

**TOWN OF GRAFTON**  
**ANNUAL FALL TOWN MEETING WARRANT**



**MONDAY, OCTOBER 16, 2023**

**7:00 P.M.**

**GRAFTON HIGH SCHOOL AUDITORIUM**

**COMMONWEALTH OF MASSACHUSETTS  
TOWN OF GRAFTON  
ANNUAL TOWN MEETING WARRANT  
OCTOBER 16, 2023  
7:00 PM**

Worcester, ss:

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

**GREETINGS:**

In the name of the Commonwealth of Massachusetts, you are directed to notify and warn the Inhabitants of the Town of Grafton, qualified to vote in elections and Town affairs, to meet in the Grafton High School located at 24 Providence Road on Monday, the Sixteenth (16) Day of October 2023, at Seven (7:00) PM to act on the following articles, to wit:

**ARTICLE 1:**

To see if the Town will vote to amend Article 1 of the General Bylaws as follows:

1. Amend sections 5 through 8 as follows, with deletions indicated in ~~striketrough~~ and additions underlined:

**Manner of Amendment and Repeal**

**SECTION 5.** Any or all of these by-laws may be repealed or amended or other by-laws may be adopted at any town meeting by a majority vote of the voters present and voting, an article or articles for that purpose having been inserted in the warrant of such meeting by the Select Board. The Town Clerk is hereby authorized to assign appropriate numbers to by-law sections, subsections, paragraphs and subparagraphs, where none are approved by Town Meeting and, if such are approved by Town Meeting, after consultation with the Town Administrator, to make non-substantive, editorial revisions to ensure consistent and appropriate sequencing and numbering.

**Penalty**

~~**SECTION 6A.** Whoever violates any of the provisions of these by laws, shall, unless other provision is expressly made herein or in the GENERAL LAWS, be subject to court procedure and costs including reasonable attorney fees, all expenses of prosecution and all court costs thereof, and shall forfeit and pay a fine fifty (\$50.00) for each offense. Each day that a violation continues shall be considered a separate offense.~~

~~**SECTION 6B.** All penalties for the violation of these By Laws may be recovered by complaint before any court, or magistrate of the county, having jurisdiction of criminal offenses committed within the Town, and the penalties so recovered shall be paid into the treasury of the Town. But no prosecution shall be commenced after six (6) months from the time of such violation, unless otherwise provided by law.~~

~~**SECTION 6C.** The Select Board shall be charged with the enforcement of these Bylaws, and upon their own initiative or upon the written petition of any citizen alleging a violation, shall investigate the same and authorize in writing the Town Counsel to bring proper charges, if in the Select Board's discretion the facts warrant such action.~~

~~**SECTION 6D.** Whoever violates any provision of the Board of Health Smoking Regulations, adopted February 23, 1999 and as they may be amended from time to time, in the discretion of the enforcing person, be penalized in a non-criminal proceeding as provided by G.L. c.40, s21D. For purposes of this Section, "enforcing person" shall include police officers of the Town and members of the Board of~~

~~Health, the Board of Health Agent, and other authorized agents of the Board of Health. Any enforcing person taking cognizance of a violation of said Regulations may, as an alternative to initiating criminal proceeding, give to the offender a written notice to appear before the clerk of the district court having jurisdiction thereof at any time during office hours, not later than twenty one days after the date of such notice.~~

SECTION 6. Whoever violates any provision of these bylaws may, unless other provision is expressly made herein or in the General Laws, be penalized by indictment or on complaint brought in the appropriate court. The Select Board shall, upon its own initiative or upon the written petition of any person alleging a violation, investigate an alleged violation and authorize the Town Counsel to bring proper charges, if in the Select Board's judgement the facts warrant such action. No such action shall be commenced later than six months from the time of such violation, unless otherwise provided by law.

The penalty for violation of a provision of these bylaws for which no penalty is otherwise specified shall be \$50 for each offense. All penalties shall be paid into the treasury of the Town. Each day that a violation continues shall be considered a separate offense. A violator shall also be subject to court procedure and costs including reasonable attorney fees, all expenses of prosecution and all court costs thereof.

Whoever violates a provision of these bylaws or of a regulation adopted by any officer, department, or multiple member body may be penalized by noncriminal disposition as provided in G.L. c.40 §21D, provided that: (1) the bylaw article or section or regulation containing said provision authorizes the use of noncriminal disposition, specifies a specific penalty for the violation, identifies the enforcing person(s), and (2) the enforcing person(s) follow the procedures specified by G.L. c.40 §21D.

#### **Validity/Severability**

**SECTION 7.** If any provision of these By-Laws is declared unconstitutional or illegal by any final judgment, order or decree of the Supreme Judicial Court of the Commonwealth any tribunal of competent jurisdiction, to the maximum extent possible, the validity of the remaining provisions of these By-Laws shall not be affected hereby.

#### **One Elective Town Office at a Time**

~~SECTION 8. Any citizen elected or appointed to fill a vacancy in an elective Town office after the effective date of this by law can hold only one elective Town office at one time. If an elected Town official seeks another elective Town office, he will have to resign from the first office prior to being sworn in to the second office. As specified by Article 3 Section 3-1(b) of the Town Charter, an individual may not simultaneously hold more than one elective office. A holder of an elective office may be a candidate for election or appointment to a different elective office; upon being elected or appointed to a new elective office, they must resign their current office before being sworn in to the new office.~~

2. Replace section 9 with the following:

**SECTION 9.** Officers and multiple-member bodies shall be appointed as follows:

9-1 The Select Board shall appoint all officers and members of multiple-member bodies for which the Select Board is designated as the appointing authority by Article 3 Section 3-2(d) or any other article of the Town Charter or by any other provision of these bylaws or of the Town of Grafton Zoning Bylaw, and including the following:

- (a) A Board of Health to consist of five members appointed for terms of three years each.
- (b) A Conservation Commission to consist of five members appointed for terms of three years each.
- (c) A Board of Appeals to consist of five regular members appointed for terms of three years each, and two associate members appointed for terms of three years each.
- (d) A Cemetery Commission to consist of three members appointed for terms of three years each.

- (e) An Emergency Management Director and related Emergency Management personnel.
- (f) A Board of Trustees of Soldiers Memorials
- (g) A Parking Clerk

9-2 The Town Administrator shall appoint all officers and members of multiple-member bodies for which the Town Administrator is designated as the appointing authority by Article 4 Section 4-2(b), Article 5 or any other article of the Town Charter, or by any other provision of these bylaws, and including the following:

- (a) A Board of Assessors, to consist of a Principal Assessor, who shall serve full-time and two Associate Assessors, who shall serve part-time, the term of all members shall be three years.
- (b) A Recreation Commission, to consist of five members appointed for terms of three years each.
- (c) A Traffic Safety Committee.
- (d) A Sealer of Weights and Measures in accordance with Civil Service law and rules.

3. Delete section 10

or to take any other action relative thereto.

Submitted by: By-Law Study Committee

**ARTICLE 2:**

To see if the Town will vote to amend Article 2 sections 1A, 3, 4, 5, 9, 10, 13 through 17, and 18A of the General Bylaws as follows, with deletions indicated in ~~striketrough~~ and additions underlined:

**SECTION 1A.** The spring session of the annual town meeting shall be held on the second Monday in May of each year and the fall session of the annual town meeting shall be held on the third Monday in October, both sessions to begin at 7:00 PM, and if there is unfinished business that subsequent adjourned meetings shall be held on the following Wednesday and Monday evenings consecutively at 7:00 PM until final adjournment.

**Notice of Meeting**

**SECTION 3.** Warrants for all town meetings shall be served by posting an attested copy ~~thereof in some conspicuous place in each of the precincts of town~~ on the official website of the Town of Grafton and the Town Bulletin Board, as defined in the Town Charter, at least ~~(14)-fourteen~~ (14) days before said meeting. Notice of all town meetings ~~will be by publication in one or more newspapers generally circulated in the Town~~ shall be published in a Local Newspaper, as defined in the Town Charter.

**Adjourned Meeting**

**SECTION 4.** As soon as practicable after the adjournment of any Town Meeting, on a vote to adjourn to another day, the clerk shall cause a brief statement of the day and hour to which the adjournment was voted and of the business remaining to come before the meeting, to be posted ~~in at least one public place in each precinct of the Town~~ the same locations as the original Warrant.

**Only Voters Admitted-Admittance to Floor of Hall**

**SECTION 5.** At any Town Meeting held for the transaction of Town business, ~~if the Moderator, or a vote of the meeting so orders, no person whose name is not on the list of voters shall be admitted to the floor of the hall, and such order may be enforced by the use of the check list, but the same shall not apply to the state election, primaries, or Town Meeting for the election of Town Officers, or to be construed to prohibit press reporters from the meeting.~~ In order to facilitate proper counting of those eligible to vote, the Moderator may designate that all visitors must be seated in a particular portion of

the hall. Non-voters may address the meeting at the discretion of the Moderator. The Moderator shall determine the bounds of the hall.

### **Priority of Motions**

**SECTION 9.** When a question is before the meeting, the following set of motions shall be used as a guide, and shall ordinarily have precedence in their numerical order:

1. To dissolve or adjourn.
2. Take a recess.
3. Rise to a question of privilege.
4. Call for the order of the day.
5. Lay on or take from the table.
6. Call for the previous question.
7. Limit or extend limits of debate.
8. Postpone to a certain time.
9. Commit, refer or recommit to a committee.
10. Pass over.
11. Amend.
12. Main motion.

But the treatment and order of receipt, of these and all other motions made in a Town Meeting shall be left to the final decision of the Moderator.

### **Reconsideration**

**SECTION 10.** A motion to reconsider any prior vote of the current meeting shall not be accepted. All votes taken shall be deemed to be final.

### **Motion to Dissolve Not in Order Until All Article Have Been Acted Upon**

**SECTION 13.** No motion, the effect of which would be to dissolve a Town Meeting, shall be in order until every article in the Warrant has been duly considered and acted upon, but this shall not preclude the postponement of action ~~on~~ on, or consideration of, any article to an adjournment of the meeting to a stated time.

### **Moderator to Appoint Committees Unless Otherwise Voted**

**SECTION 14.** All special committees established under section 2-3 of the Town Charter shall be appointed by the Moderator unless otherwise specifically directed by the meeting, and all committees so appointed shall be directed to report within a definite time. Any committee so appointed shall keep minutes of all their meetings. All records of the committee shall be filed with the Town Clerk upon discharge of the committee. If a committee does not report within the time stated, it shall be considered discharged unless in the meantime the town shall have granted an extension of time.

### **Determination of Vote**

**SECTION 15.** When a question is put, the sense of the meeting shall be determined by a show of hands of the Town Meeting voters and the Moderator shall declare the result of the vote as it appears to him. ~~If the Moderator's declaration is immediately questioned, or if the Moderator is unable to decide the vote by the show of hands, or if his decision is immediately questioned, he shall determine the vote~~ the vote shall be determined by a standing vote and ~~he may appoint tellers~~ the Moderator may appoint tellers to make and return the count. An electronic ~~handset~~ handset-voting system may be used ~~that provides to the Moderator and Town Clerk at the Moderator's discretion, instead of the show of hands and standing vote, to provide an accurate count of the yeas and nays on each question. The question, and the Moderator will announce the tally of each vote count after close of voting. This method of determining the vote may be used regardless of the form of majority required.~~

### Written or Printed Ballot

**SECTION 16.** ~~If, before action a vote is taken on an article or on an item thereof, twenty-one voters request that the vote on said article or item thereof be by written or printed ballot, the same shall be ordered by the Moderator and the voting list as described in Article 7 Section 4 shall be used. The electronic voting system referenced in Section 15 shall be considered to be sufficient for the purposes of this section.~~

### Discharge of Committees

**SECTION 17.** A vote to accept the report of a special committee previously established under section 2-3 of the Town Charter shall place the report before the meeting, but shall not discharge the committee. A vote to adopt or reject the report of a special committee with, or without amendment, shall discharge the committee.

### Other Procedures for Town Meeting

**SECTION 18A.** ~~[Deleted] The Moderator may take all votes requiring a two-thirds majority in the same manner in which he or she conducts the taking of a vote when a majority vote is required.~~

or to take any other action relative thereto.

Submitted by: By-Law Study Committee

### **ARTICLE 3:**

To see if the Town will vote to amend Article 3 of the General Bylaws as follows, with deletions indicated in ~~striketrough~~ and additions underlined:

#### Membership of Committee

**SECTION 1.** There shall be a Finance Committee for the Town, which shall perform the duties set forth in the following sections of this article and be governed by the provisions thereof, along with provisions of the Grafton Home Rule Charter Article 2 section 2-3 (b) and other relevant sections thereof. Said committee shall consist of nine (9) legal/registered voters of the Town, ~~one from each precinct, and four members at large, but in no event more than four required members from one precinct, which committee shall be appointed as provided in the following section.~~ New members of the committee shall be appointed such that there are at least two (2) but no more than four (4) members residing in each of the Town's three zip codes. No Town Officer, as defined in the Town Charter, either elected or ~~appointed~~ appointed, shall be eligible to serve on the Finance Committee.

#### Appointment and Term of Office

**SECTION 2.** After the Spring Session of the Annual Town Meeting each year and prior to June 30<sup>th</sup>, a 3-person committee that shall consist of the Town Clerk or their designee, a member of the Finance Committee who is not being considered for reappointment, and the Town Moderator or their designee, shall appoint three (3) members of said committee for terms of three (3) years to fill the ~~expired~~ expiring seats on said committee as they arise. Said committee shall choose its own officers and shall serve without pay, and it shall cause to be kept a true record of its proceedings. Finance Committee members' terms ~~Members'~~ terms shall run concurrent with the fiscal year.

#### Notice of Hearings

**SECTION 3.** Notice of public hearings held by the Finance Committee shall be published as specified in section 6-6 (a) of the Town Charter. ~~given by posting a copy thereof on the Municipal Center Bulletin Board and by publication in a local newspaper of a notice stating the time and place, at least seven but no more than fourteen days before said hearing.~~

**SECTION 3A.** The report of the Finance Committee on the Town Meeting Warrant shall be posted on the official website of the Town of Grafton. The report shall be printed and copies shall be made available for distribution to every person who shall request a copy thereof at the office of the ~~town clerk~~ Town Clerk, at the Grafton Library, public library and at its branches, at the ~~police station~~ and at other places ~~in the town~~ as listed on the official website of the Town of Grafton, for the convenience of the voters. The reports shall be available at least seven (7) days before ~~the town meeting~~ Town Meeting is to act on any article contained in the warrant for the said ~~town meeting~~ Town Meeting.

#### **Annual Report**

**SECTION 4.** ~~[Deleted] It shall be the duty of said Committee to make an annual report to be printed with the annual report of the other town officers.~~

#### **Access to Records**

**SECTION 5.** In the discharge of its duty, said Committee shall have free access to all books of record and accounts of any office or department of the Town as specified in Section 6-6 (b) of the Town Charter.

#### **Submission of Budget**

**SECTION 6.** The time frame specified in Section 6-3 of the Town Charter for submission of the budget to the Finance Committee shall be at least ~~At least~~ ninety (90) days before the Town Meeting is to convene in its spring session; ~~the Town Administrator, after consultation with the Select Board, shall submit to the~~

#### *Article 3: Finance Committee*

~~Finance Committee a proposed operating budget for the ensuing fiscal year with an accompanying budget message and supporting documents.~~

or to take any other action relative thereto.

Submitted by: By-Law Study Committee

#### **ARTICLE 4:**

To see if the Town will vote to amend Article 4 of the General Bylaws as follows, with deletions indicated in ~~striketrough~~ and additions underlined:

#### **Custody of Town Documents**

**SECTION 1.** All Town Officers shall turn over to their successors in office, at the expiration of their term of office, all books, papers, documents, or other property in their custody belonging to the Town. All departments shall turn over to the Town Clerk all papers, contracts, documents, computer files, deeds, maps, ~~city locations~~, blueprints and other material of permanent value, as soon as possible after these articles are acquired or executed. These shall be deposited in the Town Clerk's vault, unless otherwise provided by law or by records retention requirements of the Government Accounting Standards Board (GASB).

#### **Annual Report**

**SECTION 2.** Each officer, board or committee of the Town shall annually by January 31, file with the Select Board a full and comprehensive report of all its activities, and if in charge of the expenditure of Town funds, a review of its condition, a financial statement and estimate of the appropriation needed for the ensuing year. This report shall include a list of all individuals and businesses, and the amounts paid to each, that have received ~~one thousand and no/100 (\$1,000.00)~~ two thousand five hundred dollars

(\$2,500.00) or more during the year for services or supplies which have been charged against the appropriations under the control of said officer, board or committee.

### **Material to be Included in Annual Town Report**

**SECTION 3.** The Select Board, before the annual Town Meeting, shall, at the expense of the Town, print the annual town report for the use of the inhabitants, and in addition to the departmental reports for the municipal year, as submitted to the Select Board under Section 2 above, and other matters required by law, the book shall contain:

- a. A complete list of the Town Officers with expiring date of office, showing the organization of the different boards.
- b. Copies of the warrant for the Annual and Special Town Meetings held during the Municipal year, together with the minutes of the Town Clerk, showing the action taken at each meeting.
- c. A report of all claims that are outstanding and all suits in which the Town is a ~~party~~ party, including: all parties to the action, a brief description of the nature of the claims, the status of the action and any potential exposure of the town.
- d. A list of what betterments have been assessed during the municipal year.
- e. A tabulated statement showing the object of each appropriation for the year, the amount appropriated, the amount overdrawn, if any, in each instance, and an itemized list of all unpaid bills and obligations.

A classified statement of all expenditures and receipts of the Town in detail, so as to give a fair and full exhibit of the objects and methods of all expenditures. This detailed report shall itemize each department's expenditures by types of goods or services purchased.

### **Use of Town Seal**

**SECTION 4.** No Town officer or member of a Town Board, Committee or Commission shall use any paper, stationery, or other article bearing the Town seal or representation thereof, or bearing the name of a Town Board, Committee or Commission for other than official purposes.

### **Notification of Town Clerk of Office Hours**

**SECTION 5.** ~~[Deleted] All Town officers, boards and committees shall notify the Town Clerk of their organization and of their office hours or times of stated meetings.~~

### **Written Contracts**

**SECTION 6.** ~~[Deleted] Unless otherwise provided by a vote of the Town Meeting, the Select Board for all departments except the School Department, and the School Committee for the School Department are authorized to enter into any contract for the exercise of the Town's corporate powers, on such terms and conditions as are deemed appropriate. Notwithstanding the foregoing, the Select Board and School Committee shall not contract for any purpose, on any terms, or under any conditions inconsistent with any applicable provisions of any general or special law.~~

### **Purchase of Property or Supplies by Public Bids**

**SECTION 7.** ~~[Deleted] Every contract for the procurement of supplies, services or interests in real property and for the disposal of supplies or interests in real property shall be made in accordance with the provisions of Chapter 30B of the Massachusetts General Laws.~~



## **Custody and Approval of Contracts**

**SECTION 8.** ~~Whenever any~~ Any written contract is required by these By-laws, it shall be approved as to ~~form, form~~ by the Town Counsel in writing. Said contract, with the Town Counsel's written approval as to form, shall be filed with the Town Accountant within one week of approval by Town Counsel.

### **Sale of Obsolete, Surplus or Unused Property**

#### **Disposal of Surplus Supplies, Material, and Equipment**

**SECTION 9.** ~~Every board or officer in charge of a department may, with the approval of the Select Board, sell any obsolete, surplus or unused property or material not required by such department not exceeding Twenty Five Thousand Dollars (\$25,000.00) in value. Personal property or material having a value in excess of Twenty Five Thousand Dollars (\$25,000.00) shall be sold only after authorization by a vote of the Town. The Select Board may transfer such property to another Town Board or Department having use for the same.~~

Supplies, material and equipment which have been declared surplus by any Town agency and have a value in excess of twenty-five thousand dollars (\$25,000) shall be disposed of, pursuant to section 4-2(k) of the Town Charter, only after authorization by vote of the Town.

#### **Heavy Equipment Pool**

(Deleted T.M. 10/15/90)

#### **Presentation of By-Laws**

**SECTION 10.** ~~A copy~~ Copies of the Purchasing Manual of the Town, the Town By-laws with amendments, ~~a copy~~ of the Open Meeting Law, ~~a copy~~ of the Conflict of Interest Law, and ~~a copy~~ of the Town Charter shall be presented by the Town Clerk to all elected or appointed town officers and committee members, immediately after they are sworn into office.

#### **Meetings**

**SECTION 11.** ~~All Boards, Committees and Commissions must be appointed, sworn in, meet, organize and elect officers within thirty days of the Annual Town Meeting, or within thirty days of the meeting at which a special purpose Board, Committee or Commission is authorized. The same rules shall apply to individual appointments.~~

#### **Establishment and Appointment**

**SECTION 11.** Within 30 days of the establishment of an appointed multi-member body, the appointing authority shall appoint the members of that body. All individuals appointed to a position or multi-member body shall be sworn in within 30 days of the date of their appointment. Anyone not sworn in within 30 days of appointment may have their appointment vacated by the appointing authority.

The body shall meet, organize and elect officers within 30 days of the date of that appointment.

#### **Reorganization following Annual Election or Reappointment**

**SECTION 12.** All elected multi-member bodies shall elect new officers at the start of their first meeting after the date of any Town Election at which one or more members of the body were elected. All appointed multi-member bodies shall elect new officers at the start of their first meeting after their annual term expiration date. Newly elected officers shall assume the duties of their office immediately upon election. Multi-member bodies may reorganize at any meeting of the body upon a majority vote of the current members of the body.

or to take any other action relative thereto.

Submitted by: By-Law Study Committee

**ARTICLE 5:**

To see if the Town will vote to amend Article 5 sections 6 and 7 of the General Bylaws as follows, with deletions indicated in ~~strike through~~ and additions underlined:

**Lists of Appointments**

**SECTION 6.** The Select Board shall, immediately after any person is chosen or appointed by the Select Board ~~to Town Office~~, file with the Town Clerk a list of such choice or appointment.

**Designation of Clerk**

**SECTION 7.** ~~[Deleted] The Select Board shall designate one of its members as Clerk who shall enter all its records, orders and proceedings in a bound book, and this shall be placed in the custody of the Town Clerk, and shall be open to the inspection of any person at reasonable times.~~

or to take any other action relative thereto.

Submitted by: By-Law Study Committee

**ARTICLE 6:**

To see if the Town will vote to amend Article 6 of the General Bylaws as follows, with deletions indicated in ~~strike through~~ and additions underlined:

**Placing of Bond**

**SECTION 1.** Before entering upon the duties of ~~his~~ office the Town Treasurer/Collector shall give bond to the Town, with good and sufficient surety, to be approved by the Select Board. ~~Said bond shall be upon condition that said Treasurer/Collector shall well and faithfully discharge the duties of his office during any and every period of his incumbency thereof.~~

**Custodianship**

**SECTION 2.** ~~[Deleted] The Treasurer/Collector shall be the custodian of all fiduciary bonds except as hereafter provided, of all notes, bonds and coupons which have been paid, and all other documents that may be required pursuant to State Law, Town By Laws or the Town Charter.~~

**Annual Report**

**SECTION 3.** The Treasurer/Collector shall make an annual report which shall contain a statement of the amount of money received and paid out ~~by him~~ during the year. A full exhibit and full description of all moneys, properties and securities which may be placed in ~~his~~ their charge by virtue of a vote of the Town or of any statutes or By-Laws, or by virtue of any gifts, devise, bequest or deposit; a list of all notes issued during the year showing the purpose for which money was borrowed and given the date, term, rate of interest, time of maturity, and premium, if any, received thereon; a list of all notes paid during the year, and a list of all outstanding notes, with dates on which they mature. This report, however, need not contain such details as are required by law to be shown on the report of the Town Accountant.

**Office Hours**

**SECTION 4.** ~~[Deleted] The Treasurer/Collector shall have stated hours for the transaction of business and shall give public notice thereof.~~

or to take any other action relative thereto.

Submitted by: By-Law Study Committee

**ARTICLE 7:**

To see if the Town will vote to amend Article 7 of the General Bylaws as follows:

1. Amend sections 1 through 5 as follows, with deletions indicated in ~~striketrough~~ and additions underlined:

**Placing of Bond**

**SECTION 1.** Before entering upon the duties of ~~his office~~ **office**, the Town Clerk shall give bond to the Town, with good and sufficient surety, to be approved by the Select Board. ~~Said bond shall be upon the condition that said Town Clerk shall well and faithfully discharge the duties of his office during any and every period of his incumbency thereof.~~

**Report Files**

**SECTION 2.** The Town Clerk shall keep a file of all Town reports, reports submitted by all committees chosen by the ~~Town~~ **Town**, and all original documents relating to the affairs of the Town which come into ~~his~~ **their** custody. ~~He shall suitably index all~~ **All** such reports and all records of the Town in ~~his custody~~ **the custody of the Town Clerk shall be suitably indexed** in a manner convenient for reference and examination.

**Office Hours**

**SECTION 3.** ~~[Deleted] The Town Clerk shall have stated daily hours for the transaction of business and shall give public notice thereof.~~

**Ballot and Lists for Town Meeting**

**SECTION 4.** The Town Clerk shall ~~furnish~~ **furnish**, for the use of the voters at the Town Meeting, perforated "yes" and "~~no~~" **"no"** ballots with letters not less than one-half inch high for use under the direction of the Moderator, as provided under Article 2, Section ~~16~~ **16**, of these By-Laws, and ~~he~~ shall also provide regular voting lists for use at Town Meeting.

~~**Employment of Competent Person and Filing of Notes**~~ Record of Town Meeting

**SECTION 5.** The Town Clerk shall make provisions to record by electronic or other means, ~~as shall be deemed appropriate by the Town Clerk,~~ the proceedings of all Town Meetings. The record so obtained shall be filed and maintained as part of the public records of the Town.

2. Delete section 6 (Fee Schedule) in its entirety and replace it with the following:

**Fee Schedule**

**SECTION 6.** The schedule of fees to be charged by the Town Clerk under the provisions of G.L. c.262 §34 shall be those established by the Town Clerk under the provisions of G.L. c.40 §22F. A copy of the fees so adopted shall be posted on the official website of the Town of Grafton and shall be available in the office of the Town Clerk.

or to take any other action relative thereto.

Submitted by: By-Law Study Committee

**ARTICLE 8:**

To see if the Town will vote to amend Article 8 of the General Bylaws as follows, with deletions indicated in ~~striketrough~~ and additions underlined:

**Annual Audit**

**SECTION 1.** There shall be an annual audit of the Town accounts.

**Annual Report**

**SECTION 2.** The Town Accountant shall, in ~~his~~their annual report, in addition to such matters as are required by law, furnish a condensed statement of the financial condition of the Town and financial transactions for the year covered by such report.

**Custody of Bonds-Grants**

**SECTION 3.** ~~The Town Accountant shall have the custody of all contracts with the Town, unless otherwise provided by law.~~ The Town Accountant shall have custody of all grants in favor of the Town. Copies of all grants must be submitted to the Town Accountant within 10 days of execution of same.

**Custody of Bonds**

**SECTION 4.** The Town Accountant shall retain all bonds for Town Officials. The Town Accountant shall review the terms of any bonds annually with the Town Administrator to determine the adequacy of the bonds and maintain them until such a time as they may be surrendered or cancelled.

or to take any other action relative thereto.

Submitted by: By-Law Study Committee

**ARTICLE 9:**

To see if the Town will vote to amend Article 9 of the General Bylaws as follows, with deletions indicated in ~~striketrough~~ and additions underlined:

**Valuation Lists**

**SECTION 1.** The Board of Assessors shall post a list of the real estate and personal property assessed valuations for each revaluation year and, and in years where when Town-wide interim adjustments to value are made, ~~in four public places within the Town on the Town Bulletin Board, as defined in the Town Charter, and on the official website of the Town of Grafton.~~

or to take any other action relative thereto.

Submitted by: By-Law Study Committee

**ARTICLE 10:**

To see if the Town will vote to amend Article 10 of the General Bylaws as follows, with deletions indicated in ~~striketrough~~ and additions underlined:

### **Appointment and Term of Office**

**SECTION 1.** The Town Administrator shall each year after the annual Town Meeting, and whenever a vacancy shall exist, choose some competent lawyer to act as Town Counsel. ~~He~~ Town Counsel shall be paid such compensation as the Town Administrator shall determine. The Town Administrator may, at their pleasure, remove ~~him~~ the individual acting as Town Counsel ~~at pleasure~~. ~~His~~ The Town Counsel's term of office shall continue until the appointment and acceptance of ~~his~~ their successor.

### **Duties**

**SECTION 2.** The Town Counsel shall, when required by the several Town officers, boards and committees, furnish a written opinion on any legal question ~~that be submitted to him~~ in regard to any matter which concerns the Town or them as Town officers, and ~~he~~ shall at all times furnish legal advice to any officer of the Town who may require ~~his~~ the opinion of Town Counsel upon any subject with reference to the duties incumbent upon such officer by virtue of ~~his~~ their office.

### **Prosecution and Defense of Suits**

**SECTION 3.** The Town Counsel shall, unless otherwise directed by the Town Administrator, prosecute all suits ordered to be brought by the Town, ~~or~~ and defend suits brought against the Town or its officers in their official capacity. ~~He~~ Town Counsel shall, when requested by the Town Administrator, appear before any tribunal, whether in law, equity or otherwise, or before any board, referee, commissioners, committee, arbitrators or other tribunal in matters in which the Town may be a party, or in which the Town may be interested. ~~For such service he shall receive suitable compensation as determined by the Town Administrator.~~

### **Prosecution for Violation of Statutes**

**SECTION 4.** The Town Counsel shall prosecute on behalf of the Town, all cases for the violation of ~~the statutes, or of these By-Laws,~~ all state and local law when requested ~~in writing~~ by writing or vote of by any board or officer of the Town. ~~For such services he shall receive suitable compensation as determined by the Town Administrator.~~

### **Drawing Up and Approval of Legal Instruments**

**SECTION 5.** Town Counsel shall draw up all bonds, deeds, leases, obligations, conveyances and other legal instruments or approve the same.

### **Annual Report**

**SECTION 6.** Town Counsel shall annually make a written report to the Town Administrator, to be printed in the annual Town Report, concerning the professional services rendered ~~by him~~ during the preceding year. Said report shall contain a statement of each case or claim which has been tried, settled or otherwise disposed of ~~by him~~ during the year, and also a statement of each case which is still pending and the status of the same insofar as the facts may be properly published, together with such other information and recommendations as ~~he~~ Town Counsel may deem advisable.

~~Administrator, to be printed in the annual Town Report, concerning the professional services rendered by him during the preceding year. Said report shall contain a statement of each case or claim which has been tried, settled or otherwise disposed of by him during the year, and also a statement of each case which is still pending and the status of the same insofar as the facts may be properly published, together with such other information and recommendations as he may deem advisable.~~

or to take any other action relative thereto.

Submitted by: By-Law Study Committee

**ARTICLE 11:**

To see if the Town will vote to amend Article 11 sections 1, 3, and 4 of the General Bylaws as follows, with deletions indicated in ~~striketrough~~ and additions underlined:

**Powers**

**SECTION 1.** The Inspector of Wires appointed in accordance with General Laws Chapter 166, Section 32 ~~and Acts of 1932, Chapter 282, Section 26,~~ shall have control of the supervision and inspection of electrical wiring and shall ~~endorse~~ enforce all By-Laws, and regulations that relate thereto.

**Inspections**

**SECTION 3.** When any work is complete or ready for inspection, the Inspector of Wires shall be notified. If, upon inspection, the work is found to comply with the requirements of this By Law and all applicable state laws and regulations, approval shall be given by the Inspector of Wires, including authorizing, if applicable, connection by the electrical utility company for the connection to the electrical service. If, upon inspection, the work is found to be defective, all defects shall be remedied before such ~~an~~ approval is issued.

**Penalty**

**SECTION 4.** ~~[Deleted] Whoever violates any provisions of this By Law shall be liable to a penalty not exceeding Twenty Dollars (\$20.00).~~

or to take any other action relative thereto.

Submitted by: By-Law Study Committee

**ARTICLE 12:**

To see if the Town will vote to amend the following sections of Article 12 of the General Bylaws as follows, with deletions indicated in ~~striketrough~~ and additions underlined:

**Obstruction of Streets**

**SECTION 2.** No person shall place or cause to be placed, ~~in any public street,~~ in any public street anything (including but not limited to snow, leaves, sand or other debris) tending to obstruct the public ~~way,~~ way without a written permit from the Select Board.

**Fireworks and Firearms**

**SECTION 3.** No person shall discharge any kind of firearms, ~~nor any firecrackers, or fireworks,~~ or other explosive compound, compound in any street or public way, nor throw such ~~fireworks, fireworks~~ or explosive ~~material,~~ material within the limits of any street or public way, except in the performance of a legal right or duty.

**Damage to Lights and Signals**

**SECTION 7.** No person shall extinguish, damage or break any street or electric light bulb, or remove any light placed to warn the public against an obstruction or defect in any street or public way, unless such ~~persons~~ person is authorized by those having charge of such light, or of the street or way.

**Towing of Obstructing Vehicles**

**SECTION 8A.** The Director of Public Works or ~~his~~ their designee or other officer having charge of ways, for the purpose of removing or plowing snow, or removing ice, from any way, may remove, or cause to be removed, to some convenient place, including in such term a public garage, any vehicle

interfering with such work, and the owner of such vehicle shall be responsible for the cost of such removal and all storage charges, if any, resulting therefrom.

### **Penalty**

**SECTION 8B.** Whoever violates any provisions of the previous section (8A) of the ByLaws shall be liable to a penalty of Twenty Five Dollars (\$25.00) for the first offense, Fifty Dollars (\$50.00) for the second offense and One Hundred Dollars (\$100.00) for the third and succeeding offenses. The Director of Public Works or their designee may impose this penalty via the noncriminal disposition procedure set forth in G.L. c.40 §21D.

### **Depositing Snow on Town Roadways**

**SECTION 8C.** No person other than an employee in the service of the Town, or an employee in the service of an independent contractor acting for the Town, shall pile, push or plow snow or ice onto or across a Town roadway. Whoever violates this section shall be punished by a fine of ~~One Hundred Fifty Dollars (\$150.00) for each offense.~~ \$25 for the first offense, \$50 for the second offense, and \$100 for the third and subsequent offenses. The fine may be imposed via the noncriminal disposition procedure set forth in G.L. c.40 §21D, in which case the enforcing officer shall be the Director of Public Works or their designee.

### **Disorderly Conduct**

**SECTION 10.** No persons shall behave in a rude or disorderly manner, or use any indecent, profane, or insulting language in any street, highway, or other public place in the town, or be or remain upon any doorstep, portico, or other projection from any house or other building not ~~his~~their own, or any church, meeting house, railroad depot, or platform, public hall, or entrance thereto, to the annoyance or disturbance of any person. Nor shall any person at or near upon any such dwelling house, building, sidewalk, doorstep, portico, fence or projection or such meeting house, public hall, railroad depot, or platform or entrance thereto, commit any nuisance.

### **Grazing on Public Ways**

**SECTION 11A.** No person shall pasture any animal upon any street or way in the town, with or without keeper, except within the limit of such way adjoining ~~his~~their own premises, and on the same side of the street therewith.

### **Animals or Vehicles in Or Upon Public Areas**

**SECTION 11B.** No person shall permit any vehicles to be in or upon the Common, parks, or developed recreation areas of the Town except within the limit of the designated parking areas or with approval of the Select Board or their designee.

Animals shall be permitted in the Common, parks, or developed recreation areas (but not defined playgrounds) of the Town if they are leashed, under control and their waste is sanitarly disposed of. Animals shall be permitted on the roadways only in Town-owned cemeteries under the same conditions. Violations of this section shall be punished by a fine not-to-exceed fifty dollars (\$50.00) per offense.

Whoever violates any provision of this section may be penalized via the noncriminal disposition procedure set forth in G.L. c.40 §21D, in which case the enforcing officer shall be any police officer and the penalty shall be \$50.

### **Bathing Restrictions**

**SECTION 15.** No person shall bathe or swim in any of the waters within the ~~Town,~~Town in a state of nudity, in places exposed to public ~~view,~~view or in the immediate sight of the occupant or occupants of any building.

### Licensing of Junk Dealers

**SECTION 16.** The Select Board of the town may license suitable persons to be collectors of, dealers in or keepers of shops for the purchase, sale or barter of junk, old metals or second hand articles, may make rules and regulations relative to their business and may provide the supervision thereof. Said licensing board may make additional rules, regulations, and restrictions. Said licenses may be revoked at the pleasure of the Board.

In accordance with Chapter 140, Section 54 of the Massachusetts General Laws the following rules and regulations shall apply to all licenses issued under this ~~Article section~~, with reference to the purchase of gold, silver and platinum.

- a. Whoever is carrying on a business of purchasing, selling or bartering of gold, silver or platinum shall keep a transaction record in a numbered form book approved by the Town in which shall be entered at the time of receiving any article, the name, address, date of birth and sex of the person from whom purchased and a detailed description of item purchased, date of purchase and time of purchase of any item exceeding twenty-five dollars (\$25.00).
- b. Any person who sells or barter gold, silver or platinum shall be required to show to the buyer prior to said sale, identification which includes a photograph of the seller. Said seller shall ~~also sign their legal signature on form provided~~ said transaction record, upon completion of said transaction.
- c. The form book herein described shall be at all times open to inspection by the Chief of Police, or ~~his~~ the Chief's designee.
- d. All licenses granted under this ~~Article section~~ shall designate the place where the person licensed may carry on ~~his~~ their business, and ~~he~~ they shall not engage in or carry on ~~his~~ their business in any other place than the one designated.
- e. All purchases of gold, silver or platinum shall be kept on the premises of the licensee for a minimum of (20) twenty days and shall at all times during the said (20) twenty days be available for inspection by the Chief of Police or ~~his~~ the Chief's designee.
- f. No person licensed under this ~~Article section~~ shall purchase any article from any minor, knowing or having reasonable cause to believe that such person is a minor.
- g. Any violation of this section may result in the revocation of the license issued under this ~~Article section~~ by the Select Board.

### Penalty

**SECTION 18.** ~~[Deleted] Whoever violates any provisions of this article of the By-Laws, except Sections 8A and 8B Towing of Obstructing Vehicles, shall be liable to a penalty not exceeding Twenty Dollars (\$20.00).~~

### Soliciting or Canvassing

**SECTION 19.** It shall be unlawful for any solicitor or canvasser as defined in this By-Law section to engage in such business within the Town of Grafton without first obtaining a license therefore in compliance with the provisions of this By-Law section. The provisions of this By-Law section shall not apply to any person residing within the Town of Grafton and engaged in the pursuit of soliciting for charitable benevolent, fraternal, religious or political activities, nor to any person exempted under Chapter 101 of the General Laws, or to any person duly licensed under Chapter 101 of the General Laws, or to any person exempted by any other General Law, nor shall this By-Law section be construed to prevent persons having established customers to whom they make periodic deliveries from calling upon such customers or from making calls upon prospective customers to solicit an order for future periodic deliveries.

A solicitor or canvasser is defined as any person, who, for ~~himself~~ themselves, or for another person, firm or corporation, travels by foot, automobile or any other type of conveyance from place to place, from house to house, taking or attempting to lease or to take orders for the sale of goods, wares, merchandise,



or services, or taking or attempting to take contributions for any purpose, including, without limiting, the selling, distributing, exposing for sale of soliciting orders for magazines, books, periodicals or other articles of a commercial nature, the contracting of all home improvements, or for services to be performed in the future whether or not such individual has, carries or exposes for retail sale a sample of the subject of such sale, whether or not ~~he is~~ they are collecting advance payment on such retail sales.

Applicants for a license shall file with the Chief of Police, on a form issued by ~~him~~ the Chief, a written application signed under the penalties of perjury, containing the following information:

- a. Name of applicant.
- b. Address of applicant (local and permanent address).
- c. Applicant's height, weight, eye and hair color.
- d. Applicant's Social Security Number.
- e. The length of time for which the right to do business is desired.
- f. A brief description of the nature of the business and goods to be sold.
- g. The name and home office address of the applicant's employer. If self-employed, it shall so state.
- h. A photograph of the applicant which picture shall be submitted by the applicant and be 2"x2" showing the head and shoulders of the applicant in a clear and distinguishing manner.
- i. If operating a motor vehicle: The year, make, color, model, motor number, state of registration vehicle's owner and address.
- j. The applicant's fingerprints.

At the time of filing the application, each applicant shall pay a fee to the Town of Grafton as set and periodically amended by the Select Board.

Upon receipt of the application, the Chief of Police shall investigate the applicant's reputation as to morals and integrity.

Within 60 days of receipt of the application, After an investigation of the applicant's morals and integrity, the Chief of Police shall approve or disapprove the application and notify the applicant of ~~his~~ the decision. In the event that the application is approved, a license shall ~~issue~~ be issued. Any applicant shall have the right of appeal to the Select Board.

Such license when issued shall contain the signature of the issuing officer and shall show the name, address and photograph of said licensee, the date of issuance and the length of time the same shall be operative, as well as the license number. The Chief of Police shall keep a record of all licenses issued for a period of six (6) years. Solicitors and canvassers when engaged in the business of soliciting or canvassing are required to display an identifying badge issued by the Chief of Police, by wearing said badge on an outer garment.

Each licensee is required to possess an individual license. The Police Officers of the Town of Grafton shall enforce this By-Law section. No license shall be transferred.

The Chief of Police is hereby vested with jurisdiction over the revoking of licenses.

Each license issued under the provisions of this By-Law section shall continue in force for one year from the date of its issue unless sooner revoked.

An applicant requesting a renewal of a license must apply in person for such license renewal, and provide such material as required by the Chief of Police.

Any person violating any provisions of this By-Law section shall, upon conviction thereof, be punished by a fine not to exceed Fifty Dollars (\$50.00) for each and every offense.

Whoever violates any provision of this section may be penalized via the noncriminal disposition procedure set forth in G.L. c.40 §21D, in which case the enforcing officer shall be the Chief of Police or their designee and the penalty shall be \$50.

## Alcoholic Beverages

**SECTION 20A.** No person shall consume any alcoholic beverage or have in possession any opened container of any alcoholic beverage or container whose seals have been broken and recapped of such beverages upon any place or building or private land or place in the Town of Grafton to which members of the public have access as invitees or licensees without the permission of the owner or person in control thereof. The burden of proving such consent shall be upon the defendant.

**SECTION 20B.** No person shall keep, use, consume or have in ~~his~~their possession any alcoholic beverage or any open container of alcoholic beverage or containers whose seals have been broken and recapped on such beverages as defined in Section ~~(a) 20A~~ and in any public park or playground in the Town of Grafton ~~and or~~ within one hundred (100) feet thereof except as may be provided in Section ~~(a) 20A~~.

**SECTION 20C.** All alcoholic beverages being used in violation of this By-Law shall be seized and safely held until final adjudication of the charge against the person or persons so arrested or summoned before the Court at which time they shall be disposed of as directed by the Court. A Police Officer witnessing a violation of this By-Law shall have the right to arrest such person or persons without a warrant and shall bring the person or persons so arrested before the Court within twenty-four hours, Sundays and holidays excepted.

The penalty for violation of this By-Law shall not exceed Fifty Dollars (\$50.00) for each offense.

Whoever violates any provision of sections 20A and 20B may be penalized via the noncriminal disposition procedure set forth in G.L. c.40 §21D, in which case the enforcing officer shall be any police officer and the penalty shall be \$50.

### **Regulating Parking Areas For The Vehicles Of Disabled Veterans or Handicapped Persons**

~~SECTION 21-1. Designated parking spaces for vehicles owned and operated by disabled veterans or by handicapped persons and bearing the distinctive number plates authorized by section two of chapter ninety of the Massachusetts General Laws or special parking identification plates (i.e., placards) or any vehicle bearing the official identification of a handicapped person issued by any other state as amended by Chapter 632, Section 7 of the Acts of 1985 and as amended be provided in public and private off-street parking areas.~~

~~a. Any Town body or person that has lawful control of a public or private way or of improved or enclosed property used as off-street parking areas for businesses, shopping malls, theaters, auditoriums, sporting or recreational facilities, cultural centers, residential dwellings, or for any other place where the public has a right of access as invitees or licensees, to reserve parking spaces in said off-street parking areas for any vehicle owned and operated by a disabled veteran or handicapped person whose vehicle bears the distinguishing license plate authorized by section two of Chapter 90, or special parking identifications plates (i.e., placards) or any vehicle bearing the official identification of a handicapped person issued by any other state as amended by Chapter 632, Section 7 of the Acts of 1985 according to the following formula:~~

~~If the number of parking spaces in any such area is more than fifteen but not more than twenty-five, one parking space; more than twenty-five but not more than forty, five percent of such spaces but not less than two; more than forty but not more than one hundred, four percent of such spaces but not less than three; more than one hundred but not more than two hundred, three percent of such spaces but not less than four; more than two hundred but not more than five hundred, two percent of such spaces but not less than six; more than five hundred but not more than one thousand, one and one-half percent of such spaces but not less than ten; more than one thousand but not more than two thousand, one percent of such spaces but not less than fifteen; more than two thousand but less than five thousand, three-fourths of one percent of such spaces but not less than twenty; and more than five thousand, one-half of one percent of such spaces but not less than thirty.~~

b. — Parking spaces designated as reserved under the provisions of paragraph (a) shall be identified by the use of above grade signs with white lettering against a blue background and shall bear the words "Handicapped Parking: Special Plate Required. Unauthorized Vehicles May Be Removed At Owner's Expense"; shall be as near as possible to a building entrance or walkway; shall be adjacent to curb ramps or other unobstructed methods permitting sidewalk access to a handicapped person; and shall be twelve feet wide or two eight foot wide areas with four feet of cross hatch between them.

~~SECTION 21-2. This By Law shall prohibit or regulate the leaving of unauthorized vehicles within parking spaces designated for use by disabled veterans or handicapped persons as authorized by Section 1 or in such a manner as to obstruct a curb ramp designated for use by handicapped persons as a means of egress to a street or public way.~~

~~The penalty for violation of this By Law shall be one hundred dollars and for each subsequent offense, the vehicle may be removed according to the provisions of Section One Hundred and Twenty D of chapter Two Hundred and Sixty Six of the Massachusetts General Laws.~~

~~SECTION 21-3. The Town acting under the Massachusetts General Laws further regulates the parking of vehicles on ways within its said control by restricting certain areas thereon for the parking of any vehicle owned and driven by a disabled veteran or handicapped person whose vehicle bears the distinctive number plates authorized by section two of chapter ninety of the Massachusetts General Laws, or special parking identification plates (i.e., placards) or any vehicle bearing the official identification of a handicapped person issued by any other state as amended by Chapter 632, Section 7 of the Acts of 1985 or by prohibiting the parking or standing of any vehicles in such a manner as to obstruct any curb ramp designated for use by handicapped persons.~~

~~SECTION 21-4. Inasmuch as the Town has accepted Chapter 644 of the Acts of 1981 as herein provided, the Select Board on recommendation of the Traffic Safety Committee is empowered to establish traffic regulations, and may adopt, amend, alter or repeal rules and regulations, with such limitations, if any, as may be deemed proper, authorizing the chief of police of the Town or such sergeants or other officers of higher rank in the police department as he may from time to time designate, to remove, to some convenient place through the agency of a person or persons in the employ of the police department or by an independent contractor selected in accordance with the General Laws and this By Law, on the basis of competitive bids, any vehicle parked or standing on any part of any way under the control of the Town in such a manner as to obstruct any curb ramp designated for use by handicapped persons as means of egress to a street or public way, or to occupy or obstruct any parking space reserved for a vehicle used by a disabled veteran or handicapped person whose vehicle bears the distinguishing license plate authorized by section two of chapter ninety of the Massachusetts General Laws, or special parking identification plates (i.e., placards) or any vehicle bearing the official identification of a handicapped person issued by any other state as amended by Chapter 632, Section 7 of the Acts of 1985 or to impede in any way the removal or plowing of snow or ice or in violation of any rule or regulation which prohibits the parking or standing of all vehicles in such ways or portions thereof at such time and recites that whoever violates it shall be liable to charges for the removal and storage of the vehicles as well as subject to punishment by fine as provided in Section 2 herefore.~~

#### **Obstruction of Parking and Curb Ramps for Persons with Disabilities**

**SECTION 21.** No unauthorized vehicle may park or stand in such a manner as to obstruct a parking space designated for use by persons with disabilities or obstruct a curb ramp designed for use by persons with disabilities as means of egress to a street or public way.

The penalty for violation of this section shall be \$100 for each offense, and for the second and subsequent offenses, removal of the offending vehicle in accordance with G.L. c.40 §22D. The Chief of Police or designee may impose the penalty by the non-criminal disposition procedure set forth in G.L. Ch. 40, §21D.

### **Work Within a Public Street**

**SECTION 22.** No work shall take place within a public street right of way except in accordance with all applicable permits. A Road Opening Permit shall be required for any excavation or alteration of an existing public street, regardless of whether such work is proposed to be temporary or permanent. A Road Opening Permit shall be required for any street proposed to intersect or access an existing street; ~~pursuant to Grafton Zoning Bylaw.~~ Road Opening Permits shall be issued by the Department of Public Works.

### **One-Way Streets**

**SECTION 23.** The Select Board is authorized to create such one-way roads or streets as the Board deems appropriate on any public way in the Town of Grafton. No person shall operate a motor vehicle in the wrong direction on any public way designated as a one-way street in the Town of Grafton.

### **Reward for Damage to Public Property**

**SECTION 24.** At the discretion of the Select Board, the Town may offer a reward for information leading to the prosecution and conviction of any person who destroys or defaces any public property owned by the Town.

### **Fingerprint Based Criminal Record Background Checks**

#### **SECTION 25 (A): Purpose and Scope**

This By-law authorizes the Police Department to conduct state and national fingerprint based criminal history checks for individuals applying for specific licenses in Town to enhance public safety, as authorized by Massachusetts General Laws Chapter 6, Section 172B½. To carry out the criminal history checks authorized by this by-law, the Police Department shall be authorized to use state and Federal Bureau of Investigation (“FBI”) records, provided, however, that such records shall not be disseminated to unauthorized entities and shall be maintained and disclosed in accordance with all applicable law.

The By-law further authorizes the ~~Board of Selectmen~~ Select Board, in consultation with the Chief of Police, to promulgate regulations to implement this by-law, which may include, but shall not be limited to, establishment of submission deadlines, procedures for making recommendations to the licensing authority or making a licensing as a result of the criminal history check, procedures for assessing, correcting or amending any such record, criteria for fitness determinations, security of information obtained and penalties for failure to comply with this by-law.

#### **SECTION 25 (B): Criminal History Check Authorization**

The Police Department shall, as authorized by Massachusetts General Laws Chapter 6, Section 172B½, conduct State and Federal Fingerprint Based Criminal History checks for individuals and entities for the following licenses:

- Hawking and Peddling or other Door-to-Door Salespeople
- Manager of Alcohol Beverage License
- Owner or Operator of Public Conveyance
- Dealer of Second-hand Articles
- Pawn Dealers
- Hackney Drivers
- Ice Cream & Food Truck Vendors
- Bodyworks Practitioner
- Motor Vehicle Dealers

At the time of fingerprinting, the Police Department shall notify the individual being fingerprinted that the fingerprints will be used to check the individual's criminal history records and obtain the individual's consent. After the applicant completes a consent form, provides ~~his/her~~ their fingerprints and the appropriate fee, the Police Department shall transmit the fingerprints it has obtained pursuant to this by-law to the Identification Section of the Massachusetts State Police, the Massachusetts Department of Criminal Justice Information Services ("DCJIS"), and/or the FBI or the successors of such agencies as may be necessary for the purpose of conducting fingerprint-based state and national criminal records background checks for the license applicants specified in this by-law.

The Town authorizes the Massachusetts State Police, the DCJIS and the FBI and their successors, as may be applicable, to conduct fingerprint-based state and national criminal record background checks, including of FBI records, consistent with this by-law. The Town authorizes the Police Department to receive and utilize State and FBI records in connection with such background checks, consistent with this by-law and its implementing regulations. In accordance with its implementing regulations, the Police Department shall communicate the results of fingerprint-based criminal record background checks to the appropriate governmental licensing authority within the Town.

#### **SECTION 25 (C): Use of Criminal Record by Licensing Authorities**

Licensing authorities of the Town shall utilize the results of fingerprint-based criminal record background checks for the sole purpose of determining the suitability of the subjects of the checks in connection with the license applications specified in this by-law. A Town licensing authority may deny an application for a license on the basis of the results of a fingerprint-based criminal record background check if it determines that the results of the check render the subject unsuitable for the proposed licensed activity. The licensing authority shall consider all applicable laws, regulations and Town policies bearing on an applicant's suitability in making this determination.

Licensing authorities of the Town are hereby authorized to deny an application for any license specified herein and in the implementing regulations, including renewals and transfers of said licenses, from any person who is determined unfit for the license due to information obtained pursuant to this by-law. Factors that shall be considered in making a determination of fitness shall include, but not be limited to, whether the record subject has been convicted of, or is under pending indictment for a crime, that bears upon the subject's ability or fitness to serve in that capacity, including any felony or a misdemeanor that involved force or threat of force, possession of a controlled substance, or sex-related offense. Licensing authorities shall provide the applicant with the opportunity to complete, or challenge the accuracy of, the information contained in the FBI identification record, and shall advise the applicant that procedures for obtaining a change, correction, or updating of an FBI identification record are set forth in 28 CFR 16.34. A license shall not be denied based on information in the record until the applicant has been afforded a reasonable time to correct or complete the record, or has declined to do so.

#### **SECTION 25 (D): Fees**

The fee charged by the Police Department for the purpose of conducting fingerprint-based criminal record background checks shall be one hundred dollars (\$100) for each fingerprinting and criminal history check. A portion of the fee, as specified in Massachusetts General Laws Chapter 6, Section 172B½, shall be deposited into the Firearms Fingerprint Identity Verification Trust Fund, and the remainder of the fee may be retained by the Town for costs associated with the administration of the fingerprinting system.

#### **Limit Construction Hours**

**Section 27.** Any construction and/or site preparation activities producing noise in excess of 100 dB(A), measured at any point on the boundary of the property on which the activities occur, shall occur only during the following hours: 7:00 a.m. to 7:00 p.m.

Any person desiring to engage in any construction activity beyond the stated hours of limitation, based upon cases of emergency, can apply in writing to the Select Board or designee for an Emergency Construction Permit. Such application shall state all facts and circumstances demonstrating the existence of an emergency and the need for such permit. Such permits, if granted, shall be limited to 15 days, but may be renewed for additional periods if the emergency or need therefore continues. Requests for renewals of said permit shall be made in writing prior to the expiration of permits previously issued pursuant to this section. In the issuance of such permits, the Select Board or designee shall weigh all facts and circumstances presented and shall determine whether the reasons given for the emergency are valid and reasonable; whether the public health, safety, and welfare will be protected or better served by granting the permit requested; and whether, should the permit not be granted, the manner and amount of loss or inconvenience to the applicant presented by the emergency imposes a significant hardship. Upon an affirmative finding of the foregoing considerations, the Select Board or its designee is authorized to issue the emergency Construction Permit. Notice of said permit application shall be given to all property owners adjacent to the subject site. The Town Administrator, Zoning Enforcement Officer, and their respective designated agent(s) are authorized to enforce this section.

Any person who violates this section shall be subject to a fine in the amount of one hundred dollars (\$100) for each offense. Violations of this section ~~shall~~ may be enforced by means of a noncriminal disposition pursuant to Massachusetts General Laws Chapter 40, §21D.

### **Plastic Bag Bylaw**

#### **~~SECTION 28. Section 1. — Definitions~~**

#### **SECTION 28A. Definitions**

##### **SINGLE-USE CARRYOUT BAG**

A single-use carryout bag is made of plastic, paper or other material that is provided to a customer by an establishment and is used to transport merchandise from the establishment. Single-use carryout bags do not include ~~reecycled-recyclable~~ paper bags or ~~a re-usable grocery bag~~ reusable carryout bags. Single-use carryout bags do not include bags typically without handles used to contain dry cleaning, newspapers, small bags to contain fish, meats, produce and other products selected by the consumer to deliver items to the point of sale or checkout area of the store.

##### **REUSABLE CARRYOUT BAG:**

- 1) Is made solely of or in a combination of natural cloths, synthetic fibers, other washable material or of non-toxic plastic.
- 2) Is specifically designed for multiple reuse and has handles.

##### **RECYCLABLE PAPER BAG**

A paper bag that is 100% recyclable and contains at least 40% post-consumer recycled paper content.

##### **ESTABLISHMENT**

An establishment means any business selling goods, articles, or personal services to the public, including restaurants with a gross interior space of 3000 square feet or larger; or business having at least 2 locations under the same ownership or brand name within the Town of Grafton.

#### **~~Section 2. PLASTIC BAG REDUCTION~~**

#### **SECTION 28B. Plastic Bags Prohibited**

~~Thin film single use plastic~~ Single-use carryout bags shall not be distributed, used, or sold for checkout at Retail Establishments within the Town of Grafton. Customers are encouraged to bring their own reusable ~~shopping carryout~~ bags to stores. Retail or grocery stores are to make reusable ~~checkout carryout~~ bags available for sale to customers at a reasonable price. Thin-film plastic bags used to

contain dry cleaning, newspapers, produce, meat, bulk foods, wet items and other similar merchandise, typically without handles, are still permissible. Retail establishments may use Recyclable Paper Bags, with or without handles, at the point of sale.

### SECTION 3. ENFORCEMENT

#### SECTION 28C. Enforcement

This Bylaw may be enforced by the Board of Health or by the Town Administrator.

The Board of Health, the Town Administrator, and their respective designated agent(s) are authorized to enforce this bylaw.

Upon determination that a violation has occurred, the enforcing agent shall:

- For the first violation, issue a written warning notice to the establishment
  - For a second violation within one year of the initial violation, impose a penalty of \$50
  - For a subsequent violation within one year of the initial violation, impose a penalty of \$100
- No more than one penalty shall be imposed within a seven day period.

The enforcing agent may impose the penalties by non-criminal disposition as provided in G.L. c.40 §21D.

#### SECTION 28D. Regulations

The Board of Health may promulgate rules and regulations to implement this bylaw.

All the requirements set forth in this bylaw shall take effect July 1, 2018.

### **Polystyrene Reduction By-Law**

#### ~~SECTION 29. Section 1.~~

#### SECTION 29A. Definitions

~~“Director”, The Director of Public Health Services or the Town Manager/Board of Selectmen designee.~~

“Disposable Food Service Container” means single-use disposable products for serving or transporting prepared ready-to-consume food or beverages, including without limitation, take-out foods and/or leftovers from partially consumed meals prepared by a food establishment. This includes, but is not limited to, plates, cups, bowls, trays, hinged or lidded containers, straws, cup lids, or utensils. It does not include single-use disposable packaging for unprepared foods.

“Food Establishment” means any operation that stores, prepares packages, serves, vends, or otherwise provides food for human consumption, as further defined in 105 CMR 590.002. Any establishment requiring a permit to operate in accordance with the State Food Code, 105 CMR 590.000, et. Seq., shall be considered a food establishment for purposes of this ordinance.

“Expanded polystyrene” means blown polystyrene (polystyrene that has been expanded or “blown” using a gaseous blowing agent into a solid foam) and expanded and extruded forms, which are thermoplastic petrochemical materials utilizing a styrene monomer and processed by any number of techniques, including, but not limited to, fusion of polymer spheres (expandable bead polystyrene), injection molding, form molding, and extrusion blow molding (extruded foam polystyrene).

“Prepared Food” means any food or beverage prepared on the food establishment’s premises, using any cooking or food preparation technique. Prepared food does not include any raw uncooked meat, fish or eggs unless provided for consumption without further food preparation. Prepared food may be eaten on or off the food establishment’s premises.

#### ~~SECTION 2.~~ SECTION 29B. Prohibition of Expanded Polystyrene Food Service Containers

Food establishments are prohibited from dispensing prepared food to customers in disposable food service containers made from expanded polystyrene.

**SECTION 3.**

**SECTION 29C. Regulations**

~~(a)~~ The ~~Director~~ Board of Health may promulgate rules and regulations to implement this section.

**SECTION 29D. Applicability**

~~(b)~~ Each Food Establishment as defined in ~~Section 1~~ Section 29A, above, located in the Town of Grafton shall comply with this by-law.

**SECTION 29E. Violation**

The Board of Health, the Town Administrator, and their respective designated agent(s) are authorized to enforce this bylaw.

~~(e)~~ 1) If it is determined that a violation has occurred the ~~Director~~ enforcing agent shall issue a warning notice to the Food Establishment for the initial violation.

~~(2)~~ 2) If an additional violation of this by-law has occurred within one year after a warning notice has been ~~issues~~ issued for an initial violation, the ~~Director~~ enforcing agent shall issue a notice of violation and shall impose a penalty against the Food Establishment.

~~(3)~~ 3) The penalty for each violation that occurs after the issuance of the warning notice shall be ~~no more than~~:

A) \$50 for the SECOND offense ~~paid within 21 days to the Department of Health.~~

B) \$100 for the THIRD offense and all subsequent offenses.

4) No more than one (1) penalty shall be imposed upon a Food Establishment within a seven (7) ~~calendar~~ day period.

5) A Food Establishment shall have fifteen (15) ~~calendar~~ days after the date that a notice of violation is issued to pay the penalty.

6) All ~~subsequent offenses~~ penalties may be ~~penalized~~ imposed by a non-criminal disposition as provided in the General Laws, Chapter 40, Section 21D.

~~All of the requirements set forth in this by law shall take effect January 1, 2020. In the event that compliance with the effective date of this by law is not feasible for a Food Establishment because of either unavailability of alternative food service containers or economic hardship, the Director may grant a waiver of not more than six months upon application of the owner or owner's representative. The waiver may be extended for one (1) additional six month period upon showing of continued infeasibility as set forth above.~~

or to take any other action relative thereto.

Submitted by: By-Law Study Committee

**ARTICLE 13:**

To see if the Town will vote to amend Article 13 of the General Bylaws as follows, with deletions indicated in ~~striketrough~~ and additions underlined:

1. Change the title of the article from "EARTH REMOVAL Definitions" to "EARTH REMOVAL"
2. Add the caption "Definitions" above section 1A.



3. Amend sections 2C, 3A, 3B, 4C, 6A, 6C and 7B as follows, with deletions indicated in ~~strike~~through and additions underlined:

**SECTION 2C.** No permit for the removal of earth shall be issued by the Board until a public hearing has been held by the Board, notice of which shall have been given at least fourteen days in advance in a ~~paper commonly used for such notices in the community, the posting of copies thereof on municipal bulletin boards~~ Local Newspaper and on the Town Bulletin Board, as defined in the Town Charter, and the mailing of copies thereof to the abutters, and a favorable finding has been rendered by said Board.

**SECTION 3A.** No permit shall be required for the following:

- a. Where moving of earth is on an individual parcel.
- b. Where necessary in construction of ~~building a building~~ being built in accordance with a permit issued by the proper Town Authority and to the installation of walks, driveways and similar appurtenances to said building.
- c. Where necessary as part of the construction of a road pursuant to a permit, or under agreements governing road construction in a subdivision approved by the Planning Board or by governmental authority to the extent as may be necessary to complete the project as planned.
- d. Where necessary in the customary use of an operating farm, nursery, garden, landscaping activities, or cemetery to the extent that such removal is necessary to the operation of the same.
- e. Where the moving and/or removal of earth for any municipal purpose is by, or on behalf of any Department of the Town of Grafton.
- f. ~~[Deleted]Where the removal is from a parcel for which removal was authorized under a legal permit issued prior to adoption of this Section 3A, the same may continue until the expiration date of said permit, provided that all by laws, permits and conditions applicable prior to the adoption of this Section 3A shall be complied with. Subsequent to the adoption of this Section 3A, full compliance with all requirements of this Earth Removal By Law must be complied with.~~
- g. Where such earth removal is permitted under the provisions of the General Laws, Chapter 40, Section 21, Paragraph 17.

The Select Board may require an agreement containing conditions for moving and/or removing of earth and a performance bond if in their judgment anything they deem excessive is to be done under this exemption clause.

**SECTION 3B.** ~~[Deleted]Earth removal activities in lawful operation on any parcel of land at the time this By Law is adopted may continue unless and until abandoned for more than twelve (12) consecutive months. However, unless specifically authorized by a new permit issued hereunder:~~

- a. ~~The depth of excavation shall not be increased below the grade of the lowest point excavated on the effective date of this By Law.~~
- b. ~~The total area of excavation within the parcel shall not be increased by more than fifty (50) percent over its area on said effective date.~~
- e. ~~The average amount of materials extracted or removed per day shall not be increased by more than fifty (50) percent over such daily averages for the twelve (12) consecutive months preceding said effective date (or for the actual period of operation if less than twelve months).~~

**SECTION 4C.** No permit shall be issued if the excavation will occur within five (5) feet of the maximum annual ground water elevation at any single location on the site, as described in Section 2B.

**SECTION 6A.** The Board or its authorized representative may enter upon the premises involved from time to time to inspect and ensure proper conduct of the work.

**SECTION 6C.** The Board may order the revocation of or suspension of a permit if the conditions established hereunder are not complied with; but the permit holder in such situation shall not be relieved of ~~his~~their obligations hereunder.

**SECTION 7B.** If a permit holder or other offender persists in such violation, the Board shall seek the imposition of the penalties authorized by paragraph 17 of Section 21 of Chapter 40, G.L., through appropriate legal action; and the penalty for removing earth in violation of this By-Law shall be a fine of ~~not more than~~ fifty dollars for the first offense after such warning; ~~not more than~~ one hundred dollars for the second offense; and ~~not more than~~ two hundred dollars for any subsequent offense. The Board may impose the penalties specified within this bylaw by non-criminal disposition as provided in G.L. c.40 §21D.

Submitted by: By-Law Study Committee

**ARTICLE 14:**

To see if the Town will vote to amend Article 14 sections 1, 3, and 4 of the General Bylaws as follows, with deletions indicated in ~~striketrough~~ and additions underlined:

**Powers**

**SECTION 1.** An Inspector of Gas Piping and ~~gas~~Gas Appliances (“Inspector of Gas”) who is either a licensed gas fitter or licensed plumber, shall be appointed by the Town Administrator in accordance with the General Laws Ch. 143, Sect. ~~30~~30, and shall have control of the supervision of gas piping and gas appliances and shall enforce all State Laws, By-Laws and regulations that relate thereto.

**Inspections**

**SECTION 3.** When any work is complete or ready for inspection, the Inspector of Gas shall be notified. If, upon inspection, the work is found to comply with the requirements of this ~~By-Law~~ By-Law, and all applicable state laws and regulations, approval shall be given by the Inspector of Gas, including authorizing, if applicable, connection by the gas utility company ~~Company to connect~~ to the gas service lines. ~~lines the gas installations, but if~~ If, upon inspection, the work is found to be defective, all defects shall be remedied before such approval is issued.

**Penalty**

**SECTION 4.** ~~[Deleted]Whoever violates any provision of this article of the By-Laws shall be liable to a penalty not exceeding Fifty Dollars (\$50.00) for each offense. Each day on which the violation continues after due notice thereof may be deemed a separate offense.~~

or to take any other action relative thereto.

Submitted by: By-Law Study Committee

**ARTICLE 15:**

To see if the Town will vote to amend Article 15 section 5 of the General Bylaws as follows, with deletions indicated in ~~striketrough~~ and additions underlined:

**SECTION 5.** Whoever violates any provisions of this Article of the By-Laws shall be liable to a penalty of Twenty Dollars (\$20.00) per day for each day of a violation, commencing ten days following date of receipt of written notice from the Select Board. The Grafton Police Department may impose the penalties specified within this bylaw by non-criminal disposition as provided in G.L. c.40 §21D.

or to take any other action relative thereto.

Submitted by: By-Law Study Committee

**ARTICLE 16:**

To see if the Town will vote to amend Article 16 of the General Bylaws as follows, with deletions indicated in ~~strike through~~ and additions underlined:

**ARTICLE 16**

**DOGS RUNNING AT LARGE-ANIMAL CONTROL**

In addition to the requirements set forth in this by-law, the licensing, keeping and control of Animals shall be in accordance with all applicable provisions of the Massachusetts General Laws, including but not limited to the provisions of MGL Chapter 140 Sections 136A -174F inclusive, as may be amended from time to time. See Section 7 for definitions of terms used in this article.

**License Fees-Exemption for Seeing-Eye Dogs Exemptions; Refund of Fees**

**SECTION 1.** The annual fee for every dog license, except as otherwise provided by law, shall be \$15.00 for a male dog, ~~and \$15.00 for a female dog~~ dog, and \$10.00 for a spayed or neutered dog. Kennel fees shall be: \$30.00 for four dogs or ~~less~~ fewer; \$40.00 for more than four but fewer than ten dogs ~~or less~~; ~~and~~ \$50.00 for more than ten but fewer than 20 dogs; and \$100 for more than 20 but fewer than 100 dogs.

All the dogs in the Town of Grafton shall be licensed ~~by April 1,~~ between January 1st and March 1st of each year. An additional fee of Ten Dollars (\$10.00) shall be charged to each owner or keeper of a dog ~~three-six~~ months old or over who fails to license said dog on or before ~~June~~ March 1 of any year. The fees so collected shall be deposited into the Town Treasury and become a part of the Town General Fund.

No fee shall be charged for a license for a ~~dog specially trained to lead or serve a blind person provided that the Division of the Blind certifies that such dog is so trained and actually in the service of a blind person~~ Service Dog.

No fees shall be charged for a license to persons over 70 years of age (under MGL 140 section 139), or to disabled veterans.

No license fee or part thereof shall be refunded because of the subsequent death, loss, or removal from the Commonwealth or other disposal of the dog, nor shall any license fee or part thereof paid by mistake be paid or recovered back after it has been received by the Town. All owners must submit a certificate of vaccination for rabies to the Town Clerk on issuance of a license.

**Disturbing the Peace**

**SECTION 2.** No person owning or keeping a dog in the Town shall allow such dog to roam at large upon the land of another, nor allow such dog to roam at large on any portion of any public highway. Unless on property so designated by the Town such owner or keeper of a dog in the Town which is not on the premises of the owner or upon the premises of another person with the knowledge and permission of such person shall restrain such dog by a chain or leash ~~not exceeding six (6) feet in length~~ designed for use with dogs and which will prevent the dog from accessing other dogs or persons on the property. Owners and keepers must pick up and properly dispose of the dogs' waste from areas where the public has a right to access. Nothing in this section shall be construed to limit or prohibit the use of hunting dogs during the open hunting season or at any other times when necessary for field training.

### Complaint of Nuisance

**SECTION 3.** If any person shall make a complaint in writing to the ~~Dog-Animal Control~~ Officer that any dog owned or harbored within the Town is a public nuisance by reason of vicious disposition or ~~excessive barking~~ Nuisance Barking or other disturbance, the ~~Dog-Animal Control~~ Officer shall investigate such complaint, which may include an examination under oath of the complainant and submit a written report to the Select Board of ~~his~~ such findings and recommendations, together with the written complaint. Upon receipt of such report and examination of the complainant under oath, the Select Board may make such order concerning the restraint, muzzling or disposal of such dog as may be deemed necessary. The ~~Dog-Animal Control~~ Officer, after investigation, may issue an interim order that such dog be restrained or muzzled for a period not to exceed ~~fourteen~~ thirty days to enable the Select Board to issue their order following receipt of the report of the ~~Dog-Animal Control~~ Officer. If the Select Board ~~fail~~ fails to act during the period of the interim order, upon expiration of the period the order automatically is vacated.

### Restrain or Muzzle

**SECTION 4.** The ~~Dog-Animal Control~~ Officer may restrain or muzzle, or issue an interim order to restrain or muzzle, for a period not to exceed ~~fourteen~~ thirty days, any dog for any of the following reasons:

- a. if found at-large or unmuzzled, as the case may be, while an order for the restraint of such dog is in effect;
- b. for having bitten any person;
- c. if found in a school, school yard or public recreational area not so designated for ~~off~~ leash-off leash dogs;
- d. ~~or~~ for having killed or maimed or otherwise damaged any other domesticated animal, including livestock and fowl;
- e. for chasing any vehicle, horse and rider, pedestrian and bicycle upon a public way or ways open to public travel in the Town; ~~or~~
- f. for Nuisance Barking; or
- g. for any violation in Section 2.

Upon restraining or muzzling, or issuing an interim order to restrain or muzzle, the ~~Dog-Animal Control~~ Officer shall submit in writing to the Select Board a report of ~~his~~ the action and the reason therefore. Upon receipt of such report the Select Board may make such order concerning the restraining, muzzling, or disposal of said dog as may be deemed necessary. If the Select Board ~~fail~~ fails to act upon the report during the period the dog is restrained or muzzled, upon expiration of the period, the interim order automatically is vacated.

### Appeal of Restraint or Muzzling

**SECTION 5.** The owner or keeper of any dog that has been ordered to be restrained or muzzled or had been restrained under this Article, may file a request in writing with the ~~Dog-Animal Control~~ Officer that the restraining order be vacated, or that the dog be released, and, after investigation by the ~~Dog-Animal Control~~ Officer, such Officer may vacate such order or release such dog, if the order or restraint was imposed by ~~him~~ the Officer. If the order was imposed by the Select Board, the ~~Dog-Animal Control~~ Officer shall submit a written report of ~~his~~ the investigation, with ~~his~~ recommendations, to the Select Board who may vacate such order.

The owner of a dog that has been ordered restrained, muzzled or euthanized after a hearing in accordance with Mass. General Law Chapter 140 Section 157 and Section 4 of this by-law may appeal

the order of the Select Board or the Animal Control Officer in writing to the district court of the jurisdiction within 10 business days and shall provide a copy of the writing for an appeal to the town clerk.

### **Penalty**

**SECTION 6.** ~~Any~~ Pursuant to MGL Chapter 140 Section 157A, any owner or keeper of a dog who ~~shall fail~~ fails to comply with any order of the ~~Dog~~ Animal Control Officer or Select Board issued pursuant to this Article shall be punishable by a fine of ~~fifty dollars (\$50.00)~~ not more than \$500 or imprisonment for not more than 60 days in a jail or house of correction, or both, and for a second or subsequent offense by a fine of not more than \$1000 or imprisonment for not more than 90 days in a jail or house of correction, or both, with a right of appeal to the District Court pursuant to MGL Chapter 140, Section 157.

### **Definitions**

**SECTION 7.** ~~The following words and phrases as used in this By Law, unless the context otherwise requires, shall have the following meanings:~~ Where not expressly defined herein, terms used in this Bylaw shall be interpreted as defined in MGL Chapter 140 sections 136A to 174F inclusive as may be amended from time to time and otherwise by their plain language.

**“Emotional Support Animal”**, Emotional Support Animals are NOT Service Animals. According to the U.S. Department of Housing and Urban Development (HUD), an emotional support animal is any animal that provides emotional support alleviating one or more symptoms or effects of a person’s disability. Emotional support animals provide companionship, relieve loneliness, and sometimes help with depression, anxiety, and certain phobias, but do not have special training to perform tasks that assist people with disabilities. They do require doctors’ letters and do not have special access allowed to service animals, however they are allowed in housing under HUD regulations.

**“Hearing Authority”**, the Select Board

**“Keeper”** shall mean a ~~person~~ person, other than the owner, harboring or having in ~~his~~ their possession any dog.

**“Kennel”** one pack or collection of dogs on a single premises, whether maintained for breeding, boarding, sale, training, hunting or other purposes and including any shop where dogs are on sale, and also including every pack or collection of more than three (3) dogs ~~three (3)~~ six (6) months old or over owned or kept by a person on a single premises irrespective of the purpose of which they are maintained.

**“Nuisance Barking”**, any barking of a dog that is outside, that disturbs persons, and that occurs between the hours of 10 PM to 7 AM on weekdays and the hours of 11 PM to 8 AM on weekends and holidays.

**“Person”** shall include corporations, societies, associations and partnerships.

**“Psychiatric Service Dog”**, a dog who is trained to help its owner with Post Traumatic Stress Disorder (PTSD) avoid environmental triggers of disability symptoms.

**“Public Nuisance”** shall mean a dog whether licensed or unlicensed, ~~owner~~ owned or kept in the Town of ~~Grafton~~ Grafton, which is elsewhere than on the premises of its owner or keeper or on the premises of another person with the knowledge and express permission of such person, unless such dog is:

a. attached to and restrained by a suitable restraining device and is under the care and custody of a person competent to restrain it so that it shall not be a threat to public safety, or

b. engaged in hunting, or training thereof and is supervised by a person competent to restrain it so that it shall not be a threat to public safety. The mere muzzling of a dog shall not prevent it from being a public nuisance.

“Service Animal” a dog that has been individually trained to do work or perform tasks for an individual with a disability. The task(s) performed by the dog must be directly related to the person’s disability. (See Americans with Disabilities Act)

**Enforcement**

**SECTION 8.** The ~~Dog Animal Control~~ Officer shall enforce the provisions of this By-Law and to that end ~~he~~ shall have the authority to seek complaints in the District Court for violations thereof. ~~He~~ The Officer shall investigate complaints of alleged violations of this By-Law. ~~He~~ The Officer shall also apprehend any dog found ~~by him~~ to be a public nuisance under this by law and impound such dog in a suitable place or order the owner or keeper thereof to restrain it.

**Procedure Following Impoundment**

**SECTION 9.**

a. **Notice to Owner or Keeper.** The ~~Dog Animal Control~~ Officer shall immediately notify the owner or keeper of any dog impounded ~~by him~~ under the provisions of this By-Law if such owner or keeper is known ~~by him~~; if such owner or keeper is not known ~~by him~~, no notice shall be necessary.

b. **Redemption of Impounded Dogs.** The owner or keeper of any dog impounded under the provisions of this By-Law may redeem such dog provided ~~he~~ said owner or keeper first:

1. Procures from the Town Clerk a license and tag for any such dog that is not licensed.
2. Reimburses the ~~Dog Officer~~ for his expenses at the rate of fifteen dollars (\$15.00) for his initial handling of such dog plus five dollars (\$5.00) for each day, or a portion thereof, that he has confined such dog facility holding the dog at the facility’s standard day rate for board and care.

c. **Disposition of Unredeemed Dogs.** Any dog which has been impounded under the provisions of this By-Law and has not been redeemed by its owner or keeper within ~~ten (10) days~~ seven (7) days, provided it is not being held for a 10 day bite quarantine, shall be disposed of in accordance with the provisions of Section 151A of Chapter 140 of the General Laws, as amended.

**Keeping Account of Monies**

**SECTION 10.** ~~[Deleted]The Dog Officer shall keep an account of all moneys received by him under the provisions of this By-Law.~~

**Penalty - Violations of Article**

**SECTION 11.** Whoever violates any provision of this By-Law may be penalized by a noncriminal disposition as provided in General Laws, Chapter 40, Section 21D. For the purposes of this By-Law, the ~~Dog Animal Control~~ Officer and all Town Police Officers, shall be the designated enforcing persons. Each day on which any violation of this By-Law occurs shall be deemed to be a separate offense subject to the following penalties pursuant to MGL Chapter 140 Section 173A:

First Offense .....	<del>\$10.00</del> <u>\$50.00</u>
Second Offense .....	<del>\$25.00</del> <u>\$100.00</u>
<u>Third Offense .....</u>	<u>\$300.00</u>
Each Subsequent Offense .....	<del>\$50.00</del> <u>\$500.00</u>

**Right to Appeal**

SECTION 12. A person fined under the provisions of this by-law may pay the fines to the town clerk or appeal in writing to the district court and supply a copy of the written appeal to the town clerk within 21 days.

or to take any other action relative thereto.

Submitted by: By-Law Study Committee

**ARTICLE 17:**

To see if the Town will vote to amend Article 17 sections 1 and 4 of the General Bylaws as follows, with deletions indicated in ~~strike through~~ and additions underlined:

**Membership**

**SECTION 1.** There is hereby established a Council on Aging consisting of from seven to eleven registered voters of this Town, appointed by the Select Board for terms not to exceed four years for any member. ~~Said terms shall be staggered so that not more than three appointments shall be made in any calendar year.~~ Members can be reappointed for ~~concurrent~~ consecutive terms.

**Annual Report**

**SECTION 4.** Said Council on Aging shall give an annual report to the Select Board, pursuant to Article 4 Section 2, with a copy of that report directed to the Commonwealth of Massachusetts Office of Elder Affairs, or its successors.

or to take any other action relative thereto.

Submitted by: By-Law Study Committee

**ARTICLE 18:**

To see if the Town will vote to amend Article 18 of the General Bylaws as follows, with deletions indicated in ~~strike through~~ and additions underlined:

**House Numbering Required**

**SECTION 1.** All lots, buildings and structures in the Town shall be numbered by the Principal Assessor ~~in accordance with the following plan. The Principal Assessor shall use~~ using the Assessor's Maps, Zoning Map, By-Laws and Zoning By-law in existence and as amended and such other guides as determined necessary to ascertain and assign said number.

**Chart List**

**SECTION 2.** The Board of Assessors shall keep a record showing the proper street number of every lot in the Town which shall be checked by all owners or occupants to ascertain their number, and which shall be open to inspection by anyone interested.

**Numbers on Houses, Buildings and Structures**

**SECTION 3.** It shall be the duty of the owners ~~and occupants~~ of every house, building or structure to number same. Numbering shall be no less than 4 inches in height, facing the street, affixed to the building and away from obstructions. The numbers shall have a contrasting background, and be visible from the street. If the driveway is too long for the numbers to be visible from the street, additional numbers that are no less than 2 1/2 inches in height, must be affixed to both sides of a mailbox, or sign

~~pole at the end of the driveway, near the road in the Town to have placed, in a place visible from the street, figures at least two and one-half inches high, showing the number thereon.~~

#### **Penalty**

**SECTION 4.** Whoever violates any provisions of this Article of the By-Laws shall be liable to a penalty of ~~one dollar~~ five dollars (\$5.00) per day for each day during or on which a failure to so number continues, commencing ten days following date of receipt of written notice from the Town Clerk.

#### **Enforcement**

**SECTION 5.** The Building Inspector and the Fire Chief or their designees shall inspect properties and verify compliance with Section 3. The Building Inspector shall be responsible for enforcement of the Article. No town department may issue a certificate of compliance/completion with any permit for work at a given address without first verifying that the house, building or structure is numbered in compliance with this bylaw.

or to take any other action relative thereto.

Submitted by: By-Law Study Committee

#### **ARTICLE 19:**

To see if the Town will vote to amend Article 19 of the General Bylaws as follows:

1. Change the article title from “BETTERMENT PROCEDURES” to “PRIVATE WAYS – TEMPORARY REPAIRS, LAYOUT AND ACCEPTANCE”
2. Delete section 1 (Repairs on Private Ways) and replace it with the following:

#### **SECTION 1. Temporary Repairs on Private Ways**

##### **a. Definitions**

As used in this article, the following terms shall have the meanings indicated:

PRIVATE WAY – Shall not include driveways, common driveways, roadways and driveways within condominium projects, private access roads, and ways to which the public does not have access.

DIRECTOR – The Director of the Department of Public Works

##### **b. Authorization to make repairs.**

The Town of Grafton may make temporary repairs on private ways when such repairs are deemed necessary or appropriate by the Director and are approved by the Select Board. The Director shall make such determination based on the public convenience and necessity, the protection of the health and safety of the general public using such ways, and the protection of the environment adjacent to the way and in the surrounding area.

##### **c. Type and extent of repairs.**

The repairs may include the patching and filling of holes; oiling and treatment of road surfaces; the repair of specific portions of the way; cleaning of catch basins and drainage structures; installation of guardrails or other infrastructure; and the reconstruction of a way, including the removal of roadway surface and the regrading and installation of fill and roadway surface materials, including asphalt and concrete.

##### **d. Drainage improvements.**



As part of the repair of any private way, the Town may make such drainage repairs and improvements to the private way as are deemed necessary or appropriate by the Director. The Town shall not perform any such drainage repairs or improvements on a private way unless the Director has indicated that such repairs or improvements are required by public necessity or for the protection of the environment.

**e. Abutters.**

The Town may only perform such repairs, reconstruction, or improvements on a private way upon the occurrence of any of the following events: the request of the Planning Board to the Select Board; the request of the Director to the Select Board; or the owners of at least 80% of the properties which abut the way to be repaired have signed a petition to the Select Board requesting that such repairs to the way be performed. Such petition must state that the public convenience and necessity require such repairs, reconstruction and improvements and shall request that the Director make an investigation of the condition of the way and report the findings to the Select Board.

**f. Easements.**

If any easements are necessary for the completion of such repairs, reconstruction or improvements, the owners of the properties abutting the way and the owners of any land or interest in land upon which such easement would be required, shall be responsible for the cost of the preparation and the grant of such easements to the Town. Such easement shall include the grant of the right to the Town, its agents, contractors and employees, to enter upon the way for the performance of the work.

**g. Approval and method of payment.**

Upon receipt of a request from the Director, or from the Planning Board, or upon receipt of a petition from the owners of abutting properties, the Select Board shall review the report of the Director, and determine whether such repairs, reconstruction or improvements are required for the public health or safety, the protection of the environment, and the public convenience and necessity, and, if it so determines, the Select Board may approve the project and determine whether such repairs, reconstruction or improvements shall be paid by the abutters by a cash deposit; shall be paid by the abutters by betterment charges which shall be assessed to the abutters; shall be paid partly by the abutters and partly by the Town by the assessment of betterment charges for a portion of the work; or shall be paid by the Town. In the event the Select Board determines that the project should be funded in whole or in part by the assessment of betterments or by a cash deposit from the abutters, the Select Board shall hold a public hearing on such determination within 30 days thereof. The Select Board shall notify the owners of the properties abutting the way by regular mail at least seven days prior to the date of the hearing, and shall cause notice of such hearing to be published in a newspaper of general circulation in the Town at least seven days prior to the date of the hearing. Such notices shall indicate that the Select Board is considering the assessment of betterments or a cash deposit to fund the project. The Select Board shall make the decision on the request and the method of payment therefor, within 60 days of the close of the public hearing. If the appropriation of funds or the assessment of betterments is necessary, the Select Board shall thereupon submit an article to the next ensuing Town Meeting for approval by the Town of the repairs, reconstruction or improvements to the way and the method of payment therefor.

**h. Select Board action.**

If the appropriation of funds, the assessment of betterments or a cash deposit is not to be required in conjunction with the project, the Select Board shall review the request at a public meeting within 21 days of receipt of the request, and shall make a decision on the request within 45 days of its receipt.

**i. Liability of Town.**

To the fullest extent permitted by law, the Town shall not be liable for any claim, damage, loss, cost, liability, or expense, of any name, nature or description, including attorney's fees and costs, arising out

of or as a result of the repairs, reconstruction or improvements performed on any private way by the Town or any damage resulting therefrom, including that to third parties. The Select Board may in relation to any such project as it deems appropriate, require the owners of the properties abutting the way to execute an agreement pursuant to which all such owners agree to save, indemnify and hold harmless the Town from any and all such claims, damages, losses, costs, liabilities or expenses, including attorney's fees, arising out of or as a result of such repairs, reconstruction or improvements.

**j. Ways to be open to public use.**

The ways upon which the Town may perform any such repair, reconstruction or improvement, must have been open to public use for no less than one year prior to the date of the vote of the Select Board which approves such project or which authorizes the submission of the article relating thereto to the Town Meeting.

**k. Standard of work.**

All work to be performed by the Town on any such way pursuant hereto must be to the standards established by the Department of Public Works of the Town.

**l. Basis for assessment of betterments.**

In the event the Town Meeting authorizes such repair, reconstruction or improvement to such way, and authorizes the assessment of betterments for all or a portion of the cost of such work, it shall determine the percentage of project cost to be assessed, and such assessments shall be made based upon either the fixed uniform rate method using the linear frontage of each lot on the street as the standard for computation, or the uniform unit method, pursuant to which each existing or potential lot abutting the way shall constitute a unit.

**m. Town Meeting appropriation of funds.**

No repair, reconstruction or improvement requiring an appropriation of funds shall be made to any way pursuant hereto unless and until the Town Meeting has appropriated any funds necessary for the project.

**n. Minor repairs.**

Upon the request of the Director, the Planning Board or the owners of properties abutting a way, the Select Board, based on the recommendation and report and the certification of the Director that the funds necessary for the project are available, may authorize the Town to make minor repairs to private ways to a sum not to exceed \$2,500 in total on any way in any one fiscal year.

3. Amend section 2e as follows, with deletions indicated in ~~strike through~~ and additions underlined:

e. Following the public hearing, if at least 75% of the abutting owners agree to accept the betterment costs, the Select Board may vote to adopt the layout as shown on the metes and bounds plan, and place an article on the Annual Town Meeting Warrant consistent with MGL Chapter 82. ~~The betterment authorization shall be submitted on a form approved by the Select Board. All abutters shall be assessed their proportionate share. The Town will pay 25% of the cost of the improvements and the abutting property owners will be assessed a betterment for the remaining 75%.~~

or to take any other action relative thereto.

Submitted by: By-Law Study Committee

**ARTICLE 20:**

To see if the Town will vote to amend Article 20 of the General Bylaws as follows, with deletions indicated in ~~strike through~~ and additions underlined:

1. Amend section 4-1 as follows, with deletions indicated in ~~striketrough~~ and additions underlined:

**SECTION 4-1. Title - Personnel By-Law.** The provisions of this Personnel By-Law herein referred to as the By-Law shall be for the purpose of providing, creating and supervising personnel policies by the Town Administrator. Said Town Administrator's responsibilities shall include, but not be limited to, administering and interpreting the provisions of this By-Law and the creation, maintenance, and administration of any classification and compensation plan which shall ~~by~~be subject to approval of the Select Board for all employees of the Town of Grafton except those in positions which are exempt under Section 4-2.

2. Amend paragraph a of section 4-7 as follows, with deletions indicated in ~~striketrough~~ and additions underlined:

a. **Customary Work Week** - The customary work week for regular full-time office and clerical employees, shall be a minimum of 35 hours. The customary work week for all others shall be 40 hours, unless otherwise provided. ~~Employee~~Employees will receive an unpaid lunch break, not to exceed one hour, if required to work more than six (6) consecutive hours in any one day.

3. Amend section 4-8 as follows, with deletions indicated in ~~striketrough~~ and additions underlined:

**SECTION 4-8. Bereavement Leave.** In the event of a death in the immediate family, a regular employee or probationary employee is entitled to receive paid bereavement leave not to exceed three (3) consecutive days. Such leave shall not be charged to sick leave or vacation leave, and is not cumulative from fiscal year-to-year. The term, "immediate family" is defined as: spouse, child including step-child, parent including step-parent and foster parent, sister, brother, ~~mother-in-law~~mother-in-law and father-in-law, grandparent, grandchild, aunt and uncle, brother-in-law, sister-in-law; and shall have no other meaning within the terms of this policy. Employees may be granted additional bereavement leave of another two (2) days, at the discretion of the Town Administrator, in the event of the death of a spouse, child or parent, which shall be taken from Personal Leave, Sick Leave or Vacation Leave.

4. Amend paragraphs d and e of section 4-13 as follows, with deletions indicated in ~~striketrough~~ and additions underlined:

**SECTION 4-13. Sick Leave.** Each regular employee covered under this By-Law is entitled to sick leave with full pay in accordance with the following provisions:

d. Sick leave shall not accrue to any employee for any month in which he has been absent for more than 20 consecutive work days. Sick leave may be taken in increments of ~~one-half~~one-half (1/2) hour.

e. Sick leave shall be granted for the following:

- Personal illness or physical incapacity to such an extent as to be unable to perform the duties of the position.

- Attending to members of the family within the household, whose illness requires the care of the employee. An employee who is absent from work by reason of illness or to care for a family member within the household for five (5) consecutive days shall be required to submit to the department head a ~~physicians~~physician's certificate authenticating the illness.

- Enforced quarantine when declared by the Board of Health, or other jurisdictional agency, for the period of such quarantine only and not to exceed earned sick leave available.

5. Amend section 4-18 as follows, with deletions indicated in ~~striketrough~~ and additions underlined:

**SECTION 4-19. Holiday Leave.** All regular employees in benefit status shall be allowed the following twelve (12) legal holidays with pay: New Year's Day, Martin Luther King Day, President's Day, Patriot's Day, Memorial Day, Juneteenth, Independence Day, Labor Day, Indigenous People's Day, Veteran's Day, Thanksgiving Day, the day after Thanksgiving, ~~Christmas Eve shall be observed as a paid holiday only when it falls on a Monday through Friday, provided employees shall only be eligible for overtime compensation if they are required to work after the end of their regularly scheduled work day,~~ and Christmas Day. When one of the foregoing falls on a Sunday, the holiday will be observed the following

Monday. When one of the foregoing falls on a Saturday, the holiday will be observed on the preceding Friday. Christmas Eve shall be observed as a paid holiday only when it falls on a Monday through Friday, provided employees shall only be eligible for overtime compensation if they are required to work after the end of their regularly scheduled work day. If a holiday falls on an employee's regularly-scheduled day off, or when an employee is scheduled to work on a holiday, in addition to his regular pay, he shall receive straight-time pay for the actual hours worked in addition to his holiday pay, or be given an additional day off with pay. Whenever it is impractical to give time off to an employee on a legal holiday because of the necessity of continuing essential services, the employee may be given compensatory time off for the actual number of hours worked. An employee shall be in full pay status on the preceding, and following scheduled work day of the holiday in order to qualify for holiday pay.

Nothing in this section shall apply to either elected officers or employees of the School Committee, nor does this section apply to seasonal or temporary employees who work less than six months in any one year, and nothing is intended to supersede the laws of the Commonwealth of Massachusetts.

~~Nothing in this section shall apply to either elected officers or employees of the School Committee, nor does this section apply to seasonal or temporary employees who work less than six months in any one year, and nothing is intended to supersede the laws of the Commonwealth of Massachusetts.~~

or to take any other action relative thereto.

Submitted by: By-Law Study Committee

#### **ARTICLE 21:**

To see if the Town will vote to amend Article 21 sections 4, 5, 6, and 10 of the General Bylaws as follows, with deletions indicated in ~~strikethrough~~ and additions underlined:

**SECTION 4. The Grafton Historic District Commission.** There is hereby established pursuant to the provisions of the ~~historic~~-Historic District Act an historic district commission which shall be known as and may be referred to as the Grafton Historic District Commission (hereinafter called the "Commission").

**SECTION 5. Commission Membership.** The Commission shall consist of seven registered voters whose members shall be appointed by the Select Board, none of whom need be residents of or owners of property in an historic district to be administered by the Commission. Before making an appointment, the Select Board shall, in writing, request the names of two nominees from the Grafton ~~Historic~~-Historical Society, or the then local historic society, or in the absence thereof, ~~form~~-from the Society for the Preservation of New England Antiquities; two nominees ~~form~~-from the Chapter of the American Institute of Architects covering the Town of Grafton; and two nominees from the Greater Worcester Board of Realtors, Inc., or the then local Board of Realtors, covering the Town of Grafton. If such organizations submit nominees within thirty days of such request, the Select Board must appoint one member for each such organization which submits nominees. If any such organization shall fail to name its two nominees within thirty days of such request, the Select Board may make the appointment without nomination from such organization. The remaining appointments may be made by the Select Board without nomination from any organization. ~~When the Commission is first established, two members shall be appointed for a term of one year, two shall be appointed for terms of two years, and three shall be appointed for terms of three year.~~ A successor to a member shall be appointed by the Select Board in the same manner as such member was appointed, except that ~~his~~-the term shall be for three years. The Select Board may also appoint not more than three alternate members to serve for terms of three years. Such alternative members, who need not be from nominees of organizations entitled to nominate members, may attend all meetings of the Commission and participate in its discussions, but may not vote upon any matter coming before the Commission. If a vacancy on the

Commission occurs, the vacancy shall be filled, for the original term, by recommendations of the remaining Commission members to the Select Board of an alternate member to serve. Each member and alternate member shall serve without compensation.

**SECTION 6. Powers and Duties of the Commission**

a. **General Powers and Duties.** The Commission shall have jurisdiction over and shall administer any historic district that is established by the Town of Grafton in accordance with and pursuant to the provisions of the Historic District Act. In this connection, the Commission shall have all the powers and perform all the duties that are conferred and imposed on historic district commissions by the Historic Districts Act and by subsequent amendments thereto and which are not inconsistent with the provisions of this by-law.

b. **Power to Adopt Rules and Regulations - Notice.** The Commission may adopt and amend such rules and regulations for the conduct of its business as are not inconsistent with the provisions of the Historic Districts Act, this by-law, and of subsequent amendments, respectively, thereto. Prior to the adoption of or the amendment to any of its rules or regulations, the Commission shall hold a public hearing for the purpose of considering such proposed rules or regulations or any amendments thereto. Notice of such public hearing shall be given by the publishing of a written notice in a ~~newspaper having a~~ general circulation in the Town of Grafton Local Newspaper, as defined in the Town Charter, at least fourteen days prior to the date that has been set for such hearing. Such notice shall set forth such proposed rules or regulations or amendments thereto, in their entirety, and shall also state the date, time and place that has been set for such hearing. Such rules and regulations shall be adopted and amended only upon the compliance with any additional notice requirements that may be imposed upon the Commission after the adoption of this by-law by the Commonwealth of Massachusetts.

c. **Power to Employ Assistants, Accept and Expend Money.** The Commission may, subject to appropriation, employ clerical and technical assistants or consultants and may accept money gifts and expend the same for such purposes.

d. **Additional Powers.** The Commission shall have such other powers, authority and duties as may be delegated or assigned to it from time to time by vote of a Town Meeting and such powers, authority and duties as may be vested in it under the laws of the Commonwealth of Massachusetts.

~~SECTION 10. Severability. In case any section, paragraph or part of this by-law is, for any reason declared invalid or unconstitutional by any court of competent jurisdiction, every other section, paragraph or part shall continue in full force and effect.~~ **Terminology.** Unless otherwise provided herein, all terms used in this by-law shall have the same meanings as set forth in the Historic Districts Act, as from time to time amended.

or to take any other action relative thereto.

Submitted by: By-Law Study Committee

**ARTICLE 22:**

To see if the Town will vote to amend Article 22 of the General Bylaws by deleting the article in its entirety and replacing it with the following:

**ARTICLE 22**

**USE OF SILVER LAKE AND LAKE RIPPLE**

**SECTION 1.** Watercraft used on Silver Lake are limited to boats that can be carried on car tops, and only electric outboard motors are allowed. Watercraft used on Lake Ripple are limited to motors with a maximum of five (5) horsepower.

**SECTION 2.** No person shall operate any watercraft or recreational vehicle at a speed other than reasonable and proper or in such a manner as to annoy or endanger occupants of boats, others using the lake or its facilities, lakeside residents, or their property. No person shall operate any watercraft or recreational vehicle at a speed greater than 20 MPH on Lake Ripple.

**SECTION 3.** No privately owned boats, motors, equipment and/or property may be beached, left, or docked overnight on property owned by, or under the control of the Town of Grafton. Private property abutters may beach or dock boats, motors, equipment and/or property on their water frontage, if they so wish.

**SECTION 4.** All acts which pollute or litter the water supply and/or any part of the property of the lake are prohibited. No litter or refuse of any sort may be thrown or left in or on any land or water within the lake.

**SECTION 5.** All acts which damage the property of the Town of Grafton are prohibited. No persons shall damage, deface, destroy, remove or carry off any property, real or personal, under the care and control of the Town of Grafton.

**SECTION 6.** Drinking alcoholic beverages, being drunk, breaching the peace, profanity, or other disorderly conduct offensive to the general public is strictly forbidden while using the lake or its facilities.

**SECTION 7.** Except in an emergency, no person shall cause any aircraft to descend upon or land on the lake.

**SECTION 8.** All persons using the lake or its facilities shall obey the lawful directions of Police Officers, persons in charge, Federal, State or Local Wardens, Rangers or Enforcement Officers and all regulatory signs.

**SECTION 9.** No open fires will be permitted on Town or Conservation Commission owned land and property abutting the lake without prior written permission from the Fire Chief, and from said Commission for Commission-owned land.

**SECTION 10.** No diving or swimming from the dam will be permitted.

**SECTION 11.** Whoever violates any provision of this Article of the By-Laws shall be liable to a penalty of Fifty Dollars (\$50.00) for each offense. Each day on which the violation continues shall be deemed a separate offense. The Grafton Police Department may impose the penalties specified within this bylaw by non-criminal disposition as provided in G.L. c.40 §21D.

or to take any other action relative thereto.

Submitted by: By-Law Study Committee

**ARTICLE 23:**

To see if the Town will vote to amend Article 23 of the General Bylaws as follows, with deletions indicated in ~~strike through~~ and additions underlined:

**SECTION 1. Legislative Authority**

The Grafton Board of Sewer Commissioners was established under Article 36 of the Grafton Annual Town Meeting held on May 12, 1975, in accordance with Chapter 193 of the Acts of 1946, an Act Authorizing the Town of Grafton to Construct and Operate a System or Systems of Sewers.

**SECTION 2. Powers and Duties**

The powers and duties of the Board are set forth in The Town of Grafton Ordinance Regulating the Use of Public and Private Sewers and Waste Piping, the Installation and Connection of Building Sewers, and the Discharge of Water and Wastes into the Public Sewer System; and Providing Penalties for Violations Thereof, known as “the Sewer Use Ordinance,” adopted by the Town of Grafton Board of Sewer Commissioners October 13, 1978 and November 20, 1978, as it may be amended from time to time.

or to take any other action relative thereto.

Submitted by: By-Law Study Committee

**ARTICLE 24:**

To see if the Town will vote to amend Article 24 of the General Bylaws as follows, with deletions indicated in ~~strike through~~ and additions underlined:

**SECTION 1. Definitions.** In the absence of contrary meaning established through legislative or judicial action pursuant to G.L. Chapter 40 Section 15C, the following terms contained in that statute shall be defined as follows:

**"Cutting or Removal of Trees"** shall mean the removal of one or more trees, trimming of major branches (living branches that are fully attached to the tree and have a diameter of three inches or more as measured 12 inches from the point at which they connect to the tree) or cutting of roots, but not trimming or cutting of dead trees or dead branches.

**"Repair, Maintenance, Reconstruction, or Paving Work"** shall mean any work done within the right-of-way by any person or agency, public or private. Within this definition is any work on any portion of the right-of-way which was not physically commenced at the time the road was designated as a scenic road. Construction of new driveways or alteration of existing ones ~~in~~ is also included, ~~in so far as to the extent that~~ it takes place within the right-of-way.

**"Road"** shall mean a right-of-way of any way used and maintained as a public way including the vehicular traveled way plus necessary appurtenances within the right-of-way such as bridge structures, drainage systems, retaining walls, traffic control ~~devises~~ devices, and sidewalks, but not intersecting ~~street~~ streets or driveways. When the boundary of the right-of-way is in issue so that a dispute arises as to whether or not certain trees or stonewalls or portions thereof are within or without the way, the trees or stone walls shall be presumed to be within the way until the contrary is shown.

**"Trees"** shall mean a tree whose trunk has a diameter of four inches or more as measured ~~on~~ one foot above the ground.

**SECTION 2. Purpose.** These regulations are adopted pursuant to G.L. c.40 §15C (the Scenic Roads Act) and are intended to ensure that:

- a. Ways will be recommended for designation as scenic roads on stated criteria;
- b. Trees and stone walls along scenic roads will be protected and will not be altered except after a public hearing following notification of interested parties and after consideration of the work project by the Planning Board based on stated criteria set forth in Section 6 below.

**SECTION 3. Recommending Designation as a Scenic Road**

**SECTION 3.1. Public Hearing.** ~~G.L. Chapter 40, Section 15C authorized designation of a road~~ A road may be designated as a scenic road by the Town a majority vote of Town Meeting upon recommendation or request of the Planning Board, the Conservation Commission or the Historical Commission. The Planning Board, Conservation Commission or Historical Commission may make such a recommendation or request on their own initiative, or on a request submitted to them by any person, organization, or agency. Prior to making any recommendation or request to Town Meeting regarding designation of a particular road as a scenic road, the Planning Board, Conservation Commission or Historical Commission, as the case may be, shall conduct a public hearing regarding such proposed designation. Notice of the public hearing shall be given by the body conducting the hearing pursuant to the requirements for notice set forth in Section 5.2 of these regulations by publication in a Local Newspaper, as defined in the Town Charter, at least seven days prior to the hearing.

**SECTION 3.2. Criteria for Designation as a Scenic Road.** The Planning Board, Conservation Commission, or Historical Commission shall, in recommending which roads should be designated as scenic roads, consider the following criteria:

- a. Ways bordered by trees of exceptional quality, in terms of type, age, specimen size or spread, density of stand, or related flora;
- b. Ways bordered by stone walls;
- c. Ways bordered by any other natural or man-made features of aesthetic value;
- d. Ways for which any alteration would lessen the aesthetic value of natural or man-made features bordering them.

#### **SECTION 4. Notification of Designation as Scenic Road**

Upon the designation ~~at~~ by Town Meeting of any road as a scenic road, the Planning Board shall take the following steps within 30 days of such designation:

- a. Notify all municipal departments that may take any action with respect to such road;
- b. Notify the State Department of Public Works;
- c. ~~Publish in the local paper by~~ in a Local Newspaper, as defined in the Town Charter, a news release that the road, or roads, have been so designated;
- d. Indicate such designation on all maps currently in use by municipal departments; and
- e. Notify all utility companies or other such parties which may be working on the border of such road.

#### **SECTION 5. Procedures for Obtaining Permits**

**5.1. Filing.** Any person, organization, state or municipal agency ~~seeking the written consent of the Planning Board under G.L. Ch. 40, Section 15(e) (The Scenic Roads Act) regarding the cutting or removal of trees or the tearing down or destruction of stone walls, or portions thereof shall file proposing the cutting or removal of trees or the tearing down or destruction of stone walls, or portions thereof, as part of repair, maintenance, reconstruction, or paving work with respect to a designated scenic road shall seek the written consent of the Planning Board for such alterations by filing~~ a request with the Planning Board, together with the following:

- a. The text of a legal notice identifying the location of the proposed action in terms enabling readers to locate it with reasonable specificity on the ground without need for additional plans or references, and describing in reasonable detail the proposed changes to trees and stone walls;
- b. A statement of the purpose, or purposes, for the changes proposed;
- c. A list of owners of properties located in whole or in part within 100 feet of the proposed action;
- d. Except in the case of town agencies, a filing fee plus a deposit sufficient to cover the cost of advertising and notification, all as specified in the Planning Board fee schedule; and
- e. Any further explanatory material as may be required by the Planning Board.



**5.2. Notice.** The Planning Board shall, ~~as required by statute,~~ give notice of its public hearing by advertising twice in a ~~newspaper of general circulation in the area~~ Local Newspaper, as defined in the Town Charter. This notice shall contain a statement as to the time, date, place, and purpose of the hearing with a reasonable description of the action proposed by the applicant. Copies of this notice shall also be sent to the Select Board, the Conservation Commission, the Historical Commission, ~~the Municipal Engineer,~~ the Tree Warden, the Department of Public Works, and the owners of property within 100 feet of the proposed action. Any defect in notice required under this section, will not affect the validity of the Planning Board's decision, except to the extent c. 40, S15C so provides.

**5.3. Timing of Notice.** The first publication of the notice shall be as soon as feasible after the Planning Board receives the request from the applicant, and shall in all cases be at least 14 days before the hearing. The last publication shall occur, ~~as required by statute,~~ at least seven days prior to the hearing.

**5.4. Timing of Hearing.** The Planning Board shall hold a public hearing within 30 days of the Planning Board meeting at which a properly filed request is received. The date and time of the public hearing shall be set outside of normal weekday work hours (8:00 a.m. - 5:00 p.m., Monday-Friday) so as to encourage maximum citizen participation. The timing may be extended upon written request by the applicant.

**5.5. Timing of Decision.** The Planning Board shall render a written decision on the request, which may include conditions, within 21 days of the closing of the public hearing. Copies of the decision shall be filed with the Town Clerk, Select Board, and Tree Warden. Failure to render a timely decision shall be construed as an unconditional approval of the request.

~~**5.6-5.6. Performance Guarantee.** Before endorsement of its approval on a plan, the Planning Board may require that the proposed work to be done, be secured by a bond sufficient in form and amount in the opinion of the Planning Board to ensure satisfactory performance of the proposed work. The Planning Board's decision may include as a condition a requirement that a bond, sufficient in form and amount in the opinion of the Board, be posted to cover the costs of required work within the road right-of-way and to protect vegetation and stone walls. Such a bond shall be released upon determination by the Planning Board that the work has been satisfactorily completed in compliance with the permit.~~

**5.7. Tree Warden.** Whenever feasible, Planning Board ~~hearing~~ hearings shall be held in conjunction with those held by the Tree Warden acting under G.L. Ch. 87 (the Public Shade Tree Law). The consent of the Planning Board to a proposed action shall not be regarded as inferring consent by the Tree Warden, or vice versa. The Planning Board decision shall contain a condition that no work should be done until all applicable provisions of ~~the Public Shade Tree Law, G.L. Ch. 87, G.L. c.87~~ and the Town of Grafton Shade Tree Bylaw have been complied with.

**5.8. Appeal of Decision.** The decision of the Planning Board shall be reviewable in the Superior Court in an action filed within 60 days thereof, in accordance with G.L. c.249 §4.

**5.9. Modification of Decision.** The applicant may request a modification of a decision by submitting the proposed modification to the Planning Board for review and approval. The Planning Board may require that a public hearing be held, in the same manner as for the initial request, before acting on the modification request.

**SECTION 6. Considerations.** The Planning Board's decision on any application for proposed action ~~effecting~~ affecting scenic roads shall be based on consideration of the following:

- a. The degree to which the proposed action would adversely affect the scenic, aesthetic, and historical values upon which the scenic road designation was originally based;
- b. The necessity for the proposed action in terms of public safety, welfare or convenience;
- c. Availability of reasonable alternatives to the proposed action which could reduce or eliminate anticipated damage to trees or stone walls;

- d. Whether the proposed action would compromise or harm other environmental or historical values;
- e. Compensatory actions proposed, such as replacement of trees or walls;
- f. Consistency of the proposed action with previously adopted Town plans and policies.

**SECTION 7. General.** The Planning Board may adopt more detailed regulations for carrying out provisions hereunder.

**SECTION 8. Enforcement**

**8.1. Enforcing Agent.** Failure to obtain or comply with a permit as specified in Section 5 herein shall be enforced by the Planning Board or its agents: the Town Planner, Zoning Enforcement Officer, Tree Warden, or other agent(s) designated by the Board.

**8.2. Work Without a Permit.** For alterations that require the permit specified by Section 5.1, a person, organization or agency found to be performing such alterations without having obtained a permit shall be ordered to apply for a permit within 30 days of issuance of the order, shall suspend such work, and shall take any measures necessary to prevent damage until a permit is obtained.

The filing fee for applying for a permit pursuant to such an order shall include a late-filing surcharge specified in the Planning Board fee schedule.

For failure to apply for the required permit within 30 days of being ordered to do so, the violator shall be ordered to restore (see Section 8.5) the unauthorized alterations within 30 days or a time determined by the issuing officer to be more appropriate for the required restoration, and shall be punished by a fine of \$300.

In lieu of obtaining a permit for the unauthorized work, the violator may choose to restore the unauthorized alterations, in which case an order shall be issued requiring restoration (see Section 8.4) within 30 days or a time determined by the issuing officer to be more appropriate for the required restoration.

**8.3. Non-Compliance with a Permit.** A person, organization or agency who, having obtained a permit, fails to fully comply with the permit shall be ordered to (1) restore (see Section 8.5) all unauthorized alterations and (2) comply with all conditions of the permit, within 30 days or a time determined by the issuing officer to be more appropriate for the specific violation.

**8.4. Failure to Comply with an Order.** For failure to comply with an order for restoration or compliance within the time specified by the order, the violator shall be punished by a fine of \$300 for each day of continued non-compliance with that order.

**8.5. Restoration.** A stone wall shall be restored or rebuilt to its original condition or better. A tree that was removed without permission shall be replaced with a new tree of a size and species deemed appropriate by the Tree Warden as a suitable replacement for the lost tree. All restoration shall be at the expense of the violator.

**8.6. Non-Criminal Disposition.** Any enforcing agent (see Section 8.1) may elect to utilize the non-criminal disposition procedure set forth in G.L. c.40 §21D to impose the penalties specified in this section.

**SECTION 8. Severability.** If any section or portion of this By Law is ruled invalid by a court of competent jurisdiction, such ruling will not affect the validity of the remainder of the ByLaw.

or to take any other action relative thereto.

Submitted by: By-Law Study Committee

## **ARTICLE 25:**

To see if the Town will vote to amend Article 25 of the General Bylaws as follows, with deletions indicated in ~~strike through~~ and additions underlined:

### **SECTION 1. Purpose.**

The purpose of this by-law is to protect the wetlands, related water resources, and adjoining land areas in the Town of Grafton by prior review and control of activities deemed by the Conservation Commission likely to have a significant or ~~commutative~~ cumulative effect upon wetland values, including but not limited to the following: public or private water supply, groundwater, flood control, erosion and sedimentation control, storm damage prevention, water pollution prevention, fisheries, shellfish, wildlife habitat, recreation, aesthetics, agriculture, and ~~agriculture~~ aquaculture values (collectively, the "wetland values protected by this by-law").

### **SECTION 2. Jurisdiction.**

Except as permitted by the Conservation Commission or as provided in this by-law, no person shall remove, fill, dredge, build upon, or alter the following resource areas: within 100 feet of any freshwater wetland vegetative wetland, marsh, wet meadow, bog or swamp; within 100 feet of any bank, beach or flat; any lake, river, pond, stream or estuary; within 100 feet of any lake, river, pond, stream or estuary; any land under said waters; or within 100 feet of any land subject to flooding or inundation by groundwater, surface water, tidal action, or storm flowage.

### **SECTION 3. Exceptions.**

The permit and application required by this by-law shall not be required for maintaining, repairing, or replacing, but not substantially changing or enlarging, an existing and lawfully located structure or facility used in the service of the public to provide electric, gas, water, telephone, telegraph or other telecommunication services, provided that written notice has been given to the Commission prior to commencement of work, and provided that the work conforms to performance standards and design specifications in regulations adopted by the Commission.

The permit and application required by this by-law shall not be required for work performed for normal maintenance or improvement of land in agricultural use or in ~~agricultural~~ aquacultural use, provided that written notice has been given to the Commission prior to commencement of work, and provided that the work conforms to performance standards and design specifications in regulations adopted by the Commission.

The permit and application required by this by-law shall not apply to emergency projects necessary for the protection of the health ~~and or~~ safety of the public, provided that the work is to be performed by or has been ordered to be performed by an agency of the Commonwealth or a political subdivision thereof, provided that advance notice, oral or written, has been given to the Commission prior to commencement of work or within 24 hours after commencement, provided that the Conservation Commission or its agent certifies the work as an emergency project, provided that the work is performed only for the time and place certified by the Conservation Commission for the limited purposes necessary to abate the emergency, and provided that within 21 days of commencement of an emergency project a permit application shall be filed with the Commission for review as provided in this by-law. Upon failure to meet these and other requirements of the Commission, the Commission may, after notice and public hearing, revoke or modify an emergency project approval and order restoration and mitigation measures.

Other than stated in this section the exceptions provided in the Wetlands Protection Act shall not apply under this by-law.

### **SECTION 4. ~~Application~~ Applications and Fees.**

Written application shall be filed with the Conservation Commission to perform activities affecting resource areas protected by this bylaw. The permit application shall include such information and plans as are deemed necessary by the Commission to describe proposed activities and their effects on the resource areas protected by this bylaw. No activities shall commence without receiving and complying with a permit issued pursuant to this bylaw.

The Commission in an appropriate case may accept as the application and plans under this bylaw any application and plans filed under the Wetlands Protection Act (G.L. Ch. 131 s40) and Regulations (310 CMR 10.00). ~~Notwithstanding the aforesaid such applications and plans shall be filed concurrently with any application for a special permit and/or site plan review for any project located on a priority development site designated as such by vote of Town Meeting under the provisions of G.L. c. 43D~~

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

Any person desiring to know whether or not a proposed activity or an area is subject to this bylaw may in writing request a determination from the Commission. Such a Request for Determination of Applicability (RDA) shall include information and plans as are deemed necessary by the Commission.

At the time of an application, the applicant shall pay a filing fee specified in Regulations of the Commission. The fee is in addition to that required by the Wetlands Protection Act and Regulations. Such filing fees shall be deposited in a municipal revolving fund established pursuant to G.L. Ch. 44 s53E1/2 for deposit and for uses set out in the vote establishing the fund. This account shall be kept separate from the account established for filing fees paid under the State Wetlands Protection Act.

The Commission may waive the filing fee and costs and expenses for a permit or other application or RDA filed by a government agency and shall waive them ~~or a request for determination for an RDA~~ filed by a person having no financial connection with the property which is the subject of the request.

## **SECTION 5. Notice and Hearings**

a. **Request for Determination of Applicability (RDA)**. Within 21 days of receipt of a completed Request for Determination of Applicability (RDA), the Commission shall review the request at a regular public meeting, unless an extension is authorized in writing by the applicant. Notice of the time and place of the public meeting shall be given by the Commission, at the expense of the applicant, not less than five working days prior to the meeting, by publication in a newspaper of general circulation in the municipality Local Newspaper, as defined in the Town Charter. The Commission shall issue its determination in writing within 21 days of the public meeting, unless an extension is authorized in writing by the applicant. When the person requesting a determination is other than the owner, the request, the notice of the meeting, and the determination shall be sent by the Commission to the owner as well as to the person making the request.

b. **Applications for Permit and Hearings**. Any person filing an application herein referred to with the Commission at the same time shall give written notice thereof, by certified mail (return receipt requested), certificate of mailing, or hand delivery, to all abutters at their mailing addresses shown on the most recent applicable tax list of the Assessors, including owners of land directly opposite on any public or private street or way, and abutters to the abutters within 300 feet of the property line of the applicant, including any in another municipality or across a body of water. The notice to abutters shall enclose a copy of the application, with plans, or shall state where copies may be examined and obtained by abutters free of charge. An affidavit of the person providing such notice, with a copy of the notice mailed or delivered, shall be filed with the Commission. When a person requesting a hearing herein is other than the owner, the application, the notice of the hearing, and the permit itself shall be sent by the Commission to the owner as well as to the person making the request.

The Commission shall conduct a public hearing on any application referred to herein, with written notice given at the expense of the applicant, five working days prior to the hearing, in a ~~newspaper of general circulation in the municipality~~ Local Newspaper, as defined in the Town Charter.

The Commission shall commence the public hearing within 21 days from receipt of a completed application unless an extension is authorized in writing by the applicant.

The Commission shall issue its permit in writing within 21 days of the close of the public hearing thereon unless an extension is authorized in writing by the applicant.

The Commission in an appropriate case may combine its hearing under this By-Law with the hearing conducted under the Wetlands Protection Act, G.L. c. 131, Section 40.

The Commission shall have authority to continue the hearing to a date certain announced at the hearing, for reasons stated at the hearing, which may include receipt of additional information offered by the applicant or others, information and plans required of the applicant, deemed necessary by the Commission in its discretion, or comments and recommendations of Boards and Officials listed in Section 6. In the ~~even event~~ the applicant objects to a continuance or postponement, the hearing shall be closed and the Commission shall take action on such information as is available.

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

#### **SECTION 6. Coordination with other Boards.**

Following receipt of a completed application, the Commission shall execute the interdepartmental review process set forth in the regulations. The Commission shall not make a decision on the Wetlands Protection Bylaw Permit until it has received comments from the interdepartmental review process or until twenty (20) days have elapsed after receipt of the application materials without submission of comments thereon.

#### **SECTION 7. Permits, ~~Determination~~ Determinations, and Conditions.**

If the Commission after a public hearing determines that the activities which are the subject of the application are likely to have a significant or cumulative effect upon the ~~wetlands~~ wetland values protected by this by-law, the Commission, within 21 days of the close of the hearing, shall issue or deny a permit for the activities requested. If it issues a permit, the Commission shall impose conditions which the Commission deems necessary or desirable to protect those values, and all activities shall be done in accordance with those conditions.

The Commission is empowered to deny a permit for failure to meet the requirements of this by-law; for failure to submit necessary information and plans requested by the Commission; for failure to meet the design specifications, performance standards, and other requirements in regulations of the Commission; for failure to avoid or prevent unacceptable significant or cumulative effects upon the wetland values protected by this by-law; and where no conditions are adequate to protect those values. Due consideration shall be given to any demonstrated hardship on the applicant by reason of denial, as presented at the public hearing.

A permit shall expire three years from the date of issuance, except that, if not sooner exercised, a permit issued for activities to be undertaken on a priority development site designated as such by vote of Town Meeting under the provisions of GL c. 43D, shall expire five years from the date of the expiration of the appeal period set forth in Section 13 hereof. Notwithstanding the above, the Commission in its discretion may issue a permit expiring five years from the date of issuance for recurring or continuous maintenance work, provided that annual notification of time and location of work is given to the Commission. Any permit may be renewed once for an additional one year period, provided that a request for a renewal is received in writing by the Commission prior to expiration.

For good cause the Commission may revoke or modify a permit issued under this by-law after notice to the holder of the permit, notice to the public, abutters, and town boards pursuant to Section 5, and public hearing.

The Commission in an appropriate case may combine the permit or other action on an application issued under this by-law with the Order of Conditions issued under the Wetlands Protection Act.

No work proposed in any application shall be undertaken until the permit issued by the Commission with respect to such work has been recorded in the registry of deeds or, if the land affected thereby be registered land, in the registry section of the land court for the district wherein the land lies, and until the holder of the permit certifies in writing to the Commission that the permit has been so recorded.

#### **SECTION 8. Regulations.**

After a public hearing, notice of which shall be published in a Local Newspaper, as defined in the Town Charter, at least seven days prior to the hearing, the Commission shall promulgate rules and regulations to effectuate the purposes of this by-law. Failure by the Commission to promulgate such rules and regulations or a legal declaration of their invalidity by a court of law shall not act to suspend or invalidate the effect of this by-law.

At a minimum these regulations shall define key terms in this by-law not inconsistent with this by-law.

#### **SECTION 9. Definitions.**

The following definitions shall apply in the interpretation and implementation of this by-law.

"**Person**" shall include any individual, group of individuals, association, partnership, corporation, company, business organization, trust, estate, the Commonwealth or political subdivision thereof to the extent subject to town by-laws, administrative agency, public or quasipublic corporation or body, this municipality, and any other legal entity, its legal representatives, agents, or assigns.

"**Alter**" shall include, without limitation, the following activities when undertaken to, upon, within or affecting resource areas protected by this by-law:

- a. Removal, excavation or dredging of soil, sand, gravel, or aggregate materials of any kind;
- b. Changing of preexisting drainage characteristics, flushing characteristics, salinity distribution sedimentation patterns, flow patterns, or flood retention characteristics;
- c. Drainage or other disturbance of water level or water table;
- d. Dumping, discharging or filling with any material which may degrade water quality;
- e. Placing of fill, or removal of material, which would alter elevation;
- f. Driving of ~~plies~~ piles, erection or repair of buildings, or structures of any kind;
- g. Placing of obstructions or objects in water;
- h. Destruction of plant life including cutting of trees;
- i. Changing water temperature, biochemical oxygen demand, or other physical or chemical characteristics of water;
- j. Any activities, changes or work which may cause or tend to contribute to pollution of any body of water or groundwater;

Except as otherwise provided in regulations of the Commission, the definitions of terms in this by-law shall be as set forth in the Wetlands Protection Act, G.L. c. 131, Section 40.

#### **SECTION 10. Security.**

As part of a permit issued under this by-law, in addition to any security required by any other municipal or state board, agency or official, the Commission may require that the performance and observance of the conditions imposed hereunder be secured wholly or in part by one or more of the methods described below:

i. ~~Changing water temperature, biochemical oxygen demand, or other physical or chemical characteristics of water;~~

a. By a proper bond or deposit of money or other undertaking of financial responsibility sufficient in the opinion of the Commission, to be ~~release-released~~ in whole or in part upon issuance of a ~~certificate~~ Certificate of Compliance for work performed pursuant to the permit;

b. By a conservation restriction, easement, or other covenant enforceable in a court of law, executed and duly recorded by the owner of record, running with the land to the benefit of this municipality whereby the permit conditions shall be performed and observed before any lot may be conveyed other than by mortgage deed.

### **SECTION 11. Enforcement.**

The Commission, its agents, officers, and employees shall have authority to enter upon privately owned land for the purpose of performing their duties under this by-law and may make or cause to be made such ~~examination~~ examinations, surveys or sampling as the Commission deems necessary.

The Commission shall have authority to enforce this by-law, its regulations, and permits issued thereunder by violation notices, administrative orders, and civil and criminal court actions.

Upon request of the Commission, the Select Board and the Town Counsel shall take legal action for enforcement under civil law. Upon request of the Commission the Chief of Police shall take legal action for enforcement under criminal law.

Municipal boards and officers, including any police officer or other officer having police powers, shall have authority to assist the Commission in enforcement.

Any person who violates any provision of this by-law, regulations thereunder, or permits issued thereunder, shall be punished by a fine of not more than \$300.00. Each day or portion thereof during which a violation continues shall constitute a separate offense, and each provision of the bylaw, ~~regulation~~ regulations, or permit violated shall constitute a separate offense.

As an alternative to criminal prosecution in a specific case, the Commission may elect to utilize the non-criminal disposition procedure set forth in Mass. G. L. c. 40, Section 21 D and amendments thereto which are incorporated by reference herein.

### **SECTION 12. Burden of Proof.**

The applicant for a permit shall have the burden of proving by a preponderance of the credible evidence that the work proposed in the application will not have unacceptable significant or cumulative effect upon the wetland values protected by this by-law. Failure to provide adequate evidence to the Commission supporting this burden shall be sufficient cause for the Commission to deny a permit or grant a permit with conditions.

### **SECTION 13. Appeals.**

A decision of the Commission shall be reviewable in the Superior Court in an action filed within 60 days thereof, in accordance with G.L. c. 249, Section 4.

### **SECTION 14. Relation to the Wetlands Protection Acts Act.**

This by-law is adopted under the Home Rule Amendment of the Massachusetts Constitution and the Home Rule statutes, independent of the Wetlands Protection Act, G.L. c. 131, Section 40, and regulations thereunder.

~~The invalidity of any section or provision of this by-law shall not invalidate any other section or provision thereof, nor shall it invalidate any permit or determination which previously has been issued.~~  
or to take any other action relative thereto.

Submitted by: By-Law Study Committee

**ARTICLE 26:**

To see if the Town will vote to amend Article 26 of the General Bylaws as follows, with deletions indicated in ~~striketrough~~ and additions underlined:

a. ~~SECTION 1.~~ The tax collector or other town official responsible for records of all town taxes, assessments, betterments and other town charges Treasurer/Collector or their designee, hereinafter referred to as the ~~tax collector~~ Treasurer/Collector, shall annually, and may periodically, furnish to each department, board, commission or division, hereinafter referred to as the licensing authority, that issues licenses or permits including renewals and transfers, a list of any person, corporation, or business enterprise, hereinafter referred to as the party, that has neglected or refused to pay any town taxes, fees, assessments, betterments or other town charges ~~for not less than a twelve month period~~, and that such party has not filed in good faith a pending application for an abatement of such tax or a pending petition before the appellate tax board.

b. ~~SECTION 2.~~ The licensing authority may deny, revoke or suspend any license or permit, including renewals and transfers of any party whose name appears on said list furnished to the licensing authority ~~form from the tax collector~~, Treasurer/Collector or with respect to any activity, event or other matter which is the subject of such license or permit and which activity, event or matter is carried out or exercised or is to be carried out or exercised on or about real estate owned by any party whose name appears on said list furnished to the licensing authority from the Treasurer/Collector; provided, however, that written notice is given to the party and the ~~tax collector~~ Treasurer/Collector, as required by applicable provisions of law, and the party is given a hearing, to be held not earlier than fourteen days after said notice. Said list shall be prima facie evidence for denial, revocation or suspension of said license or permit to any party. ~~The tax collector~~ Treasurer/Collector shall have the right to intervene in any hearing conducted with respect to such license denial, revocation or suspension. Any findings made by the licensing authority with respect to such license denial, revocation or suspension shall be made only for the purposes of such proceeding and shall not be relevant to or introduced in any other proceeding at law, except for any appeal from such license denial, revocation or suspension. Any license or permit denied, suspended or revoked under this section shall not be reissued or renewed until the licensing authority receives a certificate issued by the ~~tax collector~~ Treasurer/Collector that the party is in good standing with respect to any and all town taxes, fees, assessments, betterments or other town charges, payable to the town as the date of issuance of said certificate.

e. ~~SECTION 3.~~ Any party shall be given an opportunity to enter into a payment agreement, thereby allowing the licensing authority to issue a certificate indicating said limitations to the license or permit and the validity of said license shall be conditioned upon the satisfactory compliance with said agreement. Failure to comply with said agreement shall be grounds for the suspension or revocation of said license or permit; provided, however, that the holder be given notice and a hearing as required by applicable provisions of laws.



~~4.~~ **SECTION 4.** The Select Board may waive such denial, suspension or revocation if it finds that there is no direct or indirect business interest by the property owner, its officers or stockholders, if any, or member of ~~his~~ their immediate family (as defined in General Law Chapter 268A, Section 1) in the business or activity conducted in or on said property.

**SECTION 5.** This By-Law shall not apply to the following licenses and permits: open burning ~~permits, Section thirteen of Chapter forty eight; temporary licenses to sell~~ of articles for charitable purposes, ~~Section thirty three of Chapter one hundred and one;~~ children work permits; ~~Section sixty nine of Chapter one hundred and forty nine;~~ licenses granted to clubs, clubs and associations to dispense ~~dispensing~~ food or beverage ~~beverages consumed on premises~~ licenses, ~~Section twenty one E of Chapter one hundred and forty;~~ dog licenses, ~~Section one hundred and thirty seven of Chapter one hundred and forty;~~ sporting, fishing, hunting, trapping licenses, ~~Section twelve of Chapter one hundred and thirty one;~~ marriage licenses, licenses; ~~Section twenty eight of chapter two hundred and seven and theatrical events, events and public exhibition permits, Section one hundred and eight one of Chapter one hundred and forty.~~ Sections and chapters refer to the General Laws of the Commonwealth.

or to take any other action relative thereto.

Submitted by: By-Law Study Committee

**ARTICLE 27:**

To see if the Town will vote to amend Article 27 sections 2, 5, 6, and 14 of the General Bylaws as follows, with deletions indicated in ~~strike through~~ and additions underlined:

**SECTION 2. Definitions.**

**“Biological Agent”:** Any microorganism (including, but not limited to bacteria, viruses, fungi, rickettsiae or protozoa) or infectious substance, or any naturally occurring, bioengineered or synthesized component of any such microorganism or infectious substance that:

1. is classified as a Risk Group 3 through 4 Agent by NIH Guidelines;
2. requires BSL-3 through BSL-4 containment based on the Risk Assessment.; or
3. is classified by the DHHS or the USDA as a “Select Agent”.

**“Biosafety in Microbiological and Biomedical Laboratories” or “BMBL”:** The most current edition of Biosafety in Microbiological and Biomedical Laboratories, including any amendments, revisions, or substitutions that are adopted by DHHS, CDC and NIH.

**“BoH”** .....Board of Health

\_\_\_\_\_ **“BoS”** .....Select Board

**“BSL”** .....biosafety level

**“CDC”** .....Centers for Disease Control and Prevention

**“DNA”** .....deoxyribonucleic acid

**“DHHS”** .....U.S. Department of Health and Human Services

**“EPA”** .....United States Environmental Protection Agency

**“Institution”**: Any single individual, group of individuals, corporation, partnership, hospital, academic institution, society, association, firm, sole proprietorship, or any other legal entity, whether public or private. For the purposes of this By-Law, a corporation or non-profit entity and its laboratories, subsidiaries and affiliates shall be deemed a single institution.

**“Institutional Biosafety Committee (IBC)”**: An Institutional committee, established and functioning in accordance with the NIH Guidelines, whose mandate includes reviewing and overseeing certain basic and clinical research involving rDNA or Biological Agents conducted at that Institution, evaluating safety of such research and identifying potential risk to public health or the environment.

**“Large scale”**: Any research or production activity involving more than 10 liters of culture of DNA Material or a Biological Agent.

**“LEPC”** .....Local Emergency Planning Committee

**“MADEP”** .....Massachusetts Department of Environmental Protection

**“MADPH”** .....Massachusetts Department of Public Health

**“NIH”** .....The National Institutes of Health

**"NIH Guidelines"**

- a) Guidelines for Research Involving Recombinant DNA Molecules;
- b) Recombinant DNA Research; Physical Containment Recommendations for ~~Large Scale~~ Large Scale Uses of Organisms Containing Recombinant DNA Molecules" (NIH Large Scale Recommendations); and
- c) Any further amendments to (a) or (b) above, wherever published, which are adopted by NIH.

**“OSHA”** .....Occupational Safety and Health Administration

**“Principal Investigator”** The individual designated by the Institution to direct the biological research project or program conducted at BSL 3 through BSL 4. The Principal Investigator is responsible for conducting such research in accordance with applicable regulations, including NIH Guidelines and the provisions of this By-Law, as well as any conditions specified by the IBC. Principal Investigator should adhere to any serious adverse reporting requirements in accordance with federal regulations, state laws and local institutional policies.

**“Project”** A biological research experiment or biological research experiments or biological production activities, under a Principal Investigator, in which the risk assessment has been designated at Biosafety Level 3 through 4.

**“Public Records Law”** Massachusetts General Laws c. 66, and related provisions.

**“Recombinant DNA”** or **“rDNA”** Shall have the meanings specified in the current “NIH Guidelines” (as defined above).

**“rDNA Materials”** Any biological compound or materials falling within the definition of ‘rDNA Molecules’ specified in the current NIH Guidelines, which:

- a) is classified as a Risk Group 3 through 4 Agent by NIH Guidelines;
- b) requires BSL-3 through BSL-4 containment based on the Risk Assessment.; or

c) is classified by DHHS or the USDA as a “Select Agent”.

**“Registration”** A written application for research protocol approval for use of rDNA Materials or Biological Agents containing the information necessary to perform a risk assessment.

**“Risk Assessment”** An evaluation of the appropriate biosafety level for research with rDNA Material or Biological Agents, conducted by the Institution’s Biosafety Officer. Risk assessments resulting in a BSL-3 classification require full review and approval by the Institutional Biosafety Committee.

**“Select Agent”** Any microbial and toxic agents listed at 42 CFR 72.3 and 73.4, 42 CFR 73.5, 7 CFR 331 and 9 CFR Part 121.4, and the rulings made by the United States Centers for Disease Control and USDA relative thereto, as such regulations and rulings may be amended from time to time.

**“USDA”** .....United States Department of Agriculture.

### **SECTION 5. Regulations.**

All research or production activities involving rDNA Materials or Biological Agents by Institutions in the Town of Grafton shall be undertaken only in conformity with current ~~and~~ NIH Guidelines and the BMBL, as promulgated in the Federal Register and as may be amended from time to time by the NIH or DHHS or by any successor agency. Any Institution engaged in research or production involving rDNA Materials or Biological Agents shall also comply at all times with any other applicable federal and state regulations covering such work; e.g., regulations promulgated by the CDC, OSHA , EPA, MADEP and MADPH.

~~After public notice and public hearing~~ a public hearing, notice of which shall be published in a Local Newspaper, as defined in the Town Charter, at least seven days prior to the hearing, and specific written notice to any individual Institution holding or applying for a permit, the Board of Health shall have the authority to promulgate reasonable and appropriate rules and regulations, consistent with the provisions of this bylaw, to implement this bylaw, provided however, that any such rules and regulations promulgated by the Board of Health shall go no further than this Bylaw in terms of their scope, jurisdiction, or their operational, financial, compliance or other impacts on affected Institutions, and shall not grant or purport to grant the Board of Health any further power or authority, including any further power to levy or collect fees, assessments or other costs or charges on or from any Institution, or to the require the submission of any further information from Institutions, beyond what is explicitly specified in this Bylaw.

### **SECTION 6. Administrative Requirements.**

Each Institution in the Town of Grafton which conducts research or production activities involving rDNA Materials or Biological Agents shall comply with the administrative practices set forth in the NIH Guidelines. In addition, the Institution shall comply with the following additional rules, which may exceed the requirements of the NIH; provided, however, that nothing in these Bylaws shall create an obligation which would directly conflict with applicable NIH guidelines.

a. The establishment of an Institutional Biosafety Committee (IBC) which shall contain at least five members, at least two of whom (but no less than 10%) shall not be affiliated with the Institution. Additionally, an alternate non-affiliated member, who would attend meetings and vote if one of the regular non-affiliated members was unable to ~~attend~~ attend, will also be appointed. When a non-affiliated representative vacates for any reason, the alternate ~~non-non~~ non-affiliated representative will automatically fill the vacated position and a new alternate will be chosen in accordance with the procedure outlined in 2. below. The IBC shall be considered an instrumentality of the Institution and shall not be deemed to be an “agency”, “board” or “office” of the Town for the purposes of the Public Records Law.

1. The IBC shall contain at least one representative from the Institution's biosafety staff. If any work is being done at the BSL-3 level and/or if the Institution is engaged in Large Scale research or production activities, the Institution shall appoint a Biological Safety Officer who shall be a member of the IBC.
2. Any prospective community representatives shall submit their qualifications to the BoH and to the ~~BoS~~ Select Board. The non-affiliated representatives on the IBC shall be nominated by the ~~BoS~~ Select Board with input by BoH within 60 days after an Institution requests a permit to operate or a vacancy occurs. The non-affiliated representatives on the IBC shall be persons active in the community and shall represent the interest of the community with respect to the environment and public health.
3. The non-affiliated representatives on the IBC shall be bound by the same rules prohibiting use and disclosure of proprietary information and trade secrets as other members of the IBC. The Institution may require that any non-affiliated representatives sign confidentiality agreements.
4. The IBC shall establish ~~set of~~ rules and administrative procedures governing its operations in accordance with NIH guidelines.
5. The Board of Health Agent or a designee of the Board of Health Agent who is a member of the Board of Health will be an ex-officio non-voting member of all IBC's.
  - b. The provisions of Biosafety Registrations, Standard Operating Procedures and any specific manuals, such as a Biosafety Manual and an Emergency Response Plan, shall be subject to the review and approval of the IBC.
  - c. The IBC shall ensure that proper training and appropriate safeguards and procedures for minimizing potential environmental and personal exposure are followed.
  - d. If the Institution is engaged in Large Scale activities involving rDNA Materials or Biological Agents, the IBC shall confirm that the Institution is compliant with all additional administrative requirements contained in the NIH Large Scale Recommendations.
  - e. Institutions should prepare IBC meeting minutes that not only serve the Institution's need for a record of the IBC's proceedings, but that also document for the NIH and the public that the IBC is fulfilling the performance expectations of the NIH Guidelines. Minutes of all IBC meetings shall be forwarded to the BoH and, upon request, the Institution shall make the IBC meeting minutes available to the public subject to the provisions of Section 11 of this bylaw.
  - f. In the event that two or more members of the IBC believe in good faith that approval by the IBC of a new registration of particular research or production involving rDNA Materials or Biological Agents was given in violation of NIH Guidelines, BMBL, this By-Law, or any other applicable laws or regulations, and such members have expressed their concerns at the meeting of the IBC approving such registration, such members may dispute such approval in writing to the chief research officer of the Institution and the Town, through its Select Board (with a copy to the Board of Health), no later than seven (7) days after such IBC approval was granted, setting forth specific reasons why such members believe that applicable laws, regulations or procedures have not been followed. In such event, no research or production involving the disputed procedures or alleged violation shall take place until the dispute has been resolved, in accordance with the procedures set forth in this paragraph.

This dispute resolution procedure shall not apply to re-approval of an existing Project, unless the terms on which the work or procedure is conducted have been materially changed.

During the seven (7) day period following receipt of such notice, the Select Board and the Institution will each designate a representative who shall meet and seek to resolve any such dispute.

If the Town and the Institution are not able to resolve such dispute within such seven (7) day period, the dispute shall be referred to a panel of three members experienced in scientific, medical, occupational, health and/or environmental areas. One panel member shall be selected by the Town, one by the Institution, and the third panel member selected by mutual agreement of the first two panel members. The Institution may require that panel members sign confidentiality agreements similar to those being signed by other persons who are not employees of the Institution and are being granted access to confidential information. Establishment of the panel shall be completed within an additional period of not more than fourteen (14) days. The panel's recommended decision shall be rendered within fourteen (14) days after the date such dispute is referred to it. Any costs associated with the dispute resolution shall be borne by the Institution. The panel's recommended decision shall be forwarded to the IBC, which after giving full consideration and substantial deference to the panel's recommended decision, shall take any further action it deems appropriate. Final disposition of the disputed approval shall be communicated to the Town through the Select Board.

**SECTION 14. Severability. Validity.**

~~If any provision of this By Law or the application thereof is held to be invalid by a court of competent jurisdiction, the invalidity of this By Law shall be limited to said provision(s) and the remainder of this By Law shall remain valid and effective. Any part of this By-Law subsequently invalidated by a new state law or modification of an existing state law shall be brought into conformity with the new or amended law.~~

or to take any other action relative thereto.

Submitted by: By-Law Study Committee

**ARTICLE 28:**

To see if the Town will vote to amend Article 28A of the General Bylaws as follows, with deletions indicated in ~~striketrough~~ and additions underlined:

**MANDATORY RETIREMENT**

**SECTION 1.** ~~No member or officer shall remain an active member of the Fire Department once the member or officer turns sixty five years of age. No member or officer shall continue in service to the Fire Department beyond the last day of the month in which that person attains the age of sixty-five, in accordance with MGL Ch. 32 §1.~~

**STRONG CHIEF**

**SECTION 2.** Pursuant to the Town's adoption of MGL Ch. 48 §42 at the November 2020 Town Meeting and the May 2021 Municipal Election, the Fire Chief shall have the powers and duties specified therein and shall be appointed by the Select Board.

**LOCK BOX REQUIREMENTS**

**SECTION 3.**

Definitions:

Site: any structure or facility excluding residential occupancies with fewer than three units.

Fire System: fire alarm and/or suppression system(s) that automatically summon(s) the Fire Department.

Lock Box: a key-holding box that can be accessed by the Fire Department in the case of an emergency.

Required Materials: items such as keys, access cards, or access codes, and floor plans needed to gain access to all portions of the Site and take control of the Fire System, along with a list of hazardous

substances present on the Site in significant quantities, with Material Safety Data Sheets for the same. The terms “hazardous substances” and “significant quantities” shall be as defined by any applicable regulations governing the storage of these substances at the Site.

Any Site that has a Fire System shall have a Lock Box installed on the exterior of the Site. The type and location of the Lock Box shall be approved by the Fire Department. The Lock Box shall contain all the Required Materials. The Required Materials in the Lock Box shall be updated as needed due to changes in the Site.

The owner of such a Site shall install the Lock Box at the time the Fire System is installed. No permit for the Fire System shall be issued until the Lock Box has been installed and the Required Materials are in place.

Any Site that is subject to the provisions of this by-law and has an existing Fire System as of the date of acceptance of this by-law shall be equipped with an approved Lock Box with the Required Materials within two (2) years of that date, or until a new permit is required for that Fire System, whichever comes first.

Any owner who receives a written notice of non-compliance from the Fire Chief or their designee and fails or refuses to comply with this by-law within thirty (30) business days shall be subject to a fine of \$50.00 per day, pursuant to Article 1 Section 6A, until the Lock Box is installed and the Required Materials are in place.

or to take any other action relative thereto.

Submitted by: By-Law Study Committee

**ARTICLE 29:**

To see if the Town will vote to amend Article 29 of the General Bylaws by deleting the article in its entirety and replacing it with the following:

**ARTICLE 29**

**USE OF LAKE RIPPLE**

Deleted, see ARTICLE 22

or to take any other action relative thereto.

Submitted by: By-Law Study Committee

**ARTICLE 30:**

To see if the Town will vote to amend Article 30 of the General Bylaws as follows, with deletions indicated in ~~strikethrough~~ and additions underlined:

**SECTION 1. Preamble.**

It is determined that the number of false alarms being made to the Police and Fire Departments hinders the efficiency of those departments, lowers the morale of department personnel, constitutes a danger to the general public in the streets during responses to false alarms, and jeopardizes the response of volunteers; and that the adoption of ~~the by laws~~ this by-law will reduce the number of false alarms and promote the responsible use of alarm devices in the Town of Grafton.

**SECTION 2. Definitions.** For the purpose of this By-Law the following definitions shall apply:

**"Alarm System"** means an assembly of equipment and devices or a single device ~~such as a solid state unit which plugs directly into a 110 volt AC line,~~ arranged to signal the presence of a hazard requiring urgent attention and to which the police and/or fire fighters departments are expected to respond. Fire alarm systems and ~~alarms alarm systems which monitor temperature, smoke, humidity or any other condition not directly related to the detection of an unauthorized instruction~~ intrusion into a premises or an attempted break-in at a premises are included.

**"False Alarm"** means:

- a. The activation of an alarm system through mechanical failure, malfunction, improper installation or negligence of the user of an alarm system or of ~~his~~ their employees or agents.
- b. Any signal or oral communication transmitted to the Police or Fire Department ~~requesting or requesting,~~ requiring or resulting in a response on the part of the Police or Fire Department when in fact there has been no unauthorized intrusion, robbery, burglary, attempted threat, ~~or fire~~ fire, ~~or~~ threat of fire, illness, injury or threat of life.
- c. For the purpose of this definition, activation of alarm systems by acts of ~~vandals, vandals~~ vandals or by act of God, including but not limited to, power outages, hurricanes, tornadoes, earthquakes and similar weather or atmospheric ~~disturbance~~ disturbance, shall not be deemed to be a false alarm.

**"User"** means the occupant of the premises containing the alarm systems.

**"Contractor"** means any firm or corporation in the business of supplying and installing alarm devices or serving the same.

### **SECTION 3. Administrator**

- a. There shall be in the Town an Administrator for alarm devices who shall have the powers and duties granted under this By-Law. The Chief of Police or ~~his~~ their designee shall be the Administrator under the direction and control of the Select Board which is authorized to adopt regulations for the administration of this By-Law.

### **SECTION 4. Alarm Appeal Board**

- a. There shall be in the Town an Alarm Appeal Board which shall have the powers and duties granted ~~top it to it~~ under this By-Law.
- b. The Alarm Appeal Board shall consist of the Select ~~Board~~ Board.

### **SECTION 5. Registration Required.**

Each alarm user shall register ~~his~~ their alarm device or devices with the Administrator prior to use; ~~provided that alarm devices in use as of the effective date of this By Law may be registered no later than sixty (60) days from such date.~~

### **SECTION 6. Confidential Information.**

All information in the possession of the Administrator, the Police Department or the Fire Department concerning particular alarm users and particular alarm devices shall be confidential and shall not be divulged without the written consent of the alarm user or users concerned.

### **SECTION 7. Control and Curtailment of Signals Emitted by Alarm Systems**

- a. Every user shall submit to the Police and/or Fire Chief the names and telephone numbers of at least two other persons who are authorized to respond to an emergency signal transmitted by an alarm system and who can open the premises wherein the alarm system is installed.
- b. All alarm systems installed after the effective date of this By-Law which use an audible horn or bell shall be equipped with a device that will shut off such horn or bell within ten (10) minutes after activation of the alarm system.

### **SECTION 8. Penalties, or violation of Section 7.**

Upon receipt of three or more false alarms within a calendar ~~year~~ year:

- a. The Police or Fire chief may in writing order the user:
  1. To discontinue the use of the alarm
  2. May disconnect any direct connections to the Police or Fire Department
  3. May order that further connections to the communications console in the Police or Fire Station will be contingent upon the user equipping any alarm system with a device that will shut off any audible horn or bell within ten (10) minutes after activation of the alarm system.
- b. The user shall be assessed a false alarm service fee for each false alarm in excess of three occurring within a calendar year. The fee schedule shall be: 4<sup>th</sup> occurrence - \$25.00; 5<sup>th</sup> occurrence - \$50.00; each subsequent occurrence - \$100.00. All fees assessed hereunder shall be paid to the Town Treasurer for deposit in the general fund.

#### **SECTION 9. Notification and Appeal**

##### a. False Alarm Charges

1. The Administrator shall notify the responsible alarm user of any false alarm charge by mail. Within thirty (30) days after the mailing of such notice, the alarm user may file with the Administrator information to show that the alarm was not a false alarm within the meaning of this By-Law.
2. The Administrator shall consider such information, reaffirm or rescind the false alarm charge, and notify the alarm user of ~~his~~ their decision by mail. Within thirty (30) days after the mailing of such notice, the alarm user may file with the Alarm Appeal Board an appeal in writing.

##### b. Appeal to the Alarm Appeal Board

Upon receipt of a timely appeal ~~from~~ of a false alarm charge, the Alarm Appeal Board shall hold a hearing to consider it and shall mail notice of the time and place of said hearing to the alarm user taking the appeal at ~~his~~ their last known address at least fifteen (15) days before the hearing. On the basis of information provided by the alarm user and other information introduced at the hearing, the Board shall affirm the charge if it finds that the charge was properly imposed or rescind the charge if the charge was not properly imposed.

##### c. Notice to Include Instructions

Each notice of a false alarm charge or the reaffirmation of such a charge by the Administrator shall refer to and provide instructions concerning the alarm user's right to further recourse by filing information with the Administrator or an appeal with the Alarm Appeal Board, as the case may be.

#### **SECTION 10. Appeal Fees**

- a. There shall be a fee of \$10.00 for each appeal to the Alarm Appeal Board.
- b. The amount of the fee for taking an appeal may be raised or lowered from time to time at the discretion of the Alarm Appeal Board.

**SECTION 11. Charges and Fees Paid into General Fund.** Charges for false alarms and appeal fees will be collected by the ~~Administrator~~ Town Treasurer and deposited in the general fund.

**SECTION 12. Town Assumes no Responsibility for Devices.** Notwithstanding the provisions of this By-Law, the Town, its departments, officers, agents and employees shall be under no obligation whatsoever concerning the adequacy, operation or maintenance of any alarm device or of the alarm monitoring facilities at Police and Fire headquarters. No liability whatsoever is assumed for the failure of such alarm devices or for monitoring facilities or for failure to respond to alarms or for any other act or omission in connection with such alarm devices. Each alarm user shall be deemed to hold and save harmless the Town, its departments, officers, agents and employees from liability in connection with the alarm user's alarm device.

**SECTION 13. Penalty for Certain Violations.** Any person who performs or causes to be performed any of the following acts shall be subject to a fine for each such act:



- a. Intentional causing of a false alarm - \$100.00.
- b. Failure to register an alarm device or give notice of changes in registration information as required by this By-Law; each day of such failure shall constitute a separate violation subject to a fine of \$25.00.

**SECTION 14. Enforcement of this By-Law.** ~~The Town, upon authorization by the Administrator may institute civil proceedings to enforce the provisions of this By Law. The Administrator may impose the penalties specified within this By-Law by non-criminal disposition as provided in G.L. c.40 §21D.~~

**SECTION 15. Exceptions.** The provisions of this By-Law shall not apply to alarm devices on premises owned or controlled by the Town, nor to alarm devices installed in a motor vehicle or trailer.

**SECTION 16. Severability.** ~~[Deleted] The invalidity of any part or parts of this By Law shall not affect the validity of the remaining parts or in any way act thereon.~~

or to take any other action relative thereto.

Submitted by: By-Law Study Committee

**ARTICLE 31:**

To see if the Town will vote to amend Article 31 of the General Bylaws as follows, with deletions indicated in ~~strike through~~ and additions underlined:

**SECTION 1.** No person shall set, maintain or increase a fire in the open air at any time except by permit issued by the Fire Department in accordance with Section 13 of Chapter 48 of the Massachusetts General Laws.

**SECTION 2.** In addition to any other conditions placed upon the open burning permit the fee of which shall be set by the Select Board, there shall be no open burning on Sundays.

**SECTION 3.** Whoever violates any provision of this By-Law may be penalized by a ~~noncriminal non-~~criminal disposition as provided in General Laws, Chapter 40, Section 21D. For the purposes of this By-Law, the Fire Chief, or their designee, and all Town Police Officers, shall be the designated enforcing persons. Each day on which any violation of this By-Law occurs shall be deemed to be a separate offense subject to the following penalties:

<u>VIOLATION</u>	<u>FINE</u>
Burning without a permit.....	\$ <del>200</del> <u>100</u> .00
Burning after 4:00 PM.....	\$ <del>50</del> <u>25</u> .00
Fire Out of Control .....	\$ <del>200</del> <u>100</u> .00

or to take any other action relative thereto.

Submitted by: By-Law Study Committee

**ARTICLE 32:**

To see if the Town will vote to amend Article 32 of the General Bylaws as follows, with deletions indicated in ~~strike through~~ and additions underlined:

**Appointment of the Town Administrator**

**SECTION 1.** The Select Board shall appoint the Town Administrator as set forth in Article 4 of the Town Charter as modified by this article.

**SECTION 2.** The minimum qualifications of applicants for the position of town administrator shall, in addition to the qualifications stated in Section 4-1 of the Town Charter, have the specific qualifications as follows: (a) an earned bachelor's level degree from a recognized, accredited college or university, (b) served full-time as the chief administrative officer of a city or town for not less than one year, or has served full-time as an assistant chief administrative officer of a city or town for not less than three years, or has served full-time as an agent of the Select Board pursuant to G.L. Chapter 41, Section 23A for not less than three years, or any combination of the above for a period for not less than three years.

### **Search Process**

**SECTION 3.** ~~There shall be a screening committee responsible for reviewing all applications for the position of town administrator consisting of nine persons who shall be chosen as follows: Select Board, School Committee, Planning Board and Board of Library Trustees shall designate one person, the Finance Committee shall designate two persons and three persons shall be chosen by the Town Moderator.~~

The Select Board shall, prior to the start of the search process, adopt a charge for the Screening Committee setting forth the particulars of the search process involving a time schedule, number of candidates to be selected as semi-finalists to be interviewed by the Select Board and any other directives the Select Board deems appropriate.

or to take any other action relative thereto.

Submitted by: By-Law Study Committee

### **ARTICLE 33:**

To see if the Town will vote to amend Article 33 sections 1 through 7 and 12 through 15 of the General Bylaws as follows, with deletions indicated in ~~striketrough~~ and additions underlined:

#### **SECTION 1. Intent and Purpose.**

a. It is the intent of this by-law to sustain environmental health, enhance the economic ~~wellbeing~~ wellbeing, and maintain the quality of life for the citizens of the Town of Grafton. Shade trees make an important contribution to the character and heritage of Grafton's neighborhoods. This by-law ~~established~~ establishes policy and guidelines for ensuring the health and longevity of the Town's ~~community forest~~ public shade trees.

b. It is the policy of the Town of Grafton to encourage new tree plantings on public as well as private property and to cultivate a healthy flourishing community forest.

~~e.— It is also the intent of this by law to mandate the creation and implementation of a community forest plan as part of the open space and recreation plan of the Town's Master Plan. A goal of this community forest plan will be to obtain and maintain eligibility for annual recertification as a recognized "Tree City, USA."~~

**SECTION 2. Definitions.** Whenever the following words or terms are used in this by-law, they shall be construed to have the following meanings:

**"Shade Tree"** - All trees within a public way or on the boundaries thereof shall be public shade trees; and when in any proceeding in which the ownership ~~of,~~ or rights ~~in in,~~ a tree ~~are material to the issue, is material, that, from length of time or otherwise, and it is not possible to determine~~ the boundaries of the ~~highway cannot be made certain by way via~~ records or monuments, ~~and that for that reason it is doubtful whether the tree is within the highway, it shall be taken~~ said tree shall be presumed to be within the highway way and to be public property until the contrary is shown. ~~Public shade trees~~ "Shade tree" shall also include those trees that have been planted with public funds in ~~public ways~~

ways, or, if deemed expedient by the Tree Warden, upon adjoining land at a distance not exceeding 20 feet from the layout of the public way in accordance with MGL Chapter 87, Section 7.

**"Person"** - Any person, firm, association or corporation.

**"Town"** - The Town of Grafton and any of its departments and/or employees.

~~**"Tree Warden"** - The specific individual appointed by the Select Board to fill this position. Such person shall be qualified in accordance with MGL Chapter 87.~~

**"Heritage Tree"** - A public shade tree specifically designated by the Department of Environmental Management, Urban Forestry Program, upon recommendation by the Town Tree Warden to be a heritage tree. Heritage trees may qualify for state funds for maintenance under this program. A tree may qualify as a heritage tree if it meets one or more of the following criteria:

- a. Old Age - 100 years or greater;
- b. Size - 32 inches diameter or greater;
- c. Species rarity;
- d. Association with specific historical event or person;
- e. Healthy abnormality; e.g., shape, etc.;
- f. Scenic enhancement; e.g., trees around Grafton Common;
- g. Wildlife value.

**"Public Areas"** and **"Public Property"** - Includes all public parks and other lands owned, controlled, or leased by the Town except Conservation property.

**"Public Nuisance"** - Any tree or shrub or part thereof which by reason of its condition prohibits the use of any public areas, is infected with a plant disease, is infested with injurious insects or pests, significantly threatens existing public improvements, or immediately endangers the life, health, safety, or welfare of persons or property.

**"Shrubs"** - Any woody plant, normally having multiple stems and bearing foliage from the ground up.

**"Tree"** - Any woody plant greater than or equal to 1-1/2" diameter 12" from the ground.

**"Topping"** - The practice of cutting back large diameter branches of a mature tree to stubs. ~~Topping is prohibited.~~

~~**"Community Forest"** - The sum total of all trees and other vegetation growing within the boundaries of a community.~~

~~**"Community Forest Master Plan"** - A document that describes the goals and objectives related to the management of a community forest.~~

**"Green Industry"** - Any and all businesses associated with landscaping, arboriculture, etc.

**"ANSI"** - American National Standards Institute.

**"Major Alterations"** - The following terms describe major alterations requiring a permit:

- Crown cleaning is the selective removal of one or more of the following items: dead, dying, or diseased branches, weak branches and waterspouts.
- Crown thinning is selective removal of branches to increase light penetration and air movement or reduce weight.
- Crown raising is the removal of the lower branches of a tree to provide clearance.
- Crown reduction, also called crown shaping, decreases the height and/or spread of a tree.
- Vista pruning is selective trimming of framework limbs or specific areas of the crown to allow a view of an object from a predetermined point.

- Crown restoration pruning should improve the structure, form and appearance of trees which have been severely topped, vandalized, or storm damaged.

**SECTION 3. Authorization and Establishment of ~~the Public~~ a Public Shade Tree Management Advisory Board.**

a. ~~There is hereby created~~ The Select Board, in consultation with the Tree Warden, may create a Public Shade Tree Management Advisory Board (hereinafter the Advisory Board) which shall serve in an advisory capacity to the Tree Warden on all matters pertaining to tree and landscape planning and maintenance of shade and other public trees in the Town of Grafton. The Board shall review the Annual Work plan for tree maintenance, planting, and removal prior to its implementation. The Board shall consist of six members, appointed by the Select Board, to be composed of the following: the Tree Warden who shall be an ex-officio non-voting member, one member of the historical commission, two members of the "green industry"; i.e., landscaping, arborists, etc., and two members at large. Board members will serve 3-year terms with appointments to be staggered to ensure board continuity. Board actions shall be governed by Article 7, Section 7-9 of the Town Charter.

b. ~~Board members will be responsible for establishing rules and regulations required for the implementation of this by-law.~~ The board shall meet on a periodic basis as determined by its membership.

e. ~~The Tree Warden is hereby tasked to develop an Annual Work Plan for tree maintenance and replacement and removal for each fiscal year. The plan shall include locations of work, designated work to be accomplished, and resources including funds required. Such plan will be reviewed by the Advisory Board. Any public hearings required for implementation of the Annual Work Plan will be conducted in accordance with MGL Chapter 87 (Shade Tree) and Chapter 40 (Scenic Road). The Annual Work Plan shall be submitted in time for the submission of the Annual Operating Budget and Capital Budget of the Town.~~

d. The Advisory Board shall also be responsible for fostering educational programs regarding continued care of Shade Trees and their importance to the Town's Character, shall publicize and foster participation in grants and tree planting programs of the State and/or private corporations/foundations.

e. The Advisory Board shall support and help stimulate interest in Arbor Day and Arbor Week programs in schools, conservation organizations, and private companies and families within the Town of Grafton.

**SECTION 4. Authorization of the Tree Warden.** ~~The Tree Warden and the Public Shade Tree Management Board shall carry out the provisions of this by-law. As per Massachusetts Law Chapter 87 and Chapter 41, the Town of Grafton must~~ The Town Administrator shall appoint a Tree Warden. This individual shall be qualified by demonstrated training and experience in the field of arboriculture. It is recommended that this person be a Massachusetts certified arborist and possess a Massachusetts pesticide license. ~~The Tree Warden shall be appointed by the Town Administrator with the approval of the Select Board as per Town Charter.~~

**SECTION 5. Responsibilities and Authority of the Tree Warden.**

a. ~~The Tree Warden and the Shade Tree Management Advisory Board shall be responsible for the creation and implementation of a Community Forest Plan to be incorporated into the Town Open Space and Recreation Plan.~~

b. The Tree Warden shall be responsible for the periodic inspection of public shade trees to ensure they are free from disease or other conditions that may endanger tree health, or are a clear and immediate safety hazard to the public. The Tree Warden shall make every effort to repair and maintain shade trees prior to their removal in accordance with ANSI Standard A300 most current edition.

- c. The Tree Warden is responsible for conducting public shade tree hearings in accordance with MGL Chapter 87, Section 3. ~~He shall conduct joint hearings.~~ Said hearings shall be conducted jointly with the Planning Board when required under the Scenic Roads Law, MGL Chapter 40, Section 15c.
- d. The Tree Warden shall be responsible for the location, selection, and identification of any trees which may qualify as "heritage trees" and shall promptly forward such recommendation to the Department of Environmental Management, Urban Forestry Program for consideration for future preservation. Any person may submit a petition recommending a tree which they believe qualifies as a heritage tree. Upon receipt of the petition, the Tree Warden will hold a duly advertised public hearing to acquire public input on the tree so recommended. Upon completion of the public hearing, the Tree Warden may, at ~~his~~ their discretion, submit the tree to the Department of Environmental Management for recognition as a heritage tree. Heritage trees so designated shall be marked by the Tree Warden and located on engineering plans used by the Town.
- e. The Tree Warden shall be responsible for the marking of all public shade trees on scenic roads prior to the issuance of any driveway permit or building permit to prevent the inadvertent removal or damage to public shade trees on these roads. ~~He~~ The Tree Warden shall mark any public shade tree so requested by any citizen.
- f. The Tree Warden shall review all proposed subdivision plans for tree locations and measures taken to protect existing trees during construction and shall recommend to the Planning Board conditions required as part of their approval process.
- g. The Tree Warden shall review all proposed subdivision plans and topography to ascertain location of any recommended heritage trees. Location of same shall be furnished to the Planning Board. The Planning Board is encouraged to grant waivers of current regulations for preservation of any identified heritage trees towards required street trees on an inch-for-inch basis.
- h. The Tree Warden shall keep complete and accurate records on the condition of all public shade trees and all work completed on public shade trees to include all attempts at restoration or treatment of same prior to their removal.
- i. The Tree Warden, in accordance with MGL Chapter 87, is hereby given authority, control, and supervision of all trees which now or which may hereafter exist upon any public property, except Conservation Commission property, street or highway belonging to the Town of Grafton, and over all trees which exist upon any private property in the Town of Grafton, when such trees are in such a hazardous condition as to immediately endanger the public health, safety, and welfare. This power includes, but is not limited to, the power to enforce the rules, regulations, and specifications concerning the trimming, spraying, removal, planting, pruning, and protection of trees, shrubs, vines, hedges, and other plants upon the right of way of any street, alley, sidewalk, park, or other public place in the Town in accordance with this by-law and MGL Chapter 87. In addition, pursuant to MGL Chapter 87, Section 2, the Tree Warden has the additional right to make regulations for the care and preservation of public shade trees and establish fines and forfeitures of not more than that specified in MGL Chapter 87, Section 2 in any one case for violation thereof; which, when posted in one or more public places, and, in towns, when approved by the Select Board, shall have the effect of town by-laws.
- j. The Tree Warden shall develop an Annual Work Plan for tree maintenance and replacement and removal for each fiscal year. The plan shall include locations of work, designated work to be accomplished, and resources, including funds required. Any public hearings required for implementation of the Annual Work Plan will be conducted in accordance with MGL Chapter 87 (Shade Tree) and Chapter 40 (Scenic Road). The Annual Work Plan shall be submitted in time for the submission of the Annual Operating Budget and Capital Budget of the Town.
- k. The Tree Warden has the authority to supervise all work done by permit as described in this by-law, and to affix reasonable conditions to the granting of permits.

**SECTION 6. Permit for Maintenance and Removal of Trees and Shrubs.**

- a. **Permit Required** - No person, except on order of the Tree Warden, shall remove or do major alterations specified herein and as determined by the Tree Warden on a tree or shrub in the public right of way, park areas, and other town owned lands, or cause such act to be done by others without a permit for such work from the Tree Warden as herein provided. This includes all persons engaged in the business of cutting or removing trees or shrubs. Any person may apply for and obtain a permit, but all work must be accomplished or supervised by a certified arborist. The hearing and notice process required by MGL Chapter 87, Section 3 must be complied with.
- b. **Permit Required and Conditions** - When a permit is requested, the Tree Warden must decide that the proposed work is necessary and in accord with the purposes of this ~~chapter~~ bylaw. The Tree Warden must take into account safety, health, and welfare, location of utilities, public sidewalks, driveways, and street lights.
- c. **Exemption** - In cases of emergency situations such as hurricanes, snow/ice storms, or other acts of God where immediate removal is required of downed trees or limbs, work necessary to restore safe conditions is allowed. No permit shall be required to cultivate, fertilize, or water trees and shrubs on Town property.
- d. **Permit Form, Expiration, Inspection** - Permits shall be logged by the Tree Warden on a standard form and include a description of the work to be done and shall specify the location. Any work done under such permit must be performed in strict accordance with this chapter and ANSI Standard A300 (most current edition). Permits issued under this section shall expire three months after date of issuance. There is no charge for permits.
- e. The applicant shall be required to pay any advertising fees for public hearings.

**SECTION 7. Permits for Planting Trees and Shrubs.**

- a. **Planting** - All trees and shrubs planted on all public property within the Town of Grafton become the property of the Town of Grafton.
  - (1) The planting of the following species is prohibited on any Town of Grafton's property, except with the express written approval of the Tree Warden:
    - (a) Ailanthus species (Tree of Heaven)
    - (b) Populus species (Poplar)
    - (c) Salix species (Willows)
    - (d) Catalpa species (Catalpa)
    - (e) Acer negundo (Boxelder)
    - (f) Acer saccharinum (Silver Maple)
    - (g) Robinia pseudoacacia (Black Locust)
    - (h) Acer paltanoides (Norway Maple)
  - (2) There is no charge for the permit. The applicant shall be required to pay any advertising fees for public hearings. The permit will be on a standard form. Permits logged under this section shall expire 6 months after date of issuance.
  - (3) No person shall plant any tree, shrub, or other vegetation in the public right-of-way, park areas, and other town owned lands without first obtaining a permit for such work from the Tree Warden. The request for such permit shall specify the size, species and variety of tree, shrub, or other vegetation to

be planted shall be submitted to the Town Tree Warden for approval before planting. Approved tree and shrub lists as well as guidance on planting procedures are available at the Tree Warden office.

(4) Planting locations and minimum distances will be based on the mature size and landscape variables of the plants. Proper distances and planting locations shall be determined by the Tree Warden ~~based on the recommendation contained in the Community Forest Plan.~~

b. No person shall plant on any public or private premises situated at the intersection of two or more streets or alleys in the Town, any hedge, tree, shrub, or other vegetation device that may obstruct the view of the operator of any motor vehicle or pedestrian approaching such intersection.

c. Only small maturing trees or shrubs are authorized for planting under any overhead utility wires or cables. No trees should be planted over underground utility systems unless approved by the Tree Warden.

d. In new subdivisions or when the development of commercial property occurs, the Tree Warden shall review landscaping plans and may suggest locations of street trees to be planted in any of the streets, and other public places henceforth developed. Tree species and sizes are to be recommended by the Tree Warden. Landscaping shall conform to the Grafton subdivision regulations unless otherwise waived by the Planning Board.

#### **SECTION 12. Prohibited Acts.**

a. **Damage to Public Trees** - No person shall, without the consent of the owners in the case of a private tree or shrub or without written permits from the Tree Warden in the case of Town owned trees, do or cause to be done by others any of the following acts:

(1) Secure, fasten, or run any rope, wire, sign, unprotected electrical installation, or other devices or material to, around, or through a tree or shrub except to secure leaning or newly planted trees.

(2) Break, injure, ~~mutilate~~ mutilate, deface, kill or destroy any tree or shrub.

(3) Remove any guard, stake, or other device or material intended for the protection of a public tree or shrub, or close or obstruct any open space above the base of a public tree or shrub designed to permit access of air, water, and fertilizer.

(4) Attach any sign, poster, notice, or other object on any tree, or fasten any guy wire, cable, rope, nails, screws, or other devices to any tree, except that the Town may authorize tying temporary signs to trees when necessary.

(5) Cause or encourage any fire or burning near or around any public tree.

b. **Excavation** - All trees on any Town owned land near excavation or construction of any building, structure, or street or utility work, shall be sufficiently guarded and protected by those responsible for such work as to prevent injury to said trees. No person shall excavate any ditches, tunnels, or trenches, or install pavement within a radius of ten feet from any public ~~tree~~ tree, without a permit from the Tree Warden.

#### **SECTION 13. Requirements and Penalties.**

a. Any person who violates any provision of this ~~by-law~~ by-law, or who fails to comply with notices issued pursuant to provisions of this by-law, shall be subject to fines of up to \$300 for each separate offense. Any builder, contractor, or agent who intentionally assisted in the commission of any such violation shall be liable for each separate violation. All such violations which are of a continuing nature shall constitute a separate offense for each day of such continuance, and each tree removed shall constitute a separate offense. Any tree removed in violation of this by-law shall ~~also~~ be replaced by the violator on an ~~inch-for-inch~~ inch-for-inch basis.

b. ~~Fines shall be assessed and collected under MGL Chapter 21D adopted as a part of this by-law. The Tree Warden shall have the requisite police power established under MGL Chapter 21D.~~ The Tree

Warden may utilize the non-criminal disposition procedure as provided in G.L. c.40 §21D to assess a fine for violation of this bylaw; the amount of the fine shall be specified in regulations established in accordance with section 5(i) of this bylaw, or \$300 if no such regulation is established.

c. **Appeal** - Any person who receives any order under this by-law from the Tree Warden and objects to all or any part thereof shall have the right to appeal such order. The Select Board shall hear such appeal within 30 days of receipt of written notice of the appeal. The Select Board shall by letter notify the party appealing the order of its decision within ten days after the hearing closes and file ~~written a~~ written decision with the Town Clerk.

**SECTION 14. Evaluation and Future Update of By-Law.** ~~A successful implemented management strategy must be monitored to ensure that progress is being made and standards are being met. Evaluation provides the feedback necessary to determine whether the management strategy is working. Periodic evaluation also provides an opportunity to reassess the needs and goals of the community. The management strategy may need to be adjusted to reflect new or altered goals. By providing for regular evaluation as part of the management process, the need for change can be identified before a crisis develops. Evaluation methods include surveys and record keeping as well as public opinion heard through polls or hearings.~~

The Tree Warden ~~and the Shade Tree Management Advisory Committee~~ shall conduct periodic evaluations of this by-law and ~~implementing of the instructions and policies~~ for implementation of the by-law, to ensure that progress is being made, standards are being met, and any needed changes are identified. Evaluation methods may include, but are not limited to, surveys, record-keeping, solicitation of public opinion, and reassessment of needs and goals.

**SECTION 15. Severability.** ~~[Deleted] Should any part or provision of this by law be determined by a court of law to be invalid, the same shall not affect the validity of the by law as a whole nor any part thereof other than the part found invalid.~~

or to take any other action relative thereto.

Submitted by: By-Law Study Committee

### **ARTICLE 34:**

To see if the Town will vote to amend Article 34 of the General Bylaws as follows, with deletions indicated in ~~strike through~~ and additions underlined:

#### **Chapter-Section 1: Establishment and Membership**

Grafton hereby establishes a Community Preservation Committee consisting of nine (9) members pursuant to G.L. Chapter 44B. The Committee will be responsible for making recommendations to Town Meeting on Community Preservation.

The composition, terms, and appointment of the Committee shall be as follows: One member of the Conservation Commission as designated by the Commission; one member of the Historical Commission as designated by the Commission; one member of the Grafton Housing Authority as designated by the Authority; one member of the Planning Board as designated by the Board; one member of the Recreation Commission as designated by the Commission; and four at-large members as appointed by the Select Board.

At-large members shall be appointed ~~to the following initial terms: One for a one year term, two for two year terms, and one for a three year term. All subsequent terms will be for~~ terms of three years, arranged so that as nearly an equal number of terms as possible will expire each year, and all members of the Committee may be reappointed.



Should any of the Commissions, Boards, or Committees who have appointment authority under this ~~chapter-section~~ no longer be in existence for whatever reason, the appointing authority for that Commission, Board, or Committee shall become the responsibility of the Select Board.

### **~~Chapter-Section 2: Duties and Responsibilities~~**

The Community Preservation Committee shall have all the duties and powers as set forth in Section 5 of the Massachusetts Community Preservation Act, including but not limited to the following:

(a) The Community Preservation Committee shall study the needs, possibilities and resources of the Town regarding community preservation. The Committee shall consult with existing municipal boards, including the Conservation Commission, the Historical Commission, the Planning Board, the Recreation Commission, and the Housing Authority, or persons acting in those capacities or performing like duties, in conducting such studies. As part of its study, the Committee shall hold one or more public informational hearings on the needs, possibilities, and resources of the Town regarding community preservation possibilities and resources, notice of which shall be posted publicly and published for each of two weeks preceding the hearing in a ~~newspaper of general circulation in the Town~~ Local Newspaper, as defined in the Town Charter.

(b) The Community Preservation Committee shall make recommendations to the Town Meeting for the acquisition, creation, and preservation of open space; for the acquisition and preservation of historic resources; for the acquisition, creation, and preservation of land for recreational use; for the creation, preservation, and support of community housing; and for rehabilitation or restoration of such open space, historic resources, land for recreational use, and community housing. The Community

### **~~Article 34: Community Preservation Committee~~**

Preservation Committee shall recommend, wherever possible, the reuse of existing buildings or construction of new buildings on previously developed sites.

(c) Each year, the Committee shall recommend that Town Meeting appropriate or set aside for future use at least 10 percent of all CPA revenues for open space (not including recreational open space), at least 10 percent for historic preservation, and at least 10 percent for community housing.

(d) The Community Preservation Committee may include in its recommendation to the Town Meeting, a recommendation to set aside for later spending, funds for specific purposes that are consistent with community preservation but for which sufficient revenues are not then available in the Community Preservation Fund to accomplish that specific purpose, or to set aside for later spending, funds for general purposes that are consistent with community preservation.

(e) Each fiscal year, the Committee shall submit to Town Meeting an operational and administrative budget which cannot exceed five (5) percent of the annual revenues of the Community Preservation Fund.

### **~~Chapter-Section 3: Requirement for a Quorum and Cost Estimates~~**

The Community Preservation Committee shall not meet or conduct business without the presence of a quorum. A quorum shall constitute a minimum of the majority of the currently designated/appointed members of the Community Preservation Committee ~~shall constitute a quorum~~. The Community Preservation Committee shall approve all ~~its~~ actions by majority vote. Recommendations to the Town Meeting shall include their anticipated costs.

### **~~Chapter-Section 4: Amendments~~**

This ~~Chapter-article~~ may be amended from time to time by a majority vote of the Town Meeting, provided that the amendments would not cause a conflict to occur with G.L. Chapter 44B.

### **~~Chapter-Section 5: Severability [Deleted]~~**

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

**~~Chapter Section 6: Effective Date [Deleted]~~**

~~Each appointing authority shall have sixty (60) days after approval by the Attorney General to make their initial appointments. Should any appointing authority fail to make their appointment within that allotted time, the Town Moderator shall make the appointment.~~

or to take any other action relative thereto.

Submitted by: By-Law Study Committee

**ARTICLE 35:**

To see if the Town will vote to amend Article 35 of the General Bylaws as follows, with deletions indicated in ~~strikethrough~~ and additions underlined:

**Chapter Section 1: Purposes**

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

**Chapter Section 2: Tenure of Trustees and Appointment**

There shall be seven Trustees of the Trust, all appointed by the Select Board. One Trustee shall be a member of the Select Board, appointed for a term of one year. Six Trustees shall be appointed for terms of two years, with three terms expiring each year. All Trustees may be reappointed at the discretion of the Select Board.

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

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

If a Trustee shall die, resign, be removed or suspended, or for any other reason cease to be a Trustee hereunder before ~~his/her~~ their term of office expires, a successor shall be appointed by the Select Board to fill such ~~vacancy~~ vacancy, provided that in each case the said appointment and acceptance in writing by the Trustee so appointed is filed with the Town ~~Clerk and Clerk~~, recorded with the Registry of ~~Deeds Deeds~~, and filed with the Land Registration Office. Upon the appointment of any succeeding Trustee and the filing of such ~~appointment~~ appointment, the title to the Trust estate shall thereupon and without the necessity of any conveyance be vested in such succeeding Trustee jointly with the remaining Trustees.

Reference to the Trustee shall mean the Trustee or Trustees for the time being hereunder.

~~There shall be seven Trustees of the Trust, one of which shall be a member of the Select Board.~~

### **~~Chapter Section 3: Meetings of the Trust~~**

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

### **~~Chapter Section 4: Powers of Trustees~~**

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

- a. With respect to all real and personal estate at any time held by them as if they were the absolute owners thereof, and without limiting the foregoing generality:
- b. to solicit and accept grants, gifts, ~~devises~~ devises and ~~bequest~~ bequests or otherwise acquire real or personal property;
- c. to invest any of the trust property in such manner as they may deem advisable without being limited as to the kind or amount of any investment;
- d. to sell and exchange any ~~or~~ real or personal property or any interest therein for such consideration and upon such terms and conditions as they deem advisable;
- e. to join with others in the acquisition of real property or any interest therein;
- f. to borrow money and mortgage or pledge any part of the trust estate assets and issue notes or other indebtedness;
- g. to join with others in borrowings, mortgages and pledges and to guarantee and become surety on obligations of others in transactions in which the Trust has an interest;
- h. to execute, as lessor or lessee leases, including for terms expiring after the possible expiration of the Trust;
- i. to restore, construct, repair and maintain buildings and make other improvements and establish such reserves as they deem necessary therefore;
- j. to pay, compromise, or adjust all obligations incurred and rights acquired in the administration of the Trust;
- k. to obtain advice of counsel and to rely thereon;
- l. to employ such other persons, agents, brokers, managers, accountants or advisors as they may deem advisable and to pay reasonable compensation and expenses, apportioning same between income and principal as the board deems advisable; and
- m. to execute, acknowledge and deliver all such contracts, deeds, mortgages, leases, discharges, and partial releases of mortgages, or other instruments as they may deem advisable in the course of the administration of the Trust.

2. In accordance with G.L. c. 44 § 55C ~~(16)~~-(d), all moneys paid to the Trust shall be paid directly into the Trust and need not be appropriated or accepted and approved into the Trust. General revenues appropriated into the trust become Trust property, and to be expended, these funds need not be further appropriated. All moneys remaining in the trust at the end if of any fiscal year, whether or not expended by the Trustees within one (1) year of the date that they were appropriated into the trust, remain trust property.

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

### **~~Chapter Section 5: Acts of Trustee-Trustees~~**

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

#### **Chapter-Section 6: Liability**

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

#### **Chapter-Section 7: Accounts**

The books and records of the Trust shall be audited annually by an independent auditor in accordance with accepted accounting practices. The results of the audit shall be provided to the Town. The Trust will ~~give an annual~~ include a report of its activities to in the annual report of the Town pursuant to Article 4 §2 of these bylaws.

#### **Section 8: Amendments**

This bylaw may be amended by majority vote of Town Meeting, except as to those provisions specifically required by G. L. c. 44 § 55C.

#### **Section 9: Duration of Trust**

The Trust shall be of indefinite duration. However, it may be terminated by a two-thirds vote of Town Meeting.

Upon termination of the Trust, subject to the payment of or making provision for the payment of all obligations and liabilities of the Trust and the Trustees, the net assets of the Trust shall be transferred to the Town and held by the Select Board for affordable housing purposes. In making any such distribution, the Trustees may sell all or any portion of the Trust property and distribute the net proceeds thereof, or distribute any of the assets in kind. The powers of the Trustees shall continue until the affairs of the Trust are concluded.

or to take any other action relative thereto.

Submitted by: By-Law Study Committee

#### **ARTICLE 36:**

To see if the Town will vote to amend Article 36 sections 7, 10, and 18 of the General Bylaws as follows, with deletions indicated in ~~strike through~~ and additions underlined:

#### **SECTION 7. NOTICE & HEARINGS:**

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

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

B. **Public Hearing.** The Commission shall hold a public hearing within 30 days of the receipt of a complete application, with written notice given at the expense of the applicant at least five business days prior to the hearing in a Local Newspaper, as defined in the Town Charter. The applicant shall also notify abutters by certified mail (return receipt requested), certificate of mailing, or hand delivery at least five business days prior to the hearing. The Commission shall make the application available for inspection by the public during business hours at the ~~Town Hall~~ Municipal Center. The Commission shall take final action within 21 days from the time of the close of the hearing unless such time is extended by agreement between the applicant and the Commission.

In an appropriate case, the Commission may combine its hearing under this Bylaw with the hearing conducted under the Wetlands Protection Act (G.L. Ch.131 §40) and regulations (310 CMR 10.00).

**SECTION 10. STORMWATER MANAGEMENT REGULATIONS:** The Conservation Commission may adopt, and periodically amend, rules and regulations relating to the terms, conditions, definitions, enforcement, fees, procedures, and administration of this Bylaw after conducting a public hearing to receive comments on any revisions. ~~After public notice and public hearing a public hearing,~~ notice of which shall be published in a Local Newspaper, as defined in the Town Charter, at least seven days prior to the hearing, the Commission shall have authority to promulgate rules and regulations to implement this Bylaw, to review permit applications, to perform monitoring and inspections, to grant or deny permits, and to enforce the provisions of this Bylaw, and to take any other actions reasonable and appropriate to implement this Bylaw.

**SECTION 18. SEVERABILITY:** ~~[Deleted] If any provision, paragraph, sentence, or clause of this Bylaw is held invalid for any reason by a court of competent jurisdiction, all other provisions shall continue in full force and effect.~~

or to take any other action relative thereto.

Submitted by: By-Law Study Committee

### **ARTICLE 37:**

To see if the Town will vote to amend Article 37 sections 2, 4, 7, 8, and 10 through 13 of the General Bylaws as follows, with deletions indicated in ~~strike through~~ and additions underlined:

#### **SECTION 2: Definitions**

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

~~“Authority”:~~ Select Board.

~~“Authorized Administrative Agency”:~~ The Department of Public Works hereafter the DPW its employees or agents designated to enforce this by-law.

~~“Best Management Practices (BMP)”:~~ An activity, procedure, restraint, or structural improvement that helps to reduce the quantity or improve the quality of stormwater runoff.

“Clean Water Act”: The Federal Water Pollution Control Act (33 U.S.C. § 1251 et seq.) as hereafter amended.

“Discharge of Pollutants”: The addition from any source of any pollutant or combination of pollutants into the municipal storm drain system or into the waters of the United States or Commonwealth from any source.

“Groundwater”: Water beneath the surface of the ground.

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

“Illicit Discharge”: Direct or indirect discharge to the municipal storm drain system that is not composed entirely of stormwater, except as exempted in Section 8. The term does not include a discharge in compliance with an NPDES Storm Water Discharge Permit or a Surface Water Discharge Permit.

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

“Municipal Separate Storm Sewer System (MS4) or Municipal Storm Drain System”: The system of conveyances designed or used for collecting or conveying stormwater, including any road with a drainage system, street, gutter, curb, inlet, piped storm drain, pumping facility, retention or detention basin, natural or man-made or altered drainage channel, reservoir, and other drainage structure that together comprise the storm drainage system owned or operated by the town of Grafton.

“National Pollutant Discharge Elimination System (NPDES) Storm Water Discharge Permit”: A permit issued by United States Environmental Protection Agency or jointly with the State that authorizes the discharge of pollutants to waters of the United States.

“Non-Stormwater Discharge”: Discharge to the municipal storm drain system not composed entirely of stormwater

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

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

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

(12) coal tar-based ~~asphalt pavement~~ sealants

“Process Wastewater”: Water which, during manufacturing or processing, comes into direct contact with or results from the production or use of any material, intermediate product, finished product, or waste product.

“Recharge”: ~~The process by which groundwater is replenished by precipitation through the percolation of runoff and surface water through the soil.~~

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

“Surface Water Discharge Permit”: A permit issued by the Department of Environmental Protection (DEP) pursuant to 314 CMR 3.00 that authorizes the discharge of pollutants to waters of the Commonwealth of Massachusetts.

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

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

“Waters of the ~~Commonwealth~~ Commonwealth”: All waters within the jurisdiction of the Commonwealth, including, without limitation, rivers, streams, lakes, ponds, springs, impoundments, estuaries, wetlands, ~~eastal~~ 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.

#### **SECTION 4: Authority**

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

#### **SECTION 7: Prohibited Activities**

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

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

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

**Application of Coal Tar-Based Pavement Sealant.** No person shall apply a coal tar-based pavement sealant to any surface from which runoff may reach the MS4. Coal tar-based sealers are a major source of polycyclic aromatic hydrocarbons (PAH), which are classified as probable human carcinogens and are highly toxic to aquatic life. Asphalt-based sealants are permitted, however, as they contain a much lower concentration of PAH.

## **SECTION 8: Exemptions**

Discharge or flow resulting from fire fighting activities.

The following non-stormwater discharges or flows are exempt from the prohibition of ~~nonstormwater~~ non-stormwater provided that the source is not a significant contributor of a pollutant to the municipal storm drain system:

- (1) Waterline flushing;
- ~~(2)~~ (2) Flow from potable water sources;
- (3) Springs;
- (4) Natural flow from riparian habitats and wetlands;
- (5) Diverted stream flow;
- (6) Rising groundwater;
- (7) Uncontaminated groundwater infiltration as defined in 40 CFR 35.2005(20), or uncontaminated pumped groundwater;
- (8) Water from exterior foundation drains, footing drains not including active groundwater dewatering systems, crawl space pumps.
- (9) Discharge from landscape irrigation or lawn watering or air conditioning condensation;
- (10) Water from individual residential car washing;
- (11) Discharge from dechlorinated swimming pool water (less than one ppm chlorine) provided the water is allowed to stand for one week prior to draining and the pool is drained in such a way as not to cause a nuisance;
- (12) Discharge from street sweeping;
- (13) Dye testing, provided writing notification is given to the DPW prior to the time of the test;
- (14) Non-stormwater discharge permitted under an NPDES permit or a Surface Water Discharge Permit, waiver, or waste discharge order administered under the authority of the United States Environmental Protection Agency or the Department of Environmental Protection, provided that the discharge is in full compliance with the requirements of the permit, waiver, or order and applicable laws and regulations,
- (15) Discharge for which advanced written approval is received from the Select Board as necessary to protect public health, safety, welfare or the environment,
- ~~(16) For discharges pertaining to items defined in section 7 and 8 the Town shall require testing of currently conveyed or to be conveyed flow at the expense of the property owner. The town may also require a hydraulic capacity analysis of its drainage system to accommodate the flow conveyed or to be conveyed.~~

## **SECTION 10: Notification of Spills**

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



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

### **SECTION 11: Enforcement**

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

**Civil Relief.** If a person violates the provisions of this by-law, regulations, permit, notice, or order issued thereunder, the Select 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.

**Orders:** The DPW may issue a written order to enforce the provisions of this by-law or the regulations thereunder, which may include:

- (a) elimination of illicit connections or discharges to the MS4
- (b) performance of monitoring, analyses, and reporting;
- (c) that unlawful discharges, practices, or operations shall cease and desist; and
- (d) remediation of contamination in connection therewith.

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

Within thirty (30) days after completing all measures necessary to abate the violation or perform remediation, the violator and the property owner will be notified of the costs incurred by the town including administrative costs. The violator or property owner may file a written protest objecting to the amount or basis of costs with the Select Board 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 Select Board affirming or reducing the costs, or from a final decision of a court of competent jurisdiction, the costs shall become a special assessment against the property owner and shall constitute a lien on the owner's property for the amount of said costs. Interest shall begin to accrue on any unpaid costs at the statutory rate provided in G.L. Ch. 59, ~~57~~ § 57 after the thirty-first day at which the costs first become due.

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

**Non-Criminal Disposition:** As an alternative to criminal prosecution or civil action, the

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

**Entry to Perform Duties Under this By-Law:** To the extent permitted by state law, or if authorized by the owner or other party in control of the property, the Select Board, its agents, officers, and employees may enter upon privately owned property for the purpose of performing their duties under this by-law

and regulations and may make or cause to be made such examinations, surveys or sampling as the Board deems reasonably necessary.

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

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

**SECTION 12: Severability [Deleted]**

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

**SECTION 13: Transitional Provisions [Deleted]**

~~Residential property owners shall have (90) ninety days from the effective date of the by-law to comply with its provisions provided good cause is shown for the failure to comply with the by-law during that period.~~

or to take any other action relative thereto.

Submitted by: By-Law Study Committee

**ARTICLE 38:**

To see if the Town will vote to amend Article 38 section 2 of the General Bylaws as follows, with deletions indicated in ~~strikethrough~~ and additions underlined:

**SECTION 2. Membership**

~~The Commission shall consist of five members who shall be Grafton residents, appointed by the Select Board. The initial term of two members shall be three years, of two members shall be two years, and of one member shall be one year. After the initial term, the term of a member shall be three years. The Select Board may appoint two alternates and any number of non-voting advisory members without residency restrictions. The term of an alternate member shall be one year. The Select Board shall fill a vacancy based on the unexpired term of the vacancy in order to maintain the cycle of appointments. be appointed by the Select Board and consist of five Grafton residents who shall serve for 3 year terms. The Select Board may additionally appoint two Grafton residents to serve as alternates for one year terms, and any number of non-voting advisory members without term or residency restrictions. The Commission may recommend appointees to fill vacancies.~~

or to take any other action relative thereto.

Submitted by: By-Law Study Committee

**ARTICLE 39:**

To see if the Town will vote to amend Article 39 of the General Bylaws as follows, with deletions indicated in ~~strikethrough~~ and additions underlined:

**Section 1. Purpose**

~~M.G.L. c. 94G does not require a ballot vote of the voters to approve any limitation on the number of recreational marijuana establishments that is at or above the number of medical marijuana treatment~~

~~centers registered to operate in the municipality, or equal to or greater than 20% of the licenses issued for the retail sale of alcoholic beverages not to be drunk on the premises. Currently there is one (1) medical marijuana treatment center registered to operate in Grafton, and six (6) licenses issued for the retail sale of alcoholic beverages not to be drunk on the premises in Grafton. Retail sale of marijuana for adult use (“recreational marijuana”) was approved by the voters of the Commonwealth in 2016; regulations and the industry have been developing and expanding since that time. However, the long-term consequences of having many retail establishments in communities like Grafton have yet to become clear, and thus it is in the near-term public interest to limit the number of recreational marijuana retailers.~~

**Section 2. Limitation**

The number of ~~Recreational~~ Marijuana Retailers, as that term is defined in G.L. c.94G §1, ~~(RMR’s)~~ that shall be permitted in Grafton is limited to 3 or the smallest whole number that is greater than or equal to twenty percent of the number of licenses issued ~~with~~ within the Town under G.L. c.138 §15 Section 15 of chapter 138 for the retail sale of alcoholic beverages not to be drunk on the premises where ~~sold~~ sold, whichever is greater.

or to take any other action relative thereto.

Submitted by: By-Law Study Committee

**ARTICLE 40:**

To see if the Town will vote to amend Article 40 of the General Bylaws as follows:

1. Amend sections 2 and 5 as follows, with deletions indicated in ~~striketrough~~ and additions underlined:

**Section 2. Expenditure Limitations.**

a. A department or agency head, board, committee or officer may incur liabilities against and spend monies from a revolving fund established and authorized by this by-law without appropriation subject to the following limitations:

(i) Fringe benefits of full-time employees whose salaries or wages are paid from the fund shall also be paid from the fund ~~[, except for those employed as school bus drivers2].~~

(ii) No liability shall be incurred in excess of the available balance of the fund.

(iii) The total amount spent during a fiscal year shall not exceed the amount authorized by Town meeting on or before July 1 of that fiscal year, or any increased amount of that authorization that is later approved during that fiscal year by the select board and finance committee.

**Section 5. Authorized Revolving Funds.**

This Table establishes:

a. Each revolving fund authorized for use by a town department, board, committee, agency or officer;

b. The department or agency head, board, committee or officer authorized to spend from each fund;

c. The fees, charges and other monies charged and received by the department, board, committee, agency or officer in connection with the program or activity for which the fund is established that shall be credited to each fund by the town accountant;

d. The expenses of the program or activity for which each fund may be ~~used~~; used.

e. ~~Any restrictions or conditions on expenditures from each fund;~~

f. ~~Any reporting or other requirements that apply to each fund, and~~

~~g. The fiscal years that each fund shall operate under this by law.~~

2. Replace the table in section 5 with the following:

<b>Fund Name</b>	<b>Authorized to Spend</b>	<b>Revenue Source</b>	<b>Allowed Expenses</b>
One Grafton Common Fund	Town Administrator	Rent and Utilities	One Grafton Common maintenance
School Department Staff Development Fund	School Department	State and Federal Grants	Staff Development Workshops
Early Childhood Program Fund	School Department	Tuition Payments	Early Childhood Programs
Out of District Transportation Fund	School Department	Out of district fees	Out of district transportation
Education Technology Fund	School Department	Sale of Surplus	Education Tablets & Laptops
Rental Revolving Fund	School Department	Rental fees	Maintenance of school facilities
Extended Services Revolving Fund	School Department	Tuition Payments	Programs outside of the school day or year
COA Transportation Revolving Fund	Council on Aging	Ridership fees	Elder Bus Transportation
Conservation Commission Fund	Conservation Commission	Filing Fees	Expenses related to duties
Fire Department Sprinkler Inspection Fund	Fire Department	Inspection Fees	Fire Sprinkler System Review
Vaccine Fund	Board of Health	Medicare Part 855B	Vaccine Administration
Community Nursing Gifts Fund	Board of Health	Gifts	CPR and Sharps Containers
South Grafton Community House Fund	South Grafton Community House	Rental fees	Maintenance and upkeep
Library Lost Book Fund	Library	Lost Book fees	Replacement of materials
Council on Aging Program Fund	Council on Aging	Program Fees	Program Funding

Fund Name	Authorized to Spend	Revenue Source	Allowed Expenses
Storm Water Fund	Conservation Commission	Storm Water Fees	Expenses for Administration
Library Materials Fund	Library	User fees	Replenishing materials
Recreation Activity Fund	Recreation	Program and Activity Fees	Department Operations
18-22 School to Work Program Fund	School Department	Tuition Payments	Program expenses

or to take any other action relative thereto.

Submitted by: By-Law Study Committee

**ARTICLE 41:**

To see if the Town will vote to amend Article 41 of the General Bylaws as follows, with deletions indicated in ~~strike through~~ and additions underlined:

**Purpose**

The committee shall study the requirements and needs for Capital Improvement in the Town of Grafton. The committee shall advise the Town Administrator, Select Board, and Finance Committee on the results of its work.

**Establishment and Membership**

There shall be a Capital Improvement Planning Committee, henceforth abbreviated CIPC, comprising seven (7) members. Three (3) members shall be chosen by their respective boards as follows: one member each from Finance Committee, School Committee and Select Board; the remaining four (4) members shall be citizens at-large appointed by the Select Board. Each citizen-at-large member shall serve a three (3) year term arranged so that as nearly an equal number of terms as possible will expire each year. The Town Administrator and Superintendent of Schools, or their designated representatives, will be non-voting members. All voting members shall choose committee officers, set the committee’s procedures and serve without pay. Any vacancies shall be filled in the same manner as the original appointment and persons appointed to fill vacancies shall serve for the remainder of their predecessors’ terms of office.

Definitions

A. Capital Improvement

- Any ~~acquisition, acquisition or lease~~ of land, building, or motor vehicles;
- Any acquisition or lease of any single item of equipment with a total cost of \$10,000 or more, and a substantial useful life of at least five (5) years;
- Any construction, reconstruction, replacement, extension or other improvement of public buildings, highways, sidewalks, storm drains, sewerage installation, playgrounds, parks and substantially similar public works or for a facility, structure or a utility appurtenant to any of the same with a total cost of \$10,000 or more.

B. Capital Budget. A one (1) year plan of estimated capital improvements and the method of financing them.

C. ~~CIPC Five Year Plan. An annual report assembled by the committee including prioritized recommendations for capital improvements for the following five (5) fiscal years to be submitted to the Finance Committee, Select Board and Town Administrator for consideration and preparation of the Capital Budget.~~ Five-Year Capital Plan. Projects as presented in the town's capital budgeting software (hereinafter the capital software), for the next 5 years, with prioritized recommendations.

D. Capital Package. All capital project ~~submission forms completed submissions made within the capital software~~ by departments and submitted to the Town Administrator ~~to be reviewed by the Capital Improvement Planning Committee.~~

### **Duties**

The Capital Improvement Planning Committee is charged with carrying out the following duties, as appropriate, to fulfill its purpose:

A. ~~Maintain the CIPC Five Year Plan~~ Review the five year capital plan as presented in the capital software and report the plan to the town in the committee's annual report.

B. Review all requested capital projects in the Capital Package with Town Administrator

C. ~~Recommend an annual Capital Budget to the Select Board~~ Vote on final recommendation of a capital budget to be sent to the Town Administrator.

D. Collect Review additional capital project information, regardless of funding, as needed outside the budget process

E. ~~Track~~ Review updates on the delivery of the approved capital projects

F. Research best practices related to capital improvement planning

G. Any other relevant initiatives related to capital planning

### **Capital Request Submission Requirements**

A. All proposed capital improvements shall be submitted by departments ~~in writing via the capital software~~ to the Town Administrator for inclusion in the capital improvement program.

B. The Town Administrator shall compile all submitted requests into a comprehensive Capital Package, and ~~transmit the Capital Package to the CIPC for review~~ make said Capital Package available to all committee members for review in the capital software, including all original submission forms received from departments. ~~The Capital Package shall be provided to the CIPC by September 15th for the committee to provide its recommendations to the Select Board and Town Administrator by December 15th in order to fulfill the requirements of section 6-7 of the Town Charter.~~

or to take any other action relative thereto.

Submitted by: By-Law Study Committee

### **ARTICLE 42:**

To see if the Town will vote to authorize the Town Clerk or designee, in consultation with the Town Administrator or designee, to make such non-substantive editorial revisions as may be necessary or appropriate to the bylaws as amended by this Town Meeting, for consistency of formatting and presentation, including but not limited to abbreviations, terminology, references

to the General Laws, section and subsection labels and headings, list styles, spelling, capitalization, and document structure, or to take any other action relative thereto.

Submitted by: By-Law Study Committee

**ARTICLE 43:**

To see if the Town will vote to authorize the Select Board to petition the General Court of the Commonwealth of Massachusetts for a special act as follows:

Amend the Grafton Home Rule Charter by amending **Article 3, Section 3-4: SCHOOL COMMITTEE** by deleting the text in ~~strike through~~: “To appoint a superintendent of the schools and all other officers and employees connected with the schools, to fix their compensation, define their duties, make rules concerning their tenure of office and to discharge them;“

and by amending **Article 3, Section 3-8: GRAFTON HOUSING AUTHORITY** by replacing the sentence

“There shall be a Housing Authority consisting of five (5) members, four (4) of these members shall be elected by the voters and one shall be appointed in the manner provided by general law.”

with the sentence

“There shall be a Housing Authority consisting of five (5) members, three (3) of these members shall be elected by the voters and two (2) shall be appointed in the manner provided by general law.”

Or take any other action relative thereto.

Submitted by: By-Law Study Committee

**ARTICLE 44:**

To see if the Town will vote to authorize the Select Board to petition the General Court of the Commonwealth of Massachusetts for a special act as follows:

Amend the Grafton Home Rule Charter by amending **Article 3, Section 3-2 SELECT BOARD, item (d) APPOINTMENT** by deleting the text in ~~strike through~~ and inserting the underlined text:

The Select Board shall appoint a Town Administrator, Constables, the members of the Board of Appeals, the Registrars of Voters and other election officers, the Conservation Commission, ~~the Industrial Development Finance Authority~~, other members of multiple ~~members~~ member bodies, the functions of which do not involve direct operating responsibilities, but are primarily policy making or advisory in nature, and individuals who are to serve as representatives or delegates of the town to the governing or advisory boards of regional or district ~~authorities~~ authorities, and any local officers designated by by-law to be appointed by the Select Board. ~~See Section 8-5 (a) for a complete list of current Select Board appointees.~~

and by amending **Article 4 TOWN ADMINISTRATOR, Section 4-2 POWERS AND DUTIES, item (b)**, by inserting the underlined text:

To appoint, and in appropriate circumstances to remove, subject to the provisions of the civil service law and of any collective bargaining agreements as may be applicable, all department heads, officers, members of boards and commissions and employees for whom no other method of selection is provided by this charter, or by by-law.

and by amending **Article 7, Section 7-5 DEFINITIONS, item (f) Local Newspaper** by replacing the phrase “the Town’s website” with “the official website of the Town of Grafton”.

Or take any other action relative thereto.

Submitted by: By-Law Study Committee

**ARTICLE 45:**

To see if the Town will vote to authorize the Select Board to petition the General Court of the Commonwealth of Massachusetts for a special act as follows:

Amend the Grafton Home Rule Charter by deleting **Article 8 TRANSITIONAL PROVISIONS** in its entirety.

Or take any other action relative thereto.

Submitted by: By-Law Study Committee

**ARTICLE 46:**

To see if the Town will vote to amend Section 3.12. – Zoning Map of the Zoning Bylaws as detailed in the language below, and further to authorize non-substantive changes to the lettering, numbering, and pagination of the Zoning Bylaw to be consistent with said by law

ZBL Section 3.1.2 – Zoning Map: To amend the map entitled “Town of Grafton – Zoning Map” to create the “MBTA Communities Overlay District” to include the areas identified and as shown on the map in neon green line symbology and titled “MCMOD 1,” “MCMOD 2,” “MCMOD 3,” “MCMOD 4,” and “MCMOD 5,” prepared by the Central Massachusetts Regional Planning Commission, dated August 21, 2023.

Or take any other action relative thereto.

Submitted by: Planning Department

**ARTICLE 47:**

To see if the Town will vote to add Section 14: *MBTA Communities Multi-Family Overlay District* to the Grafton Zoning Bylaw as detailed in the language below, and further to authorize non-substantive changes to the lettering, numbering and pagination of the Zoning Bylaw to be consistent with said Bylaw,

**Section 14: MBTA Communities Multi-Family Overlay District**



### 14.1 Purpose

The purpose of the MBTA Communities Multi-family Overlay District (herein “MCMOD”) is to allow multifamily housing by right in accordance with Section 3A of the Zoning Act (Massachusetts General Laws Chapter 40A). This zoning provides for by-right multi-family housing to accomplish the following purposes:

1. The Town of Grafton is using the underlying zoning of four existing districts, in addition to an overlay in one district, to establish compliance with Section 3A.

### 14.2 Establishment and Applicability

This MCMOD is an overlay district with a land area of approximately 105 acres that is superimposed over all underlying zoning districts and is shown on the Zoning Map. This section establishes these five zones for MBTA compliance. The provisions of Sections 14.3 through 14.6 apply solely to MCMOD Sub-District 2.

**14.2.1 Applicability of MCMOD.** An applicant may develop multi-family housing located within an MCMOD in accordance with the provisions of this Section 14.

**14.2.2 Underlying Zoning.** The MCMOD is an overlay district superimposed on underlying zoning districts. The regulations for use, dimensions, and all other provisions of the Zoning Bylaw governing the respective underlying zoning district(s) shall remain in full force. Uses that are not identified in Section 14 are governed by the requirements of the underlying zoning districts.

**14.2.3 Sub-districts.** The MCMOD contains the following sub-districts, all of which are shown on the MCMOD Boundary Map:

- a. MCMOD 1 (District 1)
- b. MCMOD 2 (District 2)
- c. MCMOD 3 (District 3)
- d. MCMOD 4 (District 4)
- e. MCMOD 5 (District 5)

**14.2.4** The underlying zoning for MCMOD Sub-districts 1, 3, 4, and 5 are fully compliant with Section 3A and will not change. MCMOD Sub-district 2 is modified to adjust affordability levels for Section 3A compliance. Please see the Zoning Map for Overlay designations.

### 14.3 Definitions.

For purposes of this Section 14, the following definitions shall apply.

1. **Area Median Income (AMI).** The median family income for the metropolitan statistical region that includes the Town of Grafton as defined by the U.S. Department of Housing and Urban Development (HUD).
2. **As-of-right.** Development that may proceed under the Zoning in place at the time of application without recourse to a special permit, variance, zoning amendment, or other form of zoning relief.
3. **Compliance Guidelines.** Compliance Guidelines for Multi-Family Zoning Districts Under Section 3A of the Zoning Act as further revised or amended occasionally.
4. **EOHLC.** The Executive Office of Housing and Livable Communities of the Commonwealth of Massachusetts or any successor agency (formerly DHCD).
5. **MBTA.** Massachusetts Bay Transportation Authority.
6. **Section 3A.** Section 3A of the Zoning Act, Chapter 40A.
7. **Site Plan Review Authority.** The Site Plan Review Authority shall be the Planning Board, as designated by the Town of Grafton Zoning Bylaw for the issuance of Site Plan Approval.

8. **Special Permit Granting Authority.** The Special Permit Granting Authority shall be the Planning Board, as designated by the Town of Grafton Zoning Bylaw for the issuance of Special Permits (see Section 1 – Administration and Interpretation).
9. **Sub-district.** An area within the MCMOD that is geographically smaller than the MCMOD district and differentiated from the rest of the MCMOD district by use, dimensional standards, or development standards.
10. **Subsidized Housing Inventory (SHI).** A list of qualified Affordable Housing Units maintained by EOHLC used to measure a community's stock of low- or moderate-income housing for the purposes of M.G.L. Chapter 40B, the Comprehensive Permit Law.

#### 14.4. Permitted Uses

1. **Uses Permitted.** Permitted uses are all allowed uses in the underlying zoning district.
2. **Other Uses.** The MCMOD is an overlay district superimposed on underlying zoning districts and overlay districts. Except as specified herein, the underlying zoning shall remain in full force and effect. Notwithstanding anything to the contrary in this Zoning Bylaw, the approval of a multi-family use other than by special permit shall not be subject to limitations upon the issuance of building permits for residential uses related to a rate of development or phased growth limitation or to a local moratorium on the issuance of such permits, or to building permit or dwelling unit limitations, including but not limited to any rate of development limitations provided in the Zoning Bylaw.

#### 14.5. Dimensional Standards

1. Except as may be specified otherwise in this section, all dimensional standards of the underlying zoning shall apply.
2. **Exceptions: Renewable Energy Installations.** The Site Plan Review Authority or Special Permit Granting Authority may waive the height and setbacks in the underlying zoning to accommodate the installation of solar photovoltaic, solar thermal, living, and other eco-roofs, energy storage, and air-source heat pump equipment. Such installations shall not create a significant detriment to abutters in terms of noise or shadow and must be appropriately integrated into the architecture of the building and the layout of the site. The installations shall not provide additional habitable space within the development.

#### 14.6. Affordability Requirements

1. **Applicability.** This requirement applies to all residential and mixed-use developments with ten (10) [eight (8) if we're going with 20% affordable] or more dwelling units, whether new construction, substantial rehabilitation, expansion, reconstruction, or residential conversion (Applicable Projects). No project may be divided or phased to avoid the requirements of this section.
2. **Affordability requirements.** All units affordable to households earning 80% or less of the AMI created in MCMOD Sub-district 2 must be eligible for listing on EOHLC's Subsidized Housing Inventory.
3. **Provision of Affordable Housing.** In Applicable Projects, the minimum number of Affordable Units shall be the largest whole number that is not greater than 20% of the total number of units. The Affordable Units shall be available to households earning income up to eighty percent (80%) of the AMI.
4. **Administration.** The Building Inspector shall be responsible for administering and enforcing the requirements in this section.

#### 14.7. Severability.

If any provision of this Section 14 is found to be invalid by a court of competent jurisdiction, the remainder of Section 14 shall not be affected but shall remain in full force. The invalidity of any provision of this Section 14 shall not affect the validity of the remainder of the Town of Grafton Zoning bylaws.

Or take any other action relative thereto.

Submitted by: Planning Department

**ARTICLE 48:**

To see if the Town will vote to amend Section 13 – North Grafton Transit Village Overlay District (NGTVOD) of the Grafton Zoning Bylaw as detailed in the language below, and further to authorize non-substantive changes to the lettering, numbering and pagination of the Zoning Bylaw to be consistent with said Bylaw, (Additions will be **bolded**, deletions will be ~~struck through~~).

**13.1 Purpose**

It is the purpose of this Section to establish a North Grafton Transit Village Overlay District (NGTVOD) and to encourage smart growth in accordance with the purposes of G. L. Chapter 40R, and to foster a range of housing opportunities in **Sub-Districts A and B**, along with a mixed-use development component **in Sub-District A**, to be proposed in a distinctive and attractive site development program that promotes compact design, preservation of open space, and a variety of transportation options, including enhanced pedestrian access to employment and nearby transportation systems. Other objectives of this Section are to:

- 13.1.A** Promote the public health, safety, and welfare by encouraging diversity of housing opportunities;
- 13.1.B** Provide for a full range of housing choices for households of all incomes, ages, and sizes in order to meet the goal of preserving municipal character and diversity;
- 13.1.C** Increase the production of a range of housing units to meet existing and anticipated housing needs;
- 13.1.D** Provide a mechanism by which residential development can contribute directly to increasing the supply and diversity of housing;
- 13.1.E** Establish requirements, standards, and guidelines, and ensure predictable, fair and cost-effective development review and permitting;
- 13.1.F** Establish development standards to allow context-sensitive design and creative site planning;
- 13.1.G** Enable the Town to receive Zoning Incentive Payments and/or Density Bonus Payments in accordance with G. L. Chapter 40R, 760 CMR 59.06, and additional Chapter 70 aid in accordance with G.L. Chapter 40S arising from the development of housing in the North Grafton Transit Village Overlay District.

**13.2 Definitions**

For purposes of this Section, the following definitions shall apply. All capitalized terms shall be defined in accordance with the definitions established under the ~~Enabling~~ **Governing** Laws or this Section 13.2. To the extent that there is any conflict between the definitions set forth in this Section 13.2 and the ~~Enabling~~ **Governing** Laws, the terms of the ~~Enabling~~ **Governing** Laws shall govern.

**Applicant** – the individual or entity that submits a Project for Plan Approval.

**As-of-right As-of-right Project or Project** - means a Multifamily Use development or a Mixed Use development allowed under Section 13.6 without recourse to a special permit, variance, zoning amendment, or other form of zoning relief.

**Design Standards** - The document entitled NGTVOD Design Standards, submitted to ~~DHCD~~ EOHLC by the Town of Grafton, as may be amended in conformance with the provisions of Chapter 40R. Such Design Standards shall be applicable to all Projects within the NGTVOD that are subject to Plan Approval by the Plan Approval Authority.

~~DHCD EOHLC – The Department of Housing and Community Development~~ **Executive Office of Housing and Livable Communities** of the Commonwealth of Massachusetts or any successor agency.

**Enabling Governing Laws** - G.L. Chapter 40R and 760 CMR 59.00.

**Plan Approval**- standards and criteria which a Project in the NGTVOD must meet under the procedures established herein and in the ~~Enabling~~ **Governing Laws**.

**Subzone** – A Sub-District, as referred to in the **Governing Laws**

### **13.3 Overlay District**

#### **13.3.A Establishment.**

2. Sub-district B – ~~reserved~~ **Sub-district B contains land area of approximately 10.73 acres being Assessor’s Map 5, Lot 1H and a portion of Map 5, Lot 1I, that is superimposed over the underlying zoning district, as shown on the Zoning Map as set forth on the map entitled “North Grafton Transit Village Overlay District – Sub-district B,” dated June \*\*\*, 2023. This map is hereby made a part of the Zoning By-law, and shown on the map entitled “Town of Grafton – Zoning Map”, and is on file in the Office of the Town Clerk.**

### **13.5 Housing and Affordability**

**13.5.A Marketing Plan.** Prior to granting Plan Approval for housing within the NGTVOD, an Applicant for such approval must submit a narrative document and marketing plan that establishes that the proposed development of housing is appropriate for diverse populations, including households with children, other households, individuals, households including individuals with disabilities, and the elderly. These documents in combination, to be submitted with an application for Plan Approval pursuant to Section 13.7, below, shall include details about construction related to the provision, within the Project, of units that are accessible to the disabled. **In order to be eligible to receive building permits for the Project, the Applicant must demonstrate that ~~DHCD~~ EOHLC has approved the marketing plan, including the dispersal of the Affordable Housing units within the Project.**

**13.5.B Number of Affordable Housing Units.** For all Projects where the Affordable Units proposed are Homeownership Units, not less than twenty percent (20%) of the total housing units constructed in a Project shall be Affordable Housing. **In Sub-District A**, for all Projects where the Affordable Units proposed are Rental Units not less than twenty five percent (25%) of total housing units in any building containing rental units shall be Affordable Housing; provided, however, that 20% of such units may be affordable where restricted to households earning less than 50% of area median income. **In Sub-District B, for all Projects where the Affordable Units proposed are Rental Units not less than twenty percent (20%) of total housing units in any building containing rental units shall be Affordable Housing.** For purposes of calculating the number of units of Affordable Housing required within a Project, any fractional unit shall be deemed to constitute a whole unit.

**13.5.C Requirements.** Affordable Housing shall comply with the following requirements:

1. For an Affordable Rental Unit, the monthly rent payment, including utilities and parking, shall not exceed 30 percent of the maximum monthly income permissible for an Eligible Household, assuming

a family size equal to the number of bedrooms in the unit plus one, unless other affordable program rent limits approved by the ~~DHCD~~ EOHLC shall apply.

4. ~~The NGTVOD shall not include~~ **Nothing in this Section shall permit** the imposition of restrictions on age upon **a Project in the entire District unless proposed or agreed to voluntarily by the Applicant.** ~~but~~ **However, the PAA may, in its review of a submission under Section 6.3, allow a the development of specific Projects Project** within the NGTVOD may be exclusively for the elderly, persons with disabilities, or for assisted living, provided that any such Project shall be in compliance with all applicable federal, state and local fair housing laws and regulations.

**13.5.D Design and Construction.** Units of Affordable Housing shall be finished housing units. Units of Affordable Housing shall be dispersed throughout the development of which they are part, **across all buildings, floors and unit types, consistent with the Affordable Housing Restriction and Affirmative Fair Housing Marketing and Resident Selection Plan, as approved by ~~DHCD~~ EOHLC** ~~and~~. **The Affordable Housing units shall** be comparable in initial construction, quality and exterior design to other housing units in the development. The total number of bedrooms in the Affordable Housing shall be proportionate to the total number of bedrooms in all the units in the development of which the Affordable Housing is part.

**13.5.E Affordable Housing Restriction.**

2. the name and address of ~~an administering agency~~ **a Monitoring Agent** with a designation of its power to monitor and enforce the affordable housing restriction;

3. a description of the Affordable Homeownership Unit, if any, by address and number of bedrooms; and a description of the overall quantity and number of bedrooms and number of bedroom types of Affordable Rental Units in a Project or portion of a Project which are rental. Such restriction shall apply individually to the specifically identified Affordable Homeownership Unit and shall apply to a percentage of rental units of a rental **Project with the initially designated Affordable Rental Units identified and able to float, subject to specific approval by ~~DHCD~~ EOHLC, in accordance with the Project's affirmative fair housing marketing and residential selection plan and applicable EOHLC guidance.** ~~or the rental portion of a Project without specific unit identification.~~

7. designation of the priority of the Affordable Housing Restriction over other mortgages and restrictions, provided that a first mortgage of **an Affordable Homeownership Housing** Unit to a commercial lender in an amount less than maximum resale price may have priority over the Affordable Housing Restriction if required by then current practice of commercial mortgage lender;

8. a requirement that only an Eligible Household may reside in Affordable Housing and that notice of any lease or sublease of any unit of Affordable Housing shall be given to the ~~an administering agency~~ **a Monitoring Agent**;

9. provision for effective monitoring and enforcement of the terms and provisions of the **Affordable Housing Restriction** by the ~~an administering agency~~ **a Monitoring Agent**;

10. provision that the restriction on an Affordable Homeownership Unit shall run in favor of the ~~an administering agency~~ **a Monitoring Agent** and the Town, in a form approved by municipal counsel, and shall limit initial sale and resale to and occupancy by an Eligible Household;

11. provision that the restriction on Affordable Rental Units in a rental Project or rental portion of a Project shall run with the rental Project or rental portion of a Project and shall run in favor of the ~~an administering agency~~ **a Monitoring Agent** and the Town, in a form approved by municipal counsel, and shall limit rental and occupancy to an Eligible Household;

12. provision that the owner[s] or manager[s] of Affordable Rental Unit[s] shall file an annual report to the ~~an administering agency~~ **a Monitoring Agent**, in a form specified by that agency certifying compliance with the Affordability provisions of this Bylaw and containing such other information as may be reasonably requested in order to ensure affordability;

13. a requirement that residents in Affordable Housing provide such information as the ~~an administering agency~~ **a Monitoring Agent** may reasonably request in order to ensure affordability.

**13.5.F Administering Agency a Monitoring Agent.** A ~~an administering agency~~ **Monitoring Agent** which may be the Local Housing Authority, or other qualified housing entity (the “~~Administering Agency~~” “**Monitoring Agent**”) shall be designated by the PAA as the ~~Administering Agency~~ **Monitoring Agent** for all Projects in the NGTVOD. In a case where the ~~Administering Agency~~ **Monitoring Agent** cannot adequately carry out its administrative duties, upon certification of this fact by the PAA or by ~~DHCD~~ **EOHLC**, such duties shall devolve to and thereafter be administered by a qualified housing entity designated by the PAA or, in the absence of such timely designation, by an entity designated by the ~~DHCD~~ **EOHLC**. In any event, such ~~Administering Agency~~ **Monitoring Agent** shall ensure the following, both prior to issuance of a Building Permit for a Project within the NGTVOD, and on a continuing basis thereafter, as the case may be:

3. the housing marketing and resident selection plan conforms to all requirements, **has been approved by DHCD EOHLC** and is properly administered;

**13.5.G Housing Marketing and Selection Plan.** The housing marketing and selection plan shall make provision for payment by the Project ~~a~~**Applicant** of reasonable costs to the ~~Administering Agency~~ **Monitoring Agent** to develop, advertise, and maintain the list of Eligible Households and to monitor and enforce compliance with affordability requirements, as set forth in 13.5.G.

**13.5.H Phasing.** For any Project that is approved and developed in phases, the ~~portion~~ **percentage** of Affordable Housing Units **in each phase** and the ~~proportion of market rate units~~ shall be **at least equal to the minimum percentage of Affordable Housing required under Section 13.5.B.** ~~consistent across all phases.~~ **Where the percentage of Affordable Housing is not uniform across all phases, the unit dispersal and bedroom proportionality requirements under Section 13.5 shall be applied proportionate to the Affordable Housing provided for in each respective phase.**

**13.5.I Computation.** Prior to the granting of any Plan Approval of a Project, the ~~a~~**Applicant** must demonstrate, to the satisfaction of the ~~Administering Agency~~ **Monitoring Agent**, that the method by which such affordable rents or affordable purchase prices are computed shall be consistent with state or federal guidelines for affordability applicable to the Town.

### **13.6 Permitted and Prohibited Uses**

**13.6.A Permitted Uses.** The following uses are permitted as of right in the NGTVOD, provided that such uses permitted pursuant to Section 13 would not authorize development that, when the development potential of the remainder of the district is calculated, would preclude **Sub-District A** ~~the district as a whole~~ from accommodating at least 177 residential units, **or preclude Sub-District B from accommodating at least 233 residential units**, taking into account those eligible units completed or under construction and any remaining units allowed to be built, under ~~the NGTVOD regulations~~ **Section 13:**

#### **3. In Subzone B:**

- a. ~~reserved~~ **Multifamily Use with a density of as set forth in Section 13.10.B;**
- b. **leasing office;**
- c. **health club for residents only;**
- d. **customary accessory uses to principal multifamily use.**

### **13.7 Application for Plan Approval**

**13.7.A Pre-application.** Prior to the submittal of a site plan, a “Concept Plan” may be submitted to help guide the development of the definitive site plan for Project buildout and individual elements thereof. Such Concept Plan should reflect the following:

- a. Overall building envelope areas;
- b. Open space and natural resource areas;
- c. General site improvements, groupings of buildings, and proposed land uses.

The Concept Plan is intended to be used as a tool for both the **aApplicant** and the PAA to ensure that the proposed Project design will be consistent with the Design Standards and Guidelines and the other requirements of the NGTVOD, **provided all such requirements have been approved by ~~DHCD~~ EOHLIC and are on file with the Town Clerk.**

**13.7.B Application.** An application for Plan Approval shall be submitted to the PAA on the form provided by the PAA **and approved by ~~DHCD~~ EOHLIC.** An application shall show the proposed buildout of the entire Project, whether the Project will be phased or not.

**13.7.C Required Submittals.** The application for Plan Approval shall be accompanied by the following plans and documents:

4. A Site Plan prepared by a professional architect or registered professional engineer, at a scale of one-inch equals forty feet (1" = 40'), or at other scale as may be necessary to show all detail clearly and accurately. Sheet sizes shall not exceed twenty-four inches by thirty-six (24" x 36"), and shall not be less than eleven inches by seventeen inches (11" x 17"). If multiple sheets are used they shall be accompanied by an index sheet showing the entire parcel at an appropriate scale. The number of copies required for a complete application shall be identified on the **Aapplication** form as approved by the PAA **and ~~DHCD~~ EOHLIC.** The Plan shall include the following information:

i. Title Block containing: name of the **Project; Applicant;** property owner; property address and Assessor's Map/Lot number; date (with revisions); name, address and phone number, and the signature and seal of the professional architect or engineer preparing the plan;

## **13.8 Procedures**

**13.8.A Filing.** An **aApplicant** for Plan Approval shall file the application and all required submittals with the Town Clerk and shall also file forthwith 20 copies of the application and the other required submittals with the PAA including notice of the date of filing with the Town Clerk.

**13.8.B Circulation to Other Boards.** Upon receipt of the **Aapplication**, the PAA shall immediately provide a copy of the application materials to the Board of Selectmen, Zoning Board of Appeals, Board of Health, Housing Authority, Planning Board, Conservation Commission, Fire Department, Police Department, Building Commissioner, Department of Public Works, Affordable Housing Trust, Sewer Department, South Grafton Water District, and other municipal officers, agencies or boards designated by the PAA for comment, and any such board, agency or officer shall provide any written comments within 60 days of its receipt of a copy of the plan and application for approval.

**13.8.C Hearing.** The PAA shall hold a public hearing for which notice has been given as provided in Section 11 of G.L. Chapter 40A. The decision of the PAA shall be made, and a written notice of the decision filed with the Town Clerk, within 120 days of the receipt of the application by the Town Clerk. The required time limits for such action may be extended by written agreement between the **aApplicant** and the PAA, with a copy of such agreement being filed in the office of the Town Clerk. Failure of the PAA to take action within said 120 days or extended time, if applicable, shall be deemed to be an approval of the application and site plan.

**13.8.D Peer Review.** In addition to the application fee, the applicant shall be required to pay for reasonable consulting fees to provide peer review of the Plan Approval application, pursuant to G.L. c. 40R, s. 11. This technical review fee shall be paid at the time of the application. The initial deposit

shall be \$10,000 and shall be subject to replenishment as needed. Such fees shall be held by the Town in a separate account and used only for expenses associated with the review of the application by outside consultants, including, but not limited to, attorneys, engineers, urban designers, housing consultants, planners, and others. Any surplus remaining after the completion of such review, including any interest accrued, shall be returned to the **aApplicant**. See Section 13.5.I.

**13.10 Dimensional and Density Requirements**

**13.10.B Subzone Density Requirements.** The following density shall be allowed as of right in the NGTVOD :

Subzone A:..... minimum of 20 dwelling units per developable acre for multifamily units.

Subzone B:..... ~~reserved~~ **minimum of 20 dwelling units per developable acre for multifamily units and a maximum of 26 dwelling units per developable acre.**

**13.11 Parking Requirements**

**13.11.A General.** Notwithstanding anything to the contrary in this Zoning By-law, the parking requirements applicable in the NGTVOD are as follows:

Residential Use: ..... **a minimum of 1.5 and a maximum of 1.8** parking spaces per dwelling unit

Nonresidential Use:..... **a minimum of 1 and a maximum of 2** parking space per 300 sq. ft. of nonresidential space

**13.11.B Shared Parking.** The use of shared parking to ~~address~~ **fulfill** parking demands —~~noted above~~— that occur at different times of day is strongly encouraged. Minimum parking requirements above may be reduced by the PAA if the **aApplicant** can demonstrate that shared spaces will meet parking demands by using accepted methodologies (e.g., the Urban Land Institute Shared Parking Report, ITE Shared Parking Guidelines, or other approved studies).

**13.13 Design Standards**

**13.13.A General.** In order to ensure quality development within the NGTVOD and to ensure design that respects the built and natural character of the Town, the Design Standards, approved by ~~DHCD~~ **EOHLC**, a copy of which shall be filed with the Town Clerk, shall be applicable to all Projects subject to Plan Approval within the NGTVOD. In addition to the standards set forth in this Bylaw, the physical character of Projects within the NGTVOD shall comply with such standards, as may be amended in conformance with the requirements of Chapter 40R.

**13.14 Decision**

**13.14.B Plan Review.** An **Aapplication** for Plan Approval shall be reviewed for consistency with the purpose and intent of this Section, and such Plan Review and shall be construed as an **aAs-of-right** review and approval process as required by and in accordance with the ~~Enabling~~ **Governing** Laws.

**13.14.C Plan Approval.** Plan Approval shall be granted where the PAA finds that:

1. the **aApplicant** has submitted the required fees and information as set forth herein; and
2. the Project and site plan meet the requirements and standards set forth this Section 13, or a waiver has been granted there from; and
3. extraordinary adverse potential impacts of the Project on nearby properties have been adequately mitigated by means of suitable conditions.

**13.14.D Plan Disapproval.** A site plan may be disapproved only where the PAA finds that:



1. the **aApplicant** has not submitted the required fees and information as set forth herein; or
2. the Project and site plan do not meet the requirements and standards set forth this Section 13 or the PAA Design Standards, or a waiver has not been granted therefrom; or
3. it is not possible to adequately mitigate significant adverse Project impacts on nearby properties by means of suitable conditions.

**13.14.E Form of Decision.** All decisions of the PAA shall be by supermajority vote of the members. The PAA shall issue to the **aApplicant** a copy of its decision containing the name and address of the owner, identifying the land affected, and the plans that were the subject of the decision, and certifying that a copy of the decision has been filed with the Town Clerk and that all plans referred to in the decision are on file with the PAA. If twenty (20) days have elapsed after the decision has been filed in the office of the Town Clerk without an appeal having been filed or if such appeal, having been filed, is dismissed or denied, the Town Clerk shall so certify on a copy of the decision. A copy of the decision shall be provided to the Inspector of Buildings/ Zoning Enforcement Officer. A copy of the decision or application bearing such certification shall be recorded in the registry of deeds for the county and district in which the land is located and indexed in the grantor index under the name of the owner of record or recorded and noted on the owner's certificate of title. The fee for recording or registering shall be paid by the **aApplicant**.

### **13.15 Change in Plans After Approval by PAA**

**13.15.A Minor Change.** After Plan Approval, an **aApplicant** may be **apply applied** to make minor changes involving minor utility or building orientation adjustments, or minor adjustments to parking or other site details that do not affect the overall buildout or building envelope of the site, or provision of open space, number of housing units, or housing need or affordability features. Such minor changes must be submitted to the PAA on redlined prints of the approved plan, reflecting the proposed change, and on application forms provided by the PAA. The PAA may authorize such changes at any regularly scheduled meeting, without the need to hold a public hearing. The PAA shall set forth any decision by simple majority to approve or deny such minor change by motion and written decision, and provide a copy to the **aApplicant** for filing with the Town Clerk. A copy of the decision shall be provided to the Inspector of Buildings/ Zoning Enforcement Officer.

### **13.16 Enforcement; Appeal**

The provisions of the NGTVOD shall be administered by the Inspector of Buildings/ Zoning Enforcement Officer, except as otherwise provided herein. Any appeal arising out of action by the PAA regarding an application for Plan Approval shall be governed by the applicable provisions of G. L. c. 40R. Any other request for enforcement or appeal arising under this Section shall be governed by the applicable provisions of G. L. c. 40A.

Or take any other action relative thereto.

Submitted by: Planning Department

### **ARTICLE 49:**

To see if the Town will vote to amend Appendix A – 3.2.3.1 – Use Regulation Schedule, of the Grafton Zoning Bylaw by adding bullet “a)” under Business Uses #6 as detailed in the language below, and further to authorize non-substantive changes to the lettering, numbering and pagination of the Zoning Bylaw to be consistent with said Bylaw,

a) Establishments selling food prepared for seasonal outdoor consumption where customers are served primarily at a table or counter	S	N	N	S	P	P	S	S	S	S	S	S	S	---
-------------------------------------------------------------------------------------------------------------------------------------	---	---	---	---	---	---	---	---	---	---	---	---	---	-----

Or take any other action relative thereto.

Submitted by: Planning Department

**ARTICLE 50:**

To see if the Town will vote to amend Section 5.10.2 – Definitions, of the Grafton Zoning Bylaw as detailed in the language below, and further to authorize non-substantive changes to the lettering, numbering and pagination of the Zoning Bylaw to be consistent with said Bylaw, or take any other action relative thereto. (Additions will be **bolded**, deletions will be ~~struck through~~).

Marijuana Retailer (MR): an entity licensed to purchase, **repackage, white label**, and transport ~~cannabis~~ **marijuana** or marijuana product from Marijuana Establishments and to ~~sell~~ **transfer** or otherwise transfer this product to Marijuana Establishments and to **sell to** consumers. **Unless licensed, retailers are prohibited from offering Marijuana or Marijuana Products for the purposes of on-site social consumption on the premises of a Marijuana Establishment.** (TM 10-17-22)

Off-Site Medical Marijuana Dispensary (OMMD) – A Registered Marijuana Dispensary that is located off-site from the cultivation/processing facility (and controlled and operated by the same registered and approved ~~not for profit~~ entity which operates an affiliated RMD) but which serves only to dispense the processed marijuana, related supplies, and educational materials to registered qualifying patients or their personal caregivers in accordance with the provisions of 935 CMR 501.000. (TM 10-17-22)

Or take any other action relative thereto.

Submitted by: Planning Department

**ARTICLE 51:**

To see if the Town will vote to amend Section 3.2.3.2 – Intensity of Use Schedule, of the Grafton Zoning Bylaw as detailed in the language below, and further to authorize non-substantive changes to the lettering, numbering and pagination of the Zoning Bylaw to be consistent with said Bylaw, or take any other action relative thereto. (Additions will be **bolded**, deletions will be ~~struck through~~).

**3.2.3.2 – Intensity of Use Schedule**

	Minimum	Minimum	Minimum Yards	Maximum	Maximum
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Zoning District	Area (Sq. Ft.)	Frontage/ Lot Width (Ft)	Front (Feet)	Side (Feet)	Rear (Feet)	Building Coverage (% of Lot)	Building Height (Ft)
Agricultural (A)	80,000 <sup>1</sup>	200 <sup>3</sup>	30	1510	1510	25	35
	40,000 <sup>2</sup>	140 <sup>4</sup>	30	1510	1510	30	35
Low Density Residential (R-40)	40,000	140 <sup>4</sup>	30	1510	1510	30	35
Medium Density Residential (R-20)	20,000	125 <sup>5</sup>	30	1510	1510	30	35
Multiple Family Residential (R-MF)	44,000	150 <sup>6</sup>	35	3010	5010	40	40
Neighborhood Business (NB)	20,000	100 <sup>7</sup>	40	1510	1510	30	35
Community Business (CB)	40,000	140	40	1510	1510	30	35
Office/Light Industrial (OLI)	40,000	120 <sup>5</sup>	40	35 <sup>8</sup> 10	35 <sup>8</sup> 10	40	35
Industrial (I)	40,000	120 <sup>5</sup>	40	35 <sup>8</sup> 10	35 <sup>8,1</sup> 10	40	35
Flood Plain (FP)						- As Governed in Section 6 -	
Campus Development Overlay (CDO)						- As Governed in Section 9 -	
Fisherville Smart Growth Overlay District (FSGOD)						- As Governed in Section 10 -	
Chapter 43D Priority Development Overlay District (PDSOD)						- As Governed in Section 11 -	
Village and Neighborhood Mixed Use (VMU)						- As Governed in Section 12 -	
North Grafton Transit Village Overlay District (NGTVOD)						-As Governed in Section 13	

<sup>1</sup> 80,000 sq.-ft. minimum lots required in unsewered areas.

<sup>2</sup> In areas connected to and serviced by sewers in accordance with Sewer regulations.

<sup>3</sup> Except that the frontage may be 120 feet when the frontage is located on the turnaround of a cul-de-sac.

<sup>4</sup> Except that the frontage may be 90 feet when the frontage is located on the turnaround of a cul-de-sac.

<sup>5</sup> Except that the frontage may be 80 feet when the frontage is located on the turnaround of a cul-de-sac.

<sup>6</sup> Except that the frontage may be 100 feet when the frontage is located on the turnaround of a cul-de-sac.

<sup>7</sup> Except that the frontage may be 70 feet when the frontage is located on the turnaround of a cul-de-sac.

<sup>8</sup> Side and rear yards shall each be at least one hundred (100) feet when abutting any residential or agricultural district.

<sup>9</sup> In any district no building except roadside stands shall be placed nearer to the exterior line of any street than the distance specified as the minimum front yard for that district in the Intensity Use Schedule.

**10 Reduce to 5 feet for side and rear setbacks for accessory structures to one and two-family principal uses, that do not occupy more than 200 sq. ft.**

Or take any other action relative thereto.

Submitted by: Planning Department

**ARTICLE 52:**

To see if the Town will vote to amend Section 2.1- Uses and Structures of the Grafton Zoning Bylaw by adding the following text after the entry titled “Tool Shed”

**Tractor-Trailer: a transport vehicle consisting of a tractor or semi-tractor with or without an attached trailer/trailer units.**

And to further authorize non-substantive changes to the number, lettering, and pagination of said bylaw, or take any other action relative thereto.

Submitted by: Zoning Board of Appeals

**ARTICLE 53:**

To see if the Town will vote to enter into a Tax Increment Financing (TIF) Agreement, with Feedback Earth, Inc., as negotiated by the TIF Committee for the Town of Grafton (a copy of which is on file at the Town Administrator’s Office), or take any other action relative thereto.

Submitted by: Town Administrator/TIF Committee

**ARTICLE 54:**

To see if the Town will vote to appropriate Seventy-Four Thousand One Hundred Fourteen Dollars (\$74,114.00) from the FY2024 Budgeted Reserve to restore and preserve the Grafton Public Library Cupola with such funds to be expended by June 30, 2025 unless the Community Preservation Committee by majority vote extends the deadline, or take any other action relative thereto.

Submitted by: Community Preservation Committee

**ARTICLE 55:**

To see if the Town will vote to transfer and appropriate Twenty-Five Thousand Dollars (\$25,000.00) from each of the following accounts, the Fairview Cemetery Perpetual Care Account, the Riverside Cemetery Perpetual Care Account, and the Pinegrove Cemetery Perpetual Care Account, for a total of Seventy-Five Thousand Dollars (\$75,000.00), for the purpose of funding cemetery roadway repairs, or take any other action relative thereto.

Submitted by: Parks and Cemetery Department

**ARTICLE 56:**

To see if the Town will vote to transfer and appropriate Eighty-Eight Thousand Seven Hundred and Sixty-Eight Dollars (\$88,768.00) from Free Cash to Engine 1 Replacement Capital Account for the purpose of funding the purchase of a Fire Truck, or take any other action relative thereto.

Submitted by: Finance Director

**ARTICLE 57:**

To see if the Town will vote to transfer and appropriate a sum of money from Free Cash to the Opioid Settlement Fund, or take any other action relative thereto.

Submitted by: Finance Director

**ARTICLE 58:**

To see if the Town will vote to transfer and appropriate Thirty-Two Thousand Five Hundred Dollars (\$32,500.00) from Free Cash to the DE&I Audit Capital Account, or take any other action relative thereto.

Submitted by: Town Administrator

**ARTICLE 59:**

To see if the Town will vote to remove property owned by the Town of Grafton at 15 Powerline Drive (book 11125, Page 258) from Article 97 Conservation, or take any other action relative thereto.

Submitted by: Select Board

**ARTICLE 60:**

To see if the Town will authorize the Select Board to enter into a long term written lease with the Grafton Water District, with options to extend for a period not to exceed 30 years for the purposes of constructing a water treatment facility and associated equipment and materials on a portion of the property owned by the Town of Grafton located off of Powerline Drive in Grafton (book 11125, Page 258); the written lease to include terms, conditions and limitations as the Select Board deems necessary and proper, or take any action relative thereto.

Submitted by: Select Board

**ARTICLE 61:**

To see if the Town will vote to transfer the sum of \$50,000.00 from Sewer Retained Earnings Account to account entitled "Sewer Overflow Repair" or to take any action relative thereto.

Submitted by: Board of Sewer Commissioners

**ARTICLE 62:**

To see if the Town will vote to transfer the sum of \$150,000.00 from Sewer Retained Earnings Account to the account entitled "O&M Emergency" or to take any action relative thereto.

Submitted by: Board of Sewer Commissioners

**ARTICLE 63:**

To see if the Town will vote to authorize the Select Board to negotiate with property owners the acquisition by gift, purchase, or Eminent Domain, of certain temporary and permanent easements to

real property abutting Waterville Circle that are necessary for making Waterville Circle a public way, or take any other action relative thereto.

Submitted by: Department of Public Works

**ARTICLE 64:**

To see if the Town will vote to authorize the Select Board to negotiate with property owners the acquisition by gift, purchase, or Eminent Domain, of certain temporary and permanent easements to real property abutting Joncas Terrace, that are necessary for making Joncas Terrace a public way, or take any other action relative thereto.

Submitted by: Department of Public Works

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

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

Given under our hands the \_\_\_\_\_ day of September in the year of our Lord Two Thousand Twenty-three.

\_\_\_\_\_  
Mathew Often, Chair

\_\_\_\_\_  
Andrew Jefferson, Vice Chair

\_\_\_\_\_  
Ann Marie Foley, Clerk

\_\_\_\_\_  
Mark Alimo

\_\_\_\_\_  
Raymond Mead

A TRUE COPY,  
ATTEST:

September , 2023

I have complied with the requirements of the above Warrant and with the Town of Grafton By-laws by posting an attested copy of the Warrant in some conspicuous place in each of the precincts of the Town on the above date.

\_\_\_\_\_  
Constable of Grafton