

# Annual Town Meeting Warrant



Town Hall Fallon Auditorium  
June 7, 2021  
7:00 P.M.

TOWN OF CLINTON  
COMMONWEALTH OF MASSACHUSETTS  
**WARRANT FOR ANNUAL TOWN MEETING**

WORCESTER, SS.

To the Constable of the Town of Clinton in the County of Worcester.

GREETINGS:

In the name of the Commonwealth of Massachusetts, you are hereby directed to notify and warn the inhabitants of the Town, qualified to vote in the elections and Town affairs, to meet at the Town Hall in said Clinton on Monday, the seventh day of June 2021 at 7:00 P.M., then and there to act on the following articles:

ARTICLE 1

To receive the reports of the Town officers and to act thereon.

ARTICLE 2

To see if the Town will vote to fix the salaries and compensation of all elective officials of the Town, as provided by Chapter 41, Section 108, of the Massachusetts General Laws, said salaries and compensation to be effective from July 1, 2021 to June 30, 2022, and to raise and appropriate a sum of money therefore, or act in any manner relating thereto.

ARTICLE 3

To see if the Town will vote to raise and appropriate from the current tax levy or transfer from available funds such sums of money as may be deemed necessary to defray town charges from July 1, 2021 to June 30, 2022, as those charges appear in the Finance Committee Report of Recommendations, or act in any manner relating thereto.

(Finance Committee – Approved)

ARTICLE 4

To see if the Town will vote to authorize the Town Treasurer and Town Collector to enter into a compensating balance agreement with a banking institution for Fiscal Year 2022 pursuant to Chapter 44, Section 53F, of the Massachusetts General Laws, or act in any manner relating thereto.

ARTICLE 5

To see if the Town will vote to raise and appropriate or transfer from available funds the sum of \$4,800.00, or any other sum, said sum to be expended for social services in accordance with programs as approved by the Board of Selectmen, or act in any manner relating thereto.

(Finance Committee – Approved)

ARTICLE 6

To see if the Town will vote to raise and appropriate or transfer from available funds the sum of \$20,000.00, or any other sum, said sum to be expended as the Town of Clinton's share to the Wachusett Health Education Action Team (WHEAT, Inc.), which committee is a delegate agency of the United Way of Tri-County, or act in any manner relating thereto.

(Finance Committee – Approved)

ARTICLE 7

To see if the Town will vote pursuant to the provisions of Chapter 44, Section 53E½ of the Massachusetts General Laws to set the limits on the total amounts that may be expended from each of the Town's revolving funds established under the Town's Administrative By-Laws, or act in any manner relating thereto.

<b>Revolving Fund</b>	<b>Spending Limit</b>
Gas/Plumbing Inspection	\$50,000.00
Council on Aging	\$20,000.00
Town Hall Use	\$ 5,000.00
Olde Home Day	\$25,000.00
Fuller Field	\$ 5,000.00
Town Clerk	\$15,000.00

(Finance Committee – Approved)

ARTICLE 8

To see if the Town will vote to appropriate from the Assessors Overlay Reserve Account the sum of \$30,000.00, or any other sum, said sum to be used to continue the Senior Tax Rebate Program for Fiscal Year 2022, or act in any manner relating thereto.

(Finance Committee – Approved)

ARTICLE 9

To see if the Town will vote to raise and appropriate, borrow or transfer from available funds the sum of \$3,262.60, or any other sum, said sum to be expended by the Board of Selectmen for the following unpaid bills, or act in any manner relating thereto.

Regonini-Zoll Memorials	\$2,800.00
National Grid	\$ 462.60

(Finance Committee – Approved)

## ARTICLE 10

To see if the Town will vote to close-out the unexpended balances of the following warrant articles to the General Fund, or act in any manner relating thereto:

Landfill Monitor	\$ 406.38
Message Board	\$ 1,500.00
Land Easements	\$13,010.00

(Finance Committee – Approved)

## ARTICLE 11

To see if the Town will vote to rescind the borrowing authorization of \$208,500.00 from Article 23 of the 2016 Annual Town Meeting for the purchase of open space, whereas this project was funded by a state grant, or act in any manner relating thereto.

(Finance Committee – Approved)

## ARTICLE 12

To see if the Town will vote to raise and appropriate or transfer from available funds the sum of \$150,000.00, or any other sum, to the Health Insurance Trust Fund, or act in any manner relating thereto.

(Finance Committee – Approved)

## ARTICLE 13

To see if the Town will vote to raise and appropriate or transfer from available funds the sum of \$150,000.00, or any other sum, to the Stabilization Fund, or act in any manner relating thereto.

(Finance Committee – Approved)

## ARTICLE 14

To see if the Town will vote to raise and appropriate or transfer from the Landfill Enterprise Fund retained earnings the sum of \$3,200,000.00, or any other sum, to the Capital Projects & Infrastructure Improvements Stabilization Fund, or act in any manner relating thereto.

(Finance Committee – Approved)

## ARTICLE 15

To see if the Town will vote to appropriate from the PEG Access and Cable Related Fund the sum of \$175,000.00, or any other sum, said sum to be used for the support of cable access related services, programming and equipment, or act in any manner relating thereto.

(Finance Committee – Approved)

## ARTICLE 16

To see if the Town will vote to transfer from the Stabilization Fund or take from available funds the sum of \$50,000.00, or any other sum, said sum to be expended by the Fire Department to fund retroactive wages as part of a negotiated agreement between the Town of Clinton, through the Board of Selectmen, and the International Association of Fire Fighters – Local 3189 for the period July 1, 2020 to June 30, 2021, having been negotiated in accordance with M.G.L. Chapter 150E, as amended, or act in any manner relating thereto

(Finance Committee – Approved)

## ARTICLE 17

To see if the Town will vote to raise and appropriate, transfer from the Stabilization Fund or take from available funds the sum of \$68,800.00, or any other sum, said sum to be expended by the Police Chief to fund retroactive wages as part of a negotiated agreement between the Town of Clinton, through the Board of Selectmen, and the Massachusetts Coalition of Police – Local 151 for the period July 1, 2020 to June 30, 2021, having been negotiated in accordance with M.G.L. Chapter 150E, as amended, or act in any manner relating thereto.

(Finance Committee – Approved)

## ARTICLE 18

To see if the Town will vote to appropriate, borrow or transfer from available funds, the sum of \$1,000,000.00, or any other sum, said sum to be expended under the direction of Permanent Building Committee for the purpose of paying costs of a feasibility study regarding the Clinton Middle School – 100 West Boylston Street, including the payment of all costs incidental or related thereto, and for which the Town may be eligible for a grant from the Massachusetts School Building Authority (MSBA). The Town acknowledges that the MSBA's grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and any costs the Town incurs in connection with the feasibility study that are in excess of any grant approved by and received from the MSBA shall be the sole responsibility of the Town, and that the costs authorized pursuant to this vote shall be reduced by any grant amount set forth in the Feasibility Study Agreement that may be executed between the Town and the MSBA, or act in any manner relating thereto.

(School Committee)

(Finance Committee – Approved)

## ARTICLE 19

To see if the Town will vote to raise and appropriate or transfer from the Landfill Enterprise Fund retained earnings the sum of \$3,100,000.00, or any other sum, to the Landfill Enterprise Fund closure reserve line item, or act in any manner relating thereto.

(Public Works)

(Finance Committee – Approved)

## ARTICLE 20

To see if the Town will vote to appropriate or transfer from the Landfill Enterprise Fund closure reserve line-item the sum of \$3,000,000.00, or any other sum, to be used for the Phase I & Phase II Landfill Closure and South Meadow Pond Dredging Project and all related work, or act in any manner relating thereto.

(Public Works)

(Finance Committee – Approved)

## ARTICLE 21

To see if the Town will vote to raise and appropriate, borrow, or transfer from the Capital Projects & Infrastructure Improvements Stabilization Fund the sum of \$2,000,000.00, or any other sum, said sum to be expended by the Department of Public Works for road resurfacing and infrastructure improvements as approved by the Board of Selectmen, or act in any manner relating thereto.

(Public Works)

(Finance Committee – Approved)

## ARTICLE 22

To see if the Town will vote to raise and appropriate, borrow, or transfer from the Water/Sewer Enterprise Fund the sum of \$2,000,000.00, or any other sum, said sum to be expended by the Department of Public Works for sewer system inflow & infiltration improvements, including all incidental and related costs, or act in any manner relating thereto.

(Public Works)

(Finance Committee – Approved)

## ARTICLE 23

To see if the Town will vote to appropriate the \$49,860.43 balance from the Drainage Improvement Project, authorized under Article 21 of the 2019 Annual Town Meeting, to be used for stormwater system permit requirements, or act in any manner relating thereto.

(Public Works)

(Finance Committee – Approved)

## ARTICLE 24

To see if the Town will vote to raise and appropriate, borrow, transfer from the Stabilization Fund or transfer from available funds the sum of \$65,000.00, or any other sum, said sum to be expended by the Department of Public Works for the purchase of a F-550 Utility Body Truck, act in any manner relating thereto.

(Public Works)

(Finance Committee – Approved)

## ARTICLE 25

To see if the Town will vote to raise and appropriate, borrow, transfer from the Stabilization Fund or transfer from available funds the sum of \$65,000.00, or any other sum, said sum to be expended by the Department of Facilities and Grounds for the purchase of a F-550 Utility Body Truck, act in any manner relating thereto.

(Facilities & Grounds)

(Finance Committee – Approved)

## ARTICLE 26

To see if the Town will vote to raise and appropriate, borrow, transfer from the Stabilization Fund or transfer from available funds the sum of \$100,000.00, or any other sum, said sum to be expended by the Department of Facilities and Grounds for beautification of the downtown business district, act in any manner relating thereto.

(Facilities & Grounds)

(Finance Committee – Approved)

## ARTICLE 27

To see if the Town will vote to raise and appropriate, borrow, transfer from the Stabilization Fund or transfer from available funds the sum of \$60,000.00, or any other sum, said sum to be expended by the Fire Chief for the purchase of a new chief vehicle, act in any manner relating thereto.

(Facilities & Grounds)

(Finance Committee – Approved)

## ARTICLE 28

To see if the Town will vote to appropriate, pursuant to Chapter 44 §20 of the Massachusetts General Laws, the \$144,589.39 balance from the Rauscher Farm Purchase, authorized under Article 10 of the 2007 Annual Town Meeting, to be used to construct a universal access walkway, an observation area providing a view of Clamshell Pond, and a designated handicap parking area at town-owned Rauscher Farm. Such construction to meet the specifications of the Americans with Disabilities Act (ADA); furthermore, to construct a second parking area in the vicinity not designed to be ADA compliant. This project, “The Path to Clamshell Pond”, is necessary to enable everyone in our community to have access to a part of Rauscher Farm, or act in any manner relating thereto.

(Conservation Commission)

(Finance Committee – Approved)

## ARTICLE 29

To see if the Town will vote to accept the following roads as public ways and to authorize the Board of Selectmen to petition the Massachusetts General Court for a special act to authorize the acceptance of these roads as public ways in the Town of Clinton if required, notwithstanding any general or special act to the contrary, provided, however, that the General

Court may make clerical or editorial changes of form only to the bill, unless the Board of Selectmen approves amendments thereto before enactment by the General Court, which amendments shall be within the public purposes of said petition, or act in any manner related thereto.

Ash Street  
Clamshell Road  
Lane Avenue  
McMahon Avenue  
Oak Court  
Ring Street  
Spring Street  
Doggett Lane  
Leighton Avenue

Benefit Street  
Forest Street  
Liberty Street  
Milton Avenue  
Richardson Place  
Robert Street Ext.  
Walden Terrace  
Fuller Street

Candice Street  
Francis Street  
Mayflower Drive  
Myles Standish Road  
Rigby Place  
South Meadow Road  
West Boylston Street  
Gabby Lane

Berlin Street - .101 Miles  
Lorraine Avenue - .034 Miles  
Willow Street - .348 Miles

Eileen Avenue - .246 Miles  
Sterling Street - .041 Miles  
Worcester Street - .124 Miles

### ARTICLE 30

To see if the Town will vote to amend Article XI of the Administrative By-Laws by adding the following new section, or act in any manner relating thereto:

Section \_\_\_\_\_. In addition to the requirements of M.G.L. Chapter 148, Sections 26E and 26F, upon the sale of any residential property, regardless of the year built, such residential property shall be equipped with smoke detectors in all sleeping areas.

### ARTICLE 31

To see if the Town will vote to amend the Personnel Bylaw in Section 3.2-3 by deleting the "Personnel Board" and replacing it with the "Town Administrator" in the second sentence as the entity to approve or disapprove the starting rate for new employee appointments, or act in any manner relating thereto.

### ARTICLE 32

To see if the Town will vote to amend the Personnel Bylaw in Section 1.2-1 by deleting the "Town Administrator" and replacing it with the "Board of Selectmen" as the appointing authority for members of the Personnel Board, or act in any manner relating thereto.

### ARTICLE 33

To see if the Town will vote to amend Article X, Section 1 of the Administrative By-Laws by striking the first three sentences and replacing them with the following language, or act in any manner relating thereto:

"The Police Department shall consist of a Chief of Police, Police Lieutenant(s), Police Sergeant(s) and such number of Police Officers as the Board of Selectmen shall deem necessary. The



Selectmen shall have the right to increase or decrease the number of Police Lieutenants, Police Sergeants and Police Officers from time to time as they deem necessary, and shall fix their compensation.”

#### ARTICLE 34

To see if the Town will vote to eliminate pursuant to M.G.L. Chapter 53, Section 121 the annual town caucus for the nomination of candidates to town office, or act in any manner relating thereto.

#### ARTICLE 35

To see if the Town will vote to amend Article 1, Section 13 of the Administrative By-Laws by eliminating the numerical requirement of a quorum of 200 voters at a Town Meeting and 150 voters at a Special Town Meeting, or act in any manner relating thereto.

#### ARTICLE 36

To see if the Town will vote to amend Article XXXV of the Administrative By-Laws in the following sections, or act in any manner relating thereto:

##### Current Section 1:

All dogs shall be kept on a leash or in the control of its owner at all times 24 hours a day.

##### Amended Section 1:

All dogs must be under actual physical restraint by way of a leash when on any property within the town, whether public or private, except on the premises of the owner or keeper, or on the premises of another person with the knowledge and permission of such other person.

Definition of Restraint — An animal shall be considered under restraint if it is within the real property limits of its owner or keeper or on the premises of another person with the knowledge and express permission of such person, or secured by a leash, lead, or under the direct control of the owner.

##### Current Section 2:

Scheduled of fines for unleashed dogs shall be \$25 for the first offense and \$50 for second offense and subsequent offenses.

##### Amended Section 2:

Scheduled of fines for unleashed dogs shall be \$25.00 for the first offense, \$50.00 for second offense and \$100.00 for subsequent offenses.

##### Current Section 4.

The schedule of fines for a dog owner's failure to remove the dog's excrement from public property shall be \$25.00 for the first offense and \$50.00 for second offense and subsequent offenses.

##### Amended Section 4

The schedule of fines for a dog owner's failure to remove the dog's excrement from public property shall be \$25.00 for the first offense, \$50.00 for the second offense and \$100.00 for subsequent offenses.

Current Section 5:

The fine for non-licensed dogs shall be increased from \$15 to \$25.

Amended Section 5:

The fine for non-licensed dogs shall be \$50.00.

Add New Section 6:

It is the responsibility of all dog owners to be respectful of their neighbors. Between the hours of 9 a.m. and 9 p.m., dogs shall not be allowed to bark continuously for no more than 30 minutes. Between the hours of 9 p.m. and 9 a.m., dogs shall not be allowed to bark continuously for no more than 15 minutes.

Schedule of fines for barking dogs shall be \$25.00 for the first offense, \$50.00 for the second offense and \$100.00 for the third and subsequent offenses. The third offense may be brought before the Board of Selectmen under MGL Chapter 140, Section 157 as a nuisance dog whereby the Board of Selectmen will determine further action as required by law.

ARTICLE 37

To see if the Town will vote to amend the Administrative By-Laws by adding the following new article, or act in any manner relative thereto:

**ILLICIT DISCHARGE DETECTION  
AND ELIMINATION BY-LAW**

I. AUTHORITY

This By-Law is adopted in accordance with the authority granted, inter alia, by Amendment Article 89 to Article II of the Massachusetts Constitution and M.G.L. Chapter 43B Section 13. The Board of Selectmen is delegated hereby the responsibility and authority to enforce and administer this By-Law. The Board of Selectmen may delegate such aspects of By-Law enforcement and administration to the Superintendent of Public Works and such of his subordinates as the Board of Selectmen may from time-to-time determine and designate in writing.

II. PREAMBLE

In partial fulfillment of the obligations of the Town under the Clean Water Act (33 U.S.C. 1251 & seq.) (the "Act") and under the Town's National Pollutant Discharge Elimination System Stormwater Permit, the Town hereby establishes a comprehensive and fair system of regulation of Discharge to the Town's Municipal Separate Storm Sewer System (sometimes referred to herein as the "MS4").

III. PURPOSE

The purpose and intent of this By-Law is to:

- a. Protect the waters of the U.S. as defined in the Act and implementing Regulations from uncontrolled Discharges of Stormwater or Discharges of Contaminated Water which have a negative impact on the receiving waters by changing the physical, biological and chemical composition of the water resulting in an unhealthy environment for aquatic organisms, wildlife and people, and

- b. Reduce Discharges of Contaminated Water into the MS4 and resultant discharges from the MS4 into waters of the U.S. and improve surface water quality, and
- c. Permit and manage reasonable access to the MS4 to facilitate proper drainage, and
- d. Assure that the Town can continue to fairly and responsibly protect the public health, safety and welfare.

#### IV. DEFINITIONS

BOARD: The Board of Selectmen or its authorized agent(s).

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

CONTAMINATED WATER: Water that contains higher levels of Pollutants, including without limitation implied, heavy metals, toxics, oil and grease, solvents, nutrients, viruses and bacteria than permitted in waters of the U.S. by the Act and implementing Regulations.

DISCHARGE: Any non-naturally occurring addition of water or of Stormwater to the MS4.

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

DUMPING: An act or omission of any person or entity the proximate result of which is the introduction of a Pollutant into the MS4.

GROUND WATER: Water beneath the surface of the ground including confined or unconfined aquifers.

ILLICIT CONNECTION: A surface or subsurface drain or conveyance, which allows an illicit discharge into the municipal storm drain system, including without limitation sewage, process wastewater, or wash water and any connections from indoor drains, sinks, or toilets, regardless of whether said connection was previously allowed, permitted, or approved before the effective date of this Bylaw.

ILLICIT DISCHARGE: Direct or indirect discharge to the municipal storm drain system that is not composed entirely of stormwater, except as exempted in Section VI. The term does not include a discharge in compliance with an NPDES Stormwater Discharge Permit or a Surface Water Discharge Permit, or resulting from firefighting activities exempted pursuant to Section VI of this Bylaw.

MUNICIPAL SEPARATE STORM SEWER SYSTEM OR MS4: The Stormwater collection system which is made up of open water courses, swales, ditches, culverts, canals, streams, catch basins and pipes through which the stormwater flows and the Town Public Ways over which it flows which is owned and operated by the Town for the purpose of collecting or conveying stormwater to a discharge point.

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

**NPDES PERMIT:** The National Pollution Discharge Elimination System Permit issued by the federal Environmental Protection Agency to the Town.

**OWNER:** The owner of a parcel of land recorded in the Assessor's Office of the Town.

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

**POLLUTANT:** Any element or property of sewage, agricultural, industrial or commercial waste, runoff, leachate, heated effluent, or other matter whether originating at a point or nonpoint source, that is considered toxic to humans or the environment and may be introduced into any sewage treatment works or waters of the Commonwealth of Massachusetts.

Pollutants shall include, but not be limited to:

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

**PUBLIC WAYS:** Any road (including such appurtenances such as berms, curbs, drains, catch basins, sewers, water mains, sidewalks and paved and unpaved shoulders within the paper lay-out) to which the public has access and that the Town is responsible for maintaining.

**STORMWATER:** Rainfall that exceeds the soil's capacity contemporaneously to absorb it and which, instead, runs across the surface of the ground as run-off.

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

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

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

WATERS OF THE COMMONWEALTH: All waters within the jurisdiction of the Commonwealth of Massachusetts, including, without limitation, rivers, streams, lakes, ponds, springs, impoundments, estuaries, wetlands, coastal waters, groundwaters, and vernal pools.

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

## V. ADMINISTRATION

The Board, shall administer, implement and enforce this bylaw. Any powers granted to or duties imposed upon the Board may be delegated in writing by the Board to its employees or agents. The decisions or orders of the Board of Selectmen shall be final. Further relief shall be to a court of competent jurisdiction.

## VI. APPLICABILITY AND EXEMPTIONS

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

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

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

### Exemptions

- a. Discharge or flow resulting from firefighting activities;
- b. Discharge or flow that results from exigent conditions and occurs during a State of Emergency declared by any agency of the federal or state government, or by the Board of Selectmen;
- c. The following non-stormwater discharges or flows are exempt from the prohibition of non-stormwaters provided that the source is not a significant contributor of a pollutant to the municipal storm drain system:
  - i. Waterline flushing;
  - ii. Flow from potable water sources;
  - iii. Springs;
  - iv. Natural flow from riparian habitats and wetlands;
  - v. Diverted stream flow;
  - vi. Rising groundwater;
  - vii. Uncontaminated groundwater infiltration as defined in 40 CFR 35.2005(20), or uncontaminated pumped groundwater;

- viii. Water from exterior foundation drains, footing drains (not including active groundwater dewatering systems), crawl space pumps, or air conditioning condensation.
- ix. Discharge from landscape irrigation or lawn watering;
- x. Water from individual residential car washing;
- xi. Discharge from dechlorinated swimming pool water (less than one ppm chlorine) provided the water is allowed to stand for one week prior to draining and the pool is drained in such a way as not to cause a nuisance;
- xii. Discharge from street sweeping.
- xiii. Dye testing, provided verbal notification is given to the Board prior to the time of the test;
- xiv. Non-stormwater discharge permitted under an NPDES permit or a Surface Water Discharge Permit, waiver, or waste discharge order administered under the authority of the United States Environmental Protection Agency or the Department of Environmental Protection, provided that the discharge is in full compliance with the requirements of the permit, waiver, or order and applicable laws and regulations; and
- xv. Discharge for which advanced written approval is received from the Board as necessary to protect public health, safety, welfare or the environment.

## VII. EMERGENCY SUSPENSION OF STORM DRAINAGE SYSTEM ACCESS

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

## VIII. NOTIFICATION OF SPILLS

Notwithstanding other requirements of local, state or federal law, as soon as a person responsible for a facility or operation, or responsible for emergency response for a facility or operation has information of or suspects a release of materials at that facility or operation resulting in or which may result in discharge of pollutants to the municipal drainage system or waters of the Commonwealth, the person shall take all necessary steps to ensure containment, and cleanup of the release. In the event of a release of oil or hazardous materials, the person shall immediately notify the municipal fire and police departments and the department of public works. In the event of a release of non-hazardous material, the reporting person shall notify the Authorized Enforcement Agency no later than the next business day. The reporting person shall provide to the Authorized Enforcement Agency written confirmation of all telephone, facsimile or in-person notifications within three business days thereafter. If the discharge of prohibited materials is from a commercial or industrial facility, the facility owner or operator of the facility shall retain on-site a written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least three years.

## IX. ENFORCEMENT

- a. The Board of Selectmen shall enforce this Bylaw, regulations, orders, violation notices,

and enforcement orders, and may pursue all civil and criminal remedies for such violations.

- b. The Board of Selectmen or an authorized agent may issue a written order to enforce the provisions of this Bylaw or the regulations thereunder, which may include:
  - i. Elimination of illicit connections or discharges to the municipal storm drain system;
  - ii. Performance of monitoring, analyses, and reporting;
  - iii. That unlawful discharges, practices, or operations shall cease and desist; and/or
  - iv. Remediation of contamination in connection therewith.
- c. If the enforcing person determines that abatement or remediation of contamination is required, the order shall set forth a deadline by which such abatement or remediation must be completed. Said order shall further advise that, should the violator or property owner fail to abate or perform remediation within the specified deadline, the Town may, at its option, undertake such work, with the approval of a court of competent jurisdiction, and all costs incurred by the Town shall be charged to the violator, to be recouped through all available means, including the placement of liens on the property.
- d. Within thirty (30) days after completing all measures necessary to abate the violation or to perform remediation, the violator and the property owner will be notified of the costs incurred by the Town, including administrative costs. The violator or property owner may file a written protest objecting to the amount or basis of costs with the Board of Selectmen within thirty (30) days of receipt of the notification of the costs incurred. If the amount due is not received by the expiration of the time in which to file a protest or within thirty (30) days following a decision of the Board of Selectmen affirming or reducing the costs, or from a final decision of a court of competent jurisdiction, the costs shall become a special assessment against the property owner and shall constitute a lien on the owner's property for the amount of said costs. Interest shall begin to accrue on any unpaid costs at the statutory rate provided in MGL Chapter 59, §57 after the thirty-first day at which the costs first become due.

## X. ENTRY TO PERFORM DUTIES UNDER THIS BYLAW

To the extent permitted by Massachusetts law, or if authorized by the owner or other party in control of the property, the Board of Selectmen or its agents may enter upon privately owned property for the purpose of performing their duties under this Bylaw and regulations and may make or cause to be made such examinations, surveys, or sampling as the Board of Selectmen deems reasonably necessary.

## XI. CIVIL RELIEF

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

## XII. CRIMINAL PENALTY

- a. Any person who violates any provision of this Bylaw, regulation, order or permit issued thereunder, shall be punished by a fine of not more than \$300.00. Each day or part thereof that such violation occurs or continues shall constitute a separate offense.
- b. As an alternative to criminal prosecution or civil action, the Town may elect to utilize the non-criminal disposition procedure set forth in MGL Chapter 40, §21D, in which case the Board of Selectmen or an authorized agent of the Board of Selectmen shall be the enforcing person. The penalty for each violation shall be \$300.00. Each day or part thereof that such violation occurs or continues shall constitute a separate offense.

## XIII. REMEDIES NOT EXCLUSIVE

The remedies listed in this Bylaw are not exclusive of any other remedies available under any applicable federal, state or local law.

## XIV. SEVERABILITY

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

(Public Works)

### ARTICLE 38

To see if the Town will vote to amend the Administrative By-Laws by adding the following new section, or act in any manner relating thereto:

#### MUNICIPAL SEPARATE STORM SEWER SYSTEM

##### 1.0 SECTION 1. PURPOSE

**A. Purposes.** The purposes of this Bylaw are to:

1. Establish minimum stormwater management requirements and procedures in order to minimize damage to public and private property and infrastructure;
2. Safeguard the public health, safety, environment and general welfare;
3. Protect aquatic resources, wildlife habitat, and drinking water supplies;
4. Protect the quality and health of water resources;
5. Reduce flooding, overloading or clogging of municipal catch basins and storm drainage systems;
6. Ensure that soil erosion and sedimentation control measures and stormwater runoff control practices are incorporated into the site planning and design process and are implemented and maintained;
7. Promote infiltration and the recharge of groundwater to conserve groundwater supplies; and
8. Foster climate change resiliency.



**B. Objectives.** This Bylaw seeks to meet that purpose through the following objectives:

1. Establish the Town as the legal authority to ensure compliance with the provisions of this Bylaw;
2. Establish administrative procedures for: the submission, review, and approval or disapproval of Stormwater Management Permits; the inspection of approved active projects; and post-construction monitoring;
3. Establish decision-making processes surrounding new development and redevelopment that protect watershed integrity and preserve and/or restore the health of local water resources such as lakes, ponds, streams, rivers, wetlands, and groundwater;
4. Establish requirements to ensure adequate water quality protection through proper treatment and handling of stormwater during and after construction; and
5. Ensure compliance with requirements of the United States Environmental Protection Agency (EPA), National Pollutant Discharge Elimination System (NPDES), General Permit for Stormwater Discharges from Small Municipal Separate Storm Sewer Systems (MS4) and other applicable state and federal mandates.

2.0

## SECTION 2. DEFINITIONS

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

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

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

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

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

AUTHORIZED ENFORCEMENT AGENCY: The Board of Selectmen (hereafter “the Board” or “Board”), its employees or agents designated to enforce this by-law.

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

THE BOARD: Town of Clinton Board of Selectmen or its authorized agent(s).

CERTIFICATE OF COMPLETION: Document issued by the Town of Clinton Board of Selectmen or its authorized agent(s) upon receipt of a final inspection report and acknowledgement that all conditions of the Stormwater Management Permit have been satisfactorily completed.

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

CLEARING: Any activity that removes the vegetative surface cover.

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

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

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

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

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

ENFORCEMENT ORDER: A written order issued by the Town of Clinton Board of Selectmen or its authorized agent(s) to enforce the provisions of this Bylaw.

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

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

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

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

GROUNDWATER: Water beneath the surface of the ground.

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

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

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

LOW IMPACT DEVELOPMENT (LID): An approach to land development design and stormwater management that attempts to mimic the natural hydrology of the site by avoiding, reducing, and mitigating impacts with natural, non-structural, and structural measures.

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

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

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

NEW DEVELOPMENT: Any construction activities or land alteration resulting in total earth disturbances equal to or greater than 1 acre (or activities that are part of a larger common plan of development disturbing greater than 1 acre) on an area that has not previously been developed to include impervious cover.

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

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

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

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

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

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

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

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

- (a) paints, varnishes, and solvents;
- (b) oil and other automotive fluids;
- (c) non-hazardous liquid and solid wastes and yard wastes;
- (d) refuse, rubbish, garbage, litter, or other discarded or abandoned objects, ordnances, accumulations and floatables;
- (e) pesticides, herbicides, and fertilizers;
- (f) hazardous materials and wastes; sewage, fecal coliform and pathogens;
- (g) dissolved and particulate metals;
- (h) animal wastes;
- (i) rock, sand; salt, soils;
- (j) concrete truck washout;
- (k) sanitary wastes;
- (l) construction wastes and residues; and
- (m) noxious or offensive matter of any kind.

**PRE-CONSTRUCTION:** All activity in preparation for construction.

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

**PROFESSIONAL ENGINEER (P.E.):** A registered Professional Engineer in good standing.

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

**REDEVELOPMENT:** Any construction, land alteration, or improvement of impervious surfaces resulting in total earth disturbance equal to or greater than 1 acre (or activities that are part of a larger common plan of development disturbing greater than 1 acre) that does not meet the definition of new development. .

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

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

**SEDIMENTATION**: The process or act of deposition of sediment.

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

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

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

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

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

**STORMWATER MANAGEMENT PERMIT**: The written approval granted by the Town of Clinton Board of Selectmen or its authorized agent(s) to undertake a construction activity pursuant to a Stormwater Management Permit Application. A valid Stormwater Management Permit must be obtained, and such permit must be recorded at the Worcester Registry of Deeds, prior to the start of any work.

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

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

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

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

**TOTAL SUSPENDED SOLIDS (TSS)**: Sediment being carried in stormwater.

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

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

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

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

**WETLAND RESOURCE AREA:** Areas specified in the Massachusetts Wetlands Protection Act G.L. c. 131, § 40.

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

### 3.0 SECTION 3. ADMINISTRATON

- A. Administration.** The Board of Selectmen, hereafter referred to as the “Board”, shall administer, implement and enforce this bylaw. Any powers granted to or duties imposed upon the Board may be delegated in writing by the Board to its employees or agents.
- B. Rules and Regulations.** The Board may adopt, and periodically amend, rules and regulations relating to the procedures and administration of this bylaw, by majority vote of the Board, after conducting a public hearing to receive comments on any proposed revisions. Such hearing dates shall be advertised in a newspaper of general local circulation, at least seven (7) days prior to the hearing date. Failure by the Board of Selectmen to promulgate such rules and regulations shall not have the effect of suspending or invalidating this Bylaw.

### 4.0 SECTION 4. AUTHORITY

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

### 5.0 SECTION 5. APPLICABILITY AND EXEMPTIONS

- A.** Except as authorized by the Board of Selectmen in a Stormwater Management Permit or as otherwise provided in this bylaw, no person may undertake a construction activity, including clearing, grading, or excavation that results in a Disturbance of Land to an area equal to or greater than one (1) acre of land or will disturb less than one acre of land but is part of a larger common plan of development or sale that will ultimately disturb an area equal to or greater than one (1) acre of land.
- B. Exemptions.**
1. Normal maintenance and improvement of land in agricultural use as defined by the Wetlands Protection Act regulation 310 CMR 10.04, as amended;
  2. Maintenance of existing landscaping, gardens, or lawn areas associated with a single-family dwelling;
  3. The construction of fencing that will not substantially alter existing terrain or drainage patterns;

4. Normal maintenance and improvements of the Town's publicly owned roadways and associated drainage infrastructure;
5. Emergency repairs to any stormwater management system or feature that poses a threat to public health or safety, or as deemed necessary by a Town department or board; and
6. Projects that are wholly subject to jurisdiction under the Wetlands Protection Act and demonstrate compliance with the Massachusetts Stormwater Management Handbook, the Town's Wetlands Protection Bylaw and with the stormwater management performance standards of this bylaw as reflected in an Order of Conditions issued by the Conservation Commission.

6.0

## SECTION 6. PERMIT PROCEDURES AND REQUIREMENTS

- A. Application.** A completed application for a Stormwater Management Permit shall be filed with the Board. A permit must be obtained prior to the commencement of land disturbing activity that may result in the disturbance of an area of one acre or more. The Stormwater Management Permit Application package shall include:
1. A completed Application Form with original signatures of all owners;
  2. A list of abutters, certified by the Assessors Office;
  3. Three (3) copies of the Stormwater Management Plan as specified in Section 7 of this bylaw;
  4. Three (3) copies of the Erosion and Sediment Control Plan as specified in Section 8 of this bylaw;
  5. Three (3) copies of the Operation and Maintenance Plan as specified in Section 9 of this bylaw;
  6. Payment of the application and review fees; and
  7. One (1) copy each of the application Form and the list of abutters filed with the Town Clerk.
- B. Entry.** Filing an application for a permit grants the Board or its agent, permission to enter the site to verify the information in the application and to inspect for compliance with permit conditions.
- C. Other Boards.** The Board shall notify the Town Clerk of receipt of the application, and shall give one copy of the application package to the Planning Board, the Conservation Commission, and/or Department of Public Works as appropriate.
- D. Public Hearing.** The Board shall hold a public hearing within twenty-one (21) days of the receipt of a complete application and shall take final action within twenty-one (21) days from the time of the close of the hearing unless such time is extended by agreement between the applicant and the Board. Notice of the public hearing shall be given by publication and posting and by first-class mailings to abutters at least seven (7) days prior to the hearing. The Board shall make the application available for inspection by the public during business hours at the Town Clerk's Office.
- E. Information requests.** The applicant shall submit all additional information requested by the Board to issue a decision on the application.
- F. Action by the Board.** The Board may:

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

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

**H. Fee Structure.** Each application must be accompanied by the appropriate application fee as established by the Board. Applicants shall pay review fees as determined by the Board sufficient to cover any expenses connected with the public hearing and review of the Stormwater Management Permit Application before the review process commences. The Board is authorized to retain a Registered P.E. or other professional consultant to advise the Board on any or all aspects of the Application.

**I. Project Changes.** The permittee, or their agent, must notify the Board in writing of any change or alteration of a land-disturbing activity authorized in a Stormwater Management Permit before any change or alteration occurs. If the Board determines that the change or alteration is significant, the Board may require that an amended Stormwater Management Permit application be filed and a public hearing held. If any change or alteration from the Stormwater Management Permit occurs during any land disturbing activities, the Board may require the installation of interim erosion and sedimentation control measures before approving the change or alteration.

**J. Stormwater Pollution Prevention Plans (SWPPPs).** Permittees may be required to prepare a SWPPP to satisfy United States Environmental Protection Agency requirements under the NPDES Construction General Permit (CGP). Permittees are responsible for verifying requirements and preparing a SWPPP in full compliance with CGP regulations, as well as filing any additional materials with EPA, such as a Notice of Intent (NOI). A copy of the NOI and SWPPP shall also be provided to the Board.

7.0

## SECTION 7. STORMWATER MANAGEMENT PLAN

**A. Stormwater Management Plan.** The application for a stormwater management permit shall consist of submittal of a Stormwater Management Plan to the Board. This Stormwater Management Plan shall contain sufficient information for the Board to evaluate the environmental impact, effectiveness, and acceptability of the measures proposed by the applicant for reducing adverse impacts from stormwater. The Plan shall be designed to meet the Stormwater Management Performance Standards as set forth in Part B of this section and DEP Stormwater Management Handbook Volumes I



and II. The Stormwater Management Plan shall fully describe the project in drawings, and narrative. It shall include:

1. Names, addresses, and telephone numbers of the owner, applicant, and person(s) or firm(s) preparing the plan;
2. Project Narrative containing relevant information related to stormwater requirements;
3. A locus map;
4. Description of existing and proposed conditions;
5. The existing zoning, and land use at the site;
6. The proposed land use;
7. The location(s) of existing and proposed easements;
8. The location of existing and proposed utilities;
9. The site's existing & proposed topography with contours at 2-foot intervals with additional spot grades as needed to depict detailed drainage patterns;
10. The existing and proposed hydrology, watershed boundaries, drainage area, and stormwater flow paths;
11. A description & delineation of existing stormwater conveyances, impoundments, and wetlands on or adjacent to the site or into which stormwater flows;
12. A delineation of 100-year flood plains, if applicable;
13. Estimated seasonal high groundwater elevation (November to April) in areas to be used for stormwater retention, detention, or infiltration;
14. Evaluation of opportunities for using Low Impact Development (LID) and green infrastructure techniques and BMPs;
15. Plans, drawings and descriptions of proposed drainage system and all components including:
  - (a) Locations, cross sections, and profiles of all brooks, streams, drainage swales and their method of stabilization,
  - (b) All measures for the detention, retention or infiltration of water,
  - (c) All measures for the protection of water quality,
  - (d) The structural details for all components of the proposed drainage systems and stormwater management facilities,
  - (e) Notes on drawings specifying materials to be used, construction specifications, and typicals,
  - (f) Analysis of existing and proposed hydrology with supporting calculations,
  - (g) Calculations supporting the estimate of stormwater treatment performance; and
  - (h) Calculations supporting the design of infiltration practices, including design infiltration rates, estimated dewatering times, and mounding analyses, where applicable.
16. Stormwater runoff shall be calculated using latest Northeast Regional Climate Center (NRCC) extreme precipitation amounts for recurrence intervals (storm events) 2-, 10-, 25-, 50- and 100-year frequencies;
17. Documents must be stamped and certified by a qualified registered P.E.; and,
18. Any other information requested by the Board.

**B. Stormwater Management Performance Standards.** Projects shall meet the following performance standards:

1. No new stormwater conveyances (e.g. outfalls) may discharge untreated stormwater directly to or cause erosion in wetlands or waters of the Commonwealth of Massachusetts;

2. Low Impact Development (LID) site planning and design strategies must be implemented unless infeasible in order to reduce the discharge of stormwater from development sites;
3. Stormwater management system design shall be consistent with, or more stringent than, the requirements of the 2008 Massachusetts Stormwater Handbook (as amended);
4. Stormwater management systems on new development shall be designed to meet an average annual pollutant removal equivalent to 90% of the average annual load of Total Suspended Solids (TSS) related to the total post-construction impervious area on the site AND 60% of the average annual load of Total Phosphorus (TP) related to the total post-construction impervious surface area on the site.
  - (a) Average annual pollutant removal requirements in Section 7.B.4. are achieved through one of the following methods:
    - i. Installing BMPs that meet the pollutant removal percentages based on calculations developed consistent with EPA Region 1's BMP Accounting and Tracking Tool (2016) or other BMP performance evaluation tool provided by EPA Region 1, where available. If EPA Region 1 tools do not address the planned or installed BMP performance, then any federally or State-approved BMP design guidance or performance standards (e.g., State stormwater handbooks and design guidance manuals) may be used to calculate BMP performance; or
    - ii. Retaining the volume of runoff equivalent to, or greater than, 1.0 inch multiplied by the total post-construction impervious surface area on the new development site; or
    - iii. Meeting a combination of retention and treatment that achieves the above standards; or
    - iv. Utilizing offsite mitigation that meets the above standards within the same USGS HUC12 as the new development site.
5. Stormwater management systems on redevelopment sites shall be designed to meet an average annual pollutant removal equivalent to 80% of the average annual load of Total Suspended Solids (TSS) related to the total post-construction impervious area on the site AND 50% of the average annual load of Total Phosphorus (TP) related to the total post-construction impervious surface area on the site.
  - (a) Average annual pollutant removal requirements in Section 7.B.5. are achieved through one of the following methods:
    - i. Installing BMPs that meet the pollutant removal percentages based on calculations developed consistent with EPA Region 1's BMP Accounting and Tracking Tool (2016) or other BMP performance evaluation tool provided by EPA Region 1, where available. If EPA Region 1 tools do not address the planned or installed BMP performance, then any federally or State-approved BMP design guidance or performance standards (e.g., State stormwater handbooks and design guidance manuals) may be used to calculate BMP performance; or
    - ii. Retaining the volume of runoff equivalent to, or greater than, 0.8 inches multiplied by the total post-construction impervious surface area on the redevelopment site; or

- iii. Meeting a combination of retention and treatment that achieves the above standards; or
  - iv. Utilizing offsite mitigation that meets the above standards within the same USGS HUC12 as the redevelopment site.
6. Redevelopment activities that are exclusively limited to maintenance and improvement of existing roadways, (including widening less than a single lane, adding shoulders, correcting substandard intersections, improving existing drainage systems, and repaving projects) shall improve existing conditions where feasible and are exempt from part Section 7.C.5. Roadway widening or improvements that increase the amount of impervious area on the redevelopment site by greater than or equal to a single lane width shall meet the requirements of Section 7.C.5.

## SECTION 8. EROSION AND SEDIMENT CONTROL PLAN

- A. Erosion and Sediment Control Plan.** The Stormwater Management Permit Application shall include submittal of an Erosion and Sediment Control Plan to the Board of Selectmen. This Erosion and Sediment Control Plan shall contain sufficient information for the Board of Selectmen about the nature and purpose of the proposed development, pertinent conditions of the site and adjacent areas, proposed erosion and sedimentation controls, and proposed control for other wastes on construction sites such as demolition debris, litter, and sanitary wastes to ensure they are not discharged to the MS4, drainage system, or waters of the United States or Commonwealth of Massachusetts.
- B. The design requirements of the Erosion and Sediment Control Plan are:**
1. Minimize total area of disturbance;
  2. Sequence activities to minimize simultaneous areas of disturbance;
  3. Minimize soil erosion and control sedimentation during construction, provided that prevention of erosion is preferred over sedimentation control;
  4. Divert uncontaminated water around disturbed areas;
  5. Maximize infiltration and groundwater recharge;
  6. Install, and maintain all Erosion and Sediment Control measures in accordance with the manufacturer's specifications and good engineering practices;
  7. Prevent off-site transport of sediment;
  8. Protect and manage on and off-site material storage areas (overburden and stockpiles of dirt, borrow areas, or other areas used solely by the permitted project are considered a part of the project);
  9. Comply with applicable Federal, State and local laws and regulations including waste disposal, sanitary sewer or septic system regulations, and air quality requirements, including dust control;
  10. Prevent significant alteration of habitats mapped by the Massachusetts Natural Heritage & Endangered Species Program as Endangered, Threatened or Of Special Concern, Estimated Habitats of Rare Wildlife and Certified Vernal Pools, and Priority Habitats of Rare Species from the proposed activities;
  11. Institute interim and permanent stabilization measures, which shall be instituted on a disturbed area as soon as practicable but no more than 14 days after construction activity has temporarily or permanently ceased on that portion of the site;
  12. Properly manage on-site construction and waste materials;

13. Stabilize construction site entrances and exits and prevent off-site vehicle tracking of sediments; and
14. Ensure that any stormwater BMP (for post-construction stormwater management) installed during construction will be protected from compaction, siltation, and erosion or will be restored or replaced such that the BMP will be capable of functioning as designed in accordance with these stormwater regulations.

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

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

14. materials, including storage practices to minimize exposure of the materials to stormwater, and spill prevention and response;
15. A description of provisions for phasing the project where one acre of area or greater is to be altered or disturbed;
16. Plans must be stamped and certified by a qualified and registered P.E. or a Certified Professional in Erosion and Sediment Control and
17. Such other information as is required by the Board.

8.0

## SECTION 9. OPERATION AND MAINTENANCE PLANS

**A.** A stand-alone **Operation and Maintenance Plan** (O&M Plan) is required at the time of application for all projects. The O&M plan shall be designed to ensure compliance with the Permit and this Bylaw. The Board shall make the final decision of what maintenance option is appropriate in a given situation. The Board will consider natural features, proximity of site to water bodies and wetlands, extent of impervious surfaces, size of the site, the types of stormwater management structures, and potential need for ongoing maintenance activities when making this decision. The O&M Plan shall remain on file with the Board and shall be an ongoing requirement. The **O&M Plan** shall include:

1. The name(s) of the owner(s) for all components of the system;
2. Maintenance agreements that specify:
  - (a) The names and addresses of the person(s) responsible for operation and maintenance
  - (b) The person(s) responsible for financing maintenance and emergency repairs;
  - (c) A Maintenance Schedule that includes routine inspection along with routine and non-routine maintenance tasks for each BMP;
  - (d) A list of easements with the purpose and location of each;
  - (e) The signature(s) of the owner(s);
  - (f) Estimated operation and maintenance budget;
  - (g) The responsible party shall:
    - i. Maintain a log of all operation and maintenance activities for the last three years including inspections, repair, replacement, and disposal (the log shall indicate the type of material and the disposal location);
    - ii. Make this log available to the Board of Selectmen and the Commonwealth of Massachusetts upon request;
    - iii. Allow DEP and the Board of Selectmen to inspect each BMP to determine whether the responsible party is implementing the Operation and Maintenance Plan; and

**B. Stormwater Management Easement.** Stormwater management easements shall be provided by the property owner(s) as necessary for:

1. Access for facility inspections and maintenance;
2. Preservation of stormwater runoff conveyance, infiltration, and detention areas and facilities, including flood routes for the 100-year storm event; and
3. Direct maintenance access by heavy equipment to structures requiring regular cleanout.
4. The purpose of each easement shall be specified in the maintenance agreement signed by the property owner.

5. Stormwater management easements are required for all areas used for off-site stormwater control, unless a waiver is granted by the Board.
6. Easements shall be recorded with the Worcester County Registry of Deeds prior to issuance of a Certificate of Completion by the Board.

**C. Changes to O&M Plans.** Changes to Operation and Maintenance Plans

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

**D. Stormwater infrastructure** shall be privately owned, inspected and maintained per the O&P Plan procedures approved for the project.

**E. Annual Report.** The applicant shall provide the Board with an annual report prepared and stamped by a P.E. documenting and certifying performance of required maintenance and providing an assessment of overall system performance. The report shall be submitted to the Board on a yearly basis by final day in June for the Town to use in preparation of its annual report to the US EPA as part of the NPDES MS4 Permit requirements.

**F. Funding.** The O&M Plan shall include procedures for using dedicated funds, establishing an escrow account, and/or developing a maintenance contract, if determined appropriate to ensure adequate long-term maintenance. Stormwater Management operation and maintenance duties shall be recorded with the deed for each lot in a subdivision. The applicant may elect to set up a homeowner's association (HOA) or other means to ensure all BMPs are inspected and maintained as required.

9.0

SECTION 10.INSPECTION AND SITE SUPERVISION

**A. Pre-construction Meeting.** Prior to starting clearing, excavation, construction, or land disturbing activity the applicant, the applicant's technical representative, the general contractor or any other person with authority to make changes to the project, shall meet with the Board, to review the permitted plans and their implementation.

**B. Permittee Erosion and Sediment Control Inspections.** The permittee shall conduct and document inspections of all erosion and sediment control measures no less than weekly or as specified in the Stormwater Management Permit, and prior to and following anticipated storm events. The purpose of such inspections is to determine the overall effectiveness of the erosion and sediment control plan, and the need for maintenance or additional control measures. The permittee shall submit monthly erosion and sediment control reports to the Board of Selectmen in a format approved by the Board of Selectmen.

**C. Board Inspections.**

The Board or its designated agent shall make inspections as hereinafter required and shall either approve that portion of the work completed or shall notify the permittee

wherein the work fails to comply with the Stormwater Management permit as approved. The Permit and associated plans for grading, stripping, excavating, and filling work, bearing the signature of approval of the Board, shall be maintained at the site during the progress of the work. In order to obtain inspections, the permittee shall notify the Board at least two (2) working days before each of the following events:

1. Erosion and sediment control measures are in place and stabilized in accord with the filed plan;
2. Site Clearing has been substantially completed;
3. Bury Inspection: prior to backfilling of any underground drainage or stormwater conveyance structures;
4. Rough Grading has been substantially completed;
5. Final Grading has been substantially completed;
6. Close of the Construction Season; and
7. Final Landscaping (permanent stabilization) and project final completion.

**D. Final Inspection.** After the stormwater management system has been constructed and before the surety has been released, the applicant must submit a record plan detailing the actual stormwater management system as installed. The Board shall inspect the system to confirm its "as-built" features. This inspector shall also evaluate the effectiveness of the system in an actual storm. If the inspector finds the system to be adequate, he shall so report to the Board which will issue a Certificate of Completion.

**E. Inspector Qualifications.** Inspections shall be performed by an independent third-party registered P.E. or CPESC. Alternatively, inspections shall be performed by a qualified employee of the Town of Clinton.

**F. Access Permission.** To the extent permitted by state law, or if authorized by the owner or other party in control of the property, the Board its agents, officers, and employees may enter upon privately owned property for the purpose of performing their duties under this by-law and may make or cause to be made such examinations, surveys or sampling as the Board deems reasonably necessary to determine compliance with the permit.

10.0

#### SECTION 11.FINAL REPORTS

**A.** Upon completion of the work, the permittee shall submit a report (including certified as-built construction plans) from a P.E., surveyor, or CPESC certifying that all erosion and sediment control devices, and approved changes and modifications, have been completed in accordance with the conditions of the approved permit. Any discrepancies should be noted in the cover letter. As-built drawings shall be submitted no later than one year after completion of construction projects. The as-built drawings must depict all on site controls, both structural and non-structural, designed to manage the stormwater associated with the completed site (post-construction stormwater management). The report shall certify that all permitted construction, plans, and approved changes and modifications, were completed in accordance with the conditions of the approved Stormwater Management Permit. Any discrepancies should be noted in the report.

**B.** If the system is found to be inadequate by virtue of physical evidence of operational failure, even though it was built as called for in the Stormwater Management Plan, it shall be corrected by the permittee before the performance guarantee is released. If the

permittee fails to act the Town of Clinton may complete the work. Examples of inadequacy shall be limited to: errors in the infiltrative capability, errors in the maximum groundwater elevation, failure to properly define or construct flow paths, or erosive discharges from basins.

11.0

## SECTION 12.CERTIFICATE OF COMPLETION

The Board will issue a letter certifying completion upon receipt and approval of the final inspection reports and/or upon otherwise determining that all work of the permit has been satisfactorily completed in conformance with this bylaw. The Board may, in addition to certifying satisfactory completion of the project, require ongoing maintenance procedures as outlined in the O&M Plan and/or work deemed necessary by the Board.

## SECTION 13. ENFORCEMENT

The Board or an authorized agent of the Board shall enforce this by-law, regulations, orders, violation notices, and enforcement orders, and may pursue all civil and criminal remedies for such violations.

- A. Civil Relief.** If a person violates the provisions of this by-law, regulations, permit, notice, or order issued thereunder, the Board may seek injunctive relief in a court of competent jurisdiction restraining the person from activities which would create further violations or compelling the person to perform abatement or remediation of the violation.
- B. Orders.** The Board or an authorized agent of the Board may issue a written order to enforce the provisions of this by-law or the regulations thereunder which may include requirements to:
1. Cease and desist from construction or land disturbing activity until there is compliance with this Bylaw;
  2. Repair, maintain, or replace the stormwater management system or portions thereof in accordance with the O&M Plan;
  3. Maintain, install, or perform additional erosion and sediment control measures;
  4. Perform monitoring, analyses, and reporting;
  5. Remediate adverse impact resulting directly or indirectly from malfunction of the stormwater management system or erosion and sediment control system;
  6. Cease and desist from unlawful discharges, practices, or operations; and/or,
  7. Remediate contamination in connection therewith.
- C.** If the enforcing person determines that abatement or remediation of contamination is required, the order shall set forth a deadline by which such abatement or remediation must be completed. Said order shall further advise that, should the violator or property owner fail to abate or perform remediation within the specified deadline, the Town of Clinton may, at its option, undertake such work, and expenses thereof shall be charged to the violator.
- D.** Within thirty (30) days after completing all measures necessary to abate the violation or to perform remediation, the violator and the property owner will be notified of the costs incurred by the Town of Clinton, including administrative costs. The violator or property owner may file a written protest objecting to the amount or basis of costs with the Board within thirty (30) days of receipt of the notification of the costs incurred. If the amount





**STORMWATER MANAGEMENT PERMIT APPLICATION**

To the Board of Selectmen:

The undersigned wishes to submit a Stormwater Management Permit Application as defined in the By-Laws of the Town of Clinton and requests a review and determination by The Board of the Stormwater Management Plan.

The Stormwater Management Plan involves property where owner’s title to the land is derived under deed from \_\_\_\_\_, dated \_\_\_\_\_, and recorded in the [Insert] County Registry of Deeds, Book \_\_\_\_\_, Page \_\_\_\_\_, or Land Court Certificate of Title No. \_\_\_\_\_, Registered in \_\_\_\_\_ District, Book \_\_\_\_\_, Page \_\_\_\_\_.

Give a brief summary of the nature of the project.

The property (building) is described as being located at \_\_\_\_\_; it is currently used as \_\_\_\_\_, and the changes proposed to be made are \_\_\_\_\_

The project is located on the parcel shown on Assessors Map \_\_\_\_\_, Parcel \_\_\_\_\_.

Applicant’s Signature \_\_\_\_\_ Owners’ Signature(s) \_\_\_\_\_

Applicant’s Name (print) \_\_\_\_\_ Owners’ Names(s) \_\_\_\_\_

Applicant’s Address \_\_\_\_\_ Owners’ Address \_\_\_\_\_

Date Received by Town Clerk: \_\_\_\_\_

Signature \_\_\_\_\_

Please note: 1) An applicant for a Stormwater Management Plan Review must file with the Board a completed Stormwater Management Permit Application Form, a list of abutters, three (3) copies of the Stormwater Management Plan Package, three (3) copies of the Operation and Maintenance Plan, and the Application and Review Fees as noted in the Stormwater Management Plan Review Fee Schedule. 2) The applicant shall also file a copy of the Stormwater Management Plan, Operation & Maintenance Plan, and the Application Form with the Town Clerk. The date of receipt by the Town Clerk shall be the official filing date. 3) This application grants the Board and its agents permission to enter the property for inspection and verification of information submitted in the application.

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*STORMWATER MANAGEMENT PLAN REVIEW FEE SCHEDULE*

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The following fee schedules are minimum fees. The Board may require higher fees if deemed necessary for proper review of an application or to ensure compliance.

<u>Lot Area</u>	<u>Professional Review Fee</u>	<u>Application Fee</u>
Less Than 3 Acres	\$ _____	\$ _____
3 to 10 Acres	\$ _____	\$ _____
Greater than 10 Acres	\$ _____ times the acreage	\$ _____
Resubmittal/Amendment		
Filing Fee	\$ _____	
Review Fee	\$ _____	

**GENERAL**

1. Any application not accompanied by the appropriate fee shall be deemed incomplete. Payment must be made to The Board in cash, money order, bank or certified check payable to the Town of Clinton.
2. An Applicant's failure to pay any additional review or inspection fee within five business days of receipt of the notice that further fees are required shall be grounds for disapproval.
3. The Board will publish the public notice and send abutter notifications. Abutter notification shall be by certified mail-return receipt requested. The applicant shall pay all costs associated with the publication and notification requirements. These costs shall not be imposed on the applicant if the applicant completes the public notice and abutter notification requirements, and provides The Board with copies of the public notices and the return receipt cards.

Professional review fees include engineering review, legal review, and clerical fees associated with the public hearing and permit processing. A fee estimate may be provided by The Board's consulting engineer.

## ARTICLE 39

To see if the Town will vote to amend the Zoning By-law of the Town of Clinton by deleting Section 4330: Prohibited Accessory Structures, and amending Section 4320: Permitted Accessory Structures by inserting the following:

4325. Not more than one (1) Conex box, steel storage container, cargo box, or similar temporary structure, subject to the following:

- a. Use. Container shall be used only for the storage of non-hazardous and non-flammable materials. Containers shall not be used for any habitable use, and shall not be provided with electrical or plumbing service.
- b. Dimensional Requirements and Location. the placement of container shall comply with
- c. the requirements of Section 4310 of this by-law, and any requirements of the State Building Code.
- d. Duration. Containers may be placed for a period not greater than 180 days. Upon petition to the Building Commissioner, placement may be extended for not more than one (1) additional 180-day period.
- e. Permit Required. A municipal permit issued by the Building Commissioner is required prior to placement of a container.
- f. Exception. For the duration of construction only, containers that are used for storage of materials on a properly permitted construction project are exempt from the requirements of sub-sections 4325.b and 4325.c.
- g. Special Permit. The Planning Board may approve a Special Permit to allow for additional containers or duration in the "C" and "I" districts only, subject to the requirements of Section 9300 of this by-law.

(Planning Board)

## ARTICLE 40

To see if the Town will vote to amend the Zoning By-law of the Town of Clinton by amending the following sections as follows:

5150. Waiver. Any parking requirement set forth herein may be reduced upon the granting of a waiver by the Planning board if during a Site Plan Review the Board finds that the reduction is not inconsistent with public health and safety, or that the reduction promotes a public benefit. Such cases might include:

5151. Use of a common parking lot for separate uses having peak demands occurring at different times;

5152. Age or other characteristics of occupants of the facility requiring parking which reduces auto usage;

5153. Peculiarities of the use which make usual measures of demand invalid;

5154. Availability of on-street parking or parking at nearby municipally owned facilities.

5155. Where a waiver is granted, a reserve area, to be maintained indefinitely as landscaped open space, may be required sufficient to accommodate the difference between the spaces otherwise required and the spaces reduced by special permit. The parking/site plan shall show (in dotted outline) how the reserve area would be laid out in order to provide the otherwise required number of spaces.

5260. Waiver. During a Site Plan Review, the Planning Board may vary any requirement of Section 5200 upon the grant of a waiver, where such relief will not result in substantial detriment to the neighborhood or the town.

5380. Waiver. During a Site Plan review, the Planning Board, by waiver, may authorize signs larger than otherwise set forth herein, or a greater number of signs, upon a determination that such deviation will not result in substantial detriment to the neighborhood or the town.

5480. Waiver. During a Site Plan Review, the Planning Board may vary any requirement of Section 5400 upon the grant of a waiver, where such relief will not result in substantial detriment to the neighborhood or the town.

(Planning Board)

#### ARTICLE 41

To see if the Town will vote to amend the Zoning By-law of the Town of Clinton by eliminating section 5325. "Sandwich Signs", and inserting the following:

5332. Sandwich board or "A-frame" signs are allowed upon permit by the Board of Selectmen in the BR, C, and I zoning districts, subject to the following limitations:

a. not more than one (1) sandwich board sign per establishment

b. Each side of sign shall not exceed seven (7) square feet in area

b. Sandwich board signs shall be made of sound materials and adequately weighted or constructed to resist wind.

c. Sandwich board signs shall not be placed so as to reduce accessible sidewalk path to less than 42 inches. Signs shall not impede vehicular travel in any way. Signs shall not impede snow removal in any way.

d. Sandwich board signs must be brought in at the close of business each day.

e. Sandwich board permits are subject to annual review by the Board of Selectmen.

(Planning Board)

ARTICLE 42

To see if the Town will vote to amend the Zoning By-law of the Town of Clinton by amending the following sections as follows:

7350. Parking. Sufficient and appropriate space for additional parking spaces shall be constructed to serve existing and new residential units in accordance with the requirements for multi-family dwellings in Section 5000 of this Zoning By-law.

ARTICLE 43

To see if the Town will vote to amend the Zoning By-law of the Town of Clinton by deleting Section 3.2.B. Existing Lots, in its entirety:

ARTICLE 44

To see if the Town will vote to authorize the Board of Selectmen to petition the General Court for special legislation to authorize that the Board of Trustees of the Bigelow Library consist of five (5) trustees notwithstanding the requirements of MGL Chapter 78, Section 10 or any other general or special law to the contrary, or act in any manner relating thereto.

ARTICLE 45

To see if the Town will vote to authorize the Board of Selectmen to petition the General Court for special legislation to authorize the Board of Selectmen to grant a Chapter 138, Section 15 all alcohol package store license to Ranna, Inc., for premises located at 220 High Street Clinton MA, notwithstanding the limitation on the number of such licenses which may be granted, or act anything thereon.

(Citizens Petition)

**HEREOF FAIL NOT** and make due return of this warrant with your doing thereon, to the Town Clerk, at the time and place of the meeting, as aforesaid.

**GIVE UNDER OUR HANDS**, this nineteenth day of May in the year of our Lord, two thousand and twenty-one.

BOARD OF SELECTMEN

Sean J. Kerrigan, Chair  
William F. Connolly, Jr. – Vice Chair  
Edward J. Devault, Clerk  
John J. Boisoneau  
Matthew H. Kobus

WORCESTER, SS.

By virtue of this Warrant, I have this day notified and warned the inhabitants of the Town of Clinton aforesaid, qualified to vote in elections and town affairs, to meet at the time and place for the purpose within named, by publishing in The Item, a newspaper published in the said Town, as hereby directed.

Kevin R. Haley  
Constable for the Town of Clinton