

COMMONWEALTH OF MASSACHUSETTS

NORFOLK, SS.

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 polling places designated for several districts in said town; District One-Town Hall (Ames Building), 450 Washington Street; District Two-Riverdale School, 143 Needham Street; District Three-Mother Brook Arts & Community Center, 123 High Street; Districts Four & Six-Dedham Middle School, 70 Whiting Avenue; and Districts Five & Seven Greenlodge School, 191 Greenlodge Street, on the second Saturday in April (it being the ninth day of said month) AD 2022, at seven o'clock in the forenoon until eight o'clock in the evening, then and there to act on the following article namely:

ARTICLE ONE: To choose all necessary Town Officers. The following are to be chosen by the Ballot.

- Two members of the Select Board for terms of three years
- One member of the Board of Assessors for a term of three years
- One member of the Board of Assessors for a term of one year
- Two members of the School Committee for terms of three years
- One member of the Board of Health for a term of three years
- One member of the Planning Board for a term of five years
- Two members of the Trustees of the Public Library for terms of three years
- Two members of the Commissioner of Trust Funds for terms of three years
- One member of the Park and Recreation Commission for a term of three years

Town Meeting Representatives as follows:

- Precinct One Vote for not more than thirty-nine
- Precinct Two Vote for not more than thirty-nine
- Precinct Three Vote for not more than thirty-nine
- Precinct Four Vote for not more than thirteen for terms of three years
- Precinct Four Vote for not more than one for a term of two years
- Precinct Five Vote for not more than thirty-nine
- Precinct Six Vote for not more than thirty-nine
- Precinct Seven Vote for not more than thirty-nine

and to return to meet at the place so designated, Dedham High School Auditorium, 140 Whiting Avenue, Dedham, for the 2022 Spring Annual Town Meeting in said town on the third Monday in May (it being the sixteenth day of said month) AD 2022 at 7:00 o'clock in the evening, then and there to act on the following articles, namely:

ARTICLE TWO: *By the Select Board:* 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 Manager 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 listed below, the funding for which is included in the appropriate departmental budgets under Article Three:

1. AFSCME, Local #362 (Library Staff Unit)
2. Dedham Police Patrolman's Association, Massachusetts Coalition of Police, Local #448, AFL-CIO
3. Dedham Police Association (Lieutenants & Sergeants)
4. Dedham Firefighter's Association, Local 1735
5. AFSCME, Local #362 (DPW- Unit A)
6. AFSCME, Local #362 (DPW-Unit B)
7. AFSCME, Local #362 (Town Hall)
8. AFSCME, Local #362 (Parks)
9. AFSCME, Local #362 (Civilian Dispatchers)

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

ARTICLE THREE: To see what sum of money the Town will vote to raise and appropriate, or transfer from available funds to defray departmental and incidental expenses of the Town for the fiscal year commencing July 1, 2022, not otherwise provided for, or take any other action relative thereto. *Referred to Finance and Warrant Committee for study and report.*

ARTICLE FOUR: To see what sum of money the Town will vote to raise and appropriate, transfer from available funds or borrow to implement capital improvements and capital projects, or take any other action relative thereto. *Referred to Finance and Warrant Committee for study and report.*

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

ARTICLE SIX: *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 2021 Spring Annual Town Meeting (FY'22) or any other article thereof, or take any other action relative thereto. *Referred to Finance and Warrant Committee for study and report.*

ARTICLE SEVEN: *By the Town Manager at the request of the Director of Finance.* To see what sum or sums of money the Town will vote to raise and appropriate or transfer from available funds to one or more special purpose stabilization funds, or take any other action relative thereto. *Referred to Finance and Warrant Committee for study and report.*

ARTICLE EIGHT: *By the Town Manager at the request of the Director of Finance.* To see what sum of money the Town will vote to appropriate from any special purpose fund, or from one or more special purpose stabilization funds, to one or more of the stated purposes for such funds to be expended at the direction of a specified officer or multiple member body of the Town, or take any other action relative thereto. *Referred to Finance and Warrant Committee for study and report.*

ARTICLE NINE: *By the Town Manager.* To see if the Town will vote, pursuant to G.L. c.44, §53E½, to amend Section 39-40(b) of the General Bylaws, Revolving Funds, to alter any of the expenditure limits set forth therein, or take any other action relative thereto. *Referred to By Law Review Committee and Finance and Warrant Committee for study and report.*

ARTICLE TEN: *By the Town Manager at the request of the Director of Finance.* To see what sum of money the Town will vote to raise and appropriate or transfer from available funds to operate the Sewer Enterprise Fund for the fiscal year commencing on July 1, 2022, or take any other action relative thereto. *Referred to Finance and Warrant Committee for study and report.*

ARTICLE ELEVEN: *By the Town Manager at the request of the Director of Engineering.* To see if the Town will vote to raise and appropriate, transfer from available funds or borrow a sum of money for the purpose of complying with the Town's National Pollutant Elimination Discharge System (NPDES) Phase II Stormwater General Permit for Small Municipal Separate Storm Sewer Systems (MS4) issued by the Environmental Protection Agency (EPA) or take any other action relative thereto. *Referred to Finance and Warrant Committee for study and report.*

ARTICLE TWELVE: *By Town Meeting Vote:* To hear and act upon the reports of the various Town Committees, as required by vote of prior Town Meetings; to see what sum of money the Town will vote to raise and appropriate, transfer from available funds, or borrow to carry out the recommendations of said committees; or take any other action relative thereto. *Referred to Finance and Warrant Committee for study and report.*

ARTICLE THIRTEEN: *By the Select Board.* To see if the Town will vote to appropriate a sum of money for the total cost of the design, engineering, construction, and outfitting of a Town Green on or about 600 High Street, the property on which the Police Station now sits, also shown as Assessors Map 92 Parcel 78, including but not limited to costs of demolition and removal of any structures or features thereon, site preparation and any other incidental and related expenses, and, further, to transfer such property from the Select Board for those purposes for which it is presently held, to the care, custody and control of the Select Board for park and playground purposes, and to dedicate such property to those purposes under the provisions of G.L. Chapter 45, Sections 3 and 14, and, further, that the Select Board and Town Manager be authorized to submit on behalf of the Town any and all applications deemed necessary for grants and/or reimbursements from the Commonwealth of Massachusetts, or the United States, under the federal Land and Water Conservation Fund Act (P.L. 88-578, 78 Stat 897), or any other state or federal programs including those in aid of creation or acquisition of

conservation or park and playground land and/or any others in any way connected with the scope of this article; and further to authorize said board, commission and manager, as appropriate, to enter into all agreements and execute any and all instruments as may be necessary to effectuate and implement the vote taken hereunder, or take any other action relative thereto. *Referred to Finance and Warrant Committee for study and report.*

ARTICLE FOURTEEN: *By Select Board Member Sarah E. MacDonald at the request of Frederick Civian.* To see if the Town will vote to establish an ad hoc Police Station Lot redevelopment committee to develop revised plans for a Dedham Town Green at the Police Station Lot, such committee to be composed of one member each as designated by and from, respectively, the Select Board, Planning Board, Finance and Warrant Committee and Commission on Disability, as well as one member from each precinct selected by the Moderator; and, for such purposes, to raise and appropriate, transfer from available funds or borrow the sum of \$25,000 for design work related to development of such plans; with such committee to report to Fall 2022 Town Meeting, or take any other action relative thereto. *Referred to Finance and Warrant Committee for study and report.*

ARTICLE FIFTEEN: *By Precinct Two Town Meeting Representative Diane Barry Preston on behalf of Kevin Preston.* To see if the Town will vote to raise and appropriate, borrow or transfer from available funds a sum of money to design, repair and equip the Town Powder House and to authorize the Select Board to enter into a cooperative agreement with the Dedham Historical Society and Museum to work in tandem to carry out the project and ensure the maintenance of the building and property on an ongoing basis, or take any other action relative thereto. *Referred to Finance and Warrant Committee for study and report.*

ARTICLE SIXTEEN: *By the Town Manager.* To see if the Town will vote to transfer the care, custody, management and control of a portion or portions of the property known as the Early Childhood Education Center, located at 1100 High Street, Dedham, and identified as Assessor Map 103 Parcel 18, from the School Committee for school purposes to the School Committee for such purposes and for the purpose of leasing the same to a solar energy electricity production entity for the installation, operation and maintenance of a solar energy facility or facilities, and to authorize the School Committee and Select Board [hereinafter the "Town"] to enter into a lease or leases for such portion or portions of said property for a term of years which may exceed 3 years, all on such terms and conditions, and for such consideration, as the Town deems appropriate including the execution of a power purchase agreement for electricity and/or solar energy credits and grant of such access, utility, and other easements in, on, and under said property as may be necessary or convenient to construct, operate and maintain such solar energy facility or facilities; to authorize the Town to take all actions necessary in connection therewith; and to authorize the Select Board, pursuant to the provisions of Massachusetts General Laws Chapter 59, Section 5, or any other enabling authority, to enter into an agreement for payment in lieu of taxes (PILOT Agreement) on account of such facility or facilities for a term that may exceed 3 years and upon such

terms and conditions as the Select Board shall deem to be in the best interest of the Town and further, to authorize the Select Board to take such actions as may be necessary to implement such agreements; or take any other action relative thereto. *Referred to Finance and Warrant Committee for study and report.*

ARTICLE SEVENTEEN: *By the Town Manager at the request of the Director of Engineering.* To see if the Town will vote to raise and appropriate, transfer from available funds or borrow a sum of money for the purpose of complying with the Town's National Pollutant Elimination Discharge System (NPDES) Phase II Stormwater General Permit for Small Municipal Separate Storm Sewer Systems (MS4) issued by the Environmental Protection Agency (EPA) or take any other action relative thereto. *Referred to Finance and Warrant Committee for study and report.*

ARTICLE EIGHTEEN: *By the Town Manager at the request of the Director of Engineering.* To see if the Town will vote to authorize the Select Board to acquire, by purchase, gift, or eminent domain, and upon such terms and for such consideration as the Select Board deems appropriate, permanent and temporary interests in land abutting Bussey Street in the locations approximately depicted on the plan entitled: "Roadway and Sidewalk Improvements, Bussey Street, In the Town of Dedham, Norfolk County, Preliminary Right of Way, Federal Aid Project No. XX-XXXX(XXX)", dated 3/27/15, prepared by BETA Group, Inc., as that plan may be amended, and a copy of which has been placed on file with the Town Clerk, for roadway and roadway construction purposes, which shall include, without limitation, the construction of roadway improvements, public sidewalks, sloping and drainage improvements within and along Bussey Street, a public way in the Town; and further raise and appropriate, transfer from available funds, or borrow a sum of money for such acquisition, including all incidental and related expenses, and to authorize the Select Board to apply for, accept and expend any grants or loans in connection herewith, enter into all agreements, execute any and all documents, and take all action necessary to carry out the vote taken hereunder, or take any other action relative thereto. *Referred by Finance and Warrant Committee for study and report.*

ARTICLE NINETEEN: *By the Planning Board at the request of the Planning Director.* To see if the Town will vote to amend the Dedham Zoning By-Laws, Section 280-8.1, Flood Plain Overlay District, by deleting the ~~striketrough text~~ and inserting the **bold text**, and to renumber existing subsections to incorporate said amendments, all as follows, and further to amend the Zoning Map to include the changes to the boundaries of said Flood Plain Overlay District made thereby:

8.1 FLOOD PLAIN OVERLAY DISTRICT

- A. Purpose.** ~~The purpose of the Flood Plain Overlay District (FPOD) is to preserve and maintain the ground water table to protect the public health and safety of persons and property against the hazards of flood or ground water inundation, for the protection of the community against the cost which may be incurred when unsuitable development occurs in swamps, marshes, along water courses, or in~~

~~areas subject to floods, and to conserve natural conditions, resources, wild life, open spaces for the education, recreation and general welfare of the public.~~

The purpose of the Floodplain Overlay District is to:

- 1. Ensure public safety through reducing the threats to life and personal injury;**
- 2. Eliminate new hazards to emergency response officials;**
- 3. Prevent the occurrence of public emergencies resulting from water quality, contamination, and pollution due to flooding;**
- 4. Avoid the loss of utility services which if damaged by flooding would disrupt or shut down the utility network and impact regions of the community beyond the site of flooding;**
- 5. Eliminate costs associated with the response and cleanup of flooding conditions; and**
- 6. Reduce damage to public and private property resulting from flooding waters.**

B. Definitions

National Flood Insurance Program (NFIP) definitions are found in Title 44 of the Code of Federal Regulations, section 59.1. The definitions below refer to their source; if the definition is from the MA building code, it is from the 9th Edition, which meets the minimum standards of the NFIP.

In order for the bylaw or ordinance to be clearly understood, it is necessary to define technical terms or key words. An understanding of these terms is a prerequisite to effective administration of the floodplain management bylaw or ordinance.

Per FEMA Region I, these additional definitions must be included in local bylaws or ordinances.

DEVELOPMENT means any man-made change to improved or unimproved real estate, including but not limited to building or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials. [US Code of Federal Regulations, Title 44, Part 59]

FLOOD BOUNDARY AND FLOODWAY MAP means an official map of a community issued by FEMA that depicts, based on detailed analyses, the boundaries of the 100-year and 500-year floods and the 100-year floodway. (For maps done in 1987 and later, the floodway designation is included on the FIRM.)

FLOOD HAZARD BOUNDARY MAP (FHBM.) An official map of a community

issued by the Federal Insurance Administrator, where the boundaries of the flood and related erosion areas having special hazards have been designated as Zone A or E. [US Code of Federal Regulations, Title 44, Part 59]

FLOODWAY. The channel of the river, creek or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height. [Base Code, Chapter 2, Section 202]

FUNCTIONALLY DEPENDENT USE means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities. [US Code of Federal Regulations, Title 44, Part 59] Also [Referenced Standard ASCE 24-14]

HIGHEST ADJACENT GRADE means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure. [US Code of Federal Regulations, Title 44, Part 59]

HISTORIC STRUCTURE means any structure that is:

- a. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- b. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- c. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
- d. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 1. By an approved state program as determined by the Secretary of the Interior or
 2. Directly by the Secretary of the Interior in states without approved programs. [US Code of Federal Regulations, Title 44, Part 59]

NEW CONSTRUCTION. Structures for which the start of construction commenced on or after the effective date of the first floodplain management code, regulation, ordinance, or standard adopted by the

authority having jurisdiction, including any subsequent improvements to such structures. New construction includes work determined to be substantial improvement. [Referenced Standard ASCE 24-14]

RECREATIONAL VEHICLE means a vehicle which is:

- a. Built on a single chassis;
- b. 400 square feet or less when measured at the largest horizontal projection;
- c. Designed to be self-propelled or permanently towable by a light duty truck; and
- d. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use. [US Code of Federal Regulations, Title 44, Part 59]

REGULATORY FLOODWAY - see FLOODWAY.

SPECIAL FLOOD HAZARD AREA. The land area subject to flood hazards and shown on a Flood Insurance Rate Map or other flood hazard map as Zone A, AE, A1-30, A99, AR, AO, AH, V, VO, VE or V1-30. [Base Code, Chapter 2, Section 202]

START OF CONSTRUCTION. The date of issuance for new construction and substantial improvements to existing structures, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement or other improvement is within 180 days after the date of issuance. The actual start of construction means the first placement of permanent construction of a building (including a manufactured home) on a site, such as the pouring of a slab or footings, installation of pilings or construction of columns.

Permanent construction does not include land preparation (such as clearing, excavation, grading or filling), the installation of streets or walkways, excavation for a basement, footings, piers or foundations, the erection of temporary forms or the installation of accessory buildings such as garages or sheds not occupied as dwelling units or not part of the main building. For a substantial improvement, the actual “start of construction” means the first alteration of any wall, ceiling, floor or other structural part of a building, whether or not that alteration affects the external dimensions of the building. [Base Code, Chapter 2, Section 202]

STRUCTURE means, for floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home. [US Code of Federal Regulations, Title 44, Part 59]

SUBSTANTIAL REPAIR OF A FOUNDATION. When work to repair or

replace a foundation results in the repair or replacement of a portion of the foundation with a perimeter along the base of the foundation that equals or exceeds 50% of the perimeter of the base of the foundation measured in linear feet, or repair or replacement of 50% of the piles, columns or piers of a pile, column or pier supported foundation, the building official shall determine it to be substantial repair of a foundation. Applications determined by the building official to constitute substantial repair of a foundation shall require all existing portions of the entire building or structure to meet the requirements of 780 CMR. [As amended by MA in 9th Edition BC]

VARIANCE means a grant of relief by a community from the terms of a flood plain management regulation. [US Code of Federal Regulations, Title 44, Part 59]

VIOLATION means the failure of a structure or other development to be fully compliant with the community's flood plain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in §60.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4), or (e)(5) is presumed to be in violation until such time as that documentation is provided. [US Code of Federal Regulations, Title 44, Part 59]

- C. Location. Applicability.** The Flood Plain Overlay District is herein established as an overlay district. The District includes all special flood hazard areas in the Town of Dedham designated as Zones A and AE on the Norfolk County Flood Insurance Rate Map (FIRM), issued by the Federal Emergency Management Agency (FEMA) for the administration of the National Flood Insurance Program (NFIP). ~~The map panes of the Norfolk County FIRM that are wholly or partially within the Town of Dedham are panel numbers 25021C0038E, 25021C0039E, 25021C0043E, 25021C0044E, 25121C0177E, 25021C0181E, 25021C0182E, 25021C0183E, and 25021C0184E, dated July 17, 2012.~~ The exact boundaries of the District are defined by the 100-year base flood elevations shown on the FIRM and further defined by the Norfolk County Flood Insurance Study report dated July 17, 2012 **July 6, 2021**. ~~The FIRM Floodway Maps and Flood Insurance Study report are incorporated herein by reference and are on file with the Town Clerk, Planning Board, Building Department, and Conservation Commission.~~
- D. Applicability.** ~~The underlying zoning district's requirements governing permitted usage and setbacks apply to areas within the FPOD except as further restricted by this section.~~

Abrogation and Greater Restriction. The floodplain management regulations found in this Floodplain Overlay District section shall take precedence over any less restrictive conflicting local laws, ordinances or codes.

- E. Disclaimer of Liability.** The degree of flood protection required by this bylaw is considered reasonable but does not imply total flood protection.
- F. Severability.** If any section, provision or portion of this bylaw [ordinance] is deemed to be unconstitutional or invalid by a court, the remainder of the ordinance shall be effective.
- G. Designation of Community Floodplain Administrator.** The Town of Dedham hereby designates the position of Building Commissioner to be the official floodplain administrator for the Town.
- H. Requirement to Submit New Technical Data.** If the Town acquires data that changes the base flood elevation in the FEMA mapped Special Flood Hazard Areas, the Town will, within six (6) months, notify FEMA of these changes by submitting the technical or scientific data that supports the change(s.) Notification shall be submitted to:

**FEMA Region I Risk Analysis Branch Chief
99 High St., 6th floor, Boston, MA 02110**

**And copy of notification to:
Massachusetts NFIP State Coordinator
MA Dept. of Conservation & Recreation
251 Causeway Street
Boston, MA 02114**

- I. Variances to Building Code Floodplain Standards.** The Town/City will request from the State Building Code Appeals Board a written and/or audible copy of the portion of the hearing related to the variance, and will maintain this record in the community's files.

The Town/City shall also issue a letter to the property owner regarding potential impacts to the annual premiums for the flood insurance policy covering that property, in writing over the signature of a community official that (i) the issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage and (ii) such construction below the base flood level increases risks to life and property.

Such notification shall be maintained with the record of all variance actions for the referenced development in the floodplain overlay district.

- J. Variances to Local Zoning Bylaws Related to Community Compliance with the National Flood Insurance Program (NFIP)**

A variance from these floodplain Bylaws must meet the requirements set out by State law, and may only be granted if:

- 1. Good and sufficient cause and exceptional non-financial hardship exist;**
- 2. The variance will not result in additional threats to public safety, extraordinary public expense, or fraud or victimization of the public; and**
- 3. The variance is the minimum action necessary to afford relief.**

- K. Permits are Required for all Proposed Development in the Floodplain Overlay District. The Town of Dedham requires a permit for all proposed construction or other development in the floodplain overlay district, including new construction or changes to existing buildings, placement of manufactured homes, placement of agricultural facilities, fences, sheds, storage facilities or drilling, mining, paving and any other development that might increase flooding or adversely impact flood risks to other properties.**
- L. Assure that all Necessary Permits are Obtained. The Town of Dedham's permit review process includes the use of a checklist of all local, state and federal permits that will be necessary in order to carry out the proposed development in the floodplain overlay district. The proponent must acquire all necessary permits, and must submit the completed checklist demonstrating that all necessary permits have been acquired.**
- M. Unnumbered A Zones. In A Zones, in the absence of FEMA BFE data and floodway data, the building department will obtain, review and reasonably utilize base flood elevation and floodway data available from a Federal, State, or other source as criteria for requiring new construction, substantial improvements, or other development in Zone A as the basis for elevating residential structures to or above base flood level, for floodproofing or elevating nonresidential structures to or above base flood level, and for prohibiting encroachments in floodways.**
- N. Floodway Encroachment. In Zone AE, along watercourses that have a regulatory floodway designated on the Norfolk County FIRM, encroachments are prohibited, including fill, new construction, substantial improvements, and other development within the adopted regulatory floodway unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in flood levels within the community during the occurrence of the base flood discharge.**

O. Recreational Vehicles. In A1-30, AH, AE Zones, V1-30, VE, and V Zones, all recreational vehicles to be placed on a site must be elevated and anchored in accordance with the zone's regulations for foundation and elevation requirements or be on the site for less than 180 consecutive days or be fully licensed and highway ready.

P. Reference to existing regulations. The FPOD is established as an overlay district to all other districts. All development in the district, including structural and non-structural activities, whether permitted by right or by special permit must be in compliance with Chapter 131, Section 40 of the Massachusetts General Laws and with the following:

1. Sections of the Massachusetts State Building Code (780 CMR), as may be currently in effect, that address construction in floodplain areas;
2. Wetlands Protection Regulations, Department of Environmental Protection (DEP) (currently 310 CMR 10.00);
3. Inland Wetland Restriction, DEP (currently 302 CMR 13.00);
4. Minimum Requirements for the Subsurface Disposal of Sanitary Sewage, DEP (currently 310 CMR 15, Title 5).

Q. Procedures. Any work within a FPOD shall require a Special Permit issued by the Board of Appeals. Notice of each such Flood Plain special permit application shall be given to the Town Public Works Department, to the Town Administrator, the Board of Selectmen, the Board of Health, the Planning Board, and the Conservation Commission, as well as all other parties deemed necessary by the Board of Appeals.

1. The Board of Appeals, in hearing such application, shall consider, in addition to any other factors said Board deems pertinent, the following aspects with respect to flooding and FPOD zoning provisions; that any such building or structure shall be designed, placed, and constructed to offer a minimum obstruction of the flow of water; and that it shall be firmly anchored to prevent floating away.
2. If any land in the FPOD is proven to the satisfaction of the Board of Appeals after the question has been referred to the Planning Board, the Conservation Commission, the Board of Health, and the Board of Selectmen, and reported on by all three boards or the lapse of 30 days from the date of referral without a report, as being in fact not subject to flooding or not unsuitable because of drainage conditions for any use which would otherwise be permitted if such land were not, by operation of this section, in the FPOD, and that the use of such land for any such use will not interfere with the general purposes for which FPOD have been established, and will not be

detrimental to the public health, safety or welfare, the Board of Appeals may, after a public hearing with due notice, issue a permit for any such use. If an applicant feels that he has sufficient evidence to prove that an area identified as floodplain by FEMA is not subject to flooding, there are formal procedures which allow FEMA to review such individual cases and, if appropriate, remove the area in question from the flood-plain.

R. Base flood elevation data. Base flood elevation data is required for subdivision proposals or other developments greater than 10 lots or 2.5 acres, whichever is lesser, within unnumbered A zones.

S. Watercourse alteration and relocation. In cases where a project will alter or relocate a watercourse, the following must be notified:

1) ~~Conservation Commissioner of the City of Boston.~~

~~Town of Canton~~

~~Town of Westwood~~

~~Town of Needham~~

Adjacent Communities, especially upstream and downstream

2) ~~NFIP State Coordinator~~

~~Massachusetts Office of Water Resources~~

~~100 First Avenue~~

~~Charlestown, MA 02129-2043~~

Bordering States, if affected

3) ~~NFIP Program Specialist~~

~~FEMA Region 1, Rm. 462~~

~~J.W. McCormack Post Office and Courthouse~~

~~Boston, MA 02109~~

NFIP State Coordinator

Massachusetts Department of Conservation and Recreation

251 Causeway Street, 8th floor

Boston, MA 02114

4) ~~NFIP Program Specialist~~

~~Federal Emergency Management Agency, Region I~~

~~99 High Street, 6th Floor~~

~~Boston, MA 02110~~

T. Review of all project proposals. All projects shall be reviewed to assure the following:

1) Such proposals minimize flood damage.

2) All public utilities and facilities are located and constructed to minimize or eliminate flood damage.

3) Adequate drainage is provided to reduce exposure to flood hazards.

U. Permitted uses. The following activities are permitted within the FPOD upon receipt of a building permit, where required:

1) Development for recreational purposes, including but not limited to: walking trails and bicycle paths, athletic fields, parks, beaches, and boat landings.

2) Horticultural and Agricultural purposes, including those associated with commercial farming.

3) Construction of a structure provided that the following criteria are met:

a) Structure shall not be utilized for residential purposes.

b) The lowest floor of the structure shall be located at least one foot above the 100-year flood elevation for the site as noted on the FEMA map referenced above.

c) The structure shall not impede the flow of flood waters.

d) Volumetric flood compensation at a ratio of 2:1 for every cubic foot of fill, structure, or other obstructions placed within the Flood Plain District. Calculations prepared by a Professional Engineer licensed by the Commonwealth of Massachusetts shall be submitted to the Board of Appeals as part of the permit application.

e) Any structure shall have direct pedestrian access to uplands area located outside of the FPOD. Such access shall be reviewed and approved by the Dedham Fire and Police Departments.

f) Any public works projects, including but not limited to: drainage, sewerage, or flood control project, including any associated structures.

V. Prohibited uses. The following uses are prohibited within a FPOD:

1) No land fill or dumping in any part of the District without proper volumetric compensation at a ratio of 2:1 for every cubic foot filled. This includes fill utilized for landscaping purposes.

2) No damming or relocation of any water course except as part of an overall

drainage basin plan proposed by a public authority.

- 3) No permanent outside storage of materials or equipment. This includes storage of materials for retail sale.
 - 4) No land, building, or structure shall be used for sustained human occupancy except dwellings theretofore lawfully existing, or land, buildings, or structures which comply with the provisions of this Bylaw.
 - 5) Storage of fertilizers, chemicals, or manure associated with agricultural uses.
 - 6) Motor vehicle storage, sales, or maintenance facilities. This includes parking areas designated for temporary storage of vehicles awaiting repairs or unregistered vehicles, whether stored or for sale.
 - 7) Underground storage tanks other than storage or septic tanks associated with a subsurface disposal system or sewerage pumping station.
 - 8) Storage of any chemical or material classified as hazardous by Local, State, or Federal statutes and regulations.
- Y)** Portion of parcel within FPOD. The above prohibitions will only apply to the portion of a parcel which is located within a FPOD, and not the entire parcel.
- Z)** Federal flood insurance program.
- 1) The Federal Flood Insurance Rate Map (FIRM) shall be, for purposes of administration of and conformity with the requirements of the Federal Flood Insurance Program, placed on file with the Town Clerk and Building Inspector, and shall be considered an appendix to this Bylaw.
 - 2) Until such time as a regulatory floodway is designated, no new construction, substantial improvements, or other development (including fill) shall be permitted within Zones A and AE on the FIRM unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood at any point within the community or along the regulated section of the waterway.
 - 3) Where a specific area or parcel of land appears on the FIRM as being within the 100-year flood elevation and an applicant, having satisfied the intent of Subsection [L\(2\)](#) above, wishes to seek relief from the placement of the area or parcel within a flood hazard zone, or a release from the mandatory purchase of flood insurance, said applicant shall follow the procedures contained in a Letter of Map Amendment as outlined in Title 44 of

the Code of Federal Regulations (CFR), Part 70.

or take any other action relative thereto. *Referred to Planning Board for study and report.*

ARTICLE TWENTY: *By Select Board Member Dimitria Sullivan.* To see if the Town will vote to amend Section 1.2 of the Use Regulation Table (Table 1) of the Dedham Zoning By-law to deleting the ~~strikethrough text~~ and inserting the underlined text, as follows:

Private garage for not more than three (3) automobiles, one of which may be a commercial vehicle if not exceeding 2.5 tons in gross weight. The keeping of an ~~unregistered~~ automobile that is either unregistered or does not bear a current State inspection sticker outside of an enclosed garage for more than three months in any calendar year shall not be regarded as an accessory use in any residential district, ~~nor after a period of three months~~ except in accordance with a permit therefor by the Board of Appeals based on a finding that the further keeping of the automobile upon the premises complies with the requirements of this Bylaw and specifying a fixed term and such conditions as the Board of Appeals deem necessary to assure such compliance.

or take any other action relative thereto. *Referred to Planning Board for study and report.*

ARTICLE TWENTY-ONE: *By the Board of Library Trustees.* To see if the Town will vote to amend the General By-laws in:

- Section 61-2 by striking it in its entirety and reserving it for later use.
- Section 61-3 by striking the words in ~~strikethrough~~ and inserting the underlined words:

At the next regular meeting in ~~May~~ following the Annual Town Election, the Board of Trustees shall choose from their number, ~~by ballot,~~ a Chairman, Vice Chairman, and a Secretary. ~~The Board of Trustees shall also appoint a Library Director who shall be responsible for the management of the Library under the direction of the Trustees.~~

- Section 61-4 by striking the words in ~~strikethrough~~:

The Board of Trustees shall have charge of the Library's books of account, and shall safely invest and reinvest all funds held for the use of the Library in sound securities and vary investments according to their discretion; provided, that said Board shall not invest the same in any securities not generally considered acceptable by the Commonwealth for the investment of funds by Trustees. The Board of Trustees shall also have charge of the preparation of an annual budget

for presentation to the Town Manager. ~~All orders on the Treasurer-Collector for payments for the Library purposes shall be countersigned by at least three members of the Board of Trustees.~~

- Section 61-7 by striking the words in ~~strikethrough~~ and inserting the underlined words:

The Library Director shall, with the approval of the Town Manager, be responsible for: hiring and termination of Library staff, ~~with the approval of the Town Manager~~, setting policy for staff, and for approving job descriptions.

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

ARTICLE TWENTY-TWO: *By Board of Library Trustees Member Brian M.B. Keaney.* To see if the Town will vote to make the following additions to the General By-laws, and to authorize the Town Clerk to assign them section numbers:

Section __: All meetings of a multiple-member body, except for the Select Board, shall include a public forum for residents to make comments on matters within the jurisdiction of that body. Such forum shall be as near to the beginning of the agenda as possible and convenient.

Section __: Each multiple-member body may, by vote, establish content-neutral rules of order and procedure limiting the time, place, and manner of speakers during their meetings, but may not regulate or restrict any Constitutionally protected speech.

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

ARTICLE TWENTY-THREE: *By the Town Manager at the request of the Public Works Director, the Building Commissioner and the Health Director.* To see if the Town will vote to amend the General By-laws, Chapter 160, Garbage, Refuse and Waste Materials, by adding a new section 160-1 (C), as follows;

The owner of a unit or property sold, resold, rented, sublet, or re-rented, or refurbished shall be responsible for the removal and disposal of bulk items at the owner's expense. Bulk items subject this bylaw shall include, but are not limited to, refrigerators, air conditioners, dehumidifiers, chairs, tables, cribs, couches, bed frames, sofas, fans, filing cabinets, TV's, plumbing fixtures, doors, windows, bicycles, barbecue grills, mattress, box spring, large toys, tires, lawn mowers, snow blowers, stoves, washers, dryers, and carpets.

When preparing for such removal, the owner shall not allow such items to hinder access to, or across, a public way or sidewalk, and shall only amass such items in view of the public way for a period less than two calendar days from the date such items are put out for removal.

For purposes of enforcement by non-criminal disposition in accord with G.L. c.40, §21D and Section 1-6(b) of these bylaws, each violation of this section shall be punishable by a fine of \$300.

And, further, to accept the provisions of Chapter 40, Section 58 of the General Laws for the purpose of authorizing the charges imposed by this bylaw to be collected through the imposition of a municipal charges lien, or take any other action relative thereto. *Referred to Bylaw Review Committee and Finance and Warrant Committee for study and report.*

ARTICLE TWENTY-FOUR: *By the Town Manager.* To see if the Town will vote to authorize the Select Board to file with the General Court a petition for special legislation as set forth below to allow the Fire Chief to continue in such position despite having reached the maximum age established by law; provided, however, that the General Court may make changes of form only to such bill without approval of the Select Board, and, further, to authorize the Select Board to approve such revisions requested by the General Court as are consistent with the public purposes of the petition, or take any other action relative thereto.

AN ACT AUTHORIZING THE TOWN OF DEDHAM TO CONTINUE THE EMPLOYMENT OF WILLIAM SPILLANE AS CHIEF OF THE FIRE DEPARTMENT

SECTION 1. (a) Notwithstanding chapter 32 of the General Laws or any other general or special law to the contrary, William Spillane, chief of the town of Dedham fire department, may continue in service beyond the age of 65; provided, however, that William Spillane remains physically and mentally capable of performing the duties of fire chief; and provided, further, that William Spillane shall not remain in service beyond the age of 70. The town of Dedham may require William Spillane to undergo an examination, at the expense of the town, by an impartial physician designated by the town to determine his fitness to remain in service. This act shall not entitle William Spillane, chief of the fire department, to remain in service to the town of Dedham if otherwise removed or suspended from office in accordance with applicable laws, rules and regulations

(b) No further deductions shall be made from William Spillane's regular compensation under chapter 32 of the General Laws for any service performed subsequent to reaching the age of 65. Upon his retirement, he shall receive a superannuation retirement allowance equal to that which he would have been entitled had he retired upon reaching age 65, if any.

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

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

ARTICLE TWENTY-FIVE: *By the Town Manager at the request of the Police Chief.* To see if the Town will vote to authorize the Select Board to file with the General Court a petition for special legislation as set forth below to make persons who have not reached the age of 40 by the date of the entrance exam under G.L. c.31 eligible for original appointment as police officers, including, if needed (as shown below in Section 2 of the proposed legislation), specific authority for the appointment of a qualified candidate who would otherwise be precluded from appointment without such legislation;; provided, however, that the General Court may make changes of form only to such bill without approval of the Select Board, and, further, to authorize the Select Board to approve such revisions requested by the General Court as are consistent with the public purposes of the petition, or take any other action relative thereto.

AN ACT RELATIVE TO THE MAXIMUM AGE REQUIREMENT FOR ORIGINAL APPOINTMENT AS A POLICE OFFICER FOR THE TOWN OF DEDHAM.

SECTION 1. Notwithstanding sections 58 and 58A of the General Laws, or any other general or special law to the contrary, no person shall be eligible to have their name certified for original appointment to the position of police officer in the town of Dedham if such person has reached their fortieth birthday on the date of the entrance examination under chapter 31 of the General Laws. Any veteran shall be allowed to exceed the maximum age provision set forth herein by the number of years served on active military duty, but in no case shall said candidate for appointment be credited more than four years of active military duty.

SECTION 2. Notwithstanding sections 58 and 58A or any general or special law or rule or regulation to the contrary regulating the maximum age of an applicant for original appointment as police officer, Jonathan Dillon shall be allowed to have his civil service test results considered by the town of Dedham for appointment to the position of police officer and, if he meets all other requirements, he shall be eligible for certification and appointment to the police department of the town of Dedham.

SECTION 3. This act shall take effect upon its passage

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

ARTICLE TWENTY-SIX: *By the Town Manager at the request of the Public Works Director.* To see if the Town will vote to accept the alteration of the layout of Bonham Road, a public way in the Town, as ordered by the Select Board and depicted on a plan entitled "Plan of 116 Bonham Road, Dedham, MA", dated March 1, 2022, prepared by Paul Lindholm, PE/PLS, said order and plan having been placed on file with the Town Clerk as required by law, and further, to authorize the Select Board to acquire by any means authorized by law, including the use of eminent domain, such interests in land as may be required to effectuate said alteration, and to convey or otherwise dispose of any interest in the land removed from the layout by said alteration, all upon such terms and conditions as the Select Board may determine, or take any other action relative thereto.

Referred to Finance and Warrant Committee for study and report.

ARTICLE TWENTY-SEVEN: *By the Town Manager at the request of the Director of Engineering.* To see if the Town will vote to accept as a public town way Wiggin Avenue as laid out by the Select Board in the location shown on the plan entitled: "Roadway Acceptance Plan" as prepared by BL Companies, dated November 3, 2021, as on file with the Town Clerk; and further to authorize the Select Board to acquire, by gift, purchase or eminent domain, such interests in land as are necessary to provide for the use and maintenance of said way for all purposes for which public ways are used in the Town of Dedham, or take any other action relative thereto. *Referred to Finance and Warrant Committee for study and report.*

ARTICLE TWENTY-EIGHT: *By the Town Manager.* To see if the Town will vote to transfer from the Treasurer Collector for tax title purposes to the Select Board for purposes of conveyance, and to authorize the Select Board to convey, the properties located at 57 and 59 Clisby Avenue, Dedham and shown as Assessors Map 79, Parcels 62A and 62B, upon such terms and conditions as the Select Board shall deem appropriate, and, further, to authorize the Select Board to execute instruments and take such other action as may be needed to effectuate the vote taken hereunder, or take any other action relative thereto. *Referred to Finance and Warrant Committee for study and report.*

Given under our hands and seal of the Town of Dedham this 4th day of March AD 2022.

SELECT BOARD

Dimitria Sullivan, Chair
Sarah E. MacDonald, Vice-Chair
James A. MacDonald
Dennis J. Teehan, Jr.
Kevin R. Coughlin

A true copy, attest:

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

TOWN OF DEDHAM - NORFOLK, SS.

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 4th day of March, AD 2022