

# TOWN OF GROVELAND



## General Bylaws

Revised: May, 2011

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**CHAPTER 1**  
**GENERAL PROVISIONS**

**Sec. 1-1. ENFORCEMENT.**

**(a) Criminal Complaint**

Whoever violates any provision of these General Bylaws may be penalized by indictment or on complaint brought in the District Court. Except as may be otherwise provided by law and as the District Court may see fit to impose, the maximum penalty for each violation, or offense, brought in such manner, shall be three hundred (\$300.00) dollars.

**(b) Non-Criminal Disposition**

Whoever violates any provision of these General Bylaws, the violation of which is subject to a specified penalty, may be penalized by a non-criminal disposition as provided in M.G.L. Chapter 40, Section 21D. The non-criminal method of disposition may also be used for violations of any rule or regulation of any municipal officer, board or department which is subject to a specific penalty.

Without intending to limit the generality of the foregoing, it is the intention of this provision that the following bylaws and sections of bylaws are to be included within the scope of this sub-section, that the specific penalties as listed here shall apply in such cases and that in addition to police officers, who shall in all cases be considered the enforcing persons for the purpose of this provision, the municipal personnel listed for each section, if any, shall also be enforcing persons for such sections. Each day on which any violation exists shall be deemed to be a separate offense.

**TOWN OF GROVELAND**  
**List of Provisions Subject to Enforcement**  
**Under MGL C. 40-, S. 21D Procedures**

1. **DRINKING IN PUBLIC**

**General Bylaw Sec. 8-1**

Fine allowed:	\$50.00
Enforcement Agent:	Police Officers
Fine Schedule:	1st and each subsequent offense - \$50.00

2. **OBSTRUCTION OF PEDESTRIAN TRAFFIC - LOITERING**

**General Bylaw Sec. 8-8 and 8-9**

Fine allowed: \$50.00  
Enforcement Agent: Police Officers  
Fine Schedule: 1st offense -\$25.00  
2nd and each subsequent offense \$50.00

3. **DISCHARGING FIREARMS**

**General Bylaw Sec. 8-16**

Fine allowed: \$50.00  
Enforcement Agent: Police Officers  
Fine Schedule: 1st and each subsequent offense - \$50.00

4. **TAMPERING WITH TRAFFIC CONTROL SIGNS**

**General Bylaw Sec. 12-1**

Fine allowed: \$20.00  
Enforcement Agent: Police Officers  
Fine Schedule: 1st and each subsequent offense - \$20.00

5. **SECURING OF VEHICLE LOADS**

**General Bylaw Sec. 12-7**

Fine allowed: \$100.00  
Enforcement Agent: Police Officers  
Fine Schedule: 1st offense - \$50.00  
2nd and each subsequent offense - \$100.00

6. **UNREGISTERED MOTOR VEHICLES**

**General Bylaw Sec. 12-71 thru 12-75**

Fine allowed: \$300.00  
Enforcement Agent: Police Officers  
Fine Schedule: 1st and each successive offense - \$5.00 per day for each day violation exists



7. **RUDE AND DISORDERLY CONDUCT**

**General Bylaw Sec. 8-4**

Fine allowed:	\$50.00
Enforcement Agent:	Police Officers
Fine Schedule:	1st offense - \$25.00 2nd and each subsequent offense - \$50.00

8. **EARTH REMOVAL**

**General Bylaw Sec. 5-21 thru 5-38**

Fine allowed:	\$200.00
Enforcement Agent:	Police Officers or Zoning Enforcement Earth Removal Officer
Fine Schedule:	1st offense - \$50.00 2nd offense - \$100.00 3rd and each subsequent offense - \$200.00

9. **LITTERING**

**General Bylaw Sec. 8-12; 8-13; 8-14**

Fine allowed:	\$300.00
Enforcement Agent:	Police Officers, Health Agent or Board of Health
Fine Schedule:	1st offense - \$100.00 2nd offense - \$200.00 3rd and each subsequent offense - \$300.00

10. **ZONING BYLAWS**

**Zoning Bylaw Sec. 1502.2**

Fine allowed:	\$300.00
Enforcement Agent:	Building Inspector
Fine Schedule:	1st offense - \$100.00 2nd offense - \$200.00 3rd and each subsequent offense - \$300.00

11. **FALSE ALARM BYLAW**

**General Bylaw Sec. 8-17**

Fine allowed: \$50.00  
Enforcement Agent: Police Officers  
Fine Schedule: 1st & 2nd offense-  
Warning  
3rd and each  
subsequent offense  
(Annual) \$25.00

12. **BUILDING NUMBERING BYLAW**

**General Bylaw Sec. 6-1**

Fine allowed: \$25.00  
Enforcement Agent: Fire or Police Officers  
Fine Schedule: 1st offense - Warning  
2nd and each  
subsequent  
offense - \$25.00

13. **OPEN BURNING BY-LAW**

**General Bylaw Sec. 6-2**

Fine allowed: \$50.00  
Enforcement Agent: Fire or Police Officers  
Fine Schedule: 1st offense - Warning  
2nd and each  
subsequent  
offense - \$50.00

14. **UNDERGROUND STORAGE TANKS**

**Board of Health Regulation**

Fine allowed: \$300.00  
Enforcement Agent: Board of Health  
Fine Schedule: \$300.00 per month for  
each month of  
non-compliance

15. **SMOKING IN PUBLIC BUILDINGS**

**General Bylaw Sec. 8-18**

Fine allowed: \$25.00  
Enforcement Agent: Police Officers  
Fine Schedule: 1st offense - \$10.00  
2nd offense - \$20.00  
3rd and each subsequent  
offense - \$25.00

16. **WETLANDS BYLAW**

**General Bylaw Sec. 8-19**

Fine allowed:

\$300.00

Enforcement Agent:

Police Officers or  
Conservation Officers

Fine Schedule:

\$300.00 each day or  
portion thereof  
violation exists; with  
each condition violated  
constituting a separate  
offense.

17. **STABLING REGULATIONS**

**General Bylaws - Appendix D**

Fine allowed:

\$300.00

Enforcement Agent:

Stabling Agent

Fine Schedule:

1st Offense - Warning  
2nd Offense - \$25.00  
per day 3rd and  
subsequent  
Offenses - \$50.00 per  
day

18. **LEASH LAW - DOGS**

**General Bylaw - Sec. 3-2**

Fine allowed:

\$300.00

Enforcement Agent:

Animal Control Officer  
and/or Police Officers

Fine Schedule:

1st Offense - Warning  
2nd Offense - \$15.00  
3rd Offense - \$25.00  
4th and subsequent  
Offenses - \$50.00

19. **LICENSING OF DOGS AND KENNELS**

**General Bylaw - Sec. 3-3**

Fine allowed:

\$25.00

Enforcement Agent:

Animal Control Officer  
and/or Police Officers

Fine Schedule:

After June 1st of each  
year licensing fee, plus  
\$10.00 fine per  
unlicensed dog;  
After July 1st of each  
year licensing fee, plus  
\$15.00 fine per  
unlicensed dog;  
After August 1st of each  
year licensing fee, plus  
\$25.00 fine per  
unlicensed dog

20. **DISPOSAL OF DOG WASTE**

**General Bylaw - Sec. 3-4**

Fine allowed: \$300.00  
Enforcement Agent: Animal Control Officer  
and/or Police Officers  
Fine Schedule: \$10.00 - first offense;  
\$20.00 - second and each  
subsequent offense  
thereafter.

21. **OPERATING MOTOR BIKE, TRAIL  
BIKE, MOTORCYCLE, SKIMOBILE  
ON PRIVATE OR PUBLIC PROPERTY**

**General Bylaw - Sec. 8-21**

Fine allowed: \$ 300.00  
Enforcement Agent: Police Officers  
Fine Schedule: \$100.00 each offense

22. **Motorized Scooter Prohibition**

**General Bylaw – Sec. 8-22**

Fine allowed: \$ 300.00  
Enforcement Agent: Police Officers  
Fine Schedule: \$25.00 first offense  
\$50.00 all subsequent

23. **Water Use Restriction Bylaw**

**General Bylaw – Sec. 11.21.**

Fine allowed: \$ 50.00 per day  
Enforcement Agent: Water Depart. Personnel  
Fine Schedule: First Offense – Warning  
Second Offense -\$50.00  
Third and each  
subsequent day - \$50.00

24. **Snow & Ice**

**General Bylaw – Sec. 10.7.**

Fine allowed: \$300.00  
Enforcement Agent: Police Officers  
Fine Schedule: First Offense – Warning  
Second Offense - \$50.00  
Third Offense - \$150.00  
All subsequent - \$300.00

## CHAPTER 2

### ARTICLE I. IN GENERAL

#### **Sec. 2-1. Evening Office Hours.**

Whosoever shall accept the offices of town clerk, tax collector and town treasurer shall, as a public service to the townspeople, open their offices for town business one (1) evening each week, said evening to be Monday from 6: 00 p.m. to 8: 00 p.m. , except for holidays or unforeseen difficulties, at which time one other evening may be designated. **Amended May 21, 2001.**

#### **Sec. 2-2. Records, Reports, Notices, etc.**

(a) The town clerk shall keep a file of all the town reports, reports of all committees chosen by the town and all original documents relating to the affairs of the town which may come into his possession.

(b) He shall, as soon as practicable after any election has been held by the town, in addition to the notices he is now directed to give to officers who are required to take an oath of office, also issue a written or printed notice to all persons who have been elected to any other office, or chosen to serve on any other committee, stating the office to which such person has been elected, or the duties which such committee was chosen to perform.

#### **Sec. 2-3. Quorum for adoption of General Bylaws.**

No general by-law shall be adopted or amended at a Special Town Meeting having a quorum of less than one hundred (100) of the legal voters of the town.

#### **Sec. 2-4 - 2-20. Reserved.**

## ARTICLE II. TOWN MEETINGS

### **Sec. 2-21. Notice.**

Every Town Meeting shall be notified by posting copies of the Warrant calling the same, in not less than three (3) public places in the town, fourteen (14) days at least before the day appointed for said meeting; one (1) of said copies to be posted in that part of the town known as Savaryville, one (1) in that part of town known as the "Village", and one (1) in that part of the town known as South Groveland.

### **Sec. 2-22. Dates of Annual Town Meeting.**

The Annual Town Meeting shall be held on the last Monday of April each year and the Annual Meeting for Election of Officers and any referendum questions shall be held on the first Monday of May each year.

### **Sec. 2-23. Criteria for admission to meetings; exceptions.**

(a) The checklist of registered voters shall be used for admission to every Special and Annual Town Meeting and the monies necessary to pay the checkers shall be taken from the election and registration account.

(b) No person not listed on the checklist of registered voters shall be admitted to the hall wherein the Town Meeting is being held, except as approved by the meeting, and the moderator shall determine the bounds of the hall. The Warrant for an Annual or Special Town Meeting may specify that the meeting is to be held in a suitable auditorium or other facility in any of the contiguous towns or city.

### **Sec. 2-24. Quorums.**

A quorum at any Annual or Special Town Meeting shall consist of not less than one hundred (100) legal voters of the town. Amended April 24, 2000

### **Sec. 2-25. Rules of conduct and Procedure.**

Town Meetings shall be conducted in accordance with the rules of parliamentary practice as set forth in "Town Meeting Time", by Richard B. Johnson, Benjamin A. Trustman and Charles Y. Wadsworth. On matters requiring a two-thirds vote of Town Meeting by statute, a count need not be taken unless the vote so declared is immediately questioned by seven or more voters as provided in the General Laws, Chapter 39, Section 15.

### **Sec. 2-26. - 2-30. Reserved.**

### ARTICLE III. FINANCE AND TAXATION

#### **Sec. 2-31. Fiscal Year.**

The financial year of the town shall begin with the first day of July in each year, and shall end on the thirtieth day of the following June.

#### **Sec. 2-32. Procedure for adding appropriation to Warrant for Town Meeting.**

Any person or persons requesting a subject calling for the appropriation of money to be inserted in the warrant for a meeting of the town shall forthwith file with the Selectmen a written statement, signed by ten (10) voters of the town, setting forth the amount of appropriation intended to be asked, and if practicable, an estimate in detail of the several items for which the appropriation is to be expended. Such statement shall remain on file and shall be open to the inspection of the voters of the town.

#### **Sec. 2-33. Limits on town liability.**

No board of officers, committee or person authorized to expend an appropriation made by the town shall make any contract which involves the liability of the town in excess of the appropriation made therefor, except in matters enjoined upon the town or its officers by law, and also except in those cases where such action is required to promote or conserve the public health, peace or safety of the inhabitants of the town. When any bill for a contract that is in excess of such an appropriation and entered into for the conservation of health, peace or safety of the inhabitants of the town, is approved the board, committee or person approving the same shall, over his or their signature, endorse on the bill the particular reason or reasons why in his or their judgment, the health, peace or safety of said inhabitants required the making of such contract.

#### **Sec. 2-34. Availability of records and accounts.**

All boards, standing committees and officers of the town shall cause records of their doings and accounts to be kept in suitable books. Said record books shall be open to the inspection of the citizens of the town under the supervision of the board, committee or officer designated to keep charge thereof.

#### **Sec. 2-35. Finance Board.**

(a) *Appointment; terms; organization.* The Selectmen shall, after the first and before the fifteenth day of April in each year, appoint three (3) legal voters in the town to serve for a period of three (3) years. Selectmen shall appoint nine (9) members, three (3) to serve for one (1) year, three for two (2) years, and three (3) for three (3) years, and these appointees shall be known as the town finance board. They shall annually elect a chairman from among their members and shall meet from time to time as its members or its chairman deem advisable.

(b) ***Powers and duties.*** The board shall consider those affairs and interests of the town the subjects of which are included in the warrants for the town meetings, shall consider the question of the town's obligations, the administration of the various departments, shall make such reports and recommendations to the town concerning the administration of any and all departments that the circumstances may justify and by a majority vote of the members present, and shall have a sole authority to spend such funds as may be appropriated by the town for a reserve fund. No direct drafts shall be drawn against this fund, but transfers may be made.

(c) ***Reports; compensation.*** The board shall consider the various articles in the warrants of the town meetings and shall report to the town meetings its recommendations for the action of the town. The members of the board shall serve without pay.

### **Sec. 2-36. Town Accountant.**

(a) ***Appointment; appropriation duties.*** The Selectmen shall annually appoint an Accountant who shall keep a complete set of books wherein shall be entered the amount of each specific appropriation and each amount that has been expended on account of such appropriation. The Accountant shall, when any appropriation has been wholly expended, immediately make a report of that fact to the Selectmen and to the head of the department under whose direction the work for which the appropriation was made is carried on. The Accountant shall inspect all the necessary warrants, drafts, other orders on the Treasurer for the payment of money and shall approve the same in writing, but only when such warrants or drafts or other orders are signed by a majority at least of the Selectmen, or other board or committee or by the person authorized to expend an appropriation.

(b) ***Accounts payable duties.*** The Accountant shall examine all bills or demands rendered against the town; shall see that they have been incurred and properly approved by some person duly authorized, in exact accordance with such authority, that the clerical computations are correct, and that there are on hand funds appropriated for such purpose sufficient for the payment of such demand or bill. In case of any error or informality the Accountant shall make note of the fact and return the bill or demand, and warrant, draft or other order accompanying the same, with his objections to the officer or board representing the same. If the Accountant approves the bill or demand, and warrant, draft or other order for the same, he shall cause a record of the same to be entered in a book kept for that purpose and not later than three (3) days from the time that he receives the same he shall cause them to be delivered to the Town Treasurer for payment.

(c) ***Reports.*** The Accountant shall immediately, after the first day of each second month, deliver by mail or otherwise to the Selectmen, or other board or committee, or to the persons authorized to expend an appropriation, a report of the amount of the respective appropriation, including any receipts that may lawfully be added thereto, that they are authorized to expend and the amount of the drafts made on account of the same and of the balance of such appropriation remaining subject to draft.

(d) ***Duty to print Bylaws.*** It shall be the duty of the Town Accountant to have the town bylaws printed in the "Town Report" every fifth year.



**Sec. 2-36A. Department of Finance and Budget**

Section One: There shall be created in the town of Groveland a Department of Finance and Budget, this Department shall be managed by a Finance Director who shall be appointed for a term of three (3) years by the Board of Selectmen.

Section Two: Upon the creation of the Department of Finance and Budget, and the hiring of a Director of said Department, the positions of Treasurer and Collector shall be consolidated, and all duties and responsibilities formerly imposed upon the Collector of Taxes, and the Treasurer by statute, regulation, or by-law shall be transferred to and become the responsibility of the Director of the Department of Finance and Budget. Upon the creation of said department, the Town Accountant's Office shall be part of the Department and shall report directly to the Director thereof.

Section Three: The Finance Director, as Treasurer and Budget Officer shall be responsible for coordinating the fiscal management practices of the Treasurer's Department, Collector of Taxes, Town Accountant's Department, and administrator of budgeting including financial reporting, accountability and control, financial and programmatic implications on current and future policies to all Town Departments and Board of Selectmen.

The Finance Director shall be responsible for but not necessarily limited to the following financial and budgetary matters:

1. To coordinate with all Departments and manage the collection of all budget and financial information, including the forecasting of revenues for the forthcoming fiscal year in order to prepare an annual budget for the Annual Town Meeting.
2. To set policies and procedures for the collection of all revenues due and owing to the Town of Groveland as a result of tax levies, and the issuance of licenses and permits excepting there from revenues collected by the municipal light plant.
3. To write grant proposals appropriate to the needs of the Town, and to insure compliance with the terms of each grant.
4. To review, and oversee on a yearly basis the various town trust funds, and to insure that funds are prudently invested. Also, when any such trust fund fails due to the extinction of the purpose for which said fund was created, the Department of Budget and Finance shall, with the advice and consent of the Selectmen, seek appropriate relief in a court of competent jurisdiction from the duties of investment and distribution imposed by the trust fund instrument.
5. Disburse, as Town government operations may require, all funds and sign all checks pursuant to warrants signed by the Board of Selectmen and Town Accountant, to insure the efficient operation of government.
6. The Finance Director shall be the chief procurement officer for the Town of Groveland.
7. Report to the Board of Selectmen and Finance Committee concerning all financial matters affecting Town Government.
8. Coordinate with the Massachusetts Department of Revenue pertaining to all matters on their municipal calendar.

9. Coordinate and manage all financial information received from the Board of Assessors to forecast future financial growth and anticipated revenues, and advise the Selectmen, Finance Committee, and Town Meeting accordingly.
10. Create written policies and procedures, and be responsible for the collection of all monies received by various town departments as allowed by law and deposit same in bank accounts.

Section Four: Pursuant to all state, federal and municipal statutes, laws, regulations and by-laws, the Department of Finance and Budget shall make detailed estimates of all money necessary to maintain the proper operation of government.

Section Five: The Department of Finance and Budget shall report to the board of Selectmen.

Section Six: Upon consolidation of the position of the Tax Collector and Treasurer, the persons formerly serving in those capacities shall become Assistant Collector and Assistant Treasurer respectively for the remainder of their terms. Thereafter, they shall serve for a period determined by the Director, and at a salary to be set by the Board of Selectmen. The Assistant Treasurer and Assistant Tax Collector shall report directly to the Director of Finance and Budget who shall assign duties to them as he or she deems necessary. The Director may consolidate one of the above Assistant positions into one Assistant Collector/Treasurer.

Section Seven: The Selectmen may as they see fit delegate or assign administrative or personnel duties to the Director of Finance and Budget as they deem necessary and appropriate.

Section Eight: Upon the creation of the Department of Finance and Budget by vote of the Town Meeting and State Legislature, the Board of Selectmen shall appoint a search committee within thirty days thereof to assist the Board of Selectmen in hiring a Director of said Department.

Section Nine: The "Search Committee" shall be comprised of five members appointed as follows:

1. One representative from the Board of Assessors.
2. One representative from the Town Government in general exclusive of the Board of Selectmen.
3. One representative from the Finance Board.
4. One representative from the Finance Director/Executive Secretary Task Force.
5. One citizen of Groveland who shall not be a past or present employee of or an appointed or elected official of Groveland Municipal Government.

Upon the inability of the Board of Selectmen to fill the Search Committee from any or all of the above categories, the Selectmen may fill any or all positions from the general population of the Town of Groveland.

Section Ten: The "Search Committee" shall be responsible for the following:

1. Advertise the position in appropriate media outlets and trade journals, as required by law.
2. Receive resumes and select candidates there from for interviews.
3. Take any other action and perform any other duties as directed by the Board of Selectmen not inconsistent with Section Ten of this By-law.

Section Eleven: The personnel board shall develop a job description, and make salary recommendations to the Board of Selectmen.

Section Twelve: The Board of Selectmen shall enter into a formal written contract with the Director detailing responsibilities, goals and objectives for performance evaluation criteria, salary, fringe benefits and term of contract.

Section Thirteen: If any provision of this by-law conflicts with State or Federal law then State or Federal law controls.

Section Fourteen: If any sections of this by-law are unenforceable as a matter of law then those remaining sections not affected shall continue in full force and effect.

Adopted June 9, 1997

**Sec. 2-37. Treasurer to maintain receipts.**

The treasurer shall have the custody of all receipted bills and receipts, and of notes, bonds and coupons which have been paid.

**Sec. 2-38. Taxation Reports.**

The assessors shall append to their annual report a table of the valuation, real, personal and total, the rate of taxation and the amount of money raised.

**Sec. 2-39. Deeds of conveyance.**

(a) The Town Clerk shall keep a true copy (in a book to be kept for such purpose alone) of all deeds of conveyance executed by the Selectmen.

(b) It shall be the duty of the Town Clerk to see that every conveyance to the town of any interest in land is properly recorded in the "Registry of Deeds", and he shall have the custody of all such deeds.

**Sec. 2-40. Sale of town property.**

The Selectmen shall sell at public or private sale any personal property to be disposed of by any department, board or commission of the town.

**Sec. 2-41. Senior Citizen Property Tax Work-Off Program.**

Participating taxpayers must be Groveland residents, 60 years of age or older and living in the residence to which the property tax abatement will be applied. Only one tax work-off abatement per household shall be allowed.

Work exchange: Hourly rate shall be based on State of Massachusetts minimum hourly wage rate to a maximum \$500 annual tax abatement. Amended May 19, 2003

The program will start July 1, 2001.

Single residents may receive no more than \$40,000.00 annual household income and married residents may receive no more than \$55,000.00 annual household income. **Amended April 25, 2005**

Work-off applicants must have been Groveland residents for ten (10) years.

All candidates are interviewed by the Council on Aging and then placed appropriately throughout the municipal department where they will perform their assigned services.

Participants must be physically and mentally capable of doing the job.

Procedures:

Council on Aging will canvas departments-request departments to fill out application stating needs for assistance for jobs within their department.

Council on Aging will recruit candidates to participate in programs through newsletter and local media and press.

Client will fill out an employment application and be interviewed by the Director, Coordinator of the program, or Social Worker.

Application will be screened and assigned a position that most benefits department as well as client abilities.

Client must pass the Criminal Offender Record Information Check (CORI).

Council on Aging will send seniors to the requested department for an interview.

Upon agreement of department as well as client, position will be filled.

Client may request from Council on Aging change in job assignment if incapability arises.

Department heads will report hours to Assessors' Office with a copy to the COA and to the senior. This will be done on a monthly basis.

Both Assessors' Office and COA will keep records of hours.

Assessors' Office will make the reduction on the client's tax bill on the third and fourth quarter.

Copy of certification will be given to the taxpayer and Assessors' Office by the job provider before December 1<sup>st</sup>.

**Adopted April 30, 2001. Accepted MGL C. 127, §59 on Dec. 13, 2000.**

**Sec. 2-42 - 2-50. Reserved.**

## ARTICLE IV. BOARD OF SELECTMEN

### **Sec. 2-51. Scope of authority.**

The Selectmen shall exercise a general supervision over all matters affecting the interests or welfare of the town.

### **Sec. 2-52. Authority to institute and prosecute suits.**

The Selectmen shall have full authority as agents of the town to institute and prosecute suits in the name of the town, appear for and defend suits brought against it and employ counsel therefore, unless otherwise specially ordered by a vote of the town.

### **Sec. 2-53. Authority to settle claims.**

The Selectmen may settle any claims or suits against the town, which in their opinion cannot be defended successfully, when the amount to be paid does not exceed two hundred dollars (\$200.00). They may employ counsel whenever they deem it necessary.

### **Sec. 2-54. Authority to appear on behalf of town.**

The Selectmen may appear (either personally or by counsel) before any committee of the legislature, or board or commission, to protect the interests of the town, but are not authorized by this section to commit the town to any course of action.

### **Sec. 2-55. Authority to execute deeds of conveyance.**

Whenever it shall be necessary to execute any deed conveying land, or other instrument required to carry into effect any vote of the town, the same shall be executed by the Selectmen, or a majority of them in behalf of the town, unless the town shall otherwise vote in any special case.

### **Sec. 2-56. Duty to receive reports from Chief of Police.**

The Chief of Police shall annually submit to the Board of Selectmen a written report of all complaints, arrests and prosecutions made by the Police Department.

**Sec. 2-57. Authority to Contract.**

Unless otherwise provided by a vote of Town Meeting, the Board of Selectmen or Procurement Officer designated pursuant to MGL Chapter 30B is authorized to enter into any contract for the exercise of the Town's corporate powers, on such terms and conditions as are deemed appropriate. Notwithstanding the foregoing, the Board of Selectmen or Procurement Officer shall not contract for any purpose, or any terms, or under any conditions inconsistent with any applicable provision of any general or special bylaw.

**Sec. 2-58 - 2-70. Reserved.**

## **ARTICLE V. OFFICERS AND EMPLOYEES**

### **DIVISION I. GENERALLY**

#### **Sec. 2-71. Sales of materials or supplies to town.**

No town officer and no salaried employee of the town or any agent of any such officer or employee shall sell materials or supplies to the town without the permission of the Board of Selectmen expressed in a vote which shall appear on their records with the reasons therefor.

#### **Sec. 2-72. Compensation in addition to official salary.**

No town officer and no salaried employee of the town or any agent or any such employee shall receive any compensation or commission for work done by him for the town, except his official salary and fees allowed by law, without the permission of the Selectmen expressed in a vote which shall appear on their records with the reasons therefor.

#### **Sec. 2-73. Duties of Road Commissioner.**

The Road Commissioner shall keep free of silt and drainage all ditches and open waterways made or used for the purpose of draining surface water for which an easement has been taken by the town, for the purpose of outflow or inflow of storm sewers or surface drainage.

#### **Sec. 2-74. Appointments of Gas Inspector, alternate.**

The Selectmen shall annually appoint an Inspector of Gas Piping and Gas Appliances in buildings, and may also appoint an alternate Inspector of Gas Piping and Appliances.

#### **Sec. 2-75. Appointment of Inspector of Wires; duties; recovery for abandoned wires.**

(a) The Selectmen shall annually appoint an Inspector of Wires.

(b) Such Inspector shall supervise every wire over or under streets or buildings in town, and every wire within a building designed to carry an electric light, heat or power current; shall notify the person owning or operating any such wire whenever its attachments, insulation, supports or appliances are improper or unsafe, or whenever the tags or marks thereof are insufficient or illegible. The Inspector shall, at the expense of the town, remove every wire, the use of which has been abandoned, and shall see that all laws and regulations relative to wires are strictly enforced.

(c) The town may recover in contract from the owner of any such wire so removed the expense which it has incurred for the removal thereof.

**Sec. 2-76. Appointment of Constables.**

The Board of Selectmen shall annually, in the month of March, or such a time recommended by the state, appoint two (2) citizens to be constables of the town.

**Sec. 2-77. Fees received by any town department.**

All town officers shall be required to pay all fees received by them by virtue of their office into the town treasury.

**Sec. 2-78 - 2-90. Reserved.**



**DIVISION II. PERSONNEL POLICY PLAN  
NON-CONTRACTUAL EMPLOYEES**

**PERSONNEL BYLAW**

**Section 2-91. Purpose and Intent.**

The purpose of the personnel bylaw is to establish fair and equitable personnel policies and to establish a system of personnel administration based on merit principles that ensure uniform, fair and efficient application of personnel policies. This bylaw is adopted pursuant to General Laws Chapter 41, Sections 108A and 108C.

**Section 2-92. Application.**

All town departments and positions shall be subject to the provisions of this bylaw and policies adopted pursuant to this bylaw, except elected town officers, employees of the school committee and employees covered by a collective bargaining agreement (unless such agreement expressly incorporates this bylaw by reference). All persons covered hereby shall receive the rate of pay and be subject to the provisions set forth in the personnel system established pursuant to this bylaw as determined to be applicable to them by the Personnel Advisory Board hereinafter established.

**Section 2-93. Responsibility of the Board of Selectmen.**

The Board of Selectmen shall be responsible for the development of a human resources system which meets the needs of the Town. The Board of Selectmen shall appoint a Personnel Advisory Board to assist in carrying out its responsibility. The Personnel Advisory Board shall be composed of five regular members for three-year overlapping terms, one member of which shall be a town employee, and one alternate town employee member. A member may be removed upon a majority vote of the Board of Selectmen after notice to the Board member and a public hearing, if so requested by said member or remaining members. Amended June 12, 2002.

**Section 2-94. Responsibility of the Personnel Advisory Board.**

The Personnel Advisory Board shall conduct such research and carry out such instructions as the Board of Selectmen shall direct including, but not limited to, review of performance appraisals, compensation for employees, recommendation to Annual Town Meeting of additional work hours and all salary/wage increases, benefits, methods of selection of personnel, performance appraisal, and personnel procedures..

**Section 2-95. Personnel Policies.**

The personnel policies shall establish a personnel system which shall include, but need not be limited to, the following elements:

- (a) Method of administration. A system which assigns responsibility for the personnel system, including maintaining personnel records, implementing effective recruitment and selection processes, creating and maintaining a compensation plan, monitoring the application of policies and periodic reviews and evaluation of the personnel system.
- (b) Classification and compensation plans, as deemed appropriate.

- (c) Recruitment and selection policies
- (d) Record keeping system
- (e) Rights and obligation of employees
- (f) Other elements of a personnel system as deemed appropriate or necessary

**Section 2-96. Adoption of Policies.**

The Board of Selectmen is empowered and authorized by this bylaw to adopt personnel policies defining the rights, benefits and obligations of employees subject to this bylaw. Such policies shall become effective in accordance with the following procedure:

- (a) The Board of Selectmen may propose new, amended or revised policies; any such proposed policy may be proposed at any meeting of the Board of Selectmen. Any member of the Personnel Board or any employee may suggest policies for consideration by the Board of Selectmen. The Board of Selectmen need not consider any proposal already considered in the preceding twenty-four months.
- (b) Any proposed new, amended or revised policies shall be posted for a period of at least ten (10) days after being proposed, during which time comments, information and questions regarding any proposed policy may be provided to the Board of Selectmen. A public hearing shall be held following the ten (10) day posting period.
- (c) Any new, amended or revised policies shall become effective upon approval by a majority vote of the Board of Selectmen, unless a specific effective date is provided.
- (d) Copies of new or amended policies shall be posted in prominent locations within the Town Hall.

**Section 2-97. Severability.**

The provisions of this bylaw and the policies adopted pursuant to this bylaw are severable. If any bylaw provision or policy is held invalid, the remaining provisions of the bylaw or policy shall not be affected thereby.

**Section 2-98. Effective date.**

This bylaw shall take effect on April 24, 2000.

**Sec. 2-99 - 2-120. Reserved.**

**ARTICLE VI. BOARDS, COMMISSIONS,  
COMMITTEES, COUNCILS, ETC.**

**DIVISION I. GENERALLY**

**Sec. 2-121. Administration of Langley Poor and Needy Fund.**

The Selectmen of the town shall administer the Langley Poor and Needy Fund, formerly cared for by the Welfare Department.

**Sec. 2-122. Capital Improvement Planning Committee**

**Section 2-122.** The Board of Selectmen shall establish and appoint a committee to be known as the Capital Improvement Planning Committee (CIC), composed of five at-large members. The five at-large members are to serve a three year rotating term. The town Finance Director shall be an ex-officio member without the right to vote. The Committee shall choose its own officers. If, at any time, membership of the Committee falls below three members, the authority for making decisions regarding capital improvements for the Town will revert to the Board of Selectmen.

*Amended April 30, 2007 by adding the last (fifth) sentence.*

**Section 2-123.** The CIC shall study proposed capital projects involving the planning for and the improvement, preservation and creation of tangible assets and projects which 1) have useful life of no less than three years; 2) cost no less than \$10,000 and/or 3) for which the town is authorized to borrow funds. Capital projects shall be submitted to the CIC at a date to be established by the committee, for consideration at the following Annual Town Meeting, or two months before a Special Town Meeting, except when emergency financing is necessitated by an accident, fire, judicial order or other similar special circumstances. All officers, boards and committees, including the Selectmen shall give to the CIC, on forms prepared by it, information concerning all anticipated capital projects requiring Town Meeting action during the next fiscal year and five ensuing years. The CIC shall consider the relative need, impact, timing and cost of these expenditures and the effect each will have on the financial position of the town. No appropriation shall be voted for a capital improvement requested by a department, board or commission unless the proposed capital improvement is considered in the CIC' s report as defined in Section 2-124. The CIC shall not fail to report on any proposal that has been properly submitted. The provisions of this section shall apply to any capital improvement projects that will be funded in part by state or federal grants. The provisions of this and subsequent sections shall not apply to enterprise funds including the Electric, Water and Sewer Departments, the regional school systems, nor shall it apply to land purchases. The CIC will meet with the Board of Selectmen to review proposed warrant articles related to capital improvement. Said meeting will take place after the article submission deadline has passed but prior to the warrant being finalized by vote of the Selectmen.

*Amended April 30, 2007 by changing the cost in line three from \$5,000 to \$10,000*

**Section 2-124:** The CIC shall prepare an annual report recommending a Capital Improvement Budget for the next fiscal year, including any items to be funded in the current fiscal year, and a Capital Improvement Program including recommended capital improvements for the following five fiscal years. The report shall be submitted to the Board of Selectmen not later than January 15<sup>th</sup> prior to the Annual Town Meeting for its consideration and recommendations. The Board shall submit the Capital Budget with its recommendations to the Annual Town Meeting.

**Section 2-125:** Such Capital Improvement Program, after its adoption, shall permit the expenditure on projects included therein of sums from departmental budgets, for surveys, architectural or engineering advice, options or appraisals; but no such expenditure shall be incurred on projects which have not been so approved by the town through the appropriation of sums in the current year or in prior years, or for preliminary planning for projects to be undertaken more than five years in the future.

**Section 2-126:** The CIC's report and the Selectmen's recommended Capital Budget shall be published and made available in a manner consistent with the distribution of the Finance Committee report. The Committee shall deposit its original report with the Town Clerk.

Adopted May 19, 2003

**Section 2-127:** No member of an appointed Board, Commission, Committee or Council shall be in arrears to the Town of Groveland for any tax, fee, or assessment as determined by the Town Treasurer. The Town Treasurer shall inform any member of said Board, Commission, Committee or Council in writing of the delinquency by description and amount owed along with the date the payment must be received, which shall be thirty (30) days from the date of the notification letter. Failure on behalf of the Board, Commission, Committee or Council member to satisfy the amounts owed as stated in the notification letter by the due date shall constitute a letter of resignation by the member and the Treasurer shall notify the Board of Selectmen, Town Clerk, and the appropriate Board, Commission, Committee or Council that the individual is no longer a member.

Adopted April 24, 2006

**Sections 2-128 - 2-140. Reserved.**

## DIVISION II. COUNCIL ON AGING

### **Sec. 2-141. Name.**

The name of the organization shall be the Groveland Council on Aging, hereinafter referred to as "the Council", as established by Town Meeting of the Town of Groveland in the Commonwealth of Massachusetts.

### **Sec. 2-142. Purpose.**

(a) The Council shall carry out the programs designed to meet the problems of the aged in coordination with programs of the Councils on Aging established under General Laws, Chapter 40, Section 85.

(b) The Council shall identify the total needs of the elderly population of the community.

(c) The Council shall inform the members of the community of the needs of its elderly and enlist support, cooperation and participation of the townspeople concerning these needs.

(d) The Council shall design, promote and support programs and services to fill the needs of the elderly in the community.

(e) The Council shall be aware of all state and federal legislation concerning funding, information exchange and program planning which exists for the better community programming for the elderly.

(f) The Council is authorized to appoint whatever functional committees are deemed necessary to accomplish the purposes and goals stated herein.

(g) Chairpersons of these committees must be members of the Council. It is the individual Chairperson's prerogative to involve non-members.

### **Sec. 2-143. Membership.**

(a) The Council shall consist of nine members of which at least 51% shall be elders over 60 years of age. *Amended October 5, 2009 reducing membership from nine to five.*

(b) Members shall be nominated by a majority vote of the existing members of the Council, and nominations shall be sent to the Board of Selectmen for appointment. Unexpired terms shall be filled in the same manner.

(c) Council members shall be appointed for a term of three years, excepting members appointed to fill an unexpired term. These unexpired term appointees shall serve initially only for the duration of the unexpired term.

(d) Except as provided in Sec. 2-143 (e), members may serve no more than two consecutive terms. Appointment to an unexpired term does not constitute a full term for the purpose of this section and sub-section.

(e) Upon unanimous recommendation of the Membership Committee and subsequent unanimous vote of the Council membership in attendance, a retiring member shall be eligible for appointment to one additional term of three (3) years.

(f) After a lapse of one year, ex-members may be eligible for reappointment.

(g) Council members wishing to be reappointed must make their intentions known by so stating in writing to the Chairperson of the Council.

(h) All voting rights shall be vested in the members and each individual present shall be entitled to one vote in respect to any question or matter which may come before the Council.

(i) If a member should miss three (3) consecutive meetings without just cause, resignation shall be requested.

(j) The Council may set up an Associate membership list of interested residents who may attend meetings but may not vote. Upon approval by the Council, Associate Members may sit in committees and may form a pool from which prospective full members may be chosen.

#### **Sec. 2-144. Officers.**

##### ***Number, Qualification, Election and Term of Office.***

(a) The officers of the Council shall consist of a Chairperson, Vice-Chairperson, Secretary and Treasurer, and may include such number of assistants as the Council may from time to time deem advisable.

(b) Each of such principle officers shall be elected annually from the membership at the regular Annual Meeting of the Council in the month of June.

(c) New Terms of office take effect at the first meeting of the Council in the month of July, with the start of the fiscal year.

(d) A committee of three persons, with one designated as Chairperson, shall be appointed and confirmed by the Council as a whole each April for the purpose of nominating candidates for the principle offices of the Council. The Chairperson of the committee shall assure that any member of the Council seeking an office shall have their name submitted in due course with proper notice for ballot by Council. Should there be more than one applicant for a stated position, election for that position shall be by secret ballot.

(e) The Chairperson of the Nominating Committee shall present the Committee's report at the May meeting and shall have ballots available for the election at the annual June meeting.

(f) Election of officers to fill vacancies created by death, resignation or other cause may take place at any regular or special meeting and shall be for the unexpired term of the previous incumbent, except that the office of Chairperson, if vacated, shall first be filled by the Vice-Chairperson followed by the Secretary, and then the Treasurer, for the unexpired portion of the Chairperson's term of office.

Amended April 24, 2006

(g) After serving two consecutive terms of one year, the Chairperson shall be ineligible to hold that office for the next two (2) years. However, said Chairperson shall be eligible to hold another office.

(h) **Chairperson:** The Chairperson shall be the chief executive officer of the Council, subject to the direction of members of the Council, and shall have charge of the business affairs of the Council in its general operations, including correspondence. The Chairperson shall preside at all meetings of the Council, shall appoint all committees, and shall be an exofficio member of all committees.

(i) **Vice-Chairperson:** During the absence of the Chairperson, the Vice-Chairperson shall exercise all the functions of the Chairperson, and when so acting, shall have all the powers of, and be subject to, all the restrictions upon the Chairperson.

(j) **Secretary:** The Secretary shall (1) record all the proceedings of the meetings of the Council; (2) cause all notices to be duly given in accordance with the provisions of the by-laws and which may be required by statute; and (3) in general perform all duties pertaining to the office.

(k) **Treasurer:** The Treasurer shall keep, or cause to be kept, all books of accounts of all the business transactions, receipts and disbursements of the Council. Render to the Chairperson and to the members when assembled in meeting or whenever requested, a statement of the financial condition of the Council and of all the transactions as Treasurer. Render a full financial report, based on the books and accounts audited by the Town Accountant at the annual meeting in June.

(1) Requests for expenditures shall be presented by the Council at the regular monthly meeting, and considered under New Business for approval by the Council for payment by the Town Accountant. The Treasurer and/or Chairperson of Board must approve and sign all vouchers for payment.

Amended April 24, 2006

## **Sec. 2-145. Meetings.**

(a) **Regular Meetings:** Regular meetings of the Council shall be posted with the Town Clerk at least two (2) workdays in advance and shall be held on the second Wednesday of each month. The meeting day may be changed by majority vote of the Council on condition that sufficient time for proper notice be provided.

(b) **Special Meetings:** Meetings of the Council may be called by the Chairperson or upon the written request of three members. All members shall be notified of Special Meetings.

(c) **Annual Meeting:** The Annual Meeting of the Council shall be held during the month of June. Notice of the Annual Meeting, stating the purpose for which the meeting is called, and the time and place where it is to be held, shall be made to each voting member not less than seven (7) days before the meeting.

(d) **Quorum:** At all meetings of the Council, the presence of a majority of the voting membership shall be necessary and sufficient to constitute a quorum for the transaction of any business.

**Sec. 2-146. Staff.**

(a) The Council shall have the power and authority to employ any clerical or other assistance it may require to discharge its duties.

(b) No member of the Council, other than the Chairperson, shall make requests of the staff or assign duties.

(c) The Council shall fill all vacant and new staff positions in accordance with approved town personnel practices and procedures.

(d) Screening and hiring recommendations to the Council shall be made through the COA Personnel Committee or an especially appointed search committee as the Chairperson may direct.

**Sec. 2-147. Board Committees.**

The Chairperson shall appoint the following standing committees: (1) Nominating; (2) Personnel; and (3) Finance. The Chairperson shall also appoint other such committees as are deemed necessary and expedient. The Chairperson may also make replacements as the Chairperson deems advisable and necessary.

**Sec. 2-148. Amendments.**

The Council shall have the power to amend the Bylaws in the following manner:

Any proposed amendment or alteration of the Bylaws must be approved by affirmative vote of two-thirds (2/3) of the members of the Council at two (2) consecutive regular meetings. Proposed amendments or alterations may be considered at a special meeting of the Council called for such purpose preceded by not less than fourteen (14) days notice of the proposed action. In either case, notice shall be accompanied by the full text and purpose of the proposed amendment or alteration.

**Sec. 2-149. Effective Date.**

The effective date of these Bylaws shall be the date of that meeting at which the Bylaws have been approved by an affirmative vote of not less than two-thirds of members.

Amended April 24, 2006

The date on which this approval is voted is 06/06/88..



**CHAPTER 3**  
**ANIMALS AND FOWL**

**Sec. 3-1. Horses, grazing beasts, swine, running at large or grazing by roadside prohibited.**

No person shall suffer horses or grazing beasts or swine to run at large in this town, or to feed by the roadside, either with or without a keeper.

**Sec. 3-2. Dogs at large.**

(a) No person shall own or keep in the Town, outside the confines of the owner's or keeper's property, any dog which is not held firmly on a leash.

(b) **Enforcement.** The dog officer is the enforcing officer of this by-law, and he shall enter and prosecute a complaint against the owner or keeper of any dog, if such owner or keeper violates the provisions of this by-law or any part thereof.

(c) **Fines for violation.** Whoever violates this bylaw shall pay the following fines to the town:

- (1) **First Offense:** No fine.
- (2) **Second Offense:** Fifteen (\$15.00) Dollars.
- (3) **Third Offense:** Twenty-five (\$25.00) Dollars.
- (4) **Any offenses following the third offense:** Fifty (\$50.00) Dollars.

**Sec. 3-3. Licensing of Dogs and Kennels.**

(a) All dogs 6 months old or over must be licensed and tagged. Licensing will be done in the Office of the Town Clerk. The owner or keeper of any dog in the Town shall obtain a license by April 1<sup>st</sup> of each year. The license fees for dogs shall be as follows:

- |                  |         |
|------------------|---------|
| 1. Male          | \$10.00 |
| 2. Female        | \$10.00 |
| 3. Spayed Female | \$ 5.00 |
| 4. Neutered Male | \$ 5.00 |

(b) Kennel license fees shall be as follows:

- |                    |         |
|--------------------|---------|
| 1. 1 to 4 dogs     | \$15.00 |
| 2. 5 to 10 dogs    | \$25.00 |
| 3. 11 or more dogs | \$35.00 |

(c) The owner or keeper of an unlicensed dog after June 1<sup>st</sup> shall be fined ten dollars (\$10.00) per dog in addition to the license fee. The owner or keeper of an unlicensed dog after July 1<sup>st</sup> shall be fined fifteen dollars (\$15.00) per dog in addition to the license fee. The owner or keeper of an unlicensed dog after August 1<sup>st</sup> shall be fined twenty-five (\$25.00) per dog in addition to the license fee. All monies collected for licenses and fines shall be retained by the Town.

**Sec. 3-4. Disposal of Dog Waste.**

All persons who own or are in custody of a dog will be responsible for the removal and disposal of that animal's waste from the property of another, including publicly owned property. Owners or custodians are prohibited from disposing of animal waste in any trash receptacle owned by another, including those owned or leased by the Town. The fine for violation of this provision for the first offense shall be ten dollars (\$10.00) and the second and subsequent offenses shall be twenty dollars (\$20.00).

**Sec. 3-5 - 3-20. Reserved.**

## CHAPTER 4

### BUILDINGS AND CONSTRUCTION

#### **Sec. 4-1. Moving buildings through town**

No building shall be moved through the streets of the town which, when mounted on. The vehicle or carrier transporting it, reaches a height of more than seventeen and one-half (17 1/2) feet, and no building shall be moved on the streets of the town without a permit from the-Board of Selectmen.

#### **Sec. 4-2. Building Permits**

The application process of obtaining a Building Permit shall include a multi-board/town office approval list signed by the Chairman or designated person from each Board or Office. This approval from each Board and Town Office is mandatory before obtaining a Building Permit from the Building Inspector.

**Adopted June 12, 2002**

**Rescinded October 5, 2009**

#### **Sec. 4-3. - 4-20. Reserved.**

**CHAPTER 5**  
**EXCAVATIONS**  
**ARTICLE I. IN GENERAL**

Sec. 5-1. 5-20. Reserved.

## **ARTICLE II. EARTH REMOVAL**

### **Sec. 5-21. Applicability.**

This article shall apply to the removal of material in connection with the future issuance of a building permit or where any amount of material in excess of that required solely for foundations and utility work, as defined on duly filed plans, will be removed concurrent with construction or at a later date from the town.

### **Sec. 5-22. Permit required.**

No person, persons, partnerships or corporations (hereinafter called the applicant) shall remove, nor cause to be removed, nor permit the removal of any soil, loam, sand or gravel or aggregate from any land not in public use within the town, unless such applicant is the holder of a written special permit duly issued by the Board of Selectmen (hereinafter called "the authority") after a public hearing in accordance with the provisions of this article.

### **Sec. 5-23. Public hearing; plans required.**

The authority's public hearing shall be held within sixty-five (65) days after the filing of one (1) application and two (2) sets of preliminary plans with the authority. Preliminary plans may be drawn by a non-registered engineer or land surveyor. If a special permit is granted by the authority the applicant must then provide the authority with definitive plans as per section 5-26, drawn by a registered land surveyor who is licensed to practice in Massachusetts, before the applicant can proceed with earth removal operations. Failure of the authority to take final action upon an application for a special permit within said ninety (90) days following the date of the public hearing shall be deemed a grant of the permit applied for.

### **Sec. 5-24. Withdrawal of Petition for permit.**

Any petition for an earth materials removal special permit which has been transmitted to the authority may be withdrawn without prejudice by the petitioner prior to the publication of the notice of public hearing thereon, but thereafter may be withdrawn without prejudice only with the approval of the authority.

### **Sec. 5-25. Written recommendations of Boards, Agencies.**

Any proposed earth materials removal operation shall require the written recommendations of town boards and/or agencies as specified in this article. Any such board or agency to which petitions are referred for review shall make such recommendations as they deem appropriate and shall send copies thereof to the authority and to the applicant; provided, however, that failure of any such board or agency to make recommendations within thirty-five (35) days of receipt by such board or agency of the petition shall be deemed lack of opposition thereto.

**Sec. 5-26. Contents of plans.**

- (a) The content of the application and plan(s) shall include at least the following information:
- (1) The legal name and address of the applicant (owner) of the property involved. Corporations or partnerships shall file with the authority a list of their officers and designate their authority to sign legal documents.
  - (2) All boundaries of property where material is to be removed with the boundaries of removal areas shown in detail.
  - (3) All buildings on and within one hundred (100) feet of said property including buildings across private or public ways.
  - (4) All internal roads and roads within one hundred (100) feet of said property, with their elevations and established grades.
  - (5) All waterways, brooks, swamps and other water bodies on or within one hundred (100) feet of said property with their elevations, boundaries and presently defined courses.
  - (6) The height of the water table at its highest elevation as determined by a minimum of two observations spaced at least three (3) weeks apart during the months of April and May. The observations shall be taken at locations as designated by the Selectmen or their agent(s).
  - (7) Contour lines for the entire property at five-foot intervals, showing existing surface elevations and proposed elevations for the excavated earth prior to re-loaming at the completion of operations.
  - (8) A profile through the property showing the steepest finished slopes or banks.
  - (9) Any and all easements, existing and proposed, public or private.
  - (10) Any and all benchmarks on or within one hundred (100) feet of said property.
  - (11) All land to be operated on, divided into square grids three hundred (300) feet on each side unless the property involved is less than such grid area and in such case the grid shall constitute the lesser area.
  - (12) The above-mentioned plan shall be drawn by a registered land surveyor, licensed to practice in Massachusetts, to a scale of one (1) inch equals forty (40) feet for areas up to twenty (20) acres, and at a scale of one (1) inch equals eighty (80) feet for larger areas. All profiles shall be drawn to a scale of one (1) inch equals four (4) feet. In addition, a plan shall be provided which will show the relationship of said property to easily identifiable landmarks. The authority, after study, may make such corrections and revisions in conjunction with the applicant prior to the public hearing as it deems advisable in the public interest.
  - (13) Estimated quantities of each substance to be excavated as calculated by a registered professional engineer.

- (14) Estimate and analysis by a registered professional engineer of materials and plantings required to repair the site and the approximate cost of restoration for completion of site after removal of authorized materials.
- (b) The plan(s) and application shall be available at the public hearing.

**Sec. 5-27. Fees and other expenses.**

The applicant shall pay a five hundred (\$500.00) dollar filing fee and pay such expenses for consultants or other services as the authority may require in connection with the petition. This filing fee is to be used in connection with the special permit and its subsequent regulation, of which the unexpended amount is refundable if the petition is not granted.

**Sec. 5-28. Considerations for approval.**

(a) The authority shall consider, among other things, the following: method of removal, days and time of working, type of machinery to be used, limitation of area for excavation, clearance of brush, elimination of dust, soil, erosion, watershed areas, water table protection, drainage, placing and size of culverts, contour grading and conditioning of the land after operations are completed, routes of travel, planting of area to suitable cover, disposition of topsoil, and reestablishing of ground levels and grades. In case of soil or loam removal, the recommendations of the appropriate soil district supervisor and the county extension director or agent and their successors shall be considered except where the removal of the soil or loam is, in the opinion of the authority, necessarily incidental to and in connection with the construction of a road or other facility involving a permanent change in the use of the land.

(b) In granting any special permit for the removal of material, the authority shall consider, in addition to the enforcing officer or Selectmen's agent(s) report in the case of renewal, a written report by the conservation commission whether the land is suitable for the removal of said material; and whether the operation will be injurious, noxious or offensive to a neighborhood for the reason of odor, fumes, dust, smoke, vibration or noise or other cause, and whether steps shall be taken so as not to hinder or endanger traffic on public or private ways. The authority may require, at its discretion, that police control of traffic be provided by the applicant at his expense.

**Sec. 5-29. Security required.**

(a) *Certificate of insurance.* The applicant shall provide the town counsel a certificate of insurance containing a public liability and property damage insurance with standard municipal "hold harmless" agreement. The amount of insurance is to be determined by the authority and said certificate, after approval by the town counsel, is to be filed with the Town Treasurer. Operations shall not begin until said insurance is approved.

(b) ***Bond or cash deposit.***

(1) A bond or cash deposit shall be required for all removal operations. The amount of the bond or cash deposit shall be determined by estimating the approximate cost of final grading, loaming and planting of seed and trees for the total parcel of land involved.

(2) The bond or cash deposit shall be held by the town for twelve (12) months after the termination of the project or until all conditions as required by the authority have been completed to the satisfaction of the authority. The terms of bond or cash deposit shall allow the authority, if after twelve (12) months from the date of the termination of said special permit all conditions as required have not been completed, to use said monies to comply with the originally stated conditions.

**Sec. 5-30. Decision to grant, extend, renew, etc., Permit.**

(a) ***Notice.*** Upon the granting of a special permit or any extension, modification or renewal thereof, the authority shall issue to the owners and to the applicant, if other than the owner, a copy of its decision, certified by the authority, containing the name and address of the owner, identifying the land affected, setting forth compliance with the requirements for the issuance of a special permit and certifying the copies of the decisions and all plans referred to in the decision have been filed with the Town Clerk.

(b) ***Filing.*** Such special permit, or any extension, modification or renewal thereof, shall not take effect until a copy of the decision has been filed with the Town Clerk.

**Sec. 5-31. Permit nontransferable, nonassignable.**

If such special permit is granted it shall be nontransferable and nonassignable.

**Sec. 5-32. Term of Permit; renewal application.**

A special permit for earth materials removal shall lapse within one (1) year after the granting date of the special permit (the granting date being included in the one-year period) . Renewal of a special permit shall be applied for at least ninety (90) days prior to the expiration of a special permit. Prior to the renewal of a special permit, to which mandatory specifications and restrictions shall be affixed and additional ones may be affixed, the authority will hold a public hearing. All procedures specified for the granting of an initial special permit shall apply to renewals.

**Sec. 5-33. Reports of compliance or noncompliance Prerequisite to permit renewal hearing.**

Before the renewal public hearing, the authority shall require the enforcing officer or the selectmen's agent(s) to submit in writing to the authority, within fifteen (15) days following receipt of an application for renewal, a statement of compliance on noncompliance with the restrictions and specifications as set forth in the special permit. If the statement reports noncompliance, the violations shall be indicated.



**Sec. 5-34. Action subsequent to reports of noncompliance.**

(a) When the statement of the enforcing officer or other selectmen's agent(s) indicates noncompliance with the restrictions and specifications as set forth in the special permit, the authority shall cause a certified letter, return receipt requested, to be written to the applicant. This letter shall:

- (1) Indicate the existing violations;
- (2) Advise the applicant that he shall have forty-five (45) days from receipt of the letter to comply with this article and with all specifications and restrictions set forth in -the special permit under -consideration for renewal; and
- (3) Advise him that the special permit will not be renewed unless he complies with the restrictions and specifications. At the end of the forty-five day period allowed for compliance and prior to the date of public hearing for renewal, the enforcing officer shall be required to submit a follow-up report to the authority indicating whether all violations have been corrected.

Failure of the applicant to correct said violations, shall prohibit the authority from granting any extension, modification or renewal of said special permit, and further, shall prohibit the applicant from applying for any other special permit under the earth removal regulations until such time as all existing violations have been corrected to the satisfaction of the enforcing officer and his written report, indicating full compliance, has been filed with said authority.

**Sec. 5-35. Specifications and restrictions on Permits, earth removal operations.**

(a) Upon the granting of any special permit, the following minimum specifications and requirements shall be imposed and be affixed to all special permits:

- (1) Trees, which are to be removed, shall be cleared (not bulldozed).
- (2) All cleared trees, brush and stumps shall be chipped or removed from the site. Wood chips may-be placed on. finished grade.
- (3) All loam and soil must be bulldozed into piles for future spreading. No loam-or soil may be removed from the property unless otherwise provided for in this bylaw.
- (4) Material other than loam or soil may be removed relative to contours as specified by the authority and as shown on the original plan or amended plan submitted by the applicant and approved by the authority. In material removal areas, ledge shall not be left exposed above the approved grade and boulders shall be removed or buried at least such that their tops are six (6) feet below the approved grade. In the event that ledge is encountered prior to reaching the approved grade, a revision of the approved grade plan must be submitted to the authority within thirty (30) days and no work affecting the proposed revision shall be done until the authority gives approval.

- (5) After the material has been removed from the first grid (three hundred (300) feet by three hundred (300) feet) and before proceeding to the next grid, the excavation shall be graded to the approved grade and all loam and soil shall then be respread over the entire excavation except in such areas as are required for egress in subsequent operations; and this shall be limited to thirty foot wide roadways and one hundred foot wide turnarounds. All banks prior to and resulting from operations shall be graded to a slope no steeper than two (2) feet horizontal to one (1) foot vertical. After all operations are completed, areas used for egress shall be brought to grade and finished in accordance with regulations pertaining to other areas as specified in this article.
- (6) All timbers, temporary structures and the like shall be removed as the operation is terminated.
- (7) Rye grass shall be seeded on this reloaded area at the rate of two hundred (200) pounds per acre.
- (8) Fingerling fir or other approved trees shall be planted over the entire area twelve (12) feet on centers.
- (9) Upon completion and approval by the authority of each three hundred (300) by three hundred (300) foot grid, the "security" may be advanced to the next grid.
- (10) The authority shall reserve the right to limit the days and hours of operation and shall require anti-dust treatment in those areas that, in the authority's opinion, require such treatment.
- (11) Under no circumstances and at no time shall material be removed to an elevation less than six (6) feet above the maximum water table elevation, such maximum water table elevation being previously defined herein. Material shall also not be excavated at any time to a level that will produce standing water, and drainage of surface water shall be maintained.
- (12) Backfilling shall be accomplished to the completed grades specified in the original petition and shall be accomplished with suitable material as approved by the authority, such backfilling to be covered by a minimum of six (6) inches of loam and rehabilitated in a manner previously prescribed.
- (13) Operations authorized herein shall not be conducted closer than one hundred (100) feet from the boundary of all adjoining property without the written consent of the owner of such property being on file with the authority. Excavations shall not be closer than seventy-five (75) feet of the right-of-way line of any existing street, road or highway, or one approved but not constructed, or a private way except where such excavation is necessary to establish the approved grades of a street.

- (14) At the applicant's expense, the authority shall require that property markers to be set to determine the total extent of the owner's property to be involved in operations, and that each grid (three hundred (300) feet by three hundred (300) feet of land, or less than a grid in the case of a complete parcel, being operated shall be so marked. Furthermore, the level of the water table as previously described herein shall be shown on said parcels at a convenient location and in such a manner to allow for measurements by the enforcing officer or other enforcing agent(s) as they believe are necessary to ensure compliance with this article.
- (15) All provisions of the Hatch Act and the Inland Wetlands Act shall be observed.
  - (b) The authority may also affix any additional specifications as are considered necessary.

**Sec. 5-36. Statutory authority; enforcement; Penalties.**

- (a) This article is adopted under General Laws, Chapter 40, Section 21, Clause 17, for prohibiting or regulating the removal of soil, loam, sand or gravel from land not in public use in the whole or in specified districts of the town.
- (b) The superior court shall have jurisdiction in equity to compel compliance with any ordinance or by-law made hereunder.
- (c) The penalty for violation of any ordinance or by-law made hereunder shall be-as follows: .
  - (1) For the first offense: Fifty (\$50.00) Dollars;
  - (2) For the second offense: One Hundred (\$100.00) Dollars; and
  - (3) For each subsequent offense: Two Hundred (\$200.00) Dollars.

**Sec. 5-37. Exceptions.**

(a) This article shall not prohibit the removal of such material as may be excavated solely for the purpose of construction of foundations from buildings and other allowable structures for which plans showing the limits of subsurface construction and excavation have been filed and building permits have been issued or for the purpose of constructing ways, utilities, services or other engineering works in accordance with lines and grades shown on plans submitted to and approved by the authority and other town officials and boards having jurisdiction.

This article shall not apply to the transference of material from one part of a duly registered lot, tract or parcel of land to another part of said lot,, tract or parcel of land.

(b) Any order or by-law prohibiting such removal hereunder shall not apply to any soil, loam, sand or gravel, or aggregate which is the subject of a permit or license issued under the authority of the town or by the appropriate licensing board of the town or by the board of appeals, or which is to be removed in compliance with the requirements of a subdivision plan approved by the town planning board.

**Sec. 5-38. Conflicting provisions.**

If any of the regulations in this article are in conflict with other regulations contained in the by-laws, the most stringent regulation shall apply.

**Sec. 5-39 - 5-60. Reserved.**

## CHAPTER 6

### FIRE PREVENTION

#### **Sec. 6-1. Building numbering.**

(a) Any person owning property in the Town of Groveland with a building or buildings situated thereon and assigned a permanent identifying number(s) by the Town shall affix said number(s) in such manner that it is visible from the roadway. Buildings not visible from the roadway shall have number(s) posted adjacent to the entrance of the property, either by affixing to a mailbox or other permanent fixtures. Within 60 days after acceptance of this Bylaw all owners must affix said numbers of not less than 4" in height.

(b) Violation of this Bylaw shall consist of the following penalties:

1st offense - Warning

2nd and subsequent offenses - \$25.00 per month for each month said violation continues to exist.

(c) In addition to other methods of enforcement available, this Bylaw may be enforced by Officers of the Fire and/or Police Departments of the Town of Groveland.

#### **Sec. 6-2. Open Burning.**

(a) A Burning Permit must be obtained through application with the Groveland Fire Department. Open burning of certain allowable materials may only be conducted during the period of January 15th through April 30th of each year in accordance with Massachusetts Department of Environmental Protection regulations on file with the Groveland Fire Department.

(b) Violation of this Bylaw shall consist of the following penalties:

1st offense - Warning

2nd and subsequent offenses - \$50.00

(c) In addition to other methods of enforcement available, this Bylaw may be enforced by Officers of the Groveland Fire and Police Departments.

#### **Sec. 6-3. Underground Tank Removal Fee.**

The fee for removal of underground tanks shall be set at One Hundred (\$100.00 Dollars per tank.

#### **Sec. 6-4 - 6-20 - Reserved.**

## CHAPTER 7

### LICENSES AND BUSINESS REGULATIONS

#### ARTICLE I. IN GENERAL

##### **Sec. 7-1. Peddlers and hawkers of fruits and vegetables.**

(a) **Registration.** No person shall hawk or peddle any of the articles enumerated in Section 15, of Chapter 65, as amended by Chapter 345 of the Acts of 1906 of the Revised Laws, until he has recorded his name and residence with the town clerk, and been assigned a number by him, or unless any vehicle or receptacle in which he shall carry or convey such articles shall have painted on it in letters and figures at least two (2") inches in height the name of the person selling, and the number given him by the town clerk.

(b) **License.**

- (1) **Required.** No hawkers or peddlers of fruit or vegetables shall expose for sale or sell any fruit or vegetables in any street, land or public place in this town without first obtaining a license therefor from the Selectmen, who are hereby authorized to grant the same upon the payment of a license fee.
- (2) **Fee.** Such license fee shall be determined by the Selectmen, but shall not exceed that fee which is prescribed for a license embracing this town by Section 19, of Chapter 65, of the Revised Laws.

(c) **Badge.** The Selectmen may provide that any persons acting under a license provided for by this section shall display a badge upon his person or vehicle, or both, when engaged in exposing for sale or selling fruit or vegetables.

##### **Sec. 7-2. Authority to license junk collectors, examine vehicles.**

The Selectmen may license suitable persons as junk collectors, to collect, by purchase or otherwise, junk, old metals, and secondhand articles from place to place in the town; and they may provide that such collectors shall display badges upon their persons or upon their vehicles, or upon both, when engaged in collecting, transporting or dealing in junk, old metals, or secondhand articles; and may prescribe the design thereof. They may also provide that any vehicle or receptacle used for the collection or keeping of the articles aforesaid may be examined at all times by the Selectmen, or by any person by them authorized thereto.

##### **Sec. 7-3. Selling from vehicles on public ways.**

(a) **Stopping, standing prohibited.** No person shall stand or stop any vehicle upon any public way in the town for the purpose of selling or offering for sale any food, beverage or goods, wares or merchandise therein or therefrom.

(b) **Exceptions.** This section, however, shall not prevent the stopping of vehicles of hawkers, and peddlers at dwelling houses for the purpose of selling goods, wares, or merchandise to occupants thereof in accordance with the provisions of Chapter 101 of the General Laws and regulations made under authority thereof.

**Sec. 7-4. Yard, garage, etc., sales.**

(a) **Permit required.** No yard, garage, porch or barn sale shall be held on any property in the town without the property owner or occupant of said property first obtaining a permit from the Board of Selectmen.

(b) **Term of permit.** Each permit granted by the Board of Selectmen shall not be for more than two (2) consecutive days of sale.

(c) **Sale items.** Only articles and items owned by the property owner or occupant shall be sold at the yard, garage, porch or barn sale.

(d) **Number of sales per year.** Not more than two (2) yard, garage, porch or barn sales shall be held by any property owner or occupant of said property within a one-year period..

**Sec. 7-5. Soliciting and Canvassing.**

(a) **License.** It shall be unlawful for any solicitor or canvasser defined in this Bylaw to engage in such business within the Town without first obtaining a license therefor in compliance with the provisions of this Bylaw. The provisions of this Bylaw shall not apply to any person exempted under Chapter 101 of the General Laws or to any person duly licensed under Chapter 101 of the General Laws or to any person exempted by any other General Law, nor shall this Bylaw be construed to prevent route salesmen or other persons having established customers to whom they make periodic deliveries from calling upon such customers or from making calls upon prospective customers to solicit an order for future periodic deliveries.

(b) **Definition of Solicitor/Canvasser.** Any person who, for himself or for another person, firm or corporation travels by foot, automobile or any other type of conveyance from place to place, from house to house or street to street, taking or attempting to lease or take orders for wholesale/retail sale of goods, wares, merchandise or services including without limiting, the selling, distributing, exposing for sale or soliciting orders for magazines, books, periodicals or other articles of a commercial -nature, the contracting of all types of home improvements or for services to be performed in the future whether or not such individual has, carries or exposes for wholesale/retail sale a sample of the subject of such sale or whether he/she is collecting advance payment for such wholesale/retail sales.

(c) **Application for License.** Applicants for a license shall file with the Chief of Police, on form issued by the Police Department, a written application signed under the penalties of perjury, containing the following information:

- (1) Name of Applicant
- (2) Address of Applicant (both local and permanent home address)
- (3) Applicant's height, weight, eye and hair color

- (4) Applicant's social security number
- (5) The length of time for which the right to do business is desired
- (6) A brief description of the nature of the business and the goods to be sold
- (7) The name and home office address of the applicant's employer. If self-employed, it shall so state
- (8) A photograph of the applicant which picture shall be submitted by the applicant and be 2" x 2" showing the head and shoulders of the applicant in a clear and distinguishing manner
- (9) ***If operating a motor vehicle:*** The year, make, color, VIN #, registration number, state of registration, vehicle's owner and address.

Upon filing said application, each applicant shall pay a fee of Twenty (\$20.00) Dollars.

(d) ***Investigation and Issuance of License.***

- (1) Upon receipt of the application form, the Chief of Police or his designee shall investigate the applicant's reputation as to morals and integrity.
- (2) After said investigation, but within seven 7(7) business days of the filing of the applicant, the Chief of Police or his designee shall endorse on such application his approval or disapproval. Failure of the Police Chief or his designee to act on said permit within seven (7) business days of the applicant's filing shall constitute approval. If disapproved, the applicant shall have the right to appeal to the Board of Selectmen in writing within seven (7) days of the denial by the Chief of Police or his designee. The Board of Selectmen must act upon the appeal at one of their next two regularly scheduled meetings. Failing to do so shall be deemed approval.
- (3) Such license when issued shall contain the signature of the Chief of Police and/or the Board of Selectmen and shall show the name, address and photograph of said licensee, the date of issuance and the length of time the license shall be effective, as well as the license number.
- (4) The Police Department shall keep a record of all licenses issued for a period of six (6) years. Solicitors and canvassers, when engaged in the business of soliciting or canvassing, are required to display an identifying document issued by the Police Department by wearing said document on their outer garment. Each licensee is required to possess an individual license.

(e) ***Enforcement.*** The Police Officers of the Town shall enforce this By-Law. No license shall be transferred or is transferable.



(f) **Revocation.** The Chief of Police or his designee is vested with the authority and jurisdiction to revoke said licenses. Any person aggrieved by said revocation may appeal to the Board of Selectmen within seven (7) business days, and a hearing will be scheduled for one of the next two regularly scheduled meetings of the Board of Selectmen.

(g) **Expiration of License.** Each license issued under the provisions of this Bylaw shall continue in force from the date of issue until the 31st of December following, unless sooner revoked.

(h) **Renewal.** A license issued under the provisions of this By-Law may be renewed by the Chief of Police or his designee. An applicant requesting a renewal of a license must apply in person for such renewal, and provide such information as is required to obtain an initial license.

(i) **Misrepresentation.**

- (1) No solicitor or canvasser licensed or exempted from license, may misrepresent in any manner, the buyer's right to cancel as stipulated by Chapters 93, 93A and 255D of the Massachusetts General Laws.
- (2) No solicitor or canvasser licensed or exempt from license may use any plan, scheme or ruse which misrepresents the true status or mission of the person making the call in order to gain admission to a prospective buyer's home, office or other establishment with the purpose of making a sale of consumer goods or services.

(j) **Trespassing.** It shall be unlawful for any canvasser or solicitor to enter the premises of a resident or business who has displayed a "No Trespassing" or "No Soliciting" sign or poster. Further, it shall be unlawful for canvassers or solicitors to ignore a resident or business person's no solicitation directive or remain on private property after its owner has indicated that the canvasser or solicitor is not welcome.

(k) The following may be exempt from licensing requirements upon first contacting the Chief of Police or his designee:

- (1) Persons engaged in soliciting for charitable, benevolent, religious or political activities.

(l) **Penalty.** Any person violating any provision of this Bylaw shall upon conviction thereof, be punished by a fine not to exceed Fifty (\$50.00) Dollars for each and every offense.

**Sec. 7-6.** No person who is licensed to sell food products shall allow the consumption of alcoholic beverages on their premises unless they are licensed to sell such beverages on their premises under M.G.L. c.138, s.12, or hold a 1-day license issued pursuant to M.G.L. c.138, s. 14.

Adopted: October 5, 2009-Special Town Meeting-Article 6

**7-7. - 7-50. Reserved**

## **ARTICLE II. LICENSES AND PERMITS OF DELINQUENT TAXPAYERS**

### **Sec. 7-51. Notice to licensing authorities.**

The tax collector or other town official responsible for records of all town taxes, assessments, betterments and other town charges, hereinafter referred to as the tax 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 and transfers, a list of any person, corporation, or business enterprise, hereinafter referred to as the party, that has neglected or refused to pay any town taxes, fees, assessments, betterments or other town charges for not less than a twelve-month period, and that such party has not filed in good faith a pending application for an abatement of such tax or a pending petition before the appellate tax board.

### **Sec. 7-52. Denial, revocation or suspension of license or permit; notice to party and tax collector.**

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 from the tax collector; provided, however, that written notice is given to the party and the tax collector, as required by applicable provisions of 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 tax collector shall have the right to intervene in any hearing conducted with respect to such license denial, revocation or suspension. Any findings made by the licensing authority with respect to such license denial, revocation or suspension shall be made only for the purposes of such proceeding and shall not be relevant to or introduced in any other proceeding at law, except for any appeal from such license denial, revocation or suspension. Any license or permit denied, suspended or revoked under this section shall not be reissued or renewed until the licensing authority receives a certificate issued by the tax collector that the party is in good standing with respect to any and all town taxes, fees, assessments, betterments or other town charges, payable to the town as the date of issuance of said certificate.

### **Sec. 7-53. Payment agreement; Penalty for noncompliance.**

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

**Sec. 7-54. Waiver of denial, suspension or revocation.**

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 General Law Chapter 268, Section 1) in the business or activity conducted in or on said property.

**Sec. 7-55. Exceptions.**

This article shall not apply to the following licenses and permits: open burning, Section 13 of chapter 48; bicycle permits, section 11A of Chapter 85; sales of articles for charitable purposes, Section 33 of Chapter 101; children work permits, Section 69 of Chapter 149; clubs, associations dispensing food or beverage licenses, Section 21E of Chapter 140; dog licenses, Section 137 of Chapter 140; fishing, hunting, trapping license, Section -12 of Chapter 131; marriage licenses, Section 28 of Chapter 207; and theatrical events, public exhibition permits, Section 181 of Chapter 140, Sections and chapters refer to the General Laws of the Commonwealth.

**Sec. 7-56. - 7-80. Reserved.**

## CHAPTER 8

### OFFENSES AND MISCELLANEOUS PROVISIONS

#### **Sec. 8-1. Consumption of alcoholic beverages.**

(a) *Where prohibited.* No persons shall drink any alcoholic beverages as defined in Chapter 138, Section 1 of the Massachusetts General Laws, while on, in, or upon any public way or upon any way to which the public has a right of access or license, park or playground, school grounds, or private land or place without the consent of the legal owner or person in control thereof.

(b) *Violation; penalties.* All alcoholic beverages being used in violation of this section shall be seized and safely held for trial before the court, at which time they shall be returned to the person entitled to lawful possession, unless otherwise ordered by the court. Whoever violates this section shall be subject to a fine of Fifty (\$50.00) Dollars for each offense.

#### **Sec. 8-2. Nude swimming, bathing.**

No person shall swim or bathe in any waters within the limits of the town, so as to be exposed in a nude state, to the view of any persons passing, or being upon any railroad or street, or in any dwelling house in the town.

#### **Sec. 8-3. Indecent, profane, insulting language.**

No person shall use any indecent, profane or insulting language in any public place in the town within audible distance of any dwelling house, or other building therein.

#### **Sec. 8-4. Rude, disorderly behavior.**

No person shall behave himself in a rude or disorderly manner in any public place in the town.

#### **Sec. 8-5. Frightening or scaring horses.**

No person shall by any noise, gesture, or other means, wantonly or designedly frighten any horse in any street or other public place in the town.

#### **Sec. 8-6. Tying horses to trees; climbing trees.**

No person shall tie a horse to a tree in any street, and no person, except an employee of the town, or of a telephone or telegraph company, shall climb any tree on any public way or ground in the town.

**Sec. 8-7. Building materials on public ways.**

No person shall put, place, or pile wood, lumber, stones, or other materials within the limits of any public street or way within the town, with permission of the Selectmen.

**Sec. 8-8. Obstructing free Passage; loitering.**

No person shall continue to stand or remain, alone or with others near, on any sidewalk or in any public place, in such a manner as to obstruct a free passage for travelers thereon, or loiter on any sidewalk or street after having been requested by a constable or police officer to move on.

**Sec. 8-9. Congregations obstructing pedestrian traffic.**

(a) *Prohibited.* Three (3) or more person(s) shall not stand together or near each other in any street or way dedicated to public use, or on any footwalk or sidewalk or upon any land left open between the street and building facing thereon and left open and used as a sidewalk in the town, so as to obstruct the free passage of foot passengers; and any person or persons so standing shall move immediately after a request to do so by any police officer of the town.

(b) *Violators subject to arrest.* Any person(s) in violation of the above subsection may be arrested by any police officer empowered to arrest in the town, and prosecuted according to law.

(c) *Penalty.* Whoever violates this section shall be subject to a fine of Fifty (\$50.00) Dollars for each offense.

**Sec. 8-10. Use of public ways for bonfires, playing games, throwing missiles, etc.**

No person shall make a bonfire or other fire, or kick a football, or play at any game in which a ball is used, or fly a kite or balloon, or throw stones or snowballs, or other missiles, in any public street or way in the town.

**Sec. 8-11. Sleds, similar vehicles on sidewalks and streets.**

No person shall coast or slide on any sled or other like vehicle in or upon any public sidewalk or street or way in the town except at such times, and in such places as may from time to time be designated by the Selectmen.

**Sec. 8-12. Sweeping rubbish onto sidewalks or streets.**

No person shall sweep rubbish on to any sidewalk or-street in the town.

**Sec. 8-13. Throwing posters, handbills, etc., onto public or private property.**

(a) *Prohibited.* No person shall throw posters, handbills, flyers, advertising sheets, waste or any form of waste or rubbish in or upon any public way or upon any way to which the public has a right of access, parks or playgrounds, school grounds, or private land or place, without permission of the legal owner or person in control thereof.

(b) *Penalty.* Whoever violates this section shall be subject to a fine of One Hundred Dollars (\$100.00) for the first offense, Two Hundred Dollars (\$200.00) for the second offense, and Three Hundred Dollars (\$300.00) for the third and each subsequent offense.

**Sec. 8-14. Noxious accumulations.**

No person shall put or suffer to accumulate on his premises any refuse, animal, or vegetable matter, rubbish or filth, whereby any offensive or obnoxious stench of effluvia shall be created, and the health or comfort of the citizens be injuriously affected.

**Sec. 8-15. Importing decayed, damaged vegetable products.**

No person shall bring into town any decayed or damaged grain, rice, coffee, fruit, potatoes, or other vegetable product or any tainted or damaged meat or fish, without a permit therefor from, and in such manner as directed by, the Board of Health.

**Sec. 8-16. Hunting, discharging firearms.**

(a) *Permitted on private property with consent of owner.* No person shall hunt or fire or discharge any firearms on any private property except with the written consent of the owner or the legal occupant thereof, and such consent shall be carried at all times by any person hunting and upon request shall be shown to any police officer or officer of the department of conservation, or the property owner or his agent.

(b) *Exceptions.* This section shall not be applied to the lawful defense of life or property or to any law enforcement officer in the defense of his duties.

(c) *Penalty.* Any person violating any provisions of this section shall be punished by a fine of not more than Fifty (\$50.00) Dollars for each offense.

**Sec. 8-17. False alarms.**

**(a) *Definitions.***

- (1) The term "Alarm System" means an assembly of equipment and devices or single device such as a solid state unit which plugs directly into a 110 volt AC line, arranged to signal the presence of a hazard requiring urgent attention and to which police are expected to respond. The provisions of this Bylaw shall not apply to alarm devices or premises owned or controlled by the Town nor to alarm devices installed in a motor vehicle or trailer.
- (2) The term "False Alarm" means:
  - (a) The activation of an alarm system through mechanical failure, malfunction, improper installation or negligence of the user of an alarm system or of his employees or agents;
  - (b) An incident in which the police are dispatched to the alarmed premises due to any signal or oral communication transmitted to the police department requesting or requiring a response on the part of the police department when in fact there has been no unauthorized intrusion, robbery or burglary, imminent hazard or attempted threat. For the purposes of this definition, activation of alarm systems by acts of God, including, but not limited to, power outages, hurricanes, tornadoes, earthquakes, and similar weather or atmospheric disturbances shall not be deemed to be a false alarm.
- (3) The Chief of Police is hereby authorized to require the registration and approval of all Burglar Alarm Systems prior to their installation. Alarm permit applications will be available at the Police Department.

**(b) *Interconnection of Automatic Dialing Devices.***

- (1) No automatic dialing device shall be interconnected to any telephone numbers at the Police Department after the effective date of this Bylaw.
- (2) Within six (6) months after the effective date of this Bylaw, all automatic dialing devices interconnected to any telephone numbers at the police department shall be disconnected therefrom at the expense of the user. The user of each such device shall be responsible for having the device disconnected upon notification by the Chief of Police and/or his designee.

**(c) *Control and Curtailment of Signals Emitted by Alarm Systems.***

- (1) Every alarm user shall submit to the Chief of Police and/or his designee the names and telephone numbers of at least two other persons who are authorized to respond to an emergency signal transmitted by an alarm system and who can open the premises where in the alarm system is installed.

- (2) All alarm systems installed after the effective date of this Bylaw which use an audible horn or bell shall be equipped with a device that will shut off such horn or bell within fifteen (15) minutes after activation of the alarm system.
- (3) Any alarm system emitting a continuous and uninterrupted signal for more than fifteen minutes between 7:00 P.M. and 6:00 A.M. which cannot be shut off or otherwise curtailed due to the absence or unavailability of the alarm user or those persons designated by him and which disturbs the peace, comfort, or repose of neighborhood or of a considerable number of inhabitants of the area where the alarm system is located, shall constitute a public nuisance. Upon receiving complaints regarding such a continuous and uninterrupted signal, the Chief of Police and/or his designee shall endeavor to contact the alarm user, or members of the alarm user's family, or those persons designated by the alarm user in an effort to abate the nuisance. The Chief of Police and/or his designee shall cause to be recorded the names and addresses of all complaints and the time each complaint was made.

(d) *Penalties.*

- (1) The user shall be assessed Twenty-five (\$25.00) Dollars as a false alarm service fee for each false alarm in excess of two (2) occurring within a calendar year.
- (2) The user of a system who fails to pay a fine after said notification may be ordered to disconnect and otherwise discontinue the use of said alarm system connection to the Police Department.
- (3) All fees assessed shall be paid to the Town of Groveland for deposit in the General Fund.

**Sec. 8-18. Smoking in Public Buildings.**

No person shall smoke or have in his possession any lighted cigar, cigarette or other tobacco product in any building or room owned or occupied by the Town other than in a specifically designated area. The Board of Health shall designate area(s) in which smoking shall be allowed, and shall post an appropriate number of signs indicating those areas in which smoking is prohibited. Violators shall be subject to fines consisting of \$10.00 for a first offense, \$20.00 for a second offense, and \$25.00 for a third offense and any subsequent offenses. This Bylaw shall be enforced by the Groveland Police Department.



## **Sec. 8-19. Wetlands**

### **Section I. PURPOSE.**

The purpose of this Bylaw is to protect the wetlands, related water resources, and adjoining land areas in the Town of Groveland by controlling activities deemed by the Conservation Commission likely to have a significant or cumulative effect upon resource area values, including but not limited to the following: public or private water supply, ground water, flood control, erosion and sedimentation control, storm damage prevention including coastal storm flowage, water quality, water pollution control, fisheries, shellfish, wildlife habitat, rare species habitat including rare plant species, agriculture, aquaculture, and recreation values, deemed important to the community (collectively, the "resource area values protected by this Bylaw "). This Bylaw is intended to utilize the Home Rule authority of this municipality to protect additional resource areas, for additional values, with additional standards and procedures stricter than those of the Wetlands Protection Act, G.L. Ch. 131, Section 40 and Regulations thereunder, 310 CMR 10.00.

### **Section II. JURISDICTION.**

1. **Areas Subject to Protection under the Bylaw.** The following resource areas are subject to protection under the Bylaw:

- a. Freshwater Wetlands
- b. Marshes
- c. Wet Meadows
- d. Bogs
- e. Swamps
- f. Lakes
- g. Rivers
- h. Ponds
- i. Streams
- j. Land within 100 feet of the above resource areas
- k. Land under water in the above resource areas
- l. Land subject to flooding or inundation by groundwater or surface water
- m. Land within 100 feet of said land subject to flooding or inundation, and
- n. A 200 foot buffer from the Merrimac River.

2. **Activities Subject to Regulation under the Bylaw.**

Any activity proposed or undertaken which will remove, fill, dredge, building upon, or alter a resource area specified in paragraph I herein is subject to regulation under the Bylaw and requires the filing of a Notice of Intent or (RFD) Request for Determination.

In the event the Commission determines that an activity outside said resource areas has altered an area subject to protection under the Bylaw, it shall impose such conditions on the activity or any portion thereof as it deems necessary to contribute to the protection of the interests identified in the Bylaw.

### **Section III. CONDITIONAL EXCEPTIONS.**

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

Other than stated in this section, the exceptions provided in the Wetlands Protection Act. G.L. 131, Sec. 40, and Regulations, 310 CMR 10.00, shall not apply under this Bylaw.

### **Section IV. APPLICATIONS FOR PERMITS AND REQUESTS FOR DETERMINATION**

Written application shall be filed with the Commission to perform activities affecting resource areas protected by this Bylaw. The permit application shall include such information and plans as are deemed necessary by the Commission to describe proposed activities and their effects on the resource areas protected by this Bylaw. See Section X, 4 a-v. for plan requirements.

The Commission in appropriate cases may accept as the permit application and plans under this Bylaw the Notice of Intent and plans filed under the Wetlands Protection Act, G.L. Ch. 131, Sec. 40, and Regulations, 310 CMR 10.00.

Any person desiring to know whether or not a proposed activity or an area is subject to this Bylaw may in writing request a determination from the Commission. Such a request for Determination (RFD) shall include information and plans as are deemed necessary by the Commission. Said RFD shall be submitted to the Commission on the appropriate form as issued by the D.E.P.

After public notice and public hearing the Commission is authorized to include in any regulations adopted under this bylaw a fee schedule imposing application fees for permits, determinations, inspections, waivers and certificates of compliance. This application fee is in addition to that required by the Wetlands Protection Act, MGL C. 131, S. 40, and shall be commensurate with the costs incurred by the Commission. Failure to pay any fee required by regulations duly promulgated by the Commission shall be grounds for denial of the application. **Amended April 24, 2006**

Upon receipt of a permit application or RFD, the Commission is authorized to require an applicant to pay a fee for the reasonable costs and expenses borne by the Commission for specific expert engineering and other consultant services deemed necessary by the Commission to come to a final decision on the application. This fee is called the consultant fee. The specific consultant services may include but are not limited to resource area survey and delineation, analysis of resource area values, including wildlife habitat evaluations, hydrogeologic and drainage analysis, and environmental or land use law.

The Commission may waive the filing fee, consultant fee, and costs and expenses for a permit application or RFD filed by a government agency.

The Commission may require the payment of the consultant fee at any point in its deliberations prior to a final decision.

The exercise of discretion by the Commission in making its determination to require the payment of a consultant fee shall be based upon its reasonable finding that additional information acquirable only through outside consultants would be necessary for the making of an objective decision.

The Commission shall return any unused portion of the consultant fee to the applicant unless the Commission decides at a public meeting that other action is necessary. Any applicant aggrieved by the imposition of, or size of, the consultant fee, or any act related thereto, may appeal according to the provision of the Massachusetts General Laws.

The maximum consultant fee charged to reimburse the Commission for reasonable costs and expenses shall be according to the following schedule:

PROJECT COST		MAXIMUM FEE
UP TO	\$ 250,000.	NO FEE
\$ 250,001.	\$ 500,000.	\$ 2,500.
\$ 500,001.	\$1,000,000.	\$ 5,000.
\$1,000,001.	\$1,500,000.	\$ 7,500.
\$1,500,001.	\$2,000,000.	\$10,000.

Each additional \$500,000 project cost increment (over \$2,000,000) shall be charged at an additional \$2,500. maximum fee per increment.

The project cost means the estimated, entire cost of the project including, but not limited to, building construction, site preparation, landscaping, and all site improvements. The consultant fee shall be paid pro rate for that portion of the project cost applicable to those activities within resource areas protected by this Bylaw. The project shall not be segmented to avoid being subject to the consultant fee. The applicant shall submit estimated project costs at the Commission's request, but the lack of such estimated project costs shall not avoid the payment of the consultant fee.

#### **Section V. NOTICE AND HEARINGS.**

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

The Commission shall conduct a public hearing on any permit application or RFD, with written notice given at the expense of the applicant, five business days prior to the hearing, in a newspaper of general circulation in the municipality.

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

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

The Commission in an appropriate case may combine its hearing under this Bylaw with the hearing conducted under the Wetlands Protection Act, G.L. Ch. 131, Sec. 40, and Regulations, 310 CMR 10.00.

The Commission shall have authority to continue the hearing to a certain date announced at the hearing, for reasons stated at the hearing, which may include receipt of Additional information from the applicant or others deemed necessary by the Commission in its discretion, or comments and recommendations of the boards and officials listed in Section VI.-

#### **Section VI. COORDINATION WITH OTHER BOARDS.**

Any person filing a permit application or RFD with the Commission shall provide a copy thereof at the same time, by certified mail (return receipt requested) or hand delivery, to the Planning Board, Board of Health and Building Inspector shall be provided in the same manner to the Conservation Commission of the adjoining municipality, if the application of RFD pertains, to property within 300 feet of the municipality. An affidavit of the person providing notice or the original certified mail return receipts along with a copy of the notice as mailed or delivered, shall be filed with the Commission. The Commission shall not take final action until the boards and officials have had at least 14 days from receipt of notice to file written comments and recommendations with the Commission, which the Commission shall take into account in rendering a final decision. The applicant shall have the right to receive any comments and recommendations, and to respond to them at a hearing of the Commission, prior to final action.

#### **Section VII. PERMITS AND CONDITIONS.**

If the Commission, after a public hearing, determines that the activities which are subject to the permit application of the land and water uses which will result therefrom are likely to have a significant individual or cumulative effect upon the resource area values protected by this Bylaw, the Commission, within 21 days of the close of the hearing, shall issue or deny a permit for the activities requested. If it issues a permit the Commission shall impose conditions which the Commission deems necessary or desirable to protect those values, and all activities shall be done in accordance with those conditions. The Commission shall take into account the cumulative adverse effects of loss, degradation, isolation, and replication of protected resource areas through the community and the watershed, resulting from past activities, permitted and exempt, and foreseeable future activities.

The Commission is empowered to deny a permit for failure to meet the requirements of this Bylaw; 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 the regulations of the Commission; for failure to avoid or prevent unacceptable significant or cumulative effects upon the resource area values protected by this Bylaw; and where no conditions are adequate to protect those values. Due consideration shall be given to any demonstrated hardship on the applicant by reason of denial, as presented at the public hearing.

Land within 100 feet of specific resource areas are presumed important to the protection of these resources because activities undertaken in close proximity to wetlands and other resources 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 degraded, poor water quality, and loss of wildlife habitat. The Commission therefore may require that the applicant maintain a strip of continuous, undisturbed vegetative cover within the 100 foot area, unless the applicant convinces the Commission that the area or part of it may be disturbed without harm to the values protected by the Bylaw.

To prevent wetlands loss, the Commission shall require applicants to avoid wetlands alteration wherever feasible; shall minimize wetlands alteration; and, where alteration is unavoidable, shall require full mitigation. The Commission may authorize or require replication of wetlands as a form of mitigation, but only with adequate security, professional design, and monitoring to assure success, because of the high likelihood of failure of replication.

A permit shall expire two years from the date of issuance. Notwithstanding the above, the Commission in its discretion may issue a permit expiring five years from the date of issuance for recurring or continuous maintenance work, provided that a request for a renewal is received in writing by the Commission prior to expiration. Notwithstanding the above, a permit may contain requirements which shall be enforceable for a stated number of years, indefinitely, or until permanent protection is in place, and shall apply to all owners of the land.

For good cause the Commission may revoke or modify a permit or determination issued under this Bylaw with the Order of Conditions or Determination of Applicability issued under the Wetlands Protection Act, G.L. Ch. 131, Sec. 40, and Regulations, 310 CMR 10.00.

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

### **Section VIII. DEFINITIONS.**

In addition to the definitions of -310 CMR 10.00, which are incorporated herein by reference, the following definitions shall apply in the interpretation and implementation of this Bylaw.

The term "bank" shall include the land area which normally abuts and confines a water body; the lower boundary being the mean annual low flow level, and the upper boundary being the first observable break in the slope or the mean annual flood level, whichever is higher.

The term "vernal pool" shall include a confined basin depression which, at least in most years, holds water for a minimum of two continuous months during the spring and/or summer, and which is free of adult fish populations, as well as the area within 100 feet of the mean annual boundary of such a depression, regardless of whether the site has been certified by the Massachusetts Division of Wildlife and Fisheries.

The term "rare species" shall include, without limitation, all vertebrate and invertebrate animal and plant species listed as endangered, threatened, or of special concern by the Massachusetts Division of Fisheries and Wildlife, regardless of whether the site in which they occur has been previously identified by the Division.

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

The term "alter" shall include, without limitation, the following activities when undertaken to, upon, within or affecting resource areas protected by this Bylaw:

- A. Removal, excavation, or dredging of soil, sand, gravel, or aggregate materials of any kind;
- B. Changing of preexisting drainage characteristics, flushing characteristics, salinity distribution, sedimentation-. patterns, flow patterns, or flood retention characteristics;
- C. Drainage, or other disturbance of water level or water table;
- D. Dumping, discharging, or filling with any material which may degrade water quality;
- E. Placing of fill, or removal of material, which would alter elevation;
- F. Driving of piles, erection, or repair of buildings, or structures of any kind;
- G. Placing of obstructions or objects in water;
- H. Destruction of plant life including cutting-of trees;
- I. Changing temperature, biochemical oxygen-demand, or other physical, biological, or chemical characteristics of any waters;
- J. Any activities, changes, or work which may cause or tend to contribute to pollution of any body of water or ground water;
- K. Application of herbicides;
- L. Incremental activities, which have, or may have, a cumulative adverse impact on the resource areas protected by this Bylaw.

Except as otherwise provided in this Bylaw or in regulations of the Commission, the -definitions of terms in this Bylaw shall be as set forth in the Wetlands Protection Act, G. L. Ch. 131, Sec. 40, and Regulations, 310 CMR 10..00.

### **Section IX. REGULATIONS.**

1. **Burden of Proof.** The applicant for a permit shall have the burden of providing by a preponderance of the credible evidence that the work proposed in the application shall not have an unacceptable, significant or cumulative negative effect upon the values of the resource area(s) protected by this Bylaw. Failure to provide adequate evidence to the Commission supporting this burden shall be deemed sufficient cause for the Commission to deny a permit or grant a permit with conditions.

2. **Presumption Concerning Title 5 of the State Environmental Code.** In accordance with. 310 CMR Section 10.03 (3), except the following additional restrictions apply:

- a. None of the components of the subsurface disposal system may be located within 50 feet of the following resource areas: Freshwater Wetlands, Marshes, Wet Meadows, Bogs, Swamps, Lakes Rivers, Ponds or Streams.
- b. The leaching facility of said system, including the reserve area, shall be set back 100 feet from any resource area identified in paragraph 10.03 (2) (a) herein.
- c. The setback distance specified above shall not be required for the renovation or replacement (but is required for the substantial enlargement) of septic systems constructed prior to the-date these Regulations are promulgated provided such work has been approved by the Groveland Board of Health, as required by law.

### 3. **Dimensional Regulations.**

- a. Underground Storage Tanks for Chemicals and Petroleum Products, regardless of size, shall not be located within 100 feet of any resource area described in Section II.
- b. No Paddock shall be installed within 100 feet of any resource area described in Section II (except for 100 foot Buffer Areas).
- c. Commercial, Institutional, Industrial Structures and associated parking facilities shall not be installed within 100 feet of any resource area described in Section II (except for 100 foot Buffer Areas).
- d. Any other structure requiring a building permit including, but not limited to, Dwellings, Garages, Decks, Storage Sheds, Swimming Pools, Etc., shall not be installed within 75 feet of any resource area described in Section II (except for 100 foot Buffer Areas).
- e. Driveways and Utility service connections or mains shall not be installed within 25 feet of any resource area described in Section II (except for 100 foot Buffer Areas).
- f. Manure shall not be stockpiled or stored within 100 feet of any resource area described in Section II (except for 100 foot Buffer Areas).

4. **Seasonal Restrictions.**

- a. Work within a resource area shall be performed during "low flow" months of the year whenever practical. Springtime is not the proper time of year for working within a wet area. The Commission shall impose construction date limitations on an as needed basis determined by each individual project.-
- b. All stabilization work must commence by October 15 and be in place and fully functional prior to November 1. This shall include any and all required plantings (or temporary protection methods) slope protection, and pavement as required by the Commission in its decision. No work within any resource area described in Section II shall be permitted after November 1 or before April 15 of the following year.

**Section X. WETLANDS (FRESHWATER WETLANDS, WET MEADOWS, MARSHES, SWAMPS & BOGS)**

1. **Preamble.**

Freshwater Wetlands are likely to be significant to public or private water supply, ground water supply, flood control, storm damage prevention, prevention of pollution, the protection of fisheries and wildlife habitat, recreation, and aesthetics.

The plant communities, soil, and associated low topography of Freshwater Wetlands remove or detain sediments, nutrients (such as nitrogen and phosphorus) and toxic substances (such as heavy metal compounds) that occur in runoff and flood waters.

Some nutrients and toxic substances are detained for years in plant root systems or in the soils. Others are held by plants during the growing season and released as the plants decay in the fall and winter. This latter phenomenon delays the impacts of nutrients and toxins until the cold weather period, when such impacts are less likely to reduce water quality.

Freshwater Wetlands are areas where groundwater discharges to the surface and where, under some circumstances, surface water discharges to the groundwater. The profusion of vegetation and the low topography of Freshwater Wetlands slow down and reduce the passage of flood waters during periods of peak flows by providing temporary flood water storage, and by facilitating water removal through flood damage to private and public property. During dry periods the water retained in Freshwater Wetlands is essential to the maintenance of base flow levels in rivers and streams, which in turn is important to the protection of water quality and water supplies.

Wetland vegetation provides shade that moderates temperatures important to fish life. Wetlands and adjacent water bodies and waterways provide food, breeding habitat and cover for fish. Fish populations in the larval stage are particularly dependent on food provided by over-bank flooding which occurs during peak flow periods (extreme storms), because most river and stream channels do not provide sufficient quantities of the microscopic plant and animal life required.



Wetland vegetation supports a wide variety of insects, reptiles, amphibians, mammals, and birds which are a source of food for important game fish. Freshwater Wetlands are probably the Town's most important habitat for wildlife. The hydrologic regime, plant community composition and structure, soil composition and structure, topography and water chemistry of Freshwater Wetlands provide important food, shelter, migratory and overwintering areas, and breeding areas for many birds, mammals, amphibians, and reptiles. A wide variety of vegetative wetland plants, the nature of which are determined-in large part by the depth and duration of water, as well as soil and water composition, are utilized by varied species as important areas for mating, nesting, brood rearing, shelter, and (directly and indirectly) food. The diversity and interspersed nature of the vegetative structure is also important in determining the nature of its wildlife habitat. Different habitat characteristics-are used by different wildlife species during summer, winter, and migratory seasons.

2. **Identification.**

The Groveland Bylaw is not restricted to protection of Bordering Vegetated Wetlands, but applies to all wetlands. Wetlands and their boundaries shall be identified in the manner designated in G.L. Chapter 131, Section 40, incorporated herein by reference. Where appropriate, the Commission may use additional criteria for the identification of wetlands and their boundaries, but not limited to, soil type.

Only Isolated Wetlands greater than 5000 square feet in area are subject to protection under these Regulations.

3. **Review Period.**

Wetland boundary delineations shall be reviewed only between April 1 and December 1 of each year, unless the Commission grants a waiver on a particular site due to the low probability of error, or reserves the right to adjust the boundary during the growing season.

4. **Presumption.**

Where a proposed activity involves the removing, filling, dredging, or altering of a Freshwater Wetland, the Commission shall presume that such area is significant to the interests specified in paragraph X.1 herein.

5. **General Performance Standards.**

Any proposed work in a Freshwater Wetland shall not destroy or otherwise impair any portion of said area. However, and at its sole discretion, the Commission may issue a permit allowing work which results in the loss of up to 5000 square feet of Freshwater Wetlands when said area is replaced in accordance with the following general conditions and any specific conditions the Commission deems necessary to ensure that the replacement area will function in a manner similar to the area that will be lost.

- a. The surface of the replacement area to be created (the "replacement area") shall be at least equal to that of the area which will be lost (the "lost area"). At the discretion of the Commission, the replacement area may be required to exceed the size of the lost area.

- b. The ground water and surface water elevations of the replacement area shall be approximately equal to that of the lost area.
- c. The overall horizontal configuration and location of the replacement area with respect to the bank shall be similar to that of the lost area.
- d. The replacement area shall have an unrestricted hydraulic connection with the same water body or waterway associated with the lost area.
- e. The replacement area shall be located within the same general area of the water body or reach of the waterway as the lost area.
- f. A minimum of 75% of the replacement area shall be reestablished with indigenous wetland plant species within two growing seasons, and prior to said vegetative establishment any exposed soil in the replacement area shall be temporarily stabilized to prevent erosion in accordance with the U.S. Soil Conservation Service methods.
- g. The replacement area shall be provided in a manner which is consistent with all other performance standards for each resource area described in these regulations.

6. **Alteration of finger-like Wetland Areas.**

Notwithstanding the provisions of paragraph IX.5 a-g herein, the Commission may issue a permit allowing work which results in the loss of a portion of the Freshwater Wetlands when:

- a. Said portion has a surface area of less than 500 square feet;
- b. Said portion extends in a distinct linear configuration ("finger-like") into adjacent uplands; and
- c. In the judgment of the Commission it is not reasonable to scale down, redesign or otherwise change the proposed work so that it could not be completed without the loss of said Wetland.

7. **Limited Projects in Wetlands.**

Notwithstanding the provisions of paragraphs X.5 and X-6 herein, the Commission, at its sole discretion, may issue an Order of Conditions for the limited range of projects identified in 310 CMR 10.53.

**Section XI. LAND UNDER WATER BODIES AND WATERWAYS (RIVERS, STREAMS, PONDS, LAKES).**

Refer to Sections I, II and X of the Bylaw.

**Section XII. LAND SUBJECT TO FLOODING.**

Refer to Sections I, II and X of the Bylaw.

### **Section XIII. RARE OR ENDANGERED SPECIES.**

Refer to Sections I, II and X of the Bylaw. Any project shown to be within an area of an endangered, threatened or special concern species as shown on the current Estimated Habitat Map shall submit notice of the project to Massachusetts Natural Heritage and Endangered Species Program in accordance with 310 CMR 10.37 and 10.59. Notification shall be a required portion of the filing before the Commission.

### **Section XIV. BUFFER ZONES.**

#### **1. Preamble.**

It has been the Commission's experience that any project undertaken in close proximity to a wetland resource area is likely to result in some type of alteration, either immediately, as a consequence of construction, or over a longer period of time, as a consequence of daily operation of the completed project. Accordingly, these regulations require that any person intending to perform work within 100 feet of a resource area must submit to the Commission either a RFD or a Notice of Intent. This way, the Commission has an opportunity to review the proposed project to determine whether any alterations of the resource area will occur, and whether any resulting alteration is in compliance with this or other applicable performance standards.

If in response to a Request For Determination of Applicability the Commission finds that work within the Buffer Zone will not alter the Resource area, it may issue a Negative Determination of Applicability, with or without conditions.

#### **2. Presumption.**

Based on experience to date with projects in the Buffer Zone, the Commission may presume that work in the categories below closer than the tabulated distances from the Resource protected by the Buffer Zone will result in alteration of the Resource.

Refer to Section IX.2, IX.3 and IX.4 for regulations concerning subsurface disposal systems, dimensional restrictions and setbacks and calendar dates for work within the Buffer Zone.

The following activities within the Buffer Zone will typically be considered not to have a negative affect on an adjacent Resource area:

- a. Landscape plantings, to within 25 feet of the protected area, provided that areas disturbed are mulched immediately and there is no change in grade. Species of plants likely to invade the Resource area shall be prohibited.
- b. Construction or installation of fences or structures that do not require a building permit where no extensive filing or grading of the area is involved.

#### **3. Additional Restrictions along the Merrimack River.**

**Preamble.**

The Merrimack River and its banks are a vital part of our Ecosystem. Many species rely entirely on the river as a habitat to feed, reproduce and survive, some of these species are listed as rare, threatened or endangered, such as the Bald Eagle, Deer, Moose and numerous other mammals as well as birds, reptiles, amphibians and fish also rely on this habitat for survival.

A 200 foot no-work zone (measured horizontally from the mean high tide water mark) shall be established along the bank of the Merrimack River. No cutting of trees, undergrowth, brush, etc. shall be permitted in this area. Access to the river shall be permitted by one 7 foot maximum wide path as described in section XIV.4. The path shall be used solely for foot traffic access to the waters edge or a private dock. The wooded area must be maintained with a natural leaf litter. No planting of other than indigenous species shall be permitted (including any species of grass). No fertilizers or herbicides shall be permitted within this area.

4. **Cutting of Vegetation.**

- a. **No-cut Zone.** There shall be a no cut zone 25 feet (measured horizontally from the mean annual high water mark) adjacent to the protected Resource. Vegetation in this zone shall not be cut or trimmed in any manner. A single path to the Resource area per lot may be created and maintained if limited to seven (7) feet in width. Paths on adjacent lots shall be separated by a minimum of 25 feet.
- b. **Understory.** Mowing or cutting vegetation to within 25 feet (measured horizontally from the mean annual high water mark) of the protected Resource area is allowed without filing a Notice of Intent, provided that soil is not exposed to erosion and that sod cover or natural litter is maintained.
- c. **Overstory/Canopy.** To promote recharge of the groundwater and avoid excessive runoff, not more than 40% of the trees in the Buffer Zone shall be removed. No clear cutting of trees shall be permitted within any Buffer Zone. Minimal clearing to allow erection of permitted structures will be allowed. All permissible cutting shall be done in such a manner so as to ensure that a well distributed stand of trees, by size, and other vegetation remains throughout the Buffer Zone.
- d. **Pre-existing Use.** Landscaping in a Buffer Zone in existence on the date these regulations are promulgated may be maintained. However, landowners are encouraged to comply with these regulations in order to protect the values identified in the Groveland Wetland Protection Bylaw.

5. **Limited Projects in the Buffer Zone.**

Notwithstanding the provisions of paragraphs XIV.2 and XIV.3 herein, the Commission at its sole discretion, may issue a permit or execution of work in the Buffer Zone of the limited range of projects identified in 310 CMR 10.53.

**Section XV. PROCEDURES.**

1. **Bylaw.** The procedures detailed in the Bylaw shall apply.
2. **Review of Materials.** All materials requested by the Commission for review shall be submitted at least 14 days prior to a subsequent posted meeting during which a decision is to be rendered.
3. **Copies.** All Notices of Intent and Request for Determination applications shall contain two (2) sets of the complete filing.
4. **Plan Requirements.** The following requirements apply to plans submitted. At its sole discretion, and with the exception of subparagraphs h, i, j, k, l, q, the Commission may relax these requirements for small projects.
  - a. Sheet Size: Maximum 24 inches by 36 inches
  - b. Scale: Not smaller than 1 inch equals 50 feet
  - c. Title Block: Located along the right hand edge
    - 1) Name of owner of record, applicant, surveyor/ PE (if involved)
    - 2) Lot number, street number, street, assessor's map and lot number
    - 3) Original date
    - 4) Revision area for dates and nature of revisions
    - 5) Scale
  - d. North Arrow.
  - e. Locus
  - f. Nearest utility pole number, if applicable
  - g. Reference benchmark
  - h. Legend depicting all natural resources
    - i. All resource areas
    - j. Wetland boundaries indicated by numbered points corresponding to flags placed in the field
    - k. 100 foot Buffer Zone
      1. Off-site resource areas within 100 feet of proposed work
  - m. Existing improvements, e.g. buildings, stone walls, trails, trees, etc.
  - n. All existing topography and proposed contours at no less than 2 foot intervals
  - o. Cross-sections

- p. Location of well and septic system with reserve area
- q. Erosion/sedimentation control measures
- r. Replication areas with plantings and a plant legend
- s. All proposed drainage improvements, discharge points, retention and detention areas with calculations
- t. Property boundaries, rights-of-way, easements, restrictions
- u. 100 year flood plain boundary and elevation

5. **Abutters List.**

The abutters list is to be certified by the Assessors' Office.

6. **Consultant Services.**

In those cases wherein Section IV of the Bylaw (Application for Permits and Requests for Determination) is applicable, a contract for consultant services shall be signed by the Commission and such services shall be funded by the applicant prior to any further action by the Commission on the Notice of Intent.

7. **Advertising Fee.**

The advertising fee for public Notice will be billed directly to the applicant by the newspaper in which the project is advertised.

8. **Hardship.**

The Commission, in its sole discretion, may permit a project in a resource area if denial would result in effectively taking the use of the property from the owner. In such cases the Commission may modify the scope and detail of the proposed project to minimize impact on the values protected by the Bylaw.

**Section XVI. EFFECTIVE DATE.**

The effective date of the Bylaw and regulations contained herein shall be as provided in G.L. Chapter 40, Section 32. The Regulations shall not, however, apply to:

- (a) any structure or use lawfully in existence or lawfully begun prior to the Effective Date;
- (b) any structure or use which is the subject of either a pending application, otherwise known as a Notice of Intent, or a Request for Determination of Applicability, filed prior to the Effective Date;

- (c) any structure or use for which any extensions of or modifications or amendments to any existing wetlands permit may now or hereafter be issued, the original Notice of Intent for which was filed prior to the Effective Date;
- (d) any lot for which a Preliminary or definitive plan for subdivision has been submitted to the Groveland Planning Board and remains pending prior to the Effective Date pursuant to Sections 3.2 ("Preliminary Plan") and 3.3 ("Definitive Plan") of the Rules and Regulations governing the Subdivision of Land in the Town of Groveland and Chapter 41 of the General Laws;
- (e) any proposed structure or use on any lot existing prior to the Effective Date in which a proposed structure or use cannot fully comply with the Regulations due to lot size, shape, or topography in which event any such proposed structure or use shall comply with these Regulations to the extent reasonably capable of so-doing as determined by the Commission in its sole discretion; Financial limitations shall not be deemed as a reason for non-compliance on any new construction if the dimensional requirements can be met.

The parcels of land excepted from the Regulations pursuant to X. 1a - e above shall, however, together with all other land which is subject to the Bylaws, remain subject to the Bylaw and Regulations in effect immediately prior to the Effective Date.

#### **Section XVII. SECURITY.**

As part of a permit issued under this Bylaw, in addition to any security required by any other municipal or state board, agency, or official, the Commission may require that the performance and observance of the conditions imposed thereunder (including conditions requiring mitigation work) be secured wholly or in part by one or more of the methods described below:

- a. By a proper bond or deposit of money or negotiable securities or other undertaking of financial responsibility sufficient in the opinion of the Commission, to be released in whole or in part upon issuance of a Certificate of Compliance--for work performed pursuant to the permit
- b. By a conservation restriction, easement, or other covenant enforceable in a Court of law, executed and duly recorded by the owner of record, running with the land to the benefit of this municipality whereby the permit conditions shall be performed and observed before any lot may be conveyed other than by mortgage deed. This method shall be used only with the consent of the applicant.

#### **Section XVIII. ENFORCEMENT.**

No person shall remove, fill, dredge, build upon, degrade, or otherwise alter resource areas protected by this Bylaw, or cause, suffer, or allow such activity, or leave in place unauthorized fill, or otherwise fail to restore illegally altered land to its original condition, or fail to comply with a permit or an enforcement order issued pursuant to this Bylaw.

The Commission, its agents, officers, and employees shall have authority to enter upon privately owned land for the purpose of performing their duties under this Bylaw and may make or cause to be

made such examinations, surveys, or sampling as the Commission deems necessary, subject to the constitutions and laws of the United States and the Commonwealth.

The Commission shall have authority to enforce this Bylaw, its regulations, and permits issued hereunder by violation notices, administrative orders, and civil and criminal court actions. Any person who violates provisions of this Bylaw may be ordered to restore the property to its original condition and take other action deemed necessary to remedy such violations, or may be fined, or both.

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

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

Any person who violates any provision of this Bylaw, or regulations, permits, or administrative orders issued thereunder, shall be punished by a fine of not more than \$300.00. Each day or portion thereof during which a violation continues, or unauthorized fill or other alteration remains in place, shall constitute a separate offense, and each provision of the Bylaw, regulations, permits, or administrative orders Violated shall constitute a separate offense.

**Section XIX. APPEALS.**

A decision of the Commission shall be reviewable in the Superior Court in accordance with G. L. Ch. 249, Sec. 4.

**Section XX. RELATION TO THE WETLANDS PROTECTION ACT.**

This Bylaw is adopted under the Home Rule Amendment of the Massachusetts Constitution and the Home Rule statutes, independent of the Wetlands Protection Act, G.L. Chapter 131, Section 40, and Regulations 310 CMR 10.00 thereunder.

**Section XXI. SEVERABILITY.**

The invalidity of any section or provision of this Bylaw shall not invalidate any other section or provision thereof, nor shall it invalidate any permit or determination which previously has been issued.



**Sec. 8-20. Recycling.**

Residents of every household of the Town of Groveland are encouraged to separate the items of recyclable waste listed below from the regular waste materials collected at curbside each week, and to take them on their own, on the second and fourth Saturday of each month, between the hours of 9:00 A.M. and 1:00 P.M. to the Town Recycling Center, presently located at the Municipal Buildings Complex, 181-183 Main Street, Groveland, in accordance with the following regulations:

- a. NEWSPRINT: All newspapers and newspaper advertisements, supplements, comics and enclosures only,, tightly secured in brown paper grocery bags. Corrugated boxes and plastic bags are PROHIBITED from being used to secure said newsprint.
- b. GLASS: Only clean, unbroken clear, brown and green glass bottles and jars with lids, metal rings and plastic covers/caps removed. Paper labels need not be removed. PROHIBITED: Flat glass, plate glass, light bulbs, china, crockery, window glass, mirrors and drinking glassware.
- c. CANS: Only clean aluminum, tin and steel cans with contents and paper label removed.
- d. PLASTICS: Only clean white plastic milk/water containers, detergent bottles, beverage bottles which are stamped on the bottom with a #1 or #2. PROHIBITED: All other plastics not clearly marked with a #1 or #2.

Ownership of recyclable materials delivered to the Recycling Center shall be vested in the Town. The Board of Selectmen may dispose of recyclable materials by contract or in such other manner as it may from time to time determine. All monies realized from any or all sales shall be deposited with the Town Treasurer.

The invalidity of any section, subsection, sentence, clause, phrase or portion of this Bylaw shall not invalidate the validity of the remaining portions hereof.

**Sec. 8-21. Operating motor bike, trail bike, motorcycle, skimobile on private or public property.**

- (1) No person shall operate a motor bike, trail bike, motorcycle, skimobile or any other similar motor-driven vehicle on or upon any private property in the Town of Groveland without written permission of the owner or legal occupant thereof.
- (2) No person shall operate a motor bike, trail bike, motorcycle, skimobile or any other similar motor-driven vehicle on or upon any property of the Town of Groveland other than a traveled public way without written permission of the Board of Selectmen and the Chief of Police.
- (3) Any person in violation of the above shall be punished by a fine of not more than one hundred dollars (\$100.00) for each offense.

**Sec. 8-22. Motorized Scooter Prohibition**

- A. Definition: Described as the following: Motorized Scooter-unregistered, two wheels, with handle grips, power by a gasoline 2-stroke or 4-stroke engine. A “motorized bicycle” or motorcycle, as defined in Massachusetts General Laws, Chapter 90, §1, are not motorized scooters.
- B. Operating Restrictions: It shall be unlawful for any person to operate or permit to operate the defined motorized scooter within the Town of Groveland under any of the following circumstances:
1. On public sidewalks.
  2. On public and private roadways by a person not possessing a valid driver’s license or learner’s permit.
  3. In public parks and recreational areas.
  4. On public school property.
  5. On private property without the prior written consent of the owner or occupant of said property. No written consent shall be required for operation of any motorized scooter upon the property of any private club or other organization that permits the use of similar recreational vehicles by the club members.
  6. In such manner as to create loud or unnecessary noise as to unreasonably disturb or interfere with persons in the peaceful and quiet enjoyment of their property. To this end, no person shall operate a scooter before the hour of 9:00 A.M. and after the hour of 7:00 P.M.
  7. To have a second rider on the same scooter.
  8. Failing to wear protective headgear conforming to Registry of Motor Vehicle’s standards.
- C. Any person legally entitled to operate a motor scooter, as set forth herein, must conform with all traffic laws and regulations of the Commonwealth.
- D. Penalty: Any violation of the within bylaw shall be subject to a \$25.00 fine for the first offense and a \$50.00 fine for all subsequent offenses.

**Adopted November 13, 2002**

**CHAPTER 9**  
**PLANNING AND ZONING**

**Sec. 9-1. Zoning Bylaws -- Adopted by reference.**

The zoning by-laws are hereby incorporated herein by reference thereto.

**Sec. 9-2. Quorum.**

No zoning bylaw shall be adopted or amended at a Special Town Meeting having a quorum of less than one hundred (100) of the legal voters of the town.

**Sec. 9-3. - 9-20. Reserved.**

## CHAPTER 10

### STREETS, SIDEWALKS AND OTHER PUBLIC WAYS

#### **Sec. 10-1. Driveways entering accepted streets.**

Entering any driveway upon any accepted street without permission of the Board of Selectmen and the Road Commissioner is prohibited.

#### **Sec. 10-2. Coaches, carts, wheelbarrows, etc., prohibited on sidewalks.**

No person shall drive, wheel or draw any coach, cart, wheelbarrow, hand-cart, or any carriage of burden or pleasure (except children's carriages drawn by hand) upon any sidewalk in the town.

#### **Sec. 10-3. Obstructing sidewalks for construction.**

(a) *License, bond required.* The Selectmen may grant a written license to any person to occupy or obstruct a sidewalk for a limited time for the more convenient erection, alteration, repair of a building, and they shall require the person to whom such license is given to furnish a satisfactory bond to the town to hold it harmless from all claims for loss or damage such occupancy or obstruction.

(b) *Alternative walkway.* Whenever any sidewalk becomes obstructed under such license, the person doing the work or causing the same to be done shall place a good and convenient walk around such obstructions when ordered to do so by the Selectmen or other officials having charge of the public streets.

#### **Sec. 10-4. Street Opening/Trench Permits.**

(a) Street Openings. No person except the Road Commissioner/Superintendent of Streets, or his designee, shall excavate through, in or under any street or sidewalk, or any way or part thereof, without first obtaining a written Street Opening Permit from the Road Commissioner/Superintendent of Streets. Such Street Opening Permit shall be in a form and containing general conditions as developed and modified from time to time by the Road Commissioner/Superintendent of Streets. Any excavation involving a public way shall be assessed a street opening fee to be used for future restoration and maintenance of the affected area.

(b) Trench Excavation.

Section 1. Pursuant to the provisions of M.G.L. c. 82A, the Town hereby adopts and incorporates by reference the regulations of the Division of Occupational Safety as promulgated under 520CMR14.00 as same may be from time to time amended. The purpose of this bylaw is to establish reasonable standards to protect the safety of the citizens of the Town of Groveland.

Section 2. The Road Commissioner/Superintendent of Streets, or his designee, shall serve as the Permitting Authority and may promulgate additional regulations consistent with such state enactments. The Board of Selectmen may vote to designate a reasonable fee to defray the cost of the issuance and administration of said permit.

Section 3. No person shall, except in an emergency, make a trench excavation in any public way, public property or privately owned land until a permit is obtained from the Permitting Authority, or his designee. The Permit Holder shall be responsible for obtaining the appropriate permit for the excavation of trenches for each project from the Permit Authority, or his designee.

Section 4. In the event a trench is determined to be unsafe and unattended, the town's Highway Department shall take action to backfill, barricade, or cover the trench and the permit holder shall be assessed and be responsible to the Town for the costs associated with the action, including any overtime costs for Highway Department employees or the department authorized contractors.

Section 5. Whenever a permit holder is making multiple trenches over the course of a single project, the Permitting Authority, or his designee, may choose to issue a blanket permit allowing the permit holder to add to the list of trench locations as the permit holder becomes aware that a trench is required. The permit holder shall advise the Permitting Authority, or his designee, of the addition of each new trench.

Section 6. If any of the foregoing provisions are held invalid such invalidity shall not affect the validity of any remaining provision. **Amended Special Town Meeting-April 27, 2009**

#### **Sec. 10-5 . Temporary Repairs of Private Ways.**

The Town of Groveland may make temporary repairs on private ways which have been opened to public use for a period of six years or more, provided the repairs are for the Protection of the health and safety of the general public using such roads.

Such repairs shall include the filling of holes in the subsurface of such ways and repairs to the surface material thereof. Materials for such repairs, where practical, should be as, or similar to, those used for the existing surfaces of such ways, but may include surfacing with bituminous materials, including but not limited to bituminous concrete.

Drainage improvements, as determined by the Road Commissioner to be necessary as a result of the repairs, may also be done. Drain repairs shall be made only if petitioned for by the abutters who own frontage on such ways and with the approval of the land owner, if necessary, and if the Board of Selectmen declares that they are required by the public necessity and convenience to make such repairs based on an advisory opinion of the Road Commissioner. Drainage easements shall, if necessary, be the responsibility of the petitioners. The cost of such repairs shall be paid by the abutters by a cash deposit as herein provided.

No repairs shall be commenced unless and until a cash deposit equal in amount to the estimated cost of such repairs, as determined by the Road Commissioner, is paid to the Town and the Board of Selectmen have given their approval for the project. No betterment charges shall be assessed for such repairs.

The Town shall not be liable on account of any damage whatsoever caused by such repairs. The Board of Selectmen may require an indemnity agreement executed by the petitioning abutters, indemnifying the town for all claims and damages which may result from making such repairs.

The Town may, subject to the approval of the Board of Selectmen and based on the advisory report of the Road Commissioner, make temporary minor repairs to private ways not to exceed \$500.00 in total or aggregate per way in any one calendar year provided the private way has been open to public use for a period of six years or more. The repair shall be limited to minor work such as filling, patching, and not more than grading or scraping twice per year. No such repairs shall be done unless there is unanimous agreement by all abutters that the work shall commence and the Town of Groveland shall be held harmless from any and all damages or claims arising out of such repairs.

## **Sec. 10-6. GROVELAND SCENIC ROADS BYLAW**

### **Section 10-6.1. AUTHORITY AND PURPOSE**

This bylaw is adopted under authority of Chapter 40, Section 15C of the Massachusetts General Laws. The purpose of the scenic roads bylaw is to protect the scenic qualities of a road which is being repaired, maintained, reconstructed or paved. If none of these activities are taking place, then the scenic roads bylaw does not apply.

### **Section 10-6.2. ADMINISTERING AUTHORITY**

As specified by Special Legislation of the Commonwealth of Massachusetts, a joint committee of four (4) members from the Groveland Road Study Committee, appointed by the Road Study Committee, and the three (3) members of the Board of Selectmen shall constitute the administering authority for the Scenic Roads Bylaw.

### **Section 10-6.3. DESIGNATING A SCENIC ROAD**

The Board of Selectmen, the Planning Board, the Conservation Commission or the Historical Commission may recommend or request a road for scenic road designation by submitting a Warrant Article for approval at the Annual Town Meeting. The Annual Town Meeting must then vote to designate the road as a scenic road by majority vote. A state highway may not be designated as a scenic road. A numbered route may be so designated only if its entire length is contained within the town and no part of the route is owned or maintained by the Commonwealth. G. L. Chapter 40, Section 15C.

In determining which roads or portions of roads should be recommended to Annual Town Meeting for designation as a scenic road, the following criteria shall be considered: overall scenic beauty; contribution of trees to scenic beauty; scenic views; historic stone walls; built features including historic buildings, monuments, burial grounds, farm buildings and fencing; and age and historic significance of roads, trees and stone walls. Roads that have previously been designated as scenic roads may be re-evaluated using the foregoing criteria, and have the scenic road designation removed by majority vote at Annual town meeting.

### **Section 10-6.4. PROCEDURES FOR REQUESTING APPROVAL FOR CUTTING OR REMOVING TREES OR TEARING DOWN OR DESTROYING STONE WALLS ON A SCENIC ROAD**

Once a road is designated as a scenic road, any repair, maintenance, or paving work with respect to the road may not include cutting or removal of trees or tearing down or destruction of stone walls except with the prior written consent of the administering authority. The administering authority must first hold a public hearing within thirty (30) days of receiving the request for consent for such work, duly advertised twice in a newspaper of general circulation, the last advertisement at least seven days prior to

the hearing date. If the contemplated road work includes the cutting of public shade trees, the authorizing committee's hearing under the scenic roads statute shall be combined with the Tree Warden's public shade tree hearing.

**Section 10-6.5. APPROVAL OR DENIAL OF REQUEST FOR CUTTING OR REMOVING TREES OR TEARING DOWN OR DESTROYING STONE WALLS ON A SCENIC ROAD**

The administering authority, and the Tree Warden, if required, shall make a decision to authorize or deny the work request within 14 days of the public hearing, unless a longer time is agreed to by the applicant for the work. The administering authority, and the Tree Warden, if required, shall submit their decision in writing to the applicant and to the Town Clerk. Any consent granted must be implemented within two years of issue or it will become null and void and must be re-applied for.

Adopted June 24, 2000

**Section 10-7. Snow & Ice**

No person other than an employee of the Town of Groveland Highway Department or its designated sub-contractor operating under the direction of the Highway Department shall lay, throw, place or push any snow or ice into or across any street or public way within the Town in a manner which may obstruct the public way or constitute a safety hazard. Enforcement of this bylaw shall be in accordance with Section 1-1 of the General Bylaws and subject to the following fines: 1<sup>st</sup> offense – Warning; 2<sup>nd</sup> offense - \$50.00; 3<sup>rd</sup> offense - \$150.00; and all subsequent offenses - \$300.00”; or take any other action relative thereto.

Adopted May 19, 2003

Amended April 26, 2004

**Section 10-8. – 10-20. Reserved.**

**CHAPTER 11**

**UTILITIES**

**ARTICLE I. IN GENERAL**

**Sec. 11-1. - 11-19. Reserved,**

**ARTICLE II. WATER**

**Sec. 11-20. Permit required prior to water service connection.**

The owner or contractor of any completely new construction, residential or business is required to obtain a permit from the Board of Selectmen and/or the Board of Health before water service shall be connected.

**Sec. 11-21. Water Use Restriction Bylaw - Authority**

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

**Sec. 11-22. 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.

**Sec. 11-23. Definitions**

Person shall mean any individual, corporation, trust, partnership or association, or other entity.

State of Water Supply Emergency shall mean a State of Water Supply Emergency declared by the Department of Environmental Protection under M.G.L. c. 21G, §15-17.

State of Water Supply Conservation shall mean a State of Water Supply Conservation declared by the Town pursuant to section 11-24 of this bylaw.

Water Users or Water Consumers shall mean all public and private users of the Town's public water system, irrespective of any person's responsibility for billing purposes for water used at any particular facility.

**Sec. 11-24. 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 11-26 of this bylaw before it may be enforced.

**Sec. 11-25. Restricted Water Uses**

A declaration of a State of Water Supply Conservation shall include one or more of the following restrictions, conditions, or requirements to protect the water supply. The applicable restrictions, conditions, or requirements shall be included in the public notice required under section 11-26 of this bylaw.

- a) **Odd/Even Day Outdoor Watering.** Outdoor watering by water users with odd numbered addresses is restricted to odd numbered days. Outdoor watering by water users with even numbered addresses is restricted to even numbered days.
- b) **Alternate Day Outdoor Watering.** Outdoor watering by all water users is restricted to alternate days of the week. No outdoor watering on the other days as specified in the declaration of a State of Water Supply Conservation and the public notice.
- c) **Outdoor Watering Ban.** Outdoor watering is prohibited.
- d) **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 the public notice thereof.
- e) **Filling Swimming Pools.** Filling of swimming pools is restricted or prohibited.
- f) **Automatic Sprinkler Use.** The use of automatic sprinkler systems is restricted or prohibited.



**Sec. 11-26. Public Notification of a State of Water Supply Conservation: Notification of DEP**

Notification of any provision, restriction, requirement or condition imposed by the Town of Groveland as part of a State of Water Supply Conservation shall be published in a newspaper of general circulation within the Town, or by such other means reasonably calculated to reach and inform all users of water of the State of Water Supply Conservation. Any restriction imposed under Sec. 11-25 of this bylaw 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.

**Sec. 11-27. 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 11-26 of this bylaw.

**Sec. 11-28. State of Water Supply Emergency: Compliance with DEP Orders**

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

**Sec. 11-29. Penalties**

Any person, tenant, trustee or agent with control of water use, violating this bylaw shall have a copy of the notice of the declared State of Water Supply Conservation or State of Water Supply Emergency, including any provisions, restrictions, requirements or conditions and the penalties pertaining to such violation, personally delivered to the offending address by Water Department personnel. Any person continuing to violate this bylaw shall be notified by registered letter that this being their second violation, they are liable to the Town of Groveland in the amount of \$50.00 for this violation. Under a declared State of Water Supply Conservation a \$50.00 fine shall be assessed for the third and each subsequent day a violation occurs. Under a declared State of Water Supply Emergency the third violation shall result in the termination of water service. There will be a \$50.00 fee payable to the Water Department prior to the restoration of water service. 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 Massachusetts General Laws. Each day that a violation exists shall constitute a separate offense.

**Sec. 11-30. Severability**

The invalidity of any portion or provision of this bylaw shall not invalidate any other portion or provision there. *Adopted May 21, 2001.*

**Sec. 11-31. - 11-50. Reserved.**

**ARTICLE III. SEWERS**

**Sec. 11-51. Installation, maintenance and use of sanitary sewers.**

The "Rules Regulating the Use of Public and Private Sewers and Drains, the Installation and Connection of Building Sewers, and the Discharge of Waters and Wastes into the Public Sewer System(s); and Providing Penalties for Violations thereof: in the Town of Groveland, County of Essex, Commonwealth of Massachusetts," as promulgated by the Board of Selectmen and passed and adopted at the Town Meeting of April 15, 1976, are set forth in Appendix E of this volume.

## CHAPTER 12

### VEHICLES AND TRAFFIC

#### ARTICLE I. IN GENERAL

**Sec. 12-1. Official traffic control signs, signals, etc., Tampering with.**

Any person who willfully defaces, injures, moves, obstructs or interferes with any official traffic sign, signal or marking shall be liable to a penalty not exceeding Twenty (\$20.00) Dollars for each and every offense.

**Sec. 12-2. Official traffic control signs, signals, etc., Disobedience to.**

No driver of any vehicle or of any street car shall disobey the instructions of any official traffic control signal, sign, marking, marker or legend, unless otherwise directed by a police officer.

**Sec. 12-3. Obstructing public streets.**

(a) No person having under his care or control any vehicle shall permit the same, or the animal or animals attached thereto, if any, to stand across any public highway or street, in such a manner as to obstruct the travel over the same, for an unnecessary length of time.

(b) No person shall stop with any vehicle in any public street so near to another vehicle as to obstruct public travel.

**Sec. 12-4. Storing carriages, vehicles on streets.**

No person shall occupy any part of any public street as a storage room for carriages or other vehicles.

**Sec. 12-5. Driving within single lane; passing.**

When any roadway has been divided into lanes, a driver of a vehicle shall drive so as to be entirely within a single lane and shall not move from the lane in which he is driving until he has first ascertained if such movement can be made with safety.

**Sec. 12-6. Driving on roads closed to travel prohibited.**

No operator shall enter upon the road surface of any street or highway or section thereof, when, by reasons of construction, surface treatment, maintenance or the like, or because of some unprotected hazard, such road surface is closed to travel, and one (1) or more signs, lights or signals have been erected to indicate that all or part of the road surface of the street or highway is not to be used, or when so advised by an officer, watchman, member of a street or highway crew or employee of the town, either audibly or by signals.

**Sec. 12-7. Loads on vehicles required to be secured.**

No vehicle shall be driven or moved on any street or highway nor shall any owner of any vehicle knowingly permit such vehicle to be driven or moved on any street or highway unless such vehicle is so constructed or so loaded as to prevent its contents from spilling, dropping, sifting, leaking or otherwise escaping therefrom. Vehicles loaded with any material which may be blown about by the wind shall be suitably covered to prevent the contents from being blown upon the streets or highways.

**Sec. 12-8. Vehicles to stop prior to crossing sidewalk.**

The operator of a vehicle emerging from an alley, driveway or garage shall stop such vehicle immediately prior to driving on to a sidewalk or on to the sidewalk area extending across alleyway or driveway.

**Sec. 12-9. Duty of driver to report accident.**

The driver of any vehicle involved in an accident resulting in the injury or death of any person or property damage to an apparent total extent of two hundred (\$200.00) dollars or more shall, within twenty-four (24) hours, make a full and complete report in writing of such accident to the police headquarters of this town. A driver who has been incapacitated as a result of such accident, and to such extent as to make reporting it impossible or unfavorable to his recovery, shall not be required to report such accident until he has recovered sufficiently to be able to do so. The report shall be made on a form furnished by the police department, copies of which shall be available at the police station. Compliance with this section, however, shall not relieve such driver from the additional responsibility of reporting to the registrar of motor vehicles any accident in which a person is killed or injured.

**Sec. 12-10. Duty to stop upon command of police officer.**

No person having the charge of a vehicle in any street shall neglect or refuse to stop the same-, or -to place the -same when stopped as directed by a police officer.

**Sec. 12-11. Registered owner deemed Prima facie responsible for violations when driver cannot be determined.**

If any vehicle is found upon any street or highway in violation of any provisions of these rules and orders and the identity of the driver cannot be determined, the owner or person in whose name such vehicle is registered shall be held prima facie responsible for such violations.

**Sec. 12-12. - 12-40. Reserved.**

## ARTICLE II. STOPPING, STANDING AND PARKING

### Sec. 12-41. Vehicles for sale.

It shall be unlawful for any person to park upon a street or highway any vehicle displayed for sale.

### Sec. 12-42. State snow and ice parking regulations adopted by reference.

General Laws Chapter 322 of the Acts of 1961 relating to towing of vehicles from town ways where such vehicles are parked blocking removal of snow or ice or parked in violation of parking prohibitions is adopted herein by this reference thereto.

### Sec. 12-43. One-hour 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 1:00 A.M. and 6:00 A.M. Any vehicle parking in violation of this section will be towed away by the police at the expense of the owner.

### Sec. 12-44. Parking Regulations/General Prohibitions.

**PARKING - GENERAL PROHIBITIONS** No person shall park a vehicle in any of the following places. Vehicles found in violation of the provisions of this section may be issued a violation tag, moved by or under the direction of a Police Officer or both. If moved or towed, shall be at the expense of the owner.

1. Within an intersection.
2. Upon any sidewalk.
3. Upon any crosswalk.
4. Obstructing traffic on the roadway in a rural or residential area.
5. Upon the roadway in a residential or business district where 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 roadway except where angle parking is permitted.
6. Upon any roadway where parking a vehicle will not leave a clear and unobstructed lane at least ten (10) feet wide for passing traffic.
7. Upon any street or highway within ten (10) feet of a fire hydrant.
8. In front of any private road or driveway.

9. Upon any street or highway within twenty (20) feet of an intersecting way.
10. No person shall "double park" so as to obstruct traffic.
11. Upon any street or roadway posted "No Parking".
12. In any area designated "Handicapped Only" without a handicap plate or certificate issued by the Registry of Motor Vehicles.

#### **PROHIBITED ON CERTAIN STREETS**

Upon the following streets or highways or parts thereof parking is hereby prohibited:

1. Elm Park west, westerly side from its intersection with Main St. west to two hundred (200) feet southerly.
2. Elm Park west, easterly side from Gardner Street northerly to the entrance to the parking area.
3. Center Street, both sides, from the Boxford town line, easterly nine hundred (900) feet.  
**Amended-Annual Town Meeting-April 25, 2011, Article 12.**
4. Salem Street, both sides, from the Georgetown town line, to the City of Haverhill line.  
**Amended-Special Town Meeting-October 11, 2012, Article 2.**

#### **PROHIBITED AT CERTAIN TIMES**

- A. No person shall park or leave a vehicle on any street or highway during an emergency or snow storm. Vehicles parked in violation of this provision may either be tagged, moved by or at the direction of a Police Officer or both. Vehicles will be moved or towed at the expense of the owner.
- B. No vehicles may be parked on any streets or highways between the hours of 1:00 AM to 6:00 AM November 15th to March 15th of any year unless otherwise directed by the Chief of Police.

#### **ANGLE PARKING**

- A. The Board of Selectmen or their designee shall determine upon what streets angle parking shall be permitted and shall mark or post such streets or cause some to be marked or posted.
- B. Upon those streets which have been marked or posted for angle parking vehicles shall be parked within twelve (12) inches to the curb and at the angle to the curb indicated by such marks or official signs.

**TIME LIMITED IN DESIGNATED AREAS**

No person shall park a vehicle for a period of time longer than hereinafter specified

1. Elm Park west, westerly side, six hundred thirty-seven (637) feet to the intersection of Spring St. and Elm Park west - Fifteen (15) minutes.
2. Elm Park east, easterly side, one hundred thirty-two (132) feet to the end of the parking area - One (1) hour.
3. Elm Park east, easterly side, one hundred seventy (170) feet to the end of the parking area - Fifteen (15) minutes.
4. Elm Park east, westerly side, one hundred seventy (170) feet from Main Street to the end of the parking area - One (1) hour.

**Sec. 12-45. - 12-70. Reserved.**

## **ARTICLE III. UNREGISTERED MOTOR VEHICLES**

### **Sec. 12-71. Number permitted.**

The keeping of more than one (1) unregistered motor vehicle assembled or disassembled, except by a person licensed under General Laws, Chapter 140, Section 59, on any premises shall not be permitted, unless said motor vehicle is stored within an enclosed building.

### **Sec. 12-72. Special Permit required.**

A special permit to keep more than one (1) unregistered motor vehicle on any premises not within an enclosed building after a duly called public hearing to which all abutters to the premises have received notice, may be granted by the Board of Selectmen if it finds that such keeping:

- (1) Is in harmony with the general purpose and intent of this section;
- (2) Will not adversely affect the neighborhood; and
- (3) Will not be a nuisance.

### **Sec. 12-73. Limits on Special Permit.**

All such special permits shall limit the number of unregistered motor vehicles to be kept on the premises by the permit holder, shall not run with the land, and shall be limited to a reasonable length of time.

### **Sec. 12-74. Exceptions.**

This article shall not apply to motor vehicles which are designed for and used for agricultural purposes.

### **Sec. 12-75. Penalty.**

Whoever violates any provisions of this article of the by-laws shall be liable to a penalty of Five (\$5.00) Dollars per day for each day of violation, commencing ten (10) days following date of receipt of written notice from the Board of Selectmen.

### **Sec. 12-76 - 12-100. Reserved.**

## Chapter 13

### Community Preservation Committee Bylaw

#### **Sec. 13-1. Establishment**

There is hereby established a Community Preservation Committee, consisting of nine (9) 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 Board of Selectmen as designated by the Board of Selectmen for a term of three years.

One member of the Finance Committee as designated by the Finance Committee for a term of three years.

One member of the Conservation Commission as designated by the Conservation 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 Historical Commission as designated by the Historical Commission for an initial term of one year and thereafter for a term of three years.

One member of the Recreation Committee as designated by the Recreation Committee for an initial term of one year and thereafter for a term of three years.

One member of the Housing Authority as designated by the Housing Authority for an initial term of one year and thereafter for a term of three years.

One member of the Open Space & Trails Committee as designated by the Open Space & Trails Committee for an initial term of two years and thereafter for a term of three years.

One member of the Affordable Housing Task Force as designated by the Affordable Housing Task Force for an initial term of two years and thereafter for a term of three years.

Each member of the Committee shall serve for the term as set forth above, or until the person no longer serves in the position or on the board or committee as set forth above, whichever is earlier.

Should any of the Commissions, Boards, Councils or Committees who have appointment authority under this Section be no longer in existence for what ever reason, the appointment authority for that Commission, Board, Council, or Committee shall become the responsibility of the Board of Selectmen.

Any member of the Committee may be removed for cause by their respective authority after hearing.



### **Sec. 13-2. 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, the Recreation Committee, the Housing Authority, the Open Space & Trails Committee, and the Affordable Housing Task Force 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 the meetings 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 one or more recommendations at the Town Meeting for the acquisition, creation and preservation of open space; for the acquisition and preservation of historic resources; for the acquisition, creation and preservation of land for recreational use; for the acquisition, creation and preservation of land for natural resources and conservation purposes; for the creation, preservation and support of affordable housing and for rehabilitation or restoration of such open space, historic resources, land for recreational use and affordable housing that is required 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 on previously developed sites.
- (c) The Community Preservation Committee may include a recommendation at Town Meeting 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 those specific purposes or to set aside for later spending funds for general purposes that are consistent with community preservation.
- (d) In every fiscal year, the Community Preservation Committee must recommend either that the legislative body spend, or set aside for later spending, not less than 10% of the annual revenues in the Community Preservation Fund consistent with the provisions in M.G.L. Chapter 44B.

### **Sec. 13-3. Requirement for a quorum and cost estimates**

The Community Preservation Committee shall comply with the provisions of the Open Meeting Law, M.G.L. c. 39, §23B. The committee shall not meet or conduct business without the presence of a majority of the members of the Community Preservation Committee, which shall constitute a quorum. The Community Preservation Committee shall approve its actions by majority vote. Recommendations to the Town Meeting shall include the committee's anticipated costs.

**Sec. 13-4. Amendments**

This bylaw may be amended from time to time by a majority vote of the Town Meeting consistent with the provisions of M.G.L. c. 44B.

**Sec. 13-5. Severability**

In case any section, paragraph or part of this bylaw is, for any reason, declared invalid or unconstitutional by any court, every other section, paragraph or part shall continue in full force and effect.

**Sec. 13-6. Effective Date**

Following Town Meeting approval, this bylaw shall take effect immediately upon approval by the Attorney General of the Commonwealth, and after all requirements of M.G.L. c.40, §32 have been met. Each appointing authority shall have thirty days after approval by the Attorney General to make their initial appointments. Should any appointing authority fail to make their appointment within that allotted time, the current acting Chairman on each of the nine groups listed under the Establishment section, will sit on the Community Preservation Committee until another representative is appointed.

Adopted April 26, 2004

**Chapter 14**  
**STORMWATER MANAGEMENT AND**  
**LAND DISTURBANCE BYLAW**

***Sec. 14.1 PURPOSE***

14.1.1 Eroded soil and storm water runoff entering water resources are considered non-point sources of pollution that are responsible for the degradation of water quality and hydrology in lakes, ponds, streams, rivers, wetlands and groundwater. The United States Environmental Protection Agency (EPA) estimates that polluted storm water runoff is the leading cause of impairment to the nearly 40% of impaired waterbodies in the United States. (Source: 1998 EPA 303(d) list of impairment by category)

The impacts of construction activities and post development stormwater runoff quantity and quality can adversely affect public health, land, surface and groundwater resources, drinking water supplies, recreation, and aquatic life and habitat.

The purpose of this section is to reduce the degradation of public health, land, and the environment due to construction activities and land development from:

1. Soil erosion and sedimentation
2. Storm water runoff

The section regulates the design, construction, and maintenance of any development or other activity which disturbs soil or results in an increased rate of stormwater runoff on land in the Town of Groveland.

***Sec. 14.2 AUTHORITY***

14.2.1 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 40 CFR 122.34

***Sec. 14.3 DEFINITIONS***

**ABUTTER:** Property owner of any property having a common boundary line with the Applicant's property, or any owner of any property located adjacent to the Applicant's property on a public way or stream, or any property owner located within a distance of three hundred feet (300') of the property.

**AGRICULTURE:** The normal maintenance or improvement of land in agricultural or aquacultural use, as defined by the Massachusetts Wetlands Protection Act and its implementing regulations.

**ALTERATION OF DRAINAGE CHARACTERISTICS:** Any activity on an area of land that changes the water quality, force, direction, timing or location of runoff flowing from the area. Such changes include: change from distributed runoff to confined, discrete discharge; change in the volume of runoff from the area; change in the peak rate of runoff from the area; and change in the recharge to groundwater on the area.

**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-disturbance activity.

**AUTHORIZED ENFORCEMENT AGENCY:** The Town of Groveland Planning Board hereafterthe Board, its employees or agents designated to enforce this by-law.

**BEST MANAGEMENT PRACTICE (BMP):** An activity, procedure, restraint, or structural improvement that helps to reduce the quantity or improve the quality of storm water runoff.

**THE BOARD –** Town of Groveland Planning Board.

**CERTIFIED PROFESSIONAL IN EROSION AND SEDIMENT CONTROL ( 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.

**CONSTRUCTION AND WASTE MATERIALS:** Excess or discarded building or site materials, including but not limited to concrete truck washout, chemicals, litter and sanitary waste at a construction site that may adversely impact water quality.

**CONVEYANCE:** Any structure or device, including pipes, drains, culverts, curb breaks, paved swales, or man-made swales of all types designed or utilized to move or direct stormwater runoff or existing water flow.

**CLEARING:** Any activity that removes the vegetative surface cover.

**DEVELOPMENT:** The modification of land to accommodate a new use or expansion of use, usually involving construction.

**DISTURBANCE OF LAND:** Any action that causes a change in the position, location, or arrangement of soil, sand, rock, gravel or similar earth material.

**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.

**EROSION AND SEDIMENTATION CONTROL PLAN:** A document containing narrative, drawings and details developed by a qualified professional engineer (PE) and 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.

**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).

**GRADING:** Changing the level or shape of the ground surface.

**GROUNDWATER:** All water beneath any land surface including water in the soil and bedrock beneath water bodies.

**GRUBBING:** The act of clearing land by digging up roots and stumps.

**IMPERVIOUS SURFACE:** Any material or structure on or above the ground that prevents water infiltrating the underlying soil. Impervious surface includes without limitation roads, paved parking lots, sidewalks, and roof tops.

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

**LAND-DISTURBING ACTIVITY:** Any activity that causes a change in the position or location of soil, sand, rock, gravel, or similar earth material.

**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.

**MASSACHUSETTS STORMWATER MANAGEMENT POLICY:** The Policy issued by the Department of Environmental Protection, and 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 storm water impacts through implementation of performance standards to reduce or prevent pollutants from reaching water bodies and control the quantity of runoff from a site.

**MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4) or municipal storm drain system:** The system of conveyances designed or used for collecting or conveying stormwater, including any road with a drainage system, street, gutter, curb, inlet, piped storm drain, pumping facility, retention or detention basin, natural or man-made or altered drainage channel, reservoir, and other drainage structure that together comprise the storm drainage system owned or operated by the Town of Groveland.

**NEW DEVELOPMENT:** Any construction or land disturbance of a parcel of land that is currently in a natural vegetated state and does not contain alteration by man-made activities.

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

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

**OUTFALL:** The point at which storm water flows out from a point source discernible, confined and discrete conveyance into waters of the Commonwealth.

**OUTSTANDING RESOURCE WATERS (ORWs):** Waters designated by Massachusetts Department of Environmental Protection as ORWs. These waters have exceptional sociologic, recreational, ecological and/or aesthetic values and are subject to more stringent requirements under both the Massachusetts Water Quality Standards (314 CMR 4.00) and the Massachusetts Storm water Management Standards. ORWs include vernal pools certified by the Natural Heritage Program of the Massachusetts Department of Fisheries and Wildlife and Environmental Law Enforcement, all Class A designated public water supplies with their bordering vegetated wetlands, and other waters specifically designated.

**OWNER:** A person with a legal or equitable interest in property.

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

**PHASING:** Clearing a parcel of land in distinct sections, with the stabilization of each section before the clearing of the next.

**POINT SOURCE:** Any discernible, confined, and discrete conveyance, including but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, or container from which pollutants are or may be discharged.

**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.

**PRE-DEVELOPMENT:** The conditions that exist at the time that plans for the land development of a tract of land are submitted to the Conservation Commission or Planning Board.

**PRE-CONSTRUCTION:** All activity in preparation for construction.

**PRIORITY HABITAT OF RARE SPECIES:** Habitats delineated for rare plant and animal populations protected pursuant to the Massachusetts Endangered Species Act and its regulations.

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

**REDEVELOPMENT:** Development, rehabilitation, expansion, demolition or phased projects that disturb the ground surface or increase the impervious area on previously developed sites.

**RESOURCE AREA:** Any area protected under including, without limitation: the Massachusetts Wetlands Protection Act, Massachusetts Rivers Act, or Town of Groveland Wetland Protection Bylaw and Regulations.

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

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

**SEDIMENTATION:** The process or act of deposition of sediment.

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

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

**SOIL:** Any earth, sand, rock, gravel, or similar material.

**STORMWATER AUTHORITY:** Town of Groveland Planning Board or its authorized agents are responsible for coordinating the review, approval and permit process as defined by this Bylaw.

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

**STORMWATER:** Storm water runoff, snow melt runoff, and surface water runoff and drainage.

**STORMWATER MANAGEMENT PLAN:** A plan required as part of the application for a Storm water Management and Land Disturbance Bylaw Permit.

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

TSS: Total Suspended Solids.

VERNAL POOLS: Temporary bodies of freshwater which provide critical habitat for a number of vertebrate and invertebrate wildlife species.

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

WETLAND RESOURCE AREA: Areas specified in the Massachusetts Wetlands Protection Act G.L. c. 131, § 40 and Groveland Wetland Protection Bylaw and Regulations.

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, as defined in the Massachusetts Wetlands Protection Act G.L. c. 131, § 40, including freshwater marshes around ponds and channels (rivers and streams), brackish and salt marshes; common names include marshes, swamps and bogs.

#### ***Sec. 14. 4. APPLICABILITY***

14.4.1 No person may undertake a construction activity, including clearing, grading and excavation that results in a land disturbance that will disturb equal to or greater than 20,000 square feet of land or will disturb less than 20,000 square feet of land but is part of a larger common plan of development or sale that will ultimately disturb equal to or greater than 20,000 square feet of land draining to the Town of Groveland without a Storm water Management and Land Disturbance Permit from the Board.

14.4.2 In addition, as authorized in the Phase II Small MS4 General Permit for Massachusetts, storm water discharges resulting from the above activities that are subject to jurisdiction under the Wetlands Protection Act and demonstrate compliance with the Massachusetts Storm Water Management Policy as reflected in an Order of Conditions issued by the Conservation Commission and contain an approved Storm water Pollution Prevention Plan may be exempt from compliance with the review process of this bylaw, as determined by the Planning Board upon the submittal of the following:

14.4.2.1 Two copies of a completed Application Form along with copies of the Conservation Commission's Order of Conditions. The Planning Board shall issue a Storm water Management and Land Disturbance Permit at its next regularly scheduled meeting after receipt of said materials. The filing fee shall be waived.

#### ***Sec. 14. 5. EXEMPTIONS***

14.5.1 Normal maintenance and improvement of land in agricultural, aquacultural, forestry, or nursery operations as permitted as a main or accessory use.



14.5.2 Any emergency activity which is immediately necessary for the protection of public health, property or natural resources.

14.5.3 Emergency repairs to any storm water structure

14.5.4 Maintenance of existing landscaping, gardens or lawn areas.

14.5.5 Construction of patios, walkways, driveways, fences, swimming pools and the replacement of wells or septic systems on lots having an existing dwelling.

14.5.6 Construction or emergency repair to any utilities other than drainage, which would not alter the terrain, ground cover or drainage patterns.

#### ***Sec. 14. 6. ADMINISTRATION***

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

14.6.2 The Board may waive strict compliance with any requirement of this by-law or the rules and regulations promulgated hereunder, where:

1. such action is allowed by federal, state and local statutes and/or regulations
2. is in the public interest, and
3. is not inconsistent with the purpose and intent of this by-law.

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

#### ***Sec. 14.7. PERMITS and PROCEDURE***

14.7.1 If a project requires a Storm water Management and Land Disturbance Permit, the applicant shall file eight (8) copies of a completed Storm water Management and Land Disturbance Permit Application Package to the Planning Board. Review of the complete application may be conducted concurrently with other applications to the Board. The application shall include the following:

14.7.1.1. Completed Application Form with original signatures.

14.7.1.2 A list of abutters, certified by the Assessors Office.

14.7.1.3 An Storm water Management & Erosion and Sediment Control Plan as specified in Section X.8 of this bylaw.

14.7.1.4 A Storm water Operation & Maintenance Plan (O&M) as specified in Section X.8 of this bylaw.

14.7.1.5 Payment of the application and review fees as specified in Section 14.7 of this bylaw.

14.7.2 Filing an application for a permit grants the Board or its agent, permission to enter the site to verify the information in the application and to inspect for compliance with permit conditions.

14.7.3 The Board shall notify the Town Clerk of receipt of the application, and shall give one copy of the application package to the Highway Department, Water Department, the Conservation Commission and the Board of Health.

14.7.4 Public Hearing.

14.7.4.1 The Board shall hold a public hearing in conformance with the provisions of G.L. c.40A, Section 9.

14.7.4.2 The public hearing shall be held within 65 days after the filing of the application.

14.7.4.3 Notice shall be given by publication and posting and by first class mailings to parties of interest as defined in G.L. c. 40A, Section 11.

14.7.5 The applicant shall submit all additional information requested by the Board to issue a decision on the application.

14.7.6 The Board may:

14.7.6.1 Approve the Storm water Management and Land Disturbance Permit 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.

14.7.6.2 Approve the Storm water Management and Land Disturbance Permit Application and issue a permit with conditions, modifications or restrictions that the Board determines are required to ensure that the project will protect water resources and meets the objectives and requirements of this by-law.

14.7.6.3 Disapprove the Storm water Management and Land Disturbance Permit 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.

14.7.6.4 The decision of the Board shall be filed with the Board and the Town Clerk within 90 days following the close of the public hearing.

14.7.6.5 Failure of the Board to act within 90 days of the close of the public hearing shall be deemed a grant of the permit applied for.

14.7.7 Fees. Each application must be accompanied by the appropriate application fee as established by the Board. Applicants shall pay review fees as discussed and determined by the Board sufficient to cover any expenses connected with the public hearing and review of the Storm water Management and Land Disturbance Permit Application before the review process commences. The Board is authorized to retain a Registered Professional Engineer or other professional consultant to advise the Board on any or all aspects of the Application. The Board may require an additional fee for review of any change in or alteration from an approved permit.

The review fee collected under this bylaw shall be deposited in a pass book account held by the Town of Groveland.

Subject to applicable law, any unused portion of any review fees collected shall be returned by the Planning Board to the applicant within forty-five calendar days of a written request by the applicant, unless the Planning Board decides in a public meeting that other action is necessary.

14.7.7.1 A non-refundable application fee of \$100 plus \$.0030 times the total square footage of the area to be altered by the project shall be due and payable to the Town of Groveland at the time an application is filed.

14.7.8 Project Changes. The permittee, or their agent, must notify the Board in writing of any change or alteration of a land-disturbing activity authorized in a Storm Water Management and Land Disturbance Permit before any change or alteration occurs. If the Board determines that the change or alteration is significant, based on the design requirements listed in Section X.8.2. and accepted construction practices, the Board may require that an amended Storm Water Management and Land Disturbance Permit application be filed and a public hearing held. If any change or alteration from the Storm Water Management and Land Disturbance Permit occurs during any land disturbing activities, the Board may require the installation of interim erosion and sedimentation control measures before approving the change or alteration.

***Sec. 14.8. STORM WATER MANAGEMENT & EROSION AND SEDIMENT CONTROL PLAN***

14.8.1 The Storm Water Management & 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, proposed erosion and sedimentation controls and proposed storm water management 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 14.8.2 below.

- 14.8.2 The design requirements of the Storm Water Management & Erosion and Sediment Control Plan are:
- 14.8.2.1 Minimize total area of disturbance.
  - 14.8.2.2 Sequence activities to minimize simultaneous areas of disturbance.
  - 14.8.2.3 Minimize peak rate of runoff in accordance with the Massachusetts Department of Environmental Protection's Storm water Management Policy dated March 1997 as amended.
  - 14.8.2.4 Minimize soil erosion and control sedimentation during construction, provided that prevention of erosion is preferred over sedimentation control.
  - 14.8.2.5 Encourage the use of nonstructural storm water management and low-impact development practices, such as reducing impervious cover, preserving green space, using bio-retention areas, rain gardens, and vegetated filter strips.
  - 14.8.2.6 Divert uncontaminated water around disturbed areas.
  - 14.8.2.7 Maximize groundwater recharge.
  - 14.8.2.8 Install and maintain all Erosion and Sediment Control measures in accordance with the manufacturers specifications and good engineering practices.
  - 14.8.2.9 Prevent off-site transport of sediment.
  - 14.8.2.10 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).
  - 14.8.2.11 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.
  - 14.8.2.12 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.

14.8.2.13 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.

14.8.2.14 Properly manage on-site construction and waste materials.

14.8.2.15 Prevent off-site vehicle tracking of sediments.

14.8.3 Storm Water Management & Erosion and Sedimentation Control Plan Content. The Plan shall contain the following information:

14.8.3.1 Names, addresses, and telephone numbers of the owner, applicant, and person(s) or firm(s) preparing the plan.

14.8.3.2 Title, date, north arrow, names of abutters, scale, legend, and locus map.

14.8.3.3 The existing zoning, and land use at the site.

14.8.3.4 The proposed land use.

14.8.3.5 Watercourses and water bodies, wetland resource areas and all floodplain information, including the 100-year flood elevation based upon the most recent Flood Insurance Rate Map, or as calculated by a professional engineer for areas not assessed on these maps.

14.8.3.6 Existing and proposed vegetation including tree lines, canopy layer, shrub layer, and ground cover.

14.8.3.7 Surveyed property lines showing distances and monument locations, all existing and proposed easements, rights-of-way, and other encumbrances, the size of the entire parcel, and the delineation and number of square feet of the land area to be disturbed.

14.8.3.8 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.

14.8.3.9 Lines of existing abutting streets showing drainage and driveway locations, curb cuts and utilities.

14.8.3.10 Topographical features including existing and proposed contours at intervals no greater than two (2) feet with spot elevations provided when needed.

- 14.8.3.11 Proposed improvements including location of buildings or other structures, impervious surfaces, and drainage facilities, if applicable.
- 14.8.3.12 Existing soils, volume and nature of imported soil materials.
- 14.8.3.13 Location and details of erosion and sediment control measures with a narrative of the construction sequence/phasing of the project, including both operation and maintenance for structural and non-structural measures, interim grading, and material stockpiling areas.
- 14.8.3.14 Estimated seasonal high groundwater elevation in areas to be used for storm water retention, detention, or infiltration.
- 14.8.3.15 A drainage area map showing pre and post construction watershed boundaries, drainage area and storm water flow paths.
- 14.8.3.16 Pre and post development storm water runoff calculations in accordance with the Department of Environmental Protection's Storm Water Management Policy.
- 14.8.3.17 A description and drawings of all components of the proposed drainage system including:
  - a. locations, 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.
- 14.8.3.18 All measures for the protection of water quality.
- 14.8.3.19 The structural details for all components of the proposed drainage systems and storm water management facilities.
- 14.8.3.20 Notes on drawings specifying materials to be used, construction specifications, and typicals.
- 14.8.3.21 Path and mechanism to divert uncontaminated water around disturbed areas, to the maximum extent practicable.
- 14.8.3.22 Location and description of industrial discharges, including storm water discharges from dedicated asphalt plants and dedicated concrete plants, which are covered by this permit.
- 14.8.3.23 Location and description of and implementation schedule for temporary and permanent seeding, vegetative controls, and other stabilization measures.

- 14.8.3.24 A description of construction and waste materials expected to be stored on-site. The Plan shall include a description of controls to reduce pollutants from these materials, including storage practices to minimize exposure of the materials to storm water, and spill prevention and response.
- 14.8.3.25 A description of provisions for phasing the project where one acre of area or greater is to be altered or disturbed.
- 14.8.3.26 Plans must be stamped and certified by a qualified Professional Engineer registered in Massachusetts and a Certified Professional in Erosion and Sedimentation Control (CPESC).
- 14.8.3.27 Timing, schedules, and sequence of development including clearing, stripping, rough grading, construction, final grading, and vegetative stabilization.
- 14.8.3.28 A maintenance schedule for the period of construction.
- 14.8.3.29 Any other information requested by the Board.
- 14.8.3.30 An Operation and Maintenance plan (O&M Plan) is required at the time of application for all projects. The Board will consider natural features, proximity of site to water bodies and wetlands, extent of impervious surfaces, size of the site, the types of storm water management structures, and potential need for ongoing maintenance activities when making this decision. The Operation and Maintenance Plan shall remain on file with the Board and shall be an ongoing requirement. The maintenance plan shall contain the following:
- 14.8.3.30.1 Designed to ensure compliance with the Permit, this Bylaw, and that the Massachusetts Surface Water Quality Standards, 314, CMR 4.00 are met in all seasons and throughout the life of the system.
- 14.8.3.30.2 The O&M Plan shall be prepared in conformance with the Department of Environmental Protection's Storm Water Management Policy.
- 14.8.3.30.3 The owner(s) of the storm water management system must notify the Board of changes in ownership or assignment of financial responsibility.
- 14.8.3.30.4 The maintenance schedule in the Maintenance Agreement may be amended to achieve the purposes of this by-law by mutual agreement of the Board and the 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.

***Sec. 14.9. PERFORMANCE GUARANTEE***

14.9.1 As a condition of a Storm Water Management and Land Disturbance Permit approval, the Planning Board may require that a performance bond, secured by deposit of money or negotiable securities in the form selected by the Planning Board, be posted with the Town to guarantee that the work will be completed in accordance with the permit. The Board may also require that an amount be included for land restoration not having to do with the construction of improvements. The amount of security shall be determined by an estimate from the applicant's engineer which may be confirmed or increased by the Board. If the project is phased, the 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 Board has received the final report as required by 14.11 and issued a certificate of completion.

14.9.2 The town may use the secured funds for their stated purpose in the event that the applicant does not complete all improvements in a manner satisfactory to the Board within two years from the date of approval, or the final date of the last extension of such approval, if any.

***Sec. 14.10. INSPECTIONS***

14.10.1 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 Board and its designated agent, to review the permitted plans and their implementation.

14.10.2 The Board or its designated agent shall make inspections as hereinafter required and shall either approve that portion of the work completed or shall notify the permittee wherein the work fails to comply with the land disturbance permit as approved. The Permit and associated plans for grading, stripping, excavating, and filling work, bearing the signature of approval of the Board, shall be maintained at the site during the progress of the work. In order to obtain inspections, the permittee shall notify the Board or its designated agent at least two (2) working days before each of the following events:

14.10.2.1 Erosion and sediment control measures are in place and stabilized, and site clearing limits are clearly marked in the field.

14.10.2.2 Site Clearing has been substantially completed

14.10.2.3 Rough Grading has been substantially completed



14.10.2.4 Final Grading has been substantially completed

14.10.2.5 Close of the Construction Season; stabilization of the site.

14.10.2.6 Final Landscaping (permanent stabilization) and project final completion.

14.10.3 The permittee or his/her agent shall conduct and document inspections of all control measures no less than weekly or as specified in the permit, and following storm events greater than 0.5 inches. The purpose of such inspections will be to determine the overall effectiveness of the control plan, and the need for maintenance or additional control measures. The permittee or his/her agent shall submit bi-weekly reports to the Board or designated agent in a format approved by the Board.

14.10.4 To the extent permitted by State law, or if authorized by the owner or other party in control of the property, the Board, its agents, officers, and employees may enter upon privately owned property for the purpose of performing their duties under this by-law and may make or cause to be made such examinations, surveys or sampling as the Board deems reasonably necessary to determine compliance with the permit.

***Sec. 14.11. FINAL REPORTS***

14.11.1 Upon completion of the work, the permittee shall submit a report (including certified as-built construction plans) from a Professional Engineer (P.E.) or Professional Land Surveyor (P.L.S.), and a Certified Professional in Erosion and Sediment Control (CPESC), certifying that all erosion and sediment control devices, and approved changes and modifications, have been completed in accordance with the conditions of the approved permit. Any discrepancies should be noted in the cover letter.

14.11.2 The issuing authority will issue a letter certifying completion upon receipt and approval of the final reports and/or upon otherwise determining that all work of the permit has been satisfactorily completed in conformance with this bylaw.

***Sec. 14.12. ENFORCEMENT***

14.12.1 The Board or an authorized agent of the Board shall enforce this by-law, regulations, orders, violation notices, and enforcement orders, and may pursue all non-criminal dispositions for such violations.

14.12.2 The Board or an authorized agent of the Board may issue a written order to enforce the provisions of this by-law or the regulations thereunder, which may include:

- 14.12.2.1 A requirement to cease and desist from the land-disturbing activity until there is compliance with the bylaw and provisions of the land-disturbance permit.
  - 14.12.2.2 Maintenance, installation or performance of additional erosion and sediment control measures.
  - 14.12.2.3 Monitoring, analyses, and reporting.
  - 14.12.2.4 Remediation of erosion and sedimentation resulting directly or indirectly from the land-disturbing activity.
- 14.12.3 If the enforcing person determines that abatement or remediation of erosion and sedimentation is required, the order shall set forth a deadline by which such abatement or remediation must be completed. Said order shall further advise that, should the violator or property owner fail to abate or perform remediation within the specified deadline, the Town of Groveland may, at its option, undertake such work, and the property owner shall reimburse the Town of Groveland's expenses.
- 14.12.4 Within thirty (30) days after completing all measures necessary to abate the violation or to perform remediation, the violator and the property owner shall be notified of the costs incurred by the Town of Groveland, including administrative costs. The violator or property owner may file a written protest objecting to the amount or basis of costs with the Board within thirty (30) days of receipt of the notification of the costs incurred. If the amount due is not received by the expiration of the time in which to file a protest or within thirty (30) days following a decision of the Board affirming or reducing the costs, or from a final decision of a court of competent jurisdiction, the costs shall become a special assessment against the property owner and shall constitute a lien on the owner's property for the amount of said costs. Interest shall begin to accrue on any unpaid costs at the statutory rate, as provided in G.L. c. 59, § 57, after the thirty-first day following the day on which the costs were due.
- 14.12.5 Any violation of this by-law, any regulation promulgated hereunder, or any Storm Water Management and Land Disturbance Permit, will be punishable by non-criminal disposition under G.L. c. 40, Section 21D. The Town of Groveland, in which case, the Planning Board or authorized agent shall be the enforcing person. The penalty for the 1st violation shall be \$250. The penalty for the 2nd violation shall be \$300. 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.

***SECTION 14.13. 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 14.14. GENERAL***

- 14.14.1 Any application not accompanied by the appropriate fee shall be deemed incomplete. Payment must be made to the Town of Groveland in cash, money order, bank or certified check payable to the Town of Groveland.
- 14.14.2 An Applicant's failure to pay any additional review or inspection fee within five business days of receipt of the notice that further fees are required shall be grounds for disapproval.
- 14.14.3 The Applicant or the Applicant's representative will publish the public notice and send abutter notifications. Abutter notification shall be by certified mail-return receipt requested. The applicant shall provide the Planning Board with copies of the public notices and the return receipt cards.
- 14.14.4 Professional review fees include engineering review, legal review, and clerical fees associated with the public hearing and permit processing. A fee estimate may be provided by the Planning Board's consulting engineer;