

ANNUAL TOWN MEETING MAY 3, 2024-PROCEEDINGS

The Moderator, Tom Merolli called the meeting to order at 7:00 pm. The meeting was immediately recessed in order to check in voters that were still in line. The meeting came out of recess at 7:18 pm. The Moderator led Town Meeting in the Pledge of Allegiance. He dispensed with the reading of the warrant. The Moderator went over the rules and procedures for the meeting.

The voters allowed the following non-residents/voters into the meeting:

Dr. Maureen Cohen-MURSD Superintendent
Dr. Michael Fitzpatrick – BVT Superintendent
Anthony Steele – Asst. Superintendent BVT
Greg Balukonis-Interim Town Administrator
Karis North-Town Counsel
Jack Hunter – Town Planner
Dylan Lindholm – Asst. Town Planner
Isabella Genova – Conservation Agent
Colleen Strapponi – Board of Health
Jack McLellan – Board of Health
Tyler James – ABMI
Michael Petrovick – Architect for Article 21
Lisa Mosczynski – Metacommet Land Trust
Andrew Jenrich – Taft Library Director
Andrew Sergi – non-voter
One minor

ARTICLE 1 Voted that any motion or amendment to increase any monetary articles or line items as proposed by the Finance Committee, presented at this Town Meeting shall be OUT OF ORDER unless such motion, or amendment, states the source of funding as being from available free cash, another line item, another article, or some combination that will be reduced by the same amount

YES 203

NO 15

PASSED MAJORITY

CONSENT CALENDAR – Voted to add articles **5 – 8, 11, 12, 14** to the consent calendar

YES 207

NO 25

PASSED 2/3rds MAJORITY

ARTICLE 5 Voted to appropriate funds provided to the Town by the Commonwealth pursuant to so-called Chapter 90 type money and such other funds as the Commonwealth of Massachusetts Department of Transportation (including its Highway Division) may provide, and to authorize the Select Board to enter into contracts with the Massachusetts Department of Transportation (including its Highway Division) for so-called Chapter 90 type money and such other funds allocated to the Town for FY25.

ARTICLE 6 Voted to raise and appropriate \$10,100 to fund the FY25 portion of the Assessor's Cyclical Inspection Program.

- ARTICLE 7** Voted that the Town vote to raise and appropriate \$19,800 to fund the FY25 portion of the Update Valuation Account.
- ARTICLE 8** Voted to raise and appropriate \$3,500 for Police Department State/Federal General Matching Grants in FY25.
- ARTICLE 11** Voted to transfer \$101,355 from the Community Preservation Budgeted Reserve Account to fund the FY25 Police Station Debt Exclusion.
- ARTICLE 12** Voted to set aside for later spending from the FY25 Community Preservation Revenues (10%) \$64,927 for open space; (10%) \$64,927 for historic preservation; (10%) \$64,927 for Affordable Housing, (65%) \$422,023 Budgeted Reserve and (5%) \$32,463 for Administration.
- ARTICLE 14** Voted to approve the Mendon Five-Year Land Use Program, copies of which are available in the Town Clerk's office and at the Town website.

CONSENT CALENDAR

YES 215

NO 19

PASSED 2/3rds MAJORITY

- ARTICLE 2** Voted to fix the salaries and compensations of the elected officials of the Town for FY25, as follows,

Elected Officials	Stipends	Salary	FY25 Total
Board of Health - Chair	\$ 225		\$ 225
Board of Health - Member 2	\$ 175		\$ 175
Board of Health - Member 3	\$ 175		\$ 175
Planning Board - Chair	\$ 225		\$ 225
Planning Board - Member 2	\$ 175		\$ 175
Planning Board - Member 3	\$ 175		\$ 175
Planning Board - Member 4	\$ 175		\$ 175
Planning Board - Member 5	\$ 175		\$ 175
Selectboard - Chair	\$ 2,200		\$ 2,200
Selectboard - Member 2	\$ 2,000		\$ 2,000
Selectboard - Member 3	\$ 2,000		\$ 2,000
Selectboard - Member 4	\$ 2,000		\$ 2,000
Selectboard - Member 5	\$ 2,000		\$ 2,000
Board of Assessors - Member1	\$ 300		\$ 300
Board of Assessors - Member2	\$ 250		\$ 250
Board of Assessors - Member3	\$ 250		\$ 250
Moderator	\$ 100		\$ 100
Town Clerk	\$ 3,800	\$ 69,744	\$73,544
Tree Warden	\$ 5,000		\$ 5,000

YES 186

NO 17

PASSED MAJORITY

- ARTICLE 3** Voted to raise and appropriate and/or transfer \$20,487 from Free Cash to pay Bills of a Prior Year.
YES 226
NO 7
PASSED 4/5ths MAJORITY
- ARTICLE 4** Voted to raise and appropriate the sums of money as read under Article 4 to defray FY 25 charges and expenses of the Town including debt & interest and to provide for a reserve fund for the ensuing year.
YES 210
NO 23
PASSED MAJORITY
- ARTICLE 9** Voted to transfer \$7500 from the National Opioid Settlement Program funds to the Police Department budget, line-item National Opioid Settlement Expenses, for qualified opioid remediation programs.
YES 220
NO 12
PASSED MAJORITY
- ARTICLE 10** Voted to transfer \$50, 000 from Free Cash to the FY24 Finance Committee Reserve Fund account.
YES 206
NO 19
PASSED MAJORITY
- ARTICLE 13** Voted to transfer \$8,360 from the CPA Affordable Housing Account to fund the FY25 Part time Affordable Housing Coordinator Position
YES 194
NO 31
PASSED MAJORITY
- ARTICLE 15** Voted to accept MA General laws Chapter 44, §53F ½ establishing the municipal subscriber curbside trash and recycling service as an enterprise fund, effective fy25.
YES 193
NO 10
PASSED MAJORITY
- ARTICLE 16** Voted to raise and appropriate \$681,200 to operate the municipal subscriber curbside trash and recycling service enterprise fund.
YES 190
NO 10
PASSED MAJORITY

ARTICLE 17 Voted to raise and appropriate the following sums of money to operate the Water Enterprise Fund for the fiscal year beginning on July 1, 2024 (FY25):

Salaries - \$4,900.00
Contracted Services - \$14,000
Expenses - \$13,700
Water Infrastructure Repair & Replacement Fund - \$26,375
Purchase of Water - \$165,000
Indirect Costs - \$6,615

For a total of \$230, 590 to be raised as follows:
Department Receipts - \$204,988
Retained Earnings - \$15,000
Transfer from Special Article (5.6.16 Art. 9) - \$10,602

YES 216
NO 13
PASSED MAJORITY

ARTICLE 18 Voted to set the limits on the Revolving Funds in accordance with M.G L.C. 53E ½ as follows

Revolving Fund	Limit on Spending
Library	\$6,000
Planning Board	\$30,000
Highway	\$25,000
Conservation Commission	\$25,000
Parks	\$165,000
Fire Department	\$10,000
Title V (Board of Health)	\$25,000
Police Department	\$15,000

YES 217
NO 9
PASSED MAJORITY

ARTICLE 19 Voted to transfer \$35,000 from Free Cash to fund retirement payouts for municipal employees.

YES 200
NO 22
PASSED MAJORITY

- ARTICLE 20** Voted to transfer \$250,00 from the Sale of Town Owned Land Account to undertake road improvement capital projects as determined by the Select Board.
YES 216
NO 13
PASSED MAJORITY
- ARTICLE 21** Voted to appropriate and borrow \$13,200,000 for the design and construction of the Mendon Senior and Community Center, including costs incidental thereto to be located on town-owned property at 3 North Avenue and shown on Assessor's Parcel #8-189-3 consisting of 20.96 acres more or less, and authorize the treasurer, with the approval of the selectboard, to issue any bonds or notes that may be necessary for that purpose, as authorized by General Laws Chapter 44, §7 (1), or any other general or special law, for a period not to exceed 30 years, provided however, that this appropriation and debt authorization be contingent upon the passage of a Proposition 2 ½ debt exclusion question, General Laws Chapter 59 §21 (C) (k). Any premium received by the Town from the sale of bonds or notes authorized by this vote, less the costs of issuance of the bonds or notes paid from the premium, and any accrued interest may be applied to pay project costs in accordance with General Laws Chapter 44 § 20, and the amount authorized to be borrowed to pay those costs shall be reduced by the same amount applied.
YES 156
NO 78
PASSED 2/3rds MAJORITY
- ARTICLE 22** Voted to transfer \$20,000 from Free Cash to purchase and install a generator to support the legacy senior center.
YES 140
NO 46
PASSED MAJORITY
- ARTICLE 23** Voted to transfer \$208,000 from the CPA Budgeted Reserve Account to install two pickleball courts, one bocce court, one basketball court, and two shuffleboard courts, including costs incidental thereto at the site of the proposed new Senior/Community Center at 3 North Avenue.
YES 149
NO 59
PASSED MAJORITY
- ARTICLE 24** Voted to transfer \$3,500 from the CPA Open Space Account to hire an engineer to design a walking loop trail from 3 North Avenue to 20 Milford Street to 31 Brookview Lane and a separate loop trail from 131 North Avenue to Hopedale conservation areas with portions to include ADA accessible trails.
YES 169
NO 39
PASSED MAJORITY

- ARTICLE 25** Defeated the motion to transfer \$63,500 from the CPA Budgeted Reserve Account to fund design, excavation, purchase of disc golf equipment and installation of a 9-hole disc golf course.
- YES 88**
NO 112
FAILED MAJORITY
- ARTICLE 26** Voted to transfer \$50,000 from the CPA Budgeted Reserve Account for lighting the tennis and basketball courts at 29 Millville Street.
- YES 156**
NO 31
PASSED MAJORITY
- ARTICLE 27** Voted to transfer \$3,000 from the CPA Open Space Account for phragmites removal at Meadow Brook Woods, 100 Park Street.
- YES 154**
NO 17
PASSED MAJORITY
- ARTICLE 28** Voted to transfer \$500,000 from the CPA Affordable Housing to subsidize an affordable housing project at 52 Providence Street.
- YES 91**
NO 80
PASSED MAJORITY
- ARTICLE 29** Voted to appropriate the sum of \$1,800,000 to purchase a conservation restriction on 201 +/- acres owned by Peter I. Denton as shown on the Mendon Tax Maps 23-227-30, 23-227-34, 23-227-36, 23-227-46 and 28-206-192, to be managed and controlled by Metacomet Land Trust and the Mendon Conservation Commission, in accordance with M.G.L. Chapter 184, sections 31-32 and Chapter 40, Section 8C, and Section 12(a) of Chapter 44B, for conservation and passive recreation by the public, and to meet this appropriation the Town is authorized to : (1) transfer \$500,000 from CPA Accounts (\$60,000 from the CPA Open Space Account and \$440,000 from the CPA Undesignated Fund Balance) and (2) the Treasurer, with the approval of the Select Board, is authorized to borrow up to \$1,300,000 under Massachusetts General laws Chapter 44B, Section 11, or any other enabling authority, and to issue any bonds or notes or the Town that may be necessary for that purpose, and further, that the Mendon Select Board be authorized to file on behalf of the Town of Mendon any and all applications deemed necessary under the LAND Grant program (M.G.L. Chapter 132A, Section 11) or any other program for funds in any way connected with the scope of this acquisition to reduce the amount borrowed, and the Town Administrator and the Select Board and the Conservation Commission be authorized to enter into all agreements and execute any and all instruments including the conveyance of a perpetual conservation restriction in accordance with M.G.L. Chapter 184, as may be necessary on behalf of the Town of Mendon to affect said purchase. Said conservation restriction may be granted to the Metacomet Land or any other qualified and willing to hold such a restriction and to the Mendon Conservation Commission.
- YES 127**
NO 46
PASSED 2/3rds MAJORITY

ARTICLE 30 Voted to amend the Town of Mendon Zoning Map , as amended through May 3, 2021, by changing the zoning district in which 3 Bates Street, Mendon, Massachusetts is located from partly or completely in the Highway Business District to completely in the Rural Residential District.

YES 137

NO 7

PASSED 2/3rds MAJORITY

ARTICLE 31 Voted to amend the text in the motion by replacing Section 7 with Section G and Section 8 with Section H in every instance it occurs.

YES 146

NO 4

PASSED MAJORITY

Voted to amend the Mendon Zoning By-Laws by inserting section 5. 06 Groundwater Protection District and amend the Mendon Zoning Map accordingly.

YES 149

NO 4

PASSED 2/3rds MAJORITY

ARTICLE 32 Voted to accept Pond Street as laid out by the Select Board, as a public way within the Town, and to further authorize the Select Board to acquire, by gift, purchase, taking or otherwise, any fee, easement, or other interest in Pond Street.

YES 132

NO 14

PASSED 2/3rds MAJORITY

ARTICLE 33 Voted to approve the \$10,000,000 debt authorized by the Blackstone Valley Vocational Regional District School Committee on February 15, 2024 and amended by its actions of March 14, 2024 to pay costs of roof reconstruction and the replacement of energy efficient rooftop HVAC units at the Blackstone Valley Regional Vocational Technical High School, located at 65 Pleasant Street, Upton, MA including the payment of all costs incidental or related thereto, such debt approval by the Town to be contingent upon the District's ability to secure grant approval from the Massachusetts School Building Authority Accelerated Repair grant program..

YES 122

NO 12

PASSED MAJORITY

ARTICLE 34 Voted to amend the Town of Mendon General Bylaws, Chapter II by adding Section 7: All citizen's petitioned warrant articles submitted pursuant to M.G.L. Chapter 39 § 10, for inclusion on any Town meeting warrant must be delivered to the Select Board's office no later than the warrant closing date of such Town Meeting.

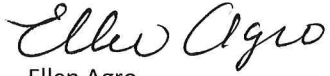
YES 145

NO 1

PASSED MAJORITY

A motion to dissolve the warrant was made at 9:58 pm. The tellers for the meeting were Kathy Rich and Nancy Fleury. Sgt. Guy Kloczkowski was the officer on duty. There were 249 voters in attendance.

A true copy. Attest:

A handwritten signature in cursive script, reading "Ellen Agro".

Ellen Agro
Town Clerk

Attachments:

Article 30 Zoning Map
Article 31 Groundwater By-law and map
Article 34 General By-Law change

TOWN OF MENDON MASSACHUSETTS ZONING MAP



As Amended through May 3, 2019



Legend

- Town Boundary
- Property Parcels
- Major Road
- Local Road
- Railroad
- Stream
- Intermittent Stream
- Water Body

Zoning Districts

- HB - Highway Business District
- GB - General Business District
- GR - General Residential District
- RR - Rural Residential District



0.16 0 0.16 0.32 0.48 0.64 0.8
Miles

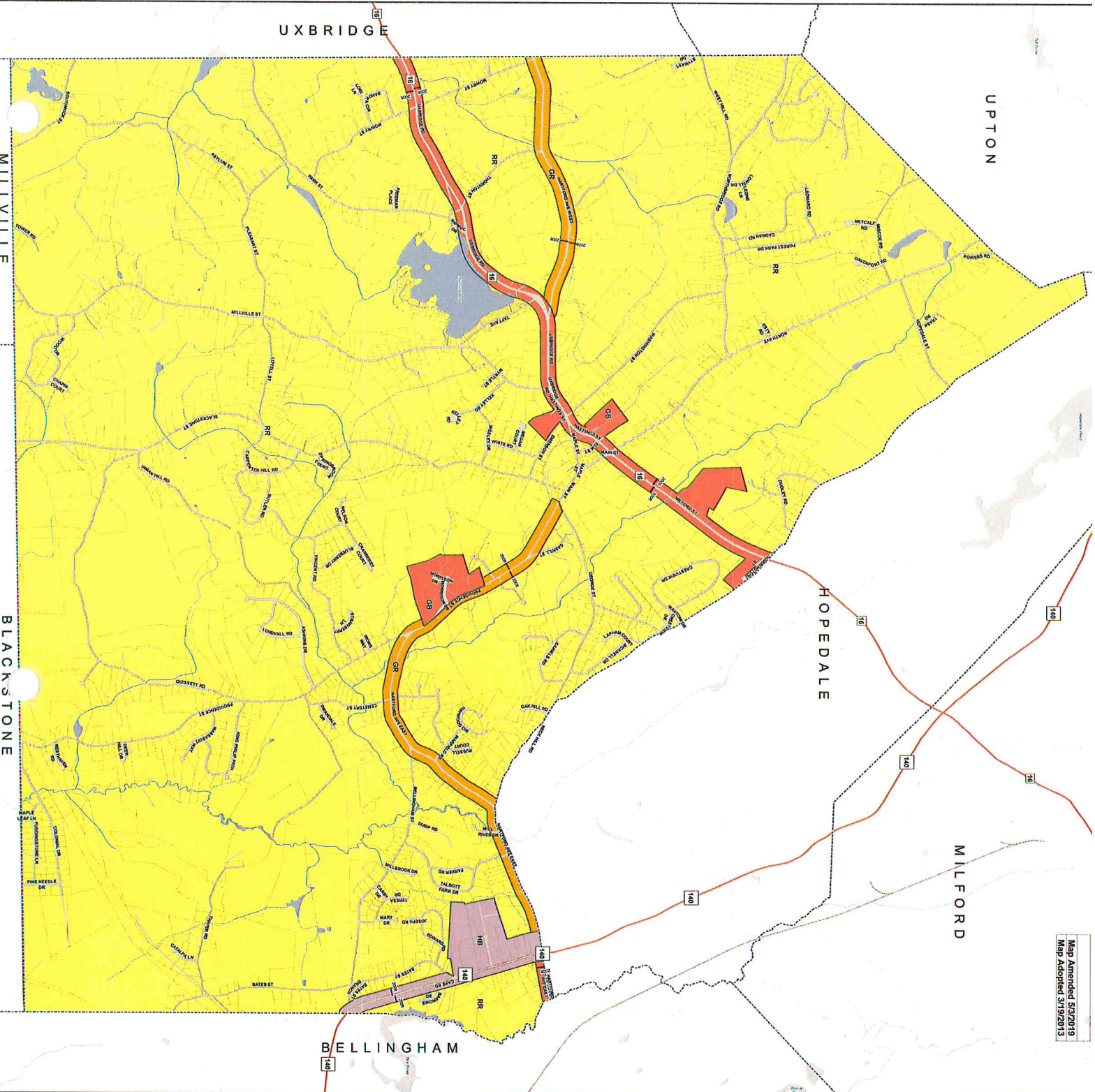
1 in = 0.16 miles
When map is at full size, 36x44

Source data:
Zoning and overlay districts provided by the Town of Mendon, CMRPC. Additional GIS data provided by Office of Geographic Information (MassGIS), Commonwealth of Massachusetts, MassGIS and MassDOT.

Information depicted on this map is for planning purposes only. This information is not adequate for legal boundary definition, regulatory interpretation, or parcel-level analysis. Use caution interpreting positional accuracy. This does not represent an official road map.



One
Worcester
MA 01608
508-756-7117
11th Street, Suite 520



Article 31 – Proposed Amendment
Amended Language

5.06 Groundwater Protection District

(a) Purpose.

The purpose of this Groundwater Protection District is to:

- (i) promote the health, safety, and general welfare of the community by ensuring an adequate quality and quantity of drinking water for the Town of Mendon;
- (ii) preserve and protect existing and potential sources of drinking water;
- (iii) conserve natural resources in the Town of Mendon; and
- (iv) prevent temporary and permanent contamination of the environment.

(b) Scope of Authority.

The Groundwater Protection District is an overlay district superimposed on the zoning districts. This overlay district shall apply to all new construction, reconstruction, or expansion of existing buildings and new or expanded uses. Applicable activities and uses in a portion of one of the underlying zoning districts that fall within the Groundwater Protection District must additionally comply with the requirements of this bylaw. Uses prohibited in the underlying zoning districts shall not be permitted in the Groundwater Protection District.

(c) Definitions.

- (i) Automobile Graveyard: An establishment that is maintained, used, or operated for storing, keeping, buying, or selling wrecked, scrapped, ruined, or motor vehicle parts as defined in MGL c.140B, s.1.
- (ii) Aquifer: A geologic formation composed of rock, sand or gravel that contains significant amounts of potentially recoverable water.
- (iii) CMR: Code of Massachusetts Regulations.
- (iv) Commercial Fertilizer: Any substance containing one or more recognized plant nutrients which is used for its plant nutrient content and which is designed for use, or claimed to have value in promoting plant growth, except un-manipulated animal and vegetable manures, marl, lime, limestone, wood ashes, and gypsum, and other products exempted by state regulations.
- (v) Discharge: The accidental or intentional disposal, deposit, injection, dumping, spilling, leaking, pouring, or placing of toxic or hazardous material or hazardous waste upon or into any land or water such that it may enter the surface or ground waters.
- (vi) Dry Well: A subsurface pit with open-jointed lining or holes through which storm-water drainage from roofs, basement floors, foundations or other areas seep into the surrounding soil.
- (vii) Groundwater Protection District: The land area consisting of aquifers and Zone II recharge areas as identified on a map and adopted pursuant to this bylaw.
- (viii) Hazardous Material: Any substance in any form which because of its quantity, concentration, or its chemical, corrosive, flammable, reactive, toxic, infectious or radioactive characteristics, either separately or in combination with one or more substances, constitutes a present or potential threat to human health, safety, welfare, or to the environment, when improperly stored, treated, transported, disposed of, used, or otherwise managed. Hazardous material includes, without limitation, synthetic organic

chemicals, petroleum products, heavy metals, radioactive or infectious materials, and all substances defined as toxic or hazardous under MGL c. 21E. This term shall not include hazardous waste or oil.

- (ix) Historical High Groundwater Table Elevation: A groundwater elevation determined from monitoring wells and historical water table fluctuation data compiled by the United States Geological Survey.
- (x) Hazardous Waste: A substance or combination of substances, which because of quantity, concentration, or physical, chemical or infectious characteristics may cause, or significantly contribute to an increase in mortality or an increase in serious irreversible, or incapacitating reversible illness or pose a substantial present or potential hazard to human health, safety, or welfare or to the environment when improperly treated, stored, transported, used or disposed of, or otherwise managed. This term shall include all substances identified as hazardous pursuant to the Hazardous Waste Regulations, 310 CMR 30.000.
- (xi) Impervious Surface: Material or structure on, above, or below the ground that does not allow precipitation or surface water runoff to penetrate into the soil.
- (xii) Interim Wellhead Protection Area (IWPA): The MassDEP designated protection radius around a public water well that lacks a Zone II.
- (xiii) Junkyard: An establishment that is maintained, operated, or used for storing, keeping, buying, or selling junk, or for the maintenance or operation of an automobile graveyard, as defined in MGL c.140B, s.1.
- (xiv) Landfill: A facility established in accordance with a valid site assignment for the purposes of disposing solid waste into or on the land, pursuant to the Solid Waste Regulations, 310 CMR 19.006.
- (xv) MassDEP: Massachusetts Department of Environmental Protection.
- (xvi) MGL: Massachusetts General Law.
- (xvii) Petroleum Product: Includes, but not limited to, fuel oil; gasoline; diesel; kerosene; aviation jet fuel; aviation gasoline; lubricating oils; oily sludge; oil refuse; oil mixed with other wastes; crude oils; or other liquid hydrocarbons regardless of specific gravity. Petroleum product shall not include liquefied petroleum gas including, but not limited to, liquefied natural gas, propane or butane.
- (xviii) Non-Sanitary Wastewater: Wastewater discharges from industrial and commercial facilities containing wastes from any activity other than collection of sanitary sewage including, but not limited to, activities specified in 310 CMR 15.004(6).
- (xix) Open Dump: A facility operated or maintained in violation of the Resource Conservation and Recovery Act 42 U.S.C. 4004(a)(b), or state regulations and criteria for solid waste disposal.
- (xx) Recharge Areas: Land areas, such as a Zone II or Interim Wellhead Protection Area, where precipitation and surface water infiltrates into the ground to replenish groundwater and aquifers used for public drinking water supplies.
- (xxi) Septage: The liquid, solid, and semi-solid contents of privies, chemical toilets, cesspools, holding tanks, or other sewage waste receptacles. This term shall not include any material that is a hazardous waste, as defined by 310 CMR 30.000.
- (xxii) Sludge: The solid, semi-solid, and liquid residue that results from a process of wastewater treatment or drinking water treatment including wastewater residuals. This term shall not include grit, screening, or grease and oil which are removed at the head-works of a facility

- (xxiii) Treatment Works: Any and all devices, processes and properties, real or personal, used in the collection, pumping, transmission, storage, treatment, disposal, recycling, reclamation, or reuse of waterborne pollutants, but not including any works receiving a hazardous waste from off the site of the works for the purpose of treatment, storage, or disposal.
- (xxiv) Utility Works: Regulated activities providing for public services, including roads, water, sewer, electricity, gas, telephone, transportation and their associated maintenance activities. This term shall include the installation of detention and retention basins for the purpose of controlling stormwater.
- (xxv) Very Small Quantity Generator: Any public or private entity, other than residential, which produces less than 27 gallons (100 kilograms) a month of hazardous waste or waste oil, but not including any acutely hazardous waste as defined in 310 CMR 30.136.
- (xxvi) Waste Oil Retention Facility: A waste oil collection facility for automobile service stations, retail outlets, and marinas which is sheltered and has adequate protection to contain a spill, seepage, or discharge of petroleum waste products in accordance with MGL c.21. s.52A.
- (xxvii) Zone II: The delineated recharge area to a public drinking water well as approved by MassDEP and defined under the Massachusetts Drinking Water Regulations 310 CMR 22.00.

(d) Establishment and Delineation of Groundwater Protection District.

For the purposes of this bylaw, there are hereby established within the Town of Mendon certain groundwater protection areas consisting of aquifers or recharge areas. These areas are delineated on a map entitled **Groundwater Protection District, dated** _____ which is hereby made part of the Groundwater Protection District Bylaw and is on file in the office of the Town Clerk.

(e) District Boundary Disputes.

- (i) If the location of the Groundwater Protection District in relation to a particular parcel is in doubt, resolution of the boundary dispute shall be through a Special Permit application to the Special Permit Granting Authority. Any application for a special permit for this purpose shall be accompanied by adequate documentation.
- (ii) Burden of proof shall be upon the land owner to demonstrate that the location of the Groundwater Protection District with respect to a particular parcel(s) of land is uncertain. At the request of the land owner, the Town may engage a professional engineer, hydrologist, geologist, or soil scientist to determine more accurately the boundaries of the Groundwater Protection District with respect to a particular parcel(s) of land, and may charge the owner for the cost of the investigation. Changes to the Groundwater Protection District require town meeting approval.
- (iii) Where the boundary line of the Groundwater Protection District divides a lot or parcel, the requirements established by this bylaw shall apply to the entire lot or parcel.

(f) Permitted Uses.

- (i) The following uses are permitted within the Groundwater Protection District, provided that all necessary permits, orders, or approvals required by local, state, or federal law are also obtained:
 - i. conservation of soil, water, plants, and wildlife;
 - ii. outdoor recreation, nature study, boating, fishing, and hunting where otherwise legally permitted;
 - iii. foot, bicycle and/or horse paths, and bridges;

- iv. normal operation and maintenance of existing water bodies and dams, splash boards, and other water control, supply and conservation devices;
- v. maintenance, repair, and enlargement of any existing structure, subject to [Section 7 G and Section 8 H](#) of this bylaw;
- vi. residential development, subject to [Sections 7 G and 8 H](#) of this bylaw;
- vii. farming, gardening, nursery, conservation, forestry, harvesting, and grazing, subject to [Section 7 G and Section 8 H](#) of this bylaw;
- viii. construction, maintenance, repair, and enlargement of drinking water supply related facilities such as, but not limited to, wells, pipelines, aqueducts, and tunnels; and
- ix. any use permitted in the underlying zoning except for those uses specifically prohibited in [Sections 7 G and 8 H](#) of this bylaw.

(g) Prohibited Uses.

- (i) The following land uses and activities are prohibited unless designed in accordance with the specified performance standards:

- i. landfills and open dumps;
- ii. automobile graveyards and junkyards;
- iii. landfills receiving only wastewater residuals and/or septage, including those approved by MassDEP pursuant to MGL c. 21 s.26 through s.53, MGL c.111 s.17, and MGL c.83 s.6 and s.7;
- iv. facilities that generate, treat, store, or dispose of hazardous waste that are subject to MGL c.21C and 310CMR 30.000, except for:
 - 1. very small quantity generators as defined under 310 CMR 30.000;
 - 2. household hazardous waste centers and events under 310 CMR 30.390;
 - 3. waste oil retention facilities required by MGL c. 21, s.52A;
 - 4. water remediation treatment works approved by MassDEP for the treatment of contaminated waters.
- v. petroleum, fuel oil, and heating oil bulk stations and terminals including, but not limited to, those listed under North American Industry Classification System (NAICS) Codes 424710 and 454311, except for liquefied petroleum gas.
- vi. storage of liquid hazardous materials and/or liquid petroleum products unless such storage is above ground level and on an impervious surface and either:
 - 1. in container(s) or above ground tank(s) within a building; or
 - 2. outdoors in covered container(s) or above ground tank(s) in an area that has a containment system designed and operated to hold either; 10% of the total possible storage capacity of all containers or 110% of the largest container's storage capacity, whichever is greater,

however, these storage requirements shall not apply to the replacement of

- existing tanks or systems for the keeping, dispensing or storing of gasoline provided the replacement is performed in a manner consistent with state and local requirements;
- vii. storage of sludge and septage, unless such storage is in compliance with 310 CMR 32.30 and 310 CMR 32.31;
- viii. storage of deicing chemicals unless such storage, including loading areas, is within a structure designed to prevent the generation and escape of contaminated runoff or leachate;

- ix. storage of animal manure unless contained within a structure designed to prevent the generation and escape of contaminated runoff or leachate;
- x. storage of commercial fertilizers unless such storage is within a structure designed to prevent the generation and escape of contaminated runoff or leachate;
- xi. stockpiling and disposal of snow and ice containing deicing chemicals brought in from outside the Groundwater Protection District;
- xii. earth removal, consisting of the removal of soil, loam, sand, gravel, or any other earth material to within 4 feet of historical high groundwater as determined from monitoring wells and historical water table fluctuation data compiled by the United States Geological Survey, except for excavations for building foundations, roads, utility works or wetland restoration work conducted in accordance with a valid Order of Condition issued pursuant to MGL c. 131, s.40; and
- xiii. treatment or disposal works subject to 314 CMR 5.00, for non-sanitary wastewater, including those activities listed under 310 CMR 15.004(6), except for:
 - 1. treatment works approved by MassDEP designed for the treatment of contaminated ground or surface water and operating in compliance with 314 CMR 5.05(3) or 5.05(13); and
 - 2. publicly owned treatment works.

(h) Uses and Activities Requiring a Special Permit.

- (i) The following uses and activities are permitted only upon the issuance of a Special Permit by the Special Permit Granting Authority (SPGA) under such conditions as they may require:
 - i. Enlargement or alteration of existing uses that do not conform to the Groundwater Protection District;
 - ii. except as prohibited under [Section 7 G](#) of this bylaw, activities that involve the handling of toxic or hazardous materials in quantities greater than those associated with normal household use and which are permitted in the underlying zoning district;
 - iii. rendering impervious any lot or parcel more than 15% or 2,500 square feet, whichever is greater; unless artificial recharge, that will not degrade water quality, is provided using methods demonstrated to be capable of removing contaminants from storm water and which are consistent with methods described in MassDEP's Stormwater Handbook, Vol. I, II and III, as amended.

(i) Procedures for Issuance of a Special Permit.

- (i) The Special Permit Granting Authority (SPGA) under this bylaw shall be the Mendon Planning Board. A special permit shall be granted if the SPGA determines, in conjunction with the Select Board, Highway Department, Building Department, Police and Fire Departments, the Town Engineer, Board of Health, and such other departments, agencies, committees, boards, and town officials (collectively "Town Officials") as the Planning Board may determine necessary, that the intent of this bylaw, as well as its specific criteria, is met. The SPGA shall not grant a special permit under this section unless the petitioner's application materials include, in the SPGA's opinion, sufficiently detailed, definite, and credible information to support positive findings in relation to the standards given in this section. The SPGA shall document the basis for any departures from the

recommendations of the other municipal boards, departments or commissions in its decision.

- (ii) Upon receipt of the special permit application, the SPGA shall transmit one copy to the Town Officials.
- (iii) Failure to respond in writing within 35 days of receipt shall indicate approval, or no desire to comment. The necessary number of copies of the application shall be furnished by the applicant.
- (iv) The SPGA may grant the required special permit only upon finding that the proposed use meets the following standards, those specified in [Section 7 G](#) of this bylaw, and any regulations or guidelines adopted by the SPGA. The proposed use must:
 - i. in no way, during construction or thereafter, adversely affect the quality or quantity of the water supplies protected by the Groundwater Protection District; and
 - ii. be designed to avoid substantial disturbance of the soils, topography, drainage, vegetation, and other water-related natural characteristics of the site to be developed.
- (v) The SPGA may adopt controls to govern design features of projects. Such controls shall be consistent with the Town's subdivision regulations.
- (vi) The applicant shall file eight (8) copies of a site plan and attachments. The site plan shall be drawn at a proper scale as determined by the SPGA and be stamped by a professional engineer. All additional submittals shall be prepared by qualified professionals. The site plan and its attachments shall at a minimum include the following information where pertinent:
 - i. a complete list of chemicals, pesticides, herbicides, fertilizers, fuels, and other potentially hazardous materials to be used or stored on the premises in quantities greater than those associated with normal household use; and
 - ii. for activities using or storing hazardous materials or wastes, a management plan shall be prepared and filed with the Fire Chief and Board of Health. The plan will be consistent with the requirements of [Section 7 G](#) and shall include:
 - 1. provisions to protect against the discharge of hazardous materials or wastes to the environment due to spillage, accidental damage, corrosion, leakage, or vandalism, including spill containment and clean-up procedures;
 - 2. provisions for indoor, secured storage of hazardous materials or wastes with impervious floor surfaces;
 - 3. evidence of compliance with the Massachusetts Hazardous Waste Regulations 310 CMR 30.000; and
 - 4. proposed down-gradient location(s) for groundwater monitoring well(s), should the SPGA deem the activity a potential groundwater threat.
- (vii) The SPGA shall hold a hearing, in conformity with the provision of MGL c.40A s. 9, within 65 days after the filing of the application. Notice of the public hearing shall be given by publication and posting and by first-class mailings to "parties of interest" as defined in MGL c.40A s.11. The decision of the SPGA and any extension, modification, or renewal thereof shall be filed with the SPGA and Town Clerk within 90 days following the closing of the public hearing. Failure of the SPGA to act within 90 days shall be deemed as a granting of the permit.

(j) Enforcement.

- (i) Written notice of any violations of this bylaw shall be given by the Building Inspector to the responsible person as soon as possible after detection of a violation or a continuing violation. Notice to the assessed owner of the property shall be deemed notice to the responsible person. Such notice shall specify the requirement or restriction violated and the nature of the violation, and may also identify the actions necessary to remove or remedy the violations and preventive measures required for avoiding future violations and a schedule of compliance.
- (ii) A copy of such notice shall be submitted to the Town Officials. The cost of containment, clean-up, or other action of compliance shall be borne by the owner/operator of the premises.

(k) Severability.

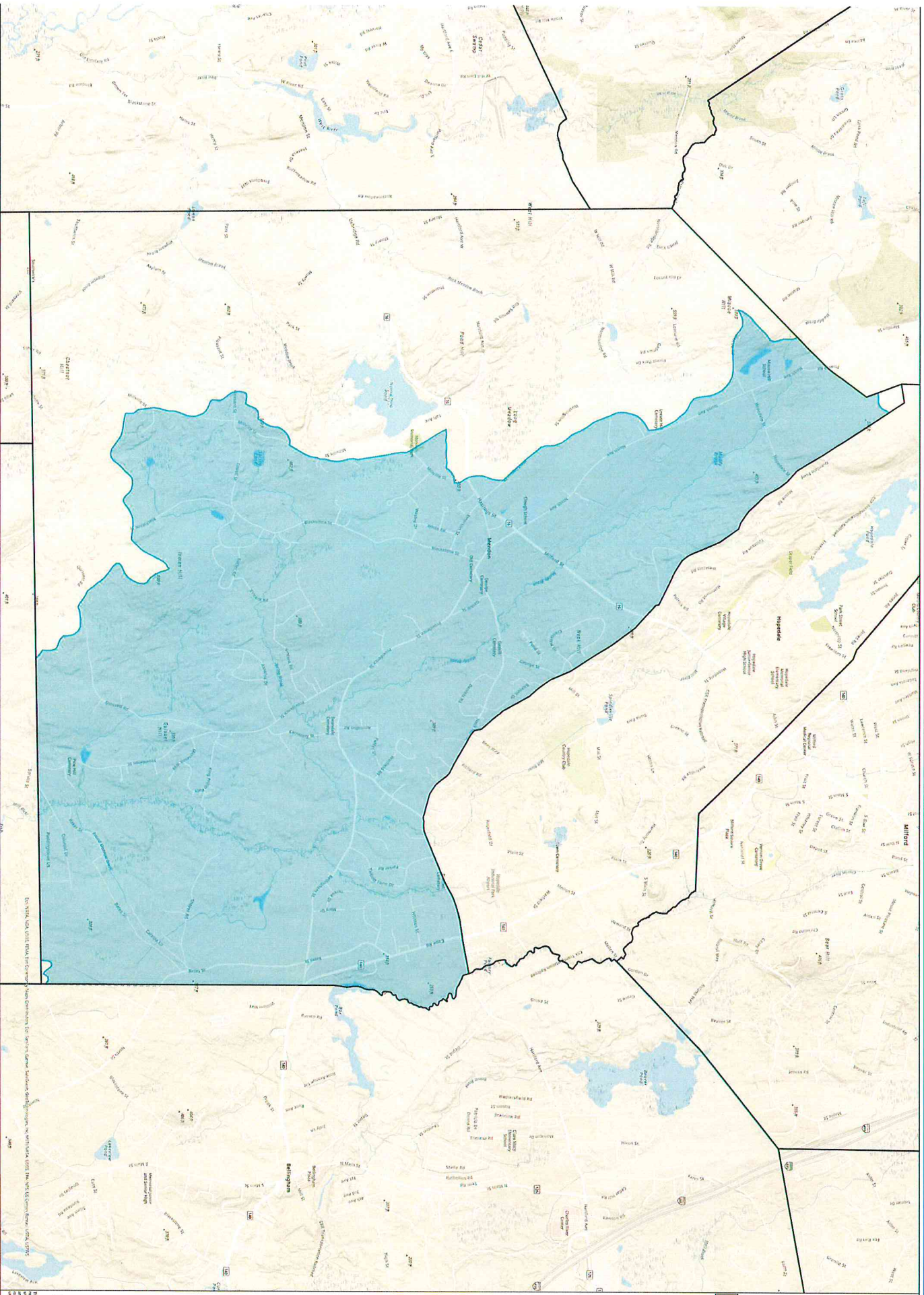
If any provision of this bylaw is held invalid by a court of competent jurisdiction, the remainder of the bylaw shall not be affected thereby. The invalidity of any section or sections or parts of any section or sections of this bylaw shall not affect the validity of the remainder of this bylaw.



**Proposed
Groundwater
Protection District
Mendon Water and
Sewer Planning Study
Town of Mendon**

Legend

-  Proposed Groundwater Protection District



0 500 1,000 2,000
Feet 1:50,000

**Woodard
Curran**
Prepared: 09/2011
Map Created: January 2014

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Article 34

CHAPTER II – Town Meetings

- Section 1. The Annual Town Meeting of the Town of Mendon for the transaction of business relating to the affairs for the Town shall be held on the first Friday in May.
Amended 5/11/2007; AG Approved 8/8/2007; Effective 8/13/2007
- Section 2. The annual Town Meeting for the election of Town officers and the determination of such matters as are required by law to be elected or determined by ballot shall be held on the Tuesday occurring eleven days after the first Friday.
Amended 5/8/1998; AG Approved 8/27/1998; Effective 9/3/1998
Amended 5/11/2007; AG Approved 8/8/2007; Effective 8/13/2007
- Section 3. The polls for the annual Town Meeting for the election of Town officers and the determination as such matters as are required by law to be elected or determined by ballot shall be opened at seven (7) o'clock in the forenoon and shall remain open until (8) o'clock in the evening.
Amended 2/14/1964; AG Approved 2/26/1964; Effective 2/27/1964
Amended 6/25/2002; AG Approved 8/9/2002; Effective 8/13/2002
- Section 4. Notices of all Town Meetings shall be given by posting an attested copy of the warrant for such meeting in three (3) or more public places in the Town of Mendon and on the Town of Mendon Website at least fourteen (14) days before said meeting; Copies of all town meeting warrants shall also be delivered by hand or other means to every household.
Amended 5/3/1998; AG Approved 8/27/1998; Effective 9/3/1998
Amended 5/5/2000; AG Approved 7/24/2000; Effective 7/26/2000
Amended 6/25/2002; AG Approved 8/9/2002; Effective 8/13/2002
Amended 5/2/2014; AG Approved 6/20/2014; Effective 6/20/2014
- Section 5. Whenever a Town Meeting shall adjourn to a future date, the Select Board shall cause a notice of the date, time, and place of adjournment to be published in a newspaper circulated in the Town. Such notice shall briefly state the business to come before the adjourned meeting.
- Section 6. All articles to be included in the annual Town warrant shall be submitted to the Select Board seven (7) weeks before the date of the annual Town Meeting.
- Section 7. All citizens' petitioned warrant articles submitted pursuant to MGL C. 39, § 10, for the inclusion on any Town Meeting warrant, must be delivered to the Select Board's office no later than 30 calendar days prior to the date of such Town Meeting.
- Section 8. Copies of the warrant and of the report of the Finance Committee thereon shall be made available to the voters at or prior to the annual Town Meeting.
- Section 9. The Moderator shall appoint tellers, who shall permit only registered voters to enter upon the floor of the meeting place at the annual or any Town Meeting; the stage may be occupied under the direction of the Moderator. The presence of persons on the floor other than registered voters shall be allowed only with the approval of the majority of the members present at the time of the meeting.
Amended 11/8/1965; AG Approved 11/29/1965; Effective 11/30/1965
- Section 10. If a motion can be sub-divided, it shall be divided, and the question shall be put separately upon each part thereof, if (10) ten voters so request.

- Section 11. When a question is before the meeting, the following motions, namely: to adjourn; to lay on the table; for the previous question; to postpone to a time certain; to commit; to recommit or refer; to amend; to postpone indefinitely; shall be received and shall have precedence in the foregoing order: the first three (3) shall be decided without debate.
- Section 12. On proposed amendments involving sums of money, the larger or largest amount shall be put to the question first, and an affirmative vote thereon shall be a negative vote on any smaller amount.
- Section 13. Any voter desiring to speak upon a question or matter on debate shall rise to his feet, and each person shall, in turn, be recognized by the Moderator.
- Section 14. Any person who is employed as an attorney by another interested in any matter under discussion at Town Meeting shall disclose the fact of his employment before speaking thereon.
- Section 15. When a question is put, the consensus of the Meeting shall be determined by the voices of the voters and the Moderator shall declare the vote as it appears to him. If the Moderator is unable to decide the vote by sound of the voices, or if his decision is immediately questioned by seven (7) or more voters rising in their places for that purpose, he shall determine the vote by ordering a show of hands and he may appoint tellers to make and return the count.
Amended 5/8/1998; AG Approved 8/29/1998; Effective 9/3/1998
- Section 16. Ten voters rising in their places for that purpose shall determine that the vote on any motion shall be taken by secret ballot.
- Section 17. No vote shall be reconsidered at an adjourned session of a Town Meeting unless that adjourned session is held on the same day, and no vote shall be reconsidered later than one (1) hour from the time the vote is declared by the Moderator; no vote may be reconsidered on a Motion to Adjourn, lay on the table, or for the previous question, and no question shall be reconsidered more than once.
Amended 5/8/1998; AG Approved 8/27/1998; Effective 9/3/1998
- Section 18. All Special Committees, unless directed otherwise, shall submit a report within a year after their appointment, or shall be discharged.
- Section 19. When necessary or desirable, the Town may hold annual or special town meetings outside its geographic boundaries at either Mendon-Upton Regional High school facilities or at the Blackstone Valley Vocational Regional School.
Amended 12/15/1997; AG Approved 2/9/1998; Effective 2/17/1998
Amended 5/8/1998; AG Approved 8/27/1998; Effective 9/3/1998
- Section 20. On matters requiring a two thirds vote by statute, a count need not be taken unless the vote so declared is immediately questioned by seven (7) or more voters as provided in Mass. General Laws, Chapter 39, Section 15.