4 EFFECTIVE DATE. These Rules & Regulations become effective when voted on affirmatively by a majority of the Planning Board and filed with the Office of the Town Clerk.

§ 217-12. Scenic roads.

The following lists of roads have been designated Scenic Roads within the Town of Northbridge pursuant to MGL. CH. 40 Sec. 15C:

11.1 Castle Hill Road (May 13, 1975);

11.2 Fletcher Street /portion of (May 16, 1984); Fletcher Street -from the point 1,000 feet easterly of the most easterly line at Elm Street and the westerly line of Keeler Road

11.3 Hill Street (January 28, 1986);

11.4 Cooper Road (January 28, 1986);

11.5 Kelly Road (January 28, 1986);

11.6 Old Quaker Street (January 28, 1986).

Chapter 220
SEWERS AND SEWAGE

ARTICLE I
Definitions

§ 220-1. Definitions; word usage.

ARTICLE II
Building Sewers and Connections

- § 220-2. Permit required for sewer openings and connections.
- § 220-3. Permit classes, applications and fees.
- § 220-4. Cost to be borne by owner; indemnification of town.
- § 220-5. Separate building sewers required; exception.
- § 220-6. Old building sewers.
- § 220-7. Methods of excavation and construction.
- § 220-8. Elevation.
- § 220-9. Connection to exterior drains and runoff prohibited.
- § 220-10. Connection to conform to standards.
- § 220-11. Inspection; connection under supervision of Superintendent.
- § 220-12. Excavations.

ARTICLE III
Use of Public Sewers

- § 220-13. Prohibited water discharge to sanitary sewers.
- § 220-14. Discharge of stormwater, unpolluted drainage and industrial cooling water.
- § 220-15. Prohibited water or waste discharge to public sewers.

§ 220-16. Restricted substance discharge to public sewers.

§ 220-17. Options for handling of restricted waste; pretreatment or equalization.

§ 220-18. Interceptors.

§ 220-19. Maintenance of preliminary treatment facilities.

§ 220-20. Control manholes.

§ 220-21. Sampling and analyses.

§ 220-22. Special arrangements.

ARTICLE IV
Protection From Damage

§ 220-23. Tampering with sewage works prohibited.

§ 220-24. Pollutants prohibited in treatment facility.

§ 220-25. Required notification to permittee; industry monitoring of discharge; inspection by permittee.

ARTICLE V
Powers and Authority of Inspectors

§ 220-26. Right to enter; limitation of inquiry.

§ 220-27. Indemnification of company.

§ 220-28. Easements.

ARTICLE VI
Violations and Penalties

§ 220-29. Notice of violation.

§ 220-30. Continuance of violation; penalties.

§ 220-31. Liability.

[HISTORY: Adopted by the Board of Sewer Commissioners of the Town of Northbridge 5-11-1970. Amendments noted where applicable.]

ARTICLE I
Definitions

§ 220-1. Definitions; word usage.

- A. Unless the context specifically indicates otherwise, the meanings of terms used in this chapter shall be as follows:

BOD (denoting "biochemical oxygen demand") — The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at 20° C., expressed in milligrams per liter.

BUILDING DRAIN — That part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five feet (1.5 meters) outside the inner face of the building wall.

BUILDING SEWER — The extension from the building drain to the public sewer or other place of disposal.

COMBINED SEWER — A sewer receiving both surface runoff and sewage.

GARBAGE — Solid wastes from the domestic and commercial preparation, cooking and dispensing of food, and from the handling, storage and sale of produce.

INDUSTRIAL WASTES — The liquid wastes from industrial manufacturing processes, trade or business, as distinct from sanitary sewage.

NATURAL OUTLET — Any outlet into a watercourse, pond, ditch, lake or other body of surface or ground water.

PERSON — Any individual, firm, company, association, society, corporation or group.

pH — The logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.

PROPERLY SHREDDED GARBAGE — The wastes from the preparation, cooking and dispensing of food that has been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than 1/2 inch (1.27 centimeters) in any dimension.

PUBLIC SEWER — A sewer in which all owners of abutting properties have equal rights, and is controlled by public authority.

SANITARY SEWER — A sewer which carries sewage and to which storm-, surface and ground waters are not intentionally admitted.

SEWAGE — A combination of the water-carried wastes from residences, business buildings, institutions and industrial establishments, together with such ground-, surface and storm waters as may be present.

SEWAGE TREATMENT PLANT — Any arrangement of devices and structures used for treating sewage.

SEWAGE WORKS — All facilities for collecting, pumping, treating and disposing of sewage.

SEWER — A pipe or conduit for carrying sewage.

SLUG — Any discharge of water, sewage or industrial waste which, in concentration of any given constituent or in quantity of flow, exceeds for any period of duration longer than 15 minutes, more than five times the average twenty-four-hour concentration or flows during normal operation.

STORM DRAIN (sometimes termed “stormed sewer”) — A sewer which carries storm- and surface waters and drainage, but excludes sewage and industrial wastes, other than unpolluted cooling water.

SUPERINTENDENT — The Superintendent of Sewage of the Town of Northbridge, or his authorized deputy, agent or representative.

SUSPENDED SOLIDS — Solids that either float on the surface of, or are in suspension in water, sewage or other liquids, and which are removable by laboratory filtering.

WATERCOURSE — A channel in which a flow of water occurs, either continuously or intermittently.

B. “Shall” is mandatory; “may” is permissive.

ARTICLE II

Building Sewers and Connections

§ 220-2. Permit required for sewer openings and connections.

No unauthorized person shall uncover, make any connections with or opening into, use, alter or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the Superintendent.

§ 220-3. Permit classes, applications and fees.

There shall be two classes of building sewer permits: for residential and commercial service and for service to establishments producing industrial wastes. In either case, the owner or his agent shall make application on a special form furnished by the town. The permit application shall be supplemented by any plans, specifications or other information considered pertinent in the judgment of the Superintendent. A permit and inspection fee of \$_____ for a residential or commercial building sewer permit and \$_____ for an industrial building sewer permit shall be paid to the town at the time the application is filed.¹

¹ Editor’s Note: For current sewer permit and inspection fees, see the office of the Sewer Commissioners.

§ 220-4. Cost to be borne by owner; indemnification of town.

All costs and expense incident to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the town from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

§ 220-5. Separate building sewers required; exception.

A separate and independent building sewer shall be provided for every building; except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer.

§ 220-6. Old building sewers.

Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the Superintendent, to meet all requirements of this chapter.

§ 220-7. Methods of excavation and construction.

The size, slope, alignment, materials of construction of a building sewer and the methods to be used in excavating, placing of the pipe, jointing, testing and backfilling the trench, shall all conform to the requirements of the Building and Plumbing Codes or other applicable rules and regulations of the town. In the absence of code provisions or in amplification thereof the materials and procedures set forth in appropriate specifications of the American Society for Testing and Materials and Water Pollution Control Federation Manual of Practice No. 9 shall apply.

§ 220-8. Elevation.

Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer.

§ 220-9. Connection to exterior drains and runoff prohibited.

No person shall make connection of roof downspouts, exterior foundation drains, areaway drains or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected, directly or indirectly, to a public sanitary sewer.

§ 220-10. Connection to conform to standards.

The connection of the building sewer into the public sewer shall conform to the requirements of the Building and Plumbing Code or other applicable rules and regulations of the town, or the procedures set forth in appropriate specifications of the American Society for Testing and Materials and the Water Pollution Control Federation Manual of Practice No. 9. All such connections shall be made gastight and watertight. Any deviation from the prescribed procedures and materials must be approved by the Superintendent before installation.

§ 220-11. Inspection; connection under supervision of Superintendent.

The applicant for the building sewer permit shall notify the Superintendent when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the Superintendent or his representative.

§ 220-12. Excavations.

All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the town.

ARTICLE III
Use of Public Sewers

§ 220-13. Prohibited water discharge to sanitary sewers.

No person shall discharge or cause to be discharged any stormwater, surface water, groundwater, roof runoff, subsurface drainage, uncontaminated cooling water or unpolluted industrial process waters to any sanitary sewer.

§ 220-14. Discharge of stormwater, unpolluted drainage and industrial cooling water.

Stormwater and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as combined sewers or storm sewers, or to a natural outlet approved by the Superintendent. Industrial cooling water or unpolluted process waters may be discharged, on approval of the Superintendent, to a storm sewer, combined sewer or natural outlet.

§ 220-15. Prohibited water or waste discharge to public sewers.

No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers:

- A. Any gasoline, benzene, naphtha, fuel oil or other flammable or explosive liquid, solid or gas.

- B. Any waters or wastes containing toxic or poisonous solids, liquids or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance or create any hazard in the receiving waters of the sewage treatment plant.
- C. Any waters or wastes having a pH lower than 5.5, or having any other corrosive property capable of causing damage or hazard to structures, equipment and personnel of the sewage works.
- D. Solid or viscous substances in quantities or such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the sewage works, such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch hair and fleshings, entrails and paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.

§ 220-16. Restricted substance discharge to public sewers.

No person shall discharge or cause to be discharged the following described substances, materials, waters or wastes if it appears likely in the opinion of the Superintendent that such wastes can harm either the sewers, sewage treatment process or equipment, have an adverse effect on the receiving stream or can otherwise endanger life, limb, public property or constitute a nuisance. In forming his opinion as to the acceptability of these wastes, the Superintendent will give consideration to such factors as the quantities of subject wastes in relation to flows and velocities in the sewers, materials of construction of the sewers, nature of the sewage treatment process, capacity of the sewage treatment plant and other pertinent factors. The substances prohibited are:

- A. Any liquid or vapor having a temperature higher than 150° F. (65° C.).
- B. Any water or waste containing fats, wax, grease or oils, whether emulsified or not, in excess of 100 milligrams per liter or containing substances which may solidify or become viscous at temperatures between 32° F. and 150° F. (0° C. and 65° C).
- C. Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of $\frac{3}{4}$ horsepower (0.76 horsepower metric) or greater shall be subject to the review and approval of the Superintendent.
- D. Any waters or wastes containing strong acid iron pickling wastes or concentrated plating solutions, whether neutralized or not.
- E. Any waters or wastes containing iron, chromium, copper, zinc and similar objectionable or toxic substances, or wastes exerting an excessive chlorine requirement to such degree that any such material received in the composite sewage at the sewage treatment works exceeds the limits established by the Superintendent for such materials.
- F. Any waters or wastes containing phenols or other taste- or odor-producing substances, in such concentrations exceeding limits which may be established by the Superintendent as necessary, after treatment of the composite sewage to meet the requirements of the state, federal or other public agencies or jurisdiction for such discharge to the receiving waters.

- G. Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Superintendent in compliance with applicable state or federal regulations.
- H. Any waters or wastes having a pH in excess of 9.5.
- I. Materials which exert or cause:
 - (1) Unusual concentrations of inert suspended solids (such as but not limited to fuller's earth, lime slurries and lime residues) or of dissolved solids (such as but not limited to sodium chloride and sodium sulfate).
 - (2) Excessive discoloration (such as but not limited to dye wastes and vegetable tanning solutions).
 - (3) Unusual BOD, chemical oxygen demand or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment works.
 - (4) Unusual volume of flow or concentration of wastes constituting sludge as defined herein.
- J. Waters or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment processes employed, or are amenable to treatment only to such degree that the sewage treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.

§ 220-17. Options for handling of restricted waste; pretreatment or equalization.

- A. If any waters or wastes are discharged, or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in § 220-16 of this article and which, in the judgment of the Superintendent, may have a deleterious effect upon the sewage works, processes, equipment or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the Superintendent may:
 - (1) Reject the wastes;
 - (2) Require pretreatment to an acceptable condition for discharge to the public sewers;
 - (3) Require control over the quantities and rates of discharge; and/or
 - (4) Require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges under the provisions of § 220-22 of this article.
- B. If the Superintendent permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the Superintendent and subject to the requirements of all applicable codes, ordinances and laws.

§ 220-18. Interceptors.

Grease, oil and sand interceptors shall be provided when, in the opinion of the Superintendent, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts or any flammable wastes, sand or other harmful ingredients, except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the Superintendent and shall be located as to be readily and easily accessible for cleaning and inspection.

§ 220-19. Maintenance of preliminary treatment facilities.

Where preliminary treatment or flow-equalizing facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his expense.

§ 220-20. Control manholes.

When required by the Superintendent, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control manhole, together with such necessary meters and other appurtenances, in the building sewer to facilitate observations, sampling and measurement of the wastes. Such manhole, when required, shall be accessibly and safety located and shall be constructed in accordance with plans approved by the Superintendent. The manhole shall be installed by the owner at his expense and shall be maintained by him so as to be safe and accessible at all times.

§ 220-21. Sampling and analyses.

All measurements, tests and analyses of the characteristics of waters and wastes to which reference is made in this chapter shall be determined in accordance with the latest edition of Standard Methods for the Examination of Water and Wastewater, published by the American Public Health Association, and shall be determined at the control manhole provided, or upon suitable samples taken at said control manhole. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected. Sampling shall be carried out by customarily accepted method to reflect the effect of constituents upon the sewage works and to determine the existence of hazards to life, limb and property. The particular analyses involved will determine whether a twenty-four-hour composite of all outfalls of a premises is appropriate or whether a grab sample or samples should be taken. Normally, but not always, BOD and suspended solids analyses are obtained from twenty-four-hour composites of all outfalls, whereas pH's are determined from periodic grab samples.

§ 220-22. Special arrangements.

No statement contained in this article shall be construed as preventing any special agreement or arrangement between the town and any industrial concern whereby an industrial waste of

unusual strength or character may be exempted by the town for treatment subject to payment therefor by the industrial concern.

ARTICLE IV
Protection From Damage

§ 220-23. Tampering with sewage works prohibited.

No unauthorized person shall maliciously, willfully or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is a part of the sewage works. Any person violating this provision shall be subject to immediate arrest under charge of disorderly conduct.

§ 220-24. Pollutants prohibited in treatment facility.

The introduction by any discharger into the permittee's sewerage system or treatment facilities of any pollutant shall be prohibited which:

- A. Is a toxic pollutant in toxic amounts, as defined in standards issued from time to time under Section 307(a) of the Federal Act or any applicable State Act;
- B. Creates a fire or explosion hazard in permittee's treatment works;
- C. Causes corrosive structural damage to permittee's treatment works; including all wastes with pH lower than 5.0;
- D. Contains solids or viscous substance in amounts which would cause obstruction to the flow in the sewer or other interference with proper operation of the permittee's treatment works;
- E. In the case of a major contributing industry, as defined herein, contains an incompatible pollutant, as further defined herein, in an amount or concentration in excess of that allowed under standards or guidelines issued from time to time pursuant to Sections 304, 306 and/or 307 of the Federal Act, or pursuant to an applicable State Act; or
- F. Has not been subjected to any pretreatment that may be required under federal or state law.

§ 220-25. Required notification to permittee; industry monitoring of discharge; inspection by permittee.

- A. Forty-five-days' prior notification shall be required to the permittee's by any person or persons of a:
 - (1) Proposed substantial change in volume or character of pollutant over that being discharged into the permittee's treatment works at the time of issuance of this permit;
 - (2) Proposed new discharge into the permittee's treatment works of pollutants from any source which would be a new source as defined in Section 306 of the Federal Act, if such source were discharging pollutants; or

- (3) Proposed new discharge into the permittee's treatment works of pollutants from any course which would be subject to Section 301 of the Federal Act if it were discharging such pollutants.
- B. Any industry discharging into the permittee's treatment works shall be required to perform such monitoring of its discharges as the permittee may reasonably require, including the installation, use and maintenance of monitoring equipment methods keeping records of the results of such monitoring and reporting the results of such monitoring to the permittee. Such records shall be made available by the permitted to the Regional Administration and the Director upon request.
- C. The permittee's authorized representative shall be authorized to enter into, upon or through the premises of any industry discharging into the permittee's treatment works to have access to and copy any records, to inspect any monitoring equipment or method required under Subsection B above and to sample any discharge into the permittee's treatment works.

ARTICLE V Powers and Authority of Inspectors

§ 220-26. Right to enter; limitation of inquiry.

The Superintendent and other duly authorized employees of the town bearing proper credentials and identification shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling and testing in accordance with the provisions of this chapter. The Superintendent or his representatives shall have no authority to inquire into any processes, including metallurgical, chemical, oil, refining, ceramic, paper or other industries, beyond that point having direct bearing on the kind and source of discharge to the sewers or waterways or facilities for waste treatment.

§ 220-27. Indemnification of company.

While performing the necessary work on private properties referred to in § 220-26 above, the Superintendent or duly authorized employees of the town shall observe all safety rules applicable to the premises established by the company, and the company shall be held harmless for injury or death to town employees, and the town shall indemnify the company against loss or damage to its property by town employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions as required in Article III, § 220-21.

§ 220-28. Easements.

The Superintendent and other duly authorized employees of the town bearing proper credentials and identification shall be permitted to enter all private properties through which the town holds a duly negotiated easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair and maintenance of any portion of the sewage works lying

within said easement. All entry and subsequent work, if any, on said easement shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

ARTICLE VI
Violations and Penalties

§ 220-29. Notice of violation.

Any person found to be violating any provision of this chapter, except Article IV, shall be served by the town with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.

§ 220-30. Continuance of violation; penalties.

Any person who shall continue any violation beyond the time limit provided for in § 220-29 shall be guilty of a misdemeanor and, on conviction thereof, shall be fined in the amount not exceeding \$20 for each violation. Each day in which any such violation shall continue shall be deemed a separate offense.

§ 220-31. Liability.

Any person violating any of the provisions of this chapter shall become liable to the town for any expense, loss or damage occasioned the town by reason of such violation.

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Chapter DL

DISPOSITION LIST

§ DL-1. Disposition of legislation.

The following is a chronological listing of legislation of the Town of Northbridge adopted since the republication of the Code in 1998, indicating its inclusion in the Code or the reason for its exclusion. [Enabling legislation which is not general and permanent in nature is considered to be non-Code material (NCM).] Information regarding legislation which is not included in the Code nor on this list is available from the office of the Town Clerk. The last legislation reviewed for the republication of the Code in 1998 was Article 28 of the Annual Town Meeting held May 5, 1998.

§ DL-1. Disposition of legislation.

Enactment	Adoption Date	Subject	Disposition
ATM, Art. 14	11-10-1998	General Law acceptance	Ch. A233
ATM, Art. 20	11-10-1998	Zoning amendment	Ch. 173
Board of Health	11-24-1998	Dumpsters	Ch. 201
STM, Art. 2	2-23-1999	Sewers amendment	Ch. 10, Section 10-100
ATM, 14	5-4-1999	Finance Committee amendment	Ch. 3, Section 3-200
ATM, 16	5-4-1999	Multiple-member bodies amendment	Ch. 4, Section 4-300
ATM, 17	5-4-1999	General Law acceptance	Ch. A233
ATM, 18	5-4-1999	General Law acceptance	Ch. A233
ATM, Art. 21	5-4-1999	Zoning amendment	Ch. 173
ATM, Art. 22	5-4-1999	Zoning amendment	Ch. 173
Board of Health	6-15-1999	Sewage disposal; penalties amendment	Ch. 201
Board of Health	12-14-1999	Pool permit fees amendment	Ch. 201
ATM, Art. 19	11-9-1999	Zoning Map amendment	NCM
ATM, Art. 17	5-2-2000	General Law acceptance	Ch. A233
ATM, Art. 22	5-2-2000	Zoning Map amendment	NCM
Board of Health	7-25-2000, effective 3-1-2001	Environmental tobacco smoke	Ch. 201
ATM, Art. 12	11-14-2000	Membership in Central Massachusetts Mosquito Control Project	NCM

Enactment	Adoption Date	Subject	Disposition
ATM, Art. 17	11-14-2000	Zoning amendment	Ch. 173
ATM, Art. 18	11-14-2000	Zoning amendment	Ch. 173
ATM, Art. 22	11-14-2000	Zoning amendment	Ch. 173
Board of Health	3-14-2001, effective 3-21-2001	Body art establishments	Ch. 201
STM, Art. 4	4-3-2001	Zoning Map amendment	NCM
STM, Art. 5	4-3-2001	Zoning amendment	Ch. 173
ATM, Art. 18	5-1-2001	Zoning amendment	Ch. 173
Board of Health	5-16-2001, effective 5-30-2001	Solid waste and recyclable materials collection amendment	Ch. 201
Board of Health	6-13-2001, effective 6-20-2001	Grease traps	Ch. 201
Board of Health	7-11-2001, effective 7-18-2001	Recreational camps for children	Ch. 201
Board of Health	7-11-2001, effective 7-18-2001	Food regulations amendment	Ch. 201
Board of Health	7-11-2001, effective 7-18-2001	Smoking and tobacco products amendment	Ch. 201
Board of Health	7-11-2001, effective 7-18-2001	Swimming pools and hot tubs amendment	Ch. 201
Board of Health	9-5-2001, effective 9-12-2001	Dumpsters amendment	Ch. 201
Board of Health	10-3-2001, effective 10-10-2001	Wells amendment	Ch. 201
Board of Health	10-17-2001 effective 10-24-2001	Body art regulations amendment	Ch. 201
STM, Art. 2	5-1-2001	Financial regulations amendment	Ch. 5
Board of Selectmen	7-9-2001	Utility abatement requests	Ch. 198A
Board of Selectmen	10-15-2001	Utility abatement requests amendment	Ch. 198A

Enactment	Adoption Date	Subject	Disposition
ATM, Art. 12	11-13-2001	Zoning amendment	Ch. 173
Board of Health	2-6-2002	Acceptance of MGL c. 129, § 15	NCM
Board of Health	3-6-2002, effective 3-6-2002	Wells amendment	Ch. 201
Board of Health	5-29-2002, effective 7-1-2002	Smoking and tobacco products amendment	Ch. 201
Board of Health	5-29-2002, effective 7-1-2002	Mercury disposal	Ch. 201
ATM, Art. 9	6-11-2002	Water use restrictions	Ch. 10
ATM, Art. 22	6-11-2002	Zoning Map amendment	NCM
ATM, Art. 23	6-11-2002	Zoning amendment	Ch. 173
ATM, Art. 24	6-11-2002	Zoning amendment	Ch. 173
ATM, Art. 25	6-11-2002	Zoning amendment	Ch. 173
Board of Health	7-31-2002, effective 9-1-2002	Fee schedule amendment	Ch. 201
ATM, Art. 9	10-22-2002	Zoning amendment	Ch. 173
ATM, Art. 10	10-22-2002	Zoning amendment	Ch. 173
ATM, Art. 11	10-22-2002	Zoning Map amendment	NCM
ATM, Art. 14	10-22-2002	Zoning Map amendment	NCM
STM, Art. 13	1-21-2003	Waste disposal amendment	Ch. 9
Planning Board	2-25-2003	Subdivision regulations amendment	Ch. 222
Planning Board	2-25-2003	Subdivision regulations amendment	Ch. 222
ATM, Art. 20	6-17-2003	Zoning amendment	Ch. 173
Board of Health	5-7-2003	Fees amendment	Ch. 201
Board of Health	6-11-2003	Floor drains amendment	Ch. 201
Board of Selectmen	9-8-2003	Sewer extensions and connections	Ch. 196, Art. I
STM, Art. I	9-23-2003	Zoning amendment	Ch. 173
Board of Selectmen	4-12-2004	Road opening permit rules and regulations	Ch. 197, Art. I
ATM, Art. 10	6-8-2004	General Law acceptance	Ch. A233
ATM, Art. 23	6-8-2004	Zoning amendment (Limited Redevelopment Overlay District)	Ch. 173

Enactment	Adoption Date	Subject	Disposition
ATM, Art. 24	6-8-2004	Zoning amendment	Ch. 173
ATM, Art. 25	6-15-2004	Zoning amendment	Ch. 173
ATM, Art. 26	6-15-2004	Zoning amendment	Ch. 173
ATM, Art. 28	6-8-2004	Zoning amendment (Historic Mill Adaptive Reuse Overlay District)	Ch. 173
ATM, Art. 29	6-8-2004	Zoning amendment	Ch. 173
Zoning Board of Appeals	8-12-2004	Comprehensive permit regulations	Ch. 204, Part 2
Board of Selectmen	8-30-2004	Utility abatement requests amendment	Ch. 198A
STM, Art. 1	5-10-2005	Zoning Map amendment	NCM
ATM, Art. 19	6-7-2005	Zoning Map amendment	NCM
Board of Health	8-3-2005	Fee schedule amendment	Ch. 201
ATM, Art. 10	10-25-2005	Illegal discharges and stormwater connections	Ch. 10
ATM, Art. 12	10-25-2005	Scenic roads	Ch. 6
ATM, Art. 13	10-25-2005	Zoning amendment	Ch. 173
ATM, Art. 14	10-25-2005	Zoning amendment	Ch. 173
ATM, Art. 25	10-25-2005	Zoning Map amendment	NCM
ATM, Art. 26	10-25-2005	Zoning Map amendment	NCM
Board of Selectmen	2006	Policies and procedures amendment	Ch. 194
Board of Health	4-26-2006, effective 7-1-2006	Smoking and tobacco products amendment	Ch. 201
ATM, Art. 10	5-2-2006	General Law acceptance	Ch. A233
ATM, Art. 12	5-2-2006	Zoning Map amendment	NCM
ATM, Art. 13	5-2-2006	Zoning amendment	Ch. 173
ATM, Art. 17	5-2-2006	Zoning Map amendment	NCM
ATM, Art. 18	5-2-2006	Zoning Map amendment	NCM
ATM, Art. 19	5-2-2006	Zoning amendment	Ch. 173
ATM, Art. 11	10-24-2006	Zoning Map amendment	NCM
ATM, Art. 23	10-24-2006	Code of Bylaws amendments	Chs. 1 through 10
Board of Selectmen	12-4-2006	Boot drive policy	Ch. 179
Board of Health	2-20-2007, effective 3-1-2007	Recreation camps for children amendment	Ch. 201

Enactment	Adoption Date	Subject	Disposition
Board of Selectmen	2-26-2007	Use of public sidewalks and ways	Ch. 197, Art. II
Board of Selectmen	4-9-2007	Liveries and taxis	Ch. 189
ATM, Art. 23	6-12-2007	General Law acceptance	Ch. A233
Board of Selectmen	6-18-2007	Sewer rates	Ch. 196, Art. II
Board of Health	6-19-2007, effective 7-1-2007	Sewage disposal amendment	Ch. 201
Board of Health	6-19-2007, effective 7-1-2007	Outdoor wood-burning furnaces	Ch. 201
ATM, Art. 2	10-23-2007	General Law acceptance	Ch. A233
ATM, Art. 10	10-23-2007	Zoning amendment	Ch. 173
ATM, Art. 12	10-23-2007	Zoning amendment	Ch. 173
ATM, Art. 13	10-23-2007	Zoning amendment	Ch. 173
ATM, Art. 14	10-23-2007	Zoning amendment	Ch. 173
Board of Selectmen	12-17-2007	Voting precincts amendment	Ch. 200
Board of Selectmen	4-28-2008	Boot drive policy amendment	Ch. 179
ATM, Art. 21	5-6-2008	Wetlands Protection Bylaw	Ch. 7, Section 7-700
ATM, Art. 22	5-6-2008	Stormwater Management Bylaw	Ch. 7, Section 7-800
ATM, Art. 23	5-6-2008	General Law acceptance	Ch. A233
ATM, Art. 24	5-6-2008	General Law acceptance	Ch. A233
ATM, Art. 25	5-6-2008	General Law acceptance	Ch. A233
Board of Health	6-17-2008	Code of Regulations amendment	Ch. 201
ATM, Art. 5	10-28-2008	Administrative organization amendment	Ch. 4
Board of Selectmen	12-22-2008	Excavations and trench safety	Ch. 197, Art. III
Board of Selectmen	1-12-2009	Road opening permit rules and regulations amendment	Ch. 197, Art. I
Planning Board	3-10-2009	Scenic roadway rules and regulations	Ch. 217, Art. II
Planning Board	3-10-2009	Subdivision rules and regulations amendment	Ch. 222
Conservation Commission	3-11-2009	Wetlands protection regulations	Ch. 205, Art. I

Enactment	Adoption Date	Subject	Disposition
ATM, Art. 21	5-5-2009	Zoning amendment	Ch. 173
ATM, Art. 22	5-5-2009	Zoning amendment	Ch. 173
Board of Selectmen	8-10-2009	Plumbing and gas permit fees	Ch. 181, Art. IV
Board of Selectmen	8-10-2009	Electrical permit fees	Ch. 181, Art. V
Board of Selectmen	8-10-2009	Building permit fees	Ch. 181, Art. VI
Board of Selectmen	9-8-2009	Utility abatement requests amendment	Ch. 198A
ATM, Art. 3	10-27-2009	General Law acceptance	Ch. A233
Board of Selectmen	4-12-2010	Utility abatement requests amendment	Ch. 198A
ATM, Art. 9	5-4-2010	General Law acceptance	Ch. A233
ATM, Art. 15	5-4-2010	Zoning amendment	Ch. 173
Town Manager	9-13-2010	Policies and procedures amendment	Ch. 194
ATM, Art. 8	10-26-2010	General Law acceptance	Ch. A233
ATM, Art 22	5-3-2011	General Law acceptance	Ch. A233
ATM, Art. 23	5-3-2011	Zoning amendment	Ch. 173
ATM, Art. 24	5-3-2011	Zoning Map amendment	NCM
ATM, Art. 25	5-3-2011	Zoning amendment	Ch. 173
Board of Health	10-24-2011	Code of Regulations amendment	Ch. 201
ATM, Art. 7	10-25-2011	Code of Bylaws amendments	Chs. 2, 3, 4, 5, 6, 8 and 9
ATM, Art. 11	10-25-2011	Zoning Map amendment	NCM
ATM, Art. 12	10-25-2011	Zoning amendment	NCM
Board of Selectmen	12-19-2011	Designer selection	Ch. 180A
STM, Art. 1	2-21-2012	Zoning Map amendment	NCM
STM, Art. 2	2-21-2012	Zoning amendment	Ch. 173
STM, Art. 3	2-21-2012	Zoning amendment	Ch. 173
STM, Art. 6	2-21-2012	Zoning Map amendment	NCM
STM, Art. 7	2-21-2012	Zoning Map amendment	NCM
ATM, Art. 23	5-1-2012	Zoning amendment	Ch. 173
ATM, Art. 13	10-23-2012	General Law acceptance	Ch. A233
ATM, Art. 15	10-23-2012	Zoning amendment	Ch. 173

Enactment	Adoption Date	Subject	Disposition
Board of Health	12-11-2012, effective 1-1-2013	Ban on sale of drug paraphernalia and synthetic cannabinoids	Ch. 201
Ch. 438, Acts of 2012	1-9-2013	Special Act	Ch. A233
Board of Selectmen	4-8-2013	Criminal offender record information	Ch. 180
ATM, Art. 20	5-7-2013	General Law acceptance	Ch. A233
ATM, Art. 21	5-7-2013	Zoning amendment	Ch. 173
Board of Health	9-24-2013, effective 10-4-2013	Smoking and tobacco and tobacco or nicotine delivery products; youth access regulations	Ch. 201
Board of Health	9-24-2013, effective 10-4-2013	Prohibition of smoking in workplaces and public places	Ch. 201
ATM, Art. 8	10-22-2013	Regulation of animals amendment	Pending Attorney General approval
ATM, Art. 9	10-22-2013	Zoning amendment	Pending Attorney General approval
ATM, Art. 10	10-22-2013	Zoning amendment	Pending Attorney General approval