

To either of the Constables of the Town of Dedham in said County: You are hereby required in the name of the Commonwealth aforesaid to notify and warn the inhabitants of said Town of Dedham qualified to vote in Town affairs to meet at the Dedham High School Auditorium located at 140 Whiting Avenue in said Town, for the 2015 Fall Annual Town Meeting in said town on the third Monday in November (it being the sixteenth day of said month) AD 2015, at seven o'clock in the evening, then and there to act on the following articles, namely:

**ARTICLE ONE:** *By the Finance Committee:* To see what sum of money the Town will vote to raise and appropriate, or transfer from available funds to meet additional expenses of the current fiscal year not adequately funded under Article Three of the 2015 Spring Town Meeting (FY'16) or any other article thereof; or to take any other action relative thereto. *Referred to Finance and Warrant Committee for study and report.*

**ARTICLE TWO:** *By the Board of Selectmen:* To see if the Town will vote to adopt changes in Schedule A (Classification Schedule), or Schedule B (Compensation Schedule), or Schedule C (Fringe Benefits) of the Personnel Wage and Salary Administration Plan; to act upon the recommendations of the Town Administrator as to actions he deems advisable and necessary in order to maintain a fair and equitable pay level and compensation policy; to implement collective bargaining agreements for the following:

1. Dedham Police Patrolman's Association, Massachusetts Coalition of Police, Local #448, AFL-CIO

and, in connection therewith, to transfer from available funds, including the collective bargaining reserve appropriated at the May 18, 2015 Annual Town Meeting to fund the cost items of the first fiscal year of such agreement, or take any other action relative thereto. *Referred to Finance & Warrant Committee for study and report.*

**ARTICLE THREE:** *By the School Committee.* To see if the Town will vote to appropriate, borrow or transfer from available funds, an amount of money to be expended under the direction of the School Building Rehabilitation Committee for the for the schematic design phase of relocating the Early Childhood Education Center (the "ECEC") from its current location at 322 Sprague Street, Dedham, MA, to the Dexter Elementary School site at 1100 High Street in Dedham, Massachusetts, which may be eligible for a grant from the Massachusetts School Building Authority. The MSBA's grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and any costs the Town incurs in connection with the schematic design phase in excess of any grant approved by and received from the MSBA shall be the sole responsibility of the

Town, or take any other action relative thereto. *Referred to Finance Committee for study and report.*

**ARTICLE FOUR:** *By the Town Manager at the request of the Director of Finance:* To see what sum of money the Town will vote to raise, appropriate, or transfer from available funds for payment of outstanding bills of prior years, or take any other action relative thereto. *Referred to Finance & Warrant Committee for study and report.*

**ARTICLE FIVE:** *By the Town Manager at the request of the Fire Chief.* To see if the Town will vote to raise and appropriate, transfer or borrow a sum of money for the purposes of purchasing and equipping a new Aerial Ladder Truck, or take any other action relative thereto. *Referred to Finance & Warrant Committee for study and report.*

**ARTICLE SIX:** *By Trust Fund Commissioner Brian M.B. Keaney, Board of Health Member Jason Brogan, Town Meeting Representatives Joe Heisler, Theresa Heisler, Charlie Krueger, Ann Geier, Rita Mae Cushman, and Jamie Brogan.* To see if the Town will vote to create a Town committee to be known as the Mother Brook 375th Anniversary Committee to be composed of two members of the Mother Brook Community Group, appointed by the board of the Community Group, the executive director of the Dedham Historical Society or her designee, the executive director of the Mother Brook Arts and Community Center, or her designee, and three at-large members appointed by the Selectmen; the committee shall be charged with planning appropriate events, markers, and memorials to commemorate the opening of Mother Brook on July 14, 1641, in consultation with the Board of Selectmen and Town Manager; and further, to see what sum of money the Town will vote to raise and appropriate, transfer from available funds, or borrow for the purposes set forth herein, or take any other action relative thereto. *Referred to Finance & Warrant Committee for study and report.*

**ARTICLE SEVEN:** *By the Planning Board at the request of the East Dedham Revitalization Committee.* To see if the Town will vote to amend the zoning district designation of the below- listed parcels to Central Business, and amend the Zoning Map of the Town of Dedham accordingly, as follows:

From: General Business -

Map 96 - Parcels 5,6,7,8,9,10,11,12;  
27,28,29,30,31,32,33;104,105;

Map 112, Parcels 107,108,109,144, 146;

Map 113, Parcels 70, 71; 73;

From: General Residence - Map 96 - Parcels 38; 110; 114;  
Map 112 - Parcel 152;  
Map 113 – Parcel 24A;

From Single Residence B - Map 96, Parcels 90, 91, 92; 109; 111;

From Limited Manufacturing A - Map 96, Parcels 99; 103; 108;  
Map 113, Parcel 37;

From zoning district designation split between General Business/Limited Manufacturing A –

Map 96, Parcel 113; and

From zoning district designation split between General Residence/General Business -

Map 113, Parcels 66, 68.

The zoning map changes for said parcels are shown on a map prepared by the Town of Dedham Geographic Information (GIS) and available for review in the Office of the Town Clerk, or take any other action relative thereto. *Referred to Planning Board and Finance & Warrant Committee for study and report.*

**ARTICLE EIGHT:** *By the Planning Board at the request of the East Dedham Revitalization Committee.* To see if the Town will vote to amend the zoning district designation of the below-listed parcels to Single Residence B, and amend the Zoning Map of the Town of Dedham accordingly, as follows:

From Limited Manufacturing A - Map 97, Parcel 3, 4; 97;

From zoning district designation split between General Residence/Limited Manufacturing A -

Map 114, Parcel 14A.

The zoning map changes for said parcels are shown on a map prepared by the Town of Dedham Geographic Information (GIS) and available for review in the Office of the Town Clerk, or take any other action relative thereto. *Referred to Planning Board and Finance & Warrant Committee for study and report.*

**ARTICLE NINE:** *By Trust Fund Commissioner Brian M.B. Keaney.* To see if the Town will vote to strike Section 85-25 of the By-Laws, or take any other action relative thereto. *Referred to By Law Review Committee and Finance & Warrant Committee for study and report.*

**ARTICLE TEN:** *By Trust Fund Commissioner Brian M.B. Keaney, Board of Health Member Jason Brogan, Town Meeting Representatives Charlie Krueger, Ann Geier, Rita Mae Cushman, Jamie Brogan, Joe Heisler and Theresa Heisler.* To see if the Town will vote to amend the By-Laws by adding the following new chapter, and to further authorize the Town Clerk to identify and assign an appropriate number for said By-Law.

**Section \_\_\_\_--1**

Unless specifically indicated otherwise, these definitions shall apply and control in these sections.

- a. Business establishment includes but is not limited to a grocery store, supermarket, drugstore, pharmacy, dry goods store, department store, discount store, variety store, or other retail establishment which supplies ten (10) or more Shopping Carts for the use of its customers.
- b. Owner means the owner of a business establishment if it is owner-operated or the manager of a business establishment if it is not owner-operated.
- c. Parking lot means any parcel of land owned, leased, or otherwise under the direction and control of the owner and used for parking motor vehicles related to the daily operations of the business establishment and shall include the areas of ingress and egress.
- d. Permanent identity tag means a tag, label, plate, or other form of identification that is affixed to a shopping cart and is designed to be removed/removable only by the business establishment. The permanent identity tag shall state the name of the business establishment, the address of the business establishment, and the telephone number of the business establishment. The name, address, and telephone number on the permanent identity tag shall be of the neighborhood business establishment rather than a state, regional, or national headquarters.
- e. Shopping cart or cart includes but is not limited to that type of mobile vehicle used for transportation and portage by human propulsion of goods or merchandise in and about markets, stores, shops, shopping centers, malls, and other business establishments.

**Section \_\_\_\_--2**

- a. Each and every shopping cart utilized by a business establishment shall have affixed thereto a permanent identity tag. A first violation of this section shall

be subject to a warning, and each subsequent violation of this section shall be subject to a fine of twenty dollars and no cents (\$20.00). Each cart not in compliance with this subsection shall be considered a separate violation.

b. Each and every business establishments shall implement and maintain a system to retain all shopping carts within the property boundaries of the business establishment including its parking lot. The business establishment shall provide signage in a conspicuous location on the premises which clearly notifies shopping cart users of the specific retention system in place and how the retention system operates.

c. Each method included in this subsection shall be considered to be an example of an on-site retention method complying with these sections. If the business establishment has a method for retention that is not delineated as an example herein, then an owner may submit a plan to the Code Enforcement Officer that satisfies the intent of these sections to retain shopping carts on the premises of the business establishment and/or its parking lot or to ensure the immediate retrieval of shopping carts outside of the business establishment and/or its parking lot; no plan submitted by an owner to the Code Enforcement Officer shall be valid until approved in writing by the Code Enforcement Officer. Examples of methods and/or plans are as follows:

1. A physical barrier, such as bollards, restricting shopping carts to a portion of the exterior of the business establishment, but physical barriers shall not interfere with fire lanes, handicap access, or similar building features;

2. A protruding vertical arm, or other similar or similarly-functioning device, attached to the cart which prevents the cart from being removed from the interior of the business establishment;

3. A system, which may be mechanical in nature, requiring the cart user to remit collateral, including but not limited to a returnable monetary deposit to use a shopping cart; the collateral shall be reasonable in scope and shall not unreasonably deter the use of the cart but instead encourages the user's return of the cart; the collateral shall be returned to the user upon the user's return of the cart;

4. A wheel-locking mechanism installed on the cart that is commonly used in conjunction with an electronic barrier along the perimeter of a business establishment and which mechanism is activated upon the cart's approach or passing through the electronic barrier;

5. An attendant or attendants whose sole responsibility is to manage and/or return the business establishment's shopping carts from the exterior premises of the business establishment and areas immediately adjacent thereto to the interior premises of the business establishment or another exterior area of the business establishment dedicated to the containment of shopping carts.

6. Other similar methods or plans submitted by an owner for the approval of the Code Enforcement Officer which would satisfy the intent of these sections to retain shopping carts on the premises of the business establishment and/or its parking lot or to ensure the immediate retrieval of shopping carts outside of the business establishment and/or its parking lot.

d. No business establishment shall allow shopping carts to congregate or "stack up" in such a manner as to impede ingress to or egress from the business establishment or any public or private way adjacent to the business establishment.

e. Prior to the close of each business day, every business establishment shall collect and secure its shopping carts on its premises, including its parking lot. This action shall be commenced no sooner than fifteen (15) minutes prior to the close of each business day.

### **Section \_\_\_--3**

a. Any unattended shopping cart found outside the perimeter of a business establishment or its parking lot may be removed and impounded by the Department of Public Works, the Code Enforcement Officer, or an agent thereof. The enforcement personnel removing the cart shall make a written report that identifies himself/herself as well as the date, time, and location of the cart at the time of the removal; this report may take the form of a tag attached to the cart; a copy of the report shall be immediately forwarded to the Code Enforcement Officer.

b. Within a reasonable time but not more than three (3) business days after removal, the Code Enforcement Officer shall notify the owner of the removed cart using the information provided on the permanent identity tag attached pursuant to Section \_\_\_-1(a). If the cart does not have a permanent identity tag then the Code Enforcement Officer may attempt to notify the owner of the removed cart if the identity of the owner is known or reasonably discernible. Any notification of removed and impounded shopping carts shall be made in writing and shall include the date of removal, the location of removal, and the process for the owner's retrieval of the cart.

c. Any cart that does not have the permanent identity tag attached pursuant to Section \_\_\_-1(a) and which is removed pursuant to these sections is deemed to be abandoned property and the Code Enforcement Officer may sell any such cart at public auction and the proceeds shall inure to the Town of Dedham, or destroy or otherwise dispose of any such cart.

d. No person shall remove a shopping cart from a business establishment without the express written authorization of the business establishment. Any person that removes a shopping cart from a business establishment without the express written authorization of the business establishment, although subject to the criminal penalties in M.G.L. c. 266, s. 30A, shall also be subject to a civil fine in the amount of fifty dollars and no cents (\$50.00). The Dedham Police Department shall have non-exclusive authority to enforce this subsection.

#### **Section \_\_\_--4**

a. An owner or an owner's agent may retrieve a shopping cart removed pursuant to Section \_\_\_-3 by appearing during normal business hours at the location in the notice required under Section \_\_\_-1 and by paying (i) a fee for the removal of the carts in the amount of twenty dollars and no cents (\$20.00) for each of the first three (3) carts and forty dollars and no cents (\$40.00) for each additional cart thereafter and (ii) a fee for the storage of the cart(s) in the amount of five dollars and no cents (\$5.00) per cart per day.

b. The obligation of the Code Enforcement Officer to release a shopping cart continues only as follows:

1. If no hearing in accordance with Section \_\_\_--6 has been timely and properly requested and the cart has not been retrieved then the obligation of the Code Enforcement Officer extends only thirty (30) calendar days after notice of removal has been mailed;

2. If a hearing in accordance with Section \_\_\_--6 has been timely and properly requested then the obligation of the Code Enforcement Officer extends only fifteen (15) calendar days after a notice of decision of the Code Enforcement Officer has been made in accordance with Section \_\_\_--6.

c. Any shopping cart that has not been retrieved by an owner within the time periods contained in this section shall be deemed to be permanently abandoned, and the Code Enforcement Officer may, in said Officer's sole discretion, (i) continue to release such carts to the owner in accordance with Section \_\_\_--4(a), (ii) sell such carts at public auction and the proceeds shall inure to the Town of Dedham, or (iii) destroy or otherwise dispose of such carts.

d. An owner that does not retrieve a cart and that has not petitioned for a hearing may be subject to additional fines and/or fees which may include a fee to dispose of the cart of forty dollars (\$40.00).

#### **Section \_\_\_\_--5**

Unless otherwise specified in these sections, a violation of this chapter shall be subject to the issuance of a warning for a first offense, a fine of twenty-five dollars and no cents (\$25.00) for a second offense, and a fine of fifty dollars and no cents (\$50.00) for any third or subsequent offense. Any fines and/or fees that remain unpaid by an owner for more than twelve (12) months may become liens against the real estate of the business establishment. The provisions of M.G.L. c. 40, s. 21D may be used to enforce these sections.

#### **Section \_\_\_\_--6**

a. An owner who has incurred a shopping cart-related warning and/or fee under this chapter may obtain a hearing regarding the propriety of the warning and/or fee by making a written petition to the Code Enforcement Officer for a hearing within fifteen (15) calendar days of receipt of the notice of removal pursuant to Section \_\_\_\_--3(b). The Code Enforcement Officer shall provide written notice to the owner of the date, time, and location of the hearing, and the hearing shall be held within thirty (30) calendar days from the date of the hearing request.

b. The Code Enforcement Officer shall act as the Hearing Officer and the decision resulting therefrom shall be final and subject only to judicial review under M.G.L. c. 30A, s. 14.

c. The Code Enforcement Officer shall notify the owner of the decision in writing within thirty (30) calendar days of the hearing.

d. Proceedings for review of the decision of the Code Enforcement Officer may be instituted in any court of competent jurisdiction within the Commonwealth of Massachusetts within thirty (30) calendar days of the date of the notice of decision of said Officer. The commencement of an action shall not operate as a stay of enforcement of said Officer's decision, but the Code Enforcement Officer, at his/her discretion, may stay enforcement; the reviewing court may order a stay upon such terms as it considers proper as prescribed by M.G.L. c. 30A, s. 14.

#### **Section \_\_\_\_--7**

The Code Enforcement Officer and the Director of Public Works may withhold the issuance of any permit if the applicant therefor is an owner, or is acting on



behalf of an owner, of a business establishment that has an uncorrected violation and/or amounts due for an unpaid fine or an unpaid fee.

**Section \_\_\_\_--8**

In their efforts to enforce the provisions of these sections, nothing in these sections shall be construed to prohibit, encumber, or impede the Department of Public Works or Code Enforcement Officer from reporting a discovery of stolen property to the Dedham Police Department.

**Section \_\_\_\_--9**

The Code Enforcement Officer and/or the Director of Public Works shall have the authority to promulgate rules and regulations necessary to implement and enforce these sections.

or take any other action relative thereto. *Referred to By Law Review Committee and Finance & Warrant Committee for study and report.*

**ARTICLE ELEVEN:** *By Trust Fund Commissioner Brian M.B. Keaney.* To see if the Town will vote to strike the chart in section 106-3 (B) of the By-Laws and to replace it with the following:

Number of False Alarms	Fine
1-3	No penalty - Warning
4-6	\$50 per alarm
7-10	\$100 per alarm
11 or more	\$300 per alarm

or take any other action relative thereto. *Referred to By Law Review Committee and Finance & Warrant Committee for study and report.*

**ARTICLE TWELVE:** *By the By Law Review Committee at the request of the Finance and Warrant Committee.* To see if the Town will vote to amend the By-Laws by adding the following new section:

**ARTICLE IX School Building Rehabilitation Committee  
12-33 – PURPOSE**

The purpose of this by-law is to provide a permanent School Building and Rehabilitation Committee (“SBRC”) that shall have continuing responsibility to direct engineering and architectural studies to determine the current physical condition of the Town School Department buildings and to make

recommendations to the Town relative to proposed rehabilitation, expansion and/or new construction projects.

#### **12-34 – ESTABLISHMENT**

There shall hereby be established a SBRC, which shall oversee and supervise the design, construction, reconstruction, major alteration, renovation, enlargement, major maintenance, demolition, and removal of Town School Department buildings as provided in this by-law.

#### **12-35 – COMMITTEE MEMBERSHIP**

1. Voting Members. The SBRC shall be comprised of seven (7) members, or where specified, their designees, all of whom shall be registered voters of the Town of Dedham, and all serving on the SBRC without compensation, as follows:

- a. Two (2) School Committee members, or designees
- b. One (1) Board of Selectmen member, or designee
- c. One (1) Finance and Warrant Committee member, or designee
- d. Three (3) Members-at-Large appointed by Town Moderator, whose appointments shall be made consistent with the appointment goals identified in 963 CMR 2.10(3) (b) and (e) to provide a broad range of expertise and perspective, and which appointment(s) may, but need not, include a parent of a child enrolled in the Town's schools system at the time of such appointment(s).

2. Ex Officio Members. (A) Persons holding the following offices shall be considered ex officio members of the Committee, with a voice but no vote, and therefore shall not count towards the quorum required for the SBRC to take action under the Open Meeting Law:

- a. Town Manager, or Town Manager's designee
- b. Superintendent of Schools; and
- c. Principal of the affected school for the duration of the project involving that school.

(B) Further, for each project, the SBRC may designate temporary ex officio members or staff, with the approval of the Town Manager, or other Town residents with particular expertise to advise the Committee, solely and exclusively in an advisory capacity, related to a particular project. The SBRC may also consult with, and seek participation from, other Town employees with applicable expertise, including but not limited to: (i)

building maintenance and engineering staff; (ii) finance and procurement staff; (iii) school system administrators; (iv) school business management staff; (v) school system curriculum and programming staff; and (vi) direct student-support staff, such as teachers and counselors.

### **12-36 – TERM OF APPOINTMENT**

Members of the SBRC serving on behalf of multiple-member bodies, or their designees, shall serve for such periods of time as may be authorized by each member's respective multiple-member body in its sole discretion.

The three (3) Members-at-Large shall be appointed for alternating three (3) year terms. Pursuant to Section 6-4 of the Town Charter, in making the original appointments under this By-Law, the appointing authority shall designate one (1) Member-at-Large to serve for three (3) years, one (1) Member-at-Large to serve for two (2) years, and one (1) Member-at-Large to serve for one (1) year. Thereafter, vacancies shall be filled for three (3) year terms, except as otherwise provided below. Upon expiration of a term, Members-at-Large shall continue to serve until a successor has been appointed and qualified.

Notwithstanding the foregoing, however, the appointing authority may authorize Members-at-Large to serve for such additional period or periods of less than three years as will allow a Member-at-Large to serve until the completion of a project on which they have participated. When filling any vacancies in the position of a Member-at-Large arising other than by expiration of the term, the appointing authority shall make such appointments for the remainder of the unexpired term or otherwise to continue to provide for alternating terms.

*Ex officio* members listed in Section 12-35(2)(A) shall serve for such period(s) as they hold their respective underlying positions and as specified therein. In the case of a Town Manager's designee, such designee shall serve for the period authorized by the Town Manager.

### **12-37 – OFFICERS**

The SBRC shall annually elect among its members a chairperson, vice-chairperson, clerk and such other officers as the SBRC, in its discretion, shall deem necessary and proper.

### **12-38 – DUTIES**

The SBRC shall be responsible for monitoring the Massachusetts School Building Authority Grant Program application process and advise the Eligible Applicant (as defined under M.G.L. Chapter 70B, Section 2) during the selection

and construction of the Approved Project, including but not limited to: initiation and direction of engineering/architectural studies, subject to an appropriation for such purposes, to determine the current physical condition of Town School Department Buildings. Recommendations of the SBRC shall be made to the Town in accordance with applicable law, and after consideration of factors likely to maximize state reimbursement available for school building construction and/or rehabilitation projects.

### **12-39 – EFFECTIVE DATE**

This By-Law shall take effective on July 1, 2016, at which time the appointment of the four (4) Members-at-Large then in office shall be deemed to have expired, and the size of the SBRC shall be reduced from eleven (11) voting members to seven (7) voting members, and three (3) *ex officio* members as set forth herein.

or take any other action relative thereto. *Referred to By Law Review Committee and Finance & Warrant Committee for study and report.*

**ARTICLE THIRTEEN:** *By the Board of Selectmen at the request of Selectman Dennis J. Teehan, Jr.:* To see if the Town will vote to amend the General Bylaws, Chapter 271 “Wetlands Protection,” , Section 271-4 “Exceptions,” by renumbering the existing Section 271-4-C as Section 271-4-D, and by inserting a new Section 271-4-C, as follows:

- “C: The permit and application required by this by-law shall not be required for normal maintenance, repair, replacement of or improvement or addition to, any existing betterment to private, owner-occupied residential property, including, but not limited to, fences, hedges, trees, shrubs, lawns, gardens, mailboxes, or lamp posts, as well as the normal maintenance and repair of existing retaining walls..”

or take any other action relative thereto. *Referred to By Law Review Committee and Finance & Warrant Committee for study and report.*

**ARTICLE FOURTEEN:** *By the Conservation Commission.* To see if the Town will vote to amend the General Bylaws, Chapter 246 “Stormwater Management,” as follows:

- (1) Delete Sections 246-1 through 246-6 (inclusive), 246-8, 246-10, 246-11, and 246-13, in their entirety;
- (2) Renumber the remaining Sections of Chapter 246 as follows:
  - (a) Section 246-7 “Burden of Proof,” to be renumbered as Section 246-9;

(b) Section 246-9 “Stormwater Management Compliance Certificate”, to be renumbered as Section 246-10;

(c) Section 246-12 “Fee Schedule”, to be renumbered as Section 246-11.

(3) Insert new Sections 246-1 through 246-8 (inclusive) and 246-12 in Chapter 246, as follows:

### **Section 246-1 Purpose**

- A. The purpose of this bylaw is to protect, maintain and enhance the public health, safety, environment and general welfare of the Town by establishing minimum requirements and procedures to control the adverse effects of soil erosion and sedimentation, construction site runoff, increased post-development stormwater runoff and nonpoint source pollution associated with new development and redevelopment. It has been determined that proper management of stormwater runoff will minimize damage to public and private property and infrastructure, safeguard the public health, safety, environment and general welfare of the public, protect water and aquatic resources, protect and enhance wildlife habitat, and promote groundwater recharge to protect surface and groundwater drinking supplies. This bylaw seeks to meet that purpose through the following objectives:
1. Establish a mechanism by which the Town can monitor and ensure compliance with requirements of its National Pollutant Discharge Elimination System (NPDES) General Permit for Stormwater Discharges from Small Municipal Separate Storm Sewer Systems (MS4) and other applicable State and Federal mandates.
  2. Establish decision-making processes surrounding land development activities to reduce and eliminate impairments of the Charles and Neponset Rivers and to preserve the health of the Town’s groundwater resources.
  3. Establish minimum construction and post-construction stormwater management standards and design criteria for the regulation and control of stormwater runoff quantity and quality.
  4. Encourage the use of nonstructural stormwater management, better site design practices or “low-impact development practices”, such as reducing impervious cover, increasing site-wide infiltration, and preserving open space and other natural areas, to the maximum extent practicable.
  5. Promote water conservation through the re-use of stormwater.
  6. Establish provisions for the long-term responsibility for and

maintenance of structural stormwater control facilities and nonstructural stormwater management practices to ensure that they continue to function as designed, are maintained, and pose no threat to public safety or the environment.

7. Establish provisions to ensure there is an adequate funding mechanism, including surety, for the proper review, inspection and long-term maintenance of stormwater facilities implemented as part of this Bylaw.
  8. Establish the Town of Dedham's legal authority and capacity to ensure compliance with the provisions of this Bylaw through funding, permitting, inspection, monitoring, and enforcement.
- B.** Nothing in this Bylaw is intended to replace the requirements of the Dedham Flood Plain Zoning Bylaw, the Dedham General Wetlands Protection Bylaw, or any other Bylaw that may be adopted by the Town of Dedham, or any Rules and Regulations adopted thereunder. Any activity subject to the provisions of the above-cited Bylaws or Rules and Regulations must comply with the specifications of each. In case of conflict, the more stringent provisions shall apply.

## **Section 246-2 Definitions**

The following definitions shall apply in the interpretation and implementation of this Bylaw. Additional definitions may be adopted by separate regulation:

**ALTER:** Any activity that will measurably change the ability of a ground surface area to absorb water, will change existing surface drainage patterns, or will increase or decrease the rate or volume of flow from a site.

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

**BETTER SITE DESIGN:** Site design approaches and techniques, including low-impact development (LID) that can reduce a site's impact on the watershed through the use of nonstructural stormwater management practices. Better site design includes conserving and protecting natural areas and green space, reducing impervious cover, and using natural features for stormwater management, and providing site-wide infiltration.

**DEVELOPMENT:** Any construction that disturbs or alters a parcel of land as defined in the Massachusetts Stormwater Standards.

**DISTURBANCE:** Any activity that causes a change in the position or location of soil, sand, rock, gravel, or similar earth material; results in an increased amount of runoff or pollutants; measurably changes the ability of a ground surface to absorb waters; removes trees; clears or grades land; or results in an alteration of drainage characteristics.

**EXISTING LAWN:** Grass area which has been maintained and mowed in the previous two years.

**IMPERVIOUS:** Any material or structure on, above or below the ground that prevents water from infiltrating through the underlying soil. Impervious surface is defined to include, without limitation: paved surfaces (parking lots, sidewalks, and driveways), concrete, brick, stone, and roof tops.

**INFILTRATION:** The act of conveying surface water into the ground to promote groundwater recharge and the reduction of stormwater runoff from a project site.

**LOW IMPACT DEVELOPMENT (LID):** An ecosystem-based approach to land development and stormwater management that ensures that each development site is designed to protect, or restore, the natural hydrology of the site.

**MASSACHUSETTS STORMWATER MANAGEMENT STANDARDS:** The Department of Environmental Protection's requirements to manage stormwater located in the Wetlands Protection Act Regulations at 310 CMR 10.05(6)(k) and the accompanying Stormwater Handbook issued by the Department of Environmental Protection.

**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 Dedham.

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) STORMWATER DISCHARGE PERMIT - A permit issued by United States Environmental Protection Agency or the Commonwealth of Massachusetts that authorizes the discharge of pollutants to waters of the United States.

**NONPOINT SOURCE POLLUTION:** Pollution from many diffuse sources caused by rainfall, snowmelt, or other method of pollutant transport moving over and through the ground. As the runoff moves, it picks up and carries away natural and human-made pollutants, finally depositing them into water resource areas.

**NORMAL MAINTENANCE:** Activities that are regularly scheduled to maintain the health and condition of a landscaped area. Examples include removal of weeds or invasive species, pruning, mowing, raking, and other activities that are done at regular intervals within the course of a year.

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

**PRE-DEVELOPMENT:** The conditions that exist prior to the proposed disturbance activity. Where phased development or plan approval occurs (preliminary grading, roads and utilities, etc.), the existing conditions at the time prior to the first plan submission shall establish pre-development conditions.

**POST-DEVELOPMENT:** The conditions that reasonably may be expected or anticipated to exist after completion of the land development activity in accordance with approved plans on a specific site or tract of land. Post-development refers to the phase of a new development or redevelopment project after completion, and does not refer to the construction phase of a project.

**RECHARGE:** The replenishment of underground water reserves.

**RECONSTRUCTION:** Any action causing complete removal and replacement of paved surfaces, such as driveways, parking areas and roads.

**REDEVELOPMENT:** Any construction, alteration, improvement, repaving, or resurfacing on a previously-developed site as defined in the Massachusetts Stormwater Standards.

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

**SITE:** The entire parcel of land being developed.



**STOCKPILING:** The storage of unsecured material for future use, excluding the storage of materials 10 cubic yards or less when secured utilizing erosion controls that prevent erosion of the material.

STORMWATER - Runoff from precipitation or snowmelt and surface water runoff and drainage.

**STORMWATER MANAGEMENT:** The use of structural or non-structural practices that are designed to control or treat stormwater runoff pollutant loads, discharge volumes, and/or peak flow discharge rates. Stormwater Management includes the use of Low-Impact Development (LID) management practices.

**STORMWATER MANAGEMENT PERMIT (SMP):** A permit issued by the Conservation Commission or its designated agent, after review of an application, plans, calculations, and other supporting documents, which is designed to protect the environment of the Town from the deleterious effects of uncontrolled and untreated stormwater runoff.

STORMWATER OFFICER: The Conservation Agent or other person(s) designated by the Conservation Commission to review Stormwater Management Permit applications and advise the Dedham Conservation Commission on Stormwater Management Permit applications as outlined in this Bylaw.

### **Section 246-3 Authority**

This Bylaw is adopted under authority granted by the Home Rule Amendment of the Massachusetts Constitution and the Home Rule statutes, and pursuant to the regulations of the federal Clean Water Act found at 40 CFR 122.34, and as authorized by the residents of the Town of Dedham at Town Meeting dated \_\_\_\_\_.

### **Section 246-4 Administration**

- A. The permitting provisions of this Bylaw shall be overseen and administered by the Conservation Commission or its designated Stormwater Officer.
- B. Stormwater Management Regulations (“Regulations”). The Conservation Commission may adopt, and periodically amend, rules and regulations relating to the terms, conditions, definitions, enforcement, fees (including application, inspection, and/or consultant fees), delegation of authority, procedures and administration of this Bylaw after conducting a public hearing to receive comments on the proposed rules and regulations or any proposed revisions. Such hearing dates shall be advertised in a newspaper of general local circulation at least seven (7) days prior to the hearing date. Failure of the Conservation Commission to promulgate such rules

and regulations or a legal declaration of their invalidity by a court shall not act to suspend or invalidate the effect of this Bylaw.

### **Section 246-5 Applicability**

- A. This Bylaw shall be applicable to any alteration, disturbance, development or redevelopment of 500 square feet or more, including any activities that require a permit issued by the Planning Board, the Zoning Board of Appeals or the Building Department.
- B. This Bylaw shall apply to land or parcels of land that are held in common ownership (including ownership by related or jointly-controlled persons or entities) as of the effective date of this Bylaw, if the total land-disturbing activities on said land or parcels, considered as a whole, would presently or ultimately exceed the minimum thresholds in Section V.C and are not exempted by Section VI, and no such activity shall commence until a permit under this Bylaw has been issued. A development shall not be segmented or phased in a manner to avoid compliance with this Bylaw.
- C. Storm Water Management Permit Thresholds - A Storm Water Management Permit shall be required for any of the following, except for an activity exempt per Section VI:
  - 1. Minor Stormwater Permit
    - a) Any residential alteration, disturbance, development or redevelopment of 500 square feet to 2,000 square feet, except for construction of a new dwelling.
    - b) Any commercial, industrial, institutional, or municipal alteration, disturbance, development or redevelopment of 500 square feet to 1,000 square feet (except for such activities within the Aquifer Protection Overlay District, which shall require a Major Stormwater Permit).
  - 2. Major Stormwater Permit
    - a) Construction of any new dwelling or new dwelling replacing an existing dwelling;
    - b) Any alteration, disturbance, development or redevelopment exceeding the thresholds listed in Section V.C.1 above.

### **Section 246-6 Exemptions**

No person shall alter, disturb, develop or redevelop within the Town of Dedham without having obtained a Minor or Major Stormwater Permit with the following exceptions:

- A. Any activity which will disturb or alter land areas below the thresholds

stipulated in Section V above.

- B. Normal maintenance and improvement of land in agricultural use as defined by the Wetlands Protection Act regulation 310 CMR 10.04 and MGL Chapter 40A Section 3.
- C. Any work or projects for which all necessary approvals and permits, including building permits, have been issued before the effective date of this Bylaw.
- D. Normal maintenance of existing lawn, landscaping, or gardens areas.
- E. Construction of any fence that will not alter existing terrain or drainage patterns.
- F. Construction of utilities (gas, water, sanitary sewer, electric, telephone, cable television, etc.) other than drainage which will not alter terrain, ground cover, or drainage patterns, provided that appropriate BMPs are used to prevent erosion, sedimentation and release of pollutants.
- G. Emergency repairs to any existing utilities (gas, water, sanitary sewer, electric, telephone, cable television, etc.) or emergency repairs to any stormwater management facility that poses a threat to public health or safety, as determined by the Conservation Commission. Where such activity is subject to the jurisdiction of the Conservation Commission, the work shall not proceed without the issuance of an Emergency Certification by the Commission
- H. The maintenance or resurfacing (not including reconstruction) of any public or private way.

### **Section 246-7 Procedures**

Permit Procedures, Permit Requirements and Performance Standards shall be established and included as Stormwater Management Regulations promulgated under Section IV of this Bylaw to meet the following purposes:

1. Ensure the Town's compliance with requirements of its National Pollutant Discharge Elimination System (NPDES) General Permit for Stormwater Discharges from Small Municipal Separate Storm Sewer Systems (MS4) and other applicable State and Federal mandates.
2. Reduce and eliminate impairments of the Charles and Neponset Rivers and to preserve the health of the Town's groundwater resources.
3. Regulate and control stormwater runoff quantity and quality.
4. Encourage the use of nonstructural stormwater management, better site design practices or "low-impact development practices", such as reducing impervious cover, increasing site-wide infiltration, and preserving open space and other natural areas, to the maximum extent practicable.

5. Promote water conservation through the re-use of stormwater.
6. Establish provisions for the long-term responsibility for and maintenance of structural stormwater control facilities and nonstructural stormwater management practices to ensure that they continue to function as designed, are maintained, and pose no threat to public safety or the environment.
7. Establish provisions to ensure there is an adequate funding mechanism, including surety, for the proper review, inspection and long-term maintenance of stormwater facilities implemented as part of this Bylaw.

### **Section 246-8 Enforcement**

The Conservation Commission, or an authorized agent of the Conservation Commission, shall enforce this Bylaw, Regulations, orders, violation notices, and enforcement orders, and may pursue all civil and criminal remedies for such violations.

- A. Civil relief. If a person violates the provisions of this bylaw, or any associated regulations, permit, notice, or order issued thereunder, the Conservation Commission may seek injunctive relief in a court of competent jurisdiction restraining the person from activities which would create further violations or compelling the person to perform abatement or remediation of the violation.
- B. Orders. If the Conservation Commission determines that a person's failure to follow the requirements of this Bylaw, any Regulatory provision issued hereunder, or any authorization issued pursuant to this Bylaw or Regulations is creating an adverse impact to a water resource, then the Commission may issue a written order to the person to remediate the adverse impact, which may include requirements to:
  1. Cease and desist from land-disturbing activity until there is compliance with the Bylaw or provisions of an approved Stormwater Management Permit;
  2. Maintain, install or perform additional erosion and sediment control measures;
  3. Perform monitoring, analyses, and reporting;
  4. Remediate erosion and sedimentation resulting directly or indirectly from land-disturbing activity;
  5. Comply with requirements in the Stormwater Management Permit

for operation and maintenance of stormwater management systems;

6. Remediate adverse impacts resulting directly or indirectly from malfunction of the stormwater management systems; and/or
7. Eliminate discharges, directly or indirectly, into a watercourse or into the waters of the Commonwealth.

C.

If the Conservation Commission determines that abatement or remediation of pollutants is required, the order shall set forth a deadline for completion of the abatement or remediation. 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 or property owner. Within thirty (30) days after completing all measures necessary to abate the violation or to perform remediation, the violator and the property owner will be notified of the costs incurred by the town, including administrative costs. The violator or property owner may file a written protest objecting to the amount or basis of costs with the Conservation Commission within thirty (30) days of receipt of the notification of the costs incurred. If the amount due is not received by the expiration of the time in which to file a protest or within thirty (30) days following a decision of the Conservation Commission affirming or reducing the costs, or from a final decision of a court of competent jurisdiction, the cost shall become a special assessment against the property owner of said costs. Interest shall begin to accrue on any unpaid costs at the statutory rate provided in G.L. Chapter 59, s 57 after the thirtieth (30) day at which the costs first become due.

- D. Criminal and Civil Penalties. Any person who violates any provision of this bylaw, valid regulation, or the terms or conditions in any permit or order prescribed or issued there under, shall be subject to a fine not to exceed three hundred dollars (\$300.00) for each day such violation occurs or continues or subject to a civil penalty, which may be assessed in an action brought on behalf of the town in any court of competent jurisdiction.
- E. Noncriminal disposition. As an alternative to criminal prosecution or civil action, the Town may elect to utilize the noncriminal disposition procedure set forth in MGL c. 40, § 21D and Section 1-6.B of the Town of Dedham General Bylaws, in which case any police officer of the Town of Dedham, the Conservation Agent, and such other persons as are authorized by the Conservation Commission shall be the enforcing person. The penalty for the first violation shall be a warning. The penalty for the second violation shall be \$100. The penalty for the third and subsequent violations shall be \$300. Each day or part thereof that such violation occurs or continues

shall constitute a separate offense

- F. Entry to perform duties under this bylaw. To the extent permitted by state law, or if authorized by the owner or other party in control of the property, the Commission, its agents, officers, and employees may enter upon privately owned property for the purpose of performing their duties under this bylaw and regulations and may make or cause to be made such examinations, surveys or sampling as the Commission deems reasonably necessary.
- G. Appeals. The decisions or orders of the Conservation Commission shall be final. Further relief shall be to a court of competent jurisdiction.
- H. Remedies Not Exclusive. The remedies listed in this bylaw are not exclusive of any other remedies available under any applicable federal, state or local law.

### **Section 246-12 Severability**

The invalidity of any section, provision, paragraph, sentence, or clause of this Bylaw shall not invalidate any section, provision, paragraph, sentence, or clause thereof, nor shall it invalidate any permit or determination that previously has been issued.

or take any other action relative thereto. *Referred to By Law Review Committee and Finance & Warrant Committee for study and report.*

**ARTICLE FIFTEEN:** *By the Town Manager at the request of the Sustainability Committee.* To see if the Town will vote to authorize the Board of Selectmen to submit to the General Court a Home Rule Petition for Special Legislation relative to the creation of a special fund, to be known as the Renewable Energy Revolving Fund, in a form substantially similar to the following:

### **An Act Relative to the Creation of a Renewable Energy Fund in the Town of Dedham**

**SECTION 1.** Notwithstanding the provisions of sections 53 or 53E½ of Chapter 44 of the General Laws or any other general or special law to the contrary, there shall be established in the Town of Dedham a special fund to be known as the Renewable Energy Fund, to which shall be credited all fees, proceeds and other receipts received by the town in connection with the sale of solar renewable energy credits or energy produced by town-owned and operated solar arrays. Monies in said fund may be expended by the Dedham Town Manager, following consultation with the town's sustainability committee or its equivalent, without further appropriation for costs associated with energy efficiency upgrades to town and school buildings and other infrastructure, including but not limited to regulation of building temperature, windows, doors, street lighting, and renewable energy or water conservation projects. Town meeting shall annually

impose a limit on expenditures from said fund and may provide that receipts remaining in the fund at the end of the fiscal year in excess of \$5,000 be closed out to the general fund. The fund established by this act shall not be considered a revolving fund under section 53E½ of chapter 44 of the General Laws or be included to determine the aggregate limit of all revolving funds authorized under section 53E½ of said chapter 44.

**SECTION 2.** This act shall take effect upon passage.

provided, however, that the General Court may make clerical or editorial changes of form only to such bill, unless the Board of Selectmen approves amendments to the bill prior to enactment by the General Court, and provided further that the Board of Selectmen is hereby authorized to approve amendments which shall be within the scope of the general public objectives of this petition; or take any other action relative thereto. *Referred to Finance & Warrant Committee for study and report.*

**ARTICLE SIXTEEN:** *By the Board of Selectmen at the request of the Town Engineer.* To see if the Town will vote to authorize the Board of Selectmen to acquire by gift or purchase for general municipal purposes, including those related to passenger use of the commuter rail at the Dedham Corporate Center Station on Rustcraft Road, an easement in the land owned by the Massachusetts Bay Transportation Authority on said Rustcraft Road and depicted more or less as "Permanent Easement Area" on the plan entitled: "Plan of Road in the Town of Dedham, Mass., Norfolk County (Norfolk County Registry) Showing Location of Easement for the Purpose of Constructing Rustcraft Road Park and Ride Facility for the Town of Dedham," dated June 15, 2015, prepared by Beta Group, Inc., a copy of which plan has been placed on file with the Town Clerk, upon such terms and conditions as the Board of Selectmen deem appropriate, and to authorize the Board of Selectmen to enter into all agreements, execute any and all documents, and take all action necessary to carry out this acquisition, or take any other action relative thereto. *Referred to Finance & Warrant Committee for study and report.*

Hereof fail not but make return of this Warrant with our doings thereon unto the Town Clerk on or before said day and time.

Given under our hands and seal of the Town of Dedham this 24<sup>th</sup> day of September, 2015.

**BOARD OF SELECTMEN**  
**Michael L. Butler, Chairman**  
**Dennis J. Guilfoyle, Vice-Chairman**  
**James A. MacDonald**  
**Dennis J. Teehan, Jr.**  
**Brendan G. Keogh**

**A true copy, attest:  
Anthony F. Zollo, Jr.**

**By virtue of this Warrant, I have notified and warned the inhabitants of the Town of Dedham aforesaid to meet at the time and place and for the purposes specified in said Warrant by posting true and attested copies thereof in one or more public places not less than fourteen days at least before the date of the said meeting, and by causing a true and attested copy thereof to be published once, not less than fourteen days before the said meeting in the Dedham Times, a newspaper having a general circulation in said Town of Dedham.**

**Anthony F. Zollo, Jr.  
Constable, Town of Dedham**

**Dated at Dedham, Massachusetts, the 24<sup>th</sup> day of September, AD 2015.**