



## **TOWN OF DUDLEY**

### **SPECIAL FALL 2021 TOWN MEETING**

### **COMMONWEALTH OF MASSACHUSETTS**

As instructed in the preceding warrant, legal voters of the Town of Dudley assembled in the Connie Vanco-Galli Auditorium at Shepherd Hill Regional High School on Monday, October 25, 2021. The meeting was brought to order at 7:04 p.m. After the Pledge of Allegiance to the Flag and moment of silence for those lives lost as a result of COVID-19, the Moderator recognized the Town Clerk to read the service of the warrant. The Moderator Christopher Starczewski made announcements regarding proper decorum at a town meeting and community updates.

The Moderator then asked for unanimous consent for clarification of a department budget item or other article be required that employees or agents who are not residents but are action on behalf of the Town of Dudley or petitioner of the article be permitted to speak. Unanimous consent was given to allow the Moderator to recognize those individuals to speak on the articles. The Moderator noted that there are a number of consultants in the audience tonight who are sitting in the first two rows, including Carolyn Murray of KP Law. The Moderator asked for unanimous consent to adopt the 5-minute rule per speaker on articles. Unanimous consent was given. A brief tutorial on how to work the voting clickers was given.

**ARTICLE 1: Approved by Majority to accept** to receive the published reports of the several Town Officers and all Committees.

**ARTICLE 2: Approved by Majority to accept** to hear and act on the recommendations of the Board of Selectmen and the Finance & Appropriation and Advisory Committee.

The FAA recommended that Article 3 be approved as read, and that the funds be transferred from the accounts listed in the warrant. The motion was made and seconded.

**ARTICLE 3: As declared by the Moderator, it was Approved by a 9/10<sup>th</sup> Majority vote** to transfer from Account No: 0061-000-3590-01 (Water Retained Earnings) the sum of Five Thousand Five Hundred Fifty Dollars and Fifty Cents (\$5,550.50) to pay outstanding invoice(s) from RI Analytical.

The FAA recommends that Article 4 be approved and that the funds be transferred from Free Cash as listed in the warrant. The motion was made and seconded.

**ARTICLE 4: As declared by the Moderator, Defeated as it did not Achieve a 9/10<sup>th</sup> Majority vote** to transfer from Free Cash, the sum of Ten Thousand Five Hundred Eighty Dollars and Seventy Nine Cents (\$10,580.79) to pay outstanding invoices from Brookfield Renewable US/Terraform Phoenix II Arcadia Holdings, LLC, Aegis Scientific and Gatehouse New England.

Selectmen Steven Sullivan, who voted in the affirmative, made a motion to reconsider Article 4. The motion was made and seconded. He said this is an obligation that the town has incurred which hasn't paid. We have the funding for this. Town Administrator Jonathan Ruda stated that the bill went to Oxford and by the time it was received it was too late to pay out of FY21 funds. **The motion to reconsider Article 4 was approved by unanimous vote.**

**Reconsideration of Article 4: Approved by Unanimous vote** to transfer from Free Cash, the sum of Ten Thousand Five Hundred Eighty Dollars and Seventy Nine Cents (\$10,580.79) to pay outstanding invoices from Brookfield Renewable US/Terraform Phoenix II Arcadia Holdings, LLC, Aegis Scientific and Gatehouse New England.

The FAA recommended that Article 5 be approved, transferring from available funds Forty Seven Thousand Nine Hundred Thirty-Five Dollars and Twenty-two Cents as set forth in Appendix A. Motion was made and seconded.

**ARTICLE 5: -As declared by the Moderator, it was Approved by a 9/10<sup>th</sup> Majority vote** to transfer the amount of Forty-Seven Thousand Nine Hundred Thirty-Five Dollars and Twenty-two Cents (\$47,935.22) from available funds to defray the supplemental charges and expenses of the Town and including debt and interest for Fiscal Year 2022 voted under Article 4 of the May 24, 2021, Annual Town Meeting.

Transfer a total of \$47,935.22 (Forty-Seven Thousand Nine Hundred Thirty-Five Dollars and Twenty-Two Cents) to the below FY2022 accounts:

| APPENDIX A - OCTOBER 25, 2021 TOWN MEETING |              |                  | ARTICLE #5                    |            |
|--|--------------|------------------|-------------------------------|------------|
| <u>FROM</u>                                |              | <u>TO</u>        |                               |            |
| 0001 135 5113 01                           | T.ACCT CLERK | 0001 161 5113 01 | TOWN CLERK ASST.              | \$4,500.00 |
| 0001 000 3590 01                           | FREE CASH    | 0001 145 5111 01 | TREAS. SALARY FY 2022         | \$1,566.14 |
| 0001 000 3590 01                           | FREE CASH    | 0001 141 5717 02 | ASSESSOR'S LINE ITEM-RRC P.P. | \$4,002.48 |
| 0001 000 3590 01                           | FREE CASH    | 0001 420 5131 01 | HWY OT                        | \$5,000.00 |
| 0001 000 3590 01                           | FREE CASH    | 0001 420 5749 02 | GAS DIESEL                    | \$7,500.00 |
| 0001 000 3590 01                           | FREE CASH    | 0001 420 5700 02 | HWY GEN EXPS                  | \$7,500.00 |
| 0001 000 3590 01                           | FREE CASH    | 0001 420 5116 01 | HVY EQUIP OP                  | \$1,129.30 |
| 0001 000 3590 01                           | FREE CASH    | 0001 420 5117 01 | HVY EQUIP OP                  | \$502.90   |
| 0001 000 3590 01                           | FREE CASH    | 0001 420 5120 01 | MECHANIC                      | \$1,106.43 |
| 0001 000 3590 01                           | FREE CASH    | 0001 420 5122 01 | HWY TRUCK DRIVER              | \$1,678.23 |
| 0001 000 3590 01                           | FREE CASH    | 0001 420 5124 01 | HWY TRUCK DRIVER/LBR          | \$1,087.77 |
| 0001 000 3590 01                           | FREE CASH    | 0001 420 5126 01 | HWY TRUCK DRIVER/LBR          | \$1,612.02 |

|                          |            |                  |                              |                   |
|--------------------------|------------|------------------|------------------------------|-------------------|
| 0001 000 3590 01         | FREE CASH  | 0001 420 5129 01 | BLDG GROUNDS                 | \$1,508.62        |
| 0001 000 3590 01         | FREE CASH  | 0001 420 5125 01 | HWY TRUCK DRIVER/LBR         | \$1,042.98        |
| <b><u>ENTERPRISE</u></b> |            |                  |                              |                   |
| 0061 000 3590 01         | WATER R.E. | 0061 450 5114 01 | WATER ASST PLANT OP          | \$1,252.80        |
| 0061 000 3590 01         | WATER R.E. | 0061 450 5115 01 | WATER MAIN.                  | \$1,089.33        |
| 0061 000 3590 01         | WATER R.E. | 0061 450 5116 01 | WATER LABORER                | \$1,064.69        |
| 0060 000 3590 01         | SEWER R.E. | 0060 440 5113 01 | SEWER ASST.                  | \$3,034.64        |
| 0060 000 3590 01         | SEWER R.E. | 0060 440 5114 01 | SEWER MAINTENANCE            | \$1,756.89        |
|                          |            |                  | FREE CASH                    | \$35,236.87       |
|                          |            |                  | Other account                | \$4,500.00        |
|                          |            |                  | Enterprise Retained Earnings | <u>\$8,198.35</u> |
|                          |            |                  |                              | \$47,935.22       |

FAA recommends that Article 6 be approved as read for the purposes set forth in the article. Motion was made and seconded.

**ARTICLE 6: Approved by Majority vote** to transfer the sum of Five Thousand Seven Hundred Dollars and Zero Cents (\$5,700.00) from Account No. 0001- 136 -5782- 02, (Online Servs-OpenGov) to Account No.: 0001-161-5877-02 (Voting Equip/Maint.Fee) for the purpose of purchasing an additional voting machine in compliance with Commonwealth of Massachusetts requirement for Dudley to add an additional voting precinct.

The FAA recommends that Article 7 be approved as written for the purposes set forth in the article. Motion was made and seconded.

**ARTICLE 7: Approved by Majority vote** to transfer the sum of One Thousand Two Hundred Ninety-Nine Dollars and Zero Cents (\$1,299.00) from Account No.: 0001-136-5782-02 (Online Servs-OpenGov); One Thousand Three Hundred Nineteen Dollars and Zero Cents (\$1,319.00) from Account No.: 0001-136-5795-02 (VPN Licenses) and Two Thousand Three Hundred Ninety Nine Dollars and Zero Cents (\$2,399.00) from Account No.: 0001-136-5783-02 (Help Desk) for a total of Five Thousand Seventeen Dollars and Zero Cents (\$5,017.00) to Account No.: 0001-156-5225-02 (STRMWTR/DAMS) in compliance with MassDEP testing, inspection and regulatory compliance.

The FAA recommends that Article 8 be approved as written for the purposes set forth in the article. Motion was made and seconded.

**ARTICLE 8: Approved by Majority vote** to transfer the sum of Two Thousand Three Hundred Thirty-One Dollars and Eighty-Four Cents (\$2,331.84) from Account No.: 0200-000-5789-00 (WAGE STUDY GRANT) to Account No.: 0001-220-5112-01 (FIRE CHIEF) and the sum of One Thousand Seven Hundred Thirteen

Dollars and Forty Cents (\$1,713.40) from Account No.: 0200-000-5789-00 (WAGE STUDY GRANT) to Account No.: 0001-220-5118-01 (ASST. FIRE CHIEF) for the purpose of paying contractual increases.

The FAA recommends that Article 9 be approved as written for the purposes set forth in the article. Motion was made and seconded.

**ARTICLE 9: Approved by Majority vote** to transfer the sum of Ten Thousand Dollars and Zero Cents (\$10,000.00) from Account No: 0001-000-3590-01 (Free Cash) , Twenty Thousand Dollars and Zero Cents (\$20,000.00) from Account No: 0001-240-5146-01 (Agent Salary), Seven Thousand Two Hundred Forty Three Dollars and Twenty Cents (\$7,243.20) from Account No.: 0200-000-5789-00 (Wage Study Grant) and Seven Hundred Fifty Six Dollars and Eighty Cents (\$756.80) from Account No.: 0001-136-5787-02 (Cybersecurity) for a total of Thirty Eight Thousand Dollars and Zero Cents (\$38,000.00) to Account No.: 0001-210-5183-01 (Lieutenant Salary) for the purpose of hiring a Police Lieutenant, as approved by the Board of Selectmen.

The FAA recommends that Article 10 be approved as written for the purposes set forth in the article. Motion was made and seconded.

**ARTICLE 10: As declared by the Moderator, it was Approved by a 2/3 Majority vote** to transfer the sum of Eight Thousand Nine Hundred Eighty-Seven Dollars and One Cents (\$8,987.01) from Account No.: 0001-979-5811-00 (Merit Pool) for purposes of FY22 compensation adjustments, as follows:  
- for the Treasurer/Collector in the amount of Three Thousand Two Hundred Twenty-Four Dollars and Eighty-One Cents (\$3,224.81) to Account No.: 0001-145-5111-01 (Treasurer/Collector Salary Account).  
- and for the Town Clerk in the amount of Five Thousand Seven Hundred Sixty-Two Dollars and Twenty Cents (\$5,762.20) to Account No.: 0001-161-5111-01 (Town Clerk Salary Account).

FAA recommends that Article 11 be approved as written for the purposes set forth in the article. Motion was made and seconded.

**ARTICLE 11: Approved by a Majority vote** to transfer from Account No: 0001-000-3590-01 (Free Cash) the total sum of Forty Thousand Dollars and Zero Cents (\$40,000.00) with the sum of Twenty Thousand Dollars and Zero Cents (\$20,000.00) going to Account No.: 0001-123-5705-02 (OPERATING EXPS) to offset the costs of mechanical system cleaning, maintenance and repair for the Town Hall/Senior Center and Police Station and the sum of Twenty Thousand Dollars and Zero Cents (\$20,000.00) going to Account No.: 0001-123-5775-02 (GRANT/PROJECT DESIGN) for the purposes of engineering, testing and administrative costs associated with regulatory compliance and grant application.

FAA recommends that Article 12 be approved as written for the purposes set forth in the article. Motion was made and seconded.

**ARTICLE 12: Approved by a Majority vote** to transfer the sum of Fifteen Thousand Dollars and Zero Cents (\$15,000) from Account No.: 0001-000-3590-01 (Free Cash) to Account No.:0001-131-5780-02 (FAA RESERVE FUND).

FAA recommends that Article 13 be approved with the following amendments; Section C approve a proposed Urban Center Housing Tax Increment Financing Agreement (UCH-TIF Agreement) by and between the Town

of Dudley and Stevens Mill Owner, LLC, all in accordance with Chapter 40, section 60 of the general laws; and Section E authorize the Board of Selectmen to execute the above UCH-TIF agreement (delete the “s” on agreements) and any other related documents and to take such other actions as may be necessary or appropriate to implement the UCH-TIF agreement or to obtain approval of the certified applications. Motion was made and seconded.

John Briare, 16 Flaxfield Road made a motion to amend Article 13 by adding a new paragraph F that states by requiring that any affordable residential unit in a UCH-TIF zone to include a local preference for existing Town of Dudley residents to the extent permitted by state law or regulation and to move the existing paragraph F to paragraph G. The motion was made and seconded.

Selectmen Sullivan called a point of order that Mr. Mayotte’s original amendment must be voted on first as it was made and seconded. Town Counsel agreed that Mr. Sullivan was correct. Under discussion of the amendment, Mr. Mayotte clarified that under section E the Board of Selectmen would only be authorized to enter into a UCH-TIF agreement for this article and not for all future UCH-TIF agreements, as they will need to come before town meeting. **The motion for amendment to Article 13 FAA (Mr. Mayotte) proposed has been unanimously approved.**

In discussion for Mr. Briare’s amendment to Article 13, Mr. Briare stated that Economic Development Committee’s master plan and Development plan it identified there is a real need for affordable housing for Dudley’s seniors as many of them are not able to afford their taxes and are forced to sell their houses and there is no place in Dudley for the to go. Because of the constraints of the federal and state laws we cannot ask for a portion of the affordable housing units to be reserved for 55 years and older, so this would be an option to take care of our own residents. Selectmen Marsi stated that he feels this is a great idea and that Town Counsel has no objections to it. **The motion for amendment to add a new paragraph F that states by requiring that any affordable residential unit in a UCH-TIF zone to include a local preference for existing Town of Dudley residents to the extent permitted by state law or regulation and to move the existing paragraph F to paragraph G has been approved by a majority vote.**

Discussion on the amended Article 13. Anton Kuchеров, 72 Flaxfield Road spoke in opposition to the UCH-TIF zone stating that he feels this will only cost the taxpayer as the town will be losing tax revenues.

Selectmen Sullivan, Cardinal Drive explained that under this UCH-TIF agreement the developer would be assessed the current valuation for the property for the first seven years of this agreement and the developer would not be charged any increase in value. From year 8 and on, the taxes are increased on a gradual basis until year 20 when it is at full valuation. The reason this is done is so that the developer can invest in the property, which will bring the valuation up and the town will realize greater tax revenue based on this new valuation.

Tammy Ducharme, 27 June St. spoke in favor of Article 13 as she and her husband own 21 West, a business in town, and feel that this is an opportunity to bring business to town.

Selectmen Cyganiewicz, Airport Road voiced his support for this article stating that UCH-TIF’s do not raise taxes. John Briar stated that the location in Article 13 is zoned as industrial so keep in mind that any type of business could go in there. Due to COVID changing the way many businesses operate now it is not likely there is going to be a great need for office space. He stated that the Planning Board has been actively trying for many

years to get a variety of businesses interested in this property to no avail. Selectmen Marsi, Fairfield Ave., stated that we are here tonight to vote on the UCH-TIF zone only. There will be a public hearing the Planning Board will be holding on November 10<sup>th</sup> in regard to a special permit for the Stevens Linen property and that would be the appropriate time to discuss concerns with parking, traffic, and any other concerns residents may have. Selectmen Sullivan stated that we will have approximately 80 million in DMA holdings for this shovel ready project. He stated that the Water/Sewer users will benefit from this project as there will be more users paying into the system. Also, the town is eligible for a Complete Street grant to help with the infrastructure.

Luke Mitchell, Project Manager, for VHB gave a brief demonstration highlighting the benefits of passing the UCH-TIF zone. He stated that it contains approximately 63 properties on both sides of the river. Webster passed their UCH-TIF zone at their town meeting last week. Due to decades of disinvestment, there are underutilized, vacant industrial and commercial properties on both sides of the river. A TIF District is a tool that towns use around the country to catalyze change and improve conditions in the built environment. It is an economic program that provides incentives to attract investment. The TIF District will allow Dudley to encourage development, strengthen the economy, create jobs, expand the supply of housing, invest in the roadway network, and restore community access to the French River. In the short term, the TIF District will save a precious 160 year old granite mill structure, and in the long term will enable other transformative projects along the Main St. corridor on both sides of the river.

Dudley-Charlton Regional School District Superintendent, Steven Lamarche, stated that the enrollment in the school system has been steadily declining over the past decade. He presented the following figures from a study on the impact of apartments buildings: a one bedroom would yield an increased enrollment of .01 on average; a two bedroom .26 on average; and a three bedroom .89 on average. In comparison, a Chicago Housing study on the impact of single-family homes would yield an increased enrollment on average of .75 for a one bedroom; 2.25 for a two bedroom and 4.21 for a three bedroom. He stated that the possible additional students from this project would put a tremendous burden on the school district and in fact the additional capacity would help.

Fire Chief Kochanowski stated that the mill is in deplorable conditions. It has been vacant for a long time, and it is a very dangerous situation for Fire Fighters to enter the building. If developed, a private investor would be installing an \$800 million Fire Suppression and Alert System.

Police Chief Wojnar commented that this building was built in the mid 1860's at a time when the methods of traveling were much different than it is today. He feels this is a big opportunity to make improvements to the infrastructure that will meet today's traffic needs and that grants are available for this type of district.

Scott Zajkowski, 8 Catherine Street, stated that the Water/Sewer Department is in the process of upgrading their infrastructure with a 10-15 million dollar project to improve the system and increase capacity. The TIF would be a positive for taxpayers as there would be increase water/sewer users to help pay this cost. Selectmen Cyganiewicz asked Mr. Zajkowski if this 10-15 million dollar Water/Sewer project would still go through regardless of whether or not this TIF is approved. Mr. Zajkowski responded that yes, the project will continue regardless of the outcome of Article 13.

ARTICLE 13: (Board of Selectmen) – Webster-Dudley French River District – Urban Center Housing TIF-Plan, Zone and Agreement – To see if the Town will vote to:

a) approve a proposed Urban Center Housing Tax Increment Financing Plan (UCH-TIF Plan) known as the Webster-Dudley French River District UCH-TIF Plan;

- b) approve a proposed Urban Center Housing Tax Increment Housing Zone (UCH-TIF Zone) known as the Webster-Dudley French River District UCH-TIF Zone;
- c) approve a proposed Urban Center Housing Tax Increment Financing Agreement (UCH-TIF Agreement) by and between the Town of Dudley and Stevens Mill, LLC all in accordance with Chapter 40, section 60 of the general laws and regulations of the Massachusetts Department of Housing and Community Development (DHCD; 760 CMR 58) for the development of real property known as Stevens Mill consisting of “Parcel I” with buildings thereon, known as and located at 8 Mill Street, Dudley, containing approximately 5.942 acres of land; “Parcel II”, a small triangular parcel of land containing approximately 3,110 square feet of land, and “Parcel III”, a parcel of land containing approximately 1.01 acres, all of which are located in the proposed UCH-TIF zone;
- d) authorize the Board of Selectmen to submit certified applications to the Commonwealth of Massachusetts Department of Housing and Community Development for approval.
- e) authorize the Board of Selectmen to execute the UCH-TIF agreements and any other related documents and to take such other actions as may be necessary or appropriate to implement the UCH-TIF agreements or to obtain approval of the certified applications.
- f) or take any action thereto.

**ARTICLE 13: Amendment to Article 13 was Approved by Majority vote** Webster-Dudley French River District – Urban Center Housing TIF-Plan, Zone and Agreement – To see if the Town will vote to:

- a) approve a proposed Urban Center Housing Tax Increment Financing Plan (UCH-TIF Plan) known as the Webster-Dudley French River District UCH-TIF Plan;
- b) approve a proposed Urban Center Housing Tax Increment Housing Zone (UCH-TIF Zone) known as the Webster-Dudley French River District UCH-TIF Zone;
- c) approve a proposed Urban Center Housing Tax Increment Financing Agreement (UCH-TIF Agreement) by and between the Town of Dudley and Stevens Mill **Owner**, LLC all in accordance with Chapter 40, section 60 of the general laws and regulations of the Massachusetts Department of Housing and Community Development (DHCD; 760 CMR 58) for the development of real property known as Stevens Mill consisting of “Parcel I” with buildings thereon, known as and located at 8 Mill Street, Dudley, containing approximately 5.942 acres of land; “Parcel II”, a small triangular parcel of land containing approximately 3,110 square feet of land, and “Parcel III”, a parcel of land containing approximately 1.01 acres, all of which are located in the proposed UCH-TIF zone;
- d) authorize the Board of Selectmen to submit certified applications to the Commonwealth of Massachusetts Department of Housing and Community Development for approval.
- e) authorize the Board of Selectmen to execute the **above** UCH-TIF agreements and any other related documents and to take such other actions as may be necessary or appropriate to implement the UCH-TIF agreements or to obtain approval of the certified applications.
- f) **require that any affordable residential unit in a UCH-TIF zone to include a local preference for existing Town of Dudley residents to the extent permitted by state law or regulation.**

The FAA recommends that Article 14 be approved, and move to appropriate the sum of \$110,000 or some such sum, for the purpose set forth in Article 14 of the warrant, and that to fund this appropriation, the Treasurer, with the approval of the Board of Selectmen, is authorized to borrow said amount pursuant to G.Lc 44 § 7 or 8, or any other enabling authority and to issue bonds and notes of the Town therefor. Any premium received upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs

of issuance of such bonds or notes, may be applied to the payment of the costs approved by this vote, in accordance with GL c 44 §20, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount. The motion was made and seconded.

**ARTICLE 14: As declared by Moderator, it was Approved by a 2/3<sup>rd</sup> Majority vote** to borrow the sum of One Hundred Ten Thousand Dollars and Zero Cents (\$110,000.00) or other such sum, for the purchase of a chemical road treatment system with associated equipment, as recommended by the Capital Improvement Planning Committee.

The FAA recommends that Article 15 be approved as written, and that the funds be transferred for the purposes set forth in the Article. Motion was made and seconded.

**ARTICLE 15: As declared by Moderator, it was Approved by a 2/3<sup>rd</sup> Majority vote** to transfer from Account No.: 0803-000-5785-00 (Capital Improvement Stabilization) the total sum of Fifty Thousand Dollars and Zero Cents (\$50,000.00), or some such sum for the replacement of the Building, Grounds, Cemeteries and Parks truck, and associated warning and communications equipment as recommended by the Capital Improvement Planning Committee.

FAA recommends that Article 16 be approved as written and that the funds be transferred for the purposes set forth in the article. Motion was made and seconded.

**ARTICLE 16: As declared by Moderator, it was Approved by a 2/3<sup>rd</sup> Majority vote** to transfer the sum of Fifteen Thousand Dollars and Zero Cents (\$15,000.00) from Account No.: 0803-000-5785-00 (Capital Improvement Stabilization) to Account No.: 0001-210-5700-02 (Police Expenses) for the purpose of leasing a police cruiser.

FAA recommends that Article 17 be approved, and move to appropriate the sum of \$280,000.00, or some such sum for the purpose set forth in Article 17 of the warrant, and that to fund this appropriation, the Treasurer, with the approval of the Board of Selectmen, is authorized to borrow said amount pursuant to G.L c 44 § 7 or 8, or any other enabling authority and to issue bonds and notes of the Town therefor. Any premium payment received upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of the costs approved by this vote, in accordance with G.L. c44 § 20, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount. Motion was made and seconded.

**ARTICLE 17: As declared by Moderator, it was Approved by 2/3<sup>rd</sup> Majority vote** to borrow the sum of Two Hundred Eighty Thousand Dollars and Zero Cents (\$280,000.00), or some such sum, for the purchase of four (4) cruisers and one (1) Fire Chief Vehicle, with associated equipment, at the rate of one per year beginning in FY2023 for five (5) years.

FAA recommends that Article 18 be approved, and move to appropriate the sum of \$400,000.00, or some such sum for the purpose set forth in Article 18 of the warrant, and that to fund this appropriation, the Treasurer, with the approval of the Board of Selectmen, is authorized to borrow said amount pursuant to G.L c 44 § 7 or 8, or any other enabling authority and to issue bonds and notes of the Town therefor. Any premium payment received upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of the costs approved by this vote, in accordance with G.L. c44 § 20, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount. Motion was made and seconded.



Town Administrator Jonathan Ruda clarified that the Town is applying for a grant from the Mass DOT in the amount of \$400,000.00 and we are asking to permission to borrow that amount of money until the grant money comes in for which we will be reimbursed.

Scott Zajkowski, 8 Catherine St. expressed concerns about properties along Mason Road who have little to no front yards losing property or the road being narrowed. Mr. Zakowski wanted to know if there will be any public hearings on this. Steven Sullivan stated they are using information from the Water/Sewer engineering plans for the Mason Road infrastructure work being currently done as part of this proposal to expand sidewalks along this section of Mason Road. Mr. Sullivan also stated that there would be public hearings held on this.

**ARTICLE 18: As declared by Moderator, it was Approved by a 2/3<sup>rd</sup> Majority vote** to borrow and/or receive grant funds, from the Massachusetts Department of Transportation (MassDOT), through its Complete Streets Program, through reimbursement, subject to project selection and award by MassDOT, up to Four Hundred Thousand Dollars and Zero Cents (\$400,000.00) for the construction of sidewalk on the north side of Mason Road from the Mason Road Elementary School to Meadow Lane, widening of the existing path from the Fire Station to the Mason Road Elementary School, and connection of the two facilities. Work may include installation of dep sump, infiltration or leaching catch basins, relocation of hydrants, low retaining walls, Manual on Uniform Traffic Control Devices (MUTCD) and Americans with Disabilities Act (ADA) compliant crosswalks and pedestrian ramps, and roadway pavement markings; to determine whether the Town will receive the funds from MassDOT, through reimbursement; to determine whether the Town will cover payments to the Contractor until reimbursement has been made by MassDOT; to determine if the appropriation shall be raised by borrowing or otherwise.

The Board of Selectmen referred Article 19 to the Planning Board. Planning Board member Guy Horne stated that the Board held a public hearing on this article and that all legal requirements were met. Mr. Horne made a motion to accept Article 19 as written; the motion was made and seconded.

Town Planner, Bill Scanlon stated that this article is a minor change in the zoning map. During the design process for the solar array on the landfill it was discovered that a portion of the landfill extended over the zoning boundary. This article would rezone a small portion of Res30 district into TRD district. This will allow for the best possible design for the landfill solar array and yield the most revenue for the Town.

**ARTICLE 19: Approved by a Majority** to amend the Town of Dudley Massachusetts Official Zoning Map by modifying the existing Town Refuse Disposal (TRD) District to include the following Town-owned properties: the entirety of Assessors Map 122 Lot 07 and Map 122 Lot 08, and a portion of Assessors Map 235 Lot 80 for a depth of two hundred fifty feet (250') drawn parallel to the front lot line, as shown on the map entitled "Proposed TRD District Revision".

The Moderator asked for unanimous consent to dispense with the reading of Article 20. Seeing no objection, it was so moved. The Board of Selectmen recommend that Article 20 be approved as printed in Appendix B. Motion was made and seconded.

**ARTICLE 20: (Board of Selectmen/Highway Commissioners) – To see if the Town will vote to adopt and include the following language into Town of Dudley Bylaws, in compliance with 2016 Stormwater Management regulations, as regulated by the Massachusetts Department of Environmental Protection:**

Chapter 255 Erosion and Sediment Controls

Article I: Construction Site Erosion and Sediment Controls

§255-1: Purpose

The purpose of this Bylaw is to protect, maintain and enhance the public health, safety, environment and general welfare by establishing minimum requirements and procedures to control the adverse effects of increased post-development stormwater runoff and non-point source pollution associated with new development and redevelopment construction activity.

The Town of Dudley supports the use of Low Impact Development (LID) stormwater management practices whenever possible and better site design to minimize stormwater related impacts within the Town. The LID practices promoted in the most recent version of the Massachusetts Department of Environmental Protection Massachusetts Stormwater Handbook should be considered for use on development and redevelopment projects in the Town.

#### §255-2. Definitions.

The following definitions shall apply in the interpretation and implementation of this Bylaw:

“Abutter” — The owner(s) of land sharing a common property line with the owner of land that is the subject of an application and the 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 land that is the subject of the application as they appear on the most recent applicable tax list, notwithstanding that the land of any such owner is located in another city or town.

“Agriculture” — The normal maintenance or improvement of land in agricultural or aquacultural use, as defined by the Massachusetts Wetlands Protection Act (M.G.L. C. 131, § 40) and its implementing regulations (310 CMR 10.00) and any agricultural activity which is consistent with an approved soil conservation plan prepared or approved by the United States Department of Agriculture (USDA) Natural Resources Conservation Service.

“Alteration” — Any activity that will measurably change the ability of a ground surface area to absorb water or will change existing surface drainage patterns. Alteration may be similarly represented as “alteration of drainage characteristics,” and “conducting land-disturbing activities. Such changes include, but are not limited to: 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,” as defined below, requesting a Stormwater Management Permit for a proposed land-disturbing activity.

“Best Management Practice (BMP)” — Structural, nonstructural and managerial techniques that are recognized to be the most effective and practical means to prevent and/or reduce increases in stormwater volumes and flows, reduce point source and non-point source pollution, and promote stormwater quality and protection of the environment. “Structural” BMPs are devices that are engineered and constructed to provide temporary storage and treatment of stormwater runoff.

“Nonstructural” BMPs use natural measures to reduce pollution levels, do not require extensive construction efforts, and/or promote pollutant reduction by eliminating the pollutant source.

“Clearing” — Any activity that removes the vegetative surface cover. Clearing activities generally include disturbance or grubbing activity as defined below.

“Cold Water Fishery” – Environmental resources defined by Massachusetts Division of Fisheries & Wildlife as meeting at least one of three criteria:

1. Brook, brown or rainbow trout has been determined;
2. Slimy sculpin or longnose sucker are present; or
3. The water is part of the Atlantic salmon restoration effort or is stocked with Atlantic salmon fry or parr.

“Development” — The modification of land to accommodate a new use or expansion of use, usually involving construction.

“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), a professional land surveyor (PLS), a registered landscape architect (RLA), or a certified professional in erosion and sedimentation control (CPESC), which includes best management practices or equivalent measures designed to control surface runoff, erosion and sedimentation during pre-construction and construction-related land disturbance activities.

“Grubbing” — The act of clearing land surface by digging up roots and stumps.

“Land-Disturbing Activity or Land Disturbance” — Any activity, including clearing and grubbing, that causes a change in the position or location of soil, sand, rock, gravel, or similar earth material.

“Low-Impact Development (LID)” — Development that results in minimized alterations of the land for a more sustainable land development pattern. The site planning process first identifies critical natural resources and then determines appropriate building envelopes to preserve resources. LID also incorporates a range of best management practices (BMPs) that preserve the natural hydrology of the land, minimize impervious areas and preserve vegetation.

“Massachusetts Stormwater Management Policy” — The policy issued by the Department of Environmental Protection, as amended from time to time, that coordinates the requirements prescribed by state regulations promulgated under the authority of the Massachusetts Wetlands Protection Act, M.G.L. C. 131, § 40, and the Massachusetts Clean Waters Act, M.G.L. C. 21, § 2356. The policy addresses stormwater impacts through implementation of performance standards to reduce or prevent pollutants from reaching water bodies and control the quantity of runoff from a site.

“Municipal Storm Drain System or Municipal Separate Storm Sewer System (MS4)” — 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 Dudley.

“Non-Point Source Pollution” — Pollution from diffuse sources, as opposed to discrete conveyances, caused by water, including rainfall or snowmelt, moving over or through the ground.

“Operation and Maintenance Plan” — A plan describing the functional, financial, and organizational mechanisms for the ongoing operation and maintenance of a stormwater management system to ensure that it continues to function as designed.

“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.

“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.

“Pre-Development” — Those conditions that exist at the time that plans for the land development of a site or parcel of land are submitted to the Commission. When phased development or plan approval occurs (preliminary grading, roads and utilities, etc.), the existing conditions at the time prior to the first plan submission shall establish pre-development conditions.

“Post-Development” — Those conditions that reasonably may be expected or anticipated to exist after completion of the land development activity on a specific site or parcel of land. Post-development also refers to the phase of a new development or redevelopment project after completion, and does not refer to the construction phase of a project.

“Redevelopment” — Development, rehabilitation, expansion, demolition or phased projects that disturb the ground surface or increase the impervious area on previously developed sites.

“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.

“Soil” — Earth materials, including decomposed organic material, humic materials, sand, rock and gravel.

“Stabilization” — The use, singly or in combination, of mechanical, structural, or vegetative methods, to prevent or retard erosion.

“Stormwater” — Stormwater runoff, snow melt runoff, and surface water runoff and drainage.

“Stormwater Management Permit (SMP)” — A permit issued by the Commission, after review of an application, plans, calculations, and other supporting documents, which is designed to protect the environment of the Town of Dudley from the deleterious effects of uncontrolled and untreated stormwater runoff.

“Stormwater Management Plan” — A document containing narrative, drawings and details prepared by a qualified professional engineer (PE), a professional land surveyor (PLS), or a certified professional in erosion and sedimentation control (CPESC), which includes structural and nonstructural best management practices to manage and treat stormwater runoff generated from regulated development activity. A Stormwater Management Plan also includes an Operation and Maintenance Plan describing the maintenance requirements for structural best management practices.

“Wetland Resource Area” — Areas specified in the Massachusetts Wetlands Protection Act, M.G.L. C. 131, § 40, and in Chapter 294, Wetlands Protection Bylaw, of the Town of Dudley.

#### §255-3. Applicability

This bylaw is adopted under the authority granted by the Home Rule Amendment of the Massachusetts Constitution and the Home Rule Procedures Act and pursuant to the regulations set forth in the federal Clean Water Act found at 40 CFR 122.34.

This Bylaw applies to any land-disturbing activity in the Town of Dudley as defined in this Bylaw. All other land disturbing activities below the thresholds established below do not require an administrative review but shall employ best management practices to ensure that erosion is controlled and that disturbed soil is contained on site.

Stormwater Management Permit. The following land-disturbing activities, whether new development or redevelopment, shall require a Stormwater Management Permit:

1. Excavating, grading, or other activity which disturbs an area of 40,000 or more square feet or a volume of earth resulting in a total quantity equal to or greater than 1,000 cubic yards.
2. Excavating, grading, or other activity which disturbs an area of less than 40,000 square feet if that disturbance is part of a larger development that will disturb 40,000 or more square feet.

The application for a Stormwater Management Permit shall include the submittal of a Stormwater Management Plan to the Conservation Commission. This Stormwater Management Plan shall contain sufficient information for the Commission to evaluate the environmental impact, effectiveness, and acceptability of the measures proposed by the applicant for reducing adverse impacts from stormwater. This Stormwater Management Plan shall outline BMP implementation at the construction site in accordance with the requirements set forth in Section 2.3.5.c.iii of the MS4 Permit. The Plan shall be designed to meet, at a minimum, the Massachusetts Stormwater Management Standards as set forth in the DEP Stormwater Management Regulations, Volumes I and II and as amended from time to time. The Town of Dudley supports the use of nonstructural stormwater management practices, better site design practices or Low Impact Development (LID) practices, such as reducing impervious cover and the preservation of Open Space and other natural areas, to the maximum extent practicable.

#### §255-4. Enforcement and Penalties.

Authorized Agent. The Conservation Commission, its professional staff or consultants, the Highway Superintendent, and any other authorized agents shall enforce the provisions of this bylaw, issue and prosecute violation notices and enforcement orders, and may pursue all criminal and civil remedies for such violations.

Orders. Whenever the Conservation Commission or its authorized agent finds that a person has violated a prohibition or failed to meet a requirement of this bylaw, it may order compliance by written notice of violation to the responsible person. Such notice may require without limitation:

- a. The performance of monitoring, analyses, and reporting;
- b. That violating practices, or operations shall cease and desist;
- c. The abatement or remediation of post-development stormwater runoff and non-point source pollution and the restoration of any affected property;
- d. Payment of a fine to cover administrative and remediation costs; and
- e. The implementation of erosion control or stormwater management BMPs.

If abatement of a violation and/or restoration of affected property is required, the notice shall set forth a deadline within which such remediation or restoration must be completed. The violator shall provide a monthly progress report to the Conservation Commission summarizing the status of the abatement or restoration schedule. In the interim period, the violator may be required to take reasonable and prudent measures to minimize sedimentation and non-point source pollution to and from the MS4.

Should the violator fail to remediate or restore within a timeframe deemed reasonable by the Conservation Commission the work will be done by a designated governmental agency or a contractor and the expense thereof shall be charged to the violator.

Within 30 days after abatement of the violation, the violator will be notified of the cost of abatement, including administrative costs. The violator may file a written protest objecting to the amount of the assessment within 30 days of receipt of the notification of costs incurred. If the amount due is not paid within a timely manner, as determined by the decision of the Conservation Commission or its designated agent, or by the expiration of the time in which to file an appeal, the Conservation Commission may impose a municipal charges lien on the property pursuant to MGL c. 40, § 58.

Appeals. The decisions or orders of the Conservation Commission or its designated agent shall be final. Further relief shall be to a court of competent jurisdiction.

Civil relief. If a person has violated or continues to violate the provisions of this bylaw, the Conservation Commission may petition for a preliminary or permanent injunction restraining the person from activities which would create further violations or compelling the person to perform abatement or remediation of the violation.

Criminal penalty. Any person that has violated or continues to violate this bylaw shall be fined \$300 per offense, the maximum allowable penalty under MGL c. 40, § 21. Each day such violation continues shall constitute a separate offense.

Noncriminal disposition. In lieu of enforcement proceedings, penalties, and remedies authorized by this bylaw, the Conservation Commission may elect to use the noncriminal disposition procedure set forth in MGL c. 40, § 21D, and the Town's General Bylaws, Section 1-5 and Section 294-9. The penalty shall be \$300 per offense, with each day a violation continues constituting a separate offense.

Violations deemed a public nuisance. In addition to the enforcement processes and penalties provided, any condition caused or permitted to exist in violation of any of the provisions of this bylaw is a threat to public health, safety, and welfare, and is declared and deemed a nuisance, and may be summarily abated or restored at the violator's expense, and/or a civil action to abate, enjoin, or otherwise compel the cessation of such nuisance may be taken.

Remedies not exclusive. The remedies listed in this bylaw are not exclusive of any other remedies available under any applicable federal, state or local law and it is within the discretion of the Conservation Commission to seek cumulative remedies.

#### §255-5. Exemptions.

The provisions of the Bylaw shall not apply to:

- a. Work performed for normal maintenance or improvement of land in agricultural or forestry use;
- b. The removal of hazardous and/or dead trees;
- c. Routine maintenance of vegetation and removal of dead or diseased limbs or trees necessary to maintain the health of cultivated plants, to control noxious weeds or vines in accordance with a Mass. Department of Conservation and Recreation (DCR) approved Forest Management Plan, or to remedy a potential fire or health hazard or threat to public safety;
- d. Repair or replacement of individual sewage disposal systems serving a single- or two-family dwelling when required by the Board of Health for the protection of public health;
- e. Normal maintenance of existing landscaping, gardens or lawn areas associated with a single-family dwelling, provided that such maintenance does not include the following:
  - construction of any walls more than four feet in height;
  - alteration of existing grades by more than two feet in elevation; or
  - alteration of drainage patterns.

- f. Construction of utilities other than drainage (gas, water, sewer, electric, telephone, etc.) that will not alter terrain or drainage patterns.
- g. Routine maintenance and upgrade of existing municipal drainage system/stormwater system that will not significantly alter existing terrain or drainage system.
- h. Routine maintenance and upgrading of existing public ways including reclamation and paving, and other routine maintenance activities that apply to roadway maintenance that will not significantly alter the existing terrain or drainage system.

#### §255-6. Waivers.

The Commission may waive strict compliance with any requirement of this Bylaw or the rules and regulations promulgated hereunder, where such action:

- a. Is allowed by federal, state and local statutes and/or regulations;
- b. Is demonstrably and is substantiated to be in the best public interest; and
- c. Is not inconsistent with the purpose and intent of this Bylaw.

Any applicant may submit a written request to be granted such a waiver. Such a waiver request shall be accompanied by an explanation or documentation supporting the waiver request and demonstrating that strict application of this Bylaw does not further the purposes or objectives of this Bylaw.

All waiver requests shall be discussed by the Commission and a decision will be made by the Commission within 30 days of receiving the waiver request.

If, in the Commission's opinion, additional time or information is required for review of a waiver request, the Commission may continue consideration of the waiver request to a date certain announced at the meeting. In the event the applicant refuses a continuance, or fails to provide the requested information, the waiver request shall be denied.

#### §255-7. Administration – Permits, Determination, and Conditions.

The Dudley Conservation Commission, as established under M.G.L. C. 40, § 8C shall have authority to administer this Bylaw. The Conservation Commission shall administer, implement and enforce this Bylaw. Any powers granted to or duties imposed upon the Conservation Commission may be delegated in writing by the Conservation Commission to its employees or agents or to the Highway Superintendent.

- a. Review. The Commission and its agents shall review all applications, including all waiver requests, for Stormwater Management Permits, conduct inspections, issue a final permit and conduct any necessary enforcement action. The applicant shall submit all additional information requested by the Commission prior to the Commission issuing a decision on the application.
- b. Standards. Projects shall meet the standards of the most recent version of the Department of Environmental Protection's Massachusetts Stormwater Handbook.
- c. Action. The Commission may:

Approve the Stormwater Management 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 Bylaw;

Approve the Stormwater Management Permit application and issue a permit with conditions, modifications or restrictions that the Commission determines are required to ensure that the project will protect water resources and meet the objectives and requirements of this Bylaw;

Disapprove the Stormwater Management 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 Bylaw.

- d. Extensions. A Stormwater Management Permit shall be valid for three years from the date the permit is issued. The Commission may grant extensions for additional 1-year periods, upon written request for renewal no later than 30 days prior to expiration of the permit.

#### §255-8. Interdepartmental Review.

Following receipt of a completed application, including all requests for waivers, the Commission shall execute the interdepartmental review process set forth in the regulations. The Commission shall not make a decision on the Stormwater Management Permit until it has received comments from the interdepartmental review process

or until twenty (20) days have elapsed after receipt of the application materials without submission of comments thereon.

#### §255-9. Notice and Hearings.

a. Application. A completed application for a Stormwater Management Permit shall be filed with the Commission. A permit, or a determination that a permit is not required, must be obtained prior to the commencement of land disturbing activity. The permit application requirements are specified in regulations adopted by the Commission.

b. Public Hearing. The Commission shall hold a public hearing within 30 days of the receipt of a complete application, which shall be inclusive of all requests for waiver(s). Notice of the hearing shall be given by publication in a newspaper of local circulation, by posting in the office of the Town Clerk, and by first-class mail to abutters, all at least seven (7) days prior to the initial public hearing. The Commission shall make the application available for inspection by the public during business hours at the Town Hall. The Commission shall take final action within 21 days from the close of the hearing unless such time is extended by agreement between the applicant and the Commission.

In an appropriate case, the Commission may combine its hearing under this Bylaw with the hearing conducted under the Wetlands Protection Act (G.L. Ch.131 §40) and regulations (310 CMR 10.00), and the Dudley Wetlands Protection Bylaw, Chapter 294 of the Town Code.

#### §255-10. Operation and Maintenance Plans.

An operation and maintenance plan (O&M Plan) is required at the time of application for all projects subject to a Stormwater Management Permit. The maintenance plan shall be designed to ensure compliance with the permit and 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. The Commission shall make the final decision on what maintenance option is appropriate in a given situation. The Commission will consider natural features, proximity of site to water bodies and wetland resource areas, extent of impervious surfaces, size of the site, the types of stormwater management structures, and potential need for ongoing maintenance activities. The operation and maintenance plan activities shall be an ongoing requirement.

Requirements for the content of the O&M Plan and its implementation are specified in Stormwater Management Rules and Regulations associated with this Bylaw.

#### §255-11. Certificate of Completion.

Upon the completion of the activities allowed under a Stormwater Management Permit, the applicant shall notify the Commission and request a final inspection and certificate of completion. The applicant shall submit an as-built plan prepared by a professional land surveyor or registered professional engineer along with certification from a registered professional engineer that all construction has been done in accordance with the approved stormwater management plan.

#### §255-12. Stormwater Management Regulations.

The Conservation Commission may adopt and periodically amend rules and regulations relating to the procedures and administration of this Stormwater Management Bylaw, by majority vote of the Commission, after conducting a public hearing to receive comments. Such hearing date shall be advertised in a newspaper of local circulation at least seven days prior to the hearing date. Failure by the Conservation Commission to promulgate such rules and regulations or a legal declaration of their invalidity by a court of law shall not act to suspend or invalidate the effect of this bylaw.

#### §255-13. Security.

The Commission may require the applicant to post a surety bond, cash, or other acceptable security before the start of any land-disturbing activity. The form of the bond/surety shall be approved by Town Counsel and the Town Treasurer, and be in an amount deemed sufficient by the Commission to insure that the work will be

completed in accordance with the permit. Any performance bond or certificate of guarantee shall be executed and maintained by a financial institution, surety, or guaranty company qualified to do business in the Commonwealth.

#### §255-14. Inspection.

Filing an application for a Stormwater Management Permit grants the Commission, or its agent, permission to enter the site of the land-disturbing activity, as permitted by law, to verify the information in the application and to inspect for compliance with permit conditions.

#### §255-15. Fees.

The Commission by regulation shall promulgate a fee schedule for stormwater management permit applications and completion certificates. The fee schedule shall be reasonably related to the costs of processing, reviewing and acting upon the application. The fee specified in such a fee schedule shall be made payable to the Town of Dudley and shall accompany the permit application or request for certificate of completion. The Commission may require an additional fee for review of any change in or alteration from an approved permit. Said fee shall be paid into a special account set up by the Town Treasurer and may be expended by the Commission for the purpose allocated without further appropriation in accordance with the provisions of M.G.L.C. 44, § 55E 1/2. Pursuant to G.L. Ch. 44 §53G and regulations promulgated by the Commission, the Commission may impose reasonable fees for the purpose of securing outside consultants, including engineers or other experts, in order to aid in the review of proposed projects.

Such funds shall be deposited with the Town Treasurer, who shall create an account specifically for this purpose. Additional consultant fees may be requested where the requisite review is more expensive than originally calculated or where new information requires additional consultant services.

#### §255-16. Appeals.

A decision by the Conservation Commission made under this Bylaw shall be reviewable in the Superior Court in an action filed within 60 days thereof, in accordance with M.G.L. C. 249 § 4.

#### §255-17. Severability.

The provisions of this bylaw are hereby declared to be severable. If any provision, clause, sentence, or paragraph of this bylaw or the application thereof to any person, establishment, or circumstances shall be held invalid, such invalidity shall not affect the other provisions or application of this bylaw.

#### §255-18. Ultimate responsibility of discharger.

The standards set forth herein and promulgated pursuant to this Bylaw are minimum standards. This Bylaw does not intend nor imply that compliance by any person will ensure that there will be no erosion, nor unauthorized discharge of pollutants into waters of the Commonwealth caused by said person. This Bylaw shall not create liability on the part of the Town, or any agent or employee thereof for any damages that result from any discharger's reliance on this Bylaw or any administrative decision lawfully made thereunder.

**ARTICLE 20 (As Amended by Appendix B): Approved by Majority vote to accept:**

**APPENDIX B Town Meeting Warrant ARTICLE 20**

**10/25/21**

**ARTICLE 20: Revised Version of Proposed General By-Law Amendment:**

**Chapter 255 Erosion and Sediment Controls**

**Article I: Construction Site Erosion and Sediment Controls**



### **§255-1. Purpose.**

The purpose of this Bylaw is to protect, maintain and enhance the public health, safety, environment and general welfare by establishing minimum requirements and procedures to control the adverse effects of increased post-development stormwater runoff and non-point source pollution associated with new development and redevelopment construction activity.

The Town of Dudley supports the use of Low Impact Development (LID) stormwater management practices whenever possible and better site design to minimize stormwater related impacts within the Town. The LID practices promoted in the most recent version of the Massachusetts Department of Environmental Protection Massachusetts Stormwater Handbook should be considered for use on development and redevelopment projects in the Town.

### **§255-2. Definitions.**

The following definitions shall apply in the interpretation and implementation of this Bylaw:

“Abutter” — The owner(s) of land sharing a common property line with the owner of land that is the subject of an application and the 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 land that is the subject of the application as they appear on the most recent applicable tax list, notwithstanding that the land of any such owner is located in another city or town.

“Agriculture” — The normal maintenance or improvement of land in agricultural or aquacultural use, as defined by the Massachusetts Wetlands Protection Act (M.G.L. c. 131, § 40) and its implementing regulations (310 CMR 10.00, *et seq.*) and any agricultural activity which is consistent with an approved soil conservation plan prepared or approved by the United States Department of Agriculture (USDA) Natural Resources Conservation Service.

“Alteration” — Any activity that will measurably change the ability of a ground surface area to absorb water or will change existing surface drainage patterns. Alteration may be similarly represented as “alteration of drainage characteristics,” and “conducting land-disturbing activities. Such changes include, but are not limited to: 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,” as defined below, requesting a Stormwater Management Permit for a proposed land-disturbing activity.

“Best Management Practice (BMP)” — Structural, nonstructural and managerial techniques that are recognized to be the most effective and practical means to prevent and/or reduce increases in stormwater volumes and flows, reduce point source and non-point source pollution, and promote stormwater quality and protection of the environment. ‘Structural’ BMPs are devices that are engineered and constructed to provide temporary storage and treatment of stormwater runoff. ‘Nonstructural’ BMPs use natural measures to reduce pollution levels, do not require extensive construction efforts, and/or promote pollutant reduction by eliminating the pollutant source.

“Clearing” — Any activity that removes the vegetative surface cover. Clearing activities generally include disturbance or grubbing activity as defined below.

“Cold Water Fishery” – Environmental resources defined by Massachusetts Division of Fisheries & Wildlife as meeting at least one of three criteria:

1. Environmental resources determined to contain brook, brown or rainbow trout;
2. Environmental resources maintaining a presence slimy sculpin or longnose sucker; or
3. Waters stocked with Atlantic salmon fry or parr.

“Development” — The modification of land to accommodate a new use or expansion of use, usually involving construction.

“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), a professional land surveyor (PLS), a registered landscape architect (RLA), or a certified professional in erosion and sedimentation control (CPESC), which includes best management practices or equivalent measures designed to control surface runoff, erosion and sedimentation during pre-construction and construction-related land disturbance activities.

“Grubbing” — The act of clearing land surface by digging up roots and stumps.

“Impervious Cover” -Any material or structure on or above the ground that prevents water infiltrating the underlying soil. Impervious cover includes without limitation roads, paved parking lots, sidewalks, and rooftops.

“Land-Disturbing Activity or Land Disturbance” — Any activity, including clearing and grubbing, that causes a change in the position or location of soil, sand, rock, gravel, or similar earth material.

“Low-Impact Development (LID)” — Development that results in minimized alterations of the land for a more sustainable land development pattern. Implementation of LID in the site planning process helps identifies critical natural resources and aids development of appropriate building envelopes to preserve resources. LID also incorporates a range of best management practices (BMPs) that preserve the natural hydrology of the land, minimize impervious areas and preserve vegetation.

“Massachusetts Stormwater Management Policy” — The policy issued by the Department of Environmental Protection, as amended from time to time, that coordinates the requirements prescribed by state regulations promulgated under the authority of the Massachusetts Wetlands Protection Act, M.G.L. c. 131, § 40, and the Massachusetts Clean Waters Act, M.G.L. c. 21, §§ 23-56. The policy addresses stormwater impacts through implementation of performance standards to reduce or prevent pollutants from reaching water bodies and controlling site runoff quantities.

“Municipal Storm Drain System or Municipal Separate Storm Sewer System (MS4)” — 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, or other drainage structure that together comprise the storm drainage system owned or operated by the Town of Dudley.

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

“Non-Point Source Pollution” — Pollution from diffuse sources, as opposed to discrete conveyances, caused by water, including rainfall or snowmelt, moving over or through the ground.

“Operation and Maintenance Plan” — A plan describing the functional, financial, and organizational mechanisms for the ongoing operation and maintenance of a stormwater management system to ensure that it continues to function as designed.

“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.

“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.

“Pre-Development” — Those conditions that exist at the time that plans for the land development of a site or parcel of land are submitted to the Commission. When phased development or plan approval occurs (preliminary grading, roads and utilities, etc.), the existing conditions at the time prior to the first plan submission shall establish pre-development conditions.

“Post-Development” — Those conditions that reasonably may be expected or anticipated to exist after completion of the land development activity on a specific site or parcel of land. Post-development also refers to the phase of a new development or redevelopment project after completion, and does not refer to the construction phase of a project.

“Redevelopment” — Development, rehabilitation, expansion, demolition or phased projects that disturb the ground surface or increase the impervious area on previously developed sites.

“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.

“Soil” — Earth materials, including decomposed organic material, humic materials, sand, rock and gravel.

“Stabilization” — The use, singly or in combination, of mechanical, structural, or vegetative methods, to prevent or retard erosion.

“Stormwater” — Stormwater runoff, snow melt runoff, and surface water runoff and drainage.

“Stormwater Management Permit (SMP)” — A permit issued by the Commission, after review of an application, plans, calculations, and other supporting documents, which is designed to protect the environment of the Town of Dudley from the deleterious effects of uncontrolled and untreated stormwater runoff.

“Stormwater Management Plan” — A document containing narrative, drawings and details prepared by a qualified professional engineer (PE), a professional land surveyor (PLS), or a certified professional in erosion and sedimentation control (CPESC), which includes structural and nonstructural best management practices to manage and treat stormwater runoff generated from regulated development activity. A Stormwater Management Plan also includes an Operation and Maintenance Plan describing the maintenance requirements for structural best management practices.

“Wetland Resource Area” — Areas specified in the Massachusetts Wetlands Protection Act, M.G.L. c. 131, § 40, and in Chapter 294, Wetlands Protection Bylaw, of the Town of Dudley.

### **§255-3. Applicability.**

This Bylaw is adopted under the authority granted by the Home Rule Amendment of the Massachusetts Constitution and the Home Rule Procedures Act and pursuant to the regulations set forth in the federal Clean Water Act found at 40 CFR 122.34.

This Bylaw applies to any land-disturbing activity in the Town of Dudley as defined in this Bylaw. All other land disturbing activities below the thresholds established below do not require an administrative review but shall employ best management practices to ensure that erosion is controlled and that disturbed soil is contained on site.

Stormwater Management Permit. The following land-disturbing activities, whether new development or redevelopment, shall require a Stormwater Management Permit:

1. Excavating, grading, or other activity which disturbs an area of 40,000 or more square feet or a volume of earth resulting in a total quantity equal to or greater than 1,000 cubic yards.
2. Excavating, grading, or other activity which disturbs an area of less than 40,000 square feet if that disturbance is part of a larger development that will disturb 40,000 or more square feet.

The application for a Stormwater Management Permit shall include the submittal of a Stormwater Management Plan to the Conservation Commission. This Stormwater Management Plan shall contain sufficient information for the Commission to evaluate the environmental impact, effectiveness, and acceptability of the measures proposed by the applicant for reducing adverse impacts from stormwater. This Stormwater Management Plan shall outline BMP implementation at the construction site in accordance with the requirements set forth in Section 2.3.5.c.iii of the MS4 Permit. The Plan shall be designed to meet, at a minimum, the Massachusetts Stormwater Management Standards as set forth in the DEP Stormwater Management Regulations, Volumes I and II and as amended from time to time. The Town of Dudley supports the use of nonstructural stormwater management practices, better site design practices or Low Impact Development (LID) practices, such as reducing impervious cover and the preservation of Open Space and other natural areas, to the maximum extent practicable.

### **§255-4. Enforcement and Penalties.**

Authorized Agent: The Conservation Commission, its professional staff or consultants, the Highway Superintendent, and any other authorized agents shall enforce the provisions of this bylaw, issue and prosecute violation notices and enforcement orders, and may pursue all criminal and civil remedies for such violations.

Orders: Whenever the Conservation Commission or its authorized agent finds that a person has violated a prohibition or failed to meet a requirement of this bylaw, it may order compliance by written notice of violation to the responsible person. Such notice may require without limitation:

- a. The performance of monitoring, analyses, and reporting;
- b. That violating practices, or operations shall cease and desist;
- c. The abatement or remediation of post-development stormwater runoff and non-point source pollution and the restoration of any affected property;
- d. Payment of a fine to cover administrative and remediation costs; and
- e. The implementation of erosion control or stormwater management BMPs.

If abatement of a violation and/or restoration of affected property is required, the notice shall set forth a deadline within which such remediation or restoration must be completed. The violator shall provide a monthly progress report to the Conservation Commission summarizing the status of the abatement or restoration schedule. In the interim period, the violator may be required to take reasonable and prudent measures to minimize sedimentation and non-point source pollution to and from the MS4.

Should the violator fail to remediate or restore within a timeframe deemed reasonable by the Conservation Commission **may seek a Court Order authorizing** the work **to** be done by a designated governmental agency or a contractor and the expense thereof shall be charged to the violator **pursuant to M.G.L. c. 40, §58.**

Within 30 days after abatement of the violation, the violator will be notified of the cost of abatement, including administrative costs. The violator may file a written protest objecting to the amount of the assessment within 30 days of receipt of the notification of costs incurred. If the amount due is not paid within a timely manner, as determined by the decision of the Conservation Commission or its designated agent, or by the expiration of the time in which to file an appeal, the Conservation Commission may impose a municipal charges lien on the property pursuant to M.G.L. c. 40, § 58.

Appeals: The decisions or orders of the Conservation Commission or its designated agent shall be final. Further relief shall be to a court of competent jurisdiction.

Civil relief: If a person has violated or continues to violate the provisions of this bylaw, the Conservation Commission may petition **a Court of competent jurisdiction** for a preliminary or permanent injunction restraining the person from activities which would create further violations or compelling the person to perform abatement or remediation of the violation.

Criminal penalty: Any person that has violated or continues to violate this bylaw shall be fined \$300 per offense, the maximum allowable penalty under M.G.L. c. 40, § 21. Each day such violation continues shall constitute a separate offense.

Noncriminal disposition: In lieu of **other** enforcement proceedings, penalties, and remedies authorized by this bylaw, the Conservation Commission may elect to use the noncriminal disposition procedure set forth in M.G.L. c. 40, § 21D, and the Town's General Bylaws, Section 1-5 and Section 294-9. The penalty shall be \$300 per offense, with each day a violation continues constituting a separate offense.

Violations deemed a public nuisance: In addition to the enforcement processes and penalties provided, any condition caused or permitted to exist in violation of any of the provisions of this bylaw is a threat to public health, safety, and welfare, and is declared and deemed a nuisance, and may be summarily abated or restored at the violator's expense, and/or a civil action to abate, enjoin, or otherwise compel the cessation of such nuisance may be taken. **The Board of Health maintains the authority pursuant to M.G.L. c. 111, §§122-125 to abate violations of this Bylaw which are deemed injurious to the public health and therefore a public nuisance.**

Remedies not exclusive: The remedies listed in this bylaw are not exclusive of any other remedies available under any applicable federal, state or local law and it is within the discretion of the Conservation Commission to seek cumulative remedies.

#### **§255-5. Exemptions.**

The provisions of the Bylaw shall not apply to:

- a. Work performed for normal maintenance or improvement of land in agricultural or forestry use;
- b. The removal of hazardous and/or dead trees;
- c. Routine maintenance of vegetation and removal of dead or diseased limbs or trees necessary to maintain the health of cultivated plants, to control noxious weeds or vines in accordance with a Mass. Department of Conservation and Recreation (DCR) approved Forest Management Plan, or to remedy a potential fire or health hazard or threat to public safety;
- d. Repair or replacement of individual sewage disposal systems serving a single- or two-family dwelling when required by the Board of Health for the protection of public health;

- e. Normal maintenance of existing landscaping, gardens or lawn areas associated with a single-family dwelling, provided that such maintenance does not include the following:
  - construction of any walls more than four feet in height;
  - alteration of existing grades by more than two feet in elevation; or
  - alteration of drainage patterns.
- f. Construction of utilities other than drainage (gas, water, sewer, electric, telephone, etc.) that will not alter terrain or drainage patterns.
- g. Routine maintenance and upgrade of existing municipal drainage system/stormwater system that will not significantly alter existing terrain or drainage system.
- h. Routine maintenance and upgrading of existing public ways including reclamation and paving, and other routine maintenance activities that apply to roadway maintenance that will not significantly alter the existing terrain or drainage system.

#### **§255-6. Waivers.**

The Commission may waive strict compliance with any requirement of this Bylaw or the rules and regulations promulgated hereunder, where such action:

- a. Is allowed by federal, state and local statutes and/or regulations;
- b. Is demonstrably and is substantiated to be in the best public interest; and
- c. Is not inconsistent with the purpose and intent of this Bylaw.

Any applicant may submit a written request to be granted such a waiver. Such a waiver request shall be accompanied by an explanation or documentation supporting the waiver request and demonstrating that strict application of this Bylaw does not further the purposes or objectives of this Bylaw.

All waiver requests shall be discussed by the Commission and a decision will be made by the Commission within 30 days of receiving the waiver request. If, in the Commission's opinion, additional time or information is required for review of a waiver request, the Commission may continue consideration of the waiver request to a date certain announced at the meeting. In the event the applicant refuses a continuance, or fails to provide the requested information, the waiver request shall be denied.

#### **§255-7. Administration – Permits, Determination, and Conditions.**

The Dudley Conservation Commission, as established under M.G.L. c. 40, § 8C shall have authority to administer, implement and enforce this Bylaw. Any powers granted to or duties imposed upon the Conservation Commission may be delegated in writing by the Conservation Commission to its employees or agents or to the Highway Superintendent.

- a. Review. The Commission and its agents shall review all applications, including all waiver requests, for Stormwater Management Permits, conduct inspections, issue a final permit and conduct any necessary enforcement action. The applicant shall submit all additional information requested by the Commission prior to the Commission issuing a decision on the application.
- b. Standards. Projects shall meet the standards of the most recent version of the Department of Environmental Protection's Massachusetts Stormwater Handbook, Handbook and any other performance standards set forth in regulations to be enacted by the Conservation Commission hereunder.
- c. Action. The Commission may:
  - 1. Approve the Stormwater Management 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 Bylaw;
  - 2. Approve the Stormwater Management Permit application and issue a permit with conditions, modifications or restrictions that the Commission determines are required to ensure that the project will protect water resources and meet the objectives and requirements of this Bylaw;



3. Disapprove the Stormwater Management 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 Bylaw.
- d. Extensions. A Stormwater Management Permit shall be valid for three years from the date the permit is issued. The Commission may grant extensions for additional 1-year periods, upon written request for renewal **received** no later than 30 days prior to expiration of the permit.

#### **§255-8. Interdepartmental Review.**

Following receipt of a completed application, including all requests for waivers, the Commission shall execute the interdepartmental review process set forth in the regulations **established hereunder**. The Commission shall not make a decision on the Stormwater Management Permit until it has received comments from the interdepartmental review process or until twenty (20) days have elapsed after receipt of the application materials without submission of comments thereon **from other Departments**.

#### **§255-9. Notice and Hearings.**

- a. Application. A completed application for a Stormwater Management Permit shall be filed with the Commission. **No land disturbing activity shall commence unless a permit has been issued or a waiver and/or exemption has been deemed applicable.** The permit application requirements are specified in regulations adopted by the Commission **hereunder**.
- b. Public Hearing. **Unless the applicant agrees to a later date in writing,** the Commission shall hold a public hearing within 30 days of the receipt of a complete application, which shall be inclusive of all requests for waiver(s). Notice of the hearing shall be given by publication in a newspaper of local circulation, by posting in the office of the Town Clerk, and by first-class mail to abutters, all at least seven (7) days prior to the initial public hearing. The Commission shall make the application available for inspection by the public during business hours at the Town Hall. The Commission shall take final action within 21 days from the close of the **public** hearing unless such time is extended by **written** agreement between the applicant and the Commission.
- c. **Combined Public Hearing.** In an appropriate case, the Commission may combine its hearing under this Bylaw with the hearing conducted under the Wetlands Protection Act (M.G.L. c. 131 §40) and regulations **promulgated thereunder** (310 CMR 10.00, *et seq.*), and the Dudley Wetlands Protection Bylaw, Chapter 294 of the Town Code. **The timelines for action by the Conservation Commission under this Bylaw do not alter the timelines applicable to permit applications under the Wetlands Protection Act, M.G.L. c. 131 §40 and regulations promulgated thereunder, 310 CMR 10.00, et seq., and the Dudley Wetlands Protection Bylaw**

#### **§255-10. Operation and Maintenance Plans.**

An operation and maintenance plan (O&M Plan) is required at the time of application for all projects subject to a Stormwater Management Permit. The maintenance plan shall be designed to ensure compliance with the permit and 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. The Commission shall make the final decision on what maintenance option is appropriate in a given situation. The Commission will consider natural features, proximity of site to water bodies and wetland resource areas, extent of impervious surfaces, size of the site, the types of stormwater management structures, and potential need for ongoing maintenance activities. The operation and maintenance plan activities shall be an ongoing requirement.

Requirements for the content of the O&M Plan and its implementation are specified in Stormwater Management Rules and Regulations associated with this Bylaw.

#### **§255-11. Certificate of Completion.**

Upon the completion of the activities allowed under a Stormwater Management Permit, the applicant shall notify the Commission and request a final inspection and certificate of completion. The applicant shall submit an as-built plan prepared by a professional land surveyor or registered professional engineer along with certification from a registered professional engineer that all construction has been done in accordance with the approved stormwater management plan. If the Conservation Commission determines that all work has been completed in compliance with the approved Stormwater Management Permit, the Conservation Commission shall issue a written Certificate of Completion to the applicant.

#### **§255-12. Stormwater Management Regulations.**

The Conservation Commission may adopt and periodically amend rules and regulations relating to the procedures and administration of this Stormwater Management Bylaw, by majority vote of the Commission, after conducting a public hearing to receive comments. Such hearing date shall be advertised in a newspaper of local circulation at least seven days prior to the hearing date. Failure by the Conservation Commission to promulgate such rules and regulations or a legal declaration of their invalidity by a court of law shall not act to suspend or invalidate the effect of this bylaw.

#### **§255-13. Security.**

Pursuant to M.G.L. c. 44, §53G ½, the Commission may require the applicant to post a surety bond, cash, or other acceptable security before the start of any land-disturbing activity. The form of the bond/surety shall be approved by Town Counsel, and be in an amount deemed sufficient by the Commission to insure that the work will be completed in accordance with the permit. Any performance bond or certificate of guarantee shall be executed and maintained by a financial institution, surety, or guaranty company qualified to do business in the Commonwealth.

#### **§255-14. Inspection.**

Filing an application for a Stormwater Management Permit grants the Commission, or its agent, permission to enter the site of the land-disturbing activity, as permitted by law, to verify the information in the application and to inspect for compliance with permit conditions.

#### **§255-15. Fees.**

The Commission by regulation shall promulgate a fee schedule for stormwater management permit applications and requests for certificates of completion. The fee schedule shall be reasonably related to the costs of processing, reviewing and acting upon such application and/or request. The fee specified in such a fee schedule shall be made payable to the Town of Dudley and shall accompany the permit application or request for certificate of completion. The Commission may require an additional fee for review of any change in or alteration from an approved permit. Said fee shall be paid into a special account set up by the Town Treasurer and may be expended by the Commission for the purpose allocated without further appropriation in accordance with the provisions of M.G.L. c. 44, § 53E 1/2.

Pursuant to M.G.L. c. 44 §53G and regulations promulgated by the Commission, the Commission may impose reasonable fees for the purpose of securing outside consultants, including engineers or other experts, in order to aid in the review of proposed projects.

Such funds shall be deposited with the Town Treasurer, who shall create an account specifically for this purpose. Additional consultant fees may be requested where the requisite review is more expensive than originally calculated or where new information requires additional consultant services.

#### **§255-16. Appeals.**

A decision by the Conservation Commission made under this Bylaw shall be reviewable by a Court of competent jurisdiction.

#### **§255-17. Severability.**



The provisions of this bylaw are hereby declared to be severable. If any provision, clause, sentence, or paragraph of this bylaw or the application thereof to any person, establishment, or circumstances shall be held invalid, such invalidity shall not affect the other provisions or application of this bylaw.

**§255-18. Ultimate responsibility of discharger.**

The standards set forth herein and promulgated pursuant to this Bylaw are minimum standards. This Bylaw does not intend nor imply that compliance by any person will ensure that there will be no erosion, nor unauthorized discharge of pollutants into waters of the Commonwealth caused by said person.

Board of Selectmen referred Article 21 back to the Planning Board for further study. Motion was made and seconded. Planning Board member Guy Horne made a motion to refer Article 21 back to the Planning Board for review and further study and to be brought forth at a future town meeting. Motion was made and seconded.

**ARTICLE 21: Passed Over for Further Study by Majority Vote** to amend the Town of Dudley Zoning Map by placing into the Marijuana Cultivation Overlay District the property owned by Robert Doherty and Lynne M. Doherty on Corbin Road, as described in the deed recorded in the Worcester District Registry of Deeds in Book 58635, Page 327, and shown as Parcel 1 on a plan recorded at Plan Book 936, Plan 18, comprising 51.179<sup>±</sup> acres, also known as Assessors Map 210, Lot 17, as further shown on the attached map entitled "Proposed Marijuana Cultivation Overlay District, Doherty Farm, Corbin Rd.".

Selectmen Sullivan made a motion to adjourn at 8:37 p.m. The motion was seconded by Selectmen Marsi and was unanimously accepted.

Brought to order at 7:04 p.m.

Adjourned at 8:37 p.m.

Voters Present: 125

Action Taken on Article 1 -21

A True Copy,



Attest:

Lori A. Smith, Dudley Town Clerk