0.

TOWN OF MENDON

GENERAL BY-LAWS

Last Update: July 2017

Table of Contents

CHAPTER I General Provisions p. 4

CHAPTER II Town Meetings p. 5

CHAPTER III Duties of Town Officers p. 7

Sec. 1 Selectmen
Sec. 2 Town Clerk
Sec. 3 Annual Reports
Sec. 4 Town Reports
Sec. 5 Inventory
Sec. 6 Sale of Town Property
Sec. 7 Tax Collector & Town Clerk Fees
Sec. 8 Capital Planning Committee
Sec. 9 Selectmen Agenda
Sec. 10 Employment of Elected Officials
Sec. 11 Residency Requirement-Boards, Commissions and Committees

CHAPTER IV Finance Committee p. 9

CHAPTER V Contracts p. 10

CHAPTER VI Legal Affairs p. 11

CHAPTER VII Records & Reports p. 11

CHAPTER VIII Streets & Highways p. 12

Sec. 1 Definition
Sec. 2 Selectmen Name Streets
Sec. 3 Street Signs
Sec. 4 Buildings Moved Over Streets
Sec. 5 Breaking Sidewalks & Streets
Sec. 6 Parking Rules & Regulations
Sec. 7 Towing Vehicles

Sec. 8 Riding on sidewalks
Sec. 9 Persons Obstructing Streets & Walks
Sec. 10 Graffiti
Sec. 11 Littering
Sec. 12 Building Numbers

CHAPTER IX Regulations as to Streets, Sidewalks, Public Places & Parks p. 16

Sec. 1 Closing Streets
Sec. 2 Parades
Sec. 3 Loitering
Sec. 4 Drinking on Public Way
Sec. 5 Plowing Snow onto Roads
Sec. 6 Driveway Permit
Sec. 7 Commercial Activity on Town owned Real Estate

CHAPTER X Trailers & Mobile Homes p. 17

CHAPTER XI Special Provisions p. 18

Sec. 1 Conservation Commission Fees Deleted 4/10/12
Sec. 2 Discharging Firearms p. 18
Sec. 3 Use of Public Dump (Deleted 9/1/98)
Sec. 4 "
Sec. 5 "
Sec. 6 Unregistered Motor Vehicles p. 18
Sec. 7 Animal Control By-Laws p. 18
Sec. 8 Council on Aging p. 23
Sec. 9 Self-Serve Gas Stations Deleted 6/26/12 p. 23
Sec. 10 Spacing of Class II Licenses p. 23
Sec. 11 Gas Tank Removal p. 23
Sec. 12 Sealer of Weights & Measures p. 23
Sec. 13 Agricultural Commission p. 24

CHAPTER XII Use of Lakes & Streams p. 25

CHAPTER XIII Sign Ordinance(Deleted 5/7/2010)

CHAPTER XIV Earth Removal p. 26

CHAPTER XV Land Use Planning p. 33

CHAPTER XVI Scenic Roads p. 35

CHAPTER XVII Water Protection p. 39

CHAPTER XVIII Hazardous Materials and Waste Cost Recovery p. 40

CHAPTER XIX Delinquent License & Permit Holders p. 40

CHAPTER XX Severability p. 42

CHAPTER XXI Community Preservation Act p. 42

Sec. 1 Establishment
Sec. 2 Duties

Sec. 3 Requirement for a Quorum and Cost Estimates
Sec. 4 Amendments
Sec. 5 Severability
Sec. 6 Effective Date

CHAPTER XXII Water Restriction p. 44

CHAPTER XXIII Non-Storm Water Discharge p. 46

CHAPTER XXIV Registered Sex Offender Restrictions p. 52

CHAPTER XXIVa Demolition Delay Bylaw p. 55

CHAPTER XXV Adult Entertainment Establishments & Liquor Licenses p. 58

CHAPTER XXVI Stormwater Management By-Law p. 59

CHAPTER XXVII Stretch Energy Code p. 73

CHAPTER XXVIII Wetlands Protection By-Law p. 74

CHAPTER XXIX Right to Farm Bylaw p. 81

CHAPTER XXX Historic District Bylaw p. 83

APPENDIX 1 Mendon Center District Map p. 90
APPENDIX 2 Taft Homestead District p. 91

APPENDIX A Home Rule Petitions p. 92

A1 Recall Elections
A2 Establishing Land Bank Fund
A3 Regulating Eligibility for the office of Selectmen
A4 Establishing a Capital Expenditure Fund

APPENDIX B Massachusetts General Laws Voted by the Town p. 96

BY – LAWS

of the

TOWN OF MENDON, MASSACHUSETTS

CHAPTER I

General Provisions

Section 1. The adoption of these by-laws by the Town shall have the force and effect of repealing all presently existing by-laws and regulations heretofore adopted by the Town, except that this repeal shall not apply to or effect any by-law, order or article heretofore adopted accepting or adopting the provisions of any statute of the Commonwealth and specifically excepting the Mendon Zoning By-law and the Mendon Sub-division Control Law. These by-laws shall be known and referred to as "By-laws of the Town of Mendon, Massachusetts".

Section 2. Whoever violates any provision of these by-laws whereby any act or thing is prohibited shall, unless other provision is expressly made, forfeit and pay a fine of fifty dollars ($50.00).

Section 3. Any by-law of the Town of Mendon, rule or regulation of its departments, boards, commissions and committees, the violation of which is subject to a specific penalty, may, in the discretion of the town official who is the appropriate enforcing person, be enforced in the method provided in Section 21D of Chapter 40 of the Massachusetts General Laws "Noncriminal Disposition Statute". "Enforcing person", as used in this by-law, shall mean Dog Officer, health agent, building inspector, any Police Officer, and such other officials as the Board of Selectmen may from time to time designate, each with respect to violation of by-laws and rules and regulations within their respective jurisdictions. If more than one official has jurisdiction in a given case, any such official may be an enforcing person with respect thereto.

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.

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.

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.

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.

Section 5. Whenever a Town Meeting shall adjourn to a future date, the Selectmen 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 Selectmen seven (7) weeks before the date of the annual Town Meeting.

Section 7. 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 8. 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.

Section 9. 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 10. 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 11. 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 12. 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 13. 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 14. 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.

Section 15. Ten voters rising in their places for that purpose shall determine that the vote on any motion shall be taken by secret ballot.

Section 16. 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.

Section 17. All Special Committees, unless directed otherwise, shall submit a report within a year after their appointment, or shall be discharged.

Section 18. 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.

Section 19. 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.

CHAPTER III

Duties of Town Officers

Section 1. The Selectmen shall have the general direction and management of the property and affairs of the Town in all matters not otherwise provided for by law or these by-laws.

Section 2. It shall be the duty of the Town Clerk immediately after every Town meeting to notify in writing all members of committees appointed by the Moderator and not present at the meeting.

Section 3. All Town Officers shall make their annual reports to the Board of Selectmen on or before the fifteenth (15) day of January on each year. The annual reports shall contain estimates of the amounts required by the several departments for the ensuing year.

Section 4. The Selectmen shall cause to be printed in one volume, to be ready for distribution at least five (5) days before the annual Town Meeting, the reports of the officers, and the reports of the heads of the various departments. When practical, the reports of all committees appointed by the Town shall also be printed.

Section 5. All Town Officers shall annually submit to the Selectmen on or before April 1st an inventory of all property belonging to the Town.

Section 6. The Selectmen are authorized to sell and assign by public sale any tax lien held by the Town and/or bargain, sell and convey any property to which the Town has or may hereafter acquire title through foreclosure of tax liens, or under the statutes relating to Lands of Low Value. The Selectmen are authorized to sign, execute and deliver in the name of the Town, any and all legal instruments under seal, necessary to convey to the assignee or purchaser all rights, title and interest of the Town in such property.

Section 7. All other Town Officers shall pay into the Town Treasury all fees received by them, by virtue of their offices.

Section 8. There shall be a Capital Planning Committee consisting of five members appointed by the Board of Selectmen for three-year overlapping terms such that the term of office of at least one member but no more two expire each year.

Section 9. The Selectmen shall be required to post at least forty-eight (48) hours in advance of their next posted meeting an agenda for said meeting. This agenda shall be displayed in a conspicuous place within the Town Hall.

Section 10. No person holding elected office within the Town of Mendon shall be eligible for employment with the Town of Mendon for a period of one (1) calendar year following his or her last day holding such elected office. Nothing contained in this section shall prohibit the Board of Selectmen from authorizing the Town Clerk to perform additional services as clerical assistant for the Zoning Board of Appeals, and the Board of Selectmen is hereby authorized, at any time and from time to time and pursuant to the provisions of Chapter 41, Section 19I of the Massachusetts General Laws, to take such action, and, subject to appropriation, to establish the amount of additional compensation to be paid to the Town Clerk for performing such additional services.

Section 11. Residency Requirement - Boards, Commissions and Committees.

No person shall be appointed to or serve on a board, commission or committee of the Town or any other board, commission or committee for which the appointment thereto is by a town board or officer, unless such person is a resident of the Town. Any person serving as a member of a board, commission or committee who, during the term of office for which appointed, ceases to be a resident of the town, shall be deemed to have vacated such membership.

The provisions of this bylaw shall not apply to ex-officio members (including any non-resident town officer(s) or employee(s) representing the Town in such capacity), non-voting members, or members of a board, commission or committee holding such membership at the time this bylaw becomes effective.

CHAPTER IV

Finance Committee

Section 1. There shall be a Finance Committee, consisting of seven (7) members, to be appointed by the Board of Selectmen.

Section 2. The Committee shall organize each year by the selection of a Chairman and a Clerk. The Clerk shall keep records of the activities of the Committee.

Section 3. It shall be the duty of the Committee to consider all articles in the warrants for Town Meetings that involve the expenditure of money. The Committee shall make recommendations at meetings in regard to the action that should be taken thereon.

Section 4. No motion relating to an expenditure of money or an appropriation shall be acted upon at any Town Meeting until the Finance Committee has stated its recommendations.

Section 5. All officers, agents and committees of the Town shall give the Finance Committee access to their books, records and accounts, and furnish all information with respect to the conduct of the Town's affairs that it shall request. It shall make reports and recommendations to the Board of Selectmen, with respect to the management of Town affairs and the conduct of all departments.

Section 6. No paid town Officer or paid Town Employee shall be eligible to serve on the Finance Committee.

Section 7. The Finance Committee shall hold a meeting open to the public, prior to the annual town Meeting, at which a member of said Committee shall explain the recommendations of the Committee.

Section 8. The report of said Committee shall be contained in each annual Town Report.

CHAPTER V

Contracts

Section 1 No officer of the Town shall participate in making or passing upon any sale, contract or agreement – or the terms or amount of any payment in which the Town is interested – if such officer has any personal financial interest therein, direct or indirect. Every contract for the purchase of goods and services, other than services of a recognized professional, with an estimated cost allowed by Chapter 30B: Section 6(a) or over, shall be awarded to the lowest responsible eligible bidder on the basis of competitive sealed bids in accordance with the following procedure.

Section 1.1 Requests for sealed bids shall be advertised in a local newspaper at least two (2) weeks before they are opened.

Section 1.2 Specifications shall be available in the Selectmen's office.

Section 1.3 All sealed bids for supplies, goods, and services shall be returned to the Town as specified in the bid package and held until the specified time of opening at which time bids will be opened and publicly read aloud.

Section 1.4 All bids shall be opened at a meeting of the Board of Selectmen unless otherwise specified in the bid package described under Section 1.3.

Section 1.5 If no bids shall be accepted by the authority within thirty (30) days of opening, all bids shall be considered rejected.

Section 1.6 The awarding authority shall have the right to reject any or all bids.

Section 2 A bond for faithful performance of any contract in excess of one thousand dollars ($1,000) may be required by the Selectmen, School Committee, or board having in its charge the execution of such contract.

Section 3 A certificate shall be filed by any contractor doing work for the Town of Mendon, showing compliance with the Workman's Compensation laws, before commencing any such work.

Section 4 Any Board or officer in charge of a department of the Town may sell any personal property of the town within the possession or control of the department which has become obsolete and/or is not required for further use by his department or any other Town department, provided that the original cost of the article or property did not exceed fifty dollars ($50.00). Sale of property which cost more than fifty dollars ($50.00) must have the prior approval of the Board of Selectmen before any such sale.

CHAPTER VI

Legal Affairs

Section 1 The Selectmen shall be agents of the Town to institute, prosecute, and defend any and all claims, actions and proceedings to which the Town is a party or in which the interests of the Town are or may be involved.

Section 2 The Selectmen shall annually, after final adjournment of the Annual Town Meeting, appoint a member of the Bar in good standing to serve as Town Counsel for the term of one year and until his successor is appointed and enters upon the performance of his duties. They shall likewise fill any vacancy in said office for the unexpired term, and may employ special counsel to assist the said Town Counsel whenever, in their judgment, necessity therefor arises.

Section 3 The Selectmen's authority to settle claims brought against the Town shall be limited to ten thousand dollars ($10,000). Any settlement in excess shall have to be approved by vote of a Town Meeting.

CHAPTER VII

Records and Reports

Section 1 All officers, Boards and Committees of the Town shall keep records of their activities and of their accounts in suitable books. Said books shall be kept in their proper places in the respective Town Offices, and shall not be removed therefrom. Said books shall, unless provided by law, be open to public inspection at any reasonable time, but shall remain during such inspection under the supervision of the Officer having custody thereof.

Section 2 All officers and committees of the Town having charge of the expenditure of town money shall annually report thereon in writing in such manner as to give the citizens a fair and full understanding of how said money was expended.

Section 3 The annual Town Reports shall contain, in addition to the reports of the officers and committees, the official record of the annual Town Meeting and the official record of any special meetings of the Town held during the year, as well as such other matters as may be inserted by the Selectmen under the discretion granted them by law.

CHAPTER VIII

Streets and Highways

Section 1 Whenever the word "Street or Streets" is mentioned in these by-laws, it shall be understood as meaning all alleys, lanes, courts, public squares and public places, including sidewalks and gutters, unless the contrary is expressed or the construction would be inconsistent with the manifest intent.

Section 2 The Board of Selectman shall establish names of all streets and ways, but no name once established shall be changed except by vote of the Town.

Section 3 The Superintendent of Streets shall cause the name of the several streets to be shown in convenient places on said streets; the removal, injury or defacing of said names is hereby prohibited.

Section 4 No building shall be removed over a public street without a written permit from the Selectmen.

Section 5 No person shall break the ground in any street, sidewalk, or public place for any purpose, nor change the grade or width of any street or public way without the written permit of the Highway Surveyor. Such permit shall prescribe the restrictions or limitations under which the same is granted.

Section 6.1 The Town of Mendon, by and through rules and regulations for Parking, Stopping and Standing, preserves and enhances public safety on or about its' roads, streets and highways.

Section 6.2 The Town of Mendon hereby accepts Massachusetts General law, Chapter 90, Section 20A establishing general parking rules and regulations, the position of Parking Clerk and schedule of penalties for non-payment of parking violations. The duties of Parking Clerk for the Town of Mendon shall be added to those duties of the Town Clerk.

Section 6.3 The Town of Mendon hereby accepts Massachusetts General Law, Chapter 40, Section 22D allowing for the towing of vehicles illegally parked or standing on public ways.

Section 6.4 *General Prohibitions*. No person shall allow or permit any vehicle under his or her control or registered in his or her name to stand or park in any street, way, road, highway or parkway under the control of the Town of Mendon in violation of any of the traffic rules and regulations outlined in the By-Laws of the Town of Mendon, and in particular in any of the following places, except when necessary to avoid conflict with other traffic or in compliance with direction of a Police Officer or traffic sign or signal:

A. Within an intersection
B. Upon any sidewalk
C. Upon any bridge or viaduct
D. Upon any crosswalk
E. Upon any roadway where parking other than angle parking is permitted, unless both wheels on the right side of the vehicle are within twelve (12) inches of the curb or edge of the road
F. Upon any roadway where the parking of a vehicle will not leave a clear and unobstructed lane at least ten (10) feet wide for passing traffic
G. Upon any street or highway within five (5) feet of a fire hydrant
H. In front of any private road or driveway
I. Upon any street or highway within twenty (20) feet of an intersection, except alleys

Section 6.5. *Parking Prohibited At All Times*. No person shall stand or park any vehicle at any time:

A. Upon streets or parts thereof where such a prohibition is posted
B. At bus stops, except buses, and no person shall park a bus within a business district at any place other than a bus stop when a nearby bus stop is available
C. At taxicab stands, except taxicabs, and no person shall park a taxicab upon any street within a business district at any place other than the taxicab stand or stands designated for the use of this taxicab or taxicabs, except while engaged or while waiting for an opportunity to use a taxicab stand designated for said use
D. In a posted area designated for restricted use, except while engaged in that restricted use
E. Upon the following streets or highways or parts thereof and where posted accordingly:
    1. Elm Street on Westerly side from Maple to Hastings Street
    2. Maple Street on both sides between a point approximately one hundred (100) feet West of Main Street and up to Elm Street.
    3. Main Street on the Westerly side from a point approximately 250 feet South of Maple Street to Maple Street and on the Easterly side from a point 20 feet South of the Fire Station 385 feet North to a point approximately 50 feet North of the Taft Library.
    4. All sides of Memorial Square at the intersection of Main and Maple Streets.

F. *Fire Lanes.* It shall be unlawful to obstruct or park a vehicle in any fire lane if designated at a school, shopping complex, professional building, place of public assembly, industrial complex or condominium/apartment complex. Such fire lanes are to be a width of twelve (12) feet from the edge of the curbing in shopping and industrial complexes as well as condominium/apartment complexes, and shall be designated as such by the Fire Chief or his designee. In places where no sidewalk with curbing exists, the width of said fire lanes may be reduced at the discretion of the Fire Chief or his designee.

Any object or vehicle obstructing or blocking any fire lane may be removed or towed by the town under the direction of a Police Officer at the expense of the owner and without any liability to the Town of Mendon.

The owner of record of any building designated by the Fire Chief or his designee as requiring a fire lane shall provide and install at no cost to the town signs and pavement markings indicating the presence of a fire lane(s), the penalty for parking in or obstructing said fire lane, and shall comply with the following specifications:

1. Signs shall be no less than twelve (12) inches by eighteen (18) inches in size.
2. Signs shall be constructed of a rust-resistant metal.
3. Signs shall have a white-in-color background with four (4)-inch red-in-color letters stating “Fire Lane – No Parking – Tow Zone”.
4. Any area designated as a Fire Lane shall be outlined on the pavement with yellow painted lines nine (9) inches in width to enclose the Fire Lane. Within this designated area, the words “Fire Lane” shall be painted also in yellow and shall have letters no less than three (3) feet in height.
5. The number of signs and road markings shall be designated by the Fire Chief or his designee.
6. The owner of record shall have ninety (90) calendar days to place the road markings and install the signs within the Fire Lane.

Section 6.6. *Parking for the Handicapped/Disabled.* All commercial, industrial, and public facilities within the Town of Mendon shall comply with all applicable state and federal laws and regulations governing the number, placement, width, and signage/markings of parking spaces reserved for use by disabled/handicapped persons.

It shall be unlawful to park, stand or stop in any parking space reserved for use by disabled/handicapped persons with any vehicle not bearing legally authorized registration plates or placards/permits issued by any appropriate governmental agency. Any vehicle violating this provision shall be subject to removal and/or fine as directed by a Police Officer.

Section 6.7. *No All Night Parking*. It shall be unlawful for the driver of any vehicle, other than one acting in an emergency, to park said vehicle on any street for a period of time longer than one (1) hour between the hours of 12 midnight and 6:00 a.m. This provision shall be in effect each day between December 1 of one year and March 31 of the succeeding year. Any vehicle in violation of this provision shall be subject to a fine and/or removal as directed by a Police Officer.

Section 6.8. *Snow Removal and Weather Emergencies*. The Mendon Highway Surveyor may, for the purpose of snow removal, snow plowing, removing ice, or other severe weather-related operations and/or cleanup from any way, remove or cause to be removed to some convenient place, including in such term a public garage, any vehicle interfering with such work, and impose liability for the cost of such removal and of the storage charges, if any, resulting therefrom, upon the owner of the vehicle.

Section 6.9. *Special Powers of the Police – Parking.* The following fines and penalties shall apply to violations of above provisions:

A. Parking in Posted No Parking Zone	$10.00 and/or removal
B. Violation of All Night Parking Prohibition	$10.00 and/or removal
C. Parking in Front of Driveway	$10.00 and/or removal
D. Parking Upon a Sidewalk	$10.00 and/or removal
E. Failure to Park Within 12 inches of a Curb	$10.00
F. Parking Within a Taxicab Space	$10.00
G. Parking Within a Bus Stop	$10.00
H. Violation of a Restricted Use Parking Area	$10.00
I. Parking Within Lane of Travel	$15.00 and/or removal
J. Parking Within Five (5) Feet of Fire Hydrant	$15.00 and/or removal
K. Parking Within Twenty (20) Feet of an Intersection	$15.00 and/or removal
L. Parking Upon Any Crosswalk	$15.00 and/or removal
M. Parking Upon Any Bridge or Viaduct	$15.00 and/or removal
N. Parking Within a Fire Lane	$20.00 and/or removal
O. Parking Within an Intersection	$20.00 and/or removal
P. Handicapped Parking Violation	$50.00 and/or removal

In addition to these fines and penalties, all costs associated with the removal (towing) of illegally parked vehicles shall be born solely by the owner/operator of the vehicle. The Town of Mendon shall not be liable for any cost or damages that result with the removal of an illegally parked vehicle.

Section 6.11. *Payment of Fines and Penalties.* All fines and penalties shall be paid by check or money order made payable to the Town of Mendon, and shall be forward to the attention of the Parking Clerk. The Parking Clerk shall record all fines received, and then forward all amounts received to the Treasurer/Collector for deposit in the general fund.

Section 6.12. *Appeal Procedure*. Any operator issued a Violation Notice for the violation of any of the above provisions who wishes to appeal said citation may do so in writing to the Parking Clerk within five (5) calendar days of the violation. The written notification shall include the Violation Notice number and shall request a hearing with the Parking Clerk. The Parking Clerk shall schedule said hearing within ten (10) business days of the receipt of the hearing request. Following the hearing, the Parking Clerk shall issue a written decision within three (3) business days. The decision of the Parking Clerk is final.

Section 6.13. *Failure to Pay.* The failure to pay any fine or penalty within the following designated time periods to the Town of Mendon shall result in the following penalties:

A. Twenty to thirty-nine days overdue	Original fine plus $20 penalty
B. Forty to fifty-nine days overdue	Original fine plus $40 penalty
C. Over sixty days overdue	Original fine plus $60 penalty

In addition to the above noted penalties, any fines and penalties not paid to the Town of Mendon may result in the non-renewal of driver's license(s) and vehicle registration(s), and may also result in the issuance of a criminal complaint from District Court.

Section 6.14. *Exemptions*. The provisions of these rules and regulations shall not apply to operators actually engaged in work upon a street or highway closed to travel or under construction or repair; to municipal officials and officers when engaged in the performance of public duties; nor to drivers of emergency vehicles while operating in an emergency and/or in performance of public duties when the nature of the work of any of these necessitates a departure from any part of these rules and regulations. These exemptions, however, shall not protect the driver of any vehicle from the consequences of a reckless disregard of the safety of others.

Section 7. The Superintendent of Streets is hereby authorized to remove or cause to be removed any vehicle from any way in the Town if said vehicle is interfering with the removal or plowing of snow, and he may remove same or cause same to be removed to a public garage at the owner's expense.

Section 8. No person shall ride any vehicle on any sidewalk in the Town.

Section 9. Three or more persons shall not stand in a group or near each other on any sidewalk or street in such a manner as to obstruct or impede free passage, after having been requested by a Police Officer to move on.

Section 10. No person shall post nor paint any advertisement of any nature upon any Town building, fence, guideboard, rock, tree or other object without the written consent of the Selectmen.

Section 11. No person shall throw rubbish, garbage, bottles, papers or any other trash on any public way or public property within the limits of the Town of Mendon, and if any person violates this by-law he shall be subject to a fine of $50 (fifty dollars).

Section 12. The Board of Selectmen of the Town of Mendon or their appointed Agent shall be responsible for assigning street numbers to each dwelling, business or industrial building in the Town of Mendon.

Section 12A. Every building used as a dwelling or place of business shall maintain, in a conspicuous place, the street number assigned to it by the Board of Selectmen or their appointed Agent, who shall assign such number upon application for a building permit, or upon request of the owner, occupant or other official in the case of existing buildings.

Such numbers shall be bold, simple numerals of a contrasting color at least five (5) inches high, placed at or near the front entrance, and shall be affixed by the owner within thirty (30) days of occupancy for new structures, or within three (3) months of notification of assignment in the case of existing buildings. Buildings set too far back for the numbers to be visible from the street shall attach a number to the building and also to a mailbox, gate, post or similar curbside structure. Mailbox numbers shall be at least three (3) inches high and on both sides or on the front of the box.

Section 12B. Whoever violates any of the provisions of Section 12A shall be punished by a fine of twenty-five dollars ($25.00).

CHAPTER IX

Regulations as to Streets, Sidewalks, Public Places and Parks

Section 1. The Superintendent of Streets may at any time temporarily close any street or way within said Town if, in his opinion, public necessity, convenience, or safety require.

Section 2. No person shall form or conduct any parade in any street, sidewalk or public way within the Town of Mendon, or form or conduct for the purpose of display or demonstration any procession or assembly of people within any such street, sidewalk, or way without a written permit from the Board of Selectmen; and no person shall take part in any such parade, procession or assembly that is not authorized by such permit.

Section 3. Any person standing or loitering in any street, sidewalk or public way within the Town who is disturbing or annoying the owners of the property abutting on said street or way, or who is disturbing any other person or persons, shall immediately depart upon the order of a Police Officer of the Town.

Section 4A. Whoever shall, within the limits of any public or private way open to the public, consume intoxicating beverages, shall be punished by a fine of twenty-five dollars ($25.00).

This section shall also be construed so as to prohibit the following: the consumption of intoxicating beverages by any person while such person is standing, sitting, walking, running or otherwise present within such way or is within any vehicle, whether parked, or moving, which is within the limits of such public way.

Section 4B. Whoever shall consume intoxicating beverages in a public building, or any public property, private way or parking area regulated under the provisions of the Mass General Laws, Chapter 90, Section 18 shall be punished by a fine of twenty-five dollars ($25), except as authorized by the Board of Selectmen.

Section 4C. The foregoing sections (A) and (B) shall not apply to any activity duly licensed by the Board of Selectmen under the applicable provisions of the Massachusetts General Laws.

Section 5. No person other than an employee in the service of the Commonwealth or any political subdivision thereof or an employee in the service of an independent contractor acting for the Commonwealth or any such subdivision shall pile, push or plow snow or ice into a State or Town Highway so as to impede the flow of traffic on such way. Whoever violates this section shall be punished by a fine of twenty-five dollars ($25.00) for first offense, fifty dollars ($50.00) for subsequent offenses.

Section 6. No person, owner of property or person controlling property, shall create a driveway or opening on to any street, court, lane, public roadway, or roadway which the public has a right to use without a valid Driveway Permit (a copy of which is on file in the Office of the Town Clerk), having been issued for the project by the Highway Surveyor. Whoever violates this section shall be punished by a fine of fifty dollars ($50.00).

Section 7. No commercial activity shall take place on real estate owned by the Town of Mendon without the prior written approval of the Board of Selectmen. Any such approval may be on such terms and conditions, as the Board of Selectmen deems reasonable and appropriate.

CHAPTER X

Trailers or Mobile Homes

Section 1. No trailer coach park shall be established within the limits of the Town.

Section 2. More than one trailer shall be termed a trailer coach park.

Section 3. No person shall occupy a trailer or mobile home for living or business purposes without a permit from the Board of Selectmen.

1. Selectmen shall issue temporary trailer permits only to persons who have obtained a building permit for construction of a permanent home or business building, provided that (a) permits have been obtained from the Building Commissioner, (b) the toilet facilities are approved by the Board of Health per their regulations and the State Sanitary Code, and (c) in compliance with the rules and regulations of the Building, Plumbing and Electrical Inspectors.

2. All temporary permits shall expire at the end of six (6) months, unless application to renew is applied for and renewed by the Board of Selectmen. Upon expiration of said permit the Trailer/Mobile home shall be removed from the Town.

CHAPTER XI

Special Provisions

Section 1. Deleted 4/10/12

Section 1.1. Deleted 4/10/12

Section 1.2. Deleted 4/10/12

Section 2. No person shall hunt or discharge a firearm on Lake Nipmuc.

Section 3. Deleted 9/1/98

Section 4. Deleted 9/1/98

Section 5. Deleted 9/1/98

Section 6. No person without a permit or license from the Board of Selectmen shall store, keep or allow to remain on his premises more than one unregistered motor vehicle, assembled or disassembled, unless the same is stored or kept in a garage or other building, except a person duly licensed under General Laws, Chapter 140, Section 59, or those designated and used for farming or agriculture or construction purpose. Said Board shall not issue such permit unless it finds that the presence of such vehicle or vehicles, as the case may be, on such parcel (1) will not nullify or substantially derogate from the intent and purpose of this by-law, (2) will not constitute a nuisance, and (3) will not adversely affect the neighborhood in which such parcel is located.

Permit limitation: Each permit required by the above shall:

1. Specify the maximum number of such vehicles that may be kept stored or allowed to remain on such parcel.
2. Be limited to a reasonable time
3. Be a personal privilege of the applicant and not a grant attached to and running with the land.

Section 6A. Whoever violates Section 6 shall be punished by a fine of twenty-five dollars ($25.00) per vehicle; second offense is fifty dollars ($50.00) per vehicle; and one hundred dollars ($100.00) for the third and subsequent offense.

Section 7. Animal Control By-Law

Section 7.1. Purpose

The purpose of this By-Law is to achieve the objectives of the animal control enabling legislation, as amended, contained in Chapter 140, Sections 137-174E, of the Massachusetts General Laws, which includes the regulation of domesticated animals within the borders of the Town of Mendon, Massachusetts, the licensing of dogs, and the establishment of fines for violation of this By-Law.

Section 7.2. Applicability

This By-Law shall apply to all dogs owned by or kept by residents of the Town of Mendon: all dogs harbored or kept in the Town of Mendon, and all dogs physically within the Town of Mendon, whether on public or private property and regardless of whether ownership can be determined. This By-Law also shall apply to all residents of the Town of Mendon who bring or harbor one or more dogs within the Town of Mendon.

Section 8. Definitions

8.1 Animal Control Officer. An appointed officer authorized to enforce sections 136A to 174E, inclusive.

8.2 At Large. A dog off the premises of its owner or keeper and not under the control of a person capable of preventing the dog from being a threat to public safety, biting other domestic animals or being a public nuisance.

8.3 Attack. Aggressive physical contact initiated by an animal.

8.4 Commercial boarding or training kennel. An establishment used for boarding, holding, day care, overnight stays or training of animals that are not the property of the owner of the establishment, at which such services are rendered in exchange for consideration and in the absence of the owner of any such animal; provided, however, that "commercial boarding or training kennel" shall not include an animal shelter or animal control facility, a pet shop licensed under Massachusetts General Laws Chapter 129, Section 39A, a grooming facility operated solely for the purpose of grooming and not for overnight boarding or an individual who temporarily, and not in the normal course of business, boards or cares for animals owned by others.

8.5 Dangerous dog. A dog that either: (i) without justification, attacks a person or domestic animal causing physical injury or death; or (ii) behaves in a manner that a reasonable person would believe poses an unjustified imminent threat of physical injury or death to a person or to a domestic or owned animal.

8.6 Hearing authority. The Board of Selectmen of the Town of Mendon.

8.7 Keeper. A person, business, corporation, entity or society, other than the owner, having possession of a dog.

8.8 Kennel. A pack or collection of dogs on a single premise, including a commercial boarding or training kennel, commercial breeder kennel, domestic charitable corporation kennel, personal kennel or veterinary kennel.

8.9 Licensing authority. The clerk of any municipality.

8.10 Livestock or fowl. A fowl or other animal kept or propagated by the owner for food or as a means of livelihood, deer, elk, cottontail rabbit, northern hare, pheasant, quail, partridge and other birds and quadrupeds determined by the department of fisheries, wildlife and environmental law enforcement to be wild and kept by, or under a permit from, the department in proper houses or suitable enclosed yards; provided, however, that "livestock or fowl" shall not include a dog, cat or other pet.

8.11 Nuisance dog. A dog that: (i) by excessive barking or other disturbance, is a source of annoyance to a sick person residing in the vicinity; or (ii) by excessive barking, causing damage or other interference, a reasonable person would find such behavior disruptive to one's quiet and peaceful enjoyment; or (iii) has threatened or attacked livestock, a domestic animal or a person, but such threat or attack was not a grossly disproportionate reaction under all the circumstances.

8.12 Personal kennel. a pack or collection of more than four (4) dogs, three (3) months old or older, owned or kept under single ownership, for private personal use; provided, however, that breeding of personally owned dogs may take place for the purpose of improving, exhibiting or showing the

breed or for use in legal sporting activity or for other personal reasons; provided further, that selling, trading, bartering or distributing such breeding from a personal kennel shall be to other breeders or individuals by private sale only and not to wholesalers, brokers or pet shops; provided further, that a personal kennel shall not sell, trade, barter or distribute a dog not bred from its personally-owned dog; and provided further, that dogs temporarily housed at a personal kennel, in conjunction with an animal shelter or rescue registered with the Department of Agricultural Resources, may be sold, traded, bartered or distributed if the transfer is not for profit.

Section 9. Licensing.

9.1 All dogs shall be licensed, except as otherwise provided in this By-Law. The owner or keeper of a dog over the age of six (6) months shall obtain a license for the dog pursuant to Chapter 140, Section 137 of the Massachusetts General Laws. Any owner or keeper of a dog over six (6) months of age shall, by April 1st of each year, cause the dog to be registered, numbered, described and licensed with the Town Clerk in accordance with Massachusetts General Laws, Chapter 140, Section 139 as amended.

9.2 The annual fee for every dog license except as otherwise provided by law shall be ten dollars ($10.00) for a male or female dog, unless a certificate of a registered veterinarian who performed the operation that such dog has been spayed or neutered and has thereby been deprived of the power of propagation has been shown to the Town Clerk, in which case the fee shall be six dollars ($6.00). A certified copy of such certificate of spaying or neutering on file in the office of any city or town clerk within the Commonwealth may be accepted as evidence that such operation has been performed. If the Town Clerk is satisfied that the certificate of the veterinarian cannot be obtained, he/she may accept in lieu thereof a statement signed under the penalties of perjury by a veterinarian registered and practicing in the Commonwealth describing the dog and stating that he/she has examined such dog and that it appears to have been, and in his/her opinion, has been spayed or neutered and thereby deprived of the power of propagation.

9.3 A licensing authority shall not grant a license for a dog unless the owner of the dog provides the licensing authority with a veterinarian's certification that the dog has been vaccinated for rabies, certification that such dog is exempt from the rabies vaccination requirement under Massachusetts General Laws Chapter 140, Section 145B, or a notarized letter from a veterinarian that either of these certifications was issued relative to such dog.

9.4 The license shall be granted upon condition that the dog shall be controlled and restrained from killing, chasing or harassing livestock or fowl.

9.5 No license fee shall be charged for a license for a service animal as defined by the Americans with Disabilities Act. No fee shall be charged for a license for a dog owned by a person aged seventy (70) years or over.

9.6 No dog license fee or part thereof shall be refunded because of the subsequent death, loss, spaying or removal from the Commonwealth or other disposal of the dog.

9.7 Should any owner or keeper of a dog fail to license his/her dog before May 1st, the owner shall pay a late fee of six dollars ($6.00). The owner of any dog impounded because of failure to license according to this By-Law, may claim such dog upon the reimbursement to the Animal Control Officer of the expense incurred for maintaining such dog according to the following fee schedule:

a. Payment of any Kennel charges incurred for the period of the dog's impoundment.
b. Twenty-five ($25) for initial handling and pick-up of the dog. Prior to its release, the owner of said dog shall obtain a license from the Town Clerk.

9.8 The owner or keeper of a licensed dog shall keep affixed around the dog's neck or body, a collar or harness of leather or other suitable material, to which a tag shall be securely attached. The tag shall have inscribed upon it the dog's license number, the name of the city or town issuing the license and the year of issue. If the tag becomes lost, the owner or keeper of the dog shall immediately secure a substitute tag from the licensing authority at a cost to be determined by the city or town and the fee for the substitute shall, if received by a city or town clerk, be retained by the clerk unless otherwise provided by law.

9.9 Every person maintaining a kennel shall obtain a kennel license in accordance with M.G.L. Chapter 140, Section 137A.

9.10 The fee for every kennel license shall, except as otherwise provided, be thirty dollars ($30.00) for four (4) dogs or less, forty dollars ($40.00) for ten (10) dogs or less, and fifty dollars ($50.00) for more than ten (10) dogs. An owner or keeper of a Personal Kennel may elect to secure a kennel license in lieu of licensing each individual dog.

9.11 In the case of an applicant for initial licensure, a licensing authority shall not issue a kennel license until a kennel has passed inspection by the Animal Control Officer.

9.12 Whoever violates M.G.L. Chapter 140, section 137, 137A, 137 B or 138 shall be assessed a penalty of not less than fifty dollars ($50.00).

9.13 Any funds collected pursuant to the provisions of this by-law, shall be accounted for and paid over to the Town Treasurer at such time and in such manner as may be designated by the Town Treasurer.

Section 10. Public Nuisance

10.1 No person shall own or keep in the Town any dog which by biting, excessive barking, howling, or being at large or in any other manner becomes a public nuisance. Any unspayed female dog in season shall be deemed a public nuisance when not confined indoors by the owner thereof, or housed in a veterinarian hospital or registered clinic. No person owning or keeping a dog shall permit such dog to be at large, loose or unattended in any street or public place or allow it upon the premises of anyone other than the owner or keeper of such dog without the permission of the owner or occupant of such premises.

Section 11. Complaint of Nuisance

11.1 If any person shall make a complaint in writing to the Animal Control Officer that any dog owned or harbored within the Town is a nuisance dog or is dangerous dog, the Animal Control Officer shall investigate such complaint and submit written report to the Board of Selectmen, acting as the hearing authority, of his findings and recommendations, together with the written complaint.

11.2 The Animal Control Officer, after investigation, may issue an interim order that such dog be restrained or muzzled for a period not to exceed fourteen (14) days to allow the Board of Selectmen to issue their order following receipt of the report of the Animal Control Officer.

11.3 Any dog may be restrained or muzzled pursuant to an interim order of the Animal Control Officer for any of the following reasons:

a. For having bitten any person.
b. If found at large while an order for restraint of such dog is in effect.
c. If found in a school, schoolyard or public recreation area.
d. For having killed or maimed or otherwise damaged any other domesticated animal.
e. For chasing any vehicle upon a public way or way open to public travel in the Town.
f. For any violation of this section relating to dogs.

Upon restraining or muzzling, or issuing any order to restrain or muzzle, the Animal Control Officer shall submit in writing to the Board of Selectmen a report of his action and the reasons therefore. If the Board of Selectmen fails to act during the period of the interim order, upon expiration of the period, the interim order shall be automatically vacated.

11.4 Such investigation shall include notice to the owner and a hearing with an examination under oath of the complainant to determine whether the dog is a nuisance or is a dangerous dog.

Based on the credible evidence and testimony presented at the public hearing, the Board of Selectmen shall, if the dog is complained of as a nuisance dog, either:

1. Dismiss the compliant; or
2. Deem such dog a nuisance dog.

Or, if the dog is complained of as being a dangerous dog, either:

1. Dismiss the complaint;
2. Deem the dog is a nuisance dog; or
3. Deem such dog a dangerous dog.

If the Board of Selectmen deem a dog as a nuisance dog or a dangerous dog, the Board of Selectmen may order remedial action in accordance with Massachusetts General Laws Chapter 140, Section 157.

Section 12. In accordance with the requirements of M.G.L. Section 174E, no person owning or keeping a dog shall chain or tether a dog to a stationary object including, but not limited to, a structure, dog house, pole or tree for longer than twenty-four (24) consecutive hours.

Section 13. Penalty

Any owner or keeper of a dog who shall fail to comply with any order of the Animal Control Officer or Selectmen issued pursuant to this chapter shall be punished by a fine of fifty dollars ($50.00), with a right to appeal to the District Court pursuant to M.G.L. Chapter 140, Section 157.

Section 14. Penalty-Violations of Article

Whoever violates any provision of this By-Law may be penalized by a noncriminal disposition as provided in M.G.L. Chapter 40, Section 21D. For the purposes of this By-Law, the Animal Control Officer and all Mendon Police Officers, shall be designated enforcing persons. Each day on which any violation of this By-Law occurs shall be deemed to be a separate offense subject to the following penalties:

First Offense…….$10.00
Second Offense…….$25.00
Each Subsequent Offense…….$50.00

The issuance of a penalty or non-criminal disposition shall not preclude the Town from seeking or obtaining any or all other legal and equitable remedies to prevent or remove a violation of this By-Law.

Section 15. Severability

Should any portion, section or provision of this By-Law be found invalid for any reason, that finding shall not affect the validity and force of any other section, portion or provision of this By-Law.

Chapter XI Special Provisions:

Section 8. To create a Council on Aging and to adopt the following by-laws in accordance with the provisions of Chapter 40, Section 8B of the Massachusetts General Laws.

Section 8.1. The Board of Selectmen shall appoint a council on Aging for the purpose of co-ordering or carrying out programs designed to meet the problems of the aging in co-operation with programs of the Commission on Aging established under Chapter 6, Section 73 of the Massachusetts General Laws.

Section 8.2. The Board of Selectmen shall appoint a Council on Aging consisting of seven (7) members. Upon acceptance of this by-law, the Board shall appoint three (3) members for three (3) years, two (2) members for two (2) years, and two (2) members for one (1) year terms. The members of the Council shall serve without pay.

Section 8.3. Whenever a vacancy shall occur in the membership of the Council, by reason of death, resignation, inability to act or for any other reason, the vacancy shall be filled by appointment by the Selectmen for the remainder of the term.

Section 8.4. The Council on Aging at its first annual meeting and thereafter annually, in September of each year, shall elect from its membership a President, First Vice President, Second Vice President, Secretary and Treasurer. Each officer shall hold office until the next annual election. In the event a vacancy occurs in any of the offices above, the Council shall hold a special meeting for the purpose of electing one of its members to fill such vacancy.

Section 8.5. The Council shall prepare and submit an annual report of its activities to the Town and shall send a copy thereof to the Commission on Aging.

Section 8.6 Deleted 2/10/04

Section 9. Deleted 6/26/12

Section 10. No motor vehicle Class II License shall be within a radius of one thousand (1,000) feet from the nearest existing Class II Licensed premise. Outside display of automobiles shall not occupy an area of more than two hundred (200) feet along the street. Selectmen may require the licensee to mark the display area to show compliance with this section.

Section 11. The fee for removal or relocation of underground gasoline storage tanks shall be two hundred dollars ($200.00), in accordance with Massachusetts General Law, Chapter 21(0), Section 1.

Section 12. Fees of Sealer:

a. Each scale with a weighing capacity of more than ten thousand pounds, one hundred fifty dollars ($150)
b. Each scale with a weighing capacity of five thousand to ten thousand pounds, ninety dollars ($90).
c. Each scale with a weighing capacity of one thousand to five thousand pounds, forty-five dollars ($45)
d. Each scale with a weighing capacity of one hundred to one thousand pounds, thirty-five dollars ($35)
e. Scales and balances with a weighing capacity less than 100 pounds, thirty dollars ($30)
f. Each liquid capacity measure, except vehicle tanks, fifteen dollars ($15)
g. Each liquid measure, except water meters, the following shall apply, motor fuel dispenser, thirty dollars ($30), vehicle tank pump or gravity type, seventy-five

dollars ($75), bulk storage, one hundred twenty-five dollars ($125), all others, thirty dollars ($30).

h. Each taximeter or measuring device used to determine the cost of transportation, forty dollars ($40).
i. Vehicle tanks used in the sale of commodities by liquid measure for each hundred gallons or fraction thereof, ten dollars ($10) and an additional fee of fifteen dollars ($15) per sealed indicator.
j. All weights and other measures liquid or linear, five dollars ($5).
k. Reverse vending machines (container return), thirty dollars ($30).
l. Each automated electronic retail checkout system with not less than four and no more than eleven cash registers or computer terminals, two hundred twenty-five dollars ($225).
m. Each automated electronic retail checkout system with greater than eleven cash registers or computer terminals, three hundred seventy-five dollars ($375).

Section 13. The Board of Selectmen shall appoint five members who demonstrate a strong interest in agricultural initiatives. There shall be a minimum of three members whose primary or secondary income is derived from agricultural based enterprises in Mendon. Said members shall all be residents of Mendon, with the exception of one member, who may be a non-resident but must own agricultural land in Mendon.

Section 13.1 Individual members shall serve overlapping terms of 3 years.

Section 13.2 Furthermore, the Board of Selectmen shall appoint up to two alternates, each for a one year term, who demonstrate a strong interest in agricultural enterprise. These alternate appointments shall be based upon the above stated qualifications and include at least one member who is actively involved in agricultural pursuits.

Section 13.3 Vacancies shall be filled by the Selectmen per recommendation of the Agricultural Commission members.

Section 13.4 Purpose:

a. Preserve, revitalize, and sustain Mendon Agricultural enterprises;
b. Serve as facilitators, mediators, and educators to the community;
c. Strengthen the pursuit of agriculture by promoting agricultural-based economic opportunities and encouraging the protection of farmland; and
d. Welcome the commitment of any residents who are willing to share their skills to preserve a way of life and a culture that is fast disappearing.

Section 13.5 The Agricultural Commission shall report on its projects and activities on an annual basis within the town report.

CHAPTER XII

Use of Lakes and Streams

Section 1. The operator of a sailboat shall have the right of way over all other boats.

Section 2. The operator of a boat pulling water skiers shall have the right of way over all boats except sailboats.

Section 3. No person shall swim over one hundred (100) feet from shore unless accompanied by a boat.

Section 4. No operator of any power-driven boat and no water skier shall come within fifty (50) feet of any person swimming or from any raft.

Section 5. No boat shall come within fifty (50) feet of shore at a speed in excess of five (5) miles an hour.

Section 6. Boat speed shall be reasonable and proper at all times.

Section 7. No vehicles in excess of one thousand (1,000) pounds shall be allowed on the ice on Lake Nipmuc.

CHAPTER XIV

Earth Removal By-law

Section 1. Definitions

Section 1.1. *Earth*. The term "earth" shall mean all forms of soil including, without limitation, loam, gravel, sand, clay, hard-pan, peat or rock.

Section 1.2. *Loam*. The term "loam" shall mean the top layer of soil consisting of the rich and fertile texture having the same color throughout its depth.

Section 1.3. *Removal*. The term "removal" shall mean stripping, digging, excavating or blasting earth from one lot and removing or carrying it away from said lot.

Section 1.4. *Lot*. The term "lot" shall mean a single piece or parcel of land lying as a solid body, under single, joint, or several ownerships, and separated form contiguous land by property lines or street lines.

Section 1.5. *Owner*. The tern "owner" shall mean the owner of the land with respect to which the earth is sought to be removed, or the person lawfully standing in the stead of such owner, as for example, a lessee or tenant.

Section 1.6. *Board*. The term "Board" shall mean the Board of Selectmen of the Town of Mendon.

Section 2. *Scope*. This by-law shall apply to all earth removal activities in the Town of Mendon, except those undertaken on public land and except as otherwise limited herein. It shall apply to all areas regardless of zoning district.

Section 2.1. *Limitations*. Except as otherwise provided in sections 3 and 11 herein, no earth* shall be removed from any lot in the Town of Mendon unless a Formal Permit shall have first been obtained by the owner from the Board of Selectmen.

*In the case of loam, a Special Permit must be obtained from the Board as defined in section 11.1.

Section 2.2. *Zoning By-law*. Nothing in this By-law, however, shall be deemed to amend, repeal, or supersede the Zoning By-law as now in force or later amended. Nothing herein shall derogate from the intent and purposes of said Zoning By-law. In cases of dual application, the provisions of this By-law and the Zoning By-law must both be met and satisfied.

Section 2.3. *Sub-Division Control By-law*. This By-law shall apply to all earth removal activities undertaken in the Town of Mendon, including the removal of earth from all parcels of land for which a Definitive Sub-Division Plan has been approved by the Planning Board under the Sub-Division Control By-law.

In the case of a Definitive Sub-Division, complete restoration shall be completed prior to release of any lots affected by the removal operation from the covenant and/or bond pertaining to the subdivision.

Section 3. *Exemptions*. The following activities are exempted from the provisions of this By-law:

Section 3.1. *Public Land*. Earth removal on lands in public use.

Section 3.2. *Intra-lot Activity*. Except for the provisions related to loam, section 11 and the removal of lateral support in section 12, any movement of earth within a lot as herein defined.

Section 3.3. *Surplus Earth*. Removal of surplus earth* resulting from a "bona fide" construction project being carried on pursuant to the issuance of a building permit after presentation and review of appropriate plans and engineering data by the Board of Selectmen.

*In the case of loam a Special Permit must be obtained from the Board as defined in section 1.1.

Section 3.4. *Small Quantities*. Any Earth removal involving 50 cubic yards or less in total in a 12 month period for said lot as herein defined.

Section 4. *Application and Granting*. Application for an earth removal permit shall be made to the Board. A majority vote on the Board shall be sufficient to grant a Formal Permit, Informal Permit or Special Permit. No permit for the removal of earth material shall be granted hereunder by the Board unless the Board shall find that operations under such permit, subject to the conditions imposed by the permit, will not be contrary to the best interest of the Town of Mendon. For this purpose, an operation shall be considered contrary to the best interest of the Town of Mendon which:

1. Will be injurious, dangerous to the public health or safety, constitute a nuisance, or
2. Will produce noise, dust, or other effects, observable at the lot lines in amount objectionable or detrimental to the normal use of the adjacent property, or
3. Will have a detrimental effect on the filtration of recharge water.

Section 5. Informal Permit Application Requirements

Section 5.1. *Regulations and Application Form*. An applicant shall obtain a copy of this By-law and an application form from the office of the Board of Selectman. The application form must be completed and returned with the assigned fee and proof of ownership.

Section 5.2. *Proof of Ownership*. An applicant shall submit adequate evidence of his/her ownership (copy of deed) or authority to seek the Informal Permit.

Section 6. *Informal Permit Granting and Denying*. Applications for an Informal Permit may be granted, denied, or granted in part and denied in part.

Section 6.1. *On Sight Inspection*. The Board or their designee must inspect said lot (parcel) prior to granting the Informal Permit.

Section 6.2. *Duration*. No Informal Permit shall be issued for a period in excess of 12 months. The duration of the Informal Permit, including the beginning and terminating dates, shall be set forth on the Informal Permit.

Section 6.3. *Fees*. Application fees and Permit fees shall be set by the Board. The application fee hereunder shall be set by the Board of Selectmen and shall be paid at the time the application is filed with the Board. In the event said application is granted by the Board, an Informal Permit fee, in an amount to be set by the Board of Selectmen, shall be paid by the applicant upon issuance of said permit.

Section 7. *Informal Permit Conditions*. Permits to remove earth in quantities less than 1000 cubic yards, but in excess of the exempted amount of 50 cubic yards, may be issued informally by a majority vote of the Board.

Section 7.1. *Surface Drainage*. That proper surface drainage of the parcel be assured during and after the removal of earth.

Section 7.2. *Water Table*. No earth removal operation shall be permitted to interfere with ground water flows. Bottoms of any excavation to be designed to finish* four feet above ground

water table. Ground water to be determined by test pits dug during the spring of the year. Correction factors may be applied to tables encountered due to dryness of season.

*This condition may be waived by the Board, if the excavation is for the construction of a fire pond retention area, upon approval of the Fire Chief.

Section 7.3. *Finished Grades*. That no grades resulting from such earth removal exceed a slope of one foot vertical rise to three feet of horizontal distance for the first 25 feet from all property lines and have adhered to the preservation of the required minimum 10 foot buffer strip.

Section 7.4. *Hours of Operation*. The hours of operation, including machinery starting up time, shall be 8:00 A.M. to 4:30 P.M., Monday through Friday inclusive: no trucking will be permitted on Saturdays, Sundays, or Legal Holidays. The hours of operation must be identified on the permit.

Section 7.5. *Trucking Regulations*. The trucks employed by the permittee shall avoid school bus routes whenever possible, shall observe posted speed limits, and shall exercise EXTREME CAUTION at all times.

The permittee shall be responsible for keeping highways clear of earth spillage from trucks in his/her employ on all roads used by trucks operating under this permit. All trucks must have closed tailgates and must completely cover all earth material during transportation of the said materials.

The Highway Surveyor and/or the Board of Selectmen reserves the right to establish trucking routes that must be used during the operation. These trucking routes must be identified on the permit if established.

Section 7.6. *Liability Considerations*. A gate or other barricade to prevent unauthorized access of egress to motor vehicles along the traveled way leading from the public road to the side, may be required by the Board.

Legal signs posted and maintained by the owner with the words 'NO TRESPASSING – POLICE TAKE NOTICE', may be required by the Board.

Construction of a fence may be necessary and is authorized to protect against nuisances or to prevent a hazardous situation.

Section 7.7. *On Sight Inspection*. The Board or their designee has the right to inspect said lot (parcel) for compliance at any time.

Section 7.8. *Assignability*. The Informal Permit is not assignable.

Section 7.9. *Restoration*. That at the conclusion of the earth removal operations, or of any substantial portion thereof, the whole area where removal has taken place be covered with not less that eight* inches of top soil and seeded with a recognized grass seed of good quality, except where ledge rock is exposed, and that all large stones and boulders which protrude above the finished grade are to be removed or buried.

*In cases where this requirement may constitute a hardship, The Board may reduce this amount to no less than four inches.

Section 7.10. *Expiration of Informal Permit*. At the expiration of the Informal Permit, the entire area covered by this permit shall be restored to conform to the Earth Removal By-law. This condition may be waived by the Board of Selectmen if, prior to the date of expiration of this permit, application has been made and a new permit granted for the area covered by

this permit. No future expansion permit in this area will be issued until there is some restoration of the existing area.

Section 8. Formal Permit Application Requirements

Section 8.1. *Regulations and Application Form*. An applicant shall obtain a copy of this By-law and an application form from the office of the Board of Selectmen. The application form must be completed and returned with the assigned fee, proof of ownership, initial plans and final plans.

Section 8.2. *Proof of Ownership.* An applicant shall submit adequate evidence of his/her ownership or authority to seek the Formal Permit.

Section 8.3. *Initial Plans.* An applicant shall submit four copies of a plan showing existing and proposed grades of the lot, at a contour interval of two feet highlighting the area from which the earth is to be removed. One copy of the plan shall be for the Board of Selectmen, one copy shall be for the Planning Board, one copy for the Conservation Commission, and one for the Town Engineer.

Applicant shall include on the plan the area and method to be used for the disposal of rock, tree stumps, and any other waste material encountered.

Section 8.4. *Final Plans*. An applicant shall submit four copies of a plan showing the as built grades of the lot, at the conclusion of the operation, or at the end of 12 months, whichever period is shorter. One copy of the plan shall be for the Board of Selectmen, one copy shall be for the Planning Board, one copy for the Conservation Commission, and one for the Town Engineer.

The plan showing the grades at the conclusion of the operation shall show no grades in excess of one foot of vertical rise in three feet of horizontal distance. A buffer of a minimum of 10 feet in width shall be preserved along all abutting property lines.

Section 9. *Formal Permit Granting and Denying*. Application for a Formal Permit may be granted, denied, or granted in part and denied in part.

Section 9.1. *Announcement*. Before issuing a Formal Permit, the Board shall hold a public hearing after giving at least a seven day notice by public announcement and by written notice to all abutters, to the Planning Board, and to the Conservation Commission.

Section 9.2. *On Sight Inspection*. The Board or their designee must inspect said lot (parcel) prior to granting the Formal Permit.

Section 9.3. *Bank Deposit Book*. Before issuing a Formal Permit, the applicant must present a Bank Deposit Book to the Treasurer of the Town of Mendon in an amount determined by the Board as sufficient to guarantee conformity with the provisions of conditions of the permit, the amount of the deposit to be not less than $150.00 per 1,000 square feet of area of land from which the earth is to be removed.

The Bank Deposit Book must be made out to the Town of Mendon and the Town Treasurer ONLY. It will be held by the Treasurer of the Town of Mendon in the Town safe, until all restoration requirements defined within this by-law have been completed.

Upon expiration of the Formal Permit, the Town of Mendon reserves the right to utilize this money to complete any of the restoration requirements defined within this by-law.

Section 9.4. *Duration*. No Formal Permit shall be issued for a period in excess of 12 months. The duration of the Formal Permit, including the beginning and terminating dates, shall be set forth on the Formal Permit.

Section 9.5. *Fees.* Applicant fees and Permit fees shall be set by the Board. The application fee hereunder shall be set by the Board of Selectmen and shall be paid at the time the application is filed with the Board. In the event said application is granted by the Board, a Formal Permit fee, in an amount to be set by the Board of Selectmen, shall be paid by the applicant upon issuance of said permit.

Section 10. Formal Permit Conditions

Section 10.1. *Surface Drainage.* That proper and reasonable surface drainage of the land affected by earth removal operations be assured during, and after the removal operations.

Section 10.2. *Water Table*. No earth removal operation shall be permitted to interfere with ground water flows. Bottoms of any excavation to be designed to finish *four feet above ground water table. Ground water to be determined by test pits dug during the spring of the year. Correction factors may be applied to tables encountered due to dryness of season.

*This item can be waived by the Board if the excavation is for a fire pond retention area, upon approval of the Fire Chief.

Section 10.3. *Finished Grades*. That no grades resulting from such earth removal exceed a slope of one foot vertical rise to three feet of horizontal distance for the first 25 feet from all property lines and have adhered to the preservation of the required 10 foot buffer strip.

Section 10.4. *Monuments or Markers*. That the permittee shall set suitable monuments or markers bounding the parcel and the area of proposed earth removal is to be marked in a manner acceptable to the Board.

Section 10.5. *Hours of Operation*. The hours of operation, including machinery starting up time, shall be 8:00A.M. to 4:30 P.M., Monday through Friday inclusive; no trucking will be permitted on Saturdays, Sundays, or Legal Holidays. The hours of operation must be identified on the permit.

Section 10.6. *Trucking Regulations*. The trucks employed by the permittee shall avoid school bus routes whenever possible, shall observe posted speed limits, and shall exercise EXTREME CAUTION at all times.

The permittee shall be responsible for keeping highways clear of earth spillage from trucks in his/her employ on all road used by trucks operating under this permit. All trucks must have closed tailgates and must completely cover all earth material during transportation of said materials.

The Highway Surveyor and/or the Board reserves the right to establish trucking routes that must be used during the operation. These trucking routes must be identified on the permit if established.

Section 10.7. *Liability Considerations*. A gate or other barricade to prevent unauthorized access or egress to motor vehicles along the traveled way leading from the public road to the site, may be required by the Board.

Legal signs posted and maintained by the owner with the words “NO TRESPASSING – POLICE TAKE NOTICE”, may be required by the Board.

Construction of a fence may be necessary and is authorized to protect against nuisances or to prevent a hazardous situation.

Section 10.8. *On Sight Inspection*. The Board or their designee has the right to inspect said lot (parcel) for compliance at any time.

Section 10.9. *Assignability*. The Formal Permit is not assignable.

Section 10.10. *Restoration*. That at the conclusion of the earth removal operations, or of any substantial portion thereof, the whole area where removal has taken place be covered with not less that *eight inches of top soil and seeded with a recognized grass seed of good quality, except where ledge rock is exposed, and that all large stones and boulders which protrude above the finished grade are to be removed or buried.

*In cases where this requirement may constitute a hardship, the Board may reduce this amount to no less than four inches.

Section 10.11. *Expiration of Formal Permit.* At the expiration of the Formal Permit, the entire area covered by this permit shall be restored to conform to the Earth Removal By-law. This condition may be waived by the Board of Selectmen if, prior to the date of expiration of this permit, application has been made and a new permit granted for the area covered by this permit. No future expansion permit in this area will be issued until there is some restoration of the existing area.

Section 11. *Loam Removal*. In no event may any loam be stripped and removed from any land (lot as herein defined) in the Town of Mendon without a Special Permit.

Section 11.1. *Special Permit Provisions.* The Board may issue a Special Permit to allow loam to be removed from a lot on which a building permit has been issued, pursuant to the exception provided in Section 3.3 (surplus earth), or

The Board may issue a Special Permit to allow loam to be removed from a site on which an Earth Removal Permit is outstanding to another site, upon certification by a registered professional engineer that the amount of loam remaining on the site from which the loam is to be removed will be in excess of the 12 inches.

Section 12. *Lateral Support*. There shall be no removals of earth or earth movements of any kind, whether from one lot (parcel) to another, or whether conducted entirely within a single lot (parcel), the result of which is to remove lateral support from adjoining land. A one-to-three grade or slope is to be preserved for a distance of 25 feet in from all lot lines or street lines, and a natural buffer of at least ten feet is to be preserved along all property lines; provided, however that lateral support may be reduced to an extent greater than herein provided if written consent is obtained in advance from the owner of an adjoining lot (parcel) or from the Board of Selectmen in the case of adjoining public ways, and if evidence of such written consent is filed with the Board prior to commencement of the work.

In all cases of adjoining lands under public ownership or control, written permission from the Board of Selectmen will suffice not withstanding what political subdivision owns or controls said adjoining land.

Section 13. General Provisions

Section 13.1. *Effective Date*. This by-law shall take effect upon its approval of the Attorney General and its publication and postings as required by Chapter 40, Section 32 of the Massachusetts General Laws.

This by-law shall take effect on the effective date hereof as defined in this section provided, however, that any continuous earth removal activities in actual working operation on the effective date hereof may

continue unaffected by this by-law until their assigned expiration date. Permits, with respect to the latter, will be required after May 6, 1988.

Section 13.2. *Repeal.* As of the effective date of this by-law, Chapter XI, Section 1 of the By-laws of the Town of Mendon relative to earth removal, shall be and hereby is repealed.

Section 13.3. *Separability of Provisions.* The provisions of this by-law are hereby declared to be severable; and if any such provision or the application of such provision to any person or circumstances shall be held invalid or unconstitutional, such invalidity or unconstitutionality of any of the remaining provisions or the application of such provisions to persons or circumstances other than those as to which it is held invalid. It is hereby declared to be the legislative intent of this by-law that said remaining sections would have been adopted had such invalid or unconstitutional provisions not been included

Section 13.4. *Enforcement.* The Board of Selectmen or their designee shall be responsible for the administration and enforcement of this by-law.

Section 13.5. *Violations*. The penalty for violating any provision of this by-law shall by based on the size of the truck and the amount of truckloads involved.

1. First offense, fifty dollars ($50.00)
2. Second offense, one hundred dollars ($100.00)
3. Third offense, two hundred dollars ($200.00)

Section 13.6. *Revocation.* In the event any of the conditions of the permit are not faithfully observed and performed, then the Selectmen shall have the option to revoke this permit at any time.

CHAPTER XV

Land Use Planning

Section 1. The Town recognizes a responsibility to protect and acquire sufficient land for the common interest and welfare of its citizens. This responsibility includes protection of environmentally sensitive land; preservation of historic sites; provision of land for future anticipated community needs such as municipal buildings, schools and recreation; assurance of affordable housing availability; and fulfillment of these responsibilities requires the acquisition of land in a variety of forms, locations and degrees of ownership.

Section 1.1. This by-law is intended to ensure that:

1. A method of decision making is established to provide a framework for planning and implementing land use programs;
2. Each Town board and department is encouraged to take an active role in determining the long-range quality of life in the Town of Mendon;
3. Awareness is promoted of the objectives of the Town's Open Space and Recreation Plan and other Town and Regional School District short-term and long-term growth plans;
4. A fund called the Land Bank is established to ensure the availability of money for land resources for future Town and Regional School District use;
5. Methods of funding the Land Bank are established that have minimal fiscal impact on property owners; and
6. Alternative methods are implemented to obtain public control over land resources without actual outright purchase of land.

Section 2. A five member Land Use Committee shall be formed to develop a Land Use Program.

Section 2.1. The Land Use Committee shall consist of one representative from the Board of Selectmen, one from the Planning Board, and one from the Conservation Commission, plus two others appointed by the Board of Selectmen from a list of names submitted to the Board of Selectmen by the Planning Board and Conservation Commission. The Land Use Committee members shall choose a chairman from amongst themselves.

Section 2.1.1. Land Use Committee members shall serve for a term of three years. If elected terms of the designated members from the Board of Selectmen and Planning Board and the appointed term of the designated member of the Conservation Commission expire during this three year term, and if those respective members are not re-elected or re-appointed, their terms on the Land Use Committee shall also expire.

Section 2.2. Each year the Land Use Committee shall develop a five-year Land Use Program, based on detailed submittals from all Town Boards and departments, including Regional School District Committee, seeking to acquire land in Mendon. The Land Use Committee also shall accept submittals from the general public.

Section 2.3. The submittals shall be presented in a form to be determined by the Land Use Committee. These submissions shall include the intended year of acquisition, the importance of the land to the Town or Regional School District, and the projected cost of acquisition.

Section 2.4. The Land Use Committee shall evaluate each submission and rank it, based on how well the purchase of the parcel will meet the goals and objectives of this policy; on its cost-effectiveness; on its importance to the overall needs of the Town or Regional School District; and on other criteria including: the size of the parcel; buildability, including perc test results and proximity to wetlands and floodplains; zoning; frontage, including public accessibility; unique, natural, cultural, or historical features; contiguity to other

Town-owned or Regional School District-owned land; land along lakes, ponds, rivers, and streams; land over aquifer; agricultural land; scenic views, recreation land; distance from the center of Town; open space, including woodlands, meadows, and wetlands; contiguity to other open space parcels; total cost and cost per acre; and proposed primary use and secondary uses.

Section 2.5. The proposed five-year Land Use Program shall be submitted to the Board of Selectmen and the Finance Committee for review each year prior to Annual Town Meeting. Copies also shall be made available to other Town Boards and departments, as well as to the general public. The Board of Selectmen shall designate a time period during which comments on the Land Use Program will be welcomed, and shall hold a public hearing at least once per year prior to the Annual Town Meeting to review the proposed Land Use Program.

Section 2.6. Following this public hearing, the proposed Land Use Program shall be presented to voters at the Annual Town Meeting for approval by a majority vote. Once the Land Use Program is approved, the Land Use Committee shall be empowered to act by majority vote as the Town's agent to acquire land as outlined in the Land Use Program, or to expend funds for appraisal, engineering, planning and legal services in connection with accomplishing the goals of the Land Use Program. No funds may be spent by the Land Use Committee without prior approval by the majority of voters at an Annual Town Meeting or Special Town Meeting.

Section 3. Funding to carry out the Land Use Program may be drawn from a variety of revenue sources. These include property taxes, private gifts, state grants and grants from utilities.

Section 3.1. A stabilization-type fund called the Land Bank shall be established to fund the Land Use Program. Each year, at Annual Town Meeting or Special Town Meeting, an amount or amounts of money, shall be appropriated by a majority vote to this account. Private gifts of money and grants shall also be accepted, by a majority of voters at an Annual Town Meeting or Special Town Meeting, for deposit into the Land Bank. Any income earned on the balance of the Land Bank shall be credited to the Land Bank.

Section 3.2. Proposed funding levels for the Land Bank, including debt service on any approved borrowing, to be raised through property taxes shall be established each year prior to the Annual Town Meeting by a committee consisting of one representative from the Board of Selectmen, one from the Finance Committee, and one from the Conservation Commission. These representatives shall be designated by their respective board, committee and commission to meet to determine an amount or amounts of money to be appropriated from property taxes to accomplish the objectives of the Land Use Program.

Section 3.3. The annual funding level recommended to be raised through property taxes shall be based on the Land Use Program's projected needs, other expenditure requirements of the Town and available revenues. Revenues from the sale of other Town owned land shall be transferable to the Land Bank with approval of a majority of voters at an Annual Town Meeting or Special Town Meeting.

Section 3.4. The Town Treasurer shall annually include in the Town Report a report on the receipts and expenditures of the Land Bank.

Section 4. The Land Use Committee shall consider alternatives to outright purchase of land in carrying out the objectives of the Land Use Program. These alternatives include varying degrees of ownership of land, such as easements, development rights, leases, and options and varying methods of acquisition, such as purchase through voluntary transaction, dedication, donation, tax foreclosures, purchase/leaseback, purchase/saleback, lease/purchase, and land use agreements.

CHAPTER XVI

Scenic Roads

Section 1. *Purpose*. The Scenic Roads Act, MGL Chapter 40, Section 15C, allows town meeting to designate scenic roads.

The effect of designation as a scenic road is that planning board approval is required before trees can be removed, or stone walls can be torn down or destroyed, if this is done in connection with repair, maintenance, reconstruction or paving a scenic road.

Scenic Road designation does not require planning board approval for trimming or other cutting of trees, or destruction of stone walls, unless related to roadway work. It also does not require planning board approval for roadway work that does not affect trees or stone walls.

These regulations are intended to ensure that:

1. ways will be recommended for designation as scenic roads according to stated criteria; and
2. trees and stone walls in the rights-of way of scenic roads will not be destroyed without proper procedures.

Section 2. *Definitions.* The following terms used in the Scenic Roads Act, MGL Chapter 40, Section 15C, shall be defined as follows for purposes of applying that statute in the Town of Mendon.

Section 2.1. *Cutting or Removal of Trees*. "Cutting or Removal of trees" shall mean the removal of one or more trees, cutting of major branches or cutting of roots.

Section 2.2. *Repair, Maintenance, Reconstruction, or Paving Work.* "Repair, maintenance, reconstruction, or paving work" shall mean any work done within the right-of-way of a scenic road by any person or agency, public or private.

Construction of new driveways, bicycle paths, or roadside paths, or alteration of existing ones, is also included, in so far as the work takes place within the right-of-way. Construction or alteration of water, sewer, electric, telephone, cable T.V. or other utilities within the right-of-way is also included.

Section 2.3. *Road.* "Road" shall mean the right-of-way of any way used and maintained as a public way, not just the paved surface. When the boundary of a scenic road is in issue so that a dispute arises as to whether or not certain trees or stone walls or portions thereof are within the scenic road, the trees or stone walls shall be presumed to be within the way until the contrary is shown. Trees and stone walls located on the boundary line of a scenic road shall be covered by this by-law.

Section 2.4. *Tearing Down or Destruction of Stone Walls*. "Tearing down or destruction of stone walls" shall mean the removal of more than two (2) linear feet of stone wall involving more than one cubic foot of wall material per linear foot above existing grade. Temporary removal and replacement at the same location with the same materials is permitted without planning board approval if the Town department of Public Works is notified before the work begins so that it can confirm that the wall is properly replaced. Repair of a stone wall, not involving tearing down or destruction of the wall, is not covered by this by-law.

Section 2.5. *Trees*. "Trees" shall mean a tree whose trunk has a diameter of four inches or more as measured one foot above the ground.

Section 3. *Criteria for Designation as a Scenic Road*. The Planning Board, Conservation Commission, or Historical Commission shall, in determining which roads or portions of roads should be recommended for designation as scenic roads, consider the following criteria:

1. Overall scenic beauty;
2. Contribution of trees to scenic beauty;
3. Contribution of stone walls to scenic beauty;
4. Age and historic significance of road, trees and stone walls.

Section 4. *Notification of Designation as Scenic Road*. Upon designation by Town Meeting of any road or portion as a scenic road, the Planning Board shall take the following steps within 30 days of such designation:

1. Notify all municipal departments that may take action with respect to such road;
2. Notify the State Department of Public Works;
3. Notify the Commissioners of Worcester County;
4. Indicate such designation on maps currently in use by municipal departments, as appropriate; and
5. Notify all utility companies or other parties which may be working in or around such road.

Section 5. Procedures

Section 5.1. *Filing*. Any person, organization, state or municipal agency seeking the written consent of the Planning Board, regarding the cutting or removal of trees or the tearing down or destruction of stone walls within the right-of-way of a scenic road shall file a request with the planning Board, together with the following:

1. The text of a legal notice identifying the location of the proposed action in terms enabling readers to locate it with reasonable specificity on the ground without need for additional plats or references, and describing in reasonable detail the proposed changes to trees and stone walls;
2. A statement of the purpose, or purposes, for the proposed action;
3. A statement of the feasible alternatives to the proposed action, together with an indication of the advantages and disadvantages of each alternative;
4. A list of the assessed owners of properties located in whole or in part within 200 feet of the proposed action;
5. Except in the case of town agencies, a deposit sufficient to cover the cost of advertising and notification; and
6. Any further explanatory material useful to adequately inform the Planning Board.

Section 5.2. *Notice*. The Planning Board shall, as required by statute, give notice of its public hearing by advertising twice in a newspaper of general circulation in the area. This notice shall contain a statement as to the time, date, place, and purpose of the hearing with a reasonable description of the action proposed by the applicant. Copies of this notice shall also be sent the Selectmen, the Conservation Commission, the Historical Commission, the municipal engineer, the tree warden, the state department of public works, and the assessed owners of property within 200 feet of the proposed action.

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

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

Section 5.5. *Timing of Decision*. The Planning Board shall make a decision on the request within 21 days after the public hearing. If the Planning Board fails to mail or deliver to the applicant a copy of its decision within this time period the requested approval shall be deemed granted.

Section 5.6. *Public Shade Tree Act*. Whenever both the Scenic Road Act and the Public Shade Tree Act (MGL Ch. 87) apply, notice shall be given and the Planning board hearing shall be held in conjunction with the hearing held by the tree warden acting under the Public Shade Tree Act. The consent of the Planning Board to a proposed action shall not be regarded as implying consent by the tree warden, or vice versa. The Planning Board decision shall contain a condition that no work may be done until all applicable provisions of MGL Ch. 87 have been complied with.

Section 5.7. *Approval of Curb Cuts by Selectmen*. The consent of the Planning Board to work involving a proposed curb cut shall not be regarded as implying consent by the Selectmen to such curb cut, or vice versa.

Section 5.8. *Emergency Work*. In the event that the Selectman determine that emergency conditions require that work otherwise requiring planning Board approval must proceed before such approval can be obtained the Selectmen may authorize the work to proceed before Planning Board approval is obtained to the extent which the Selectmen deem necessary to protect public health and safety.

Section 6. *Considerations*. The Planning Board's decision on any application for proposed action involving the cutting or removal of trees or the tearing down or destruction of stone walls within the right-of-way of a scenic road shall be based on consideration of the following:

1. Preservation of natural resources;
2. Environmental values;
3. Historical values;
4. Scenic and aesthetic characteristics;
5. Public safety;
6. Compensatory actions proposed, such as replacement of trees or walls;
7. Existence or absence of reasonable alternatives (including a no-build alternative);
8. Consistency with articulated town policies; and
9. Other sound planning considerations.

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

Public ways designated as Scenic Roads in the Town of Mendon:

- Asylum Street.
- Bates Street (from Bellingham Street to the Bellingham town line).
- Blackstone Street (from Lovell St. to the Blackstone town line).
- Elm Street
- Gaskill Street terminating at George Street and Providence Street.
- George Street terminating at the Hopedale town line and Providence Street
- Inman Hill Road.
- Main Street from Hastings St. to George St.
- Maple Street
- Miscoe Road terminating at North Avenue to the end of the public right of way.
- North Avenue beginning and including the road adjacent to the power transmission lines (USGS Blackstone, MA, RI quadrant) and terminating at the Upton town line.
- Park Street
- Pleasant Street
- Quissett Road terminating at Providence Street to the end of the public right of way.
- Southwick Street.
- Thayer Street terminating at Bates Street to the end of the public right of way.
- Thornton Street.
- Trask Road terminating at Hopedale Street to the end of the public right of way.

CHAPTER XVII

Water Protection

Section 1. The intent of this by-law is to protect the quality of water supplies in the Town of Mendon and neighboring communities.

Section 2. No wetlands, as defined in the Wetlands Protection Act, Massachusetts General Laws 131-40, may be altered, filled or otherwise disturbed in any way for the purposes of constructing any portion of a sewerage disposal system, including septic tank and leaching fields.

Section 3. The only exceptions to Section 2. Shall be for the repair and/or replacement of existing systems approved by the Mendon Board of Health and installed prior to the passage of this by-law, subject to any necessary approvals from the Mendon Board of Health and/or Mendon Conservation Commission. Section 2 of this by-law shall not contravene any section of any rules and regulations adopted by the Mendon Board of Health.

Section 4. No underground fuel storage tanks may be installed within 200 feet of the center of a seasonal or year-round waterway, or the edge of a bordering vegetated wetland, as defined in MGL 131-40.

Section 5. The only exception to Section 4 shall be for the repair and/or replacement of existing tanks installed prior to the passage of this by-law, subject to any necessary approvals from the Mendon Fire Department and/or Mendon Conservation Commission.

CHAPTER XVIII

Hazardous Materials and Waste Cost Recovery

Section 1. Any person, firm or organization that releases or causes to be released any hazardous material or waste within the boundaries of the Town of Mendon on public or private property shall be held liable and responsible for the following:

a. the cost of complete cleanup and disposal of the material released or contaminated by the release, including costs incurred or authorized by any officer of the Town that has jurisdiction in such matters and any state or federal agency that has jurisdiction.
b. replacement or cost of replacement of any reusable equipment and/or material damaged due to the incident.
c. replacement or cost of replacement of any disposable equipment and/or material used during the incident.
d. reimbursement of any funds expended by the Town for food and /or shelter due to the incident.
e. reimbursement of any funds expended by the Town for evacuation and/or relocation due to the incident.
f. reimbursement of any funds expended by the Town for overtime pay due to the incident.
g. reimbursement of any funds expended by the Town to mitigate the incident.

Section 2. Failure to comply with any of the foregoing within thirty (30) days of demand shall entitle the Town to bring action in contract in the appropriate court to recover same.

Section 3. The different types of hazardous waste that this would address would by any and all that are considered hazardous waste by the Commonwealth of Massachusetts 310 CMR 30.00 Department of Environmental Protection. Compiled as in full force and effect 12/21/90 as may be amended from time to time

CHAPTER XIX

Delinquency of/ for License & Permit Holders

Section 1. Statutory Provisions – In accordance with M.G.L.A Chapter 40, Section 57, the Town of Mendon may deny any application for, or revoke or suspend a building permit, or any local license or permit, including renewals and transfers, issued by any board, officer, department for any person, corporation or business enterprise who has neglected or refused to pay any local taxes, fees, assessments, betterments, or any other municipal charges, including amounts assessed under the provisions of section M.G.L.A Chapter 40, Section 21D or with respect to any activity, event, or other matter which is the subject of such license or permit and which activity, event, or matter is carried out or exercised or is to be carried out or exercised on or about real estate whose owner has neglected or refused to pay any local taxes, fees, assessments, betterments or any other municipal charges.

Section 2. Definitions & Responsibility of Record Keeping -- The Treasurer/Collector or other municipal official responsible for records of all municipal taxes, assessment, betterments, and other municipal charges, hereinafter referred to as the “Treasurer/Collector”, shall annually furnish to each department, board, commission, or division, hereinafter referred to as the “licensing authority”, that issues licenses or permits, including renewals or transfers, a list of any person, corporation, or business enterprise, hereinafter referred to as the “party”, that has neglected or refused to pay any local taxes, fees, assessments, betterments, or other municipal

charges for not less that a twelve (12) month period and that has not filed in good faith a pending application for an abatement of such tax or a pending petition before the Appellate Tax Board.

Section 3. Licensing Authority Actions & Procedures -- The licensing authority may deny, revoke or suspend any license or permit, including renewals and transfers of any party whose name appears on said list furnished to the licensing authority by the Treasurer/Collector, or with respect to any activity, event, or matter is the subject of such license or permit and which activity, event, or matter is carried out or exercised or is to be carried out or exercised on or about real estate owned by any party whose name appears on said list furnished to the licensing authority by the Treasurer/Collector, provided, however, that written notice is given to the party and the Treasurer/Collector as required by applicable provisions of the law and the party is given a hearing, to be held not earlier than fourteen (14) days after said notice. Said list shall be prima facie evidence for denial, revocation, or suspension of said license or permit to any party. The Treasurer/Collector shall have the right to intervene in any hearing made by the license denial, revocation, or suspension. Any findings made by the licensing authority with respect to such license denial, revocation or suspension shall be made only for the purposes of such a proceeding and shall not be relevant to or introduced in any other proceeding at law, except for any appeal from such license denial, revocation, or suspension. Any license or permit denied, revoked or suspended under this section shall not be reissued or renewed until the licensing authority receives a certificate issued by the Treasurer/Collector that the party is in good standing with respect to any and all local taxes, fees, assessments, betterments, or other municipal charges, payable to the municipality as the date of issuance of said certificate.

Section 4. Establishment of Payment Agreement -- Any party shall be given an opportunity to enter into a payment agreement with the Treasurer/Collector, thereby allowing the licensing authority to issue a certificate indicating said limitations to the license or permit; the validity of said license or permit shall be conditioned upon the satisfactory compliance with said agreement. Failure to comply with said agreement shall be grounds for the suspension or revocation of said license or permit; provided, however, that the holder be given notice and a hearing as required by applicable provisions of law.

Section 5. Waivers --The Board of Selectmen may waive such denial, suspension or revocation if it finds that there is no direct or indirect business interest by the property owner, its officers or stockholders, if any, or members of his immediate family, as defined in M.G.L.A. Chapter 268 Section 1, in the business or activity conducted in or on said property.

Section 6. Exemptions -- This by-law chapter shall not apply to the following licenses and permits:

a. Open burning permits M.G.L.A. Chapter 48, Section 13.
b. Bicycle permits, M.G.L.A. Chapter 85, Section 11A.
c. Sales of articles for charitable purposes, M.G.L.A. Chapter 101, Section 33.
d. Children work permits, M.G.L.A. Chapter 149, Section 69.
e. Clubs or associations dispensing food or beverage license, M.G.L.A. Chapter 140, Section 21E.
f. Dog licenses, M.G.L.A. Chapter 140, Section 137.
g. Fishing, Hunting, and Trapping licenses, M.G.L.A. Chapter 131, Section 12.
h. Marriages licenses, M.G.L.A. Chapter 207, Section 28.
i. Theatrical events and public exhibition permits, M.G.L.A. Chapter 140 Section 181.

CHAPTER XX

Severablity

Section 1: If any provision, paragraph, word, section or article of these by-laws is invalidated by any court of competent jurisdiction, the remaining provisions, paragraphs, words, sections and articles shall not be affected and shall continue in full force and effect."

CHAPTER XXI

Community Preservation Act

Section 1 Establishment There is hereby established a Community Preservation Committee, consisting of seven (7) voting members pursuant to MGL Chapter 44B. The composition of the committee, the appointment authority and the term of office for the committee members shall be as follows:
One member of the Conservation Commission as designated by the Commission for a term of three years.
One member of the Historical Commission as designated by the Historical Commission for a term of three years.
One member of the Planning Board as designated by the Planning Board for a term of three years.
One member of the Land Use Committee as designated by the Land Use Committee for a term of three years.
One member of the Park Commission as designated by the Park Commission for a term of three years.
One member of the Mendon Housing Authority as designated by the Housing Authority for a term of three years.
One member appointed by the Board of Selectmen for a term of three years.
Should any of the committees, Commissions, Boards or Councils who have appointment authority under this chapter be no longer in existence for what ever reason, the appointment authority for that Committee, Commission, Board or council shall become the responsibility of the Board of Selectmen.

Section 2 Duties
a. The Community Preservation Committee shall study the needs, possibilities and resources of the town regarding community preservation. The committee shall consult with existing municipal boards, including the conservation commission, the historical commission, the planning board, and the housing authority or persons acting in those capacities or performing like duties, in conducting such studies. As part of its study, the committee shall hold one or more public informational hearings on the needs, possibilities and resources of the town regarding community preservation possibilities and resources, notice of which shall be posted publicly and published for each of two weeks preceding a hearing in a newspaper of general circulation in the town.

b. The Community Preservation Committee shall make presentations to the Town Meeting for the acquisition, creation and preservation of open space, the acquisition and preservation of historic resources, the acquisition, creation and preservation of land for recreational use, the acquisition, creation and support of community housing, and for the rehabilitation or restoration of such open space, historic resources, land for recreational use and community housing that is acquired or created as provided in this section. With respect to community housing, the community preservation committee shall recommend, wherever possible, the reuse of existing buildings or construction of new buildings or previously developed sites.

c. The Community Preservation Committee may include in its recommendation to the Town Meeting a recommendation to set aside for later spending funds for specific purposes that are consistent with community preservation but for which sufficient revenues are not then available in the Community

Preservation Fund to accomplish that specific purpose or to set aside for alter spending funds for general purposes that are consistent with community preservation.

Section 3 Requirement for a quorum and cost estimates
The community preservation committee shall not meet or conduct business without the presence of a quorum. A majority of the members of the community preservation committee shall constitute a quorum. The community preservation committee shall approve of its actions by majority vote. Recommendations to the Town Meeting shall include their anticipated costs.

Section 4 Amendments
This chapter may be amended from time to time by a majority vote of the Town Meeting, provided that the amendments would not cause a conflict to occur with MGL chapter 44B.

Section 5 Severability
In case any section, paragraph or part of this chapter be for any reason declared invalid or unconstitutional by any court of last resort, every other section, paragraph or part shall continue in full force and effect.

Section 6 Effective Date
Following Town Meeting approval, this Chapter shall take effect immediately upon passage of the ballot question accepting sections 3 to 7 inclusive of Chapter 44B of the General Laws and approval by the Attorney General of the Commonwealth. Each appointing authority shall have ten days after passage of the ballot question to make their initial appointments. Should any appointing authority fail to make their appointment within that allotted time, the Town Moderator shall make the appointment.

CHAPTER XXII

Water Restriction

Water Use Restriction Bylaw pursuant to M.G.L. c 41, s. 69B and M.G.L. c. 40 s. 41A for the purpose of protecting, preserving and maintaining the public health, safety and welfare whenever there is in force a State of Water Supply Conservation or State of Water Supply Emergency as follows: this bylaw is in no way applicable to any private well.

Section 1 Authority

This bylaw is adopted by the Town of Mendon under its police powers to protect public health and welfare and its powers under M.G.L. c.40, s. 21 and implements the Town's authority to regulate water use pursuant to M.G.L. c. 41, s. 69B. This bylaw also implements the Town's authority under M.G.L. c.40, s. 41A, conditioned upon a declaration of water supply emergency issued by the Department of Environmental Protection.

Section 2 Purpose

The purpose of this bylaw is to protect, preserve and maintain the public health, safety and welfare whenever there is in force a State of Water Supply Conservation or State of Water Supply Emergency by providing for enforcement of any duly imposed restrictions, requirements, provisions or conditions imposed by the Town or by the Department of Environmental Protection.

Section 3 Declaration of a State of Water Supply Conservation

The Town, through its Board of Water Commissioners may declare a State of Water Supply Conservation upon a determination by a majority vote of the Board that a shortage of water exists and conservation measures are appropriate to ensure an adequate supply of water to all water consumers. Public notice of a State of Water Conservation shall be given under section 5 of this bylaw before it may be enforced.

Section 4 Restricted water Uses

A declaration of a State of Water Supply Conservation shall include one or more of the following restrictions, conditions, or requirements limiting the use of water as necessary to protect the water supply. The applicable restrictions, conditions or requirements shall be included in the public notice required under section 5.

a) Odd/Even Day Outdoor Watering Outdoor watering by water users with odd numbered addresses is restricted to odd numbered days. Outdoor water users with even numbered addresses is restricted to even numbered days.
b) Outdoor Watering Ban Outdoor watering is prohibited
c) Outdoor Watering Hours Outdoor watering is permitted only during daily periods of low demand, to be specified in the declaration of a State of Water Supply Conservation and public notice thereof.
d) Filling Swimming Pools Filling of swimming pools is prohibited.
e) Automatic Sprinkler Use The use of automatic sprinklers is prohibited.

f) Restricted Use A specific use that is prohibited in the declaration of a State of Water Supply Conservation, which may include, but is not limited to, washing motor vehicles and watering lawns.

Section 5 Public Notification of a State of Water Supply Conservation; Notification of DEP

Notification of any provision, restriction, requirement or condition imposed by the Town as part of a State of Water Supply Conservation shall be published in a newspaper of general circulation within the Town, or by any such other means reasonably calculated to reach and inform all users of water of the State of Water Supply Conservation. Any restriction imposed under section 4 shall not be effective until such notification is provided. Notification of the State of Water Supply Conservation shall also be simultaneously provided to the Massachusetts Department of Environmental Protection.

Section 6 Termination of a State of Water Supply Conservation; Notice

A State of Water Supply Conservation may be terminated by a majority vote of the Board of Water Commissioners, upon a determination that the water supply shortage no longer exists. Public notification of the termination of a State of Water Supply Conservation shall be given in the same manner required in section 5.

Section 7 State of Water Supply Emergency; Compliance with DEP Orders

Upon notification to the public that a declaration of a State of Water supply Emergency has been issued by the Department of Environmental Protection, no person shall violate any provision, restriction, requirement, condition of any order approved or issued by the Department intended to bring an end to the State of Emergency.

Section 8 Penalties

Any person violating this bylaw shall be liable to the Town in the amount of $50.00 for the first violation and $100.00 for each subsequent violation, which shall inure to the Town. Fines shall be recovered by indictment, or on complaint before the District Court, or by non-criminal disposition in accordance with section 21D of chapter 40 of the general laws. Each day of violation shall constitute a separate offense.

Section 9 Severability

The invalidity of any portion or provision of this bylaw shall not invalidate any other portion or provision thereof.

This bylaw is in no way applicable to any private well.

CHAPTER XXIII
Non-Storm Water Discharge:

Section 1. Purpose

The purpose of this Bylaw is to regulate illicit connections and discharges to the storm water system, which is necessary for the protection of the Town's water bodies and groundwater, and to safeguard the environment and public health, safety, and welfare.

The objectives of this Bylaw are:

To prevent pollutants from entering the Town's municipal separate storm water system (MS4);
To prohibit illicit connections and unauthorized discharges to the MS4;
To require the removal of all such illicit connections;
To comply with state and federal statutes and regulations relating to stormwater discharges;
To establish the legal authority to ensure compliance with the provisions of this Bylaw through inspection, monitoring, and enforcement; and
To prevent contamination of drinking water supplies.

Section 2. Authority

In accordance with the Home Rule Amendment and in partial fulfillment of the obligations of the Town under the Clean Water Act (33 U.S.C. 1251 & Sec.) and under the Town's National Pollutant Discharge Elimination System Storm Water Permit, the Town hereby establishes a comprehensive and fair system of regulation of Discharge to the Town's Municipal Separate Storm Water System (MS4).

Section 3. Responsibility for Administration

The Highway Department shall administer, implement and enforce this bylaw. Any powers granted to or duties imposed upon the Highway Department may be delegated in writing by the Highway Surveyor to employees or agents of the Highway Department.

Section 4. Definitions

For the purposes of this Bylaw, the following shall mean:

Section 4.1 *Authorized Enforcement Agency*: The Highway Department, its employees or agents designated to enforce this Bylaw.

Section 4.2 *Best Management Practice (BMP)*: An activity, procedure, restraint, or structural improvement that helps to reduce the quantity or improve the quality of stormwater runoff.

Section 4.3 *Clean Water Act*: The Federal Water Pollution Control Act (33 U.S.C. § 1251 et seq.) as hereafter amended.

Section 4.4 *Discharge of Pollutants*: The addition from any source of any pollutant or combination of pollutants into storm drain systems or into the waters of the United States or Commonwealth from any source.

Section 4.5 *Groundwater*: All water beneath the surface of the ground.

Section 4.6 *Illegal Discharge*: Any direct or indirect non-stormwater discharge to storm drain systems, except as specifically exempted in Section 6.

Section 4.7 *Illicit Connection*: Any surface or subsurface drain or conveyance, which allows an illegal discharge into storm drain systems. Illicit connections include conveyances which allow a non-stormwater discharge to storm drain systems including sewage, process wastewater or wash water and any connections from indoor drains, sinks, or toilets, regardless of whether said connection was previously allowed, permitted or approved before the effective date of this bylaw.

Section 4.8 *Impervious Surface*: Any material or structure on or above the ground that prevents water from infiltrating the underlying soil.

Section 4.9 *Municipal separate storm water system* (MS4) or *Municipal Storm Drain System*: The system of conveyances designed or used for collecting or conveying stormwater, including any road with a drainage system, street, gutter, curb, inlet, piped storm drain, pumping facility, retention or detention basin, natural or man-made or altered drainage channel, reservoir, and other drainage structure that together comprise the storm drainage system owned or operated by the Town.

Section 4.10 *National Pollutant Discharge Elimination System* (NPDES) *Storm Water Discharge Permit*: A permit issued by the United States Environmental Protection Agency or jointly with the State that authorizes the discharge of pollutants to waters of the United States (Massachusetts Department of Environmental Protection).

Section 4.11 *Non-Stormwater Discharge*: Any discharge to the storm drain systems not composed entirely of stormwater.

Section 4.12 *Person*: Any individual, partnership, association, firm, company, trust, corporation, and, any agency, authority, department or political subdivision of the Commonwealth or the federal government, to the extent permitted by law, and any officer, employee, or agent of such person.

Section 4.13 *Pollutant*: Any element or property of sewage, industrial or commercial waste, runoff, leachate, heated effluent, or other matter whether originating at a point or nonpoint source, that is or may be introduced into any sewage treatment works or waters of the Commonwealth. Pollutants shall include:

1) Paints, varnishes, and solvents;
2) Oil and other automotive fluids;
3) Non-hazardous liquid and solid wastes and yard wastes;
4) Refuse, rubbish, garbage, litter, or other discarded or abandoned objects, accumulations and floatables;
5) Hazardous materials and wastes; sewage, fecal coliform and pathogens;
6) Dissolved and particulate metals;
7) Rock, sand and soils;
8) Construction wastes and residues;
9) And noxious or offensive matter of any kind.

Section 4.14 *Process wastewater*: any water which, during manufacturing or processing, comes into direct contact with or results from the production or use of any material, intermediate product, finished product, or waste product.

Section 4.15 *Recharge*: The process by which groundwater is replenished by precipitation through the percolation of runoff and surface water through the soil.

Section 4.16 *Stormwater*: Runoff from precipitation or snow melt.

Section 4.17 *Storm Drain System*: The system of conveyances designed or used for collecting or conveying stormwater, including any road with a drainage system, street, gutter, curb, inlet, piped storm drain, pumping facility, retention or detention basin, natural or manmade or altered drainage channel, reservoir, and other drainage structure that together comprise the storm drainage system on public or private ways within the Town.

Section 4.18 *Toxic* or *Hazardous Material* or *Waste*: Any material which, because of its quantity, concentration, chemical, corrosive, flammable, reactive, toxic, infectious or radioactive characteristics, either separately or in combination with any substance or substances, constitutes a present or potential threat to human health, safety, welfare, or to the environment. Toxic or hazardous materials include any synthetic organic chemical, petroleum product, heavy metal, radioactive or infectious waste, acid and alkali, and any substance defined as Toxic or Hazardous under G.L. Ch. 21C and Ch. 21E, and the regulations at 310 CMR 30.000 and 310 CMR 40.000.

Section 4.19 *Uncontaminated*: Water containing no pollutants.

Section 4.20 *Watercourses*: A natural or man-made channel through which water flows or a stream of water, including a river, brook or underground stream.

Section 4.21 *Waters of the Commonwealth*: All waters within the jurisdiction of the Commonwealth, including, without limitation, rivers, streams, lakes, ponds, springs, impoundments, estuaries, wetlands, coastal waters, and groundwater.

Section 4.22 *Wastewater*: any sanitary waste, sludge, or septic tank or cesspool overflow, and water that during manufacturing, cleaning or processing, comes into direct contact with or results from the production or use of any raw material, intermediate product, finished product, byproduct or waste product.

Section 5. Applicability

This Bylaw shall apply to flows entering the municipally owned storm water and drainage system on public or private ways within the Town.

Section 6. Regulations

The Highway Department may promulgate rules, regulations and a permitting process to effectuate the purposes of this Bylaw. Failure by the Highway Dept. to promulgate such rules and regulations shall not have the effect of suspending or invalidating this Bylaw.

Section 7. Prohibited Activities

Section 7.1 Illegal Discharges

No person shall dump, discharge, cause or allow to be discharged any pollutant or non-stormwater discharge into storm drain systems, watercourse, or into the waters of the Commonwealth.

Section 7.2 Illicit Connections

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

Section 7.3 Obstruction of the Storm Drain Systems

No person shall obstruct or interfere with the normal flow of stormwater into or out of storm drain systems without prior approval from the Highway Department or its designated agent.

Section 7.4 Exemptions

This Bylaw shall not apply to any of the following non-stormwater discharges or flows provided that the source is not a significant contributor of a pollutant to storm drain systems:

Municipal waterline flushing;
Discharges from landscape irrigation or lawn watering;
Water from individual residential vehicle washing and temporary fund-raising car wash events;
Discharges from dechlorinated swimming pool water provided it is allowed to stand for one week prior to draining, or tested for chlorine levels with a pool test kit prior to draining (less than one parts per million chlorine), and the pool is drained in such a way as not to cause a nuisance;
Discharges from street sweepers of minor amounts of water during operations;
Discharges or flows resulting from fire fighting activities;
Non-stormwater discharges permitted under an NPDES permit, waiver, or waste discharge order administered under the authority of the United States Environmental Protection Agency, provided that the discharge is in full compliance with the requirements of the permit, waiver, or order and applicable laws and regulations.

Section 8. Exemptions With Verbal Notification To Highway Department

This section shall apply to any of the following non-stormwater discharges or flows provided that the source is not a significant contributor of a pollutant to storm drain systems, provided that verbal notification is received by the Highway Surveyor or his designee:

a. Uncontaminated groundwater discharge from a sump pump, with a permit from the Highway Department;
b. Water from exterior foundation drains, footing drains (not including active groundwater dewatering systems, such as dewatering excavations for foundation or pipelines), crawl space pumps, or air conditioning condensation;
c. Dye testing, provided verbal notification is given to the Highway Department prior to the time of the test.

Section 9. Suspension Of Storm Drainage System Access

Section 9.1 Emergency Suspension of Storm Drainage System

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

Section 9.2 Removal of Illicit Connections

Any person discharging to a municipal storm drain system in violation of this bylaw may have their storm drain system access terminated if such termination would abate or reduce an illicit discharge. The Highway Department will notify a violator of the proposed termination of storm drain system access. The violator may petition the Highway Department for reconsideration and hearing. A person commits an offense if the person reinstates storm drain system access to premises terminated pursuant to this section, without prior approval from the Highway Department.

Section 10. Notification Of Spills

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

Section 11. Enforcement

Section 11.1 The Highway Department or its authorized agent shall enforce this Bylaw, and the regulations promulgated hereunder, as well as the terms and conditions of all permits, notices, and orders, and may pursue all civil and criminal remedies for such violations.

Section 11.2 Civil Relief

If anyone violates the provisions of this Bylaw, regulations, permit, notice, or order issued hereunder, the Highway Department may seek injunctive relief in a court of competent jurisdiction to restrain the person from activities, which would create further violations or compelling the person to abate or remedy the violation.

Section 11.3 Orders

The Highway Department may issue a written order to enforce the provisions of this Bylaw or the regulations hereunder, which may include: (a) elimination of illicit connections or discharges to the storm drainage system; (b) termination of access to the storm drainage system; (c) performance of monitoring, analyses, and reporting; (d) cessation of unlawful discharges, practices, or operations; and (e) remediation of contamination in connection herewith. If the Highway Department determines that abatement or remediation of contamination is required, the order shall set forth a deadline for completion of the abatement or remediation. Said order shall further advise that, should the violator or property owner fail to abate or perform remediation within the specified deadline, the Town may, at its option, undertake such work, and expenses thereof shall be charged to the violator or property owner.

Within thirty (30) days after completing all measures necessary to abate the violation or to perform remediation, the violator and the property owner will be notified of the costs incurred by the Town, including administrative costs. The violator or property owner may file a written protest objecting to the amount or basis of costs with the Highway Department within thirty (30) days of receipt of the notification of the costs incurred. If the amount due is not received by the expiration of the time in which to file a protest or within thirty (30) days following a decision of the Highway Department affirming or reducing the costs, or from a final decision of a court of competent jurisdiction, the costs shall become a special assessment against the property owner and shall constitute a lien on the owner's property for the amount of said costs. Interest shall begin to accrue on any unpaid costs at the statutory rate provided in G.L. Chapter 59, § 57 after the thirty-first day at which the costs first become due.

Section 11.4 Non-Criminal Disposition

The Town may elect to utilize the non-criminal disposition procedure set forth in G.L. Chapter 40, § 21D. The Highway Department shall be the enforcing entity. The penalty for the 1st violation is $100.00. The penalty for the 2nd violation is $200.00. The penalty for the 3rd and subsequent violations shall be $300.00. Each day or part thereof that such violation occurs or continues shall constitute a separate offense.

Section 11.5 Criminal and Civil Penalties

Any person who violates any provision of this Bylaw, valid regulation, or the terms or conditions in any permit or order prescribed or issued hereunder, shall be subject to a fine not to exceed $300.00 for each day such violation occurs or continues or subject to a civil penalty, which may be assessed in an action brought on behalf of the Town in any court of competent jurisdiction.

Section 11.6 Entry to Perform Duties under this Ordinance

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

Section 11.7 Appeals

The decisions or orders of the Highway Department shall be final. Further relief shall be to a court of competent jurisdiction.

Section 11.8 Remedies Not Exclusive

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

Section 12. Severability

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

Section 13. Transitional Provisions

Residential property owners shall comply with this Bylaw on a schedule set forth in the Highway Department compliance order, but such property owners shall have no more than eighteen months from the effective date of the Bylaw to comply with its provisions, unless good cause is shown for the failure to comply with the Bylaw during that period.

CHAPTER XXIV

REGISTERED SEX OFFENDER RESTRICTIONS BY-LAW

Section 1: **Definitions.**

a. Adult Criminal Sex Offender. A person convicted of a criminal sex offense, as defined in M.G.L. c. 6, § 178C, who is finally classified as a Level 2 or Level 3 sex offender by the Massachusetts Sex Offender Registry Board, and is required to register as a Sex Offender pursuant to M.G.L. c. 6, § 178C. The Board has determined that these individuals have a high risk to re-offend and that the degree of dangerousness posed to the public is such that a substantial public safety interest is served by active community notification.

b. School. A licensed or accredited public or private school or church school that offers instruction in pre-school, including a licensed daycare or other business permitted as a school by the Town of Mendon, or any of grades K through 12.

c. Recreational facility. Any land designated for active or passive recreational or athletic use by the Town of Mendon, the Commonwealth of Massachusetts or other government subdivision, and located within the Town of Mendon.

d. Permanent Residence. A place where a person lives, abides, lodges or resides for five (5) or more consecutive days or fourteen (14) or more days in the aggregate during any calendar year. Time of conviction as a sex offender shall be considered the time of establishing residence.

e. Temporary Residence. A place where a person lives, abides, lodges or resides for less than five consecutive days or fourteen days in the aggregate during any calendar year. Time of conviction as a sex offender shall be considered the time of establishing residence.

f. Establish a residence. To set up or bring into being a dwelling place or an abode where a person sleeps, which may include more than one location, and may be mobile or transitory, or by means of purchasing real property or entering into a lease or rental agreement for real property (including a renewal or extension of a prior agreement whether through written execution or automatic renewal).

g. Day care center. An establishment, whether public or private, which provides care for children and is registered with and licensed pursuant to the laws of the Commonwealth of Massachusetts by the Office of Child Care Services.

h. Park. Public land designated for active or passive recreational or athletic use by the Town of Mendon, the Commonwealth of Massachusetts or other governmental subdivision, and located within the Town of Mendon.

i. Elderly housing facility. A building or buildings on the same lot containing four or more dwelling units restricted to occupation by households having one or more members fifty-five years of age or older.

j. Facility for the Mentally Retarded. An institution or distinct part thereof for the mentally retarded or persons with related conditions if the purpose of such institution or distinct part thereof is primarily for the diagnosis, treatment, or rehabilitation of the mentally retarded or persons with related conditions; and/or provides, in a protected residential setting, ongoing evaluation, planning, 24-hour supervision, coordination, and integration of health or rehabilitative services to help each individual function at his greatest ability.

k.. School bus stop. Any area designated by the public school district or by a private or parochial school within the Town of Mendon as a school bus stop.

l.. Loiter. To remain in or around a school, day care center, park, recreational facility, elderly housing facility, facility for the mentally retarded, or school bus stop for more than ten (10) minutes.

Section 2**: Residency Restrictions.**

a. Prohibitions. It shall be unlawful for any Adult Criminal Sex Offender to establish a residence or any other living accommodations within two thousand (2,000) feet of the property on which any school, day care center, park, or recreational facility open to the public is located. The two thousand (2,000) feet restriction shall be measured in a straight line from the nearest property line upon which the house, apartment complex, condominium complex, or other residence is located to the property line of the nearest school, day care center, park, or recreational facility.

*b. Exemptions***.**

(1) The establishment of or changes to the location of property resulting in a school, day care center, park, or recreational facility within two thousand feet of an Adult Criminal Sex Offender's permanent residence which occur after an Adult Criminal Sex Offender establishes permanent residency shall not form the basis for finding that an Adult Criminal Sex Offender is in violation of this By-Law.

c. Forfeiture of Exemptions. If, either after the effective date of this By-law or after a new school, day care center, park, or recreational facility opens, an indictment is issued by a court against a Adult Criminal Sex Offender, otherwise enjoying an exception under Section 2.b. of this By-law, that such Adult Criminal Sex Offender has committed a "sex offense," as that term is defined in M.G.L. c. 6, § 178C, he or she will immediately forfeit that exemption and be required to comply with Section 2 of this By-law.

*d. Notice to Move***.** An Adult Criminal Sex Offender who establishes a temporary or permanent residence within two thousand feet of any school, day care center, park, or recreational facility shall be in violation of this By-Law and shall, within thirty (30) days of receipt of written notice of the Adult Criminal Sex Offender's noncompliance with this by-law, move from said location to a new location, but said new location may not be within two thousand (2,000) feet of any school, day care center, park, or recreational facility. The first day following the thirty day (30) written notice shall be considered the first violation. Following the first violation, every day that the Adult Criminal Sex Offender continues to reside within two thousand (2,000) feet of any school, day care center, park, or recreational facility shall be considered a separate violation.

Section 3**: Safety Zones.**

a. An Adult Criminal Sex Offender is prohibited from entering a school, day care center, park, recreational facility, elderly housing facility or facility for the mentally retarded or, after having received notice from the Mendon Police Department that he/she is loitering within five hundred (500) feet of a school, day care center, park, recreational facility, elderly housing facility or facility for the mentally retarded, from continuing to so loiter or from returning thereto. The distance shall be measured by following a straight line from the location of the Adult Criminal Sex Offender to the outer property line of the school, day care center, park, recreational facility, elderly housing facility or facility for the mentally retarded.

b. An Adult Criminal Sex Offender is prohibited, after receiving notice from the Mendon Police Department that he/she is loitering within five hundred (500) feet of a school bus stop, from continuing to so loiter or from returning thereto, provided, however, that this prohibition shall not apply to days when the schools within the Town of Mendon are not in session. The distance shall be measured by following a straight line from the location of the Adult Criminal Sex Offender to the school bus stop. A written list describing the school bus stops shall be created by the Town of Mendon and shall be reviewed by the Board of Selectmen no less than annually for changes. The list

shall be available to the public at the Mendon Police Department and Mendon Town Clerk's office, and on the Town of Mendon's website.

Section 4**: Penalties.** Violations of this By-law may be enforced through any lawful means in law or in equity by the Mendon Police Department or their duly authorized agents, including, but not limited to, enforcement by non-criminal disposition pursuant to M.G.L. c. 40, § 21D, an action in equity, or a civil action for injunctive relief. The following penalties will be imposed by the Town of Mendon:

1. First Offense by an Adult Criminal Sex Offender: Non-criminal fine of $150.00 and notification to offender's parole officer and/or probation officer, and the Commonwealth's Sex Offender Registry Board that the Sex Offender has violated a town by-law.

2. Subsequent Offense by an Adult Criminal Sex Offender: Non-criminal fine of $300.00 and notification to offender's parole officer and/or probation officer, and the Commonwealth's Sex Offender Registry Board that the Sex Offender has violated a town by-law.

Section 5: **By-Law Amendments**

a. This By-Law expressly does not repeal or otherwise affect any other town by-laws currently in force.

b. If any clause, sentence, paragraph, subdivision, section or other part of this By-law shall for any reason be determined to be unconstitutional or otherwise invalidated, such determination shall not affect, impair or invalidate the remainder of this By-law, and it shall be construed to have been the intent to enact this By-law without such unconstitutional or invalid parts therein.

Chapter XXIVa

Demolition Delay By-Law

Section 1. *Purpose.*

The purpose of this by-law is to protect and preserve buildings and structures within Mendon which reflect or constitute distinctive features of the architectural, cultural, economic, political or social history of the Town. The intent of the by-law is not to permanently prevent demolition but rather to provide an opportunity to develop preservation solutions for properties threatened with demolition.

To achieve these purposes, the issuance of demolition permits for buildings and structures is regulated as provided in Sections 3 through 7.

Section 2. *Definitions.*

Building or Structure	Any combination of building materials giving support or forming a permanent shelter for persons, animals, or property.
Business Day	A day which is not a legal municipal holiday, Saturday or Sunday.
Commission	The Mendon Historical Commission.
Demolition	The act of substantially or totally pulling down, destroying, removing, or razing a building or structure, or commencing the work of total or substantial destruction with the intent of completing the same.
Historically Significant Building or Structure	The Historical Commission will determine whether a building or structure is historically significant at an open meeting of the Commission. The Historical Commission shall consider the following criteria when deciding if a building is historically significant: 4.1. Any building or structure, or portion thereof, within the Town which is in whole or in part seventy-five (75) or more years old or is of unknown age; and/or 4.2. The building or structure is associated with events or activities that have made a significant contribution to the history of Mendon, the Commonwealth of Massachusetts, or the United States; and/or 4.3. The building or structure is associated with the life or lives of persons significant in the history of Mendon, the Commonwealth of Massachusetts, or the United States; and/or 4.4. The building or structure embodies, either by itself or in context with a group of buildings or structures, distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic values.

Section 3. *Application.*
The Building Inspector shall forward a copy of each demolition permit application for a building or structure or part thereof to the Commission within five (5) business days of the filing of such application. Within twenty (20) business days from its receipt of a demolition permit application, the Commission shall determine whether the building or structure is historically significant. The applicant for the demolition permit shall be entitled to make a presentation to the Commission if he or she so chooses for the purposes of the Commission's review of whether or not a building or structure is historically significant. If the Commission determines that the building or structure is not historically significant the Commission shall so notify the Building Inspector in writing and the Building Inspector may issue a demolition permit. If the Commission determines that the building or structure is historically significant, the Commission shall notify the Building Inspector in writing that a demolition plan review must be made prior to the issuance of any demolition permit. If the Commission fails to notify the Building Inspector of its determination within

twenty (20) business days of its receipt of the application, then the building or structure shall be deemed not historically significant and the Building Inspector may issue a demolition permit.

Section 4. *Demolition Plan Review.*
No more than twenty (20) business days after the Commission's determination that a building or structure is historically significant, the applicant for the demolition permit shall submit to the Commission five (5) copies of a demolition plan which shall include the following information:

(i) A map showing the location of the building or structure to be demolished on its property and with reference to neighboring properties;

(ii) Photographs of all street façade elevations;

(iii) A description of the building or structure, or part thereof, to be demolished;

(iv) The reason for the proposed demolition and data supporting said reason. Data sufficient to establish any economic justification for demolition may be included;

(v) A brief description of the proposed reuse of the property on which the building or structure to be demolished is located;

Upon receipt of the plan referenced above the Commission shall, within 22 business days, schedule a public hearing on the application and shall give public notice thereof by publishing the time, place and purpose of the hearing in a local newspaper at least ten (10) business days before said hearing and also, within five (5) business days of said hearing, mail a copy of said notice to the applicant, the property owner (if the applicant is a non-owner), to owners of all adjoining property, and to other property owners deemed by the Commission to be materially affected thereby as they appear on the most recent real estate tax list of the Board of Assessors. The expense of publishing the hearing notice and the mailing to all such persons shall be borne by the applicant.

Within ten (10) business days from the date of the hearing, the Commission shall file a written report with the Building Inspector on the demolition plan which shall include the following:

i. A description of the age, architectural style, historical associations and importance of the building or structure to be demolished;
ii. A determination as to whether or not the building or structure, or part thereof, is preferably preserved. Such a determination shall be made by a vote of the of the Commission members present.

If the building or structure or part thereof is not determined to be preferably preserved or if the Commission fails to file its report with the Building Inspector within the time period set forth above, then the Building Inspector may issue a demolition permit. If the Commission determines that the building or structure is preferably preserved, it shall impose a demolition delay of six (6) months from the date of such determination. Written notice of its determination and the period of delay imposed shall be mailed promptly to the applicant and property owner (if applicable), and a copy thereof shall be furnished to the Building Inspector who shall not issue a demolition permit during the period specified therein. However, such permit may be issued prior to the end of such period if the Commission notifies the Building Inspector that the applicant and property owner (if applicable) (i) has/have made a bona fide, reasonable and unsuccessful effort to locate a purchaser for the building or structure who has agreed to preserve, rehabilitate, restore or relocate the same, or (ii) has/have agreed to alternatives to demolition or has agreed to accept a demolition permit on specified conditions approved by the Commission.

Section 5. *Responsibilities of the Owner and the Commission.*
Once a building or structure has been determined to be a preferably preserved building or structure, the owner shall be responsible for properly securing the building or structure, if vacant, to the satisfaction of the Building Inspector. Should the owner fail to secure the building or structure, a subsequent destruction

of the building or structure, or part thereof, at any time during the six (6) month demolition delay period, which destruction could have been prevented by the required security measures, shall be considered a violation of this by-law.

The Commission shall notify the Massachusetts Historical Commission, Town Administrator, Community Preservation Committee and any other interested parties in an effort to obtain assistance in preservation funding or in finding an adaptive use of the building or structure which will result in its preservation. The Commission shall invite the owner of record of the building or structure to participate in an investigation of alternatives to demolition including but not limited to incorporation of the building or structure into future development of the site, adaptive re-use of the building or structure, seeking a new owner willing to purchase and preserve, restore or rehabilitate the building or structure or part thereof, or moving the building or structure.

Section 6. *Emergency Demolition.*
Notwithstanding the above provisions, the Building Inspector may issue a demolition permit at any time in the event of imminent and substantial danger to the health or safety of the public due to deteriorating conditions. Prior to doing so, the Building Inspector and a member of the Commission shall inspect the building. The Building Inspector shall document, in writing, the findings and reasons requiring an emergency demolition, a copy of which shall be forwarded immediately to the Commission. Before allowing emergency demolition, the Building Inspector shall make every effort to inform the Chairperson of the Commission of his intention to allow demolition before he issues a permit for emergency demolition.

No provision of this by-law is intended to conflict with or abridge any obligations or rights conferred by Massachusetts General Laws, Chapter 143 regarding removal or demolition of dangerous or abandoned structures. In the event of a conflict, the applicable provisions of Chapter 143 shall control.

Section 7. *Non-Compliance.*
The Commission is authorized to carry out its duties and functions under this by-law.

The Commission and/or the Building Inspector are each specifically authorized to institute any and all actions and proceedings, in law or equity, as they may deem necessary and appropriate to obtain compliance with the requirements of this by-law or to prevent a threatened violation thereof.

Any owner of a building or structure or part thereof demolished without first obtaining a demolition permit in accordance with the provisions of this by-law shall be subject to a fine of $300 per day. Each day the violation exists shall constitute a separate offense until the faithful restoration of the demolished building is completed to the satisfaction of the Commission. Such fines may be imposed in accordance with the non-criminal disposition procedures set forth in M.G.L. c. 40, § 21D.

No building permit shall be issued with respect to any premises upon which a historically significant building has been demolished in violation of this by-law for a period of two (2) years after the date of the completion of such demolition. As used herein, "premises" refers to the parcel of land upon which the demolished historically significant building or structure was located and all adjoining parcels of land under common ownership or control.

Notwithstanding the foregoing, whenever the Commission shall, on its own initiative, or on application of the landowner, determine that earlier reconstruction, restoration or other remediation of any demolition in violation of this by-law better serves the intent and purpose of this by-law, it may, prior to the expiration of said period of two (2) years, authorize issuance of a building permit, upon such conditions as the Commission deems necessary or appropriate to effectuate the purposes of this by-law, and may so notify the Building Inspector.

Section 8. *Severability.*
In case any section, paragraph, or part of this by-law is for any reason declared invalid or unconstitutional by any court of competent jurisdiction, every other section, paragraph and part shall continue in full force and effect.

CHAPTER XXV

ADULT ENTERTAINEMNT ESTABLISHMENTS AND LIQUOR LICENSES

The following provisions apply to all Adult Entertainment or Use establishments consisting of an "adult bookstore", "adult motion picture theater", adult paraphernalia store", "adult video store", and an "establishment which displays live nudity for its patrons" as defined by M.G.L. Ch. 40a, Section 9A located within the layout lines of the Adult Entertainment Overlay District created by the voters of the Town of Mendon on May 2nd, 2008 as forth in the Mendon Zoning Bylaws:

1. The Town of Mendon shall not grant any license for the sale of alcohol for consumption in accordance with the provisions of M.G.L. Ch. 138 Section 12 to any Adult Entertainment or Use establishment, as defined by M.G.L. Ch. 40a, Section 9A as the presence of alcohol is documented to exacerbate negative secondary crime effects at sexually-oriented businesses.

2. The Town of Mendon shall not grant any special licenses for the sale of alcohol for consumption in accordance with M.G.L. Ch. 138, Section 14 to any establishment as defined as an Adult Entertainment or Use per Chapter 40a, Section 9A as the presence of alcohol is documented to exacerbate negative secondary crime effects at sexually-oriented businesses.

3. The Town of Mendon shall not allow patrons of Adult Entertainment or Use establishments to consume alcoholic beverages within any Adult Entertainment or Use establishment, even if such beverages are brought to the premises by the patrons as a presence of alcohol is documented to exacerbate negative secondary crime effects at sexually-oriented businesses.

4. In the event that an establishment already in possession of a license in accordance with M.G.L. Ch. 138, Section 12 and/or Section 14 applies for a license to operate an Adult Entertainment or Use, such establishment shall only be granted a license to coincide with the expiration of its M.G.L. Ch. 138, Section 12 and/or Section 14 license(s) and this license will not be renewed.

CHAPTER XXVI

Stormwater Management By-Law

Section 1.0 *Purpose*
The purpose of this local regulation is to safeguard persons, protect property, and prevent damage to the environment in Mendon by establishing minimum requirements and procedures, including maintenance, to control the adverse effects of soil erosion and sedimentation, construction site runoff, increased post-development stormwater runoff, decreased groundwater discharge, and non point source pollution associated with new development and redevelopment.
Eroded soil endangers water resources by reducing water quality and causing the siltation of aquatic habitat for fish and other desirable species. Eroded soil can also overload municipal catch basins and storm drainage systems. Sediment from construction sites can reduce the amount of sunlight reaching aquatic plants, clog fish gills, and smother spawning areas. Post –development runoff associated with developed land uses and the accompanying increase in impervious surfaces are major causes of impairment of water quality in receiving waters and loss of groundwater recharge.

The objectives of this by law are to protect groundwater and surface water by:

a. Encouraging the use of environmentally sensitive site design that preserves natural areas to the maximum extent practicable;
b. Requiring practices that eliminate soil erosion and sedimentation and control the volume and rate of stormwater runoff resulting from land disturbance activities.
c. Requiring practices to control waste such as discarded building materials, concrete truck washout, chemicals, litter, and sanitary waste at the construction site that may cause adverse impacts to water quality;
d. Requiring that new development, redevelopment and all land conversion activities maintain the natural hydrologic characteristics of the land;
e. Encourage Low Impact Development techniques that minimize impervious surfaces, mimic natural conditions and promote the recharge of groundwater;
f. Ensure adequate long-term operation and maintenance of structural stormwater best management practices so they work as designed;
g. Comply with state and federal statutes relating to stormwater discharges; and
h. Establish the Town of Mendon's legal authority to ensure compliance with the provisions of this by-law through inspection, monitoring, and enforcement.

Section 2.0 *Definitions*

Section 2.1 *Abutter*: The owner(s) of land whose property immediately abuts the activity.

Section 2.2 *Applicant*: Any person, individual, partnership, association, firm, company, corporation, trust, authority, agency, department, or political subdivision, of the Commonwealth or the Federal government to the extent permitted by law requesting a soil erosion and sediment control permit for proposed land-disturbing activity.

Section 2.3 *Best Management Practice (BMP):* Structural, non-structural, and managerial techniques that are recognized to be the most effective and practical means to prevent and/or reduce increases in stormwater volumes and flows. "Structural" BMPs are devices that are engineered and constructed to provide temporary storage and treatment of stormwater runoff. "Nonstructural" BMPs use natural, Low Impact Development techniques that do not require extensive construction efforts.

Section 2.4 *Certified Professional in Erosion and Sediment Controls (CPESC):*

A certified specialist in soil erosion and sediment control. This certification program, sponsored by the Soil and Water Conservation Society in cooperation with the American Society of Agronomy, provides the public with evidence of professional qualifications.

Section 2.5 *Clearing*: Any activity that removes the vegetative surface cover.

Section 2.6 *Stormwater Management Permit (SMP):* A permit issued by the Planning Board after review of an application, plans, calculations, and other supporting documents, which is designed to protect the environment of the Town from the deleterious effects of uncontrolled and untreated storm runoff.

Section 2.7 *Erosion*: The wearing away of the land surface by natural or artificial forces such as wind, water, ice, gravity, or vehicle traffic and the subsequent detachment and transportation of soil particles.

Section 2.8 *Erosion and Sediment Control Plan*: A document containing narrative, drawings and details developed by a qualified professional engineer (PE) or a Certified Professional in Erosion and Sedimentation Control (CPESC), which includes best management practices, or equivalent measures designed to control surface runoff, erosion and sedimentation during pre-construction and construction related land disturbance activities.

Section 2.9 *Estimated Habitat of Rare Wildlife and Certified Vernal Pools*: Habitats delineated for state-protected rare wildlife and certified vernal pools for use with the Wetlands Protection Act Regulations (310 CMR 10.00) and the Forest Cutting Practices Act Regulations (304 CMR 11.00).

Section 2.10 *Land-Disturbing Activity*: Any activity that causes vegetation clearing (including tree cutting) or a change in the position or location of soil, sand, rock, gravel, or similar earth material.

Section 2.11 *Low Impact Development Techniques* shall mean stormwater management practices that are modeled after hydrologic features. Low Impact Development (LID) techniques are designed to maintain the natural pre-developed ability of a site to manage rainfall. These techniques capture water on site, filter it through vegetation or permeable pavement and allow seeping into the ground rather than being lost as surface runoff so that the local water table can recharge. An important LID principle embodies the concept that rainwater is a resource and not merely a superfluous waste product.

Section 2.12 *Massachusetts Endangered Species Act (G.L. c. 131A)* and its implementing regulations at (321 CMR 10.00) which prohibit the "taking" of any rare plant or animal species listed as Endangered, Threatened, or of Special Concern.

Section 2.13 *Massachusetts Stormwater Management Policy*: The Policy issued by the Department of Environmental Protection, as amended, that coordinates the requirements prescribed by state regulations promulgated under the authority of the Massachusetts Wetlands Protection Act G.L. c. 131 §. 40 and Massachusetts Clean Waters Act G.L. c. 21, §. 23-56. The Policy addresses stormwater impacts through implementation of performance standards to reduce or prevent pollutants from reaching water bodies and control the quantity of runoff from a site.

Section 2.14 *Municipal Separate Storm Sewer System (MS4)* or municipal storm drain system shall mean a conveyance or system of conveyances designed or used for collecting or conveying stormwater, including any road with a drainage system, street, gutter, curb, inlet, piped storm drain, pumping facility, retention or detention basin, natural or man-

made or altered drainage channel, reservoir, and other drainage structure that together comprise the storm drainage system owned or operated by the Town of Mendon.

Section 2.15 *Operation and Maintenance Plan*: A plan setting up the functional, financial and organizational mechanisms for the ongoing operation and maintenance of a stormwater management system to ensure that it functions as designed.

Section 2.16 *Post-Development*: The conditions that reasonably may be expected or anticipated to exist after completion of the land development activity on a specific site or tract of land. Post-development refers to the phase of new development or redevelopment project after completion, and does not refer to the construction phase of the project.

Section 2.17 *Pre-Construction*: All activity in preparation for construction.

Section 2.18 *Priority Habitat of Rare Species*: Habitats delineated for rare plant and animal populations protected pursuant to the Massachusetts Endangered Species Act and its regulations.

Section 2.19 *Runoff*: Rainfall, snowmelt, or irrigation water flowing over the ground surface.

Section 2.20 *Sediment*: Mineral or organic soil material that is transported by wind or water, from its origin to another location; the product of erosion processes.

Section 2.21 *Sedimentation*: The process or act of deposition of sediment.

Section 2.22 *Site*: Any lot or parcel of land or area of property where land-disturbing activities are, were, or will be performed.

Section 2.23 *Slope*: The incline of a ground surface expressed as a ratio of horizontal distance to vertical distance.

Section 2.24 *Soi*l: Any earth, sand, rock, gravel, or similar material.

Section 2.25 *Stabilization*: The use, singly or in combination, of mechanical, structural, or vegetative methods, to prevent or retard erosion.

Section 2.26 *Stormwater*: Storm water runoff, snowmelt runoff, and surface water runoff and drainage.

Section 2.27 *Stormwater Management Plan*: A plan required as part of the application for a Storm Water Management Permit.

Section 2.28 *Strip*: Any activity which removes the vegetative ground surface cover, including tree removal, clearing, grubbing, and storage or removal of topsoil.

Section 2.29 *Watercourse*: A natural or man-man channel through which water flows or a stream of water, including a river, brook, or underground stream.

Section 2.30 *Wetland Resource Area*: Areas specified in the Massachusetts Wetlands Protection Act G.L. c. 131, § 40 and, if applicable, in the Town of Mendon's wetland bylaw/ordinance.

Section 2.31 *Wetlands*: Tidal and non-tidal areas characterized by saturated or nearly saturated soils most of the year that are located between terrestrial (land-based) and aquatic (water-based) environments, including freshwater marshes around ponds and channels (rivers

and streams), brackish and salt marshes; common names include marshes, swamps and bogs.

Section 3.0 *Authority*

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

Section 4.0 *Applicability*
This by-law shall apply to:

a. All activities that result in disturbance of one or more acres of land that drains to the municipal storm drain system or to a public way within the Town of Mendon;
b. Any activities that result in a land disturbance of less than one acre if the project is part of a larger common plan of development which will disturb one acre or more associated with construction or re-construction of structures, development or re-development involving multiple, separate activities in discontinuous locations or on different schedules if the activities; drain to a single discharge point.
c. Paving or other change in surface material over an area of one acre or more causing a significant reduction of permeability or increase in runoff.

Section 5.0 *Exemptions*

a. Normal maintenance and improvement of land in agricultural use as defined by the Wetlands Protection Act regulations 310 CMR 10.04 and MGL Chapter 40A, section 3;
b. Maintenance of existing landscaping, gardens, or lawn areas associated with a single family dwelling;
c. Normal maintenance of Town owned public land, ways and appurtenances;
d. Maintenance, reconstruction or resurfacing of any public way; and the installation of drainage structures or utilities within or associated with public ways that have been approved by the appropriate authorities;
e. Repair of septic systems when required by the Board of Health for the protection of public health;
f. Activities that are subject to jurisdiction under the Wetlands Protection Act and demonstrate compliance with the Massachusetts Stormwater Management Policy as reflected in an Order of Conditions issued by the Conservation Commission.

Section 6.0 *Administration*

The Planning Board shall administer, implement and enforce this bylaw. Any powers granted to or duties imposed upon Planning Board may be delegated in writing by the Planning Board to its employees or agents.

Section 6.1 *Waiver***.** The Planning Board may waive strict compliance with any requirement of this by-law or the rules and regulations promulgated hereunder, where:

a. Such action is allowed by federal, state and local statutes and/or regulations,
b. Is in the public interest, and
c. Is not inconsistent with the purpose and intent of this bylaw.

Section 6.2 *Rules and Regulations.* The Planning Board may adopt, and periodically amend rules and regulations to effectuate the purposes of this by-law. Failure by the Planning Board to promulgate such rules and regulations shall not have the effect of suspending or invalidating this by-law.

Section 6.3 *Massachusetts Stormwater Handbook.* The Planning Board will utilize the Massachusetts Stormwater Management Handbook, as amended from time to time, for criteria and information including specifications and standards for the execution of provisions of this bylaw. These include a list of acceptable stormwater treatment practices, with specific design criteria for each. The Stormwater Management Handbook establishes standards that require the implementation of a wide variety of stormwater management strategies that include environmentally sensitive site design and Low Impact Development techniques. Unless specifically altered by this Stormwater Management By-Law, the stormwater management practices that are designed, constructed, and maintained in accordance with the Massachusetts Stormwater Handbook shall be presumed by the Planning Board to be protective of Massachusetts water quality standards.

Section 7.0 *Permits and Procedure*

Section 7.1 *Application* The applicant shall file with the Planning Board a completed application for a Stormwater Management Permit (SMP). A permit must be obtained prior to the commencement of land disturbing activity that may result in the disturbance of an area of one acre or more. The SMP Application package shall include:

a. a completed Application Form with original signatures of all owners;
b. a list of abutters, certified by the Assessors Office;
c. three (3) copies of the Stormwater Management Plan;
d. three (3) copies of the Erosion and Sediment Control Plan;
e. three (3) copies of the Operation and Maintenance Plan;
f. payment of the application and review fees.

Section 7.2 *Entry*. Filing an application for a permit grants the Planning Board or its agent, permission to enter the site throughout the term of the permit to verify the information in the application and to inspect for compliance with permit conditions.

Section 7.3 *Other Boards***.** The Planning Board shall give one copy of the application package to the Conservation Commission, Highway Department and/or Board of Health, as appropriate.

Section 7.4 *Public Hearing*. The Planning Board shall hold a public hearing within twenty-one (21) days of the receipt of a complete application and shall take final action within twenty-one (21) days from the time of the close of the hearing unless such time is extended by agreement between the applicant and the Planning Board. Notice of the public hearing shall be given by publication and posting and by first-class mailings to abutters at least seven (7) days prior to the hearing. The Planning Board shall make the application available for inspection by the public during business hours at the office of the Mendon Town Clerk.

Section 7.5 *Information requests*. The applicant shall submit all additional information requested by the Planning Board to issue a decision on the application.

Section 7.6 *Action by the Planning Board*. The Planning Board may:

a. Approve the SMP Application and issue a permit if it finds that the proposed plan will protect water resources and meets the objectives and requirements of this by-law;
b. Approve the SMP Application and issue a permit with conditions, modifications or restrictions that the Planning Board determines are required to ensure that the project will protect water resources and meets the objectives and requirements of this by-law;
c. Disapprove the SMP Application and deny the permit if it finds that the proposed plan will not protect water resources or fails to meet the objectives and requirements of this by-law.
d. Failure of the Planning Board to take final action upon an Application within the time specified above shall be deemed to be approval of said Application. Upon certification by the

Town Clerk that the allowed time has passed without the Planning Board's action, the SMP shall be issued by the Planning Board.

Section 7.7 *Review Fees* Each application must be accompanied by the appropriate application fee as established by the Planning Board.

a. Applicants shall pay review fees as determined by the Planning Board sufficient to cover any expenses connected with the public hearing and review of the SMP Application before the review process commences.
b. Failure of an applicant to pay a review fee shall be grounds for disapproval of the plan or application.
c. The Planning Board is authorized to require an applicant to pay a review fee to pay for the reasonable costs and expenses for specific expert engineering and other consultant services deemed necessary by the Planning Board to come to a final decision on the application.
d. The services for which a fee may be utilized include, but are not limited to, wetland survey and delineation, hydrologic and drainage analysis, wildlife evaluation, stormwater quality analysis, site inspections, as-built plan review, and analysis of legal issues.
e. The review fees collected under this section shall be in accordance with MGL Chapter 44. 53G. The Planning Board will impose a fee to pay for its anticipated expenses in retaining a consultant, will draw upon the funds collected for the stated purpose, and will return unused portions to the applicant.

Section 7.8 *Project Changes.* The permittee, or their agent, must notify the Planning Board in writing of any drainage change or alteration in a SMP before any change or alteration occurs. If the Planning Board determines that the change or alteration is significant, based on the Stormwater Management Standards listed in Section (8) and accepted construction practices, the Planning Board may require that an amended SMP application be filed and a public hearing held.

Section 7.9 *Stormwater Management Plan*

b. The Stormwater Management Plan shall contain sufficient information for the Planning Board to evaluate the environmental impact, effectiveness, and acceptability of the measures proposed by the applicant for reducing adverse impacts from stormwater runoff. This plan shall be in accordance with the criteria established in these regulations and must be submitted with the stamp and signature of a professional Engineer licensed in the Commonwealth of Massachusetts.
c. The Stormwater Management Plan shall fully describe the project in drawings, narrative, and calculations. It shall
include, at a minimum:
    1. Contact information. The name, address, and telephone number of all persons having a legal interest in the Property and the tax reference number and parcel number of the property or properties affected;
    2. Brief narrative description of the project and description of how and where stormwater will be controlled;
    3. A current locus map;
    4. Existing Site Plan;
    5. The existing zoning, and land use at the site and abutting properties;
    6. The proposed land use;
    7. The location(s) of existing and proposed easements;
    8. The location of existing and proposed utilities;
    9. The site's existing and proposed topography with contours at 2 foot intervals;
    10. The existing site hydrology;
    11. A description and delineation of existing stormwater conveyances, impoundments, wetlands, or other critical environmental resource areas on or adjacent to the site or into which stormwater flows.
    12. A delineation of the 100 year flood plains, if applicable;
    13. Estimated seasonal high groundwater elevation in areas to be used for stormwater retention, detention, or infiltration;

14. The existing and proposed vegetation and ground surfaces with runoff coefficients for each;
15. A drainage area map showing pre and post- construction watershed boundaries, drainage area and stormwater flow paths;
16. A description and drawings of all the components of the proposed stormwater management system including:
    a. Location, cross sections, and profiles of all brooks, streams, drainage swales and their method of stabilization;
    b. All measures for the detention, retention or infiltration of water;
    c. All measures for the protection of water quality;
    d. The structural details of all components of the proposed drainage system and stormwater management facilities;
    e. Notes on drawings specifying materials to be used; construction specifications, and expected hydrology with supporting calculations;
    f. Proposed improvements including location of buildings or other structures, impervious surfaces, and drainage facilities, if applicable;
    g. Any other information requested by the Planning Board

Section 7.10 *Hydrologic and hydraulic design* calculations for the pre-development and post development conditions for the design storms specified in this regulation. Such calculations shall include:

d. Description of the design storm frequency, intensity and duration;
e. Time of concentration;
f. Soil Runoff Curve Number based on land use and soil hydrologic group;
g. Peak runoff rates and total runoff volumes for each watershed area;
h. Information on construction measures used to maintain the infiltration capacity of the soil where any kind of infiltration is proposed;
i. Infiltration rates, where applicable;
j. Culvert capacities;
k. Flow velocities;
l. Data on the increase in rate and volume of runoff for the specified design storms; and
m. Documentation of sources for all computation methods and field test results.
n. Post development downstream analysis if deemed necessary by the Planning Board;
o. Soils information from test pits performed at the location of proposed stormwater management facilities; including but not limited to soil descriptions depth to seasonal high groundwater, depth to bedrock; and percolation rates. Soils information will be based on site test pits logged by a Massachusetts Registered Soil valuator, or a Massachusetts Registered Professional Engineer;
p. Landscaping plan describing the woody and herbaceous vegetative stabilization and management techniques to be used within and adjacent to the stormwater practice.
q. Stamp and signature of a Professional Engineer licensed in the Commonwealth of Massachusetts to certify that the Stormwater Management Plan is in accordance with the criteria established in these Regulations.

Section 7.11 *Erosion and Sediment Control Plan* The Erosion and Sediment Control Plan shall contain sufficient information to describe the nature and purpose of the proposed development, pertinent conditions of the site and the adjacent areas, and proposed erosion and sedimentation controls. The applicant shall submit such material as is necessary to show that the proposed development will comply with the design requirements listed in Section 8.2 (Additional Erosion and Sediment Control Criteria). The Erosion and Sediment Control Plan shall also include a legible site map, showing the entire site, identifying at a minimum:

a. Direction(s) of stormwater flow and approximate slopes anticipated after major grading activities;
b. Areas of soil disturbance and areas that will not be disturbed;

c. Locations of all structural and nonstructural erosion and sediment control measures and BMP's;
d. Locations where stabilization practices are expected to occur;
e. Locations for storage of materials, waste, vehicles, equipment, soil snow;
f. Locations of bodies of water, including wetlands;
g. Locations where stormwater discharges to a surface water (include all roads, drains and other structures that could carry stormwater to a wetland or other water body, on or off site);
h. Habitats mapped by the Massachusetts Natural Heritage & Endangered Species Program as Endangered, Threatened or of Special Concern, Estimated Habitats of Rare Wildlife and Certified Vernal Pools, and Priority Habitats of Rare Species within five hundred (500) feet of any construction activity.
i. Location of any storm water discharge associated with industrial activity other than construction at the site.
j. Description of the following in narrative, calculations or drawings, as appropriate:
    1. Estimates of the total area expected to be disturbed by excavation, grading, or other construction activities, including dedicated off-site borrow and fill areas;
    2. All pollution control measures (structural and non-structural BMP's) that will be implemented as part of the construction activity to control pollutants in storm water discharges. Appropriate control measures must be identified for each major construction activity and the operator responsible for the implementation of each control measure must also be identified.
    3. The intended sequence and timing of activities that disturb soils at the site and the general sequence during the construction process in which the erosion and sediment control measures will be implemented;
    4. Structural practices to divert flows from exposed soils, retain/detain flows or otherwise limit runoff and the discharge of pollutants from the exposed areas of the site. Placement of structural practices in floodplains must be avoided to the degree practicable;
    5. Interim and permanent stabilization practices for the site, including a schedule of when the practices will be implemented. Site plans should ensure that the existing vegetation is preserved where possible and that disturbed portions of the site are stabilized. Use of impervious surfaces for stabilization should be avoided.
    6. Construction and waste materials expected to be stored on-site with updates as appropriate, including a description of controls, including storage practices, to minimize exposure of the materials to stormwater, and spill prevention and response practices;
    7. Measures to minimize, to the extent practicable, off-site vehicle tracking of sediments onto paved surfaces and the generation of dust;
    8. Stamp and signature of a Professional Engineer licensed in the Commonwealth of Massachusetts to certify that the Stormwater management Plan is in accordance with the criteria established in this Stormwater By-Law.

Section 7.12 ***Operation and Maintenance Plan*** **An Operation and Maintenance Plan (O&M Plan) is required at the time of application for all projects. The maintenance plan shall be designed to ensure compliance with the Permit, this By-Law and that the Massachusetts Surface Water Quality Standards, 314, CMR 4.00 are met in all seasons and throughout the life of the system. The O&M Plan shall remain on file with the Planning Board and shall be an ongoing requirement. The O&M Plan shall include:**

a. The name (s) of the owner(s) for all components of the system;
b. A map showing the location of the systems and facilities including easements, catch basins, manholes/access lids, main, and stormwater devices;
c. Maintenance agreements that specify:
    1. The names and addresses of the person(s) responsible for operation and maintenance;
    2. The person(s) responsible for financing maintenance and emergency repairs;

3. An Inspection and Maintenance Schedule for all stormwater management facilities including routine and non-routine maintenance tasks to be performed;
4. A list of easements with the purpose and location of each;
5. Provisions for the Planning Board or its designee to enter the property at reasonable times and in a reasonable manner for the purpose of inspection; and
6. The signature of the owner(s).

Section 7.13 *Stormwater Management Easement(s) Stormwater* management easements shall be provided by the property owner(s) as necessary for:

a. Access for facility inspections and maintenance;
b. Preservation of stormwater runoff conveyance, infiltration, and detention areas and facilities, including flood routes for the 100 year storm event;
c. Direct maintenance access by heavy equipment to structures requiring regular maintenance.

Section 7.14 Stormwater management easements are required for all areas used for off-site stormwater control, unless a waiver is granted by the Planning Board.

a. Easements shall be recorded by the applicant with the Worcester County Registry of Deeds prior to issuance of a Certificate of Completion by the Planning Board.

Section 7.15 *Changes to Operation and Maintenance Plans*

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

Section 8.*0* *Stormwater Management Criteria* Projects shall meet the Standards of the Massachusetts Stormwater Management Policy, which are as follows:

a. No new stormwater conveyances (e.g. outfalls) may discharge untreated stormwater directly to or cause erosion in wetlands or waters of the Commonwealth.
b. Stormwater management systems must be designed so that post-development peak discharge rates do not exceed pre-development peak discharge rates. BMPs that slow runoff rates through storage and gradual release, such as Low Impact Development techniques, extended dry detention basins, and wet basins, must be provided to meet Standard 2.
c. Loss of annual recharge to groundwater shall be eliminated or minimized through the use of environmentally sensitive site design, low impact development techniques, stormwater best management practices, and good operation and maintenance. Standard 3 requires the restoration of recharge using infiltration measures and careful site design. The annual recharge from the post-development site shall approximate the annual recharge rate from the pre-development or existing site conditions, based on soil types. Through judicious use of Low Impact Development techniques and other approaches, new developments can approximate pre-development recharge for most storms.
d. For new development, stormwater management systems must be designed to remove 80% of the average annual load (post development conditions) of Total Suspended Solids (TSS). It is presumed that this standard is met when:
    1. Suitable nonstructural practices for source control and pollution prevention are implemented;
    2. Stormwater management BMPs are sized to capture the prescribed runoff volume; and
    3. Stormwater management BMPs are maintained as designed.

e. Stormwater discharges from areas with higher potential pollutant loads require the use of specific stormwater management BMPs (see Stormwater Management Volume I: Stormwater Policy Handbook). The use of infiltration practices without pretreatment is prohibited.
f. Stormwater discharges to critical areas must utilize certain stormwater management BMPs approved for critical areas (see Stormwater Management Volume I: Stormwater Policy Handbook). Critical areas are Outstanding Resource Waters (ORWs), shellfish beds, swimming beaches, cold water fisheries and recharge areas for public water supplies.
g. Redevelopment of previously developed sites must meet the Stormwater Management Standards to the maximum extent practicable. However, if it is not practicable to meet all the Standards, new (retrofitted or expanded) stormwater management systems must be designed to improve existing conditions.
h. Erosion and sediment controls must be implemented to prevent impacts during disturbance and construction activities.
i. All stormwater management systems must have an operation and maintenance plan to ensure that systems function as designed.
j. When one or more of the Standards cannot be met, an applicant may demonstrate that an equivalent level of environmental protection will be provided.

Section 8.1 *Additional Post-Development Criteria* The following performance criteria shall be applicable to all stormwater management plans, unless otherwise provided for in this Regulation:

a. Hydrologic Basis for Design of Structural Practices

For facility sizing criteria, the basis for hydrologic and hydraulic evaluation of development sites are as follows:

1. Impervious cover is measured from the site plan and includes any material or structure on or above the ground that prevents water from infiltrating through the underlying soil. Impervious surface is defined to include, without limitation; paved parking lots, sidewalks, rooftops, driveways, patios, and paved, gravel and compacted dirt surfaced roads.
2. Off-site areas shall be assessed based on their “pre-developed condition” for computing the water quality volume (i.e., treatment of only on-site areas is required). However, if an offsite area drains to a proposed BMP, flow from that area must be accounted for in the sizing of a specific practice.
3. Off-site areas draining to a proposed facility should be modeled as “present condition” for peak flow attenuation requirements.
4. The length of sheet flow used in time of concentration calculations is limited to no more than 50 feet for predevelopment conditions and 50 feet for post development conditions.
5. Detention time for the one- year storm is defined as the center of mass of the inflow hydrograph and center of mass of the outflow hydrograph.
6. The models TR-55 and TR-20 (or approved equivalent) will be used for determining peak discharge rates.
7. The standard for characterizing pre-development land use for on-site areas shall be woods.
8. For purposes of computing runoff, all pervious lands in the site shall be assumed prior to development to be in good condition regardless of conditions existing at the time of computation.
9. If an off-site area drains to a facility, off-site areas should be modeled assuming an “ultimate build out condition” upstream.
10. Determination of flooding and channel erosion impacts to receiving streams due to land development projects shall be measured at each point of discharge from the development project and such determination shall include any runoff from the balance of the watershed which also contributes to that point of discharge.
11. The specified design storms shall be defined as a 24-hour storm using the rainfall distribution recommended by the United States Department of Agriculture (USDA), Natural

Resources Conservation Service (NRCS) or the Northeast regional Climate center "Atlas of Precipitation Extremes for the Northeastern United States and Southeastern Canada."

12. Proposed residential, commercial, or industrial subdivisions shall apply these stormwater management criteria to the land development as a whole. Individual lots in new subdivisions shall not be considered separate land development projects, but rather the entire subdivision shall be considered a single land development project. Hydrologic parameters shall reflect the ultimate land development and shall be used in all engineering calculations.

Section 8.2 *Additional Erosion and Sediment Control Criteria*

a. The following are the minimum Erosion and Sediment Control criteria:

1. Minimize total area of disturbance;
2. Sequence activities to minimize simultaneous areas of disturbance. Mass clearings and grading of the entire site shall be avoided.
3. Minimize peak rate of runoff in accordance with the Massachusetts Stormwater Standards.
4. Minimize soil erosion and control sedimentation during construction, provided that prevention of erosion is preferred over sedimentation control;
5. Divert uncontaminated water around disturbed areas;
6. Maximize groundwater recharge;
7. Install and maintain all Erosion and Sediment Control measures in accordance with the manufacturers specifications and good engineering practices;
8. Prevent off-site transport of sediment;
9. Protect and manage on and off-site material storage areas (overburden and stockpiles of dirt, borrow areas, or other areas used solely by the permitted project are considered a part of the project);
10. Comply with applicable Federal, State and local laws and regulations including waste disposal, sanitary sewer or septic system regulations, and air quality requirements, including dust control;
11. Prevent significant alteration of habitats mapped by the Massachusetts Natural Heritage & Endangered Species Program as Endangered, Threatened or of Special Concern, Estimated Habitats of Rare Wildlife and Certified Vernal Pools, and Priority Habitats of Rare Species from the proposed activities;
12. Institute interim and permanent stabilization measures, which shall be instituted on a disturbed area as soon as practicable but no more than 14 days after construction activity has temporarily or permanently ceased on that portion of the site;
13. Properly manage on-site construction and waste materials;
14. Prevent off-site vehicle tracking of sediments.
15. Divert offsite runoff from highly erodible soils and steep slopes to stable areas.
16. BMPs used during construction must be different from the BMPs that will be used to handle stormwater after construction is completed. Many stormwater technologies are not designed to handle the high concentrations do sediments typically found in construction runoff, and thus must be protected from construction related sediment loadings.

Section 9.0 *Surety*

a. The Planning Board may require the permittee to post before the start of land disturbance activity, a surety bond, irrevocable letter of credit, cash, or other acceptable security. The form of the bond shall be approved by town counsel, and be in an amount deemed sufficient by the Planning Board to ensure that the work will be completed in accordance with the permit. If the project is phased, the Planning Board may release part of the bond as each phase is completed in compliance with the permit but the bond may not be fully released until the Planning Board has received the final report as required by Section 10.1 and issued a certificate of completion.

b. Stormwater Maintenance Surety

The Planning Board may also require the permittee to secure the future maintenance of the stormwater system by a perpetual surety bond or by deposit of money of an amount as determined by the Planning Board. This shall be named the Stormwater Maintenance Surety.
In the event that the permittee does not follow maintenance procedures and programs as approved by the Planning Board, the Board shall have authority to expend any portion of said security to provide such maintenance.

Section 10.0 *Construction Inspections*

a. Pre-Construction Meeting. Prior to starting clearing, excavation, construction, or land disturbing activity, the applicant, the applicant's technical representative, the general contractor or any other person with authority to make changes to the project, shall meet with the Planning Board, to review the permitted plans and their implementation. There shall be an initial site inspection prior to approval of any plan.

Section 10.1 *Stormwater Management System Construction Inspection*

a. At the discretion of the Planning Board, periodic inspections of the stormwater management system construction shall be conducted by the Board's agent, designee or a professional engineer who has been approved by the Planning Board. An inspection will be made of the completed stormwater management system, prior to backfilling of any underground drainage or stormwater conveyance structures. All inspections shall be documented and written reports must be submitted to the Planning Board within 48 hours of the inspection. The owner must retain all inspection records and reports for a minimum of 5 years. The written inspection reports shall contain the following:

    1. The date and location of the inspection;
    2. Names, titles, and qualifications of personnel making the inspection;
    3. Whether construction is in compliance with the approved stormwater management plan;
    4. Variations from the approved construction specifications; and
    5. Any other variations or violations of the conditions of the approved stormwater management plan.

b. An Inspection will be made of the completed stormwater management system, prior to backfilling of any underground drainage or stormwater conveyance structures.

c. Final Inspection. After the stormwater management system has been constructed and before the surety has been released, all applicants are required to submit actual "as built" plans for any stormwater management facilities or practices after final construction is completed and must be certified by a Professional Engineer.

d. The Board's agent/representative shall inspect the system to confirm its "as built" features. This inspector shall also evaluate the effectiveness of the system in an actual storm. If the inspector finds the system adequate, a report to this effect shall be submitted to the Planning Board which will issue a Certificate of Completion. As built plans shall be full sized plans which reflect the "as built" conditions, including all final grades developed by a Professional Engineer. All changes to project design should be recorded in red ink on plans to define changes made. All work deleted, corrections in elevations, and changes in materials should be shown on the as built drawings.

Section 10.2 *Erosion and Sediment Control Inspection*

a. To ensure erosion control practices are in accord with the filed Erosion and Sediment Control Plan, Erosion Control Inspections will be conducted by qualified personnel as authorized by the Planning Board at least once every 7 days and within 24 hours of the end of a storm event of 0.5 inches or greater from the start of construction until the site is permanently stabilized. Inspection frequency may be reduced to at least once a month if the site is temporarily stabilized or runoff is unlikely due to winter conditions.

b. Inspections must include all areas of the site disturbed by construction activity and areas used for storage of materials that are exposed to precipitation. Inspectors must look for evidence of, or the potential for, pollutants entering the storm water conveyance system. Sedimentation and erosion control measures identified in the Erosion and Sediment Control Plan must be observed to ensure proper operation. Discharge locations must be inspected to ascertain whether erosion control measures are effective in preventing significant impacts to waters of the United States, where accessible. Where discharge locations are inaccessible, nearby downstream locations must be inspected to the extent that such inspections are practicable. Locations where vehicles enter or exit the site must be inspected for evidence of off-site tracking.

c. For each inspection required above, an inspection report must be submitted to the Planning Board within 48 hours of the inspection. The report shall include the following information, at a minimum:

1. The inspection date;
2. Names, titles, and qualifications of personnel making the inspection;
3. Weather information and a description of any discharges occurring at the time of the inspection;
4. Location(s) of discharges of sediment or other pollutants from the site;
5. Location(s) of BMPs that need to be maintained;
6. Location(s) of BMPs that failed to operate as designed or proved inadequate for a particular location;
7. Location(s) where additional BMPs are needed that did not exist at the time of inspection; and
8. Corrective action required including any changes to the Stormwater Pollution Prevention Plan (SWPPP) necessary and implementation dates.

d. If a project requires a SWPPP per the NPDES general permit for Stormwater Discharges from Construction Activities (Construction General Permit) then the permittee is required to submit all Inspection reports to the Planning Board. If the Inspection reports meet the requirements of Section 3.10 of the Construction General Permit, it will be considered equivalent to the Erosion Control Inspection as described above.

e. A record of each inspection and of any actions taken must be retained for at least five years from the date of the certificate of completion. The inspection reports must identify any incidents of non-compliance with the permit conditions. Where a report does not identify any incidents of non-compliance, the report must contain a certification that the construction project or site is in compliance with this permit.

f. All erosion and sediment control measures and other protective measures identified in the Erosion and Sediment Control Plan must be maintained in effective operating condition.

g. If the site inspections identify BMPs that are not operating effectively, maintenance must be performed as soon as possible and before the next storm event whenever practicable to maintain the continued effectiveness of storm water controls.

h. If existing BMPs need to be modified, or if additional BMPs are necessary for any reason, implementation must be completed before the next storm event whenever practicable. If implementation before the next storm event is impracticable, the situation must be documented and alternative BMPs must be implemented as soon as possible.

Section 10.3 *Inadequacy of System* If the system is found to be inadequate by virtue of physical evidence of operational failure, even though it was built as called for in the Stormwater Management Plan, it shall be corrected by the permittee before the Certificate of Completion is

released. If the permittee fails to act the Planning Board may use the surety bond to complete the work.

Section 10.4 *Right-of Entry for Inspection* The term of the inspection and maintenance agreement as specified in Section 7.12 of these regulations shall provide for the Planning Board or its designee to enter the property at reasonable times and in a reasonable manner for the purpose of inspection. The Planning Board its agents, officers, and employees shall have the authority enter upon privately owned property for the purpose of performing their duties under this regulation and may make or cause to be made such examinations, surveys or sampling as the Planning Board deems reasonably necessary, subject to the constitutions and laws of the United States and the Commonwealth.

Section 11.0 *Certificate of Completion.*

a. Upon completion of the project, the applicant is responsible for certifying that the completed project is in accordance with the approved plans and specifications and that all required inspections have been performed.
b. The Planning Board will issue a letter certifying project completion upon receipt and approval of the final inspection and reports and/or otherwise determining that all work of the permit has been satisfactorily completed in conformance with this Regulation.

Section 11.1 *Failure to Maintain* If a responsible person fails to meet the requirements of the operation and maintenance agreement, the Planning Board, after thirty (30) days written notice may correct a violation of the design standards or maintenance requirements by performing the necessary work to place the facility or practice in proper working condition. In the event that the responsible person, permittee or subsequent owners do not follow maintenance procedures and programs as approved by the Planning Board, the Board or its agents shall have the authority to expand any portion of the Stormwater Management Surety to provide such maintenance and repairs as needed. In the event the repairs exceed the value of the surety, the Planning Board may assess the owner(s) of the facility for the additional cost of repair work which shall be a lien on the property.

Section 12.0 Enforcement The Planning Board or an authorized agent of the Planning Board shall enforce this by-law, regulations, orders, violation notices, and enforcement orders, and may pursue all civil and criminal remedies for such violations.

a. Criminal Penalty. Any person who violates any provision of this by-law, regulation, order or permit issued there under, shall be punished by a fine of not more than $300. Each day or part thereof that such violation occurs or continues shall constitute a separate offense.
b. Non-Criminal Disposition. As an alternative to criminal prosecution or civil action, the Town of Mendon may elect to utilize the non-criminal disposition procedure set forth in G.L. Ch.40, 21D. The Planning Board of the Town of Mendon shall be the enforcing entity. The penalty for the 1st violation shall be $100. The penalty for the 2nd violation shall be $200. The penalty for the 3rd and subsequent violations shall be $300. Each day or part thereof that such violation occurs or continues shall constitute a separate offense.
c. Appeals. The decisions or orders of the Planning Board shall be final. Further relief shall be to a court of competent jurisdiction.

Section 13.0 *Severability* If any provision, paragraph, sentence, or clause of this by-law shall be held invalid for any reason, all other provisions shall continue in full force and effect.

CHAPTER XXVII

Stretch Energy Code

Mendon adopted the “Stretch Energy Code” for the purpose of regulating the design and construction of buildings for the effective use of energy, pursuant to Appendix 115.AA of the Massachusetts Building Code, 780 CMR, the “Stretch Energy Code”, including future editions, amendments or modifications thereto.

CHAPTER XXVIII

Wetlands Protection By-Law

Section 1. *Purpose.*
The purpose of this Chapter is to protect the wetlands, related water sources, and adjoining land areas in the Town of Mendon by controlling activities deemed by the Conservation Commission likely to have an adverse effect, immediate or cumulative, upon wetland values, including but not limited to the following: protection of public or private water supply, protection of groundwater, flood control, erosion and sediment control, storm damage prevention, prevention of water pollution, fisheries, wildlife habitat, rare species habitat and recreational value, (collectively the "Resource Area values protected by this By-Law"). Presumptions of significance contained in 310.CMR 10.00 shall extend to said values.

Section 2.0. *Definitions. Definitions under this By-Law are consistent with the Wetlands Protection Act and Regulations (310 CMR 10.00) unless otherwise defined below.*

Section 2.1. *Alter* means, without limitation, the following actions when undertaken upon or affecting any of the areas subject to protection under the By-Law and listed in Section 3.0 of these regulations:

a. Removal, excavation, or dredging of soil, sand, gravel, or aggregate materials of any kind;
b. Changing the preexisting drainage characteristics, flushing characteristics, sedimentation patterns, flow patterns, or flood retention characteristics;
c. Drainage, or other disturbance of water level or water table;
d. Dumping, discharging, or filling with any material which may degrade water quality;
e. Placing of fill, or removal of material that would alter elevation;
f. Driving of piles, erection, expansion or repair of buildings, or structures of any kind;
g. Placement of obstructions or objects in water;
h. Destruction of plant life including cutting or trimming of trees and shrubs;
i. Changing temperature, biochemical oxygen demand, or other physical or chemical characteristics of any waters;
j. Any activities, changes, or work which would cause or tend to contribute to pollution of any body of water or groundwater; and
k. Incremental activities which have, or may have, a cumulative adverse impact on the Resource Areas protected by the By-Law.

Section 2.2 *Area Subject to Flooding* means depressions or closed basins that serve as ponding areas for runoff, snowmelt, heavy precipitation, or high groundwater that has risen above the ground surface, and areas which flood from a rise in a bordering waterway or water body as defined in Wetlands Protection Act Regulations (310 CMR 10.57).

Section 2.3 *Area Subject to Protection* means any area specified in Section 3.0 and is used synonymously with the term "Resource Area".

Section 2.4 *Buffer Zone* means that area of land extending 100 feet horizontally from the boundary of a Resource Area specified in Section 3.0 a.

Section 2.5 *Isolated Wetlands* are wet meadows, marshes, swamps, and bogs where the topography is typically low and flat and where soils are annually saturated such that groundwater or flowing or standing surface water provides a significant part of the supporting substrate for a plant community. Isolated wetlands are generally found within depressions and do not border rivers, streams, lakes or other bodies of water or wetlands. The boundary of isolated wetlands is the line within which the vegetation community is substantially characterized by wetland indicator species and within which hydric soils or other indicators of wetland hydrology are present. When vegetation appears to have been altered or is absent, the boundary line is the line within which hydric soils and/or indicators of wetland hydrology are present.

Section 2.6 *No Build Zone* means that portion of the Buffer Zone up gradient of the No Disturb Zone and extending to a line 50 feet from the Resource Area. No buildings or structures shall be permitted in the no build zone.

Section 2.7 *No Disturb Zone* means that portion of the Buffer Zone which extends 25 feet from the edge of the Resource Area. No regulated activity shall be permitted in the no disturb zone.

Section 2.8 *Obstructions or Objects in Water* means, but is not limited to, debris, dams, weirs, sluice gates, docks, bulkheads, pilings, and floats.

Section 2.9 *Pond* means any open body of fresh water at least 2000 square feet or larger which has standing water due to natural causes throughout the year during most years. Man-made retention or detention basins, swimming pools, lined fishponds, and waste water treatment lagoons shall not be considered ponds.

Section 2.10 *Rare Species Habitat* means those areas providing habitat for species of wildlife and /or plants listed as endangered, threatened, or of special concern by the Massachusetts Division of Fisheries and Wildlife.

Section 2.11 Resource Area means any area specified in Section 3.0 and is synonymous with Area Subject to Protection under the By-Law.

Section 2.12 *River* means any naturally flowing body of water that empties to any ocean, lake, pond, or river, and which flows throughout the year.

Section 2.13 *Riverfront Area* means the area within 200 feet of rivers includes perennial streams, lakes or ponds.

Section 2.14 *Stream* means any body of running water, including brooks and creeks, which move in a definite channel in the ground due to the hydrologic gradient and which flows within, into or out of an area subject to protection. A portion of a stream may flow through a culvert or beneath a bridge. A stream may be intermittent (does not flow throughout the year) or perennial (flows throughout the year most years). A stream is located down gradient of and is hydrologically connected to a wetland.

Section 2.15 *Vernal Pool* means, in addition to scientific definitions found in 310 CMR 10.00, any confined basin or depression not occurring in existing lawns, gardens, or landscaped areas, which in most years holds water for a minimum of two continuous months during the spring and/or summer, contains at least 200 cubic feet of water at some time during most years, is free of adult predatory fish populations, and provides essential breeding and rearing habitat functions for amphibians, reptiles, or other vernal pool community species, regardless of whether the site has been certified by the Massachusetts Division of Fisheries and Wildlife. The Mendon Conservation Commission has the discretionary authority to protect a vernal pool when it is shown to provide vernal pool wildlife habitat function despite the lack of official certification by the state.

Section 2.16 *Wetland* is defined in the Wetlands Protection Act, MGL Ch. 131, Sec. 40.

Section 3.0 *Jurisdiction.* Except as permitted by the Conservation Commission or as provided in this Chapter, no person shall commence to remove, fill dredge, build upon, degrade, discharge into, impact, or otherwise alter the following Resource Areas:

a. Any freshwater wetlands or any land within 100 feet of freshwater wetlands, including marshes, wet meadows, bogs, swamps, isolated wetlands, vernal pools, banks, or intermittent streams.
b. Any land within 100 feet of the areas set forth in Section 3. a above;
c. Any river, perennial stream, lake, or pond greater than 20,000 square feet in size;
d. Any land within 200 feet of the water bodies set forth in this Section 3.0 c. above;
e. Any land under any of the waterbodies set forth in this Section 3.0 a and c above; and
f. Any land subject to flooding or inundation by ground water, surface water, or storm flowage.

Collectively all such wetland Resource Areas and lands abutting any of the aforesaid Resource Areas shall be deemed to be Resource Areas protected by this By-Law whether or not they border surface water.

Section 4.0 No Disturb Zone. Except as otherwise provided in this By-Law, no activity is permitted within 25 feet of the delineated edge of Wetland Resource Areas. This standard has been adopted because the alteration of land immediately adjacent to a wetland is likely to result in

the alteration of the wetland itself. Alterations typically result from extension of lawn, depositing yard waste and clearing of vegetation.

Section 5.0 No Build Zone. There shall be a No-Build Zone with a minimum depth of 50 feet measured horizontally from the border of any Resource Area, except as otherwise specifically provided in these regulations. Prohibited activities include but are not limited to, construction of any structure, installation of any impervious surface, and any work requiring a building permit. Fences, swing sets and similar play structures may be permitted with the approval of the depth where there are site-specific conditions that, if altered, would not result in degradation of a Resource Area.

Section 6.0 Vernal Pools. The boundary of the Resource Area for Vernal Pools shall be 100 feet outward from the mean annual high-water line defining the depression, but shall not include existing lawns, gardens, landscaped or developed areas. Unless compelling evidence is provided to the contrary, no project or activity shall have an adverse effect on a Vernal Pool by altering its topography, soil structure, plant community, composition, hydrologic regime and/or water quality.

Section 7.0 *Exceptions.*

a. The application and permit required by the By-Law shall not be required for maintaining, repairing, or replacing, but not substantially changing or enlarging, an existing and lawfully located structure or facility used in the service of the public to provide electric, gas, water telephone, telegraph or other telecommunications services, or sanitary or storm sewers, provided that written notice has been given to the commission prior to the commencement of work.

b. The application and permit required by the By-Law shall not be required for work performed for normal maintenance or improvement of land in agricultural use as defined by the Wetlands Protection Act Regulations at 310 CMR 10.04. The question of whether land is "land in agricultural use" as defined under the Wetlands Protection Act may be subject to a Request for Determination by the Commission.

c. The application and permit required by the By-Law shall not be required for emergency projects necessary for the protection of the health and safety of the citizens of Mendon, provided that the work is to be performed by or has been ordered to be performed by an agency of the Commonwealth or by the Town. Emergency projects shall be any projects certified to be an emergency by the Conservation Commission or its agent.

d. The applications and permits required by this By-Law shall not be required for existing structures or work in existence prior to the date of adoption of the By-Law.

e. The application and permit required by the By-Law shall not be required for any minor activities within the buffer zone or riverfront area, provided they meet the requirements outlined herein. Minor activities include but are not limited to:

i. Unpaved pedestrian walkways for private use;

ii. Plantings of native species of trees, shrubs, or groundcover, but excluding turf lawns;

iii. The conversion of impervious to vegetated surfaces, provided erosion controls and sedimentation controls are implemented during construction;

iv. Fencing, stonewalls, and stacks of cordwood provided they will not constitute a barrier to wildlife movement and fences to contain livestock are located more than 100 feet from the mean annual high water line within a riverfront area or 50 feet from other resource areas, whichever is farther;

v. Mowing of lawns and pruning of pre-existing landscaped areas;

vi. Vista pruning, provided the activity is located more than 100 feet from the mean annual high water line within a riverfront area or 50 feet from other resource areas, whichever is farther;

vii. Conversion of lawn to uses accessory to existing single family houses, such as decks, sheds, patios, pools, and gardens, provided the activity is located 100 feet from the mean high water line within a riverfront area or 50 feet from other resource areas, and erosion and sedimentation controls are implemented during construction;

viii. Removal of dead or dying trees that pose a hazard to structures or public safety;

ix. Repair of existing structures provided the footprint of the structure does not change and erosion and sedimentation controls are implemented during construction; and,

x. Activities that are temporary in nature, having negligible impacts, and are necessary for planning and design purposes (e.g. installation of monitoring wells, exploratory borings, sediment sampling and surveying) provided that erosion and sedimentation controls are implemented.

Other than stated in this section, the exceptions provided under the Wetland Protection Act (G.L. Ch. 131 Sec. 40) and regulations (310 CMR 10.00) shall not apply under this By-Law.

Section 8.0 *Waiver.* The Mendon Conservation Commission, by majority vote, may waive strict compliance with the requirements of this By-Law or the rules and/or regulations promulgated hereunder, where;

a. Such action is allowed by federal, state, and local statutes
b. Is in the public interest, and
c. Is not inconsistent with the purpose and intent of this by-law.

Section 9.0 *Procedure.*

a. Request for Determination of Applicability (RDA). The applicant shall submit an RDA to the Conservation Commission if work is in the buffer zone.
   i . The Conservation Commission will then determine if the work is within a Resource Area. Common activities include, but are not limited to, installing an above or in-ground pool, shed, garage or addition. A determination will be made within 21 days and sent to the Building Department

b. Notice of Intent (NOI). If the Conservation Commission determines that the work area is within a Resource Area, the applicant must file a Notice of Intent with the Conservation Commission and the Department of Environmental Protection (DEP). The NOI filing shall include the following:
   i. A complete and accurate description of the site, including the type and boundaries of Resource Areas protected under the Wetlands Protection Act and this By-Law;
   ii. The proposed work, including all measures and designs proposed to meet the performance standards described in the Wetlands Protection Act Regulations, 310 Code of Massachusetts Regulations (CM R) 10.00 for each applicable resource area;
   iii. Two copies of the NOI filing which must be received two weeks

prior to the public hearing date;

iv. Two sets of plans and;

v. A check made out to the Town of Mendon in the amount specified for the project type per the Wetlands Filing Fee Calculation Sheet. In addition, payment is required at the public hearing for the public hearing notice that will be placed in the Milford Daily News. The Conservation Commission Administrative Clerk will notify the applicant of the amount once the ad has run in the newspaper.

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

c. Order of Conditions. The Commission, after public hearing, may issue or deny an Order of Conditions, i.e., a permit, for the activities requested. If it issues an Order of Conditions, the Commission shall impose conditions that it deems necessary or desirable to protect those values, and all activities shall be done in accordance with those conditions. The Commission shall take into account the cumulative adverse effects of loss, degradation, isolation, and replication of protected Resource Areas throughout the community and the watershed, resulting from past activities, permitted and exempt, and foreseeable future activities. The Commission is empowered to deny a request for an Order of Conditions for failure to meet the requirements of this ordinance; for failure to submit necessary information and plans requested by the Commission; for failure to meet the design specifications, performance standards, and other requirements in regulations of the Commission; for failure to avoid or prevent unacceptable significant or cumulative effects upon the Resource Area values protected by this ordinance; and where no conditions are adequate to protect those values. Lands within twenty–five (25') feet of Resource Areas protected by this By-Law are presumed important to the protection of these resources because activities undertaken in close proximity to resource areas have a high likelihood of adverse impact upon the wetland or other resource, either immediately, as a consequence of construction, or over time, as a consequence of daily operation or existence of the activities. These adverse impacts from construction and use can include, without limitation, erosion, siltation, loss of groundwater recharge, poor water quality, and loss of wildlife habitat.

i. If the project is approved, an Order of Conditions, will be issued based on the findings within 21 days from the date of completion of the hearing.

a. Orders of Condition shall be filed and registered at the Worcester County Registry of Deeds by the applicant.

b. A copy of the registered Order must be given to the Conservation Commission.

c. The Order is valid for three years. It may be extended for up to three years if a valid Order is in effect.

d. The Order of Conditions and Extension Permit must be recorded with the Worcester County Registry of Deeds. A copy of the registered Order and the Extension Permit must be given to the Conservation Commission.

d. *Certificate of Compliance.* Once the work is completed, the applicant or his engineer must request a Certificate of Compliance. The engineer shall submit an As Built drawing as well as confirm in writing that the work has been completed in accordance with the Order. The majority of the Commission must sign and issue either a partial or complete Certificate of Compliance. It is the applicant's responsibility to record the Certificate of Compliance with the Worcester County Registry of Deeds. The applicant must provide the Conservation Commission with a copy of the recorded Certificate. There will be a fee of $50 for re-issuance of Certificates of Compliance.

Section 10 *Fees.*

a. At the time of a permit application, Request for Determination of Applicability, Notice of Resource Delineation, or other request, the applicant shall pay the filing fee, as specified

in the Regulations of the Commission, to the Town of Mendon to be put into an account established pursuant to G.L. c. 44, Sec. 53G, which account may be drawn upon by the Commission as necessary to carry out the provisions of this by-law. Accordingly, the combined filing fees of all applicants are pooled for uses directly related to the By-Law, including salaries, administration, office supplies, enforcement, postage, and miscellaneous costs.

b. The Commission, in its discretion, is authorized to require an applicant to pay a consultant fee for the reasonable costs and expenses borne by the Commission in its consideration of the application. These expenses may include, but are not limited to, Resource Area survey and delineation, analysis of Resource Area values, including wildlife habitat evaluations, hydrogeological and drainage analysis, and hydric soil testing. Consultant fees may be deposited into the same account as described above.

c. These fees are in addition to those required by the Massachusetts Wetlands Protection Act.

Section 11 *Right of Entry.* The Commission or its agent may enter upon privately owned property for the purpose of carrying out its duties under this By-Law and may make or cause to be made such examination or survey as deemed necessary.

Section 12 *Self Imposed Hardship.* The Commission views any adjacent properties or properties located nearby, which are under common ownership, as part of a cumulative Resource Area impact, such that the maximum 5,000 square feet of alteration that may be allowed under certain conditions under the Wetlands Protection Act, or the proposed degree of alteration of the Resource Area under the By-Law applies to the entire area. The applicant or property owner is advised to prevent situations where they have created their own hardship by not carefully considering all likely impacts to areas subject to the Wetlands Protection Act or the By-Law. In the case of limited project proposals, proposed roadways or driveways shall be designed to provide access to all areas of the proposed site without relying upon the possibility of future wetlands crossings. The Commission shall consider any future crossings or impacts proposed to be self-imposed and will not grant further crossings or alterations in subsequent filings on a lot-by-lot basis for any project.

Section 13 *Enforcement.*

The Commission shall have the authority to enforce this By-Law, its regulations and orders by violation notices, enforcement orders and non-criminal citations under MGL Ch. 40 s. 21 D. Any person who violates provisions of this By-Law may be ordered to restore the property to its original condition or take other action deemed necessary to remedy such violations, or may be fined or both.

a. Criminal and Civil Penalties. Any person who violates any provision of this Bylaw, valid regulation, or the terms or conditions in any permit or order prescribed or issued hereunder, shall be subject to a fine not to exceed $300.00 for each day such violation occurs or continues or subject to a civil penalty, which may be assessed in an action brought on behalf of the Town in any court of competent jurisdiction. Each day or part thereof that such violation occurs or continues shall constitute a separate offense.

b. Non-Criminal Disposition. As an alternative to criminal prosecution or civil action, the Town of Mendon may elect to utilize the non-criminal disposition procedure set forth in G.L. Ch.. 40, s. 21D. The Conservation Commission of the Town of Mendon shall be the enforcing entity. The penalty for the 1st violation shall be $100. The penalty for the 2nd violation shall be $200. The penalty for the 3rd and subsequent violations shall be $300. Each day or part thereof that such violation occurs or continues shall constitute a separate offense.

c. The Commission may seek remedies authorized under the Wetlands Protection Act including instituting a civil action seeking injunctive relief, penalties up to $25,000 per day, and access to the site. The Commission may also seek under the Act criminal enforcement including penalties up to $25,000.00 dollars per day. The Commission may also seek enforcement by the Massachusetts Department of Environmental Protection, which may

include investigation and enforcement by the Attorney General, and/or administrative penalties.

Section 14 *Burden of Proof*. The applicant for an Order of Conditions shall have the burden of proving by a preponderance of the credible evidence that the work proposed in the application will not have unacceptable significant or cumulative effect upon the Resource Area protected by this By-Law. Failure to provide adequate evidence to the Conservation Commission supporting this burden shall be sufficient cause for the Commission to deny a permit or grant an Order of Conditions with conditions.

Section 15 *Violations Defined.* Each day a violation exists constitutes a separate violation. Violations include, but are not limited to:

a. Refusal or failure to comply with a local wetlands permit;
b. Failure or refusal to observe a particular condition or time specified in a local wetlands permit;
c. Refusal or failure to complete work described in a local wetlands permit, whether or not such failure causes damage to the interests protected by the ordinance; and
d. Refusal or failure to obtain a valid local wetlands permit prior to conducting an activity subject to regulation under the By-Law

Section 16 *Appeals*. A decision of the Commission shall be reviewable in the Superior Court in accordance with MGL c. 249, s. 4.

Section 17 *Severability*. If any provision, paragraph, sentence, or clause of this by-law shall be held invalid for any reason, all other provisions shall continue in full force and effect.

Section 18 *Rules and Regulations.* The Commission shall be authorized to promulgate Rules and Regulations ("Regulations") to effectuate the purposes of this Bylaw at a meeting for which one week's notice has been provided in a newspaper of general circulation in the Town. Such Regulations shall take effect upon filing with the Town Clerk. Failure by the Commission to promulgate such Regulations or a legal declaration of their invalidity by a court of law shall not act to suspend or invalidate the effect of this Bylaw. The Commission may waive any provision of its rules and regulations when it is not deemed appropriate to enforce them.

CHAPTER XXIX

MENDON RIGHT TO FARM BY-LAW

Section 1 Legislative Purpose and Intent
The purpose and intent of this By-law is to state with emphasis the Right to Farm accorded to all citizens of the Commonwealth under Article 97, of the Constitution, and all state statutes and regulations thereunder including but not limited to Massachusetts General Laws Chapter 40A, Section 3, Paragraph 1; Chapter 90, Section 9, Chapter 111, Section 125A and Chapter 128 Section 1A. We the citizens of Mendon restate and republish these rights pursuant to the Town's authority conferred by Article 89 of the Articles of Amendment of the Massachusetts Constitution, ("Home Rule Amendment").
This General By-law encourages the pursuit of agriculture, promotes agriculture-based economic opportunities, and protects farmlands within the Town of Mendon by allowing agricultural uses and related activities to function with minimal conflict with abutters and Town agencies. This By-law shall apply to all jurisdictional areas within the Town.

Section 2 Definitions
The word "farm" shall include any parcel or contiguous parcels of land, or water bodies used for the primary purpose of commercial agriculture, or accessory thereto.
The words "farming" or "agriculture" or their derivatives shall include, but not be limited to the following:

- farming in all its branches and the cultivation and tillage of the soil;
- dairying;
- production, cultivation, growing, and harvesting of any agricultural, aquacultural, floricultural, viticultural, or horticultural commodities;
- growing and harvesting of forest products upon forest land, and any other forestry or lumbering operations;
- raising of livestock including horses;
- keeping of horses as a commercial enterprise; and
- keeping and raising of poultry, swine, cattle, ratites (such as emus, ostriches and rheas) and camelids (such as llamas and camels), and other domesticated animals for food and other agricultural purposes, including bees and fur-bearing animals.

"Farming" shall encompass activities including, but not limited to, the following:

- operation and transportation of slow-moving farm equipment over roads within the Town;
- control of pests, including, but not limited to, insects , weeds, predators and disease organism of plants and animals;
- application of manure, fertilizers and pesticides;
- conducting agriculture-related educational and farm-based recreational activities, including agri-tourism, provided that the activities are related to marketing the agricultural output or services of the farm;
- processing and packaging of the agricultural output of the farm and the operation of a farmer's market or farm stand including signage thereto;
- maintenance, repair, or storage of seasonal equipment, or apparatus owned or leased by the farm owner or manager used expressly for the purpose of propagation, processing, management, or sale of the agricultural products; and
- on-farm relocation of earth and the clearing of ground for farming operations.

Section 3 Right To Farm Declaration
The Right to Farm is hereby recognized to exist within the Town of Mendon. The above-described agricultural activities shall be subject to General Laws and state regulations. Furthermore, except to the extent exempted by M.G.L. c. 40A, s. 3, farming and agriculture in the Town of Mendon shall be subject to the Mendon Zoning By-Law and all other local by-laws and regulations. Agricultural activities may occur on holidays, weekdays, and weekends by night or day and may include the attendant incidental noise, odors, dust, and fumes associated with normally accepted agricultural practices. The benefits and protections of this By-law are intended to apply exclusively to those commercial agricultural and farming operations and activities performed by a farmer or on a farm conducted in accordance with generally accepted agricultural practices. Moreover, nothing in this Right To Farm By-law shall be deemed as acquiring any interest in land, or as imposing any land use regulation, which is properly the subject of state statute, regulation, or local zoning law.

Section 4 Disclosure
Within 30 days after this By-law becomes effective, the Agricultural Commission shall prominently post on the Town Hall notice board the following disclosure:

> "It is the policy of this community to conserve, protect and encourage the maintenance and improvement of agricultural land for the production of food and other agricultural products, and also for its natural and ecological value. This disclosure notification is to inform buyers or occupants that the property they are about to acquire or occupy lies within a town where farming activities occur. Such farming activities may include, but are not limited to, activities that cause noise, dust and odors. Buyers or occupants are also informed that the location of property within the Town may be impacted by agricultural operations."

A copy of the disclosure notification shall be included in the Town's Annual Report.

Section 5 Resolution of Disputes
Any person who seeks to complain about the operation of a farm may, notwithstanding pursuing any other available remedy, file a grievance with the Select Board, the Zoning Enforcement Officer, or the Board of Health, depending upon the nature of the grievance. The filing of the grievance does not suspend the time within which to pursue any other available remedies that the aggrieved may have. The Zoning Enforcement Officer or Select Board may forward a copy of the grievance to the Agricultural Commission or its agent, which shall review and facilitate the resolution of the grievance, and report its recommendations to the referring Town authority within an agreed upon time frame.
The Board of Health, except in cases of imminent danger or public health risk, may forward a copy of the grievance to the Agricultural Commission or its agent, which shall review and facilitate the resolution of the grievance, and report its recommendations to the Board of Health within an agreed upon time frame.

Section 6 Severability Clause
If any part of this By-law is for any reason held to be unconstitutional or invalid, such decision shall not affect the remainder of this By-law. The Town of Mendon hereby declares the provisions of this By-law to be severable.

CHAPTER XXX

HISTORIC DISTRICT BYLAW

Pursuant to Massachusetts General Laws Chapter 40C, Section 3, and any other enabling law: (1) to receive the final report, with recommendations, of the Local Historic District Study Committee; (2) to create the Town Center District and the Taft Homestead District; and (3) to amend the Town of Mendon General By-laws, by adding the following Chapter 30 (entitled "Local Historic District By-law"): or act or do anything in relation thereto.

Local Historic Districts Bylaw

The Town of Mendon hereby establishes Local Historic Districts, to be administered by an Historic District Commission as provided for under Massachusetts General Laws Chapter 40C, as amended.

1. PURPOSE

The purpose of this bylaw is to help property owners and the Town of Mendon in the preservation and protection of the distinctive characteristics and architecture of buildings and places significant in the history of the Town of Mendon, to encourage and support new and innovative building designs and techniques compatible with the existing architecture, and the promotion of those purposes as set forth in Massachusetts General Laws Chapter 40C.

2. DEFINITIONS

The terms defined in this section shall be capitalized throughout this Bylaw. Where a defined term has not been capitalized, it is intended that the meaning of the term be the same as the meaning ascribed to it in this section unless another meaning is clearly intended by its context. As used in this Bylaw the following terms shall have the following meaning:

ALTERATION, TO ALTER - The act or the fact of rebuilding, reconstructing, restoring, replicating, removing, demolishing, changing in exterior color, and other similar activities.

BUILDING - A combination of materials forming a shelter for persons, animals or property.

CERTIFICATE - A Certificate of Appropriateness, a Certificate of Non-Applicability, or a Certificate of Hardship as set forth in this Bylaw.

COMMISSION - The Historic District Commission as established in this Bylaw.

CONSTRUCTION, TO CONSTRUCT - The act or the fact of building, erecting. installing, enlarging, moving and other similar activities.

DISPLAY AREA - The total surface area of a SIGN, including all lettering, wording, designs, symbols, background and frame, but not including any support structure or bracing incidental to the SIGN. The DISPLAY AREA of an individual letter SIGN or irregular shaped SIGN shall be the area of the smallest rectangle into which the letters or shape will fit. Where SIGN faces are placed back to back and face in opposite directions, the DISPLAY AREA shall be defined as the area of one face of the SIGN.

DISTRICT - The Local Historic Districts as established in this Bylaw, to consist of one or more DISTRICT areas.

EXTERIOR ARCHITECTURAL FEATURE - Such portion of the exterior of a BUILDING or STRUCTURE as is open to view from a public street, public way, public park or public body of water, including but not limited to architectural style and general arrangement and setting thereof, the kind, color and texture of exterior building materials, the color of paint or other materials applied to exterior surfaces and the type and style of windows, doors, lights, signs and other appurtenant exterior fixtures.

PERSON AGGRIEVED - The applicant; an owner of adjoining property; an owner of property within the same DISTRICT area as property within one hundred (100) feet of said property lines; and any charitable corporation in which one of its purposes is the preservation of historic structures, or districts.

SIGNS - Any symbol, design or device used to identify or advertise any place of business, product, activity or person.

STRUCTURE - A combination of materials other than a BUILDING, including but not limited to a SIGN, fence, wall, terrace, walk or driveway.

TEMPORARY STRUCTURE or BUILDING - A BUILDING not to be in existence for a period of more than two (2) years. A STRUCTURE not to be in existence for a period of more than one (1) year. The COMMISSION may further limit the time periods set forth herein as it deems appropriate.

3. DISTRICT

The DISTRICT shall consist of one or more DISTRICT areas as listed in Section 13 (Appendices) of this Bylaw.

4. COMMISSION

4.1 The DISTRICT shall be overseen by a COMMISSION consisting of seven (7) members, to be appointed by the Board of Selectmen, two (2) members initially to be appointed for one (1) year, two (2) for two (2) years, and three (2) for three (3) years, and each successive appointment to be made for three (3) years.

4.2. The COMMISSION shall include, if possible, one (1) member from two (2) nominees solicited from the Mendon Historical Society (or its successor organization), one (1) member from two (2) nominees solicited from the chapter of the American Institute of Architects covering Mendon or an Architect living or working in Mendon; one (1) member from two nominees of the Board of Realtors covering Mendon or a Realtor living or working in Mendon; and one (1) property owner from within each of the DISTRICT areas. If within thirty days after submission of a written request for nominees to any of the organizations herein named insufficient nominations have been made, the Board of Selectmen may proceed to make appointments as it desires.

4.3. The Board of Selectmen may appoint up to four (4) alternate members to the COMMISSION. As designated by the acting chairman of the COMMISSION, an alternate member shall have the right to act and vote in the place of one regular member in the event of a vacancy on the COMMISSION or should such regular member be absent from a meeting or be unwilling or unable to act or vote. Said alternate members shall initially be appointed for terms of two (2) or three (3) years, and for three (3) year terms thereafter. Should an application consume multiple meetings, the same COMMISSION would need to vote on that proposal.

4.4. Each member and alternate member shall continue to serve in office after the expiration date of his or her term until a successor is duly appointed and qualified.

4.5. Meetings of the COMMISSION shall be held at the call of the Chairman, at the request of two (2) members and in such other manner as the COMMISSION shall determine in its Rules and Regulations.

4.6. Four (4) members of the COMMISSION shall constitute a quorum.

5. COMMISSION POWERS AND DUTIES

5.1 The COMMISSION shall exercise its powers in administering and regulating the CONSTRUCTION and ALTERATION of any STRUCTURES or BUILDINGS within the DISTRICT as set forth under the procedures and criteria established in this Bylaw and M.G.L. Chapter 40C. In exercising its powers and duties hereunder, the COMMISSION shall pay due regard to the distinctive characteristics of each BUILDING, STRUCTURE and DISTRICT area.

5.2 The COMMISSION may adopt, and from time to time amend, reasonable Rules and Regulations not inconsistent with the provisions of this Bylaw or M.G.L. Chapter 40C, setting forth such forms and procedures as it deems desirable and necessary for the regulation of its affairs and the conduct of its business, including but not limited to requirements for the contents and form of applications for CERTIFICATES, fees, hearing procedures and other matters. The COMMISSION shall file a copy of any such Rules and Regulations with the office of the Town Clerk.

5.3 The COMMISSION, after a public hearing duly posted and advertised at least fourteen (14) days in advance in a conspicuous place in Town Hall and in a newspaper of general circulation in Mendon, may adopt and from time to time amend guidelines which set forth the designs for certain EXTERIOR ARCHITECTURAL FEATURES which are, in general, suitable for the issuance of a CERTIFICATE. No such design guidelines shall limit the right of an applicant for a CERTIFICATE to present other designs to the COMMISSION for approval.

5.4 The COMMISSION shall at the beginning of each fiscal year hold an organizational meeting and elect a Chairman, a Vice Chairman and Secretary from its regular membership, and file notice of such election with the office of the Town Clerk.

5.5 The COMMISSION shall keep a permanent record of its resolutions, transactions, decisions and determinations and of the vote of each member participating therein.

5.6 The COMMISSION shall undertake educational efforts to explain to the public and property owners the merits and functions of a DISTRICT.

6. ALTERATIONS AND CONSTRUCTION PROHIBITED WITHOUT A CERTIFICATE

6.1 Except as this Bylaw provides, no BUILDING or STRUCTURE or part thereof within a DISTRICT shall be CONSTRUCTED or ALTERED in any way that affects the EXTERIOR ARCHITECTURAL FEATURES as visible from a public street, public way, public park, or public body of water, unless the COMMISSION shall first have issued a CERTIFICATE with respect to such CONSTRUCTION or ALTERATION.

6.2 No building permit for CONSTRUCTION of a BUILDING or STRUCTURE or for ALTERATION of an EXTERIOR ARCHITECTURAL FEATURE within a DISTRICT and no demolition permit for demolition or removal of a BUILDING or STRUCTURE within a DISTRICT shall be issued by the Town or any department thereof until a CERTIFICATE as required under this Bylaw has been issued by the COMMISSION.

7. PROCEDURES FOR REVIEW OF APPLICATIONS

7.1. Any person who desires to obtain a CERTIFICATE from the COMMISSION shall file with the COMMISSION an application for a CERTIFICATE of Appropriateness, of Non-Applicability and/or of Hardship, as the case may be. The application shall be accompanied by such plans, elevations, specifications, material and other information, including in the case of demolition or removal a statement of the proposed condition and appearance of the property thereafter, as may be reasonably deemed necessary by the COMMISSION to enable it to make a determination on the application. The COMMISSION shall have the authority to determine a filing fee for a

CERTIFICATE. In the event that an application is missing such information (including but not limited to the payment of the required filing fee), it shall be deemed incomplete.

7.2. The COMMISSION shall determine within fourteen (14) days of the filing of a completed application for a CERTIFICATE whether said application involves any EXTERIOR ARCHITECTURAL FEATURES which are within the jurisdiction of the COMMISSION.

7.3. If the COMMISSION determines that an application for a CERTIFICATE does not involve any EXTERIOR ARCHITECTURAL FEATURES, or involves an EXTERIOR ARCHITECTURAL FEATURE which is not subject to review by the COMMISSION under the provisions of this Bylaw, the COMMISSION shall forthwith issue a CERTIFICATE of Non-Applicability.

7.4. If the COMMISSION determines that such application involves any EXTERIOR ARCHITECTURAL FEATURE subject to review under this Bylaw, it shall hold a public hearing on the application, except as may otherwise be provided in this Bylaw. The COMMISSION shall hold such a public hearing within forty-five (45) days from the date of the filing of the completed application. At least fourteen (14) days before said public hearing, public notice shall be given by posting in a conspicuous place in Mendon Town Hall and in a newspaper of general circulation in Mendon. Such notice shall identify the time, place and purpose of the public hearing. Concurrently, a copy of said public notice shall be mailed to the applicant, to the owners of all adjoining properties, to the owners of all property within the same DISTRICT area within one hundred (100) feet of the subject property lines, to any charitable corporation in which one of its purposes is the preservation of historic structures or districts, and of other properties deemed by the COMMISSION to be materially affected thereby - all as they appear on the most recent applicable tax list, to the Planning Board, to any person filing a written request for notice of hearings (such request to be renewed yearly in December), and to such other persons as the COMMISSION shall deem entitled to notice. The said certified tax list shall be deemed conclusive for all purposes.

7.4.1. A public hearing on an application for a CERTIFICATE need not be held if such hearing is waived in writing by all persons entitled to notice thereof. In addition, a public hearing on an application for a CERTIFICATE may be waived by the COMMISSION if the COMMISSION determines that the EXTERIOR ARCHITECTURAL FEATURE involved, or its category or color, as the case may be, is so insubstantial in its effect on the DISTRICT that it may be reviewed by the COMMISSION without a public hearing on the application, provided, however, that, if the COMMISSION dispenses with a public hearing on an application for a CERTIFICATE, notice of such application shall be given to the owners of all adjoining property and other property deemed by the COMMISSION to be materially affected thereby as above provided, and ten (10) days shall elapse after the mailing of such notice before the COMMISSION may act upon such application.

7.5. Within sixty (60) days after the filing of a completed application for a CERTIFICATE, or within such further time as the applicant may allow in writing, the COMMISSION shall issue a CERTIFICATE or a disapproval. In the case of a disapproval of an application for a CERTIFICATE, the COMMISSION shall set forth in its disapproval the reasons for such disapproval. The COMMISSION may include in its disapproval specific recommendations for changes in the applicant's proposal with respect to the appropriateness of design, arrangement, texture, material and similar features which, if made and filed with the COMMISSION in a subsequent application, would make the application acceptable to the COMMISSION. If within fourteen (14) days of the receipt of such a notice the applicant files a written modification of his application in conformity with the recommended changes of the COMMISSION, the COMMISSION shall cause a CERTIFICATE of the appropriateness to be issued to the applicant.

7.6. The concurring vote of a majority of the members shall be required to issue a CERTIFICATE.

7.7. In issuing CERTIFICATES, the COMMISSION may, as it deems appropriate, impose certain conditions and limitations, and may require architectural or plan modifications consistent with the intent and purpose if this Bylaw.

7.8. If the COMMISSION determines that the CONSTRUCTION or ALTERATION for which an application for a CERTIFICATE of Appropriateness has been filed will be appropriate for or compatible with the preservation or protection of the DISTRICT, the COMMISSION shall issue a CERTIFICATE of Appropriateness.

7.9. If the CONSTRUCTION or ALTERATION for which an application for a CERTIFICATE of Appropriateness has been filed shall be determined to be inappropriate and therefore disapproved, or in the event of an application for a CERTIFICATE of Hardship, the COMMISSION shall determine whether, owing to conditions especially affecting the BUILDING or STRUCTURE involved, but not affecting the DISTRICT generally, failure to approve an application will involve a substantial hardship, financial or otherwise, to the applicant and whether such application may be approved without substantial detriment to the public welfare and without substantial derogation from the intent and purposes of this Bylaw. If the COMMISSION determines that owing to such conditions failure to approve an application will involve substantial hardship to the applicant and approval thereof may be made without such substantial detriment or derogation, the COMMISSION shall issue a CERTIFICATE of Hardship.

7.10. The COMMISSION shall send a copy of its CERTIFICATES and disapprovals to the applicant and shall file a copy of its CERTIFICATES and disapprovals with the office of the Town Clerk and the Building Inspector. The date of issuance of a CERTIFICATE or disapproval shall be the date of the filing of a copy of such CERTIFICATE or disapproval with the office of the Town Clerk.

7.11. If the COMMISSION should fail to issue a CERTIFICATE or a disapproval within sixty (60) days of the filing of the completed application for a CERTIFICATE, or within such further time as the applicant may allow in writing, the COMMISSION shall thereupon issue a CERTIFICATE of Hardship.

7.12. Each CERTIFICATE issued by the COMMISSION shall be dated and signed by its chairman or such other person designated by the COMMISSION to sign such CERTIFICATES on its behalf.

7.13. A PERSON AGGRIEVED by a determination of the COMMISSION may, within twenty (20) days of the issuance of a CERTIFICATE or disapproval, file a written request with the COMMISSION for a review by a person or persons of competence and experience in such matters, acting as arbitrator and designated by the regional planning agency of which the Town of Mendon is a member. Should such a regional planning agency not be in existence, M.G.L. 40C, Section 12 designates the Department of Community Affairs as selecting the appropriate regional planning agency. The finding of the person or persons making such review shall be filed with the Town Clerk within forty-five (45) days after the request, and shall be binding on the applicant and the COMMISSION, unless a further appeal is sought in the Worcester County Superior Court as provided in Chapter 4OC, Section 12A. The filing of such further appeal shall occur within twenty (20) days after the finding of the arbitrator has been filed with the office of the Town Clerk.

7.14. In the event of demonstrated emergency, the COMMISSION may reduce the time periods set forth in Sections 7.4, 7.5, and 7.11.

8.CRITERIA FOR DETERMINATIONS

8.1 In deliberating on applications for CERTIFICATES, the COMMISSION shall consider, among other things, the historic and architectural value and significance of the site, BUILDING or STRUCTURE; the general design, proportions, detailing, mass, arrangement, texture, material

and color of the EXTERIOR ARCHITECTURAL FEATURES involved; and the relation of such EXTERIOR ARCHITECTURAL FEATURES to similar features of BUILDINGS and STRUCTURES in the surrounding area. The Commission shall be guided by the purpose of this Bylaw to preserve and protect EXTERIOR ARCHITECTURAL FEATURES of the BUILDINGS and STRUCTURES in the District as they exist at the time of this Bylaw's adoption.

8.2 In the case of new CONSTRUCTION or additions to existing BUILDINGS or STRUCTURES, the COMMISSION shall consider the appropriateness of the size, shape and proportions of the BUILDING or STRUCTURE both in relation to the land area upon which the BUILDING or STRUCTURE is situated and in relation to BUILDINGS and STRUCTURES in the vicinity and the COMMISSION may in appropriate cases impose dimensional and setback requirements in addition to those required by applicable statute or bylaw.

8.3 When ruling on applications for CERTIFICATES on solar energy systems as defined in Section 1A of Chapter 40A, the COMMISSION shall consider the policy of the Commonwealth of Massachusetts to encourage the use of solar energy systems and to protect solar access.

8.4 The COMMISSION shall not consider interior arrangements or architectural features not subject to public view.

9. EXCLUSIONS

9.1 The COMMISSION shall exclude from its purview the following:

9.1.1 Temporary, STRUCTURES or SIGNS subject, however, to such conditions pertaining to the duration of use, location, lighting, removal and similar matters as the COMMISSION may reasonably specify.

9.1.2 Terraces, walks, driveways, sidewalks and similar STRUCTURES, provided that any such STRUCTURE is substantially at grade level.

9.1.3 Storm windows and doors, screen for windows and doors, and window air conditioners.

9.1.4 The color of paint.

9.1.5 The color of materials used on roofs.

9.1.6 Signs of not more than one (1) square foot in DISPLAY AREA in connection with use of a residence for a customary home occupation or for professional purposes, provided only one (1) such sign is displayed in connection with each residence and if illuminated is illuminated only indirectly; and one (1) sign in connection with the nonresidential use of each BUILDING or STRUCTURE which is not more than twelve (12) square feet in DISPLAY AREA, consists of letters painted on wood without symbol or trademark and if illuminated is illuminated indirectly.

9.1.7 The reconstruction, substantially similar in exterior design, of a BUILDING, STRUCTURE or EXTERIOR ARCHITECTURAL FEATURE damaged or destroyed by fire, storm or other disaster, provided such reconstruction is begun within one (1) year thereafter and carried forward with due diligence.

9.2 Upon request the COMMISSION shall issue a CERTIFICATE of Non-Applicability with respect to CONSTRUCTION or ALTERATION in any category not subject to review by the COMMISSION in accordance with the above provisions.

9.3 Nothing in this Bylaw shall be construed to prevent the ordinary maintenance, repair or replacement of any EXTERIOR ARCHITECTURAL FEATURE within a DISTRICT which does not involve a change in design, material, color or the outward appearance thereof, nor to prevent landscaping with plants, trees or shrubs, nor construed to prevent the meeting of requirements certified by a duly authorized public officer to be necessary for public safety because of an unsafe or dangerous condition, nor construed to prevent any CONSTRUCTION or ALTERATION under a permit duly issued prior to the effective date of this Bylaw.

10. CATEGORICAL APPROVAL

The COMMISSION may determine from time to time after a public hearing, duly advertised and posted at least fourteen (14) days in advance in a conspicuous place in Town Hall and in a newspaper of general circulation in Mendon, that certain categories of EXTERIOR ARCHITECTURAL FEATURES or STRUCTURES under certain conditions may be CONSTRUCTED or ALTERED without review by the COMMISSION without causing substantial derogation from the intent and purposes of M.G.L. c 40C Section 8(c).

11. ENFORCEMENT AND PENALTIES

11.1. The COMMISSION shall determine whether a particular activity is in violation of this Bylaw or not, and the COMMISSION shall be charged with the enforcement of this Bylaw.

11.2. The COMMISSION, upon a written complaint of any resident of Mendon, or owner of property within Mendon, or upon its own initiative, may institute any appropriate action or proceedings in the name of the Town of Mendon to prevent, correct, restrain or abate violation of this Bylaw. In the case where the COMMISSION is requested in writing to enforce this Bylaw against any person allegedly in violation of same and the COMMISSION declines to act, the COMMISSION shall notify, in writing, the party requesting such enforcement of any action or refusal to act and the reasons therefore, within *twenty-one (21) days of receipt of such request*.

11.3. Whoever violates any of the provisions of this Bylaw shall be punishable by a fine of up to $300.00 for each offense. Each day during any portion of which such violation continues to exist shall constitute a separate offense. In the event of demonstrated emergency, the COMMISSION may waive and/or reduce any penalties set forth herein.

11.4. The COMMISSION may designate the Building Inspector of the Town of Mendon to act on its behalf and to enforce this Bylaw under the direction of the COMMISSION.

12. VALIDITY AND SEVERABILITY

The provisions of this Bylaw shall be deemed to be separable. If any of its provisions, sections, subsections, sentences or clauses shall be held to be invalid or unconstitutional by any court of competent jurisdiction, the remainder of this Bylaw shall continue to be in full force and effect.

APPENDICES

Appendix 1: Mendon Center District

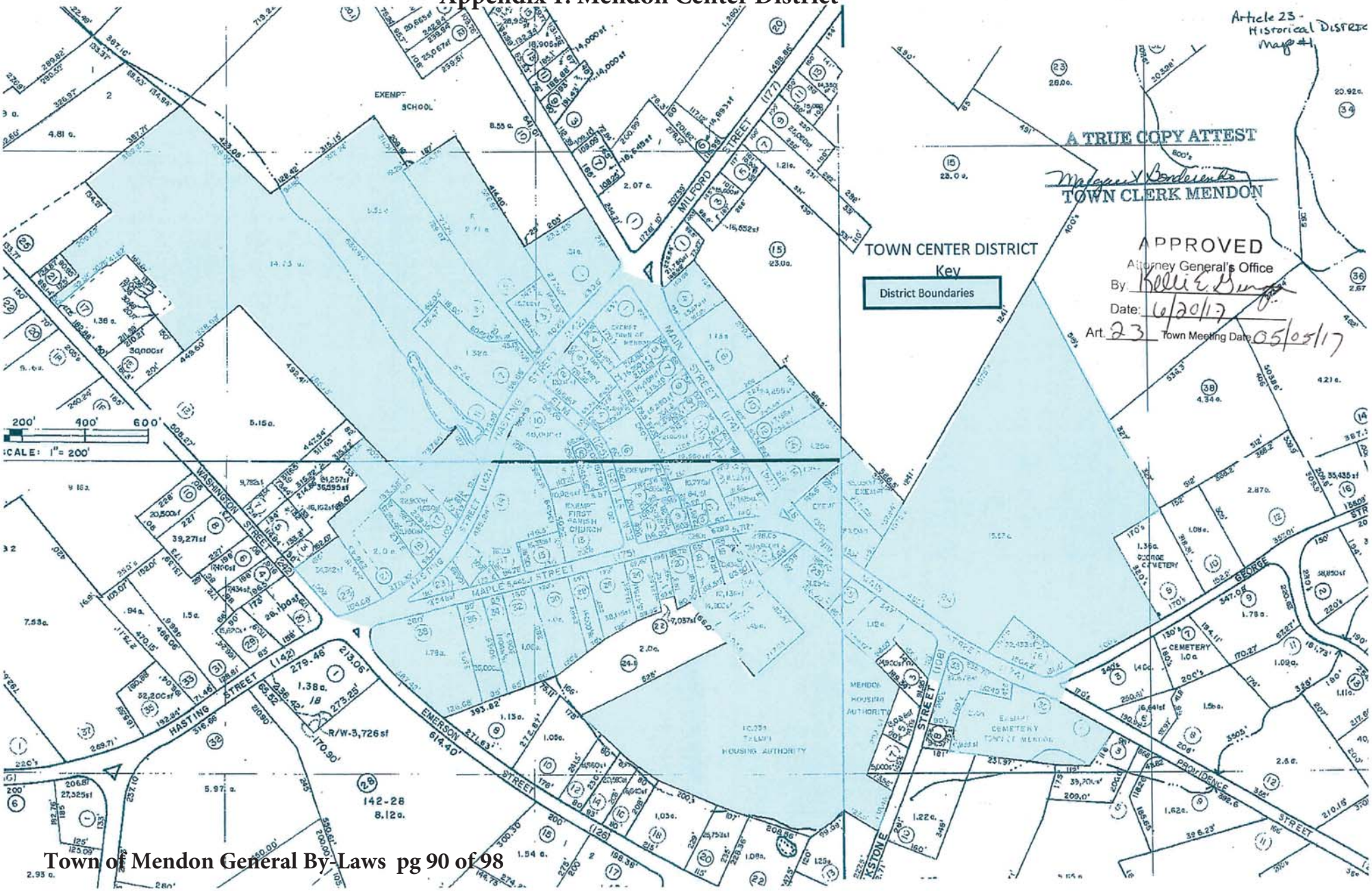
The Mendon Center District shall be a DISTRICT area under this Bylaw. The location and boundaries of the Mendon Center District are defined and shown on the Local Historic District Map of the Town of Mendon, which is a part of this Bylaw.

Appendix 2: Taft Homestead District

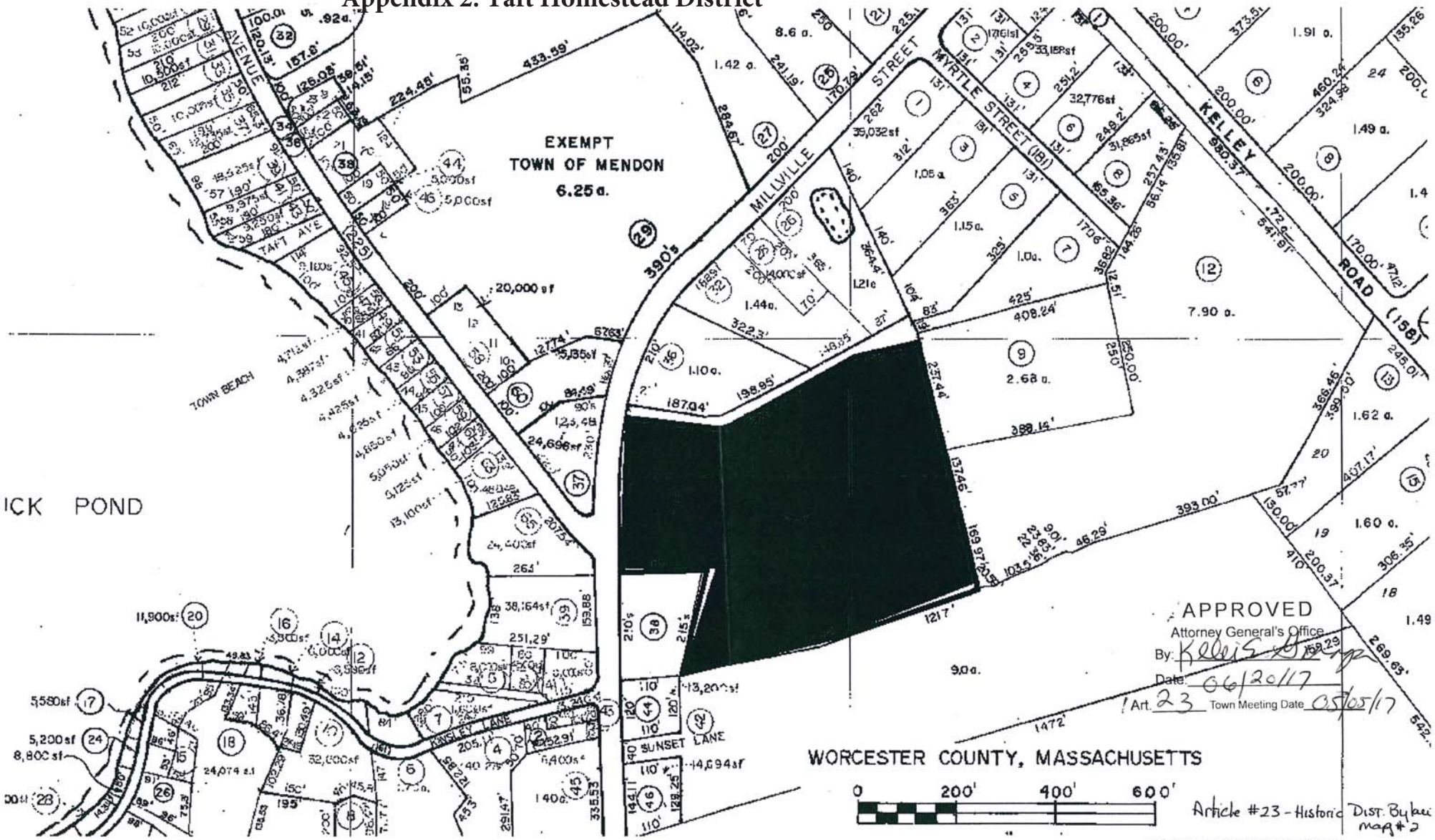
The Taft Homestead District shall be a DISTRICT area under this Bylaw. The location and boundaries of the Taft Homestead District are defined and shown on the Local Historic District Map of the Town of Mendon, which is part of this Bylaw.

Maps of the Mendon Center District and the Taft Homestead District are available at the Mendon Town Hall Offices.

Appendix 1: Mendon Center District



Appendix 2: Taft Homestead District



Taft Homestead District
Proposed

Legend

Proposed District

Appendix A – Home Rule Petitions

CHAPTER 1 of the Acts of 1992

AN ACT PROVIDING FOR RECALL ELECTIONS IN THE TOWN OF MENDON.

Be it enacted, etc., as follows:

SECTION 1. Any holder of an elected office in the town of Mendon may be recalled therefrom by the qualified voters of the town hereinafter provided.

SECTION 2. Any thirty qualified voters of the town of Mendon may initiate a recall petition by filing with the town clerk an affidavit containing the name of the officer sought to be recalled and a statement of the grounds of recall. Said town clerk shall thereupon deliver to the voters who filed such affidavit a sufficient number of copies of petition blanks demanding such recall, printed forms of which he shall keep on hand. The blanks shall be issued by the town clerk with his signature and official seal attached thereto; they shall be dated and addressed to the selectmen and shall contain the names of all persons to whom issued, the number of blanks so issued, the name of the person sought to be recalled, the grounds of recall as stated in the affidavit, and shall demand the election of a successor to such office. A copy of this petition shall be entered in the record book to be kept in the office of the town clerk. Said recall petition shall be returned and filed with the clerk within twenty days after filing of the affidavit and shall be signed by thirty percent of the qualified voters of said town. To every signature shall be added the place of residence of the signer, giving street and number. The said recall petition shall be submitted at or before noon on the Thursday preceding the day on which it must be filed, to the registrars of voters in said town, and the registrars shall forthwith certify thereon the number of signatures which are the names of the voters of said town.

SECTION 3. If the petition shall be found and certified by said town clerk to be sufficient, he shall submit the same with his certificate to said selectmen within ten days and said selectmen shall within ten days give written notice to the officer of the receipt of said certificate and shall, if the officer sought to be recalled does not resign within five days thereafter, thereupon order an election to be held on a date fixed by them, not less than sixty-five days and not more than ninety days after the date of certificate of the town clerk that a sufficient petition is filed; provided however, that if any other town election is to occur within one hundred days after the date of said certification, said selectmen may, in their discretion, postpone the holding of said recall election to the date of such other election. If a vacancy occurs in said office after a recall election has been so ordered, the election shall nevertheless proceed as in this section provided.

SECTION 4. Any officer sought to be recalled may be a candidate to succeed himself and, unless he requests otherwise in writing, the town clerk shall place his name on the ballot without nomination. The nomination of other candidates, the publication of the warrant for the recall election, and the conduct of the same shall all be in accordance with the provisions of law relating to elections, unless otherwise provided by this act.

SECTION 5. The incumbent shall continue to perform the duties of his office until the recall election. If re-elected, he shall continue in the office for the remainder of his unexpired term, subject to recall election as before, except as provided in this act. If not re-elected in the recall election, he shall be deemed removed upon the qualification of his successor, who shall hold office during the unexpired term. If the successor fails to qualify within five days after receiving notification of his election, the incumbent shall thereupon be deemed removed and the office vacant.

SECTION 6. Ballots used in a recall election shall submit the following propositions in the order indicated: For the recall of (name of officer). Against the recall of (name of officer). Immediately at the right of each proposition, there shall be a square in which the voter, by making a cross mark (X), may vote for either of the said propositions. Under the propositions shall appear the word “Candidates”, the

directions to voters required by section forty-two of chapter fifty-four of the General Laws, beneath this the names of candidates nominated as hereinbefore provided. If a majority of the votes cast upon the question of recall is in the affirmative, the candidate receiving the highest number of votes shall be declared elected; provided that at least thirty percent of those entitled to vote in the election shall have voted. If a majority of votes on the question is in the negative, the ballot for the candidates need not be counted.

SECTION 7. No recall petition shall be filed against an officer within six months after he takes office, nor, in the case of an officer subject to a recall election and not recalled thereby, until at least six months after the election at which his recall was submitted to the voters. No person who has been removed from office or who has resigned from office while recall proceedings were pending against him, shall be appointed to any town office within two years after such removal or such resignation.

Approved January 27, 1992.

CHAPTER 132 of the Acts of 2000

AN ACT ESTABLISHING A LAND BANK FUND IN THE TOWN OF MENDON.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. There is hereby established in the town of Mendon a Land Bank Fund for the purpose of acquiring, reclaiming, holding and managing land, conservation easements and interests in lands for open space and recreation that is consistent with the town's most recent open space and recreation plan.

SECTION 2. The town of Mendon shall establish a Land Bank Fund as a separate account to be maintained by the treasurer. The following monies shall be deposited into the account: (a) any gifts made to the town for the express purpose of acquiring land for the purpose set forth in section 1; and (b) any funds appropriated from time to time by town meeting to this fund. The treasurer may invest the funds in such separate account in the manner authorized by sections 55 and 55A of Chapter 44 of the General Laws.

Any interest earned thereon shall be credited to and become part of such account. The town may appropriate, by a vote of the town meeting, monies from said Land Bank Fund for the purpose of acquiring, reclaiming, holding and managing land, conservation easements and interests for open space and recreation.

SECTION 3. The treasurer shall without further appropriation transfer to the Land Bank Fund established in section 1 from the stabilization fund maintained by the town, pursuant to section 5B of chapter 40 of the General Laws, the amount of $350,000, which is the portion remaining of the amount appropriated to the stabilization fund under Article 1 of the special town meeting held on December 8, 1999.

SECTION 4. This act shall take effect upon its passage.

Approved July 14, 2000.

CHAPTER 188 of the Acts of 2000

AN ACT REGULATING ELIGIBILITY FOR THE OFFICE OF SELECTMEN IN THE TOWN OF MENDON.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. Notwithstanding the provisions of any general or special law to the contrary, no person employed by the town of Mendon, the Mendon-Upton Regional School District or the Blackstone Valley Vocational Regional School District shall be eligible to hold the office of selectman in the town of Mendon while so employed. Any person so employed and holding the office of selectman in the town of Mendon on the effective date of this act shall be permitted to serve the remainder of his term but shall be ineligible for re-election while so employed.

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

Approved August 6, 2000

CHAPTER 46 of the Acts of 2004

AN ACT AUTHORIZING THE TOWN OF MENDON TO ESTABLISH A CAPITAL EXPENDITURE FUND

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. The town of Mendon may establish and maintain a special account to be known as the Capital Expenditure Fund and may raise and appropriate money for the fund.

SECTION 2. The town may appropriate to the fund by a majority vote at an annual or special town meeting in any year an amount not to exceed $100,000 in each fiscal year.

SECTION 3. The account shall be maintained by the town treasurer as a separate account. The town treasurer may invest the funds in the separate account in the manner provided by sections 55 and 55A of chapter 44 of the General Laws. Any interest earned on the fund shall be credited to and become part of the account.

SECTION 4. The town may appropriate by a 2/3 vote at any annual or special town meeting any principal and interest in the fund for any capital purchase or debt payment for any capital purchase. A capital purchase shall be defined as any item with a life expectancy of more than 5 years and valued at $25,000 or more.

SECTION 5. This act shall take effect upon its passage.

Approved March 12, 2004

APPENDIX B Massachusetts General Laws Voted by the Town

M.G.L. Chapter	Amended by Chapter	of the Acts of	Date of Action	Result of Action Accept, Reject, etc	Topics
	417	1894	11/24/1894	accept	water supply
RL 11 s364,365			3/7/1904	accept	use of official ballots to elect town officials
	503	1912	11/5/1912	accept	pensioning laborers
	807 (county)	1913	11/4/1913	accept	workmen's compensation
	807(town)	1913	3/2/1914	accept	workmen's compensation
	217	1914	11/3/1914	reject	laborers' vacations
	688	1914	11/3/1914	accept	Saturday 1/2 holiday
	634	1911	11/3/1914	reject	retirement systems
	790	1914	11/3/1914	accept	party enrollment
	311G	1919	11/4/1919	accept	continuation schools
	516	1922	3/5/1923	no action	accounting system
136 s 7,8			3/2/1925	accept	Sunday sales
	166	1946	11/5/1946	accept	Est. contributory retirement
48,S 42,43			3/9/1951	accept	Est Fire Dept. w/chief
	624	1952	3/6/1953	accept	Incr. Pension $ to certain former employees
	207	1946	3/5/1954	accept	Bowling on Sundays
	670	1955	3/9/1956	accept	Increase amt of pensions
40,Sec 42A-42F			3/10/1961	accept	Unpaid water bills constitute a lien on property
40, Sec 8C			6/29/1964	accept	Establish Con. Com.
40,Sec.5,Clause 51			6/29/1964	accept	Establish Conservation Fund
40, Sec. 6F			3/26/1965	accept	Repairs to private roads
40, Sec. 6C			3/22/1965	accept	Plow & sand private ways
40, Sec. 8A			6/14/1965	accept	Establish development & industrial Commission
32 B			3/28/1966	accept	Health & Life Insurance for Town employees
Ch. 40, Sec 8B			10/29/1971	accept	Establish Council on Aging
Ch 31			3/27/1972	defeated	Civil service for police officers & police chief
32B, Sec. 9A			3/27/1972	accept	Retired employees ins., town pays 1/2
32B, Sec 9D			3/27/1972	accept	Surviving spouse ins, town pays 1/2
32B, Sec 11A			3/27/1972	accept	Additional ins.for employees, no cost to town
	486	1971	3/27/1972	accept	Beano
	835	1970	4/3/1972	accept	Incentive pay for police partly reimb. by state(accepted 3/27/72)
40 S8D			8/19/1974	accept	Establish Historical Comm.

M.G.L. Chapter	Amended by Chapter	of the Acts of	Date of Action	Result of Action Accept, Reject, etc	Topics
41 S97A			5/16/1975	accept	Establish Police Dept.under Chief w/approval of Selectmen
MGL 40,Sec 8G			9/20/1977	accept	Allows agreements for mutual aid for police dept.
147 S13A			10/10/1978	accept	Establish Reserve Police Force
	401	1966	5/16/1980	accept	Elect. or appointed officials to be covered by the Work Comp Act
	217	1980	8/18/1980	accept	Increased amount for which contracts may be invited
	282	1979	9/22/1980	accept	Penalty for tendering insufficient funds check for pay. of certain taxes
	835	1970	5/9/1981	rescind	Incentive pay for police partly reimb. by state(accepted 3/27/72)
41 S91A			5/8/1981	accept	Selectmen appoint constables
32B,S 16			11/15/1982	accept	Group Life Insurance
138, s12b	606	1981	1/11/1982	accept	further regulate places selling alcohol
44, s53e	339	1981	5/10/1985	accept	allows town to allocate certain anticipated revenues
	477	1984	7/29/1985	accept	Purchase of govt. surplus equip exempt from bid process
Ch 59S 5cl,17c			5/9/1986	accept	R.E. Tax exemptions
Ch 59s5cl41B			5/9/1986	accept	R.E. Tax exemptions
Ch 40, S57	Ch 640	1985	5/9/1986	accept	Failure to pay taxes, no license
Ch 148	s26c,26e,26g		5/5/1989	accept	Smoke detectors/sprinklers required
Ch 140	s 147 a		5/11/1990	accept	Get out of Worcester County Dog Fund
Ch60A,S1	Ch 597	1982	5/17/1991	accept	Former POW exempt from excise tax
	Ch 291	1990	5/17/1991	accept	Enhanced 911
C59,sec5,cl41C			6/21/1993	accept	Incr.$ limits on income/assets for elderly exemption on R.E. taxes
Ch44,S53D			5/7/1993	accept	Establish revolving acct. for Park Dept receipts
C 32B S18			10/13/1993	accept	Retires eligible for Medex must take Medex
Ch 143,S3Z			3/28/1994	accept	Bldg inspector may build in town
Ch 111,S26G			5/6/1994	defeated	Allow Bd of Health members to install septic systems in Mendon
Ch 59,sec 5			5/5/1995	accept	Reduce residency requirement for Veterans exemption re R.E. taxes
Ch 90, S 20A			5/10/1996	accept	Establish parking rules & regulations
Ch 59, S5, clause 17D			5/9/1997	accept	Increase abatement to $175 for surviving spouse
Ch 44, S 28C(F)			5/8/1998	defeated	Delinquent trash fees constitute liens on property
Ch 40, S 42G, H, I			9/16/1998	defeated	Provides special assessment for laying water pipes
Ch 41, S 108L			11/23/1998	passed over	Quinn Bill-incentive for police officers
Ch 59, S57C	Ch 643, S 41	1989	5/14/1999	defeated	Quarterly tax billing
Ch 40, S 42G, H, I			5/14/1999	accept	Provides special assessment for laying water pipes
Ch 41, S 108L			5/14/1999	accept	Quinn Bill-incentive for police officers

M.G.L. Chapter	Amended by Chapter	of the Acts of	Date of Action	Result of Action Accept, Reject, etc	Topics
Ch 44 S 53 1/2			9/20/1999	passed over	Police Training Account revolving fund
Ch 41, Sec 19K			5/5/2000ATM	accept	Town Clerk Compenasation after certification
Ch 41, Sec 108P			5/5/00ATM	accept	Treasurer/Collector Compensation after certification
Ch 59, Sec. 5K			5/5/2000ATM	accept	Senior Citizen Property Tax Work off Abatement
Ch 59, Sec. 5(17E)			5/11/01 ATM	accept	Assets for Senior Citizens annually increased for real estate tax exemption
Ch 59, Sec. 5(41D)			5/11/01ATM	accept	Income & Assets annually increased for real estate tax exemption
Ch 59, Sec. 5		1995	5/11/01ATM	accept	Annual increase of 2.5% or COLA exemption real estate tax exemption
Ch. 59, Sec. 5 (41C)			12/10/02STM	accept	Increase eligibility requirements for seniors for exemptions
	369	2002	12/10/02STM	Accept	No dog license fee to persons 70 years or older
Ch. 258, Sec 13			5/5/03ATM	Accept	Town shall indemnify and save harmless municipal officers, elected or appointed, from personal financial loss and expense
Ch. 59, Sec. 5 (37A)			5/16/03ATM	accept	Increase exemption for Blind from $437.50 to $500
Ch. 41, Sec 1B			1/24/05STM	accept	Elected Collector/Treasurer becomes an appointed Collector/Treasurer
Ch. 59, S 57C	Ch 643, S 41	1989	9/12/05STM	accept	Quarterly tax billing
Ch. 44, Sec.53E 1/2			5/11/07ATM	accept	Establish Taft Public Library Revolving Fund
Ch. 40, Sec. 4A			5/11/07ATM	accept	Authorizing BOH to enter into InterMunicipal Mutual Aid Agreements
Ch. 59, Sec. 5L			5/11/07ATM	accept	Mass. National Guard or Reservists 180 days after service to pay property taxes without interest or penalties
Ch. 44, Sec.53E 1/2			5/13/08ATM	accept	Establish Revolving fund for Planning Board
Ch44,S53E 1/2		Adjourned	5/18/10ATM	accept	Establish Revolving fund for Highway Dept. for recycling
Ch.44, S53E 1/2			5/6/11ATM	accept	Establish Revolving fund for Conservation Commission
Ch. 111 Sec. 26G			11/15/11STM	accept	Allow Bd of Health members to install septic systems in Mendon
Ch. 64L, Sec. 2			11/15/11STM	accept	Local Meal Excise Tax
Ch. 41, Sec. 23A			9/25/12STM	accept	Allows Executive Secretary or Town Administrator Appointment
Ch. 59, Sec. 5N			5/3/13ATM	accept	Veteran's Work Off Abatement Program
Ch. 653, Sec. 40		1989	5/3/13ATM	accept	Allows Assessors to tax certain properties until June 30
Ch. 200A, Sec. 9A			6/25/14 STM	accept	Disposition of abandoned funds
Ch. 32B, Sec. 20	68	2011	11/5/2014STM	accept	Other Post Employment Benefits
Ch. 41, Sec. 41B			3/18/15 STM	accept	Electronic Deposit of Payroll checks
Ch. 60, Section 3D			3/21/2016STM	accept	allows establishing an acct. for the purpose of aiding elderly &disabled
Ch. 59, Sec. 5, Cl 41A			5/6/2016ATM	accept	increases qual. Gross rec. to $40,000
Ch. 60A, Sec 1			5/6/2016ATM	accept	exempts Military on active service from excise
Ch. 59, Sec. 5 Cl. 56			5/6/2016ATM	accept	grants abatements to Military on active duty in foreign countries
Ch. 44B, Sec. 3(e)1			5/6/2016ATM	accept	exempts CPA surcharge on real prop. for low income &low/moderate seniors